

At a regular meeting of the Southampton County Board of Supervisors held in the Board Room of the Southampton County Office Center at 26022 Administration Center Drive, Courtland, Virginia on September 25, 2006 at 6:00 PM.

SUPERVISORS PRESENT

Dallas O. Jones, Chairman (Drewryville)
Walter L. Young, Jr., Vice-Chairman (Franklin)
Walter D. Brown, III (Newsoms)
Carl J. Faison (Boykins-Branchville)
Anita T. Felts (Jerusalem)
Ronald M. West (Berlin-Ivor)
Moses Wyche (Capron)

SUPERVISORS ABSENT

None

OTHERS PRESENT

Michael W. Johnson, County Administrator (Clerk)
James A. Randolph, Assistant County Administrator
Julia G. Williams, Finance Director
Robert L. Barnett, Director of Community Development
Julien W. Johnson, Jr., Public Utilities Director
Richard E. Railey, Jr., County Attorney
Susan H. Wright, Administrative Secretary

Chairman Jones called the meeting to order, and after the *Pledge of Allegiance*, Supervisor West gave the invocation. (*Note: Supervisor Faison was not yet present.*)

Chairman Jones sought approval of the minutes of the August 15, 2006 continued meeting (along with the School Board) and August 28, 2006 regular meeting. They were approved as recorded, as there were no additions or corrections.

Regarding highway matters, Chairman Jones recognized Mr. Joe Lomax, Residency Administrator of the Virginia Department of Transportation (VDOT) Franklin Residency.

Mr. Lomax advised that in regards to the status of our industrial access road fund application (as it related to Riddick Realty LLC's proposal to construct a new 44,000 sq. ft. peanut processing facility on Mill Creek Drive), he was hopeful that it would be presented to the Commonwealth Transportation Board at its October 11 meeting in Roanoke.

Mr. Lomax informed that the timing of the new stoplight on Route 58 at Food Lion had been evaluated and seemed to be ok. They were looking at putting a shield over the strobe light because a lady who lived in that area was complaining about it keeping her awake at night. They planned to put solid lines on Route 58 at the Courtland interchange stoplight to keep motorists from changing lanes in that area.

Mr. Lomax advised that Delegate Roslyn Tyler had requested a traffic study on Route 659 in Drewryville and that request had been forwarded to the traffic engineering division. Quite frankly, he did not think it met the warrants. Requests for traffic studies on Dixie Farm Road and Buckhorn Quarter Road had also been forwarded. A request for a "school bus stop ahead" sign on Tucker Swamp Road had also been forwarded.

Mr. Lomax advised that he would be taking a look at Old Church Road himself. He informed Chairman Jones that they would do what they could for Tennessee Road. He advised that they would soon be working with Mr. Michael Johnson, County Administrator, on the 6-Year Plan.

Supervisor Brown asked if the potential for Children-At-Play signs on Riverdale Road could be revisited? He noted that children frequently road bikes in the area closest to Smiths Ferry Road. Mr. Lomax advised that as demographics changed, they would review that area. He planned to put on his boots and jeans on Friday and would make a point to ride out there.

Supervisor West thanked Mr. Lomax for his attentiveness to highway issues.

Mr. Lomax advised that VDOT crews had been doing the mowing throughout the County because it was cheaper than hiring a contractor. However, he planned to have a contractor do the weed-eating and make the last "hit" for the fall. The VDOT crews did a good job but did not have the equipment the contractors had.

Mr. Michael Johnson, County Administrator, advised that the following two Children-at-Play sign requests had been brought to his attention, each of which would qualify under the Board's adopted policy, subject to submittal of the required petitions with the signatures of the head-of-households:

1. **Dixie Farm Road** – 14 residences along a 0.35 mile stretch of highway in the Franklin District.
2. **Buckhorn Quarter Road** – 13 residences along a 0.6 mile stretch of highway in the Capron District.

Vice-Chairman Young moved, seconded by Supervisor West, to approve the two requests, subject to submittal of the required petitions. All were in favor.

Regarding reports, various reports were received and provided in the agenda. They were Animal Control, Building Inspections, New Housing Starts, Cooperative Extension, Delinquent Tax Collection, Fire & Rescue Department Financial Reports, and Personnel.

In regards to the fire & rescue department financial reports, Mr. Johnson distributed copies of Ivor Volunteer Rescue Squad's report that came in after the agendas were complete.

In regards to the personnel report, Mr. Johnson advised that A. Harrison Jamison was hired in the Inspections Department effective 09/11/06 at an annual salary of \$33,541. Tryphena L. Bryant was hired in the Sheriff's Office effective 09/15/06 at an annual salary of \$23,837. He informed that Jeannette Keffer-Cessna resigned from the Sheriff's Office effective 08/30/06. Billy B. Gentry retired from the Sheriff's Office effective 09/01/06.

Moving to appointments, Mr. Johnson announced that as they recalled from their July meeting, Mrs. Alice Scott recently resigned from the Local Welfare Board due to increasing demands on her time – Supervisor West was seeking her successor. Mrs. Scott's successor would fill the balance of her unexpired term through June 30, 2007.

Supervisor West stated that he had been looking for a successor and he was working with Mrs. Judy English, Social Services Director, to identify the right person. He hoped to have an appointee next month.

Mr. Johnson advised that Mr. Sonny Draper's (Boykins) term on the Board of Building Code Appeals would expire on September 30, 2006. In addition, a successor needed to be appointed for Mr. Lemuel Rountree (Newsoms), who passed away in January. Other current members included Bob Edwards (Courtland), Morgan Munford (Sedley), and E.P. Kea, Jr. (Ivor). Mr. Draper was eligible for reappointment.

(Note: Mr. Draper was in Supervisor Faison's District and Supervisor Faison was not yet present.)

Mr. Johnson clarified for Supervisor Brown, who would need to identify a successor for Mr. Rountree, that he would keep this in front of them each month until a successor was identified. Over the course of the past twelve years, the Board had met twice, none in the last seven, hearing a total of three appeals. So although the appointment needed to be made, there was no real sense of urgency.

Mr. Johnson informed that Mrs. Marie Sykes' term on the Board of Zoning Appeals (BZA) would expire on September 30, 2006. As they knew, appointments to the BZA were made by the Circuit Court upon recommendation by the Board of Supervisors. Terms were for 5 years meaning that this term would run from October 1, 2006 to September 30, 2011. Mrs. Sykes was eligible for reappointment. He noted that the statute, included in the agenda, provided that Board members shall continue to serve until a successor was appointed by the Board, regardless of the expiration

of their term.

Supervisor Wyche advised that he had spoken with Mrs. Sykes and she was willing to continue to serve.

Supervisor Wyche moved, seconded by Vice-Chairman Young, to reappoint Mrs. Marie Sykes to the BZA. All were in favor.

Chairman Jones asked if they had forgotten about the appointments they were informed of last month that needed to be made to the Southeastern Public Service Authority (SPSA) advisory committee? *(Note: The SPSA Board of Directors established a public comment process on future options for disposal of the region's solid waste. The Mayor or Board Chairman from each of the 8 participating localities had been asked to appoint 2 citizen representatives to serve on an advisory committee which would meet with SPSA staff two to four times over the next several months. This committee would receive information regarding the current status of the region's waste disposal capacity, future disposal options that had been preliminarily explored, and a summary of all future disposal options. The committee would be asked to make specific recommendations to the SPSA Board of Directors.)*

Supervisor West advised that he had someone in mind. Supervisor Brown informed that he had spoken with someone and was waiting for confirmation.

Moving to financial matters, Mr. Johnson announced that bills in the amount of \$1,161,914.86 were received.

Vice-Chairman Young moved, seconded by Supervisor West, that the bills in the amount of \$1,161,914.86 be paid with check numbers 77863 through 77984. All were in favor.

Moving to the citizen request to address the Board, Mr. Johnson announced that Mr. James S. Green had requested to address the Board to discuss personal property taxes on boats and RV's. The request was consistent with Sec. 2-45 of the *Southampton County Code*.

Chairman Jones recognized Mr. James S. Green.

Mr. Green advised that he was speaking for himself and for others who had the same concern, although he was the only one who could be present tonight. He felt that the current tax rate of \$4.00 per \$100 of assessed value was excessive for boats and RV's that sat in their back yards most of the time during the year. The boats and RV's he was referring to were valued at \$40,000-\$50,000. He felt that some adjustment needed to be made – perhaps they could reduce the rate to \$2.00 per \$100.

Supervisor Brown stated that he understood what Mr. Green was saying. The tax rates across the state for boats and RV's ranged from 20¢ to over \$4.00.

It was consensus of the Board to take the matter under advisement and discuss it during budget deliberations next spring.

(Note: Supervisor Faison arrived at this time.)

Moving forward, Mr. Johnson announced that in 2004, they may recall that the Genieve Shelter launched its campaign to raise \$380,000 to provide transitional housing for victims of domestic violence in Western Tidewater (Suffolk, Franklin, Isle of Wight and Southampton). They proposed to construct a 4 to 6 unit apartment building, each unit with at least 2 bedrooms, providing bedspace for 16-24 individuals. Battered women and their children would be allowed to reside in the apartments for up to 2 years while counseled with regard to workforce readiness, budgeting and saving, household planning, and time management. Children would also receive after-school tutoring. The desired outcome was for those families to establish a financially viable independent living situation within 2 years. Residents would pay rent, not to exceed 20% of their income, and would also be required to save a specified portion of their incomes.

He continued that the transitional housing project was proposed to be located in the City of Suffolk, primarily because of the availability of public transportation there. It was noted at the

time that the Shelter would seek \$100,000 in funding from the 4 respective local governments at some point in the future. That point was now. Included in the agenda was correspondence from Isle of Wight County committing to \$25,000, subject to a matching commitment from Franklin/Southampton County of \$25,000 (\$12,500 each). It was his understanding that the City of Suffolk would provide the balance of required local funding (\$50,000). Also included in the agenda was a copy of the project description and budget, reprinted from their November 2004 meeting agenda. The City of Franklin was considering the same request this evening. He noted that as no funds were available for this project in their FY 2007 budget, the only source of available funding was the unappropriated general fund reserve.

Supervisor West stated that he was strongly in favor of it. It would provide a much needed service to citizens.

Supervisor Brown asked what percent of battered women who had received assistance from the Genieve Shelter over the last 5 years were from Southampton County? Mr. Johnson replied that he did not recall right off, but that information was provided by the Genieve Shelter with their budget request earlier this year. Supervisor Brown noted that he was wondering if the number had increased? Supervisor Faison, who works in probation and parole, advised that he would suspect that the number had gone up.

Supervisor West moved, seconded by Supervisors Brown and Faison, to specially appropriate the \$25,000 grant to the Genieve Shelter for the transitional housing project. All were in favor.

Moving forward, Chairman Jones acknowledged that Mr. Willie Allgood was now present.

Chairman Jones asked Mr. Willie Allgood to come forward. He called on Supervisor Faison to join them and asked Mr. Michael Johnson to read aloud the following resolution:

Resolution

WHEREAS, Mr. Willie Allgood first apprenticed as a shoe repairman in Boykins, Virginia under the tutelage of S. J. Branch some 72 years ago, beginning in 1934; and

WHEREAS, upon completing his apprenticeship, he continued to diligently practice his craft while managing and operating the shoe repair business of Mr. H. F. McCoy; and

WHEREAS, Mr. Willie Allgood purchased the business from H. F. McCoy in 1961 and has continuously operated it ever since, becoming a fixture of Main Street, Boykins for the past 45 years; and

WHEREAS, his sound judgment and warm personal demeanor have facilitated the longevity of his business and earned for him the respect and admiration of generations of customers and friends; and

WHEREAS, Mr. Willie Allgood is universally recognized by those that know him as a talented craftsman, tireless worker and devoted friend to mankind.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Southampton County, Virginia that Willie Allgood is recognized and commended for his longstanding and devoted service to the people of Southampton County.

IN TESTIMONY WHEREOF, it is ordered that a copy of this resolution shall be spread upon the minutes of this board on the twenty-eighth day of August 2006, forever preserving and recording this Board's gratitude to Mr. Willie Allgood and, further ordered that the Seal of the Southampton County Board of Supervisors shall be hereunto affixed as visual representation of the high esteem in which he is held by the people of Southampton County.

WITNESS the honorable Dallas O. Jones, Chairman of the Board of Supervisors of Southampton County, Virginia on this twenty-eighth day of August, two thousand six.

Dallas O. Jones, Chairman
Board of Supervisors

Chairman Jones and Supervisor Faison presented Mr. Allgood with a framed copy of the resolution and wished him many more successful years. Supervisor Faison stated that he was privileged to have him as a personal friend.

Mr. Allgood thanked the Board for honoring him.

Proceeding to the capital funding requests, Mr. Johnson announced that included in the agenda was a capital funding request from the Hunterdale Volunteer Fire Department, to be applied toward the purchase of a new fire engine. As they knew, beginning in FY 2000, the Board agreed to provide more than \$1.2 million over a ten (10) year period for capital improvements for fire and rescue. The allocable share for each fire department in FY 2007 was \$12,000 and for each rescue squad, \$6,000. Funds were earmarked annually for each department or squad and held in escrow pending specific approval by the Board of Supervisors. Escrowed funds continued to accrue for each department/squad if not drawn down. He advised that the table included in the agenda indicated the status of capital appropriations since FY 2000. Through September 20, 2006, they had collected appropriated \$776,500 for fire and rescue improvements and were holding in escrow an additional \$191,000. The request was in order – we were presently holding a total of \$12,000 in escrow for Hunterdale Volunteer Fire Department.

Vice-Chairman Young moved, seconded by Supervisors Brown and Wyche, to approve the capital funding request - \$12,000 to the Hunterdale Volunteer Fire Department. All were in favor.

Moving forward, Mr. Johnson announced that Sheriff Francis was seeking their consideration in granting Captain B.B. Gentry's request to purchase his department-issued service handgun for \$1 upon his retirement. With 14 years service as a Deputy Sheriff, the request was consistent with § 59.1-148.3 of the *Code of Virginia*. He noted that Captain Gentry's request was included in the agenda along with Sheriff Francis's endorsement.

Supervisor Wyche moved, seconded by Supervisor Felts, to grant Captain Gentry's request to purchase his department-issued service handgun for \$1 upon his retirement. All were in favor.

Moving to streetlight requests, Mr. Johnson announced that Vice-Chairman Young had requested that the environs of 21693 Bethel Road be reviewed to determine if it qualified for a streetlight under the county's adopted policy. A privately-funded light presently existed in front of the residence there. Based upon the staff review, a streetlight at this location was warranted and would provide significant lighting benefit to at least 5 residential entrances. A sketch was included in the agenda. He stated that because of distance and rotation, the privately-funding light was insufficient to light the roadway – accordingly, they were recommending installation of a new streetlight assembly and extension arm. The owner of the residence may decide for himself whether or not he wished to continue paying for the private light.

Vice-Chairman Young moved, seconded by Supervisor West, to authorize installation of a streetlight on Bethel Road as illustrated on the sketch. All were in favor.

Mr. Johnson advised that Supervisor Felts had requested that the environs of 23455 Old Bridge Road be reviewed to determine if it qualified for a streetlight under the county's adopted policy. Based upon the staff review, a streetlight at this location was warranted and would provide significant lighting benefit to at least 5 residential entrances. A sketch was included in the agenda.

Supervisor Faison moved, seconded by Supervisor Wyche, to authorize installation of a streetlight on Old Bridge Road as illustrated on the sketch. All were in favor.

Moving forward, Mr. Johnson announced that included in the agenda was correspondence from Mr. Russell Schools, Chairman of the Southampton County School Board, seeking their cooperation in officially requesting the City of Franklin to permit an extension of their municipal system to furnish the new elementary school with domestic water. It was his understanding that

the grantor of the school property (Hampton Roads Development, LLC) had agreed to bear all capital expenses associated with provision of water and sewer services to the school. Because of high concentrations of fluoride in groundwater withdrawn from that area, a private well for the school was not a good option. He advised that at a meeting between the School Board and the City staff, the City indicated a willingness to furnish the school with water, subject to receipt of an official written request by the Board of Supervisors.

Vice-Chairman Young moved, seconded by Supervisor Brown, to petition the City of Franklin to permit an extension of its water system to serve the new Elementary School.

Moving forward, Mr. Johnson announced that at a meeting on September 18, following a public hearing, the Industrial Development Authority (IDA) of Southampton County expressed its official intent to issue up to \$2,800,000 of Industrial Development Revenue Bonds to finance a portion of the cost of constructing and equipping a 44,000 square feet peanut processing facility in the Southampton Business Park by Riddick Realty, LLC. These bonds, once issued, did not create a debt or a pledge of the faith and credit of Southampton County or its IDA, and were not payable from any state or local tax revenues. The bonds were limited obligations of the IDA, payable solely from funds provided by Riddick Realty, LLC and backed by a letter of credit for the full principal sum by BB&T of Virginia. He advised that Section 15.2-4906 of the Code of Virginia and Section 147 (f) of the Internal Revenue Code required the approval of a resolution by the Board of Supervisors prior to issuance of any private activity bonds by its Industrial Development Authority. A copy of that resolution was included in the agenda for their consideration, along with a copy of the Inducement Resolution that was adopted by the IDA on September 18. Also included in the agenda was a copy of Riddick Realty's application to the IDA which provided many of the project details as well as the requisite fiscal impact statement. He noted that because we did not deal with a lot of private activity bond financings, he had also included in the agenda a copy of the typical sequence of events.

Mr. Bill Nusbaum, attorney representing Riddick Realty, L.L.C., advised that he was present to answer any questions.

The Inducement Resolution adopted by the IDA on September 18 is as follows:

RESOLUTION OF INDUCEMENT
EVIDENCING THE OFFICIAL INTENT OF THE
INDUSTRIAL DEVELOPMENT AUTHORITY OF
SOUTHAMPTON COUNTY, VIRGINIA
TO ISSUE ITS INDUSTRIAL DEVELOPMENT REVENUE BONDS
FOR RIDDICK REALTY, LLC
IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$2,800,000

WHEREAS, the Industrial Development Authority of Southampton County, Virginia (the "Authority"), was created pursuant to Chapter 49, Title 15.2 of the Code of Virginia of 1950, as amended (the "Act"), and is now existing and operating as a public body corporate and politic; and

WHEREAS, the Authority was created to promote the public interest and the safety, health, welfare, convenience and prosperity of the inhabitants of the Commonwealth of Virginia; and

WHEREAS, the Act empowers the Authority to issue its revenue bonds in accordance therewith to pay all or any part of the cost of an "authority facility" constituting an "industrial facility" as described in Section 15.2-4902 of the Act, to the end that the Authority may promote industry and develop trade by inducing industrial facilities and manufacturing enterprises to locate in or remain in the Commonwealth and to further the use of its agricultural products, and thereby to benefit the inhabitants of the Commonwealth, either through the increase of their commerce, or through the promotion of their safety, health, welfare, convenience and prosperity; and

WHEREAS, representatives of Riddick Realty, LLC, a Virginia limited liability company (the "Applicant"), have held discussions with representatives of Southampton County and the Authority with respect to its financing a portion of the cost of the acquisition, construction, and equipping of an approximately 44,000 square foot peanut processing facility, located at Lots 1A, 1B, 2A and 2B, Northeast side of Mill Creek Drive, Southampton Business Park, in Southampton

County, Virginia (the "County") and for a portion of the costs of issuing the Bonds described below (collectively, the "Project"); and

WHEREAS, the Authority, after due notice, has on this date conducted a public hearing on the application of the Applicant for revenue bond financing of the Project in compliance with the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), and Section 15.2-4906 of the Act;

WHEREAS, the Applicant has requested that the Authority express its official intent to finance a portion of the cost of the acquisition, construction, and equipping of the Project and agree in principle to issue not to exceed \$2,800,000 of its industrial development revenue bonds (the "Bonds") therefore, as proposed by the Applicant;

NOW, THEREFORE, BE IT RESOLVED BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF SOUTHAMPTON COUNTY, VIRGINIA:

1) The recitals made in the preambles to this resolution are hereby adopted as a part of this resolution.

2. Upon the recommendation of the Applicant, the Authority hereby appoints Williams Mullen as bond counsel ("Bond Counsel") to supervise the Authority's proceedings and approve the issuance of the Bonds for the Project, and consents to Williams Mullen also serving as counsel to the proposed letter of credit issuer, Branch Banking and Trust Company of Virginia.

3. It is hereby found and determined that the approval of the plan of financing and the issuance of the Bonds for the purposes described herein will promote industry and develop trade and promote employment in the County and the Commonwealth of Virginia, through the increase of commerce, by assisting in the acquisition, construction, and equipping of industrial facilities and manufacturing enterprises, and that upon compliance with the requirements of the Code, the Project will constitute an "industrial facility" within the meaning of the Act and a "manufacturing facility" within the meaning of the Code.

4. To induce and assist the Applicant to undertake the Project, the Authority hereby agrees in principle to issue its Bonds in an amount not to exceed \$2,800,000 upon terms and conditions to be mutually agreed upon by the Authority, the Applicant and the purchaser of the Bonds. The Bonds shall be issued pursuant to a trust indenture, an installment sale or loan agreement with the Applicant, a bond purchase agreement with an underwriter or placement agent and such other documentation as may be acceptable to such lender and the Chairman or Vice Chairman of the Authority and counsel to the Authority.

5. The Applicant having represented to the Authority that it is necessary for the Applicant to continue with the ongoing design, acquisition, construction and equipping of the Project, the Authority hereby agrees that the Applicant may proceed with the Project, enter into contracts for the design, acquisition, construction and equipping thereof, and take such other steps as it may deem appropriate in connection therewith, provided that nothing herein shall be deemed to authorize the Applicant to obligate the Authority without its consent in each instance to the payment of any monies or the performance of any actions in connection with the Project. The Authority agrees that the Applicant may be reimbursed from the proceeds of the Bonds, if and when issued, to the extent permitted by law, for any costs incurred or expended in connection with the Project subsequent to the date which is sixty (60) days prior to the date of this resolution's adoption (the "Expenditures"). The declaration and expectation stated in this section are intended to be evidence of official intent within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Code. Each Expenditure will be, unless otherwise approved by Bond Counsel, (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, or (c) a nonrecurring item that is not customarily payable from current revenues. The Authority is authorized to make a reimbursement allocation, which is a written allocation by the Authority that evidences the Authority's use of proceeds of the Bonds to reimburse an Expenditure upon written request of the Applicant no later than eighteen (18) months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three (3) years after the date on which the Expenditure is paid. The Authority recognizes that exceptions are available, if applicable, for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small

issuers” (based on the year of issuance and not the year of expenditure), and expenditures for construction projects of at least five (5) years.

6. All costs and expenses in connection with the Bonds and the design, acquisition, construction and equipping of the Project, including but not limited to the fees and expenses of Bond Counsel and counsel to the Authority, shall be paid from the proceeds of the Bonds to the extent permitted by law or else from funds of the Applicant. If for any reason the Bonds are not issued, it is understood that all such expenses shall be paid by the Applicant and that the Authority shall have no responsibility therefore.

7. Neither the Bonds nor the premium, if any, nor the interest payable thereon shall be a general obligation debt of the Commonwealth of Virginia or any political subdivision thereof, including the Authority or the County, and neither the Commonwealth of Virginia, nor any political subdivision thereof, including the Authority or the County, and the officials, officers, directors and/or employees, past, present or future, of any or all, are or shall be personally liable thereon. The Bonds, together with the premium, if any, and the interest payable thereon, shall be a limited obligation of the Authority payable solely pursuant to the terms of the Bonds and the related documents.

8. The Authority hereby recommends and requests that the Board of Supervisors of Southampton County, Virginia (the “Board of Supervisors”) grant “public approval” of the issuance of the proposed Bonds within the meaning of Section 15.2-4906 of the Act and Section 147(f) of the Code, and directs the Chairman or Vice Chairman of the Authority to transmit to the Board of Supervisors the Fiscal Impact Statement required by Section 15.2-4907 of the Act, a copy of this resolution and a reasonably detailed summary of the Authority’s public hearing held this date.

9. Upon the public approval of the financing by the Board of Supervisors, the Chairman or Vice Chairman of the Authority is directed to submit Form IDB, Application for Industrial Development Bond Allocation, to the Virginia Small Business Financing Authority.

10. The provisions of this resolution are hereby declared to be separable, and if any section, phrase or provision of this resolution shall be declared invalid, such invalidity shall not affect the validity of the remainder of the sections, phrases and provisions of this resolution.

11. The Authority shall perform such other acts and adopt such further resolutions as may be required to implement its undertakings hereinabove set forth.

12. This resolution shall take effect immediately upon its adoption.

CERTIFICATE OF VOTES

The following is a record of the vote by the Industrial Development Authority of Southampton County, Virginia (the “Authority”), on the foregoing resolution, approved at the duly called public meeting of the Authority held on September 18, 2006, after the holding of a public hearing thereon, at which public hearing and meeting a quorum of the Authority was present:

DIRECTOR’S NAME	AYE	NAY	ABSTAIN	ABSENT
E. Beale Carter, Jr.	✓			
Teresa B. Beale	✓			
J. Edward Hatfield, III	✓			
V.S. Pittman, II	✓			
Ben S. Lee	✓			
A. Meredith Felts, Jr.	✓			
Leon W. Bolton				✓

Michael W. Johnson, Secretary,
Industrial Development Authority of Southampton County, Virginia

The resolution to be considered tonight approving the issuance of industrial development revenue bonds by the I.D.A. of Southampton County on behalf of Riddick Realty, L.L.C. is as follows:

RESOLUTION

A RESOLUTION APPROVING THE EXERCISE BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF SOUTHAMPTON COUNTY, VIRGINIA OF POWERS CONFERRED BY THE INDUSTRIAL DEVELOPMENT AND REVENUE BOND ACT IN CONJUNCTION WITH THE ISSUANCE FOR RIDDICK REALTY, L.L.C., A VIRGINIA LIMITED LIABILITY COMPANY, OF NOT TO EXCEED \$2,800,000 OF THE AUTHORITY'S INDUSTRIAL DEVELOPMENT REVENUE BONDS (FERIDIES PROJECT), TO PAY A PORTION OF THE COSTS OF (a) THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF AN APPROXIMATELY 44,000 SQUARE FOOT PEANUT PROCESSING AND PACKING FACILITY ON THE NORTHEAST SIDE OF MILL CREEK DRIVE, ON LOTS 1A, 1B, 2A AND 2B, SOUTHAMPTON BUSINESS PARK, NEAR COURTLAND, IN SOUTHAMPTON COUNTY, VIRGINIA, TO BE OWNED BY RIDDICK REALTY, L.L.C. AND LEASED TO THE PEANUT PATCH, INC., AND (b) THE ISSUANCE OF SAID BONDS

WHEREAS, the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2 of the Code of Virginia, as amended (the "Act"), authorizes the creation of the Industrial Development Authority of Southampton County, Virginia (the "Authority"), and the Act empowers the Authority to assist Riddick Realty, L.L.C., a Virginia limited liability company (the "Company"), by the issuance of its Industrial Development Revenue Bonds (the "Bonds") to pay a portion of the costs of (a) the acquisition, construction and equipping of an approximately 44,000 square foot peanut processing and packing facility on the northeast side of Mill Creek Drive, on Lots 1A, 1B, 2A and 2B, Southampton Business Park (the "Project"), near Courtland, in Southampton County, Virginia (the "County"), for the Company for lease to The Peanut Patch, Inc., and (b) issuing such Bonds; and

WHEREAS, the Company, which owns and will operate the Project, has its present principal place of business at 27478 Southampton Parkway, near Courtland, in Southampton County, Virginia; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires approval by this Board of the issuance of any private activity bonds by the Authority after the Authority has held a public hearing to consider the issuance of such bonds as one of the acts required in order for the interest on such bonds to qualify for exemption from the imposition of federal income tax; and

September 25, 2006

WHEREAS, the Authority held a public hearing on September 18, 2006, in compliance with the requirements of the Code and Section 15.2-4906 of the Act and after such public hearing did adopt a resolution to issue an amount not to exceed \$2,800,000 of its tax-exempt Industrial Development Revenue Bonds (FERIDIES Project), subject to the adoption of this resolution; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds and recommending that the Board approve the Authority's issuance of the Bonds, subject to the terms to be agreed upon, a reasonably detailed summary of the public hearing with respect to the Bonds and a Fiscal Impact Statement in the form prescribed by Section 15.2-4907 of the Act have been filed with the Board;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Southampton County, Virginia:

Section 1: That, relying upon the representations of the Authority, the recitals in the preambles hereto are found to be true and correct in all respects and are adopted as findings of this Board as if fully rewritten herein.

Section 2: That the Project proposed to be financed by the issuance of the Bonds is deemed appropriate for such financing and, accordingly, the issuance of the Bonds is hereby approved to the extent required by Section 147(f) of the Code and Section 15.2-4906 of the Act.

Section 3: The approval of the issuance of the Bonds, as required by Section 147(f) of the Code and Section 15.2-4906 of the Act, does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the Company and the Bonds shall provide that neither the Authority nor Southampton County, Virginia shall not be obligated to pay the Bonds or the interest thereon or other costs incident thereto and neither the faith or credit nor the taxing power of the Commonwealth of Virginia or Southampton County, Virginia shall be pledged thereto.

Section 4: That this resolution shall be in effect from and after its adoption.

Vice-Chairman Young moved, seconded by Supervisor Faison, to adopt the resolution. All were in favor.

Moving forward, Mr. Johnson announced that Mr. Courtney Rogers of Davenport & Company, our financial advisors, was here to present their recommended strategy for financing the costs of the new elementary school and industrial park.

Chairman Jones recognized Mr. Courtney Rogers.

Mr. Rogers advised that Davenport & Company had prepared a Capital Funding Plan, or a recommended strategy for financing the costs of the new elementary school and industrial park. He distributed copies of that Plan. He reminded that Mr. Johnson and Ms. Julia Williams, Southampton County Finance Director, accompanied Davenport & Company to New York on August 23 and 24 to make credit presentations to two primary rating agencies, Moody's and Standard & Poor's (S&P), as well as potential bond insurers, AMBAC, FSA and CIFG plus one other which was a frequent issuer of Lease Revenue Bonds in Virginia. He reported that S&P issued the County a rating of "A", which was a good solid rating. Moody's rating was close, but they accepted the S&P's rating, which was the better of the 2. He reported that the County received bond insurance bids from two bond insurers. The two firms failing to bid were not due to

the County's credit, rather they wanted the total collateral package to be valued at 100% of the bonds issued, and the final bonds would be closer to a collateral value of 80-85%. The two firms that bid were CIFG and FSA. CIFG bid 19 basis points and FSA bid 60 basis points. However, FSA required a 100% collateral level. As a result, CIFG was the optimal choice. He advised that they compared what interest rate the County was likely to see based upon our credit rating of "A" to the AAA rating we would automatically see if we purchased bond insurance. The difference in interest expense exceeded the premium for bond insurance. Thus, it was in our best interest to purchase the insurance. The County would likely receive an interest rate of 4.5% if we purchased bond insurance through CIFG. The rate could possibly be even lower because market conditions were favorable. They were recommending that the County accept the bond insurance bid by CIFG and move forward with a Negotiated Public Sale by a team headed up by Morgan Keegan with A.G. Edwards as a co-manager. The sale of the bonds would take place on or about October 10, 2006 and the settlement of issue would be on or about October 24, 2006.

Mr. Rogers continued that the maximum size for the resolution was \$32.5 million (\$25 million + \$7.5 million). Uses of funds were made up of the construction amount, costs of issuance, insurance premium, and debt service reserve fund equal to one years total payment. Using their preliminary figures for the rating presentation, the largest amounts were the construction (\$21.5 million and \$7.5 million) and the debt service reserve fund at \$1,770,925. He informed that a surety bond had been offered in lieu of a debt service reserve fund. That would reduce the size by roughly \$1.7 million. He noted that bond purchasers were willing to pay a premium for a higher coupon. Thus, the size of the issue could come down by as much as another \$1 million.

Supervisor Brown commended Mr. Rogers and Davenport & Company for a job well done. He thought it was super that the County had a bond rating of "A". He asked if there was a timeline in which the bond rating would be revisited? Mr. Rogers advised that if the County did not issue any new debt, the County would be getting a phone call from S&P.

Supervisor Brown asked how many counties in Virginia had a bond rating? Mr. Davenport replied that he did not know, but if he had to guess, he would say about 50%.

Mr. Davenport confirmed for Supervisor Brown that 4.5% or possibly even less was the interest rate they were expecting to receive. They had used 5.5% in their calculations.

Vice-Chairman Young moved, seconded by Supervisor Felts, to accept the recommended financing strategy presented by Davenport & Company. All were in favor.

In a related matter, Mr. Johnson announced that as they might imagine, a financing of this magnitude required numerous legal documents. Our bond counsel, McGuire Woods, had prepared for their consideration a resolution which requests the Industrial Development Authority to issue a Revenue Note and Public Facility Lease Revenue Bonds in order to finance the projects, in accordance with the strategy just described by Davenport & Company. The resolution made reference to several other legal documents, copies of which were on file in his office and available for their review, but for the sake of brevity, had not been copied and distributed with the agenda. Those documents included:

- 1) The Indenture of Trust between the IDA and an appointed Trustee;
- 2) A lease agreement between the School Board and the I.D.A
- 3) A financing agreement between the IDA, School Board and Board of Supervisors;
- 4) A deed of trust and security agreement; and
- 5) The preliminary official statement "POS."

He noted that it was necessary to adopt the resolution prior to offering the bonds or note for sale to the public.

The resolution requesting the IDA to issue its revenue note and public facility lease revenue bonds to finance the costs of a new elementary school and other public improvement projects is as follows:

SOUTHAMPTON COUNTY, VIRGINIA
BOARD OF SUPERVISORS

Date: September 25, 2006

At a regular meeting of the Board of Supervisors of Southampton County, Virginia, held on the 25th day of September, 2006, the following persons were present or absent as shown:

PRESENT: Dallas O. Jones, Chairman
Walter L. Young, Jr., Vice-Chairman
Walter D. Brown, III
Carl J. Faison
Anita T. Felts
Ronald M. West
Moses Wyche

ABSENT: None

On motion of Supervisor Young, seconded by Supervisor West, the following Resolution was adopted by a majority of the members of the Board of Supervisors present by a roll call vote, the votes being recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Dallas O. Jones	Yes
Walter L. Young, Jr.	Yes
Walter D. Brown, III	Yes
Carl J. Faison	Yes
Anita T. Felts	Yes
Ronald M. West	Yes
Moses Wyche	Yes

**A RESOLUTION OF THE BOARD OF SUPERVISORS
OF SOUTHAMPTON COUNTY, VIRGINIA REQUESTING THE
INDUSTRIAL DEVELOPMENT AUTHORITY
OF SOUTHAMPTON COUNTY, VIRGINIA
TO ISSUE ITS REVENUE NOTE AND PUBLIC FACILITY LEASE REVENUE BONDS
TO FINANCE THE COSTS OF A NEW ELEMENTARY SCHOOL
AND OTHER PUBLIC IMPROVEMENT PROJECTS**

WHEREAS, Southampton County, Virginia (the "County") has determined that it is necessary and advisable to undertake the financing of the County's new elementary school for the Franklin/Hunterdale District (the "Elementary School Project") and the financing of certain public infrastructure improvements and road improvements at the Turner Tract Industrial Park (the "Public Facility Project," and together with the Elementary School Project, the "Projects");

WHEREAS, the Board of Supervisors of the County (the "Board") proposes to provide for financing the Projects through the issuance of a revenue note (the "Note") and the issuance of public facility lease revenue bonds (the "Bonds") by the Industrial Development Authority of

Southampton County, Virginia ("Authority");

WHEREAS, the Authority proposes to issue the Bonds in the aggregate principal amount not to exceed \$25,000,000 to finance the Public Facility Project and a portion of the Elementary School Project, to fund a debt service reserve fund and to pay the costs of issuing the Bonds;

WHEREAS, the proposed financing for the Projects will be secured in part by a leasehold interest in the Elementary School Project, which is owned by the Southampton County School Board (the "School Board");

WHEREAS, the School Board will lease the Elementary School Project to the Authority pursuant to a lease ("Lease") and will lease the Elementary School Project back from the Authority pursuant to a Financing Lease (hereinafter defined). The Bonds will be payable solely from the revenues derived from the Financing Lease between the Authority, the County and the School Board ("Financing Lease") pursuant to which the County will agree to make rental payments, subject to annual appropriation, sufficient to pay the principal of and interest on the Bonds;

WHEREAS, the Bonds will be issued pursuant to the following documents: (i) an Indenture of Trust (the "Indenture") between the Authority and a corporate trustee to be selected by the County Administrator ("Trustee"), with the form of the Bonds attached thereto; (ii) the Lease; (iii) the Financing Lease; (iv) a Leasehold Deed of Trust (the "Leasehold Deed of Trust") from the Authority to the individual trustees named therein; (v) an Assignment of Rents and Leases (the "Assignment of Rents and Leases") between the Authority and the Trustee; (vi) a Preliminary Official Statement ("Preliminary Official Statement") and an Official Statement ("Official Statement"); and (vii) a Bond Purchase Agreement ("Bond Purchase Agreement"), if applicable, among the County, the Authority and an underwriter or underwriters to be selected by the County Administrator ("Underwriter");

WHEREAS, the Board proposes to provide for the issuance of the Note to provide interim financing for a portion of the Projects and to provide permanent financing through (i) a loan from the Commonwealth of Virginia's Department of Education Literary Fund (the "Literary Fund Loan"); (ii) the issuance of bonds to the Virginia Public School Authority (the "VSPA Bonds"); or (iii) other methods of long-term financing;

WHEREAS, the Note will be payable solely from revenues derived by the Authority from a financing and/or support agreement (the "Financing Agreement") between the Authority and the County and the School Board, if required; and

WHEREAS, all the documents listed above are referred to in this Resolution as the "Basic Documents."

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF SOUTHAMPTON COUNTY, VIRGINIA:

1. Issuance of Bonds and Note. The Board requests the Authority to issue its Bonds in the maximum amount of \$25,000,000 to be paid from revenues derived from payments made by the County pursuant to the Financing Lease. The Board requests the Authority to issue the Note in the maximum principal amount of \$7,500,000 to be paid from revenues derived from payments made by the County pursuant to the Financing Agreement.

2. Authorization of Basic Documents. The Bonds, the Note and the Basic Documents are approved in substantially the forms on file with the County Administrator, with such changes, insertions or omissions (including, without limitation, changes of the dates thereof) as may be approved by the Chairman of the Board of Supervisors or the County Administrator, whose approval shall be evidenced conclusively by the execution and delivery of the Basic Documents to which the County is a party. The execution and delivery of and performance by the County of its obligations under the Bonds, the Note and the Basic Documents to which it is a party are authorized.

3. Execution of Documents. The Chairman and Vice Chairman of the Board of Supervisors and the County Administrator, or any of them, are authorized to execute on behalf of the County the Basic Documents to which the County is a party, and, if required, the County Administrator is authorized and directed to affix or to cause to be affixed the seal of the County to

the Basic Documents and to attest such seal. Such officers or their designees are authorized to execute and deliver on behalf of the County such instruments, reimbursement agreements, documents or certificates, and to do and perform such things and acts and to take such further action, as they shall deem necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated by the Basic Documents; and all of the foregoing, previously done or performed by such officers or agents of the County, are in all respects approved, ratified and confirmed.

4. **Sale of Bonds and Note.** The Bonds and the Note shall be offered for sale in such manner as the County Administrator may determine to be in the best interests of the County. The County Administrator is authorized and directed to accept bids or proposals for the purchase of the Bonds and the Note, respectively, which results in the lowest true interest cost to the County, provided that the true interest cost of the Bonds and the Note, respectively, does not exceed the maximum true interest cost set forth in this Section 4. If the County Administrator determines that it is in the best interest of the County to sell the Bonds and/or the Note in a negotiated sale, then the County Administrator is authorized and directed to execute and deliver the Bond Purchase Agreement with an underwriter or group of underwriters selected by the Chairman of the Board and the County Administrator, or either of them, providing for the sale and delivery of the Bonds and/or the Note. The County Administrator is authorized and directed to determine and approve the final details of the Bonds, including, without limitation, the aggregate principal amount of the Bonds, the optional and mandatory redemption provisions and the sale price of the Bonds, provided that (i) the true interest cost of the Bonds shall not exceed 5.5%, (ii) the aggregate principal amount of the Bonds shall not exceed the amount set forth in paragraph 1, (iii) the sale price of the Bonds to the Underwriter shall not be less than 98% of the aggregate principal amount thereof (not taking into account any original issue discount) and (iv) the final maturity of the Bonds shall not be later than 30 years from their date. The County Administrator is authorized and directed to determine and approve the final details of the Note, including, without limitation, the aggregate principal amount of the Note, the redemption provisions of the Note and the sale price of the Note, provided that (i) the true interest cost of Note shall not exceed 5.5%, (ii) the aggregate principal amount of the Note shall not exceed the amount set forth in paragraph 1. The approval of such officers shall be evidenced conclusively by the execution and delivery of such documentation evidencing the sale of the Bonds and the Note, respectively.

5. **Permanent Financing.** The Board agrees to take such steps as may be necessary (i) to obtain a Literary Fund Loan, (ii) to provide for the issuance of the VPSA Bonds, or (iii) to provide for other long-term financing, if deemed necessary or desirable; and to apply the proceeds of the Literary Fund Loan, the VPSA Bonds, or other long-term financing, as applicable, to the payment of the Note at maturity or upon early redemption.

6. **Literary Fund Loan Application.** The Board authorizes the Chairman of the Board and the County Administrator, or either of them, and such officers and agents of the County as either the Chairman of the Board or the County Administrator may designate to take such action necessary and appropriate, including but not limited to the filing of the Literary Fund Loan Application with the Commonwealth of Virginia's Department of Education, paying of the application fees and providing of other necessary information, to complete the application process for the Literary Fund Loan authorized herein. The Literary Fund Loan Application to the Commonwealth of Virginia's Department of Education is hereby approved and authority is hereby granted to the School Board to borrow a maximum of \$7,500,000 for the Elementary School Project. The Board will each year during the life of the Literary Fund Loan, at the time it fixes the regular levies, fix a rate of levy for schools or make a cash appropriation sufficient for operation expenses and to pay the Literary Fund Loan and the interest thereon, as required by law regulating loans from the Literary Fund.

7. **Disclosure Documents.** The County Administrator and the Finance Director, or either of them, and such officers and agents of the County as either of them may designate are hereby authorized and directed to prepare, execute, if required, and deliver an appropriate Preliminary Official Statement and Official Statement or such other offering or disclosure documents as may be necessary to expedite the sale of the Bonds and the Note, if applicable. The Preliminary Official Statement, Official Statement or other documents shall be published in such publications and distributed in such manner, including by electronic distribution, and at such times as the County Administrator, or such officers and agents of the County as he may designate, shall determine. The County Administrator, or such other officer or agent of the County as he may designate, is authorized to deem the Preliminary Official Statement "final" for purposes of

Securities Exchange Commission Rule 15c2-12.

8. Municipal Bond Insurance Policy. The County Administrator is authorized to cooperate with the Authority regarding obtaining a municipal bond insurance policy to guarantee the payment of principal of and interest on the Bonds if the County Administrator, in collaboration with the Authority and Davenport & Company LLC, the County's Financial Advisor (the "Financial Advisor"), determines that selling the Bonds insured by such a policy would be in the best interests of the County. The County Administrator is authorized to cooperate with the Authority regarding obtaining a surety or other credit facility in connection with the debt service reserve fund if the County Administrator, in collaboration with the Financial Advisor, determines that selling the Bonds with such a surety or credit facility would be in the best interests of the County. The County Administrator is authorized to execute and deliver any instruments, agreements, documents or certificates in connection with such policy, surety or credit facility. In addition to the authorization under Section 2, the County Administrator is hereby authorized to agree to such changes to the form of the Basic Documents and the Bonds as he may consider appropriate to comply with requirements of the bond insurer.

9. Costs and Expenses. All costs and expenses in connection with the undertaking of the Projects and the issuance of the Bonds and the Note, including the Authority's fees and expenses and the fees and expenses of bond counsel and counsel for the Authority and the School Board, shall be paid from the proceeds of the Bonds or the Note, as applicable, or other legally available funds of the County. If for any reason the Bonds or the Note are not issued, it is understood that all such expenses shall be paid by the County from its legally available funds and that the Authority shall have no responsibility therefore.

10. Nature of Obligations. Nothing in this Resolution, the Bonds, the Note or the Basic Documents shall constitute a debt of the County and the Authority shall not be obligated to make any payments under the Bonds, the Note or the Basic Documents except from payments made by or on behalf of the County under the Financing Lease or the Financing Agreement, as appropriate. The County Administrator is directed to submit for each fiscal year a request to the Board of Supervisors for an appropriation to the Authority for an amount equal to the rental payments coming due under the Financing Lease and the Financing Agreement for the next fiscal year. The County's obligations to make payments to the Authority pursuant to this Resolution shall be subject to and dependent upon annual appropriations being made from time to time by the Board of Supervisors of the County for such purpose. Nothing in this Resolution, the Bonds, the Note, the Financing Lease or the Financing Agreement shall constitute a pledge of the full faith and credit of the County.

11. Official Intent. The Board of Supervisors of the County adopts this Resolution as a declaration of official intent for purposes of Treasury Regulations Section 1.150-2. The Board reasonably expects to reimburse any advances made or to be made by the County to pay the costs of the Projects from the proceeds of its debt and financing. The maximum amount of debt or other financing expected to be issued for the Projects is \$32,500,000.

12. Effective Date. This Resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of Southampton County, Virginia certifies that the foregoing constitutes a true, complete and correct copy of the Resolution adopted at a regular meeting of the Board of Supervisors of Southampton County, Virginia held on September 25, 2006

Clerk, Board of Supervisors of Southampton
County, Virginia

Vice-Chairman Young moved, seconded by Supervisor West, to adopt the resolution. All were in favor.

Proceeding to the public hearings, Mr. Johnson announced that the first public hearing was to consider the following:

REZ 2006:12 Application filed by William & Queen Sledge (owners) requesting a change in zoning classification from A-2, Agricultural to C-M1, Conditional Limited Industrial approximately .50 acres. The purpose of the application is for industrial uses as conditioned. The property is located at 16122 Pittman Road (Rt. 186) approximately ½ mile east of the Town of Branchville Corporate Limits. The property is identified as Tax Map Parcels 111B-1-39 and 111B-1-39A and is located in the Boykins-Branchville Magisterial District.

Mr. Jay Randolph, Assistant County Administrator and Secretary of the Planning Commission, reported that the Planning Commission held a public hearing on this application at its August 10, 2006 meeting and recommended denial.

The applicants had proffered to exclude all of the permitted uses in the M-1 District with the exception of the following four uses:

- (11) Building materials (cement, lime in bags or container, sand, gravel, stone, lumber, structural or reinforcing steel, pipe and the like) storage and sales, open or enclosed, but not manufacturing or steel fabricating or junk storage.
- (16) Contractor's equipment storage yard or plant or rental of equipment commonly used by contractors.
- (61) Truck stop or truck terminal, freight.
- (62) Warehouses, wholesale houses and distributors, wholesale market.

Chairman Jones opened the public hearing.

Supervisor West asked if the zoning violations of high weeds, inoperable vehicles, etc. on the property (as denoted in the Planning Commission meeting minutes) had been remedied? Mr. Randolph replied that it was currently under investigation.

Mr. William Sledge, owner/applicant, addressed the Board. He stated that he was not present at the Planning Commission public hearing because he was not told that he needed to be present. He advised that all he wanted to do was park one tractor-trailer and one storage container on the property. He clarified that he lived in Washington, D.C. during the week, but also had a house in Boykins in which he resided Friday-Monday. He was born and raised in Southampton County. He drove a tractor-trailer and picked up building materials including fences, bricks, blocks, and concrete from Maryland and hauled them to the subject property. He sold the items to contractors and individuals, but needed a permanent container on the property in which to store the items until they were sold.

The Board members indicated that they were confused because he had just stated that all he wanted to do was park one tractor-trailer and one storage container on the property, but the 4 uses he had proffered indicated something different. Mr. Sledge explained that he proffered those 4 uses because he was advised to do so by the Building and Zoning Department. He noted that he asked for truck parking because he would not be able to unload the tractor-trailer immediately. It may have to sit on the property for up to a week.

Vice-Chairman Young asked Mr. Sledge if he could address the zoning violation of high weeds and inoperable vehicles? Mr. Sledge advised that he cut his grass and there were no inoperable vehicles. There was another piece of property in which there was an easement, but it was not his.

Supervisor West stated that he had 3 things to overcome: 1) Not consistent with the Comprehensive Plan, 2) Small lot size, and 3) Flood zone.

Supervisor Brown stated that the applicant did not need a ½ acre to park 1 truck and 1 container. Mr. Randolph advised that 1 truck and 1 container were not proffered by the applicant. If the application were approved as submitted, Mr. Sledge could put as many trucks and containers on the property as he wanted.

Chairman Jones closed the public hearing.

It was consensus of the Board that Mr. Sledge needed to get with Mr. Randolph and put in writing exactly what he wanted to do and the Planning Commission should review it again.

Supervisor Brown moved, seconded by Vice-Chairman Young, to send the application back to the Planning Commission. All were in favor.

Supervisor Brown recommended that Mr. Sledge be present at that Planning Commission meeting.

Mr. Johnson announced that the second public hearing was to consider the following:

REZ 2006:13 Application filed by William R. Gray (owner) requesting a change in zoning classification from A-2, Agricultural to C-B2, Conditional General Business approximately .34 acres. The purpose of the application is for automotive sales and repairs, as conditioned. The property is located at 15412 Pittman Road (Rt. 186) approximately 250 feet east of the Town of Branchville Corporate Limits. The property is further identified as Tax Map Parcel 111-32B and is located in the Boykins-Branchville Magisterial District.

Mr. Johnson noted that there had been a legal, non-conforming automotive service facility located on the premises for 40 years and the purpose of this application was to expand the use to include automotive sales.

Mr. Jay Randolph reported that the Planning Commission held a public hearing on this application at its August 10, 2006 meeting and recommended approval.

The applicant had proffered to exclude all of the permitted uses in the B-1 and B-2 Districts with the exception of the following two uses listed under B-2:

- (4) Automobile or truck, truck trailer or bus sales, service and repair including body or fender repair, but not auto salvage or junk, and any major repair or storage of equipment or materials or damaged vehicles shall be inside a completely enclosed building.
- (7) Automobile used car lot, or used truck sales.

Chairman Jones opened the public hearing.

Mr. William Gray stated that he was present to answer any questions.

Supervisor West asked Mr. Gray if he had been there for 40 years? Mr. Gray replied that the automotive service facility had been there for 40 years and he had been there for 18 years.

Mr. Gray confirmed for Supervisor West that he wanted to sell reconditioned cars.

Supervisor Faison moved, seconded by Supervisor Brown, to accept the Planning Commission's recommendation and approve the conditional rezoning. Chairman Jones, Vice-Chairman Young, and Supervisors Brown, Faison, and Felts voted in favor of the motion. Supervisors West and Wyche voted in opposition to the motion. The vote was 5-2 in favor of the motion, thus the motion passed.

Mr. Johnson announced that the third and final public hearing was to consider the following:

REZ 2006:14 Application filed by Resco Farms, LLC. (owner) requesting a change in zoning classification from A-1, Agricultural to C-RR, Conditional Rural Residential approximately 4.79 acres from a 87 acre parent tract for the purpose of a single residential building lot. The application is subject to the standards provided under the sliding scale, Section 18-179 of the Southampton County Code. The subject property is further identified as Tax Parcel 23-36 and is located in the Berlin-Ivor Magisterial District.

Mr. Jay Randolph reported that the Planning Commission held a public hearing on this application at is August 10, 2006 meeting and recommended approval.

Mr. Randolph advised that there were standards placed on the subject property in that any dwelling constructed on the parcel would have to be a minimum of 1,600 square feet and no singlewides or doublewides would be permitted. Resco Farms had also voluntarily proffered a cash payment in the amount of \$1,728.

Chairman Jones opened the public hearing.

Supervisor Brown asked what was the minimum road frontage requirement for the sliding scale option? Mr. Randolph advised that the sliding scale did not require that lots have road frontage, but if road frontage was desired, the requirement was 150 feet per lot.

Mr. Randolph explained that this lot was located on the south side of Quaker Road. Any future rezoning requests for the remaining acreage of the parent tract would be on the north side of Quaker Road.

Mr. Taylor Williams, attorney representing Resco Farms addressed the Board. He stated that Resco Farms was a LLC. The General Manager resided in Virginia Beach. The subject property was shown on the plat as Parcel 3. Parcels 1 and 2 had already been platted and put to record prior to the new zoning laws. It was legal at the time, so they could not hold that against them. There was a contract on Parcel 3 with American Timberlands. He advised that such a large parcel was cut out because the whole parcel would not perk – the soil was only suitable for 1 health permit.

Mr. Williams clarified for Supervisor West that American Timberlands did not build a house on a property until a buyer had been identified – this was not spec housing.

Supervisor West moved, seconded by Vice-Chairman Young, to accept the Planning Commission's recommendation and approve the conditional rezoning. All were in favor.

Regarding miscellaneous issues, Mr. Johnson announced that included in the agenda was copied correspondence from Mr. Charles Turner, Southampton County School Division Superintendent, relative to resolutions recently adopted by the School Board regarding the financing of the new elementary school, Riverdale Elementary.

Mr. Turner, who was in the audience, clarified for the Board that naming the new school Riverdale Elementary was a School Board decision. He did not think it was named after anything or anyone. He thought they chose that name because of the rivers present in Southampton County.

Mr. Johnson advised that included in the agenda was a copied notice from Synagro regarding their plans to begin application of biosolids on Peter Copeland's property on or about October 2.

He informed that included in the agenda was a press release from Sentara Healthcare announcing that Michal Griffin, an employee of Medical Transport who worked out of the Capron Volunteer Rescue Squad, had recently been named the "Outstanding Pre-Hospital Provider of the Year" for the entire Tidewater Emergency Medical Services (TEMS) region (10 cities and counties in southeastern Virginia, including the Eastern Shore). That was quite an accomplishment for Michael and spoke well to the high quality of emergency medical services available to the citizens of Southampton County.

Mr. Johnson advised that included in the agenda was a copy of the executed polling place agreement with the Town of Capron, approved by the Board on May 22.

He informed that included in the agenda was a copy of the most recent meeting notice of the Board of Equalization.

Mr. Johnson reported that the following incoming correspondence was received:

1. From Pulley & Rowe, copied correspondence to the Treasurer regarding the delinquent tax collection agreement;
2. From Richard E. Railey, Jr., copied correspondence sent to Ms. Gladys Mason regarding a derelict structure at 17258 Pittman Road;
3. From R. Kenneth Weeks Engineers, a certification form associated with renewal of the groundwater withdrawal permit by Tidewater Water Company for the Sedley Community Water System;

4. From the Virginia Department of Taxation, copied correspondence to John R. Harrup regarding his request for an extension in filing the land book to October 15, 2006;
5. From the Virginia Department of Emergency Management, notice that our grant for the All-Hazards Mitigation Plan had been officially closed out; and
6. From Lorraine Whitehead, Title I Teacher with Southampton County Schools; copied correspondence to Mr. Bobby Worrell, thanking him for the Foundation's support of the Franklin-Southampton Alliance. Mrs. Whitehead recently utilized information contained in the Alliance Report to obtain almost \$1 million in grants for reading programs at Nottoway Elementary School and Southampton Middle School.

Mr. Johnson advised that outgoing correspondence and articles of interest were also in the agenda.

Chairman Jones asked if there was anything else to come before this Board?

Mr. Glenn Updike of the Southampton County Board of Equalization briefly addressed the Board. He advised that hopefully their work would be complete in 2-3 days. They had sent 3,500 applications to Blue Ridge Mass Appraisal Company for review.

The Board took a 5-minute recess.

The Board returned to open session.

Chairman Jones announced that it was necessary for the Board to conduct a closed meeting in accordance with the provisions set out in the Code of Virginia, 1950, as amended, for the following purposes:

Section 2.2-3711 (A) (5) Discussion concerning prospective businesses or industries where no previous announcement has been made of the business' or industry's interest in locating its facilities in the community;

Section 2.2-3711 (A) (3) Discussion concerning the acquisition of certain property in which discussion in an open meeting could affect the bargaining position of the governing body; and

Section 2.2-3711 (A) (3) Discussion concerning the disposition of certain property in which discussion in an open meeting could affect the bargaining position of the governing body

Vice-Chairman Young moved, seconded by Supervisor Wyche, to conduct a closed meeting for the purposes previously read.

Mr. Richard Railey, County Attorney, Mrs. Julia Williams, Finance Director, Mr. Jay Randolph, Assistant County Administrator, Mr. Robert Barnett, Director of Community Development, and Mr. Julien Johnson, Public Utilities Director, were also present in the closed meeting.

Upon returning to open session, **Vice-Chairman Young moved, seconded by Supervisor West, to adopt the following resolution:**

RESOLUTION OF CLOSED MEETING

WHEREAS, the Southampton County Board of Supervisors had convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 (D) of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Southampton County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were

September 25, 2006

discussed in the closed meeting to which this certification resolution applies, and (ii) only such public matters as were identified in the motion convening the closed meeting were heard, discussed and considered by the Southampton County Board of Supervisors.

**Supervisors Voting Aye: Dallas O. Jones
Walter L. Young, Jr.
Walter D. Brown, III
Carl J. Faison
Anita T. Felts
Ronald M. West
Moses Wyche**

The motion passed unanimously.

There being no further business, the meeting was adjourned at 10:00 PM.

Dallas O. Jones, Chairman

Michael W. Johnson, Clerk