

October 27, 2008

At a regular meeting of the Southampton County Board of Supervisors held in the Board Room of the Southampton County Office Center, 26022 Administrative Center Drive, Courtland, Virginia on October 27, 2008 at 8:30 AM.

SUPERVISORS PRESENT

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

SUPERVISORS ABSENT

Walter L. Young, Jr., Vice-Chairman (Franklin)

OTHERS PRESENT

Michael W. Johnson, County Administrator (Clerk)  
James A. Randolph, Assistant County Administrator  
Julia G. Williams, Finance Director  
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 Faison gave the invocation. Supervisor Faison asked everyone to say a prayer for John Jenkins, employee of the Building and Zoning Department, who was injured in an accident over the weekend.

Chairman Jones advised that Supervisor Young would not be here. He was still recovering from his illness/surgery but was improving. He asked everyone to keep him in their prayers.

Chairman Jones sought approval of the minutes of the September 22, 2008 regular meeting. They were approved as presented, 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 they were working on the paving schedule for next year. He would give them an update as soon as they finished prioritizing the routes. They were continuing the mowing process. They were also continuing to work on the Route 706 easements.

Supervisor Faison stated that regarding the crops on Cross Keys Road that were encroaching onto VDOT's right-of-way, this was also a problem in other areas. Was there any way to address this problem before farmers began planting crops? Mr. Lomax advised that they may have a meeting and/or send out letters to the farmers.

Supervisor Brown informed Mr. Lomax that the Chereonaka (Nottoway) Indian Tribe Adopt-A-Highway sign that was being blocked by a magnolia limb was located on Business 58, and not Southampton Parkway. Mr. Lomax advised that they would take care of that.

Supervisor West advised that he and Mr. Jerry Kee, Assistant Residency Administrator, were still working on the highway abandonment of a portion of Route 622 near Zuni. They were in the process of getting traffic counts.

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K. Atkins, Brett A. Cessna, and Matthew N. Johnson, all of the Sheriff's Office, were adjusted to \$30,863 respectively effective 10/01/08. He stated that J. Michael Blythe of the Sheriff's Office was on active military leave effective 07/09/08.

Moving to financial matters, Mr. Johnson announced that bills in the amount of \$1,408,139.59 had been received.

**Supervisor Brown moved, seconded by Supervisor Felts, that the bills in the amount of \$1,408,139.59 be paid with check numbers 89195 through 89587. All were in favor.**

Moving to appointments, Mr. Johnson announced that the term of Mr. E. Beale Carter, Jr. on the Industrial Development Authority would expire December 31, 2008. Appointments were for a 4-year term and he was eligible for reappointment. Mr. Carter had served on the authority since it was created in 1969 and currently served as Chairman. He resided in the Newsoms District.

Supervisor Brown indicated that he would inquire of Mr. Carter's interest in continuing to serve and be prepared to make the appointment next month.

Mr. Johnson advised that Ms. Dorothy Harris, a member of the Blackwater Regional Library Board of Trustees, passed away this past July. Supervisor Felts was seeking a successor to complete the balance of her term through June 30, 2011.

Supervisor Felts submitted the name of Bernadette S. Whitley.

**Supervisor Felts moved, seconded by Supervisor West, to appoint Bernadette S. Whitley to complete the balance of the term of Ms. Dorothy Harris on the Blackwater Regional Library Board of Trustees. All were in favor.**

Mr. Johnson stated that included in the agenda was correspondence from Mr. Anthony Carmichael seeking the Board's consideration in appointing a successor for Mr. Richard Francis, who recently resigned from the Southeastern Virginia Alcohol Safety Action Program (VASAP) Board of Directors. Under Virginia statutes, any person convicted of a first or second offense of driving while intoxicated was required by the Court to successfully complete an alcohol safety action program. VASAP offered a number of programs, depending upon the nature of the offense and the offender, including a 20-hour class on substance abuse and driving, an intensive 20-hour program for probationers at risk of addiction, alcohol and drug treatment programs, and programs for young offenders, habitual offenders, and first time drug offenders. Programs were funded without state or local government tax dollars – each probationer was required to pay a participation fee and their own cost of treatment. Since 1987, Southampton County had participated in the program with the Chesapeake, Franklin, Portsmouth, Suffolk and Isle of Wight.

Mr. Johnson advised that Mr. Rick Francis, who recently resigned his position, indicated that other localities often had employees of their sheriff's office serve on the VASAP Board.

It was consensus of the Board to talk with Mr. Vernie Francis, Southampton County Sheriff, about the possibility of appointing one of his employees to the VASAP Board.

Moving to the capital funding request, Mr. Johnson announced that included in the agenda was a capital funding request from the Courtland Volunteer Fire Department. They intended to apply the proceeds towards retirement of debt for their newest 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 2009 was \$14,000 and for each rescue squad, \$7,000. Funds were earmarked annually for each department

**request of the Courtland Volunteer Fire Department in the sum of \$14,000. All were in favor.**

Moving to old business, Mr. Johnson announced that as they knew, following a public hearing on July 28, the Board voted 4-3 to conditionally rezone 55 acres of Mr. Anthony Scodes' property exclusively for ATV riding/racing. However, at that time, the Board deferred action on the required conditional use permit, referring it back to the Planning Commission for additional review, discussion and list of recommended conditions. At its August 14 meeting, the Planning Commission voted 5-4 to forward a recommendation back to the Board to deny the conditional use permit, citing inconsistency with the County's *Comprehensive Plan*. At the Board's August 25 meeting, on a 6-1 vote, the Board tabled the matter for 2 months and directed staff to research conditions/regulations imposed by other Virginia localities on comparable facilities. Subsequent to that meeting, a complaint was filed in Southampton Circuit Court on behalf of Diane Wynne Kropewnicki, et als, alleging that the action of the Board in granting the change of zoning was unlawful, and further seeking to enjoin the Board from issuing a conditional use permit to Mr. Scodes for the aforementioned purpose.

Mr. Johnson continued that at the Board's September 22 meeting, on a vote of 4-2, the Board directed its legal counsel to refrain from filing an immediate answer to the complaint and seek to reach amicable settlement with the plaintiffs. In accordance with that direction, Mr. Richard E. Railey, Jr., County Attorney, discussed the matter with the plaintiff's counsel, who agreed to defer prosecution of the suit pending an approved motion by the Board to deny the conditional use permit and initiation of an application to rezone the 55 acres in question back to A-1, Agricultural. A copy of Mr. Railey's letter to the plaintiff's counsel was included in the agenda. In accordance with the Board's motion of August 25, the application for a conditional use permit had been placed back on the agenda this morning for disposition. He noted that also included in the agenda was a copy of correspondence to Mr. Scodes (dated October 9), advising him that the matter was on today's agenda and informing him of related developments since August 25.

Supervisor Brown asked Mr. Johnson if there had been any response from Mr. Scodes? Mr. Johnson replied no.

**Supervisor West made a motion to deny the conditional use permit and initiate a rezoning of the subject 55 acres back to Agricultural, A-1.**

Supervisor Brown stated that it was not prudent for this Board to initiate the rezoning of someone's property without input from the applicant.

Chairman Jones pointed out that the property was currently zoned M-1 and it was of no use to Mr. Scodes.

Attorney Railey clarified for the Board that he was confident the plaintiff's counsel would be satisfied with the Board denying the conditional use permit and would not be as concerned with whether or not the Board voted this evening to initiate an application to rezone the 55 acres in question back to A-1, Agricultural.

Supervisor West rescinded his original motion.

**Supervisor West then made a subsequent motion to just deny the conditional use permit. Supervisor Wyche seconded the motion. Chairman Jones and Supervisors Faison, West, and Wyche voted in favor of the motion. Supervisors Brown and Felts voted in opposition to the motion. The vote was 4-2 in favor of the motion, thus the motion passed.**

**voting delegate and Supervisor Felts as alternate delegate. All were in favor.**

Moving forward, Mr. Johnson announced that as they knew, part of Governor Kaine's budget reduction plan was to close the main unit of the Southampton Correctional Center, achieving a general fund reduction of approximately \$2.1 million. The agency would utilize inmate labor to strip the old buildings, after which they would be demolished. They had stated that it was their intent to build a new correctional facility on the site in the future, once the prison population increased significantly to warrant an additional facility. He advised that he had invited Mr. David Robinson, the Regional Director for the Virginia Department of Corrections, to provide the Board an update on the Department's plans to place affected employees in vacant positions throughout the correctional system and on its plans to construct a new correctional facility on the existing site.

Chairman Jones recognized Mr. David Robinson.

Mr. Robinson introduced himself to the Board and stated that with him this morning was the Assistant Deputy of Operations, Warden of the Prison, Agri-Business Director, and Regional Manager. He advised that the closure of the main unit of Southampton Correctional Center would affect 212 staff persons, of which 59 resided in Southampton County and 33 in the City of Franklin. They had started the placement process and hoped to place all affected staff at Sussex I, Sussex 2, Greenville, Deerfield, and Tidewater area correctional facilities. He noted that the Agri-Business division was not affected by the closure. He stated that the inmate population at Southampton Correctional Center as of this morning had been reduced to 233.

Supervisor Brown asked if the facility would be torn down by January 2009? Mr. Robinson replied that demolition would start very soon after all the inmates were gone, which was anticipated to be January 2009 or very soon thereafter.

Supervisor Brown advised that it was his understanding that a new correctional facility would be built in Powhatan. If the infrastructure were still in Southampton County, wouldn't it be prudent to build back here? Mr. Robinson replied that it was up to the General Assembly where the prisons were built. They would build next in Grayson County, then in Charlotte County, and then in Powhatan.

Supervisor Brown asked what was the local economic impact of the closure? Mr. Robinson replied that there should be no loss of salaries – people would get a salary from somewhere else and spend their money in Southampton County.

Supervisor Brown asked, in light of the current economic crisis, were there any other facilities slated to close? Mr. Robinson replied that future situations could not be predicted, but he did not anticipate any further cutbacks.

The Board thanked Mr. Robinson for the update on the closure.

Supervisor Brown stated that it was prudent for the Board to send a letter to our representatives in the General Assembly to make sure a correctional facility was built back here instead of Powhatan.

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

**COMPREHENSIVE PLAN AMENDMENT:** Consideration of the addition of "Parks and Recreation Plan" as a component to Vision 2020: The Southampton County Comprehensive Plan. The purpose of this amendment is to adopt the draft parks and recreation plan as a guiding document for enhancement and development of parks and

Chairman Jones recognized Mr. Eric Wahlberg and Ms. Claire Jones.

Mr. Wahlberg advised that this Parks and Recreation Plan would seek to protect the rural character of the County and preserve open space, which was very important to the citizens per the phone survey that was conducted. He noted that it was important to the Recreation Task Force that the start up of a parks and recreation program in the County maximize the existing programs and facilities already on the ground. It was extremely important to the Recreation Task Force that the possibility of utilizing any increase in the real estate tax to fund parks and recreation in the County be explicitly **excluded**.

Mr. Wahlberg shared the following recommendations:

- Recommendation One: Establish a Southampton County Parks and Recreation Fund based on a combination of user fees, grants, and meals or other taxes, **excluding** real estate. This approach would allow both the short-term support of needed programs through the user fees and establishment of a long-term capital fund to finance the development of public parks and recreational amenities.
- Recommendation Two: Develop a public recreation program that emphasizes youth sports and outdoor activities. Seventy-two percent (72%) of the survey respondents indicated that the County needs more youth activities. In the short term, these programs could be supported primarily through user fees and utilize existing facilities.
- Recommendation Three: Develop a public recreation program that emphasizes adult team sports and other priority activities as indicated in the survey and enhance existing programs. In the short term, these programs could also be supported primarily through user fees and utilize existing facilities.
- Recommendation Four: Develop a Capital Improvements Program budget element to support the establishment of new parks and recreational facilities. New facilities to be considered included the following:
- A set of community parks that includes active recreation amenities such as ball fields and passive recreation amenities such as picnic shelters and walking trails.
  - The parks should be located in close proximity to designated planning and community areas to minimize travel time and located to target underserved communities within the County.
  - A set of community parks that emphasize water access, open space preservation and protection of high value conservation lands. This set of parks would support a mix of outdoor recreational activities such as boating, fishing, hiking and biking and would be sited to protect valuable habitat areas, protect rural character and historic resources.
  - Revitalization and in fill of areas with existing recreational facilities and cultural amenities to develop walkable and bikeable nodes. The Town of Courtland is the best example

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recreational amenities and parks should be encouraged in other designated growth areas within the County and should be considered as an element of the urban design of these communities.

Recommendation Five: Identify a Parks and Recreation Program Director to coordinate the process of developing and managing a parks and recreation program for Southampton County. *(He noted that the language here had previously talked about hiring a program director. However, the notion put forth by the Task Force was that, at least in the near term, it may be necessary to identify someone already on staff or a community volunteer to take this position, and think about hiring someone later down the road as more funding may become available.)*

Mr. Walhberg shared the following revised priority schedule:

Priority One: Develop a public education and outreach program.

Priority Two: Establish the Parks and Recreation Fund.

Priority Three: Develop a Capital Improvements Program budget element for development and maintenance of parks and recreational facilities.

Priority Four: Identify a Parks and Recreation Program Director and begin the process of developing a set of public recreation programs.

Long-Term Priorities: Enhance existing parks and recreational facilities and develop new facilities and associated programs as funding becomes available.

Supervisor Brown stated that youth activities were very important to him. He asked if they went far enough to have a cost analysis done? Mr. Wahlberg replied no, this was just a plan. Supervisor Brown if he could give an estimate of the start-up costs of other localities they had worked with in establishing a parks and recreation plan? Mr. Wahlberg replied that the start-up costs varied and he did not have the figures with him.

Chairman Jones opened the public hearing.

Mr. Glenn Updike spoke. He advised that now was not the time to put an additional burden on our citizens. He understood the real estate tax would not be utilized to fund it, but food and lodging taxes were still taxes. If extra funds were available through imposing a food and lodging tax, we needed that money to help with our current financial situation, and not for parks and recreation. *The Tidewater News* had an online survey and 80% of respondents said no to parks and recreation in the County. We needed to have money available first before we jumped into these programs.

Mr. Christopher Smith spoke. He stated that he was in favor of the Parks and Recreation Plan. Exit interviews indicated that the quality of life was the reason people did not stay in the County. This Plan would benefit people from age 8-80. Funding of such a program was usually done through user fees.

Mr. Bruce Phillips spoke. He advised that he was on the Recreation Task Force and could see both sides. Recreation was needed in the County but we needed to be cautious as to where we spent money. If we could use a parks and recreation to obtain grants, that would be a good thing.

Chairman Jones closed the public hearing.

Supervisor Faison advised that this was a good tool that provided some direction. They were not talking about funding tonight.

Supervisor Wyche stated that it was a good plan. They had been talking about it since he had been on the Board. He understood that finances were slim but at least they would have a plan in place.

Supervisor Brown commended the Recreation Task Force. Quality of life was important and it encouraged industry to come here. He was, however, concerned about this document being placed on a shelf. He thought a cost analysis should be done.

Supervisor Felts commended the hard work of the Recreation Task Force.

**Supervisor Wyche moved, seconded by Supervisor Brown, to adopt the Parks and Recreation Plan.**

Supervisor Brown thought it would be appropriate to initiate a cost analysis.

Supervisor West asked if HRPDC could work on a cost analysis?

Mr. Jay Randolph advised that they could integrate the Parks and Recreation Plan into the Capital Improvements Plan (CIP). Updating the CIP would be a process they would be undertaking in the very near future. The overall CIP would show the “wish list” of everything needing and wanting to be done in the County and the associated costs.

Supervisor Brown was happy with that.

**Chairman Jones called for a vote on the motion. All were in favor.**

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

STORMWATER MANAGEMENT ORDINANCE: Consideration of amending the Southampton County Code in order to add Chapter 13.5. This proposed chapter contains 8 articles of standards and regulations associated with the management of stormwater during the development of residential subdivisions, commercial projects and industrial projects. These regulations are formulated in accordance with the Virginia Stormwater Management Regulations.

Secretary Randolph advised that two representatives with the Timmons Group, consulting engineers who assisted with the development of the ordinance, were here this morning. The ordinance dealt with rain runoff during subdivision or commercial development projects and would bring us in line with state guidelines to have rules and regulations in place to address stormwater runoff. The ordinance encouraged low-impact design (LID), which would reduce the need for large retention ponds. He noted that the Planning Commission held a public hearing on this item at its September 11, 2008 meeting and recommended adoption.

The representatives with the Timmons Group presented the following:

The project was funded through a Virginia Water Quality Improvement Act Grant. The Ordinance was developed through a stakeholder committee comprised of County Staff, Hampton Roads Planning District Commission, Virginia Department of Conservation and Recreation, Blackwater/Nottoway Riverkeeper, and engineers with the Timmons Group. The ordinance would be Chapter 13.5-1 and would consist of 8 articles.

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development runoff characteristics, as nearly as practicable, as the pre-development runoff characteristics in order to reduce flooding, siltation, stream bank erosion, and property damage;

- (b) Establish minimum design criteria for the protection of properties and aquatic resources downstream from land development and land conversion activities from damages due to increases in volume, velocity, frequency, duration, and peak flow rate of storm water runoff;
- (c) Establish minimum design criteria for measures to minimize nonpoint source pollution from stormwater runoff which would otherwise degrade water quality;
- (d) Establish provisions for the long-term responsibility for and maintenance of stormwater management control devices and other techniques specified to manage the quality and quantity of runoff; and
- (e) Establish certain administrative procedures for the submission, review, approval, and disapproval of stormwater plans, and the inspection of approved projects.

This chapter was authorized by the Code of Virginia, Title 10.1, Chapter 6, Article 1.1 (Sec. 10.1-603.4 et seq.), known as the Virginia Stormwater Management Law ("Law"), which enabled localities to adopt, by ordinance, a stormwater management program consistent with state regulations promulgated pursuant to the Law.

The 8 articles were as follows:

- Article I: General Provisions
- Article II: Definitions
- Article III: Stormwater Management Program Procedures and Requirements
- Article IV: Exceptions to Stormwater Management Requirements
- Article V: General Criteria for Stormwater Management
- Article VI: Construction Inspection Provisions
- Article VII: Maintenance and Repair of Stormwater Facilities
- Article VIII: Enforcement and Violations

The Timmons Group representatives clarified for Supervisor West that adhering to the regulations were currently still voluntary, but requirements from the state were forthcoming. There was an opportunity for a grant and they utilized that opportunity to get ahead of the game.

The representatives clarified for the Board that agricultural property and residential property less than 1 acre were exempt from the regulations.

The representatives clarified for Supervisor Brown that a performance bond was required for large stormwater ponds.

Chairman Jones opened the public hearing.

Mr. Ash Cutchin spoke. He advised that he was in favor of stormwater management. Anything to further enhance the quality of our rivers was worth doing.

Chairman Jones closed the public hearing.

**Supervisor West moved, seconded by Supervisor Wyche, to adopt the Stormwater Management Ordinance. All were in favor.**

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

SUBDIVISION ORDINANCE AMENDMENTS: Consideration of amendments to

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He and Mr. Bill Turner, consultant with Community Planning Collaborative who was instrumental in this Subdivision Ordinance update, met with TBA to discuss their suggestions and concerns. However, he (Mr. Randolph) was unable to do anything with those suggestions because the Planning Commission had already voted on the Subdivision Ordinance amendment.

Note: Correspondence was received from TBA on October 23, 2008 and included with the agenda packages. That correspondence is as follows:

Edward R. Sadler  
*President*  
Pete A. Kotarides  
*Vice President*  
Thomas W. Dye  
*Associate vice president*  
William H. Halprin  
*Treasurer*  
Charles J. Miller  
*Secretary*  
Channing A. Pfeiffer  
*Chief executive officer*

**Builder Directors**  
Richard L. Bowie  
S.L. Cohen  
Curtis Cole Jr.  
Christopher J. Ettl  
Dennis M. Graf  
Pete O. Kotarides  
Steven E. Lawson  
Stephen B. Quick IV

**Associate Directors**  
G. Robert Aston Jr.  
J. Gregory Dodd  
Robert S. Duvall  
Scott M. Gandy  
James E. Jackson  
Brenda K. Reid  
H. Mac Weaver II  
Edward O. Yoder

**Directors Emeriti**  
Edward P. Brogan  
William J. Fannery  
Richard D. Guy  
Doyle E. Hull  
Frederick J. Napolitano Sr.  
Richard E. Olivieri

**NAHB Past Presidents**  
Frederick J. Napolitano Sr.  
Stanley Waranch

**NAHB Life Directors**  
Edward P. Brogan  
Lawrence J. Goldrich  
Robert A. Lawson Jr.  
Stephen J. Magula Jr.  
Frederick J. Napolitano Sr.  
Frederick J. Napolitano II  
Vincent A. Napolitano  
Michael D. Newsome  
Julian Rashkind  
Michael P. Rashkind  
Stanley Waranch  
Howard M. Weisberg  
Wendell A. White

**HBAV Past Presidents**  
Jeffrey W. Ainslie  
Lee A. Gifford (deceased)  
David A. Howard (deceased)  
Frederick J. Napolitano Sr.  
Vincent A. Napolitano  
Theodore S. Schlossman  
Douglas W. Talbot

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RECEIVED OCT 23 2008

The Honorable Dallas O. Jones, Chair  
Southampton County Board of Supervisors  
7427 Southampton Parkway  
Drewryville, Virginia 23844



Dear Mr. Jones,

I am writing to you and the Board of Supervisors because you will be considering changes to your subdivision ordinances at your meeting next week. Our organization represents those who build, develop, supply and service residential home construction in the Hampton Roads area. First let me congratulate you in making the resources available to update your codes and policy. It is an ever-changing industry and we appreciate that you are trying to stay current. We would like to offer some comments to you that we hope will make your subdivision ordinance more workable for the current realities of construction and development.

Some of our members and staff met with your Assistant County Administrator, Mr. Randolph, on September 25 and shared our comments. He indicated that he would take the comments under advisement. He communicated with us this week and indicated that no changes have been made to the Planning Commission's approved draft. Therefore, we have enclosed our comments on the August 4, 2008 Public Hearing Draft for your consideration prior to adoption.

We would respectfully request that you take time to review our suggestions before acting on this important ordinance update. We urge you to consider sending this matter back to your Planning Commission and staff for further review. Staff was unable to meet with us until after the Planning Commission considered the draft and therefore, they did not have knowledge of our comments when making their recommendation. We also offer to appoint developers or engineers to any of your stakeholder groups to assist in developing these types of ordinances. We strive to bring experience and productive assistance to localities working on development and building issues.

Thank you for considering our deferral request and comments on your ordinance update.

Respectfully,

A handwritten signature in black ink, appearing to read 'Edward R. Sadler', written over a horizontal line.

Edward R. Sadler  
President

**Tidewater Builders Association**  
**Comments on Southampton County Subdivision Ordinance**  
**Amendments**  
**October 22, 2008**

**Issue Area 1: Public Water and Sewer**

**Item A: Demand Forecasting**

**Comment:** Developers can provide demand forecasting at the time of submission of a preliminary plat rather than “prior to”.

**Item B: Extension of public water and sewer service within planning areas**

**Comment:** Section D does not accommodate the possibility of private water and sewer systems on master meters such as those done in projects developed under the condominium form of ownership.

**Issue Area 2: Private Water and Sewer**

**Comment:** Suggest deleting “or their installation would be cost prohibitive” from Section 14-153 A.

Suggest Section 14-153.A.3. include language that conveyance of facilities be addressed at preliminary subdivision.

Section 14-153.E requires central water supply and distribution systems for 15 or more lots. Private wells are adequate if conditions permit and allowed by the state.

**Issue Area 3: Other Utilities**

**Comment:** Section 14-208.A. easement location review letters from utility providers cannot be secured at preliminary plat. Franchise utilities will not do engineering until final site plan/construction document approval.

**Issue Area 4: Transportation**

**Item C: Length of cul-de-sacs**

**Comment:** Sec 14-122.A. Cul-de-sac lengths are generally a suburban standard; will this be appropriate in the rural areas of the county?

Sec 14-122.C. Landscaped medians restrict fire trucks, school buses and other large vehicles. Who is responsible for maintenance?

**Item D: Pedestrian facilities**

**Comment:** Sec 14-127.A. suggests the requirement for pedestrian facilities be linked to the density or lot size of the development rather than number of lots.

Sec 14-127.D. Suggest 4" thick 4' wide sidewalk with compacted vs. aggregate base. This is standard in regional jurisdictions.

Sec 140127.E. planting strip width of 6' cannot be accommodated in 50' ROW. Suggest 4.5 maximum.

### **Issue Area 5: Drainage/storm water handling**

**Comment:** A bond or escrow funds is not necessary as standard HOA documents provide for long term maintenance of all common elements to include drainage and storm water facilities.

### **Attachment 1: Subdivision Development Review**

**Comment:** Community Impact Assessments should be conducted at the comprehensive planning or rezoning phase of land use decision-making. Good planning practice requires such studies before land is zoned. Once entitled, subdivision engineering plans typically address water, sewer, storm water, traffic, environmental and lot design standards. Employment opportunities, population projections and other items in this section are more appropriately considered at rezoning/legislative action by the Board of Supervisors.

### **Attachment 2 Possible Ordinance Amendment Concerning Private Streets**

**Comment:** Sec 14-124.A.5. Subdivider can guarantee and post surety for construction of streets however, language should be provided to indicate when surety will be released. Sec 14-124.F. indicates there are different standards for steep terrain. What are they? Sec 14-124.M. surety can be reduced but not fully released, based on acceptable engineering certification prior to acceptance into the State Secondary Road System.

Secretary Randolph presented a PowerPoint presentation and shared the following highlights of the proposed Subdivision Ordinance amendment:

#### Ordinance Goals

- The purpose of the subdivision ordinance is to provided for the orderly division of land into smaller parcels
- Current ordinance was adopted in 1976
- Minor revisions have occurred over the past 32 years

#### Amendment Process

- The Comprehensive Plan adopted in 2007 identified the updating of the subdivision ordinance as a year one priority
- A subcommittee of the Planning Commission was formed to identify and recommend changes to the current ordinance
- A professional consultant was utilized to assist with research and facilitation

#### Issue Areas

- Public water and sewer
- Private water and sewer systems
- Other utilities
- Transportation

- Extension of public water and sewer in “Planning Areas”: Provides language for the required extension of utilities under certain circumstances
- Fire protection: Sets standards for location of hydrants

#### Private Water and Sewer

- Requires potential drain field sites be identified early in the subdivision process
- Requires drain field locations and reserve drain fields to be located within the boundaries of the lot
- Exceptions may be granted by variance

#### Other Utilities

- Easements for telephone, television, natural gas, etc. be provided
- Coordination with utility companies early in the process to identify suitable areas
- Underground utilities for all subdivision with more than five lots

#### Transportation

- VDOT 527 regulations now required extensive land use coordination and review of proposals (effective July 1, 2008)
- Provides a process for this coordination to occur
- Includes Traffic Impact Analysis for certain proposals
- Private Streets: Provides standards for private streets in “Agricultural” areas as defined by the comprehensive plan
- Cul-de-sacs: Extends the maximum length to 1000’
- Pedestrian Facilities: Includes provisions for sidewalks and multi-use pathways

#### Street Signs

- Provides standards for signs
- Installed at no cost to the county during development of subdivisions
- Avoids duplication of names
- Assist public safety professionals

#### Development Impact Analysis

- Provides information at the front end of the subdivision process
- Traffic Impact Analysis
- Community Impact Analysis
- Population, Economic, School, Parks and Recreation, Fire and Rescue, Utilities, Libraries, Socio-economic
- Environmental Impacts
- Historic Resources

#### Conclusion

- Updates the standards
- Requires more information early in the process
- Consistent with ordinances of other localities
- Variance process is available
- Meets the goal for orderly development

Mr. Randolph clarified for Supervisor Brown that the drain field requirement would require a drain field to be located within the boundaries of the lot, and would not allow it to be located on a neighboring lot. The problem was that owners could change hands and it may not be ok with a future owner for his/her land to be used as a drainage easement for a neighboring property. Also, there had been problems with drainage easements in the past, particularly in one subdivision in the County in which there was one lot with 5 drainage easements. He pointed out, however, that there

retroactive for existing subdivisions.

Supervisor West asked if they should defer this public hearing based on concerns raised by TBA? Mr. Randolph replied that it was up to the Board whether or not to send this item back to the Planning Commission. However, the Board may wish to hear other public comment before making that determination.

Mr. Randolph clarified for Supervisor Brown that the Planning Commission had not seen the concerns and suggestions of TBA, as he and Mr. Bill Turner met with TBA after the Planning Commission public hearing.

Chairman Jones opened the public hearing.

Mrs. Alice Beale spoke. She advised that she resided on Governor Darden Road. She would like it explicitly stated that the cul-de-sac length of 1000' would apply only to *new* cul-de-sacs and to explicitly define the term *new* to eliminate the chance of someone using it as an opportunity to try and extend an existing cul-de-sac.

Mr. Ash Cutchin spoke. He advised that he lived in a subdivision and he agreed with Mrs. Beale in that it needed to be clarified that the cul-de-sac length applied to new subdivisions. He asked what was the logic for increasing the cul-de-sac length from 400 to 1000'? Mr. Randolph replied that 1000' was the general average of what was being allowed in other localities. Mr. Cutchin stated that he lived on a cul-de-sac and there were street problems. The turn-around of school buses took more than what was paved. Mr. Randolph clarified that the current turn-around of a cul-de-sac was 100'. Mr. Cutchin indicated that 100' was not adequate. Mr. Cutchin asked if proffers were being excluded from the subdivision ordinance? Mr. Randolph replied that proffers were addressed in the zoning ordinance, as proffers could only be accepted when a rezoning took place. Mr. Cutchin asked if there was anything in the subdivision ordinance requiring the soil to be identified? Mr. Randolph clarified that if the perk test was done after marking the boundaries of the lot, the developer may find that the lot does not perk. It was up to the developer to make sure the drain field was within the boundary of the lot. Mr. Cutchin advised that there was a home in his subdivision in which construction was not complete, and it had been there for 10 years. Could this be addressed? Mr. Robert Barnett, Director of Community Development, advised that was a building code issue.

Mr. Hunter Darden spoke. He advised that he had problems with off-site perks not being allowed (drain fields being required within the lot boundary). He had an off-site perk and he had helped others obtain off-site perks when their lot would not perk. It was unfair to penalize people who already had existing lots that would not perk. He noted that perks changed from year to year. He understood there was a variance process, but he did not want to pay \$500 for a variance.

Mr. Keith Blythe spoke. He advised that he lived in Darden Mill Estates. He was particularly concerned about one provision in the subdivision ordinance, Page 5, Letter E, which stated, "Subdivisions with 15 or more lots that will not be provided with public water shall be served by a complete central water supply and distribution system which provides service to each and every lot." He stated that he was present in the meeting with TBA and Mr. Randolph and expressed his concerns. Scheduling conflicts of staff prohibiting them from meeting prior to the Planning Commission public hearing. Development was not running on a "pot boiling over" pace right now. The subdivision ordinance needed tweaking and there was time to look at it.

Mr. Joe Wharton of Towne Development spoke. He stated that if you cut a lot off of your farm, you became a developer. He advised that he was also present in the meeting with TBA and Mr. Randolph and expressed his concerns. Like Mr. Blythe mentioned, scheduling conflicts of staff

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Mr. Glenn Updike spoke. He advised that he agreed with Hunter Darden in that he did not think all drain fields should be reviewed. The Board needed to send this back to the Planning Commission to make some realistic changes.

Mr. Bobby Tyler of Towne Development spoke. He stated that they were in the shelter industry and were very proud of that. He too was in the meeting with TBA and Mr. Randolph. There were a lot of things in the subdivision ordinance that really needed to be corrected. For example, some of the requirements conflicted with VDOT requirements. He noted that plumbers and landscapers would also be affected by this ordinance. If they got it right the first time, it would cut down on the number of variance requests.

Chairman Jones closed the public hearing.

Supervisor Faison suggested that they send this item back to the Planning Commission. Supervisors Felts, West, and Wyche agreed.

Supervisor Brown agreed, but wanted to provide the Planning Commission with specific direction:

- Review TBA comments
- Clarify that cul-de-sac length applies only to new cul-de-sacs and define the term new
- Look at cul-de-sac turn around space for buses – was it adequate?
- Exemption for existing lots in rural areas with regard to drain field requirement

Supervisor Faison asked if the Planning Commission would accept public comment? Mr. Randolph replied that if the subdivision ordinance was altered substantially, the Planning Commission may need to hold another public hearing. However, he was confident the Planning Commission could address the issues without substantially altering the subdivision ordinance, so he did not think another public hearing would be necessary.

**Supervisor Brown made a motion to send the subdivision ordinance amendment back to the Planning Commission with specific direction to look at the 4 issues denoted above. Supervisor Faison seconded the motion. All were in favor.**

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

A proposed resolution requesting the Commonwealth Transportation Board of Virginia to establish a project to restore the Rebecca Vaughan House, a structure listed on the National Register of Historic Places, and located on a parcel of property owned by the Southampton County Historical Society, Heritage Lane, Courtland. The project seeks to acquire up to \$360,000 in federal enhancement funds which, if acquired, must be matched with other local funding sources of at least \$90,000. The purpose of the project is to restore the property to its 1831 appearance after which it will function as a focal point for heritage tourism, serving as an interpretive center to present the historic background and context for the Southampton Insurrection of 1831.

Mr. Johnson read aloud the following resolution:

**PROJECT ENDORSEMENT RESOLUTION  
REBECCA VAUGHAN HOUSE**

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local

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BE IT FURTHER RESOLVED that the Board of Supervisors of Southampton County, Virginia, acting as fiscal agent for the Southampton County Historical Society, hereby agrees to pay a minimum of 20 percent of the total cost for planning and design, right of way, and construction of this project, and that, if Southampton County subsequently elects to cancel this project, it hereby agrees to reimburse the Virginia Department of Transportation for the total costs expended by the Department through the date the Department is notified of such cancellation.

Chairman Jones opened the public hearing.

Mrs. Lynda Updike of the Historical Society spoke. She advised that Mr. John Quarstein, historian and Rebecca Vaughan Project Coordinator, was here this morning and planned to speak, but unfortunately had to leave due to another commitment. She requested that the Board adopt the resolution. This was their second time applying and she hoped they would be successful this time around.

Mr. Ash Cutchin spoke. He stated that this was a very important piece of history. He thought they should do everything they could to help this project along.

Ms. Felice Hancock spoke. She advised that this was a national treasure and was significant in textbooks across the country.

Chairman Jones closed the public hearing.

Supervisor Brown advised that he was in favor of adopting the resolution because tourism and the Southampton Insurrection of 1831 was important. He noted that he would also like to see the Historical Society get involved in the Native American history as well as the other history of this County.

**Supervisor Wyche moved, seconded by Supervisor Felts, to adopt the resolution. All were in favor.**

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

REVENUE BOND FINANCING FOR SOUTHAMPTON COUNTY WASTEWATER & INFRASTRUCTURE PROJECT: Consideration of the County's proposed issuance of water and sewer system revenue bonds in the maximum aggregate principal amount of \$34,000,000, the net proceeds of which the County will use, along with other available funds, if any, to finance the costs of various water and sewer system capital facilities referred to collectively as the "Southampton County Wastewater & Infrastructure Project," including a new wastewater treatment plant.

Mr. Michael Johnson, County Administrator, presented a PowerPoint presentation. He shared the following:

### **Evolution of the Project**

- October 15, 2007 – Unsolicited conceptual proposal received from Southampton County Infrastructure, LLC in accordance with the Public-Private Educational Facilities Infrastructure Act (PPEA)
- October 22, 2007 – Board accepts proposal for further consideration and established a deadline for receipt of competing proposals by December 10, 2007
- October 25, 2007 – Board publishes solicitation for competing proposals
- December 10, 2007 – no competing proposals received

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- May 14, 2008 – Willcox Savage retained to represent County’s legal interest in negotiating the terms of the agreement
- May 15, 2008 – Davenport & Company requested to evaluate the fiscal impact of the project
- June 23, 2008 – Davenport & Company presented its conclusions and financing recommendations
- July 28, 2008 – Board adopts resolution authorizing the project following public hearing
- July 31, 2008 – Comprehensive Agreement signed/work begins
- September 19, 2008 – County acquires interceptor pump station property
- September 22, 2008 – Comprehensive Agreement amended to include waterline extension to the pump station and Powell Management hired for project administration/inspection
- September 22, 2008 – Board requests I.D.A. to establish an interim line of credit up to \$4 million to finance the project until permanent financing is closed with the Virginia Resources Authority
- October 1, 2008 – I.D.A. approves interim line of credit
- October 14, 2008 – I.D.A. closes on interim line of credit
- October 27, 2008 – Public hearing on permanent financing through the Virginia Resources Authority

**Project Features:**

- 1.25 MGD Tertiary WWTP
- 1.8 MGD Sewer Pump Station
- 11,000 LF of 18” and 24” Gravity Sewer
- 9,000 LF of 16” Force Main Sewer
- 4,000 LF of 12” Waterline
- Acquisition of 4.04 acres from Sustainable Forests, LLC

**Project Cost**

Design & Permitting	\$ 2,798,000
WWTP	15,498,000
Pump Station	3,273,000
Sewer Pipelines	5,026,000
Waterline Extension	479,100
Property Acquisition	750,000
Project Admin./Inspection	<u>1,092,010</u>
Total	\$ 28,916,110

Plus costs of issuance and capitalized interest

**Key Financing Assumptions Presented by Davenport in June 2008**

- All-in Bond issue to be closed in late Fall, 2008.
- All financing options assume a 30 year bond issue with 2 years capitalized interest and 28 years of principal amortization using an estimated interest rate of 5.50%
- Furthermore, two separate scenarios are provided:
  - Level Annual Payments beginning in 2012; or
  - Principal ramped up from 2012 until 2018; Level Annual Payments thereafter

Davenport prepared six initial scenarios as follows:

- 1A Level Annual Payments beginning 2012 – No Additional Funds Available
- 1B Level Annual Payments beginning 2012 – \$6 million of Developer funds over 10 years
- 1C Level Annual Payments beginning 2012 – \$9 million of Developer funds over 10 years
- 2A Ramped up Principal from 2012 to 2018 with Level Annual Payments thereafter – No Additional Funds Available
- 2B Ramped up Principal from 2012 to 2018 with Level Annual Payments thereafter – \$6 million of Developer funds over 10 years
- 2C Ramped up Principal from 2012 to 2018 with Level Annual Payments thereafter – \$9 million of Developer funds over 10 years

\* All scenarios based upon a 30 year issuance including 2 years capitalized interest at 5.5%

Davenport recommended and the Board resolved to go with scenario 2A. The equivalent penny impact on the real estate tax rate would be 3.9 cents in FY 2012 and 2.6 cents in FY 2013.

Mr. Johnson shared a summary of the County's long term debt.

Mr. Johnson advised that the County would utilize the Virginia Resources Authority (VRA) for its financing.

- VRA competitively negotiated in the market with pre-qualified lenders
- Southampton County would be 1 of 10 Virginia localities in the Fall 2008 Pool
- VRA – Preliminary Estimate (10/17) – All-In True Cost – 5.6262%

Mr. Johnson shared the County's debt service schedule and projected cash flow.

Mr. Johnson projected the real estate tax rate to remain at \$0.72 for FY 2010, increase 3 cents to \$0.75 in 2011, increase 3 cent to \$0.78 in 2012, and increase 1 cent to \$0.79 in FY 2013.

Mr. Johnson informed that Southampton County's issuer credit rating from Standard & Poors was "A". Ratings agencies typically used key financial ratios, such as debt as a percentage of assessed value and debt as a percent of total expenditures. Southampton County's existing and projected ratios were within recommended guidelines.

Mr. Johnson advised that Mr. Courtney Rogers of Davenport & Company, our financial advisors, and Mr. Warren Greth of McGuireWoods, LLP, our bond counsel, were here this morning to answer any questions.

Mr. Courtney Rogers of Davenport & Company advised that due to unfavorable market conditions over the past few weeks, interest rates had gone up over 100 basis points. Last week, however, interest rates had dropped 75 basis points, so that was very good news.

Chairman Jones opened the public hearing.

Mr. Ash Cutchin spoke. He stated that Mr. Johnson had mentioned that the County's ratio of debt as a percentage of assessed value was good. He asked when would the next reassessment be? Mr. Johnson replied 2011 or 2012. Mr. Cutchin asked if he thought assessments would increase? Mr.

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million, and now it was \$34 million. The citizens of the County had to tighten their belts and they wanted the County to do the same. He added that the County did not need to purchase any property from Sustainable Forests, LLC.

Mr. Glenn Updike spoke. He stated that Mr. Jimmy Lee hit the nail right on the head. The County could not continue all these expenditures. They would have to create ways to collect the money needed to pay the debt. He asked, why couldn't we do this project in phases? They took some money off of the table this money by approving the Parks and Recreation plan. Why not tap food and lodging taxes to help with other expenditures instead of using it to funds parks and recreation?

Mr. Gary Cross spoke. He advised that he was glad they adopted the Stormwater Management Ordinance. With Farm Bureau, he represented 2,000 families. He received his tax bills and they were large. The Board members who were at the last Planning Commission public hearing heard his comments about parks and recreation. The role of government should not be parks and recreation. He was told that it was a way to get proffers from developers. He wanted the County to stay agrarian and he thought the Parks and Recreation Plan was laying a road map that would eventually develop the entire County. He also believed that the role of government should not be industrial parks. There were only about 500 or so companies in the country that could make a significant impact by locating in an industrial park here anyway. Just because surrounding counties wanted an industrial park did not mean that we needed one. Mr. Johnson, County Administrator, was excited when Food Lion came to Courtland and had been happy with the tax base it had contributed. Why not look for more businesses like that? He asked, what businesses were scheduled to go into the industrial park?

Mr. Cross continued that the economy was in a poor state. He had been studying and taking classes and his 401k and IRAs were in cash. Baby boomers were getting older and reaching retirement and would be pulling money out of their retirement. They would want to sell their big homes because they would now be too big for them to take care of. Who would buy those empty homes? The stock market had a history. With the 1930s Great Depression, the government came up with a plan. The banks did not do what they were supposed to do and the stock market crashed again. If the current economy stayed the same or got worse, where would it leave us? At the time when the Board was calling for tax increases, big wigs were predicting a big depression.

Mr. Cross continued that the School Board was waiting for the dust to blow off of the new school (Riverdale Elementary) and they were going to want a new Capron Elementary School. He asked them to proceed with caution. It was uncertain whether Hercules would be in business next year. He just hired person who was laid off from the International Paper Particle Board Plant. W.T. Riddick had been in business for a long time and it was rumored that his business was for sale. The construction business was down and was not coming back anytime soon. We were in tough economic times.

Ms. Lynn Rabil spoke. She stated that people wanted their cake and wanted to eat it too. People did not want tourists in the County and did not want industrial development, but yet they wanted jobs and lower taxes. Her company (Hubbard Peanuts) was growing and she wanted to keep it in Sedley. But it was difficult without public water/sewer and she also had a hard time finding a qualified workforce. The Comprehensive Plan was trying to keep most of the growth in designated growth areas, which was good. She was not sure what option there was today regarding this wastewater infrastructure project than to issue these bonds.

Ms. Felice Hancock spoke. She advised that she did not want to see plans made and money spent for infrastructure that may not even be needed. She asked them to be cautious and watch the economy.

shore.

Chairman Jones closed the public hearing.

Supervisor West stated that he was a conservative at heart. But we had started this process and he personally believed the economy would turn around. He acknowledged that this project would not provide any infrastructure for Ivor or Sedley.

Supervisor Faison stated that the County needed this infrastructure. Supervisor Felts pointed out that the current Courtland Wastewater Treatment plant was in disrepair.

Supervisor Brown advised that he was concerned about borrowing \$34 million. He understood that a new WWTP was needed, but he was concerned about the amenities attached to it that were not directly related to the WWTP.

Supervisor Wyche stated that we had to have a new WWTP and sewer lines. Chairman Jones advised that he would rather pay for something new than pay the Department of Environmental Quality for fines and penalties associated with the old plant being over capacity, etc.

Supervisor Brown stated that a couple months ago when they were talking about this, he thought they were talking about borrowing \$29 million. Why was \$34 million now needed? Mr. Courtney Rogers of Davenport & Company explained that the difference in the \$34 million and the \$29 million was interest. In essence they were borrowing \$34 million to help minimize the upfront impact on the taxpayers. The interest would be capitalized and principal would be ramped up from 2012 to 2018 with level annual payments thereafter.

Mr. Johnson clarified for Supervisor Brown that the only thing that had changed was the addition of \$750,000 in order to purchase 4.04 acres of improved property from Sustainable Forests, LLC, which was the subject of agenda item 13 this morning.

The resolution to be considered is as follows:

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF SOUTHAMPTON, VIRGINIA, APPROVING  
THE ISSUANCE AND SALE OF ITS  
WATER AND SEWER REVENUE BOND, SERIES 2008,  
AND SETTING FORTH THE FORM,  
DETAILS AND PROVISIONS FOR THE PAYMENT THEREOF**

**RECITALS**

**WHEREAS**, the Board of Supervisors (the "Board") of Southampton County, Virginia (the "County") has determined it to be advisable and in the best interests of the residents of the County to undertake the acquisition, construction, and equipping of various water and sewer system capital facilities referred to collectively as the "Southampton County Wastewater & Infrastructure Project," including a new wastewater treatment plant (collectively, the "Project"), and to finance the costs of the Project by contracting a debt and issuing its revenue bonds in an aggregate principal amount not to exceed \$34,000,000 to be secured by a lien on the revenues of the County's water and sewer facilities (the "System");

**WHEREAS**, the Board has determined to cause the revenue bonds to be

1950, as amended (the "Virginia Code"); and

**WHEREAS**, there have been presented at this meeting drafts of the following documents proposed in connection with the foregoing:

- (a) the Bond Sale Agreement;
- (b) the Financing Agreement; and
- (c) the form of Bond (as herein defined).

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

**1. Authorization of Bond and Use of Proceeds.** The Board hereby determines that it is advisable to cause the County to contract a debt and to issue revenue bonds in an aggregate principal amount not to exceed \$34,000,000. The revenue bonds shall be issued initially in the form of a single bond to be designated as the Southampton County, Virginia, Water and Sewer System Revenue Bond, Series 2008 (the "Bond") or such other designation as may be approved by the Chairman of the Board or the County Administrator, either of whom may act. The issuance and sale of the Bond is authorized upon the terms set forth in this Resolution and upon such other terms as may be determined in the manner set forth in this Resolution. The proceeds from the issuance and sale of the Bond shall be used, along with other available County funds, if any, to (i) finance the costs of the Project, and (iii) pay the issuance and financing costs associated with the Bond.

**2. Sale to the Virginia Resources Authority.** The sale of the Bond to VRA is authorized. The Bond shall be delivered to or upon the order of VRA upon VRA's payment of the purchase price to be set forth in the Financing Documents (as herein defined).

**3. Financing Documents.** The Bond Sale Agreement and the Financing Agreement are approved in substantially the forms presented at this meeting. The Bond shall be issued and sold pursuant to the Financing Agreement, the Bond Sale Agreement, and such other agreements or documents as may be required by VRA and agreed to by the County Administrator in consultation with the County Attorney (collectively, the "Financing Documents"). The Chairman of the Board and the County Administrator, or either of them, are authorized and directed to execute and deliver the Financing Documents in such form and containing such provisions (including provisions to provide certain reserves and to pay certain amounts as required under the Financing Agreement) as may be approved by the Chairman of the Board and the County Administrator, or either of them, in consultation with the County Attorney. Such approval shall be evidenced conclusively by the execution and delivery of the Financing Documents by either such officer.

**4. Form and Details of Bond.** The Bond shall be issued as a single fully registered bond in substantially the form presented at this meeting. The Chairman and Vice Chairman of the Board and the County Administrator, any of whom may act, are authorized to determine and approve all of the final details of the Bond, including, without limitation, its dated date, original aggregate principal amount, interest rates, payment dates and amounts, redemption or prepayment

Following the pricing of the corresponding VRA Bonds (as that term is defined in the Financing Agreement), the Chairman or Vice Chairman of the Board or the County Administrator, any of whom may act, shall evidence his or her approval of the final terms and purchase price of the Bond by executing and delivering the Bond Sale Agreement. The actions of the Chairman or Vice Chairman of the Board or the County Administrator in determining the final terms and the purchase price of the Bond shall be conclusive, and no further action shall be necessary on the part of the Board.

**5. Pledge of Revenues; Other Security Provisions.** The Bond shall be a limited obligation of the County. Principal of, premium, if any, and interest on the Bond shall be payable as provided in the Bond and in the Financing Agreement solely from the revenues of the System, except to the extent such payment shall be made from the proceeds of the Bond, certain trust funds that may be established with respect to the Bond, the income, if any, derived from the investment thereof or the sources provided herein and in the Financing Agreement. The County agrees to pay, subject to annual appropriation by the Board of Supervisors, such amounts as may be required under the Financing Agreement, including amounts necessary to pay principal of and interest on the Bond and to fund certain reserves, to the extent revenues of the System and other available monies are insufficient therefor.

Nothing in the Bond, the Financing Agreement or this Resolution shall be deemed to constitute a pledge of the faith and credit of the Commonwealth of Virginia or any of its political subdivisions, including the County. The issuance of the Bond shall not directly, indirectly or contingently obligate the Commonwealth of Virginia or any of its political subdivisions, including the County, to pledge its faith and credit or levy any taxes for the payment of the principal of or premium, if any, and interest on the Bond or other costs incident to it or make any appropriation for its payment except from the revenues and other funds pledged for such purpose under the provisions of the Bond, the Financing Documents and this Resolution.

**6. Parity of Other County Bonds.** Each of the County's \$4,022,364.46 Water and Sewer System Revenue Bond, Series 1998, and \$1,857,670 Revenue Refunding Bond, Series 2007, shall be a Parity Bond, as that term is defined in the Financing Agreement.

**7. Execution and Delivery of Bond and Financing Documents.** The Chairman and Vice Chairman of the Board and the County Administrator, any of whom may act, are authorized and directed to execute the Bond and the Clerk of the Board (the "Clerk") is authorized and directed to affix the seal of the County thereon and to attest such seal. Such officers are further authorized and directed to deliver the Bond to or at the direction of VRA upon payment of the purchase price therefor.

**8. Registration, Transfer and Exchange.** The Clerk is hereby appointed as the County's registrar and transfer agent to keep books for the registration and transfer of the Bond and to make such registrations and transfers under such reasonable regulations as the Board may prescribe.

Upon surrender for transfer or exchange of the Bond at the office of the Clerk, the County shall execute and deliver in the name of the transferee or

A new Bond delivered upon any transfer or exchange shall be a valid limited obligation of the County, evidencing the same debt as the Bond surrendered and shall be secured by and entitled to all of the security and benefits of this Resolution and the Financing Agreement to the same extent as the Bond surrendered.

**9. Charges for Exchange or Transfer.** No charge shall be made for any exchange or transfer of a Bond, but the Clerk may require payment by the registered owner of the Bond of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto.

**10. Mutilated, Lost, Stolen or Destroyed Bond.** If the Bond has been mutilated, lost, stolen or destroyed, the County shall execute and deliver a new Bond of like date and tenor in exchange and substitution for, and upon delivery to the Clerk and cancellation of, such mutilated Bond, or in lieu of and in substitution for such lost, stolen or destroyed Bond; provided, however, that the County shall execute, authenticate and deliver a new Bond only if the registered owner thereof has paid the reasonable expenses and charges of the County in connection therewith and, in the case of a lost, stolen or destroyed Bond (i) has filed with the Clerk evidence satisfactory to him or her that such Bond was lost, stolen or destroyed and that the holder of the Bond was the registered owner thereof and (ii) has furnished to the County indemnity satisfactory to the Clerk. If the Bond has matured, instead of issuing a new Bond, the County may pay the same without surrender thereof upon receipt of the aforesaid evidence and indemnity.

**11. Disclosure Documents.** The County authorizes and consents to the inclusion of information with respect to the County to be contained in VRA's Preliminary Official Statement and VRA's Official Statement in final form, both prepared in connection with the sale of the VRA Bonds, a portion of the proceeds of which will be used to purchase the Bond. If appropriate, such disclosure documents shall be distributed in such manner and at such times as any of them shall determine. The County Administrator is authorized and directed to take whatever actions are necessary or appropriate to aid VRA in ensuring compliance with Securities and Exchange Commission Rule 15c2-12.

**12. Tax Documents.** The County Administrator is authorized to execute a Nonarbitrage Certificate and Tax Compliance Agreement and any related documents (the "Tax Documents") setting forth the expected use and investment of the proceeds of the Bond and containing such covenants as may be necessary in order for the VRA Bonds to comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Tax Code"), including the provisions of Section 148 of the Tax Code and applicable regulations relating to "arbitrage bonds." The County covenants that the proceeds from the issuance and sale of the Bond will be invested and expended as set forth in the Tax Documents, to be delivered simultaneously with the issuance and delivery of the Bond and that the County shall comply with the other covenants and representations contained therein.

**13. Approval of Interim Financing.** The County Administrator is authorized to borrow money on behalf of the County from such source and on such terms as he deems appropriate in anticipation of the issuance and sale of the Bond or a portion thereof in order to finance the costs of the Project on an interim basis

Development Authority of Southampton County, Virginia, as may be necessary or desirable in connection with the Interim Financing, provided that the principal amount of the Interim Financing shall not exceed the principal amount set forth in paragraph 1 hereof, shall be for a term not to exceed three years, and shall not have a true interest cost in excess of 7.0%.

**14. Amendment of 1998 Financing Agreement.** The Chairman and Vice Chairman of the Board and the County Administrator, any of whom may act, are authorized to execute and deliver an amendment (the "Amendment") of the Financing Agreement dated as of March 1, 1998, between the County and the Virginia Water Facilities Revolving Fund, acting by and through VRA (the "1998 Financing Agreement"), in order to effect a change in the rate covenant contained in Section 5.1 of the 1998 Financing Agreement to reduce the required rate coverage to 100% from 115% and any other related changes as such officer may determine to be necessary or desirable. Approval of the Amendment shall be evidenced conclusively by the execution and delivery of the Amendment by such officer.

**14. Appointment of Bond Counsel.** McGuireWoods LLP is hereby appointed bond counsel for the County in connection with the issuance of the Bond and the Interim Financing and the amendment of the 1998 Financing Agreement. The Board acknowledges that McGuireWoods LLP will also be serving as bond counsel to VRA in connection with VRA's issuance of the VRA Bonds and consents thereto.

**15. SNAP Investment Authorization** The Board authorizes the Treasurer to have the option to utilize the State Non-Arbitrage Program of the Commonwealth of Virginia ("SNAP") in connection with the investment of the proceeds of the Bond. The Board acknowledges that the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the County in connection with SNAP, except as otherwise provided in the contract creating the investment program pool.

**16. Further Actions; Authorized Representations.** The Chairman and Vice Chairman of the Board, the County Administrator, the County Attorney, the Treasurer, and such officers and agents as any of them may designate are authorized and directed to take such further actions in conformity with the purpose and intent of this Resolution as may be necessary or appropriate in connection with the issuance and sale of the Bond, and the execution, delivery and performance of the Financing Documents and the Amendment, including without limitation the execution and delivery on behalf of the County of such instruments, documents or certificates as are necessary or appropriate to carry out the transactions contemplated by this Resolution. All actions previously taken by such officers and agents in connection with the issuance and sale of the Bond are ratified and confirmed. The County Administrator is designated the County's Authorized Representative for purposes of the Financing Agreement.

**17. Filing of Resolution** The County Attorney is authorized and directed to file a certified copy of this Resolution with the Circuit Court of Southampton County pursuant to Sections 15.2-2607 and 15.2-2627 of the Virginia Code.

**18. Effective Date.** This Resolution shall take effect immediately.

The following roll call vote was recorded:

**SOUTHAMPTON COUNTY, VIRGINIA  
BOARD OF SUPERVISORS**

**Date: October 27, 2008**

At a regular meeting of the Board of Supervisors of Southampton County, Virginia, held on the 27<sup>th</sup> day of October, 2008, the following members of the Board of Supervisors were present or absent as shown:

**PRESENT:** Dallas O. Jones, Chairman  
Walter D. Brown, III  
Carl J. Faison  
Anita T. Felts  
Ronald M. West  
Moses Wyche

**ABSENT:** Walter L. Young, Jr., Vice-Chairman

On motion of Supervisor Faison, seconded by Supervisor Wyche, the Resolution herein 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, Chairman	Aye
Walter D. Brown, III	Abstain
Carl J. Faison	Aye
Anita T. Felts	Aye
Ronald M. West	Aye
Moses Wyche	Aye

Moving forward, Mr. Johnson asked Chairman Jones to go to agenda item 13. Mr. Johnson announced that as directed last month, Mr. Jay Randolph, Assistant County Administrator, negotiated the terms of a purchase contract to acquire 4.04 acres of improved property from Sustainable Forests, LLC on Old Bridge Road. The property included a 5,000 square feet finished office building and a 6,000 square feet metal equipment shelter, with additional finished office space inside. Approximately 2 acres was fenced as a secure storage area, and further included several smaller accessory buildings. It was located less than 0.3 miles from the new Courtland wastewater treatment plant and was sufficiently large enough to provide a centrally-located base of operations for multiple county departments (Public Works, Public Utilities, Buildings & Grounds, etc.), now and in the foreseeable future. The lot was also sufficiently large enough to function as a temporary debris reduction site (grinding operation) in the event of a future hurricane. He advised that the proposed purchase price was \$750,000 (our appraisal came in at \$775,000). Sustainable Forests, LLC had asked that we sign the contract by Friday, October 24 in order to meet their Board meeting deadline, which was also today. Mr. Richard E. Railey, Jr., County Attorney, contacted them and they agreed to extend the offer until 12:00 PM today. They had established a due diligence deadline of November 15 and expected to close by December 1. He stated that a complete copy of the purchase contract was included in the agenda. Financing for the acquisition

Supervisor Brown asked, why spend money on something that was not needed at this time? What would be the cost savings or benefits of purchasing this property? Chairman Jones replied that, for one, there would be gas savings in having multiple county departments centrally located.

**Supervisor West moved, seconded by Supervisor Wyche, to authorize the County Administrator to execute the contract. Chairman Jones and Supervisors Faison, Felts, West, and Wyche voted in favor of the motion. Supervisor Brown voted in opposition to the motion. The vote was 5-1 in favor of the motion, thus the motion passed.**

Attorney Railey excused himself from the meeting in order to execute the contract on behalf of the County Administrator by the 12:00 Noon deadline today. Attorney Railey acknowledged that it was already past 12:00 Noon Eastern Time, but he was faxing it to a different time zone, so he still had time.

Moving forward, Mr. Johnson announced that Mr. E. Dana Dickens, President and CEO of the Hampton Roads Partnership, was here this morning. The Hampton Roads Partnership was a public-private nonprofit organization committed to pursuing regional competitiveness for Hampton Roads in a dynamic global economy. The Partnership represented ten cities, six counties, and one town in Southeastern Virginia and their citizens totaling nearly 1.6 million. It facilitated regional collaboration and action resulting in a better quality of life for all of the region's citizens. The Partnership was governed by a Board of Directors (which included the chief elected officials from member communities, that met quarterly, and an Executive Committee which met monthly. It had a permanent staff of six. Roughly 79% percent of the Partnership's operating funds came from annual investments made my member businesses and educational institutions and the remaining 21% came from investments made by the localities comprising the Hampton Roads region. Southampton County contributed \$5,325 annually.

Chairman Jones recognized Mr. E. Dana Dickens.

Mr. Dickens advised that he was pleased to be here this morning. He brought with him a regional flag. The flag had 17 stars signifying the 17 localities in Hampton Roads that the Partnership represented. The Partnership was involved with all leaders including CEOs and government leaders. The mission was to make the Hampton Roads region more competitive in the global economy and bring economies to the region. Included in their agenda was a copy of their 2008 Impact Statement. He noted that the industrial park was a very good investment on the part of Southampton County, as the port business was expanding. Major priorities of the Partnership were transportation, ports, modeling and simulation industry, and working with caucuses in the General Assembly.

The Board thanked Mr. Dickens for coming out this morning.

Moving forward, Mr. Johnson announced that as they recalled, the Public Facility Lease Revenue Bonds issued by our Industrial Development Authority in 2006 included slightly more than \$11 million for acquisition and development of the Turner Tract industrial park. To date, they had expended roughly \$2 million in due diligence, preliminary engineering and property acquisition. He anticipated expending approximately \$437,000 by the end of the calendar year, leaving a project balance of approximately \$8.54 million. He noted that a financial report was included in the agenda. He advised that in August, the Timmons Group presented a Master Plan which included a wetland preservation area of approximately 230 acres and proposed development of the remaining 260 acres as an industrial park. The conceptual master plan provided sufficient area for development of roughly 2.2 million square feet of buildings for warehousing or light industrial use. The improvements required to fully develop the site included widening Rose Valley Road

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remaining bond proceeds from our 2006 issue, funding was also anticipated to come from VDOT's Industrial Access Road Program (\$450,000), from our VDOT secondary road improvement funds (\$1.5 million), and from wetland and stream credit sales (\$1.34 million). Once the site was developed, property sales had the potential to generate approximately \$12.1 million (220 acres @ \$55,000/acre). The wetland mitigation bank would generate additional revenue, as would the property taxes generated by private investment, once sold. He informed that the next step was to authorize the Timmons Group to proceed with final engineering design, if the Board wished to begin competitively bidding the work next spring/summer. Their services were competitively procured for this project last March. If the Board moved forward, the project was expected to be complete by the fall/winter of 2010.

**Supervisor Wyche moved, seconded by Supervisor Faison, to authorize the County Administrator to execute agreements with the Timmons Group for final engineering design. All were in favor.**

Regarding miscellaneous issues, Mr. Johnson announced that included in the agenda were copies of the following environmental public notices:

- 1) From the Virginia Department of Health, Office of Drinking Water, a copy of a Notice of Violation issued to the owner of the Kingsdale-Moseley water system for failing to distribute their Consumer Confidence Report prior to July 1, 2008;
- 2) From the Virginia Department of Environmental Quality, notice of an application by International Paper Company to modify its permit for treated industrial waste water and industrial-related stormwater discharges from its paper mill operations in Isle of Wight County;
- 3) From the Virginia Department of Environmental Quality, notice of a ground water withdrawal application by Broad Bay Golf Club in Virginia Beach to withdraw an average of 71,233 gallons per day from the Columbia and Yorktown-Eastover aquifers, for irrigation purposes;
- 4) From the Virginia Department of Health, Office of Drinking Water, a copy of the Notice of Violation issued to Southampton Correctional Complex for failure to collect the required repeat bacteriological samples in August 2008;
- 5) From the Virginia Department of Health, Office of Drinking Water, a copy of a Notice of Violation issued to the Town of Courtland for failure to collect the required repeat bacteriological samples in August 2008;
- 6) From the Virginia Department of Health, Office of Drinking Water, a copy of a Notice of Violation issued to the Silverleaf Mobile Home Park (Cypress Bridge Manor) for failure to collect the required routine bacteriological sample in August 2008; and
- 7) From the Virginia Department of Health, Office of Drinking Water, a copy of a Notice of Violation issued to the owner of the Kingsdale-Moseley water system for failure to collect the required routine bacteriological sample in August 2008.

Mr. Johnson informed that included in the agenda were copies of the following incoming correspondence:

- 1) From Narricot Industries, a copy of its letter of transmittal for test results for TKN and Ammonia, in accordance with the terms of its Industrial Wastewater Discharge Permit;
- 2) From Chris Hewett, Scoutmaster of Troop 125, an announcement of Jordan Hewett's successful review by the Eagle Scout Board of Review and notice of the planned Court of Honor on November 9 (a letter of congratulation to Jordan was included under outgoing correspondence);
- 3) From the Virginia Outdoors Foundation, notice of a proposed conservation

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Moving to late arriving matters, Mr. Johnson read aloud a note of thanks from Supervisor Moses Wyche thanking the Board and staff for their kind acts of sympathy shown to him during the loss of his wife.

**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 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 or consideration of acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body;**

**Section 2.2-3711 (A) (3) Discussion or consideration of the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.**

**Supervisor West moved, seconded by Supervisor Wyche, to conduct a closed meeting for the purposes previously read.**

Jay Randolph, Assistant County Administrator, Julia Williams, Finance Director, Julien Johnson, Public Utilities Director, and John Smolak, President of Franklin-Southampton Economic Development, Inc. were also present in the closed meeting.

**Upon returning to open session, Supervisor West moved, seconded by Supervisor Faison, 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 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 D. Brown, III  
Carl J. Faison  
Anita T. Felts  
Ronald M. West**

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