

February 27, 2012

At a regular meeting of the Southampton County Board of Supervisors held in the Board Room of the Southampton County Office Center, 26022 Administration Center Drive, Courtland, Virginia on February 27, 2012 at 7:00 PM.

SUPERVISORS PRESENT

Dallas O. Jones, Chairman (Drewryville)
Dr. Alan W. Edwards Vice-Chairman (Jerusalem)
Glenn H. Updike (Newsoms)
Carl J. Faison (Boykins-Branchville)
Barry T. Porter (Franklin)
Ronald M. West (Berlin-Ivor)
S. Bruce Phillips (Capron)

SUPERVISORS ABSENT

None

OTHERS PRESENT

Michael W. Johnson, County Administrator (Clerk)
Jon Mendenhall, Assistant County Administrator
Lynette C. Lowe, Finance Director
Beth Lewis, Director of Community Development
Sandi Plyler, Information Technology Manager
Julien W. Johnson, Jr. Public Utilities Director
Richard E. Railey, Jr., County Attorney
Cynthia J. Edwards, Administrative Secretary

Chairman Jones called the meeting to order. After the *Pledge of Allegiance*, Supervisor Faison gave the invocation.

Vice-Chairman Edwards stated he was happy to present Chairman Jones with a resolution of appreciation. Most of you know he served for almost 30 years as a great liaison between the Board of Supervisors and the Planning Commission. Vice-Chairman Edwards stated he had had the pleasure of serving 24 or 25 years on the Planning Commission with Mr. Dallas Jones. Vice-Chairman Edwards said Mr. Dallas Jones would never be replaced in that capacity. He stated the resolution was from the grateful citizens of Southampton County and the Board of Supervisors for his years of service on the Planning Commission.

Chairman Jones thanked Supervisor Edwards. He stated it was a pleasure serving on the Planning Commission. He stayed he looked forward to it. He said he keeps looking on the calendar to see the next date he has to come down here. He misses it very much.

Chairman Jones thanked those in the audience for coming out tonight and taking part in their local government.

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Chairman Jones sought approval of the minutes for the Regular Session of January 23, 2012. Chairman Jones made a motion to accept the minutes as presented. It was seconded by Vice-Chairman Edwards and carried.

Chairman Jones stated the next item of business was item two which is highway matters.

Mr. Michael Johnson stated that as a follow-up from last month's concerns, please find Mr. Kee's response attached. For your reference, he has included a ditch maintenance schedule for each respective District and indicated to me that he would be updating it quarterly.

With regard to Mr. Faison's concerns about the road shoulder on Cross Keys Road between Rt. 35 and Rt. 671, Mr. Kee advises that the culverts are being evaluated for replacement. He notes that funding to replace the culverts most likely won't be available until the spring of 2013, so they'll just continue to monitor the condition of the shoulder and repair as necessary until that time.

With regard to Mr. Updike's request to limit truck traffic on Statesville Road, VDOT has initiated a traffic assessment and speed study. Based on the findings of the study, after conducting a public hearing, the Board may make a request to the Commonwealth Transportation Board to limit or prohibit truck traffic if a reasonable alternate route is provided. I'm attaching a copy of the state enabling legislation on page 2-7.

Supervisor Edwards stated that something needed to be done on Flaggy Run Road at Nottoway Chapel. There is a bad hill there. Maybe they could cut that hill down. The ditches need to be kept clean and maybe put up a warning sign.

Supervisor West stated maybe they could paint double solid lines there.

Supervisor Updike said truck traffic patching is not going to do the job in his area. There are big holes and bumps in the road. Another item for the Newsoms area is the ditches. They have been completely ignored. They need to be opened up. They have asked, begged, and pleaded to get this taken care of.

Mr. Michael Johnson asked Supervisor Updike for specific road names.

Supervisor Updike said he would get the road names to Mr. Michael Johnson.

Supervisor Phillips stated he would like to thank Mr. Kee for the ditch work VDOT had done on Cary's Bridge Road and other roads in his area.

Chairman Jones stated the next item of business was number three – reports. They were Financial Report, Sheriff's Office Report, Communication Center Activities, EMS and Fire Department Activities, Traffic Tickets, Civil Papers, Animal Control.

Supervisor Updike stated that he looked at last month and this month's report. Only one dog was adopted last month and five this month. There were a total of 60 dogs euthanized. Something needs to be done about the adoption of these dogs.

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Chairman Jones stated the next report was Litter Control.

Supervisor Updike said he had a call from Ed and Melanie Johnson about the trash on Cypress Bridge Road. They have already verified a tremendous amount of trash on Sycamore Road. Mr. Bobby Cobb had called him again about the trash dumped on Sycamore.

Mr. Michael Johnson said they went out and could not locate that trash. He stated they would follow up again.

Supervisor West asked about the Litter Control. He sees where there are 29 people assigned 58 miles so that is two miles per person. He wanted to know how long they have to work. He asked if they had to put in a certain number of hours.

Mr. Michael Johnson stated there were some requirements on this but he hated to shoot from the hip because he didn't remember what the specifics were. He said he would follow up on it.

Supervisor West asked if it was all supervised by Mr. Griggs.

Mr. Michael Johnson said yes. Mr. Griggs is the Litter Control Supervisor.

Supervisor West asked if he comes out to the site when someone is doing the pickup. He said the reason he is asking is because he was up and down that road all the time, but had never seen anyone out there picking up trash.

Mr. Michael Johnson stated they would be responsible for picking the trash up. They leave the orange bags there and call Mr. Griggs to let him know they have fulfilled their obligation and the bags were ready for pick up.

Supervisor West said he had assumed that, but he had never seen the orange bags and he had some concerns since he rides those roads regularly.

Chairman Jones stated other reports are Building Permits, New Housing Starts, Treasurer's Office Report.

Mr. David Britt, County Treasurer, gave the Treasurer's Report. He stated that at the last meeting they had asked a couple of questions and he wanted to follow up on those. He started with Supervisor Porter's question concerning booting for non-payment of real estate taxes. He stated they can boot for non-payment of real estate taxes or any type of uncollected taxes. Supervisor Edwards question was on the number of accounts and the individuals that were delinquent. The number of real estate accounts is 1,386 which is 10.8% and 3,042 accounts in personal property which is about 15%. He asked Mrs. Sandi Plyler to step up to the podium. He stated they were trying to base their individual estimate and the only thing they could really base it on was the census report because the AS400 really can't determine individuals. He turned it over to Mrs. Sandi Plyler. She stated the AS400 which has the software that tracks all this is not connected to the internet. It isn't connected because they have never gone that route. She stated that all the paper work she had sitting there was because they went through a manual process and they physically counted for 22 hours and simply didn't have enough hours to get all the citizens. If you

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take it from the census (this is real) the number delinquent is 1,130. If you bump it up to the census it was 6.1 and the number of citizens delinquent on personal property is 4,572. She stated those are real numbers. She said it is going to take a while, but when she comes back to them she can give you the actual count of citizens that pay taxes.

Supervisor Edwards asked what was the statute of limitations on real estate and personal property.

Mr. David Britt said the statute of limitations on real estate is twenty years. It is five years on personal property.

Supervisor Updike asked weren't we getting close to approaching twenty years on some of the accounts.

Mr. David Britt said on a few, not many. He stated he thought there may be one from 1992.

Supervisor Updike said so we are looking at 2.3 million dollars in delinquent taxes.

Mr. David Britt said please bear with him he had passed out some reports and he was going to go through those reports with you. He stated you could look at these reports at your leisure and then get back with Mr. Michael Johnson. He stated if this is something you would like provided in your agenda packets each month, please let him know and they could provide this information for you. He stated the first report is the collection on the delinquencies from 2010 and back years. From May 2011 they had collected \$1,029,651 in delinquent taxes. They collected \$71,000 through booting vehicles which is a distress warrant. The other \$119,000 was collected from tax liens. Another thing they had been able to do was through Department of Motor Vehicles and also just the fact that people were in fear of being booted has brought in a number of dollars. The next report is a listing of the law firms they hired to collect delinquent real estate and personal property. In the first column they had the firm of David, Camp, & Frank who have recently taken over the collection of real estate collection because Kaufman & Canoles ceased to do this type of collection as of June of last year. You will notice from November 2010 through now, David, Camp, & Frank and has collected \$142,930.27. From January 2010 through June 2011, Kaufman & Canoles collected \$155,372.70. The third column is Sales and this is where they sold real estate property with a total collection of \$18,260.17. They also have another firm called Taxing Authority based out of Richmond who has undertaken the older delinquent accounts which are from three to five years old. They have collected \$101,013.95 from June of 2010 to February 2012. Then lastly we have surplus moneys which are placed in the clerk's office after a tax sale. This is money that after all costs and taxes are taken care of they put the surplus money in escrow for two years. After two years if no one claims the money it reverts back to the county. As you can see they have collected \$180,857.38 since 2009. The next report references Supervisor Edwards question concerning how far back you can go. The first report there is the time frame and collections on personal property. Basically each year it gives the taxes assessed, how much was abated and how much was collected and what your debt is and what the percentage of collection is. At the end of the report it will give you the totals of all five years of personal property and what is still outstanding. As of Friday roughly \$1,120,000 is still outstanding. That represents about 5% over all five years. Majority of that is from 2011 year. The last report is the same type of report, but it is on real estate which goes back 20 years. There is currently \$1,144,266 outstanding in real estate, but if you add that up over 20 years we have a 99% collection rate on real estate. This

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doesn't mean that everything is kosher because that is a large amount of money in his opinion and they need to collect that money to try to help the county out with all it has to do. He stated just to give you an idea of how collections are going, they do seem to be going better. Last month, January, they collected \$196,000.00 in taxes and in the month of February they have collected \$344,000. He thinks they have seen this increase because he thinks people have finally paid off their Christmas bills and now they are able to concentrate on their taxes, as well as they have started getting their federal and state income tax refunds. As we speak he has sent out the delinquent notices and this is the earliest that he has gotten delinquent notices out in his twenty years. He asked if anyone had any questions.

Supervisor Updike said he was going to show his ignorance, but at the last reassessment hearing they said there was houses and land that wasn't on the tax rolls. He asked what procedures we have to go back and collect taxes on these properties. He wanted to know if this was an over-site on the counties part or did they build the buildings without permits.

Mr. David Britt told Supervisor Updike he wasn't following his question.

Supervisor Updike said he was asking about these properties which were not listed on the tax rolls according to the assessors (a couple of houses and land).

Mr. David Britt said he wasn't aware of anything like that. He stated that Supervisor Updike was informing him of information that he wasn't aware of.

Supervisor Updike said he was quoting what the assessors told him.

Mr. David Britt said he understood what Supervisor Updike was saying, but that was news to him.

Supervisor Edwards said he thought they identified at least four properties that weren't on the tax rolls. He asked if anybody knew anything about that. He wanted to know if they were put on the tax rolls or if they were still off the tax rolls.

Mr. David Britt said he thought Mrs. Amy Carr could address that better than he could.

Mrs. Amy Carr said they were put back on the tax rolls.

Supervisor Updike asked what procedures are used to collect and assess back taxes on these properties.

Chairman Jones asked Mrs. Amy Carr to come up to the podium.

Mr. David Britt said he thought what Supervisor Updike was asking was how far back they could go to access.

Mrs. Amy Carr, Commissioner of the Revenue, said three years - the current year plus two back years.

Supervisor Updike asked if they had already put that into place.

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Mrs. Amy Carr stated yes.

Chairman Jones asked if they could hear back in the back.

The audience said no.

Chairman Jones asked Supervisor Updike to get closer to his microphone.

Supervisor Updike said the question was on the properties that weren't on the tax rolls (there were approximately four properties of houses and land). He wanted to know the procedures that were put in place to go back and collect back taxes on these properties.

She said three years.

Supervisor Porter said the question he wanted to ask was if they knew why these properties were left off the tax rolls.

Mrs. Amy Carr said it was probably an oversight on the last reassessment.

Supervisor Porter asked if she was sure there weren't any more left off.

Mrs. Amy Carr said if it was a main structure the assessors were pretty good about bringing them in to them and letting them know it was not being taxed.

Chairman Jones asked if there were any other questions. He thanked Mr. David Britt and Mrs. Amy Carr.

Chairman Jones called for Solid Waste Quantities Report.

Supervisor Porter said he had a comment. He said it wasn't on the report, but it was on SPSA. Recently he read in the paper where they were doing their budget. He said in their budget they were saying we were going to get a \$20.00 reduction per ton. That is still \$125.00 per ton that we are going to be paying which is one of the highest in the county. He said they also announced in there they were going to give their employees a 3% raise. He doesn't think we can support their position to give their employees a 3% raise when we are struggling to find money to make our ends meet. He would like to go on record opposing any raise to the SPSA employees at this time.

Supervisor Updike said he would second that motion.

Chairman Jones said Mr. Michael Johnson can we go on record opposing SPSA giving their employees a 3% raise.

Mr. Michael Johnson said sure. He stated he was the voting delegate so however they instructed him to vote he would do it.

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Chairman Jones said he had a motion and a second to oppose the SPSA raise. He wanted to know how the other Board members felt. He wanted to know if they concur.

Supervisor West said that motion is only against the raise and he assumed he was referring to all employees when in fact the workers are not the ones that caused any of the financial problems. He stated he has a problem penalizing workers of the lower level. He said he does not have the same problem with people who are involved in more administrative or management positions that could have been involved. So he thinks they need to consider this. The quote "rank and file people" did not cause this problem. They work like anyone else. To say that is on the backs of Southampton County, he can agree with that. We are working through a process. To eliminate this, whatever direction the county chooses in 2018, he does have a problem with putting this on the back of the regular "rank and file" employees period.

Supervisor Porter said his concern is we are more than likely going to ask our employees not to take a raise this year because of the situation we are in and he is sorry for that, but he can't support a raise by any organization that we pay money to when we can't do for our own people.

Supervisor West said we are a part of that organization. We are a member of that organization. Perhaps we are part of the problem of that organization as well so there is accountability on behalf of Southampton County as well.

Supervisor Porter said he understands and the simple point is we are not the only ones that are going to vote on this. He thinks we need to take the position that at this time we cannot give anybody a raise if we can't give one to our own people.

Supervisor West said that he can agree with that sir.

Supervisor Edwards said he thought that was made in the form of a motion was it not.

Supervisor Porter said yes.

Supervisor Faison said he had a concern about us doing that because they are an entity not governed by us. They did their budget. He thinks we should consider more how they came up with giving them a raise. That organization functions independently of us.

Chairman Jones asked Mr. Michael Johnson if he could respond to that.

Mr. Michael Johnson said there are sixteen members there two, from each of the eight respective communities that are the governing body for the organization. He stated Supervisor Faison was right they are not part of any one of the local governments, but are governed by the SPSA Board. Eight are appointed by the Governor of Virginia and eight are appointed by the eight respective local governing bodies.

Supervisor Updike stated that the economic conditions throughout the whole area of Hampton Roads: cutting the school budgets, cutting services and for us not to ask SPSA to follow and be a good citizen like the rest of us would be wrong. He thought everybody needed to be a part of that.

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Supervisor Faison said he has the concern that Supervisor Updike expresses but he doesn't want to set precedence where we get involved with the businesses with the pertinent people that serve us.

Supervisor Porter said but it is our business. We pay the bills. They work for us and we can express that. He stated that the only way we can express our desires is through our representative and we can ask our representative to vote on it that way. We can't force our representative to vote that way, but we can go on record as saying we would like our representative to vote on it that way.

Chairman Jones asked if there were any other comments. He said he had a motion and a second and called for a vote which carried unanimously.

Chairman Jones asked that Mr. Michael Johnson to carry that information to SPSA for us.

Chairman Jones called for the next report being Personnel.

Mr. Michael Johnson stated that there were three new employees hired in February. They are David B. Grizzard hired in Utilities on February 13, 2012, Quentin M. Livingston hired in the Sheriff's office on February 15, 2012, and Ashley O. Griffin hired in the Sheriff's office on February 15, 2012.

Mrs. Linda Vick said they could not hear Mr. Michael Johnson. She stated his microphone was down to the desk and they could not hear a word he was saying in the back.

Mr. Michael Johnson stated that they had one resignation being William D. Drewery on February 14, 2012.

Chairman Jones stated that the next reports were 2011 Community Development Activities and Cooperative Extension.

Chairman Jones called for item number four which was financial matters.

Mr. Michael Johnson stated that attached herewith please find an appropriation resolution (pages 4-7 through 4-12) with a total appropriation of \$588,404.29 for the General Fund and an additional \$674,153.98 for the School Fund. This appropriation consists of a myriad of expenditure refunds, reimbursements, grants, donations, deferred revenues, sales (scrap metal and recycled oil) and carry-over grants from previous fiscal years. Revenues have been received from the sources indicated.

The general fund appropriation include \$89,180.75 of "new money", which means that it was not part of the original FY 2012 budget and will come for the unappropriated general fund reserve. The associated "new money" expenditures were approved by motion of the Board between July 1, 2011 and December 31, 2011, and are itemized for your reference on page 4-3.

A motion is required to adopt the attached resolution.

Chairman Jones asked if anyone had any problems with this.

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Supervisor Porter said he had a question for Mr. Michael Johnson. He said what bothers him is that he knows these things are approved, but it seems a little backwards that we are doing an appropriation after we have committed and spent the money. He asked if there is any way we can change the process so before we make an approval we can make sure the appropriation is properly done.

Mr. Michael Johnson said he is not sure you can completely cure that. What happens is part of your normal process for all items that are budgeted we do semi-annual appropriations. We do that in July and in January. For items that are approved throughout the year independent of the budget process, once the Board makes that motion to approve it we have to follow it up with the appropriation. It's just the way the paper work lags. Technically, when you approve the expenditure the idea is there that certainly you will approve the appropriation but we actually have to have the appropriation resolution.

Supervisor Porter asked what if they voted against the appropriation resolution now.

Chairman Jones said it has already been spent.

Supervisor Porter asked if that means we spent money illegally. He said we need to look at this and figure out a better way to do it.

Mr. Michael Johnson said you can defer approving expenses until you do an appropriation which means if something comes before you couldn't approve it that month you would have to wait a month.

Supervisor Porter said he remembers from sitting out there in the audience when they did these commitments and you specified that it was new money, so we knew we had to take it out of the unappropriated reserve. He asked at that time why couldn't you have an appropriation resolution as well.

Mr. Michael Johnson said you can for items that are known in advance. He stated that some of these were obviously known and discussed in advance. Sometimes they are not. Sometimes they may come up based on a discussion this Board has. Sometimes they may come up based on a presentation that somebody makes to the Board.

Supervisor Porter said it just bothers him that we have to make an appropriation just to keep the records straight. You are committing money that you haven't said okay I have. That is basically his problem so he would appreciate it if we could try to work around this in the future.

Chairman Jones stated he needed a motion for this appropriation resolution.

Supervisor Porter said he so moves.

Supervisor Phillips seconded the motion with it being carried unanimously.

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Chairman Jones said we would move on to the monthly bills. He asked if anyone has a problem with those.

Supervisor Edwards made a motion seconded by Supervisor West to pay the bills in the amount of \$2,222,081.61 by check nos. 124585 through 124952. It was carried unanimously.

Chairman Jones stated the next item was number five – appointments.

Mr. Michael Johnson stated that Supervisor Updike indicated last month that he was seeking a successor to fill his unexpired term on the Board of Building Code Appeals through September 30, 2015. Other members include L. F. Draper (term expires 9/30/2016), Robert “Bob” Edwards (term expires 9/30/12), E. P. “Buddy” Kea (term expires 9/30/13), and Morgan Munford (term expires 9/30/14).

A motion is required to appoint a successor for Mr. Glenn H. Updike on the Board of Building Code Appeals.

Chairman Jones asked Supervisor Updike if he had a replacement to name.

Supervisor Updike said Derrick Banks.

Chairman Jones asked if that was in the form of a motion.

Supervisor Updike said yes it was a motion.

Supervisor West seconded the motion which was voted on and carried unanimously.

Supervisor West asked how active that Board was.

Mr. Michael Johnson said not very. They only meet on an as needed basis. He stated they probably met twice in the last fifteen years.

Mr. Richard Railey said he thought it was three times, but he wouldn't swear to it.

Mr. Michael Johnson said item B. was the Board of Equalization. He stated that Mr. Charles B. Settle's regrettable and unexpected death last month created a vacancy on the Board of Equalization from the Capron District – Mr. Settle had been appointed an alternate member. Supervisor Phillips has recommended Paul W. Simmons to succeed Mr. Settle on the Board of Equalization and Mr. Simmons attended the mandatory training by the Virginia Department of Taxation on January 26. While the Court doesn't necessarily need a recommendation from the Board of Supervisors before ordering the appointment, Mr. Francis indicated that it would be preferable.

A motion is required recommending to the Circuit Court that Paul W. Simmons be appointed to succeed Charles B. Settle on the Board of Equalization.

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Supervisor Phillips said he would like to make a motion that Paul Simmons serve as an alternate on the Board of Equalization.

Supervisor West seconded the motion.

Chairman Jones said he had a motion and a second that Paul Simmons serve as an alternate on the Board of Equalization and called for a vote which carried unanimously.

Chairman Jones stated the next item on the agenda was item number six which was an Update on Wireless Broadband Services Buggs Island Telephone Cooperative.

Mr. Michael Johnson stated as you may recall, Buggs Island Telephone Cooperative applied for \$18.9 million in federal stimulus funding in 2009 to develop a rural broadband system in a 15-county area of Southside Virginia, including Southampton County. We provided them a letter of support for the application at that time. Their grant application was approved in April 2010 and they've been working diligently towards implementation over the past two years. It's my understanding that they expect the project to be substantially complete by the end of next month.

I've invited their General Manager, Mickey Simms, to your meeting on Monday to discuss the planned roll-out of services. With broadband access presently limited to our towns and larger villages, rural residents have been relegated to dial-up access, or an expensive satellite or air-card connection. Affordable broadband access is an economic game-changer for rural communities, opening doors and providing opportunities for rural residents that have long been beyond their reach.

Mr. Michael Johnson said we had Buggs Island Telephone Cooperative scheduled to make a presentation tonight. They called today and he's afraid they are going to need to reschedule.

Supervisor West asked that they help him out a little bit with that. He said broadband services – he asked what this is. He said it is not poles in the county, it is broadband.

Mr. Michael Johnson said it is internet.

Supervisor West asked how it is transferred.

Mr. Michael Johnson said wirelessly.

Supervisor West said so this is a federal stimulus program. He said he saw \$18,000,000 dollars he thought in the agenda for this.

Mr. Michael Johnson said \$18.9 million dollars.

Supervisor West said a ton of money was put out. So this is to bring rural availability where towns and cities already have availability. He asked if that was correct.

Mr. Michael Johnson said no. It would bring availability to places like Tucker Swamp Road.

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Supervisor West asked how he would get hooked up.

Mr. Michael Johnson said once they had initiated the service you will be able to contract with them for that service. The way there service works, Supervisor West, is they will basically locate antennas on existing cellular towers, water tanks, and those kind of things throughout the county which will be broadcasting a signal which your computer would be able to pick up at your home.

Supervisor West said and it is supposedly cheaper than satellite and/or air card and/or whatever else.

Mr. Michael Johnson said based on the preliminary projections that they had done last year, he doesn't remember the rate off the top of his head, but it was significantly cheaper than air cards or satellite connections.

Supervisor West asked to his knowledge if this service was available to him now on Tucker Swamp Road.

Mr. Michael Johnson said no, not now.

Supervisor West said it will be available to me on Tucker Swamp Road. He asked if it was going to be continually funded by the government in some way or at some point it will jump the line of government rights or do you know anything about that.

Mr. Michael Johnson said the grant funds pay for the cost of building the infrastructure, the capital costs. What you will be paying on a monthly basis is the cost of maintaining and operating that.

Supervisor West said everything is supposed to be in place at the end of March theoretically.

Mr. Michael Johnson said that is what he read. He stated he wanted to hear it tonight, but we didn't hear it.

Chairman Jones stated he thought it was supposed to be a better service.

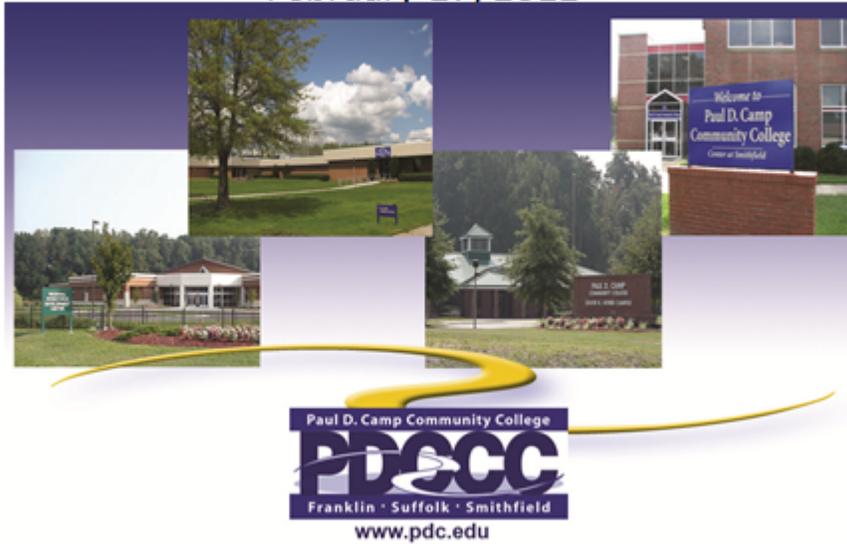
Supervisor West said he realized that but he knows that there are air-cards and other contacts and he knows the slowness of the systems. Tucker Swamp Road may be in the 21st century.

Chairman Jones called for item number seven which is Paul D. Camp Community College.

Mr. Michael Johnson stated that Dr. Paul Conco, President of Paul D. Camp Community College, has requested a few moments on your agenda to share a brief presentation about the college with you.

Dr. Paul Conco introduced Keith Westman and Mert Felts who serve on the Board of Directors at the College. He stated their Board meets five or six times a year. He then gave the following presentation:

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PDCCC
relatively
Perspectives of a new president





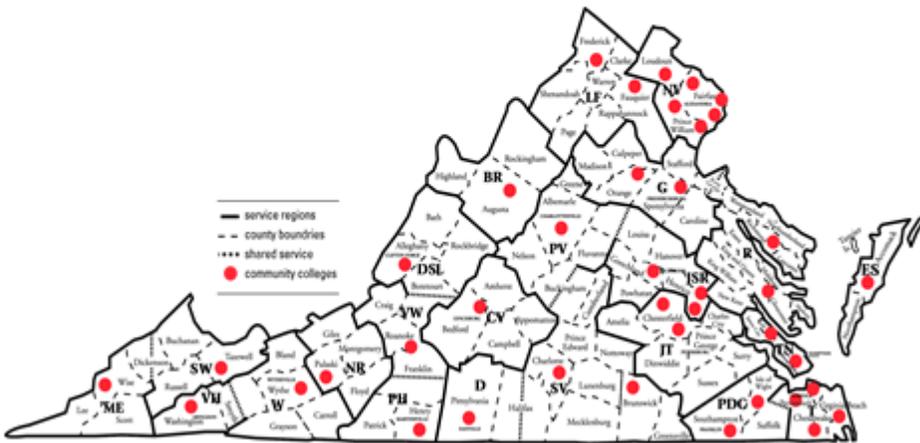
Paul D. Camp Community College

Mission statement:

Paul D. Camp Community College provides diverse learning opportunities to enhance the quality of life for students and the community.



Virginia's Community Colleges



Paul D. Camp Community College Service Area



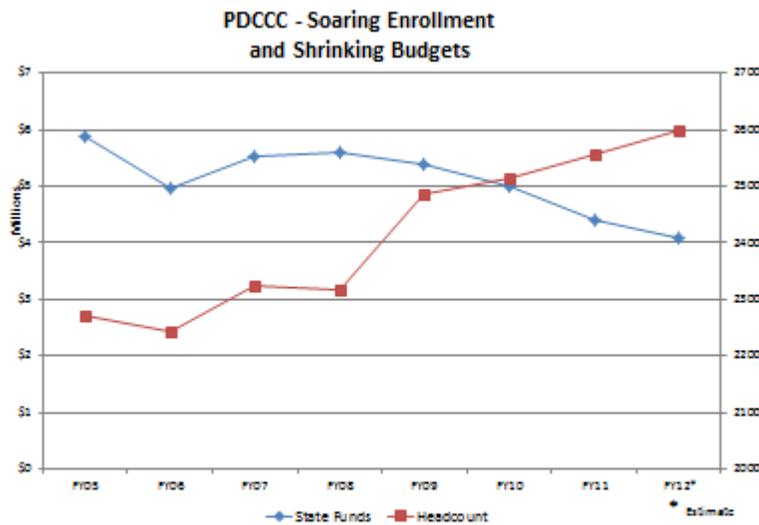


PDCCC reaches record 1,656 enrollment

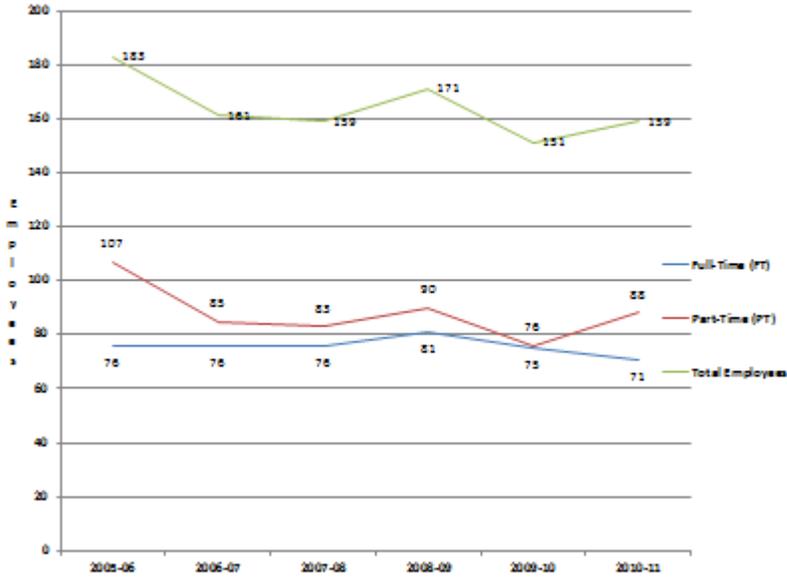
- Paul D. Camp Community College is the fastest growing college in the 23 college Virginia Community College System for 2010/2011 (minutes of State Board for Community Colleges).
- Editorial Tidewater News: January 14, 2011

PDCCC recognized as:

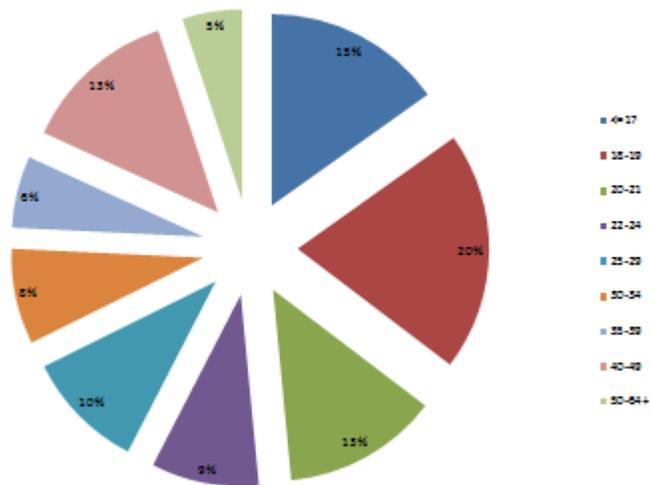
"A regional jewel"



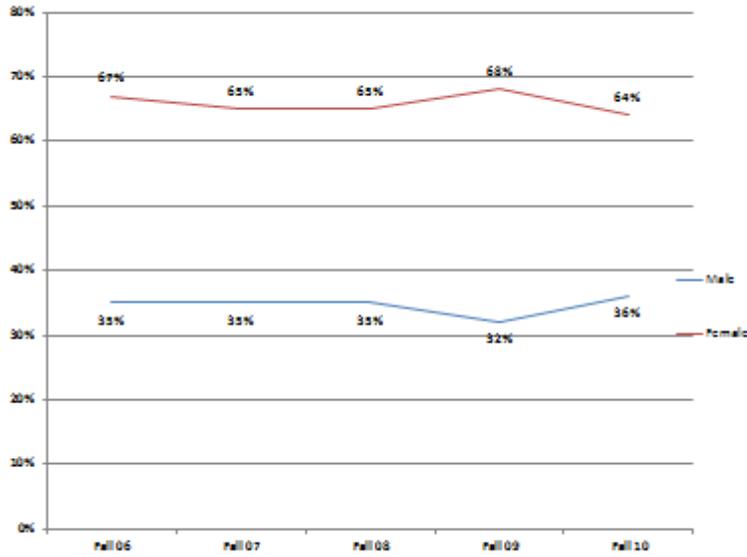
Number of Employees at PDCCC



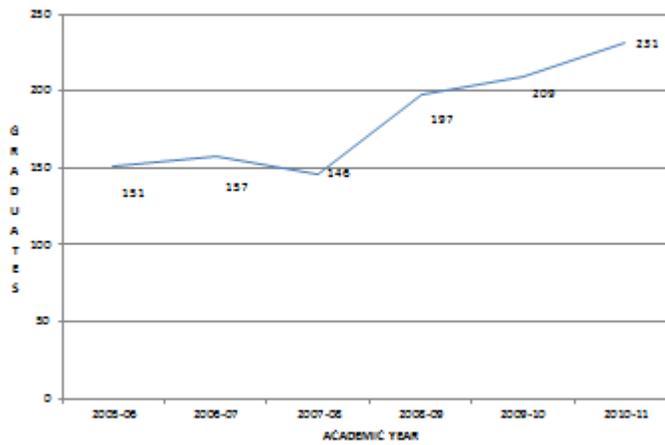
Student's Age Distribution Fall 2010

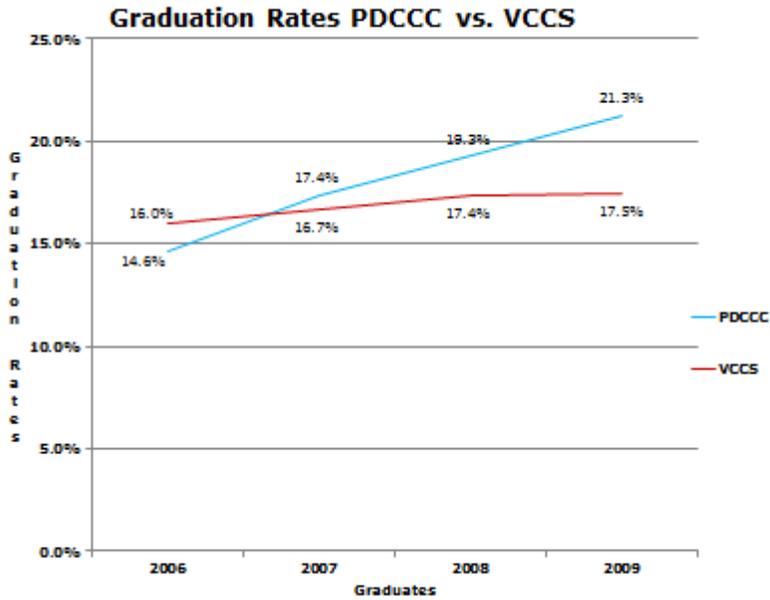


PDCCC Student Gender Distribution

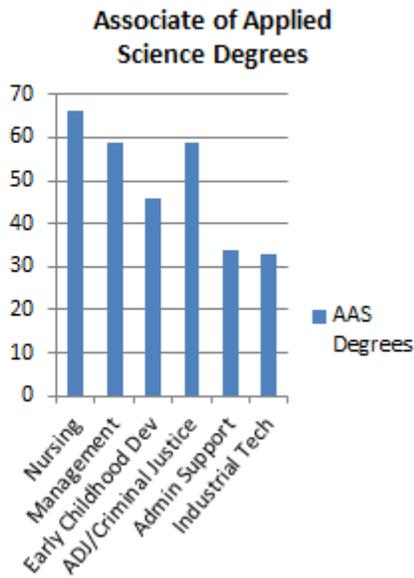
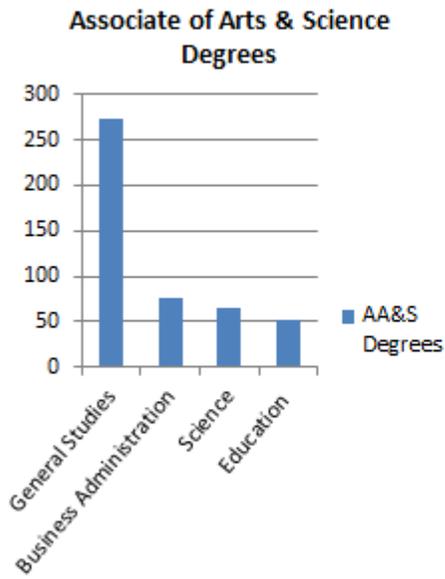


PDCCC Graduation Awards by Year





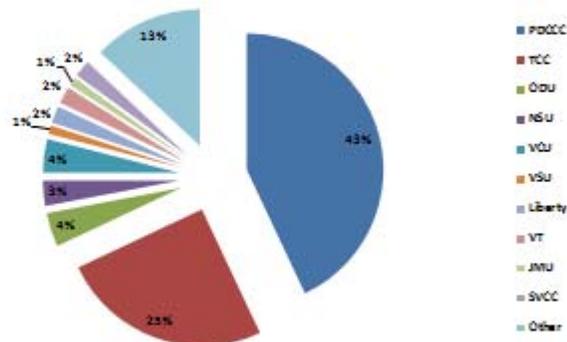
PDCCC enrollment by degrees 2010



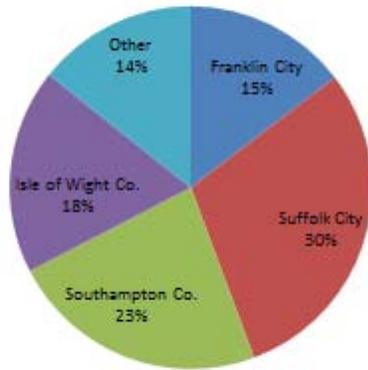


- Go here for Career Exploration –interest, skill assessment, salaries, interview tips, and more
- Career Coaches in High Schools promote it
- Take practice tests for math and science and for ACT and SAT tests
- Explore colleges – majors, degrees, costs, admission requirements; transfer agreements with Virginia Community Colleges and guaranteed admission guidelines to Universities
- Review and learn about financial aid options
- And much more!

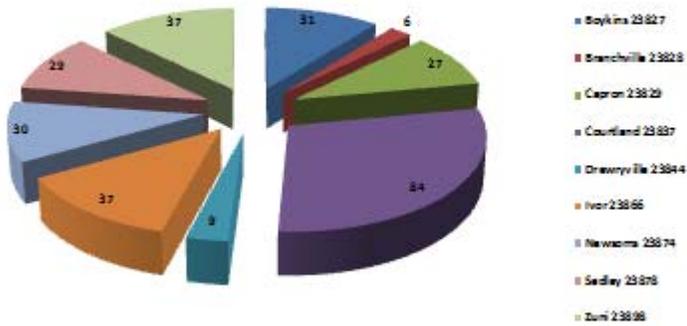
Southampton County: Colleges Attended Fall 2010
N=889



Percent Headcount From Service Area Fall 2010
N=1656



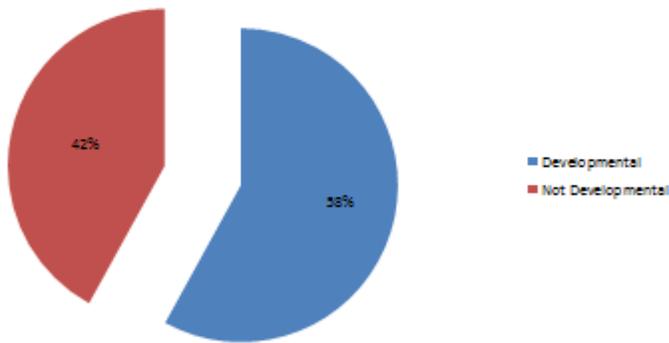
Fall 2011 Headcount: Southampton Co. by Zip Code
N=290



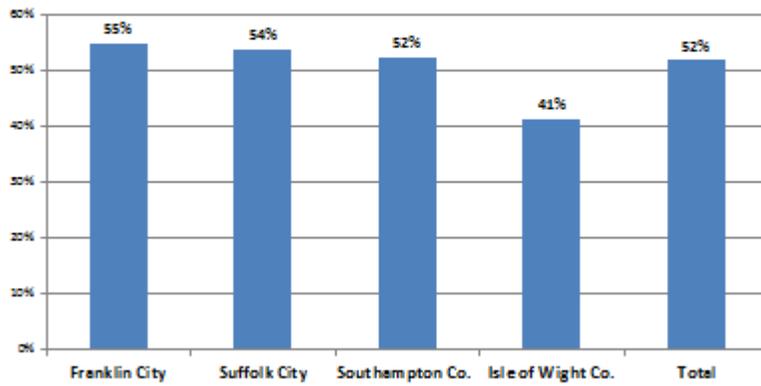
Dual Enrollment Unduplicated Headcount and Full-Time Equivalent Student (FTE) Fall 2011		
School Division	FTE	Unduplicated Headcount
Southampton High School	31.7	87
Franklin High School	16.6	31
Lakeland High School	11.1	41
Nansemond River High School	8.0	40
King's Fork High School	3.4	17
IDW Academy	40.9	101
Southampton Academy	0	0
Smithfield High School	0	0
Windsor High School	0	0

Dual Enrollment Tuition Funding by High School Division			
School Division	Tuition Rate	% School Pays	% Parents Pay
Franklin City Public School	Current Rate	Up to two courses, up to 16 credit hours/student per year	Any excess of two courses
Isle of Wight Academy	\$120.75/credit hr.	45%	55%
Isle of Wight Co. Public Schools	\$120.75/credit hr.	0%	100%
Southampton Academy	\$120.75/credit hr.	0%	100%
Southampton County Public School	\$120.75/credit hr.	50%	50%
Suffolk City Public Schools	\$120.75/credit hr.	0%	100%

Fall 2010 First-Time In College (FTIC) from Local High Schools
Taking Developmental
N=147



Percent Receiving Financial Aid In Service Area
Fall 2011



On the horizon... or newly arrived



Some exciting plans for 2011/2012

- Additional Full-time Faculty
- New partnership with ODU and NSU
- Shared Services Distance learning courses in partnership with NOVA
- Oct. 1 B&N Bookstore 
- New classroom furniture and paint
- Achieve 2011/12 – strategic plan



More exciting plans for 2011/12...

- Achieving the Dream membership – decisions driven by data
- iPad2 project
- Remodel Library “Learning Commons” at all locations
- QEP – “Quality Assurance in online instruction for student success”- Success without Boundaries



Designing a new and improved PDCCC web site



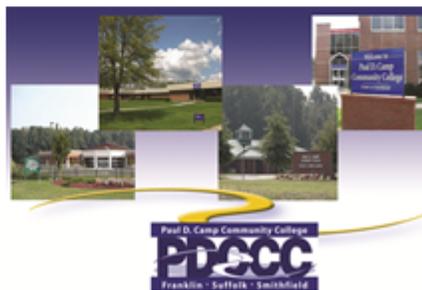
More “Community” in Paul D. Camp Community College

- New Student Activity “hour” for student clubs and organizations
- Student Activities Coordinator
- Movie nights all semester
- Community Classes continue
- Students continue service learning projects

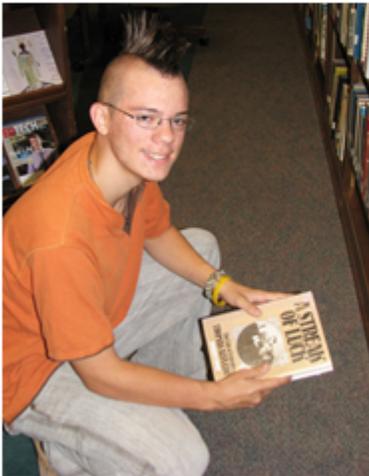


We make a difference...remember our mission!
Creating our Future

- **Major Gifts Campaign** for
 - New Academic and Workforce Programs
 - Student Scholarship endowment
 - Instructional Technology endowment



R. Scott Carr Commonwealth Legacy Scholarship



- Zachary Gurganus, a 2010 graduate of Southampton High School, recipient of the R. Scott Carr Commonwealth Legacy Scholarship. Current president of our honor society PTK. Goals are to transfer to VMI to study civil engineering, join the Marines, and then attend ODU to earn his degree in architectural engineering.

Jordan Hewett of Sedley



- Jordan was the recipient of the Bobby B. Worrell Scholarship and a Camp to Camp Scholarship last fall. He is a 2011 graduate of Southampton High School and an Eagle Scout.
- Majoring in general studies/education at PDCCC, Hewett has been extremely active in high school and community organizations, serving as prayer leader of the Christian Club, president of the Key Club, member of Students Against Destructive Decisions (SADD) and member of the Science Club. Hewett is spearheading the leadership of the PDCCC Science Club and is a nominee for president.



- **GRADUATE STUDENT SURVEY RESPONSE:**

- **PDCCC IS LIKE....**
 - "...the Harvard of Hampton Roads,"
 - "...a first date, you don't know the person but later you begin to fall in love,"
 - "...Sunday dinner, - -comforting and nourishing. It's good for the mind, body and soul.
 - "...An old Chevy truck. It's not too complicated (or expensive), very reliable, and is a valuable tool that prepares you for work.
 - "...a college with a desire to serve and better their community,"
 - "...home away from home. Like one big family,"
 - "...a shot of vitamin B for the brain,"
 - "...a stairway leading to a better future."

Our reason for being...



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Chairman Jones stated the next item was number eight – public hearings.

Mr. Michael Johnson stated this public hearing is held pursuant to 15.2-2204, Code of Virginia, 1950, as amended to receive public comment on a request by Jervey Farm LLC, for a change in zoning designation from A-1, Agricultural, to CRR, Conditional Rural Residential to create two single family residential lots. The parent property is located on the northeast corner of Pinopolis Road (Rte. 531) and Barrow Road (Rte. 658) and totals 82.85 acres. The proposed lots are 1.457 acres each and are proposed to be located 581' east of the intersection of Barrow Road and Pinopolis Road. The property is known as Tax Parcel 71-24J and is in the Boykins Election and Magisterial District.

The notice of this public hearing was published in the Tidewater News on February 12 and February 19, 2012 and all adjacent property owners were notified in writing by first class mail as required by law. Following its public hearing on January 12, 2012, the Southampton County Planning Commission voted unanimously to recommend approval for the request, subject to the proffered condition.

After conclusion of this public hearing, the Board of Supervisors will consider the comments offered this evening and may act upon the matter or defer action until such time as it deems appropriate.

Mrs. Beth Lewis, our Director of Community Development and Secretary to the Planning Commission will provide introductory remarks after which all interested parties are invited to come forward and express their views.

If the Board is so inclined, a motion is required to accept the Planning Commission recommendation and rezone the property.

Mrs. Beth Lewis said this is a fairly straight forward request. It is in compliance with the zoning ordinance to change the zoning for about three acres of property from A1 Agricultural to a conditional rural residential to create two lots each just about an acre and a half in size. The planning commission looked at this and they voted unanimously to recommend approval. We had no requests or comments or concerns from the public that were brought up at this time. If you look at the property you will see that these two lots are at the southeastern corner of this tax parcel. Just to the east of them are two other lots that have been created in the past and there are residences on them now. The stretch of Barrow Road from Meherrin Road out to Pinopolis has been developed over the years with a series of single family homes. Single family homes in this area on one to five acre lots with an agricultural development behind them are pretty common. She stated the applicant is here. Mrs. Beth Lewis said she would be glad to answer any questions.

Chairman Jones asked if anyone had any questions for Mrs. Beth Lewis.

Chairman Jones opened the public hearing asking anyone who wished to speak to come forward and state their name and address for the record.

Mr. Bill Jervey spoke. He stated he was here on the behalf of his brothers for the Jervey Farm, LLC. He stated that as Mrs. Beth Lewis stated the request is pretty standard as far as your

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comprehensive plan. He stated they are trying to keep the farm in the family. They bought out a cousin a couple of years ago and these two lots they had surveyed out when they bought the property. They are just getting around to requesting a zoning change.

Chairman Jones asked if anyone had any questions for Mr. Bill Jervey. He thanked Mr. Bill Jervey.

Chairman Jones asked if anyone else wanted to speak.

Mr. Ash Cutchin of Darden Mill spoke. He stated he is not opposed or in favor of it. He stated that he served on the Community Task Force when they begin the process to clean up the residential and he thought a couple of the components for residential were to do away with what was called strip development . Here we have several lots along the road and this appears to be strip development all over again; but he emphasized again he is neither for nor against it.

Chairman Jones asked if anyone else wanted to address the Board. There being no one else Chairman Jones closed the public hearing and asked what was the pleasure of the Board.

Supervisor Edwards said the Planning Commission looked at this and didn't have any problem with it and it was a unanimous vote for it. He said it met all the stipulations they wanted in the conditional rural residential rezoning. The sliding scale method was used 25 acres and you get a house there after every 40 acres and you have got two houses they are out of the way of farming. They are on the side of the road. They are not in the middle of the field so that remaining land can be farmed. They agree to the proffer which is \$1,728 at that time and the Planning Commission has approved their request.

Supervisor West stated they have a shared driveway, correct.

Supervisor Edwards said they have a shared driveway that is correct.

Supervisor West said so they eliminated one of the driveways.

Mr. Ash Cutchin said it didn't look that way on the map.

Supervisor Edwards stated that was one of the stipulations.

Chairman Jones asked if anyone else had any questions.

Supervisor Edwards made a motion that they approve the Planning Commissions resolution.

Supervisor Faison seconded the motion which carried unanimously.

Chairman Jones called for the next public hearing.

Mr. Michael Johnson stated this public hearing is held pursuant to Section 15.2-2606 of the Code of Virginia, 1950, as amended, on the proposed issuance of water and wastewater system revenue

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bonds in the estimated maximum principal amount of \$926,450, to finance improvements and upgrades to the Boykins Wastewater Treatment Plant, together with related expenses.

The project includes improvements and upgrades necessary to comply with a Consent Order from the Virginia State Water Control Board dated September 23, 2011 and will be financed through the Virginia Water Facilities Revolving Fund with terms of 0% interest for 20 years. Based on a final project budget of \$880,502, the County will make semiannual payments of \$22,012.55 beginning in March 2013 and ending in September of 2032.

The notice of this public hearing was published in the Tidewater News on February 5 and February 12, 2012 as required by law.

After conclusion of this public hearing, the Board of Supervisors will consider the comments offered this evening and may act upon the matter or defer action until such time as it deems appropriate.

A motion is required to adopt the attached resolution. This vote will need to be roll-call voice vote.

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

1. WHEREAS, the Board of Supervisors of the County of Southampton, Virginia (the "County") has determined that it is necessary and desirable to undertake certain improvements to the Boykins Wastewater Treatment Plant (the "Project") and to issue its water and sewer system revenue bond in the maximum principal amount of \$926,450 (the "Bond") and to use the proceeds thereof, along with other available funds, if any, to pay the costs of the Project.

2. WHEREAS, the Bond will be sold by the County to or at the direction of the Virginia Resources Authority, as Administrator of the Virginia Water Facilities Revolving Fund ("VRA"), pursuant to the terms of a Financing Agreement (the "Financing Agreement"), between the County and VRA.

3. WHEREAS, the Board of Supervisors of the County has held a public hearing on February 27, 2012, on the issuance of the Bond in accordance with the requirements of Section 15.2-2606 of the Code of Virginia of 1950, as amended.

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

5. **1. Authorization of Bond and Use of Proceeds.** The Board of Supervisors hereby finds and determines that it is advisable and in the best interest of the County to contract a debt and to issue the Bond in the maximum principal amount of \$926,450, and to sell the Bond to or at the direction of VRA, all pursuant to the terms of (i) this Resolution and (ii) the Financing Agreement. Such issuance and sale of the Bond are hereby authorized and approved. The Bond shall be designated the "County of Southampton, Virginia Water and Sewer System Revenue

Bond," or such other designation as may be approved in the discretion of the County Administrator and shall include an appropriate series designation. The proceeds from the issuance and sale of the Bond shall be used, together with other available funds, if any, to pay the costs of the Project.

6. **2. Details of Bond.** The Bond shall be issued as a single bond (or multiple bonds in an aggregate principal amount not to exceed \$926,450 if requested by VRA) in fully registered form and shall be dated the date of its issuance and delivery. The County Administrator or his designee is authorized and directed to determine and approve all of the other final details of the Bond, including without limitation, the maximum aggregate principal amount authorized to be advanced thereunder, the maturity or payment dates and amounts, series designation, the optional redemption provisions and the final maturity date; provided, however, that (i) the maximum aggregate principal amount authorized to be advanced under the Bond shall not exceed the amount set forth in paragraph 1 of this Resolution, (ii) the Bond shall not bear interest, and (iii) the final maturity date of the Bond shall be no later than approximately 24 years after its date. The approval of such details shall be evidenced conclusively by the execution and the delivery of the Bond.

7. **3. Pledge of Revenues.** The Bond shall be a limited obligation of the County and, except to the extent payable from the proceeds of the sale of the Bond or the income, if any, derived from the investment thereof, is payable exclusively from the Net Revenues Available for Debt Service (as defined in the Financing Agreement), including amounts that may be appropriated from time to time by the Board of Supervisors of the County pursuant to Section 5.5 of the Financing Agreement, which the County hereby pledges to the payment of the principal of the Bond pursuant to the terms of the Financing Agreement. Neither the Commonwealth of Virginia nor any of its political subdivisions, including the County, shall be obligated to pay the principal of the Bond or other costs incident to it except from the Revenues Available for Debt Service and any other money or property pledged for such purpose, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any of its political subdivisions, including the County, is pledged to the payment of the principal of the Bond or other costs incident to it. The issuance of the Bond does not directly, indirectly or contingently obligate the Commonwealth of Virginia or any of its political subdivisions, including the County, to levy any taxes for the payment of the Bond. The pledge of Net Revenues Available for Debt Service securing the Bond shall be on parity with Existing Parity Bonds, if any (as defined in the Financing Agreement).

8. **4. Form of Bond.** The Bond shall be in substantially the form on file with the County Administrator with such variations, insertions or deletions as may be approved by the County Administrator or his designee, which approval shall be evidenced by the execution and delivery of the Bond. There may be endorsed on the Bond such legend or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.

9. **5. Execution and Delivery of Bond.** The Chairman of the Board of Supervisors is authorized and directed to execute the Bond. The Clerk of the Board of Supervisors is authorized and directed to affix the seal of the County to the executed Bond and to attest it and such officers are authorized and directed to deliver the Bond or to cause the Bond to be delivered to or at the direction of VRA upon payment of the first principal advance thereunder. An authorized

representative or other designee of VRA shall enter the amount and date of each principal advance as provided in the Certificates of Advances attached to the Bond when the proceeds of such advances are delivered to the County.

10. **6. Registration, Transfer and Exchange.** The County appoints the County Administrator as its registrar and transfer agent (the "Registrar") to keep books for the registration and transfer of the Bond and to make such registrations and transfers on such books under such reasonable regulations as the County may prescribe.

11. Upon surrender for transfer or exchange of the Bond at the office of the Registrar, the County shall cause the execution and delivery in the name of the transferee or registered owner, as applicable, of a new Bond for a principal amount equal to the Bond surrendered and of the same date and tenor as the Bond surrendered, subject in each case to such reasonable regulations as the County may prescribe. If surrendered for transfer, exchange, redemption or payment, the Bond shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in form and substance reasonably satisfactory to the Registrar, duly executed by the registered owner or by such owner's duly authorized attorney-in-fact or legal representative.

12. Any 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 entitled to all of the security and benefits of this Resolution to the same extent as the Bond surrendered.

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

14. **8. 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 Registrar 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 its registered owner 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 Registrar evidence satisfactory to him or her that such Bond was lost, stolen or destroyed and that the holder of the Bond was its registered owner and (ii) has furnished to the County indemnity satisfactory to the Registrar. If the Bond has matured, instead of issuing a new Bond, the County may pay the Bond without surrender upon receipt of the aforesaid evidence and indemnity.

15. **9. Approval of Financing Agreement.** The County Administrator or his designee is authorized to approve the Financing Agreement and to execute and deliver the Financing Agreement and such other documents and certificates as either such officer may consider necessary in connection therewith.

16. **10. Disclosure Documents.** The County Administrator and such officers and agents of the County as he may designate, are hereby authorized and directed to prepare, execute and deliver any appropriate disclosure documents regarding the County as may be necessary in connection with the public offering and sale of bonds to be issued by VRA in connection with the Virginia

Water Facilities Revolving Fund. The distribution and use by VRA of such disclosure in connection with such public offering and sale are hereby authorized and approved. The County Administrator or his designee is authorized and directed to take whatever actions with respect to such disclosure documents as are necessary and/or appropriate to ensure compliance with Securities and Exchange Commission Rule 15c2-12.

17. **11. Tax Documents.** If requested by VRA, the County Administrator or his designee is authorized to execute a Tax Compliance Agreement or any related document (the "Tax Documents") setting forth the expected use and investment, if any, of the proceeds of the Bond and containing such covenants as may be necessary in order to comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), including the provisions of Section 148 of the 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 the County shall comply with the other covenants and representations contained therein.

18. **12. Further Actions; Authorized Representative.** The County Administrator and such officers and agents of the County as he may designate are authorized and directed to take such further actions as they deem necessary regarding the issuance and sale of the Bond and the execution, delivery and performance of the Financing Agreement, including, without limitation, the execution and delivery of closing documents and certificates. All such actions previously taken by such officers and agents are ratified and confirmed. The County Administrator is authorized to designate the County's Authorized Representatives for purposes of the Financing Agreement.

19. **13. Filing of Resolution.** The County Attorney is authorized and directed to file a certified copy of this Resolution with the Circuit Court of the County of Southampton, Virginia, pursuant to Sections 15.2-2607 and 15.2-2653 of the Code of Virginia of 1950, as amended.

20. **14. Effective Date.** This Resolution shall take effect immediately.

February 27, 2012

CERTIFICATE OF CLERK

The undersigned Clerk of the Board of Supervisors of Southampton County, Virginia, hereby certifies that:

A regular meeting (the "Meeting") of the Board of Supervisors of Southampton County, Virginia (the "Board"), was held on February 27, 2012, at which the following members were present and absent:

PRESENT:

ABSENT:

The attached Resolution entitled "A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SOUTHAMPTON, VIRGINIA, AUTHORIZING THE ISSUANCE AND SALE OF ITS WATER AND SEWER SYSTEM REVENUE BOND AND SETTING FORTH THE FORM, DETAILS AND PROVISIONS FOR THE PAYMENT THEREOF" was duly adopted at the Meeting by the recorded affirmative vote of a majority of all of the members elected to the Board, the vote being recorded in the minutes of the Meeting as shown below:

MEMBER

VOTE

Clerk of the Board of Supervisors of
Southampton County, Virginia

FORM OF BOND

R-1

**UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
COUNTY OF SOUTHAMPTON
WATER AND SEWER SYSTEM REVENUE BOND,
SERIES 2012**

INTEREST RATE

0.00%

MATURITY DATE

DATED DATE

**REGISTERED OWNER: VIRGINIA RESOURCES AUTHORITY, AS
ADMINISTRATOR OF THE VIRGINIA WATER
FACILITIES REVOLVING FUND**

PRINCIPAL AMOUNT:

21. **COUNTY OF SOUTHAMPTON, VIRGINIA**, a public body politic and political subdivision of the Commonwealth of Virginia (the "County"), for value received, promises to pay, solely from the revenues and other property pledged to the payment of this Bond, to the registered owner of this Bond or legal representative, the principal sum stated above as set forth below.

22. Commencing _____, and continuing semi-annually thereafter on _____ 1 and _____ 1 in each year, the principal of this Bond shall be payable in [equal] semi-annual installments of principal of \$_____ with a final installment of \$_____ due on _____. If principal advances up to \$926,450 are not made, the principal amount due on this Bond shall not include the unadvanced amount and shall be reduced as provided in the Financing Agreement (as defined below).

23. If any installment of principal of this Bond is not paid to the registered owner of this Bond within ten (10) days after its due date, the County shall pay to the registered owner of this Bond a late payment charge in an amount equal to five percent (5%) of the overdue installment.

24. All amounts due under this Bond are payable in lawful money of the United States.

25. The principal balance of this Bond shall be equal to the sum of the amounts advanced by the registered owner, as shown on the certificate of principal advances appearing at the end of this Bond, less the aggregate amount of the payments and any prepayments of principal which may have been made on this Bond. No notation is required to be made on this Bond of the payment or prepayment of principal. **HENCE, THE FACE AMOUNT OF THIS BOND MAY EXCEED THE PRINCIPAL SUM REMAINING OUTSTANDING AND DUE HEREUNDER.**

26. The issuance of this Bond has been duly authorized by the Board of Supervisors of the County by a resolution adopted [February 27, 2012] (the "Resolution"), under the Public Finance Act of 1991, Chapter 26, Title 15.2 of the Code of Virginia of 1950, as amended. This Bond is issued pursuant to the terms of the Resolution and a Financing Agreement dated as of _____, 2012 (the "Financing Agreement"), between the County and the Virginia Resources Authority, as Administrator of the Virginia Water Facilities Revolving Fund. The County will use the proceeds of this Bond, along with other available funds, if any, to pay the costs associated with certain improvements to the County's Boykins Wastewater Treatment Plant,

together with related expenses.

27. This Bond is a limited obligation of the County and, except to the extent payable from the proceeds of the sale of this Bond or the income, if any, derived from the investment thereof, is payable exclusively from the Net Revenues Available for Debt Service (as defined in the Financing Agreement), including amounts that may be appropriated from time to time by the Board of Supervisors of the County pursuant to Section 5.5 of the Financing Agreement. **THE LIEN OF THIS PLEDGE IS ON PARITY WITH THE LIEN OF THE PLEDGE SECURING ANY PARITY BONDS AND EXISTING PARITY BONDS, IF ANY. NEITHER THE COMMONWEALTH OF VIRGINIA NOR ANY OF ITS POLITICAL SUBDIVISIONS, INCLUDING SOUTHAMPTON COUNTY, VIRGINIA, SHALL BE OBLIGATED TO PAY THE PRINCIPAL OF THIS BOND OR THE OTHER COSTS INCIDENT TO IT EXCEPT FROM THE REVENUES AND ANY OTHER MONEY OR PROPERTY PLEDGED FOR SUCH PURPOSE, AND NEITHER THE FAITH AND CREDIT NOR THE TAXING POWER OF THE COMMONWEALTH OF VIRGINIA OR ANY OF ITS POLITICAL SUBDIVISIONS, INCLUDING SOUTHAMPTON COUNTY, VIRGINIA, IS PLEDGED TO THE PAYMENT OF THE PRINCIPAL OF THIS BOND OR OTHER COSTS INCIDENT TO IT. THE ISSUANCE OF THIS BOND DOES NOT DIRECTLY, INDIRECTLY OR CONTINGENTLY OBLIGATE THE COMMONWEALTH OF VIRGINIA OR ANY OF ITS POLITICAL SUBDIVISIONS, INCLUDING SOUTHAMPTON COUNTY, VIRGINIA, TO LEVY ANY TAXES FOR THE PAYMENT OF THIS BOND.**

28. The obligations of the County under this Bond shall terminate when all amounts due and to become due pursuant to this Bond and the Financing Agreement have been paid in full.

29. The lien of the pledge of the Net Revenues Available for Debt Service securing payment of this Bond is as set forth pursuant to the terms and conditions of the Financing Agreement and such lien is on a parity with the lien securing the Existing Parity Bonds, as defined in the Financing Agreement. The County may issue additional bonds ranking on a parity with this Bond with respect to the pledge of the Net Revenues Available for Debt Service under the terms of the Financing Agreement.

30. This Bond may be prepaid in accordance with the terms of the Financing Agreement.

31. If an Event of Default (as defined in the Financing Agreement) occurs, the principal of this Bond may be declared immediately due and payable by the registered owner of this Bond by written notice to the County, as provided in the Financing Agreement.

32. This Bond may be transferred only by an assignment duly executed by the registered owner or such owner's attorney or legal representative in form satisfactory to the County Administrator, as registrar. Such transfer shall be made in the registration books kept by the County Administrator, as registrar, upon presentation and surrender of this Bond.

33. It is hereby certified and recited that all acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to the issuance of this Bond have happened, exist or been performed in due time, form and manner as so required and that the indebtedness evidenced by this Bond is within every debt and other limit prescribed by the Constitution and statutes of the Commonwealth of Virginia.

[Signature Page Follows]

IN WITNESS WHEREOF, the Board of Supervisors of the County of Southampton, Virginia has caused this Bond to be signed by the Chairman of the Board of Supervisors and the County's seal to be affixed and attested by the signature of the Clerk of the Board of Supervisors.

COUNTY OF SOUTHAMPTON, VIRGINIA

By: _____
Chairman, Board of Supervisors

[SEAL]

ATTEST:

Clerk, Board of Supervisors

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(PLEASE PRINT OR TYPEWRITE NAME AND ADDRESS, INCLUDING ZIP CODE OF ASSIGNEE.)

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE: _____

this Bond and does irrevocably constitute and appoint _____, attorney, to transfer this Bond on the books kept for its registration, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

(NOTICE: Signature(s) must be guaranteed by an Eligible Guarantor Institution such as a Commercial Bank, Trust Company, Securities Broker/Dealer, Credit Union or Savings Association which is a member of a medallion program approved by The Securities Transfer Association, Inc.)

Registered Owner
(NOTICE: The signature above must correspond with the name of the Registered Owner as it appears on the books kept for registration of this Bond in every particular, without alteration or change.)

Chairman Jones opened the public hearing. He asked if anybody was for or against this resolution.

Chairman Jones closed the public hearing as no one wished to speak.

Supervisor Faison said this is something that needs to be done. By us doing this we improve the treatment plant and we also avoid fines from the DEQ so he moved that they adopt the resolution.

Supervisor West seconded the motion.

Chairman Jones stated he had a motion and a second and called for a vote.

Supervisor Edwards said we had not had any discussion.

Chairman Jones apologized.

Supervisor Updike said he feels that previous Boards had approved \$660,000 for improvements and now here is another \$880,000. He thinks it is time to ask all businesses and communities to contribute their fair share. He doesn't think it is fair to the citizens out here in the country to put in their wells and septic tanks that they have got to replace plus they are taxed on such so we are paying taxes on top of that. He thinks that \$660,000 should be included against the sewage system and in the future he doesn't want to see the hook-ups and rates not included in the total improvements. He thinks we have asked the citizens for long enough to subsidize the sewage system throughout the county. It is time for them to pay their fair share as far and hook-ups and rates are concerned. He said tie that \$660,000 back to the sewage system.

Supervisor West said he understands the \$22,000.00 will be used from proceeds received in the water system proceeds so it will not actually be a reoccurring cost. It will be savings that will be accrued. He said he wasn't sure he understood that.

Mr. Michael Johnson said it was a semi-annual payment of \$22,000 which was a yearly total of \$44,000.00. He said keep in mind that your water and sewer fund is operated as an enterprise fund. So historically what you would like to do in an enterprise fund is the revenues directly from the customers would cover all the expenses as Supervisor Updike is suggesting. However, probably for the last twenty five years the expenses on the water and sewer in Southampton have exceeded the funds paid by the rate payers, so it is subsidized through the general fund. Now what happens is this is a revenue note so you are pledging the revenues from the water and sewer customers; however, there is a moral obligation that if those revenues are insufficient to be able to service the debt associated with this note this Board is making a moral obligation that they will appropriate the funds necessary from the general fund.

Supervisor Edwards asked what was the estimate on this thing. He asked if they knew how much of a deficit it was going to be.

Mr. Michael Johnson said it would be all of it. He said all of these funds would come out of the general fund.

Supervisor Porter said when this topic first came up months ago it seemed to him that you negotiated new rates with Dominion that was going to produce savings around \$50,000.00 a year which would cover this so that it would not be any new money required from the tax payers.

Mr. Michael Johnson said that is correct. He stated that is absolutely correct.

Supervisor Updike said but those funds are needed elsewhere.

Supervisor West said he was in the wrong category, but he remembers the part. He thinks the bottom line is the sludge or build up in the bottom of these whatever holding areas has to be removed period no matter who's fault. On top of that there is damage, wear and tear, that when they are dug up has to be replaced.

Mr. Michael Johnson said you are right. This project will include the removal of the sludge at the bottom of the aeration basins and the digester basins. It will include putting in new synthetic liners in all of those basins and it will include installation of all new aeration equipment which is really the source of the problem.

Supervisor West said there has been some discussion with the principal user and that user has basically denied that they had contributed to the problem.

Mr. Michael Johnson stated that was a different issue.

Supervisor Edwards said this is the state mandate to do this.

Mr. Michael Johnson said the purpose of this hearing is only to discuss the financing. The work must proceed.

Supervisor Porter said he knew the work must be done. This is probably the most financially responsible way we can do it because we are paying no interest on the financing.

Mr. Michael Johnson said correct.

Supervisor Porter said he understands what Supervisor Updike is saying and it's hard not to agree with him. He said we have to look closer when we are doing things like this in the future to avoid having to put a big burden on the backs of the residents in the county who get no benefit from it. We have forgotten to look at what economics makes sense when we enter into a project like this, an enterprise fund. There are certain reasons to do it, but at the end of the day we have got to look at the cost and who is shouldering the burden. He feels like in large part the burden is being unfairly pushed on the back of people who are getting no benefit from these systems right now. We have got to stop that. We have to do this and he thinks this is the best way to do it.

Supervisor West said he agreed we had to do it and this way is the best way as well.

Supervisor Phillips said Supervisor West had mentioned to him there was some kind of tie between Dominion Power rate. He asked if there was any saving or anything. He asked if we derive any benefit or is that something we misunderstood.

Mr. Michael Johnson said no. He stated Supervisor Porter was exactly right when we first presented this issue and nothing has changed from that. The point we were making was we have negotiated and we are on a different rate tier with the Courtland Wastewater Plant. We should reduce our annual power bill to Dominion Virginia Power by approximately \$50,000.00 a year. This is roughly an increase of \$44,000.00 so it is a wash basically is what they are saying.

Supervisor Phillips asked if there was any way to tie the two. Once we start budgeting that money could end up over here as opposed to there. Just as he is trying to say we are trying to move that burden away from the individuals and let the county itself handle these costs. He asked is there any way to tie those together and earmark it or whatever.

Mr. Michael Johnson said well it is tied as part of your budget process that you consider on an annual basis.

Supervisor Phillips said well we need to keep that in mind.

Chairman Jones asked if there was any other discussion.

Supervisor Updike said that we have a total figure of 1.5 million. How you looked into how much the increase in the rates is going to be. The monthly sewage rates needed to be increased to help offset some of these expenses. Has anything been looked at getting revenue to try to offset some of our expenses. That is 1.5 million that we have borrowed this past year already to 9.5.

Supervisor Porter said you are double counting. That is the same thing.

Supervisor Updike said alright.

Mr. Michael Johnson said the total project is \$880,502 dollars. To answer your question Supervisor Updike we look at those on an annual basis. We raise the connection fees and the facilities fees substantially before we moved ahead with the expansion of the Courtland Waste Water Treatment Plant. To be perfectly candid with you if you are talking about raising the monthly user fees to a rate that would be sufficient to pay all the operation and maintenance expense plus the debt associated systems with the utility systems you would have monthly water and sewer bills over five hundred dollars each.

Supervisor Updike said that was basically what he was getting at, but we are just going to have to watch our expenditures and quit spending things we don't have.

Supervisor Edwards said for the future is there a way to prevent this. He asked could this not have been done years ago.

Mr. Michael Johnson said the first time they ran into this problem Supervisor Edwards was after the expansion of the Boykins, Branchville, Newsoms system back in 1995. The rate payers have been able to pay the operation and maintenance of that system but have never been able to service debt associated with it. That has been appropriated out of the general fund from the start. That matter was exasperated with the expansion of the Courtland plant two years ago.

Chairman Jones said we have no choice but to go ahead with the sewer system in Boykins.

Supervisor Edwards said he thought under the state mandate we had been fined once have we not.

Mr. Michael Johnson said we have.

Chairman Jones said we have been fined. We have no other choice but to do it.

Supervisor Porter said this is the best way to do it and we have to do it because of the mandate. If we choose not to finance it this way we are going to have to raise taxes .20 cents. We are not going to do that.

Mr. Michael Johnson said quite frankly even if you had the money sitting in the bank you would still be better off at zero percent interest to use somebody else's funds.

Chairman Jones asked if there was any other discussion.

Supervisor West said you have a motion and a second.

Mr. Michael Johnson said we do need a roll call vote Mr. Chairman.

Chairman Jones said alright.

Mr. Michael Johnson asked Ms. Cindy Edwards to run down the roll and call each Board member and have them vote.

Supervisor S. Bruce Phillips – yes

Supervisor Ronald West – yes

Supervisor Alan Edwards – yes

Supervisor Carl Faison – yes

Supervisor Barry Porter – yes

Supervisor Glenn Updike – yes

Chairman Dallas O. Jones – yes

Chairman Jones said the motion has been carried.

Chairman Jones stated the next item of business was item nine Consideration of an Amended and Restate Performance Agreement with Enviva, L.P.

Mr. Michael Johnson stated that company officials from Enviva, L.P. have indicated that there is a possibility that they may expand the scope of their project in Southampton County subject to acquisition of some additional property in the Turner Industrial Park.

Attached for your reference, please find a sketch developed by their consulting engineer illustrating their proposed layout as well as an additional 19.1 acres that would essentially square their parcel off. This would leave the county with roughly 80 – 85 acres of developable property (the pad-ready portion).

They have proposed to increase their capital investment from \$75 million to \$91 million (the additional \$16 will be invested in machinery & tools) and increase their total employment from 64 to 72.

In addition to the sketch, I'm also attaching an amended performance agreement, which incorporates the additional property and investment by the company under the same basic terms. The agreement is the "redline" version so that you can see exactly what's changing from the agreement that has already been signed.

At this writing, the company is still reviewing the document so there may be minor changes before Monday – if that occurs, I'll let you know.

If the Board is so inclined, a motion is required authorizing the Chairman to sign the Amended and Restated Performance Agreement.

AMENDED AND RESTATED PERFORMANCE AGREEMENT

This Amended and Restated Performance Agreement (the "Amended Agreement") is made and entered into as of the 27th day of February, 2012 by and between Southampton County, Virginia, acting by and through the Board of Supervisors and the Industrial Development Authority (the "County") and Enviva LP, a limited partnership, with its principal office located at 7200 Wisconsin Ave, Suite 1100, Bethesda, MD 20814 (the "Company").

WHEREAS, the Company is considering acquisition of certain real property from the Industrial Development Authority of Southampton County, located in the Franklin Magisterial District of Southampton County, Virginia, containing 139.1 acres, more or less, (the "Site"), for

the construction of a manufacturing facility (the "Facility") for the large scale processing and production of biomass fuel (the "Project"). The Company contemplates an investment in Southampton County in land, buildings, and equipment of Ninety-One Million Dollars (\$91,000,000.00) within thirty-six (36) months of the acquisition of the Site, and further contemplates creation of seventy-two (72) new full-time jobs by that time, all with an average annual compensation, excluding benefits, of at least Thirty-Six Thousand Dollars (\$36,000.00), and proposes to maintain such investment and number of jobs for at least ten (10) years; and

WHEREAS, the County has determined that the proposed Project will benefit the residents of Southampton County, Virginia by stimulating local commerce and trade, providing additional markets and competitive pricing for forest products, increasing employment, and providing substantial direct tax revenues; and

WHEREAS, the parties hereto acknowledge that the participation of the County is for the benefit of the residents of the County and therefore the Company recognizes its good faith obligation to use commercially reasonable efforts to employ residents of the County when possible; and

WHEREAS, the parties hereto wish to articulate and pledge their mutual commitments to one another.

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein, and other good and valuable consideration, the parties agree as follows:

ARTICLE I
OBJECTIVES

1.1 The parties hereby agree that, in consideration of the Company undertaking the Project with its employment opportunities, investment, tax revenues and utility revenues in the County, the County intends to provide the respective incentives set forth herein.

1.2 The Company hereby agrees that in consideration of the provision of said incentives, it intends to develop and maintain the Project in the County in accordance with the terms hereof and in good faith undertake commercially reasonable efforts to employ residents of Southampton County.

ARTICLE II

THE COMPANY'S COMMITMENTS

2.1 The Company proposes, subject to the performance by the County of their commitments set out in this Agreement, and the successful award of certain other incentives from the Commonwealth of Virginia, to develop the Project in the Turner Tract Industrial Park in Southampton County, Virginia.

2.2 In consideration of the performance by the County of their commitments set out in Article III, the Company proposes that the Project will result in the following:

(i) An investment in land, buildings, and equipment of not less than Ninety-One Million Dollars (\$91,000,000.00) within thirty-six (36) months of acquisition of the site and maintenance of such land, buildings and equipment for a period of ten (10) years (the "Maintenance Period") commencing on the date of issuance of the Certificate of Occupancy for The Facility, and

(ii) The creation of not less than seventy-two (72) new full-time jobs within thirty-six (36) months of the Commencement Date, and maintenance of the aforementioned number of jobs for a period of ten (10) years (the "Maintenance Period") commencing on the date of issuance of the Certificate of Occupancy for The Facility, and

(iii) At all times during the Maintenance Period, said jobs will have in the aggregate an average annual compensation, excluding benefits, of at least Thirty-Six Thousand Dollars (\$36,000.00).

(iv) An investment to extend natural gas service to the Site.

2.3 The Company proposes to comply in all material respects with all federal, state and local requirements related to the Project, including the provision of financial and other documentation in connection with all incentive programs as described in this Agreement.

2.4 The Company acknowledges that there are applications and other forms to be completed and statutory and guideline requirements to be met for the Company to qualify for various incentives set out herein and that there may be penalties for failure to perform.

2.5 The Company acknowledges that if its commitments contained in Article II, 2.2 of this Agreement are not met, all or a portion of the incentives proposed by the County for the Project

pursuant to Article III of this Agreement may be forfeited as set out in Article IV.

ARTICLE III
THE COUNTY'S COMMITMENTS

3.1 The County, acting by and through the Board of Supervisors and the Industrial Development Authority, acknowledges that certain commitments are hereby made to the Company to induce it to develop the Project in Southampton County, Virginia.

3.2 The County, pursuant to statutory authority, proposes to provide the following assistance in support of the Project:

(i) Convey the Site in the form of 139.1 acres, more or less, within the Turner Tract Industrial Park to Enviva Biomass for a discounted sale price of \$1,506,917.00. The Site shall be conveyed "as-is," in the location identified on the attached "Schedule A," subject to provision of road improvements and water and sewer improvements described herein below. The County shall indemnify, and hold harmless, the Company against any and all present and future claims relating to the Site while the County held title to the Site. Based upon an assessed value of \$30,000 per acre, the value of this incentive is estimated at Two Million Six Hundred Sixty-Six Thousand, and Eighty-Three Dollars (\$2,666,083.00);

(ii) Provide certain infrastructure improvements to the Project site including construction of a 500,000 or 750,000 gallon elevated water tank, a gravity sewer line and wastewater pump station, a sewer force main between the site and the interceptor pump station located on Southampton Parkway, and widening and improvements to Rose Valley Road (S.R. 688). Said improvements shall be completed no later than July 1, 2013;

(iii) Finance the sale of the real property to Enviva Biomass at 0% interest over 5 years (annual payments of \$301,383.00), with no payments due for 2 years from the date of closing. Based on a prime rate of 3.25%, the value of this incentive is estimated at Two Hundred Forty-Eight Thousand Dollars (\$248,000.00). The financing shall be subject to a Deed of Trust;

(iv) Provide an annual economic incentive grant for five (5) years, pursuant to Section 15.2-4905 of the Code of Virginia, equivalent to a specified percentage of the tax on machinery & tools paid by the Company to the County. The aforesaid taxes shall be annually due and payable on or before December fifth and the annual grant shall be remitted to the Company by the County not more than sixty days thereafter. This grant may be withheld by the County in the event that

any local taxes or fees owed by the Company to the County are more than sixty days past due. The percentage(s) are as follows:

- YEAR 1 – 41.988%
- YEAR 2 – 41.988%
- YEAR 3 – 41.987%
- YEAR 4 – 41.986%
- YEAR 5 – 41.986%

Based upon an initial investment of \$81,000,000.00 in machinery & tools by the Company, the value of this incentive is estimated at Two Million Four Hundred Forty-Eight Thousand, Six Hundred Ninety-Four Dollars (\$2,448,694.00.);

(v) Provide an annual economic incentive grant for ten (10) years, pursuant to Section 15.2-4905 of the Code of Virginia, in equal installments of up to \$70,000.00 per year. This grant is intended to reimburse the Company for up to Seven Hundred Thousand Dollars (\$700,000.00) toward its out-of-pocket capital expenses in extending natural gas service to the site. The Company shall provide the County with documentation of its out-of-pocket capital expenses. Should the Company’s out-of-pocket capital expenses be less than \$700,000.00, the annual grant shall equal one-tenth (1/10) of the actual expense required to serve the project. This grant shall be remitted to the Company by the County by February 5th of each year following the issuance of the Certificate of Occupancy. This grant may be withheld by the County in the event that any local taxes or fees owed by the Company to the County are more than sixty days past due;

(vi) Provide an annual economic incentive grant for five (5) years, pursuant to Section 15.2-4905 of the Code of Virginia, equivalent to a specified percentage of the tax on electrical utility service paid by the Company to the County. The Company shall agree to provide the County copies of its electric utility bills for the preceding twelve (12) month period no later than January tenth each year and the annual grant shall be remitted to the Company by the County not more than sixty days thereafter. This grant may be withheld by the County in the event that any local taxes or fees owed by the Company to the County are more than sixty days past due. The annual grant shall be equivalent to the following percentages:

Year 1	100%
Year 2	80%
Year 3	60%
Year 4	40%
Year 5	20%

The value of this incentive over the five year period is estimated at Fifteen Thousand Dollars (\$15,000.00);

(vii) Provide a one-time economic incentive grant, pursuant to Section 15.2-4905 of the Code of Virginia, equivalent to the sum of all Administrative Land Development Fees paid by the Company to the County including Erosion and Sediment Control fees, Stormwater Management fees, and all fees associated with administration and enforcement of the Virginia Uniform Statewide Building Code. The grant may be withheld by the County in the event that any local taxes or fees owed by the Company to the County are more than sixty days past due. The grant shall be remitted to the Company by the County not more than sixty days following the issuance of the Certificate of Occupancy for the Facility. The value of this incentive is estimated at Twenty-Five Thousand Dollars (\$25,000.00);

(viii) Provide in-kind services for fast-track review of the Company's plans. County staff will meet with the Company's design professional to perform a fast track review of the project's site plan and provide written comments in not more than seven working days. The in-kind value of this incentive is estimated at Twenty Thousand Dollars (\$20,000.00.);

(ix) Provide temporary office space, but not including utilities, for up to five (5) persons while the Facility is under construction. Said space shall be provided at property owned by Southampton County at 24283 Old Bridge Road, Courtland, Virginia, and made available to the Company after issuance of the Air Emissions Permit for the Facility and may be used until such time as the Certificate of Occupancy for the Facility is issued. The value of this incentive is estimated at Ten Thousand Dollars (\$10,000.00.);

(x) In-kind workforce screening and hiring services by Paul D. Camp Community College including complimentary assistance with job posting, applicant screening and testing, and overall assistance with the hiring process. The value of this incentive is estimated at Fifteen Thousand Dollars (\$15,000.00);

(xi) In-kind Job Profile Assessment by Paul D. Camp Community College to take advantage of a reduced rate in conducting a job skills assessment and job skills level need. The value of this incentive is estimated at Ten Thousand Dollars (\$10,000.00); and

(xii) Disburse funding in the amount of Three Hundred Thousand Dollars (\$300,000.00) from the Governor's Opportunity Fund (GOF) which may be used for such things as private utility extension or capacity development on and off site; road or other transportation access costs beyond

the funding capability of existing programs; site acquisition; grading, drainage, paving, and any other activity required to prepare the site for construction.

3.3 The County acknowledges that the Company's acquisition of the Site for the Facility shall be subject to obtaining all zoning, subdivision and building approvals required to permit the Company's intended uses of the Site and the construction of the Project.

3.4 The County acknowledges that the Company's acquisition of the Site is subject to completion of its inspections including but not limited to title, survey, environmental, geotechnical and cultural resources and the Company's satisfaction with all aspects thereof in its sole discretion.

**ARTICLE IV
REMEDIES FOR FAILURE TO PERFORM**

4.1 Upon request of the County, the Company will provide reasonable verification of its compliance with the jobs creation and maintenance commitment and the investment commitment as set out in Article II, Section 2.2 herein.

4.2 If the Company defaults on its investment obligation or jobs creation at any time during the Maintenance Period as set out in Article II, 2.2(i) and (ii) of this Agreement, then the County shall provide the Company with a written notice of default after which the Company will be given ninety (90) days following receipt of such notice to cure such default. If the default has not been cured by the end of the ninety (90) day period, the Company shall forfeit a percentage of the Economic Incentive Grants provided by the County pursuant to 3.2 (iv) and (v) of this Agreement. If the total taxable investment is at least Eighty-One Million; Nine Hundred Thousand Dollars (\$81,900,000.00) and the number of jobs created and maintained is at least 65, no forfeiture is necessary. If the total taxable investment is between Forty-Five Million Dollars (\$45,000,000.00) and Eighty-One Million Nine Hundred Dollars (\$81,900,000.00) and the number of jobs created or maintained is at least 36, the Company shall forfeit fifty percent (50%) of the remaining economic incentive grants awarded. If the total taxable investment is less than Forty-Five Million Dollars (\$45,000,000.00) or the number of jobs created or maintained is less than 36, then the Company shall forfeit ninety percent (90%) of the remaining economic incentive grants awarded.

**ARTICLE V
MISCELLANEOUS**

5.1 The parties agree to execute and deliver such additional instruments and documents,

provide such additional financial or technical information, and to act with due diligence and good faith to comply with the terms of this Agreement, and to work together in a mutually supportive manner to accomplish the realization of the Project.

5.2 The terms of this Agreement shall be subject to the approval of the County's Board of Supervisors, the Directors of the County's Industrial Development Authority, and the Company's Board of Directors.

5.3 All communications and notices regarding this Agreement shall be delivered by registered first class mail, postage prepaid, or by nationally recognized courier for delivery on the next business day, or by telecopy (with such telecopy to be promptly confirmed in writing sent by mail or overnight courier as aforesaid) as follows:

SOUTHAMPTON COUNTY

County Administrator
26022 Administration Center Drive
P. O. Box 400
Courtland, VA 23837
Fax: 757-653-0227
mikejohnson@co.southampton.state.va.us

ENVIVA, LP

John K. Keppler
Chairman and CEO
Enviva LP
7200 Wisconsin Ave
Bethesda, Maryland 20814
john.keppler@envivabiomass.com
Phone: 301-657-5560

5.4 At the sole discretion of the Company, and with written notice to the County, this Agreement may be transferred by the Company to an Enviva LP related entity at any time.

IN WITNESS WHEREOF, the Company has caused its name to be hereunto subscribed by its Chairman and CEO, and the County has caused its name to be hereunto subscribed by the Chairman of the Board of Supervisors, the Chairman of the Industrial Development Authority and the Clerk of the Board, as of the date hereinafter written.

SOUTHAMPTON COUNTY, VIRGINIA
INDUSTRIAL DEVELOPMENT AUTHORITY

DATE

BY: _____
E. Beale Carter, Jr.
Chairman

ATTESTED BY:

Secretary

SOUTHAMPTON COUNTY, VIRGINIA
BOARD OF SUPERVISORS

DATE

By: _____
Dallas O. Jones, Chairman

ATTESTED BY:

Clerk to the Board

ENVIVA, LP

BY: _____

DATE

John K. Keppler
ITS: Chairman and CEO

ATTESTED BY:

Mr. Glenn Gray with Enviva spoke. He said they are very fortunate in that their products continue to be accepted very well throughout the European community. They have been able to secure additional contracts and as a result they would like to expand the scope of their proposed facility in Southampton County. Hopefully tonight the Board will vote favorably for their request.

Chairman Jones asked if there were any questions.

Supervisor Updike said he had one. He stated we are financially strapped and this 19.1 acres at the price that means approximately \$200,000 increase. He was wondering what would be Mr. Glenn Gray's companies attitude towards payment up front for this extra 19.1 acres. We are financially strapped this year and every dime counts.

Mr. Glenn Gray said he would have to take that to his Board of Directors.

Supervisor Updike said that wasn't that much additional funds.

Mr. Glenn Gray said they were financing a \$90 million dollar project so they are looking at every opportunity they can get also.

Chairman Jones asked if there were any other questions. He thanked Mr. Glenn Gray.

Chairman Jones asked the Board if they were ready to vote or if they wanted to discuss it further.

Supervisor West said he liked money up front as much as anybody does certainly and he appreciates the thought either way. He stated he was glad the business was coming this way. The sooner you can break ground the better because we need the employment. He really sees that we need to move forward with this. This is a bird in the hand and if the land can be used successfully do so. We want to have long term contracts. We want to have a good neighbor relationship and he looks forward to voting for this.

Chairman Jones asked if he could get a motion.

Supervisor West made a motion that we authorize the Chairman to sign the Restated Performance Agreement with Enviva, L.P.

Mr. Michael Johnson asked if he could include in that to sign the Purchase and Sale Agreement.

Supervisor West said yes to include the signing of the Purchase and Sale Agreement.

Supervisor Edwards seconded the motion which carried unanimously.

Chairman Jones stated the next item of business was item number ten – Request to Close Livestock Waste Lagoon Franklin-Southampton Fair Foundation, Inc.

Mr. Michael Johnson stated that attached for your reference please find correspondence from the Franklin-Southampton Fair Foundation seeking permission to abandon and fill the livestock waste lagoon at the county fairgrounds. The lagoon has not been utilized since 2005 when the livestock pavilion was last leased as a commercial market. According to the Fair Board, the lagoon has been severely undermined by burrowing muskrats, the pumps in the pavilion are inoperable, and the drain pipe is rusted into.

As you may be aware, in 1999, the Board of Supervisors leased the property to the Franklin-Southampton Fair Foundation for a term of 99 years. The lease is for 15 acres and includes the livestock center, exhibition buildings, pavilions, stage, food booths, water wells, pump house and water tank, and the wastewater lagoon.

Closure of the lagoon will limit future use of the livestock pavilion for wholesale marketing. The Fair Board indicates that they have attempted to lease the facility to a commercial market operator for much of the last decade, but without success.

While the lease provides that the county is responsible for the wastewater lagoon, the Fair Board is offering to cover any associated expenses with its own resources. A copy of VDEQ's closure requirements are attached for your reference.

If the Board is so inclined, a motion is required authorizing the Franklin-Southampton Fair Foundation to close the animal waste lagoon in accordance with DEQ's and DCR's regulations.

Included in your agenda for your reference is a copy of DEQ's closure requirements. They will be pleased to answer any questions. The Fair Board has a couple of representatives here Mr. Steve Clark and Mr. Walter Young.

Chairman Jones asked if anyone had any questions about the closure of the lagoon.

Supervisor Updike said the county has a fair every year. They have livestock in it. He stated that before you can have a livestock show and sale the area has got to be washed down and disinfected for animal use. They also have livestock sales. What he is asking is if you close the lagoon where is all that waste and water going. We will be up the creek with pollution control because if they check it after a livestock show or sale there is going to be pollution. He stated that without a lagoon for this water to go in and protect it; it's going to be out in wide open spaces. He can't see anybody closing down the lagoon and all that water that comes off the roofs which is a big covered area has nowhere to go. He thinks it is premature because we are going to have a lot of pollution problems if we close down the lagoon.

Mr. Steve Clark said the reason they are asking for the request is two-fold. One there have not been any hogs at the 4-H show in the last three years.

Supervisor Updike said they are having them this year.

Mr. Steve Clark said that is this year. They hadn't had any for the last three years. He stated all the waste had been dried and shoveled up and hauled away. The second thing is this system is antiquated. It is not in operation now so if you wash down anything now it is the county property and all he had heard tonight is we are broke; we don't have any money. He stated they are not asking for any money. They can either put in a tank to use the system that they currently have and use the water that's washed is all that has to be done or either dry waste. Those are the two options that you have. He stated that they are not asking to redo the whole system. He stated they had a lot of requirements that they had to go through NCRS and it may not be approved. All they are doing here tonight is seeking permission to further that investigation. That is why they are here.

Supervisor West said so it is fair to say the lagoon has not been utilized since 2005. He asked if that was correct.

Mr. Steve Clark said that is correct.

Supervisor West said so nothing has been in there.

Mr. Steve Clark said the pipes are rusted. If you are washing down stuff, it is not going into the lagoon. He can assure you of that. He is here tonight to tell you that. Now where it goes he could not tell you, but it is not going in the lagoon.

Supervisor Updike said he thought we had a lot of pollution going on in the county. They did have a hog show and he understands they are going to have some hogs coming in this year.

Mr. Steve Clark said they had not had a hog show.

Supervisor Updike said up until last year. He understands they are going to have pigs this year.

Mr. Steve Clark said that is right they are going to have feeder pigs.

Supervisor Updike said they have to be disinfected before a feeder pig can be transferred.

Mr. Steve Clark said that is very true.

Supervisor Updike said that water and manure have got to go somewhere and if not in the lagoon we are going to have pollution somewhere.

Mr. Steve Clark said he was just here to tell you it's not going in the lagoon.

Supervisor Updike said when you go to these different sales the cement is washed down.

Mr. Steve Clark said he had asked the people handling the livestock and they said that the waste had just been shoveled up.

Chairman Jones asked if there were any other questions.

Supervisor West asked what is the cost for you to close this down, approximately.

Mr. Steve Clark said they had talked to a contractor who was going to donate all the fill material and he was donating his time so it would be just the cost of the fuel.

Supervisor West asked if that would be acceptable standards with the Department of Environmental Quality.

Mr. Steve Clark said they have to follow all the rules of the NCRS and they have to apply for a plan and the plan has to be approved. He said after talking with Mr. Michael Johnson he recommended that he come and talk to the Board before he proceeds with writing a formal plan.

Chairman Jones said we own it so if we are going to keep it we are going to have to update it and that is going to be a cost on the County. At this rate it is not going to cost us anything.

Supervisor West said no sir, but you have got a problem either way you look at it. Right now you are just hiding it. You are pretending it is going away because you are going to close it but in fact Supervisor Updike and I have another understanding of that. When Supervisor Updike said what he says, he thinks he is telling the truth. When Mr. Steve Clark says he is going to close it he appreciates that so what happens to the "stuff" he doesn't know. Are there affordable potentials that can handle this that can be set up legitimately on a one time basis each year or something like this?

Mr. Steve Clark said supposedly there is an enclosed type tank that can be used where instead of washing it into the lagoon you pump it into the tank. As Mr. Michael Johnson said in the letter all that stuff doesn't work because it hasn't been used. He said he agrees with Supervisor Updike but he is telling them they that have tried to lease the facility and it is falling on deaf ears. Nobody wants to run that as a commercial operation any more.

Supervisor Phillips said when we were speaking before the meeting you said they can still use it for the horse auction. He asked if he can explain the issue of dry waste. He said what he thinks the issue is whether the waste can be taken care of.

Mr. Steve Clark said dry waste is one thing, but we haven't had any hogs. They are planning on having a feeder show at the fair this year. They are roughly thirty pound to forty pound pigs. How much waste there is he doesn't know. He is not a farmer. He stated he did not know how many pigs are going to be in the show.

Supervisor Updike stated there were going to be twelve pigs in the show. He stated that unless they have changed the state law around before you can have a lot of these shows these properties have got to be washed down and disinfected. He said if the only thing you have is what you tracked in on your feet, the whole place has got to be washed down and disinfected or else you are out of compliance. He asked where that water is going.

Supervisor West said it sounds like to him dry waste is walking behind an old cow or mule with a shovel. He said that works fine, but there are other things that occur too and he had seen that before and what happens with that.

Mr. Walter Young said he had been involved with the fair for thirty some years and he had never known the fair to wash down the dirt pens where the animals go. The only thing they wash down or disinfect is the concrete. There won't be any pigs on the concrete. There may be twelve thirty or forty pound pigs and it is like scooping dog poop, how much poop do you get from a thirty pound pig. You know, it is simple.

Supervisor Updike said that is putting limitations on any future expansions of shows and activities for the facilities. That is a big investment out there and now we don't want to use it so we will cut all these things off.

Supervisor Edwards asked if they looked at what it would cost to fix the lagoon. He was sure they had decided it wasn't feasible. He asked if that was right.

Mr. Steve Clarke said sure for something that was not being used.

Supervisor Edwards asked what kind of figure did you get.

Mr. Steve Clarke said he couldn't remember so he wasn't going to embarrass himself by trying to guess what it was. He said they could find those out, but he knew the underground pipe from the livestock area to the ground is completely rusted out. All of that would have to be dug up and replaced with new pipe. Drains for the storm water would have to be replaced and there would have to be some work done to the lagoon itself because of the muskrats and groundhogs. It is not leaking, but they tried numerous times to rent it to no avail.

Supervisor Faison said it seems that we have two situations here. One is that we have a lagoon that is not working and hasn't worked and if it does work it would have to be renovated or whatever which seems to be cost prohibitive. The other situation is that we have these pigs coming in that have to be sanitized or whatever. The lagoon does not solve the situation does it?

Mr. Steve Clark said no.

Supervisor Faison said and you are here to discuss closing that lagoon.

Mr. Steve Clark said he was here for permission to proceed to close the lagoon. He doesn't know that they can. He has to go through all these regulations. He has six pages there that he has to follow to meet all the government's local, state, and federal permits to do it. He doesn't want to go to all that trouble if the County doesn't agree because you all have a concern in it as well.

Supervisor Porter asked are you willing to meet commitments that you will restrict any activities that would result in future pollution exposure.

Mr. Steve Clark said currently they have no activities out there.

Supervisor Porter said that would mean when you are working with the fairs you could not have full livestock shows any longer.

Mr. Steve Clark said they would see or call for some other options.

Supervisor Porter said the concern is pollution.

Mr. Steve Clark said he understands.

Supervisor Porter said we need to get that situation fixed or we will have to restrict the type of activities that go on there. It seems like the closure of the lagoon is not the real issue. That is just a headache you have to take care of. You either have to redo it or you have to close it. In the future if you have full livestock shows there you are going to have to build another one. He stated he didn't think they were going to build another one in the near future on our dime.

Mr. Steve Clark said he wasn't asking them too.

Supervisor West said he hated to kick a gift horse in the mouth. He was ready to close this thing down if they were ready to proceed because they were going to have to deal with other issues and if this thing doesn't work you don't have anything already. Then you have to approach the other

side whether it be portable or what have you.

Supervisor Porter said he agreed with him he just wanted to be sure we weren't going to go out there and go wild with activities that are going to create pollution.

Mr. Steve Clark said he could come back to next month's meeting with some more information to answer all your questions, but he didn't think it was going to be this much discussion.

Chairman Jones asked if there were any more questions about closing the lagoon. He stated it is not in use. It can't be used. When they have livestock shows out there now it is not used.

Supervisor West made a motion that we have the Franklin/Southampton Fair Foundation close the waste lagoon.

Supervisor Faison seconded the motion.

Supervisor Edwards asked under what stipulations were they putting on it tonight.

Supervisor Phillips asked were they going to proceed and still come back to them with further information or just what.

Chairman Jones asked Mr. Steve Clark if he planned to let them know what was going on.

Mr. Steve Clark said they were going to follow all the guidelines and if they ran into any difficulties he would certainly let the Board know.

Chairman Jones said you have been a good tenant so far all these years.

Mr. Steve Clark said they appreciate that.

Chairman Jones asked if there were any other questions.

Supervisor Updike said there is still a lot of rain water coming off that tin. He asked where that was going to end up. He said they run cattle sales there and the only way to get in and out of it is to run over the cement. So they can say what they want to but when the livestock shows come up they have got to wash and disinfect it. He said to make a decision tonight is unwarranted.

Chairman Jones said Supervisor Updike I just got one question where is it going now.

Supervisor Updike said it is going in the lagoon.

Chairman Jones said it's not going in the lagoon he just said the pipes are rusted.

Supervisor Updike said they might be rusted, but it is still going down there to it.

Supervisor Edwards said you have two issues. The one on the lagoon is a dead issue. It is over and done with as far as he is concerned. The other issue is when they have other livestock shows are the appropriate arrangements going to be made to dispose of the waste so that there is no pollution caused so it doesn't come back on the county to have to pay a fine or have to clean it up or whatever. He thinks that is what we are asking. He thinks that is what this gentleman is going to do because they have run a good show the last five or six years there is no reason for them to change now.

Supervisor Phillips said he thinks what we are concerned about is the potential for the pollution. He thinks there is another issue we are looking at now – the fair. They are expecting to have a feeder pig show. Are we basically saying now that they aren't going to be able to have that show because there are no means for handling the pollution. He asked if they needed to take it under advisement and see where they are going with this. It just seems at this point we may be going into a corner. He thinks the Fair Board wants to have a feeder pig show or at least that is his understanding.

Supervisor Edwards said let's separate the two issues. Let's close the lagoon. Then we can address that separately. There are two issues. He stated the lagoon doesn't work now. We can't replace it.

Supervisor Phillips said maybe there is an alternative somewhere. He said he was just trying to say there was a significant investment in the livestock facilities that we have there. He doesn't want to close or preclude us from being able to use them in the future. He doesn't know whether the renovation of what is there as it stands could potentially be cheaper at some point in the future. Again we don't have the money right now. He is saying maybe we should just take it under advisement as Supervisor Updike says.

Supervisor Edwards asked who paid for the lagoon to start with the association or the county.

Chairman Jones said the county.

Mr. Steve Clark said the county ran the livestock then they gave it up to the Fair Board and they ran it for years. He said they had managed it for about thirty years.

Mr. Michael Johnson said it was actually funded with a federal grant though.

Mr. Steve Clark said with Carroll Foods coming in the hog operations around went, people can sell their cattle in Blackstone so people didn't want to sell their cattle here. It has not been a viable operation for the last ten or fifteen years other than the week of the fair when they have livestock out there.

Supervisor Phillips asked don't we still have a horse auction once a month.

Mr. Steve Clark said yes providing any horses show up.

Supervisor Phillips said it is there.

Mr. Steve Clark said yes and the pollution is dry and cleaned up right away.

Supervisor Updike said they also have a cattle sale at least once a year.

Chairman Jones said alright what do you want to do with it.

Supervisor West said you have a motion and a second. The vote carried with a 4- 3 vote. Those voting nay were Supervisors Porter, Phillips, and Updike.

Chairman Jones asked that Mr. Steve Clark keep them posted as to what was going on with the closure and maybe by that time we will figure out some way to get rid of the waste at the fair.

Chairman Jones stated the next item of business was number eleven – Citizen Request to Address the Board – Chief Walt “Red Hawk” Brown.

Mr. Michael Johnson stated that attached for your reference please find correspondence from Chief Walt “Red Hawk” Brown, representing the Cheroenhaka (Nottoway) Indian Tribal Heritage Foundation, relative to two (2) matters that he wishes to present for your consideration:

1. A local letter of support for the *Our Town* grant from the National Endowment for the Arts; and
2. Consideration in exempting 100 acres of tribal land from local real estate taxation pursuant to Article X of the Constitution of Virginia and 58.1-3651 (B) Code of Virginia.

His request is consistent with Sec. 2-45 of the Southampton County Code and he has been advised that the matters have been placed on your agenda.

With regard to the local letter of support, for your reference, I’m attaching herewith a copy of the letter authorized by the Board in February 2011.

With regard to the request for tax-exempt status, the Code of Virginia provides that the Board of Supervisors may, by ordinance, exempt from taxation the real property owned by a nonprofit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes. The ordinance must state the specific use on which the exemption is based, and continuance of the exemption shall be contingent on the continued use of the property in accordance with the purpose for which the organization is classified or designated. No exemption shall be provided to any organization that has any rule, regulation, policy, or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex, or national origin. You may recall that a similar request by Mahone’s Tavern and Museum, Inc. was favorably considered by the board in December 2011.

If you wish to consider this request, because it must be approved by ordinance, it is necessary for you to schedule a public hearing at your next regular meeting on March 26, 2012.

If the Board is so inclined, separate motions are required to:

1. Authorize the County Administrator to provide a letter of local support for the *Our Town* grant; and
2. Direct the County Administrator to advertise an ordinance exempting 100 acres of tribal property from local real estate taxation for public comment at the March 26 regular session.

Chief Walter D. “Red Hawk” Brown addressed the Board. He stated he was the Chief of the Cheroenhaka Nottoway Indian Tribe of Southampton County, Virginia which is a state recognized tribe. He stated he is also Chairperson of the Cheroenhaka Nottoway Indian Tribe Heritage Foundation which is a 5013C tax exempt organization and have been since June 13, 2005. Since that time they acquired by the way of purchase from International Paper 100 acres of land on Old Bridge Road for the purpose identified in their foundation’s constitution and by-laws to be used for the particular purpose of agricultural, traditional, educational, and religious events. What they are doing is based upon the fifteen goals that they submitted to the Bureau of Indian affairs in 2002 which was to bring in a replica of a Native American village. They have 324 tribal members in their tribe in which they have 210 adults and the rest are children. One of the things they are doing is applying our “*Our Town*” grant through the national endowment of the arts. The overall purpose of that grant is to solicit money in the amount of \$25,000.00 as an agent since they are a 5013 C and can apply for this grant. He stated they were not here to ask this Board for any money. They don’t expect to ask this Board for any money. He stated it was a matching grant and they are prepared to match that grant, but the grant requires that you have local partners. One of those

partners must be your local government. They applied for this grant last year but unfortunately they were late in submitting it and so they are coming to this Board and they are asking for the same thing this time which is a letter of interest as a local partner partnering with them in this venture that they have up putting up a Native American Village. He described the size and layout of the village they plan to build.

THREE CHEROENHAKA (NOTTOWAY) AND MEHERRIN INDIAN TOWNS

"Sworn Affidavit of James Thweatt Before B. Harrison and John Hardyman In The Prince George VA County Court - November 7, 1707"

"Prince George County -ss James Thweatt, aged sixty four years or Thereabouts, sworn saith: That he hath known the River called Nottoway River for the space of about Eight and Forty years or more [1659...WDB] and then it was called by the name of **Nottoway** River and by no other name that the Deponent knows or had heard. That when the Deponent was first acquainted in those parts the chief town of the Nottoway Indians was on the South side of the River where Major Wynn's Quarter now is, about three miles above the mouth of **Monksneck Creek**, and some few of them lived at **Rawonte**, which is about 4 miles up Monksneck Creek; and two or three families of them at **Tomataroh**, which is on the North side of the River. And that they lived at some of these places, and at **Cattashowrock**, and there abouts, till about five or six and twenty years ago, and then they removed, and settled their great Town upon **Atyamonsock Swamp** at the place now called **Old Town**.

"That about forty eight years ago [1659...WDB] the Meherin Indians lived upon Meherin River at **Cawochawkon**, and some of them at **Unate** and some at **Taurara**, but how long they lived there after that time, he cannot particularly remember. And further deponent saith not." Nov. 12, 1707. Signed James Thweatt. Sworn before B. Harrison, Jr. and Jno Hardyman. (Somewhere between 1670 and 1707 note the added "T" to Thweatt). The affidavit is dated 1707--and states that he had known that section for 48 years. That would make 1653. Also that he was 64 years of age, which would make his birth year 1643. His age, at the first knowledge of that section, would have been about six-teen. Was he the grandson of Michael Thweatt whose will was proved in 1655 in London? If so, he was twelve years of age at that time. Was he the James Thweatt, one of the twelve passengers mentioned on land grant of 1670? If so, he was twenty seven years of age upon arrival in Virginia. This figures very well until we see the difference between the time he first knew **Nottoway River (1659) and the date of his arrival in Virginia, 1670**. He would have known the river ten or eleven years before his arrival.

It is the opinion of the author, that the James Thweatt, grantee of 1670 and the James Thweatt that made affidavit in 1707 was the same person. I submit the following figures for consideration: James Thweatt arrived in Virginia forty eight years previous to 1707 affidavit or about 1659 Born in England, grandson of Michael Thweatt 1643. Age at time of arrival in Virginia 16. He Had known the territory, from his affidavit. His age at the time of the sworn affidavit was 64. James Thweatt's birth year 1643. James Thweatt made sworn affidavit Nov. 12 1707 James Thweatt received grant 600 acres 1670 James Thweatt born (estimated) 1643 James Thweatt's age at time of grant 27 Difference between age and 1707 affidavit and time of grant 1670 would be 37 years Plus age at time of grant - 27, 64 at time of affidavit in 1707.

William Byrd II of Westover 1674-1744

Original Source: The Westover manuscripts containing the history of the dividing line betwixt Virginia and North Carolina, a journey to the land of Eden, A.D. 1733, and a progress to the mines written from 1728 to 1736. Petersburg [Va.]: Printed by Edmund and Julian C. Ruffin, 1841.

History of the Dividing Line: Run in the Year 1728

April 7th, 1728: In the morning we dispatched a runner to the Nottoway town, to let the Indians know we intended them a visit that evening, and our honest landlord was so kind as to be our pilot thither, being about four miles from his house. Accordingly in the afternoon we marched in good order to the town, where the female scouts, stationed on an eminence for that purpose, had no sooner spied us, but they gave notice of our approach to their fellow citizens by continual whoops and cries, which could not possibly have been more dismal at the sight of their most implacable enemies. This signal assembled all their great men, who received us in a body, and conducted us into the fort. This fort was a square piece of ground, enclosed with substantial puncheons, or strong palisades, about ten feet high, and leaning a little outwards, to make scaling more difficult. Each side of the square might be about a hundred yards long, with loop-holes at proper distances, through which they may fire upon the enemy. Within this enclosure we found bark cabins sufficient to lodge all their people, in case they should be obliged to retire thither. These cabins are no other but close arbors made of saplings, arched at the top, and covered so well with bark as to be proof against all weather. The fire is made in the middle, according to the Hibernian fashion, the smoke whereof finds no other vent but at the door, and so keeps the whole family warm, at the expense both of their eyes and complexion. The Indians have no standing furniture in their cabins but hurdles to repose their persons upon, which they cover with mats and deer-skins. We were conducted to the best apartments in the fort, which just before had been made ready for our reception, and adorned with new mats, that were very sweet and clean. The young men had painted themselves in a hideous manner, not so much for ornament as terror. In that frightful equipage they entertained us with sundry war dances, wherein they endeavored to look as formidable as possible. The instrument they danced to was an Indian drum, that is, a large gourd with a skin braced tight over the mouth of it. The dancers all sang to the music, keeping exact time with their feet, while their heads and arms were screwed into a thousand menacing postures. Upon this occasion the ladies had arrayed themselves in all their finery. They were wrapped in their red and blue match coats, thrown so negligently about them, that their mahogany skins appeared in several parts, like the damsels of old. Their hair was braided with white and blue peak, and hung gracefully in a large roll upon their shoulders.¹⁸²

Mr. Walt “Red Hawk” Brown stated that this is their marketing plan which should bring in 100,000 to 150,000 tourists over the next two to three years. He stated he was again asking the Board to partner with them in this venture that is designed to bring additional tourists into this area. Over the last ten years they have attracted international tourists from France, Checovlocia, Russia, Germany, Australia, and Vietnam. So we have not only attracted tourists from within 150 mile radius, but also international tourists so they bring a lot of money into the County so he hopes they will approve a request for a statement of interest as a partner for the Cheroenhaka Nottoway Indian Tribe in the pursuant of “*Our Town*” grant.

Chairman Jones stated they have heard Mr. Walt Brown’s request.

Supervisor Faison said Mr. Walt Brown said be a local partner. He asked if that was just a request for a letter.

Mr. Walt Brown said yes. They were not asking for any money or anything more than a letter. He said when applying for the grant they are required to have a letter from their local government supporting what they are doing. He stated they had already received a letter of support from the Franklin/Southampton Economic Development Authority. He stated that Mrs. Amanda Jarratt was so kind to write that letter in support. He stated that Mr. Michael Johnson did write a letter last year when the Board approved it.

Mr. Michael Johnson stated a copy of the letter from last year is on page 11-5 in your agendas.

Chairman Jones asked if there were any further questions.

Mr. Walt Brown said they were also coming to this Board to request a tax exempt status for the Cheroenhaka Nottoway Indian Tribe which is a 5013C and again the things they are doing is bringing tourists into this County. The tax runs about \$794.00 per year, but concerning the money they bring in from the tourists it far exceeds the amount they are taxed. Should the request be approved it requires a public hearing and they are prepared to foot the bill for the public hearing.

Chairman Jones asked if there were any questions. He stated that they had done this before as far as the letter of support is concerned.

Supervisor Faison asked if this required two separate motions.

Chairman Jones said yes it requires two separate motions.

Supervisor Faison made a motion to write the letter of support.

Supervisor Phillips seconded the motion with it carrying unanimously.

Chairman Jones said we had another item – the tax exempt status.

Supervisor West said he didn’t think it was ready for tax exempt status yet due to the fact there are no structures there yet. He said he didn’t know and he needs to know more.

Mr. Walt Brown asked Chairman Jones if he could respond to Supervisor West’s concerns.

Chairman Jones said yes.

Mr. Walt Brown said they have invested more than \$135,000 in the tribal land already. They have excavated the area. They have cut trails. They are in the process of doing signage to be left along the trails because there are several which talk to the floor and the vine because there are a number of different types of native type plants out there and vegetables. They are going to try to have the village put up by July. They are working hard to put in the floor. They will have their POW WOW out there so the only structure they are going to have out there in their five year plan is the museum. They are ready now to put up the village.

Supervisor West said so you have everything ready and everything is in order.

Mr. Walt Brown stated that it was. He said it was the same thing as the last tax exempt request that came before this Board. The last group that came before this board has not made nearly the progress that we have made, but they were approved. Again they have cut the trails and they are working on the signage. The signage will be laid in the trails. The trails are already out there. Ten acres of land have been cleared for the POW WOW that they will be having there the second weekend in October along with a school day. They are looking at entities to bring in salt oak trees which about 35 to 40 trees are needed. When they build the village they are actually going to put in a bark house which is a replica. That will be there in July of this year. They have had this property since March 20, 2009 which is only two years. He stated they had reduced the debt from when they paid International Paper which was \$135,000 and the bill is down now to \$13,007.00. They are paying another \$2,000.00 next week so it will be down to \$11,000. Their goal is to have a mortgage burning ceremony come March. He stated they had not asked this Board for anything. If you look at the historical society you are looking at more than 3/5's of a million dollars in tax exempt property. If you look at the puritan club, it is pushing \$200,000.00. He stated they are bringing in hundreds of thousands of dollars a year. Not only that, but they are going outside of Southampton County and spreading the good news about Southampton County and having tourist come here. Last year by word of television and speaking engagements they reached around 1.7 million people. He stated they had been on Channel 10 and they were speaking on Southampton County. They bring people here which help "Mom & Pop" stores and help them thrive. He is only asking that they be treated the same way.

Supervisor Porter asked Mr. Walt Brown what was the zoning of their land.

Mr. Walt Brown said A-2.

Supervisor Porter asked if their activities were consistent with their zoning.

Mr. Walt Brown said yes it is. He stated again they are a non-profit entity. He stated they don't make any money.

Supervisor Edwards said he thought it was A-1 and A-2 was it not.

Mr. Walt Brown said that part was A-1, but the gas line runs through it. If you go to tax map 7512E you will see the zoning of it.

Supervisor Porter said he supports what they are doing. He just wants to make sure they are doing it right.

Mr. Walt Brown said they were going to do it right. In fact they paid all the permitting fees to go out and clear that land with the county and the state. He said they were not going to do anything in violation of the local or state policy.

Supervisor Porter asked if everything was okay.

Supervisor Edwards said he would get to that.

Mr. Walt Brown stated that the land itself is set aside for the purpose as identified in the articles of incorporation and the by-laws of their foundation – education, religious, and cultural. That is what it is for.

Supervisor Edwards asked Mr. Walt Brown if he said he applied for a conditional use permit.

Mr. Walt Brown said no. He stated that when they requested the permits to do the excavation of 16 acres they did 3.6 acres on the front and ten acres in the center for the POW WOW grounds and the 3.6 acres in the back for the village. They just planted 20,000 long leaf pines. They got a grant and worked with the Department of Forestry and Wildlife and Department of Conservation Resources and put out 20,000 long leaf pines because they are conducive to the type of trees that were here before the colonist came in. They are trying to bring back that cultural and educational aspect of the first people to Southampton County dated back to 1700 AD. He said they weren't trying to build a golf course or a gambling casino or stuff like that.

Supervisor Edwards said Mr. Brown I agree with your overall concept. But the problem he has is that they don't have a site plan for number one. Number two they don't have a detailed purpose plan and he has some question in mind as to whether this should go to our planning department and let them decide what the proper way to do this is whether it needs a conditional use permit, a zoning amendment, or a change in comprehensive plan. He said he has a feeling that one of those things maybe what he needs to get.

Mr. Walt Brown said he wasn't quite following Supervisor Edwards. He asked if he could give the members of this Board a copy of the 5013 C articles of incorporation. He said he was here requesting a tax exemption - the same thing as the Southampton Historical Society, the same thing as the Mahone's museum did here. The site plan is conducive to cultural, education, and religious for Native American entities – nothing else. He said that is all specified in the Article of Incorporation of the 5013 C tax exempt documented from the Federal Government. So he is asking this Board to grant tax exempt status to this property as it stands now based upon the code of Virginia.

Supervisor Brown said he didn't think anyone here would want to not give you the tax exemption that is consistent with the tax exemptions that have been given to similar organizations in the county. We just want to make sure we do it right. He feels like Dr. Alan Edwards that for him to get the comfort to do it, it would be a lot better if he would take that through the Planning Commission. I will commit to you that if this happens they will make your tax exemption retroactive back to tonight if you go through the proper channels. If everything is done properly, you will still get the same benefit.

Mr. Walt Brown said they were not ready to go through any rezoning because they aren't ready to put up the museum. The museum is going to be on the 3.6 acres of land up front. They are asking for tax exemption the way the land stands now. The excavation has already been done. The trails have already been done. He stated that he doesn't see why they have to have a conditional use permit for a non-profit entity to go out there and have a POW WOW. We have Heritage Day and everything here. He asked do they have to have a conditional use permit to do that.

Supervisor Porter said we have a Heritage Park.

Mr. Walt Brown said they have a park too. He said it is a matter of semantics now.

Supervisor Porter said it is not a matter of semantics.

Mr. Walt Brown said he was going to call this board biased and predijustice in a few minutes

Supervisor Porter said we are not trying to deny you of this. He said he feels like Mr. Walt Brown is coming to them tonight and trying to rush something through. He said he was not going to vote for it tonight because he is not going to be forced to vote on something that he doesn't understand and doesn't feel comfortable with.

Mr. Walt Brown asked what was so hard to understand about Articles of Incorporation and 5013 C.

Supervisor Porter said he understands that.

Mr. Walt Brown said the property is in the names of a 5013 C organization. He stated it was not in his name. It is not in an individual's name. It is in the name of a foundation which is tax exempt.

Supervisor Porter said he had incorporated more 5013C corporations than you can imagine. He has seen what some of those have done and it's because of that that he knows a lot of what people do inside those organizations that he is why he is not comfortable here.

Mr. Walt Brown said so you aren't comfortable with cultural activities, religious, and education. He said this is what the document requires.

Supervisor Edwards said let's talk about it a minute. Hold on. He thinks they are getting over the boundary here now. He said we agree with your concept. The only thing they want him to do is go through the proper channels to make sure this is done right. He said that is all we are asking.

Mr. Walt Brown said the only thing they need rezoning for is the museum.

Supervisor Edwards said he didn't know what it requires. He told Mr. Walt Brown that he needed to go the Planning Department.

Mr. Walt Brown said we aren't ready to do that right now. We aren't putting up the museum right now.

Supervisor Edwards said we can't give you tax exempt status right now when we don't know what is going to happen there.

Mr. Walt Brown said okay Supervisor. Thank you so very much.

Supervisor Faison said he had no problem granting them tax exempt status tonight because this organization, this heritage foundation, has done quite a bit of research, they have done planning and made it clear to them what they plan to do. They are a 5013C organization and the Board has the authority to grant them tax exempt status. He stated they had done that before without asking people to jump through hoops. He doesn't think they need to require this heritage foundation to jump through hoops that they don't require others to jump through. He has no problem granting them tax exempt status. He stated that they do a lot for the county and he thinks the county should show some appreciation for it.

Supervisor Edwards said he had a lot of problem voting for it just for the reason he stated. There

is a proper way and a proper channel to do this. We all agree with this concept. That is no problem. We are saying we want to do this right and it should be taken to our Planning Department and let them decide what the proper channels are. He stated that is all we are asking tonight sir.

Mr. Walt Brown told Supervisor Edwards the code of Virginia does not require a request for a tax exempt status of a 5013C organization to go through the Planning Department. He asked him to please read the code. It delegates that responsibility to the Board of Supervisors because the Commonwealth no longer gets involved in that. It is clear; so he is a little confused. He is saying biased and prejudiced based on what he is hearing and based on what has been done in the past. He stated he was calling it the way it is.

Chairman Jones asked Mr. Richard Railey what they needed to do with this.

Mr. Richard Railey said the important thing is to separate apples from oranges. 501C is the internal revenue code. That is the federal government. Just because it is 501C doesn't mean it is entitled to tax exempt status. The key in the enabling legislation is the use. If you discontinue the use, you lose your exemption. You have got to show it is going to be used for that. If you are convinced at this point that it is being used for that, then you can do it, if you think it is not being used for that yet; then it is premature.

Chairman Jones asked if he was required to go before the Planning Commission.

Mr. Richard Railey said it doesn't say that in the Code, but the use is the key. Is it being used or is that a plan in the future. Is it being today for this purpose or is that a plan for the future. He said if you want to compare say the Ruritan Clubs if that's the case, to his knowledge they are all being used right now as we speak. If you are talking about the historical society, it is being used as we speak. If you are talking about Mahone's tavern, it is being used as we speak. This is a wonderful plan, but it is for the future and that is where your decision lies. But to say it is 501C because it is evidenced; that is entirely different. That is like comparing apples and oranges, and watermelons or whatever.

Mr. Walt Brown said it all depends, Mr. Chairman, on the purpose for which the 5013C tax exempt entity was founded. That is the driving train. He said there's was based on cultural, educational, and religious activities. The last tax exempt entity that was passed by this Board, Mahone's Tavern, that gentlemen that came in and said they are not ready yet. They are working on this and they are talking about the things they are going to do in the future. He stated the Board addressed that because he sat on that Board when it was addressed. He said we are going to do this in the future. They were trying to do all these things to bring people in.

Chairman Jones said we needed to do something with this tonight so he wanted a motion.

Mr. Michael Johnson stated that just as a point of order, you can't actually allow it tonight. You have got to have a public hearing. The point is whether you proceed with a public hearing or not.

Supervisor Faison moved that they proceed with a public hearing.

Chairman Jones asked if he had a second. There was no one to second the motion.

Mr. Walt Brown said biased and prejudice Mr. Chairman. He said biased and prejudice Mr. Richard Railey. He stated he would take this further.

Chairman Jones called for a five minute break.

Chairman Jones called the meeting back to order.

Chairman Jones stated the next item of business was number 12 – Capital Funding Request Ivor Volunteer Fire Department.

Mr. Michael Johnson stated that attached for your reference; please find a capital funding request from the Ivor Volunteer Fire Department to assist them in making a down payment on a new Medium Duty Rescue Truck.

Capital funding in specified amounts has been set aside annually for each fire department and rescue squad since FY 2000. These funds are held in escrow until a request to draw them down is approved by the Board of Supervisors. Escrowed funds continue to accrue for each department/squad if they are not drawn down on an annual basis.

The attached table indicates the status of capital appropriations since FY 2000. As you can see, we are holding \$69,000 (FY 2008, 2009, 2010, 2011 and FY 2012) in escrow for Ivor Volunteer Fire Department.

To date, we've collectively appropriated \$1,515,500 for fire and rescue improvements and are holding \$314,500 in escrow.

A motion is required to approve the capital funding request for Ivor Fire Department in the amount of \$69,000.

Chairman Jones called on Supervisor West.

Supervisor West stated that he had a couple of comments. He has an opportunity to talk to Chief Gardener as well as the Mayor of Ivor, Keith Joyner, and also some other members of the Fire Department. He stated this is a God send when they receive this \$14,000.00 each year. The folks in Ivor are certainly entitled to this. We set aside for this purpose and now he certainly wanted to request that we provide this capital funding that the Ivor Fire Department has requested, but he would also like to send a letter if it was possible and reasonable because there are some concerns in these tight times that they understand that this funding will be there because it is important to be able to purchase new equipment to update their equipment. He wanted the Board to know when you look around and see what it costs us already to have the five day a week 12 hour shifts - it is very expensive. He stated that they had free and bottom fielders that they cannot compensate and this \$14,000 is a good deal. Right now volunteerism has fallen off everywhere. He made a recommendation and motion that they provide this and write a letter encouraging them and letting them know this funding will continue and that they have no intention to turn it down or reduce it.

Chairman Jones stated that without the volunteerism this couldn't happen. We might be able to have one somewhere.

Supervisor Edwards seconded the motion which was carried unanimously.

Supervisor West said it was reassurance and money well spent.

Supervisor Faison asked if the letter was going to be sent to each department or just Ivor.

Chairman Jones said to each department.

Supervisor Edwards said he had been in several of these departments and they don't waste

anything. They are very frugal with their resources and they realize that the resources are limited.

Chairman Jones stated the next item of business was number 13 – Discussion regarding a code of ethics for elected and appointed officials. As discussed and directed last month, I have prepared a draft Code of Ethics in order to stimulate discussion among the Board. The purpose of the Code of Ethics is to assure public confidence in the integrity of our Board of Supervisors, and any boards, commissions or committees that it may establish (Planning Commission, IDA, etc.).

Among other things, the Code of Ethics provides that:

1. Members will work for the common good of all citizens and not for private or personal interest;
2. Members will at all times comply with the law;
3. Members will refrain from abusive conduct, personal charges or verbal attacks;
4. Members will follow all rules and procedures that the Board may establish;
5. Members will fully prepare themselves for public issues and listen courteously and attentively to one another and the public;
6. Members will base their decisions on the merits of each issue;
7. Members will share substantive information they may obtain from sources outside of the public decision-making process;
8. Members will avoid conflicts of interest and promptly disclose them when they may arise;
9. Members will refrain from accepting gifts or favors which may be construed by reasonable persons as influencing the performance of their public duties;
10. Members will respect confidential information and not disclose it without proper legal authorization or use it to advance their personal or private interests;
11. Members will not utilize public resources for personal gain.
12. Members will not appear on behalf of third parties on matters before the Board or any board, commission or authority that it appoints.
13. Members will represent the official positions of the Board when designated as a representative or delegate for the Board;
14. Members will not interfere with the administrative functions of county government or the duties of professional staff;
15. Members will refrain from utilizing their position to unduly influence the deliberations or outcomes of any board, commission or committee that it may appoint;
16. Members will support a positive and constructive workplace environment, and
17. Members will become thoroughly familiar with the Code of Ethics and sign statement affirming that they've read and understand it.

The Code of Ethics is intended to be self-enforcing; however, the Board Chairman has the additional responsibility of intervening when members appear to be in violation. The full Board may impose sanctions, including reprimand or formal censure, if necessary.

If the Board is so inclined, a motion is required to adopt the Code of Ethics (as may be modified or amended following discussion).

Chairman Jones asked if anyone had any questions.

Supervisor Edwards asked Mr. Richard Railey if everything there looked good to him.

Mr. Richard Railey said everything looks fine.

Chairman Jones said he needed a motion.

Supervisor Phillips said he looked at this and he wondered if they should take it under advisement for one month in case they had any other comments since they had only had it since Thursday. He stated he is in favor of it and will vote for it, but give the Board an opportunity to look it over more.

Supervisor West said he felt the same way. He will vote for this too and feels that it is something that needs to be done. He would like to say to the county residents to contact your county Supervisors or even through the organization that Mrs. Linda Vick represents that they have an opportunity to provide input or additional information so that next month they can vote on this.

Supervisor Edwards said it almost needed to go to the newspaper then so they can see this.

Supervisor West said yes.

Supervisor Updike said he thought this is what we should be doing since the citizens asked for it. Give them a chance to read it and make some input then we can have a discussion on it. He said they had running for years without any so another month won't hurt a thing. He said he would put that in the form of a motion.

Mr. Ash Cutchin asked if going to put it on the website.

Mr. Michael Johnson said it was already on there.

Supervisor Edwards asked how do you want it advertised.

Supervisor Updike said just the website and the citizens for responsible government, and all other interesting parties will get it and read it and make comments. He wasn't too much of putting an advertisement in the paper because it is costly. He said maybe they could get the Tidewater News to write an article on it or something.

Mr. Michael Johnson stated Gwen with the newspaper had left the meeting.

Supervisor Updike said we can still provide it for them.

Chairman Jones said we need a motion.

Supervisor Updike said he had made a motion.

Chairman Jones asked Supervisor Updike if his motion was to delay it until next month.

Supervisor Phillips seconded that motion which carried unanimously.

Chairman Jones stated the next item was number 14 – Consideration of Bids for Elevated Water Tank at the Turner Tract Industrial Park.

Mr. Michael Johnson said construction of the elevated water tank at the Turner Tract Industrial Park is the longest-lead item on the critical path of infrastructure development for the industrial park. With a 400-day window from notice-to-proceed to substantial completion, it is critical for us to proceed with award in the next 30 days in order to meet our July 1, 2013 deadline for Enviva.

On February 15, we received sealed bids. The bid documents provided that we would receive quotations on a 500,000 gallon tank with an alternate quotation on a 750,000 gallon tank.

Two bids were received as follows:

	<u>500,000 Gallons</u>	<u>750,000 Gallons</u>
CB&I	\$1,338,330	\$1,613,330
Caldwell Tanks	\$1,258,000	\$1,630,000

Accordingly, Caldwell Tanks is the low bidder on the 500,000 gallon tank and CBI is low bidder on the 750,000 gallon tank.

So, the question before you is, “How large of a tank do you wish to construct?” Our project budget included roughly \$1.8 million for the tank itself, so even the larger tank is more than 10% below the budget. Our consulting engineer has recommended that you construct the largest tank that is financially feasible; noting the cost to construct the additional capacity (250,000 gallons) would cost two to three times as much as the marginal cost of the upgrade (\$355,330) in the future.

The tank will be funded with proceeds from the Series 2006A Public Facility Lease Revenue Bonds that were sold to develop the park.

Based upon your discussion, a motion is required to accept one of the two bids described herein above.

Chairman Jones asked if there were any questions.

Supervisor Porter asked what was the size of the tank in the original plan.

Mr. Michael Johnson said the base bid was 500,000.

Supervisor Porter asked it that was the size of the tank in the original industrial park plan.

Mr. Michael Johnson said there really wasn't a tank size in the plan.

Supervisor Porter asked how much water is Enviva going to need.

Mr. Michael Johnson said 500,000 is plenty sufficient to meet Enviva's purpose. What you don't know is who may locate on the other 80 acres and what other projects may locate in the boundaries of this park in the future. What are the plans for future industrial growth.

Supervisor Porter said he thinks back to overwhelming stuff. Are we going to use 100,000 gallons or are we going to use 400,000 with this tank. He asked right now do we need 100,000, 200,000, 300,000 or 400,000. How much do we need. If you are at 80% capacity it make sense “

Mr. Michael Johnson said based on Enviva's use you are not at any more than 25%.

Supervisor West said he didn't want to be penny wise and pound foolish. He stated he wanted to see the park continue to development and he wanted to see additional customers to come in. A storage tank is something that is needed obviously. He doesn't know if 100,000 gallons is sufficient or whatever, but he does want to look at other businesses coming in and not cost more money down the road that could have been saved up front. Then he sees the point there and also he sees the difference between 1.25 and 1.630 or 1,613 which ever. That is about \$350,000 initial investment. The fact is if you had 1.8. He sees your point well, but he wanted to be prepared for whatever may be.

Supervisor Edwards asked what the life span of a tank is.

Supervisor Porter said the thing is 1.8 million you are talking about 550,000 less that you can use to pay down debt. Or you are looking at 150,000 to pay down debt. If we vote for this big tank and ten years down the road we are still using less than 400,000 gallons we made a bad decision.

Supervisor Faison asked in terms of the industrial park with Enviva there they are going to use a considerable amount of water.

Mr. Michael Johnson said they don't use much water for their process. Their big issue is to have enough water storage for fire protection which 500,000 gallons is plenty adequate.

Supervisor Faison said if other entities come in they are privileged to use the water of Enviva.

Mr. Michael Johnson said you don't know. Nobody has that crystal ball.

Supervisor Edwards said depends on who comes there.

Supervisor West said we already bought it and paid for it at 1.8 and that is already money that we are paying back.

Supervisor Porter said that is not the same thing. He stated if you borrowed the money and don't spend it you can always pay it back and reduce our debt.

Supervisor Faison asked if this would just service those industries in the park.

Mr. Michael Johnson said no it can serve anywhere as far as you extend waterlines.

Supervisor Faison said we need to consider more than just the park in this development so with that in mind; he would be more in favor of the 750,000 gallon tank.

Supervisor Edwards said so we have no idea how much water we need do we.

Supervisor Faison said no.

Supervisor West said then Franklin has an agreement that if they extend the water out to a certain place we have to pay the additional cost isn't that correct.

Mr. Michael Johnson said in that 17.1 mile square area that surrounds the city of Franklin, if there are businesses that locate in that corridor they connect the utilities that originate in the city of Franklin then you are obligated to share the revenues of the city. If they locate in that 17.1 square mile area, but do not connect to utilities that originated in Franklin you don't share any revenues. So you are right the Turner Tract Industrial Park would not have any utilities connected to the City of Franklin so you won't be sharing any revenues there. Connecting to the city you share; connecting to yours you don't.

Supervisor Phillips asked if they were going to run sewer from the Turner Tract back to our new sewage treatment plant.

Mr. Michael Johnson said right. There would be a pump station constructed on the site, there will be a sewer force main which is not a gravity line it flows by pressure and is pumped back to New Market Road and connects to the intersecting pump station that you can see on Route 58 which is then pumped on to the new treatment plant.

Supervisor Phillips said so if you had that additional capacity you could use that anywhere within that 17.1 square miles.

Mr. Michael Johnson said anywhere you can extend a water line to serve it.

Supervisor Phillips said sure. He stated that would keep us from having to do the revenue share.

Mr. Michael Johnson said correct.

Supervisor Updike said he didn't think it would be financial responsible to run a line from the other side of Franklin to Hunterdale.

Supervisor West said it's not going that way, but that's the growing area for industry now.

Mr. Michael Johnson said I think you need to be thinking about what is the plan after the Turner Tract. - is there a plan for additional industrial growth somewhere in that vicinity when you have already invested substantially in infrastructure. Maybe we ought to be looking somewhere in that area where we have already invested in water and sewer for future growth then do we have the additional capacity to serve that area. He stated he wasn't going to try to convince them one way or another. It is up to them, but that is the thought process you ought to be going through.

Supervisor Porter said his crystal ball just doesn't work that well. We are building this tank that we are going to use less than 25% capacity that we know we have a commitment for.

Supervisor Edwards asked what was the lifespan of the tank.

Mr. Michael Johnson said if it was maintained and painted on a regular basis probably there are some 75 years old in service.

Supervisor Porter said if you get somebody that has got to use a lot of water you might use the 750,000 gallon tank and that might not be enough and you still have to build another tank. He said we have all these ifs. If he knew with a high probability they are going to have someone who was going to use 300,000 gallons of water coming into the area it would be a no brainer because you are at 80% capacity of the tank. When you are at 25% capacity of the tank and you don't have anyone coming into the area it is hard to spend \$ 400,000 extra money just in case somebody comes. When somebody comes then we have a good case to build another tank. It might cost more, but we will have revenue from the new venture to help pay for a new tank.

Mr. Michael Johnson said Dominion will not actually connect. There are some discussions with a project currently that is evaluating a site adjacent to Dominion that has expressed an interest in connecting. But that is speculative.

Supervisor Porter asked how much they would use.

Mr. Michael Johnson said he didn't know. They had only had one meeting with them.

Chairman Jones said that is like him having a 30 foot well and everybody around him had a deep well.

Supervisor Porter said if you build another tank it's not going to be a 250,000 gallon tank it will probably be another half a million gallon tank. You just don't build these tanks smaller than a half of million gallons.

Mr. Michael Johnson said the tank in Boykins is 300,000. The tank in Newsoms is 200,000. The tank in the business park is 150,000 gallons. If that tank had been sufficiently large enough you wouldn't have to build this one you could have spent the money over there.

Supervisor Porter said when you use these numbers 375,000 x three When you talk about \$1.2 million to build a half million tank, nobody builds a 250,000 gallon tank.

Supervisor Edwards said so you are saying save the \$400,000 now and take a gamble that we don't need a million dollars twenty years from now.

Supervisor Updike said he agrees with Supervisor Porter. The larger tanks are going to costs more in maintenance especially over a period of time. He stated they needed more information. He said they need to know the projection as to how much they are going to need. Nobody has given the answers to those questions. It's like having a Cadillac when an old Ford will do. Right now an old Ford is the only thing we can afford.

Supervisor West said it is highly speculative. You know that. There isn't a person here who doesn't know it. He thinks we need to look ahead and look forward. \$355,000.00 is the up-front money there is no question about that, but you are prepared for the future. You are taking up on additional potential other than even the industrial park. You are prepared for residential growth or anything else that comes this way. No water from this tank will be going to Edgehill or Hunterdale. He said he understands if completely and he's going to vote for a larger tank if he gets an opportunity.

Supervisor Porter said it is just a bad business decision to vote on speculation. It's just a bad business decision.

Supervisor Faison asked what our speculation is. Are we speculating we are not going to need it or are we speculating we are going to need it.

Supervisor Porter said we know we need a tank. We have got to build a tank. The question is how big a tank we build. If we build bigger than 500,000 gallon we are speculating we need more water. Right now we need 100,000 gallons or less of water. He just can't support building something that is 650,000 more than we need today. You build to capacity when you have a reasonable expectation to use it and you have a revenue source to pay for it. We don't have a revenue source to pay for it. That is something else we are putting on the back of the tax payers if we don't have a revenue source to pay for it.

Chairman Jones asked if anyone else had anything.

Supervisor Edwards agrees with Supervisor Porter. He said there is a lot of speculation there. He sees that \$355,000. He thinks it is a crap shoot as far as whether you are going to need the bigger tank or not. He would be more conservative. We voted against a 3% raise already tonight. So are we going to spend more money than that an hour later.

Supervisor Phillips said it is a financial responsibility. He has listened to both sides and both sides have good points. He believes he is going to fall under the conservative side. We have to have a tank.

Chairman Jones stated we have to have a tank whether it is a 100,000 gallon or 500,000 gallon tank.

Supervisor Phillips said it has been determined that we have to have a 500,000 gallon tank.

Chairman Jones said okay. He said he needed a motion.

Supervisor Edwards made a motion that they go for the 500,000 gallon tank.

Supervisor Updike seconded the motion which carried.

Supervisor West voted nay.

Chairman Jones stated the next item of business was number 15 – Consideration of a Brownfield Restoration and Economic Redevelopment Grant to Relocate a Family Cemetery at the Turner Tract.

Mr. Michael Johnson stated as part of our due diligence while considering acquisition of the site, our Phase 1 Environmental Site Assessment for the Turner Tract observed evidence of a small graveyard adjacent to the former residence at 26570 Rose Valley Road. While the presence of the cemetery was not believed to represent a significant environmental concern, we recognized that its disposition would require further consideration prior to developing the site.

While conducting the Phase 2 Cultural Resources Survey, our consultant performed shovel tests to carefully reveal six (6) interments, with four adult crypts placed side-by-side in a north-south line, and two (2) smaller crypts, most likely containing the remains of children, located adjacent thereto. The crypts are comprised of handmade brick, with arched brick roofs, all of which have been damaged and heavily impacted by repeated agricultural cultivation over the years. As part of our permitting process, the Virginia Department of historic Resources (VDHR) found that there was not enough data present for listing on the National Historic Register.

The cemetery measures roughly 650 square feet and appears to date to the mid-18th to early 19th century. During this time period, Wills and Simon Murfee owned 345 acres in the “Nottoway Parish”, and it is believed that the cemetery may be associated with their family. As a precaution, we had surveyors mark the corners of the cemetery and place iron rods at the ends of the graves to aid in relocating them later. The area was then marked and protected by orange construction fencing.

Our initial plan was to simply work around the cemetery. The access road was designed to pass close by and we’d considered simply fencing it in after the road is constructed. However, last fall, the Virginia Economic Development Partnership and Virginia Department of Environmental Quality announced a grant opportunity designed to address environmental problems and remove certain obstacles to economic development. We submitted an application to relocate the cemetery and recently learned that our application has been approved. The grant will provide up to \$50,000 and the funding that we’ve already expended on our Phase 2 cultural resources survey, cemetery delineation, and NHPA coordination will serve as our local match. The grant funding will be used for legal proceedings associated with removal of the remains (a bill in equity), and re-interment of the six graves on a portion of the site that will not be impacted by development.

Attached for your reference please find a copy of the grant Performance Agreement. I’m seeking your authority to sign it.

A motion is required authorizing the County Administrator to execute the attached Performance Agreement.

Chairman Jones asked if there were any questions.

Supervisor Phillips asked if there were any costs associated with the moving of the graveyard.

Mr. Michael Johnson said obviously we have to competitively bid those things, but no we don't have any costs associated with moving the graveyard.

Chairman Jones asked if he had a motion.

Supervisor Porter made a motion to authorize the County Administrator to execute the attached Performance Agreement.

Supervisor Faison seconded the motion which carried unanimously.

Chairman Jones stated the next item of business was number 16 – Discussion Regarding Cypress Creek Power Station.

Mr. Michael Johnson stated that Supervisor West asked that this matter be placed on your agenda for discussion.

Old Dominion Electric Cooperative (ODEC), headquartered in Glen Allen, Virginia is a wholesale power supplier to 11 locally-owned and controlled electric distribution cooperatives that provide electricity to more than 280,000 homes and businesses in some of the fastest-growing areas in Virginia. ODEC announced in early 2008 that it was investigating the feasibility of locating a base load power generation facility in Surry County or Sussex County that would help meet its growing power needs.

The proposed 1,500 megawatt plant is currently planned for a site in Dendron, but ODEC also has an option on a site in Sussex County. They first purchased options on the properties in the Town of Dendron (Surry County) and Sussex County in January 2008 after completing a five-state siting study of potential locations in the Mid-Atlantic Region. These properties were selected for their large footprints and access to transmission lines and rail transportation. In February 2010, the Dendron Town Council, the Surry County Board of Supervisors, and the Sussex County Board of Supervisors each approved zoning and conditional use requests that permit the construction of a power generation facility on the properties. As of July 9, 2010, ODEC had purchased all of the properties, previously optioned, with more than \$20 million invested in the project already.

In December 2011, ODEC announced that it would re-apply for local permits in Surry County-which require new public hearings-after Surry County Circuit Court Judge Samuel Campbell ruled on November 21, 2011, that the Town of Dendron did not follow public-notice procedures before its February 1, 2010, vote to approve the plant. Four local citizens filed suit in March 2010 over the public-notice issue, and Judge Campbell agreed that the Town did not give notice on its published agenda that a vote-rather than only a public hearing and discussion-would take place on February 1. Their application will be re-considered in public hearings on February 27 by the Surry County Planning Commission and on March 5 by the Dendron Town Council.

ODEC continues to seek state and federal permits for the plant, but in September 2010 the cooperative announced that, due to the economic recession at the time, it was delaying the schedule for the plant by 18 to 24 months.

Although the plant would create 200 permanent jobs, it has drawn fire from environmentalists and some residents concerned about possible health and environmental hazards from coal plant emissions. On November 18, 2011, the Isle of Wight County Board of Supervisors adopted an official resolution of opposition to the proposed coal plant. They join the town of Surry in

opposition and the cities of Williamsburg and Virginia Beach. In addition to these communities, health groups such as the Norfolk-based Consortium for Child and Infant Health, the Virginia Asthma Coalition and the American Lung Association have officially opposed the proposal. Others officially opposed include the Isle of Wight Citizens Association, the Carrollton Civic League, the James City County Citizens Coalition, The Coalition to Keep Surry Clean, the Cape Henry Audubon Society, as well as the Garden Club of Virginia and a host of conservation groups.

The Isle of Wight County Board of Supervisors reaffirmed its opposition to the plant again last week on a 3-2 vote. A copy of the Daily Press news coverage of their meeting is attached.

You may wish to invite ODEC officials to a future meeting and/ or conducting your own public hearing to receive constituent feedback before taking an official position.

Based upon your discussion, I am open to your direction in how you wish to proceed.

Supervisor West said he would like to see it be brought to a public hearing. He has not heard of any good things. He said he knew it was the cheapest way to produce electricity. He knows that it's not the future. The bottom line is the Northeastern part of Southampton County is some six or seven aerial miles to Dendron straight up the Blackwater River. The head of the Blackwater River and that being said you have the potential for pollution, the air quality, and the quality of life for everybody around will be greatly affected. If the citizens of this county would like to fight it, he would like for them to come forward at a public hearing. His personal opinion is he is not in favor of it, but he doesn't think he can stop it. No one wants anything like this built around them, that is a fact, with that being said he would like to support a public hearing.

Chairman Jones asked if anyone else wanted to comment on the issue.

Supervisor Updike said he would like to put that in the form of a motion to have a public hearing and support the people in our county that think it would be awful for them whether it is real or imaginary it doesn't make any difference. He thought a public hearing would be great and that we should go ahead with it.

Supervisor Porter said he thinks if we have a public hearing we should invite ODEC to make sure they are here to present their side. He stated he doesn't think we know enough about it. He thinks a lot of the reaction especially in environmental groups is emotional. He has a hard time believing with the current positions that the EAP has been taking that they would allow anything to go in that would have the devastating effect that environmental groups are publishing. Having worked in the industry he would much rather see a natural gas plant there, but he knows there is such a thing as clean coal. They have made tremendous strides in it. Don't know everything they know, but it would be nice if ODEC would come and explain it because we have to be real careful about getting in someone else's way. He is not sure it is our business to pass across the jurisdiction even though we think we may have an environmental liability.

Supervisor Faison said he agreed that if we do have a public hearing they (ODEC) should have an opportunity to express what their mission is.

Supervisor Edwards said he had always had a problem telling somebody else what is good in their backyard. If we did have a public hearing, what do you think they are going to say? Everything is lovely and dandy with what they are going to do. He would say let the local people over there decide what they want in their backyard.

Supervisor West asked what backyard – mine or the one in Surry.

Supervisor Edwards said well their backyard is closer than yours. ‘

Supervisor West said well it is, but it is kind of like one of these ships that hold a whole lot of crude across the ocean, and these wells that are in the Gulf of Mexico, and all these other things okay. These things have failure sometimes and whether it is human error or whatever it is it's not worth risking life if there are other options. He said he didn't know if it moved to Sussex whether that is better or not. He stated he did not know where that location is. With that being said he said at one time, everyone listen to him real good, we had an opportunity on a prior board to talk to them in the Boykins and Branchville area about the same thing. He asked now how would you like that. That being said is it okay in my backyard and not in your backyard or just what. He doesn't know. He does think the people need to know about it and he thinks they need to be able to speak about it. With that being said he knows the energy people are the ones that know run it up. He loves paying the gas prices right now. He's enjoying that. It might make his electric bill better, but he can pay more for gas being in the energy business.

Supervisor Phillips said he agrees with what Supervisor Porter says, but if Supervisor West wants a hearing he thought they needed to invite ODEC. He said he was not sure how much influence we'll have on whatever they do.

Supervisor West said little to none. The protest not to decide is to decide already, okay.

Supervisor Phillips he would make sure that these people are invited and have an opportunity to come from ODEC.

Supervisor Edwards said look at what the people in Europe are burning.

Supervisor West said wood pellets from Southampton County.

Supervisor Edwards said wood pellets from right here.

Chairman Jones said looks like you want to have a public hearing.

Supervisor West said you have a motion and a second.

Mr. Michael Johnson told Chairman Jones he had a question because he heard it was important to have ODEC here to represent their side. He said assuming that they will be available on the fourth Monday night in March, but if for instance they are not available (and he didn't mean just that they had something better to do) but he didn't know what their hearing schedule was in Surry so if there is a conflict is it okay to postpone it another thirty days until your next meeting in April.

Chairman Jones said whenever we can get them. We can't decide for them.

Supervisor West said he kind of thinks as big as an organization as it is they would be able to send someone. He knows the PR people would be to your best advantage. Before he goes along with anything he would like to have a public hearing.

Mr. Richard Railey said it is going to be a crowd. He said you are going to open it up for every environmentalist within a 500 mile radius.

Mr. Michael Johnson said you are going to have a crowd.

Chairman Jones asked if they wanted to have it here.

Mr. Richard Railey said you can schedule it for wherever; we will just have to make do with what we have.

Supervisor Porter said he had another question for Supervisor West. He asked Supervisor West if he attended the public hearing over there.

Supervisor West said no sir.

Supervisor Porter asked would he. He stated that was a forum that you have that can potentially have an impact on the decision. He stated he didn't think our public hearing could have an impact on the decision whatsoever. We may be able to get some press and environmental people here.

Supervisor said he did see this as a conflict tonight. He said it was just like VDOT and 460 that came and he hasn't heard anything else. He said he knew he was drifting a little bit, but it was a bad issue. He said in his eye it was a done deal and it was when he went to the hearings as far as he was concerned. He suspects it would be the same way with this ODEC. That being said he needs more information but he wants someone like Jeff Turner who would certainly be interested in this. The head waters of the Blackwater River do start just a little ways up from this area. He asked what they felt. He said he had grandchildren and was concerned with health issues. He didn't know if anyone had asthma or anything of that nature, but none of this makes it any better he can promise you that.

Supervisor Edwards said if you have healthy lungs it's probably not that much of a thing, but if you have a lung disease or heart disease you don't want to be out in it.

Supervisor West said it might even devalue your property.

Supervisor Edwards said he wasn't exactly sure what a public hearing was going to do for them.

Supervisor West said Isle of Wight County was taking a stand.

Supervisor Edwards asked if they had a public hearing.

Supervisor Porter said no.

Supervisor Edwards said he would be in favor of this Board just taking a vote. He stated he would like to see what is going on over there in the meeting tonight and on the 5th.

Supervisor West asked if he was correct that it was going to bring two billion dollars in infrastructure. He asked if they recalled anything like this.

Mr. Michael Johnson said it was a big investment.

Supervisor West said and we are talking about 91 million investment from the people of Enviva and we are talking about 2 billion dollars coming in Sussex-Surry County.

Chairman Jones asked what they wanted to do he had a motion on the floor.

Supervisor West asked Chairman Jones if he could ask the audience to raise their hand if they were interested in having a public hearing. There were three people who raised their hands. Supervisor West said the majority is the other way.

Mrs. Linda Vick said they didn't see where it would open the doors for anything.

Supervisor West said he seconded Supervisor Updike's motion and if Supervisor Updike would withdraw his motion, he would withdraw his, but he would like a vote on it one way or the other. He heard it said that we didn't need to get involved in other people's business so at least we will take a stand.

Chairman Jones said he had a motion and a second. He called for a vote.

Supervisor West asked if he missed something.

Supervisor Updike said he missed something too.

Supervisor Edwards said he withdrew it did he not.

Chairman Jones asked Supervisor Updike if he withdrew it.

Supervisor Updike asked if they just wanted to go ahead and vote on it.

Supervisor West said if Supervisor Updike was willing to withdraw his motion that he would withdraw his second. He asked if that was acceptable.

Mr. Richard Railey said yes.

Supervisor West said then it is no longer a motion. He further stated that he made a motion that we support Surry County.

Chairman Jones asked Supervisor Updike if he was withdrawing his motion.

Supervisor Updike said he was withdrawing his motion.

Supervisor Edwards said he wanted to ask Supervisor West a question. He said obviously you have gotten several phone calls from over there in the Ivor District.

Supervisor West said actually he had received only three phone calls on it.

Chairman Jones said so you want to make a motion now. He asked what Supervisor West's motion was.

Supervisor West said his motion was that we oppose it as the Board from Southampton County.

Chairman Jones asked if he could get a second on that.

Supervisor Updike seconded the motion which carried with a five to two vote with Supervisors Porter and Phillips voting nay.

Chairman Jones called for the next item of business being number 17 – Local Implementation of Stormwater Regulations.

Mr. Michael Johnson stated that currently, property developers must have their stormwater management plans reviewed and approved by both the County and the Virginia Department of Conservation and Recreation (DCR). The new stormwater regulations that went into effect last year allow the county, at its option, to take over the state permitting process from DCR and collect the fees that the applicant would have paid to them. Southampton County would be entitled to

retain 70% of the fees and remit 30% back to DCR.

The benefits are substantial – the permitting process becomes more service oriented, with a one-stop shop for the applicant. In addition, it creates a new revenue stream, estimated at \$20,000 annually, for the Department of Community Development.

There is no real down side. We're already doing plan review and inspections for stormwater management and erosion and sedimentation control.

In order to begin administering the state program on July 1, 2014, DCR has asked communities to let them know of their intentions by March 2012 so that they may pursue start-up funding to develop the local programs and train local staff.

Absent any dissent from the Board, I plan to advise DCR that we intend to pursue this opportunity.

Chairman Jones said this is for our information.

Chairman Jones stated they would move to item number 18 – Update on Ivor Elementary School Demolition.

Mr. Michael Johnson stated as you recall, in December, the Board authorized us to proceed with demolition of the Ivor Elementary School by accepting the low bid of \$24,750 submitted by Gray & Sons, Construction. We advised the Board at that time that their bid did not include removal of the underground storage tanks or any asbestos containing materials, if encountered.

On January 3, in accordance with the terms of our contract, Gray & Sons notified us of two areas that harbored potential asbestos-containing materials. Mr. Mendenhall responded by contacting three asbestos abatement contractors who met him on site and provided quotations for removal of the suspect materials (pipe insulation and floor tile and adhesive). Last month, the Board approved the low-bid of \$28,700 submitted by Waco, Inc. to abate the asbestos. Adding their bid to Gray & Sons', the county now has \$53,450 invested in the demolition. We shared last month that the estimated cost to remove the underground storage tanks was expected to be less than \$10,000.

Mr. Mendenhall obtained competitive bids on the UST removal and the low base bid of \$9,691.50 was submitted by OESSCO (Oil Equipment Sales and Service Company). They've also quoted a dewatering cost of \$0.90 per gallon and sludge removal cost of \$2.75 gallon with a flat truck fee of \$650. Mr. Mendenhall has prepared a contract for your consideration accepting their base bid, with a unit quantity subsection for liquid disposal, with a firm not-to-exceed amount of \$15,000. Accordingly, your "all-in" cost for the demolition is not-to-exceed \$68,450.

If you wish to proceed, we'll need authorization to accept OESSCO's proposal and endorse the attached contract.

As we shared last month, the building sits on 8.02 acres and the land is assessed at \$64,200. The Town of Ivor has public water nearby and our Comprehensive Plan designates it as single family residential. It is currently zoned Residential R-1.

If the Board is so inclined, a motion is required to accept OESSCO's proposal and authorize the County Administrator to sign the attached agreement.

Chairman Jones asked if anyone had any questions.

Supervisor Phillips asked how many tanks there were.

Mr. Michael Johnson stated two and the agreement included both. There is one fuel oil tank and one gasoline tank.

Supervisor West stated we already have the contract with Gray, correct.

Mr. Michael Johnson stated that was correct. He said we can terminate it for convenience if for some reason some issue came up.

Supervisor West said we have and also we have a contract with WACO.

Mr. Michael Johnson said WACO was mobilized. They were spending that money.

Supervisor West said this seems to be an end to it by spending the \$68,000, correct.

Mr. Michael Johnson said yes.

Supervisor West said it is an eye-sore there is no question about it. He stated he felt like they needed to authorize Mr. Michael Johnson to sign the agreement.

Chairman Jones asked Supervisor West if that was in the form of a motion.

Supervisor West stated yes.

Supervisor Faison seconded the motion which carried unanimously.

Supervisor Porter said he was glad Mr. Michael Johnson did not bring any more cost to them on the old school.

Mr. Michael Johnson said he was glad to put it to rest too.

Supervisor Edwards asked if we had anybody looking at that right now as to what they could potentially do with the land actively.

Mr. Michael Johnson said that is sort of the next item in the process for them to dispose of it. They could do sealed bids, public auction. You can request proposals. There are a number of ways how you can transfer title. The idea is to vest yourselves of it and put it back on the tax role.

Supervisor Updike asked if there was any consideration of getting rid of the old Boykins School.

Mr. Michael Johnson asked as far as demolishing it.

Supervisor Updike said he didn't want to demolish anything anymore. He wanted to sell it. If you sell it for a dollar you would be ahead.

Mr. Michel Johnson told Supervisor Updike that they were using part of that, the old cafetorium of the old Boykins School for storage for utility materials such as pipe and fittings. So they are at least getting some benefit out of that building right now. The other thing is the school in actually physically located between your elevated tank and your public utilities building so he's not sure you want to sell that and have two small pieces of property with some other piece of property right in the middle of it. It's just something to think about.

Chairman Jones said we would move on to miscellaneous items.

Mr. Michael Johnson stated there was nothing special in there. He stated there was a newsletter in there. You have got a variety of notices from the Environmental Quality, Department of Health, and items of correspondence, and news articles. He stated he would be glad to answer any questions anyone had.

Chairman Jones asked if there were any late arriving matters.

Mr. Michael Johnson stated there were two. He stated the first one is actually printed in your agenda. You will see a brief letter from Sheriff Stutts seeking your consideration in declaring fifteen (15) unissued rifles that have been retired from service as surplus property. The weapons have estimated values of \$150 to \$250 each and the Sheriff proposes to exchange them for credit against the purchase of some newer weapons. A resolution is attached for your consideration.

If the Board is so inclined, a motion is required to adopt the attached resolution.

Supervisor Edwards asked what was an unissued rifle.

Mr. Michael Johnson stated a rifle that wasn't issued to a particular officer. It has been pulled out of service.

Supervisor Edwards said they have been used then.

Mr. Michael Johnson said they have in the past.

Chairman Jones asked for a motion.

Supervisor Porter made a motion to adopt the resolution.

Supervisor Faison seconded the motion which carried unanimously.

Mr. Michael Johnson stated the other item is that we had a joint workshop session scheduled for Wednesday night with the School Board. The idea was that we would meet to discuss state revenue estimates. For those of you who have been tracking the action of the General Assembly they reached a stalemate in the Senate. There is no Senate version of the budget and at this point no plan for one to get out of there. The General Assembly is scheduled to adjourn on March 10, 2012 so he remains hopeful that they will dissolve their differences in the Senate, adopt a Senate version of the budget, the conferees will get together on the House and Senate version and work out a final version of the budget to be approved. At this point there really are no state revenues to discuss. What he would like to do is postpone your meeting that was schedule for Wednesday night and your next work session had been scheduled for March 14 that was not going to be a joint meeting. We would make that a joint meeting and we would discuss state and local revenue estimates together with the school board. The other item that was on the agenda for that night was discussion of semi-annual collection of real estate, personal property taxes. They would move that discussion back to the following week, March 21st. So with your approval what they would like to do is postpone Wednesday night's meeting until March 14th and then move the semi-annual discussion of taxes over to March 21st.

Supervisor Edwards said the 14th is already on the book.

Mr. Michael Johnson said correct.

Chairman Jones stated he needed a motion to do this.

Supervisor West made a motion to postpone Wednesday night's meeting until March 14th and move the semi-annual discussion of taxes over to March 21st.

Supervisor Phillips seconded the motion which carried unanimously.

Chairman stated now we would have the citizen's comment period. He asked if anyone had anything they wanted to bring before the Board.

Mr. Ash Cutchin spoke. He said he picked up on three items tonight. One he would like to mention is the road of Flaggy Run at the Nottoway Chapel where we had a fatality not too long ago. He said someone mentioned putting a double yellow line there and if VDOT would do that he thinks we should support that. He said he drove across the state of Montana about eighteen months ago from west to east along Route 2 which is not unlike Route 35 between Courtland and Boykins. Of course it is just about as straight as an arrow, but every two or three miles it goes up a hill and down a little impression of 30 or 40 foot maybe in change of elevation and there were eight or ten crosses showing where people had crossed the center line and had a head on collision. The State of Montana puts up those crosses. They are steel crosses about 18 inches tall and about 12 inches wide as a reminder that this is a dangerous stretch of road. The next item is regarding ditching. He happened to be driving along Appleton Road today just east of Berlin near where the old Virginia Department of Transportation used to be. He stated there is a ditch over there that has a slope not too different from the desk in front of the Board. It's not quite 90 degrees maybe 60. He stated they had cleaned out the ditch and just thrown the mud eighteen inches away on the shoulder and when it rains it is just going to wash back down and fill the ditch. He was wondering if they could get them to throw it a little farther. He stated the next thing is about the tax sales. He wanted to know if it was possible and if not why, to correlate the sales of delinquent properties with their assessed values and report the figures to the public. He thinks they lose money on every piece of property the County sells. He said he had a comment about the schools and he was sorry that Mr. Charles Turner left. He has two daughters. His oldest daughter teaches three Algebra 1 classes in Selma, Alabama High School. Her three classes include 35 students, 36 students, and 37 students. The class with 37 students actually has 42 students but five of them are in special education so she never sees them even though they are carried on her role in Algebra 1 class. He just thinks our student teacher ratio, which Mr. Charles Turner brags about, is 12 or something like that is very low compared to other schools in the country. Some schools in this country are getting by with teachers having more than 12 students per class and they seem to be doing just fine.

Supervisor Porter said the ratio was eleven to one.

Chairman Jones asked if anyone else wished to speak.

Mrs. Linda Vick spoke. She thanked the Board for recognizing the Citizens Group so they have finally gotten their name before the public in this county. One thing that she wants to commend them on is trying to save us tax dollars. Thank you very much for trying to work together so tax dollars can be saved. The thing about the water tank and she is not real familiar with it but that piece of property is sitting about one mile from the river so if the water in that tank gives out they can go to the river and pump water. She thinks they did the wise thing tonight to vote on going with the smaller tank and saving us money. Personally she sees no sense in us steady throwing money in the Turner Tract over there. We all know that the State of Virginia is going to open Hwy. 460 and the industrial section of our county is going to be on 460. So industry is coming that way too and Windsor has just gotten the building permits or development for 400 new houses in that area. So we know people are going to be moving in that direction. Supervisor West's end of the County probably will be one of the busiest and this area over here is going to die. Matter of

fact Boykins is dying. Newsoms is dying. Two businesses in Boykins closed this past week. One being Parker Oil Company, so there will be five or six jobs lost there. The dry cleaners in Boykins closed. Narricot cuts back continuously. She has people living in her trailer park that work one to two weeks a month. They cannot pay their rent. She has eight to ten trailers that will be available for rent at the end of this month. So we have a problem. We need the economic development to work to get jobs and industry in this area for women who are by themselves. We need some type of plant to come in here for jobs. She would like to invite the Board to attend their meeting on March 15th in this Board Room at 7:00 PM. That is the Citizen's Group. On March 22nd the Farmer's Bank of Windsor is coming to Newsoms to the Ruritan Building. She would encourage everybody from the County to come. Also call them up and encourage them. She stated they need a bank. They also need another one in Courtland. She stated that hopefully they would put a branch in either in Courtland or Newsoms and an ATM machine in the other location. She said they need encouragement and they needed for us to call them. One question that she would like to ask that she didn't have answered from their discussion or either she missed it. She asked that if SPSA votes for the 3% raise will we have to pay it.

Mr. Michael Johnson said we pay a rate per ton to dispose of trash. That proposed rate per ton is \$125.00 whether they get the raise or not. That doesn't count.

Mrs. Linda Vick said she did understand they were asking for the 3% raise. She asked if they get that raise where does the money come from. She asked does that mean that the rate goes up.

Mr. Michael Johnson said no. The rate is proposed for \$125.00 dollars which includes the raise.

Mrs. Linda Vick said it was her understanding from the paper that SPSA was going bankrupt so where was this money coming from to give the raise.

Mr. Michael Johnson asked where she read this.

Mrs. Linda Vick said it was in the Norfolk paper or something that they didn't have the money to keep running the business as such.

Mr. Michael Johnson said SPSA is doing fine financially.

Mrs. Linda Vick said we are paying the highest trash rate in the country, is that right.

Mr. Michael Johnson said that is correct. They are doing fine. Their reserves are fully funded. They have divested themselves of much of their debt. Financially SPSA is solid right now.

Mrs. Linda Vick said okay. If they are solid we don't need to give them the money. She said the other thing that she wanted to mention, and she is sorry that Mr. Charles Turner is not here, was that one day this week she had the opportunity to speak with the gentlemen who was hired as head of the department of transportation for the School Board. She asked him why did you change positions and come to Southampton and leave the City of Franklin. He said because the county is stable and you know you are going to get your money there. He said they have always gotten their money for the School Board. With the City of Franklin you never know whether you are going to get it or not. And by the way I have three people beneath me in this position. So do we need to keep giving the school board money for them to hire a person and the have three or four people under him. His job that day was to ride to the trailer park and pick up a set of keys from a man that had been fired. Why hadn't that man turned the keys in and not wasted tax payer's money. So we need to ask more questions of the School Board as to where the money is going.

Chairman Jones thanked Mrs. Linda Vick. He asked if anyone else wished to speak.

Mrs. Teresa Preston from the Ivor – Berlin District spoke. She stated that Supervisor West was her Supervisor. She stated that she had a couple of things she wanted to comment on. She stated that Supervisor West appointed her to the committee that over saw the reassessment of the County. She was present the day that they came upon a set of buildings and land that had no value. She couldn't remember if Supervisor Phillips was with them that day or not, but it was the old Beale Packaging Plant. For some reason there had been no value assessed to the dirt or buildings at all. She said she remember they sat there trying to figure out what to do. When you have a property that sits vacant it doesn't contribute to the County at all so to demote it or to debase the value of it surely doesn't help the person if they try to sell it. She stated she was an old real estate agent. The first thing her clients would always ask her was what it was assessed at. So they put a value on that to put it back in the value mode for the County. The other thing that they encountered one day, they were out looking at land along the Wakefield Road area and it was called to the committees attention that this tract of land had just been timbered. It was on Wakefield and another road which she couldn't remember the name of at the moment, but the problem was that it had never been assessed for any timber in the last 25 or 30 years. She stated she didn't know she thought they could go back three years on those, but that is one that she personally knows of. She stated she did not make all of the trips with the reviewing committee and Supervisor Updike addressed questions regarding that so she wanted to tell you what she had personally observed and that they did to resolve it. They did assess it at comparable value with other lands around in that area and also for the frontage capabilities of that property. The timber was gone and they had no control over that. She would like to see the County re-coupe whatever they can. That sale should have been recorded somewhere in the County records. They marketed the timber and there should be a way to establish a value for it. There is one other thing she wanted to mention. She has a farm on Tucker Swamp Road. They have had a closure on the railroad bridge for the last four months.

Supervisor West stated they are probably going to be able to open that to three tons of traffic in the next week or so.

Mrs. Teresa Preston continued that they have started work on it thank goodness because that is causing the school bus that services that area to go way out of its way to accomplish its rounds. She had also called someone here for the highway department in the county and told them she didn't know what the railroad was doing because she knew the County had no control over the bridge itself but she owns the little sliver of land that is between the actual railroad track and where the bridge comes down on what would be the left hand side if you were traveling on Tucker Swamp Road toward 460. She proffered to them. She told them if they could get a nice wide bridge like they have down at Mill Creek she said she would be willing to offer whatever they need off that slice at the front to widen it because if they have a storm the tunnel in Zuni floods. That is one of their access points. If they have something that blocks the railroad track in Ivor, the next closest thing is up on 618 she thought it is. She said you have the double tunnels there and you are lucky to get a car through that. She stated that if we have a horrendous tractor-trailer accident and they have to reroute traffic we have a problem. She wanted to let the Board know that as long as she owns the property that little sliver that would be needed to widen the bridge, she wouldn't object to it. They would still technically have to do it by eminent domain because she has a mortgage on that piece of land. She can't just tell the mortgage company she is giving it away. She would like to see that because she thinks it would help to straighten out the traffic there. That road has a very odd angle there. When you come out on 460, the house that used to be there on the corner has been demolished and is gone. So if they could straighten that out it would probably alleviate some potential disasters in the future.

Chairman Jones thanked Ms. Teresa Preston.

Mrs. Linda Vick said there is one highway problem that she forgot – Story’s Station Road. You are very fortunate that you haven’t had people killed right there at that first bridge. People meet right there at that bridge every morning bang, bang, bang, so someone is going to hit the bridge or the swamp.

Chairman Jones asked if anyone else had anything.

Chairman Jones stated at this time it was necessary to have a closed meeting.

Supervisor Edwards stated:

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.

Chairman Jones said he needed a motion to go back into open session.

Supervisor Phillips made a motion to go back into open session.

Supervisor Edwards seconded the motion.

**Supervisors Voting Aye: Dallas O. Jones
Barry Porter
Glen Updike
Carl J. Faison
Alan Edwards
Ronald M. West
Bruce Phillips**

The motion passed unanimously.

Chairman Jones stated we are now back in open session. We did not discuss anything that was not on the agenda.

Chairman Jones asked if there was anything else before they adjourned.

Supervisor Updike said the one thing he was going to mention a while ago was that Farmer’s Bank was going to try to make a decision in March. He thinks they should send a letter encouraging them, begging, and pleading for them to come to the county. They provide real good service and Newsoms is a dead, dead area without a bank. Whether they be there part time or whatever, they need somebody’s services in Newsoms. He would like to see everybody write them a letter about

coming to the County.

Chairman Jones asked if there was anything else.

Supervisor West asked if Supervisor Updike was asking for the Board to send a letter.

Supervisor Updike said yes he would make that a motion.

Supervisor West seconded the motion.

Mr. Michael Johnson said just for clarity he wanted to make sure they had the letter like they wanted. He asked if they wanted to be location specific – Newsoms.

Supervisor West said welcome to Southampton County.

Chairman Jones said welcome to Southampton County.

Supervisor Updike said he would like to see them at least part time in Newsoms and Courtland.

Mr. Richard Railey said he just wanted to know that people here are going to support it.
Mr. Richard Railey said it might even be good to tell them they would send them a ticket to the Windsor Pork Festival if you will support it.

Supervisor Edwards said a question about the budget meeting that we are having on March 14, 21, and 28, he wanted to know if they were going to be here.

Mr. Michael Johnson said we would change the one on the 14th. We would go back to the Wigwam since that will now be a joint meeting with the School Board.

Chairman Jones asked about the 21st.

Mr. Michael Johnson said the 21st and the 28th, he thought the 28th was a joint meeting. He stated all the joint meetings will be at the Wigwam.

Supervisor Edwards said so the 14th and 28th will be at Southampton.

Mr. Michael Johnson said correct and he thought the 21st was here.

Chairman Jones said we want to send a letter welcoming Farmers Bank to Southampton County wherever they come.

Supervisor West said if you are looking for a motion you have already got a motion and a second. Since certain money is put aside in different Banks from looking at the Treasurer's report could it not be suggested to Mr. David Britt that he also look into the potential of putting money into Farmers Bank. He said he knows they will pay higher interest than BB&T. He could promise you on that.

Supervisor Phillips said he thought that Mr. David Britt had already talked to them.

Supervisor West said I don't know how much encouragement we are seeking, but it is one thing to give lip service, but entirely different to do something.

Chairman Jones said we can talk to Mr. David Britt and tell him we would like for him to consider

that. We can't make him do anything like that, but we can ask him to consider it.

Supervisor Updike said even if they don't provide the top rates, if they just provide the services to have a bank in Newsoms and Courtland.

Chairman Jones said we can send them a letter welcoming them to Southampton County and they can say where they want to go he guessed.

Supervisor Porter said all we need to say is we hear they are considering locating in Newsoms or Courtland and we are excited about hearing that news and that we really look forward to them coming to the county and we look forward to working with you.

Supervisor West said there aren't any banks in Southampton County period.

Supervisor Phillips said there is one right here on Main Street.

Supervisor West ask what was it.

Supervisor Phillips said Eastern Virginia.

Mr. Michael Johnson said there is a bank in Boykins.

Supervisor Phillips asked if that was BB&T.

Mr. Michael Johnson said no it was BSV.

Supervisor Philips said there is also a BSV in Capron.

Chairman Jones said that's right, they just don't have one in Ivor.

Chairman Jones said we have a motion to write a letter welcoming and encouraging Farmer's Bank to come into Southampton County. He called for a vote which was carried unanimously.

Chairman Jones asked if there was any other business.

Supervisor Faison made a motion that they adjourn.

Supervisor West seconded the motion.

There being no further business the meeting was adjourned.

Dallas O. Jones, Chairman

Michael W. Johnson, Clerk

February 27, 2012

February 27, 2012

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