

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 September 26, 2016 at 6:00 PM.

SUPERVISORS PRESENT

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

SUPERVISORS ABSENT

OTHERS PRESENT

Michael W. Johnson, County Administrator (Clerk)
Lynette C. Lowe, Deputy County Administrator/Chief Financial Officer
Beth Lewis, Community Development Deputy Director
Julien W. Johnson, Jr. Public Utilities Director
Richard E. Railey, Jr., County Attorney
Amanda N. Smith, Administrative Assistant

OTHERS ABSENT

Chairman Jones called the meeting to order.

After the Pledge of Allegiance, Supervisor Faison gave the invocation.

Chairman Jones stated that the first item on the agenda is a closed session.

Mr. Michael Johnson stated it is necessary for this Board to now conduct a closed meeting in accordance with the provisions set out in the Code of Virginia, 1950, as amended, for the following purpose:

- 1) In accordance with Section 2.2-3711 (A) (5), Discussion with the staff from FSEDI concerning prospective businesses or industries or the expansion of existing businesses or industries where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community; and
- 2) In accordance with Section 2.2-3711 (A) (1), Annual evaluation of the performance of the County Administrator.

A motion is required to convene a closed meeting for the purposes described above.

Chairman Jones asked if he could get a motion to go into closed session.

Supervisor West made a motion to go into closed session.

Supervisor Porter seconded the motion which carried unanimously.

Chairman Jones called the meeting back to order and stated at this time we will have the certification resolution.

Supervisor West read the certification resolution to go back into open session.

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.

Supervisor West made a motion to adopt the certification resolution.

Supervisor Faison seconded the motion which carried unanimously.

Chairman Jones states there was no action taken on anything in the closed meeting. Our next item is citizen comment. Before that, I would like to recognize the boy scouts from Sedley. Are they working on their badges?

Lady from the audience states citizenship and the community.

Chairman Jones states alright; again, we are glad to have you. Feel free to come back any time.

Lady from the audience states thank you.

Chairman Jones states at this time it is citizen comment period. This is... ladies and gentlemen if you are going to talk about the solar panels, this is not the time. We will have a public hearing for that. Any other thing you want to talk about tonight. Come up and give your name.

Mr. Ash Cutchin addressed the board. Thank you Mr. Chairman. Good evening; thank you for the opportunity to speak. My name is Ash Cutchin. A Southampton County resident and I live on Darden Point Road near Sedley. I will not make my comments about the solar panels. Next, I see an agenda item thirteen for later this evening about legal fees for the Dr. Brantley lawsuit against the Board of Supervisors. I know very little about the law suit, but it is reasonable to assume it is about the rezoning of the Fiscella property. I have said before here in this room that I do not know what takes place when you go into closed session behind those closed doors. But, I stand here tonight to state that if you did anything single or collectively that is not in accordance with the rules and regulations concerning closed session than I do not understand why the citizens should be required to pay your legal fees with our money. I understand there have been allegations, and I will say again only allegations. But, you acted illegally by even discussing a zoning issue during a closed session. There have also been allegations that you took what has been called a straw vote or an opinion poll about the subject, and most of you have denied said allegations; both, at the college public hearing and in the newspaper. Now the term transparency has been in the public's eye a lot during the past few years or ever since Mr. Obama told us that his would be the most transparent administration ever. And, I also feel that Mrs. Clinton has lied over and over about her emails which is a transparency issue. But, all during this national roundtable, I have felt comfortable that my local officials have been above all of this. That no matter how bad our national politicians are I can always count on my local leaders to tell me the truth. To tell all county citizens the truth all the time. After all, you are our neighbors. I am embarrassed or I will be embarrassed if it turns out that my trust in you has been misplaced. Finally, if it is decided that

the legal fees must come out of taxpayer's money and if the entire board is being sued, then I think every Supervisor's legal fees should be covered. Even my Supervisor Dr. Edwards who publically agreed with Mr. Updike and who also voted against the rezoning. One more thing, item 7D in a few minutes tonight, I will be one of those who is appointed to the Board of Assessors. Now, I ask you if some taxpayers don't like our assessment value and if they sue the Assessor Board are you going to pay my legal fees? Thank you.

Mr. John Burchett addressed the board. My name is John Burchett. I live in Sebrell. Bruce is my representative. Good evening. Just a couple of comments. A while back you did a public hearing on David William's property; rezoning and permits across from the High School. At that public hearing, Dr. Edwards proudly stated that the Board of Supervisors and the Planning Commission were on the same wave link that they always supported each other. But, I think that is in the past. The last two big issues on the Comprehensive Plan and the rezoning of the Camp Parkway property, the Board of Supervisors chose to ignore the Planning Commission. To me this brings into question the relevance of the Planning Commission. If I was on that Planning Commission and spent years at public hearings and planning the Comprehensive Plan and the Board of Supervisors turned around and rejected it in a very few minutes, I would be very upset. But, that is me. I am different. It just brings into question, what are we using our Planning Commission for if we are not going to pay attention to them. Now, with that being said the Planning Commission doesn't have to pay the bills. You do. I am not going to say which was right or wrong because I don't know. And, what you are going to decide tonight is another issue. But, we have to have money and the farmers in this community better realize if we don't get some growth or something as much as I am totally against it, you are going to have to start looking at land use. Because, the alternative when we have to pay bills, we have to have tax revenues. There are only very limited places we can look. Thank you all very much.

Chairman Jones states thank you, anyone else?

Mr. Glenn Updike addressed the board. I am Glenn Updike from Newsoms. I guess I got more questions than answers. My first question is I look around here and I personally feel that this room is overcrowded, it's unsafe, and a fire hazard. Number two, I think every Planning Commissioner, every Board of Supervisor has a responsibility to hold a public hearing at a site that is convenient and comfortable for the citizens. Can you tell me it is convenient for these people standing up here and in the hall? Is this an accurate facility for your citizens? They can't stand there for the next five hours. It is ridiculous. This meeting should be canceled because of these conditions. Number three, I hate to say this but I will anyway. That is the Planning Commission minutes has not been published for the citizens to read what the Commissioners passed. Don't you think the citizens should have the right to read them before you all vote on what is going to take place in the county. They have the right to understand it. I hate to say it but I will. At the meetings that the Planning Commission held, only one showed up to all of the meetings. How can you all make a decision? You haven't read the Planning Commission minutes; what went on because they haven't been published. How can you make a decision when you don't have all of the facts? So, my understanding is you need time out and do things properly. The other thing, you have one year to come up and make a decision. It doesn't have to be done tonight. So, take your time. Evaluate the whole program, and get all of the facts before making any decisions. Thank you.

Chairman Jones states alright, anyone else?

Mr. Jason Fowler addressed the board. Good evening. My name is Jason Fowler. I live in Courtland. I would like to take a few minutes to comment regarding the courthouse relocation. I have reviewed the Courthouse Needs Analysis Study and the proposal from Mosley Architects. I am concerned about the safety and welfare of all of those who utilize the courthouse; however, I am also concerned about the cost associated with constructing an entire new facility. The first line of the PMA study says the existing courthouse facility has evolved over the past two centuries as Southampton County has grown. Based on the census report the population has not grown significantly over the past 100 years. I do understand that the caseloads may have increased; however, is there currently a critical space problem facing the courts? The study includes the anticipated future needs for a separate Juvenile & Domestic Relations Court and Clerk. The county has been operating with a Combined District and Juvenile & Domestic Relation Courts for some time now. Is this a critical need or just a convenience? Without this inclusion, the cost for the existing Courthouse renovations would significantly change. The study indicated that the cost of

building a new courthouse and the cost to renovate the existing courthouse was a wash. The study compared upgrading the existing courthouse with all of the space and amenities of a new building. What was the bare minimum necessary to ensure the health, welfare, and safety of the court employees and the public? A big concern seems to be the parking for court personnel. That should be separate from the public parking with a separate entrance that is secure and located near personnel entrances to provide proper security for court personnel. The county has spent thousands of dollars on a study which upgrades the security of the existing courthouse. The study provides a valuable option for upgrading the security of the existing building. It seems to be possible to utilize part of the existing parking lot for secure parking and create more parking on the Administration Building lot. Other deficiencies such as lack of fire sprinkler system and modern fire alarm, and complete renovation of the mechanical and electrical system can be addressed with proper planning and design. Yes, this will be an expensive endeavor but far less than a new facility. In conclusion, before committing to spending an additional \$187,000 the county should further evaluate the option of renovation before pursuing relocation of the existing courthouse. The county cannot afford a new courthouse. The county is currently approximately \$75 million in debt. Several of the county school buildings are in disrepair. Wouldn't it be more responsible to invest in our children rather than a new courthouse? Maybe with a better education we can reduce the caseloads of the courts. Thank you.

Chairman Jones states anyone else?

There was no response and citizen comment period was closed.

Chairman Jones states approval of the minutes. Did anyone have any problem with the minutes from the last meeting? If not, minutes will stand approved. Okay, we will go to number six, highway matters.

Mr. Michael Johnson states the first item Mr. Chairman is a report on the Metropolitan Planning Area Expansion (MPA) and the Hampton Roads Metropolitan Planning Organization (HRTPO) membership. At its meeting on September 15th, I am pleased to report that the Hampton Roads Metropolitan Planning Organization adopted a resolution in support of expanding the Hampton Roads Metropolitan Planning Area to include portions of the City of Franklin and Southampton County. The resolution will now be forwarded to Governor McAuliffe for his consideration in expanding the MPA to include us. As an associated matter, a draft amendment to the organizational bylaws providing for our full membership was also presented to the HRTPO board. In accordance with their bylaws, all amendments must be presented at a meeting in advance of the meeting in which the actual vote is taken in order to provide sufficient public access to inspect the proposed amendments. Approval of those amendments to the bylaws requires an affirmative vote of 2/3 of the voting membership of the HRTPO board, which we expect to occur next month. Included in your agenda packages are related materials that were excerpted from the HRTPO September 15th meeting agenda. I will be glad to answer any questions. Mr. Porter is the board's appointed representative to the HRTPO board. He may have additional comments or be ready to answer questions.

Supervisor Porter states you did a great job.

Mr. Michael Johnson states thank you.

Chairman Jones states any questions for Mr. Porter? Alright, Mr. West did you have any concerns in the Ivor District.

Supervisor West states no sir. I am glad to see the edges of the road being mowed, and that is important. That has really overwhelmed the roads, but thank you.

Chairman Jones called on Supervisor Faison.

Supervisor Faison states not tonight.

Chairman Jones called on Supervisor Porter.

Supervisor Porter states no.

Chairman Jones called on Supervisor Cook.

Supervisor Cook states no.

Chairman Jones called on Supervisor Edwards.

Supervisor Edwards states VDOT has done an excellent job concerning all of the water we have gotten recently in keeping up with it.

Chairman Jones called on Supervisor Phillips.

Supervisor Phillips states no sir.

Chairman Jones states Mr. Johnson on Green Plains Road at the stop sign there; it is a big hole there. They have put stone in it, but they have been logging up there the last few weeks now and those tractor trailers have knocked all of that out.

Mr. Michael Johnson states this is the intersection at Highway 58 and Green Plains Road.

Chairman Jones states right at the intersection. Okay, we will go to number seven, appointments.

Mr. Michael Johnson states item A, Mr. Chairman, is the Litter Control Council. We have a vacancy currently representing the Franklin District. Mr. Marvin Wise's term expired July 1st and he indicated that he was unable to serve another term. I know Mr. Porter has been diligently searching for a successor. I don't know if he has had any success yet or not.

Supervisor Porter states I am still looking.

Chairman Jones states okay, item B.

Mr. Michael Johnson states item B; as you all know, due to the unexpected passing of Mr. E. Beale Carter Jr., a vacancy unfortunately exists on the Industrial Development Authority from the Newsoms District. Supervisor Cook has indicated that he expects to nominate a successor tonight I believe.

Supervisor Cook states I am. I am pleased to nominate with your approval William F. (Billy) Grizzard. He lives in the Newsoms area.

Chairman Jones states alright. You want to make that in a motion.

Supervisor Cook made a motion to appoint William F. Grizzard to the Industrial Development Authority.

Supervisor West seconded the motion which carried unanimously.

Chairman Jones states let's go to C.

Mr. Michael Johnson states item C is the Board of Building Code Appeals. We have one vacancy. Mr. Sonny Draper's term on that board will expire September 30th and then Mr. Gary Banks' term actually expired last year September 30th. That board has not had any reason to meet in the last twelve months, but we do need to resolve that issue.

Supervisor Cook made a motion to reappoint Mr. Gary Banks to the Board of Building Code Appeals.

Supervisor Faison seconded the motion which carried unanimously.

Supervisor Faison states I spoke with Mr. Draper and he is willing to continue to serve. So, I make a motion to reappoint Mr. Sonny Draper to the Board of Building Code Appeals.

Supervisor Phillips seconded the motion which carried unanimously.

Chairman Jones states let's go to D.

Mr. Michael Johnson states item D is the Board of Assessors. As you recall from your February meeting, it was the consensus of the Board at that time to appoint a Board of Assessors to assume the overall responsibility for the upcoming reassessment with Section 58.1-3275 (ii) of the Code of Virginia. At your March meeting, you offered seven nominations which included Mr. Dennis Whitby from the Drewryville District-Building Contractor, Mr. Hunter Darden III from the Franklin District- Forester, Mr. Damian Dwyer from the Newsoms District- Local Attorney, Mr. Frederick Felts from the Boykins-Branchville District-Retired Teacher and Businessman, Boykins Town Councilman, Mr. Ash Cutchin from the Jerusalem District-Retired Airline Pilot and Appraiser, Mrs. Kara Eason from the Berlin-Ivor District- Licensed Realtor, and Mr. Allen Applewhite from the Capron District- Retired Deputy Sheriff and Farmer. On September 20th, I'm pleased to report that each of the nominees actively participated in the basic course of instruction provided by the Virginia Department of Taxation pursuant to Section 58.1-206 of the Code of Virginia, and they are now all eligible for official appointment. Representatives from our contract appraisal firm, Wingate & Associates, also participated in that training program by sharing some of their preliminary results from their sales/assessment ratio study. The field work associated with that reassessment is now actively underway and will continue over the next 14 months or so.

Chairman Jones states any questions regarding the seven members.

Supervisor Phillips made a motion to appoint the seven individuals listed herein above to the Board of Assessors to oversee the 2018 General Reassessment.

Supervisor West seconded the motion which carried unanimously.

Chairman Jones states we will go to number eight, reports; Sheriff's Office, Animal Control, Litter Control, Building Permits, Blackwater Regional Library, Cooperative Extension, Solid Waste Quantities, Personnel Mr. Johnson.

Mr. Johnson states just a couple of Personnel changes to report Mr. Chairman. Effective September 19th in the Sheriff's Office, Kimberly Smith was hired; annual salary \$35,213. There was one employee reclassification in the Sheriff's Office effective September 1st. That's Michael Green; annual salary \$36,627.

Chairman Jones states alright, thank you sir. Shared Services Committee, Mr. West. Do you have anything?

Supervisor West states I think Mr. Porter has the first statement.

Supervisor Porter states recently there have been some changes in regulations on the Employment Classification. As a result, many localities are finding themselves in trouble because they don't understand regulations and they don't have people qualified to administer it; any regulations. They are finding themselves in court being sued for overtime investigation purposes. We have been discussing with Franklin the possibility of working together to acquire the expertise to administer these activities; this board and our Shared Services Committee. And, we expect to bring to the board probably in the November meeting a proposal to share a person with the City of Franklin to do these activities as well as some of the activities we currently burden on some of the people we have that have other jobs as well. So, we have a meeting October 26th which is two days after our next meeting. So, we will work that proposal and we will bring it to you in the November meeting.

Supervisor West states and I would like to say that all of you in this room probably have dealt with the Building people out of Franklin, and I think that has worked very well. Southampton had its own Building Department and Franklin had its own Building Department and we came together hoping for a faster and more effective service. Also, you save people and personnel and that has been very valuable. That is the type of thing that we are looking to do as we look at this HR position and the things that are needed. So, bear with us and thank you. We meet as much as we can but no more than we need to.

Chairman Jones states thank you Mr. West. Alright, we will go to number nine, financial matters.

Mr. Michael Johnson states item A, Mr. Chairman, is a year-end September for June, FY 2016 Appropriation Resolution. A copy of that full resolution is in your agenda. It provides a total appropriation of \$137,146.35 to the School Operating Fund. Much like the last two months, this appropriation is simply a housekeeping measure. It reallocates state funds among expenditure line items within the School Board budget, and no overall budgetary impact on your local budget. Revenues were received from the Commonwealth in the form of basic school aid to cover the expenditures. There is no new local money associated with this resolution.

Supervisor West made a motion to approve the attached appropriation resolution.

Supervisor Phillips seconded the motion which carried unanimously.

Chairman Jones states let's go to the bills. What do you say about the bills? Any problem with the bills?

Supervisor Edwards made a motion to authorize payment of the monthly bills.

Supervisor West seconded the motion to pay the bills in the amount of \$1,471,241.49 to be paid by check numbers 148834 through 149267. The motion carried unanimously.

Chairman Jones states let's go to number ten.

Mr. Michael Johnson states number ten, Mr. Chairman, is consideration of an agreement with Moseley Architects for architectural and engineering services associated with either a new or expanded/remodeled courthouse. As you all might recall from your May meeting, upon recommendation from the Courthouse Planning Committee, the Board voted to move forward with a request to the circuit court for an election on the question of the removal of the courthouse to a new location, effectively putting the question to the people of Southampton County and the City of Franklin. In accordance with the Code of Virginia, prior to submittal of the petition for the writ of election, it is necessary to determine precisely where the courthouse would be removed to, and how much it will cost to acquire the property and construct new facilities. Accordingly, the Board referred the tasks of site(s) evaluation and procurement of architectural services back to the Courthouse Planning Committee. In early June, in accordance with the Virginia Public Procurement Act, the Committee published a Request for Proposals (RFP) from qualified architectural and/or engineering firms ("Offerors") to provide professional services to assist the County with site selection, architectural and engineering design, development of construction documents/bid specifications and construction administration services associated with construction of a new Courthouse. In response to the RFP, we received outstanding proposals from six (6) architectural firms, each of which had assembled their own team of subject matter experts in the fields of civil engineering, geotechnical engineering, cost estimating and public communications. Their proposals were initially vetted by a smaller subcommittee of the Courthouse Planning Committee with a shortlist of four (4) firms invited for interviews. To assist the Committee with the proposal evaluations and other preliminary planning, I retained the services of Alpha Corporation on an hourly as needed basis from the state contract. Alpha Corporation is ranked among the top 50 project management firms in the country by Engineering News record. Mr. Brian Camden is Alpha's assigned project manager. Brian is here with us tonight in the back of the room. Brian has extensive construction management experience. He served as the Project Manager for new courthouses in Isle of Wight, Surry, and Northampton Counties. In addition to that he has prior experience here in Southampton County having served as the Project Manager for Nottoway, Meherrin and Riverdale Elementary Schools as well as the Courtland Wastewater Treatment Plant. With Mr. Camden's assistance, following those interviews, the subcommittee presented its top two recommendations to the full Courthouse Planning Committee which conducted its own round of interviews with the top two firms. At its meeting on September 21, the Courthouse Planning Committee unanimously voted to recommend that the Board enter into agreement with Moseley Architects out of Richmond, noting that their professional qualifications and proposed services were deemed most meritorious at a price that was considered fair and reasonable. Included in your agenda packages you will find a copy of the presentation that was made to the Courthouse Planning Committee last week summarizing Moseley Architects proposed scope of work, cost, and schedule. We are seeking your authority tonight to proceed in entering into an Agreement with Moseley Architects as outlined in that presentation, subject to final legal review by Mr. Railey. I will be glad to go over in as much detail as you like Mr. Chairman of that presentation.

Chairman Jones states alright, does anyone have any questions?

Chairman Jones called on Supervisor West.

Supervisor West states no sir.

Chairman Jones called on Supervisor Faison.

Supervisor Faison states no.

Chairman Jones called on Supervisor Porter.

Supervisor Porter states of the total amount we will be sharing the cost with Franklin. Is that correct?

Mr. Michael Johnson states the City of Franklin will reimburse us roughly 30% of the expenses associated with the Courthouse project. I failed to mention Dr. Edwards is the board's representative on the Courthouse Planning Committee. Dr. Edwards I didn't know if you had any additional comments.

Supervisor Edwards states we have been working on this all summer. It is a lot of work. This is a very complex issue. We are on a tight schedule, and in order for things to work out we have to have things finished by the first of the year so the judges can make some decisions and do their job, and be ready for a referendum on this in May. So, with that said everything seems to be in line. We have studied everything. We are also having another independent look at remodeling the old courthouse just to make sure we are not missing anything. But, I would recommend that the Board go ahead and recommend this tonight so that we can meet schedules.

Chairman Jones states alright, does anybody have any questions. Alright, I need a motion.

Supervisor Edwards made a motion authorizing the County Administrator to enter into agreement with Moseley Architects as outlined herein, subject to satisfactory legal review.

Supervisor West seconded the motion which carried unanimously.

Chairman Jones states let's go to number eleven.

Mr. Michael Johnson states number eleven, Mr. Chairman, is consideration of a resolution approving the financing of school buses. As you all may recall, your adopted FY 2017 budget included an additional \$67,000 to finance the purchase of five (5) new school buses. The buses have recently been ordered by the School Board from the state contract. They are acquiring three 65-passenger buses and two 77-passenger buses for a total sum of \$419,401. The winning bid to finance the buses was again submitted by U.S. Bancorp with a 1.703% fixed rate for 7 years. That rate compares with a 2.08% rate from U.S. Bancorp last year, and a 1.88% rate from U.S. Bancorp in FY 2015 and a 1.98% rate from Capital One in FY 2014. VACo/VML Finance will also receive a \$3,500 fee for their services in procuring the financing. The first lease payment of \$67,000 is due on March 30, 2017, after which we'll continue making semiannual payments of \$29,330. I know your agenda says \$29,503 but that amount has since been reduced since the preliminary financing was approved. And, we will make the final payment on September 30, 2023. You have a copy in your agenda packages of the resolution which consents to and approves the financing of the school buses in accordance to the terms offered by U.S. Bancorp. While subject to annual appropriation, in approving the resolution, you're expressing your intention to make sufficient annual appropriations to the School Board to make the payments due under the equipment lease.

Chairman Jones states alright gentlemen, you have heard this. We have already been through this last year, and we voted to go ahead and do it.

Supervisor Edwards states we have done this every year. They need it. We have been building the fleet back up. I think if we don't do it we will remiss in taking care of our children's education.

Supervisor West states this is five years of five buses each. It is quite a rebuilding process.

Mr. Michael Johnson states seven years. This is our fifth year, I am sorry, but a term of seven years.

Supervisor Edwards states we have 87 buses I understand, so...

Supervisor West states but this is the fifth year we have been able to purchase.

Chairman Jones states so we have 25 buses.

Supervisor Edwards made a motion to adopt the attached resolution.

Supervisor West seconded the motion which carried unanimously.

Chairman Jones states alright, ladies and gentlemen we have eight public hearings. I am going to allow each one of you five minutes.

Supervisor Edwards states Mr. Chairman, may I say something before we get started?

Chairman Jones states yes sir.

Supervisor Edwards states nobody has the Planning Commission report. It has not been handed out. Nobody up here has it. None of the citizens have it. The Planning Commission spent three months looking at this extensively, and made one heck of a good report. I can't see in any type of cautiousness that any... this Board can sit up here tonight without that report and make a decision on this situation. I think that would be ludicrous. I think that would be... that would say that this Board has already decided before they have seen all of the information, and I don't think that is true. I think we all want to see all of this information. So, I recommend that we put this off whatever time we need to so that the minutes can be circulated. We can see them and go over them. The public can see them and go over them, and then have a fair hearing on this situation.

Chairman Jones states alright, are there any other comments?

Gentleman from the audience states like for you all to hear it.

Supervisor Phillips states Mr. Chairman; I am not sure whether I am in order to make this motion. I was concerned as well about the volume of information that we received. And, if it would be appropriate I would like to make a motion to continue our meeting until... and I am looking at some point in two weeks to both give our secretary the opportunity to produce those minutes and make them available and give everyone on the Board and the people in the audience an opportunity to review that. It would also give the Supervisors an opportunity... we received these eight public hearings on Thursday at 5:00 p.m. last week. The County's Planner was out on vacation. I would just urge the Board on the side of being cautious and being thorough to... I would make that in the form of a motion to continue this meeting at this point. To continue with the public hearing...

Mr. Richard Railey states I don't think you can do that. I think you would have to re-advertise the public hearing.

Supervisor Edwards states certainly.

Mr. Richard Railey states I think you...

Supervisor Phillips states we would finish the public hearing tonight; go through with the public hearing. I am just asking...

Chairman Jones states are you saying we don't vote on anything tonight.

Supervisor Phillips states right.

Mr. Richard Railey states I am hearing two different things I think. Dr. Edwards, what was your suggestion?

Supervisor Edwards states my suggestion was not to assess it at all. Bring it back in two weeks or whatever when everybody has all of the information they need. I can't see discussing something when I don't have half of the information.

Mr. Richard Railey states alright, so you are talking about two different things. Bruce is talking about having the public hearing and continuing the vote, and we have done that before. You are talking about re-advertising the public hearings. Is that correct?

Supervisor Edwards states that is correct sir.

Mr. Richard Railey states okay.

Chairman Jones states alright, Dr. Edwards want to re-advertise the public hearings for a later date. Any Supervisors have any comments on this.

Supervisor Porter states I take it affront that he implies that we haven't been involved or haven't done our homework. I have been researching this project for six months. I have paid attention to what has been going on. Some of this stuff is valid. Some of this stuff is misinformation. I have gotten dozen of letters. I have talked to dozens of people on both sides of the issue. I have a little bit of experience with the energy industry. I did studies on solar energy for my former employer back in the 90s. I think the people on this board have been involved and engaged. In fact, when I look at the people on this board six out of seven have actually visited the solar sites that I am aware of. And, that one that didn't visit is the one on the Planning Commission. So, I am skeptical. I think we have all of these people here to discuss their positions and to present information to us, and I think we need to listen to them. And, if we feel like we have the information and we feel like we have the ability, I think we should proceed tonight. I am insulted that he implies that I haven't done my homework.

Supervisor Edwards states well I am insulted that you are going to ignore the Planning Commission. They have worked three and a half months on this, and what you are saying is you don't need it.

Supervisor Porter states what I am saying is I have worked six months on it and I have paid attention to what the Planning Commission has been doing, and the Planning Commission... I was embarrassed by the way that some of the people were treated by the Planning Commission. I was embarrassed.

Supervisor Edwards states let's get the report and have at it okay.

Supervisor Porter states and those minutes are out by the way. But anyway, my position is I think we need to listen to the people who came tonight, and we need to do what we need to do. And, if we feel like we cannot make a decision after we hear everyone tonight, then we don't make a decision. But, if we feel like we do have the information then I think we should proceed. I am not one for just deferring something to defer it, because for one this has been done for too long on this project.

Supervisor Edwards states well this is a natural progression of the democratic process. The Planning Commission gives us a recommendation and now you are saying the heck with the recommendation. Ignore... you know more than they do. You know more than the recommendation, and you are going to let it go with that.

Supervisor Porter states I am not saying that. What I am saying is I am responsible for the vote on this, not the Planning Commission. I listen to what they say. If I agree with what they say, I accept it. If I question it, I ask questions. Some of this stuff, I don't feel good about. Some of this stuff, I do feel good about. But, I think to try and not move forward in the process is shirking our responsibilities.

Supervisor Edwards states I think this board is acting irresponsible if we go ahead with this

without knowing the Planning Commission's recommendation and reading it in detail, and knowing what is going on. They worked three and a half months on this okay. This is the natural process. If we are going to start, this Board, ignoring the Planning Commission, we are going to be in real trouble. If we do that, it is exactly what we are doing Mr. Porter. We are ignoring the Planning Commission.

Supervisor Porter states I don't think we are ignoring them. I think we may be disagreeing with it. And, I think that is two different things.

Supervisor West states I would like to weigh in a little bit on this.

Mr. Richard Railey states you have a motion but you don't have a second.

Supervisor West states correct.

Chairman Jones states that is what I was getting at. Dr. Edwards made a motion.

Supervisor Phillips states I did.

Chairman Jones states you made the motion.

Supervisor West states I didn't think it was a motion.

Supervisor Phillips states I motioned at this point.

Chairman Jones states Dr. Edwards did you want your statement to be a motion?

Supervisor Edwards states yes sir. I think we would be very remised if we decided anything tonight without getting the Planning Commission's report. And, I don't want to start this. This kind of attitude of ignoring this. If we are doing that, it is exactly what we are doing. There is no reason we can't put it off for two weeks. Get the report, and then make a better decision; an informed decision. There is no reason.

Supervisor West states well he has already said that we can hear. We have a room of people tonight. That makes all of the sense in the world for me to hear what you have to say tonight. As far as taking action on it, I may say I am willing to wait two additional weeks and continue this meeting if appropriate. At that time, then we will take the appropriate vote on this action tonight. But, availability of the minutes of the Planning Commission, I don't know whether it is available to you or what is available. I don't know what is going on, and what you know but I want to hear tonight with this many people here. I am going to make one comment, and laugh at this please. If you want a good crowd, stir the bunch up in Newsoms a little bit and you have a good one. But, if you really want a real crowd then talk about muzzle loading.

Chairman Jones states I am gone. I am gone.

Supervisor West states then we can fill up everything okay.

Supervisor Edwards states let me get this straight then. You want to hear all of the people tonight but you don't want to vote.

Supervisor West states I said we will make the decision based upon what we hear tonight. These people that were a part of that meeting, they can restate it. Mr. Drake is the Chairman of it. He can restate some of these things within the allotted time. It will be repeated. I know that, but I need to hear it okay, one place or the other. Whether we do it at the high school or we do it here, but we need to move forward. You have had it in your presence at least three months that you have dealt with it okay. We don't need to keep putting this issue off. It needs to move on. It needs to be dealt with as soon as possible, and I think tonight is the night to do that because we have enough people here to discuss this. I am listening to Mr. Phillips, and I will consider continuation of the meeting after I hear this information tonight. There are things that I want to know that I have heard, that I had not heard or had not read that have come out whether it be true or not. I know some truth has been stretched, and some just made up. It is not true at all. But, the fact is I would like to hear that

tonight.

Mr. Richard Railey states we have one motion on the floor.

Supervisor Edwards states yes, but let me just get this straight. You want to hear everything tonight, but you are not going to vote tonight.

Supervisor West states I didn't say I wasn't. I said after I am satisfied by hearing the applicant, and after I am satisfied by hearing the people in this room, I am prepared to stay to midnight okay.

Supervisor Edwards states and you are willing to do it without reading the Planning Commission recommendation or what they went through.

Supervisor Faison states I have had the opportunity to talk to a lot of people; people who are for this and people who are opposed to it. And, regardless of how we vote we are not going to satisfy everybody. After reading the minutes and all of that, we are not going to do that. And, I feel comfortable going on with the public hearing tonight. At this point, I agree with Mr. West. At this point I won't say whether I will vote afterwards or not. But, I am very interested in hearing what people have to say. And, after we hear what they are saying, if I am comfortable voting tonight then I will say let's vote tonight. But if there are some questions that I still have, then I will say I am very comfortable with delaying it for two weeks if we have two weeks to delay it. Now, what does that do for the project in terms of the company? In terms of their position? In terms of a delay? Does that have an impact on their ability to fulfill their obligation?

Chairman Jones states Mr. Cook we have heard from everybody but you.

Supervisor Cook states I would like to see us move forward and certainly hear this crowd of people.

Chairman Jones states Dr. Edwards have a motion on the floor that we wait until the Planning Commission minutes are read. Do we have a second for that?

Supervisor Phillips seconded the motion.

Supervisor Edwards and Supervisor Phillips voted yes. Supervisor West, Supervisor Faison, Supervisor Porter, Supervisor Cook voted no. The motion did not pass.

Chairman Jones states we will continue with the first public hearing. As I stated ladies and gentlemen you will have five minutes. Each one of you five minutes.

Mr. Ash Cutchin states you had another motion Mr. Chairman. Mr. Phillips had a motion.

Mr. Richard Railey states I think he withdrew his motion.

Chairman Jones states Mr. Phillips motion died. He withdrew his motion.

Supervisor Phillips states I will come back to that later.

Chairman Jones states he withdrew his motion.

Mr. Ash Cutchin states okay.

Chairman Jones states as I was saying you have five minutes. That is everybody. If there are any questions, we have all these people sitting on this front row who can answer your questions tonight. Not later. They will do it tonight.

Mr. Michael Johnson states Mr. Chairman, can I open the public hearing with the normal statement and receive the report from Mrs. Lewis from the Planning Commission.

Chairman Jones states yes, go ahead. I have gotten ahead of myself.

Mr. Michael Johnson states the first public hearing tonight is related to a Comprehensive Plan Amendment filed by Southampton Solar, LLC. This public hearing is held pursuant to Section(s) 15.2-1427 and 15.2-2204 of the Code of Virginia, 1950, as amended to consider a request by Southampton Solar LLC, applicant, on behalf of the following owners: Powell Farms LLC, Powell Farms #2, LLC, SDK Prairie LLC, Lilly Hawthorne and Lisa Haver, Hugh C. Vincent, Jr., Dean Vincent, Charles Felts, Larry Felts, Dennis and Elizabeth Vick, Millard Whitehead, Jr., James and Linda Vick, Smithview Farms LLC, Farm & Food Industries Inc., Betty Stephenson TR, Margaret Murray, Stephen Bryant and Robyn Pickeral, for a Comprehensive Plan Amendment from Agriculture/Forest/Open Space/Rural Residential and Low Density Residential in the Boykins-Branchville-Newsoms Planning Area, to Institutional, on a portion of each of the properties described below. The properties are in the Boykins Voting and Magisterial Districts. They total approximately 3,685 acres. The properties are as follows:

- Tract A: Tax Parcels 99-6A, 99-19, 99-19A, 100-2, 100-11, 99-19B, west of Meherrin Road (SR 35), north and south of Old Branchville Road (SR 666).
- Tract B: Tax Parcels 100-34, 100-33A, 100-48, 100-49, 100-50, 101-2, 101-3, 101-4, 101-12, north of General Thomas Highway (SR 671) between Meherrin Road (SR 35) and Three Bees Road (SR 721).
- Tract C: Tax Parcel 101-1C, northeast side of Three Bees Road (SR 721) approximately 2500' north of its intersection with General Thomas Highway (SR 671).
- Tract D: Tax Parcel 101-21, north and south of General Thomas Highway (SR 671) 1400' east of its intersection with Three Bees Road (SR 721).
- Tract E: Tax Parcels 100-52, 100-53, 100-54, 100-56, 101-50, 101-52, 101-53, 10153A, south of General Thomas Highway (SR 671) between Burnt Reed Road (SR 743) and Odom Chapel Road (SR 716).
- Tract F: Tax Parcels 112-8 and 113-2, at the intersection of Number 8 Schoolhouse Road (SR 670) and Burnt Reed Road (SR 743).

The notice of this public hearing was published in the Tidewater News on September 11 and September 18, 2016 and all adjacent property owners were notified as required by law. Following its public hearing on August 11, 2016, the Southampton County Planning Commission deferred action until its next meeting on September 8, at which time they resolved to recommend denial of the application on a 4-2 vote. After conclusion of tonight's public hearing, the Board of Supervisors will consider the comments offered this evening and will proceed to approve, deny or defer action on the request. Mrs. Beth Lewis, Secretary to the Planning Commission, will provide introductory remarks after which all interested parties are invited to come forward and express their views.

Mrs. Beth Lewis states good evening. To start out, I am the one who broke these down into tracts A-F just to make it easier for the Planning Commission and the Board of Supervisors. As was discussed earlier, the Planning Commission has discussed this for several months. They had a workshop with speakers from the Virginia Association of Counties and the Department of Environmental Quality, and the Civil Engineers who work with these projects. This request is for a Comprehensive Plan Amendment. That is the first of the three public hearings tonight. This is a request to amend the Comprehensive Plan. The three together are to amend the Comprehensive Plan and the zoning map for portions of 27 tax parcels in the Boykins-Newsoms area totaling 3,685 acres and obtain a Conditional Use Permit to facilitate the development of a 100 megawatt solar generating facility.

Supervisor Porter states can I ask you a question?

Mrs. Beth Lewis states yes.

Supervisor Porter states why are we considering the full 3,685 acres when there are only 1,437 acres in the limited development?

Mrs. Beth Lewis states the totality of the parcels is 3,685 acres.

Supervisor Porter states is there any way we can restrict this Comprehensive Plan Amendment to the 1400 plus acres?

Mrs. Beth Lewis states that is part of the application, yes. Should it be approved, the applicant would be required to create new sub-division plats to pull out the 1,400.

Supervisor Porter states so we are talking about 1,400 acres and not 3,600 acres.

Mrs. Beth Lewis states the limit on development is 1,400 acres. The totality of the parcels involved is 3,685, yes.

Supervisor Porter states but here the change we are talking about is 1,400.

Mrs. Beth Lewis states more or less yes, that is correct.

Supervisor Porter states I want to make sure we are not talking about 3,600 acres.

Mrs. Beth Lewis states no. When it is done, the sub-division plats will include just the 1,437 acres that they will use. The rest of the property will retain its current Comprehensive Plan designation and Zoning designation. They will not have a Conditional Use Permit attached to it. That is correct. All 27 parcels were signed. Signs were put on each of the 27 parcels before the Planning Commission meeting. And, the 20 signs that remained after the Planning Commission meeting was adjusted with a sticker with tonight's date, time, and meeting information on it. This is the Comprehensive Plan map for the Boykins-Branchville-Newsoms area. This property is spread out just north of Boykins on both sides of Route 35. Most of the area has the planned designation of Agriculture/Forest/Open Space/Rural Residential. A little portion of it along General Thomas Highway has Single Family Residential designation.

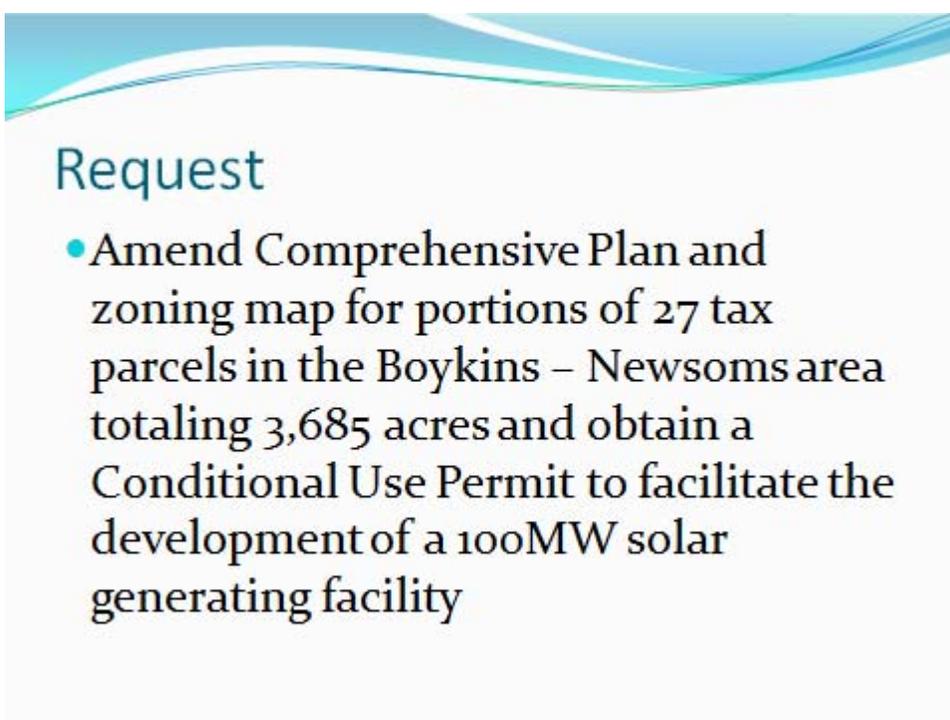
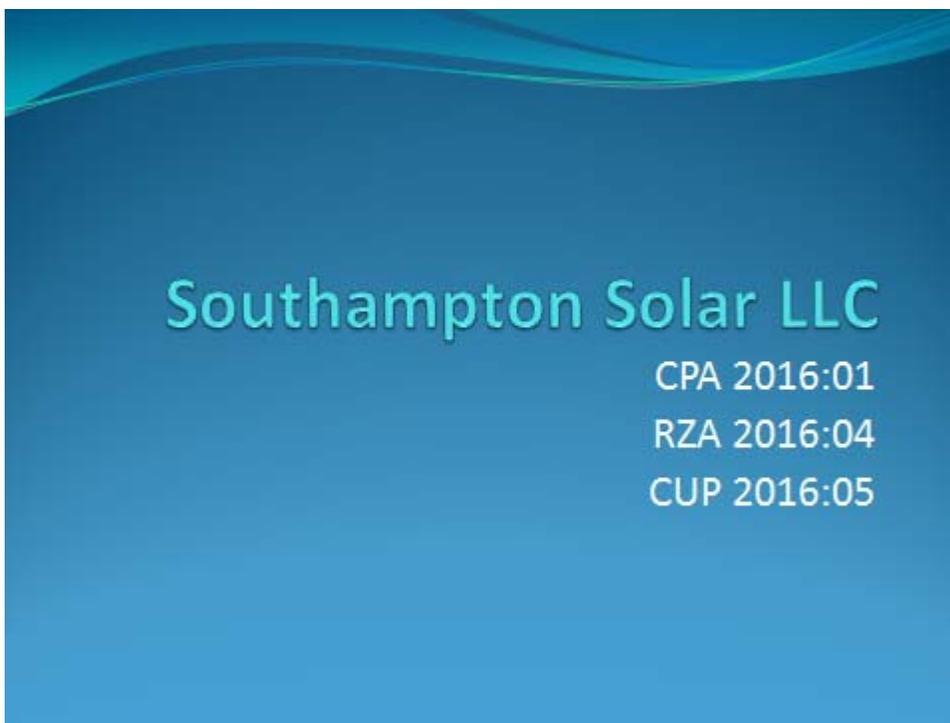
Supervisor Faison states can I ask a question?

Mrs. Beth Lewis states yes.

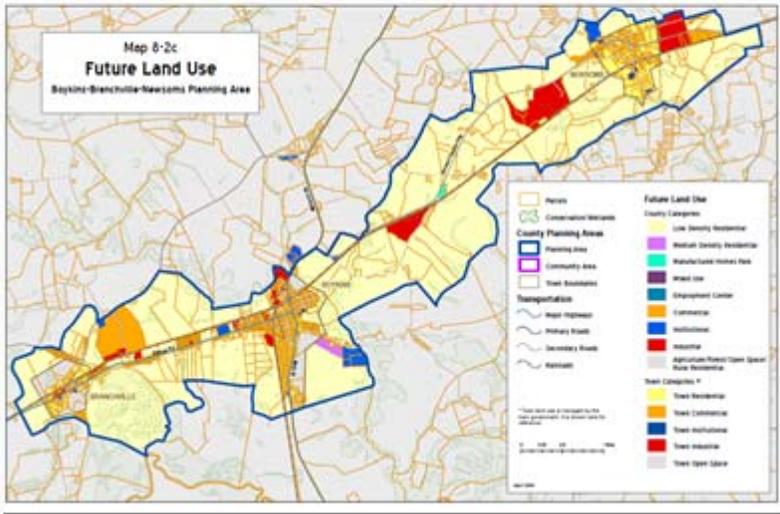
Supervisor Faison states there that we are looking at in the yellow space. Is that the 3,500 acres or the 3,685 acres.

Mrs. Beth Lewis states this map doesn't show the property. The next map will. This map shows the totality of the 3,685 acres; the entirety of each of the parcels that are involved. Your site plan shows the smaller areas within these that will be part of the project. But, you can see why it was broken up into more manageable pieces. So, you can even discuss what areas you are talking about. But, this is the whole of the 3,685 acres. The limits of development which will be the fenced area is 1,437 acres. The area underneath the solar panels will be 1,288 acres. This is a Comprehensive Plan Amendment from Agriculture/Forest/Open Space/Rural Residential and Single Family Residential to Institutional Plan designation. The Institutional Plan Designation allows for the construction or the installation of public utilities. And, by the General Statutes this qualifies as a public utility. This is a wide range in the Institutional Plan Designation. It is a wide range in the plan designation. It includes everything from schools, to dorms, to churches, to daycare centers and hospitals to the Deerfield facility and a facility such as this. The Planning Commission listened to the public for a number of hours, and they deferred their decision and discussion until the next meeting. This was a well thought out decision by the Planning Commission, and they saw as strengths to a plan designation amendment in that in many areas of the country, solar energy generation is seen as compatible with agriculture. It is beneficial financially to the property owners involved to withstand volatility of agriculture. Solar is a clean renewable source of power and the Institutional Plan Designation covers a broad range of uses but the zoning is the tool box. The zoning determines the actual development guidelines. So, the development guidelines for a daycare center are certainly different then the development guidelines for the Deerfield facility or solar farm. But, those are determined by zoning not the plan designation. The Comprehensive Plan does include strategies to encourage the development of renewable energy sources. Although the application covers over 3,600 acres, the actual limit of disturbance will be mapped and the remaining property can be retained in its current agricultural use. Property not involved in the land use program may make a positive impact to the county's finances. Planning Commission saw a number of weaknesses as well. Introduction of power generation into the agricultural areas introduces uses not seen in the past. The location of the planned installations is spread over a large range, impacting over 90 abutting property owns. It is not a combat site. It is spread over a couple of miles. The financial impacts to the agriculture

community haven't been fully understood. Businesses that serve agriculture as well as farmers seeking land to rent may be negatively impacted. The Planning Commission after a very thoughtful deliberation voted to forward a recommendation of denial of the request. The factors include the fact that the Comprehensive Plan was adopted in June 2015 with a strong agricultural focus and the Commission was reluctant to recommend amendments. The Commission had four public outreach meetings throughout the county. They worked on the Comprehensive Plan well over two years, and they felt their contribution to this plan and the openness with which they engaged the public including two stents at the county fair gave potential property owners the opportunity to seek amendments before it was adopted. With a strong agricultural focus, the Planning Commission is reluctant to recommend amendments to the plan. They also thought it is impossible to know if this is the first of many request. There are concerns about opening a "Pandora's Box" of applications. The discussion was if these two applications that you will speak about tonight was the only two that would come forward to the Board of Supervisors they would feel a level of comfort. But, they are just afraid that this is just the door cracking open. I will be glad to answer any questions.



Boykins-Branchville-Newsoms



Map



Area to be considered

- Total area – 3,685 acres
- Limits of Development, the area within the fenced area – 1,437 acres
- Area underneath the solar panels – 1,288 acres

CPA 2016:01

- Comprehensive Plan Amendment from Agriculture/Forest/Open Space/Rural Residential and Single Family Residential in the Boykins/Branchville/Newsoms Planning Area to Institutional

Considerations, strengths

- In many areas, solar energy generation is seen as compatible with agriculture.
- Solar energy generation is beneficial financially to property owners involved to withstand volatility of agriculture.
- Solar is clean, renewable source of power.
- Institutional plan designation covers broad range of uses, but zoning determines actual development guidelines.

Considerations, strengths

- Comprehensive Plan includes strategies to encourage development of renewable energy sources.
- Although application covers over 3,600 acres, actual limits of disturbance will be mapped and remaining property can be retained in agricultural use.
- Property not involved in land use program may make positive impact to county's finances.

Considerations, weaknesses

- Introduction of power generation into agricultural areas introduces use not seen in the past.
- The location of the planned installations is spread over a large range, impacting over 90 abutting property owners.
- Financial impacts to agricultural community have not been fully understood. Businesses that serve agriculture as well as farmers seeking land to rent may be negatively impacted.

Planning Commission Action

- After consideration of the following factors, the Planning Commission voted to forward a recommendation of denial of the request. The factors included:
 - The Comprehensive Plan was adopted in June 2015 with a strong agricultural focus and the Commission was reluctant to recommend amendments.
 - It is impossible to know if this is the first of many requests.
 - Concern about opening a “Pandora’s Box” of applications.

Chairman Jones states any questions for Mrs. Lewis. Thank you Mrs. Lewis. Alright, this is a public hearing. Is there anyone for or against this application?

Mr. Thomas Kline addressed the board. Good evening Mr. Chairman and members of the Board of Supervisors. For the record, my name is Tom Kline. I am a Virginia attorney and I am here on behalf of the applicant. The oust that I would also like to ask that at the end of my remarks I may enter into the record nine letters that we have here in support of this application. Mr. Chairman we did hear your admonition to be very brief so I will be very brief. I have my stopwatch going here. I also want to acknowledge that I am accompanied by senior leadership of the applicant. We are certainly happy even after this opening part to answer any questions that any member of the Board of Supervisors may have about this application. You will also hear from representatives from Virginia Dominion. I really wanted to just use this time to focus on some of the key points Mrs. Lewis just discussed regarding the Planning Commission’s action in her report. Also, she acknowledges these in the written report that she submitted to you all as well governing what the Planning Commission talked about. She mentioned in her report, and she just put up on the slide that there was some discussion as to whether these requests for solar projects are the first of a number of requests. Concerned being there might be a proliferation of these types of projects in the county. And, I believe the county attorney would agree with me that the county has a lot of discretion when looking at these types of applications. Both under its Code and under Virginia law

to evaluate each and every land use application on its own merits. And, that the approval of one application in no way mandates the approval of a future application or obligates the county to approve others. A Permit, Conditional Use Permit, Rezoning, by their very nature, these are discretionary actions within the purview of the Board of Supervisors. The Virginia Supreme Court has reaffirmed the discretion that you all have. There have been Supreme Court cases that have gone up where you have two very similar applications considered the same night by the same Board of Supervisors. One is approved and one isn't. But, they found distinctions between those applications and found that to be a reasonable use of discretion the board has in evaluating that in the legislative authority that it has. I would also say there are plenty of tools that this board has at its own disposal to evaluate solar in the future as well. You have the ability to revise your zoning ordinance. You have the ability to take another look at your Comprehensive Plan. You have the ability to commission a task force to study this in the future. So, there are plenty of opportunities to continue looking at this even if this project was approved going forward. She also talked about the Comprehensive Plan and some questions concerning the Comprehensive Plan. I have the Comprehensive Plan and I have looked at the Comprehensive Plan. It has a very important chapter called Goals and Implementation Strategies. And, in those Goals and Implementation Strategies it has a goal for agricultural and forestry. It says preservation and enhancement of progressive alternative and environmentally compatible industries and promotion of related opportunities that will provide a major economic component and support the foundation of rural and scenic atmosphere. That is one of the goals in the Comprehensive Plan under Agriculture and Forestry. And the specific implementation strategy for that says support efforts to integrate alternative energy production with agricultural uses to make fuller and more diverse use of agricultural properties, and it goes on to say i.e. solar and wind. It also speaks about economic development, and the Comprehensive Plan says provide for consistent growth of employment opportunities, capital investment through diversification. Again, one of the very specific strategies is seek green industries that capitalize on the county's abundant wood basket and the abundance of sunlight. I would also say with the respect to the environment, you also have a goal with respect to the environment. One of the implementation strategies under that goal in your Comprehensive Plan is encourage opportunities for alternative and renewable energy sources for county properties and for private properties. So, the Comprehensive Plan in one of its most important chapters where it talks about goals and strategies going forward speaks clearly about this as an opportunity for something that would be compatible with the other goals that the county has, and that the county has laid out. Finally, I would also like to talk about the schedule issue because I know that came up earlier in the discussion. We believe, as Mrs. Lewis indicated, we have been through three very detailed meetings before the Planning Commission. We allowed the initial meetings to be deferred so that the Planning staff and others could evaluate the material that we had. We've also, of course, all of the adjacent property notices have gone out. We've also had our own notices that we sent out so that others could evaluate or ask any questions that they had. We also have worked very closely to address any questions that come up and we are prepared to answer any questions that you all may have this evening. So, there is a lot of information; we have a lot of answers. And, through those work sessions, and through those various meetings that we had before the Planning Commission, the whole team was here to address the questions as they came up and we were prepared to stay as long as we needed to in order to address those questions, and I believe that we have. That is why we have such a complete application. At this point, I would like to ask Mr. Eck of Dominion Resources to also discuss...

Supervisor Edwards states Mr. Chairman, can I ask a question.

Chairman Jones states yes sir.

Supervisor Edwards states I am a little confused on this ability to turn down future applicants or not, and I have had several talks with Mr. Railey, and I would like to have Mr. Railey's opinion on that.

Mr. Richard Railey states what he is referring to and what I have said previously, if you assume that two applications are exactly alike or have very similar situations, then to approve one and deny the other would be a discriminatory arbitrary and capricious subject to attack. But, at the Supreme Court this is a great case. The Supreme Court of Virginia decided in 2001 they had the same Planning Commission, same Board of Supervisors in one hearing approve the drive-thru for a Burger King but wouldn't approve it for a McDonalds. And, what I take away from that case is, by what I say is absolutely true. If the factual situations are exactly the same, you can't... that is

discrimination. But, the Supreme Court of Virginia doesn't have a great deal of trouble in this case and perhaps others in finding a difference in two projects. One, in this particular case, had Fairfax in 2001 say no to a McDonalds who wanted a drive-thru and yes to the Burger King. So, it is discriminatory, sure if you find exactly or two applications that are very... but what I am saying is the cases that have hit the Supreme Court in the last ten years while giving (inaudible). So, you are both right.

Supervisor West states so what is the likelihood of two tracts of land being the same?

Supervisor Edwards states land is land.

Mr. Richard Railey states well if you had side by side, same soil, same road frontage, same intersection, and the same use they would be considered as the same.

Supervisor West states they would be the same, right?

Mr. Richard Railey states right.

Supervisor West states but what is the likelihood of that idea?

Supervisor Porter states zero.

Mr. Thomas Kline states well sir, I think that is exactly what the Supreme Court has looked at in case after case after case. When you have a discretionary approval, by its own nature it is discretionary. Otherwise, the rule would be, if you allow something by Use Permit in the county it is allowed anywhere and you have no ability to evaluate each one on its merits. Every piece of property is different. The acreage is going to be different. It is going to hit different adjacent property owners. They are going to be in different parts of town. They are going to have different assets. They are going to have different view sheds. They are going to have different drainage capacities. They are going to have different environmental capacities. They are all different. And, that is why the discretion is left to you all with the tools that you have for evaluating Use Permits to look at each and every individual application.

Supervisor Phillips states Mr. Chairman, I have a question.

Chairman Jones states yes.

Supervisor Phillips states Tom, there has been some concerns voiced about the no-mow fescue, and we have had a discussion about that. Could you clear that up a little bit?

Mr. Thomas Kline states yes sir. I think there was a question about the type of fescue that we had discussed when we were at the Planning Commission. And, we have subsequently indicated that we would work closely with our local landscape architect to evaluate the most effective no-mow fescue that we could incorporate into this plan. And, that would be presented as part of the final site plan. So, yes sir we intend to address that.

Supervisor Phillips states and if you would, I expressed my concern with the fact that as a farmer we need a plan B and C which would be a chemical in the event, say we have a drought and the drought kills that grass that you are speaking of. We have to have... there will be redundancy to make sure there is... we don't see what people see driving down the roads through North Carolina.

Mr. Thomas Kline states yes sir and thank you. And, so what we have are a couple of components there. We have the landscaped plan that would be part of the Conditional Use Permit that we will discuss but we also have a surety that is included to ensure that we actually built into the conditions associated with the Use Permit the ability for the county to put us on notice if the landscaping is not up to the standards required. And, to force us and having the ability to draw down the posted \$50,000 surety we would have with the county in addition to any other sureties to make sure that landscaping is maintained in its form. In addition to that sir, we have also proffered that we would develop a noxious weed control policy and program. We would do coordination with local experts. That would be presented as part of the final site plan that would come back in front of you so you have confidence there is a program in place to address weeds. And, again the

security will help enforce that as well.

Supervisor Phillips states thank you.

Mr. Thomas Kline states yes sir.

Chairman Jones states thank you sir.

Mr. Jim Eck addressed the board. Mr. Chairman, Mr. Vice-Chairman, and members of the board my name is Jim Eck. I am Vice-President of Dominion Resources. I believe it may be well known at this time that Dominion Energy as subsidiaries of Dominion Resources is planning on owning and operating this solar facility if approved. As such, we are fully prepared and committed to comply with all of the conditions of the Conditional Use Permit and the Rezoning, and any other commitments required as part of the final site plan approval. This project involves a very significant new investment in Southampton County. Dominion wants to make that investment. We believe it is consistent with the Comprehensive Plan. It is also cited in your Comprehensive Plan that it supports new economic partnerships in renewable energy. This is not a speculator project. We have a dedicated large corporation committed to acquire all of the power that will be generated from this facility. Due to the Confidentiality Agreement, we plan to announce later this fall. It is an opportunity for Southampton to signal their support for these partnerships. I have read there are some concerns regarding Dominion Virginia Power energy rates, and what is going to happen to my electric bill. Let me put those to bed. This project in no way will impact Dominion Virginia Power energy rates. This is a dedicated facility that will sell; Dominion Energy, a separate entity, will sell the energy on a stand-alone basis to that large corporation. We do have a deadline. We talked about timelines; timelines on an earlier project that was discussed here tonight. So, we have a timeline here on this project. To meet the obligations of this large corporation, we need to stay on schedule. That is why we and Community Energy have participated in many community meetings; to answer questions. We are here and we are part of the community, but we do need your support to continue the development, acquire the equipment, place the orders for the equipment, obtain and maintaining state permits and commerce and complete construction for this customer. That is a large project that takes a bit of time. That is why we wanted to do it right with as many meetings, but at this point now the schedule necessitates that we really do need to move forward to support this need. Not pursuing any other development. I want to be real clear. Dominion is not pursuing any other development of solar generation facility in Southampton County at this time. During the construction phase of this project, we are expecting our contractor will hire approximately 400 individuals at peak time for a variety of important jobs. Our contractor, Single Energy, is the same contractor that many of you may have seen constructing up at Accomack County. They are committed to local job fairs. They are also committed to recruit as much as possible with local resources in local towns which will build the talented skills here in Southampton County for solar. I also want to step back and say, Dominion is already here in the county, Southampton County. We take it very seriously, our commitment to be a community partner. We are already here. We are already committed to contributing not just jobs, but also in many ways in the community. And, you will have that with Dominion as a long-term owner. Let me just say, number one, we are a strong partner in the community long-term. Number two, it is a good project; solid project. Dominion's vetted it that it is a strong project for Southampton County. Number three, Dominion is fully committed to stand by all of the obligations. Number four, we do request your approval on this so we can maintain schedule and support our customer's needs. Thank you for your time.

Chairman Jones states thank you for your time. You have a question.

Supervisor West states yes please. Question is, have you had any contracts written up since 2009. Have you entered any agreements with any landowner of any kind since 2009, 2011? Anything of that nature?

Mr. Jim Eck states are you saying has Dominion had contracts with landowners?

Supervisor West states yes.

Mr. Jim Eck states across all of the Dominion Entities? Across all of the different regions we operate in?

Supervisor West states Southampton County?

Mr. Jim Eck states in Southampton County we do not have any land that we have put under contract.

Supervisor West states so you have no contracts out here period at this time.

Mr. Jim Eck states we do not have any contracts out here period at this time other than I will say separately Dominion, as you are aware, operates a power generation biomass facility. So, we do operate a biomass facility and we do have contracts in support. That is a Dominion Virginia Power facility that supports our customers here. To clarify your question, Mr. Vice-Chairman, we do not have any other contracts or options for land for solar generation in Southampton County with any of our affiliates.

Supervisor West states thank you.

Chairman Jones states any other questions? Alright, thank you sir. Anyone else? Come right up.

Mr. Hugh C. Vincent addressed the board. Thank you sir. I want to start with the distinguished Commissioners. My name is Hugh Vincent. I was born and raised in Southampton County, Newsoms. Matter fact, his father used to carry me to baseball games, Mr. Harvey Porter. I went to Newsoms School. I was a member of the 4-H Club and the NFHA. These were great times for me. Mr. Eldgar Rawls, Assistant County Agent. Mr. George Washington Nickels, my vocational agricultural teacher. They have trained me in how to farm. I graduated from N.C. State because I could get there in two hours. Mr. Nickels carried me to Virginia Tech. We left early in the morning and got there late at night about bed time. I decided I would go to N.C. State. While I was there, Mr. Dick Darden, Chairman of the Draft Board. Mr. Darden said Hugh, if you fail any courses I am going to put you in the army. What an incentive that young people this day and time don't have. I studied. I just barely turned 21 and the Korean War was going hot and heavy. They pulled me into the army when the Korean War was going hot and heavy. I am probably the only Korean War Veteran here. But anyway, I survived and came back home. When I was 25 years old, I applied for a job with a corporation out of Albany, Georgia. They were the people who introduced peanut combines into this country. They gave me the job and introduced me to North Carolina and Virginia. I had a heck of a time. I went out there demonstrating. and people said I think I am (inaudible). I worked and worked and demonstrated. And, I sold one or two the first year. I kept on. Three or four the next year, and Lord and behold I hit the jackpot. In 1965, I sold 100. Everybody decided they didn't need to put peanuts around the pole anymore. Progress; just like this solar stuff folks. Folks fighting everything. They fought me on peanut combines just like they are fighting the solar company. But, we move forward and the company increased their products with bush hogs and stuff. I have worked every state east of Mississippi setting up deals, trying to promote the rolling cultivator; all of their wonderful products. They even sent me to the International Farm Show in Paris to show equipment. I enjoyed it. I have been to every European Country. I have seen the giant windmills up there on the mountains turning, and making electricity. I have seen solar panels on the side of the mountains in the slopes making electricity. Those people want clean energy. They don't want CO2 gases down in those valleys poisoning people, and that is what it is all about folks. And, that is about all I have to say except one thing. I remember an old song written by the Carr Family. I don't remember if any of you are old enough to remember that song or not. Always look on the sunny side of life. If you would look on the sunny side of life it will wash your cares away. You see what I mean. It will make you feel good. It will make joy in your life folks. But look, I am going to tell you my advice to any one of you neighbors, look on the sunny side of life, and that is all I have to say.

Chairman Jones states thank you very much.

Applause.

Chairman Jones states come on.

Mr. Ash Cutchin addressed the board. That is a hard act to follow Mr. Chairman. Alright sir, Ash Cutchin is the name and I have a comment I was going to make earlier during the citizens time. First, I would like to say that I think the letter in the Tidewater News by Gary Cross is one of the

most intelligent things I have seen about this subject. If we do need more information about how the county and the citizens would be affected, then let's get more information. I have friends on both sides of the issue and I can't make them both happy, but I have to ask why the rush? Next, I would like to say I have been to mostly every country in Europe also Mr. Vincent. But, I also took a special effort to go to Accomack County where I lived for 27 years to see their solar panels. I spoke with one of the workers and I asked him, are you hiring local people? He said yes I am local. I just finished high school a couple of years ago and I got a job here but quite frankly they couldn't get qualified local people so now they are bringing in outsiders. And, that may very well happen here. It might. They might not find enough qualified people to do the work. But, you all are probably getting tired of hearing me say this because I say it just about every time some project comes up. But, if we have to bring in outside workers I think this Board should somehow guarantee that they are United States citizens and not illegal aliens or immigrants or whatever they want to call them. One other thing about Accomack County, now I have heard this and again this is an allegation and I have not verified it but, it started out as 100 megawatt project and somehow or another, the people in charge got it reduced to five 20 megawatt units to avoid taxes. Real estate taxes to Accomack County. I have a friend on the Board of Supervisors but I haven't called to ask him that. Next, speaking from an Assessor's Board perspective which you appointed me tonight. Once rezoning is approved if you approve it. In order to determine value of this new zoning, Institutional, we would either need sales of similar use parcels or we would need income and expense data in order to use an income approach, in order for the Assessment Board to either apply a capitalization rate or sales approach rate to estimate the value of these parcels. And, in our class on September 20th which Mr. Johnson mentioned earlier, I asked the gentleman from the tax department in Richmond could we use sales outside of Southampton County if such sales exist, because I don't think we have any here, and he said no. So, we don't have any sales to determine what the value of this real estate is going to be once it is rezoned. And finally, if this use is considered a public utility, wouldn't the state then determine the tax value and the tax levy and the local board wouldn't have any say so whatsoever? And, if that is probable then it seems very likely to me that Southampton County would receive absolutely no real estate tax revenue. If that is the case, then all of these people talking about economic development and how beneficial it is going to be to us goes out the window, because we are not going to have one say so about what the value of the property is. Thank you. I said I had friends on both sides of the issue, and I don't have a strong opinion about it. I am just trying to get some questions answered.

Supervisor West states I would like to go to the attorney and ask if he would answer your question of that rumor...

Supervisor Porter states and taxes.

Supervisor West states well the taxes for one thing, but also that 100 megawatt reduced to 20, 20, 20, 20, and 20.

Mr. Ash Cutchin states that is what I heard.

Supervisor West states would you.

Supervisor Edwards states I can answer that for you if you want me to. I talked to the Chairman of the Board of Supervisors in Accomack County three times. At first when they went in they applied for a tax free exemption with the State. Accomack fought it and was turned down. Then, they divided this thing into smaller units, and he told me they could make more money taxing the land as farmland than they could tax the solar panels. His name is Ron Wolf, and I would be glad to give you his phone number if you want to take time to call him. If you have a couple of weeks to think about it.

Supervisor Porter states I have talked to him. I know him. I have his phone number. I would just like to know if someone could answer the tax issues and did the tax ordinance change where they couldn't do that anymore? That is not available anymore, right?

Mr. Michael Johnson states Mr. Kline will speak to that. The General Assembly adopted legislation at their last session.

Mr. Thomas Kline states right. Mr. Chairman and members of the board that project in Accomack

is being taxed as an 80 megawatt project. It is not being taxed under a special exemption, and the equipment is also being taxed at the standard rates that were applicable when that project came online. Early in the project when they were doing some permitting they were looking at it as 20, but that wasn't because of the tax purposes. That tax exemption didn't even exist. That was just as you are looking at different segments of it that could be entitled. But, when that project came online, it is being taxed as an 80 megawatt, and it is not being taxed as a series of 20 megawatt exempt projects. With respect to this project, this project we have already worked with the county staff extensively to evaluate what the tax benefits to this county would be. The first thing that is going to happen is property that is currently in land use that is generating about \$8,000 per year is going to come out of land use and we are going to be paying then at the assessed rate that will be determined by the county, the assessed rate applicable to property that is now zoned in the new classification. We've also worked with the county under the State Code. There is a provision that provides a schedule for the amount of taxes to be paid on the equipment. We will pay that consistent with what the State Code requirement is over time and we provided that data to the Planning Commission as part of the economic analysis in addition to the job creation from the jobs that Mr. Eck mentioned and the other capital infusion into the county.

Supervisor West states to your knowledge is that subject to review annually by the State or is that something that is set in place from the day that this particular project start producing electricity or the application is made or what would you say?

Mr. Thomas Kline states there are two parts of that. The first part of that is the land and then there is also the equipment. And so the equipment, once the whole project comes online, that total investment of that equipment is assessed. And, that an amount is allocated to that overall assessment, and that amount is paid on a schedule that goes over a period of time, but never gets less; even after its all depreciated, it still by State Code can't be depreciated below 10% and that's about year 2024 when that comes online. The second part of it is with respect to the real estate taxes. The real estate will continue to go up in value subject to the local assessment over time.

Supervisor Porter states I have a question. I am not sure. You worked with our Commissioner of Revenue.

Mr. Thomas Kline states yes sir.

Supervisor Porter states and she is in agreement with the numbers in the document. That is my understanding.

Mr. Thomas Kline states that is my understanding as well. Those numbers were actually in some of the reports that went to the Planning Commission. We have circled back with her. Obviously, once final assessments comes out on property and all of that which will be some period from now, but based on the information that the county has and we have and the amount of land use that is being paid now that will come out of land use. Estimate of the rollback taxes that will be captured by the county. It is my understanding that there is an agreement with the county on that amount; we worked closely with Mr. Johnson's office. Thank you.

Chairman Jones states thank you; alright come on.

Mr. Holt Livesay addressed the board. Mr. Chairman, Vice-Chairman, and members of the board, my name is Holt Livesay and I live in Franklin but I pay plenty of taxes in Southampton County.

Supervisor West states thank you.

Mr. Holt Livesay states you're welcome. Well, actually you're not welcome because I can't do anything about it. Just so there is no misunderstanding about my position on this issue, I want to state right off the bat that I am in favor of solar panel farms. The United States has set a goal of reducing carbon emissions by 1/3 from 2005 until 2030. That is a 25 year period and we are almost halfway there. We are about a decade behind Europe in some of this renewable issue. I have been told the ones that are arguing the hardest against solar farms are the ones that don't own any land and rent it from others in order to farm. They are afraid there rent will go up if less land is available. I don't necessarily agree with that because some of those in opposition actually do own land which they farm. A reduction in crop land should boost land rent which should benefit the

owners of the land. So, I don't understand the opposition. Economics 101 teaches if we reduce the supply of something, in this case cropland, the results tends to be an increase in the price. There is no shortage of cropland in the United States. This summer I saw fields out west that are almost as big as Southampton County; just individual fields. Out there, without it hazy you could see from the horizon to the horizon. We are nowhere near running out of cropland. In fact, we are much closer to running out of electricity than we are cropland. How many of the farmers here raised 200 to 300 bushels an acre of corn this year only to face a price of \$3 a bushel. Can you make a profit at that price? Reduce production and see prices rise. I hate to introduce such an ugly word as jealousy but I wonder how many opponents of some of the farms wish they could rent their farms out for \$250/\$300 an acre. This issue in my opinion hinges on the term property rights. Many of wars have been fought and many of lives have been killed in battle to assure people in the United States of their freedoms. One of the most significant of those is the right to use one's property as he sees fit without having to kowtow to his neighbors. As long as he doesn't endanger the neighbor or the general public or do something against the law. I see no reason to decline the request to those entrepreneur landowners who have found a higher and better use for their land. I hope that you will decide in their favor.

Chairman Jones states thank you Mr. Holt.

Mrs. Rebecca Drake addressed the board. Good evening. I am Rebecca Drake from Newsoms. Chairman Jones, Board members, and Mr. Johnson I thank you for giving us all time to speak. In some ways you get sad because you feel like you have been pressured hard. Right here we have a deadline, we have a deadline, we have to hurry up. But, I just want to remind you about the Comprehensive Plan and I know a lot has been said about it. It is our legal document. It is our bible here. We shouldn't take it lightly. A quote from A Citizen's Guide to Planning and Zoning says because the plan is a long-term tool intended to shape land use in a locality over time, it should be left in place for a number of years. Consistent, constant amendments of the plan undermine and limit its effectiveness. I just want to reiterate that it does scare me that once we open that door we keep opening it. The crack gets bigger. As the people come tonight you are going to hear landowners talk about their rights. To my understanding, no one's rights have been damaged. No one's rights have been offended or violated. Their rights are the same today as they were yesterday as they will be tomorrow. No one is taking land from them or forcing them to do anything. They are simply coming forward and asking for a change, and that happens in here all the time. We come forward and ask for a change. Sometimes we get it and sometimes we don't. I am one of those who wish we could do anything with our land. We have land and I wish I could do anything. But, I don't think you would want me putting apartments up over here and hog houses in our neighborhood and there are rules for a reason. We would be hostile and it would be a very uncomfortable place to live if we were allowed to do everything we wanted. So, why do we have agriculture zone or an agriculture district or agriculture in Southampton County? It is your number one industry. It is your number one industry. It keeps this economy spinning around and around. Someone plants a seed, oversees its growth, harvest it, resale it back right here to local buyers. They process it right here. Turn it into something that can be used. In the case of peanuts a lot of the peanuts are sold right back to companies here. We sell them right back to HUBS and Feridies and all of the local places. Again, we hire people in the county. The businesses operate in the county. We buy and sell right here. And, as that need for agriculture and the products grows, look at where we are going to be. Our economy is going to grow too. It is a great and powerful industry. But, what it entails is acres. Not how many farmers are here; acres. When Birdsong and the Cotton Gin sit down to figure out what they are going to do this year or how they are going to move forward with harvest and processing their product, they don't sit down and say how many farmers do we have this year. Who are the farmers? They say how many acres of cotton do we have. How many acres of peanuts do we have? This is how they work it. They pull those contracts together. People, they don't have to be here. Birdsong does not have to be here. That is a huge company. They don't have to be in Southampton County. They can easily leave. The Cotton Gin is the same way. You have one cotton gin that has another one in Isle of Wight. They don't have to be here either. I can promise you when we start taking acres out, and just a reminder, it's not this one project. The reminder is we have already taken 300 or 400 out with Camp Parkway. You took 300 to 400 acres out there. You are looking at 1400 here. You have a second project behind it tonight; another 300 or 400. In one year, 2,000 acres out. I guarantee you the companies paying taxes and have businesses here are looking at that. So, I am going to leave you with some thoughts that came by way of Accomack. I will say thank you for calling and conversing with them. When I listen to their audio from their September 21st meeting that just happened, in Accomack the Chairman of

the Board stated he had just talked to one of the members from Southampton County and he told him that the company they had dealt with had done pretty much all that they had said, but if he knew then what he knows now it would have been a game changer. And,...

Chairman Jones states alright, that is it.

Mrs. Rebecca Drake states alright.

Chairman Jones states sorry.

Mrs. Rebecca Drake states thank you.

Chairman Jones states thank you.

Mr. Phillip Fave addressed the board. Mr. Chairman and members of the board my name is Phillip Fave. I am one of the landowners who has signed up for the project. My primary residence is in Virginia Beach and I have a secondary residence on the farm in Boykins. I have signed up for approximately 60 acres; 45 of those would come from planted acres. The other 15 is other land. The total planted acres on that farm are 155 acres. So, that is 25% of planted acres would go to solar. Earl Johnson who is also here has been farming this land for me since 1988. He doesn't like to see the 45 acres go but this is within the yearly up and down change that could happen at any time. Participation in the solar project is a great opportunity for landowners and farmers alike. They can participate to diversify and crisis proof their cash flow from the land, because the agriculture sector in general is under pressure because of farm production. Corn is \$3, wheat is below \$4 now, and peanuts are 21 cents. It is just low. It is a hard time for the farmers. The project falls into the Branchville-Boykins corridor which I have seen some industrial and other development over the last few years. This is another opportunity to diversify and enhance Southampton County's tax base. The solar project would increase the county's revenues. If I mapped everything out right, by approximately 1.5 of a percent and perhaps up to 1% of total expenditures of the county. I recommend this project for approval. Thank you.

Chairman Jones states thank you.

Ms. Rosemary Wilson addressed the board. Good evening. My name is Rosemary Wilson. I am part of the Betty Stephenson Trust. Actually, we call it the Kindred Farm now. I do live in Virginia Beach. Our farm has been in the family for over 150 years, and Newsoms is a very special place to us. We have more than I would like to say family members buried in the cemetery there; my uncles, cousins, and my husband. In fact, we want to keep this farm in our family. Before my husband passed away, one of the things he said was never sell the farm because it was so precious and dear. You hear about property rights. Well, there really isn't much to be said about that especially, if it doesn't harm anyone else. This is a quiet and peaceful use. There are no services from the county that is going to be required. You are not going to have to educate anybody's children or supply water and sewage or anything like that. In actually, this is farming. It is just a different type of farming. You are farming sunlight and you are harvesting electricity and power. I sit on the City Council in Virginia Beach so I have to sit in a place of responsibility just like you do. And, I understand how you have to balance so many things. The Planning Commission as wonderful as they are, they are advisory and the buck stops with you. They don't have the final say but you do because you have to not just take the land use but you have to figure out how to produce revenue to pay for all of the things your citizens need. I found it really interesting how you had to pay the bills. That is a little different than on our agenda. But, the truth of the matter is you have to pay the bills, and there is going to be a significant change in revenue with this project and you really have to do very little for it. And, take Dominion Power; having them behind this is like having gold. The General Assembly will support you if you have any problems. You can go to them and say hey, we are having issues. It's just very powerful and strong, and that revenue stream can be used for bonds to maybe help pay for your new courthouse. And, the last thing we really want to do is have to raise taxes. I know it is not very popular where I come from. And, the Comprehensive Plan; we passed ours in Virginia Beach just this past May and we have already amended it and it is only September. So, things can change and the Comprehensive Plan is a guide, and you want to stick to the guide as much as you can but sometimes things happen that you don't foresee and changes have to be made. I like the fact that this is green energy. When our family first heard about it, my niece who is in the audience got so excited about having green energy that is

good for the environment. This is a good thing for the property owners that live here. But, most of all it is really good for Southampton County and its taxpayers. So, thank you so much for this opportunity.

Mr. Dean Vincent addressed the board. Gentlemen, my name is Dean Vincent. I am one of the applicants. I would just like to take a couple of moments to address some items that I heard at the Planning Commission and try to dispel some statements that I heard. One that I heard was some of the applicants aren't residents of the county. Well, several generations of the Vincent family have worked this farm and some just 12 years ago. Some of the family started to train me to farm and that was 50 years ago. My father and I have great love for farming and our farm. This is no less of an issue whether we live in Murfreesboro, Smithfield, or Southampton County. We have faithfully paid our real estate tax bills and we have very few demands on the county's services. Personal property rights are as important to these applicants as they are to all other property owners in the county. Our family had large portions of our farmland divided and removed by the alignment on General Thomas Highway in the 1960s. And, over the years the county, VDOT, power, and gas companies have all come knocking at our doors requiring easements, and we have provided these without resistance. We have been good stewards of the land. If this application is approved, many others will come. My father and I began working on this six years ago with Community Solar and now is known as Southampton Solar. Most of the farmland in Southampton County does not meet the criteria needed to be selected for solar energy. Access to connect to the electric grid is essential. The right equipment already exists on our farm on a location well suited for connection. Further, the electric grid is self-limiting and can only handle so much energy input in any vicinity. High land with continuous upland open fields in a rural location are also very valuable factors. It has taken six long years to pull this complicated application together. Most of the county's farmlands fail to meet these requirements. With this application, you have Dominion Resources; the most stable and well respected franchise utility company as a partner in the Commonwealth of Virginia. Another point, alternative uses besides solar for the frontage on General Thomas Highway. Many farmers have found it necessary to carve out single family lots along the county's roadways to sell to supplement their farm income. In tough times, we certainly understand that, but my father and I resisted this while seeing many others having to pursue this route. With solar energy being installed along these road frontages for a minimum of 30 years, there is no possibility for subdividing lots for sale that unlike the solar energy business, tax county services. Finally, decommissioning. During the six years my father and I worked with Community Solar, and this was one of our primary concerns in developing a lease agreement. While we appreciate concerns expressed by some members of the Planning Commission last month, at the end of the day the landowner has much more at risk on this item than does the county. It was essential to us that a significant form of guarantee be provided to ensure that at the end of the lease period our farmland is restored to its original condition. With the extensive engineer studies to determine these cost and updated during the lease period, backed by the unparalleled ability of Dominion Resources provide guarantees, we have never been more relieved that decommissioning is no longer a concern to us. I sincerely appreciate your time, and would ask that you support this application. Thank you.

Chairman Jones states thank you; next.

Mr. Bob Powell addressed the board. Mr. Chairman and members of the board my name is Bob Powell. I live on The Hall Road in Branchville and I am one of the farm owners that have entered into an agreement with Community Energy. I want to keep my comments short because I know you are anxious to go hear the debates on television tonight. There is an increase in demand for energy that needs to be met by clean renewable generation and solar is one of the ways to do that. I was looking online today at a United States Department of Agriculture News Release at a ribbon cutting. This was April of 2015 for a solar project. Agriculture Secretary Tom Vilsack commented on it saying it was built on what use to be agricultural research service farmland. Land that is now farming energy. That is what I am proposing or hoping that the Board will approve tonight. There have been arguments about food shortage. About not being able to grow crops other than in soil. I talked yesterday to Preston Futrell who works up at the Correctional Center in Capron, Deerfield. Last year, this year even he has shipped out 17,000 pounds of cucumbers planted in what he calls high tunnels which are hoop houses, not greenhouses. He also said that they grew 300,000 plants for sale and distribution. The fall crops mostly, broccoli. They grow butternut lettuce year around up there and last year they produced 70,000 pounds of kale, cucumbers, and other crops. So, there are other ways to farm. I don't think that what is being proposed to become solar farms is going to be detrimental to the farming community. There are increased taxes that can be used for needed

fire safety, schools, and infrastructure. I am convinced that the weed control plan is a good plan. The landscaping plan that has been proposed; one of my concerns as a landowner. This land has been in my family close to 150 years. My father told me, and I didn't see this happen, that my grandfather cleared part of the land with an ax and a mule. It was not without a lot of discussion with my family members and investigation that I agreed to enter into a lease because of that heritage. I love the land. I want to keep it. But, I also want to make as much money as I can from it as long as it does not harm my neighbor, and I am convinced that this does not. I was even more pleased when I learned that Dominion Resources were going to take over the operation of the facility. And, that gives me although I have done a lot of research about Community Energy and felt very comfortable with them. They had been open and honest and did everything they told me they were going to do. But, now that Dominion is in it, Dominion is of course one of the largest utilities in the United States. I think the fourth largest in the United States; headquarters is here in Richmond, and that gave me a lot of added comfort. I appreciate your time and I would urge you to vote in favor of the project. Thank you.

Chairman Jones states thank you.

Mrs. Robyn Bryant-Pickeral addressed the board. Good evening gentlemen. My name is Robyn Bryant-Pickeral. My brother Stephen and myself own Mary Hill Farms in Boykins, Virginia and we are a part of this solar project. I come with no notes in hand. I have done my research when I was first approached with this. I was very apprehensive. I thought about my father and my grandfather who many years ago bought this farm; this rather substantial piece of property. They took a risk; a huge risk. They took a chance and they were successful. So, I did my research. I even traveled to Pennsylvania to see one of these farms. I had to see what it was. I couldn't take anyone's word they were going to put the landscaping there. I needed to be out there in the middle of the field and that is exactly where I was. I walked the solar field. It was an Amish farmer that owned this solar field that they rented from. That gave me a sense of peace. That an Amish farmer knowing someone of this caliber would deal with this company. The land was beautiful. The Amish farmer was also contracted to maintain the property as well. And, it was very well manicured. This assured me that Community Energy was going to do what they said they were going to do. As a landowner, I have listened to all of the pros and cons. I am a landowner that doesn't live here anymore, but still my heart is here. I am the principal at a private Christian School and I watched these little children and their futures. I have sons and grandsons. This farm is their future. It will stay in our family. This will provide future income for our children. This will enable our boys to maintain this farm. But, with our farm it also means a substantial part of farmland, because that is very important to me to have both sides of this. Thank you gentlemen for all of your time.

Chairman Jones states thank you very much. Alright, anyone else?

Mr. Jim Strozier addressed the board. Gentlemen, my name is Jim Strozier. I am a county resident on Harris Road in the Franklin District. I am a co-owner of High Ground Services, an engineering firm in Franklin. I am speaking in support of the proposed solar project in the Boykins area. I and my company have been working with Community Energy through our business for the past several months. During that time, I have met many of the project team members and I have participated in many discussions about this project including discussions with the project team, the community leaders, and citizens of the community. I have traveled to the sister project in Accomack County and have seen their project first hand. I met with the Board of Supervisors and Chairman of Accomack County. Through my engineering background, I am familiar with the technology, and through my business in which we do many construction projects, I am very familiar with construction projects. In my work as a business owner, I have dealt with many company representatives. In all of these aspects, I have found Community Energy to be a top notch company. In viewing the project under construction in Accomack County, I saw first-hand the equipment being installed was top notch. In fact, the Dominion project manager on that site stated that the components that were being installed there which is the same technology they will be installing in this area if it is approved. Those components have become the Dominion standard. The EPCC (Engineering Procurement & Construction Contractor) was also a leader in the field. The teamwork represented by the developer, the installer, and Dominion Power was easy to see. They worked together well. They spoke highly of each other. I have seen this project from all angles, and I feel that this project is a win-win situation. The landowners will benefit from the stable profitable income provided by these lease agreements. The county will benefit from the

increased tax base to the tune of \$8 to \$9 million over the course of the project. And, this project does not infringe on anyone else's rights. I have been asked by several community members if we will see any work from the project. My answer to them is always, we hope to. The response has always been that they would like to see local people benefit which is exactly why I support this project. The expected economic impact of this project has been estimated to be over \$50 million locally over the life of the project. In addition to all of the positives that I have mentioned, I believe that landowner rights should be a primary concern. The landowner should be able to use their land as they see fit unless there is some adverse effects on the surrounding landowners. In this case, I see no issues that should trump landowner rights. The fact that this project provides so many positives and we would be dealing with the leader in the field of alternative energy, I can see no reason why we should do anything other than support this project in every way we can. Thank you.

Chairman Jones states thank you. Anyone else?

Mr. Gary Cross addressed the board. Hello Mr. Chairman and Board, Mr. Johnson, Mr. Railey, and members of staff. Thank you for giving us an opportunity and everybody to speak that want to speak tonight. It seems like there is a lot of interest in talking, of course, unless it was going to interest your checking account. I try to talk earlier in the meeting. I didn't do it tonight because I get influenced by what people say. I hope you all saw the beautiful young lady standing beside me in the back of the room. That was my daughter. She is the President of the FFA, and she is here tonight also with great concerns to see how our county feels about agriculture in the future and for future generations. And, she and the rest of her compadres there at the high school are very concern about this vote. I think that is something that has been left out of this whole conversation tonight. What are our children going to end up with? I thank all of you all for returning my calls. Those of you that I called showed that you were willing to listen to me as always. I appreciate your comments. I have learned a lot; a lot of insight from each one of you as I talked with you in person or on the phone. I gain the knowledge that some of you have known about this for a long time. Well over a year. Many of you heard about this for the first time this year with the Planning Commission. Some of you have proved tonight that you have a lot of knowledge about energy and you have had even more time to research the project. That should be comforting for us all. I started Mr. West with you at your home in your backyard. We always enjoy our visits together. From there I wanted to know how to write my speech. You said Gary I don't want nothing but the facts. I don't want hearsay this and hearsay that. And, the only thing I believe is what I read in the bible. So, I went straight home to the King James Version. And, I didn't have to read far before the third verse of Genesis said God said there shall be light and it was called day. I hadn't seen nothing else on solar in that book. So, I moved on from trying to prepare a speech of the facts; what we do know and what we don't know.

Supervisor West states stick with the bible.

Mr. Gary Cross states stick with the bible. Amen. I have come up with a long list of what we don't know. It was so long I couldn't see how to tie my shoes. And, very little of it we know for sure. The unknowns just scare all of us in this room. You asked a question to Mr. Eck over here. You asked the question to the wrong person. No, Dominion has not had any contracts I am sure. In this pile of papers in this rusty notebook of mine, there is a signed contract from 2009 with the gentleman sitting to the left. Now, he was the one you should have asked the question of. Well, anyhow, as I talked with you all and what was most important, Mr. Faison and everyone, was landowner's rights. I am going to back up and tell you I threw my speeches away. I had written three of them. So, now I am back shooting from the hip again. I am going to go over my five minutes, but somebody in a minute is going to stand up and yield me five more just like they do in Washington.

Supervisor West states you are not in Washington.

Mr. Gary Cross states I am not in Washington? Thank the Lord tonight I am not in Washington. But anyway, I will move along as quickly as I can. We are all concerned about landowner's rights. And, as President of the Farm Bureau we struggle with that very thing; landowner's rights and preserving agriculture and where we stand. So, I have come up with an opinion that we need more time to see the negative effects of agriculture here in Southampton County. To what this could or couldn't do if it balloons out of proportion. I have heard them talking and Mr. Railey saying both

sides are right. But, I tend to think a little differently. I had a chance to ride by and look at all of those properties or most of them, and they are some of the most gorgeous farmland in the county, and these landowners should be proud to own some of the prestigious land in the county. There is no other like it that I have been able to farm, and they should be very proud of it. So, my point is if you allow solar farms on the most beautiful farmland in the county why not just put some on sorry land. I haven't gotten past my fourth bullet point yet, and I would ask if I could talk just a few more minutes. I will make it brief.

Chairman Jones states Mr. Cross you can come back.

Mr. Gary Cross states I can come back.

Chairman Jones states yes sir, if you sit down now you can come back for another five minutes.

Mr. Gary Cross states and get another five minutes?

Chairman Jones states yes, I will give you another five minutes. Alright, let somebody else come up now.

Ms. Teresa Preston addressed the board. My name is Teresa Preston. I live in the Berlin-Ivor district. Mr. West is my Supervisor. I can speak from personal experience. I own a home in Suffolk that I put solar panels on. It was awarded to air and heat pump system. The equipment sits on the roof. It worked. When I moved out to Southampton County, and designed and engineered my house. You look at the house you wouldn't know it, but it is passive solar. I wanted something that wouldn't crap out on me. It works. It's 3600 square feet. My last electric bill for a total electric house was \$146. It works. Now, I was contacted about ten months ago by a private company wanting to approach me to put in solar panels somewhere on the farm to run just my house and any overage to feed back to Dominion. I had so many questions for them I had them running for the woods, because they never called me back. I didn't trust them. If they can't answer my questions... you know, I want answers. If we have the opportunity to put a project in, I learned something tonight that they need to be able to hook up to the grid. I asked Dominion's people and the solar people. I have two big power lines that run through my back fields. There are other areas in this county that has the same situation. Is there any reason you can't kill two birds with one stone and manage (inaudible) instead of mowing it every five years when it's grown up into a jungle and you hire these gorillas with bush hogs to come in and mow it down and it looks like a disaster zone. Is there any reason those areas couldn't be considered for putting in solar panels instead of taking good productive farmland. The people owning it would still get compensation from renting it. Right now, I don't get a dime from Dominion. You know, you settled on it and that is it for the service running through. But, I lost the ability to produce timber because you have powerlines. Where the footprint of those towers goes I guess the round part gets residue under those because I can't grow any crops. They took 12.65 acres out of my farm to put into a powerline. I can't imagine. I don't know what the figure is for the service for here in the county that is under powerlines already. I do know that the new service was a 66 mile stretch that ran from Suffolk up to somewhere around the Hopewell area. That is a lot of acreage. It takes 43,560 square feet of land to produce one acre. They took almost a mile through my farm, and that produced the 12.65 acres that I don't get anything from except for a little bit of sliver farmland that is farmed. I still can rent that out. But, this would be a solution to turn something that is not productive if it can be done. You only have wires. I don't know the logistics. I am not an electrician, but you have power stations every so often. If you are feeding into the grid, you should be able to figure out a way to do it. Thank you.

Supervisor West states question please. Do you believe in landowner's rights?

Ms. Teresa Preston states absolutely.

Supervisor West states do you believe in black powder hunting?

Ms. Teresa Preston states yes I do. But, it is not recognized in this county.

Chairman Jones states Mr. West don't do that.

Supervisor West states thank you.

Chairman Jones states alright.

Mr. Larry Gary addressed the board. My name is Larry Gary. I own a little spot out on Barrow Road in Capron. I came here tonight on a fact finding mission, but after listening to everything it made me think about some of my life experiences. I did 34 ½ years at International Paper. We were put through some bad stuff over there. Chemicals, asbestosis, all kinds of nasty stuff, heat, but we had good wages and good benefits. I worked later on at two more companies. I won't even name them. No benefits. Human rights were like pitiful. The guys at the top of all of these corporations that I work for were millionaire salary people. The folks at International Paper made a good livable wage. We could educate children, buy homes, and what not. The last two places, you would be lucky to just pay your bills. Can't by no investments. None of that type of stuff. Now, these guys over here are just like all of the other rich people that buy big things and build resorts; all this kind of stuff. All these guys are loaded to the hilt. But, where are the guys that are down in the trenches. How are they going to come out after all of this? You all going to give decent wages, good benefits. We know you guys at the top are going to make it. We know the electrical people are going to make it. We know the farmers getting the rent on their land are going to do pretty good. But, the guys that are working out there, is there anybody in here that has considered where they are going to end up at? Is it going to be a good place to work or is it going to be like a place that came up over there on Newsoms Road with all of the tall towers shipping out hundreds of tons of our wood every day. That is all. Thank you.

Chairman Jones states okay, anyone else?

Mr. Dennis Pickeral addressed the board. My name is Dennis Pickeral. My wife spoke a little bit earlier. We are one of the landowners involved in this project. Mr. Chairman and members of the board I would like to add a few remarks to what my wife had said. I attended the Planning Commission meetings and I have seen the information on the project. In my opinion it is a well thought, well design project. Community Energy has been very responsive to our concerns and they have been very respectful of neighboring properties. This solar project is a green project. It uses no fuel, no petroleum, no natural gas, and no coal. It is quiet so it is not disruptive to the neighbors. There are no harmful emissions. There is nothing to harm the environment. A lot of positives. As we heard earlier this evening, solar production is considered to be very compatible with agricultural use. I feel that this project is good for the county, good for the state, and good for our nation. There are economic benefits of the construction project itself. Increase tax revenue from the land use changes and the equipment that will be installed. The project will produce electricity for the grid, and we all know how dependent we are on electricity. Community Energy has a proven track record of developing solar projects. I have seen their resume and have seen some of the projects that they have built; the information on it. As my wife stated, we visited one of the projects that is actually in operation in Pennsylvania. I was very impressed with it; very impressed with the construction; the quality of the project itself. Community Energy is certainly a leader in their field, and now that Dominion has partnered with them, Dominion has a great reputation. They have a reputation for operation and maintaining electrical production. That gives me a great deal of comfort knowing that they will be involved in this project. One other thing I want to touch on is landowner rights. We all know the importance of having the right to decide what we do with our land. How we chose to make a living from our land. Even the folks that are speaking out against the project, I think would be opposed to someone coming in and telling them that they couldn't use their land as they see fit. I think we need to keep that in mind. This is also a good example of free enterprise. This is one of the principles our country was built on. For companies to be able to go out and develop projects to try and make a living. To help our economy. To produce electricity for our consumption. I just would like to ask for your consideration and approval of this project, and thank you for your time.

Chairman Jones states you are welcome sir.

Mr. Tom Alphin addressed the board. My name is Tom Alphin and I am here with my brother Lin, my son Chris, my nephew Bruce, and Johnny Crawford. I am here representing Commonwealth Southampton Gin. The Board of Supervisor has been tasked with a great responsibility, the future direction of Southampton County and the landscape. We came here in 1995 and built a cotton gin in a county that we had done business with but really didn't know that many people. The Board of

Supervisors, the Planning Commission, and all of the staff helped us get our feet on the ground. Ever since then you all have helped us in every aspect that we have asked you. But today, we are very concerned. We are very concerned about not just all of the individual farmers that will be affected, but we are concerned about the industry. We are concerned that the number one agriculture producing county in the state is going to take a direction and not learn from the mistakes and the experiences of other localities. You know, you talk about how much food there is and you talk about how much an abundance of food that we have. But, in 35 years we are going to add another 2 billion people to the world population. 60% more demand for food. That is going to be grown on cropland. It is going to be grown on prime farmland just like it is in Southampton County. Now, I have two grandsons. I have a seven and four year old grandsons. And, I know in the future there will be some energy that will be solar that they will be dependent upon. I am just asking that you really think about where to put solar in Southampton County. Not on the most productive cropland in the southeast. Not the number one peanut and cotton producing county in the state and number two in soybeans. But, think about brownfield energy. Think about other alternatives. There is 240,000 in wood lands in Southampton County; 240,000 acres. Not prime cropland, but woods land. I would just ask that you think about that long and hard before you make a decision to take a great resource that we have right here in Southampton County. Thank you very much.

Chairman Jones states thank you very much.

Audience applauds.

Mr. Wesley Drake addressed the board. Mr. Chairman and members of the Board my name is Wesley Drake and I reside on Sands Road in Newsoms. I just want to fill in a little bit of information for you all. Last week the Accomack County Board of Supervisors voted unanimously to adopt a four page document that was prepared by the Planning Commission that identified the following items. To reduce revenue generating due to the change in tax policy is not worth the loss of farmland. Agricultural land in the county is highly valued. Utility scale solar is more industrial than originally believed. Solar should be addressed on a case by case basis as it may be appropriate in some locations in the county. And, utility scale solar should be removed from agricultural zoning districts in Accomack which we don't have that problem with here. But, the point that I am making by mentioning that is we have heard a lot about how great Accomack was, but why did they go through the trouble of asking their Planning Commission to re-evaluate it if they liked it so much. Sounds to me like they change their mind, or at least saw some concerns that they wanted to slow down. Because, if they voted unanimously to adopt those projects at both levels and then about a year or so, however long it was, now have come back and unanimously voted to slow it down, then it is not all gold for solar energy in Accomack County. I would encourage you to try and find out why because I have heard a lot of people say let's follow their lead. Well, how about we take their lead a little further and just be cautious from even adopting the first one. If they have taken the time... they are really helping you in a big way by identifying that they have some concerns, and find out what those are. Part of that is not acting on this tonight and take your time and do some research. I would also like to point out in the Comprehensive Plan in regards to renewable energy development; you have some renewable energy already being produced in the county; about 51 megawatts. As most of you are aware, the Dominion Bio-Mass Power Plant on General Thomas Highway burns waste wood from logging operations and produces 51 megawatts of electricity. That is a renewable energy source and you identify that in your Comprehensive Plan. Not only is it located on only 24 acres of land, it employs 35 full-time employees. The proposed project you are looking at right now consumes 1,447 acres of valuable productive farmland and it will employ 400 people for about ten months and then will employ no full-time people after completion; only the people from Dominion that will regulate the project. So, there will be some Dominion people, but no specialized local people for this project. So, compare 51 megawatts, 24 acres; that is what you already have. That is renewable energy meeting your Comprehensive Plan to 100 megawatts on 1,437 acres. I also want to point out that 1,437 acres is more than a 1% lost in farmland in the county that I have tried to identify the best that I can. There is no study being conducted to tell you how that would trickle down but obviously it will. There is a certain amount of money now if you start cutting. It is just going to be less as it relates to the agriculture industry and the supporting businesses in the county and you all have received information from me that identifies that. As far as business development, I had the opportunity to go meet with Amanda Jarratt a couple of months ago. She invited me in for a tour and I toured the Franklin Business Center and she showed me all of the things that you all are doing through that

partnership to attract new businesses to the county. I don't think business development is the problem that you have here now. I don't think anybody in this room is against business development. I think what the problem is in this room is they sense you are not listening to them, and they elect their local representatives to represent them. And, that is all that I have to say about that. On behalf of the overwhelming majority of the Newsoms's residents that I have had the pleasure of meeting and talking with about this subject, I would ask you Mr. Randolph Cook to deny this and as well as the rest of the Board of Supervisors. I would ask that you deny these proposals. Thank you.

Audience applauds.

Chairman Jones states we are going to take a five minute break.

Chairman Jones called the meeting back to order. We will have a couple of questions for the attorney right now.

Supervisor West states my question is referenced to Accomack and I appreciate the information... the questions concern Accomack County and the recent petitions and supposedly the change of mind of the Board of Supervisors and things that have taken place. I also know that there are classifications of the type of projects Mr. Drake that this is in relation to that in Accomack County. That is my understanding. And, we also have some additional information that I would like for you to bear with if you would please sir. Thank you.

Mr. Thomas Kline states yes sir. With respect to Accomack County, there has been an evaluation by Accomack County. As I may have mentioned earlier, they are looking at solar and they are looking at possible opportunities for changing their ordinance. Possibly adopting a solar ordinance. But, in no way was there a decision by the Board of Supervisors and the Planning Commission that solar should not be allowed in Accomack County. The conclusion from the Planning Commission, the draft of their report, says utility scale solar may be suitable in some locations and the method should allow for a case by case review of proposed solar projects and that method should work. That is exactly what you are doing here. You are doing a case by case analysis of this and you are changing the zoning classification to an appropriate classification that you think is more suitable for this than the agricultural classification. We also spoke with; you know I heard the comment about the Chairman Mr. Wolf who is the Chairman of the Board of Supervisors. We reached out because we had heard this and Mr. Tuffey who you all have met before. He has been here before at least before the Planning Commission. He called Mr. Wolf again today and Mr. Wolf said he is not having any second thoughts about our project. That we did exactly what we said we would do and I think that is reflected in the minutes that were read earlier. But, they are also evaluating new projects on a case by case basis just as you would do. I think the project that they have right now is a 20 megawatt project, and 20 megawatt projects under existing law are exempt from paying any equipment taxation. That is not the situation you have here so that may explain why they are saying we want to evaluate the new projects under the current law. There are a couple of other comments if I may very briefly respond to some of the other comments. One of them was about job opportunities for folks coming into the community. And, the question was what will we do with those jobs because there are an influx number of jobs as Mr. Eck mentioned when they begin the construction phase. I know we will talk about the zoning proffers shortly but the proffers specify we will have job fairs to make the community aware of the opportunities in the solar industry. But, in addition to that proffer we would try to do it at a location that is suitable to the Board of Supervisors. Probably at the Community College. But, also Mr. Eck mentioned in addition to that, we will work with the community as well by identifying areas where... the objective is to get the word out about the job opportunities for the construction because there is a significant construction endeavor and work closely with the Supervisors in the areas of the community where we would be located to make sure that the awareness of those opportunities are out there. Finally, again there was a comment about should we change the Comprehensive Plan so soon. I think I had mentioned that your Comprehensive Plan in fact has a provision in it on review, update, and amend the Comprehensive Plan. That language says Southampton County should update and amend its Comprehensive Plan more frequently than specified by the state. The county should review its plan on a regular basis annually or bi-annually as the need arises. So you're consistent with your Comprehensive Plan to amend your Comprehensive Plan when the need arrives for a project that may come about. That is expressly stated in the document itself. Also, there was also a comment about leases. I think Mr. West,

obviously you were asking Dominion. My understanding is the point you were trying to understand is Dominion out there looking at another project independent of ours. I think Mr. Eck answered that question. Obviously, we have been working with landowners as we have made clear as a matter of record for some time because you don't get a project like this up and running overnight. You have to start working with landowners to identify appropriate property along with when you are in a position to come forward with a formal proposal.

Supervisor West states thank you.

Mr. Thomas Kline states Mr. Phillips did you...

Supervisor Phillips states I will wait... I guess I could go ahead and voice this. There have been some questions about the decommissioning plan. You and I during the break spoke to some concerns. I had asked you about indexing the value of the scrap metal to begin with, but that is even more difficult when you have a resale value computed with the value of the... but if you could...

Mr. Thomas Kline states sure that is a good question. I wanted to clarify that part of the proposal that you have before you there is a requirement that is part of the final site plan approval for this project. This county has before it a signed decommissioning plan that addresses the removal of all of this at the end of the life of the project. Dominion will also as they just indicated, stand behind that decommissioning plan. Now, the way the decommissioning plan was drafted and we effectively modeled it after the one that we had worked on with Accomack County. We will first of all, look at what the cost is at a given time to decommission the project. We will look at the cost. We will have a third party individual evaluate that. We will then look at what is the total value of the project itself. In other words, if you have the project here and on this date what is the value of the scrap if it was to go to scrap? What is the value of resale with a lot of the equipment because frankly at the very beginning of a project the value is going to be in the resale because you have brand new equipment that is out there. We would look at that value and we would also make sure with respect to the decommissioning we would get an estimate of the cost of decommissioning plus we would add 20%. That is in the agreement; add 20% to that cost as well just as an added safety for the county. Then, if the value of the equipment ever gets below then the agreement obviously requires that we add extra surety to cover that gap. But, the important point also is that we have a requirement. So, at the beginning obviously you are going to have a lot more value in that equipment that is out there than the cost of decommissioning. But, still even though that is the case you have that security and there is millions of dollars of equipment, we still have these obligations to decommission. We still also will maintain a security with the county that we specified in that agreement that we will never go below \$250,000. So, even when we know there is much more value in the property than the cost to decommission we are still going to maintain that. In the event that number ever changes below, there is also a true up provision where whoever the owner is, Dominion in this case, will then have to supplement that surety in a form acceptable to the county to make sure that it covers that cost. And then, that is not a static analysis because there is also a requirement in the decommissioning that we come back every five years. So, in other words, we evaluate this. We give the numbers as part of the decommissioning plan. We realize these things change; five years we are back. Five years after that all throughout the life so the county can continuously have fairly accurate numbers of the cost associated with the decommissioning and the value of the equipment that they have out there. Then, the other point that is in the decommissioning plan is, you say okay that is going to be your numbers. We also have provisions in there if the county also wants to have their own expert evaluate that to make sure they are comfortable with the numbers we are providing that is provided for in the agreement, and it is also provided that we will pay the reasonable cost for the county to hire an appropriate individual to evaluate that number. So, what we tried to do is really anticipate that this may change. Make sure there is always a significant security on file with the county. And, also there is an evaluation over time by third party independent individuals, and that information is made available to you. I think as Dean Vincent indicated earlier, the property owners are all familiar with this arrangement. They are the ones that are going to have the property that is going to have the equipment on there. I think they are all very comfortable with this arrangement as well.

Chairman Jones states alright. Mr. Phillips does that answer your question?

Supervisor Phillips states I believe so. At least for the moment.

Chairman Jones states thank you sir.

Mr. Thomas Kline states thank you.

Chairman Jones states we can continue now. Anyone else want to speak on this? We have two more to go.

Mr. Blair Bunn addressed the board. My name is Blair Bunn. I live on Three Bees Road in Newsoms. Kind of like Gary Cross said, I have said what I was going to say to you five times and promised my wife I wouldn't speak at all. But, I would like to ask a few questions. My intention in speaking to you tonight is not to be rude or disrespectful to anybody here. I want you to understand that, but I do have a question for different people. First off, the gentlemen that just spoke up, the lawyer up here. He's been driving home the Comprehensive Plan. Driving that home that you can reject or accept any proposal that comes before you, and he may be right but my question to you Mr. Railey is where did you pull a rabbit out of a hat in 2001 about McDonalds and Burger King. I felt like he gave you that information today. I don't know how you got it so quickly.

Mr. Richard Railey states Supreme Court of Virginia case.

Mr. Blair Bunn states if you did you are very good. I applaud you for that.

Mr. Richard Railey states that is what lawyers do.

Mr. Blair Bunn states I can't spell the word lawyer but I applaud you. Mr. Faison you made the comment that you would not satisfy everyone, and you can't. Your job is not to satisfy everyone, but your job is to take care of Southampton County and do the best for the citizens within the county and look after our rural way of life. And, that is why people come to the county. The lawyer right here spoke and said that the Comprehensive Plan had rural and scenic value and that is what is in there. So, I was smart enough to google in Webster dictionary solar panel and it had nothing to do with rural or scenic. So, that is not in our Comprehensive Plan. Rural, scenic, and solar panels are not the same thing. We also talked about... I have been researching this too Mr. Porter, back since July when I first heard about it. Are you aware of what bill HB 1305 is? You of all people, I expected to tell me yes and to tell me more about it than I know because of your past background.

Supervisor Porter states I don't recognize the number. If you can tell me the name of the bill.

Mr. Blair Bunn states I have one for everybody thanks to my secretary.

Supervisor Porter states okay.

Mr. Blair Bunn passed out a copy of the bill to the Board of Supervisors.

Mr. Blair Bunn states HB 1305 Solar, Wind, Energy equipment. When you read this I want you to understand this is where they put in these systems in the county with 20 megawatts or below. This company as much research as they have done since they have been here for six years. They know who owns the land, what children have been on the land, who farms it, who does not, and they have also researched this. Mr. Johnson you said there was no such tax unless I misunderstood you a while ago that was in effect for them not to be taxable on their tools which is HB 1305 if you are under 20 megawatts. This company is going to spend \$200 million in this county is definitely aware of this and they are definitely going to do anything they can not to pay taxes to our county. I can assure you this will go in; if they are any kind of business people they are going to put these in under 20 megawatts at each station within this county. If they don't, they are not much business men. So, having said that I want to make perfectly clear the solar company that is here, they care nothing about Southampton County. Only that we have land to build these projects on and nothing else. I do have a question. The people here that have leases that they have signed up, I wonder and if solar panels are the way of the future and what this country needs to keep us going, I wonder how many of them that are so eager to be on board would put their land up if it was for \$100 acre if they are so behind solar energy. Can I come back?

Chairman Jones states we have two more public hearings. Alright, anyone else?

Mr. Thomas Kline states if I may just respond to that.

Crowd gets a little loud.

Chairman Jones states he is here to answer a question please.

Mr. Thomas Kline states he had asked a question as to whether or not we are permitting this as a 20 megawatt and the answer is no. That is a matter of public record. Dominion will confirm that. The numbers that we have worked closely with the county on reflects what the current state of taxes with respect to the amount that is allocated for the machinery and tools under current law. Those are the numbers that we consistently shared with the county from the beginning of this process.

Chairman Jones states alright, thank you. Anyone else? Yes ma'am, come right up.

Ms. Margaret Smith-Murray addressed the board. My name is Margaret Smith-Murray; Main Street in Boykins. Mr. Jones, members of the Board, staff, I am a proud descender of over a century long farming family here in Southampton County, and I take that very seriously. I have listened tonight to the people that have come before me. I don't think a vote for solar is a vote against agriculture. We are talking less than 1% of the county's agricultural land. This county is going to remain predominantly agricultural if I did my math correctly. I am also a proud landowner who has chosen to partner with Community Energy. This opportunity will allow me to diversify my farming operation in these fairly uncertain farming times. I am going to be able to continue share cropping on the majority of the land that I own. I am going to sell my cotton. I am going to buy seed. I am going to buy fertilizer. I am going to buy chemicals, fuel, and the list goes on. Insurance by the way. I see this as a positive project for me. And, speaking of being a good business person, I would not be one if I didn't consider this project. Would I consider this project at \$50 an acre, no I probably would not. \$100 an acre, chances are no. I think it is a good project for the county. I think it is something that the county needs to consider because not only is it going to provide increase tax revenue, it is going to show we are forward thinking. That we are ready to grow our economy to pay for that courthouse, to pay for those buses, to pay for a larger room that we can meet in. It is going to show that we are forward thinking people in the state of Virginia. Not just in the state of Virginia, but in the country. I think a vote for this project is the right thing to do. Partnering with Dominion is the way to go. It is a win-win situation for the county. We come out on top and we remain agricultural. Increased tax benefits and still a historically agricultural county. I thank you for the time you have given the project. I think you for the time you give to the county on a regular basis. And, I thank you for wanting to grow this county.

Chairman Jones states thank you very much. Anyone else?

There was no response and the public hearing was closed.

Chairman Jones states alright gentlemen, what do you want to do with this first part?

Supervisor Porter states I would recommend that we defer at least until we have all of the public hearings on these related topics concerning Southampton Solar.

Supervisor West second that motion which carried unanimously.

Chairman Jones states alright Mr. Johnson we will go to b.

Mr. Michael Johnson states the second public hearing Mr. Chairman is related to a Zoning Map Amendment filed by Southampton Solar LLC. This public hearing is again held pursuant to Section(s) 15.2-1427 and 15.2-2204 of the Code of Virginia, 1950, as amended to consider a request by Southampton Solar LLC, applicant, on behalf of the owners as listed in the previous application for a Zoning Map Amendment from A-1 Agriculture, which permits general agriculture, farming and forestry, and certain residential, institutional, commercial, and industrial uses to CM-2, Conditional General Industrial with conditions to permit a solar power generating

facility, and general agriculture, farming, forestry, raising of livestock, and single family dwelling accessory to a farm of ten (10) acres or more on a portion of each of the properties listed with the public notice. The properties are in the Boykins Voting and Magisterial Districts. Again, the cumulative acreage of all those properties is 3,685 acres. They are all designated "Agriculture, Forestry, Open Space, Rural Residential" in the 2015-2025 Comprehensive Plan, and the density range in that classification provides "limited low-density residential development and accessory units may be permitted subject to the current options outlined in the Rural Residential section of the Zoning Ordinance." The properties again are the ones that were listed in the previous application. The notice of public hearing was published in the Tidewater News on September 11 and September 18, 2016 and all adjacent property owners were notified as required by law. Following its public hearing on August 11, 2016, the Southampton County Planning Commission deferred action until its next meeting on September 8, at which time they resolved to recommend denial of the application on a 6-0 vote. After conclusion of tonight's public hearing, the Board of Supervisors will consider the comments offered this evening and will proceed to approve, deny or defer action on the request. Mrs. Beth Lewis, Secretary to the Planning Commission, will provide introductory remarks after which all interested parties are invited to come forward and express their views.

Mrs. Beth Lewis states this is a Zoning Map Amendment. The proffers were submitted. The most recent proffers I have were dated August 9. There may have been some tweaks between now and then but this is what the Planning Commission reviewed. The use of the property is limited to solar power generating facilities including the necessary structures and infrastructure. General agriculture is outline in A-1 zoning district and accessory uses as necessary. The M-2 zoning district includes about 60 permitted uses between permitted and permitted with a Conditional Use Permit. This excludes all of those uses except these two, solar power generation and general agriculture. Should the property owners decide to do anything except either of these two uses they would need to come back through the Planning Commission and the Board of Supervisors seeking a Zoning Map Amendment. The proffers include teaching kiosk and educational displays about solar energy and solar job workshops with the location and content to be determined. That would help with the hiring of the employees during the construction of the facilities. The strengths include the Comprehensive Plan does include a number of references supporting and encouraging opportunities for renewable energy. Upon completion of construction, little traffic will be generated. During construction of course there will be traffic, but when it is done there will be very little. Just the occasional employees that are needed for maintenance purposes. A landscaped plan has been submitted, and this may help shield to some degree the offsite views of the installations. The conditions that were part of the Conditional Use Permit says should a single family home be constructed after the installation is put in place and the resident of the new house can see the installation, there will be accommodations made for screening with agriculture. Subdivision plats will be required to pull out this 1,400 plus or minus acres with the rest being left for agriculture and forestry, and there will be employment opportunities during the construction period. Limited opportunities for employment after it is completed. The proffers limit the use to solar energy and agricultural uses. Anything else would need to come back through this board and the Planning Commission. The property in use for activity other than agriculture and forestry may make a positive impact to the county's tax base. Little land disturbance is expected as the steel supports are driven into the land from which the crops have been removed. But, little grading is foreseen by the applicant. As it has been explained to us, it is not that they go in and do a mass grading and then install the supports. The crop is harvested. The gentleman in Accomack County explained it's in effect mowed very short like you would mow your yard; very short. Then, they put the steel supports into the ground. And, the payments to the property owners for use of their property may help mitigate some of the volatility of the agricultural market. The weaknesses are that most of the soils in the area are noted as prime farmland. Some sections are noted as not prime farmland, while some are farmlands of statewide importance. And, use of farmland for non-agricultural purposes may not be the best use of the resource. The introduction of solar generation onto property use and agricultural production negatively impacts the financial well-being and businesses who serve the agricultural community including farmers who seek to rent land. The extent of the financial impacts to the agricultural businesses and remaining farmers are as yet unknown. I believe the applicant has provided Mr. Johnson and Mrs. Carr information as to the positive impacts; the positive financial contributions. The Planning Commission and I have not seen yet the other side of the equation as to the foregone assets from the loss of the agricultural use. As solar generating energy is relatively young, little is known about the viability of the return to agricultural use to properties after decommissioning. The decommissioning plan has a heavy

reliance on the recyclable value of the materials. That may be hard to judge 20 to 30 years into the future and perhaps it should be the responsibility of the contractor doing the decommissioning to recoup rather than the county or the property owner. It may be seen as a step toward industrialization in agricultural areas. Little is known about impacts to property values of the surrounding properties. While it is under construction, the sites are very industrial in nature. Especially the main staging area. Any of you that have been to see one under construction. No location for the staging area or areas has been provided. Few on-going employment opportunities exist upon completion of construction. The Planning Commission, again, took a very detailed look at this and made a recommendation of denial of the request based on a number of things, including the request would not be in accord with the Comprehensive Plan as the Planning Commission recommended it remains as it was. There were concerns raised about sufficient funds for decommissioning. And, there was discussion of shielding the installation from off-site views and fencing types. They had further discussions of those issues in the Conditional Use Permit process.

RZA 2016:04

- Zoning map amendment from A-1, Agricultural to CM-2, Conditional General Industrial with proffers

Proffers dated 8/9/2016

- Use of property to be limited to
 - Solar power generation facilities, including necessary structures and infrastructure, and
 - General agriculture as outlined in the A-1 zoning district, and
 - Accessory uses as necessary

Proffers continued

- Teaching kiosks and educational displays about solar energy and this project, placement to be determined.
- Solar jobs workshops. Four workshops, available at PDCCC, Southampton High School, area businesses, location and content to be determined.

Considerations, strengths

- The Comprehensive Plan includes a number of references to supporting and encouraging opportunities for renewable energy sources.
- Upon completion of construction, little traffic will be generated. Only traffic generated will be several employees on an occasional basis for maintenance purposes.
- A landscape plan was submitted. This plan may help shield to some degree the off-site views of the installations.
- Should the project receive approval, subdivision plats will be required to separate the 1,400 acres to be within the limits of development from the remaining area that can still be used for agriculture and forestry.
- Employment opportunities exist during construction.

Considerations, strengths

- Proffers limit use to solar energy generation and agricultural uses. Any other uses would require zoning map amendment.
- Property in use for activity other than agriculture and forestry may make positive impact on County's tax base.
- Little land disturbance is expected, as steel supports are driven into land from which crops have been removed but little grading is foreseen per applicant.
- Payments to property owners for use of property for solar energy generation may help mitigate some of the volatility of the agricultural market for the families involved.

Considerations, weaknesses

- The property is largely in agricultural use now, with most of the soils noted in the NRCS as "prime farmland". Small sections are noted as "not prime farmland", while some are noted as "farmland of statewide importance". Use of prime farm land for non-agricultural purposes may not be best use of resource.
- The introduction of solar generation onto property used in agricultural production negatively impacts the financial well-being of people and businesses who serve the agricultural community, including farmers who seek to rent land for agricultural production. Extent of financial impacts to agricultural businesses and remaining farmers as yet unknown.
- As the solar energy generation industry is relatively young in this area, little is known as to the viability of the return to agricultural use for the properties involved after decommissioning.

Considerations, weaknesses

- Decommissioning plan surety has heavy reliance on recyclable value of materials. Recyclable value in 20-30 years cannot be determined, should be the responsibility of contractor decommissioning project to recoup rather than County.
- Introducing non-agricultural uses into agricultural area may be seen as step toward industrialization .
- Little is known about impacts to property values of surrounding properties.
- While under construction, sites are industrial in nature, especially main staging area. No location for staging area has been provided.
- Few on-going employment opportunities exist upon completion of construction.

Planning Commission Action

- After discussion regarding a number of factors including those listed below, the Planning Commission made a recommendation of denial of the request:
 - The request would not be in accord with the Comprehensive Plan as recommended by the Commission.
 - Concerns were raised about sufficient funds for decommissioning.
 - A discussion of shielding the installation from off-site views and fencing types took place.

Chairman Jones states thank you Mrs. Lewis. Anyone have any questions for Mrs. Lewis. Alright, this is a public hearing. Anyone for or against this application?

Mr. Thomas Kline states Mr. Chairman, again Tom Kline, the attorney for the applicant. I will be very brief because many of these issues we have discussed as part of the Comprehensive Plan discussion. But, I think Mrs. Lewis and her staff report and the report point out pretty clearly, this is a very limited rezoning because first of all as it was discussed earlier, even though the parcels are at-large we are talking about portions of all of those parcels, and that is what was indicated in the report. So, you have specific portions of the parcels that would be subject to the rezoning. Also, although it is being rezoned to this industrial classification, the CM-2, we have put very strict limits on it. So, this isn't opening the doors to other industrial uses of the property. The language in the proffers clearly says it will only be for the solar power generating facilities and the structures and infrastructures to support these facilities or it can continue also to be used for general farming, agriculture, forestry, tilling crops, etc. So, it is a very limited rezoning in that respect. I would also say again, she mentioned we also have the condition in here as part of the rezoning that there will be opportunities to provide education to the community about the solar and also the job workshops that we will be working on with the county on this. Also, she did mention the individuals that are the property owners that we will be taking some of this farmland, but I think it is important to know that we tallied up the actual acreage that the property owners of this application actual have. They have some 8,760 acres of their land, and we are talking about a project limits of disturbance of 1,446 acres. So, even of the people who are participating in this, the property owners, we are just taking portions of their land. We are not going onto their property... we don't have to deal with the entirety of their property as being consumed. They are all going to retain portions of their property as they spoke to earlier. She also did mention some issues about the fencing, but I think those are more appropriately discussed as part of the Use Permit because that is actually where the conditions about the site plan are dealt with. The staging I would also say, remember we are going to be putting together a fully engineered site plan that will also come back for review by the county, and that is the appropriate place where you would indicate where staging areas would be in a construction schedule, and part of the building permit. I will be happy to answer any questions?

Chairman Jones states any questions?

Supervisor Porter states are you going to address the decommissioning again in the Conditional Use Permit?

Mr. Thomas Kline states yes sir. I will be happy to discuss it.

Supervisor Phillips states Mr. Chairman?

Chairman Jones states yes sir.

Supervisor Phillips states a couple of questions. I think it is fairly well known that you have had contracts out in various lengths of time.

Mr. Thomas Kline states yes. My understanding is your application here is for twenty years; the term of your contract with two five year extensions.

Mr. Thomas Kline states I do know that the contracts are for the life of the projects with extensions. I am sorry; it is 30 years; the initial term plus more extensions beyond that in five year increments.

Supervisor Phillips states that is what I was trying to address. The point I was trying to go to.

Mr. Thomas Kline states yes sir.

Supervisor Phillips states alright, are there any conditions in the contract that you think will supercede the county's code as far as what the landowner... in other words, are there... that would prevent the sale of the property after you have signed the contract or does that make your company have the first right of refusal.

Mr. Thomas Kline states yes, so in other words the leases... basically what we have is leases on portions of all of these properties. Those leases would be assumed by Dominion and Dominion would then have those leases.

Supervisor Phillips states right, but my point is if the residual part of the property. In other words, are these landowners in any way limited in what they can do with their land under the terms of their lease agreement with you?

Mr. Thomas Kline states no sir. Not that I am aware of. The lease provisions just deal with the areas where we are going to identify for the rezoning.

Supervisor Phillips states are there any limits on improvements to their property while they are part of that lease.

Mr. Thomas Kline states no sir, as long as it is consistent with the zoning, and consistent with our lease. In other words, we will have areas within our lease hold where we will be putting our panels, but the balance of their property... and that is a good question because that is why we wanted to make sure that the zoning... and maybe we don't need as big of an area for limits of development so we want to make sure if there is some leftover property even within our lease hold it can be utilize consistent with the county's code for the agricultural purposes that it has now. So, yes sir.

Supervisor Phillips states yes sir. I have one further comment. Mrs. Lewis made a comment that there really hasn't been or I think she alluded to it that there hasn't been a fiscal impact study done as to the impact on this county to take "x" amount of acres out of production. As to how much the agricultural side of this county's economy will be impacted. It is my concern or either comment that it would make this decision a whole lot easier if that had been done, and if that was in our hands tonight to make that decision. But, we can't make it happen. At least not at this point in this...

Mr. Thomas Kline states but I will say we have presented economic data to the county and a couple of things with respect to the taxes. We worked closely with the county to make sure there was an understanding what the rollback taxes would be. What the land value taxes would be. We know with a fair amount of certainly, ultimately what the total capital investment is going to be once it is built out. So, we were able to estimate what the machinery, equipment taxation would be. I think we also understand these kinds of jobs that we will be talking about. But, you are right, and we also consulted with a consultant and we reflected that as part of our presentation. But, to answer your question, was there a third party study, no sir.

Supervisor Phillips states right, because in my review of these documents. They contacted the county's Extension Agent and the Planning Commission requested a fiscal impact study as to how it would affect both the economy and the county. I would urge this board to at least refer back to the Planning Commission after tonight's consideration so that we can have this in any future applications. That needs to be something that becomes a part of our code on an industrial/commercial project of this scale. So that we know how that is going to impact the long-term economy of this county. I would just add that to your consideration as we continue through this process. Thank you.

Chairman Jones states thank you sir. This is a public hearing. Is there anyone for or against this application?

Mrs. Rebecca Drake addressed the board. He brought up a good point a minute ago which I may just be confused on. You're rezoning in the fence or under the panels? Is that the way I understood that? What I am wondering is should we not be rezoning everything they are planning. If they are planning to put a berm, shrubbery, or a border around the fencing, why not let that be part of the rezoning and let them... if they are going to proffer or put that in let them be responsible for it too. So, if you are even going to consider passing it which I hope you don't, I really hope you consider rezoning all of what they are presenting or planning. I will say that Mr. Bruce you had an excellent idea. The impact study and I had talked to Mr. Johnson, needs to be done. It really does. There is a ripple effect. It is not just a matter of taxes. Who is bringing in more taxes here or there; this land or that land? It is the rippling effect of the economy that the 1,200 or 1,400, however many acres it ends up being. It is the rippling effect. We really need to know that. It may need to... I don't know

if the planners are allowed to bring an economist in. You are going to have to bring an outside professional in to figure that out; to follow that seed or follow that acre of land, and what that acre of land does throughout the county. It is going to be a little bit complicated, and I am not saying the planners can't do some of it, but I think it is going to need professional help.

Mr. Thomas Kline states thank you Mrs. Drake for the question. Our plan that is submitted to go with the zoning actually shows overall limits of development. We will actually be developing and doing the project within those lineated limits of development; the fencing and the other pertinent components to it. So, in other words the actual footprint of the solar panels is going to be less than that limited development because you are going to have some buffering within that. You are going to have fencing and you are going to have some other components as access, etc.

Supervisor Faison states so 1,465 acres? That will include the solar panels and also the berm around?

Mr. Thomas Kline states yes.

Chairman Jones states anyone else?

Mr. Blair Bunn states I did an impact study. Here is a letter I got from somebody. Ralph Dodd Realtor and Associates on the Eastern Shore in Northampton County. I went and visited with him when I went to Accomack County, and I looked at several solar panel systems in North Carolina and around Virginia. I asked him when I first heard about this. You can see that was back on August 10th. I first heard about what was taking place with the land being taken out; how it would affect neighbors. He said it would not affect any neighbor around him, but this gentleman has been in real estate for over 30 years. Ralph Dodd and he has worked with both solar companies and wind turbine companies, helping with the real estate issues. He wrote to me that it might be nice for the owner receiving \$700 to \$800 an acre in annual lease payments, but it will not help the value of close landowners which is me and other people in the area of Newsoms, and in that solar panel zone. If you ever need to sell a part of your farm for medical or retirement needs, you will have challenges. So, that is a small impact study that I have done. And also, I saw a property that just popped up when she was reading. It said the solar company would help with educational programs and donate to different things in the county and schools and Paul D. Camp. My question is if it is denied tonight are you still going to educate and donate money to our schools and projects here? I am asking anybody?

Mr. Jim Eck states Dominion is already here. We are here for the long-term and will are going to support...

Mr. Blair Bunn states that was not my question. My question is if it is denied are you still going to donate money to the college and schools for further solar education?

Mr. Jim Eck states we are committed to...

Mr. Blair Bunn states never mind. Thank you.

Chairman Jones states alright, anyone else?

Mr. Glenn Updike addressed the board. I am Glenn Updike. There were two or three things mentioned. The first thing you have heard at time and time again at all of these meetings; proffers. That word should ring a bell because you have heard it a lot. I am asking you and they know I am sure they realize proffers don't mean a cotton pickin thing. It's no contract. It's by word to do it, and we don't have anybody in the county to enforce it. We have contracts we don't even enforce in the county. We sign contracts and we don't want to be bad neighbors so we overlook it. One thing I haven't heard tonight is the result of solar panels. You hear about all of these numbers of employees. How they are going to come in... if they be honest with you, 90% of them coming outside of the county to this job. By 8 to 10 months they are gone, and have no employment. What about these farmers. They are losing too. What about these businesses as far as volume is concerned? They can't continue to do it if you are going to take away their business. They are going to have to close up or jack their prices up and making the rest of the agriculture community go in a hole. They said, and I agree to do a financial analysist of it including right now of this

project. Get the financial knowledge of the impact on this county. They give a short-term analysis. Sure, it sounds good. Year one we are fine, but after we depreciate, the depreciation goes down, you are going to get very little or no tax benefit. Talk about unemployment. We need employment for the citizens in the county. This doesn't do one thing for the county. I hate to say it but it is true. These people live outside of the county. Are they going to spend the money here in the county? You just think about it. You are taking millions of dollars out of the county which could be support here for our local businesses. Are they going to support our local businesses? I don't think so. You can support the rails of Virginia Beach if you want to, but it doesn't help us any. There is nothing going on that is so important. You all have one year to make this decision. It doesn't have to be done tonight. Get your facts and listen. Also too, they are so upstanding citizens; you talk to some of the farmers in our area these companies/employees running all over the crops doing their surveying, and digging; destroying it. This has been called to the attention of a Supervisor and nobody seems to give a darn about the farmers and his discussions.

Chairman Jones states anyone else?

Mr. Gary Cross states alright Mr. Jones, you promised me time to speak again and you are a man of your word. I should have just stayed in my seat. I could have gotten Mrs. Beth Lewis to give my speech for me because if you notice in her presentation she had the report from the Planning Commission which had more things against it and damaging to agriculture in Southampton County than we currently can prove that favors this project. Tonight, we are giving the landowners their right. The rights everybody says people have, and that is to ask for rezoning. And, that is what we are here for this evening; to ask for rezoning. I would like one of you to put yourself in a car and go to Nags Head and buy a piece of land down there on the Outer Banks, and tear a cottage down and start farming. And, ask Dare County to change the zoning in Nags Head to A-1 and see what they tell you. There is no difference in taking what we make our living out of and trying to change it than you going to Nags Head thinking you are going to remove residential and business from the Outer Banks in Nags Head. So, you come here and you have asked us to change our way of life. Change spot zoning; something we have always been against. There is no difference in going to Nags Head and asking them to change their zoning. These people are coming here asking us to change our zoning and our way of life. We are talking about 90 plus adjoining landowners. How many of you have heard from them. When I rode through the neighborhood and stopped and talked to people, they knew nothing about what the place was going to look like across the street from them. They wanted to ask if their electric bills were going down. They thought the project had already passed because of all of the surveying and activity going on in the neighborhood. Ninety plus adjoining landowners and you can't tell me how it is going to affect their property values. We are here to rezone and you can't do a rezone without of course talking about economics. They go hand in hand. As we just got through stating, you can't prove to me how much taking a couple of thousands of land out of agriculture is going to affect our economy. I want you to look these farmers in the face when they have to reduce their size of operations or quit altogether, and tell them it is for the good of the county. These folks have been here paying taxes, working the land, and doing the best they can do to feed their family. And, now we are going to just reduce their farming size. You have to be bigger to make it in this day in time. Gentlemen, I beg of you to think twice about this. Let's get the report from the Planning Commission, let's have an impact study, and let's find out how truly this is going to affect agriculture. I told you in your yard Mr. West and I will tell you now. Raise my damn taxes 2.5 cents, but let solar stay out of this county. I will give you your \$100,000/\$250,000 you need. Just raise my taxes if that means so much; if that is what is pushing this decision tonight because, these landowners that have signed up for this thing are going to be in fine shape. It is the rest of us left here holding the bag. Find out what is the truth behind me; contract underneath my hand is for a 35 year contract with a 10 year renewable lease. How many different agreements have they made with their people are they making with you all? The people in Accomack County on the Eastern Shore said they didn't follow the site plans. They had to go back to the drawing board. And, it was Dominion that came to the rescue and agreed to make sure that Accomack got all of that money. Who are we dealing with and how much truth is being told remains to be seen. I hope we don't have to learn it the hard way. But, please tonight gentlemen; let's give the landowners their right that we vote on it. Now, let's deny it and keep agriculture strong for our children. Forty to fifty years none of us is going to be here. My daughter, my son and his children are going to have to follow what we do here tonight. How can you honestly sit here and tell me what is good for this county forty years down the road. They will need 1/10 of the land to produce the same amount of energy as technology gets better. And, we are jumping into a whole big sale here of land. There is a lot of stuff in these

contracts. If you all haven't seen one, you honestly can't tell me it is a good thing without you being able to see it. If you haven't laid your eyes on the property being affected you haven't done your due diligence.

Chairman Jones states alright Mr. Cross. That is it.

Mr. Gary Cross states I do appreciate it Mr. Jones. At least tonight is not your birthday like it was at the last one.

Chairman Jones states thank you.

Mr. Gary Cross states thank you all.

Ms. Kimberly Everett addressed the board. Mr. Chairman and the board, I am Kimberly Everett. I live in Newsoms, Virginia. I have been raised on a farm my whole entire life. Mr. Vincent here is fond of my grandfather. He has passed now, and quite frankly I feel that he would be absolutely appalled of this decision. If anyone in this room really cared truly and deeply about the agricultural roots and their ancestors and all of that. I really believe they would reconsider this. I plan to stay in this county for the rest of my life, and agricultural things benefit me every single day here. And, it is almost embarrassing to hear people talk about how much they care about it because here I am the next generation here, and I care. I am going to be the one in this county looking at these solar panels. And, you say that every decision is different but you can't accept one solar panel and my next door neighbor wants it, you can't deny it to them if they have equal property. I just see this becoming much bigger than what we have right now. I really don't want to see that in my lifetime in this county. I plan to stay here, and I plan to raise kids here, and I hope they become agricultural based as well. Being from Newsoms, Randolph I hope that you have heard your district. I know I have talked to many people from Newsoms and honestly I really haven't heard that many that are really for this. And, I just hope that you keep in mind their consideration when you make your decision. I am just going to close tonight by saying everyone take their time making this decision please. I am a nervous wreck up here. I don't talking in front of people, but this means a lot to me. I am up here talking about this because I don't want to see this. I don't want my kids to see it, and I am the one that is going to have to deal with it for the rest of my life here. You guys are probably here a short amount of time. Thank you.

Chairman Jones states alright, anyone else?

Mr. John Barnes addressed the board. Mr. Chairman and everybody, I am John Barnes. I live on Blackhead Signpost Road in Courtland, Virginia. I have family and friends that are going to be affected by this solar farm if you all go through with it. I am against it.

Chairman Jones states anyone else?

Ms. Linda Daughtrey Simmons addressed the board. Good evening. I don't have a whole lot to say but I would like to go back to what Dr. Edwards said in the beginning. Of all these issues with the solar panels, none of us have the minutes. You don't have the minutes. Have you read the minutes? I don't know what they say. I am uninformed and I am assuming that you haven't read the minutes so how can I know that you are informed and can make logical decisions. I worked for the largest department at International Paper in the world; 400 employees, data driven decisions. You don't have your minutes in front of you. You say you have done your homework. How do I know that? I haven't seen the minutes. There is a lack of integrity for the taxpayers to not have the minutes and allowed to be educated. Not everybody can go Accomack County and Tim Buck two and look at solar panels. But, I can read online. I am not provided that education. You have denied that to me tonight. How can I stand up here and talk to you with any sense at all. If I can't read those minutes, you have no business making a decision. We are all taxpayers here and we should be represented. Did Mr. Dominion Power and his timeline, and no respect to you sir but I don't remember your name; his timeline doesn't bother me at all. Our timeline is important. We are the ones paying the taxes in this county. We are the ones that should be listened to first. And, if you can't provide me with information where you can make a data driven decision and provide me with the same insight, you have no business being in these chairs gentlemen. That is all I have to say. I think you are doing the Planning Commission an injustice when they have provided all kinds of education to you, and to not provide the taxpayers with the report. There is a lot more I could

say but most of it has been said, but you have a right and ethical obligation to this county to provide us with information that will see to our future, and stop doing knee jerk decisions for the present that will impact the future for generations to come. Thank you.

Chairman Jones states ma'am can you give us your name please.

Ms. Linda Daughtrey Simmons states Linda Daughtrey Simmons. Long-term resident of Southampton County. My father was on the board and you know his name.

Mr. Chance Crowder addressed the board. I am Chance Crowder. I live on Gray Shop Road in Newsoms. I am a first generation farmer that just bought a business to this county in the last ten years. And, I can't see any other way than this is going to hinder my growth as a businessman being the next generation in this county is coming along and I decided to start my operation right here and expand it. I was offered a contract from Community Energy. I believe in landowner's rights. I declined it. That was my right. My roots are in agriculture even though my family did not farm and I took it on. And, I just want you all to think long and hard about how this is going to affect my generation and all of the young farmers behind me 20 years from now. Because, if I leave I am pretty sure all of them will be leaving too because we are not going to be able to make this work without the acreage. It's not the first project. It is all of the other projects that are coming down the line, and there are a lot of them that are coming that you all haven't even been told about yet. Landowners are talking about where does it stop, because I just don't understand if you pass the first one how can you deny another one. Thank you.

Chairman Jones states anyone else?

Mr. R. L. Smith addressed the board. Members of the board, I wasn't planning on speaking tonight so I might be kind of winging it. I was born in Southampton County and I have been farming here for 40 years. I know you all look at me and say he is too young. There is no way he could have been farming for 40 years. But, believe me I have and I have seen a lot change in 40 years. We listened to these people. How many of you all live in Southampton County? We listen to all of these people over here and they are telling us how good this is going to be for our county, and it may be. I don't blame the landowners one bit for taking advantage of it. And, I am not saying if I had a piece of farmland in the middle I wouldn't try to take advantage of it. But, as far as the rest of the county I don't think it is going to do us any good at all. I think these jobs are going to be gone. When the solar panel construction people are gone all these jobs are going to be gone. These farmers are hiring people, paying money, buying local stuff all the time and they continue to do it. I just think... Mr. Edwards, what is the biggest project in Southampton County that has ever been rezoned? I take it, it is probably this last one that they did.

Supervisor Edwards states probably is.

Mr. R. L. Smith states you are talking about doing 1,400 and some acres. You haven't gotten all of the facts. All of the questions haven't been answered. If you are going to rezone 1,400 acres at one time, don't you think we deserve to take some time and get all of the facts? My generation is going to be gone and most of you all will be gone, but my son and all of these young people are still going to be here. Thank you.

Chairman Jones states thank you.

Supervisor West states please state your name.

Mr. R. L. Smith states R. L. Smith.

Chairman Jones states when you come up please give us your name please. It's for the secretary for the minutes.

Ms. Peggy Johnson addressed the board. I am Peggy Johnson. I haven't done all the studies on solar panels that a lot of people have, but my family has been farming in this county over 200 years. All over this county; Branchville, Boykins, Franklin, Sedley, Hunterdale. I have a granddaughter studying agriculture at the University of Mount Olive right now. Where is she going? She loves this county. She wants to come back. She may not. She may be a millionaire.

She may go somewhere else. I don't know. But, I think you all really do need to consider because the losses we had on the bad years in farming, we had incurred on some of the lands that we rent. The equipment we bought to work these farms, we have to still make the payments on it. Sometimes we can't pay it all at one time. We have to go begging because we can't but we love the land. We don't want this land changed to solar panels, and I just think you all need to give it a lot of consideration. I am not one of the youngest farmers here but I promised my dad when he had cancer. When I was nine years old he died. Before he died, I promised him daddy I am going to farm somehow. And, I have been farming since 1965 and it has not always been easy. I have hauled hogs to Smithfield. I have shoveled out (inaudible) houses. I have run peanut combines and driven trailers all up and down the road to save my farm. And, it is not just one farm. It is several. I pay a lot of taxes in this county. I just think you need to give it a lot of consideration before you allow the solar panels. Thank you.

Chairman Jones states thank you. Anyone else?

Mr. Thomas Kline states if I may just respond to one of the questions again about the landowners. I think I mentioned earlier the total acreage that the landowners have. But, if you look at the total acreage that the landowners that are part of this application own in the county and then take the portion of that which is being rezoned, it is only 16% of the total land that these individuals own. Again, it is not a situation where the landowners are turning over the vast majority of their property for different uses. Also, the zoning will allow them to continue doing other uses on the property.

Supervisor West states you say 16% of the total amount of land that is owned by the individuals.

Mr. Thomas Kline states yes sir.

Gentleman from audience states that is not just agriculture land. That is all of their land, correct?

Mr. Thomas Kline states yes sir that would be all of the land that they own in the county.

Gentleman from audience states timberland and everything. Do you know how much percentage of agriculture land it is? Open land that is agriculture?

Mr. Thomas Kline states I don't. I don't know what percent that is sir.

Gentleman from audience states okay.

Chairman Jones states anyone else?

Mr. Cole Mann addressed the board. Chairman and the board, my name is Cole Mann. I live on the south side of Boykins. I will drive by it everyday if this passes which I hope it doesn't. I would have to look at it every day especially being a surrounding landowner as the time goes. We have been talking about landowner rights and have been beat over the head about that. I truly understand that, but we need to take into consideration the surrounding landowner's rights. If you built a land field or a hog house it would not be liked too much because the surrounding landowner's property would devalue. I think we also need to take into consideration that this is my generation that this is affecting. I am 22. I graduated college and I came back to Southampton County. I don't know if that was a good thing or a bad thing but we are going to find out. I hope that you all make the right decision, and you realize you have twelve months to make this decision. Not, two weeks. We are not on Dominion's timeline. This is Southampton County timeline. You all call it workshops. I call it meetings. I have about 15-25 local farmers that are young that would like to meet with you all and discuss our problems. We would like to call and talk to some of you all. Hope you all make the right decision and take your time. Listen to the Planning Commission. They have made their vote. Thank you.

Chairman Jones states anyone else?

Mr. Westley Drake addressed the board. My name is Wesley Drake and I reside on Sands Road in Newsoms. I want to reiterate what Mr. Mann just said and the fact that he voiced he was interested in the board meeting with some young farmers and I would like to say that I think that would be

very productive. I don't expect any of you besides Mr. Phillips because he is a farmer, but I don't expect any of the rest of you to understand agriculture as much as the people that work in it because you don't work in it. And, when one percent of the population is engaged in production agriculture, 99% is not. You all are above the percentage because at least one of the seven of you is a farmer. But, that is not generally the case in the public so I don't expect you to be an expert on farming because you all aren't. But, I do ask that you listen to your constituents and your heirs. I want to also point out this timeline that they are talking about from Dominion; for this specific project they set their own timeline. So, we will take that for what they say. I would also like to say that Dominion has and the Dominion rep can speak to this. They have stated goals that they want to get to a certain amount of renewable energy for Dominion Virginia Power. You live in a county where you have so much more available space in your substations for this renewable energy. So, you turn it down tonight, address all of the concerns that have been brought up, and try to develop a very tactful and productive approach on where the appropriate areas for this development are. Just by turning this down tonight, it is not going to be the end of your renewable energy chances. You are going to continue to have the opportunity until that substation capacity is full. Mr. Johnson can speak to that. You have "x" amount of capacity; use it in a very productive way. Don't feel like you have to give it away because you have a company that is just beating on your door or calling you on your phone because I am sure your phone has been pretty hot lately. Don't feel like you have to be in the pockets of them this time. They will have other customers. I am pretty sure whoever their customer is, is going to buy some energy somewhere. Whether it is from them or somebody else. And, there will be more and more. Politics drive things like this, and as long as you have people in the United States that think renewable energy is the way to go there are going to be big companies that want to buy this power, and they are going to be looking for areas to do it. And, you have the area to do it. But, use this as an opportunity to do it in a good productive way that meets the concerns of your constituents. I also have another question. I don't know how I missed this. Tonight before you all began, I didn't really hear the company give a presentation that told us all about their project. At the Planning Commission meeting, they talked for about an hour and a half, and gave a real pretty presentation; had pictures and stuff. I was just wondering when you all got that presentation. Thank you.

Supervisor West states do you know what a shock of peanuts is?

Mr. Westley Drake states yes sir.

Supervisor West states okay, have you ever dried them, shaken them, and placed them around the pole?

Mr. Westley Drake states no sir. I am only 25.

Supervisor West states yes.

Supervisor Edwards states is this relevant Mr. West?

Supervisor West states no it isn't but the point is he said that none of us knew about farming except Mr. Phillips. That concerns me a little bit because I came along when the pitch fork was the item and the shock was the item, and then unloading them the same way; and I did it. I lived on a farm sir.

Mr. Westley Drake states I would like to address that and correct myself then. You use to work at Farm Bureau too. I apologize. I forgot about that.

Supervisor West states you speak well. Thank you.

Supervisor Edwards states I grew up on a farm also.

Mr. Westley Drake states I would like for the record change that to say that those involved today in productive agriculture would be Mr. Phillips. But, things in production agriculture are a lot different today than they were in that time. Anyway, we face different... your concerns were probably lining up work that needed to be done; lining up employees. Now days, the concerns in agriculture are things like this and the political world. They are different concerns. I apologize for not... I don't want to offend you on that.

Chairman Jones states anyone else?

Mr. Steven Drake addressed the board. I am Steven Drake, another Drake from Newsoms. I live on Statesville Road not Sands. I just want to give a standing poll for Mr. Cook of the Newsoms's District voters that are here that voted him in that are against the solar panels. If you all would, stand up.

Supervisor Cook states and since you are pointing that out. I have been keeping a running total. It is about 2:1 in favor.

Mr. Steven Drake states okay, I just wanted the people from Newsoms to stand up.

Supervisor Cook states and some of those people were farmers. And, most of them were not farmers.

Mr. Steven Drake states I was just asking a question. I just wanted to show you here...

Supervisor Cook states and I am just telling you, because I have already heard that from one other speaker over there. If you want me to vote based on the polls...

Mr. Steven Drake states I was just asking for a standing vote of who was here tonight.

Supervisor Cook states okay.

Chairman Jones states sir would you just speak to the whole board.

Ms. Margaret Smith Murray addressed the board. Margaret Smith Murray, Boykins. I want to answer the question that someone asked about our land, the amount of it. The majority of my land will still be share crop. I know this is a tough decision and you certainly not going to satisfy everybody in this room. But, in the end growing the county is important in whatever way you decide. So, thank you again for your time.

Chairman Jones states thank you. Anyone else?

Mr. Hugh C. Vincent states I have something I would like to say.

Chairman Jones states yes sir.

Mr. Hugh C. Vincent states I hear these young people talking and so forth. I am Hugh Vincent. I am going to tell you how I did it. I went out there. I had two jobs. I went out there and bought a crow. I bought some land and cut over it. I cleared it out. Now, why can't you young people do the same thing? You can't drive a cycled crow that has air condition and a stereo in it. I know you can't do that. But, why don't you work like old Hugh did, and you will have something. Think about it. Look on the sunny side of life. Everything is not going down. Take your time and be productive. Do some hard work and get some of this land that's been cut over and clean it up if you are worried about more land. That is all I have to say.

Chairman Jones states yes sir. Thank you. Anyone else?

Ms. Trudy Gunn addressed the board. Good afternoon. My name is Trudy Gunn and I live in Boykins. I am not a landowner but I do own property and I do pay taxes in Southampton County. I wanted to read a piece from the Virginian Pilot; just a short paragraph. It says every single country that has done solar eventually scales back significantly, and reduces its incentives because it has negative consequences on the grid. So, this might not be as great as they are trying to portray that it is. And, I am afraid that eventually five years down the road they are long gone, filed bankruptcy, and then you have these big eye sores in Southampton County that the taxpayer will probably have to pay to have cleaned up. Thank you for your time.

Chairman Jones states anyone else?

Mr. Larry Holloman addressed the board. I am Larry Holloman from Newsoms. I am a fourth

generation farmer. I have a fifth generation son that has started out farming. He also works for Mr. Johnson. I want to commend Mr. Edwards and Mr. Phillips early on this evening when they took the stand they did. You need to take the time to read what our Planning Commission took the time to do. I was here for all but one of them. I think during that time I noticed in the audience, the meeting, Mr. Phillips was there. Mr. Faison came to one I think I am right and of course Dr. Alan Edwards was there.

Supervisor Edwards states he did.

Mr. Larry Holloman states I didn't see anybody else there to see what was said or done. Now, I commend all of you all for taking your time looking at it. But, you should read the facts that have been presented. Now, I didn't get a high school education but I got a school of hard knocks, and I know a little something about getting it done. Now, I have never cleared any land Mr. Vincent but you know I would. But, I want you all to take your time and think about these young people. My son is one of them that are farming, but in my area there are ten or twelve that it will directly affect. And, I would like for you all to take your time and study it. And, again I commend Mr. Phillips and Mr. Edwards for taking the stand they did earlier, because that was the right stand. Thank you all a whole lot.

Chairman Jones states anyone else?

Mr. Brent Edwards addressed the board. I am Brent Edwards from the Newsoms District. Live out in the Sunbeam area. I have been in this county all of my life. I have lived out in Little Texas in Branchville, Boykins. I grew up with my daddy farming. You know, I don't farm now, but I have worked with some hard knocks Mr. Vincent and I have worked hard in my life. The things they just said, we need to think about it. We have a lot of young kids coming up trying to farm back in the county now. We need to make the right decisions. For the county, I understand the landowner's rights. I understand that very well. But, we still have to look out for the county. We can't look out just for a handful of people. We have to look out for the entire county. Thank you.

Chairman Jones states anyone else?

There was no response and public hearing was closed.

Chairman Jones states what you say?

Supervisor Porter made a motion to delay discussion on this until after the Conditional Use Permit public hearing.

Supervisor West seconded the motion which carried unanimously.

Chairman Jones states alright Mr. Johnson, item C.

Mr. Michael Johnson states third public hearing is related to the application for a Conditional Use Permit by Southampton Solar LLC. Again, this public hearing is held pursuant to Section(s) 15.2-1427 and 15.2-2204 of the Code of Virginia, 1950, as amended to consider a request by Southampton Solar LLC, applicant, on behalf of the owners as listed in the previous applications for a Conditional Use Permit to construct a solar power generating facility per Southampton County Code Sec. 18-313(38) on a portion of each of the properties listed in the previous application. The properties are in the Boykins Voting and Magisterial Districts. Again, the accumulative acreage is 3,685 acres. The notice of public hearing was published in the Tidewater News on September 11 and September 18, 2016 and all adjacent property owners were notified as required by law. Following its public hearing on August 11, 2016, the Planning Commission deferred action until its next meeting on September 8, at which time they resolved to recommend denial of the application on a 5-1 vote. That said, should the Board decide to consider approval of the CUP, the Planning Commission recommends imposition of 4 additional conditions itemized in your staff report, and I am sure Mrs. Lewis will cover that in just a minute. After conclusion of tonight's public hearing, the Board of Supervisors will consider the comments offered this evening and will proceed to approve, deny or defer action on the request. Mrs. Beth Lewis, Secretary to the Planning Commission, will provide introductory remarks after which all interested parties are invited to come forward and express their views.

Mrs. Beth Lewis states this is a Conditional Use Permit to construct a power generation facility in the form of solar energy generation. In the county's zoning ordinance, power generation is power generation. They are all conditional uses whether it is solar energy. Whether it is a nuclear plant. Whether it is a biomass plant. They are all considered power generation facilities. The Conditional Use Permit in this case specifies that it is solar energy generation. The conditions that the Planning Commission reviewed were dated August 9, and they were provided by the applicant. The conditions and proffers are along the same lines. As you probably know, every time that this board changes the zoning of a piece of property to Rural Residential, one of the proffers is they pay a fee. That is one of the accepted proffers to go to our providing schools and I will promise you that every time a building permit is issued for one of those properties that have gone through the Zoning Map Amendment process to Rural Residential, Mrs. Lowe gets the check. The conditions offered in this case is emergency responder training within 60 days of operations beginning. A decommissioning plan will be provided prior to site plan approval. Landscape plan will be provided as well. There would be a single point of contact provided to the staff should there be problems with the fencing, or the landscaping, or anything on the site that the City/County Community Development would have one person to call. There are conditions that the repair of the fencing and landscaping would take place. As I mentioned before, landscaping for future single family homes. The work hours for construction will not start before noon on Sunday without prior approval from the Community Development staff. Should there be a week like last week when it rained 40 hours in a row it seems like. I was in Corolla and the water was up to my knees in the street. There were concerns at the Planning Commission meeting about the chemicals or the substances that may be in the solar panels and replacement panels as years go by. The replacement panels shall be substantially of the same without approval from the Community Development staff. Conditional Use Permits require that the Board of Supervisors review various issues to make sure this use fits this site. The considerations include fire. Any concerns of fire, but in this case since there is no burning of fuel and the panels themselves are the same that are used in single family homes. Substantially, there is little chance of fire. There is no chance or little chance of explosion because there is no burning of fuel. The noise issue was outlined in your staff report for the Comprehensive Plan. It's minimal onsite and it's inaudible from 50 to 150 feet offsite. Vibration is not a concern. The only moving elements are the panels themselves that track back and forth with the sun. So, there is no vibration. There is no dust or emission of smoke. There are no odor or toxic gases since there is no burning of fuel. There is no need for utilities. No water or septic facilities are needed so there is no concern for adequate facilities for utilities. Off street parking impact will be minimal after the construction is complete. The strengths as they have been throughout, solar energy generation may provide stable income to the families whose land is in solar generation use. An expanded industry base may provide financial benefits to the county and taxpayers. Solar energy generation does not carry many of the negative impacts of other forms of energy generation. Weaknesses include a landscape plan was provided, but it may not provide the screening necessary to protect from off-site views. The plan was rudimentary and we will have to review that more fully when the site plan comes in. The turf grass shown in the submittal is not especially hardy in this area according to the company that provides the turf grass. So, I understand there is discussion about replacing it with a different material. Accomack County, they have agreed to permit the native vegetation, weeds, and grass instead of installing turf grass. That is what I understand this afternoon from the planner in Accomack County. The sites are industrial in nature while they are under construction and removing land from agricultural use has impacts on the community as a whole visually, as well as economically to those who serve the agricultural community. The Planning Commission made a recommendation of denial of the request. They did provide the following suggested conditions should the Board vote to approve it. A base-line and every five year soil sampling to detect toxins and heavy metals that would be around the supports and under the panels but not the strips of vegetation between the panels. That there be landscape berms installed along all rights-of-way and abutting single family residential properties. Fencing be all chain-link instead of the agricultural fencing that was proposed along the roadways. Although the agricultural fencing is more typical in the county and agricultural areas, the Planning Commission recommended that it all be chain-link fencing. And, they recommended a \$10,000 per acre cash bond for decommissioning.

CUP 2016:05

- Conditional Use Permit to construct a power generation facility in the form of solar energy generation

Conditions dated 8/9/2016

- Emergency responder training within 60 days of operations beginning.
- Decommissioning plan, draft of which has been provided, provided prior to site plan approval.
- Landscape plan prior to site plan approval.
- Single point of contact provided.
- Maintenance and repair of fencing and landscaping.
- Landscaping for future single family homes to mitigate views and possible glare.

Conditions continued

- Work hours during construction shall not begin until after 12PM on Sundays without prior approval from Community Development staff.
- Replacement panels shall be of substantially the same type/material as the initial installation without approval from Community Development staff.

Considerations, strengths

- Solar energy generation may provide stable income to agricultural families whose land is in solar generation use.
- An expanded industry base may provide financial benefits to county and taxpayers.
- Solar energy generation does not carry many of the negative impacts of other forms of energy generation.

Considerations, weaknesses

- A landscape plan was provided, but it may not provide the screening necessary to protect from off-site views. The turf grass shown in the submittal is not especially hardy in this area.
- Sites are industrial in nature while under construction.
- Removing land from agricultural use has impacts on the community as a whole visually, as well as economically to those who serve the agricultural community.

Planning Commission Action

- The Planning Commission made a recommendation of denial of the request. They provided the following suggested conditions should the Board vote to approve the request:
 - Base-line and every-five-year soil sampling to detect toxins and heavy metals.
 - Berms along all rights-of-way and abutting residential properties.
 - All chain-link fencing.
 - \$10,000 per acre cash bond for decommissioning.

Chairman Jones states anybody have any questions on this?

Supervisor West states I would like to say why the... that is pretty high; \$10,000 per acre cash bond.

Mrs. Beth Lewis states that was the recommendation at the Planning Commission. I did a little research and what I have found, companies that install solar panels. Property that is managed by The Bureau of Land Management, \$10,000 per acre bond is required. Not especially cash bond.

Supervisor Edwards states it was in the report why we chose \$10,000.

Mrs. Beth Lewis states yes. It was based on the fact in Isle of Wight when mining takes place the state requires \$1,000 per acre bond. Isle of Wight adds an additional \$4,000 per acre bond. That makes it \$5,000 per acre but when you think of decommissioning a mining facility as one of the Planning Commissioner's explained it. You really are only working around the edge. So, the thinking was it should be at least twice that because you are not just working around the edge. You are working throughout.

Chairman Jones states this is a public hearing. Is there anyone for or against this application?

Mr. Thomas Kline states Mr. Chairman and members of the board. For the record again, Tom Kline, the attorney, on behalf of the applicant. I think as the Planning Director pointed out, the Planning Commission did have nine proposed conditions. These were conditions that we had worked very closely to develop. Dealing with the emergency responder training, a decommissioning plan; again, there wasn't an aspirational decommissioning plan. We actually had a document that is attached that says a decommissioning plan that will be substantially compatible to the one that we have presented that I have described previously will need to be approved in final form prior to final site plan approval. The landscape plan that is referenced is substantially equivalent to the landscape plan provided on August 9. This was a significant and very detailed landscape plan that Kimley Horne presented based on identifying local species that would be tolerate and work well in this environment. And, try to work that landscaping in along adjacent properties so that it looks compatible and natural with the overall environment. Again, I think it is a 42 page report. The budget is about \$350,000 for additional planting that would go in. And, again one of the conditions is that will be included as part of the final site plan. Single point of contact I think speaks for itself. Noxious weed control; again, that question came up earlier from Supervisor Phillips. Again, we will have a noxious weed control that will be developed by a third party consultant. Again, that will be part of the plan to work out restrictions. Fencing and landscaping I think I discussed earlier. There is going to be a surety in the amount of \$50,000 with the county to make sure the county, and constantly maintain with the county, so the county has the ability to enforce any deficiencies with respect to landscaping. In a short time we can be put on notice under this document. I think 10 days that they put us on notice. We would have to get out and fix or coordinate with the county to make sure that we address it. And, we also have this additional conditional about future solar replacement. If we have repairs or do any changes to it, it would be substantially equivalent to what we have there now, and if the material is different for the equipment we would come back to the county for review. The additional conditions that were discussed at the Planning Commission. One of them, the chain-link versus the agriculture style fencing. We have proposed a mixed of the types of fencing because obviously I think it was you and some of the feedback we received from the community was the agricultural style fencing adjacent to the properties of others can be more attractive than chain link fencing. But, we also reached out to the hunting clubs and others and obviously we are very concern of hunting animals becoming trapped in the agricultural style fencing. So, what we had proposed and we actually put together an exhibit that we had provided to the Planning Staff showing the percentage of the agricultural style fencing. Basically, showing the chain-link fencing we would develop along those areas adjacent to the woods and other areas where you would have the dogs coming out because of hunting activities. It might be coming onto our property. Then, we would have the agricultural style fencing in more prominent areas along public rights-of-way next to roads and areas like that. That was developed in this plan. Again, that would be something when we come in for the final site plan and the building permit which will come back before you all. We will be able to demonstrate exactly where that fencing is. But, the intent obviously is to make sure you have attractive fencing along the public roadways; the more attractive to some people and then you also have the chain-link fencing in areas where there might be some hunting activities going on. With

respect to the berms, I think what we have tried to develop with this application is a landscape plan that is respectful of the natural surroundings. It is respectful of the environment by finding plants and other plantings that we will be putting that blend in. If you are dealing with a berm along public rights-of-way, you see that more typical with commercial and other types of projects. But, we have this project where we are moving it in with the agricultural and it will be behind some fencing. We will have some landscaping. To suddenly disturb that with a berm is going to involve bringing in significant amounts of soil. It is going to involve changing the drainage patterns on the property. It is also going to draw more attention to it rather than it softening the visual effects in our viewings. So, that is why our recommendation, we would take a different view with respect to berms. Again, we will have a detailed plan of what will be developed. It has already been developed. It will show the kind of landscaping and some of the buffering that we have. With respect to the heavy metals baseline; that concern about some people having concerns about zinc being in some of these posts. The concern that somehow the zinc in the post will get into the soil. Sir, I see that my time is up but I am happy... there were a couple of other conditions that you mentioned. I will be happy to address them now or at a later point.

Chairman Jones states you will have to do that later.

Mr. Thomas Kline states okay, thank you.

Supervisor Phillips states I just have one quick question. Tom, we have seen maps that both delineate the chain-link fencing and the agricultural fencing. Are you all still flexible on that to the degree... what I am concerned about is the agricultural fencing will still allow possible intrusion from both dogs and a deer or something? Then, once they are inside of that it is going to be... what is the... let's hear some plan on how you are going to mitigate... once there is a dog or something in there. You have to get it out and there has to be some way to either get in touch with somebody that is a care taker for you to retrieve that animal.

Mr. Thomas Kline one of the requirements that we have is there will be continual point of contact associated with the project, and the phone number and the contact information for that individual will always be on file with the county. If that individual changes, again we have to update that information. Another part of the requirement is at the beginning of the project in the beginning of its life we will also be working with emergency services. It is a condition that addresses emergency responder training. But, again giving full orientation to emergency responders in the area as to the site, to the access point, etc. So, the combination between that and making sure the local responders are very familiar with the project and also having a point of contact. Continuous designated point of contact with Dominion. That is how we are trying to address it. If issues come up addressing this property, particularly with the fence, you have someone you can reach out to.

Supervisor Phillips states that would have to be on a 24 hour basis. Whether it be... I just want to make sure that is clear.

Mr. Thomas Kline states I believe that would be their understanding that you have... that there would be a point of contact that you would be able to reach.

Supervisor Phillips states in other words it wouldn't be the County Planner?

Mr. Thomas Kline states no, it would be an individual associated with the project.

Supervisor Phillips states she has enough responsibilities.

Mr. Thomas Kline states no. The intent of this is you have someone from Dominion that you can reach if any issues come up with that project.

Supervisor Phillips states I am trying to get to the point that it needs to be somebody here locally. Not somebody that is in Chesapeake or Richmond.

Mr. Thomas Kline states I understand. Okay.

Supervisor Edwards states so is there going to be somebody local.

Mr. Jim Eck states there will be somebody in the region supporting the operation and supporting other solar facilities.

Supervisor Phillips states but it would have to be somebody here. Supposed you have an emergency. Supposed somebody has a heart attack while they are working on one of the transformers. You have to get somebody in that gate. You have to have somebody that can get the emergency responder in or a man has a dog in there. He has to be able to retrieve that dog at least today at some point.

Mr. Jim Eck states we will have a way to deal with that. Access to the site will be provided. Same day access to the site will be provided. Yes, for safety during construction and operation.
Supervisor Phillips states right. Once this project...

Mr. Jim Eck states during operations you will absolutely have same day access onsite.

Chairman Jones states he is talking about after the project is finished.

Supervisor Phillips states I am talking about after the project is up and running and all of the construction workers are gone...

Chairman Jones states you are talking about someone responsible for being there or on-call...

Supervisor Phillips states kind of like an overseer.

Mr. Jim Eck states we will have 24/7 hour access to someone who can enter and provide support to the site.

Chairman Jones states that is what he meant.

Mr. Jim Eck states that is what we are committed to do.

Supervisor Phillips states that would be part of the final...

Mr. Jim Eck states yes. You would call someone. If we need to dispatch, we will have someone readily available to come to the site.

Supervisor Phillips states okay.

Mr. Jim Eck states the facility is not manned 24/7. We would provide an immediate response providing access to the site.

Supervisor Phillips states I am just thinking with the size of this... wait until we go through one hunting season and then you will have a better concept of what you are facing.

Mr. Jim Eck states I think your other question is are we flexible and the answer to that is yes. There is flexibility to adjust that as deem appropriate; as we get feedback from the landowners.

Supervisor Phillips states sure. Thank you.

Supervisor Porter states I have a question. I am interested in hearing your comments or remarks about the baseline. I didn't know zinc was a heavy metal.

Mr. Thomas Kline states I think one of the comments that we heard at the Planning Commission was a concerned that perhaps these post over time can potential leach some type of metal, and then when the property is returned to agricultural use that would somehow adversely impact. Now, we have gone out and talked to the industry that manufactures these because this is very common technology. People uses lamp post, people uses guard rails. This type of technology is used all across the country with this type of post. Frankly also the post in solar facilities across the country. So, I can't say people have had specific incidences. I think there had been specific instances about some old metal buildings that had been on some farm property if they rusted or if they have had an impact on the soil. But, we are not really aware of any significant information that this type of post

or these types of solar facilities present that type of issue. That is what they were asking for the study. But, one thing we will be happy to do, we want to do a decommissioning study and we are happy as part of that decommissioning study to also do a soil test to the extent if there are any spots on there that needs to be mitigated then it can be addressed at that point to be returned back to (inaudible). Thank you.

Chairman Jones states anyone else.

Mr. Jim Eck states I am Jim Eck with Dominion Resources. I just want to reference one of the comments that were brought up about how much should be put in place for surety for decommissioning. Dominion Resources have installed in numerous states over 1,600 megawatts in well over 20 different locations. So, the industry norms is... let me restate that; we are absolutely committed to provide surety prior to the final site plan to support decommissioning. There is an independent engineer who does the study work up front, and then periodically, every five years, a study is done to ensure that the surety will provide for converting this land back to farmland. So that is what is in this decommissioning. Also to say, as we have installed over 1,600 megawatts across the United States, this is very typical to have a decommissioning surety that would be very conservative, but to be sure that you could take out metal salvage and bring that land back to its state in farm use. I just want to reference that. To put in a number and just slap it on there is not the typical norm for solar. But, I want to stand behind; Dominion wants to stand behind the surety will be there with the independent engineer checking on this all through its life to make sure that the surety is there for Southampton County to convert it back to farming.

Chairman Jones states okay, anyone else?

Mrs. Rebecca Drake states it is industrial. It looks industrial. The chain-link fencing, we have to have it. People will climb agricultural fences. All of us have climbed agricultural fences. They are not going to wait to call somebody for their dogs. They are going over it. I think the berms are probably something you really have to consider. We have lots of sandpits. You are going to hear one tonight, and it will probably get approved just like that. And, they will be glad to supply it or at least somebody will be able to supply it. But, I own property. My family's property in North Carolina and guess what is next door to it? I took some pictures and I am going to pass them around. It's industrial. I don't care how you change it. It's like it doesn't fit in. I don't care how you landscape it. It is industrial. The panels look like this covered in weeds. That is all I have to say.

Chairman Jones states okay, anyone else?

Mrs. Susan Newsome addressed the board. My name is Susan Newsome. Forgive my nerves. I am a nurse by trade not a public speaker. I am involved with the land project with Community Energy, and I would like to say I grew up a farmer's daughter and I am married to a farmer so I know a little bit of what I have seen in my lifetime so far. My father has been farming for 60 years, and the one thing that he has taught me is how to be sustainable in farming and that is by diversifying. Not only does he farm but he has also been in hog production, cattle currently, and also has negotiated to have (inaudible) in addition to a state water project. Now, when I talk to him about the solar project he says that is great honey. I am also talking to someone about wind turbine. What my 82 year old father is doing is looking at the future in order to allow sustainability with farming. He is not going out of farming. He is protecting farming, and that is what a lot of these landowners are doing; protecting their farm. Protecting their ability to continue farming. I would ask how many of these young farmers would be able to farm if it wasn't for government subsidies provided to farmers. Also, as far as hunting dogs, just a side note, I had a hunting dog that hung around the house for three or four days before anyone... before we returned it. So I think 24/48 or 72 hours is something to be considered. But, anyway, I would just hope the Board of Supervisors would see the important opportunity that Southampton County has to become a front runner with solar energy. Thank you for your time.

Chairman Jones states thank you, anyone else?

Mr. Warren Simmons addressed the board. My name is Warren Simmons and I live on Southampton Parkway. When I ride down 85 to North Carolina and I see solar farms. They are not farms. There is no livestock. There are no crops. There are no tractors. There are no farm families.

They are not farms. What I see here is a county that is grasping for any kind of money they can find anywhere they can get it, because we have spent too much and we are not able to live within our means. Secondly, I see landowners who have own their farms over a century who no longer live here, who no longer farm. They can't make enough money renting it to satisfy themselves. On the other hand we have farmers that are here tonight that are struggling to farm. They can't pay more rent than what they are paying. The non-resident landowners are looking to make money with the solar farms that they call. So, now what we are going to do. This idea had come up a year ago, now we have two requests tonight for rezoning for solar panels. It is going to be some more. We just got started, because once the other non-resident landowners hear what they are doing, they are going to want to do the same thing because they can make more money. But, the people who live here who are trying to farm, they can't do that. They need additional land and what they see is not many farmers own their land. Most have to rent. These young people looking for land to rent, non-residents landowners are taking land out of production. They are fencing them off and once they fence them off, they are not good for crops, they are not good for livestock, they are not good for wildlife. They are not good for anything. They might as well be a parking lot. We just can't use the land. And, as far as the fence, I have personally seen a deer jump an 8 foot chain-link fence before. They can get in and out of any fence they put up. So anyway, I just think that we need to... this is a Pandora Box. Unless we can win that case Mr. Railey where we tell one person we can't and one person we can, we are going to have a mess when it is all said and done. Thank you.

Mr. Gary Cross states Mr. Chairman Gary Cross again. I really think it is a big joke to think this land will ever be returned to farmland. My cousin, the one in Accomack, he concludes that the representatives over there say it's a Wal-Mart and it will always be a Wal-Mart. They don't see how it could ever convert back to agriculture. On 7.1-B in the contract is says to restore the soil surface of the lease property to a farmable condition; to its original condition. So, we are talking about the soil surface and they are talking about pulling these poles backed up out of the ground. I would ask you all if they plan on replacing the underground drain tile so you can farm this land again. When you start driving down 1,000 poles in the ground they will disrupt the drainage system that the landowners have spent money to put it. If they are going to restore the soil surface and return this to current conditions I would like to see them address that, and I would like to see what plans they have in place to take care of the runoff water when this water starts bubbling up out of the ground after they have disturbed the underground tile system. Another comment; if our federal government didn't use the farmer's subsidies to make trade with foreign countries and we could get rightfully what our crops are worth then we wouldn't need subsidies at all. Thank you all very much.

Chairman Jones states anyone else?

Mr. Michael Mann addressed the board. I am J. Michael Mann. I would like to check something before my five minutes start. I want to be sure there is no conflict of interest here Mr. Railey. I am on the Planning Commission but I am speaking as an individual.

Mr. Richard Railey states that is fine.

Mr. Michael Mann states okay, now I would also like to ask Mr. Kline do you have a problem with it.

Mr. Thomas Kline states no sir.

Mr. Michael Mann states you are sure.

Mr. Thomas Kline states I'm sure.

Mr. Michael Mann states I would like to ask if there is any attorney in this room that has a problem with it. If you could ask that Mr. Chairman.

Chairman Jones states does anyone have any problems with him speaking? He is on the Planning Commission. You are a citizen also.

Mr. Michael Mann states well I understand that, but I just want to make that perfectly clear.

Chairman Jones states you have the right to speak as a citizen. You are Planning Commissioner once a month.

Mr. Michael Mann states thank you so much. Well it feels like 30 days and lately it has felt like 60 days.

Chairman Jones states I know. I understand.

Mr. Michael Mann states I would like to start off, thank you all for your time. I certainly appreciate it. It is a very time consuming job, and we appreciate it. All of you are serving the county. And, I want you to understand that everybody up here has the county's interest in mind. So, out of that I would like to point out the clock back there in the back. It is getting mighty late. I would like to request that you would listen to all of the applications for solar facilities before you decide on any one of them. Whether we have to continue to another night, but I would like for you to listen to all of the applications on solar facilities before you make a decision on any one request. Out of that, I would like to point out some facts, and I am on a fact finding mission here Mr. West. So, the minimum bond requested or allowed in this is \$250,000 for decommissioning. Is that correct? Alright, I have heard 1,437 acres. I have heard 1,465 acres. I have heard every figure all over the board tonight. I would like to make the record clear on how many acres this application is. I have heard it from the applicant in different presentations. But, I did my math at 1,437 acres. That is \$173.97 per acre that we as a board are guaranteed that we can decommission this site. All of you are old enough to remember the company Enron. It went bankrupt. I think Enron was bigger than Dominion Power or Dominion Resources or Community Energy. So, the figures that they dealt with are just too big for my mind. Anyway, the other thing that I would like to point out is the tracts that are involved. All of the assets of the individuals. Pete Barham taught me that these tracts are also the assets of Southampton County. Southampton County is going to be here when all of us in this room are gone. It will still be Southampton County's assets. The Board of Supervisors have one year to make a decision on these request. Is that correct Mr. Railey? Is that a 365 day year or 367, because I went into a difference on that with banking and finance.

Mr. Richard Railey states it is 360.

Mr. Michael Mann states 360, okay. So, we are going to start that today. This is the September 26, 2016 Southampton Board of Supervisors meeting in Courtland, Virginia. I want to make that part of the record. So, our one year starts today. I believe it was Jim Eck from Dominion Resources who stated it was a confidential customer that they would like to announce this Fall that is going to buy this energy. We have at this board 12 months or a total year to make this decision. I am not going to ask for a response. I would like to know how long Dominion Resources and Southampton Solar have before their buyer of this electricity disappears. So, with that Virginia Law; I was instructed last month that it gave the Planning Commission 90 days. So, Virginia Law gives the Board of Supervisors one year. It does not give any applicant the right to walk in this Board Room and demand an answer any time less than that. Please take your time with this. I am not against solar. I think it's great. I'm excited for my neighbor. I am looking forward to an invitation to their home if this goes through. But, please look after this county and use the time that you need. And remember, once again, I would like to hear all of the applications spoken tonight to this Board before you make a decision on any of it. Thank you.

Chairman Jones states thank you, anyone else?

Mr. Ash Cutchin states I am not very good at math, but didn't Mrs. Lewis say \$10,000 per acre for some type of surety bond to clean this mess up if it ever needs to be cleaned up. How did he get to \$173 an acre?

Mr. Michael Johnson states he took the \$250,000 and divided it by the acreage.

Mr. Ash Cutchin states \$10,000 an acre is \$14 million isn't it.

Mr. Michael Johnson states yes, but what he was saying is what they are proposing.

Mr. Ash Cutchin states they are proposing \$14 million if its \$10,000 an acre.

Mr. Michael Johnson states the Planning Commission has recommended \$10,000 an acre.

Mr. Ash Cutchin states and doesn't The Bureau of Land Management also recommend that?

Mr. Michael Johnson states that is their policy.

Mr. Ash Cutchin states okay, then why are we willing to accept \$173?

Mr. Michael Johnson states no we are just listening.

Mr. Ash Cutchin states okay, thank you.

Chairman Jones states anyone else?

Mr. Glenn Updike states I am Glenn Updike. The smartest man in this building tonight is Steve Caldwin. He brought himself a cushion. I think you would have 100% support if you all would vote to have cushions on all of these seats.

Chairman Jones states I can't believe you are going to spend some money.

Mr. Glenn Updike states well you will spend more money than that in a blink of an eye. A couple of things that we haven't mentioned about hunting. That is our number one industry for tourists to bring money into this county; hunting. They bring for three months finances to the grocery stores, gas, and other things when they come to hunt. Solar panel farms are going to restrict the hunting. Let's state facts. You and I can't control the dogs from getting into the solar farms. They can go over and under agriculture fences like you mentioned. When they get in, you leave someone's prime hunting dog in there for a couple of days you are going to hear about it. You might not have a fence when you go back. Number two, Mrs. Lewis, I hope you are ready to hire another three or four staff members to monitor all of this activity through inspections. Right now we don't even inspect things like mowing the lawn, abandoned farms, or anything else. We don't have enough employees to go out inspecting. Who is going to inspect these farms to make sure they are properly kept? Make sure these weeds are kept? You can't afford it, number one. For them to say we are going to proffer this and that, proffers don't mean a thing. You know it and I know it. We can't enforce it. It's like putting a fox in the chicken coop. Good luck is all I can tell you. We will have to monitor our own activity. Again, the brunt of it is the county will lose businesses. Not only farming businesses but the employees. What are they going to do? They are going to have additional unemployment in the county. This is not a job creating project, period.

Chairman Jones states anyone else?

There was no response and the public hearing was closed.

Chairman Jones states what do you say board.

Chairman Jones called on Supervisor Phillips.

Supervisor Phillips states I have a couple of comments. Mr. Cross I would ask the rest of the board if they really understand when someone speaks of a drain tile what it means. In other words, they are perforated pipes placed in the ground in a field with an outlet. If you cut that pipe, that is where the water that has already been collected in that pipe will bubble up. There are places in this county that has been converted into home building lots where it can either end up under your house if you don't know that it is there or it can end up in your front yard with a little seepage that you can never do anything about because the end of the drain tile is over on your neighbor's lot or out in a field somewhere. So, I would just urge... I think that needs to be part of our process or proffers that drain tiles need to be addressed and the fact if they are on the property. They are not on all of the property, but that needs to be absolutely considered for this. It would be to their advantage. If they cut through that and happen to place one of their converters on that site then they can't stabilize the converter. The next thing, Mrs. Lewis and I have talked about this. The project if it is passed at its current 100 megawatt capacity; Mrs. Lewis can correct me if I am wrong. It will possibly require a dedicated electrical inspector on behalf of the county just for that

project, and possible a soil and water technician while this is being installed. Is that something we would also ask to see if the applicant would consider some type of mitigation? Otherwise, it is coming out of this county's pocket. We have already talked about the chain-link fence, the berms, and the baseline. Do any of the Supervisors have further comment on... in other words, the state requires \$1,000 bond for a sandpit. We don't have to ask for a \$10,000 bond but, that was added to these conditions. These four conditions were something that was done after they voted. These are not currently part of this project's conditions. I don't think.

Supervisor Edwards states yes they are.

Supervisor Porter states no they are not.

Supervisor Phillips states we need to be clear on that.

Supervisor Porter states they are not part of the current project yet.

Supervisor Phillips states this was a recommendation that they made.

Supervisor Porter states that is right. But, one of the things that is missing is the whole decommissioning plan.

Supervisor Phillips states right that is yet to be discussed.

Supervisor Porter states that is yet to be discussed and that will be part of the final plan and the building permit.

Supervisor Phillips states which is yet to be given.

Supervisor Porter states that is right. When you look at the totality of what they are offering in the decommissioning plan it may or may not exceed the full intent of the dollar per acre. When you look at the real time salvage... the way that I understand what they are presenting. First of all, you have the real time salvage value of the product that is there. The equipment, some of it could be resold for a much higher value than \$10,000 an acre. What they are saying is that they will guarantee a reserve of \$250,000. It is not the total amount that they are putting up as their surety. That is the real reserve. The surety is the salvage value of all of the equipment and any other material plus the \$250,000. The way I read it was that they would do a periodic re-evaluation and they would bump that \$250,000 up as necessary to cover the full decommissioning cost of the whole project. The idea is to cover the whole decommissioning.

Supervisor Phillips states absolutely. No question about it.

Supervisor Porter states Whether or not you put up money or whether or not you have...

Supervisor Phillips states some type of surety.

Supervisor Porter states some type of surety, right. The confidence that the surety will cover the decommissioning cost, and basically from what I understand they are standing behind that will always be the case.

Supervisor Edwards states but we re-evaluate it every five years.

Supervisor Porter states yes. They may end up having a million dollars, two million dollars or \$14 million in the salvage of the equipment.

Supervisor Phillips states you have both the resale value and a salvage value. That is going to be a difficult... for the company to achieve that, that is going to be a moving figure. It will be coming over a period of years.

Supervisor Porter states that is the requirement of the decommissioning plan; have a third party evaluate those costs.

Supervisor Edwards states realistically where is the resale at. Thirty years... ten years this is going

to be obsolete. It is not going to be thirty years.

Supervisor Porter states in accordance to this proposed decommissioning plan, they will have to put up more money. Right now, you don't need to put up \$18 million because you have \$80 million worth of equipment. In 105 years, you may have to put up \$14 million because the equipment is worth zero. That is the point. It is like asking them to prepay. I am comfortable with the proposal on decommissioning as long as you have Dominion Power standing behind it. I need to make a disclaimer myself. I am a shareholder of Dominion Power. I own a few shares; not a whole lot. I am also a shareholder of a competitor of Dominion. I am also a shareholder in other areas through related industries which are competitors for solar. So, (inaudible)...a conflict of interest. So, I did seek legal advice and I got some humility that I don't have a conflict of interest because my investments in these companies are so insignificant with respect to the total amount I would not be significantly penalized or rewarded by anything from this project. If anybody would like to see my legal opinion, I would be happy to show it to you.

Supervisor Edwards states speaking of 30 years, you know Union Camp was supposed to be here forever too.

Supervisor Porter states Union Camp was not a regulated industry. There is a difference in a regulated industry. I am very familiar with Enron. I was offered a job at Enron 30 days before they went bankrupt so thank God I turned them down.

Chairman Jones states alright we have to make a decision one way or the other.

Supervisor Porter states when I first heard of this project I was against it. I was adamant against it. The reason for it... many people know I did work for an oil company. We did do studies in the 90s about solar. Looking at maybe we should invest in other alternative energy. All of my ideas I had in the 90s certainly were in my mind. When I met Mr. Tuffey, I told him I would probably be hard to sell because I have a thing against solar, but I told him I would give him a fair hearing. And, I have tried to do that and I have tried to learn as much as I can. Not only about solar but the impact of solar on the environment. I try to make sure that any project that comes before this board is financially and economically solid. Meaning, there was a buyer for the product, and that there was a substantial company that was standing behind the project. The more I learn the less I became against the project. When I started putting everything together that I learned. And if you want to talk about the (inaudible) at a later date, I will be happy to, but I don't want to spend a lot of time on that tonight; my mind changed. I am a strong believer in landowner's rights. There has to be a very strong reason to trump landowner's rights. I can't find a reason in this project to trump landowner's rights. I am comfortable with the decommissioning plan. I think there will always be enough surety there to decommission; however, I hope it will never have to be decommissioned because it will always be there, and instead of in 20 years decommissioning I think we will still be replacing the panels with new panels. New panels that cost 1/3 of what they would today and produce 2/3 of more electricity. So, instead in 20 to 30 years this 100 megawatt project will be a 300 or 400 megawatt project. I love agriculture. I support it, and I think the county does. We encourage agriculture through the land use taxation. You can't make someone farm their land. You can encourage them to farm the land. They have certain rights, and I have a hard time finding a reason to tell someone they can't take advantage of an opportunity to upgrade or to subsidize the other farm with an opportunity like this. I know some people don't like that. I have struggled with this and looking down the road this will not be a competition for agriculture. This will be a complement. If any of you all think this is competition to agriculture, it is not going to come from this. It is going to come from (inaudible).

Chairman Jones states any other comments?

Supervisor West states I want to comment on a couple of things, and someone made the statement that we were \$75 million in debt. Mr. Johnson that figure would be closer to 67.

Mr. Michael Johnson states I would have to look, but no it is well in the 60s.

Supervisor West states the question is you are going to have your farmer a direct assault a-s-s-a-u-l-t, or land use taxation. People are saying we need more of this. Even Mr. Updike says how are you going to enforce. You are going to have to have more people. You are going to have to do

this. He is correct. But, the bottom line is simply this. Land use is a valuable tool. It is your way of survival in farming at this time. I have heard a respected farmer say it's been a tough year. I heard another farmer tell me of losing six figure dollars last year, and it's a tough year coming up. I am saying that it is not going to get easier right now with the markets like they are, the world, and the things that are taking place around the world, and the new changes with the Presidential. I feel that. I fear for the farmers. I do not and will not vote to take away land use, but I do agree with everything this man says. I think he is highly on top of it, and I see it as a financial opportunity that is going to come our way; yes, but I also believe what he said that this plan you bring to us tonight we say yes, but this plan that he brings up tonight may differ because no two projects will be the same. Period. We will have the right to yes and the right to no. Am I correct? So, I want to expel those thoughts. Right now, I am going to favor tonight.

Supervisor Porter states I want to say one other thing. Just because I support this project doesn't mean I support any solar project.

Supervisor West states Amen.

Supervisor Porter states the thing about it is I don't think I have seen one with a presale of electricity with the support of a major, not only a power utility, but a major utility in the whole United States behind it. If you don't bring me a project that is equivalent or as good as this don't bring me a project. I am not going to just do something to do it. It has to be very economical for me to support it or I don't have any reason to do it.

Chairman Jones called on Supervisor Faison.

Supervisor Faison states I appreciate the process. I appreciate what we are going through because we have had the opportunity to listen to a lot of people. We have had an opportunity to listen to opposing views. We have to give the people here, Dominion, and Southampton Solar some credit. They have appeared to try to address the issues that we have. As far as decommissioning, they have a project and they have a plan for that which I think is creditable. I feel comfortable that they will stand behind what they are doing. I feel comfortable that Dominion is involved in it because Dominion has been around. They certainly have a presence in our county and our states, and I think that gives creditability to this project also. It does bring in some taxes. It certainly is not going to bring in all of the taxes that we might need, but when you are talking about averaging \$285,000 a year throughout the life of the project. Correct me if I am wrong.

Mr. Thomas Kline states it will start more in the \$300,000/\$400,000 and then later on when some of the equipment goes down in value that number will come down also.

Supervisor West states but that is throughout the life.

Mr. Thomas Kline states yes throughout the life.

Supervisor Faison states that is an average year. So we are talking about two cents on our taxes. Now, in the spring we are going to be voting on taxes. If we talk about raising our taxes two cents, that is going to cause a whole lot of rumbling. So, that is some taxes coming into the county. Now, we talk about jobs. Well I think they are very upfront and frank about it. It is not going to be jobs that are going to last, but it will have an impact as it gets built up but an early impact. But, it will provide some employment. So, I think the company has been open and honest with us. It doesn't provide everything that we want because I would love to see it bring in much more taxes. Also, it does take some land out of production, but it is a small percentage. I have heard agriculture companies say they will be affected and I hear that okay. That is why I am thankful we don't have to approve every solar project brought to the county. This project I really don't believe it's one that will devastate the economy. I think it might be more helpful to the economy as far as the agricultural businesses are concerned. I don't think just the one company we are looking at right now would have a great impact on that. Certainly if we would open it to every company that came to us and we had to approve it, I guess it would get to that point. So, I am thankful we maintain control. We are not losing control here. We have the opportunity to look at each one on an individual basis and approve or disapprove it based on its merits. So, with that said right now I am in favor of this project.

Chairman Jones called on Supervisor Edwards.

Supervisor Edwards states I still have an opposite view in looking at this. I think we are opening ourselves wide open to future problems. It is too many things that haven't been answered. I love this county too. I think contrary to what you say Carl the next project that comes to us you may not be able to say no. That's what our attorney said. I don't believe that once we do this; comparable situation, 6,000 acres, somebody else the same way, same stuff that we can no. I think we are opening a Pandora Box here. I am not willing to risk the county for the little bit of money we are going to get from that. I am exceptionally disappointed that nobody thought that they had to look at the Planning Commission's recommendation. They did some hard work over the past 3, 3 ½ months. This board is going to go down in history as the first board... I have been on the Planning Commission for almost 30 years. This is the first time I have had a board that made any kind of decision much less a major decision without looking at that. Ignoring that. I think that is criminal. I think it's your duty to look at what we have done. I can't believe this board sitting up here says I am not going to look at what the Planning Commission said. You probably made up your mind a couple of months ago, because I have heard all of this talk many months ago. You know, we are supposed to be objective. Get all of the information in, and then look at it you know all together. Well, we haven't done that. We have left part of it out. We have not done our job. We have told the Planning Commission to go take a hike. We don't care what you came up with. That is ridiculous. The Planning Commission has prided itself over the years, the last 30 years that I have been on it, giving the board good recommendations. And, when you say I am not going to even look at it, all of that work we did, that is a slap in the face. I agree with Mr. Mann tonight. I say we have twelve months. I say we take a look at it; not just rush into this. This isn't going to save the county one way or the other. I can see a lot of problems with it. Other counties have already had problems with it. I don't think this board is doing its duty. Its due diligence. If we are going to say yes to it tonight or whatever you are going to do without evaluating what the Planning Commission has and getting the full story. So, I am going to vote against it for that reason.

Chairman Jones called on Supervisor Phillips.

Supervisor Phillips states I represent the Capron District. I represent the people of Southampton County. I am a landowner. I am for landowner rights. I own two century farms and I farm them. I am in a difficult position. We need to grow our tax base. That is certainly a consideration. But, tonight the land use is also a concern. And, we have to address the concerns of our community. As I said earlier, we need a fiscal impact study on anything of this scale so that we can better understand how it is going to impact us for the future. The Planning Commission has had it for however many months; 6 months. I can't believe the Planning Commission didn't bring that to the table. It should have been. Again, I am going to make a motion before we close tonight if I have that opportunity to see that it is referred back to the Planning Commission to amend our code to reflect a need for a fiscal impact study on a utility scale or make it even broader, because this is not the end of this process. It is the beginning of the process.

Supervisor Edwards states the Planning Commission, if you refer that back they may not want to do it if they are going to get back this kind of situation like tonight. We don't care about the study you did. We are going to make decisions without you.

Supervisor Phillips states and I have a comment concerning your comment about the fact... initially when this was presented I was thinking on the level of landowner rights. But, I have made a decision tonight based on what I have heard tonight and what I have been able to learn. I still feel there are other things that need to be... I think... we haven't discussed what is a solar investment tax credit. We haven't discussed renewable energy certificates that are traded just like money. December 17th seems to be a deadline for something. So, based on these questions that I still have and I had made the motion to continue this. But, if we vote on this tonight I would vote no on it.

Chairman Jones called on Supervisor Cook.

Supervisor Cook states to me most of my constituents (inaudible). I like solar energy. I think this project is a great project; well put together. Community Solar did a great job. When Dominion came on board that increased my support. But, I still hear your comments. Landowner rights, you are basically asking us to tell this group that you have to keep farming. You can't diversify your farm. All of them are still going to be farming their land. They are not going to get out of the business of farming. You want us to tell them they can't do that. Well, I can't vote for that. I will

support the project.

Chairman Jones states alright gentlemen, do you want to vote on it tonight?

Supervisor West states I am not seeing a reason to continue. Everyone it is 12:10. I am fine. I think I am still thinking, but with that being said I think we need to move forward with this because this is not the end of our evening at this point. And, I don't know what blanket thing we could do Mr. Railey, but we heard the conditional use and the recommendations.

Supervisor Porter states I think we have to vote on each one.

Supervisor West states yes; we talked about the Comprehensive Plan Amendment first.

Mr. Richard Railey states you need three separate votes.

Chairman Jones states alright, we have A, B, and C.

Supervisor West states I am going to put the motion on the floor that we adopt the Comprehensive Plan Amendment seen not as presented by the Planning Commission but that we accept the change to the Comprehensive Plan.

Supervisor Porter seconded the motion.

Supervisor West, Supervisor Faison, Supervisor Porter, and Supervisor Cook voted yes. Supervisor Edwards and Supervisors Phillips voted no. The motion passed.

Supervisor Porter made a motion to approve the Zoning Map Amendment.

Supervisor West seconded the motion.

Supervisor West, Supervisor Faison, Supervisor Porter, and Supervisor Cook voted yes. Supervisor Edwards and Supervisor Phillips voted no. The motion passed.

Chairman Jones states the last one is the Conditional Use Permit.

Supervisor Porter made a motion to approve the Conditional Use Permit.

Supervisor Faison second the motion.

Mr. Thomas Kline states sir may I just clarify that the Conditional Use Permit is with the conditions associated with the initial nine conditions.

Chairman Jones states we did with the changes. I have a second on the Conditional Use Permit.

Chairman Jones called for a vote. Supervisor West, Supervisor Faison, Supervisor Porter, and Supervisor Cook voted yes. Supervisor Edwards and Supervisor Phillips voted no.

Chairman Jones states we still have more public hearings.

Mr. Michael Johnson states five others.

Chairman Jones states do you all want a break? No break, well we will move forward. Mr. Johnson will you continue to D.

Mr. Michael Johnson states item D, Mr. Chairman is a public hearing on a Comprehensive Plan Amendment filed by GEENEX. This public hearing is held pursuant to Section(s) 15.2-1427 and 15.2-2204 of the Code of Virginia, 1950, as amended to consider a request by GEENEX c/o Jürgen Fehr, applicant, on behalf of Richard W. Vaughn, owner, for a Comprehensive Plan Amendment from Agriculture/Forest/Open Space/Rural Residential in the Boykins-Branchville-Newsoms Planning Area to Institutional. The properties are located in the general area of 31118 Meherrin Road, Boykins, generally located on both side of Meherrin Road (SR 35) between

General Thomas Highway (SR 671) and Lassiters Drive, a private road, and total approximately 422.72 acres. The properties include Tax Parcels 100-14, 100-14C, 100-14D, 100-31, 100-31A, 100-31B, 100-31C, and 100-31D and are located in the Boykins Voting and Magisterial Districts. The notice of public hearing was published in the Tidewater News on September 11 and September 18, 2016 and all adjacent property owners were notified as required by law. Following its public hearing on August 11, 2016, the Southampton County Planning Commission deferred action until its next meeting on September 8, at which time they resolved to recommend denial of the application on a 5-1 vote. After conclusion of tonight's public hearing, the Board of Supervisors will consider the comments offered this evening and will proceed to approve, deny or defer action on the request. Mrs. Beth Lewis, Secretary to the Planning Commission, will provide introductory remarks after which all interested parties are invited to come forward and express their views.

Chairman Jones states alright Mrs. Lewis.

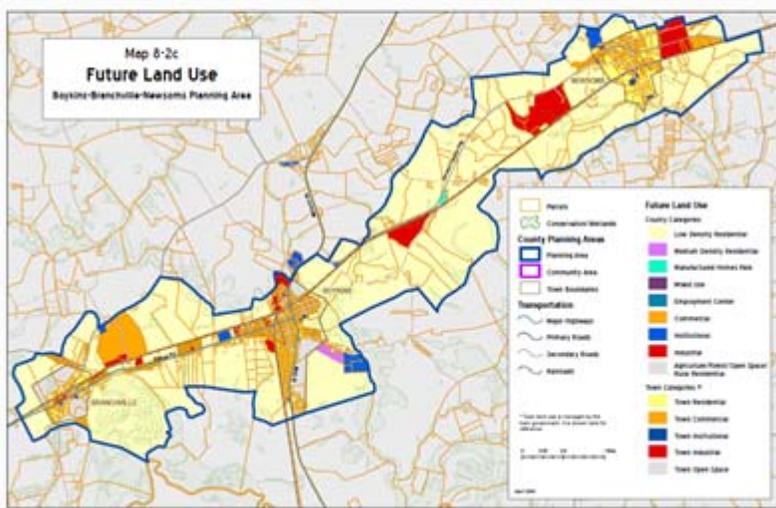
Mrs. Beth Lewis states this is a Comprehensive Plan Amendment from Agriculture/Forest/Open Space/Rural Residential to Institutional. The first part of the request is for 8 tax parcels in the Boykins area totaling 422 acres to obtain a Comprehensive Plan Amendment, Conditional Use Permit, and a Zoning Map Amendment to facilitate the development of a 24 megawatt solar generating facility. This again is the Boykins-Branchville-Newsoms Planning District. You can see this is just outside the town of Newsoms. Excuse me Boykins. It is just north of the cemetery in Boykins. It surrounds the existing substation on Meherrin Road. It is on both sides of the road. It is all owned by one property owner. In the middle you see an area that has a different kind of hatching. That is the property owner's home site and he would like to retain that. But, this will be on both sides of Meherrin Road and around his property from the cemetery to just north of the substation. This shows the area of all 8 parcels that total 422 acres and the limits of development which will be the area within the fence. The fenced area is 396 acres. So, there is not much difference. It is just a buffer around the edge, and some wetland areas basically that will not be developed. This is just a plan amendment request to Institutional. The strengths of the request are that solar energy generation in some areas is seen as compatible with agriculture. It is beneficial financially to the property owners that are involved to withstand the volatility of agriculture. Solar is a clean, renewable source of energy. And, the Institutional Plan Designation covers a broad range of uses, but the zoning determines what the actual development guidelines will be. The Comprehensive Plan includes strategies to encourage the development of renewable energy resources. The application covers 400 acres but the actual limits of disturbance will be mapped and the remaining property can be used in agricultural use. But, unless it is in a contained area it will probably just be the buffer. They may not even need to do a new subdivision plat since the difference in acres is only 20 acres or so; 26 acres. Weakness; the introduction of power generation into agricultural areas introduces a use not seen in the past. The financial impacts to the agricultural community have not been fully understood. Businesses that serve agriculture as well as farmers seeking land to rent may be negatively impacted. The site plan on this property didn't show a lot of topographical information. But, since it is kind of the donut hole and it is surrounded by Southampton Solar property on three sides, Southampton Solar site plan showed that there were some wetlands areas that impacted this property that they will need to stay away from. The properties are all served by the existing rights-of-way. In this case, the most prevalent soil type is Sagle fine sandy loam which 29% of the property is designated that. Most of it is the area west of Meherrin Road and that is designated in a soil survey as farmland of statewide importance. Small areas are designated as prime farmland. Some smaller areas are designated as not prime farmland. But, almost 1/3 of this property is designated as farmland of statewide importance. The Planning Commission after their months of study and their deliberation recommended denial of the request based on the fact that the Comprehensive Plan has a strong agricultural focus, and again whether this is the first of many requests were there concerns. That is it. I will be glad to answer any questions.



Request

- Amend Comprehensive Plan and zoning map for portions of 8 tax parcels in the Boykins area totaling 422 acres and obtain a Conditional Use Permit to facilitate the development of a 24 mw solar generating facility

Boykins-Branchville-Newsoms



Map



Area to be considered

- Total area - 422.72 acres
- Limits of Development, the area within the fenced area - 396 acres

CPA 2016:05

- Comprehensive Plan Amendment from Agriculture/Forest/Open Space/Rural Residential and Single Family Residential in the Boykins/Branchville/Newsoms Planning Area to Institutional

Considerations, strengths

- In many areas, solar energy generation is seen as compatible with agriculture.
- Solar energy generation is beneficial financially to property owners involved to withstand volatility of agriculture.
- Solar is clean, renewable source of power.
- Institutional plan designation covers broad range of uses, but zoning determines actual development guidelines.

Considerations, strengths

- Comprehensive Plan includes strategies to encourage development of renewable energy sources.
- Although application covers over 400 acres, actual limits of disturbance will be mapped and remaining property can be retained in agricultural use.
- Property not involved in land use program may make positive impact to county's finances.

Considerations, weaknesses

- Introduction of power generation into agricultural areas introduces use not seen in the past.
- Financial impacts to agricultural community have not been fully understood. Businesses that serve agriculture as well as farmers seeking land to rent may be negatively impacted.

Planning Commission Action

- After consideration of the following factors, the Planning Commission voted to forward a recommendation of denial of the request. The factors included:
 - The Comprehensive Plan was adopted in June 2015 with a strong agricultural focus and the Commission was reluctant to recommend amendments.
 - It is impossible to know if this is the first of many requests.
 - Concern about opening a “Pandora’s Box” of applications.

Chairman Jones states any questions for Mrs. Lewis.

Supervisor West states is there a Dominion Power in this space with GEENEX?

Mrs. Beth Lewis states you should ask the applicant. They can answer that question. That was not provided as part of the application.

Supervisor West states that was not.

Mrs. Beth Lewis states no that wasn't provided.

Supervisor West states I will... I am ready when you are.

Chairman Jones states this is a public hearing. Is there anyone for or against this application?

Mr. Walter Putnam addressed the board. Good evening. My name is Walter Putnam. I am the Director of Land Development for GEENEX. I would like to first address your question about our financial partner. We partner with a company called Baywa. They have a balance sheet in excess of \$18 billion. They are very active in the renewable energy industry, and we made this connection through our German ties. GEENEX stands for German Engineering Experience.

Supervisor Porter states are they willing to stand up and provide the same kind of level of support on a decommissioning plan that Dominion is? Basically, we got you.

Mr. Walter Putnam states yes sir, and to that point we have taken queues specifically from the Planning Commission. In order to have the same level of financial security and we have done this in our application which you can see. Also, in our application is a letter of intent for full financial support and financial viability of the project by Baywa including talking about the type of technology that we will use and how we plan to limit it as well as agreeing to the decommissioning plan that has been provided to the county as part of our application.

Supervisor Porter states are you the operator?

Mr. Walter Putnam states GEENEX, no sir.

Supervisor Porter states who is going to operate?

Mr. Walter Putnam states the operator is still to be determined. If I may sir, and if it will please the board I would like to take a step back and offer the possibility of a little bit of different style of

presentation. From what we have heard from you all and the timeframe that we are currently in, we would like to request to table this. But, prior to doing so and prior to our proposal to you all during this period of time, we would like to be granted ten minutes to present to you all the entirety of our project as it is currently developed today and then provide a proposal to you all on what we will do in the period of time between now and the future here.

Chairman Jones states go ahead.

Mr. Richard Railey states just so that everybody understands it will have to be re-advertised.

Mr. Walter Putnam states yes sir. As I mentioned we are GEENEX. We are a completely different company than Community Energy Solar. We operate in the same space but we do things quite differently. Founded in 2012. Charlotte, North Carolina is where our corporate headquarters are. We are currently building a facility. A 5,000 square foot facility in Roanoke Rapids which sits next to a 20 megawatt solar generating facility owned by Duke Energy that we developed. So, very similar to how Dominion and Community Energy have partnered together, we have done so as well except the utility that we worked with was larger. This is a portion of the aerial photo. A really nice facility. A couple of you all have been given the opportunity to come visit and tour. We have also committed ourselves to education. We are not just saying we are going to do something as a portion of a proffer but we have actually put our money where our mouth is. We are building a facility. We have created a curriculum. We are educating people right now and we stand behind it. The solar energy industry in general is employing a ton of people right now. We need more workforce. This is our effort towards getting one. What you see in front of you today is an application for a 26 megawatt solar power generating facility. I am going to run through the similarities and differences because many of the points that I believe that you all are interested in have been covered earlier today. Let's talk about similarities. We have technology, we have the market that we sell into, and we have the way that we sell our power are identical. It is a solar power generating facility, tracker, and you have centralized inverters. Compatibility with the Comprehensive Plan; everything that was stated earlier today, our project does the same. We are just a quarter of the size. A financial partner in Baywa that has a balance sheet in excess of \$18 billion, and has put signed letters of intent in front of you all as a portion of our application to confirm that commitment. We have a decommissioning plan backed with a security. Per the previous board's recommendation, we used the same exact structure for the security of this facility and have gone a step further when it comes to detail of how we actually pull things out of the ground and how we go about doing this. Even to the extent of taking gravel out, rough grading the soil, and importing top soil if necessary to bring the area back to its previous condition. Very important. We have done private notices, workshops, site visits. Once operational, we are not going to impact neighbors by noise, vibration, dust, odor. The one issue that we have to deal with right now is view shed, and we have addressed that issue. Here is an aerial of the site. I am going to run through it real quick just to give you guys some... so we have a vegetative screen. This is the one out of the five major pieces that boards are interested in on the way that we are going to impact people and its view shed. So, our application has evolved over the past six months since we first started conversation with county staff. And, one of the primary differences between our applications is we are currently in the planning stage. There are multiple ways to develop projects, and we do it a bit differently. What we like to do is work with jurisdiction in a collaborative manner up front to understand exactly what it is that they want. What are the concerns of the community, and build that into our project from day one instead of coming to you all with a fully baked pie and needing approval on a quick timeline. We have the luxury of time to go to the drawing board, pull out our eraser, make changes where appropriate, and present to you all a facility that you can be proud of. Less acreage, so we are 396 acres total. We are less than 200 acres of total agricultural land. Less adjoining property owners. Less road frontage. We are a compact site. One of the most interesting things and it is the reason we are so excited about this project, our site surrounds the substation. This is the primary infrastructure required to sell power on the deregulated transmission market. The other applicant in front of you today is going to be building their own. When you talk about ideal siting this is what you look for. Mr. Richard Vaughan, the landowner that we contracted with has been contacted by multiple different developers including Community Energy, and he decided to work with us. This is a prime location for a solar facility. In addition, we are not just leasing the property. We are buying the property. We will become a neighbor and that is an important and distinct difference here. In conclusion of the overview, we are in the planning stages so it makes our application quite different. When you look at the primary building blocks of our two applications they are almost indistinguishable.

During this time, as I mentioned, we will seek your input. I believe that we have proceeded as GEENEX chooses to do business with cards faced up. You know exactly how we are playing the game at all times. You ask us a question. We will respond; plain and simple. The next step is to speak with the people that we work with already. Halifax County, North Carolina is a great example of how we do business. That was a public/private partnership. The county actually owns the property. They were happy before, they were happy during, and they are very happy afterwards. I will be delighted to introduce you to whomever you would like to speak with in that jurisdiction. But, what I believe that does it speaks volume to the way that we stand up to our commitment. A Conditional Use Permit is our ultimate goal; to receive that entitlement from you all. In a Conditional Use Permit, you all have the ability to place conditions upon us that you feel are relevant and pertinent to the facility. I believe that we meet all of the building blocks so to speak. Otherwise, we would not have gained financial backing the way that we have. The Conditional Use Permit is an opportunity for you all to place conditions upon us, and we are happy to work with you to craft things that work best for the county. Our track record speaks for itself, and what I would like to do we have a couple of experts with us. Chris Dodson with Timmons Group is doing a lot of the surveying and environmental work. We have a couple of renderings and some site specific information. I will be happy to answer questions before we go into it or we can continue with the presentation and I can answer questions afterwards.

Supervisor West states where are you getting your primary backing from financially; what bank?

Mr. Walter Putnam states GEENEX is privately owned.

Supervisor West states it is not the German bank that has caused a little stock market scare?

Mr. Walter Putnam states excuse me.

Supervisor West states that German bank that caused the stock market to take a roll today?

Mr. Walter Putnam states no sir.

Supervisor West states the main German bank...

Mr. Ash Cutchin states Deutsche Bank is the name of it.

Mr. Walter Putnam states no sir.

Supervisor West states okay, I am just curious.

Mr. Walter Putnam states GEENEX is privately owned and we develop our projects to a certain stage of maturity at which time we have a whole host of mid-stage, late stage, and operational stage under operators that want to partner with us. The easiest way to put is technically we have zero inventory right now of any project that is sufficiently mature. We are sold out, and it is because we are known as a high quality developer.

Supervisor West states how large is that area.

Supervisor Phillips states 396.

Supervisor West states I am talking about where the panels are?

Mr. Walter Putnam states the panels will be located on about 350 acres of the property. What you see here is the area that has been carved out from the 422 acres. The majority of this is high and dry. You have some trees that line the borders, but what you have up there is the Rosewell Farm and that is going to be kept in tack. This is an aerial photo that shows the eastern side of the property.

Mr. Chris Dodson addressed the board. So what this is showing is coming from the north down Route 671 towards Route 35 coming around the turn there. It is showing the landscape plan as proposed by GEENEX and Baywa. It is a mix of native vegetation and it has a seven foot fence located behind it; chain-link throughout enclosing the panels. As you can tell it is very tough to

pick up here, but from the road this is the intersection coming around the corner. Again, it is relatively well screened. There is no berm proposed. These are the existing trees along that road currently. We are going to come down here to the end, and it is going to pop up and be able to show you all of the panels that are just in one section of the farm. That was one of the concerns that we heard at the Planning Commission meeting that this is at an intersection. The substation was a good location, but the fact that screening has been a concern. We have heard that from the public throughout the process and we have offered a visualization of that screening; would be beneficial to the project. One other thing to highlight that Walter had mentioned earlier. Baywa is not a new partner that GEENEX is working with. We are working on several projects. Timmons is working with GEENEX and Baywa. We are working on four other projects currently through filing, engineering, design, and construction. There are a couple of others that are still in the planning stage like this, so it is not a new partnership.

Mr. Walter Putnam states if you would like to read more information we would be happy to provide it. We are pass the confidentiality stage with Baywa and we just put out a press release a couple of weeks ago stating we have a 350 megawatt portfolio that we are in partnership with this firm. That is only a portion of GEENEX's portfolio. But, what you see here represents less than 10% of what we are working with Baywa on.

Mr. Chris Dodson states the other thing I have noted on this project too as Walter has mentioned, about 200 acres of the site of the 350 is agricultural land. The remainder is forested. So, this would be one of the sites we would be going in and timbering. Clearing out land and installing solar panels there. We have a mix of sites. We have listened to comments we have had from the public; looking for sites where we can do timbering. We have done some other projects in the state of Virginia with clients we have gone in and timbered and established (inaudible).

Mr. Walter Putnam states we have renderings. We can make all of this visual content available to you. I would like to end entertaining any questions that you all might have before I provide the proposal on tabling the project.

Chairman Jones states does anyone have any questions? If not, continue on.

Mr. Walter Putnam states we have heard a couple of requests and we believe it is well founded for an economic impact study. The primary difference, and after tonight you won't hear me say the word difference anymore; but, the primary difference is we are not laden to a timeline that is pressing us up against the wall. So, we do have flexibility as far as the time we can spend working with you all to craft a proper plan. What we proposed is an economic impact study that looks at the current state of the property as it is today versus the proposed use and the economic analysis between the two scenarios. We will provide it to you all within 45 days and we would request that we would be able to be in front of you all again to proposed the project. Any potential updates and feedback from you all recommendations a few months from this meeting.

Chairman Jones states that is fine.

Supervisor Edwards states sounds good.

Mr. Michael Johnson states do you intend to re-engage the Planning Commission in the review of the economic impact analysis.

Mr. Walter Putnam states I believe we have passed that stage but I do think the notes are significant.

Supervisor Edwards states I would suggest that you follow that path. Go back to the Planning Commission.

Mrs. Beth Lewis states Richard can the Planning Commission reconsider their request?

Mr. Richard Railey states if this board sends it back to the Planning Commission.

Mr. Walter Putnam states what I would like to request is that it stays here at the Board of Supervisors. That we work together to address anything that was put in the notes because we do

believe the analysis and the work that you all have done has been significant. Everything that we learn from the previous hearings and apply them to the future hearing with additional information.

Supervisor Edwards made a motion to send it back to the Planning Commission if you have additional information. An impact study that wasn't done before.

Mr. Richard Railey states I heard a motion.

Chairman Jones states alright, I got a motion on the floor.

Mr. Richard Railey states we need a second.

Supervisor Porter seconded the motion.

Chairman Jones called for the vote.

Mr. Walter Putnam states is there any discussion sir.

Chairman Jones states I will wait on my other Supervisor so I will give you a minute. We have a motion on the floor that we send it back to the Planning Commission. He doesn't want to go back.

Supervisor West states well we need to follow the process.

Mr. Walter Putnam states the economic impact study was a direct request of this board, and the applicant would like you all to consider the information that you have requested. Directly here where it has been corrected and we don't continue to rehash items that have already been discussed.

Supervisor Edwards states you don't want to go back to the Planning Commission. Is that what you are saying?

Mr. Walter Putnam states absolutely.

Supervisor Edwards states well I don't want to hear it then.

Mr. Walter Putnam states you don't want to hear... I am sorry sir.

Supervisor Edwards states the additional things that we have asked you to go back to the Planning Commission. We haven't taken a vote on it yet. But, I think that is the reasonable thing to do.

Mr. Walter Putnam states based upon information requested by this board.

Supervisor Porter states Richard, we have to go through the public hearing again, but if they are responding to something we want done what is the process?

Mr. Richard Railey states you have two options. One you have a motion on the floor and I believe there is a second. You can vote that motion up or down to send it back to the Planning Commission. Then, when it comes back here you will have to re-advertise. Or, you can keep it up here and simply table it tonight. You will have to re-advertise the public hearing here no matter what you do.

Supervisor Porter states but at the Planning Commission do they have to hold a public hearing again?

Supervisor Phillips states do they have to file an application?

Mr. Richard Railey states no. You will refer it back.

Supervisor Porter states they have already had their public hearing.

Mr. Richard Railey states obviously it will be a public meeting...

Mr. Walter Putnam states a decision was made by the previous board. Is it possible for us to go back with the same existing application that we are not withdrawing and have it reheard a second board that has already decided? Is that possible?

Chairman Jones called on Mr. Richard Railey.

Mr. Richard Railey states what is your question?

Mr. Walter Putnam states my question is if our application has already been heard by the Planning Commission in two separate hearings, then voted upon, and recommended to this board that we stand in front of today. And, we have not withdrawn our application. Can the application then be reheard again without us reapplying by the same board that has already voted on it?

Mr. Richard Railey states yes because you are talking about a financial impact study because this board can send it back.

Mr. Chris Dodson states and I think that is the point of clarification, because the financial impact study was a request of this body. Everything else before the Planning Commission has not changed. The financial study was in response to a question that you asked and we were volunteering to provide that. So, the question was with that initial information just being made at the request of this board, and the board hear that with our deferred pace, do we need to go back to the Planning Commission and be reheard on basically the same items we had previously.

Mr. Walter Putnam states being that the intent here in our proposal is to provide additional information above and beyond, to already delay our process, and to not push the issue tonight on a possibly controversial issue. Our goal is to get this right and we want to stay in front of you all tonight.

Mr. Richard Railey states I think in the spirit of Dr. Edward's motion which is on the floor and seconded is he wants input as to this from the Planning Commission.

Mrs. Beth Lewis states so the Planning Commission had three requests, The Comprehensive Plan Amendment, Zoning Map Amendment, and Conditional Use Permit. So, would this be sent back to them and they make three additional decisions.

Mr. Richard Railey states no.

Mrs. Beth Lewis states which one would they...

Mr. Richard Railey states the only thing the Planning Commission would do as I understand it would provide their input. It would stay up here, but provide their input as to the fiscal impact study.

Supervisor Edwards states that is correct.

Chairman Jones states Mr. Railey so wouldn't they only be looking at the impact study?

Mr. Richard Railey states that is correct.

Chairman Jones states that is all that you are going to look at. You have already looked at the other. All you are going to do is look at the impact study that you are going to bring back.

Mr. Walter Putnam states the impact study provides further information. It does not change our application.

Chairman Jones states I understand that but they want to see that.

Mr. Walter Putnam states but their board did not request it.

Chairman Jones states well we are sending it back to the Planning Commission so they can see it.

Mrs. Beth Lewis states my question is they have made three recommendations. So could this fiscal impact information... could they change any of those recommendations?

Mr. Richard Railey states no. The only thing they will be asked for is their input on the fiscal impact study.

Mrs. Beth Lewis states so their recommendations would stand, but you would like them to review...

Supervisor Phillips states could they change their stance?

Mrs. Beth Lewis states that is my question could they change their recommendation.

Mr. Richard Railey states I don't think so. The only thing you are asking them for is input.

Mr. Walter Putnam states earlier tonight I heard the spirit of keeping things moving forward. We are being generous in our project in trying to provide additional information. I simply request that you treat us as you have treated previous applicants.

Supervisor Faison states by the time we hear this again we will have the minutes from the Planning Commission that we talked about before. The Planning Commission's vote won't change. I am wondering why do we need to send it back.

Supervisor Edwards states the Planning Commission should have a look at the impact study also. Maybe they would have questions about that.

Mr. Richard Railey states let me make a suggestion. See if Dr. Edwards can live with this. You put the hearing here. You guys have been sitting on it for two months, but you make a request to the Planning Commission for their input. I think what is terrifying everybody is actually sending it back to the Planning Commission and wondering when... you could just make a request to the Planning Commission and ask them do they have any thoughts on it. I don't see any problem with that. Am I missing something?

Chairman Jones states Dr. Edwards do you want to do that.

Supervisor Edwards states that is what we have before the board I believe.

Supervisor Phillips states you mean that is what the motion is on the floor?

Supervisor Porter states this is for review and input on the fiscal impact statement.

Chairman Jones states and that is all.

Supervisor Porter states it is not a whole new hearing. It is not a new application. It is just for input.

Supervisor Phillips states to guide how that study is crafted.

Mr. Walter Putnam states and that our next appearance will be in front of this board.

Supervisor Porter states yes.

Mr. Walter Putnam states excellent.

Supervisor Porter states you will submit the impact statement to them a month before your appearance here so they can have time to review it and provide input to us.

Mrs. Beth Lewis states and the deadline to have information to go to the Planning Commission is a week from today; next Monday. Their meeting is in two weeks.

Mr. Walter Putnam states correct. So, our initial time line was 45 days. We will work in earnest to be able to provide this to you within five weeks.

Supervisor Phillips states my understanding... and I asked a couple of questions about this fiscal impact study is it may take 45 days. It will take at least 45 days to craft... you have to find someone to do it. Make sure they understand what this board is looking for. How that solar facility on that land will impact Southampton County's agriculture... by taking that much land out.

Mr. Walter Putnam states correct. The ripple effect.

Supervisor Phillips states exactly. I think that is what Dr. Edwards is trying... but yes. I am not sure we can accomplish all of that in 45 days.

Mr. Walter Putnam states that will be on the applicant. That will be our... how we provide that to you all.

Supervisor Phillips states Mrs. Lewis is trying to explain that...

Mr. Walter Putnam states the information must be provided.

Supervisor Phillips states prior to the meeting so that the Planning Commission can review.

Mr. Walter Putnam states correct and that is completely understood. Our ability to provide the information will dictate our next time in front of you all.

Mrs. Beth Lewis states what if the information would cause the Planning Commission to change their recommendation? They can't.

Mr. Richard Railey states I don't think they are going to be able to change it.

Supervisor Edwards states we just want to view the impact study. Whenever he gets finished with it, he will contact you, put it on the agenda, run it by the Planning Commission, and send it on.

Mr. Richard Railey states I don't think the Planning Commission can change their recommendation though.

Supervisor Edwards states no we are not planning on changing it.

Mr. Richard Railey states we are just talking about getting some input.

Mr. Walter Putnam states we will make the information available to everybody.

Chairman Jones called for a vote.

Supervisor Faison states I have a question. So, there is no need for a public hearing.

Chairman Jones states not at the Planning Commission. We have to have another public hearing.

Mr. Walter Putnam states my understanding is the applicant will provide an economic impact analysis to both boards prior to our next hearing.

Chairman Jones states yes sir. It might be 45 days, it might be 60 days.

Mr. Walter Putnam states we will get it done right.

Chairman Jones states alright. Let's go on Mr. Johnson.

Mr. Michael Johnson states we are down to item 12G. The public hearing is on a Zoning Map Amendment from The Curtis Group, Inc. This public hearing is held pursuant to Section(s) 15.2-1427 and 15.2-2204 of the Code of Virginia, 1950, as amended to consider a request by The Curtis Group, Inc., applicant, on behalf of The Cheroenhaka Nottoway Indian Tribal Heritage

Foundation, owner, for a zoning map amendment from A-2, Agricultural to A-1, Agricultural for Tax Parcel 75-12E. The property is approximately 100 acres in size, is located at 27345 Old Bridge Road, Courtland, and is situated approximately 1,100 feet south of the intersection of Old Bridge Road (SR 742) and Southampton Parkway (US 58). The property is in the Franklin Voting and Magisterial Districts. The notice of public hearing was published in the Tidewater News on September 11 and September 18, 2016 and all adjacent property owners were notified as required by law. Following its public hearing on September 8, 2016, the Planning Commission voted unanimously to recommend approval of the zoning map amendment. After conclusion of tonight's public hearing, the Board of Supervisors will consider the comments offered this morning and will proceed to approve, deny or defer action on the request. Mrs. Beth Lewis, Secretary to the Planning Commission, will provide introductory remarks.

Mrs. Beth Lewis states and there is no power point. This first request is a Zoning Map Amendment. It is really a cleanup. The property is 100 acres in size. When you look on the county's online GIS it is an irregular shaped piece of property that has no color on it at all. It has no light green. It has no dark green. It has no color on it at all. It is just A-1. I guess whoever made the map couldn't figure out what the zoning was. When you look at the county's paper zoning map, there is a line. Part of it is A-1 and part of it is A-2, but this shaped property doesn't appear anywhere. So, it is close to impossible to figure out what part of this property is zoned A-1 and what part is zoned A-2. The plan is to remove sand from this property to create fishing ponds for use on the tribe's property, and to use that sand to build the interchange in Courtland. But, mineral extraction is not permitted in the A-2 zoning district. It is only permitted in the A-1 zoning district. Since it is impossible to tell which part is A-2 and which part is A-1 I requested that they request that the whole property be amended to be zoned A-1. They didn't lose any uses; the differences between A-1 and A-2 are minimal. They gained the opportunity should they wish to in the future seek a Conditional Use Permit for a camping area which may be appropriate on this property. And, they could seek a Conditional Use Permit for skeet shooting which also may be appropriate on this property. So, they lose no uses. They gain a couple of uses. The map gets cleaned up, and then they can proceed with their Conditional Use Permit request for the mining to create ponds over here, and an interchange over here. The notices went out. I have received no telephone calls; no request or anything. The members of the tribe spoke at the public hearing before the Planning Commission. No one spoke in opposition and the Planning Commission made a unanimous recommendation of approval. And, the members of the tribe are here if you have any questions.

Chairman Jones states Mrs. Lewis this is somewhat like the alleys in Sedley.

Mrs. Beth Lewis states it is a different kind of cleanup, but yes. It is a cleanup so they can take the next step to ask for the mineral extraction.

Chairman Jones states okay. Alright, this is a public hearing. Is there anyone for or against this application?

Mr. Walter Brown addressed the board. Mr. Chairman, Vice-Chairman and all of the members of the board. Good morning. I commend you for staying the course of the night. It is like 1:00.

Chairman Jones states and Mr. Brown, before you start speaking, I know you. I am not going to stay here to 3:00. So, you have five minutes. I know you. I didn't just meet you.

Mr. Walter Brown states I don't need five minutes. We appreciate the recommendation that the Planning Commission made to this honorable board. They voted unanimously to support the rezoning and also support the Conditional Use Permit. We did a land-use agreement with Curtis Contracting and the sand, the mining material that will be taken out of the pits will be used strictly for the Courtland Interchange; nothing else. As a result of that we are going to end up with three or either four ponds with a conservation area around the pond. It will be manicured. We are going to put in salt-tooth oak trees. It will be opened to the community. Especially for the boy scouts to be able to come out and fish, etc. Not only does it compliment the 100 acres that we have with the walking trails but it also compliments the other 155.7 acres that we bought. Unfortunately, we had additional tribal people here but they went home to their tepees. We really would appreciate if this board would approve our request for the rezoning. We have some tribal people and board members here if you all would stand. Thank you so very much and we respectfully request that be approved. Any questions.

Supervisor Edwards states I think it is a well done project. It is an advantage to the community. There is going to be fishing lakes there. It will be open to the public, and I think they have all good intentions and I would be 100% in favor of it.

Chairman Jones states yes sir, alright. Chief if you would concede and go back to your seat we will be glad to do something for you. We have heard enough. We know exactly what you want. I am going to close the public hearing.

Mr. Ash Cutchin states you haven't even opened it.

Chairman Jones states I thought I had opened it. I opened it up. I most certainly did. Where were you.

Mr. Ash Cutchin states you can't close it up if he is not the only speaker sir.

Chairman Jones states it is 1:00; come on.

Mr. Ash Cutchin states I recommend you approve it.

Chairman Jones states thank you. Anyone else? Thank you.

There was no response and the public hearing was closed.

Chairman Jones states what do you say board.

Supervisor Porter made a motion to accept the Planning Commission recommendation and approve the Zoning Map Amendment.

Supervisor Faison second the motion which carried unanimously.

Chairman Jones states you have one other.

Mr. Michael Johnson states the follow-up to that Mr. Chairman is a public hearing related to the Conditional Use Permit. This is to establish a sand mining operation to provide material for the construction of the interchange located at BUS 58 and U.S. 58 in Courtland. Again, it is the same tax parcel. The property that would be mined is approximately 8.54 acres. The public hearing was advertised in the Tidewater News on September 11 and September 18, 2016 and all adjacent property owners were notified as required by law. The Planning Commission held their hearing on September 8, 2016 and voted unanimously to recommend approval of the Conditional Use Permit subject to the nine stated conditions in the application.

Mrs. Beth Lewis states this does have the same conditions as all of the other sand mining operations in the area. Their work hours would be limited to 6:00 am to 4 pm Monday through Friday except when they need extended work hours. You know that this is next to the county's Wastewater Treatment Plant. I contacted Mr. Johnson and he said there would be no effect on the operation of the Wastewater Treatment Plant with the mining on this property.

Chairman Jones states alright, thank you. This is a public hearing. Is there anyone for or against this application?

Mr. Walter Brown states Chairman, Vice-Chairman, and all of the members of the Board of Supervisors. I just want to come forward and request that the board accept the recommendation of the Planning Commission to approve this Conditional Use Permit. Thank you very much.

Chairman Jones states anyone else?

Mr. Ash Cutchin states yes. The last time you had a sand pit come up, the Nottoway Tribe came and said you had to examine it to see if there were any artifacts. I just wanted to see if they were willing to go through that to make there were no Indian artifacts before they dig them all up.

Supervisor Edwards states Mr. Cutchin please sit down.

Ms. Teresa Preston states I am a member of the Archeological Society of Virginia. I have been a member since 1996. As is Chief Brown, we have a complete archeological team waiting. If anything should service we are prepared to go in there. Mike Barber has been alerted. We have done preliminary phase work studies on the 100 acres and we are aware there might be some pottery or some points that turn up. So far, nothing significant has turned up. However, the Wastewater Treatment Plant, I understand they have had nice bones and interesting fossils and things. Can any of you tell me where they are?

Mr. Michael Johnson states Julien can tell you where they are.

Mr. Julien Johnson states I have them in my office in a glass case.

Ms. Teresa Preston states in a glass case. I would like to come down and see them sometime.

Mr. Julien Johnson states come right on. Some of them are in the museum up here.

Ms. Teresa Preston states okay. Alright, good. Thank you.

Chairman Jones states anyone else.

Mr. Eagle Eye addressed the board. I am Eagle Eye. Proud member of the Eastern Land Cherokee. This is a sister family to the Cherokee nation. On that property we have what is called education, schools come out, and we have short and long houses. I have one question that the Chief made a mistake on. We don't have tepees. We have long houses.

Chairman Jones states thank you. Public hearing closed. What do you say board?

Supervisor Edwards made a motion to accept the Planning Commission recommendation and approve the Conditional Use Permit.

Supervisor Faison seconded the motion which carried unanimously.

Chairman Jones states number 13, legal fees.

Mr. Michael Johnson states As you know, on August 4th, Aurelius W. Brantley filed a petition for declaratory judgment and for injunction against the County, the Board of Supervisors and members of the Board of Supervisors individually.

In response to that, the County engaged the law firm of Willcox & Savage to represent its interests and the interests of members of the Board of Supervisors individually, and in their official capacities as Board members. However, because Dr. Edwards' interests aren't aligned with those of fellow Board members, he retained independent legal counsel to represent his individual interests. G. Daniel Forbes is representing Dr. Edwards in the matter and has inquired whether the County intends to reimburse Dr. Edwards' legal expenses. Mr. Forbes is here tonight. I am open to your direction.

Chairman Jones states alright gentlemen.

Supervisor West states well I don't think I am at liberty at this time to make a comment or decision on this. This is in litigation.

Supervisor Porter states I think we can only make this decision after the court case is settled.

Mr. Richard Railey states I think Mr. Forbes wants to address the board.

Chairman Jones states alright Mr. Forbes come right on.

Mr. G. Daniel Forbes addressed the board. Mr. Chairman and members of the Board of Supervisors, I know some of you, but not all of you. The reason I wrote the letter requesting that Dr. Edward's fees be paid is that Mr. Johnson issued a notice under some emergency procedure where he hired an attorney to represent the board and the Board of Supervisors. That has been

done. Now, Dr. Edwards doesn't see this case the same way that you do, but he is still a member of the Board of Supervisors. Now, why is it fair for you to get a lawyer that is paid for by the county and he doesn't get one. It is that simple.

Chairman Jones states I hear you sir.

Mr. G. Daniel Forbes states and quite frankly from my standpoint of view he is being punished for doing what he thinks is right. You might not agree with him, but it is not right for him to be punished for it.

Supervisor Porter states I think we should make this decision after the court case is settled.

Mr. G. Daniel Forbes states can Mr. Railey speak to that because that is more of a legal issue.

Chairman Jones states what do you say Mr. Railey.

Mr. Richard Railey states well it is up to this board. I think if you want to hold off you could. But, I just want to throw this out that reasonable people can have different opinions and it is only fair that he would receive in my judgement, not so much as a legal thing, but in my judgement you want to be fair that he is reimbursed too. That is my suggestion.

Mr. G. Daniel Forbes states I promise you my rates are a lot cheaper than the lawyer that Mr. Johnson hired.

Chairman Jones states alright members. What do you say? Do you have any comment on it?

Chairman Jones called on Supervisor Cook.

Supervisor Cook states no.

Chairman Jones called on Supervisor Faison.

Supervisor Faison states I have no problem with his fees being paid; seems fair.

Chairman Jones called on Supervisor Phillips.

Supervisor Phillips states I would like to hear the attorney's comments. Is there any limit? We are being represented.

Supervisor West states I think I have a conflict of interest. Dr. Edwards is my personal physician. I am not going to vote.

Chairman Jones states alright, we need to do something.

Mr. G. Daniel Forbes states maybe we could promise that our fees won't be any more than the one the county hired.

Supervisor Porter states but the county's lawyer is representing the board collectively and representing the county.

Mr. G. Daniel Forbes states it is one effort. Mr. Porter, in terms of effort, Dr. Edwards is just going along for the ride as far as I am concerned. I am not doing a great deal of yeoman's work. I am just making sure he doesn't get in trouble by doing something that he doesn't understand. He is my doctor too and he hasn't cured my bronchitis.

Chairman Jones states alright, let's do something.

Supervisor Porter states how do we make sure that the fees are limited to a reasonable...

Mr. G. Daniel Forbes states I tell you what. If you think I charge too much just tell me and we will get it straight. I know that is not what you want to do, but I can tell you Mr. Lollar on behalf of the plaintiff has a significant retainer. I am fairly sure the man for Willcox & Salvage got a significant

retainer. And, I guarantee you I won't probably cost as much as the retainer. But, that is up to you I don't care. Put a cap on it if you want to.

Supervisor Porter states can you give us a number.

Mr. G. Daniel Forbes states well, I tell my clients when they ask me that. I never know what the man on the other side is going to do. So, I don't really know what my efforts are going to be. But, basically I will explain this to you. We had a hearing on an injunction. Mr. Johnson was there. Dr. Edwards was there and some others; Dr. Brantley. The conversation was between Chuck Lollar and Mr. Spain, and I basically just listened, but I had to be present because Allan is a defendant. Because of that, I didn't have to do the prep work. The hardest thing I had to do was listen to Chuck Lollar. He was very intense. He worked real hard and had a lot of information. He is a good lawyer. I am not trying to take advantage of the county. I mean I pay taxes too.

Supervisor West states you are costing Dr. Edwards and the county tonight.

Mr. G. Daniel Forbes states yes.

Supervisor West states so the longer we discuss this, more cost.

Supervisor Phillips states what happens if Dr. Edwards... there is some kind of... because of his participation... his involvement grows into a... could potentially... I am not sure.

Chairman Jones states say something Mr. Phillips.

Supervisor Phillips states if he is found on the wrong side of this then his case could... his participation puts him in a bad position. That could end up extending this.

Mr. Richard Railey states what you are talking about is and it probably wouldn't happen this way although anything is possible. You are talking supposed a substantial award of attorney fees is presented against the county.

Supervisor Edwards states I will share it with you Bruce.

Supervisor Phillips states a little bit of nothing.

Mr. Richard Railey states or vice-versa, you could simply have not so much because he is only a party of the Supervisors. But, supposed the courts sustain things that enter conceivably attorney fees against the plaintiff. They are all possibilities.

Supervisor Phillips states the courts could only...

Mr. Richard Railey states I don't think so because he is not the plaintiff. He is only in the suit because he is a member of the Board of Supervisors.

Mr. G. Daniel Forbes states and if there is a finding of wrongdoing all of you would be paying. I think the maximum is about \$500. It might be closer to \$2,000. That is about the most that you can get. But, the courts is a long way from making that decision.

Chairman Jones states alright gentlemen what do we need to do. Let's do something. We sitting here looking at each other. We need to do something. What do we need to do Mr. Railey?

Mr. Richard Railey states somebody needs to make a motion. Somebody needs to decide. Then you vote on it; up or down.

Chairman Jones states do any of you have a suggestion. What do you want to do with that? Come on let's do something. Somebody needs to do something. If not, we are just going to pay it and go.

Supervisor Porter states still, I would rather have this discussion after the court case is settled.

Chairman Jones states do you want to make that a motion. If you do we will see if it carries or not,

but we need to do something.

Supervisor Porter states made a motion to wait until the court case is settled before we have this discussion.

Supervisor Faison seconded the motion.

Supervisor Phillips, Supervisor Faison, Supervisor Porter, and Supervisor Cook voted yes. The motion passed.

Supervisor Edwards states what does that mean.

Supervisor Phillips states it means we will have to reconsider it. It is not a no.

Supervisor Edwards states it sure sounds like a no to me.

Chairman Jones states it is not a no. Alright, late arriving matters.

Mr. Michael Johnson states I don't have a late arriving but we do have an item under miscellaneous that needs your attention.

Chairman Jones states alright, what is that.

Mr. Michael Johnson states in recent conversations with the Franklin Southampton Fair Foundation Board, they intend to soon file an application for the appropriate permits to host tractor-pull events at the Fairgrounds. While decisions on the permits are a land use decision for the Planning Commission and this board following public input, I'm seeking your consideration tonight in reimbursing the Fair Board for the application fees associated with their request. Much like the Historical Society, they are comprised entirely of volunteers who work tirelessly to stimulate tourism and promote Southampton County. When we formerly hosted our own Department of Community Development, we used to waive permit fees for the Historical Society and the Fair Board. For accounting reasons, since we've begun sharing these services with the City, we don't have the option of just simply waiving the fees. So, we are seeking your consideration tonight in reimbursing the Fair Board for the permit fees associated with their application to host tractor-pull events.

Supervisor Porter made a motion to reimburse the Fair Board for the permit fees associated with their application to host tractor-pull events.

Supervisor Faison seconded the motion which carried unanimously.

Chairman Jones states anything else to come before this board this morning.

Supervisor Edwards states I hope not.

Chairman Jones states if not, meeting adjourned.

There being no further business for tonight the meeting adjourned at 1:19 a.m.

Dallas O. Jones, Chairman

Michael W. Johnson, Clerk

September 26, 2016

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