on a 2011 actuarial study by VRS which reflected the lowering of the investment earning assumption from 7.5% to 7% and an increase in the funding period from 20 to 30 years. With a total payroll of almost $5.6 million (excluding Southampton County Schools, the DSS and Blackwater Regional Library), the increased employer contribution for Southampton County equates to a budgetary increase of more than $182,000 in FY 2013.

For the first time ever, language contained in the final 2012 Appropriation Act [Item 468 (h)] provides localities an option regarding the employer contribution rate. In recognition of current budgetary constraints, localities have been given an option of paying the same rates for their employees as they did in FY 2012 (11.22%) or pay the higher rates certified by VRS (14.49%). Heretofore, local governments have had no choice but to pay the VRS certified rates. Please note, however, that this option in no way changes the Board-certified rate or the required annual contribution. Also note that our plan's funded ratio as of June 30, 2011 was 75.39%.

Should the Board opt for the former (last year's rate); it will kick the proverbial can down the road:

1) Reducing contributions (and investment earnings) means fewer future assets available in Southampton County's "Employer" account;
2) Reduced contributions result in a lower funded ratio when the next actuarial valuation is performed, equating to a substantially higher certified rate at that time; and
3) Reduced contributions will require inclusion of a "Net Pension Obligation: statement in your Comprehensive Annual Financial Report.

The FY 2013 annual budget (as drafted at this writing) included adequate funding to support the Board certified rate of 14.49%.

A motion is required to adopt the attached resolution certifying that the Board elects to pay the certified rate of 14.49% in FY 2013.

Virginia Retirement System

RECEIVED MAY - 8 2012

P.O. Box 2500, Richmond, Virginia 23218-2500
Toll free: 1-888-VARETIR (827-3847)
Web site: www.varetire.org
E-mail: vrs@varetire.org

April 30, 2012

**Southampton County 55187**

Recent legislation calls for localities to make certain decisions by July 1, 2012 regarding employer and member retirement contributions. These include:

- Election/certification by your local governing body of your employer retirement contribution rate for 2012-2014, using one of the options allowed in the 2012 Appropriation Act, Item 468(H). We will keep you apprised of any amendments that would change these options.

- Election/certification by your local governing body of the member contribution your current employees will be required to pay beginning July 1, 2012 and the corresponding salary increase, as provided in Chapter 822 of the 2012 Acts of Assembly (Senate Bill 497).

I am pleased to provide you this resolution packet to assist you and your local governing body in the election process for these contributions. Your packet includes:

- Resolutions to be completed and returned to VRS
- Copy of Item 468(H)
- Copy of Chapter 822 (SB 497)

**Resolution 1: Employer Retirement Contribution Rate Election**

**By no later than July 1, 2012,** your local governing body must approve one of the following employer contribution rate options for the defined benefit retirement plan in the biennium beginning July 1, 2012:

- 14.49% – the rate certified by the VRS Board of Trustees for the 2012-2014 biennium; or
- 11.22% – the alternate rate, which is the higher of the current rate certified by the VRS Board for FY 2011-2012 or 70 percent of the VRS Board-certified rate for 2012-2014.

As a reminder, effective July 1, 2012, your contribution rates for Group Life Insurance and the Health Insurance Credit, as applicable, are:

- 1.19% – Group Life Insurance
- 0.06% – Health Insurance Credit

**Considerations in Electing Your Contribution Rate**

The intent of the language in the 2012 Appropriation Act, Item 468(H), is to offer localities and schools some budget relief for the coming fiscal year with respect to the amount of their retirement contributions. However, this does not change the Board-certified rate or the Annual Required Contribution (ARC). Therefore, if you are considering using the Alternate Rate, please be aware that doing so will:

- Reduce contributions to your employer account and the investment earnings they would have generated, which will mean there will be fewer assets available for benefits.
- Result in a lower funded ratio when the next Actuarial Valuation is performed and, thus, a higher calculated contribution rate at that time.
- Require that you include the Net Pension Obligation (NPO) under GASB Standards in the notes to your financial statements.

**Resolution 2: Member Contribution Election**

As provided under Chapter 822 of the 2012 Acts of Assembly (SB 497), all Plan 1 and Plan 2 school division and political subdivision employees must begin paying the 5 percent member contribution effective July 1, 2012. All employees hired on or after July 1, 2012 must pay the full 5 percent upon employment with no phase-in allowed. For current employees, the bill allows governing bodies to phase in the member contribution in each of the next five years or until current employees are paying the full 5 percent contribution, whichever is earlier. Phase-in increases must be in whole percentages of at least 1 percent of creditable compensation per year, with comparable offsetting salary increases.

**By no later than July 1, 2012**, your local governing body must approve the amount of the member contribution that current employees will pay beginning July 1. Your governing body also must certify that employees will receive a comparable offsetting salary increase effective July 1 of each year of the phase-in period.

**Deadline for Resolutions**

VRS must receive formal signed resolutions for the employer retirement contribution rate election and the member contribution election **by no later than July 10, 2012.**

**Employer Webinar Scheduled for May 2 and May 3**

To assist you with the election process, I would like to invite you to register for the "Upcoming Changes to VRS Contribution Rates" webinar. There are two sessions available:

- Wednesday, May 2, 2:00-3:00 p.m.
- Thursday, May 3, 10:00-11:00 a.m.

Online registration is available at www.varetire.org/RateChangeWebinar. The webinar also will be recorded and posted on the VRS website.

Meanwhile, if you have any questions about the information in this packet, please contact Ms. ZaeAnne Sferra, Employer Coverage Coordinator, at zsferra@varetire.org or (804) 775-3514.

Best regards.

Sincerely,

Robert P. Schultze
Director

Employer Contribution Rates for Counties, Cities,
Towns, School Divisions and Other Political Subdivisions
(In accordance with the 2012 Appropriation Act Item 468(H))

## Resolution

BE IT RESOLVED, that the Southampton County 55187 does hereby acknowledge that its contribution rates effective July 1, 2012 shall be based on the higher of a) the contribution rate in effect for FY 2012, or b) seventy percent of the results of the June 30, 2011 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2012-14 biennium (the "Alternate Rate") provided that, at its option, the contribution rate may be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(I) resulting from the June 30, 2011 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that the Southampton County 55187 does hereby certify to the Virginia Retirement System Board of Trustees that it elects to pay the following contribution rate effective July 1, 2012:

**(Check only one box)**

✔ The Certified Rate of 14.49%  ☐ The Alternate Rate of 11.22%; and

BE IT ALSO RESOLVED, that the Southampton County 55187 does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this resolution; and

NOW, THEREFORE, the officers of Southampton County 55187 are hereby authorized and directed in the name of the Southampton County to carry out the provisions of this resolution, and said officers of the Southampton County are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by Southampton County for this purpose.

_____
Governing Body/School Division Chairman

**CERTIFICATE**

I, _____, Clerk of the Southampton County, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the Southampton County held at _____, Virginia at _____ o'clock on _____ _____, 2012. Given under my hand seal of the Southampton County this _____ day of _____, 2012.

_____
Clerk

**This resolution must be passed prior to July 1, 2012 and received by VRS no later than July 10, 2012.**

# Member Contributions by Salary Reduction for Counties, Cities, Towns, and Other Political Subdivisions

(In accordance with Chapter 822 of the 2012 Acts of Assembly (SB497))

## Resolution

WHEREAS, the Southampton County 55187 employees who are Virginia Retirement System members who commence or recommence employment on or after July 1, 2012 ("FY2013 Employees" for purposes of this resolution), shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis upon commencing or recommencing employment; and

WHEREAS, the Southampton County 55187 employees who are Virginia Retirement System members and in service on June 30, 2012, shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis no later than July 1, 2016; and

WHEREAS, such employees in service on June 30, 2012, shall contribute a minimum of an additional one percent of their creditable compensation beginning on each July 1 of 2012, 2013, 2014, 2015, and 2016, or until the employees' contributions equal five percent of creditable compensation; and

WHEREAS, the Southampton County 55187 may elect to require such employees in service on June 30, 2012, to contribute more than an additional one percent each year, in whole percentages, until the employees' contributions equal five percent of creditable compensation; and

WHEREAS, the second enactment clause of Chapter 822 of the 2012 Acts of Assembly (SB497) requires an increase in total creditable compensation, effective July 1, 2012, to each such employee in service on June 30, 2012, to offset the cost of the member contributions, such increase in total creditable compensation to be equal to the difference between five percent of the employee's total creditable compensation and the percentage of the member contribution paid by such employee on January 1, 2012.

BE IT THEREFORE RESOLVED, that the Southampton County 55187 does hereby certify to the Virginia Retirement System Board of Trustees that it shall effect the implementation of the member contribution requirements of Chapter 822 of the 2012 Acts of Assembly (SB497) according to the following schedule for the fiscal year beginning July 1, 2012 (i.e., FY2013):

| Type of Employee | Employer Paid Member Contribution | Employee Paid Member Contribution |
|---|---|---|
| Plan 1 | 4 % | 1 % |
| Plan 2 | 4 % | 1 % |
| FY2013 Employees | 0% | 5% |

**(Note: Each row must add up to 5 percent.)**; and

BE IT FURTHER RESOLVED, that such contributions, although designated as member contributions, are to be made by the Southampton County in lieu of member contributions; and

BE IT FURTHER RESOLVED, that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and

BE IT FURTHER RESOLVED, that member contributions made by the Southampton County under the pick up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick up arrangement; and

BE IT FURTHER RESOLVED, that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick up contributions made by the Southampton County directly instead of having them paid to VRS; and

BE IT FURTHER RESOLVED, that notwithstanding any contractual or other provisions, the wages of each member of VRS who is an employee of the Southampton County shall be reduced by the amount of member contributions picked up by the Southampton County on behalf of such employee pursuant to the foregoing resolutions.

NOW, THEREFORE, the officers of Southampton County 55187 are hereby authorized and directed in the name of the Southampton County to carry out the provisions of this resolution, and said officers of the Southampton County are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the Southampton County for this purpose.

_____
Governing Body Chairman

**CERTIFICATE**

I, _____, Clerk of the Southampton County, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the Southampton County held at _____, Virginia at _____ o'clock on _____ _____, 2012. Given under my hand and seal of the Southampton County this _____ day of _____, 2012.

_____
Clerk

**This resolution must be passed prior to July 1, 2012 and received by VRS no later than July 10, 2012.**

**9-8**

Chairman Jones said you have heard this. He asked what the Board wanted to do.

Supervisor West said he thought they had already made a decision on this to divide it over five years. He said this was a Supervisor Porter question. He thought that Supervisor Porter had dealt with things like this before. You can either defer it and kick it down the road and pick it up later at a higher rate or you pay now. He said he doesn't like the threat of the $14.49 and $11.22. You might have to pay the higher rate.

Supervisor Porter said this is not the five year question.

Supervisor West said it's not.

Mr. Michael Johnson said no that's the next question.

Supervisor West said okay I'm getting there.

Supervisor Porter said this is the pay me now or pay me later.

Chairman Jones said but you are going to have to pay the $182,000.

Supervisor West said but the next question is the five year question.

Supervisor Phillips asked wasn't the rate already built into the budget.

Mr. Michael Johnson said the 4.9% rate is already built into your budget.

Chairman Jones stated he needed a motion to adopt the resolution.

Supervisor Edwards made a resolution to adopt the resolution. He stated he thought they made the right choice.

Supervisor West seconded the motion which carried unanimously.

Chairman Jones stated they would move to item B.

Mr. Michael Johnson is what Supervisor West was referring to and relates to the member contribution. Chapter 822 of the 2012 Acts of Assembly provides that Southampton County employees who were hired before June 30, 2012 are required to begin contributing five percent of their compensation by salary reduction on a pre-tax basis no later than July 1, 2016. As you know, the legislation requires the county to provide a salary increase to each employee to offset the member's cost of the contribution and provides that the five percent may be phased in over a five-year period, with salary increases phased in at the same rate. By phasing in the increases, the county will achieve modest savings by virtue of the fact that it will not have to pay the FICA and employer contribution rate on the larger salary amount for the full 5 years (see page 9-12). A motion is required to adopt the attached resolution (pages 9-7 and 9-8) certifying that the Board elects to phase-in the member contributions, with the County paying 4% of the member's contribution in FY 2013 and the employee paying 1% of the member contribution in FY 2013.

Supervisor asked is this the same ones that have the $881 million dollars that they are going to distribute later.

Chairman Jones said let's move on with this so we can get this done. He stated he needed a motion.

Supervisor Porter made a motion to adopt the resolution to phase-in the member contributions.

Supervisor Edwards seconded the motion which carried unanimously.

Chairman Jones stated the next item of business was item number 10.

Mr. Michael Johnson stated item 10 is a final plat approval for the Benson Woods Subdivision. You will see a copy of the Southampton County Planning Commission's report regarding final flat approval for the Benson Woods subdivision located northeast of Courtland, and situated between Flaggy Run Road and the NF&D Railroad. Some of you will remember this project from 2007, when a preliminary plat was first considered and approved. Due to the costs associated with upgrading a series of our sewer pump stations to accommodate their flows, the developers scaled back their plans, reduced the number of lots, and proposed to utilize individual septic systems when submitting a revised preliminary plat last April. In accordance with 15.2-2259 of the Code of Virginia, approval of subdivisions is classified as a ministerial act, meaning that the Board has no authority to exercise its discretion while reviewing plats. The purpose of subdivision plat review is only to insure that the proposed development complies with all existing ordinances. If a plat is denied, the Board is required to specifically identify the requirement that is unsatisfied and explain what the applicant must do to satisfy the requirement. This plat depicts twenty-nine (29) residential building lots located just off

Flaggy Run Road, on a 35.8 acre parent parcel, ranging in size from a minimum of 30,000 square feet to a maximum of 40,246 square feet, acceptable standards in a Residential R-2 zoning district. The lots are proposed to be served by individual wells and septic systems. The Planning Commission recommends approval of the final plat. If the Board is so inclined, a motion is required to accept the Planning Commission recommendation and approve the plat.

MEMORANDUM

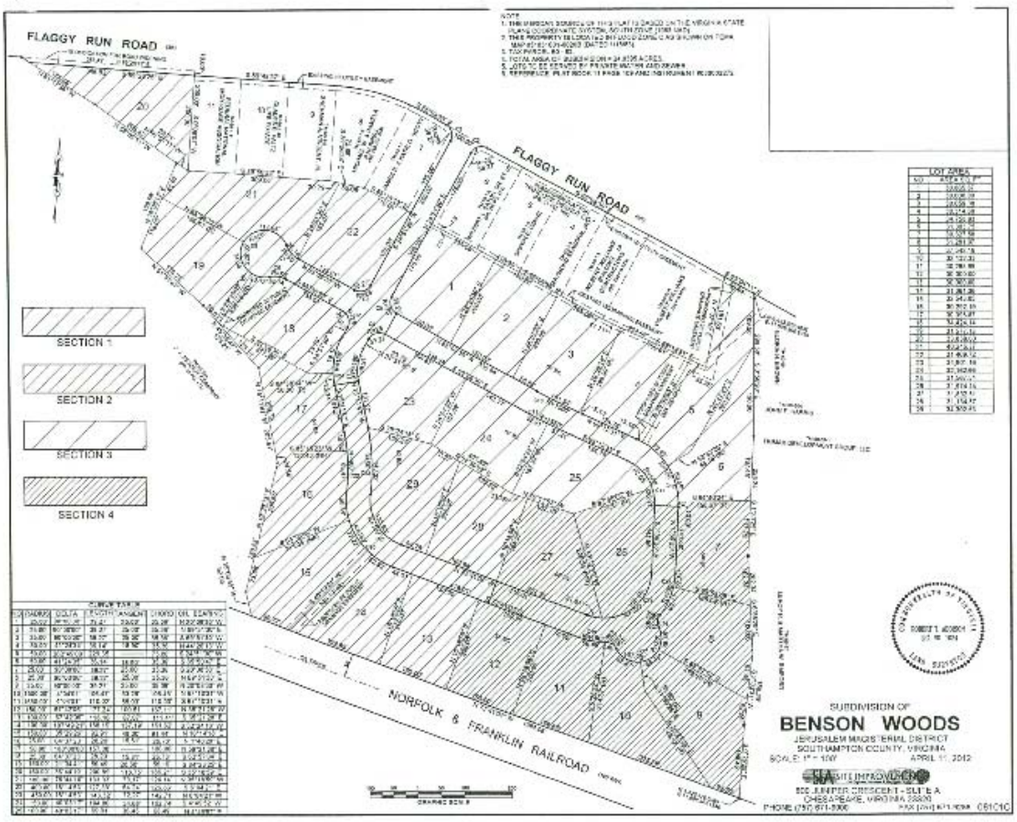
TO: Michael Johnson, County Administrator
FROM: Beth Lewis, AICP, Community Development Director
DATE: May 11, 2012
RE: Benson Woods subdivision final plat review

The Benson Woods subdivision has been in review since 2007. It was originally submitted as a 40-lot subdivision with the minimum required 20,000 square foot lots using municipal water and sewer. After a series of negotiations with the County concerning the availability of municipal sewer service and the required service upgrades, the proposed plan was resubmitted with minimum 30,000 square foot lots and individual well and septic systems. The road layout has remained unchanged since the first submittal.

The plan has been reviewed under the subdivision requirements in place when the plat was originally submitted. The plat as submitted meets all of the requirements of the previous subdivision ordinance. In addition, the proposed final plat includes some elements of the current subdivision ordinance, including the provision of streetlights and the inclusion of 5' easements along the side and rear property lines of each lot for utility use. An engineer's estimate for the infrastructure improvements has been provided, and an irrevocable standby letter of credit for 125% of the estimate for the first phase of development has also been provided. VDOT approved the plat in November 2010. Finally, the Planning Commission reviewed and recommended approval of the final plat at the May 10, 2012 meeting. Once the plat receives final approval from the Board of Supervisors, it will be recorded in phases as outlined in the plans.

It should be noted that there are no additional outstanding preliminary subdivision plats that were developed under the previous subdivision ordinance, so all further plans submitted for review to the Planning Commission and Board of Supervisors will be reviewed according to the current subdivision ordinance.

It is requested that consideration be given this plat by the Board of Supervisors at their convenience.


FLAGGY RUN ROAD
FLAGGY RUN ROAD
SECTION 1
SECTION 2
SECTION 3
SECTION 4
NORFOLK & FRANKLIN RAILROAD
SUBDIVISION OF
BENSON WOODS
JERUSALEM MAGISTERIAL DISTRICT
SOUTHAMPTON COUNTY, VIRGINIA
APRIL 11, 2012

HAMPTONROADS BANKSHARES | BANK of HAMPTONROADS | Gateway Bank | Shore Bank

April 18, 2012

Southampton County (Virginia)
Attn: Ms. Beth Lewis, AICP
Community Development Director
26022 Administration Center Drive
Post Office Box 400
Courtland, Virginia 23837

**Regular U. S. Mail and Email Delivery to:**
**blewis@co.southampton.state.va.us**

Re: Irrevocable Standby Letter of Credit for: Section One, Benson Woods subdivision, Flaggy Run Road, Southampton County (C11-05).

Dear Ms. Lewis:

Please be advised that Site Improvement Associates, Inc. (Mr. Claude F. Lym, Mr. Jeffrey L. Benson, and Mr. Issam H. Baraki) are hereby approved for an irrevocable standby letter of credit as surety for construction/completion of Section One, Benson Woods subdivision, Flaggy Run Road, Southampton County (C11-05), in the amount of $52,562.50, to be issued on their behalf for the benefit of Southampton County (Virginia).

The Bank of Hampton Roads will require specific terms and conditions for this agreement from Southampton County (as the designated beneficiary) prior to issuance, which will be subject to satisfactory review and formal acceptance by the Bank in advance of closing. These reservations notwithstanding, issuance of irrevocable standby letters of credit of this type normally takes between seven (7) and fourteen (14) calendar days, subject to applicable terms and conditions.

Should you require any additional assurances in this matter, please feel free to contact me immediately at (757) 819-1444. My email address is pbanks@bofhr.com. In closing, please note that Site Improvement Associates, Inc., Claude F. Lym, Jeffrey L. Benson, and Issam H. Baraki have collectively been highly valued customers of The Bank of Hampton Roads for over ten (10) years. All related accounts have been maintained and/or satisfied as agreed. Thank you.

Sincerely,

J. Patrick Banks, Jr.
Senior Vice President –
Chesapeake Market President

Cc: Claude F. Lym, President of Site Improvement Associates, Inc.

COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1700 North Main Street
SUFFOLK, VIRGINIA 23434

DAVID S. EKERN, P.E.
COMMISSIONER

November 18, 2009

Ms Beth Lewis
Director of Community Development
Southampton County
26022 Administration Ctr. Dr.
P.O. Box 400
Courtland, VA 23837

Re: Benson Woods Residential Subdivision

Dear Beth,

We have completed a review of the revised subject site plan dated 5/14/10. It appears that all previous comments have been addressed. Approval of the plan is recommended.

A VDOT Land Use Permit will be required prior to commencing construction within state right of way.

Should you have any questions, please feel free to contact this office at 757-925-3686.

Sincerely,

Yingwu Fang, P.E., Ph.D.
Area Land Use Engineer
VDOT Hampton Roads District

VirginiaDOT.org
WE KEEP VIRGINA MOVING

10-9

Supervisor West said he knows they have to do this, but it bothers him a great deal that water is just shy of the railroad tract. He asked if we were associated with upgrading the sewer/pump station to accommodate the proposal. If they say they can't afford to do that, would there not be a requirement to do that.

Mr. Michael Johnson said they were willing to pay the cost but they wanted to phase it in over the life of the development. Because we had to upgrade those pump stations in order to accommodate flows from day one that would have required us to borrow the money and them to pay it back over a period of time. We were unwilling to do that. We indicated to them that we needed them to pay the costs for the improvements upfront. When we made that known they said they would scale back their plans, reduce the size of their subdivision and go with individual septic systems.

Supervisor West said it just seems like awful small property at 2/3 of an acre of land 43,600 square feet and you are going to put a septic system and well in there. He asked didn't you have to have the well so far from the septic and so forth and so on.

Supervisor Edwards said that is one acre.

Supervisor Phillips said that is 43,000 which is an acre.

Supervisor West said the point is that if you have two thirds of an acre and you have to put a well and septic and you have to put them so far apart and you have the house in between. He asked if all this works.

Mr. Michael Johnson said they are subject to have to get the permit from the Health Department for each lot. That is correct. Each lot has to be perked individually. They will lay out where the septic system goes and where the wells go.

Supervisor West said he rode that road today coming in and like he said he wanted to kill that groundhog, but he didn't. He didn't have time, but the bottom line is he saw this coming in and here's a house for sale and then another house for sale and then another house for sale. He said there were three houses for sale there within a quarter of a mile where this would be. They have been there for a long time too. He asked would this be subject to the $1,728 dollar proffer or what.

Mr. Richard Railey said it has already been rezoned R-1.

Mrs. Beth Lewis said she dug out the old zoning book today. This is a photograph of the zoning book from 1967 and the orange blub is Benson Woods. It was R-2 in 1967 and now 44 years later it is still R-2 and now they want to develop it. It has been R-2 since 1967.

Supervisor West asked if it had been taxed that way all those years.

Mrs. Beth Lewis said our taxes in Southampton County are the same until you develop it whether it is R-2, A-1, or whatever. The tax rates stay the same until you develop it. The comprehensive plan from 1988 or 1990 said it was shown as suburban type developments on this size lots and has been for some time. They had to request a no zoning map amendment so they will pay no proffer.

Supervisor West asked if this was across from the Peanut Warehouse.

Supervisor Edwards said it was between the road and the railroad track.

Mrs. Beth Lewis said it was on the same side of the road as the warehouse.

Supervisor Edwards said as far as he was concerned it was in the worst place you could put it. He said he thought we ought to hire this guy if this thing works out and find out what he knows that we don't know. It is wet; it's low, and next to the swamp.

Supervisor Phillips said it is on the other side of the road.

Mr. Richard Railey said for all these things we are talking about they had to rezone it.

Supervisor Edwards said it was rezoned in 1968 he believed which was the year after the Planning Commission was formed. That was one of their first duties. The Planning Commission was formed in 1967. He said it had been on the comprehensive plan He said he had traced it back to 1988 and he believes it was colored in then.

Mrs. Beth Lewis said they have submitted a feasibility soil study summary report and of the 29 potential lots 17 of them can have a conventional septic system on it. None of the others are suitable.

Supervisor West asked if there was any requirement for the size of the property and quality of the exterior of the house that is required or can be required.

Mrs. Beth Lewis said no because they didn't have to go through a zoning map amendment so we have no design guidelines in Southampton County that require a certain exterior or

minimum house size only a minimum lot size.

Supervisor West asked if there was any restriction on roads. He asked if you could put a road across it. He asked how many were going to be across the face of it. He wanted to know if it was grandfathered in.

Mrs. Beth Lewis said these do not run along Flaggy Run Road. There is one road connection that you turn on. She stated that VDOT has approved their road layout.

Chairman Jones said Supervisor West there is nothing we can do about it.

Supervisor Porter said there is no way they can put a trailer park in there is it.

Mrs. Beth Lewis said no it has to be single family.

Mr. Richard Railey said no; they can't put a trailer park in there.

Mrs. Beth Lewis said in R-2 zoning they can put town homes, but that is not what this plat is for. This plat is for single family detached homes. The zoning permits are the things, but none of them are for a trailer park.

Supervisor Porter said they could come back and put in multifamily if they come back and change this. They have the ability or authority to change it as long as they meet the current guidelines.

Mrs. Beth Lewis said they would have to go back through the plat approval process again, yes. But the R-2 permits single family homes, two family dwellings which would be duplexes or town homes, multifamily dwellings with a conditional use permit would have to go back through the legislative process again, bed & breakfasts, churches, nursing homes, but this plat is for single family detached residences.

Chairman Jones asked if there were any other questions.

Supervisor Updike said there are several things that we can't do anything about, but there is one thing we can do something about and it is time for us to do it and that is change the ordinance for lights. We should have in the ordinance that we will not provide a developer and provide the electricity for the development down the road. We have got ourselves in a box and that is one aspect we can change and should which is to stop paying developers for lights. We need to change the ordinance to do so. Everybody out here realizes that it will cost us a minimum of $140.00 for every $100.00 collected. This is a loose, loose, proposition for the county because this land in on a swamp. He said he knows for a fact this is going to cost the county a fortune to try to improve the drainage for different communities in the county. This is just going to be another headache. There are only seven of these could have conventional septic systems. What is going to happen to the others when their houses are built they are going to demand that the county pay for water and sewage out there. He doesn't know how we can get around it, but this is a loose, loose proposition for the county.

Supervisor Edwards said this is just a bad planning mistake they made 44 years ago before anybody understood what the consequences would be.

Supervisor West asked if there was any such thing as putting a time restriction on something like this through Planning and go back and review this and after a period you would have lost your original rezoning for whatever you wanted. He asked if there was any way moving ahead that we can do this because it makes no sense that what was acceptable 44 years ago is now going to be made differently.

Mr. Richard Railey said that is why you need to look at the comprehensive plan.

Mrs. Beth Lewis said this property was not rezoned to residential. It's very first original zoning was residential so it wasn't changed to this. The only change was that zoning was

implemented in Southampton County. In this case it couldn't revert to what it was before because it wasn't anything before.

Supervisor West asked Mrs. Beth Lewis if they are paying taxes as if it is regular agricultural land or are they paying taxes as if is R-2.

Mrs. Beth Lewis said the taxes are all the same until you develop it.

Supervisor West said right so they get the same break so they already had a built in advantage over anybody else who would have to come before this Board now. Isn't there some type of penalty that you pay or something like that. You know we talked about five years on land use and you sell a piece of property that is in land use and you pay a penalty that is associated with that.

Supervisor Phillips said roll back tax.

Supervisor West said yes it is roll back tax, but all these years these people have had the advantage of agricultural land now they already have an I've got control of you and can do what I want to do this was done 44 years ago. It seems wrong to him.

Chairman Jones said with our comprehensive plan update maybe we can do something about that.

Supervisor West asked if it was being addressed.

Chairman Jones said he didn't know.

Supervisor Edwards said we can't address this because this one is fixed.

Supervisor West said yes I know this one is, but I'm sure there are many more in the county like this.

Chairman Jones said right so maybe we can do something with the comprehensive plan.

Supervisor Edwards said the new comprehensive plan is going to look at that and we are going to look at the economic development business and industrial areas. He thought that was something they could very well do.

Supervisor Updike said again he might be hearing wrong but this can be turned down we just have to call and tell them why it is turned down. It is not that you have got to accept it.

Mr. Richard Railey said but if you turn it down you have got to give them a reason.

Supervisor Updike said he was going to give them a reason.

Mr. Richard Railey said the reason has to be something that does not meet the subdivision ordinance.

Mrs. Beth Lewis the reason has to be one that does not meet the subdivision ordinance; then you can vote not to accept it.

Supervisor West asked what it doesn't meet.

Mrs. Beth Lewis said if it doesn't meet the subdivision ordinance.

Supervisor Edwards said as long as it meets the subdivision ordinance there is nothing you can do.

Chairman Jones said there is absolutely nothing you can do about it so he needed a motion to go ahead and approve it.

Supervisor Phillips said we don't have a choice; we are going to beat this horse to death. He made a motion to accept the Planning Commission recommendation and approve the plat.

Supervisor Faison seconded the motion which carried with a 4 to 3 vote. Those voting nay were Supervisors Edwards, West, and Updike.

Chairman Jones stated the next item was number 11.

Mr. Michael Johnson stated item 11 is a discussion regarding specified contracts. After seeing payments associated with certain contracts appear on the bill list each month, Dr. Edwards asked that this matter be placed on your agenda for members to obtain a better understanding of certain ongoing contracts. He specifically inquired about our contract(s) with The Timmons Group and the contract with Vernie W. Francis, Jr. for the Management/Maintenance of the Public Safety Communications System.

A. THE TIMMONS GROUP

We have five (5) active contracts in various stages of progress with The Timmons Group as they relate to development of the Turner Tract Industrial Park. Copies are attached in your agendas for your reference.

1. Design and Construction Administration of Improvements to Rose Valley Road (pages 11-5 through 11-11) - this contract was signed on October 8, 2008. It provides for the geotechnical investigation, survey, environmental, engineering design, permitting and construction administration for improvements to Rose Valley Road that are necessary to accommodate development of the Turner Tract Industrial Park. The contract consideration is a lump sum of $225,000 and was 68.2% complete through April 30. Remaining tasks include completion of the design, bid period services and construction period services.

2. Design and Construction Administration of the Industrial Access Road (pages 11-12 through 11-17) - this contract was signed October 27, 2008. It provides for the surveying, environmental permitting, design engineering and construction administration for the 2,300 linear foot access road that serves the Turner Tract Industrial Park. The contract consideration is a lump sum of $124,500 and was 60.31% complete through April 30. Remaining tasks include completion of the design, bid period services and construction period services.

3. Design and Construction Administration of the Wastewater Pump Station and On- and Off-Site Utilities (pages 11-18 through 11-24) - this contract was signed October 31, 2008. It provides for survey and mapping for the utilities corridor (17,000 linear feet) between the Turner Tract Industrial Park and the Interceptor Pump Station on Southampton Parkway near Shady Brook Trail, the preliminary environmental assessment and wetlands delineation for the proposed utilities corridor, the preliminary basis of design for the wastewater pump station located I the Turner Tract, engineering design for the on- and off-site water and sewer lines, environmental permitting, and construction administration. The contract consideration is a lump sum of $414,500 and was 49% complete through April 30.

4. Groundwater Well Permitting and Design and Construction Administration of the 500,000 gallon Elevated Water Tank (pages 11-25 through 11-32) - these contracts were signed on October 8, 2008 and February 12, 2010, respectively. The scope of work includes design and permitting services necessary to obtain a groundwater withdrawal permit from the Department of Environmental Quality and the engineering design, permitting and construction administration associated with the

500,000 gallon elevated tank. The contract consideration is a lump sum of $212,000 and was 59.2% complete through April 30.

5. Compensatory Mitigation Area Monitoring and Maintenance – in obtaining the required Section 404 permit to develop the Turner Tract, we were obligated to develop a compensatory mitigation project along the eastern boundary of the site to replace the aquatic resource functions lost as a result of permitted activities. Federal regulations require the submission of annual monitoring reports to assess the development and condition of compensatory mitigation projects. Our permit established specific success criteria (plant densities, plant coverages, monitoring wells to measure the groundwater table during the active growing season, etc.) that must be achieved, documented and reported. The Army Corps of Engineers determines how frequently monitoring reports are submitted, the monitoring period length, and the annual report content. A contract was signed on February 12, 2010 for Timmons to provide annual monitoring and reporting services in accordance with the terms of our permit – the report was/is due each year on December 31 in 2011, 2012, 2013, 2015, 2017 and 2020 and the annual fee is $15,600. In addition, Timmons was contracted to complete certain maintenance measures following the 2011 monitoring year, in order to maintain compliance with the conditions of the DEQ Virginia Protection Permit No. 09-0270 and Army Corps of Engineers Permit NAO-2009-0705. This services contract is for the 2012 calendar year only and includes the control of invasive plant species, supplemental seeding/planting and installation of conservation easement signage. The contract consideration is on a time and materials basis with a not-to-exceed budget of $22,550 and was 57% complete through the last invoice period ending April 29. Remaining tasks include seasonal control of invasive plant species and invoicing of reimbursable expense for supplemental seeding for herbaceous cover.

Fees associated with The Timmons Group's work on the Turner Tract are funded with proceeds of the sale of the 2006A Public Facility Lease Revenue Bonds. Their work to date is summarized on page 11-4 of your agenda package which gives the status of the contracts with the exception of the time and materials.

Chairman Jones asked if anyone had any questions.

Supervisor Updike said there were several questions he might have. The first one being that he understood we had a contract with Timmons from 2004 and of all these contracts that have been entered into he didn't see anywhere that the Board of Supervisor had authorized these contracts. He thought the citizens which were the Board of Supervisors were the only ones that could enter into contracts with any company. In 2004 we only had a two year agreement with a proper extension. He said he had been attending these meetings and he hadn't seen any minutes or remember hearing where the Board of Supervisors approved any of these extensions on contracts with The Timmons Group.

Mr. Michael Johnson with a couple of things he can answer that. The contract that you are referring to in 2004 were general engineering services under an annual agreement and you are right that is an annual agreement that can be renewed up to five successive periods up through 2009. In 2008 we published a separate request for proposals for professional engineering services associated with development of the Turner Tract. It was based on that solicitation and awarded under a different contract for the Turner Tract. It was approved by the Board in 2008.

Chairman Jones asked if there were any other questions about it.

Supervisor West said he wanted to back up a little bit with just a comment or two. He stated that he was a part of the selection committee in 2004 and they interviewed Timmons and one or two more. He said he remembered well. Of the proposals one group stood out tremendously better than the others and that was Timmons. We already had an arrangement and an agreement with another engineering group from before that we had worked with, but he said he wasn't going to pick on anything. Then he said well maybe I

am. Going back to the water project towards Boykins, Branchville, and Newsoms that was poorly botched from what it was proposed to be. It was one expense and then it escalated and we were not going to put our eggs in that basket anymore because it was badly out of proportion from what they proposed and said it would be and it never was close. The system will never pay for itself as far as customer use and so forth. That made a big difference in talking with these people. The people at Timmons have done an outstanding job in dealing with us. They have been available to us very often. He said he does not regret talking with them and accepting them and you do need this type of advice. From what he is reading down here cattails are cattails he didn't care what you call it. He wants to know all about it, but that is somebody else's to do not his. He said he thought they had the best. He asked do they deserve the best, do they need it, should they advertise to get someone else. He said he knew there were local people that could do a lot of things, but these people have been on the get go from day one right on through the process and when you have a problem and the banks collapse around the drain pond, they understood and were part of it and the company was gone and we had to take over that. There was so much involved that he could go into. It sounds confusing and it is, but these people knew how to do it and they gave us the reports. They gave us the technology and we have made the right decision to use Timmons all along. Then sometimes for us to sit down and go through it we need this technical advice over here because excuse me Mr. Michael Johnson but this is your job and you do it well, in contacting and working with them. Mr. Joe Hines is the person we primarily work with and he has done an outstanding job. He has been here for us. He said he wasn't offended by that $5.75. That is not many nabs. He didn't know what he ate for a meal. He said that was just a short history. He said he was there when it was done and he was sorry and we need to ask these questions. He said can we do better – he was glad you were here. Yes.

Chairman Jones said that Mr. Joe Hines had been here a lot of times and did not charge us. We got some free stuff out of it.

Supervisor Updike asked if he may respond.

Supervisor West said sure.

Supervisor Updike said we are paying for this technology through extension and the whole university on how to put these engineering things together as far as soil conservation and erosion. He asked where do you think they got their information. They got their information from the land grant colleges and universities. He said if they don't know that's where they go. For them to use them and come back with a bill like this, it is outrageous. If that is the way they have always been charging us there is no wonder that we have already spent about $2.5 or $3 million dollars with the company. The second thing is why in the world weren't these projects advertised. See who can do the job the most efficient and get the job done. When he puts out a bid for single chemical to different companies he is going with the ones that can get the job done the most efficient. He said he didn't think we are taking that step.

Chairman Jones said we had dealt with another company.

Supervisor Updike said there are more companies out there than just that one.

Chairman Jones said we have got the best company.

Supervisor Updike asked how do you know.

Chairman Jones asked who do you want us to compare them with.

Supervisor West said you bring a good check; you really do. He said he didn't deny that. He wanted to be as diligent with the taxpayer's money as he possibly can and that is a fact. Mr. Richard Harris has made some references and he is not here right now. You know it is a tough job and he is glad to try to do it because he has interest in these type things. He said he reads this until he gets bug eyed sometimes. Some things he just doesn't understand and must have missed it somewhere in high school, but he did the best he

could. The bottom line is we have people that we have been on board who have done a good job, are dependable, have represented us well, have provided accurate information, and given us the benefits. Just like the other day when we said a 500,000 gallon tank or a 750,000 gallon tank and we decided on a 500,000 tank it made good sense. He would have gone for 750,000 because he would have been able to extend more down in some areas, but we don't do that. It is six of one and a half of dozen of the other, but the bottom line is simple to him that these people have done a good job and we got a bum deal on the other job. Should we advertise it – maybe so, but should we finish this contract with these people – absolutely. Should we advertise for the next big one and compare Timmons with someone else – yes he would go with that. Should Supervisor Updike be on that committee that would be fine by him. Go for it; enjoy it. There is no such thing as a free lunch he didn't care if they came from Virginia Tech or wherever somebody is going to pay something to somebody. You have got people that are trying and learning; educating and doing and these are people who are proven and tried. When they have done big jobs; they are impressive people that can give good results.

Chairman Jones asked if there were any other comments.

Supervisor Edwards asked Supervisor West how he knew we were getting a good job.

Supervisor West said that was the only thing he knew they had done and it seems good to him and it is the only experience level he has with what they have done. They are working and we have a tenant coming in there. If you meet all these requirements for EPA and DEQ, that is tough to do. Government requirements are so involved. He said he thought it was good, but may there is an opportunity to look at something else now. Like he said maybe this will be an opportunity for Supervisor Edwards and Supervisor Updike to get on this committee. We are going to be looking at an issue right now to work with the City of Franklin. He said is this a good thing. Some people have the idea that it is a wonderful thing and other people don't want any part of it. He said he didn't know if this was a good thing, but time would tell. Right now if we get this industrial park occupied and producing tax money it is a good thing. When it starts producing a great deal of money and taxes can be reduced it is a great thing. He said he didn't know; he was just going on his experience. He has thirteen years' experience. He said I could go to you for a doctor or I could go to another doctor Dr. Edwards but I trust you and you have always treated me right. You give me the same physical another doctor would.

Supervisor Faison said the point is that these people weren't just arbitrarily hired. They were compared with other people and the best company was chosen at that time. He said these projects were ongoing projects and they have been involved with them so they understand them so he didn't think it was a good idea to pull them out.

Supervisor Edwards said the point is how do we know what they are doing.

Supervisor Faison said he did not understand all the technical things they are going, but he believes they are doing a good job

Supervisor Edwards said how can you believe they are doing a good job when you just told me you didn't know what they were doing.

Supervisor Faison said if we hire somebody else he wouldn't know all that they were doing. That is why we hired them.

Supervisor Edwards asked didn't' we don't have anybody in the county that knows and can oversee. He said this group might be the best thing since sliced bread, but nobody knows and can point that out and prove it to him.

Supervisor Faison said our problem is that we don't have somebody pointing that out.

Supervisor Edwards we are writing them checks every month but he has nobody in county engineering saying they are doing a great job they should have charged you thirty-thousand dollars more fellows.

Supervisor Faison said maybe we need to hire somebody to oversee this.

Chairman Jones said what he was hearing was that we need an engineer on staff.

Supervisor Updike said this is an example and this is the first time that they had ever gotten an invoice that came close to what they are doing since the new Board took over. This is the first time they had seen an invoice with the expenses and what they are charging us for. This is the first time. He said it was time that they know. Like Supervisor Edwards said it is time they know what in the world that are providing for the dollars we have given out to somebody outside of the county.

Chairman Jones asked Supervisor Updike would he know if they told him.

Supervisor Updike said he most certainly would.

The fees that they charge are not comparable to services provided by local or other professional groups.

Chairman Jones asked Supervisor Updike what group we could get to replace them.

Supervisor Phillips asked if we were still obligated at this time or could get out of the contract

Supervisor Updike said we have professional chemical reps that can do the job at $6.00 an acre for weed control for spraying and providing chemicals. They are professionals and they know as much about agricultural weed control than they do. He guarantees it because that is their livelihood.

Supervisor Faison said the Timmons Group does more than control weeds; they have other areas of expertise.

Supervisor Edwards said they call them invasive species which is the same thing as weeds.

Supervisor Updike said if they go out and purchase shrubs from Richmond. Look at how many different places they went to get the various things at the mileage they are charging.

Supervisor Faison said this is five things that Timmons did here. He asked are we going to hire somebody to do each one of the different things. These people have expertise to do all of it. He asked if we have expertise in the county to do each one of those items.

Supervisor Updike said we have the expertise in the county.

Supervisor Phillips said looking at all this we are in a contract with this group and if we look at the next item on our agenda which is request for proposals for general engineering services that is where we can start but right now we are just going around. He said if he may he recommended moving forward on our agenda.

Supervisor Edwards said he thought they were laying the ground to build up to that.

Chairman Jones said this is for information only.

Chairman Jones stated they would move on to item twelve.

Mr. Michael Johnson said item twelve or item B.

Chairman Jones said item B he was sorry.

Mr. Michael Johnson said item B relates to a contract with Mr. Vernie W. Francis, Jr. for the maintenance of the county public safety radio system. In order to better understand the nature of this agreement, a fundamental understanding of our Public Safety

Communications System is important. In 2005, the County invested almost $2.9 million in new equipment. It is configured as a VHF simulcast system, with fixed equipment and stand-by generators co-located on communication towers in Boykins, Capron, Courtland and Ivor. Dedicated microwave paths connect each site in a redundant, circular network. The system includes 5 VFH high band repeater pairs and associated frequencies and may be expanded in the future to 10 frequencies.

In addition to the fixed equipment at the tower sites, the system also includes a monopole and microwave at the Southampton Sheriff's Office, consoles in the Emergency Communications Center at the Sheriff's Office, more than 140 mobile radios installed in police cars and volunteer fire/rescue apparatus, more than 200 portable (handheld) radios assigned to emergency responders, more than 300 pagers, and 10 base stations across the country.

Prior to July 1, 2010, as part of his job responsibilities, Captain James Covington managed the communications system for the county. With the exception of the Sheriff himself, there was no one else in the Sheriff's Office at the time with an understanding of the design, the equipment and the preventive maintenance needs in order to maintain the system at peak performance. So when Captain Covington retired on July 1, 2010, the County contracted with Covington Electrical to continue managing and maintaining the system. A copy of his proposal is attached (pages 11-33 through 11-34). His original proposal was $24,000 annually but was negotiated down to $21,600.

After 11 months, Captain Covington provided the County notice that he wished to "fully retire" and terminated the agreement without cause. Sheriff Francis assumed the responsibility of the system for the final 6 months of his elected tenure without additional compensation. When Sheriff Francis retired in December, Sheriff Stutts was again faced with not having an employee on his staff with the knowledge, understanding and time to adequately maintain the system. Mr. Francis agreed to assume management and maintenance of the system under the same terms as Covington Electrical in 2010. A copy of his proposal is also attached (pages 11-35 through 11-39) as well as an opinion from the Commonwealth's Attorney as it relates to potential conflict of interest. Mr. Michael Johnson stated that he had asked Sheriff Stutts here tonight in case you had questions. Sheriff Stutts has already left. Mr. Michael Johnson said the Sheriff had provided him with a report. The Sheriff currently works roughly 85 hours a month and drives approximately 500 miles monthly. He is on call at all times. The contract does provide that the Sheriff will provide all the fluids, oils, anti-freeze, and cleaning equipment and supplies. He is also the point of contact for the Regional O'Ryan Radio System. If you calculate out that hourly rate minus the mileage it calculates out to about $17.00 or $18.00 an hour.

Supervisor Phillips thanked Mr. Michael Johnson.

Chairman Jones asked what we going to do about this contract. He asked are we going to look for somebody else and put that out for bids.

Supervisor West said he likes the fact that the person associated with doing this work now knows the system and has done it for a long time. He thinks he has our best interest at heart. For fairness if you feel the need of contracting with someone else that is okay by him, but then again I think you have a dedicated servant here who is willing to do this and if the facts and figures Mr. Michael Johnson gave us are correct and I assume they are, I think you are getting a good deal.

Supervisor Edwards said I don't think that is the point though. I think the point was going back to the beginning and letting this Board know what this $1,800.00 we are paying every month is and that will probably stop most of this. That is the point as far as he is concerned.

Supervisor Porter said one thing that concerns him now is apparently he is the only one in the county who knows this job.

Supervisor Phillips said exactly.

Supervisor Porter said what happens if he happens to get broad sided going to one of the towers. All of a sudden we have this expensive communication system that we have no one to maintain. At least when it was in the Sheriff's Department the deputy and the Sheriff knew how to do it and somehow we need to have a backup to make sure the work gets done if something happens to Mr. Vernie Francis, Jr.

Mr. Michael Johnson said there is a note on here that you do have a backup, but it is a very expensive backup. Gately Communication out of Hampton is the company that installed the system. They will maintain it, but their hourly rates are $75.00 an hour plus you pay the travel from Hampton here and back.

Supervisor Porter said that is not a back up.

Mr. Michael Johnson said right, but that is an option should something happen.

Supervisor Porter said that is not an option.

Supervisor Phillips said in reading through this whole proposal there is mention of the communications committee which is part of the Sheriff's Department.

Mr. Michael Johnson said it is part of the fire and rescue association.

Supervisor Phillips said should they not be tasked with training somebody as a back up.

Mr. Michael Johnson said they are volunteers.

Supervisor Faison asked didn't he read somewhere about the idea of somebody shadowing Mr. Vernie W. Francis, Jr. to become familiar with it.

Mr. Michael Johnson said he thought that was in a discussion they had.

Supervisor Faison asked if maybe that would be a possibility maybe for someone in the Sheriff's Department.

Mr. Michael Johnson said that is why he had asked Sheriff Stutts to be here.

Supervisor Updike said he was hoping that Sheriff Stutts was going to be here also. Number one the Sheriff's Department has been taking care of it previously and you can't tell him that you cannot train individuals on the Sheriff's Department to do this job and you will have a backup. You can take $22,000 and round these figures off and hire another deputy along with the state's funds and this will probably take up less than half his time so he can donate the rest of his time for security of whatever the Sheriff so designates. This way you will be getting the same job done and you will have an active deputy to provide the service. We can have Mr. Vernie Francis, Jr. or someone to train a couple of people. Don't tell him they can't be trained. He asked how did they learn. These people can be trained so we can be more efficient and get double your kick for your buck by training someone else. It is not saying that Mr. Vernie W. Francis, Jr. is not doing a great job and he is not saying anything against him. We can do it more efficiently if we hire another deputy and get more service out of him at the same price. Train them. When babies are born they can't walk. We have got to train the individuals to do these jobs. We cannot continue to pay for services that we can get someone else to do at a cheaper price.

Chairman Jones said we will still have to pay Mr. Vernie W. Francis, Jr. to teach them.

Supervisor Updike said yeah for a couple of months.

Chairman Jones said or however long it takes.

Supervisor Porter said he agrees with Supervisor Updike on one case, but another case I think he is underestimating the cost because I believe we are at the full capacity of deputies

that the state allows us, so any deputy that we hire we would have to fund 100%.

Supervisor Updike said you have quite a few retiring and leaving so they can be replaced.

Supervisor Porter said that is not hiring a new one that is just taking a current deputy and doing that but let's not build a smoke screen saying that we can hire a new person just to do that. We have to see if the Sheriff's Department can take some of this work back in house. That is the real question.

Chairman Jones said we do this for Sheriff's Stutts. He has to do this. We can't go over his head.

Supervisor West said maybe they needed to have a seminar someday where they could sit down and get this explained to us. Some of this you kind of know from years of hearing about it but the bottom line is we have a good service and probably the most economical available. The point that Supervisor Porter made concerning backup in case something happens to the former Sheriff is a great point. He said he didn't think it was feasible to use the people who installed it and with that being said it would be good to have another complement in the Sheriff's Department. As far as hiring someone he thought it was understated Supervisor Updike to hire someone paying them $43,000.00 a year paying all the benefits and then you say whatever for this community thing. He said that was fine by him, but surprising coming from Supervisor Updike however.

Supervisor Edwards said he didn't see any reason the Sheriff couldn't' come back to them at the next meeting and don't let this drop. We can get his ideas and what his plans are. Invite him back for that meeing.

Chairman Jones asked Mr. Michael Johnson if he could invite Sheriff Stutts to the next meeting.

Mr. Michael Johnson stated that he would.

Chairman Jones stated that we would move on to item number 12.

Mr. Michael Johnson said item number 12 is a little bit of a continuation of our conversation on the contract for proposals for general engineering services. Chapter 43 of Section 2.2 of the Code of Virginia provides the framework for public procurement. Procurement of professional engineering services is done through a process known as competitive negotiation which includes the following elements:

1) Issuance of a written Request for Proposals indicating in general terms the services sought;
2) Public notice of the Request for Proposals; and
3) Engagement in individual discussions with 2 or more offerors deemed fully qualified based on their initial responses with emphasis on competence.

It further provides that an agreement may be negotiated for multiple projects (i.e., an annual agreement), and that awards may be made to more than one offeror.

Our annual services agreement with Timmons Group expired in 2009 – work that they've contracted since that time was procured through a separate solicitation specifically for services associated with development of the Turner Tract.

While we have no immediate projects on the horizon, we do periodically require professional engineering services for technical operational issues – industrial wastewater pretreatment issues, aquifer test plans associated with groundwater withdrawal permit renewals, initial site planning associated with economic development prospects, etc.

Attached for your consideration is a draft Request for Proposals. I am seeking your authority to issue it and provide the public notice. I would also like two board members to serve on the committee that evaluates proposals and interviews prospective offerors.

Award of a contract, or multiple contracts, does not require the appropriation of funds. Funds are not appropriated until a project is approved and a task order is issued. This will allow us to respond to issues requiring professional assistance in a timely manner by already having a firm, or multiple firms, on call. For example if a project came up and you had multiple firms on call you could receive a quotation from multiple firms and have the option at that point in selecting the lowest number without having to repeat this entire process.

If the Board is so incline, a motion is required to authorize issuance of the attached Request for Proposals.

# SOUTHAMPTON COUNTY, VIRGINIA

REQUEST FOR PROPOSAL

FOR

## GENERAL ENGINEERING SERVICES

RFP# 2012-0510

| | |
|---|---|
| Issue Date: | June 1, 2012 |
| Due Date and Time: | July 11, 2012 by 4:30 p.m. (local time) |
| Send Proposals to: | Southampton County, Virginia<br>County Administrator<br>P.O. Box 400<br>Courtland, Virginia 23837 |
| All inquiries: | Michael W. Johnson<br>County Administrator<br>(757) 653-3015<br>(757) 653-0227 (fax) |

# SOUTHAMPTON COUNTY, VIRGINIA
## Request for Proposals

*General Engineering Services – Annual Contract*

Southampton County, Virginia will accept proposals until Thursday, July 11, 2012 at 4:30 p.m., local prevailing time for general engineering services as may be required over a one year period including, but not limited to, environmental services, wastewater pretreatment, geologic and hydrologic studies, geotechnical evaluations, site planning, subsurface utility location and mapping, surveying, water and sewer system design, construction administration and inspection. Contract(s) may be renewed for up to four additional one-year terms.

Submittals, with one original and four (4) copies, clearly marked "Proposal for General Engineering Services" may be delivered or mailed to arrive by the specified closing time to:

Michael W. Johnson, County Administrator
Post Office Box 400
26022 Administration Center Drive
Courtland, Virginia 23837

Proposals by telephone or facsimile will not be accepted. Any proposal received after 4:30 p.m. on the date specified hereinabove, whether by mail or otherwise, will be returned unopened. If utilizing overnight courier services for transmittal, please plan accordingly.

Nothing contained herein is intended to exclude any responsible offeror or in any way restrain or restrict competition. On the contrary, all responsible offerors are hereby invited and encouraged to submit proposals.

Selection process will be **competitive negotiation** as defined in the *Virginia Public Procurement Act*.

Southampton County reserves the right to reject any or all proposals submitted, and further, to enter into contract with more than one offeror.

Full copies of the Request for Proposals may be requested by calling Mr. Michael Johnson, County Administrator, at (757) 653-3015.

Michael W. Johnson, Clerk
Southampton County Board of Supervisors





Chairman Jones asked the pleasure of the Board. He said this is the time you can pick some other firms.

Supervisor West recommended Supervisor Edwards and Supervisor Updike. He said they seemed to be the ones to ask the best questions and are knowledible in every way. Supervisor Updike runs a farming operation and Supervisor Edwards a business; and he knows they are on top of it and he recommends them highly.

Supervisor Updike said that Supervisor Porter needs to go.

Supervisor West said Supervisor Porter would be in there; his day is coming.

Chairman Jones asked if anyone wanted to volunteer for this. Chairman Jones said he didn't want any part of it. He said he didn't know anything about engineering.

Supervisor West said you can do this on borrowed time between nine and twelve at night.

Supervisor Edwards said let's make it three Board members then.

Chairman Jones said we can't have three Board members. We have got to have two Board members. He said this had to be done during the day because they aren't open during the night he didn't think. He asked for volunteers. He said someone needed to volunteer; we've been spending too much money on engineers now. You need to speak up.

Supervisor West said he was still very satisfied and confident in these two men.

Chairman Jones said we need some volunteers now. Then when you come back to the meeting you won't have any excuse to say anything because you would have been hired them.

Supervisor West said Supervisor Updike raised his hand.

Chairman Jones asked Supervisor Updike wasn't he volunteering because he was an engineer.

Supervisor West said inquisitive minds want to know so that would be you (Supervisor Updike).

Supervisor Updike said you already volunteered me for another group at the last meeting.

Chairman Jones told Supervisor Updike he was on top of everything so he could do it.

Supervisor West said and it pays the same thing.

Chairman Jones said that is right – nothing.

Chairman Jones asked Supervisor Porter if he would serve on this committee please.

Supervisor West said he was going to serve somewhere else. You just hold on.

Supervisor Edwards said he and Supervisor Updike would take it. They were going to accept their responsibility.

Chairman Jones stated that he needed a motion to authorize it.

Supervisor West said to authorize the RFP's. Supervisor West said he would make that motion.

Supervisor Faison seconded the motion with it carrying unanimously.

Chairman Jones told Supervisor Updike not to bring anybody in here that didn't meet the qualifications.

Supervisor Faison asked didn't they need to vote on the two to service on the committee.

Chairman Jones said there was no need to vote on it they were already appointed. He said they were going to get us the best service for our bucks now.

Chairman Jones called for item 14.

Mr. Michael Johnson said item 13.

Chairman Jones said yes item 13.

Mr. Michael Johnson stated item 13 was a discussion regarding continuous improvement and shared services. As you know, among other things, the FY 2013 budget includes $452,262 in "operating efficiencies" meaning that we're counting on expenses to come in lower than budgeted, revenues to come in higher, or some combination thereof if we are to

meet our budget goals.

These efficiencies won't simply materialize on their own – it is critical for us to develop a continuous improvement culture in challenging our employees to use their initiative and creativity to reduce costs and improve efficiency and service delivery. A culture of continuous improvement starts at the stop – with the Board – and ultimately reaches out to every level of our organization. It will require significant dedication of time and resources (training).

In addition, any serious discussion of continuous improvement will also likely lead to exploring shared services, involving external stakeholders such as Southampton County Schools and neighboring communities.

Several of you have expressed interest in this subject and I am interested in your thoughts and ideas. As a point of beginning, you may wish to consider appointment of 2 of your members to a steering committee tasked with advancing the initiative.

I envision the task force meeting on at least a monthly basis, perhaps even more frequently initially. The steering committee may report back to the full Board on at least a quarterly basis.

If the Board is so inclined, a motion is required to appoint 2 members to a steering committee to advance development of a continuous improvement culture and discussion of shared services.

Chairman Jones asked what the Board thought.

Supervisor Edwards said he didn't know of anybody better for this than Supervisor West and Porter.

Supervisor West said Supervisor Porter for sure. We need all of us involved. Supervisor West said he was the trash man he was dealing with SPSA.

Chairman Jones said well all of us are going to get involved. He said you two can represent us.

Supervisor Porter said he thought it was something they have to do.

Chairman Jones said we have to work with our neighbors.

Supervisor Porter said we have to work with our neighbors. We have got to work with the School Board. We have got to find the best way to do things. We have got to use the resources we have wisely.

Supervisor West said if there is any way to coordinate and pull services together to save bucks it makes all the sense in the world. Face the fact that the City of Franklin is a key player in this with us. The Tidewater News has been nice in pointing this out to us. Let's get on board and it will work.

Chairman Jones this is going to be the discussion stages.

Supervisor West said we have got to lay some ground work.

Chairman Jones said yes we have got to lay some ground work.

Supervisor Edwards said we need to wait until late August until things settle down a bit.

Chairman Jones said he was just going to appoint those two.

Mr. Michael Johnson asked Chairman Jones which two.

Chairman Jones said Supervisor West and Porter.

Supervisor Edwards said they volunteered.

Chairman Jones asked Mr. Michael Johnson if he was ready for item 14.

Mr. Michael Johnson said yes sir. He stated that item 14 was consideration of a resolution declaring certain property surplus. In your agendas you will see a resolution which declares approximately 295 miscellaneous items surplus, and authorizing them to be listed for sale at GOVDEALS.com, a service available to government agencies to sell surplus items via the Internet. We will establish a "reserve price" at least above the current scrap metal price. The majority of the items are very large pipe fittings left over from construction of the Courtland Wastewater Treatment Plant in 2010. Department personnel have indicated that they have no use for these items in the foreseeable future. In addition, there are two old generators that have been cannibalized for parts that they would like to dispose of. A full listing and photographs are attached. Any items that do not sell will be disposed of in the most cost-effective manner, most likely sold locally as scrap.
It the Board is so inclined, a motion is required to adopt the attached resolution.

**Whereas, § 15.2-951**, *Code of Virginia*, provides broad authority for counties, cities and towns to acquire and dispose of personal property for the purpose of exercising their powers and duties; and

**Whereas**, the following listing of personal property items owned by Southampton County no longer serve any useful purpose.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Southampton County that the items listed on the attached "Schedule A," pages 1-5, are hereby declared surplus property:

**AND BE IT FURTHER RESOLVED** that the Department of Utilities is authorized and directed to list this property for sale on GOVDEALS.com and accept the highest bid; and

**AND BE IT FURTHER RESOLVED** that the Department of Utilities is authorized to dispose of any unsold items in the most cost-effective manner; and

**BE IT FURTHER RESOLVED** that the proceeds from the sale of this property shall be deposited in the county Enterprise Fund.

Adopted, this 29th day of May, 2012.

BOARD OF SUPERVISORS

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Dallas O. Jones, Chairman

ATTEST:

_____
Michael W. Johnson, Clerk

**14-2**

Chairman Jones said Supervisor Updike there is nothing here we can use.

Supervisor Porter asked Supervisor Updike if he wanted to buy some of it.

Supervisor Updike said no.

Chairman Jones said he needed a motion to go ahead and get rid of this stuff.

Supervisor Porter made a motion to adopt the resolution declaring certain property surplus.

Supervisor West seconded the motion.

Chairman Jones stated the next item was item 15 – Miscellaneous.

Mr. Michael Johnson said item A just for your reference is the 2012 social services profile report. This is just something for you to look at at your leisure. There are also items of correspondence and well as some notices.

Chairman Jones said let's go to item 16 – Late Arriving Matters.

Mr. Michael Johnson stated we didn't have any.

Chairman Jones moved on to item 17 – Citizens Comment Period.

Mr. Ash Cutchin of Darden Mill near Sedley, Virginia addressed the Board. In regarding shared services in consideration of going with the Franklin Public School System he advised that we take a very close look at the Franklin School System because he doesn't think we need to lower the bar any further by adding them to our school system. Regarding maintaining the communications equipment perhaps Timmons might do it for $85.00 an hour. Regarding having the Sheriff attend the next meeting, he recommends moving it up on the agenda so he doesn't leave. In regard to engineering services we have a very competent engineering service managed by a citizen of the county Mr. Jim Strozier. It is called High Ground Services. It started with just one of two engineers from the paper mill. He thought his latest employee count was seventy five people. He suggest you ask Mr. Jim Stozier to attend one of our meetings and maybe explain to him what his company might be able to offer us as an alternative to The Timmons Group.

Chairman Jones asked if there was anyone else.

Mr. Jimmy Lee of Shands Estate in Courtland, Virginia addressed the Board. He said he wanted to commend the Board on the job they are doing to try to reduce the costs of the government. He said he knew our debt load is a concern to them just like it is to him. He said he personally has respect for each and every person behind the stage. He is a little disappointed about how the vote went on the Benson Woods Subdivision. He thanked the three that voted against it. He said he understood the Board really felt like their hands were tied and couldn't do anything different. He is disappointed, but he realizes the world doesn't spin for him. He said he travels that road about every day and he never saw a sign out there advertising for a zoning amendment. He said he may have missed it and may need glasses. Sometimes you can travel a road every day and get complacent, but he never saw the property advertised. He said he thought it had been documented that it has been ready for a house for a long time. If this Board makes changes in ordinances, tax rates, etc as our needs change he would like for them to consider that we probably need to look at these things a little closer. Although it was mentioned by Mrs. Beth Lewis tonight that out of the 29 lots that they approved only 17 of them are accepted for a regular septic tank system. That means that the other 12 are going to have to have a treasury septic system that can cost up to $20,000 a lot which he is sure is going to make it very uneconomical to move forward. He asked them as a citizen and a tax payer that when they write them the letter to tell them that their stuff has been approved tell them to process at their own risk because once they get the 17 lots approved and they can't build on the other 12 don't come back to you looking for $2.5 million to run a sewer line or water line at the tax payer's expense. Let them sink or swim on their own merits of the property. Don't obligate the county for any upgrade and please let that be known to them up front because if we don't like Supervisor Updike pointed out a dollar invested by an outside developer usually cost us about $1.40 we will never get out of our $69 million dollar debt without that. One other comment in regards to The Timmons Group, he thinks there is a possibility that you can have too cozy a relationship with people and they may take you for granted over a period of time. He is not an expert on it so he wouldn't know how to criticize them other than sometimes their performance. He would say this The Timmons Group was involved in making recommendations on the Turner Tract. The Timmons Group was involved in making recommendations on building our sewage treatment plant too big. Timmons has been very much involved with us accumulating a $69 million debt. On these basis, he doesn't think they deserve too good of a report card. As his daddy told him a long time ago as far as comparing things he didn't know prune juice taste bad until he tried orange juice. So he thought we need to look around and be on a more competitive basis on things down the road.

Mr. Charles Turner addressed the Board. He stated Mr. Chairman and Members of the Southampton County Board of Supervisors, I am Charles Turner, Superintendent of

Schools, Southampton County Public Schools. I reside at 25427 Woodland Park Circle, Courtland, Virginia. I stand before you tonight to request that $530,709 which was carried over from the 2010-2011 school year be returned to the School Board for use during the upcoming 2012-2013 school year. The Southampton County Board of Supervisors had over a period of 16 years, permitted the school system to receive any funds which it was able to save for use during the next school year. This money was saved through bypassing of purchases and other activities to be used to keep employees working and/or purchase school buses. This money has now been placed in the county reserve and we are requesting re-appropriation. This money will keep 25 employees working, of whom all but two are county residents. In essence, through some internal actions, which are not ideal, the attainment of this money will then permit us to keep all instructional personnel employed for the 2012-2013 school year. The children of Southampton County Public Schools will be the ultimate benefactors. Should you not return the money to Southampton County Public Schools, we will be forced to inform those persons that they will not have a job for the next school year. We feel this should not be necessitated because you as a Board, advised us in January, when we made the request for monies carried over, that we could come back and request the funds held at that time, if we were able to document the need. Keeping 25 support personnel employed is critical to the operation of Southampton County Public Schools and documents the need. We therefore request, Mr. Chairman and Members of the Southampton County Board of Supervisors that you adhere to your commitment and return the $530,709 to Southampton County Public Schools. Thank you.

Chairman Jones asked if there was anyone else wishing to speak. He stated if there is nothing else to come before the Board it is time for a closed meeting.

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

1. Pursuant to Section 2-2-3711 (A) (5), to receive a report from Southampton Economic Development, Inc. regarding prospective industries where no previous announcement has been made of the business' or industry's interest in locating its facilities in the community;

2. Pursuant to Section 2.2-3711 (A) (3), discussion regarding acquisition of certain utility easements along New Market and Rose Valley Road(s) where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the governing body.

Supervisor Edwards read the certification resolution.

**RESOLUTION OF CLOSED MEETING**

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

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

**NOW, THEREFORE, BE IT RESOLVED that the Southampton County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public matters as were identified in the motion convening the closed meeting were heard, discussed and considered by the Southampton County Board of Supervisors.**

**Supervisor Edwards made a motion to go back into open session.**

**Supervisor West seconded the motion which carried unanimously.**

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| **Supervisors Voting Aye:** | **Dallas O. Jones**<br>**Barry Porter**<br>**Glen Updike**<br>**Carl J. Faison**<br>**Alan Edwards**<br>**Ronald M. West**<br>**Bruce Phillips** |
| **Supervisors Voting Nay:** | **None** |

Chairman Jones stated that they did not discuss anything that was not on the agenda.

Chairman Jones asked if there was anything else to come before them before they adjourned the meeting.

Supervisor West said he wanted to thank each one of them that had called him and his wife. She has done really well this week. He said it was a week today at 1:00 PM since the surgery and they go back to the doctor on Thursday to determine what type of radiation and chemotherapy is needed. She is recovering really well. The doctor told them with the growing type of cancer she has she probably had it for up to five years. He told them he couldn't guarantee but she was probably cancer free for the first time in five year. That is a welcome thought and a good thing, but more than anything he thanked them for their prayers and concern. They have a ways to go, but it is working.

Supervisor Edwards said we will continue to do so.

Chairman Jones said we will continue to pray for her.

Chairman Jones asked if there was anything else.

There being no further business the meeting was adjourned.

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Dallas O. Jones, Chairman

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Michael W. Johnson, Clerk