

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 24, 2012 at 7:00 PM.

SUPERVISORS PRESENT

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

SUPERVISORS ABSENT

None

OTHERS PRESENT

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

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

Chairman Jones welcomed everyone tonight.

Chairman Jones sought approval of the minutes for the Regular Session of August 27, 2012.

There being no corrections or additions the minutes were approved as presented.

Chairman Jones stated the next item of business was item 2 - Highway Matters.

Mr. Michael Johnson stated that item A was through truck restriction – Statesville Road. He stated that he was awaiting a response from NCDOT with regard to the proposed alternate route before scheduling the public hearing.

Chairman Jones asked if anyone had any questions on this.

Mr. Michael Johnson stated that item B was Route 35 bridge over the Nottoway River. He stated that he was informed on September 20 that VDOT is slowing the process down just a bit while they evaluate additional options to minimize the adverse impacts of the Route 35 bridge replacement. Because their plans are still in a dynamic state, they have asked to postpone the briefing that was scheduled. In addition, the public hearing will also be postponed and will not be held on October 18 as originally planned – they're now thinking the hearing will be held in mid-November, but the specific date remains uncertain.

Chairman Jones asked if anyone had any questions. There being none he stated item C was an update on Courtland interchange.

Mr. Michael Johnson stated that he received a status briefing from VDOT officials on August 29 on the proposed Courtland interchange. At this point, they are expecting to bid the project in the spring of 2014 with construction to begin later that summer. Construction is expected to take 18-24 months, with a completion date of early to mid-2016.

Chairman Jones asked if anyone had any questions concerning the interchange.

Chairman Jones stated item D was monthly concerns. He asked if anyone had anything from their district.

Supervisor Edwards stated there were still no double yellow lines at Nottoway Chappell.

Mr. Michael Johnson said he was told they were coming.

Supervisor Edwards stated that it was dangerous there and he didn't want to see Supervisor West get killed there or anybody else for that matter.

Supervisor Faison stated that he had received a couple of calls from citizens who were pleased with what VDOT has done as far as the grass mowing. He stated it was good to have some calls with people being happy about what was being done.

Supervisor West said he had talked with Ben Bryant concerning blind curve obstruction. He stated that they would come out and work on an individual basis if anyone has certain concerns. He stated that the shoulders along the road need cutting more than anything.

Supervisor Porter said he didn't have any calls about high grass. He did have one about the fact that it was a nice job they had done on the grass cutting. He said he was happy that something is being done right.

Supervisor Phillips said he had two things. He stated that he had a couple of calls thanking them for cutting the grass at Barnes Tavern Road so you could see traffic headed south bound when trying to enter onto Highway 35. He stated that he had spoken with Mr. Michael Johnson earlier today about the potential of additional traffic to Cary's Bridge Road and the Capron area with the closing of the bridge at Hwy. 35. He stated that there are two places in particular which are very narrow on Cary's Bridge road. He said if anyone had any public safety issues to refer them to the VDOT office.

Supervisor Updike stated they still haven't taken care of the issues on Swamp Road. He stated that on Statesville Road they had dug up several pipes and they had put down gravel. He said when you ride over the gravel you feel like your car is just going to fall completely to pieces. He stated they need to fill in with more gravel and put a top on it.

Chairman Jones stated that he didn't have any concerns that the grass in his area has been cut and the water in the ditches had been cleaned up.

Chairman Jones stated that the next item of business was 3 – Reports.

The reports were Sheriff's Office, Animal Control, Litter Control, Building Permits, and Treasurer's Report.

Mr. David Britt gave the treasurer's report. He stated that he placed a handout of the monthly report at each of the board members stations. He stated that \$34,987.02 was collected on real estate and \$31,331.57 on personal property through the booting process last month. They had eleven boots during the month of September. They have had 490 boots and 1311 tax liens in the last two years. The second sheet of the report gives the breakdown of amounts collected by the different firms working on collecting the outstanding accounts. The outstanding balance on personal property is \$493,271.00 which is 97.77 percent accrued over those five years. Real estate has an outstanding balance of \$648,445.82 which is 99.46 percent over the last twenty years. They are having an auction on Saturday, September 29<sup>th</sup> at 10:00 AM in Windsor, VA. Virginia Auctions will be holding the auction which will also include the sale of property from Surry, Isle of Wight, Portsmouth, and the City of Chesapeake. If anyone is interested you may be able to find a good deal.

Chairman Jones asked if anyone had any questions for Mr. David Britt.

Supervisor West asked where the sale was going to be held in Windsor.

Mr. David Britt stated at 9370 Doubletree Lane. He said he was not familiar with that area.

Other reports were Cooperative Extension, New Housing Starts, Solid Waste Quantities, and Personnel.

Mr. Michael Johnson stated that we had one new hire in the Sheriff's Office – Benjamin L. Winslow was hired on September 14, 2012 with a salary of \$29,843.

Chairman Jones stated the next item of business was number 4 – Financial Matters.

Mr. Michael Johnson stated that pursuant to 48.1-3921 of the Code of Virginia, Mr. Britt has finalized the lists for delinquent real and personal property taxes. The list covers the last 20 years for real property and the last five years for personal property, the maximum time allowed by statute to enforce property liens. The list is available to anyone who would like to see them. 58.1-3924 provides that the governing body may publish the list in the newspaper or make it available on the county website. Based upon the cost of publication, Mr. Britt will seek your consideration in making the list available on the county website for the next 60 days. A motion is required to direct publication of the 2011 delinquent tax lists on the county website through December 1, 2012. He turned it over to Mr. David Britt for comment.

Mr. David Britt stated that the amounts still past due are \$648,537.00 in real estate and \$493,560.23 in personal property. He stated that he needed to get the okay to publish the list on the county website.

Supervisor Phillips asked Mr. David Britt the date of the auction.

Mr. David Britt said the auction is this coming Saturday, September 29<sup>th</sup>.

Supervisor Phillips asked how many items from Southampton were going to be in the auction.

Mr. David Britt said six or seven.

Supervisor Phillips asked if the whole list of delinquent tax payers was going to be put in the newspaper if so it could fill a whole edition. He thought it best just to put the list on the website.

Mr. David Britt stated it would be cost effective not to print in the newspaper but just to list it on the website. He said if he got the approval it would be put on the website as soon as possible.

Chairman Jones stated that he had a question concerning the \$200.00 tax exemption on the trash fee. He asked if there was a deadline.

Mr. Michael Johnson stated that the deadline was September 1<sup>st</sup> so it is gone for this year.

Chairman Jones asked if he had a motion to direct publication of the 2011 delinquent tax lists on the county website through December 1, 2012.

Supervisor West made a motion to publish the 2011 delinquent tax lists on the county website.

Supervisor Edwards seconded the motion.

Mr. Richard Railey asked if this was being published on the website.

Chairman Jones stated it would be on the website, but not published in the newspaper.

Chairman Jones called for the vote to publish the 2011 delinquent tax lists on the county website which carried unanimously.

Mr. Michael Johnson stated that item B was a report on delinquent tax collections. He stated that Mr. David Britt has invited a representative from the firm of David, Kamp & Frank to provide you with a report regarding their ongoing delinquent tax collection efforts.

Mr. David Britt stated that if you remember last month we had Mr. John Wright speak to us on his firm's progress in the collection process of delinquent taxes. This month he stated he invited Mr. Jim Reeves of David, Kamp & Frank, LLC to speak to us. He introduced Mr. Jim Reeves.

Mr. Jim Reeves stated that he had come to report on their progress of real estate tax collection. He stated he wanted to provide a little history. He stated that in November 2012 was when his firm started up. He guessed everyone wondered why a 300 pound man walking with a cane was working with a collection firm. He stated that he played football with Percy Ellsworth as a front end lineman when he damaged his knee. He stated that he formerly worked with the firm of Kaufman & Canoles. Since that time he has opened his own firm and has two other staff members working with him. He passed out a handout entitled targeting public service corporate accounts. He stated when he was a partner with Kaufman & Canoles they collected \$132,000.00. He stated that they had \$4,272.44 currently to be sent to the treasurer which means that so far in 2012 they will have sent

\$73,691.01 to the treasurer. He stated they sold five properties at auction in April of 2012. There are twelve properties pending sale which should bring in \$95,008.71 at the sale on November 16<sup>th</sup>. These totals will exceed anything that the former firm he was with had collected. He stated they should collect \$150,000 to \$160,000 above what they collected when he was with his previous firm. He said they currently have 52 active accounts of which seventeen are in payment plans and twelve are in litigation which are expected to sell at auction on November 16, 2012 and the other six will go to auction in the Spring of 2013. He stated that in the past when he was with Kaufman & Canoles they required a \$10,000.00 cost retainer fee. His firm is not charging the county a retainer fee. His firm advanced the amount of \$15,017.82 retainer fee up front so therefore it is a savings to the county not to have to come up with a retainer fee. He stated that from November of 2010 through November of 2012 they had collected \$202,263.58 and sent to the treasurer's office. He thanked the Board for allowing him to speak.

Chairman Jones asked if anyone had any questions.

Chairman Jones stated the next item was item C – consideration of revenue anticipation note.

Mr. Michael Johnson stated that on September 13, the Treasurer informed me that cash flow will likely be insufficient to cover anticipated expenditures for the months of September, October, and perhaps November. Section 15.2-2629 of the Public Finance Act provides that localities may borrow money and issue a note in anticipation of the collection of taxes for the current year provided that the amount of the note may not exceed anticipated revenues. Mr. Britt sought competitive proposals from three banks – the best proposal was offered by SunTrust Bank – they offered a tax exempt, bank qualified, \$3,000,000 non-revolving line of credit, allowing up to two draws per month. The rate is variable based on the following formula  $(1 \text{ month LIBOR} + 1.75\%) \times .65$  – based on the current 1 month LIBOR rate, which equates to 1.29% for the month of September. Since January 2010 the highest 1 month LIBOR peaked at 0.35% - that would equate to a rate of 1.37%. Please be advised that there is a \$6,000 up-front bank fee. The Board is required to adopt a resolution authorizing the issuance and sale of a revenue anticipation note, before the Treasurer may act – I've attached a draft copy of the required resolution, including the Form of Note, for your reference. A motion is attached to adopt the resolution. Mr. David Britt obtained three different bank options the best came from SunTrust. Mr. Michael Johnson presented the following slide presentation:

**County of Southampton**  
**Proposed Terms and Conditions**

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<b>General Structure:</b>	Listed below is an indicative outline of the significant terms and conditions of the financing, subject to completion of due diligence and final credit approval by the Bank.
<b>Borrower:</b>	County of Southampton (the "County")
<b>Amount:</b>	Up to \$3,000,000
<b>Facility:</b>	Tax Exempt, Bank Qualified Non-Revolving Line of Credit Revenue Anticipation Note (the "Note")
<b>Security:</b>	The Note will be a General Obligation of the County.
<b>Purpose:</b>	To provide funding for cash short falls in anticipation of the receipt of taxes and other revenues by December 31, 2012.
<b>Final Maturity:</b>	December 31, 2012
<b>Interest Rate:</b>	

**Variable Rate - Tax Exempt Note**

	Current Rate
Variable Rate - 65% of (1 month LIBOR plus 1.75%)	*1.29%
<b>Upfront Costs</b>	
Bank Fee	\$6,000
Accrual basis shall be Actual/360 days	

*\*This rate is an indication only. Actual rate will be set at closing and adjusted monthly thereafter based on the formula above.*

<b>Interest Due:</b>	Monthly, in arrears.
<b>Amortization:</b>	None prior to maturity. The Note will be required to be paid off by December 31, 2012.
<b>Draw Schedule:</b>	The County may draw funds up to 2 times per month in a minimum amount of \$50,000.
<b>Optional Redemption:</b>	The County may prepay the Note, in whole or in part, at any time without penalty.

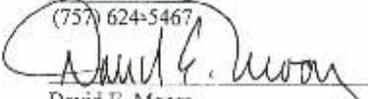
**County of Southampton  
Proposed Terms and Conditions**

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**Acceptance of  
Proposal:**

Acceptance of SunTrust's proposal should be directed to the following:

**Submitted By:**

~~David E. Moore~~  
(757) 624-5467  
  
David E. Moore  
Senior Vice President  
SunTrust Bank

**Disclaimer**

*This Term sheet is presented to the above-referenced borrower in connection with a credit facility proposed by SunTrust Bank. This Term Sheet describes some of the basic terms proposed to be included in loan documents between the Bank and the borrower. This Term Sheet is for discussion purposes only and is not a commitment, nor does it purport to summarize all of the conditions, covenants, representations, warranties, events of default or other provisions that may be contained in documents required to consummate this financing. The terms are subject to standard credit underwriting and approval and to negotiation and execution of loan documents in form and substance satisfactory to the Bank and its counsel. This Term Sheet is confidential and may not be disclosed to third parties without prior consent of the Bank.*

**County of Southampton  
Proposed Terms and Conditions**

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<b>Closing Date:</b>	To be determined upon acceptance.
<b>Yield Maintenance Language:</b>	The interest rates quoted herein take into consideration a marginal maximum federal corporate tax rate of 35%. In the event of a decrease in the marginal maximum corporate tax rate, the Bank shall have the right to adjust the interest rate upwards in order to maintain the same after tax yield for the Bank.
<b>Documentation:</b>	<ul style="list-style-type: none"> <li>• Note between SunTrust and the County;</li> <li>• General Obligation resolution passed by County's Board of Supervisors authorizing the proposed RAN transaction;</li> <li>• Others as required by Bond Counsel.</li> </ul>
<b>Legal Fees and Transaction Costs:</b>	The County will pay all fees and expenses of the transaction including but not limited to reasonable fees and expenses of its counsel. In order to reduce the County's financing costs, SunTrust would not anticipate using outside Bank Counsel.
<b>Legal Opinions:</b>	Bond Counsel will give the customary opinion as to authorization, validity, permits and other matters requested by the Bank. A satisfactory opinion of recognized bond counsel as to bank qualification and the exclusion of interest from gross income for Federal and State income taxes would be necessary at or prior to closing.
<b>General Covenants:</b>	<ul style="list-style-type: none"> <li>• Timely payment of principal and interest as required by the Note ;</li> <li>• The County will provide written assurance that no material deterioration exists in the financial condition from that reported in Fiscal 2011 audited financial statements.</li> </ul>

**A RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SOUTHAMPTON, VIRGINIA  
AUTHORIZING THE ISSUANCE AND SALE OF  
THE COUNTY'S REVENUE ANTICIPATION NOTE**

WHEREAS, the Board of Supervisors (the "Board") of the County of Southampton, Virginia (the "County") proposes to authorize the issuance of a revenue anticipation note in anticipation of the collection of the taxes and revenues of the County for the 2012 calendar year pursuant to Section 15.2-2629 of the Code of Virginia of 1950, as amended;

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

1. Authorization of Note. The Board of Supervisors hereby authorizes the issuance and sale of the County's revenue anticipation note (the "Note") in the maximum principal amount of \$3,000,000 in anticipation of the collection of the taxes and revenues of the County for the 2012 calendar year.

2. Details and Sale of Note. The Note shall be issued upon the terms established pursuant to this Resolution and upon such other terms as may be determined in the manner set forth in this Resolution. The Note shall be issued in fully registered form, shall be dated the date of its issuance and delivery, shall be in the form of a single registered note and shall mature not later than December 31, 2012, subject to prepayment as set forth therein. The County Administrator and the County Treasurer, or either of them, is authorized and directed to accept a proposal for the purchase of the Note and to approve the terms of the Note, provided that the principal amount of the Note shall not exceed the amount set forth in paragraph 1, the Note shall mature not later than December 31, 2012 and the interest rate on the Note shall not exceed 5.0%.

3. Execution of Note. The Treasurer is authorized and directed to execute an appropriate negotiable Note and the Clerk of the Board of Supervisors is authorized and directed to affix the seal of the County thereto and such officers are authorized and directed to deliver the Note to the purchaser thereof.

4. Non-Arbitrage Certificate and Tax Covenants. The County Administrator and the Treasurer, or either of them, and such officers and agents of the County as either such officer may designate are authorized and directed to execute a Non-Arbitrage Certificate and Tax Covenants setting forth the expected use and investment of the proceeds of the Note and containing such covenants as may be necessary in order to comply with the provisions of the Internal Revenue Code of 1986, as amended ("Code"), including the provisions of Section 148 of the Code and applicable regulations relating to "arbitrage bonds."

5. Bank Qualification. The Board designates the Note as a "qualified tax-exempt obligation" eligible for the exception from the disallowance of the deduction of interest by financial institutions allocable to the cost of carrying tax-exempt obligations in accordance with the provisions of Section 265(b)(3) of the Code. The Board does not reasonably anticipate that it and any "subordinate entities" will issue more than \$10,000,000 in tax-exempt obligations during

6. Further Actions. The County Administrator, the Treasurer, and such officers and agents of the County as either of them may designate are authorized and directed to take such further action as they deem necessary regarding the issuance and sale of the Note and all actions taken by such officers and agents in connection with the issuance and sale of the Note are ratified and confirmed.

7. Effective Date: Applicable Law. This Resolution shall take effect immediately.

At meeting of the Board of Supervisors of the County of Southampton, Virginia, held on the 24<sup>th</sup> day of September, 2012, the following Board of Supervisors members were recorded as present or absent:

PRESENT:

ABSENT:

On motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the attached Resolution was adopted by a majority of the members of the Board of Supervisors by a recorded vote, the votes being recorded as follows:

MEMBER

VOTE

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Clerk, County of Southampton, Virginia

N-1

S \_\_\_\_\_

**UNITED STATES OF AMERICA**  
**COMMONWEALTH OF VIRGINIA**  
**COUNTY OF SOUTHAMPTON**  
**REVENUE ANTICIPATION NOTE**  
**SERIES 2012**

For value received, **COUNTY OF SOUTHAMPTON, VIRGINIA** (the "County") acknowledges itself indebted and promises to pay to the order of \_\_\_\_\_ (the "Bank"), as registered owner of this Note or legal representative, the principal amount of

\_\_\_\_\_ DOLLARS (\$ \_\_\_\_\_),

together with interest thereon at the annual rate of \_\_\_\_\_%. Subject to prior redemption, principal of this Note and all accrued and unpaid interest on this Note shall be paid at maturity on \_\_\_\_\_. Interest on this Note shall be calculated on the basis of a 360 day count applied to actual days elapsed. Both principal of and interest on this Note are payable in lawful money of the United States of America. Principal and interest are payable upon presentation and surrender hereof at the office of the County Treasurer.

This Note is subject to optional prepayment in whole or in part before maturity at any time or from time to time without penalty or premium upon payment of the principal amount to be prepaid plus accrued interest on such amount to the prepayment date. The County shall give the Bank at least [15] days written notice of its intent to prepay this Note.

This Note has been duly authorized by the Board of Supervisors of the County and is issued in anticipation of the collection of taxes and revenues of the County for the current year and such taxes and revenues are pledged for the payment of the principal of and interest on this Note in accordance with its terms.

This Note is issued under the authority of and in full compliance with the Constitution and statutes of the Commonwealth of Virginia, and, more particularly, issued pursuant to the Public Finance Act of 1991, Chapter 26 of Title 15.2 of the Code of Virginia of 1950, as amended and a resolution adopted by the Board of Supervisors of the County on September 24, 2012 ("Resolution").

This Note may be transferred only by an assignment duly executed by the registered owner hereof or such owner's attorney or legal representative in a form satisfactory to the County Administrator, as Note Registrar. Such transfer shall be made in the registration books kept by the Note Registrar upon presentation and surrender hereof and the County shall execute, and the Note Registrar shall authenticate and deliver in exchange, a new Note having an equal aggregate principal amount, of the same form and maturity, bearing interest at the same rate, and registered

in such name as requested by the then registered owner hereof or such owner's attorney or legal representative. Any such exchange shall be at the expense of the County, except that the Note Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The County Administrator may designate a successor Note Registrar and/or paying agent, provided that written notice specifying the name and location of the principal office of any such successor shall be given to the registered owner of this Note. Upon registration of transfer of this Note, the Note Registrar shall furnish written notice to the transferee of the name and location of the principal office of the Note Registrar and/or the paying agent.

The Note Registrar shall treat the registered owner as the person exclusively entitled to payment of principal and interest and the exercise of all other rights and powers of the owner.

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

[THE REMAINDER OF THIS PAGE IS LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, the Board of Supervisors of the County of Southampton, Virginia, has caused this Note to be signed by the signature of the County Treasurer and its seal to be affixed and this Note to be dated \_\_\_\_\_, 2012.

**COUNTY OF SOUTHAMPTON, VIRGINIA**

By: \_\_\_\_\_  
Treasurer, County of Southampton, Virginia

[SEAL]

Attest:

\_\_\_\_\_  
Clerk, Board of Supervisors,  
County of Southampton, Virginia

Chairman Jones asked if there were any questions.

Supervisor West made a motion to adopt the resolution.

Supervisor Faison seconded the motion.

Supervisor Updike said we are settling for all kinds of increases, the highest tax increase in years with the trash tax and now this. He stated he will vote for this one time and one time only. If we don't have money to spend we can't continue to increase our debt. We have to pay our bills or we will end in default and our credit rating will drop. He will not vote for this again. He stated that anybody can budget over a period when you know what you are going to be taking in. You base your spending on what you have to spend. We have to learn to live within our means. We are going to have to pull up our shorts and bite the bullet. We have got to cut out spending.

Supervisor Edwards said we don't want to default.

Supervisor West stated that we did this same thing back in 2001. He asked how much did we borrow back then.

Mr. Michael Johnson stated it was 4 million which was more. This year we are looking at 3 million.

Supervisor Edwards asked how much do we need to cover the bills.

Mr. Michael Johnson stated that we may not need the full 3 million. He asked Mr. David Britt to elaborate on the breakdown needed each month.

Mr. David Britt said it looked like 2 million for this month and 1.5 million to 1 million for next month.

Supervisor Edwards said 3 million total.

Mr. David Britt said he hoped we were a little bit stronger next month after the personal property tax bills go out. Hopefully people will start to pay their taxes.

Supervisor Updike said he was sure they knew this before now. He asked why the public and the Board of Supervisors were just informed a month ago.

Mr. David Britt stated that we only collect taxes once a year which is in December. During the months of October, November, and December there are outstanding loan payments which are due and we aren't taking in any revenue during those months.

Supervisor West said we did not want to raise taxes. He said there was no need to. He stated that as Mr. Michael Johnson pointed to the loans are due for the Turner Tract and the wastewater treatment plant and school has just started up. No one has a magic wand. We just don't want to use our reserve fund unnecessarily.

Supervisor Phillips stated that our debt service has come down. We have seen some down turn in that. We have so many things coming at us at one time, but it seems like we are on the right course.

Supervisor Porter said he hoped this was a one-time affair. He stated that yes next year the debt payments will go down a couple hundred thousand. He said he hopes we are not sitting here next September the same as this year.

Chairman Jones asked if there were any other comments.

Supervisor Edwards said we need to plan for next year to spend less.

Mr. Michael Johnson said he thinks Supervisor Porter is right. The other thing we could collect taxes twice a year and collect half in June and half in December.

Chairman Jones stated that he had a motion and a second on the floor to adopt a resolution authorizing the issuance and sale of a revenue anticipation note. He called for the vote which carried unanimously.

Chairman Jones stated the next item of business was D - the monthly bills. He asked if anyone had any questions concerning the bills.

Supervisor West made a motion, seconded by Supervisor Phillips to pay the bills in the amount of \$2,742,078.43 to be paid by check numbers 127481 through 127900. The motion carried unanimously.

Chairman Jones stated that we would move on to item 5 – Appointments.

Mr. Michael Johnson stated that as we discussed last month, Supervisor Phillips indicated that he would contact Ms. Gloria Evans to determine her interest in continuing to serve on the Blackwater Regional Library Board of Trustees.

Supervisor Phillips stated that he had not been able to get in touch with Ms. Gloria Evans. He said he would make a more diligent effort to get in touch with her and bring a report back next month.

Chairman Jones stated that the next item of business was number 6 – Use of Emporia-Greenville Regional Airport as a Practice Field for Navy Prop Planes.

Mr. Michael Johnson said that Chairman Jones indicated that he's been contacted by a group of his constituents that would like to speak to the Board regarding concerns that they have with use of the Emporia-Greenville

Regional Airport as a practice field for Navy prop planes. For those who may not be aware, the U.S. Navy has recently prepared and release to the public a Draft Environmental Assessment (EA) to evaluate the potential environmental effects that may result from the Navy's proposal to conduct regular, scheduled #2C/D Hawkeye and C-2A Greyhound Field Carrier Landing Practice (FCLP) operations at either Emporia-Greenville Regional Airport or at the National Aeronautics and Space Administration (NASA) Goddard Space Flight Center's Wallops Flight Facility (WFF). Under the proposal, these twin engine, turboprop aircraft would conduct up to 20,000 FCLP passes annually at the selected field. The Navy has not identified a preferred site in this EA. The Navy has scheduled two public meetings to provide information and to obtain public comment on the Draft EA. These meetings will be conducted as informal open house sessions, providing members of the public the opportunity to ask questions of Navy representatives as well as the opportunity to comment in writing on the Draft EA. The first meeting will be conducted September 25 at the Golden Leaf Commons at the Greenville County government complex at 1300 Greenville County Circle, Emporia, VA. The second will be conducted September 27 at the visitor's center at WFF. Both meetings will be from 5 p.m. to 8 p.m. If the Navy selects Emporia, it would enter into a 1 year lease with nine 1 year options. The Navy contemplates resolving its carrier jet OLF requirements within that 10 year time frame. Use of either of these 2 sites will reduce the regional OLF capacity shortfall presently reported by the Navy. For that reason, this proposal is to the advantage of the communities opposed to the carrier jet OLF. However, the Navy's plan is limited to no more than 10 years of operations, after which the OLF controversy is projected to have been resolved with the construction of a new OLF. He stated that Mrs. Harrell was here to address the issue.

Mrs. Joan Harrell said she wanted to speak on the proposed coming of the OLF to the Greenville Airport. She said she had to explain what was about to take place. She stated the Navy is planning to use the airport in the western part of the county as a training facility. She said this is not what was previously proposed for Southampton County. Jets were proposed for use in Southampton County, but jets were not being proposed for Greenville County. Instead they plan to use prop planes. She said don't be misled these planes are very noisy. She stated that thirty acres of the airport is in Southampton County so these planes would be flying over Southampton County residents. She stated that the Navy had taken the liberty of releasing a 1,100 page paper concerning the project which a lot of people wouldn't take the liberty of reading so she is doing that for the citizens. The Navy did a study of the noise level. She stated that the decibels of the noise would be equal to a vacuum cleaner running constantly less than three feet from you. With the proposed pattern this noise would be prominent in the Adams Grove and Capron areas. Under the proposal, these twin-engine turboprops would conduct up to 45,000 passes annually, with the field being used 20 out of 30 days a month. The Navy operations would facilitate aircraft carrier approaches and touch and go landings. She passed a handout to the Board members describing the noise level decibels. She said she is not being unpatriotic, but this is something we don't want in our area with this level of noise. She stated that the other option the Navy was looking at was Wallop's Island. She stated they already use the site there anyway. She said it would cost \$874,000 a year to train at Wallop's Island and if they set up and train in Greenville it will cost \$2.2 million a year so it is really a no brainer. She said she understood there were some underlying interests behind this. She said she could only speculate and she wasn't going to be doing that tonight. She said she hoped they would understand her complaint and listen. Following is a copy of the handout she passed out to the Board:

noise levels well above those recommended by the [National Institute for Occupational Safety and Health \(NIOSH\)](#), which was set at 85 decibels. NIOSH had stated that noises above 85 decibels can cause hearing loss.

<b>Painful Acoustic Trauma</b>	<b>140</b>	Shotgun blast
	<b>130</b>	Jet engine 100 feet away
<b>Extremely Loud</b>	<b>120</b>	Rock concert
	<b>110</b>	Car horn, snowblower
	<b>100</b>	Blow dryer, sump pump, helicopter, chainsaw
<b>Very Loud</b>	<b>90</b>	Motorcycle, lawn mower, convertible car on highway
<b>Loud</b>	<b>80</b>	Factory, noisy restaurant, vacuum, screaming child
<b>Moderate</b>	<b>70</b>	Car, alarm clock, city traffic
	<b>60</b>	Conversation, dishwasher
<b>Faint</b>	<b>50</b>	Moderate rainfall
	<b>40</b>	Refrigerator
	<b>30</b>	Whisper, library
	<b>20</b>	Watch ticking
dB levels		

Draft Environmental Assessment  
E-2/C-2 Field Carrier Landing Practice Operations

Table 3-16 Modeled Sound Exposure Level for Points of Interest under Alternative 1, Scenario 1 and Scenario 2, at Emporia-Greensville Regional Airport

Location	Description	Existing Conditions Aircraft Type and Operation with its Maximum Modeled Sound Exposure Level			Alternative 1, Scenario 1 Three-Plane Schedule E-2/C-2 Operation with Maximum Modeled Sound Exposure Level			Alternative 2, Scenario 2 Types and Five-Plane Balance E-2/C-2 Operations with Maximum Modeled Sound Exposure Level		
		Operation Type	Dist. from Aircraft <sup>a</sup>	SEL (dB)	Operation Type	Dist. from Aircraft <sup>a</sup>	SEL (dB)	Operation Type	Dist. from Aircraft <sup>a</sup>	SEL (dB)
1	Hampton County, Virginia Mid Atlantic Gin	Business Jet	Departure	0.18	84.7	0.19	95.5	0.19	95.5	
2	Intersection of Route 58 and State Route 711	Single Prop	Box Pattern	0.48	75.4	1.12	80.0	0.68	80.3	
3	Valley Proteins, Inc.	MH-53	Departure	3.17	66.4	0.52	84.3	0.52	84.3	
4	Intersection of Adams Grove Road and Railroad	MH-53	Departure	2.95	68.0	0.12	87.2	0.12	87.2	
5	Pleasant Grove Baptist Church	MH-53	Departure	3.53	65.1	0.28	83.4	0.28	83.4	
6	Capron Community Church of God	MH-53	Departure	3.67	64.7	0.69	79.8	0.69	79.8	
7	Deerfield Correctional Center	CH-47	Paratrooper r Drops	12.39	38.4	1.81	66.8	1.81	66.8	

Source: BREPC 2012

Notes:  
 1. For the existing environment, the aircraft type and operation which had the highest modeled sound exposure level for the specific point of interest was chosen for presentation in this table.  
 2. For the projected environment, the E-2/C-2 operation with the highest modeled sound exposure level for the specific point of interest was chosen for presentation in this table.  
 3. Operation Type includes the following: Box Pattern = a pattern designed for repeated instrument approaches to the airfield; Departure = an aircraft flight track departing from the airfield;  
 Arrival = an aircraft flight track arriving at the airfield; and Paratrooper Drop = helicopter operations typically flown vertically at different altitudes to provide paratrooper training.  
 4. Distance to Aircraft is the diagonal distance from the point of interest in the aircraft (accounting for both altitude and distance along the ground) to the closest point along the given flight path for that operation.

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Taken from Emporianews.com

Over a year ago ago, a pilot involved in the Navy's search for a practice landing field took the unusual step of publicly criticizing his command's site selection process.

Cmdr. Matt Baker wrote a letter to four-star Adm. John Harvey Jr. - and sent copies to the media - alleging that the command failed to consider Wallops Island as a viable site for touch-and-go landing practice for Navy prop planes. Baker contended that by using the NASA facility at Wallops Island, on Virginia's Eastern Shore, instead of leasing space at a municipal airport in Emporia, the Navy could save \$14 million over the next decade.

Harvey, head of the Navy's Fleet Forces Command, halted the site-selection process while an inspector general investigated Baker's complaint. The IG's 26-page report, obtained through a Freedom of information Act request, did not substantiate any of Baker's specific claims, including an allegation that the command rigged the process in favor of Emporia. But the investigation did validate Baker's analysis that the Navy could save more than \$1 million annually by using Wallops Flight Facility instead of Emporia for field carrier landing practice.

Then the Navy announced it had added Wallops as an alternative and will conduct environmental assessments on both sites. It hopes to have the crews of E-2C Hawkeyes and C-2 Greyhounds practicing at one of the locations by the summer of 2013.

The investigation sparked by Baker's complaint lays out a timeline of the Navy's search for a landing field for Norfolk-based planes and crews, which currently use Fentress Auxiliary Landing Field in Chesapeake or head to Jacksonville, Fla., for weeks at a time to train.

In mid-2010, the Navy started looking at alternative training sites within 90 nautical miles of Norfolk.

According to the investigation report, the deputy director at the NASA facility told Navy officials in July 2010 that carrier landing practice was "incompatible with Wallops mission and community relations."

The Navy proceeded with its search for a commercial lease, first focusing on Franklin and later, Emporia.

Within days of the Navy announcing it would study just one potential site - Emporia - Wallops officials told Harvey's command they were interested in being considered, too. They expressed that again in writing on July 15.

In a letter it was argued that using Emporia for training would cost the Navy \$17 million more over a decade than it currently spends training local pilots. And because flight crews could switch into and out of planes at Wallops - something they can't do at Emporia, because its runway is only long enough for touch-and-go maneuvers - that option would require far fewer flight hours and less fuel, maintenance and wear and tear on the planes.

A chart lays out estimated annual costs of training flight crews in various locations: \$1.4 million at the Navy's field in Florida; \$2.5 million in Emporia (including the cost to lease the facility) and \$874,000 at Wallops.

Chairman Jones asked if anyone had any questions.

Supervisor Phillips thanked Mrs. Joan Harrell. He said he had been there and done that. He stated that he planned to attend the meeting in Greenville tomorrow night. He thanked her for what she had to say as he said it was going to have a definite impact on the county if it came to Greenville. He said he thought five sites were included with the site. He mentioned the Mason site.

Mrs. Joan Harrell said she wasn't sure. She stated she didn't know why they didn't use the Independent Messenger which is the local paper to keep people informed. She stated the citizens were confused because not putting the information in the local paper kept them in the dark. She said back when they were looking at using the Franklin Airport they sent a plan so people could see and hear what it was going to be like. She stated that the plane made one circle around and left. She said when they came back for a second demonstration you could hear the windows rattle inside they said no thank you and told them to leave. Anyway the Navy has been invited to come to the meeting tomorrow night and present their side of the story so people needed to come and hear it.

Supervisor Phillips said exactly.

Mrs. Joan Harrell stated that some of this printed material can be misleading. She stated that the meeting was

going to be at the Greenville Ruritan Club to please come and encourage others to attend.

Chairman Jones said it was going to be in his backyard. He wasn't going to hear anything but noise, noise, noise. He stated that Adams Grove may not have many people, but the noise was going to bother them just the same.

Supervisor Edwards said he thought the board should send a resolution against this.

Supervisor Updike said he thought they should too.

Supervisor Edwards said the airport is in both the city and the county.

Chairman Jones said in the city, but most of it is in the county.

Mrs. Joan Harrell said it was in both the city and the county.

Chairman Jones asked if he could get a motion to adopt a resolution against the Navy using the airport for training.

Supervisor Edwards made a motion to adopt a resolution against the Navy using the airport for training.

Supervisor Faison seconded the motion.

Chairman Jones asked if there were any other comments.

Supervisor West said there should be a hearing on this.

Supervisor Phillips said there is a public meeting tomorrow night.

Supervisor West said Admiral Harvey is jumping the gun. We need to send a letter of concern.

Chairman Jones said the Navy is failing to use their assets at Wallop's Island.

Mrs. Joan Harrell said their reasons for coming here are very bazaar when Wallop's Island is much more appropriate. It just doesn't make good sense.

Chairman Jones called for the vote on the resolution which carried unanimously.

Chairman Jones stated the next item of business was 7 – Committee Reports.

Mr. Michael Johnson stated that item A is the general engineering services. He stated that Supervisors Edwards and Updike have collaborated with Mr. Ash Cutchin, Mr. Jimmy Lee, Mr. Hunter Darden, and Mr. Jack Randall to review/evaluate twelve engineering proposals and conduct interviews with five prospective firms for general engineering services. Based on the evaluation criteria contained in the FRP, it is the consensus of the committee for the county to enter into contract for general engineering services with each of the following:

- a. Jeff Robinson & Associates, LLC (Emporia);
- b. Bowman Consulting Group, Ltd. (Williamsburg); and
- c. Retaw Engineering (Midlothian)

Entering into contract for general engineering services does not obligate the county to issue specific task orders or spend any money. As projects materialize, a task order may be negotiated with the firm whose experience and qualifications are best suited to the work at a price that is considered fair and reasonable. The contracts will be for one year, renewable for up to four additional one-year terms. If the Board is so inclined, a motion is required authorizing the County Administrator to enter into contract with each of the firms listed.

Chairman Jones asked if there were any questions or comments.

Supervisor Updike said they had worked that the committee had looked for two things honesty and what kind of aspects that have been working. If you see the gentlemen who served on this committee, don't forget to thank them for serving.

Chairman Jones asked if he had a motion.

Supervisor Porter made a motion authorizing the County Administrator to enter into a contract with each of the firms listed above.

Supervisor Phillips seconded the motion which carried unanimously.

Mr. Michael Johnson stated that item B was Shared Services/Continuous Improvement (452). He stated that Supervisors West and Porter have been active, meeting bi-weekly with county staff to discuss opportunities for continuous improvement. They've also met with representatives from Southampton County Schools and the City of Franklin to begin exploring opportunities for shared services. They've worked to develop a voluntary early retirement incentive program which is currently under consideration by a small group of employees who are eligible for retirement under VRS guidelines. He asked Supervisors West and Porter if they had any additional comments at this time.



SOUTHAMPTON COUNTY  
VOLUNTARY EARLY RETIREMENT INCENTIVE OFFER (VERIO)  
PROGRAM GUIDELINES

**A. Eligibility**

1. The Southampton County VERIO will be made available to all regular full-time employees who are covered under the Personnel Management Plan of the Board of Supervisors, subject to the following eligibility criteria:
  - a. Employees must be eligible for early or full retirement under the provisions of VRS (at least age 50 with 10 years of service, or age 65 with 5 years of service).
  - b. Have been employed by Southampton County for at least 10 years prior to retirement.
2. Employees retiring under the disability provisions of VRS and/or Social Security shall not be eligible for the VERIO.

**B. Benefits**

VERIO benefits shall be paid as a lump-sum stipend equivalent to 1.25 weeks of pay for every full year of service with the County.

Employees accepting the VERIO shall remain entitled to compensation for all accrued annual and sick leave and any accrued compensatory time in accordance with the Southampton County Personnel Management Plan and the Fair Labor Standards Act.

**C. Acceptance**

Signed and witnessed acceptance of the VERIO must be received by the County Administrator prior to October 1, 2012. This offer becomes null and void at 12:00 a.m., October 1, 2012.

**D. Retirement Date**

Employees accepting the VERIO agree to retire from service prior to December 1, 2012, subject to approval by the County Administrator. The retirement date may be extended by the County Administrator in order to avoid disruption of essential functions of any department.

Supervisor West said no, not at this time.

Supervisor Porter said no, other than the fact that they are very active within the county.

Supervisor West said they get to pay things – their lunch, gas, etc.

Chairman Jones stated that the next item is 8 – Public Hearings.

Mr. Michael Johnson stated that the first public hearing is a request for tax exemption Cheroenhaka “Nottoway” Indian Tribal Heritage Foundation. He stated this public hearing is held pursuant to Section 58.1-3651 9B) of the Code of Virginia, 1950, as amended to consider a proposed ordinance to exempt certain real property owned by the Cheroenhaka “Nottoway” Indian Tribal Heritage Foundation, Inc. of Courtland, a 501 (c) (3) non-profit organization, from local real estate taxation in accordance with the provisions of Article X, 6 (a) (6) of the Constitution of Virginia. The affected real property is located on Old Bridge Road, identified as Tax Map # 75-12E, and used by the aforementioned organization for historical, cultural and religious activities indigenous to the native people of Southampton County. In 2012, the property is assessed by Southampton County at \$100,000 and the associated real estate tax of \$750.00. Before adopting any such ordinance the governing body shall consider the following questions:

1. Whether the organization is exempt from taxation pursuant to 501 (c) of the Internal Revenue Code of 1954;
2. Whether a current annual alcoholic beverage license for serving alcoholic beverages has been issued by the Virginia Alcoholic Beverage Control Board to such organization, for use on such property;
3. Whether any director, officer, or employee of the organization is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director, officer, or employee actually renders;
4. Whether any part of the net earnings of such organization inures to the benefit of any individual, and whether any significant portion of the service provided by such organization is generated by funds received from donations, contributions, or local, state or federal grants. As used in this subsection, donations shall include the providing of personal services or the contribution of subsection, donations shall include the providing services or the contribution of in-kind or other material services;
5. Whether the organization provides services for the common good of the public;
6. Whether a substantial part of the activities of the organization involves carrying on propaganda, or otherwise attempting to influence legislation and whether the organization participates in, or intervenes in, any political campaign on behalf of any candidate for public office;
7. The revenue impact to the locality and its taxpayers of exempting the property; and
8. Any other criteria, facts and circumstances that the governing body deems pertinent to the adoption of such ordinance.

The notice of public hearing was published in the Tidewater news on September 2, 2012 as required by law. After conclusion of the public hearing, the Board of Supervisors will consider the comments offered this evening and will proceed to adopt, amend or defer action on the proposed ordinance. If the Board is inclined, a motion is required to adopt the ordinance.

Ordinance Exempting from County Real Estate Taxation Certain Real Property Owned by the Cherokeehaka "Nottoway" Indian Tribal Heritage Foundation, Inc.

**WHEREAS**, § 58.1-3651 of the Code of Virginia, 1950, as amended, authorizes localities to adopt ordinances, after holding a public hearing with respect thereto, exempting from taxation the real property owned by a nonprofit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes;

**WHEREAS**, the Cherokeehaka "Nottoway" Indian Tribal Heritage Foundation, Inc. is a non-profit organization whose mission is to educate the public about the historical, cultural and religious activities that were indigenous to the native people of Southampton County;

**WHEREAS**, the Cherokeehaka "Nottoway" Indian Tribal Heritage Foundation, Inc. of Courtland owns real property located on Old Bridge Road, Courtland, Virginia, that is used for the educational, historical, cultural and religious purposes described hereinabove;

**WHEREAS**, the Cherokeehaka "Nottoway" Indian Tribal Heritage Foundation, Inc. requests exemption from real estate taxation on the above-mentioned property, identified as tax map parcel #75-12E beginning with the 2012 tax year and continuing so long as the property is used in accordance with the historical purposes for which the Cherokeehaka "Nottoway" Indian Tribal Heritage Foundation, Inc. is designated;

**WHEREAS**, the real property located on Old Bridge Road in Courtland, Virginia has an aggregate County-assessed value of \$100,000 and the real estate tax for the 2012 year is calculated at \$750.00;

**WHEREAS**, a public hearing was duly advertised in accordance with the provisions of § 58.1-3651 of the Code of Virginia, 1950, as amended; and

**WHEREAS**, the Board of Supervisors of Southampton County, Virginia, has given due consideration to the questions set forth at § 58.1-3651(B) of the Code of Virginia, 1950, as amended.

**NOW, THEREFORE, BE IT ORDAINED**, that in accordance with the provisions of § 58.1-3651 of the Code of Virginia, 1950, as amended, the following Ordinance be, and the same hereby is, adopted:

*That certain real property, with improvements thereon, located on Old Bridge Road, Courtland, Virginia, and identified as tax map parcel 75-12E, owned by the Cherokeehaka "Nottoway" Indian Tribal Heritage Foundation, Inc., a non-profit organization, and used by such organization for historical, cultural and religious activities that were indigenous to the native people of Southampton County, shall be exempt from County real estate taxation so long as the Cherokeehaka "Nottoway" Indian Tribal Heritage Foundation, Inc. is operated not for profit and the property so exempt is used in accordance with the organization's stated purpose. Such exemption shall become effective with the 2012 tax year.*

The vote was \_\_\_\_\_ :

- Aye:
- Nay:
- Abstain:

[This uncodified ordinance was adopted by the Board of Supervisors on \_\_\_\_\_]

A copy teste: \_\_\_\_\_, Clerk  
Southampton County Board of Supervisors  
Adopted :

§ 58.1-3651. Property exempt from taxation by classification or designation by ordinance adopted by local governing body on or after January 1, 2003.

A. Pursuant to subsection 6 (a) (6) of Article X of the Constitution of Virginia, on and after January 1, 2003, any county, city, or town may by designation or classification exempt from real or personal property taxes, or both, by ordinance adopted by the local governing body, the real or personal property, or both, owned by a nonprofit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes. The ordinance shall state the specific use on which the exemption is based, and continuance of the exemption shall be contingent on the continued use of the property in accordance with the purpose for which the organization is classified or designated. No exemption shall be provided to any organization that has any rule, regulation, policy, or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex, or national origin.

B. Any ordinance exempting property by designation pursuant to subsection A shall be adopted only after holding a public hearing with respect thereto, at which citizens shall have an opportunity to be heard. The local governing body shall publish notice of the hearing once in a newspaper of general circulation in the county, city, or town where the real property is located. The notice shall include the assessed value of the real and tangible personal property for which an exemption is requested as well as the property taxes assessed against such property. The public hearing shall not be held until at least five days after the notice is published in the newspaper. The local governing body shall collect the cost of publication from the organization requesting the property tax exemption. Before adopting any such ordinance the governing body shall consider the following questions:

1. Whether the organization is exempt from taxation pursuant to § 501(c) of the Internal Revenue Code of 1954;
2. Whether a current annual alcoholic beverage license for serving alcoholic beverages has been issued by the Virginia Alcoholic Beverage Control Board to such organization, for use on such property;
3. Whether any director, officer, or employee of the organization is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director, officer, or employee actually renders;
4. Whether any part of the net earnings of such organization inures to the benefit of any individual, and whether any significant portion of the service provided by such organization is generated by funds received from donations, contributions, or local, state or federal grants. As used in this subsection, donations shall include the providing of personal services or the contribution of in-kind or other material services;
5. Whether the organization provides services for the common good of the public;
6. Whether a substantial part of the activities of the organization involves carrying on propaganda, or otherwise attempting to influence legislation and whether the organization participates in, or intervenes in, any political campaign on behalf of any candidate for public office;
7. The revenue impact to the locality and its taxpayers of exempting the property; and
8. Any other criteria, facts and circumstances that the governing body deems pertinent to the adoption of such ordinance.

C. Any ordinance exempting property by classification pursuant to subsection A shall be adopted only after holding a public hearing with respect thereto, at which citizens shall have an opportunity to be heard. The local governing body shall publish notice of the hearing once in a newspaper of general circulation in the county, city, or town. The public hearing shall not be held until at least five days after the notice is published in the newspaper.

LIS > Code of Virginia > 58.1-3651

D. Exemptions of property from taxation under this article shall be strictly construed in accordance with Article X, Section 6 (f) of the Constitution of Virginia.

E. Nothing in this section or in any ordinance adopted pursuant to this section shall affect the validity of either a classification exemption or a designation exemption granted by the General Assembly prior to January 1, 2003, pursuant to Article 2 (§ [58.1-3606](#) et seq.), 3 (§ [58.1-3609](#) et seq.) or 4 (§ [58.1-3650](#) et seq.) of this chapter. An exemption granted pursuant to Article 4 (§ [58.1-3650](#) et seq.) of this chapter may be revoked in accordance with the provisions of § [58.1-3605](#).

(2003, c. [1032](#); 2004, c. [557](#).)

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**CHEROENHAKA (NOTTOWAY) INDIAN TRIBAL  
HERITAGE FOUNDATION, INC  
P.O. Box 297  
Franklin, Virginia, 23851**

*501 (c) (3) Effective June 13, 2005*  
EIN: 34-2005753

August 7, 2012

SUBJECT: Request For Tax Exempt Status of 100 Acres of "Tribal Land" known as  
Cattashowrock Town

To The Honorable Board of Supervisors, Southampton County, Virginia

Dear Sir (s):

1. Reference(s): Section 58.1-3651 (B) Code of Virginia; Article X, §6 (a) (6) of the  
Constitution of Virginia

2. On behalf of the Cheroenhaka (Nottoway) Indian Tribal Heritage Foundation, Inc., let me  
thank you for your committed support to the goals of our Foundation as it applies to bringing to  
the at-large community and visiting tourist, in country and from over seas, enlightenment on  
Education, Culture, Traditions and Religion of the first indigenous people of Southampton  
County. Our foundation is the 501 ( c) 3 Non-profit arm of the Cheroenhaka (Nottoway) Indian  
Tribe of Southampton County Virginia. EIN: 34-2005753.

As such; the Board of Directors of the Cheroenhaka (Nottoway) Indian Tribal Heritage  
Foundation, Inc. owners of 100 acres of Tribal Land, located on Old Bridge Road, Courtland,  
Virginia, Parcel 1 – PT Bl.K #16-Tract 311, (Map # 75 12F) do hereby request your  
consideration in exempting our ethno-historical real estate, known as *Cattashowrock Town*, from  
Southampton County's real estate taxes as provided under Reference 1 above.

The Cheroenhaka (Nottoway) Indian Tribal Heritage Foundation, Inc., was formed on June 13,  
2005 with the purpose of fostering Education, Culture and Religious activities indigenous to the  
original people of Southampton County – Cheroenhaka (Nottoway) Indians. On March 20, 2009  
the foundation purchases 100 acres of land on Old Bridge Road, Courtland, VA with the vision  
of fostering tourism by way of Native Interpretative Trails with Native Flora; to include, a  
Palisade Native American Village, with replica 1580s Iroquoian "*Long Houses*" call  
Cattashowrock Town. The real estate will also be used for our Annual Cheroenhaka (Nottoway)  
Indian Tribe Powwow and Gathering. Please note that over the past "*Eleven Years*" our  
educational and cultural Powwows here in Southampton County, on the fourth weekend of July,  
have attracted visiting tourist and VIPs to Southampton County from across the United States  
and overseas – London England, Germany, Austria, Australia, Russia, Philippines, France,  
Switzerland, Puerto Rico, and Viet Nam..

Our foundation does not have an alcoholic beverage license and prohibits the use of or serving of alcohol on said land or at any powwow festival. Our directors and volunteers do not serve in a paid capacity, nor does anyone receive any personal gain from any activities we sponsor. We do seek donations from the general public and businesses, sponsor fund raising events, and seek grants from local, state, and federal entities in order to promote and foster the mission of our foundation. Said monies are also used to conduct ethno-historic educational, traditional and cultural Native American Programs for the public. Our Articles of Incorporation and By-laws prohibit the use of any propaganda or otherwise attempting to influence any political legislation. Nor do we participate in or intervene in any political campaign on behalf of any candidate for public office.

The loss of real estate taxes from the land belonging to the Cheroenhaka (Nottoway) Indian Tribal Heritage Foundation – Cattashowrock Town, will have an insufficient impact on Southampton County's Budget; however, Cattashowrock Town, will have a tremendous, positive impact on the amount of visiting tourist and tourist dollars coming into Southampton County annually and will complement other tourist sites in the county.

It is our understanding that this request requires a public hearing and that said hearing must be advertised in our local paper. We will accept responsibility for all cost associated with the advertising of the Public Hearing.

Thank you so very much for your consideration and cooperation germane to this request.

Respectfully Yours,



Chief Walter D. Brown, III, Chairman  
Cheroenhaka (Nottoway) Indian Tribal Heritage Foundation, Inc.  
P. O. Box 397  
Franklin, VA 23851  
Email: [wdbrowniii@aol.com](mailto:wdbrowniii@aol.com)  
Tribal Website: <http://www.cheroenhaka-nottoway.org>  
Email: [wdbrowniii@aol.com](mailto:wdbrowniii@aol.com)  
Tel #: 757-562-7760 home; 757-334-5510 cell

Encl as,

- Sample Interpretative Trail Signage
- Cattashowrock Town Sign

<p><b>Board of Directors:</b> W.D. Brown III, Chairman; Ella Wright, Vice Chairman; Cynthia Brown, Secretary; Teresa Brown, Treasurer; Teresa Preston, At Large; William Lamb Howell; Angie Hines; Deborah Kaitala; Beverly El. Telephone #: (757) 562-7760</p>
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Chairman Jones opened the public hearing. He asked if there was anyone for or against this ordinance.

Mr. Walt Brown addressed the Board. He stated that he was Chief of the Cheroenhaka "Nottoway" Indian Tribe here in Southampton County. He stated that he was also the Chairperson of the Cheroenhaka "Nottoway" Indian Tribal Heritage Foundation which is pursuing the tax exemption for itself. At the last meeting they did an overview of the purpose and conditions of the foundation and what their plans are for "Cat Tas How Rock Town" which is actually a facsimile of the village that William Byrd saw when he visited Southampton County on April 7 & 8, 1728 when he came to survey the Virginia/North Carolina line. They will be having their second affair out there. Their first affair took place on March 20, 2009 when they had the pipes celebration ceremony. He stated that he just wanted to say that he is in favor of this and if you have any questions he would be happy to answer them for you.

Chairman Jones asked if anyone had any questions for Mr. Walt Brown.

Supervisor West asked are any of the directors, officers, or employees of the organization compensated as far as a

salary.

Mr. Walt Brown said negative.

Chairman Jones asked if there were any other questions.

Supervisor Updike stated at the last meeting he thought the Board voted for this to go before the planning commission to have your plans reviewed.

Mr. Walt Brown stated that he actually had individuals from Mrs. Beth Lewis' office to come out and look at the site and review the plans. There was really no hard core direction to go to the Planning Commission. There was really no directive to go to the Planning Commission to show them our plan before we came back to this Board. He said he addressed their plans at the last meeting before the Board members decided to accept our recommendations and open this up for a public hearing. He stated again that they did have Mrs. Beth Lewis and Mr. John Jenkins out there to look at the site. Also, Mr. Michael Johnson has been out there and at the last meeting he had some pictures that showed exactly what we have out there. He said it is a non-profit organization. No one is salaried. They do not sell alcohol and they don't plan on doing any gambling. The foundation is founded upon focusing on cultural, educational, and religious activities. He stated there was no directive to go to the Planning Commission. There was a session among the Board Members and there was a motion made and the motion was denied and they were told to bring it back and he did an about face and left.

Mrs. Debbie Jeters addressed the Board. She stated that Mr. Walt Brown was her friend, but she had to oppose him on this. She stated that all the qualifications that he had met to become a 501 (3) (C) also applied to Bear Path Acres. She stated that if he is allowed to become tax exempt she will be requesting that Bear Path Acres also be tax exempt. She said she thought right now that with all the budget cuts it is something that should be put on hold for a while, work on the budget, and maybe look at this issue later.

Mrs. Crystal Batchler addressed the Board. She stated that is the Treasurer of the Cheroenhaka "Nottoway" Indian Foundation which is filing for the 501 (3) (c). She stated that plan to have a wellness center, and also a museum at the site. She said she is in favor of them honoring the request for tax exemption.

Chairman Jones asked if anyone else wished to speak.

Mr. Carl R. Brown of Wood Road stated that he was a member of the Cheroenhaka "Nottoway" Indian Tribe and he was in favor of the tax exemption. Thank you.

Mr. Randolph Boone of Sandy Ridge Road addressed the Board. He stated that he was a member of the Cheroenhaka "Nottoway" Indian tribe and he is in favor of becoming tax exempt.

Mr. Ellis Wright addressed the Board. He said he was also a member of the Heritage Foundation. He said he resides at 23066 Angelio Road, Capron, Virginia. He said he did support the tax break exemption. He said they will surely return several times more to the county than what their tax break would be.

Mrs. Teresa Preston addressed the Board. She stated here address is 10457 New Road, Ivor, VA. She stated that she had served on the Board since July 2008. She said she could honestly say that she has witnessed many charitable contributions. They have published documentation of this in the newspaper. They have given to the poor in the community who have been recommended by Social Services. These people receive turkeys and other food donations which were paid for by the tribe. They helped a family in Hampton who got flooded a few weeks ago when they had eleven inches of rain and it flooded an area that had never flooded before and they didn't have flood insurance. The land in question was previously owned by International Paper and they were fortunate to be able to get it. She stated the land backs up to 400 acres which is referred to the area where the Big Mama Cypress trees are located. There are hiking and interpretive trails. There are signs being put in place which identify the native plant species that have volunteered there since the timber was cut. She stated there are all typed of native plants that have volunteered which will be identified along with the uses of the plants in the native villages. The tribe here in the county is one of only three groups in Virginia. The groups in Virginia are the Algonquian, the Powhatan, Siouan tribes out in the mountains, and the Iroquoian Speakers. She said she found it very interesting that Thomas Jefferson two hundred years into the history of this country didn't realize that we even had an Iroquoian speaking tribe here in Virginia. She stated that all this had been done in a community where we had unemployment, businesses that have closed, and a lot of other things. She stated that any other organizations would have put it on hold just to maintain other things that they were doing. She said but instead they had pushed forward. She stated they have been fortunate that they have had people outside of the tribe see what they were

trying to do to bring a picture of the culture as it was back in the 15 or 1600's to our community and also for visitors. She stated they have had people even from Germany, Russia who come and want to experience the native tribe. She said she worked the history booth when they had the powwows out at the fair grounds and she met the people who came through. She said there was a Russian lady who came through and luckily the woman spoke English because she didn't speak Russian. She said the lady spent a good two and a half to three hours in the language booth talking to her little one and showing her how they had it exhibited and actually working with her little child to teach everybody not just the children the language. She said so it is educational. It is historical work. She said as a point of knowledge for the Board when they purchased the land it was assessed at \$135,000.00. She said they cut the timber for a higher amount than what their taxes were reduced by after the cutting. They ended up with a \$100,000.00 assessment on the property. She said they appreciate us looking into this and to awarding them the 501 (c) (3) tax exempt status so they could bring great rewarding and educational programs to the school children and to the people in the community who visit the powwows and other things provided for their enjoyment. She stated there is a museum in the works. She said the grand opening is on November 16th and 17<sup>th</sup>. She said that Friday, November 16, 2012 was a school day and Saturday, November 17<sup>th</sup> was the grand opening with the Corn Harvest Powwow. She thanked the Board for their time.

Chairman Jones thanked Mrs. Teresa Preston. He asked if there was anyone else wishing to speak.

Supervisor Edwards asked if any of that land was in land use.

Mrs. Teresa Preston asked what his question was again.

Supervisor Edwards asked if any of the land was in the land use taxation program.

Mr. Walt Brown said no it is not in land use.

Chairman Jones asked if there was anyone else wishing to speak.

Mrs. Gloria Hill addressed the Board. She said she was a member of the Cheroenhaka "Nottoway" Indian Tribe and she supports this tax exemption.

Chairman Jones asked if anyone else wanted to speak.

Mr. John Burchett of Sebrell addressed the Board. He said he was not opposed to this at all, but he is wondering if for at least the first five years it could be conditional where after five years it would be reviewed again and everything is under way as presented then maybe we could make it permanent. He said he didn't know exactly how it works, but he didn't know about giving a tax exemption to any organization for life. He thinks that is a mistake. He said he remembers a few years ago we made the mistake of doing that for Whitetail Park in Ivor. It is not the same thing, but still.

Chairman Jones asked if there were any questions.

Supervisor Edwards asked Mr. Richard Railey if he the tax exemption could be revoked.

Mr. Richard Railey said he didn't think you had to put a time limit on it. He thought you could look at it any time you wanted to. He said he didn't think there was any magic to it by saying five years, three years, or one hundred years.

Supervisor Edwards asked if there was anything wrong with putting a time limit on it.

Mr. Richard Railey said there was probably nothing wrong with it, but it was unnecessary.

Supervisor Porter said it was his understanding that the exemption was based on the use of the land. At any time the use of the land violates the conditions of the exemption the exemption is automatically revoked. So there is no need to put a time limit on it.

Mr. Richard Railey said that is correct.

Chairman Jones asked if anyone else wished to speak.

Mrs. Beverly Eel addressed the Board. She stated that she is a member of the Cheroenhaka "Nottoway" Indian

Tribe Heritage Foundation. She said she is in favor of the tax exemption.

Mr. Nick Kitchen, Mayor of Town of Capron, addressed the Board. He stated that he is afraid that this Board is about to set a precedent. He said he was not opposed to the Cheroenhaka in any way shape or form. If you grant tax exempt status to a 501 (c) (3) tonight we already know that Bear Path Acres plans to request tax exempt status. He said who is next; who is next? He said he had 501 (c) (3) in the Town of Capron who pay taxes every year just like the Cheroenhaka is paying Southampton County. He said we are now in what he calls an economic crisis for Southampton County. He said he is opposed to tax exempt status for 501 (c) (3) s, not just Cheroenhaka's but 501 (c) (3)'s.

Supervisor Porter asked Mr. Nick Kitchen did he understand that 501 (c) (3) is not getting tax exemption. The tax exemption is strictly on the use of land.

Mr. Nick Kitchen said yes he did, but still that is \$750.00 for the next fiscal year for this county.

Supervisor Porter said do you also understand that we have granted tax exemptions to prior 501 (c) (3) corporations.

Mr. Nick Kitchen said he would have to stand opposed to those as well.

Supervisor Porter said those have been granted so this will not set a precedent.

Mrs. Debbie Jeter said so she can apply since their land is used for nothing but Bear Path Acres – 100% percent. We can apply.

Mr. Richard Railey said anyone can apply.

Supervisor Porter said if you meet the eight criteria for tax exemption yes then you qualify.

Mr. Richard Railey said it is still the decision of this Board.

Chairman Jones said yes it is still up to us. He asked if anyone else had any questions.

Supervisor Edwards said he had a question for Mr. Michael Johnson. He asked if they were not granted this tax exemption what things that go there could be taxed by the county – anything additional.

Mr. Michael Johnson said he wasn't sure he was following his question.

Supervisor Edwards said well the bill is \$750.00 a year. He asked what else could go there that the county could collect taxes on; is there anything else.

Mr. Michael Johnson said any improvements that would be built and were not tax exempt would be subject to being taxed at the real estate rate at the fair market value of the improvements.

Supervisor West said so you are saying something such as a reception center or something of that nature would stand subject to being taxed at the standard rate.

Mr. Michael Johnson said correct any real estate improvements.

Mr. Ash Cutchin asked if he could answer that question.

Mr. Walt Brown asked if he could address that.

Mr. Ash Cutchin said you go ahead you are the chief; I'm just an Indian.

Mr. Walt Brown said when we build the museum there it will be taxable.

Mr. Michael Johnson said no the museum will be part of the real property.

Mr. Richard Railey stated that is correct the museum will be part of the real property which will come under the same rule.

Mr. Walt Brown said so what is your question; what are you referring to.

Supervisor West said any improvements which could be taxable.

Mr. Walt Brown said we are planning to put up a museum of course the land that we are planning to put it on would be tax exempt.

Mr. Richard Railey stated by definition the museum becomes part of the real property.

Mr. Walt Brown said we still have to pay for electricity and utilities.

Mr. Richard Railey said absolutely; we aren't going to pay your electric bill.

Supervisor Edwards said so you are saying the museum is or is not tax exempt.

Mr. Richard Railey said is tax exempt.

Supervisor Edwards said so we are talking about more than \$750.00 here then.

Mr. Richard Railey said yes you are talking about the real property.

Mr. Walt Brown said this is the same thing that is applicable to the Historical Society and all the buildings they have under the 501 (c) (3) on their property and the same thing applies to all the other 501 (c) (3) organizations that we have in this county.

Mr. Ash Cutchin of Darden Mill Estate, Courtland, Virginia addressed the Board. He said he is neither opposed or in favor of this, but he would like to point out a couple of things. He said he lives in the Jerusalem District and Dr. Alan Edwards is his supervisor. He said he wasn't sure you were going to clarify it a few minutes ago, but any improvements in the form of building that are attached to the land become a part of the land which are taxed at the same rate. A half a million dollar museum would be tax exempt so it is not going to be a mere \$750.00 because the taxes would be whatever they are in the future. Another thing about the timber – if it is probably was assessed at \$100,000.00 now it was probably assessed at \$135,000.00 before the timber was sold and if they sold the timber for more than \$35,000.00 then it probably means the timber was undervalued.

Chairman Jones asked if there was anyone else wishing to speak. There being no one else Chairman Jones closed the public hearing. He asked the Board what they had to say.

Supervisor Phillips said he understood there is some concern about additional changes to the property in the future. He said it is currently A-1 and A-2 agricultural zoned. If the changes are made those changes will have to come before the Planning Commission and those changes will have to be within the laws and Code of Virginia. He said the premise he believes is that as this place grows so will the tourists trade that comes to the property. If they build a museum it will still have to go before the Planning Commission to be approved as planned. There is a level of concern there. He stated the Mahone house has been given an exemption because it is 501 (c) (3) now. This may be on a little bit larger scale of course and the historical society has the same exemption so he thinks we are going to be able to control it or make sure that it is done the way it should be, but we are going to have to give some to get some. We want people to come in the county and spend money and have a good time and then say goodbye, thank you very much.

Chairman Jones asked if anyone else wanted to comment.

Supervisor Faison stated that the Cheroenhaka "Nottoway" Indian Tribe meets the criteria for tax exemption. These other organizations already have that tax exemption. He stated that this tribe has done quite a few things to be an asset to the county and has the potential to attract some tourists to come into this county and bring some money to the county so he certainly approves of their request.

Supervisor Porter said once again just as a point of clarification the tax exemption is not given for being a 501 (c) (3) company. Every 501 (c) (3) company does not get a tax exemption. The tax exemption is given on the land with specific conditions tied to that tax exemption. We have given this to the Mahone property. We have given it to the Historical Society. That's impressive. We have to be completely objective in the way we evaluate this. Today it is a \$750,000 cost to the county. With speculation that in the future it could be a much larger cost to the

county, but we don't know that. We aren't holding the money today. If that does happen and they build the museum then I suspect the return to the county should more than offset the \$750.00 that we are definitely giving up today.

Chairman Jones asked if anyone else had anything to add.

Supervisor West said he would like to say he didn't see it as a cost to the county period and any additional structures that come along in the future so be it. That is good and if it brings traffic and interest and tourists dollars that's good. He asked did you just read in the paper a couple of days ago that we received \$8.2 million dollars from tourists in Western Tidewater alone and if it becomes \$10 million well so be it because this is only \$750.00 so keep adding to it and bring some tourists in here because we are fussing about tax dollars now and if this brings tax dollars so be it. It is a good thing. Get off the idea of being hung up on it. He said he didn't know why we were hung up on it. These Indian folks were here a long time ahead of us and we need to honor this position to step out and carry the message it is not always the way you look at things if you follow what I'm saying. If we take and say what this is worth to Southampton County, it is worth a lot. Maybe you are saying when Walter Cecil Rawls adds on a new art museum we are going to tax them. He said I don't think so. It makes a better life for the citizens of the county and other people coming in. He said he was going to vote for it too, Supervisor Faison.

Chairman Jones asked if anyone else had anything if not he needed a motion.

Supervisor Faison make a motion that they adopt the ordinance.

Supervisor West seconded the motion which carried unanimously.

Supervisor West said he was going to ask a question if he may. He asked Mr. Walt Brown if they had any garden produce out there and who maintained the garden this past summer sir.

Mr. Walt Brown said did you see the garden. He said basically they put up a watch tower. They had a small fence around the garden. The tribal women were out there de-grassing the garden and fortunately we had no deer, squirrel, or rabbits to come in and eat the corn, beans, and the squash – the three sisters. He thanked the Board and said he hoped to see them on November 16<sup>th</sup>.

Chairman Jones called for item B.

Mr. Michael Johnson stated item B is a public hearing regarding revenue bond financing sewer improvements at the Boykins Wastewater Treatment Plant. This public hearing is held pursuant to Section 15.22606 of the Code of Virginia, 1950, as amended, on the proposed issuance of water and wastewater system revenue bonds, in the estimated maximum principal amount of \$230,000 to finance, along with any other available funds and together with proceeds of the previously issued \$880,502 revenue bond, improvements and upgrades to the Boykins Wastewater Treatment Plant. The project included improvements and upgrades necessary to comply with a Consent Order from the Virginia State Water Control Board dated September 23, 2011 and will be financed through the Virginia Water Facilities Revolving Fund with terms of 0% interest for 20 years. Based on a final project budget of up to \$1,110,502, the County will make semiannual payments of \$27,762.55 beginning in March 2013 and ending in September of 2032. The notice of this public hearing was published in the Tidewater News on September 2 and September 9, 2012 as required by law. After conclusion of this public hearing, the Board of Supervisors will consider the comments offered this evening and may act upon the matter or defer action until such time as it deems appropriate. He stated that he had a brief slide presentation just to sort of set the stage for this particular issue. He presented the following slide presentation.



# Revenue Bond Financing

*Boykins Wastewater Treatment Plant*



## Boykins Plant Site





## Bid Form

**SECTION A - BIDDING**

1. **CONTRACT NUMBER**

2. **CONTRACT DESCRIPTION**

3. **CONTRACT VALUE**

4. **CONTRACT DATE**

5. **CONTRACT LOCATION**

6. **CONTRACT OWNER**

7. **CONTRACT AGENT**

8. **CONTRACT ADDRESS**

9. **CONTRACT PHONE**

10. **CONTRACT FAX**

11. **CONTRACT E-MAIL**

12. **CONTRACT WEBSITE**

13. **CONTRACT CONTACT**

14. **CONTRACT CONTACT PHONE**

15. **CONTRACT CONTACT FAX**

16. **CONTRACT CONTACT E-MAIL**

17. **CONTRACT CONTACT WEBSITE**

18. **CONTRACT CONTACT ADDRESS**

19. **CONTRACT CONTACT CITY**

20. **CONTRACT CONTACT STATE**

21. **CONTRACT CONTACT ZIP**

22. **CONTRACT CONTACT COUNTRY**

23. **CONTRACT CONTACT LANGUAGE**

24. **CONTRACT CONTACT CURRENCY**

25. **CONTRACT CONTACT TAX ID**

26. **CONTRACT CONTACT VAT ID**

27. **CONTRACT CONTACT OTHER ID**

28. **CONTRACT CONTACT OTHER INFO**

29. **CONTRACT CONTACT OTHER INFO**

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40. **CONTRACT CONTACT OTHER INFO**

**SECTION B - BIDDING**

1. **BIDDING INFORMATION**

2. **BIDDING INFORMATION**

3. **BIDDING INFORMATION**

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39. **BIDDING INFORMATION**

40. **BIDDING INFORMATION**



## Bid Tabulation

Table 1. Bid Opening Breakdown

Construction Category	Bids				Bid Price	Bid Count	Total
	Offers	Revisions	Withdrawals	Errors			
Professional Construction	150,000.00	100,000.00	100,000.00	15,000.00	15,000.00	15,000.00	150,000.00
Other	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00
Construction	70,000.00	100,000.00	100,000.00	10,000.00	10,000.00	10,000.00	100,000.00
U.S. Mining	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00
M&E	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00
M&E Construction	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00
Professional Services (Construction Cost Category)	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00
Professional Services (Other Construction Cost Category)	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00
Professional Services (Other Construction Cost Category)	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00



## Original Budget

COUNTY OF SOUTHAMPTON, VIRGINIA  
C-515498-01

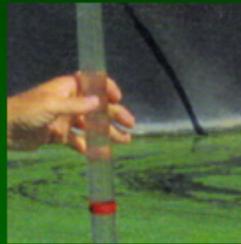
<u>Cost Category</u>	<u>Original</u>
Bond Counsel	\$ 15,000
Engineering Design/Permitting	110,000
Bidding	13,000
Construction Administration	70,000
Lump Sum Construction	553,809
<b>Unit Price Construction (Estimate)</b>	<b>86,668</b>
Project contingency	32,025
<b>Total</b>	<b>\$ 880,502</b>



- May 30 – Southampton staff expresses concerns that quantity of sludge is underestimated
- June 7 – Timmons re-samples sludge
- June 15 – Timmons shares results of testing with county staff



## Sludge Judging

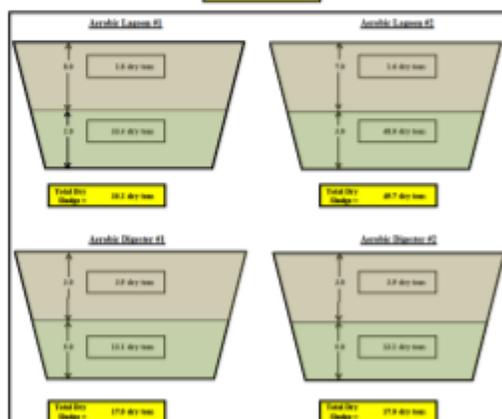


## Sludge Quantification

Location: SWTP - Sludge Dewatering Pond  
 Date Collected: 01/14/12  
 Created by: B. Stearns  
 Checked by: J. Christian, J. Cross, A. Stone

Parameter	Moisture Retention			
	Aerobic Layer #1	Aerobic Layer #2	Aerobic Sludge #1	Aerobic Sludge #2
Total Sludge Depth (ft)	30	30	9	9
Upper Rotomembrane Film Layer Length (ft)	80	80	16	16
Lower Rotomembrane Film Layer Length (ft)	32	32	16	16
Moisture Retention (ft)	1.5	1.5	2	2
Upper Aerobic Sludge Depth (ft)	2.0	2.0	2.0	2.0
Estimated Sludge Total Volume (7% by weight)	11,076	10,276	11,076	11,076
Estimated SRT (Days)	1,000	1,000	20,000	20,000
Estimated Sludge Concentration (lb/dry ton)	1.00	1.00	1.00	1.00
Total Sludge (dry ton)	40.23			

Total Dry Sludge in all Four Sludge = **119 Tons**





# Plan of Attack

- Consensus that project can still be completed within original budget
- Timmons to assist county staff in self-performing sludge removal from digester basins
- Value engineer scope of work with Patterson Construction to reduce cost
- Utilize contingency

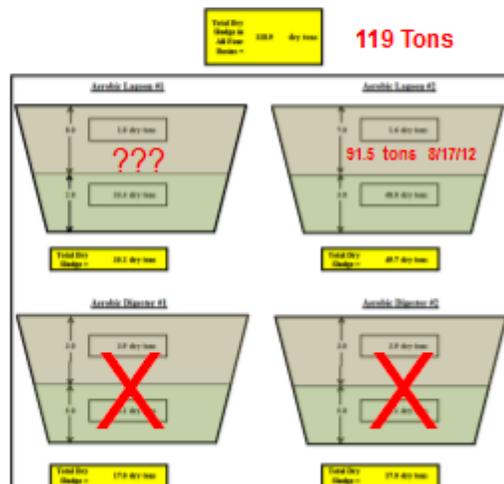


# Sludge Quantification

Basins: WWTP - Sludge Quantification Worksheet  
 Date Issued: 8/14/12  
 Created by: S. Beards  
 Checked by: J. Christian, J. Coyle, A. Ince

Parameter	Basin Configuration			
	Aerobic Digester #1	Aerobic Digester #2	Aerobic Digester #3	Aerobic Digester #4
Total Basin Depth (ft)	18	18	8	8
Water Retention Time (hr)	80	80	18	18
Water Retention Time (hr)	30	30	18	18
Basin Side Slope (ft:1)	1.5	1.5	2	2
Effluent Settling Depth (ft)	2.0	2.0	2.0	2.0
Settled Sludge Layer Depth (ft)	11.0%	10.1%	11.0%	11.0%
Estimated TSS (lb)	1,000	1,000	25,000	25,000
Quantity of Wet Sludge (lb)	1,000	1,000	1,000	1,000
Quantity of Water in Wet Sludge (lb)	60.21			

Digester basins completed on 7/6/2012  
 Approx. 10 dry tons



# Revised Budget

COUNTY OF SOUTHAMPTON, VIRGINIA  
 C-515498-01

Cost Category	Original	Projected
Bond Counsel	\$ 15,000	15,000
Engineering Design/Permitting	110,000	110,000
Bidding	13,000	13,000
Construction Administration	70,000	46,500
Lump Sum Construction	553,809	516,413
<b>Unit Price Construction (Estimate)</b>	<b>86,668</b>	<b>331,920</b>
Project contingency	32,025	-
<b>Total</b>	<b>\$ 880,502</b>	<b>1,032,833</b>



## Purpose of Hearing

- Project financed through the Virginia Water Facilities Revolving Loan Fund
- Original public hearing conducted in February stated that the maximum principal amount to be borrowed was \$926,450 at 0% for 20 years
- Principal sum for revised project budget now exceeds \$926,450
- Virginia Public Finance Act requires a public hearing before issuance of additional bonds

Mr. Michael Johnson said what you see here is an aerial of the Boykins Wastewater Treatment Site. The two larger basins that you see in the center of that picture are the aeration basins. They measure 83' x 52' and are approximately ten feet deep. The smaller basins to the right of the picture are the digester basins. They are roughly 16 foot square and they measure eight foot deep. As you all know the problem that we encountered is that we began to violate the terms of our discharge permit particularly with regard to discharges of copper and ammonia. The source was traced back to settled sludge in the bottom of these lagoons and the project was put together to remove the sludge from the lagoons and then also to upgrade all the equipment – the aeration equipment, the mixers, the clarifier, and in addition we are looking at replacing the liners in all of those lagoons while we have the basins drained. That is just to give you an overview of the nature of the project. When the project was bid one year ago it was contemplated and anticipated that certain work was well defined and would be bid on a lump sum basis and certain work was not as well defined and would be billed on a unit basis. The unit basis is the subject of the public hearing tonight and that is related to the removal of the sludge. What is presented is the bid form of the low bidder. It specifically stated on the form itself that the bid is comprised of two numbers – a lump sum number which was \$544,344.00 and then a unit price bid of \$1,844.00 per ton to remove the sludge. The actual bid for the purposes of comparison utilized a base bid of 47 dry tons. It specifically states on there that the bidder acknowledges that the quantities are not defined they are used solely for the purpose of evaluating the bids. The sheet to the right gives the total breakdown of the project by the contractor. You can see the provision for the mixer equipment was a little more than \$138,000.00. The provision of the aerators was about \$150,000.00. The upgrade of the clarifiers was \$100,000.00. The basin liners were about \$65,000.00. What you see circled there is the cost of the sludge removal again based on 47 dry tons at \$86,668.00. Then there is about \$91,000.00 worth of electrical work. The total bid including the unit price for the sludge removal was \$631,012.00. This is actually the bid tabulation just to show that Patterson Construction was the low bidder and not only were they the low bid based on the total amount of the bid, but it is important to know that they were also the low bidder on the actual sludge removal. The reason he is pointing that out is in case there is any question as to whether there was a bid had we known in advance whether or not there was an additional quantity. This will tell you that this was the best bid on a unit price. The total project budget as you all will remember from February when you had your public hearing ended up at \$880,502.00 that included legal fees for your bond counsel to close the loan. The actual cost of the design and permitting fees was \$110,000.00. The bidding was \$13,000.00. The construction administration was going to run about \$70,000.00. The lump sum construction you see there is what was included in the bid was \$553,809.00. The unit price was an estimate of \$86,668.00 and we had a project contingency of \$32,025.00. All of those add together for the \$880,502.00. Let's talk about how we got to where we go to. On May 30, 2012 our staff came to him and expressed concerns that the quantity of sludge was underestimated. So once they shared that with him, he got in touch with the design engineer, Timmons, and advised them what the concern was. They responded by coming down on June 7, 2012 and resampling the basins for the sludge. He said he would talk about what that means in just a minute. On June 15, 2012 they actually shared the results of that testing with our staff. He showed a couple of slides showing what is involved with the sludge judging. You actually get in a john boat and get out in those basins. You can see there is a clear hollow tube that is run down in the basin at various intervals and you can judge what the depth of that sludge is in that tube. The more samples you take obviously the higher degree of accuracy that your

sample runs, but keep in mind that sludge doesn't settle like cement; it is not level across the bottom. It is up and down – peaks and valleys. So it is very difficult to come up with an exact estimate of the sludge. Based on the resampling, Timmons came back to us on June 14, 2012 and gave us this information based on the size of the basins and based on the sampling that they had done. They indicated that we could have up to 119 dry tons of sludge which created some real concerns for us. So the immediate question was how we are going to deal with this. The consensus between Timmons and our staff was that the project could still be completed within the original budget. The idea was that Timmons would assist our staff in self performing the sludge removal from the two digester bases. Out of that 119 tons about 34 of it was supposed to be contained in the two digester basins and the balance of it was split between the two aeration basins. In addition to removing that sludge there was another benefit in not only removing the cost from the project but also in training our operators on how to run the sludge press. A number of the operators are relatively new to the operation in Boykins. They didn't have a lot of experience in running our own press so this provided an excellent opportunity for our own operators to become more familiar with operating that piece of equipment. In addition to that the idea was that we would go back to Patterson Construction, the low bidder, do some value engineering, look at the scope of the work and see if there were areas where we could actually reduce the project costs. There was certain concrete work in there that we said we could make some changes in the way that was being done, certain electric work and other things. The thought was there is about \$35,000.00 of that \$631,000.00 where we can make some changes and save some money. The third piece of the equation was we were planning to utilize the contingency. Based on those three things at that point on June 14, 2012 we felt fairly confident that we could complete the project within the original budget. So what happened was the last two weeks of June and the first two weeks of July the Timmons staff and our own staff went to work on those two digestive basins and actually removed that. He said as he mentioned before the estimate was we thought we had about 34 dry tons in those two basins. After they finished the work they only removed about ten dry tons. So the idea was maybe we are still over estimating the sludge that may potentially be there, but regardless the digester basins are now taken care of and all we have got left are the two aeration basins. Where it got complicated was after the contractor mobilized at the end of July and began working and by the time we got to August 17 they had already removed 91.5 tons out of the first digester basin. You can see there the estimate we had on that one basin alone was about 49 tons so that is when the red flags really went up and we thought maybe we do have a serious problem here and are not going to be able to cover it with the available funds that we have and that is when we brought it to your attention last month. The issue that we still have is the second aeration basin and we still don't know how much sludge we have in there. Until the first basin is put back in service and they begin to dewater the second basin we won't know exactly how much sludge we have in the second basin. The assumption that we are making here is that we have got an equal amount of sludge in the second basin that we had in the first basin so if you add another 91 tons you end up with a total of 180 dry tons coming out of the two basins together. So if that is the case your project budget would have to be amended substantially and where it is mended is down at the unit price construction estimate where we originally had 47 dry tons at a total of \$86,668.00 now we have got up to 180 dry tons which when you do the math at a unit price of \$1,844.00 a ton it runs than number up to \$331,920.00. He pointed out a couple of things – when you see that lump sum construction the difference in the original budget and now the projected budget that has gone down that is based on the change orders that we have already executed with the contractor that value engineering that I spoke of. We have already changed that so we have reduced the lump sum cost. The construction administration has been reduced down by Timmons from \$70,000.00 down to \$46,500.00. This is a reduction of \$23,500.00. We factored in use of the project contingency to totally use that to cover the shortfall. So when you make those three changes you end up with a total project budget of \$1,032,833.00. The purpose of tonight's hearing is that you all know the project is financed through the Virginia Water Facilities Revolving Loan Fund. The original public hearing that you conducted back in February specifically stated that that maximum principal amount to be borrowed was \$926,450.00 at zero percent for twenty years. The principal sum obviously now exceeded that amount. DEQ has informed us that they are willing to lend us the additional money at zero percent again still for twenty years. The Virginia Public Finance Act requires that you have another public hearing before you can issue the additional bond with DEQ. That is the purpose of the public hearing tonight Mr. Chairman. He stated that concludes my comments. I will be glad to answer any questions.

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SOUTHAMPTON, VIRGINIA AUTHORIZING THE ISSUANCE AND SALE OF ITS WATER AND SEWER SYSTEM REVENUE 2012B BOND AND SETTING FORTH THE FORM, DETAILS AND PROVISIONS FOR THE PAYMENT THEREOF**

WHEREAS, the Board of Supervisors of the County of Southampton, Virginia (the "County") has determined that it is necessary and desirable to undertake certain improvements to the Boykins Wastewater Treatment Plant (the "Project") and to issue its water and sewer system revenue bonds to pay the costs of the Project.

WHEREAS, the County has previously issued its \$880,502 Water and Sewer System Revenue Bond, Series 2012 (the "Original Bond") to pay the costs of the Project.

WHEREAS, the Board of Supervisors has determined that in order to complete the Project it is necessary and desirable to borrow an additional amount not to exceed \$230,000 and to issue the County's Water and Sewer System Revenue Bond, Series 2012B or to amend the Original Bond to increase the maximum principal amount by up to \$230,000 (such additional borrowing to be referred to as the "2012B Bond").

WHEREAS, the 2012B Bond will be sold by the County to or at the direction of the Virginia Resources Authority, as Administrator of the Virginia Water Facilities Revolving Fund ("VRA"), pursuant to the terms of a Financing Agreement or an amendment to the Financing Agreement entered into in connection with the Original Bond (such Financing Agreement or amendment to be referred to herein as the "Financing Agreement"), between the County and VRA.

WHEREAS, the Board of Supervisors of the County has held a public hearing on September 24, 2012, on the issuance of the 2012B Bond in accordance with the requirements of Section 15.2-2606 of the Code of Virginia of 1950, as amended.

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

**1. Authorization of 2012B Bond and Use of Proceeds.** The Board of Supervisors hereby finds and determines that it is advisable and in the best interest of the County to contract a debt and to issue the 2012B Bond in the maximum principal amount of \$230,000, and to sell the 2012B Bond to or at the direction of VRA, all pursuant to the terms of (i) this Resolution and (ii) the Financing Agreement. Such issuance and sale of the 2012B Bond are hereby authorized and approved. The 2012B Bond shall be designated the "County of Southampton, Virginia Water and Sewer System Revenue 2012B Bond," or such other designation as may be approved in the discretion of the County Administrator and shall include an appropriate series designation. The proceeds from the issuance and sale of the 2012B Bond shall be used, together with other available funds, if any, to pay the costs of the Project.

**2. Details of 2012B Bond.** The 2012B Bond shall be issued as a single bond (or multiple bonds in an aggregate principal amount not to exceed \$230,000 if requested by VRA) or as an amendment to the Original Bond in fully registered form and shall be dated the date of its

issuance and delivery. The County Administrator or his designee is authorized and directed to determine and approve all of the other final details of the 2012B Bond, including without limitation, the maximum aggregate principal amount authorized to be advanced thereunder, the maturity or payment dates and amounts, series designation, the optional redemption provisions and the final maturity date; provided, however, that (i) the maximum aggregate principal amount authorized to be advanced under the 2012B Bond shall not exceed the amount set forth in paragraph 1 of this Resolution, (ii) the 2012B Bond shall not bear interest, and (iii) the final maturity date of the 2012B Bond shall be no later than approximately 24 years after its date. The approval of such details shall be evidenced conclusively by the execution and the delivery of the 2012B Bond.

**3. Pledge of Revenues.** The 2012B Bond shall be a limited obligation of the County and, except to the extent payable from the proceeds of the sale of the 2012B Bond or the income, if any, derived from the investment thereof, is payable exclusively from the Net Revenues Available for Debt Service (as defined in the Financing Agreement), including amounts that may be appropriated from time to time by the Board of Supervisors of the County pursuant to Section 5.5 of the Financing Agreement, which the County hereby pledges to the payment of the principal of the 2012B Bond pursuant to the terms of the Financing Agreement. Neither the Commonwealth of Virginia nor any of its political subdivisions, including the County, shall be obligated to pay the principal of the 2012B Bond or other costs incident to it except from the Revenues Available for Debt Service and any other money or property pledged for such purpose, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any of its political subdivisions, including the County, is pledged to the payment of the principal of the 2012B Bond or other costs incident to it. The issuance of the 2012B Bond does not directly, indirectly or contingently obligate the Commonwealth of Virginia or any of its political subdivisions, including the County, to levy any taxes for the payment of the 2012B Bond. The pledge of Net Revenues Available for Debt Service securing the 2012B Bond shall be on parity with Existing Parity Bonds, if any (as defined in the Financing Agreement).

**4. Form of 2012B Bond.** The 2012B Bond shall be in substantially the form on file with the County Administrator with such variations, insertions or deletions as may be approved by the County Administrator or his designee, which approval shall be evidenced by the execution and delivery of the 2012B Bond. There may be endorsed on the 2012B Bond such legend or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.

**5. Execution and Delivery of 2012B Bond.** The Chairman of the Board of Supervisors is authorized and directed to execute the 2012B Bond. The Clerk of the Board of Supervisors is authorized and directed to affix the seal of the County to the executed 2012B Bond and to attest it and such officers are authorized and directed to deliver the 2012B Bond or to cause the 2012B Bond to be delivered to or at the direction of VRA. An authorized representative or other designee of VRA shall enter the amount and date of each principal advance as provided in the Certificates of Advances attached to the 2012B Bond or to the Original Bond, as amended, if applicable, when the proceeds of such advances are delivered to the County.

**6. Registration, Transfer and Exchange.** The County appoints the County Administrator as its registrar and transfer agent (the "Registrar") to keep books for the registration and transfer of the 2012B Bond and to make such registrations and transfers on such books under such reasonable regulations as the County may prescribe.

Upon surrender for transfer or exchange of the 2012B Bond at the office of the Registrar, the County shall cause the execution and delivery in the name of the transferee or registered owner, as applicable, of a new 2012B Bond for a principal amount equal to the 2012B Bond surrendered and of the same date and tenor as the 2012B Bond surrendered, subject in each case to such reasonable regulations as the County may prescribe. If surrendered for transfer, exchange, redemption or payment, the 2012B Bond shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in form and substance reasonably satisfactory to the Registrar, duly executed by the registered owner or by such owner's duly authorized attorney-in-fact or legal representative.

Any new 2012B Bond delivered upon any transfer or exchange shall be a valid limited obligation of the County, evidencing the same debt as the 2012B Bond surrendered and shall be entitled to all of the security and benefits of this Resolution to the same extent as the 2012B Bond surrendered.

**7. Charges for Exchange or Transfer.** No charge shall be made for any exchange or transfer of the 2012B Bond, but the Registrar may require payment by the holder of such 2012B Bond of a sum sufficient to cover any tax or any other governmental charge that may be imposed in relation thereto.

**8. Mutilated, Lost, Stolen or Destroyed 2012B Bond.** If the 2012B Bond has been mutilated, lost, stolen or destroyed, the County shall execute and deliver a new 2012B Bond of like date and tenor in exchange and substitution for, and upon delivery to the Registrar and cancellation of, such mutilated 2012B Bond, or in lieu of and in substitution for such lost, stolen or destroyed 2012B Bond; provided, however, that the County shall execute, authenticate and deliver a new 2012B Bond only if its registered owner has paid the reasonable expenses and charges of the County in connection therewith and, in the case of a lost, stolen or destroyed 2012B Bond (i) has filed with the Registrar evidence satisfactory to him or her that such 2012B Bond was lost, stolen or destroyed and that the holder of the 2012B Bond was its registered owner and (ii) has furnished to the County indemnity satisfactory to the Registrar. If the 2012B Bond has matured, instead of issuing a new 2012B Bond, the County may pay the 2012B Bond without surrender upon receipt of the aforesaid evidence and indemnity.

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

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

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

**11. Tax Documents.** If requested by VRA, the County Administrator or his designee is authorized to execute a Tax Compliance Agreement or any related document (the "Tax Documents") setting forth the expected use and investment, if any, of the proceeds of the 2012B Bond and containing such covenants as may be necessary in order to comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), including the provisions of Section 148 of the Code and applicable regulations relating to "arbitrage bonds." The County covenants that the proceeds from the issuance and sale of the 2012B Bond will be invested and expended as set forth in the Tax Documents, to be delivered simultaneously with the issuance and delivery of the 2012B Bond and the County shall comply with the other covenants and representations contained therein.

**12. Further Actions; Authorized Representative.** The County Administrator and such officers and agents of the County as he may designate are authorized and directed to take such further actions as they deem necessary regarding the issuance and sale of the 2012B Bond and the execution, delivery and performance of the Financing Agreement, including, without limitation, the execution and delivery of closing documents and certificates. All such actions previously taken by such officers and agents are ratified and confirmed. The County Administrator is authorized to designate the County's Authorized Representatives for purposes of the Financing Agreement.

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

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

**CERTIFICATE OF CLERK**

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

1. A regular meeting (the "Meeting") of the Board of Supervisors of Southampton County, Virginia (the "Board"), was held on September 24, 2012, at which the following members were present and absent:

PRESENT:

ABSENT:

2. The attached Resolution entitled "A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SOUTHAMPTON, VIRGINIA, AUTHORIZING THE ISSUANCE AND SALE OF ITS WATER AND SEWER SYSTEM REVENUE 2012B BOND AND SETTING FORTH THE FORM, DETAILS AND PROVISIONS FOR THE PAYMENT THEREOF" was duly adopted at the Meeting by the recorded affirmative vote of a majority of all of the members elected to the Board, the vote being recorded in the minutes of the Meeting as shown below:

MEMBER

VOTE

\_\_\_\_\_  
Clerk of the Board of Supervisors of  
Southampton County, Virginia

**FORM OF 2012B BOND**

[ALTERNATIVE FORM MAY BE ISSUED AS AMENDMENT TO SERIES 2012 BOND]

R-1

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

**INTEREST RATE**  
0.00%

**MATURITY DATE**

**DATED DATE**

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

**PRINCIPAL AMOUNT:**

**COUNTY OF SOUTHAMPTON, VIRGINIA**, a public body politic and political subdivision of the Commonwealth of Virginia (the "County"), for value received, promises to pay, solely from the revenues and other property pledged to the payment of this 2012B Bond, to the registered owner of this 2012B Bond or legal representative, the principal sum stated above as set forth below.

Commencing \_\_\_\_\_, and continuing semi-annually thereafter on \_\_\_\_\_ 1 and \_\_\_\_\_ 1 in each year, the principal of this 2012B Bond shall be payable in [equal] semi-annual installments of principal of \$ \_\_\_\_\_ with a final installment of \$ \_\_\_\_\_ due on \_\_\_\_\_. If principal advances up to \$230,000 are not made, the principal amount due on this 2012B Bond shall not include the unadvanced amount and shall be reduced as provided in the Financing Agreement (as defined below).

If any installment of principal of this 2012B Bond is not paid to the registered owner of this 2012B Bond within ten (10) days after its due date, the County shall pay to the registered owner of this 2012B Bond a late payment charge in an amount equal to five percent (5%) of the overdue installment.

All amounts due under this 2012B Bond are payable in lawful money of the United States.

The principal balance of this 2012B Bond shall be equal to the sum of the amounts advanced by the registered owner, as shown on the certificate of principal advances appearing at the end of this 2012B Bond, less the aggregate amount of the payments and any prepayments of principal which may have been made on this 2012B Bond. No notation is required to be made

on this 2012B Bond of the payment or prepayment of principal. HENCE, THE FACE AMOUNT OF THIS 2012B BOND MAY EXCEED THE PRINCIPAL SUM REMAINING OUTSTANDING AND DUE HEREUNDER.

The issuance of this 2012B Bond has been duly authorized by the Board of Supervisors of the County by a resolution adopted September 24, 2012 (the "Resolution"), under the Public Finance Act of 1991, Chapter 26, Title 15.2 of the Code of Virginia of 1950, as amended. This 2012B Bond is issued pursuant to the terms of the Resolution and a Financing Agreement dated as of \_\_\_\_\_, 2012 (the "Financing Agreement"), between the County and the Virginia Resources Authority, as Administrator of the Virginia Water Facilities Revolving Fund. The County will use the proceeds of this 2012B Bond, along with any other available funds, including proceeds of the County's \$880,502 Water and Sewer System Revenue Bond, Series 2012, to pay the costs associated with certain improvements to the County's Boykins Wastewater Treatment Plant, together with related expenses.

This 2012B Bond is a limited obligation of the County and, except to the extent payable from the proceeds of the sale of this 2012B Bond or the income, if any, derived from the investment thereof, is payable exclusively from the Net Revenues Available for Debt Service (as defined in the Financing Agreement), including amounts that may be appropriated from time to time by the Board of Supervisors of the County pursuant to Section 5.5 of the Financing Agreement. **THE LIEN OF THIS PLEDGE IS ON PARITY WITH THE LIEN OF THE PLEDGE SECURING ANY PARITY BONDS AND EXISTING PARITY BONDS, IF ANY. NEITHER THE COMMONWEALTH OF VIRGINIA NOR ANY OF ITS POLITICAL SUBDIVISIONS, INCLUDING SOUTHAMPTON COUNTY, VIRGINIA, SHALL BE OBLIGATED TO PAY THE PRINCIPAL OF THIS 2012B BOND OR THE OTHER COSTS INCIDENT TO IT EXCEPT FROM THE REVENUES AND ANY OTHER MONEY OR PROPERTY PLEDGED FOR SUCH PURPOSE, AND NEITHER THE FAITH AND CREDIT NOR THE TAXING POWER OF THE COMMONWEALTH OF VIRGINIA OR ANY OF ITS POLITICAL SUBDIVISIONS, INCLUDING SOUTHAMPTON COUNTY, VIRGINIA, IS PLEDGED TO THE PAYMENT OF THE PRINCIPAL OF THIS 2012B BOND OR OTHER COSTS INCIDENT TO IT. THE ISSUANCE OF THIS 2012B BOND DOES NOT DIRECTLY, INDIRECTLY OR CONTINGENTLY OBLIGATE THE COMMONWEALTH OF VIRGINIA OR ANY OF ITS POLITICAL SUBDIVISIONS, INCLUDING SOUTHAMPTON COUNTY, VIRGINIA, TO LEVY ANY TAXES FOR THE PAYMENT OF THIS 2012B BOND.**

The obligations of the County under this 2012B Bond shall terminate when all amounts due and to become due pursuant to this 2012B Bond and the Financing Agreement have been paid in full.

The lien of the pledge of the Net Revenues Available for Debt Service securing payment of this 2012B Bond is as set forth pursuant to the terms and conditions of the Financing Agreement and such lien is on a parity with the lien securing the Existing Parity Bonds, as defined in the Financing Agreement. The County may issue additional bonds ranking on a parity with this 2012B Bond with respect to the pledge of the Net Revenues Available for Debt Service under the terms of the Financing Agreement.

This 2012B Bond may be prepaid in accordance with the terms of the Financing Agreement.

If an Event of Default (as defined in the Financing Agreement) occurs, the principal of this 2012B Bond may be declared immediately due and payable by the registered owner of this 2012B Bond by written notice to the County, as provided in the Financing Agreement.

This 2012B Bond may be transferred only by an assignment duly executed by the registered owner or such owner's attorney or legal representative in form satisfactory to the County Administrator, as registrar. Such transfer shall be made in the registration books kept by the County Administrator, as registrar, upon presentation and surrender of this 2012B Bond.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to the issuance of this 2012B Bond have happened, exist or been performed in due time, form and manner as so required and that the indebtedness evidenced by this 2012B Bond is within every debt and other limit prescribed by the Constitution and statutes of the Commonwealth of Virginia.

[Signature Page Follows]

IN WITNESS WHEREOF, the Board of Supervisors of the County of Southampton, Virginia has caused this 2012B Bond to be signed by the Chairman of the Board of Supervisors and the County's seal to be affixed and attested by the signature of the Clerk of the Board of Supervisors.

COUNTY OF SOUTHAMPTON, VIRGINIA

By: \_\_\_\_\_  
Chairman, Board of Supervisors

[SEAL]

ATTEST:

\_\_\_\_\_  
Clerk, Board of Supervisors

Chairman Jones asked if anyone had any questions for Mr. Michael Johnson.

Supervisor Edwards said he had one. As a matter of governance why wasn't this Board told of this problem in May and after all of these proceedings up to now we finally found out about it on August 27<sup>th</sup>. He stated that he didn't mind being in on a problem and having to take the heat, but he does mind coming in at the last minute at the tail end of a problem. We should have known about that in May.

Chairman Jones asked if there were any other questions.

Mr. Michael Johnson said he guessed his response to that Supervisor Edwards is the direction we gave the staff and the engineer was to bring the project in accordance with the adopted budget. He said they worked very hard to do that and it wasn't until August 17<sup>th</sup> that they recognized they weren't going to be able to do that.

Supervisor Edwards said his point is still that the engineers and everybody knew about it and should have been down here talking to the board about this long before August 27<sup>th</sup>.

Supervisor West said that is maybe a concern. He thought the biggest concern is that if we from the very

beginning had known the cost of the project was \$1.32 million dollars we would have borrowed that much money at that time. We found out later in the cause. The timing as far as the administration to us is maybe not what you want to hear; he wasn't sure. He would say that no harm has been done. We would have borrowed the money up front had we needed it then. We did borrow what was thought to be needed. Tonight we need additional money. Nothing has changed. There are no additional fees that the Timmons Group is not working to help us on. A lot of work has been extended by Timmons as well as our local staff in additional to help salvage. He said he thought the prudence was that fact that they did everything they could as long as they could to forestall this problem from becoming a bigger problem and finally it comes to us tonight. No harm has been done to the citizens of Southampton County, to those who receive sewer service, or to anyone else. We have been made whole by the Timmons Group themselves. To him he is not going to point fingers at anyone tonight. He is saying we need to move forward and get this thing completed.

Supervisor Edwards said that is true, but you don't want to be informed. I want to be informed about what is going on.

Supervisor Updike said this is something that is going to affect our children and grandchildren, and future generations. Our debt is constantly increasing. If you can't see that, I'm sorry.

Supervisor Faison said we have no choice in this matter. We have a problem and we have to correct that regardless of the cost of it regardless of the fact that it was under estimated to start with. We still have to deal with the cost period whether we know.

Chairman Jones said only one speak at the time. Please don't everyone try to talk at once.

Supervisor Porter stated that you ask Chairman if anyone had any questions for Mr. Michael Johnson and Supervisor Edwards properly followed those suggestions. He said the thing he had for Mr. Michael Johnson was he understood what happened and how he did it in a way to operate it but he thinks that what Supervisor Edwards is saying is that maybe as a concern of the new Board we would like to know more timely how major projects are going. If we are going to end up using the project budget, we would like to know there is a change and that there could be potential exposure. He said he thought that was what Supervisor Edwards was saying. He said that is a request he would like to make of you in the future.

Mr. Michael Johnson said he would be glad to.

Supervisor Updike said he had one question. He asked did we provide the information to the Timmons Group on how much sludge in the basins or did they do it. From his understanding they did it from the get go. They are the ones that did the probing and got the contract right.

Mr. Michael Johnson said he would let Timmons speak to that if they would like to.

Mr. Jim Christian stated that he was with the Timmons Group specifically addressing your question sir.

Supervisor Updike asked Mr. Jim Christian didn't they go out and do the probes to test for the amount of sludge. I think you stood here before us last month that you all did 75, 100, or more probes.

Supervisor Edwards said 666 was what you said.

Mr. Jim Christian said no I never said that.

Chairman Jones said let Supervisor Updike continue please.

Supervisor Updike you did the probes didn't you. You knew what was out there in the ponds. He asked didn't you do it.

Mr. Jim Christian said I don't know what question you are asking.

Supervisor Updike said the probes of the sludge. Didn't you do the probes testing for the sludge. He said you are the one who went out there and did the testing and told us how much sludge was in the ponds to start with. That is where the figures came from. We didn't go out there and do the probing. It was your expertise that did it and came up with these figures.

Mr. Jim Christian said I'm really not sure what question you are asking.

Supervisor Updike didn't you do it. He asked didn't you do the planning, the probing, the whole project basically. He asked did you or didn't you do it.

Mr. Jim Christian said did we design the project.

Supervisor Updike said you not only designed it – didn't you do the testing.

Mr. Jim Christian said yes. He said basically I just didn't quite get your question.

Chairman Jones asked Supervisor Updike if Mr. Jim Christian answered his question.

Supervisor Updike said in a round of about way.

Chairman Jones opened the public hearing. He asked if there was anyone wishing to speak for or against it.

Mr. Ash Cutchin addressed the Board. He stated that he resides in the Jerusalem District and that Supervisor Edwards is his Supervisor. He said he would like to ask if Mr. Michael Johnson could put the slide back up that showed the cost section of the pond. It looks like to him like a high school solid geometry problem where we had to compute the bottom of the trapezoid. He said he didn't remember how to do it now, but he was sure that when he was seventeen years old he knew how to do it. The ponds have a defined length, width, and depth and cross section do they not. That is four inverted trapezoids if he remembers his geometry. How in the world can they be so difficult to determine the volume if they are 100% full of liquid, or 100% full of sludge or 50% of each. It looks like to him an engineer could have accurately figured the amount of stuff, but that is not the reason he is up here. He apologized. This past week was a sad one for him and it was sad for many reasons. He said he was saddened to learn of the death of a friend and local business owner Gussipi Volo. Those of us who dine occasionally at Pino's will miss his good nature and his crackling voice and his endearing smile. It is our loss. He stated he was also saddened to learn that two of Franklin's schools received warnings from the state about their academic performance on state tests. He hopes that none of Southampton's schools suffer the same fate. He was saddened to learn that as many as 47% of the United States citizens pay no federal income tax whatsoever. He was also saddened to learn both through the newspaper and on television that despite the dismally poor performance of President Obama and his administration since they took over in Washington and despite the release of the videos in which he unashamedly stated in 1998 that he actually distributed the wealth and despite all these things he seems be leading in the recent poll among Virginia voters. He said he was saddened last night as he watched TV.....

Chairman Jones said Mr. Ash Cutchin this is a public hearing. Please stick to the subject.

Mr. Ash Cutchin said okay I will continue. What saddened him more than anything else this week was having to read in the newspaper where we have to borrow money to pay our bills. He said he remembers standing in front of this Board about twelve months ago right in this position and showing you this formula that Mr. Michael Johnson gave me showing that in the next 38 years we will have paid an accumulative \$42,780,688 dollars in interest payments. That is more than one million dollars per year in interest. He said he asked Mrs. Roberta Naranjo earlier tonight how many children are in the school system and she said about 3,000. That is \$14,000.00 per child that we are passing along to our children and grandchildren. He thought he read in the paper a week or so ago Chairman Jones that you stated that the county is in good financial health.

Chairman Jones said we are.

Mr. Ash Cutchin said you did and our account said here that we are in good financial health.

Chairman Jones said we are.

Mr. Ash Cutchin said he obviously didn't understand financing. He said he guess the main reason we are in such shape tonight is because some of the people have not paid their taxes. In fact Mr. David Britt reported a couple of hours ago that there is \$1.4 million dollars in unpaid real estate and personal property taxes. If we could figure out some way to get that we wouldn't have to borrow this money. That to him is not only sad it is depressing.

Chairman Jones thanked Mr. Ash Cutchin. He asked if there was anyone else wishing to speak.

Mr. Brian Holloman of 28236 Monroe Road, Checkerboard Corner, Franklin, VA addressed the Board. He said he wanted to address the issue you were talking about the Boykins Wastewater Plant. He said he thought the question here is whether we had a valid contract or not with the people who did the work. The Timmons Group he guessed was the ones who actually did the work. If we did we did then he feels like we owe them money unless we are able to prevail on somebody's good nature to make up the difference. People make mistakes. He said he didn't know if an actual mistake was made here, but sometimes if you make an estimate on something you find out that you lowballed it or you didn't consider all the factors or that there was some other factors that would apply to it. He said he knew when he worked over at Union Camp and International Paper the same thing happened. He knew sometimes you had a project that started way down here, but ended up way up here despite the best efforts of everybody that was concerned. So if we have a valid contract and the people did what they were supposed to do and we owe the money we need to go ahead and pay it. He said he didn't like to pay more money than we set out to do, but he thinks everybody has had a personal budget where they had overruns before and they had to suck it up and pay for it. That is what we need to do in this case.

Chairman Jones asked if there was anyone else wishing to speak.

Mr. John Burchett said once again he stands up here disappointed. He said when somebody says no harm, no foul when they come to get more money from him he has a problem with it.

Chairman Jones asked if there was anyone else wishing to speak.

Mr. Richard Harris of 27161 Trinity Church Road addressed the Board. He said he listened to what Supervisor Edwards had to say and he thinks they have the same problem that Paul Newman had in the movie "Cool Hand Luke". Every time the board got a hold of him what he said was son what we have here is a failure to communicate. He said evidentially you all are not listening to what Supervisor Edwards had to say. He said and Supervisor West is trying to smooth it over.

Supervisor West said thank you.

Mr. Richard Harris said but Supervisor Edwards is saying that you all are not being informed in a timely manner. Maybe no harm was done, but Supervisor Edwards is saying that you all need to know what is going on before the fact and not after. If you stand in the middle of the road with your eyes closed you are going to get run over. If you stand there with your eyes open you might see the truck coming before you get run over. It is administrator's job and his staff to keep this Board of Supervisors informed before the fact so that your know where your money is going and how much is going and what you are going to have to come up with not after you get hit with it. That's what he thought this Board's problem was and has been. Four members of this Board got replaced and that leaves three of the original members. All that it takes is for the four that came on Board to make a decision. It only takes four votes out of seven so if you set down and get your minds together you can make a lot of changes up here. Now what the gentleman before said if you owe these people money you are going to end up having to pay them whether you like it or not. He said he would encourage you to find out before the fact how you are spending the tax payers money because he is mad about what he has seen over the past year and there are other people out here mad too. You are elected to be good stewards of the tax payer's money that we have worked for and we are going to have to pay. He thanked the Board for the opportunity to speak.

Mrs. Virginia Cutchin addressed the Board. She said since these pollutants are mandated to a level we have to abide by she wanted to know if there was any outside help for us.

Chairman Jones asked if there was anyone else wishing to address the Board.

Mr. Jimmy Lee addressed the Board. He stated that Supervisor Edwards was his Supervisor. He said he understood unit price bidding having been a contractor for forty years before he retired. He said the thing he is concerned about is if we asked anybody in this room how many gallons of water were in the Nottoway River that anybody's guess would be as good as another's because you have no defined dimensions but Chairman Jones if I asked you how many bricks it would take to brick that wall there I bet you could tell me within fifty bricks of how many it would take based on your many years of experience. He stated that he was concerned that Timmons Group had defined measurements on this project or defined measurements on the sludge lagoons and we came up so bad on our estimated quantities. He said he wasn't blaming anybody on this Board but he does know about contract bidding that if the quantities are unusually low the unit price goes up. Anybody in here would sell ten pounds of sugar for more than you would sell a hundred pounds of sugar for. So if the quantities were unusually low or a good investigation was not done it is easy to see why the unit price would be higher and once the calculations are made and the quantities go up we the taxpayer's are stuck. He said he wasn't sure that Timmons

didn't have the responsibility for getting them this information. There is one thing to have a change in the scope of a job, but bad judgment is usually the responsibility of the person that is making it. He said thank you for your consideration.

Chairman Jones asked if there was anyone else wishing to speak.

Mr. Bill Worsham of the Berlin/Ivor District addressed the Board. He stated that Supervisor West represents that District. He said he thought they had stepped beyond the valid contract that we had with the Timmons Group. He thought when you make a contract it is the same thing as a promise. There are certain things you have to keep in a promise to make it good. He feels that this contract was entered into with the fact that these are reasonable, responsible engineers that would keep things like this from happening. He guessed his question would be did these responsible engineers and experts make a terrible mistake at the cost of the taxpayers. He said if it was their mistake he didn't feel the taxpayers should have to foot the bill. He thinks they should make some concessions and do the same. As someone said previously unfortunately he was afraid we were going to have to pay this. At the same time he thought should be done to request and require the Timmons Group to give some type of compensation for the mistakes that they made.

Chairman Jones thanked Mr. Bill Worsham. He asked if there was anyone else who wished to speak.

Mrs. Lori Poole addressed the Board. She said that she really just came to say that she didn't want a plane flying over her head, but then she hears this going on. She said we don't have very good bookkeepers it doesn't appear. If you have someone who specializes in a specific area they give themselves a lead way so if they make a mistake the lead way is covered. No, you can't measure the Nottoway River, but if I am going to have shingles put on my house a contractor pretty much knows how many shingles they need to buy. It is not our fault they couldn't get them on sale when they wanted to. It is not our fault they cost more than they expected. When they talked to me they said this is what it is going to cost you and it is just unconceivable when you have an attorney on board to fight for things like this that that you will allow an injustice to be done because that is her money. She lives in Southampton County. She gets charged if she bounces a check – so should they. If they made the wrong call, why do we have to eat it up? We are eating it up as it is getting the bills thrown at us for the \$200.00 for the trash saying we have got to have it. But it is like going on and on and on. These are people who specialize in this are; they aren't just people who came out of nowhere. There are people who specialize in this procedure. How can we make such a grave mistake and say oops and expect us the people to pay it. You pay for your own oops in the world where she came from.

Chairman Jones asked if we could get her name for the record please.

She stated that her name was Mrs. Lori Poole.

Chairman Jones thanked Mrs. Lori Poole.

Chairman Jones closed the public hearing as there was no one else wishing to speak. He asked the Board what they had to say.

Supervisor Updike said he thought we had been policed and taken to the cleaners. What really bothers him and you have already hit on one of the issues is communication. The second issue that bothers him is that if he may use it the members of the Board of Supervisors have talked with the Timmons leaders who have said they have already made an agreement with the county to pay the bills. What really bugs the life out of him it that you citizens don't count. The decision has been made and that bugs the life out of him. They said a decision has already been made with the county. That bugs him and it should bug you too. Citizens you don't count on a long list of things. Citizens you have got to speak up and open up your mind and say that our voices will be heard. We can no longer roll over and let these things happen to us. This is what we have been doing for years. The Timmons Group (and he would even call their name) put in a low bid when they know cotton picking well that all they have to do is come back to the county and they will pay it regardless of what it might be. He said that he was irritated, frustrated, and right down mad because you all are not speaking up and standing up for what is supposed to be a county run by our representatives of the government. He said he is representing the citizens. He is representing each one of you. He said he could not see telling you to take a flying leap and that is basically what we are doing.

Chairman Jones asked Supervisor Porter if he had anything.

Supervisor Porter said he was upset. He said he thinks that some people we had relied on did a horrible job. It has embarrassed us. How much money it has cost us- it is hard to put an amount on it. He said he is confused

because he doesn't quite understand everything that Supervisor Updike is referring to. He is trying to focus on this issue. He said he had been involved in a lot of projects and he understands the complexity of implementing the projects. He has also been involved in situations like this and he knows that we don't have a whole lot of choice in this. We don't have a basis for forcing or suing Timmons to get the money back. He said he learned something a long time ago especially in litigation you don't fight battles you can't win because if you can win it will cost you more than you can win. Chances are you can't win something like this. Is he upset because it is going to cost an extra quarter million dollars to do this; the answer is yes and lastly no because if it had been done right in the first place we probably would have spent most of the money, but not all of it. There is still a little bit of money that is incurred on it. We would have probably have spent most of it, but he didn't know how much we would have had to spend. Again this is like some of the other things we have been forced since we have been on this Board, our backs are to the wall; we aren't given a choice we are given a procedure. This is a procedure for going through the legal requirements of placing a loan. We have to place the loan because we have to pay the bills because we have got to take the sludge out because the EPA and the DEQ told us we had to do it.

Chairman Jones called on Supervisor Faison.

Supervisor Faison said well we have a problem that none of us are proud of but the problem is the sludge in the Boykins sewage treatment plant that has to be removed. It is not Timmons that is going to be penalized if it is not removed; it is Southampton County so we have to get it done. Like I've said it is not a position that we are proud to be in, but it is a position that we are in and we need to go ahead and get it done. We need to go ahead and take care of the financial burden it places on us.

Chairman Jones called on Supervisor Edwards.

Supervisor Edwards said he thought everybody needed to realize that this was not a five or ten percent error; this was 292 percent. He said he thought he could have gone out there and figured out how much sludge was in there and hit it closer than that. He said he really thinks in his heart of hearts in representing the people of the Jerusalem District that Timmons needs to take the brunt of this - legal or not legal.

Chairman Jones called on Supervisor West.

Supervisor West said he is in agreement with what Supervisor Porter has already said. He is not happy about it. No one can when the guess is this far off. He said he agreed with what Mr. Jimmy Lee said. That made a whole lot of sense to him and that is that the unit price had the number been known to be bigger to begin with probably would have been less. The unit price is going to be there; that is the deal that we have to deal with. The price could have been \$1,844.00 which it is or it could have been \$1,754.00. That concerns him. That is an issue that maybe could have gone back to someone to address who maybe could give them an answer. With that being said he was in total agreement not to go into litigation; this is something that we would not win. He feels bad. He gets home at midnight or maybe one and he knows you don't mind and he doesn't mind either but you know what this bothers him a lot because he has known about it for a week or so now. It concerns him to think that they have to spend more money and he thinks about what is the next issue. It keeps coming on and on. Every jurisdiction around is struggling. He said he was not asking you to be patient he is just saying we are doing the very best that we can. He said Mr. Harris is saying Board do what you want to do – go for it. Do what you want to do. It suits me fine. With that being said he thinks that as far as litigation we are wasting our time. He thinks there is no harm at this point we would have had to pay from the top had we known this figure to begin with. The only question was the unit cost Mr. Jimmy Lee and he thought the unit cost had to come into play at some point otherwise we have to pay this bill okay.

Chairman Jones called on Supervisor Phillips.

Supervisor Phillips said that the Timmons Group is considered top of the line engineers. We are paying a top of the line price to get the work done. What he has heard tonight was the bid from the contractor who was awarded the contract to actually do the work was 47 tons was the estimate that the Timmons Group used. Then they said when they realized that there was a concern they came out in August to do their own testing and they tested it at 119 tons he believed. It can now possibly go to 190 tons. He stated that Mr. Jimmy Lee's comments about the difference between the low estimate of the tonnage and the high estimate on the dry tons he didn't know if that was a ploy or not. He said he hadn't considered that until tonight. He stated that particular bothers him and he thanked Mr. Jimmy Lee for his comments. At this point we are under a consent order to do the job and one of his favorite sayings at this point in his life is learn from your mistakes so that you don't repeat them. He stated that we are at a point where we can learn from this and he didn't know what we could legally do but he thought we were going to have to but he thought we needed to have a better understanding of how these contracts work.

Thank you.

Chairman Jones stated that this is something that we have to do. DEQ says we have to do it regardless. He said they had made a mistake along with the people who are removing the sludge. They made a mistake also because they tested it. We are left with it. If we don't do it DEQ is going to charge us daily. He asked how much it was going to cost us daily if we hadn't done it. He asked how much was it going to cost us daily Mr. Michael Johnson.

Supervisor Phillips said he thought we had paid a fine of \$4,000.00 or somewhere near it.

Mr. Michael Johnson said he thought it was \$4,900.00.

Supervisor Phillips said we entered into the consent agreement where we promised to do the work.

Chairman Jones said right, but had we not done that we would still be paying the fine plus still getting it out.

Supervisor Phillips said right.

Chairman Jones said if we try to litigate this we have got to have some money to pay them with.

Supervisor Edwards asked could he say one thing. Rather than litigate this let's give Timmons time to come back and make us a decent proposal, and take some of the blame. We talked about the unit price. It seems to him that Timmons has a problem with whoever they contracted with to haul it out of there that they didn't know what they were doing. It said he can't sit up here on the Board and say he was going to okay this. He said he was not going to do it. You have to draw the line somewhere in the sand and take a stand somewhere as the governing Board of this county. You have to draw the line somewhere in the sand and stand up for what is right. We are getting gipped on this.

Mr. Richard Railey said Mr. Chairman said the issue now is do you want to make this whole. The issue now is not who is right or wrong. The only issue right now is do you want to take this loan or not.

Chairman Jones said that is the issue right now whether we want to borrow the money or not. That is where we are.

Supervisor Updike said we have been rolling over every cotton picking time for every contractor that has been coming down the road. He asked are we never going to stand up and say enough is enough. We aren't a foot mat for them just putting in a low bid and then coming back and get double my money. That is basically the philosophy the contractors have had for the last "x" number of years. They will come back and come back on us and we never say no to them. There are some places in this world where you have to say no to them. There are some places in this world where you have to say no that you have a responsibility when you put out a contract to honor it – where is your integrity, where is your honesty, where is your human kindness. Human kindness is pure and simple.

Supervisor West made a motion that they go ahead and adopt this motion by roll call vote sir.

Supervisor Faison seconded the motion.

Chairman Jones said all in favor let it know by uplifting of your right hand.

Mr. Richard Railey said you need a roll call.

Chairman Jones called the roll with the vote carrying 5 to 2 with Supervisor Edwards and Updike voting nay.

Chairman Jones said nobody is here for item number nine – Report from Athletic Facilities Committee so we will move on to number ten – Capital Funding Request – Branchville Volunteer Fire Department.

Mr. Michael Johnson said you see a capital funding request from Branchville Volunteer Fire Department to make a payment on Engine 22. Capital funding in specified amounts has been set aside annually for each fire department and rescue squad since FY 2000. These funds are held in escrow until a request to draw them down is approved by the Board of Supervisors. Escrowed funds continue to accrue for each department/squad if they are not drawn down on an annual basis. The attached table indicates the status of capital appropriations since FY

2000. As you can see, we are holding \$14,000 (FY 2013) in escrow for the Branchville Volunteer Fire Department. To date, we've collectively appropriated \$1,661,500 for fire and rescue improvements and are holding \$343,500 in escrow. A motion is required to approve the capital funding request for Branchville Volunteer Fire Department in the amount of \$14,000.00.

**Branchville Volunteer Fire Department**  
15310 Broad Street  
Post Office Box 111  
Branchville, Virginia 23828-0111

RECEIVED SEP 12 2012

August 13, 2012

Mr. Carl J. Faison  
Supervisor, Boykins District  
18199 Cross Keys Road  
Boykins, Virginia 23827

Dear Mr. Faison:

We respectfully request the Capital Improvement Funds being held by the County for our Department. These funds will be applied to the loan on Engine 22.

We thank you and the other members of the Board of Supervisors for the continued funding of the Capital Improvement program.

Yours truly,

  
C. Justin Overby  
Chief

cc: Mr. Michael W. Johnson, County Administrator

**STATUS OF CAPITAL APPROPRIATIONS**  
 Fire & Rescue  
 September 19, 2012

	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Boykins Fire & Rescue	\$ 12,000	\$ 13,000	\$ 14,000	\$ 14,500	\$ 15,000	\$ 15,000	\$ 15,000	\$ 18,000	\$ 19,500	\$ 21,000
Branchville Fire	8,000	8,500	9,000	9,500	10,000	10,000	10,000	12,000	13,000	14,000
Capron Fire & Rescue	12,000	13,000	14,000	14,500	15,000	15,000	15,000	18,000	19,500	21,000
Courtland Fire	8,000	8,500	9,000	9,500	10,000	10,000	10,000	12,000	13,000	14,000
Courtland Rescue	4,000	4,500	5,000	5,000	5,000	5,000	5,000	6,000	6,500	7,000
Drewryville Fire	8,000	8,500	9,000	9,500	10,000	10,000	10,000	12,000	13,000	14,000
Franklin Fire & Rescue	12,000	13,000	14,000	14,500	15,000	16,000	14,000	18,000	19,500	21,000
Hunterdale Fire	8,000	8,500	9,000	9,500	10,000	10,000	10,000	12,000	13,000	14,000
Ivor Fire	8,000	8,500	9,000	9,500	10,000	10,000	10,000	12,000	13,000	14,000
Ivor Rescue	4,000	4,500	5,000	5,000	5,000	5,000	5,000	6,000	6,500	7,000
Newsoms Fire	8,000	8,500	9,000	9,500	10,000	10,000	10,000	12,000	13,000	14,000
Sedley Fire	8,000	8,500	9,000	9,500	10,000	10,000	10,000	12,000	13,000	14,000
	\$ 100,000	\$ 107,500	\$ 115,000	\$ 120,000	\$ 125,000	\$ 126,000	\$ 124,000	\$ 150,000	\$ 162,500	\$ 175,000

	FY 2010	FY 2011	FY 2012	FY 2013	Appropriated	Escrow
Boykins Fire & Rescue	\$ 21,000	\$ 21,000	\$ 21,000	\$ 21,000	\$ 220,000	\$ 21,000
Branchville Fire	14,000	14,000	14,000	14,000	148,000	14,000
Capron Fire & Rescue	21,000	21,000	21,000	21,000	136,000	105,000
Courtland Fire	14,000	14,000	14,000	14,000	132,000	28,000
Courtland Rescue	7,000	7,000	7,000	7,000	53,000	28,000
Drewryville Fire	14,000	14,000	14,000	14,000	160,000	-
Franklin Fire & Rescue	27,500	14,500	21,000	21,000	184,500	56,500
Hunterdale Fire	14,000	14,000	14,000	14,000	148,000	14,000
Ivor Fire	14,000	14,000	14,000	14,000	148,000	14,000
Ivor Rescue	7,000	7,000	7,000	7,000	74,000	7,000
Newsoms Fire	14,000	14,000	14,000	14,000	104,000	56,000
Sedley Fire	14,000	14,000	14,000	14,000	160,000	-
	\$ 181,500	\$ 168,500	\$ 175,000	\$ 175,000	\$ 1,861,500	\$ 343,500

Held in escrow pending request

Chairman Jones said Supervisor Faison this is in your district.

Supervisor Faison made a motion to approve the capital funding request for Branchville Volunteer Fire Department in the amount of \$14,000.00.

Supervisor West seconded the motion which carried unanimously.

Chairman Jones stated that the next item was number 11 – Consideration of a Resolution Seeking A Re-designation of Tourism Regions By the VTC.

Mr. Michael Johnson said the Virginia Tourism Corporation currently divides the Commonwealth into nine areas for the purpose of marketing whole regions, rather than specific venues or communities, as a destination market. Southampton County is currently grouped with communities from Central Virginia, which from a marketing standpoint, means that our designations and brochures are grouped in the Visitor Centers with those from Charlottesville, Richmond, Lynchburg, and Farmville. Ms. Debbie Jeter, CEO and Founder of Bear Path Acres, an Animal Education Center, located nine miles south of Franklin, has been working diligently with the Virginia Tourism Corporation (VTC) to have Franklin and Southampton County re-designated by the Virginia Tourism Corporation as part of the Hampton Roads region. With Routes 460 and 58 serving as two of the primary gateways into Hampton Roads from Interstate(s) 95 and 85, this certainly seems to make sense. In order to effectuate the change, the VTC has indicated that they'll need resolutions of support from not only Franklin and Southampton County, but from each city and county that currently comprises the Hampton Roads Tourism Region (Chesapeake, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, Williamsburg, Charles City County, Isle of Wight County, James City County, New Kent County, Surry County, and York County). Ms. Jeter has indicated that she'll carry the banner and seek the resolutions from other communities, but wanted to start here in her own community. A motion is required to adopt the attached resolution.



**BOARD OF SUPERVISORS  
SOUTHAMPTON COUNTY, VIRGINIA**

**RESOLUTION 0912-11**

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At a regular meeting of the Board of Supervisors of Southampton County, Virginia, held in the Southampton County Office Center, Board of Supervisors' Meeting Room, 26022 Administration Center Drive, Courtland, Virginia on Monday, September 24, 2012 at 7:00 p.m.

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**PRESENT**

The Honorable Dallas O. Jones, Chairman  
The Honorable Alan W. Edwards, Vice Chairman  
The Honorable Carl J. Faison  
The Honorable S. Bruce Phillips  
The Honorable Barry T. Porter  
The Honorable Glenn H. Updike  
The Honorable Ronald M. West

**IN RE: TOURISM REGION**

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Motion by Supervisor \_\_\_\_\_:

**WHEREAS**, the Virginia Tourism Authority, d/b/a the Virginia Tourism Corporation, was created by the General Assembly of Virginia to stimulate the tourism segment of the economy by promoting, advertising, and marketing the Commonwealth's many tourist attractions and by coordinating other private and public efforts to do the same; and

**WHEREAS**, the Virginia Tourism Corporation has arranged the Commonwealth into nine (9) distinct geographic regions for the purpose of organizing the tourism product in a specific area and making that information available to the consumer through a variety of media platforms; and

**WHEREAS**, Southampton County is currently grouped in the Central Virginia region, which includes communities that are more than three hours away and not directly connected to Southampton County by major transportation arterials; and

**WHEREAS**, Southampton County is inextricably linked as a gateway to Hampton Roads with two primary highway arterials, Routes 58 and 460, providing direct access to Hampton

Resolution 0912-11  
September 24, 2012  
Page 2

Roads from Interstates 95 and 85; and

**WHEREAS**, Southampton County is currently a member of the Hampton Roads Planning District Commission, the Hampton Roads Economic Development Alliance, and the Hampton Roads Partnership; and

**WHEREAS**, Southampton County is part of the Hampton Roads Transportation District, the Hampton Roads Workforce Development Area, and is a member of the regional solid waste authority in southside Hampton Roads.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Southampton County, Virginia that it hereby requests the Virginia Tourism Corporation to redesignate Southampton County as part of the Hampton Roads region; and

**BE IT FURTHER RESOLVED** that each city and county in the existing Hampton Roads region be respectfully requested to concur with such redesignation.

Adopted this 24th day of September, 2012.

Seconded by Supervisor \_\_\_\_\_.

VOTING ON THE ITEM: YES –

NO –

A COPY TESTE:

\_\_\_\_\_  
Michael W. Johnson, County Administrator/  
Clerk, Southampton County Board of Supervisors

Ms. Debbie Jeter said she would like to say thank you. She said this is something good for the county. She said she had heard so much bad tonight, but this is really good. She said she has advertised with Virginia Tourism for three years. Those figures that Supervisor West pulled affect her business. She introduced Kathy who is the Vice-President of Bear Path Acres. She stated that they are a 501 (c) (3) and nobody is paid they are all volunteers. In 2010 61% of their business was in tourism. In 2011 43% of their business was from tourism. She said we turn around and put 98% of that money back into our local community. Every bit of the money we spend is spent in Franklin and Southampton County. By going with the Hampton Roads Section it makes us a stop way. Right now according to Donna who is the manager with the Skippers Welcoming Center in the Greenville/Emporia 94% of the people who stop at that rest area are headed towards Virginia Beach. That puts us out of their ball park because according to where we are designated all of our tourism is towards Richmond and Charlottesville. So if we can get re-designated towards the Hampton Roads area we can catch some of that 94 of tourists and get some of their dollars into Southampton County. She said she thinks that would help our budget tremendously. This is something that cannot be accomplished before next year because there are so many localities. Luckily we have established relationships with most of them including Virginia Beach. She said they do a lot with the Virginia Beach Department of Parks and Recreation. They do a lot with Smithfield and they do

a lot with Suffolk. They also work with Chesapeake. Bear Path Acres is already in with these cities as an organization. She said she didn't think they would oppose to them being included in their visitor center. She said their brochures were already in their visitors center so she thinks they will approve.

Chairman Jones asked if anyone had any questions or comments.

Supervisor Porter stated he would like to thank Ms. Debbie Jeter for taking this initiative. He said he thought what she was suggesting is just completely obvious. He moved that we adopt this resolution.

Supervisor West seconded the motion which carried unanimously.

Chairman Jones asked if there was any discussion.

Supervisor Edwards said he thought it was a good thing. He thought we needed to go ahead and get it done.

Chairman Jones called for the vote which carried unanimously.

Chairman Jones called for item number twelve.

Mr. Michael Johnson stated that item number twelve is an item that is carried over from last month. He said we have prepared a resolution for consideration which supports multiple tolling points on Interstate 95 from the Virginia/North Carolina line to the District of Columbia. At your places tonight is a revised resolution which is different from the one that was previously submitted in your package based on some comments and feedback that we received from Supervisor Porter. We have amended that resolution:

WHEREAS, Interstate 95 (I-95) is an important transportation corridor for the Commonwealth of Virginia and the United States connecting major metropolitan areas along the eastern seaboard of the United States; and

WHEREAS, the Southampton County Board of Supervisors understands and supports the Commonwealth in its long-range transportation plan for improvements that are of benefit to residents of the Commonwealth and to the motoring public that utilize the system of public roadways, including Interstate Highways ; and

WHEREAS, the Virginia Department of Transportation (VDOT) has developed specific plans identifying improvements to I-95; and

WHEREAS, there are insufficient monies currently available for VDOT for the implementation of the improvements so identified; and

WHEREAS, Section 33.1-23.03:10 of the 1950 Code of Virginia, as amended, authorizes the Commonwealth Transportation Board to impose tolls for use of any component of the Interstate Highway System within the Commonwealth; and

WHEREAS, the Southampton County Board of Supervisors recognizes the need for dedicated transportation infrastructure funding to further the prosperity that all users of the interstate system of the Commonwealth enjoy; and

WHEREAS, the Southampton County Board of Supervisors desires that all members of the motoring public continue to enjoy the benefit of the Commonwealth's transportation infrastructure, but only in a way that ensures equity for all beneficiaries.

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

1. Opposes tolling only a limited section of Interstate-95, in particular the southernmost section of I-95 just north of Emporia, which places a disproportionate burden on local residents that depend on the highway for their daily commuting needs; but
2. Supports tolling the entire length of I-95 throughout Virginia with multiple collection points along the way, thereby reducing the average toll per mile and better spreading the cost among all users of the highway.

AND, BE IT FURTHER RESOLVED that the County Administrator or his authorized representative is

hereby authorized to forward a copy of this resolution to the Governor and the Commonwealth Transportation Board.

Chairman Jones asked what exactly were the changes.

Mr. Michael Johnson stated that on page two about half way down starting with “Now therefore be it resolved by the Southampton County Board of Supervisors that it 1. Opposes tolling only a limited section of Interstate 95 and particularly the southernmost section of Interstate 95 just north of Emporia which places a disproportionate burden on local residents that depend on the highway for their daily commuting needs but 2. Supports tolling the entire length of Interstate 95 throughout Virginia with multiple collection points along the way thereby reducing the average toll per mile and better spreading the cost among all users of the highway.

Chairman Jones asked if there were any other questions or comments. He asked if the wording was okay with the changes.

Supervisor Updike made a motion that the resolution be accepted.

Supervisor Edwards seconded the motion which carried unanimously.

Chairman Jones moved to item number thirteen.

Mr. Michael Johnson stated that you have for your consideration a copy of the color chart for the Turner Tract Elevated Water Tank for your use in selecting a color for the tank. The current contract provides for the entire tank to be painted with one color with no striping or logo. Our existing tanks are in the white or light blue family – the design engineer has suggested that many clients are now gravitating to lighter beige colors because they don’t show dirt and grime as much. A motion is required to select the color of the water tank. He stated he had the original color chart just in case anyone wanted to see it. The colors may be better reflected on the original chart than what is on your computer screen.

Chairman Jones asked if anyone wanted to suggest a color for the water tank.

Supervisor Porter said he couldn’t tell if there was a beige on the color chart. He would like to recommend beige. He said he liked beige because that was the color used by the company that he worked for a very long time.

Chairman Jones said beige.

Supervisor Porter said yes beige. The reason for that was because it looked better for longer than any other color.

Mr. Michael Johnson said you have warm sun, beige, and dessert..

Supervisor Edwards said it is in your second group of colors – number 44BR.

Supervisor West said this was a non-issue for him.

Chairman Jones asked if there was anybody who had a particular color they wanted.

Supervisor West said we could paint it the color of the county flag or go to the beige.

Supervisor Porter said the beige looks like it is pink. That’s why I didn’t recognize it as beige.

Supervisor Phillips said the color chart does not reflect the color on your screen.

Supervisor Porter said he didn’t want the tank to be pink.

Mr. Richard Railey said orange and blue would be more attractive.

Supervisor Edwards said he thought they should paint it red. We seem to be in that a lot.

Chairman Jones said that is a red flag.

Chairman Jones asked if anyone else had any colors they wanted to submit.

Supervisor Porter made a motion that beige be used as the color for the water tank.

Supervisor Faison seconded the motion which carried unanimously.

Supervisor West said the public should be real impressed with that.

Chairman Jones stated the next item was number 14.

Mr. Michael Johnson stated that item 14 was Courthouse Security Improvements. He stated that in 2008, at the request of the Circuit Court Judge, we contracted with Moseley Architects to prepare a Courthouse Security Improvements Study. Among other things, the study recommended:

- a. An expansion of the main lobby by expanding it outward under the existing covered colonnade in order to accommodate a single security checkpoint for all persons entering the facility. The checkpoint will offer separation of ingress and egress and include a duty station for two (2) security officers, a metal detector, an X-ray machine and standard exit turnstile and wheelchair accessible turnstile;
- b. Installation of a closed circuit television system with both interior and exterior cameras. All cameras will be digital high-resolution color cameras with video stored on a digital video recorder. Monitoring will occur at the existing emergency communications center, located next door to the Courthouse;
- c. Installation of an intrusion detection system consisting of alarm panels that monitor all exterior doors using door position switches. All first floor exterior windows will use glass break sensors. An annunciator screen will signal all alarms in the emergency communications center; and
- d. A survey and assessment of existing electronic security equipment including the existing Simplex-bases card access and alarm monitoring system, card readers on exterior doors, exterior door position monitoring switches, terminal controllers, approximately 20 duress alarms located throughout the facility, remote annunciator in the jail dispatch office, intercom system in the Circuit Courtroom, and portable metal detector in the lobby.

The court has been very patient since 2008 while we've waited to accumulate necessary funding. There are 2 revenue streams available to initiate this project. The first is Courthouse Security Fees – an assessment of \$10.00 on every criminal and traffic case that is collected by the respective Clerk(s) of the District and Circuit Court and remitted to the Treasurer. These funds are restricted and may only be used for the funding of Courthouse security personnel, and, at the request of the Sheriff, for equipment and other personal property utilized for Courthouse security (i.e. cameras, x-ray machine, alarm systems, etc.). Sheriff Stutts has expressed a willingness to utilize a portion of the collected funds for equipment. Your FY 2013 budget includes \$108,100 of these fees budgeted under Courthouse Security for purchase and installation of equipment.

The other revenue stream available to initiate the project is the Building Fund (utility taxes). There is currently \$35,552 available for unspecified capital projects. In addition to the equipment, there is the related cost of the lobby expansion (design and construction) and planning associated with integrating the equipment into the existing facility.

In early July, I issued a Request for Proposals for architectural services and received three proposals in response (Dewberry, Moseley Architects, and PMA Architecture). The proposals were reviewed and evaluated by Judge Delk, Rick Francis, and Eric Cooke, Sheriff Stutts, Belinda Jones, and me. Interviews of all three firms were conducted on September 12 and the consensus of the committee is that PMA Architecture is best qualified for this project. Their non-binding estimate of cost for design services of the lobby expansion and preparation of the plans and specifications for the equipment is \$46,200. I am seeking your authority to proceed in contracting with PMA Architecture to develop the plans for the security improvements. I am proposing to utilize up to \$30,800 from the Building Fund to pay for PMA's services and up to \$15,400 from the Courthouse Security Fees to pay their sub-consultant to plan for the integration of the new equipment. If the Board is so inclined, a motion is required authorizing the contract with PMA Architecture. He stated that Judge Delk was here tonight as well as other members of the panel. He said he wasn't sure if any of them would like to comment or not.

Southampton County Courthouse Security Improvements  
 Non-Binding Fee Estimate

9/12/2012

Task	Description	PMA			PACE		
		labor hours	rate	subtotal	labor hours	rate	subtotal
0.0	Project organization	4	\$110	\$440	1	\$110	\$110
1.0	Initial Meeting with County Staff	3	\$110	\$330	3	\$110	\$330
2.0	Meet with Court Personnel	12	\$110	\$1,320	8	\$110	\$880
3.0	Prepare Initial Design and Budget						
3.1	Evaluate Existing Systems	12	\$110	\$1,320	2	\$110	\$220
3.2	Design Entrance Lobby Expansion	40	\$110	\$4,400	16	\$110	\$1,760
3.3	Design Closed Circuit TV System	12	\$110	\$1,320	16	\$110	\$1,760
3.4	Design Intrusion Detection System	35	\$110	\$3,850	16	\$110	\$1,760
4.0	Review Design with Court Personnel	8	\$110	\$880	8	\$110	\$880
5.0	Finalize Design	30	\$110	\$3,300	12	\$110	\$1,320
6.0	Prepare Bid Documents	100	\$110	\$11,000	54	\$110	\$5,940
7.0	Bid the Project	16	\$110	\$1,760	4	\$110	\$440
8.0	Award Contract	8	\$110	\$880			
9.0	Construction Administration	hourly					
10.0	Project Closeout	hourly					
				\$30,800			\$15,400
	Total Estimated Fee						\$46,200

§ 53.1-120. Sheriff to provide for courthouse and courtroom security; designation of deputies for such purpose; assessment.

A. Each sheriff shall ensure that the courthouses and courtrooms within his jurisdiction are secure from violence and disruption and shall designate deputies for this purpose. A list of such designations shall be forwarded to the Director of the Department of Criminal Justice Services.

B. The chief circuit court judge, the chief general district court judge and the chief juvenile and domestic relations district court judge shall be responsible by agreement with the sheriff of the jurisdiction for the designation of courtroom security deputies for their respective courts. If the respective chief judges and sheriff are unable to agree on the number, type and working schedules of courtroom security deputies for the court, the matter shall be referred to the Compensation Board for resolution in accordance with existing budgeted funds and personnel.

C. The sheriff shall have the sole responsibility for the identity of the deputies designated for courtroom security.

D. Any county or city, through its governing body, may assess a sum not in excess of \$10 as part of the costs in each criminal or traffic case in its district or circuit court in which the defendant is convicted of a violation of any statute or ordinance. If a town provides court facilities for a county, the governing body of the county shall return to the town a portion of the assessments collected based on the number of criminal and traffic cases originating and heard in the town. The imposition of such assessment shall be by ordinance of the governing body that may provide for different sums in the circuit courts and district courts. The assessment shall be collected by the clerk of the court in which the case is heard, remitted to the treasurer of the appropriate county or city and held by such treasurer to be appropriated by the governing body to the sheriff's office. The assessment shall be used solely for the funding of courthouse security personnel, and, if requested by the sheriff, equipment and other personal property used in connection with courthouse security.

(Code 1950, § 53-168.1; 1972, c. 135; 1982, c. 636; 1986, c. 568; 1988, c. 119; 1989, c. 571; 2002, cc. [523](#), [256](#); 2003, cc. [26](#), [44](#); 2004, cc. [320](#), [432](#); 2006, c. [495](#); 2007, c. [377](#).)

Judge Delk addressed the Board. He stated he was Chief Judge of the 5<sup>th</sup> Circuit. He said court houses in some ways were interesting places. He said a lot of people that go to the court house here go for business in the clerk's office, but a lot of people that go to the courthouse don't want to be there necessarily and some of them are not very nice people. Court house security is important. It is not a matter of where Judge Delk or any of the judges or the clerk feels necessarily endangered so we want this for us. It is a public building that is heavily used. He said he didn't have any numbers on it, but he felt that it was probably the most heavily used building in the county. These improvements are a tremendous step towards safety of the public not just the staff and those who do their jobs in the court house. He said he wanted to thank each of you for enabling us to get this far with the program. We see the goal line and we urge you to give it your consideration. He said it would be greatly appreciated and he speaks on behalf of all the judges in the court house. Thank you very much.

Chairman Jones asked if anyone had any questions for Judge Delk.

Supervisor Updike said he had a question. He said he had heard it was an estimate. He said he was sick and tired of estimates. He wanted a direct contract with no lead way where they can come back in six months saying they need more money.

Supervisor West said that is not what it is about right here.

Judge Delk said the judges did not participate in the bid process or solitation of bids. They simply participated in giving their input and suggestions as to security enhancements for the court house and he said he could assure you these are not in their minds considered to be excessive or anything beyond what is minimally necessary to improve the safety of the court house for the general public who use it.

Chairman Jones thanked Judge Delk. Chairman Jones told Supervisor Updike this is what we are voting on now so we will know what it is going to cost when the architect does the plans and specifications and then they will come up with what it is going to costs, but we have to pay them to do that. Then they will give us a price of what it is going to costs us. Then it will be left up to us to say yea or nay. So at this time is there anyone else who would like to say anything.

Supervisor Edwards said he would like to hear what Mr. Richard Francis and Mr. Eric Cooke have to say about it.

Mr. Richard Francis said the other Friday there was a gentleman who came in to pay his court cost and as we were taking his money it came to our attention that there was a capias out for him which means basically to seize the body anywhere you find it under any circumstances. He said his two ladies wanted to know what to do and of course the only thing they could do was make a phone call to the Sheriff's Office while somebody occupies his time. So thankfully in this situation the deputies came over from the jail but they arrested him outside so that is not the optimum situation and thankfully it wasn't a busy day where there was any other public available. What you have are situations where the bailiff is right inside the court room and can't immediately see who is right outside. You have people coming out of the elevator. You have people at the door who are contacted by the radio with the Sheriff's department but they don't have full capability to arrest at that point at the present time. So someone could walk in or drive into that building and pose a hazard so that is what the problem is. It is one of those things you don't want to read about and you certainly don't want to be on the six o'clock news. He didn't want to be on the six o'clock news so it's just one of those things that is preventive. He said they have a magnetometer to walk through and we have hand scanners, but that is about it.

Chairman Jones asked if anyone had any questions for Mr. Richard Francis.

Mr. Eric Cooke addressed the Board. He said he actually appreciated being asked to come up. He said it is hard to follow the Judge. You know he is much more articulate than I am. What I would say to you is in the court house on court days there are more criminals per square meter there than anywhere else in Southampton or Franklin. The place is absolutely loaded with them because we have court. It is a dangerous place. The Deputy Sheriffs who work in there do a very good job with what they have, but they are limited by the physical facilities. That is just the nature of having a court house that was built hundreds of years ago and then remodeled in the late 90's the addition that was built in the 50's or 60's. One of the questions that he asked the folks and he thought it was Moseley Architect or it may have been Dewberry he can't remember, but the question was when the renovations were done in the '90s why weren't some of these things considered. The answer to him was it was a different world then; things have changed. Indeed they are correct about that. In his time here for sixteen years he has seen a drastic change in things that happen in the court house. Maybe he is just more sensitive to it, but he doesn't think so because he came out of a police job when he came here. To say he was paranoid then was probably accurate as he remains today. He didn't think that had changed. The cliental that we have in that facility is different. We have gangs. They are real. These folks are coming in with evil on their minds. He said he had been threatened with death in the court house as have deputies and so forth. He would say one thing that he finds reassuring is that the people who are making those sorts of threats or the people decide they want to start an altercation, or who are coming in there to threaten a witness, one thing that he would find is very comforting is some minimum assurance that they are not armed. So where we are at this point is extremely limited by the physical facilities. He knows that all of you have been in the court house and have seen what is being done now and folks are being screened as best they can, but the facilities are not up to the task. The deputies are willing and the courthouse screeners are willing, but we need to make some changes. What he doesn't want is to see us on TV like Atlanta was two years ago when one of the criminals who was being prosecuted was able to disarm someone and gain access to a weapon. He said he didn't know exactly how that happened. But he was able to kill a number of people, shoot a number of people, and abduct a woman. He said there was a standard of care and he didn't know really what the legal term for that might be for that, but in the medical profession surely there was a minimal standard of care that must be provided to a patient. He would suggest that we need to make this same sort of steps to make sure that our facility is safer, more adequate, and in accord with what is being done all over the country. We are way behind and we are making some positive steps in the right direction to deal with it. He asked that they would approve the expenditure of these funds so that you can get it before you and make a decision as to what we are going to do. He said he thought it is painfully obvious when we consider the financial

restraints of this county that a new court house facility is not on the table for us any time in the near future. With that in mind he would encourage you to take prompt steps to address these issues so the citizens and the personnel who work there can be assured. Thank you.

Supervisor West asked if he could make a comment. He said he was going to assume Supervisor Updike was concerned by the non-binding estimate number one and number two would be for preparation for the plan specifications for the equipment; simply meaning closing in this building this is what this is for and turn styles and setting this in place, but no cameras, no new equipment. He asked is that what this includes.

Mr. Eric Cooke said he thought this particular procedure was for them to prepare their drawings, prepare their estimates for all the things you have talked about which includes cameras, equipment, and various other things.

Supervisor West said but that is for the architectural design.

Mr. Eric Cooke said he thought that was the plan. He said Mr. Michael Johnson could answer that more directly.

Mr. Michael Johnson said all you are giving the green light on is the architectural design. The architecture will make a report back to you with costs estimates.

Supervisor West said the word non-binding means what sir.

Mr. Michael Johnson said non-binding is that you are not allowed to solicit a binding estimate of costs until you have selected your architecture.

Supervisor West said that is all he wants to know. We have to have this step before we can go to any other step.

Mr. Richard Francis said he could speak to the way it was evaluated. These individuals when they came and went through the entire building and when they did their presentation they had full semantics of the building with cut-away and at least the home work they had done was significantly in more detail than the other two so it seemed like they had done their homework.

Supervisor West said he certainly had a distinguished panel that we feel like we can trust. Thank you for doing this work.

Chairman Jones asked if he had a motion to allow the administrator to sign a contract to do the architectural work.

Supervisor Edwards made a motion that we go ahead with this contract.

Supervisor Faison seconded the motion which carried unanimously.

Chairman Jones stated we would move to item 15.

Mr. Michael Johnson said he was contacted by Congressman Forbes' office last week regarding his interest in scheduling a meeting with the Board on Friday, October 19. He's planning to speak to the Franklin Rotary Club at lunch that day and wanted to meet with you all either before, or after, the Rotary meeting. Once you determine your preference (before or after lunch), a motion is required to continue your meeting until that time. A motion is required to continue your meeting until October 19 at a time TBD.

Chairman Jones said okay Board when would you like to meet with Congressman Randy Forbes.

Supervisor West asked where do we meet with him.

Chairman Jones said when.

Supervisor West said where.

Mr. Michael Johnson said you will meet with him here.

Supervisor West asked if this is a meeting that is open to the public.

Mr. Michael Johnson said yes.

Chairman Jones asked if they wanted to meet in the evening or in the morning.

Mr. Michael Johnson asked if anybody knew exactly what time the Franklin Rotary meeting was. He wasn't sure if it was 12:00 or 12:30, but he knew it was a lunch meeting.

Mrs. Amanda Jarratt stated that the meeting was held from 12:00 to 1:00.

Chairman Jones asked again when they wanted to meet.

Supervisor West said let's meeting in the morning if we can and if we could for the purpose of some binding meet for lunch afterwards as a second thought.

Supervisor Phillips said there is a luncheon. That is what he is here for.

Supervisor West said that was a good thing.

Mr. Michael Johnson yeah but we aren't all invited to the rotary meeting.

Chairman Jones asked what time they wanted to meet and how long they thought they needed.

Mr. Michael Johnson said if you meet at 10:45 that would give you roughly an hour.

Chairman Jones said that was fine with him and wanted to know if that was okay with everybody. He stated they would meet at 10:45 AM then.

Supervisor Phillips asked Chairman Jones if he needed a motion.

Mr. Richard Railey said not yet.

Mr. Michael Johnson said at the end of the meeting.

Mr. Richard Railey said not yet unless you want to leave now.

Chairman Jones said we can't leave right now.

Chairman Jones said we would move on to late arrivals.

Mr. Michael Johnson stated that he had no late arriving matters.

Chairman Jones said the next item was number 17 – Citizen Comment Period. He asked if there was anyone wishing to speak.

Mr. Richard Harris of 27161 Trinity Church Road, Courtland, VA addressed the Board. He said he heard we were going to have some engineering firms possibly do some work. He said he was adamantly opposed to spending one red cent with Robinson's firm and he would talk with his Supervisor Phillips in private about that. He said Supervisor Porter I believe that you stated recently that you did not vote on an issue a while back well gentlemen you ran for the position and all the responsibilities that came with the position; you didn't run for high school prom king. You cannot pick and choose the issues you would like to vote for and abstain from those you don't like. This job isn't a popularity contest and he thinks if you check with the county attorney sitting back there in the shadows the only issue that I'm aware that you abstain from is one that may present a direct conflict of interest. Every time someone turns over a rock in this county something turns up and what he is referring to is to a recent Tidewater News article about our Assistant County Administrator, Jon Mendenhall. It stated he violated a state law requiring permanent or temporary residents with the state to register their vehicles. When this article was written his BMW was still registered in Trinity, NC. In the sixteen months he has been employed by the county far exceeds the gracious time limit provided by the Commonwealth of Virginia. Given the large difference in the amount of the property tax Mr. Jon Mendenhall is saving by having his vehicle registered in North Carolina. Most of us could benefit by doing the same. He said he thought about it himself; he is from North Carolina. He would like to have all of his vehicles registered in North Carolina; it would save him a bunch of bucks. Our Chairman Jones commented I think that when he (Mr. Jon Mendenhall) gets a permanent residence he will register. Mr. Richard Harris said that didn't hold any water with him. If Mr. Jon Mendenhall is a

permanent resident of Country Villa Apartments on Delaware Road he is already exceeded the 30 day limit. If he is a non-resident temporarily living in Virginia he has exceeded the six month limit also so what is the problem. He stated that Newsoms Supervisor Updike indicated that there is nothing this Board can do about it; it is up to the law. Well I'm going to take a big issue with that. There is something that this Board can do about it and other issues that keep popping up. He said they spent a lot of time tonight talking about the Timmons Group and the contract and the overrun. He said you all for suggestions and he brought you some at the last meeting. This Board can institute a policy any time there is a five to ten percent cost overrun. It is brought back to this Board; you don't wait until the last minute when the guilitudes are about to fall to find out that you have got overruns on your contracts. So here is another one for you. If you folks have not had a retreat since you took office which has been about a year you need to have one. If you did have one you need to have another one. You need to have a come to Jesus meeting. You need to set some goals and you need to stick to them and you need to have a mission statement. You need to put a policy in place if you don't have one and if you do have one you need to change it (and he knows other jurisdictions have it) where all department heads and assistant department heads live in the county, When you are paying somebody \$65,000.00 and they have a car registered out of state and you divide \$200.00 (your proposed trash fee which you want him and other residents to pay) into \$65,000.00 that is over 300 households that could pay that trash fee; figure it out. What surfaced with Mr. Jon Mendenhall reminds him of the illegal immigrants that come across the border that come here to work and reap the benefits that we have to offer them and slip back home on the weekends and take the money with them. You all can think it is funny and that I can be sarcastic but that is what is going on and that is where \$65,000.00 of our tax money is going. I told you I was going to keep talking about tax money and how it was misused and abused in this county until this Board of Supervisors does something about it. Four of you can do something about it; take the other three. In three more years we will have another election and we can make some more changes.

Mrs. Virginia Cutchin of the Jerusalem District addressed the Board. She said she didn't know if she just had a question or a problem with the collected taxes that are due on December 5<sup>th</sup> and how these monies are going to help us out in this year. She asked weren't the monies that were collected by December 5<sup>th</sup> of this year for the following year and here we are planning to use them for this year. She said she thought Mr. David Britt said this is the way it is always done. You collect these taxes and then they are there, but it seems to her something is not right if you are running out of funds before time to collect them. She stated that she thought Supervisor Updike is right something needs to be done with the budget so that this doesn't happen every year.

Mrs. Felix Hancock from Supervisor Phillips district addressed the Board. She said that two of the major points she was going to bring out were brought out by others. She said that she does appreciate Mr. Jimmy Lee's comment about the per unit for the sludge removal and she is very disappointed as a taxpayer that her money has gone to pay the Timmons Group; she doesn't think they are up to snuff. She is also deeply appreciative of Mr. Richard Harris' remarks about our North Carolinian there with his car tags. She asked they are changed by now aren't they I hope; if not please resign. She said she was serious about it. She said she was pinching pennies. She said she really needs everybody who works with our tax money to be ethical. She said she knew there was a small, little \$60.00 fine but you need to step up, please; not all, but part of us are suffering. The last point she wanted to make was that she really wanted to thank Supervisor Phillips, Supervisor Edwards, Supervisor Porter, and Supervisor Updike when you were elected you all realized that we were going to be struggling if we weren't already and you all are basically volunteering for these positions. You don't always do exactly what I want you to do, but I know your heart is in the right place. You are seeing the picture very well. She said she wished the School Board and other county officials would follow your examples and help the rest of us tax payers out. Thanks so much.

Mr. Ash Cutchin of Darden Mill Estates, Courtland, VA addressed the Board. He stated that he spent twenty eight years flying airplanes; three in the military and twenty five commercially. They didn't do anything without a check list. It was usually written and if there were more than one person in the airplane one person read the list and the other person did whatever had to be done and replied because it was on a voice recorder. If we don't already have in the county some sort of check list (some sort of piece of paper to give to potential new employees) which covers these are the things you have got to do if you want to work for the county and if is required that you live in the county the time frame in which you have to do it. He said he wasn't apologizing for Mr. Jon Mendenhall, I think he does a good job, but did he even know, was he informed when he was interviewed or contracted with to do the job that he had to comply with these regulations. If not here should be some check list made for new employees so that they don't operate in a vacuum. Thank you.

Mr. John Burchett of Sebrell addressed the Board. He stated that Supervisor Phillips represented his district. He said if he wasn't mistaken he thought that Mr. Michael Johnson said the fiscal year begins July 1 and we don't collect our taxes until December 5<sup>th</sup>. That doesn't sound right to him. We have to pay our bills for three months without any money. He thinks we need to address that in the coming years. He said he thought they might be

surprised when the tax bills are sent out saying if this is paid promptly it would keep the county from having to borrow money to pay the bills. He said he may complain, but he would have paid his taxes already but normally he pays his on December 1. You might be surprised how many people would step up so you could save a few dollars. We are serious. Also when he does his bills for his garbage which will be about \$150.00 after the 2% tax reduction credit he gets on the real estate fee. He said he had to go in his budget and make some changes because he doesn't have anybody he can go to get help to pay his taxes. He said he had to make a change and he will. He will do what he has to do, but when he heard you talking about the costs overruns on the sewage project he didn't hear anybody say what we were going to cut in order to pay for it. He asked where are we going to get the money when we have already passed the vote. He asked do we have extra money out there or are we going to cut something to pay it. You have got to look to find the money instead of looking at Mr. Jon Mendenhall to pay it. Somewhere this has got to stop. If you have an unexpected expense you have got to figure it the way he does. He doesn't have anybody to go to and get more money; he has to make changes somewhere else. So that is what we are expecting. If you have got to pay for this cost overrun we need to cut something to pay for it. Thank you.

Chairman Jones said at this time it is necessary to have a closed meeting.

Mr. Michael Johnson stated it is necessary for the 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) Pursuant to Section 2.2-3711 (A) (5), to receive a report from Franklin-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) (1) Code of Virginia, 1950, as amended to consider prospective candidates for appointment. 3) Pursuant to Section 2.2-3711 (A) (29) Code of Virginia, 1950, as amended to discuss the terms of a contract for the Boykins Wastewater Plant Improvements where discussion an open meeting would adversely affect the negotiating strategy of the Board.

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

Supervisor Porter seconded the motion which carried unanimously.

Chairman Jones stated that they did not talk about anything they were not supposed to talk about.

Supervisor Porter made a motion to create a new position in the county's classification system, Deputy County Administrator, with duties and responsibilities as outlined herein below:

**DEPUTY COUNTY ADMINISTRATOR**  
Grade 37

FLSA Status: Exempt

#### **General Definition of Work:**

This is an executive level position that performs highly responsible and complex managerial functions. The incumbent acts in place of the County Administrator as needed and is responsible for all county departments.

**Essential Functions/Typical Tasks:**

Advising and supervising assigned department heads in their daily operations; assisting County Administrator in researching, preparing and organizing data; coordinating various projects; compiling data; maintaining records and files; preparing reports.

(The following tasks are intended only as illustrations of the various types of work performed. The omission of specific duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.)

- The Deputy County Administrator reports to the County Administrator and supervises all county departments.
- Makes recommendations to the County Administrator in the development of administrative and operational policy.
- Acts as County Administrator in his/her absence.
- Keeps the County Administrator informed and abreast of current and projected developments in the conduct of County government, particularly as related to assigned areas of responsibility.
- Plans, organizes and prepares reports and makes formal recommendations on major issues for the County Administrator and the Board of Supervisors.
- Advises and consults with department heads relating to administrative and operational activities.
- Participates in budget conferences and reviews requests for appropriations and expenditures.
- Provides coordination and direction for the Department Heads and staff, including direct supervision of all departments.
- Directs, develops, coordinates, and manages County projects.
- Initiates measures to improve the administrative and operational efficiency of the County.
- Represents the County on local and regional policy making boards.
- Meets with citizens, represents the Board and County at official functions and responds to citizen inquiries.

**Knowledge, Skills and Abilities:**

Knowledge of modern managerial techniques, principals and practices. Considerable knowledge of local government operations and administration. Some technical knowledge of assigned areas is desirable. Ability to lead and deal effectively with people in a wide variety of situations. Ability to propose and meet practical goals. Ability to speak effectively and to present ideas effectively both orally and in writing.

**Education and Experience:**

Requires any combination of education and experience equivalent to a Master's Degree and five years of local government experience at the level of Department Head or above.

**Physical Requirements:**

This is sedentary work requiring the exertion of up to 10 pounds of force occasionally and a negligible amount of force frequently or constantly to move objects; work requires reaching, fingering, grasping, and repetitive motions; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels; visual acuity is required for preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, operation of machines, determining the accuracy and thoroughness of work, and observing general surroundings and activities; the worker is not subject to adverse environmental conditions.

**Special Requirements:**

Southampton County residency required.

Work beyond normal work schedule.

Work in conjunction with Emergency Operations Plan with specific duties for emergency conditions.

Supervisor West seconded the motion which carried unanimously.

Supervisor Edwards asked the County Administrator to extend the Board of Supervisors' gratitude to Mr. Mendenhall for his past service and for his willingness to accept additional responsibilities imposed by the new position herein above.

Supervisor West made a motion to continue the meeting until 10:45 a.m. on Friday, October 19, when the Board would meet with Congressman Randy Forbes.

Supervisor Edwards seconded the motion which carried unanimously.

There being no further business the meeting recessed at 11:05 p.m.

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Dallas O. Jones, Chairman

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Michael W. Johnson, Clerk