

**8. PUBLIC HEARINGS**

Attached for your reference please find information related to two (2) scheduled public hearings.

**A. REQUEST FOR TAX EXEMPTION  
CHEROENHAKA "NOTTOWAY" INDIAN TRIBAL  
HERITAGE FOUNDATION**

OPENING STATEMENT

This public hearing is held pursuant to Section 58.1-3651 (B) 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 is \$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 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.

**MOTION REQUIRED: If the Board is so inclined, a motion is required to adopt the attached ordinance.**

Ordinance Exempting from County Real Estate Taxation Certain Real Property Owned by the Cheroenhaka  
"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 Cheroenhaka "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 Cheroenhaka "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 Cheroenhaka "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 Cheroenhaka "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 Cheroenhaka "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 Cheroenhaka "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.

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 BLK #16-Tract 311, (Map # 75 12E) 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..

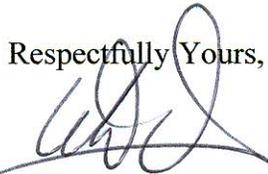
Our foundation does not have an alcoholic beverage license and prohibits the use of or serving of alcohol on said land or at any powwow festival. Our directors and volunteers do not serve in a paid capacity, nor does anyone receive any personal gain from any activities we sponsor. We do seek donations 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; Ellis Wright, Vice Chairman; Cynthia Brown, Secretary; Teresa Baxter, Treasurer; Teresa Preston, At Large; William Lamb Howell; Angus Hines; Deborah Mottahri; Beverly El. Telephone #: (757) 562-7760</p>
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### Property Information - Tax Map# 75 12E - Account# 705564900

**Property Owner:**

The Cheroenhaka (nottoway) Indian Tribal Heritage Foundation

**Legal Description:**

Parcel 1-pt Blk #16-  
Tract 311

**Zoned:**

A-2

**Owners Address:**

P O Box 297  
Franklin, Va 23851

**Assessment Values:**

[Building 1](#)

0

[Other Improvements:](#)

0

[Land Value:](#)

100,000

**Total Value:**

100,000

**Total Land Area:**

100.00Acres

**Physical Location:**

Not On File

All Values Rounded to nearest 100

**Magisterial District:**

Jerusalem

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

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

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

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

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

Chairman Jones asked if there were any further questions.

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

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

Supervisor Faison asked if this required two separate motions.

Chairman Jones said yes it requires two separate motions.

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

Supervisor Phillips seconded the motion with it carrying unanimously.

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

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

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

Chairman Jones said yes.

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

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

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

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

Mr. Walt Brown said A-2.

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

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

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

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

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

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

Supervisor Porter asked if everything was okay.

Supervisor Edwards said he would get to that.

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

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

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

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

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

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

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

Supervisor Porter said we have a Heritage Park.

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

Supervisor Porter said it is not a matter of semantics.

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

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

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

Supervisor Porter said he understands that.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Supervisor Faison moved that they proceed with a public hearing.

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

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

Chairman Jones called for a five minute break.

Note: Mr. Brown and Mr. Ellis Wright met with Planning staff on Friday, March 9, 2012 to discuss their project. The determination at that time was that the current use of the property was permitted by right - however, certain future uses may require a C.U.P. and/or site plan review and approval.