

VIRGINIA: A REGULAR MEETING OF THE SURRY COUNTY BOARD OF SUPERVISORS HELD IN THE GENERAL DISTRICT COURTROOM OF THE COUNTY GOVERNMENT CENTER ON FEBRUARY 4, 2010 AT 7:00 P.M.

PRESENT: SUPERVISOR REGINALD O. HARRISON, CHAIRMAN
SUPERVISOR JOHN M. SEWARD, VICE-CHAIRMAN
SUPERVISOR ERNEST L. BLOUNT
SUPERVISOR M. SHERLOCK HOLMES
SUPERVISOR JUDY S. LYTTLE

ALSO

PRESENT: MR. TYRONE W. FRANKLIN, COUNTY ADMINISTRATOR
MR. JOHN B. EDWARDS, JR., ASST. COUNTY ADMINISTRATOR
MRS. MELISSA D. ROLLINS, DIRECTOR OF FINANCE & TECHNOLOGY
MR. WILLIAM HEFTY, HEFTY & WILEY
MRS. DEBORAH NEE, COMMISSIONER OF REVENUE
MRS. VALERIE PIERCE, DIRECTOR OF SOCIAL SERVICES
MS. RHONDA R. MACK, COMMUNITY DEVELOPMENT DIRECTOR
MR. STACEY WILLIAMS, BUILDING OFFICIAL
MRS. GAIL CLAYTON, CLERK OF CIRCUIT COURT
SHERIFF HAROLD D. BROWN

CALL TO ORDER/MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

The meeting was called to order by Chairman, Reginald Harrison. Mr. Harrison asked for a moment of silence. Following the moment of silence, he asked the citizens to stand and say the pledge of allegiance.

CONSENT ITEMS

1. Approval of January 7, 2010 Minutes
2. Approval of February, 2010 Accounts Payable

	Accounts Payable	Additional	Total
General Fund	\$214,879.43	\$14,998.10	\$229,877.53
Debt Service	\$126,605.01		\$126,605.01
Capital	\$354,375.86	\$1,764.00	\$356,139.86
Water & Sewer	\$381.72	\$9,883.63	\$10,265.35
Indoor Plumbing	\$400.00		\$400.00
Totals	\$696,642.02	\$26,645.73	\$723,287.75

3. Appropriation Requests

School System	\$1,205,000.00
Dept. of Social Serv.	\$150,000.00

4. Virginia Office of Emergency Medical Services Grant (DHS/OEMS Toughbook Grant)

PROGRESS REPORTS

1. VDOT

Mr. Neblett appeared before the Board and stated that VDOT had been busy dealing with the recent snowfall. He then addressed the Six Year Secondary Road Improvement Plan. Mr. Neblett discussed projects recommended by the Highway Safety Commission with improvements to be made to Lebanon Road (Route 618), Melville Drive (Route 662) and Spring Grove Road (Route 646). Mr. Neblett stated that the total State allocation for Secondary Road Improvement was \$403,959.00. It is not yet known who at VDOT will be responsible for handling the Six Year Secondary Road Improvement Plan process or when they will go through the public hearing process and there are still questions regarding State funding as a result of budget cuts at the State level.

- A. RESOLUTION 2010-03: Mr. Neblett introduced Resolution 2010-03 and explained the changes it will make to the Secondary Road System. It will act to clean up project records in regard to changes made to Route 639 which altered the alignment of an intersection. This resolution will add mileage of the new addition to Route 639 and abandon mileage of the section of road that was replaced. Vice-Chairman Seward made a motion that Resolution 2010-03 be adopted, this motion was seconded by Supervisor Lyttle. Supervisors Harrison, Holmes, Blount, Seward and Lyttle voted affirmatively to adopt Resolution 2010-03.

Chairman Harrison commented that Route 602, Laurel Springs Road had deteriorated and was in need of repair. Supervisor Holmes added that the ditches at Ashby Farms needed attention as water was not draining properly and pooling in the roadway. Mr. Harrison further commented that Laurel Springs Road to Montpelier Road was in better shape and that attention to that section of roadway was greatly appreciated. Supervisor Lyttle also voiced appreciation for the timely snow removal on Route 10 following a winter storm the week prior.

2. Treasurer

- A. INVESTMENT LETTER: Chairman Reginald Harrison read the investment letter submitted by Mary H. Shaw, Treasurer. He stated that as of January 7, 2010 the county had \$13,762,308.52 in the LGIP Fund. Mr. Harrison stated that as of December, 2009, interest had

accrued in the amount of \$1,821.81 increasing that balance to \$13,764,130.33. Chairman Harrison stated that as of February 4, 2010, the county had \$15,764,130.33 in total investments.

3. County Administrator

A. CAPITAL IMPROVEMENT PLAN: Mr. Tyrone Franklin called the Board's attention to correspondence from the Surry County Planning Commission regarding proposed document revisions to the County's Capital Improvement Plan as adopted by the Board of Supervisors for Fiscal Years 2010 through 2014. The Planning Commission met on January 25, 2010 to consider approval of the document and the following recommendations were presented:

- Adding one project – Property Acquisition for Citizen Access to the James River at an estimated cost of \$1,000,000.
- Deleting projects that do not satisfy the \$50,000 threshold for inclusion in a Capital Improvement Plan:
 1. Technology Upgrades - \$20,000 (FY 2010)
 2. Vehicle Acquisition - \$40,000 (FY 2011)
- Deleting projects that are consultant based:
 1. Land Development Ordinance - \$75,000 (FY 2010)
 2. Economic Development Study - \$50,000 (FY 2012)

Projects that are deleted will be incorporated into the operating budget. Mr. Franklin went on to explain that the recommendation of the Planning Commission is to include the property acquisition for citizen access to the James River in FY 2014 to be funded by other sources to be determined later. Mr. Franklin added that County staff has identified the process for the planning and adoption of the FY 2011 Capital Budget and Five Year Capital Improvement Plan (CIP) for FY 2011-2015 which will include the review and approval of the CIP by the Planning Commission. At this point, Chairman Harrison asked for questions from the Board; there being none, Supervisor Holmes moved that the Board approve the recommendations of the Planning Commission to revise the Five Year Capital Improvement Plan as previously described. This motion was seconded by Supervisor Blount; the motion was unanimously approved.

B. CIP/INVOICES – HIGH SCHOOL RENOVATION PROJECT: Mr. Tyrone Franklin reviewed correspondence from the School System requesting payment to vendors as enumerated below for services rendered relative to the high school renovation project:

Assist Enterprize	\$16,826.66
Smithfield Glass	\$461.20
Assist Enterprize	\$3,120.00
Ballou Justice Upton	\$1,950.00
Ballou Justice Upton	\$753.00
Assist Enterprize	\$31,744.08
Ballou Justice Upton	\$3,250.00
Ballou Justice Upton	\$1,619.23
Froehling & Robertson	\$687.50
Froehling & Robertson	\$187.50
Froehling & Robertson	\$4,176.77
Froehling & Robertson	\$2,281.25
Froehling & Robertson	\$8,094.89
Froehling & Robertson	\$388.50
Froehling & Robertson	\$1,041.25
Total	\$76,581.83

Supervisor Blount moved to authorize payment to Assist Enterprize, Smithfield Glass, Ballou Justice Upton, and Froehling & Robertson in the aggregate amounts as outlined above; Supervisor Seward seconded the motion. Supervisors Harrison, Holmes, Lyttle, Blount, and Seward voted in favor of the motion.

- C. JOHN TYLER ASAP RESOLUTION 2010-02: Mr. Franklin informed the Board that a resolution was passed in 1979 which enabled the County to participate in what is now called the John Tyler Alcohol Safety Action Program (ASAP). Surry County has been asked to update the current resolution in an effort to adhere to VASAP policies. In addition to updating the current resolution, John Tyler ASAP has requested that the Board of Supervisors appoint a member to the John Tyler ASAP Policy Board as the Commission on VASAP requires that the participating locality do so. Resolution 2010-02 contains the request for an appointed Board Member. Vice-Chair Seward inquired as to whether Mr. Franklin had any recommendation regarding the appointment. Mr. Franklin responded that he did not. County Attorney, Mr. William Hefty, advised the Board that they could table the appointment but go on to act on the resolution. Mr. Seward made a motion that the Board approve Resolution 2010-02; second by Mrs. Judy Lyttle. Supervisors Harrison, Blount, Holmes, Seward and Lyttle voted to approve Resolution 2010-02.

- D. REQUEST FOR SOLID WASTE SERVICES: Mr. Tyrone Franklin advised the Board that the County had recently solicited proposals from firms to provide solid waste disposal services. Two firms responded to the request for proposals: Waste Alliance and Waste Management. Both firms were interviewed and staff believes that Waste Management is best suited to handle the County's solid waste disposal needs based on the location of its landfill, previous service to the County, and its price proposal. Mr. Franklin continued; Waste

Management has offered a five-year contract with a disposal cost of \$23.00/ton for year one and an annual price adjustment based on CPI, with a 2.5% cap on the annual increases during the first 3 years of the contract. There being no questions from the Board, Mr. Seward made a motion to authorize County staff to execute a contract with Waste Management to provide solid waste disposal services for a period of five years. This motion was seconded by Mr. Holmes; Supervisors Blount, Harrison, Lyttle, Seward and Holmes voted affirmatively in favor of the motion.

Mr. Franklin announced for the information of citizens and the Board of Supervisors that Geographic Information System (GIS) is available, as of February 1, 2010, on the County's website. County staff is pleased to make this tool available to assist the public.

UNFINISHED BUSINESS

Supervisor John Seward requested the opportunity to make a few comments in regard to items of regional concern. As a representative of Surry County with several regional organizations, Mr. Seward wished to express public appreciation to members of these organizations for their understanding of tough issues currently being considered by the Surry County Board of Supervisors; specifically consideration of the proposed coal burning power generating facility. Mr. Seward also expressed his disappointment with the Town of Surry and the Isle of Wight Board of Supervisors for their "feeling the need" to issue public responses. He went on to state that economic development issues were fiercely competitive and their suggestion that Surry County delay or stall progress on these issues was offensive.

Supervisor Ernest Blount spoke in regard to standing committees, specifically concerned with information that had come from the County Administrator's office regarding the solid waste stations and suggested that the County resume progress on this and other issues by reappointing committees.

Supervisor Judy Lyttle commented that after April, at which time the VDOT Waverly Residency Office would be closed, Surry County would be serviced out of James City County instead of Waverly. She suggested that the Board request to be serviced by VDOT offices on this side of the James River. Mrs. Lyttle also questioned whether VDOT staff within the County would be subject to lay-off. Supervisor Seward informed that staff within the County would likely stay the same; only the Residency Office in Waverly would be closing. Therefore, management of VDOT staff within the county would come from offices in James City County.

Before moving on to the Public Hearing portion of the agenda, Mr. Claude Reeson requested an opportunity to speak to the Board on an unrelated issue. Chairman Harrison graciously invited Mr. Reeson to come to the podium. Mr. Reeson provided the Board with an update regarding the issue of utility

companies selling off rural telephone exchanges. He informed the Board that there is currently a State Senate Bill under consideration that would give the State Corporation Commission the responsibility to consider and approve such sales of rural exchanges. Vice-Chair Seward moved that the Board allow County staff to express support for this bill; Supervisor Lyttle seconded the motion. Supervisors Harrison, Blount, Holmes, Lyttle and Seward voted affirmatively in support of the motion.

PUBLIC HEARING

Chairman Harrison stated that a Public Hearing was scheduled for this evening for the purpose of hearing public comments on requests made by Old Dominion Electric Cooperative for certain zoning amendments. He announced that the Town of Dendron had approved ODEC requests before the Town Council on the previous Monday, February 1, 2010. Mr. Harrison continued saying that the Board would first hear from the Planning Director, Ms. Rhonda Mack, and then from the applicant, ODEC, before public speakers would be called to address the Board with three minutes to express their support or opposition. Mr. Harrison further stated that everyone who wished to speak would have opportunity.

Chairman Harrison called the Public Hearing to order, restating the five items under consideration: Comprehensive Plan Amendment 2009-01, Zoning Ordinance Text Amendment 2009-01, Rezoning Application 2009-02, Conditional Use Permit 2009-02, and Conditional Use Permit 2009-03.

Ms. Rhonda Mack briefly explained each request and stated that the Planning Commission's evaluation of the requests was completed in accordance with the previously adopted Surry County Comprehensive Plan, Zoning Ordinances, and Strategic Plan. Ms. Mack further explained that the prospective project encompasses 1600 acres; only 290 acres are located outside the Town of Dendron and are under the jurisdiction of the Surry County Board of Supervisors. In summarizing each of the requests, Ms. Mack stated that the Comprehensive Plan Amendment will change the land use designation from agricultural and residential to industrial use, and that adjacent property within the Town of Dendron had historically been used for industrial purposes (i.e. former lumber processing facility). Ms. Mack explained that several of the ODEC requests proposed amendments to the Surry County Zoning Ordinance to facilitate development of property designated for public utility services. Changes in these ordinances would allow Surry County to accept proffers and conditions that are voluntarily offered on behalf of the applicants as an inducement to support these rezoning actions.

Ms. Mack then discussed the Local Certification Statement commenting that it was important to share this information with the Board after a number of comments had been made before the Planning Commission questioning the need for the applicant to pursue approval of rezoning actions and Conditional Use Permits prior to receiving their environmental permits. She stated that these applications have been submitted in advance because there are pending

regulations that would make the receipt of these permits much more difficult to obtain. The applicant will have to receive and submit with their environmental permit a statement that is signed by the chief administrative officer of the locality that says that the proposed use of the property is consistent with local ordinances making it impossible for them to proceed without these ordinances already in place.

Ms. Mack went on to say that the Planning Department Staff and the Planning Commission recommended that conditions be tied to the Conditional Use Permit that require the applicant to demonstrate that they have secured those environmental permits before they can receive local permits that would allow them to proceed with their land disturbance and construction activities. She continued stating that the Planning Commission recognized that this is a timing and logistical issue which requires cooperation to insure that both the County's and ODEC's needs are met appropriately. The 23 recommended conditions, Ms. Mack related, address issues regarding permitting of the proposed landfill, maximum height of the landfill, lighting, noise, landscaping, trash removal, emergency preparation plan, and transportation/traffic management into and out of the proposed site. The applicant must also submit periodic progress reports to the Town of Dendron as well as Surry County throughout the development of the project. She added that due to the proximity of the property to the Blackwater River and Cypress Creek, there are conditions that require a conservation easement abutting those areas.

Ms. Mack further discussed Conditional Use Permit 2009-03 which addresses the proposed water intake facility which would be located off site at Cobham Wharf. She stated that the Planning Commission had significant concerns regarding the CUP request, as it relates to the easements that would be required for the waterlines to move water from this location to the proposed power plant site, as well as permitting. Ms. Mack continued saying that there are conditions tied to Conditional Use Permit 2009-03 that stipulate that the applicant has to demonstrate that they have received the appropriate permits from the Virginia Department of Environmental Quality as well as the Virginia Department of Health and the easements from private property owners before they could proceed with the water intake facility.

Ms. Mack summarized her presentation by reviewing the four applications and stating that the Surry County Planning Commission recommended approval of each. She then offered to answer any questions from the Board. There being no questions for Ms. Mack, Chairman Harrison invited Mr. Steven Blaine, from the law firm of LeClair Ryan and representing ODEC, to address the Board.

Mr. Blaine began by introducing himself and the ODEC client team. Present were Ms. Laura Rose, Environmental Coordinator; Mr. Ken Alexander, Vice President of Engineering; and Mr. David Hudgins, Director of External Affairs for ODEC. Mr. Blaine's presentation included slides and began with a discussion of who ODEC is. Old Dominion Electric Cooperative, stated Mr. Blaine, is a non-profit, member-owned supplier of electric power. There are eleven member rural

electric cooperatives, nine located in Virginia, one in Maryland, and one in Delaware. Mr. Blaine said that the purpose of the Cypress Creek facility would be to supply reliable, affordable electric power to ODEC's members. The selection of the Dendron/Surry site, Mr. Blaine continued, was due to the proximity of the James River, the Norfolk-Southern rail line along Route 460, and a major electric transmission line in the Dendron area. Mr. Blaine also pointed out that ODEC was required to consider an alternative site, located in Sussex County, and that federal and state agencies would compare the two suggested sites before selecting the final location for the Cypress Creek project. Mr. Blaine stated that this would take place after a thorough independent study which would consider all the environmental, public health, social and economic aspects of each alternative.

Mr. Blaine continued with his slide presentation showing the details of the proposed water intake facility. He further reminded the Board and the audience that ODEC was requesting five separate actions and that the project must comply with 23 conditions recommended by the Planning Commission; some of these conditions exceed the current federal and state standards for the type of facilities being proposed. Mr. Blaine added that there had, in his opinion, been a thorough analysis of the land use proposals being considered at this meeting. He further commended the County Administrator and Board Members for making the effort to visit a similar facility in Halifax County to "see with their own eyes" and form a first-hand opinion in regard to the Cypress Creek project. Mr. Blaine also commended the Planning Director and County Staff for their thoroughness in obtaining, organizing and preparing information and documentation necessary to the process.

Mr. Blaine addressed the public outcry for a third-party independent study stating that it was unnecessary as potential health and environmental impacts would be addressed by a comprehensive state and federal permitting process which would involve the Army Corps of Engineers, the Environmental Protection Agency, and the Virginia Department of Environmental Quality. His slide show, which is included as an attachment to these minutes, further addressed air quality, mercury emissions, economic benefits and job opportunities in connection with the proposed project. Mr. Blaine offered to answer questions from the Board.

Vice-Chairman Seward asked Mr. Blaine if he was able to summarize what would happen should the plant no longer be needed to generate electricity and how ODEC would handle the responsibility of plant closure. He also asked about ODEC's plans in regard to new advancements in technology for pollution control and efficiency, and how those advances might be implemented.

Mr. Blaine responded to the first question by stating that it was highly unlikely, following the investment in infrastructure, that the plant would ever be totally decommissioned. Mr. Alexander, Vice President of Engineering, agreed that decommissioning of the plant was unlikely; that advances in technology would not result in closing a site, but in converting or installing that new technology.

He went on to say that when new technology results in the upgrading of a facility, that facility is subject to new environmental regulation and controls.

At this point, Chairman Harrison asked if there were any more questions from the Board for ODEC representatives. Mrs. Lyttle said that she had had questions regarding health and environmental issues and thanked the Planning Commission for the thorough job they had done in providing answers to so many questions and concerns. She reminded the audience that action tonight would not be a final decision on whether or not Surry County would have the coal-fired plant. Mrs. Lyttle further stated that she did not think that any of the members of the Board of Supervisors were willing or desired to make Surry County an unsafe environment for their neighbors.

There being no further questions or statements from the Board, Chairman Harrison asked for any individual who would be speaking for a group of people to come forward.

Mrs. Ann Doyle, Conservation Chairman for the Garden Club of Virginia, Norfolk, Virginia addressed the Board. Mrs. Doyle said that the Garden Club, founded in 1920 and with a state-wide membership of 3500, sees as its mission the conservation of Virginia's natural resources. She said that in its 90 year history the Garden Club had passed very few resolutions; however, they recently acted to oppose the coal-fired plant in Dendron because ODEC has not made a commitment to burn Virginia coal, and due to potential mercury emissions into the Chesapeake Bay. The Garden Club of Virginia objects to coal-fired generation, said Mrs. Doyle, and strongly urges the County leadership to consider another form of power generation.

Mr. Chris Anderson, representing the Surry Town Council, presented the Board with a resolution opposing the coal-fired plant in the Town of Dendron. The resolution was approved by the Surry Town Council on December 22, 2009 by unanimous vote.

Mrs. Kathryn Oliver (Town of Surry) thanked Supervisor Seward for asking about the decommissioning of the plant and landfill, but stated that she did not feel that the question had been answered. She stated that she applauded the Town of Surry and Isle of Wight County for being able to see beyond the economic gains involved with the coal-fired plant. Mrs. Oliver presented the Board with copies of petitions bearing the signatures of over 1600 people that are opposed to ODEC's proposed Cypress Creek project. She further expressed her concern in regard to the guaranteeing of local jobs during the construction and operation phases of the project and expressed her dismay regarding the permitting process at the local government level.

Mr. Steven Savedge (Elberon) spoke in support of the proposed Cypress Creek power plant and voiced agreement with Mr. Seward's earlier comment regarding the Isle of Wight County Board of Supervisors, stating that their

comments seemed disrespectful. Mr. Savedge urged the Board to vote affirmatively on the five permitting issues under consideration.

Linda Goad (Surry County) spoke in opposition to the ODEC requests, stating that she also spoke on behalf of her husband, Mr. William Goad. She urged the Board to vote against the items under consideration and stated that, in her opinion, the Town of Surry and Isle of Wight County were more concerned about the health and welfare of the residents of Surry County than the County's elected officials.

Ms. Chelsea Jones (Surry District) asked the Board to vote in the affirmative on the ODEC requests asking the audience to remember that these were land use issues under consideration at present and that issues such as water intake, fly ash, health hazards, and local jobs would be matters of consideration in the future - only if ODEC were allowed to move forward with the Cypress Creek project.

Ms. Sharon McCalester (Surry District) stated that she had lived in Surry County for 25 years and, having worked in industrial and occupational medicine for many years, she had seen the damage done by heavy metals. She alleged that people would no longer want to move into the county to become "one of our statistics". Ms. McCalester urged the Board to "say no to coal and yes to safer alternatives for this county".

Ms. Vickie Jones (Surry District) who stated that she lives in the Town of Surry voiced her agreement with Supervisor Seward's earlier comments regarding the resolution from the Town Council saying that they did not speak for everyone. Ms. Jones said that the current nuclear power plant may not be operational forever and that the County needed the revenue that would be generated by the proposed Cypress Creek project. She further stated that there were other coal-fire facilities in surrounding areas such as Hopewell, Chesterfield, Yorktown, and Chesapeake and that the proposed project would be built using the latest technology making it safer. Ms. Jones reminded the audience that the nuclear energy plant had resulted in increased revenue which directly affected the Surry School System in a positive way and that ODEC had been a good neighbor in the past.

Ms. Patricia Gray (Williamsburg, Virginia) addressed the Board stating that she represented the members of the Williamsburg Climate Action Network and also several hundred people in Williamsburg who had signed petitions against the ODEC project. She reminded the Board that although the proposed project would be built in Surry County, it would have a regional effect. Ms. Gray stated that she, and those she represented, opposed the project based on the effect it would have on their economy, health and environment.

Ms. Linda Emory (Cobham Area) stated that she had lived in Surry County for 55 years and that she supported the Cypress Creek Power Station project. She said that the County needed the revenue and cautioned that if Surry continued to

prohibit industry from coming it could have a negative effect on funding for school and educational opportunities for County residents. Ms. Emory stated that she had worked for the Surry Nuclear Power Station for over ten years and that their operations were controlled by agencies such as the NRC and EPA. She continued by saying that similar controls would be placed on the proposed coal-fired plant. Ms. Emory concluded by asking the Board to vote affirmatively on the ODEC requests.

Mrs. Paula Agor (Town of Surry) addressed the Board stating that she also spoke on behalf of her husband, Mr. Brian Agor, and that they both were opposed to the proposed coal-fired plant. Mrs. Agor expressed disappointment that the Board had not contracted a third-party independent study of health and environmental issues in regard to the proposed Cypress Creek project. She stated that although studies would be conducted by the Virginia Air Quality Board, the EPA, DEQ, and Army Corps of Engineers the County had a responsibility to conduct an independent study to ensure the health, safety and welfare of the residents of Surry County.

Mr. Bob Winfree (Town of Claremont) stated that he also serves on the Claremont Town Council and that he supported the proposed coal-fired plant. He said that he had confidence that the project would be closely regulated and encouraged the Board to reach an agreement with ODEC that would ensure that local labor would be utilized in the construction phase of the project.

Mrs. Lisa Craig (Surry District) spoke in opposition to the Cypress Creek project stating that she felt that people understood the permitting process but objected to the apparent “handling” of the Dendron Town Council by ODEC. She stated that resolutions from the Town of Surry and Isle of Wight were appropriate, in her opinion. Mrs. Craig insisted that the proposed water intake facility would result in lasting damage to the James River, that land would be seized from County citizens, and that the proposed landfills would leach toxins and allow fly ash to blow for great distances. She also reminded the Board that similar requests had been made by ODEC in Sussex County and cautioned that an affirmative vote on these permits could result in handing an outside entity a water source and an ash dump.

Mr. Otis Smith (Surry County), a lifelong resident of Surry County, spoke in support of the Cypress Creek project. He stated that he had personally visited a similar facility in Clover, Virginia and saw nothing that could cause alarm.

Mrs. Bess Richardson (Town of Dendron) addressed the Board asking that they reject the ODEC requests under consideration. She said that she felt as if the Town of Dendron were being used as a sacrificial lamb so that others in the County could continue farming and pretending that this is a rural community with clean air and clean water. Mrs. Richardson expressed disappointment in the Town of Dendron and the Surry County Board of Supervisors for not conducting a third-party independent study, stating that it was the responsibility of the elected officials to do so and to guarantee the safety of the

residents in Dendron. She voiced appreciation to the Town of Surry for their resolution in opposition of the coal-fired plant.

Mr. David Shears (Surry County) spoke in support of the Cypress Creek project. He reminded the audience of intense opposition to the building of the Surry Nuclear Power Station many years ago and stated that after it is built the people will be for it.

Mr. Mike Eggleston (Town of Dendron) accused the Board of letting greed override common sense. He stated that the Board has a responsibility to protect the health and welfare of its citizens and cautioned that they could be subject to litigation in the future. Mr. Eggleston went on to mention County monies spent to defend against OLF in contrast to the decision not to conduct a third-party investigation regarding the Cypress Creek project. He also raised several questions which he felt had remained unanswered regarding land use taxes, local jobs, landfill height, the use of Virginia coal, and the seizure of citizens' land.

Mr. Lawrence Beale (Surry County) expressed to the Board his support of the ODEC requests. He stated that the plant was needed to provide jobs; to provide revenue that could fund education, infrastructure, and services; and to lessen the future burden of higher real estate taxes. Mr. Beale expressed confidence in the permitting and regulatory processes and expressed trust in the governmental agencies imposing these regulations. He urged the Board not to be hindered by outside opposition and legal threats, but to vote affirmatively on the Cypress Creek project.

Mrs. Helen Eggleston (Town of Dendron) spoke in opposition to the proposed coal-fired plant and urged the Board to vote to reject the permits under consideration. She argued that Cypress Creek would not meet or exceed the strict standards required, but that it would produce about seven times the mercury emissions that a similar plant in Clover does. She went on to say that no one from ODEC had addressed the issue of emissions and further expressed concern regarding the level of mercury pollution.

Mr. Joshua Shears (Carsley District) spoke in support of the Cypress Creek project and asked the Board to vote in favor of it. He expressed confidence in governmental agencies such as the DEQ, EPA and the Army Corps of Engineers and their ability to regulate the coal-fired plant. Mr. Shears said that he had visited the plant in Clover and suggested that other individuals who had expressed concern over the fly ash issue may have mistaken condensation rising from smoke stacks as fly ash. He went on to talk about the possible number of jobs that the plant may generate and the need to ensure that local school children could be prepared to fill some of those positions.

Mr. Ellis W. James (Norfolk, Virginia) began his comments by stating that citizens living in the Hampton Roads area are downwind and downstream from Surry County and that they are concerned about the decisions that are made here. He

claimed to be an environmental activist and reminded the Board of their responsibility to guarantee the safety of Surry County residents. Mr. James went on to express his concerns regarding mercury in the environment and raise a question regarding the amount of coal that would be transported into the area by rail. He concluded his comments by asking the Board to vote against the proposed coal-fired plant until there were more answers.

Mr. David Blevins (Chesapeake, Virginia) addressed the Board stating that he represented a company that owns five acres in the Town of Dendron which had put up a communication tower several years ago. He mentioned that he had grown up around coal-fired plants and that Virginia had an abundant source of coal. Mr. Blevins added that he had worked for a company that had had a great deal of contact with the Army Corps of Engineers, EPA and DEQ and that the individuals representing these agencies were experts at regulating the activities of energy production facilities. He suggested that the Board give ODEC a chance and wait to see if everything checks out.

Ms. Beth Roach (Spring Grove) greeted the Board and explained her generational ties to the community including the fact that she is a member of the Nottoway Indian Tribe of Virginia. She spoke about the need to gather more information on environmental issues but suggested that the Board think about the value of the land and the value of what is passed on to our children – even to seven generations. Ms. Roach reminded the Board that decisions made today will have an effect on our children and grandchildren for the next 200 years.

Mr. Robert Hall (Scotland Warf) began his comments by stating that he was a relative new-comer to the County, having only lived here for a couple of years. He commended the Board for doing a good job and stated that he had worked in the utility business for about 13 years. Mr. Hall went on to comment on the high level of community involvement he had seen from ODEC and Prince George Electric Cooperative. He added that increased revenues and tax base as a result of the Cypress Creek project would create more opportunity in Surry County.

Ms. Kathryn Thompson (Town of Dendron) began her comments by stating that it was a saw mill in the lumber industry that built the Town of Dendron and that it would be a coal plant that brings it to an end. Ms. Thompson, a cancer survivor, said that she is aware that Surry County has a very high rate of environment-proven cancer and with the coal plant the rate of such diagnoses would triple or quadruple.

Ms. Roslyn Elliott (Carsley District) spoke in favor of the Cypress Creek project. She stated that she was also a cancer survivor and that we all are going to die from something. Ms. Elliott suggested that in such tough economic times additional revenue could certainly be used to improve the County's schools enabling its graduates to be more successful. She closed her comments by stating that she trusted the Board to vote the correct way.

Ms. Gloristine Evans (Town of Dendron) began by stating that the coal plant would shorten life expectancy by 14 years. Originally from Oakland, California, Ms. Evans said that she loved Surry County but that she felt that the Board had been deceived when it came to potential health concerns. She further stated that she did not believe the economic boost to the area was a certainty because of the education and experience required to work in operations at such a facility. Ms. Evans also questioned the future quality of life for citizens of Surry County and, more specifically, the Town of Dendron should such a facility become a reality.

Ms. Rosa Holmes-Turner (Isle of Wight County) who identified herself as an heir to the Johnson family of Dendron began her comments by stating that she was looking forward to moving back to Dendron once the Cypress Creek facility was built. She added that she had been employed by Virginia Power, Newport News Shipbuilding and Surry Nuclear Power Station in the past and that businesses of this kind typically improve the quality of life in the localities where they exist in spite of the risks involved. Ms. Holmes-Turner went on to mention the death of a childhood friend resulting from the use of agricultural fertilizer to demonstrate that there are risks involved in industries other than energy production. She then pointed out that in the current economic environment, more local jobs were needed in Surry County.

Ms. Jennica Waggoner (Isle of Wight County), who is employed in Surry County, voiced her concern regarding the potential effect of emissions on the environment. She implored the Board to consider the effect on land, water and air, not only for the present, but for future generations of people who are dependent upon the land. Ms. Waggoner concluded her comments by asking the Board to vote against the permits being considered.

Ms. Dorothy Hewitt (Town of Dendron) who serves on the Dendron Town Council stated that she believed that every governing body who had been asked to consider the ODEC permits had made their decision concerning the project before public comments had been solicited. She said she was ashamed of what the Dendron town Council had done to the 320 people who could end up living under the smokestacks of Cypress Creek Power Plant. Ms. Hewitt continued by stating that she knew people would get cancer, die prematurely, and that she would be unable to live in her family home that is over 100 years old. She concluded her comments by asking the audience to continue to fight against the Cypress Creek project by appealing to legislators at the State level.

Ms. Fran Parker (Town of Dendron) spoke in opposition to the Cypress Creek project by stating that there was nothing about the project that was good. She suggested that the comparison to the plant in Clover was inaccurate because that plant is three miles from the community while the Cypress Creek facility would be twice as large and three and a half times closer to homes in the Town of Dendron. Ms. Parker expressed concern that the project would destroy the rural, peaceful lifestyle that currently exists in Dendron. She mentioned that her husband has major health issues which necessitate his use of an oxygen concentrator and that she feared emissions from the plant may exacerbate his

health condition as well as those of others living in proximity to the plant. Ms. Parker further added that this issue was not one of money, but one of health risks. She concluded her comments with a Native American prophecy: "When all the trees have been cut down, when all the animals have been hunted, when all the waters are polluted, when all the air is unsafe to breathe, only then will you discover that you cannot eat money."

Mr. Mike Holle (Surry District) stated that he was a transplant to Surry County from Prince George County and had lived here for 18 years. He thanked the Board for the work that they do and acknowledged that consideration of the ODEC issues put them in a very tough spot. Mr. Holle expressed concern regarding the proposed amount of water to be taken from the James River and its effect on aquatic life and, ultimately, its effect on Virginia watermen. He further discussed emissions and their effect on the County and its residents. Mr. Holle stated that these arguments were the same arguments used prior to the construction of the Surry Nuclear Power Station and that in its 37 years of existence their record of industrial safety was testament to the fact that resident's worst fears had not been realized. He encouraged the Board to vote affirmatively on the issues under consideration.

Mrs. Misti Furr (Town of Dendron) began by acknowledging that the Board Members had all worked hard to make the best decision and read a quote by F.D. Roosevelt: "The only sure bulwark of continuing liberty is a government strong enough to protect the interests of the people, and a people strong enough and well informed enough to maintain its sovereign control over the government." She thanked Vice-Chairman Seward for his questions regarding the proposed landfill but went on to demand that the Board consider an independent study in an effort to protect the public health and safety of its citizens and those of the region.

Mr. Andy Thomas (Suffolk) addressed the Board stating that he represented the Virginia Pipe Trades, specifically members of the union living in Surry County. He reiterated the positive aspects of such a project including the increase of local revenue, boost to the local economy, and the creation of jobs. Mr. Thomas asked the Board to consider a Community Benefit Agreement which would stipulate the use of the local work force. He then supplied the Board with a sample copy of such an agreement.

Mrs. Betsy Shepard (Surry District) began her comments by directly addressing Mr. Seward, Surry District elected Supervisor, reminding him that his responsibility was to represent the people of his district and not ODEC. She stated that she had provided the Board with a large amount of information over the past few months, including a 400 page document which listed DEQ Notices of Violation and examples of documented cases of environmental contamination by industries which were also subject to permitting and regulation. Mrs. Shepard reminded the Board that once toxins enter the ground and water, they remain there forever. She further stated that she was opposed to changing the County's Comprehensive Plan because Surry County is a rural/agricultural county and

she would like to see it stay that way. Mrs. Shepard went on to point out that the same issues under consideration in Sussex County tonight had been approved by that governing body and that the possibility exists that Surry might get the pipeline and the landfill while Sussex got the power plant. She then provided the Board with written material, "Coal's Assault on Human Health" and a letter from her representative.

Mrs. Kim Sperry (Spring Grove, Claremont District) spoke in opposition to the Cypress Creek project and addressed the ODEC representatives directly stating that the individuals opposed to the project would not go away until ODEC does.

At this time, Chairman Reginald Harrison announced that after the next speaker there would be a 5 - 10 minute break in the program.

Mr. Mark Sperry (Spring Grove) spoke briefly stating only that he opposed the Cypress Creek project and that he hoped the Board would vote against it.

Chairman Harrison announced a 10 minute break and informed the audience that the Public Hearing would resume at 9:54pm. He also asked for members of the audience who had not signed up for an opportunity to speak to do so at this time; even if they chose only to state that they were in favor of or opposed to the Cypress Creek project.

Mr. Joseph Robers (Spring Grove) began his comments by stating that the ordinances of Surry County require that applications for re-zoning must be complete before they can be considered. He contended that ODEC's application is incomplete raising the question - how can it currently be under consideration? Mr. Robers went on to state that Surry County ordinances stipulate that an accessory building cannot exist on a lot that does not have a primary building on it, although the proposed water intake facility would be just that. He further argued that ODEC has refused to say where the water pipelines would run and suggested that if the Cypress Creek facility was approved for Sussex County the pipeline may run all the way across Surry County and into Sussex.

Mrs. Wendy Robers (Spring Grove) addressed the Board suggesting that if changes are made to the County's ordinances any other kind of heavy industry could easily come into Surry County and that this was not the direction in which she felt the County should be moving. She discussed the EPA and DEQ agencies expressing doubt that their objective was to minimize harm to citizens, but instead to only enforce existing regulations. Mrs. Robers commented that she applauded ODEC for utilizing the newest and best technology and urged ODEC representatives to build the plant using the most stringent controls available to them from the beginning. She went on to express concern regarding the issue of fly ash and sympathized with the sense of desperation, as she put it, for increases in revenue that she felt were frightening the Board into making a bad decision.

Mr. Kelly Place (Williamsburg) addressed the Board and identified himself as a representative for the Virginia Watermen's Association. He stated that the organization was very much against the proposed Cypress Creek project because of the potential of contamination of the existing ecosystem. He discussed the manner in which contaminants enter the environment and how they affect the organisms with which they have contact. Mr. Place asked specifically, "Who is going to indemnify the seafood industry for the seafood, the fish that have unacceptably high levels of mercury to where humans are not allowed to eat them?" He went on to comment on potential negative effects on surrounding areas and future generations and ended his comments by asking the Board to contract an independent study and reject the ODEC proposals.

Mr. Russell Hopson (Spring Grove) spoke in opposition to the proposed Cypress Creek project reminding the Board of their responsibility to make well informed decisions and to act to protect its citizens from possible harm stating that there is no such thing as a safe coal plant. He accused the Planning Commission of reaching their conclusions with, as he put it, "a lack of inquiry of the pertinent facts dealing with the impact to the immediate community." He concluded his comments by stating: "Not to know is bad. Not to wish to know is worse."

Mrs. Sarah Steele (Elberon) spoke in opposition to the coal-fired plant and utilized a map to show the proposed location of the landfill and its proximity to her own home. She expressed dismay over feelings of not being properly represented and her concerns not being heard; she then pointed out that the majority of speakers before the Board had been opposed to the project. Mrs. Steele went on to suggest that 135 rail cars would be bringing coal to the proposed plant every 36 hours and that the coal dust should also be thought of as a pollutant to air and water. She stated that she would not want to live in her home if the coal plant is built.

Ms. Emily Francis addressed the Board stating that she represented the Chesapeake Bay Foundation. She advised the Board that the CBF had previously submitted letters to the Planning Commission outlining some of their specific concerns regarding the coal-fired plant. Ms. Francis went on to say that the CBF believes that the proposal is poorly planned and would drastically change local land-use patterns in a way that would have many negative impacts. She further urged the Board to take the time to do thorough assessments of the proposal and of the long-term impacts and delay action until more information was available to them.

Mr. Ron Andrews (Suffolk, VA), who also owns property in Surry County, mentioned that similar proposals were made in Prince George County several years ago; Prince George County rejected the proposals. He suggested contacting officials there for more information as it might benefit the Board in the decision they were faced with making.

Ms. Melanie Williamson (Petersburg, VA), whose family owns riverfront property in Surry County, accused the Board of being short-sighted contending

that Surry is a rural community. She compared the proposed Cypress Creek project with a similar facility with which she was aware of in Chesterfield, Virginia. Ms. Williamson argued that the James River is a popular recreational area and that the proposed water intake facility would be within view of the discharge pipes from the Surry Nuclear Power Station resulting in further disruption to the river.

Mr. Clay Lowe (Rocky Hock in Surry County) spoke against the coal-fired plant, adding that he also spoke on behalf of his wife, Jenny Lowe. He suggested that the only reason for a Planning Commission to exist was for the protection of the County's citizens adding that he was offended by their refusal to conduct an independent study of potential health risks.

Mr. Nelson McQuillan (Surry District) spoke in opposition to the Cypress Creek project and alluded to the potential long-term health effects that might affect Surry County residents for generations to come. He urged the Board to conduct a third-party independent study, argued that ODEC could not be trusted, and that the potential health risks were not worth the proffers being offered.

Mr. Ron Perry (Elberon) began his comments by stating that he owned a farm within a mile of the proposed site and urged the Board to conduct an independent study of the potential effects.

The names of Laurie Weber, R. M. Pond, Peter Steele, Tyler DeTroy, and Keith Bunn were called. The Board was informed by audience members that each of these individuals had left the meeting, but that they were in opposition to the project.

Mr. John Perry (Rescue, VA) urged the Board to consider their decisions carefully, as their decision would not only affect citizens of Surry County but would also have an effect on localities downwind and downriver. He suggested that ODEC's increased demand for electricity is not as urgent as they have reported and that their mission statement insinuates that this project would be constructed and operated at the lowest possible cost to the company. The mission of the Board, Mr. Perry stated, is to look out for the welfare of its citizens and those of the surrounding area. He further suggested that the Board urge ODEC to expand its capabilities at the Surry Nuclear Power Station. Mr. Perry encouraged the Board to table present requests and take the time to find a better solution.

Mrs. Donna Slade (Surry County) spoke against the Cypress Creek proposal stating that she was against the coal-fired plant and the fly ash. She encouraged the Board to make their decisions with integrity, intelligence, common sense, and a willingness to further investigate issues of concern.

Mr. Carlos Verdaguier (Town of Dendron) stated that, although he was opposed to the proposed project, he was not petitioning the Board to vote against it; only to postpone action so that more information could be obtained. He reported

that some people believe that there is no harm from an industrial plant, but argued that if there is even a slight chance of contamination it was necessary to study and obtain more information about the effects. In regard to jobs, Mr. Verdaguer urged to Board to obtain a promise in writing from ODEC to insure that jobs would be made available to locals of Surry County. He ended his comments by stating that his family had come to Dendron to be a part of a small town community. With the construction of the proposed facility, his home would be within sight of the smokestacks he contended. While others in the County get to enjoy the financial benefits of the proposed project his family would get to live in its shadow for the rest of their lives Mr. Verdaguer said.

Mrs. Julie Verdaguer (Town of Dendron) addressed the Board asking them to be visionaries; to think outside the box. She related information regarding the economic growth of neighboring community, Smithfield, to the Board and urged them to envision Dendron as another "Main Street Community". She suggested that grants could be available for the development of community attractions which would encourage visitors to come to Surry County and revenue could be increased in that way.

Ms. Karen Clancy (Town of Surry) began her comments by stating that she was in agreement with what many other speakers in opposition to the plant had expressed in regard to potential environmental impacts. She raised a question regarding shipping lanes which could be affected by the water intake and discharge pipelines. Ms. Clancy also stated that the County's Comprehensive Plan encouraged the preservation of existing and potential recreation lands, wetlands, and natural and scenic resources which seems to contradict the permitting of a water intake and discharge facility on the James River. "Our ecosystem is fragile," she added, "and we must maintain good stewardship if we want future generations to enjoy the same privilege of living in this beautiful county."

Mr. Steven Holloway (Surry County) spoke in opposition to the Cypress Creek project. He mentioned two coal-fired plants, one in Yorktown and one in Chesapeake, and stated that the EPA had not protected the people in the area from the danger of emissions. Mr. Holloway added that given the potential for disaster with this type of facility, he felt that the Board should have contracted a third-party study. He urged the Board not to make a hasty decision.

Mr. Tom Lever (Landsdale, PA) is a student at William & Mary College and a member of the Student Environmental Action Coalition. Mr. Lever spoke in opposition to the coal-fired plant describing in detail the toll that industry had taken on his hometown.

Mr. Steve Ingram (Claremont), a resident of Surry County for 20 years, said that he had been a construction consultant for many years and had had the opportunity to work closely with ODEC. He stated that the coal-fired plants that are being built now are superior to the facilities built in the past and expressed faith in the permitting process and regulatory bodies that would oversee

construction and operation. Mr. Ingram addressed concerns regarding the use of local work force and stated that he was in support of the Cypress Creek project.

Mr. Glen Besa (Richmond, VA) addressed the Board stating that he was Virginia Director of the Sierra Club. He urged the Board to listen to the citizens who had spoken in opposition to the coal-fired plant as its introduction into the community would represent a radical change in the community's character; and he stated that the plant would be the end of Dendron within 10 years or less. Mr. Besa also commented on potential ozone pollution, climate changes and carbon emissions.

Ms. Chelsea Harnish (Richmond, VA) began by stating that she represented Chesapeake Climate Action Network. She said that she had been at the Sussex County Board of Supervisors Meeting earlier that evening and shared some of the questions that were raised at that meeting. Ms. Harnish encouraged the Board to work with ODEC in order to develop a closure plan and reminded the Board that changes in zoning would be permanent even if the coal-fired plant were not to be built in Surry, leaving the door open for something worse.

Ms. Adrienne Devlesian (Town of Surry) addressed the Board and identified herself as an environmentalist and a gardener who collects rain water and composts. She acquires old boats which she refurbishes for watermen and for use as pleasure craft as her source of employment. Ms. Devlesian stated that she had attended the Board of Supervisors Meeting to get informed and felt that there was one group of individuals focused on economics while the other group was focused on the facts. She urged the Board to make their decision based on the facts.

Ms. Dena Allen addressed the Board stating that her family had owned property on the James River in Surry County for more than 60 years and that she was opposed to the coal-fired plant. She expressed concern in regard to the potential detrimental effects the plant may have on air, water, noise levels, crops, health and wellbeing of local residents. Ms. Allen encouraged the Board to gather further information by way of a third-party study before making their decision.

At this point, Chairman Harrison announced that the Board would entertain closing remarks by County Staff if there were no other citizens interested in speaking.

Ms. Jean Renigar-Fry (Mount Ivey) addressed the Board stating that she had kept a tally of speakers for the evening, announcing each County District and the number of speakers both for and against the Cypress Creek project. She urged the Board to delay action and requested that they consider an independent study.

Chairman Harrison announced the close of the public comment portion of the program and asked for comments from County Staff. There being none, he asked for discussion or remarks from Board members.

Mrs. Judy Lyttle (Bacons Castle District) stated that the Board had heard a lot of good information from opponents as well as supporters of the Cypress Creek project. She remarked that her decision would be made for all the citizens in her district and not just for the individuals present that evening. Mrs. Lyttle ended her remarks by saying that she had studied the issues from more than one perspective and that it was not her intention to do anything to hurt Surry County because of her love, not only for the County, but for the citizens as well.

Mr. Ernest Blount (Dendron District) recalled discussion of similar issues before the Surry Nuclear Power Station was operational; fears of radiation poisoning, that the plant would blow up, etc. He stated that the County has fail-proof provisions in place and that ODEC had been and is expected to be a good neighbor in Surry County. Mr. Blount also suggested that sometimes when neighboring localities discourage action on such a project it may be because they are hoping to benefit from it themselves. He said that he had examined the information provided to the Board and had considered all of it; he felt ready to make a decision when the time came. Mr. Blount encouraged fellow Board Members to carefully consider what needs to be done to move the County forward.

Mr. M. Sherlock Holmes (Carsley District) stated that several remarks had been made during the Public Hearing denigrating the Board Members and their ability to understand and make intelligent decisions. He reminded the audience that his constituency had voted him in office seven times stating that he must be doing something to represent their wishes. Mr. Holmes told the audience that his vote on these issues would be cast for what he believes is best for the Carsley District and for Surry County.

Mr. John Seward (Surry District) informed the audience that, although it may appear that the Board was acting prematurely, they had been aware of the Cypress Creek project for almost two years. He added that this matter was not something that the Board had taken lightly; that he had personally read and studied all the information provided by County Staff, ODEC, opponents of the plant, and the Army Corps of Engineers. Mr. Seward commended the Board and County Staff for the thorough job that has been done to this point.

Mr. Reginald Harrison (Claremont District) began by stating that no one is right and no one is wrong. While coal-fired plants are not a new thing, advances in technology have made them safer and more efficient. Mr. Harrison added that he had worked in a coal-fired facility for over 15 years and, although he does not consider himself an expert, he is not fearful of the industry. He went on to say that facts and data could be used to make any point and that a third-party study, if the right person was hired to conduct it, would produce the right answers – meaning you can pay for any answer you want. Mr. Harrison expressed

confidence in the regulatory agencies that will oversee construction and operation of the proposed facility, as well as confidence in his fellow Board Members. He urged the Board not to be offended by some of the comments that had been made and admonished them to do what they were elected to do.

There being no further comments, Chairman Harrison asked if the Board was ready to take action; and added that if action was taken, a roll-call vote would be used on each item. He then asked if there were any motions.

Mr. Blount made a motion that Comprehensive Plan Amendment 2009-01 be approved. The motion was seconded by Mr. Holmes. A roll-call vote was taken and all Supervisors answered affirmatively.

Mr. Holmes made a motion that Zoning Ordinance Text Amendment 2009-01 be approved. The motion was seconded by Mr. Blount. A roll-call vote was taken and all Supervisors answered affirmatively.

Mr. Seward made a motion that Zoning Map Amendment Application 2009-02 be approved. The motion was seconded by Mrs. Lyttle. A roll-call vote was taken and all Supervisors answered affirmatively.

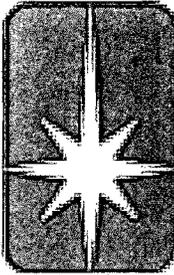
Mrs. Lyttle made a motion that Conditional Use Permit CUP 2009-02 be approved. The motion was seconded by Mr. Seward. A roll-call vote was taken and all Supervisors answered affirmatively.

Mr. Blount made a motion that Conditional Use Permit 2009-03 be approved. The motion was seconded by Mr. Holmes. A roll-call vote was taken and all Supervisors answered affirmatively.

NEW BUSINESS

There being no new business, Mr. William Hefty, County Attorney, suggested that the Board move to Closed Session to review personnel issues 2.2-3711 (A)(1), the acquisition of property for public use 2.2-3711 (A)(29), and probable future litigation 2.2-3711 (A)(7). Supervisor Holmes made a motion that the Board move to Closed Session; Supervisor Seward seconded the motion. Supervisors Harrison, Holmes, Lyttle, Seward and Blount voted in favor of the motion.

CLOSED SESSION

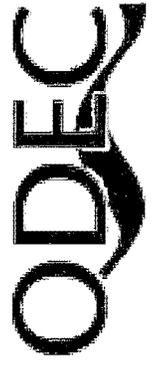


CYPRESS CREEK
POWER STATION

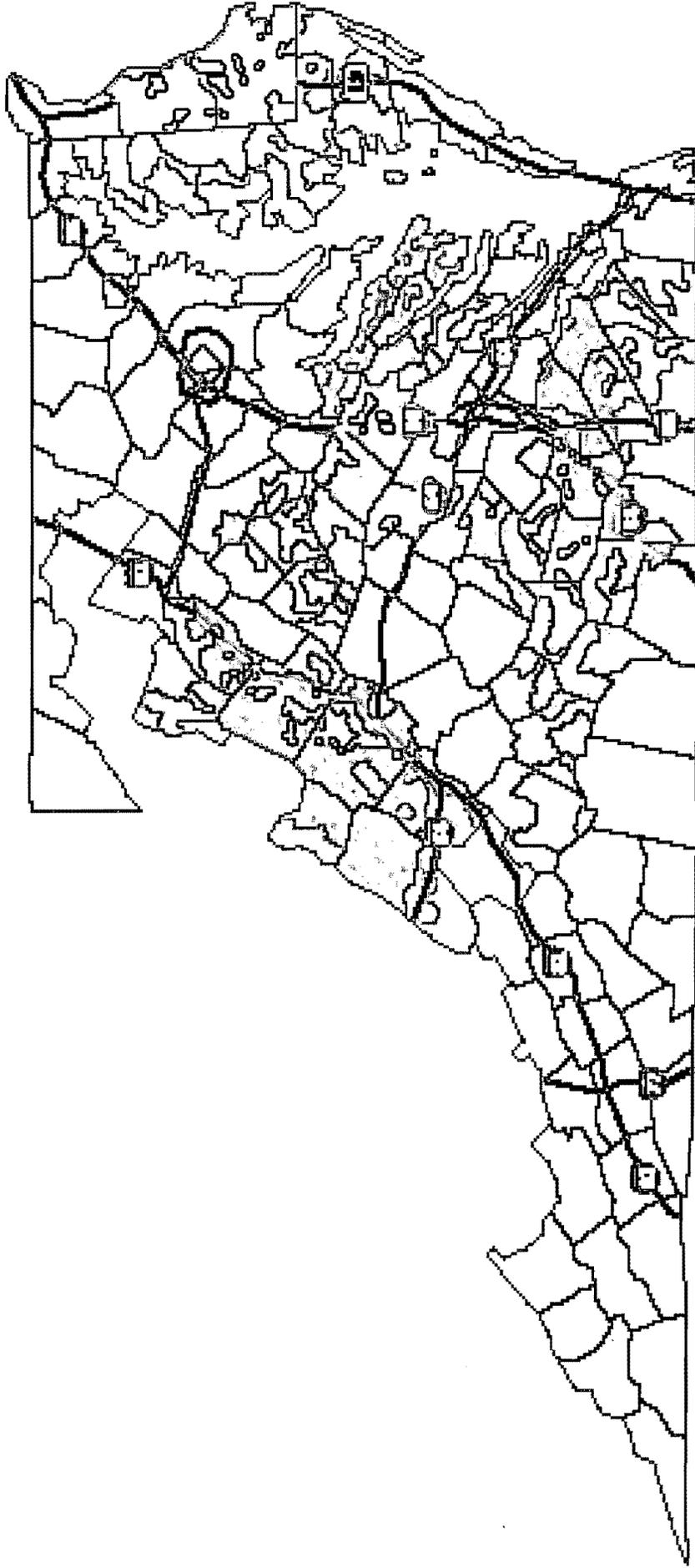
ODEC



Who is Old Dominion Electric Cooperative?



ODEC Service Territory



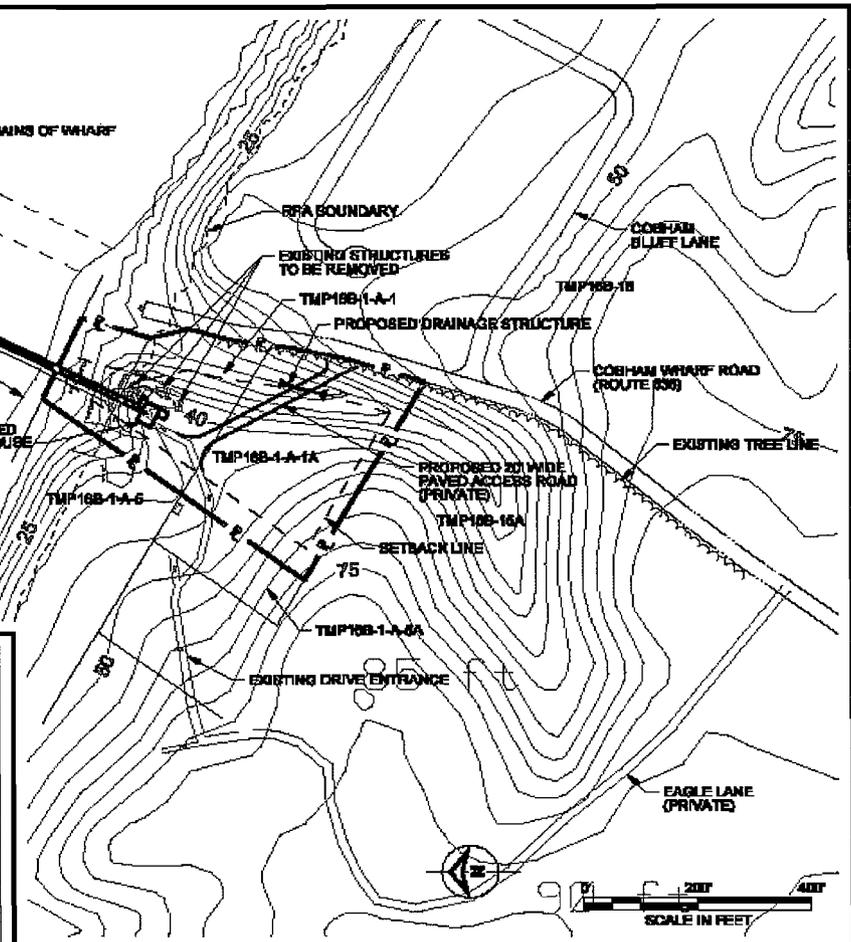
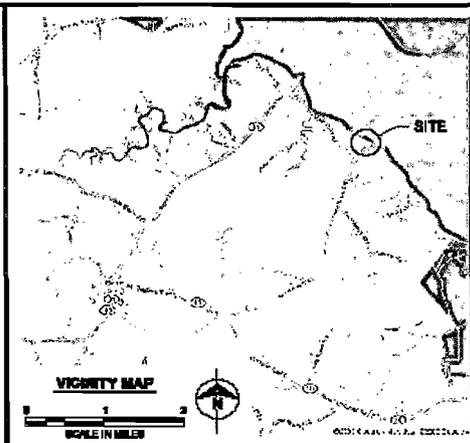
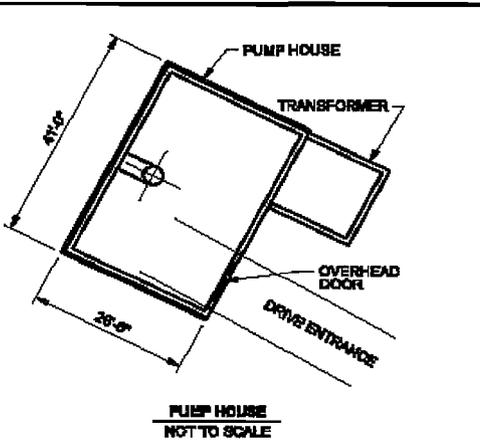
- A & N
- BARRC
- Choptank
- Community
- Delaware
- Moschlemburg
- Northern Neck
- Prince George
- Rappahannock
- Shenandoah Valley
- Southside

Water Intake Facility

NOTES:

1. OWNER'S NAME: JAMES R. TRAYLOR AND SOPHIA Z. TRAYLOR
2. CUP APPLICANT: OLD DOMINION ELECTRIC COOPERATIVE
3. SUBJECT PARCELS AND ABUTTING PARCELS ARE ZONED A-1.
4. PORTIONS OF LOTS 1 THROUGH 4 (TMP188-1-A-1) LIE WITHIN THE CHESAPEAKE BAY PRESERVATION DISTRICT RESOURCE PROTECTION AREA (RPA). THE RPA BOUNDARY SHOWN ON THIS PLAN IS SUBJECT TO ADJUSTMENT PENDING A SITE SPECIFIC ENVIRONMENTAL SITE ASSESSMENT AND DELINEATION.
5. THE PROPERTY USE OF ALL THE SUBJECT PROPERTIES AND THE ABUTTING PROPERTIES ARE "RESIDENTIAL".
6. SETBACKS: 75' FRONT YARD; 60' REAR YARD; 25' SIDE YARD
7. PROPOSED PUMP HOUSE STRUCTURE WILL BE LESS THAN 35' IN HEIGHT.
8. ALL DIMENSIONS ARE PRELIMINARY AND WILL NOT BE FINAL UNTIL DESIGN HAS BEEN COMPLETED.

SUBJECT PROPERTIES		ABUTTING PROPERTIES		USE
TAX ID	OWNER NAME	TAX ID	OWNER NAME	
TMP188-1-A-1	JAMES R. TRAYLOR AND SOPHIA Z. TRAYLOR; LOTS 1, 2, 3, & 4	TMP188-16	CORHAM BLUFF, LLC	RESIDENTIAL
TMP188-1-A-1A	JAMES R. TRAYLOR AND SOPHIA Z. TRAYLOR; PARCEL 5	TMP188-1-A-5	DAISEY BELLE FRAZIER	RESIDENTIAL
		TMP188-1-A-6A	MARSHALL R. WEBB AND FRANCES CRUMPLER WEBB	RESIDENTIAL
		TMP188-16A	MARSHALL R. WEBB AND FRANCES CRUMPLER WEBB	RESIDENTIAL



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 Date: OCT. 14, 2009 designed: R. OWENS	ODEC CYPRESS CREEK POWER STATION INTAKE STRUCTURE CUP PRELIMINARY SITE PLAN	Project: 46214
		continued: _____ SK - 24

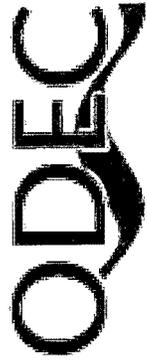
Actions to be Considered by Surry County Board of Supervisors

Comprehensive Plan Amendment 2009-01	Planning Commission recommends approval.
Zoning Ordinance Text Amendment 2009-01	Planning Commission recommends approval.
Rezoning Application (Zoning Map Amendment) 2009-02	Planning Commission recommends approval. Proffers dated January 25, 2010.
Conditional Use Permit (Landfill) 2009-02	Planning Commission recommends approval subject to twenty-three conditions.
Conditional Use Permit 2009-03	Planning Commission recommends approval subject to two conditions.



Thorough Zoning Analysis

- Plant Site Tour and Local Official Investigation
 - 2008 and 2009
- Planning Staff Recommendations
- Planning Commission Deliberation
- Public Comment and Inquiry



Environmental Impact Study

- Army Corps of Engineers, Lead Agency
- Environmental Protection Agency
- Third Party Consultants picked by Army Corps of Engineers
- Local Governmental Action (LGBF)
 - “Catch 22”



Public Health Matters

- Air Quality – VDEQ/EPA
 - PSD & Acid Rain Permits
 - BACT (Best Available Control Technology)
 - MACT (Maximum Achievable Control Technology)
 - All subject to public hearing process



Public Health Matters

- Water Quality – ACOE/VDEQ/VDCR/VMRC
 - VPDES Permits
 - Wetland Permits
 - Rivers and Harbors Act Sec. 10 (ASACE)
 - Stormwater Permits
 - VWP Permits



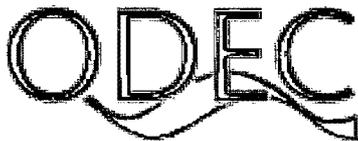
Public Health Matters

- Fish and Wildlife – USFWS/VDGIF/VDCR
 - Clean Water Act (above)
 - Threatened and Endangered Species Act



Public Health Matters

- Cultural and Social – ACOE / VDHR
 - Section 106 NEPA
 - Environmental Impact Statement



Economic Benefits: Retail and Community

- Stimulus resulting from purchase of materials, equipment and services to support construction and operation
- Downward pressure on electricity rates and enhanced reliability of electric supply



Economic Benefits: Annual Tax Revenues

Cypress Creek Property Taxes		First Year Dendron Property Tax (\$0.05 per \$100)	First Year Surry County Property Tax (\$0.70 per \$100)
Unit 1 Capital Cost	\$3,009,000,000		
less Pollution Control Equipment	\$902,700,000		
Capital Cost less Pollution Control Equipment	\$2,106,300,000	\$947,840	\$13,269,690
Unit 2 Capital Cost	\$2,041,000,000		
less Pollution Control Equipment	\$612,300,000		
Capital Cost less Pollution Control Equipment	\$1,428,700,000	\$642,920	\$9,000,810
Total for Cypress Creek Project	\$3,535,000,000	\$1,590,750	\$22,270,500

Assumptions

- Existing tax rates for Dendron and Surry County are not lowered
- Cost estimate in July 2009 Preliminary Design Report rounded to millions
- Pollution control equipment from Clover construction at 30% of plant
- An SCC condition factor of 90%

Economic Benefits: Proffers

- Additional Water Capacity
 - 2,000,000 gallons per day
- Road Dedications
 - Off-site
- \$200,000 Contribution for Surry Library



Thank You

