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A Study of Decision Making: The Case of Brown and Root, Inc.

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A STUDY OF DECISION MAKING:
THE CASE OF BROWN AND ROOT, INC.

by
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B.A. January 1973, College of William & Mary

A Thesis Submitted to the Faculty of
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Roger S. Richman (Director)
ABSTRACT

The process of community decision making has been examined by many theorists in the field of political science. The purpose of this thesis is to examine the case of Brown and Root, Inc., a marine fabrication industry that hoped to construct a large plant in the rural town of Cape Charles, Virginia. The industry underwent a lengthy decision-making process before a final decision was made.

This case was selected because a wide variety of factors affected the ultimate outcome of the decision-making process. Because the decision-making process covered a five-year time span in this case, it includes more factors than some decisions. Therefore, it allows the researcher to examine many factors in decision making while studying a single case. The case study is presented in a chronology, compiled from written records of the case and personal interviews. The findings of this case were compared to the findings in the literature reviewed to determine which factors influenced the decision-making process in this case.
This thesis is dedicated to Bobby, Greg, Ellie and Clara.
ACKNOWLEDGEMENTS

The preparation of this thesis would not have been possible without the help of many people. I would like to thank Dr. Roger Richman and Dr. Leonard Ruchelman for their suggestions and guidance. I also thank the community members interviewed, who donated so generously of their time. I also express my deepest appreciation to the members of my family who helped in preparing this thesis. My husband and parents took on extra household responsibilities so that I could research and write this thesis and my four children learned quickly not to disturb me while I was working on it.
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**Election Results, Board of Supervisors, 1975.**
CHAPTER I

INTRODUCTION

On January 17, 1974, the governor of Virginia and local officials of Northampton County welcomed Brown and Root, a fabrication industry, to the town of Cape Charles. The industry had purchased approximately 2,000 acres of land in Cape Charles on which it planned to construct a large marine fabrication plant. Months later, in December of 1974, Brown and Root requested that 1,762 acres of the Hollywood Farm land they had purchased be rezoned for industrial use. This request was later changed to 980 acres.¹

A few days after the industry had completed the major portion of a socioeconomic impact study required by the Federal government before they could begin construction, on January 31, 1979, Brown and Root issued a statement to the press that they were suspending all plans to further develop the Cape Charles property. County planner John Humphrey estimated that should Brown and Root decide at a later date

to continue plans to develop the property, they could complete all necessary arrangements and begin construction within 18 months.²

Brown and Root's announcement of the decision to suspend operations had followed a five-year effort to get the property rezoned for industrial use and had included more than one application for rezoning, involved three planning commissions and two separate boards of county supervisors. During the time two lawsuits had been brought against the Board of Supervisors, one in regard to the legality of one of the planning commissions and one in regard to the legality of the zoning code. During the five-year time period, a long-standing member of the Board of Supervisors was also replaced by a "pro" Brown and Root candidate. Numerous public hearings were held at which Brown and Root encouraged the citizens to accept the industry and opponents urged them not to accept it.

Many political scientists have studied the decision-making process. They have described various models of decision making and listed many factors affecting the decision-making process. Most of their studies have noted that decision making involves several different groups of decision makers who work together, or sometimes in conflict with one another in order to reach a final decision. The

²Interview with John L. Humphrey, Director of Planning and Zoning, Northampton County, 31 January 1979.
outcome of their interaction becomes public policy.

This policy will have been influenced by the strength of each of the groups involved in the decision-making process as well as by such factors as the nature of the decision, the scope of change required by the decision, the strength of local interest groups, mass media, and the impact of time on the decision-making process. The final outcome of the process is the result of compromise between the various interest groups involved and often involves a series of trade-offs between these various interests.

Decision making is utilized in all aspects of public policy and in daily life as well. Even when the decision seems relatively unimportant or when the decision appears to be a poor one, certain patterns are manifested in the decision-making process.

Because of the complexity of the case, an examination of the history of Brown and Root's efforts to build an industry in Cape Charles serves as an excellent case by which to examine the community decision-making process.

The purpose of this paper is to examine a specific case of decision making in order to determine what factors influenced the decision-making process in the arena of public policy. More specifically, this paper will examine the incentives involved in industrial location selection and disincentives to such industrial development. This examination will be accomplished by studying the decision-making process in the case of Brown and Root Inc.
The case study method was chosen because it would make it possible to use the case of Brown and Root as a test case to examine the theories set forth in earlier studies. The case study method is also a logical technique to study decision making because the decision-making process is not a process that could be easily enacted in a laboratory situation. The case of Brown and Root was selected because it involves a series of decisions. The history of Brown and Root's efforts to locate an industry in the rural town of Cape Charles reveals a five-year decision-making process, involving an industry, a local government and local residents. Because it involves a wide variety and scope of decisions, an examination of this particular case should allow one to draw concrete conclusions about how the decision-making process operates in the area of community policy design.

Several data bases were used to determine the factors influencing the decision-making process. Because more than one data base was used, the variety of techniques used offset the weaknesses of each individual method.

One method used was an examination of the minutes of the Board of Supervisors and Planning Commissions during the five years involved. These minutes include much factual information relating to the case and also include some of the emotional statements made by key members involved in the decision-making process, both in favor of and against Brown and Root. Interviews with key members of the decision-making process were also conducted. This research method was useful.
in gaining additional information and many of the individuals interviewed explained during the interviews how they had arrived at their positions in the conflict. Another data base used was the examination of local newspaper articles covering the events in the case of Brown and Root. These newspaper articles supplemented the information gained from interviews and from the examination of minutes. The examination of the court notes on the lawsuits related to Brown and Root was another method used. Each lawsuit included an explanation of the prosecutor's reason for filing the lawsuit and the reasoning of the judge in giving his decision in each case.

Mr. John Humphrey, the county planner, kept a file of much of his correspondence related to the case of Brown and Root. This correspondence was a useful research tool because it included correspondence with the various agencies that had to approve different aspects of Brown and Root's building plan before the industry would be allowed to build.

Three previous studies were also examined as a data base. These three studies provided factual information which was useful in compiling the history of the decision-making process. They were also used by individuals who spoke out in favor of or against Brown and Root to defend their opinions. These studies were the National Association of Counties' study of Brown and Root's activities, the Background Study of Northampton County prepared by Urban Pathfinders for the Board of Supervisors, and the Impact Study

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prepared by Urban Pathfinders.

A final data base used was the examination of Northampton County's zoning ordinance and comprehensive plan. The zoning ordinance states many of the conditions Brown and Root had to meet before being allowed to build its fabrication plant, and the comprehensive plan establishes employment goals for the county which anticipated the impact of Brown and Root.

Finally, a review of literature related to community decision making was conducted to allow for a comparison of the results of earlier studies to the findings of this case study.
CHAPTER II

LITERATURE REVIEW

2.0 Introduction

In recent years, theorists both in the field of Sociology and Political Science have examined the process of decision making. They have interviewed the people in the community whom they considered to be men of power and analyzed how these people became powerful. Several studies have subdivided power groups according to whether or not they represent special interests, political parties, or some other group. Some studies have concentrated on examining who the powerful individuals are and how they became powerful. Other theorists have emphasized the actual process by which decisions are made. Two major opposing views that will be examined are the rational decision-making process in which all possible alternatives are carefully considered, and the incremental process, in which policy is based upon previous policies, with those changes deemed necessary added to modernize the policy.

An examination of these studies of the decision-making process is necessary in order to analyze the decision-making process involved in the case of Brown and Root. Once the
basic process of community decision making has been examined, factors influencing industrial decision making specifically will be reviewed and applied to the case of Brown and Root.

The ultimate decision in this case was Brown and Root's decision not to locate a branch industry in Cape Charles. However, this final decision was based on numerous previous decisions. Before Brown and Root could obtain final approval and begin construction, the land had to be rezoned and various permits had to be obtained. Thus the decision-making process involved members of the community, who helped to write the zoning code, which included many restrictions on Brown and Root and on future industries that might decide to locate in Northampton County, members of the local Board of Supervisors, who had to vote to approve the proposed drafts of the zoning code, and individual members of the community who openly expressed their views on the issue by speaking to the Board of Supervisors, organizing groups both in favor of and against the industry, and by filing lawsuits against the industry and the Board of Supervisors.

This study illustrates the ability of conflicting interest groups to use compromise and trade-offs in order to reach a final decision.

The studies of decision making examined in the literature review are in four basic categories. Some of the studies examined power resources, such as money, reputation and communication skills. Other theorists concentrated on the actual process of decision making to determine if the
methods used were rational or not. A third category of studies were those that studied the impact of factors describing the nature of the individual groups involved in the decision-making process, factors such as the strength of citizen groups and political parties and the scope of change the decision required. A final category of studies were those concerned specifically with industries deciding whether or not to build a new plant for their industry.

2.1 Factors in Community Decision Making

Many factors are involved in the community decision-making process. Previous studies of the decision-making process have examined some of these factors in other case studies of community decision making. Many of these previous studies emphasize that power is an important factor. Power involves the ability of certain individuals or groups of individuals to accomplish certain goals. Floyd Hunter defines it as, "the acts of men going about the business of moving other men to act in relation to themselves or in relation to organic or inorganic things."  

Those individuals who can implement new policies or revise old policies are generally considered to be powerful individuals. The rules that result from the decision-making process are called policies. Herbert Simon defines policies as:

\[\text{3}^{\text{Floyd Hunter, Community Power Structures (Chapel Hill: University of North Carolina Press, 1953), p. 2.}}\]
(a) any general rule that has been laid down in an organization to limit the discretion of subordinates (e.g., it is "policy" in B department to file a carbon of all letters by subject), or (b) at least the more important of these rules, promulgated by top management (e.g., an employee is allowed two weeks' sick leave per year). 4

Whereas Floyd Hunter analyzed the power structure itself, Roscoe C. Martin and his associates examined types of leadership and categorized them into several groups. In an examination of decision making in Syracuse, New York, they noted that the variety of leaders included those people who can be considered initiators, those who are considered experts, those whom they term influentials and those labeled as "brokers."

The initiators . . . exercise . . . leadership by which action is initiated . . . most frequently from the professional members of the governmental agencies. 5

Martin and his associates describe the experts as being often local government employees, the publicists as those leaders involved with the mass media, and the influentials as members of professional and charitable organizations. The brokers are "the economic groups with the most substantial stake in the community." 6

Many elements of power resources have been described

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6Ibid., pp. 313-316.
as tools used by the powerful to accomplish their goals and thus make decisions and implement policies. Many theorists list money as an important element of power. Floyd Hunter includes it at the top of his list of elements of power.\textsuperscript{7} Martin et al. combine money and credit at the top of their list of "political resources."\textsuperscript{8} Lawrence D. Mann notes in contrast that:

> economic notables were found to have relatively little political influence, though their expressed and anticipated desires were given consideration by those in political control.\textsuperscript{9}

His statement is based upon Wolfinger's study of New Haven, Connecticut.

Any type of control over political institutions is another important resource tool of the powerful. In \textit{Decision in Syracuse}, these are subdivided into control over jobs, control over information and "legality, constitutionality and officiality."\textsuperscript{10} Obviously, these types of controls influence the decision-making process by determining which people will be part of the decision-making team. Reputation or popularity is also considered an important power resource. Though several theorists list this resource as an important

\textsuperscript{7} Hunter, \textit{Community Power Structure}, p. 106.
\textsuperscript{8} Martin, Munger et al., \textit{Decision in Syracuse}, p. 6.
\textsuperscript{10} Martin, Munger et al., \textit{Decision in Syracuse}, p. 6.
tool in power-welding, none actually are able to describe how one achieves popularity or a "good" reputation. William A. Gamson describes how reputation can be used as a political tool, but he does not successfully define why certain people have better reputations than others or how one can develop a strong reputation if one wishes to use it as a political tool.\footnote{11} He does note that those with a good reputation are "believed to possess certain stable personal qualities that transcend any given issue and make their opinion more convincing."\footnote{12} He adds, however, that generally it is easier for the individual who supports the status quo to use reputation as a powerful tool since "the burden of proof . . . generally rests with the side proposing the change."\footnote{13} Finally, another important power tool mentioned by several of the theorists is communication skills. Richard Bolan points out that:

> Techniques of debate and negotiation are . . . important not only in terms of the skill and substantive content involved but also in terms of the manner in which nonobjective criteria are handled. . . . Similarly, a skill in bargaining is a very important dynamic ingredient in the process; that is, the ability to create and effectively use exchange processes, compromise, and shared interests

\footnote{11}{William A. Gamson, "Reputation and Resources in Community Politics," \textit{The American Journal of Sociology} \textbf{72} (September 1966): 121.}
\footnote{12}{Ibid., p. 123.}
\footnote{13}{Ibid., p. 122.}
necessary in settling an issue. \(^\text{14}\)

Although there are certainly other tools used to accomplish one's goals in the decision-making process, these techniques described and listed are those most frequently described in studies of decision making. They are also factors involved in the case of Brown and Root, and will be used in an analysis of the decision-making process in the case of Brown and Root.

Power, reputation and economic resources are important elements in the decision-making process. They do not actually describe the process by which an ultimate decision is reached, however. Using the case study method, theorists have designed several models of the actual process of decision making. Some of these models are similar, but some represent conflicting methods of reaching a final decision.

### 2.2 Community Decision-Making Models

One of the most apparently logical of decision-making models is what is known as the rational method. It involves considering all possible alternatives and then selecting the best alternative. Meyerson and Banfield describe it in three steps:

1. The decision-maker considers all of the alternatives (courses of action) open to him; i.e., he considers what courses of action are possible within the conditions of the situation and in the light of the ends he seeks to

attain; 2. he identifies and evaluates all of the consequences which would follow from the adoption of each alternative; i.e., he predicts how the total situation would be changed by each course of action he might adopt; and 3. he selects that alternative the probable consequences of which would be preferable in terms of his most valued ends.\(^{15}\)

A variation of the rational method can be done schematically in what is called path analysis. In this technique, as in the rational model, each possible alternative is considered except that in path analysis, each alternative is diagrammed as a path and the individual making the decision selects the most desirable path after analyzing the outcome of each.\(^{16}\)

On the surface there seem to be few reasons to question the rational technique of decision making. In actual practice, many decisions are not made rationally, for several reasons. Richard Bolan notes that rational planning procedures "bear little relation to the governing of cities."\(^{17}\)

Herbert Simon sees three ways in which actual behavior and the rational model of decision making conflict:

(1) Rationality requires a complete knowledge and anticipation of the consequences that will follow on each choice. In fact, knowledge of consequences is always fragmentary.

(2) Since these consequences lie in the future, imagination must supply the lack of experienced feeling in attaching future value to them. But values can be only imperfectly anticipated.

(3) Rationality requires a choice among all possible

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\(^{17}\)Bolan, "Emerging Views of Planning," p. 236.
alternative behaviors. In actual behavior, only a very few of all these possible alternatives ever come to mind.\textsuperscript{18}

Meyerson and Banfield note that in addition to the problems Simon mentions, rationality is often impractical because "the greater the number of ends sought, the more difficult it becomes to design a course of action which will attain all of them."\textsuperscript{19}

Because the rational method is not always practical, Charles Lindblom suggests that most policies are actually determined through a model he termed "incrementalism" or the "branch" method. He believes that because one might not know the consequences of all possible alternatives or it might be a time-consuming job to determine all consequences, most decisions are actually made by building onto present policies. He argues that in the rational method:

the inevitable exclusion of factors is accidental, unsystematic, and not defensible by any argument. . . . In the branch method the exclusions are deliberate, systematic and defensible.\textsuperscript{20}

Incrementalism is widespread for several reasons. It does not require as much time or work as rationalism since it does not require one to examine carefully all possible alternatives. It is also more likely to be approved by the

\textsuperscript{18}Simon, \textit{Administrative Behavior}, p. 81.

\textsuperscript{19}Meyerson and Banfield, \textit{Politics, Planning and the Public Interest}, p. 320.

general public according to Gamson's comments on reputation because it is built upon present policy or the status quo, rather than requiring the public to accept a decision that represents a new or previously untried policy. In his descriptions of decision making in Atlanta, Georgia, Floyd Hunter noted that "when new policy is laid down it must be consistent with the general scheme of old policy and should not radically change basic alignments of settled policy."21

In a more recent study of decision making, Jeffrey L. Pressman and Aaron Wildavsky noted that one reason rationalism is often not used is the presence of what they call decision points and clearance points. They state that:

Each time an act of agreement has to be registered for the program to continue, we call a decision point. Each instance in which a separate participant is required to give his consent we call a clearance. Adding the number of necessary clearances involved in decision points throughout the history of the program will give the reader an idea of the task involved in securing implementation.22

Obviously, if one were using the rational method of decision making rather than the incremental technique, the process would require more decision points, since more alternatives would be taken into consideration. Thus, it would be slower to use the rational technique.

21 Hunter, Community Power Structure, p. 209.

Because of the large number of requirements necessary to meet Federal and State government requirements, there are many decision and clearance points in the Pressman and Wildavsky study. This is also true in the history of Brown and Root. In this case, the large number of decision and clearance points created many delays. Delay is an important factor in the decision-making process and will be discussed later.

Although Lindblom considered incrementalism to be a feasible as well as practical way to make decisions, Meyerson and Banfield criticized it. In their study of the Chicago area they stated:

The process by which a housing program for Chicago was formulated resembled somewhat the parlor game in which each player adds a word to a sentence which is passed around the circle of players: the player acts as if the words that are handed to him express some intention...and he does his part to sustain the illusion.\textsuperscript{23}

Although some policy makers may consciously select a rational or incremental model when implementing a policy, other factors influence the decision-making process. Whether or not a decision is rational may hinge on one of these other factors. These factors include the number of agencies involved in the decision-making process, the strength of citizen groups, the strength of political parties, the degree of change the decision will require and the influence of time on the decision-making process.

\textsuperscript{23}Meyerson and Banfield, \textit{Politics, Planning and the Public Interest}, p. 269.
Saul Alinsky felt that many communities neglect the interlocking relationship of community problems. He believed that agencies involved in decision making "view each problem of the community as if it were independent of all other problems." Thus, a community that has many agencies is more likely to have difficulty reaching decisions according to Alinsky, because each agency will neglect the other agencies rather than coordinate efforts with them. Richard Bolan made a similar observation when he noted that homogeneous communities tend to easily decide on goals and means to achieve them. If carrying out the proposal involves a great deal of coordination among a large number of dispersed and autonomous groups, it is more likely to be resisted and eventually rejected.

Another important factor influencing the outcome of the decision-making process is the strength of citizen-based groups. A strong citizen group may influence the decision greatly, and legislators often choose actions they think will be acceptable to the citizens. In their study of Chicago, Meyerson and Banfield noted that a decision:

"... is said to be in the public interest if it serves the ends of the whole public rather than those of some sector of the public. ... Some courses of action which might have been allowed by laws and regulations

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were ruled out by the circumstance that some ideas could not be made to seem plausible to the man on the street.\textsuperscript{26}

Lindblom believed that, in reality, the views of the public are often neglected, however, because:

... the citizen has one vote while issues are many. ... Although most citizens influence policy only a little, extremely energetic citizens with some competence can influence it very much.\textsuperscript{27}

In the history of Brown and Root, a small group of vocal citizens repeatedly influenced the decision-making process, and in one election of the Board of Supervisors, local politicians were believed to be selected for office largely on the basis of their position in favor of, or against the industry. Thus, citizens played an important role in this case, which will be examined in greater detail later.

Another important factor influencing the decision-making process is the local political structure and strength or weakness of political parties in the community. Special interest groups also have an influence on the decision-making process in a manner similar to that of the local political party. Meyerson and Banfield noted that:

... in the housing struggle, the 'Big Boys' were trying to do what they thought would be best for the party. What was best for the party, they probably

\textsuperscript{26}Meyerson and Banfield, \textit{Politics, Planning and the Public Interest}, pp. 270, 322.


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thought, would also be best for the city as a whole.  

Bolan believes that the strength of the party is directly correlated with the likelihood of a decision being made. The stronger the party, the more influence it will have on the decisions being made. Similarly, if the party is weak, it will have little ability to influence the decision-making process. This same correlation can be applied to special interest groups. If the group has a large, vocal membership and is considered to be a strong force in the community, then it will be more likely to be considered an important group to listen to and consider before the final decision is made, even if the decision is not directly made by that political or special interest group.

In describing the activities of local legislators, most theorists are in agreement that activities that do not disturb the status quo are more popular than those that do. Richard S. Bolan notes that on many occasions, the legislative body is not likely to act because they are not a specialized group. Thus, on many issues, they may do nothing, using as their excuse the fact that it is someone else's responsibility to implement that particular idea. Bolan states:

A group . . . that sees its role as highly specialized and focused within a carefully circumscribed area of

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28Meyerson and Banfield, Politics, Planning and the Public Interest, p. 298.
action is more likely to act positively on proposals (which fall within that sphere of action) than a group that has a broader, more comprehensive area of responsibility.29

Time is an important factor in many decisions and plays an important role in the Brown and Root case as well. Many decisions must be made within a certain time frame in order to meet a deadline. Bolan notes that short-term actions are more likely to be accepted by decision makers than those actions requiring a long-term commitment, since many decision makers are hesitant to commit themselves to an activity that does not show immediate results or involves a greater "risk" because it is a long-term activity.30

Instability is also a problem for long-range planning. Bolan notes:

Rapid turnover of political leadership, frequent crises, boom-and-bust economic conditions, and racial and ethical conflict produce conditions which are most difficult for classical long-range planning.31

In order to be successful, Bolan believes that a "planning system" must be feasible because so many things do change over time. Some examples of these changes he gives include values changing, and goals and priorities changing. In the case of Brown and Root, time was a crucial factor. Opponents of the industry purposely delayed the

29 Bolan, "Community Decision Behavior," p. 305.
30 Ibid., p. 306.
industry, and by the time Brown and Root's zoning application had been approved the industry decided not to build in Cape Charles after all.

Just as decisions are less likely to be made if they concern long-range activities, those involving a high financial commitment are also less likely to be accepted. Bolan notes that "proposals involving wide and broad distribution and a substantial measure of intensity of costs and benefits are usually rejected in the political process."\textsuperscript{32} The higher the cost involved, the less likely it is that the proposal will be accepted. This factor existed in the Brown and Root case even though there appeared to be a great deal of money that could be brought into the community by accepting the proposal.

The degree of change involved in policy planning is also an important factor. Because community planners often are interested in proposals that may require politicians to support a great degree of change in the community, planners and community politicians often come into conflict with each other. Richard S. Bolan hypothesizes that this conflict takes place when the following occur, singly or together:

i. the proposal is basically ideological in content,
ii. the proposal is of large scale or scope affecting many people and many interest groups,
iii. the proposal is irreversible (that is, cannot be changed once decided and acted upon),

\textsuperscript{32}Ibid., p. 243.
iv. the proposal attempts to elicit long-term commitments,
v. the proposal involves complex programming and budgetary requirements including a high degree of coordination and cooperation among many independent actors,
vii. the proposal involves a high degree of uncertainty.33

In the case of Brown and Root, a single conflict emerged between the planning commission and local governing body which resulted in a lawsuit between former members of a planning commission and the governing body. An examination of the history of the industry's attempts to locate an industry in Cape Charles will reveal which of these attributes apply to the Brown and Root case.

2.3 The Industrial Location Literature

When an industry is involved in the policy-making process, several factors are considered by the industry before it will propose constructing a plant in a new location. In addition to studies of general trends in decision making, more specific studies have been made examining those factors influencing an industry's decision to select a certain site for its industry and studying community responses to these decisions. These studies have found that important factors influencing industrial decision making include availability and cost of labor supply, availability of land (including factors such as tax rates and zoning laws), cost of transportation and community response to the

33 Ibid., p. 245.
industry.

In his studies of industrial locations in England, P. M. Townroe noted that "an adequate supply of labour is perhaps the most crucial factor in the choice of a new location by a manufacturing company." In a study of rural industries in Nebraska, labor quality was listed as being the most important factor in site selection. This same study suggests that 25 percent of the population represents the labor supply, and that in order to keep a balanced community, an industry should not employ "more than 5% of the labor supply initially and 10% ultimately for the financial protection of the community."

In his studies, Maurice Fulton also emphasized the importance of having an available work force and stressed that the industry should "require fewer skills at the outset," and be "willing to train a large part of their work force."

Another important factor that helps an industry decide

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36 Ibid., p. 87.

if it should relocate or build a branch in a given area is the wage rate paid there. In a study of industry in Detroit, Michigan, Lewis Mandell noted that many industries were leaving urban areas and that "the most important factor for Detroit area manufacturers was wage rates, mentioned by 61% of the employers." If the wage rate is low, this can often offset any increase in transportation cost. Thus the industry must weigh these two factors carefully in order to determine if they can make a bigger profit in the new location.

Another important factor influencing the industry's site selection is transportation cost. In one study, the author suggested that transportation is "often considered to be the most important single determinant of plant location." Maurice Fulton adds that even if workers must be brought in from surrounding areas, the transportation cost to the employee may be worthwhile since in large cities "a three-hour average round trip is not unusual in many congested areas." Obviously, transportation costs will have an impact on the profit the industry is able to make also, since a low transportation cost would allow the industry to

40 Fulton, "Industry's Viewpoint of Rural Areas," p. 69.
operate at a lower total cost.

The price of the land needed to build the industry will also have an effect on the total cost of production to the industry and is thus also an important factor. Recently, many industries have turned to rural locations for their new firms because the land is cheaper, both with the initial purchase, and with the tax rate the industry must pay.

In *Bringing in the Sheaves*, the author concludes that a low tax rate is appealing to an industry, but often not a crucial factor in the decision to locate in a given area because the taxes the industry pays are weighed against the services the community provides that might be helpful to the industry. He concludes, however, that "sometimes tax breaks or giveaways may be that marginal element which tips the scale in favor of a specific location." 41

Availability of land is also important. Kodor M. Collison suggests that industries should look for:

land that is actually available, that is, has a firm price, that there will be no delays because of

improper zoning, that there is immediate access to all utilities.\footnote{42}{Kodor M. Collison, "A Practical Guide to Site Selection," \textit{Appalachia} 8 (December 1974-January 1975), p. 31.} In the case of Brown and Root, the land was purchased before it was correctly zoned and the attempt to rezone the land was a major delay for the company.

Naturally, an industry will have an easier time establishing itself if it is welcomed by a community. Theorists have noted several drawbacks to the rural location for industry related to the attitude of the community.

Niles M. Hansen notes that bankers often are more reluctant to accept a large industry in a rural area because they are smaller and less diversified, thus unwilling to give the industry the large mortgage it needs.\footnote{43}{Niles M. Hansen, "Factors Determining the Location of Industrial Activity," in \textit{Rural Industrialization: Problems and Potentials}, ed. Larry R. Whiting (Ames, Iowa: The Iowa State University Press, 1974), p. 30.} John T. Scott, Jr., and Gene F. Summers note that there may be resistance to the industry from members of the business community as well because "local employers are afraid that a new industry will cause a tight labor market with higher wage rates and will reduce the general influence of the older local employers."\footnote{44}{John T. Scott and Gene F. Summers, "Problems in Rural Communities After Industry Arrives," in \textit{Rural Industrialization: Problems and Potentials}, ed. Larry R. Whiting (Ames, Iowa: The Iowa State University Press, 1974), p. 105.}
Kodor M. Collison suggests that industries may get some idea of the community's attitude towards the new industry by examining the businesses in the area. He suggests that the industry should ask:

Do these businesses tend to resent competition for the existing labor force, or can they see that the labor force will improve as new industry or business comes into the area? Have local industry and business expanded over the years, or have they deteriorated?45

All of the four categories of studies in decision making can be applied to the case of Brown and Root. The purpose of this thesis is to use these theories to analyze the decision-making process in the case of Brown and Root in order to explain the outcome of the process and in order to provide a study that will be useful to future studies of community decision making.

An examination of the case of Brown and Root should illustrate many of these factors discussed by theorists in their earlier studies of decision making. It should also illustrate additional factors in the decision-making process that have not been described by earlier case studies. The findings of this case can then be used to predict the outcome of similar community decision-making situations.

2.4 An Evolved Model of Decision Making

In order to evaluate the case study of Brown and Root more easily and accurately, the information gained in the

literature review of community decision making was synthesized into a single model describing the decision-making process.

In the area of community policy planning, several factors influence the decision-making process. Decision making can be divided into three basic branches: first, decision making by the community as a whole, often referred to as the "public" or "public opinion"; second, decision making by the political structure of the community (in the case of Brown and Root, the political structure involved was a Board of Supervisors consisting of three men); and third, decision making by any special groups involved (in this case, the special group involved is the industry, Brown and Root). The decision that emerged over the five-year time period was the result of many actions involving all three basic branches.

Each of the three branches consists of many individual people. If there are certain especially powerful individuals in a group, or people who have a reputation of being well-respected, this circumstance will strengthen that branch's bargaining and trade-off power. Any disunity or disagreement among members of a group will weaken the group. If disunity or conflict among group members weakens one of the three branches, it strengthens the other two branches involved in the decision-making process. Such a situation existed in the case of Brown and Root, when a conflict emerged between the Planning Commission, representing
the community as a whole, and the Board of Supervisors, the political branch. This conflict strengthened Brown and Root. Also, this situation was similar to the conflict described by Richard S. Bolan in his discussion of problems of planners.

In addition to the strength of the other two branches, several factors affect the strength of the community as a whole. Leadership is one important factor. If there are strong leaders present, those Hunter refers to as "men of power," or "men with a strong reputation" described by Gamson, this situation will strengthen the bargaining power of the community.

In the case of Brown and Root, three groups represented the community: the local planning commission, made up of citizens from the various geographic regions of the county; the citizens' group that supported Brown and Root; and a group of citizens fighting against Brown and Root. Citizens also expressed their opinions in one election of the Board of Supervisors, in which Brown and Root was a key election issue.

A second factor influencing community strength is the strength of these special groups representing the community. If these various groups representing the citizens are active and united in their views, the strength of the community will be increased.

A final factor influencing the power of the community is the relationship between the community and the political
power structure and the relationship between the community and the special interest group, the industry, Brown and Root, in this case. The alliance of the community groups with either of these other branches will also strengthen the community's impact upon the decision-making process.

As with the other two branches, agreement among members of the political structure is one important factor affecting the strength of the power structure. In Northampton County, the political power structure consists of a three-man Board of Supervisors. Thus, in any issue requiring a vote of the Board, two members must agree in order to pass the issue. If all three men agree on a vote, the Board's bargaining power is strengthened because community members and special interest groups realize that it will be difficult to prevent the Board's action on an issue if the members unanimously support the issue. On many of the issues relating to Brown and Root, the Board vote was 2-1, sometimes in favor of the industry, and occasionally against it.

The election margin of the politicians involved in the political structure will also influence its bargaining strength. Those members winning by a wide margin and especially winning repeatedly in election after election with a wide margin will be able to vote as they wish on issues rather than in the manner they think to be politically popular.

Another factor affecting the power of the politician
is party strength. If one political party is dominant in the geographic region, then members of that party will have more power in the decision-making process. Finally, if the members of the political power structure are working in close coordination with or are allied with either the community interest groups or special interest groups, the power of the politicians will be strengthened in the power structure.

Three major factors influence the power of the industry in a decision-making situation. One factor is the power of the industry as a whole. Brown and Root is a large firm, but its influence was weakened somewhat by the criticism that it was not an industry with a good reputation. Another important factor is a good relationship with the community which can help the industry to gain acceptance by the political structure or the citizens or both, and can help bolster the reputation of the industry as well. A final factor affecting the strength of the industry is its ability to convince the community members and politicians in the area that it will indeed be an asset to the community. The industry may convince them not only by having good public relations with the community but also by citing the industry's positive impacts on the community.

Some factors may have an impact on the power of any of the three branches in the decision-making process, depending on that branch's position in the decision-making process. Several theorists have mentioned time as an
important factor in the decision-making process. The sooner a decision can be reached and the less of a long-range impact or commitment the decision requires from the community, the more likely it is that the decision will reflect the community's acceptance of change rather than a desire to stay with a status quo situation. Brown and Root's chances of being accepted by the community and by the political power structure were diminished because the decision was quite time-consuming (due partly to delays required by state or federal governments and partly to community-related delays such as citizen lawsuits), and because the community's accepting Brown and Root involved making a long-range commitment to the industry.

Finally, theorists have also noted that decisions which will have a noticeable change or impact on a community are less likely to be made than those that would have only a slight effect on the community. Again, in the case of Brown and Root, this situation was a drawback because studies made indicated that the industry would not only change the size of the community, and the employment situation in the county, but also would have an impact on many other aspects of county life as well.
CHAPTER III

RESEARCH DESIGN AND DATA BASES

In order to determine which factors influenced the decision-making process in the case of Brown and Root, a detailed history of the case was compiled. This history is basically a chronology of events influencing the final outcome in the case, but also includes some of the key individuals' defenses of their position in the case, obtained through interviews of these individuals.

Once the history was compiled, the case study of Brown and Root was compared to case studies examined in the literature review, to determine which factors were present in the case of Brown and Root and in those studies presented in the literature review, and to determine which factors were present in the case of Brown and Root that were not discussed by earlier theorists in the literature review.

A case study is a useful way to examine the decision-making process for several reasons. Gideon Sjoberg suggests that the value of a case study lies in determining if the case to be studied is typical, deviant or extreme and he notes that "cases are selected with an eye to discovery or to the testing of hypotheses, either to provide confirmity
data or to reject the hypothesis in question. In this study, the case was selected to test the factors involved in the decision-making process. The case of Brown and Root was chosen because it involved a final outcome based on many previous decisions, and involved many individuals in the decision-making process. Therefore, this case illustrates many factors that can affect the final outcome in a decision-making process.

Another reason for the use of the case study method is that the decision-making process is not a function that could easily be studied in contrived or laboratory situations. By comparing this case to those cases examined in the literature review, factors involved in the cases can be compared to determine which factors are unique to each individual case, and which factors are typical of the community decision-making process. By noting which factors observed by other theorists are repeated in this case, it is possible to use this case study to analyze the outcome in future decision-making situations.

Several research methods were used to compile an accurate history of the case of Brown and Root. These included an examination of the minutes of the Board of Supervisors and Planning Commissions during the five years involved, interviews with key members in the decision-making

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process, an examination of local newspaper articles covering the events in the decision-making process, an examination of court notes on lawsuits relating to Brown and Root, and an examination of correspondence between the county planner, Mr. John Humphrey, and various agencies influencing the decision. Several previously published studies were also helpful in compiling the history. These studies included Brown and Root's own preliminary study, the National Association of Counties' study of Brown and Root's activities in Cape Charles, the Background Study and Impact Study of Brown and Root compiled by Urban Pathfinders Inc., for the Northampton County Board of Supervisors and Northampton County's zoning ordinance and comprehensive plan. Each of these methods of study have individual strengths and weaknesses. The weaknesses are offset by the use of several methods of study.

As mentioned earlier, one of the major decision-making groups involved in the Brown and Root case is the local political unit, which consists of a three-man Board of Supervisors. This Board held some private meetings concerning the steps that should be taken in deciding whether or not Brown and Root should be allowed to build its facility and also hosted many public meetings. Often, specialists in various fields related to the building of the industry spoke to the Board of Supervisors to give their views.

The minutes of these meetings are kept in standard
format. They include those decisions that were made in the form of motions carried and defeated by the members of the Board of Supervisors. They also include several written speeches that members of the Board made during meetings, although they do not include complete transcripts of the meetings. The advantage of examining these minutes is the information such an examination reveals factually. The disadvantage is that since the records are kept in minute form, they do not describe the complete discussion that occurred before motions were entered and passed or defeated.

The Planning Commission for Northampton County is an advisory group to the Board of Supervisors. Members are appointed by members of the Board of Supervisors. During the time period in which Brown and Root was attempting to establish its fabrication plant, Planning Commission meetings often concentrated on possible impacts of the industry and it was the Planning Commission that recommended restrictions to be placed on Brown and Root. The Planning Commission was also primarily responsible for writing Northampton County's Comprehensive Plan, which includes increased employment through the development of some form of industry as a major goal.

During the course of the five years, one Planning Commission was abolished by the Board of Supervisors.

47 Interview with Mrs. Jean Mihalyka, Chairman, Northampton County Planning Commission, 22 May 1979.
Members who were displaced took the Board to court, won their case, and were reinstated as members of the Planning Commission.

Because the Planning Commission was such an important component of the decision-making process, its minutes are vital in preparing an accurate history of the decision-making process in Brown and Root's case. As with the minutes of the Board of Supervisors, the Planning Commission minutes are not a direct transcript, but describe major steps taken in the form of motions and do include some statements and letters which were requested to be included in the Planning Commission minutes. Because Planning Commission meetings are open to the public, the Planning Commission minutes often illustrate cases of the ordinary citizen speaking out on issues.

The major weakness of both the minutes of the Board of Supervisors and the Planning Commission as resource sources is that they are written in a technical form and do not, therefore, include the emotional reaction of various members to the many issues involved in the case. Interviews were, therefore, used to supplement this information.

In an effort to get the opinions of citizens and politicians alike, several interviews were conducted. Mr. George Savage, the leading opponent of Brown and Root, explained his opinions and described the goals of "Crossroads," the incorporated group that unsuccessfully fought Brown and Root in court. Mrs. Jean Mihalyka, chairwoman of the Planning

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Commission, described the roles of the Planning Commission in the case. Interviews were also conducted with Mr. Clarence Arnold, an unsuccessful candidate for the Board of Supervisors in the 1975 election; Mr. R. Keith Bull, County Administrator; Mr. John L. Humphrey, Director of Planning and Zoning; and Mr. George W. Young, Superintendent of Schools.

Because Brown and Root's present home base is in Houston, Texas, Brown and Root personnel were contacted by letter. The industry did not respond to requests for information, nor did Mr. David W. Cooney, their public relations representative, answer questions mailed to him. Views of Brown and Root were also obtained from a speech presented by Brown and Root to the community of Northampton County.

The counties of Northampton and Accomack are served by a weekly newspaper, The Eastern Shore News. During the history of Brown and Root's efforts to locate its industry in Cape Charles, The Eastern Shore News carried stories on major events within the decision-making process. These articles were used as an important source of information. Some of the information obtained from newspaper articles had already been obtained through other methods, such as by examination of minutes of the Board of Supervisors' meetings, and thus served as supplementary information.

Because The Eastern Shore News is owned by Mr. George McMath, who is active in the Republican party in Virginia,
one could expect some bias in the presentation of stories concerning Brown and Root. Therefore, news articles were used primarily for the factual information they contained, rather than to obtain citizen reactions to the event.

The major strength of these news articles is that they do represent a series of reports on the events in this case. They do include a great deal of factual information. (Bias can be seen by examining the location of articles and amount of detail included in various arguments against and in favor of the industry.) The major weakness of the use of newspaper articles is the danger of media bias or distorted presentation of information.

Because The Eastern Shore News is only a local newspaper, the Virginian-Pilot was also examined, although this newspaper did not report as frequently or in as much detail most of the issues included in the case study. The New York Times also carried a story on Brown and Root's decision to suspend operations which was compared to the Virginian-Pilot and The Eastern Shore News reports for factual accuracy.

Many of the delays encountered by Brown and Root concerned getting the approval of various agencies before the land would be accepted as industrial property. Most of this correspondence was handled by the county planner, Mr. John Humphrey, who kept a file of this correspondence. This information does not describe the decision-making process itself but does indicate some of the factual basis for decisions that were made, especially by members of the Board.
Before deciding if it would approve industrial zoning for Brown and Root's property, the Board of Supervisors requested that an impact study be made. Brown and Root paid Urban Pathfinders Inc., to prepare this study. The background study consists mostly of demographic information about Northampton County. It includes such information as population, number of people in the county employed, number of housing units, number of students and other factors that could be affected by the building of a large industrial plant. The impact study indicates the number of new residents Brown and Root would require and the changes the increase in population would have in other areas such as schools, housing and social services. The results of the impact study were used as fuel for both those members of the Board supporting the industry and those local citizens fighting the industry, since the conclusions showed both advantages and disadvantages to having the industry built in Cape Charles.

These studies, like Mr. Humphrey's personal correspondence, are helpful in obtaining factual information about the possible impacts of the industry and in understanding why certain decisions were reached; however, the studies are not a part of the actual decision-making process, although their information was used by individuals in the county in arriving at their conclusions in the decision-making process.

The zoning ordinance and Comprehensive Plan of
Northampton County were prepared by the Planning Commission and then approved by the Board of Supervisors. Because of the number of public hearings and revisions involved, the ordinance took approximately one year to prepare. This year was a crucial time lag as it allowed opponents of Brown and Root to gather a strong following and publicize their point of view. Once the zoning ordinance was passed, it was immediately challenged as illegal by the anti-Brown and Root organization, Crossroads. Although the courts upheld the legality of the zoning ordinance, the time in court added onto the delay before Brown and Root could begin construction. The Comprehensive Plan establishes the county's goal to encourage an increase in employment in the county while at the same time retain its basically rural nature.

Both of these documents were used by decision makers in the Brown and Root case. The zoning ordinance was necessary for Brown and Root to begin construction, so was crucial to proponents of Brown and Root. It was also important to those fighting the industry, as the question of its legality was the major tactic used by opponents of the industry to delay, and thus eventually prevent, the building of the plant. Both sides used the Comprehensive Plan to support their arguments too. Opponents of the industry emphasized the goal of keeping a rural community, while proponents noted that the goal of increased employment in the Comprehensive Plan could be achieved if Brown and Root were allowed to build.
The major weakness of the use of these documents is that, like the impact and background studies, they are secondary to the decision-making process. The zoning ordinance and Comprehensive Plan do not actually describe the decision-making process at all, but were important to the process since they were partially the basis of decision making.

Court records of two court cases concerning Brown and Root were also examined. One case was filed by George Savage, a member of Crossroads, and challenged the legality of the zoning ordinance, which included the industrial zoning necessary for Brown and Root to build on its property. The case called the ordinance spot zoning, written to meet the needs of Brown and Root specifically. The courts upheld the zoning ordinance. A second court case questioned the Board of Supervisors' right to dissolve one Planning Commission and appoint another. In this case, the court ruled that the Board had no right to dissolve the first Planning Commission and it was reinstated.

Both of these court cases reflect the emotion that was involved in the case of Brown and Root. They are both important because, although one represents a victory for opponents of Brown and Root (the Planning Commission case), and one a victory for supporters of the industry (the zoning case), they both added to the delay in time which eventually culminated in Brown and Root's decision not to use its Cape Charles property.
In December of 1976, the National Association of Counties, in conjunction with the Federal Energy Administration, published a study of Brown and Root's efforts to locate in Cape Charles. The study was a brief narrative of the major events up to that point. Its conclusions were that the delays and restrictions placed on Brown and Root would ultimately result in a carefully safeguarded industry for the community. The last pages of the study encourage other communities planning for industrial growth to follow the Brown and Root example; that is, encourage industry with appropriate restrictions to prevent it from drastically altering or harming the community.

The National Association of Counties' study is a good background study and synopsis of some of the major events in the Brown and Root case, up to 1976. Its major weakness is that it includes only the events up to 1976 and it does not concentrate on the individual events that affected the decision-making process, since it includes only a sketchy history of events. However, the information it does include is accurate and concisely presented so that it is an excellent aid in the case study and serves as a good introduction to the case of Brown and Root.

The final section of this thesis will be an analysis of the events that were part of the decision-making process in the case history of Brown and Root.

The events will be analyzed according to those factors considered to be important in affecting the decision-
making process that have already been discussed. These factors will be applied to the case of Brown and Root to explain why the final outcome of events resulted as it did.

The findings of the analysis section should be helpful in strengthening some of the previously stated theories on decision making and testing the validity of these theories. The results should be helpful to individuals involved in the decision-making process and especially helpful to those involved in a decision-making process involving industrial location in rural areas. In light of the increasing appeal of rural areas as industrial sites, this information could be quite helpful to future industrial location decision makers.
CHAPTER IV

THE CASE STUDY: BROWN AND ROOT’S ACTIVITIES

Brown and Root is a metal fabrication industry. They are, in fact:

one of the world’s largest engineering and construction companies . . . [which] . . . designs and constructs a variety of large scale industrial and transportation facilities including offshore oil platforms, power plants, pulp and paper plants, and petroleum and chemical refineries, as well as hydroelectric dams, bridges and ports.48

Although the industry’s present major plant is in Houston, Texas, Brown and Root at one time hoped to establish an east coast facility to be located in Cape Charles, Virginia. The major function of this plant would be:

as a storage and production site for the fabrication of metal products such as pipes, vessels, ducts and storage tanks, fabrication of marine structures and platforms; fabrication of modular industrial plants, excluding nuclear power plants; assembly of machinery and equipment related to the three previously noted uses.49

The effort to build this colossal structure in the

rural town of Cape Charles began in January 1974. In January of 1979, the company announced that it had "suspended its planning for the improvement of its tract of land at Cape Charles, Virginia, until further notice." An examination of the events from January 1974 to January 1979 is necessary in order to understand the reason for this turnabout. The major factor preventing Brown and Root from immediately building its fabrication plant was the fact that, when purchased, the land in Cape Charles, like the rest of Northampton County, was zoned for agricultural use. Northampton County is a primarily rural stretch of land extending along Virginia's east coast but separated from the mainland by the Chesapeake Bay.

Brown and Root's tract of land in Cape Charles is what is known as Hollywood Farm or the "Scott Estate." The National Association of Counties' study noted that:

In 1883, William Scott of Pennsylvania purchased 2,650 acres of land on the bayside and deeded part of it to the New York, Philadelphia and Norfolk railroad. . . . Mr. Scott set aside part of the land, which his engineers laid out in lots, and established the town of Cape Charles. . . . Hollywood Farm, the 2,000 acres of land Mr. Scott kept for his personal use, stayed in the family and was leased for farming. It lay to the south of the town,


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bordering Plantation Creek.\textsuperscript{51}

Until 1966, Northampton County had no zoning ordinance, and no apparent need for one, as the county had a small population and consisted mostly of farmland. Many of the residents of the county cherish the rural nature of the county and today it is still sparsely settled—there are two traffic lights in the entire county, one on Route 13 entering Cape Charles, and one on Route 13 near Exmore.

In 1964, the Chesapeake Bay Bridge-Tunnel was completed, linking Northampton County to the mainland.\textsuperscript{52} Residents of the county have mixed feelings about the high toll on the facility. (It began at slightly over $5.00 and has risen to $7.00, one way. There are no special rates for students or other frequent users of the facility.) Although the toll discourages county residents from traveling to the Norfolk area frequently, it has also succeeded in keeping Northampton County from becoming commercialized, or becoming a suburb of Virginia Beach. For this reason, many county residents value the high toll.

In 1966, Northampton County:

adopted a minimal zoning ordinance when there was

\textsuperscript{51}NACo Case Studies on Energy Impacts No. 5, p. 4.
\textsuperscript{52}Ibid., p. 5.
concern that the Chesapeake Bay Bridge-Tunnel might encourage unattractive development and mobile home parks and, as one supervisor said, "zoning seemed like a good idea at the time." . . . The ordinance applied only in the unincorporated areas; the towns had no land use controls whatsoever.53

Most residents agree that it was the high toll on the Chesapeake Bay Bridge-Tunnel, and not the zoning ordinance that kept the county from losing its rural character. However, the zoning ordinance became important when Brown and Root purchased the Cape Charles farmland, zoned for agricultural use, because:

Most citizens agree that construction could have begun within six months if the industrial site were in neighboring Accomack County, which had no zoning ordinance, or if the rezoning application had been filed immediately after the land was purchased. . . . Without the 1966 zoning ordinance, the county would have had no control over Brown and Root.54

1974

An analysis of the local weekly newspaper, The Eastern Shore News, published in Accomac, Virginia, and serving both Northampton and Accomack counties, reveals the change in public sentiment concerning Brown and Root. Early articles in the paper hailed the industry as a god-send, the perfect solution to the county's employment problems. The local newspaper quoted then-Governor Mills E. Godwin as welcoming the industry stating it was "good for the company

53 Ibid., p. 6.
54 Ibid., p. 13.
and the state of Virginia." The Virginian-Pilot added that Godwin stated it would have a "profound effect" on the county and the state of Virginia. Virginia State Senator William E. Fears, a resident of Accomack county, also praised Brown and Root. He noted that "they are reliable, reputable and cooperate with the community." George N. McMath, Virginia House of Delegates Representative, said he:

was delighted over the decision of Brown and Root to locate on Virginia's Eastern Shore. Harold Wescoat, chairman of the Northampton County Board of Supervisors, said Brown and Root is going to be a real big thing for the Eastern Shore. . . . We were most fortunate to get that type of industry because they require little ground water. . . .

This opening report in the newspaper also described briefly the nature of work planned for the site, based upon Brown and Root's spokesman's statements:

Among the types of large scale fabrication projects listed as potentialities for the Eastern Shore plant are structures and docks for offshore oil and gas production, sectional modules of industrial units of a large industrial package. . . . Such units then would be floated to the point where they are to be used.

The newspaper reports glowed with praise for Brown


\[57\] "Brown and Root Given Welcome by Governor," p. Al.

\[58\] Ibid.
and Root. Although the description of the type work they would do was brief, it obviously meant work that would employ many people, hopefully helping Northampton County to employ some of its large number of unemployed and underemployed residents. It appeared that Brown and Root would have no trouble rezoning its agricultural plot for industrial use. The National Association of Counties' study noted that:

Many residents believed that, had Brown and Root applied for rezoning immediately after the January 1974 announcement, no one would have been interested in stopping construction. Very few people had seriously considered Brown and Root's plans, the local news media carried few stories, and most people regarded Brown and Root as just another large industry. . . . The eight months between the announcement and the application gave the citizens time to consider some basic issues and formulate important questions.59

In the late summer of 1974, two developments took place in the history of Brown and Root. Brown and Root applied for rezoning of 1,762 acres of the Cape Charles property from agricultural to industrial use.60 Also,

The State office of Industrial Development, which was responsible for planning as well as economic development, studied the potential impacts of Brown and Root's move into the community. . . . Residents opposed to large industry questioned the results of the study. Primarily, they wondered how Brown and Root was going to find 500 skilled laborers from the nearby mainland, let alone 800 from the 'eastern shore counties.'61

59 NACo Case Studies on Energy Impacts No. 5, p. 7.
60 Ibid., p. 14.
61 Ibid., p. 8.
The Division of State Planning of Virginia had made two studies of the Eastern Shore. The first, in 1972, gave much of the same demographic information, such as population distribution, employment and housing statistics, as UPI's later background study. The Impact Study included the impact of Brown and Root on Northampton County's schools, public services and gave 1,500 as the projected employment Brown and Root would provide. UPI's later impact study was a more detailed analysis of much of the same information. 62

Northampton County's governing body consists of a three-man Board of Supervisors. Each supervisor represents a magisterial district of about one third of the county, geographically. The three districts are Capeville, which includes the town of Cape Charles, Eastville district and Franktown district.

At a regular meeting of the Board of Supervisors on Tuesday, September 3, Bill Small of Urban Pathfinders, Inc. (UPI) appeared before the Board to discuss Brown and Root's application for rezoning with the Board. Small was president of Urban Pathfinders, the group assigned to study the

possible impacts of Brown and Root on the county. At the September meeting, "UPI stated that their preliminary assessment is that the county is fortunate to have the opportunity to consider Brown and Root's development proposal." 63

Mr. Ed Parry, then chairman of the County Planning Commission, felt that the Board's decision to involve Urban Pathfinders in the case "was a waste of taxpayers' money," because he felt that the State Impact Study was sufficient. 64

At a recessed meeting on Friday, September 6, 1974, Mr. J. T. Holland, the Supervisor representing the Franktown district of Northampton County,

moved that the Board hire Urban Pathfinders, Inc., to research the probable impact of the Brown and Root proposal on Northampton County. The motion passed unanimously. 65

On September 19, 1974, The Eastern Shore News reported that the first public hearing on the rezoning of Brown and Root's property had been postponed. The article noted that the zoning ordinance had no provisions for industry and that the supervisors had delayed the hearing (until September 26,


64 Interview with Mr. Ed Parry, Capeville District Supervisor, former chairman of the Northampton County Planning Commission, 16 July 1979.

1974) until "more wrinkles could be ironed out." The article added that rezoning would not be approved by the Board of Supervisors until there had been two public hearings.

In October, several citizens appeared before the October 7 Board of Supervisors’ meeting. They were concerned about the impact study to be done for the county. Mr. Wescoat, chairman of the Board, explained that Brown and Root would "give the County the money and the County would hire the consultant."

On October 23, 1974, Brown and Root held their first public meeting. Mr. Ed Parry, then chairman of the Planning Commission, noted that "many misleading and erroneous statements have been made and published in recent weeks." At this public meeting, Mr. H. G. Austin, a representative of Brown and Root, presented a prepared statement. He explained that because Brown and Root would not know the exact nature of its work until contracts were made with the companies requesting items to be made, he could not tell the public

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67 Ibid.

68 Oliver, Private Notes, p. 1.

exactly what the plant would be like, in size. This answer was not satisfactory to the citizens who opposed Brown and Root. Mrs. Jean Mihalyka, who later became chairman of the Northampton County Planning Commission, stated that Brown and Root was not open and completely truthful. "They knew what they were going to put in--they just kept saying 'it will depend on our orders.' They knew it would include a turning basin and graving docks." Approximately 300 people attended the meeting.

After the public meeting, Mr. Parry stated that "since the meeting, 90% of the people who have talked to him have been in favor of the firm's plans." He added that "if you hired the best industrial designers in the world, they could not find a better industry than Brown and Root as far as the economy and environment of the Eastern Shore is concerned."

George J. Savage, a Cape Charles druggist, who would emerge as a leading opponent of the industry, had a

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71 Interview with Mrs. Jean Mihalyka.
72 NACo Case Studies on Energy Impacts No. 5, p. 8.
74 Ibid.
different response to the public meeting, however. He stated to news reporters that:

Brown and Root will swallow us up . . . they answered few questions directly. Should Brown and Root be successful, they will be the largest industrial complex in the State of Virginia by several hundred acres. . . . What will we look like 25 to 30 years from now?75

The October 31 Eastern Shore News article is the first to include specific statements against Brown and Root. In the years that followed, Brown and Root opponents used the newspaper to spread their beliefs and gain a larger following. This was through public statements and, later on, through advertising as well.

In November, the Board of Supervisors met. The members of the Board were Mr. J. T. Holland of the Franktown district in Northern Northampton County, Mr. Harold Wescoat of the Eastville (central) district, and Mr. Hume Dixon of the Capeville district, which includes the town of Cape Charles. At that meeting, Mr. Dixon and Mr. Wescoat voted in favor of a motion to draft an ordinance requiring Brown and Root to pay for the Impact Study. Mr. Holland opposed because he had earlier moved to request that the company make a donation to pay for the study.76 Holland's move had been designed to speed up the process of rezoning so Brown and Root could go ahead and begin construction. The Board also voted at that meeting to:

75 Ibid.

76 Oliver, Private Notes, p. 2.
require an applicant to pay for the required impact studies. These actions will delay the signing of a contract with Urban Pathfinders. The Board elected by a 2 to 1 vote to compel Brown and Root to provide the county a fee reasonably calculated to cover the county's cost of administration and processing of its application. Such a procedure would require three months to implement.

In subsequent meetings, most Board votes involving Brown and Root activities would result in two-to-one votes against the industry, with Holland casting the single vote in favor of the industry. This continued until 1975 when Hume Dixon lost his bid for reelection in the primaries.

In order to prevent the three-month delay in financing the impact study, Mr. Benjamin W. Mears, a local attorney who represented Brown and Root, appeared at a recessed meeting of the Board on Thursday, November 7, 1974. He offered the county a donation from Brown and Root of $28,500 to do the impact study. This time, Mr. Holland moved to accept the donation and the motion was unanimously carried.

A week later, the November 14 issue of The Eastern Shore News carried an interview with Mr. David W. Cooney, director of public relations and advertising for Brown and Root. He answered questions from the representatives of the newspaper as did Mr. George Ward, mayor of Cape Charles.


78 Oliver, Private Notes, p. 3.
who openly favored the industry.

At this meeting, Cooney revealed Brown and Root's plans to reduce their acreage request, in hopes that the reduced request might speed up the adoption of their zoning request. Cooney stated, "We did not anticipate the resistance that we are running into. . . . We will go back to the Planning Commission and reduce our request. . . . We'll ask for 960 acres." 79

In December of 1974, 14 Eastern Shore officials toured Brown and Root's plant in Houston, Texas. Those attending included members of the Board of Supervisors and The Eastern Shore News reporter Bill Sterling. The Eastern Shore News report on the trip noted that:

the trip, paid for by Brown & Root, was taken by Northampton officials to observe firsthand the operations of Brown and Root's metal fabrication plant. 80

Most of the officials had favorable comments upon their return. There was some concern, however, that "the workforce was almost exclusively skilled labor, confirming fears that the plant would require labor from 'outside.'" 81 Later, Harold Wescoat commented that he had noticed that most of


81 NACo Case Studies on Energy Impacts No. 5, p. 8.
the workers in the welding shop were Blacks and Mexican. When he asked why he was told, "Caucasians didn't like that kind of work." Wescoat added that he would prefer an industry that would appeal to Northampton County's white population as well as its black population. 82

1975

In January of 1975, Mr. Bill Small presented a draft of the background study on Northampton County done by Urban Pathfinders, Inc., to the Board of Supervisors. It pointed out the large percentage of the population that was unemployed or underemployed. Northampton County's black population was especially in need of jobs. The study noted that:

In 1969, only 6 Black families in the county made over $25,000 annual income. . . . Blacks accounted for 71.3 percent of the net outmigration (2,158 individuals) even though they composed only 52.3 percent of the total population. Again persons under 50 represented almost all of the loss and nearly two out of every three Black teenagers participated in this outmigration. 83

A major reason for the increased need for jobs in the County was cited as being the fact that farming equipment is now able to do work previously done by field workers. In Northampton County:

Regularly employed farm workers, those with 150 days

82 Interview with Harold Wescoat, Northampton County Board of Supervisors, 10 July 1979.

of employment or more, declined 28% between 1960 and 1969 from 4,718 to 3,672.84

In February 1975, two citizen groups were formed. One called itself "The Concerned Citizens of Northampton County." This group supported Brown and Root. The other group was made up of landowners and citizens from a variety of backgrounds (including a filling station attendant and a waterman) and opposed Brown and Root. This group called itself "Northampton Crossroads." The name represented the group's belief that they had reached a "crossroads and had to do something."85 In its charter, Northampton Crossroads determined as its goal, "to make a factual determination of the precise impact that large-scale development would have on the present residents of Northampton County."86

On February 3, 1975, Mrs. C. W. Carlson appeared before the Board of Supervisors with a petition "bearing over 4,300 signatures." It stated in part:

we request that the Board of Supervisors continue to exert the controls given them under the Code of the State of Virginia and the county zoning laws.87

Also in February, a summary of the Urban Pathfinder's

85 Interview with George J. Savage, Pharmacist, Northampton Crossroads member, 23 May 1979.
86 NACo Case Studies on Energy Impacts No. 5, p. 9.
second report, the Impact Study, was given in *The Eastern Shore News*. The basic conclusion of the Impact Study was that Brown and Root could be beneficial to the county, but that several restrictions should be made on the company in order to preserve the basically rural nature of the county and avoid disruption. These restrictions included providing funds to help upgrade the road entering the Brown and Root property and providing temporary housing for its workers. 88

On February 12, 1975, the Planning Commission held a meeting with guests from Brown and Root. One of the problems concerning Brown and Root discussed at this time was the need to improve the highway running to the Brown and Root facility from Route 13 in order to accommodate the increase in traffic the Brown and Root facility would create. Mr. Ward, mayor of Cape Charles, who favored Brown and Root's proposal to build in the town of Cape Charles, stated that "there would be available $150,000 in State funds that could be allocated." 89

The subject of housing was also discussed and officials from Brown and Root stated:

that if private developers could not secure the site for such housing that they would make available a parcel of their buffer land on their property for

89 Northampton County, Minutes of Meetings of the Planning Commission, Meeting of 12 February 1975, p. 1.
this purpose. Mr. Dobelman of Brown and Root stated that they have not in other areas nor would they here permit the growth of ghettos for their employees. 90

It is interesting to note that at this same meeting it was suggested that the acreage being rezoned be reduced from 980 to 450 acres, but "with the necessity for a large storage space for materials, it was generally agreed that the 450 figure would be unnecessarily restrictive." 91

One of the concerns described in the Impact Study was the increase in school students that Brown and Root families would create. According to George W. Young, Superintendent of Schools, this concern was exaggerated in the Impact Study because "UPI did not have the 1975 building program when they did their report." 92 Young later pointed out that the building program, a plan for renovating older schools in the county and building new ones where necessary, began in 1970, and that Brown and Root was only a "secondary" factor influencing the goals of the building program. He stated that the program was designed "to provide flexibility in the event that Brown and Root did come in," but emphasized that the program was not tailored to Brown and Root's needs alone. 93

90 Ibid., p. 2. 91 Ibid.


93 Interview with George W. Young, Superintendent of Schools, Northampton County, 16 July 1979.
On March 3, 1975, Mr. Hume Dixon of Cape Charles, one of the three members of the Board of Supervisors, stated that he had not made public statements either in favor of or against Brown and Root, because:

I want to continue to study the facts which are developed. I want to continue to hear the feelings of all the people whom I represent. Therefore, until such time as the final public hearing on this matter has been concluded, I do not intend to make any public statements concerning how I intend to vote on this issue.94

The other two members of the Board agreed to do the same.

This move by the members of the Board not only enabled them to appear to their constituents as fair and open-minded jury members in the "trial" of Brown and Root, it also gave them a convenient reply to local citizens who began to hound them. At the next public meeting, the debate between county citizens favoring and opposing the industry was described by the local paper as a "lengthy but amiable battle of words."95 The same report noted that:

objections ranged from concerns over impact on the rural lifestyle of the county to a potential hazard for migrating birds. To the advocates, the new industry represents a boon to the nagging local economy, a means of keeping young people at home, and a patriotic duty.96

By this time, citizens in the community had become

94 Oliver, Private Notes (Board Minutes, 3 March 1975), p. 4.


96 Ibid.
polarized, with a large number supporting Brown and Root and a large number opposing the industry, for a variety of reasons.

On March 14, 1975, the Northampton County Planning Commission held a meeting concerned specifically with Brown and Root's application to rezone the 980 acres of farmland into industrial use. Several recommendations were made concerning restrictions that should be included in the industrial zoning classification. They included:

1. **Buffer zone**—it was agreed that the acreage lying outside the 980-acre tract would be more than ample for this purpose.
2. **Highway rights-of-way**—it was suggested that efforts would be made to channel all traffic over Route 184. This would require the construction of a bridge over the railroad track.
3. **Parking**—it was agreed that one parking space be provided for two employees. Parking space should also be provided for visitors.
4. **Height**—permanent structures should not exceed 75 feet in height.
5. **Land Drainage**—provisions should be made to show land contours so that proper drainage can be insured.
6. **Water and sewage disposal**—requirements for water and sewage disposal must be met according to standards of State Health Department and State Water Control Board.
7. **Shore Line alterations**—plot plan should show width, depth, and length of canal and any changes on Shore line to low water.
8. **Medical facilities**—the plans should include first-aid facilities as recommended by the Health Department.
9. **Utilities**—in this area standards set by OSHA should be followed.
10. **Employees**—the number of employees should not exceed 2,000.97

These recommendations for restrictions on the indus-

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97 Northampton County, Minutes of Meetings of the Planning Commission, Meeting of 14 March 1975, pp. 1, 2.

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trial zoning clause would later be presented to the Board of Supervisors. It is important here to emphasize that the Planning Commission is only an advisory commission to the Board and the members of the Board of Supervisors are not required to accept the recommendations of the Planning Commission.

The March 20 issue of *The Eastern Shore News* included two articles related to Brown and Root. One article noted that a survey of the members of the Chamber of Commerce revealed that 75 percent of those surveyed favored Brown and Root's request to rezone its property.  

The other article, headlined "State Loses Right to Lease Offshore Oil," noted that since the Federal government now owned the rights to lease offshore oil resources, the door would be opened to "allow for exploration including 1.5 million acres off the Atlantic coast." This change was important because if there was exploration off the Atlantic coast and oil resources were found, Brown and Root would then have nearby customers and would soon contract to build the riggings used in oil exploration.

On April 7, two leading members of the Black community in Northampton County addressed the Board of Supervisors.


The Reverend Charles Mapp and Mr. George E. Downing, an attorney, both urged the Board of Supervisors to approve Brown and Root's request for rezoning in order to provide employment for the citizens of the county and thus lower the county crime rate.¹⁰⁰

In February of 1975, a group opposing Brown and Root had been organized and chartered. This group called itself "Northampton Crossroads." In April, Northampton Crossroads publicly criticized the zoning amendment that the Planning Commission had drafted, largely because it allowed for 2,000 employees in five years instead of 1,500 in ten years as the UPI Impact Study had recommended. The Eastern Shore News article covering the story noted that membership in Northampton Crossroads was more than 400.¹⁰¹

On May 15, the Planning Commission held a public hearing on the proposed zoning amendment it had drafted. Ed Parry, chairman of the Planning Commission, told a newspaper reporter that "the Planning Commission is 100 percent behind the amendment."¹⁰² After the public hearing, the Planning Commission decided that some minor changes should


be made in the zoning amendment before it was presented to the Board of Supervisors. The Northampton Crossroads questioned the 'validity clause,' which states that if any provision of the amendment is decided by the courts to be unconstitutional, the remainder of the amendment shall not be affected.103

The zoning amendment received additional support despite criticism from Crossroads, however, when the Chamber of Commerce voted to "endorse the zoning changes that would permit Brown and Root to use their Cape Charles property for industry. . . ."104

In the meantime, primary elections for the three Board of Supervisors' seats were held. In the primaries, Hume Dixon, "who had been a member of the Board for twenty-two years, was defeated, and the Chairman won by only sixteen votes. These two Supervisors had vehemently opposed large industry."105 The results of the primaries seemed to be an indication that more citizens favored Brown and Root than opposed it. The elections the following November would center on the controversy, with the major election issue being the candidates' stands on Brown and Root.

One of the arguments favoring Brown and Root was the boost the industry could give the railroad. The few


105 NACo Case Studies on Energy Impacts No. 5, pp. 9-10.
existing businesses in the county and in Accomack County depended upon the railroad but it had delapidated and it appeared that rail transport to the Virginia Eastern Shore might cease if the demand for rail use did not increase.

A June newspaper article reported Southern Railway's encouragement for Brown and Root's approval stating that if the industry did not build in Cape Charles, "it would make Southern Railway's proposed acquisition of local Penn Central trackage 'considerably less attractive.'"  

On June 25 another public hearing was held on the zoning amendment which would allow Brown and Root to zone the Hollywood Farm property for industrial use. One public meeting had already been held, but because the Planning Commission had made some changes in the amendment after the first public hearing, Robert C. Oliver, Jr., the Commonwealth's Attorney, recommended another public hearing. The Eastern Shore News stated:

Under the amended amendment, the height limitation has been doubled from 75 to 150 feet to allow for the size of the platform Brown and Root plans to fabricate if they are granted the zoning request.

Also, a paragraph has been added which establishes a fee of $50. per 10 acres of property for examination of plans and inspection of facilities. The fee will be not less than $1250 or more than $2500.

The commission also altered the penalty clause providing a 10-day notice to the company before a fine could go into effect for failure to comply with the zoning law. The fine has been set at $1000 per day, after the first 10 days, that the company is in violation.

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The commission also added that a clause that may require the developer of the property to the state highway department to provide access roads from existing highways to the site of the development.107

At the June 25th public hearing, members of Northampton Crossroads spoke out against Brown and Root, criticizing the amended zoning amendment. Bowdoin Lusk, a member of Crossroads, stated, "The employment clause is unprecedented, and is legally questionable." George J. Savage, also a member of Crossroads, added, "The Eastern Shore will be the world's largest shipyard."108 The Planning Commission decided to evaluate those statements made by the public at the hearing and then pass the zoning amendment to the Board of Supervisors for approval.

On Tuesday, July 8, 1975, the Planning Commission passed the zoning amendment to the Board of Supervisors to act upon, "after nearly a year of research, public hearings, and preliminary drafts."109 On the same day, the Board of Supervisors met. Mr. Wayne Rogers, a counsel for Brown and Root, appeared before the Board encouraging them to establish a time and place for a public hearing on the Planning


Commission's proposed amendment. Brown and Root appeared anxious to avoid any more delays in the zoning procedure. On July 11:

J. T. Holland moved that the proposed ordinance entitled AN ORDINANCE TO AMEND THE NORTHAMPTON COUNTY ZONING ORDINANCE BY ADDING A NEW INDUSTRIAL DISTRICT, PI-1, TO PROVIDE REGULATIONS THEREFORE, TO AMEND THE NORTHAMPTON COUNTY ZONING MAP, AND TO AMEND SECTION 8-2 OF SAID ORDINANCE be properly advertised and a public hearing date set for 7:30 p.m. on July 31, 1975, in the Circuit Courtroom, Eastville, Virginia. Unanimously carried.

Mr. Holland favored Brown and Root and was thus anxious to avoid more delays. Mr. Dixon was now in a lame duck status, having lost the democratic primary earlier to Mr. Ed Bender.

In July, several notable events took place in the series of decisions affecting Brown and Root. The Planning Commission had unanimously recommended that the Board of Supervisors approve a rezoning request with the controls they had suggested. On July 24, the local Farm Bureau made a statement opposing Brown and Root which appeared in the local newspaper. The statement was based upon their June meeting. The Farm Bureau said:

that after reviewing and studying the Brown and Root proposal, they have found that heavy industry is incompatible with agriculture . . . [and] . . . would adversely affect agriculture in Northampton County.

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110 Oliver, Private Notes, p. 5. 111 Ibid.
112 NACo Case Studies on Energy Impacts No. 5, p. 10.
At the next public hearing, which had been recommended by Mr. Oliver, because of the changes the Planning Commission had made in the zoning ordinance, a large group of citizens showed up. The Eastern Shore News noted that only four local people spoke in favor of Brown and Root—the president of the local community college in Melfa, Virginia, the Northampton County Commissioner of Revenue, a representative of the Virginia Port Authority, and the vice president of Southern Railway. A Brown and Root representative read a statement which said, "they will abide by the employment ceiling clause regardless of its questionable legality."\(^{114}\)

It is interesting to note that The Eastern Shore News headlines were beginning to reflect a slight bias against Brown and Root by this time, possibly because these reflected what the news staff considered were "selling" headlines, or perhaps this change reflected the views of the owner of the newspaper, an active politician in the state, Mr. George McMath. The stories themselves, however, continued to be basically objective.

The Board of Supervisors held a regular meeting on August 12, 1975, and had a recessed meeting on August 14, to consider the Planning Commission zoning recommendations. At the August 12 meeting, Mr. Dixon suggested setting a later date on which to consider the ordinance "because of

the need to collect all pertinent information." Mr. Holland made the following statement, in contrast:

I think Mr. Oliver is to be commended on his thorough review of the legal implications of the application by Brown & Root for industrial zoning within our County. Obviously, any questions that exist must be resolved. However, I believe he is also wise in recommending that these be considered in the immediate future, for I believe that an extensive postponement of a decision by the Board is not in the best interest of Northampton County nor is it in line with the wishes of the majority of our citizens. I therefore recommend that we designate a plan of action providing for resolution of any questions concerning the Brown & Root amendment by the next regular meeting of the Board of Supervisors, on September 9, 1975. I believe these questions can be resolved, in which case I shall move that we adopt the proposed amendment to the Ordinance. Indeed, I personally look forward to a mutually rewarding relationship between Northampton County and Brown & Root. I therefore make the following motion:

I move that Mr. Bull arrange a meeting with Mr. William Small and the Board to be held as soon as possible for the purpose of deciding upon the future actions of the Board of Supervisors relative to attempting to resolve the rezoning issue raised by the UPI study.116

The zoning ordinance that Mr. Holland was referring to was unlike most zoning ordinances because it allows the Board of Supervisors to place restrictions on the industry. Mr. Keith Bull, County Administrator, suggested to the Board that this would be legal in the state of Virginia because Fairfax County had "contract" zoning, similar to the Northampton amendment in nature.117

115 Northampton County, Minutes of Meetings of the Board of Supervisors, Meeting of 12 August 1975.
116 Ibid.
117 Interview with Mr. R. Keith Bull, Northampton County Administrator, 31 January 1979.
Two days after Mr. Holland made his motion, it was struck down when Mr. Dixon and Mr. Wescoat voted to reconsider his motion and discuss it with Mr. Bill Small of UPI. Mr. Dixon and Mr. Wescoat also carried a motion that "the Chairman of the Board at his discretion may hire special legal counsel to advise regarding the Brown and Root issues."  

At the August 14 meeting, Mr. Holland was reported as charging that Dixon's motion for a meeting on August 28 was "an obvious delay at getting the problem solved. . . . Chairman Wescoat rapped the table and grumbled, 'good for you.'"  

In the meantime, a group which called itself the "Concerned Citizens for Brown and Root" was formed. This group presented to the Board 1,287 signatures on a petition favoring Brown and Root.  

On August 28, a newspaper article in The Eastern Shore News headlined "Cape Charles Mayor Says: Majority Favor Brown and Root," quoted Mayor Ward as stating:  

I believe the sentiment for Brown and Root is climbing . . . I would say that 85 to 90 per cent of the people in the county are in favor of letting the industry in.

118Northampton County, Minutes of Meetings of the Board of Supervisors, Meeting of 14 August 1975.  
... We just can't hold off any longer. ... We have to have the plans at the State Water Control Board office by October 31. Then they have to go to the EPA (Environmental Protection Agency) by January 31.121

In describing the problem of a water sewage system for the town of Cape Charles, Mayor Ward noted that it was agreed that:

if Brown and Root was granted the zoning they would pay for enlarging the system to accommodate industrial waste, plus they would pay the town 20 percent of the original plant cost and a standard user fee.122

On August 28, the Board of Supervisors met. This was the date upon which the special committee consisting of Mr. Small from UPI, Mr. Bull, County Administrator, and Mr. Robert C. Oliver, Jr., Commonwealth's Attorney, was to report to the Board of Supervisors. However, the Committee had been suggested in Mr. Holland's amendment of August 12, which was defeated on August 14. The minutes of the meeting noted:

... Mr. Dixon then stated that he did not appoint the committee in his motion as was stated on the front page of the Special Committee report.

Mr. Bull then stated that even though the wording of the motion was not clear, that when listening to the recording of the meeting immediately prior to the motion and after, the intent to form a committee consisting of Mr. Small, Mr. Oliver and Mr. Bull did become very apparent. Mr. Wescoat then stated that it was not clear to him and he had no idea that the com-


mittee was included in the motion. 123

The September 4 issue of the Eastern Shore News reported that Southern Railway was not just interested in purchasing the railroad trackage on the Eastern Shore to serve Brown and Root. President W. Graham Claytor denied rumors that the railroad is interested in obtaining the trackage of Penn Central on Delmarva solely to serve the proposed Brown and Root facility. 124

This statement reflects the increasing doubt in many citizens’ minds that Brown and Root would ever "cut the red tape" and build its facility, as it indicates the Railroad’s concern that citizens know that Southern would probably purchase the trackage from Penn Central regardless of Brown and Root’s success or failure.

At the September 9 meeting of the Board of Supervisors, Mr. Holland moved to adopt the industrial zoning ordinance so that Brown and Root could begin their plans to build in Cape Charles. Following their previous voting patterns, Mr. Dixon and Mr. Wescoat voted against the zoning amendment, Mr. Holland voted in favor of it. Chairman Wescoat said:

I have spent many hours reading Urban Pathfinders’ Impact Study and attending public meetings and hearings; I have gone to Houston to study Brown and Root’s operation there; I have read all the available material relevant to the impact of oil-related industry in Scotland, Louisiana, and elsewhere; I have

123Northampton County, Minutes of Meetings of the Board of Supervisors, Meeting of 28 August 1975.

carefully read a wide range of other relevant material and Government studies.

On the basis of this extensive review of the advantages and disadvantages, I am thoroughly convinced that the passage of this amendment would be to the overall detriment of Northampton County.125

Mr. Wescoat went on to explain that his major objection was that the proposed amendment allowed for over 2,500 workers in 10 years, whereas Urban Pathfinders had recommended a limit of 1,500 within 10 years.126 His other three areas of concern were the possible impact that dredging a channel would have on the groundwater (the possibility of salt water intrusion), the fact that a new industry would bring higher rents and "general social ills that accompany rapid, uncontrolled growth," and the fact that the county did not have a comprehensive land use plan at that time. Mr. Wescoat continued to maintain this basic argument against Brown and Root, and reemphasized the problem of salt water intrusion in a 1979 interview.127

Although this defeat appeared to end the Brown and Root controversy, the industry had not given up hope that it would get its zoning amendment, because the Board of Supervisors would be reelected in November, and Hume Dixon, one of the individuals voting against the zoning amendment, had already lost in the democratic primary to Ed Bender.

125 Northampton County, Minutes of Meetings of the Board of Supervisors, Meeting of 9 September 1975 (Minutes Book No. 8), p. 269.
126 Ibid.
127 Interview with Mr. Harold Wescoat.
On September 18, Ed Parry, who had been chairman of the Planning Commission, announced his candidacy in the Capeville magisterial district for the Board of Supervisors' seat Mr. Dixon had filled. He would be running against Ed Bender. Parry favored Brown and Root with what he called the proper restrictions. The same issue of *The Eastern Shore News* that carried Parry's candidacy announcement Headlined: "Brown and Root to Wait For Elections in November." Mr. Parry later stated that he had decided to run for the Board seat because he felt that the majority of members of the Planning Commission were "playing the delaying game," in an effort to stop Brown and Root from building its facility in Cape Charles.

October issues of *The Eastern Shore News* were filled with paid political ads. The Northampton Crossroads put in ads accusing that "farmland would be sucked up by speculators . . . shellfish would get polluted." The Concerned Citizens countered with attacks that Mr. Holland was being told what to do by Mr. Wescoat and Mr. Dixon. Their ads pointed out the benefits of increased employment that Brown

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130Interview with Mr. Ed Parry.

and Root would bring. Amidst the various campaign ads, Harold Wescoat moved to increase the size of the Planning Commission from six to 15 members. Wescoat and Dixon voted in favor of the increase, Holland abstained from voting. Some citizens considered the increase to be a fair way to get larger representation on the Commission, others saw it as a move by the Supervisors to "pack" the Planning Commission with people who agreed with the Supervisors on the Brown and Root issue. Keith Bull, County Administrator, later emphasized that 15 was the maximum size allowed by law. Ed Parry later said that he saw the move as a final effort by Wescoat and Dixon to stop Brown and Root before Dixon was replaced on the Board of Supervisors. The National Association of Counties' study summarized:

This meant five members would be appointed from each district rather than the previous two. The Board's reason for enlarging the Planning Commission was to make it more representative of the community; their opponents called it 'stacking.'

The results of the November election were considered to be a mandate in favor of Brown and Root, since Brown and

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134 Interview with Mr. R. Keith Bull.
135 Interview with Mr. Ed Parry.
136 NACo Case Studies on Energy Impacts No. 5, p. 10.

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Root was the central issue. Mr. Bull noted that over 80 percent of those people who had registered, voted. In the Capeville district, Ed Parry who favored Brown and Root won. In Franktown, Mr. Holland was reelected and in Eastville, Mr. Wescoat won, but by only 28 votes. The election results are shown in Table 1.

In the Eastville district, Mr. Clarence Arnold, a black candidate, ran a close second to Mr. Wescoat. Mr. Arnold had emphasized in his campaign the need for Brown and Root as an employer for both black and white citizens in the county. The third candidate, Mr. Nottingham, who was white, also favored Brown and Root. Nottingham announced his candidacy last of the three candidates and some citizens felt that he had run in an effort to keep Mr. Arnold from winning. Mr. Holland, in a later interview, stated that had Nottingham stayed out of the election, Arnold would surely have won. As it was, Arnold won the black, pro-Brown and Root vote and Nottingham won votes from whites supporting Brown and Root, thus splitting the pro-Brown and Root vote. In January, when the new Board took their seats, the Board would consist of one member opposing Brown and Root (Mr. Wescoat) and two favoring Brown and Root (Mr.

137 Interview with Mr. R. Keith Bull.
138 Interview with Mr. Clarence Arnold, 1975 candidate for the Northampton County Board of Supervisors, retired Elementary School Principal, 22 May 1979.
139 Interview with Mr. J. T. Holland, Franktown District Supervisor, 21 May 1979.
### TABLE 1

**ELECTION RESULTS, BOARD OF SUPERVISORS, 1975**

<table>
<thead>
<tr>
<th>District and Candidate</th>
<th>Number of Votes Received</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Favored Brown and Root</td>
<td>Against Brown and Root</td>
</tr>
<tr>
<td>Capeville</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dixon</td>
<td>(lost in primaries)</td>
<td></td>
</tr>
<tr>
<td>Parry</td>
<td>938 (71%)</td>
<td>382 (29%)</td>
</tr>
<tr>
<td>Bender</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>1,320 (100%)</td>
<td></td>
</tr>
<tr>
<td>Eastville</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nottingham</td>
<td>430 (27%)</td>
<td>603 (37%)</td>
</tr>
<tr>
<td>Wescoat</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arnold</td>
<td>572 (36%)</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>1,002 (63%)</td>
<td>603 (37%)</td>
</tr>
<tr>
<td>Franktown</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Holland</td>
<td>974 (57%)</td>
<td></td>
</tr>
<tr>
<td>Walker</td>
<td>470 (27%)</td>
<td></td>
</tr>
<tr>
<td>Waters</td>
<td>272 (16%)</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>1,716 (100%)</td>
<td></td>
</tr>
<tr>
<td>TOTALS</td>
<td>4,038 (87%)</td>
<td>603 (13%)</td>
</tr>
</tbody>
</table>

*NOTE*: In the Capeville district, incumbent Hume Dixon, an anti-Brown and Root candidate, was defeated in the primary election. In the Eastville district, the anti-Brown and Root candidate, Wescoat, only won by a small margin because Arnold and Nottingham split the pro-Brown and Root vote. In the Franktown district, no candidates opposed the industry.

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Holland and Mr. Parry).

In late November, the Board of Supervisors began to work on the county land use plan. The first problem they encountered was whether or not to:

devise a plan excluding the grand Texas fabrication industry, or should it assume the company will eventually get permission to begin operations, and draft the plan accordingly.141

In the December meeting of the Board of Supervisors, Chairman Wescoat moved to include Brown and Root in the land use plan, stating, "We'd better go ahead and recognize the fact that they (Brown and Root) are coming. . . . It's time to stop dilly-dallying around."142

1976

In January, when the new Board of Supervisors met, J. T. Holland was chosen as the new chairman. Parry and Holland cast the two "yes" votes, Wescoat abstained from voting.143 At that meeting:

Ben Mears, an attorney for Brown and Root, presented the board a petition asking that the county zoning law be amended to include an industrial classification. . . . The board agreed to refer the petition to the county planning commission. . . . The planning commission was instructed to make their recommendations.

on the amendment and report back to the Board of Supervisors within 45 days.\(^{144}\)

In January of 1976, the Planning Commission completed a draft of the Comprehensive Plan, for 1978 to 2000. The four main goals of the plan were to:

1. Conserve the County's Natural Resources . . .
2. Maintain the County's Rural Lifestyle . . .
4. Provide Northampton Citizens with an adequate level of public services.\(^{145}\)

Citizens favoring Brown and Root noted that the industry could help achieve the third goal, but opponents said that goal could not be achieved by Brown and Root unless they failed to achieve the other three, since opponents believed the lifestyle, natural resources and efficiency of the public services provided would be hurt by the industry.

In February, official notice was given of another public hearing on the proposed zoning ordinance, to be March 3, 1976, at 7:30 p.m. Rules for the public hearing included a five-minute limit on oral statements and a requirement that those who wished to speak register their intention ahead of time.\(^{146}\) At the meeting, speakers included Mr. George Edward Downing, a black attorney; Mr.


\(^{146}\)Notice of Public Hearing, 5 February 1976.
George J. Savage, a druggist and member of the Crossroads; Mr. W. A. Dickinson, attorney for Brown and Root; Mr. Benjamin Mears, attorney for Brown and Root; Mayor George Ward of Cape Charles; and Mr. Jeffery Walker, an unsuccessful candidate in the previous election for the Franktown seat. The minutes note:

Mr. Downing spoke on the need of having new jobs on the Eastern Shore with the upgrading of incomes in the low income brackets. Referred to the mandate of the majority of the citizens of Northampton to bring in Brown and Root.

Mr. Savage spoke to the broad listing of uses stating they were too broad and were not specific enough. He spoke to the unenforceability of the employment ceilings as well as the question of legality. He spoke on the possibility of Brown and Root not coming to the County once the land is zoned. He feared that other industries could buy the property piece-meal and develop several facilities on 250 acre tracts.

Mr. Dickinson stated that the Ordinance was too restrictive and suggested that the July 3, 1975 draft with slight modifications be adopted. Zoning ordinance should not be arbitrary or capricious.

Mr. Mears said basically the same.

Mr. Ward asked that the buffer zone requirement as written be eliminated in view of the fact that Brown and Root is prepared to establish a 789 acre buffer outside the proposed PI-1 District boundary. The present buffer zone extension from the district boundary inwardly and would reduce the useable area from 980 to 559 acres.

Mr. Herman B. Walker stated 1000 employees in one year is not good and 1200 is suicide and 1800 is disastrous.

On April 22, the zoning ordinance was again the topic of discussion at the Board of Supervisors' meeting. The zoning law passed this time, because of the new membership.

Northampton County, Minutes of Meetings of the Planning Commission, Meeting of 3 March 1976, pp. 2-4.
on the Board. Some changes, including deletion of the employment ceiling section, were made by the Board, "prompting some Brown and Root opponents to question the legality of passing the altered amendment without a public hearing."\textsuperscript{148}

Mr. Parry, the new member of the Board of Supervisors and former chairman of the Planning Commission, made the motion to adopt the zoning ordinance. Mr. Wescoat stated:

I am voting against this amendment because I believe it adversely affects the health, safety and welfare of our citizens. Early last fall I enumerated the reasons why I was against the establishment of a heavy industrial district in Northampton County. I believe those reasons are still valid. . . .

UPI's recommendations for controlling adverse impacts have not been met and their suggested requirement of pumping tests has not been incorporated. Furthermore, this Board is voting to delete the County's main control factor in the entire ordinance, i.e., the limitation of employees. This was crucial to all of UPI's recommendations as the best way to control population growth and its attendant problems. It was overwhelmingly recommended by the Planning Commission. . . . Unfortunately for Northampton County, the other two members of this Board have stated publicly and privately for many months that they favor Brown and Root and will do what they can to assure its coming into the County. . . . I hope that they have not allowed their business interest in the building industry to influence their decision.\textsuperscript{149}

Mr. Parry voted "yes," with no lengthy comments. Mr. Holland stated:


\textsuperscript{149}Northampton County, Minutes of Meetings of the Board of Supervisors, Meeting of 22 April 1976 (Minutes Book No. 8), p. 372.
There is no question in my mind that Brown & Root will be a very positive benefit to the people of our County. Any problems that may develop can be and will be solved. Just as agreements, which will be considered later by this Board, were reached between our Technical Review Committee and Brown & Root officials, other agreements, when necessary, can be reached.

It was the opinion of the Committee members that the representatives of Brown & Root with whom they met are reasonable men who, although they must serve their company first, are willing and ready to sit down with the County and work toward the best interest of all.150

Mr. Holland stated that he felt the deletion of the ceiling clause was actually a benefit because it allowed the county to deal with each industry that might enter the county on an individual basis, adding that with no ceiling the county could tell Brown and Root it was too large when necessary rather than depending on a set figure.151

The new zoning ordinance was adopted in July of 1976.

Some of the points included:

**Statement of Intent**

(a) The planned industrial district is intended to permit to development of large scale and comprehensively planned heavy industrial facilities on contiguous acres of land under unified control. . . .

**USES PERMITTED BY RIGHT**

4A-1-3. Fabrication of metal products such as pipe, vessels, ducts and storage tanks.

4A-1-4. Fabrication of marine structures and platforms.

4A-1-5. Fabrication of modular industrial plants, excluding nuclear power plants.

4A-10-2. . . . Ground Water Construction, site preparation, processes and equipment employed shall be such as not to lower the ground water table measurably or cause the degra-

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150 Ibid.

151 Interview with Mr. J. T. Holland, Franktown District Supervisor, Chairman of Northampton County Board of Supervisors, 22 October 1976.
dation of the ground water quality through salt water intrusion or other means at any place outside of the district boundaries.

The amendment also required the industry requesting industrial zoning to first submit a detailed description of its facility to the Board of Supervisors before the zoning changes would be made. The final plan of development that the industry had to submit before the building permit would be issued included location of tract, boundary survey, existing and proposed streets and easements, entrances, fences, parking, loading spaces, floors, floor area height and location of each building, pipes, sewer facilities and sewer systems, "shoreline alterations including dredging, filling and bulkheading," existing topography, provisions for emergency medical services, "number of persons to be employed on the tract. Provisions for minimizing the adverse effect upon the county of the influx of significant numbers of persons to be employed on the tract." 153

In June, the Board of Supervisors decided to make another change in the size of the Planning Commission. The reason they gave was that Virginia State law had recently required that towns also have their own Planning Commissions

152 An Ordinance to Amend the Northampton County Zoning Ordinance by Adding a Planned Industrial District, PI-1 (Richmond, Virginia: Division of State Planning and Community Affairs), p. 12. Adopted by the Northampton County Board of Supervisors, 1 July 1976.

153 Ibid., p. 22.
or be included in county planning commissions.154 There are five towns in Northampton County: Cape Charles, East­ville, Cheriton, Nassawadox and Exmore. Thus the new Planning Commission was designed to include the five towns:

The new group, Northampton County Joint Planning Commission included a representative from each of the five incorporated towns (appointed by the Town Councils) and two representatives from each district, making a total of eleven members.155

Again, critics saw the change in the Planning Commis­sion as a rearranging of the Planning Commission in order to change the nature of the membership, but this time, in order to get a more "pro" Brown and Root membership on the Commission. These critics cited as a defense of their theory the fact that the only town that did not have a resident already on the Planning Commission was Cheriton, and Mrs. Jean Mihalyka had offered to resign in order to leave a vacancy for a Cheriton representative. Chairman Wescoat had moved to keep the same Planning Commission but add town representatives in order to comply with the new state law, but his motion was defeated in favor of the new joint 11-member Commission at which point he commented, "What we're doing here tonight is illegal."156

Shortly after the passage of the zoning ordinance,

154Interview with Mr. R. Keith Bull.

155NACo Case Studies on Energy Impacts No. 5, p. 11

George J. Savage filed a petition against the Board. Savage's petition stated in part, that the rezoning should be "declared illegal, invalid, void, arbitrary, capricious . . . and as illegal isolated spot zoning." On July 23, the County entered a motion to strike George Savage's charges against them, noting in part that:

... No actual controversy is shown to exist between the plaintiffs, or any of them and the defendants herein.
2. That the petition fails to allege any specific adverse claims between the plaintiffs, or any of them, and the defendants herein and there is no justiciable issue between the parties hereto.
3. That the petition is but a wholesale, broadside assault upon the county's zoning ordinance, and the amendments thereto, and is bereft of a single real complaint of injury or threatened injury to the plaintiffs, or any of them.158

In order to reduce the 15-member Planning Commission to an 11-member joint Planning Commission, some members of the previous Planning Commission had to be taken off the Commission. Mr. Bull noted that this was done by dissolving the entire Commission rather than individual seats, but the result was that some members lost their seats.159

On July 28, 1976, three of the ousted members of the old Planning Commission filed suit against the Board of Supervisors, "to have the Court declare that the action of

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158 Clerk of Circuit Court, Northampton County, Motion to Strike Savage v. Board of Supervisors, Docket no. 29, 23 July 1976.
159 Interview with Mr. R. Keith Bull.
the Board in abolishing the terms of the members of the Planning Commission of Northampton County was illegal, invalid and void.\textsuperscript{160} In the Savage case, the Board of Supervisors eventually won and the zoning amendment was upheld. In the Edgerton, Belote and Black case, the judge ruled that members of the Planning Commission could only be removed for improperly doing their jobs and the original 15-member Commission was reinstated.\textsuperscript{161}

In August, Mr. Robert C. Oliver, Jr., Commonwealth's Attorney, met with the Planning Commission. Members of the Commission were concerned over the fact that two lawsuits related to the Brown and Root case had been filed. Mr. Oliver stated:

The two matters under litigation right now are:
(1) Petition to declare the amendment creating the PI-1 district and related matters be illegal and have it set aside. As of this date, the Court has taken no action relative to the alleged illegalities. The parties have taken no action to attempt to restrain or prevent the Planning Commission from proceeding under the ordinance as written.
(2) The other suit pending is also a suit for declaratory judgement to declare this body in fact does not exist. The Court has taken no action on that suit and nothing has been done by the plaintiffs to restrain action on the part of the Commission. Unless or until the Court of Competent Jurisdiction declares that you in fact do not exist and declares that the ordinance is illegal, or; prior to considering those questions, enters an order restraining your further activity, then you should proceed as though everything was proper and


\textsuperscript{161}Interview with Mr. R. Keith Bull.
legal. Not to do so, in light of the application of Brown and Root, would put you in a far, far more tenuous situation than to proceed as though all these actions would be upheld.\textsuperscript{162}

On September 8, 1976, the Planning Commission met again to discuss the zoning amendment. Seven conditions were approved by the Commission. They were:

1) That there be sufficient test wells dug to assist in determining whether the dredging of the turn basin, graving table and deep aquifers through saltwater intrusion. Said wells are to be under the supervision of the State Water Control Board. . . . The director of Planning shall not approve a site plan for this phase of development unless evidence has been submitted indicating there will be no saltwater intrusion which will affect Northampton County's potable water supply.

2) That Brown and Root, Inc. enter into an agreement with the town of Cape Charles, Virginia, for Brown and Root's supply of potable water for human consumption and sanitary sewer service prior to the approval of a Final Site Plan for any Phase of Development as indicated in the Preliminary Plan of Development.

3) That the cost of all improvements of public road 642, required by the location of Brown and Root, Inc., and as determined by the Virginia Department of Highways, be provided for by Brown and Root, Inc. . . .

4) Brown and Root, Inc. shall exercise maximum reasonable efforts to hire local workers and, in conjunction therewith, to establish training programs in concert with the local schools and/or community college or alone, if necessary, to develop its work force from the maximum number of local residents trainable and available.

5) Brown and Root, Inc. will, if requested by the Board of Supervisors and to the extent approved by the Board of Supervisors, make available some property owned by it, to a lessee for development on a limited temporary basis, for use as mobile home location space to alleviate any possible temporary housing needs. . . .

6) That Brown and Root, Inc. agrees to limit its maximum work force of employees who shall work within the proposed new Planned Industrial (PI-1) District in

\textsuperscript{162} Northampton County, Minutes of Meetings of the Planning Commission, Meeting of 18 August 1976, p. 2.
accordance with the Plan of Development as follows:
(a) First year of construction and/or operation—
Four hundred (400) employees after the issuance
of a building permit . . . 400 for the second,
third and fourth year also, with no more than 200
a year thereafter. . . .
7) If Brown and Root cannot obtain final approval of
any one requiring permit under State and Federal require­
ments, then the rezoning of the subject land is null and
void and reverts back to the A-1 zoning District classi­
ication.163

In mid-September, Cheriton officials:

petitioned the State Water Control Board to issue an
injunction restraining the county board of supervisors
from taking action on the proposed Brown and Root pro­
ject until a 'scientific appraisal of groundwater' has
been made.
Cheriton Mayor Wade Fitzgerald said, 'the town
council has received numerous complaints of dry wells
. . ."164
Although Brown and Root ultimately received permits con­
cerning water usage from the State Water Control Board, this
petition represented another roadblock, delaying construc­
tion of the fabrication plant. Permits needed relative to
the water used by the facility included:

1. National Pollutant Discharge Elimination System
Permit or State No-Discharge Certificate (relative to
the graving dock).
2. Permit under Section 10 of the Rivers and Harbour
Act of 1889.
3. Permit under Section 404 of the Federal Water
Pollution Control Act as amended 1972 (relative to
dredging of turning basins, barge slips and access
channels).
4. Permit under the Northampton County Soil Erosion
and sedimentation Ordinance (relative to storm water

163 Northampton County, Minutes of Meetings of the
Planning Commission, Meeting of 8 September 1976, pp. 5-6.
164 "Concern Growing Over Groundwater Resources," The
Eastern Shore News (Accomac, Virginia), 16 September 1976,
p. Al.
run-off and the filling or excavation of land).
5. Environmental Protection Agency--Air Pollution
Division permit required.
6. Critical water area permit.
7. Local Wetlands Commission.165

In late September, the State Water Control Board
declared Northampton County to be a critical Groundwater
area, although it did not think saltwater intrusion would
be a problem, as did many Brown and Root opponents. The
study noted that "some localized groundwater contamination
was found in the water table aquifer. . . . There was no
evidence of salt water intrusion . . . there is adequate
groundwater available."166 Although the report did not
state that an industry such as Brown and Root would put a
strain on the water supply and noted that there had been
no evidence of salt water intrusion, it was used by opponents
of Brown and Root to defend their belief that Brown and Root
would hurt the water supply by either using massive amounts
of water or causing salt water intrusion when the channel
for Brown and Root's turn basin and graving dock was dug.

On September 22, 1976, the Joint Planning Commission
"recommended that the Board of Supervisors not rezone the
land until Brown and Root offered stricter conditions."167

165 Brown & Root Summary of Past Pertinent Information
and Additional Information Received Not Previously Available,
Personal Collection of John L. Humphrey, Director of Plan-
ning and Zoning, 30 November 1976.

166 "In Water Control Board Rules: Shore Critical
Groundwater Area," The Eastern Shore News (Accomac, Virginia),
30 September 1976, p. Al.

167 NACo Case Studies on Energy Impacts No. 5, p. 11.
On the next day, the Board of Supervisors approved the Brown and Root petition anyway and Hollywood Farm was zoned PI-1 for Planned Industrial District Number One. At the same time, the Preliminary Plan of Development was accepted by the Board. In defending the Board's move, Ed Parry "argued that if the board followed the Planning Commission recommendation it would mean yet another delay in the Brown and Root issue, which has already dragged on for more than two years." Later he commented that the Planning Commission, in an effort to delay Brown and Root, has used "every unethical cork," they could. H. T. Robinson, Brown and Root's planning engineer, noted that the final plan of development would be filed within 60 days and if there were no more delays, Brown and Root expected to begin construction within six months.

Just when it looked like the path was clear for Brown and Root to begin their final development plan and start construction, Judge N. Wescott Jacob declared the 11-member Joint Planning Commission to be illegally constituted. This was the Planning Commission that had acted on the rezoning application on August 23. Therefore, Brown and Root decided

168 Ibid., p. 12.
169 Interview with Mr. Ed Parry.
to reapply for zoning with the Planning Commission.\textsuperscript{171} The
newspaper noted that:

This means more public hearings, another planning
commission recommendation, and another vote by the
Board of Supervisors.\textsuperscript{172}

Rather than risk taking any actions that might later
be questioned, Brown and Root reapplied for zoning, thinking
this was the quickest way to get around the problem of the
Joint Planning Commission being declared illegal. They
resubmitted their zoning application. A letter to the Board
of Supervisors on October 28 stated in part:

Being advised of the judgement entered by the Circuit
Court of the County of Northampton declaring the
disqualification of the Northampton County Planning
Commission that was appointed as of July 1, 1976 and
which reviewed our Preliminary Plan of Development in
connection with our July 27, 1976 Application for
Zoning Map Amendment (AMP 76-01), and being further
advised of your action in formally recognizing the
fifteen-member planning Commission in office on June
30, 1976 as the official Planning Commission of
Northampton County ... Brown and Root, Inc. does
hereby again tender its Application for Amendment to
Zoning Map and Preliminary Plan of Development for the
980 acre Planned Industrial District in the Capeville
Magisterial District, adjacent to Cape Charles,
Virginia, in accordance with the Northampton County
Zoning Ordinance for establishing a Planned Industrial
District (PI-1).\textsuperscript{173}

The preliminary plan of development also included the seven

\textsuperscript{171}"Brown and Root Re-applies; Zoning Again Sought,"
The Eastern Shore News (Accomac, Virginia), 4 November 1976,
p. Al.

\textsuperscript{172}Ibid.

\textsuperscript{173}Letter included in: Preliminary Plan of Develop-
ment for Planned Industrial District for Brown and Root,
Inc. Property At Cape Charles, Northampton County Capeville
conditions that the Planning Commission had recommended on September 8, 1976.\textsuperscript{174}

Although the Edgerton, Black and Belote case charging that the 11-member Planning Commission was illegal, had been settled, George Savage's lawsuit against Brown and Root had not been heard. It suffered several delays. A November 23 issue of The Eastern Shore News reported:

\begin{quote}
A suit brought by a group of Northampton County landowners opposing industrial zoning for Brown and Root's tract near Cape Charles has been postponed . . . since Judge Robert S. Wahab Jr. is scheduled for a gall bladder operation this month, the suit was postponed until January 13. . . .\textsuperscript{175}
\end{quote}

In December, the Planning Commission held another public hearing on the zoning amendment since Brown and Root had reapplied to the 15-member Commission after the Joint Commission had been declared illegal. This hearing was reported as drawing a small turnout since "most opponents of Brown and Root will admit the industry cannot be stopped now. . . ."\textsuperscript{176}

\textbf{1977}

On January 17, 1977, after the December public hearing, Mr. Ed Parry, Capeville Supervisor, moved that ZMP-76-02, 

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{174}Ibid.
\item \textsuperscript{175}"Brown and Root Suit Delayed; New Date Set," The Eastern Shore News \textsuperscript{A}Accomac, Virginia\textsuperscript{A}, 23 November 1976, p. Al.
\item \textsuperscript{176}"Brown and Root Hearing Draws Small Turnout," The Eastern Shore News \textsuperscript{A}Accomac, Virginia\textsuperscript{A}, 22 December 1976, p. Al.
\end{itemize}
\end{footnotesize}
the second official Brown and Root application for rezoning, be approved with the seven accompanying conditions. Mr. Harold Wescoat remained the lone dissenter, voting against the amendment. This was, again, going against the vote of the Planning Commission which had:

voted 8-6 to recommend turning down the rezoning request. . . . The majority felt there was a lack of sufficient information dealing with the last two phases of the application; there were no financial commitments from the industry to ease population impact; the industry is incompatible with existing agricultural land use; the county has not completed its comprehensive land use plan and the commission was concerned over environmental impacts and impact on groundwater resources.

In January, the Savage case suffered another setback. This time, "the suit was postponed because the attorney for the landowner is involved in another hearing that will not be concluded by today." There were actually two suits, but they were being heard together and both accused the Board of Supervisors of amending the zoning code especially for Brown and Root. Furthermore, "the minimum lot size of 250 acres, the suit alleges, discriminates against other

177 Northampton County, Minutes of Meetings of the Board of Supervisors, Recessed Meeting of 17 January 1977 (Minute Book No. 9), pp. 2-5.


property owners who have smaller tracts."  

These delays in Mr. Savage's case were actually welcomed by those people opposing Brown and Root because delay had become the single, strongest tool they had to prevent the industry from building its plant in Cape Charles. Each delay meant a longer time period before Brown and Root could establish its plant, and many opponents hoped that eventually the firm might get discouraged and give up its fight to rezone the Cape Charles property.

In the meantime, George Savage had also written to Governor Godwin expressing his unhappiness with Brown and Root and asking the Governor to reconsider his stand on the industry.

On January 27, The Eastern Shore News carried part of the Governor's response in which he stated that Brown and Root:

would help the economy of the Eastern Shore and be a benefit to all the people there as well as the state of Virginia. . . . I have no information that the project was rejected by other states.\textsuperscript{181}

In February 1977, Brown and Root filed its final site plan for its Cape Charles facility. According to the rules of the zoning code, the Director of Planning and Zoning, Mr. John L. Humphrey, had 60 days within which time period...
he was required to act on the request. He stated, "it will take 30 days to complete various requirements of the county's industrial zoning law."\(^{182}\)

A month later, Mr. Humphrey approved the plan. It still had to get the approval of the Air Pollution Control Board which planned a public hearing in March.\(^{183}\)

In June 1977, George Savage's case finally came to trial. Judge Wahab declared the ordinances to be "valid in every aspect."\(^{184}\) The trial had lasted several days and included "17 hours of testimony from witnesses, attorney's arguments, objections and overrulings."\(^{185}\)

Judge Wahab did require some restrictions in the rezoning however, adding that the land could not be sold without these restrictions. They were:

- Gradual increase of the number of employees from 400 in the first year to 1800 at the end of the fifth year with no more than 200 added annually together without the supervisors' approval.
- Cooperating in meeting housing needs including making available property if other building sites are unavailable.

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provision of $1,000,000 in matching funds to permit the county to obtain $250,000 in state funds for highway improvements.

purchase of water and sanitary sewer service from Cape Charles.

hiring and training of 'the maximum number' of Eastern Shore residents.\textsuperscript{186}

The June 8 decision included a summary of Brown and Root activities. Conclusions in the statement include:

It is clear in Virginia that a comprehensive plan for development is not required as a prerequisite to the enactment of a zoning ordinance until July 1, 1980. . . . It is unquestioned that a zoning map has been on file in the office of the Director of Planning and Zoning since April 1, 1976.\textsuperscript{187}

It also stated that the Impact Study was an adequate environmental Impact Study, that the schools and town of Cape Charles could handle the increased population and water and sewerage service would be available.\textsuperscript{188} The final pages dealt with spot zoning, concluding that:

the conditions proffered by Brown and Root and accepted by the Board of Supervisors in the ordinance rezoning its property to be reasonable within the meaning contemplated by the enabling legislation.\textsuperscript{189}

In September 1977, Brown and Root held a public meeting as a part of its environmental impact assessment.

\textsuperscript{186} "Landowners Disappointed," p. A3.

\textsuperscript{187} George J. Savage et al. v. Board of Supervisors of Northampton County: At Law no. 29, George J. Savage et al. V. Board of Supervisors of Northampton County, et al. At Law no. 36, Circuit Court of Northampton County, Virginia, opinion, filed 8 June 1977, p. 6.

\textsuperscript{188} Ibid., p. 8.

\textsuperscript{189} Ibid., p. 12.
This time only 60 residents attended. Local interest in Brown and Root had dwindled because most residents felt that it was now only a matter of time before Brown and Root could begin construction. The environmental impact assessment was the last study necessary before construction could begin. The newspaper reported that:

the environmental impact assessment (EIA), required by the Army Corps of Engineers before it can issue a construction permit. . . . The total processing time for their evaluation would be one year to 15 months. A Corps of Engineers official estimated that the Corps would take another year after that before it reaches a decision on whether Brown and Root should be allowed to build.190

After losing in the Circuit Court, George J. Savage appealed his case to the Virginia Supreme Court. In November 1977, the Commonwealth's Attorney filed an opposition to Savage's appeal to the Virginia State Supreme Court, noting:

Truly the pivotal issue is whether Northampton County is to join Virginia in this final quarter of the twentieth century or remain as it has been since originally settled. . . .191

It added that the Board cannot do its job if pushed around by "a disgruntled band of persons opposed to change."192

191 Conclusions to a brief in Opposition to Petition for Appeal: Robert C. Oliver, Jr., and Reid M. Spencer, attorney, Supreme Court of Virginia, 14 November 1977.
192 Ibid.
1978

In April 1978, Brown and Root held its second public hearing for the Environmental Assessment Impact Study. There was little public response to it.\(^{193}\)

In May, the Virginia Supreme Court refused to hear Savage's appeal, thus approving the zoning code of Northampton County. Ed Parry stated that this was because the case was so "ridiculous."\(^{194}\) Mr. Savage later stated that he was not surprised to lose his fight against the Board of Supervisors, noting that "we were beat bad." He added that he still felt the zoning was illegal because it was designed specifically for Brown and Root, not for the county in general and thus constituted spot zoning. He stated that he would bring charges again if he were in the same situation again, adding that the delay the court case caused may have been the deciding factor in Brown and Root eventually not building their plant.\(^{195}\)

1979

By January 1979, Brown and Root had completed its research for its environmental impact study. County Planner John Humphrey estimated that from that point they could begin construction within 18 months, that being the


\(^{194}\)Interview with Mr. Ed Parry.

\(^{195}\)Interview with Mr. George J. Savage.
time estimated as necessary to gain State approval and Federal permits. The study was not yet published, but the research for it had been completed.

On January 31, Brown and Root issued the following press statement:

Brown & Root, Inc. has announced that it is suspending its planning for the improvement of its tract of land at Cape Charles, Virginia until further notice.

Company vice president H. T. Robinson, in making the announcement, said, "We have reached a stage in our study of this tract that provides a convenient breaking point. We are taking this opportunity to suspend the planning and assess our options for utilization of the property.

"The Cape Charles property is one of the best potential industrial sites on the East Coast in terms of transportation access and manpower supply," Robinson said, "and we will continue to evaluate its most beneficial use." 196

J. T. Holland stated that the announcement "came as a shock." 197 John Humphrey did not seem as surprised. 198

On June 7, 1979, The Eastern Shore News reported that a company spokesman for Brown and Root said, in reference to rumors that the land was for sale:

I would not want to be quoted that this is true, nor could I say that we are actively seeking to sell the property, nor are we advertising the property for sale. However, I could say that if a proper offer were made


197 "Brown and Root Pulls out of Shore Project," The Virginian-Pilot, 1 February 1979, p. Al.

198 Interview with Mr. John L. Humphrey, Director of Planning and Zoning, Northampton County, 31 January 1979.
we might be interested. You would have to say that sale of the property is one of the possible options available to the company at this time. I must stress this—it's just one of the options available.199

Thus after five years of struggling to get its land rezoned and all necessary State and Federal approval made so that construction could begin on the proposed fabrication facility, Brown and Root voluntarily suspended its efforts to build. Some residents were disappointed, others were relieved. Just as county residents had many differing opinions as to the advantages and disadvantages the company could offer the county, they had differing theories as to why the suspension announcement was made.

Why Did Brown and Root Suspend Operations?

Several people cited as a major reason for Brown and Root's suspending its plans to build in Cape Charles a lack of oil in the Baltimore Canyon, not far from the Eastern Shore. A Virginian-Pilot article stated:

it is no secret that the company was banking heavily on quick and successful exploration of the Atlantic Outer Continental shelf when it decided to come to lower Northampton County.200

It added that the Environmental Impact Assessment would have been ready in about 60 days.201 A New York Times article

201Ibid.
quoted a Brown and Root spokesman as saying:

to date there have been no major finds of oil or gas in the Baltimore Canyon off the New Jersey-Delaware-Maryland coast. 202

John Humphrey, Director of Planning and Zoning in Northampton County, and Jean Mihalyka, Chairwoman of the Planning Commission of Northampton County, both felt the move was economic. Mrs. Mihalyka noted that with building prices increasing rapidly in the past few years, the company probably couldn't make the profit it had originally hoped for. 203 J. T. Holland, Chairman of the Board of Supervisors, added that Shell Oil, a main buyer for Brown and Root, had "pulled out of the Baltimore Canyon." 204 Ed Parry added that "Allied had built two other plants somewhere in the west in the meantime," while waiting for the Cape Charles property to become available for construction. 205 Humphrey also noted that in the time that had elapsed, oil companies had found ways to get oil from wells they had previously thought were "dry," thus providing a cheaper alternative to drilling new wells. 206

George J. Savage added that perhaps Brown and Root had

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203 Interview with Mrs. Jean Mihalyka.

204 Interview with Mr. J. T. Holland, 21 May 1979.

205 Interview with Mr. Ed Parry.

206 Interview with Mr. John L. Humphrey.
felt some pressure from the number of oil spills in recent years, noting that the Chesapeake Bay Foundation and Natural Resource Defense Council both supported his views that the industry would not have been ecologically advisable, and would have had an undesirable environmental impact.207

Harold Wescoat stated that he felt Brown and Root's major reason for suspending operations was because Wescoat and other Brown and Root opponents had told Brown and Root he didn't want "that large ditch" because of the possibility of salt water intrusion.

Both Holland and Savage noted that the delays may have been crucial in an indirect manner because if it had not been for the delays, construction on the facility may have begun before Brown and Root discovered that there was apparently very little oil in the Baltimore Canyon. If that had been the case, both Holland and Savage speculate that Allied Industries would "be here today."208

J. T. Holland noted that had the construction begun, Allied Industries would probably be using the Cape Charles property to build metal tanks and motors, perhaps working in coordination with the Newport News Shipbuilding and Drydock Corporation.209

207Interview with Mr. George J. Savage.
208Interviews with Mr. George J. Savage; and Mr. J. T. Holland, 21 May 1979.
209Interview with Mr. J. T. Holland, 21 May 1979.
All of the members of the Board of Supervisors expressed hopes that Northampton County would acquire some new industry sometime in the near future. Parry noted that "no new refineries have been built on the East Coast in 15 years, partly because of bureaucratic waste and because environmentalists take things out of context," slowing down the building process.

Wescoat stated that he hoped El Paso Gas would decide to locate in the county because they "would pay five to six times the taxes Brown and Root would have because it would be taxes on the gas, too." Also, he felt El Paso would employ more county residents as opposed to outside workers.

George J. Savage noted that he was not opposed to industry per se, as long as it did not employ much more than "200 employees." He said offhand he thought Allied would have been "okay" but added that he had no regrets over his involvement in the fight to prevent Brown and Root from building its facility and that he would take them to court again if he had it to do over.

The January 31 announcement provides an almost complete case, since it appears unlikely that Brown and Root

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210 Interview with Mr. Ed Parry.
211 Interview with Mr. Harold Wescoat.
212 Ibid.
213 Interview with Mr. George J. Savage.
will re-initiate its efforts to begin construction any time soon. Thus, by comparing this history to the elements of decision making discussed earlier in this thesis, one can analyze the decision-making process in the Brown and Root case.
CHAPTER V

AN ANALYSIS OF THE DECISION-MAKING PROCESS

5.1 Introduction

The five-year decision-making process that eventually resulted in Brown and Root's decision not to build a fabricating facility in the town of Cape Charles, Virginia, is made up of a series of smaller decisions. Some of these decisions were made by one or a few people, some involved larger groups of people. Each of the decisions is an important component in the final outcome because the results of one decision limits the possibilities of outcomes from that point. The purpose of this chapter is to return to the hypothetical model of decision making described in Chapter two and classify the number of decisions in the Brown and Root case that fall under each area of discussion and each factor influencing the decision-making process. Factors in the Brown and Root case will be compared to those factors discussed in the literature review to see which are similar to those discussed by previous theorists and which are not.

5.2 A Summary of the Major Decisions

As mentioned earlier, the pattern of decision making
in the case of Brown and Root's efforts to locate its industry in Cape Charles is a series of decision steps, involving many different activities. It was not a simple, single decision that kept the industry from building its plant, but many decisions coming from the three major sources of industry itself, the citizens, and the political body, the Board of Supervisors. The influence of one decision upon another in this series of decisions can be seen by examining a brief summary of the major decisions.

The original zoning code actually had nothing to do with the case of Brown and Root directly, but when the Board of Supervisors decided in 1966 to zone the county as agricultural land, they provided the one tool that prevented Brown and Root from being able to begin construction on their property immediately. This decision was strictly a decision of the Board of Supervisors, meant to protect the county from overdevelopment due to the opening of the Chesapeake Bay Bridge-Tunnel. The zoning code proved to be largely unnecessary for that purpose, since the toll on the Bridge-Tunnel kept commercial businesses from building up the property near the Bridge-Tunnel, but did become crucial years later when Brown and Root bought the property.

Just as the decision to zone the county agricultural was strictly a decision by the Board of Supervisors, the purchase of the land involved only the industry, Brown and Root, and did not include in the decision the citizens of the county or the Board of Supervisors.
When Brown and Root applied for rezoning of the 1762 acres of farmland for industrial use, this was the first decision involving the industry, the citizens and the Board of Supervisors. It also proved to be the first delay for the industry. It involved the Board because they had to vote to approve or disapprove the application for rezoning and it involved the citizens by their membership on the Planning Commission which would recommend restrictions on the industry to the Board and it also allowed the citizenry to express their opinions at public hearings.

The decision to require Brown and Root to pay for the Impact Study was also a single-group decision, involving only the three-man Board of Supervisors. Brown and Root voluntarily involved itself in this decision, however, by offering to pay for the Impact Study rather than take the three-month delay that would have occurred had they waited for the Board to calculate the necessary fee.

The decision to visit Houston was also a single-group decision, this time by Brown and Root, who invited officials of Northampton County to visit their Houston plant. The trip was not a necessary part of the procedure to rezone the land, but was an important secondary decision because Brown and Root hoped that the visits to the Houston plant would leave the members of the Board of Supervisors and other County officials who made the visit with a favorable impression of the industry.

The many planning commissions represented both single-
group decisions involving just the Planning Commission, as well as decisions that were in response to requests by Brown and Root and by the Board of Supervisors. Thus, although the Planning Commission worked as a single group, they worked in coordination with and responding to both the citizens who spoke before the Planning Commissions, the Board of Supervisors, and the industry itself. Some of the Planning Commission meetings, such as the public hearings, were joint with the Board of Supervisors and the public, and thus included discussion by members of the industry, the community, and the political body. The most common decision-making pattern that involved the Planning Commission, however, was the passing back and forth of the zoning amendment from the Planning Commission to the Board of Supervisors. Because the Planning Commission is only an advisory body they could not make decisions affecting the ultimate location of Brown and Root directly, but could only delay the decision-making process by calling for public meetings on the various zoning amendments.

The formation of the concerned citizens was initially a decision involving only the membership. However, shortly after their formation, they petitioned the Board of Supervisors to approve the industry's zoning application. The Board did not respond immediately to this request, however, and although the petition may have influenced the Board's final decision, there was no direct action by the Board on the petition other than to acknowledge its presence.
Northampton Crossroads served as another citizen input group in the decision-making process. Because they had no voting power, and played no direct role in the decision-making process, their major impact on the final decision of Brown and Root not to locate in Cape Charles was through the use of delay tactics. Members of the group openly admitted that these delays had been planned as a method to at least slow down the industry's building plans, if not curtail them altogether. These delays were achieved through statements made at public meetings, which may have influenced the Board's decision and more directly through George J. Savage's court case which accused the Board of Supervisors of spot zoning--writing an illegal zoning code tailored to suit Brown and Root's needs.

The results of the November 1975 election represented a citizen mandate favoring Brown and Root. Brown and Root was the major issue discussed by the candidates and political advertisements appearing in the newspaper also centered on the controversy. This was not a decision resulting from several groups working together or discussing the issue, but was again a single-group decision. In this case, though, the group represented all those individuals who had voted in the election.

It is important to note that although many of the decisions in the process actually involved only one group, the decisions often were influenced by the other decision-making groups taking part in the process, and the decisions
made by a single group, such as a decision by the Board alone, or by the Planning Commission alone, or by Brown and Root alone, would affect the possible alternatives available to other groups in the following decisions in the process. Thus, although the election was not something that the Board of Supervisors or Brown and Root could participate in directly, the previous activities by the Board and by Brown and Root influenced the voters’ decisions. The results of the election were also crucial to both the Board and Brown and Root because the winning candidates were two to one in favor of Brown and Root, unlike the previous Board of Supervisors.

The decision to reduce the Planning Commission to an 11-member group with representation from the towns and the county was a decision made by the Board of Supervisors. The Planning Commission was willing to get the necessary membership without reducing the size because Mrs. Mihalyka had offered to resign in order to leave a vacancy for the one town which was not already represented on the Commission. Had the Board of Supervisors worked with the Planning Commission on this decision, and accepted Mrs. Mihalyka’s resignation, they would not have faced the further delays created when the ousted members of the Commission filed suit against the Board charging that their move was illegal.

The ultimate result of the five-year series of decisions necessary for Brown and Root to begin construction on its plant, was the decision by Brown and Root officials
not to continue their efforts but to suspend all activities in Cape Charles, including the completion of the Environmental Impact Study, which was within 60 days of being complete.

Thus, the final result of the process, Brown and Root's decision not to build the fabrication plant, was a decision made by the industry alone. However, had Brown and Root not had to wait for the zoning amendment to be approved, a process which included delays from the two court cases, delays created by the need for public hearings each time the zoning amendment was changed and delays necessary to complete the other requirements needed by Brown and Root before they could build, it is quite probable that the industry would have built some form of construction plant, even if it were not quite what they had in mind when they first purchased the land.

5.3 Brown and Root Compared to Literature Reviewed

Many of the elements described in the literature review are illustrated in the case of Brown and Root. The case of Brown and Root also illustrates some factors in the decision-making process that were either not discussed by previous theorists or were only described briefly in earlier studies.

Many of the events in the case of Brown and Root are typical, thus it can, according to Sjoberg's model, be considered a typical case study, rather than a deviant or
extreme case. However, the fact that Brown and Root purchased land that had not already been zoned for industrial use is not typical. The biggest source of difficulty to Brown and Root turned out to be the problems related to obtaining the industrial zoning. Therefore, the one aspect of the case that is not typical, the failure of Brown and Root to purchase land that had already been zoned for industrial use, is a crucial element in the case of Brown and Root.

The case of Brown and Root also illustrates the effect of certain policies on the final outcome. Theorist Simon noted that certain rules which he calls policies can influence the decision-making process. He gave as an example, "it is policy to file a carbon of all letters by subject." In Northampton County, it is policy to hold public hearings before making changes in the zoning code. (It is required by the zoning code.) The number of public hearings necessary in the five-year time period served as a serious delay in Brown and Root's efforts to rezone their property.

Several of the types of leaders described by Martin and Munger et al. are illustrated in the case of Brown and Root. The local newspaper reported faithfully on almost all of the events surrounding the decision-making process, thus serving what Martin and his associates call the publicist form of leadership. The Board of Supervisors, a political group, represent an important group and some of the members of Northampton Crossroads and Concerned Citizens can be seen
as brokers, since they had a sizeable economic stake in the community.

Although money and credit are considered by many theorists to be major tools in the decision-making process, they were not major tools in the case of Brown and Root. Brown and Root was not able to use its money to influence the decision-making process substantially. They did agree to pay for the Urban Pathfinders' report and to help pay for improving the highway that goes to the Hollywood Farm property. They also agreed to contribute some temporary housing if necessary. The lure of high-paying jobs did help Brown and Root somewhat because many of the Brown and Root supporters cited the high-paying jobs as a reason to allow the industry to build. However, the high-paying jobs also were a hindrance to Brown and Root, since opponents of the industry used as one of their arguments against the industry the fact that the higher wages might draw workers from other local businessmen, and perhaps put some local businessmen out of business because they could not compete with the higher wages. Because of the threat Brown and Root posed to local businessmen, its money was a drawback as well as an asset.

Political control was obviously an important resource in the Brown and Root case. Because the Board of Supervisors is only a three-man Board, any single member of the Board could make a difference in whether a vote resulted in a "yes" decision or a "no" decision. One of the direct
impacts Brown and Root has had on the County of Northampton, despite its decision not to build, is the enlargement of the Board of Supervisors which will become a six-member organization in January of 1980, when the next term of offices begins. This decision to enlarge the Board was first discussed at the height of the Brown and Root controversy when citizens and Board members alike realized how much power each individual Supervisor had in the Brown and Root decision-making process.

Up until the 1975 election, two of the members of the Board of Supervisors, Mr. Dixon and Mr. Wescoat, consistently voted against Brown and Root's zoning applications, while Mr. Holland voted in favor. From November to January, Mr. Dixon abstained in one vote, and was not effective since citizens realized he would soon be replaced. After the new Board was installed, Mr. Holland became chairman and Mr. Wescoat was consistently outvoted by Mr. Holland and Mr. Parry in favor of Brown and Root.

The Planning Commission had some power but it was only an advisory group, and when the Planning Commission recommended that stricter controls be put in the zoning amendment before allowing it to pass, the Board of Supervisors passed the amendment anyway.

In describing the importance of reputation as a power tool, William A. Gamson notes that usually the side proposing the change is given "the burden of proof," and this was true in the case of Brown and Root.
The industry represented the side proposing change and their reputation as a fair and honest company was questioned by many opponents of Brown and Root. Mrs. Mihalyka stated that although she became friendly with the Brown and Root representatives that spoke before the Planning Commission, she did not feel they were being completely honest. Mr. Savage stated on several occasions that he did not feel Brown and Root answered all questions at the various public hearings in a completely open manner, but rather dodged some critical questions. Savage also felt that one of the reasons that Brown and Root had purchased the Cape Charles property was because another state had rejected the industry.

Finally, communications was an important resource skill used in this case. Members of the Board of Supervisors often preceded their votes on crucial issues with lengthy introductions justifying their vote. Citizens both in favor of, and against the industry put ads in the local newspaper defending and attacking the industry. Brown and Root representatives also presented speeches at public hearings defending the industry, sometimes followed by slide shows designed to illustrate the cleanliness of the industry.

5.4 The Decision-making Process in the Case of Brown and Root

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214 Interview with Mrs. Jean Mihalyka.
215 Interview with Mr. George J. Savage.
Of the theoretical decision-making methods discussed, Brown and Root's case comes closest to the path technique of describing a decision in which a series of decisions are involved and each step in the decision-making process allows for certain consequences. Thus, eventually, a path can be traced. In the case of Brown and Root, the path involves three initial decisions—accept Brown and Root, reject it, or accept it with restrictions. It would be difficult to describe the process using a diagram, however, because at each step, Brown and Root had to decide whether or not to continue its efforts to locate under the conditions involved.

The process was not rational because not all alternatives were considered at each step in the decision-making process. It was not incremental though because there was no precedent or old case on which the events could be based or on which decisions could be made.

Like the Pressman and Wildavsky case, however, the case of Brown and Root involves many decision points and clearance points—situations calling for several people to approve a decision or for one individual to give his or her approval. The zoning amendment was a good illustration of this phenomena. Before construction on the fabrication plant could begin, the land had to be rezoned to industrial use. To do this, conditions for industrial zoning had to be written into the zoning code, since there were no earlier conditions for industrial zoning in the code. The zoning
code was written by the various Planning Commissions. Each time a portion of the code was written, Brown and Root would review it to see if the restrictions were agreeable to their building plans. On one occasion, Brown and Root suggested that the restrictions were too severe, and suggested more lenient restrictions. Each time a change in the zoning code was proposed either by members of the Planning Commission or the Board of Supervisors or Brown and Root, public hearings were held. Although the public did not get an opportunity to accept or reject the zoning proposals, the public hearings were important to the Board of Supervisors and the Planning Commission in their attempts to judge public opinion concerning Brown and Root. Each public hearing also delayed the approval of the zoning amendment. Another example of the numerous clearance points in this case was the need for the approval of the zoning code by the Board of Supervisors once it was finally written by the Planning Commission. Another example of clearances in the Brown and Root case was the large number of permits that Brown and Root had to obtain before construction could begin.

Also similar to the Pressman and Wildavsky case, the Brown and Root case involved so many decision points that it eventually bogged down to the point that delays became an important factor affecting the final decision. In Pressman and Wildavsky's case, study delay was important because activities had to be accomplished within certain deadlines. In the case of Brown and Root, there were no deadlines on
the time Brown and Root would need before building its fabrication plant. However, because the decision-making process took so long, previously unforeseen factors, such as the rising cost of construction and the failure of oil companies to discover oil in the Baltimore Canyon had almost the same impact on Brown and Root as a deadline would have had. If the building had begun within a few months of the sale of the land, these factors would not have been considered by Brown and Root.

The nature of the community was also an important factor in the case of Brown and Root. Richard S. Bolan stated in his studies that usually homogeneous communities reached decisions more easily than heterogeneous ones, since they involved a smaller variety of opinions. In the case of Brown and Root, however, the community was homogeneous but the members of the community were split into those opposing the industry, those favoring the industry, and those who were uncertain or undecided. Thus, although one would expect the small rural community of Northampton County to be able to reach a decision more quickly than a larger community in a similar circumstance, this was not true in the Brown and Root case.

Bolan also stated that the strength of political parties is an important factor in decision making. In the Brown and Root case, political parties affected one important decision. Hume Dixon, one of the opponents of Brown and Root on the Board of Supervisors, lost the democratic
primary to Ed Bender, who in turn lost the election to Ed Parry. It is possible that had Dixon not lost in the primary he may have won the actual election because he was an incumbent. If that had happened, Brown and Root would have probably given up their efforts to build the fabrication plant sooner since they would have had to wait another four years before a Board of Supervisors favoring the zoning amendment necessary for Brown and Root to build might be elected.

In his studies of decision making, Bolan noted that time is often an important factor, since the longer the time required for the decision-making process to take place and the longer the commitment that is being made, the more hesitant the decision makers will be. In the Brown and Root case, time was the single most important factor affecting the ultimate outcome. Members of the Board did hesitate because they knew they would be making a long-term commitment to Brown and Root. One of the criticisms made against the industry was the long-term effect it would have on the population. Critics wanted to know how many employees Brown and Root would be hiring in five years and in ten years. If there turned out to be few contracts for them on the East Coast, would they abandon the industry entirely in ten or twenty years? These were questions that Brown and Root never completely answered, although they did

216 Interview with Mr. J. T. Holland, 21 May 1979.
give estimates of their "projected" employment.

The number of delays were the most important factor in Brown and Root's decision not to build the fabrication plant, too, for if they had been given the building permit immediately, the fabrication plant would probably have been at least partially completed before the citizens realized exactly what kind of an industry Brown and Root was and the vast size of the proposed plant. When the opponents of Brown and Root saw that they could not discourage Brown and Root immediately from building the plant, they used delay as a tactic, hoping that the industry would eventually get discouraged or that something would happen in the meantime to prevent Brown and Root from building the plant. The opponents of Brown and Root thought that perhaps the "something" that might discourage the industry would be increased media coverage and emphasis on pollution, both from oil spills or from the dredging of the channel that Brown and Root proposed. Few, if any, foresaw that Brown and Root would become discouraged by the lack of oil being found on the East Coast and the high cost of building. Both supporters and opponents of Brown and Root stated that had the industry been more successful in obtaining the building permit, some form of industry would probably be in Cape Charles now, probably a machine fabrication plant, since Brown and Root is a subsidiary of Allied Industries. It is ironic that Mr. Holland and Mr. Savage both stated that they would not have been opposed to Allied Industries using the
Cape Charles site for a smaller industrial plant.

Studies of decision making also note that the cost of the commitment involved will influence the likelihood of a decision being made and that those decisions which are most costly are least likely to be made. This applies to the case of Brown and Root also. The cost of preliminary studies alone was substantial, and by the time one added in such costs as building a sewage treatment plant, upgrading the road running into the Brown and Root property and providing temporary housing for employees, all costs that Brown and Root had agreed to pay, the cost of building the facility would be tremendous, especially when compared to the amount of revenue the county was accustomed to handling.

Supporters of Brown and Root argued that the industry would be a boon to the county because it would pay taxes on the facility and would also bring more taxpayers into the county by providing employment. Opponents argued that these costs would be offset by the need to upgrade schools, and provide other services.

In his studies of decision making, Richard Bolan noted that often politicians and planners come into conflict with each other, especially if the proposal is large scale, irreversible, requires long-term commitments, involves a degree of uncertainty and requires complex programming and
budgeting. Brown and Root's case included all of these factors, and there was indeed conflict between the Planning Commission and the Board of Supervisors.

When the Board of Supervisors changed the Planning Commission from a 15-member organization to the 11-member Joint Commission, three of the ousted members of the 15-person Commission filed a successful lawsuit stating that the 11-member Commission was illegally constituted. When the Board of Supervisors voted on the second zoning amendment (the one that Brown and Root requested of the reinstated 15-member Commission), they decided to accept Brown and Root's request to rezone without putting additional restrictions on them, when the Planning Commission had suggested just a day earlier to place more restrictions on the industry before allowing the property to be zoned for industrial use.

Many of the theorists suggest that the availability of a suitable labor supply is a major factor affecting the industry's decision to select a given area for location of a new branch or relocation of an old branch of the industry.

Brown and Root would have a profound impact upon employment in Northampton County. According to the Urban Pathfinders' Impact Study, Brown and Root would eventually employ more than the 5 percent (ultimately 10 percent) of the labor supply suggested as a maximum size desirable by

theorists. In fact, according to the Impact Study:

Brown and Root employment is estimated to reach 1,500 persons, nearly 29% of the County's current 1975 employment level.\textsuperscript{218} That number is almost three times higher than the ultimate 10 percent suggested by Ginther, Lindlow, Hornberger and Shively. This means that if Brown and Root were to suddenly have to lay off workers, the effect would be disastrous for Northampton County.

One of the major criticisms of Brown and Root from opponents was that they would be hiring outsiders, rather than employing local residents. The Impact Study stated that "few of the craftsmen needed at the project's onset could be hired locally."\textsuperscript{219}

The hiring of outside workers would present unusual transportation problems for Brown and Root. Although industrial theorists such as Fulton suggest that workers do not mind driving as far as three hours (round trip), and Cape Charles is less than an hour's drive from Virginia Beach, workers coming from the Norfolk area would have to pay the Chesapeake Bay Bridge-Tunnel toll of $7.00 ($14.00 round trip) in order to commute to the mainland.

The cost of transporting the finished products would have been minimal for Brown and Root since they would be floated to the sites where they would have been used, and

\textsuperscript{218}Brown and Root Impact Study, p. 5.
\textsuperscript{219}Ibid., p. 6.
Brown and Root was anticipating that there would be oil in the nearby Baltimore Canyon. This was one of the reasons the Cape Charles location was so appealing to Brown and Root, in addition to the fact that Cape Charles has an excellent harbor. Holland, Savage and Mihalyka all suggested that the lessened possibility of making a good profit was the main reason that Brown and Root decided not to construct the facility.

The harbor is vital to Brown and Root's operation because of the immense size of the products fabricated by this industry. As Brown and Root described it:

The major portion of the fabrication processes . . . will be at grade at an elevation above mean sea level . . . but . . . fabrication of the larger offshore structures, because of physical dimensions and weight will possibly require the application of a graving dock technique. . . . The graving dock would be at an elevation below mean sea level to allow for the flooding of the graving dock area after fabrication of the offshore platform, so as to float the finished platform . . . to be towed. 220

Kodor Collison in his "Guide to Site Selection" suggested that industries look for land that has a "firm" price and is properly zoned. For Brown and Root, the time consumed in attempting to get the property rezoned from agricultural to industrial use was the major delay. This was the longest of all the delays Brown and Root faced.

Another important factor industries should examine in making a decision to build in a new location is the impact

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their business will have on surrounding businesses. This is important because it may be a key factor in determining how the community reacts toward the new industry. If the industry is viewed as a threat by local businessmen, the industry may be better off deciding on an alternate location.

Brown and Root acknowledged that because the average income for the Brown and Root worker would be higher than the average income for Northampton County, there could be a number of workers attracted to the industry who would leave present jobs. They noted that some clerical workers "would likely be former employees of local businesses hired away by Brown and Root." 221

The decision-making process in the case of Brown and Root represents a series of decisions and often involves a balance of power between the politicians (Board of Supervisors), the citizens, and Brown and Root. Citizens were represented as individuals speaking before the Board, as members of the Concerned Citizens and Crossroads, and on the Planning Commission. They also expressed their feelings on Brown and Root in the 1975 election. The major factor affecting the community's power was the fact that the political group, the Board of Supervisors, was split on the issue as well as the members of the community themselves. Had either group been united, they would have been stronger

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221 Brown and Root Impact Study, p. 5.
in the decision-making process.

As stated earlier, the political power structure in Northampton County consists of an elected three-man Board of Supervisors. Each represents approximately one third of the county and they are elected for four-year terms.

During the five-year time period, the Board was often split on votes concerning Brown and Root. This meant that they did not have the power to bargain as effectively with the industry or the public as they would have had if they had been united, either all in favor of the industry or all opposed to it.

When the Board votes were two-to-one against Brown and Root, the industry offered concessions in the form of restrictions on the zoning ordinance. The first concession Brown and Root made to the Board of Supervisors was to make their request for rezoning only 980 acres instead of the original 1,762. Mr. Holland stated that Brown and Root had always been cooperative with the Board of Supervisors in making such changes. 222

An important factor that weakened the Board's power was its conflict with the Planning Commission. When the Commission was reduced to 11, the ousted members of the Planning Commission saw the move as an attempt to stack the Planning Commission and won their lawsuit accusing the Board of acting illegally. The lawsuit caused an important delay

222 Interview with Mr. J. T. Holland, 21 May 1979.
because it meant that Brown and Root had to apply for the zoning request a second time since the first application was approved by an illegally constituted Commission. When the Planning Commission recommended to the Board that they make stricter restrictions on the industry before allowing the final rezoning, the Board of Supervisors passed the amendment in spite of the recommendation, only one day after the recommendation had been made. Although Board members Holland and Parry stated that their reason for not following the Planning Commission recommendation was to prevent future delays and because they thought the extra restrictions were unnecessary, perhaps the Board might have been more open to these restrictions had they not been through the lawsuit with the Planning Commission members.

Finally, the number of two-to-one votes that took place during the time period made it apparent to citizens of the county and members of the Board of Supervisors as well, that a three-man Board for even a county as small as Northampton was not a wise idea as it allowed the Board of Supervisors a great deal of both power and responsibility. Effective in January of 1980, when the new Board takes their seats, the Northampton County Board of Supervisors will be a six-man organization, with two representatives from each magisterial district. Some citizens argued that this would be worse than the three-man Board, since the possibility of a tie vote now exists, but it will allow the citizens to elect a wider variety of viewpoints to the Board
Brown and Root admitted that it did not anticipate the amount of resistance it would face in its attempt to rezone the Hollywood Farm property. Had Brown and Root been more successful in anticipating the public response to their plans, they probably would have applied for the zoning change immediately after purchasing the land.

Brown and Root also suffered from what was in some ways an asset—the size of the industry. Brown and Root was large enough to be able to absorb costs such as helping to upgrade the road or provide temporary housing, but because they were large, citizens feared that if the industry built a plant in Cape Charles, Northampton County would not remain a small rural community for long, but would be "swallowed up," as George Savage put it, by the large industry. Some citizens felt that once the industry did begin operations, there would be enough Brown and Root employees living in the county that Brown and Root could control the political structure of the county instead of being controlled by it.

Like the Board of Supervisors, the citizens of Northampton County were split in their opinion of the industry, Brown and Root. Those opposing the industry chartered the Northampton Crossroads, while those favoring the industry supported the Concerned Citizens. Other organizations such as the Chamber of Commerce and the Farm Bureau also expressed their opinions as to whether or not
the industry would be beneficial or detrimental to the county as a whole.

Because the Board of Supervisors was split in its Brown and Root votes, the citizens of the county were able to influence the final results of the decision-making process more than they would have if the Board had been united.

It was not a politician, but a citizen, pharmacist George J. Savage, who succeeded in delaying the industry by several months when he and other members of the Crossroads sued the County, accusing them of passing a zoning ordinance that was tailor-made for Brown and Root. Thus, the weakness of the Board of Supervisors served to strengthen the bargaining power of the citizens.

Because the citizens of Northampton County were split into those favoring Brown and Root and those opposed to the industry, the Board of Supervisors and the industry itself were the two major role players in the decision-making process, although citizen groups did manage to delay the decision-making process. Both Mrs. Mihalyka, Chairwoman of the Planning Commission, and George J. Savage felt that Brown and Root had the upper hand in the decision-making process. Mrs. Mihalyka pointed out that even though the Planning Commission could make recommendations to the Board of Supervisors, the Board did not have to honor those suggestions, so the Planning Commission was not very powerful. She added that she believed Brown and Root was the
most powerful of the decision-making groups, and when asked if she believed they had the upper hand in the decision-making process, her reply was: "No doubt about it."^223

Although the citizens were divided in their opinion of the industry, and the Board of Supervisors was also split in its opinion of the industry, the citizens did exert some influence against Brown and Root, mainly through the use of delay tactics. Most county residents, both those who favored and those who opposed the industry, believe that had the many delays not occurred, Brown and Root would have its industry in Cape Charles, in some form or another, even if it were not the large-scale operation described by the proposed plans of development.

5.5 Conclusions

Although the fabrication plant was never built in Cape Charles, Brown and Root has already had some noticeable impacts on the county, the most concrete of these being the enlargement of the Board of Supervisors. Because citizens realized how powerful a three-man Board of Supervisors was, they are now in the process of selecting a six-man Board of Supervisors in the upcoming elections in November of 1979. Members of the Board of Supervisors will probably be cautious when they are approached by other industries that may want to locate in the county, too.

^223 Interview with Mrs. Jean Mihalyka.
Industries that see the coast of Northampton County as a good potential source for building a new industry will also be cautious in approaching the Board, realizing the problems that Brown and Root encountered in their efforts to build in Cape Charles.

The county does have a zoning code that includes industrial zoning restrictions now, too. Thus, any future industries will not have to face the problem of getting industrial zoning written into the county zoning code, but will have to abide by the restrictions of the present code.

Many citizens of the county and members of the Board of Supervisors have expressed the hope that in the final analysis a more suitable industry for the county will not be frightened away by Brown and Root's experiences, but will realize that the county does need some source of new employment. All three of the present Supervisors stated their hopes that Northampton County will soon have some kind of industry to help provide jobs for the people of the county and provide taxes for the county treasury.

As discussed in the previous chapter, many of the factors described in the literature are present in the case of Brown and Root. Political control was an important resource because on the small three-man Board of Supervisors each Supervisor's vote is crucial. The hesitancy of the members of the Board of Supervisors to support a change that would have a profound effect on the community is also illustrated in the Brown and Root case. This was obviously not an
action that would retain the status quo.

The importance of time in affecting the ultimate decision and the ability of citizens to affect the decision-making process are two factors that were only mentioned briefly by previous theorists, but both of these factors were important in the case of Brown and Root. The time factor resulted in Brown and Root's ultimate decision not to build on the Cape Charles property, and the delays were achieved for the most part by the activities of citizens. George Savage's lawsuit delayed Brown and Root by more than one year, and the lawsuit against the Board of Supervisors in its decision to reconstitute the Planning Commission also created a substantial delay in Brown and Root's plans.

Some of the factors described in the literature either were not present in the case of Brown and Root, or conflict with the findings in this case. In contrast to the implications of the literature, money was not a successful power tool for Brown and Root. The industry was able to absorb such costs as upgrading of the road entering the proposed industrial site, but the fact that the industry was a large, well-to-do industry made some citizens suspicious of Brown and Root and some local businessmen openly confessed that they did not want to have to compete with the higher-than-average wages that Brown and Root planned to offer its employees. Also in contrast to the findings in earlier literature, the homogeneity of Northampton County did not serve as a factor to speed up the decision-making process,
because although the citizens of Northampton County are similar in socioeconomic traits such as income and education, the citizens became polarized over the issue of Brown and Root. Some observers described the poorer citizens in the county as being more likely to be proponents of the industry and stereotyped opponents of the industry as those individuals who might be hurt professionally by the competition from Brown and Root, but the membership records of the anti-Brown and Root Crossroads organization and the Concerned Citizens favoring Brown and Root indicate that there were no ways to accurately predict which individuals favored the industry and which individuals opposed it.

The findings in the case study of Brown and Root also confirmed many of the concepts set forth in the synthesized model of decision making. The decision-making process in this case was a series of many decisions, by each of the three groups, both separately and, in some cases, decisions that were made jointly. Some of the decisions were as a direct result of previous decisions. Some decisions were made in retaliation to other decisions, such as the Edgerton, Black and Belote lawsuit charging that the Planning Commission was illegally constituted. Even though many of the decisions appear to be decisions involving only one group, each single-group decision in the series affected the options available to other groups in considering the case. For example, although the only individuals who voted on the zoning amendment were the Board of Supervisors, the
amendment was created by the Planning Commission and the Planning Commission considered suggestions of citizens and of Brown and Root in drafting the amendment, so all of these groups had an impact on the final wording of the zoning amendment, even though they made decisions independently of one another.

The influence of cooperation and conflict between the three basic branches in the community decision-making process was not illustrated in the Brown and Root case. Conflict was important to the case, but the synthesis model of decision making suggested that if two of the three branches were in agreement, this would strengthen those two branches. In the case of Brown and Root, the second Board of Supervisors was in agreement with the plans of the industry (Brown and Root), but because they did not have the full support of the citizens they were not as strong as the synthesis model of decision making (or any of the decision-making models discussed) would have predicted. This was due largely to the fact that neither the literature reviewed nor the proposed synthesis model of decision making foresaw the importance delay tactics played in the case of Brown and Root.

The findings of this case study could not be easily grouped into any of the theoretical models of the decision-making process either. The case cannot be labeled as an example of rationalism, because it was impossible for decisions to be made in a totally rational way since the
future that Brown and Root would being was not something people could be certain of. Citizens attempted to base their decisions on what they considered to be future impacts of their decisions but because Brown and Root could not satisfactorily describe the nature of its work at the Cape Charles plant, it was impossible for those individuals involved in the decision-making process to consider the results of all possible alternatives. Since the county had never had a large industry in the county, and didn't even have zoning provisions for industry, this cannot be considered as an example of incrementalism. Incrementalism involves building future policy on past experiences and Northampton County had no past experiences with large industries in the county.

The decision-making process involved in the case of Brown and Root can be described as a series of decisions that resulted in the ultimate decision of Brown and Root not to use the Cape Charles property. Therefore the process does resemble the concept of path analysis in that each decision in the series resulted in different options.

Several findings from the case study of Brown and Root are especially important to future community decision-making situations. As mentioned earlier, the importance of delay upon the ultimate outcome of the case was crucial in the Brown and Root case. Delay is a tactic that can be used by individuals in any branch of decision making. Delay may either result in a decision never being reached,
or a program never being implemented. It may also cause the final outcome to be more satisfactory to those individuals involved in the decision-making process than a hastily made decision would have been. The National Association of Counties' study praised the citizens of Northampton County for questioning Brown and Root rather than immediately rezoning the property because they believed that the restrictions written into the zoning code as a result of this cautious attitude were a means of protecting the county's rural nature. They advise other rural areas considering industrialization to also question the industry carefully and place restrictions on the industry to prevent it from harming the community adversely.

This case also illustrates the importance that ordinary citizens can have on the community decision-making process. Citizens in Northampton County could not vote on the zoning amendment but they influenced the content of the amendment by speaking out at public hearings and questioning the legality of the zoning code. They also expressed their support for Brown and Root by electing two "pro" Brown and Root Supervisors in the 1975 election.

Finally, the case of Brown and Root illustrates that in community decision making, factors that were not recognized by any individuals in the decision-making process can play an important role in the final outcome. In the case of Brown and Root, neither opponents nor proponents of the industry predicted that the industry would decide not to use
its property after working so hard to gain the right to build on it because of the rising cost of building supplies or because of the fact that oil companies did not find substantial supplies of oil in the Baltimore Canyon.
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