

At the Regular Meeting of the Greensville County Water and Sewer Authority, held on Tuesday, February 16, 2016, with Regular Session beginning at the conclusion of the Board of Supervisors meeting, in the Board Room of the Greensville County Government Building, 1781 Greensville County Circle, Emporia, Virginia

Present: Michael W. Ferguson, Chairman  
Dr. Margaret T. Lee, Vice Chairman  
Peggy R. Wiley  
Raymond L. Bryant, Jr.

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Chairman Ferguson called the meeting to order.

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In Re: Closed Session

Mr. Whittington, Director, stated that Staff recommended the Authority go into Closed Session, Section 2.2-3711 (a) 1) Personnel and 3) Acquisition of Real Property Matters.

Dr. Lee moved, seconded by Mrs. Wiley, to go into Closed Session, as recommended by Staff. Voting aye: Mr. Bryant, Dr. Lee, Mrs. Wiley and Chairman Ferguson.

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In Re: Regular Session

Dr. Lee moved, seconded by Mr. Bryant, to go into Regular Session. Voting aye: Mr. Bryant, Dr. Lee, Mrs. Wiley and Chairman Ferguson.

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In Re: Certification of Closed Meeting – Resolution #WS-16-26

Mrs. Wiley moved, seconded by Dr. Lee, to adopt the following Resolution. A roll call vote was taken, as follows: Mr. Bryant, aye; Dr. Lee, aye; Mrs. Wiley, aye and Chairman Ferguson, aye.

**RESOLUTION #WS-16-26  
CERTIFICATION OF CLOSED MEETING**

**WHEREAS**, the Greensville Water and Sewer Authority has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

**WHEREAS**, Section 2.2-3712 of the Code of Virginia requires a certification by the Greensville County Water and Sewer Authority that such closed meeting was conducted in conformity with Virginia law:

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

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In Re: Approval of Agenda

Mr. Whittington stated that Staff recommended approval of the Agenda with no added items.

Dr. Lee moved, seconded by Mr. Bryant, to approve the Agenda as submitted. Voting aye: Mr. Bryant, Dr. Lee, Mrs. Wiley and Chairman Ferguson.

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In Re: Approval of the Consent Agenda

Mr. Whittington stated that Staff recommended approval of the Consent Agenda.

Dr. Lee moved, seconded by Mr. Bryant, to approve the Consent Agenda consisting of the following items. Voting aye: Mr. Bryant, Dr. Lee, Mrs. Wiley and Chairman Ferguson.

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Minutes from the meeting of February 1, 2016.

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Warrants:

Approval of Accounts Payable for February 16, 2016, in the amount of \$147,673.56

Approval of Accounts Payables for the General Fund, in the amount of \$82,250.06

Approval of Accounts Payables for Special Projects, in the amount of \$65,548.50

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In Re: Public Hearing

Mr. Whittington stated that Staff recommended the Authority to go into Public Hearing to solicit public comments regarding a Proposed Easement Condemnation for the Route 58 West Water and Sewer Extension Project

Dr. Lee moved, seconded by Mr. Bryant, to go into Public Hearing. Voting aye: Mr. Bryant, Dr. Lee, Mrs. Wiley and Chairman Ferguson.

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In Re: Proposed Easement Condemnation for the Route 58 West Water and Sewer Extension Project

Mr. Moses Clements, Assistant Director, addressed the Authority stating that there was a small easement needed by the Authority to construct Route 58 West Water and Sewer Extension Project. He stated that it was on Greensville County Tax Parcel 11-29 and that a Public Hearing was required to condemn the easement. He further stated that the property was near the northern end of Otterdam Road. Mr. Clements stated that during the past four to five months, Staff had repeatedly tried to contact the property owners; unfortunately, the owners had not responded to any of Staff's requests. He stated that Staff was requesting that the Authority receive public comments on the proposed condemnation and formally adopt the following Resolution #16-19.

**RESOLUTION #WS-16-19**

**AT A REGULAR MEETING OF THE BOARD OF DIRECTORS OF  
THE GREENSVILLE COUNTY WATER AND SEWER AUTHORITY  
HELD AT THE GREENSVILLE COUNTY GOVERNMENT CENTER**

**FEBRUARY 16, 2016**

**RESOLUTION ADOPTED AFTER DULY ADVERTISED PUBLIC  
HEARING, WHICH RESOLUTION DIRECTS CONDEMNATION BY  
THE BOARD OF DIRECTORS OF GREENSVILLE COUNTY WATER  
AND SEWER AUTHORITY, ON BEHALF OF SAID AUTHORITY, FOR  
PUBLIC USE AND TO ENTER UPON THE PROPERTY TO BE  
ACQUIRED AND INITIATE CONSTRUCTION BEFORE THE  
CONCLUSION OF CONDEMNATION PROCEEDINGS PURSUANT TO  
VIRGINIA CODE SECTION 15.2-1904, VIRGINIA CODE SECTION 15.2-  
5114, AND CHAPTER 3 OF TITLE 25.1 (SECTION 25.1-300, *ET SEQ.*),**

**AND TAKE**

**A PERMANENT WATER UTILITY EASEMENT TRAVERSING**

**REAL PROPERTY IDENTIFIED AS TAX MAP PARCEL NUMBER 11-29**

**WHEREAS**, the Greenville County Water and Sewer Authority (“GCWSA”) has the need to acquire a permanent water utility easement (“Easement”) traversing a ±0.057 acre (±2,500 square feet) portion of certain real property which is identified on the Greenville County Tax Maps as Tax Map Parcel Number 11-29 (“Property”) for the purpose of constructing facilities and making improvements for the provision of public water, which provision is necessary to the public health, safety, convenience and welfare of the citizens of Greenville County, Virginia; and

**WHEREAS**, GCWSA has reviewed the acquisition of the Easement for the purposes of complying with Virginia Code Section 1-219.1, and by adoption of this Resolution certifies that the acquisition is for the possession, ownership, occupation and enjoyment of the Easement by the public, for the purposes of construction and maintenance of public facilities and improvements for the provision of public water; and

**WHEREAS**, despite contacting the owners of the Property, Alonza T. Jefferson and Shirley M. Williams-Jefferson, and conducting negotiations for voluntary conveyance of the Easement in August of 2015, said owners ceased communications with GCWSA and have since been nonresponsive to telephone calls and mailings, as a result of which GCWSA has been unable to consummate a voluntary conveyance of the Easement; and

**WHEREAS**, it is now necessary to enter upon the Property to install the facilities and improvements prior to the completion of condemnation proceedings; and

**WHEREAS**, the Easement is necessary for the purpose of constructing facilities and making improvements for the provision of public water, and GCWSA is therefore authorized to condemn the Easement pursuant to Virginia Code Section 15.2-5114.6., and to institute and conduct condemnation proceedings under Chapter 3 of Title 25.1 of the Code of Virginia; and

**WHEREAS**, after proper publication of notice, a public hearing was conducted to consider the adoption of this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Greenville County Water and Sewer Authority (“Board”), as follows:

1. The Board hereby declares the necessity to enter upon the Property and take the Easement prior to or during the condemnation proceedings, such necessity arising from GCWSA’s need to immediately acquire the Easement in order to meet deadlines in connection with the public purposes stated herein, and the Board further declares GCWSA’s intent to enter and take the Easement for the purpose of constructing facilities and making improvements for the provision of public water, as permitted by Virginia Code Section 15.2-1904, to exercise the powers afforded to GCWSA pursuant to Virginia Code Section 15.2-5114.6., prior to the conclusion of a condemnation

proceeding instituted under Virginia Code Section 25.1-300, *et seq.*, and for all other purposes incidental thereto.

2. GCWSA has secured an appraisal prepared by a certified, licensed appraiser, which indicates the fair market value of the Easement to be \$125.00. GCWSA shall acquire the Easement through condemnation based on a value of \$125.00, as compensation for the Easement, and for damages (if any) to the residue of the Property.

3. It is necessary to enter upon the Property to begin constructing facilities and making improvements for the provision of public water prior to the completion of condemnation proceedings in order to adhere to the project schedule.

4. GCWSA shall, upon the deposit of \$125.00 compensation as determined by appraisal, and in compliance with all statutory requirements, including recordation of a Certificate of Take in the Clerk's Office of the Circuit Court for Greensville County, Virginia, enter upon the Property of Alonza T. Jefferson and Shirley M. Williams-Jefferson and take possession of the Easement prior to the conclusion of condemnation proceedings.

5. The GCWSA Attorney, or his designee, shall deposit with the Clerk of the Circuit Court for Greensville County, Virginia, the sum of \$125.00 which is the appraised value of the Easement, and damages (if any) to the residue of the Property, and simultaneously record a Certificate of Take in the Clerk's Office of the Circuit Court for Greensville County, Virginia.

6. The GCWSA Attorney, or his designee, is authorized and directed to acquire the Easement for public use by condemnation or other means, and to institute and conduct condemnation proceedings in the manner authorized and provided by Chapter 19 of Title 15.2 (Sections 15.2-1900, *et seq.*), and Chapters 2 and 3 of Title 25.1 (Sections 25.1-200, *et seq.*, and 25.1-300, *et seq.*) of the Code of Virginia, 1950, as amended.

7. GCWSA made a bonafide effort to purchase the Easement from Alonza T. Jefferson and Shirley M. Williams-Jefferson as required by Virginia Code Section 25.2-204.

8. The Board approves the proposed public use of the Easement.

9. The Board approves the condemnation and acquisition of the Easement, which is necessary and incidental to constructing facilities and making improvements for the provision of public water, as authorized by Virginia Code Section 15.2-5114.6.

10. The Board certifies that this acquisition has been reviewed by GCWSA for purposes of complying with Virginia Code Section 1-219.1.

11. The Board directs the GCWSA Attorney, and, to the extent necessary, the Chairman or Vice Chairman of the Board, and the GCWSA Executive Director, to

complete the procedure, and prepare and execute any necessary documents, in order to acquire the Easement, including filing a Certificate of Take and payment of the sum of \$125.00 into the Greensville County Circuit Court, and thereafter filing a condemnation petition to initiate the condemnation action in the Board's name, and any other necessary actions in accordance with the procedures of Chapter 3 of Title 25.1 of the Code of Virginia.

12. This Resolution shall be effective upon its adoption.

Chairman Ferguson asked if there were anyone present who wished to speak in favor of or in opposition of the proposed condemnation. There was no one.

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In Re: Return to Regular Session

Mr. Whittington stated that Staff recommended the Authority return to Regular Session.

Dr. Lee moved, seconded by Mrs. Wiley, to return to Regular Session. Voting aye: Mr. Bryant, Dr. Lee, Mrs. Wiley and Chairman Ferguson.

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In Re: Approval of Resolution #WS-16-19, Condemnation Utility Easements Associated with the Jefferson Property

Dr. Lee moved, seconded by Mr. Bryant, to approve Resolution #WS-16-19. A Roll call vote was taken as follows: Mr. Bryant, aye; Dr. Lee, aye; Mrs. Wiley, aye and Chairman Ferguson, aye.

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In Re: Resolution #WS-16-24 – Determination to Procure Goods and Nonprofessional Services by Competitive Negotiation for the Procurement of Financial Planning Services

Mr. Whittington stated that #WS-16-24 was a similar resolution as adopted in the Board of Supervisors Meeting. He then requested approval of the following resolution.

**RESOLUTION # WS-16-24  
DETERMINATION TO PROCURE GOODS AND NONPROFESSIONAL  
SERVICES BY COMPETITIVE  
NEGOTIATION FOR PROCUREMENT OF FINANCIAL PLANNING  
SERVICES**

**WHEREAS**, Virginia Code Section 2.2-4303.C requires that when goods and nonprofessional services are to be procured by competitive negotiation, rather than by competitive sealed bidding, the governing body shall adopt a resolution declaring its intent to procure by competitive negotiation, and stating the reasons therefore; and

**WHEREAS**, the Greensville County Water and Sewer Authority, ("Authority"), wishes to request proposals for Financial Planning Services; and

**WHEREAS**, the financial outlook shall cover a five year period for planning purposes of the Authority; and

**WHEREAS**, the Authority has determined that procurement of said services by competitive sealed bidding is neither practicable nor fiscally advantageous to the Authority's customers; and

**WHEREAS**, the Authority has determined that the best interests of the Authority's customers would be served by procurement of said services by competitive negotiation to afford consultants some flexibility in making proposals, and enable the Authority Staff to evaluate the proposals regarding financial planning services to be procured.

**NOW THEREFORE, BE IT RESOLVED**, that the Authority has determined that procurement of Financial Planning Services by competitive sealed bidding is neither practicable nor fiscally advantageous to the Authority's customers, and that the said services should therefore be procured by competitive negotiation.

Mr. Bryant moved, seconded by Mrs. Wiley, to approve #WS-16-24. Voting aye: Mr. Bryant, Dr. Lee, Mrs. Wiley and Chairman Ferguson.

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In Re: I-95, Exit 4 Water and Sewer Extension Project

Mr. Clements stated that the Authority was considering two small water and sewer extensions at I-95, Exit 4 and a professional engineering firm needed to be employed to design the project. He stated that Staff had advertised for the services in the local newspaper and solicited every engineering firm on the bid list, in which only two bids were received. He further stated that the responding companies were B&B Consultants and Dewberry Engineers Inc. He also stated that a committee reviewed the proposals and interviewed the engineering firms. Mr. Clements stated that the committee came to a conclusion that Dewberry Engineers should be selected to complete the design project. He then recommended that the Authority authorize Staff to negotiate a contract with Dewberry Engineers and that the Authority Director execute the contract once it was reviewed by the County Attorney.

Mr. Bryant moved, seconded by Mrs. Wiley, to approve the Agreement. Voting aye: Mr. Bryant, Dr. Lee, Mrs. Wiley and Chairman Ferguson.

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There being no further business to discuss, Mrs. Wiley moved, seconded by Dr. Lee, to adjourn the meeting. Voting aye: Mr. Bryant, Dr. Lee, Mrs. Wiley and Chairman Ferguson.

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Michael W. Ferguson, Chairman  
Greenville County Water and Sewer Authority