

At the Regular Meeting of the Greensville County Water and Sewer Authority, held on Monday, October 20, 2014, 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
James C. Vaughan
Peggy R. Wiley

Chairman Ferguson called the meeting to order.

In Re: Closed Session

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

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

In Re: Regular Session

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

In Re: Certification of Closed Meeting – Resolution #WS-15-08

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

**RESOLUTION #WS-15-08
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.

Chairman Ferguson recessed the meeting until the Conclusion of the Board of Supervisors Meeting.

Chairman Ferguson reconvened the meeting.

In Re: Approval of Agenda

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

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

In Re: Approval of the Consent Agenda

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

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

Minutes from the meeting of October 6, 2014

Budgetary Matters consisting of the following: Fund #001 – Journal Voucher #4, in the amount of \$889,500.00, Journal Voucher #5, in the amount of \$35,750.00, Budget Amendment Resolution #WS-15-09, in the amount of \$142,200.00, Budget Amendment Resolution #WS15-10, in the amount of \$88,880.00, Budget Amendment Resolution #WS-15-11, in the amount of \$52,349.00 and Budget Amendment Resolution #WS-15-12, in the amount of \$2,000.00, all of which are incorporated herein by reference.

Warrants:

Approval of Accounts Payable for October 20, 2014, in the amount of \$85,113.15

In Re: Public Hearing – Condemnation of Real Estate for the Reservoir

Mr. Whittington stated that Staff recommended the Authority go into Public Hearing to solicit public comments regarding the Proposed Condemnation of Real Estate for the Reservoir.

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

Mr. Clements stated that the Authority needed to condemn a parcel of property for the Reservoir Project. He stated that the parcel was Greenville County Tax Parcel 6-3 that contained a total of 27.11 acres. He also stated that the condemnation was being requested because 50% of the property ownership could not be identified and the 50% that could be identified was purchased by the Authority. Mr. Clements stated that the County Attorney, Russell Slayton, had recommended that the condemnation action be taken and had directed the Authority regarding the appropriate procedures. He then stated that Staff recommended the Authority, 1) receive public comment on the item and 2) at the conclusion of the Public Hearing, and upon returning to regular session, take official action to approve Resolution #WS-15-13.

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

In Re: Return to Regular Session

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

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

In Re: Approval of the Proposed Resolution #WS-15-13

Mr. Whittington read the following resolution into record.

**RESOLUTION#15-13 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 UNDIVIDED INTERESTS IN REAL PROPERTY IDENTIFIED AS
TAX MAP PARCEL NUMBER 6-3**

WHEREAS, the Greenville County Water and Sewer Authority (“GCWSA”) has the need to acquire fee simple title to certain real property which is identified on the Greenville County Tax Maps as Tax Map Parcel Number 6-3 (“Property”) for the purpose of constructing facilities for the provision of public water, which provision is necessary to the public health, safety, convenience and welfare of Greenville County, Virginia; and

WHEREAS, the Property is more particularly described as follows:

All that certain tract or parcel of land situate in Nottoway Magisterial District, Greenville County, Virginia, containing 27.11 acres, more or less, as shown on the belowdescribed plat thereof made by Larry E. Hartsoe, L.S., dated October 6, 2014, recorded in the Clerk’s Office of the Circuit Court for Greenville County, Virginia, as Instrument Number 140001068, and more particularly described in the belowmentioned deed, as follows:

“ALL that certain tract or parcel of land, situate, lying and being in Nottoway

Magisterial District, Greensville County, Virginia, and being shown on 'Property Division Map John Sykes Estate' as Parcel Number 1, containing 27 acres, which Plat is of record in the Clerk's Office of the Circuit Court of Greensville County, Virginia, in Plat Book 7, at Page 82, to which Plat special reference is hereby made for a more complete and accurate description of the parcel herein conveyed; said Parcel Number 1 being bounded on the North and East by the lands of Johns Manville Corporation, and on the South by Parcels Number 2 and 3 as shown on the aforementioned Plat."

The subject property is in all respects the identical property conveyed to Lilia Sykes Watts by deed from Johnny Sykes, widower, and Hugh Lee Sykes, widower, dated July 9, 1974, recorded in the Clerk's Office of the Circuit Court for Greensville County, Virginia, on July 23, 1974, in Deed Book 107 at page 119.

On information and belief, devolution of title to the subject property is as follows:

- a. Lillian Sykes Watts (aka Lilia Sykes Watts) died, testate, on June 7, 1977, and by Article V of her Last Will and Testament dated May 27, 1976, admitted to probate in the Clerk's Office aforesaid on June 13, 1977, a copy of which is recorded in Will Book 32 at page 168, specifically devised the subject property unto six of her children, namely, Otelia Watts Williams (1/6 undivided interest), Mary Watts Taylor (1/6 undivided interest), Doreathia Watts Blick (1/6 undivided interest), Vanzoria Watts (1/6 undivided interest), William Junior Watts (1/6 undivided interest), and Robert Watts (1/6 undivided interest), "share and share alike".
- b. Otelia Watts Mason (aka Otelia Watts Williams) died, intestate, on October 29, 2002. List of Heirs dated September 12, 2014, recorded in the Clerk's Office aforesaid as Instrument Number 140000056, recites that she was survived by her daughters Geraldine L. Bailey, Susan A. Nowell and Otelia D. Smith as her heirs at law. See paragraph "d" below for information on the heirs of Otelia D. Smith.
- c. Mary Watts Taylor died, intestate, on February 2, 2007. List of Heirs dated September 17, 2014, recorded in the Clerk's Office aforesaid as Instrument Number 140000057, recites that she was survived by her sister Doreathia Watts Blick, her sister Vanzoria Watts, and her nieces Geraldine L. Bailey, Susan A. Nowell and Otelia D. Smith as her heirs at law. Said List of Heirs also recites that Mary Watts Taylor was predeceased by her brother William Junior Watts, her brother Robert Watts, and her sister Otelia Watts Mason (see paragraph "b" above).
- d. Otelia D. Smith died, intestate, on May 14, 2007. The aforesaid List of Heirs for Otelia Watts Mason, recorded as Instrument Number 140000056, recites

that Otelia D. Smith was survived by her two daughters Kim Jackson Williams and Tracie Jackson Robinson as her heirs at law.

- e. Vanzoria Watts died, intestate, on March 5, 2011. List of Heirs dated September 17, 2014, recorded in the Clerk's Office aforesaid as Instrument Number 140000058, recites that she was predeceased by her brother William Junior Watts, and her brother Robert Watts. Said List of Heirs also recites that Vanzoria Watts was survived by her sister Doreathia Watts Blick, her niece Geraldine L. Bailey (child of Otelia Watts Mason), her niece Susan A. Nowell (child of Otelia Watts Mason), her great-niece, Kim Jackson Williams (child of Otelia D Smith), and her great-niece Tracie Jackson Robinson (child of Otelia D. Smith). For evidence of how Kim Jackson Williams and Tracie Jackson Robinson acquired an undivided interest in the subject property, see the aforesaid List of Heirs for Otelia Watts Mason recorded as Instrument Number 140000056 (paragraph "d" above).
- f. The current owners of the subject undivided interests, who are identified in the Code of Virginia as "Unknown Owners", and who are the heirs at law, or other successors in title, to Lillian Sykes Watts (aka Lilia Sykes Watts); Otelia Watts Mason (aka Otelia Watts Williams); Mary Watts Taylor; Doreathia Watts Blick; Vanzoria Watts; William Junior Watts; Robert Watts; Geraldine L. Bailey; Susan A. Nowell; Otelia D. Smith; Kim Jackson Williams; Tracie Jackson Robinson; and unknown owners of interests in the subject property who are herein proceeded against as "Unknown Owners".
- g. A new plat of the subject property was prepared by Larry E. Hartsoe, L.S., dated October 6, 2014, on which the subject property is shown as consisting of 27.11 acres, which plat is titled "Boundary Survey of an Existing 27.11 Acre Parcel", on which plat the subject 27.11 acres is shown as being bounded on the west, north and east by property now or formerly owned by Spruce Creek Land & Timber, LLC, and on the south by property now or formerly owned by Denise F. Barnes & Others, and property of Carolyn M. Fajna, and which plat was admitted to record in the Clerk's Office of the Circuit Court for Greensville County, Virginia, on October 16, 2014, as Instrument Number 140001068.

WHEREAS, GCWSA has reviewed the acquisition of undivided interests in the Property 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 Property by the public, for the purposes of construction and maintenance of public facilities, including a water storage reservoir and uses and facilities appurtenant thereto, as well as other improvements; and

WHEREAS, GCWSA negotiated with individuals who together own undivided interests in the Property, which undivided interests GCWSA determined to constitute

25% interest in the Property, and has acquired the undivided interests from those individuals by deeds heretofore recorded; and

WHEREAS, there were three separate closings by which GCWSA acquired undivided interests in the Property from Geraldine L. Bailey (8.33% interest; deed recorded as Instrument Number 140000988), Susan A. Nowell (8.33% interest; deed recorded as Instrument Number 140001029), and Kim Jackson Williams and Tracie Jackson Robinson (together, 8.33% interest; deed recorded as Instrument Number 140001061), GCWSA having calculated that the undivided interests acquired from those owners totals 25%; and

WHEREAS, although those negotiations were conducted separately among the owners, each of those owners conveyed her undivided interest in the Property based on a fair market value of \$54,000.00 for the Property, or \$2,000.00 per acre; and

WHEREAS, in addition, GCWSA has acquired an irrevocable option to purchase (recorded as Instrument Number 130000588) the undivided interest of Doreathia Watts Blick in the Property, GCWSA having calculated that said undivided interest totals 25% interest, and GCWSA anticipates closing on that purchase in the near future; and

WHEREAS, the irrevocable option signed by Doreathia Watts Blick provides for her to sell her interest in the Property to GCWSA based on a price of \$2,000.00 per acre; and

WHEREAS, despite performing a title search and despite exercising reasonable diligence, GCWSA has been unable to identify the names and whereabouts of the owners of the remaining undivided interests in the Property, GCWSA having calculated that said remaining undivided interests total 50%; 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 Property is necessary for the purpose of constructing facilities for the provision of public water, and GCWSA is therefore authorized to condemn all undivided interests in the Property not heretofore purchased by GCWSA 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 and take the remaining undivided interests in the Property prior to or during the condemnation proceedings, such necessity arising from GCWSA’s need to immediately acquire the Property and clear all vegetation growing on the Property, and conduct other activities, in

order to meet mandatory deadlines in connection with GCWSA's development of the Property for the public purposes stated herein, and the Board further declares GCWSA's intent to enter and take the remaining undivided interests in the Property as necessary for the purpose of constructing facilities 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 fee simple value of the Property to be \$41,000.00. The tax assessed value of the Property is \$54,000.00. All undivided interests in the Property which have been acquired through voluntary conveyances have been secured by GCWSA based on a value of \$54,000.00. GCWSA proposes to acquire the remaining undivided interests in the Property through condemnation based on a fee simple value of \$54,000.00, notwithstanding the appraisal which indicates a value of \$41,000.00. GCWSA shall acquire the remaining undivided interests in the Property through condemnation based on a value of \$2,000.00 per acre, and for the reasons stated herein, GCWSA concluded that there are no damages to the residue, as there will be no residue of the Property after the taking.

3. Acquisition of the remaining undivided interests in the 27.11 acres shown on the aforesaid plat is declared to be necessary for public use and an authorized public undertaking pursuant to Virginia Code Section 15.2-2109 and Chapter 19 of Title 15.2 (15.2-1900, *et seq.*) of the Code of Virginia, 1950, as amended.

4. It is necessary to enter upon the Property to begin construction of the water reservoir facilities and other improvements prior to the completion of condemnation proceedings in order to adhere to the project schedule.

5. GCWSA shall, upon the deposit of compensation in the amount determined by GCWSA to constitute fair market value, which amount exceeds the value 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 the landowners named herein and take possession of the remaining undivided interests in the Property prior to the conclusion of condemnation proceedings.

6. Ownership of the remaining undivided interests in the Property being acquired by condemnation is as hereinabove stated.

7. The GCWSA Attorney, or his designee, shall deposit with the Clerk of the Circuit Court for Greensville County, Virginia, the sum of \$27,000.00, which is 50% of the tax assessed value of \$54,000.00 for the entire 27.11 acres (which tax assessed value exceeds the \$41,000.00 value determined by appraisal), or alternatively, the sum of \$40,500.00, which is 75% of the tax assessed value of \$54,000.00 for the entire 27.11

acres (which will be required only if the 25% undivided interest of Doreathia Watts Blick is not acquired by GCWSA by closing under the aforesaid irrevocable purchase option with her), and simultaneously record a Certificate of Take in the Clerk's Office of the Circuit Court for Greensville County, Virginia.

8. The GCWSA Attorney, or his designee, is authorized and directed to acquire the remaining undivided interests in the Property for public use by condemnation or other means, and to institute and conduct condemnation proceedings to acquire the remaining undivided interests in the Property from the landowners named herein 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.

9. Based on its negotiated purchases from owners of undivided interests in the Property, GCWSA has calculated that it now owns an undivided 25% interest in the Property, and that of the remaining undivided 75% interest in the Property, it expects to acquire an undivided 25% interest in the Property from Doreathia Watts Blick by closing on her undivided interest pursuant to an irrevocable purchase option which she has afforded to GCWSA.

11. Because the owners of the remaining undivided interests in the Property to be acquired by condemnation cannot be identified or located, a bona fide effort to purchase the remaining undivided interests in the Property to be acquired by condemnation cannot be made.

12. The Board approves the proposed public use of the Property.

13. The Board approves the condemnation and acquisition of the remaining undivided interests in the Property, which remaining undivided interests are necessary and incidental to the construction of facilities for the provision of public water, as authorized by Virginia Code Section 15.2-5114.6.

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

15. 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 remaining undivided interests in the Property, including filing a Certificate of Take and payment of the sum of \$27,000.00 into the Greensville County Circuit Court (assuming that by the time such Certificate is filed the 25% undivided interest of Doreathia Watts Blick has been acquired), or of \$40,500.00 into the Greensville County Circuit Court (in the event that the 25% undivided interest of Doreathia Watts Blick has not been acquired at the time of the filing of said Certificate of Take), 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.

16. This Resolution shall be effective upon its adoption.

Mrs. Wiley moved, seconded by Dr. Lee, to approve Resolution #WS-15-13. Voting aye: Dr. Lee, Mr. Vaughan, Mrs. Wiley and Chairman Ferguson.

In Re: Resolution #15-14 Tobacco Economic Allocation Grant Skippers Water Storage

Mrs. Slate addressed the Authority stating that the resolution was the same as read into record for the Board of Supervisors. She stated that the difference was that Staff was requesting the Authority agree to support the Allocation Grant Application for water supply storage at the I-95 Exit 4 interchange development area and commit to the 10% match of up to \$4,895.00. She then read the following resolution into record.

**RESOLUTION #WS-15-14
TOBACCO ECONOMIC ALLOCATION GRANT
SKIPPERS WATER STORAGE**

WHEREAS Greensville County is actively marketing to a potential commercial client who has shown serious interest in the continued development of I-95 exit 4; and,

WHEREAS funds will be used to better secure the water supply at the I-95 Exit 4 interchange during peak demand conditions for current and future development; and,

WHEREAS the continued development of the I-94 Exit 4 interchange is one of the County's highest priorities; and,

WHEREAS the Greensville County Board of Supervisors wishes to apply to the Tobacco Commission Economic Allocation Committee for a grant of up to \$42,865.00 to assist in the \$47,760.00 project; and,

WHEREAS Greensville County Water and Sewer commits the 10% match of up to \$4,895.00; and

WHEREAS the economic development of Greensville County is a priority of the Water and Sewer Authority.

BE IT RESOLVED that the Greensville County Water and Sewer Authority agrees to support the Allocation Grant for water supply storage at the I-95 Exit 4 interchange development area.

NOW THEREFORE, BE IT FURTHER RESOLVED the Greenville County Water and Sewer Authority commits up to \$ 4,895.00 match for the submittal of this Economic Allocation Grant Application.

Supervisor Lee moved, seconded by Supervisor Wiley, to approve Resolution #WS-15-14. Voting aye: Dr. Lee, Mr. Vaughan, Mrs. Wiley and Chairman Ferguson.

In Re: Addendum to Option Contract for Reservoir Project

Mr. Clements addressed the Authority stating that the standing timber on the Reservoir site needed to be cleared. He stated that Staff had identified all of the timber with marketable value and was currently working on the sale of that resource. He also stated that unfortunately, a large amount of the site did not have any timber value and in order to clear those areas, it was necessary to enter into an agreement with the current land owner, Spruce Creek Land and Timber. Mr. Clements stated that Spruce Creek and the local Industrial Development Authority had an existing option agreement on the property and the Authority Staff had negotiated acceptable terms with Spruce Creek and the County Attorney had drafted an agreement for action. He also stated that Mr. Slayton had incorporated the agreement via an addendum to the existing option contract and in order to complete the process, the option addendum needed to be approved by the Authority, the IDA and Spruce Creek. Mr. Clements stated that Staff recommended the Authority accept the addendum to the option and authorize the Authority's Director to sign on behalf of the Authority.

In Re: Army Corp's of Engineers Permit for the Reservoir

Mr. Clements stated that he was extremely pleased to report that the Army Corp of Engineers, Norfolk District Office, had issued Greenville County a permit for the Reservoir/Water Intake Project. He stated that receipt of the permit was a culmination of decades of work by the County Staff, the Authority Staff, and various consultants. He stated that the permit allowed the Authority to construct a new municipal reservoir with a capacity of up to 900 million gallons, covering a surface area of up to 150 acres. He also stated that it would have a safe design yield of 5.57 million gallons per day, with a maximum annual withdrawal of 4.75 mgd. He then stated that the consultants and Staff was recommending that the Authority accept the Army Corp of Engineers Permit conditions and authorize the Authority Director to execute the document. Mr. Mac Bugg and Mr. Sam Carroll with B&B Consultants and Mrs. Lexi Jones with Enviro Utilities were introduced and given much deserved credit for their efforts and help.

Mr. Matt Bugg stated that it was wonderful working with the Staff and was grateful for the opportunity.

Mrs. Wiley moved, seconded by Dr. Lee to accept the permit and authorize the Director to sign on behalf of the Authority.

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

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