

October 21, 2008

At a reconvened meeting of the Board of Supervisors of Prince Edward County, held at the Court House, thereof, on Tuesday the 21st day of October, 2008; at 1:00 p.m., there were present:

William G. Fore, Jr.

Robert M. Jones

Charles W. McKay

James C. Moore

Howard F. Simpson

Lacy B. Ward

Mattie P. Wiley

Also present: Wade Bartlett, County Administrator; Sarah Puckett, Assistant County Administrator; James Ennis, County Attorney; Fred Pribble, Draper Aden Associates; Sheryl Stevens, Draper Aden Associates; Jeff Kapinos, Draper Aden Associates; Dane Horrell, Senior Vice-President of Crowder Construction Company; and Lynelle Stanhope, Marketing Manager, Crowder Construction Company.

Chairman Fore called the meeting to order as a reconvened meeting from October 14, 2008.

Chairman Fore reviewed the agenda and asked the Board's consent to adjust the Efficiency Committee Report to an earlier time on the agenda.

Sally W. Gilfillan entered the meeting at this time.

Chairman Fore turned the floor over to Mr. Fred Pribble, Vice-President, Draper Aden Associates.

In Re: Presentation of Unsolicited PPEA Proposal

Mr. Pribble said Draper Aden Associates and Crowder Construction Company submitted to the County an unsolicited proposal regarding the Sandy River Reservoir Water Treatment and Distribution System. He then gave a brief overview of the proposal.

Mr. Dane Horrell, Senior Vice-President of Crowder Construction Company, then gave the Board a brief history of the Crowder Construction Company.

Mr. Pribble reviewed the scope and benefits of the proposal, which includes a raw water intake and pump station, a pre-treatment facility, a water treatment facility, an operations and administration

building, a water storage facility, a water pump facility, 40,000 linear feet of water main, and emergency connections with the Town of Farmville.

Ms. Lynelle Stanhope, Marketing Manager with Crowder Construction Company, gave an overview of the PPEA Procurement process, including project examples. She said the fastest growing sectors for the PPEA process are the water and wastewater treatment projects. She then reviewed the benefits and the implementation of the process.

Supervisor Ward said he had reservations about holding a meeting regarding this important project at a time that is inconvenient for the taxpayers. He asked if the same presentation would be held at a regular Board meeting.

Chairman Fore said there is no timeline for the project as yet.

Mr. Bartlett, County Administrator, said the agenda summary set forth that the Board could accept the proposal which would cause only an advertisement for competitive bids. He said the bids could be advertised for 45-60 days, at which time the bids received would be reviewed. Only then would the Board decide to proceed with the project or could reject all bids. Mr. Bartlett said the only cost incurred would be for the advertisement which would be covered by Draper Aden and Crowder Construction Company to begin the review process.

Supervisor Ward said the Board holding a meeting during the day does not help with its credibility. He said the project would be a tremendous cost to the taxpayers. He requested that initial presentations such as this one not be held during the day in the future as it creates a hardship for the majority of taxpayers to attend.

Supervisor Jones said the presentation of the PPEA Proposal would permit the County to obtain the facts and costs of the project. He said after the figures are presented, the Board can make the decision on whether to move forward with the project, and a presentation to the taxpayers can't be made until the information is obtained by the Board.

Supervisor Ward then asked Mr. Pribble how much work has been done on the design to date, and at what cost.

Mr. Pribble said some preliminary work has been done, and the County has not been invoiced for one penny at this time; he said the treatability study must be completed before the preliminary engineering

report for the treatment facility can be done. He said only preliminary work on the intake from the reservoir itself has been done to date, with an approximate cost of \$40,000, which had been authorized November 26, 2007.

Supervisor Gilfillan said Board meetings of this type should be in the evenings when the general public may attend.

Chairman Fore said this meeting was to teach the Board the process for the PPEA.

In Re: Efficiency Committee Report

Chairman Fore said that a few months ago, the Board appointed an Efficiency Committee to review the County expenditures to determine if the County was receiving the appropriate service for County expenditures and to determine ways to reduce costs.

Mr. Fore said, "The Efficiency Committee, comprising myself, Supervisor Simpson and Supervisor Wiley, met earlier today and we are examining numerous financial issues related to saving the County money. Today, we wish to make one recommendation to the Board that we believe will assist the county as we face the bleak economic outlook and the reality of state revenue cuts. The Committee unanimously recommends that the Board of Supervisors implement an immediate hiring freeze for all county-funded positions. Department directors may apply for a waiver of that freeze by submitting a justification for filling the position to the Personnel Committee, which will review it and make a recommendation to the full Board. Two current vacancies are exempt from the freeze and those are the part-time position in the Commissioner of Revenue's office and the anticipated temporary vacancy in the Sheriff's Department."

Supervisor Gilfillan made a motion to approve the recommendation made by the Efficiency Committee to implement an immediate hiring freeze for the County of Prince Edward. The motion carried:

Aye: William G. Fore, Jr.
Sally W. Gilfillan
Robert M. Jones
Charles W. McKay
James C. Moore
Howard F. Simpson
Mattie P. Wiley

Nay: Lacy B. Ward

Chairman Fore said the Efficiency Committee will meet again Tuesday, November 4, 2008, for further review.

In Re: Closed Session

Supervisor Moore made a motion that the Board convene in Closed Session for discussion and consideration of records provided by Crowder Construction and Draper Aden Associates excluded from this chapter pursuant to Subdivision 11 of Section 2.2-3705.6 by the County of Prince Edward pursuant to the meetings exemption provided for in Section 2.2-3711(A)28 of the *Code of Virginia*, and for consultation with legal counsel regarding the provision of water and sewer service to County residents pursuant to the legal counsel exemptions provided for in Section 2.2-3711(A)7 of the *Code of Virginia*.

The motion carried:

Aye:	William G. Fore, Jr. Sally W. Gilfillan Robert M. Jones Charles W. McKay James C. Moore Howard F. Simpson Lacy B. Ward Mattie P. Wiley	Nay: None
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Supervisors Gilfillan and Moore left the meeting during closed session.

The Board returned to regular session by motion of Supervisor McKay and adopted as follows:

Aye:	William G. Fore, Jr. Robert M. Jones Charles W. McKay Howard F. Simpson Lacy B. Ward Mattie P. Wiley	Nay: None
Absent:	Sally W. Gilfillan James C. Moore	

On motion of Supervisor Simpson, seconded by Supervisor Wiley, and carried by the following roll call vote:

Aye: William G. Fore, Jr.
Robert M. Jones
Charles W. McKay
Howard F. Simpson
Lacy B. Ward
Mattie P. Wiley

Nay: None

Absent: Sally W. Gilfillan
James C. Moore

the following Certification of Closed Meeting was adopted in accordance with the Virginia Freedom of Information Act:

WHEREAS, the Prince Edward County Board of Supervisors convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the *Code of Virginia* requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Prince Edward County Board of Supervisors 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 Prince Edward County Board of Supervisors.

Mr. Bartlett advised the Board of an invitation to the grand opening of the Three Oaks Pet Resort, Thursday, October 23, 2008 at 11:00 a.m., at 2740 Lane Street. He also said a letter was received from Nottoway County regarding the consolidation of the Virginia National Guard Headquarters in Blackstone, Virginia to Sandston, Virginia. He added they request everyone to contact local legislators on behalf of those at the Blackstone site.

Chairman Fore said the Town of Blackstone will be adversely affected by this closing as there are approximately 600 people at Fort Pickett. He said some soldiers are residents of Farmville and Prince Edward County, and asked the Board to contact their legislators to keep the base open.

Mr. Bartlett advised the Board of the content in the binders for review, and invited the Board to his office for further review of the confidential information presented during closed session.

Chairman Fore said the unsolicited proposal had been presented and asked for a motion that the Board accept the proposal, and cause the County Administrator to advertise for competing proposals.

A motion was made by Supervisor Simpson, seconded by Supervisor Jones, to accept the proposal for publication and conceptual stage consideration and advertise for competing bids.

Supervisor Ward said he wished to explain his position against the proposal, adding that it was not due to it being an unwise move to develop water and sewer capacity for the County, but because he took issue to the process. He said the term "interim water supply" had been overused, and felt the Board had been deceptive regarding the wells at The Manor. Supervisor Ward asked Mr. Pribble who had responsibility for the licensing of the wells at The Manor, and what his relationship was to that project.

Mr. Pribble said the owner of the wells was responsible for licensing of the wells. He said that Draper Aden Associates assisted in the location and drilling of wells. He added that at the time, there was a concern about water being available, but once the moratorium was lifted, the concern and urgency dissipated.

Supervisor Ward then asked if Mr. Pribble had been the advisor to The Manor and to the County.

Mr. Pribble said Draper Aden is an advisor to the County. He said Draper Aden only assisted with finding a well drilling company for The Manor.

Supervisor Ward said the real question is the licensing of the wells. He advised the other Board members to look into that issue and the County's intent to purchase the five wells, as it relates to Draper Aden on another project. He then asked who dug the wells.

Mr. Pribble said Curtis Well Drilling, of Rockville, Virginia.

Supervisor Ward explained that he would vote against the advertisement for competing bids because of his concerns regarding the proposed purchase of the wells and the process taken. He suggested the delay of action until other sources of revenue and other needs for the facility could be presented.

Supervisor Ward made a substitute motion to delay the vote on this proposal until a Board appointed Committee has examined the handling of the licensing of the wells referred to in Mr. Bartlett's letter. The substitute motion was defeated:

Aye: Lacy B. Ward

Nay: William G. Fore, Jr.
Robert M. Jones
Charles W. McKay
Howard F. Simpson
Mattie P. Wiley

Absent: Sally W. Gilfillan
James C. Moore

The Chairman then called for the motion made by Supervisor Simpson, seconded by Supervisor Jones, to accept the proposal for publication and conceptual stage consideration and advertise for competing bids. The motion carried:

Aye: William G. Fore, Jr.
Robert M. Jones
Charles W. McKay
Howard F. Simpson
Mattie P. Wiley

Nay: Lacy B. Ward

Absent: Sally W. Gilfillan
James C. Moore

Mr. Bartlett said he received two letters on October 20, 2008, from the Health Department regarding the wells on The Manor's property. He said it was the first time he had seen the letters, and it stated there were 13 potential sites and four wells were drilled. He asked Mr. Pribble if every well requires a permit from the Health Department.

Mr. Pribble said a site location review is necessary, which was conducted with Mr. Thompson of the Health Department prior to drilling any wells. He said it was verbally approved, and that Mr. Thompson has never written an actual, formal approval letter.

Mr. Bartlett asked if the permitting that the Health Department refers to is for use as a public water supply. Mr. Pribble said that the well cannot be used for public drinking water until it receives a permit from the Health Department. Once the moratorium was lifted, the use of those wells for a public water supply dissipated.

Mr. Bartlett then asked if the wells were used only for irrigation, would a permit from the Health Department be necessary. Mr. Pribble said he was uncertain, but a permit for a public drinking water would be necessary.

Supervisor Ward said that with the conversation progressing, it gives a good indication that the Board needs to look further into the issue.

Mr. Bartlett said the County did not participate in the drilling of those wells.

Some further discussion followed.

On motion of Supervisor Simpson and adopted by the following vote:

Aye:	William G. Fore, Jr.	Nay: None
	Robert M. Jones	
	Charles W. McKay	
	Howard F. Simpson	
	Lacy B. Ward	
	Mattie P. Wiley	

Absent: Sally W. Gilfillan
James C. Moore

the meeting was adjourned at 3:15 p.m. until November 12, 2008 at 7:00 p.m.