

**JAMES RIVER WATER AUTHORITY
BOARD OF DIRECTORS
SPRING CREEK SPORTS CLUB
181 CLUBHOUSE WAY
ZION CROSSROADS, VIRGINIA
APRIL 5, 2016
10:30 A.M.**

Present: Goodman B. Duke (Chairman), D.D. Watson, Mark Dunning, Steven M. Nichols, and Christian R. Goodwin

Others: Mr. Brendan Hefty, Legal Counsel (Hefty, Wiley, and Gore)

CALL TO ORDER

Chairman Duke called the meeting of the James River Water Authority (JRWA) Board of Directors to order at 10:30 a.m. Mr. Nichols led the Board in the Pledge of Allegiance.

ADOPTION OF AGENDA

On the motion of Mr. Goodwin, seconded by Mr. Nichols, which carried by a vote of 5-0, the Board approved the agenda.

READING AND APPROVAL OF MINUTES OF PRECEDING MEETINGS

On the motion of Mr. Goodwin, seconded by Mr. Watson, which carried by a vote of 5-0, the Board approved the minutes of the March 1, 2016, meeting.

FINANCIAL REPORT

Mr. Nichols stated that the Authority had a balance of \$282,012.05. Two bills were presented for payment:

- MBP, engineering review; \$455.00
- Valley Publishing, publication; \$103.00

On the motion of Mr. Watson, seconded by Mr. Dunning, which carried by a vote of 5-0, the Board approved payment for the aforementioned bills.

DISCUSSION/INFORMATION ITEMS

Update – Review of Schedule

Mr. Joe Hines of Timmons Engineering reviewed the timeline and wetlands credit purchase. Timmons is evaluating contracts to purchase these credits, which should cost \$5,000-10,000. Some additional

credits may be purchased on a contingency basis; these may be sold back if unused. Mr. Dunning asked about construction windows from an environmental standpoint. Mr. Hines responded that there are annual cycles during which the river can be accessed, and that river work would likely be performed in 2017 assuming a start date this year.

Update – Project Timeline

This update was included in the first discussion item.

Update – Construction Start Goal

This update was included in the first discussion item.

ACTION ITEMS

Public Hearing / Resolution – Approving Public Purpose Uses and Authorizing Acquisition of Necessary Property By Eminent Domain

Mr. Goodwin reviewed the rules for public hearings. The public hearing was opened.

Ms. Susie Morris, a lifelong resident of the County, spoke about the project. In her opinion, there should have been more public involvement in Fluvanna and she is not in favor of the location or the way elected officials in Fluvanna have treated the project. She stated that the site is the likely location of Native American artifacts and/or remains, and that it has great importance to the County's beauty and heritage. She stated that she did not dispute the value of obtaining the water.

Ms. Barbara Seay relinquished her three minutes to Ms. Morris.

Ms. Morris continued, stated her general opposition to the effort, and her concern that those who have moved to Fluvanna have pushed aside the concerns of native residents.

With no others wishing to speak, the public hearing was closed.

Mr. Hefty reviewed the resolution and its necessity if eminent domain is to be used. He stated that the Authority is required to offer fair market value to owners in the case of eminent domain, and stated that the resolution approves the project as a public use for which the property would be necessary.

Mr. Nichols requested a short recess. The meeting was called back to order at 11:13 a.m.

On the motion of Mr. Watson, seconded by Mr. Nichols, which passed by a vote of 5-0, the resolution of public purpose and eminent domain authorization was approved.

CLOSED MEETING

On the motion of Mr. Goodwin, seconded by Mr. Watson, which carried by a vote of 5-0, the Board voted to enter Closed Session at 11:14 a.m. for the purpose of discussing the following:

1. In accordance with §2.2-3711.A.3 VA Code Ann., for the purpose of discussion of the acquisition of property, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, specifically related to the pump station parcel.

RESUMPTION OF REGULAR SESSION

On the motion of Mr. Goodwin seconded by Mr. Nichols, which carried by a vote of 5-0, the Board voted to return to regular session at 12:08 p.m.

RESOLUTION - CERTIFICATION OF CLOSED SESSION

On the motion of Mr. Goodwin, seconded by Mr. Watson, which carried by a vote of 5-0, the Board voted to adopt the following resolution:

WHEREAS, the James River Water Authority Board of Directors has convened a Closed Meeting pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D of the Code of Virginia requires a certification by the James River Water Authority Board of Directors that such closed meeting was conducted in conformity with the Virginia Law.

NOW, THEREFORE BE IT RESOLVED that the James River Water Authority Board of Directors does hereby certify 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 was heard, discussed or considered by the James River Water Authority Board of Directors.

NAME

Joe Chesser
D.D. Watson
Mark Dunning
Christian R. Goodwin
Steven M. Nichols
Goodman B. Duke

VOTE

(absent)
Yes/Aye
Yes/Aye
Yes/Aye
Yes/Aye
Yes/Aye

OTHER ITEMS

As there was an issue with the recording device following the recess, the resolution roll call vote was performed again for the recording.

Mr. Nichols motioned to allow Timmons and Faulconer to proceed with necessary due diligence on the new pump station and revised routing parcels. Mr. Watson seconded the motion, which passed by a vote of 5-0.

ADJOURNMENT

On the motion of Mr. Goodwin, seconded by Mr. Watson, which carried by a vote of 5-0, the Board voted to adjourn the meeting at 12:12 p.m.

BY ORDER OF:

GOODMAN B. DUKE, CHAIRMAN
BOARD OF DIRECTORS
JAMES RIVER WATER AUTHORITY