



**AMHERST COUNTY
BOARD OF SUPERVISORS**

Board of Supervisors

Claudia D. Tucker, Chair
District 2
Jennifer R. Moore, Vice-Chair
District 5
David W. Pugh, Jr., Supervisor
District 4
Tom Martin, Supervisor
District 1
L. J. Ayers III, Supervisor
District 3

MINUTES

January 21, 2020
Administration Building - 153 Washington Street -
Public Meeting Room
Amherst, Virginia 24521
Meeting Convened - 7:00 PM

County Administrator
Dean C. Rodgers

County Attorney
Michael W. S. Lockaby

I. Call to Order

Chair Tucker called the meeting to order at 7:00 p.m.

II. Approval of Agenda

By motion of Vice-Chair Moore and with the following vote, the Board amended the Agenda for January 21, 2020 and added a closed session for personnel reasons to discuss the appointment of Board members to the Service Authority Board and to the Parks & Recreation Board.

AYE: Ms. Tucker, Ms. Moore, Mr. Pugh, Mr. Martin and Mr. Ayers
NAY: None
ABSENT: None

III. Invocation and Pledge of Allegiance

Chair Tucker led the Invocation and Pledge of Allegiance.

IV. Citizen Comment

Mr. Keith Mulder of Amherst, Virginia addressed the Board regarding trash in the County. He requested that the Board come up with a strategy and action to get trash under control. He said that it is difficult to attract businesses to the County when trash is so evident.

Mr. John A. Marks, Jr. of Madison Heights, Virginia addressed the Board regarding the closure of the landfill and construction of a transfer station. He presented the Clerk with a copy of his statement for inclusion in the minutes. **(See Attachment 1)**

Mr. Alan Wood of Madison Heights, Virginia addressed the Board regarding closure of the landfill and the costs to be incurred with operating a transfer station. He presented the Clerk with a copy of his statement for inclusion in the minutes. **(See Attachment 2)**

V. Interviews for Board Vacancies

A. Boards/Commissions/Committees - Amherst County Service Authority Board of Directors (ACSA Board)

Interviews

Chair Tucker explained the procedure of conducting the interviews in a public session. She stated once all interviews were completed, the Board would go into a closed session for discussion. The Board would then convene into an open session to announce their selections.

The Board conducted the scheduled interviews with Mr. John T. Boon, Mr. Warren Smith and Mr. Wesley Woods. Ms. Teresa Ray did not appear.

B. Boards/Commissions/Committees - Parks, Recreation and Cultural Development Board (ACPRCD Board)

Interviews

The Board conducted the scheduled interviews with Ms. Bailey Angus, Ms. Lisa Merritt and Ms. Marie Petrone.

VI. Public Hearing

A. 2019-457 Alden Armstrong Virginia 1 LLC (Special Exception)

Community Development Director Jeremy Bryant presented a staff report to the Board regarding a special exception request by Alden Armstrong to allow a two-family dwelling located at 1065 Izaak Walton Road.

Mr. Bryant stated the Building Official visited the property and was advised the dwelling was compliant with the State Building Code. Mr. Bryant said that the Planning Commission recommended approval of the special exception with noted conditions.

The Public Hearing was opened.

Proponents: Mr. Alden Armstrong spoke in favor of the special exception and advised the Board the permitting has been approved and the drainfield is in compliance.

Opponents: None

The Public Hearing was closed.

By motion of Supervisor Martin and with the following vote, the Board approved the request with the conditions recommended by the Planning Commission.

AYE: Mrs. Tucker, Ms. Moore, Mr. Pugh, Mr. Martin and Mr. Ayers
NAY: None
ABSENT: None

VII. Consent Agenda

A. ACSO Revenue Appropriation

By motion of Chair Tucker and with the following vote, the Board approved the ACSO Revenue Appropriation.

AYE: Mrs. Tucker, Ms. Moore, Mr. Pugh, Mr. Martin and Mr. Ayers
NAY: None
ABSENT: None

B. Minutes - December 17, 2019

By motion of Chair Tucker and with the following vote, the Board approved the minutes for December 17, 2019.

AYE:	Mrs. Tucker, Ms. Moore, Mr. Pugh and Mr. Ayers
NAY:	None
ABSENT:	None
ABSTAIN:	Mr. Martin

VIII. Old Business

A. Transfer Station Contract Approval

County Administrator Rodgers advised the Board that Mr. Bill Gillespie of MRG Consultants has finalized the contract with Price Buildings and is present to report on the same.

Mr. Gillespie addressed the Board and admitted that the PPEA process was cumbersome and commended Committee members who worked on this. He provided information to the Board regarding the timeline to finish the project.

Supervisor Martin had several questions regarding the entrance road, truck traffic, nutrient credits and the landscaping of the future Boxwood Farm convenience center.

Supervisor Ayers questioned the long term cost and if the County was satisfied with that. He remarked that the County would still have to manage personnel and equipment which was an added expense.

Supervisor Pugh said he was opposed to building the transfer station and believed the landfill was a tremendous asset to the County. He was concerned about increased tonnage and fuel tax costs.

Mr. Rodgers explained that the study from Draper Aden was a comparison of alternatives and not a projection of actual costs. The study compared continuing with the landfill versus starting up a transfer station.

Chair Tucker said this gave the County options to move forward with flexibility and avoiding liability challenges.

By motion of Chair Tucker and with the following vote, the Board authorized execution of the Comprehensive Agreement by the County Administrator, as presented, along with requests for additional information from Supervisor Martin.

AYE: Mrs. Tucker, Ms. Moore, Mr. Martin and Mr. Ayers

NAY: Mr. Pugh

ABSENT: None

For the record, Supervisor Martin stated he would support the motion "reluctantly" and encouraged Mr. Rodgers and Mr. Gillespie to look into the nutrient credit expense. Supervisor Martin voiced his concern about the roads going into and out of the landfill and the truck traffic with homes located along that area. He wanted assurance that the roads could handle that traffic.

IX. New Business

A. School Property Conveyance to VDOT

County Administrator Rodgers requested the Board schedule a public hearing regarding surplus school property located on Trojan Road fronting Monelison Middle School. This property would be transferred to the County who would in turn transfer the surplus property to VDOT for road improvement.

County Attorney Lockaby advised that a notice of the public hearing would be required.

By motion of Supervisor Martin and with the following vote, the Board directed staff to place acceptance of the School's surplus property on the Board's agenda and to advertise for a public hearing to dispose of the property to VDOT at the Board's second meeting in February.

AYE: Mrs. Tucker, Ms. Moore, Mr. Pugh, Mr. Martin and Mr. Ayers

NAY: None

ABSENT: None

B. Appointment of Board Liaisons

County Administrator Rodgers advised that at the January 9th Board meeting, Supervisor Martin was appointed to the Metropolitan Planning Organization (MPO) and the Planning District Commission (PDC).

Supervisor Martin stated that both appointments presented a conflict of interest with his job at the City of Lynchburg and he would be unable to serve on those boards.

By motion of Chair Tucker and with the following vote, the Board appointed Supervisor Martin to the non-voting seat on the Amherst County Parks, Recreation & Cultural Development Board; and appointed Supervisor Ayers to the Metropolitan Planning Organization and to the Planning District Commission.

AYE: Mrs. Tucker, Ms. Moore, Mr. Pugh, Mr. Martin and Mr. Ayers

NAY: None

ABSENT: None

X. County Administrator's Report

A. Projects Status Report

County Administrator Rodgers provided the Board a status report and update on current projects.

B. County Government Organization

County Administrator Rodgers advised that he included in the Board's agenda packet a report concerning the Public Works Department.

Chair Tucker asked Board members to discuss this matter in the closed session.

XI. County Attorney's Report

The County Attorney had no matter to discuss.

XII. Departmental Reports

A. Treasurer's Monthly Report

For information only.

XIII. Citizen Comment

There was no public comment.

XIV. Matters from Members of the Board of Supervisors

Supervisor Ayers commented on the former Burley Hollow container site and concerns he received from adjoining landowners.

County Administrator Rodgers reported that he is waiting on a report from the engineers on soil contamination at the site.

Supervisor Ayers said there is an old asphalt path that the adjoining landowners wanted removed and placement of a type of physical barrier to prevent further dumping.

It was the consensus of the Board to have the County Administrator report back with a plan to address the appearance of the site.

Supervisor Martin asked for an update on the Boxwood Farm open container site.

Mr. Rodgers reported that the old containers are in the process of being removed and replaced with three roll-off containers. He said that Public Works has employees at that location to help with the trash until the new convenience center is built.

Supervisor Pugh had no matter to discuss.

Vice-Chair Moore mentioned a Madison Heights Business Town Hall meeting at Monelison Middle School on February 19, 2020.

Chair Tucker had no matter to discuss.

XV. Closed Session

- A. A closed session pursuant to § 2.2-3711 (A)(1) of the Code of Virginia, 1950, as amended, for the purpose of advising the County Administrator on assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the County public works department.

Supervisor Ayers moved that pursuant to § 2.2-3711 (A)(1) of the Code of Virginia, 1950, as amended, for the purpose of advising the County Administrator on assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the County public works department.

AYE: Ms. Tucker, Ms. Moore, Mr. Pugh, Mr. Martin and Mr. Ayers

NAY: None

ABSENT: None

Supervisor Pugh motioned to come out of closed session and was approved with the following vote:

AYE: Ms. Tucker, Ms. Moore, Mr. Pugh, Mr. Martin and Mr. Ayers

NAY: None

ABSENT: None

XVI. Certification of Closed Session

Supervisor Ayers moved that the Amherst County Board of Supervisors certify by a recorded vote that, to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed session were heard, discussed, or considered in the closed session.

Ms. Tucker AYE

Ms. Moore AYE

Mr. Pugh AYE

Mr. Martin AYE

Mr. Ayers AYE

By motion of Chair Tucker and with the following vote the Board appointed Mr. Wesley Woods as a citizen member to the Amherst County Service Authority Board.

AYE: Ms. Tucker, Ms. Moore, Mr. Pugh, Mr. Martin and Mr. Ayers

NAY: None

ABSENT: None

County Administrator Rodgers advised he would continue to re-advertise for an additional citizen member.

By motion of Chair Tucker and with the following vote the Board appointed Ms. Bailey Angus to the Parks, Recreation & Cultural Development Board as the District 1 representative.

AYE: Ms. Tucker, Ms. Moore, Mr. Pugh, Mr. Martin and Mr. Ayers

NAY: None

ABSENT: None

XVII Adjournment

By motion of Supervisor Pugh and with the following vote, the Board adjourned at 9:48 p.m.

AYE: Claudia Tucker, Jennifer Moore, David Pugh, Jr., Tom Martin and Jimmy Ayers

NAY: None

ABSTAIN: None

Claudia D. Tucker, Chair
Amherst County Board of Supervisors

Dean C. Rodgers, Clerk

Attachment 1

Presentation to the Amherst County Board of Supervisors Concerning closing of landfill and constructing a Transfer

Station, January 21,2020

Good evening members of the board and staff. My name is John A. Marks, Jr. and I reside at 225 Clark Street in Madison Heights, VA. I wish to address Item VIII.A of the agenda dealing with the Transfer Station contract approval.

The county is making a decision concerning the landfill and handling of solid waste that will have an impact for a long time, and is probably an irreversible decision. It is for that reason that I would encourage this Board to step back and take another look at the current environment regarding solid waste before moving ahead to close the landfill. I believe the decision to close the landfill and ship waste out of the county was based primarily on the strength of the study by Draper Aden Associates, dated May 15, 2018, which from now on I will refer to as "the study". Since that time new information is available regarding solid waste that should be considered. I offer the following points regarding this position.

Point #1: The study is based on a waste stream of 24,600 tons per year for the entire 17 years of the study. I do not believe these numbers reflect the real situation and are underestimated for the following reasons: First, the study itself reflects a 17% increase in the waste stream from 2015 to 2017. Also, the study numbers do not reflect the debris placed in the landfill in 2018 and 2019 which were 30,093 tons and 31,920 tons respectively. I would also add these two years continue the increase in the waste stream observed from 2015-2017 and reflect a 27% increase in the five- year span from 2015-2019. An average of the last five years 2015-2019 is 28,423 tons per year, 3,823

tons per year more than the 24,600 tons per year the study is based on. Using the study cost of \$40.55 per ton for hauling and disposal in year 2021 this 3,823 tons will cost an additional \$155K dollars per year. This situation becomes even worse when one considers year 2019 with a waste stream of 7,320 tons more than the projected 24,600 tons per year. With a cost to haul and dispose at a projected \$40.55 per ton an additional cost of \$300K for the year would be required. In short, the cost to haul and dispose of the average waste stream for the last five years would negate any projected yearly savings, and in some instances would cost more than the projected savings. Second, two of the county's stated goals are to "Promote Business growth and promote tourism." To these ends the county has provided in excess of a million dollars to the efforts of the EDA. Encouraging growth with no increase projected in the waste stream seems to be at odds with one another. Third, in recent months there have been studies indicating that recycling has decreased, in some cases as much as 30%. In early 2018 China began to cut off imports of recyclable materials from the USA. Glass is no longer being recycled. Since items such as this are no longer recycled, they either go in a landfill, or hauled away to someone else's landfill. Either way this increases the waste stream, which I believe we see in the numbers for 2018 and 2019 in our own landfill, and increases cost for hauling and disposal.

Point #2: This point addresses the use of available money as presented in the study, which I believe is all of the money available, excluding the General Fund. At this time the public is aware of a projected cost of \$2,736,000 million dollars. As I understand, based on the PPEA request and comments at a previous board meeting, this cost makes provisions for construction of the transfer station, building one new convenience center, and improvements at the Coolwell Convenience Center. The study by Draper Aden does not consider any cost for convenience

centers, and very specifically does not include additional road costs. The study justifying the transfer station and projected savings was based on the use of two sources of money, \$3,979,610 from the BB&T loan and \$4.4 million from the landfill reserve fund, or to keep it simple \$8 million dollars. \$1,656,000 of the loan money was to be used to construct the transfer station and \$2,705,383 was to be used to close cell #1 in 2021, which must be accomplished under any option. \$862,232 of the reserve fund money was designated to purchase transfer station equipment and the remaining money, \$3,545,984 was designated for post closure of cell #1, which again must be accounted for under any option. According to my calculations, based on the study needs, and the \$2,736,000 million dollar expense previously quoted for the transfer station and the convenience centers, the total need would be \$9,849,599. Since the available money is \$8 million it seems to be \$1,849,599 short. I arrive at this value as follows:

\$2,736,000 Transfer station and convenience centers

\$2,705,383 Cell 1 closure and post closure costs (From the study)

\$862,232 Equipment for transfer station (From the study)

\$3,545,984 Cell #1 post closure costs (From the study)

These are numbers taken from the study, and the cost of \$2,736,000 million provided by administration that come to the \$9,849,599.

Point #3: I have always been of the opinion that the projected costs for hauling and disposal were understated in the study. The study projects the hauling and disposal fees in year 2037 to be \$53.42 a ton, despite the fact that the experts, the people that actually control these costs, told this board "I see tipping fees going up significantly over the next 10 years in Virginia." But what I consider a significant new fact is the results Bedford County received from their latest inquiry concerning

the hauling and disposal fee for their solid waste. The cheapest quote Bedford received was \$47.07 per ton, with some quotes as high as \$55.48 per ton. In comparison, based on the study, the hauling and disposal fee in 2021 for Amherst County is projected at \$40.55 per ton. Based on this information and the increase in the waste stream, the \$250,000 yearly savings projected by the study are a fantasy.

Depending on someone else to haul and accept the county's solid waste leaves the county very few options and unable to control its own destiny. I would recommend again that this Board take another look, based on today's environment, before making the final decision to close the landfill, because "the study" certainly does not support such a decision.

Thank you.

Good evening.

Alan Wood / 297 Berg Drive / Madison Heights

16 months ago, you conducted a Town Hall meeting regarding solid waste options based on a report prepared by Draper Aden which indicated savings totaling \$4,635,600 would result if Amherst County were to close its landfill, replace it with a transfer station, and contract with another landfill and a trucking company to transport our solid waste. I understood your goal was to save money and this savings estimate lead to the decisions you subsequently made.

As I stated then, looking at all options and selecting the one that offers the lowest cost to the people of Amherst is appropriate. I suggested that you obtain actual prices to validate the savings predicted by Draper Aden given the magnitude of this decision. Unfortunately, that did not happen.

Make no mistake, a decision tonight to contract with Price Buildings to build a transfer station is a final decision on this matter. There would simply be no money available to proceed with opening a new landfill cell after having spent more than \$2,700,000 on the transfer station and other proposed costs. Given the finality of this decision, I researched this matter and found that there is current data about actual prices in the marketplace.

I will share this information now so that everyone in this room can understand the real costs of the decision before you tonight. I focused on the five biggest points in Draper Aden's report relative to closing the landfill and contracting with another landfill.

1. Cost to Build a Transfer Station
2. Costs related to contracting with the Region 2000 landfill
3. Costs related to contracting with another outside landfill (several were mentioned, WMX in Amelia was offered as the lowest cost alternative)
4. Inflation projection
5. Volume of Solid Waste

First, we now know from the proposals you received that building a transfer station will cost \$589,000 more than what Draper Aden stated in its report.

Second, we learned from the News & Advance that a contract with Region 2000 at the terms suggested was never an option. If you don't believe it, then ask them like Bedford did.

Third, we see from proposals received by Bedford County in the last two months that the lowest cost option available is the Republic landfill near Lawrenceville, not Amelia. The total cost per ton for transportation and tipping fees for Bedford under this proposal will exceed \$47.00 per ton in the first year with increases at CPI for future years. Draper Aden's report predicted our cost would range between \$39.18 per ton and about \$40 per ton

(depending on which data one relies on from the Report) with annual increases of 1.5%. Even allowing for our landfill being slightly closer to Lawrenceville than Bedford's landfill, which will reduce our transportation costs slightly, this data points to these costs being almost 15% higher than what you were lead to believe the result would be. This difference alone will consume a great majority of the hoped for savings. Yet, there is more.

Fourth, as noted above, future increases will be based on CPI, not 1.5% as Draper Aden suggested. Plus, additional increases for fuel surcharges need to be accounted for. I checked a number of economic forecasts and found all of them forecast inflation to be significantly higher than 1.5%. Wouldn't Amherst County be better served with applying a real world inflation factor as we make this decision so that there is less of a chance of a surprising higher cost later?

Fifth, volumes of solid waste in recent years have routinely exceeded the 24,600 ton estimate offered by Draper Aden. While historical information is interesting to look at, we don't use 15 years of it when budgeting other costs for the county, why would we do so for solid waste? When the trucks are lining up at the transfer station, no one will care about how many tons we had 15 years ago. Our costs will be determined by current conditions. On that score, recent years show a steady increase in volumes and suggest that volumes may now exceed 30,000 tons per year. With media reports concerning reduced recycling and our own experience with no longer recycling glass, volumes are poised to stay high or even increase. I suggest that an honest assessment for budgeting purposes would be a three or four year rolling average – not what our history was 15 years ago. Notably, if our volumes average 30,000 tons rather than 24,600 tons, Amherst citizens would be looking at substantially higher costs for this service – perhaps \$250,000 higher annually. This would represent a \$500,000 annual difference from the estimated cost you have based your decisions to date on.

So, in the absence of savings, what other factors are significant enough to warrant closing the landfill and replacing it with a transfer station?

Citizen unrest with having a landfill in their backyard? The few people who spoke at the Town Hall meeting on this topic expressed concerns with increased truck traffic related to the transfer station not the current landfill.

Greater efficiencies and / or saving the environment? Refuse dumped in the landfill is handled once. Refuse dumped in a transfer station is handled multiple times. How is that more efficient? As for the environment, the refuse is still going to be buried in a landfill. The biggest difference in the options is that we are adding the pollution created by thousands of truck trips that will burn tens of thousands of gallons of fossil fuels as they move the refuse from one landfill to another one. As others throughout the world seek ways to reduce their carbon footprint, Amherst County will be significantly increasing its.

Economic development? When one is marketing oneself, one tries to differentiate oneself from others. In a few years, both the Bedford landfill and Region 2000 landfill are on track

to be closed. How valuable would it be to have the only local landfill in Region 2000 as Amherst seeks to attract industry and growth? How useful would it be for business and citizens to have flexibility to dispose of any materials rather than be at the mercy of what the contracted landfill would allow and what the cost of doing so is at that contracted landfill?

Regulatory and legal issues? All organizations have laws and rules that govern their operations. They hire competent staff and train them on their responsibilities to minimize such risks, not make changes that will greatly increase costs just to avoid compliance with laws and rules.

I could go on, but will stop here and ask: if you knew when this process started that costs would be significantly higher to operate a transfer station than to operate a landfill, would you have chosen the highest cost option? An option that not only costs more, but is also less efficient, less flexible and, as a result, provides less service to citizens of Amherst. We should make a decision based on an honest assessment of the costs and include citizens in this process, not rely on a report that has now proven to be incorrect in almost every material way. Therefore, I encourage you not to approve the proposed transfer station this evening. Real world costs now available do not support this course of action.

Thank you for your consideration.