

BLAND COUNTY PLANNING COMMISSION

Meeting Minutes for December 5, 2011

Members Present:

Meagan Bradshaw, Guy Boone, Henry Blessing, Elmer Chewning, John Dodson, Stephen Kelley, Deborah Looney, Jerry Mercer

Members Absent:

R.B. Anderson, Jim Baker, David Taylor

Others Present:

Joel K. Cagle, Planning Commission Secretary; Eric Workman, County Administrator; Rodney Ratliff, Director of Public Works; Paul Cassell County Attorney; Sharon May, Administrative Assistant to the Building Official; Stevie Steele, Engineer, Anderson & Associates; Cecil Sink, Environmental Health Specialist Senior; Bland County Health Department

CALL TO ORDER

At 6:00 PM, Chairman Mercer called the meeting of the Bland County Planning Commission to order at the Bland County School Board Office; Bastian, Virginia. The Invocation was given and allegiance was pledged to the flag of our country by everyone present.

ROLL CALL

Planning Commission Secretary Joel Cagle took the roll call and announced that a quorum was present.

APPROVAL OF MINUTES

Chairman Mercer invited a motion to approve the meeting minutes of November 7, 2011. Commissioner Kelley made the motion to approve the meeting minutes of November 7, 2011; Commissioner Dodson provided the second, and the motion passed unanimously.

PUBLIC HEARING

A public hearing was held to receive public comment on the application by Bland County Public Service Authority for a Conditional Use Permit; to install a sewage facility on Tax Map 91-A-43.

The following was read by Mr. Eric Workman, County Administrator of Bland County, from a prepared statement:

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In August 2006 the Comprehensive Plan for Bland County was formally adopted by the Board of Supervisors after obtaining the approval of the Planning Commission. This plan was revisited by the Planning Commission in the summer of 2011 and re-adopted by the Board of Supervisors at their August meeting. In chapter nine, it states that, "the Commission was able to identify some barriers which hinder the County from being able to achieve its potential." (Bland County Comprehensive Plan, p. 87) The Commission identified several goals which gave the County potential for development. Those goals included the construction of sewage facilities to serve the Bland Community (BCCP, pp. 99 & 101). The Bland Wastewater project ranked as the number two project in the County behind the Rt. 52 Water Project which has already been completed (BCCP, p. 105).

At the May 18, 2011, Board of Supervisors' budget work session, the Board was asked to prioritize various projects in the County. The Bland Wastewater Project was listed as the number one new project for the County. At the June 2011 monthly meeting of the Board of Supervisors, the County's Capital Improvement Plan was approved listing the Bland Wastewater Project as a priority.

The construction of this facility is sought to improve the public health, safety, and welfare of the Bland Community. This project is supported by the Mount Rogers regional health department with a letter of support. Currently approximately ten businesses discharge into the stream in the Bland Community through process plants. According to DEQ regulations, the highest amount of e-coli bacteria allowed by a wastewater treatment facility to be discharged into a stream is 126 mpn/100 ml.

Water samples have been collected to document the level of e-coli and coliform in Crab Orchard Creek. A water sample was collected near the head of Crab Orchard Creek as it enters Bland (town). A second sample was collected at the bridge where Crab Orchard and Walkers Creek meet. The sample near the entrance of Crab Orchard Creek to the Town of Bland had an e-coli reading of 75 mpn/100 ml and a coliform bacteria reading of 109 mpn/100 ml. The water sample at the bridge of Crab Orchard and Walker's Creek had an e-coli bacteria reading 345 mpn/100 ml and a total coliform bacteria reading of 3,255 mpn/100 ml.

There is concern regarding the amount of bacteria that are currently being deposited in this stream. This poses a potential health risk to the community, especially when you consider the stream passes by a school, fairgrounds, and park where often children can be seen playing in the water. Once again, the amount of e-coli bacteria present in these water samples, well exceed what is acceptable discharge by a water treatment facility. In terms of economic development, the Bland County Economic Development Authority is constantly working to support the current business in the community as well as recruit additional businesses to provide jobs, services, and an increased tax base. However, without public utilities, such as sewer, businesses do not wish to invest in the County. Several businesses have been approached by the EDA about coming to Bland, such as a grocery store. However, these businesses have stated that they are not willing to invest in the County until public sewer is available.

The Bland County Service Authority has been working to achieve the goal of providing wastewater treatment capabilities to the Bland Community for a number of years.

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However, securing the funding has always placed barriers to the completion of this project. The Service Authority has applied and continues to apply to several funding agencies seeking financial assistance for this project. It strengthens the applications of the Service Authority to grant funding agencies when it can be stated that the requirements for this project such as zoning and conditional use permits have been met.

The Board of Supervisors and the Service Authority are aware that there are concerns by the citizens who live near the proposed sewage plant. In reply to those concerns, it should be emphasized that the facility has not yet been designed and the Service Authority is working with the engineers from Anderson & Associates to develop a facility that hopefully will have a minimal impact on the area.

Currently, options are being identified that include the construction of an enclosed facility that will not have the issues associated with traditional facilities.

The completion of this project moves the County closer to meeting the goals established in the County's Comprehensive Plan as well as its Capital Improvement Plan. In order to improve the health and economic well being of the Bland community, a public wastewater treatment facility is needed.

Commissioner Dodson asked for clarification on the results of the water samples, to which Mr. Workman responded that DEQ regulates the highest amount of e-coli bacteria allowed by a wastewater treatment facility to be discharged into a stream is 126 mpn/100 ml. A water sample was collected near the head of Crab Orchard Creek as it enters Bland (town) and was found to be 75 mpn/100ml. A second sample was collected at the bridge where Crab Orchard and Walkers Creek meet contained 345 mpn/10ml.

Commissioner Kelley asked why the samples taken were above acceptable limits. Mr. Workman stated we have not researched the why, just that the samples taken where Crab Orchard and Walkers Creek meet, exceeded the acceptable limits set by DEQ.

Chairman Mercer then opened the public hearing:

Donna Cowand informed the Commission that she lives across from the proposed site. She asked how the facility would be situated, and how many buildings there would be. Mr. Workman stated that the facility has not yet been designed; however the intent was to totally enclose the facility under one roof using a metal structure.

She stated she had been to the Bastian facility and was concerned with the noise level, as she detected a constant humming.

Mr. Workman stated that due to the shelter, a noise issue was not expected.

She also stated her concern of the lighting, in particular street lighting, on the driveway.

Mr. Workman informed the Commission that no obtrusive lighting was expected and no street lights are planned.

Mrs. Cowand voiced her concern of property values dropping.

Mr. Workman stated the County would address this issue the best we can.

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She then asked, "Where would it end?" stating her concern over the use of the residual property such as being used as a landfill, etc.

Mr. Workman stated that any other use, such as a landfill would be brought back before the public.

He also informed the public that per State Code, the County was exempt from the Zoning process; however the County felt it in the best interest to receive public comment on this project.

Mrs. Cowand also asked about other options available in lieu of this facility.

Mr. Workman explained about cost effectiveness of pumping vs. different locations vs. the proposed site. This proposed project, which includes the sewer lines, is to be a 10 million dollar investment. Phase one would include the facility and some line work to ABB, Bland High and Elementary School and Exit 52. This phase is expected to cost 5.9 million dollars. This project is to take place in three phases to meet grant requirements. Grants that the County is pursuing are from DEQ, Rural Development, the Tobacco Commission, and Mount Rogers Planning District.

Mr. Workman expressed the needs of drawing Industry into the County to ease the tax burden on the citizens.

Mrs. Cowand asked if the pipes would be underground.

Mr. Workman stated the lines would be underground.

Mrs. Cowand asked for further clarification of this process and if the public would be allowed to speak again in the future.

Mr. Workman explained the remaining steps in this process and stated that there would be another public hearing before the Board of Supervisors.

Mr. Jessie Cowand approached the Commission and asked about the issue of a failure for the facility.

Stevie Steele responded that per Federal Regulations, the facility would be designed to handle 3.5 times the expected capacity and heavy fines and penalties would be handed out for failures to comply. Paul Cassell also responded that the new facility would be of the most modern technology to prevent such failures.

Mr. Ward Pauley approached the Commission and asked why we want this; as the 200 people it would serve already have septic systems in place.

Mr. Workman reiterated the need to replace the existing failing systems with this new facility.

Mr. Pauley stated his concern with taxes being raised to pay for this, stating the unemployment rate was about 15% and 17% on fixed incomes; we simply could not afford this.

Chairman Mercer informed the public that the un-employment rate of Bland County was in fact 5%, not 15%; and could be found on the County website within the Comprehensive Plan.

Mr. Pauley stated that the County should weigh the need of this facility.

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Mr. French Parsons approached the Commission and informed them that he moved from Grayson County because of the tax burden. He stated that he owns property at the discharge site and is worried about his livestock. He felt that issues such as this only served to turn people against each other. He stated his concern of paying back the grant money.

Commissioner Blessing informed the Mr. Parsons that grant monies did not have to be repaid.

Chairman Mercer informed the public that this grant money is tax money that we as Virginia tax payers, have already paid. If we, Bland County, do not receive these grants, some other locality will.

Mr. Parsons asked if the grant monies are secured?

Mr. Workman responded that this was the reason of this meeting. Some of the grants' ask if zoning requirements are met. This meeting is to provide the public an opportunity to provide comments and concerns, so that this project will meet those requirements.

Mr. Parsons asked if all adjoining land would be re-zoned.

Mr. Workman stated that no land would be re-zoned; even the proposed tax map was not being re-zoned. The purpose of the meeting was to obtain a conditional use permit for a waste water facility.

Mr. Parsons also posed the question, whom to talk to with the County about this and other issues? Mr. Workman informed Mr. Parsons to speak with him at the Courthouse anytime.

Mr. Parsons questioned the purchase of the property without the knowledge of the citizens.

Chairman Mercer clarified the intent of the meeting was to get informed with facts and hear public comments.

Mr. Mike Pauley approached the Commission and stated that most of his questions had already been addressed; and voiced his concerns about the drawing power of Bland County to industry, even with this proposed facility. He also voiced his concern of the surrounding properties value dropping.

Mr. Workman responded that any industry, large or small would add to the tax base and help ease the burden off of the citizens.

Mrs. Rita Palmer approached the Commission and stated that she lives right next door, and has invested a lot of time and money in her home and property. She informed the Commission that the property was bought without public knowledge.

Mrs. Palmer asked what other locations were looked at in lieu of this location.

She also asked Mr. Sink where the sewer plant was in the Town of Wytheville. Mr. Sink responded on the south side of town. Mrs. Palmer then asked why Bland County would put a sewer plant in the middle of town, on Main Street.

She asked who was responsible for the illegal, failing systems.

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Mr. Cecil Sink responded that the State dealt with systems when complaints were made. He also went into detail as to how failing systems are hard to locate, due to the leak merging with the water table, underground, and following it out to the waterways, away from the questionable system.

Mrs. Palmer then asked what existing businesses that would benefit from this facility had put toward this project. She stated that where she was from in Florida, a business would proffer funds toward similar projects.

Mrs. Palmer asked where the 200 homes that would be served are located.

She stated that the County should use its energy toward cleaning up the town instead of installing a sewer plant.

Mrs. Palmer questioned why we picked this location instead of somewhere else.

She questioned the legality of the County purchasing this land without input from the citizen's.

Paul Cassell provided the answer that it is legal for a municipality to purchase property without public knowledge.

Mrs. Palmer commented that she was not against a sewer plant in general, just in this particular location.

Mr. Gordon Palmer addressed the Commission and informed them that he had cleaned the creek on his property himself and encouraged the town to clean up the creek rather than build a sewer plant. He stated that we (the taxpayers) should not bear the burden of this expense.

He stated that he installed a septic system as per the Virginia Department of Health; and had some kind of problem where he had to expose his drain field. He stated that some of it was still dry and jokingly offered to have people hook up if they needed help.

Mr. Jessie Cowand asked if it was mandatory to hook up to the system.

Rodney Ratliff answered that if the location was less than 300 feet, then yes. If the location was greater than 300 feet, then it would not be mandatory. Mr. Cowand then asked how it would be billed. Mr. Ratliff answered if there was no public water, there would be a flat rate charge. If public water was used, the sewer bill would be based on water usage.

Mrs. Sharon Romano stated that it was not fair to install a plant at this location and not offer service to surrounding land owners. She then asked about the odor.

Cecil Sink answered if the facility is properly run, the odor would be minimal, if run improperly then the odor would be more.

She then questioned the use of the sites that were discharging into the creeks.

Mr. Workman replied that the sites in question were using "package plants" that treat the waste water coming out of the systems, prior to release in water ways.

Mrs. Romano questioned the proposed property being in the Flood Zone.

Stevie Steele responded that they were aware of the Flood Zone issue and were working through that issue during engineering.

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Mr. French Parsons asked if the discharge could go elsewhere.

Stevie Steele stated it is possible and would be looked at during the engineering design process.

Bridget Sarver stated she felt as though she had been baffled with bull. She questioned the process of the public hearings for the Planning Commission and the Board of Supervisors.

Paul Cassell clarified the process of obtaining a conditional use permit for the public.

Mrs. Sarver then asked if the public swayed the Commission from this location.

Commissioner Boone asked the public if not building this facility meant losing an existing business, because of sewage problems; would you be willing to make that sacrifice of an existing business? Mrs. Sarver stated that this was not the point; the point being that other locations should be considered.

Mrs. Palmer answered the question posed by Commissioner Boone by saying "Absolutely not, if that were the only place. I would say build it, because we need 346 jobs, or whatever it is."

She then asked why it took five years to get to this level from the time the property was purchased.

Mr. Workman stated it was based on the grant funding cycles.

Mrs. Palmer asked if other locations could be looked at.

Stevie Steele explained some of the processes of site selections and permit process; which included the extended time frame to start over.

Mr. Mitch Munsey asked why water samples were taken at those locations mentioned earlier.

Mr. Workman stated the sites were chosen at random, for the purpose of testing certain key points of the waterways.

Mr. Cecil Sink stated that if anyone had any questions, to please call him. He also stated that of all the meetings of this nature he had attended in the past, this was the most polite and respectful group that he had witnessed.

There being no more registered speakers, Chairman Mercer closed the public hearing.

Commissioner Kelley asked for clarification on the total acreage of this parcel.

Joel Cagle responded that the lot contained 35.894 acres.

Commissioner Kelley then asked where the location of the facility would be in relation to the parcel of land.

Joel Cagle responded that the Conditional Use Permit was for the entire parcel.

Eric Workman stated that the exact location has not been determined.

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Commission Discussion began:

Commissioner Kelley asked where the discharge site was located, then commented he located the spot where Crab Orchard and Walkers Creeks merged on his map.

Commissioner Dodson noted that there was no guarantee that a structure would be placed over the facility.

Chairman Mercer stated that if the Commission would make a recommendation that it be covered, it would be required.

Chairman Mercer then went over some items of concern for the conditions:

No obtrusive lighting

A buffer of evergreen screening

Fence in place around facility and associated equipment; 6' high minimum

All necessary local, state and federal permits, including building permits, be obtained prior to construction

Documentation of treated water to be held on file by the Director of Public Works

Operation and discharge of plant to be maintained by all guidelines as set forth by all local, state and federal agencies that apply

Property values

Increase in Taxes

Industry gains versus losses

Emotional side of the public

5 year time line and funds to relocate site

Commissioner Kelley asked why the site was located on this site.

Stevie Steele answered that the location was based on the facility being a gravity fed system. The idea stemmed from cost of gravity system versus a pump system.

Commissioner Chewing asked how much of the approximately 36 acres would be used in the footprint of the facility.

He was answered that approximately 2 acres would be used for the site.

Commissioner Chewing then asked what the other 34 acres would be used for.

He was answered that there were no plans to develop the remaining acreage at this time.

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Chairman Mercer asked how much of the property was in the flood zone.

He was answered approximately 70%.

Chairman Mercer then asked if the remaining acreage could be used for recreation.

Stevie Steele stated that yes the land could be used for recreation.

Chairman Mercer then stated what the impact of not building the plant would be to the County; stating 5yrs (time and cost), interest rate at a historical low, funding may not be available.

He then asked was the focus of the facility was industrial?

Mr. Workman responded that it was for both Residential and commercial; explaining the three phases of the project. Phase one being Commercial, Phase two being town, Phase three being the northern section and Hwy 42.

Commissioner Kelley then asked about the monthly billing.

Mr. Workman responded that if there was no public water, there would be a flat rate charge. If public water was used, the sewer bill would be based on water usage.

Commissioner Dodson stated that he agreed with the Palmers, who indeed would want it (sewer plant). He then stated that this would help with the pollutants in the creek. He also reported that the lack of infrastructures, like sewer, were the things keeping McDonald's and other businesses away from Bland. He also stated this issue needs to be viewed not only as bringing new things in, but retaining what we already have. He also stated he would like to ensure minimal disturbance at the site and adequate coverage over the facility.

Commissioner Looney voiced her concern over the "dishonest" purchase of the land and made note of the need of businesses in the County.

Commissioner Chewning stated that we should feel privileged to live in a place where the people were provided the opportunity to have their voices heard.

Commissioner Boone spoke on being fair and if the risk of losing jobs was worth stopping this project.

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Chairman Mercer invited a motion to recommend to the Board of Supervisors a Conditional Use Permit for the proposed waste water treatment facility. Commissioner Boone made the motion to recommend to the Bland County Board of Supervisors a Conditional Use Permit for the proposed sewage treatment facility; located on Tax Map 91-A-43; with the following conditions:

- 1) No obtrusive lighting
- 2) A buffer of evergreen screening
- 3) Fence in place around facility and associated equipment; 6 foot high minimum
- 4) Facility to be enclosed under one building, for aesthetic purposes
- 5) Building to be designed in a manner to reduce operating noise

Commissioner Bradshaw made the second. After no further discussion, the following votes were tendered:

Meagan Bradshaw.....	Yes
Guy Boone.....	No
Henry Blessing.....	Yes
Elmer Chewning.....	Yes
John Dodson.....	Yes
Stephen Kelley.....	Yes
Deborah Looney.....	No
Jerry Mercer.....	Yes

The motion passed 6 to 2.

NEW BUSINESS

None

OLD BUSINESS

None

ITEMS TABLED FROM PREVIOUS MEETING

None

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ADJOURNMENT

There being no further business to come before the Planning Commission at this time, Commissioner Bradshaw made a motion to adjourn the meeting; Commissioner Boone provided the second, the motion passed unanimously and the meeting adjourned at 8:45PM.

Respectfully Submitted,

Joel K. Cagle- Secretary
Planning Commission
County of Bland