

AT A MEETING OF THE NEW RIVER RESOURCE AUTHORITY  
HELD ON MAY 26, 2021 AT NOON,  
NRRRA ADMINISTRATION BUILDING,  
DUBLIN, VIRGINIA:

PRESENT: Mr. Barry Helms, Chairman  
Mr. Paul Baker, Vice-Chair  
Mr. Robert Asbury, Member  
Dr. Chris Kiwus, Member  
Mr. Andy McCready, Member  
Mr. Tom Starnes, Member  
Mr. Jonathan Sweet, Member  
Mr. Tye Kirkner, Member

STAFF: Mr. Joseph Levine, NRRRA Executive Director  
Ms. Marjorie Atkins, NRRRA Recording Secretary  
Mr. David Rupe, NRRRA Purchasing & Compliance  
Mr. Howard Estes, NRRRA Legal Counsel

ATTENDEES/  
GUESTS: Mr. Andrew Monk, Thompson & Litton

Chairman Helms called the meeting to order at noon.

The motion to approve the May 26, 2021 Agenda was made by Mr. Baker. The motion was seconded by Mr. Starnes and approved by a recorded roll call vote of the Board as follows:

Mr. Asbury	<u>yes</u>	Mr. McCready	<u>yes</u>
Mr. Baker	<u>yes</u>	Mr. Starnes	<u>yes</u>
Mr. Kirkner	<u>yes</u>	Mr. Sweet	<u>yes</u>
Dr. Kiwus	<u>yes</u>	Mr. Helms	<u>yes</u>

The motion to approve the minutes of the April 28, 2021 Board Meeting was made by Mr. Asbury. The motion was seconded by Mr. McCready and approved by a recorded roll call vote of the Board as follows:

Mr. Asbury	<u>yes</u>	Mr. McCready	<u>yes</u>
Mr. Baker	<u>yes</u>	Mr. Starnes	<u>yes</u>
Mr. Kirkner	<u>yes</u>	Mr. Sweet	<u>yes</u>
Dr. Kiwus	<u>yes</u>	Mr. Helms	<u>yes</u>

The motion to approve the Check List for the month of April 2021 was made by Mr. Baker. The motion was seconded by Dr. Kiwus and approved by a recorded roll call vote of the Board as follows:

Mr. Asbury	<u>yes</u>	Mr. McCready	<u>yes</u>
Mr. Baker	<u>yes</u>	Mr. Starnes	<u>yes</u>
Mr. Kirkner	<u>yes</u>	Mr. Sweet	<u>no</u>
Dr. Kiwus	<u>yes</u>	Mr. Helms	<u>yes</u>

Mr. Sweet stated that there were invoices out of the purview and he could not approve the check list.

The motion to approve the Financial Statement for the month of April 2021 was made by Mr. McCready. The motion was seconded by Mr. Baker and approved by a recorded roll call vote of the Board as follows:

Mr. Asbury	<u>yes</u>	Mr. McCready	<u>yes</u>
Mr. Baker	<u>yes</u>	Mr. Starnes	<u>yes</u>
Mr. Kirkner	<u>yes</u>	Mr. Sweet	<u>yes</u>
Dr. Kiwus	<u>yes</u>	Mr. Helms	<u>yes</u>

Mr. Levine presented the Executive Director's Report. Revenue was 6.3% above projections and included revenue from the sale of the 2019 carbon credits; expenses were 8.2% below projections. 34,133.87 tons of waste was managed in the month of April. Roanoke Valley Resource Authority accounted for 17,160.96 tons. VRSA was on site May 12 for the annual safety inspection and will feature an article with David Rupe and the use of drones for safety programs.

The motion to approve the Area D Phase I Project Pay Request 11 in the amount of \$382,311.64 was made by Mr. Baker. The motion was seconded by Mr. McCready and approved by a recorded roll call vote of the Board as follows:

Mr. Asbury	<u>yes</u>	Mr. McCready	<u>yes</u>
Mr. Baker	<u>yes</u>	Mr. Starnes	<u>yes</u>
Mr. Kirkner	<u>yes</u>	Mr. Sweet	<u>yes</u>
Dr. Kiwus	<u>yes</u>	Mr. Helms	<u>yes</u>

Chairman Helms read the following Resolution of Thanks and Appreciation for Thomas L. Starnes:

**RESOLUTION OF THANKS AND APPRECIATION  
THOMAS L. STARNES**

**WHEREAS**, *Thomas L. Starnes represents and will continue to represent the City of Radford on the Board of Directors for the New River Resource Authority, and*

**WHEREAS**, *Thomas L. Starnes has generously and graciously supported the citizens and communities served by the New River Resource Authority in several capacities since 1986, and*

**WHEREAS**, *Thomas L. Starnes most recently served impeccably and most professionally as the Chair of the Board of Directors since 2017, and*

**WHEREAS**, *Thomas L. Starnes' professional and public experiences provided the patient leadership, wisdom, advice and guidance for the New River Resource Authority to grow and preserve the mission and responsibilities of the New River Resource Authority, and*

**WHEREAS**, *Thomas L. Starnes' forethought and reasoned consideration demonstrates not only the dedication to the success of the New River Resource Authority but the continuous obligation and responsibility to protect human health and the environment, and*

**WHEREAS**, the knowledge, guidance, and foresight provided by Thomas L. Starnes has greatly benefited the citizens and businesses in the Member area of the Authority; and;

**NOW, THEREFORE BE IT RESOLVED**, that the New River Resource Authority Board of Directors hereby commends and expresses its sincere thank you and appreciation of Thomas L. Starnes; and

**BE IT FURTHER RESOLVED**, that the text of this resolution be spread upon the minutes of the Board of Directors of the New River Resource Authority in permanent testimony of the Board's sincerest thanks and its appreciation to Thomas L. Starnes for his prior service as Chair and continued thoughtful leadership.

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Barry Helms, Chairman

The motion to adopt the Resolution was made by Mr. Baker. The motion was seconded by Mr. Kirkner and approved by a recorded roll call vote of the Board as follows:

Mr. Asbury	<u>yes</u>	Mr. McCready	<u>yes</u>
Mr. Baker	<u>yes</u>	Mr. Starnes	<u>abstain</u>
Mr. Kirkner	<u>yes</u>	Mr. Sweet	<u>yes</u>
Dr. Kiwus	<u>yes</u>	Mr. Helms	<u>yes</u>

Mr. Levine presented the Engineering Section of the Agenda.

Ingles Mountain – No report.

NRSWMA – Staff and engineers are proceeding with the verification of the 2020 carbon credits. Mr. Monk reported that Main Street Builders Notice to Proceed for Phase II of the construction would be issued on June 1, 2021.

West Fork – No report.

The Chairman invited Public Comments.

No public comments were presented.

Mr. Sweet stated, "I move that the Board of Directors of the New River Resource Authority convene in closed session for the purpose of discussion of a personnel matter relating to the evaluation and compensation of employees, where such discussion will necessarily involve specific individuals, pursuant to the exemption set forth in Virginia Code Section 2.2-3711(A)(1)" specifically regarding the performance of the Executive Director. The motion was seconded by Mr. McCready and approved by a recorded roll call vote of the Board as follows:

Mr. Asbury	<u>yes</u>	Mr. McCready	<u>yes</u>
Mr. Baker	<u>yes</u>	Mr. Starnes	<u>yes</u>
Mr. Kirkner	<u>yes</u>	Mr. Sweet	<u>yes</u>
Dr. Kiwus	<u>yes</u>	Mr. Helms	<u>yes</u>

The Board went into closed session. Mr. Levine and Mr. Estes were asked to join the Board in closed session.

The Board reconvened in open session and regular meeting. The public was invited back into the meeting room.



Mr. McCready," I hereby move to reconvene the regular meeting and for certification pursuant to Section 2.2-3712(D) of the Code of Virginia, that the Board of Directors, to the best of each Director's knowledge, heard, discussed or considered only public business matters lawfully exempted from open meeting requirements by the Freedom of Information Act in the closed meeting of this date, and only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Directors of the New River Resource Authority". The motion was seconded by Mr. Sweet and the motion failed by a recorded roll call vote of the Authority as follows: (\*Footnote)

Mr. Asbury	<u>no</u>	Mr. McCready	<u>yes</u>
Mr. Baker	<u>no</u>	Mr. Starnes	<u>no</u>
Mr. Kirkner	<u>yes</u>	Mr. Sweet	<u>yes</u>
Dr. Kiwus	<u>no</u>	Mr. Helms	<u>no</u>

Mr. McCready stated," I move that the Board of Directors of the New River Resource Authority reconvene in closed session for the purpose of discussion of a personnel matter relating to the evaluation and compensation of employees, where such discussion will necessarily involve specific individuals, pursuant to the exemption set forth in Virginia Code Section 2.2-3711(A)(1)" specifically regarding the performance of the Executive Director and Virginia Code Section 2.2-37711(A) (8) Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel; specifically board procedures, delegation of authority and interaction with staff. The motion was seconded by Mr. Asbury and approved by a recorded roll call vote of the Board as follows:

Mr. Asbury	<u>yes</u>	Mr. McCready	<u>yes</u>
Mr. Baker	<u>yes</u>	Mr. Starnes	<u>yes</u>
Mr. Kirkner	<u>yes</u>	Mr. Sweet	<u>yes</u>
Dr. Kiwus	<u>yes</u>	Mr. Helms	<u>yes</u>

The Board went into closed session. Mr. Levine and Mr. Estes were asked to join the Board in closed session.

The Board reconvened in open session and regular meeting. The public was invited back into the meeting room.

Mr. McCready," I hereby move to reconvene the regular meeting and for certification pursuant to Section 2.2-3712(D) of the Code of Virginia, that the Board of Directors, to the best of each Director's knowledge, heard, discussed or considered only public business matters lawfully exempted from open meeting requirements by the Freedom of Information Act in the closed meeting of this date, and only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Directors of the New River Resource Authority". The motion was seconded by Mr. Asbury and approved by a recorded roll call vote of the Authority as follows:

Mr. Asbury	<u>yes</u>	Mr. McCready	<u>yes</u>
Mr. Baker	<u>yes</u>	Mr. Starnes	<u>yes</u>
Mr. Kirkner	<u>yes</u>	Mr. Sweet	<u>yes</u>
Dr. Kiwus	<u>yes</u>	Mr. Helms	<u>yes</u>

The Chairman called for a five-minute recess (at 1:55pm).

**Footnote:** Chairman Helms noted that the motion to certify the first Closed Session failed because the meeting topic strayed from the purpose of the Closed Session and the Board members realized the need to consult with legal counsel needed to be added as one of the reasons for the Closed Session.

The motion to reconvene the regular meeting at 2:00pm was made by Mr. McCready. The motion was seconded by Mr. Baker and approved by a recorded roll call vote of the Authority as follows:

Mr. Asbury	<u>yes</u>	Mr. McCready	<u>yes</u>
Mr. Baker	<u>yes</u>	Mr. Starnes	<u>yes</u>
Mr. Kirkner	<u>yes</u>	Mr. Sweet	<u>yes</u>
Dr. Kiwus	<u>yes</u>	Mr. Helms	<u>yes</u>

The motion that NRRRA Board of Directors expect a high standard in the conduct of business and that the Board authorize legal counsel to invite and coordinate member jurisdictions' legal counsels to review NRRRA responses to recent FOIA requests and IT issues and respond back to the NRRRA Board through Mr. Estes was made by Mr. McCready. The motion was seconded by Mr. Asbury and approved by a recorded roll call vote of the Authority as follows:

Mr. Asbury	<u>yes</u>	Mr. McCready	<u>yes</u>
Mr. Baker	<u>yes</u>	Mr. Starnes	<u>yes</u>
Mr. Kirkner	<u>yes</u>	Mr. Sweet	<u>no</u>
Dr. Kiwus	<u>yes</u>	Mr. Helms	<u>yes</u>

Mr. Starnes asked what would happen if one of the jurisdiction's legal counsel did not have time for the review? Mr. Estes answered that the response would be noted.

Mr. Sweet asked what the outcome of the review be? The counsels will provide answers to Mr. Estes questions and Mr. Estes will report to the results to the NRRRA Board.

Mr. Starnes made the motion that the Board express a vote of confidence for the NRRRA Executive Director, Mr. Levine. The motion was seconded by Mr. Asbury.

Mr. Sweet stated point of order that the vote of confidence was not on the Agenda.

Chairman Helms noted that the item was not on the Agenda and that the Agenda would need to be amended.

Mr. Sweet protested that "he was unable to completely review all of the information in the Executive Session and that the vote could make the Authority look bad because the Authority Board had not reviewed all of the information in his possession".

The motion to amend the Agenda to include a vote of confidence for the Executive Director was made by Mr. Baker. The motion was seconded by Mr. Starnes and approved by a recorded roll call vote of the Authority as follows:

Mr. Asbury	<u>yes</u>	Mr. McCready	<u>no</u>
Mr. Baker	<u>yes</u>	Mr. Starnes	<u>yes</u>
Mr. Kirkner	<u>abstain</u>	Mr. Sweet	<u>no</u>
Dr. Kiwus	<u>no</u>	Mr. Helms	<u>yes</u>

The motion for the Board of Directors to express confidence in the NRRRA Executive Director, Joe Levine was made by Mr. Starnes. The motion was seconded by Mr. Baker and approved by a recorded roll call vote of the Authority as follows:

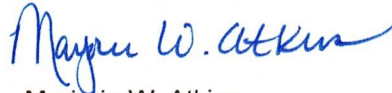
Mr. Asbury	<u>yes</u>	Mr. McCready	<u>abstain</u>
Mr. Baker	<u>yes</u>	Mr. Starnes	<u>yes</u>
Mr. Kirkner	<u>abstain</u>	Mr. Sweet	<u>no</u>
Dr. Kiwus	<u>abstain</u>	Mr. Helms	<u>abstain</u>

The motion to adjourn was made by Mr. McCready, seconded by Mr. Baker and passed by unanimous consent.

The meeting adjourned at 2:15 pm.

The next regularly scheduled meeting of the Board of Directors of the Authority is scheduled for Wednesday, June 9, 2021, 12:00, NOON at 7100 Cloyd's Mountain Road.

Respectfully Submitted,



Marjorie W. Atkins  
NRRRA Recording Secretary

Approved at 06/09/2021 Board Meeting.



Barry Helms, Chair