

**Washington County Service Authority Board of Commissioners  
October 22, 2012 Regular Meeting Minutes**

The regular meeting of the Washington County Service Authority Board of Commissioners was called to order by the Chairman at 6:59 PM.

**ROLL CALL**

Commissioners Present:

Mr. Joe Chase, Chairman  
Mr. D.L. Stout, Vice Chairman  
Mr. Prince Coleman  
Mr. Devere Hutchinson  
Mr. Dwain Miller  
Mr. Frank Stephon, IV  
Mr. Kenneth Taylor

WCSA Staff Present:

Robbie Cornett, General Manager  
Kimberly Harold, Controller  
April Helbert, Engineering Manager  
Carol Ann Shaffer, Administrative Assistant

Consultants Present:

Bobby Lane, PE, The Lane Group, Inc.  
Bill Skeen, Maxim Engineering  
Kevin Heath, PE, Adams-Heath Engineering  
Dennis Amos, PE, Anderson & Associates, Inc.

Also Present:

Mr. Mark Lawson, General Counsel

**3. Approval of the Agenda**

Mr. Cornett had no additions or corrections to the Agenda. Mr. Miller motioned to approve the Agenda, Mr. Coleman seconded the motion and the Board approval voting 7-0-0-0.

**4. Public Query & Comment**

Mr. Charles Byrd addressed the Board. He began saying that he had discussed with Mr. Cornett and one of the Customer Service Representatives about being overcharged for a fire line that was installed in 1998. Mr. Byrd stated that in

June of 1998, he sent a letter to WCSA with a check for \$6,000 for the payment of a 2 inch domestic water line and a 6 inch fire line. Instead of being charged for a 6 inch, we were charged for a 12 inch. Mr. Cornett has agreed to reimburse us for the overcharge for all those years that comes to about \$12,000. "What I think is fair is if we had some interest on that. If we had been late one day on our payments for the water bill, which runs on average \$300 per month over that period of time; that is \$360 per year" said Mr. Byrd. He went on to say that he didn't think WCSA owed that but did owe some interest on that money over that period of time; cost of living rate is now a half percent and some of this time it has been 6 or 7 percent. I would like for you (the Board) to consider that.

Mr. Taylor asked Mr. Byrd why it took him so long to catch the mistake.

Mr. Byrd said he caught it by going over the books for another place and noticed where the rates increased there, so he compared the two and discovered they were paying for a 12 inch line instead of a 6 inch line. Mr. Byrd went on to say "I think we have some responsibility for not catching it, but I think you; collectively as a Board, as an Authority also have some responsibility.

Mr. Stout asked Mr. Byrd if he had been reimbursed? Mr. Byrd said they have agreed to reimburse me for all the overcharges.

Mr. Taylor said, "So what you are asking us for is interest".

Mr. Byrd confirmed saying some interest, yes.

Mr. Cornett said there was some background on this in your Board Books. The total amount of the overcharge is \$11,197.20. The only thing I might add is the question of interest on

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refunds in general. We frequently issue refunds for different reasons. If we issue interest on this refund it is a matter of policy in the sense that we would be expected to do the same with all refunds; at least for refunds for overpayment going forward Mr. Cornett explained.

Mr. Byrd said he know other utilities paid interest on deposits.

Mr. Byrd asked if that was a written policy.

Mr. Cornett said we don't have a policy on providing interest on refunds. My advice to the Board is; if they decide to pay this refund with interest, it would be considered a policy going forward that all refunds be issued with interest.

Mr. Byrd thanked the Board. Mr. Chase thanked Mr. Byrd.

**5. Approval of the Consent Agenda**

- Minutes for August 27, 2012 Regular Meeting; August 27, 2012 Recessed Meeting Minutes (held September 24, 2012); September 10, 2012 Special Called Meeting and September 14, 2012 Special Called Meeting.
- Routine Reports for September 2012.
- Financial Reports for September 2012.
- Check Register and General Manager Financial Report for August 2012.

Mrs. Shaffer had a correction to the August 27<sup>th</sup> Regular Meeting Minutes; changing Mr. Darrell Ball to Mr. Darrell Vaught. Mr. Stephon made the motion to approve the Consent Agenda. The motion was seconded by Mr. Miller and was approved by a 7-0-0 Board vote.

**6. Engineer's Report and Update**

**Mr. Dennis Amos of Anderson and Associates (A&A):**

- Exit 13 Sewer Project Phases 2A

Mr. Amos stated he and Mr. Chip Worley met with Mr. Cornett and Mrs. Helbert to discuss the Exit 13 Sewer Project. According to Mr. Cornett and Mrs. Helbert the user Agreement process is moving forward. A&A is ready to move forward with project design as soon as required 75% approval of user agreements are in place.

**Mr. Bobby Lane of Lane of The Lane Group, Inc. (TLG):**

- **New Raw Water Intake and Water Treatment Plant – Task Order 9 Final Design of 12 MGD Water Plant Expansion, Raw Water Intake and Raw Water Line Replacement**

Mr. Lane reported the Contractor is concentrating on the installation of the Absorption Clarifiers and the New Filters. TLG expects the new filters to be on line around the end of October. They also expect the finish date will move past February 2013. Rural Development has requested that we move toward expending the remaining contingency funds as soon as possible after the base project is complete. TLG continues to discuss the use of remaining contingency funds with WCSA Staff.

The Contractor has remobilized and has dewatered the area behind the coffer dam and removing silt from that area preparing it for the drill rig, the Contractor is on schedule with his recovery.

Mr. Lane said TLG would be updating WCSA weekly on the work being done at the Intake as requested by Mrs. Helbert.

- **Bristol Area Water Service Restructuring from BVU to WCSA**

Mr. Lane reported this Project was in the final close out stage.

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- **Emory Meadowview Sewer Study**

Mr. Lane reported TLG met with Mr. Cornett and Mrs. Harold to discuss the Project. The sewer model was complete and TLG plans to present preliminary findings to WCSA soon. Mr. Lane also reported TLG met with a representative of Mount Rogers Planning District to discuss a strategy for funding this Project and others.

- **Exit 13 Wastewater Project Phase 1 & Exit 13 Force Main Project**

Mr. Lane reported Contract 2A, Ramey Construction's contract is about 60% complete. Work on the Exit 13 Force Main is more than 50% complete.

- **Galvanized Waterline Replacement Project – Phase 1 & 2**

Mr. Lane said Division 1 and 2 have been closed out. Later tonight, Mrs. Helbert will present a change order for Boring Contractors to add some line in Division 3 in the Town of Abingdon.

- **Hidden Valley Water System Preliminary Engineering Report**

Mr. Lane said they were in the process of completing the Hidden Valley Water System Preliminary Report and plan to present the report the WCSA Staff on October 29<sup>th</sup>. Russell County Public Service Authority does seem to be the best option to provide water to us.

- **Mendota Water System Source Improvements**

Mr. Lane reported the plans were finished and approved. Mrs. Helbert will be asking the Board for permission to advertise later this evening.

- **Nordyke Road Water System Project**

Final Plans and Specifications have been completed and have been submitted to WCSA Staff and to VDH. The environmental Review is nearing completion. One issue is they have

found endangered flowers may exist in the project area and a survey will be required, Mr. Lane reported.

- **Reedy Creek Water System Design – Task Order 0809-2**

Mr. Lane reported this Project was in the final close out stage.

- **Oak Park Sewer Project**

Mr. Lane reported Bids for Contract 1 Pump Station, Contract 2A Force Main and Contract 2B Gravity Sewer were opened on October 19<sup>th</sup>.

Two bids were received for Contract 1 Pump Station from Boring Contractors, Inc. and Frizzell Construction Co., Inc. Mr. Lane recommended the Bid be awarded to the low bidder, Boring Contractors, Inc. bidding \$879,500 for the project.

Next, Mr. Lane discussed Bids received for Contract 2A – Force Main. The lowest bid of 11 bidders was Tipton Construction Co., Inc.; bidding \$316,616.00. The second lowest bid was from Crosspointe Contracting, Inc. with a bid of \$337,680.00. Mr. Lane recommended Tipton Construction Co., Inc. be awarded the bid.

Finally, Mr. Lane discussed the 6 bids received for Contract 2B – Gravity Sewer. Mr. Lane reported the low bidder for this project was Tipton Contracting Co., Inc. offering a bid of \$1,068,733.00. The second lowest bid was from Boring Contractors, Inc.; bidding \$1,325,500.00. Mr. Lane recommended awarding the bid to the second lowest bidder, Boring Contractors, Inc.; explaining Tipton's history with WCSA saying Tipton had been late on past WCSA projects and it was crucial Contract 2B be finished on time. Mr. Lane then expressed his concern with Tipton Construction's equipment saying he did not feel Tipton had the equipment needed to complete

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the job. He also felt Tipton did not fully understand the scope of the project, thus bidding much lower than the second highest bidder. Mr. Lane said he had discussed these issues with Tipton and they agreed with his recommendation to award the reasoning to award the Project to another bidder. Mr. Cornett stated Tipton was 117 days late on the Whites Mill project and VDOT was unhappy with Tipton's performance. Due to the contract time lines for Contract 2B, he did not feel Tipton would be able to complete the Project on time.

The Board had a brief discussion regarding the bids for Contract 2B.

Mr. Miller motioned to award Contract 1 to Boring Contractors, Inc. and Contract 2A to Tipton Construction Co., Inc. as recommended by Mr. Lane. Mr. Stout seconded the motion and the Board approved with a vote of 7-0-0-0.

Mr. Stephon then motioned to award Contract 2B to Boring Contractors, Inc. as recommended by Mr. Lane. Mr. Stout seconded the motion and the Board approved with a vote of 6-1-0-0. Mr. Taylor opposed.

Mr. Stout discussed with Mr. Lane an issue he had been made aware of by Mr. George Thomas. Boring Contractors tore up a gravel driveway and when it rains, the gravels wash away. Mr. Lane assured Mr. Stout he would look into the matter.

Mr. Miller asked Mr. Lane if there were any contingencies in place if the Water Plant was not up and running by the end of February 2013. Mr. Lane said they were working on contingencies. Mr. Lane reported the New Filters would be on line by the end October 2012 making it possible to produce over and above 6.6 MGD. TLG feels the Contractor will be substantially

complete by the middle of February. There will be some building work yet to complete but the Authority will be in a position to produce all the water it needs to be the end of February 2013.

Mr. Helbert commented on the issue of the driveway washing out. She said Staff has been there twice when it rains and they have not seen that the driveway was washing out. She said it appeared the straw was blocking the drop-in-let.

***Mr. Bill Skeen of Maxim Engineering***

**• Tumbling Creek South & North Fork River Road Water Projects**

Mr. Skeen said there had been an issue with a pressure reducing valve. The line crew has uncovered an existing valve they weren't aware of and it will be replaced with a new pressure reducing valve. Approval from the VDH is expected to follow soon after replacing the valve. Mr. Skeen reported the Environmental Process is ongoing.

**• Larwood Acres / Exit 1 Wastewater Feasibility Study**

Mr. Skeen submitted an Engineering Agreement for WCSA Staff and Legal Council review.

***Mr. Kevin Heath of Adams-Heath Engineering (AHE):***

**• Rich Valley Road/Whites Mill Road/ Hillandale Road/ Red Fox Land Water Extension Project**

Mr. Heath reported that plans have been completed for the extensions and been submitted to the VDH. AHE has been working with the VDH on the Environmental Review and are expecting the VDH to issue a Categorical Exclusion with letters that have been issued.

**• Abingdon Water Storage Improvements Study**

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AHE expects to submit a draft study for WCSA review in a week.

- **Green Spring Water Line Replacement**

Mr. Heath reported they have regulatory approval for this Project. AHE is corresponding with Norfolk Southern Railroad regarding the railroad permit in the Town of Abingdon and have reached a consensus with the Railroad.

- **Route 58 Water Supply Improvements Project**

AHE is working on completion of the Environmental Report and PER for this project.

Mr. Heath said they have met with WCSA Staff to review draft plans. After making a few changes, we will submit the plans to the Health Department for review later this week, Mr. Heath reported.

- **Smyth Chapel Area Water Improvements Study**
- **Eastern Washington County Water Study**
- **Monte Vista/Crescent Drive Water Line Improvements**

Mr. Heath reported AHE was compiling background information for the above three projects.

#### **7. Water & Wastewater Construction Projects Report and Update April Helbert**

Mrs. Helbert reported on the Sutherland Project saying we are waiting for approval from some of the agencies. Mrs. Helbert hopes to ask permission to advertise at the November meeting.

Mrs. Helbert then discussed the Mendota Community Water System Improvements Project and asked the Board's permission to advertise this Project pending approval from the VDH, funding agency and obtaining all

required easements. Mr. Miller motioned to approve advertisement of the Mendota Community Water System Improvements Project. Mr. Hutchinson seconded the motion and the Board approved voting 7-0-0-0.

#### **8. General Manager's Report & Update Robbie Cornett**

Mr. Cornett referred to his General Manager's Report and Update at the Board's stations. He reported on the following noteworthy WCSA performance & accomplishments from all departments during the month of September:

##### **Water Production**

- Produced more than 204 million gallons of drinking water from WCSA and more than 29 million gallons of water for the Town of Chilhowie.
- Continued coordination and support of the expansion of our Middle Fork Drinking Water Plant.

##### **Distribution**

- Coordinated the outside purchase of more than 13 million gallons of drinking water.
- In total, 7.276 million gallons per day (MGD) of drinking water was distributed to our customers in September.
- Continued coordination and support of WCSA's ongoing capital projects.

##### **Meter Department**

- 187 customers were telephoned following unusually high usage.
- 575 customers were notified that their water was to be turned off for nonpayment.
- 125 meters were lifted for non-payment.
- 98.80 % (21,746) of all meters read with radio with the remainder (186) requiring a manual read. Mr. Cornett

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added, our automated meter reading system continues to work very well thanks to our Meter Department. Most utilities struggle to achieve a 90% read rate; WSCA was at 98.8% for the month of September.

- **Customer Service**
- More than \$23,000 was adapted for 104 customer water leaks.
- \$19,000 was written off as bad debt three years old.
- 5 water taps applied for.
- 155 reconnections/transfers of service.
- 4,442 accounts with late charges added.
- 1,258 disconnect notices processed.
- 125 disconnects for non-payment.

**Maintenance**

- 33 leaks.
- 7 major breaks repaired.
- 7 water taps.
- 69 after hour maintenance call-outs.
- Assisting Galvanized Line and Reedy Creek contractors as well as The Lane Group in design of Galvanized Line Phase 2.
- Continued Damascus Sewer System inflow and infiltration investigative and corrective work.

**Wastewater**

- Treated more than 9 million gallons of wastewater at Hall Creek.
- Treated almost 4 million gallons of wastewater at Damascus.

**Administrative Items**

- Met with Town of Abingdon on September 4<sup>th</sup>, about possible regional opportunity that could best serve our customers and residents to the Town/County.
- Attended the Joint Utilities Meeting with Mr. Taylor and Mr. Miller on September 10<sup>th</sup>. In addition to progress on WSCA capital projects,

we presented the idea of exploring regional opportunities with the Town of Abingdon; they were received favorably.

- Participated with others in easement negotiations for the raw waterline easement across the Gray property. I am pleased to report an agreement was reached and the details are being resolved now.
- Participated in a VWWAA Directors meeting on September 19<sup>th</sup>.
- Met with WSCA Technical Manager, Mark Osborne as he prepares to lead WSCA's first Nonrevenue Water (NRW) Task Force. NRW has been and continues to be an area of improvement since 1997.
- With Accounting, continue to develop a compensation and benefits survey for our area. This survey should be assimilated in DRAFT from within a few weeks. In July, the Board postponed seeking volunteers to serve on a Compensation and Benefits Committee. Perhaps the time is right for the Board to revisit the desirability and feasibility of the committee. Our proposed plan is to forward the survey to committee members, give them time to review and schedule/conduct a meeting to evaluate the survey. Based on the committee's findings, the committee would provide a copy of the survey to the full Board along with any recommendations.

Mr. Chase and Mr. Stephon volunteered to serve on the Compensation and Benefits Committee.

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**9. Consideration of Interest on Refunds *Robbie Cornett***

Mr. Cornett began saying we were not required to pay interest on refunds but this was at the discretion of the Board.

Mr. Chase expressed his thought that Mr. Byrd was due something. Saying maybe there was some way we could make a one-time inconvenience refund.

Mr. Cornett reminded the Board that WCSA issued a refund to Cozart a few years ago for the same issue. Errors happen and refunds have been issued and will continue to be issued. Mr. Cornett expressed his concern of a one-time payment of interest on a refund.

Mr. Lawson then said the issue of that will be having a situation of the next person saying "Why are you treating me different"? That is the problem you have with a subjective assessment; and I understand the sentiment. When you start treating people differently, then you will have to explain why you are treating people differently. Whether you want to set a precedent or not; you are going to set a precedent Mr. Lawson advised the Board.

Mr. Stout felt like the customer should have caught the mistake in 13 years and was not due interest.

Mr. Chase felt the customer could say the same about the Authority.

Mr. Taylor asked what the payment of interest would be based on the current interest rate.

Mrs. Helbert said I would depend on what type of interest you figured. Interest on a saving account was about a half a percent.

Mr. Cornett said interest could be figured many different ways; consumer price index, checking accounts, rate of inflation. There are so many different interest rates; what we pick for this situation is what we will have to use in

the future. Mr. Cornett said if the Board in interested in issuing payment of interest, WCSA would need to do more research on the various interest rate indicators.

Mr. Lawson offered that WCSA doesn't have to pay interest on required deposits. State Corporation Commission Regulated Utilities are required to pay interest on deposits; however, WCSA is not required to do so. He then said he agreed with Mr. Cornett and advised against making the decision tonight without further consideration of what all is involved.

Mr. Chase asked Mrs. Harold to come up with some figures on interest rates for further discussion.

Mr. Cornett said Mr. Byrd indicated that he did not want the refund until the Board decided the payment would include interest.

Mr. Stephon asked if WCSA had a specific policy on refunds with interest. Mr. Cornett stated the Authority did not have a written policy but our practice is essentially policy unless we have a written policy.

Mr. Hutchinson asked what steps WCSA has taken to prevent this kind of mistake from happening in the future.

We have difficulty now determining how this mistake was made; typist error perhaps, Mr. Cornett answered. Mr. Cornett said Mr. Byrd was certainly entitled to a refund but there was certainly some responsibility on both sides.

Mr. Lawson asked if the bill indicated the size of the fire line.

According to Mrs. Helbert who saw the bill; the bill does not indicate the size of the fire line.

The Board had a brief discussion regarding the bill and what the bill indicated, The Board concluded they

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would like to see additional information on interest rates and the amount the interest payment would be in this instance, if they chose to do so.

Mr. Cornett advised the Board not to do a one-time payment of interest and added WCSA Staff would look into interest rates and have that information available at the November Meeting for Board review.

Mr. Cornett added there would be mistakes, it was just human nature. He also advised having a formal written policy regarding payments on interest using the same interest rate as used in the Byrd case if the Board decided on this interest payment; allowing WCSA the authority administratively to issue interest payments without having to bring each case to the Board.

Mr. Lawson advised that WCSA send Mr. Byrd a check for the refund now.

Stout motioned a check be sent to Mr. Byrd for the amount of the refund only; without interest. Hutchinson seconded. The motioned failed with a Board vote of 3-4-0-0-.

The Board will review current interest rates and will revisit the issue at the November meeting.

**10. Consideration of Galvanized Water Line Replacement, Phase 1, Division 3 – Change Order 3 April Helbert**

Mrs. Helbert began saying, this Change Order provides some additional line work in the following areas: Scrubbies Car Wash area, Bradley Street, Maringo, Old 11, Baugh Lane Apartments, Berry Creek and Wonderland. The total Change Order adds 1,500 linear feet of 4 inch line, 5,000 linear feet of 6 inch water line and it estimates 1,680 tons of asphalt paving. Additional “clean –up”

for quantities of items installed versus quantities bid are not included in the bid. In addition, the contractor has requested additional compensation for 6 inch water line that has been and will be installed above bid quantities. As we have discussed at some of our past Board meetings, as it related to other phases of this project, pipe prices had increased significantly since the project was bid. The Contractor has already completed some additional line work (additional unknown line that was found during construction/prospecting), and is willing to install the additional line listed above at an additional cost.

Six inch of water line purchased in June 2012 above the bid quantities is an increase of \$1.35 per foot. Bid quantities were 48,155 feet plus pipe purchased in June was 53,400. The increase of the line item is \$7,079.40

Six inch water line to be purchased in October 2012 is an increase of \$1.978 per foot. The Contractor is requesting additional compensation for anything above 53,400 feet. The current estimate is approximately 4,946 for an increase of \$9,7423.62. Please note this is an estimate and actual amount purchased will be finalized on the clean-up change order.

The Change Order also increases the Contract Time by 160 days; including 80 days to locate, design and obtain approvals for the 7 areas on the first page. The substantial completion date is now January 11, 2013 with the final completion date being February 10, 2013.

The Engineer has recommended approval of this Change Order. WCSA Staff concurs with the Change Order and Engineers recommendations.

Mr. Stephon motioned to approve Change Order 3 for Galvanized Line



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Replacement, Phase 1, Division 3. Mr. Taylor seconded the motion and the Board approved voting 7-0-0-0.

**11. Closed Meeting**

At 8:20 PM, Mr. Stephon moved that the Board adjourn to Closed Meeting in accordance with the Virginia Freedom of Information Act, Code of Virginia Section 2.2-3711 Paragraph (A) (3): acquisition and disposal of property 2. To discuss and consider the acquisition of real property, Code of Virginia Section 2.2-3711 Paragraph (A) (6): investment of public funds, 4. To discuss various Inter-municipal and other agreements; Code of Virginia Section 2.2-3711 Paragraph (A) (7): legal advice, 5. To discuss potential litigation, 6. To discuss various Inter-municipal and other agreements, 7. To discuss potential contract litigation. In addition to the Board, the presence of Mr. Mark Lawson, WCSA Counsel, and Mr. Robbie Cornett, WCSA General Manager was requested. A second to the Motion of Closed Meeting was made by Mr. Coleman and was approved by Board vote of 7-0-0-0.

**Return to Public Session:**

Mr. Stephon read the following **Return to Public Meeting**; Mr. Chairman, I move that the Board return to Public Session. The motion was seconded by Mr. Hutchinson and approved by Board vote of 7-0-0-0. The Board returned from Closed Meeting at 8:58 PM. Mr. Stephon read the following: **Certification of Closed Meeting**;

Whereas, the Washington County Service Authority has 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 Paragraph D of the Code of Virginia requires a certification by this Authority that such Closed Meeting was conducted in conformity with Virginia Law. Now, therefore, be it resolved that the Authority hereby certifies that to the best of each member's knowledge, (1) 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 (2) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Authority. Aye by Mr. Miller, Mr. Hutchinson, Mr. Stephon, Mr. Chase, Mr. Coleman, Mr. Taylor and Mr. Stout confirming that no outside discussion took place other than Closed Meeting topics.

**12. Late Items**

**Late Item #1: Landlord Tenant Committee Policy *Robbie Cornett***

Mr. Cornett presented the Board with a handout for their review. He reported the Board Committee members Mr. Lawson and Mr. Cornett met with three landlords; Mr. Carrico, Mr. Law and Mr. Epling. They are working on policy that will be brought before the Board at the November meeting. Mr. Cornett said this memo provides the Committee with some background and identifies the questions and comments we have received from landlords and is a first draft or rough draft of a proposed policy. Mr. Cornett said he would like for the Committee Members to meet soon to discuss the draft of the Policy.

Mr. Cornett said he envisioned the Committee meeting soon to discuss the draft policy and the section on credit

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checks as Mrs. Harold is researching that information. Mr. Cornett hopes the Committee will have recommendation and a full recommendation to be included in the November Board Book. Mr. Cornett also suggested forwarding a copy to the landlords who attended the meeting (and anyone else who requested a copy) for their review and feedback. The Committee members agreed to meet soon.

**13. Adjournor Recess**

At 9:06 PM, Mr. Hutchinson motioned to Adjourn. The motion was seconded by Mr. Stephon and approved by Board vote of 7-0-0-0.



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Mr. Joe Chase, Chairman



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Carol Ann Shaffer, Assistant Secretary