

**Washington County Service Authority Board of Commissioners**  
**May 21, 2018 Regular Meeting Minutes**

**1. Call the Meeting to Order- Vice Chairman**

The Regular Meeting of the Washington County Service Authority Board of Commissioners, held in the E. W. Potts, Jr. Board Room located at 25122 Regal Drive, Abingdon, Virginia, was called to order by the Vice Chairman at 6:01 pm.

**2. Roll Call - Vice Chairman**

Commissioners Present:

Mr. Jim McCall, Vice Chairman  
Mr. Wayne Campbell  
Mr. Dwain Miller  
Mr. Tim Orfield  
Mr. Vernon Smith  
Mr. Kenneth Taylor

Commissioners Absent:

Mr. Mike White, Chairman

WCSA Officers Present:

Robbie Cornett; Secretary, General Manager  
Melinda Jett; Treasurer, Controller  
Carol Ann Shaffer; Assistant Secretary, Administrative Assistant

General Counsel Present:

Thomas Dene, Esq.; Dene & Dene, P.C.

Consultants Present:

Dennis Amos, PE; Hurt & Proffitt, Inc.  
Bobby Lane, PE; The Lane Group, Inc.  
Kevin Heath, PE; The Lane Group, Inc.

WCSA Staff Present:

Dave Cheek PE; Operations Manager  
Ryan Kiser, PE; Engineering Manager  
Holly Edwards; Customer Service  
Johnny Lester; Maintenance Manager  
Ken Perrigan; Meter Manager

**3. Prayer and Pledge of Allegiance - Dave Cheek**

Mr. Cheek opened the meeting in prayer and led the Pledge of Allegiance.

**4. Approval of the Amended Agenda - Vice Chairman**

Mr. Taylor motioned to approve the Amended Agenda, Mr. Campbell seconded and the Board approved with a unanimous vote.

**5. Public Query and Comment - Vice Chairman**

There was no public query or comment.

**6. Approval of the Consent Agenda with Exceptions - Vice Chairman**

A. Approval of Minutes:

- Amended March 26, 2018 Regular Board Meeting Minutes
- April 17, 2018 Dispute Committee Meeting Minutes
- March 26, 2018 Recessed Meeting Minutes (held April 23, 2018)

B. Routine Reports: April 2018

- Water Production
- Water Distribution
- Meter Department
- Wastewater Operations
- Customer Service
- Maintenance
- Engineering
- Accounting
- Health & Safety Report

C. Financial Reports: April 2018

- Balance Sheet
- Income Statement
- Check Register / General Manager Financial Statement  
*Except for Checks 040564, 040565, 040655 and 040648*

Mr. Miller motioned to approve the Consent Agenda, Mr. Orfield seconded and the motion carried with a 6-0-0-1 vote.

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**7. Consideration of Check Numbers 040564 to Misty Mountain Spring Water Company – Vice Chairman**

Mr. Orfield noted he is an employee of Mid-Mountain Foods Inc., and would therefore be abstaining from discussions or voting on this agenda item.

Mr. Campbell made a motion to approve check number 040564. Mr. Miller seconded and the Board approved voting 5-0-1-1.

**8. Consideration of Check Number 040648 to King General Contractors – Ken Taylor, Acting Chairman**

Mr. McCall stepped down as acting Chairman and abstained from discussions or voting on this Agenda Item as he is employed by King General Contractors.

Mr. Taylor took over as Acting Chairman for this item.

Mr. Campbell motioned to approve check number 04648. Mr. Miller seconded and the Board approved voting 5-0-1-1.

**9. Legal Counsel Report and Update – Thomas Dene**

Mr. Dene reviewed legislative updates with the Board.

He recommended the Board consider adopting rules to govern public comment and offered to present the Board with a draft set of rules for their review and comment. There was a consensus to prepare the rules for review and consideration.

**10. Operations Manager's Report and Update – Dave Cheek**

An outline of the Operations Report and Update reviewed by Mr. Cheek is attached.

During his review, Mr. Cheek referred to a handout (see attached) placed at the

Board's stations detailing remaining action items for the Mill Creek Plant.

**11. General Manager's Report and Update – Robbie Cornett**

Please see the attached outline of Mr. Cornett's presentation.

**12. Water and Wastewater Construction Projects Update – Ryan Kiser**

Mr. Kiser reviewed the attached presentation during his update.

**13. Engineer's Report & Update**

***Hurt & Proffitt – Dennis Amos***

- Exit 13 Phase 3 Sewer Design

***The Lane Group – Bobby Lane***

- Water Intake Permit Modification for South Fork and Middle Fork Intakes
- Mill Creek Water System Improvements

***The Lane Group – Kevin Heath***

- Route 58 Water Supply Improvements Project

During Mr. Heath's review of the Route 58 Project, Mr. McCall stepped down as acting Chairman and abstained from discussions or voting on this item and Agenda Item 14 as he is employed by King General Contractors; one of the contractors for the Route 58 Water Supply Improvements Project.

Mr. Taylor took over as Acting Chairman.

- Lee Highway Corridor Sewer Project Phase 1 – Study
- Abingdon Tank Improvements Project

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**14. Consideration of Change Order 1 for Contract 2 of the Route 58 Water Supply Improvements Project – Ken Taylor, Acting Chairman**

Mr. Miller motioned to approve Change Order 1 for Contract 2, Mr. Smith seconded and the Motion carried with a 5-0-1-1 vote with Mr. McCall abstaining.

**15. Consideration of Change Order 1 for Contract 3 of the Route 58 Water Supply Improvements Project – Jim McCall took over Acting Chair from Ken Taylor**

Mr. Taylor motioned to approve change order 1 for Contract 3 as requested; Mr. Smith seconded and the Board approved voting 6-0-0-1.

**16. Consideration of Lawn Service Bids, Sludge Removal Bids, and Chemical Bids - Melinda Jett**

Mrs. Jett recommended approving the sole bidder for sludge removal, Robert Montgomery and approving the low bidder, Meadowview Enterprises, for lawn care services. Mrs. Jett also recommended reviewing bid qualifications for chemical bids as there were no bids submitted for several chemicals.

Mr. Campbell motioned to approve the bids for lawn care services and sludge removal as recommended. Mr. Miller seconded and the Board approved with a 6-0-0-1 vote.

**17. Consideration of Check Number 040565 and 040655 to Mountain Materials – Vice Chairman**

Mr. Taylor abstained from voting or discussions related to this item as he is an employee of W&L Construction who has an affiliated business entity relationship with Mountain Materials.

Mr. Miller motioned to approve the checks as listed, Mr. Campbell seconded and the Board approved voting 5-0-1-1 with Mr. Taylor abstaining.

Mr. Campbell motioned to approve Change Order No. 2. Mr. Miller seconded and the Board approved voting 4-0-1-2.

**18. Closed Meeting – 7:37 pm**

Mr. Dene read the following:

I move that the Board of Commissioners of the WCSA adjourn to Closed Meeting in accordance with the Virginia Freedom of Information Act,

Code of Virginia Section 2.2-3711 Paragraph (A) (1): Personnel

1. To discuss and consider the performance of a specific appointee of the Board of Commissioners of the Washington County Service Authority.

Code of Virginia Section 2.2-3711 Paragraph (A) (7): Actual Litigation

2. Consultation with legal counsel and briefings by staff members pertaining to actual litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the WCSA, specifically involving the case of Washington County Service Authority v. Bundy, currently pending in the Circuit Court of Washington County, Virginia.

Code of Virginia Section 2.2-3711 Paragraph (A) (7): Probable Litigation

3. Consultation with legal counsel and briefings by staff members or consultants pertaining to probable litigation that has been specifically threatened or which the WCSA or its legal counsel has a reasonable basis to believe will be commenced by a known party, where such

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consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

Code of Virginia Section 2.2-3711 Paragraph (A) (19): Public Safety

4. To discuss plans related to the security of any governmental facility, building or structure, and the safety of persons using such facility, building or structure.

Code of Virginia Section 2.2-3711 Paragraph (A) (8): Consultation with Counsel

5. 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 involving WCSA's cross-connection and backflow prevention program.

Code of Virginia Section 2.2-3711 Paragraph (A) (29): Contracts

6. To discuss the award of a public contract involving the expenditure of public funds, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Washington County Service Authority, specifically involving the terms, scope and possible extension of a contract for cell tower marketing.

Code of Virginia Section 2.2-3711 Paragraph (A) (29): Contracts

7. To discuss the award of a public contract involving the expenditure of public funds and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Washington County Service Authority, specifically

involving the award of a contract or contracts for the Lee Highway Corridor Sewer Project.

In addition to the Board the presence of Thomas Dene, WCSA General Counsel, and Robbie Cornett, WCSA General Manager, were requested.

Mr. Campbell made a motion for closed meeting as read by Mr. Dene. Mr. Taylor seconded and the Board agreed voting 6-0-0-1.

**19. Return to Public Meeting – 9:27 pm**

Mr. Taylor moved that the Board return to Open Session. Mr. Smith seconded and the motion carried with a 6-0-0-1 vote.

Mr. Dene then read the following Certification of Closed Meeting;

Whereas, the Board of Commissioners of 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;

And Now, therefore, be it resolved that the Committee of Board of Commissioners of the Washington County Service 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

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Closed Meeting were heard, discussed or considered by the Board.

Aye by Mr. Miller, Mr. Campbell, Mr. Taylor, Mr. McCall, Mr. Orfield and Mr. Smith confirming no outside discussion took place other than Closed Meeting topics.

**19. Late Items – Vice Chairman**

Mr. Miller made a motion to apply to Rural Development for the Backbone System for the Lee Highway Corridor Sewer Project. Mr. Campbell seconded and the Board approved voting 6-0-0-1.

Mr. Miller motioned to preliminarily resend the wastewater rate increase scheduled to take effect in July 2018. Mr. Campbell seconded and the Board approved with a 6-0-0-1 vote.

**20. Adjourn – 9:35 pm**

Mr. Taylor made a motion to recess, Mr. Smith seconded and the Board approved with a 6-0-0-1 vote.

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Mr. Jim McCall, Vice Chairman

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Carol Ann Shaffer, Assistant Secretary