

MEETING MINUTES
CARROLL COUNTY PUBLIC SERVICE AUTHORITY
JULY 09, 2018
CARROLL COUNTY GOVERNMENTAL CENTER
BOARD MEETING ROOM
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CALL TO ORDER

The Carroll County Public Service Authority held their regularly scheduled meeting on Monday, July 09, 2018 at 3:00 p.m. in the Carroll County Governmental Center Board Meeting Room. Members present included: Dr. Thomas Littrell, Chairman, Jeanette Dalton, Keith Meredith, Vice Chairman, Phillip McCraw, Doug Winesett, and Rex Hill. Also present were Executive Director/PSA Engineer, Jessica Montgomery and Dana Phillips, Assistant Director, Secretary/Treasurer of the Authority.

Dr. Littrell- We have one item to add to the agenda and that is a closed meeting to occur after Citizen's Time. That will be for discussion of prospective business or industry. I have seven people signed up for Citizen's Time. I'll read your name and be reminded, there is a 5 minutes limit on your presentation. The first is Judy Jones.

CITIZENS TIME

Ms. Judy Jones- Hi, my name is Judy Jones. I'm a resident of 112 Trading Post Road that's in the Cliffview Community. I'm here to ask the committee today to please find in your heart to discontinue this non-user fee that's being placed on the residents of Carroll County. It is legally and morally not right to fine and threaten the citizens of Carroll County who did not ask for or sign up for this water. The rest of my time I'd like for Benny Robinson to have.

Dr. Littrell – Thank you very much. The next speaker is Scott Melton.

Mr. Scott Melton – My name is Scott Melton. I live on 4690 Coulson Church Road. When y'all come through with this water y'all sent a lady around to help sign up. I came over here to the courthouse signed up but, yet I still did not get a meter. I don't mind paying for something that you can use but when you're charged for something you can't even hook to, you don't have a meter, you don't have nothing you know that's getting to be too much. I've been a member of Laurel Rescue Squad and the Carroll County Search and Rescue. Lifetime member to both. This October will be 28 years. I've give to the County and give to the County and still give to the County. I go to the Fiddlers Convention, I help Search and Rescue. Rex Hill there can verify that. I do everything I can do for the squad. I used to pull three nights a week. I give to the County why can't the County give us something. You know if I had to pay for it put me a meter in. That's all I'm asking. If I don't have a meter why should I have to pay for it. That's all I got to say.

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Dr. Littrell- We'll have the staff look into it. I appreciate you bringing it to our attention.

Mr. Scott Melton- Thank you.

Dr. Littrell- Robert Patton is our next speaker please.

Mr. Robert Patton- I relinquish my time to Benny Robinson.

Dr. Littrell- Benny Robinson is our next speaker.

Mr. Benny Robinson- Good afternoon. I'm Benny Robinson and I live in the Pipers Gap District. I'm here to address the non-user mandate that has been levied upon some residents of this County. I ask you the board to indulge me with one question: do you think that the non-user mandate, billing and prosecuting, without any goods or services being delivered is right? A show of hands would be appreciated. We got a split board. 3, 3. I believe it is wrong. Constitutionally, ethically, and biblically. Moreover, I think it is an egregious overreach of government power. The non-user fee is nothing short of servitude. Residents of this county are being treated as subjects of the government and on that account silence would be disloyal and the lascivious way and manner confirms the circumstance. Each one of you took an oath of office to uphold and defend the constitution, I doubt you take that lightly. That oath is as strong as it gets and faithful executing the duties of your office. I have been in contact with the USDA regarding the non-user fees, mandatory hookups, loan guarantees, among other things. I have shared my inferences with some of you. Some listen few scoffs for whatever reason. Because of time constraints allow me to summarize my conclusions. The USDA does not make non-user fees mandatory nor a mandate. The USDA has advised other laws prohibit them from doing such, the USDA does offer suggestions and other specifics to act as guarantees during the loan application process. It falls on local governments to mandate ordinances to discharge declared guarantees in certain cases. The USDA does offer in the letter of certification certain endorsements that can be used as loan guarantees. Carroll County made non-user fees mandatory, not the USDA. Yet, Carroll County has allowed non-users in the early projects to be vacated of that fee. I trust you are aware of that. Now enters the assertion, we do not know the identity of those non-users. More overly legally troublesome to me is the non-consistency in the application of law, especially in violation of the Virginia statutes addressing the fair and reasonableness language. I brought that up last time. Was the non-user fee revenue a make or break decider to these water/sewer projects? I doubt it. There's 79 non-users. I doubt that's what pushed it over the top. Guidance has been

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made that non-user fees may be revocable, but it requires action from the County. The USDA has given advice that there are many tools in the bag to satisfy their requirements for loan guarantees and that is their words not mine. USDA offered that many counties in Southwest Virginia engage different tactics to satisfy the letter of certification, this for the same low interest loans. Many did not choose non-user fees nor mandatory hookups. Other tools were used in lieu of. Today a plethora of misunderstanding and disagreements among various Board members and citizens persists. I hear of defensible excuse pointing to the lawyers as having said "it was okay". Wrong again. There is a 50/50 chance lawyers don't get it right. What lawyers do get right is they get paid. And they get paid either way. And guess who pays them? The taxpayers. Our citizens elect officials to govern, not to acquiesce to some ill-advised loan application language. It's time to lead, follow or get out of the way. Ironically, the USDA is getting the blame, the USDA did not get Carroll County into this quagmire. It is and was the governing body of this County. This is a self-inflicted gunshot perpetuated by lack of wisdom, knowledge and synergetic decision-making abilities. Stop the blame game. It's going on right here in this room. Does it encourage you to know that there are remedies to reverse these non-user fees? Does it disturb you that some are spending more energy to defend a bad decision than looking for ways to repeal it? Does it concern you that the non-user fee is not uniformly executed within the county? Do you recognize that County ordinances often conflict with the Constitution till over turned? Do we run a test of Constitutionality on this? I doubt it. If non-user fees were the decider in guaranteeing these loans how many of the 79 non-users agreed to pay a fee so that the County could secure low interest loans? What does the collection of the non-user fees cost the County? It's not without cost. I know it cost thousands of dollars to get freedom of information data cause that's the quote I was given. An affirmation that County employees are definitely on overload. Government is flawed because humans are flawed, everyone needs to be an advocate for good government. If government violates these basic rights then our government is rising to levels where failure is inevitable. It starts small and seemingly insignificant but soon it contorts to other methods to other atrocities. The Constitution speaks to use and enjoyment of property. Property rights have long been deemed an extension of human rights and as such secured or liberty will not exist. You are commanded to be good stewards, your realizing that decisions all be it made in the past need to be reversed to terminate these charges rests squarely on your shoulders. I will close and I implore the leadership of the PSA and the Board of Supervisors not to throw logic and reason out the window and continue making harmful decisions to defend an already iniquitous resolution. You don't need a lawyer to advise you of the right thing to do. The words of our first Vice President John Adams regarding our Constitution, our Constitution was made only for a moral and religious people, it is wholly inadequate to the government of any other. A bit of history recall from last week's tribute to our Declaration

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of Independence. The greatest number of opined grievances by the colonists were singularly over reach of government. Please act now. Your actions will not go unnoticed. Thank you.

Dr. Littrell- Thank you. The next speaker is Robert Mabe.

Mr. Robert Mabe- I'm Robert Mabe and I live at 1753 Rescue Road, Austinville Virginia about 10 miles from here. I don't have a whole lot to say other than what my friend just said there. Spelled it out pretty well. It's surprising how that you could write up an article and contradict yourself. It seems like it's going that way as far as the government is. I still don't have no meter. I never got a blue hose sticking up out of the ground. And it's surprising to even see Doug voting for it. As long as I've known him it just surprising to me but anyhow I'd just like to say that something needs to be done. And y'all need to take action because you're not. I get them bills in the mail every month you know one right after the other and it's surprising you know. You wouldn't want to pay for something that you're not getting. I mean tell me I'm just an old country boy it just surprises me even the people that live here in Hillsville across from B&B Tire they don't have to pay it. And I've mentioned it before I'm not gonna take up much time it seems like I go getting into it and get "flustrated" Daddy always said you get more bees with honey than you can salt so I'm gonna try to settle down and use that quote you know because you not doing us right. Y'all know y'all not doing us right. Why you keep on with it and I know what a grant is my wife used to get grants with running a babysitting outfit and I know how you gotta pay it. You know you think "we'll just go ahead and charge a non-user fee and we'll get it paid" and that's not right. You know good and well it's not right. And I'd just like to say I wasn't gonna say anything but thought I'd put my two cents in and I hope that's good. Thank you.

Dr. Littrell- Is that you Mr. Dillon?

Mr. Dillon- It's Me!

Dr. Littrell- I couldn't read the first part of it.

Mr. Dillon- I'm not gonna say a whole lot. I understand what Benny just told you. You don't want to hear it. You're blind. But I'm just curious does the Board of Supervisors get paid to sit in on these meetings? Who can answer that?

Mr. Rex Hill- I can tell you the Board of Supervisors gets paid about \$5,000 per year for sitting on the board.

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Mr. Dillon- I was just curious because I notice there not all here every day. But I want to ask you a question I'd like to see a show of hands. How many of you pay a non-user fee? Nobody pays a non-user fee? I offered y'all a chance to get in on it and pay a non-user fee but nobody will accept it. So, I don't understand. And just let me say this and I don't want to be cynical I don't want to be mean hearted, but you know I pay taxes in Carroll County for like fifty years and I paid them every year by December 5th and I told your County Administrator the mood I'm in right now I'll never pay them again. You know if y'all can't do any better than this you know what you remind me of? And you know it was a comedy on tv the Dukes of Hazzard. I don't know where Boss Hog is but y'all act like the Dukes of Hazzard. You're trying to extort money out of people. You know no rights. And Rex I appreciate it I think Rex is interested in doing the right thing. And I appreciate that. I will say that. As far as the rest of you how many are for the non-user fees?

Mr. Keith Meredith- You ask how many non-user fees? I pay for two user fees. I'm very glad to have water.

Mr. Dillon- You know I'm glad for the people who's got it but that don't mean I need to pay for it. But nobody pays a non-user fee.

Mr. Doug Winesett- I don't have any property Mr. Dillon. We all pay if you pay taxes in Carroll County I pay money to the PSA. The PSA is not self-supported. Everyone pays.

Mr. Dillon- I pay taxes to Carroll County too but here moving forward I don't know that that's gonna be the case.

Mr. Doug Winesett- Well I don't have any property where I could have a meter. But I was told early on when I first came on the board that it was the only way to get the loan.

Mr. Dillon- Do you want a meter and a non-user fee? Nobody thinks it's right nobody wants to pay it but nobody wants to do anything about it. One other thing and I'm gonna be quiet I just curious have y'all discussed a non-user fee since our last meeting?

Mr. Keith Meredith- We have. We discussed it internally.

Mr. Dillon- So it's being discussed so y'all will give us your promise that you're working on it.

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Mr. Keith Meredith- Yes sir.

Mr. Dillon- Ok I appreciate your time.

Dr. Littrell- Is the name Poncho? Is that correct?

Mr. Poncho- Thought I'd come by see what's going on. I'm a resident of Carroll County and you know ever since they got it going it goes by our property, but we're not hooked up to it. We have a well of our own. And the wife wants to get hooked up to it later on when we can afford it. But we've been paying this user fee for a pretty good while. It just runs by our property and I was just wondering the income that they get from that where does that go towards the user fee. That money goes somewhere. I'm just wondering if it's going to towards helping Carroll County, roads, schools?

Mr. Keith Meredith- They can answer better than I can but that money that's part of that grant that loan repayment. The revenue pays the debt.

Mr. Poncho- Ok. That's all I have. I just wanted to see what it's all about. Thank y'all for your time.

Mrs. Jessica Montgomery- What is your address sir?

Mr. Poncho- Carroll County

Mrs. Jessica Montgomery- What is the street/road?

Mr. Poncho- It's in Carroll County

Mr. Rex Hill- I do have a question. Does the revenue pay the debt or does the County Board of Supervisors pay the debt through taxes?

Mrs. Jessica Montgomery- It's paid by both. The PSA pays the debt back and some of the Board of Supervisors supplement it.

Mr. Rex Hill- So we pay a million dollars a year for the debt correct?

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Mrs. Jessica Montgomery- Close to that. Part of is Regional Water which is actually County Debt.

Mr. Rex Hill- So the New River Regional Water is a portion that the County pays?

Mrs. Dana Phillips- Yes

Mr. Rex Hill- That's one million dollars?

Mrs. Dana Phillips- No. The New River Regional debt is 283,000 a year that's a county debt that's part of the appropriation from the County. The rest of it is availability fees from the IDA for the water and sewer lines.

Mr. Rex Hill- Who gets their funding from Carroll County.

Mrs. Dana Phillips- Yes

Mr. Rex Hill- What percentage of the PSA pays on the debt. What percentage does that gentleman just asked.

Mrs. Jessica Montgomery- We can get that number for you and have it next time.

Mr. Rex Hill- So we're paying \$5 million a year on the debt? We need to get that more specifically because it's a big issue with me.

?- The citizen's should get that information without having to pay for it.

Mrs. Jessica Montgomery- All that information is in the board pack.

Dr. Littrell- We'll move on to the next item on the agenda and that's the closed session if I could have a motion that we enter closed session for A (5) which is discussion of prospective business or industry where there has been no public discussion of the business or industries desire to locate or expand in the County.

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(ORDER)

CLOSED MEETING- PURSUANT TO VA CODE SECTION 2.2-3711 A (5) DISCUSSION OF PROSPECTIVE BUSINESS OR INDUSTRY WHERE THERE HAS BEEN NO PUBLIC DISCUSSION OF THE BUSINESS OR INDUSTRIES DESIRE TO LOCATE OR EXPAND IN THE COUNTY

Upon a motion by Mr. Meredith, seconded by Mrs. Dalton and duly carried the Authority does hereby enter into closed meeting at 3:24 p.m. until 3:40 p.m. for the discussion of Virginia Code 2.2-3711 A (5) Discussion of Prospective Business or Industry where there has been no public discussion of the business or industries desire to locate or expand in the county.

(ORDER)

Upon motion by Mr. Meredith, seconded by Mr. Winesett and duly carried the Authority does hereby convent our of closed meeting.

Whereas the Authority has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and on the motion in close in accordance with Virginia Freedom of Information Act.

(ORDER)

CERTIFICATION OF CLOSED MEETING

Therefore, be it resolved that the Authority certifies that to the best of each members knowledge (1) only public business lawfully exempt from open requirements by Virginia law were discussed in this Closed Meeting in which the certification as identified in this motion concerning the closed meeting were heard, or considered by the Authority certification resolution applies and (11) only such public matters as were identified in the motion concerning the Closed Meeting were heard, or considered by the Authority.

(ORDER)

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APPROVAL OF CONSENT AGENDA

Upon a motion by Mr. Hill, seconded by Mr. Winesett and duly carried the Authority does hereby approve the consent agenda, section A, B, and C. The June 11, 2018 minutes were also approved, they are on file in the PSA office. They are as follows:

Claims

Check # 22777- 22796	\$29,748.59
Check #22797-22816	\$75,407.68
Check # 22817	\$ 975.00
Check #22818-22830	\$131,319.52

Transfer for Claims

CCPSA to Operating June 18, 2018 Claims	\$29,748.59
CCPSA to Operating June 28, 2018 Claims	\$75,407.68
CCPSA to Operating July 9, 2018 Claims	\$131,319.52

Transfer for Reserves

CCPSA to Debt Reserve	\$8,918.62
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NEW BUSINESS

(ORDER)

Upon a motion by Mr. Hill, seconded by Mr. McCraw and duly carried the Authority does hereby authorize the County Administrator, Steve Truitt, to include PSA owned properties to work with telecom partnership for possible cell phone uses.

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PROJECT UPDATES

Cana/Meadowbrook Water – Planning Phase

No engineering work this month. PSA staff has continued to compile operational data for each of the Cana system wells. We need to get everything moving on this so we can get use of that \$100,000 grant we have from Mount Rogers. We will start plans for what exactly we're gonna do with that exactly this month. PSA staff has also been investigating other potential well supplies for Cana. We did send out notification to the people along Meadowbrook to sign up and it seems there's some confusion. Some thought if they were already signed up that that counted but we need new sign-ups so I will make another attempt to get folks re-signed-up.

Coulson Church Road/Ridge Road – Design Phase

The Environmental Review document for the project has been submitted to the funding agency (VDH), is under review, but no comments have been received to date. Upon authorization from VDH, the next step with the Environmental Clearance process would be to advertise for the Public Notice and initiate the public comment period, then continue with the Environmental Review process. Preliminary plans are in my office and I have reviewed these. I have a couple comments for Kevin and then he'll get underway with those changes and we'll submit for permits.

Funding Applications

We do not have any out at this time.

Mrs. Montgomery- Any questions?

Dr. Littrell- Did you want to update us on any of the activities such as meters set?

Mrs. Montgomery- I didn't have those ready for this month but what I'll do is catch everyone up next month and we'll have them for two months.

Dr. Littrell- I understand they have been busy though.

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Mrs. Montgomery- They have been very busy. Lots of water meters going in. Unfortunately, lots of wells have been going dry in the area and people need the water. So, we have put in a lot of new water meters in this last month.

Mr. McCraw- Do we have anybody on Meadowbrook Road that is out of water or that we have just wanting water because of the rates?

Mrs. Montgomery- Some folks have told me they've had to move because they didn't have water.

Mr. McCraw- We've had one move. One that has moved. That you called a spark plug and I understood the reason she moved was because her father passed away and she was living in double wide or mobile home but got her father's house she moved so it wasn't because of water. I can't see proceeding the project for 40 something people that's gonna put us another 2 million in debt.

Mrs. Montgomery- We're just looking into the project because it's on here. If you want it removed that's fine, that's up to you all. That's up to you six that's not up to me. If you want it removed from the project list that is a motion item.

AUTHORITY MEMBERS TIME

Mrs. Dalton- I don't have anything today. I'm going to be quiet today. You might be glad.

Mr. Hill- I just got a couple things to say. I think the most appropriate way to address the non-user fee probably would be the Board of Supervisors first to make that determination. I'm not sure that's the most accurate way but I believe that would be the appropriate way. And I'll probably be making that motion today. We would need to hear maybe have a public hearing on it and bring USDA someone from them that we can ask these questions to I mean this is the same stuff that I've gone several different things I mention several folks. We had stuff in the school board that's totally false. But they used it to augment money. For that we got that rectified this may be some decisions we made maybe that was a recommendation made by USDA. I don't know. We need to look at that see where it come from and find out what exactly it is. I understand that we have 69 79 non-user fees. So anyway I think we need to look at that and see. With the sewer system it's a mandatory

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hook up and then the sewer system does not work. It's mandatory correct? I have a question what's our requirement on water pressure at the at our meter?

Mrs. Montgomery- At the meter the Health Departments requires a minimum of 20 psi

Mr. Hill- 20. And what we normally have?

Mrs. Montgomery- We usually have it well above that. Usually it's around 50

Mr. Hill- 30 to 50. Okay I think that's all I have to say. At this point and time other than I'll probably be off the board next month I think Joe Neil has a person that will be taking place of his district. But anyway, that's all I have to say.

Mr. McCraw- As was asked a while ago how many paid a non-user fee and how many didn't. I don't, I've opposed it and I live where the line does not come in front of me but if we go the other project to hook at the Meadowbrook it would pass me I will hate the non-user fee as bad as any of you do cause it's just not right. I've been against it since day one first time it was every mentioned by the Board of Supervisors at St. Paul School. This has been years ago. They brought it up mandatory hook up. I voted against my supervisor and my supervisor that year 5 went out so they turned it over to the supervisor appoints a PSA member for their district and then they get them put in. That shows when I'll run as supervisor I run on the campaign that I'd be on the PSA Board if they'd allow me to and they did and that is why I am on here because I oppose the fee. I don't think it's right and I agree with every one of you. I'll do anything I can to get you out of it. I got a cousin that's got a lien against his property. He's come up here to court and I understand it got pretty hot back there and he is coming into a little money from my aunt and his aunt's estate and that will come out of it before he gets any. The boy needs this money, so I oppose it. Thank y'all.

Mr. Meredith- I appreciate the concern these citizens and no one likes to pay for anything they don't use I understand that. From my understanding from being on the board this was a mechanism that Carroll County chose, not necessarily this board, but it was a path they chose as a condition of the grant. We as a board will evaluate and if it's something that can be addressed I'm sure we will. But I can assure you I'm not a supervisor and I can assure you they don't pay me enough to sit here and miss half a day of work to do this. I do it for the community for the County and like I've said I don't get rich doing this and Doug, and Jeanette, both non-supervisors as well, we try to make the best decision that we can for the Carroll County PSA and the citizens and I hope you guys can appreciate that. If you don't appreciate that then maybe you should ask your supervisor to consider you as an

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appointee. But I do appreciate your concern and I hope you appreciate what we do. Doesn't sound like you do but we certainly try.

Mr. Winesett- Ladies and gentlemen I'm from Sulphur Springs know a lot of you. When I first came onboard I was told this was a requirement to get the loan so I don't like it honestly you know. If we can work out a way to do away with it I have no problem. We don't have a big pile of money I will say that to my knowledge you know there's no big pile of money anyone's sitting on. We're in debt like most everybody are and all of us are in debt you know I'm attached I'm a taxpayer too but I wish nobody no harm I'll help any of y'all any way I can. I'm sorry you're upset about it. If we can do away with it I have no problem with it.

Dr. Littrell- I know some of you sitting out there don't realize that we are listening to you and we are discussing ways to possibly eliminate or at least make it a little easier but at this point we have not made any decisions but believe me we are working on it. We have heard your concerns and we are trying to work a way out of this but we appreciate you taking your time away from your family your jobs whatever it took for you to get here and to voice your opinion and we appreciate listening to you and I thank you for that. That's all I have.

(ORDER)

ADJOURNEMENT

Upon a motion by Mr. Meredith, seconded by Mrs. Dalton and duly carried the Authority does hereby adjourn at 3:55 p.m. until the next regularly scheduled meeting on August 13, 2018 at 3:00 p.m. in the Carroll County Governmental Center Board of Supervisors Meeting Room.

Dr. Thomas Littrell, Chairman

Jessica Montgomery, Executive Director

Dana Phillips, Sec./Treasurer

