

METROPOLITAN LYNCHBURG MOORE  
UTILITY DEPARTMENT  
BOARD MEETING  
July 11, 2023

The Metro Utility Board meeting scheduled for June 11, 2023, at 6:00 P.M. was called to order by Shane Taylor, Chairperson. Member's present: Will Shavers, Shane Taylor, and Barry Posluszny, Ronnie Cunningham, and Brooke Fanning.

Visitors: Travis Wilson, *LJA Engineering*, and Tabitha Moore, *The Lynchburg Times*, Mayor Sloan Stewart, Road Superintendent Shannon Cauble, Katie & Brady Goodwin, Doyle Baker, Peggy Sue Blackburn- Metro Councilmember, Kristen Amos, Mike Mitchell, Allen Babian, Deanna Cunningham and Chelsea Martin.

General Manager Hiring: Shane Taylor began by explaining to the room that Mr. Tommy McFarland countered with higher salary requirements than the board voted to pay the new General Manager. Mr. McFarland turned down the job offer. Mr. Taylor then made a motion to remove the "interim" status from Ronnie Cunningham's job title. The motion was seconded by Will Shavers. Mr. Posluszny asked if the board wasn't even planning to discuss the third candidate. Mr. Taylor explained that the third candidate had never even received a nomination for the job and was no longer a candidate for the position. Mr. Posluszny proceeded to say he had contacted several state agencies to speak about the qualifications for the General Manager position and felt like certifications and education were highly important for the job. He even stated that one person he spoke to said it would become a requirement in the next year or so for General Manager's to have certifications. Ms. Tabitha Moore, *The Lynchburg Times*, asked to be recognized by Chairman Taylor and proceeded to ask Mr. Posluszny for the name of the individual he spoke to in this matter. Mr. Posluszny was unable to give her a name. Ms. Moore asked that he follow up with her and give her the contact's name for fact checking. Mr. Taylor decided the gallery had heard enough of the argument and reiterated that he had made a motion that was seconded and, on the floor, to accept Ronnie Cunningham as General Manager. Mr. Taylor then asked for a roll call vote. Barry Posluszny – yes, Shane Taylor – Yes, Will Shavers – Yes. Motion carried 3-0.

The motion was made by Will Shavers and seconded by Shane Taylor to approve the minutes of the June 13, 2023. Motion carried 3-0.

April meeting minutes: Barry Posluszny informed the board that he had contacted the State Comptroller's office regarding the inaccuracies in the April minutes and expressed concern that they were inaccurate and false. He wants the language amended to include the exact wording used in discussion about changing the meter at Jack Daniels South Bottling facility. He informed Brooke Fanning that she did not in fact record the language properly in the April minutes and it could be damaging for the utility. Brooke Fanning told Mr. Posluszny that he should type the minutes to reflect exactly what he wanted them to say, and she would "Copy and paste" his language exactly into the April minutes for them to be voted on and approved.

Cates Booster Station: Travis Wilson explained to the board that the Cates Booster Station project had been advertised to bid in the local newspaper. It has also been emailed to fourteen different contractors in the form of an “invitation to bid”. The Bid openings will take place in an open setting on August 3<sup>rd</sup>. Participants are invited to attend in person or virtually.

Engineer’s Report: Travis Wilson updated the board on several ongoing projects:

1. TDOT project right of way is in progress.
2. Sewer Rehab Project is complete. The contractor is finishing up paperwork to submit their final pay request.
3. CO2 Plant is being developed with Jack Daniel operating as a satellite sewer collection site. The developer reached out and talked about a juristic agreement. TDEC will require an agreement between Jack Daniel and Metro for compliance. LJA is working on getting the agreement written as soon as possible. There is a question about billing Jack Daniel through a meter on their site. LJA is waiting for maps and other documents before proceeding with contracts.
4. 12” water main project is on pause for the next two weeks. Only minimal work is left to complete the JDD section of the installation. Whisky Creek developers are currently reviewing contract documents before proceeding with their section of the water main.

TDEC vs MUD Court Order: Brooke Fanning called Attorney Michael Wall and placed him on speaker phone. Mr. Wall began outlining the court order from the TDEC commissioner and the violations within. TDEC has issued civil penalties for these violations with a fine in the amount of \$3,753.00 upfront. Additional penalties may apply if MUD does not take corrective actions in a timely manner. Mr. Wall recommends that MUD simply pay the fine and implement the corrective actions as soon as possible to avoid further fines from being assessed. Mr. Wall said he had spoken with Metro Lynchburg’s attorney John T. Bobo and Mr. Bobo agreed with Mr. Wall’s assessment. The most crucial finding was the need for duplicate water pumps to be installed at Coyhill Booster Station on Tanyard Hill Rd. Mr. Wall said after speaking with Brooke Fanning about timelines and equipment availability he foresaw a problem meeting TDEC’s deadline for this item to be addressed properly. Chairman Taylor asked if Mr. Wall would be willing to write a response to TDEC requesting an extension of time for this violation. Mr. Wall agreed he would be willing to write a response based on the board’s decision to proceed with paying the fine or proceed with contesting the court order. He felt like contesting the order would be more cost prohibitive than good. A motion was made by Will Shavers and seconded by Barry Posluszny to not appeal and simply pay the fine and proceed with corrective actions. Motion passed 3-0.

Manager’s Report:

1. Water Loss is still at 46%. Mr. Cunningham would like to install a zone meter Jack Daniel’s North Bottling facility to ensure that the meters are capturing all the water

flowing into that facility. Mr. Posluszny spoke up to say he has been on the utility board for three years and has voted to spend a lot of money searching for the water loss and it's still the same. He further explained that he has called several different places (although he did not specify those places) to discuss how to find water loss. He said it should be easy to find water loss between the meters since they were all digital. Mr. Cunningham said that placing leak detector equipment between all the meters would be cost prohibitive. Mr. Posluszny countered it would be cheaper than the amount of money MUD lost monthly in unbilled water revenue. Mr. Cunningham said that the maintenance crew works hard to stay on top of the leaks and repairs them as soon as they find them. Mr. Posluszny said more needed to be done and Mr. Cunningham said they were doing all they could to address the issue.

2. Mr. Cunningham informed the board that the new Sewer Plant pump was installed, and it should allow more sludge to be pumped out of the digesters.

A motion was made by Will Shavers, and seconded by Barry Posluszny, to adjourn. The meeting adjourned at 6:46 PM. Motion passed 3-0.

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Shane Taylor, Chairperson