

TAYLOR COASTAL WATER & SEWER DISTRICT

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MINUTES OF REGULAR COMMISSION MEETING

August 24, 2021

1. The meeting was held at the District Building at 6:00 PM on August 24, 2021. Present were Commissioners David Dall, Randy Hathcock, Mike Hunter, Michael Lynn, and Thomas Kicklighter. Commissioners Gayle Lundy and William Rich were absent. TCWSD Staff present were Kristi Hathcock and Lynette Senter.
2. The meeting was called to order at 6:00 p.m.
3. Commissioner Hathcock led in prayer and the pledge of allegiance to the flag.
4. There were nine guests, Darren Webb, Don Ashley, Patty Fritsch, Kathleen McDevitt, Robert Lynn, W. Chris Cooksey, Glenn Senter, Ray Curtis, Roger Weste, and Willi Huxford.
5. Mr. Darren Webb and Mr. Don Ashley appeared on behalf of Madison County Community Bank. The Bank is currently in the process of expanding and will be adding an additional bank location to Perry. They spoke about the request for information regarding re-financing the District's USDA-RD loans that Chairman Dall discussed with Mr. Edward Meggs. Mr. Meggs was unable to attend the meeting, but Mr. Webb and Mr. Ashley spoke with the Board about funding, community involvement, and the availability of variable rate and fixed rate funding.
6. Chairman Dall asked for comments from the public for non-agendaed items. Attorney Ray Curtis, representing Fish Creek Cove, LLC spoke to the Board regarding the removal of the previous board by the Taylor County Board of Commissioners because they used loan covenants from 2004 to impede development. Mr. Curtis referenced discussion of the USDA-RD loan conditions at a recent meeting and was concerned that this discussion was back on the table. Mr. Curtis explained that he thought a prerequisite of being appointed to the TCWSD Board was that the TCWSD Commissioners commit to following the County's code, Comprehensive plan, Land Development Regulations, and land use decisions. Mr. Curtis explained that the "loan covenants" that were being referenced were included in a 2004 Letter of Conditions and should no longer be of concern as Taylor County entered into a stipulated settlement regarding density within the coastal high hazard area. Mr. Curtis wanted to know why the process had circled back to this once again. Commissioner Hathcock explained that the District was bound by the restrictions in the funding we received for the sewer project. By refunding the debt, the District would then be released from the restrictions. Mr. Curtis explained that was how the previous Board was operated, and this way of operating had been rejected by the Taylor County Board of County Commissioners. Mr. Curtis explained that the District exploring refinancing was fine but should not be a pre-condition to approving development. He asked that current board not go backward in their process. Commissioner Hathcock explained that during the discussion with Commissioner Newman there was concern about the original funding covenants and if they still applied. Mr. Curtis explained to the Board that it was highly unlikely USDA-RD would come to TCWSD and demand their money back. He also explained that even if they did, we could use an

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attorney to delay their request and re-finance the loans at that time. Mr. Curtis cautioned that there should be separate motions regarding refinancing and/or possible line of credit and allowing development. Refinancing could remove the tiny concern regarding the funding agreement wording but may cause interest rates on those funds to be higher than we are currently paying.

Commissioner Hunter asked Ms. Senter what her opinion was regarding these loan restrictions. Ms. Senter explained that she had an electronic form of the bond documents and found the originals that day as requested by Chairman Dall. Ms. Senter confirmed the electronic bond documents did not contain the restrictions outlined in the funding agreement as stated by Mr. Curtis. An audience member asked the Board about the accuracy of electronic documents and Ms. Senter explained that it is true that electronic documents could be altered, she did not think there was any problem with that in this case.

Chairman Dall explained to Mr. Curtis that the actions taken up to this point was to bring the new board members up to speed and providing them with decisions and documents from the past was part of this education process. Chairman Dall also explained that the Board was trying to determine if the Board has employed the right attorney. He explained that he thought we were close to resolving this situation and hoped that we could respond to Mr. Curtis' request. Mr. Curtis explained that his client was having to pay out of pocket for a specialized appraiser to move forward with this process towards possible litigation.

Commissioner Kicklighter asked Mr. Curtis to explain who he was and why he was involved in this matter. Mr. Curtis gave a brief explanation to Commissioner Kicklighter that he was representing the Fish Creek Cove, LLC which is owned by his family and was trying to help them get the development rights they deserve. Mr. Curtis explained that as a small-town attorney he did not specialize in any one type of law. Commissioner Kicklighter asked Mr. Curtis what the loan conditions were, and he explained that it was a letter of conditions agreed to and signed by TCWSD to obtain funding. Commissioner Kicklighter asked if these were regulations, and Mr. Curtis explained they were conditions, and included in a letter of conditions between the District and USDA-RD.

Mr. Curtis suggested that the District recognize these conditions as menial or non-important as USDA has not responded in any way. Mr. Curtis outlined the steps that could be taken if a foreclosure action would be filed; notice of appearance, deny the claim, mediation, apply for refinancing or pay off the loans. Mr. Curtis stated that there is zero risk to the District in following common sense and following the direction that the Taylor County Board of Commissioners gave by appointing this new board. Chairman Dall asked if there was any more discussion and Commissioner Kicklighter asked Mr. Curtis if he had a copy of the referenced conditions and Mr. Curtis provided this information to the Board. Mr. Curtis asked the Board to consider writing the suggested letter he had provided and read it to the Board. **Chairman Dall asked if there was a motion. Commissioner Lynn made a motion do exactly as Mr. Curtis outlined and allow Taylor County to decide the density and follow their guidelines. That as long as we have capacity, our lines run within 250 feet of the property, and appropriate impact fees are paid, to allow service to the Fish Creek Cove, LLC property. Commissioner Hathcock offered a second to send a letter to Fish Creek Cove. Chairman Dall asked for further discussion.** Ms. McDevitt asked for clarification regarding whether this was going to be

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done prior to looking at re-financing and the board answered yes. Ms. McDevitt asked if the County would then be in charge of approving development and Mr. Curtis explained that it was always the rule. TCWSD was the supplier of water and sewer service. Ms. McDevitt asked about the new well and Ms. Senter answered that was part of planning for the future and that was part of the District's responsibility. **Chairman Dall asked if there was any further discussion. There was none. By unanimous vote, the motion was approved.**

7. Travis Covington from Dewberry was unable to appear in person at the meeting. He sent an update on the Water Improvements Project as well as a timeline for the overall project. Ms. Senter went over the timeline and explained that the project had been modified and downsized several times due to the high cost of the project. This downsizing and modifications accounted for most of the delays.
8. Approval of minutes from the July 27, 2021 - Chairman Dall asked if everyone had reviewed the minutes and if there was a motion to approve. **Commissioner Hunter asked that a change be made to item 12a. to reflect that the Board had approved two sewer connections to the property. Commissioner Kicklighter made a motion to accept the July 27, 2021 minutes with the described corrections. Commissioner Hunter offered a second. Chairman Dall asked for further discussion. There was none. By unanimous vote, the motion was approved.**

9. 2021-2022 Budget Discussions

The District has until September 29th to approve the budget and forward to USDA-RD. The Board discussed holding a financial workshop prior to that date. The budget was developed using the proposed October 1, 2021 rate increase of 3% for water and sewer and a \$2.50 per month increase in the grinder pump fee. The Board indicated that the proposed amount for a new website was not necessary at this time and after some discussion it was decided to table it until the workshop. We are awaiting a quote for feasibility studies for future projects and will review for legal fees at our next workshop. The budget will be placed on the September 28, 21 meeting agenda.

10. Staff and Committee Reports

- a. **Directors Report – Kristi Hathcock** - Kristi reported the Water and Sewer sales for the month of July 2021 totaled \$56,134.44, \$8,137.84 lower than the budgeted estimate of \$57,219.33. There were no turned off accounts. There were two past due customers. There were two changes in membership. There were thirty-three adjustments totaling (\$653.07). Chairman Dall asked if the Board wanted to discontinue the reading of these reports unless there was something that needed to be discussed. After some discussion the Board decided to keep the reports as is. **Commissioner Hathcock made a motion to accept the Director's Report for July 2021 Commissioner Lynn offered a second. Chairman Dall called for further discussion. There was none. By unanimous vote, the motion was approved.**
- b. **Financial Reports – Lynette Senter**– The sales including new memberships for the month of July 2021 were \$56,134.44, \$8,137.84 lower than the budgeted estimate of \$57,219.33. Exception expenses were \$8,421.00 for the Audit, \$2,958.95 for Legal Expenses, \$16,550.00 for District Grinder Pump Purchases, and \$30,000.00 for Water Improvements Engineering Services. Total Expenses for July 2021 were \$109,310.69. We received \$47.29 in interest

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income. Total Net Income for July 2021 was -\$59,681.91. The Board discussed grinder pump inventory levels as well as changing the procedure for ordering complete customer packages. Commissioner Kicklighter asked that we keep this discussion for later under the New Business item as agendaed. Commissioner Kicklighter asked about the line item for engineering services. **Commissioner Hathcock made a motion to accept the Financial Report for July. Commissioner Kicklighter offered a second. Chairman Dall called for further discussion. There was some discussion to about eliminating the overview of these reports, but no action was taken. By unanimous vote, the motion was approved.**

d. **Other Office Manager Items – Lynette Senter**

- 1) Water inundation at Wastewater Treatment Facility - Due to the heavy rains the past two months, our flow at the wastewater plant has been very high. We have had the flow meter tested by Florida Rural Water and the flow meter tested correctly. We talked with a company who manufacturers flow meters who indicated that because our current meter tested correctly, it was most likely a problem with inundation. They asked about campgrounds or camping spots as a possible inundation point. I talked with Mike Biletzskov from e-One about this problem and he also mentioned uncapped sewer pipes or broken pump lids/wager vents. I discussed this with Ron and David, and they said the only “fix” is to require that all sewer pipes be capped when not in use. The Board suggested that in addition to looking for uncapped sewer pipes, we also check for broken or missing wager vents. We will start the field staff on a program to check for these problems.
- 2) Sandhill Road new water account – We discovered that the easement that was granted to the District by the original property owner specified that a water and sewer account was to be given to the owner of the property for allowing TCWSD to split their property and put in a road. The newest owner of the property applied for and paid \$1,000.00 for water service but did not wish to have sewer. After some discussion the board asked Ms. Senter to notify the property owner and offer to give him a credit of \$1,000 on his account. Commissioner Hunter asked if we had gotten any more information regarding the repair and maintenance of Sandhill Road and Ms. Senter explained that she had asked Dustin Beach of Coastal Hauling to give us a quote for the repair and maintenance of that road, but we had not yet received it.
- 3) Blue Creek Baptist Church – A member of the church contacted us and explained that the pastor was wondering why the TCWSD sewer lift station was placed on the Church’s property. The District’s other lift station is on Taylor County property located at the Keaton Beach Boat Ramp. John Horvath sent copies of old emails from Floyd Ford and a letter from Travis Beach discussing this. From what we can determine, the requests were made “for the good of the Community” and the County and Church complied. Ms. Senter will keep the Board updated on this.

- e. **Water Audits** – The water audit for July 2021 shows an estimated water loss of 0.23%. Ms. Senter explained that we have had several vigilant customers who have reported possible leaks, helping to keep our losses for the month very low.

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11. New Business

- a. Kent Bass Parcel # 07190-250 Service Questions – The Board discussed approving individual requests for service and determined that this request does not need to be brought before the board. Water and sewer service is available.
- b. Todd Griffin Parcel #07021-050 Service Question – Mr. Griffin owns the adjacent parcel with water and sewer and could run service to his new lot. Members of the audience questioned his ability to run lines as there was water between the parcels. The Board said that would be a matter for the County and not the District. Water and sewer service is available.
- c. Cal Thomas/Kelli Newsome Parcel # 07097-000 Service Question. The Board indicated that Mr. Thomas/Ms. Newsome must obtain an easement to their property before service could be provided to the parcel.
- d. Deborah Skelly – Private well for backup/emergency use. – The Board discussed wells within the District’s boundaries. Commissioner Hathcock stated that the District could not keep someone from putting in a well. Permitting a well was between the property owner and the Suwanee River Water Management District. The board concurred that we could not prohibit the installation of a well, but it could not be hooked up to a dwelling.
- e. Change of Procedure/New Policy - Restrict all communications with attorney without prior Board approval in order to control costs. A member of the audience suggested that two Board members could approve contact with the Attorney. **Commissioner Hathcock made a motion that the Attorney Contact policy not be changed. Commissioner Kicklighter offered a second. Chairman Dall asked for further discussion. There was none. By unanimous vote, the motion was approved.**
- f. Change of Procedure/New Policy – Ordering grinder pump packages when payment is received. The Board discussed the increased inventory storage and adjusting the insurance coverage accordingly to enable the District to have pump packages on hand when customers are ready for installation. WASCON has assured the District that they will not let us run out of pumps. Commissioner Kicklighter asked what Ms. Senter what inventory levels she proposed. She explained that she would like to order the 6 packages that have been paid for by the customers and have an additional 3 packages in inventory. The customer packages will be stored at the wastewater plant in locked storage. Commissioner Hathcock suggested that we have a container placed at the District Office that may be a more secure location. The Board discussed this option and decided the locked storage at the plant would be the best option. Commissioner Kicklighter asked that we study the inventory and come back with an inventory policy if we see any need to adjust what was proposed. **Commissioner Hunter made a motion to change the grinder pump purchase policy to ordering pumps when paid for by the customer and to maintain adequate inventory for future requests. Commissioner Lynn offered a second. Chairman Dall asked for further discussion. There was none. By unanimous vote, the motion was approved.**
- g. Impact Fees for new development – the Board discussed impact fees and the need to obtain more information regarding this. The Board asked that this item be tabled for a future workshop, possibly after the first of the year. Chairman Dall asked about rates above 10,000 gallons of usage and the staff confirmed that those rates do not decrease.

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- h. Additional Phase I financing information – press release and memos. This was provided as an information item only and was not discussed. Historical items and old files are going to be part of a scanning program we will begin this fall.
- i. Taylor County Ordinance 2020-04 – Exemption from District. This was provided as requested from the previous workshop. Commissioner Kicklighter asked if the District notifies USDA when we refuse service and Ms. Senter stated that we do not. Mr. Kicklighter was quickly reviewing the Bond Conditions and realized that there were conditions that the District had not been following regarding notification to USDA. Commissioner Hathcock explained that this Board has gone from an antigrowth District policy to a pro-growth policy.
- j. SBA Loans – Ms. Senter explained to the Board that after some research, she found out that SBA loans are only available to public entities after a disaster, and not as part of their regular program.
- k. Accountant's Opinion on Cash Reserves – Commissioner Kicklighter asked about the District's accountant and Ms. Senter explained that Powell & Jones prepared our annual financial reports and provided some financial advice during the year. We do not have an accountant on staff, but Ms. Senter is the bookkeeper. Commissioner Kicklighter requested a breakdown of the District's current loans which Ms. Senter provided. Ms. Senter then provided an explanation of operating funds received from Mr. Richard Powell of Powell & Jones. Mr. Powell explained that the District had \$145,755 restricted for debt service, \$834,416 restricted for system expansion, and \$394,510 unrestricted reserve. We have approximately thirty weeks of District expenses in reserve. Chairman Dall asked if Mr. Powell gave the industry standard for water and sewer districts and Ms. Senter stated that he did not. Chairman Dall explained that there was an industry standard, and his research indicated that it was one year's expenses. The Board then discussed using some of the reserves to pay down or pay off USDA-RD loans. The Board requested that a workshop be scheduled in September to discuss financial matters as well as the budget. Commissioner Hathcock requested that we get the payoff of the District's truck loan for the workshop. Commissioner Lynn requested that we discuss paying off one of the USDA loans and check to see if pre-payment penalties will apply and look at establishing a line of credit with a lender at the workshop as well. Commissioner Hathcock asked that we add a discussion of reserves for disasters as well.

12. Old Business

- a. Fish Creek Cove, LLC Parcel #07193-000 – This item was discussed under item 6.
- b. Neighborhood Meter Project – We are trying to work with a local contractor to assist with project but are having difficulty getting quotes for the work. We will contact Coastal Hauling to see if we can get a quote from them.
- c. Water Only Accounts – The Board discussed allowing water only accounts within the District. **Commissioner Hunter made a motion to allow water only accounts. Commissioner Lynn offered a second. Chairman Dall asked for further discussion.** Commissioner Kicklighter asked for an explanation regarding water only accounts. Chairman Dall explained his request for water only service last year that was denied. Commissioner Hathcock asked about the cost of a water meter versus a second meter and Ms. Senter explained that a water account is charged \$1,000.00 and that a second meter account is charged \$300.00. Second meters are added after an initial water service is

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- installed. Commissioner Kicklighter asked about the daily permitted water withdrawal and Ms. Senter answered 347,000 gallons per day and our current usage is approximately 100,000 per day during the high summer season. There was some discussion regarding the previous policy of requiring sewer with water. Ms. Senter explained that there were only two water-only requests received by the District in the past several years. The District discussed what types of uses would be allowed by the water only accounts and if the County says the property owner can have water the District should allow it. Commissioner Lynn stated that the County would ask if there was water and sewer if a building permit was being issued but not for any other reason. **Commissioner Kicklighter called for the question. Commissioner Hunter repeated his motion to allow water only accounts.** A member of the audience asked if water only accounts would be available to campers. Commissioner Lynn stated that they would be in violation. Commissioner Lynn explained that we would have to differentiate between types of water-only accounts. Commissioner Kicklighter asked if the County had any requirements based on water service. Commissioner Hathcock stated that the County did not authorize water service. Commissioner Lynn suggested that the approvals be on a case-by-case basis for the time being and to possibly add a provision that if the water-only account was used for potable purposes, the account would be turned off. **Commissioner Hathcock made a motion that the District allow water-only accounts on a case-by-case basis. Commissioner Lynn offered a second. Chairman Dall asked for further discussion. By unanimous vote, the motion was approved.** A member of the audience reminded the Board that they needed to make a motion to approve the water-only request by Mr. Don Everett and Mr. Dave Dall. Chairman Dall stated that he no longer had a request, that it had been withdrawn. **Commissioner Hathcock made a motion that Water-Only service be provided to Mr. Don Everett. Commissioner Lynn offered a second. Chairman Dall asked for further discussion. By unanimous vote, the motion was approved.**
- d. Board Secretary Position – At the July 27, 2021, the Board appointed a new Board Secretary. Ms. Senter had previously served as the Board Secretary and was not removed from the Board by the Taylor County Board of County Commissioners. This position was inadvertently added to the July agenda along with the new Chairman and Vice-Chairman positions. There was discussion about allowing Ms. Senter to remain as the Board Secretary until the October elections for the new fiscal year. The Board’s consensus was that Ms. Senter remain as the Board Secretary. **Commissioner Hathcock made a motion that Ms. Senter remain as the Board Secretary until the October Board Meeting. Commissioner Kicklighter offered a second. Chairman Dall asked for further discussion. By unanimous vote, the motion was approved.**
- e. Electrical Service – The Board discussed eliminating the notification to the County regarding electrical service when grinder pumps are purchased. They also discussed notifying Danny Griner that he no longer needs to confirm with the District that water and sewer are available or have been purchased prior to granting a power pole permit. Ms. Senter will discuss this with Danny Griner and eliminate the notification by Building and Planning to the District prior to a power pole permit being issued. Commissioner Kicklighter asked if the County had required this, and Ms. Senter explained that it was simply a policy of the District and they had asked for cooperation from building and planning. There was no formal written policy. The Board’s consensus was that the policy be discontinued.

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- f. Board Compensation – Chairman Dall has discussed the matter with two of the Taylor County Commissioners regarding board compensation and they indicated that they were not in favor of that type of policy. Commissioner Hathcock explained that he had already put in many hours in this position. He asked that this issue be discussed because he believed that by compensating a board, or possibly transitioning to an elected Board, the problem of finding people to serve on the Board may be solved. He suggested the possibility of providing free water and sewer service to each Commissioner as compensation. Commissioner Hunter explained that each of the currently serving members were working to help solve the problems of the District and if the District had to pay a consultant to help the District, they would incur expenses. Ms. Senter explained that she discussed this with County Manager, LaWanda Pemberton who advised that this would have to be brought before the Taylor County Board of Commissioners as an Ordinance change. Commissioner Hunter asked for a consensus of the Board. Commissioner Kicklighter explained that he volunteered as this Board knowing that it was a voluntary Board, but he thought Commissioner Hathcock had a good point. Commissioner Kicklighter suggested that the Board discuss this further and possibly put together a point of view for the future. Commissioner Lynn stated that he would serve either way. Commissioner Hathcock stated that he wanted to help pave the way for future board members. A member of the audience asked if how many applicants the County received for this Board, and how long did the public know about the open positions. Ms. Senter thought the County had received 8 applications after the removal of the previous board and 2 applications had been received prior to the removal. She further explained that the Taylor County Board of Commissioners did not have to advertise for the open positions and could appoint someone to an open board position at their discretion. The Board stated that their desire was to pare the meetings down as their knowledge of the District increased. Ms. Senter suggested that the compensation could be limited to the minimum monthly bill but that all other usage above that would be paid for. Commissioner Hathcock stated that was his desire for the minimum amount. Ms. Senter will work on this for a future workshop. Commissioner Hathcock stated that he wanted this to continue as a discussion item and see what evolved.
- g. Board Committees – Chairman Dall discussed the need for committees to be put into place to break down tasks into smaller groups and to also bring in possible future board members to serve on the committees. Chairman Dall suggested separate committees that will study the issue and bring recommendations to the Board. Commissioner Hathcock suggested that the Board continue with workshops rather than committees. The Board agreed but said they would revisit the subject when necessary.
- h. Board Workshops – Chairman Dall indicated that he wanted to start holding Workshops every other week as there was so much work to be done. Ms. Senter explained to the Board that a bi-weekly workshop combined with a monthly meeting would put great deal of stress and work on the office staff. Chairman Dall stated that there was a need for a Personnel Workshop, and Ms. Senter asked what would be discussed. Commissioner Hathcock stated that he thought personnel matters were the District Manager's department and that if there were problems, she would bring them to the Board. The Board decided to begin with a financial workshop in September. Commissioner Lynn asked Ms. Senter to begin gathering information and schedule the workshop in the next few weeks.

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13. **Closing Remarks Commissioners/Staff** – Ms. Senter asked the Board if we could start audio recording the meetings. A recording would make it much easier on the staff to complete the minutes and also provide the public with the ability to listen to meetings they might not be able to attend. **Commissioner Hathcock made a motion to audio tape future Board Meetings. Commissioner Lynn offered a second. Chairman Dall asked for further discussion. By unanimous vote, the motion was approved.**

14. **Motion to Adjourn**

Chairman Dall requested a Motion to Adjourn. Commissioner Hathcock made a motion to adjourn the meeting. Commissioner Hunter offered a second. The meeting adjourned at 9:05 P.M.

Board Actions:

1. The Board approved a motion to allow Taylor County to decide the density and follow their guidelines. That as long as we have capacity, our lines run within 250 feet of the property, and appropriate impact fees are paid, to allow service to the Fish Creek Cove, LLC property.
2. The Board approved a motion to approve the July 27, 2021, minutes with a correction to item 12a. reflecting that the Board had approved two sewer connections to the property.
3. The Board approved a motion to approve the Director's Report for July 2021.
4. The Board approved a motion to approve the Financial Reports for July 2021.
5. The Board approved a motion that the Attorney Contact policy not be changed.
6. The Board approved a motion to change the grinder pump purchase policy to ordering pumps when paid for by the customer and to maintain adequate inventory for future requests.
7. The Board approved a motion to allow water-only accounts on a case-by-case basis.
8. The Board approved a motion to approve water only service to Mr. Don Everett's turned off account.
9. The Board approved a motion that Ms. Senter remain as the Board Secretary until the October Board Meeting.
10. The approved a motion to audio tape future board meetings.



BY: Lynette Taylor Senter, Board Secretary
Taylor Coastal Water and Sewer District