

FOR THE CASE OF  
Transcript of Proceedings

TRANSCRIPT OF

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November 23, 2015

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STATE OF TENNESSEE  
DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT  
PREVAILING WAGE COMMISSION MEETING

TRANSCRIPT OF PROCEEDINGS  
OF  
PREVAILING WAGE COMMISSION MEETING

November 23, 2015

BEFORE: Burns Phillips, Commissioner

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The above-styled cause came on for hearing on this the 23rd day of November, 2015, before Burns Phillips, Commissioner of Tennessee Department of Labor and Workforce Development, at 220 French Landing Drive, TOSHA Hearing Room, 1st Floor, Nashville, Tennessee, when and where the following proceedings were had, to wit:

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A P P E A R A N C E S

Burns Phillips: Commissioner for the State of Tennessee, Department of Labor & Workforce Development

R. T. Summers: Summers & Taylor, Inc.

Peter Heimbach: State Architect

Mary Ledbetter: Assistant, TDLWD

Christina Tugman: Assistant, TDLWD

Kim Jefferson: Administrator, TDLWD

Mark Finks: Assistant Administrator, TDLWD

Dan Bailey: Legal Counsel

Wayburn Crabtree: TDOT, Commissioner Designee

Kent Starwalt: Audience

\* \* \*  
P R O C E E D I N G S

1  
2  
3 MR. SUMMERS: What changes it  
4 dramatically is, you know, the Department of  
5 Transportation is going to have to pay additional  
6 money for -- for a long time. Because once you raise  
7 the rate, that's what the rate is, so it -- it's sort  
8 of a self-proposed prophecy.

9 Now, we've had a -- basically, an  
10 informal formula, that if it's over 15 percent, we go  
11 down 6 -- up or down 6. But that's not -- as I  
12 understand it, that's not part of our rule. That's a  
13 patterned adjustment that we have used. So I  
14 would -- I think Christina is putting together a  
15 sheet with green lines and everything showing our  
16 normal pattern of adjustments, which I think is -- is  
17 really accepted in these two rates, Number 2 and  
18 Number 5. I would propose that we use our full 6  
19 percent and lower them. So --

20 THE COMMISSIONER: Are you making a  
21 motion for that or are you just --

22 MR. SUMMERS: Well, I would make a motion  
23 to that so that the survey rate on carpenter lead  
24 person was 1919, and our -- we can lower that \$1.02,  
25 I think, from the calculation we got. So that would

1 put that down at 1817 rather than the 1868 that it's  
2 showing on the -- on this sheet.

3 And on the crane operator, the survey  
4 rate was 2243, and we have a \$1.17 that we can go  
5 down. So that would be a 2126, which is --

6 MS. TUGMAN: Yeah, which is what we have  
7 in.

8 MR. SUMMERS: Is that -- that did -- that  
9 would raise it to 6 percent, right?

10 MS. TUGMAN: Okay.

11 MR. SUMMERS: So that's fine.

12 MS. TUGMAN: Okay.

13 MR. SUMMERS: I guess the only one that I  
14 would ask us to use our full 6 percent on is Number  
15 2. Okay?

16 MS. TUGMAN: So you want that 1817.  
17 Okay.

18 THE COMMISSIONER: Do we have any  
19 comments on that?

20 MR. CRABTREE: I suspect that some of  
21 this is subcontractors. I'd like to -- I'd like to  
22 verify that these all listed facts are worth 40.

23 MS. TUGMAN: Okay.

24 MR. CRABTREE: Can we do that?

25 MS. TUGMAN: We can call them.

1 MR. HEIMBACH: It might also be  
2 interesting to look into this a different way for the  
3 future. Because essentially what you're saying  
4 there, especially during the Code and Classification  
5 Number 2, is that one contractor -- one contractor's  
6 wages was more heavily weighted because of their  
7 extensive number of hours. And it might be  
8 interesting to look at the possibility of limiting  
9 the weight that a single contractor can add to the  
10 total wage-in category.

11 That way, if it ends up being 25 percent  
12 of the work in the State in one year, they don't  
13 carry 25 percent of the weight. I don't -- there's  
14 no way we can do an addition of that, but it's  
15 something to look at for future years to make sure  
16 that one contractor doesn't skew the entire wage  
17 rate.

18 MR. SUMMERS: I would -- our lawyers  
19 would probably tell us -- I would think that would  
20 have to go through the rulemaking process --

21 MR. HEIMBACH: I would agree.

22 MR. SUMMERS: -- probably to do something  
23 like that. I would think that that would be outside  
24 our --

25 MS. LEDBETTER: Corrections.



1 MR. HEIMBACH: Right. It would  
2 definitely be out of our paper for this year, but I  
3 think it's something potentially we might want to  
4 look at for future years to prevent this type of  
5 allowed adjustment from occurring in the future  
6 because of a single contractor.

7 THE COMMISSIONER: Historically, is that  
8 something that you see -- you have seen?

9 MR. SUMMERS: I don't think,  
10 historically, on some of these major items, because  
11 this is -- for someone to have 25, 30 percent of the  
12 carpenter hours in the whole state is very unusual.  
13 And some of them bind their classifications, and it  
14 has been an issue at times. You know, bricklayer and  
15 some of these things when you don't get a lot of data  
16 in, it could be a -- it could be an issue. Normally,  
17 on the major classifications, there's enough hours --

18 MR. HEIMBACH: There's enough hours  
19 spread across.

20 MR. SUMMERS: -- that it -- it sort of  
21 averages itself out. This was -- to me, this was  
22 very unusual.

23 MR. HEIMBACH: Yeah, it's an anomaly  
24 actually. Because, as you said, it's an anomaly the  
25 day after we accept it and it carries for years to

1           come.

2                       MR. SUMMERS:   And it becomes the norm.

3                       MR. HEIMBACH:   It becomes the norm.

4                       MS. JEFFERSON:   Commissioner,  
5           Mr. Crabtree had mentioned about verification.

6                       THE COMMISSIONER:   Right.

7                       MS. JEFFERSON:   I just want to make sure  
8           that we fully understand.

9                       THE COMMISSIONER:   Yeah.

10                      MS. JEFFERSON:   Could you explain?

11                      MR. CRABTREE:   Well, just glancing back  
12           through here, I see that Blalock has the boundary  
13           hours.  Bell has about -- well, 43, 4,400 hours.  And  
14           they both have significant amounts of work.  I think  
15           the average, the total of all their work carries is  
16           what one contract is.

17                      Yet the hours that Kiewit turned in here  
18           is seven times what the average of what the total of  
19           what these others are that have significant amount of  
20           work also would be.  So I -- I -- it looks  
21           suspicious, to me, but I'm not suggesting that they  
22           did anything wrong but --

23                      MS. TUGMAN:   So you just want Kiewit?  
24           Who else would you like us to verify?

25                      MR. CRABTREE:   Yeah, just -- just Kiewit.

1           Because I --

2                       MS. TUGMAN:   Just Kiewit.   Okay.

3                       MR. CRABTREE:   -- I suspect some of those  
4           are subcontractors.

5                       MS. TUGMAN:   Okay.

6                       MR. CRABTREE:   Now, if it turns out that  
7           these are subcontractors, then I don't think we would  
8           count it.

9                       MR. SUMMERS:   No, we wouldn't.

10                      MS. TUGMAN:   Uh-uh, right.

11                      MR. CRABTREE:   A lot of this is demands,  
12           which I know it's a lot to work on.   But it would  
13           reduce the number of hours and would reduce the  
14           weight -- the weight that this is contributing to the  
15           average.

16                      THE COMMISSIONER:   Is there a process for  
17           doing that, determining whether or not it was  
18           subcontractors?

19                      MS. TUGMAN:   Well, in the letter, it  
20           specifically states to only submit your own data;  
21           that if they do have subcontractors, then they can  
22           submit their own data.   So they shouldn't have  
23           submitted anybody else's but theirs.   Now --

24                      MS. JEFFERSON:   Do we have a true and  
25           correct statement for them to sign?

1 MS. TUGMAN: No, I mean, it's -- it's in  
2 the letter, though.

3 MS. JEFFERSON: It's in the letter?

4 MS. TUGMAN: It's in the letter.

5 MS. JEFFERSON: So maybe for that  
6 particular company, rather than calling them and  
7 getting it verbally, maybe we can provide them  
8 something in writing and ask them to sign, you know,  
9 that this is -- this information is accurate, true,  
10 and correct. And that way, we have that for our  
11 file. Just to --

12 MR. CRABTREE: Just asking them would be  
13 good enough for me, if they understood that this  
14 doesn't include subcontractors. And then if they say  
15 that -- that it does not include subcontractors, then  
16 I would ask them to put it in writing.

17 MS. JEFFERSON: So you would be okay with  
18 verbal?

19 MR. CRABTREE: I suspect it does.

20 MR. SUMMERS: And it -- it's sort of  
21 unusual that these forms -- I mean, I didn't see them  
22 submitting in any other classification. They just  
23 submitted in Craning and Carpenter, and you know that  
24 there are all kinds of classifications working on  
25 that job. So I think an inquiry to make sure that

1 they understood how to fill a form out.

2 But we can go ahead and make a motion  
3 to approve these preliminary rates with that data  
4 and -- so we can publish the preliminary rates. And  
5 then you could verify, and we could change those  
6 preliminary rates at our last -- our next meeting, if  
7 it comes back that there's something wrong with their  
8 data.

9 MS. TUGMAN: Okay.

10 MR. HEIMBACH: One other question we have  
11 on these: You mentioned they were an out-of-state  
12 contractor. Are these limited totalling rates for  
13 work performed in the State of Tennessee or is it all  
14 of their labor across the country?

15 MS. TUGMAN: Oh, no. It's only for the  
16 State of Tennessee. We had a -- we actually had  
17 people who would call and ask us, well, we're doing  
18 work in a different state. I said, it's only for the  
19 State of Tennessee. We don't count anything out of  
20 the State of Tennessee.

21 MR. HEIMBACH: Let's verify that, as  
22 well.

23 MS. TUGMAN: Okay.

24 MR. HEIMBACH: And see if the hours that  
25 they have recorded are only the hours for the

1           carpenters within the state of Tennessee. I think  
2           that would be an additional piecemeal --

3                   MR. SUMMERS: Correct. Until the forms  
4           are filled out correctly.

5                   MR. FINKS: So are you guys going forward  
6           with a phone call, and then if somebody says that  
7           the box requires written?

8                   MR. CRABTREE: If -- if they say they  
9           have 23,000 hours in carpenters and it wasn't  
10          corrected for the Kiewit on this particular project,  
11          I would ask them for these numbers.

12                   MR. FINKS: Okay. And the items  
13          totalled, as well?

14                   MS. TUGMAN: Okay.

15                   MR. FINKS: Is somebody going to set that  
16          in a form of a motion?

17                   MR. SUMMERS: Well --

18                   MR. FINKS: In terms of -- first of all,  
19          in terms of accepting the --

20                   MR. SUMMERS: Well, because I'm going to  
21          be doing it all in one motion --

22                   MR. FINKS: Okay.

23                   MR. SUMMERS: -- that we accept the  
24          preliminary rates on this sheet --

25                   MR. FINKS: Right.

1 MR. SUMMERS: -- with the exception of  
2 Number 2, which we would use our 6 percent as my --  
3 until it gets corrected, or the \$18.17. All the  
4 other preliminary rates would be as listed on this  
5 sheet.

6 In addition, we would ask the Staff to  
7 verify Kiewit's data, all their data. I only see two  
8 classifications. There may be more. If we could  
9 clarify with Kiewit that their data was submitted in  
10 accordance with the rules.

11 MR. FINKS: If we need -- we need some  
12 guidance on -- on Numbers 1 and Numbers 15, the  
13 bricklayer and the painter and the sandblaster --  
14 because with the bricklayer, the change was 40 -- was  
15 a minus 40.81 percent, and it doesn't fall into any  
16 of the categories. So there's not a preliminary rate  
17 set for that one; that one's still out blank.

18 And for the painter and the sandblaster,  
19 we didn't receive any responses, and so we weren't  
20 sure how the Commission wanted to handle those two  
21 categories. So I guess we need to address those --  
22 those two motions.

23 MR. HEIMBACH: Would you make your motion  
24 in exclusion of those two rates for right now?

25 IN UNISON: Yes, let's do that.

1 MR. SUMMERS: Do those two rates right  
2 now.

3 MR. HEIMBACH: Does that work, Mark?

4 MR. FINKS: Yes, yes.

5 MR. HEIMBACH: Okay. All right. I'll  
6 second it.

7 THE COMMISSIONER: Seconded. Any  
8 discussion, further discussion? Motion carries.

9 Christina, you got all -- all that,  
10 right?

11 MS. TUGMAN: I think so. Okay.

12 THE COMMISSIONER: Okay. Okay. Other  
13 clarifications?

14 MR. HEIMBACH: With respect to  
15 Classifications 1 and 15, I would ask if this has  
16 happened in the past and if the Staff has any  
17 guidance of what happened if it did happen in the  
18 past.

19 MS. TUGMAN: I don't believe it's  
20 happened in the past. But the first one for  
21 bricklayer, we have one company, and that's one that  
22 I put in. Let's see what company it was. I actually  
23 called and verified it because I asked them -- I  
24 said, do you really pay your employees such a low  
25 rate? Because that was the -- it was verified --



1 King General Contractors. And they were paying at  
2 \$10.00 and some change an hour, and it dropped the  
3 rate and average so low. Was it King? I'm sorry.  
4 That's not the right one. Which one?

5 IN UNISON: Yes, yes.

6 MS. TUGMAN: It is King? Okay. King  
7 General. Because it -- it threw me off. And so I  
8 specifically -- I called them, and I talked with the  
9 actual secretary. Chase King is the VP, of course,  
10 of Operations, but I spoke with the secretary.

11 And I asked, did you fill this out? And  
12 she said, yes. So I said, so you pay all of your  
13 workers, you know, 10 -- 10 an hour or \$12.00 an  
14 hour? She said, yeah, that's what we pay them, you  
15 know.

16 And, of course, our rates are a whole lot  
17 higher, but it dropped the average down to 40  
18 percent. So she said it was correct.

19 MR. SUMMERS: Was it on -- on a  
20 transportation project?

21 MS. TUGMAN: She said it was -- it was a  
22 state -- a state-funded project. And I said, well,  
23 I'm assuming there wasn't any federal money.  
24 Because, I mean, I'm sure they would put a higher  
25 rate. And so I said -- and I asked her the question,

1 and she says, no, this is right. It's correct.

2 MR. CRABTREE: I can find that out. I  
3 don't think they have a contract with us, so it must  
4 be a subcontractor that I can -- I can inquire over  
5 estimates and see how much it pays for a  
6 subcontractor. I don't know if I can get it down to  
7 the classifications or not, but I can tell you how  
8 much they've been paid.

9 MR. SUMMERS: I don't remember them  
10 having a TDOT job. Now, they -- they could be doing  
11 a project for one of the cities, you know, and that  
12 wouldn't have a reap scale in it.

13 MR. CRABTREE: If it's a local program or  
14 locally-managed project, they still have to use our  
15 wages.

16 MR. SUMMERS: This is just what you were  
17 talking about there. They had 80 percent of the --

18 MR. HEIMBACH: Right.

19 MR. SUMMERS: -- of the dollars.

20 MR. HEIMBACH: Exactly. And it skewed  
21 the -- the weighting.

22 MS. TUGMAN: So do you want to have them  
23 reverify that, and if it's not correct, we can take  
24 that out? Because, I mean, 40 percent it dropped.

25 MR. SUMMERS: Right.

1 MS. TUGMAN: Yeah.

2 MR. SUMMERS: Let me confirm that they've  
3 worked on it.

4 MS. TUGMAN: Okay.

5 MR. SUMMERS: Well, I can't tell if they  
6 worked on a locally-managed project. Well, maybe I  
7 can. But I can -- I can find out if they've done or  
8 redone it.

9 THE COMMISSIONER: We can ask them to  
10 reconfirm, right?

11 MR. SUMMERS: Christina, did they -- did  
12 they submit hours on other classifications?

13 MS. TUGMAN: Yes. We actually went  
14 through it, and they have -- they submitted it on  
15 Classification 1, 3, 4, 5, 6, 17, 18, 20, 21, 22, and  
16 23.

17 MR. SUMMERS: Okay.

18 MS. TUGMAN: The only one that dropped  
19 significantly was Classification Number 1. The other  
20 ones didn't, you know, drop that much. But it really  
21 affected Classification 1, bricklayer.

22 MR. HEIMBACH: And, again, since they're  
23 in Bristol and that's a border city, when you're  
24 reverifying, make sure that -- that they are  
25 recording only hours worked in Tennessee.

1 MS. TUGMAN: Okay. Will do.

2 MR. HEIMBACH: But, yeah, I would propose  
3 that they reverify King General Contractors.

4 MR. SUMMERS: They're at the bottom of  
5 everything, for sure.

6 MR. HEIMBACH: Yes, they are.

7 MR. SUMMERS: They get pretty low on  
8 things.

9 MR. HEIMBACH: And you know why.

10 MR. SUMMERS: Hard to compete with.

11 MR. CRABTREE: That must be some kind of  
12 building, though. There'd be an awful lot of catch  
13 basins if they were reaching catch basins.

14 MR. HEIMBACH: Right.

15 MR. CRABTREE: It must be. Yeah, I mean,  
16 if it's right, it must be a building of some sort.

17 MR. SUMMERS: I mean, it could even be a  
18 city job where you're putting in some brick  
19 sidewalks, you know. I don't know.

20 THE COMMISSIONER: Okay.

21 MR. SUMMERS: You know, if their data is  
22 correct, I mean, appropriate, let's say, if it's  
23 appropriate data --

24 MS. TUGMAN: That would be a lot to drop.  
25 My goodness. I mean, I know you've got -- according

1 to --

2 MR. CRABTREE: How would we,  
3 historically, when we have one that's out of bounds  
4 like this, raise it the same -- the overall  
5 percentage of -- of --

6 MR. SUMMERS: Now, in bricklayer, we  
7 have -- there are five different contractors  
8 submitted ten forms. So I guess we have our 6  
9 percent as -- as what we have. Unless King's data is  
10 incorrect.

11 MR. CRABTREE: Yeah, we're still bound --  
12 still bound by the 6 percent on those. I think we  
13 are.

14 MR. SUMMERS: We could raise the 1295 to  
15 6 percent, which would be within the pattern that we  
16 have down. I think that's -- people will still pay  
17 what they have to pay. When it's artificially low,  
18 nobody else is going to be able to get a bricklayer  
19 for \$12.00 an hour. So it will go back up next year.

20 MR. HEIMBACH: Would it be possible to  
21 utilize the potential we had or make it a similar  
22 situation insignificant -- insufficient survey  
23 responses and just reduce it from the current wage  
24 rate 5 to 3.4 percent, the average of the rate or the  
25 average of the -- the current proposed rate -- wage

1 rates?

2 MR. FINKS: The way the statute reads, it  
3 says: Survey rate minus 6 percent of the last year's  
4 prevailing wage rate.

5 So I think -- I think that's what  
6 Mr. Summers was talking about. A disciplinary  
7 calculation, that would be anywhere between 11.64 and  
8 14.26, if my calculations are -- are correct, is what  
9 the Commission would have the authority to set the  
10 rate at anything in between 11.64 and 14.26.

11 MS. JEFFERSON: And I believe what  
12 Mr. Heimbach is saying, can we use Note Number 3? Is  
13 that what you're saying instead?

14 MR. HEIMBACH: Yes, ma'am.

15 MS. JEFFERSON: So is there any way that  
16 they could use Note Number 3 and throw that  
17 particular survey out without it causing a problem?

18 MR. FINKS: Yes. As long as the -- as  
19 long as -- let's see. As long as the calculations  
20 come out between those two numbers with that.

21 MR. HEIMBACH: And it wouldn't.

22 MR. SUMMERS: It would not.

23 MS. JEFFERSON: Okay. So if it doesn't  
24 use the --

25 MR. FINKS: Yeah. Uh-huh.

1 MS. JEFFERSON: So if not, we are down by  
2 the plus or minus?

3 MR. FINKS: Unless we throw out some of  
4 the data that King General Contractors had. Unless  
5 for some reason we --

6 MR. HEIMBACH: What was the -- what was  
7 the high number you used?

8 MR. FINKS: 14.26.

9 MR. HEIMBACH: .26. I would suggest then  
10 that -- the thing that we all recognize that this is  
11 deflated too low, that we use the -- the 14.26  
12 pending the -- as our preliminary wage rate, pending  
13 the verification of King General's data.

14 MR. SUMMERS: I think that's all we can  
15 do.

16 MR. HEIMBACH: Yeah.

17 MR. SUMMERS: And you've already taken  
18 into account the insufficient data on Classification  
19 8 and 11 and 12 and 16? Is that correct, Christina?  
20 You've already -- above the green lines, you've  
21 already raised them by the overall; is that correct?

22 MS. TUGMAN: Yes.

23 MR. SUMMERS: Okay.

24 MS. TUGMAN: These are all raised  
25 appropriately regarding the rounding principles so --

1 MR. SUMMERS: But under painter and  
2 sandblaster, since there was zero data --

3 MS. TUGMAN: There was zero data. So if  
4 you want to keep it the same --

5 MR. HEIMBACH: That would be my  
6 suggestion.

7 MS. TUGMAN: -- you can, or you can raise  
8 the plus or minus if you choose to. Because since  
9 nobody sent any data in at all --

10 MR. SUMMERS: Yeah.

11 MS. TUGMAN: -- which was kind of  
12 surprising.

13 MR. SUMMERS: I think we can  
14 appropriately just leave that the same.

15 MS. TUGMAN: Okay.

16 MR. HEIMBACH: I would agree.

17 MR. CRABTREE: I would probably raise the  
18 average, but I don't want to argue with it. It'd  
19 probably leave it the same.

20 MR. SUMMERS: If you've got nobody doing  
21 it, it doesn't matter.

22 MR. CRABTREE: It doesn't matter.

23 MR. SUMMERS: I mean, with painting  
24 contracts, I guess -- I guess those people don't  
25 submit forms. Because you have contracts that paints



1 bridges.

2 MR. CRABTREE: I was trying to think if  
3 we had one where a painter was a prime contractor,  
4 though.

5 THE COMMISSIONER: I would be surprised.

6 MR. CRABTREE: I can't think of one right  
7 off. I can think of a couple or three where they're  
8 a subcontractor, but I can't think of one where the  
9 painter's a prime.

10 MR. HEIMBACH: Well, again, the  
11 prevailing wage is the minimum wage that they're  
12 required to pay. So if we leave it the same --

13 MR. CRABTREE: They can always pay more.

14 MR. HEIMBACH: They can always pay more.

15 THE COMMISSIONER: So do we need a  
16 motion?

17 MS. TUGMAN: I want to -- I'm sorry. I  
18 want to clarify, make sure everything gets clarified.  
19 So for Classification 8, a drill operator, we are  
20 going to stay with the 25.76? That was the -- plus  
21 the state average.

22 MR. HEIMBACH: I think Mr. Summers  
23 originally -- original motion was for all  
24 classifications to be accepted.

25 MS. TUGMAN: Okay.

1 MR. HEIMBACH: Except for 1 and 15.

2 MS. TUGMAN: Okay.

3 MR. HEIMBACH: And with the modification  
4 he proposed to 2.

5 MS. TUGMAN: Okay.

6 MR. HEIMBACH: And so right now we're  
7 just addressing 1 and 15.

8 MS. TUGMAN: Okay.

9 MR. HEIMBACH: So I think the motion I  
10 would make on 1 and 15 is that we accept the 14.26  
11 for Classification 1, as calculated by -- by  
12 Mr. Finks, verifying King's General data. And then  
13 for painter and sandblaster, Classification 15, that  
14 we leave the classification as is with no  
15 modification, given the lack of data.

16 MS. TUGMAN: Okay.

17 THE COMMISSIONER: You got that?

18 MS. LEDBETTER: Yes.

19 MS. TUGMAN: Yes. I'm sorry.

20 THE COMMISSIONER: Okay. That's the  
21 motion on the table. All right?

22 MR. SUMMERS: And I'll second that.

23 THE COMMISSIONER: Okay. Any other  
24 discussion? All in favor?

25 IN UNISON: Aye.

1 THE COMMISSIONER: Approved.

2 Okay. Other classifications or  
3 questions? Steve?

4 MR. SUMMERS: I guess the only other  
5 comment I would make is if for some reason Kiewit's  
6 data is not correct, that would -- that it's big  
7 enough to change the overall state average.

8 IN UNISON: Yes.

9 MR. SUMMERS: And there would need to be  
10 a recalculation on the overall state average, too.

11 MS. TUGMAN: Yeah.

12 MR. SUMMERS: But that'd just punch a  
13 button, wouldn't it?

14 MR. HEIMBACH: Never undervalue Staff  
15 participation.

16 MR. SUMMERS: No, let's not punch a  
17 button.

18 THE COMMISSIONER: So is there any  
19 discussion on any other classifications?

20 MR. SUMMERS: None. None by me.

21 MR. HEIMBACH: No.

22 THE COMMISSIONER: Okay. So we'll go now  
23 to additional business, which would be -- first of  
24 all: Third meeting will be December the 1st, 2015 at  
25 9:30 a.m. in the TOSHA Room here at 220 French

1 Landing Drive.

2 MS. JEFFERSON: Okay. Will everyone be  
3 present for that one?

4 MR. HEIMBACH: I don't think I will be  
5 here. Let me check.

6 MR. SUMMERS: Works for me.

7 THE COMMISSIONER: Okay.

8 MR. SUMMERS: And that's where we've had  
9 it scheduled?

10 IN UNISON: Yes.

11 MR. HEIMBACH: I might be. I do have a  
12 conflict at that time, so I may or may not make it.

13 MS. TUGMAN: And Mr. Heimbach, if you  
14 have anything -- if you do have a conflict and you're  
15 unable to be here, if you have anything that you want  
16 to add to the meeting and, of course, we will give  
17 you any kind of notes or any kind of information that  
18 you would need afterwards -- if you want to add  
19 anything, just let us know and we'll make sure that  
20 we put it in our notes to bring up to the Commission.

21 MR. HEIMBACH: Okay. Thank you.

22 THE COMMISSIONER: Wayburn, are you okay  
23 with that date?

24 MR. CRABTREE: I believe so.

25 THE COMMISSIONER: Okay. Any other

1 business? We don't have to have a motion for that,  
2 do we?

3 MS. JEFFERSON: Adjournment?

4 THE COMMISSIONER: No, no. Things we  
5 didn't like?

6 MR. SUMMERS: Movement to adjourn.

7 THE COMMISSIONER: So a motion to  
8 adjourn?

9 MS. TUGMAN: Well, I'm sorry. Because of  
10 some issues that we have had so far as setting of  
11 dates, we wanted to discuss with you possible  
12 tentative dates for 2016. So I'll give you all a  
13 calendar. I know it's far in advance, but I know --  
14 I want to make sure that everybody can attend. I  
15 know. I know that it's like a year away, but you  
16 never know. And we want to make sure that everybody  
17 can attend.

18 So if you see -- we can have, of course,  
19 the first meeting can be as early as you want. The  
20 other two meetings are going to have to fall pretty  
21 much in line with how these meetings fall because of  
22 the time constraints and when the actual survey is  
23 over with. So maybe if you could just look at this,  
24 see what things might pop up. I'm not sure how your  
25 schedule is or what have you, so that it can make it

1 easier for everyone.

2 MS. JEFFERSON: For the next meeting?

3 MS. TUGMAN: For next year so --

4 MS. JEFFERSON: So, Christina, are you  
5 asking for them to go and review this and then bring  
6 conflicts to the next meeting?

7 MS. TUGMAN: Yes, and we can do that.  
8 Yes, for sure. And then you can let us know what  
9 days work for you and so we can go ahead and get  
10 those in as far in advance as possible. But I just  
11 wanted to give you a calendar for next year and take  
12 a look and see what dates --

13 THE COMMISSIONER: But we don't have a  
14 date set? You're asking for us to look at a calendar  
15 and decide?

16 MS. TUGMAN: Yes, and say -- and let us  
17 know what days will work for you for next year.

18 MR. HEIMBACH: And -- and for  
19 clarification, we should hold December 1st for next  
20 year probably since that is the final date.

21 THE COMMISSIONER: Yes.

22 MS. TUGMAN: Yes.

23 MR. HEIMBACH: Okay. So we would be  
24 looking for a date sometime in August, September, and  
25 then in early to mid November, and then December 1st?

1 MS. TUGMAN: Yes.

2 MR. HEIMBACH: Okay.

3 THE COMMISSIONER: Yes, that's correct.

4 MS. TUGMAN: Not until late November?

5 Yes.

6 MS. JEFFERSON: Mid to late November.

7 MR. HEIMBACH: Mid to late November?

8 MS. TUGMAN: Yes.

9 THE COMMISSIONER: Okay.

10 MR. CRABTREE: The only thing I would ask  
11 is that we don't have one on Friday morning of the  
12 later date when we have a holiday. There are eight  
13 of those next year.

14 MS. TUGMAN: So try to just avoid Friday?

15 MR. CRABTREE: That's -- it's December  
16 2nd of next year anyway.

17 MS. TUGMAN: Oh, okay.

18 MR. SUMMERS: And to me, Thanksgiving  
19 week is -- I would stay away from that.

20 MS. TUGMAN: Okay.

21 MR. SUMMERS: And try to do it the week  
22 before Thanksgiving week.

23 MS. TUGMAN: Okay.

24 MR. HEIMBACH: So somewhere -- the 15th,  
25 or the 14th through the 18th?

1 MR. SUMMERS: Yeah. I would -- I would  
2 recommend that period of time in there, and then  
3 either the 30th or the 1st -- the 31st or the 1st.

4 THE COMMISSIONER: Okay. But we're still  
5 looking; we're not deciding. We're just getting  
6 input.

7 MS. TUGMAN: Yes, we're just looking.

8 MR. HEIMBACH: Just narrowing it down.

9 THE COMMISSIONER: Okay. Now, you done,  
10 Christina?

11 MS. TUGMAN: Yes.

12 THE COMMISSIONER: So do we have a motion  
13 to adjourn?

14 MR. HEIMBACH: Mr. Summers made it.

15 THE COMMISSIONER: Do we have a second?

16 IN UNISON: Seconded.

17 THE COMMISSIONER: All right. Any  
18 discussion?

19 MR. SUMMERS: No.

20 THE COMMISSIONER: Motion carries. Thank  
21 you, everybody.

22 IN UNISON: Thank you.

23 (WHEREUPON, the foregoing proceedings  
24 were adjourned at 10:16 a.m.)  
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## REPORTER'S CERTIFICATE

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COUNTY OF DAVIDSON

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