

WATER COMMITTEE
SEPTEMBER 14, 2011
MINUTES

MEMBERS PRESENT:

Pete Frisina, Chairman
James K “Chip” Conner, Vice Chairman
Jack Krakeel
Tony Parrott
Brian Cardoza

ABSENT:

NON-VOTING MEMBERS:

David Jaeger
Pam Young, Southern Conservation Trust
Jerry Peterson, Southern Conservation Trust
Stephen Hogan, PTC WASA

GUESTS:

STAFF PRESENT:

Russell Ray

The meeting was called to order by Chairman Pete Frisina at 8:00 A.M.

I. APPROVAL OF MINUTES FROM THE MEETING ON AUGUST 24, 2011.

Vice Chairman Chip Conner made the motion and Jack Krakeel seconded, to approve the minutes from the meeting on August 24, 2011. There was no opposition.

II. LINE CREEK TRAIL RELOCATION.

Mr. Parrott explained that in the Lake McIntosh project we have to relocate the trail that Southern Conservation Trust has at the north end of the lake. It was put in with the project, and the Board approved relocating the trail. It is going to require some additional work. Mr. Parrott introduced Pam Young and Jerry Peterson from Southern Conservation Trust to discuss this item.

Mr. Peterson expressed his appreciation to the committee for having them here this morning and for helping get the trail relocated. They had located it along an old road along the creek years ago and now it will be flooded. He said they were out there with Alan, the engineer from Mallett several weeks ago; and walked the trail. Instructions had been to stay just outside of the boundary of the County property. He said they walked this and it looks good, except for one point. The boundary makes a sharp point, (he pointed this out on a slide provided by David Jaeger); on one side it gets real close to a house and it also gets high, you have to climb up a hill and then back down. What seems to fit the ground better, a lot less work, and probably the way people are going to walk anyway, is to clip the corner. He said what they are looking for is if that path can be built clipping the corner instead of going up the hill and around it. They looked at putting in a fence, but he does not think that would stop people from walking across; they thought it would be better to lay the path in there and let them walk where they are going to walk, where they should walk, it just makes a lot of sense. He said if you are out on the ground and

you look at this thing, the trees are the same all over; it just makes sense to do it the way it should be; follow the topo, follow where people will probably go anyway. He said what they are looking for is if they can clip that corner. He said that he thinks that Alan had agreed that that looked like the best place to put it, but, his instructions had been to stay outside the boundary lines. The rest of it seems to fit really good.

Mr. Peterson went on to talk about a second item. In two places, when they originally did this, they had built a pedestrian bridge on a small creek. That one is being flooded, so it has to be moved upstream, and requires a pedestrian bridge to get across it. They had thought they could relocate the old bridge, but it was set in concrete and was so sturdy it could not be moved. It would be destroyed trying to pick it up. A new bridge needs to be built. Another area of the trail is a steep ravine that will need some kind of bridge across it.

Mr. Peterson went on to say that Mr. Parrott had said that our agreement was just to build a path, not to build any little bridges; they are hoping, as part of the path construction, the county could help with these two bridges. He said he thinks Alan has looked at them and was going to give some suggestions on how to build them. He said one request is clipping the corner; the second request is help with the two bridges. The trail is a soft trail, not asphalt, just a nature trail.

Ms. Young added that she has secured an Eagle Scout project for the small bridge that needed relocating; they are very fortunate in that he has agreed to do that. The larger one is a pretty good ravine; the steepest is probably twelve to fifteen feet. This is a more extensive bridge than just a ten to twelve foot, five foot footbridge. She shared some photos of the ravine; this is their concern due to risk management and so forth. She said she is not sure this is in the capacity of an Eagle Scout project. If we had an Eagle Scout with a full engineering team, she would feel more confident with it. She really thinks this needs a bit more work in getting that one.

Mr. Jaeger commented that he had the general contractor (the dam contractor) visit the area and look at Alan's concepts; and give us an estimate to do the work, in the event the county wanted to have that done by a contractor. The cost includes having fifty feet of split rail fence around the corner that was first described because he was not sure whether the path would need to be outside the boundary or not. It is not a lot of cost, but is included in the number.

Mr. Parrott stated that we do not have many instances where the county gives easements around a reservoir. To put the trail on county property going across that corner would be different than what we have done in the past. He said he is not saying the Board would not approve it, but it is just not what is normally done. He suggested just putting a fence up and directing them to follow the path.

Ms. Young commented in theory, that is excellent. Mr. Peterson added there is also impact on the homeowner of the house that is close by. Mr. Parrott pointed out that

it is on the property they manage. Ms. Young said in theory, it all works, they understand the thinking and the logic; you don't want to set precedence, but, again, understanding what the public will do, the public will create that social path regardless of how the path is built. That is why they wanted to bring to the county's attention at this point in time. If we have an issue later on, we have at least discussed it.

Following discussion pertained to the locations mentioned in the previous discussion. The ravine is too big to cross and has to have a bridge built across it.

Vice Chairman Conner asked if they have approached anybody else for help on the bridge. Ms. Young said she talked to a couple of Eagle Scouts, but her concern is the capacity. Vice Chairman Conner asked about from a monetary standpoint. Are they coming to us for help money wise? Ms. Young said to take on the responsibility of it. They felt from a capacity, most of theirs from a non profit, bridges and things like that, they get wonderful support from the Eagle Scouts and the community. From a liability and a risk management issue, they felt this needed more than just and Eagle Scout project to make sure it is engineered appropriately because of the depth and the placement of the bridge. During an event, there might be a considerable rush of water and that could present a hazard.

Vice Chairman Conner mentioned that someone might come along and say they need a hand rail. Ms. Young said probably more than likely, it depends on how much they cut it down when they create the trail. It is obviously higher than code (four feet off the ground).

Chairman Frisina asked who owns the property where the new trail is going. Ms. Young said Peachtree City owns it; they have a management agreement with Peachtree City. Chairman Frisina asked if they have talked with Peachtree City about any of this. Ms. Young replied, not yet, they felt they needed to start with the county since it is their project.

Mr. Jaeger said the \$4,850.00 includes both bridges and the split rail fence. He said he did not know if there was a discussion of a hand rail; he does not think that will be a large cost issue, but it can certainly be added to the project.

Mr. Krakeel asked about splitting out the other bridge. Mr. Jaeger said at the time they got this price, they did not know about the commitment from the Eagle Scout to build the bridge. He said he does not have a breakdown for a single bridge, he does not think it will be half the cost, maybe sixty to seventy percent of the cost. He said he could get this information.

Mr. Parrott said when we added the trail to the lake project to straighten out the problem, they did not know about the ravine needing a bridge. He said he works on the trail at FDR, we can easily get the public to walk the direction that we want them to walk. As long as you put up the appropriate barriers.

Further discussion pertained to the location of the ravine and cutting across the corner of the property, and setting a precedent, easements and possible donation of property.

Mr. Peterson said they have a lease with the City of Peachtree City to manage the property long term. They developed all the trails and the parking lot, the gazebos and everything out there. This property was donated to the City by the developer with the understanding that it would be a nature area. It is part of the green space.

Mr. Krakeel asked what would prevent us from donating that corner. Mr. Parrott suggested we have a lease for them to manage that corner. Mr. Krakeel said the Board would have to authorize Southern Conservation Trust to lease that corner from the county and maintain it. Mr. Jaeger said he could prepare a plat describing the property. Mr. Krakeel said the question becomes, how do you pay for the bridge; that is the fundamental issue?

Mr. Parrott stated that the Board had previously approved relocating the path. Until we got out there and field verified where the new path would be; in first discussing relocating the path we had not even staked the property line; the only thing we had been staking in the past was the water line.

Mr. Krakeel said he thinks what we need to do, from his perspective is pursue the lease option, let them lease that small corner, and then get a revised cost estimate for that particular bridge from Brad Cole Construction, based on the location of the proposed alternate alignment. He asked about the ravine pictures, whether they are the alternate alignment or current. Ms. Young said they show the alternate alignment. There is no ravine where the path currently is located.

Vice Chairman Conner said he would go along with the lease and if Brad Cole is going to refigure the bridge he thinks we ought to have an alternate hand rail.

Mr. Parrott stated that he would get a cost estimate that includes the hand rail back to the committee. Ms. Young commented that she has to write grants for things like this. She mentioned they could have a dialogue with Peachtree City to see if they could help, but they don't really have the funding either.

II. LAKE MCINTOSH UPDATE.

Mr. Jaeger referenced recent slides of Lake McIntosh. He showed the outline (footprint) of the proposed dam, the area where they are currently working. They have removed a substantial amount of the surcharge pad that was placed previously. They are starting to take down the elevation to get down to the sub-grade for the construction of the spillway and stilling basin. Downstream of the stilling basin is an outlet channel which will have rip rap erosion protection. The discharge from the spillway will hit this channel and route back into the existing

Line Creek. He pointed out storage areas for the rock and stone used in the filter systems and the rebar stored for the construction of the spillway.

Mr. Jaeger went on to say that construction is continuing on the keyway going up the left abutment. He showed the construction of the outlet channel, they put a liner in to compact the underlying soil and it inhibits the weed growth through the rip rap. He showed excavation for the storm basin under drain. This area is all covered by the surcharge pad to pre-settle the sub grade, now they are bringing it back down to the elevation where they can begin work. He pointed out the first item of work which will be a down turn in the slab; this area is four foot thick concrete slab in the stilling basin which is where water is coming out of the spillway.

The next slide showed the clearing activities that are taking place. The East Branch serves as the water hazard for the golf course; originally the contractor planned to access that through the golf course with an agreement by the golf course to enter by their maintenance building. The contractor worked out an access point through a vacant industrial building off Dividend Court, which provided him better means of access and also more protection for construction traffic, in and out. That area is currently being cleared. He pointed out the current pedestrian bridge at the golf course that will be removed. Mr. Jaeger described in detail the changes to the water hazard and the area of the golf course that the lake will cover once it is full. He showed a recent aerial photo of the area from the Coweta County side.

Mr. Jaeger stated that we have a project advertised to repair the fencing that was scattered by the tornado at the Danielly Wagner mitigation site. That project will be bid out in about thirty days.

Mr. Parrott commented that he had been trying to get a final count on the mitigation credits. He said he would be able to report on this at the next meeting. Mr. Jaeger said where it stands right now is that we currently have enough credits total when you count what the release from the Magnolia Swamp mitigation bank, plus what we have obtained from our own independent mitigation site to exceed the threshold required to impound the reservoir. The question that he has posed back to Laura Benz at Tommy Craig's office is, is the Corp looking at it that we need all of the mitigation credits from Magnolia Swamp which also total enough on their own to begin impoundment, or do the credits associated with these other sites, plus what we currently have give us enough to begin impounding. He said he is waiting on an interpretation from the Corp about one credit versus the other.

ADDENDUM

I. DISCUSSION OF LETTER FROM COMMISSIONER BROWN.

Mr. Krakeel stated there is no legal requirement to bid professional services; generally it is done on a case by case basis. There are times when it is bid, and there are other times when it has not been bid, especially when there is an existing relationship such as what we have with Mallett Consulting. He went on to say that

the majority of the current Board is fine with the way we have been conducting business; and believes it is an appropriate way to conduct business. Obviously, Commissioner Browns does not share this opinion.

Chairman Frisina commented that the policy is a Board policy and this is how they conduct business. Mr. Krakeel said that he thinks staff has done an excellent job in those situations where we have recommended a contractor, or a vendor in doing our work in terms of determining if this is the best possible price that we can get with this current vendor; and then makes those recommendations accordingly. He thinks that there are circumstances that dictate situations in which you move forward and make recommendations based on what you believe is to be in the best interest of the county, that goes beyond just the singular issue of doing an RFP and requesting proposals, and going through a formal bid process for every single item that is out there. He went on to say that he thinks the majority of the Board concurs with his opinion that in certain situations it is appropriate to bring information to the Board and provide a staff recommendation that does not involve going out to bid on a project. He said the pump is an example of that; you have a situation where you did bid it, then they tore it down, found more damage than what was originally anticipated, and came back with a modified price. What do you do at that point? You reassemble it and put it back out for bid again; or leave it disassembled, charge storage fees and everything else? That is the problem you get into.

Mr. Parrott said another question we have had is that we don't have two or three bids on a project. We have made an effort to get bidders, by publicizing the bid.

Mr. Krakeel stated the Board has the authority to approve or deny staff's recommendation. He said that he does not think we are doing anything that is outside the boundary of how we operate; and he said he thinks staff does an excellent job of making sure that we give the best possible recommendations such as the Waste Management contract for example. We have had ten years of excellent service with Waste Management for operating the transfer station. There is no direct expenditure of funds by the county for that contract. The original contract had two five year renewal terms. Staff went out, researched what we are receiving from them in terms of the tipping fees, and they are the lowest of any in the area; and continue to be. They were the low bidder ten years ago. He said that he thinks staff needs to continue doing their work to the best of their ability. The fencing issue was in excess of \$20,000.00; and he said we need to bid it. That is the legal threshold in which we need to bid projects. Anything over \$20,000.00 is bid out, anything under that we have to get three written quotes. We are operating within the financial policies that have been established by the Board of Commissioners.

Mr. Jaeger commented that he realizes any response he has to this issue makes it look like he is beating his own drum and he does not want to do that. He said he has tried to look at it from a broad overview of any professional service, not just engineering. The professional organizations such as American Society of Civil Engineering, American Institute of Architects, and any other professional

organization, accountants, lawyers, etc.; they see an inherent conflict between providing a service to the best of your ability versus providing it at the cheapest price. For that reason, they have always taken the position that entering a competitive bid situation for professional services jeopardizes your ability to do that properly; provide quality service at a fair and reasonable price, which is really the goal. There are ethical guidelines within the American Society of Civil Engineering for many years that described it as unethical and unprofessional to enter a competitive bid situation for design services. The wording in their bylaws has changed somewhat because they did not want to violate anti trust laws; obviously nobody wants to do that. With the understanding that fees should be fair and reasonable, the emphasis should be on competency, experience and qualifications for a project, not strictly on one cost. He said he thinks that is the approach that all of the organizations for any professional service have tried to take. They see it as a differential between providing those professional services versus purchase of any item such as spare parts for equipment. There is obviously an inherent difference there. Trying to allow a professional to do the work that is required that is in the best interest of the client and for the safety and well being of the public without the conflict of having to do something at the lowest cost in order to be awarded the contract is the position of all the Boards.

Mr. Krakeel commented that the fundamental reality is when you look at the number of projects that we have recommended where we have not gotten a bid, it has not been a significant number. We do bid the vast majority of the projects out, even on a lot of the road work, and bridge work, those kinds of things. We have multiple design firms that are engaged in that process. It is only in those occasions where staff views there to be a direct benefit to the county of continuing a particular contract with a service provider or making a recommendation such as a pump situation, knowing that it is our primary backup pump. We need to get it back on line as quickly as possible, if we have a primary pump failure, where would we be? We would be without water. In those kinds of situations, he thinks staff is looking at the overall impact of making a recommendation, rather than just singularly limiting it to what is the lowest possible cost that we can get this work completed for. Even though we believe it is the lowest/best price that we are able to get.

II. CANCELLATION OF SEPTEMBER 28 WATER COMMITTEE MEETING.

Jack Krakeel made a motion and Tony Parrott seconded to cancel the Water Committee meeting scheduled for September 28, 2011. There was no opposition.

LAKE LEVELS AND WATER PRODUCTION.

Mr. Parrott pointed out that in September we produced 15,540,650 gallons of water. The City of Fayetteville is using almost a million gallons a day on average. They have a well pump out and are not running the water plant because of the water in Whitewater Creek being too low.

Mr. Ray said we are right at 8 feet low at Lake Horton and Lake Kedron is 6 feet low. Lake Horton is at 50% of its capacity and Lake Kedron is at about 75%. We are taking the full 4 million gallons per day from Lake Kedron, but we are not taking the full allocation from Lake Horton.

There being no further business, Chairman Pete Frisina adjourned the meeting at 9:05 A.M.

Peter A. Frisina

The foregoing minutes were approved at the regular Water Committee meeting on the 12th day of October, 2011.

Lisa Quick