

WATER COMMITTEE
OCTOBER 23, 2013
MINUTES

MEMBERS PRESENT: Pete Frisina, Chairman
James K “Chip” Conner, Vice Chairman
Brian Cardoza
Steve Rapson
Commissioner Steve Brown

NON-VOTING MEMBERS: David Jaeger
Dennis Davenport
GUEST: Frank Distadio, CH2M Hill

STAFF PRESENT: Bill Stevens
Chet Ward
Matt Bergen

The meeting was called to order by Chairman Pete Frisina at 8:05 A.M.

I. APPROVAL OF MINUTES FROM THE MEETING ON SEPTEMBER 25, 2013.

Vice Chairman Chip Conner made the motion and Brian Cardoza seconded, to approve the minutes from the meeting on September 25, 2013. There was no opposition.

II. MIEX UPDATE.

Mr. Rapson reported there was a meeting with the MIEX representatives. At the conclusion of the meeting they decided to table MIEX at this point. He went on to say an offer has been made to Lee Pope from Rockdale County. He will be coming to work here. He is highly recommended by EPD; between them and working with CH2M Hill, they are going to optimize the plant. After we optimize the plant it may be that we pick MIEX back up. It is at the point now we can put it on the shelf. He said we are going to leave it on the shelf until after we optimize the plant.

Mr. Jaeger mentioned there is one unresolved thing; the resubmittal to EPD on the brine storage at the South Fayette Plant. He said that he thinks it will be beneficial to resolve that with EPD, so that at the point where the County may opt to pick up the MIEX project again that it is not hanging out there. He said they have not had any opportunity to meet with them to discuss any of their comments; we have not received any comments, either. But, he said that he knows they might have them.

Mr. Rapson said that he knows they have been hanging onto those comments and he thinks at this point, we probably are not wise approaching EPD about even putting it to the point that we can put it on the shelf. MIEX seems to be a very sensitive subject with them.

Mr. Jaeger commented that whatever time it is convenient to the county and is an appropriate time to discuss that with them, we should tie up that loose end.

Mr. Rapson said that we should get their comments; we should have already had those since they were submitted back in April or May. He said that he would follow up with Lee Pope; he officially starts November 5. He said that Mr. Pope will be here Monday. Monday is Mr. Pope's day off and he will be here; we will take him around, introduce him to the staff and he will tour the plants, October 28.

Mr. Rapson commented that Mr. Jaeger sent a letter to MIEX outlining all the things that have happened and why that decision was made. Mr. Jaeger said that he wanted to let them know that both his office and the county appreciates their investment of time and energy, and the resources and money towards where we are in the project now. It has been many years of work, testing and pre-design; things like that. He said that he wanted to express our appreciation for their efforts to date and let them know where we stand on it, and why. Hopefully there will be a point in the near future where the county will pick it up.

Mr. Rapson commented that he thinks the point they made in the meeting they were in, CH2M Hill also said that it was a viable solution. He does not think that anybody was discounting that it was a viable solution. Their impression is that there are other things we can do to reach the same conclusion by optimizing the plant as opposed to implementing MIEX. He said that he thinks at the end of the meeting, it was said very quietly; he does not think that EPD's standards are going to set static as well; as those standards perhaps increase or adjust, it may put that back on the table sooner than later. We will just have to wait and see.

III. SANITARY SURVEY UPDATE.

Mr. Rapson stated that we have completed 55.3% of the items on the list. The vast majority of the items that are remaining are probably going to be Engineer of Record type issues. CH2M Hill has provided him an a la carte list of handling those Sanitary Survey lists. He and Lee Pope are looking at those to find out what we can do in house versus entering into a contract with CH2M Hill to do it. We will probably be having that same discussion with the Bill's and the Chet's of the world as well.

IV. HIGHWAY 85 SEWER LINE EASEMENT.

Matt Bergen updated the committee on this item. He said that he wanted to bring them up to date on this. He explained that he has gotten with the City of

Fayetteville, the developer, the engineers, everybody involved. He said that we believe that we have a solution to the problem. They are going to bore across Highway 85 to do a tie-in rather than trying to run parallel to our main in our easement. He went on to say that the main thing that he wanted to touch on is some of the wording and the manner in which we proceeded with giving them an approval. On the first page, we have his reasoning was “a number of utilities being in the right of way is why they wanted to co-exist in our easement.” Mr. Bergen explained that he has documentation further in that shows that that is not going to be an acceptable method for EPD to allow not having ten feet of separation from us.

Mr. Bergen said on the second page we have stipulations that “we will conduct an onsite inspection, review the plans, and get asbuilts.” We don’t make any mention that we will approve the plans and further into the documentation you will see why he questioned that portion of it. If we don’t put that verbiage in, then there is a loop hole for them to go directly to EPD and kind of go around us to get an approval on that. Mr. Bergen moved on to the third page which is basically the same thing; it ended up they wanted to do a private facility rather than it being turned over to the City of Fayetteville. That only came to be because City of Fayetteville did not accept the method or the materials that they were proposing to use, inch and a half line. With an inch and a half line, they still could not get ten foot of separation from us. With a larger line, with which they had speculated they were going to do since they had the approval for City of Fayetteville; they said they would use City of Fayetteville’s methods and materials since they already had the approval to move forward with what they wanted to do. Fortunately, when he spoke to Chris Hindman with City of Fayetteville; that did not come to be, because their minimum sizing was six inches, which caused them to have to go with an alterior route.

Mr. Bergen went on to the next page, the wording says that the City has a sewer outside the DOT right of way, it should have been County. If it were the City’s easement they certainly would not need an approval from us. It is a twenty foot easement; we have a twenty inch main in that easement. That particular line is a transmission line. He said that to him that is a little more important than the distribution.

Mr. Bergen commented on the next page (page 10 at the bottom), the same thing, we did not reference anything pertaining to we would want to approve the plans; and again referencing they were proposing a private facility. He referenced the next page (page 45 at the bottom); these are the standards for parallel installation and the crossings. They need ten foot of separation between us and them. If they do a perpendicular crossing, they only need eighteen inches which is now what is being proposed and there is no problem meeting that standard.

Mr. Bergen went on to discuss page 46. One of the main concerns for him was especially dealing with EPD, if it were going to be between the developer and EPD; he did not want our water main to be encased in concrete. Twenty inch water main encased in concrete, if we have a problem, we have a huge problem at that point.

Crossing over the top of that would have been an issue. The concrete would have made it a huge issue. The next page (5 at the bottom) required separation of sewer and water lines. This is the stipulation from EPD, where it basically states that EPD will allow a variation on a case by case basis if supported by data from the design engineer. Supporting data could consist of documenting the presence of bed rock or a similar situation. On the very first page it noted that there were so many utilities in the right of way that is why they wanted the variance. Again, EPD standards that should not be allowable. That is probably something that we may want to look at as a procedure so that we don't have to face something like this in the future.

On the second to the last page, Mr. Bergen stated that he wanted to make sure the committee is familiar with Senate Bill 19 dealing with Georgia Department of Transportation. With that being our easement, there were plans in for a north bound lane to be installed from Banks Crossing all the way to the Clayton County line. That is now being revised starting at Roberts Road and going north. That information was not available at the time when this went through. He said that his concern was if we set a precedent where we go in, we have an easement, we have allowed someone to coexist; we have left ourselves in a gray area as far as DOT was concerned because if they come in and acquire the right of way, were we required to remove their facilities since we gave them authority to coexist. From what he has been told from DOT, we kind of put ourselves in a gray area, where they did not think it would be an issue, but they could not give me a 100% on you would not be required to assist or be responsible or accountable for that. With that project being on the table, that was another concern, there were multiple layers to this entire process that we needed to look at ahead of time. Why the information did not get conveyed, he is not sure. He said that when he spoke with Mr. Wanamaker on this project, Mr. Bergen's statement to him was, it was very unlikely that he would get a variance, due to the fact that by the time he got ten foot separation, he would either be on private property or back out in the right of way. Fortunately, the information is here, we are good now. City of Fayetteville has been working with us, their requirements. Basically, we avoided a problem with future issues that we could have had with this coexisting in our easement. He said that he is looking for some guidance as to how to avoid this in the future.

Mr. Rapson asked if we need to rescind this. Mr. Davenport asked for a better understanding of what we are looking at. Is it sewer line or water line that is going to cross our easement? Mr. Bergen stated that it is sewer. Mr. Davenport said this is an easement we had to buy and pay for when we did the loop waterline back in the late 90's. We had to buy it from the private people adjacent to the right of way. Now we are talking about a private entity crossing our line as opposed to a public entity; which is a different set of problems. Mr. Bergen stated that is correct, it was. But, when he got City of Fayetteville involved, it is now turned over to them once it is installed.

Mr. Davenport asked if it will be perpendicular. Mr. Bergen said correct. Mr. Davenport said that we probably need to look at our easement to see what can go in

that easement, that is a waterline easement. If it is not worded correctly to have sewer line in there as well, the people that own the underlying interest of that property, that sold us that easement, could object to a sewer line going in there. That is something we really need to look at. He said that he remembers getting all those easements up and down the highway; we told folks that we were going to put a waterline in here. Now, we are putting a sewer line in there. That is going to be a material issue, we need to know what the actual language of the easement says before we can say to Fayetteville, yes, you can do that. He said that he thinks that Mr. Rapson is prudent in taking the action that because this action was taken with limited information, we should rescind that and get us back to square one, so that we can know what is going on.

Chairman Frisina questioned the utilities that are in our easement. Mr. Bergen said they are not. They are in the right of way which is why they made the initial request. They thought there were too many utilities for them to dig and coexist with the other utilities. The only thing in the easement is the waterline.

Mr. Davenport stated that we actually bought twenty feet because we wanted to be outside the DOT right of way. There should be nothing in that easement except our waterline. Mr. Bergen commented that there are going to be other perpendicular crossings for other utilities, mainly underground to getting to the pole location. That is normal.

Mr. Rapson said the only thing we need to check today is to make sure that the sewer line can go in the easement, and he will have Chairman Brown rescind this at tomorrow's Commission meeting.

Vice Chairman Conner asked if this is a force sewer main. Mr. Bergen replied, yes it is a transmission line. Vice Chairman Conner asked if there is a difference between force main and gravity. Mr. Bergen commented that when they were proposing the force main, it was going to be smaller; it was going to be inch and a half. But, the problem with that was placement. The placement of their pump system was also going to be in our easement rather than in the right of way. Vice Chairman Conner commented that it would not matter what we are talking about whether it be a force main under pressure or gravity. Mr. Bergen said that is correct.

Mr. Davenport asked if it is going over or under our line, or do we care? Mr. Bergen said that we want it to go under. Mr. Davenport said that we need to specify that, too. Mr. Rapson said that it sounds like to him, reading between the lines, that all of this information was available, it just did not trickle up to this Committee's approval which is why we approved what we approved. Mr. Bergen said that is correct. Mr. Davenport said it was just a generic approval to allow City of Fayetteville to coexist in our easement. Mr. Rapson said that it would be good to make a motion to have this Board make a motion for the Board of Commissioners to rescind the action they took on May 9.

Mr. Davenport asked about the follow up to this. Mr. Rapson said that it will come back to the Committee for approval. Mr. Bergen will bring it back to the Water Committee for a recommendation to the Board of Commissioners for final approval of the placement of the line.

Mr. Jaeger stated that he remembers the discussion about this. He thinks the intent was that the review would include the approval. He said he knows the wording did not say that here, but he thinks that was the intent of the committee's recommendation to the Board; that they review and approve the plans before it was put in. He added one comment about the issue about the county potentially having responsibility for the sewer in the future if the road is widened. The intent of the easement originally was to put the waterline outside the DOT right of way, so if DOT widens the road, takes more right of way, the county does not have to pay for moving the waterline. They own that easement. Mr. Jaeger said that he thinks that will also apply to the sewer line if it is in that easement. Anything that is in the easement would be reimbursed by DOT for relocation. He said that he has heard that DOT in recent years has fought harder against that and forced the utility to pay for relocation, even if they are not in the right of way. He said that he does not know where that would end up falling, but that was the intent of the easement initially; that if the county ever had to move the waterline because of a DOT road widening, DOT would foot the bill for it.

Mr. Davenport mentioned that this happened to us on Highway 74. We had the waterline outside the right of way, and DOT said "you are going to move it, it is your cost".

Mr. Rapson said, when we write these up, intent does not matter. We have to be very articulated in regards to ... whatever we intend to do needs to be in writing. Ten years from now, they are not going to know the intent of this Board.

Mr. Davenport mentioned that we will not be able to move a perpendicular crossing on a road widening. What is the point of that? Mr. Jaeger stated that it could be impacted vertically; it might have to be lowered. There is cost involved in adjusting it to compensate for the new grades or the widened pavement. There could be cost associated with the road widening.

Mr. Davenport stated that should be part of whatever report is brought to the Water Committee and the Board, to the extent that if there is any widening issues in the future, the City would bear the cost of any type of adjustment to the line necessary per DOT standards.

Mr. Rapson commented that he thinks that would be part of the easement. In the easement itself we say we are going to let you be in our easement and here are the stipulations we have of things that might happen.

Mr. Davenport said in his opinion we don't have the authority to enter into an agreement with them on our easement. That is the underlying property owners property. He is letting us use his property. As long as that use with the City of Fayetteville is consistent with the permission that we already have from the property owner that is fine. But, we can't put a duty on Fayetteville to do something to the underlying property owner's interest. He said that if we say that in our motion and in our reports, that is one thing, but actually putting it in the deed records, he does not think it will be enforceable. Mr. Rapson said that we will make sure that we put it in our motion.

Mr. Distadio commented that there is a problem if you do something perpendicular because you have the eighteen inch separation. Mr. Bergen said that is correct, which we can still... Mr. Distadio also commented that we could violate that eighteen, where you put it; he is assuming they are going over the top, not underneath it.

Mr. Davenport said that in any circumstance where the road widens, that waterline of the county is going to have to be moved out of the right of way. There is no doubt about that. Mr. Bergen said possibly, it depends on how much encroachment they are looking for as far as right of way. But, if the facilities are turned over to City of Fayetteville, then it is a non-issue for us. The problem was if it was going to be a private facility like they had initially anticipated. Then at that point, that is when it falls into that gray area, since we gave them the approval. We can give City of Fayetteville approval, but once they acquire those assets, it is theirs.

Chairman Frisina asked if the sewer line is on the other side of the highway. Mr. Bergen responded that it is on the other side, but there is also one that they wanted to tie into a manhole at the intersection of Pine Trail. Chairman Frisina clarified that we are talking about the building on the corner of Hunnington Park which would be the northeast corner. He said that a line coming out of that building going through that easement is theirs, they own the underlying property. Mr. Bergen said that would be their property. Chairman Frisina said that the sewer line serving the property, they own the property, but the City would take possession of the sewer line outside the building all the way out.

Mr. Davenport commented that he is not going to assume they own the property, they could be leasing the property, the conveyance from the prior owner to them may not include the area with the easement. The theory is yes, they do own the property, but we need to make sure of that.

Chairman Frisina said that once the sewer line goes through the easement, that portion will be owned by the City.

Mr. Jaeger said that he thinks it would be worthwhile to make sure the City ends up owning the sewer line in the easement. The committee agreed. Mr. Davenport said they have a mixture of private ownership and public ownership of their sewer

system. For example, south of town, if you want to hook on, you have to pay somebody to hook on, not City of Fayetteville, some private entity that owns the manhole.

Steve Rapson made a motion to recommend to the Board of Commissioners to rescind the action taken on May 9 on the Water Committee recommendation to allow the City of Fayetteville to use waterline easement on Highway 85 to service 1391 Highway 85 with sewer. Vice Chairman Conner seconded and there was no opposition.

V. FAYETTE COUNTY VETERANS MEMORIAL – WATER LINE DONATION.

Commissioner Brown explained that he was contacted by Integrated Science and Engineering, who is working on this project for Fayetteville. They are getting the park to a point of completion; they want to put water out there. Most of the park has been donations. This is located at Redwine Road and Old Senoia Road. Apparently they need water out to the site, or they would like water out to the site. He said he assumes they need water for a drinking fountain, watering vegetation, flower beds and such. They were asking if we would consider running the water out to the site gratis, as a donation to the park. He said that he told them he would bring it this body and we could discuss it, see what we need to flesh out; and make a proposal.

Mr. Bergen stated that we have water mains available to that parcel, depending on what their proposal is, two inch meter, four inch meter, it is going to depend on what their proposal is.

Commissioner Brown said at this point he would suggest that we have staff get together with them and find out specifically what they intend to do. Is it water fountains, irrigation, or what; where they want the plumbing line to drop? The request is to donate the line itself, not the water.

Mr. Rapson said that he would assume we would donate running the line with the meter is what they want. Then they are going to hook it up to whatever they hook it up to.

Mr. Jaeger asked about ongoing usage cost. Mr. Rapson said that he would think wherever this is located they pay for the ongoing cost.

Vice Chairman Conner asked if this is something we have done in the past? Are we setting a precedent? Mrs. Speegle said this has never been done in the past. Mr. Rapson agreed we would be setting a precedent.

Commissioner Brown said that he would like us to look at it, flesh the thing out, and see what it looks like. Then bring it back and make a decision. His understanding

from Integrated Science and Engineering is this parcel is in our service area. He said that he had a fifteen minute conversation with him and he just said, send us the material and they did not really give us anything.

Mr. Rapson explained that we always have to look at these things and in his mind, if you are going to do these type of things you narrowly define the box in regards to what these type of things are. We never want to take over subdivision entrances or things like that. But, small memorial parks or on a case by case basis, we can look at them. It depends.

Commissioner Brown said that this would be a situation obviously he would not want any continued responsibility other than just putting the line in if we deem that was even something we want to do.

Mr. Rapson said if it comes back as a \$10,000.00 line we can say, go fund raise and we will see you \$10,000.00 from now. It really depends on what the cost is. Cost is a factor, too, it is almost like you are changing the bar for this type of request and there will be others that follow.

Chairman Frisina asked if we have any other publicly owned property by Fayetteville that we serve with water in any way, shape or form. He said that he does not know if they own any property in our service area, or have any facilities in our service area.

Commissioner Brown stated that he thinks it is something we should look at, figure out what the requirements are, look at it and if we deem it is not something we want to do then we...

Mr. Rapson asked if Brooks wants to put two water fountains in their park, are we going to run lines, those are the type of things you would end up doing and then the question is, you just have to make a policy in regards to public uses of these types. We are ok making these considerations of this amount. Narrowly define that box, so you don't have a thousand requests. Chairman Frisina stated there is a lot of public interest in Veterans. There was some discussion by the group about denying a Veteran's Park water. Mr. Rapson said he thinks people expect us to be stewards of the resources that we have, too.

Commissioner Brown said there are some projects that you look at and you see what the civic value of the project is. Mr. Rapson said he would not be opposed to running water fountains at Brooks, or Woolsey, he would pay for the meter and run the line maybe that is about where he would end. Reoccurring cost is what kills you. One time cost is fine.

Chairman Frisina commented that we serve a lot of public entities with water. They can either purchase that meter through the normal ... in Tyrone or Brooks, Woolsey, or Peachtree City for that matter. They are just treated as customers.

Commissioner Brown commented that he was expecting Dan to give us a little more than what he gave us. He essentially just showed us what the park looks like and gave us a list of names. He said that he was thinking that in the packet we were going to actually have some meat that we could look at. Unfortunately, that is not in there. Discussion followed that they are not asking for non-revenue water, they are asking for infrastructure. Mr. Rapson said that he would be opposed to non-revenue water that is revenue forever; one time cost.

Commissioner Brown asked about getting staff to look at it and actually come up with what we need to even make a consideration; see what it looks like. Then we will bring it back.

Mr. Rapson said that as ironic as it may sound, it may be to our benefit to allow a meter to go there and run if they are going to irrigate the water because ultimately we would get revenue that would capture that back at some point in the future and would be revenue forever.

The Committee agreed that staff would get some estimates and bring it back to the Committee.

There being no further business, Chairman Pete Frisina adjourned the meeting at 8:40 A.M.

Peter A. Frisina

The foregoing minutes were approved at the regular Water Committee meeting on the 13th day of November, 2013.

Lisa Speegle