

WATER COMMITTEE
MAY 28, 2014
MINUTES

MEMBERS PRESENT:

Pete Frisina, Chairman
James K “Chip” Conner, Vice Chairman
Steve Rapson
Lee Pope
Commissioner Steve Brown
Jimmy Preau

NON-VOTING MEMBERS:

Dennis Davenport
Frank Destadio

GUEST:

Vanessa Fleisch, PTC Mayor
Mary Giles
Steven Hogan, WASA

STAFF PRESENT:

Russell Ray
Bill Stevens

This meeting was held at the Crosstown Water Plant on TDK Boulevard in Peachtree City. The meeting was called to order by Chairman Pete Frisina at 8:00 A.M.

I. APPROVAL OF MINUTES FROM THE MEETING ON MARCH 26, 2014.

Vice Chairman Chip Conner made the motion and Commissioner Steve Brown seconded, to approve the minutes from the meeting on March 26, 2014. There was no opposition.

II. OPTIMIZATION PLAN UPDATE.

Mr. Pope reported that we are currently working with CH2MHill to move forward with the design of the filtration and the liquid lime and some changes on some actuators on the pumps. He stated he has some things for Mr. Rapson to look at this morning after the Water Committee meeting to get us moving forward.

Mr. Pope stated we are waiting on Medina Megusa at the State level to give us the official approval to let us test ferric as a primary coagulant. We feel like that is going to benefit us with the TTHM and HAA removals. We want to expedite that and get it tested during the summer because that is the hardest time for disinfectant byproducts. We would like to go ahead and implement that as soon as she can get it back to us. Mr. Pope went on to say that she is trying to turn it around quickly. She had missed the original; we have been making so many requests to her department that it very understandable that this one got overlooked. We have had the sodium permanganate, the filtered chlorine, and the sodium permanganate at the South Fayette Plant; so this one kind of slipped through the cracks. She is going to get us

the approval. After we start that, then we are also looking at maybe doing two coagulant feed systems at one plant, which is something they are doing up north.

Mr. Pope explained that up north what they did was they had water treatment facilities, just like we have here. When the new disinfection byproduct rule came into effect a lot of them had to build a second water treatment facility right behind the first one. Now, what they have done is they have realized they can feed two coagulants at one plant. So, they hit it with the first coagulant and then at the end of that process you hit it with another coagulant. They are getting a lot better disinfection byproduct removal; in fact they are getting it down to sometimes in the single digits. He went on to say that we have a company coming in to give us a PAC (Polyaluminum Chloride). There are thirty to forty different flavors of Polyaluminum Chloride that will react best with our water to see if that will assist us with TTHM removal. We already know that ferric will, because CH has run it through their lab at Corvallis to make sure. But, we want to look at putting out the best water possible. He said that he thinks we all know that.

Mr. Pope said that we need to get the first coagulant in, do a test, then look at maybe adding a second coagulant and see if that will assist us. Again, you are supposed to be 60 on HAA's and 80 parts per million on TTHM's. We are right on that very thin line. We want to exceed that and get it down as low as possible.

III. LAKE MCINTOSH ACTIVITY UPDATE.

Mr. Pope commented that they did a great job taking care of our facilities. This was kind of an emergency instance; we had Lake Peachtree out of service and they have all these things planned for their city. We don't want this to cause a problem, so we got the state to give us approval for them to utilize the lake. The state was concerned, but they understood. Now, he said he does not think we have any concerns, if they take as good a care of that facility as they did last week, we are good to go.

Mr. Rapson said he thought at the beginning when it first started, it was kind of crazy because there were so many people there. We had some concerns early on, but it was good by the end of it, they kind of pulled it all together.

Commissioner Brown commented that he still has people asking him how to get to the lake. He suggested looking at some signage at the front end at the water plant on TDK Boulevard that would show you; they get down there, take that right going into the office park toward the golf course. They are trying to figure out where the lake is. He said we might want to consider some signage. Further discussion was about where to put the signs and coordinating with Peachtree City.

Mr. Pope stated that there is another event planned on June 28 and June 29 that was approved by EPD for them to use the lake. The name of the event is Get Stoked.

Mr. Stevens added that yesterday our staff went down to the pump station and found kids climbing the fence, up on top of the bridge jumping off into the lake at the labyrinth; some eight year olds and some teenagers, all girls. He expressed concern if they landed on one of those concrete labyrinths what could happen. Commissioner Brown asked Mr. Stevens to email him and he would do a press release.

IV. DISCUSSION ABOUT PARKING FEES AT RESERVOIRS.

Vice Chairman Conner commented that he has had a request from some of the local businesses; their employees go down to have lunch at the park at Lake McIntosh. Because they drive their personal car it might have an out of county tag and they are run off.

Mr. Rapson said they are not run off; they can pay the parking fee. Vice Chairman Conner said there have been other requests from industries and they would like to work out something where their employees could go down just to have lunch. He suggested maybe waiving the fee at noon time, from 12:00 to 1:00 or 2:00; something like that. He said that he is throwing it out for discussion.

Mr. Rapson said the concern is that it is an administrative burden. The reason they use the tags is we have a minimal Marshals force that enforces those parking fees. We debated whether we would expand the parking to McCurry and Kenwood Park. He said we kind of backed off that one; he is not sure we want to back off parking fees altogether or not at the reservoirs. The reservoirs are more sensitive.

Mr. Pope suggested charging the fee to the business and the business could give passes to their staff. Mr. Rapson asked do you that administratively; different people put it on their car, how do you know they are putting it on their car, how do you know they are working for the business. We have businesses that registered all their cars up in Alpharetta because that is where their business is located. Administratively, the reason they slate it to the Fayette County tag is because that is the easiest enforcement type action they can take.

Further discussion pertained to waiving the fee for the lunch hour, which hour is for lunch, requests coming in for the dinner hour.

Mr. Rapson said that he thinks we need to evaluate whether we want to continue charging a fee for the water parks. He said that he does not like the inconsistency that we have. If you want to go to the lake, you pay your \$10.00, but if you go to McCurry Park it is fine.

Commissioner Brown said that we do charge an additional fee if you are out of county and your kid is in the Rec league playing soccer, you are charged an

additional fee for being out of county. Mr. Rapson said that you are not getting charged to park your out of county tag there at lunch and eat.

Commissioner Brown said he has no problem with looking at an annual pass with a sticker. Mr. Rapson commented that he feels that is an administrative burden. Who is going to validate with that business that these cars are in that business. Commissioner Brown commented that it would not matter about the business, anybody could buy it. Pay one time. Mr. Pope suggested making it a color and change colors from year to year. Hang it on the rear view mirror.

Mr. Rapson suggested that he and Mr. Pope meet with Chief Marshal Miller and discuss the possibility of an annual pass.

Vice Chairman Conner stated with Mr. Popes idea, with the industry itself, if an employee wanted to come down there, they could stop at the desk, pick up the tag and hang it on the mirror. Mr. Pope stated that we need to think this through; it could be a nightmare. Mr. Rapson asked what you would do on the weekend; the industry is not open.

Commissioner Brown said that it does not matter, it is an annual pass. He commented that he bought one at Stone Mountain and used it all the time when his mother lived out there. They would go walk the mountain and it worked out fine. Mr. Rapson commented that this has been a reoccurring topic for a long time. Mr. Pope stated that we would leave this item on the agenda for the next meeting for an update.

V. REQUEST FROM MR. NEWHART – 600 JANICE DRIVE.

Dennis Davenport stated that this is something that came up about three months ago. This gentleman was requesting the use of his meter from his prior residence to his new residence. It is kind of unique in that his residence was purchased completely by the county for the West Fayetteville bypass. It was not condemned, it was a negotiated transaction. When this first came up, he said that he wanted to make sure that we did not have to take him to condemnation; because if that is the case, that was not a whole lot of cooperation. There was no condemnation; it was a cooperative transaction, so it is up to the county as far as what the county wants to do. There is not going to be anybody at the old residence using that meter because it was condemned for the West Fayetteville bypass. He said if you want to allow Mr. Newhart to use that meter from the prior residence, you certainly could make that recommendation to the Board. He said that he was concerned that there was not an adversarial proceeding that fair market value was obtained through a condemnation proceeding, so to speak.

Commissioner Brown asked about the meter being removed from our property. Mr. Pope commented that the meter is removed. Commissioner Brown then asked about documentation and warranty. Mr. Davenport asked if he would get that

specific meter. Mr. Pope said no, he would just get a meter; we would basically be giving him our meter from our property that we bought to build the bypass.

Mr. Davenport commented that although the meter comes with the property, this is not your normal transaction, where the people who bought the property would be using that meter. We are not going to be using that meter. Mr. Pope said that was his point. Mr. Davenport said this could be recommended to the Board.

Commissioner Brown said that he has no problem trading it out. He was cooperative with us and we did not have to go to condemnation for the property. Mr. Davenport stated that we are talking about paying dollars to somebody so this would need to go to the Board.

Commission Chairman Steve Brown made the motion to recommend to the Board of Commissioners exchange of meters from Mr. Newhart's old property at 600 Janice Drive to the current property he owns at 115 Gingercake Drive. Jimmy Preau seconded and there was no opposition.

VI. WATER BOTTLE UPDATE.

Mr. Pope reported that we are ready to proceed with purchasing the bottles; we have the tote for delivering the water. He said that we will be coordinating with the company that is going to bottle the water for us; we will get the water to them and they will run it through their testing procedures and get it bottled for us. We are ready to move forward. He presented the label to the committee for review.

Mr. Rapson commented that he thinks we need to take the water bottles and provide them at no cost to the municipalities in the county. They can use them at their meetings. Mr. Pope said that his angle for this was for us to stop owning the water system and drinking our competitors water.

Commissioner Brown asked Mr. Pope to tell Mrs. Giles why we are doing this. Mr. Pope explained that it bothers him when he goes to a public meeting and we are drinking someone else's water. Mr. Pope said when you go to a public meeting; the county itself owns a water company, basically. But, they are drinking their competitor's bottled water.

Commissioner Brown mentioned that we buy bottled water for all the elected officials. They said why are we not doing it ourselves, we have the facility to do that. Mr. Pope commented that it will be a lot cheaper. He went on to say that we are trying to brand and market our own product instead of drinking a competitor's product. Commissioner Brown commented that it is good branding, and good PR.

Mr. Destadio commented that it is not money; we are not talking big money. They are just saying we have good quality water, better than some of the water you buy, why not drink Fayette County water.

Mrs. Giles asked about the distribution. Mr. Pope explained that it would go to any of the public meetings. Mr. Rapson added that we would take a case to Peachtree City, a case to Brooks, and to Tyrone. Periodically, as the city's use them for their meetings we would replenish them. We would not sell them to the public. Mr. Pope said our angle is to stop buying a commercial brand to have at our meetings. The cost is very minimal.

VII. LAKE PEACHTREE UPDATE.

The committee agreed to move the discussion of this item to the beginning of the meeting to enable Mayor Fleish to leave on time for another meeting. Mr. Rapson commented that The Citizen did a fairly good job on the update. He stated that we currently have Golden Associates evaluating the spillway as well as the dam, as well as whether we want to continue to use this as a water reservoir. They are telling him that the timeline to get that report back is about three weeks for the preliminary report. The final report may be a little bit after that. Until we get the report there is really not a whole lot we can add in regards to the situation of Lake Peachtree because it would all be hypothetical. At this point we are waiting to hear back what the experts have to say in regards to the depth of the spillway and the lake. Once we get that information, what he suggested to Jim Pennington was that the two of them sit down with David, the public works guy, Mr. Destadio and Lee Pope; go over the entire report and what the approach would be. Once we got the timeline done and what the recommendation would be, we would turn around and speak to our respective elected officials.

Frank Destadio added that the report is probably not going to have a lot of recommendations on what to do with the lake. It is going to be telling you about the spillway and will have the breach analysis on the dam.

Mr. Rapson commented that would be up to him, Mr. Destadio and Mr. Pope. He said that we put some information out yesterday in regards to some repairs being made to the golf cart bridge. That is what ninety percent of the residents think is the reason the lake is down. Mr. Pope commented that he has taken several calls about the golf cart path being closed and the lake being related to it.

Mr. Rapson stated that since we know the lake will be down for a while further, we are expediting the dredging project, giving that timeline. We should have that within the next week or two. There are some discussions about extending the sea wall and those types of things. That is the perfect time to be looking at all that. Mr. Destadio commented that there is always a silver lining. The good part is that it is much easier to do dry dredging than the way it was before. It is also cheaper.

Mayor Fleisch asked if there was a timeline on the dry dredging. Mr. Pope said that we are in design right now. Mr. Rapson stated that we had talked about doing that in the next fiscal year, obviously we will go ahead and expedite that project and get

that rolling in the next 60 or 90 days. Right now, we are designing all that. Once we had that timeline for dredging, instead of giving it to you all at once, as soon as we have whatever the decision is, whatever the timeline is, we will communicate that to you. Mr. Rapson went on to say that he drives by that lake just like everybody else in Peachtree City.

Commissioner Brown commented that most of the residents around the lake have been very receptive. They just want to make sure you are doing something, that you are being proactive. He said that we are, we have to go through state agencies for approval. We only want to do it once and we want to do it right. This will ensure that we do that.

Mr. Destadio added that EPD is working as hard as they can, but state agencies have a lot more processes to go through. Mr. Rapson said they are being cooperative, but the letter they keep saying we are going to get will probably take 30 days to go through their bureaucracy; then after it gets to us, if we do not like what the letter says we have another 45 day window to respond to what those things are. When they had the preliminary meeting, it was supposed to be kind of a high level preliminary meeting, this is what we are going to do. Piedmont Technical came in and dropped off the final report in the meeting. The Safe Dams guys kind of stood to the side. Everybody making the decisions in that meeting had not even seen the final report. He said that he does not mind, obviously this is a very sensitive subject, but the last thing you want to do is create a sense of that there is a problem when you don't really fully understand what the problem is. He said that he thinks you have to look at the Piedmont report, the Golden report, form all that together and then get a formal plan of action. Preferably, we would get Peachtree City and the County together to get a consensus of what that recommendation would be, what that fix looks like so that we are on the same page. Then we would communicate that to the residents on both sides.

Commissioner Steve Brown mentioned to Mayor Fleisch that if Council and City Staff wanted to tour the facility, it is in Peachtree City's jurisdiction, to let Mr. Pope know and he would be glad to give them a tour.

Mayor Fleisch asked if there was anything else before she left for another meeting. Mr. Rapson mentioned that there are some scheduled recreational events; if they want those events to be moved to another lake, we are agreeable to asking EPD to do that. He requested they send a formal request and we will get with EPD and try to get those scheduled.

Mr. Pope commented that Bill Stevens went down after they had the triathlon and they did an excellent job, the way they left our facility. Mr. Stevens commented that you could not even tell that somebody was there. Mr. Pope stated that we really appreciate the fact that they took care of the facilities. Mayor Fleisch said she would let the staff know. She said at this point she is not sure, but she will let Mr.

Rapson know about future requests for activity on the lake. Mayor Fleisch thanked the committee and exited the meeting.

VIII. PROPOSED LEAK PROTECTION PROGRAM.

Mr. Rapson explained that this is a program that is being incorporated into the 2015 budget. He said that he thought it would be good if Mr. Pope were to educate the Water Committee in regards to what this program is, how it will look, how it will be rolled out and then what the impact will be for the residents.

Mr. Pope explained that this is a self-funded program that will give assistance to our rate payers if they were to have a leak on their side and they have an extremely high water bill. This money would be used to credit their water bill back down to the normal usage.

Commissioner Brown commented for the audience's sake, when you say a leak on their side you mean the leak on their side of the water meter. Mr. Pope said that is correct. If they were to have a leak in their home or left the hose on, whatever it ended up being; if they have a reason that they have over used what their average is over a six month period, these funds will be utilized to give them a credit back down to their normal bill.

Mr. Pope stated that currently we have a non-funded program where we basically put \$1.00 per customer, \$27,000.00, aside. We use those funds to credit the current customers up to \$500.00. This program will be up to \$1,000.00. The problem with the current program is it is not self-funded, so basically those funds are set aside as a budgetary item so we are virtually setting aside money to just give away. There is no way to basically bring revenue in to support it. When those funds are gone, there is nothing there for the customer.

Mr. Rapson asked if the average refund is \$500.00. Mr. Pope stated that is the maximum we can do. Mr. Rapson commented that 54 maximums, at that point, the fifty-fifth person would not get a \$500.00 credit; they would just have to pay their bill; because you are out of budget money.

Mr. Pope said to him that is unacceptable, because if a customer were to have a leak the first part of the year they are going to get one credit, their neighbor or somebody they go to church with or school with has a leak toward the end of the year...they are not going to get anything. Mr. Rapson commented it could even be the same customer.

Mr. Pope said that to him that is unacceptable and we need to have a program that is in place that is fair to all of our customers, and equitable. He went on to say that this is something that Haralson County and several other counties have adopted. We are seeing some other counties come on board with it. The impact to the customer is that there is a \$3.00 fee that they will be charged to their water bill.

They are allowed to opt out, so if they don't want to pay that fee, they don't have to. They are not forced to be a part of the program, it is a choice. If they choose to opt out, there would not be any assistance for them if they had a thousand dollar water bill, then they would have to make payment arrangements or pay that water bill.

Mr. Rapson commented that he calls it a leak protection program. For \$36.00 a year, you can get basically \$500.00 insurance for a leak if you have one.

Commissioner Brown commented that this is something that we really need to have a very clear explanation and a press release in the newspaper. People are used to the system that we currently have, so let's make sure that we get it out there, that there is a change, here's the change and if this happens to you, you are no longer going to be covered. Mr. Pope presented what will be sent to the customers. It actually goes through a scenario. Basically, another thing he likes about this is it is very easy for the customer to know, they can figure what their own credit would be. We are basically going to take a six month average, come up with what they should be paying on the months that they had the leak, then we will credit anything above that. The other one was kind of confusing.

Mr. Rapson said that you are paying \$36.00 a year, but the actual coverage is \$1,000.00, not \$500.00. Commissioner Brown commented that he has actually had one of these leaks. He said he has been there. Mr. Pope said that we ran Commissioner Browns and Mr. Rapsons through. Mr. Rapson stated that you have to prove you had a leak, you can't just call up and say my water bill is really high because I have been watering my grass for three months, really I had this major...Then he always says give me the repair bill that you had and all of a sudden there is no repair bill. We validate there was something that occurred, that they did not fill up their swimming pool or they didn't run the water meter, or leave the water on while they went on vacation for thirty days.

Mr. Rapson went on to say that what people don't normally understand is you can have a commode that you can barely hear running in your basement that will ultimately kill you, because you don't think about it. It is running just a little bit, but it is running 24 hours a day for 30 straight days before we realize it is a problem. It is not unusual for a bill like that to be \$500.00 or \$600.00. Again, if you have a running commode, that is just another form of insurance protection. A lot of the sewer companies are having the line agreement where they pay so much a month, very similar to this. It covers the pipe from the road to the actual meter on their house. Ultimately that is their responsibility out of right of way. This is the same version of this, but on the water side of the equation.

Mr. Pope commented that the way we will look at it for the customers; if the customer has a leak right now, when we read the meter later on this month, they will have a high water bill. Obviously, it has been leaking and they did not know about it. But, now that they know about it, by the time they get it fixed, there is going to be another month. We are going to take that into consideration.

We will look at the two months because we realize they did not know they had a leak and now that we let them know, we don't know how long it has already leaked into this new billing period. We will look at both of those to make sure we give them a credit for the full amount.

Commissioner Brown asked Mr. Davenport if we have any liability by not offering some sort of plan for the multi-family and commercial customers as well, maybe at a higher rate. Mr. Davenport said that he does not think you do, only because that is such a complex structure to have to deal with. You have no idea; the cost to even locate that leak and to do whatever needs to be done would far surpass anything that you are charging for this. One claim in one year can devastate the entire program. Commissioner Brown commented that if we did, it would have to be at a significantly higher rate.

Mr. Rapson commented that most of the apartment complexes have insurance. Mr. Pope explained that Haralson County was the first one to do this. That is what he asked them about; schools, commercial/industrial customers and they said they elected not to include them in the program.

Mr. Rapson explained that this is a primary resident type program. People that say they don't want to pay \$3.00 a month for anything, they can opt out. There will be a period they can opt out, and if they opt out, what will that look like for them, there is no credit program in place for them, now. They will have the option to be in this insurance program or they will have the option of not being in the program and if they have a leak, there won't be any adjustments that we make from a Fayette County perspective.

Commissioner Brown asked if we are going to introduce this in July. Mr. Rapson said that we will start rolling out communication about this. Commissioner Brown recommended, because in July everybody is scattered to the wind; on vacation and not paying attention to things. Maybe we roll it out in July, then when school starts back we send out another press release, maybe put another thing in the bill a second time.

Mr. Rapson stated in his mind we need to be putting things in the bills in June, July and August; at least a 90 day window so people can see it. Stephen Hogan mentioned that Mrs. Giles had a question about the inserts in the water bills not showing up in the online billing. In other words, they are getting the bills, but not the insert. Mrs. Speegle explained that there is a separate email that goes out for the insert. It is separate from the email for the water bill. Mrs. Giles said she does not get one. She asked if it could be an attached to the online bill. Mrs. Speegle said that we have to do a separate email, but she would check into it.

Mr. Rapson said to go ahead and put this on the county web site and go ahead and put it on the water web site. Then if you go to pay your bill online, maybe this message pops up first, and then you can pay your bill. Commissioner Brown asked

Mr. Pope to send him the press release when he gets it ready. He said that he wants to put some statements on there; (be aware, this is a change, you will have to pay out of your pocket). He wants to make it absolutely clear; people will complain.

Mr. Rapson stressed that this is optional and they will be able to opt out. Chairman Frisina asked about the requirement, if he has a leak at his house and he fixes it himself, what documentation do I bring to you. Mr. Pope commented that we talked about that, a letter and the receipts that you had spent for the repair. Chairman Frisina pointed out if they don't hire a plumber they won't have a bill. Mr. Rapson commented that you can still fix it in house; we will still look at the average.

Mr. Destadio commented that in the basement example you can buy a \$12.00 valve and replace it. Mr. Pope said that a lot of people will do it themselves, that would be accepted. Chairman Frisina stated that he wants to make sure that it is not a requirement to have a licensed plumber make the repair.

Commissioner Brown clarified that when work has to be done, are we going to ask the homeowner to contract the work to be done or is the Water System going to contract the work to be done. Mr. Pope said they will do all the repairs themselves, and then they will just give that to us for proof, just for the water usage.

Mr. Rapson stated that we have put into the FY 2015 budget the number of customers we think will go into the program and then, probably, high balled the expenditure side, just because we think there will be more claims because people can now get reimbursed. Then, that will be something that we adjust, just like we look at EMS revenues or 911.

Mr. Destadio stated that it needs to be clear about multi-damages, like your sprinkler system leaks, and then 3 months later your toilet starts leaking. The way Mr. Rapson suggested the max is \$1,000.00. Mr. Rapson clarified that is \$1,000.00 over a 12 month period. Mr. Davenport stated it is not per occurrence, it is for the aggregate for the year. Mr. Pope explained that the year starts ticking when you make your first claim. It is not fiscal year, so if you have a leak June 25, we would keep up with it from when you filed that first claim.

Mr. Davenport stated all that needs to be specified. Mr. Rapson said he thinks it is written out fairly well. It is simplistic so people can understand it. It is no different than if you have a wreck in your car in January and have another one in March you pay two deductibles.

Mr. Davenport commented that is where it is not always good when you come to legal relationships. For example, in the second page, you are exempting people who are knowingly or as an act of gross negligence (paragraph B) allow a defective waterline leak to occur intentionally or with wanton disregard. He said the standards being set are very high. In other words, they have to be real bad actors

for them not to be eligible. If somebody goes outside, this is just an example, turns on the garden hose, washes their car and goes back inside and leaves the water hose running. That is none of those standards. But the water bill is going to be tremendous.

Mr. Rapson commented that is exactly why Mr. Davenport is going to look at this and vet it. Mr. Davenport said that he is using that as an example to ask, do you want to put your standard of ineligibility that high. Mr. Rapson said no. Mr. Davenport said, in his opinion, simple negligence... Mr. Rapson said that he thinks negligence is the level we want to be at. Mr. Davenport said that if it is simple negligence that means somebody either did something, it was not right, they did not intend to do it, but the end result was it cost them a lot of money; or they failed to do something. Mr. Rapson said something a reasonable person would not do. Mr. Davenport said that is correct; that lowers your standard down and that makes more people ineligible. He said that he is not trying to be cynical with respect to the eligibility of customers, but you should not be the guarantor of bad decisions. If somebody makes a bad decision, they should feel the consequences of that. If it is something that is beyond their control he understands, a leak occurs, that is fine. But, if you did something to cause or failed to do something that caused it, he thinks you should not be eligible.

Mr. Pope clarified if he went out and washed his car and left the garden hose on, he would not have a repair ticket or anything to show that he made a repair, so he would be billed for that water. Mr. Davenport stated that is right. The person that did that is probably not going to tell you they left their garden hose running for two straight days. They are also not going to have any repair work done, so something happened, you just don't know what it was.

Commissioner Brown asked if they go rent a backhoe and dig up the waterline by accident are we covering it. Mr. Rapson stated that he and Mr. Pope will sit down with Mr. Davenport and go through every line of this before the resolution gets before the Board.

Mr. Davenport stated that he needs to make sure that he understands some concepts that you all are clear on and that you are comfortable with. He said that we have talked about this over and over and he just wants to make sure you understand what this means. You are presuming everybody wants this, so you are saying I am going to charge you for it, unless you opt out. Personally, when somebody does that to him, he thinks that is a heavy handed approach. Some people are going to think that. There is nothing wrong with saying you can opt in for the coverage; affirmatively ask for it. If you do it this way, you are going to have some angry people. There are going to be people that get billed for it and you will have a stack of checks with messages saying this is highway robbery, etc.

Mr. Davenport went on to say you have notified them, but believe it or not, some people don't read their mail. They just don't read it. Can you opt out, once the

year starts? Mr. Pope said yes. Mr. Rapson said all those angry people will get refunds. Mr. Davenport commented that this is the kind of concept that doesn't sit well with a lot of people and he is one of them.

Mr. Pope said that is what we thought about. It is either an opt in or an opt out, if we don't give it to anybody but you have to opt in. When they are going to find out about it is when they have a leak and they are not covered. They will be really mad then.

Mr. Davenport stated that if you give them all the information ahead of time, we have this available to you if you want it. If they don't sign up for it...

Mr. Rapson said that he understands both sides of the argument. We are going to do the opt out, deal with the angry customers and send them refunds.

Mr. Pope stated that the Chairman headed this off a while ago when he pointed out that we need to a large community outreach so that people clearly understand. If we say we did this inserts, we put it in the paper, we put it on the web site, then he thinks most everybody will have an ample opportunity to opt out.

Mr. Davenport went on to page 4, with exceptions from coverage, it looks like the Manager or Director has the ability to deny claims for protection. Right now, the Manager or Director does not have that authority. Right now that authority is through the Water Committee up to the Board of Commissioners. Why would you want to change that? He went on to say that you have a very fact specific finding that has to be made. When you put that kind of authority in one person it is a problem. In his opinion, you have Water Committee who makes a recommendation to the Board of Commissioners, that is how it goes right now and he thinks that should be the same way.

Mr. Rapson stated that he disagrees with that. We don't want the Water Committee and we don't want the Board of Commissioner listening to every person who is denied for a claim. We have a Water Director who is the expert for the authority that we hired, and he needs to be able to make those types of decisions. An appeal can be to the Water Committee, but all of those coming to Water Committee is a waste of time.

Mr. Davenport said there is nothing in here except the Director or the Manager, once you have that type of unilateral authority; it is not a fair process. Mr. Rapson suggested that he, Mr. Davenport and Mr. Pope meet to review the document and finalize it.

Mr. Davenport commented that there is a deadline of July 1 implementation. He went on to say that the next Water Committee meeting will be June 25, and it needs to go to the Board of Commissioners. Mr. Rapson said that we want him; Mr. Pope

and Mr. Davenport to work on this, get it finalized and put it on the first meeting in June for the Board of Commissioners approval. But, we need the resolution passed.

Mr. Davenport stated that he will put language in there that keeps the opt in, that reduces the standard from gross negligence to negligence, and provides an appeal process. You don't have that language in front of you, but those are the concepts that the Board will be approving if in fact that is what you like. He said you (Water Committee) will be given a copy of the draft document that submits to the Board of the Commissioners. To the extent that anything in there is inconsistent we have described to you, please let us know.

WHITE LINING ORDINANCE

Commissioner Brown reported that he has spoken to several of the utilities, Georgia Power, Coweta Fayette EMC and they have concern with our White Lining issue. The state decreased the parameters from 24 inches to 18 inches and we extended it back to 24. He went on to say that they do have a legitimate concern. One of their concerns is a lot of times they are hiring outside contractors and they are trying to get one solid standard that they can use. Because then, all of a sudden they are going to get a contractor that is going to come in and do it by 18, the new state standards and they are going to get in trouble with us. He said that is legitimate and we have been talking at the staff level. We need to look at doing something. He asked when the state takes effect. Mr. Davenport replied July 1.

Commissioner Brown commented that they were hoping we could render a decision by July 1. Mr. Davenport explained that when Mr. Bergen first approached him with this white lining ordinance issue the state standard was 24 inches. Within the regulations of the Public Service Commission the cities or counties could put more stringent standards, but nothing less stringent. We opted to put the standards in there that mirror the state knowing most likely that the legislature was going to reduce the 24 to 18. He went on to say that he was very well educated at a two hour meeting at the Water System about two months ago when the subcommittee from the legislature on this issue sat there and went back and forth with the attorney for the Public Service Commission and he understood better the issues. The 24 inches to 18 inches, some would argue is more stringent. Others would argue it is less stringent. The arguments go like this: it depends on what you are looking at, are you looking at the digging activity or are you looking at the locating activity. If you are looking at the locating activity and you have an 18 inch parameter as opposed to 24, the 18 inch is more stringent and the 24 inch is less stringent. If you have a digging perspective and your digging has a 24 inch buffer versus an 18, 24 is more stringent versus less stringent. Those are the positions and there is no common ground there.

Mr. Davenport went on to say from what he can understand we are the only ones in the state that did this. Not only did the county do it, but Tyrone and all the other cities have done the same thing. The utilities are saying there are rules across the

state, and then there is Fayette County. The Public Service Commission is backing us up and the reason the Public Service Commission is backing us up is because they look at the ultimate safety of the infrastructure. At 24 inches, from their perspective they believe that is consistent with the regulations to be more stringent. The utilities would argue with you because the locate would be less stringent. There is not a right or a wrong answer here, but it is an issue that you might want to determine whether you want to be the nail sticking up across the state that people are going to hit on to beat it back down again, or do you want to get back in line with the state. It is a difficult situation.

Commissioner Brown stated that his thoughts for them, any of the other utilities, any of the other provisions in that ordinance that we have had, they had no problems with. But, they just said when you are dealing with a lot of subcontractors; it is really going to cause a problem when they are marking. And then they are going through into our county and they are still thinking that it is 18. A lot of these folks are coming in from out of state sometimes. They know what the state standard is. He said that he thinks it is a legitimate position.

Mr. Pope commented that the irony is we put this in place to protect the infrastructure, not only ours, but other utilities. The utilities are the ones pushing back, which blows his mind. He said that he would never have dreamed they would be the ones giving the push back. We are trying to protect them as well as us. Commissioner Brown said that he thinks it is a liability question for them. They are going to have contractors go in, they are going to mark it wrong and then they are going to get tagged.

Mr. Davenport said that the lack of consistency hurts the utilities more than doing some damage in one county, for instance. The fact of the matter is the only reason that White Lining Ordinance was put in place was to keep that number at 24 as opposed to letting it go down to 18, because the sense was the state was going to reduce it. That subcommittee in the legislature that deals with this is filled with contractors and other folks and they have beat this thing to death. They have the issues focused in. The number is not a magic number, but now it is 18. If you want to go to 18 there is nothing wrong with that but right now you have 24. He said that if you don't do something, you are probably going to have the utilities coming after you.

Commissioner Brown asked what the end result is; if they hit the pipe at 24, is there any difference between hitting the pipe at 18. We still assess them for the damages. Mr. Davenport said that what was explained to him is the digging process is such that when they are outside the 24 they can do a mechanical dig, when they get 24 and in it has to be a hand dig. Those 6 inches could be the difference between the location of a pipe or not; that is where the dig perspective gives you more protection. But the locate perspective, if you only have to be 18 inches that is less stringent because you are so tight with that, utilities don't like the differences in the numbers, then enforcement and consistency is what really drives them to oppose this. They

just want consistency across the board. He said that he understands that other counties, other municipalities have been calling; he said that he thought Mr. Bergen told him, to ask what we have done because they may or may not want to follow suit.

Mr. Rapson stated that the question is whether we are going to follow staffs position or whether the utilities via the elected officials are going to overturn what staff has put in place.

Commissioner Brown commented that the Board put it in place. Mr. Rapson said that he knows the Board put it in place, and the Board can reverse it. Commissioner Brown said that he thinks that most of these problems that you have with these situations that you have where they hit it, it is negligence. You have somebody who is just working away outside the boundaries. You will have negligence at 18 and you will have negligence at 24. Mr. Rapson commented that you will have less negligence at 24 than you would at 18; that is what staff would say.

Mr. Davenport stated it is depending on your perspective, digging or locating. Mr. Rapson asked what Commissioner Brown wants to do. Commissioner Brown stated that he agrees with Mr. Davenport, he thinks we are the nail that is sticking up right now. He does not really see the point; he does not see wasting all of our political capital on this issue. He said that he thinks if we go to 18 and see what happens we can move it back to 24, if we see this has been a disaster, move back to 24.

Mr. Davenport said that he thinks if you want to go back to 18, he thinks you should probably approach it the same way you did to put the ordinance in place; which is be in communication with all the municipalities because they are stepping in line because the county requested them to. Commissioner Brown agreed.

Mr. Davenport said, for example if the county goes back to 18, Tyrone will probably go back to 18 and then Peachtree City will now go from 18 to 24. Commissioner Brown said that he gets what they are saying, now they have to have a guy who has a flip chart on what county am I in right now, what city am I in right now. Let me figure out what I've got to do and all this stuff. It causes him a lot of headache. Commissioner Brown said that he thinks Mr. Davenports point is pretty clear; he thinks they could eventually come after us in one way or another to provoke us into changing. He said that he does not know if we really want to do that with the utilities.

Mr. Pope said that what he hates is the ones filing the complaint from the utilities, in his opinion, none of them have been out in the field. He said that he has. That was the basis for his decision on this. They are sitting up in some office and they are stressing contractors out in the field that they don't want to police, or they are concerned about it because it is going to impact them financially. They are not making decisions based on good sound judgment they are making it on dollars.

Mr. Davenport said that the thing about it from the utilities perspective, he is not taking their position, he is just pointing out the obvious. The obvious is this; if we keep it at 24, they have every incentive to come after you, because if they don't it is going to spread. And, if they come after you, it won't. If they come after you because you are the only one doing it, now you have 6 months to a year of going up against the utilities and you may or may not prevail. They would say you don't have the authority; the state has preempted this...

Mr. Destadio commented that there is an argument to be made for political capital. There are a lot of things you want to get done and those representatives will do certain things. If you are spending all your political capital on a lose/lose, then you will hurt yourself.

Mr. Pope said that he is not all about just pushing them to sue, if they feel that strongly about it...

Mr. Rapson asked if we just reverse our decision, will that put us back at status quo. Commissioner Brown said that he thinks that is good. He said remember Georgia Power is a very good friend to have when they are your friend. In terms of economic development, they have sent us and helped with some very big economic development projects that have come to Peachtree City recently. They are a very good friend to have. You would hate for them to turn off that tap, so that when our economic development people call their economic development people and they are saying we will get back to you in a couple of weeks if we think about it. They don't have to get violent, there are plenty of ways they can hurt us and he thinks it is something to think about.

Mr. Pope asked if we can rescind that and just adopt...Commissioner Brown said that is what he would recommend. Mr. Davenport said we would not have to adopt anything, it is already there. That is what Mr. Bergen has been using up to now; the only reason he sought to do something now, and he not putting the disparity on Mr. Bergen, he is just saying he is looking out for our best interest and he sees this is an issue; he brings it and it is an issue. He feels the state is going to go from 24 to 18 and he was correct. We made the decision to do this and stay at 24. If you decide to go to 18, simply rescinding that ordinance puts you back where you were before you passed it.

Mr. Rapson commented that he thinks that is an elected official's decision, whoever is on the prevailing side can raise it back up and reverse the decision. He does not want to put staff in the position where they are recommending something that they do not believe is in the best interest of the county.

Commissioner Brown stated that he would gladly recommend it. He thinks we need to get it on the agenda before July 1. Mr. Rapson explained that if he wants to put it on the agenda for reconsideration, we will leave it at that. Mr. Jones needs to pick up the exact agenda item for reconsideration.

Mr. Davenport commented using terms, don't use terms too loosely. Reconsideration is something that happens at a meeting when it is adopted or denied, you are basically taking this up anew on the books and you are saying we adopted this back on this such and such a date; we have looked at it and from my perspective (speaking from Chairman Browns perspective for example) he would say he does not think this is in the best interest of Fayette County, I think we need to be consistent with the state. He said that he would move to rescind; that we rescind that ordinance in its entirety, something along those lines.

Mr. Rapson mentioned, before we put it on June's agenda, Commissioner Brown needs to talk to the other cities and tell them what we are going to do. Commissioner Brown stated there is no problem there. He said that he would gladly get that up the flag pole because he just does not think we should burn that bridge. It is too important of a bridge.

WATER COMMITTEE AGENDAS AND MINUTES

Commissioner Brown stated they started doing this with the Development Authority and he is asking that we do this with the Water Committee, too. Since we do have some stuff inside Peachtree City with the plant and the lakes and stuff like that, if we could send the City Manager a copy of all the approved minutes as they are approved; just so we can say we gave them all the information. He went on to say with the Development Authority they are going to start doing that with all the elected officials and just send them copies of the agendas.

Mr. Pope commented that the minutes are posted on the web site. Commissioner Brown said that he wants them emailed to the City Manager, a copy of the approved minutes; that way there is no question.

Mr. Rapson commented that our minutes are all posted out there for anyone to see. The Development Authority was not posting them, period. Commissioner Brown said that he gets it, but he is just saying if you send it to them in an email there are no excuses. Commissioner Brown suggested sending them to all the City Managers. Then it is his job to report to his people.

The committee agreed for Mrs. Speegle to start sending the agendas and the approved minutes to all the City Managers by email when they are posted on the web site.

CANCEL JUNE 11 MEETING

Mr. Pope stated that the next meeting was scheduled for June 11. He asked if they want to make the next meeting June 25 because he will be out of town the week of the 11th. Commissioner Brown stated that he will also be out of town. It was the consensus of the committee to cancel the June 11 meeting. They also agreed for the next scheduled meeting to be held at the South Fayette Water Plant.

Mr. Pope stated that some people were not able to stay for the tour last time. If anyone wants to stay and go through the plant, he said we will be glad to tour them through the facility.

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 25th day of June, 2014.

Lisa Speegle