

**WATER COMMITTEE**  
**OCTOBER 11, 2017**  
**MINUTES**

**MEMBERS PRESENT:**

Pete Frisina, Chairman  
James Preau, Vice Chairman  
Lee Pope, Water System Director  
Chip Conner  
Commissioner Steve Brown

**ABSENT:**

Steve Rapson, County Administrator

**NON-VOTING MEMBERS:**  
**ABSENT:**

Dennis Davenport, County Attorney  
Michael Diaz, CH2M

**GUEST:**

Dennis Baker

**STAFF PRESENT:**

Matt Bergen, 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 SEPTEMBER 27, 2017.**

Chip Conner made the motion and Lee Pope seconded, to approve the minutes from the meeting on September 27, 2017. The motion passed unanimously.

**II. PRIVATE WATER SYSTEM EMERGENCY ORDINANCE DISCUSSION.**

Dennis Davenport explained at the last meeting he was tasked with putting together a draft emergency water ordinance. He said he met with Steve Rapson and Lee Pope and they had a good discussion. He said one of the things that came across to him early on is he needs more direction. He presented a memo he had put together showing the issues that he will need direction on in order to craft some type of ordinance. It is not simply saying you are going to allow it; it opens the door to a number of different issues. He said he kept this to general concepts, which way are you going to go? The first question is, are you going to allow it at all? The fact that you have a temporary water meter, he said he calls it temporary because that is what it is supposed to be, at Dix Lee On subdivision. It should not enter into this discussion, it is there and if your decision is we are not going to allow it, then it will not be there anymore. If your decision is we are going to allow it, under what circumstances or procedure are you going to allow it?

Mr. Davenport went on to say if the answer to the first question of are you going to allow it is yes, is it going to be for emergency or is it going to be for convenience? Dix Lee On is a good example of convenience. They have used our water for a number of months to support their water source to do work on their system. There

is nothing wrong with that, but that is the question the County has to answer ahead of time for all private water systems. Do we allow it and if so, what are the conditions, is it emergency or is it convenience. If you are looking at just emergency, convenience is going to require a lot more effort. He said he thinks emergency is probably the first step, if you are going to allow it. The main issues that come up immediately when you talk about emergency is what triggers the water from the County; what objective criteria is out there that you would recognize as being an emergency that you would allow County water to flow to a private system. The two big ones, he, Lee and Steve came up with were the water in the system is contaminated or there is no water. Those are nice labels, but now you have to drill down and define what those mean. What does it mean to be contaminated and over what period of time does it have to have that contaminated level to constitute an emergency as far as we are concerned. Is it sufficient just to say, for example, to have too high TOC's? That is going to be a violation of the state, but is that a contamination issue as far as needing water from the public system. If we are too high on TOC's, we work on getting the TOC's down. What is the contaminant issue? We have to have a better handle on what that means; otherwise it is going to be an issue of convenience.

Mr. Davenport then discussed no water; that sounds like a pretty simple thing. What does no water mean, does it mean there is no water or does it mean there is not enough pressure. There is water, but the pressure is not there, for some reason it is below the minimum standard. Does that constitute an emergency, being below the minimum standard pressure wise, or when you turn the tap on in the whole system and nobody gets any water because there is no water? If you don't set that out up front you will wind up with convenience as opposed to emergency, if your goal is to provide emergency.

Mr. Davenport commented that another issue on convenience is if it is truly an emergency, when does the meter go in? If you put the meter in and it is there, it will be used. One thing to think about is if you are going to allow it in an emergency, do you say notify us, we will have a temporary installation for the duration of the emergency and once the emergency is over, we will remove the meter. That is one way of looking at it. The installation is part of this process if in fact it is an emergency. In looking at Dix Lee On, for example, it is there, they are going to use it, period.

Mr. Pope commented that we need to be informed, have a lockout/tagout system. He stated the Committee heard the other day, Randy Padgett, who is a great guy, when he had an issue when Irma came through, and he lost power, he just opened our valve. He knew it was good until the storm blew over and then he put his system back in service. It would have been nice for us to know we were flowing water into that system; we have no clue of that. Probably if this is going to become an emergency ordinance there should be some unity between who cuts the water on for him and who cuts the water on for us. Mr. Pope went on to say we should not be

able to go and unlock it and flow water into his system without him being present, too. We probably need to look at some sort of lockout/tagout.

Mr. Davenport commented he addressed that toward the end of his memo. This was a different issue that was discussed because it might have merit to say because of the quick installation time frame for a meter (by quick, he means it is done in a matter of hours as opposed to a matter of days). You identify the private water systems and you identify the location of where that emergency tie in is going to be, but you don't do anything about it until the emergency happens, and then, within two to three hours, you can install that meter, then the emergency passes and you take the meter out. He stated that is just a suggestion, he is just throwing that out there.

Mr. Davenport explained he included a couple of excerpts from county code in his memo. They are in the area and address this issue. Some of them, a good portion, when he reviewed them, are like Fulton County; you don't tie on, period. You just don't tie on. He said Lee was telling him about Rockdale and he looked at them specifically, they treat private systems just about like regular customers. There are certain things you have to do, but you can tie onto the public system if you are a private system. Those are the two ends of the spectrum; you don't tie on and we treat you like a regular customer. Where do you want to fall along that spectrum?

Mr. Pope remarked he looked at Clayton and they are very similar to Fulton. Mr. Davenport commented the bigger they are, it seems like the more parochial they are, the more paternalistic, they don't let you come into their system because they don't want the headache, it causes them more problems than it is worth. That is what he saw in looking at different excerpts.

Mr. Davenport said you make your first decision, do you allow it and if so, how does that look; emergency or convenience. If you are allowing it and you do it for emergency, what are some of the logistics that are involved that you really have to put some thought into as to how you make this happen. There will be private water systems that are adjacent to a waterline. There are going to be private water systems that are a mile away from a waterline. How do you make it happen? How far is too far? For example, if it is truly an emergency and you want to let them tie on and they are half a mile away, there is a way to make that happen pretty quickly, but it is by using a flexible hose, he supposes; to connect them up until a more permanent solution can be found. If you do that, how long are you going to allow that to happen, what duration is going to occur; if you don't have some kind of benchmark to let you know the issue is resolved; it might be thirty days, a plan needs to be implemented to put a more permanent solution in to tie in; and what does that plan look like. It is going to be their cost. The problem with that permanent solution is it takes you right back to the initial problem discussed before. What does tying into a private system look like fiscally, practically, what is the liability exposure for the county? It opens up all those doors. He said we will address those as well. He said he is looking at the logistics of hooking them up. They are going to be close by, or they are going to be far away. How do you make

that happen? We need to have some guidance in how that occurs, because every situation is going to be different. We can pinpoint every system today and we can know today what our system with the furthest tie is in. That will help us develop some of the standards. That may be a necessary step in this process to identify those systems.

Mr. Davenport stated Bryan Keller sent him an email from Environmental Management including information on current regulations on our books dealing with private water systems. He said he thinks that is great for today moving forward, but we have to deal with systems that came on line before those regulations went in place. He said he thinks the set is closed, but we have to deal with that closed set in some fashion. The minutes talked about when you are making the decision of whether the water is available or not, there is one school of thought that we have a duty to supply that water. There is another school of thought that we don't. He said he does not see a legal duty, or a fiscal duty, there could be a moral duty; that discussion needs to be had as far as how you shape that. There is also the issue of fire suppression, but he has not specifically gone into that part of this because that is another level of bureaucracy or another level of complexity that it is going to even more difficult to try to manage. He said he is just trying to get to the threshold issue of providing it for drinking water purposes.

Mr. Davenport went on to discuss the financial issues. Everybody who is a customer today paid for the system. They paid the tap fee, which consists of components that is kind of like an impact fee. It is paying for the actual infrastructure. The dollar amount is sized to capture that. It is all inter-related to our financial structure and it is regularly reviewed when we do refinancing of bonds. Or doing initial bonds for other construction; the financial guys come in and ask what your coverage is? Your coverage needs to be at least 1.2; you have to have revenue that equals to at least 1.2 of dollars owed to the bonds. If you don't we have a problem. What that 1.2 means is everybody is paying for everything, the infrastructure costs have been captured, we have our numbers on line as far as rates, as far as tap fees. They all come together to produce a revenue stream adequate to cover our fiscal responsibility. Tying into a private system, nobody has paid any of that. He said he thinks the numbers today reflect that if they were to tie into a system individually, it would be about \$1,300.00 a household. Looking at a theoretical private system of 100 homes; \$1,300.00 a household times 100 is good revenue, but that \$1,300.00 is really a charge that covers not just their ability to get the water, but there is a transportation component; the infrastructure to transport the water from the source to their home. They are paying their pro-rata share. If we are going to charge them a tap fee, we are going to have a duty to put that infrastructure in, that infrastructure is detailed in the analysis put together by CH. Whatever you get in taps fees will be eaten up pretty quickly. They will be paying their share if they do that; but the big question is how do you make them pay it. Out of those 100 households, 60 will be willing to pay it. What are you going to do to the other 40? You have to put the whole subdivision in place.

**Mr. Davenport commented that he does not know if we have the leverage legally to make someone do that. He compared it to putting on covenants in a subdivision after everybody has bought their lots. That is impossible. The way you do it, is before the first person buys the first lot. They buy it knowing this is the cost of doing business or the cost of living here. You try putting it on after the fact and it is a tough sell. He said he knows they need the water, and they know they need the water, but some of them are not going to have the money. They are not going to want to pay. How do you deal with that; just another issue.**

**Mr. Davenport said if you are providing the water on an emergency basis and you install it to for 30 days; and at the end of those 30 days they still need water, but nobody pays the bill; what do you do, now. The owner of the system is the responsible party, what if you have an owner that is not doing anything to solve the problem, and they are not paying for the water? You don't have a relationship with the individual property owners. Your only relationship is with the owner of the system. The 30 days comes and goes, the problem is still there and the owner is not paying, now what do you do? You don't have to provide the water, but once you provide the water you have a duty to provide the water. You can turn on a spigot, but you don't have to, but you can't turn off the spigot. Now, you have a collection issue. How are you going to get your money? You are probably not going to be able to in that situation, or you are going to have an owner of a system that is not fiscally sound, they go belly up and now you have a system on your hands. What are you going to do now? You have to pretty much bring that system up to standards and you will be using your money to do that.**

**Mr. Davenport went on to say does putting an emergency plan in place cause that problem to happen. No, it doesn't. That problem is probably going to happen anyway, without an emergency water source, because given the same set of circumstances without a tie in to the public system, that owner is still going to go belly up and the people in that subdivision are still going to come to you and say we need water, and you are going to provide the water. But, you are going to do it in whatever way you can under those emergency circumstances. The only difference is there is not going to be any payment to anybody, or an expectation of payment from anybody, because now you have to provide the system.**

**Mr. Davenport then talked about the specific transaction. He said you like the idea of emergency provision, you like the idea of charging some dollar amount for this, what are you charging; certainly the cost of the meter. He then asked do you want to put an emergency activation fee in there, for example, in order to activate that valve for the water to flow, if it is truly an emergency, should there be some number, some dollar amount that happens simply by turning that valve open. Who is receiving that water has not paid anything for the water, not paid a dime for the water, not a dime for the infrastructure. There is potential of capturing some of that cost through an emergency activation fee, separate and apart from the cost of the meter. The emergency activation fee is whatever it is, should you decide to put it in there, now the question becomes what water rate do you charge. These are not**

water customers that you are selling the water to at your rate that everybody pays which is a component of the whole fabric of charges that make up the revenue to cover your bond debt liability. These are people that are not part of the system at all. They are not coming to you saying we would like to buy water from you every day from now on, they are coming to you saying, it is an emergency.

Mr. Davenport said if you provide them water at the same rate that you charge everybody else, first of all, it may be less than what they are paying now, or approximately about the same. What is the motivation to come off the county water? None. If you don't make it painful, they are going to stay on county water. What is painful? Is it three times the rate, five times the rate, ten times the rate; he said he does not know, but what you are trying to do is make it so that it is not an easy decision to just keep getting county water and letting their problem go unresolved.

Mr. Davenport explained he has outlined some major concepts that he needs some direction on. The first is, do you want to provide it, and if the answer to that question is yes, do you want to provide it on an emergency basis or a convenience basis. He said he is not trying to tell you what you are going to decide, he is just taking the path of least resistance. If you decide yes, and you decide emergency, what does that look like? Logistically, you need to determine how they are going to hook on, for what duration they are going to hook on, how the meter is controlled; is it installed, de-installed or is install lock, whatever the case may be. He added his point is, if you leave it there, they are going to use it, if you don't leave it there; they have to come to you every time to get it reinstalled. Fiscally, do you want to have an emergency activation fee, how do you want to charge the rate structure?

Mr. Davenport stated he has not talked at all about liability exposure, only because that is a given. There will be sufficient indemnification hold harmless language built in the document, which he will provide. That is good for making legal arguments; you are still going to get sued. But, you have some good protection. There will still be a cost of doing business by taking care of this; by enacting an emergency water ordinance. He said he has just tried to give some examples and would like to hear from the Committee on what they think about this information.

Chairman Frisina asked about the contract we have with Fayetteville to provide water on a wholesale basis. Mr. Davenport responded you have two governmental entities that are required by State law to negotiate on service delivery, because they are governmental entities. In Fayette County and City of Fayetteville they decided back in the 80's that rather than us bump heads over who provides water service to whom, let's go ahead and delineate our service delivery area. There is a service delivery area in Fayette County for the City of Fayetteville and the rest of Fayette County; Brooks excepted. Fayette County actually is a service provider for some places in the City of Fayetteville, the City of Fayetteville is actually the service provided for some places in unincorporated county. What is the difference between the City of Fayetteville and Dix Lee On subdivision? The biggest difference is you



are dealing with a government versus a private party. You deal with a government that can't go bankrupt versus a private party that can. You are dealing with a government that has sufficient immunities that the private party does not have. You are dealing with a government that produces water that could probably provide it to you if you need it, and you provide it to them if they need it. You don't have that same relationship with a private party. You also have another problem, in that the private party is not required to come to you under state law and negotiate any type of service delivery. They do what they want to do, and they do it in your service area. They are actually eroding your service by starting up a private system which, again, impacts your ability to sufficiently cover bonded indebtedness, etc. if you are looking at build out as a projection of county property as it relates to density of waterlines, etc. You have to make some future projections as to where those future waterlines are going to be. Every time you project where a future waterline is going to be in this area, and that turns out to be a private system, that projection is off. That is a number of reasons why the governmental agreement is different from the private entity, but the biggest issue is even though they are required to meet certain standards, they don't meet the same standards as the governments do. In other words, the people from Newton Plantation said they have to deal with 20 psi; 20 psi is the minimum standard. Does it work, not at 6:30 in the morning when you want to take a shower? Mr. Pope added especially if you have an upstairs bathroom.

Mr. Davenport asked Mr. Pope if we do that in the county at 20 psi. Mr. Pope said in all areas we should be well above 20, and we monitor it regularly. Mr. Davenport commented we treat these delivery systems, these chemical balances, etc. with so much more redundancy, with so many more checks and balances that are not even approachable on the private system. He said his experience, in listening to what they have to say, he does not have any personal experience hands on, is they meet the minimum standards. Is the minimum standard enough? You be the judge. You are dealing with a different perspective on water delivery by a private company and a small subdivision, versus how a government treats that same water delivery.

Mr. Pope stated that we were asked to look at minimum standards for water systems. He said Chairman Frisina brought out what the County currently has on file. Mr. Pope said he went to the State requirements and pulled the minimum requirements. Basically, the State considers the minimum requirements for a main to be 2", but the 2" line cannot serve more than 20 customers, if the 2" is looped, it can't serve more than 40 customers. It goes into detail about how to project rate of flow to meet that customers demand, then it goes into maintain the psi, traditionally it says from 60 psi and not less than 35, but the requirements are that you stay above 20. He said they are telling you they know 20 does not really work, especially if you are at a higher elevation in a small subdivision like Newton Plantation and you are upstairs. You are probably not going to get any flow at 20 psi.

He went on to say that Mrs. Smith was complaining about pressure, if we tied into that subdivision, we could not provide any more pressure than what he is providing. Because, clearly, he could do that, too; the reason he is not doing it is because he

does not feel like his system could support that pressure. We have to stay where he is at or below. We are not going to resolve their pressure issue. What the minimum standard says is if he is not able to maintain the minimum standards, then he should be updating his system and replacing lines. That is what we do.

Mr. Davenport commented that is the key; he should be, but he is not required to. Mr. Pope commented we don't have any jurisdiction to force that hand either. He went on to say if we see any drop below 20 psi in our system, we are either adding tanks or pump stations, or line sizes or something to address that so we don't have an ongoing issue.

Mr. Davenport commented Mr. Pope brought up a good point with the 2" line. He said he remembers Mr. Padgett, who owns, Dix Lee On has a 2" line into his system. He said he thought there are in excess of 100 homes. Mr. Pope said he has that, as well as all his mains are 6 or above. We have a 2" providing service to a 6". Mr. Davenport said that really cuts down the ability of the 6" to properly provide as a 6 inch because it is being fed by a 2". State regs say a 2" can support 40 homes.

Mr. Pope commented they had talked in private if we choose to move forward, obviously we have to clean up the relationship with that water system and one thing would be to up size that connection. An engineer should have decided what that connection needed to be. He said he does not think any engineer is going to tell you that a 2" can supply a 6 to 8" water system. That just makes common sense.

Mr. Pope explained at Rockdale, they had an in house engineering department, they told you what size your connection was going to have to be. The reason that was a battle was because of the cost of the meter. If you have a water system, you want to get the smallest possible; you don't want to have to pay that huge connection fee. The Rockdale Engineering Department calculated and told you what your connection size was going to be, and if you didn't like that, then you didn't connect. Traditionally, they paid what the fee was, but 6 or 8" connections are expensive.

Dennis Baker asked what do we do with a builder who is going to create a subdivision, do we set out for him what he has to do. To him, that is the way he looks at this. If you go to these folks and they want to be part of the system, here's what we require a new subdivision. If you come up to these standards, you can connect to us. Whether you want to do it privately and make that decision, that is a homeowners association to come up with the money and do it, from the meter back or from the waterline in, once we connect.

Mr. Pope explained what we do right now is water systems and sewer systems are required to meet the minimum standards of whoever they are planning to attach to, and then we would take ownership of that system. What we don't have right now is a minimum construction standards manual. We have Matt and his brain, and we do have some rules that he uses to go by. CH is actually putting together a minimum construction standards document today so that we will have something



that we can give builders and say, here it is. Right now we have Matt, we are thankful to have Matt, but there needs to be a document that we can give everybody and say this is the requirement for your system, so that it meets our system. That way, in the future if their system needs to be tied onto our system, we will know our systems are alike. You are not going to find people wanting to do that. Newton Plantation did not want to go in there and put in infrastructure that met our standards. At that time we probably didn't have a water system in that area, they had to do what they had to do. Now, what we would do is ask them to meet our minimum standards.

Commissioner Brown asked is our minimum requirement for a private system what you are doing now. Chairman Frisina said this is not under Zoning and would fall under the Water System, because they have to be built to the standards of the Water System. They dictate what the standards are. It is not specific.

Mr. Bergen explained we do have a spec package for the whole thing; it is just not as clean as what CH is working on. Mr. Pope said we want to have a document we can give everybody. Chairman Frisina commented this was put in place in 1983 that is probably shortly after all the water systems that we are talking about were put in place. These rules were put in in 1983 and he said he does not think we have had a private water system since 1983. Mr. Pope stated the State document was updated in 2000.

Mr. Pope explained that if somebody came to us and was building a private system we would ask them to make sure it met our standard because we know in the future that it is probably going to need to be serviced by us. We would not have a problem connecting to them as serious as we would right now with some of these issues.

Mr. Davenport said the issue really is, if you require them to meet our standards, there is no longer any motivation to have a private system. The motivation before was it is cheaper, if it is not cheaper why do it.

Mr. Pope discussed what the State says about fire flows. If fire protection is to be provided by the system; he said right now the county takes a fire fee from everybody to give them fire protective services. That does not mean we have a waterline in front of everybody's home. The fire department has a plan and equipment in place in those areas to protect every home as best they can. Your house may burn down whether there is a hydrant out front or not, but the fire system has an SOP in place to address homes that are not within reach of a hydrant.

Mr. Davenport said the information he received in talking to the fire folks is excluding Peachtree City and Fayetteville, because they have their own fire departments, the rest of the county is covered by the Fayette County Fire Department. Of the rest of the county, you are talking about 25 or 26 square miles, about 15% of their coverage area is an area that is not supported by a waterline. They know in advance where those areas are and they know those areas are going to

be having to employ a tanker system of trucks to suppress that fire because there is no water support available.

Chairman Frisina commented these systems are regulated and permitted by the state. Back then you did not come to Fayette County to get a permit to start a water system. Mr. Pope said they will have a withdrawal permit for their well and then they will have a distribution system permit for their distribution system. They have to have two operating permits. Chairman Frisina asked if the state requires them to have a backup to their system. Mr. Pope said no, when this system went in place in the 80's there was no waterline around.

Chairman Frisina said he is wondering if something happens to a system, when the state ever steps in say this system is inefficient, or doesn't meet code. Mr. Pope said he cannot knowledgably tell you what would make the state do that unless he was the state. That is a question to ask the state. Mr. Davenport commented that he thinks if a subdivision ran out of water, they would go to the state, the state would go to the county and say county you need to fix this. Chairman Frisina asked at what point does the state say this entity can't serve this subdivision, do they revoke their permit?

Mr. Davenport said it will take a lot to revoke a permit. Commissioner Brown said he thinks a lot of it is where they lose their financial ability to handle things. He said we have seen that with cemeteries and everything else where the state has to come in and say they can no longer sustain the system. Mr. Pope commented in Alabama they had 1,500 water systems and now they have 500 water systems. It is because they were not able to financially sustain their systems and they eventually went bankrupt and had to tie into another system. Eventually these water systems will become part of our system.

Commissioner Brown said if you look at Dix Lee On, he thinks he is ready to get rid of that system as fast as he can get rid of it. It is probably a retirement plan for him. The problem is who is going to buy it. It is an aging system that is already experiencing problems. Who is going to buy it, eventually somebody is not going to be taking care of that system.

Mr. Baker said in looking at it proactively is not expending water authority customer money. What is the potential for us to look forward and be ahead of the game, get grants or begin to look at any monies that are available that address this specific issue? Mr. Pope said we can look at community block grants, but those are not going to be enough to repair these systems. Mr. Davenport said it is going to be difficult to get that money and use it for private purposes. Mr. Baker said he does not know if there is money, but because of the Alabama situation that Federal government or State government has looked at this and said they see this coming, we shouldn't put it on the back of other folks, but we need to do something about it because it is a quality of life issue at some point.

Mr. Davenport said what you will see is some horse trading going on whenever a system breaks down, the state comes to you and says you need to get involved. That is when you say to the state, I need your help. The state is more likely to provide some financial resources in that situation than in a proactive situation. In a proactive situation, they will have obstacles that prevent you from using dollars for private sources. But in an emergency it becomes a government problem and they will throw money at a government problem, not guaranteed, but they are more likely to do that in an emergency.

Mr. Pope said the first systems they saw fail in Rockdale were sewer systems, that is where the relationship started. They were not able to maintain their sewer systems and the state would come, because of public health, and make us own those water systems. That made funding available through the state because we were taking on this dilapidated system. What we are looking at right now with these systems is they want to sell us their business, but what they are selling us is not up to par with our standards. If they wanted to bring it up to our standards and then sell it to us, we could consider purchasing.

Mr. Pope said from where he sits, he can tell you how we can connect to them and protect us as best we can with equipment. But in all practical purposes they have safe drinking water; they do have fire protective services. From his chair he does not see a sense of urgency, because they are not in trouble. He said he does not want them to get in trouble, but there is no hot button for him. He has areas in his system right now that he is required to maintain and take care of. He said he is a lot more likely to come to you asking to spend a million dollars replacing Castle Lake's waterline because I am having problems and those are a part of our system than he is in asking to spend a million dollars of our customer's money to buy those customers system and fix that system. That is a hard sell for him.

Mr. Baker said from his standpoint it is a hard sell for him because he is in Mr. Davenport's 15%. He has a well with no waterline near him, no water near him for fire protection. He depends on the tanker. If his well goes out he knows what he has to do. He has a fire; he knows what is going to happen. If we begin to put some type of money into private systems, we have to be mindful of how the unincorporated citizen with no waterline near them is going to say. Why can't that line on Grant Road that ends at 250 Grant Road come a couple more miles to my house and give me some options. It is a global kind of issue.

Mr. Pope said we have met with the fire department and we are doing some line looping on the north side to minimize where they have to station tankers to take care of fires. That is a lot easier sell to tell customers we are taking care of them and leave the private systems. He said he sees us doing a lot more of those and asking you to allow us to do a lot more of those than he does in buying private water systems and spending a million or two million dollars to bring their infrastructure up to par. He said he would rather take care of our current citizens and customers.

**Mr. Davenport commented the way he would look at this, if in fact there is any type of transfer of ownership of a private system to the county, the most the county should be willing to pay is zero. We will take it over and bring it up to speed, it will cost half a million dollars just to bring it up to speed, then you have your revenue stream. Those customers did not come on line like your average normal customer did, but it is as close as you are going to get and you are not paying for the system. There should be no buy in as far as the county is concerned, the buy in is going to be putting in the infrastructure.**

**Mr. Pope said we are fortunate in our relationship with Randy; he has good morals and great integrity. Fact is he is looking to sell that system, who will be the new owner, is that going to be somebody that is willing to make that check out every month. Or is that going to be somebody when Irma flows through and they lose power, are they going to leave it off line for months or however long they think they can sustain it on our system.**

**Mr. Baker asked if a change in ownership requires a new state permit. Mr. Pope said they will transfer the permit.**

**Mr. Bergen asked how EPD views that. On our side we have to treat wells, if they are tying onto our system, they cannot cross connect with their water source. These are well systems even though they are supplying multiple addresses, how do they view that? Mr. Pope responded they see that as an emergency connection, only. He said what Mr. Davenport said earlier is key. Once you are connected, you are connected. We have a meter that has been in place for seven or eight years. Supposedly, it was temporary and should have been removed. Then, put back in place when Irma came through and he needed water. There should have been something to sever that connection. Once you are connected, it is really a consecutive system. That is how governmental entities are. They are there to shore each other up because of the service delivery strategy required by law. Once you have connected Randy's to go and say you are going to remove it and not be connected anymore, the state is not going to let you do that. They have seen that as a redundancy protecting those citizens.**

**Mr. Davenport asked if Mr. Pope is saying in this specific situation the state would have a say so in us taking that meter from Dix Lee On. Mr. Pope said he does not think they could stop us, but they would frown upon it because when he did his sanitary survey and all those inspections, he had it. Mr. Davenport said he understands that, but it is more of a local control issue the way he sees it. While the state might not like you doing that, they are going to understand why you are doing it. Mr. Pope said they are not going to have a lot of jurisdiction to force you to not remove or install a meter, either way.**

**Mr. Baker asked if the meter at Dix Lee On has a backflow valve. Mr. Pope responded it has a backflow valve, but not a PRV. Mr. Baker said the thing that is going to cause you more trouble is that you have protection for your system, if you**

take that meter from them, you can't argue that you are worried about the system harming your system because you have some protection in place.

Mr. Bergen said EPD already has some verbiage that states that a private well owner can't cross connect both of those even with a backflow device because with well systems you are only required to have a Class IV operator to operate that system. Our minimum is a class III.

Mr. Pope commented that Mr. Davenport brought up a good point, those mains and all the appurtenances in those systems don't meet our minimum standards; some may, but everything in their whole system does not meet our minimum standards. Once we flow water into that system, and it may become contaminated within that system. We were the water provider. If the citizen gets sick or has some kind of a health issue, that is still our water, the fact that it degraded from minimum standards of what the state requires because it went through a system that is in bad shape, that has no bearing on the facts the citizen got sick and it was our water that went to their home.

Mr. Davenport said to him the worst case scenario is they are out of water, you start supplying water and as soon as you start supplying water, there are significant breaks in the system. Not breaks singular, but breaks plural. The owner of that system probably does not have any financial where withal to do anything about it. Now, you are providing water and someone is going to say that water came in in such a way that it contributed to causing this problem in our system and county, you have some liability exposure; and you have an owner of a system that is not going to be financially responsible and you have water being provided by the county and now the subdivision has no water. The county is going to be forced to fix that system.

Mr. Pope said from his standpoint if you all want to look at taking these systems on, he thinks what we probably ought to do is have a line item in our CIP plan five to ten years out, that we put a few dollars in to prepare, whenever we have to take these systems and replace the waterlines in them. He said he is not saying buy the systems, he is just saying, when they go belly up financially or the well becomes contaminated, we already have a plan in place to put funds aside to replace the infrastructure in those systems and make them meet our standards. He said he thinks that is probably the best planning to move forward. He said go ahead and put some money aside, knowing they are out there. Thanks to the report from CH we know what kind of funds we are looking at and we probably ought to have a fund we put money in for those systems. Whenever they become available to us free, not us buying them, then we have money set aside to try to address them. As well as, we go out for any grant funding that might be available at that time.

Mr. Baker said based on what Mr. Pope is saying about moving forward at some point in time, he thinks the Water Authority ought to be able to get in part of the SPLOST funds for just setting aside for development money so citizens who come

here, all the businesses who come here, people who spend money here, help pay for the water system that provides for the citizens.

Mr. Davenport commented one bright spot about Mr. Pope's suggestion is if you are transitioning the old system to the county system and you do it because of a need basis, as opposed to a convenience basis, you have a better opportunity to collect tap fees from new customers in that system. You will probably have at least some sort of revenue stream from the customers in that subdivision that you are tying on because they want water. There will be those that you will have controversy and difficulty in collecting money, but by and large you are going to have a level of revenue that you did not have before to help offset some of that cost. It is not going to approach the cost of the upgrade, no question about it. But, it is going to offset it to some degree.

Comments were made about the return on investment being between 30 and 50 years, when the state might intervene, and Alabama's taking over systems that were not sustainable.

Mr. Davenport pointed out as it stands today there is a certain level of control that we have and we can exercise. Do we provide water is the first question? If so, is it an emergency, and if so, how does that look. He said he needs some input on that.

Jimmy Preau asked if we say no to that, how do we address the existing situation that has been in place for six years. Mr. Davenport said he thinks the decision should be made with blinders on, not even considering that. The reason he says that is because, if the reason you are saying to provide emergency is because we are already doing that, it was not done in an authorized fashion to begin with. That is fact that really is clouding an objective analysis. If your decision is no, then the result of that no is we have to fix that problem.

Commissioner Brown asked if the definition of emergency is the inability for a house to draw water into the household. Mr. Davenport commented he came up with two possibilities, one is no water, the other was contaminated water. What does no water mean and what does contaminated water mean.

Mr. Preau said he sees that as a state decision, not our decision. Mr. Davenport agreed, the state ultimately will come to your doorstep. But, if your decision is to provide water in an emergency basis, you have a duty to at least describe what you mean by emergency. If your decision is not to provide water at all, you don't have to come up with that definition.

Mr. Pope stated contaminated has a lot of different definitions. It can be acute, to where if somebody drinks a glass they will get extremely sick or is it a TOC violation that really doesn't affect people for 70 or 80 years if they keep drinking the water.



The committee discussed at length the definition of contamination, what is an emergency and state language. Mr. Pope commented Rockdale's definition was they had reoccurring state violations from a treatment standpoint or they were having reoccurring instances when their wells went dry and they could not withdraw; it was beginning to happen every summer. They knew those systems were going to run out of water; they were trucking water in with the fire department. It did not matter whether it would affect the citizen over 80 years, 8 years or 8 days, if they kept meeting both violations that is when the state finally decided they can't meet the minimum qualifications based on their infrastructure.

Mr. Pope said contamination does not necessarily mean that the water is poisonous; it means that it does not meet the minimum treatment standards for your system. Mr. Davenport commented if that is the case, you probably should take contamination out of the picture, because that is able to be remedied by the private system owner. That is not an inability to provide water; it is a negligent treatment issue. That negligence needs to be addressed between the state and the system owner. Not us, taking care of it as the county.

The committee agreed to focus on no water, the inability to deliver water to the house. Then next question was no water, or under 20 psi. Mr. Davenport explained under 20 psi is a convenience issue versus an emergency issue. Again, that goes to the ability of the private system owner to adequately deliver, he has the ability, he has the source, he does not have the dollars put in to make it work. If it is a flow of water, but lack of pressure, is that possibly a source problem. Mr. Pope said it could be, but more than likely it is a pump size issue. Mr. Davenport commented if it goes below pressure, that is not you don't have water, that just means the owner of the system needs to do something more to that system to give you more pressure. The group agreed no water means no water.

Russell Ray asked about letting the state tell us what the emergency is. Mr. Davenport commented we need to be proactive and define what the emergency is, if we say no to the system and the state comes to us and tells us we have to do this; we can ask what the state can offer to help us. There is no legal requirement for us to do it even though the state has some leverage because of our permits.

Mr. Davenport commented if no water is the trigger, is it no water because the source does not have water, or does it also include no water because the private system owner is going to do some repairs on his system and he has to shut off his source in order to do that. In Mr. Padgett situation, he used our water while he did work on his system. Is that a no water situation? Mr. Pope said from that, you have to define how quick he has to get it back on line. He said he thinks we can address some of that with the cost of water, triple or quadruple the rate; and an emergency service fee. When he calls and asks us to come unlock our side of the meter and he will unlock his, then there is a fee for that. That fee may be one or two hundred dollars per event; so he will have to think about it before he asks us to allow that system on.

**Mr. Davenport clarified no water will mean no water and also repair to system. The committee agreed that is fair. Mr. Davenport said if they don't have water because of variables beyond their control, or there is no water because there is a significant repair that requires shutting down the source. He said we would want some type of documentation to represent why it requires the source to be shut down.**

**Mr. Davenport said if no water is the trigger; another question is if the meter is there, it is hard to control. If the meter is not there, it is not a problem. If it is truly an emergency do you want a meter to be there 365 days a year? He asked how long it takes to put a meter in. A lengthy discussion ensued about the amount of time needed to install the proper size meter, whether removal of the meter was best, vault installation, two week time frame, signing an emergency agreement and installation of the vault and infrastructure being in place.**

**Mr. Davenport speculated what happens is we put the ordinance in place, and communicate with the private systems that in order to be eligible for this emergency replacement they have to have a vault in place. Not all of them are going to do that, they are going to have the emergency and we will still wind up with it taking two weeks, we can't make them do that. Addressing the Dix Lee On issue specifically; their meter is in place. It probably needs a vault based on the size of the infrastructure. He asked if there is a vault at Dix Lee On. Mr. Bergen said no, they have a 2" meter so they have two boxes, one for the meter and one for the backflow. Mr. Pope said he does not think a 2" meter is adequate. Mr. Bergen said we can't specifically make that determination, but based on their infrastructure it should be a minimum of 6".**

**Mr. Davenport explained we hold all the cards, we are not going to let him put in a 2" meter if it needs to have a 6" meter. If he needs a 6" meter, in order to have a meter available from the county, he needs to put up the cost of a vault. He asked about the cost of the vault. Mr. Bergen said we typically don't absorb those costs, in those situations, the way it works, they purchase the device from us, the meter and the backflow and then they work with a contractor or other third party to obtain the vault, all the consumables and materials, they absorb all those costs through an approved contractor. Mr. Pope explained CH has a standard design for these type of interconnections, and can probably give us a construction estimate.**

**Mr. Davenport said the point he is trying to make is, whatever costs there are and whoever does the work, it does not matter to him. It is going to be paid for by the private system owner. The fact of the matter is having a 2" meter there would be inconsistent with whatever we put in place as far as this emergency ordinance is concerned.**

**Mr. Bergen commented the cost just for the vault is typically \$8,000.00 to \$10,000.00, then you have to add the device, put in the bypass, probably \$30,000.00 to \$40,000.00 all in. Mr. Davenport said this means probably no one is going to be**

interested in doing that. At least we have the template in place that says if you want to do this, this is what it is going to take. If you want to wait until your emergency happens, understand it is a two week window for us to make this happen.

Mr. Pope said we could decide how to make them pay for it. If they want to put that in place, do we want to allow them a couple of years to pay for it, and pay for it over a time period? He said he realizes they may not have a \$25,000.00 or \$30,000.00 check they can write today. We could set up whether to allow them to make that payment over 24 months. He said that would be a Board of Commissioners decision, but we could make it the least painful as possible. The end result is that system would have to pay for that connection. Mr. Bergen commented the problem with that is we will have every developer that is required to set that on every development wanting the same treatment. Mr. Preau commented they can go to a bank to do that. We should not be in the financing business.

Mr. Davenport stated that if you tell them up front this is the cost to tie on; they are put on notice that they have to pay that. If we make it easy for them, they will go the easy route. He said he is not trying to say it is good or bad, he is saying if you put the ordinance in place, and if he owned a private system and he knows it is going to cost \$40,000.00 to make his system eligible for a tie in from the county, he as a responsible owner, knowing he needs that redundancy better start putting that money aside now. Mr. Pope commented they could apply for a business loan. Mr. Davenport went on to say if the emergency happens today, that is a different story. I come to you, county, I want it, all I have is \$20,000.00, it is an emergency, and it is not your normal course of business. He said he thinks in an emergency we can have a little more laxity there because you want to make sure the water gets to the folks involved. As a normal course of business you will have the problem of everybody wanting that same 24 month payment schedule.

Mr. Pope stated we don't have a revenue stream to pay for that vault. We will, once we get the customers on, but we are talking about this connection being on an emergency basis. They have a revenue stream to pay for that vault, so they can plan that in for themselves. Mr. Davenport agreed; he said this ordinance would be that motivation to the responsible system owner. If the emergency happens and they don't have the money set aside, we have done all we can do.

Mr. Pope stated from his chair as the Director of the Water System his biggest problem is it is hard for him to tell citizens no. But, he thinks we can come up with a business model that maybe it is actually their system owner that is telling them no, because maybe he doesn't want to take on the cost of having that redundancy.

Mr. Davenport asked if we have a list of all the private water systems in the county. Mr. Pope said, yes, there are eight or nine permitted systems. Some are golf communities. Mr. Davenport asked if we could get a list of what those systems are, and what size waterline supports those systems so we will know what size meter we would need in an emergency. Mr. Pope agreed to have this at the next meeting. Mr.

Davenport commented that if we had that information we would at least know what kind of meter it will take, and we need to also know where the closest public waterline to that system is. If we have that information, it will help us get some more standards in place that will be applicable to all systems to the exclusion of none, knowing that we more than likely have a closed set of private systems.

Commissioner Brown said for example, if they put the vault in, but they are three quarters of a mile away from the nearest waterline, who covers that cost. Mr. Pope said we have had that conversation; they should pay for that extension. Mr. Davenport said true, but let's know it ahead of time. That system is not going to come on line in the near future that is going to cause that problem. They are there now. If we know it is three quarters of a mile to the closest waterline, you have to have the vault, and also the cost of three quarters of a mile of waterline.

Further discussion centered on the location of the vault in relation to the waterline, more customers being able to tie onto the waterline, and the purpose of the vault. Mr. Davenport stated he thinks the vault should be on the right of way closest to the subdivision, and then the line extension should go from the vault to wherever the closest line is. The question becomes, do we allow that person who foots that three quarters of a mile of waterline some ability to recoup any of that cost. We do not do that now. If we put that standard in now, they know what it is going to cost in that emergency and if they are not being responsible and putting that money back, that is their issue.

Commissioner Brown commented at the point they have no water that is usually where the state comes in and says to figure out some ways to get that solved. Mr. Davenport said that would probably be sufficient grounds for the state to come in and most likely revoke that permit because we did all we could do to help them out and they ignored us. Mr. Pope said we could force the states hand to do something from their end. We have at least provided an opportunity for them.

Mr. Davenport said it helps the state make their decision, if we have the identity of the systems, the size of the waterline in the system, and the proximity to the nearest waterline hookup to each system, that would give us the proper direction on how to answer the rest of these questions. Mr. Pope agreed to have this information available at the next meeting.

Chairman Frisina mentioned Mr. Davenport wanted some evidence that the system has some kind of issue. Mr. Davenport said for example, if I am a private water system owner, my easiest solution when I go to repair my system is to call the county and say I need to tie onto your system for a while. Why? I have to replace the meter over at 123 Main Street. Why do you need to tie onto my system? I have to cut my source off. Why? Mr. Davenport said he does not have to; he wants to use us as a crutch. That becomes convenience rather than an emergency. He said he thinks we need to at least have some involvement in determining whether or not this is an actual emergency or if it is just convenience.

**Chairman Frisina commented that if a private water system has an emergency, a total breakdown, then do they notify the state? Mr. Pope said we do. Chairman Frisina asked do they? Under their permit if they cannot supply the water flow, do they have to notify the state that their system is broken down and they can't provide water. Mr. Pope he does not know, when we cut on the Atlanta valve, he always notifies our inspector to let them know.**

**Chairman Frisina said we have a system out here that is not connected to anything, they have set up an emergency, but we want some clarification that is an actual emergency. Mr. Pope said there is no requirement from the state. He said he is asking if a private water system stops serving for whatever period of time, they don't have to notify the state they are not providing water to their customers? Mr. Pope said those citizens would notify the state.**

**Mr. Davenport commented that you may have a proactive system owner that spends the money, installs the vault and puts in the meter. Then, the issue comes up, do you allow or don't you allow it? That is really what it comes down to, once that meter is there and once that vault is there, it is harder to say no when they want to do that repair. Maybe the better way to answer that is to not get into the weeds and to figure out if it is an actual emergency, but just make the tie in so expensive that it hurts them to do it. To activate it will cost \$5,000.00, and it will be 5X or 10X times our normal water rate. That is just too expensive. Well, that is what it will cost you.**

**Mr. Pope said then the state can come in and say you need to find some sort of a way to shore up your system, and then they can say they can't afford it. Then it is between them and the state. Mr. Davenport said that helps build the revenue stream Lee is talking about to eventually do something for these systems on a more permanent basis. You are not collecting more from them, incrementally, of what it is costing to provide that water, and that should be revenue that goes to that fund ear marked for the private systems. It is a revenue stream to allocate for that.**

**Commissioner Brown agreed it is reasonable to have something like that fee in there. For Dix Lee On, we have been their almost free insurance policy for their business for seven years. They are not paying for that coverage. Mr. Pope clarified they pay the \$27.00 minimum every month. That is why Mr. Davenport said it is hard for us to pull that out because he has been paying what we asked him to pay.**

**Dennis Baker explained that he is on the Atlanta Regional Commission Basin Committee for the Flint. He has an interest in water, generally conservation. He said he wants to be proactive and helpful however he can to the Water Authority and to the Commission. Trying to do things that make for the positive aspect before the negative happens.**

### **III. WATER TREATMENT PLANT UPDATE.**

Mr. Pope reported at Crosstown we are still working through the punch list for the contractor. They are going to come in and put a new coating on the floors downstairs and get that finalized. They are also identifying some other smaller items. ICS, who does all the controls for the filters, have to come in and do some adjustments to that system. There are some very minor details to finish. We are working with the carbon feeder vendor to fix some issues with our carbon feeder. We also have some pump repairs; we are working to repair two valves on two high service pumps, #1 and #6. We are also looking at doing some control repairs on pump #2. We have three high service pumps out of service. To us it is pretty serious, but we are addressing them.

Mr. Pope said we got the task orders signed; it was approved at the BO's last meeting for CH to move forward with the chemical system improvements at South Fayette. South Fayette was not in as critical a condition as Crosstown was; but we are addressing feeder issues at the South Fayette plant. We are going to put the new chlorine dioxide system in there, the one there is more of a piece mill older system that has basically been bought and sold out by several companies. They don't even provide parts for it anymore. We are also going to address the carbon and permanganate feed issues at South Fayette.

Mr. Pope reported we had damage at the Starr's Mill pump station from Irma; that is being addressed with the state contractor to repair the roof. We had a huge tree to fall on our pump station. We had it removed and we are working with the Building and Zoning departments to make sure it is being repaired properly.

Mr. Pope reported the spillway construction has started at Lake Peachtree. We are working with the City; we are trying to keep the lake drained down for them to get to the coffer dam. It hasn't worked out very well for us because we have had three hurricanes. We told them that every other winter is a wet winter. We are working well with the City; we met the other day about some minor issues they are having. He said he thinks that relationship is fine. Mr. Rapson is involved with that.

Commissioner Brown commented the trees have been cleared out. There are no trees near the spillway. Mr. Pope commented it does not even look the same anymore.

Mr. Pope commented we had an EPD inspection back in July. Margie is our new inspector with the state. She addressed a few minor things. They want us to replace the stainless steel screens on all of our overflows and our air release valves. The state has changed their requirement for those screens. We have been changing all of them out. She also wanted us to review our emergency response plan for both plants. Those are different because you have different things you have to do at each plant. Managers have reviewed those and are working with Carrie to make minor changes. We have been asked to do this annually. Mr. Pope said he will be drafting



a letter to tell her we have addressed her points of concern and he will be working with Michael on the response to the state; probably before the next Water Committee meeting. CH will be presenting the Tank Maintenance contract out for bid soon, and will probably bring it through the Water Committee members to look over. We did an emergency tank maintenance in 2013, that was just a drain inspection and clean out. Now, it is time to address some things that were identified. It will be out for bid within the next month.

Mr. Pope said we are reviewing all of our pump stations right now for painting and some cosmetics. The Horton pump station has some boards that need to be addressed, Flint River needs to be painted, and Peachtree City pump station is very faded. That is on our radar and we have some budget in place. We will be looking at addressing those pumps stations from a cosmetic standpoint. He said he believes we have an agreement with the homeowner at the Flint River to make sure we maintain it, so it is time for us to address that.

He reiterated that CH is working with Matt to get us a minimum construction standards manual, something official, a document we can put our hands on, so when somebody like Mr. Davenport from our legal team asks us what do we have in place, it is not, Matt go grab those few documents, or whatever Matt has in his brain. Also, when a contractor comes in and says I want to develop a subdivision, we can give that to him, or it can be in his portfolio for building his system.

#### **IV. PUBLIC COMMENT.**

Commissioner Brown announced on November 9, at the Board of Commissioners meeting the Flint Riverkeeper group is going to recognize the Water Guardians volunteers. They are very generous; they are going to come recognize all the volunteers who have administrated the program. Here at the Water System, the Clerk's office that does all the stuff for them, and a couple of citizen volunteers who help administrate on the site when they are at the lakes.

#### **V. APPROVAL OF EXECUTIVE SESSION MINUTES FROM SEPTEMBER 27, 2017.**

Commissioner Steve Brown made a motion to approve the Executive Session minutes from the Executive Session on September 27, 2017. Lee Pope seconded. The motion passed unanimously.

#### **WATER COMMITTEE INFORMATION**

Mr. Pope pointed out there is a copy of the letter he sent to Castle Lakes HOA in the information packet. The letter let them know the Water Committee voted to not approve their request for funds for replacement of their trees and plant life.

**ADJOURNMENT**

**Chip Conner made a motion to adjourn the Water Committee, Lee Pope seconded and the motion passed unanimously.**

**There being no further business, Chairman Pete Frisina adjourned the meeting at 9:30 A.M.**

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**Peter A. Frisina**

**The foregoing minutes were approved at the regular Water Committee meeting on the 25th day of October, 2017.**

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**Lisa Speegle**