COUNTY AGENDA REQUEST

Department:	Commissioners	Presenter(s):	Chairman Steve Brown
Meeting Date:	Thursday, October 24, 2013	Type of Request:	New Business

Wording for the Agenda:

Consideration of the Chairman's request to submit the answers to the citizen's questions concerning Core Infrastructure SPLOST projects.

Background/History/Details:

The Board of Commissioners recently solicited questions from citizens across Fayette County pertaining to the Core Infrastructure SPLOST initiative. Questions were then submitted by several citizens and will be copied into the official County records. The County then responded to each of the questions via the news media and by placing the answers on the County's website.

This request is to place the answers into the County's official records.

What action are you seeking from the Board of Commissioners?

Approval of the Chairman's request to submit the answers to the citizen's questions concerning Core Infrastructure SPLOST projects.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?	No	If so, when?	
Is Audio-Visual Equipment Required for this Request?*	No	Backup Provided with Request?	Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance	Not Applicable	Reviewed by Legal	
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval			

Staff Notes:

Contact: County Clerk Floyd Jones
Phone: 770-305-5102
Email: fjones@fayettecountyga.gov
Attachment: List of questions and answers

FOR IMMEDIATE RELEASE:

Board of Commissioners Answers all SPLOST Questions

Fayette County, Georgia, October 14, 2013 – For the first-time in Fayette County's history, the Board of Commissioners made a public request to all citizens asking for anyone with Core Infrastructure SPLOST questions to attend the October 10 board meeting to have their questions recorded and logged into the official record. In keeping with their promise of openness and transparency, the commissioners have answered all questions in writing and submitted them to the news media as well as posting them on the county web site (www.fayettecountyga.gov).

All questions related to the proposed Core Infrastructure SPLOST have been answered with county staff providing citizens full access to data and staff for any questions. Those questions and answers have been sent to both local newspapers.

"We have been truly accountable, soliciting questions and recording them in our minutes for accountability," said Commissioner David Barlow. "The answers will be presented for all to see."

Communication between the Board of Commissioners and the citizens on the issue reached new heights with three stormwater town hall meetings and a special email address, stormwaterinput@fayettecountyga.gov, for citizens to ask questions or make comments.

In addition to creating opportunities for more citizen input, the county produced Core Infrastructure SPLOST books with project descriptions, project costs on display at all libraries and government administrative buildings as well as the county web site. The list is comprised of maintenance and repair for existing county infrastructure in the ground.

Local environmentalist Dennis Chase refused to offer any questions on the public record at the October 10 Board of Commissioners meeting.

"The fact that Mr. Chase didn't offer to ask SPLOST questions on the record was disconcerting because it was his accusation of our not answering his questions that caused us to take the extraordinary measure of requesting citizens to read their inquiries into the minutes so we could prove we had nothing to hide," said Chairman Steve Brown.

County staff took the time to research Mr. Chase's past questions to the county regarding the stormwater issue, adding those queries along with the answers from the October 10 meeting. "There should be no doubt at this point that we are answering all the questions we receive," said Commissioner Randy Ognio.

The Board of Commissioners have pointed out that there is no funding in the county budget to make the needed stormwater repairs, resulting from decades of inaction.

# # #

1. Which projects in "The Plan" will "help private property owners with issues on their property"? **Indirectly all Fayette county property owners receive benefit by having safe county infrastructure. Property owners who are downstream of infrastructure improvements may or may not receive immediate benefit. The largest visible benefits to neighboring properties will typically be associated with the Core Infrastructure SPLOST Category 1 projects.**

2. The Commission appears to have accepted these sob stories (number of private property owners are experiencing "flooding" issues) but also to have rejected all opinions and suggestions offered by the only scientist (Mr. Dennis Chase) to have appeared before the Commission. **(Other scientists who have presented data to the Board of Commissioners include Vanessa Birrell, Virginia and Georgia Certified Professional Geologist, Certified Floodplain Manager - B.S. Geology; M.S. Hydrogeology and Petroleum Geology; Bryan Keller, B.S. Environmental Economics and Management; Phil Mallon, Georgia Certified Professional Engineer - B.S. and M.S. Civil Engineering; Martin Waldon, B.S. in Engineering, first Certified Engineer of Record for Civil, Hydrology and Hydraulics by Georgia Safe Dams Program; Jacobs Engineering Group Inc., specializing in stormwater and water environmental engineering.)** How do you justify that? **The Board of Commissioners agrees with Mr. Chase that detailed watershed planning studies and water quality monitoring are needed. If the Core Infrastructure SPLOST is approved each improvement will include a more detailed watershed evaluation prior to implementing the rehabilitation. We have conducted numerous meetings with Mr. Chase explaining our current program and program goals, including our permit requirements and inventory procedures. We have repeatedly asked for input via the stormwater town hall meetings and press releases to help define our procedures. Mr. Chase has not offered any specific suggestions to refining current practices and working with current resources.**

3. Of the projects in the Plan that will help private property owners in any way with issues on their property, for which ones will the property owner be expected to pay for at least part of the cost? **For all projects, all property owners will be asked to donate, to the county, easements or right of entry onto property. Direct project costs, however, will be paid by the County since work is only proposed for two types of projects: 1) those needed to upgrade, repair and/or protect County infrastructure; and 2) those needed to mitigate downstream damage caused, at least in part, by "public" stormwater (i.e., water from roads or other public land).**

4. Of the projects that will help private property owners in any way with issues on their property, which ones does the county plan or expect to pay the property owner for easements or rights of way? **As the question implies, each of the 181 projects falls into one of three situations: 1) projects that do not require additional land for implementation; 2) projects that would benefit (i.e., easier construction and/or a better finished product) having additional land but could be constructed within existing right of way; and 3) projects that require additional land for implementation. The question addresses type 2 situations. For these, Fayette County would only expect to pay for an easement or right of way if the "benefit" was exclusive to Fayette**

County and/or if the cost for the land could be justified by reduced construction or future maintenance costs. An example is paying a property owner to use a portion of their land for access and temporary staging in order to minimize disruptions to traffic and improve construction zone safety.

In the past, Fayette County has successfully improved the grading and drainage across an owner's road frontage in exchange for donated right of way or easements. We expect that type of negotiation will be made for several of the projects.

5. The county's 26 July 2013 press release of stormwater questions and answers says, "Work outside the right-of-way is typically restricted to situations in which it is needed in order to provide an appropriate 'fix' to the problem." What does that mean? **Fayette County typically assesses a pipe system from upstream end of pipe to downstream, i.e. the entire connected system regardless of property lines. Often, at least one end of the pipe extends outside the right-away. In this context, "fixing" a problem is typically one of two items: 1) infrastructure repair, or 2) downstream mitigation.**

- **Infrastructure repair includes unclogging pipes, upgrading pipe or inlet capacity if undersized, stabilizing eroding areas, replacing failed materials, etc. The location of the fix may be on private property but it is needed to protect the County's road or other infrastructure.**
- **Downstream mitigation addresses situations where "public" stormwater (e.g., water from County roadways) is causing damage to downstream receiving properties. Mitigation activities include backfilling eroded areas, removal of sedimentation, installation of energy dissipaters, and other stormwater Best Management Practices.**

Both of the above items are situations where Fayette County may obtain access to work outside the right-of-way. Although the needed "fix" is situation specific, the justifying logic is either that the work is needed to protect (or repair) County assets or to stop (and/or correct) damage caused by uncontrolled runoff of "public" stormwater.

6. Who determines whether work on private property is "appropriate," and what are the criteria by which that decision is made (staff follows the EOC/LOC [EOS/LOS] Policy approved by the Board of Commissioners on 8-14-2008)? Which projects in the Plan fall into this category? **For stormwater structures not part of the MUNCIPAL SEPARATE STORM SEWER SYSTEM the County's Level of Service is reduced to administering *Inspection and Maintenance Agreements*, where applicable. Under certain conditions the Environmental Management Department may expand the MS4 on a case-by-case basis where:**

- **The structure(s) (e.g. pipe, headwalls, and junction boxes) are directly connected to existing MS4;**
- **The existing conditions pose a significant and real threat to human health, property (including County infrastructure), or the environment;**

- **Water draining from the MS4 contributes a significant amount to the total flow draining through the structure(s);**
- **The source of the problem is not attributable to negligence of a particular property owner; and,**
- **Appropriate easements for drainage and maintenance are provided by the property owners to the County.**

The Environmental Management Department evaluates all requests for a Level of Service expansion. A cost estimate is also prepared and the project is prioritized against others. Projects will be implemented by the Fayette County Road Department as time and resources allow. Large projects that require funding beyond that available in the Road Department's annual budget are presented to the Board of Commissioners for review and approval as a Capital Improvement Project.

Stormwater systems on office, institutional, commercial or industrial properties are not eligible to be included in the County's MS4.

At this time all projects in the Core Infrastructure SPLOST list, Categories I and II that contain estimates for right-of way purchase are anticipated to require an expanded extent of service.

7. Which projects will not be done on county rights of way? **Please see Answer No. 6 above.**

8. How have stormwater management functions been funded in the past, and how will they be funded in the future? **Since 1974, staff responsible for these functions has been funded from the General Fund, and will continue to be funded from the General Fund since the majority of their duties are not associated with stormwater maintenance, repair and replacement functions. To date, most repair and maintenance projects have not been performed which is why the Core Infrastructure SPLOST is critical.**

9. How will you ensure that the costs for these functions will not be paid by taxpayers (in effect, being a double tax) in the incorporated cities that already have stormwater utilities? **The Core Infrastructure SPLOST is distributed to all five jurisdictions within the county based on population. (See answer No. 36.) Each jurisdiction has chosen their core infrastructure projects to list on the Core Infrastructure SPLOST. The County is only using the unincorporated share of the Core Infrastructure SPLOST for stormwater rehabilitation functions in the unincorporated county.**

10. When did the county first file a Notice of Intent for their National Pollutant Discharge Illumination System permit? **On December 8, 1999, the U.S. Environmental Protection Agency published the Phase II Storm Water Final Rule in the Federal Register. On March 14, 2002, the Georgia Department of Natural Resources Environmental Protection Division notified Fayette County that we must comply with the Phase II Storm Water Rules and apply for a National**

Pollutant Discharge Elimination System Phase II Storm Water Permit no later than March 10, 2003. This Rule required that the County develop, implement and enforce a Storm Water Management Program for that portion of the County contained within the urbanized area as defined in the 2000 Census. On December 9, 2002, the Georgia Environmental Protection Division issued National Pollutant Discharge Elimination System Phase II Storm Water Permit No. GAG610000 authorizing the discharge from Fayette County's Municipal Separate Stormwater Sewer System. The first annual report to cover stormwater management program activities from inception was due December 9, 2004.

11. How long has there been a "stormwater management" function in county government? **The Subdivision Regulation of 1974 contained the following: *Stormwater Drainage. The subdivider shall provide adequate storm water drainage in accordance with these regulations and applicable County specifications. The subdivider shall also provide for adequate drainage for springs or ground water.* The Development Regulations, Section 3-11, of 1986 contain Drainage System specifications for developments.**

To date, most repair and maintenance projects have not been performed which is why the Core Infrastructure SPLOST is critical.

12. What is the relationship between this "program" and the Stormwater Master Plan that is in development? **Early requirements for stormwater management focused on a calculated peak discharge from select design storms. Over time requirements have increased to address volume, channel protection and water quality. The proposed Watershed Master Plan is a comprehensive document that ties together these goals along with the inventory and assessment data of the County's Municipal Separate Storm Sewer System.**

13. When may we expect to see the completed Plan? **Availability of funding and staff are critical components in determining when the plan can be completed. It is estimated that the Plan can be completed within six months if the Core Infrastructure SPLOST does pass and two years if it does not pass.**

14. Is the County developing a Drainage Master Plan that would lead to a logical set of plans for each watershed? **Staff has informed the public that a stormwater drainage plan (currently titled a Watershed Master Plan) is ongoing, it will include the following elements in some form (the first 9 are the USEPAs watershed planning criteria):**

1. **Identification of impairments and causes**
2. **Estimates of Load Reductions from management practices**
3. **Management Practices needed for implementation**
4. **Technical and Financial Assistance needed for implementation**
5. **Outreach and Education**
6. **Schedule for Implementation**

7. **Milestones for determining if implementation is occurring**
8. **Criteria to determine if plan goals are being reached**
9. **Monitoring needed to determine long-term effect of implementation.**
10. **Organizational Structure for stormwater management**
11. **Policies and Procedures**
12. **Total maximum daily loads within the county and their associated implantation plans**
13. **Summaries of Environmental Regulations (both federal, state and local)**
14. **Future Planning Strategies (including capital projects and operation and maintenance).**

    An assessment of drainage areas will be incorporated in the Watershed Master Plan under the Future Planning Strategies element as funding and staff availability permits.

15. If so, when will it be completed? **Please see answer No. 14.**

16. If not, why not? **NA**

17. What is the status of the state's approval of the county's National Pollutant Discharge Elimination System permit that was in draft in July of this year? **Environmental Protection Division approved Fayette County's National Pollutant Discharge Elimination System permit on September 17, 2013.**

18. Work on the Longview Dam is contingent on the upstream lake being deeded to the county for use as a park or environmentally protected area. Has that occurred? **Fayette County has had preliminary discussions with the property owner to confirm that this is a viable option but details have not been discussed nor has an agreement been drafted. Also, as a point of clarification, work on the dam is not contingent on the lake being deeded – it is just one option we feel deserves consideration.**

19. If not, what is the timeline for its occurrence? **Fayette County will further evaluate the options for bringing the dam into compliance with the Safe Dams Program as soon as the outcome of the Core Infrastructure SPLOST vote is needed. Any option, including a breach with permanent road closure, requires a substantial amount of money that is not currently budgeted. Regardless of the Core Infrastructure SPLOST vote outcome, County staff will plan to present options in the first quarter of 2014 with a recommendation to the Board of Commissioners as required in order to satisfy State mandated requirements.**

20. If it does not occur, what would be the county's responsibility for the dam? **The dam is owned by Fayette County (it is within Longview Road right-of-way) and we have four options for bringing the dam into compliance, although only options 1 and 2 are considered feasible for the Longview Dam:**

1. **Upgrade the dam;**
2. **Breach the dam;**

3. **Modify the dam to remove the downstream flood risks; or**
4. **Remove or modify the downstream structures at risk.**

21. What would the cost of satisfying that responsibility be? **Staff expects the cost to range from several hundred thousand for a dam breach and road closure option (which has the greatest impact) to nearly $1,410,000 for a dam upgrade option. For purposes of the Core Infrastructure SPLOST resolution, staff hired a third party Engineer to prepare an order of magnitude cost estimate to satisfy the state-mandated requirement to breach or repair the dam. This represents the upper cap for what is the least impactful but most expensive option.**

22. Part of the Core Infrastructure SPLOST funds will be used to purchase a "Jet trailer" to clear debris from stormwater structures. Where is the documentation of the results of the study of the cost effectiveness of purchasing and maintaining this truck, plus the cost of operators, versus contracting that work from commercial companies on an as-needed basis? **While staff has not prepared a study comparing life-cycle costs of owning versus contracting a jet-vacuum system, the purchase option is shown on the Core Infrastructure SPLOST list because this option would ultimately be the most cost efficient and effective for Fayette County given our existing field crews and the significant repairs required in the next two to three years.**

If the Core Infrastructure SPLOST passes, a cost/benefit analysis will be prepared comparing the two options and this information will be presented to the Board of Commissioners for a decision.

23. Are there any plans to assess the churches for their contribution to runoff, or to require them to pay their fair share? A**ll developed properties in the unincorporated county, including churches and schools, were accessed a stormwater utility fee based on the amount of impervious area and billed for this amount in 2012.**

24. Why or why not? **Under a user fee system, properties are billed based on the amount of impervious (paved areas, roofs, driveways, etc,) area on their property. Impervious area is related to the amount of demand each property puts on the county's drainage system. A user fee was deemed as flexible and intuitively fair, in that those who impact the system the most pay the most. Credits are issued for detention ponds, open space, landscaped areas and other best management practices, thus stimulating sound development and maintenance.**

25. For which projects in the Plan was slip-lining (or other options) considered? **Slip-lining, concrete lining and other rehabilitation will be looked at for each system. Cost effectiveness is determined based on several factors, including but not limited to, pipe size, depth of pipe and alternative route options. Projects recently evaluated include 115 Heritage Way, two 72-inch culverts on Flat Creek Trail; and Dogwood Trail at Flat Creek.**

26. Why were slip-lining options rejected (for each project?) Where is the documentation of the cost-benefit analysis? **These options have not been officially rejected but for purposes of preliminary cost estimates a traditional replacement option was used. Alternative options will be evaluated on a case-by-case basis as projects are implemented, especially for the larger diameter pipes. If a cheaper and/or better option is available, it'll be used. As noted in the document below, one of the biggest advantages of slip-lining pipes is the minimal disruption to traffic on major roads.**

April 1, 2013
Subject: Paragon Pipeline Meeting Notes

On Friday, March 29, 2013 several people from Fayette County met with Paul Johnson of Paragon Pipeline, Inc. to learn about pipe rehabilitation technology. Paragon has significant experience in South Carolina, particularly Charleston. We visited two curb & gutter subdivisions, twin culverts on Flat Creek Trail and the large twin culverts on Dogwood Trail. Below are comments I gathered from the meeting.

1. Paul typically sliplines pipes with a steel casing (7/16th inch thickness typical). The casing are typically 20-ft in length and the segments are welded together.
2. Grouting around the annular space between the pipes is critical to prevent pipe "float" and water bypassing the culvert.
3. Access to the system is needed from one-side of the cross-drain with clear area at least 25-ft from the end of pipe. Excavator is normal equipment.
4. Paul believes sliplining with steel casing is similar cost to open cut and replacement. Cost for steel pipe (large diameter, ~96 inch) is around $800 per lf.
5. Paragon typically targets projects with pipe diameter > 48". Technology is effective on smaller diameter but he can't compete from a cost perspective with other contractors on the small pipes.
6. Sliplining is not cost-effective in c&g subdivision b/c of work needed to clear pit for installation.
7. Of the sites looked-at, Dogwood Trail is best fit for sliplining, although twin pipes on Flat Creek is also option.
8. Paul to provide concept-level cost estimates to Stormwater. County to prepare RFP or ITB if cost are comparable to other options.
9. Paul suggested County prepare site (clear trees, utilities, erosion control, etc.) to greatest extent possible. County must also identify minimum slip diameter. Several inches of annular space is needed to account for bends in existing pipe. Paragon is a contractor, not a designer!
10. Despite being based in Newnan, Paragon has done very little, if any, sliplining work in Atlanta region. Not cost-effective?

For the file, please add/correct any additional comments you heard.

Subject: Follow-up to Paragon Pipeline Meeting
Date: Friday, April 19, 2013

Paul called to give us estimates on both the Dogwood Trail and Flat Creek pipe rehabilitations with Steel casing.

He stated we could estimate for the 72-96 in. diameters from $1150 to $1200/linear ft depending On diameter we decide. That includes the casing, grout of annular space and installation. The Advantage is not having to close the road. Steel is a metal and still chemically reacts with water over time.

60 linear ft x 2 pipes = $144,000 plus poured in place headwalls ($30,000). Total for only pipe and headwalls is $174,000.

Although he indicated he would send me some RFPs he has responded to I have yet to receive them. I will stay in touch with him to get that information. We can consider this option when we

evaluate this for the Core Infrastructure SPLOST list. Please remember that although pipe diameter is not significantly decreasing, it is decreasing.

27. Which projects involve replacing pipe merely because of age? **The condition of pipes identified in the project list varies significantly. Not all projects are cited for immediate replacement with the implementation ranging from urgent to five years out. Pipes were evaluated individually and determined appropriate for replacement based on the following criteria:**

1) **The pipe is in poor condition and requires replacement in the near future to avoid damage to county infrastructure;**
2) **the pipe is undersized and contributes to localized flooding issues; the pipe is too short and presents a safety issue to vehicles in terms of a steep drop-off;**
3) **the pipe is corrugated metal pipe, under a collector or arterial and on a stream and is exhibiting signs of exterior and/or structural deterioration; and/or,**
4) **the pipe is in "fair" condition today but structural deterioration has been documented.**

28. What's the cost and how will it be paid? **Cost estimates are detailed by each project found in the Core Infrastructure SPLOST list that details 181 projects and is available for review on the Fayette County website www.fayettecountyga.gov and at all county libraries and city and town hall offices.**

29. Stormwater fees of $426,570 of the anticipated $643,000 in stormwater fees had been collected as of 20 February 2013. Where is this money? **The net billing for the Stormwater Utility totaled $612,851 of which $449,058 has been collected as of June 30, 2013. A receivable of $163,793 remains to be collected. This revenue is being accounted for in a separate Stormwater Utility Fund and the moneys collected are invested with Wells Fargo. By state law, these funds are restricted for use only on stormwater management projects.**

30. Has it been refunded? **No**

31. If not, do you intend to refund it, and when? **No**

32. If not, have you collected the remaining stormwater fees? **An additional $49,195 has been collected since July 1, 2013 leaving a net receivable of $114,598 at this time.**

33. If you do intend to collect the remaining money, will those people who did not make timely payments be subject to a penalty? **Yes**

34. Do you still intend to not collect stormwater utility fees from residents of the unincorporated county for the next four years if the Core Infrastructure SPLOST passes? **Utility fees would not be charged for the next four years (two years while the Core Infrastructure SPLOST is implement and the following two years).**

35. If the Core Infrastructure SPLOST fails, will you reinstitute these fees, including those that were due this year? **Yes, since this work needs to be funded regardless of whether the Core Infrastructure SPLOST passes or fails. The repair and maintenance list in the Core Infrastructure SPLOST is directed toward "existing projects" already in the ground. We will**

ultimately have to perform repairs and maintenance at some point in the short-term, and we do not have the funding to accomplish this.

36. The county estimated $16.8 million was reduced by $3.6 million - how do you justify or explain the vacillation? **The final proposed projects are estimated to cost $16,802,091.13 based upon our consultant's estimates. The original estimate was based on rough estimates. Since the 181 projects cost resulted in a lower amount than what our population allocation share would yield – the $2,106,885 difference is allocated to the other cities' share. See detail below.**

Core Infrastructure SPLOST Analysis - Population Allocation

	SPLOST	Reallocation	REVISED
Jurisdiction	**2 Year**	**2 Year**	**2 Year**
Fayette County	$18,908,976	($2,106,885)	$16,802,091
Peachtree City	$13,300,346	$1,254,521	$14,554,867
Fayetteville	$6,171,390	$582,103	$6,753,493
Tyrone	$2,662,470	$251,130	$2,913,600
Brooks	$202,807	$19,131	$221,938
Total	**$41,245,988**	**$0**	**$41,245,988**

Jurisdiction	Population	LOST %
Fayette County	48,855	45.8444%
Peachtree City	34,364	32.2464%
Fayetteville	15,945	14.9624%
Tyrone	6,879	6.4551%
Brooks	524	0.4917%
Total	**106,567**	**100.0000%**

	Current Year		2014		2015		Total	
Jurisdiction	**Population %**	**LOST $**	**Population %**	**Amount**	**Population %**	**Amount**	**Population %**	**Amount**
Fayette County	45.8444%	$9,177,332	45.8444%	$9,360,879	45.8444%	$9,548,097	45.8444%	$18,908,976
Peachtree City	32.2464%	$6,455,225	32.2464%	$6,584,330	32.2464%	$6,716,016	32.2464%	$13,300,346
Fayetteville	14.9624%	$2,995,239	14.9624%	$3,055,143	14.9624%	$3,116,246	14.9624%	$6,171,390
Tyrone	6.4551%	$1,292,210	6.4551%	$1,318,054	6.4551%	$1,344,415	6.4551%	$2,662,470
Brooks	0.4917%	$98,431	0.4917%	$100,399	0.4917%	$102,407	0.4917%	$202,807
Total	**100.0000%**	**$20,018,437**	**100.0000%**	**$20,418,806**	**100.0000%**	**$20,827,182**	**100.0000%**	**$41,245,988**

Analysis assumes a 2% growth rate over the next three years based upon adopted LOST Distribution.

Peachtree City	Population	Weighted	Allocation
Peachtree City	34,364	59.5439%	$1,254,521
Fayetteville	15,945	27.6286%	$582,103
Tyrone	6,879	11.9195%	$251,130
Brooks	524	0.9080%	$19,131
Total	**57,712**	**100.0000%**	**$2,106,885**

37. A "special tax district" for "stormwater" was proposed constituting the unincorporated county to fund stormwater management through property taxes - is this still on the table? **Yes.**

38. It is proposed by the county, to move stormwater employees back into the county's general fund budget - Has this been done? **Yes, effective July 1, 2013. This was done based on citizen input during the Stormwater Town Hall Meetings.**

39. How many people are involved and what is the cost (salary, benefits, overhead?) **Five (5) Full Time Equivalent employees with a total budget of $334,443.**

40. If this has been (or will be) done, how does this not constitute double-taxation for people in the incorporated cities that already have a stormwater utility? **County Staff responsible for these functions is funded from the General Fund and the majority of their duties are not associated only with stormwater maintenance, repair and replacement. We are in the process of revising the current stormwater ordinance to reflect these functions. Only stormwater infrastructure repair and maintenance is proposed in the Core Infrastructure SPLOST. If it does not pass, Stormwater Utility Fees will be utilized in a similar manner. The cities and towns in the County are proposing core infrastructure projects based on their particular needs.**

41. Regarding the Emerald Lake Dam – what did we pay for this "guess," and how can such a guess be so precise as the two dollars in the lowest order digit? **The Order of Magnitude Opinion of Cost was prepared by Walden, Ashworth & Associates, Inc. for $2,500. The scope and accuracy of the cost estimate was limited by time and County budget. As the name implies, it is an Order of Magnitude estimate. A decision was made early in the project list development process not to round numbers but leave them as calculated from estimated quantities and unit rates.**

42. How much did we pay for this guess, and how can a guess be as precise as $2 in the lowest order digit? **Please see answer No. 41.**

43. What portion (dollars and percentage) of sales taxes collected in Fayette County are paid by people who do not live in Fayette County? **Large shopping centers and restaurants across Fayette County are shopping destinations for surrounding counties. It is impossible to precisely quantify the sales tax generated from out-of-county residents. Actual sales tax data by consumer county-of-origin is not tracked by Georgia's Department of Revenue. However, a workforce of 22,011 commutes from other counties within Georgia to Fayette County for work. Added to the census population of Fayette County and given an equal spending pattern, the 22,011 could be said to represent 17% sales tax paid in Fayette County by outside county residents. Fayette County is paid $20M in sales tax each year which 17% equates to $3.4M. Most likely the 17% is on the high side, but a range of 10-12% would be $2M - $2.4M which appears to be reasonable.**

44. What is the (verifiable) source of that data? **The source of data for commuting patterns in Fayette County is the U.S. Department of Commerce, Bureau of the Census.**

45. How much money in sales taxes do Fayette County residents pay to other counties? **It is impossible to precisely quantify the amount of sales tax generated from Fayette County residents in other counties.**

46. What is the (verifiable) source of that data? **Please see answer No. 45.**

47. Can you show that this isn't just "a wash" (no pun intended), and that it's specious to say that outsiders will help pay the tax? **We know that residents from other counties shop and dine in Fayette County, but there is no reliable method to quantify this activity. Every dollar in sales tax paid by an out-of-county resident is a dollar our citizens do not have to pay.**

48. What does the Commission understand to be the relationship between "stormwater management" and the quality of water delivered by the Fayette County Water System? **The Environmental Management Department performs stormwater management and is an entirely different department than the Fayette County Water System. Environmental Management is responsible for maintaining stormwater quality and quantity through implementation and enforcement of nine development regulations (adopted by the Board of Commissioners) and management of stormwater systems and facilities developed over many years. Environmental management is directly responsible for the cumulative effects on stream flow and geometry, habitat degradation and water-quality impacts from development.**

49. How many auto junk yards are there on Roberts Road? **Two are located on Roberts Road, there are four total in the County.**

50. How many of them have National Pollution Discharge Elimination System permits with the correct Standard Industrial Classification code? **Three of the four auto salvage yards have the permit. The fourth auto salvage yard, located on Roberts Road, is in the process of filing a new Industrial Notice of Intent after recently completing installation of three stormwater management ponds that meet the Georgia unified stormwater sizing criteria.**

51. Does the county have copies of those permits? **No, we verify compliance through the state on the Georgia Environmental Protection Division's website.**

52. If not, do you plan to obtain them? **Please see answer No. 51.**

53. If not, why not? **Fayette County does not have jurisdiction to enforce compliance of the Industrial National Pollutant Discharge Elimination System permit, only the state does.**

54. Will you make available the records of the inspections by the county stormwater staff of these properties and their stormwater discharge? **Please see answer No. 53.**

55. Given these (and other similar statements in meetings and the press), do you deny the use of scare tactics to influence voters? **We do not believe it is a scare tactic to inform the general public when infrastructure fails. The County takes very seriously its primary mission to protect human health and safety and considers the potential for stormwater pipes to fail under roads life-threatening. The County and the news media reported facts relating to recent failed pipes under Kirkley, Mask, Morris, Brandon Mill Circle, Falcons Ridge and Merrydale Roads.**

56. Given these (and other similar statements in meetings and the press, as well as the stories related by homeowners in Commission meetings), do you deny that your approach is based anecdotes and, potentially, apocrypha? **Several homeowners have come to meetings to tell the commissioners and the public about their serious stormwater problems affecting their property and safety. Most of the homeowners brought their own photographs illustrating property damage.**

Questions from **Terrence K. Williamson**

1. Who constructed the original Kozisek Dam, the county or a private owner? **According to state's Safe Dams Program and county records the dam was constructed in 1960. Records do not reflect who designer and owner at the time of construction.**

2. Who currently owns the Kozisek Dam? **The Safe Dams Program determined Mr. Darrell Kozisek and the Fayette County Board of Commissioners as owners of the dam. The Safe Dams**

Program asserts a portion of the dam's downstream slope and its drainage pipes are within the County's Neely Road right-of-way.

3. What makes Kozisek Dam on a private lake a public responsibility? **Please see answer No. 2.**

4. If it is legally a county responsibility, would it not be more cost effective to breech the dam, drain the lakes and be done with it rather than ongoing maintenance? **It is Fayette County's responsibility to perform the necessary evaluation, design, permitting and construction of Neely Road to ensure it safely passes design flows. The County, through this process, intends to remove any future liability/ownership associated with Kozisek Dam.**

5. Finally, what element of the county government is responsible for budgeting for these repairs, has any element been held accountable and what steps have been taken to insure future funding - aside from Core Infrastructure SPLOST proceeds which should be temporary? **Ultimately, the Board of Commissioners is responsible for developing the priorities within the budgeting process. We now have a Board of Commissioners who are committed to addressing the decades of needed repairs. The Public Works Department is responsible for operating and maintaining roadways and is therefore responsible for the projects in the right-of-way. The Board of Commissioners decided that the proposed Core Infrastructure SPLOST was the preferred method for funding this project. A Stormwater Utility has been established to collect and manage funds to address these future operation and maintenance needs.**

John Munford Questions

1. Please explain why a culvert under a road cannot be paid for with the 2005-2010 Transportation SPLOST funds? Please cite the legal references/opinions for your reasoning . **The Transportation SPLOST funds are special revenue funds and are restricted based upon the approved projects in the referendum passed by the public at large. The funds can only be used for projects listed in the Transportation SPLOST under the 2003 Comprehensive Transportation Plan and County & City list of projects.**

2. Instead of a Core Infrastructure SPLOST, could a similar amount of money be raised by creating a special tax district for the unincorporated county? Sure, it would probably take a few years to build up those funds, but with the steady income you could issue bonds to do the emergency projects right off the bat. Remember the cities are already paying their own SW through separate fees based on their impervious surface. **While this funding option was evaluated; it would require a two-year property tax increase of 80.6% and then lowered to an effective 5.4% in year three (75.2% Capital Improvements and 5.4% Operations) in order to yield the $16, 802,091 capital required and $600,000 reoccurring operations cost. The Core Infrastructure SPLOST solution was a direct result of citizen input during the Stormwater Town Hall Meetings. Our proposed Core Infrastructure SPLOST would only cover essential core infrastructure problems, using a short-term Core Infrastructure SPLOST to bring the county's stormwater drainage system back into a good state of repair and have out-of-county shoppers contributing revenue through paying sales taxes.**

3. Since we are welcoming Pinewood Studios to Fayette County, a company that will provide a big boost to our economy, is raising sales taxes the best way to welcome them? **Pinewood Studios and our future economic development prospects are depending upon our having a functioning and well maintained system of roads and stormwater culverts. Not addressing these problems only continues to kick the can further down the road. This Board of Commissioners promised to take ownership of past problems such as repairing stormwater drainage problems and upgrading our core infrastructure. This will be the first ever two-year Core Infrastructure SPLOST undertaking in Fayette County and covers only essential core infrastructure repairs and maintenance on existing infrastructure. If we fail to maintain our core infrastructure it will be difficult to attract new business and homebuyers to Fayette County.**

STAFF NOTE: Mr. Chase did not offer any questions for the public record at the October 10 Board of Commissioners meeting. County staff was asked retrieve all questions Mr. Chase has presented in the past and supply for this list. The questions Mr. Chase previous presented to staff are below.

Dennis Chase Questions from previous meetings with staff.

3/22/11 **Concerning the Stormwater Funding Feasibility Study**

1. In the opening summary of the Stormwater Funding Feasibility Study it states only two stormwater projects were completed. Is a utility the only way to fix this? **At the Stormwater Town Hall meetings conducted by the Board of Commissioner in early 2013, other possible funding mechanisms discussed included raising the millage rate, creating a special tax district, implementing a special purpose local options sales tax or continuing to allow the infrastructure to fail.**

2. The Stormwater Funding Feasibility Study states Stormwater staff ensures compliance with mandated regulatory programs - yet, when I asked for them to pick up tires they said it was somebody else's problem. I suspect there are other examples as well. If they are not doing the job now, how will a utility fix this problem? **Mr. Chase posed this question on November 3, 2010. At that time, the Fayette County Transfer Station did not accept tires and there was no place for Public Works to dispose of these tires within the County. Mr. Chases is correct. In response to this situation the Environmental Management Department worked with the transfer station to get the necessary state permitting, allowing us to accept tires for a nominal fee in May 2011.**

3. Are all utility funding mechanisms exempt by law from being spent on other projects? **Fayette County's stormwater utility is set up as an enterprise fund. By state law those funds can only be used for stormwater purposes.**

4. What happens to properties when they are annexed by one of the cities? **The responsibility for stormwater maintenance for those properties after annexation reverts to the city.**

1/16/13 **Meeting**

5. What was the total expenditure for operation of the Stormwater Utility for each of the last 4 years: 2009, 2010, 2011, and 2012? Include with the permanent and include part time staff level(s). Also specify the amounts paid for consulting fees and what each expenditure was used for in each of those years. **For fiscal years 2010-2012 stormwater management was paid from the general fund. Attached are total expenditures for each year as well as to-date expenditures for 2013 from the Stormwater Utility. Attached are the total expenditures for each year as well as to-date expenditures for 2013 from the Stormwater Utility. Total expenditures are attached including employee expenses.**

   FLOODPLAIN MAPPING – In 2009 Dewberry and Davis was paid $12,757 for the shared cost of Floodplain Mapping with Coweta County. In 2013, $158,752 was paid to Dewberry and Davis for Floodplain Mapping.

   STORMWATER FUNDING FEASIBILITY STUDY – Phase I was performed from March to November 2010 in the amount of $39,450. Phase IIA was performed from December 2010 to January 2012 in the amount of $84,317. Phase IIB was performed from January to August of 2011 in the amount of $14,127. All amounts were below BOC approved not-to-exceed amounts.

6. Are there plans to hire new staff, either permanent or part time? **No**

7. Of the required (within the National Pollutant and Discharge Elimination System Permit) what is the stage of stormwater structure identification?
   All structures have been identified within the urbanized areas of the county as required by the MS4 National Pollutant and Discharge Elimination System permit. At the time this initial inventory was performed details needed to assess condition were not collected. Staff is in the process of performing inventory of the non-urbanized area of the county as required by Metropolitan North Georgia Water Planning District along with re-inventorying the urbanized area to collect sufficient data to assess condition. This process is scheduled to be complete by the end of 2014 and will be reassessed based on the need but no less than every five years as required by Metropolitan North Georgia Water Planning District/National Pollutant and Discharge Elimination System.

8. Provide a list of any illicit discharge cases that the Stormwater Utility has handled, what year and what was the outcome of each. **Since 2003 Fayette County staff responded to 65 Illicit Discharge and Detection Elimination-documented calls. A detailed list of all 65 calls was provided to Mr. Chase.**

9. Provide a list, in priority order of capital improvement projects that have been identified by the Stormwater Utility or by any consulting firm that was paid for such information by Fayette County tax dollars. **When Mr. Chase asked this question on Jan 26, 2013 we did not have a list. However since that time Jacobs Engineering was hired to help develop this list.**

10. If such a list exists, please provide the project evaluation criteria used to prioritize those projects.

The condition of pipes identified in the project list varies significantly. Not all projects are cited for immediate replacement with the implementation ranging from urgent to five years out. Pipes were evaluated individually and determined appropriate for replacement based on the following criteria:

1) **The pipe is in poor condition and requires replacement in the near future to avoid damage to county infrastructure;**
2) **the pipe is undersized and contributes to localized flooding issues; the pipe is too short and presents a safety issue to vehicles in terms of a steep drop-off;**
3) **the pipe is corrugated metal pipe, under a collector or arterial and on a stream and is exhibiting signs of exterior and/or structural deterioration; and/or,**
   the pipe is in "fair" condition today but structural deterioration has been documented.

11. Were citizens involved in setting the priorities? **Yes, there was a great deal of discussion relating to projects at the three Stormwater Town Hall Meetings.**

12. If all of the recent stormwater fees are paid, what is the estimated total that would be collected? **$620,000.**

13. If capital beyond the funds needed to operate the utility is available, how will those funds be allocated to the propriety list? **At this point having funds beyond our operating needs is not a reasonable scenario.**

14. How are problem areas handled when some or all of the issue is on private property? **It is the intent of the Stormwater Utility to protect the public health, safety and general welfare of all properties and persons in general, but not to create any special duty or relationship with any individual person or to any specified property. To that end it is a case-by-case basis evaluation process of stormwater impacts from the municipal separate storm sewer system on private property. If stormwater runoff is affecting public safety or property it is given a higher priority.**

15. What involvement does the stormwater utility have with water quality issues? **The Environmental Management staff is responsible for maintaining stormwater quality and quantity throughout the county. This is accomplished through implementation and enforcement of nine development regulations adopted by the Board of Commissioners.**

16. Does the stormwater utility have sampling data on the water areas within and adjacent to Fayette County? **The Peachtree City Water and Sewer Authority and the Fayette County Water System conduct sampling as required by Georgia Environmental Protection Division. Data is reported in their reports to the state.**

March 14, 2013—Public Comment

17. Did the Stormwater Management Department ever review the best management practices installed when the West Fayetteville Bypass was built? **Yes.**

May 23, 2013

18. <u>If we are putting public money into this (Phillips Dam / Lake) is there going to be public access as part of the agreement if the lake / dam stays in place?</u> **County staff has had discussions with the lake owner and there have been no determinations made at this time. If the Core Infrastructure SPLOST does not pass there is no funding available in the budget for this project.**

19. <u>If we take ownership for repairing the dams (Phillips Dam / Emerald Dam), are we taking on the maintenance for the future since maintenance can be pretty intensive?</u> **The county is responsible for three (3) dams included in the project list and each of them is under the jurisdiction of the Georgia Safe Dams Program because these dams meet their definition.**

    • Emerald Lake Dam is within county right-of-way and the county accepted ownership and maintenance responsibility for this structure in 1998 and this project brings the dam into compliance with the state's Safe Dams Program' Category I standards.
    • Kozisek Dam is a Category I structure with some of its components dependent upon or integral with Neely Road. Fayette County is in on-going negotiations with the property owner and the Safe Dams Program to absolve Fayette County of all ownership and maintenance responsibility of the structure. The cost estimate in the Project List reflects the county's pro-rated share associated with dam removal and road reconstruction. Fayette County is responsible to safely pass the flows associated with the perennial stream under the road, and the cost to do so is reflected in the estimate.

    • Longview Dam (AKA Margaret Phillips Lake Dam) is a Category I structure within the right-of-way of Longview Road. Similar to Emerald Lake Dam, and this project brings the dam into compliance with the state's Safe Dams Program' Category I standards. Repairing the dam is contingent upon the upstream lake being deeded to Fayette County for use as a passive park and/or environmentally protected area.

7/15/2013 Answers to Questions between Mr. Chase and Staff.

20. <u>Does the county have a Stormwater Master Plan?</u>

Fayette County's stormwater planning is on-going and the Stormwater Master Plan continues to be developed and refined. Planning-level conceptual analyses for each project proposed incorporates future-flood condition models to evaluate upstream and downstream impacts; along with the county's street design standards and specifications; county and state safe dams rules; and sound engineering practices.

21. <u>How can you propose projects without knowing the upstream and downstream impacts of the proposed replacements?</u>

The county hired Jacobs Engineering, a third-party engineering firm specializing in stormwater construction design and Category I and II projects include design costs using environmental, hydrologic and hydraulic analyses appropriate for culvert repairs, replacements and upgrades to prohibit negative impacts to upstream and downstream properties.

Category II projects' analysis provides adequate passage of stormwater from large rain events (a 100-year storm for major roads and a 25-year storm event for local roads) and provides energy dissipation to alleviate downstream erosion. Where over 100 acres drain to the stormwater pipe, floodplain

modeling will be utilized to assess watershed impacts. For drainage basins less than 100 acres, standard hydrology was and will be further utilized to determine the effects of the system on the watershed.

We will constantly review all elements within the watershed to evaluate any changes needing to be made to the overall project list.

22. Why is the county proposing to replace a number of stormwater pipes that seem to be functioning correctly?

The condition of pipes identified in the project list varies significantly. Not all projects are cited for immediate replacement with the implementation ranging from urgent to five years out. A project was included on the list if it met one or more of the following "warrants":

• The pipe is in poor condition and requires replacement in the near future to avoid damage to county infrastructure;
• The pipe is undersized and contributes to localized flooding issues;
• The pipe is too short and presents a safety issue to vehicles in terms of a steep drop-off;
• The pipe is corrugated metal pipe, under a collector or arterial and on a stream and is exhibiting signs of exterior and/or structural deterioration; and/or,
• The pipe is in "fair" condition today but structural deterioration has been documented.

23. Is consideration given to other options for pipe stabilization or reconditioning?
Yes. Over the past few years county staff has compared costs of (and implemented a pilot study) alternatives to pipe replacement including: slip-line products, alternative materials to reinforced concrete pipe, and concrete-spinning.

Slip lining a pipe with steel casing and concrete-spinning, for example, can be as expensive as replacing the same pipe with concrete. The advantage to slip lining with steel casing and concrete-spinning is you can perform the work without shutting down the road.

Concrete spinning for smaller diameter pipes works well in cases where pipe installation is well below road grade and cost of constructing a temporary road in a one-way-in one-way out subdivision is triple the costs of the actual pipe replacement.

Reinforced concrete pipe under roadways often offers the best combination of longevity, cost, low risk and water quality enhancement, the project list allows for the consideration of other options to repair, enhance or replace the drainage system.

24. What is the priority of project installation?
Projects of similar nature/scope/cost are organized by Categories:

Category I projects are the top priority where construction needs to start immediately to prevent the possibility of loss of human life and/or property.

Category II, Tier I projects are the second priority where the repair need is "immediate" due to significant deterioration impairing its ability to function.
These projects will be implemented within two years.

Category II Tier 2 and Category III projects are projects planned to be implemented within the next 3-5 years.

25. Why does the list not include specific designs for each project?
Category I and II projects include the necessary design specifics about project replacements to give accurate cost estimates for each project implementation. The county hired Jacobs Engineering, a third-party engineering firm specializing in stormwater construction design, to provide accurate estimates based on their own data analysis. Costs for specific design plan preparation are included in each cost estimate for Category I and II projects.

Category III projects were developed in-house using management estimates and costs of previously completed stormwater projects. The cost did not outweigh the benefit for performing detail design work before the county knows if the Core Infrastructure SPLOST funds will be approved.

26. Why do some projects listed would require the county to work outside the county's right of way on private property? **The current Fayette County extent-of-service includes the ability for Fayette County to conduct work within drainage easements through the use of right-of-entry agreements and other legal instruments. Work outside the right-of-way is typically restricted to situations in which it is needed in order to provide an appropriate "fix" to the problem.**

27. Why is the county proposing to perform work on dams?

The county is responsible for three (3) dams included in the project list and each of them is under the jurisdiction of the Georgia Safe Dams Program because these dams meet their definition.

• Emerald Lake Dam is within county right-of-way and the county accepted ownership and maintenance responsibility for this structure in 1998 and this project brings the dam into compliance with the state's Safe Dams Program' Category I standards.

• Kozisek Dam is a Category I structure with some of its components dependent upon or integral with Neely Road. Fayette County is in on-going negotiations with the property owner and the Safe Dams Program to absolve Fayette County of all ownership and maintenance responsibility of the structure. The cost estimate in the Project List reflects the county's pro-rated share associated with dam removal and road reconstruction. Fayette County is responsible to safely pass the flows associated with the perennial stream under the road and the cost to do so is reflected in the estimate.

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28. What's the implementation approach? How will the differing departments work together?
Although specific roles and responsibilities may change over time, this is a summary of key responsibilities by department for implementing the listed Core Infrastructure SPLOST projects:

Engineering Department **– develops project from concept through final design (some in-house or third-party engineers) with help from Environmental Management; coordinates utilities; manages permitting, right-of-way, and traffic control issues; provide updated cost estimates; and work with Purchasing Department on procurement of professional services, materials and rental equipment.**

Road Department **– performs in-house field work/construction on select projects using county labor; primarily responsible for project and construction oversight; existing equipment will be used when available and feasible.**

Environmental Management **– responsible for overall stormwater program management; coordinates with citizens on progress; defines Stormwater Extent of Service and Level of Service; establishes minimum design standards; prioritize project development in conjunction with resources and available funding; develops concepts; and has final approval authority on design and acceptance of field work.**

Consultants – third-party contractors will be used for projects that are beyond the Road Department's capabilities or for scheduling reasons. Coordination among all three Departments will be on-going to optimize project schedules and evaluate alternatives, cost estimates, bids, proposals, etc.