

COLUMBIA COUNTY UTILITY COMMITTEE
POST OFFICE BOX 1529
LAKE CITY, FLORIDA 32056-1529

CITY OF LAKE CITY COUNCIL CHAMBERS
205 NORTH MARION AVENUE
LAKE CITY, FLORIDA 32055

AGENDA

February 23, 2010

9:00 A.M.

HONORABLE JODY DUPREE, UTILITY COMMITTEE CHAIRMAN:

- (1) Call to Order**
- (2) Technical Standards Discussion**
- (3) Water System Abandonment – College Manor Water System**
- (4) Main Extension Ordinance Discussion**
- (5) Minute Approval – Utility Committee**
 - a) September 1, 2009**
 - b) October 13, 2009**
 - c) October 26, 2009**
 - d) December 10, 2009**
 - e) January 26, 2010**
- (6) Other Discussion**

MEMORANDUM

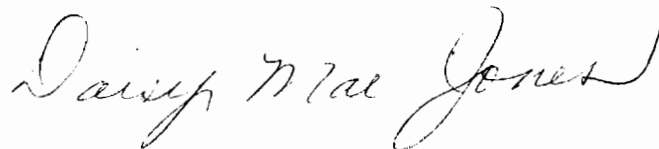
TO Columbia County Board of County Commissioners
FROM Daisy Jones
College Manor Water System
4515 E US Hwy 90
Lake City FL 32055
PWSID: 2120224

DATE January 29, 2010

SUBJECT Water System Abandonment

I want to give official notice to Columbia County of my intent to abandon my ownership, operation and responsibilities related to the water system I own referred to as College Manor Water System. The cost of maintaining compliance with DEP regulations and suitable operations has exceeded my ability to keep putting money into the system and passing the cost on to the customers, while trying to maintain a reasonable water bill. It is my hope the county can own, operate or find a receiver that can maintain adequate service to my customers and affordable rates.

Thank you in advance for your efforts on behalf of my customers and I will assist in any way possible to make ownership change as smooth as possible.



Daisy Mae Jones

(f) The applicant's history for providing Service, both within and outside the County including, but not limited to, consideration of the applicant's compliance with applicable laws, rules, ordinances, permits and other legal requirements and applicant's history of litigation.

(5) The Board may hold hearings to consider an application for any service area boundary change. The Board may also appoint a hearing officer to conduct such hearing.

(6) The Utility, at no cost to the County, shall file with the Board a copy of the construction plans for the System which plans must be approved as required by applicable governmental agencies prior to any Utility construction being initiated by Utility.

(Y) Abandonment. Water or wastewater Service to customers of a Utility shall not be interrupted by the actual or constructive abandonment or placement into receivership of a Utility. To that end:

(1) No Person owning, operating, managing or controlling a Utility shall abandon the Utility without giving at least one hundred and twenty days advance written notice of such intent to the Board. Anyone who violates the provisions of this Subsection is guilty of an offense in the manner of a misdemeanor punishable pursuant to section 162.21, Florida Statutes.

(2) After receiving such notice, the Board, absent compelling circumstances, may petition the Circuit Court to appoint a receiver, which may be any Person deemed appropriate by the court. The receiver shall operate the Utility from the date of abandonment until such time as the receiver disposes of the property of the Utility in a manner designed to continue the efficient and effective operation of Services. All costs of the receivership, including expenses of the receiver operating and disposing of the Utility, plus attorney's fees incurred by the receiver and by the Board, if any, shall be assessed as a lien against and paid by the owner of the Utility;

(3) The notice to the County under Subsection (1), above, is sufficient cause for revocation, suspension, or amendment of the Franchise of the Utility as of the date of the abandonment. The Person designated to operate such Utility pursuant to court-ordered receivership shall automatically be considered to hold temporary authorization to operate from the Board.

(Z) Revocation of a Franchise. No Franchise shall be revoked until the Board or an appointed hearing officer has held an evidentiary hearing on such matter. Notice of intent to consider revocation shall be given to the Utility in writing at least sixty days before the date of the evidentiary hearing. Such notice shall be issued by the Board and shall specify all reasons on which revocation is sought, stating the facts on which such reasons for revocation are based. If the Board determines after the evidentiary hearing that a basis for revocation has been established, the Board shall issue an order to revoke the Franchise or may require any other remedy provided for in this Ordinance or otherwise provided by law.

SECTION 7. FEES.

(A) Regulatory Assessment Fee. Each Utility shall pay a Regulatory Assessment Fee to the Board in quarterly installments. So long as a Utility is regulated by the Board there will be no period of time for which the Regulatory Assessment Fee is not applicable. Each quarterly installment must be paid within thirty days of the end of that annual quarter, i.e. the payments are made thirty days in arrears. With each payment, the Utility shall file with the Board a statement of gross receipts for the applicable quarter, verified under oath by the senior financial officer of the Utility.

(B) The Regulatory Assessment Fee shall be four and one-half percent (4.5%) of the Utility's gross revenue, derived from the Utility's gross receipts billed within the County for the quarter. Such fee shall continue until amended by the Board.

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA; RELATING TO RULES FOR THE PROVISION OF MAIN EXTENSIONS FOR WATER, WASTEWATER AND RECLAIMED WATER SERVICES AND FACILITIES; AUTHORIZING THE IMPOSITION AND COLLECTION OF MAIN EXTENSION PARCEL CONTRIBUTIONS INCLUDING MAIN EXTENSION SPECIAL ASSESSMENTS AGAINST PROPERTY; PROVIDING FOR DEFINITIONS; ESTABLISHING A PROCEDURE FOR IMPOSING MAIN EXTENSION SPECIAL ASSESSMENTS; PROVIDING THAT MAIN EXTENSION SPECIAL ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF ASSESSMENT RESOLUTION; PROVIDING THAT THE LIEN FOR A MAIN EXTENSION SPECIAL ASSESSMENT SHALL ATTACH TO THE PROPERTY ON THE DATE OF THE ADOPTION OF AN ASSESSMENT RESOLUTION; PROVIDING THAT A PERFECTED LIEN SHALL BE EQUAL IN RANK AND DIGNITY WITH THE LIENS OF ALL STATE, COUNTY, DISTRICT, OR MUNICIPAL TAXES AND ASSESSMENTS AND SUPERIOR IN DIGNITY TO ALL OTHER PRIOR LIENS, MORTGAGES, TITLES, AND CLAIMS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA:

ARTICLE I.

INTRODUCTION

Section 1. Intent.

It is the intent of the County to establish procedures to facilitate the orderly expansion of the County's water and wastewater systems, including a reclaimed water system, and provide alternatives for funding such expansion by those benefiting thereby. Where there are no existing Mains or other facilities available to provide water, wastewater or reclaimed water service to a Developer's property located within or outside of the County's boundaries, the County may authorize, pursuant to the provisions of this Ordinance, an extension of a County Main and construction of other facilities as may be necessary to provide service provided that the Developer has first filed an application for service and entered into a

Developer's Agreement or Refundable Advance Agreement with the County, as may be required by the County.

Section 2. Definitions.

As used in this Ordinance, the following words and terms shall have the following meanings, unless the context clearly otherwise requires:

"Assessable Costs" means the total cost of the Off-Site Facilities assessed to Benefited Parcels, plus costs incurred by the County in the structure, imposition, collection, and enforcement of the Main Extension Special Assessments.

"Assessment Resolution" means the resolution adopted by the County imposing a Main Extension Special Assessment and adopted in conformity with Article IV of this Ordinance.

"Benefited Parcels" means all Tax Parcels that are benefited by the provision of potential utility access from the construction of the Off-Site Facilities as provided in the Refundable Advance Agreement other than Tax Parcels owned by the Developer that is a party to such Agreement.

"Board of County Commissioners" means the Board of County Commissioners of Columbia County, Florida.

"County" shall mean Columbia County, Florida.

"Developer" means any individual, partnership, corporation, owner, subdivider, or any other entity who proposes or undertakes the construction of water, wastewater or reclaimed water facilities to provide service for any property or properties, area, development or subdivision in which the water, wastewater or reclaimed water facilities are to be extended from, connected to or ultimately become part of the water, wastewater or reclaimed water system of the County.

"Developer's Agreement" means a written agreement setting forth in detail the terms and conditions under which the County will render services to a Developer's property.

"Main" means a water, wastewater, or reclaimed water pipe, conduit or facility which conveys utility service to individual service lines or to other Mains.

"Main Extension Connection Charge" means a charge other than a Main Extension Special Assessment as may be identified in a Refundable Advance Agreement and calculated in the manner provided in such Agreement or otherwise established by the Board of County Commissioners.

"Main Extension Parcel Contribution" means the prorata share of the cost of the Off-Site Facilities attributable to each Benefited Parcel determined under the method of apportionment adopted by the County or as may be established in the Assessment Resolution or by the method of calculation of the Main Extension Connection Charge provided in the applicable Developer Agreement or Refundable Advance Agreement.

"Main Extension Special Assessment" means a special assessment levied and imposed by the County on Benefited Parcels to recover Assessable Costs and which may be refunded to a Developer pursuant to a Refundable Advance Agreement.

"Main Extension Special Assessment Area" means those Tax Parcels identified by the County as benefiting from the construction of Off-Site Facilities which permit the County to provide water, wastewater or reclaimed water service to such parcels.

"Off-Site Facilities" means the water transmission and distribution Mains and facilities to be constructed either to provide water service, including reclaimed water service, or to collect wastewater from properties served or to be served by the County and which may be described in a Refundable Advance Agreement, including, but not limited to, (a) wells, storage and pumping facilities and the wastewater collection trunk Mains and facilities; (b) manholes, wastewater force Mains, lift stations, and reclaimed water Mains; and (c) storage and pumping facilities, the purpose of which are either to provide water service, including reclaimed water service, to properties or to collect wastewater received from properties served or to be served by the County.

"On-Site Facilities" means the portion of the water treatment and distribution system, the wastewater collection and treatment system or the reclaimed water system that has been, or is to be, located wholly within the property to which service is to be extended, excluding water service lines located downstream of the County's meter and wastewater collection lines and reclaimed water lines located on individual lots and not conveyed to the County.

"Refundable Advance" means property transferred to the County by a Developer in order to receive water, wastewater or reclaimed water service. The advance is made so that the proposed extension may be rendered economically feasible and so that service may be obtained from the County by the Developer. As Benefited Parcels connect to the water, wastewater or reclaimed water system, portions of the advance, without interest, may be returned to the Developer over a specified period of time in accordance with a Refundable Advance Agreement.

"Refundable Advance Agreement" or "Agreement" means a Developer's Agreement containing a provision by which the County agrees to repay the

Developer for a portion of Off-Site Facilities constructed by Developer and transferred to the County in the manner set forth in such agreement.

"Tax Parcel" means a parcel of property to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

"Water Equivalent Residential Connection" or "Water ERC" means (a) 350 gallons per day, (b) the number of gallons the County demonstrates is the average daily flow for a single residential unit, or (c) the number of gallons which has been approved by the Department of Environmental Protection for a single residential unit.

"Wastewater Equivalent Residential Connection" or "Wastewater ERC" means (a) 350 gallons per day, (b) the number of gallons the County demonstrates is the average daily flow for a single residential unit, or (c) the number of gallons which has been approved by the Department of Environmental Protection for a single residential unit.

Section 3. General Findings.

It is hereby ascertained, determined, and declared that:

(a) Pursuant to Article VIII, section 2(b), Florida Constitution, and Sections 166.021 and 166.041, Florida Statutes, the Board of County Commissioners has all powers of local self-government to perform municipal functions and to render municipal services in a manner not inconsistent with law, and such power may be exercised by the enactment of County ordinances.

(b) The Board of County Commissioners may exercise any governmental, corporate, or proprietary power for a municipal purpose except when expressly prohibited by law, and the Board of County Commissioners may legislate on any subject matter on which the Florida Legislature may act, except those subjects described in (a), (b), (c), and (d) of Section 166.021(3), Florida Statutes. The subject matter of paragraphs (a), (b), (c), and (d) of Section 166.021(3), Florida Statutes, are not relevant to the imposition of assessments related to water, wastewater or reclaimed water services, facilities or programs of the County.

(c) The purpose of this Ordinance is to (1) provide procedures and standards for the imposition of Main Extension Parcel Contributions under the general home rule powers of a municipality and specifically to authorize the imposition of Main Extension Special Assessments; (2) authorize a procedure for the funding of water, wastewater and reclaimed water services, facilities, or programs providing special benefits to property through Main Extension Parcel Contributions and specifically through Main Extension Special Assessments; and (3) legislatively determine the special benefit provided to Benefited Parcels from the provision of water, wastewater and reclaimed water services by the County.

Section 4. Legislative Determinations of Special Benefit.

It is hereby ascertained and declared that the water, wastewater and reclaimed water services and facilities comprising the Assessable Costs provide a special benefit to property because water, wastewater and reclaimed water services and facilities possess a logical relationship to the use and enjoyment of improved property by: (1) facilitating the development of property and increasing the use and enjoyment thereof; (2) positively affecting the marketability and market value of the property by the presence of central water treatment and supply, and central sewage collection, treatment and disposal including the provision of reclaimed water services; (3) providing safe and sufficient supplies of water for improved property; (4) properly and safely disposing of sewage generated from improved property; and (5) enhancing improved property through the environmentally responsible use and enjoyment of the property.

ARTICLE II

MAIN EXTENSION RULES

Section 5. Declaration of Main Extension Rules.

Whenever an extension to water, wastewater or reclaimed water Mains is required to provide service to a Developer's property and the Board of County Commissioners makes a determination that the Off-Site Facilities are to be advance funded by the Developer as a condition of development approval, the Main extension shall be constructed by the Developer in accordance with the rules and procedures provided in this Ordinance.

Section 6. Conditions for approval of refundable advance agreement.

(a) The County shall consider the approval of a Refundable Advance Agreement at the time of the Developer's request for service as a special funding arrangement available within its discretion to defray the cost of any Off-Site Facilities necessary to provide service to the Developer's property under the following circumstances:

- (1) the Main extension and other Off-Site Facilities will enable the County to serve properties in addition to the Developer's property;
- (2) the County determines that an extension to the Developer's property is economically justified or is appropriate to improve system reliability or efficiency;
- (3) the location, size or proposed density of the Developer's property make adequacy of service to such property dependent

upon the construction of Off-Site Facilities which will also benefit future customers of the County;

(4) the County believes it is prudent to expedite the installation of Off-Site Facilities based on flows expected from the Developer's property and adjacent properties;

(5) the County has plans for Mains or Off-Site Facilities that are larger than necessary to serve the Developer's property and the County requires that the Off-Site Facilities be oversized to enable service to be provided to such additional territory; or

(6) such other facts exist which render it fair and reasonable for the County and the Developer to enter a Refundable Advance Agreement within the discretion of the Board of County Commissioners.

(b) *Basis of Refundable Advance.* The amount of the Refundable Advance will be based on the actual cost of the Off-Site Facilities less the Developer's proportionate share of such costs. No interest shall accrue to the Developer on any Refundable Advance at any time.

(c) *Limits on refund.* Notwithstanding any other provisions of this Ordinance, the term of the Refundable Advance Agreement shall be as provided in the Agreement and such term shall not exceed five (5) years, after which time no further refund shall be made to the Developer. Main Extension Special Assessments or Main Extension Connection Charges which may be collected by the County after expiration of a Refundable Advance Agreement will be retained by the County and such Refundable Advance Agreement will be canceled. In no event shall a Developer recover an amount greater than the difference between the cost of Off-Site Facilities transferred to the County and the Developer's own proportionate share of such costs, as determined by the County. Any Main Extension Special Assessments or Main Extension Connection Charges collected by the County and not refunded to a Developer pursuant to a Refundable Advance Agreement shall be placed in a separate capital improvement fund and shall be used for the construction, acquisition, addition, extension, renewal and replacement to water, wastewater and reclaimed water facilities of the County, as appropriated from time to time by the Board of County Commissioners, or for such other utility purpose as may be approved by the Commission, provided also that the earnings of the sums placed into such fund also shall be retained in the fund. If funds are collected by the County through a Main Extension Special Assessment, such funds, and earnings thereon, shall be used to construct, acquire, add, extend, renew or replace water, wastewater or reclaimed water facilities providing a benefit to Benefited Parcels or for such other utility purpose as may be approved by the Commission.

Section 7. Application for main extensions.

The Developer shall submit to the County an application for service containing information regarding the specific Main extension and other On-Site Facilities and Off-Site Facilities to be constructed by the Developer. The application shall include, at a minimum, the following information, if applicable:

- (a) A legal description of the property to be served including reference to section, township and range.
- (b) A drawing of the property showing its boundaries.
- (c) The present zoning classification of the property.
- (d) A plat map.
- (e) Three sets of a site and utility plan (and floor plan for commercial developments).
- (f) The intended land use of the development, including densities and types of use.
- (g) The name and address of the person or entity making the application for service.
- (h) The nature of the Developer's title to or interest in the described property.
- (i) Estimated number of Water Equivalent Residential Connections and Wastewater Equivalent Residential Connections to be served by the proposed Main extension.
- (j) The date, or estimated date, that service will be needed.
- (k) An identification by maps, engineering drawings, plans or list of projected project elements of the Off-Site Facilities and On-Site Facilities proposed to be constructed by the Developer.

Section 8. Rules for Extending Mains to Developer.

The extension of a Main or construction of other facilities determined by the County to be necessary to provide service shall be constructed by Developer and may be constructed pursuant to the terms and conditions of a Developer Agreement or Refundable Advance Agreement. The Developer shall design, permit, construct, install and pay for the required Main extension and other On-Site and Off-Site Facilities. All Developer Agreements or Refundable Advance

Agreements are subject to the approval of the County at the discretion of the Board of County Commissioners and shall be proposed in accordance with the following:

(a) The Developer shall be responsible for the planning, design, permitting, and development of construction drawings needed to serve the proposed development. All designs and construction shall be in accordance with the requirements set forth in the County's Water and Wastewater Technical Manual. By way of further explanation, the Developer will be responsible for the following:

(1) *Design of new facilities.* The Developer will retain the services of a registered professional engineer to prepare all plans and specifications for On-Site Facilities and Off-Site Facilities necessary to connect to the County's system at points designated by the County. The plans and specifications must be reviewed and approved by the County prior to submission to any regulatory agency. The Developer also shall reimburse the County for all costs associated with the performance of these reviews. Main extensions shall be extended across the full property frontage to facilitate future connections and extensions.

(2) *Approvals and permits.* The Developer shall be required to obtain all necessary approvals and permits for construction of the On-Site Facilities and Off-Site Facilities from the appropriate regulatory agencies.

(3) *Construction of facilities.* The Developer will, at its own expense, construct and install all On-Site Facilities and Off-Site Facilities in accordance with the plans and specifications as approved by the County. Additionally, the Developer shall be responsible for certifying to the appropriate regulatory agency that the On-Site Facilities and Off-Site Facilities have been installed and tested in accordance with the plans and specifications prepared by the engineer for Developer and approved by the County.

(4) *Warranty on workmanship.* The Developer shall warrant all On-Site Facilities and Off-Site Facilities against defect in materials and workmanship for a period of one year and 30 days from the date of acceptance of the On-Site Facilities and Off-Site Facilities by the County.

(5) *Inspection of facilities.* The County shall have the right to inspect the construction of all Developer facilities including On-Site Facilities and Off-Site Facilities. Additionally, within sixty (60) days after the completion, certification and conveyance to the County of the On-Site Facilities and Off-Site Facilities, the County may perform an inspection of the On-Site Facilities and Off-Site Facilities to ensure compliance with the plans and specifications previously approved by the County and the County's Water and Wastewater Technical Manual. The Developer shall complete any changes required by the County to achieve such compliance, at the Developer's cost. The Developer also shall reimburse the County for all costs associated with the performance of these inspections.

(6) *Conditions precedent to acceptance of title.* Prior to a letter of acceptance of title to the On-Site Facilities and Off-Site Facilities being issued by the County, and before the County shall accept the responsibility for operation and maintenance of the On-Site Facilities and Off-Site Facilities, the Developer shall provide, without charge to the County, the following information:

(a) Cost Report - which shall detail, as provided for under Generally Accepted Accounting Principles as pronounced by the Governmental Accounting Standards Board, all costs incurred in the construction of the On-Site Facilities and Off-Site Facilities, including engineering, inspection, and administrative costs and which specifically shall include, but not be limited to, a breakdown of costs by

pipe size and utility service, indicating pipe size, pipe type, installed footage and cost;

(b) "As-Built-Plans" - such plans shall be signed and sealed by a professional engineer (three signed paper copies), provided in electronic format using the latest version of AutoCad then available as well as a copy on 24"x36" Mylar, must show precise location of all lines and appurtenances tied to 1988 state plane coordinates and be consistent with the As-Built requirements set forth in the County's Water and Wastewater Technical Manual;

(c) Easements - as required;

(d) Contractor's waiver and release of lien;

(e) Contractor's letter of warranty or Developer's contract bond;

(f) Bill of Sale; and

(g) All required fees and charges.

(7) Conveyance of title. Developer shall convey title to the On-Site Facilities and Off-Site Facilities to the County immediately upon issuance of the County's letter of acceptance of such facilities.

ARTICLE III

COLLECTION OF A CHARGE, FEE OR SPECIAL ASSESSMENT FROM BENEFITED PARCELS

Section 9. Main Extension Charge, Fee or Special Assessment.

In areas where Off-Site Facilities are installed, the County shall have the right and power to charge Benefited Parcels a Main Extension Special Assessment or a Main Extension Connection Charge as a condition to the issuance of a building permit as provided in Sections 12 or 13 of this Ordinance, whichever section is

applicable. The Main Extension Special Assessment or the Main Extension Connection Charge shall be in addition to any other fee or charge collected by the County. Upon collection, the Main Extension Special Assessment or the Main Extension Connection Charge shall be disbursed in the manner provided in the Developer Agreement or Refundable Advance Agreement.

ARTICLE IV

IMPOSITION AND COLLECTION OF MAIN EXTENSION SPECIAL ASSESSMENT OR MAIN EXTENSION CONNECTION CHARGE

Section 10. Special Assessment Option.

At the option of the County, the mechanism to provide payment of a Main Extension Parcel Contribution imposed against Benefited Parcels may be the imposition of a Main Extension Special Assessment. The election of such assessment collection option shall be documented by the adoption by the County of an Assessment Resolution providing: (1) a description of the Main Extension Special Assessment Area by a listing or enumeration of the Tax Parcels found to be benefited by the On-Site Facilities; (2) a description of the Off-Site Facilities to be constructed and the Assessable Costs of such facilities; (3) a reference to the applicable Refundable Advance Agreement, if any; (4) the method of apportionment of the Assessable Costs among the Benefited Parcels within each Main Extension Special Assessment Area which method of apportionment may include: (a) a division of the area of a Benefited Parcel by the total area of all Benefited Parcels within the Main Extension Special Assessment Area and multiplying the product by the Assessable Costs; (b) a division of the projected Water or Wastewater ERCs projected for each Benefited Parcel by the total Water or Wastewater ERCs to be served by the proposed Main extension and multiplying the product by the Assessable Costs; or (c) any other method of apportionment approved by the County; (5) approval of a Main Extension Special Assessment Roll containing: (a) a listing of all Benefited Parcels to be assessed a Main Extension Special Assessment within each Main Extension Special Assessment Area; and (b) the amount of the Main Extension Special Assessment imposed against each Benefited Parcel; and (6) approval of the form of the final Main Extension Assessment Notice to be recorded in the official records of the County, which notice form shall contain: (a) a legal description of the Benefited Parcel included on the Main Extension Special Assessment Roll and the tax identification number contained and assigned in the real property assessment roll maintained by the County Property Appraiser; (b) the amount of the Main Extension Special Assessment imposed against each Benefited Parcel; (c) a reference to the applicable Assessment Resolution; (d) a reference to the applicable Refundable Advance Agreement, if any; and (e) a statement that the payment of the Main Extension Special Assessment is a condition to the platting of property, issuance of a building permit requiring connection to the utility

system or the date of actual connection to the County's utility system, whichever event occurs first.

Section 11. Notice of adoption of the Assessment Resolution.

The Assessment Resolution imposing a Main Extension Special Assessment as a method of collection of a Main Extension Parcel Contribution shall be adopted at a public hearing. At least twenty (20) days prior to the public hearing, a notice of the time, date and place of the public hearing shall be published and the notice shall generally describe the Off-Site Facilities to be constructed, the estimated Assessable Costs and a geographic description of the Main Extension Special Assessment Area. In lieu of the publication of such notice, an individual notice of the public hearing to be held to adopt the Assessment Resolution may be provided by first class United States mail to the owner of each Benefited Parcel as reflected on the real property assessment roll maintained by the County Property Appraiser, which notice shall contain the information required to be included in the Main Extension Assessment Notice as set forth in Section 10 of this Ordinance.

Section 12. Payment of Main Extension Special Assessment as a condition of the platting of property, the issuance of a building permit or connection to the County's wastewater facilities.

Payment of the Main Extension Special Assessment imposed against any Benefited Parcel shall be a condition to the platting of property, the issuance of a building permit requiring connection of the Benefited Parcel to the County's utility system or the date of actual connection to the County's utility system, whichever event occurs first.

Section 13. Payment of Main Extension Connection Charge or Fee as a condition of the issuance of a building permit.

In the event the payment of a Main Extension Connection Charge or other fee is selected by the County as the mechanism for payment by Benefited Parcels of a Main Extension Parcel Contribution, prorated share of the cost of Off-Site Facilities, payment of such Main Extension Connection Charge shall be a condition to the platting of property, the issuance of a building permit requiring connection of the Benefited Parcel to the County's utility system or the date of actual connection to the County utility system, whichever event occurs first.

Section 14. Allocation of main extension special assessments upon subdivision.

(a) In the event any Benefited Parcel that is subject to a Main Extension Special Assessment is subsequently subdivided, the Main Extension Special Assessment shall be reallocated among the subdivision parcels upon application

of the owner of the Benefited Parcel to the County requesting the reallocation which application shall contain the following: (1) a recorded plat, approved site plan or comparable document sufficient in detail to describe adequately the location of the original Benefited Parcel and the new individual parcels within the Benefited Parcel and the acreage of each parcel in the proposed subdivision and (2) proof that the County Property Appraiser has assigned distinct ad valorem property tax identification numbers to each individual subdivided parcel or committed in writing to assign such numbers prior to the next ensuing August 1 or any later date approved by the County.

(b) Upon such application, the County by resolution shall take all necessary steps to reallocate the Main Extension Special Assessment to each subdivided Tax Parcel within the original Benefited Parcel following the same allocation method used in the initial Assessment Resolution and, as nearly as practicable, the provisions for notice, recording of notice and other provisions of this Ordinance as may apply to Main Extension Special Assessments.

Section 15. Lien of Main Extension Special Assessments.

All Main Extension Special Assessments shall constitute a lien against Benefited Parcels equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, mortgages, titles, and claims, until paid. The lien for a Main Extension Special Assessment shall be deemed perfected upon the Commission's adoption of the Assessment Resolution. The lien for a Main Extension Special Assessment shall attach to the Benefited Parcel on the date of adoption of the Assessment Resolution.

Section 16. Revisions to Main Extension Special Assessments.

If any Main Extension Special Assessment made under the provisions of this Ordinance is either in whole or in part annulled, vacated, or set aside by the judgment of any court, or if the Commission is satisfied that any such Main Extension Special Assessment is so irregular or defective that the same cannot be enforced or collected, or if the Commission has failed to include or omitted any Benefited Parcel which property should have been included in the Main Extension Special Assessment Area, or if circumstances change concerning a Benefited Parcel such that the Main Extension Parcel Contribution of a Benefited Parcel should be changed, the Commission may take all necessary steps to impose a new Main Extension Special Assessment against such Benefited Parcel, following as nearly as may be practicable, the provisions of this Ordinance and in case such second Main Extension Special Assessment is annulled, vacated, or set aside, the Commission may obtain and impose other Main Extension Special Assessments until a valid Main Extension Special Assessment is imposed.

Section 17. Procedural Irregularities.

Any informality or irregularity in the proceedings in connection with the levy of any Main Extension Special Assessment under the provisions of this Ordinance shall not affect the validity of the same after the approval thereof, and any Main Extension Special Assessment as finally approved shall be competent and sufficient evidence that such Main Extension Special Assessment was duly levied, that the Main Extension Special Assessment was duly made and adopted, and that all other proceedings adequate to such Main Extension Special Assessment were duly had, taken, and performed as required by this Ordinance; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby.

Section 18. Correction of errors and omissions.

When it appears that any Main Extension Special Assessment should have been imposed under this Ordinance against a parcel of property specially benefited by the provision of water, wastewater or reclaimed water services, facilities, or programs, but that such property was omitted from the Assessment Resolution; or such property was erroneously assessed; or was not listed on the Tax Roll as an individual parcel of property as of the effective date of the Assessment Resolution, the Commission may, upon provision of a notice by mail provided to the Owner of the omitted or erroneously assessed parcel, impose the applicable Main Extension Special Assessment.

ARTICLE V

GENERAL PROVISIONS

Section 19. Severability.

The provisions of this Ordinance are severable; and if any section, subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected thereby.

Section 20. Developer Obligations.

Nothing contained in this Ordinance shall affect or alter the obligations of a Developer to construct and convey to the County any On-Site Facilities as a condition of development approval in such manner as may be required by applicable County ordinances, policies or rules including, but not limited to, the County's Water and Wastewater Technical Manual.

Section 2. In the event of a conflict with any other ordinances or parts of ordinances, the provisions of this ordinance shall control.

Section 3. This ordinance shall be effective immediately upon passage.

Adopted and certified as to passage on _____, 2010.

Stephen M. Witt
Mayor

ATTEST:

P. Dewitt Cason
County Clerk

Approved as to form and correctness:

Marlin Feagle
County Attorney

UTILITY COMMITTEE
September 01, 2009
9:00 a.m.

The Columbia County Utility Committee met in a scheduled meeting at the Lake Shore Hospital Authority Office.

Members Present:

Commissioner Jody Dupree
Commissioner Scarlett Frisina
Commissioner Stephen Bailey

Members Absent:

Councilman Eugene Jefferson
Councilman George Ward

Others in Attendance for County:

County Manager Dale Williams
Asst. County Manager Lisa Roberts
Clerk of Court P. DeWitt Cason
County Purchasing Director
County Attorney Marlin Feagle
County Engineer John Colson

Others in Attendance for City:

City Manager Wendell Johnson
Executive Utilities Director Dave Clanton
City Engineer Henry Sheldon
Ben Scott Utilities Director Richard Lee

Others in Attendance:

Mark Neihaus of Eutaw Utilities
Dale Dransfield of Eutaw Utilities
Walt Graham of Graham Electric
Todd Manning, I.T. Director
Citizen Billy Dow

Property Acquisition Negotiation Status:

Regarding the existing packing plant property located in Ellisville, County Purchasing Agent Ben Scott advised that he learned from speaking to the property owner and the holder of the mortgage that this property is in foreclosure. The mortgage holder will speak to their attorney to determine what process the county would have to go through in order to negotiate a purchase price on the property.

The needed right-of-ways are currently being surveyed. Commissioner Bailey reported that he has spoken to the right-of-way property owners and it appears obtaining the needed right-of-way will not be a problem.

Facilitation of Utility Administration

Meter Reading, Billing & Collections, Line Extensions and Maintenance, etc.

The County Manager said the Columbia County/Ellisville Utility is not large enough for the county to hire its own staff. He re-iterated his recommendation that before the county seeks management abroad that the City be given the first opportunity to operate the utility once constructed. This operation/management package would also include meter reading, billing and collection, line extension, ect. Terms and conditions would still need to be negotiated. The county has been in contact with private entities who have an interest in operating the system should the city not want or be able to do so.

Water Treatment - Chlorination -vs- Ozone System

Chairman Dupree said that he had spoken with Water Plant Director Steve Roberts, who was not currently in attendance, regarding the quality of water produced from an ozone versus a chlorination type system. Chairman Dupree advised that this is a topic that he wanted rescheduled for discussion.

ARRA Funding Discussion

At the Chairman's request, the County Manager offered a confirmation as to what the county could and could not use the stimulus funding (grant portion) on. He recalled that the county received \$1,900,000 in ARRA funding on the grant side that is earmarked for drinking water. First and foremost the intention is to complete the original plan. Once that plan is fulfilled, if ARRA money is left over, there should be no problems with trying to further the concept of what the county is attempting to create at Ellisville. Assuming there is remaining money, it could be used on the northern side of the interstate. ARRA funding is not affected by change as long as the original plan is completed. The original plan begins at Bailey Road to Hwy. 441, then to Ellisville. Leftover funds could be used to redirect the original plan to the northern side of the interstate.

Gas Line Extension to Ellisville

A recommendation needs to be made to the Board of County Commissioners as to whether natural gas services should be put in the Ellisville area at this time. Commissioner Bailey said that he thinks they are needed and the idea should be explored.

Without having dedicated utility staff in the county there was a question as to how the county would proceed with communicating and planning with the gas company. The County Manager recommended that the county discuss the matter with the appropriate personnel of the City. Then, the county could contact the gas companies.

Once options are compiled, the Utility Committee will review them and make a recommendation to the Commission. The City agreed to assist with compiling options.

Stormwater Permit for the South Columbia Waste Water Treatment Plant

The County Manager said that permits are common when building a utility. This matter was placed on the agenda, because he was not certain whether the Committee wanted to see all permits applied for. County Manager Williams explained that this is the application for the permit.

Chairman Dupree said that he thinks it is a good idea to have them on the agenda. However, he said it is difficult to approve a permit that is received just before the meeting.

MOTION by Commissioner Bailey to recommend to the Commission that application be made for the permit. Second by Commissioner Frisina. The motion carried unanimously.

OLD BUSINESS

By-Laws

County Manager Williams said that terms of service for members also needs to be addressed. The Committee agreed that appointments should terminate on Dec. 31st and commence on January 1st.

Attorney Feagle suggested that verbiage be added to the by-laws to address the election

of a vice chairperson. The by-laws also need to address what will constitute a quorum and how the by-laws will be amended in the future. Attorney Feagle will make the needed changes

MOTION by Commissioner Bailey to approve with the stipulated changes being made by Attorney Feagle. The motion carried unanimously.

Hughes Well Drilling

Chairman Dupree said that he, Mr. Hughes, Purchasing Agent Ben Scott, and Mark Neihaus met to discuss addressing change orders.

Mr. Scott summarized that in the meeting that they were unable to get Mr. Hughes to agree on what was required in order for him to get a change order. Mr. Scott said that Mr. Hughes simply gave them a dollar figure for \$476,000 without any supporting documentation for the amount.

Mr. Scott presented and requested approval to send a letter to Mr. Hughes, based on his contract, that he is allowed certain markups on change orders, and the procedure for presenting a change order. The procedure would include Mr. Hughes providing the county with the details pertaining to the cost of equipment, his labor costs, and the cost of his subcontractors. Mr. Hughes will be allowed seven days to provide the supporting information. Mr. Scott said that he has explained to Mr. Hughes that if they cannot reach an agreement on the additional work, he will be paid \$34,000 to complete his original scope of work including earned retainage. Mr. Scott asked that the Committee review that letter and approve it being sent to Mr. Hughes.

In the essence of time, the Chair suggested that the letter state that Mr. Hughes have until September 8, 2009 to present the supporting information needed for the Change Order. If Mr. Hughes does not comply, then other action will need to be taken to complete the well field.

The Chair said that he hopes Mr. Hughes will be able to present what is required of him per his contract, but is concerned that he will not. He said the biggest problem Mr. Hughes seems to have is not drilling the wells, but it appears to be the administrating.

MOTION by Commissioner Bailey to hand deliver the letter today and give him 7 calendar days from the date of service to comply. Second by Commissioner Frisina. The motion carried unanimously.

Citizen Input/Other Discussion

Citizen Stewart Lilker asked the total amount of money spent on this project. The response was that the total amount spent on the Well Field Project is currently \$479,048. Mr. Lilker asked if this system were to go on line tomorrow, how many people would be served in that area. The Chairman replied that the Board of County Commissioners still have decisions to make. It is unknown at this time how many people will be served. The County Manager said currently it would be those in the original plan, which is approximately a ¼ mile radius. That would include less than twenty homes.

Commissioner Bailey said that it is worth noting that the development of the utility was not originally intended to serve the residential, but was intended to serve and grow the commercial industry at that particular interchange.

Mr. Lilker suggested that in the future, the Committee wait for the Clerk to arrive before the meeting begins.

090109 Utility Committee Minutes
Prepared by Sandy A. Markham

Revisiting the utility route. Commissioner Dupree, asked, considering the point the county is at, if it would be advantageous for the county to redirect [The Project] to October Road to Hwy. 238, and then cross over and jack and bore at I-75, making one big loop in Ellisville. Commissioners Bailey and Frisina, and County Manager Williams believe it would be to the county's advantage. The County Manger suggested the route be recommended to the Board.

MOTION by Commissioner Bailey to recommend this route to the Commission. Second by Commissioner Frisina. The motion carried unanimously.
The meeting adjourned at 9:10 a.m.

ATTEST:

Jody Dupree
Columbia County Utility Committee

P. DeWitt Cason
Clerk of Circuit Court

UTILITY COMMITTEE
September 15, 2009

The Columbia County Utility Committee met in a scheduled meeting at the Lake Shore Hospital Authority Office at 2:30 p.m.

Members Present:

Commissioner Jody Dupree
Commissioner Scarlet Frisina
Commissioner Stephen Bailey
Councilman Eugene Jefferson
Councilman George Ward

Others in Attendance for City:

City Manager Wendell Johnson
Executive Utilities Director Dave Clanton

Others in Attendance for County:

County Manager Dale Williams
Asst. County Manager Lisa Roberts
P. DeWitt Cason, Clerk of Courts
County Purchasing Director Ben Scott
County Engineer John Colson
Attorney Marlin Feagle
Marc Neihaus of Eutaw Utilities

HUGHES WELL DRILLING CHANGE ORDER REQUEST

Mr. Ben Scott reviewed with the Committee Hughes Well Drilling's change order request in the amount of \$492,503. Mr. Scott explained amounts that had to be removed from the Mr. Hughes' change order. Mr. Scott said that the chlorine and the electrical is all that is currently remaining in Mr. Hughes' contract. This brings the change order amount to \$247,409.33. Staff recommended approval in the amount of \$247,409.33. Change Orders are attached to original minutes.

MOTION by Commissioner Bailey to accept staff's recommendation and to propose approval of the change order to the Board of County Commissioners. Second by Commissioner Frisina. The motion carried unanimously.

The County Manager noted that the county assumes that all construction must meet code, and that all expenses for meeting code are included in the costs.

COST PRO-FORMAS – SEWAGE TREATMENT PLANT OPTIONS

The County Manager reviewed with the Utility Committee the drafted cost pro-formas for the Ellisville Wastewater Project. The cost pro-formas for an existing package plant, a new package plant, and a new wastewater treatment plant are attached to the original minutes.

The County Manager advised that specific data is not available for several of the line item expenditures necessary to complete this task. With limited exceptions, assumptions have been made.

The following documents were reviewed and are attached to the original minutes:

- Excerpts from the FY 2006 Wastewater Facilities Plan
- Spreadsheet comparing the use of the existing package plant and the purchase of a new package plant
- construction of a new WWTP
- Amortization schedules for two (2) of the options (new package plant versus new construction)

Due to the number of assumptions made in the FY 2006 Wastewater Facilities Plan, a revenue component in the cost pro-formas has not been included. For comparative purposes, the County Manager suggested that the data from the FY 2006 Wastewater Facilities Plan be used (adjusted to current local conditions).

Option #3 is the new Wastewater Treatment Plant, which has been proposed, designed and bid. The County Manager said this loan would be approximately \$5,500,000 above and beyond the \$1,200,000 legislative appropriation.

The County Manager said that regardless of the option chosen, when the facility is built, it is not going to generate enough money to pay the required amortization. He said that this fact has been known since 2006.

In 2006, the county was prepared to subsidize this project, because they believed the project would pay for itself with future growth. The County Manager said that is no longer the case, due to economic conditions. He said that he is in search of an option that solves the needs at Ellisville at an economical price. He said that regardless of the option presented, he believes revenue wise in today's economy, there will be enough money generated to pay for operation and maintenance. There will be very little funds available that the county will be able to apply toward the debt service, which means it will be subsidized by the county, or revenue will be taken from the water side in assisting with the cost. He noted that the water side alone is not going to generate enough revenue to pay the debt service either. The County Manager estimated the amount to be subsidized would be approximately \$3,500,000.

Regarding Option 2, the County Manager said that the collection system would basically incorporate 29 businesses and 10 residences at the interchange.

The County Manager told the Committee if a decision is made to not build the 160,000 per day wastewater treatment plant that has been designed and bid, the county will likely lose the State Revolving Loan Fund. He said the county has adequate resources to obtain financing, if necessary. He said that the USDA Rural Development Loan is also available to the county, which has a grant component the county may qualify for. The grant portion may very well off-set any losses the county incurs due to changes in interest rates.

Chairman Dupree said that along with determining whether the Utility Committee will recommend to the Board of County Commissioners that a system be put in that will require a \$465,000 contribution, the issue of impact fees will have to be addressed.

The County Manager said that he has great concern, financially speaking, in recommending the proposal as it is. He said the county is \$2,500,000 short in revenue this year and losing \$3,000,000 in revenue next year. He said the Commission has already been advised that they will face the same problems in fiscal year 2010-2011. He said that he feels the county has an obligation to build a utility in Ellisville, but that he has true concerns with the cost of the wastewater. He said the subsidization amount is going to be considerable. He said that he did not figure in impact fees, because he could not guarantee it. He said that there is also the issue of projected growth and CPI that is not longer applicable. He said the interchange is not growing anything like it was in 2006 based on projections. The County Manager said that even if impact fees are charged, that he doubts there will be any significant materialization of impact fee revenue for the next few years.

Mark Neihaus said the way a county pays for these facilities is through the impact fees. He said it is not through the monthly bills. He said that ideally, monthly billing will handle the maintenance of the facility. He said that it would be wise to adopt the impact fees now. Mr. Neihaus mentioned that Rural Development will not allow the county to build a utility business without impact fees. Mr. Neihaus said the county is going to have to require the existing businesses to hook on.

The County Manager said that it is his recommendation that the plan as presented be rejected. He said that there is nothing wrong with the plan, but the issue is affordability.

MOTION by Commissioner Frisina to accept staff recommendation. Second by Commissioner Bailey. The motion carried unanimously.

The County Manager requested authorization to explore Option #2 further and to attempt to gather a more accurate price for the utilization of a package plant. There was a consensus among the committee to explore Option #2 further.

There was a brief discussion of a chlorine system versus an ozone system. The price difference from chlorine to ozone is approximately \$250,000.

WASTEWATER TREATMENT PLANT BIDS

Chairman Dupree said that he and Commissioner Bailey were at the recent City Utility Committee meeting. He said that their discussions indicate a lack of excitement in assisting the county with the maintenance and operations of a utility. The Chairman suggested the Committee consider putting the operation and maintenance of the water well system out for bid. Commissioner Bailey said that preferably, the company bidding could handle the water and the wastewater side if necessary.

MOTION by Commissioner Bailey to request the Board to authorize an RFP for an outside agency to provide quotes on the operation and maintenance. Second by Commissioner Frisina. The motion carried unanimously.

FUTURE UTILITY NEEDS

Chairman Dupree said at some point, the county needs to determine how it may gather information regarding future capacity needs for areas outside of Ellisville. The County Manager said that when the study is complete, it will identify specific target locations. On the basis of those locations, an individual cost analysis would be done.

There being no further business, the meeting adjourned at 3:40 p.m.

ATTEST:

Jody Dupree, Chairman
Utility Committee

P. DeWitt Cason
Clerk of Circuit Court

UTILITY COMMITTEE

October 13, 2009

9:00 a.m.

The Columbia County Utility Committee met in a scheduled meeting at the Lake Shore Hospital Authority Office at 9 a.m.

Members Present:

Commissioner Jody Dupree
Commissioner Scarlet Frisina
Commissioner Stephen Bailey

Members Absent:

Councilman Eugene Jefferson (prior commitment)
Councilman George Ward (reason unknown)

Others in Attendance for County:

County Manager Dale Williams
Asst. County Manager Lisa Roberts
Sandy A. Markham, Deputy Clerk
County Purchasing Director Ben Scott
County Engineer John Colson
Marc Neihaus of Eutaw Utilities
Walt Graham of Graham Electric

Others in Attendance for City:

City Manager Wendell Johnson
Executive Utilities Director Dave Clanton
Billy Dow
Engineer Henry Sheldon

Bid Awards Considered:

441 Water Main Bid; Bid No. 2009-V. The lowest base bidder was Blue Rock, Inc. The lowest base bid plus alternates came from GWP Construction.

Mr. Scott said that consideration needs to be given as to whether additional pipe is going to be laid at a later date from the water plant to the sewer plant, and what that will cost. Mr. Neihaus said the main purpose of running the additional pipe line is to provide potable water for an office facility.

Mr. Scott suggested the Committee recommend awarding the lowest base bid, pending review by the county of references, and a thorough review of the entire bid package. He said if the Board decides to do the alternate prior to a final recommendation to the Board of County Commissioners; he recommends the bid be awarded to GWP Construction, pending a check of references.

MOTION by Commissioner Bailey to recommend awarding GWP Construction bid #2009-V pending review of staff for compliance. Second by Commissioner Frisina. The motion carried unanimously.

I-75 North Water Main; Bid No. 2009-W. The lowest base bid came from Pipeline Contractors. The lowest base bid plus the alternates came from Music Construction. Mr. Scott said that he will need to obtain clarifying information from Music Construction Company as to why their alternate amount was a negative number.

This was the bid that went out on the original layout, which includes the "double loops." Commissioner Bailey recalled at a prior meeting a decision was made to abandon the "double loop deal." Instead, the design would be to go up October Road and out to CR 238, then over to Hwy. 441. The County Manager said that he understands the idea is to get the low bid and unit prices, and then decide what it is that will be changed.

Mr. Ben Scott explained that the bid form turned in indicated a unit price per linear foot on the 12" pipe. Based on discussion, he recommended the bid be awarded on the base bid to Pipeline Contractors.

Chairman Dupree asked what could happen to cause the county to lose the \$1,900,000 stimulus grant. Mr. Neihaus replied that the county could lose the grant if the deadline to have someone under contract for the water project by December 01, 2009 is not met.

The Chair discussed entertaining a motion to award a pipeline bid with a stipulation that a cost analysis be done for the additional waterline. Commissioner Bailey said that the cost analysis needs to be done prior to awarding the bid. Mr. Scott said that the bids are good for thirty days.

The County Manager said the bid award could be scheduled for Board ratification.

MOTION by Commissioner Bailey to recommend approval of Pipeline Contractors based on the base bid, and with the change order running the route of October Road, out to CR 238, and then over to Hwy. 441, and identifying costs. Second by Commissioner Frisina. The motion carried unanimously.

Offer to Sell Ellisville Water Treatment Facility

NKRP, Inc. is willing to sell the Ellisville Water Treatment Facility (package plant) located at the U.S. Highway 441 and I-75 Interchange for \$181,200. NKRP's attorney indicates that this would be contingent upon the county waiving any and all impact fees due from NKRP, Inc. upon hook-up to the county water for the existing motel on the premises owned by NKRP, Inc., and further that NKRP, Inc. would retain all rights to the billboard sign located on the property.

The County Manager said that he is not certain what the billboard rights would entail, but he assumes that they wish to continue collecting revenue from the billboard located on the property.

Mr. Scott said that he has received a letter from Ellisville Investments, Inc. that they are in agreement with this sell.

Regarding the waiver of impact fees, the County Manager said that while the Board has not adopted an official ordinance imposing impact fees, there is a schedule of proposed fees that was on the original Facilities Plan. He said that on that basis the value of those fees should be disclosed.

City Manager Johnson advised that according to statutes, the Board cannot waive the impact fees. He said that he was certain that Attorney Feagle would advise the Board that if the Board agrees to the waiver, the impact fees will have to be paid by the county. The County will follow up with researching the matter of whether the impact fee can be waived.

MOTION by Commissioner Frisina to purchase the facility for \$181,200 contingent upon the county determining how much the impact fees would be and whether the county has the authority to waive the fee. Second by Commissioner Bailey. The motion carried unanimously.

Hughes Well Drilling

At the Board of County Commissioners Meeting on September 17, 2009, the Board voted to approve a change order to Hughes Well Drilling contract in the amount of \$247,409.33. This was approved subject to receipt of an intergovernmental water rate from the City of Lake City.

The County Manager said that to date, he has not received the wholesale water rate. He said that a decision needs to be made on whether the county will continue to work toward an intergovernmental wholesale rate with the City of Lake City, or release the change order. If the change order is released, it will also be necessary to award the bid on a groundwater storage tank. The Board was provided with a packet that was made up of selective correspondences from the files dealing with this issue. He said that most of the documents were from 2007.

There was discussion. The City advised that they have been working on the rates and that they should have an answer within a week on the rates. The County is against some time restraints, but is willing to hold off on making a decision for a week. A special meeting can be called on October 27, 2009 to review rates, if necessary.

Citizen Stewart Lilker asked if we know whether "that" water is drinkable, and asked why there is discussion at this meeting about running a waterline from the Oasis Bar area to Ellisville, when this was being discussed and could have been done three years ago.

Chairman Dupree answered that he was not on the Board in 2007, and that he wanted to talk about it. He said that it is his understanding that the water is drinkable and that there are other agencies that have to test and sign-off on this water. He said that he assumes that all of these things are done. Mr. Neihaus added the water meets all state standards.

Minutes

The Committee considered the minutes of August 18, 2009.

MOTION by Commissioner Bailey to approve the minutes. Second by Commissioner Frisina. The motion carried unanimously.

Update

The County Manager said that as predicted, because of the decision to not build the Ellisville Waste Water Treatment Plant, the county has received notice that the Department of Environmental Protection will de-obligate the loan for the plant if they do not have information by their meeting at 2:00 p.m. tomorrow. The County Manager said that the county is not going to be able to save the stimulus loan. Once de-obligated, other sources for funding will be considered.

There being no further business, the meeting adjourned at 10:10 a.m.

ATTEST:

P. DeWitt Cason
Clerk of Circuit Court

Jody Dupree, Chairman
Utility Committee

Meeting

October 26, 2009

County Commissioner Jody Dupree called a meeting to discuss common concerns relating to illegal drugs and prostitution within his district and the districts of Commissioner Ronald Williams and Councilman Jake Hill, which all overlap.

in Attendance:

For the County Commission:

Jody Dupree – District III
Ronald Williams – District 1
County Manager Dale Williams
Deputy Clerk Sandy Markham

For the City Council:

Councilman Jake Hill
City Manager Wendell Johnson
City Clerk Audrey Sikes

For the Sheriff Department:

Sheriff Mark Hunter

For the Police Department:

Chief Argatha Gilmore
Captain Rudolph Davis
Lieutenant Joe Moody

Commissioner Dupree, Commissioner Williams and Councilman Hill were there to voice the concerns of their constituents and to offer whatever assistance they could to local law enforcement.

Citizens are being made prisoners of their own home, said Commissioner Williams. Commissioner Dupree concurred and said that parents are scared to let their children play outside due to fears relating to the illegal activity. Councilman Hill concurred with both statements.

Citizens cannot afford to be involved because they do not want their names to be mentioned on the police scanners.

Commissioner Williams said that he believes the people will come forward and support the law if they will cleanup the streets. The Commissioner said that it is very easy to tell where the drugs are by watching the patterns of visitors within the community.

Chief Gilmore agreed that this is a grave concern that will take a holistic approach. She said that the City and the County can help with creating ordinances that will help law enforcement do their jobs. She said that mortgage holders should be held partially responsible for things transpiring on their property. Meetings need to be held with Code Enforcement, the community trust needs to be earned, and the State Attorney needs to be brought to the table to ensure prosecution. The community needs to be informed of Community Action Meetings and encouraged to attend and offer input.

The Chief said that their office would begin this week with more aggressive efforts to deal with the drug and prostitution problems.

Sheriff Hunter agreed with the Chief and added that the community needs to be informed that the local law is going to be responding to the pleas to clean up the streets and it will be difficult and unpleasant. He said that when "the net" is cast to pull the prostitutes and drug dealers in off the streets, there will be somebody from everybody's family caught up in that net. The Chief agreed that the people need to know that their cries have been heard and that efforts are going to be stepped up to clean up the streets. That will avoid many of the calls complaining.

Sheriff Hunter said that the trust of the citizens needs to be earned so that they feel safe when helping report crime. He said that there needs to be some type of hotline created that citizens can report to anonymously and not worry about suffering any consequence for calling.

Commissioner Williams and Councilman Hill each voice that should it be their friends and family who get caught when the net is cast, so be it. The streets need to be cleaned up.

Commissioner Dupree voiced that law enforcement is a step ahead if everyone has the same goal and is strategically organized.

Councilman Hill cautioned the Chief and Sheriff that many of those calling inquiring and offering assistance are the guilty ones that are just attempting to get information.

Citizen Stewart Lilker asked why the State Attorney was not present. Commissioner Dupree explained that the State Attorney was not invited, because it was to initially be a smaller meeting, but State Attorney Jarvis will definitely be invited to the upcoming meetings.

Commissioner Williams said there may be some year end monies available that will help the local law enforcement with this cleanup. He will speak with the Board of County Commissioners regarding this matter.

There being no further discussions, the meeting adjourned.

ATTEST:

Commissioner Jody Dupree

P. DeWitt Cason
Clerk of Courts

Gray
1/26/10

UTILITY COMMITTEE
December 10, 2009
9:00 a.m.

The Columbia County Utility Committee met in a scheduled meeting at the Lake Shore Hospital Authority Office at 9 a.m.

Members Present:

Commissioner Jody Dupree
Councilman Eugene Jefferson
Commissioner Stephen Bailey

Members Absent:

Commissioner Scarlet Frisina (illness)
Councilman George Ward (unknown)

Others in Attendance for County:

County Manager Dale Williams
Asst. County Manager Lisa Roberts
Sandy A. Markham, Deputy Clerk
County Purchasing Director Ben Scott
County Attorney Marlin Feagle
Conflict Council William Whitley
County Engineer John Colson
Marc Neihaus of Eutaw Utilities
Walt Graham of Graham Electric
Chad Williams, GTC Design Group
Brian Armstrong, Nabors, Giblin & Nickerson

Others in Attendance for City:

City Manager Wendell Johnson
Executive Utilities Director Dave Clanton
Willie Moates, Public Works

The Committee discussed City of **Lake City Ordinance No. 2007-1123** relating to water, wastewater, alternative water supply and reclaimed, and reuse water service areas according to Chapters 180 and 166, Florida Statutes. The Committee also discussed **Columbia County Ordinance No. 2007-15** relating to the regulation of water and wastewater utilities within Columbia County.

Ordinances will need to be considered in order to fully implement public utilities in the unincorporated area of Columbia County. Nabors, Giblin & Nickerson will work with the county as expeditiously as possible to get a draft utility ordinance ready for review. Topics to be addressed by ordinance(s):

- Connection Regulations
- Standards for Construction
- Plan Review
- Fees

A committee will be needed to **review the ordinances**. The Chair recommended the following people serve on this committee: Commissioner Jody Dupree, County Engineer John Colson, Walt Graham of Graham Electric, Billy Dow, Chad Williams of GTC Design Group,

and Road Department Director Kevin Kirby. A meeting of this committee should be scheduled within seven days.

MOTION by Commissioner Bailey to approve recommendation. Second by Councilman Jefferson. The motion carried unanimously.

The Board discussed having a **rate study** done by an outside third party.

MOTION by Commissioner Bailey to have a third party determine the rates. Second by Councilman Jefferson. The motion carried unanimously.

The Committee briefly discussed whether or not to continue with the contract with **C.H. Crawford** for mowing.

Commissioner Bailey suggested continuing with the contract.

The following **invoices** were considered:

- a. Ellisville Wastewater Treatment Plant (Balance Due from Invoice '#1318) – \$39,833.95
- b. Ellisville Drinking Water Project - \$75,000

MOTION by Commissioner Bailey to approve both invoices. Second by Councilman Eugene Jefferson. The motion carried unanimously.

The County Manager gave an update on the wastewater treatment. The County can reapply for **State Revolving Loan money**. The county will consider a **USDA Rural Development Loan**, which may also include a grant component

Conflict Counsel William Whitley is in the process of finalizing a **contract** with the owners of the **Wastewater Treatment Facility property in Ellisville**.

The **Utility Committee** will plan to **meet** on the 4th Tuesday of the month at 9 a.m. in the Lake Shore Hospital Authority office building.

There was discussion that a **Utility Director** needs to be hired fairly quickly so that they are able to learn the system from the beginning. Staff was asked to make a presentation regarding this to the Board of County Commissioners on Thursday evening.

Responding to Citizen Stewart Lilker, Mr. Willie Moates introduced himself and stated that he was present for the Pubic Works Department.

Mr. Lilker asked the whereabouts of Commissioner Frisina, and learned that she was ill.

Mr. Lilker asked if Attorney **William Whitley** was present as **conflict counsel**. Attorney Feagle answered that he [Feagle] declared a conflict on issues directly involving Ellisville, because of his property ownership. Mr. Lilker asked what the conflict was. Chairman Dupree told Mr. Lilker that the conflict has already been dealt with in a Board meeting and that he should move to his next question.

Mr. Lilker clarified a statement by the County Manager where he understood him to say that it [the utility] was a little more than initially thought. Commissioner Dupree said that he, not the County Manager, thinks this thing may be bigger than they initially thought. The County Manager offered that Commissioner Dupree believes that when the system comes on line that the amount of daily involvement for running the utility is more than what he [County Manager] has been led to believe.

Mr. Lilker ask why a **rate study** was needed when there will only be 35-39 users and approximately 30,000 gallons of water being used per month. The County Manager said that the county has calculated the Ellisville rate. However, it is sometimes best to have a third party to do the calculating, because the people will accept the rate better. Mr. Lilker asked for the rate. The County Manager said that he did not want to give the rate out until it has been compared to the rate study.

There being no further business, the meeting adjourned at 10:25 p.m.

ATTEST:

P. DeWitt Cason
Clerk of Circuit Court

Jody Dupree, Chairman
Utility Committee

UTILITY COMMITTEE
January 26, 2010
9:00 a.m.

The Columbia County Utility Committee met in a scheduled meeting at the County Extension Office at 9 a.m.

Members Present:

Commissioner Jody Dupree
Commissioner Scarlet Frisina
Commissioner Stephen Bailey
At Large Member Walt Graham

Members Absent:

Councilman Eugene Jefferson (other appt.)
Councilman George Ward (unknown)
At Large Member Billy Dow (other appt.)

Others in Attendance:

County Manager Dale Williams
Asst. County Manager Lisa Roberts
Deputy Clerk Sandy A. Markham
County Purchasing Director Ben Scott
County Engineer John Colson
Chad Williams, GTC Design Group

Attorney Brian Armstrong (NG&N)
Executive Utilities Director Dave Clanton
Engineer Henry Sheldon
Jeff Simmons, IDA Member
Public Works Director Kevin Kirby

Technical Subcommittee Update

Chairman Dupree gave a brief update. The Subcommittee has been working on the technical apparatus' of the utility, and they have been in discussions regarding the language that will be used in the utility ordinances. Chairman Dupree said they have also taken up issues relating to the service area and redirecting lines. Chad Williams reviewed proposed changes to be made in the route and discussed current concerns.

MOTION by Commissioner Frisina to approve running the line, putting in the "T," crossing Hwy. 441, and then "heading down" the east side of Hwy. 441 to the ramp. Second by Commissioner Bailey. The motion carried unanimously.

MOTION by Commissioner Bailey to extend the westerly line south of the Scaff property, then eventually back to Powell Road. Second by Commissioner Frisina. The motion carried unanimously.

MOTION by Commissioner Frisina to cross Powell Road, pick up and run the waterline to create that loop, and bring it back to Powell Road, contingent upon required easements being obtained. Second by Commissioner Bailey. The motion carried unanimously.

There was a review of and discussion regarding the route/line behind the motel at the Dicks property. Chad Williams referred to this as the NW Loop.

MOTION by Commissioner Bailey to reduce the size of the NE line from a 12" to a 6". Second by Commissioner Frisina. The motion carried unanimously.

Informational

Chad Williams reviewed with the committee the proposed 3/4 " water meter connection locations at lots on County Road 238. The crossing areas need to be re-worked. The subcommittee has discussed not installing the meters at the present time, but instead the meters should be ordered and stockpiled. When the time comes for a customer to hook on, the meters will be available and can be installed. He said the biggest issue is that lines are being run now.

Chairman Dupree said the subcommittee's recommendation is that the crossings be re-worked, and that meters be placed in storage. This will be handled through field changes.

Regarding the crossings, Chad Williams said that the crossings can be put out for bid at a later date. They are currently 3/4" crossings.

County Manager Williams suggested that since the crossings are already in the contract and that the stimulus money is paying eighty-five cent on every dollar, that the crossings be left. The size of the crossings may need to be changed. Chad Williams said there is still a small amount of time to decide where the crossings should be located.

There was a consensus to upscale the size of the pipes from 3/4" to 1 1/2" and to have the reduced number of double meters stockpiled. County Engineer John Colson and Public Works Director Kevin Kirby will make the best decisions for locations.

Designated Service Area

The service area boundaries were reviewed.

MOTION by Commissioner Bailey to recommend the Board of County Commissioner approve the designated service area. Second by Commissioner Frisina. The motion carried unanimously.

Draft Utility Service Area Ordinance

MOTION by Commissioner Bailey to recommend the Board of County Commissioners approve the ordinance and to adopt Exhibit "A". Second by Commissioner Frisina. The motion carried unanimously.

Draft Utility Connections Ordinance

Chairman Dupree asked what roll the Utility Committee and the Board of County Commissioner play. He noticed all of the wording refers to the County Manager making all decisions and handling all matters. He was also concerned that the workload would be too much for the County Manager to take on. Commissioner Bailey agreed that there needs to be more

flexibility. Attorney Armstrong explained the verbiage could be modified to read, "*the County Manager, his designee, or other such person who may be designated by the Board of County Commissioners.*" The Committee discussed other changes that will be made before presenting the final ordinance to the Board of County Commissioners.

MOTION by Commissioner Frisina to recommend the ordinance with changes to the Board of County Commissioners and to set the matter for public hearing. Second by Commissioner Bailey. The motion carried unanimously.

Meeting Facility

Asst. County Manager Lisa Roberts reported that the Lake Shore Hospital Authority will charge a fee for future use of their building. She asked for Board direction.

There was a consensus to use county owned facilities for future meetings.

Construction Update

As an informational item, Chad Williams gave a quick overview of contractor's progress.

Future Agenda Item

Chairman Dupree said that the Committee could expect to see the existing package plant in Ellisville on the next agenda for purpose of condemning and taking.

Chairman Dupree asked the Committee to begin considering a 1"- 2" bleeder line be installed and routed back to the main line, at the point the water line terminates

Other

Chairman Dupree expressed appreciation for the **subcommittee's assistance**. He said that they have been a tremendous help.

Ben Scott said regarding a **water rate study** for drinking water, that it will take Rural Water Management District three weeks to conduct a study. Their study is geared more toward everyone paying equally for the service. He said he spoke with another man, who is the Public Works Director for Alachua County that does this type of study and will charge \$4,100 to do a study that would be geared more toward payment for the amount used.

Attorney Armstrong said that the \$4,100 is an excellent price and that the county should consider payment tiers that would encourage water conservation.

County Manager Williams recommended both be allowed to do a study. The two can be compared and the county can come up with something that is workable.

Chairman Dupree recalled the Committee's recommendation to the Board of County Commissioners that a **Utility Director** be hired. He said that it was his understanding that the Utility Director would be in charge of the day-to-day operations of the utility. Commissioner Bailey and Commissioner Frisina said that was also their understanding.

Ben Scott asked if the County still plans to contract with someone to come in and do the **utility billing**. He said that the company the county has their accounting software with does a lot of utility work. The County Manager and Chairman discussed that it may be a job that can be handled in house by the Public Works Department. Ben Scott will obtain quotes for utility software for informational purposes.

There being no further business, the meeting adjourned at 10:40 a.m.

ATTEST:

P. DeWitt Cason
Clerk of Circuit Court

Jody Dupree, Chairman
Utility Committee