

The Russell County Planning Commission
Meeting Minutes
February 15, 2011
4:30 P.M.

An adjourned meeting of the Russell Planning Commission was called to order by Chairman R.C. Adams. Members present were Jimmie Batcheldor, Carla Thomas, Dillie Elliott, David Ellis, Bill Friend and Peggy Martin. Advisors present were Larry Kite; County Engineer, Brandon Bundy, Ben Elliott, Greg Smith; Russell County Building Inspector, Johnny Burrell; Russell County Health Department, Roger Conner; Russell County Water Authority, Naomi Elliott; Russell County Revenue Commissioner.

Chairman Adams called for a motion to approve February 1, 2011 meeting minutes. Bill Friend motioned to approve the minutes. Dillie Elliott seconded the motion. The motion carried by unanimous vote.

Danny Bills presented a Minor Subdivision plat for Foresight Survey Company for approval. Ben Elliott stated requirements have been met and recommended approval. David Ellis motioned to approve the request. Jimmie Batcheldor seconded the motion. The motion carried with six yes votes. Bill Friend abstained.

Chris Rogers presented the Final Plat for Summershade Subdivision for approval. Ben Elliott stated requirements have been met and recommended approval. Bill Friend motioned to approve the request. Dillie Elliott seconded the motion. The motion carried by unanimous vote.

Chairman Adams recognized Mr. Clarence Burke for questions and answers on Russell County Sewer, LLC.

Mr. Burke: Ms. Horne has indicated that there are some concerns about sewer development. I am here to address those concerns. I have been asked what the County's role would be in the sewer operations in reference to mandatory hook-up, and their enforcement. A mandatory hook up of a failed system is intended and hopeful will work, the Russell County Health Department will be called by an individual informing them of a failed system in their area. The Inspector for the Health Department will be the person determining if it is a failed system. They in turn will inform the Building Inspector, who will let the resident know he will have to hook up to our system. A failed system is not one damaged by a truck or other things falling into the tank or running over the fill lines. A failed system is one that has sewage backed up or pooling on top of the ground.

Mrs. N. Elliott: Is this in the actual contract?

Mr. Burke: What we have submitted is a guideline for you to use. Russell County Subdivision Regulations will have to be changed to better define.

Mrs. N. Elliott: Are you saying the County Commission or Planning Commission.

Mr. Burke: The County Commission may approve the ordinance and how the county enforces the ordinance. We are not asking the county to give up any authority; we are not enforcers, only a utility system. The Building Inspector will have the authority.

Mrs. N. Elliott: I'm not asking what you intend to work. What did you place in your plan to work?

Mr. Burke: We presented was a failed system. I assume everybody knew what made a failed system .I'm only asking for those systems that would not perk or work properly. The Health Officer is the person who will decide what systems are failed and will pass it to the Building Inspector who will require the owner to connect to the sewage system. We are not telling you how to regulate only to accommodate with a mandatory connection for failed systems.

Mrs. N. Elliott: Mandatory means, it doesn't matter if I'm broke, under-privileged, only have a social security check, the system fails, there is no choice I hook up to your system.

Mr. Burke: If we are the closest system, yes that is the intent. I know it sounds strong, but we are a profit company same as AT& T or anyone else who provides utilities that are privately owned. The intent here has nothing to do with the profitability or wealth, but has to do with the health of people. If you have sewage running out on the ground and down the hill onto another person's property, that is a failed system and there are health issues.

Mrs. N. Elliott: I can't place another septic tank in, if that is the least expensive route. I have to hook up to your system if it is there. I have to pay \$6,000 for hook up.

Mr. Burke: I did not know at the last meeting that there was a policy in Baldwin County and our intent is to offer it here on a failed system it will be \$3,995 dollars to install.

Mrs. N. Elliott: If someone does not pay you your money, what will happen?

Mr. Burke: if you don't pay me, we will allow 2 months past due. When the bill is due for the second month and after the 10 day grace period, we will give you a letter or hang something on the door states if you do not pay us in 10 days you will be cut off. We are not looking for the County to collect. We may place a lien on the property, but it will be our responsibility not the County's. If we finance the system we place a UCC filing on the equipment used and if they don't pay we will take the

equipment. We finance up to 72 months and if a owner finances for 12 months there is no interest.

The next enforcement issue we need help with, is if someone buys a building permit and we are within a1000 feet of their building, require them to hook up to our service. That will be the responsibility of the Building Inspections Department.

Mr. Smith: If you cut off their sewerage, aren't you creating a health hazard?

Mr. Burke: No. We do not flush toilets. The Health Department may disagree, but that has been put to the test.

Mr. Smith: That's different from cutting off power. What do you do with those people? The Health Department gets involved?

Mr. Burrell: There two issues here: the cutting off of sewage is ADEM function, the failure of a septic system is the Health Departments function. We do have rules and regulations, that even now, if you meet the Health Department's criteria and your system can't be fixed or repaired, I do have the option to go to the courts and mandate that you do hook up to sewage. If there is sewage available, doesn't matter if it is private or public is a process in Health Department regulations for which we go thru. The court will decide.

Mrs. N. Elliott: I know I was not clear before. If I have no income, but have 10 acres of land that may be usable, I have to hook up to the system closes to my residence. Even if I have a neighbor who will install or repair a septic tank for free.

Mr. Burrell: The Health Department will make that determination. If she can repair it because she has 10 acres that will perk, she would be given a repair permit because it is not a failed system. It will not matter if the system runs to her front door.

Mr. Burke: The Planning Commission is in control of new subdivisions. I am requesting to place in your regulations mandatory hook up for new subdivision. The Engineer and Subdivision Coordinators will be the enforcement here. To make sure before plats are signed and approved they include hook up to the sewage systems.

Mrs. N. Elliott: Are there guideline to the amount of monthly sewage fees?

Mr. Burke: No. Also the document the County Commission has agreed to, does not give my company exclusive rights. Therefore there is nothing to keep the County or anyone else from going into the sewage business. Competition is good.

Mr. Batcheldor: If you install a system and it goes bad, do you repair it?

Mr. Burke: If we build a treatment facility we manage it and maintain it. Any finance source will make you put aside a certain amount of reserve to take care of your equipment. It is mandated in case of failure. We will bond to this county.

Mrs. N. Elliott: What if you have been here for three years and decide you are not making any money and decide to leave town.

Mr. Burke: In Baldwin County there was approximately 14 developments that created their own treatment plants and were installed for the purpose of a developer. A developer came in and was not concerned about the bottom line and never charged a tap fee. The system was foreclosed on by the City and therefore had to run it. It could not be shut down so the City hired someone to run it. The financial source will have to run it; they can not be shut down. Decentralize Systems were empowered by the State Legislature to regulate the rate of a decentralize system and there can not be debt on it. We will be mandated to raise rates if we fall under a certain income of debt coverage. If you owe \$10,000 and you only have income debt coverage of 1.2 to 1, then you have to have \$12,000. If you fall under that \$12,000 at the milestone of regulation, then rates have to be raised to compensate.

Question: What is to regulate your profit ratio?

Mr. Burke: There is no provision. Alabama is one state that does not regulate sewer.

Question: Does your rate structure compare to the rate structure of neighboring municipalities. The discrepancies or disparity between those two numbers would then encourage a property owner to annex in so they could have half of the sewer rates in place of connecting to your sewer system?

Mr. Burke: I can only talk about Baldwin County, because I don't know what is here. We are the highest priced utility in Baldwin County, but we also sewer 500 square miles of Baldwin County. Therefore, it cost us more to manage and maintain the system. Developers are the one that will make annexation decisions. Residents may annex in if they do not have proper police or fire protection as long as the County provides services that the City does there is no reason to annex to the city. It will cost more money to be in the city.

Mr. Burke: The flat rate for sewer service in Baldwin County is \$54.50 due to water companies who will not cooperate by letting the sewage systems use their meter reading. If the water companies would do so each customer could be charged only for their household use instead of a flat rate, which would be better for the customers. We are very willing to work with the water companies to make the rates better for the customers. If there are more questions make a note and give those to Ms. Horne or Mr. Adams and I will be happy to respond.

Larry Watts addressed the commission in reference to changes that would be brought on by implementing zoning ordinances. Commercial development will show a marked increase once sewer service is available. Further development increase can be expected in areas zoned commercial which in turn feeds the residential development. In the future you can expect to see a pattern of development along the main corridors coming into and out of the county. If plans are not put into place for the main corridor development by implementing zoning you could end up having development that fails to connect effectively.

Bill Friend stated the issue of zoning needs to be addressed again at the next public town hall meeting.

Chairman Adams stated if any one has a comment or suggestion they would like to share with Mr. Watts we will be meeting again on March 1.

The meeting was adjourned.