

Board of County Commissioners

Agenda Request

Date of Meeting: July 19, 2010

Date Submitted: July 2, 2010

To: Honorable Chairman and Members of the Board

From: Benjamin H. Pingree, County Administrator
Heather J. Encinosa, County Attorney

Subject: Request Board Approval to Conduct the Public Hearing and Adopt the Proposed Ordinance Authorizing Waiver of the Mandatory Connection Requirement and Extending the Sewer Connection Incentive Program; and Request Approval of the Proposed Resolution Ratifying Board Action Taken at the June 21, 2010 Board Meeting Waiving Mandatory Connection Requirement for Specified Properties

Statement of Issue:

Section 381.00655, Florida Statutes, and Section 2-3 of the County's Comprehensive Sewer Ordinance (No. 2009-09) require property owners to connect to an available publicly owned sewerage system within 365 days after written notification that the sewerage system is available for connection. Section 381.00655, Florida Statutes, allows for waiver of mandatory connection requirements if approved by the Florida Department of Health. This agenda item requests that the Board conduct the public hearing to consider and adopt the proposed Ordinance (Attachment #1) and seeks approval of the proposed Resolution (Attachment #2).

If approved, the attached Ordinance would authorize the County to waive the mandatory sewer connection requirements and provide an extension to the Sewer Connection Incentive Program until June 1, 2011.

The attached Resolution would ratify the Board's waiver of mandatory sewer connection requirements for specified properties with the approval of the Department of Health (see letter included as Attachment #3).

Background:

On April 21, 2009 the Board of County Commissioners enacted Ordinance No. 2009-09, the Wakulla County Comprehensive Sewer Ordinance, which established a consistent set of guidelines for the provision and extension of sewer service within the County. Section 2-3 of this ordinance implemented a state law requirement for mandatory connections to an available central sewer system, as provided in Section 381.00655, Florida Statutes. On September 8, 2009, Commissioner Mike Stewart received Board approval to develop and bring back a Sewer Connection Incentive Program to provide phased reductions in connection fees for those properties that connect to the County's central sewer system within certain prescribed time periods. This program was approved on October

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20, 2009 in Ordinance No. 2009-13, which amended section 4-4 of Ordinance 2009-09, and provided for a phased incentive which was comprised of reduced connection fees depending on the timeframe in which the property owner connected to the sewer system. Ordinance 2009-09 was further amended in Ordinance No. 2010-02, which modified provisions unrelated to the amendments contained in the Ordinance currently under consideration.

On or about January 1, 2010, the County provided the required written notification in accordance with Section 2-3(a)(1) of Ordinance No. 2009-09 to all property owners with available central sewer service, informing them that central sewer service was available and that they must connect thereto within 365 days. In order to encourage these properties to connect to the County's central sewer system on a more expeditious basis, the County structured a Sewer Connection Incentive Program with the following phased connection fee reductions:

(1) a property owner will pay 25% of the applicable Connection Fees set forth in subsection 4-4(b)(1) of Ordinance No. 2009-09 if they apply to connect to the County's central sewer system no later than July 1, 2010;

(2) a property owner will pay 50% of the applicable Connection Fees set forth in subsection 4-4(b)(1) of Ordinance No. 2009-09 if they apply to connect to the County's central sewer system no later than October 1, 2010; and

(3) a property owner will pay 75% of the applicable Connection Fees set forth in subsection 4-4(b)(1) of Ordinance No. 2009-09 if they apply to connect to the County's central sewer system no later than January 1, 2011.

On June 21, 2010, the Board approved extension of the above-stated connection fee reductions set forth in Ordinance No. 2009-13, beginning with January 1, 2011 for reduction stated in paragraph (1), April 1, 2011 for that stated in paragraph (2), and July 1, 2011 for the reduction stated in paragraph (3). In addition, the Board agreed to waive the mandatory connection requirement for specified properties; provided that if the on-site septic system on any of these properties fails, then the property owner would be required to connect.

Analysis:

The proposed Ordinance (Attachment #1) hereto authorizes the County to waive mandatory connection requirements upon approval of the Department of Health, so long as it is not contrary to the public interest and so long as any public health concerns have been considered. It further extends

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the deadline for obtaining a sewer connection fee reduction as an incentive for timely connection to the central sewer system.

This Ordinance was properly advertised for this July 19, 2010 public hearing in The Wakulla News, a newspaper of general circulation in the County on July 8, 2010 (Attachment #4).

The accompanying Resolution (Attachment #2) ratifies the action taken by the Board at its June 21, 2010 meeting, waiving such connection requirement for those properties identified in the attachment thereto, as approved by the Florida Department of Health (Attachment #3). The Department of Health failed to approve the waiver for those properties located in Mashas Sands, Live Oak Island, and Shell Point, and properties located in those areas will continue to be subject to the mandatory connection requirement.

Options

1. Conduct the Public Hearing and Adopt the Proposed Ordinance Authorizing Waiver of the Mandatory Connection Requirement and Extending the Sewer Connection Incentive Program; and Adopt the Proposed Resolution Ratifying Board Action taken at June 21, 2010 Board Meeting Waiving Mandatory Connection Requirement for Specified Properties.
2. Conduct the Public Hearing and do not adopt the Proposed Ordinance Authorizing Waiver of the Mandatory Connection Requirement and Extending the Sewer Connection Incentive Program; and do not adopt the Proposed Resolution Ratifying Board Action taken at June 21, 2010 Board Meeting Waiving Mandatory Connection Requirement for Specified Properties.
3. Board Direction.

Recommendation

Option #1

Attachments:

1. Proposed Ordinance Authorizing a Waiver of Mandatory Connection Requirement and Extending Sewer Connection Incentive Program.
2. Proposed Resolution Ratifying Board Action taken at June 21, 2010 Board meeting.
3. Letter from the Florida Department of Health approving waiver of mandatory connection requirement.
4. Wakulla News Proof of Publication.