



**Brunswick-Glynn County Joint Water and Sewer Commission**  
**1703 Gloucester Street, Brunswick GA 31520**  
**Thursday, November 10, 2016 at 4:00 pm**  
**Commission Chambers**

## **SPECIAL CALLED COMMISSION MEETING AGENDA**

**Call to Order**

**Invocation**

**Pledge**

### **PUBLIC COMMENT PERIOD**

*Public Comments will be limited to 3 minutes per speaker. Comments are to be limited to relevant information regarding your position and should avoid being repetitious. Individuals should sign in stating your name, address and the subject matter on which you wish to speak. Your cooperation in this process will be greatly appreciated.*

### **EXECUTIVE SESSION**

Litigation

### **APPROVAL**

- 1. Resolution of 2032 Litigation – C. Dorminy**

**Meeting Adjourned**



**Brunswick-Glynn County Joint  
Water and Sewer Commission  
1703 Gloucester Street  
Brunswick, GA 31520  
Thursday, November 10, 2016 at 4:00 PM**

**SPECIAL CALLED  
COMMISSION MINUTES**

**PRESENT:**           **Thomas A. Boland, Sr., Chairman  
Clifford Adams, Vice-Chairman  
Donald M. Elliott, Commissioner  
Ronald Perry, Commissioner  
John A. Cason, III, City Commissioner  
Allen Booker, County Commissioner**

**ABSENT:**           **Robert Bowen, Commissioner**

Chairman Boland called the meeting to order at 4:00 PM. Commissioner Booker provided the invocation and Commissioner Boland led the pledge.

Commissioner Adams made a motion seconded by Commissioner Cason to excuse Commissioner Bowen from the meeting. Motion approved 6-0-1 (Commissioner Bowen was absent for the vote).

**PUBLIC COMMENT PERIOD**

There being no citizens that wished to address the Commission, Chairman Boland closed the Public Comment Period.

**EXECUTIVE SESSION**

Commissioner Elliott made a motion seconded by Commissioner Cason to adjourn into Executive Session for Litigation. Motion approved 6-0-1 (Commissioner Bowen was absent for the vote).

Back in session.

Commissioner Perry made a motion seconded by Commissioner Booker to return to the Regular Special Called Meeting. Motion approved 6-0-1 (Commissioner Bowen was absent for the vote).

## APPROVAL

### 1. Resolution of 2032 Litigation – C. Dorminy

Charles Dorminy presented the agenda item to approve the 2032 Litigation. The memorandum was briefly read the background and stated the Frederica Development Group and Redus Frederica, LLC filed an action seeking Mandamus, not damages, against the JWSC to compel JWSC to issue taps and allow tie-ins immediately in the LS2032 basin. The Mandamus action essentially mirrored the injunctive relief Judge Wood declined to grant in the 2015 federal lawsuit against JWSC. JWSC denied that the Mandamus should be issued and still denies that it should be issued. Mr. Dorminy continued stating that for months prior to the lawsuit being filed, the JWSC worked with the Frederica developers to resolve the sewer capacity issues with LS2032 to attempt to avoid being an impediment to development while at the same time protecting the JWSC sewer system and the health and well-being of the citizens of Glynn County. Today the developers and JWSC were able to enter into an agreement in principle, subject to JWSC approval, that will resolve the Mandamus issues and resolve the lawsuit. This result is a culmination of months of hard work by JWSC staff in conjunction with the Frederica developers. The Consent and Final Judgment proposed provides that the developers will pre-pay their tap fees at the current rates and agree to delay their access to the system until dates certain of September 1, 2017. The pre-payment could be near \$300,000.00 and will provide capital to the JWSC to pay for the improvements being made at LS2032. The respective timelines agreed upon will provide the JWSC sufficient time to make the improvements before the developments or any houses are to the point in the construction process of needing access to the system. The improvements, once made to LS2032, should increase capacity at the station beyond the current demands. The recommended action is to approve the Consent Order and Final Judgment in the form presented.

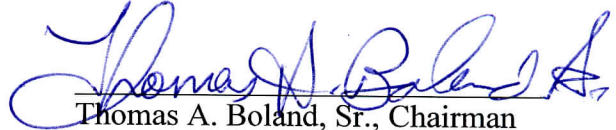
Commissioner Elliott made a motion second be Commissioner Perry to approve the Consent Order and Final Judgment in the form presented.

Commissioner Boland stated the project should be completed by July 15, 2017.

Motion approved 6-0-0 (Commissioner Bowen was absent for the vote).

Commissioner Cason made a motion seconded by Commissioner Adams to adjourn the Special Called Commission Meeting. Motion approved 6-0-1 (Commissioner Bowen was absent for the vote).

There being no additional business to bring before the Commission, Chairman Boland adjourned the open meeting at 4:39 P.M.

  
Thomas A. Boland, Sr., Chairman

Attest:

  
Sandra Egan, Clerk



# Brunswick-Glynn County Joint Water and Sewer Commission

## Memo

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**To:** Joint Water & Sewer Commission  
**From:** Chairman, Tom Boland  
**Date:** 10 November 2016  
**Re:** Frederica Case

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### **Background**

Frederica Development Group and Redus Frederica, LLC filed an action seeking Mandamus against the JWSC. The Mandamus action essentially mirrored the injunctive relief Judge Wood declined to grant in the 2015 federal lawsuit against JWSC that was ultimately dismissed by the plaintiffs just before hearings on the defendants' dispositive motions. The JWSC denied that the Mandamus should be issued.

For months prior to the lawsuit being filed, the JWSC worked with these developers, and others, to resolve the sewer capacity issues with LS2032 and attempt to find a way to avoid being an impediment to development while at the same time protecting the JWSC sewer system and the health and well-being of the citizens of Glynn County. Today, these developers and the JWSC were able to enter into an agreement in principle, subject to JWSC approval, that will resolve the Mandamus issues and resolve the lawsuits. This result is the culmination of months of hard work by JWSC staff in conjunction with these developers.

The Consent Order and Final Judgment proposed provides that the developers will pre-pay their tap fees at the current rates and will agree to delay their access to the system until dates certain. The pre-payment could be near \$300,000.00 and will provide capital to the JWSC to pay for the improvements being made at LS 2032. The respective timelines agreed upon will provide the JWSC time to make the improvements before the developments are to the point of needing access to the system. The improvements, once made, should increase capacity at the station beyond the current demands.

### **Recommended Action**

Approve the Consent Order and Final Judgment in the form presented.