

UTILITIES COMMISSION

May 8, 2007

7:30 p.m.

The Stafford County Utilities Commission met for its regular meeting on May 8, 2007, in the Board Chambers in the Stafford County Administration Center. Commission members present were Joyce Arndt, Richard Carroll, Juan Chaves, and Patricia Kurpiel. Bob Bos, Dale Allen, Nancy Collins and Cheryl Giles were present for the Utilities Department.

1. **Public Hearing – Mandatory Connections to Utilities** – Chairman, Juan Chaves informed the public that he would again have to abstain from voting; thereby causing a lack of a quorum being present to vote on the issue. Mr. Chaves apologized for the inconvenience and stated the public hearing would have to be continued to Thursday, May 10th in the Board Chambers at 7:30p.m.

Robert Berner of Garrett Development inquired if the Robert's Rules of Order would allow for the public hearing to be held, even though Mr. Chaves abstained from voting, since a quorum was present. After some research, it was determined that it would be more prudent to continue the public hearing. The public agreed with the recommendation.

2. **Public Presentations** – There were no public presentations.

3. **Approval of Minutes** - Minutes for the April 10, 2007 meeting were approved as written.

4. **Pump and Haul Request Stafford Regional Airport** – Dale provided a background report about the Stafford Regional Airport's request for Non-Residential Pump and Haul for a corporate hangar at space C-1 on the airport property. Dale explained this structure would be the fourth structure the airport has requested for pump and haul services and there are many additional structures planned for future improvements. Dale stated that staff recommends the Commission approve proposed resolution R07-181, which would recommend Non-Residential Pump and Haul for a corporate hangar at space C-1 at Stafford Regional Airport. Staff suggested that the Commission consider granting blanket approvals to add future improvements at Stafford Regional Airport so that they could be placed on the Board of Supervisors agenda without first seeking the approval of the Utilities Commission.

Juan Chaves stated he typically has a problem with blanket approvals, but understood it would not be unreasonable in this particular case.

Patricia Kurpiel made a motion to recommend approval of the proposed resolution R07-181 to the Board of Supervisors. The motion was seconded by Joyce Arndt and passed unanimously.

Patricia also made a motion to accept staff's recommendation to have the Board of Supervisors approve future improvements at Stafford Regional Airport without first seeking the Utilities Commission approval. The motion was seconded by Richard Carroll and passed unanimously.

5. **Neighborhood Projects** – Dale reported there are two neighborhood waterline projects that have been petitioned, but have not been acted upon. The projects are McCauley Lane and Walnut Drive. Dale provided background information, criteria, and reasons cited by the

petitioners for requesting both projects. Dale also provided information for where the connections of the proposed projects would be developed.

Patricia Kurpiel inquired if the petitioners' wells on McCauley Lane are deep or shallow. Dale responded they are deep. Patricia asked if the amounts that would be collected from McCauley Lane petitioners would be cost effective and pay for the entire project. Dale responded no, it would not pay for the entire project, which is the case for most neighborhood projects.

Juan Chaves asked if the projects were inside or outside the Urban Service Area. Dale responded both the projects are outside the Urban Service Area.

Richard Carroll inquired if the water had been tested by the County. Dale responded the water has not been tested by the County.

Joyce Arndt commented that since no health issues are involved, the projects do not meet the Neighborhood Projects criteria.

Joyce Arndt made a motion to table both projects until further development has occurred. Patricia Kurpiel seconded the motion and the motion passed unanimously.

6. **Friends of Stafford Creeks** – Patricia Kurpiel requested that this item be tabled until next meeting.

7. **Director's Report** – Bob Bos reported the following items:

- The Board of Supervisors authorized the public hearing for the water conservation policy. The public hearing would be held on June 5th.
- The Planning Commission would hold a public hearing for a conditional use permit for the Rocky Pen Run project on May 9, 2007.
- Construction for the Trails End Lane project had begun.
- A tour of Rocky Pen Run Reservoir is scheduled for the June meeting. Additional details would be provided prior to the next meeting.

8. **Commission Members Comments** – Patricia Kurpiel thanked staff for providing the by-laws and the Robert's Rules for the public hearing portion of the meeting.

Patricia Kurpiel made a motion that the meeting be continued at the May 10, 2007 public hearing. The motion was seconded by Richard Carroll and passed unanimously.

The Stafford County Utilities Commission reconvened for the public hearing for Mandatory Utilities Connections on May 10, 2007, in Board Chambers in the Stafford County Administration Center. Commission members present were Joyce Arndt, Richard Carroll, Juan Chaves, Lloyd Chittum, Bob Hunt and Patricia Kurpiel. Dale Allen, Nancy Collins, Fred Krebs and Cheryl Giles were present for the Utilities Department.

Public Hearing – Mandatory Connections to Utilities – Chairman, Juan Chaves opened the public hearing and asked for staff's presentation on the mandatory connections to water and sewer.

Dale Allen presented a background report about the mandatory connections to utilities. Dale provided information about Section 25-71(b) before December 13, 2005. Dale then explained the following problems with Section 25-71(b) after December 13, 2005:

- Subdividers or industrial sites inside the USA must use public water system
- Projects inside USA must also use public sewer system
- No grandfather or waiver provision
- The rule applies to subdivisions with unapproved preliminary plans and to all unapproved site plans.

The Board of Supervisors referred the issue to the Utilities Commission. As a result, two versions were drafted to address the changes to Section 25-71(b). The first version would grant an exemption to all projects that met the following criteria:

1. Water and/or sewer is not available to the property
2. The cost to bring water/and or sewer to the property is unreasonable prohibitive
3. The County has not identified to extend water and/or sewer to the property within the next 6 years.

The second version used the same criteria, but created a requirement to obtain a waiver from the Board of Supervisors.

At their April 10, 2007 meeting, the Commission voted to recommend a revision to version 2. The revisions were to revise the third requirement from 6 years to 3 years and to redesignate the Utilities Commission as the authorized agency to grant waivers. Dale then highlighted the eight projects impacted due to the changed Section 25-71(b). Since the April 10th meeting a new family subdivision was submitted that would not meet the October 30, 2006 submittal requirement. Dale provided the following staff recommendations:

- Consider further exemptions for family subdivisions
- Send to the Board of Supervisors for a public hearing

Following the presentation, Chairman, Juan Chaves opened the public hearing for statements from the public.

Public Presentations – Charlie Payne, representing Chris Stacy of Stacy Construction, stated that a correction for the Williams subdivision should be 13 lots instead of 7 lots. Mr. Payne addressed the unintended impact the December 13, 2005 change of the Section 25-71(b) had for his client, Mr. Stacy.

Ray Freeland of C. T. Park requested that documentation be drawn up stating there are no plans for water or sewer in the next three years for impacted projects. Mr. Freeland also inquired if the October 30, 2005 date covers all the impacted projects.

Robert Berner of Garrett Development commented he supports the ordinance as it is written and hopes the Commission recommends it to the Board of Supervisors for approval.

Don Batchelor of 117 England Run Lane expressed concern about the impact the ordinance would have for family subdivisions and requested the Commission exclude family subdivisions in the ordinance.

John Dixon of 235 Quarry Road also requested an exemption for family subdivisions.

Their being no more speakers, the Chairman closed the public hearing and turned control of the meeting to Vice Chairman, Bob Hunt.

Patricia Kurpiel commented the Commission should first decide if the existing ordinance should be amended and then decide if the Commission should grandfather the impacted projects that have been identified.

After some discussion, Lloyd Chittum made a motion to recommend approval of proposed ordinance O07-44 to the Board of Supervisors and to recommend the Board of Supervisors authorize a public hearing for proposed ordinance O07-44. The motion was seconded by Joyce Arndt. The motion passed with a 3-2 vote. Patricia Kurpiel and Joyce Arndt opposed the motion. Patricia Kurpiel opposed the motion because she wanted more definitive waiver criteria written into the ordinance. Joyce Arndt opposed the vote because she was dissatisfied with the waiver process. Juan Chaves abstained from the vote due to conflict of interest.

The public hearing was adjourned at 8:25 p.m.

Respectfully submitted,

Patricia Kurpiel
Recording Secretary