

**Stafford County Utilities Commission
Meeting Minutes**

January 17, 2017

A. CALL TO ORDER

Mr. Towery called to order the regular meeting of the Utilities Commission (UC) at the George L. Gordon, Jr. Government Center on January 17th, 2017 at 7:00 pm in the ABC Conference Room and asked Ms. Dyson to call the role.

B. ROLL CALL

Members present: Joyce Arndt, Bill Tignor, Mickey Kwiatkowski, Alan Glazman, DaBora Lovitt, and Mike Makee.

Members absent: The Hartwood seat is still vacant.

Staff present: Jason Towery, Dale Allen, Jason Pauley, Bryon Counsell, Julie Elliott, and Sylvia Dyson

Guests: Tommy Thompson (VDH), Curtis Moore (M&M Soil Consultants), and Alex McCallister (developer)

C. ELECTION OF OFFICERS

1. Election of Chairman

Mr. Tignor nominated Mr. Glazman, which was seconded by Ms. Arndt. Mr. Glazman was elected as Chair with a 5-0 vote. Mr. Glazman abstained.

2. Election of Vice-Chairman

Ms. Kwiatkowski nominated Mr. Tignor, which was seconded by Ms. Lovitt. Mr. Tignor was elected as Vice-Chair with a 6-0 vote.

3. Election of Secretary

Mr. Tignor nominated Mr. Makee, which was seconded by Mr. Glazman. Mr. Makee was elected as Secretary with a 6-0 vote.

D. APPROVAL OF MINUTES

November 15, 2016

Mr. Tignor made a motion to approve the minutes as written. The motion was seconded by Ms. Kwiatkowski. The motion passed 6-0.

E. PRESENTATIONS BY THE PUBLIC

There were no presentations by the public.

F. PUBLIC HEARING

1. Proposed draft Ordinance O17-09 regarding On-Site Sewage Disposal

Mr. Towery reiterated that the UC was to consider amendments to County Code Secs. 25-161, 25-162, 25-165, and 25-166. He explained that in 2008 three amendments (O08-05, O08-06, and O08-07) were made to the Code effecting the Subdivision as well as the Utilities Ordinances. He further elaborated that the amendments had set minimum area requirements for on-site sewage disposal systems (drainfields).

Mr. Towery stated that representatives from the development community had expressed concerns about the ordinances and how they affected the design of new drainfields as well as the ability to repair existing drainfields. He added that at the Board of Supervisors (BOS), at its December 13th, 2016 meeting, referred R16-366 to the UC to review the proposed amendments, which would change the standards to reflect the treatment capacity of the drainfields rather than surface area. Mr. Towery added that currently the minimum square footage for an alternative system was 2,500 square feet, and 4,000 square feet for conventional systems. He further explained that a minimum treatment capacity of 150 gallons per day, per bedroom was proposed for single family detached homes on individual lots, while community drainfields were proposed to have a minimum treatment capacity of 300 gallons per day, per dwelling unit, based on a peak flow basis.

Mr. Towery stated that the Planning Commission (PC), at their January 11th, 2017 public hearing, voted to recommend to the BOS that a minimum threshold of 360 gallons per day for community drainfields be considered, based on additional testimony given by local Department of Health (VDH).

Furthermore, Mr. Towery explained, the amendment would eliminate the acceptance of VDH conditional permits. He explained that conditional permits were used to circumvent VDH minimum standards and allow for deed restrictions to be placed on a property in order to reduce design requirements, such as limiting to a certain number of occupants or requiring that a residence be required to be served by low flow fixtures for the life of the property. Mr. Towery stated that Stafford County as well as VDH did not have reasonable means to enforce the restrictions. The proposed amendments would further provide relief for failed systems, or systems in need of repair or upgrades, by allowing property owners to request waivers for off-site easements to gain additional drainfield capacity, according to Mr. Towery. Further, minor updates were also proposed, such as more clear definitions for community drainfields, change to burial depth and separation thresholds for disposal fields required to disperse secondary, pretreated affluent. Mr. Towery stated that staff shared the draft amendment with the Fredericksburg Area Builders Association (FABA), Local Alternative On-site Engineers (AOSE), and VDH for their review and comment. Mr. Towery felt that overall, the development community was in favor of the proposed amendments.

Mr. Towery stated that Stafford County's surface area requirements were additional requirements beyond state standards and in some cases were even in conflict with state requirements. He explained that state code provisions limited the County's ability to adopt more restrictive standards for drainfield systems, specifically Sec. 32.1-164, which stipulated that the State Board of Health "shall govern the collection, conveyance, transportation, treatment, and disposal of sewage by on-site sewage systems and alternative discharging systems, and the maintenance inspection and reuse of alternative on-site

sewage systems.” He further explained that the statute did not delegate any authority to localities to establish additional standards. Mr. Towery pointed out the opinion from the Attorney General’s Office which was included in the packet, which furthermore confirmed previously mentioned findings regarding additional restrictions.

Mr. Towery stated that, due to the current County Ordinance being out of date, staff recommended approval of proposed Ordinance O17-09. He added that a public hearing was tentatively scheduled with the BOS on February 21st, 2017 to consider the UC’s recommendations.

Mr. Tignor inquired whether the proposed amendment was essentially repealing the 2008 changes and bringing Stafford County into compliance with state regulations. Mr. Towery confirmed.

Mr. Makee asked if Stafford County was allowed to prohibit conditional permits from VDH. Mr. Towery replied that in talking with the County Attorney, it was staff’s understanding that Stafford County could. Mr. Glazman inquired whether there were other localities who did not accept the conditional permits. Mr. Towery was not aware of any. He added that Stafford County’s Code was more developed than other localities’.

Ms. Kwiatkowski inquired as to why the PC decided to recommend 360 gallons vs. 300 gallons. Mr. Towery referred to Mr. Thompson. Mr. Thompson stated that VDH did not feel 300 gallons were sufficient and was more comfortable with 360 gallons.

Mr. Thompson asked to speak on the matter of the conditional permits previously mentioned. He explained that state regulations allowed for the conditional permits, however VDH had no way of restricting the number of occupants in a dwelling, and felt that it was a fault with the state regulations to allow the permits. Mr. Thompson stated that VDH was very much in favor of prohibiting conditional permits.

Mr. Makee was concerned that prohibiting the conditional permits would put Stafford back in violation. Mr. Towery reiterated that since no additional requirements were being added, the County Attorney was comfortable with this change.

Mr. Tignor inquired whether Stafford County had ever been legally challenged due to its more restrictive regulations. Mr. Towery stated that to his knowledge it had not.

Mr. Makee asked if reserve drainfields would be affected by the removing the size requirements. Mr. Towery explained that the reserve requirement would remain 100% capacity. He further pointed out that the current code did not allow for conventional drainfields to use an alternative reserve, or vice versa, which would be possible once the size requirement was removed.

Ms. Arndt expressed her concern with the off-site drainfield easements and felt it was likely that this would create issues. Mr. Towery stated that in cases where a boundary line adjustment was not possible to increase the lot size in order to accommodate the drainfield expansion, the easement would be the only other option. He added that a waiver process would be put in place which would require confirmation from an AOSE that the soils were no longer proper for a drainfield, and staff would have to make sure that a boundary line adjustment could not occur. He added that it would serve as a last resort to prevent a home from having to go to a pump and haul situation. Ms. Kwiatkowski added that the easement would be recorded and was a legal document.

Mr. Glazman felt that there would not be a legal issue and that it was just a matter of re-drawing the property lines. Mr. Towery clarified for the Commission that with an easement the shape of the properties would not change, but there would be a plat showing the easement along with a deed which would record the rights granted to the person purchasing the easement. Mr. Counsell added that this may be the only option in order to allow a house to remain occupied if it would otherwise have to be condemned.

Mr. Glazman inquired whether anyone had taken advantage of the easement option before. Mr. Moore stated that the code currently did not allow off-site easements. Mr. Thompson stated that VDH was very much in favor of the off-site easements.

Mr. Makee inquired if allowing the easements could potentially benefit current pump and haul customers. Mr. Towery stated that he was not familiar with each pump and haul situation, but he felt it was likely that some could benefit. Mr. Allen added that it was very possible, however hadn't been evaluated due to how the code was currently written. He too felt, that it might be a solution for some of the pump and haul customers.

Mr. Towery asked if there were any questions from the public.

Mr. McCallister introduced himself as a member of the development community. He stated that his understanding that the amendments were supposed to bring Stafford County back into compliance with state code. He felt that if state code did not provide a minimum square footage for community drainfields, adding the 300 or 360 gallon minimum to the Stafford County Code would mean that Stafford County was once again not in compliance.

Mr. Moore stated that with community drainfields the flow was typically a lot less on an average home basis, because there were 50 to 100 homes on one system which was comparable to a County water and sewer setup. He added that when setting up a community drainfield, developers were looking at the accumulation of flow data and that number tended to be somewhere between 250 and 325 for a regular, 4-bedroom single family home. Mr. Moore stated that before proposing such drainfield, they would have to sit down with the Health Department and provide water flow data that might be available from similar developments. He explained that essentially there would be a conversation about what would be sound engineering practice for the given situation.

Mr. Glazman asked if Mr. Moore knew what the requirements for community drainfields were in Spotsylvania. Mr. Moore responded that other than 100% reserve, there were no other requirements. He added that Spotsylvania had not really embraced the concept of community drainfields yet, but were getting ready to look at their first one for a townhome development at Lake Anna. Typically, Mr. Moore stated, community drainfields could likely be found in second homeowners and retiree communities.

Mr. Makee understood that the minimum would be potentially less for a community drainfield, than for a single family home. He did not understand why, since the developer knew the numbers of bedrooms that would go into the development.

Mr. Towery stated that homeowners would get benefits from there being multiple homes in terms of the overall gallons. Mr. Makee felt that this would put private homeowners at a disadvantage compared to developers.

Mr. Moore clarified that the cost for a community drainfield was anywhere between 1.5 to 2.5 million dollars, which is why there weren't very many out there. Mr. McCallister added that a conventional drainfield ran about 10,000 - 15,000 dollars install, compared to 25,000 dollars per lot for a community drain field.

Mr. Towery stated that even if a minimum was established for community drainfields, each drainfield would still be subject to review from VDH and may end up being larger than required.

Mr. Glazman asked for clarification what the Commission would be voting on. Mr. Towery explained that the UC could accept the package as is and send it forward to the Board of Supervisors, or the Commission could make other recommendations.

Mr. Tignor felt that according to the Attorney General's opinion, it was not permissible for Stafford County to add a minimum threshold.

Mr. Tignor made a motion to refer the package as is to the BOS. Ms. Arndt seconded the motion. The motion passed 6-0.

G. REPORTS BY COMMISSION MEMBERS

There were no reports.

H. DIRECTOR'S REPORT

Mr. Towery updated the Commission on current items that were scheduled to go to the January 24, 2017 BOS meeting.

The following items were on the agenda:

- A request for public hearings for two lease agreements for cell towers on the Moncure as well as the Ferry Road water tank. Public hearing likely to take place on February 21st, 2017.
- Execution of a contract for the construction of the Ebenezer Church pump station replacement. (lowest bid just over 1 million dollars)
- A request for a public hearing to vacate a portion of a sanitary sewer easement.
- Authorizing a low pressure sewer system on tax map parcel no. 30-144C.
- Authorize condemnation and quick take powers to acquire a permanent water-sanitary sewer easement as part of the Truslow Road neighborhood project.

Update on neighborhood projects

- Truslow Road Neighborhood Project:
Easement acquisition still in progress
- 3 additional projects:
Snellings Lane (see new business), Cedar Lane (see new business), and Mt. Olive Road large water extension project:

37 applications for water extension have been received for Mt. Olive, due to well issues. Currently there are no funds allocated in the CIP for large water extension projects (projects over \$500,000). Project would have to be approved by the BOS. The UC will have to make recommendations to the Board of Supervisors. Staff will present preliminary cost estimate and analysis at the February UC meeting.

Pump and Haul update

- Final report delayed due to consultant's illness.
- Two temporary customers have been connected to Ethel Lane sewer line.

Master Plan Update

- Staff working with O'Brien and Gere to analyze data received from Planning Department.

December Operations and Customer Service Update

- Number of Active Accounts is up about 2% since previous year
- Lake Mooney and Smith Lake have treated 1.697 billion gallons of water since July 1st
- Little Falls and Aquia Waste Water Treatment Plants have treated 1.455 billion gallons of water since July 1st

Construction Project Update

- Celebrate Virginia Water Tank – completion delayed due to contractor related issues, expected completion in February or sooner
- 342 Phase II Waterline – Construction complete
- Courthouse Water Tank, Butler Road Force Main, Falls Run I-95 Crossing, and Centreport Sewer Extension have been issued NTP and are expected to begin in short order
- Currently awaiting bids on the Claiborne Run Sewer Interceptor Replacement

Personnel Changes

- Dale Allen will be retiring end of January
- Two offers have been extended for Construction Project Coordinator and Engineering Manager
- Jason Pauley, new Assistant Director of Operations

Overbillings and Returned Funds

- Three commercial customers were incorrectly billed due to malfunctioning meters.
- Funds have been returned to the customers.

I. NEW BUSINESS

1. Snellings Lane Neighborhood Sewer Project

According to Mr. Allen, eleven applications for sewer extension had been received. Mr. Allen explained that the proposed neighborhood project would extend along a short portion of Truslow Road and along Snellings Lane, discharging to an existing manhole on the Falls Run Interceptor sewer. He added that the total length was approximately 2,700 feet and the estimated construction cost was \$400,000. Under consideration of all evaluation criteria as per Resolution R04-217, staff recommended approval, pending availability of funds.

Mr. Tignor inquired how sewer only customers would be metered. Mr. Allen explained that they would be billed based on the average sewer demand since there was no way to measure the sewer flow.

Mr. Kwiatkowski asked if the applicants had already paid the 500 dollar fee. Mr. Allen explained that payment of the fee was not due until construction and was not a requirement for approval of the project.

Mr. Tignor made a motion to approve a public hearing for this project. Ms. Kwiatkowski seconded the motion. The motion passed 6-0.

2. Cedar Lane Neighborhood Water Project

Mr. Allen stated that nine applications for water extension had been received. He further stated that the proposed neighborhood project would extend along a short portion of Courthouse Road and along Cedar Lane with a total length of approximately 3,170 feet and an estimated construction cost of \$250,000. Mr. Allen added that the portion along Courthouse Road was tied up with VDOT and the 630 widening project.

Mr. Allen pointed out that this was the second submission from property owners on Cedar Lane and that the first submission was turned down as it was not economical at that point, due to the fact that they could not be served from existing water lines. He stated that since water had been extended as part of the Embrey Mill development, it would now be possible.

Under consideration of all evaluation criteria as per Resolution R04-217, staff recommended approval, pending availability of funds.

Mr. Tignor inquired about the length of the extension along Cedar Lane and how many fire hydrants would be put in place along the extension. Mr. Allen estimated about 800 feet and roughly 5-6 hydrants.

Mr. Glazman asked if others could connect to the water line once it was established and whether it was optional to connect once it became available. Mr. Allen affirmed that the line would become public water and would be available to anyone. He further explained that connecting to the line would only become mandatory, if the property owner experienced a well failure and was within 300 feet of the line.

Mr. Makee inquired how the County prioritized the different projects. Mr. Allen explained that it was ultimately up to the UC and BOS. Mr. Towery added that most of the funds were currently already spoken for.

Mr. Glazman asked if staff could provide some type of criteria to help evaluate the projects. Mr. Towery stated that staff had not developed any specific criteria, other than level of severity of health risks. Mr. Allen added that staff would make recommendations.

Ms. Kwiatkowski made a motion to authorize a public hearing for this project. Mr. Makee seconded the motion. The motion passed 6-0.

3. Low Pressure Sewer System (LPSS) TM 30-144C – Resolution R17-36

Mr. Allen explained that the owner was in the process of selling the parcel, but the buyer requested the seller seek approval for a reliable sewer system first. He added that County Code required a parcel be connected to public water and sewer. Mr. Allen pointed out that water was available for this parcel on Hope Road, but there was not a gravity sewer system available, requiring the sewer to be pumped to the nearest line at Willow Park.

Mr. Allen stated that construction would be solely at the property owner's expense, and he would also have to maintain a service contract for the grinder pump system.

Staff recommended approval of the LPSS for this parcel.

Mr. Tignor inquired if the LPSS was backed up by a generator. Mr. Allen explained that a backup power source was required, which would likely be a generator.

Mr. Makee asked if the parcel could be subdivided. Mr. Allen stated that the purpose for this application was to be able to subdivide the parcel and develop it as a residential subdivision.

Mr. Glazman asked what the cost would be for the County. Mr. Allen explained that there was no cost to the County other than maintenance of the line.

Ms. Kwiatkowski made a motion to approve the LPSS. The motion was seconded by Mr. Tignor. The motion passed 6-0.

J. ADJOURNMENT

Mr. Tignor made a motion to adjourn, which was seconded by Mr. Makee. The motion passed 6-0.

There being no further business, Mr. Glazman adjourned the meeting at 8:37 PM.

Minutes submitted by,



Michael Makee,
Recording Secretary