

**Stafford County Utilities Commission
Meeting Minutes**

November 15, 2016

A. Call to order

Chairman Joyce Arndt called to order the regular meeting of the Utilities Commission (UC) at the George L. Gordon, Jr. Government Center on October 11, 2016 at 7:00 pm in the ABC Conference Room.

B. Roll call

Sylvia Dyson conducted a roll call. The following persons were present:

Members Present: Joyce Arndt, Bill Tignor, Mickey Kwiatkowski, Alan Glazman, and DaBora Lovitt

Members Absent: Mark Makee. Hartwood District seat is vacant.

Staff Present: Jason Towery, Julie Elliott, and Sylvia Dyson

Guests: Curtis Moore, Danny Hatch, and Alex McCallister

C. Public Presentations

There were no public presentations.

D. Approval of Minutes

Mr. Tignor made a motion to approve the October 11, 2016 minutes as written. Ms. Kwiatkowski seconded. The motion passed 5-0.

E. Commission Members' Comments

Ms. Kwiatkowski thanked staff for providing information on the collections process.

Mr. Tignor stated that since the discussion regarding water supply issues at the last meeting he had been looking more into the issue and had learned, that there was surprisingly little regulation. He felt that the County should make future home owners aware of potential issues when building outside of the urban service areas (USA). He understood that this was beyond the scope of what the UC was able to do, but was hoping the County could do something. Mr. Tignor added that he was not criticizing the well diggers.

Mr. Glazman inquired if any permits were required for digging wells.

Mr. Towery affirmed that there were, and that the permits were regulated by the Virginia Department of Health (VDH). He added that in Stafford County the problems tended to occur in the piedmont area. He further agreed with Mr. Tignor, that sometimes digging wells was a shot in the dark. He did however feel that there were a lot of experienced well diggers who generally had a sense of whether a well would work or not.

Mr. Towery stated that the Board of Supervisors (BOS) authorized a ground water study for the piedmont region at its November 4th meeting. He added that a study had been done in 2004 for the entire County.

Mr. Tignor reiterated that his main concern was that people were taking water for granted and were not aware of the potential issues.

F. Director's Report

Mr. Towery summarized that there were a total of four items going to the November 22nd BOS meeting to include 1) a contract for the construction of the Courthouse water storage tank, 2) a contract for the Butler Road force main repair, 3) authorizing a public hearing to consider the condemnation of two properties to acquire water-sanitary sewer easements, and 4) a contract for the construction of the Falls Run/I-95 interceptor crossing.

Mr. Towery added that the Falls Run/I-95 consisted of a 48" inch casing which would be placed underneath I-95 near the Route 17/I-95 intersection to replace the current, failing crossing and provide additional capacity. He stated that a 36" pipe would connect to the Falls Run sewer interceptor and prepare the interceptor line for phase II of the extension which was included in the 2018/2019 CIP.

Mr. Towery explained that item 3 was in regards to the Truslow Road neighborhood sewer extension project. He added that staff had been unable to obtain easements on two of the properties, in spite of the County's reasonable offers to the property owners. He stated that at this point the County was considering condemning the two subject properties in order to obtain the two remaining easements which were needed to continue with the project. Staff was hoping to get a public hearing in January 2017.

Mr. Tignor inquired about the location of the Butler Road line once it passed the railroad tracks. Mr. Towery explained that the main came up at Saint Clair Brooks Park and ran alongside Butler Road down to Wawa, where it took a 45 degree turn and went underneath Butler Road, dumping into the Claiborne Run Interceptor. He added that the Claiborne Run Interceptor followed the rail road tracks down to the Claiborne pump station at the intersection of Cool Springs Road and Route 3.

Mr. Tower proceeded to give an update on neighborhood projects, explaining that Truslow Road Sewer Project affected 37 parcels along Truslow Road with 15 current participants. He added that the project consisted of about 2,800 feet of new gravity sewer as well as 32 laterals. Mr. Towery was hoping to advertise for bids in January or early February.

Mr. Tignor inquired if there was potential for additional properties to hook into the line. Mr. Towery affirmed and added that there was a local developer who was interested in a small rezoning in that area with another 10 – 15 homes which would also tie in.

Regarding the Pump and Haul program, Mr. Towery stated that the consultant was still working on the final report. So far, five sites with generally approved alternative onsite septic systems have been identified by the consultant, according to Mr. Towery, and that there were three more sites which potentially met the alternative surface discharge regulations without requiring easements from VDH. Mr. Towery reiterated that they identified a total of 8 out of

22 properties on the pump and haul program, which they were confident could come off the program. He added that 200,000 dollars have already been budgeted for that purpose.

Regarding the Master Plan Update, Mr. Towery stated that the final numbers had been received two weeks ago and that O'Brien and Gere would begin analyzing the data. Mr. Towery estimated about three to six months of data analysis before a first draft would be provided.

Mr. Towery gave the Commission an update on some of the aspects of Operations and Customer Service. He mentioned that currently the daily water demand was 7.77 million gallons per day, which was below last month's. He further stated that Lake Mooney and Smith Lake had treated 1.212 billion gallons of water since July 1st, and the waste water treatment plants had treated 981 million gallons of water. Mr. Towery concluded his operations update by informing the Commission that the operations crew had cleaned 22,104 LF of sewer main and inspected another 9,762 in October.

Regarding the current construction projects, Mr. Towery stated that the Celebrate Virginia Water Tank was nearing completion. He stated that 342 Phase II Waterline was complete, however there were still some problems, in particular a leak in the line. He further stated that the bids for Courthouse Tank, I-95 Falls Run, and Butler Road Force Main repair had been received and was hoping to proceed in December. Mr. Towery added that staff was currently awaiting bids on the Airport Business Center sewer extension.

Regarding personnel changes, Mr. Towery informed the Commission that Ms. Spencer resigned from her position and took a position in Alexandria. He added that Jason Pauley, former Landfill Superintendent, had stepped in as the acting Assistant Director of Operations. Mr. Towery further stated that Dale Allen had announced his upcoming retirement at the end of January, and that staff was working on filling the position.

G. Unfinished Business

There was no unfinished business.

H. New Business

1. December Meeting Schedule

The Commission decided to hold the December meeting on December 12th, 2016.

2. Proposed draft Ordinance regarding on-site sewage disposal

Mr. Towery stated that staff was suggesting changes to Chapters 22 and 25 of the County Code in regards to on-site sewage disposal. He explained that staff had been approached by the development community, because Stafford County Code was more stringent than State Code. According to Mr. Towery, staff had been coordinating with VDH and the development community over the past six month to come up with the suggested changes.

According to Mr. Towery, the Board decided at their October 18th meeting to refer to the Planning Commission (PC) as well as the UC the suggested changes to chapter 22 and 25

for review. Mr. Towery pointed out that the document provided to the UC only showed the suggested changes, and not the complete ordinance.

Mr. Towery reiterated that in 2008 the BOS passed an ordinance which required all on-site sewage disposal to meet the following criteria:

- Minimum primary disposal area of 4,000 sqf for conventional
- Minimum reserve drain field of 4,000 sqf for conventional
- Minimum primary disposal area of 2,500 sqf for alternative
- Minimum reserve drain field of 2,500 sqf for alternative
- No alternative reserve drainfields for conventional drainfields and vice versa

Mr. Towery highlighted some of the suggested changes:

- Reducing the minimum primary disposal area from 4,000 sqf to 2,500 sqf
- Add a minimum design capacity of 400 gallons per day, per dwelling unit

Mr. Towery pointed out that the County Code ultimately referred back to the State Code and was simply supplemental to the State Code.

Mr. Towery stated that since the ordinance changes had been introduced to the BOS, VDH has expressed that they felt 400 gallons per day was not a good number, as the State required 150 gallons per day, per bedroom. He explained that there was however a waiver process based on certain conditions which allowed for fewer gallons per day. Mr. Towery added that there has been some discussion on whether or not the County wanted to implement the 150 gallons per day per bedroom, however with no conditional uses on new construction.

Mr. Tignor inquired why the County Code was more stringent than State Code. Mr. Towery explained that there had been a number of failures that had occurred in 2004/2006, which is why the local health department felt County Code was not adequate which ultimately resulted in more stringent regulations.

Mr. Tignor was curious if the Health Department had a change of heart. Mr. Towery explained that the Health Department was open to the lower threshold.

Mr. Towery stated that staff would like to hold a public hearing at the next UC meeting.

Mr. Tignor felt that on-site sewage disposal was the State's business and not the County's. He felt that since Stafford implemented more stringent standards, it became Stafford's responsibility to enforce it. Mr. Towery explained that the intent was to help out the local Health Department, by providing a minimum threshold.

Ms. Arndt felt there needed to be some basic guidance for the person putting in a drainfield.

Mr. Towery stated that Section 22 of the Subdivision Ordinance, which was being looked at by the PC, provided for a general area for a primary and reserve drainfield when creating or subdividing a lot outside of the USA. He added that Chapter 25 focused on the design minimums, but also provided relief for existing homes with failing systems.

Mr. Tignor inquired whether some of the neighboring jurisdictions also had more restrictive regulations? Mr. Towery stated that Fauquier did.

Mr. Towery asked if Mr. Curtis and Mr. Hatch wanted to speak on the subject. Mr. Moore stated both, he and Mr. Hatch, had been soil scientists since 1992 and had lived through the evolution of the Stafford County Code. Mr. Moore explained that the change in ordinance really had no advantages for them, however they still supported the change. He proceeded to explain that it was really existing property owners who had been suffering through the 2008 Ordinance, to the point where it lowered the property value in some cases. He added that he and Mr. Hatch helped craft the current proposed changes. Mr. Curtis further stated that Virginia was the most conservative state on the east coast regarding drainfield size. He pointed out that back in 2007/2008 there was no comprehensive state wide operation and maintenance program for alternative systems, which would have required for an alternative systems to be serviced at least once a year to make sure it was operating properly.

Mr. Tignor inquired whether the pump out every 5 years was a local requirement. Mr. Curtis affirmed. Mr. Tignor was curious if the surrounding counties had that requirement as well. Mr. Curtis explained that all Bay-Act counties had different levels of enforcement. He added that it was different with alternative systems, since that was part of the permitting process and yearly inspections.

Mr. Hatch added that Virginia now required the yearly inspections, however the Health Department was not yet enforcing it 100%. He did however look at it as a move in the right direction. He further stated since a licensed service provider would look at the system every year, the tanks would be pumped and serviced as needed.

Mr. Hatch went back to Ms. Arndt's statement regarding the need for basic guidelines, and explained that there were prescriptive guidelines from the Health Department, as well as performance based guidelines. He explained that rather than looking at minimum square footage, they looked at how much water the soil could take, in other words if the soil perked or not.

Mr. Curtis added that there were also minimums which were based on soil perk rates. He further explained that picking an arbitrary square footage, was hurting people with good soils, since they could otherwise use a smaller drainfield.

Ms. Arndt felt that it would make sense for the County to adopt the State regulations.

Mr. Towery reiterated that the Health Department asked the County back in 2008 to consider minimum thresholds, which resulted in the 4,000 sqf minimum. He added that the intent of the proposed changes was also to protect homeowners from being taken advantage off.

Mr. Glazman was curious what data warranted the more stringent regulations, and whether other localities, that were following state code only, were running into any issues. Mr. Towery replied that he did not have any data on other localities.

Ms. Kwiatkowski asked who would be benefitting from the more stringent regulations. Mr. Moore stated that it would, in a lot of cases, benefit the homeowner. He added that

that was the primary reason why he was in support of the changes. He stated that he had seen many cases where a person bought a property and decided to put a 5 bedroom rather than a 3 bedroom, which would have been required by the square footage. Mr. Moore stated he had to tell homeowners many times, that because of Stafford County's regulations, it wouldn't be possible. Ms. Kwiatkowski felt that it was the homebuilder's responsibility to find out whether the land perked for the amount of bedrooms. Mr. Moore added that in a lot of cases people bought a piece of property that had a perk test done on it, but they did not understand the difference between a normal and an alternative system.

Mr. Moore stated that within the last eight or nine years the ordinance has caused some bad house sites, some lot lines to be moved around, as well as properties being pushed closer to wetlands to be able to meet the square footage requirements.

Mr. Hatch followed up on Mr. Moore's statement and stated that alternative drainfields were recorded in the deed, since it was now required by law. He added that the size of the installed drainfield would still be dictated by VDH regulations. He explained that if one was required to have 25 x 100 feet, but the soils allowed for a 18 x 100 feet, then that's what would be installed, wasting the remaining square footage.

Mr. McCallister introduced himself as a member of the development community who developed properties in eight different counties. He stated that the development community felt that 2,500 sqf were reasonable compared to the 800 sqf required by State Code. Mr. McCallister further pointed out that since the 4,000 sqf requirement for conventional drainfields was being reduced, so should the square footage for the alternatives, which was currently 2,500 sqf.

Mr. Kwiatkowski agreed that there was a huge difference between the State's requirement and Stafford's. Mr. Hatch explained that there was a bit of a disconnect between State and Stafford Code, and added that the 800 square foot requirement would only allow for a 2-bedroom dwelling.

Mr. Hatch stated that the current ordinance mostly put owners with little money at a disadvantage, since they still had to put in the larger drainfield, even if they could do with a smaller one.

Ms. Arndt reiterated that the requirement should be capacity based, rather than the size of the drainfield.

Mr. Towery agreed, and explained that that was what the proposed changes were geared towards. He added that the proposed changes also included community drainfields. Mr. Towery stated that the suggestion for the community drainfields was 2,500 square minimum with 400 gallons per day, per dwelling unit. Over the last few week however, Mr. Towery stated, there had been discussion that 300 gallons would suffice, and asked the Commission to consider.

Ms. Kwiatkowski inquired when the PC would be holding their meeting. Mr. Towery stated it was on December 14th, 2016.

Mr. Towery offered to create a comparison of the suggested changes versus current regulations to make it a little easier for the Commission. Mr. Tignor felt it would be helpful.

Mr. Glazman inquired what the urgency was for the Commission's recommendations. Mr. Towery stated that there was not a particular urgency since the BOS did not set a date by which recommendations would have to be provided.

Mr. Glazman felt that he did not fully understand the proposed changes at this point and would require some more time to look into it. Ms. Kwiatkowski agreed.

Mr. Tignor still felt that these regulations were the State's responsibility, and Stafford shouldn't have to do the State's job. Mr. Glazman understood that Stafford felt that the State Code was inadequate.

Ms. Kwiatkowski felt that since the PC was allotted 90 days for review, the UC should as well. Mr. Towery replied that the PC requested additional time, which was denied by the Board.

Mr. Glazman inquired what the rationale was behind the proposed changes, or why the Board felt it was necessary. Mr. Towery stated that the Board would like to allow for more flexibility.

Ms. Arndt asked for a motion to have another discussion on this item, before holding a public hearing. Mr. Towery stated that there was not a requirement for the UC to vote to hold a public hearing. Also he pointed out that by not holding a public hearing in December, the public hearing would have to wait till February, due to the requirement of an organizational meeting in January. The Commission felt that the organizational part of January's meeting would not take up very much time and would still allow for a public hearing afterwards.

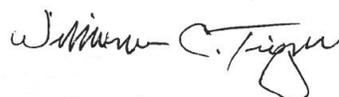
Mr. Towery suggested for staff to go back and look up the requirements for the January meeting, and since there was not requirement to vote on a public hearing in December, the public hearing could still be held in December, if it needed to be. Mr. Towery stated he would also follow up on the time sensitivity regarding the Commission's recommendations.

I. Adjournment

Mr. Glazman made a motion to adjourn, which was seconded by Mr. Tignor. The motion passed 5-0.

There being no further business, Ms. Arndt adjourned the meeting at 8:30 PM.

Minutes submitted by,



William C. Tignor,
Recording Secretary