

Stafford County Utilities Commission

APPROVED Meeting Minutes – September 10, 2019

Board of Supervisors Chambers
1300 Courthouse Road
Stafford, VA 22554

I. Call to Order

Vice Chairman, Mr. Bill Tignor, called the meeting to order at 7:00 p.m. Mr. Tignor welcomed Mr. Bryon Counsell, Public Works Deputy Director, who filled in for Public Works Director, Mr. Jason Towery, who was out of town attending a conference.

II. Roll Call

Members Present: Joyce Arndt, Moses Boulden Sr., Kenton Carson, Alan Glazeman, Mickey Kwiatkowski, William Tignor – Michael Makee arrived at 7:05 p.m.

Staff Present: Bryon Counsell, Trenton Funkhouser, Chris Edwards, Briana Hairfield

III. Approval of Minutes of the July 9, 2019 Utilities Commission meeting

Mr. Tignor motioned, seconded by Ms. Kwiatkowski, to approve the minutes of the 7/9/19 meeting. Mr. Tignor's motion was voted affirmatively 3 – 0 by those members present at the July 9, 2019 meeting. The remaining six members who were not present on July 9, 2019 abstained from voting.

IV. Presentations by the Public

There were no presentations by the public.

V. Presentations by Commission Members

There were no presentations by Commission members.

VI. Director's Report

Mr. Counsell introduced Mr. Chris Edwards, the newly hired Deputy Director of Operations, noting that Mr. Edwards is a licensed Professional Engineer with over twenty years of professional experience. Prior to coming to Stafford County, he was Deputy Director of Engineering for the Spotsylvania County Utilities Department where he oversaw the Engineering, Water Treatment, and Laboratory Divisions. He has also worked for VDOT and in the private sector. Chris holds a BS from James Madison University and a MS in Civil Engineering from George Mason University. Mr. Edwards said that he was very excited to be working in Stafford County.

Next Mr. Counsell introduced Ms. Briana Hairfield, the newly hired Public Works Public Information Officer. Briana Hairfield recently joined the Public Works team and prior to coming to Stafford County, she was the Public Involvement & Title VI Director at the Fredericksburg Area Metropolitan Planning Organization (FAMPO). Briana has spent nearly a decade working in marketing and communications for several Fredericksburg region organizations, and is looking forward to bringing her expertise and experience to us. Ms. Hairfield thanked the Utilities Commission for welcoming her and spoke about her role as the point of contact for planned and unforeseen events and said she was excited to be working as part of the Stafford County Public Works team.

Mr. Counsell spoke about increased water usage due to the lack of rain compared to 2018. He noted that water and sewer accounts were up 2.7% year-to-date and the August 2019 billed usage increased 19.1% compared to August, 2018.

Delinquencies were up 2.7% year-to-year and totaled \$629,113.41. Mr. Counsell said that state income tax was being withheld to help pay to County for a portion of the delinquencies. Ms. Kwiatkowski pointed out that the withholding was only for one year. Mr. Glazeman asked why the increase? Mr. Makee asked if the delinquencies seemed to run seasonally and were better in the fall but worse in summer months. Mr. Counsell promised the Commissioners that he would get answers to those questions. Ms. Kwiatkowski said she wanted to know the actual number of delinquent accounts and Mr. Glazeman said he wished to see historical data on those numbers. Mr. Makee said the numbers would provide a better indicator than the dollar figure. Ms. Kwiatkowski asked about the efficiency of the collection agency used by the County to recoup funds from delinquent accounts and if those numbers were not satisfactory, could another collection agency be used. Mr. Carson asked about the portion of the collections being received by the County vs. the amount being retained by the collection agency. Mr. Counsell said he did not know but would find out and provide details back to the Commission. He said it was just speculation but he felt that it was more beneficial to the collection agency to go after large accounts vs. smaller ones. Ms. Kwiatkowski said she understood that the collection agency attempted to collect the entire delinquent amount per account but kept a substantial portion (as a fee), which was not profitable to the County. Mr. Counsell spoke about the collection agency sending a letter to the property owner(s) but not following through with subsequent steps such as filing with credit reporting agencies and that the possible return may be greater if additional steps were followed through and pursued to the end. Mr. Carson asked about the number of hook-ups. Mr. Counsell noted that in future Director's Reports there would be year-to-date comparisons with numbers and not just dollar figures.

Continuing with the Director's Report, Mr. Counsell provided an update on various construction projects as well as letting the Commissioners know about items coming to the Board of Supervisors at its next meeting scheduled for September 17, 2019. Construction updates included the Wayside Interceptor; Claiborne Run, which he said was the County's most difficult project since Rocky Pen Run; the Claiborne Force Main; Ferry Farm; and Falls Run Force Main at Falmouth Bottom. Mr. Carson said that all of the construction updates were good news for Briana (Hairfield) to announce all the successful projects to the citizens of the County.

VII. New Business

Consider an Amendment to County Code, Chapter 25, regarding Failed On-Site Sewage Systems

Mr. Trenton Funkhouser, Assistant Director of Code Review and Inspections, presented this item to the Commission asking for a motion to hold a public hearing in October. Mr. Tignor motioned, seconded by Ms. Kwiatkowski, and passed unanimously (7 – 0) to hold a public hearing at the Utilities Commission’s October meeting. Mr. Funkhouser shared that at its meeting on September 3, 2019, the Board of Supervisors voted to send this item to the Utilities Commission for its review and consideration; at that time the County Administrator was also authorized to advertise a Board of Supervisors public hearing within 60 days of the Utilities Commission’s deliberation on the proposed Ordinance amendment. The Board’s Infrastructure Committee also received a presentation on this item.

Mr. Funkhouser said that Stafford County Code, Sec. 25-165 prohibits all septic tanks or cesspools from discharging effluent into any natural outlet, and does include provisions that permit the use of alternative discharging sewage systems. He noted that it came to the attention of Public Works staff that in certain situations where on-site septic systems have failed, the Virginia Department of Health (VDH) permitted the installation of private discharging systems in contradiction to County Code. As such, VDH requested that the County consider a modification to Sec. 25-165 to include a waiver process to permit alternative discharging systems in cases where an on-site system has failed and there is no other means of responsible septic disposal. He noted that this applies only to single-family residences.

Aqua Law was engaged by the County Attorney’s office and Mr. Jason Towery, to work with staff on the exact language of the proposed Ordinance as it was Aqua Law’s area of expertise. They will spend the next several months reviewing Chapter 25 of the County Code in its entirety.

Mr. Tignor said that he believed this to be a VDH issue and questioned why it was being brought to the Utilities Commission. Mr. Funkhouser replied that it also involved the Department of Environmental Quality (DEQ) and the current County Ordinance did not adequately address some of the issues being considered with the proposed changes to the Ordinance. He said that the VDH allowed some repairs stating that they were unaware of the County’s ordinance or the County’s inability to enforce those repairs. Ms. Kwiatkowski asked if by changing the ordinance, was it shifting responsibility from the VDH to Mr. Towery; Mr. Funkhouser said approval of waivers would be shifted from VDH to Mr. Towery but that Mr. Towery would consider VDH regulations when approving (or denying) waivers.

Mr. Glazeman asked if this applied to systems already approved. Mr. Funkhouser replied that it did but only if/when they failed. Mr. Counsell said this was a way to deal with failed systems

whereas prior to this proposed revision to County Code, there was not a definitive way to handle failed systems. The waiver provision would now clear up any confusion as to how to work that.

Mr. Glazeman asked for the definition of system failure in the proposed Ordinance change. Mr. Funkhouser said it provided for a new or replacement system if the original system failed; it required a point of source discharge and was limited to sub-surface, single-family, not community drainfields, which were restricted by VDH. He said this would give the waiver option rather than having to abandon the house if a system failed. He spoke about pump and haul and other various remedies for failed systems.

Mr. Makee asked if the property owner was responsible. Mr. Funkhouser replied, "Yes," and said that VDH would have to inspect the property for properly discharged effluent but that VDH moved slowly, did not have sufficient staff to keep up with all inspections, and it was necessary to protect adjacent property owners downstream of the failed system. Mr. Tignor said this was a case of the State failing and falling back on the locality just like (as an example) having the same number of State Troopers as 20 years ago and relying on the County to provide an adequate number of deputy sheriffs; he spoke about taking responsibility for the public good even though it ought to be the State's responsibility.

Mr. Tignor asked about discharge pipes crossing other property owner's land. Mr. Funkhouser said that would be necessary if the adjoining property owner would grant the required easement. Mr. Glazeman asked for examples... Mr. Counsell said there was a County employee that resided within the Urban Services District with a failed system on a small lot. It was not conducive to other forms of disposal and two adjacent property owners would not grant the needed easement so the County employee is now on non-subsidized pump and haul at a cost of \$1000/month forever. Mr. Funkhouser also spoke about a three-lot subdivision where one lot was adequate, one was questionable, and one lot was denied by VDH. He said the proposed ordinance would make the language clear and specific to VDH as well as to developers and prospective property owners, and would permit a reasonable conclusion moving from A to B to C and would provide a consistent interpretation of the County ordinance.

Mr. Carson asked about the genesis of this proposed Ordinance change, if it was new or if there were a number of cases in the County. Mr. Funkhouser said it had to do with historical issues, permanent pump and haul situations, and referred again to the three-lot subdivision. He said the developers were not happy with prohibitions based on current language so that is why staff is proposing an update to County Code, Chapter 25. Mr. Carson asked how many would apply for a waiver. Mr. Funkhouser said he did not know; that he handled two pump and haul cases in the time he'd been with the County but he did not have a good sense of the demand.

Mr. Counsell spoke about one volunteer fire department in the County with a one-source discharge due to its location and Utilities taking over management of that system, which had not

been well maintained and about there being no enforcement by VDH due to lack of staff.

Mr. Counsell spoke about needed enforcement in the County or the possible necessity of the creation of Service Districts to pay for sewage disposal, enforcement, etc. He said that has happened in other localities and that Stafford County is hoping to get ahead of it so it does not happen in Stafford, adding that these systems can cost \$60-\$80,000 whereas a conventional system costs only \$10,000, and an alternative system may cost \$30-\$40,000.

Mr. Funkhouser emphasized that this was limited to single-family homes. Mr. Tignor asked that Tommy Thompson with VDH be on hand for the public hearing. Mr. Funkhouser said that the VDH representative working with the County was Mr. Carl Rudolph and he would attend the public hearing. Mr. Makee emphasized that Mr. Tignor's motion was for the Utilities Commission to hold a public hearing at its next meeting and the topic of the public hearing would be focused on providing a recommendation to the Board of Supervisors on language for proposed ordinances changes to County Code Sec. 25-1 and 25-165.

VIII. Unfinished Business

There was no unfinished business to be discussed.

IX. Adjournment

At 7:46 p.m., Ms. Kwiatkowski motioned, seconded by Mr. Boulden, to adjourn the September 10, 2019 meeting of the Utilities Commission.

Respectfully Submitted,

Bryon Counsell/MCH

Bryon Counsell
Deputy Director, Department of Public Works

/mch