



TOWN COUNCIL

Work Session

Town Hall

January 6, 2011

6:00 PM

At 6:00 p.m. at the Town Hall, Vice Mayor Chris Bannon, having established a quorum, called to order the Work Session of Town Council. In addition to Vice Mayor Bannon, present were Councilmen Sullivan and Veber and Councilwoman Natali. Councilman Bennett arrived at 6:04 p.m. and Councilman Evans arrived at 6:07 p.m. Mayor Dora Sullivan was not in attendance. Also present were Town Manager Heather Arcos, Treasurer JoAnna Leatherwood, Consultant Bob Panek, Public Utilities Director Dave Fauber and Town Clerk Libby Hume. There was one (1) member of the public in attendance.

Vice Mayor Bannon announced the business for the evening would be to continue the review of the proposed modifications to the Town Code, Chapter 70 – Water, Sewers and Sewage Disposal.

Town Manager Heather Arcos stated there were three reasons why Council was reviewing these ordinances: i) the ordinances were outdated; ii) to comply with requirement from the Environmental Protection Agency (EPA) as a condition to the 0% loan; and iii) for water conservation which was a requirement for obtaining the Ground Water Permit. Two previous work sessions were held in October and November. The changes made at those meetings will be reviewed again along with the language in new Chapter 71, the majority of which contained language required by the EPA.

The Council reviewed the ordinances by section and additional changes were made as follows:

§ 70-21 – Specific Definitions: Definitions for “Water Meter” and “Curb Stop” would be added.

§ 70-33 – Consumer’s Connection, paragraph (c): There was some discussion regarding the phrase “within a reasonable length of time” which appeared twice in the paragraph relating to the length of time permitted to repair or replace a water meter. The first instance was deleted and the second instance was changed to “expeditiously.” Also in this paragraph, the term “corporation cock” was replaced with “curb stop” for consistency in changes made previously.

§ 70-51 – Shallow Wells, paragraph (b): Councilman Bennett questioned the last sentence which required that all fixtures connected to shallow well be “clearly and permanently marked “Water Unsafe for Drinking” stating that the water from a shallow well may not be unsafe for drinking. Bob Panek thought this language was from the Code of Virginia and added that he would check into it.

Councilwoman Natali mentioned that she had a sprinkler system for watering her lawn which pulled water from a pond behind her house and that she had this system installed per her developer’s approval and asked whether her outlet would have to be labeled since it was not from a shallow well.

§ 70-63 – Protection of Potable Water: Bob Panek mentioned that this section also contained language requiring “Any water outlet which could be used for potable or domestic purposes and is not supplied by the waterworks must be labeled as “Water Unsafe for Drinking” in a

conspicuous manner. Bob Panek added that this section would include Councilwoman Natali's system.

§ 70-81 – Water Shortage Emergencies: There was some discussion regarding the term “emergencies.” Councilman Bennett stated that if the Town was experiencing drought conditions and the water was low, it would be a longer period and not considered an emergency and asked what would be considered an emergency. Dave Fauber explained that several years ago, there was a bad leak on Mason Avenue by the hump that drained the water tower and that would be considered an emergency. Bob Panek added that failure of one of the wells would also be considered a water shortage emergency.

Vice Mayor Bannon stated that it would be beneficial if the Town could collect the residents' email addresses so quick notices could be sent to them in cases of emergency. Currently, the Town really has no way to contact everyone in a quick, efficient manner. Treasurer JoAnna Leatherwood stated that there was space in the Edmunds software where email addresses could be input. Heather Arcos added that the Town would begin soliciting residents for their email addresses to keep on file for notice purposes. Dave Fauber also suggested an informational sign be purchased to be placed in front of the water plant for the Town to place important notices since it was the main route in and out of Town and the majority of residents would pass it.

Heather Arcos stated that in Chapter 71, the language printed in green was required by the EPA. Bob Panek added that much of the language pertained to industrial users, which the Town currently does not have, and cautioned the Council not to be alarmed by the language. It was required to be included and an industrial user(s) may come to the Town in the future.

§ 71-41 – Connection Permit, paragraph (b): There was some discussion regarding “Class I-residential” and Bob Panek explained that all residential dwellings were included in this class.

§ 71-42 – Connection Charges, paragraph (b): Councilwoman Natali noted that in the first line, a space was needed between “be” and “\$13,150.”

§ 71-44 – Separate Connections Required: There was much discussion regarding this section which seems to permit accessory buildings/dwellings on a lot. Councilwoman Natali noted that in December, the Council approved family health care structures to be put on a lot for the care of a family member and asked whether this would refer to such a structure. The family health care structures were temporary structures for use only as long as needed by the family member and were not permitted to have its own water or sewer connection. It was also noted that a property owner could have a detached workshop with a shower and bathroom which could be hooked up with its own connection. Bob Panek stated that the majority of the language in this Chapter was the current language in the ordinance and that this section would be revised further.

§ 71-51 – Excavation Guards and Property Restoration: Councilman Bennett questioned the inclusion of this section stating that it was more of a building code issue. Council agreed and this section was deleted.

§ 71-52 – Protection of Capacity for Existing Users: Councilwoman Natali noted a discrepancy between the first and last sentences of this section where the first sentence stated that “The Director shall not issue a permit...” and the last sentence stated “The Director may permit such ...” and suggested that the second instance be changed to “shall.”

There was much discussion regarding the language “legally committed” and whether or not the Town was committed to a connection when a sub-division was platted or only when a

connection fee had been received. The consensus was that the Town was not legally committed for a connection unless the connection fee had been paid to the Town. Currently, there are approximately 17 lots where the owners have pre-paid for their connections.

§ 71-65 – Special Agreements: Councilman Bennett expressed his concern regarding the language in this section in relation to septage. Bob Panek agreed that he would not want the Town to accept septage but this section referred to industrial users which the Town does not have at this time and could be dealt with if an industrial user approaches the Town in the future.

§ 71-67 – Excessing Discharge: Councilwoman Natali asked what “process water” was. Bob Panek thought it was defined in another section and stated that it would be added in § 71-21 – “Specific Definitions.”

§ 71-68 – Accidental Discharges, paragraph (c): Councilwoman Natali noted that in the second sentence, “insure” should be “ensure.”

§ 71-72 – User Permits, paragraph (b) (7): Councilwoman Natali asked what “all materials” meant and whether chemicals would be included. Councilwoman Natali went on to state that this issue was not covered in § 71-72, (d) (6) & (7). Bob Panek stated that the language in these sections should be interpreted broadly but felt that the issue was covered in § 71-72 (d) (7). Bob Panek again reminded the Council that this section referred to industrial use only and that the Town currently did not have any industrial users. After some discussion, it was agreed that § 71-72 (b) (7) would be changed from “all materials” to “wastewater constituents.”

§ 71-92 – Industrial Cost Recovery: There was some discussion regarding this language which stated that industrial cost recovery charges could be assessed to industrial users. Again, currently the Town did not have any users qualified under this section, but we could in the future.

§ 72-5 – Adjustment for Leaks: JoAnna Leatherwood asked for clarification of this section in cases where users fill their swimming pools. In the past, the Town had an unofficial policy giving the user an adjustment on the sewer bill. There was some discussion regarding this issue and Bob Panek stated that he would draft language for review by Council.

§ 72-6 – When Due and Payable: Penalty for Delinquency; Discontinuance of Service for Delinquency: There was much discussion regarding the utility bill due date which is currently 15 days from the date of mailing and whether this was enough time, especially for those property owners who live out of town. JoAnna Leatherwood mentioned that this month about 7 accounts were turned off for non-payment and typically the delinquent accounts were not for out of town property owners. JoAnna Leatherwood continued to explain that the Town uses a service to allow online payment by credit card for utility bills and taxes. A \$3.50 surcharge was charged to the user for utility payments. There was a suggestion to increase the due date to 21 days from the date of mailing as well as the possibility of offering electronic billing and payment options. JoAnna Leatherwood stated that ANEC allowed online payments from checking accounts with no charge to the user and added that she would contact ANEC for details regarding this program. After further discussion, Council agreed to extend the due date to 21 days from mailing and to contact Edmunds software regarding electronic billing and payment options. It was also noted that the beginning of the sixth line should be “a \$30.00...” vs. “an \$30.00 ...”

§ 72-8 – Liability for Minimum Charges: There was some discussion regarding an unauthorized program which was implemented in the past regarding uninhabitable houses. There was no

provision in the Town Code, so this section was added to addresses this issue. Dave Fauber added that the unauthorized procedures were no longer being used.

The Council went on to review a request from Mr. Francis J. Donohue, Jr. which was submitted to Council at the December 9th meeting. Mr. Donahue informed Council that his property located at 408 Jefferson Avenue which was built in 2006 using Chinese drywall and that the house was currently vacant and cannot be sold, rented or otherwise inhabited. The County Commissioner of Revenue had abated \$55,400 of the real estate tax assessment due to the situation. Mr. Donahue requested the Town disconnect the water and sewer and discontinue garbage collection for two years or until the rehabilitation work could be completed on the house and that the monthly utility fees be waived for the duration and no reconnection fee be charged upon completion of the work. There was much debate regarding making an exception regarding this case. Dave Fauber stated that the contractor would need water during the construction so the Town should not disconnect the water service. Council agreed that the Town should contact other municipalities that have dealt with Chinese drywall issues to see what concessions or procedures, if any, were implemented to handle the situation.

The Council reviewed a request from a developer asking that the Town defer the collection of connection fees for water and sewer until the utilities were required for the sale or occupancy of a house. There was much discussion regarding this request and the Council agreed that the request should not be granted.

Councilman Veber asked Bob Panek for more information regarding the recent PSA update email that he sent for Council review. Bob Panek stated that in his opinion there were several individuals who do not want a centralized sewer system in the County. Councilwoman Natali asked that if several of the members of the PSA Board were not sworn in, would the County have to reappoint other individuals for the positions. Bob Panek stated that the County Administrator and the Commonwealth's Attorney were aware of the situation and that the issue would be discussed further at the January 18th PSA meeting. Heather Arcos added that the County Administrator thought that the new individuals would be appointed to fill the positions.

Motion made by Councilman Bennett, seconded by Councilman Sullivan and unanimously approved to adjourn the Town Council Work Session.

Vice Mayor Bannon

Town Clerk