

Minutes of the Public Utilities Committee Meeting March 26, 1999

Present: Gary Brockett and Ruth McIlrath

The meeting began at 1:00 P.M. with . . .

- 1.) A discussion of existing ordinances 1979-21 and 1978-17. Ordinance 1978-17 provides a procedure for a variance granted by Council for new construction. This Ordinance appears to be well drafted. The only change that Council might consider is defining the criteria or definition for "compelling public need, extreme individual hardship or other extraordinary circumstances...".
- 2.) The Committee then discussed Ordinance 1979-21. The concern with this ordinance is that it does not specifically provide a procedure for Council to grant a variance. It does require a sewer tie-in whenever a public sewer is "available and accessible". This leaves Council in the position of (a.) having to enforce the sewer tie-in provision, but (b.) perhaps having an opportunity to define what "available and accessible" means. The Committee felt that Council may want to amend this Ordinance to fine what "available and accessible" mean and add any other criteria which may guide Council in enforcing this Ordinance in a fair and consistent manner.
- 3.) Criteria that Council may want to consider when it interprets what is "available and accessible" could include:
 - (a.) Cost – how much will it cost a property owner to tie-in.
 - (b.) Physical accessibility- what is the distance and is it uphill or downhill.
 - (c.) The amount of land around the structure that may enable an alternate system to work.
 - (d.) The percolation of the soil. Some soil perks better than others do and hence an alternative system may work on some properties and not on others.
 - (e.) Alternative remedies available- the Health Department might have an alternate system that would be acceptable to all parties concerned.
- 4.) The Committee also noted that it needs to research two other policies - Ordinance 67- 15 and Resolution 1970 R 10 as they may have an influence on the two existing Ordinances.
- 5.) The Committee concluded that no new position is recommended to Council other than that given at the February 22, 1999 meeting. No new information or compelling data has been brought forward demonstrating that any of the properties under review are neither "available or accessible" to sewer tie-in. If new information is brought forward, the Committee will review it and report to Council. Examples of new information may include:
 - (a.) A quote for tie-in costs demonstrating that a tie-in would truly be a hardship.
 - (b.) Test results showing that the existing system satisfied all existing standards and the cost of compliance would represent a hardship.
 - (c.) A blueprint of an alternate system, approved by the County Health Department, that would satisfy the health concerns, while alleviate a financial hardship on the property owner. Lacking a financial hardship being demonstrated, there is no reason why every property owner should not comply with the two existing Ordinances.

The meeting adjourned at 2:15 P.M.

Respectfully submitted,

