

AT A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE JAMES CITY SERVICE AUTHORITY, JAMES CITY COUNTY, VIRGINIA, HELD ON THE 19TH DAY OF DECEMBER, NINETEEN HUNDRED NINETY-FOUR, AT 8:52 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

David L. Sisk, Chairman  
Robert A. Magoon, Jr., Vice Chairman  
Perry M. DePue  
Jack D. Edwards  
Stewart U. Taylor

David B. Norman, Secretary  
John E. McDonald, Treasurer  
Frank M. Morton, III, County Attorney  
Larry M. Foster, General Manager

B. MINUTES - November 21, 1994

Mr. Sisk asked if there were corrections or additions to the minutes.

Mr. Magoon made a motion to approve the minutes.

The motion passed by unanimous voice vote.

C. PUBLIC HEARING

1. Regulations Governing Utility Service

Mr. Larry M. Foster, General Manager, stated that the proposed amendments of definition and policy changes listed in the resolution would become effective January 1, 1995.

Staff recommended approval of the resolution.

Mr. Sisk opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. Magoon made a motion to approve the resolution.

The motion passed by unanimous voice vote.

**RESOLUTION**

**UTILITY POLICY CHANGES**

WHEREAS, the Board of Directors of the James City Service Authority have held a public hearing on certain proposed changes to the Regulations Governing Utility Service.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the James City Service Authority, James City County, Virginia, hereby adopts the attached changes summarized below to be effective January 1, 1995.

1. Add definition for Utility Service Area which would include area served by water or sewer line pump station exclusive of the development for which the facility is initially being constructed.
2. Change local facilities definition from water and sewer lines (8) inches or less in diameter to water and sewer lines designed and constructed to exclusively serve one development.
3. Change system facilities definition from gravity sewer main more than eight (8) inches in diameter, sewer force main more than four (4) inches in diameter, and waterlines more than eight (8) inches in diameter to individual development requirements and identified in the JCSA's Water and Sewer Master Plan.
4. Change the policy as it pertains to extension and expansion of system facilities for new development. When new development requires an off-site line extension or lift station expansion, the costs shall be the responsibility of the developer.

BE IT FURTHER RESOLVED, that the complete amendment be made part of this resolution.

**D. BOARD REQUESTS AND DIRECTIVES**

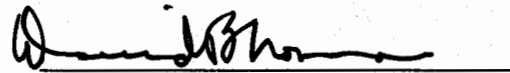
Mr. Magoon referenced Mr. Foster's memorandum dated December 7, 1994, regarding Waiver Criteria Central Water System and asked staff to consider a smaller lot size than 3 acres. He gave an example of maximum 5 lots of 3 acre lots, minimum 15 acres, in cluster type development.

Mr. Foster stated that staff would provide a report.

Mr. Taylor made a motion to adjourn.

The motion passed by unanimous voice vote.

The Board adjourned at 9:00 p.m.



David B. Norman  
Secretary to the Board

Amended January 1, 1995

Inflow: is the water discharged into a wastewater system, including service connections from such sources, as, but not limited to, roof leaders, cellar, yard, and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections, storm sewers and combined sewers, catch basins, storm waters, surface runoff, street wash waters, or drainage.

Intercepting sewer (interceptor): a sewer that receives dry weather flow from a number of transverse sewers or outlets and conducts such waters to a point for treatment or disposal.

Interceptor line: a conduit the primary purpose of which is to transport wastewater from collector lines to a treatment facility.

Lateral sewer: a sewer line that discharges into a branch or other sewer line and has no other common sewer line tributary to it.

Local facilities: for water and sewer all facilities serving only one development; any line to which a service connection is made; and

- (a) Sewer: all lateral and branch sewers designed and constructed to exclusively serve one development.
- (b) Water: all transmission and distribution mains; all fire mains; all services, meters, meter installations and fire hydrants designed and constructed to exclusively serve one development.
- (c) Dedicated Facilities: any water and/or wastewater facilities serving one development exclusively.

Minimum Monthly Metered Rate: water consumption based on computed number of equivalent residential connections (ERC).

Nonuser: a person who owns property adjacent to either water or wastewater facilities or both such facilities of the Utility but elects not to connect to such facilities because the property is served by either a domestic supply or source of potable water or a private septic system or sewage system or both such potable water and private system which meet applicable standards established by the Virginia Department of Health.

Nonuser service charge: a periodic charge levied on a nonuser of either water or wastewater service to defray debt service and depreciation costs.

Off-site extension: an extension of a water or sewer line from existing local or system facilities of the Utility to the property boundary of the developer or to the property boundary of the nearest applicant as determined by the Authority.

Shall and may: construed as mandatory and permissive, respectively.

Standards: the "Water and Sewer Standards and Specifications" of the Utility.

Subdivision: the division of any tract, parcel or lot of land into two or more parts for the purpose of transfer of ownership or building development or any such division of land regardless of purpose which involves the creation of a new street or the recordation of lot lines; provided, however, that the subdivision agent may permit the separation of five or less parcels from a tract of land without requiring compliance with all the requirements of the Subdivision Ordinance if it: (1) does not conflict with the general purpose of the Subdivision Ordinance, (2) requires no new streets to serve the parcel(s) and (3) meets the requirements of the Zoning Ordinance.

System facilities.

- (a) Sewer: any gravity sewer main or force main, all wastewater lines and all pumping stations and treatment plants and appurtenances in excess on an individual development's requirements and identified in the JCSA Sewer Master Plan.
- (b) Water: All transmission and distribution, all storage facilities; all supply plants, pumping plants and general plants unless of an individual development's requirements and identified in the JCSA's Water Master Plan.

Tenant: an applicant who does not own the premises.

Trunk sewer or main sewer: a sewer that receives wastewater from a number of tributary branch or sub-main sewers and serves a large territory.

Utility administrator: General Manager is the Chief Administrative officer appointed by the James City Service Authority Board of Directors.

Utility service: water or wastewater service or both such services, either permanent or temporary.

Utility service area: The area served by a water or sewer line or sewer pump station exclusive of the development for which the facility is initially being constructed. The service area for a sewer line or pump station shall include the defined natural drainage area of the sewer line or pump station. The service area of a waterline shall include the area within 300 feet of the right-of-way or easement of the waterline.

Utility project: means any earth-disturbing activity performed in conjunction with the construction and installation of local and system facilities or an extension of or a connection to the facilities of the Utility to serve any existing or new development.

**SECTION 29. EXTENSION AND EXPANSION OF AUTHORITY FACILITIES**

The policies reflected below govern the extension and expansion of Authority facilities.

A. Service to new developments. The developer of any new subdivision intended for residential, commercial or industrial use or any combination thereof, or the developer of any commercial or industrial site shall construct all Authority facilities as herein required. The Authority reserves the right at any and all times to make, connect or permit new connections, extensions, or improvements or to otherwise use the facilities in the best interests of the Authority.

1. Primary service area.

(a) Local facilities. The developer shall construct and install at his expense all local facilities within his subdivision or development; provided, however, local sewer facilities are not required within a reservoir protection area identified in the comprehensive plan and the zoning ordinance. The developer and successor property owner(s) are exempt from payment of local facilities charges when local facilities are constructed and installed at the expense of the developer. Investments by a developer in local facilities to serve his development, such as distribution mains, service connections and meters, fire hydrants, sewer laterals, manholes and other local appurtenances, shall neither be refunded by nor become an obligation of the Authority as such investments are considered a benefit accruing to the property which is recovered through an increase in the value of the property.

(b) System facilities. The Authority is responsible for the construction and installation of all system facilities when consistent with the policies of the Comprehensive Plan and Master Water and Sewer Plan, economically feasible, and system capacity is available, except when the extension or lift station expansion is for new development. When new development requires an off-site line extension or lift station expansion, the costs shall be the responsibility of the developer and provisions of Section 29-D shall be observed.

When a developer provides for the extension or expansion of a facility over that needed by the project in order to operate as a system facility, the JCSA may reimburse the developer directly or enter into a rebate agreement for its share of the cost of providing the additional capacity.

2. Outside the PSA. The County's Comprehensive Plan generally does not support development densities and intensities of an urban and suburban nature outside the Primary Service Area. Development of this nature is not consistent with the intent of both the Comprehensive Plan and the Primary Service Area policy and in most cases will require the approval of the Board of Supervisors. The Comprehensive Plan generally does not

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support the formation of new, private, central utility systems outside the Primary Service Area. Where approved, the following shall apply:

- (a) Local facilities. All conditions in Section 29 (A)(1)(a) above apply.
- (b) System facilities. The Authority has no responsibility for the construction and installation of system facilities which serve developments outside the PSA. However, the Authority, under written contract, may permit the construction and installation of such facilities at the expense of the developer. If such an agreement is entered into, the developer and successor property owners will be exempt from system facilities fees.

Provided further, the developer shall be required to pay a System Replacement Fee to cover the cost of increasing the incremental capacity in the existing system facilities, should the Authority allow the developer to connect the facilities which serve the development outside the PSA, to the system facilities inside the PSA, at some future date. The terms and amount of this fee shall be determined by the provisions of the written contract which shall be set forth before beginning construction of the system facilities outside the PSA.

- 3. Application and Contract Required. A developer who desires water or wastewater service or both such services for a certain specified area, shall make application to the Authority before starting construction of any water or wastewater facilities. Each application shall be approved by the James City County Zoning Administrator for that area to be served and has been officially zoned for the particular type, or types, of land use described in the application. Instructions as to the form and content of applications for water and wastewater services are set forth in the "Standards."

Upon approval of the application, the developer shall enter into a written contract with the Authority in accordance with Section 29(E) below. The contract shall describe in detail all fees, rebates, refunds, or exemptions that may occur as a result of the proposed project.

- 4. Dedication of facilities. Immediately upon completion and acceptance of the utility facilities, such facilities shall be dedicated to the Authority on a form prescribed by the Authority. The facilities to be dedicated shall include all local and system facilities, land and rights, structures and other necessary components of the utility system. The developer, shall transfer such facilities free of debts, liens or other legal encumbrances. Authority. In addition, the developer shall submit simultaneously to the Authority a certificate of mechanic's lien waiver on all facilities dedicated by him.
- 5. Maintenance of facilities. The developer shall be responsible for any maintenance as a result of construction or defects of said facilities for one year from the date of initial operation or acceptance, whichever is later. To ensure compliance with this requirement the developer shall post with the a certified check, bond, or irrevocable letter of credit i

C. Service initiated by the Authority. The Authority, upon approval of the Board of Directors, may construct and install local facilities and system facilities anywhere in its service area whenever it determines that circumstances warrant utility service, for example, to implement the land use element of the comprehensive plan, or to protect the health of its citizens or to promote economic development of the community. The financial performance standards of the Authority shall be observed when such construction work is undertaken.

If such service is initiated by the Authority, the funding procedures contained in Sections 29 (A) and (B) above, which are based on the cost of service philosophy, shall be observed to the maximum extent possible.

The Authority may enter into contracts with any person, firm, or corporation, or municipality, or sanitary district, or other political subdivision or public body for the rendering of any unusual or extraordinary water or wastewater service or both such services; provided, the rates or charges to be paid thereunder shall be an amount which is fair and equitable, taking into account the cost to the Authority of providing such service.

Upon request by the appropriate governing body of an adjacent political jurisdiction, the General Manager may approve connections requiring less than 30,000 gallons per day sewer service and 5,000 gallons per day of water service to the JCSA water and sewer system.

D. Off-site extensions. Extensions to areas outside the Primary Service Area are not generally supported by the County's Comprehensive Plan and in most cases such extensions will require the approval of the Board of Supervisors.

1. Extensions to new developments.

(a) Cost of Extension. The construction and installation of an extension of a water or sewer line from existing local or system facilities to the property boundary of the developer shall be the responsibility of the developer and undertaken at his expense.

If, at the request of the Authority, the developer includes capacity beyond that needed for his development, the Authority shall refund to the developer the construction costs involved in including such extra capacity. The Authority shall make requests for extra capacity in accordance with recommendations for improvements found in the County's Master Water and Sewer Plan. The terms of the reimbursement shall be determined by the contract between the developer and the Authority.

(b) Local facilities. The terms and conditions of Section 29(A)(1)(a) shall be observed.

(c) System Facilities. The terms and conditions of Section 29(A)(1)(b) shall be observed.