

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 12TH DAY OF AUGUST NINETEEN HUNDRED EIGHTY-FIVE AT 7:35 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District
 Thomas D. Mahone, Vice-Chairman, Jamestown District
 Stewart U. Taylor, Stonehouse District
 William F. Brown, Roberts District
 Perry M. DePue, Powhatan District

James B. Oliver, Jr., County Administrator
 Darlene L. Burcham, Assistant County Administrator
 Frank M. Morton, III, County Attorney

B. MINUTES - July 22, 1985

Mr. Mahone made a motion to approve the minutes as presented.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone, Taylor (5). NAY: (0).

C. PUBLIC HEARINGS

Mr. Brown called the Service Authority back into session at 7:36 p.m.

1. Utility Policy Changes

Staff recommends adoption of the proposed changes.

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

Mr. Brown stated the word development should be defined in a subsequent amendment to the policy.

Mr. Edwards made a motion for the Board of Supervisors to adopt the proposed amendments.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone, Taylor (5). NAY: (0).

Mr. Brown made a motion for the Service Authority to adopt the proposed amendments.

The motion passed by a unanimous voice vote.

RESOLUTION

UTILITY POLICY CHANGES

WHEREAS, the Board of Supervisors of James City County and 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 Supervisors of James City County, Virginia, and the Board of Directors of the James City Service Authority hereby jointly adopt the attached changes, summarized below, to be effective as of the date of this resolution:

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1. Exempt a new single-family residence that is not in a subdivision from required connections if more than 300 feet away from water/sewer lines.
2. Clarify definitions of wastewater lines to include both gravity lines and force mains.
3. Allow a bimonthly sewer billing in areas where meter readings are received from a private water company that reads meters bimonthly.
4. Allow sewer connections directly to HRSD, at option of the Utility.
5. Limit utility maintenance of grinder pumps to residential customers.
6. Eliminate late transaction charge of \$10, substituting 1% of the balance due as the late charge.

BE IT FURTHER RESOLVED that complete amendments be made part of this resolution.

Mr. Taylor made a motion to adjourn the Service Authority.

The motion passed by a unanimous voice vote at 7:45 p.m.

2. Boundary Line Adjustment, Sanitary District No. 1, Lift Station "B"

Staff recommends the Board hold the public hearing and then defer the matter to permit the involved parties to attempt to resolve their differences.

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

It was the consensus of the Board to defer the matter.

3. Case No. SUP-18-85. Olive Frey/James D. Carter

The Planning Commission recommends approval of the permit with two conditions and staff recommends approval with an additional condition.

Mr. Edwards inquired if the permit was approved, would there be an effect on surrounding areas for rezonings.

Mr. Allen Murphy, Acting Director of Planning, stated it was possible, but each case would need to be evaluated separately.

Mr. Edwards opened the public hearing.

Mr. Alvin Anderson, attorney for the applicant, spoke in favor of the permit.

Mr. Mahone requested the developer provide landscape screening along the Jamestown Corridor as a condition of approval. Mr. Brown requested there be no entrances to the development off Jamestown Road as another condition of approval.

Mr. Alvin Anderson stated the developer would agree to adding both additional conditions to the agreement.

Mr. Edwards closed the public hearing.

Mr. Taylor made a motion to approve the permit with the addition of two conditions.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone, Taylor (5). NAY: (0).

RESOLUTIONRESOLUTION OF APPROVAL ON CASE NO. SUP-18-85.
OLIVE JORDAN FREY/JAMES D. CARTER

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the Planning Commission of James City County, in ordinance with the staff recommendation, has recommended approval of Case No. SUP-18-85, by a vote of 9-1, a special use permit for the construction of five two-family dwelling units on property identified as parcels (1-28B) and (1-29) on James City County Real Estate Tax Map No. (47-3).

THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County does hereby approved the issuance of Special Use Permit No. SUP-18-85 as described herein with the following conditions.

1. The special use permit shall authorize the construction of five two-family structures on property identified as parcels (1-28B) and (1-29) on James City County Real Estate Tax Map No. (47-3).
2. Building permits for the duplexes shall not be issued until a subdivision plat of the property into five lots has been approved by the County and duly recorded by the Clerk of the Circuit Court.
3. If construction of these duplexes has not begun within 24 months of the issuance of this permit, it shall become void. Construction shall be defined as clearing, grading and the excavation and pouring of all footings covered by this permit.
4. All driveways shall front on Raleigh Street.
5. All existing trees and vegetation shall remain in their natural state to a depth of 35 feet from the northern property line adjoining the right-of-way of Jamestown Road. Clearing and cutting of live trees in this area shall be prohibited. Any trees lost within this area for any reason shall be replaced with an appropriate substitute.

4. Case No. Z-14-85. Proposed Amendments to the Zoning Ordinance

The Planning Commission recommends approval of the ordinance amendments. Staff recommends that proposed Section 20-176 be sent back to the Planning Commission.

Mr. DePue inquired about height limitations.

Mr. Allen Murphy stated the R-4 District was the only district without height limitations and further stated that the additional language would provide a basic framework for the Board and the Planning Commission to use in considering height issues.

Mr. Edwards stated development over 60 feet in height should be approved by the Planning Commission as well as the Board.

Mr. Frank Morton requested the Board to refer both ordinance amendments to the Planning Commission.

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

Mr. Brown requested staff to review sections on garage sales and height limitations, particularly language regarding blocking sunlight from adjacent properties

AAJ802

Mr. Mahone stated the word "unit" should be used instead of "dwelling" as it relates to lot size restrictions.

It was the consensus of the Board to refer the amendments to the Planning Commission.

5. Case No. S-60-85. Ordinance to Establish Water and Sewer System Construction Inspection Fees

The Planning Commission recommends approval of the proposed amendment.

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

Mr. Edwards made a motion to amend the inspection fees to fifty cents per foot instead of thirty cents.

On a roll call, the vote was AYE: Brown, DePue, Edwards (3). NAY: Taylor, Mahone (2). The motion passed by a 3-2 vote.

Mr. Edwards made a motion to approve the amended amendment.

On a roll call, the vote was AYE: Brown, DePue, Edwards (3). NAY: Mahone, Taylor (2). The motion passed by a 3-2 vote.

6. Case No. CP-2-85. Jamestown Road at Sandy Bay Road/Ironbound Road

The Planning Commission recommends approval of the amendment.

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

Mr. Mahone stated he could not support the amendment. He further stated Jamestown Road could become another Richmond Road and felt the highway system did not support intense development.

Mr. Edwards stated approval of the amendment could give the wrong impression to developers indicating the County wants development in such areas, when it does not. Mr. Brown agreed with Mr. Edwards.

Mr. Taylor stated there were existing businesses in the area and he was in favor of the amendment. Mr. DePue agreed with Mr. Taylor.

Mr. DePue made a motion to approve the amendment.

On a roll call, the vote was AYE: DePue, Taylor (2). NAY: Brown, Edwards, Mahone (3). The motion failed by a 2-3 vote.

7. Case No. CP-3-85. Route 199 (proposed) and Richmond Road

The Planning Commission recommends approval of the amendment.

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

Mr. Brown stated he was not in favor of Route 60 being included in the change.

Mr. DePue stated that because property owners were not notified of this hearing, he requested it be deferred.

It was the consensus of the Board to defer the matter to the next Board meeting.

The Board recessed at 8:50 p.m. and declared back in public session at 9:03 p.m.

Mr. Edwards presented John E. McDonald, Director of Financial and Management Services, with a Certificate of Conformance in Financial Reporting from the Government Finance Officers Association.

D. **CONSENT CALENDAR**

Mr. Edwards asked Board members if they wished to have any items removed from the Consent Calendar.

Mr. Brown withdrew # D-6.

Mr. Edwards made a motion to approve the remaining items on the Consent Calendar.

1. Petty Cash Funds

RESOLUTION

PETTY CASH FUNDS

WHEREAS, a review of the authorized petty cash balance and authorized signatories indicates that certain changes need to be made.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County authorizes a petty cash balance of \$50 at the EOC Building under the custodial care of the Citizen Assistance Officer, and

BE IT FURTHER RESOLVED that the authorized signatures for the petty cash fund be amended by deleting STEVEN KANEHL and substituting THEODORE B. BICKMORE.

2. Installation of Streetlights - Season's Trace

RESOLUTION

INSTALLATION OF STREETLIGHTS

WHEREAS, a petition has been filed for the installation of additional streetlights in Season's Trace; and

WHEREAS, streetlighting plans and cost estimates have been prepared by the Virginia Power Company and reviewed by the County Department of Public Works; and

WHEREAS, funds are available in the FY 1985-86 budget for the installation and annual rental charges.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors approves the installation of two additional streetlights in Season's Trace as shown on the attached plans.

3. Williamsburg Regional Library Federal Grant Aid

RESOLUTION

WILLIAMSBURG REGIONAL LIBRARY FEDERAL GRANT AID

WHEREAS, the Board of Supervisors of James City County has been advised that \$1,250 has been approved as a Federal Grant-In-Aid by the Virginia State Library for the Williamsburg Regional Library for FY 1985-1986; and

WHEREAS, the Board of Supervisors of James City County must submit written approval allowing expenditure against such Grant-In-Aid to be made.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County authorizes the acceptance of \$1,250 in Federal Grant-In-Aid funds from the Virginia State Library for FY 1985-1986.

BE IT FURTHER RESOLVED that the Williamsburg Regional Library be authorized and directed to comply with requirements which must be met in order to receive Grants-In-Aid.

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BE IT FURTHER RESOLVED that the County Administrator be authorized and directed to execute the Authorization of Expenditure of Federal Aid Funds.

4. Fair Labor Standards Act

RESOLUTION

TO URGE CONGRESS TO ADOPT A BILL EXEMPTING STATE AND LOCAL EMPLOYEES FROM THE FAIR LABOR STANDARDS ACT

WHEREAS, the Fair Labor Standards Act (FLSA) has been held by the U. S. Supreme Court to apply to compensation paid by states and local governments to their employees to the extent that application of the FLSA does not interfere with the federalism-based freedom of state and local government; and

WHEREAS, existing compensation and job scheduling arrangements and agreements best serve the public needs of James City County and both our officials and employees wish to retain that system;

NOW, THEREFORE, BE IT RESOLVED that the County of James City hereby urges its entire congressional delegation as well as the Chairman of the Subcommittee on Labor Standards of the House Education and Labor Committee, and the Subcommittee on Labor of the Senate Labor and Human Resources Committee to each endorse and introduce the proposed Bills attached hereto as exhibit B, C, and D and insert them in the Congressional Record along with the fact that if one of these Bills is not adopted it will cost the County \$60,000 per year in overtime cost plus a large sum in changing our records to meet the FLSA requirements and require the County to curtail many public services.

BE IT FURTHER RESOLVED that a copy of this resolution and attached Bills be forwarded to the National Institute of Municipal Officers, 1000 Connecticut Avenue, N.W., Washington, D.C. 20036.

5. Supplemental Appropriation - Social Services

RESOLUTION

SUPPLEMENTAL APPROPRIATION - SOCIAL SERVICES

WHEREAS, the State Board of Social Services has allocated \$4,191 in additional funds to James City County; and

WHEREAS, these funds are to be used for In-home Services to the elderly and disabled; and

WHEREAS, no additional local matching funds are needed to accept these additional funds.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that \$4,191 in State Board of Social Services funds be appropriated to the County Department of Social Services account 083-5719 to be used for In-home Services to the elderly and disabled.

7. City of Newport News Water Extension Agreement - Brookside Haven, Phase III and IV

RESOLUTION

CITY OF NEWPORT NEWS WATER EXTENSION AGREEMENTS

WHEREAS, Ferrell Development, Inc., has prepared plans for Brookside Haven-Phase III and Phase IV, a townhouse development in Grove; and

WHEREAS, the City of Newport News has prepared water extension agreements for the extension of city water mains to serve this development; and

WHEREAS, all testing fees and inspection fees have been paid by the developer.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the James City County Board of Supervisors be authorized to execute the Newport News Water Extension Agreements on behalf of the County.

8. Windsor Forest Subdivision, Vacation of Scenic Easement of Lot 13, Section 10

RESOLUTION

CONSENT TO VACATE SCENIC EASEMENT
OF WINDSOR FOREST, SECTION 10, LOT 13

WHEREAS, the owner of Lot 13, Section 10, of the Windsor Forest Subdivision has applied to vacate a certain scenic easement setback of said property and establish a reduced scenic easement setback; and

WHEREAS, all the owners of the lots in Section 10 have executed a document consenting to said vacation; and

WHEREAS, the Board finds the vacation to be reasonable and proper.

NOW, THEREFORE, BE IT RESOLVED that pursuant to Section 15.1-482(a) of the Code of Virginia, as amended, the Board of Supervisors of James City County authorizes its Chairman to execute said Declaration of Vacation evidencing the consent of the County to the vacation of the scenic easement line located on Lot 13, Section 10, of the Windsor Forest Subdivision and the establishing of a reduced scenic easement setback in said lot.

9. Set Public Hearing Date of September 9, 1985 for Case No. MP-5-85. Monticello Avenue Retirement Facility

10. Temporary Budget Analyst Position

RESOLUTION

APPROPRIATION OF FUNDS FOR TEMPORARY POSITION

WHEREAS, a Community Development Specialist position expires on September 30, 1985; and

WHEREAS, the Office of Financial and Management Services will assume responsibility for overseeing Community Development financial matters on October 1, 1985; and

WHEREAS, the current Community Development Specialist is experienced in such matters and can be of significant assistance to the Office of Financial and Management Services in handling other financial administration matters; and

WHEREAS, additional funds have been received from the State Compensation Board to fund the Clerk of the Circuit Court and Commonwealth's Attorney budgets; and

WHEREAS, these additional funds replace local funds already budgeted in the FY 1986 adopted budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County hereby amends the FY 1986 Adopted Operating Budget as follows:

Revenues:

Revenue from the Commonwealth	\$12,048
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Expenditures:

Financial and Management Services	\$16,100
Clerk of the Circuit Court	(7,452)
Contingency	<u>3,400</u>
	\$12,048

6. Signage of I-64 - Old Stage Road (Rt. 30) Intersection

Mr. Brown made a motion to approve the resolution with amendments.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone, Taylor (5). NAY: (0).

RESOLUTIONSIGNAGE AT I-64/OLD STAGE ROAD (ROUTE 30) INTERSECTION

WHEREAS, the Williamsburg Pottery Factory and the Outlets, Ltd. Mall attract thousands of visitors each year to James City County; and

WHEREAS, Lightfoot Road (Route 646) is widely recognized to have far surpassed its capacity to convey traffic safely and effectively; and

WHEREAS, Richmond Road via Old Stage/Barhamsville Road (Route 30) and via Croaker Road (Route 607) may provide convenient, safe alternatives to Lightfoot Road.

THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby request the Virginia Department of Highways and Transportation to erect a sign or signs on Interstate 64, eastbound, west of the Old Stage/Barhamsville Road (Route 30) intersection, to read: "Pottery and Outlet Shopping - Next 3 Exits."

E. BOARD CONSIDERATIONS1. Approval of Private Water System - Thompson Lane/Brady Duplexes

Staff recommends adoption of the resolution.

Mr. Mahone stated 60 days was too restrictive for completion of work. Mr. Taylor agreed with Mr. Mahone.

Mr. DePue made a motion to amend the resolution to 120 days for work completion instead of 60 days.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone, Taylor (5). NAY: (0).

Mr. DePue made a motion to approve the resolution as amended.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone, Taylor (5). NAY: (0).

RESOLUTIONAPPROVAL OF BRADY WATER SYSTEM

WHEREAS, A. W. Brady has requested Board approval of a proposed water system to serve 14 residential units in a proposed duplex development on Thompson Lane; and

WHEREAS, chemical analysis of water from the Brady well shows that sodium and chlorides do not exceed recommended State Health Department limits.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby approves the proposed Brady water system provided that the following items are completed by A. W. Brady.

1. Complete installation of a 2,000 gallon water storage tank to supply peak water demand in accordance with State Health Department requirements before certificates of occupancy are issued for any additional duplex units.
2. Connection to James City Service Authority water by installing an 8-inch water main in Thompson Lane when Authority water is extended to Centerville Road and Thompson Lane. This connecting main shall be installed by A. W. Brady within 120 days following notice from the James City Service Authority that public water is available on Centerville Road at Thompson Lane.

2. Proposed Fee Revision - Vacation of Plats

Staff recommends Board adoption of the resolution.

Mr. DePue made a motion to approve the resolution.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone, Taylor (5). NAY: (0).

R E S O L U T I O N

FEE - VACATION OF PLAT

WHEREAS, the 1984 Session of the General Assembly amended Section 15.1-482.1 of the Code of Virginia, 1950, as amended, to provide for a fee of \$150 for vacating a plat under Section 15.1-481 et seq of the Code; and

WHEREAS, such applications involve the advertisement and significant expenses in staff time in preparing the papers, resulting in a direct benefit to the applicants; and

WHEREAS, the Board of Supervisors is of the opinion that such applicants should bear the full expense of applying for vacations of plats.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia:

1. that pursuant to Section 15.1-482.1 of the Code of Virginia, 1950, as amended, a fee of one-hundred and fifty dollars (\$150) shall be charged for the processing of an application for vacation of a plat under Section 15.1-481 et seq of the Code.

3. Grove Redevelopment Project - Supplementary Relocation Policy

Staff recommends adoption of the resolution.

Mr. Brown made a motion to adopt the resolution.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone, Taylor (5). NAY: (0).

R E S O L U T I O N

ADOPTION OF THE GROVE REDEVELOPMENT PROJECT
SUPPLEMENTARY RELOCATION POLICY

WHEREAS, James City County has begun relocating residents from property being acquired by the County and the Hampton Redevelopment and Housing Authority in accordance with the Grove Redevelopment Plan; and

WHEREAS, James City County has determined that optional relocation assistance is required in order to relocate certain categories of residents to affordable, decent, safe and sanitary housing; and

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WHEREAS, the Community Development Block Grant regulations authorize payment of optional relocation assistance, upon determination by the locality that such payments are appropriate and upon adoption of a policy setting forth the relocation payments and the assistance to be provided.

NOW, THEREFORE, BE IT RESOLVED that the James City County Board of Supervisors finds that optional relocation assistance is required for certain classes of displacees and therefore adopts the Grove Redevelopment Project Supplementary Relocation Policy dated August 12, 1985.

F. AUDIENCE

Mr. Ron Rosenthal, 6436 Centerville Road, requested Board assistance in solving drainage problems associated with the Outlets Limited Mall.

Mr. Oliver informed Mr. Rosenthal to contact A. T. Quesenberry, Engineer, to assist him.

Mr. Edwards requested staff prepare a letter for his signature and Mr. DePue's concurrence to be sent to the Outlets Limited Mall developer stating the lack of follow through on drainage projects.

Mr. Brown stated water should be impounded by on-site retention ponds to eliminate the drainage problem.

G. REPORTS OF THE COUNTY ADMINISTRATOR - None

H. BOARD REQUESTS AND DIRECTIVES

Mr. Taylor requested staff look at the road between Beechwood Drive and Riverside Drive at Cypress Point to see if it would fall under the Dirt Streets Improvement Program.

It was the consensus of the Board to start their bus tour of the County on September 14, 1985 at 8:30 a.m.

Mr. Edwards requested staff place the Historical Commission guidelines on the next meeting's agenda.

Mr. Brown made a motion to adjourn.

On a roll call, the vote was AYE: Brown, Edwards, DePue, Mahone, Taylor (5). NAY: (0).

The Board adjourned at 9:50 p.m.


James B. Oliver, Jr.
Clerk to the Board

The purpose of these regulations is to promote good public utility and good business practice. These regulations reflect the obligations of the Utility to its customers; in addition, these regulations reflect requirements that the customer must observe. These regulations govern the relations between the customer and the Utility.

Obligations of the Utility.

- (a) Obligations accepted. Inasmuch as the Utility provides two utility services which are vital and essential to the health, safety, and welfare of the entire community, the Utility accepts certain obligations to safeguard the public interest. Among these obligations accepted by the Utility are the requirements that it perform in the following manner:
- (1) Serve all who apply and meet the requirements of the Utility.
 - (2) Give equal and adequate service to all.
 - (3) Make the same charge to all in the same customer class for the same service, except under special contracts when warranted by the circumstances.
 - (4) Charge customers according to the cost of providing the service.
- (b) Expectations. In return for the faithful discharge of these obligations, the Utility operates with the following expectations:
- (1) Reasonable compensation for services rendered.
 - (2) Customer observance of reasonable rules and regulations which govern the conduct of the business of the Utility.

Section 1. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used herein shall be as follows:

Adjacent: premises contiguous to an easement or right-of-way within which there is located either a water or wastewater line and where the premises, as identified as of December 31, 1984, are within 1,000 feet (300 feet for a single family residence not in a subdivision) of a water and-or wastewater line. (amended March 85)

Allocation: the division of the needed annual revenue requirements for wastewater facilities and service between users (implies a direct use of the wastewater system) and property.

Applicant: the owner or his duly authorized representative who applies to the Utility for either water service or wastewater service or both such services.

Governing body: in the case of County and the Sanitary Districts, the duly elected Board of Supervisors of James City County; in the case of the Authority, the Board of Directors of the James City Service Authority.

Grinder pump: a compact lift station with pump, storage capacity and appurtenant piping, valves and other mechanical and electrical equipment which grinds or reduces the particle size of wastewater solids to yield a sewage slurry for pumping from source to disposal.

HRSD: "Hampton Roads Sanitation District Commission", the designation for the regional State agency which provides regional transmission and treatment facilities for wastewater.

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Incremental capacity: the additional capacity required in system facilities to accommodate a specific development; capital costs of such capacity is charged to the developer (property benefitted) but often passed through to new customers in site costs.

Infiltration: is the water entering a wastewater system, including wastewater service connections, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls.

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 gravity lateral and branch sewers eight (8) inches or less in diameter *and all wastewater lines that serve one development.*
- (b) Water: all transmission and distribution mains eight (8) inches or less in diameter; all fire mains; all services, meters, meter installations and fire hydrants.

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Service connection: a premises to which either continuing water service or sewer service or both is provided by the Utility. (Please see Illustrations 1 and 2 for a pictorial definition of typical water and sewer connections.)

Sewer service connection: the point at or near the applicant's property line where the building sewer connects to the sewer service line.

Sewer service line: that portion of pipe within the wastewater system which extends from the branch or lateral sewer (public sewer) to the sewer service connection.

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: all ~~gravity sewers~~ wastewater mains more than eight (8) inches in diameter and ~~all force mains, irrespective of size,~~ all wastewater lines that serve more than one development, and all pumping stations and treatment plants and appurtenances unless dedicated to one development exclusively. (amended March 85)
- (b) Water: all transmission and distribution mains more than eight (8) inches in diameter; all storage facilities; all supply plant, pumping plant and general plant unless dedicated to one development exclusively. (amended March 85)

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.

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- (a) Service to existing structures. An owner or tenant of property adjacent to a right-of-way or easement within which there is located a public water main or public gravity sewer or both shall connect each existing structure or mobile home situated thereon to the facilities of the Utility or (at the option of the Utility) to HRSD; provided, however, an owner or tenant of property shall not be required to connect an existing structure or mobile home situated thereon to a public water main or to a public gravity sewer when the following conditions apply:
- (1) Water: the existing structure or mobile home is used principally for residential purposes and is served by a domestic supply or source of potable water which meets the standards established by the Virginia Department of Health.
 - (2) Sewer: the existing structure or mobile home is used principally for residential purposes and is served by a private septic system or domestic sewage system which meets applicable standards established by the Virginia Department of Health.
- (b) Time to connect. The owner or tenant of an existing structure shall comply with this connection regulation within one (1) year after receiving from the Utility written notice that utility service is available.
- (c) Plumbing facilities. An existing structure which is required by these Regulations to connect to a utility service of the Utility but is not equipped with plumbing facilities required by the Virginia Uniform Statewide Building Code shall be so equipped and connected to the available utility service.
- (d) Service to future structure, new development. An owner of property shall be required to connect to the facilities of the Utility: each development or each future structure not part of a development when such development or future structure shall be situated on property adjacent to a right-of-way or easement within which there is located a public water main or ~~public gravity sewer~~ or wastewater line. (amended March 85)

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- (e) Access. The connection of development or an existing or future structure to a utility service of the Utility shall not be required when access to the affected property requires the crossing of property of another owner, Utility property and property of the Virginia Department of Highways and Transportation excepted. (amended March 85)
- (f) Application required. The owner or tenant, when required by these Regulations to connect to a utility service, shall make "Application for Service and Contract" in accordance with Section 3 below.

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- (3) Dwelling with accessory apartment;
- (4) Two-family and multi-family structure, including apartment building and townhouse, where the utility service is included in the rent;
- (5) Mobile home park where the utility service to each mobile home lot is included in the rent;
- (6) Non-residential structure which contains two or more contiguous units occupied by a tenant or lessee where the utility service is included in the rent.

Section 12. Utility bill.

- (a) Frequency; content; address. A utility bill shall be mailed every quarter to every customer for utility service supplied during the time period shown on the utility bill; provided, however, those customers whose aggregate bill exceeds \$750.00 per quarter shall be billed monthly. *The Utility may bill on a bi-monthly basis for sewer where meter readings taken by a non-Utility water system owner can be used to determine consumption.* Each utility bill shall contain, as a minimum, the following information:
- (1) The date of the utility bill.
- (2) The time period and number of days of utility service covered by the utility bill.
- (3) The utility charge(s) due.
- (4) The date when complete payment is due at the Utility office, which date shall be thirty (30) days from the date of the utility bill.
- (5) Notice whether the bill is based on an actual or an estimated measurement of the amount of utility service supplied.
- (6) Notice that failure to timely and completely pay the amount(s) shown on the utility bill shall result in termination of utility service.
- (7) Notice that the customer may call the Utility customer representative whose telephone number shall be listed on the utility bill, in order to:
- (a) Dispute the amount of the utility charges.
- (b) Avoid the termination of utility service for nonpayment of the amount(s) shown on the utility bill.
- (c) Apply for restoration of utility service.
- (d) Request answers to any other questions about utility service.

- (3) Will the acquisition improve the customer's public health, public safety, quality or quantity of service, or the reliability of service?
- (4) Do a majority of the Utility's customers not object to the acquisition?
- (5) Does the Utility have the ability to finance the acquisition through either internally generated funds or debt?

If the answer to any of the questions above is negative, then the Utility may either seek to define mitigating factors or may choose not to acquire the system.

(g) *The Utility may, at its option, permit the direct connection of any new development to facilities owned by HRSD.*

Section 29. Cross-connection and backflow prevention control.

(a) Purpose. This Section is adopted for the following purposes:

- (1) To protect the potable water system of the Utility from the possibility of contamination or pollution by isolating within its customers' internal distribution systems such contaminants or pollutants which could backflow into the public water supply system;
- (2) To eliminate or control the existing cross-connections, actual or potential, at each water outlet from the customer's service line; and
- (3) To provide for the maintenance of a continuing program of cross-connection control which systematically and effectively prevents contamination or pollution of the Utility's water system.

(b) Cross-connection prohibited.

- (1) The Utility water system shall be designed, installed, and maintained in such a manner as to prevent contamination from nonpotable liquids, solids or gases from being introduced into the potable water supply through cross-connections or any other piping connections to the system.
- (2) Cross-connections between the Utility water system and other systems or equipment containing water or other substances of unknown or questionable safety are prohibited except when and where approved by the Utility Administrator or his designee, with suitable protective devices installed, tested, and maintained to insure proper operation on a continuing basis.

(c) Backflow and backsiphonage prohibited. The Utility water system shall be protected against backflow and backsiphonage by installing and maintaining at all fixtures, equipment and

<u>Activity, use</u>	<u>Unit</u>	<u>Charge</u>
Two family, apartments and town houses	Each	400
Schools (with showers)	Student	60
Schools (without showers)	Student	40
Motels and hotels	Room	200
Minimum		2,500
Manufacturing	Msf	300
Minimum		1,200
Warehouses	Msf	100
Minimum		1,200
Service stations	Each	1,200
Camping facilities	Each space	100
Minimum		1,200
Restaurants	Seat	20
Minimum		1,200
Commercial	Msf	N-A
Minimum		1,500
First	30,000 sq. ft.	500
Next	10,000 sq. ft.	450
Next	10,000 sq. ft.	400
Over	50,000 sq. ft.	350

The purpose of this charge is to defray in part the cost of providing force mains, pump stations, transmission mains, booster pumps, and other system facilities.

- (2) Local facilities charge. A local facilities charge of \$250 for each separate connection to public sewer shall be paid by each applicant who desires to secure wastewater service therefrom, which charge shall be paid prior to the approval of the application for service; provided, however, in any instance where satisfactory evidence shows that an applicant has paid the cost of installation of the local facility to which the connection is to be made, either by installing the local facility at his expense and then conveying the same to the Utility (or its predecessors) or by reimbursing the Utility (or its predecessors) for the cost of such local facilities, the local facilities charge shall be waived.

The purpose of this charge is to defray in part the cost of installing collection mains which are necessary to provide wastewater collection service to abutting properties and which have been provided at the expense of the Utility or persons, firms or corporations other than the applicant.

- (3) Grinder pump charge. A grinder pump charge of \$300 shall be paid for each separate connection to a grinder pump when operation and maintenance of residential grinder pumps is the responsibility of the Utility. *The utility shall not maintain non-residential grinder pumps.*

The purpose of this charge is to defray the cost ²⁰⁵ interest, debt principal, and debt reserve requirements incurred by the Utility in financing and dedicating water lines to Newport News Waterworks.

- (7) Improvement Assessment. The following charge shall be assessed to all customers previously provided water by Sydnor Hydrodynamics, Inc., in Sanitary District No. 1. Said charges shall be paid within one year from the date that said customers are notified, in writing, by the Utility that the improvements necessary to provide a new source of water to the former Sydnor system have been completed.

These charges shall be as follows:

<u>Meter Size (inches)</u>	<u>Improvement Assessment</u>	<u>Meter Size (inches)</u>	<u>Improvement Assessment</u>
5-8	\$ 400.00	1-1-2	\$2,000.00
3-4	600.00	2	3,500.00
1	1,000.00	3	8,000.00

The purpose of these charges is to partially recover the costs of acquiring and improving the water system in Sanitary District No. 1.

- (d) Exceptions to local, system facilities charges. The provisions of Section 28 above shall be observed when there is a conflict between Section 28 and the provisions of Sections 31(b) and 31(c) above.

- (e) Billing and account charges. The following charges shall be assessed for any customer billed by the Utility.

- (1) Account charge. An account charge of \$10.00 (\$20.00 if the meter is read) shall be paid by each applicant for continuing service, whether for a new account or for a transfer of account, for water and-or wastewater service.

The purpose of this charge is to defray the cost incurred in clerical and bookkeeping activities, the turning on of services and-or meter reading required for each new account or transfer of account.

- (2) Transaction charge for late payment. A transaction charge for late payment of ~~\$10.00~~ 1% of the balance due, shall be added to a bill in the event that the bill is not paid within thirty (30) days following the date thereof. All unpaid balances shall be assessed a carrying charge of three quarters of one percent (.75%) per month of unpaid and overdue balances. This is equal to an effective annual interest rate of 9.38 percent.

AAJ802

AN ORDINANCE TO AMEND CHAPTER 17, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE I, IN GENERAL.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 17, Subdivisions, Article I, In General, is hereby amended by adding Section 17-15.1, Regulations governing utility service, and by adding Section 17-15.2, Inspection of public water and sewer system.

Chapter 17. Subdivisions

Article I. In General

Section 17-15.1. Regulations governing utility service.

All subdividers shall comply with the Regulations Governing Utility Services.

Section 17-15.2. Inspection of public water and sewer system.

Inspection of public water or sewer system installations shall be the responsibility of the County. Any subdivider of a subdivision shall obtain a Certificate to Construct sewer or water lines and facilities from the County prior to either extending existing facilities or building new facilities. Certificates to Construct shall not be issued until the subdivider has paid to the County inspection fees in the amount of fifty cents per foot for every foot of main sewer line or water main constructed. A Certificate to Construct shall be required prior to final approval of the subdivision plat.

DECLARATION OF VACATION

WHEREAS, a plat entitled "Windsor Forest, Section 10", was recorded in Plat Book 37, Page 62; and

WHEREAS, the owners of lot 13, Curtis W. and Marianne Lee, desire to vacate a certain line of easement as shown on a plat entitled "A Plat to Relocate Existing Scenic Easement", a copy of which is recorded simultaneously herewith, and establish a new scenic easement as shown on said plat; and

WHEREAS, the owners of all lots shown on the plat entitled, "Windsor Forest, Section 10", have executed an instrument in writing agreeing to said petition, such instrument being titled "Petition", and is acknowledged and attached hereto and incorporated herein; and

WHEREAS, the County of James City joins in the Declaration of Vacation to evidence its consent thereto.

NOW, THEREFORE, in accordance with the Code of Virginia, 1950, as amended, Section 15.1-482(a), the easement line shown on that certain plat recorded in Plat Book 37, Page 62, described above, is vacated and a new line of easement established in accordance with that certain plat entitled "A Plat to Relocate Existing Scenic Easement, Lot 13, Section 10, Windsor Forest, James City County, Virginia", dated July 23, 1985, by the DeYoung-Johnson Group, Inc.

Extension Agreement No. 84- 1985
 Location: Brookside Haven - Phase III
 Roberts District
 James City County, Virginia

CITY OF NEWPORT NEWS, VIRGINIA
 DEPARTMENT OF PUBLIC UTILITIES
 AGREEMENT TO EXTEND WATER MAIN

This Agreement, made this 21st day of August
 19 85, by and between the City of Newport News, a Municipal
 Corporation in the Commonwealth of Virginia, hereinafter referred
 to as "City", and Sanitary District No. 2, hereinafter referred
 to as "Applicant".

WHEREAS, the Applicant has applied to the City for
 permission to connect to its system and extend the water main or
 mains to serve the premises, constructed or intended to be
 constructed, on the tract or plot of land as shown on the
 development map or plot plan attached hereto and made a part
 hereof, known as Brookside Haven - Phase III, and marked Exhibit
 "A"; and,

WHEREAS, the City is willing to permit connection to its
 system and provide retail water service to the aforementioned
 development; and,

WHEREAS, the Applicant will furnish all necessary easements
 without cost to the City; and,

NOW, THEREFORE, for and in consideration of the premises,
 and the mutual covenants and agreements herein contained the
 parties hereto agree as follows:

1. The Applicant agrees:

a. At his own sole cost and expense, to furnish all
 labor, tools, materials and services to install water mains and
 appurtenances in accordance with the layout shown on Exhibit "A",
 and to conform to the Specifications and Details attached hereto,
 and made a part hereof. Construction Drawings will be
 furnished by the City upon execution of this Agreement and water
 pipeline work will not begin without these drawings.

b. At his own cost and expense, to furnish "as-built"
 drawings of the installation upon completion thereof, as well as
 a breakdown of the total cost of the installation as paid by the
 Applicant.

c. To pay the City upon execution and delivery of
 this Agreement, the sum of Nine Thousand Three Hundred Thirty-Two
 Dollars, (\$9,332.00), the cost of hydrant rental, meters, service
 pipes, supervision, inspection, blow-off installation and the
 estimated cost of the tie-in into the existing system as shown
 on Exhibit "B", attached hereto. Upon completion of the tie-

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in and blow-off installation, if it is found that the actual cost exceeds the estimated cost of \$1,350.00, then you will pay this amount to the City, and if the actual cost is less than \$1,350.00, the City will refund you the over payment. The cost of the hydrant rental, meters, service pipes, supervision and inspection is in no event refundable.

d. To furnish, at no cost to the City, all necessary easements for laying water mains, prepared in compliance with City standard form (see Exhibit "C") prior to acceptance of the water system and tie-in to the existing system.

e. The Applicant will pay to the City the established rental charge per annum for each fire hydrant installed in the development for five years after date of installation of all fire hydrants in James City County.

f. To furnish plat showing location of meter boxes and provide a marker on site indicating location of meter box installation on each lot or building as required.

2. The City agrees, upon completion of the installation by the Applicant and compliance with the other terms of this Agreement:

a. To sterilize and tie the installation into the existing system.

b. Install metered services subject to current ordinance requirements as follows:

(1) All applications for water service connections or tap must be installed within a period of three years. If through no fault of the Department of Public Utilities, installation is not made within three years from the date of application, the fees paid in connection therewith shall be forfeited.

c. Maintain and operate the system.

d. Refund \$300.00 for each fire hydrant installed by the Applicant in accordance with Exhibit "A".

3. The Applicant and City agree:

a. That no work shall be started until this Agreement has been executed by the Applicant, approved by the City, and all streets and sidewalks have been brought to final subgrade with curbing in place.

b. That the City assumes no responsibility for pavement repair if services must be installed after streets are paved.

c. That the City assumes no responsibility for the settlement of the trenches for water mains or service laterals after the installations are completed.

d. That the City shall have the right to make further extension of this water main extension after its completion.

e. That this Agreement shall be binding upon the respective parties, their successors and assigns.

f. That the facilities installed under this Agreement shall be the property of the City, its successors and assigns.

EXHIBIT "B"

Estimated cost of the installation of water facilities to serve your property known as Brookside Haven - Phase III, as shown on plat attached and charge for meters and service pipes.

270 feet of 8"	Ductile Iron Pipe (Class 52)
10 feet of 6"	Ductile Iron Pipe (Class 52)
415 feet of 4"	Ductile Iron Pipe (Class 52)
1	fire hydrant

DEVELOPER'S ESTIMATED COST TO CONTRACTOR (Pipe to be laid by the Developer in accordance with Specifications)	\$ 13,721.00
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CITY'S COST

22 - 5/8" meters	@ \$120.00	2,640.00
22 - service pipes	@ \$205.00	4,510.00
1 - fire hydrant rental	@ \$160.00	160.00
Supervision & Inspection		672.00
Tie-In, Flushing and Blow-Off Installation		1,350.00

DEVELOPER'S COST TO CITY	\$ 9,332.00
TOTAL ESTIMATED COST	\$23,053.00

A maintenance bond or letter of credit in the amount of \$2,500.00 is to be posted prior to acceptance of the water system and tie-in to the existing system which shall be in effect for one year beginning at date of pressure test.

The Developer shall mark in blue paint on face of curb the letter "W" to indicate location for water services.

In the event that meters and service pipes may be covered with concrete driveways or walks, then such meters and service pipes shall be relocated at the expense of the Developer or Owner.

The estimated cost of pipeline does not include the cost of connection to City's Distribution System. Material for this work and the labor and equipment will be furnished by the Department of Public Utilities at expense of Developer as provided in the Agreement.

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Extension Agreement No. 85- 1985
 Location: Brookside Haven - Phase IV
 Roberts District
 James City County, Virginia

CITY OF NEWPORT NEWS, VIRGINIA
 DEPARTMENT OF PUBLIC UTILITIES
 AGREEMENT TO EXTEND WATER MAIN

This Agreement, made this 21st day of August, 19 85, by and between the City of Newport News, a Municipal Corporation in the Commonwealth of Virginia, hereinafter referred to as "City", and Sanitary District No. 2, hereinafter referred to as "Applicant".

WHEREAS, the Applicant has applied to the City for permission to connect to its system and extend the water main or mains to serve the premises, constructed or intended to be constructed, on the tract or plot of land as shown on the development map or plot plan attached hereto and made a part hereof, known as Brookside Haven - Phase IV, and marked Exhibit "A"; and,

WHEREAS, the City is willing to permit connection to its system and provide retail water service to the aforementioned development; and,

WHEREAS, the Applicant will furnish all necessary easements without cost to the City; and,

NOW, THEREFORE, for and in consideration of the premises, and the mutual covenants and agreements herein contained the parties hereto agree as follows:

1. The Applicant agrees:

a. At his own sole cost and expense, to furnish all labor, tools, materials and services to install water mains and appurtenances in accordance with the layout shown on Exhibit "A", and to conform to the Specifications and Details attached hereto, and made a part hereof. Construction Drawings will be furnished by the City upon execution of this Agreement and water pipeline work will not begin without these drawings.

b. At his own cost and expense, to furnish "as-built" drawings of the installation upon completion thereof, as well as a breakdown of the total cost of the installation as paid by the Applicant.

c. To pay the City upon execution and delivery of this Agreement, the sum of Thirteen Thousand Two Hundred Twenty-One Dollars, (\$13,221.00), the cost of hydrant rental, meters, service pipes, supervision, inspection, blow-off installations and the estimated cost of the tie-in into the existing system as shown on Exhibit "B", attached hereto. Upon completion of

the tie-in and blow-off installations, if it is found that the actual cost exceeds the estimated cost of \$1,400.00, then you will pay this amount to the City, and if the actual cost is less than \$1,400.00, the City will refund you the over payment. The cost of the hydrant rental, meters, service pipes, supervision and inspection is in no event refundable.

d. To furnish, at no cost to the City, all necessary easements for laying water mains, prepared in compliance with City standard form (see Exhibit "C") prior to acceptance of the water system and tie-in to the existing system.

e. The Applicant will pay to the City the established rental charge per annum for each fire hydrant installed in the development for five years after date of installation of all fire hydrants in James City County.

f. To furnish plat showing location of meter boxes and provide a marker on site indicating location of meter box installation on each lot or building as required.

2. The City agrees, upon completion of the installation by the Applicant and compliance with the other terms of this Agreement:

a. To sterilize and tie the installation into the existing system.

b. Install metered services subject to current ordinance requirements as follows:

(1) All applications for water service connections or tap must be installed within a period of three years. If through no fault of the Department of Public Utilities, installation is not made within three years from the date of application, the fees paid in connection therewith shall be forfeited.

c. Maintain and operate the system.

d. Refund \$300.00 for each fire hydrant installed by the Applicant in accordance with Exhibit "A".

3. The Applicant and City agree:

a. That no work shall be started until this Agreement has been executed by the Applicant, approved by the City, and all streets and sidewalks have been brought to final subgrade with curbing in place.

b. That the City assumes no responsibility for pavement repair if services must be installed after streets are paved.

c. That the City assumes no responsibility for the settlement of the trenches for water mains or service laterals after the installations are completed.

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d. That the City shall have the right to make further extension of this water main extension after its completion.

e. That this Agreement shall be binding upon the respective parties, their successors and assigns.

f. That the facilities installed under this Agreement shall be the property of the City, its successors and assigns.

EXHIBIT "B"

Estimated cost of the installation of water facilities to serve your property known as Brookside Haven - Phase IV, as shown on plat attached and charge for meters and service pipes.

305 feet of 8" Ductile Iron Pipe (Class 52)
15 feet of 6" Ductile Iron Pipe (Class 52)
310 feet of 4" Ductile Iron Pipe (Class 52)
1 fire hydrant

DEVELOPER'S ESTIMATED COST TO CONTRACTOR (Pipe to be laid by the Developer in accordance with Specifications)	\$ 12,662.00
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CITY'S COST

34 - 5/8" meters @ \$120.00	4,080.00
34 - service pipes @ \$205.00	6,970.00
1 - fire hydrant rental @ \$160.00	160.00
Supervision & Inspection	611.00
Tie-in, Flushing and Blow-Off Installations	1,400.00

DEVELOPER'S COST TO CITY	\$13,221.00
TOTAL ESTIMATED COST	\$25,883.00

A maintenance bond or letter of credit in the amount of \$2,500.00 is to be posted prior to acceptance of the water system and tie-in to the existing system which shall be in effect for one year beginning at date of pressure test.

The Developer shall mark in blue paint on face of curb the letter "W" to indicate location for water services.

In the event that meters and service pipes may be covered with concrete driveways or walks, then such meters and service pipes shall be relocated at the expense of the Developer or Owner.

The estimated cost of pipeline does not include the cost of connection to City's Distribution System. Material for this work and the labor and equipment will be furnished by the Department of Public Utilities at expense of Developer as provided in the Agreement.