

AG E N D A
JAMES CITY SERVICE AUTHORITY BOARD OF DIRECTORS
ORGANIZATIONAL MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
January 24, 2017
6:30 PM

A. CALL TO ORDER

B. ROLL CALL

C. ORGANIZATIONAL MEETING

1. Organizational Meeting of the Board of Directors

D. CONSENT CALENDAR

1. Minutes Adoption - December 13, 2016 Regular Meeting
2. Agreement with Williamsburg Memorial Park

E. PUBLIC HEARING(S)

F. BOARD CONSIDERATION(S)

G. BOARD REQUESTS AND DIRECTIVES

H. ADJOURNMENT

1. Adjourn until 5 p.m. on February 14, 2017 for the Regular Meeting

ITEM SUMMARY

DATE: 1/24/2017
TO: Board of Directors
FROM: Adam R. Kinsman, County Attorney
SUBJECT: Organizational Meeting of the Board of Directors

ATTACHMENTS:

	Description	Type
▣	Memo	Cover Memo
▣	Reso	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	1/13/2017 - 4:55 PM
Publication Management	Burcham, Nan	Approved	1/13/2017 - 4:57 PM
Legal Review	Kinsman, Adam	Approved	1/17/2017 - 11:02 AM
Board Secretary	Fellows, Teresa	Approved	1/17/2017 - 12:44 PM
Board Secretary	Purse, Jason	Approved	1/17/2017 - 12:53 PM
Board Secretary	Fellows, Teresa	Approved	1/17/2017 - 1:19 PM

MEMORANDUM

DATE: January 24, 2017
TO: The Board of Supervisors
FROM: Adam R. Kinsman, County Attorney
SUBJECT: Organizational Meeting of the Board of Directors

The Board should first take action on the election of the chairman and the vice chairman. Following those elections, I have attached for your consideration a resolution establishing times and dates of your meetings for the year 2017 and the date of the 2018 organizational meeting as well as proposed parliamentary rules to assist in the conducting of your business. These rules are consistent with past years.

In light of the recent changes made to the Board of Supervisors meeting dates and times, I have changed the James City Service Authority meetings from the fourth Tuesday of each month to the second Tuesday at 5:00 p.m. In response to comments from the Board members, I have changed the date of the 2018 organizational meeting from the fourth Tuesday of the month to occur on the same date as the Board of Supervisors' organizational meeting.

I recommend adoption of the attached resolution.

ARK/nb
BOD-OrgMtg-mem

Attachment

RESOLUTION

ORGANIZATIONAL MEETING OF THE BOARD OF DIRECTORS

WHEREAS, the Board of Directors of the James City Service Authority, James City County, Virginia, is desirous of establishing rules for the conducting of its business for the year of 2017.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the James City Service Authority, James City County, Virginia, that the following rules shall apply for the year 2017.

1. Regular meetings of the Board of Directors shall be held at 5:00 p.m., or as soon thereafter as the Board may call the meeting to order, on the second Tuesday of each month.
2. The 2018 organizational meeting shall be held on the first Tuesday in January 2018 at 4:00 p.m. or as soon thereafter as the Board may call the meeting to order.
3. The Board of Directors agrees to follow Robert’s Rules of Order, Newly Revised 10th Edition, October 2000, and more specifically, the provisions which pertain to the “Conduct of Business in Boards,” at page 469 et seq., in particular, the “Procedure in Small Boards” as follows:
 - a. Members are not required to obtain the floor before making motions or speaking, which they can do while seated.
 - b. Motions need not be seconded.
 - c. There is no limit to the number of times a member can speak to a question, and motions to close or limit debate generally should not be entertained.
 - d. Informal discussion of a subject is permitted while no motion is pending.
 - e. The chairman can speak in discussion without leaving the chair and can make motions and votes on all questions.

Chairman, Board of Directors

ATTEST:

Bryan J. Hill
Secretary to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
ONIZUK	_____	_____	_____
SADLER	_____	_____	_____
HIPPLE	_____	_____	_____

Adopted by the Board of Directors of the James City Service Authority, James City County, Virginia, this 24th day of January, 2017.

ITEM SUMMARY

DATE: 1/24/2017
TO: The Board of Directors
FROM: Teresa J. Fellows, Administrative Coordinator
SUBJECT: Minutes Adoption - December 13, 2016 Regular Meeting

ATTACHMENTS:

	Description	Type
☐	Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	1/17/2017 - 10:59 AM

MINUTES
JAMES CITY COUNTY BOARD OF DIRECTORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
December 13, 2016
6:30 PM

A. CALL TO ORDER

B. ROLL CALL

John J. McGlennon, Roberts District
Ruth M. Larson, Berkeley District
P. Sue Sadler, Vice-Chairman, Stonehouse District
Michael J. Hipple, Powhatan District
Kevin D. Onizuk, Chairman, Jamestown District

Bryan J. Hill, Secretary to the Board
Adam R. Kinsman, County Attorney
M. Douglas Powell, General Manager, James City Service Authority

C. CONSENT CALENDAR

1. Minutes Adoption - November 22, 2016 Regular Meeting

A motion to Approve was made by Michael Hipple and the motion result was Passed.

AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: McGlennon, Larson, Hipple, Onizuk

Absent: Sadler

D. PUBLIC HEARING(S)

E. BOARD CONSIDERATION(S)

F. BOARD REQUESTS AND DIRECTIVES

Mr. Onizuk highlighted that the annual financial statements show a reduction in operating expenses over the last two years while the revenues have remained consistent and flat. He is happy to see that the Service Authority has been able to make efficiencies and be positive stewards of the citizen's dollars. He congratulated Mr. Powell and the Authority on their strong fiscal management.

G. GENERAL MANAGER'S UPDATE

Mr. Powell stated that staff did meet with the Department of Environmental Quality (DEQ) last week regarding the groundwater withdrawal permit. He believes the meeting was productive and successful as they talked through a number of issues. Staff has made written comments back to DEQ this week,

and he believes that many of the issues facing us will be moving toward a resolution.

The Board thanked Mr. Powell and his staff for all of their efforts in resolving our future water concerns.

H. ADJOURNMENT

1. Adjourn until 6:30 p.m. on January 24, 2017 for the Organizational Meeting

A motion to Adjourn was made by Michael Hipple and the motion result was Passed.

AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: McGlennon, Larson, Hipple, Onizuk

Absent: Sadler

At 7:29 p.m., Mr. Onizuk adjourned the Board.

Bryan J. Hill
Secretary to the Board

ITEM SUMMARY

DATE: 1/24/2017
TO: The Board of Directors
FROM: M. Douglas Powell, General Manager
SUBJECT: Agreement with Williamsburg Memorial Park

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Resolution
☐	Agreement	Backup Material
☐	Map	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
James City Service Authority	Powell, Doug	Approved	1/13/2017 - 9:27 AM
Publication Management	Burcham, Nan	Approved	1/13/2017 - 9:38 AM
Legal Review	Kinsman, Adam	Approved	1/13/2017 - 4:56 PM
Board Secretary	Fellows, Teresa	Approved	1/17/2017 - 8:06 AM
Board Secretary	Purse, Jason	Approved	1/17/2017 - 12:51 PM
Board Secretary	Fellows, Teresa	Approved	1/17/2017 - 1:19 PM

MEMORANDUM

DATE: January 24, 2017
TO: The Board of Directors
FROM: Doug Powell, General Manager, James City Service Authority
SUBJECT: Agreement with Williamsburg Memorial Park

The James City Service Authority (JCSA) leases property from Williamsburg Memorial Park, Inc. (WMP) on which the JCSA operates a well facility. WMP has also granted JCSA an easement along the existing access road from King William Road so that JCSA can access the well facility.

WMP recently completed significant repairs to this road and requested that JCSA contribute funds for the project since JCSA uses the road daily. Staff agreed that it was fair for JCSA to participate, and negotiated the attached Agreement.

The proposed Agreement provides for JCSA to provide a one-time payment of \$12,500, which is 50% of the repair costs for the portion of the road that is shared by JCSA and WMP. Under the Agreement, JCSA would also begin paying WMP \$1,500 per year for maintenance for the shared portion of the road. JCSA is not contributing to any costs with the portion of the road used solely by WMP.

It should also be noted that under a previous agreement, JCSA was proving water to WMP at no cost. The proposed Agreement would end that practice and JCSA would begin to charge WMP for its water consumption.

Staff recommends approval of the resolution.

DP/kb
WMP-mem

Attachments

RESOLUTION

AGREEMENT WITH WILLIAMSBURG MEMORIAL PARK

WHEREAS, the James City Service Authority (JCSA) leases property from Williamsburg Memorial Park, Inc. (WMP) to operate a well facility; and

WHEREAS, WMP has granted JCSA an easement along the existing access road from King William Road so that JCSA can access the well facility; and

WHEREAS, JCSA has agreed to participate in the repair and maintenance of that part of the road that is used jointly by JCSA and WMP.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the James City Service Authority, James City County, Virginia, hereby authorizes the General Manager to execute the attached Agreement with Williamsburg Memorial Park, Inc.

Chairman, Board of Directors

ATTEST:

Bryan J. Hill
Secretary to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	___	___	___
LARSON	___	___	___
ONIZUK	___	___	___
SADLER	___	___	___
HIPPLE	___	___	___

Adopted by the Board of Directors of the James City Service Authority, James City County, Virginia, this 24th day of January, 2017.

WMP-res

Tax Map Parcels: 3220100109
3240200011A

PREPARED BY & RETURN TO:
M. Anderson Bradshaw
P.O. Box 456
Toano, VA 23168

THIS AGREEMENT is made this 15th day of November, 2016, by and between WILLIAMSBURG MEMORIAL PARK, INC., referred to as WMP, which is designated as both grantor and grantee for indexing purposes, and JAMES CITY SERVICE AUTHORITY, referred to as JCSA, which is designated as both a grantor and a grantee for indexing purposes.

Whereas, JCSA is the leaseholder of a 99 year lease of a well lot adjacent to the property of WMP, which lease was originally granted to Commonwealth Water and Sewer Company and which was assigned to Ewell Water and Sewer Company by assignment dated March 9, 1967, recorded in James City County Deed Book 110, page 536, and which was subsequently assigned to JCSA by deed and assignment dated November 2, 1978, recorded in James City County Deed Book 192, page 751, referred to collectively as “the Lease”, and

Whereas, the lease terms, as clarified and as assumed by JCSA by the assignments referenced above, obligate the lessee to “supply potable water ... to Williamsburg Memorial Park, Inc., to be used for cemetery purposes during the term of this lease ...”, and

Whereas, by deed of easement dated November 15, 1993, recorded in James City County Deed Book 670, page 173, WMP granted to JCSA various easements including “A variable width permanent easement for ingress and egress along the existing access road to Williamsburg Memorial Park from King William Way to a point on said access road where a proposed 25' permanent easement to an existing J.C.S.A. well lot intersects”, referred to as “the Variable Width Access Easement”, and

Whereas, the deed of easement referred to above included no specific provision allocating the costs of maintenance and repair of the Variable Width Access Easement, and

Whereas, WMP has recently undertaken extraordinary maintenance and repair of the Variable Width Access Easement, and

Whereas, WMP and JCSA desire to amend the agreement under which JCSA provides water to WMP and they desire to specify their respective obligations with regard to maintenance and repair of the Variable Width Access Easement,

Now, therefore:

For and in consideration of the premises, WMP and JCSA agree as follows:

1. From the date of this Agreement, JCSA shall no longer have an obligation to provide water to WMP under the terms of the Lease, and WMP does hereby RELEASE any rights to a water supply under the terms of the Lease.

2. JCSA shall provide water and wastewater collection to WMP on the same basis and at the same fixed consumption charges as to any other customer of James City Service Authority of the same category. JCSA acknowledges and agrees that WMP is already connected to the JCSA public water and wastewater systems with an installed meter and, consequently, no additional connection or Systems Facilities Fees or Local Facilities Fees for the current meter or connections to the public water system and wastewater collection system will be charged.

3. Within 30 days of the date of this Agreement JCSA will pay to WMP the sum of \$12,500 as its full contribution for maintenance and repairs to the Variable Width Access Easement through June 30, 2016, and WMP does hereby RELEASE JCSA from all other claims for maintenance and repair of the Variable Width Access Easement prior to that date.

4. Commencing with the fiscal year beginning July 1, 2016, JCSA will pay to WMP an annual fee of \$1,500.00, adjusted as set out below, as its full contribution towards the maintenance and repair of the Variable Width Access Easement. WMP will be solely responsible for maintenance and repair of the Variable Width Access Easement from July 1, 2016, forward, and WMP covenants that it will keep the roadway used in common by JCSA and WMP within the easement in good and safe repair, including repairing and replacing the road surface, clearing obstructions, cleaning or recutting ditches as necessary, removing snow, unplugging or opening culverts or drainpipes, and performing any and all other necessary work required to maintain the road in a condition that will allow for reasonable and safe access by

passenger vehicles and light and medium duty trucks up to class 4. The foregoing notwithstanding, in the event JCSA or an agent, employee, contractor or invitee of JCSA damages the road within the easement other than ordinary wear and tear, then JCSA shall be required to repair such damage and bear the cost thereof exclusively.

The first annual maintenance fee shall be due upon the signing of this Agreement and on September 1 of each year thereafter upon billing by WMP and continuing until the Variable Width Access Easement is released.

The annual maintenance fee shall be adjusted each July 1 in accordance with the Consumer Price Index, South Region, All Items, (the "Index") as published by the Bureau of Labor Statistics of the United States Department of Labor, increasing or decreasing by the same percentage as the Index has changed since the previous July 1.

JCSA will be solely responsible for maintenance and repair of the connecting road used exclusively by JCSA which extends between the JCSA well lot and the access road used in common by JCSA and WMP.

Witness the following signatures and seals:

WILLIAMSBURG MEMORIAL PARK, INC.

By

JAMES KELLY, President

JAMES CITY SERVICE AUTHORITY

By

M. DOUGLAS POWELL, General Manager

STATE OF VIRGINIA

CITY/COUNTY OF _____

Subscribed and acknowledged before me by Jim Kelly, President of Williamsburg Memorial Park, Inc., whose name is signed to the foregoing instrument dated November 15, 2016, on this ____ day of _____, 2016.

Notary Public
Notary Registration No.
My Commission Expires:

STATE OF VIRGINIA

CITY/COUNTY OF _____

Subscribed and acknowledged before me by M. Douglas Powell, General Manager of James City Service Authority, whose name is signed to the foregoing instrument dated November 15, 2016, on this ____ day of _____, 2016.

Notary Public
Notary Registration No.
My Commission Expires:



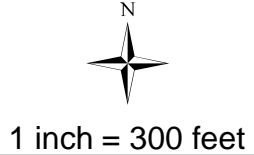
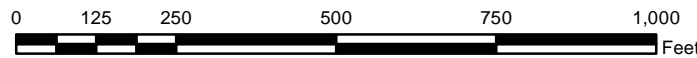
Williamsburg Memorial Park

Portion of Access Road Shared with JCSA

JCSA W-5

W-5 - 121 Queen Mary Ct

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. James City Service Authority is not responsible for its accuracy or how current it may be.



ITEM SUMMARY

DATE: 1/24/2017
TO: The Board of Directors
FROM: Teresa J. Fellows, Administrative Coordinator
SUBJECT: Adjourn until 5 p.m. on February 14, 2017 for the Regular Meeting

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	1/17/2017 - 12:50 PM