

AT A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE JAMES CITY SERVICE AUTHORITY, JAMES CITY COUNTY, VIRGINIA, HELD ON THE 21ST DAY OF JUNE, NINETEEN HUNDRED NINETY-THREE, AT 8:37 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

David L. Sisk, Chairman
Perry M. DePue, Vice Chairman
Jack D. Edwards
Judith N. Knudson
Stewart U. Taylor

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

**B. MINUTES - May 17, 1993, Regular Meeting
May 24, 1993, Special Meeting**

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

Mr. Taylor made a motion to approve the two sets of minutes as presented.

The motion passed by unanimous voice vote.

C. PUBLIC HEARING

1. Changes in Regulations Governing Utility Service

Mr. Larry M. Foster, General Manager, James City Service Authority, stated the changes were proposed as described at the last Board of Directors' meeting.

Staff recommended approval of changes as listed in the resolution.

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

Ms. Knudson 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 July 1, 1993.

1. Clarify that once an owner or tenant has connected to public water and/or sewer facilities that the owner or tenant may not revert to a private water and/or sewer system.
2. Add a provision to increase the penalty by \$100.00 for each additional occurrence for anyone moving meters and/or using water illegally, for tampering with Private Fire Protection Systems, and for tampering with Public Fire Hydrants.
3. Change the returned (bad) check charge from \$10.00 to \$20.00.
4. Change the collection fee for payment in the field from \$5.00 to \$10.00.
5. Clarify that no person shall discharge any form of wastewater, stormwater, or any unauthorized discharge into a sanitary sewer collection system without approval by the James City Service Authority.

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

D. BOARD CONSIDERATION**1. Rebate Agreement - Spencer Brothers Builders**

Mr. Foster stated that Spencer Brothers Builders received approval to develop a small subdivision along Strawberry Plains Road and construction of an 8-inch waterline from Ironbound Road to the proposed development.

Mr. Foster further stated that connection fees to the waterline would be rebated to the developer until the expense of the line was reimbursed or the 10-year term of agreement expired.

Mr. Sisk made a motion to approve the resolution.

The motion passed by unanimous voice vote.

RESOLUTION

REBATE AGREEMENT - SPENCER BROTHERS BUILDERS

WHEREAS, Spencer Brothers Builders has received approval for residential development on Strawberry Plains Road and have been issued special use permit for the installation of a waterline to serve the property; and

WHEREAS, Spencer Brothers Builders is willing to construct the waterline as a systems facility and enter into a Rebate Agreement as defined in Section 29 of the Regulations Governing Utility Service; and

WHEREAS, the General Manager of the James City Service Authority has determined that entering into the agreement is in the best interest of the James City Service Authority and the development of the JCSA water system.

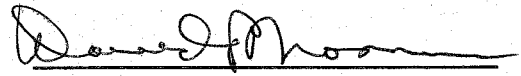
NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the James City Service Authority, James City County, Virginia, authorizes the Chairman to sign the rebate agreement on behalf of the James City Service Authority.

E. BOARD REQUESTS AND DIRECTIVES - None

Mr. DePue made a motion to adjourn.

The motion passed by unanimous voice vote.

The Board adjourned at 8:40 p.m.



David B. Norman
Secretary to the Board

Amended ~~January~~ July 1, 1993

- E. Access. The connection of development or an existing or future structure to a utility service of the Authority shall not be required when access to the affected property requires the crossing of property of another owner, provided Authority property and property of the Virginia Department of Transportation shall be excepted.
- 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.
- G. If connection is required for existing structures, the Authority shall provide a domestic water and/or sewer connection to the property line upon payment of all applicable fees and charges. On request of a residential customer who desires to replace a well or septic system by connecting to the JCSA water or sewer system, the Authority may finance up to 75% of the connection costs. Prior to the Authority extending credit, the residential customer must: 1) pay 25% of the connection costs to the Authority; 2) execute a note for the remaining principal balance with interest thereon at the rate of 8% and equal monthly payments for a term not exceeding 48 months; 3) execute a deed of trust on the subject property and all other closing documents; and 4) pay all closing costs including attorney's fees. The Authority shall provide the appropriate connection(s) after all financing documents are signed. Financial assistance under this paragraph is in addition to Section 4, Low Income Payment Plan.
- H. If development in Section 2 (D) above consists of office and/or retail facilities the lot or parcel shall be given a one-time exemption, as it was identified as of December 31, 1984, from Authority connection requirements if the following conditions apply:
1. The lot or parcel is located more than 500 feet from Utility facilities and said property was not subdivided after December 31, 1984; and/or,
 2. The total floor area does not exceed 2,500 feet.
- I. Service Termination. *The owner or tenant of an existing structure who has connected to public water and/or sewer facilities in accordance with Section 2 (A) through (H) above may not revert to a private water and/or sewer system unless approved, in writing, by the General Manager or his designee.*

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- F. Notice of defects. The customer shall promptly notify the Authority of any known defects in or damage to the meter or its connection.
- G. Access to meters required. The Authority requires unobstructed access to its meters at all reasonable times. The Authority will inform the customer that unobstructed meter access is required. If access to the meter is regularly blocked by bushes or foliage, the meter reader may trim or remove the obstruction, as much as necessary to properly inspect the meter. When such access is regularly unavailable, the Authority may, after written notification, terminate service until the access problem is resolved to the satisfaction of the Authority.
- H. Change in location, size. Upon request of the applicant the Authority shall change either the location or size or both of a meter when the applicant observes the following conditions:
1. Observance of applicable provisions of Section 8 (G) above.
 2. For the installation of a larger meter, remittance of the difference between the meter sizes shall be based upon current system facility charges as prescribed in Section 32. A refund shall be made for a reduction in meter size.
 3. If the applicant requests the Authority to relocate or replace the meter, then the applicant shall pay the cost of the upgrade in addition to the system facility charge.
- I. Meter for private water supply. Upon written application to the Authority on a form furnished by the Authority, the Authority shall furnish, install and maintain at the applicant's expense, a water meter and required appurtenances on the private water supply which discharges into a public sewer. The meter shall be readily accessible to the Authority at reasonable times for periodic reading, inspection and maintenance. The Authority may authorize the applicant in writing to furnish and install the meter, subject to the approval of and inspection by the Authority. Such meter and appurtenances shall remain the property of the Authority. The Authority reserves the right to meter the private water supply of a single service wastewater customer.
- J. Unauthorized Meter Removal. Upon installation, only Authority employees or designated representatives shall turn on, turn off, move, remove or replace a meter or any connections to it. Should the Authority determine that a customer has tampered with the meter or its connections, then the customer shall be subject to a \$100 penalty. *Each day such violation is committed or permitted to continue, shall constitute a separate offense and therefore shall be punishable with a \$100 penalty.* Payment will be made immediately and prior to reinstatement of service. Failure to pay the penalty promptly may result in the suspension of service to all other accounts in the customer's name. Payment of the penalty does not preclude the Authority from seeking additional legal remedies when deemed necessary.

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2. If connected to the public sewer, all of the estimated amount of water which did not enter the public sewer.

Adjustments shall not be considered for disputed bills that are over six months old.

- K. Account charge. An account charge shall be paid by each applicant for service, whether for a new account or for a transfer of account from one premises to another premises. Such charge shall be collected at the time application is made or shall be added to the first utility bill for new and transferred accounts. Such charge is used to defray bookkeeping and clerical costs.
- L. Transfer of charges. A customer who terminates service at one premises may transfer outstanding utility charges incurred at such premises to any other account for a premises in the name of such customer which, if unpaid within the time specified in Section 16, shall subject the latter account to termination.
- M. Customer liable for utility charges. A customer who has either made "Application for Service and Contract" or who has received utility service at a premises shall be liable for all utility service furnished to such premises until such time as the customer has properly notified the Utility to terminate the service to such premises.
- N. Transaction charge for late payment. A transaction charge for late payment, as defined in Section 32, shall be added to each bill in the event the bill is not paid by the due date.
- O. Returned check charge. A charge of ~~ten~~ *twenty* dollars (~~\$10.00~~ *\$20.00*) shall be assessed for any check in payment of a utility bill which is returned for insufficient or uncollected funds, or drawn on a closed account, or drawn on a nonexistent account. If such check was presented in order to avoid termination of service for nonpayment of a utility bill, or to have service restored after such termination, utility service shall be terminated and this charge, as well as all others due and payable, shall be submitted in cash, cashier's check, certified check or money order before utility service is restored.

Amended July 1, 19903

4. Payment prior to termination date. If the Authority receives payment at its office of the entire amount shown on the notice of termination prior to the date of termination, such payment shall be considered a timely and complete payment for purposes of these Regulations.
 5. Payment in the Field. If an employee of the Authority goes to a site for the purpose of terminating service to a customer for nonpayment, and such customer requests to pay the employee the amount owed to the Authority in order to avoid service termination, then an additional ~~\$5.00~~ \$10.00 fee shall be assessed. Payment, of the entire amount, shall be made by check. 4
- B. Other causes. Normally, the notice and period of time for compliance provisions of Section 16 (A) above shall govern the termination of service for causes other than the nonpayment of utility charges; provided, however, when warranted by the circumstances, the period of time for compliance may be either collapsed or suspended.
1. Content of notice. The notice of termination for causes other than the nonpayment of utility charges shall contain the following:
 - (a) The cause of the termination.
 - (b) The corrective action required by the customer when such action is under the control of the customer and the cause can be corrected by the customer without loss or injury to the Authority.
 - (c) The date of the notice of termination.
 - (d) The date of termination of service.
 - (e) Notice that unless the corrective action is completed prior to the date of termination, utility service shall be terminated on the date of termination.

In case of a customer-tenant, the Authority shall mail a copy of such notice to the owner of the premises.

- C. Method of termination. When utility service is terminated one or more of the following methods shall be used.
1. Sewer service. Sewer service shall be terminated by one of the following methods:
 - (a) If water service is furnished to the customer by the Authority, the water supply shall be cut off and the meter removed.

SECTION 19. USE OF WASTEWATER FACILITIES

- A. Purpose. The purpose of this Section is:
1. To provide for the adequate regulation of industrial wastewater discharges in ~~Sanitary District~~ *sanitary sewer system* in order to assure that the Authority and its customers comply with all applicable laws, rules and regulations; and
 2. To protect the wastewater facilities of the Authority.
- B. Adoption of regulations. There is hereby adopted by the Authority, to effect the purpose described in Section 19 (A)(1) above, that certain document entitled "Industrial Wastewater Discharge Regulations," Hampton Roads Sanitation District, revised ~~June 1, 1983~~ *November 1, 1990*, except such portions as are deleted, modified or amended by this Section, and the same is hereby adopted and incorporated as fully as if set out at length herein. From the date on which these Regulations shall take effect, the provisions of this Section shall control in all matters contained herein.
- C. Additions, deletions, modifications, changes. The following additions, deletions, modifications and changes are hereby made in the "Industrial Wastewater Discharge Regulations" adopted by this Section and are hereby adopted as part of these Regulations.
- Sec. 101. This section is deleted.
- Sec. 102. This section is deleted.
- Sec. ~~305~~ 306(d). This subsection is amended to read as follows:
- Unusual wastewater shall require a special rate as provided for in Section 32.
- Sec. 410. This section is deleted.
- Sec. 601(d c). This subsection is amended as follows:
- In lines three, four and five delete the words "Commissioners" and "Commission" and substitute the words "governing body."
- Sec. 601(e d). This subsection is amended as follows:
- In line two delete the word "Commissioners" and substitute therefor the words "governing body".
- Appendix A. Appendix A is amended by deleting paragraph (A).

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Appendix B. Appendix B is amended by amending the following definitions to read:

h n. District: the Authority.

i u. General Manager: the ~~Utility Administrator~~ *General Manager of the James City Service Authority or his authorized agent.*

D. Unpolluted and storm waters.

1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, water from a swimming pool or unpolluted industrial process waters to any public sewer.
2. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Authority and the State. Industrial cooling water or unpolluted process waters may be discharged on approval of the Authority and the State to a storm sewer or natural outlet.

E. Prohibited waste materials. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

1. Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
2. Waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment plant.
3. Waters or wastes having corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
4. Solid or viscous substances in quantities of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, grease, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, and similar materials, either whole or ground by garbage grinders, or any unground garbage of any type.

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- F. Discharge of Septic System or Other Wastewater Collection System. No person shall discharge any form of wastewater, stormwater, or any unauthorized discharge into a sanitary sewer collection system without written approval of the General Manager or his designee. Individual or firms servicing private septic systems or other wastewater collection systems will dispose of the extracted wastewater to the appropriate disposal site such as the HRSD Williamsburg Treatment Plant.

SECTION 21. PRIVATE FIRE PROTECTION SYSTEMS; PUBLIC FIRE HYDRANTS**A. Private Fire Protection Systems**

1. Application. Upon written application to the Authority, and upon payment of all applicable charges required by Section 32, the Authority or the applicant, at the option of the Authority, shall at the expense of the applicant construct and install a fire service connection to supply a fire protection system. Such construction shall conform to the "Standards" of the Authority. When constructed and installed by the applicant, subject to inspection by the Authority, such construction shall not commence until the applicant furnishes to the Authority and the Authority approves in writing the plans for such construction and installation.
2. Fire service detector check meter. A fire service detector check meter shall be installed in a bypass to monitor small flows in the fire service connection. The Authority shall read each detector check meter at least annually. The Authority reserves the right to require an existing fire service connection customer to install at his expense a detector check meter with a bypass pipe.
3. Charge. There shall be no charge for water supplied through a private fire protection system which is used to extinguish fires.
4. Additions. No addition of any hydrant, standpipe, sprinkler head or other outlet shall be made to a fire protection system until plans for such addition have been submitted to and approved in writing by the Authority.
5. Pressure; supply. The provisions of Section 27, which govern the interruption of water supply, apply to fire service connections. The Authority shall not assume any responsibility for loss or damage because of inadequate quantity or pressure.
6. Violation. Water supplied through a private fire service connection shall be used solely for the extinguishment of fires and, upon approval by the Authority, for fire drill testing of the fire protection system. If a customer makes unauthorized or unapproved uses of the fire protection system, for any reason other than fire suppression, a \$100.00 penalty shall be imposed upon the customer. *The penalty will increase by \$100.00 for each additional occurrence.* If the penalty is not paid immediately to the Authority upon discovery of the violation, all Utility service to the customer shall be terminated until such time that the penalty has been paid.

Furthermore, if it is discovered that the fire protection system has in any way been intentionally adjusted or tampered with or if any unapproved connection has been made to the system that provides the customer with an unauthorized supply of water, then a \$100.00 penalty shall be imposed. *The penalty will increase by \$100.00 for each additional occurrence.* In addition, the customer shall also remit to the Authority the amount of the retail water charges for the estimated unauthorized water usage. If the penalty and charges are not paid

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immediately to the Authority upon discovery of the violation, all Utility service to the customer shall be terminated until such time that the amount due has been paid.

B. Public fire hydrants.

1. General. To the extent that funds are available, the Authority shall install, at its expense, public fire hydrants on public property whenever and wherever, in its sole opinion, such hydrants may be required to provide adequate fire protection service.
2. Application for hydrant. Upon written application by any commercial, industrial, governmental entity or other interested party, and upon payment of all applicable charges required by Section 32, the Authority shall construct and install additional public fire hydrants on public property. After installation of each hydrant, the Authority shall assume ownership, maintenance and operation thereof and shall pay for any replacement or relocation which may become necessary.
3. Restrictions on use. The use of public fire hydrants shall be restricted to the taking of water for the extinguishment of fires; water shall not be taken from any public fire hydrant for any other use, including construction, street sprinkling, or flushing storm sewers or gutters, unless specifically permitted in writing by the Authority for the particular time and occasion and upon payment of all applicable charges required by Section 32. All such uses shall be metered and the Authority retail water rates shall apply. A fire hydrant meter shall be furnished by the user, and shall be registered with and approved by the Authority prior to its use.
4. No liability. The Authority shall not be considered an insurer of persons or property, or to have undertaken to extinguish fires, or to protect any person or property against loss or damage by fire or otherwise, and it shall not be responsible to any person for any loss, or damage, or injury by reason of fire, or failure to supply water or pressure, or for any other cause whatsoever.
5. Extension of main. The Authority shall not be required to extend its water mains for the purpose of installing public fire hydrants which may be desired except under mutually acceptable terms to defray the construction cost of such extensions.
6. Unauthorized use. If a public fire hydrant is discovered to have been used for any purpose other than fire suppression without prior approval by the Authority, legal action may be sought against such unauthorized user in accordance with Section 31 of these Regulations. In addition, a ~~\$100.00~~ \$200.00 penalty shall be assessed against the violator. The penalty shall be paid immediately or all Utility service received by the violator or the employer that he represents shall be terminated until such time as the penalty is paid.

AGREEMENTSPENCER BROTHERS BUILDERS/JAMES CITY SERVICE AUTHORITYSTRAWBERRY PLAINS ROAD WATERLINE EXTENSION

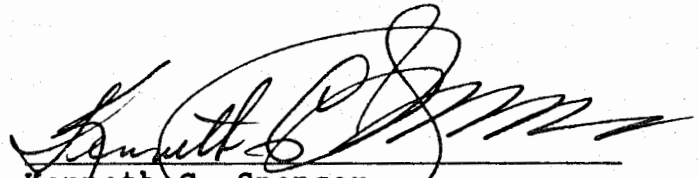
WHEREAS, Spencer Brothers Builders, (Owner) and the James City Service Authority (Authority) are desirous of reaching agreement on the provision of Authority water to that certain parcel of land containing 2.75 acres located on Strawberry Plains Road, which parcel is situated in the Primary Service Area of the County and generally located in the area south of Ironbound Road on Strawberry Plains Road on Tax Map Parcel (39-3)(1-11); and

WHEREAS, the Owner's needs for fire protection required the extension of an 8-inch water transmission main from Governor's Square Condos to the property.

WITNESSETH: that for and in consideration of the mutual promises hereinafter made and the payment of the sum of TEN DOLLARS (\$10.00) from the Owner to Authority, the Authority and the Owner agree as follows with respect to the off-site extension of the Authority's water transmission main:

1. The Owner agrees to pay for and to complete the 8-inch water transmission main from its current location on Strawberry Plains Road at Governor's Square Condos along Strawberry Plains Road to the entrance of the proposed subdivision. (approximately 750 feet)
2. The water main construction shall be inspected by the Authority, and all construction shall be in accordance with the Standards and Specifications of the Service Authority.
3. The Owner is responsible for obtaining all approvals, permits and easements relating to the off-site Water Transmission Main.
4. The Owner shall be entitled to refunds for the off-site extension of the water transmission main under terms and conditions set forth in Section 29 of the Regulations Governing Utility Service.
5. The Owner shall satisfactorily complete said 8-inch water transmission main and dedicate same along with the necessary easements to the Authority by October 1, 1993, or this agreement shall expire and all obligations set forth herein shall be null and void.

WITNESS the following signatures and seals this 11th
day of JUNE, 1993.



Kenneth C. Spencer
Spencer Brothers Builders

for James City Service
Authority

ATTEST:
