



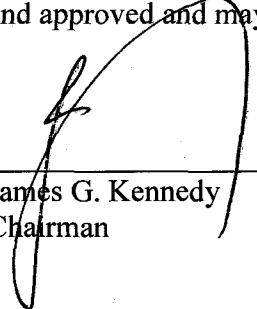
## MEMORANDUM

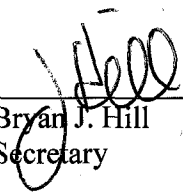
**Date:** May 26, 2015  
**To:** Records Management  
**From:** The Board of Directors  
**Subject:** Board of Directors Minutes: April 14, 2003 through May 24, 2005

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The following minutes for the Board of Directors of James City County dated April 14, 2003 through May 24, 2005 are acknowledged to be missing signatures.

It is also acknowledged that the April 14, 2003 through May 24, 2005 minutes, were voted on and approved and may be mentioned in later dated minutes of the Board of Directors.

  
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James G. Kennedy  
Chairman

  
\_\_\_\_\_  
Bryan J. Hill  
Secretary

MEMOnosig-April14-2003May24-2005

AT A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE JAMES CITY SERVICE AUTHORITY, JAMES CITY COUNTY, VIRGINIA, HELD ON THE 24TH DAY OF MAY 2005, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**A. ROLL CALL**

John J. McGlennon, Chairman  
Bruce C. Goodson, Vice Chairman  
Jay T. Harrison, Sr.  
Michael J. Brown  
M. Anderson Bradshaw

Sanford B. Wanner, Secretary  
Leo P. Rogers, County Attorney  
Larry M. Foster, General Manager

**B. CONSENT CALENDAR**

Mr. Bradshaw made a motion to adopt the item on the Consent Calendar.

The motion passed by a unanimous voice vote.

1. Minutes - April 26, 2005, Regular Meeting
2. Request to Advertise Public Hearing on Proposed Water and Sewer Rate Change

**RESOLUTION**

**REQUEST TO ADVERTISE PUBLIC HEARING ON PROPOSED**

**WATER AND SEWER RATE CHANGE**

WHEREAS, James City County is experiencing a significant number of dense residential projects such as apartments, townhouses, condominiums; and

WHEREAS, the Regulations Governing Utility Service requires all individually owned structures be metered separately; and

WHEREAS, individually metering structures in densely developed projects is often not practical due to space limitations; and staff has suggested amendments to Section 12 (D) and Section 32 (B) and (C) of the Regulations Governing Utility Service to accommodate master metering of these projects.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the James City Service Authority, James City County, Virginia, hereby authorizes that the August 9, 2005, Board of Directors meeting be advertised as a public hearing on the proposed amendments to the Water and Sewer Connection Fees, defined in Section 32 of the Regulations Governing Utility Service.

**C. PUBLIC HEARING**

1. Amendment to the Regulations Governing Utility Service - Grinder Pump Maintenance and Associated Fee

Larry M. Foster, General Manager of the James City Service Authority (JCSA), stated that this item was a public hearing on an amendment to the JCSA Regulations Governing Utility Service to allow the JCSA to charge future owners of property an annual grinder pump maintenance fee if they elect to contract with the JCSA for such service.

Mr. Foster introduced Megan Brady, a 2005 Graduate of the Marshall Wythe School of Law, who had assisted in preparing the amendment.

Ms. Brady stated that the proposed amendment would allow the JCSA to standardize its maintenance obligations and charges for all grinder pump maintenance, and noted that there are about 230 grinder pump maintenance customers who do not pay the annual fee of \$145.80. These property owners or their predecessors paid the JCSA between \$300 and \$600 for lifetime grinder pump maintenance. Ms. Brady explained that the proposed regulation amendment provides that upon the sale or transfer of any of the properties currently served by a lifetime maintenance plan, the JCSA will no longer provide grinder pump maintenance without a new contract and payment of the annual fee allowing the JCSA to continue to provide service and apportion costs equally among all of its grinder pump maintenance customers in accordance with the stated obligations of the Authority contained in the purpose statement at the beginning of the JCSA regulations.

Ms. Brady noted that the JCSA strongly believes in honoring its commitment to its customers, so the proposed regulation would not affect current homeowners.

Staff recommended that the Board approve the proposed amendment.

Mr. Goodson inquired if the initial agreement between homeowners and the JCSA was verbal or if a formal contract was written, and if the JCSA had on-file paper copies of the original agreements.

Mr. Foster stated that in the early days of the JCSA, there were no formal agreements or contracts signed. The maintenance fee was noted on the homeowner's payment receipt and lifetime maintenance of the grinder pump was understood.

The Board and staff discussed whether the term "lifetime" applied to the lifetime of the property owner or the lifetime of the grinder pump.

Mr. Goodson requested that consideration be given to homeowners who are able to produce written agreements documenting a lifetime maintenance contract and that the Board honor the agreement if such documents are provided.

Mr. Brown requested the opinion of the County Attorney as to the Board's legal responsibility to honor the agreement for lifetime grinder pump maintenance

Mr. Rogers stated that there is the principle of privity of contract where the original owner who entered into an agreement with the JCSA would have an enforceable contract. Mr. Rogers noted that there is no proof that such contractual agreements existed, much less that the contract would run with the land. For an agreement to bind to the property, it would have to be a properly recorded document. Mr. Rogers stated that without a written and recorded document, the Board has the discretion to change the arrangement for future owners of the property and would not be liable for violating the contract with future owners of a property.

Mr. Harrison inquired if a grinder pump became part of the property because its existence makes the property developable.

The Board and staff discussed how the existence of a grinder pump affected the value of the property.

Mr. Goodson inquired if the grinder pumps belong to the property owner.

Mr. Foster stated that although there are a few grinder pumps owned by the JCSA, the majority are owned by the property owner.

The Board and staff discussed whether the JCSA should continue to maintain grinder pumps, the feasibility of eliminating installation of new grinder pumps, and noted that approximately two percent of newly developed lots require them.

The Board and staff discussed the JCSA process of repairing a grinder pump, how the amount of the annual maintenance fee was derived, and whether there were viable alternative service providers in the area.

Mr. McGlennon opened the Public Hearing.

As no one wished to speak, Mr. McGlennon closed the Public Hearing.

Mr. Bradshaw made a motion to approve the Amendment.

The motion passed by a unanimous voice vote.

**D. BOARD REQUESTS AND DIRECTIVES - None**

**E. ADJOURNMENT**

Mr. Brown made a motion to adjourn.

The motion passed by a unanimous voice vote.

At 8:17 p.m. Mr. McGlennon adjourned the Board.

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Sanford B. Wanner  
Secretary to the Board