

**AT A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE JAMES CITY SERVICE AUTHORITY, JAMES CITY COUNTY, VIRGINIA, HELD ON THE 23RD DAY OF MARCH 2010, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. CALL TO ORDER**

**B. ROLL CALL**

Bruce C. Goodson, Chairman  
John J. McGlennon, Vice Chairman  
Mary Jones  
James O. Icenhour, Jr.  
James Kennedy

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

**C. CONSENT CALENDAR**

Mr. McGlennon made a motion to adopt the items on the Consent Calendar.

The motion passed by a unanimous voice vote.

1. Minutes – February 23, 2010, Recessed Meeting
2. Approval of Mutual-Aid Agreement – Virginia Water/Wastewater Agency Response Network (VA-WARN)

**RESOLUTION**

**APPROVAL OF MUTUAL-AID AGREEMENT – VIRGINIA WATER/WASTEWATER**

**AGENCY RESPONSE NETWORK (VA WARN)**

WHEREAS, the National Infrastructure Protection Plan and in particular the Sector Specific Plan for the Water Sector developed by the United States Environmental Protection Agency (EPA) identifies the development of a Water and Wastewater Agency Response Network in each State as an important means of helping to ensure resilient water and wastewater infrastructure in the public interest; and

WHEREAS, in furtherance of such national Water Sector plan, Virginia’s longstanding, nationally-recognized professional associations known as the Virginia Section of the American Water Works Association (“VA AWWA”) and the Virginia Water Environment Association

(“VWEA”) have jointly formed the Virginia Water and Wastewater Agency Response Network (“VA WARN”) Committee to develop the EPA recommended network and associated procedures for implementation in Virginia; and

WHEREAS, the VA WARN Committee has developed the attached form of a VA WARN Mutual-Aid Agreement for use by public and private Water Sector utilities for purposes of requesting assistance and responding to such requests as well as a related form of an Event Agreement for providing assistance of a defined scope on defined terms and conditions; and

WHEREAS, this VA WARN Mutual-Aid Agreement is intended to supplement and integrate with the Statewide Mutual-Aid Program administered by the Virginia Department of Emergency Management, with the Emergency Management Assistance Compact, and with other mutual-aid agreements of local, intrastate, and interstate scope; and

WHEREAS, the James City Service Authority owns and operates water and wastewater facilities and is responsible for public water supply or wastewater management in the Commonwealth of Virginia, and is therefore eligible to participate in VA WARN and the VA WARN Mutual-Aid Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the James City Service Authority, James City County, Virginia, that the General Manager is hereby authorized to execute the VA WARN Mutual-Aid Agreement, which is hereby approved.

#### **D. PUBLIC HEARING**

##### **1. Property Transfer – 125 Riverview Plantation Drive**

Mr. Foster stated this item has been advertised as a public hearing and proposed that the property at 125 Riverview Plantation Drive be transferred to the Riverview Plantation Homeowners Association (HOA). He stated the property was transferred to the James City Service Authority (JCSA) in order to take over the well facility on the property. He stated that the well facility was later demolished and was determined that an advanced drainage system would be necessary to make the property buildable. He stated this rendered the property worthless and indicated that the HOA requested a return of the property for the benefit of the community.

Staff recommended approval of the resolution.

Mr. Goodson asked if the well was capped.

Mr. Foster stated that it was.

Mr. Goodson opened the Public Hearing.

As no one wished to speak to this matter, Mr. Goodson closed the Public Hearing.

Mr. Kennedy made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: McGlennon, Icenhour, Jones, Kennedy, Goodson (5). NAY: (0).

## **RESOLUTION**

### **PROPERTY TRANSFER – 125 RIVERVIEW PLANTATION DRIVE**

WHEREAS, the Board of Directors has advertised and conducted a public hearing on the transfer of 125 Riverview Plantation Drive (Parcel Number 1640300011) to the Riverview Plantation Homeowners Association; and

WHEREAS, because of soil limitation, the cost to provide wastewater disposal for the parcel is more than the assessed value of the parcel rendering the parcel valueless.

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 of the James City Service Authority to sign the appropriate documents necessary to transfer the parcel to the Riverview Plantation Homeowners Association for the mutual benefit of the neighborhood.

#### **E. BOARD CONSIDERATION**

1. Establishment of a Public Hearing on June 22, 2010, to Amend Section 32-D – Independent Water Systems Connection Fee to Increase the Fee from \$4,000 to \$8,000

Mr. Foster stated that staff was directed by the Board in 2004 to establish an escrow fund to offset the costs of independent water systems. He stated that an analysis of the costs required to upkeep these systems indicated that the fees needed to be increased to \$8,000. He stated that at the Board's work session staff was requested to bring this matter forward for a fee increase. He stated that due to code requirements for a 60-day advertisement cycle, the public hearing would come forward at the June 22, 2010, meeting. He recommended approval of the resolution.

Mr. Kennedy asked if this policy was being fully evaluated.

Mr. Foster stated the issue in this case was related to the costs of independent water systems. He stated this fee adjustment would mitigate the deficit. He stated that financing issues would be addressed by this, but there was nothing that could be done retroactively.

Mr. Kennedy asked if independent well systems should be addressed at some point. He asked if the policy was in need of review.

Mr. Foster stated there were conflicting priorities in this situation. He stated that financially it would be beneficial to minimize the number of independent water systems, but this could not be done while preserving the Primary Service Area (PSA). He stated that the JCSA would comply with the Board of Supervisors policy.

Mr. Kennedy asked if there was a way to restrict independent well systems.

Mr. Foster stated that he believed that would deny people the ability to develop a property.

Mr. Goodson asked if the zoning ordinance did not require an independent water system, could they be eliminated.

Mr. Foster stated that was an ordinance that the Board could consider.

Mr. Goodson stated that was allowed by the State law.

Mr. Foster stated that was a consideration for the Board of Supervisors.

Mr. Rogers stated that there was a public safety concern because an independent well system provided fire hydrants for those who live in the community. He stated that there were greater environmental problems when wells were being drilled for each home rather than through an independent water system. He stated that was part of the basis for the ordinance.

Mr. McGlennon commented that the actual cost was slightly higher and asked why the higher fee was not implemented.

Mr. Foster stated that based on the records, the pure costs varied and this fee was based on the most recent year. He stated it was the Board's option to change the proposed fee.

Mr. McGlennon clarified that there was a range of costs.

Mr. Goodson asked if it was possible to establish any cost for these systems.

Mr. Foster stated that there needed to be a basis for the cost.

Mr. Goodson asked if there was a statute to limit these costs.

Mr. Rogers stated the fees had to be designed to recover the costs incurred. He stated there was no cap stated in the State Code.

Mr. Foster stated that there had to be a reasonable cost.

Mr. Goodson reminded the public that the vote would allow for a public hearing.

Mr. Goodson made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: McGlennon, Icenhour, Jones, Kennedy, Goodson (5). NAY: (0).

## **RESOLUTION**

### **ESTABLISHMENT OF A PUBLIC HEARING ON JUNE 22, 2010, TO AMEND**

### **SECTION 32-D-INDEPENDENT WATER SYSTEMS CONNECTION FEE TO INCREASE**

### **THE FEE FROM \$4,000 TO \$8,000**

WHEREAS, Section 32-D of the James City Service Authority (JCSA) Regulations establishes a \$4,000 fee per lot to developers of independent water systems; and

WHEREAS, it has been determined that the proceeds from the investment of the fee is not adequate to offset the costs of operation of the water systems as was originally intended and that an updated financial assessment indicates that an \$8,000 per lot fee is necessary.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the James City Service Authority, James City County, Virginia, hereby establishes June 22, 2010, as a public hearing to receive comment on a proposal to amend Section 32-D of the Regulations Governing Utility Service by increasing the per lot fee for independent water systems to \$8,000.

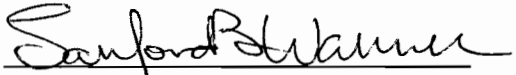
**F. BOARD REQUESTS AND DIRECTIVES – None**

**G. ADJOURNMENT** to April 27, 2010, at 7 p.m.

Mr. Kennedy made a motion to adjourn.

The motion passed by a unanimous voice vote.

At 8:35 p.m. Mr. Goodson adjourned the Board to 7 p.m. on April 27, 2010.

  
Sanford B. Wanner  
Secretary to the Board