

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE TWENTIETH DAY OF JULY, NINETEEN HUNDRED EIGHTY-SEVEN, AT 1:05 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  
Stewart U. Taylor, Vice-Chairman, Stonehouse District  
William F. Brown, Roberts District  
Perry M. DePue, Powhatan District  
Thomas D. Mahone, Jamestown District (Absent)

David B. Norman, County Administrator  
Darlene L. Burcham, Assistant County Administrator  
Frank M. Morton, III, County Attorney

B. MINUTES - July 6, 1987

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

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

C. PRESENTATIONS

1. Certificate of Appreciation - Franklin Bacon

Mr. Edwards read and presented the resolution to Mr. Franklin Bacon, and thanked him for his service to the County.

Mr. Franklin Bacon thanked the Board and said he appreciated the cooperation of the County's employees.

R E S O L U T I O N

CERTIFICATE OF APPRECIATION

WHEREAS, Franklin Bacon has served the citizens and staff of James City County since 1984; and

WHEREAS, throughout this period of service Franklin Bacon has given freely of his time and talent as librarian for the County Government Center's library through the Retired Senior Volunteer Program; and

WHEREAS, during this period the library was enhanced through the preparation and maintenance of an up-to-date catalog and the proper maintenance of all books and publications in the library.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, recognizes

Franklin Bacon

for his distinguished service to the County and its citizenry and staff during the past three years.

BE IT FURTHER RESOLVED that this Resolution be spread on the minutes of this Board and a suitable copy be presented to Franklin Bacon.

2. Certificate of Appreciation - Ethel O'Farrow

Mr. Edwards read and presented the resolution to Ms. Ethel O'Farrow, and expressed the Board's appreciation of her time and efforts.

Ms. O'Farrow thanked the Board.

Mr. Edwards told the audience that the County would welcome more volunteers.

R E S O L U T I O N

CERTIFICATE OF APPRECIATION

WHEREAS, Ethel O'Farrow has served the citizens and staff of James City County since 1986; and

WHEREAS, throughout this period of service Ethel O'Farrow has given freely of her time and talent to the Planning Department and Records Management and Micrographics Unit through the Retired Senior Volunteer Program; and

WHEREAS, during this period the Planning library was enhanced through the preparation of a catalog and maintenance of books and publications in the library and she assisted with the preparation of files in the document center.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, recognizes

Ethel O'Farrow

for her distinguished service to the County and its citizenry and staff during the past year.

BE IT FURTHER RESOLVED that this Resolution be spread on the minutes of this Board and a suitable copy be presented to Ethel O'Farrow.

3. Williamsburg Regional Commission on Growth - Stanley Brown

Mr. Stanley Brown said that the purpose of the Commission was to consider ways to manage growth and to make recommendations about the best methods to maintain and enhance the quality of our community. The task force groups are considering Historic and Environment Resources; Housing, Land Use and Economic Development; Public Services and Transportation; and Environmental Quality and Urban Design.

Mr. Brown reported that House Bill 1313 allows jurisdictions to adopt design controls for major thoroughfares that are significant routes of tourist access. The Commission recommends that each jurisdiction recognize and designate appropriate arterial streets and highways as "Corridor Protection Districts", and appoint an architectural review board to review and approve the design of buildings and signs along these corridors. The architectural review boards of the three jurisdictions should jointly develop design standards for buildings and signs which would apply to areas of common concern. Five review board members would be appointed by the governing body, meet at least twice a month, and appeals of the board's decisions be made to the governing body.

Mr. Bill Brown asked if House Bill 1313 was a change to the State law, if any other jurisdiction had appointed an architectural review board, and if the number of members for the board was established in the State code.

Mr. Stanley Brown said that House Bill 1313 was an addition to the State law, no other jurisdiction has appointed an architectural review board, and the number of members was a recommendation by the Commission.

Mr. Bill Brown asked if single-family residences would be exempt.

Mr. Frank Morton, III, County Attorney, expressed doubt that any building would be exempt, because structure does not delineate between residential and commercial.

Mr. Edwards indicated that the recommendations would be taken under advisement until the complete report is received.

Mr. DePue stated the professional community would appreciate a joint set of standards by the three architectural review boards, and he thought the idea was a good one.

Mr. DePue asked Mr. Rudolph Bares of the Commission how this review board would compare with the City's architectural review board.

Mr. Bares replied that the boards would be similar, except the City's board of architects is only advisory to the City Council.

Mr. Edwards asked about the relationship between the review board and the Planning Commission.

Mr. Stanley Brown answered that the Commission recommends that a Planning Commission member be a member of the review board.

Mr. Taylor voiced concern about the free enterprise system being jeopardized, and said that he could not support the recommendations.

#### D. HIGHWAY MATTERS

Mr. Frank Hall, Resident Engineer of the Virginia Department of Transportation, was in attendance.

Mr. Taylor asked if River Road could be brought into the highway system.

Mr. Hall said the Highway Department does not accept roadway embankments over a dam. If the water was drained, the area filled and never used as a reservoir, the road might be eligible for partial upgrading at the State's expense.

Mr. Brown asked if additional money would come from the secondary road budget.

Mr. Hall suggested use of rural addition funds.

Mr. Hall said a recordation date of the early 1970's would make River Road eligible for some rural addition funding, if included in the County dirt street program.

Mr. Taylor requested Mr. Hall report back to the Board on the Highway Department's determination of eligibility.

Mr. David Tooley, 7649 Beechwood Drive, Lanexa, said no erosion of the 100 foot of road across the dam had occurred while he has owned the property.

Mr. Taylor also told Mr. Hall that there was no stop sign at the intersection of Cedar Point and Fenton Mill Road, and also asked staff to investigate the absence of a street sign at that intersection.

Mr. Taylor further requested that culverts be cleaned out where the water backs up between Cranstons Mill Pond Road and the pond.

Mr. Brown asked Mr. Hall if the Highway Department maintains the interstate interchanges in Hampton and Newport News.

Mr. Hall replied in the affirmative.

Mr. Brown requested Mr. Hall to review the mowing and landscaping of the interchanges in York County, particularly Interstate 64/Route 199 and Route 60/Route 199 as both are major tourist entry points.

Mr. DePue inquired what the right-of-way requirement was for a proposed subdivision to cut a road through to an existing subdivision.

Mr. Hall replied minimum right-of-way for a new street is 50 feet.

Mr. Edwards asked what the Highway Department policy was for picking up dead animals.

Mr. Hall said the Highway Department picks up and buries large animals, and attempts to contact dog owners, who are charged for the service.

Mr. Mahone arrived at 1:40 p.m. and was present for the meeting.

Mr. Mahone asked Mr. Hall to respond to a petition from the citizens of First Colony regarding street repair.

#### E. PUBLIC HEARINGS

Mr. Mahone convened the James City Service Authority for the purpose of a joint public hearing with the Board of Supervisors.

##### 1. Utility Policy Changes

Mr. Sanford Wanner, Business Manager of the James City Service Authority, summarized the amendments as identified in the staff report.

Mr. Taylor asked what happens to swimming pool drainage currently.

Mr. Wanner said swimming pool water is acceptable runoff in storm drainage systems.

Mr. DePue clarified that prohibiting the discharge of grease into the sanitary sewer system would not affect the homeowner with a garbage disposal.

Mr. Edwards opened and closed the public hearing.

Mr. Brown asked if James City County enforces regulations that no other jurisdiction enforces.

Mr. Wanner replied that the swimming pool discharge prohibition is a requirement of HRSD and that Code Compliance monitors new construction as it relates to other non-permitted discharges into the sanitary sewer system.

Mr. David Norman, County Administrator, stated that the discharge through the storm drainage system avoids unnecessary treatment and does not impact system capacity which would otherwise create higher operating costs for the County.

Mr. Edwards asked if storm drainage systems are available to all citizens.

Mr. Travis Quesenberry of the Service Authority replied that most subdivisions have a drainage system.

Mr. DePue said he supported the amendment and the logic behind it.

Mr. Edwards made a motion to approve the resolution.

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

#### R E S O L U T I O N

##### 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.

1. Clarifying definitions of the Board and the Utility.
2. Clarifying the requirement to pay applicable fees and charges when the Utility is providing a connection.
3. Prohibiting the discharge of water from swimming pools and of grease into the sanitary sewer system.
4. Lengthening the time interval between the termination of utility service and of filing of a lien upon the premises from two days to two weeks.
5. Adding a penalty of fifty dollars per day for unauthorized use of fire hydrants.
6. Excluding nonautomated car washes from being required to install water recycling equipment.
7. Allowing the Utility the option of requiring utility maintenance of commercial grinder pumps or pump stations when in the interest of the public health or to protect the Reservoir Protection Zone.
8. Eliminating service connection charges to residential and small commercial properties when local facility charges have been paid.
9. Clarifying available remedies for damage to Utility property to specifically include an overhead charge.

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

Mr. DePue made a motion to recess the James City Service Authority meeting.

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

The Board of Directors recessed at 1:56 p.m.

2. Case No. CP-2-87. Amendment to Greenbelts Policy

Ms. Kay Robertson, Senior Long Range Planner, presented the Greenbelt amendment. The Planning Commission and staff recommend the adoption of the provisions pertaining to the Greenbelt Policy, and staff further recommends that six additional roadways be designated as Greenbelts on the Land Development Concept Map.

Mr. DePue asked for clarification of present Greenbelt Policy and the roads to which it applies.

Ms. Robertson indicated that Greenbelts were designated in the 1981 Land Use Plan and applied to four roads: Route 199, Jamestown Road, John Tyler Highway, and Greensprings Road.

Mr. Taylor asked what the setback was under current policy.

Ms. Robertson said no setback distance was previously established.

Mr. Edwards opened the public hearing.

1. Mr. Kenny Rodgers spoke as a property owner on Route 5. Mr. Rodgers' concern was that a 150-foot setback on a corner with a gas line behind the property would make future development of the parcel difficult.

2. Mr. Robert Scouse, 3 Settlers Lane, said the Greenbelt Policy was a good one, but the language is not clear that the Policy is voluntary on the part of the landowner.

3. Mr. Bill Bryant, 119 King William Drive, spoke in favor of the Greenbelt Policy and stated that he favored the greenbelt principle on a community-wide basis with cooperation of all property owners.

4. Ms. Gladys Jones, 2981 John Tyler Highway, spoke in opposition to enforcing the Greenbelt Policy for individual property owners.

5. Mr. Charles Henry, 5021 John Tyler Highway, stated that he did not want to give an additional 100 feet for the greenbelt because the highway right-of-way has already taken 80 feet of his property.

6. Mr. Ray Basley, 4060 South Riverside, questioned whether the greenbelt acreage would be taxed at a reduced rate since developers would not be able to use the property. He favored a policy where all roads were treated the same, and referenced his proposal for Greenbelt Policy as submitted to the Board.

7. Mr. Stan Brown, Williamsburg Regional Commission on Growth, spoke in favor of the Greenbelt Policy.

8. Mr. Joe Watson, 4913 John Tyler Highway, said the greenbelt idea sounded good, but his main concern was providing public access to the James River. He also suggested that the voluntary nature of the Policy should be clarified.

9. Mr. Thomas Samuel, 4501 John Tyler Highway, stated that he preferred the current Greenbelt Policy.

10. Mrs. Willafay McKenna of the Planning Commission requested the Board's support of the proposed Policy.

11. Mr. Forest Griffin, 5076 John Tyler Highway, was concerned that in the event of a disaster, he could not replace his home on his property.

Mr. Edwards closed the public hearing.

Mrs. Gussman responded to some of the issues raised by the speakers. She noted that a building could be replaced, and that the Greenbelt Policy as a part of the Comprehensive Plan is an attempt to protect the environment of the road in rezoning requests.

Mr. Mahone asked if an appeal to the Greenbelt Policy would be brought to the Board.

Mrs. Gussman said that any disagreement with the Greenbelt Policy would be brought forward in a rezoning case.

Mr. DePue commented that the Greenbelt Policy is voluntary, not mandatory.

Mr. Taylor stated he believed that after approval, the Policy would become mandatory. He could not support the Greenbelt Policy of leaving trees that create dangerous road situations during the winter months.

Mr. Edwards disagreed with Mr. Taylor, and said that the Greenbelt Policy was designed for developers to leave green space in a area with a large number of units, which is a reasonable request that makes for a more pleasant community.

Mr. Brown explained that the Greenbelt Policy was not a new concept. The amendment would add new roads to the 1975 list of designated greenbelt roads and would designate a setback distance of 150 feet; there is no current designated distance.

He stated that the Greenbelt Policy is used to negotiate with property owners, and has worked over the years in conjunction with internal streets in subdivisions, and creating woods in the back of lots for privacy, which adds to the property's value. The greenbelts will only apply on roads with woods, and will only affect homeowners when a rezoning of property is requested. The 150-foot setback would be a standard where none now exists.

Mr. Brown requested that a sentence be added to the first paragraph of Number 1 under NOW, THEREFORE, BE IT RESOLVED in the resolution, stating "This policy shall not affect existing structures", and that the word "is" in the first sentence of the second paragraph of Number 1 in the resolution be changed to "shall generally be".

Mr. Edwards made a motion to amend the resolution with the addition of the sentence, "This policy shall not affect existing structures", to the first paragraph of Number 1 under NOW, THEREFORE, BE IT RESOLVED.

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

Mr. Edwards made a motion to amend the resolution with the addition of the words "shall generally be" to replace "is" in the first sentence of the second paragraph of Number 1 under NOW, THEREFORE, BE IT RESOLVED.

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

Mr. DePue said he felt strongly about the voluntary issue and noted that the report is less restrictive than originally recommended. He mentioned that heavily traveled roads, even though not wooded, should be included so that setback rules would apply for houses and driveways. In conclusion, he supported the resolution.

Mr. Taylor restated that he felt the voluntary nature of the Policy would be changed in a short time.

Mr. Edwards replied that a change would have to be brought before the Board.

Mr. DePue added that a public hearing would be needed.

Mr. Mahone stated his appreciation for Mr. Brown's background comments on the Greenbelt Policy, and said he was reluctant to support Paragraph 3 regarding bike paths, and Paragraph 4 encouraging staff to investigate the feasibility of a comprehensive open space conservation policy under BE IT FURTHER RESOLVED.

Mr. Edwards spoke in support of the bike paths, stating the County had spent no money, and was only asking the Board to encourage staff to evaluate bike paths.

Mr. DePue said money would have to be appropriated by the Board for bike paths, and felt staff should be encouraged to evaluate and investigate the open space policy.

Mr. Brown felt that only greenbelts should be addressed in this resolution.

Mr. Mahone made a motion to delete Paragraph 3 under BE IT FURTHER RESOLVED of the resolution.

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

Mr. Mahone made a motion to delete Paragraph 4 under BE IT FURTHER RESOLVED of the resolution.

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

Mr. Edwards made a motion to adopt the amended resolution.

On a roll call, the vote was AYE: Brown, Mahone, DePue, Edwards (4). NAY: Taylor (1).

#### R E S O L U T I O N

#### COMPREHENSIVE PLAN AMENDMENT CASE NO. CP-2-87. GREENBELT POLICY

WHEREAS, in accord with Section 15.1-453 and Section 15.1-431 of the Code of Virginia, a public hearing was scheduled and held on February 24 and March 24, 1987, for Case No. CP-2-87 for amending the Land Use Element of the Comprehensive Plan of James City County; and

WHEREAS, the Planning Commission, following its public hearing, recommended approval of Case No. CP-2-87, with amendments.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby amend the Comprehensive Plan of James City County.

1. Change the "Greenbelt" definition to:

The term "Greenbelt" describes buffer strips along selected roads. Greenbelts facilitate certain land use objectives. They signal a transition from areas with concentrated or urban activity to areas with low density or residential uses. In the presence of historic sites, Greenbelts can help emphasize a historic theme and its significance. In traditionally rural areas yielding to development Greenbelts can help preserve the spirit of an agrarian heritage and perpetuate a rural character. Serving recreational sites, Greenbelts can convey a sense of more open space than may actually be available for leisure enjoyment. By discouraging disturbance of natural settings, Greenbelts can alleviate the effects of roadside development on designated conservation areas and their sensitive wildlife habitats. The concept of a Greenbelt includes protection of unique vegetation and natural features. This policy shall not affect existing structures.

The preferred width of Greenbelt buffers shall generally be 150 feet measured from the edge of the future road right-of-way; as anticipated by the Planning Department and the Virginia Department of Transportation. "Criteria and Guidelines for Alternative Landscape Treatment on Greenbelt Roadways", produced by the Planning Department, applies to any exception to the preferred width.

The Greenbelt itself consists of woodland or other vegetation to screen development, open areas for scenic vistas, and other treatments which incorporate special setbacks and landscaping in their design.

2. Designate six more roads as Greenbelts:

- a. John Tyler Highway, from Powhatan Creek to the Williamsburg City Line
- b. Centerville Road, from Brick Bat Road to John Tyler Highway
- c. Longhill Road, from the intersection with the proposed connector road to Centerville Road
- d. News Road (with review of any realignment)
- e. Proposed Longhill Connector Road
- f. Proposed Monticello Avenue Extension

BE IT FURTHER RESOLVED, that the Board of Supervisors of James City County, Virginia, adopts the following provisions relating to Greenbelt policy:

1. That staff be encouraged to develop guidelines to use when administering the policy.
  - a. The preferred width considers topography, speed limit, and use of the property.
  - b. Alternatives to the preferred width may apply to:
    - i. properties having special constraints based on topography or distance of the rear lot line from the edge of the proposed right-of-way.
    - ii. parcels in an area designated commercial or industrial on the Land Development Concept Map and/or the proposed use is commercial or industrial.



- c. "Criteria and Guidelines for Alternative Landscape Treatment on Greenbelt Roadways" (attached) will be available for use by staff and applicants.
2. That the Virginia Department of Transportation be encouraged to establish and/or maintain vegetated medians on any widened portions of Greenbelt roads.
3. That the Board of Supervisors encourages maintaining the current roadside landscape on Greensprings Road, currently a designated Greenbelt and one of the first colonial roads in the United States. Discouraging any alterations to the road, such as widening, would help protect the scenic and historic integrity of it.

Mr. Edwards recessed the Board at 3:05 p.m.

Mr. Edwards reconvened the Board into open session at 3:18 p.m.

3. Case No. SUP-20-87. Teresa Palmer

Ms. Teresa Palmer has submitted an application for a Special Use Permit to allow the placement of a mobile home to be used as a residence on approximately three acres.

Mr. Mahone asked about the existing Conditional Use Permit.

Ms. Gussman said the Conditional Use Permit was granted about ten years ago.

Mr. Edwards opened and closed the public hearing.

Mr. Taylor made a motion to approve the resolution.

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

R E S O L U T I O N

CASE NO. SUP-20-87. TERESA L. PALMER

WHEREAS, it is understood that all conditions for the consideration of an application for a Special Use Permit have been met.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Special Use Permit be granted for the placement of a mobile home on property owned and developed by the applicant as described below and on the attached site location map.

Applicant:	Teresa L. Palmer
Real Estate Tax Map ID:	(11-3)
Parcel No.:	(1-5B)
Address:	289 Ivy Hill Road
District:	Stonehouse
Zoning:	A-1
Conditions:	<ol style="list-style-type: none"><li>1. The mobile home must be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.</li><li>2. The number of bedrooms shall not exceed three.</li></ol>

3. The applicant shall submit an exact description, with identification, of the mobile home prior to placement of the mobile home. This permit is valid only for the mobile home provided for in that description. If the mobile home is removed, then this permit becomes void. Any replacement will require a new permit from the Board of Supervisors. If the permit is not exercised it shall become void one year from the date of approval.
4. The existing mobile home shall be removed from the property within 30 days of placement of the mobile home.

4. Case No. SUP-17-87. James City Service Authority Water Main Extension

Mr. Sanford Wanner has applied on behalf of the James City Service Authority for a special use permit to allow the construction of a 12-inch water transmission main in St. George's Hundred subdivision.

Mr. Mahone asked if the proposed water main line would coincide with the driveway at the proposed church site.

Ms. Gussman said Mr. Wanner confirmed there would be only one cut, which coincides with the driveway.

Mr. Edwards asked what was the reason for the 12-inch line.

Mr. Wanner replied that the section continues the loop as outlined in the Master Water Plan, Phase I. If the 8-inch line was extended, the Authority would eventually have to put in another 8-inch line. The total project cost is \$45,200. The developer will do the work and pay \$37,175 for the cost of an 8-inch line, and the Service Authority would pay \$10,000, the cost difference for increasing the 8-inch to a 12-inch water main.

Mr. Edwards stated that such comments are helpful and should be included in the agenda materials.

Mr. Mahone said the advantage of the loop was that if there was a water failure, customers could be served by an alternate source, and also the developer is offering to pay part of the cost.

Mr. Edwards opened and closed the public hearing.

Mr. Mahone made a motion to approve the resolution.

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

### R E S O L U T I O N

#### CASE NO. SUP-17-87. JCSA WATER MAIN EXTENSION

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 accordance with the staff recommendation, has unanimously recommended approval of Case No. SUP-17-87; a special use permit for the construction of a 12-inch water transmission main for a distance of approximately 1,500 feet along John Tyler Highway from Robertson Street in St. George's Hundred Subdivision to the proposed Williamsburg Community Chapel site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve the issuance of Special Use Permit No. SUP-17-87 as described herein with the following conditions:

1. Compliance with all local, State and Federal requirements for the construction, operation and maintenance of the water transmission main.
2. Compliance with all State Erosion and Sediment Control regulations as specified in the Virginia Erosion and Sediment Control Handbook.
3. Acquisition of all required permits and easements prior to the commencement of construction.
4. For pipeline construction adjacent to the existing residential development, adequate dust and mud control measures will be taken to prevent adverse effects on the adjacent residential property. It is intended that the present and future results of the proposed water transmission main do not create effects adverse to the public health, safety, comfort, convenience, or value of the surrounding property and uses thereon.

F. CONSENT CALENDAR

Mr. Edwards asked if any Board member wished to remove any items from the Consent Calendar.

Mr. Mahone asked that Item #4 be removed.

Mr. DePue asked that Item #3 be removed.

Mr. Edwards made a motion to approve the Consent Calendar, Items #1 and 2.

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

1. Installation of Streetlight - Mildred Drive

R E S O L U T I O N

INSTALLATION OF STREETLIGHT

WHEREAS, a petition has been filed for the installation of a streetlight on Mildred Drive in the Forest Glen Subdivision; 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 88 budget for the installation and annual rental charges.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, approves the installation of one streetlight on Mildred Drive in the Forest Glen Subdivision as shown on the attached plans.

2. Water Extension Agreement for the City of Newport News

R E S O L U T I O N

CITY OF NEWPORT NEWS WATER EXTENSION AGREEMENT

WHEREAS, Ferrell General Construction, Inc., has prepared plans for the Skiffes Creek Industrial Park, a development in Grove; and

WHEREAS, the City of Newport News has prepared a water extension agreement 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 Agreement on behalf of the County.

4. Virginia Power Request for Easement - Surry Sirens

Mr. Mahone requested more information about the County-owned property on which Virginia Power wants to place the siren.

Mrs. Burcham indicated that the County dumpster site adjacent to the Grove Fire Station was the proposed location.

Mr. Brown stated that at the meeting with Virginia Power, the sites were selected on public or homeowners' association property, rather than private property.

Mr. Mahone made a motion to approve the resolution.

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

R E S O L U T I O N

SURRY WARNING SIRENS

WHEREAS, the Board of Supervisors of James City County has expressed strong interest in insuring a sufficient number of sirens are placed to offer residents appropriate warning in the event of an emergency at the Surry Nuclear Plant.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it hereby authorizes and directs the Chairman to execute that certain Agreement dated July 15, 1987, by and between the County of James City and Virginia Power Company.

3. Case No. Z-10-87. John Shelton

This case was deferred at the last Board of Supervisors meeting, and the applicant has asked for withdrawal of the request.

Mr. DePue asked if the applicant had been intimidated by the process.

Mrs. Gussman said the applicant had sold the property.

Mrs. Burcham mentioned the new property owner had inquired as to whether the rezoning could be continued.

Mr. Edwards made a motion to accept the applicant's request for withdrawal.

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

6. BOARD CONSIDERATIONS

1. Lease - Ninth District Court Service Unit

Mrs. Burcham stated further discussion between Mr. Edwards and the Mayor of Williamsburg regarding the appropriate proration of the cost for the Court Service Unit lease resulted in a City proposal to use a 69/31 ratio, which staff assumes was based on some combination of usage and population percentages. Staff continues to propose to lease the space at Busch Corporate Center with occupancy around the first of August, if the Board is agreeable.

Mr. Brown agreed that the Court Service Unit desperately needs to relocate, but was concerned about the seemingly arbitrary nature of the 69/31 figure, as the County/City split on this and other Courthouse activities has always been 50/50.

Mrs. Burcham noted there was one exception; the supplement to the Commonwealth Attorney's salary is split 60/40.

Mr. Brown stated the change in proration for the Court Service Unit could potentially set a precedent, and questioned whether the City might propose another set of figures on other activities. He felt discussion was needed on all agreements between the City and the County.

Mr. Taylor was in favor of keeping the 50/50 split with the City.

Mr. Edwards noted that someone could meet with the City for discussion.

Mr. Morton said a letter had been received stating that the lease cannot be held indefinitely.

Mr. DePue said a task force should be named if the City wants to renegotiate all contracts. He noted that he had to abstain from the vote, but stated the City should be told that the lease was approved under protest.

Mr. Edwards indicated he was not sure that all contracts should be renegotiated.

Mrs. Burcham said most of the expenses for the Court Service Unit are paid by the State except for office expenses. Each jurisdiction pays one-ninth of the cost of the main office in Providence Forge. Units are assigned to the Court, and for that reason, our office is a single one. Caseload is determined by where the offense occurred, and not by the residence of the offender.

Mr. Mahone asked about square footage, and how long the Court Service Unit had been at the present location.

Mrs. Burcham replied that the lease was for 2,896 square feet, the Court Service Unit is currently using about 1,500 square feet, and has occupied the space for about twelve years.

Mr. Edwards felt that the Board should be careful in renegotiations. He said a letter would be sent to the City.

Mr. Edwards made a motion to approve the resolution.

On a roll call, the vote was AYE: Brown, Taylor, Mahone, Edwards (4). NAY: (0). ABSTAIN: DePue (1).

### R E S O L U T I O N

#### LEASE - NINTH DISTRICT COURT SERVICE UNIT

WHEREAS, the Board of Supervisors of James City County is of the opinion that it is appropriate to secure leased space for the Ninth District Court Service Unit; and

WHEREAS, the cost of providing such space shall be shared on a 69/31 basis with the City of Williamsburg.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it hereby authorizes and directs the County Administrator to execute that certain lease agreement dated June 1, 1987, by and between Louis C. Goodfarb, trading as Virby Realty Company, and the City of Williamsburg and the County of James City.

BE IT FURTHER RESOLVED that the commitment of James City County under the terms and conditions of the above lease is conditioned upon a like obligation being entered into by the City of Williamsburg.

H. PUBLIC COMMENT - None

## I. REPORTS OF THE COUNTY ADMINISTRATOR

### 1. Request for Funds by the Constitution Bicentennial Commission

Mr. Edwards said the Constitution Bicentennial Commission was an extremely important function.

Mr. Taylor asked if the Commission was the same as the one named for the 350th Anniversary of James City County.

Mrs. Burcham clarified that it was the Bicentennial of the Constitution Commission.

Mr. Mahone questioned the Constitution Bicentennial Commission being active for five years.

Mr. Brown said he respected the work of the Commission, but needed more information, particularly a definitive budget.

Mr. Edwards said the Board should let the Commission know whether it will support them.

Mr. DePue mentioned escrowing the \$2,000, letting the County Attorney work with the City Attorney on the development of an intergovernmental agreement, and then advising the Commission of the final outcome.

Mr. Brown asked if this request would be shared with the City on a 50/50 share.

Mrs. Burcham indicated that the City was asked for a similar appropriation.

Mr. Edwards made a motion to approve the request, assuming an agreement can be worked out.

Mr. Brown made a motion to defer until more is known about the budget request and the length of time the Commission will remain active.

Mr. David Norman, County Administrator, requested an executive session for personnel and real estate matters.

## J. BOARD REQUESTS AND DIRECTIVES

Mr. Brown asked for an update on streetlights in the Grove subdivision.

Mr. Brown also mentioned that the School Board would be televised on Government Channel 36 this evening for the first time.

Mr. Brown felt that the School Board member salaries should be increased for Fiscal Year 88, since the increase was made possible by State legislation.

Mr. Edwards stated a letter should be sent informing the City that the Board supports the School Board salary increase effective this fiscal year, and suggesting the increase be done jointly.

Mr. DePue reported that he had received telephone calls about mosquito spraying. He asked staff for a report outlining why the County does the spraying.

Mr. Taylor clarified that the cable television work session was scheduled for the August 17 afternoon Board of Supervisors meeting.

Mr. Edwards made a motion for the Board to go into executive session, for personnel and real estate matters pursuant to Section 2.1-344(a)(1)(2) of the Code of Virginia, as amended, at 4:17 p.m.

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

Mr. Edwards reconvened the Board into open session at 4:50 p.m.

Mr. Brown made a motion to appoint James Curtis to the Social Services Board, term expiring 7/1/91; Delores Monroe to the Cable Television Advisory Committee for an unexpired term expiring 9/30/89; and to reappoint Nick Lucchetti to the Historical Commission, term expiring 8/30/91.

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

Mr. Edwards made a motion to adjourn.

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

The Board adjourned at 4:51 p.m.

  
David B. Norman  
Clerk to the Board

MLS/lwo  
0310w

Appurtenance: any accessory object or component connected to a public water main or public sewer.

Backflow: the reversal of flow from its intended direction as a result of backsiphonage or backpressure.

Base costs: costs that tend to vary with the quantity of water used, or commodity costs, plus that portion of operating and capital costs associated with service to customers under average load conditions, without the elements necessary to meet water-use variations and resulting peaks in demand.

Board: the Board of Supervisors Directors, the governing body of the James City Service Authority, James City County, Virginia.

Branch sewer or sub-main sewer: a sewer that receives wastewater from a relatively small area and discharges into a trunk sewer or main sewer.

Building sewage drain: that part of the lowest horizontal piping of a sanitary sewage system which receives the discharge from soil, waste and other sanitary sewage pipes inside the walls of the building and conveys it to the building sewer which begins five (5) feet (1.52 meters) outside the inner face of the building wall.

Building sewer: the extension from the building sewage drain to the public sewer or other place of disposal.

Building water piping: all water lines from the water service pipe to the points of ultimate use where water is exposed to the atmosphere.

Capital costs: annual charges associated with plant investment; in the utility basis of accounting, it includes depreciation expense (allowance) and return on investment; taxes are excluded; the annual total of depreciation expense and return on investment equal the total cash requirement recoverable to meet annual capital investment related costs.

Collecting sewer: that pipe line or portion thereof which begins at the sewer service connection and ends at the site of disposal and which is used or intended to be used to convey raw sewage from a building or buildings.

County: the County of James City, Virginia.

Cross-connection: any physical connection between a potable water supply and any waste pipe, soil pipe, sewer, drain, or any unapproved source or system; also, any potable water supply outlet which is submerged or can be submerged in waste and/or other source of contamination.

Utility: either James City County, or James City County Sanitary District 1, or 2, or 3, or James City Service Authority, or any combination thereof.

Utility administrator: either the County Administrator appointed by the Board of Supervisors of James City County or the chief administrative officer appointed by the James City Service Authority.

Utility service: water or wastewater service or both such services, either permanent or temporary.

Utility project: means any earth-disturbing activity performed in conjunction with the construction and installation of local and system facilities or an extension of or a connection to the facilities of the Utility to serve any existing or new development.

Wastewater (sewage): spent or used water of a customer (residential, commercial, industrial, institutional, governmental) which contains dissolved and suspended matter.

Wastewater facilities: the structures, equipment, and processes required to collect, convey, and treat domestic and industrial wastes, and dispose of the effluent and sludge.

Wastewater system: combination of facilities for the collection, treatment, and discharge of waterborne wastes.



Water service connection: the point at or near the applicant's property line where the water service pipe connects to the water service line (water meter or curb stop installation).

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Water service line: that portion of pipe within the water system which extends from the public water main to the water service connection (water meter or curb stop installation).

Water service pipe: the extension from the end of the water service connection (water meter or curb stop installation) to the inner face of the building wall.

Words singular in form shall include the plural; words plural in form shall include the singular; and words in the masculine gender shall include the feminine and neuter genders.

The definition of words and terms which do not appear herein shall be controlled by the definition which appears in Glossary: Water and Wastewater Control and Engineering, 3rd Edition, published by the American Public Health Association, the American Society of Civil Engineers, the American Water Works Association and the Water Pollution Control Federation.

Section 2. Connection required. The following regulations shall be observed to determine who shall be required to connect to the facilities of the Utility.

- (g) When connection is required for existing structures, the Utility shall provide a domestic water and-or sewer connection to the property line upon payment of all applicable fees and charges.
- (h) When development in Section (d) above consists of office and-or retail facilities the property shall be given a one-time exemption for the parcel or property, as it is identified as of December 31, 1984, from utility connection requirements when the following conditions apply (added March 85):
  - (1) The property is located more than 500 feet from Utility facilities and said property was not subdivided after December 31, 1984.
  - (2) The total floor area does not exceed 2,500 feet.

Section 3. Application for service and contract.

(a) General.

- (1) Any person qualified by these Regulations who either desires or is required to connect to water or wastewater service shall complete and submit to the Utility at its office an "Application for Service and Contract" according to the regulations below.
- (2) The Utility shall accept, review and approve, with or without revision, or disapprove the "Application for Service and Contract." Such decision shall be rendered by the Utility within five work days of receipt of the completed application. The Utility shall then mail to the applicant (and the owner, if different than the applicant) a copy of the "Application for Service and Contract" which shall be marked to indicate the action taken by the Utility. If the application is approved, the application shall state the date that service will commence. If the application is disapproved, the application shall state the reasons for disapproval.
- (3) All information requested by the Utility shall be provided before an application is approved.
- (4) A separate service connection shall be required for each premises unless otherwise determined by the Utility in accordance with Section 11 below.

- (5) All applicable charges shall be paid before service is provided. Utility service shall not be provided to any prospective customer if that customer has any outstanding and unpaid utility charges arising from prior utility service to such prospective customer, except as provided in Section 12(k) below.

Sec. 101. This section is deleted.

Sec. 102. This section is deleted.

Sec. 305(d). This subsection is amended to read as follows:

- (d) Unusual wastewater shall require a special rate as provided for in Section 31.

Sec. 410. This section is deleted.

Sec. 601(d). 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). 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).

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

(h) District: the Utility.

(k) General Manager: the Utility Administrator.

(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 Utility and the State. Industrial cooling water or unpolluted process waters may be discharged on approval of the Utility 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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Section 19. Delinquent accounts; actions at law. To secure monies due and payable to the Utility from the customer whose account is delinquent because of the nonpayment of a utility bill(s), the Utility Administrator and Attorney shall perform as required the following tasks:

(a) Lien for charges.

- (1) Real estate. Charges for utility services shall be lien upon the premises as provided by the Code of Virginia (1950, as amended). Two (2) days weeks after the date that utility service is terminated, as provided in Sections 14 and 15 above, the Utility Administrator shall file with the Clerk of the Circuit Court of James City County a "Statement of Lien." This statement shall contain the following:

- (a) Legal description of the premises served.
- (b) Amount of the unpaid bill.
- (c) Notice that the Utility claims a lien for the amount of the unpaid bill and for all charges for utility service subsequent to the period covered by such bill.
- (d) Petition the Clerk to record the lien in the judgment lien book.

Such lien, when properly entered, shall be enforced by the Utility Attorney as described in Section 19(b) below.

Normally, such statements shall be batched monthly by the Utility Administrator and filed with the Clerk.

(b) Public fire hydrants.

- (1) General. To the extent that funds are available therefor, the Utility 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, or industrial, or governmental entity, or other interested party, and upon payment of all applicable charges required by Section 31, the Utility shall construct and install additional public fire hydrants on public property. After installation of each hydrant, the Utility 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 Utility for the particular time and occasion and upon payment of all applicable charges required by Section 31. All such uses shall be metered and the Utility's retail water rates shall apply. A fire hydrant meter shall be furnished by the user, and shall be registered with and approved by the Utility prior to its use.

- (4) No liability. The Utility 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 Utility 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 private fire service or fire hydrant has been used for any purpose other than for fire suppression without prior authorization by the Utility, the Utility shall charge such unauthorized user the sum of \$50.00 for each incident of unauthorized use. Each day of use may be construed as a separate incident.

#### Section 21. Temporary service.

- (a) Special purposes; conditions. Temporary service shall be provided to builders and developers at construction sites and for such special purposes as a circus, bazaar, fair, outdoor music or entertainment festival, irrigation of vacant property and similar uses when the following conditions are observed:
- (1) Temporary service is available for a period not to exceed six months; such service is billed in accordance with Section 31.
  - (2) Completion and execution of an agreement on a form provided by the Utility which describes the nature of the temporary service.
  - (3) Remit with the application for temporary service a sum of money equal to the estimated cost of installing, maintaining, replacing and removing the facilities which are required to furnish such service.
  - (4) No wastewater may enter a sewer service connection until the installation of the service connection is approved by the Utility.
- (b) Credit for permanent connection. In the event the temporary service becomes a permanent connection, the cost of facilities installed with moneys advanced by the applicant, which are used in providing regular service to such applicant, shall be credited to such applicant when facilities charges are remitted for the regular service connection.

#### Section 22. Responsibility for property of customer. The Utility is neither liable for damages to property of the customer by water delivered through the facilities of the customer nor is it liable for damage to property caused by spigots, faucets, valves, and other equipment that may be open when water is turned on at the meter, either when turned on originally or when turned on after a temporary shutdown. The Utility assumes no liability for loss or damage to any water equipment of the customer.

The Utility is not liable for damage caused by an obstructed, or leaking, or damaged building sewer, or building sewage drain or plumbing fixture.

Section 23. ~~Damage to utility property. When damage occurs to a part of service connection by an act of the customer or from hot water or steam from the premises of the customer, the Utility shall bill and the customer shall pay the cost of repairing such damage.~~

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*Damage to Utility property. When damage occurs to a meter, a service connection, or to any other Utility property by the acts of the customer or the customer's agent, or by the act of any non-utility party, or from hot water or steam from the premises of the customer, the Utility shall bill said party for the cost of repairing such damage. The cost may include, but shall not be limited to materials, labor, utility equipment charges, cost of subcontracting repairs, and twenty-five percent overhead.*

*The Utility is not liable for damage to its utility lines when a request for utility markings is not received at the Utility Operations Center at least two working days prior to digging. Regulations regarding utility markings shall be posted at all Utility offices and James City County Office of Code Compliance.*

Section 24. Ground wire attachments. The Utility may terminate service, after proper notice, in the event electrolysis damage occurs to the public water mains of the Utility by the attachment of electrical ground wires to building water piping.

Section 25. Access to premises. Personnel of the Utility shall have right of access to a customer's premises at all reasonable times to perform one or more of the following tasks:

- (1) Inspection of property of the Utility on the premises.
- (b) No urinal or water closet that operates on a continuous flow or continuous flush basis shall be permitted.
- (3) Car washes. All automated car wash installations shall be equipped with an approved water recycling system. All existing car wash installations shall be equipped with such recycling devices no later than one year from the effective date of these Regulations.
- (b) Prohibitions.
  - (1) The resale of water or wastewater services is prohibited, except by a contract with the Utility.
  - (2) It shall be unlawful for any person to remove, alter or open any sewer manhole, pipe, fire hydrant, meter box, valve, or any facilities connected with Utility facilities without written permission from the Utility Administrator.
  - (3) It shall be unlawful for any person to deposit or cause to be deposited any building materials, rubbish or other matter, or cover up with dirt or other material any Utility water or wastewater facility without written permission from the Utility Administrator.
  - (4) It shall be unlawful for any person to deface, injure or otherwise damage any water or wastewater facility or appurtenance of the Utility.
  - (5) No sewer or water lines, facilities or services shall be constructed, installed, or otherwise extended beyond the service area of the Utility without the express approval of the governing body.
  - (6) It shall be unlawful and constitute a misdemeanor for anyone to make any connection to or extension of a public water main or public sewer or other facilities of the Utility unless authorized in writing by the Utility Administrator or his designee.
  - (7) It shall be unlawful for any person to trespass in any manner upon any land or building owned, leased or controlled by the Utility and used either directly or indirectly in association with the Utility water or wastewater system and related facilities.

- (c) Penalties. Any person who is found to be in violation of these Regulations shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding one thousand dollars (\$1,000) or sentenced to thirty (30) days in jail, either or both in the discretion of the jury or the court trying the case without a jury, for each violation.

<u>Activity, use</u>	<u>Unit</u>	<u>Charge</u>
Minimum		\$2,500
Manufacturing	Msf	300
Minimum		1,200
Warehouses	Msf	100
Minimum		1,200
Service stations	Each	1,200
Camping facilities	Each space	500
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 \$750.00 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 or other commercial pump stations unless such utility maintenance is deemed by the Utility to be in the interest of the public health or is necessary to protect the integrity of the system, or such facility is located within a designated Reservoir Protection Zone.

- (4) Service connection charge. A service connection charge shall be paid by each applicant for each new service connection prior to the approval of the application therefor, as follows:

<u>Service installed by:</u>	<u>Charge</u>
Developer, applicant	\$10 per connection inspection fee
Utility	Actual cost times 1.25, including overhead

The purpose of this charge is to defray the cost of installation or inspection of a service connection from the public sewer main in the street to the curb or property line.

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The service connection charge shall be waived provided the applicant has paid a local facilities charge and the sewer service line is not greater than 6 inches in diameter for a gravity main or 2 inches in diameter for a force main. In the event that the service connection charge is not waived, the local facilities charge will be applied against the service connection charge.

- (6) Retail service rates. The wastewater service charge shall be based on usage from a metered water source where available. For wastewater service on an unmetered water source a meter size equivalent shall be used, based upon an estimated charge.

(a) Metered water source.

Charge for all collection and treatment of wastewater

<u>Volume</u>	<u>Collection</u>
Per 1,000 gallons of water consumed	\$1.60
Per 100 cubic feet of water consumed	\$1.20

Metered water usage shall be reduced by a metered reading from a landscaping meter or similar device if the landscaping meter or device is approved and utilized under operating regulations adopted by HRSD.

A copy of the deduction meter reading provided to HRSD must be received by the Utility within 10 days of the end of each billing period. In the event a meter reading is not received within this time, the Utility shall bill based upon total water consumption and no refund nor billing adjustment shall be made.

<u>Meter size (inches)</u>	<u>Charge</u>	<u>Meter size (inches)</u>	<u>Charge</u>
5-8	\$ 1,500	3	\$24,000
3-4	2,250	4	37,500
1	3,750	6	75,000
1-1-2	7,500		
2	12,000		

The purpose of this charge is to recover the capital outlay of the Utility, pay for fire hydrant rentals and to retire the debt incurred to finance the construction of water mains, valves, and connections that have been dedicated to Newport News Waterworks.

- (4) Service connection charge. A service connection charge shall be paid by each applicant for each new service connection and meter installation prior to the approval of the application, as follows:

<u>Installation of connection by:</u>	<u>Charge</u>
Developer, applicant	\$10 per meter inspection fee
Utility	Actual cost times 1.25, including overhead

The purpose of this charge is to defray the cost of installation or inspection of a service connection from the water main in the street to the curb or property line and the installation of a meter either at the curb or property line or within the premises.

*The service connection charge shall be waived provided the applicant has paid a local facilities charge and the water service line is not greater than 2 inches in diameter. In the event that the service connection charge is not waived, the local facilities charge will be applied against the service connection charge.*

- (5) Retail service charge. Water service shall be based upon a commodity charge for all consumption, as follows:

<u>Volume</u>	<u>Charge</u>
Per 1,000 gallons	\$1.80
Per 100 cubic feet	\$1.35

The purpose of the retail service charge is to defray all costs of providing water service for domestic, commercial and industrial uses and for firefighting purposes, including repayment of moneys borrowed to acquire or construct the water system; operation and maintenance; and renewals, replacements and extensions.

- (6) Debt repayment charge. Where water service is provided by Newport News Waterworks through water lines and appurtenances financed by the Utility through the issuance of debt, then a debt repayment charge shall be assessed, as follows:



THIS AGREEMENT, Made this 15th day of July, 1987, between COUNTY OF JAMES CITY, VIRGINIA, hereinafter called "Owner" (whether one or more or masculine or feminine); and VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia corporation, hereinafter called "Company";

W I T N E S S E T H :

That, for the sum of ONE DOLLAR (\$1.00), the receipt of which is hereby acknowledged, Owner hereby grants to Company, its successors and assigns:

1. The perpetual right, privilege and easement to construct, place, operate and maintain an above ground warning device, together with all poles, wires, antennas, receiving and activating equipment, accessories and appurtenances desirable in connection therewith, over, upon and across the land of Owner in Roberts Election Berkeley-Magisterial District of James City County, Virginia, at the approximate location designated on Plat No. 54, hereto attached.

2. The perpetual right, privilege and easement of right of way fifteen (15) feet in width to construct, operate and maintain underground conduits and cables together with all wires, conduits, cables, equipment, accessories and appurtenances desirable in connection therewith, upon and across said land of Owner for the purpose of operating the warning device. The location of the boundary line of said easement is shown by a broken line on said Plat No. 54.

The device, equipment, poles, wires, attachments, accessories and appurtenances constructed and placed hereunder are hereinafter referred to as "facilities".

The facilities constructed hereunder shall remain the property of Company. Company shall have the right to inspect, rebuild, remove, repair, improve, relocate upon and along such easements and make such changes, alterations, substitutions and additions to its facilities as Company may from time to time deem advisable.

Company shall at all times have the right to keep the easements clear of all buildings, structures, trees, limbs, roots and undergrowth.

For the purpose of constructing, inspecting, maintaining or operating its facilities, Company shall have the right of ingress to and egress from the easements over lands of Owner. Company shall be liable for all damages resulting from its exercise of the right of ingress and egress.

Owner, its successors and assigns, may use the easement areas for any purpose not inconsistent with the rights hereby granted, provided such use does not interfere with or endanger the construction, operation and maintenance of Company's facilities and provided that no buildings, structures or other obstructions may be constructed on the easements.

In the event Company, its successors or assigns, ceases to use the easements hereby granted for the purposes herein described at any one time for a continuous period of one year following the initial construction and operation of said facilities, said easements shall automatically terminate at the expiration of said one-year period, but Company shall have a reasonable time thereafter within which to remove its facilities.

Company shall have the right to assign any or all of the rights privileges hereby granted.

Owner covenants that it is seised of and has the right to convey the said easements, rights and privileges; that Company shall have quiet and peaceable possession, use and enjoyment of said easements, rights and privileges, and that Owner shall execute such further assurances thereof as may be required.

IN WITNESS WHEREOF, the Owner has caused its name to be signed hereto by its Chairman, the day and year first above written.

COUNTY OF JAMES CITY, VIRGINIA

By

J. Edwards

STATE OF VIRGINIA )

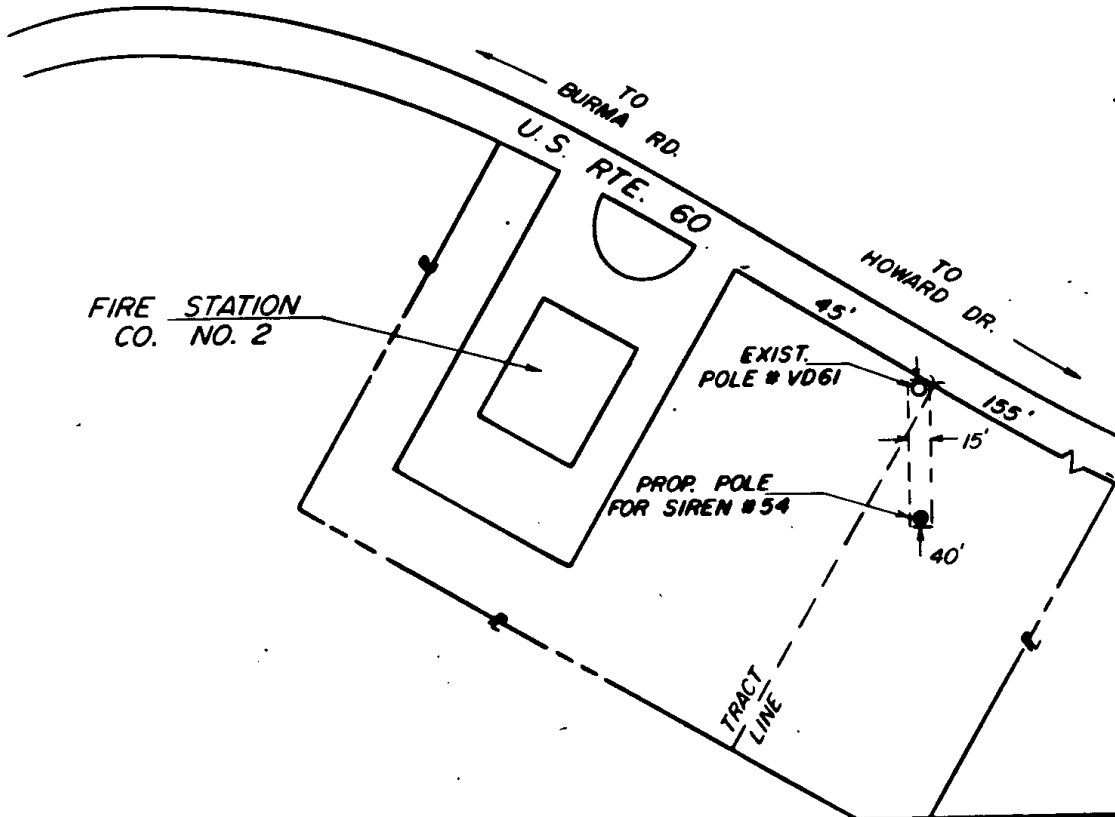
To-wit:

County of James City

I, Mari Lou Smith, a Notary Public in and for the  
~~City aforesaid,~~  
 County aforesaid,  
 State of Virginia at Large, whose commission expires on the 14<sup>th</sup> day of  
February, 1989, do hereby certify that Jack D.  
Edwards and \_\_\_\_\_, whose names  
 are signed to the foregoing writing dated the 15<sup>th</sup> day of July,  
 1987, as Chairman and \_\_\_\_\_,  
 respectively, of the Board of Supervisors, acknowledged  
 the same before me in the County aforesaid this 20<sup>th</sup> day  
 of July, 1987.

Mari Lou Smith  
 Notary Public

NORTH



FIRE STATION  
CO. NO. 2

EXIST.  
POLE # VD61

PROP. POLE  
FOR SIREN # 54

TRACT  
LINE

**VIRGINIA ELECTRIC AND POWER CO.**  
**SURRY P.S. SIREN # 54**

PLAT TO ACCOMPANY RIGHT-OF-WAY AGREEMENT  
WITH

**COUNTY OF JAMES CITY**

DISTRICT - TOWNSHIP COUNTY STATE  
**ROBERTS JAMES CITY VA.**

SCALE: 1 INCH = N.T.S. FT.

SURVEYED BY  
**NONE**

DRAWN BY

**FH**

DATE

**6-10-87**

**NO. 54**

REVISIONS

4		3		2		1	
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PROP. RIW

SHEET NO.  
DRAWER NO.

BRUNNEN 44-136 6304

4.9

Extension Agreement No. 131 - 1987

Location: Skiffe's Creek Industrial Park

Roberts District

James City County, Virginia

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

This Agreement, made this 20<sup>th</sup> <sup>August</sup> day of July,  
19 87, by and between the City of Newport News, a Municipal  
Corporation of the Commonwealth of Virginia, hereinafter referred  
to as "City", and Sanitary District Number 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 Skiffe's Creek Industrial Park, 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.

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, disinfect  
and tie-in water mains and appurtenances in accordance with the  
layout shown on Exhibit "A", and to conform to the Distribution  
Standards. Construction Drawings will be furnished by the City  
after execution of this Agreement and water pipeline work will  
not begin without these drawings.

b. At his own cost and expense and before final tie-in, to furnish complete "as-built" drawings, a one year maintenance bond (see Exhibit "D"), manufacturer's affidavits, construction materials and a breakdown of the total cost of the water pipeline as paid by the Applicant.

c. To pay the City upon execution and delivery of this Agreement, the sum of Five Thousand Two Hundred Fifty Dollars, (\$5,250.00), the estimated cost of meters, service pipes, supervision and inspection, as shown on Exhibit "B", attached hereto. Upon completion of this project if it is found that actual cost exceeds the estimated costs shown on Exhibit "B", then the Applicant will pay the amount over the actual cost and if the actual cost is less, then the City will refund any excess of amount paid by the Applicant.

d. Will pay as required by James City County to the City the established rental charge per annum for each fire hydrant installed in the development for five years after the date of installation of all fire hydrants in the subject project.

e. To furnish, at no cost to the City, all necessary plats and easements for water mains, reflecting the location installed and prepared in compliance with the standard form attached (see Exhibit "C") prior to acceptance of the water system to the existing system.

f. To furnish plat showing location of meters and provide a marker on site indicating location for meter installation on each lot or building as required. Site markers will be placed before the request for meter installation and before road surface material is placed on streets.

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

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

(1) Water service connection or tap must be installed for the Applicant within a period of three (3) years after the application. If, through no fault of the Department of Public Utilities, installation is not made within three (3) years from the date of application, the fees paid in connection therewith shall be forfeited.

(2) For (5/8"), (3/4") and (1") meter connections: a minimum of (10) service connections must be installed as a group to qualify for project service connection fee rates, all others are charged as individual service connections. For (1 1/2") and (2") meter connections: a minimum of three (3) service connections must be installed as a group to qualify for project service connection fee rates, all others are charged as individual service connections. Also, charges for required permits and street repair costs shall be made in addition to the service connection, if required.

b. Maintain and operate the system.

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

d. Refund to Applicant such amount as provided in the City Water Policy in existence on the date of this contract.

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 and construction drawings have been issued by the Department of Public Utilities.

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 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.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement as of the date first above written.

CITY OF NEWPORT NEWS

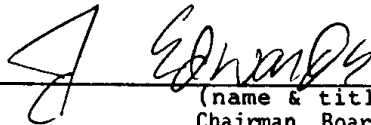
BY: \_\_\_\_\_



Director, Department  
of Public Utilities

(Name of Applicant)

BY: \_\_\_\_\_



(name & title)  
Chairman, Board  
of Supervisors

ATTEST:

(to be used only when corporation is Applicant)

If corporation, must be signed by officer having authority to execute contracts and attested and seal affixed by secretary of corporation.

PIPELINE SCHEDULING INFORMATION

Project Scheduled In Service Date \_\_\_\_\_

Pipeline Contractor for Project \_\_\_\_\_

\* Not provided at signing  
CCE 8/6/87