

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF JANUARY 2013, AT 5:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

John J. McGlennon, Chairman, Roberts District
Mary K. Jones, Vice Chairman, Berkeley District
James G. Kennedy, Stonehouse District
James O. Icenhour, Jr., Jamestown District

Robert C. Middaugh, County Administrator
Leo P. Rogers, County Attorney

C. BOARD DISCUSSIONS

1. Update on Consent Order

Mr. Larry Foster, General Manager of the James City Service Authority (JCSA), addressed the Board in regard to the Consent Order for the JCSA. Mr. Foster introduced Mr. Danny Poe, Chief Civil Engineer for the JCSA and the point person for the Consent Order. Mr. Foster stated that in 2007 the Board authorized the JCSA to enter into a Consent Order with the Department of Environmental Quality (DEQ). He presented the Board with a PowerPoint presentation outlining the various components of the Consent Order. He stated that the main purpose of the Consent Order is to minimize sewer spills and to reduce the amount of phosphorus and nitrogen associated with sewer spills. In discussing the progress of the Consent Order, Mr. Foster noted that of the 77 sewer basins in the County, 47 of them have been identified as having excessive flows, which are what the infrastructure improvements are trying to address. He stated that over the next 20 years the system infrastructure improvements would cost approximately \$60 million. He stated that to the Board's credit, it did approve a 15 percent rate increase to help fund the sewer improvements. He listed the projects that have already been completed since entering into the Consent Order. He stated that there is a regional committee evaluating consolidation of the region's sewer system and there are still several unanswered questions regarding the Consolidation.

Mr. McGlennon asked when we are elected to face decision points here.

Mr. Foster stated that the study would be completed in November 2013 and then it will take several months for the information to be digested and processed. He stated that in the fall of 2013, staff should have an idea of the implications on the JCSA. He stated that in late 2013, he anticipates meeting again with the Board to discuss the results of the study and the direction with which staff believes the JCSA should proceed.

Mr. McGlennon asked if the purpose of the study is to determine if a regional authority is the best way to proceed.

Mr. Foster stated that is correct.

Mr. McGlennon asked if the County is committed to the regional authority at this point.

Mr. Foster stated that at this time the County is not committed to the regional authority.

Mr. Foster stated that the purpose of the study is to show that the improvements to the system are much more effective when targeted to a regional area.

Mr. McGlennon stated that there does seem to be some real concerns. Some of the cities with older systems are also the ones with much denser populations, raising the question if the study will get into the allocation of costs.

Mr. Foster stated that he has recommended that there be a dashboard of sorts that will allow the sorting of data, for example, the number of residents per mile of sewer line. He stated that from this study, the hope is that there will be a reasonable comparison of utility to utility.

Mr. McGlennon asked if other regions in the State are facing the same kind of Consent Order.

Mr. Foster stated that the only other utility in Virginia that is under a Consent Order is Lynchburg, and it has been under the Consent Order since the mid-1990s. He stated that he has heard that some of the utilities in Northern Virginia are going through this process now as well.

Mr. McGlennon asked how the regional authority would be created, would it require State legislation, or a compact between the localities.

Mr. Foster stated that part of the study is looking into this situation.

2. Closed Session

Mr. Icenhour made a motion to go into Closed Session at 5:13 p.m.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. McGlennon, Mr. Kennedy, Ms. Jones (4).
NAY: (0).

- a. Consideration of a personnel matter(s), the appointment of individuals to County boards and/or commissions pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia.
 - i. Board of Zoning Appeals
- b. Consideration of the purchase of parcel(s) of property for public use and the disposition of public property pursuant to Section 2.2-3711(A)(3) of the Code of Virginia.

The Board came out of Closed Session at 6:10 p.m.

Mr. Icenhour made a motion to certify the Closed Session.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. McGlennon, Mr. Kennedy, Ms. Jones (4).
NAY: (0).

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) consideration of the purchase of parcel(s) of property for public use and the disposition of public property pursuant to Section 2.2-3711(A)(3) of the Code of Virginia; and ii) consideration of a personnel matter(s), the appointment of individuals to County boards and/or commissions pursuant to Section 2.2-3711(A)(1) of the Code of Virginia.

3. Land Preservation Programs

Mr. Doug Powell, Assistant County Administrator, addressed the Board giving a summary of the memorandum included in the Work Session Agenda Packet.

Mr. Middaugh stated that he wanted to clarify Mr. Powell's statement that staff would actively pursue these acquisitions, not aggressively pursue them. He stated that he did not want the County to be perceived as someone knocking down their doors, relentlessly pursuing landowners. He stated that staff wants to know how actively the Board wants to pursue these acquisitions, how much time, energy, and resource does the Board want staff to utilize.

Mr. McGlennon stated that the Board owes it to the citizens to follow through on the referendum, which passed with an overwhelming margin and are actively seeking out these landowners and acquisitions. He stated that the County needs to be following through on land acquisitions that are going to protect watershed areas, provide beneficial conservation easements, and improve water quality. He stated that the objective should be to acquire land that could be used as in-fill development and protect open spaces. He stated that there are numerous reasons for the Board to want to do this and the citizens endorsed this idea in the referendum. Mr. McGlennon stated that extra resources are necessary for the next several years to pursue this, perhaps in the form of a contractor.

Mr. Icenhour stated that he wants staff to more actively pursue these programs. He stated that he would like to see the Board commit more resources to these programs. He stated that he would like to take advantage of the resources that are already there and available to borrow. He would like to see the cost involved in getting more man power working on these programs so that the Board can make a better decision.

Ms. Jones asked what the current debt load is for the County.

Mr. McDonald stated that the debt load is approximately \$125 million.

Mr. Kennedy asked when the referendum was approved by the citizens.

Mr. McDonald stated 2005.

Ms. Jones asked how much money has been spent up to this point.

Mr. McDonald stated that the referendum allowed \$20 million and currently the County has borrowed \$6 million.

Mr. Kennedy stated that he is critical of the way that these programs have been handled since the referendum. He stated that the County went out and got approval for the borrowing of these funds through the referendum, but then had no clear plan on how to move forward and spend the money acquiring properties. He stated that now the County is facing a deadline of 2.5 years if he is not mistaken.

Mr. Powell stated that the deadline is in November 2013; however, the County can apply for a two-year extension from the courts, which would most likely be approved.

Mr. Kennedy stated that the irony of the situation is that the poor planning on the front end is now hurting us on the back end. He stated that he would like to see more cost measures before he is comfortable with moving forward.

Mr. Middaugh stated that the substance of the Closed Session was to have a better defined plan, a better defined assignment of responsibilities and resources to then go out and do what it is that the Board is asking. He stated that a lot of things have happened over the years, of which the economic decline was a big part.

Mr. Kennedy stated that his concern with the economy is that it has not yet recovered.

Mr. McGlennon stated that he understands those concerns and this is a different economy; however, the land is only going to increase in value, and as Mr. Kennedy has stated before, they are not making any more of it. He stated that if the Board does not make a decision about the staffing, then the Board will not even be in a position to make spending decisions in 2.5 years for these programs. He stated that is the reason for moving forward and having staff provide the Board with a specific proposal to put someone in place.

Mr. Kennedy stated he does not have a problem doing that, but he wants to see concrete numbers and absolutes.

Mr. McGlennon stated that although it was not part of the job description, he would like to see the person in this position work with other people, agencies, and groups on grants and tax provisions.

Mr. John Horne, Director of General Services, stated that in reference to Mr. McGlennon's statement, the State has defunded most of its land acquisition programs. He also stated that he believes that the Federal acquisition programs are headed that way as well; therefore, those partnerships will become more important.

Mr. McGlennon stated that an additional benefit of this program will be as the Board begins to look at the permitting process for stormwater. He stated that the County could charge back those expenditures for conservation easements against the expenditures for the reduction in pollutants. He stated that it is clear that one of the best ways to reduce pollutants is by having forest and trees along the riverbeds and waterways.

Ms. Jones stated that she does not support expanding this program. She stated that the referendum was to allow the County to borrow up to \$20 million, not that the County had to borrow and spend every single penny. She stated that she wants to hear what the ultimate goal of the program is and that the economy was in a different place in 2005 than it is now and that should be considered. She stated that the State legislators cautioned the Board to be frugal in its expenditures because they do not know what is going to happen in the coming year. She stated that citizens have just experienced a payroll tax increase and are reporting that they

believe the County already owns enough property. She stated that she does not support ramping up this program and being more aggressive with it and that it definitely should not be a priority.

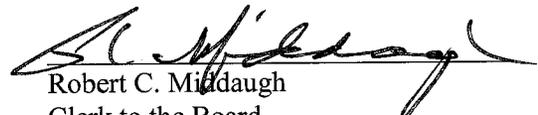
Mr. McGlennon stated that it should be noted that one of the reasons citizens have supported this program in the past is because it allows the County to restrict and control the need for more services. He stated that increased development creates an increase in the need for services, which affects the citizens tax dollars as well.

Mr. Kennedy made a motion to recommend Mr. Marvin Rhodes to the Courts for appointment to the Board of Zoning Appeals.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. McGlennon , Mr. Kennedy, Ms. Jones (4).
NAY: (0).

D. ADJOURNMENT

At 6:30 p.m., Mr. McGlennon recessed the Board until its regular meeting at 7 p.m.


Robert C. Muddaugh
Clerk to the Board

012213bosws_min