

AT A WORK SESSION MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 4TH DAY OF FEBRUARY 2014, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

ADOPTED

B. ROLL CALL

MAR 11 2014

Mary K. Jones, Chairman, Berkeley District
Michael J. Hipple, Vice Chairman, Powhatan District
James G. Kennedy, Stonehouse District
John J. McGlennon, Roberts District
Kevin Onizuk, Jamestown District

**Board of Supervisors
James City County, VA**

M. Douglas Powell, Acting County Administrator
Leo P. Rogers, County Attorney

C. BOARD DISCUSSIONS

1. Hybrid Sewer Plan

Ms. Stephanie Luton, Assistant General Manager of the James City Service Authority (JCSA), addressed the Board and introduced Mr. Danny Poe, Chief Engineer for Wastewater for the JCSA. She addressed the Board giving a presentation on the Hybrid Plan, as a result of the Consent Order, and the Memorandum of Agreement (MOA) that was included in the Agenda Packet.

Mr. McGlennon asked where the money comes from for the Hampton Roads Sanitation District (HRSD) Regional Facility to operate.

Ms. Luton stated that it would be through the rates paid to HRSD.

Mr. McGlennon asked how that rate is sent currently, if it was set on a locality by locality basis or if the rate is uniform across the region.

Ms. Luton stated that it is a uniform rate across the region based on consumption, meaning how much wastewater is being treated.

Mr. McGlennon asked how this plan will affect the rates of the consumers.

Ms. Luton stated that in terms of the billing, most of the rate increases will show in the HRSD portion of the consumer's bill. She stated that the JCSA would still need to meet its maintenance responsibilities, but staff anticipates that the JCSA portion of the consumer's bill will remain fairly steady.

Mr. McGlennon clarified that in order to meet the requirements of the Consent Order, consumer's rates will increase, but not like they would if the JCSA did not participate in the Hybrid Plan being proposed.

Ms. Luton stated correct.

Mr. Onizuk asked if this proposal would affect Stormwater and water quality issues as well, or is this just sewer.

Ms. Luton stated that this is just sewer.

Ms. Jones asked if there is an end date to the MOA. She stated that she believes the Hybrid Plan is a much better option than the original regional plan proposed. She stated that she is concerned that our rate payers are not protected against increases because of issues in other localities.

Mr. McGlennon stated that his understanding is that by participating in the Hybrid Plan, the JCSA is protected from the Consent Order and the burden to comply. He stated that the trade-off is that projects that the JCSA would have had to do to be in compliance will not necessarily be a high priority because they do not affect the regional basin as much.

Mr. Poe stated that HRSD will be able to look at basins on a regional basis and determine which projects would have the most effect on reducing wastewater to meet the threshold limits. He also stated that the MOA specifically states that the HRSD will be working with the JCSA to determine which will be done here locally.

Mr. Kennedy stated the HRSD's rates seem to escalate on an annual basis and asked what the comparison is between their rate increases and those of the JCSA.

Ms. Luton stated that she is not certain of the exact percentage rate increases of HRSD verses JCSA, but they have risen quicker and at a higher rate than the JCSA. She stated that she would be happy to calculate that information and provide it to Mr. Kennedy.

Mr. Kennedy asked who sets the rate increases.

Ms. Luton stated that the HRSD Board sets the rates.

Mr. Kennedy asked what they use as criteria to determine those rate increases.

Mr. Poe stated that on the wastewater treatment side, there are very strict regulations on pollutants, so when HRSD has to go in and repair a treatment facility, those repairs are very costly. He stated that those costs probably drive most of the rate increases.

Ms. Luton stated that in addition to the information on the percentage of rate increases, she would also provide Mr. Kennedy information on the criteria for the rate increases and what, if any, appeals process the localities have.

Ms. Jones asked when the expectation is that the Board will take action on this MOA.

Ms. Luton stated that if Board members have any other questions, staff will supply those as quickly as possible. The hope is that the Board will take action on the MOA at the February 25, 2014, JCSA Board of Directors Meeting.

Mr. Hipple clarified that if one locality does not agree to the MOA, then the whole plan does not work.

Ms. Luton stated correct.

Mr. Hipple asked if there is any estimate on how much of rate increase consumers can expect to see.

Ms. Luton stated that because the Hybrid Plan is so new, there has not been any information available on what possible rate increases might be. Ms. Luton stated that she could contact the Director of the HRSD and see if they have run any forecasts on what increases might be and then provide any information she receives to the Board. She stated that there is the expectation that eventually the rate increases will level off.

Mr. McGlennon stated that he still has a question about who owns the pipe.

Mr. Poe stated that the JCSA will still own the pipes, that HRSD contractors would come in and do any work or repairs that needed to be done and then turn the control of the pipe back over to the JCSA.

Mr. Onizuk asked if any locality can exit the MOA and the Hybrid Plan, and what happens then.

Mr. Rogers stated that there is no exiting once you enter into the MOA.

Mr. Onizuk stated that he would be interested in knowing the expected costs of entering into the Hybrid Plan verses not entering into the Hybrid Plan per household in James City County.

Ms. Jones asked if there were any other questions, seeing and hearing none, she thanked Ms. Luton for her presentation.

At 4:43 p.m., Ms. Jones recessed the Board for a brief break.

At 4:46 p.m., Ms. Jones reconvened the Board.

2. Methodology and Timeline for the Review of the 2009 Comprehensive Plan

Ms. Jones recognized Mr. Al Woods, Chair of the Planning Commission, and Mr. Rich Krapf, Vice-Chair of the Planning Commission, and thanked them for joining the Board's discussion.

Ms. Tammy Rosario, Principal Planner, addressed the Board stating that Mr. Woods would begin the discussion this afternoon.

Mr. Woods stated that State Code requires that the Comprehensive Plan be reviewed and updated every five years. He stated that the this review will be of limited scope, focusing mostly on land use, transportation, and economic development while leaving intact the principles, policies, and major developments from the prior Comprehensive Plan. He stated that it is the plan to continue the tradition of broad public outreach and broad representation. He stated that the Planning Commission is pleased to present the Board with a methodology and timeline for the review of the 2009 Comprehensive Plan. He stated that unless the Board has any questions for him or Mr. Krapf, he will turn over the discussion to Ms. Rosario.

Ms. Rosario addressed the Board giving a presentation of the materials included in the Agenda Packet.

Ms. Rosario introduced Ms. Susan Willis, Director of Virginia Tech Center for Survey Research, who joined the meeting via phone.

Ms. Willis addressed the Board regarding the citizen survey proposed for the beginning stage of the Comprehensive Plan review.

Ms. Rosario stated that should the Board endorse the survey that was included in the Agenda Packet, then staff is prepared to move forward with the survey immediately.

Mr. Kennedy stated that he has concerns about the wording of the questions. He stated that he would like to see the questions be more definitive and not as speculative.

Mr. Onizuk stated that some of the questions are vague. He stated that some of the questions refer to parks and recreation and should the County spend more money on parks. He stated that the question does not ask "are you, the taxpayer, willing to spend more money on parks and recreation?" He stated that it really comes down to citizens want more services, but are they willing to pay for them and that link is not made in the questions.

Ms. Jones reiterated that the questions need to tie in to whether or not people are willing to pay more for the services that they would like to see in the County. She stated, for example, many people would like to see the County have an aquatic center; however, many people are not aware of the price tag that goes along with having an aquatic center. She also stated that some of these services could be provided by private industry not necessarily the government and that is a question that should be clarified. She stated that there is a good foundation for the community outreach portion and she does not believe that it needs to be really changed. She stated that the timeline is scheduled for 15 months, but she is not sure that it will necessarily take that long.

Mr. Kennedy stated that different revenue streams are mentioned in the survey, but there are other options that are not listed that could be expanded.

Mr. McGlennon stated that there is a value to asking general questions that are similar to ones asked five years ago to see how attitudes in the community have changed toward different programs and services. He stated that this type of survey is not designed to give a lot of information; however, some of the questions could be asked if citizens believe they pay too high, average, or too low property taxes, and questions of that nature to get a sense of the tax burden on the citizens. He stated that he is not a fan of open-ended questions, but if there are some that have worked well in the past then so be it.

Ms. Jones stated that she has some concern over the length of the survey as well.

Mr. Kennedy stated that he would like to see the business community included in this survey as well, and to see those numbers broken out separately.

Mr. Hipple stated that he found the survey to be rather long and would find it difficult to stay on the phone that long to answer all the questions. He stated that he agrees with the rest of the Board about including questions about whether or not citizens would be willing to see their property taxes go up one cent in order to pay for expanded services. He stated that the questions read like the County has money to spend, not correlating to the fact that increased services means increased costs. He stated that he also thought that some of the questions were somewhat leading.

Mr. Kennedy stated that some of the committees in the County should be talked to and included in the process.

Mr. Onizuk stated that at the end of the day, if citizens want more, then they need to pay more, and that needs to be clarified.

Mr. Kennedy stated that he would like to see some question on land use predictability. He stated that people want to know what to expect in the community in the years to come.

Ms. Rosario stated that perhaps some of these questions would lend themselves better to the open forum discussions with citizens.

Mr. Kennedy stated that those open forums are attended by interest groups and it does not matter which side of the aisle you sit on, not many get involved and those that do, are the same ones that we see at all meetings.

Ms. Rosario stated that staff intends to conduct open forum meetings in various parts of the County in attempt to reach different segments of the County population. She stated that the CPT will be engaging the business community.

Mr. McGlennon suggested reaching out to the homeowners associations as well.

Mr. Kennedy suggested reaching out to organizations that the County supports as well.

Ms. Rosario stated, in regards to the previous question from Ms. Jones, the CPT would be more strategic and the Planning Commission will take on more of the role that the Steering Committee had in the past. She asked if the Board would like to see revised questions.

Ms. Jones stated that she would like to see the revised questions prior to being sent to out to the citizens.

Ms. Rosario asked if the Board was satisfied with the methodology and the timeline.

The Board affirmed.

Ms. Rosario stated then that the survey questions would be revised and brought back to the Board for approval.

Mr. Onizuk stated that he would like to see a web-based survey online as well, even if it is not scientifically accurate, it would be nice to see the responses from those as well.

Ms. Jones thanked all in attendance for their time and presentation.

At 5:46 p.m., Ms. Jones recessed the Board for a break.

At 5:56 p.m., Ms. Jones reconvened the Board.

D. CLOSED SESSION

1. Consideration of a public contract involving the expenditure of public funds to hire an executive search firm to search for a new County Administrator and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(29) of the Code of Virginia.

Mr. McGlennon made a motion to go into Closed Session pursuant to the consideration listed on the Agenda.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

At 5:58 p.m., the Board entered into Closed Session.

At 6:50 p.m., the Board reentered Open Session.

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

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

RESOLUTION

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) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) Section 2.2-3711(A)(29), consideration of a public contract involving the expenditure of public funds to hire an executive search firm to search for a new County Administrator and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

Ms. Jones stated that the Board needs to schedule a meeting with specific executive search firm respondents. She stated that she would like to suggest that the Board schedule a meeting for four hours to interview the selected search firm candidates. She questioned the Board about its schedules in the attempt to determine a day that worked for everyone.

The consensus of the Board was to add a Work Session prior to the Regular Meeting on February 11, 2014, beginning at 3 p.m.

Mr. McGlennon made a motion to amend the calendar to add the Work Session on February 11, 2014, at 3 p.m.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

E. ADJOURNMENT – 3 p.m. on February 11, 2014, for the Work Session

Mr. Hipple made a motion to adjourn.

On a roll call vote, the vote was: AYE: Mr. Kennedy, Mr. Hipple, Mr. McGlennon, Mr. Onizuk, Ms. Jones (5). NAY: (0).

At 7:02 p.m., Ms. Jones adjourned the Board.



M. Douglas Powell
Clerk to the Board

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