

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 8TH DAY OF APRIL 2014, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**ADOPTED**

**MAY 13 2014**

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

**A. CALL TO ORDER**

**B. ROLL CALL**

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

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

**C. BOARD DISCUSSION**

1. New Virginia Stormwater Management Program (VSMP)

Mr. Scott Thomas, Director of Engineering and Resource Protection, addressed the Board giving a presentation regarding the new Virginia Stormwater Management Program and the draft Ordinance. Mr. Thomas began with updating the Board as to the changes over the last year. He stated that the draft Ordinance is based on the State's model so that it contains all of the required elements that are contained within the law and regulations for stormwater. He referenced the staff report included in the Work Session Agenda Packet and the elements contained therein. He referenced the addition of the ability to use Closed Circuit Television (CCTV) inspection.

Mr. Kennedy asked if the CCTV system would only be used to inspect new systems.

Mr. Thomas stated yes.

Mr. Onizuk asked if the CCTV could be used to inspect older systems as well.

Mr. Thomas stated that it would not be the County conducting the inspections; it would be an outside company conducting the inspections for the developer.

Mr. Kennedy asked who would review the video.

Mr. Thomas said that whoever the inspector is that conducts the private certification would be reviewing the video, but the video would have to be available to the County as well.

Mr. Kennedy asked about liability on the County if no one from the County reviews the video.

Mr. Thomas stated that it should in actuality make it easier for staff with having the video available.

Mr. Onizuk asked if the video inspection is conducted, then would the private inspector be required to view and certify the video.

Mr. Thomas stated that it would be a requirement that the video be reviewed if the video inspection is conducted.

Mr. Rogers stated that there is not really a liability for the County. There would, however, be a greater liability for the private inspector that conducts the certification.

Mr. Kennedy stated that he felt that an issue is the backfill around the pipe that has caused failures and those would not be seen by the CCTV camera system.

Mr. Hipple stated that the CCTV would show if the pipes were installed properly and if the joints were in place and installed correctly.

Mr. Kennedy asked about inspections of the backfill.

Mr. Thomas stated that there have been inspections of backfill since 2008; however, there is not the staff in place to provide this type of inspection full time. Mr. Thomas also stated that the County is relying on the private inspectors who conduct the inspections to certify that the pipes are properly backfilled.

Mr. Hipple stated that it would be impossible for the County to inspect each and every pipe found in the County at every construction site.

Ms. Jones asked about the cost associated with running a CCTV camera.

Mr. Thomas stated that a cost estimate was a few hundred dollars, but that he would gather more information.

Mr. Onizuk stated that in his neighborhood inspections were recently done and the cost was \$1,000 to \$3,000 depending on the conditions encountered.

Ms. Jones asked for Mr. Hipple's input on the cameras.

Mr. Hipple stated that a great majority of the failures in systems came from the time period that building was on an accelerated pace in the County. He continued to state that he is concerned about the fees associated with the plan.

Ms. Jones stated she realizes that the ordinance is required by the State, but that she is against the new fees.

Mr. Onizuk stated that he feels that a homeowner would be willing to pay the little bit extra to have the cameras used to have the security and peace of mind of knowing that everything is correct. He also stated that when these pipe systems fail, the cost to the homeowner or neighborhood is very high.

Mr. Thomas recommended to the Board that it approve the recommended fee structure provided by the State.

Mr. Kennedy asked how much revenue would be generated by the fee schedule.

Mr. Thomas stated it would be approximately \$100,000 to \$120,000 per year.

Mr. Allen Murphy, Director of Development Management, stated that under the current fee structure only 20 to 30 percent of expenditures are recovered in fees. With the new proposed fee structure that figure would go to 40 percent.

Mr. Thomas presented information about what other localities in the region were doing as far as fee schedule.

Ms. Jones asked how the proposed fee schedule was developed.

Mr. Murphy stated that the fee schedule is taken from the model from the State.

Mr. Onizuk asked what would happen if the County adopted an adjusted fee schedule.

Mr. Thomas stated that if the County decided to adjust the fee schedule then the State would ask for proof of a guarantee that the County would be able to implement the ordinance with the fees generated.

Mr. Murphy stated that staff is looking for guidance from the Board on the fee schedule and the ordinance.

Mr. Kennedy stated that he supports the ordinance because the County has no real choice. The County is in fact getting this requirement from the State.

Mr. Murphy stated that there would be adjustments yearly based on inflation and that this was part of the law passed by the State.

Ms. Jones asked how much the adjustments would be.

Mr. Murphy stated that based on current knowledge it would be about three percent.

Mr. Hipple asked if he was correct in the statement that the State was mandating these requirements in order to protect the Chesapeake Bay.

Mr. Thomas stated correct and that the original law was passed almost three years ago.

Mr. McGlennon stated the he wanted citizens to understand that this doesn't affect existing homeowners but new development.

Mr. McGlennon stated that he would support the proposed fee schedule.

Mr. Onizuk stated that he was in agreement as well.

Mr. Rogers clarified a wording change that certain exemptions, which are listed in the proposed ordinance, were exemptions based on certain activities at the discretion of the ordinance administrator, which would be Mr. Thomas. If a party was not satisfied with the decision of the ordinance administrator then the appeal would be to the Board of Supervisors.

**D. CLOSED SESSION**

Mr. Onizuk made a motion to enter into Closed Session pursuant to the Code Sections 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 5:08 p.m., the Board entered Closed Session.

1. Consideration of a Personnel Matter, the Appointment of Individuals to County Boards and/or Commissions Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
  - a. Parks and Recreation Advisory Committee
  - b. Historical Commission
  - c. Peninsula Alcohol Safety Action Program (PASAP) Policy Board – Staff Member
  - d. Colonial Community Criminal Justice Board – Staff Member
  - e. Greater Peninsula Workforce Development Consortium – Board Member
  - f. Community Services Coalition Board of Directors – Board Member

**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, 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) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(1), to consider personnel matters, the appointment of individuals to County boards and/or commissions.

2. Consideration of the Acquisition/Disposition of a Parcel/Parcels of Property for Public Use Pursuant to Section 2.2-3711(A)(3) of the Code of Virginia

**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)(3), to consider the acquisition/disposition of a parcel/parcels of property for public use.

At 5:55 p.m., the Board reconvened in 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).

**E. BOARD DISCUSSION**

1. Tourism

Mr. Russell Seymour, Director of Economic Development, joined the Board for the discussion regarding tourism.

Ms. Jones stated that in the proposed budget is a new position for a tourism coordinator and there are also other options to discuss regarding the Chamber.

Mr. Onizuk stated that his concern is the cost of the proposed tourism coordinator position. He stated his other concern was considering the amount of money that is put into the Chamber and Tourism Alliance, is this position necessary.

Mr. Kennedy stated that he felt it was important to have a person to coordinate events and tourism for James City County specifically.

Mr. McGlennon stated that his problem about having a dedicated person is not just the cost of the employee, but also for the resources needed to attract outside groups and tourism.

Mr. Kennedy stated that he feels as though the Chamber and Tourism Alliance needs to show that with the money they receive from the County there is a return on investment for the County. He raised a question about the information provided at a previous work session in regards to sports tourism. He asked if the figure of 48,000 room nights created by a sports tourism facility were new nights or not.

Mr. Seymour stated that he believed that those were new room nights generated specifically by people utilizing a sports tourism facility; however, he would confirm that information with the consultant.

Mr. Powell stated that his budget recommendation was to fund the sports tourism facility study, but not to fund the arts month that the Chamber had requested.

Mr. Kennedy stated that he would like to see what the expectation is when organizations request funds from the Board. There needs to be an expectation of a return on public funds.

Mr. Onizuk stated that he doesn't agree with funding a new position when there is so much money going into the Chamber. He also stated he feels that with the new director of the Chamber they need to be provided the opportunity to correct things that have happened in the past.

Mr. McGlennon stated he feels that there doesn't need to be a new position created, but rather there needs to be firm expectations from the Chamber.

Ms. Jones stated she thought it would advantageous to have an individual that groups and organizations could coordinate through.

Mr. Seymour stated there is a great deal of coordination that is needed to develop events and to make events happen.

**F. ADJOURNMENT** – until Regular Meeting at 7 p.m.

Mr. McGlennon 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 6:40 p.m., Ms. Jones adjourned the Work Session.

  
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M. Douglas Powell  
Clerk to the Board