

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

WORK SESSION

County Government Center Board Room

November 26, 2002

4:00 P.M.

A. CALL TO ORDER

B. ROLL CALL

C. BOARD DISCUSSION

1. James City County Stormwater Funding and Operating Program - Phase II Action Plan Report
2. 2003 Legislative Program

D. ADJOURNMENT

MEMORANDUM

DATE: November 26, 2002

TO: The Board of Supervisors

FROM: John T. P. Horne, Development Manager

SUBJECT: James City County Stormwater Funding and Operating Program - Phase II Action Plan Report

The Board has received a copy of the Action Plan Report developed by AMEC Earth and Environmental, Inc., with the assistance of the Stormwater Advisory Committee appointed by the Board. The Committee met several times with staff and the consultant and has reviewed and commented on this report. Members of the Committee will be in attendance at the Board Work Session and the Committee has endorsed the recommendations in the report.

The purpose of the Work Session is to receive Board direction on the next steps related to financing for stormwater costs. The report recommends a blended financing program, with a significant portion of future financing to be derived from stormwater service fees levied by a stormwater utility. If the Board endorses the recommendation to establish a stormwater utility, an additional 9-12 month process will be needed to establish that utility. Consulting services will be required and staff anticipates continued use of a citizen advisory committee to help formulate recommendations to the Board. By Fiscal Year 2005, stormwater service fees could assume some stormwater management costs. Some additional funding from the General Fund would be necessary to continue stormwater management functions in Fiscal Year 2004.

John T. P. Horne

JTPH/gs
strmwtrfundII.mem

MEMORANDUM

DATE: November 26, 2002
TO: The Board of Supervisors
FROM: Frank M. Morton, III, County Attorney
SUBJECT: 2003 Legislative Program

Attached is the proposed 2003 Legislative Program. The Program consists of two parts, items to be introduced and items to be supported by the County as follows:

Legislation to be Introduced on Behalf of the County

- 1-1. Traffic Control: This item is a carry-over from past years and requests that the County be added to those localities permitted to place cameras at intersections to monitor traffic.
- 1-2. Local Water-Saving Ordinance: This amendment would ensure that the County would have the flexibility to impose restrictions on nonessential use of groundwater during declared emergencies.
- 1-3. Services Rendered in Commonwealth's Cases: This amendment would extend to the County the same exemptions from filing and service fees enjoyed by the Commonwealth.
- 1-4. Purchase, Sale, etc., of Real Property: This amendment would negate the need for a public hearing when localities are conveying easements.
- 1-5. Additions and Modifications (to the Official Map): This amendment would negate the need for a public hearing for the addition of an improvement to the Official Map if the improvement is included in the approved Capital Improvements Project.
- 1-6. Closing and Capping Inactive Wells: This amendment would authorize the County to require owners of property on which are located abandoned or inactive wells to close and cap them pursuant to State statutes.
- 1-7. Solar Photovoltaic Manufacturing Incentive Grant Program: This amendment would create a subsidy for solar photovoltaic watt production.

Position/Legislation to be Supported by the County

- 2-1. State Water Policies: Endorses HJR 202 directing a study of the State's water policies. Also, specifically requests that the use of greywater be investigated.
- 2-2. Land Use Issues: Urges the General Assembly to refrain from any additional usurping of local government control in the area of land use.
- 2-3. Support of the High Growth Coalition Program: Requests the General Assembly to support the Legislative Program of the HGC, which would allow localities to adopt ordinances requiring adequate public facilities and impact fees.

- 2-4. Colonial Community Criminal Justice Board: Supports funding of substance abuse programs for those involved in the criminal justice system.
- 2-5. Support for Enabling Legislation Granting all Counties the Authority to Impose a Cigarette Tax: Urges the General Assembly to grant counties the same authority cities and towns have to tax cigarettes.

Frank M. Morton, III

FMM/gs
03legisprog.mem

Attachments

RESOLUTION

2003 LEGISLATIVE PROGRAM

WHEREAS, it is appropriate for the Board of Supervisors to consider a legislative program to present to the 2003 session of the General Assembly.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the attached 2003 Legislative Program and urges its consideration and passage as appropriate.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

William C. Porter, Jr.
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of November, 2002.

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JAMES CITY COUNTY

2003 Legislative Program

PART I. Legislation to be Introduced on Behalf of the County

1-1. TRAFFIC CONTROL

James City County requests that it be added to those localities authorized by Section 46.2-833.01 of the Code of Virginia, to permit the establishment of a program involving cameras at traffic intersections to monitor the running of red lights.

1-2. LOCAL WATER-SAVING ORDINANCE

Amend Section 15.2-923 of the State Code to permit James City County to restrict the nonessential use of groundwater during a declared water shortage or water emergency. Currently, only a city with a population of 350,000 or more has the authority.

1-3. SERVICES RENDERED IN COMMONWEALTH'S CASES

Amend Section 17.1-266 of the State Code to provide that local governments should be exempt from paying filing fees to clerk's of court and sheriff's fees for their services. Section 17.1-266 currently exempts only the State from such fees.

1-4. PURCHASE, SALE, ETC., OF REAL PROPERTY

Amend Section 15.2-1800 to permit local governments to convey without holding a public hearing an easement for ingress, egress, utilities, cable, telecommunications, stormwater management, open space, environmental protection and other such conveyances involving matters of public interest.

1-5. ADDITIONS AND MODIFICATIONS (to the Official Map)

Amend Section 15.2-2235 of the State Code to provide that any addition to, or modification of, the official map that is identified in the County's approved Capital Improvement Program shall be added to the official map without the necessity of a public hearing before the Planning Commission or the Board of Supervisors.

1-6. CLOSING AND CAPPING INACTIVE WELLS

Add a Section 32.1-176.8 to authorize James City County to require property owners to close and cap abandoned or inactive wells in conformance with the County's well abandonment ordinance.

1-7. SOLAR PHOTOVOLTAIC MANUFACTURING INCENTIVE GRANT PROGRAM

Amend Section 45.1-392 of the State Code to provide a subsidy in the form of a solar photovoltaic manufacturing incentive grant of \$0.15/watt for each watt produced (capped at 8 megawatts per year or \$1.2 million per year) for 2003 and 2004.

PART II. Position/Legislation to be Supported by the County

2-1. STATE WATER POLICIES

James City County supports HJR202 directing the State Water Commission to study the effectiveness of the Commonwealth's water policies. The Commission is to examine: i) Virginia's current water laws and policies; ii) the adequacy of such laws and policies in providing adequate water supplies; iii) the role the State should play in data collection, water supply planning, water allocation, dispute resolution, and water development; and, iv) the role of the State in watershed planning to provide quality raw water, both surface and groundwater, for water supplies.

In addition, James City County urges the Commission to study the beneficial uses of greywater that would result in less use of potable water for irrigation, washing cars, etc.

2-2. LAND USE ISSUES

James City County urges the General Assembly to leave local land use decisions to localities. The County strongly objects to further interference by the General Assembly via legislation such as mandatory clustering or mandated permitting of manufactured housing.

2-3. SUPPORT OF THE HIGH GROWTH COALITION PROGRAM

James City County, a member of the Coalition, supports the 2003 Legislative Program of the High Growth Coalition, which consists of the following:

- (1.) Authorization for an Adequate Public Facility Ordinance: Such authorization would permit a locality to include in its subdivision ordinance reasonable provisions allowing the locality to determine whether sufficient public facilities exist to support the services required by the new subdivision. Before a locality could turn down a subdivision, the comprehensive plan must clearly identify the public facility needs in that given area.
- (2.) Impact Fees for Education and Transportation: Such authorization would permit a locality to adopt an ordinance providing for payment of impact fees for residential development. The impact fee shall be in an amount representing the proportional total or partial cost of capital improvements reasonably related to the transportation, education, and public safety needs for public facilities generated by the additional residential development. No impact fee shall be assessed unless the capital improvements related to the additional development have been included in the locality's capital improvement program. All impact fees collected shall be used by the locality for the purpose of completing capital improvements specified in the ordinance.

2-4. COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD

James City County supports funding for substance abuse programs serving individuals involved in the criminal justice system. While the State is cutting programs in response to the budget crisis, elimination of substance abuse program funding will have greater long-term financial ramifications for the Commonwealth. For example, every dollar spent on treatment produces savings of over \$7.00 in crime-related spending and lost productivity. James City County supports our local Community Criminal Justice Board's position that the Drug Offender Assessment Fund (Code of Virginia 18.2-251.02), of which our criminal justice system clients contribute, should be increased and used to serve criminal justice clients needing substance abuse programs.

2-5. SUPPORT FOR ENABLING LEGISLATION GRANTING ALL COUNTIES THE AUTHORITY TO IMPOSE A CIGARETTE TAX

James City County urges the General Assembly to grant all counties the authority to impose a tax on cigarettes. In these times of financial difficulty for the State and a resulting cutting of support to localities, it seems logical to extend the same authority to tax cigarettes to counties as is afforded cities and towns.