

# **BOARD OF SUPERVISORS WORK SESSION GOVERNMENT CENTER BOARD ROOM**

**MAY 22, 2012 - 4 P.M.**

**A. Call to Order**

**B. Roll Call**

**C. Board Discussions**

1. Joint Work Session with the Planning Commission  
(Memorandum)
2. Board of Supervisors Guidelines for Outside Communications with Applicants Requesting Legislative Approvals (Summary)  
(Memorandum) (Resolution)
3. Legislative Action Deferral Policy (Summary) (Memorandum)

**D. Break**

**AT A BUDGET WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 30TH DAY OF APRIL 2012, AT 6:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. CALL TO ORDER**

**B. ROLL CALL**

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

Robert C. Middaugh, County Administrator

**C. BUDGET WORK SESSION**

Ms. Ann Davis, Treasurer, provided an overview of delinquent taxes. She said that the likelihood of collecting delinquent taxes diminishes with time. She said the statute of limitations is five years for personal property and 20 years for real estate.

Mr. Middaugh noted that funding for Housing Partnerships is included within the Housing and Community Development budget. Also in the budget is funding to assist homeless citizens.

Mr. Middaugh provided an overview of the Tourism Investment Fund. He said the Ladies' Professional Golf Association (LPGA) and Christmastown are the only two definite projects funded and that there is an undesignated balance of \$178,000. He said the Board may wish to fund a destination marketing organization if it comes to fruition.

Mr. Kennedy asked about funding from the other localities for the Alliance. Mr. Middaugh said this would be an issue as the region tries to form a destination marketing organization. Discussion ensued about any funds remaining in the current fiscal year in the Tourism Investment Fund, which would roll over to FY 13 but need to be approved by the Board for expenditure of those funds.

Mr. Middaugh said some of these funds may be needed in FY 12 to assist with the transition to a destination marketing organization.

Mr. Middaugh highlighted the inclusion of a skate rink in the budget to be located in New Town, which would add an attraction for the community during the winter months.

Mr. John McDonald, Manager of Financial and Management Services, stated that the \$6 million in reserves that the Board has indicated it wishes to use during FY 13-14 is shown in the beginning fund balance of the debt service fund. He noted some of the key projects funded by debt include a new fire station and

school projects. In FY 15, a borrowing is anticipated for various County facilities. In FY 17, there is a significant reduction in annual debt service of about \$3 million.

Mr. Middaugh reviewed the Capital Improvement Plan (CIP). The main item for FY 13 is the replacement of Fire Station 1. He stated that an analysis indicated that renovating or saving any of the existing structure was not cost-effective. He also said the new facility would include a community function. He said that Heating, Ventilation, and Air Conditioning (HVAC) projects are the most significant part of the School's CIP.

Mr. Middaugh asked the Board for direction related to the greenspace and Purchase of Development Rights (PDR) programs and said the County needed more dedicated resources for the program if the Board wants it to be more proactive. He said that capital funds could be used to contract with a company or employee.

Mr. McGlennon said that the County needed to publicize the program more and develop strategies for approaching certain property owners. He also said that being more proactive could support other County goals, such as improving water quality.

Mr. Kennedy asked what the program had accomplished and why it took so long to close on properties that had been approved by the Board for acquisition of easement. Discussion continued about the plan for the program and goals of the program. Mr. Kennedy said he wanted more information before he would support additional resources for the program.

The Board took a break at 7 p.m.

The Board reconvened at 7:05 p.m. to meet with members of the School Board, Dr. Steven Constantino, School Superintendent, and Dr. Scott Burchbuckler, Assistant Superintendent for Finance and Operations. Members of the School Board present included Ms. Ruth Larson, Chairman; Mr. Joe Fuentes, Mr. Jim Kelly, and Ms. Elise Emmanuel.

Dr. Constantino stated that the budget is \$111 million, increased by \$1.4 million from the current fiscal year. He said in most cases they reduced programs rather than eliminating them.

Dr. Burchbuckler said retirement costs increased by \$4.2 million and other expenses increased by about \$1 million. This budget eliminates 51 positions.

Mr. McGlennon asked about the impact of budget reductions on the overall quality of the educational program, especially for the future.

Dr. Constantino said maintaining the current achievement level and outcomes would be a success. He also said that reductions have been minimized at the elementary level.

Mr. Kale said the Schools should not penalize success.

Mr. Kennedy said he respected that the Schools had set priorities.

The Boat Tax Committee joined the Board, and Mr. Middaugh made a presentation on the Committee's recommendations. Mr. Middaugh stated that boats have been previously taxed based on where they reside on January 1; however, they will be taxed based on where they reside for six months and one day. As a result, many of the larger boats would not choose to remain in the County, and the County will lose revenue as a result. Mr. Middaugh showed data that indicated James City County's boat tax is higher than any

other jurisdictions. The County also treats all boats the same, but State law allows the County to tax larger boats over five tons at a lower rate. Mr. Middaugh said the staff would develop a specific proposal to bring back to the Board.

Mr. McGlennon said he had reservations about a system that was not clear and understandable.

Mr. Kennedy called the James City Service Authority (JCSA) into session.

Mr. Middaugh said the discussion would focus on the JCSA capital budget. He said the Consent Order required significant capital improvements of the sewer system.

Mr. Larry Foster, General Manager of the JCSA, said that the Consent Order would require the JCSA to spend about \$60 million in infrastructure over 20 years. He stated a 5 percent increase in the sewer rate would result in \$250,000 in revenue. He also stated that debt as a percentage of revenues and debt coverage have been trending in the wrong direction.

Mr. McGlennon asked about a current bond issue that will be retired in 2018.

Mr. Foster said that JCSA could pay off the debt early.

Mr. Foster said the proposed 15 percent rate increase would result in an increase in the average bill by about \$2 per month.

Mr. Icenhour asked if future rate increases would be necessary.

Mr. Foster replied that the proposed 15 percent increase may only generate about half of the revenue necessary.

Mr. McGlennon asked if the estimates included inflation.

Mr. Foster replied no.

Mr. McGlennon said it might be better to issue debt to pay for the improvements earlier and pay for the improvements in a more predictable manner.

Mr. Foster noted that the \$60 million estimate does not include hydraulics. Mr. Foster introduced Ms. Stephanie Luton, Assistant General Manager of the JCSA. He then noted that this budget proposes to transfer operating funds into the capital budget for the first time since the mid 1990s. The capital budget has been funded only through connection fees since that time.

Ms. Luton provided an overview of the Administration Fund, Water Fund, and Sewer Fund. She noted the budget included a 15 percent increase in sewer fees in FY 13 and an additional 5 percent in FY 14.

Mr. Kale made a motion to adjourn the JCSA until May 22, 2012, at 7 p.m.

The motion was approved on a voice vote by a vote of 5-0.

Mr. Middaugh stated that the appropriation resolution includes provisions to allow the County Administrator to transfer up to \$10,000 from the Contingency Fund and to allow the County Administrator to appropriate grants and insurance proceeds below a certain dollar value.

The Board agreed to allow the County Administrator to transfer up to \$10,000 from the Contingency Fund per occurrence not to exceed \$100,000 aggregate for the year. The consensus of the Board was to not allow the County Administrator to appropriate grants, but to allow the County Administrator to appropriate insurance proceeds and refunds.

Mr. Middaugh presented the errata sheet, which included an adjustment to overtime in the Sheriff's budget and to the Hampton Roads Planning District Commission contribution. The Board had further discussion about the contribution to the Hampton Roads Partnership. Mr. Middaugh stated that funding for the After Prom event had been added back into the budget.

Mr. Middaugh asked for guidance on the Police house check fee. He said he proposed the fee be established at \$25 per visit, but that the fee was not about generating revenue. The fee was an effort to better manage the growing number of requests for this program. He also said that under his proposal, the visit would be made by an off-duty Police Officer. The consensus of the Board was to not charge a fee, but also to tell citizens that the house check is not guaranteed. Mr. Middaugh said that staff would continue to monitor the program.

Mr. McGlennon asked for a status report on Williamsburg Area Transport Authority (WATA).

Mr. Doug Powell, Assistant County Administrator, stated that WATA requested a 5 percent increase from the localities this year, and that the increase was included in the proposed budget. He further stated that significant reductions in Federal funding would likely result in service reduction in FY 14.

**D. ADJOURNMENT**

Mr. Icenhour made a motion to adjourn until May 8 at 7 p.m.

On a roll call vote, the vote was: AYE: Kale, Kennedy, Icenhour, McGlennon, Jones (5). NAY: (0).

  
Robert C. Middaugh  
Clerk to the Board

**MEMORANDUM**

DATE: May 22, 2012  
TO: The Board of Supervisors  
FROM: Allen J. Murphy, Jr., Director of Development Management  
SUBJECT: Joint Board/Planning Commission Work Session

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The Chairman of the Planning Commission, Mr. Tim O'Connor, with input from other Commission members, has suggested that the following three items be discussed at the joint work session in addition to any items the Board may wish to discuss.

1. A review of the Coordinated Comprehensive Plan Process thus far;
2. A review of the Comprehensive Plan's Goals, Strategies, and Actions as listed in the Planning Commission's Annual Report; and
3. An update from staff on the Zoning Ordinance revision process.

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Allen J. Murphy, Jr.

AJM/gb  
JtBoard-PCws\_mem

**MEMORANDUM COVER**

**Subject:** Board of Supervisors Guidelines for Outside Communications with Applicants Requesting Legislative Approvals

**Action Requested:** Shall the Board adopt the resolution establishing guidelines for communications with applicants requesting legislative approvals?

**Summary:** At the Board's request, staff has prepared a resolution establishing guidelines for communications with applicants seeking legislative approvals. This item was deferred from the March 27, 2012, meeting.

**Fiscal Impact:** N/A

**FMS Approval, if Applicable:** Yes  No

**Assistant County Administrator**

Doug Powell \_\_\_\_\_

**County Administrator**

Robert C. Middaugh \_\_\_\_\_

**Attachments:**

- 1. Memorandum
- 2. Resolution

**WORK SESSION**

**Date:** May 22, 2012

**MEMORANDUM**

DATE: May 22, 2012  
TO: The Board of Supervisors  
FROM: Robert C. Middaugh, County Administrator  
SUBJECT: Board of Supervisors Guideline for Outside Communications with Applicants Requesting Legislative Approvals

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At the Board's request, staff has prepared a resolution that establishes guidelines for communicating with applicants seeking legislative approvals. The purpose of the guidelines is to encourage transparency in the consideration of legislative approvals and to increase public confidence in the deliberative process.

This item was deferred from the March 27, 2012, meeting.

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Robert C. Middaugh

RCM/nb  
DiscloPol\_mem

Attachment



## RESOLUTION

### BOARD OF SUPERVISORS GUIDELINES FOR OUTSIDE COMMUNICATIONS

#### WITH APPLICANTS REQUESTING LEGISLATIVE APPROVALS

WHEREAS, it is the policy of the Board of Supervisors (“Board”) to encourage transparency in its consideration of legislative approvals before the Board; and

WHEREAS, it is the Board’s intention to increase public confidence in the deliberative process through enactment of a disclosure policy; and

WHEREAS, the Board wishes to establish the following guidelines pertaining to communications with applicants for legislative approvals:

1. Members of the Board (“Supervisors”) are permitted to meet with applicants outside of a public hearing required of all legislative approvals by the Board pursuant to the conditions below;
2. Applicants are defined as all individuals representing an applicant, directly participating in the preparation of or having a material financial stake in the application that is the subject of the public hearing;
3. Supervisors may contact County Administration prior to such meetings to gather facts about the application;
4. Staff may attend meetings with an applicant and Supervisor if requested by the Supervisor and approved by the County Administrator or his designee;
5. The purpose of such meetings is limited to fact finding and clarification for all parties;
6. Supervisors shall not make a commitment of their voting intent *on an applicant’s rezoning plan. Supervisors may discuss the substance of proposals by property owners and identify their areas of concern; nor direct applicants on the substance of their proposals;*
7. Supervisors shall disclose all meetings by reporting *either in writing prior to the Board meeting* ~~in written form with copy to all Board members in advance of the meeting~~ or verbally at the Board meeting where the case is scheduled for public hearing; ~~and~~
8. *In addition to the paragraphs above, a Supervisor shall disclose, in writing or verbally at the Board meeting where a case is scheduled for a public hearing, any communication (including in-person, telephonic, electronic or otherwise) with any citizen, lobbyist, lawyer, political party, association, or other group of people where an applicant’s legislative case is discussed, addressed or otherwise mentioned; and*
89. This policy is intended to be self-enforcing by the respective members of the Board.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the guidelines for outside communication with applicants requesting legislative approval.

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Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

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Robert C. Midaugh  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 27th day of  
March, 2012.

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**MEMORANDUM COVER**

**Subject:** Legislative Action Deferral Policy

**Action Requested:** Shall the Board give direction to staff on the proposed deferral policy?

**Summary:** At the January 24, 2012, Board of Supervisors meeting, the Board requested that the proposed Legislative Action Deferral Policy be placed on a work session agenda.

Attached is the staff memorandum submitted to the Board on this proposed policy at its January 24, 2012, meeting.

Staff seeks input and guidance from the Board on the draft deferral policy.

**Fiscal Impact:**

**FMS Approval, if Applicable:** Yes  No

**Assistant County Administrator**

Doug Powell \_\_\_\_\_

**County Administrator**

Robert C. Middaugh \_\_\_\_\_

**Attachment:**

1. Memorandum

**WORK SESSION**

**Date:** May 22, 2012

**MEMORANDUM**

DATE: January 24, 2012

TO: The Board of Supervisors

FROM: Robert C. Middaugh, County Administrator

SUBJECT: Legislative Application Deferral Policy

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At its meeting on January 10, the Board of Supervisors (the “Board”) requested a legislative application deferral policy for consideration. The following is staff’s proposed deferral policy for your consideration.

1. Applications that have received action from the Planning Commission (the “Commission”) shall be placed on the agenda for the first Board meeting the month following the Commission meeting. An applicant may request a one-month administrative deferral. In this circumstance, the County Administrator, or his designee (the “Administrator”) shall determine whether to grant the deferral in accordance with the criteria expressed herein. If the administrator approves the administrative deferral, the application shall not be advertised and will instead be scheduled for the first Board meeting on the second month following action by the Commission.
2. Any application for a legislative case is expected to go before the Board, either as a request for further deferral or consideration of approval with an advertised public hearing, within 75 days of action on that application by the Commission. The applicant may withdraw the application at any time.
3. An applicant may request from the Board of Supervisors two additional deferrals that shall, in total, be valid for no more than 12 months from the date the application was submitted to the Planning Division. In this circumstance, the application shall be advertised and the Board shall determine whether to grant a deferral following a public hearing on the matter. If the Board grants a deferral, the application will be scheduled for a Board meeting requested by the applicant and approved by the Board. The applicant shall be required to pay a deferral fee to cover the costs of advertising the application. Such fee shall reimburse the County for expenses associated with deferring the application. If the Board does not grant the deferral, the Board may either approve or deny the application at that meeting.
4. The Administrator and/or the Board may grant a deferral as noted above for one of the following reasons:
  - The Commission requests substantive changes to the application, supplemental materials, proffers, or conditions that must be addressed prior to the Board hearing.
  - Substantive issues are raised by a County or external reviewing agency that must be addressed prior to the Board hearing.
  - Delays have occurred with County or external reviewing agency comments that affect the case.
  - Errors in legally required advertising are discovered and must be rectified.
  - Adjacent property owner concerns have been expressed that generate the need for substantive changes or additional public meetings.
  - The applicant demonstrates that there are extenuating circumstances that are unique to this specific application that require additional time.

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Robert C. Middaugh