

**AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY,
VIRGINIA, HELD ON THE 27TH DAY OF JULY 2010, AT 4:00 P.M. IN THE COUNTY
GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY,
VIRGINIA.**

A. CALL TO ORDER

B. ROLL CALL

James G. Kennedy, Chairman, Stonehouse District
Mary Jones, Vice Chair, Berkeley District
Bruce C. Goodson, Roberts District
James O. Icenhour, Jr., Powhatan District
John J. McGlennon, Jamestown District

Sanford B. Wanner, County Administrator
Leo P. Rogers, County Attorney

C. BOARD DISCUSSIONS

1. Chesapeake Clean Water Act

Ms. Ann Jurczyk, on behalf of the Chesapeake Bay Foundation, made a presentation requesting Board support for the Chesapeake Clean Water Act. She reviewed the legislation and the current impairment of the Chesapeake Bay. She noted how the nutrient credit program could be a benefit to farmers and the implications if the legislation did not pass the General Assembly. She requested support from the Board to encourage the County's congressional delegation to support the legislation and to encourage public comment from citizens on the matter. She noted that some of the grants from the Chesapeake Clean Water Act could support the County's stormwater management project needs. She stated that she felt this was an opportunity to protect the Chesapeake Bay watershed.

Mr. Goodson asked about additional local funding information in HB 5409.

Ms. Jurczyk stated it did contain funding. She stated she could send a copy of the bill.

Mr. McGlennon asked if this was the bill coming out of the Agriculture Committee.

Ms. Jurczyk stated that this bill did not include the necessary reductions in nutrients to achieve a healthy watershed.

Mr. McGlennon asked if the amended bill addressed some of the objectives from the Hampton Roads Planning District Commission which encourages a watershed implementation plan.

Ms. Jurczyk stated that was correct.

Mr. McGlennon asked if the plan would have to be submitted before a locality could be eligible for the grants.

Ms. Jurczyk stated she assumed that was correct.

McGlennon asked if the implementation was being worked on.

Ms. Jurczyk stated that was correct. She stated there were working groups handling the implementation of this program. She stated that this bill was requesting equitable reductions from all non-point sources and that the working groups would work on ways to meet the reduction goals.

Mr. McGlennon asked if the expectation was that there would be continuing efforts after the six-year plan.

Ms. Jurczyk stated that it was expected to be continued, but in six years the funding would have to come back for appropriation again.

Mr. McGlennon asked about how this would affect those on the fringes of the watershed.

Ms. Jurczyk stated that nitrogen deposits come from areas in the valley and she felt that this may have been an empty bill without any mandates for water quality.

Mr. McGlennon asked about other legislation.

Ms. Jurczyk stated there was input from the Virginia Farm Bureau and other agri-business representatives in order to get stakeholder agreement on this item. She stated she did not believe that there was consensus at this point.

2. Agricultural and Forestal Districts

Mr. John McDonald, Manager of Financial and Management Services, stated the discussion would be related to land use assessments and Agricultural and Forestal Districts (AFDs). He stated that Mr. Richard Bradshaw, Mr. Carlyle Ford, Ms. Loretta Garrett, Mr. Bruce Abbott, and Mr. Allen Murphy were present. He stated that in the regular meeting, an AFD would be the first of 13 to be presented for renewal and staff wished to get policy guidance related to AFDs. Mr. McDonald gave an overview of land use assessments and their purposes to encourage preservation, a rural economy, and open space. He noted that land use assessments resulted in annual deferred revenue of \$1,044,000. He noted that AFDs are enabled by the State and are established for terms of four to ten years and he reviewed the benefits to landowners and the County. He reviewed statistical information for the 14 districts and the term lengths of the districts. He stated that based on a survey, the property owners did not generally support extending the terms any further. He stated he would like to discuss Board policies related to withdrawals for AFDs inside and outside the PSA, composition of the AFD Advisory Committee, and changes in State legislation for a 20-acre minimum conditions for including parcels in AFDs. Mr. McDonald explained that it was staff's intention that these conditions be evaluated from a fiscal perspective to prevent interference with the upcoming AFD renewals.

Mr. McDonald stated that if the minimum acreage was reduced to five acres, it would allow more properties to participate.

Mr. Goodson commented that the vineyards in the Roberts District could apply.

Mr. McDonald stated that parts of the Vineyards that were not already included would be able to join an AFD.

Mr. Goodson asked if this would apply since it would be considered horticulture.

Mr. Bradshaw stated that horticulture had a two-acre minimum to join an AFD since it was a more intensive use of the land.

Mr. Icenhour asked about deferred taxes if a property is withdrawn from an AFD.

Mr. Bradshaw stated that the current year and the preceding five would be brought forward at current market value taxation, but previous tax deferrals would become permanent.

Mr. Icenhour asked if it would benefit agricultural property.

Mr. Bradshaw stated that was correct.

Mr. McDonald stated that these changes would be equitable for properties.

Mr. Bradshaw stated other properties had been withdrawn, but the 20 noted were withdrawals from AFDs.

Mr. McGlennon asked if there were AFDs where the owner has no interest in developing the property.

Mr. Bradshaw stated there was an AFD with a conservation easement on the property and that he was confident that the land would not be developed.

Mr. McGlennon asked about the purpose of the AFD when a conservation easement was on the property. He asked what was the benefit to the County. He stated the property owner would get the same treatment either way.

Mr. McDonald stated that was correct.

Mr. Bradshaw stated that different valuations come up for different land use assessments. He stated from a tax standpoint it does not have additional value.

Mr. McDonald stated that with a forestry use there was value.

Mr. McGlennon stated that he would rather have a conservation easement for land conservation purposes than an AFD. He asked if there were AFD property owners that could consider pursuing conservation easements to enable a permanent commitment.

Mr. Bradshaw stated that could be encouraged, but that may not be in the landowners' best interests.

Mr. Rogers stated that the County has bought permanent conservation easements.

Mr. McDonald stated that the AFD program discourages permanent conservation solutions since the landowners have different expectations for the future.

Mr. McGlennon asked if conservation easements were actively promoted with AFD property owners.

Mr. Bruce Abbott stated that the AFDs existed prior to the conservation easements. He noted that these programs were all voluntary and it was up to the property owner to consider utilizing AFDs, Purchase of Development Rights (PDRs), or conservation easements. He stated that some parts of his property have no benefit from being in an AFD.

Mr. Ford stated that if some AFDs were eliminated, the adjacent properties would not be able to be included.

Mr. McGlennon stated that he had no objection to continuing the AFDs if they are serving a valuable purpose. He stated he believed this was an opportunity to identify the properties that could benefit from conservation easements.

Mr. Abbott stated there were two potential buyers: those who want to preserve the property and those who were interested in the money.

Mr. Bradshaw stated that some people do not want to make a permanent decision for the property because of the potential for passing down the property to their heirs.

Mr. McDonald asked if the Board was agreeable to bringing these policy changes forward through the AFD and ultimately before the Board. The Board agreed to this proposal.

At 4:59 p.m. Mr. Kennedy recessed the Board for a short break.

At 5:04 p.m. Mr. Kennedy reconvened the Board.

D. CLOSED SESSION

Mr. McGlennon made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia for the consideration of personnel matters, involving the annual performance evaluation of the County Attorney and the annual performance evaluation of the County Administrator.

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

At 5:05 p.m. Mr. Kennedy recessed the Board into Closed Session.

At 6:18 p.m. Mr. Kennedy reconvened the Board.

E. BREAK

At 6:19 p.m. the Board broke for dinner.


Robert C. Middaugh
Clerk to the Board