

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 23RD DAY OF NOVEMBER 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

Robert C. Middaugh, County Administrator
Leo P. Rogers, County Attorney

C. BOARD DISCUSSIONS

1. Lake Powell Service District

Mr. Stephen Pond, on behalf of the petitioner committee for the Lake Powell Service District, gave a brief presentation on the proposed Lake Powell Service District and the restoration of the dam. He explained the financial implications and benefits in the petition as a result of restoring the dam and creating the special tax district. He gave an overview of the proposed structure and use of the property.

Discussion was held about the properties which were not part of the special tax district and the changes in assessments for Lake Powell property owners. Discussion was held about the tax benefit to the County and the additional assessed rate. Discussion was also held on potential up-front payments or second mortgages for the lakefront properties and the possibility of managing the project privately. The possibility of public-private partnerships was discussed as a way to make the funding available. Mr. Pond and the Board discussed the recreational use of the future lake and public access to the facility.

Mr. Kennedy asked staff to determine if there was a similar situation in the County wherein tax would be deferred for public access to an amenity. He stated his concern about setting a precedent with this project. He asked staff the costs of preparing this project in time.

Mr. Middaugh commented on the possible generation of nutrient bank credits in relation to restoring the lake. Mr. Rogers noted that legislation dictates that if the government owned the pond, the County could not sell the credits, but the private entity could sell the credits. Mr. McGlennon asked to consider this as an option, but not to lose critical time on the original project if the nutrient bank option is not viable.

Mr. Middaugh stated that if the Board wished to play a part in this project and assume the associated risk, he would recommend assessing the total cost of the project, as well as maintenance of the facility. He stated if these costs were included, the risk would be reduced. Mr. Goodson stated he agreed with using these

standards since they could be transferred to other projects in the future. He stated he could support a similar project, but not the currently proposed plan. Ms. Jones stated the situation was unfortunate for the homeowners, but she felt fiscal concerns were significant. Mr. Kennedy commented that this project would impose this on future boards; he noted that there were other issues with significantly declining property values, such as in the case of Chinese drywall homes. He stated he would like to see specific financial information and options before moving forward. Mr. McGlennon stated that anything approved by the Board would have adequate specificity with the guidance from the County Administrator. He stated that special districts such as this were put in place to serve a real need for the community. Mr. Icenhour commented that he would like to see a developed plan, along with timelines for the project and reduction of risk to the County. He asked that staff bring this back for a future work session.

Discussion was held about staff requirements to prepare this item for a work session in January. Mr. Kennedy asked to set up a page on the County website as a resource to the public on this project. Mr. Kennedy noted that he did not want to seize time designated for Rural Lands and the Zoning Ordinance update to address this project. There was support for the County's role in communicating officially with the Army Corps of Engineers to work toward a deadline extension for this project.

At 5:11 p.m., the Board took a brief break.

At 5:15 p.m., Mr. Kennedy reconvened the Board.

2. Legislative Agenda

Mr. Leo Rogers, County Attorney, introduced Delegate William K. Barlow, 64th District; Delegate Robin Abbott, 93rd District; Delegate Brenda Pogge, 96th District; and Senator Thomas K. Norment, Jr., 3rd District.

Mr. Rogers provided an overview of the proposed 2011 Legislative Program of items to be introduced on behalf of the County and supported by the County. The Board, staff, and delegation discussed the legislative items and discussed revisions to the program.

The Board and staff discussed amendments to the Legislative Program, which would be assigned to the County's delegation in the General Assembly after adoption by the Board.

D. BREAK

At 6:29 p.m., the Board took a break.


Robert C. Middaugh
Clerk to the Board