

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH DAY OF SEPTEMBER 2012, 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

John J. McGlennon, Chairman, Roberts District
Mary K. Jones, Vice Chairman, Berkeley District
W. Wilford Kale, Jr., Jamestown District (Arrived at 4:02 p.m.)
James G. Kennedy, Stonehouse District – (Absent)
James O. Icenhour, Jr., Powhatan District

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

C. BOARD DISCUSSIONS

1. Energy Use and Carbon Emissions Report

Mr. John Horne, Director of General Services, introduced Ms. Dawn Oleksy, the Environmental Coordinator for James City County and stated that Ms. Oleksy's primary duty is to be the Energy Manager for the County.

Ms. Oleksy gave the Board members a summary of the Energy Use and Carbon Emissions Report that was included in the Work Session Agenda Packet.

Mr. McGlennon asked for clarification on the fuel efficiency of the County's vehicles in the fleet.

Ms. Oleksy stated that most of the more fuel-efficient vehicles were purchased in 2007, so the efficiencies noted on the slides do not show as drastic a change. She stated that if the Board was to compare the efficiencies between 2004 and 2007, there would be a very large increase in the efficiencies of the smaller County vehicles.

Mr. Horne stated that the fuel efficiency slide is an indication of all the vehicles in the County Fleet, and therefore, one must take into account that the majority of the County vehicles are big, heavy-duty vehicles that do not have the same fuel efficiency as smaller vehicles. He also stated that the County has not been replacing as many vehicles since the downturn in the economy. Instead, the County has been extending the life of older, less efficient vehicles.

Mr. McGlennon stated that he had noticed that there appeared to be a decrease in total miles travelled in County vehicles. He stated that he believed that was due to an initiative to use County vehicles more efficiently.

Mr. Horne stated that yes; there has been an effort to use County vehicles more efficiently by sharing vehicles and combining trips.

Ms. Jones asked how the vision of reducing carbon emissions by 80 percent by 2050 is to be achieved.

Ms. Oleksy stated that with the County's sustainable building policy, all of the new County buildings are more efficient; as older vehicles are replaced with newer, more efficient vehicles as well as more options for renewable energy become available, the County will be able to meet that vision.

Mr. McGlennon noted that as traditional heating and cooling systems are replaced with geothermal heating and air, there would be a decrease in emissions as well.

Mr. Horne stated that as more of the County buildings are brought online utilizing the geothermal heating and air, and more other less efficient buildings are taken off line, the County will continue to move toward the goal.

Mr. McGlennon asked for clarification about the geothermal heating and air system in the County Administration Building, Building D.

Mr. Horne stated that it is more of a hybrid system. The building does not draw its main source of heat and air from geothermal; however, there is a small geothermal system that is utilized to dehumidify the air before it is sent into the building and thus the air conditioning system does not have to work as hard to cool the air.

Mr. Horne stated that even in the older buildings that utilize older heating and air systems, the County is looking for ways to seal the buildings, allowing more of the air to stay inside and allow the systems to not have to work as hard.

Mr. Icenhour asked if there was a way to track annual temperature variations.

Mr. Horne stated that the Energy Star system takes into account that variations in temperature.

Mr. McGlennon thanked Ms. Oleksy for her presentation and for her efforts in making the County more efficient. He stated that there are opportunities for the County to set an example for other businesses in the community, especially in regard to the building envelopes and sealing their buildings for more efficient heating and cooling.

2. Zoning/Subdivision Ordinance Update

a. Housekeeping Items and Subdivision Ordinance

Mr. Allen Murphy, Director of Development Management, Mr. Chris Johnson, Acting Director of Planning, Ms. Tammy Rosario, Principal Planner, Ms. Ellen Cook, Planner III, and Mr. Vaughn Poller, Housing and Community Development Administrator, joined the Board for an update on the Zoning and Subdivision Ordinance.

Ms. Rosario presented the Board members with a summary of the memorandum in the Work Session Agenda Packet.

Mr. Icenhour stated that it appeared that the changes to the Housekeeping Items were more along the lines of administrative cleanup and continuity of terminology.

Ms. Rosario stated that it was correct.

Mr. Icenhour questioned, in regard to the Subdivision Ordinance, if the ordinance not previously stated, that Family Subdivisions were zoned R-8 and A-1.

Ms. Cook stated that previously it could be applied in any district, but primarily R-8 and A-1 are used in Subdivisions. She stated that the only benefit to using it in R-1 or R-2 districts is that it does not require road frontage.

Mr. Icenhour asked if the Board had ever seen an application for the Subdivision Ordinance in an R-1 or R-2 district.

Ms. Cook stated that those applications do not require Board action and would be an administrative action.

Mr. Icenhour stated that our changes to the definitions of alternative on-site sewage disposal just restate the State's ordinances.

Ms. Cook stated that it was correct.

Mr. McGlennon stated that for clarification, the State has recently changed their ordinances in regard to alternative on-site sewage disposal systems and that the changes to our ordinances are to coincide with the State's changes.

Mr. McGlennon also asked if staff anticipates more requests for alternative on-site sewage disposal.

Ms. Cook stated that after many discussions with the Health Department, staff's understanding is that in regard to existing lots, there are more alternatives for sewage disposal that are now approved. However, in regard to the creation of new lots, the County's Subdivision Ordinance can specify which types of sewage disposal systems are allowed.

b. Housing Opportunities Resolution

Ms. Cook summarized the changes to the Housing Opportunities resolution that was included in the Work Session Agenda Packet.

Ms. Rosario stated that staff is looking for direction from the Board that the Board wants staff to go.

Mr. McGlennon stated that at the previous Board meeting, the Board was concerned with the combining of the definitions of Workforce and Affordable Housing. He stated that the concern of the Board was that by combining those definitions, it would allow a developer to focus more on the Workforce housing, which the market already provides while ignoring the Affordable housing.

Mr. Icenhour stated that he is very pleased with the revisions and that it puts the focus back where it needs to be, which is on Affordable housing.

Mr. Icenhour stated that the only concern he had was the mechanics of the "cash in lieu of" section.

Mr. Rogers stated that the "cash in lieu of" proffers would be something that the developer would have to propose, but ultimately the Board would have the ultimate decision as to whether or not to accept the proffers.

Mr. McGlennon asked the members of the Board if they were satisfied with the revisions made to the policy. Each member stated yes.

Mr. McGlennon stated that he hoped this clarified the direction from the Board that the Planning Division was looking for.

3. Legislative Agenda

Mr. Rogers presented the Board with the Legislative Agenda and gave a brief summary. He stated if there was any input or items the Board would like to add, now is the time to discuss them. He stated this is a preliminary draft and the Legislative Agenda is not scheduled to come before the Board until November.

Mr. McGlennon asked if the Board was still scheduled to meet with the Legislators in November.

Mr. Rogers stated that was correct; however Delegate Watson will not be able to make that meeting.

Ms. Jones stated that her only issue is with Item No. 2-11. She stated that the title is confusing in regard to the content. Several of the Board members weighed in on an appropriate title. The Board finally decided on Reducing Mandates and Adequately Funding State Mandates.

Mr. Kale stated that he had an issue with Item No. 2-3. He stated that he does not believe that it is a realistic idea to support a rail to connect Richmond to the Peninsula. He stated that this would involve another tunnel and is completely unrealistic. He stated that he did not believe the public would support this idea, especially before handling the issues for vehicles. He stated that he does not believe that this should be part of the Board's priorities.

Mr. McGlennon asked if this was part of any plan of Transportation Planning Organization.

Mr. Middaugh stated that he did not believe so. He stated that what has been discussed is passenger rail enhancement from the Peninsula to Richmond and on up to Washington D. C. and even further up to Boston.

Ms. Jones stated that this would be utilizing existing infrastructure.

Mr. Middaugh stated that this particular Item No. 2-3 is referring to a new passenger rail that would cut across the west and make its way up to Richmond.

Ms. Jones stated that she would like to see Transportation Funding be moved up the Agenda and take a higher priority than a proposed new passenger rail.

Mr. Kale said that CSX, in its annual report, stated that they are well underway to making revisions to its train station.

Mr. Kale stated that this would be a help to the current passenger rails. He stated that it would improve the flow and the speed of the trains going through the train station.

Mr. McGlennon stated that he felt the Board should support enhancements to existing rail systems, but should not support a new rail system going across the Peninsula.

Mr. Icenhour stated that he concurred with Ms. Jones about moving the Transportation item up in the list as a higher priority.

Mr. McGlennon stated he is not sure that the Board should list the items in terms of priority.

Mr. Rogers questioned whether or not there was any use in grouping the items together. He stated that the agenda could be organized into sections, for example, a transportation section, then a taxation section, and so forth.

Ms. Jones stated that there was a letter to the Governor and the General Assembly stressing the need for improvements to existing infrastructure and the need for funded projects to be coordinated with local areas to minimize the impact on the area. She stated that the letter was a unified voice of all the local governments in the Urban Crescent, stating the need for transportation funding allocation in the budget and that transportation funding needs to be a top priority for the State.

Mr. McGlennon stated that the only section on the Legislative Agenda that seemed to be missing anything is the legislation proposed by the County. He stated that the Board members need to think back about any cases over the last year that have come up against a barrier in State law, or an action that the Board could have taken if not for State law. Mr. McGlennon stated that it may be that there is not anything for this section for this year, but it needs to be contemplated.

Mr. Rogers stated that it has been a quiet year in this regard. He has not heard of anything from the Executive Staff, nor has there been any barrier for the Board that he has seen.

Mr. Rogers stated that the Board may wish to call out specific items from the legislative programs of the Virginia Municipal League (VML) and Virginia Association of Counties (VACo).

Mr. Middaugh stated that there may be items in those other programs that the Board will want to make note of as a way of adding emphasis, for example, transportation funding.

Mr. Rogers also noted that the Board has eliminated any mention of the Dillon Rule and it is not in the Legislative Agenda. He stated that a State-wide effort to modify the Dillon Rule would be worthwhile.

Mr. Icenhour stated that VACo was making an effort on this item as well. He stated that he believes it is worthwhile for the County to continue fighting this issue with the support of the other counties.

Mr. Kale stated the neither party is interested in making changes to the Dillon Rule, so the item is pretty much dead in the General Assembly.

Mr. Icenhour stated that the plan now is to sit down with our local legislative representatives.

Mr. Rogers stated yes and the only issue is that Delegate Watson cannot be at the last meeting in November.

Mr. Icenhour asked about rescheduling the meeting until December.

Mr. Rogers stated that it might be possible if the Board is not proposing any legislation that will have to be drafted.

Mr. Middaugh stated that York County and the City of Williamsburg want to swap Legislative Agendas with James City County so that the municipalities can take a look at the other Agendas and see if there is an item that needs emphasis and support.

Mr. McGlennon stated that if there were no other questions or discussion, he would recommend moving in to the Closed Session.

Mr. McGlennon asked Mr. Middaugh to read the Code Sections for Closed Session and requested a motion.

Mr. Kale made a motion to adjourn the Work Session and go in to Closed Session at 4:52 p.m.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. Kale, Ms. Jones, Mr. McGlennon (4). NAY: (0). ABSENT: Mr. Kennedy (1).

The Board came out of Closed Session at 5:44 p.m.

Mr. Kale made a motion to certify the Closed Session.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. Kale, Ms. Jones, Mr. McGlennon (4). NAY: (0). ABSENT: Mr. Kennedy (1).

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) 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) of the Code of Virginia, consideration of appointment of individuals to County boards and/or commissions, and Section 2.2-3711(A)(7) of the Code of Virginia, consultation with legal counsel and staff members pertaining to actual or probable litigation.

Mr. Icenhour made a motion to appoint Ms. Lisa Thomas, Mr. John Smith, Mr. Hunter Old, Ms. Andrea Salamy, and Mr. Tucker Edmonds to the Community Action Agency.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. Kale, Ms. Jones, Mr. McGlennon (4). NAY: (0). ABSENT: Mr. Kennedy (1).

At 5:45 p.m., Mr. McGlennon recessed the Work Session.


Robert Middaugh
Clerk to the Board

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