

**AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH DAY OF JUNE 2013, 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  
James G. Kennedy, Stonehouse District  
James O. Icenhour, Jr., Jamestown District  
M. Anderson Bradshaw, Powhatan District

Robert C. Middaugh, County Administrator  
Lola R. Perkins, Assistant County Attorney

Mr. McGlennon stated that Mr. Kennedy would be joining the meeting by phone due to a health issue.

**C. BOARD DISCUSSIONS**

1. Preliminary Discussion of Legislative Agenda

Mr. Middaugh stated that this preliminary discussion of the legislative agenda is to bring items forward that the Board would like to be given to VACo and VML for inclusion in their legislative agendas. He stated that the Board would be drafting their own legislative agenda later in the year. He stated that both gubernatorial candidates have stated that there is no longer a need for BPOL taxes, and this is something that VACo and VML are already working on addressing.

Ms. Jones stated that she would like to continue the support of the Urban Crescent and their push to make transportation funding a priority. She stated that given the current change in transportation dollars available, perhaps the language might need to be changed somewhat.

Mr. McGlennon stated that perhaps there is some possibility of changing the way that the County amends the County Code to reflect changes to the State Code. Instead of having to change each one of the County's ordinances to reflect amendments to the State Code, perhaps there could be a way to amend all of them effective July 1 of each year.

Ms. Perkins stated that there is a Virginia Supreme Court Case that states that local jurisdictions cannot enact any ordinance that follows State Code that has not been enacted yet. She stated that is why during the regular meeting tonight, the Board will be addressing all of the ordinances that need to be changed to address the changes in the State Code. She stated that staff can speak with other jurisdictions and see if there is some change possible to make the process easier; however, any change would require the support of the Virginia Supreme Court due to the previous ruling.

Mr. Icenhour stated that as it stands now, all of these ordinance amendments require advertising and a public hearing. He asked if it would be possible to have the legislature change the policy requiring the public hearing to allow the Board to take action on these items as a consideration or consent item since the changes are due to changes in the State Code.

Ms. Perkins stated that she did not see that as likely. Ordinance amendments require a public hearing, and even though the Board is reflecting changes in the State Code, it is still an ordinance amendment.

Mr. Middaugh asked if VACo and VML had picked up the idea of allowing public hearings to be advertised in other types of media instead of just the newspaper.

Mr. Leo Rogers, County Attorney, joined the discussion and stated that this is an idea that is being brought up more often. He stated that it is being opposed by the Press Association because it is a major source of revenue for them.

Mr. Icenhour stated that he recently attended the VACo Region 2 meeting. He stated that, unfortunately, none of the State Legislators were in attendance. He stated that the main topic of concern is the Business, Professional, and Occupational License (BPOL) taxes. He stated that since both candidates are talking about it in their campaigns, it is likely that something will be done during the next legislative session. He stated that there seems to be two stances that can be taken; either leave the BPOL taxes the way that they are, or if it is going to be taken away, then there needs to be some other revenue stream that will keep the localities whole.

Mr. Middaugh stated that this could heavily impact the County because of some of the larger businesses the County has that are currently paying these taxes. He stated that this could also hurt business growth as there is less of an incentive to put the industrial infrastructure in place.

Mr. McGlennon stated that one issue he would like to address is the State's support of mental health. He stated that the County's mental health agency is struggling due to the lack of State funding, and this is having an impact on other agencies that the County funds, in particular the jail.

Mr. Bradshaw concurred with Mr. McGlennon.

Mr. McGlennon asked if the Board would concur and would ask staff to look in to this issue.

The Board concurred and so directed staff.

Ms. Perkins stated that during the briefings with staff, the issue was raised about privacy of staff members' names. She stated that instead of listing the names of staff and their respective salaries, that it be listed by position and the salary.

Mr. Middaugh stated that currently the law states that the County has to turn over this information; however, staff feels that it makes identity theft easier when the staff's name and salary is maintained in a database that is readily accessible by the public.

Ms. Jones stated that she would like to continue to support no new State mandates. She stated it would be ideal to eliminate the State mandates, but that is not likely. She stated that she is unsure if the Board should address individual mandates, or just leave the language the way it was last year as broad general terms.

Mr. Middaugh stated that the VRS mandates has been one such issue that the County has had to address and implement.

Mr. Icenhour stated that the VRS mandate was another issue that was brought up at the VACo Region 2 meeting. He stated that the County must implement a disability option for employees by September of this year. He stated that the County can choose the option from VACo, or the one offered by VRS.

Mr. Rogers mentioned two items on last year's legislative program, the Chesapeake Bay Civil Violations penalties and the Trash and Grass item. He stated that the Chesapeake Bay item was picked up by the County's state legislators, but did not make it through the General Assembly.

Mr. McGlennon stated that perhaps those two items should be put before VACo and VML and then it would be their responsibility to find sponsors in the State legislature.

Mr. Rogers stated that would probably work for the Chesapeake Bay item; however the Trash and Grass item is more locality specific.

Mr. Kennedy stated that he has concerns over the blighted areas of the County. He stated that cities have powers to clean up blighted areas, and the County does not. He asked if this is something that the Board could request from the General Assembly, or does the County just pass an ordinance on the local level.

Mr. Middaugh stated that the equalization of city and county powers is something that was on the legislative agenda last year, and is something that he would recommend supporting again. In regard to blight specifically, Ms. Perkins was able to find a resolution that the Board passed in 1999 that outlines a procedure for dealing with blighted structures. He stated that this resolution is a good starting point, but he would recommend making it into an ordinance if this is something that the Board wishes to proceed with.

Ms. Perkins stated that there have been changes to the State law over the years that this issue deals with, and so staff will continue to do some more research and will bring this back to the Board in a few weeks.

Mr. Kennedy stated that he has concerns over the equalization between cities and counties, because the cities are required to maintain their own roads.

Mr. Middaugh stated that the language is worded more along the lines of the legislative powers between cities and counties being equal.

Mr. McGlennon stated that cities can enact taxes, like a cigarette tax. However, the counties must go to the General Assembly for that power, and the General Assembly has never looked favorably on the counties passing cigarette taxes.

Mr. McGlennon stated that there does not seem to be a sense of what is going to come up in the next General Assembly, so perhaps the Board should come up with some guiding principles before meeting with the state legislators.

Mr. Icenhour stated that during the VACo Region 2 meeting, Middlesex County asked for VACo and VML to take a position on the Virginia Stormwater Program fees and asking that the amount of those fees going to the State be reduced from 30% to 10%. He stated that it was a specific call for action by Middlesex County, and those in attendance seemed to feel like they could support it.

Mr. Rogers stated in regard to the equal powers statements earlier, there is a section in the Code that

allows County Board of Supervisors to have the same powers as generally granted to cities. He stated that it exempts roads and transportation. He stated that many cities are using their charters for powers, and James City County is a chartered county. In regard to blight, perhaps the County should be looking at that as a charter amendment.

Mr. Middaugh stated that the charter amendment would have to go back to the General Assembly though.

Mr. Rogers stated yes, but it would be James City County specific and would require a 2/3rds vote.

Mr. Middaugh stated that staff can develop a set of guiding principles and bring them back to the Board for approval, if that is what the Board wishes.

Mr. McGlennon stated that he would encourage that development and it would need to be in place prior to the meeting with the legislators.

Mr. McGlennon stated that there has been information coming out lately from NACo about municipal bonds, and he asked if that is something the Board would like to consider in regard to the County's federal legislators.

#### **D. CLOSED SESSION**

Mr. Icenhour made a motion to go in to Closed Session at 5:35 p.m.

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

1. Consideration of a personnel matter(s), the appointment of individuals to County boards and/or commissions pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
  - a. Historical Commission
  - b. Colonial Behavioral Health

Mr. Icenhour made a motion to certify the Closed Session at 5:42 p.m.

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

Mr. Icenhour made a motion to appoint Adrienne Carter to the Historical Commission and Rebecca Vinroot to the Colonial Behavioral Health Board of Directors.

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

**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

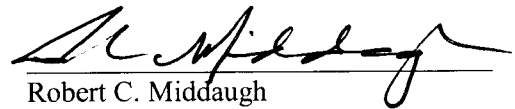
WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

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) consideration of a personnel matter(s), the appointment of individuals to County boards and/or commissions pursuant to Section 2.2-3711(A)(1) of the Code of Virginia.

- a) Historical Commission
- b) Colonial Behavioral Health

**E. ADJOURNMENT**

The Board recessed at 5:43 p.m. until their Regular Meeting at 7:00 p.m.



Robert C. Middaugh  
Clerk to the Board