

**JAMES CITY COUNTY CHESAPEAKE BAY BOARD WORK SESSION
MINUTES
AUGUST 23, 2006 - 7:00 PM**

A. ROLL CALL

John Hughes
Henry Lindsey
David Gussman
Larry Waltrip
William Apperson

ABSENT
none

OTHERS PRESENT

County Staff
Nancy Miller – DCR Chesapeake Bay Local Assistance Department

B. BOARD DISCUSSION

Nancy Miller gave a presentation on the Bay Act Program Exceptions and provided the Board members with documentation to use for guidance when considering exceptions (copies attached). The presentation included the history and an explanation of the Chesapeake Bay Preservation Act, the exception process, and examples for the five required findings to grant an exception. She emphasized the importance of evaluating the hardship and being consistent in decisions.

The Board briefly discussed the type of exceptions that were most often requested and asked that staff continue to provide examples of past decisions on similar cases in the staff reports.

Jennifer Lytle, Assistant County Attorney, asked Ms. Miller if there were any regulations regarding the time limit for an appeal of a Board decision.

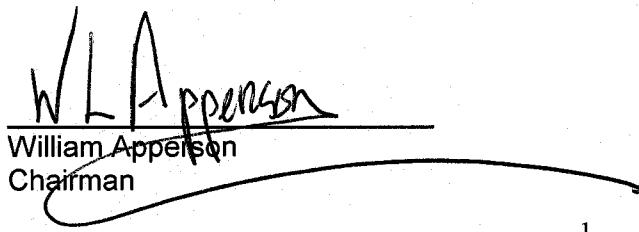
Ms. Miller stated that she was not aware of any and that the time period for an appeal should be established in the County Chesapeake Bay Preservation Ordinance.

In response to the Board members questions about their personal liability, Ms. Lytle provided a copy of the Virginia State code 15.2-1405 (copy attached) regarding immunity of members of local governmental entities.

Darryl Cook presented a memo (copy attached) regarding a proposed amendment to the County Chesapeake Bay Preservation Ordinance. The amendment would allow administrative approval of some accessory items in the Resource Protection Area (RPA) buffer. He stated that the Board should review this proposal for comment and acceptance so it could be presented to the Board of Supervisors for adoption.

C. ADJOURNMENT

The meeting was adjourned at 8:55 PM.



William Apperson
Chairman



Darryl Cook /mjd
Secretary