

JAMES CITY COUNTY CHESAPEAKE BAY BOARD WORK SESSION

MINUTES

SEPTEMBER 12, 2007 - 5:30 PM

A. ROLL CALL

Henry Lindsey
Larry Waltrip
David Gussman
William Apperson

ABSENT

John Hughes

OTHERS PRESENT

County Staff


B. BOARD DISCUSSION

Jennifer Lyttle, Assistant County Attorney, presented proposed bylaws (copy attached) to be adopted by the Board. She stated the Chesapeake Bay Board had previously been operating under the bylaws of the Wetlands Board. The Board members agreed to change the filing deadline for public hearing items to appear on the agenda (Article V, Section 4) from 30 to 42 days, to allow sufficient time for review before the public hearings have to be advertised.

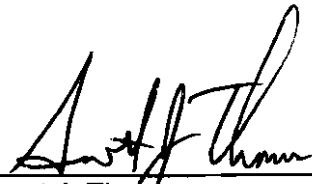
Ms. Lyttle also presented templates for Resolutions to Grant and Deny the Exception requests (copies attached). The Board approved the use of these documents.

C. ADJOURNMENT

The work session adjourned at 5:50 PM.



William Apperson
Chairman



Scott J. Thomas
Secretary

**JAMES CITY COUNTY CHESAPEAKE BAY BOARD
BYLAWS**

ARTICLE I. LEGAL AUTHORITY

The objectives and procedures of the James City County Chesapeake Bay Board are those set forth in Title 9, Chapter 20 of the Virginia Administrative Regulations and Chapter 23 of the Code of James City County, Virginia

ARTICLE II. MEMBERSHIP

The Chesapeake Bay Board shall be composed of either five or seven members, at the discretion of the Board of Supervisors, which members may be the same members composed of the Wetlands Board. Members are appointed by the Board of Supervisors for five year terms and may be reappointed for successive terms. There shall be at least one alternate member appointed by the Board of Supervisors to serve in the place of an absent member. Members unable to attend a meeting shall provide the Chairman twenty-four (24) hours notice in advance of such meeting. The alternate member(s) shall attend the Board meetings and be prepared to serve in the place of an absent member.

ARTICLE III. OFFICERS AND THEIR DUTIES

Section 1. The officers of the Chesapeake Bay Board shall consist of a Chairman, Vice-Chairman and a Secretary. Other than Secretary, all officers shall be appointed members.

Section 2. The Chairman shall preside at all meetings and hearings, serve as spokesman for the Board and carry out any other duties as necessary. For the convenience of the Board and citizens, the Chairman may make procedural decisions as needed when circumstances are clear or of a minor nature. The Chairman shall notify the Board of Supervisors at least 30 days prior to the expiration of any member's term and notify the Board of Supervisors if any vacancy occurs. In the event a member is absent from a board meeting, the Chairman shall select an alternate member to serve in place of the absent member.

Section 3. The Vice-Chairman shall perform the duties of the Chairman in his/her absence.

Section 4. The Secretary shall be provided by the County government and shall be responsible for keeping the minutes and other records of the Board, arranging site inspections, maintaining a file of all site inspections, preparing the annual report, preparing agendas, providing notice of meetings to members, arranging legal notice of hearings, attending to correspondence, providing staff assistance, and such other duties as needed.

Section 5. Special committees may be appointed by the Chairman for the purposes and terms which the Board approves.

ARTICLE IV. ELECTION OF OFFICERS

Section 1. Nominations and elections shall be at the November meeting of each year. The positions shall be effective January 1st of the following year.

Section 2. A candidate shall be elected by a quorum and shall serve for one (1) full year or until his/her successor is elected.

Section 3. Vacancies in offices shall be filled by normal election procedure at the next meeting.

Section 4. Officers may succeed themselves.

ARTICLE V. MEETINGS AND HEARINGS

Section 1. Regular meetings of the Board shall be held on the second Wednesday of each month either immediately following the adjournment of the Wetlands Board meeting or if there is no Wetlands Board meeting at 7:00 P.M., in the Board room of the County Government Center Complex. When the second Wednesday falls on a legal holiday, the Board shall meet as determined by the Chairman in consultation with the Secretary. Upon the Chairman's decision or vote of a majority, a regular or special meeting may be canceled or rescheduled. Special meetings may be called by the Chairman, in consultation with the Secretary.

Section 2. A majority of the members of the Board shall constitute a quorum. A quorum is necessary to conduct a meeting.

Section 3. All meetings at which official action is taken shall be open to the general public and to any governmental agency.

Section 4. The filing deadline for public hearing items to appear on the agenda shall be forty-two (42) days prior to the meeting.

Section 5. The order of business at regular meetings and public hearings shall be:

A. Call to Order and Roll Call

B. Statement of Board Purposes: "The responsibility of this Board is to carry out locally the Commonwealth policy to protect against and minimize pollution and deposition of sediment in wetlands, streams and lakes in James City County which are tributaries of the Chesapeake Bay."

- C. Approval of Minutes
- D. Unfinished Business
- E. Public Hearings
- F. New Business
- G. Matters of Special Privilege
- H. Adjournment

Section 6. In addition to those required by law, the Board may hold other public hearings.

Section 7. Applicants and other interested parties shall give their full name and address, after being recognized by the Chairman.

Section 8. A record shall be kept of those speaking before the Board by the Secretary. Physical evidence submitted to the Board becomes the property of the Board and is retained as part of the case record.

ARTICLE VI. MOTIONS AND VOTING

Section 1. Business will be conducted according to Robert's Rules of Order Newly Revised, 10th Edition, as adopted for small bodies; provided, however, the Board may amend by Resolution the Rules as it deems appropriate. The following rules shall apply:

- a. Members are not required to obtain floor before making motions or speaking, which they can do while seated.
- b. Motions need not be seconded.
- c. There is no limit to the number of times a member can speak to a question, and motions to close or limit debate generally should not be entertained.
- d. Informal discussion of a subject is permitted while no motion is pending.
- e. The Chairman can speak in discussion without leaving the chair; and can make motions and votes on all questions.

Section 2. Public hearings shall be conducted in the following order: opening, staff report (with comments from state and/or federal agencies as appropriate), applicant, other interested parties.

Section 3. A member not voting on a case must cite "conflict of interest" or any legal prohibition which precludes voting.

Section 4. Tie votes shall be continued until the next meeting.

Section 5. Permits shall have a time limit and conditions, or "no conditions" specified.

Section 6. The Secretary shall record motions and voting in the minutes.

ARTICLE VII. VIOLATIONS

Section 1. In cases of violations, restoration will be the primary goal of legal action.

Section 2. In cases of after-the-fact applications, the option of restoration must be considered before evaluating the project on its merits.

Section 3. Violations must be corrected prior to issuing a permit on the same piece of property for another project.

ARTICLE VIII. AMENDMENTS

Section 1. These bylaws may be amended or suspended by a majority vote of the appointed members of the Board.

ADOPTED: September 12, 2007

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. *insert tax map no.*

WHEREAS, *insert applicant name*, (the "Applicant") has appeared before the Chesapeake Bay Board of James City County (the "Board") on *insert hearing date* to request an exception to the use of the Resource Protection Area (the "RPA") on a parcel of property identified as JCC RE Tax Parcel No. *insert tax parcel number* and further identified as *insert property address* (the "Property") as set forth in the application *insert application number* for the purpose of *insert description of request*; and

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record.

NOW, THEREFORE, following a public hearing, the Chesapeake Bay Board of James City County by a majority vote of its members FINDS that:

1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code, and is not of substantial detriment to water quality.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality: (*INSERT CONDITIONS BELOW*)

William Apperson
Chair, Chesapeake Bay Board

ATTEST:

Scott J. Thomas
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this ____ day
of _____, 2007.

GrantExcTemp.res

RESOLUTION

DENYING AN EXCEPTION ON JCC RE TAX PARCEL NO. *insert tax map no.*

WHEREAS, *insert applicant name*, (the "Applicant") has appeared before the Chesapeake Bay Board of James City County (the "Board") on *insert hearing date* to request an exception to the use of the Resource Protection Area (the "RPA") on a parcel of property identified as JCC RE Tax Parcel No. *insert tax parcel number* and further identified as *insert property address* (the "Property") as set forth in the application *insert application number* for the purpose of *insert description of request*; and

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record.

NOW, THEREFORE, following a public hearing, the Chesapeake Bay Board of James City County by a majority vote of its members FINDS that all of the following conditions have NOT been met:

1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the Applicant special privileges not allowed by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code, and is of substantial detriment to water quality.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, and the request arises from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions can be imposed, which will prevent the exception request from causing a degradation of water quality.

William Apperson
Chair, Chesapeake Bay Board

ATTEST:

Scott J. Thomas
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this ____ day
of _____, 2007.