

**SPECIAL MEETING MINUTES**

**ECONOMIC DEVELOPMENT AUTHORITY (EDA)  
OF JAMES CITY COUNTY (JCC)  
101-D MOUNTS BAY ROAD  
WILLIAMSBURG, VA 23185  
5:00 PM, WEDNESDAY, MARCH 19, 2014**

**1. CALL TO ORDER**

The special meeting was called to order by Chair Warner at 5:06 PM.

**2. ROLL CALL**

A roll call identified the following members present:

Ms. Robin Carson, Vice Chair  
Mr. Tim Harris  
Mr. Stephen Montgomery  
Mr. Thomas Tingle  
Mr. Marshall Warner, Chair

Also Present:

Ms. Cheryl Cochet, EDA Fiscal Agent  
Mr. Mark Duncan, Director of Community and Government Relations, Colonial  
Williamsburg Foundation  
Ms. Victoria Gussman, Director of Property Planning and Management, Colonial  
Williamsburg Foundation  
Mr. Chris Henderson, CB Richard Ellis on behalf of BASF  
Ms. Laura Messer, EDA Recording Secretary  
Mr. Michael Quinan, Christian & Barton LLP, representing BASF  
Mr. Leo Rogers, EDA Counsel  
Mr. Russell Seymour, EDA Secretary  
Mr. Robert Taylor, Senior VP for Finance & Administration, Colonial Williamsburg  
Foundation  
Mr. Telly Tucker, EDA Assistant Secretary

**Absent**

Ms. Leanne DuBois, Director  
Mr. Paul Gerhardt, Director

**3. APPOINTMENT OF COMPREHESIVE PLAN REVIEW COMMITTEE**

Mr. Seymour noted that the 2015 Comprehensive Review Update was beginning with a

very quick timeline. He said that Mr. Warner had spoken to both Mr. Gerhardt and Mr. Tingle and they had agreed to participate in the process. Mr. Warner confirmed this. Mr. Montgomery made a motion to appoint the two volunteers, which was seconded by Ms. Carson and approved unanimously by voice vote.

Mr. Seymour thanked the EDA.

#### 4. **DISCUSSION ITEM**

##### a. Consideration of Selling a Utility Easement to Dominion Virginia Power

Mr. Warner noted the representatives from both BASF and Colonial Williamsburg Foundation/Williamsburg Developments Inc. (WDI) and said the EDA would first like to hear from the guests who had taken the time to attend the meeting.

Mr. Montgomery asked Mr. Rogers to review the Dominion Virginia Power (DVP) Route Variations prior to discussion. Mr. Rogers showed the EDA both Variation 1 and Variation 4.1.

Mr. Robert Taylor, Senior VP for Finance & Administration of Colonial Williamsburg Foundation (CWF) spoke to the EDA citing his prior written correspondence to the EDA. Mr. Taylor said that any transmission lines from DVP would cause negative and irreversible damage to a variety of nearby sites citing Carter's Grove, Colonial Parkway, and Jamestown. He noted that CWF/WDI was working to help the Historic Triangle achieve world heritage site status.

Mr. Taylor said that CWF/WDI oppose the transmission line and discussed historical and cultural impacts from transmission lines. He noted that CWF/WDI are both against overhead power lines on the James River and instead want the lines underwater.

Mr. Taylor noted the economic impact that tourism has on the local economy and noted that the power lines would be a detriment to the revenue the region receives. Mr. Taylor stated that CWF has been approved as a consulting party for the US Army Corps of Engineers (USACE).

Mr. Tingle asked what it meant to be a consulting party to the USACE. Mr. Mark Duncan, Director of Community and Government Relations of Colonial Williamsburg Foundation, stated that it meant that CWF would have a seat at the table and be an active participant during the USACE process. Mr. Tingle asked who else would be involved as a consulting party and Mr. Duncan stated he did not know any details, but would be able to provide the EDA with more information in the coming weeks.

Mr. Harris questioned whether CWF/WDI had an opinion on the different variations of the transmission line citing that their remarks only spoke of the impact on the James River. Mr. Taylor stated that CWF/WDI did not want to prejudge the route variations and will rely on the USACE opinion.

The EDA thanked Mr. Taylor.

Mr. Chris Henderson, representing BASF, began a discussion of the impact of the current approved DVP Route 1 and its impact on BASF. He discussed the 90 acres and landfill that would be part of the variation.

Mr. Henderson said that the site had previously been developed at the highest, flattest point, which is now where DVP wanted to place a tower.

Mr. Henderson discussed the developable versus undevelopable land on the site. He said that 350 acres of BASF are buildable with two miles of frontage on the James River. He discussed the maximum potential of the BASF property being developed would be hindered by the transmission line bisecting the largest developable part of the property.

Mr. Henderson discussed the active remediation of BASF's property including the decades of work that had been approved to be finished by the year 2020 and how the transmission line's location on the property would undo some of the work including a cap on the site's existing landfill. He said that the remediation was key to JCC and the ability to develop the property.

Ms. Carson questioned why DVP had the authorization to ignore the environmental impact and Mr. Henderson noted that Dominion would condemn the property where the line was built. There was a brief discussion about the potential costs associated with the remediation if the approved plan was not completed through 2020. Mr. Henderson noted that both the Environmental Protection Agency and Department of Environmental Quality had approved the original remediation plan and that BASF was the responsible party. He noted the costs associated with more remediation could total \$90 million dollars and that BASF would only be reimbursed for the value of the property seized by DVP.

The EDA discussed how the common thread of discussion is that all parties share the sentiment that no transmission line is the best option for all parties.

The EDA reviewed how the trial and decisions had come about including the most recent February 28 decision by the State Corporate Commission to grant approval of DVP Route 1 since an easement had not been obtained from the EDA.

Mr. Michael Quinan noted that BASF would appeal the February 28 SCC decision if an easement from the EDA was obtained. The EDA had a discussion about the different variations and then asked about the condemnation of land. It was again noted that BASF would only be reimbursed for the value of the property seized by DVP and that remediation costs are not included in the cost.

Mr. Quinan noted that DVP would say that without the transmission line that service to customers would be interrupted. He said this was an argument often used in utility cases.

Mr. Henderson briefly reviewed BASF's policy to lease remediated land and not sell it. He noted that BASF was JCC's largest remaining industrial property. He noted that it was approximately 3.5 million square feet of building space based on the acreage of the site if the calculation of roughly 40,000 square feet per acre was assumed.

Mr. Tingle discussed the potential for deep water usage off of the site and Mr. Henderson noted it was shallow, but that there was access from Skiffe's Creek.

Mr. Henderson discussed the potential to obtain additional acreage from neighboring sites to add to the amount of property at BASF including 40 acres on the southernmost border of BASF.

Mr. Montgomery questioned how DVP was already beginning work and it was said that the work was only substation work at Hog Island. The EDA had a brief discussion about how DVP will take the risk to go ahead and start the process of work that must be done even without all of their permits in place. Mr. Rogers stated that even though the USACE had not provided their permits that DVP had approvals from the SCC.

The EDA questioned why a suspension of work had not been requested by BASF or JCC. Both Mr. Quinan and Mr. Rogers noted the cost of a suspension being too expensive.

Mr. Warner asked if the EDA had any more questions or comments for guests. There being none, he noted the EDA would proceed to closed session.

## 5. CLOSED SESSION

Mr. Tingle made a motion to go into closed session pursuant to Section 2.2-3711 (A) (3) of the Code of Virginia to discuss the consideration of an acquisition/disposition of a parcel/parcels of property for public use. Ms. Carson seconded the motion, which was approved unanimously.

The EDA went into closed session at 5:56 p.m. The EDA came out of closed session at 7:33 p.m. All meeting attendees were invited back into the room.

Mr. Tingle made a motion to approve a resolution that the EDA only spoke of the property at hand while in closed session, which was seconded by Mr. Harris. The resolution is follows the minutes.

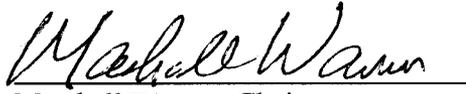
Mr. Seymour took a roll call vote:

Ms. Carson	AYE
Ms. DuBois	Absent
Mr. Gerhardt	Absent
Mr. Harris	AYE
Mr. Montgomery	AYE
Mr. Tingle	AYE
Mr. Warner	AYE

Mr. Warner asked the EDA if there were any motions. There being none, Mr. Warner stated that there would be no further action taken by the EDA.

6. **ADJOURNMENT**

Mr. Warner and Mr. Seymour thanked everyone for their time. Ms. Carson made a motion to adjourn, which was seconded by Mr. Montgomery. The meeting was adjourned at 7:39 p.m.

  
Marshall Warner, Chair

  
Russell C. Seymour, Secretary

## RESOLUTION

MEETING DATE: March 19, 2014

### CERTIFICATION OF CLOSED MEETING

WHEREAS, the Economic Development Authority of James City County, Virginia (EDA) 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 EDA that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Economic Development Authority of James City County, Virginia, hereby certifies that, to the best of each members' 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 EDA as were identified in the motion, Section 2.2-3711 (A) (3) of the Code of Virginia to discuss acquisition/disposition of parcel/parcels of property for public use.



Marshall N. Warner, Chair  
Economic Development Authority

### VOTE:

AYE: 5

NAY: 0

### ATTEST:



Russell C. Seymour, Secretary  
Economic Development Authority