

**JAMES CITY COUNTY WETLANDS BOARD  
MINUTES  
Wednesday November 14, 2012**

**A. ROLL CALL**

John Hughes - Chair  
David Gussman  
Chuck Roadley  
Larry Waltrip  
William Apperson

**ABSENT**

**OTHERS PRESENT**

Juliette Giordano, Virginia Marine Resource Commission (VMRC)  
County Staff (Staff)

**The responsibility of this Board is to carry out locally the Commonwealth policy to preserve the wetlands and to accommodate economic activity so as to prevent their despoliation.**

As there were no objections, the Board proceeded to take up Matters of Special Privilege and the first item of Board Considerations, prior to the Minutes.

**E. MATTERS OF SPECIAL PRIVILEGE**

**1. Update of case W-04-13 / VMRC 12-1213 at 133 Branscome from October 10, 2012**

Lola Perkins, Assistant County Attorney, advised the Board of a change in the result of the previous months vote on this case (2-Aye, 1-Nay and 1-Abstain). At the meeting, this vote was considered an approval based on the Conflict of Interest Act regarding the remaining majority quorum when one member abstains. However, after reporting the case decision and in consultation with VMRC, it was determined that the state code regarding management of the Wetlands Board which requires three affirmative votes for approval, superseded the Conflict of Interest Act and therefore the 2-1-1 vote meant the application was denied. The October 10, 2012 minutes reflect this change. Ms. Perkins advised the Board that any member had an option to make a motion to rescind the vote on this case. An approval of a rescind motion would negate the previous Board action and allow the case to be re-advertised and heard anew at the next scheduled meeting.

**D. BOARD CONSIDERATIONS**

**1. Motion on case W-04-13 / VMRC 12-1213 at 133 Branscome**

Mr. Gussman made motion to rescind the resolution adopted at the October 10, 2012 meeting to deny the Wetlands permit application in case W-04-13 / VMRC-12-1213.

The motion was approved by a 5-0 vote.

Mr. Hughes stated, "The motion is adopted, and we have rescinded the resolution adopted at the October 10, 2012 meeting to deny the Wetlands permit application in case W-04-13. This case will be re-advertised and heard at the Wetlands Board December meeting".

**B. MINUTES**

The October 10, 2012 Board minutes were approved as written.

**C. PUBLIC HEARINGS - None**

**D. BOARD CONSIDERATIONS Continued**

**1. Calendar Year 2013 Meeting Schedule**

All Board members agreed to adopt the 2013 Wetlands Board meeting schedule which states that provided there are cases to be considered the meetings will be at 7:00 PM on the 2<sup>nd</sup> Wednesday of each month.

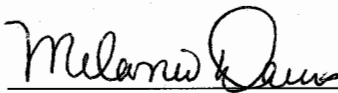
**2. Election of Officers for 2013**

Mr. Apperson moved that John Hughes be reappointed as Chair. All members were in favor.  
Mr. Hughes moved that William Apperson be reappointed as Vice-Chair. All members were in favor.  
Melanie Davis was reappointed as Secretary. All members were in favor.

**F. ADJOURNMENT**

The meeting adjourned at 7:06 p.m.

  
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John Hughes  
Chair

  
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Melanie Davis  
Secretary