

**APPROVED MINUTES OF THE March 5, 2008 MEETING OF  
THE PLANNING COMMISSION**

FY-2009 – 2013 Capital Improvements Program

Ms. Kate Sipes presented the Capital Improvements Program rankings and explained the process as to how the rankings were determined. She also stated that the Policy Committee and Planning Staff recommend that the Planning Commission endorse the evaluation of the process currently used to develop the Capital Improvements Program.

Mr. Fraley opened the public hearing.

Ms. Kinset Teller, 126 Lake Drive, spoke on behalf of the James City County Citizens' Coalition. She stated the Coalition supports the stormwater utility and feels that its projects should be adequately funded. She stated that the Coalition would like to raise again the need for correct measures in some areas such as Jamestown 1607, Fieldcrest, Peleg's Point, and St. George's Hundred. Ms. Teller stated that her group met on February 19, 2008 to address problems and to attempt to develop solutions. She stated their report should be completed within the next two weeks. She stated the James City County Citizens' Coalition feels that stormwater projects slated for FY09-FY10 should be given a high priority. Ms. Teller stated that the Coalition submitted a request to Mr. Wanner in January for \$200,000 for a study of drainage problems and \$1.1 million in FY09 for operational engineering corrections. She stated these funds are in addition to the stormwater management funds that were originally requested as part of the CIP budget. She stated the Coalition requests that the County approve a capital improvement plan that reflects their responsibility for decisions that cause health and safety issues for residents. Ms. Teller also said that the group feels that flood control should be a part of every rezoning application.

Mr. Fraley clarified that the dollar amount requested \$4,880,000 that was requested for stormwater.

Mr. Fraley closed the public hearing.

Mr. Obadal stated that in reviewing the Capital Projects, the County needs to be frugal in new projects due to the serious loss in revenue. He felt that the current CIP program does not reflect problems in current revenues. He referred to the State Code 22-39 where it states that revenues and costs need to be considered. Mr. Obadal felt that the Neighborhood projects for the Stormwater Division, and the Water Quality requests were extremely important. He stated with the Stormwater Utility fee, 60% is paid by the business interests, while 40% is paid by the residential community. He feels that if the Utility fee were to be dissolved the percentages may change, and the burden may shift more toward the residential community to fund these projects which are mandated by Federal Law. He felt that the split may be closer to 60% residential and 40% business as far as fiscal responsibility. Mr. Obadal did not feel that these projects should be included in the Capital Improvements Program but should come out of the General Fund. He stated that the request for the Land Preservation Fund in the amount of \$600,000 should not be

included in the Capital Improvements Program. He stated that there were several projects under \$600,000 that were more important.

Mr. Peck asked whether the 60% residential/40% business assertion include all the fees in the general fund collected such sales taxes, business taxes, and meals tax.

Mr. Obadal stated he does not know and felt that it was not basically relevant since citizens pay all kinds of taxes.

Mr. Peck wanted to make the point that businesses generate other taxes other than property tax and he just wanted to ensure that the information was valid and accurate.

Mr. Henderson stated that the Policy Committee rated the Land Preservation Fund as a medium priority not as a high priority. He stated the Policy Committee did not feel that it was a high priority at this time. He understood this Fund to be an opportunistic program to act as an economic development stimulus that would promote business development and therefore increase revenue. Mr. Henderson stated there was a revenue assumption attached to it and was not a purely speculative investment in land for investment purposes to hold. He personally did not rate it high because he does not like to see government compete with the private sector that is capable of finding good development sites and bringing them to the marketplace.

Mr. Obadal stated that the County has good development sites, and these sites are already zoned commercial. He stated the County has approximately 6,685 acres that is zoned business and industrial with 3,212 acres undeveloped. He also stated that 42% of land that is designated in business parks is still available for development.

Mr. Henderson stated that the question should be whether the infrastructure is in place today for business development without significant public or private investment.

Mr. Obadal asked whether the County should be responsible for building this infrastructure to make it available for business.

Mr. Henderson stated the County has done this in other circumstances. He would like to see utilities extended such as water and sewer, possibly the building of roads. He made the point that even though so many acres are available, it is the number that is buildable that is relevant. Mr. Henderson gave the example of the BASF property which is 700 acres. He stated that once the environmental issues are addressed there is only 250 acres that is developable.

Mr. Krapf added as a member of the Policy Committee, he stated the Economic Development office cited that they equated the Land Preservation Fund to that of the Greenspace Fund that is used to preserve open space. He stated that the justification was to secure land to have future economic development and without this preservation, land could be developed **counter intuitive to the County's revenue generation strategy.** He stated the criteria for which the Policy Committee operated on which ranking these projects, was service needs, conformance to the Comprehensive Plan, and other County plans and policies such as master water and sewer plans.

Mr. Billups commented that it might be relevant to review these CIP requests from a needs assessment viewpoint. He stated there should be some control over the money that is spent. He would like to see the County define the locations of ideal economic corridors. Mr. Billups believes that guidance should be given as to the definition of these economic corridors. He felt that the Planning Commission should be involved in the beginning of this process of reviewing CIP requests.

Mr. Fraley clarified that the Planning Commission is not reviewing a capital budget, but reviewing requests for capital expenditures. He stated the \$600,000 fund that was developed when the Business Climate Task Force recommendations were made. He also stated that the Board of Supervisors issued guidance in January on the capital budget process. Mr. Fraley stated the Board expects a budget proposal without any reassessment, without an increase in the tax rate, and funding for stormwater programs with the County's General Fund rather than the separate fee.

Mr. Peck wanted to note that Planning staff did a scoring of capital projects based on the Comprehensive Plan and other factors. He stated that Land Preservation Fund received a score of 65 which is on the border of low and medium. He further stated he would not be opposed to changing the ranking from medium to low if the Commission felt the need.

Mr. Obadal suggested giving the public an opportunity to comment on the rankings. He would like the opportunity to revisit the rankings after the Board of Supervisors to review the potential revenue loss. He stated some CIP requests are related to safety such as the Police and Fire departments, those need to be ranked high. Mr. Obadal felt that the area of stormwater management should be a high priority also. He also expressed concerns about the ranking placing wants ahead of needs.

Mr. Fraley clarified the departmental rankings versus the Policy Committee rankings. He stated the Policy Committee ranked flood control and water quality high.

Ms. Sipes further clarified by stating that the projects are ranked high, medium and low and those projects listed are in no particular order. The numbering system was strictly an order number so as to refer to the different projects more easily.

Mr. Krapf stated that each department would have a total number of projects and they had prioritized their requests as to which projects they felt were more important to their specific department.

Mr. Peck discussed how the Policy Committee determined the ranking. For instance, a recreational facility that will be jointly used by the schools, County and other programs may get a high ranking due to the fact of the groups that it will be serving. He stated that projects were ranked based on Recreational Master Plan, Comprehensive Plan and other factors.

Mr. Henderson then stated that the CIP requests had two large projects associated with it, the new schools and the new police facility. He stated these requests totaled \$95,000,000, and the total CIP requested budget was \$109,000,000.

Mr. Obadal asked whether the Policy Committee had access to revenue projections.

Mr. Henderson answered that information was made available with regards to existing revenue sources of the funds that are currently available. He stated that projected revenues for the next five years were not available.

Mr. Kinsman wanted to make a clarification on a point made earlier concerning a legal case where the municipality was facing legal action with regards to providing adequate stormwater management. He stated that counties and cities have different immunities when it comes to legal actions.

Mr. Sowers suggested to the Commission to determine whether the ranking of the CIP projects should change or whether some things should be added or adjust in other areas as needed. He stated that the Policy Committee determined these rankings and recommended it to the Planning Commission. He suggested that if there were a few items that it may be possible to send its recommendations to the Board minus those few items that warranted further investigation. Mr. Sowers stated the due to time limits with the budget, Financial Management Services and County Administration was waiting on this information.

Mr. Fraley asked about the economic development land bank balance of \$600,000 which was ranked medium by the Policy Committee. He made a suggestion to move the ranking from medium to low.

Mr. Peck stated he would have no issue reducing the rank.

Mr. Krapf wanted to clarify the projects listed under Stormwater Management. He stated that the Division had identified over \$700,000 in projects but that due to staff constraints, it was determined that \$400,000 of that was manageable.

Mr. Henderson made a motion to approve the ranking of the CIP projects as completed by the Policy Committee.

Mr. Krapf seconded the motion.

In a roll call vote the application was approved. (5-1) AYE: Billups, Krapf, Peck, Henderson, Obadal, Fraley. NAY: Obadal. Absent: Poole.