

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**WORK SESSION**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**May 21, 2019**  
**4:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

Michael J. Hipple, Vice Chairman, Powhatan District  
Ruth M. Larson, Berkeley District  
P. Sue Sadler, Stonehouse District  
John J. McGlennon, Roberts District  
James O. Icenhour, Jr., Chairman, Jamestown District

Scott A. Stevens, County Administrator  
Adam R. Kinsman, County Attorney

**ADOPTED**

**JUN 11 2019**

**Board of Supervisors  
James City County, VA**

**C. BOARD DISCUSSIONS**

1. Space Needs Assessment

Mr. Shawn Gordon, Chief Civil Engineer - Capital Projects, addressed the Board with an update on the space needs assessment. He noted the assessment covered the current space needs, future needs, as well as 20-year long-term needs. He further noted 20 years ago the space needs assessment was done and highlighted the budgetary breakdown in relation to the Strategic Plan. Mr. Gordon stated funds had been identified in the Fiscal Year 2020 adopted budget for the Facilities Master Plan that strategically addressed the space goal needs. He highlighted the annual architectural contract and the selection of Moseley Architects and he noted County departmental input in the assessment. Mr. Gordon introduced Mr. Tony Bell, Principal in Charge, and Mr. Adam Bricker, Project Manager, Moseley Architects.

Ms. Larson asked if the last space needs assessment had projected 20 years into the future.

Mr. Gordon noted "roughly; this looks at 5, 10, and 20 years into the future."

Ms. Larson asked how accurate that projection had been.

Mr. Bell noted that point would be discussed in the final report to the Board.

Mr. Bricker addressed the Board on how the process works, our approach to it, where we're at in the process, and the next steps. He presented the 5-, 10-, and 20-year needs in a PowerPoint presentation with an overview and goals. He noted space utilization, departmental questionnaires, and benchmark analysis with Albemarle and Hanover Counties for future growth projections in James City County. Mr. Bricker identified other benchmarking analysis included Warren County and its department and staffing breakdown for comparison to James City County. He noted the various options for workstations in different buildings in the PowerPoint presentation. Mr. Bricker also noted that questionnaires would go to both the School and Courts Administration for space needs. He asked the Board if there were any

questions.

Mr. Hipple noted he had several questions. He referenced the Fauquier, Frederick, Warren, and James City County Counties slide.

Mr. Bell stated a space need assessment was done in 2006 for Warren County. He noted that based on growth projections, the population was estimated to be around 65,000 in 20 years. Mr. Bell said they asked "as you look around the Commonwealth who do you want to grow up to be? And they identified James City County." Mr. Bell noted at that time James City County had approximately 60,000 residents so "we took that snapshot of you in time" and used the data to determine the number of planners and other areas as benchmarks. He further noted a similar approach had been applied to James City County and its 20-year growth and Albemarle and Hanover Counties were the benchmark counties for population as well as "good comparators." Mr. Bell noted that data and staff/space projections from each department within the County would be in the report which would provide detailed information for the Board to reference.

Mr. Hipple noted his vision for the County. He further noted he was surprised the Board had not been questioned on space needs assessment. Mr. Hipple detailed a single centralized facility with parking and all County services located at that facility. He noted some satellite services would still be needed, but a centralized facility would be more cost effective over time.

Mr. Bricker noted that each department had been asked "imagine we took everything ... and just threw in it in the parking lot and got rid of everything you had. Don't think about how you're doing it today. Think about the demands you have and who you serve." He further noted this information helped in the space needs assessments and eventually in evaluation for the master planning.

Discussion ensued.

Ms. Larson asked the Board's role in the process after receiving the space needs assessment report. Mr. Bell noted upon completion of the assessment there will be a number that represented the needed space for the County in the next 20 years. He further noted the next step was the facilities master plan which included developing the best economic and operational options.

Mr. Icenhour asked if the Board had additional questions. As there were none, he thanked Mr. Gordon, Mr. Bricker, and Mr. Bell for the information.

## 2. Naming of County Facilities and Memorials

Mr. Icenhour noted there had been several past requests and discussion on this topic. He further noted there was no overall policy on the naming process. Mr. Icenhour asked if the Board was willing to hold on to the resolutions before him until a consensus was reached regarding the policy.

Ms. Larson confirmed that point.

Mr. Jason Purse, Assistant County Administrator, addressed the Board on several resolutions. He noted he had researched other localities and their naming policy. He further noted "the majority of those localities named County-owned buildings and facilities after locations or primary functions rather than people. If they do name them after a person, it's because the majority of funding for construction came from that person." Mr. Purse indicated several

clauses such as deceased benefactors. He noted a similar process to road naming could be considered. He cited the Commonwealth Transportation Board gave authority for the road and/or bridge naming, but would vote on the changes at the Board's request.

Ms. Larson inquired if a specific room could be named as opposed to an entire building.

Mr. Purse confirmed yes and noted more flexibility within the building.

Ms. Larson asked if the Board was okay with Mr. Purse gathering information to be presented to the Board without accepting it as a policy.

The Board concurred.

Mr. McGlennon noted guidance in terms of a list of qualifications be available to Mr. Purse. He cited concerns with the person being deceased, but a person "clearly no longer active in the field for which they are being recognized." He also noted the individual should have a relationship to the particular building.

Ms. Larson asked about the parameters.

Mr. Icenhour discussed the separation between the naming of bridges and roads and other facilities. He noted the opportunity of honor community leaders and their contributions. Mr. Icenhour asked Mr. Purse about a vetting process that would go to the County Administrator.

Board members asked Mr. Kinsman if a motion could be publicly addressed while the deliberation and discussion would be during a Closed Session.

Mr. Kinsman noted he did not think it was a Closed Session item. He further noted that personnel were employees of the Board so appointments to Commissions was a separate matter.

Discussion ensued.

Mr. Icenhour noted better guidelines for vetting nominations and consensus among Board members. He requested Mr. Purse supply the Board with a list of guidelines. He also noted he would hold on the resolutions at this time until a better process was in place.

### 3. Eastern Virginia Regional Industrial Facility Authority

Mr. Stevens addressed the Board on recent meetings with Eastern Virginia Regional Industrial Facility Authority (EVRIFA) and noted "it was still working through some growing pains as a new organization and standing itself up." He noted Ms. Sadler and Ms. Robin Bledsoe, James City County Economic Development Authority Director and Chair, were appointees to EVRIFA with Mr. Purse as the alternate. He further noted minimal operating costs were discussed at the last meeting with Newport News handling staffing such as meeting agendas, minutes, and Board notices, etc. Mr. Stevens continued noting Hampton would serve as the fiscal agent, but highlighted additional expenses such as auditing costs, Board liability insurance, and possible attorney fees for EVRIFA itself. Mr. Stevens further noted each locality was asked to support finances to the operating costs. He commented Ms. Sadler and Ms. Bledsoe represented the Board of Supervisors well as he referenced last year's discussion that localities would not have expenses to be members unless the localities wished to participate in a project. Mr. Stevens discussed the concerns and the EVRIFA agreement regarding any funding by the Board of Supervisors. He noted "a lot of unknowns they are still working through" and discussion around James City County's involvement if money was

needed to be put into EVRIFA. Mr. Stevens said ongoing conversations regarding other funding sources had been discussed. He hoped the County would stay in EVRIFA at this time while there were no operating costs to the County.

Mr. Icenhour asked if the \$3,000 annually for the operating costs would increase.

Mr. Stevens expressed concerns that costs could rise.

Ms. Sadler noted the uncertainty regarding costs and the allocation from localities. She expressed concern on the organizational aspect of the group and ensuring "it's fair all the way around."

Mr. Stevens noted interest from the Southside to join the group, which could be advantageous and readdressed in the 12-month timeframe.

Mr. Icenhour expressed "being comfortable staying in it as long as we abide by our initial decision" regarding funding and how the organization develops over the next year. He asked the Board if there was a consensus to have Mr. Stevens return to EVRIFA with the Board's concerns.

Discussion ensued regarding bylaws, funding, and dedicated staffing options.

Mr. Stevens noted there were some items to address in those areas in the future, but not necessarily in the next year.

Mr. Hipple asked if the next upcoming project was in York County.

Mr. Stevens noted that project was slightly different as there was no anticipated return on it. He further noted more discussion was forthcoming.

Mr. Hipple expressed concern about the structure of EVRIFA. He noted it was set up with a project and participating localities provided specific funding to that project and then the profits would be shared.

Mr. Icenhour noted non-participation was allowed.

Discussion ensued.

Mr. Hipple noted more organization and information was needed. He further noted "our biggest concern is we don't totally know what we're getting into. We knew when we started, but now it's changed a little and there are a few questions."

Mr. Icenhour asked Mr. Stevens if he was comfortable with the Board's consensus and sharing it with EVRIFA.

Mr. Stevens replied yes. He reiterated the message that "the Board was concerned with the operating costs and not willing to do it at this time, but certainly willing to be part of it until such time as we have a monetary discussion of the future."

Mr. Icenhour agreed and moved to the next item on the Agenda.

#### 4. Jolly Pond Road Dam

Ms. Grace Boone, Director of General Services and Mr. Rick Koehl, Capital Projects

Coordinator, were present for this Agenda item.

Mr. Koehl addressed the Board with a current update on the portion of the Jolly Pond Road that crossed the dam. He noted safety concerns for the area in a PowerPoint presentation. He further noted the Jolly Pond Dam was privately owned and cited specifics to the dam including acreage, ownership, and the Department of Conservation and Recreation (DCR) expired permit. Mr. Koehl noted Mr. William C. Kane, owner, was in attendance. Mr. Koehl detailed the history of the Jolly Pond roadway and the Virginia Department of Transportation's (VDOT) decision to close it due to unsafe public traveling conditions and the expired permit. He noted the County reopened the roadway in 2012 and implemented initiatives for vehicular weight restriction as well as maintenance and inspection schedules. Mr. Koehl stated the County had spent \$98,323 on maintenance and inspections since Fiscal Year 2014. He cited a washout area that was undermining the road. He noted, with owner permission, an exploratory study was done for a site report. The PowerPoint presentation highlighted the next steps in addressing repairs and DCR requirement for an alteration permit. Mr. Koehl noted the County was in a "holding pattern" until DCR's permit was issued. He further noted that eight months later the dam was a known traveling hazard. Mr. Koehl noted several options after conferring with Mr. Stevens and Mr. Kinsman: 1) upgrade the dam to meet state safety standards and request VDOT take the road back into the state system, which required coordination with both VDOT and DCR, and 2) abandon that section of road and have it revert to private property with the owner limiting access as deemed.

Mr. Icenhour asked about the DCR "holding pattern" timeline and the maintenance agreement.

Mr. Koehl noted the County would need the alteration permit from DCR. He further noted the plans are presented to DCR for approval or denial.

Mr. Icenhour asked if the plans had been presented to DCR.

Mr. Koehl noted not at this time.

Mr. Icenhour asked if the roadway could be repaired per DCR standards and what was entailed. Mr. Icenhour asked for more information regarding the conversation between the County and the state on the roadway.

Mr. Koehl noted "in essence, ... we as a County are almost a third party" with DCR and the owner of the dam as the two primary parties to obtain the operations and maintenance permit. He further noted the County, as the third party, would come in and obtain the alteration permit to repair the dam. Mr. Koehl stated the operations and maintenance permit required an engineer to assess the dam.

Mr. Icenhour asked if the County was a party to the operations and maintenance permit.

Mr. Koehl noted the County was not.

Mr. Icenhour asked if any repairs could be done without DCR's permit.

Mr. Koehl replied no and also noted that permission from the owner would need to be granted to enter the private property.

Mr. Kinsman noted the road was the County's responsibility since it had been removed from the VDOT roadway system. He further noted it was the County's road that "sits on Mr. Kane's dam" and the partnership there. He stated the requirement that Mr. Kane had to be involved in the discussion since he was the owner.

Ms. Larson asked several questions about the petition to remove the roadway from VDOT's roadway system: 1) at the time of the petition, what responsibility did the County take for future years; 2) was a full inspection done at the time of removal to prepare for future issues; 3) what discussion took place with the owner and what were the expectations based on that discussion; and 4) have any estimate on the safety repair.

Mr. Kinsman noted when the roadway was in the state system, VDOT checked and noted significant work needed to be done for it to maintain that road in its system. He further noted it was "massively upgrade this dam or close the road." Mr. Kinsman stated Delegate Brenda Pogge had some legislation passed that allowed the County to have the state remove the road from the system.

Ms. Larson asked if repairs were made.

Mr. Kinsman noted some minor repairs may have been done, but Mr. Kane retained prerogative on any work. He further noted the road was open to public travel with the County responsible for it. Mr. Kinsman said it created a bind for Mr. Kane with the road as a public right-of-way, yet the County was not going to repair it. He noted the abandonment removed the public right-of-way access, returned the property back to its private property owner, and then Mr. Kane could control the property as he desired.

Mr. Hipple noted the County's only obligation was the asphalt.

Mr. Kinsman confirmed that point. He also noted there was an estimate to rebuild the dam.

Mr. Koehl noted a minimum estimate of \$2 million.

Mr. Icenhour noted regulatory changes to dam safety required a potential total rebuild and while trying to serve the needs of the public, it created other issues for the community. He further noted without concrete input from the state, "our hands are sort of tied."

Mr. Hipple stated the location of the dam and its route impact on fire and rescue vehicles.

Ms. Larson asked if either group was currently using the roadway.

Mr. Stevens noted no, but emphasized it was a low-risk dam in terms of downstream flooding. He also stated fire, rescue, school, and other County vehicles were not traversing the dam.

Ms. Larson addressed Mr. Kane about his plans for the dam.

Mr. Kane noted he wanted to assist his neighbors in the community, though he lived in Richmond. He further noted the increase in the number of vehicles crossing the dam, especially trucks with trailers loaded with debris heading to the transfer station. Mr. Kane noted the wear and tear on the road and safety improvements he had made. He also noted he had been in contact with Timmons Engineering in Richmond and "they said if I could get a conditional certificate, Dam Safety will typically work with owners of old dams as long as I'm making like good faith efforts to improve the dam." He noted his father had not wanted the trees removed, but he was reconsidering it if he could find the funding for it. He addressed some additional risk improvements, but noted that Timmons advised he would have more cost-effective options if the road was closed.

Mr. Icenhour thanked Mr. Kane for his efforts over the years.

Mr. Kane also noted he had some tree thinning work done and a small fire had ensued. He said the wrong fire truck had been dispatched and was unable to cross the dam so another unit

had been called. He noted that information could prove important in dispatching emergency vehicles.

Ms. Larson noted the tremendous impact on local traffic. She asked about the timeline for the closure.

Mr. Kinsman noted the closure could be whenever the Board wanted, but the abandonment was a legal issue and required a minimum 30-day period. He also noted it would probably be July before the abandonment procedure would be in effect and cited numerous required postings and newspaper announcements.

Mr. Stevens addressed the Board citing the County was at risk for safety concerns. He also cited the liability during the abandonment process. Mr. Stevens noted staff would want to close the roadway and put barricades in place to discourage travelers.

Mr. Icenhour questioned the closure and abandonment of the roadway, Mr. Kane working with DCR, and the removal of barricades. He noted "a physical cut to the road that doesn't allow people access to the road."

Mr. Stevens confirmed that with turn-arounds and permanent blocks put in place. He noted there would be some future costs for permanent barricades.

Discussion ensued.

Ms. Larson questioned the recent use of the roadway during the Ironman Triathlon.

Mr. Stevens noted that would be Mr. Kane's decision as the private property owner, but noted the County did not have the right to authorize the use of it for events.

Discussion ensued.

Mr. Icenhour asked if the Board was in consensus on the closure and abandonment.

The Board concurred and thanked Mr. Kane for his input.

#### **D. BOARD REQUESTS AND DIRECTIVES**

Mr. Hipple and Ms. Sadler noted they had no requests or directives.

Ms. Larson noted the Tourism Council had a meeting on May 21 with the new Executive Director and some changes she would be initiating soon. She also noted the LPGA was in town and the weather was good "so get on out there."

Mr. Icenhour noted several people had contacted him about the use of the "Tommy Tax" for the recycling costs. He further noted he explained it was being used for one-time items and not recurring projects. Mr. Icenhour stated he would work with Mr. Stevens to provide a communication for the public explaining that point.

Ms. Larson noted the breakdown presented at budget showed where the money from Senate Bill 942 (SB 942) was allocated and it allowed citizens to see how it was used. She asked if another budget or revised pages would be available.

Mr. Stevens confirmed revised pages would be forthcoming. He also asked Mr. Icenhour if he wanted to incorporate that communication into the literature on the recycling program.

Mr. Icenhour noted it was important to identify the cost of the recycling as a recurring fee and not a one-time fee to show how the SB 942 monies were being used. He also noted staff and Board input on drafting and supporting a Letter to the Editor.

Ms. Larson noted an essay piece might be better than a Letter to the Editor.

Mr. Icenhour agreed. He also noted the annual evaluations for the County Attorney, County Administrator, and the James City Service Authority (JCSA) General Manager be done in June as opposed to October. He wanted to have a standardized evaluation sheet for the Board to review at the June meeting. Mr. Icenhour noted it would be a form that summarized each Board members' comments in one document and he would be sending out information to each member.

Ms. Larson asked if this would be for the June 11 meeting.

Mr. Icenhour said yes, if possible.

Ms. Larson noted it would probably be a lot in one meeting.

Mr. Kinsman noted Mr. Doug Powell, JCSA General Manager, would have his evaluation at the June 25 meeting, which was the scheduled Board of Directors meeting.

Mr. Icenhour noted Mr. Kinsman and Mr. Stevens could have their evaluations at the June 11 meeting during Closed Session.

**E. CLOSED SESSION**

None

**F. ADJOURNMENT**

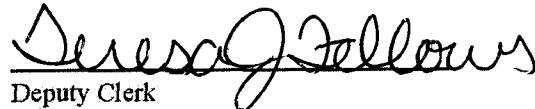
1. Adjourn until 5 p.m. on June 11, 2019, for the Regular Meeting

A motion to Adjourn was made by Sue Sadler, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

At approximately 6:14 p.m., Mr. Icenhour adjourned the Board of Supervisors.

  
Deputy Clerk