

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**BUSINESS MEETING**  
**COUNTY GOVERNMENT CENTER BOARD ROOM**  
**101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185**

**December 10, 2024**

**2:00 PM**

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**A. CALL TO ORDER**

**ADOPTED**

**B. ROLL CALL**

**JAN 28 2025**

Barbara E. Null, Stonehouse District  
Michael J. Hipple, Powhatan District  
John J. McGlennon, Roberts District  
James O. Icenhour, Vice Chair, Jamestown District  
Ruth M. Larson, Chair, Berkeley District

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

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

Ms. Larson sought a motion to Amend the Agenda to add a Closed Session for consultation with legal counsel.

A motion to Amend the Agenda was made by John McGlennon, the motion result was Passed.  
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0  
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

**C. PRESENTATION(S)**

1. JCC FY2024 Audit Presentation

Ms. Brook Peterson, Audit Manager for Cherry Bekaert, LLP, addressed the Board noting she had worked with the County on all of its audits for the year. Ms. Peterson noted she would provide the Board with the required audit points. She highlighted the audit results in a PowerPoint presentation, adding that the report covered the year which ended June 30, 2024. Ms. Peterson stated an unmodified opinion had been issued on the financial statements. She noted the audit results in relation to Government Auditing Standards and state specifications reflected no instances of noncompliance as required for reporting. Ms. Peterson stated one nonmaterial noncompliance matter was noted which required reporting under the specifications. She added that no material weaknesses in internal control over financial reporting or compliance matters were noted. Ms. Peterson stated an unmodified opinion of the County's compliance with each major federal program was issued for the single audit. She added that no material weakness in internal control over compliance in accordance with Uniform Guidance was identified. Ms. Peterson noted there were no corrected or uncorrected misstatements for discussion. She noted the Qualitative Aspects of Accounting Practices slide was not required, but she added the County's significant accounting policies were noted in one of the financial statements. Ms. Peterson stated within that footnote was reference to the County's increased capitalization threshold for capital assets in addition to implementation of provisions to the

Governmental Accounting Standards Board (GASB) No. 100, Accounting Changes and Error Corrections. She explained the provision was utilized in reporting the Economic Development Authority's move from a discretely presented component unit to a blended component unit which was reflected as a line item in Exhibit One. Ms. Peterson continued the PowerPoint presentation highlighting independence considerations, adding Cherry Bekaert, LLP, was unaware of any circumstances or relationships that created threats to auditor independence. She noted auditor independence from the County and compliance with ethical responsibilities and requirements in accordance with relevant ethical requirements related to the audit. Ms. Peterson noted there were no difficulties nor disagreements with management during the audit. She added there were no matters which required consultation outside of the engagement team. Ms. Peterson stated management representation was requested and referenced the December 9, 2024, management representation letter. She noted there were no findings of outside consultation of other accountants, no findings of fraud or illegal acts, nor any conditions or events indicating substantial doubt regarding the County's ability to continue. Ms. Peterson noted contact information for herself as well as Mr. Rob Churchman, Engagement Partner, was available.

Ms. Larson thanked Ms. Peterson for the presentation. Ms. Larson also thanked Ms. Sharon McCarthy, Director of Financial and Management Services, and her team for all their work and another excellent year.

## 2. VDOT Quarterly Update

Mr. Rossie Carroll, Virginia Department of Transportation (VDOT) Williamsburg Residency Administrator, addressed the Board highlighting the maintenance accomplishments from September 1, 2024 to November 30, 2024. He noted the completion of 605 out of 682 work orders with 77 outstanding and an 88.7% completion rate. Mr. Carroll further noted that rate was an 8.4% increase over his past quarterly report. He stated the types of work were noted in the report included in the Agenda Packet. Mr. Carroll said the report showed both customer concern-based work orders as well as VDOT road check work orders. He noted this data formed the combined Highway Maintenance Management System (HMMS) used by VDOT for work orders. Mr. Carroll addressed some current projects included the HITS Guardrail Contract and its new contract award slated to start the week of December 9, 2024, and the Croaker Road Widening Project currently in progress. He noted work continued on the abutment wall construction, storm drains and waterlines, as well as discussion with CSX regarding flaggers for coverage in the vicinity. Mr. Carroll stated work continued on the Hydraulic Lift System at the Jamestown Transfer Bridges with replacement of a cable-driven system to a hydraulic system similar to that used on the Surry side of the Jamestown-Scotland Ferry. He added the system was in the test phase before moving to the other bridge to ensure a smooth operations transition. Mr. Carroll highlighted some completed projects which included Richmond Road Bike Path/Sidewalk Improvements, Plant Mix (PM) 5E, replacement of the cross drains at Route 60 between Route 30 and the New Kent County line, PM5 Full Depth Reclamation (FDR), Skiffes Creek Connector, Longhill Road Widening Project, and removal of eight timber dolphins and replacement with six composite dolphins. He noted future VDOT projects included: SMART Scale 20 (Longhill Road Shared Use Path, estimated projected award date of April 5, 2027); SMART Scale 22 (Airport Road, Mooretown Road, and Richmond Road improvements, estimated projected award date of July 8, 2030); Jamestown High School Sidewalk/Crosswalk (projected award date of December 29, 2027, but preliminary engineering had begun); Route 5/Route 614 and Route 30/Route 746 (no left-turn projects in the Secondary Six-Year Plan with funding reallocation to possibly accelerate these projects); Revenue Share - Centerville Road/Jolly Pond Road Signal Installation (projected award date of November 10, 2025); Pocahontas Trail Widening and Complete Street - Phase One (projected award date of March 29, 2028); PM 5E 2025 schedule in Rolling Woods area streets and a 6.5-mile section of Route 5 from the Chickahominy River Bridge/Charles City Bridge (officially known as the Judith Stewart Dresser Bridge) to Prosperity Court); Gap Segment C Design-Build Project (currently under construction); and the Route 60 Roller Compacted Concrete Overlay Project (Route 60 at

Anderson's Corner to New Kent County). Mr. Carroll stated the project was advertised but no bids were received, adding the project was readvertised in November, a pre-bid meeting scheduled for December 11, with bids scheduled for receipt in January 2025. He added that VDOT was hopeful the project would begin after the beginning of 2025. Mr. Carroll addressed Fiscal Year (FY) 2025 County Safety Improvements (COSI) projects which included pipelining and repairs to Penzance Place and Olive Drive, sidewalk repair at Country Crossing, and the Cranston's Mill Pond safety analysis as funding projects. He noted the Flashing Yellow Arrow (FYA) installation was scheduled for December 11, but it was rescheduled due to inclement weather. Mr. Carroll added it could possibly be rescheduled to the beginning of 2025, but he would update the Board as the schedule became known to him. He stated several traffic studies were conducted during the quarter. Mr. Carroll noted a No Littering Sign study was conducted along John Tyler Highway, but it was not recommended as that area had regularly scheduled litter pickup throughout the year. He added that Intersection Safety Reviews were conducted along Fieldstone Parkway and Mill Pond Run, and at Penniman Road and Route 143. Mr. Carroll stated an Intersection Sign Study was conducted for Loxley Lane and Evergreen Way in addition to the Meadow Lake Subdivision Golf Cart Sign Review. He spoke to each project with recommendations in more detail. Mr. Carroll noted 26 sets of plans were reviewed, 95 permits were issued, and 60 permits were closed by VDOT from July 1, 2024 to November 20, 2024. He further noted that the Commonwealth Transportation Board (CTB) approved abandonment for a part of Schmidt Road, a Primary Institutional Route in the County near Eastern State Hospital, on December 4, 2024.

Ms. Larson asked if any Board member had questions for Mr. Carroll.

Ms. Null asked Mr. Carroll about the reinstallation of the road markers post-paving by the Wawa.

Mr. Carroll responded he was unsure, but he would check on the bollards.

Ms. Null thanked Mr. Carroll.

Ms. Larson thanked Mr. Carroll for addressing the safety concerns at Loxley Lane and Evergreen Way. She asked if VDOT could check Greensprings Road and a significant pothole there, adding she would email Mr. Carroll the location of the pothole.

Mr. Carroll noted he would have someone check on the pothole.

Ms. Larson thanked Mr. Carroll.

Mr. Icenhour referenced the great paving job done at the entrance onto Route 199 West at Longhill Road. He asked if an extension from the existing repavement line was possible.

Mr. Carroll noted that area was porous pavement and that he would check on it.

Mr. Icenhour thanked Mr. Carroll.

Mr. McGlennon asked Mr. Carroll to speak about the traffic count that VDOT was performing at Skiffes Creek and Pocahontas Trail.

Mr. Carroll referenced Mr. McGlennon's previous question about Skiffes Creek traffic and the use of the connector for addressing traffic congestion in the two-lane section in the Grove area. Mr. Carroll noted he had spoken with Mr. Paul Holt, Director of Community Development, and a traffic count study was being implemented by the County. He further noted Mr. Holt would share that information post-study for that impact.

Mr. McGlennon thanked Mr. Carroll. He then asked about road improvement suggestions on

Lake Powell Road past the curve.

Mr. Carroll asked if Mr. McGlennon was referencing the pedestrian accident.

Mr. McGlennon confirmed yes.

Mr. Carroll noted he had Traffic Engineering reviewing the area, adding there were limitations. He further noted he had also reviewed the Police report from that accident, adding a study was taking place to address safety concerns.

Mr. McGlennon noted the use of signage addressing reduced speed was a possibility. He addressed that point in more detail.

Mr. Carroll stated that he would share recommendations after Traffic Engineering completed the review and it was published.

Mr. McGlennon noted Mr. Howard Smith had notified both himself and Mr. Carroll about drainage problems across the street from the accident location. Mr. McGlennon thanked Mr. Carroll for VDOT's quick response to addressing those problems. He also thanked Mr. Carroll for the repaving in the Rolling Woods neighborhood slated for summer 2025.

Ms. Larson thanked Mr. Carroll.

#### **D. CONSENT CALENDAR**

Ms. Larson asked if any Board member wished to pull any item(s).

Mr. Hipple noted he wanted to pull Item Nos. 15 and 18, adding that due to his work with the citizens he would abstain from voting on those items.

Mr. McGlennon noted he wanted to pull Item Nos. 14-19 that related to the Chesapeake Bay Preservation Ordinance violations.

Ms. Larson noted she was not pulling an item, but she requested Fire Chief Ryan Ashe discuss the Fire Marshal appointment after the Board addressed the Consent Calendar.

Mr. McGlennon made a motion to Approve the remainder of the Consent Calendar.

Ms. Larson asked Mr. Hipple if he wanted a staff presentation on the items he requested be pulled.

Mr. Hipple replied no, but stated he would abstain from voting on Item Nos. 15 and 18.

Ms. Larson asked Mr. McGlennon if he wanted a staff presentation on the items he requested be pulled.

Mr. McGlennon replied yes as he had several questions.

Ms. Larson welcomed Mr. Mike Woolson, Section Chief - Resource Protection, Stormwater and Resource Protection Division.

Mr. McGlennon noted he had never seen so many Chesapeake Bay Ordinance violations at one time on a Consent Calendar. He asked if there was an issue occurring more frequently or a timing matter regarding consolidation of the violations.

Mr. Woolson responded that the situation was multifaceted, but the short answer was

coincidentally all of the violations were on this Consent Calendar. He noted the Stormwater and Resource Protection Division had been pursuing the violations over an extended time period and working through them. Mr. Woolson further noted some violations came before the Board such as those on the meeting's Consent Calendar while other violations were resolved via alternative ways.

Mr. McGlennon asked if additional information needed to be available to residents regarding violation citations.

Mr. Woolson stated education was always important. He added educational materials were available on the County's website. Mr. Woolson noted some of the violations were due to property sales where the original owner(s) were aware of property constraints. He added the new owners were not necessarily aware of those constraints which created the variety of resolutions before the Board.

Mr. McGlennon thanked Mr. Woolson, adding he would move to Approve the remaining items.

Mr. Icenhour noted he had a comment. He recognized that violations had been previously reviewed by the Board but stated that some of these violations were fairly significant. Mr. Icenhour noted a more serious degree of violation particularly in conjunction with fines.

Mr. Woolson concurred with Mr. Icenhour.

Ms. Larson referenced the violation at 5380 Centerville Road, adding that was the location of D.J. Montague Elementary School. She noted the Williamsburg-James City County (WJCC) School Board was listed as the owner, but the violation letter was addressed to another party. Ms. Larson asked if that party had encroached onto the school property.

Mr. Woolson confirmed yes. He added that the WJCC School Board was intentionally not cited for the violation as it was not the cause of the violation.

Ms. Larson thanked Mr. Woolson.

Mr. McGlennon moved to Approve Item Nos. 14-19.

Mr. Hipple noted he would abstain on voting for Item Nos. 15 and 18.

Mr. McGlennon then moved to Approve Item Nos. 15 and 18.

Mr. McGlennon moved to Approve Item Nos. 14, 16, 17, and 19.

Ms. Larson referenced Item Nos. 20 and 21.

Mr. Icenhour stated those two items had already been addressed with votes.

Ms. Larson agreed but asked Mr. Stevens to include them in the vote anyway.

Ms. Larson noted the grant awards and the importance of this meeting's Consent Calendar items. She thanked everyone for their involvement on those items.

1. Appointment of Local Fire Marshal

A motion to Approve was made by John McGlennon, the motion result was Passed.

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

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

Chief Ashe addressed the Board and thanked the members for approval of Mr. Joe Davis' appointment as a local Fire Marshal. Chief Ashe cited some of Mr. Davis' history regarding the appointment and his service to the County. He added Mr. Davis started with James City County in 1984, took on various roles, retired in 2013, but quickly returned to a variety of roles.

Ms. Larson thanked Chief Ashe and asked if any Board member had questions.

Mr. Davis thanked the Board.

2. Authorization for the Reclassification of the Existing Part-Time Security Monitor Position to a Full-Time Security Monitor Position

A motion to Approve was made by John McGlennon, the motion result was Passed.

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

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

3. Contract Award - \$141,528 - Breathing Air Compressor Replacements

A motion to Approve was made by John McGlennon, the motion result was Passed.

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

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

4. Contract Award - \$449,308 - Replacement Ambulance

A motion to Approve was made by John McGlennon, the motion result was Passed.

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

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

5. Contract Award - \$187,260 - Settler's Market Road Improvements Construction Management

A motion to Approve was made by John McGlennon, the motion result was Passed.

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

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

6. Contract Award - \$126,704 - Upper County Park Pool Resurfacing

A motion to Approve was made by John McGlennon, the motion result was Passed.

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

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

7. Establishment of a Full-Time Regular Groundskeeper I/II Position

A motion to Approve was made by John McGlennon, the motion result was Passed.

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

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

8. Grant Award - \$27,026 - Bulletproof Vest Partnership

A motion to Approve was made by John McGlennon, the motion result was Passed.

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

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

9. Grant Award - \$285,000 - Fiscal Year 2024 Homeland Security Grant Program - Urban Area Security Initiative

A motion to Approve was made by John McGlennon, the motion result was Passed.

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

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

10. Grant Award - \$16,000 Glass Recycling Foundation

A motion to Approve was made by John McGlennon, the motion result was Passed.

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

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

11. Grant Award - \$28,005 - Litter Prevention and Recycling Program

A motion to Approve was made by John McGlennon, the motion result was Passed.

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

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

12. Grant Award - \$20,000 Competitive Litter Prevention and Recycling Grant

A motion to Approve was made by John McGlennon, the motion result was Passed.

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

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

13. Minutes Adoption

A motion to Approve was made by John McGlennon, the motion result was Passed.

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

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

The Minutes Approved for Adoption included the following meetings:

- o October 8, 2024, Regular Meeting
- o October 22, 2024, Business Meeting
- o November 13, 2024, Regular Meeting

14. Resolution of Chesapeake Bay Preservation Ordinance Violation at 106 Discovery Lane

A motion to Approve was made by John McGlennon, the motion result was Passed.

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

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

15. Resolution of Chesapeake Bay Preservation Ordinance Violation at 7250 Canal Street

A motion to Approve was made by John McGlennon, the motion result was Passed.

AYES: 4 NAYS: 0 ABSTAIN: 1 ABSENT: 0

Ayes: Icenhour Jr, Larson, McGlennon, Null

Abstain: Hipple

16. Resolution of Chesapeake Bay Preservation Ordinance Violation at 5380 Centerville Road

A motion to Approve was made by John McGlennon, the motion result was Passed.

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

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

17. Resolution of Chesapeake Bay Preservation Ordinance Violation at 3701 Mulberry Place

A motion to Approve was made by John McGlennon, the motion result was Passed.

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

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

18. Resolution of Erosion and Stormwater Management Program Ordinance Violation at 7250 Canal Street

A motion to Approve was made by John McGlennon, the motion result was Passed.

AYES: 4 NAYS: 0 ABSTAIN: 1 ABSENT: 0

Ayes: Icenhour Jr, Larson, McGlennon, Null

Abstain: Hipple

19. Resolution of Chesapeake Bay Preservation Ordinance Violation at 205 St Cuthbert

A motion to Approve was made by John McGlennon, the motion result was Passed.

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

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

20. Revised Administrative Plan for the Section 8 Housing Choice Voucher Program

A motion to Approve was made by John McGlennon, the motion result was Passed.

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

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

21. Transfer of Publishing Rights - *James City County: Keystone of the Commonwealth*

A motion to Approve was made by John McGlennon, the motion result was Passed.

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

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

**E. BOARD DISCUSSIONS**

1. Government Center Update

Mr. Brad Rinehimer, Assistant County Administrator, addressed the Board with the monthly update on the Government Center. He noted the first interim agreement with Henderson, Inc. and Gilbane Building Company (HGJV) was completed with its deliverables. Mr. Rinehimer highlighted those deliverables in a PowerPoint presentation and spoke to each point in more detail. He noted those deliverables included: Preliminary Geotechnical Report; Threatened and Endangered Species Study; Program Space Needs Study; LEED (Leadership in Energy and Environment Design); Traffic Impact Analysis; Water Flow Test Model; Preliminary Schedule; and RKG Associates, Inc. Cost Comparison Study. Mr. Rinehimer stated the next steps included the Board voting on a second interim agreement at its December 10, 2024, Regular Meeting slated for 5 p.m. and further discussion on building addition. He added that after discussion with Mr. Stevens earlier the building addition could possibly be a Board Retreat discussion item. Mr. Rinehimer continued the presentation with design and layout images. He asked the Board if there were any questions.

Ms. Larson noted during the Retreat discussion that the current Government Complex's future also be discussed. She further noted that personally she wanted the County to retain the current facility for public use.

Mr. Rinehimer stated that point would be addressed.

Ms. Larson thanked Mr. Rinehimer for the update.

**F. BOARD CONSIDERATION(S)**



1. Contract Award - \$903,635 - Tewning Road Best Management Practice Retrofit

A motion to Approve was made by Michael Hipple, the motion result was Passed.

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

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

Mr. Barry Moses, Capital Projects Coordinator, addressed the Board regarding the contract award to Henderson, Inc. for the Best Management Practice (BMP) project. He noted this project would address increased stormwater capacity, improved treatment level, and stormwater diversion. Mr. Moses cited funding was available from the Capital Improvements Program (CIP) budget, James City Service Authority, and the Virginia Department of Environmental Quality (DEQ). He noted staff recommended approval of the resolution.

As there were no questions for staff, Ms. Larson sought a motion.

2. Contract Award - \$854,710 James City County Recreation Center Pool HVAC Replacement

A motion to Approve was made by John McGlennon, the motion result was Passed.

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

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

Mr. Mark Abbott, Capital Projects Coordinator, addressed the Board regarding the contract award to Warwick Mechanical Group for the stated project. He noted the project included the replacement of two split systems and controls which provided conditioned air to the pool enclosure.

Ms. Larson asked about the time expectation for the replacement's longevity.

Mr. Abbott replied there was a 15-year life expectancy on natatorium equipment. He added the current equipment was 16 years old. Mr. Abbott stated this replacement would occur concurrently with a full renovation.

Mr. Icenhour questioned the timeline once the project started. He asked if the pool would be unavailable during the replacement project.

Mr. Abbott replied that the pool would be unavailable during the renovation. He noted the demolition to completion timeline was approximately two weeks. Mr. Abbott stated the pool would already be closed at that time.

Ms. Null asked when this project was scheduled, particularly if it was an off time for use.

Mr. Abbott replied that the preliminary schedule for the pool renovation was over the summer so outdoor pools could be utilized. He stated the equipment lead time was approximately 24 weeks so presenting this award in December allowed for a June-July timeline.

Ms. Larson noted JCC Recreation Center patrons were mindful of the down time.

Mr. Abbott concurred adding that staff was mindful of that point.

3. Contract Award - \$859,000 - Police Firing Range Site Work

A motion to Approve was made by James Icenhour, the motion result was Passed.

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

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

Mr. Abbott addressed the Board regarding the contract award to William Wills Contractor, Inc.

for the site development of the expansion of the existing Police firing range. He provided specifics on the expansion project which included increased shooting area, enhanced parking, and greater accessibility to all who used the facility.

Ms. Null asked if the expansion continued behind the existing firing range.

Mr. Abbott confirmed yes.

Ms. Null asked about the berm.

Mr. Abbott responded there were currently no plans to upgrade the existing berm.

4. Title VI Program and Implementation Plan for State and Federally Funded Transportation Projects

A motion to Approve was made by Barbara Null, the motion result was Passed.

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

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

Mr. Tom Leininger, Principal Planner, addressed the Board citing specifics of Title VI of the Civil Rights Act of 1964. He noted that James City County, as a subrecipient of federal and state funding for transportation improvement projects, as well as consideration as a local public agency, was required to have a Title VI Program and Implementation Plan. Mr. Leininger further noted this documentation was necessary to ensure future federal transportation project funding. He stated that staff recommended approval.

5. Policy to Address Solar Energy Generating Facilities

A motion to Approve was made by Barbara Null, the motion result was Passed.

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

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

Mr. Thomas Wysong, Principal Planner, addressed the Board noting that at its October 22, 2024, Business Meeting, discussion on the draft solar policy ensued regarding limitations on land development acreage. He noted the Board provided direction to staff to include language discouraging the use of forested land for solar farms. Mr. Wysong stated that language had been incorporated into the draft solar policy. He noted staff recommended the Board approve the resolution.

6. Contract Award - \$987,615 - 67 In-Car Camera Systems

A motion to Approve was made by Barbara Null, the motion result was Passed.

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

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

Police Chief Mark Jamison addressed the Board noting a CIP funding request for 88 in-car camera systems. He detailed the specifics of the five-year plan as in-car cameras were considered a high priority by Police staff for several reasons. Chief Jamison noted the Police FY 2025 budget currently had funding for 67 in-car camera systems. He cited additional details of the contract award. Chief Jamison noted staff recommended the Board approve the resolution. He provided additional information stating 45 of the Police vehicles had either nonworking in-car camera systems or no camera systems. Chief Jamison explained two in-car cameras had previously been approved with the addition of two staff approvals last year. He noted 20 renewals were pending for December thus the total of 67 systems. Chief Jamison stated the remaining 21 of the slated 88 in-car camera systems would be addressed in future years for funding.

Ms. Larson asked if the cameras were automatic when the officers were in the cars or brought someone into the car with them.

Chief Jamison explained the camera system setup had a 30-second continuous recording. He noted when the lights were turned on then the camera came on with the recording starting 30 seconds back. Chief Jamison stated the audio started at 30 seconds which recorded the backseat for prisoner transport and in front of the car. He noted the in-car system synced with the officer's body camera and taser, adding it was an integrated system. Chief Jamison stated various actions such as speed activated the in-car camera system.

#### **G. BOARD REQUESTS AND DIRECTIVES**

Both Ms. Null and Mr. Hipple noted they would pass and comment at the upcoming meeting.

Mr. McGlennon referenced the December 6, 2024, Joint Meeting with the Board of Supervisors, the Williamsburg City Council, and the WJCC School Board and its productivity. He referenced the report regarding last year's performance of the School Division and addressing the chronic absenteeism concerns. Mr. McGlennon thanked the School Division for coordinating the program and fielding questions from the respective groups.

Mr. Icenhour noted he would pass and comment at the upcoming meeting.

Ms. Larson had no comments.

#### **H. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Stevens noted he had spoken with Fire Chief Ashe about a report on the fire at the Williamsburg Premium Outlets.

Ms. Larson noted she would read the motion for the Closed Session but would withhold voting until after Chief Ashe's report.

Mr. Stevens thanked Chief Ashe for the quick response on the fire update for this meeting's presentation.

Chief Ashe noted the JCC Fire Department responded to the Williamsburg Premium Outlets on Saturday, November 23, 2024, just prior to 9 a.m. with an initial report of a structure fire. He noted reports received responses that the site resembled a possible earthquake with smoking coming from a sinkhole in the ground. Chief Ashe displayed the initial viewpoint of the site in a PowerPoint presentation. He noted the situation looked similar to a culvert in a parking lot that had collapsed. Chief Ashe further noted periodic smoke was seen at the site, adding smoke would appear near drain vents and/or trees and then stop. He stated discussion ensued on what was in that area. Chief Ashe noted Mr. Hipple identified it was an underground stormwater detention facility located in the parking lot which meant there was an underground fire. Chief Ashe stated the Fire Department contacted Ms. Grace Boone, Director of General Services, who contacted her Stormwater Division staff to provide plans to get information on the facility. He noted the parking lot was pervious concrete which meant some water could be used there to permeate down into the facility. Chief Ashe further noted during that Saturday crews could hear noises and see different sections of the parking lot collapse which emitted more smoke. He referenced a Crepe Myrtle tree that dropped into a sinkhole in the parking lot that alerted firefighters to move their truck from the area. Chief Ashe stated Saturday was spent gathering information on the facility, applying the extinguishing agent (water in this case), and equipment needs. He noted cooperation with the Outlet partners to identify potential contractors to help with the work. Chief Ashe referenced a picture later in the day, adding over 300,000 gallons of water were flowed over the area that Saturday. He noted water was also flowed through the stormwater pipe in that area in an attempt to extinguish the fire. Chief Ashe stated crews

continued to monitor the site every few hours during the night with smoke and additional collapsing occurring around 9 p.m. and midnight. He referenced the PowerPoint for depiction of the site on Sunday morning. Chief Ashe noted that with the collapse more air was available to fuel the fire. He further noted the basin consisted of approximately 18 inches of gravel, seven feet of plastic crates that comprised the detention facility, three feet of gravel, and six to eight feet of pervious concrete on top. Chief Ashe explained that remote nozzles were used throughout Sunday on the fire. He noted some of those remote nozzles were borrowed from the City of Newport News with the majority of Sunday using the nozzles for continual water flow. Chief Ashe explained the process of determining the balance for extinguishing the fire. He addressed that point in more detail and the decision to let the fire burn out. Chief Ashe noted the Virginia Department of Emergency Management (DEM) Regional HAZMAT Officer arrived to conduct an initial air monitoring. He further noted York County Fire Department sent its HAZMAT Team to assist with air monitoring. Chief Ashe stated the DEQ assisted in analyzing runoff and downstream effects of firefighting and weather concerns such as rain. He noted the early engagement with these partners during the process. Chief Ashe referenced the burning plastic, adding the carbon monoxide levels, hydrogen chloride, and other factors were all below permissible levels. He stated there was some odor, but no neighborhood evacuations were ordered based on the air monitoring done throughout Saturday and Sunday. Chief Ashe noted that DEM contacted the Environmental Protection Agency (EPA) on Sunday evening. He further noted the EPA sent a team from New Jersey with the coordinator's arrival on Monday morning followed by a team on Monday afternoon to conduct separate air monitoring samples for confirmation of earlier testing. Chief Ashe stated all of the EPA team's results were consistent with the previous results from Saturday and Sunday. He noted an additional 500,000 gallons of water was flowed Sunday with barely any change which ultimately led to the decision to allow the fire to burn out on its own. Chief Ashe displayed the extended collapse from Saturday to Sunday via the Police Department's drone footage. He noted the need for heavy equipment and meetings to coordinate its use in safe zones. Chief Ashe further noted the contractor, Henry Branscome, LLC, was familiar with the area as the contractor that had performed repair work to the area previously. He stated Henry Branscome, LLC, met with responders and the planning team on Monday to address the situation. Chief Ashe noted the great coordination from everyone, but the situation was deemed structurally unsafe with an undetermined thermal load. He added the excavator weighed 84,000 pounds and with so many unknown variables, the safety team deemed the risk was too high. Chief Ashe noted that more than 75% collapse had occurred by late Monday with approximately 90% collapse later at which time the contractor deemed work could begin Tuesday. He further noted the willingness of the excavator operator to move forward on the work because they knew the firefighters were there to assist. Chief Ashe stated development of a rescue plan with dedicated crews for the excavator operator if needed. He added the Newport News Fire Department sent its five-member HAZMAT Team to remotely monitor air quality inside the excavator cabin for the operator's safety. Chief Ashe noted the challenge of keeping the excavator view clean and clear of smoke as well as the area around the equipment clear of smoke to avoid the equipment shutting off while providing safety to the operator. He explained the City of Newport News and surrounding localities provided their LUF 60 which was a large fan on tracks capable of producing winds up to 120 miles per hour. Chief Ashe noted the LUF 60 was typically used for tunnel response. He noted the use of the LUF 60 allowed fresh air to be pushed across the front of the excavator, adding the LUF 60 was used Tuesday night and all Wednesday. Chief Ashe further noted one operator worked the excavator for almost 18 hours. He stated in almost 26 hours, the excavator was able to go through the entire pile, turn over everything, which allowed the Fire Department's ladder streams to reach the burning areas and ultimately extinguish them late Wednesday evening prior to Thanksgiving Day. Chief Ashe displayed the damaged area at ground level and aerial view which was approximately 1.7 to 1.8 acres in size for the stormwater facility with approximately 4 acres for the parking lot area. He noted this situation was not one the Fire Department had previously experienced but the partnerships the Department had cultivated over the years was advantageous with all the team support. Chief Ashe addressed citizen concerns regarding burning plastic and the decision to allow a fire to burn. He noted crews were on-site for approximately 122 hours with an estimated two million

gallons of waterflow. Chief Ashe commented on the well-coordinated operation between the various partners.

Mr. McGlennon referenced the detention pond that was constructed primarily of plastic crates. He asked if a different material could be used during the reconstruction of the parking lot.

Chief Ashe responded he was unsure about that point. He noted the Stormwater and Resource Protection Division was actively engaged in discussion on the next step. Chief Ashe further noted the use of portable pumps to address potential runoff from rain events until a decision on the final solution. He added the property owners were probably discussing options as other properties in the area used a variety of materials.

Mr. Hipple noted when this detention facility was built it was the largest one built in the United States. He added it was an undertaking.

Ms. Larson stated she had heard of this same issue with plastic crates for BMPs happening in other places.

Chief Ashe responded staff had been unable to find any cases like the one at the Outlets. He referenced some instances of stormwater pipes under interstates after spills causing ignition had been noted. Chief Ashe spoke to the research in more detail. He noted an inspector with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) living in the County who occasionally assisted the Fire Department was reaching out to his contacts. Chief Ashe noted the DEQ and EPA were reaching out to their respective contacts. He stated the majority of the area had to be destroyed to put out the fire which hindered investigation. Chief Ashe added the source of the ignition was unknown.

Mr. Hipple noted this fire could be a learning tool as he referenced a past rescue at the Diascund Creek Dam in which the Fire Department played an important role. Mr. Hipple stated the fire situation could be a nationwide learning tool as well as an award for the County on the handling of the situation. He added that he wanted staff to research that point as credit should be given to those involved.

Chief Ashe noted that post-investigation and report then the information would be assembled as an after-action bundle to share. He further noted contact from surrounding localities on those findings and sharing that information.

Mr. Hipple noted the findings could also prove beneficial to the engineers who design these stormwater detention facilities. He referenced maintenance and clearing debris from these facilities.

Ms. Larson noted she was going to ask if Chief Ashe and staff reviewed events such as this fire to determine effective methods and other points. She further noted from Chief Ashe's responses that was the case. Ms. Larson stated that the Williamsburg Premium Outlets had expressed sincere thanks to Chief Ashe and the Fire Department, as well as other groups who had assisted, for all their efforts. She commented on the timing of stores reopening, safety for shoppers and neighboring areas, and other aspects. Ms. Larson thanked Chief Ashe for the explanation.

Other Board members echoed Ms. Larson's appreciation to Chief Ashe.

## **I. CLOSED SESSION**

A motion to Enter a Closed Session was made by John McGlennon, the motion result was Passed.

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

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

At approximately 3:16 p.m., the Board of Supervisors entered a Closed Session.

At approximately 3:45 p.m., the Board re-entered Open Session.

A motion to Certify the Board only spoke about those matters indicated that it would speak about in Closed Session was made by John McGlennon, the motion result was Passed.

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

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

Ms. Larson sought a motion authorizing the County Administrator to enter into an agreement to settle pending litigation.

A motion for the resolution was made by Michael Hipple, the motion result was Passed.

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

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

1. Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions, pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia

A motion for Appointment to Boards and/or Commissions was made by James Icenhour, the motion result was Passed.

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

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

- a. Appointment to the Board of Adjustments and Appeals

Mr. Icenhour noted the appointment of Mr. John Otey to fill the vacant position on the Board of Adjustments and Appeals with an expiration term of December 10, 2029.

- b. Appointment to the Wetlands Board and the Chesapeake Bay Board

Mr. Icenhour noted the appointments to the Wetlands Board and the Chesapeake Bay Board with adjustment of the alternate term expiration date for Mr. Mark McElroy to March 31, 2025, and the appointment of Mr. Matthew Woolsey as an alternate to fill the balance of a vacated term expiring on February 28, 2027.

2. Discussion of the award of a public contract involving the expenditure of public funds, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(29) of the Code of Virginia and pertaining to the contract for the joint operation of schools between the County and the City of Williamsburg.
3. Consultation with legal counsel and briefings by staff members pertaining to actual litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; specifically, the case entitled County of James City, Virginia v. Fidelity and Deposit Company of Maryland, et al, pursuant to Section 2.2-3711 (A)(7) of the Code of Virginia

## **J. ADJOURNMENT**

1. Adjourn until 5 pm on December 10, 2024 for the Regular Meeting

A motion to Adjourn was made by Barbara Null, the motion result was Passed.

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

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

At approximately 3:47 p.m., Ms. Larson adjourned the Board of Supervisors.

*Teresa J. Saeed*

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Deputy Clerk