

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28TH DAY OF JULY 2009, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

*As adopted  
on August 11, 2009*

**A. CALL TO ORDER**

**B. ROLL CALL**

James G. Kennedy, Chairman, Stonehouse District  
Mary Jones, Vice Chair, Berkeley District  
Bruce C. Goodson, Roberts District  
James O. Icenhour, Jr., Powhatan District  
John J. McGlennon, Jamestown District

Sanford B. Wanner, County Administrator  
Leo P. Rogers, County Attorney

**C. PLEDGE OF ALLEGIANCE** – Tariq Harris, a rising fifth-grade student at D.J. Montague Elementary School, led the Board and citizens in the Pledge of Allegiance.

**D. HIGHWAY MATTERS**

Mr. Bradley Weidenhammer, Assistant Residency Administrator for Virginia Department of Transportation (VDOT) Williamsburg Residency, updated the Board on Phase II of the VDOT Blueprint program, which included over 600 layoffs to employees statewide, affecting core project development and equipment shops. He stated that Phase III would occur around December, which would include the closure of VDOT Residencies. He stated that more details would be available at a later date.

Mr. McGlennon asked about the local impact of Phase II of the program.

Mr. Weidenhammer stated that the local impact was the closure of the equipment shop in Williamsburg and consolidation with the Pine Chapel Maintenance Shop in Hampton. He stated that it was not yet clear what the local employment impacts would be.

**E. PUBLIC COMMENT** – None

**F. CONSENT CALENDAR**

Mr. McGlennon made a motion to adopt the items on the Consent Calendar.

On a roll call vote, the vote was AYE: Goodson, Jones, McGlennon, Icenhour, Kennedy (5). NAY: (0).

1. Minutes – July 14, 2009, Regular Meeting
2. Virginia Recreational Trails Fund Grant Application – Powhatan Creek Greenway Trail, Phase II

**RESOLUTION**

**APPLICATION FOR POWHATAN CREEK GREENWAY TRAIL PHASE II**

WHEREAS, the Department of Conservation and Recreation, in cooperation with the Federal Highway Administration, has made matching funds available for the development of trails; and

WHEREAS, funds are needed for the construction of a multiuse trail as part of the Powhatan Creek Greenway to connect neighborhoods, historic sites, a school, and the Virginia Capital Trail.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, supports the grant application of up to \$100,000 to assist with the trail construction on the Powhatan Creek Greenway.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, will authorize required matching funds from the Greenways Referendum account in the event that a grant is awarded from the Virginia Recreation Trails Fund Program.

3. Contract Award – Watershed Management Planning Services

**RESOLUTION**

**CONTRACT AWARD – WATERSHED MANAGEMENT PLANNING SERVICES**

WHEREAS, a Request for Proposals (RFP) to provide watershed management planning services was publicly advertised and staff reviewed proposals from seven firms interested in performing the work; and

WHEREAS, upon evaluating the proposals, staff determined that Vanasse Hangen Brustlin, Inc. was the most fully qualified and submitted the proposal that best suited the County's needs as presented in the RFP.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, awards the contract to provide watershed management planning services to Vanasse Hangen Brustlin, Inc.

4. Centerville Road/Longhill Road Intersection Improvements (Freedom Park) – VDOT 0614-047-S81, P101, N502 (UPC No. 90435)

**RESOLUTION**

**CENTERVILLE ROAD/LONGHILL ROAD INTERSECTION IMPROVEMENTS**

**(FREEDOM PARK) VDOT 0614-047-S81, P101, N501 (UPC NO. 90435)**

WHEREAS, in accordance with Virginia Department of Transportation (VDOT) FY 2010–2015 Six Year Secondary System Construction Program, appropriation of funds is necessary to cover the construction of the intersection improvements at Centerville Road and Longhill Road in the amount of \$924,420 as outlined in the VDOT Standard Project Administration Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the previously adopted capital budget for the fiscal year ending June 30, 2010, and appropriates the following sum in the amount and for the purpose indicated to the FY 2010 Special Projects/Grants fund:

Freedom Park – Fund Code 013-022-0855

Revenue:

VDOT Six Year Secondary System Construction Program                      \$924,420

Expenditure:

Longhill and Centerville Roads Intersection Improvements                      \$924,420  
0614-047-S81, P101, N501 (UPC No. 90435)

5. Virginia Department of Transportation (VDOT) Enhancement Grant Funds Transfer – Norge Depot Relocation and Restoration Project – EN01-047-120-P101, R201, C501 (UPC No. 59767)

**RESOLUTION**

**VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) ENHANCEMENT GRANT FUNDS**

**TRANSFER NORGE DEPOT RELOCATION AND RESTORATION**

**PROJECT EN01-047-120, P101, R201, C501 (UPC NO. 59767)**

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, the Virginia Department of Transportation (VDOT) has allocated \$260,000 in Federal Surface Transportation Program (STP) Transportation Enhancement Grant funds transfer to the relocation and restoration of the Norge Train Depot from the cancelled Virginia Capital Trail Grade-Separated Crossing (UPC No. 87007) project in James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the previously adopted capital budget for the fiscal year ending June 30, 2010, and appropriates the following sum in the amount and for the purpose indicated.

Norge Depot – Fund Code 013-075-0400

Revenue:

VDOT STP Transportation Enhancement Grant Transfer Funds	\$ <u>260,000</u>
VDOT Project UPC No.87007	

Expenditure:

Norge Depot Relocation and Restoration	\$ <u>260,000</u>
EN01-047-120, P101, R201, C501 (UPC No. 59767)	

**G. PUBLIC HEARING**

1. Ordinance to Amend Chapter 13, Motor Vehicles and Traffic, Section 13-29, Recovery of Expenses for Emergency Response

Mr. Nicholas Bolash, Law Clerk, stated that the ordinance amendment expands the circumstances under which emergency response expenses could be recovered, largely when citations were issued. He noted that the amendment also added to the list of sections of citations that would incur the code section. He stated that the intent was to recover expenses for an event that would require significant emergency resources. He recommended adoption of the amendment.

Mr. McGlennon clarified that the amendment did not change the amounts that could be charged, but would widen the range of circumstances that would apply to the Code.

Mr. Bolash stated that was correct. He stated that originally the Code stated that the County could recover expenses for emergency response in the event of certain vehicular accidents. He stated that the Code amendment would allow the County to recover expenses for arrests, summonses, or paperwork that would be done in relation to the process.

Mr. McGlennon asked if this amendment brought the County Code into compliance with the Code of Virginia due to recent General Assembly action.

Mr. Bolash stated that was correct.

Mr. Kennedy opened the Public Hearing.

As no one wished to speak to this matter, Mr. Kennedy closed the Public Hearing.

Mr. Goodson made a motion to adopt the ordinance amendment.

On a roll call vote, the vote was AYE: Goodson, Jones, McGlennon, Icenhour, Kennedy (5). NAY: (0).

**H. PUBLIC COMMENT – None**

**I. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner stated that during the Board's Requests and Directives, the Board should make the appointment to the Social Services Advisory Board discussed during the Closed Session. He stated that when the Board completed its business, it should adjourn to 7 p.m. on August 11, 2009. He stated that following adjournment, there would be a meeting of the James City Service Authority (JCSA) Board of Directors.

**J. BOARD REQUESTS AND DIRECTIVES**

Mr. Icenhour made a motion to appoint Ms. Teresa Christin to a four-year term on the Social Services Advisory Board, term to expire on July 1, 2013.

On a roll call vote, the vote was AYE: Goodson, Jones, McGlennon, Icenhour, Kennedy (5). NAY: (0).

Mr. McGlennon commented on the new sculpture installed at the Williamsburg Regional Library on Croaker Road.

Mr. Wanner noted that the sculpture was funded by donations.

Mr. McGlennon stated that he also visited the James City-Bruton Volunteer Fire Department Farmer's Market and that it was a success.

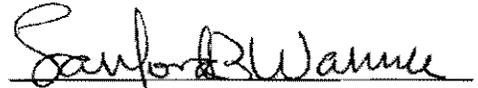
Mr. Icenhour stated that he had attended the dedication ceremony Habitat for Humanity House for the Griffin family on July 21, 2009.

**K. ADJOURNMENT to 7 p.m. on August 11, 2009**

Mr. McGlennon made a motion to adjourn.

On a roll call vote, the vote was AYE: Goodson, Jones, McGlennon, Icenhour, Kennedy (5). NAY: (0).

At 7:13 p.m. Mr. Kennedy adjourned the Board to 7 p.m. on August 11, 2009.

A handwritten signature in cursive script that reads "Sanford B. Wanner". The signature is written in black ink and is positioned above a horizontal line.

Sanford B. Wanner  
Clerk to the Board

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JUL 28 2009

ORDINANCE NO. 66A-65BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, BY AMENDING ARTICLE II, DRIVING AUTOMOBILES, ETC., WHILE INTOXICATED OR UNDER THE INFLUENCE OF ANY DRUG, SECTION 13-29, RECOVERY OF EXPENSES FOR EMERGENCY RESPONSE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 13, Motor Vehicles and Traffic, is hereby amended and reordained by amending Section 13-29, Recovery of expenses for emergency response.

Chapter 13. Motor Vehicles and Traffic

Article II. Driving Automobiles, Etc., While Intoxicated or Under the Influence of Any Drug

**Sec. 13-29. Recovery of expenses for emergency response.**

(a) Any person who is convicted of violating any of the following provisions shall, ~~be liable for restitution~~ at the time of sentencing or in a separate civil action, *be liable* to the county or to any responding volunteer fire or rescue squad, or both, for *restitution of* reasonable expenses incurred by the county for responding law enforcement, firefighting, rescue and emergency services, including *those incurred* by the sheriff's office of the county or by any volunteer fire or rescue squad, or by any combination of the foregoing, when providing an appropriate emergency response to any accident or incident related to such violation. *A person convicted of violating any of the following provisions shall, at the time of sentencing or in a separate civil action, be liable to the county or to any responding volunteer fire or rescue squad, or both, for restitution of reasonable expenses incurred by the county when issuing any related arrest warrant or summons, including the expenses incurred by the sheriff's department, or by any volunteer fire or rescue squad, or by any combination of the foregoing.*

(1) The provisions of Virginia Code Sections ~~18.2-36.1~~, 18.2-51.4, 18.2-266, 18.2-266.1, 29.1-738, or 29.1-738.02 ~~or 46.2-341.24~~ when such operation of a motor vehicle, engine, train, or watercraft while so impaired is the proximate cause of the accident or incident;

(2) The provisions of Virginia Code Section 46.2-852 et seq. relating to reckless driving, when such reckless driving is the proximate cause of the accident or incident;

(3) The provisions of Virginia Code Section 46.2-300 et seq. relating to driving without a license or driving with a suspended or revoked license;

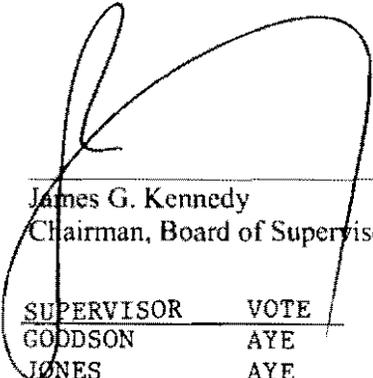
(4) The provisions of Virginia Code Section 46.2-894 relating to improperly leaving the scene of an accident.

(b) Personal liability under this section for reasonable expenses of an appropriate emergency response ~~pursuant to subsection (a)~~ shall not exceed \$1,000 in the aggregate for a particular accident, ~~arrest~~, or incident occurring in the county. In determining the "reasonable expenses" at the time of sentencing, the county's flat fee shall be \$250 unless the county otherwise provides a minute-by-minute accounting of the actual costs incurred. As used in this section, "appropriate emergency response" includes all costs of providing law-enforcement, fire-fighting, rescue, and emergency medical services. In addition to the foregoing, the court may order as restitution the reasonable expenses incurred by the county for responding law enforcement, fire-fighting, rescue and emergency medical services. The provisions of this section shall not preempt or limit any remedy available to the commonwealth, to the county, or to any volunteer rescue squad to recover the reasonable expenses of an emergency response to an accident or incident not involving impaired driving, operation of a vehicle, or other conduct as set forth herein.

State law reference – Code of Va. § 15.2-1716.

ATTEST:

  
Sanford B. Wanner  
Clerk to the Board

  
James G. Kennedy  
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
GODDSON	AYE
JONES	AYE
MCGLENNON	AYE
ICENHOUR	AYE
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of July, 2009.

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