

**VIRGINIA:**

At a regular meeting of the King George County Board of Supervisors, held on Tuesday, the 17<sup>th</sup> day of August 2010, at 6:00 p.m. in the Board Room of the Revercomb Building at 10459 Courthouse Drive, King George, Virginia:

**PRESENT:** Dale W. Sisson, Jr., Chairman  
Joseph W. Grzeika, Member  
John P. LoBuglio, Member  
James F. Mullen, Member  
A. Travis Quesenberry, County Administrator  
Matthew J. Britton, County Attorney

**ABSENT:** Cedell Brooks, Jr., Vice-Chairman

The Chairman, Mr. Sisson, called the meeting to order.

**08-10 – Consent Agenda**

On a motion by Mr. Grzeika, seconded by Mr. Mullen, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Grzeika Aye; Mr. LoBuglio Aye; and Mr. Mullen Aye, the King George County Board of Supervisors approved the Consent Agenda, as presented, which included the following:

Authorized the issuance of warrants against the FY09-10 General Fund in the total amount of \$3,473.28

Authorized the issuance of warrants against the FY10-11 General Fund in the total amount of \$117,300.28

Authorized the issuance of warrants against the FY10-11 Law Enforcement Fund in the total amount of \$1,000.00

Authorized the issuance of warrants against the FY10-11 Library Fund in the total amount of \$8,391.80

Authorized the issuance of warrants against the FY10-11 Recreation Activity Fund in the total amount of \$5,658.68

Verified warrants issued for services to avoid late fees or disruption of service

Approved Refunds of Personal Property and Real Estate Taxes

**08-11 – Presentations and Reports**

***A. Report from Waste Management***

Mr. Tom Cue, District Manager for Waste Management, Inc., introduced himself to the Board having transferred here from Greenville, South Carolina, to serve in the position formerly held by Mr. Rick Guidry. Mr. Cue noted that his primary goal as District Manager is to continue the good working relationship with King George County. Mr. Cue hopes to make recycling more accessible and to continue

with other community involvement activities including the Hazardous Materials Waste Day normally held in October, as well as the Shredding Day event which was recently held. He stated future events would also include participation in the United Way Day of Caring.

Mr. Cue noted high levels of sulfites had been discovered at the landfill, and with the careful observation by the Department of Environmental Quality, is working to fix the problem. As for the odor issues, Mr. Cue noted that Waste Management is installing an additional 22 wells to capture any odors emitted from the landfill, and engineers have noted that 95% of the emissions have been contained. Ten additional wells are being installed and should be completed within the next three weeks.

Mr. Lance Ayers, Senior Maintenance Director, announced that as of August 30, 2010, Waste Management will be using single stream recycling at the landfill convenience center, where all recyclables can go in one box without being separated. Single stream recycling will be available at the old landfill site in approximately 60 days. An announcement will be placed in the King George Journal to inform the citizens of this new program.

Mr. Cue also announced that the power plant was operational and presented the County Administrator the first check from that project.

Mr. Grzeika appreciated the pro-active approach that Waste Management has taken in addressing citizens' issues and working within the community. However, he noted that many problems with odor issues seem to arise on the weekends when management is not available. Mr. Grzeika was grateful that Mr. Cue had indicated that Waste Management would be investing in the use of compost to alleviate the odor as a short term fix until the additional wells are in place.

Mr. Sisson inquired about plans for a new convenience center. Mr. Cue noted that that within 60 days plans would be forwarded to the County Administrator for a new convenience center to replace the one on Route 205 and that this project had already been included in Waste Management's FY2010/2011 budget.

Mr. Grzeika inquired as to whether the labels on the plastic bottles would interfere with their recycling and was assured by Mr. Cue that the label as no impact on the recycling of those bottles.

Mr. Mullen extended his thanks to Waste Management for the gravel placed on the road at the transfer station as well as at the convenience center.

**Action Items:**

**08-12 – Authorize Change Order #1 to CHA, Inc. for the King George High School Sports Stadium Professional Services Agreement**

Mr. Quesenberry informed the Board that a Professional Services Agreement was executed in April 2010, with CHA, Inc. for professional, architectural, and engineering services associated with the design of a new Sports Stadium. That agreement, which was in the amount of \$263,600 did not include professional services associated with the design of an access road to connect the high school to the new middle school.

Mr. Quesenberry noted that the change order would increase the total cost of the agreement with CHA, Inc. by \$16,690. He further noted that there was currently \$25,000 available in the FY2010/2011 Capital Improvements Project line item for the design of the access road. These funds had been appropriated at the June 8, 2010 Board meeting, with the funding source being interest income from bond proceeds for the new high school.

On a motion by Mr. Grzeika, seconded by Mr. Mullen, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Grzeika Aye; Mr. LoBuglio Aye; and Mr. Mullen Aye, the King George County Board of Supervisors authorized the County Administrator to sign Change Order #1 to the CHA, Inc. contract, in the amount of \$16,690 for professional architectural and engineering services associated with the Sports Stadium Project, to provide an access road to connect the high school to the new middle school.

### **08-13 – Amendments to the FY2009/2010 Budget**

#### ***A. Amendment to Comprehensive Services Act (CSA) Budget to Authorize Additional Appropriation and Expenditure***

Ms. Harper presented an amendment to the CSA budget to appropriate funds in the amount of \$564,430 of which \$355,591 would be received from the Commonwealth of Virginia and \$208,839 would be funded by the General Fund balance to cover CSA expenditures that exceeded the original budget of \$1,391,384 for FY2009/2010. Ms. Harper provided a breakdown of costs associated with the CSA program.

On a motion by Mr. Grzeika, seconded by Mr. Mullen, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Grzeika Aye; Mr. LoBuglio Aye; and Mr. Mullen Aye, the King George County Board of Supervisors approved the amendment to the FY2009/2010 General Fund budget and appropriated revenue and expenditures as presented in the amount of \$564,430.

#### ***B. Amendment to Department of Social Services Budget for Transfer of Funds between Departments***

Ms. Harper explained that the Department of Social Services is mandated to have attorneys present in court for all local adoptions. The County experienced a total of ten adoptions during FY2009/2010 and additional attorney fees were not included in the original budget. Ms. Harper requested approval of a transfer of funds in the amount of \$11,045 from the Social Services Administration budget to Public Assistance budget to cover the local portion of the expenditures that exceeded the original budgeted amount.

On a motion by Mr. Grzeika, seconded by Mr. Mullen, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Grzeika Aye; Mr. LoBuglio Aye; and Mr. Mullen Aye, the King George County Board of Supervisors authorized the transfer of funds within the Department of Social Services in the amount of \$11,045 for additional expenditures related to mandated costs for adoptions in the FY2009/2010 General Fund budget, as presented.

Mr. Grzeika noted that these transfers and amendments to the budget highlight why the Board must be cognizant of the County's fund balance, as these are unpredictable circumstances.

### **08-11 – Presentations and Reports (Continued)**

#### ***B. Presentation Regarding Outdoor Woodburning Furnaces***

Mr. Derrick Wasser, a distributor of Outdoor Boilers, presented information to the Board on the furnaces and how they operate, noting that these furnaces provide a safe, convenient way for families to reduce heating costs while using a renewable source of energy. Mr. Wasser explained that the boiler is simply a

wood stove encased in water and works off a pump system to heat homes and provide hot water. These types of wood burners, he noted, sit a distance of 30 feet to 300 feet from the residence being served.

As a distributor, Mr. Wasser recommends the placement of the furnace at no less than 300 feet from a neighboring residence. If the boiler must be placed closer to a neighboring residence, he recommends the chimney be at least two feet higher than the peak of that residence.

Mr. Grzeika stated that Mr. Wasser's comments corresponded with what the Board had noted, that if these boilers/furnaces were placed and used properly they would not be problematic. He noted the problem which surfaced in the County was due to the boiler/furnace being set on a neighbor's property line and smoke was a serious issue. This problem, Mr. Grzeika stated, was the reason the Board would be forced to regulate these boilers/furnaces.

Mr. Sisson discussed the draft ordinance for outdoor furnaces addressing some of these issues, such as required distance from neighboring property, types of fuels to be used, in accordance with manufacturer's guidelines, etc. Mr. Wasser noted that the easiest issues to regulate would be the chimney/smokestack height and the distance from the residence.

#### **Action Items (Continued):**

#### **08-14 – Amendment to the King George County School's FY2009/2010 Budget**

Ms. Harper explained that on July 20, 2010, notice was received that actual sales tax receipts dedicated to public education for fiscal year 2010 would exceed the original amount estimated by the State. As a result, school divisions received the additional funding as part of June payments. The amount received by King George was \$59,469.

Ms. Harper added that schools were to monitor closely to ensure there was no effect on required local effort and noted that the School division can carry forward remaining State fund balances into FY2011.

On a motion by Mr. Grzeika, seconded by Mr. Mullen, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Grzeika Aye; Mr. LoBuglio Aye; and Mr. Mullen Aye, the King George County Board of Supervisors approved the amendment to the King George County Public Schools FY2009/2010 budget to recognize additional revenues from the Commonwealth of Virginia in the amount of \$59,469, and appropriated funds for expenditure, as presented.

#### **08-15 – Election of Method of Reduction in State Aid to Localities for FY2010/2011**

Ms. Harper noted that on July 26, 2010, the Commonwealth of Virginia Department of Planning and Budget (DPB) informed all Virginia Cities and Counties of a \$60 million reduction in State aid to local governments in both FY2010/2011. King George County's total reduction amount was \$145,422 and when compared to the actual adopted budget, the net effect to the County is a reduction in funding of \$118,479.

Ms. Harper reminded the Board that there were reductions done in August of 2008 and that King George County must report to the DPB the manner in which the County would like this reduction to occur, no later than August 30, 2010. She noted three options available to the County which included:

- (1) The County can choose which programs on which to apply reductions
- (2) The County can receive all funds and reimburse the State for the amount reduced.

- (3) The County can choose a combination of program reductions and reimbursement.

Ms. Harper noted that in 2008, the Board chose Option 1 and took the reductions as suggested by the State, but the budgets were not amended at that time.

On a motion by Mr. Grzeika, seconded by Mr. Mullen, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Grzeika Aye; Mr. LoBuglio Aye; and Mr. Mullen Aye, the King George County Board of Supervisors adopted Option 1 to take the reductions in State Aid to Localities for FY2010/2011, as submitted by the State, and authorized the County Administrator to notify the Virginia Department of Planning and Budget (DPB) of the Board of Supervisors' decision.

#### **08-16 – Authorize Expenditures Against the FY2009-10 Capital Improvements Fund**

On a motion by Mr. Grzeika, seconded by Mr. LoBuglio, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Grzeika Aye; Mr. LoBuglio Aye; and Mr. Mullen Aye, the King George County Board of Supervisors authorized the issuance of warrants against the FY2009-10 Capital Improvements Fund in the total amount of \$23,350.00, as presented.

#### **08-17 – Authorize Expenditures Against the FY2010-11 Capital Improvements Fund**

On a motion by Mr. Grzeika, seconded by Mr. Mullen, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Grzeika Aye; Mr. LoBuglio Aye; and Mr. Mullen Aye, the King George County Board of Supervisors authorized the issuance of warrants against the FY2010-11 Capital Improvements Fund in the total amount of \$321,961.68, as presented.

#### **Discussion Items:**

#### **08-18 – FY2009/10 Year End Preliminary Projections**

Ms. Harper provided the Board with preliminary information concerning the FY2009/10 Year End Projections. She stated that the auditors would be here the first week of September, and hopefully by the Board's second meeting in September, she would present a final yearend report.

Ms. Harper stated that there was a projected excess of \$1.6 million for the County which can mostly be attributed to real estate taxes, which came in \$1.4M over budget. Without having received accrual information, the best estimate for the Schools was a projected excess of \$257,000, with the Cafeteria fund having a projected excess of \$35,000.

#### **Public Comment**

The Chairman opened the floor for public comment. There being none, the Chairman closed that portion of the meeting.

#### **Reports of Members of the Board**

##### **Mr. Grzeika**

On August 4 Mr. Grzeika attended the planning session for the King George Day of Caring to be held on October 21, 2010. He noted that a United Way representative would be contacting the County Administrator to attend a September Board meeting to provide further information on the Day of Caring

in King George. On August 9, he attended the Wawaset ceremony, an important part of King George history and on August 16 the George Washington Regional Commission meeting.

Mr. Grzeika raised a question concerning school purchases and who, in the school system, was responsible for reviewing and approving warrants for expenditures. Ms. Harper clarified that once the warrants are processed and checks are printed, a register is sent to Dr. Brown, School Superintendent, for approval.

### **Mr. LoBuglio**

On August 5 Mr. LoBuglio attended the COMREL Council meeting in Indianhead, Maryland, where a presentation was given on their “Rails to Trails” as well as an update on the proposed Harry Nice Bridge improvements. On August 6, he attended the Virginia Association of Counties (VACo) Steering Committee on Transportation. Mr. LoBuglio also attended the Wawaset ceremony.

### **Mr. Sisson**

Mr. Sisson stated that he and Mr. Grzeika recently met with the Mr. Richard Hurley, President of the University of Mary Washington (UMW) for an update on the progress of the Graduate Center being constructed in Dahlgren. Mr. Hurley assured them that UMW is on track with the project. At that time, Mr. Sisson also briefly talked with Dr. Hurley about the artificial turf used at UMW and was invited to visit the fields.

Concerning the artificial turf, Mr. Sisson stated that he also talked to members of the Stafford Board of Supervisors about Stafford’s installation of the turf at some of their Parks & Recreation fields; they noted excellent results with it so far, and invited our Board to visit the fields. Mr. Sisson suggested that the County Administrator schedule a time, and invite the School Board members as well.

Mr. Sisson also attended the George Washington Regional Commission meeting and the Wawaset Memorial.

Mr. Sisson stated that a letter had been received from Lt. Col. Jack Hafner of Fort A.P. Hill requesting input on a “Finding of No Significant Impact” for a construction operation facility at A.P. Hill. He stated they Lt. Col. Hafner had done an outstanding job of reaching out to the County and wanted the County Administrator to review and draft a response for the Chairman’s signature. The Board concurred with that request.

Mr. Grzeika noted that, at the recent George Washington Regional Commission (GWRC) meeting, the recommendations of the Governor’s Reform Committee related to transportation were presented. The report included approximately 163 items. Mr. Grzeika requested, and the Board members concurred, the County Administrator respond to GWRC by the middle of September with King George’s comments on these recommendations.

### ***Appointment***

On a motion by Mr. LoBuglio, seconded by Mr. Grzeika, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Grzeika Aye; Mr. LoBuglio Aye; and Mr. Mullen Aye, the King George County Board of Supervisors appointed Mr. Doily E. Fulcher for a four-year term on the Planning Commission representing the James Monroe District.

### **08-19 – County Administrator’s Report**

Mr. Quesenberry reported on several items of interest to the Board:

- In 2010, the General Assembly established the Transitional Benefits Program allowing Virginia Retirement System (VRS) participating localities to provide a transitional severance benefit or an enhanced retirement benefit to employees who are involuntarily separated from employment. This is an elective program with additional costs being factored into the County’s employer contributions. The Deputy County Administrator has researched and determined that no other localities in the area have adopted this program. If the Board should wish to pursue this, it would be necessary to obtain from VRS the additional costs that would be incurred. The Board saw no need for this benefit at this time and no action was taken.
- A copy of the Capitol Contact report from VACo was provided regarding a new Federal Funding Package for Medicaid and K-12 funds, with Virginia receiving \$293 million for Medicaid and \$246 million for K-12. The County Administrator will keep the Board members informed as more is learned.
- Regarding the Governor’s Reform Committee, Mr. Quesenberry stated that the area County Administrators have agreed to discuss, starting with a meeting with Mr. Eldon James on Thursday, August 19<sup>th</sup>, and a report would be forthcoming to the Board.
- Groundbreaking Ceremony in Dahlgren at the University of Mary Washington’s Graduate Center Site on September 17, 2010 at 5:00 p.m. FRED has offered to provide shuttle service across Route 301, at no cost. Mr. Quesenberry stated that FRED has asked for a letter from the Board stating that there is no objection to this arrangement. It was the Board’s consensus to approve the shuttle service.
- Requested the Board consider co-sponsoring, with the Economic Development Authority, a \$500 Gold Sponsorship for the upcoming King George Day of Caring. The Board consented to this request and approved the \$250 expenditure.

### **Closed Session**

On a motion by Mr. Grzeika, seconded by Mr. LoBuglio, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Grzeika Aye; Mr. LoBuglio Aye; and Mr. Mullen Aye, the King George County Board of Supervisors went into closed session pursuant to State Code Section 2.2-3711(A)7 for the purpose of consulting with legal counsel and briefings by staff members or consultants pertaining to actual litigation, where such consultation or briefing in open session would adversely affect the negotiating or litigating posture of the public body regarding actual litigation regarding Cleydael Limited Partnership vs. King George County Service Authority and King George County, and State Code Section 2.2-3711(A)7 for the purpose of consulting with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel regarding Presidential Service Company Tier II, Inc. and State Corporation Commission licensing application, and invited the County Administrator, Deputy County Administrator, and County Attorney.

On a motion by Mr. Grzeika, seconded by Mr. Mullen, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Grzeika Aye; Mr. LoBuglio Aye; and Mr. Mullen Aye, the King George County Board of Supervisors returned to public session and certified that only public business matters lawfully exempt from open meeting requirements by Virginia law, and only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered.

On a motion by Mr. Grzeika, seconded by Mr. Mullen, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Grzeika Aye; Mr. LoBuglio Aye; and Mr. Mullen Aye, the King George County Board of Supervisors approved the following resolution, as presented

**KING GEORGE COUNTY BOARD OF SUPERVISORS  
RESOLUTION**

WHEREAS, Presidential Service Company, Tier II, Inc., has applied to the Virginia State Corporation Commission for Certificates of Public Convenience and Necessity for the provision of water and sewer service to Presidential Lakes Subdivision, in Section 14, in King George County, Virginia; and

WHEREAS, the County Administrator, in a letter dated May 20, 2009, to Presidential Service Company, Tier II, Inc., has previously stated that the County does not object to the application; and

WHEREAS, Presidential Service Company, Tier II, Inc. needs the consent of the King George County Board of Supervisors in order for the State Corporation Commission to issue such certificates; and

WHEREAS, the King George Service Authority exists in King George County; however, the Authority does not provide service to the Subdivision or plan to extend service to the area.

NOW, THEREFORE BE IT RESOLVED, on this 17th day of August, 2010, that the King George County Board of Supervisors hereby authorizes the Application, as amended, to the State Corporation Commission for Certificates of Public Convenience and Necessity by Presidential Service Company, Tier II, Inc. for the provision of water and sewer service to Presidential Lakes Subdivision, in Section 14, in King George County, Virginia.

Resolved at a meeting of the Board of Supervisors of King George County held on Tuesday, the 17<sup>th</sup> day of August, 2010, in the Board Room of the Revercomb Building at 10459 Courthouse Drive, King George, Virginia.

Prior to the vote the County Attorney noted that the language provided in the resolution is what is required by State law for a private water and sewer operator to apply to the State Corporation Commission for continuing permits.

There being no further business to come before the Board, the Chairman adjourned the meeting on a motion by Mr. Grzeika, seconded by Mr. Mullen, and carried unanimously.