

VIRGINIA:

At a regular meeting of the King George County Board of Supervisors, held on Tuesday, the 16th day of November 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
Cedell Brooks, Jr., Vice-Chairman
Joseph W. Grzeika, Member
John P. LoBuglio, Member
James F. Mullen, Member
Matthew J. Britton, County Attorney

ABSENT: A. Travis Quesenberry, County Administrator

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

Amendment to the Agenda

On a motion by Mr. Brooks, seconded by Mr. Grzeika, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; Mr. LoBuglio Aye; and Mr. Mullen Aye, the King George County Board of Supervisors amended the agenda to delete Agenda Items 11-11 and 11-15. These items will be moved to the December 7, 2010 Board meeting.

11-09 – Consent Agenda

On a motion by Mr. Grzeika, seconded by Mr. LoBuglio, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Brooks 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 FY10-11 Debt Service Fund in the total amount of \$288,625.00

Authorized the issuance of warrants against the FY10-11 General Fund in the total amount of \$76,973.78

Authorized the issuance of warrants against the FY10-11 Library Fund in the total amount of \$8,117.54

Authorized the issuance of warrants against the FY10-11 Recreation Activity Fund in the total amount of \$1,538.74

Verified warrants issued to avoid late charges or disruption of service

Approved Personal Property Tax Refunds

Approved Minutes for September 2010 and Work Session of June 8, 2010

County Attorney Report

The County Attorney had no report.

Action Items:

11-12 – Authorize Re-Appropriation of Funds and Encumbrances

A. Re-appropriation of Remaining Funds from FY2009-2010 Ongoing Projects

On a motion by Mr. Brooks, seconded by Mr. Mullen, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; Mr. LoBuglio Aye; and Mr. Mullen Aye, the King George County Board of Supervisors authorized re-appropriation of remaining funds from FY2009-2010 ongoing projects for King George County's General Fund, Capital Improvement Fund and King George County Schools Operating Fund, as presented.

B. Re-appropriation of FY2009-2010 Remaining Purchase Order Balances

On a motion by Mr. Brooks, seconded by Mr. Mullen, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; Mr. LoBuglio Aye; and Mr. Mullen Aye, the King George County Board of Supervisors authorized re-appropriation of FY2009/10 remaining purchase order balances for King George County's General Fund, Recreation Activity Fund, School Operating Fund, and Capital Improvements Fund, as presented.

11-13 – Authorize Appropriation and Transfer of Funds to Pay Off the Wireless Authority Loan from Sun Trust Bank

On a motion by Mr. Grzeika, seconded by Mr. LoBuglio, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; Mr. LoBuglio Aye; and Mr. Mullen Aye, the King George County Board of Supervisors authorized the appropriation of \$781,366 from the County's Commonwealth's Cash Reserve Fund account with Sun Trust Bank for the purpose of paying off the outstanding balance on the January 1, 2008 loan from Sun Trust Bank to the King George County Wireless Authority, and that such payment be made on or before December 1, 2010.

11-14 – Authorize the Issuance of Warrants Against the FY2010-11 Capital Improvements Fund

On a motion by Mr. Brooks, seconded by Mr. Mullen, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Brooks 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 \$56,029.63, as presented.

Public Comment

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

Reports from Members of the Board

Mr. Brooks

Mr. Brooks stated his concern over Sheriff Dobson's upcoming retirement banquet being held in Stafford County, with the County covering the costs of employees to attend. He did not support using taxpayers' money to cover this cost of a private banquet and felt a banquet or some type of event honoring the

Sheriff should be held in the County with County employees, as well as the public, being able to attend to offer well wishes to the Sheriff on his retirement.

Mr. Brooks noted that he, as the Board's liaison with King George Fire, Rescue & Emergency Services, had met with Chief Moody concerning the fire on Lisa Lane in Dahlgren, and was made aware of an upcoming town meeting with residents to discuss the incident. Mr. Brooks stated that he could not attend the town meeting as two other supervisors, Mr. Mullen and Mr. LoBuglio, were already planning to attend. Mr. Brooks was troubled about the private statements made and dialogue of the meeting that was printed in the regional newspaper. He felt the entire incident and the discussion which followed was handled incorrectly, but he did appreciate the volunteers from other localities who provided mutual aid during this fire.

Mr. Grzeika

Mr. Grzeika reported that he had attended the King George Drama Club's performance of the play "Much Ado About Nothing" on November 10th and noted once again the amazing talent of the drama students.

Mr. Grzeika also attended the Virginia Association of Counties' (VACo) Annual Conference, November 7-9, where much information was provided concerning the upcoming budget. It was noted that coverage for the "line of duty benefits" for law enforcement and emergency services personnel would no longer be provided by the State. He stated that local governments would have to cover the payment of benefits which would certainly have an impact on the budget. None of the costs or how this would be implemented was known, but Mr. Grzeika felt the benefit must be continued. VACo and Risk Management Pool will be studying the issue.

On November 11, 2010, Mr. Grzeika attended the Veterans' Day Program hosted by the Ruritans and American Legion Post for an excellent presentation. On November 15th he attended the Annual Report to the Community hosted by the Military Affairs Council.

Mr. Mullen

Mr. Mullen stated that he, along with Mr. LoBuglio, attended the town meeting in Dahlgren concerning the fire incident on Lisa Lane. He commended Officer Tim Lyons for his actions that night, as he continued serving at the scene. Mr. Mullen noted that he had viewed the video of the fire scene as recorded on the police car video camera and could see fault on both sides. He apologized to the Charles County, Maryland firefighters for what had appeared in the newspaper, which he noted should not have been released to the news media. Mr. Mullen's feelings were that there should have been a joint meeting between the King George County firefighters and the Charles County firefighters to address and resolve the issues without going public. While waiting to receive reports on the fire incident, he stated that it was important to continue to serve together, and again apologized for the article being released in the newspaper.

Mr. LoBuglio

The town meeting in Dahlgren concerning the fire on Lisa Lane was also attended by Mr. LoBuglio, and he also extended his apologies to the Charles County, Maryland emergency personnel and the Dahlgren Base fire personnel for the newspaper comments and account of the fire. He noted that the County relies on mutual aid during such fire incidents. Chief Moody had noted previously to Mr. LoBuglio that there were 65 volunteer firefighters in King George County and Mr. LoBuglio, along with Mr. Mullen requested a list of those volunteers.

Mr. LoBuglio wished that the Charles County firefighters or representatives had been present at the town meeting, and stated that Chief Moody, in the town meeting, felt blame could be attributed to all sides. It was his hope that Chief Moody would follow through on his plan to sit down and discuss the issues with all mutual aide companies involved.

Mr. LoBuglio noted that he had attended the annual Caledon Art and Wine Festival on November 6th. He also attended the annual VACo Conference noting that he served on the Transportation Steering Committee. During that Committee meeting, the Secretary of Transportation spoke and a discussion was held on the major overhaul of Virginia Department of Transportation. Mr. LoBuglio stated that the upcoming congressional session would be looking at increasing the gasoline tax.

Mr. Sisson

Mr. Sisson attended the recent King George High School play and noted the amazing talent of the students who performed. He also attended the VACo annual conference, which provided an opportunity to interface with the General Assembly representatives. While at the conference, he attended sessions on the budget, as well as on VDOT where discussions were held on funding issues. Mr. Sisson stated that Senator Mark Warner and Lt. Governor Bolling gave outstanding presentations on status of the budget, noting a recovery was not expected until 2015.

On November 11, 2010, Mr. Sisson attended the Veterans' Day Program at the High School, and on November 15th, the Military Affairs Council Report to the Community.

In reference to the fire and rescue matters, Mr. Sisson spoke of his appreciation of the Mutual Aid Agreements with the surrounding jurisdictions.

As a result of discussions at the VACo Annual Meeting, letters will be sent to Senator Warner and Lt. Governor Bolling requesting assistance with economic development issues. Mr. Sisson would like the Board to discuss with Lt. Governor Bolling some economic development issues the Lt. Governor is working on regarding the County's industrial park and how to leverage that; with Senator Warner discussions regarding the opportunity to leverage our higher education institutions for economic development. The draft letters will be presented to the Board for review at the next meeting.

11-10 – Public Hearing

A. Case Number 10-07-T01: Zoning Ordinance Text Amendment to Section 1.9 Definitions King George County Zoning Ordinance and To Add Section 4.13.1, Outdoor Wood Furnaces

The Chairman called the public hearing to order, having been properly advertised and asked Mr. Green to provide a brief overview before opening the floor for public comment.

Mr. Green provided an overview of the proposed Zoning Ordinance Text Amendment to Section 1.9 Definitions King George County Zoning Ordinance and To Add Section 4.13.1, Outdoor Wood Furnaces.

Mr. Green stated that the Board of Supervisors, at its July 20, 2010 meeting, reviewed Zoning Ordinance Text Amendment 10-07-T01. The Board made modifications to the amendment language and forwarded the text amendment to the Planning Commission with a request that the Commission hold a public hearing and forward a recommendation to the Board within 120 days.

At its August 10, 2010 meeting, the King George County Planning Commission authorized the Staff to advertise Case Number 10-07-T01 for public hearing. The case was properly advertised and presented to the Planning Commission for action. The Planning Commission held a public hearing on Case Number 10-07-T01 on September 14, 2010. No public comment was received at the public hearing. After the public hearing, the Commission voted unanimously to forward the Zoning Ordinance Text Amendment to the Board of Supervisors with a recommendation for approval.

Mr. Green further explained that the text amendment follows a previous presentation regarding the issue of Outdoor Wood Furnaces. The proposed amendment addresses the issues identified during that presentation, including the potential nuisance and health factors created by the year round smoke discharge and odors that may be generated from the miscellaneous materials that can be burned in the furnace.

Mr. LoBuglio informed the Board that he had received several phone calls concerning this issue and he had assured constituents that the ordinance amendment was not adding additional requirements, only conforming to industry standards.

The Chairman opened the floor for public comment. There were no public comments and no written comments were received, so the Chairman closed that portion of the public hearing.

On a motion by Mr. Brooks, seconded by Mr. Grzeika, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; Mr. LoBuglio Aye; and Mr. Mullen Aye, the King George County Board of Supervisors approved Case Number 10-07-T01, to adopt Zoning Ordinance Text Amendment to Section 1.9 Definitions King George County Zoning Ordinance and to Add Section 4.13.1, Outdoor Wood Furnaces.

Prior to the vote, Mr. Mullen asked that applicants be made aware of the stipulations for the use of Outdoor Wood Furnaces upon making application for the permit.

Prior to the beginning of “Discussion Items” on the agenda, the Newburg Fire Chief expressed a desire to address the Board concerning the recent fire incident at Lisa Lane, but the Chairman explained that the public comment period was scheduled for 6:30 p.m. and had already been closed. Mr. Brooks requested that all the Fire/Rescue personnel in attendance be contacted when a report on the Lisa Lane fire is presented to the Board of Supervisors at a later date.

Discussion Items:

11-16 – Economic Development Director’s Report

Ms. Thompson provided an Economic Development Authority (EDA) financial status report. She noted that EDA’s Certificate of Deposit (CD) with Union First Market Bank would mature in January 2011 and suggested the CD be cashed out as the interest rate when the CD is up for renewal will likely be much less than the current rate of 4%. She also explained that, with this cash out, debt service for the SunTrust Note should be covered through the end of FY2011/2012. At the end of FY2011/2012, the Economic Development Authority would likely need assistance from the Board of Supervisors for the last two payments to SunTrust, with the last payment on the SunTrust Note being due and payable in January 2013. Ms. Thompson advised the Board that the Authority is currently receiving bond issuance administrative fees from Waste Management, Inc. and Rappahannock Goodwill which should cover the EDA’s operating fees for 2013.

Ms. Thompson noted that two EDA members' terms are expiring as of December 31, 2010, those being Ms. Monika Philbrick of the James Madison District and Mr. Isaac Hughes of the Shiloh District. Also she reported that Ms. Anita Churchill has resigned her seat as the Dahlgren District representative on the EDA as she has relocated to Fredericksburg.

Ms. Thompson continued her report with the status of lots in the Industrial Park. With the recent purchase of Lot 7, EDA now controls approximately 15 acres along the rail in the Park. Contacts continue with the King George Warehouse Association related to marketing of the old American Glass building as well as the marketing of Lot 3, by Silver Company and Lot 16, being represented by Ralph Peregory and Exit Realty. Because of improvements made on both Lots 3 and 16, the EDA no longer has right of first refusal. Ms. Thompson has ongoing communications with the new General Manager of Mid-Atlantic PreCast, and has met with Gerdau Ameristeel and Superior Paving.

Ms. Thompson provided an update on the prospect of bringing natural gas into King George County. Ms. Thompson explained that the gas pipe located on Route 3 from Wal-Mart to the Industrial Park, at present, does not provide enough capacity, but Columbia Gas has a Layhill District pipe improvement project which would increase the capacity of natural gas coming into the County. The improvement of the pipe off Route 3 near Cool Springs Road would increase capacity to cover use for current businesses in the Industrial Park, as well as prospects. Columbia Gas would cover the cost of these improvements, but the economy has prevented the project from starting. The project, however, is on the books to begin this fiscal year. Ms. Thompson also stated that Columbia Gas has plans to build a 'high pressure' line behind Massaponax High School in Spotsylvania County, which would increase capacity needed to market lots in the Industrial Park. Ms. Thompson emphasized that prospects for the Industrial Park are very interested in natural gas supply.

Regarding business development in the County, Ms. Thompson stated that she has talked to the Rappahannock Regional Small Business Development Center (SBDC) out of the University of Mary Washington about having a presence in King George which would enable local small businesses to meet with them and discuss any concerns they may have. She has contacted the County Attorney about drafting a Memorandum of Understanding with the Rappahannock Regional SBDC. The County, however, would need to provide office space for both the Regional Development Center and the State office, the Virginia Department of Business Assistance, to facilitate meeting with local businesses and County staff as necessary.

Ms. Thompson also spoke of initiating the Executive Pulse Program offered through Germanna Community College, which provides a data base to compile information about local businesses as a tracking mechanism. Ms. Thompson is working with the County Attorney to develop a Memorandum of Understanding with Germanna for this program. A one-time fee of approximately \$600.00 would be needed to establish the program.

She also stated that she had been working with the King George County Chamber of Commerce, including Mr. Bob Bailey and Ms. Anita Churchill, to discover ways to work more closely to help local businesses. She also is working to provide training for establishing and operating small businesses. Mr. Brooks noted that office space would be available once the Sheriff's offices are vacant on the first floor of the Administration Building. Space may also be available on the second floor of the Administration Building near the Economic Development Director's office.

A summary was presented by Ms. Thompson regarding ideas for revamping the Economic Development web page, as recommended by ED Solutions, Inc.

Ms. Thompson told the Board that in September she began working with a group of students from Virginia Tech's Economic Development Studio Class on how the Dahlgren Naval Base impacts the economy. A final presentation by the students will be presented on December 9, 2010 in Alexandria, Virginia. Ms. Thompson will provide a copy of that report to the Board and the Economic Development Authority. She stated that the students were looking at the Industrial Park and providing suggestions in that regard as well.

Closed Session

On a motion by Mr. Brooks, seconded by Mr. Grzeika, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Brooks 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)3 for the purpose of discussing the acquisition of real property for public purposes where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; 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 the Memorandum of Understanding and Performance Agreement with Project Faith, Inc., and invited the Economic Development Director, Executive Assistant, and County Attorney.

Mr. Mullen disqualified himself from the Closed Session relative to State Code Section 2.2-3711(A)7 concerning Project Faith, Inc. due to possible conflict of interest.

On a motion by Mr. Brooks, seconded by Mr. Grzeika, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Brooks 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.

Mr. Mullen certified only on the portion of the closed session in which he participated.

On a motion by Mr. Grzeika, seconded by Mr. LoBuglio, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; Mr. LoBuglio Aye; and Mr. Mullen Aye, the King George County Board of Supervisors authorized the County Administrator to enter into Contract of Purchase of the King George Auto Auction property, and authorized a public hearing for said acquisition.

There being no further business to come before the Board, the Chairman adjourned the meeting to Tuesday, November 30, 2010 at 6:00 p.m. for a Joint Meeting with the King George County School Board at the Revercomb Administration Building Board Room, on a motion by Mr. Grzeika, seconded by Mr. LoBuglio, and carried unanimously.