

VIRGINIA:

At a regular meeting of the King George County Board of Supervisors, held on Tuesday, the 17th day of July 2007, at 6:00 p.m. in the 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
James B. Howard, Member
C. Stephen Wolfe II, Member
R. Bryan David, County Administrator
Matthew J. Britton, County Attorney

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

Amendments to the Agenda:

On a motion by Mr. Brooks, seconded by Mr. Howard, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; Mr. Howard Aye; and Mr. Wolfe Aye, the King George County Board of Supervisors amended the agenda to include a closed session pursuant to State Code Section 2.2-3711(A)3 for discussion and consideration of the acquisition of real property suitable for industrial development in King George County, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

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. Brooks

Mr. Brooks shared a few VDOT-related concerns for follow up by the County Administrator with the VDOT Residency Administrator. One is located at 10301 Gera Road regarding a sight distance issue when the resident is exiting the driveway of the residence. Mr. Brooks also asked about the possibility of "Children at Play" signs being installed on Poplar Neck Road and expressed concern about the quality of the grass cutting on Route 301 from the Port Royal bridge up past the Chrysler dealership.

Mr. Howard

Mr. Howard reported receiving a few calls from constituents expressing concern about the outdoor shooting of firearms in subdivisions and had been in contact with the County Attorney regarding this matter. The County Attorney provided Mr. Howard information from the Code of Virginia stating that any county may prohibit the outdoor shooting of firearms or arrows from bows. Mr. Howard felt it is time to take a look at this type of restriction in some of the more heavily populated subdivisions. This type of restriction would not limit hunting but would protect

residents in these areas. Mr. Howard also felt it was time to revisit the noise ordinance issue and establish a “reasonableness standard”, and asked the Board to consider requesting the County Attorney to draft a noise ordinance for the Board’s consideration.

Mr. Grzeika

Mr. Grzeika extended his thanks to the County for a job well done for their efforts in coordinating, along with Dahlgren Base staff, the 4th of July events. Mr. Grzeika reported on attendance at recent meetings including the Rappahannock United Way Needs Assessment Disclosure for Community Leaders on July 9th at James Monroe High School, along with Mrs. O’Quinn. He also attended the change of command ceremony at the Dahlgren Base on July 13th and was struck by the outgoing commanding officer’s approach to creating a highly effective team with three key points: “Remember Our Mission; Take Care of Your People; and Team Ball Means Gang Tackle Every Problem.”

Appointment

On a motion by Mr. Grzeika, seconded by Mr. Howard, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; Mr. Howard Aye; and Mr. Wolfe Aye, the King George County Board of Supervisors appointed Mr. Anthony Scaramozzi as the James Madison District representative to the Smoot Library Board of Directors for a four year term.

Mr. Sisson

Mr. Sisson extended a welcome to Ms. Donita Harper as the County’s new Finance Director and echoed his colleague’s comments regarding the Fourth of July celebration at the Dahlgren Base and appreciated the efforts of both the County and Base staff involved in that effort. Mr. Sisson reported that the next YMCA Board of Directors meeting will be held in King George. Mr. Sisson also requested the County Administrator follow up with VDOT on a drainage issue on Pumpkin Neck Road.

Mr. Wolfe

Mr. Wolfe reported that he had received from Ms. Susan Moundalexis a letter of resignation from the Smoot Library Board of Trustees and appealed to any resident of the Dahlgren District who may be interested in applying to serve on this Board to either contact him or the County Administrator’s office to secure to proper application form.

07-24—Consent Agenda:

On a motion by Mr. Howard, seconded by Mr. Brooks, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; Mr. Howard and Mr. Wolfe 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 FY07-08 Debt Service Fund in the total amount of \$1,935,798.25

Authorized the issuance of warrants against the FY06-07 E-911 Fund in the total amount of \$4,875.09

Authorized the issuance of warrants against the FY06-07 General Fund in the total amount of \$84,027.26

Authorized the issuance of warrants against the FY07-08 General Fund in the total amount of \$92,594.94

Authorized the issuance of warrants against the FY06-07 Library Fund in the total amount of \$5,175.45

Authorized the issuance of warrants against the FY07-08 Library Fund in the total amount of \$1,424.06

Authorized the issuance of warrants against they FY06-07 Library Special Endowment Fund in the total amount of \$2,300.00

Authorized the issuance of warrants against the FY06-07 Recreation Activity Fund in the total amount of \$3,081.66

Authorized the issuance of warrants against the FY07-08 Recreation Activity Fund in the total amount of \$4,990.45

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

Constitutional Officers:

Sheriff Dobson provided an update on upcoming events at Fairview Beach which were discussed at the July 3rd Board meeting and the need for law enforcement support at those events. The first event, labeled as “Aquapalooza”, is sponsored by Prince William Marina and Sea Ray boats and will be held on Saturday, July 28th. As of today’s date, Prince William Marina staff informed the Sheriff that 562 boats have registered for the event and 2,524 participants. Sheriff Dobson expressed concern about participants who will come by car to participate in this event and the ensuring problems with parking and crowd control. The Sheriff also reported on a recent fireworks display sponsored by Tim’s II at Fairview Beach which attracted a number of people and wasn’t an advertised event. However, all parking areas that were available were taken and parking enforcement had to be addressed by the deputies. The Sheriff requested the County Administrator to inquire as to how many firework events the Maryland Authorities allow a single establishment to have in a one year period.

Report of County Attorney:

The County Attorney had no report.

Timed Items:

07-25 – Status Report on King George YMCA

Mr. Barney Reiley, Executive Director of the Rappahannock Area YMCA, Inc. provided an update on the progress of the King George YMCA. The next monthly YMCA Board meeting will be held in King George on Wednesday, July 25th, visiting the site at 11:00 a.m. and beginning the meeting 11:30 a.m. in the Board Room of the Revercomb Building and Mr. Reiley

extended an invitation to the Supervisors to attend. He anticipates breaking ground in approximately two weeks and projects a twelve month buildout with a Fall 2008 opening.

07-26 – MediCorp Health System 2006 Annual Report

Mr. Fred M. Rankin, III, President and CEO, MediCorp Health System, presented the MediCorp Health Systems' Annual Report for 2006, including information regarding MediCorp's mission statement, services offered by MediCorp, its Charity Care Policy, employment data, and statistics relative to services provided to King George County residents, and future plans for MediCorp. Mr. Rankin also discussed the King George County Access Survey, sponsored and funded by MediCorp and assisted by the County, Community Health Solutions Consulting Firm, and the VCU Survey Research Lab.

The Board expressed its frustration with the fact that more studies are needed, more data to be analyzed to determine what the Board members felt is already known, that King George is a medically underserved area. The Board expressed their hope that the findings of the Community Health Care Needs Assessment team would have a positive impact on this long standing issue in the County.

07-27 – Report on 2007 Community Health Care Needs Assessment Executive Summary and Survey Results for King George County

Mr. Phil Brown presented to the Board the results of the Health Care Needs Assessment of King George County, which was sponsored by Medicorp Health System and produced in collaboration with Medicorp and King George County. The study was also completed with the assistance of the Virginia Commonwealth University's Survey and Education Research Laboratory and Community Health Resource Center, along with a steering committee of community residents from the public and private sector, and Dr. Stephen Horan of the Community Health Resource Center in Richmond, Virginia.

Mr. Brown explained that the purpose of the study was to evaluate access to health care for King George County residents and presented Dr. Horan who provided the results of the study. Dr. Horan explained that the steering committee's main task was to assure that the study was as representative as possible of the people and geography of the County. He further explained that the study was done via telephone surveys of a sample of 1,715 households during the months of March and April. The committee used those survey results to project how many people in the total population of King George need services and are able or unable to obtain those services. Dr. Horan provided a demographic profile of the County stating that with a population of about 21,780 people, the uninsured rate is an estimated 13 percent and a low income rate of 22 percent. The survey showed percentages of those respondents who needed various medical service within the previous 12 month period and those who were unable to obtain service when needed, as well as the reported reasons for the unmet needs, including inability to pay, inability to get an appointment, travel distance, wait time/overcrowding, problem not being severe enough, and other reasons (pharmacy hours or pharmacy not stocked with items needed, etc).

Dr. Horan discussed options going forward and stressed the importance of scaling the solution to the need and to optimize the use of resources already available in the community.

The Board members individually expressed their frustration with the lack of medical service, the fact that King George County has been on the medically underserved list since 1978, and hoped to receive specific suggestions from this committee, or a committee to be formed from the results of

this survey, as to how to alleviate this situation and move forward and would like to receive such suggestions in the near future. The Board also would like recommendations from this current committee from Medicorp, from current committee members, as to the composition of a newly established committee, a charter for that committee and a reasonable timeline for the determination of viable options to address King George issues.

Dr. Rosier Dedwylder extended his thanks to Medicorp and to those who served on the committee and addressed the Board on behalf of the steering committee. The consensus of the steering committee was that the purpose was a limited charge to conduct the survey, and present the findings to the Board. Dr. Dedwylder did state that several members of the steering committee are willing, however, to be involved in the next step, and mentioned that plans are in the development stage for an urgent care facility in the County, possibly near the courthouse area. The Board responded to Dr. Dedwylder's comments about plans for an urgent care facility and assured him if that private segment solution is in process, move forward and inform the Board as to what is needed in the way of assistance.

The County Administrator suggested the Board allow Dr. Dedwylder and County staff to engage in further discussions about the establishment of a follow up committee and bring information back to the Board at its August 7th meeting, including a proposed committee charter and timeline.

07-28 – Public Hearings

The Chairman opened the following public hearings having been properly advertised and Mr. Green presented a brief staff report prior to opening the floor for public comment on each case.

The Chairman, Mr. Sisson, at the advice of the County Attorney, recused himself from Case No. 06-10-E09. While having no financial interest in the matter to be addressed, Mr. Sisson stated that he does have a family member who is mentioned in the documentation for this particular case. At that time in the meeting, the Vice-Chairman, Mr. Brooks, will conduct that particular public hearing.

Case Number 07-04-E01: Request by Peace Lutheran Church to modify Condition 3 (limit number and age of children allowed in the daycare) of Special Exception Permit 04-03-E02 (Peace Lutheran Church, for a Special Exception Permit, to construct and operate a Church, per Section 2.4.3.8, King George County Zoning Ordinance and a Day Care Facility per Section 2.4.3.10, King George County Zoning Ordinance, on Tax Map 23, Parcel 24A

Mr. Green explained that on June 15, 2004, the Board approved Case Number 04-03-E02: A request by Peace Lutheran Church, for a Special Exception Permit, to construct and operate a Church, per Section 2.4.3.8, King George County Zoning Ordinance and a Day Care Facility per Section 2.4.3.10, King George County Zoning Ordinance, on Tax Map 23, Parcel 24A.

The Special Exception Permit limited the number of children served by the day care to 16 children between the ages of 3 and 6 years of age. The Church has recently demonstrated to the Virginia Department of Social Services that the day care can serve up to 36 children between the ages of 3 and 5 years of age and would allow the day care to serve the increased number of children.

The Chairman opened the floor for public comment. Mr. Robert Wernsman, Trustee of Peace Lutheran Church, spoke in favor of the special exception permit request and expressed his hope that the Board would support the special exception.

There being no further public comment, the Chairman closed that portion of the public hearing.

On a motion by Mr. Wolfe, seconded by Mr. Grzeika, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; Mr. Howard Aye; and Mr. Wolfe Aye, the King George County Board of Supervisors approved Case Number 07-04-E01: Request by Peace Lutheran Church to modify Condition 3 (limit number and age of children allowed in the daycare) of Special Exception Permit 04-03-E02 (Peace Lutheran Church, for a Special Exception Permit, to construct and operate a Church, per Section 2.4.3.8, King George County Zoning Ordinance and a Day Care Facility per Section 2.4.3.10, King George County Zoning Ordinance, on Tax Map 23, Parcel 24A, as presented.

Case Number 07-05-E02: Request by Chestnut Fork, LLC on behalf of the applicant, Steve Merian, for a Special Exception Permit, to allow, per Section 2.4.3.1 King George County Zoning Ordinance, an additional dwelling unit to structure located within or attached to the main structure on Tax Map 17, Parcel 4A (part).

Mr. Green explained that Mr. Steve Merian is requesting a Special Exception for an additional dwelling unit that is within or attached to the main structure per Section 2.4.3.1, King George County Zoning Ordinance on Tax Map 17, Parcel 4A. The property is zoned A-2 and the use of an additional dwelling unit if attached to or within the main structure is permitted only by Special Exception within the A-2 Zoning District.

The property is owned by the Chestnut Fork, LLC which consists of a partnership of Mr. Merian and Mr. and Mrs. John S. Short and that the property is currently vacant. Mr. Merian has indicated that he is the executive partner and plans to construct a house and attach a one bedroom apartment to the main structure. The one bedroom apartment is to be used by Mr. Merian's parents one of whom suffers from Alzheimer disease. The owner is requesting approval for the apartment attached to the main structure prior to construction to ensure that the apartment will be approved prior to commencing construction and has provided site layout, floor plans, and elevation plans to indicate that the property can be brought into conformance with all requirements of the King George County Zoning Ordinance.

The parcel contains 4.1 acres and is located on Route 655 (Saint Paul's Road) approximately 0.5 miles east of the intersection of Route 206 (Dahlgren Road) and Route 655.

Mr. Green presented a draft special exception permit for the Board's consideration which contained a stipulation that the additional dwelling unit per Section 2.4.3.1, King George County Zoning Ordinance be used only for family members and/or guests and that any changes to that stipulation would require a new special exception permit.

The Chairman opened the floor for public comment.

Mr. Steve Merian addressed the Board and explained the reason for requesting this special exception, which is to provide a residence for his elderly parents and to be able to assist with their care.

There being no further public comment, the Chairman closed that portion of the public hearing.

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

Mr. Wolfe Aye, the King George County Board of Supervisors approved Case Number 07-05-E02: Request by Chestnut Fork, LLC on behalf of the applicant, Steve Merian, for a Special Exception Permit, to allow, per Section 2.4.3.1 King George County Zoning Ordinance, an additional dwelling unit to structure located within or attached to the main structure on Tax Map 17, Parcel 4A (part), with conditions as specified in the draft special exception permit.

Case Number 06-10-E09: Request by S.E. Ventures for a Special Exception Permit per Section 2.6.3.9, King George County Zoning Ordinance for a “water storage and/or pumping facilities” located on Tax Map 14, Parcel 71 and a well lot in Eagle Bay Subdivision

The Vice-Chairman presided over this public hearing as the Chairman previously recused himself from this particular case. Mr. Green provided a staff report explaining that Mr. S.E. Veazey on behalf of S.E. Ventures is requesting a Special Exception for a “water storage and/or pumping facilities” serving Tax Map 14E (1), Parcels 1 and 12, through 37; Tax Map 14, Parcels 71, 72, 74, 74D, and Tax Map 15, Parcel 1 and 1S. The property is located on Route 642 (Fitzhugh Lane) and access to the property is provided by Route 642. The property is partially developed as a subdivision (Eagle Bay) and partially forested.

Mr. Green provided a detailed construction history of the facility. In 1991, WRK, Inc, obtained a Special Exception Permit from the King George County Board of Supervisors to construct a water storage and/or pumping facility. The Permit allowed that Tax Map 14, Parcels 71, 72, and, 74 could be served by the facility. Construction of the water storage and/or pumping facility began in 1999 and the facility became operational in 2004. The facility currently serves Section 1 of Eagle Bay Subdivision. The Permit contained a provision that it was not transferable to a new owner without a new Special Exception Permit being approved by the King George County Board of Supervisors.

The property changed hands from WRK, Inc, to S.E. Ventures in 2002. The new owner (S.E. Ventures) did not obtain a new Special Exception Permit for the facility prior acquiring the property. Per the conditions of the Special Exception Permit, the permit became void when the property changed hands and the facility is operating in violation of the King George County Zoning Ordinance. In addition, some time in the year 2006, Mr. Veazey gave permission and allowed an adjoining property (Tax Map 15, Parcel 1S) to connect to the water system. No County approval was requested or given for the additional connection.

During review of additional land use applications for the property, Staff identified the Zoning Violation. S.E. Ventures began the process of applying for the Special Exception Permit. Due to the fact that the application process encountered numerous delays the Department Staff on October 18, 2006, notified the owner of the Zoning Violation. The Department has delayed taking any legal action against the violation while the application process has continued. It may be noted that only the act of transferring ownership of the property without Board approval voided the permit. All other conditions of the Special Exception Permit were met during the construction of the water storage, well, well pumping facility, and distribution lines.

The water storage and/or pumping facility consists of a Class IIB Well (depth of 408 feet), a submersible pump, manganese green sand filters, 75,000 gallon elevated storage tank, and distribution piping.

The Owner has requested that the facility be permitted to serve a total of 434.474 Acres but has not provided information regarding the specific long term operation/operator of the Facility or the

specific future use of the property and the number of potential customers that the Facility may serve.

The King George County Planning Commission held a public hearing on this request on June 12, 2007. After the public hearing, the Commission voted to forward the request to the Board of Supervisors with the following recommendation:

1. That the Special Exception Permit, with all of the conditions contained in the Draft Special Exception Permit Number 06-10-E09, be approved for a “water storage and/or pumping facilities” to serve only Tax Map 14E (1), Parcels 1 and 12 through 37, and the remainder of Tax Map 14, Parcel 71 that is currently zoned as One-Family District (R-1), portion of Tax Map 14, Parcel 71 which contains 22.092 Acres Zoned Limited Agricultural (A-1) which is in the middle and surrounded by the portion of the property Zoned R-1 and Tax Map 15, Parcel 1S.

The Department Staff had recommended that the application only be approved to allow that the “water storage and/or pumping facilities” serve the existing 27 lots within the Eagle Bay Subdivision [Tax Map 14E (1), Parcels 1 and 12 – 37] and the remainder of Tax Map 14, Parcel 71 that is currently zoned as One-Family District (R-1) [99.321 Acres]. Mr. Green explained that the staff recommendation is based on the overall lack of understanding regarding the ultimate operator of the water system, how many customers will ultimately be served, and the final use of the property. If the application is approved per the Staff Recommendation, the owner would be required to apply for additional Special Exception Permits to expand the service area.

The Vice-Chairman opened the floor for public comment.

Mr. Ed Veazey addressed the Board and stated that he felt the Eagle Bay water system was good for the County, that the Eagle Bay subdivision provide a good tax base, access to the river, and has less density proposed than that proposed by the original owner. Mr. Veazey stated that the water system is safe and has been operating for 3 ½ years and that the water system is licensed by the state to own and operate it and needs this Special Exception approval to come into compliance with the Virginia Department of Health and King George County. Mr. Veazey felt that to be viable, he needed the total area requested. Mr. Veazey respectfully asked that this application for the entire area requested and for the health and safety of the lot owners be approved.

Ms. Sue Williams, local attorney in King George, having worked with the previous applicant and now with the current applicant, shared with the Board her comments on the service area issue. Ms. Williams explained that the whole subdivision was initiated in the early 90’s when the county wanted public water systems and there was an agreement with King George County Service Authority to take it over. However, the original owner could not meet the requirements of the contract so the County did not take it over. Ms. Williams asked that the Board consider making the service area as broad as possible. Ms. Williams referenced Mr. Green’s expressed concern as to who will ultimately operate this system and that she did not see anything in the ordinance requiring applicant to state what is going to happen 20 years from now.

Mr. Jim Morrisette, lot owner in Eagle Bay, spoke favorably of the water system in Eagle Bay and endorsed opening up the water system to as many Eagle Bay lot owners as possible. Mr. Morrisette stated that he sees this development and the water system as a tremendous to the County with little risk.

Mr. Willard Rogers, resident of Eagle Bay, spoke in favor of this special exception request, and stated that the system is designed to cover a larger area than being asked for and that the system does need to be expanded to be able to operate more efficiently and asked the Board to give favorable consideration to this request.

Mr. Chris Robey, resident of Eagle Bay, spoke in favor of the special exception request and stated that he is very satisfied with the quality of the water and the current water system and felt expansion of the water system would be beneficial.

There being no further public comment, the Vice-Chairman closed that portion of the public hearing.

The Board members shared concerns about this request and recommended that action on this case be deferred for further review of the information presented, clarification of the 49 connection limit imposed by the Virginia Department of Health, and if the County can restrict to service area to 49 connections, how and if that can be done, the financial liability of this project, etc. The consensus of the Board was to have this case brought back to the Board for further discussion at the August 21, 2007 meeting.

Case Number 07-05-T02: An Ordinance Amending the Zoning Ordinance of King George County, Virginia to amend Article 11, Residential Cluster Provisions

Mr. Green provided a brief staff report on the proposed Zoning Ordinance Text Amendment to amend Article 11, Residential Cluster Provisions. The purpose of the amendment is to allow all subdivision plats that were under review prior to March 6, 2007 be reviewed in accordance with the requirements that were in place prior to March 6, 2007.

Mr. Green explained that the Planning Commission recommendation was not unanimous. Those members not recommending approval expressed concern that the proposed amendment would allow those Residential Cluster Subdivision submitted prior to March 6, 2007, but whose approval is not diligently pursued be permanently vested in accordance with the old standard.

To address the Commission's concern, Mr. Green stated that staff recommends that the language included in this text amendment be deleted from the Ordinance once the lone subdivision which was under review at the time the text was amended (March 6, 2007) is approved.

The status of all Residential Cluster Subdivisions is provided below:

Preliminary Plat not Approved:

- Rowley Farm, Preliminary Plat (12 Residential Lots) Located off Route 205 (Rowley Drive).

Preliminary Plat Approved (Valid for 5-years):

- Rolling Meadows Subdivision Preliminary Plat (98 residential lots); Preliminary Plat approved October 17, 2007. Construction Plans not submitted.
- Misty Ridge Subdivision Preliminary Plat (26 Residential Lots); Preliminary approved March 6, 2005. Construction Plans not approved.
- Greystone Hill Subdivision Preliminary Plat (87 Residential Lots); Preliminary Plat approved October 17, 2006. Construction Plans not submitted. (submitted as cluster approved as conventional)

- Founders Ridge Subdivision Preliminary Plat (50 Residential Lots); Preliminary Plat approved on April 4, 2006. Construction plans not submitted.

Mr. Green explained that Founders Ridge and Greystone Hill Subdivisions are going to now be conventional subdivisions; Misty Ridge Subdivisions constructions plans were completed but have not been approved. Rolling Meadows Subdivision plans are moving forward. Approval of the ordinance change would “grandfather” Rowley Farm and “technically” grandfather the other four subdivisions listed above.

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

On a motion by Mr. Wolfe, seconded by Mr. Howard, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; Mr. Howard Aye; and Mr. Wolfe Aye, the King George County Board of Supervisors approved Case Number 07-05-T02: An Ordinance Amending the Zoning Ordinance of King George County, Virginia to amend Article 11, Residential Cluster Provisions, as presented.

Action Items:

07-29 – Consideration of Rowley Farm Preliminary Plat

Mr. Green provided information regarding this plat stating that New Homes, Inc, represented by Mr. Ed Aliff is requesting approval of the Rowley Farm Preliminary Plat. The proposed major subdivision contains 12 lots on 24.661 acres.

At its June 12, 2007, meeting, the King George County Planning Commission reviewed the Rowley Farm Subdivision Preliminary Plat and recommended that the Board of Supervisors vote to disapprove the Rowley Farm Subdivision Preliminary Plat with the disapproval based only the fact that the Open Space area provided does not comply with Section 11.6.A, King George County Zoning Ordinance

The property is located off of State Route 205 (Ridge Road) and the proposed subdivision is a one-family detached residential cluster subdivision which will be served by private water and sewer.

On a motion by Mr. Howard, seconded by Mr. Brooks, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; Mr. Howard Aye; and Mr. Wolfe Aye, the King George County Board of Supervisors approved the Rowley Farm Preliminary Plat, as presented.

07-30 – Consideration of Resolution Requesting the Governor Designate King George County as a Drought Disaster Area

Mr. David explained that Ms. Regina Prunty, Extension Agent for King George County, is requesting the Board take action to adopt a resolution requesting the Governor to designate King George County as a disaster county due to drought conditions. This designation will allow farmers to have access to low-interest loans.

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

Mr. Wolfe Aye, the King George County Board of Supervisors approved the following resolution requesting the Governor designate King George County as a disaster county due to the current drought:

**A RESOLUTION TO REQUEST THE HONORABLE GOVERNOR TIMOTHY KAINÉ
DESIGNATE KING GEORGE COUNTY AS A DISASTER AREA FOLLOWING THE
SEVERE DROUGHT OF 2007**

WHEREAS, the drought experienced during the summer of 2007 has led to some very poor crop conditions throughout King George County; and

WHEREAS, the local Food and Agriculture Committee has estimated the following losses as compared to normal yields: pastures-70%; hay-55%; corn-75%; full season beans-40% and double crop soybeans-80%; and

WHEREAS, the reduction in anticipated yield will result in direct losses to those farmers who sell crops for cash and will lead to livestock producers to buy feed that they would not have had to purchase in a normal year; and

WHEREAS, many county farmers do not have the necessary capital on hand to purchase the required feed; and

WHEREAS, there is a program offered by the United States Department of Agriculture, which can help, some of these farmers to stay in business if the area has been designated a disaster area by the Governor or President. The program offers low-interest loans to farmers who cannot find loans elsewhere; and

WHEREAS, a request to the Governor to designate King George County, a disaster area is the first step in the process of qualifying for the federal program; now, therefore, be it

RESOLVED by the King George County Board of Supervisors this 17th day of July, 2007, that the Board of Supervisors does hereby request the Honorable Timothy Kaine designate King George County as a disaster area following the drought of 2007.

07-31 – Consideration of a Resolution Appointing the King George County Wireless Authority as Agent for the County regarding Certain County Property

Mr. David explained that the attorney for the King George County Wireless Authority has determined that the Board of Supervisors should appoint the Authority as its agent to negotiate agreements with contractors, and ensure appropriate and timely access to county property and facilities and provided a draft resolution for the Board's consideration.

On a motion by Mr. Howard, seconded by Mr. Wolfe, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; Mr. Howard Aye; and Mr. Wolfe Aye, the King George County Board of Supervisors adopted the following resolution appointing the King George County Wireless Authority as Agent for the County regarding certain County property:

**KING GEORGE COUNTY
RESOLUTION APPOINTING THE KING GEORGE COUNTY WIRELESS
AUTHORITY AS AGENT FOR THE COUNTY REGARDING CERTAIN COUNTY
PROPERTY**

WHEREAS, on August 1, 2006, the King George County Board of Supervisors established by resolution the King George County Wireless Authority (“Authority”), a public body politic and corporate, and an instrumentality exercising public and essential governmental functions to provide for the public health and welfare, as authorized under the Virginia Wireless Authority Act (§ 15.2-5431.1 et seq. of the Code of Virginia); and

WHEREAS, the Authority was formed for the purpose of providing high speed data service and internet access to local businesses, local government, and the citizens of King George County; and

WHEREAS, on December 21, 2006 the Authority issued a Request for Qualifications No. 48-02-06 (“RFQ”) for the deployment, ownership, management, and operation of such a wireless broadband network; and

WHEREAS, the Authority received multiple responses to the RFQ and is now in the process of contracting with the most qualified of the respondents for the network services; and

WHEREAS, certain county-owned property and facilities, including but not limited to communications towers, government buildings, and other facilities and real property will need to be accessed and utilized by the Authority and its contractors throughout the deployment and operation of the network; and

WHEREAS, in order to empower the Authority to effectively and efficiently negotiate agreements with contractors, and ensure appropriate and timely access to county property and facilities, the Board desires to appoint the Authority as its agent for such purposes; and

NOW, THEREFORE BE IT RESOLVED that the King George County Board of Supervisors hereby appoints the King George County Wireless Authority as its agent for the purpose of negotiating and contracting on the county’s behalf, the terms of use of county property and other county facilities as may be necessary for the deployment and operation of a wireless broadband network throughout the county; and be it

RESOLVED FURTHER, that the Authority, including any employees, agents or contractors thereof, shall have access to and shall be entitled to utilize, subject to all applicable local, state and federal laws and any other conditions or restrictions that the county or the Authority may impose, county property and facilities deemed by the Authority to be necessary for the installation, operation or maintenance of a wireless broadband network throughout the county.

FURTHER, the King George County Board of Supervisors shall have the authority to rescind and revoke this agreement at any time, without notice to or agreement by the Authority.

This resolution shall become effective upon its adoption.

07-32 – Supplemental Appropriation to FY2006-2007 King George County Public Schools Food Service Budget

Mr. David explained that the King George County School Board has requested a supplemental appropriation to the FY2006-07 Food Service Budget in the amount of \$52,176.00. The School Board approved this amendment at its meeting on July 9, 2007. These additional funds are a result of revenues from food sales exceeding budget amounts, and as a result more food supplies

and personnel costs were incurred to support the volume of sales. These revenues are restricted to solely support Food Services and cannot be used for any other purpose.

On a motion by Mr. Wolfe, seconded by Mr. Howard, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; Mr. Howard Aye; and Mr. Wolfe Aye, the King George County Board of Supervisors approved a supplemental appropriation to the FY2006-07 Food Service Budget for the King George County Schools in the amount of \$52,176.00, as presented.

07-33 – Amendment to FY2006-2007 Welcome Center Budget to Recognize and Appropriate State Revenue for Reimbursement of Expenditures from October 1, 2006 through June 30, 2007

Mr. David explained that the State will be reimbursing the County for expenditures for the Welcome Center for the period of October 1, 2006 through June 30, 2007. The revenue that will be reimbursed from the State along with the expenditures requires formal appropriation by the Board of Supervisors.

Prior to the vote, Board members inquired as to the progress in getting the draft deed and plat recorded for the transfer of the Welcome Center. Mr. David reported that this project is in process and should be presented to the Board in the near future.

On a motion by Mr. Wolfe, seconded by Mr. Howard, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; Mr. Howard Aye; and Mr. Wolfe Aye, the King George County Board of Supervisors approved an amendment to the FY2006-2007 Welcome Center budget to recognize and appropriate State Revenue for reimbursement of expenditures from October 1, 2006 through June 30, 2007, as presented.

07-34 – Approval of Warrant to the Journal Press, Inc.

On a motion by Mr. Brooks, seconded by Mr. Howard, and carried by a 4-0-1 vote, each member voting as follows: Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; and Mr. Howard Aye, the King George County Board of Supervisors authorized the issuance of warrant number 1111152 to the Journal Press, Inc., against the FY2006-07 General Fund in the total amount of \$1,153.40. Prior to the vote, Mr. Wolfe disqualified himself on the basis of family interest.

07-35—Authorize Expenditures from the FY2006-07 Capital Improvements Fund

On a motion by Mr. Howard seconded by Mr. Brooks, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; Mr. Howard Aye; and Mr. Wolfe Aye, the King George County Board of Supervisors authorized warrants against the FY2006-07 Capital Improvements Fund budget in the total amount of \$17,825.30, as specified.

Discussion Items:

07-36 – Update on Courthouse Fire Renovation Project

Ms. Wendy Shepherd, Emergency Management Coordinator, provided an update on the renovation of the Courthouse. The construction is almost complete and the claim will be kept open for five years. To date, the cost for the renovation is approximately \$900,000

County Administrator's Report:

07-37 – Action Items Lists from Board of Supervisors' Meetings

Mr. David reminded the Board of the upcoming Regional Elected Officials Meeting on July 31st hosted by the City of Fredericksburg. The agenda will include a presentation by the George Washington Regional Commission regarding the bikeway survey.

The Board members asked for an update on the King George Fire and Rescue Company 1 project. Chief Moody reported that contractor is still reporting completion date to allow move to take place in mid-August. The Board discussed possible ribbon cutting ceremony, open house for the public, etc. Chief Moody stated that discussions are ongoing about plans for the community to be able to tour the facility, etc. and will bring back information to the Board. Discussion also ensued about the use of the building, building use policy, etc. This issue will also be further discussed with the Board at a later date.

Closed Session:

On a motion by Mr. Brooks, seconded by Mr. Howard, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; Mr. Howard Aye; and Mr. Wolfe Aye, the King George County Board of Supervisors went into closed session pursuant to State Code Section 2.2-3711(A)3 for discussion and consideration of the acquisition of real property suitable for industrial development in King George County, 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)5 for the purpose of discussing a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating its facilities in the community and invited the County Administrator, Deputy County Administrator, and County Attorney.

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

There being no further business to come before the Board, the Chairman adjourned the meeting to the 6th day of August 2007 at 6:00 p.m. in the Revercomb Building Board Room on a motion by Mr. Wolfe, seconded by Mr. Howard, and carried unanimously.