VIRGINIA:

At a regular meeting of the King George County Board of Supervisors, held on Tuesday, the 19th day of March 2013, 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

John P. LoBuglio, Vice-Chairman

Ruby A. Brabo, Member Cedell Brooks, Jr., Member Joseph W. Grzeika, Member

A. Travis Quesenberry, County Administrator

Eric A. Gregory, County Attorney

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

03-10 – Consent Agenda

On a motion by Ms. Brabo, seconded by Mr. LoBuglio, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. LoBuglio Aye; Ms. Brabo Aye; Mr. Brooks Aye; and Mr. Grzeika Aye, the King George County Board of Supervisors approved the consent agenda which included the following:

Authorized the issuance of warrants against the FY12-13 Debt Service Fund in the total amount of \$1,191,926.13

Authorized the issuance of warrants against the FY12-13 General Fund in the total amount of \$98,998.25

Authorized the issuance of warrants against the FY12-13 Library Fund in the total amount of \$2,758.30

Authorized the issuance of warrants against the FY12-13 Recreation Activity Fund in the total amount of \$1,759.02

Verified warrants issued to avoid late charges or disruption of service

Report of the County Attorney

Mr. Gregory met with Sheriff Steve Dempsey and the Commonwealth's Attorney concerning the Noise Ordinance and will be preparing a draft to be presented to the Board. Ms. Brabo mentioned that representatives of Dominion Power, as well as Captain Nette and Captain Smith of the Base, would also like to review the draft. Mr. Gregory noted that he hoped to have a draft prepared and to the Board by the second meeting in April.

Public Comment

The Chairman opened the floor for public comment.

Dr. Crowther, President of Rappahannock Community College (RCC), addressed the board and also acknowledged Dr. Rob Gates' outstanding and dedicated service as King George County's Representative on the RCC Board of Directors. She noted that Dr. Gates had served two terms on the Board of Directors and would therefore not be eligible for reappointment as his term would expire on June 30, 2013. Dr.

Crowther stated that many great things were happening at the college. She noted that RCC has continued to serve strongly in King George County having a good relationship with the High School, serving over 400 students and over 254 dual-enrolled students. Dr. Crowther stated that two years ago, the College finished an \$11 million renovation at both campuses and invited the Board the come for a tour of the facility. She also noted that RCC was looking forward to a great relationship with the potential STEM Academy and also re-energizing the engineering curriculum. The college is also serving to fulfill the GED function for adult education for the County. Dr. Crowther thanked the County for its continued financial support and hoped the Board would give favorable consideration of their capital budget request as well. She assured the Board that Rappahannock Community College remains committed to King George County.

Mr. Paul Plaschko of 14473 Dahlgren Road, spoke to the Board about Virginia Department of Transportation's (VDOT) project at Owens (Route 206) and related easement issues. He explained that VDOT wanted to remove trees from his property as part of this easement process. He further stated that the trees serve as sound barriers and provide protection for his house now, but once the trees are removed, he was concerned about the close proximity of traffic to his porch. He distributed photos depicting the difficulty he has experienced getting out of his driveway with the speeding traffic on Route 206. Mr. Plaschko told the Board he had spoken to a VDOT negotiator and asked that the trees be left alone, not install the ditches as proposed, lower the speed limit to 35 mph so a merge into traffic would be easier and blacktop 20 feet of his driveway to allow him easier and quicker access on to Route 206. Mr. Plaschko had heard that VDOT was perhaps giving consideration to not removing the trees. He requested an agreement in writing from VDOT confirming that the trees would remain but no such agreement was provided.

Mr. Plaschko also referred to Mr. Heath Taylor's property where VDOT was requesting two acres of land and offering to pay \$2,000, and questioned why so much land was being requested by VDOT. Mr. Plaschko also referenced that land was to be taken from the Oakland Baptist Church's cemetery. He further mentioned the excessive speed on Route 206 which he felt was extremely hazardous. The project which called for left hand turn lanes at a cost of \$4.5 million seemed excessive to him. He also felt the eventual placement of traffic lights at the intersection would lead to traffic jams and other hazards in inclement weather. Mr. Plaschko's appealed for the Board to vote to defeat this \$4.5M project.

Mr. Roy Hoback, 8529 Windsor Drive, used to live on Dahlgren Road (Route 206) and still has property there. He shared his experience of being contacted by VDOT for the purchase of his land for the Route 206 Project, which adjoins Mr. Plaschko's property near Burgess Hauling and Excavating. Mr. Hoback met with a contractor for VDOT on February 25, 2013, and was told by the contractor that they only wanted to purchase a small portion of his land to put a drainage easement between the properties, which he felt would take away from the value of his remaining property. He subsequently received a letter that condemnation of the land would begin as Mr. Hoback had not accepted VDOT's offer. VDOT did offer more money, but Mr. Hoback still felt the "right-of-way" ruined the value of his property. He thanked the Board for the opportunity of allowing the public to review this project.

Mr. Ken Luskay of 10030 Francis Folsom Drive, told the Board he has been having a problem with a neighbor's incessantly barking dog. He stated he was aware the Board was working on a proposed Noise Ordinance, but the issue of barking dogs was not being addressed. Mr. Luskay expressed his hope that this issue would be addressed either in the Noise Ordinance or possibly in an Animal Control Ordinance.

Mr. Heath Taylor, 15072 Dahlgren Road stated that he was offered significantly more than the \$2,000 previously mentioned, by VDOT for his property on Route 206. He thanked the Board for their service to the County, and looked for them to be the voices of its residents in these matters. He felt the proposed changes on Route 206 would create hazardous situations. The trees and natural barriers to traffic will be

removed from VDOT right of way for the sake of the project. Mr. Taylor noted he had been negotiating with VDOT as the impact to his property was very substantial. He inquired of the Board if there was an alternative to the proposed plans for this project and expressed his hope that the Board would give due considerations to the concerns of the residents along this corridor.

Mr. Jeff Kraisser, 12386 Cleydael Boulevard, presented pictures and cited safety concerns about the intersection of Dahlgren Road and Indiantown Road. Mr. Kraisser also provided pictures of the intersection at the WalMart on Route 301 noting that the lane markings were incorrect and asked that this issue be addressed with VDOT,

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

Reports of Members of the Board

Mr. Grzeika

Mr. Grzeika reported on several recently attended meetings to include on March 7, 2013 the Budget Work Session; then, a YMCA Casino Night Fund Raiser on March 9th; on March 12th, the United Way Campaign Awards Event; on March 13th attended the First House program sponsored by the Governor's wife, Maureen McDonnell, providing a history of the Governor's mansion on its 200th anniversary; on March 16th, he attended the opening day for of the King George Middle School girls' softball and boys' baseball season; and on March 18th, another Budget Work Session. Regarding VDOT issues raised during Public Comment, Mr. Grzeika pointed out that VDOT solely controls the roads in Virginia and while he understands the concerns of the citizens, the Board of Supervisors has no authority over these roads and VDOT needs to make the decisions and respond to the public and their concerns.

Mr. Brooks

Mr. Brooks commented on several issues, one being the repair of the landfill transfer station road and commended VDOT for completion that repair. He also noted that the Board had a good work session on March 18th on the budget resulting in no tax increase, a 2% raise for employees, an additional \$1M to the school division, and re-opening of the Fairview Beach Firehouse with personnel staffing.

Ms. Brabo

On February 20th, Ms. Brabo provided Mr. Gregory, County Attorney, a tour of the County; on February 22nd, attended the Dahlgren Heritage Museum meeting; the Budget Work Session on February 26th and the Service Authority Budget Work Session on February 28th. Ms. Brabo attended the NACo Legislative Conference in Washington, D.C. on March 2-5, 2013, where she met with Congressman Rob Wittman. She noted to Congressman Wittman that she was concerned about the lack of communication/notification from the U.S. Postal Service to the Board of Supervisors relative to the possible closing of some of the local post offices in the County and the fact that the main post office on Route 3 is closed during the lunch hour. Congressman Wittman stated that he would correspond with the U.S. Postal Service concerning these issues. She also reported that Under Secretary of Agriculture Ed Avalos has accepted her invitation to visit a Community Day Celebration at the King George Farmers Market this season and to meet with Ms. Nicole Thompson to discuss grant opportunities to help expand and grow the Farmers' Market. On March 7th, attended the budget work session; on March 15th, the Northern Neck Tourism Council meeting which met at the University of Mary Washington-Dahlgren Campus; on the 16th the Project FAITH spaghetti dinner fundraiser, and on the 18th the budget work session.

Appointment

On a motion by Ms. Brabo, seconded by Mr. Brooks and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. LoBuglio Aye; Ms. Brabo Aye; Mr. Brooks Aye; and Mr. Grzeika Aye, the King George County Board of Supervisors appointed Mr. Mike Arendt as the Dahlgren District Representative to serve a four-year term on the Landfill Advisory Board, as presented.

Ms. Brabo congratulated Fire & Rescue Chief David Moody for successfully completing the Executive Fire Officer Program.

Ms. Brabo expressed her displeasure with the proposed Route 206 project, noting that it favored commuters over residents, with the design of the project to move traffic through the intersection more quickly. She stated that not only was the School Transportation department against the project, but the Sheriff's office does not feel it is a safe solution. Ms. Brabo recalled how, at the first VDOT public hearing on this project, Mr. Hoback's property was not being impacted, and now the plans have changed to where his property would certainly be impacted, as the project plans seem to continually change over time. Ms. Brabo wondered why Route 206 was such a priority to VDOT at the Owens intersection at this time, while Indiantown Road intersection has more accidents reported than at the Owens intersection. She concurred that the Board of Supervisors could do nothing as Mr. Grzeika had stated earlier, but noted that at "day one", the Board should have been contacting elected officials to get involved in this situation.

Ms. Brabo announced that due to a problem with her e-mail, her e-mail address had to be changed to rubyb@co.kinggeorge.state.va.us.

Mr. LoBuglio

Mr. LoBuglio shared sentiments and frustration as Ms. Brabo on the Route 206 project, and felt the other two intersections referenced by Ms. Brabo should be addressed by VDOT. He felt the State legislators should be engaged with VDOT concerning these issues.

Mr. LoBuglio attended the special work sessions on the budget on March 7 and March 18, 2013, and then again on March 25^{th} .

Mr. Sisson

Mr. Sisson stated that he attended the Piedmont Regional Science Fair at the University of Virginia on March 13, 2013 and observed King George students who won first place in four categories, along with numerous second place and honorable mentions.

Mr. Sisson noted that this month had been very busy with several work sessions on the budget. Even though there were vigorous debates, the Board was able to come to agreement on the tax rates and a balanced budget, without raising taxes, to advertise for public hearing.

On March 16th, Mr. Sisson participated in opening day for baseball and softball at the Middle School, along with volunteers who had come forward to support the programs. He also attended the YMCA Casino Night, which is a fund raiser event for those who otherwise cannot afford YMCA memberships.

In addressing the public comments made earlier in the meeting, Mr. Sisson first stated that he appreciated Dr. Crowther and Dr. Gates along with the partnership of the Rappahannock Community College in King George County. As far as the Owens Project, Mr. Sisson was concerned about the project and the loss of

property, and noted that several letters of concern had been previously sent to VDOT and other officials and legislators who might have influence on the situation.

03-11 - Board/Commission/Agency Reports and Public Hearings:

A. Public Hearing: Community Development Block Grant (CDBG) – Project FAITH - King George Free Clinic

The Chairman called the public hearing to order, having been properly advertised and asked Ms. Nicole Thompson, Director of Economic Development, to provide an overview of the project.

Ms. Thompson explained that the King George Free Clinic would make up 1,500 square feet of the proposed 30,000 square foot HELP Center which would be located across from the Sheriff's office. The Clinic would provide new and expanded services to King George County's low to moderate income residents and that coverage would include a dental clinic providing non-surgical services, and would be open with regular office hours during the week. The current health clinic is only open on Wednesday evenings and Saturday morning and if residents cannot meet that schedule they must often find transportation into Fredericksburg to the Moss Free Clinic. It was estimated that over 1,000 individuals would benefit from have the Clinic in King George County. Ms. Thompson stated that the County was required to hold two public hearings, the first one being held on March 5, 2013. The second public hearing was advertised in the Free Lance Star on March 11th and in the King George Journal on March 12th and also on the County's website. She also noted that the County would be required to adopt a resolution relative to CDBG funding authorizing the County Administrator to submit the CDBG application. The County would also be required to provide support, noting one form of support would be the value of the land deeded to Project Faith, Inc. for this project in an amount of approximately \$200,000, based on information received from the Commissioner of the Revenue's office, and \$40,000 worth of in-kind staff support.

The Chairman opened the floor for public comment.

Mr. Shawn Lawrence, 10141 Angel Court, offered his support for the Free Clinic and the HELP Center, in general. He noted that currently, there was a free health clinic on Wednesday evenings and Saturday mornings, but the convenience of one location would offer residents a "hand-up", not a "hand-out". Mr. Lawrence stated the Clinic would be able to assist low to moderate income individuals and the HELP Center itself would offer hope to many people. Mr. Lawrence felt that services provided by the HELP Center would help citizens to become taxpaying, contributing citizens of the County, and this project would be at no cost to the County.

Mr. George Allison of Canterbury Estates on Kent Road, with 34 years of law enforcement experience, spoke admirably of Ms. Fronce' Wardlaw's generosity and her vision, that her efforts were commendable, but he did not feel the proposed HELP Center and Free Clinic was appropriate for the citizens of King George County at this time. His concern was the cost vs. benefits, which didn't appear to him to be quite right, with the County having already given Project FAITH 5.5 acres of land and application for funding of \$700,000 for a 1500 sq. ft. facility which he equated to approximately \$467 per square foot. Mr. Allison also cited recent comments from Board members which he felt were contentious at best and that even racism was mentioned in some Board member comments relative to this project. Mr. Allison also mentioned ObamaCare which is supposedly providing health care to everyone and questioned whether this project was even necessary. He felt providing free health and dental care was an inappropriate function of local government. He stated that services proposed to be provided at the HELP Center, Probation and Parole, continuing education, etc., would attract more non-King George County residents. He felt that the Probation and Parole services would most likely grow as the facility grows, and that

would not be the type of "element" the community needed to be exposed to as it would not mix well with the surrounding services already offered, such as the free clinic, college classes, cafés, etc.

Ms. Fronce' Wardlaw, Director, Project FAITH, Inc., responded to Mr. Allison's comments, stating that there were 130 ex-offenders currently residing in King George County. The purpose of the Probation and Parole Services proposed to be provided in the HELP Center would alleviate transportation problems of parolees traveling to Fredericksburg to meet with parole officers, etc. Ms. Wardlaw continued her statement providing data relative to the number of patients seen at the County's free clinic on Wednesdays and Saturdays, over 600 since 2009, and that the Moss Free Clinic in Fredericksburg turns away one out of three persons currently. However, the Moss Free Clinic did treat 320 King George residents in 2011.

According to the George Washington Regional Commission (GWRC), the number of uninsured residents in the age group 18-64 amounts to 1,511 uninsured adults; those with less than a high school diploma amounts to 374; those with a GED numbers 594; employed (the working poor) 869; unemployed is 340; and those not in the workforce and currently uninsured numbers 311. Some of these low income residents are now living in trailer parks and hotels in the County. When these residents were asked if they would visit a free clinic in King George and take advantage of the services offered, if one was available, they responded favorably.

Ms. Dreda Newman stated that she knew first hand how difficult it was for low-income residents, some making only \$12,500 a year, to get to a doctor's appointment. These residents who can't afford to go to the doctor would benefit greatly from the Free Clinic. Ms. Newman appealed to the Board to support the CDBG application for funding for the Free Clinic in King George County.

Ms. Arlene Jacavelli, Cleydael subdivision, shared her concerns about the proposed Free Clinic. Having had twelve year experience in community re-entry services prior to coming to King George, and prior to that, fifteen years of experience in marketing and promotion. Ms. Jacavelli was concerned about the high cost of medical care and its availability to low and middle income residents, and for those who would be held responsible for the expenses. She questioned who would manage the facility on-site; who would select the physicians and staff for the Free Clinic, who would manage the service providers; who would be liable if there was a lawsuit; and who would be responsible if the mortgage and other expenses were not paid? She further commented on the management of compliance issues relative to a CDBG Grant that come along with ancillary costs.

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

Ms. Thompson provided the draft CDBG Application to the Board.

There were no comments from the Board and the Chairman stated that the Board would consider and take action on the Resolution later in the meeting as an action item on the agenda.

B. Public Hearing: Case Number 12-12-E02 – Request by Hass Belle Grove Incorporated, represented by Brett and Michelle Darnell, Darnell Hospitality, LLC for a Special Exception Permit to Operate a Bed and Breakfast Inn

The Chairman called the public hearing to order and asked Mr. Green, to provide a brief overview of the request by Hass Belle, Incorporated, represented by Brett and Michelle Darnell, Darnell Hospitality, LLC for a Special Exception Permit to operate a Bed and Breakfast Inn, per section 2.3.3.4, King George County Zoning Ordinance, within the residential structure located on Belle Grove Farm (9221 Belle Grove Drive), Tax Map 38, Parcel 19.

Mr. Green explained that Hass Belle Grove, Inc. was the owner of the property and Brett and Michelle Darnell have secured permission to operate a Bed and Breakfast Inn within the residential structure on Belle Grove Farm. The Bed and Breakfast would operate within the residential structure and all catered events would occur on the grounds of the property outside the residence. Mr. Green noted that the catered events would be limited to fifty persons and be held no more than twice per week.

Mr. Green further noted that the property was zoned A-1, with six acres of the property being used for this purpose. A preliminary site plan was provided as part of the application, and all VDOT comments had been addressed. Mr. Green stated that two parking areas were required and discussed the special exception. The Planning Commission discussed the request and recommended approval by unanimous vote, with the conditions contained in the draft special exception permit. He discussed the recommended permit conditions and noted that two approvals would be required, one for the Special Exception Permit and one for the gravel parking area.

The Chairman opened the floor for public comment.

Mr. Brett Darnell and his wife Michelle from Chesapeake, Virginia explained their desire to run a Bed and Breakfast providing the history of their journey to reach that end. They had started to look into Belle Grove for that purpose in July 2011, researching the history which showed it to be the birthplace of James Madison, fourth President of the United States. The Darnells stated that the Foundation has agreed to "cross" promote Orange County sites, as well as Stratford Hall in Westmoreland County and Ferry Farm in Stafford County, along with the Belle Grove site. They informed the Board that the Inn would have four luxury suites available for use, each one decorated to reflect different time periods when families occupied Belle Grove. There are plans, as well, to utilize local products, local vineyards, etc. and promote King George County.

Mr. Ed Veazey supported the Darnell's application for Belle Grove and felt it would be an asset to the County in supporting tourism and history for the region. He strongly urged the Board to vote in support of the Special Exception Permit.

Mr. Richard Lorrey had just recently met Brett & Michelle Darnell and talked about the historical significance of Belle Grove. He felt this proposed Bed and Breakfast Inn would be a great addition to King George County.

Mr. Andrew Ball of Millbank stated that he had always been concerned for the use of Belle Grove Farm, particularly since the proposal that was presented some time ago for a sand and gravel operation near that site. Mr. Ball was in support of the Special Exception and urged the Board to approve the application.

Ms. Arlene Jacavelli expressed her excitement about the Belle Grove plans, along with its history of being James Madison's birthplace. She noted there were slave quarters on site and hoped that a museum could be created through fundraising efforts to showcase that part of its history and has begun to make contacts toward this project to preserve this property.

Ms. Jean Hudson of the King George Historical Society also expressed her excitement about the Belle Grove plans, both for the historical and tourism significance. She encouraged the approval of the application.

Ms. Nancy L. Long, Mayor of the Town of Port Royal, submitted a letter on behalf of the Port Royal Town Council Members in favor of the request. Ms. Brabo also received an e-mail from a Port Royal

Town Council member expressing support for this application. However, her e-mail account as closed due to a virus issue and she could not access the account but did want it noted that an email was received.

On a motion by Mr. Grzeika, seconded by Mr. Brooks and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. LoBuglio Aye; Ms. Brabo Aye; Mr. Brooks Aye; and Mr. Grzeika Aye, the King George County Board of Supervisors approved the Special Exception Permit Application, Case Number 12-12-E02, request by Hass Belle Grove Incorporated, represented by Brett and Michelle Darnell, Darnell Hospitality, LLC for a Special Exception Permit to operate a Bed and Breakfast Inn, per Section 2.3.3.4, King George County Zoning Ordinance, within the residential structure located on Belle Grove Farm (9221 Belle Grove Drive), Tax Map 38, Parcel 19 with those conditions contained in the Draft Special Exception Permit and allow use of gravel travel lane and parking area, as presented.

03-12 – Presentations and Reports

A. Mr. David Brown, Northern Neck Residency Administrator, Virginia Department of Transportation

Mr. Brown reported on the activities of the highway maintenance crews noting that the crews are presently out and about fixing potholes and will soon be doing ditch work on Route 218 and leveling dirt roads, etc. They have also worked on Henry Griffin Road at the Landfill Convenience Center. Mr. Brown stated that VDOT would be presenting the Secondary Six-Year Plan at a Public Hearing to be held in May.

Concerning the right-of-way on Route 206, Mr. Brown informed the Board that on November 26, 2012, the plans presented showed right-of-way based on the criteria for design, but at that time, the utility easements had not been identified. The utility easements have since been done and a set of plans provided to the County Administrator showing the final right of way with those easements. Mr. Brown stated that he had met with the various utilities companies located along that corridor and the utilities that are in conflict have to be relocated, sometimes outside of the right of way. He also noted that VDOT would be maintaining the drainage easement. Mr. Brown verified that the speed limit would not be changed on Route 206.

Mr. Brown continued by stating that when property owners are contacted by a right of way negotiator, the property owners have the right to negotiate the purchase of their land and if they don't accept VDOT's offer, the condemnation process would begin by power of eminent domain. If land is taken, VDOT is required to provide fair market value and the citizen must go through the Court process, at the landowner's cost, to assure they do receive fair market value.

Ms. Brabo informed Mr. Brown that some homeowners have been asking for negotiations in the sale of their property, but feel their requests are falling on "deaf ears" with VDOT. Mr. Sisson stated that there seems to be a feeling that there is no prevailing sense of reasonableness in decisions that are being made about easement acquisitions.

Mr. Brown explained that an acquisition team goes out to acquire the land and there are no VDOT engineers on site during that process. Board members voiced their concern that there were no VDOT representatives/engineers involved in the easement acquisition process to help the acquisition team understand the impact of this process on the citizens.

Ms. Brabo had inquired in an earlier meeting about the feasibility of a crosswalk at the Wal-Mart on Route 301. It was noted that this was being studied by the traffic engineers at VDOT and the County

would have to fund improvements to sidewalks for wheelchair accessibility, etc. VDOT could provide the cost for the signals and the pavement crossings.

It was the consensus of the Board to request a meeting between the County Administrator, Board Chairman, and Mr. Quentin Elliott of VDOT, to discuss issues raised at this Board meeting.

Action Items:

03-13 - Consideration of Community Development Block Grant (CDBG) Funding Resolution for King George Free Clinic

Ms. Thompson explained that the public hearing process was complete, having held the two required public hearings, and the next step in the grant process was for the County to submit the appropriate documents for consideration of a CDBG funding resolution for the King George Free Clinic. This project will result in the construction of a 1,500 square foot facility offering medical and dental assistance to low-to moderate-income families and other citizens of King George County and the region. The CDBG grant in the amount of \$700,000 is to fund construction of a free clinic to serve low-to-moderate income residents of King George, and the County will provide support and commitment in an amount of \$261,200.

Mr. Grzeika stated he could not support what seems to be an extraordinary amount of funds for a 1500 sq. ft. facility and felt the Free Clinic idea had been "hatched" in order for the grant proposal to work. Mr. Sisson also stated he would not support the funding and continues to be concerned about the viability of the project and the role of the County's Economic Development Director as he did not see this as an economic development function. Mr. Brooks continued to pledge his support for the proposal for a Free Clinic as he shared in support in the past.

On a motion Mr. Brooks, seconded by Ms. Brabo, and carried by a vote of 3-2, each member voting as follows: Mr. LoBuglio Aye; Ms. Brabo Aye; Mr. Brooks Aye; Mr. Sisson Nay; and Mr. Grzeika Nay, the King George County Board of Supervisors adopted the Resolution authorizing the County Administrator to sign and submit appropriate documents for the submittal of the Virginia CDBG funding proposal, as presented.

03-14 - Consideration of Change Order #5 for the Angel Court Project

Mr. Quesenberry explained that in February 2012 a Construction Services Agreement was executed with Franklin Mechanical Contractors, Inc. for the construction of infrastructure for the Angel Court Project. VDOT representatives performed a final inspection in February 2013 and there were several minor issues that needed to be addressed.

The County Administrator explained that this change order includes the additional work done to meet VDOT requirements which totals \$17,602; and in addition, there is a deduct as part of the change order in the amount of \$13,939. A worksheet was provided to the Board showing the net difference with the resulting change order having a net increase in the contract of \$3,663.00; resulting in the total cost of the agreement with Franklin Mechanical Contractors going from \$576,262 to \$579,925. With this adjustment, the County Administrator noted there was \$19,839 remaining of the \$680,000 CDBG grant awarded to King George County for this project. The change order request has been reviewed and is recommended by Project FAITH and the Department of Housing and Community Development.

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

King George County Board of Supervisors authorized the County Administrator to execute a change order with Franklin Mechanical Contractors to amend the budget to cover the cost of addressing issues raised during the final VDOT inspection increasing the contract price of the Angel Court Project by a net amount of \$3,663.00; and to extend the contract time of the Angel Court Project to March 31, 2013, as presented.

03-15 – Consideration of Resolution for Convenience Center Management

Mr. Gregory, County Attorney, explained that under the Landfill Agreement and its subsequent Amendments and Restatements between King George County and King George Landfill, Inc./Waste Management (WM), WM is responsible for the operation and maintenance for the Convenience Center at 11221 Henry Griffin Road (Route 205). Mr. Gregory noted that WM wishes to subcontract these responsibilities to Local Services, LLC, a private contractor. Assignment (subcontracting) of responsibilities is permitted under Section 61 of the Landfill Agreement, subject to the County's consent.

County staff reviewed the draft Site Operation Agreement between WM and Local Services, LLC and requested amendments on behalf of the County, which were incorporated into the Agreement. Language has been incorporated recognizing the contractual relationships of the parties and the County's ultimate interest in the satisfactory performance of the convenience center operation and maintenance responsibilities.

Should convenience center operation and maintenance performance become an issue, the County has recourse by withdrawing its consent to the assignment and the Site Operation Agreement includes provisions addressing failures to prosecute the work, which will protect the County's interests.

There does not appear to be any disadvantage to the County in consenting to this arrangement, as presented. Staff recommends approval/adoption of the Resolution and direction to notify WM of the County's consent by letter.

There was some discussion concerning whether the two days mentioned in this agreement with Waste Management for Hazardous Waste Days might increase to three and would the Convenience Center site be involved in those Hazardous Waste Days. Mr. Gregory stated that this agreement is to address the operation and maintenance of the Convenience Center site by the subcontractor, as traditionally the Hazardous Waste Days take place the main landfill site. Mr. Gregory will contact WM for clarification.

Mr. Grzeika inquired as to why the County was involved in the agreement to subcontract services for the Convenience Center. Mr. Gregory acknowledged that under the Landfill agreement with Waste Management, they could make assignments to other contractors, but must have the consent of the County. The Site Agreement also refers back to and relies upon the Landfill Agreement.

On a motion by Mr. Brooks, seconded by Ms. Brabo, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. LoBuglio Aye; Ms. Brabo Aye; Mr. Brooks Aye; and Mr. Grzeika Aye, the King George County Board of Supervisors approved the Resolution consenting to King George Landfill/Waste Management, Inc.'s assignment of Convenience Center operation and maintenance responsibilities to Local Services, LLC and directed the County Administrator to issue a letter to Mr. Thomas Cue, District Manager for Waste Management, Inc. memorializing the Board's consent, as presented.

03-16 – Amendment to the FY2012/2013 King George County Department of Fire, Rescue and Emergency Services (KGFRES) Budget to accept Grant

Ms. Harper stated that on January 1, 2013 King George County received a letter from the Virginia Office of Emergency Medical Services stating that the County's Grant request had been awarded funding from the Rescue Squad Assistance Fund (RSAF). The items requested were to replace the aging computer server for Company 1 and for Tough Book Laptop Computers used for patient care reports. This was a competitive grant amongst localities throughout the State.

The total grant awarded was \$15,100 of the total project cost of \$30,200. There was a required 50/50 match of funds from the County, and these funds would come from the KGFRES departmental budget.

On a motion by Ms. Brabo, seconded by Mr. LoBuglio, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. LoBuglio Aye; Ms. Brabo Aye; Mr. Brooks Aye; and Mr. Grzeika Aye, the King George County Board of Supervisors authorized the amendment to the FY2012/2013 King George County Department of Fire, Rescue and Emergency Services (KGFRES) budget to accept grant funds and appropriate additional revenues and expenditures in the amount of \$15,100 received from Virginia Office of Emergency Medical Services Rescue Squad Assistance Fund (RSAF) Grant, and authorized the County Administrator to execute the award documents, as presented.

03-17 - Authorize Expenditures against the FY2012-13 Capital Improvements Fund

On a motion by Mr. Brooks, seconded by Mr. LoBuglio, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. LoBuglio Aye; Ms. Brabo Aye; Mr. Brooks Aye; and Mr. Grzeika Aye, the King George County Board of Supervisors authorized the issuance of warrants against the FY2012/2013 Capital Improvements fund in the total amount of \$126,876.41, as presented.

Discussion Items:

03-18 - Financial Status Update for FY2012/2013

Ms. Harper provided the Board with a status report regarding revenues and expenditures for FY2012-2013 for both the General Fund and the School Funds as of the end of February 2013. She projected for the General Fund to end the fiscal year with a surplus of \$433,538, with the Schools projecting a deficit at the end of the fiscal year due to VRS funding not currently in the School budget. She also noted that the revenues from the State are coming in a little higher with ADM of 4,102.

Ms. Harper felt it would be appropriate to have the Superintendent of Schools come to a future meeting to discuss the approaching deficit. Mr. Grzeika stated the issue of the VRS funding goes back to previous budget work session discussions with Acting Superintendent Stanley Jones at which time the School Division had not included their VRS dollars in the budget approved by the Board and that the Board of Supervisors told them that the County would cover the VRS funding deficit. Ms. Harper will work with the School Division to determine the projected amount needed to cover VRS costs.

03-19 – Shiloh Park Project

On February 27, 2013, bids were received and publicly opened for the Shiloh Park (previously identified as Park at Purkins Corner), and a total of four (4) bids were received. Ms. Rebeccah Ward, P.E., Project Manager of AMT completed a review of the low bid and qualifications by W.C. Spratt, Inc., and determined W.C. Spratt, Inc. to be a qualified, responsible and responsive contractor.

The project was bid with a base bid and five additive bid items including: (1) Irrigation: \$145,000.00; (2) Field Equipment: \$98,000.00; (3) Sodding: \$160,000.00; (4) Stone dust trail: \$36,285.00, and (5) Water

and Sewer Utilities: \$157,500.00. The base bid from W. C. Spratt, Inc. included construction of sports playing field, parking lot and associated work for \$1,046,342.50.

At its March 5, 2013 meeting, the Board had requested Mr. Quesenberry consult with the contractor to see if the bid price could be extended past 60 days, to give the Board a chance to see what funds would be available in the next fiscal year's budget. The County Administrator confirmed that the contractor could not extend the bid price beyond 60 days and that the Board needed to act within the 60 day time frame, should they decide to award a contract. The bid recommended appeared to be a good bid and the funds could be phased in as was done at Sealston Park.

In order to award a construction contract, and any of the additive items, additional funds would need to be appropriated, and this would depend on the Board's selection of any additive bid items. Mr. Quesenberry recommended awarding the project with the base bid and the bid for the irrigation and field equipment, as well as other project related costs which would include construction administration, testing and engineering (\$37,000.00); Dominion Power charges (\$20,000), and contingency (\$50,000), all for \$107,000.00, bringing the total with the additive bid items to \$350,000.00. Mr. Quesenberry explained that \$1.1M had been appropriated for this project and that \$270,000 remained in the Natatorium Fund. He requested that the \$270,000 in Natatorium Funds be transferred to this project and also transfer \$80,000 from the Capital Projects Line Item. He also noted that in the Operating budget presentation presented to the Board on March 18, 2013, an amount totaling approximately \$5,000 was included as operating costs for this facility as the park would only be in operation for few months of the fiscal year due to the amount of construction time involved. However, operating costs for the following year would be estimated at \$14,000.

Prior to the vote, Ms. Brabo, while not opposed to this project, expressed her concern about the funding of this project and requested the Board delay the vote until the budget review process was complete and further review by the Board of the Capital Improvement Plan and Capital Projects Budget. In looking at County's budget and not being able to fund the County's current needs, she questioned the wisdom of funding the construction of another park at this time.

On a motion by Mr. Brooks, seconded by Mr. Grzeika, and carried on a vote of 4-1, each member voting as follows: Mr. Sisson Aye; Mr. LoBuglio Aye; Mr. Brooks Aye; and Mr. Grzeika Aye; and Ms. Brabo Nay, the King George County Board of Supervisors authorized the County Administrator to issue a Notice of Award to W.C. Spratt, Inc. for the Shiloh Park Project, approved and appropriated the transfer of \$270,000 from Natatorium Funds to the Shiloh Park Project, approved and appropriated the transfer of \$80,000 from Capital Projects to the Shiloh Park project, and authorized the County Administrator to execute a construction agreement with W. C. Spratt, Inc., subject to approval of the construction agreement as to form by the County Attorney.

03-20 - County Administrator's Report

The County Administrator provided the following information to the Board:

- 1. A copy of an e-mail from Ms. LaWanda Wright, Extension Agent, regarding an upcoming program called "The Poverty Simulation" sponsored by the Rappahannock Community College's Workforce Development Office, Virginia Cooperative Extension, and the King George YMCA. The program will be held at the King George YMCA on Thursday, April 4, 2013 from 10:00 a.m. to 2:00 p.m.
- 2. A memorandum from Chief Moody with a recommendation of Mr. David Garvin to fill the current vacancy on the Rappahannock EMS Council, Inc.

Appointment

On a motion by Mr. Grzeika, seconded by Ms. Brabo, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. LoBuglio Aye; Ms. Brabo Aye; Mr. Brooks Aye; and Mr. Grzeika Aye, the King George County Board of Supervisors appointed Mr. David Garvin to fill the vacancy on the Rappahannock Emergency Medical Services Council with his term expiring June 30, 2013, as presented.

Mr. Quesenberry reminded the Board that the Potomac Elementary School renovation bids would be coming in on March 26, 2013.

Closed Session

On a motion by Mr. LoBuglio, seconded by Ms. Brabo, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. LoBuglio Aye; Ms. Brabo Aye; Mr. Brooks Aye; and Mr. Grzeika Aye, the King George County Board of Supervisors went into <u>Closed Session</u> pursuant to Virginia Code Section 2.2-3711A7 for the purpose of consulting with legal counsel employed by this public body regarding specific legal matters requiring the provision of legal advice by such counsel regarding the proposed HELP Center project, and invited the County Administrator, Deputy County Administrator, and County Attorney to attend the closed meeting session because they are deemed necessary and their presence will reasonably aid the Board in its consideration of the topic to be discussed, pursuant to Virginia FOIA Section 2.2-3712(F).

On a motion by Mr. LoBuglio, seconded by Ms. Brabo, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. LoBuglio Aye; Ms. Brabo Aye; Mr. Brooks Aye; and Mr. Grzeika 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 March 25, 2013 at 5:30 p.m. at Company 1 Fire & Rescue Building, on a motion by Ms. Brabo, seconded by Mr. LoBuglio and carried unanimously.