

KING GEORGE COUNTY ECONOMIC DEVELOPMENT AUTHORITY
January 11, 2007

The Chairman, Mr. Glen Moore, called the regular meeting of the King George County Economic Development Authority to order at 6:00 p.m. in the Conference Room of the Smoot Memorial Library, at 9533 Kings Highway, King George, Virginia, with a quorum being present. All EDA members were in attendance. Mr. Bryan David, County Administrator and Mrs. Theresa O'Quinn, Deputy County Administrator, were also in attendance.

Approval of Minutes:

On a motion by Mr. Terry Moore, seconded by Ms. Churchill, and carried unanimously, each member voting as follows: Mr. Glen Moore Aye; Mr. Terry Moore Aye; Mr. Ballenger Aye; Mr. Beverly Aye; Ms. Churchill Aye, and Ms. Philbrick Aye, the King George County Economic Development Authority approved the minutes of the regular meeting of December 14, 2006, as presented.

Treasurer's Report:

On a motion by Mr. Ballenger, seconded by Mr. Beverly, and carried unanimously, each member voting as follows: Mr. Glen Moore Aye; Mr. Terry W. Moore Aye; Mr. Ballenger Aye; Mr. Beverly Aye; Ms. Churchill Aye; and Ms. Philbrick Aye, the King George County Economic Development Authority authorized payment of the following invoices, as presented, totaling \$548.56:

- \$6.56 to Dominion Virginia Power for sign lighting at Industrial Park
- \$542.00 to Sands Anderson Marks and Miller for legal fees pertaining to Industrial Park

Presentations of Requests from the Public:

Mr. Joe Wilson of Wilson Duerdon, LLC, located in Fredericksburg, Virginia and owner of Lots 14 and 15 in the King George Industrial Park, read a prepared statement regarding the issue surrounding the County's right to re-purchase Lot 14 in the Industrial Park.

Public Comment:

Mr. Homer Hite addressed the EDA in support of Mr. Joe Wilson's request and shared his work experiences with Mr. Wilson in other areas including serving with him on the Board of the MediCorp Health System. Mr. Hite spoke of Mr. Wilson's honesty and integrity as a businessman and asked the EDA to take those virtues into consideration in its decision making process.

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

Unfinished Business:

American Glass Industries, Inc. Status Report

Mr. David provided an update to the EDA Directors regarding the recent correspondence sent to Mr. Lahijan regarding his default status on the \$150,000 working capital loan from the EDA as well as the issue of a "buy back" of Lot 2. Both pieces of correspondence, sent by certified mail, have been returned to the County with the notation "undeliverable," after three attempts were made to deliver the correspondence.

Mr. David explained that the County would now move forward and take the necessary steps to recover Lot 2 to the EDA.

Business Visitation Program

Mrs. O'Quinn provided a follow up report on the Business Visitation Program and shared that the Board of Supervisors fully endorsed this program as its December 19, 2006 meeting. She also asked for input from the Directors regarding their willingness and availability to participate in upcoming visits to local businesses, which will begin in the next few weeks. All EDA members expressed a desire to participate in this process. Mrs. O'Quinn stated that the visitation by the EDA members will probably be done on a rotating basis, with one Board member accompanying the County Administrator, Deputy County Administrator, and one of the Supervisors on each visit.

New Business:

Review of Site Plan for Lot 16

Mr. David discussed with the Board the issue of the deed for Lot 16 now being in the name of Birchwood Creek Associates, LLC as opposed to the original deed, which was in the name of Wayne Bailey and whether this change violates any of the Declaration of Protective Covenants and Restrictions governing lots sales in the King George Industrial Park. Mr. David stated that he had discussed this issue with Mr. Britton, County Attorney, and subsequently contacted Mr. Bailey. Mr. David recommended that action on the site plan review be deferred until the next meeting of the EDA, or if necessary, at a special called meeting once the issue of the conveyance of the property to Birchwood Creek Associates, Inc. is further researched and the issue resolved. Mr. David explained that Mr. Bailey is working under a timeline to meet the specifications required by the Covenants and Restrictions whereby construction must begin within eighteen months of the deed recordation date, which for Mr. Bailey is March 13, 2007.

Mr. Bailey's attorney addressed the EDA explaining the process of the formation of the limited liability company, Birchwood Creek Associates LLC, and provided copies of documentation which verified expenditures for development of this lot were paid by Birchwood Creek Associates, LLC. The attorney clarified that Mr. Bailey has not sold the subject lot and that it was Mr. Bailey's intent, when he purchased the lot in September of 2005, to place it in a limited liability company of which he is the sole owner. The LLC was formed in July of 2005.

The EDA concurred with Mr. David's recommendation and will act on this request at its next meeting on February 8, 2007 or sooner if possible.

Proposed Worker's Compensation Coverage

Mrs. O'Quinn provided information to the EDA regarding the availability of worker's compensation coverage through VACo. She explained that the Virginia Workers' Compensation Act does not automatically provide coverage for members of a governing board or council of a locality. If the governing body is interested in obtaining coverage, they must do so by resolution. Benefits would only extend to work related accidents within the scope of the elected official's duties. Benefits may include wage replacement at sixty-six and two-thirds (66 2/3), death benefits and medical coverage for an injury by accident or an occupational disease arising from or caused by work. Any board for an independent political subdivision (e.g. Economic Development Authority) must be compensated in order to be eligible for worker's compensation and a resolution adopted by the respective board authorizing coverage.

The EDA concurred in this recommendation and adopted the following resolution on a motion by Ms. Philbrick, seconded by Ms. Churchill, and carried unanimously, each member voting as follows: Mr. Glen Moore Aye; Mr. Terry Moore Aye; Mr. Ballenger Aye; Mr. Beverly Aye; Ms. Churchill Aye; and Ms. Philbrick Aye:

WHEREAS, it has been determined that members of the King George County Economic Development Authority are not included as employees for the purpose of the Workers' Compensation Act of the Commonwealth of Virginia; and

WHEREAS, members of the King George County Economic Development Authority are entitled to such coverage;

NOW, THEREFORE, BE IT RESOLVED, that the members of the King George County Economic Development Authority are hereby authorized to be included as employees for the purpose of the Workers' Compensation Act of the Commonwealth of Virginia and entitled to all coverage provided under said Act.

Establishment of Meeting Dates and Times for 2007

On a motion by Ms. Philbrick, seconded by Ms. Churchill, and carried unanimously, each member voting as follows: Mr. Glen Moore Aye; Mr. Terry Moore Aye; Mr. Ballenger Aye; Mr. Beverly Aye; Ms. Churchill Aye; and Ms. Philbrick Aye, the King George County Economic Development Authority adopted the meeting schedule for 2007, as presented.

Business Appreciation Week

Mrs. O'Quinn discussed the upcoming Business Appreciation Week observance for 2007. The EDA at an earlier meeting had set aside two dates in May, the 16th or 17th, for this event and, for planning purposes, Mrs. O'Quinn requested the EDA to confirm a definite date. The consensus of the EDA was to schedule the 2007 Business Appreciation Event for Thursday, May 17th at the King George Citizens Center. Mrs. O'Quinn solicited input from the Directors regarding possible speakers from both large and small businesses in King George for this event, as well as any program ideas they may have.

Closed Session

On a motion by Mr. Terry Moore, seconded by Ms. Philbrick, and carried unanimously, each member voting as follows: Mr. Glen Moore Aye; Mr. Terry Moore Aye; Mr. Ballenger Aye; Mr. Beverly Aye; Ms. Churchill Aye; and Ms. Philbrick Aye, the King George County Economic Development Authority went into closed session pursuant to State Code Section 2.2-3711(A)5 for discussion concerning 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 State Code Section 2.2-3711(A)7 for the purpose of consulting with legal counsel and briefings by staff members or consultants pertaining to probable litigation, where such consultation or briefing in open session would adversely affect the negotiating or litigating posture of the public body regarding King George Industrial Park Lot 14 and invited the County Administrator, Deputy County Administrator and County Attorney.

On a motion by Mr. Terry Moore, seconded by Ms. Philbrick, and carried unanimously, each member voting as follows: Mr. Glen Moore Aye; Mr. Terry Moore Aye; Mr. Ballenger Aye; Mr. Beverly Aye; Ms. Churchill Aye; and Ms. Philbrick Aye, the King George County Economic Development Authority 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.

EDA Meeting – 01-11-07

4

There being no further business to come before the Board, the Chairman adjourned the meeting.