

VIRGINIA:

At a regular meeting of the King George County Board of Supervisors, held on Tuesday, the 2nd day of May 2006, at 6:30 p.m. in the Board Room of the Revercomb Building at 10459 Courthouse Drive, King George, Virginia:

PRESENT: C. Stephen Wolfe II, Chairman
Dale W. Sisson, Jr., Vice-Chairman
Cedell Brooks, Jr., Member
Joseph W. Grzeika, Member
James B. Howard, Member
R. Bryan David, County Administrator
Matthew J. Britton, County Attorney

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

Public Comment:

The Chairman opened the floor for public comment.

Ms. Denise Mainard, Dahlgren District, and President of Potomac Elementary School PTA, read a prepared statement, however, as a private citizen of King George County. Ms. Mainard expressed her concern regarding statements made by the Board at a recent public hearing on the proposed budget where several parents expressed concern regarding the reported a \$750,000 under funding of the school budget. Ms. Mainard stated that she recalled the Board members stating that the public had been misinformed and that the Board would be willing to meet with concerned parents to share information regarding this issue. Ms. Mainard expressed her dismay that four of five Board members did not respond to an e-mail sent inviting the members to attend an upcoming PTA open forum on April 27th, where these and other concerns could be addressed. Ms. Mainard requested the Board propose some optional dates where at least two Board members could attend an open forum PTA meeting to address issues of concern.

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

Reports of Members of the Board:

Mr. Grzeika

Mr. Grzeika commended staff on the arrangements for the recent visit by the Texas delegation during National County Government Week and felt the meeting was informative and was enlightening to learn of the similarities of issues as well as the differences.

Mr. Grzeika addressed the comments made by Ms. Mainard during the public comment period. At the April 18th meeting of the Board, Mr. Grzeika explained that any meeting where 3 or more Board members attend without adjourning to such a meeting and properly advertising that meeting would be considered an illegal meeting according the Freedom of Information Act. Regarding the School budget, Mr. Grzeika explained that the dispute over the budget is a budget request vs. an increase in the amount of money to be appropriated and related the fact that the School Board did receive an increase over last year's approved budget.

Mr. Sisson

Mr. Sisson echoed Mr. Grzeika's comments regarding the recent visit with the Texas delegation and extended his thanks and appreciation to the staff.

Mr. Sisson reported that he would be attending a VACo Environment and Agriculture Steering Committee meeting on May 19th and solicited input from constituents regarding issues related to these areas.

Regarding comments by Ms. Mainard, Mr. Sisson, while not apologizing for having a prior commitment on the date of the PTA Open Forum, expressed his willingness to meet with this group but asked that some alternative dates be presented for planning purposes so calendar conflicts could be avoided.

Mr. Howard

Mr. Howard also extended his appreciation to staff for coordinating the visit by the Texas delegation and felt the dialog was beneficial for all involved.

Mr. Howard expressed his concern regarding the new high school bid package going out later this month, and expressed his hope that the bid package would not go out without another review by URS, in light of the fact that URS has recently submitted to Moseley Architects a 90 page document of suggested changes. There was continued dialog among the Board Members, County Administrator and the County Engineer concerning the process getting ahead of the County's contract with URS and time constraints for getting the bid package out preventing a final review by URS.

Mr. Howard also reported that he would be attending the VACo meeting along with Mr. Sisson on May 19th and would be attending the Education Steering Committee meeting.

Regarding Ms. Mainard's comments, Mr. Howard suggested a more effective way of contacting the Board members or requesting meeting dates would be to route such a request through the County Administrator's office, since he did not receive either e-mail message referenced in Ms. Mainard's comments.

Mr. Howard provided an update on the status of interviewing for the position of Executive Director of RADCO.

Mr. Brooks

Mr. Brooks commended Ms. O'Quinn, Deputy County Administrator, on her first major project in coordinating the visit by the Texas delegation. Mr. Brooks echoed his colleagues' comments regarding the invitation to the Potomac Elementary PTA meeting and re-emphasized the fact that the Board cannot attend such meetings as a group without proper notification to the public and following proper procedures.

Mr. Wolfe

Mr. Wolfe concurred with his colleagues' comments regarding the Texas delegation visit and extended his appreciation to the staff for a job well done. As regards Ms. Mainard's comments,

Mr. Wolfe explained that he did respond to the e-mail stating that a previous commitment would not allow him to attend that particular meeting but did offer to attend any other meeting that the PTA may have, providing no conflicts in schedules.

05-01—Consent Agenda:

On a motion by Mr. Sisson, seconded by Mr. Brooks, and carried unanimously, each member voting as follows: Mr. Wolfe Aye; Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; and Mr. Howard 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 FY05-06 E-911 Fund in the total amount of \$1789.70.

Authorized the issuance of warrants against the FY05-06 General Fund in the total amount of \$49,607.35.

Authorized the issuance of warrants against the FY05-06 Library Fund in the total amount of \$4,083.57.

Authorized the issuance of warrants against the FY05-06 Recreation Activity Fund in the total amount of \$897.23.

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

Timed Items:

05-02—Proposed FRED Bus Schedule Revisions

Ms. Kathleen Beck, Transit Manager, Fredericksburg Regional Transit, and Mr. Glen Jenkins presented proposed changes to the King George bus routes. The only bus stop deleted from the original schedule was the Jersey post office location. However, pick up will take place at the Round Hill Market. Mr. Sisson stated the issue of bus stops on Route 206 was addressed but with limited shoulder space such stops would not be feasible and would be considered unsafe. Included in the proposed revisions was the adding of an hour to the Dahlgren route between the hours of 2:30 p.m. and 3:30 p.m.

On a motion by Mr. Brooks, seconded by Mr. Howard, and carried unanimously, each member voting as follows: Mr. Wolfe Aye; Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; and Mr. Howard Aye, the King George County Board of Supervisors approved the revised route plans for FRED bus service in King George County, as presented under Option 2, including the additional stops and the additional time frame to Dahlgren.

05-03—VDOT Report

Ms. Jorg Huckabee-Mayfield, Fredericksburg Resident Administrator, presented information to the Board regarding various road issues in King George County, including a traffic study to be done on Lambs Creek Church Road, improvement to the intersection of Eden Drive (Route 611) and Route 301, and shoulder repairs on Windsor Drive (Route 218). Ms. Huckabee-Mayfield also provided an update on Route 206 bridge closings, the installation of school bus signs on Route 614/Owens Drive from Bradford Place to Cook's Place, investigation of placement of a

traffic signal at Route 3 and Madison Drive and the possibility of timing the flashing lights at Route 3 and Fletcher's Chapel Road to coincide with school hours.

Regarding the traffic signal at Route 3 and Madison Drive, VDOT recommended that it be signalized. However, since Madison Drive and Barbara's Way are privately owned, it would be incumbent on the developer to provide the funding for design and installation of the signal. The County Administrator directed Mr. Green to advise the developer of these findings.

Regarding the flashing beacons at the intersection of Route 3 and Fletcher's Chapel Road, Ms. Huckabee-Mayfield shared information she had received from both the Commonwealth's Attorney General's Office and the State Traffic Engineer's office. Both those offices have determined that the beacons must either be left on continuous flash, or should be removed from the mast arms entirely. She also informed the Board that a signal warrant study was also performed and that the subject intersection met three warrants, requiring that a signal be installed at this location. VDOT is proposing to install "Signal Red When Flashing" actuated flashers 1,000 feet in advance of the signals, because of the sight distance concerns and the danger of rear end collisions occurring at the eastbound portion of the intersection.

Ms. Huckabee-Mayfield also informed the Board that the road surface of Route 627 is being addressed by the area headquarters.

05-04—Lot 17, Brookhaven Subdivision – David H. Hurda, President, Somerset Development

Mr. David explained that the Director of Community Development had been contacted by the President of Somerset Development Company, Mr. David Hrudu, regarding the possibility of donating real property to the Board of Supervisors, specifically Lot 17 located in the Brookehaven Subdivision, approximately 22 acres in size. This property is adjacent to property previously acquired by the Board to site the new King George County High School.

Mr. Hrudu proposed that this land, being contiguous to the new high school site, could lend itself to an Earth Discovery Learning Center and explained that Somerset Development has proposed similar uses of land in other jurisdictions.

The Board expressed the concern that a perception exists that something is expected in return when a developer offers to donate land to the County through the Board of Supervisors and wished to clarify that this would not be the case from the Board's perspective.

The Board took no action on this request but will discuss further with the County Administrator before making a final decision.

Report of the County Attorney:

As discussed in the earlier King George County Service Authority Board of Directors meeting regarding uniformity of names in which land is deeded to the County, Mr. Britton asked the Board to consider adoption of a resolution in which the County owns and holds all property in one name. The Board concurred with the recommendation and Mr. Britton agreed to prepare a resolution for the Board's consideration at its May 16, 2006 meeting.

Action Items:

05-05—Authorize Expenditures from the FY05-06 Capital Improvements Fund

On a motion by Mr. Howard, seconded by Mr. Sisson, and carried unanimously, each member voting as follows: Mr. Wolfe Aye; Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; and Mr. Howard Aye, the King George County Board of Supervisors authorized warrants against the FY05-06 Capital Improvements Fund budget in the total amount of \$272,323.56, as specified.

05-06--Approval of Warrant to the Journal Press, Inc.

On a motion by Mr. Howard, seconded by Mr. Brooks, and carried by 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 1105744 to the Journal Press, Inc., against the FY05-06 General Fund in the total amount of \$1,777.58. Prior to the vote, Mr. Wolfe disqualified himself on the basis of family interest.

05-07—Special Exception Permit for Antioch Baptist Church

Mr. Green presented a special exception permit request from Antioch Baptist Church. Since this is an existing church and the request involves an expansion, Mr. Green requested that the Board retain this request and schedule a public hearing regarding this issue.

On a motion by Mr. Brooks, seconded by Mr. Howard, and carried unanimously, each member voting as follows: Mr. Wolfe Aye; Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; and Mr. Howard Aye, the King George County Board of Supervisors retained Special Exception Permit 06-04-E03 and scheduled a public hearing for July 6, 2006.

05-08—Award of Contract for Kings Highway Housing Project Phase I (Project Faith)

Mr. Quesenberry, County Engineer, provided background information regarding the bid process for Phase I of this project. On April 19, 2006 bids were received for the King's Highway Housing Project, Phase 1. Two bids were received as follows: J.L. Kent & Sons, Inc., in the amount of \$679,910.00; and W.C. Spratt, Inc. in the amount of \$940,985.00. In checking the bids, it was discovered that the bid submitted by J.L. Kent & Sons, Inc. totaled \$678,910 instead of \$679,910. The bid documents state that, "Discrepancies between the indicated sum of any column of figures and the correct sum thereof will be resolved in favor of the correct sum". The amount of J.L. Kent & Sons, Inc. bid has therefore been corrected to \$678,910.00.

Mr. Quesenberry further explained that the total grant related costs to date are \$60,658.56 and include \$1,182.56 for advertisements in the Journal and Free Lance Star associated with the pre-contract activities and request for proposals and bids, and \$59,476 for engineering services. The available grant funds for construction of the infrastructure are \$633,681.44. Project FAITH will be responsible for the additional \$45,228.56 that will be needed prior to the award and execution of the construction contract. Project FAITH will also be responsible for all other costs, including change orders, associated with the project.

Mr. Quesenberry provided background information on the low bidder, J.L. Kent and Sons and informed the Board that Mr. J.L. Howeth had completed a review of the contractor's bid and qualifications and has recommended award of a contract to J.L. Kent & Sons, Inc. in the amount of \$678,910.00 and he concurred with that recommendation.

On a motion by Mr. Howard, seconded by Mr. Brooks, and carried unanimously, each member voting as follows: Mr. Wolfe Aye; Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; and Mr. Howard Aye, the King George County Board of Supervisors awarded the contract to J.L. Kent & Sons, Inc., in the amount of \$678,910.00 with \$633,681.44 being applied from the Community Development Block Grant previously awarded by the Virginia Department of Housing and Community Development and subject to the \$45,228.56 being remitted by Project Faith, Inc., and further authorized the County Administrator to do things necessary to accept and appropriate such funds from Project Faith, Inc., and to make any necessary transfers of the grant funds as contained in the FY06 County Budget.

05-09—Local Regulation of Signage or Advertisements Placed in VDOT Primary and Secondary Road Rights of Way

Mr. David explained that, at its meeting on March 21st, the Board of Supervisors directed staff and the County Attorney to proceed with a formal review of the VDOT Agreement, determining implementation steps, and to research staffing resources needed to implement and administer the removal of illegal signage. Further, the Board directed Mr. Green, Community Development Director, to inform the Planning Commission of this matter in the event that an amendment of the King George County Zoning Ordinance was necessary.

Mr. David stated that he, along with the County Attorney and the Director of Community Development have determined that the VDOT Agreement is sufficient authority to administer a local enforcement program to remove advertising signs from public highway rights-of-way. However, the enforcement process to be used by the Department of Community Development should be addressed with an amendment to the King George County Code. This amendment does not need to be contained in the Zoning Ordinance, and thereby, would not involve a public hearing with the Planning Commission. The Board of Supervisors would need to conduct a public hearing for the proposed amendment at the appropriate time.

It should be noted that VDOT requires the Board of Supervisors to conduct a public hearing prior to adopting the required Resolution. This public hearing is to receive comment on the terms of the VDOT Agreement and determine whether the "...public health, safety, morale, or welfare requires that a sign removal program be adopted".

Mr. David stated that the County Attorney is prepared to draft an amendment to the King George County Code to address the administration and enforcement of the program. The Board of Supervisors would conduct a public hearing on the proposed ordinance. The timing of this public hearing, i.e., prior to or after approval of the Agreement by VDOT's Commissioner, would then be determined and communicated to the Board of Supervisors.

After considerable discussion regarding the enforcement of such an ordinance and the amount of staff time involved, the Board directed the County Administrator to bring back to the May 16, 2006 meeting a proposed ordinance change and a draft resolution for the Board's consideration.

05-10—Update of King George County Personnel Rules and Regulations

The County Administrator explained that, based on discussions with the County Attorney regarding the need to improve the clarity of the rules and regulations, to apply current personnel law practices and standards, and more efficient administration procedures, it is advisable to update the King George County Personnel Rules and Regulations.

The County Attorney recommended that outside counsel be hired to assist with the update. An attorney with extensive personnel law experience is available through the firm of Odin, Feldman, and Pittleman, P.C. The attorney is Fran Dwornik and services to be rendered include the following elements:

- developing goals and objectives for the personnel manual
- preparation of an initial draft that includes policies, procedures and the required disciplinary due process procedures in the event of a disciplinary action or proposed termination
- preparation of a second draft once feedback is received from County staff and the Board of Supervisors
- preparation of a final draft in an electronic format for adoption by the Board of Supervisors.

The County Attorney further explained that Ms. Dwornik will charge a rate of \$240 per hour with a total fee not to exceed \$3,600. If the project takes less than the estimated time, then the County is only obligated to pay charges for the time spent on the project. If she exceeds the time estimate, the County will not be charged. Additionally, she will meet with him, the County Administrator, and the Deputy County Administrator on site for approximately two (2) hours to initiate the project. There will be no charge for the initial meeting. Mr. David stated that funding for the project is available in the County Attorney's FY06 budget for retaining outside counsel.

On a motion by Mr. Sisson, seconded by Mr. Howard, and carried unanimously, each member voting as follows: Mr. Wolfe Aye; Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; and Mr. Howard Aye, the King George County Board of Supervisors authorized the County Administrator and the County Attorney to proceed with preparing an update of the King George County Personnel Rules and Regulations and further, to retain the firm of Odin, Feldman, and Pittleman, P.C. to assist with the update at a rate of \$240 per hour with a total fee not to exceed \$3,600.

05-11—Adoption of Resolution to participate in the VJCCA Program for FY2007 and FY2008

Mr. David stated that correspondence has been received from the Fifteenth Judicial District Court Service Unit, Department of Juvenile Justice, regarding the County's approval to participate in the VJCCA Program for FY2007 and FY2008. As expressed in the letter from Mr. George Beane, to receive state funding it is necessary for localities to maintain the same level of contributions to the VJCCA Program. A copy of the proposed VJCCA Plan for King George County indicates funding will remain the same for FY2007 (\$1,040.00). Mr. David asked the Board's approval by adopting the proposed resolution.

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

RESOLUTION

Be it resolved that the King George County Board of Supervisors will participate in the Virginia Juvenile Community Crime Control Act and accept funds appropriated for the purpose set forth in this Act for FY2007-2008;

Be it further resolved that the County Administrator is hereby authorized to execute the locally approved plan on behalf of King George County.

Discussion Items:

05-12—Request by Virginia Broadband for Access to County-controlled Aerial Infrastructure

Mr. David informed the Board that the County had received a request from Virginia Broadband requesting that negotiations begin immediately to lease County-controlled aerial infrastructure and to "...waive any height restrictions to structures or utility poles for the purpose of antenna and radio equipment placement where existing communication structures are not available." Virginia Broadband expressed to the County Administrator that it would rather not wait until the formation of the County's wireless authority before deploying broadband in the County.

The Board expressed concern about Virginia Broadband's request given the competitive nature required in the process of providing broadband service within the County and inquired about the status of the establishment of the King George County Wireless Authority.

County Administrator's Report:

05-13—Bright System Modifications for Payroll and Benefit Encumbrances

Mr. David provided further information regarding the Bright System's abilities versus the needs of the School Board regarding financial reports. The Finance Director is currently in discussions with the Bright representatives to determine what modifications could be made to the current software system and has determined that modifications can be made at a cost of approximately \$6,000.

After some discussion, the consensus of the Board was to proceed with the purchase of the update of the Bright system to address the accrual issues, as presented.

05-14—Elimination of Vehicle Decals – Status Report

Mr. David provided a status report on the process of eliminating the issuance of County vehicle decals. The County Attorney will be drafting the appropriate Code changes needed to eliminate the decals and contact has been made with representatives of the Bright System regarding the necessary modifications needed to print the decal fee on the County tax bills. This project is proceeding on schedule with this change taking effect for Tax Year 2007.

05-15—Proposed Dahlgren Railroad Trail – Status Report

As requested by the Board, staff is in the process of reviewing the subject property regarding zoning classifications, etc. and will present a detailed report to the Board at its May 16, 2006 meeting.

Information Items:

Mr. David presented information to the Board regarding upcoming events planned for the Fourth of July celebration at the Dahlgren Base.

Mr. David announced that the County's Finance Director, Mr. William Skinker, has accepted a position with Fauquier County Service Authority as its Chief Financial Officer and will be

leaving the County on May 19, 2006. Mr. David expressed his thanks and appreciation to Mr. Skinker for his service to the County and wished him well in his new position.

Mr. David and Mrs. O'Quinn, Deputy County Administrator, have begun work on the transition process and have advertised for the position.

Closed Session:

On a motion by Mr. Sisson, seconded by Mr. Grzeika, and carried unanimously, each member voting as follows: Mr. Wolfe Aye; Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; and Mr. Howard Aye, the King George County Board of Supervisors closed session pursuant to Code of Virginia Section §2.2-3711(A)7 for the purpose of consulting with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel regarding Fire Station 1 Renovation Project and invited the County Administrator, Deputy County Administrator, County Engineer, County Attorney, and Fire and Rescue Chief.

On a motion by Mr. Sisson, seconded by Mr. Grzeika, and carried unanimously, each member voting as follows: Mr. Wolfe Aye; Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; and Mr. Howard 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 9th day of May 2006 at 6:00 p.m. at the Smoot Memorial Library on a motion by Mr. Howard, seconded by Mr. Grzeika, and carried unanimously.