

**VIRGINIA:**

At a regular meeting of the King George County Board of Supervisors, held on Tuesday, the 6<sup>th</sup> day of June 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.

**Amendments to the Agenda:**

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 amended the agenda to include an amendment to the Commonwealth Attorney's FY06 Operating Budget to recognize and appropriate additional funds received from the State Compensation Board in the total amount of \$12,707.83.

**Public Comment:**

The Chairman opened the floor for public comment.

Mr. Thomas Kramer, Rokeby Lane, inquired as to whether comments and questions raised by residents during previous public comment periods regarding the "rails to trails" issue be provided to Mr. Brickley.

Mr. Larry Kyle spoke in opposition to the "Rails to Trails" project and shared his concerns on what appears, in his opinion, to be a lack of involvement by the Board in what seems to be a "county" issue. Mr. Kyle inquired as to whether plans are in place to develop the trail around the Little Ark Baptist Church, to go around the Northern Virginia Gun Club, provision for emergency services for County residents using the trail, etc. and are such plans in writing. Mr. Kyle felt that it is the responsibility of the Board of Supervisors to protect the sanctity of the Little Ark Baptist Church cemetery as well as the public safety of County residents. Mr. Kyle also stated that he felt it is the responsibility of the Board to ensure that employees working on this issue are unbiased and follow the codes of this County.

Mr. Scott Talbot, resident of The Meadows, spoke in opposition to the "Rails to Trails" project and felt that no taxpayer funds should be expended for this project and that the developer should pay for an independent environmental impact study. Mr. Talbot also discussed the issue of safety for county residents including law enforcement support and emergency services access to the trail. Mr. Talbot was of the opinion that the group developing this trail has acted irresponsibly and has shown disregard for the rights of County citizens. If this project goes forward, Mr. Talbot

suggested that the developers install chain link fence on both sides of the trail to ensure privacy of the residents whose property is adjacent to this trail.

Ms. Wendy Shaffer spoke in support of the “Rails to Trails” project and felt it should be completed and open to the public.

Ms. Stephanie Walters, James Monroe District, stated that the “opening day” ceremony for the “Rails to Trails” project was attended by non-County residents who are not affected by the development of this trail. Ms. Walters referred to a recent article in the regional newspaper where Mr. Brickely stated that he would eventually like to transfer this trail to the State, which means that King George tax dollars would have to pay for the trail. Ms. Walters expressed concern that very little is known by the County residents as to how the trail will be maintained or policed. She felt a public hearing would be an appropriate venue for the public to be aware of plans for this trail’s development. Ms. Walters also referenced the issue of the number of sex offenders registered in King George County and felt this trail may be a haven for such activity and is a concern for families with children living along the trail.

Mr. Earl Walters, Fox Run Subdivision, spoke in opposition to the “Rails to Trails” project, and discussed the issue of safety and inquired as to how the County plans to protect his family and his property since his property is adjacent to the trail, i.e., will additional law enforcement personnel need to be hired; will additional emergency medical services be required; who will pay for those additional personnel etc. Any additional expenses to the County, Mr. Walters felt, would add to the tax burden of the County residents.

Ms. Debbie Bernardes, Tomahawk Drive, spoke in support of the “Rails to Trails” project and uses the trail regularly and felt that the trail would be a wonderful opportunity for the citizens of the County to use for exercise and recreational activities. She expressed her hope that the “Rails to Trails” supporters and those who hunt on the land can work together to use the property to the benefit of all parties.

Ms. Alice Howe, Potomac Landing, spoke in support of the “Rails to Trails” project and has participated in running events on similar trails in other localities. Ms. Howe felt that King George County needs some additional recreational opportunities for all age citizens and that this trail would provide the opportunity for walking, biking, etc.

Mr. Tom Brooks, Berry Plains, spoke in favor of the “Rails to Trails” project. Mr. Brooks shared his positive experiences with bike trails in the Williamsburg and Leesburg areas. Mr. Brooks felt this type of trail will attract the type of people who are good stewards in the community.

Mr. Charles Kennedy, Bayberry Subdivision, spoke in favor of the “Rails to Trails” project and stated that he respects the various opinions voiced regarding the trail. Mr. Kennedy however took offense to the negative accusations that were made toward those who support the trail, including the flyer which indicated that supporters of this project were racist and anti-Christian.

Mr. Ed Veazey spoke in support of the “Rails to Trails” project and felt it provides excellent recreational opportunities for families in King George County to enjoy the environment and perhaps becoming a learning center for local Boy Scout and Girl Scout troops, as well as the local school system.

Ms. Cynthia Harry, The Meadows, spoke in opposition to the “Rails to Trails” project and expressed concern as to who will monitor the trail, how it will be maintained, whether ATV’s will

be allowed on the trail, as well as the liability of adjacent property owners should someone venture off the trail and get hurt on that property.

Mr. Greg Thorsted, Presidential Lakes, extended his thanks to the Board for the opportunity to speak regarding the “Rails to Trails” project and referenced the May 31, 2006 “Letter to the Editor” of the Free Lance Star, written by Ms. Doris Whitfield, which provided a background and history of the rail bed as well as discussing the benefits of such a trail in King George County. Mr. Thorsted spoke against the development of the rail bed and made mention of the fact that Mr. Williams has retained utility rights to this property and how that perhaps opens the door for future development opportunities.

Mr. Terry Moore, The Meadows, spoke in opposition to the “Rails to Trails” project. Although a member of The Meadows Home Owners’ Association, Mr. Moore clarified that he was speaking as a resident of the County and not for the Association. Mr. Moore stated that although this type of trail would have recreational benefits, it does not outweigh the potential downside to the development of the rail bed. Mr. Moore felt the current owners of the rail bed have shown willful disregard for adjoining property owners’ rights and that this issue should have been settled many years ago and the property reverted back to the original landowners. He expressed his concern on the impact on Little Ark Baptist Church and does not see this as a political issue.

Mr. John Kapkey read from a prepared statement speaking in support of the “Rails to Trails” project. Mr. Kapkey felt the trail would be a safe place for children to bike and a beautiful place for adults to pursue recreational activities by biking, walking or jogging. This trail, he felt, will leave a good legacy to hand down to the children of King George County.

Mr. Jim Hanson, The Meadows, spoke in opposition to the “Rails to Trails” project and referenced the issue of safety of those using the trail and asked what type of funding has been allocated to this project by the County; is there any logistical support in place to support police protection, emergency services provisions, etc. Mr. Hanson also inquired as to whether this is a private park or public park and if public does the U.S. Forestry Service have the manpower in place to provide security, maintenance, etc.

Mr. John Headley, Chairman of the Republican Party of King George, distributed a written statement in opposition to the “Rails to Trails” project, asking in that written statement for the Board of Supervisors to give consideration to taking the Little Ark Baptist Church cemetery land by eminent domain and return it to the church. Mr. Headley called on Mr. Brickley and all landowners to cease work on the “Rails to Trails” project until such time as the property has been transferred to Little Ark Baptist Church. Mr. Headley also appealed to the Board to schedule a public hearing on the “Rails to Trails” issue.

Mr. Charles Salser expressed his concerns about the “Rails to Trails” project, inquiring as to why anyone from the northern part of the state would want to come to King George to ride a bike trail and also shared his concern about the issues with the Little Ark Baptist Church cemetery. Mr. Salser expressed his dismay about people coming into the County and wanting to change its rural character.

Ms. Pamela Bramell spoke in opposition to the “Rails to Trails” project, stating that she moved to King George County and felt she has plenty of opportunities for her and her family to enjoy the natural beauty the County has to offer without asking the Board of Supervisors and the County to provide a trail for her to use. Ms. Bramell stated that she moved to King George because of its rural character and hopes the County will stay that way.

Mr. Darrell Breitenstein, Shiloh District, questioned the safety of people accessing the trail, as he recently witnessed a biker at the recent opening of the trail, parking at the old King George Elementary School and using Route 610 to get to the trail. Mr. Breitenstein also discussed the risk people face biking on Route 218 to access the trail as well as the increased traffic along these routes for those people coming from Northern Virginia to use the trail, increasing the probability of accidents.

Mr. Phillip Frederickson, Cleydael, stated that he does not oppose the “Rails to Trails” project but that several details need to be addressed. Mr. Frederickson did state that Mr. Headley’s presence and prepared statement have made this “Rails to Trails” a political event. The trail, Mr. Fredeickson felt, is a County issue, not a political one.

Mr. James Johnson, The Meadows, spoke in opposition to the “Rails to Trails” project and felt that such a trail would take away from the tranquility of the area in which he lives, since the trail abuts his property. Mr. Johnson discussed the issue of the noise that will be created by those pursuing different types of recreation on this trail and felt his privacy has already been violated.

Mr. R.J. Williams spoke in opposition to the “Rails to Trails” project, agreeing with those who have addressed the issues of safety, fire and rescue service provisions, etc. Mr. Williams felt that none of the important questions have been answered relating to management of the trail, costs, how to show proof of permit to use the trail, etc. and that as long as these questions remain unanswered it would be difficult to support this project.

Mr. Herb Choler, The Meadows, spoke in opposition to the “Rails to Trails” project and echoed the comments made by those who previously addressed the Board.

Mr. Mark Bogue spoke in favor of the “Rails to Trails” project, felt that the County is being over developed and the addition of a biking/hiking trail would be beneficial to the citizens and those who chose to visit here. Mr. Bogue appealed to the Board to be fair in its decisions regarding this issue and to listen to and consider all of the comments made.

Mr. Ken Juvey owns an easement that the rail bed intersects and inquired about the original agreement on the use of this land. Mr. Juvey was of the opinion that once the railroad was no longer being used, the land was to be returned to the original owners. He also felt that the people that should have a say in this issue are the ones that have property affected by the development of the rail bed. Mr. Juvey stated that by allowing development and access to the “trail,” the County is telling him and he has access to everyone’s property just as they now have to his since the “trail” intersects his property.

Ms. Celia Williams owns property that adjoins the rail bed and spoke in support of the “Rails to Trails” project. Ms. Williams shared research on many of the railbeds across the country and the positive outcomes of such developments. Ms. Williams urged the Board to give favorable consideration to the development of this trail.

Mr. Jack Bernardes owns property adjacent to the rail bed, spoke in support of the “Rails to Trails” project and felt that the development of the rail bed into a hiking/biking area would provide a much needed area for those types of exercise since the area roadway are not a safe place to ride or walk.

Mr. Ray Gamache spoke in favor of the “Rails to Trails” project, felt it is a project that will

greatly benefit the community, and appealed to the Board act favorably on this issue.

Mr. Jerry Purks, a lifelong resident of King George, strongly opposed the “Rails to Trails” project. Mr. Purks felt that there are many liability issues involved in the trail which will eventually cost the taxpayers and expressed his hope that the Board would not support this project.

Mr. John Klochak, member of the Northern Virginia Gun Club, made reference to the many comments regarding recreation and conservation efforts and voiced his support for the sports of hunting and shooting. He felt that an organization proposing to build a trail for recreational purposes was a good idea but did not support such a trail if it would infringe on his rights to shoot and hunt in that location, as a member of the gun club.

Ms. Linda Williams, Presidential Lakes, spoke in favor of the “Rails to Trails” project and felt that such trails provided access to remote areas for recreation for not only residents of King George County but for those who visit from many areas of the country.

Mr. Richard Thompson, Hugger Tract resident, spoke in opposition to the “Rails to Trails” project citing the issues of personal safety and the possibility of an increase in taxes to support the upkeep of such a trail. Mr. Thompson did remind everyone that the County does have access to Caledon State Park which already has many trails available for hiking, picnicking, etc.

Mr. Daniel Murvel, Westmoreland County resident, spoke in support of the “Rails to Trails” project and questioned the concerns many people raised about crime issues regarding the trails. Mr. Murvel felt that there was no data to support such claims.

Ms. Gayle Galatto spoke in opposition to the “Rails to Trails” project and expressed concern about personal safety of those using the trail since her sister was attacked on a similar trail in Maryland. Ms. Galatto explained that the rail bed abuts her property and that people using the trail will, in all probability, access her property. Since she has a pond on her property, Ms. Galatto felt she will have to drain the pond in order to prevent some type of tragedy from possibly occurring at the site. Ms. Galatto strongly felt that such adjustments that she will have to make are unfair to her as a property owner.

Mr. Elmore Tyler spoke in opposition to the “Rails to Trails” project and stated that he will continue to do so. Mr. Tyler stated that he supports growth in the County, but along with growth he felt comes the possibility of crime and a trail such as the one proposed gives opportunity for crime to happen. Mr. Tyler expressed his concern about the trail going through the Little Ark Baptist Church’s cemetery as well as the impact this trail will have on his neighbors within the County.

Mr. Dick Asvel, resident in The Meadows, served on the Board of Directors of The Meadows, where the subject of the “Rails to Trails” issue has been discussed. Mr. Asvel expressed concern about the use of the roadway in The Meadows by those accessing the rail bed and the wear and tear this will have on the road way which is maintained by the property owners. Mr. Asvel also questioned whether ATV’s would be allowed on the trail, the safety impact this would have on those who used the trail for walking or hiking, especially since ATV’s are not allowed on the roads in The Meadows, and who will be policing the trail. He also questioned how the trail will be monitored for cleaning up trash; will the County’s police force be increased to maintain security on the trail; will this result in increased taxes for County residents, etc. Mr. Asvel appealed to the Board to give careful consideration to these and other issues raised by the public.

Mr. David Jones, residing on Winston Place, spoke in support of the “Rails to Trails” project and has been working on the project since its beginning.

Mr. Brian George spoke in opposition to the “Rails to Trails” project. Mr. George stated that he owns 17 acres in the County and part of his property is adjacent to the rail bed. Mr. George’s concerns included the possibility of crime on the trail and people accessing his property to use the trail.

Ms. Doris Whitfield, Fairview Beach, while hearing the concerns expressed by many County residents and others, spoke in support of the “Rails to Trails” project and felt it was a great recreational opportunity for County residents and those who will visit.

Ms. Ellen Lawrence spoke in favor of the “Rails to Trails” project and questioned the concerns expressed about the possibility of increased crime. Ms. Lawrence felt that the possibility of increased crime comes with growth in any area and not necessarily tied to the development of a trail such as the one being proposed.

Mr. David Harry, James Monroe District, stated that “this issue breaks down to deceit and dollars,” and felt that the developers of the rail bed have no interest in enhancing King George’s natural resources and outdoor recreation possibilities for County residents and those who visit here. Mr. Harry referenced the fact that the owner has retained the utility easements to the rail bed property and questioned that action. Mr. Harry pleaded with the Board to carefully investigate this issue of the rail bed development and not to be “duped” by outsiders and ask the developer to give up the utility easements and see how the developer answers that request.

Mr. John LoBuglio, James Monroe District, spoke in opposition to the “Rails to Trails” issue, addressing some of the previous comments regarding crime statistics, possible increase in taxes for additional emergency services and law enforcement support, trespassing and right of way issues, and then read a prepared statement to the Board questioning the utility easement retained by the owner of the rail bed property.

Ms. Nicole VanAlstine spoke in support of the “Rails to Trails” project and expressed her hope that those who support the trail could work with those in opposition to help them better understanding the advantages of such a trail in King George County.

Ms. Jennifer George, Hugger track resident, spoke in opposition to the “Rails to Trails” project.

Ms. Michelle Wright owns property adjacent to the rail bed and felt that residents should take advantage of a State Park already located in King George County, Caledon Natural Area, and did not support the development of the rail bed as a hiking and nature trail.

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

**Reports of Members of the Board:**

**Mr. Grzeika**

Mr. Grzeika stated that he would withhold comments and questions about the rail bed issue until Mr. Brickley’s presentation later in the meeting. He did express to the public that the County is not engaged in the rail bed project except to enforce the laws and ordinances of the County which

is his role as an elected official. Mr. Grzeika also reported on recent meetings he attended in Caroline County for the Regional Elected Officials meeting and with the Charles County, Maryland Commissioners.

**Mr. Sisson**

Mr. Sisson echoed Mr. Grzeika's comments that the rail bed project is not a County project and the fact that he has stated that he is not in favor of this project and that all property owners' rights need to be considered.

Mr. Sisson felt the opportunity to meet with the Charles County counterparts was beneficial to address issues of concern to both governments.

**Mr. Howard**

Mr. Howard concurred with his colleagues that the rail bed project is not a County project and that the Board does have the responsibility to enforce the pertinent ordinances and laws of the County. Mr. Howard expressed his concern over the division that appears to exist among County residents over this project and the strong opinions being voiced on both sides of the issue.

Mr. Howard inquired about the recent discussion with the Board regarding a proposed golf cart ordinance for Fairview Beach and solicitation of comments from Board members regarding this proposal. A motion was made by Mr. Howard requesting the Board's consensus to have the County Attorney prepared a revised copy of the proposed ordinance for the Board's consideration. The motion failed due to lack of a second to the said motion.

***Appointments***

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 reappointed Mr. David Kitterman to the King George County Planning Commission for a four-year term, expiring June 30, 2010.

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 appointed Mr. Michael S. Gallier to the Smoot Memorial Library Board of Trustees to fill the unexpired term of Mr. Michael J. Wardlaw, the term expiring October 31, 2006.

Prior to the vote, Mr. Howard explained that Mr. Wardlaw was no longer able to serve due to travel and job related commitments.

**Mr. Brooks**

Mr. Brooks stated that he would withhold any remarks on the rail bed issue until the presentation was made by Mr. Brickley.

Mr. Brooks did inquire about a tractor trailer located across from Sheetz on Route 301 that has been sitting idle for more than a week and asked the County Administrator to further investigate. Mr. Brooks also asked for follow up on the condition of the fence at the old landfill site as this issue was raised at a previous Board meeting.

Mr. Brooks also discussed the meeting held on June 5, 2006 with the Charles County Commissioners and felt the discussion was very beneficial in sharing mutual concerns.

**Mr. Wolfe**

Mr. Wolfe addressed the issues raised during public comment regarding the rail bed project and felt there were many valid concerns. He did however concur with his colleagues in that, under State Code, King George as well as every county in the state has very limited authority, with much of the authority involving the enforcements of codes and ordinances currently in place. Should this project require administrative type permits, the Board has no authority to act on such permits. However, should the project require a special exception or rezoning permit, the Board would have the authority to act on such requests. Mr. Wolfe did state that if a portion of this particular project does involve a decision by the Board of Supervisors regarding a parcel of land for Little Ark Baptist Church, he would oppose such a request.

Mr. Wolfe concurred with his colleagues regarding the June 5, 2006 joint meeting with the Charles County commissioners where issues of mutual concern were discussed, including problems related to the Route 301 Harry Nice Bridge.

**Timed Items:**

**06-02--Dahlgren Railroad Heritage Trail**

Mr. David Brickley, prior to addressing the issue of the Dahlgren Railroad Heritage Trail, shared his background in the State legislature and his tenure as Director of the Virginia Department of Conservation and Recreation.

Mr. Brickley presented a brief power point presentation regarding plans for the rail bed and discussed how he came to acquire the property. He explained that this particular property is a private piece of property and does not require that he appear before the Board. However, Mr. Brickley stated that he wanted the opportunity to share his plans with the Board and stated that his goal is that this rail bed property would eventually become a public trail. Mr. Brickley shared his rights as a private land owner including the right to permit people to come on the property and further discussed some of the issues of concerns raised during the Public Comment period, including private property rights, environment, crime and safety, and trail management. Mr. Brickley also discussed the formation of the Friends of the Dahlgren Railroad Heritage Trail, a group of volunteers consisting mostly of King George residents. Mr. David Jones, serving as the contact for the Friends of the Dahlgren Railroad Heritage Trail, provided brief information about this organization.

Mr. Brickley shared information regarding his meetings with Mr. Green, Community Development Director, and meetings with the Army Corps of Engineers and Department of Environmental Quality. Mr. Brickley provided to the County Administrator a copy of a 1998 survey entitled "Rails to Trails and Safe Communities" which discusses crime and safety on 372 trails throughout the United States.

Mr. Brickley stated that he is currently working on a management plan for development of the trail and that the only activity currently taking place is clearing of brush and railroad ties. He did clarify that he is not broaching the Northern Virginia Gun Club property or the area running through the Little Ark Baptist Church.

Mr. Brickley stated that he is working on an agreement with the Northern Virginia Shooting Facility which owns the land on which the Northern Virginia Gun Club meets. Regarding Little Ark Baptist Church, Mr. Brickley explained that he spoke with representatives of the church when he first began the trail development process and proposed to design a plan whereby the trail can be detoured around the Church property and deed the property back to Little Ark Baptist Church. Mr. Brickley offered to continue to meet with the Board and to further discuss his plans either in a future Board meeting or in a work session environment.

At the conclusion of Mr. Brickley's presentation, he answered several questions from the Board members.

Mr. Grzeika inquired as to Mr. Brickley's relationship to the property and Mr. Brickley explained that, at this time, he is the lessee of the property, having the lease rights for the property, and hopes in the near future to have the fee simple rights to the property. Mr. Grzeika also asked if Mr. Brickley has a reserved utility easement for this property. Mr. Brickley stated that "all of that has to be worked out," but did reference a fiber optics easement which is held by the WO&D railroad. Regarding restricting the use of the trail to guests, Mr. Brickley explained that he planned to issue badges to those who are allowed to use the trail and currently issues permits for those who wish to use the trail. Mr. Grzeika also inquired about parking issues and the issue of liability when someone ventures off the trail onto private property. Mr. Brickley did not offer any response regarding the liability issue, stating that this issue would be better addressed by a legal representative.

Mr. Wolfe questioned Mr. Brickley about the land adjacent to Little Ark Baptist Church and whether that landowner had been approached about an easement through his/her property so as to go around the Little Ark Baptist Church cemetery. Mr. Brickley stated that he could not comment on any negotiations at this time.

Mr. Brooks shared his concern about the Little Ark Baptist Church property and the issue with the trail going through the Church cemetery, as well as residents who live in Fox Run, The Meadows, and other areas, and expressed his dismay at Mr. Brickley's apparent attitude at the type of question being asked. Mr. Brooks did ask if Mr. Brickley would be willing to put these plans with the Northern Virginia Gun Club and Little Ark Baptist Church in writing. Mr. Brickley concurred that he would be willing to put such agreements in writing.

Mr. Howard asked if there was any history as to how similar trails have handled Emergency Services calls on the trails and expressed his concern regarding the need for increased law enforcement to monitor the trail.

Mr. Wolfe asked Mr. Brickley what was in this project for him (Mr. Brickley)? Mr. Brickley stated that he felt this property should be preserved for generations to enjoy.

Mr. Sisson stated that he questions Mr. Brickley's motives in development of the rail bed and reminded Mr. Brickley that, while he does have property owner rights, he is subject to the zoning provisions and ordinances of the County and how those provisions apply to this parcel of land. Mr. Brickley encouraged Mr. Sisson and the other Board members to walk this trail with him to get a first hand view of it.

Mr. Wolfe extended his thanks to Mr. Brickley for his presentation and reminded him that the Board's purpose in this regard is to enforce County ordinances and expressed his hope that Mr.

Brickley would operate within those ordinances.

***Recess and Reconvene***

The Chairman recessed the Board for a five minutes period at 9:45 p.m. and reconvened the Board at 9:50 p.m.

**06-01—Consent Agenda:**

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 approved the Consent Agenda, as presented, which included the following:

Authorized the issuance of warrants against the FY05-06 Debt Service Fund in the total amount of \$71,830.75.

Authorized the issuance of warrants against the FY05-06 General Fund in the total amount of \$40,499.93.

Authorized the issuance of warrants against the FY05-06 Library Fund in the total amount of \$5,797.22.

Authorized the issuance of warrants against the FY05-06 Library Special Endowment Fund in the total amount of \$1,330.33.

Authorized the issuance of warrants against the FY05-06 Recreation Activity Fund in the total amount of \$7,794.24.

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

Approved Minutes for February 28, 2006 and March 2006.

**Timed Items (Continued):**

***Public Hearings:***

The Chairman stated public hearings would be held to hear information on the following items: (1) Proposed amendment to the FY06 Operating Budget; (2) Case No. 06-04-E03, Request by Antioch Baptist Church for a Special Exception Permit to construct and operate a church; and (3) Case No. 03-05-E04, Request by King George Church of God for a Special Exception Permit to locate a mobile classroom on Tax Map 24, Parcel 15N.

**06-03a.—Proposed Amendment of FY06 Operating Budget**

The County Administrator provided an explanation regarding the proposed amendment stating that at its meeting of May 16, 2006, the Board received a report from Mr. Dave Coman, Social Services Director, regarding additional costs to be incurred in the Community Services Act budget in the total amount of \$874,787.45. The County's share of the additional expenditures totals \$317,285.41. In order to accept the State funding of \$557,502.04, it would be necessary for the Board to hold a public hearing to amend the FY06 Operating budget in this amount.

The Chairman called the public hearing to order to receive public comment regarding the proposed amendment to the FY06 Operating Budget to accept and appropriate supplemental State funds in the amount of \$557,502.04 for the Comprehensive Services Act.

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

On a motion by Mr. Grzeika, 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 approved an amendment to the FY06 Operating Budget to accept and appropriate supplemental State funds in the amount of \$557,502.04 for the Comprehensive Services Act.

**06-03b.—Case No. 06-04-E03—Request by Antioch Baptist Church for a Special Exception Permit to Construct and Operate a Church on Tax Map 25, Parcel 43A, 43B, and 44**

Mr. Green provided a staff report on Case No. 06-04-E03 stating that Antioch Baptist Church was requesting approval of a Special Exception Permit to construction and operate a church on Tax Map 25, Parcels 43A, 43B, and 44. The Church is located at 11102 James Madison Highway, and is proposing to expand its facilities

Mr. Green explained that access to the site is proposed to be provided by Route 301 (James Madison Highway) and the number of entrances will be reduced to one entrance to Route 301. If the Special Exception Permit is approved, staff recommends that the following conditions be part of the Permit:

1. that the site be developed consistent with the Preliminary Site Plan for Antioch Baptist Church, prepared by William J. Schmidt and dated 3/16/06; and
2. that prior to further expansion of the structures/facilities beyond what is presented in the application for this Special Exception Permit, a new Special Exception Permit must be obtained from the Board of Supervisors. A Site Plan submitted and approved in accordance with the King George County Zoning Ordinance must be filed with any request to enlarge the structures/facilities.

The Chairman opened the floor for public comment regarding Case No. 06-04-E03.

Ms. Kathy Coleman addressed the Board in her capacity as Chairman of the Board of Trustees for Antioch Baptist Church and expressed her hope that the Board would act favorably, after review, on the proposed expansion plans.

Mr. Ray Williams, general contractor for the expansion project for Antioch Baptist Church, addressed the Board explaining the types of work his firm will be doing in the construction of this facility and solicited the support of the Board in the construction of this new worship facility.

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

On a motion by Mr. Brooks, 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 approved Special Exception 06-04-E03, Request by Antioch Baptist Church to construct and operate a church on Tax Map 25, Parcels 43A, 43B and 44, with conditions as recommended by staff.

**06-03c.—Case No. 06-05-E04—Request by Harvest Christian Center(King George Church of God) for a Special Exception Permit to locate a mobile classroom on Tax Map 24, Parcel 15N**

Mr. Green provided a staff report on Case No. 06-05-E04 stating that Harvest Christian Center is requesting a Special Exception Permit to allow the continued location of a mobile classroom on Tax Map 24, Parcel 15N. The mobile classroom has been located on the property since 1994. The original approval by the Board allowed that the mobile classroom be located on the property for five (5) years. The Church has obtained two extensions to allow that the classroom continue to be located on the property. Mr. Greene explained that this classroom serves the Church as both Sunday School classrooms and as a day care facility. He also reported that the Church is nearing completion of its new structure located on Tax Map 24, Parcel 8B.

Mr. Green also provided a brief history of the property on which the mobile classroom is currently located, beginning with action taken by the Board of Supervisors on December 17, 1990 through May 17, 2005. The current Special Exception Permit expired on June 5, 2006.

Mr. Green explained that if the Board approves the request, staff recommends that the permit contain the following conditions:

1. A mobile classroom shall be permitted on Tax Map 24, Parcel 15N until either November 8, 2006 or until the issuance of an Occupancy Permit for the King George Church of God located on Tax Map 24, Parcel 8B.
2. Any proposed amendments to this Special Exception Permit shall be considered in conformance with the same legal procedures as required for its initial acceptance.

Mr. Green felt that based on the progress made with the construction of the new church facility to date, the Church would be relocated to the new facility within the time frame specified above (November 8, 2006).

The Chairman opened the floor for public comment regarding Case No. 06-05-E04.

Rev. Lance Bacon, Senior Pastor of King George Church of God, addressed the Board and explained why the Church was before the Board requesting an extension to the Special Exception Permit and referenced the fact that some of the Board had clearly stated that they would not be receptive to another extension request, especially if such a request came at a date very close to the expiration of the current Special Exception extension. Rev. Bacon shared the progress that has been made on the new worship facility and stated that the church is very close to receiving its occupancy permit but would not be in the facility at the time the current Special Exception Permit expires. The Pastor shared the reasons for the delays that have occurred during the construction process and appealed to the Board to act favorably upon this request.

Ms. Crystal Bacon, daycare director for the King George Church of God (Harvest Christian Center), shared the importance of their ministry in working with children both in the daycare setting and Sunday School classes. Ms. Bacon also discussed upcoming summer camp plans and appealed to the Board to act favorably on the extension request so these ministries could continue at the same location until the new worship facility can be occupied and to consider the needs of the families served by this ministry.

The Associate Pastor of King George Church of God also appealed to the Board to act favorably on this request. He explained that the Children's' Church activities for ages 6-9 year olds meets in

the mobile classroom on Sunday mornings along with the day care programs during the week and that it would be a tremendous loss if the classroom was not available for these children for the next few weeks while the new worship facility is being completed.

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

A motion was made by Mr. Brooks, and seconded by Mr. Howard, to approve Case No. 06-05-E04—Request by King George Church of God for a extension of Special Exception Permit to locate a mobile classroom on Tax Map 24, Parcel 15N, with the conditions contained in the draft Special Exception Permit, as presented.

Prior to the vote, each Board member shared their concerns and comments regarding this request. Mr. Brooks discussed the history of this request and commended the Church on their diligence in getting the new structure underway and nearing completion. Mr. Grzeika, while commending the church staff for their accomplishment in the construction of the new worship center, stated that he would not be able to support this request and referenced his comments from the last time this issue came before the Board in which he stated that he would not support another extension. Mr. Sisson echoed Mr. Grzeika's comments and referenced the same Board meeting at which this issue was addressed in May of 2005 at which time he stated that he would not support another extension request. Mr. Wolfe also shared his concerns regarding this extension request and read from the minutes of the May 17, 2005 meeting of the Board at which time he also went on record stating that he would not be able to approve another extension should the Church come back with another request.

The motion failed with the following 2-3 vote: Mr. Brooks Aye; Mr. Howard Aye; Mr. Grzeika Nay; Mr. Sisson Nay; and Mr. Wolfe Nay.

**Action Items:**

**06-04—Authorize Expenditures from the FY05-06 Capital Improvements Fund**

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 warrants against the FY05-06 Capital Improvements Fund budget in the total amount of \$191,439.39, as specified.

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

On a motion by Mr. Grzeika, seconded by Mr. Sisson, 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 1106218 to the Journal Press, Inc., against the FY05-06 General Fund in the total amount of \$603.99. Prior to the vote, Mr. Wolfe disqualified himself on the basis of family interest.

**06-06—Amendment to Sheriff's Office FY06 Operating Budget**

The County Administrator stated that notification has been received from the Department of Criminal Justice that the Sheriff's Office has been awarded \$3,526 in federal grant funds under the Byrne Justice Assistance Grant program. Matching funds are required from the County in the amount of \$392, and funds are available within the Sheriff's operating budget.

On a motion by Mr. Grzeika, 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 accepted and appropriated \$3,526 in Byrne Justice Assistance Grant Program funds to the Sheriff's Office FY06 operating budget, as presented.

**06-07—Appointment of a Representative to the Rappahannock Area YMCA Board of Directors**

The County Administrator stated that at the May 16, 2006 Board of Supervisors meeting, Mr. Sisson asked that the issue regarding appointment of a King George representative to the YMCA Board of Directors be addressed at the next Board of Supervisors meeting. In the interim, Mr. David discussed this issue with Mr. Barney Reiley, Rappahannock YMCA Executive Director. Mr. Reiley stated that the member of the Board of Supervisors who is appointed would also serve on the local Board of Management which will be convened later in the year.

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 appointed Mr. Dale W. Sisson, Jr. as the King George County Board of Supervisors representative to the Rappahannock Area YMCA Board of Directors.

**06-08—Adoption of Proposed FY07 Capital Budget**

The Board of Supervisors approved the FY07-11 Capital Improvements Program (CIP) at its meeting on May 16<sup>th</sup>. The County Administrator presented a proposed FY07 Capital Budget for the Board's consideration which includes projects identified for FY07 in the FY07-11 CIP adopted by the Board.

The projects are to be funded from various sources. The funding identified for each project represents the estimated expenses to complete schematic design plans which would then be used for project cost estimates. These design expenses will be funded with cash advanced from the Capital Projects Fund with the Board of Supervisors adopting a *Reimbursement Resolution* prior to approving the contract for such services. This allows the Capital Projects Fund to be reimbursed at such time as the Board of Supervisors approves any financing of the County Government Center projects.

Mr. David further explained that when the FY07 Capital Budget is approved by the Board of Supervisors, staff would initiate the procurement process for the projects funded with cash from the Capital Projects Fund. Staff would periodically present to the Board the projects at the conclusion of the procurement process. The Board of Supervisors could then authorize the project to proceed by appropriating a sum certain from the Capital Projects Fund based on the actual cost derived from the procurement process.

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 adopted the FY07 Capital Budget, as presented.

**06-09—Appointment of Deputy County Administrator as Alternate Member to the Rappahannock Regional Jail Board and the Rappahannock Juvenile Detention Commission.**

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 appointed the Deputy County Administrator as the Alternate Member to the Rappahannock Regional Jail Board and the Rappahannock Regional Juvenile Detention Commission.

**Discussion Items:**

**06-10—Proposed FY07 Operating Budget by Categories of the King George County School Board**

The County Administrator stated that the King George County School Board approved its proposed categorical FY07 Operating Budget at its meeting on Wednesday, May 24<sup>th</sup>. The Superintendent provided documentation setting forth the proposed categories. It was Mr. David's understanding that this proposed budget reflects the Board of Supervisors' General Fund appropriation of \$9,767,119, contained in the FY07 Operating Budget adopted by the Board of Supervisors on May 16<sup>th</sup>.

The School Board has requested an additional \$42,707 as a result of an increase in the FY07 health insurance premium. The County Administrator explained that he originally included an additional \$94K in his recommended FY07 Operating Budget over and above the recommended level of General Fund support to the School Board. This was a contingency amount based on an estimated health insurance premium increase communicated to him by the Superintendent. At the time he prepared his recommended operating budget, the School Board's health insurer had not provided the final premium notice for FY07. The Board of Supervisors during its deliberations on the proposed FY07 School Board budget request transferred the \$94K to its contingency line in the County's FY07 Operating Budget until such time as the health insurance premium increase was known.

In the light of the foregoing, the School Board provided a second document where the subject \$42,707 representing the health insurance premium increase is distributed by category.

The County Administrator provided this information for the Board in advance of its June 20, 2006 meeting since, at that meeting the Board will take action to appropriate first quarter funding under the adopted FY07 Operating Budget.

**06-11—Membership on the Military Affairs Council on the Fredericksburg Regional Chamber of Commerce**

Mr. David explained that the Fredericksburg Regional Chamber of Commerce is organizing a Military Affairs Council. This group will serve as a liaison between the defense and civilian communities and to support the region's military assets. He also noted that the application form requests a main representative for corporate memberships which would be the Board's membership category.

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 the County Administrator to make application on behalf of the King George County Board of Supervisors.

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 designated Mr. Joseph W. Grzeika as the King George County Board of Supervisors' representative on the Fredericksburg Regional Chamber of Commerce Military Affairs Council.

#### **06-12—Proposed Donation of Lot 17 – Brookehaven Subdivision by Clement Brooke**

The Board of Supervisors received information at its May 2<sup>nd</sup> meeting from the President of Somerset Land Company, Mr. David Hrudá, concerning the potential donation of Lot 17 in the Brooke Haven Subdivision. Mr. David explained that this property is a portion of Lot 17 and comprises approximately twenty-two (22) acres. The property is adjacent to property previously acquired by the Board of Supervisors to site the new King George County High School. Mr. David also noted that the Director of Community Development has been contacted by the current owner of the property, Mr. Clement Brooke. Mr. Brooke advised that he would be conveying the property to the Board of Supervisors should the Board accept the donation.

The County Engineer has determined that an environmental assessment of the subject property to include a wetlands confirmation would cost \$5,900. Additional costs for such a transaction would include a survey, title examination, and grantee's title insurance.

On a motion by Mr. Howard, 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 authorized staff to do proceed with processes necessary to have the Board accept Lot 17, comprised of approximately 22 acres, including an environmental assessment, wetland confirmation, and other related legal matters at a cost NTE \$10,000, and bring back appropriate documentation with authorization for Chairman's signature.

#### **06-13—Potomac Gateway Welcome Center**

In follow up to the Board's May 9, 2006 work session discussion, the County Administrator provided further information regarding the potential reuse of the Welcome Center for County-related functions. This reuse would be an alternative to transferring the facility in its current use to the Commonwealth of Virginia.

The Board in the adopted FY07 County Operating Budget withdrew its base funding and its operational subsidy for the facility which will be effective July 1, 2006. This action was taken after a considerable effort by the Board to have the other partner localities increase their financial contribution to the facility.

The County Administrator communicated to Senator Chichester's legislative aide the Board's discussion on retaining ownership of the facility and reusing it for County-related functions consistent with the use restrictions applied to the subject property.

The County Administrator explained that there are certain matters which should be initiated prior to July 1<sup>st</sup> such as processing personnel actions for the paid full-time and part-time staff, coordinating the cessation of the Board of Directors, and the transfer and placement of non-

County owned property to the appropriate parties. Also, since there is no funding available for the facility's operation effective July 1<sup>st</sup>, he suggested some minimal funding made available to decommission the building until such time as the Board makes a decision on its reuse. This funding would be used to continue a minimal operation of the HVAC, water, wastewater, electricity, and other routine maintenance tasks.

Mr. Grzeika recommended that the County keep the Welcome Center operational, be it reduced, as further determination is made regarding other uses of the building. Mrs. O'Quinn, Deputy County Administrator, provided information regarding funding level requirements to both staff the Welcome Center and maintain the facility and/or the costs to just maintain the facility itself with no staff involvement.

The Board directed the County Administrator to bring back a proposal to continue the operation of the Welcome Center for a period of 90 days at a cost NTE \$25,000 and to communicate this information to Senator Chichester and Delegate Wittman and to Ms. Patty Long of the Welcome Center Board of Directors. The Board also directed the County Administrator to initiate a discussion with Ms. Long regarding the mechanics of dissolving the Welcome Center's Board of Directors.

#### **06-14—King George County Wireless Authority**

The County Administrator provided a draft of the Resolution establishing the Articles of Incorporation and a draft set of By-Laws for the Wireless Authority. This was prepared after the County Administrator and County Attorney, at the Board's direction, met with outside counsel recommended by the County Attorney to prepare the necessary documents to form the Authority under the Virginia Wireless Service Authorities Act (§15.2-5431 et. seq. of the Code of Virginia). It should be noted that the County Administrator and County Attorney are currently discussing some minor procedural matters with the outside counsel. These discussions may or may not result in any revision of the proposed documents.

Mr. David explained that the Board could adopt the Resolution after the close of the public hearing, and then adopt the By-laws once the Authority has convened its first meeting. He also clarified that the Board members' terms of office on this Board would be commensurate with the remaining terms on the Board of Supervisors. Mr. Brooks did inquire as to whether the Board members would be compensated for serving on this additional Board.

The County Administrator recommended that the Board schedule a public hearing regarding this issue for July 6, 2006. Once the Board of Supervisors conducts its public hearing, the Articles of Incorporation are forwarded to the State Corporation Commission for issuance of a charter. The charter will then enable the King George County Wireless Authority to officially convene.

On a motion by Mr. Grzeika, 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 the County Administrator to advertise a public hearing on the Resolution establishing the Articles of Incorporation of the King George County Wireless Authority.

#### **Approval of Budget Amendment:**

On a motion by Mr. Grzeika, 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 approved an amendment to the Commonwealth's Attorney FY06 operating budget in the amount of \$12,707.33 in funds received from the State Compensation Board, and appropriate same for expenditure.

**County Administrator's Report:**

The County Administrator provided information to the Board regarding an information meeting to be held with local builders on June 20<sup>th</sup> to discuss the proposed new building permit review fees; development of FY 07 work plan for County operations; status report on the Director of Finance position; changing of the County's work week for employees beginning July 1, 2006, and a status report on the King George County YMCA.

Regarding the development of a work plan for FY 07, Mr. Grzeika recommended that the Board members meet with the County Administrator as a Board rather than meet individually to address this issue.

**Closed Session:**

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 went into 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 CSX Railroad agreement for King George Industrial Park and contract for renovation of Fire Station 1 and invited the County Administrator, Deputy County Administrator, County Engineer, and the County Attorney.

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 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.

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 adjourned to Tuesday, the 13<sup>th</sup> day of June at 6:00 p.m. at the King George Citizens' Center.