

**VIRGINIA:**

At a regular meeting of the King George County Board of Supervisors, held on Tuesday, the 7<sup>th</sup> day of December 2010, at 6:00 p.m. in the Board Room of the Revercomb Building at 10459 Courthouse Drive, King George, Virginia:

**PRESENT:** Dale W. Sisson, Jr., Chairman  
Joseph W. Grzeika, Member  
John P. LoBuglio, Member  
James F. Mullen, Member  
A. Travis Quesenberry, County Administrator  
Matthew J. Britton, County Attorney

**ABSENT:** Cedell Brooks, Jr., Vice-Chairman

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

**12-01 – Consent Agenda**

On a motion by Mr. Grzeika, seconded by Mr. LoBuglio, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Grzeika Aye; Mr. LoBuglio Aye; and Mr. Mullen 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 FY10-11 Debt Service Fund in the total amount of \$56,746.25

Authorized the issuance of warrants against the FY10-11 General Fund in the total amount of \$31,026.08

Authorized the issuance of warrants against the FY10-11 Law Enforcement Fund in the total amount of \$2,578.00

Authorized the issuance of warrants against the FY10-11 Library Fund in the total amount of \$4,071.65

Authorized the issuance of warrants against the FY10-11 Library Special Endowment Fund in the total amount of \$51.24

Authorized the issuance of warrants against the FY10-11 Recreation Activity Fund in the total amount of \$6,781.27

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

Approved Refunds of Personal Property Taxes

Accepted Roads in Chatham Village Subdivision, Section 3 into the VDOT Secondary Road System

**12-02 – Presentations and Reports**

**A. *Presentation of Audit by Robinson, Farmer Cox***

Mr. Andrew Grossnickle of Robinson, Farmer Cox Associates presented the County's Comprehensive Annual Financial Report for Fiscal Year ending June 30, 2010, which he noted received an unqualified opinion. He also noted two compliance opinions, one regarding Government Auditing Standards and the other related to OMB Circular A-133 for compliance with major programs receiving Federal awards, relative to receipt of AARA funds. Mr. Grossnickle will be working with Ms. Harper regarding new GASB Fund Balance policies, recasting the 2010 Fund Balances into the new GASB format, so that in 2011, comparative information will be available.

***B. Hazardous Materials Flow Study Report from Howlett & Associates***

Chief Moody introduced Mr. Willie Howlett of Howlett & Associates who provided details of the Hazardous Materials Commodity Flow Study. Mr. Howlett noted that the Virginia Department of Emergency Management awarded King George County a Hazardous Materials Emergency Planning subgrant in the amount of \$20,000.00. The main goal of the grant was to conduct a hazardous materials commodity flow study involving the transportation of hazardous materials through the County and inspection of the County's eleven (11) Tier II Hazardous Materials facilities and to provide recommendations to the County in regards to its findings.

The Department of Fire, Rescue and Emergency Services and the King George Local Emergency Planning Committee (LEPC) were tasked with overseeing the project's completion. Howlett and Associates observed and documented vehicles transporting hazardous materials on Routes 3, 205, 206, 218 and 301. There were ten observation sites with 34 hours of observation at each site and 816 HAZMAT vehicles observed.

The study concluded that King George County has a moderate risk for a HAZMAT situation, that any significant event would likely create a major transportation emergency since HAZMATs enter and exit all primary routes in the County. Mr. Howlett offered several recommendations including annual visitation of Tier II facilities, evaluation of ability to inspect HAZMAT vehicles, ensuring that First Responders have adequate equipment and monitoring instruments, maintaining communications with Dahlgren facility, and consideration of a Table Top Exercise based on the findings of the study.

Mr. Howlett shared one area of concern specifically at the location of Dahlgren Road and Indiantown Road and noted the amount of large HAZMAT and non-HAZMAT vehicles using that route along with school buses and other traffic. Mr. Grzeika noted that this information would also be discussed with the Local Emergency Planning Committee (LEPC).

**Public Comment**

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

**Reports of Members of the Board**

**Mr. Grzeika**

Mr. Grzeika reported on several recently attended meetings to include a follow-up debriefing on the United Way Day of Caring event held in King George, the quarterly COMREL meeting on the 19<sup>th</sup>, on the 29<sup>th</sup> a special meeting of the Fredericksburg Regional Alliance Board of Directors, and a meeting of the Rappahannock River Basin Commission on the 30<sup>th</sup> in Richmond. Mr. Grzeika attended the

retirement dinner for Sheriff Dobson and commended the Chairman for his remarks as spokesperson on behalf of the Board in recognizing all the Sheriff has done for the County. He also attended the County's United Way Chili/Soup Cook-Off and congratulated Ms. Dalyn Pettit for coordinating the event and noted that the County exceeded its contribution goal as a result of the Cook-Off. Mr. Grzeika also commended the High School Choral Group and Band members and their instructors for their excellent presentations at the Annual Tree lighting ceremony.

**Mr. LoBuglio**

Mr. LoBuglio reported on several recently attended events, including the COMREL meeting on November 19<sup>th</sup> where a presentation was given about the new WalMart development, and on November 30<sup>th</sup>, the joint meeting with the School Board, which he felt was very beneficial.

**Mr. Sisson**

Regarding the joint meetings with the School Board, Mr. Sisson felt the quarterly format has worked well and afforded the opportunity to keep items fresh and in front of both Boards. Mr. Sisson also echoed his colleagues' comments regarding the retirement dinner for Sheriff Dobson and noted the naming of the Sheriff's Office portion of the new facility as the Sheriff Dobson Law Enforcement Center.

Mr. Sisson, at the request of Ms. Dee Strauss, had the opportunity to judge the Regional High School DECA competition at the Spotsylvania Town Center and commended those outstanding students participating in that event. He also thanked the King George High School Band and Chorus for participating in the evening's tree lighting ceremony.

Mr. Sisson noted that Mr. Brooks continues to recuperate at Mary Washington Hospital.

**12-02 – Presentations and Reports (Continued)**

***C. Update on Status of Fireworks from the Director of Parks & Recreation***

Mr. Tim Smith provided an update on the number of pledges received to date toward sponsorship of fireworks for the 4<sup>th</sup> of July celebration. Request for Bids are being sent out, and Mr. Smith hoped to provide a more definite total on pledge amounts in early January 2011. Mr. Sisson requested exact figures so the Board would have a better idea as to the amount of funding received to date. Mr. Smith stated that several large companies have expressed an interest in pledging but are in the process of discussing the requests with their respective Boards, etc., and awaiting approval. There was also some discussion of the cost savings to present the fireworks display on July 2<sup>nd</sup> or July 3<sup>rd</sup>.

Mr. Grzeika felt the fireworks should be done on the 4<sup>th</sup> of July and stated that he could not support using any County money for a fireworks display based on current budget constraints.

**12-03 – Public Hearing:**

**A. County Acquisition of Property known as the King George Auto Auction**

The Chairman called the public hearing to order, having been properly advertised, and asked the County Administrator to provide a brief overview.

Mr. Quesenberry stated that the Board, at its November 16, 2010 meeting, authorized staff to proceed with the acquisition of the property known as the King George Auto Auction located on Tax Map 33, Parcel 92, 13283 James Madison Parkway, containing approximately 48 acres.

The Chairman opened the floor for public comment.

Mr. Alex Long, 1955 Jefferson Davis Highway, Fredericksburg, representing DeBernard Construction, stated that he and his client felt they had a very strong alternative to the purchase of the King George Auto Auction property. The referenced property contains 26 acres zoned Industrial with proffers with approximately 75,000SF interior. He also noted that the property would sell for \$375,000 less than the proposed price of the Auto Auction property. The property he proposed also includes a modern metal building with the ability to drive vehicles into and out of the structure as well as loading docks. He requested the Board give this alternative site some consideration.

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

Mr. Grzeika stated that he had studied the material provided early by Mr. Long regarding the Cleave Industrial Site but noted that the remoteness of the property and the condition of the road to the property was an impediment to marketing versus the proximity of the advertised property to Route 301 with twice the acreage. He did note that the Cleave site is listed, through the County's Economic Development office, in the State inventory of property. Mr. Sisson felt the Auto Auction property gives the County flexibility to support a number of County functions.

On a motion by Mr. Grzeika, seconded by Mr. LoBuglio, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Grzeika Aye; Mr. LoBuglio Aye; and Mr. Mullen Aye, the King George County Board of Supervisors authorized the acquisition of property for public purposes known as the King George Auto Auction located on Tax Map 33, Parcel 92, of approximately 48 acres, pending appropriation of funds for expenditure, and authorized the advertising of a public hearing to amend the FY2010/2011 budget for such appropriation of funds, as presented.

#### **Action Items:**

#### **12-04 – Authorize Public Hearing for Case No. 10-10-S01, Subdivision Ordinance Text Amendment**

Mr. Green provided background information regarding Case No. 10-10-S01 noting that King George County has recently been informed by the Virginia Department of Conservation and Recreation Chesapeake Bay Local Assistance Division that certain notes must be specifically required and provided on all Plats. The notes are proposed to be added to all sections of the Subdivision Ordinance wherein plat notes are required.

Mr. Green stated that the Planning Commission held a public hearing on this case on November 9, 2010 and forwarded the case to the Board of Supervisors with a unanimous recommendation that the Board adopt the text amendment.

On a motion by Mr. Grzeika, seconded by Mr. LoBuglio, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Grzeika Aye; Mr. LoBuglio Aye; and Mr. Mullen Aye, the King George County Board of Supervisors authorized advertising a public hearing on Case No. 10-10-S01, for the second meeting in January 2011.

**12-05 – Authorize forwarding Case Number 10-11-T02, Zoning Ordinance Text Amendment, to the King George County Planning Commission**

Mr. Green informed the Board that, per Section 8.11.2.5.a, Article 8, Chesapeake Bay Preservation Area Overlay District, King George County Zoning Ordinance [As required by the Chesapeake Bay Preservation Regulations], King George County requires that individual septic tanks be pumped out at least once every five (5) years.

A property owner recently pointed out that while it is a requirement that the septic tank be pumped out, the County's Zoning Ordinance text did not require proof that such action be provided to the King George County Zoning Administrator, even though the Virginia Department of Chesapeake Bay Local Assistance does require such proof and also requires follow up and enforcement.

Therefore, Mr. Green presented a Zoning Ordinance text amendment which clarifies that proof of pump out be provided and recommended the following language be added to the County's Zoning Ordinance:

Text amendment to Section 8.11.2.5.a:

4. All on-site sewage disposal systems not requiring a Virginia Pollutant Discharge Elimination System (VPDES) permit shall:
  - a. Have pump-out accomplished for all such systems *and provide written proof to the King George County Zoning Administrator that the system has been pumped by a licensed septic hauler on a form and in the manner set forth by the Zoning Administrator* at least once every five years;
    1. In lieu of being required to pump-out the effluent from the system, if approved by the Virginia Department of Health at the time of installation the owner may install and maintain a plastic filter in the outflow pipe from the septic tank to filter solid material from the effluent while sustaining adequate flow to the drainfield. The filter must meet the standards in the Sewage Handling and Disposal Regulations (12 VAC 5-610) administered by the Virginia Department of Health.
    2. In lieu of being required to provide proof of septic tank pump-out every five years, the property owner may submit documentation every five years, certified by a sewage handler permitted by the Virginia Department of Health, that the septic system has been inspected and is functioning properly, and that the tank does not need to have the effluent pumped out of it.

There was a general discussion concerning whether the County was required to implement these proposed changes. Mr. Grzeika noted that without proof being provided to the Zoning Administrator, the County would be out of compliance with the regulations.

On a motion by Mr. Grzeika, seconded by Mr. LoBuglio, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Grzeika Aye; Mr. LoBuglio Aye; and Mr. Mullen Aye, the King George County Board of Supervisors authorized forwarding Case Number 10-11-T02, Zoning Ordinance Text Amendment to the King George County Planning Commission, with a request the Commission hold a public hearing and forward a request to the Board of Supervisors within 120 days.

**12-06 – Request for Approval of FY2010/2011 Budget Amendments:**

***A. Authorize Transfer from School's Operating Fund to American Recovery and Reinvestment Act (ARRA) Fund and Appropriate Revenues and Expenditures***

Ms. Harper informed the Board that the request was to transfer and appropriate remaining ARRA funds received in stimulus money, which is the remainder of the original funding provided. The total amount of ARRA funds to be appropriated is \$691,702, of which \$621,430 was budgeted in the School Division Operating Fund (Fund 250). This request would be for the transfer \$621,430 from Fund 250 to 251, thereby reducing the School Division operating fund by that amount.

On a motion by Mr. Grzeika, seconded by Mr. Mullen, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Grzeika Aye; Mr. LoBuglio Aye; and Mr. Mullen Aye, the King George County Board of Supervisors approved the Amendment to the King George County Schools FY2010/2011 budget to transfer \$621,430 from the School Operating Fund (250) to American Recovery and Reinvestment Act (ARRA) Fund (251) and to appropriate revenues and expenditures, as presented.

***B. Authorize Appropriation of Revenues from the American Recovery and Reinvestment Act (ARRA) and Authorize for Expenditure***

Ms. Harper explained that the remaining ARRA funds of \$70,272 represents the difference of ARRA funds appropriated (\$691,702), and those budgeted (\$621,430) in the Schools' Operating Fund (Fund 250). These funds need to be transferred from Fund 250 to Fund 251 for expenditures, as these funds had not been previously appropriated, but were still available.

On a motion by Mr. Grzeika, seconded by Mr. Mullen, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Grzeika Aye; Mr. LoBuglio Aye; and Mr. Mullen Aye, the King George County Board of Supervisors approved the Amendment to the King George County Schools FY2010/2011 budget to appropriate revenues from the American Recovery and Reinvestment Act (ARRA) in the amount of \$70,272, and authorized the funds for expenditure, as presented.

***C. Amendment to the FY2010/2011 Operating Budget to Reduce Transfer from the General Fund to the School's Operating Budget***

Ms. Harper stated that this request was for a reduction of the transfer from King George County General Fund to the Schools Operating Budget. King George County Schools reduced its operating budget by \$621,430 due to transfer of funds provided by ARRA funding, but budgeted in the operating budget. Ms. Harper recommended that the Board reduce the transfer from General Fund (Fund Balance) to Schools Operating budget in the amount of \$621,430. She noted that this would reduce the utilization of General Fund Balance used for additional school funding from \$1,603,602 to \$982,172.

On a motion by Mr. Grzeika, seconded by Mr. Mullen, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Grzeika Aye; Mr. LoBuglio Aye; and Mr. Mullen Aye, the King George County Board of Supervisors approved the amendment to the King George County FY10/11 Operating Budget to reduce total revenues and expenditures in the amount of \$621,430, as presented.

**12-07 – Authorize Appropriation and Expenditure of \$75,000 Grant received from the Department of Criminal Justice Services on behalf of Rappahannock Area Office on Youth**

On June 29, 2010, the County Administrator received notice from the Commonwealth of Virginia Department of Criminal Justice Services of award of the Byrne/JAG Grant for the "My Life Program" in

the amount of \$75,000. The Grant will provide services to assist At Risk seventh grade students with the transition from elementary to middle school and includes assistance with both academics and social skills.

The County has agreed to partner with Rappahannock Area Office on Youth (RAOOY) and will administer the grant and monitor the funds. RAOOY will perform the services required to King George County Public Schools, as well as provide the financial reports with back up documentation. King George County Finance Department will review and approve the request for reimbursement of funds, thereby serving as a pass through.

Ms. Harper explained that these funds required a local match in the amount of \$3,750 which RAOOY has provided. These funds were not included in the current adopted budget.

On a motion by Mr. Grzeika, seconded by Mr. Mullen, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Grzeika Aye; Mr. LoBuglio Aye; and Mr. Mullen Aye, the King George County Board of Supervisors approved the amendment to the FY2010/11 Non-departmental budget to accept grant funds and appropriate additional revenues and expenditures in the amount of \$75,000 received from the Department of Criminal Justice Services, as presented.

#### **12-08 – Approval to Award Contract for Purchase of Five School Buses from FY2010/2011 Capital Improvement Fund**

On June 15, 2010, the Board of Supervisors approved and appropriated funds totaling \$467,870 in the Fiscal Year 2010/2011 Capital Improvements Budget for the purchase of five school buses. The actual total to purchase the buses was \$460,550 (including cost to install radio equipment), which was \$7,320 less than the original request.

On a motion by Mr. Grzeika, seconded by Mr. Mullen, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Grzeika Aye; Mr. LoBuglio Aye; and Mr. Mullen Aye, the King George County Board of Supervisors authorized the purchase of five school buses for King George County Public Schools in the amount of \$460,550, as presented.

#### **12-09 – Authorize Expenditures Against the FY2010/2011 Capital Improvements Fund**

On a motion by Mr. Grzeika, seconded by Mr. Mullen, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Grzeika Aye; Mr. LoBuglio Aye; and Mr. Mullen Aye, the King George County Board of Supervisors authorized the issuance of warrants against the FY2010/2011 Capital Improvements Fund in the total amount of \$184,544.47, as presented.

#### **Discussion Items:**

#### **12-10 – Appropriation of Additional Federal Grant Revenues and Authorization of Expenditures**

Ms. Harper explained that the purpose of this request was to amend the FY2010/11 King George County School's budget to appropriate additional federal revenues received in the amount of \$466,870, and that these revenues were not known at the time the budget was adopted. Ms. Harper noted that these funds would go into Fund 252, a new fund created for federal grants. The amount of federal grant funds originally budgeted was \$1,670,707, an estimated amount at the time of the FY2010/11 budget adoption. Ms. Harper explained the amount of \$466,870 along with other changes that have been made, result in a total of \$2,137,577 in Fund 252.

Mr. Grzeika suggested reducing the County's local contribution to offset that amount but Ms. Harper explained that there are restrictions on the use of these grant funds and the grant funds are intended to supplement and not supplant or replace funding that has already been provided.

Dr. Brown, School Superintendent, explained the use of these grant funds and the specific restrictions tied to those funds. Mr. Grzeika requested documentation confirming those restricted uses.

It was the consensus of the Board to bring this item back for action at the December 21, 2010 meeting.

### **12-11 – County Administrator's Report**

Mr. Quesenberry provided the following items to the Board:

- Ms. Harper has been appointed to the Government Finance Officers Association (GFOA) Budget & Fiscal Policy Committee.
- King George County has been awarded the GFOA Distinguished Budget Presentation Award for Fiscal Year beginning July 1, 2010. Mr. Quesenberry thanked the Department of Finance for all their hard work in this major endeavor.
- Notification has been received from the Department of Agriculture and Consumer Services that King George County was designated a primary natural disaster area due to losses as a result of the drought and excessive heat during the 2010 crop year. Information about this designation will be placed on the County's website.
- Invitations have been received to the following holiday open houses:
  - Disability Resource Center, Thursday, December 16, 2010
  - Rappahannock Juvenile Detention Center, Tuesday, December 21<sup>st</sup> from 1 p.m. to 5 p.m.
- Confirmation had been received that the County has been awarded a Litter Prevention and Recycling Program grant in the amount of \$6,200.00.
- The upcoming holiday schedule for County offices is as follows:
  - Thursday, December 16 – offices closed from 12:00 Noon to 2:00 p.m. for the employees' luncheon
  - Friday, December 24 – offices will be closed
  - Friday, December 31 – offices will be closed

The Chairman requested the County Administrator take steps necessary to inform the agricultural community of the primary natural disaster area designation. The Board also wished to invite Ms. Dalyn Pettit to the upcoming meeting to congratulate her on her good work for the County's annual United Way campaign.

Letters have been drafted to Lt. Governor William T. Bolling and Senator Mark R. Warner concerning higher education and its economic impact on King George County as the new Dahlgren campus of University of Mary Washington is being constructed, as well as the accessibility of natural gas as an energy resource in the County. It was the consensus of the Board to finalize the letters under the Chairman's signature and send to the respective legislators.

### **Closed Session:**

On a motion by Mr. Grzeika, seconded by Mr. LoBuglio, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Grzeika Aye; Mr. LoBuglio Aye; and Mr. Mullen Aye, the King George County Board of Supervisors went into closed session pursuant to State Code 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 the Memorandum of Understanding and Performance Agreement with Project Faith, Inc., and invited the County Administrator, Deputy County Administrator, and County Attorney.

Mr. Mullen excused himself from the closed session proceedings due to possible conflict of interest.

On a motion by Mr. Grzeika, seconded by Mr. LoBuglio, and carried on a vote of 3-0, each member voting as follows: Mr. Sisson Aye; Mr. Grzeika Aye; and Mr. LoBuglio 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 on a motion by Mr. Grzeika, seconded by Mr. Mullen and carried unanimously.