

VIRGINIA:

At a regular meeting of the King George County Board of Supervisors, held on Tuesday, the 5th day of June 2007 at 6:30 p.m. in the King George County Courthouse, Court Room #2, 9483 Kings Highway, King George, Virginia:

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

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

Timed Items:

06-02 – Special Presentation to The Honorable John H. Chichester

The Chairman, on behalf of the Board, presented a certificate to Senator John Chichester recognizing him for his service to the citizens of King George County during his career as the State Senator from the 28th District and adopted the following resolution on a motion by Mr. Grzeika, seconded by Mr. Wolfe, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; Mr. Howard Aye; and Mr. Wolfe Aye:

**RESOLUTION RECOGNIZING AND COMMENDING
THE HONORABLE JOHN H. CHICHESTER
FOR HIS SERVICE TO THE CITIZENS OF KING GEORGE COUNTY**

WHEREAS, the Honorable John H. Chichester has announced that he will not seek re-election at the conclusion of his eighth (8th) term representing the 28th District in the Senate of Virginia; and,

WHEREAS, the Honorable John H. Chichester has capably held various significant and influential leadership positions in the Senate of Virginia since 1978 including most recently President pro tempore of the Senate, Chair of the Finance Committee, and a Member of the Agricultural, Conservation, and Natural Resources, the Commerce and Labor, and the Rules Committees; and,

WHEREAS, the Honorable John H. Chichester has given selflessly of his time during his tenure to promote and protect the interests and well-being of the citizens of King George County as well as those of the Commonwealth of Virginia; and

WHEREAS, the Honorable John H. Chichester is deserving at this time of special recognition and commendation.

NOW, THEREFORE, BE IT RESOLVED, that the King George County Board of Supervisors does hereby recognize and commend the Honorable John H. Chichester for his

unfailing commitment to the betterment of our community and the Commonwealth of Virginia for these past many years and we wish him and his wife the best in the future.

Public Comment:

Mr. Fred Cook, Eisenhower Drive, a rising 5th year senior at Virginia Tech, presented information to the Board regarding the establishment of the Virginia Tech Memorial Fund and his plans to participate as one of a 100-member team participating in the Marine Corp Marathon in the fall to honor the friends and faculty who lost their lives in the Virginia Tech tragedy on April 16th. The goal is to raise enough funds to establish a scholarship to honor these victims. Mr. Cook's personal goal is to raise \$10,000 toward this effort and solicited personal donations toward this effort.

Mr. Randy Gregg expressed opposition to the Augustine Land and Development Corporation, LLC rezoning request of the property located between Routes 614 and 624 and directly across Route 614 from Chatham Village. Mr. Gregg's concern related to the fact that this proposed development would contain lots of less than 10 acres. Mr. Gregg also expressed his concern about the completion of the high school and the delay of the completion date beyond opening day necessitating the move of students during the middle of the school year.

Mr. Don Shelton, Dahlgren Road, expressed his concern about several safety hazards at the Hopyard boat ramp, including the need for a ladder to be installed for safety entry and exit into the boats and signage depicting the depth of the water and information regarding the swift current. He also expressed his concern about the traffic at the intersection of Port Conway Road and Route 3, the potential for a major accident, and inquired as to when a traffic light would be installed at that intersection. Mr. Shelton also expressed the need for improvements at the existing high school entrance at Routes 206 and 3.

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

Reports of Members of the Board:

Mr. Wolfe

Mr. Wolfe attended the change of command on May 25, 2007 at Dahlgren as Captain McGettigan was leaving that post to become Dean of Engineering at the Naval Academy in Annapolis and extended best wishes to Captain Patterson in assuming that position.

Mr. Brooks

Mr. Brooks shared concerns from constituents regarding assessment fees imposed on non-useable vehicles, in particular a letter received from Mr. Rudolph Vogle, and had discussed the issue with the County Administrator. Mr. David further explained the rationale for the imposed assessments based on the State Code and how this process is handled through the Department of Motor Vehicles (DMV) to remove such vehicles from the official DMV records.

Appointment

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

Mr. Wolfe Aye, the King George County Board of Supervisors appointed Mr. Isaac Hughes as the Shiloh District representative to the King George County Economic Development Authority for a four year term.

Mr. Brooks requested, and the Board concurred, that Mr. Beverly be recognized at a future Board meeting for his seventeen (17) years of service as a member of the Economic Development Authority.

Mr. Howard

Mr. Howard brought forward the fact that the high school baseball field lights were left on overnight and asked staff to investigate this issue and report back to the Board at an appropriate time.

Appointments

On a motion by Mr. Howard, seconded by Mr. Grzeika, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; Mr. Howard Aye; and Mr. Wolfe Aye, the King George County Board of Supervisors reappointed Mr. Robert VanValzah for a five year term as the James Monroe District representative to the King George County Building Appeals Board.

On a motion by Mr. Howard, seconded by Mr. Wolfe, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; Mr. Howard Aye; and Mr. Wolfe Aye, the King George County Board of Supervisors appointed Mr. Jack Kunlo as a County Representative to the Rappahannock Area Community Services Board for a three year term beginning July 1, 2007.

On a motion by Mr. Howard, seconded by Mr. Brooks, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; Mr. Howard Aye; and Mr. Wolfe Aye, the King George County Board of Supervisors approved the recommendation to the Circuit Court for the reappointment of Mr. Lawrence J. Leonhardt for a five year term as the James Monroe representative to the King George Board of Zoning Appeals.

Mr. Grzeika

Mr. Grzeika reported on his attendance at the EDA's recent Business Appreciation Week reception and the presentation he shared regarding the Dahlgren Education and Research Institute. Mr. Grzeika will also be presenting this information to the King George County School Board at its meeting on June 6th. Mr. Grzeika also attended the recent Change of Command ceremony at the base at Dahlgren and extended best wishes to Capt. McGettigan and words of welcome to Capt. Patterson as the newly appointed Base Commander. Mr. Grzeika recommended that the County Administrator issue a formal invitation to have Captain Patterson attend a future Board meeting.

Mr. Grzeika provided an update on the recent Rappahannock River Basin Commission meeting and asked staff to review the accuracy of data distributed on TMDL's for the County and provide a report to the Board at a future meeting. Mr. Grzeika also suggested the Community Development staff be made aware of current GIS coursework offerings at the University of Mary Washington.

Mr. Grzeika inquired as to any updates on the corrections to the Passapatanzy voting precinct. The County Attorney responded that he, along with the Registrar, is working on this issue and have required an expedited review of this correction. If no response has been received by the Registrar's office within 60 days of the submission of the request, the corrections are considered accepted.

Mr. Grzeika addressed the issue of the new decals being distributed by the Treasurer's office and the Board directed staff to request that the Treasurer include a note in the 2nd half personal property tax bills and via other information vehicles that the decal fee is only one (1) time in a year in June and that the decal fee is not deductible on Federal tax returns.

Mr. Grzeika addressed some of the issues raised during the public comment period, understanding Mr. Shelton's concerns about the Hopyard boat ramp and the fact that the County does not have the capability or expertise to maintain that facility as well as the safety issues Mr. Shelton raised regarding the trucks trying to cross Route 3 at Port Conway Road. Mr. Grzeika suggested that recommendation be made to the Sheriff's office to enhance enforcement at that location until such time as a traffic signal is installed. Mr. Grzeika expressed his concerns about the traffic safety issues at the current high school, referred to the fact that the Board had taken action to refer this issue to the School Board previously, and asked the County Administrator to bring these safety issues expressed by the citizens to the School Board's attention so that the matter can be followed through with VDOT.

Mr. Sisson

Mr. Sisson extended his thanks to all those who participated in the recent Relay for Life event. He also reported on his recent attendance at the YMCA Board of Directors meeting and that the groundbreaking is scheduled for later in the month.

Mr. Sisson addressed an issue regarding the closing of the convenience center on Saturday, June 2nd, due to an equipment failure. While the attendants were courteous and professional in dealing with the public about this issue, Mr. Sisson suggested the development of a contingency plan to address these type situations.

Mr. Sisson echoed his colleague's comments regarding the recent business appreciation event sponsored by the EDA as well as the recent change of commend at NSWC and the departure of Captain McGettigan and installation of Captain Patterson as the new base commander. Mr. Sisson recommended that staff formally contact Capt. Patterson and set up a time for her to meet with the Board and to coordinate with Capt. McGettigan to have him attend a future Board meeting to be recognized for his contributions and work with King Geroge County.

Mr. Sisson addressed several of the comments made during the public comment period, specifically the issue of traffic congestion at the current high school and recommended that perhaps the Sheriff's office could provide traffic control at the high school during the morning, similar to the service provided at the middle school during that same time period.

06-01—Consent Agenda:

On a motion by Mr. Wolfe, seconded by Mr. Howard, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; Mr. Howard and Mr.

Wolfe 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 FY06-07 Debt Service Fund in the total amount of \$65,099.25

Authorized the issuance of warrants against the FY06-07 E911 in the total amount of \$3,985.02

Authorized the issuance of warrants against the FY06-07 General Fund in the total amount of \$164,649.12

Authorized the issuance of warrants against they FY06-07 Law Enforcement Fund in the total amount of \$1,100.04

Authorized the issuance of warrants against the FY06-07 Library Fund in the total amount of \$14,938.30

Authorized the issuance of warrants against the FY06-07 Recreation Activity Fund in the total amount of \$1,205.65

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

Approved refund of personal property taxes

Timed Items:

06-03 – Report from Mr. Jim Staley, Project Manager, URS Corporation re Status of King George High School

Mr. Staley provided an update on the new high school construction. The Board requested that future reports include a “Gantt Chart” for a construction schedule and percentage of the project completed against the approved budget for the project. Mr. Staley stated that as of this date, the project is about 35% complete.

06-04 – Report from Mr. Charles Stunkle, Acting Fredericksburg Residency Administrator for VDOT

Prior to presenting his report, Mr. Stunkle introduced Mr. Billy Huffman, Assistant Residency Administrator in Fredericksburg. Mr. Stunkle provided an update on the two pending traffic signals in King George, one at Route 3 and Presidential Lakes/Post Office and one at Port Conway Road and Route 3 at the entrance to Hopyard Farms. With the \$130,000 bond money put in place by the developer, the design phase has begun on the signal at Presidential Lakes/Post Office intersection. This will still leave a shortfall of \$60,000-\$70,000 to complete the financing of the signal. These additional funds should be available July 1st through Federal funding. Mr. Stunkle also reported VDOT has applied for Federal funding for the traffic signal at Commerce Drive and feels that application will be funded. VDOT has secured a grass cutting contract and anticipates grass cutting to begin on the primary roads in King George County by the middle of June. Mowing on secondary roads is being done by VDOT personnel. Mr. Stunkle reported that all of the pipe cleaning and associated work has been completed on Gambo Creek Road as of the end of April, including the culvert under Route 301. Regarding the concern about overhanging

trees on Route 207, Mr. Stunkle requested the Board give specific locations so VDOT can properly address and resolve this issue. Mr. Brooks cited the area near Stoney Knoll Road, near Rollins Fork. Mr. Brooks also requested that VDOT look at the amount of debris in the road from grass cutting on Salem Church Road and Route 623.

Mr. Wolfe inquired as to the status of the installation of a traffic signal at Commerce Drive and Route 301 especially in light of the fact that a traffic fatality occurred there in February. Mr. Stunkle was not certain of the funding status of this project nor the traffic light at Hopyard and Route 3, which is to be funded by the developer. Mr. Brooks also raised the issue of customer service skills at the local VDOT office in King George, having received some complaints from constituents about how they were addressed when calling the local office. The Route 628 project is scheduled for completion by May 11, 2008. Mr. Stunkle will return to the Board meeting in July with an update on the progress of traffic lights at Commerce Drive, Presidential Lakes/Post Office and Port Conway Road.

06-05—Public Hearings

Consideration of Case No. 02-07-G01--Request by Fairview Beach Residents' Association that Certain Public Streets within the Fairview Beach Neighborhood be Designated for Golf Cart Use

The Chairman opened the public hearing, having been properly advertised according the State Code of Virginia, and asked Mr. Green, Community Development Director, for a staff report.

Mr. Green stated that The Fairview Beach Residents' Association, represented by Thomas Hudson, President, has requested the use of golf carts on certain public streets within the Fairview Beach neighborhood in King George County, Virginia. The area requested includes: a portion of Fairview Drive (State Route 696); Riverview Drive (State Route 707); Potomac Avenue (State Route 708); First Street (State Route 1001); Second Street (Route 1002); Third Street (State Route 1003) Fourth Street (State Route 1004); Fifth Street (State Route 1005); Seventh Street (State Route 1007); Eight Street (State Route 1008); Ninth Street (State Route 1009); Tenth Street (State Route 1011); Eleventh Street (State Route 1011); Twelfth Street (State Route 1012); and South First Street.

Mr. Green discussed the contents of several documents presented for the Board's review including the Fairview Beach Residents' Association Golf Cart Application and Golf Cart Study, and maps depicting travel lane widths, traffic volume, and on-site radar trailer location/speed studies.

The Chairman opened the floor for public comment.

Mr. Jimmy Franklin, Third Street, Fairview Beach, spoke in support of the request by the Fairview Beach Residents' Association. Mr. Franklin felt that Fairview Beach, being a small community, was well suited for the use of golf carts and expressed his hope that the Board would act favorably on this request.

Mr. Dennis Ridgeway, Fairview Beach resident, spoke in favor of the use of golf carts in the Fairview Beach community. Mr. Ridgeway mentioned the high cost of fuel, noise pollution, parking space issues and the lack of adequate parking, a favorable alternative for handicapped residents and senior citizens in Fairview Beach as reasons for the Board to consider supporting

this request. Mr. Ridgeway related the fact that residents currently ride bikes, walk, and children often play on the streets of Fairview Beach and that the use of golf carts would not, in his opinion, pose a safety issue. Mr. Ridgeway felt that this alternative form of transportation would improve the quality of life for some of the residents.

Mr. John Heffernan, Ormond Way, King George, spoke against the request by the Fairview Beach Residents' Association for use of golf carts in that community. Mr. Heffernan felt that allowing the use of such vehicles on public roads poses a serious safety risk. He urged the Board to give careful consideration to this request and expressed his hope that the Board would deny this request.

Mr. Rodney Ferrell, Fairview Beach resident, spoke in favor of the use of golf carts in Fairview Beach. In reference to the issue of speeding vehicles, Mr. Ferrell suggested an inquiry be made through the Sheriff's department to determine the number of speeding citations issued in the Fairview Beach community over a specific period of time. The use of golf carts, he felt, would also take more cars off the roadway and alleviate potential speeding problems. Mr. Ferrell requested the Board give favorable consideration to this request.

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

On a motion by Mr. Howard, seconded by Mr. Brooks, and carried by a 3-2 vote, each member voting as follows: Mr. Howard Aye; Mr. Brooks Aye; Mr. Sisson Aye; Mr. Grzeika Nay, and Mr. Wolfe Nay, the King George County Board of Supervisors approved Case No. 02-07-G01 – Request by Fairview Beach Residents' Association that Certain Public Streets within the Fairview Beach Neighborhood be Designated for Golf Cart Use

Prior to the vote, Mr. Grzeika stated that he would not be supporting this request and shared that he could not understand how the Board of Supervisors could approve such a request, particularly from a safety standpoint and that such a proposal is in conflict with the Statewide bike and pedestrian plan.

Mr. Wolfe also stated that he would not support this request and felt it was setting a precedent in the County for other communities to come before the Board with the same request, to allow the use of golf carts in their respective communities. Mr. Wolfe read a direct quote from a report provided to the Board by Mr. Jack Green regarding width of travel lanes: "All travel lanes are less than 10 feet in width. Neither a parking lane nor a shoulder of sufficient width for a golf cart to safely pull to the right exists within the neighborhood." Mr. Wolfe also referenced the traffic studies that were done stating that the figures reflect traffic in April but that figures would most likely increase significantly in the summer months. This he felt is precedent setting and a safety issue and would not be able to support the request.

Mr. Brooks spoke in favor of the request and stated that he had received only positive feedback from the Fairview Beach residents and that residents currently ride bicycles and walk along the roadway in this community with no accidents occurring in the past three years. Mr. Brooks stated that he would support the use of golf carts in this community.

Mr. Sisson stated that he had given this issue a great deal of consideration, had visited other golf cart communities to observe how this works in other areas, that the Board had been discussing this issue for more than a year and would support the motion.

Consideration of Case No. 05-07-ES01—An Amendment to Reenact and Reordain the Erosion and Sediment Control Ordinance of King George County Virginia

The Chairman opened the public hearing, having been properly advertised, and requested that Mr. Green provide a staff report.

Mr. Green explained that in October 2006, the Department of Conservation and Recreation Division of Soil and Water Conservation (DCR) conducted a review of the Department of Community Development's administration of the County's Erosion and Sediment Control Program. The DCR report indicated that the County's program does not meet the minimum standards of effectiveness for controlling erosion, sediment deposition and nonagricultural runoff and is not consistent with the Virginia Erosion and Sediment Control Law and Regulations.

Mr. Green further explained that in order to bring the County Program into compliance with DCR standards, the Erosion and Sediment Control Ordinance must be amended to bring the Ordinance into compliance with the Law and Regulations. Mr. Green provided a revised "Erosion and Sediment Control Ordinance of King George County, Virginia" and stated that DCR had reviewed the proposed Ordinance and had confirmed that adoption of the revised Ordinance would bring the County's Erosion and Sediment Program into compliance with DCR standards.

The Chairman opened the floor for public comment.

Mr. Lewis Ashton spoke in favor of the proposed amendments and expressed his hope that the Board would support the proposed changes.

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

On a motion by Mr. Wolfe, seconded by Mr. Grzeika, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; Mr. Howard Aye; and Mr. Wolfe Aye, the King George County Board of Supervisors approved Case No. 05-07-ES01 to reenact and re-ordain the Erosion and Sediment Control Ordinance of King George County, Virginia, as presented.

Consideration of Rezoning Application Case Number 04-04-Z04.—Request by Augustine Land & Development, LLC to rezone, with proffers, Tax Map 9 (1), Parcels 1-12 from Rural Agricultural (A-2) to One-Family Dwelling District (R-1)

The Chairman opened the public hearing, having been properly advertised, and requested that Mr. Green provide a staff report.

Mr. Green stated that on September 13, 2005, the King George County Planning Commission held a public hearing on Rezoning Application: Case Number 04-04-Z04. The Planning Commission did not take action at the conclusion of the public hearing as there were several questions regarding the water/sewer infrastructure. The applicant requested additional time to address concerns expressed during the Public Hearing and those made by the Commission. On January 9, 2007, the applicant provided their response to the concerns expressed during the public hearing and those made by the Commission. On March 13, 2007, the King George County Planning Commission voted to forward Rezoning Application: Case Number 04-04-Z04 to the King George County Board of Supervisors with a recommendation that the Board of Supervisors approve the request, with proffers.

Mr. Green provided a history of this rezoning application and explained that the original landowner was Calvin Burns. During the original application process, Augustine Land & Development LLC acted as the contract purchaser and is currently the land owner of this proposed development and the proffer statement is in Augustine's name. Mr. Green provided a description of the proposed development, a traffic impact analysis that has been reviewed by VDOT, wetlands delineations confirmed by the Corps of Engineers, Phase I environmental site assessment, pump stations analysis, eagle management zone, conceptual plan, and proffer statement.

The site contains 120 acres and is located between Routes 614 and 624 and is directly across Route 614 from Chatham Village. The site is to be served by public water and sewer supplied by the King George County Service Authority. The applicant is requesting that the property be rezoned from A-2 to One-Family Dwelling Zoning District. The Proffer Statement sets a maximum density of 180 which is three times the current density. This project is located within the Dahlgren Area Community Development Area (CDA) and development within this portion of the Dahlgren Area CDA is currently restrained to the east side of Route 614 where the "Monmouth" property has been developing as Monmouth Village and the recently recorded Chatham Village Sections 1, 2 and 3 and Monmouth Village Apartments. The traffic impact analysis identified several issues: (1) additional right of way and widening of pavement for six foot shoulders; (2) right turn lanes required; (3) signalization not required; (4) level of service at Route 301 intersection drops below minimum acceptable levels; and (5) the project does not impact levels of service on Routes 614 and 624.

Mr. Green explained that the voluntary proffer statement contains a statement that the project will be developed consistent with the Conceptual Land Plan and that this proffered condition would be enforced through the Subdivision Plan review process. If the rezoning is approved, staff would recommend that this proffered condition be accepted.

The Chairman opened the floor for public comment.

Mr. Clark Lemming, Land Use Attorney, speaking on behalf of Augustine Land and Development, LLC, stated that the by-right use of this particular property is consistent with the A-2 Zoning District. Mr. Lemming requested the Board give serious consideration to this application and felt that this application is relatively consistent with the 2006 update to the County's comprehensive plan. He also reviewed the transportation improvements as delineated in the Traffic Impact Analysis. Mr. Lemming discussed the concept of workforce housing within this proposed development proffering 10% of the total units being affordable to families with an income of 80%-120% of the median family income and expressed the desire to work with the County on this concept.

Mr. Bob Kauffman, Senior Vice President of Augustine Land & Development, LLC, briefly introduced his company and referenced other projects developed by Augustine, i.e., Chatham Village, and presented marketing material containing information regarding type of dwellings in similar developments developed by Augustine both in King George and surrounding areas. Mr. Kauffman also referenced the work force housing issue and stated that this concept is based on strategies provided by the Urban Land Institute and expressed his desire to work with the County to provide this type of housing for King George County.

Mr. John Heffernan, Ormond Way, King George, spoke against the proposed rezoning request and reminded the Board of its discussion regarding the desire to maintain the rural character of

the County and being opposed to over development and excessive increases in density. Mr. Heffernan felt the only motive for this rezoning request was monetary in nature and that there was no advantage to the County in this proposed development. Mr. Heffernan requested the Board consider its commitment to retain the rural character of the County and deny this rezoning request.

Ms. Ruby Brabo, Fairfax Drive, a new resident to King George, spoke against the rezoning request and the density of the proposed project. Ms. Brabo also expressed that many of the residents of Chatham Village, as adjacent property owners, did not receive a letter from Augustine informing them of the public hearing on this rezoning request. Although Ms. Brabo stated that growth is good for the County, she felt the rural character needs to be maintained.

Mr. Lewis Ashton, Potts Lane, also farms on land in close proximity to the proposed development planned by Augustine Land & Development, LLC, and felt that the concerns expressed by the Planning Commission regarding this proposed development are very valid and asked the Board to give serious consideration to those concerns before voting on this rezoning request.

Mr. Stuart Ashton, Owens Drive, spoke against the proposed rezoning request and supported the dissenting votes of the Planning Commission members. Mr. Ashton expressed concern about the current traffic flow on Route 206 and this development he felt would only add problems in that regard.

Mr. Jim Lund, property owner in King George since 1991, including property off Route 624, agreed with previous speakers who spoke against this rezoning request and recommended the Board revisit this issue, taking into consideration the comments of the Planning Commission. Mr. Lund applauded King George County's Comprehensive Plan and referenced a letter he wrote to the Planning Commission members and the Board commending them for their hard work in completing this excellent document. Mr. Lund felt that this proposed rezoning stretches that excellent plan too far. Mr. Lund stated he could understand a higher density allowance along Route 614 but could not justify allowing that density to extend so far north of Route 614. He suggested the Board consider requesting the applicant to scale back the proposal keeping the higher density near Route 614.

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

On a motion by Mr. Wolfe, seconded by Mr. Brooks, and carried by a 4-1 vote, each member voting as follows: Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; Mr. Wolfe Aye; and Mr. Howard Nay, the King George County Board of Supervisors denied the application for Case No. 04-04-Z04, A Request by Augustine Land and Development, LLC to rezone, with Proffers, Tax Map 9(1), Parcels 1-12, from Rural Agricultural (A-2) to One-Family Dwelling District (R-1).

Prior to the vote, Mr. Howard spoke in favor of this rezoning request and raised the question as to where does the County want development if not encouraged to take place in the primary settlement areas, that this rezoning is in line with the County's comprehensive plan and that the proposed project is located adjacent to existing R-1 zoning. Mr. Howard questioned the rationale of increasing the Dahlgren WWTP to 1M gallons if the County is not in favor of development in that area. Mr. Howard did not support the argument that this rezoning would impact the rural character of King George.

Mr. Wolfe stated the fact that the pricing for homes in this proposed development would range from \$340,000 to \$419,000 and would likely not be classified as workforce housing for a professional teacher, firefighter, etc. with an annual salary in the range of \$35,000-\$40,000 per year. Mr. Wolfe read into the record a direct quote from the Proffer Statement regarding workforce housing, as follows: “Prices shall be set based on what a lender would qualify an eligible family for based on the income levels referenced above, provided that there is no economic loss, as defined by Virginia law, to the Applicant.....The Applicant shall not be required to create any administrative policies or procedures for the purchase of the units, which may be sold on a “first come first served” basis.” and shared his concerns for work force housing applicants based on this wording. Mr. Wolfe also shared information received from the Community Development office that there are currently 3,254 approved but vacant lots that stand ready in the County to have houses built on them, and another 1,131 lots in various stages of the approval process, which could conceivably provide housing space for an additional 13,000+ residents in King George. Based on these numbers, Mr. Wolfe was of the opinion that the County does not need a new development of this density. Mr. Wolfe referenced his colleague’s comments regarding encouragement of growth in particular areas of the County but asked how to keep the population at a more manageable level.

Mr. Brooks discussed his concern regarding this rezoning request and cited the current levels of traffic in the Owens Road area and felt that the developer should keep with developing only 60 houses as opposed to the 180.

Mr. Grzeika felt by disapproving this rezoning request the County is sending a strong message which is that King George is not interested in a high, intense development; there is no desire for such a development in the County, a sentiment reflected by those who spoke about preserving the rural character of the County. Mr. Grzeika commended the developer for the plan presented but took issue with the proffers and their enforceability.

Mr. Sisson spoke of his strong desire to preserve the rural character of King George County and felt the placement of 180 homes in this proposed development would change that character and would vote against the motion.

Recess

The Chairman recessed the meeting.

Reconvene

The Chairman reconvened the meeting.

Discussion Items:

06-15 – Consideration of Release of Second Deed of Trust held on Parcels owned by Project FAITH, Inc.

Mr. David stated that the Executive Director of Project Faith, Inc. has submitted a request to release the County’s interest in the Second Deed of Trust held on all parcels of *Woodlawn* owned by Project Faith. This Deed of Trust was secured as collateral for the Community Development Block Grant administered by the County for the first phase of the project. Mr. David further

explained that the organization offers an irrevocable line of credit in the amount of \$100,000 to replace the deed of trust until the project is completed.

Mr. Quesenberry, County Engineer, advised that all water, wastewater, and other related site improvements funded by the CDBG grant have been completed and accepted by the applicable local or state agency except for the public road improvements. VDOT has issued a final punch list which needs to be completed prior to initiating the process to have the public road serving Phase 1 accepted into the State Secondary Road Maintenance System. He also advised that the Virginia Department of Community Development will be closing out the grant in the near future.

After some discussion, the consensus of the board was to defer action on this request until the July 3, 2007 Board meeting and have the Executive Director attend the meeting and, because of the Federal Government's involvement in this project, allow the County Attorney ample time to review this issue as to the County's liability as it relates to completion of the grant.

County Administrator's Report:

06-18 – Statement on Auditing Standards 112

Mr. David explained that the Board of Supervisors at a recent Board meeting was presented with information about a recently issued auditing standard from the American Institute of Certified Public Accounts which becomes effective for the FY07 audit. At that meeting the Board requested that a representative of the County's auditing firm provided further information to the Board regarding the reporting requirements based on the new standards and associated additional costs.

Mr. David Hughes from Robinson, Farmer, Cox Associates discussed the additional reporting requirements, the amount of staff time involved in the process both in interviews with the County and Service Authority staff, and estimated that the cost for this additional work will most likely increase the audit costs for the County and the Service Authority from \$5,000 to \$8,000 combined. These new reporting requirements would also require a significant enhancement of the County's current accounting system and additional training of staff. Mr. Wolfe inquired as to the effect on the County's audit should the County not implement these new standards. Mr. Hughes expressed some concern regarding non-implementation and the fact that this would possibly result in significant reporting deficiencies in internal controls. Mr. Grzeika expressed his concern that this new requirement places a significant new workload on staff.

Action Items:

06-10 – Award Engagements for Legal Services for Bond Counsel and Delinquent Tax Collections

Mr. David stated that the Board of Supervisors authorized the solicitation of proposals from interested firms or individuals to serve as bond counsel and to provide legal services for collection of delinquent real estate taxes. Interviews were conducted by a committee comprised of Supervisors Grzeika and Wolfe, the County Attorney, and Mr. David. Mr. Wolfe noted that the County Treasurer participated in the interview process for the delinquent tax collections.

The solicitation of proposals and the interview of interested individuals and firms occurred during April and May. Two (2) proposals were submitted for bond counsel and delinquent tax collections, respectively.

The committee conducted its review and interview of the candidates and their respective proposals. At the conclusion of this process, the committee recommended the following for approval by the Board of Supervisors:

Bond Counsel – Troutman Saunders, LLP

Delinquent Real Estate Tax Collections – John C. Hutt, Jr., PC

Mr. Wolfe stated that during the interview for the delinquent real estate tax collections, Mr. Hutt as very impressive and a very well organized individual.

The County Attorney noted that these legal services will be retained through an engagement letter rather than under a typical contract. The County Attorney will coordinate the preparation and submission these letters. The legal fees and other associated expenses for the bond counsel services will be established as a flat fee for each transaction and will be incorporated into the debt issue. The legal fees and other associated expenses for the delinquent tax collections are established by State law and approved by the Circuit Court on a case by case by basis. There are no costs to the County for the collection process as all expenses are paid either by the taxpayer or out of the proceeds of a delinquent tax sale.

On a motion by Mr. Wolfe, seconded by Mr. Grzeika, and carried unanimously, each member voting as follows: Mr. Sisson Aye; Mr. Brooks Aye; Mr. Grzeika Aye; Mr. Howard Aye; and Mr. Wolfe Aye, the King George County Board of Supervisors authorized the County Administrator to engage the firm of Troutman Sanders, LLP, as bond counsel and John C. Hutt, PC, for the collection of delinquent real estate taxes subject to approval as to form by the County Attorney

Report of County Attorney:

Mr. Britton briefly discussed the Model Cable Franchise Ordinance provided by VACo and items addressed in that model that the Board may want to consider for inclusion in the County's Cable Television Ordinance. The consensus of the Board was to have the County Attorney prepare a draft ordinance revision for the Board's review at the first meeting in August 2007.

Mr. Wolfe left the meeting at the conclusion of the County Attorney's report.

Action Items (Continued):

06-06 – Amendment to FY2007-2008 School Budget to Reflect Reduced State Revenues and Adopt Resolution for First Quarter Funding for County Operating Budget and Categorical Appropriation of First Quarter Funding for Schools FY2007-2008 Operating Budget

Mr. David provided a resolution outlining the funding amounts for the County's General Fund, School Fund (by category) and other funds for the first quarter of FY2007-08. He noted that the state funding for the school should be \$14,178 less than the budget that was adopted by the Board of Supervisors. These funds should not have been included in the School Operating Budget, as they are Cafeteria funds. This state funding amount did not require any local match; therefore a

budget amendment in the amount of \$14,178 to reduce state funding would need to be approved along with the quarterly appropriation resolution. Mr. David further explained that the School Board's budget, appropriated by category has already taken this reduction into consideration and adjustments have been made accordingly.

On a motion by Mr. Brooks, seconded by Mr. Howard, and carried unanimously, 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 amended the FY2007-08 School Budget to reflect reduced State revenues in the amount of \$14,178.

On a motion by Mr. Howard, seconded by Mr. Brooks, and carried unanimously, 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 adopted the Resolution for Appropriation of First Quarter Funding for FY2007-2008 County Operating Budget and Categorical Appropriation of First Quarter Funding for FY2007-2008 King George County Public Schools Operating Budget.

06-07 – Special Exception Permit Application 07-04-E01 – Request by Peace Lutheran Church to Modify Condition 3 (limit number and age of children allowed in daycare) of Special Exception Permit 04-03-E02

Mr. Green explained that on June 15, 2004, the King George County Board of Supervisors approved Case Number 04-03-E02: A request by Peace Lutheran Church, for a Special Exception Permit, to construct and operate a Church, per Section 2.4.3.8, King George County Zoning Ordinance and a Day Care Facility per Section 2.4.3.10, King George County Zoning Ordinance, on Tax Map 23, Parcel 24A.

Mr. Green stated that the special exception permit, which allowed the church and day care, limited the number of children served by the day care to 16 children between the ages of 3 and 6 years of age. However, the Church has recently demonstrated to the Virginia Department of Social Services that the day care can serve up to 36 children between the ages of 3 and 5 years of age. The church is requesting that the existing Special Exception Permit be replaced with a new permit that allows the day care to serve the increased number of children.

Mr. Green explained that the Board could retain the request and establish a date and time for a public hearing or adopt a resolution and send the request to the Planning Commission for a recommendation.

On a motion by Mr. Grzeika, seconded by Mr. Howard and carried unanimously, 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 retained Special Exception Permit Application 07-04-E01 and advertise for a public hearing to be held on July 17, 2007.

06-08 – Case Number 07-05-E02 – Request by Chestnut Fork, LLC on behalf of the applicant, Steve Merian, for a Special Exception Permit, per Section 2.4.3.1 King George County Zoning Ordinance, to allow construction on an additional dwelling unit attached to the main dwelling, Tax Map 1, Parcels 4A (part)

Mr. Green explained that the King George County Board of Supervisors has received a Special Exception Permit request from Chestnut Fork, LLC to allow construction of an additional dwelling unit attached to the main dwelling. He further explained that the Board has two options:

(1) to retain the application and schedule a public hearing or (2) to adopt a resolution forwarding the application to the King George County Planning Commission.

On a motion by Mr. Grzeika, seconded by Mr. Brooks, and carried unanimously, 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 retained Special Exception Permit Application 07-05-E02 and advertise for a public hearing to be held on July 17, 2007.

06-09 – Consideration of Rules and Regulations for Ambulance Fee for Service Program for FY2007-08

Chief Moody explained that the Board, at its meeting on May 15th, adopted an ordinance establishing the County’s Ambulance Fee for Service Program. A section of that ordinance requires that rules and regulations governing the program be reviewed and adopted annually by the Board of Supervisors. A draft of the rules and regulations was provided to the Board for review at the May 15th meeting.

On a motion by Mr. Brooks, seconded by Mr. Howard, and carried unanimously, 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 adopted the rules and regulations for the Ambulance Fee for Service Program for FY2007-2008 as presented.

06-11 – Approve Service Agreement for Third Party Billing Company for Ambulance Fee for Service Program

Chief Moody explained that as part of the Ambulance Fee Program, it is necessary to enter into a contract with a third party billing company. Diversified Ambulance Billing, Inc., a Virginia based company, has an agreement with Fairfax County for this service, and upon review by the Procurement Manager, it was determined that the County could “piggy back” on this agreement via the cooperative procurement process. The Procurement Manager drew up a Services Agreement (15-07) that has been reviewed and approved by the County Attorney. A copy of the Services Agreement was provided to the Board for consideration and approval. Chief Moody also provided a copy of the Fairfax County agreement for additional information.

Mr. Grzeika inquired as to why local hospitals were not specified in the proposed services agreement, i.e., Mary Washington Hospital, Riverside, etc. and where the scope of service is spelled out for King George County in this “piggy back” agreement with Fairfax County. Mr. Brooks asked about surrounding localities with the ambulance fee for service program and how those localities collect such fees.

After considerable discussion, the Board requested that this item be placed on the agenda for the July 3, 2007 meeting and more detailed information be provided regarding scope of service pertinent to King George County.

06-12 – Renewal of Lease Agreement with APC Realty & Equipment LLC (Sprint)

Mr. David recommended that the Board defer action on this item until a later date

06-13 – Approval of Warrant to the Journal Press, Inc.

On a motion by Mr. Brooks, seconded by Mr. Howard, and carried unanimously, 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 1110742 to the Journal Press, Inc., against the FY2006-07 General Fund in the total amount of \$2,267.42.

06-14—Authorize Expenditures from the FY2006-07 Capital Improvements Fund

On a motion by Mr. Brooks, seconded by Mr. Howard and carried unanimously, 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 warrants against the FY2006-07 Capital Improvements Fund budget in the total amount of \$744,414.44, as specified.

County Administrator’s Report (Continued):

06-17 – Standard Work Week Change for County Employees effective July 1, 2007

Mr. David informed the Board that based on previous action taken by the Board, County employees’ work hours will change beginning Monday, July 2, 2007. All County offices will be open from 8:00 a.m. to 5:00 p.m.

Mr. Grzeika discussed the contents of the memorandum from the County Administrator regarding the standard work week change and the one hour paid lunch and that it could be interpreted as working through a lunch hour would be an accepted practice. There was considerable discussion regarding the issue of employees working through their lunch hour and the fact that employees would have to be compensated for this additional hour of work. Mrs. O’Quinn reported that an employee would have to seek prior approval for working this additional hour.

06-19 – Scheduling of Work Sessions regarding Proposed FY2008-2012 Capital Improvements Program (CIP) and Proposed FY2007-2008 Capital Budget

Action on this item was deferred until the July 3, 2007 Board meeting.

There being no further business to come before the Board, the Chairman adjourned the meeting to the 26th day of June 2007 at 6:00 p.m. in the Revercomb Building Board Room on a motion by Mr. Brooks, seconded by Mr. Howard, and carried unanimously.