

**VIRGINIA:**

At a regular meeting of the King George County Board of Supervisors, held on Tuesday, the 18<sup>th</sup> day of September 2007, at 6:00 p.m. in the Board Room of the Revercomb Administration Building, 10459 Courthouse Drive, King George, Virginia:

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

**ABSENT:** C. Stephen Wolfe II, Member

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

**Amendment to the Agenda:**

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 agenda to include a closed session pursuant to State Code Section 2.2-3711(A)3 for discussion and consideration of the acquisition of real property suitable for industrial development in King George County, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, and State Code Section 2.2-3711(A)5 for the purpose of discussing a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating its facilities in the community.

**Public Comment:**

The Chairman opened the floor for public comment.

Mr. John Headley, 9394 Kings Highway, James Madison District, shared his concerns, and those share by citizens who contacted him, with the King George County Service Authority Board of Directors and stated "it is time for you all to resign". Mr. Headley also expressed his dissatisfaction with the general overall quality of the water and the extremely high water bills, both issues which he said has been brought to his attention by many residents, particularly those at Hopyard Farms. Mr. Headley also discussed the issue of Hopyard Farms and the measures taken to ensure that the WWTP at Hopyard Farms functions properly. He also criticized the issue of flushing the pipes at Hopyard Farms and felt this was not the correct approach. He further noted that he felt the flushing system was not an answer as well as having to truck sewage to Hopyard so it can operate properly. Mr. Headley also stated that he had been made aware of a water tower owned by the County government but is not being used and also cited the fact that he has been told that many of the fire hydrants in Fairview Beach are not functional. Mr. Headley felt it was time to appoint a new Board to address these issues.

Mr. Headley commented on the initial draft of the proposed Noise Ordinance noting that laws were already in place and the proposed ordinance is too vague and overly broad. He felt the Board needed to direct their attention on fixing chronic power outages, reducing high water bills and correcting public water quality, rather than concentrate on a noise ordinance.

Mr. John Heffernan, 13301 Ormond Way, commented on the preliminary cost figures of the proposed new government center project, felt those figures were extremely high, and asked the Board to closely examine the plans and reconsider some of the options proposed. Mr. Heffernan also proposed that the Board consider creating and adopting a resolution to declare that “English” the official language of King County. He also noted that the Board should join the coalitions that have recently been formed to study legislative solutions to illegal immigration and cited action recently taken by the Culpeper County Board of Supervisors’ regarding this issue.

### **Reports of the Members of the Board:**

#### **Mr. Brooks**

Mr. Brooks addressed Mr. Heffernan’s comments stating that he felt illegal immigration is wrong, but has some concerns with making English the official language. He felt other people would be affected adversely and we need to be careful and not appear discriminatory.

Mr. Brooks reported that he attended the dedication of Peace Lutheran’s new facility and also attended the 9/11 ceremony and commended staff for coordinating that effort.

#### **Mr. Howard**

Mr. Howard took exception to Mr. Headley’s comments noting that much had been accomplished in the eight years since the Service Authority had taken over many of the systems, and that he had no intention of resigning, a response to Mr. Headley’s call for the entire Service Authority Board of Directors to resign their respective positions. Mr. Howard also shared some of the history of the Service Authority and the resulting increased capacity at Dahlgren, Fairview Beach and Oakland Park.

Mr. Howard reported on the recent George Washington Regional Commission (GWRC) and commented as to how the Commission has progressed and shared some of the issues being addressed included formation of a task force to address the importance of “going green” and the formation of a regional litter control program. The GWRC is also taking a look the local contribution rate for FY2008-2009. He also spoke of the George Washington Regional Transit Policy plan and the new George Washington Regional Transportation Authority.

Mr. Howard responded to Mr. Heffernan’s comments regarding the proposed new government center noting that the cost and design is based on what was needed, but also that many things could change before a final proposal would be accepted. There are many operations and services included in the design of the building such as Sheriff’s operations, which currently takes place in several locations, bus garage, central garage for all vehicles in the county and a central fueling station, along with the animal shelter, and these additional services at that location are functions which may not be realized by the general public.

Mr. Howard addressed the proposed noise ordinance and stressed the fact that this document is indeed a draft document and will be reviewed by the Board and will be put forth for public comment and the Board needs input from the citizens.

#### **Mr. Grzeika**

Mr. Grzeika also shared comments regarding the proposed government center and needs to be looked at as being a work in progress with the basic requirements being addressed on an independent basis and a final design not finalized. He shared the need for these facilities and noted the already overcrowded

courthouse, the overcrowded Court system, Social Services, Health Department, and Extension Service in leased space, which will go into the new facility. Those organizations will rent space from the County in the new facility and create income. Regarding the animal pound, a big ticket item, but must be built to State Veterinarian requirements, which leave little room for adjustment.

Mr. Grzeika noted that on September 11<sup>th</sup>, he participated in the Rappahannock River Bacteria TmDL Advisory Committee meeting and appreciated all the staff had done to get accurate data on King George for the model. He also attended the 9/11 ceremony at the Courthouse and appreciated all that was done to coordinate this event.

Mr. Grzeika shared several recent meetings he attended including the Rappahannock River Basin Commission and offered King George to host that meeting in the Spring. Mr. Grzeika also attended, on September 13, the Virginia National Defense Industrial Association's visit to Dahlgren as a member of the Military Affairs Committee, which included a base briefing and noted that the University of Mary Washington has contracted for land outside of "B" gate at the base and is working to develop an engineering school. He also attended a Hopyard Homeowners' Association meeting along with Mr. Chris Thomas, General Manager of the Service Authority, who, in turn, provided answers and options to help the homeowners. Mr. Grzeika had also attended the celebration of the new Peace Lutheran Church and commended the parishioners on a great achievement.

#### **Mr. Sisson**

Mr. Sisson also reported attending the recent 9/11 ceremony and commended staff for their efforts. He also attended the George Washington Regional Commission meeting with Mr. Howard and noted that three new committees or task forces were recommended including a Green Government commission to look at utilizing ecologically conservative items such as alternate fuel for vehicles, etc.; litter program; and one on affordable housing. Mr. Sisson did not agree with forming so many groups, but did agree to a 1-year life span of these newly formed committees. Mr. Sisson also told the Board that the GWRC would possibly be increasing budget requests from localities, one such request for outside funding would be from the hypothermia shelter which Fredericksburg operates. Mr. Sisson also the Peace Lutheran Church dedication and commended those at Peace Lutheran on a beautiful new facility.

Mr. Sisson noted that the proposed noise ordinance is in the preliminary stages and that the document is a result of a number of citizens requesting relief in that area. Regarding the new Government Center, Mr. Sisson also expressed concern about the preliminary figures and reminded those in attendance that some function must be included and are beyond the County's control and asked for the public's understanding.

#### **Timed Items:**

##### **09-17 – Presentation on the New King George County High School Floor Plan**

Dr. Candace Brown, Superintendent of Schools, presented a detailed update of the floor plan for the new high school. Dr. Brown extended thanks to the Board for hiring URS to oversee the project and felt the input has been very valuable.

Dr. Brown did report that, as of today, there are 1,246 students enrolled as of this date and anticipates higher numbers to be attending this new facility. The Board inquired as to an anticipated move in date to the new building. Dr. Brown anticipates moving in early November. She explained that with the schools block scheduling, teacher and staff would prefer not waiting until the holidays to relocate. There was some discussion regarding plans for the current high school and Dr. Brown felt any moves to the currently from the middle school would take place during the summer of 2009. Dr. Brown discussed the possibility

of moving grades 7 and 8 to the current high school, and having grades 5 and 6 at the current middle school, which would eliminate all of the trailers except at the middle school, leaving possible 6 trailers there, even with just 5<sup>th</sup> and 6<sup>th</sup> graders housed at the middle school.

**09-16 – Consent Agenda:**

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; 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 FY07-08 Debt Service Fund in the total amount of \$9,000.00

Authorized the issuance of warrants against the FY07-08 General Fund in the total amount of \$154,873.69

Authorized the issuance of warrants against the FY07-08 Library Fund in the total amount of \$5,593.90

Authorized the issuance of warrants against the FY07-08 Recreation Activity Fund in the total amount of \$10,757.41

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

Approved Personal Property Tax Refunds.

Approved Resolution to Virginia Department of Transportation to include roads from Ferry Dock Crossing Subdivision in the State Secondary Road System.

**Timed Items (Continued):**

**09-18 - Public Hearings:**

**Authorizing the Issuance of General Obligation Bonds Not to Exceed \$7,875,000 for Capital Projects for School Purposes to be Sold to the Virginia Public School Authority**

The Chairman called the public hearing to order having been properly advertised per the Code of Virginia, and asked for an overview. Mr. David introduced Ms Sandra Jones McNinch, the County's bond counsel to provide that overview.

At its meeting on August 7<sup>th</sup>, the Board of Supervisors authorized staff to proceed with advertising a public hearing to receive comment on the authorizing of the General Obligation Bonds in an amount not to exceed \$7,875,000 to fund a portion of the new high school project.

The County's Bond Counsel, Sandra Jones McNinch, prepared the required documents for consideration and approval by the Board of Supervisors following the public hearing and presented those documents to the Board for review and approval.

Ms. McNinch explained that the School Board adopted a resolution to request the issuance of general obligation school bonds by the County in order to finance a portion of the new King George County High School through VPSA. The VPSA will have an interest rate subsidy bond issue sale on October 17, 2007 with funds available for localities approximately November 8, 2007. Currently the County is on the first

priority waiting list for the Virginia Board of Education- Literary Loan Fund. In order to expedite receipt of these funds, the county will apply for VPSA funds. By applying for these funds the County will receive an equivalent interest rate of 3% as well as the same costs as borrowing from the Literary Fund. Ms. McNinch explained that the application deadline is August 23, 2007 and authorization for the bond issue and execution of the Bond Sale Agreement must occur no later than September 25, 2007. She advised that the County is eligible to apply for this financing and that the amount borrowed will not exceed \$7,875,000 and will be applied toward paying off the 2004 bond anticipation note for the same amount. These funds were used for constructing and equipping the new King George High School.

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

On a motion by Mr. Grzeika, seconded by Mr. Brooks, and carried unanimously with 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 a Resolution authorizing the issuance of Not To Exceed \$7,875,000 General Obligation School Bonds of the County of King George, Virginia, Series 2007A, to be sold to the Virginia Public School Authority, as presented.

**Consideration of Budget Amendment to Amend the Fiscal Year 2006-2007 Budget to Accept and Appropriate Insurance Claim Payments in the amount of \$977,803.85 for Expenditures Resulting from the Courthouse Fire**

The Chairman called the public hearing to order having been properly advertised per the Code of Virginia and asked the County Administrator to provide an overview.

Mr. David explained that he informed the Board, at its meeting of Tuesday, September 4, 2007, of the need to advertise a public hearing to consider an amendment to the FY2006-07 budget in accordance with State Code to accept and appropriate funds received from the insurance claims related to the Courthouse Fire. Upon completion of the public hearing, he recommended that the Board authorize amending the FY2006-2007 budget to recognize these funds.

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

On a motion by Mr. Grzeika, seconded by Mr. Howard, and passed unanimously with 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 Fiscal Year 2006-2007 Budget to accept and appropriate insurance claim payments in the amount of \$977,803.85 for expenditures resulting from the Courthouse fire.

**Action Items:**

**09-19 – Authorize 2<sup>nd</sup> Quarter Appropriation for FY07-08**

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; and Mr. Howard Aye, the King George County Board of Supervisors approved the 2<sup>nd</sup> Quarter Appropriation for FY2007-08, as presented.

**09-20 – Consideration of Woodlawn Subdivision Final Plat (Kings Highway Housing Project) Tax Map 24, Parcels F-1-A and F-1-B**

Mr. Green provided a staff report explaining that the King George County Planning Commission, at its September 11, 2007 meeting, voted unanimously to forward the Woodlawn Subdivision Plat, Tax Map 24, Parcels F-1-A and F-1-B to the King George County Board of Supervisors with a recommendation for approval.

Ms. Fronce Wardlaw, on behalf of Project FAITH, is requesting approval of the Woodlawn Subdivision Final Plat (Kings Highway Housing Project). The subdivision consists of two lots fronting on Tinsbloom Mill Lane. The Preliminary Plat for Woodlawn Subdivision was approved by the King George County Board of Supervisors on March 21, 2006. These lots comprise the second section of Woodlawn Subdivision.

The proposed subdivision is to be served by public water and sewer which has been constructed and the King George County Service Authority has approved the Final Plat.

On a motion by Mr. Howard, seconded by Mr. Brooks, and carried unanimously with 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 approved the Woodlawn Subdivision Final Plat, Tax Map 24, Parcels F-1-A and F-1-B, as presented.

#### **09-21 – Consideration of Case No. 07-09-S01 – Subdivision Ordinance Text Amendments**

Mr. Green provided staff report and explained that the Department of Community Development is recommending that King George County allow commercial and industrial development on private roads and provided copies of the section of the County's subdivision ordinance that addresses the issue.

As it is currently the approval authority for Final Site Plans, Mr. Green explained that staff is recommending that the Planning Commission become the approval authority for Final Plats for commercial and industrial zoned lots.

Mr. Sisson voiced concerns over not seeing anything on plans for development and Mr. Grzeika questioned the compliance with regulations. Mr. Sisson voiced concerns that this is a number one issue the Board will deal with over the next 4-5 years and wanted the proper way to be involved. He requested that when the final site plan is distributed to the Planning Commission that the Board also receive a copy at the same time. Mr. Green stated that this was possible and could scan the site plans for the Board.

On a motion by Mr. Howard, seconded by Mr. Grzeika, and passed unanimously with 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 forwarding Case No. 07-09-S01 - Subdivision Ordinance Text Amendment to the King George County Planning Commission with its request that the Planning Commission forward a recommendation to the Board of Supervisors within 90 days.

Prior to the vote, the Board also requested staff to provide copies of commercial development site plans at the same time distribution is made to the Planning Commission.

#### **09-22 – Approval of Warrant to the Journal Press, Inc.**

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; and Mr. Howard Aye, the King George County Board of Supervisors authorized the issuance of warrant number 1112155 to the Journal Press, Inc., against the FY07-08 General Fund in the total amount of \$100.00, as presented.

**09-23 – Authorize Expenditures from the FY07-08 Capital Improvements Fund**

On a motion by Howard, seconded by Mr. Grzeika, 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 FY2007-08 Capital Improvements Fund budget in the total amount of \$2,476,374.89, as presented.

**County Administrator’s Report:**

**09-24 – Hopyard Boat Ramp Status Report**

Mr. Jack Green provided an update on the Virginia Department of Game and Inland Fisheries’(GIF) review of the Hopyard boat ramp for inclusion into its maintenance program. Mr. Green stated that he had contacted the Game and Inland Fisheries staff regarding this issue and further explained that the boat ramp is being offered to the County as a result of the Hopyard Farms proffer statement, which stated that the developer would construct a boat ramp and 30 parking spaces in the location of the existing ramp and give that facility to the County. Mr. Green met with an official from GIF and was informed that the boat ramp site did not meet the required standards. Mr. Green learned that, based on the information received from Hazel Development by the Virginia Department of GIG, the requirements are for 35 trailer parking spaces and another issue was the slope of the boat ramp, itself. Mr. Green plans to meet with a GIF representative at the site on September 25<sup>th</sup> to further investigate the site. Mr. Green will provide an update to the County Administrator once the meeting is completed and will provide a status report to the Board at the next meeting.

**09-25 – Draft Cable Television Ordinance**

The consensus of the Board to delay action on this matter and discuss dates for a possible work session at its November 27<sup>th</sup> meeting.

**Other Items:**

Mr. David stated that he had been approached by a representative from the Fall Festival Committee concerning amusements for children and vendor tickets being sold for the rides. The Board had previously talked about the sponsorship of those activities which included inflatables, and Mr. David wanted to know if the Board was still interested in that sponsorship. He clarified that, with such sponsorship, there would be no ticket sales and unlimited use of the inflatables at the cost of \$2,300.00, and the funds would come out of the unobligated General Fund balance.

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 appropriated up to \$2300.00 from unobligated General Fund balance towards the expense of providing inflatable children’s play activities at the 2007 Fall Festival.

Mr. David explained that meetings have been ongoing regarding the programming of space for the government center buildings, meetings have been held with all the users of that space and the County Engineer is prepared to meet with the Board either on October 2<sup>nd</sup> or October 3<sup>rd</sup>. The Board’s consensus was to include this as part of the work session on October 3<sup>rd</sup>, combining this topic with the discussion of the proposed noise ordinance.

Mr. Howard inquired about the status of the Old Purkins Corner landfill and requested staff to provide an update on the old landfill property relative to the Department of Environmental Quality's release for reuse at the next Board meeting.

**Closed Session:**

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 went into closed session pursuant to State Code Section 2.2-3711(A)3 for discussion and consideration of the acquisition of real property suitable for industrial development in King George County, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, and State Code Section 2.2-3711(A)5 for the purpose of discussing a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating its facilities in the community and invited the County Administrator, Deputy County Administrator, and County Attorney.

On a motion by Brooks, seconded by 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 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. 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 authorized the County Administrator to execute a contract with Plentiful Farms Family Limited Partnership to secure an option to purchase land for potential expansion in the industrial park in an amount of no more than \$25,000 and appropriate said amount of the Capital Projects Fund.

There being no further business to come before the Board, the Chairman adjourned the meeting on a motion by Mr. Howard, seconded by Mr. Brooks, and carried unanimously.