

**VIRGINIA:**

At a regular meeting of the King George County Board of Supervisors, held on Tuesday, the 1<sup>st</sup> day of April 2008, at 6:00 p.m. in the Board Room of the Revercomb Building at 10459 Courthouse Drive, King George, Virginia:

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

**ABSENT:** Joseph W. Grzeika, Vice-Chairman

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

**Amendment to the Agenda:**

On a motion by Mr. Howard, seconded by Mr. Sisson, and carried unanimously, each member voting as follows: Mr. Brooks Aye; Mr. Howard Aye; Mr. Mullen Aye; and Mr. Sisson Aye, the King George Board of Supervisors amended the agenda to include a 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, and State Code Section 2.2-3711(29) for the purpose of discussing the award of a public contract involving the expenditure of public funds where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

**Public Comment:**

The Chairman opened the floor for public comment.

Ms. Ruby Brabo, 16843 Fairfax Drive in Chatham Village and the new Chatham Village Homeowners' Association President for Sections 1 and 2, voiced her concern over the Chatham Village road work not being done and that the County has already reduced the bond to complete the roads. However, she further explained that the roads have not been touched since the completion of the homes in February 2007. On March 14<sup>th</sup>, photos showing the road conditions were taken to the Community Development office and no response has been received as to why these issues have not been corrected. In trying to contact the Worman offices, Ms. Brabo found the Worman's office phones had been disconnected and the offices closed. She asked the Board to take the necessary actions to ensure that Worman completes the roads in Chatham Village.

Mr. Ted Lovell expressed his personal observations concerning the proposed Emergency Services Ordinance. He stated that he has looked over the proposed ordinance as it relates to the operation and administrative duties and has noticed the similarities it has with the position description of the County Fire Chief. At the time of Fire Chief Moody's arrival, Mr. Lovell discussed with him the importance of establishing a chain of command. Mr. Lovell felt there was only one chief, Chief Moody, and that he had been authorized to be 2<sup>nd</sup> in command, as were his predecessor as defined by their function. Mr. Lovell stated that the Volunteer Fire Department evidently has some issues and that some difficult decisions

were not made perhaps when they should have been but he stated that this has not affected the delivery of services by the non-paid staff. Mr. Lovell stated that there have been critical lapses in leadership and several issues internally but the organization needs to move forward and provide a joint, unified service. The merger of the fire and rescue squads was a very large undertaking, the scope of that project being much greater than first thought. The position descriptions included recruiting and retaining volunteers for this newly merged department. Mr. Lovell stated that the organization has done the best job they can in taking in new members and that those members require mentoring. Mr. Lovell complimented the County on providing a training officer to help with the new members. He also cited the issue of shortage of personnel, stating that Chief Moody has been short on personnel by at least 5-6 positions; the volunteers have lost people to Stafford and Spotsylvania stating that in July 2005, the volunteers lost a large number of their apparatus drivers and have never recovered from the loss of those members with that capability.

Mr. Lovell stated that there is no mechanism in place, nor any mention of support to ease into this new ordinance and felt he has addressed the issues as he thought they should be addressed and wants to move on and not lose faith in those that are served – the public. He stated that there are many issues to be resolved and there are lots of questions. He felt there was not enough oversight of the career and volunteer staff.

Mr. Fred Clodius, Acting President of the Fire Department, also voiced his concerns about the Emergency Services Ordinance. He stated that the volunteers were not there to be in conflict with, but to work with the Board and Chief Moody. He stated that the volunteer organization had lost 30 of their best people in the last 3 years to other localities. Mr. Clodius felt that the proposed new ordinance transfers all of the problems to the Department of Emergency Services, whereas DES, in his opinion, has the same problem as the volunteers, that being no enough staff. He wants all concerned to work as a team as they are all here to serve the community and the County and do the best for all fire and rescue personnel. He understands that there is a lot of work involved and that whenever help is requested by the Department of Emergency Services and career and volunteer staff, please try to help them.

Mr. Pete Sullivan shared his concerns with the new Department of Emergency Services ordinance which gives the Fire Chief the power to hire and fire Departmental personnel and the authority to evaluate the services and have the right to terminate the services of volunteer staff. He noted that the volunteer staff would not be allowed to take advantage of the grievance process which is unlike anything that was done in the past. One other item that concerned Mr. Sullivan was the fitness requirements contained in the document, stating that at his age of 62, he can't compete with 20 year olds and thinks this needs some serious consideration.

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

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

#### **Mr. Sisson**

Mr. Sisson stated that he appreciated the comments of the King George Fire & Rescue personnel concerning the new proposed ordinance and that this issue would be discussed by the Board later in the agenda and certainly understood how important and viable the volunteer organization is and the important role this organization plays in the County's fire and rescue efforts.

Mr. Sisson requested that the County Administrator check with Mr. Green, Director of Community Development, on the status of the road surety bonds for Chatham Village and report his findings to the Board. Mr. Sisson also shared concern about the permit decals for use of the convenience center on

Route 205, as he had been informed by a citizen that very few decals were noted by those using the convenience center site.

The final item mentioned by Mr. Sisson concerned the George Washington Regional Commission's revised per capita rates for localities. He noted that the participation/contribution rate for King George is approximately \$18,000 and not \$200,000 as reported by the Journal newspaper.

**Mr. Howard**

Mr. Howard noted that he also got the report on GWRC and the per capita rate revisions. He stated that our population figure was 21,299, making the King George per capita costs of \$13,702 and an added \$5,000 for legislative program share for a total of \$18,702.

Mr. Howard reported on his recent attendance at the VACo Courthouse Meeting on March 28<sup>th</sup> and was pleased with the session, and noted that Delegate Scott and Delegate Houck were there. The issues which the Board requested be addressed – population growth; urban development areas specifically for King George's inclusion; and local funding of Comprehensive Services Act, were discussed. Some results of the Comprehensive Services Act (CSA) discussion included a request for VACo to gather some data on who was making placement decisions, local Social Services Board of the judges. Mr. Howard also shared with the representatives that King George County is getting penalized for sending children out of the county because services are not available within the County and asked that it be incorporated within the region.

**Mr. Mullen**

Mr. Mullen echoed Mr. Sisson's comments concerning the Fire Department and noted that the fire and rescue organization, both career and volunteer, all do a great job and he wants to see them come together and work as a team.

Mr. Mullen also introduced Mr. David Simms to the Board as his appointee to the Landfill Advisory Committee.

***Appointment***

On a motion by Mr. Mullen, seconded by Mr. Sisson, and carried unanimously, each member voting as follows: Mr. Brooks Aye; Mr. Howard Aye; Mr. Mullen Aye; and Mr. Sisson Aye, the King George Board of Supervisors reappointed Ms. Anita Churchill as the Dahlgren District representative to the King George County Economic Development Authority for a 4-year term.

**Mr. Brooks**

***Appointment***

On a motion by Mr. Howard, seconded by Mr. Mullen, and carried unanimously, each member voting as follows: Mr. Brooks Aye; Mr. Howard Aye; Mr. Mullen Aye; and Mr. Sisson Aye, the King George Board of Supervisors appointed Mr. Dennis Sawdy as the Shiloh District Representative to the Landfill Advisory Committee.

Mr. Brooks directed the County Administrator to contact FRED bus service staff concerning the possibility of providing regular bus service to the Anglewood residential development. Mr. Brooks had

been contacted and informed that the Angelwood residents had to meet the bus at the Health Department which was not convenient and that the residents of that community depended on that service.

**Timed Items:**

**04-02 – Rappahannock Regional Disability Services Board Recognition of Fronce’ Wardlaw, Executive Director, Project Faith, Inc.**

Mr. Brian Guthrie, King George Representative and Chairman of the Rappahannock Regional Disability Services Board, along with Mr. Eldon James, Executive Director of the Rappahannock Regional Disability Services Board, and Mr. Dave Coman, Director of Social Services, presented Ms. Fronce’ Wardlaw with an award in recognition of her dedicated services to and support of the people with disabilities in King George County and the region and her tireless efforts to improve the housing available to people with disabilities.

Ms. Wardlaw accepted the award and acknowledged the work of the Board at Project Faith and to the Board of Supervisors for their support in this effort and looked forward to working cooperatively to continue to assist those residents with disabilities.

The Board members extended their congratulations to Ms. Wardlaw for this recognition and acknowledged here diligence in seeing this project become a reality.

**Public Hearing:**

**04-03 – Conveyance of the Potomac Gateway Welcome Center to the Commonwealth of Virginia and the Virginia Tourism Corporation**

The Chairman called public hearing to order, having been properly advertised per the Code of Virginia. The purpose of the public hearing was to receive public comment regarding the conveyance of publicly held real property, specifically the 2.115 acres, more or less, of Minor Subdivision Plat, Lot 2-A, Barnesfield, to the Commonwealth of Virginia and the Virginia Tourism Corporation. The conveyance involves the land, building, and related improvements known as the “Potomac Gateway Welcome Center.”

Mr. David stated that the Virginia Tourism Corporation and the Office of the Attorney General have approved a final draft of the deed. He also reported that the Department of Interior continues to have the final draft under review, but staff does not anticipate any revisions not otherwise already incorporated in the draft presented to the Board. Mr. David stated that the Board could take action to authorize the Chairman to sign the deed, subject to the County Attorney’s approval as to form. This would accommodate any legal revisions the Department of Interior may communicate to staff in the near future.

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. Sisson, seconded by Mr. Mullen, and carried unanimously, each member voting as follows: Mr. Brooks Aye; Mr. Howard Aye; Mr. Mullen Aye; and Mr. Sisson Aye, the King George Board of Supervisors authorized the Chairman to sign the deed for conveyance of the 2.115 acres, more or less, of Minor Subdivision Plat, Lot 2-A, Barnesfield, to the Commonwealth of Virginia and the Virginia Tourism Corporation, as presented, subject to approval of the final deed and subdivision plat.

The conveyance involves the land, building and related improvements known as the “Potomac Gateway Welcome Center”.

**04-01 – Consent Agenda:**

On a motion by Mr. Sisson, seconded by Mr. Howard, and carried unanimously, each member voting as follows: Mr. Brooks Aye; Mr. Howard Aye; Mr. Mullen Aye; and Mr. Sisson 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 General Fund in the total amount of \$337,223.07

Authorized the issuance of warrants against the FY07-08 Library Fund in the total amount of \$4,421.92

Authorized the issuance of warrants against the FY07-08 Recreation Activity Fund in the total amount of \$3,562.47

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

Approved Building Permit Fee Refund

**Action Items:**

**04-04 – Amendment to FY2007-08 King George County Public Schools Operating Budget**

Mr. David reported that the School Superintendent advised that on Wednesday, February 27, 2008, the School Board approved a request to the Board of Supervisors to amend the current budget by appropriating additional funds into the Instruction and Technology Category to reflect receipt of \$13,800 from the Material World Module program. This is a grant acquired by the staff at King George Middle School and must be expended by September 30, 2008 and does not require additional local funds.

On a motion by Mr. Sisson, seconded by Mr. Howard, and carried unanimously, each member voting as follows: Mr. Brooks Aye; Mr. Howard Aye; Mr. Mullen Aye; and Mr. Sisson Aye, the King George County Board of Supervisors approved the amendment to the FY 2007-08 King George County Public Schools Operating Budget to recognize a \$13,800 grant for the Material World Module Program and appropriate like amount to the Instruction and Technology Category, as presented.

**04-05 – Authorize Expenditures against the FY2007-08 Capital Improvements Fund**

On a motion by Mr. Howard, seconded by Mr. Sisson, and carried unanimously, each member voting as follows: Mr. Brooks Aye; Mr. Howard Aye; Mr. Mullen Aye; and Mr. Sisson Aye, the King George County Board of Supervisors authorized the issuance of warrants against the FY2007-08 Capital Improvements Fund in the total amount of \$91,961.13, as presented.

**04-06 – Adoption of Radiological Emergency Response Plan**

Chief Moody presented information to the Board regarding the King George County Radiological Emergency Response Plan (KGRERP). This Plan includes specific information on the County’s response to a radiological event at North Anna or Calvert Cliffs Nuclear Power Stations or a transportation event

on our highways. This Plan will be an annex to the King George County Emergency Operations Plan. The original Radiological Emergency Response Plan was adopted in August of 2003.

Chief Moody stated that the document has been reviewed by departments and agencies directly affected by the plan, and by the County Attorney and their revisions have been incorporated in the document presented.

On a motion by Mr. Sisson, seconded by Mr. Howard, and carried unanimously, each member voting as follows: Mr. Brooks Aye; Mr. Howard Aye; Mr. Mullen Aye; and Mr. Sisson Aye, the King George County Board of Supervisors adopted the King George County Radiological Emergency Response Plan (KGRERP) as presented.

### **Discussion Items:**

#### **04-07 – Proposed Department of Emergency Services Ordinance**

Mr. David explained that he, the Fire and Rescue Chief, and the County Attorney, prepared a draft ordinance to formally establish the King George County's Department of Fire & Rescue & Emergency Services to provide emergency medical and fire services for the general health, safety and welfare of the citizens of King George County. Further, the proposed ordinance sets forth the operational and accountability framework requirements between the Department of Emergency Services and the volunteer King George County Fire and Rescue, Inc. A copy of the proposed ordinance has been provided to the Vice President and Chief of King George County Fire and Rescue, Inc., for review and comment.

Mr. David discussed the purpose of the proposed ordinance stating that the establishment of the Department of Emergency Services needed to be part of an ordinance in order to carry the "weight of the law" and could not be done through a job description. He stated that if the Board wished to proceed, an advertisement for a public hearing would need to be authorized.

Mr. Brooks appealed to the volunteer members to put their concerns in writing and submit them to the Board members, and he acknowledged the comments presented during the public comment period. He assured those present that the comments submitted to the Board would be reviewed prior to advertising for public hearing. Mr. Britton stated that it could still be advertised, but the Board felt the scheduling of the public hearing could be deferred until the April 15<sup>th</sup> Board meeting.

Mr. Sisson stated that there needed to be agreement across the organization but questioned whether to go ahead and advertise for public hearing or to delay action until feedback is received from the volunteers. He felt Chief Moody needed the authority to manage the Fire & Rescue organization, but appreciation of the volunteers' efforts was also needed. Mr. Mullen agreed and noted that more time was needed for the volunteers to come forward with their concerns.

#### **04-08 – Regional Elected Officials Meeting Agenda**

Mr. David requested input from the Board for agenda topics, as well as a speaker, for the upcoming Regional Elected Officials meeting which is being hosted by the County. It was suggested that Ms. Fronce' Wardlaw attend as speaker and include a tour of the Project Faith development, if members were interested. Mr. Sisson mentioned speaking about the wireless program coming to King George County, whereas, Mr. David stated it would be better to wait until fall when the county is on line. The Board agreed to invite Ms. Wardlaw to speak on Project Faith's work and possibly schedule a tour of the Angelwood facility.

**County Administrator's Report:**

**04-09 – Vehicle Entrances for the King George County YMCA and King George County Government Center**

At its meeting on March 18<sup>th</sup>, the Board of Supervisors requested a report from the Director of Community Development on the vehicle entrances to the King George County YMCA and the King George County Government Center from King's Highway (State Route 3).

Mr. Green provided a memorandum to the Board outlining the approval process for the entrances to the Government Center and the YCMA and the permitting process for those entrances.

**Closed Session:**

On a motion by Mr. Howard, seconded by Mr. Mullen, and carried unanimously, each member voting as follows: Mr. Brooks Aye; Mr. Howard Aye; Mr. Mullen Aye; and Mr. Sisson 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, and State Code Section 2.2-3711(29) for the purpose of discussing the award of a public contract involving the expenditure of public funds where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body and invited the County Administrator and County Attorney.

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