

King and Queen County
Board of Supervisors Meeting

Monday, February 11, 2013
7:00 P.M.

King and Queen County Courts and Administration Building
General District Courtroom

“Minutes of the Meeting”

OPENING OF THE MEETING

Chairman Morris called the meeting to order. Mr. Simpkins provided the invocation followed by the Pledge of Allegiance to the Flag of the United States.

**APPROVAL AND SIGNING OF THE JANUARY 14, 2013 MINUTES OF THE BOARD
(NOTE: THERE ARE NO DECEMBER WORKSHOP MINUTES DUE TO
CANCELLATION OF THAT MEETING)**

A motion was made by Mr. Simpkins and seconded by Ms. Alsop to approve the January 14, 2013 minutes as presented.

AYES: D. H. MORRIS, R. F. BAILEY, JR., J. L. SIMPKINS, J. M. MILBY, JR., S. C. ALSOP
NAYS: NONE

**APPROVAL AND SIGNING OF THE FEBRUARY 2013 WARRANTS AND
APPROPRIATIONS**

A motion was made by Ms. Alsop and seconded by Mr. Bailey to approve the warrants and appropriations for the month of February 2013, as subject to audit.

AYES: D. H. MORRIS, R. F. BAILEY, JR. J. L. SIMPKINS, J. M. MILBY, JR., S. C. ALSOP
NAYS: NONE

PUBLIC COMMENT PERIOD

Chairman Morris opened the public comment period, advising that this time has nothing to do with the Public Hearing; it is a time to speak on issues other than the public hearing. If anyone has any comments, please come forward stating their name and district.

After hearing no comments, the public comment period was closed.

SOCIAL SERVICES AND SCHOOLS MONTHLY REPORT

Superintendent of Schools Charles Clare provided the following report:

Mr. Clare advised:

- That their daily membership is: King and Queen Elementary School - 242 students, Lawson Marriott School – 230 students and Central High – 248 students, making a total of 718 students compared to last month being 714. Virtual School Students – 119, making a total of 884 students enrolled.
- Provided an update on school schedule adjustments where they have had some encounters with the weather but nothing major. They have been closed 5 days this school year and have made up one day on January 27th. They do have bank time in their schedule.
- Advised that they have had a number of heating units that failed and have been repaired at minimum cost. Mr. Clare further shared that they have a chart that they look at for long term tracking. At King and Queen Elementary they have 16 units that are better than 20 years in use. They do not want to jump too quickly until they know what the repair needs are ahead.
- Advised that they were moving forward with ceiling leaks at Central High.

Social Services Director Betty Dougherty had the following comments:

- Provided a report on the following: For Crisis for the month of January they mailed out 34 applications, receiving 31 of those applications back, with 22 being approved and 9 applications were denied. One family was assisted with energy share in the sum of \$362.00.
- Provided a brief over view of the Department of Social Services 2012 Annual Report comparing information for 2012 with 2011 referencing their benefit and services programs and their Christmas program.
- Advised that they will have their 2nd safeguard security check, presenting the Board with flyers so they will know what they are looking at when conducting their investigation.

Mr. Simpkins questioned that she spoke of case loads, and asked what a case load was. Mrs. Dougherty responded that it is the number of people, after your application is approved and they are continuing to provide Medicaid services to you. This number goes up and down every month.

PUBLIC HEARING – APPLICANT G4S INTERNATIONAL TRAINING, INC. – MIDDLE PENINSULA REGIONAL AIRPORT AUTHORITY – TOWN OF WEST POINT

Chairman Morris opened the public hearing. County Administrator Thomas Swartzwelder verified proof of publications in The Tidewater Review and Rappahannock Times in their January 23rd and 30th, 2013 issues, as well as in the Country Courier.

Donna Spouse Assistant Zoning Administrator provided background information advising that the public hearing will be held to consider a request from G4S International Training, Inc. (ITI) for approval to include but not limited to the following activities both day and night on the following properties as summarized below on the following parcels in King and Queen County:

Middle Peninsula Regional Airport authority #1623-165R-465

- Conditional Use Amendment CU12-02, Middle Peninsula Regional Airport (Tenant ITI) (5.56 ac)
- Level 3 Site Plan Amendment SP12-03, Middle Peninsula Regional Airport (Tenant ITI) (5.56 ac)

Town of West Point #1623-165R-465K

- Rezoning RZ12-03, Town of West Point (Tenant ITI) (.24 ac. – Agricultural to Industrial w/o proffers)
- Conditional Use Amendment CU12-02, Town of West Point (Tenant ITI) (209.25 ac.)
- Level 3 Site Plan SP12-03, ITI (49.19 ac.)

International Training Inc. #1623-166R-456

- Rezoning RZ12-02, ITI (49.19 with proffers, including financial) – Agricultural to Industrial
- Conditional Use Permit CU12-20, ITI (49.19 ac.)
- Level 3 Site plan SP12-03, ITI (49.19 ac.)

ITI's operations are proposed to include, among other things, driver training, shooting of firearms, and the use of simulated combat noise which may include from time to time the use of paint ball guns, handguns, rifles, shotguns, automatic weapons, Simunitions, simulated improvised explosive devices, simulated rock propelled grenades, etc. The proposed operations are to occur during the day and also include certain night time hours of operation. The applicant has proposed a detailed set of conditions that include, among other things, limits on the hours and days of operation for certain activities conducted on the property.

The site is located off of St. Rt. 605, York River Road and south of Airport Road in the Buena Vista Magisterial District.

Mrs. Sprouse provided background information advising that the King and Queen County Planning and Zoning Department received an application dated June 28, 1989 from Katherine L. Kropp on behalf of the applicant, International Training Inc. for a conditional use permit for property standing in the name of The West Point Municipal Airport, further identified on the application as tax map parcel # 278-32L-465A-H. Attached to the June 28, 1989 application, were exhibits explaining the nature of the request, as well as the site plan. According to the documents submitted along with the conditional use permit application, "Training at the ITI Training Facility and on-site, mobile assistance will be offered in three generic categories: Evasive and defensive driver training, small arms weapons (handguns) familiarization, and improvised explosive devices familiarization. The preponderance of training (95%) will involve

evasive and defensive driver training.” “In addition, Small Arms Familiarization and Improvised Explosive Devices training will also be presented as part of the overall driver training program. The instructors and material for those courses will be provided by the U.S. Government. ITI will be providing only the physical location. The fire arms range will be an NRA approved firearms range. All possible precautions will be taken to assure safe and secure training.”

A public hearing was held on August 14, 1989 where the King and Queen County Board of Supervisors granted the request for a Special Use Facilities by approving the requested Conditional Use Permit, tax map parcel # 278-32L-465A-H standing in the name of The West Point Municipal Airport. In 1989, the zoning ordinance of that time required that such a use be permitted within the industrial zoning district by approved Conditional Use Permit as a Special Use Facility.

ITI continues to lease property from the Town of West Point and has, since its approval in 1989. ITI acquired property from John Hancock Life Insurance Company identified as tax map #1623-134L-457 in November of 2000. Over the years, ITI has greatly expanded since their initial approval in August of 1989. ITI has grown from a one building/classroom facility to five buildings/classrooms with the current proposal of adding an additional building/classroom. ITI also constructed a vehicle maintenance shop and received proper approvals for the classrooms and shop in September of 2001, all of which are located on the leased property owned by the Town of West Point. The initial installation of the shoot house and one firing range has grown into 3 firing ranges and a shoot house, all of which are located on property zoned Agricultural and without proper approvals over the last 10+ years.

Weapons used during training have also greatly expanded beyond what ITI quoted during their initial 1989 Conditional Use Permit application process. They have originally proposed using 9 mm handguns and IED devices (3% to 5% of total training offered by ITI) in an area identified in their 1989 application as being 400 yards from the end of the runway legs on West Point’s property, to using handguns, paintball guns, grenade launchers, simunitions, rifles, fake explosions, shotgun blanks, IED Simulators, RPG Simulators, and automatic weapons on many various locations on multiple parcels. ITI has also expanded their designated driving training area from using the old airport runway legs as shown in the their 1989 Conditional Use Permit application & exhibits to the current unapproved off-road driving areas on both properties owned by the Town of West Point & ITI.

On December 3, 2012 the Planning Commission held a public hearing on the requests. A motion was made and seconded to deny the rezoning request (International Training) (RZ12-02) Tax Map # 1623-166R-456 by a 5 to 4 vote.

A motion was made and seconded to deny the rezoning request (Town of West Point) (RZ12-03) Tax Map # 1623-165R-465K by a 7 to 2 vote. A motion was made and seconded to deny the proposed Conditional Use Permit (CUP12-02) and Level 3 Site Plan (SP12-03) Tax Map # 1623-165R-465K, 1623-166R-456 & 1623-165R-465 by a 7 to 2 vote.

Mrs. Sprouse further advised that key issues for consideration are as follows

- They are proposing night hours of “noise makers” beyond the hours of 7 p.m. ranging from gun fire, shotguns and shotgun blanks, simulated rocket propelled grenades, and simulated improvised explosive devices.
- Historically the Board has approved conditions which limit hours to 7 p.m. and/or a maximum noise level of 85 dBa at the property line. The conditions proposed by G4S/ITI will be a departure from that by setting a new precedent because they are requesting both hour limitations and produced the sound study which suggests that they meet the 85 dBa requirement.
- In the latest submitted conditions, item #7, Suppressed Sound Hours of Operation allows for the shooting of firearms with the utilization of noise suppressors affixed to the barrels, shooting of firearms indoors and the indoor use of Tactical Sound Infusion in training activities are proposed to be conducted the following days and hours...

Monday – Friday 7 p.m. to 11 p.m., Saturday 7 a.m. – 10 a.m. and 3 p.m. – 11 p.m.

This is requested to be done sporadically and not an everyday occurrence.

Mrs. Sprouse expressed that what she is questioning is , “What is the noise level at the property line when (according to # 8d - conditions) unsuppressed, “outdoor firearms shooting in training activities on the property during nighttime hours of operation occurs on 2 ranges at the same time with 12 active firing stations per range”.

- As noted in proffer statement, (#6, in their last sentence) “In the event that any portion of the proposed rezoning sought by this application or the associated conditional use permit and level 3 site plan is not approved by the county as they have submitted, these proffers shall be null and void”. If approved, with any kind of modification or change to what has been submitted by the applicant, everything in the proffer statement is null and void. The key issue here is the proffered uses. Staff and the Planning Commission’s decision to recommend denying the rezoning request rested heavily on the fact that this property is not appropriate for any industrial use, especially those which may have increased traffic with poor access and the environmental sensitive nature of the property.
- This is not just military, government or law enforcement training/security, according to their website, I or anyone in the audience above the age of 18, may submit an application to conduct the following training... basic handgun, competitive pistol, concealed carry, advanced concealed carry, tactical pistol, basic and tactical carbine (semi-automatic AR-

15 style rifle or carbine) courses. Driving courses such as unimproved road driving course, advanced driver training and crash avoidance, and instinctive driving.

- It has been staff's position all along that if G4S/ITI wants to operate past 7 p.m.; they must demonstrate that their sound is not a nuisance to the neighbors. In response to that, G4S/ITI has had a sound study conducted. Being that she is no sound expert and is certainly not objecting to or arguing against the engineers report, according to their engineers, they will have no issues meeting the 85 dBA at the property line. (See page 1, Executive Summary, paragraph 3) It is up to this Board to determine what weight and accuracy to give to the study. That said; let me point out that the study is modeled on one range with 12 active shooters. (See page 3, Section 2.2.2 and 3) G4S/ITI is proposing to use 3, 12 position ranges during the day and 2, 12 position ranges at night.
- The study also shows that the RPG's and IED's are the loudest activity that is conducted on the property (see Figures 10 and 11). During the December 3, 2012 public hearing held by the Planning Commission Mr. Trant stated that Simulated Explosions and Tactical Noise *"Gives students in these various activities that they are doing, the feeling of being in the combat environment. There is a distinct sort of human response to that noise that is generated by a simulated IED or simulated RPG that causes the heart rate spike and adrenaline to rush and it can effect judgment if you are not trained how to respond to it."*
- Staff also feels that dust control measures are needed for the proposed off road driving training and should be incorporated within the proposed conditions.

Mr. Tim Trant, Attorney with Kaufman and Canoles, was present on behalf of G4S International Inc. (ITI). Mr. Trant introduced members of the applicant's team, company representatives and consultants, ITI members and family members as well as one of our former Board Members Pete McDuff, to answer any questions. Mr. Trant advised that he was not going to rehash what they are going to do or proposing to do, asking that should anyone have any questions, to please ask so that everyone understands.

Mr. Trant commented that it has been suggested that ITI has operated in violation/disregard of the County's Ordinances and that is simply untrue. This is not the way G4S or ITI operates and has not been his experience in his two years that he has been working with this company.

ITI sought and obtained from the Board of Supervisors before the first spade of dirt was turned on the site a Conditional Use Permit Approval for the operations that they have been conducting on the property. Operations have evolved over time, but all are consistent with that original approval. The original application materials that Ms. Sprouse made reference to showed in their mapping the ranges or exact location of where they are today. Subsequent to that original approval as Ms. Sprouse made reference, ITI has sought or obtained multiple approvals from the

County in the form of building permits and site plan approvals for various improvements to the property. What has brought them to this point was ITI seeking a request for a building permit for an armory facility that they wanted to locate on the property. On different occasions over the history of ITI's existence on the site the Zoning Administrator and former County Attorneys has replied that ITI was lawfully using the site. The concerns that staff had when they applied for the permit for the armory were related to environmental issues. In response to those concerns and those to off road driving instruction on old logging trails that they were concerned about change in use that it may be a violation of wetlands regulations. Overtime what are wetlands and what is RPA buffer, their building and other improvements were not located in what would be considered today as RPA. Rather than to dispute that and argue the issues, ITI engaged with Williamsburg Environmental Group to come up with mitigation plan to address all of those issues. They began ripping up concrete, discontinuing use of off road trails that were in question, they have reseeded and replanted and entered into a corrective action agreement of which all of those improvements are now complete. So to say there is no respect for the County rules is not a fair statement. It has been with consistent effort with Mr. Rich Weaver and Mr. David Beckett that they engage the county in a collaborative process and to convince the Board of Supervisors of a level of operations that they would find acceptable. Not a level of operations that the Judge would find acceptable. Mr. Trant asked that the Board not take the decision as a sign of weakness, but their Litigation Team has evaluated the issues salivated at the success in that regard. ITI has been there for 20 years and want to do it right. There has been concern on the timeframe of the how long it has taken to get to this point and appreciates the patience in going through the process.

Mr. Trant further commented that since the decision of the Planning Commission, they have obtained a professional sound analysis. The analysis showed what they have been saying all along that they are consistent with background noise levels, equal to or less than the environmental noise that exist in that area for both their day and nighttime activities.

In conclusion, Mr. Trant further expressed commitment of ITI's interest in working with the community, showing the Board and neighbors their commitment. Mr. Trant advised that as late as last Friday, Mr. Weaver instructed him to revise the conditions to remove all range activity on Sundays. Also subsequent to the Planning Commission meeting they have reached out to a number of people in the community, mostly neighbors and ones that came to the Planning Commission Public Hearing on December 3rd, invited them to their facility to show them what they do.

Mr. Trant further commented that ITI is extremely unhappy with the conditions as they have evolved. They represent a level of control, constraint and restriction on the business that they have never known. They are far stricter than the past operations and it gives them great concern about their ability to continue to operate and compete in the market place.

Mr. Rich Weaver, President of ITI, provided a summary of who they are and what they do in laymen's term, so that the Board will understand the impact that they have on this community and have had for 24 years advising the following:

- They are a Virginia Based Company, in a couple of months they will be here for 24 years of which has been at the airport all of that time.
- ITI is a security encounter tourism training company, recognized as one of the leaders of this type of company in the United States, and the second oldest of its kind.
- They focus on training in small firearms, evasive and tactical driving of different types of vehicles.
- They take their training around the world
- Biggest client 95% of the time is the US Govt. and is directed at the Department of Defense.
- They also train Homeland Security, State Justice which includes the FBI and also provide same services for State and Local Agencies.
- They train about 2400- 4000 students a year, making the training as realistic as possible.
- Employees are all full-time subject matter experts in their area with almost all being retired or former military and law enforcement people
- They get some of the best salaries in the County; they get food benefits, and have chosen to move their families here because they do not use part-time people. Some of their employees have been there for as long as 20 years, with most of them being there 10 years.
- As one of the largest employers in the County, they actively support local businesses and since day one in 1989 when they came here that they made it their policy to buy locally and try to be good neighbors and be responsible corporate members of this community and hope to continue to do so.

Mr. Pete McDuff also was present, speaking on behalf of ITI, advising that he was not a sound expert, but he did have a little advice and experience in this field. Mr. McDuff further commented that ITI has nothing to do with the Helicopters. They do not fly them nor deal with them. If you hear them it is not ITI, it is the United States Government, operated at an uncontrolled airport, and anyone can land there whenever they would like to. ITI is not the men that run around in the woods in black.

Mr. McDuff further commented that as far as the sound report, ITI commissioned a firm to conduct a sound report of which was done last August and again in January of this year. Recordings were conducted in an extensive manner for as long as a week. The sound was expected at 15 locations around the county, taking measurements and actual sound measurements at 5 of those locations to determine if those measurements meet with the model, to determine if the model is correct (referencing a slide) the results ended up reflecting firings and non-firings on one particular day. The only things on that particular date were the helicopters flying over being the loudest thing. Mr. McDuff further expressed that the next day was thunderstorms, and on that particular day a frog was louder than any gun fire that ITI put out. Many things were louder than ITI gunfire, referencing a seagull and owl being louder than gunfire. Items of nature and items man made were louder than the gunfire put out by ITI in specific locations put out by the study. The inclusions are included within the executive summary of which he summarized it for the Board. The inclusion is in evening hours, unsuppressed fire was well below ambient sound levels to margin above by 2 to 3 db at a few locations and that does not approach the threshold of noise impact under any standards. ITI is

producing ambulant sound noise well below background noise (all noises) throughout the County. A “frog” is louder is than ITI.

Mr. McDuff commented that Fulcrum was recently approved to operate unrestricted, whenever they wanted to bring in helicopters. The loudest thing in the sound study was helicopters. It is only fair that if Fulcrum can make that much noise with helicopters that ITI should be approved based on fairness. What is good for the goose is good for the gander. They respectfully request that the Board approve this permit for ITI.

Mr. Trant, Attorney for ITI advised that this concludes ITI’s formal presentation and asked that the Board allow them to answer any questions after the public hearing that may arise.

The floor was open for public comment. Mrs. Morris advised that Mr. Swartzwelder will be keeping the time, and asked that each one limit their comments to 3 minutes.

Those speaking:

- (1) W. T. (Bill) Didlake, Buena Vista District, was present representing his family, Florence Massey and Lillian White who are property owners of 2 family farms that have been in their families for generations. The farms are farmland, forest land and 2 family homes. Mr. Didlake further commented that he has sent letters to each member of the Board expressing concerns and questions. His tenants have had complaints about the sound over the last years and he has brought this to the attention of the Supervisors in the past years. Mr. Didlake referenced an occasion on his property with his son and grandson, where his grandson questioned it they were safe because of the popping off of guns. Mr. Didlake questioned the current noise and hours of operation and who could monitor this, expressing concern of property values and concern for their tenants and the possible discouragement to other businesses wanting to locate here. If he had to live there he would sell his property. What is being presented is open ended and unreasonable. Mr. Didlake thanked the Zoning Office in providing information that they were not aware of, and hoped that the Board would consider the Planning Commissions’ recommendation to deny. Mr. Didlake further noted that they are not opposed to economic development in the County, nor ITI, but they do trust that the Board and Zoning Office will work out an agreement, he did not want to see ITI leave, coming up with some limits. ITI’s current request is unreasonable. Mr. Didlake noted later in the meeting, that he was in the process of cutting timber on 80 acres and that he felt the neighbors would hear more sound.
- (2) C. L. Taylor, Jr., owns property at the end of Hockley Lane on Hockley Creek about 1 mile from the ITI facility. They have been subjected to the noise, which he could assure the Board, it was louder than background noise for years. Automatic weapons being fired, explosions, screeching tires, screaming engines and so forth for years. Mr. Taylor further commented that he realizes that there is a need for realistic training and has no problem with that, but he objects to the expansion of the hours to weekends and late in the evenings. This is a residential and rural community that is flat where sound travels long distances and to expand until 11:00 P.M. at night when most are in bed before this

time, would be disturbing during the night. Mr. Taylor urged the Board to deny the request of ITI.

- (3) Mr. Claude Taylor commented that he was a neighbor of Mr. Lloyd Taylor and has resided on Hockley Lane all his life on his home place. Mr. Taylor expressed that when his family has a gathering they want to know what all the shooting is that is going on. Mr. Taylor also questioned how many people that actually works for ITI live in the lower end of King and Queen County, who would put up with noise day in and day out. Mr. Taylor further commented that the gentleman with ITI that said that they went door to door never visited or left anything on his door that they were there.
- (4) Mr. Charlie Little, resident on Hockley Lane, lives less than a mile from ITI, expressed that noise from ITI has been pretty much unbearable as he works at home pretty much all the time. Frogs make a little more noise, but they are a part of nature. They do not go 24 hours a day. The noise is just constant. None of the guys live around here, questioning those that do work for ITI, do they want to live next to this noise, do they want to put up with it. As part of his retirement, he has worked on his house, but as it is now, it is going to be hard to sell. If the noise is going until 11:00 P.M., at night, this is going to be bad. With the timber being cut, there is going to be even more rat-a-tap-tap.
- (5) Mr. Steve Jadatz, advised that he has been complaining about the noise for years and the noise report is all about saying that they are crazy. Mr. Jadatz advised further that he had a quick demonstration that he would like to do to bring this report about the frogs and everything, so that everyone is on the same page. Mr. Jadatz presented an audio recording of noise coming from ITI, along with the sound of birds. ITI started shooting until 11:00 at night after 9-11, where it currently says 9 – 5:00 P.M. They were not contacted for an invite at the ITI facility. The only thing they care about is that it gets quieter. They are not anti-business; they actually can view ITI as a sense of pride in the community. Mr. Jadatz shared information from an ITI competitor in Montross, Virginia, Ogara of which the Board of Supervisors wanted this company in the County of which far exceeds what ITI has of which is profitable and does not understand the disconnect.
- (6) Mrs. Nancy Jadatz expressed that her ancestors acquired this land and she has been living in King and Queen County for 42 years on the York River, 2 miles from ITI for 15 years. The noise is unacceptable as she and her husband constantly hear the rat-a-tat-tat. The Board has the power to make regulations and rules to stop this. She does not like complaining about this, and expressed that they did not get an invitation to view their facilities.
- (7) Mr. Robert Frazier, 339 Simpson Creek Rd., Brookshire was present stating that he lives 1.6 miles from the shooting range part of ITI. He hears the noise, gun fire, automobiles; he hears the helicopters that ITI has nothing to do with. He also hears the train at 3:00

a.m. in the morning and also hears the mill in West Point pop off. We need business and industry in the community which demands very few services. He empathizes with those that are not accustomed to gunfire, as he is a gun enthusiast, and it is unfair for him to not empathize with them. If we lose business like this, that tax burden is going to have to share with everyone in the County. Mr. Frazier further commented that there are compromises to be made. He has lived in King and Queen County for 45 years. He has learned to live with it and appreciates what ITI does and what they do for our Country.

- (8) Mr. Ron Varboncoeur commented that he has been living in the area for 54 years. Of the past 29 years he has operated R & W Contractors. Twenty-four years ago 2 men approached him Jerry Smith and Jerry Hoffman and have performed contract services for them over the years. ITI provides very specific and technical services to government and law enforcement. He has made a lot of money from ITI and a lot of local contractors have. ITI has put a lot of money into buying cars, car parts, gas, fuel, jobs they provide and they provide a lot of business to the restaurants. The issue is about noise. He hears sawmills running, farm equipment running, a lot of noise to include aircraft, gunfire, sometimes it is ITI, and sometime it is not. ITI has contributed a lot to the community. ITI is something we need to look at a lot closer than throwing rocks at ITI.

- (9) Gloria Chandler, Airport Road, Mattaponi, expressed that she owns an adult home on Airport Road and since the last meeting with the Planning Commission; ITI has tapered it down a little bit. Mrs. Chandler advised that she went to Fort Lee and they have a shooting range in the middle of their community, but they have sound barriers that muffle the noise and this is what she is asking about (demonstrating popping a balloon). A frog is an enjoyment, as they do shut up. She hears the mill also, but not all the time. Mrs. Chandler asked that the board have mercy on the neighbors and do something about the noise.

- (10) Lee Busick questioned the creek that Mr. Bill Didlake was speaking about at the last meeting which was the Planning Commission Meeting. Mrs. Sprouse showed Mr. Busick the creek on the map, being Bakers Creek. Mr. Busick further commented that if that is the case (and referencing the gun range) how would you be concerned about bullets coming here. (Referencing to another location on the map). Mr. Busick further commented that he was on the Board of Supervisors from 1996 to 2008 and he had two objections to the noise down there. It is odd to him that they say they have been complaining all of that time. He has a hearing problem and he got it from the paper mill in West Point. He further commented if they had a problem with the noise why they did not come to him. When he first got complaints about it, he went down to the airport and they were very cordial to him. As far as noise, where he lives you hear traffic all the time. It would feel like heaven to him to live where the others that have spoken live off of Rt. 605 and on the York River, compared to where he lives.

- (11) Brent Varboncour, a resident off of Rt. 33, expressed that he lives directly through the woods and that ITI has never awakened him. Mr. Varboncour complained about Jakebraking and noise from tandem trucks. Nothing is as loud as on Rt. 33.
- (12) Brandon Prichard, representative from West Point Chamber of Commerce was present speaking in full support of ITI, as they have made many generous contributions and was a support of the Chamber activities; bring a steady flow of meals, gasoline, snacks and tax revenue. King and Queen should be proud and that it was time that we show support of this company. Mr. Prichard further read a letter of support from John P. Crowder, Past President of the Chamber of Commerce and current owner of West Point Pharmacy.
- (13) John Bland, Buena Vista District, commented that he lived 2 miles South of ITI, and was concerned of the sensitivity to the community. There is a problem with the location, as it is too close to the river and affects residential properties and tax assessments. Mr. Bland further commented that the audit tape speaks for itself and questioned who is going to keep ITI accountable. Mr. Bland expressed that we do not want more shooting and questioned if the noise could not be lowered.
- (14) William Brooks, Rt. 605, expressed that he lives approximately $\frac{3}{4}$ of a mile from ITI in line of site of the operation. As a company, they are well presented and there is no reason to think that their services are not needed. However, the question is from tonight's meeting as well as the last meeting with the Planning Commission, is that issues are not being addressed. Mr. Brooks further commented that he spent 10 years in the army and he knows what simulated weapons sound like. Part of this is not what is going on; it is the expansion in increase to the firing range.
- (15) Olive Meyer advised that she attended the last meeting of the Planning Commission and expressed concern about the hours being increased, as well as, the safety of the children in the community.
- (16) John Butler, Contractor, commented that he has worked for ITI and has heard firing going on, however, he has been awakened by helicopters in the middle of the night at his home. Mr. Butler further expressed that if the citizens think ITI is something, wait until C130 airplanes start coming into the airport. Mr. Butler expressed the need for business and revenue in the County.
- (17) David Campbell commented that he has served on the Planning Commission since 1991/92 and this was one of the most controversial issues he has experienced. The landfill was the other one. Mr. Campbell further commented that ITI was a clean business. ITI is here to give training to those in arms way. He lives off of Rt. 33 in

Clancie and can hear the mill in West Point, and you can learn to live with the noise. Mr. Campbell recommended that the Board approve the request submitted by ITI.

(18) Ty Bland commented that he built a home in 1992, 2 miles below the rifle range and that the noise did not bother him too much. A lot live closer and have made heartfelt statements, made in a friendly way. He hears hunters and dogs, combines and tractors and we expect to hear this. Living on the water, you hear jet skis and they are loud. He has heard ITI and they are not as loud as we expect. He encourages the Board to exercise the conditional use properly so it will help further maintain the quality of life.

(19) Rev. Keith Parham, Buena Vista District, was present expressing that the First Baptist Church of Hockley has existed on the site off of Rt. 605 for 63 of its 148 years. Hearing gun fire and tires squealing destroys the quiet tranquility of King and Queen County. Rev. Parham referenced many senior citizens within the community who were elderly sick people who live within ½ mile of the facility. It is too much noise and a nuisance to the people. He spoke for 10 years about noise and traffic and again we are taking about noise and traffic. It is not a personal thing; it is about a community of neighbors. None of us moved to King and Queen to hear bombs. Rev. Parham asked that ITI continue the way they are going now and not extend their time.

After hearing all comments, the public hearing was closed.

Mr. Trant commented that the conditions that they proposed are a significant reduction compared to their prior operation. ITI proposes fiscal sound attenuation measures as part of their site plan and conditions. As far as evening hours of operation they are extremely limited after 7:00 P.M. in the proffers. (See attached proffers and conditions).

Mr. Bailey expressed that he was under the impression that they wanted to put a higher fence and was told they could not, as they would need to be rezoned first. The County could not permit construction of a fence because of what the fence was to be used for, as it was not permitted in agricultural zoned areas. Mr. Bailey further expressed that he empathizes with the citizens on noise issues as he has to hear 50 garbage trucks pass by his home from 3:00 a.m. – 5:00 p.m. every day, where it almost rattles him out of the bed. Not only does he have to deal with trucks, but he also has to listen to West Point Gun Club. Mr. Bailey further commented that he thought that ITI was a doable project and that they are going to work to cut down the noise.

Mr. Milby expressed that he felt the business had outgrown their location. They either have to live within that property or find another location. Mr. Milby further expressed that he did not think the Board 24 years ago would have thought they would be where ITI is today. Rev. Parham pointed out the elderly. He does not feel the Board wants to shut ITI down. Mr. Milby further expressed his appreciation for all those that spoke and expressed their feelings relating to this issue. In good faith, he could not support this request.

Mr. Simpkins commented that the Board has had to deal with businesses that were out of compliance but they worked with them to get them back into compliance. In the upper end of the County he hears AP Hill and his neighbor loves to target shoot. He tolerates it if he is doing the shooting in a safe way. In touring ITI, most that goes down there are professional people. The facility is a safe facility. Mr. Simpkins further expressed that he has a hard time believing that two nights a week from 7:00 P.M. – 11:00 P.M. would be constant. Mr. Simpkins further commented that he expressed concerns of the shooting on Sunday and thought it was a doable project.

Ms. Alsop commented that she feels for those that are hearing the bombs as she hears bombs going off all the time day and night from A P Hill. If you are not listening for it, you won't notice it. Ms. Alsop further expressed that she hated to see the Government stop their own growth and had no problem with any of this, as they have shown to be good corporate citizens.

Mr. Milby further expressed that in fairness to past Administrators in the County, there were people who went to the County Administrator and nothing was done. If it had been addressed then, we would not be here dealing with this issue now. We are punishing citizens that live in that community and it saddens him that the Board is thinking about approval of their request.

Mrs. Morris expressed that she totally sympathizes with those that spoke tonight, as she has to deal with the stench from the landfill. Citizens that spoke tonight supported a 128 acre landfill with 100 trucks a day. Not one came about the landfill. Mrs. Morris further expressed that if she could shut down the landfill she would if she could. By doing so, the taxes would have to triple. We all have things to deal with. Mrs. Morris encouraged the citizens present that if the citizens continue to see the noise getting louder to call them. Mrs. Morris further expressed that she was glad that the citizens came out and shared their feelings with the Board, so that they can be aware of where they are coming from.

Mr. Milby expressed that it is important to see business where they belong. That the Board has got to stop putting business in the middle of a residential area. The Board needs to make a change as nothing has been done for the past five years.

A motion was made by Ms. Alsop and seconded by Mr. Bailey not to accept the recommendation of the Planning Commission which was to deny, but to approve the request submitted by ITI along with the conditions identified, approving:

CU12-02 #1623-165R-465 and Level 3 Site Plan SP12-03
RZ12-03, #1623-165R-465K, CU12-02 and Level 3 Site Plan SP12-03
RZ12-02, #1623-166R-456, CU12-02 and Level 3 Site Plan SP12-03

AYES: D. H. MORRIS, R. F. BAILEY, JR., J. L. SIMPKINS, S. C. ALSOP
NAYS: J. M. MILBY, JR.

APPOINTMENTS/REAPPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

Planning Commission – Buena Vista District – TABLED

IDA/EDA Members (Stevensville and Shanghai Districts)

Stevensville District –

A motion was made by Mrs. Morris and seconded by Ms. Alsop to appoint Mr. William Todd Henley, IV of Walkerton, Virginia to serve the unexpired term of Mr. Joe Schumacher. Term expires July, 2013.

AYES: D. H. MORRIS, R. F. BAILEY, J. L. SIMPKINS, J. M. MILBY, JR., S. C. ALSOP

NAYS: NONE

Shanghai District –

A motion was made by Mr. Bailey and seconded by Ms. Alsop to appoint Pam Ashley to serve the unexpired term of Constance Prince. Term expires April 2013.

AYES: D. H. MORRIS, R. F. BAILEY, JR., J. L. SIMPKINS, J. M. MILBY, JR., S. C. ALSOP

NAYS: NONE

BUDGET AMENDMENTS

ECONOMIC DEVELOPMENT AUTHORITY \$100,000.00

CAPITAL PROJECTS \$66,748.00

SHERIFF \$5,000

A motion was made by Mr. Bailey and seconded by Mr. Simpkins to approve the following budget amendments.

(1) Economic Development Authority - \$100,000.00

Governor's Opportunity Funds received by the County for the Fulcrum project. These funds have been passed through to the EDA and on to Fulcrum

(2) Capital Projects - \$66,748.00

Per budget amendment, appropriated local funds that remain unspent at the end of FY12 are to be transferred to the School Capital Projects Fund (use to be called roll-over funds)

(3) Sheriff - \$5,000.00

Transfer request from Inmate Transportation to part-time funds request. Sheriff Charboneau is requesting to transfer \$5,000 from Inmate Transportation to their part-time personnel budget. Per his letter, funds are needed to cover the current vacancy in their Dispatch Office and to cover anticipated vacancy in road patrol effective March 1, 2013. The transfer will allow them to maintain the goal of scheduling two officers per shift and still allow officers to use their vacation and holidays.

AYES: D. H. MORRIS, R. F. BAILEY, JR., J. L. SIMPKINS, J. M. MILBY, JR., S. C. ALSOP
NAYS: NONE

COUNTY ADMINISTRATOR'S COMMENTS

County Administrator Thomas Swartzwelder provided the following comments:

- (1) Advised that the Sheriff is requesting \$8,000 to temporarily fill the Animal Control Vacancy, as the current officer will be placed on light duty status and is requesting this amount from the contingency fund. Mr. Swartzwelder advised that the contingency fund does not have \$8,000 and is recommended that they be advised to expend no more than \$5,000 (plus FICA).

PART-TIME ACO/SALARY CONTINGENCY

A motion was made by Ms. Alsop and seconded by Mr. Bailey to approve up to \$5,000, for the a part-time officer to fill in during her light duty status.

AYES: D. H. MORRIS, R. F. BAILEY, JR., J. L. SIMPKINS, J. M. MILBY, JR., S. C. ALSOP
NAYS: NONE

(2)

T21 PROJECT – BRANSCOME PROJECT APPROVAL OF PAYMENT OUTSIDE OF REGULAR WARRANT CYCLE

County Administrator Thomas Swartzwelder advised that a bill was received from Branscome Company for payment relating to the T21 Project after the packets were sent out, and is asking that the Board approve Branscome's bills for processing outside of the regular warrant cycle.

A motion was made by Mr. Bailey and seconded by Mr. Simpkins to approve the payment outside of the regular warrant cycle.

AYES: D. H. MORRIS, R. F. BAILEY, JR., J. L. SIMPKINS, J. M. MILBY, JR., S. C. ALSOP
NAYS: NONE

(3)

RESOLUTION – EMERGENCY MEDICAL SERVICES (UPDATED)

County Administrator Thomas Swartzwelder advised the Board that Emergency Services Coordinator is asking the Board to adopt a revised resolution, as the prior resolution did not specifically state that the County wanted to provide "Emergency Medical Services". This is a requirement of licensure where they require specific wording stating that an organization can provide emergency medical services.

A motion was made by Ms. Alsop and seconded by Mr. Simpkins to adopt the following resolution:

King and Queen County
Resolution
Emergency Medical Services

WHEREAS, Section 15.2-955 of the Code of Virginia, 1950, as amended, requires local governing approval of any emergency medical service organization operating within that locality; and

WHEREAS, the King and Queen County Board of Supervisors has determined it to be in the best interest of the citizens of King and Queen County for King and Queen Department of Emergency Services to provide these services countywide in addition to existing licensed EMS agencies operating within King and Queen County;

NOW THEREFORE, BE IT RESOLVED, that the King and Queen County Board of Supervisors grants approval to King and Queen County Emergency Services to provide these services and obtain agency license per approval of the Office of Emergency Medical Services of Virginia.

Adopted this 11th day of February, 2013.

AYES: D. H. MORRIS, R. F. BAILEY, JR., J. L. SIMPKINS, J. M. MILBY, JR., S. C. ALSOP
NAYS: NONE

- (4) Advised the board that he has the 1st draft of the budget and provided a brief overview of shortage in revenue from the State, as well as the EMS portion of the budget and that the Board would have a copy of the budget by Friday.

BOARD OF SUPERVISORS COMMENTS

Ms. Alsop had the following comments:

- Thanked everyone for coming out to the meeting
- Requested that everyone consider volunteering with their rescue agencies as they are needed. Ms. Alsop also advised that a new EMT class was starting soon.
- Asked that everyone watch the State of the Union address on Tuesday, as things are coming up that will trickle down to us on the federal level

- Expressed that she was glad to see so many citizens come out for the public hearing and that each member is thinking about what is best for the County.
- Have a safe trip home.

Mr. Simpkins had the following comments:

- Commented on the Broadband in the County and where we are, expressing that a lot of people in the county have it and love it, and wishing he were one of them.
- Advised that he saw an article in the Mechanicsville Local pertaining to an amateur National Weight Lifting Championship, lifting over 500 lbs., who was from King and Queen County, begin Al Belfield.
- Wished everyone a safe trip home.

Mr. Bailey had the following comments:

- Asked that everyone be careful going home, as there are a lot of deer out.
- Thanked everyone for their input and those that spoke and participating in our local county government.
- Commented that he wanted the complainants to know that the Board is not deaf, that we feel for you and hope that ITI will make it right.

Mr. Milby had the following comments:

- Thanked everyone for coming out and to have a safe trip home

Mrs. Morris had the following comments:

- Thanked everyone for coming and being a part of the process. She does agree with Mr. Bailey that ITI will try to be a good neighbor, and if complaints come forward that she hopes they will adhere to those and try to accommodate.
- Wished everyone a safe trip home.

IT IS ORDERED THAT THE BOARD BE ADJOURNED:

A motion was made by Ms. Alsop and seconded by Mr. Simpkins to adjourn the meeting.

AYES: D. H. MORRIS, R. F. BAILEY, JR., J. L. SIMPKINS, J. M. MILBY, JR., S. C. ALSOP
NAYS: NONE

Doris H. Morris, Chairman

K. Diane Gaber, Deputy Clerk