

**MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF JUNE 23, 2014**

At a regularly scheduled meeting of the Board of Supervisors of King William County, Virginia, held on the 23rd day of June, 2014, beginning at 7:00 p.m. in the Conference Room of the County Administration Building, with the following present:

O. O. Williams, Chairman
T. S. Stone, Vice-Chairman
C. T. Redd III
T. J. Moskalski
S. K. Greenwood

T. L. Funkhouser, County Administrator
D. M. Stuck, County Attorney

RE: CALL TO ORDER

Chairman O. O. Williams called the Board of Supervisors meeting to order at 7:00 p.m. and asked for a roll call vote.

Those members voting:

T. S. Stone	Aye
T. J. Moskalski	Aye
S. K. Greenwood	Aye
C. T. Redd III	Aye
O. O. Williams	Aye

RE: REVIEW OF MEETING AGENDA

There was general discussion of the meeting agenda items.

The Board recessed and moved to the Board Meeting Room of the County Administration Building to continue the meeting.

Chairman Williams called the meeting back to order at 7:30 p.m.

RE: ADOPTION OF MEETING AGENDA

On motion by C. T. Redd III, seconded by T. S. Stone, with the following roll call vote, the Board adopted the agenda for this meeting as presented by the County Administrator.

Those members voting:

C. T. Redd III	Aye
T. J. Moskalski	Aye
S. K. Greenwood	Aye
T. S. Stone	Aye
O. O. Williams	Aye

**RE: PUBLIC COMMENT PERIOD – SPEAKERS: ONE OPPORTUNITY OF
3 MINUTES PER INDIVIDUAL OR 5 MINUTES PER GROUP ON NON-PUBLIC
HEARING MATTERS**

The Chairman opened the Public Comment Period.

1. Jeanette Wagner, of the Mangohick district, spoke on the subject of insulin dependent animals and pointed out local veterinarians do not except used injection needles any longer. She inquired about the proper disposal of used needles at the local transfer site and was told to throw them in with regular garbage. In her opinion, the needles could be harmful to humans as they are made of stainless steel. She feels the county should consider a policy on the disposal of biohazards for the protection of the workers at the transfer sites and others that may come in contact with them.

Ms. Stone suggested staff follow up on this matter.

The County Administrator stated staff will contact VPPSA with this concern.

There being no other persons to appear before the Board the Chairman closed the Public Comment Period.

RE: CONSENT AGENDA

On motion by C. T. Redd III, seconded by T. J. Moskalski, with the following roll call vote, the Board approved the following items on its Consent Agenda:

a. Minutes:

i. Regular meeting of May 19, 2014

b. Claims against the County for the month of June, 2014, in the amount of \$1,500,318.49 as follows:

(1) General Fund Warrants #79377-79438 in the amount of \$215,893.64, General Fund Warrants #79445-79519 in the amount of \$152,090.43, and General Fund Warrants #79520-79558 in the amount of \$139,615.13; ACH Direct Payments #5032-5070 in the amount of \$127,340.19, ACH Direct Payments #5075-5142 in the amount of \$62,186.64, and ACH Direct Payments #5143-5185 in the amount of \$115,101.06; Direct Deposits #19369-19469 in the amount of \$181,059.17 for the month of May, and Direct Deposits #5143-5185 in the amount of \$194,014.14 for the month of June, 2014; Electronic Tax Payment in the amount of \$72,865.36 for

the month of May; and Electronic Tax Payment in the amount of \$73,851.51 for the month of June.

(2) For informational purposes, Social Services expenditures for the month of May, 2014, Warrants #310100-310146 in the amount of \$44,368.83; ACH Direct Payments #1196-1218 in the amount of \$25,158.87; Direct Deposits #3240-3258 in the amount of \$31,035.01; and Electronic Tax Payment in the amount of \$12,197.56.

(3) For informational purposes, Comprehensive Services Act Fund expenditures for the month of May, 2014, Warrants #79439-79444 in the amount of \$18,257.16; and ACH Direct Payments #5071-5074 in the amount of \$32,864.00.

(4) Tax Refunds in the amount of \$2,419.79 for the month of June, 2014.

c. Resolution #14-39 – A Resolution Amending the Retainer Agreement with Daniel M. Stuck, County Attorney; was approved.

RESOLUTION #14-39
A RESOLUTION AMENDING THE RETAINER AGREEMENT
WITH DANIEL M. STUCK, COUNTY ATTORNEY

WHEREAS, the Board of Supervisors previously approved a letter of engagement dated November 19, 2012 with Daniel M. Stuck for legal services as County Attorney for a monthly retainer of \$6,000; and

WHEREAS, the Board wishes to increase the level of legal services provided by Mr. Stuck on a temporary basis in an effort to expedite several projects of importance to the County and Mr. Stuck has agreed to provide said services (including being on site and available to County staff for an average of one day per week at the County Administration building) until further notice by the Board, for a \$2,000 increase in the monthly retainer, with the understanding of both parties being that the provision of legal services will otherwise continue pursuant to the abovementioned letter of engagement; and

WHEREAS, the Board finds this temporary increase reasonable and appropriate for the requested services;

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of King William County this 23rd day of June, 2014, that the above stated increase in the monthly retainer for Mr. Stuck's increased services as described in the preambles of this resolution, is approved to begin on July 1, 2014, and shall continue until rescinded by the Board, and

BE IT FURTHER RESOLVED that the County Administrator is directed take such steps as may be necessary to implement this resolution.

Adopted this 23rd day of June, 2014

Those members voting:

T. J. Moskalski Aye

S. K. Greenwood Aye
T. S. Stone Aye
C. T. Redd III Aye
O. O. Williams Aye

d. Authorization to Prepare a Resolution of Appreciation – W. Thomas Chisholm for his 25 years of service on the Board of Zoning Appeals; was approved.

RE: PRESENTATIONS TO THE BOARD

a. Resolution of Appreciation to Connie Mickens for her years of service on the King William County Social Services Board – Presentation by Anne Mitchell, Director of King William County Department of Social Services and Brenda Clements, Chairman of the Social Services Board – the following resolution was read by Brenda Clements and was presented to Ms. Constance D. Mickens.

Mr. Moskalski thanked Ms. Mickens, on behalf of the Board of Supervisors, for her hard work and years of serving the Social Services Board.

KING WILLIAM COUNTY
BOARD OF SOCIAL SERVICES
RESOLUTION

WHEREAS, Constance D. Mickens was appointed to serve on the King William County Board of Social Services as a representative of the King William Board of Supervisors in December 2004 and has been an active member of the Board for nine years and six months; and

WHEREAS, Mrs. Mickens has served in the position of Vice Chair of the King William County Board of Social Services; and

WHEREAS, Mrs. Mickens has been a faithful advocate for meeting the needs of those in her community; and

WHEREAS, Mrs. Mickens has been diligent in her commitment to the staff and administration of the King William County Department of Social Services; and

WHEREAS, Mrs. Mickens has sought solutions for those who are underserved without wanting recognition; and

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Social Services expresses its appreciation to Constance D. Mickens for her valuable contributions to the well-being of the citizens of King William County and the Administration and Staff of the King William County Department of Social Services; and

BE IT FURTHER RESOLVED, that a copy of this Resolution expressing the sense of this Board of Social Services on this matter shall be conveyed to Mrs. Mickens, and shall be spread upon the meeting minutes of said Board of Social Services.

RE: OLD BUSINESS

a. Consideration of Resolution #14-22 – Claims for Damages to Fowls – Donald A. Oakley; tabled item from Board of Supervisors meeting of May 19, 2014 –

The County Administrator stated additional information from the Sheriff's office was distributed in the Board packet on this matter. He noted the claimant is present for any questions.

Mr. Greenwood asked the County Attorney to clarify the requirements for these claims, for Board's further consideration of this claim.

The County Attorney said the states statute puts a limit of \$10 for the value per bird claimed. He explained the claimant is required to submit sufficient evidence, within 60 days of the incident, the quantity and value of the dead or injured fowls and the reason the claimant feels the injury was caused by a dog. Two other requirements are the animal control officer is to be notified within 72 hours and the claimant has exhausted his legal remedies against the owner, if known. He stated by ordinance the locality can waive the notification of 72 hours and waive the seeking of a claim against the owner, if known. He said in this case the owner is not known and the claimant did not notify animal control within 72 hours of the loss; no need for a waiver of these requirements. He stated state code does not allow waiver of the requirement the claimant shall submit stated sufficient evidence within 60 days of the incident.

Continuing, he said the Board received additional details of the investigation of the claims from the Sheriff's office. He said the owners' verbal statement of the value of the birds for the damage occurring on the 28th of March, 2014, was submitted within the time period permitted and is sufficient for consideration of the Board. He also noted the Animal Control Officer performed some research on the value of the fowls, after the claims were submitted, and found the claimants stated value of the fowls is reasonable. No evidence of value was submitted within 60 days on the other two claims.

C. T. Redd III moved for approval of a payment of \$824.50 for 97 chukers, killed on March 28, 2014, to the claimant. He said the claim was filed within the time frame required by law with sufficient evidence, including a verbal statement from the claimant for the value of the birds; motion was seconded by T. S. Stone.

Chairman Williams called for further discussion.

S. K. Greenwood asked if a formal receipt from the claimant is necessary.

T. J. Moskalski said within the realm of the statute it is acceptable to accept the claimant's verbal value of the birds.

C. T. Redd III said the value of the birds was substantiated by the Animal Control Officer.

There being no further discussions the Chairman called for a roll call vote.

**RESOLUTION #14-22(R)
LIVESTOCK DAMAGE CLAIMS
REQUEST FOR COMPENSATION
FOR FOWLS KILLED BY DOGS**

WHEREAS, the Board of Supervisors is responsible for the consideration of livestock and fowl claims submitted to the County for reimbursement; and

WHEREAS, three (3) Livestock Damage Claim forms dated January 2, 2014, January 26, 2014 and March 28, 2014, were recently submitted for consideration by claimant Donald A. Oakley for said fowls killed by dogs; and

WHEREAS, pursuant to King William County Code Section 10-93. Compensation for livestock and poultry killed by dogs:

- (a) Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry not to exceed \$400 per animal or \$10.00 per fowl, provided that:
 - (1) The claimant has furnished evidence within 60 days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a dog;
 - (2) The animal control officer or other officer shall have been notified of the incident within 72 hours of its discovery; and
 - (3) The claimant first has exhausted his legal remedies against the owner, if known, of the dog doing the damage for which compensation under this section is sought. The term *exhaustion* shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied.
- (b) The county may waive the requirements of subsections (a)(2) or (a)(3), or both, provided that the animal control officer has conducted an investigation and that his investigation supports the claim. Upon payment under the section, the board of supervisors shall be subrogated to the extent of compensation paid to the right of action to the owner of the livestock or poultry against the owner of the dog and may enforce the same in an appropriate action at law.
- (c) For any person to present a false claim or to receive any money on a false claim under the provisions of subsection (a) of this section shall constitute a Class 1 misdemeanor.

WHEREAS, Animal Control Officer, Mr. G. Martin Koontz, for King William County certifies that to his personal knowledge, or by careful investigation, that said fowls listed on said Livestock Damage Claim forms were killed by dogs;

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors of King William County this 23rd day of June, 2014, hereby authorizes payment in the amount of

\$824.50, for said fowls listed on said Livestock Damage Claim form for damage occurring on March 28, 2014, submitted by claimant and the remaining claims are denied.

Adopted this 23rd day of June, 2014

Those members voting:

S. K. Greenwood	Aye
T. S. Stone	Aye
C. T. Redd III	Aye
T. J. Moskalski	Aye
O. O. Williams	Aye

b. Consideration of Resolution #14-32(R) – Road Abandonment – State Route 682 – Tidy Cat Road; item continued from Board of Supervisors meeting of May 19, 2014 – The County Administrator explained a public hearing was conducted during the regular business meeting of May 19, 2014, for this matter. He explained this item was continued due to the requirement of 30 days elapsed time between the advertisement and consideration of the Board.

T. S. Stone moved for approval of Resolution #14-32(R); motion was seconded by T. J. Moskalski and carried with the following roll call vote:

**RESOLUTION #14-32(R)
ABANDONING STATE ROUTE 682 – TIDY CAT ROAD**

WHEREAS, the continuance of State Route 682 (Tidy Cat Road) extending west from the intersection with State Route 613 (Dunluce Road) and the terminus of the right of way, a total distance of 0.14 miles, no longer serves the public safety and welfare; and

WHEREAS, maintenance of the aforementioned State Route 682 (Tidy Cat Road) by the Commonwealth of Virginia is therefore no longer necessary or appropriate; and

WHEREAS, as the Commissioner of the Virginia Department of Transportation requested, public notice was given as prescribed under Section 33.1-151, Code of Virginia, announcing a public hearing to receive comments concerning abandonment of the portion of road described herein from the Secondary System of State Highways; and

WHEREAS, the Commissioner of the Virginia Department of Transportation was provided the prescribed notice of this Board's intent to abandon the subject road; and

WHEREAS, upon such public hearing and consideration of all evidence presented, this Board finds that the welfare and safety of the public would best be served by abandoning the aforementioned State Route 682 (Tidy Cat Road) as a part of the Secondary System of State Highways;

NOW, THEREFORE, BE IT RESOLVED, this Board abandons the above described road and removes it from the Secondary System of State Highways, pursuant to Section 33.1-151, Code of Virginia.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded the Resident Engineer of the Virginia Department of Transportation.

Adopted this 23rd day of June, 2014

Those members voting:

T. S. Stone	Aye
C. T. Redd III	Aye
T. J. Moskalski	Aye
S. K. Greenwood	Aye
O. O. Williams	Aye

RE: NEW BUSINESS

a. Public Hearing and Intent to Adopt Proposed Ordinance #14-02 – Z-01-14 – Owner: Clements Farms, Inc. – Request to rezone Tax map Parcel 28-22G consisting of approximately 50 acres from R-1 (Suburban Residential) to A-C (Agricultural Conservation) –

i. Staff Presentation – Bret Schardein, Community Development Director, stated Clements Farms, Inc. has requested to down zone their 50-acre property from R-1 Suburban Residential to A-C Agricultural Conservation. He explained the property was re-zoned from A-C to R-1 on May 22, 2006 by rezoning case Z-02-06; at that time being a single 100-acre portion of tax map 28-22. The rezoning included sixteen proffered conditions. On June 26, 2006, the property was divided into two 50-acre lots known as the Liberty Hills subdivision. Clements Farms, Inc. owns tax map parcel 28-22G consisting of 50 acres being Lot 1 of the Liberty Hills subdivision. Manquin Properties, LLC owns tax map parcel 28-22F consisting of 50 acres being the residual lot of the Liberty Hills subdivision which is the subject of rezoning request Z-02-14. The property owner does not desire to develop the property into residential development as intended by the original property owner, Saymar Custom Homes, Inc. The applicant requests the property be downzoned to the original pre-2006 agricultural zoning. He noted the Planning Commission conducted a public hearing on this matter on June 3, 2014, and voted unanimously to recommend the Board of Supervisors approve the re-zoning as proposed by the applicant.

ii. Public Comment (3 minutes per individual; 5 minutes if representing an organization or group) – Chairman Williams declared the public hearing open to receive comments on the Intent to Adopt Proposed Ordinance #14-02.

There being no persons to appear for or against this matter Chairman Williams closed the public comment period.

iii. Consideration – Ordinance #14-02 – T. S. Stone moved for approval of Ordinance #14-02; motion was seconded by T. J. Moskalski.

Chairman Williams called for any further discussion.

C. T. Redd III feels anytime the opportunity arises for the Board to return property back to agricultural it is something the Board definitely needs to do.

Chairman Williams called for a roll call vote.

ORDINANCE #14-02
ZONING CASE NO. Z-01-14
CLEMENTS FARMS, INC.
REZONING FROM R-1, SUBURBAN RESIDENTIAL (CONDITIONAL)
TO A-C, AGRICULTURAL CONSERVATION

WHEREAS, the Board of Supervisors of King William County, Virginia, has received a request (Case No. Z-01-14) by Carlyle Clements on behalf of Clements Farms, Inc. to rezone approximately 50 acres of land being the entirety of Parcel 28-22G from R-1, Suburban Residential (Conditional) to A-C, Agricultural Conservation; and

WHEREAS, the subject property is identified as Parcel 28-22G, having been conditionally zoned from A-C, Agricultural Conservation to R-1 Suburban Residential (Conditional) through Case No. Z-02-06 which included sixteen (16) proffered conditions, with said property being within the High Density Residential designation of the County's Land Use Plan Map; and

WHEREAS, the King William County Planning Commission conducted a public hearing on June 3, 2014, and voted unanimously to recommend the Board of Supervisors approve the request;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Board of Supervisors of King William County does hereby rezone Parcel 28-22G from R-1, Suburban Residential (Conditional) to A-C, Agricultural Conservation with the sixteen (16) proffered conditions being hereby rescinded.

Adopted this 23rd day of June, 2014

Those members voting:

C. T. Redd III	Aye
T. J. Moskalski	Aye
S. K. Greenwood	Aye
T. S. Stone	Aye
O. O. Williams	Aye

b. Public Hearing and Intent to Adopt Proposed Ordinance #14-03 – Z-02-14 – Owner: Manquin Properties, LLC – Request to rezone Tax Map Parcel 28-22F consisting of approximately 50 acres from R-1 (Suburban Residential to A-C (Agricultural Conservation) –

i. Staff Presentation – Bret Schardein, Community Development Director, stated Manquin Properties, LLC has requested to down zone their 50-acre property from R-1 Suburban Residential to A-C Agricultural Conservation. He explained the property was re-zoned from A-C to R-1 on May 22, 2006 by rezoning

case Z-02-06; at that time being a single 100-acre portion of tax map 28-22. The rezoning included seventeen proffered conditions. On June 26, 2006 the property was divided into two 50-acre lots known as the Liberty Hills subdivision. Manquin Farms, LLC owns tax map parcel 28-22F consisting of 50 acres being the residual of Liberty Hills subdivision. Clements Farms, Inc. owns tax map parcel 28-22G consisting of 50 acres being Lot 1 of the Liberty Hills subdivision which is the subject of rezoning request Z-01-14. The property owner does not desire to develop the property into residential development as intended by the original property owner, Saymar Custom Homes, Inc. The applicant requests the property be downzoned to the original pre-2006 agricultural zoning. He noted the Planning Commission conducted a public hearing on this matter on June 3, 2014, and voted unanimously to recommend the Board of Supervisors approve the re-zoning as proposed by the applicant.

Mr. Williams asked for clarification who Manquin Properties is.

Mr. Schardein stated Union Bank.

Mr. Greenwood asked if the property will be sold.

Mr. Schardein stated he believes that is the property owner's intention.

ii. Public Comment (3 minutes per individual; 5 minutes if representing an organization or group) – Chairman Williams declared the public hearing open to receive comments on the Intent to Adopt Proposed Ordinance #14-03

There being no persons to appear for or against this matter Chairman Williams closed the public comment period.

iii. Consideration – Ordinance #14-03 – C. T. Redd II moved for approval of Ordinance #14-03; motion was seconded by S. K. Greenwood.

Chairman Williams called for any further discussion.

Mr. Williams said, in his opinion, foreclosing on a property and then changing to agricultural from a subdivision doesn't look good for the bank to be in the development business. He is glad this matter has come to an end.

Chairman Williams called for a roll call vote.

ORDINANCE #14-03
ZONING CASE NO. Z-02-14
MANQUIN PROPERTIES, LLC
REZONING FROM R-1, SUBURBAN RESIDENTIAL (CONDITIONAL)
TO A-C, AGRICULTURAL CONSERVATION

WHEREAS, the Board of Supervisors of King William County, Virginia, has received a request (Case No. Z-02-14) by Manquin Properties, LLC to rezone approximately 50 acres of land being the entirety of Parcel 28-22F from R-1, Suburban Residential (Conditional) to A-C, Agricultural Conservation; and

WHEREAS, the subject property is identified as Parcel 28-22F, having been conditionally zoned from A-C, Agricultural Conservation to R-1 Suburban Residential (Conditional) through Case No. Z-02-06 which included seventeen (17) proffered conditions, with said property being within the High Density Residential designation of the County's Land Use Plan Map; and

WHEREAS, the King William County Planning Commission conducted a public hearing on June 3, 2014, and voted unanimously to recommend the Board of Supervisors approve the request;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Board of Supervisors of King William County does hereby rezone Parcel 28-22F from R-1, Suburban Residential (Conditional) to A-C, Agricultural Conservation with the seventeen (17) proffered conditions being hereby rescinded.

Adopted this 23rd day of June, 2014

Those members voting:

T. J. Moskalski	Aye
S. K. Greenwood	Aye
T. S. Stone	Aye
C. T. Redd III	Aye
O. O. Williams	Aye

c. Public Hearing and Intent to Adopt Proposed Resolution #14-40(A) – Conditional Use Permit 02-14, Applicant: National Communication Towers, LLC, Location: West Chinquapin Road, Tax Map #36-13A –

i. Presentation – Bret Schardein, Community Development Director, stated before the Board for consideration is Conditional Use Permit CUP 02-14 submitted by National Communication Towers, LLC concerning tax map parcel 36-13A, located off of West Chinquapin Road. The applicant is proposing to construct a 199' tall telecommunications lattice tower on the referenced property. The tower itself would be 195' tall with a 4' lightning rod; and would not be lit. The tower would have spaces for 6 co-locations for various carriers. He said at the regular meeting, on May 6, 2014, the Planning Commission unanimously recommended the Board of Supervisors approve CUP 02-14 as proposed by the applicant. He said staff recommends eleven conditions, if request is recommended for approval, to include addressing visibility of the base equipment, removal of the tower if it were to be unused, removal of existing on-site structures, lighting, height, County use of the tower, expiration of the permit and limitations on equipment which may be placed on

the tower. Staff has received general comments from members of the public regarding the need for service in this area in response to this application.

Steven Gallagher, with National Communication Towers LLC (NCT), addressed the Board and gave details of a proposed communication tower located off of West Chinquapin Road, King William, approximately $\frac{3}{4}$ mile south of the intersection of King William Road (Rt. 30) and West Chinquapin Road (Rt. 616). He gave specific details of the construction of a self-support tower and the requirements for maintaining a tower of this type. He described the balloon tests that were performed at the site. He noted NCT does not build prospective towers. He reviewed coverage maps conducted by Verizon Wireless that suggested a tower in this area will greatly increase signal strength. He stated this coverage would benefit not only the residents in this area but also emergency services.

In summary, Mr. Gallagher said the proposed tower will not require lighting per the FAA, will not be physically visible from any travel corridors, and is virtually undetectable. He said the tower will provide high speed internet service to the surrounding community which enhances business opportunities and access to educational opportunities. The site as it stands meets or exceeds requirements of the county zoning ordinances.

Mr. Greenwood noted the major carrier for the recently approved towers is Verizon. He asked for clarification of how long the process takes from start to completion of a tower after a permit is approved.

Mr. Gallagher stated the process takes approximately six to eight weeks to construct a tower. He briefly explained the process for service installation by the carrier for end use.

Mr. Williams asked if the recently constructed Aylett tower is in operation.

Mr. Gallagher said Verizon has not installed their equipment on this tower yet.

Ms. Stone mentioned the Board of Supervisors held a joint meeting with the Planning Commission a few weeks ago and asked if the guidelines discussed during that meeting are generally in line with the stated conditions for this tower.

Mr. Schardein feels the conditions for this tower generally fall within the guidelines discussed at the joint meeting.

Ms. Stone asked if the screening condition is ongoing and not just when the tower is initially built.

Mr. Schardein stated the language in the contract states if existing trees are harvested they would be required to be replaced.

Mr. Redd asked for a best estimate when this tower will be operational should this permit be approved tonight.

Mr. Gallagher said in his past experience the time frame varies. He said sometimes carriers co-locate on the finished towers within a few weeks; sometimes within a few months. He said the carriers usually occupy the finished towers within an average of six months.

ii. Public Comments (3 minutes per individual; 5 minutes if representing an organization or group) – Chairman Williams declared the public hearing open to receive comments on this matter.

There being no one to speak for or against this matter Chairman Williams closed the public hearing.

iii. Consideration – Resolution #14-40 – S. K. Greenwood moved for approval of Resolution #14-40(A); motion was seconded by T. J. Moskalski.

Chairman Williams called for any further discussion.

There being none the Chairman called for a roll call vote.

RESOLUTION #14-40(A)
A RESOLUTION APPROVING CUP-02-14 – CHINQUAPIN TOWER

WHEREAS, Section 86-171 of the King William County Code provides for the development of communications towers associated with properties of the A-C, Agricultural-Conservation zoning district following review and approval of a Conditional Use Permit; and

WHEREAS, the Planning Commission conducted a public hearing on May 6, 2014, to consider the application of National Communication Towers, LLC submitted on behalf of property owner Harrigan & Company, LLC, CUP-02-14, to construct a communications tower on property located on West Chinquapin Road (County Parcel 36-13A) and, following such public hearing, voted unanimously to recommend the Board of Supervisors approve such application; and

WHEREAS, the Board of Supervisors conducted a public hearing on June 23, 2014 to consider CUP-02-14;

NOW, THEREFORE, BE IT RESOLVED the King William County Board of Supervisors this 23rd day of June 2014, hereby approves CUP-02-14 with the following conditions:

- 1) All ground equipment, including but not limited to, fencing, pads, buildings or electrical equipment shall be fully screened from view from adjacent properties, either by existing trees or vegetation, or by new evergreen plantings.

- 2) The tower shall be limited to a maximum total height of 199 feet, including any lightning rods, antennas or accessory equipment.
- 3) Unless required by State or Federal agencies, the tower shall not be lit, neither day nor night.
- 4) If the tower is abandoned or unused for communication purposes for a period exceeding two years, the tower, foundation, utilities, fencing and any accessory structures shall be removed and the site planted with native vegetation, at the County's request, from the property within 90 days, at the cost of the owner.
- 5) National Communication Towers, LLC. (NCT) shall provide on a reserved basis and at no cost or expense to the County or its political subdivisions (collectively, the "County") space on the tower to the County of not less than 10 feet in radial direction and at a height of at least 80 feet above ground level for the installation by the County, at the County's sole cost and expense, for communications equipment and antennas. NCT shall also make space available for ground equipment supporting such County tower use. NCT shall be able to install its own or third-party antennas and/or equipment located on the same height and/or platform, pass through County space, perform construction and/or take other action as may be necessary or incidental to NCT's ownership or operation of the tower. Such County use shall be consistent with Federal Communications Commission licenses for wireless telecommunications service and be operated in a lawful and proper manner, in accordance with good engineering practices and be compliant with all applicable laws, ordinances, rules and regulations, relating to such operation and use.
- 6) This conditional use permit shall allow for construction work commenced on or before June 23rd, 2017.
- 7) Any activities which expand the height or the footprint of the tower shall require a new or amended conditional use permit.
- 8) The radius width shall be limited to three (3) feet for any dish placed on the tower. Antennas placed on the tower shall not extend beyond four (4) feet above the one hundred ninety-five (195) foot tower height.
- 9) The tower and its operations shall comply with all local, state and federal laws and regulations.
- 10) The tower and associated equipment shall be located as depicted on the site plan submitted with the application, titled "Chinquapin 195' Tower Site Site Plan" prepared by Johnson, Mirmiran & Thompson (JMT) dated December 19, 2013
- 11) The existing building and any debris associated with the former tower which existed on the property shall be removed and the area planted with native vegetation prior to erection of the proposed tower.

Adopted this 23rd day of June, 2014

Those members voting:

S. K. Greenwood	Aye
T. S. Stone	Aye
C. T. Redd III	Aye
T. J. Moskalski	Aye
O. O. Williams	Aye

**RE: ADMINISTRATIVE MATTERS – TRENTON L. FUNKHOUSER,
COUNTY ADMINISTRATOR**

a. Public Safety Radio System – Tower Options – Ron Guthrie and Steve Garner, Motorola Solutions – The County Administrator said as discussed with the Board over the past few months, with regards to some frequency issues a tower is needed at the courthouse, to support the West Point tower, the Board previously budgeted funds for and planned for. He said at the last meeting the Board requested some representatives of Motorola be present at the meeting tonight to discuss some of the technical reasons for the change, as well as, some options of the tower design. He said essentially if the Board endorses the placement of this tower this will support the West Point tower, as previously planned, and will also give potential opportunities to increase radio deficiencies, such as signal strength, in the northern part of the county that have been determined to exist. He said staff's recommendation is for maximum build out, to avoid any short comings in terms of future radio equipment placement, and to address any future deficiencies, as well as, provide some space for wireless broadband and other communication needs. He said there is essentially a stubby tower option, or lattice work. Again, he said up to this point we have been able to accomplish all the work we planned to do in budget, but due to some frequency issues and technical matters there is a need to construct this courthouse tower now. He said fortunately we have some options, for relatively little additional funds we will seek Board approval in the future; we can proceed with whatever option the Board wishes to pursue.

Mr. Steve Garner, with Motorola, addressed the Board and noted King William County dispatch is located at the Sheriff's department. He said since the first phase of partnering was implemented with Hanover County there has been some lack of coverage in the West Point area which was taken care of by utilizing the State Police tower; transmitters will be placed on this tower. He said these items have been budgeted for by the county and are being utilized. He briefly explained connection options for dispatch. He said at some point King William will want to be independent of partnering with Hanover for service and moving forward should be preparing for that goal with equipment installed.

There was a lengthy discussion on the particulars of the proposed tower in the courthouse area. Specific details, future uses, coverage areas and costs were discussed between Board members, the County Administrator and Motorola representatives.

Consensus of the Board is for staff to proceed with an application for a Conditional Use Permit (CUP) for construction of a tower at the courthouse.

b. State Budget – Status Update – The County Administrator said at this point in time it appears the General Assembly will be processing a budget and the Governor has already signed it. He said essentially the fall out is constitutional officers and state employees will not be receiving any raises. He also said the funding for the middle school resources officer, previously planned, has been eliminated.

c. Floodplain Management Maps and Ordinance Update – Bret Schardein, Community Development Director – Bret Schardein, Community Development Director explained the Federal Emergency Management Agency (FEMA) is in the process of updating the Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) for King William County and the Town of West Point. This study will revise the coastal floodplains and has utilized more accurate topographic data as well as current methodologies and engineering practices to estimate flood risks. He said the Town of West Point must adopt their own updated map and ordinance. He said questions related to properties within the Town of West Point should be directed to their Community Development Department. He said persons in King William County interested in more information and tracking the progress may contact the Planning Department. He noted on July 10th FEMA, the County and the Town of West Point will be holding a joint open house meeting on this subject. He said the Board will need to take action on this eventually to update the floodplain ordinance; probably in the November or December Board meeting.

RE: APPOINTMENTS

a. Resolution #14-41 – Resolution of Appointment Economic Development Authority – C. T. Redd III motioned for approval of the appointment of Mr. James Ellis Boyer to the Economic Development Authority, motion was seconded by T. S. Stone; Resolution #14-41 was approved with the following roll call vote:

RESOLUTION #14-41
Resolution of Appointment
King William County
Economic Development Authority

WHEREAS, it is necessary for the Board of Supervisors of King William County to appoint four members to the King William County Economic Development Authority; and

WHEREAS, the terms of Mr. James Ellis Boyer and Mr. Thomas D. Stuart serving on the King William County Economic Development Authority, will expire June 30, 2014; and

WHEREAS, Mr. Boyer has expressed interest in reappointment to the EDA; and

WHEREAS, Mr. Stuart has expressed he is not interested in reappointment to the EDA; and

WHEREAS, two additional open positions are available on the EDA, one term expired 6/30/2013 and one vacated term expires 6/30/2016; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, that Mr. James Ellis Boyer, is hereby appointed to serve as a member of the King William County Economic Development Authority, for a term of four years; said terms expiring June 30, 2018.

Adopted this 23rd day of June, 2014

Those members voting:

T. S. Stone	Aye
C. T. Redd III	Aye
T. J. Moskalski	Aye
S. K. Greenwood	Aye
O. O. Williams	Aye

b. Resolution #14-42 – Resolution of Appointments to the Historic Preservation and Architectural Review Board – T. S. Stone moved for approval of the appointments of Mr. David A. Brown and Ms. Ruth E. Armatage to the Historic Preservation and Architectural Review Board, motion was seconded by C. T. Redd III; Resolution #14-42 was approved with the following roll call vote:

RESOLUTION #14-42
Resolution of Appointments
King William County
Historic Preservation and Architectural Review Board

WHEREAS, it is necessary for the Board of Supervisors of King William County to appoint two members to the King William County Historic Preservation and Architectural Review Board; and

WHEREAS, one of the appointed members shall have professional training or equivalent experience in architecture, history, architectural history, archaeology or planning; and

WHEREAS, the terms Ms. Ruth E. Armatage and Mr. David A. Brown serving on the Historic Preservation and Architectural Review Board will expire June 30, 2014; and

WHEREAS, both Ms. Armatage and Mr. Brown have expressed interest in reappointment to the Historic Preservation and Architectural Review Board;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, that Ruth E. Armatage and David A. Brown, are hereby appointed to serve as a member of the King William County Historic Preservation and Architectural Review Board, for a term of five years; said term to expire June 30, 2019.

Adopted this 23rd day of June, 2014

Those members voting:

C. T. Redd III	Aye
T. J. Moskalski	Aye
S. K. Greenwood	Aye
T. S. Stone	Aye
O. O. Williams	Aye

c. Resolution #14-43 – Resolution of Appointment to the Planning Commission – C. T. Redd III moved for approval of the appointment of Mr. John B. Breeden to the Planning Commission, motion was seconded by T. J. Moskalski; Resolution #14-43 was approved with the following roll call vote:

RESOLUTION #14-43
Resolution of Appointment
King William County
Planning Commission

WHEREAS, it is necessary for the Board of Supervisors of King William County to appoint a member to the King William County Planning Commission; and

WHEREAS, the term of one citizen member, John B. Breeden, serving on the Planning Commission, expires on June 30, 2014; and

WHEREAS, Mr. Breeden has expressed interest in reappointment to the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, that John B. Breeden is hereby appointed to serve as a citizen member of the King William County Planning Commission, for a term of four years; said term expiring June 30, 2018.

Adopted this 23rd day of June, 2014

Those members voting:

T. J. Moskalski	Aye
S. K. Greenwood	Aye
T. S. Stone	Aye
C. T. Redd III	Aye
O. O. Williams	Aye

d. Resolution #14-44 – Resolution of Appointments to the Recreation Commission – T. J. Moskalski moved for approval of the appointments of Mr. Donald B. Longest, Jr. to the unexpired term representing King William County Public Schools; Mr. Eugene J. Rivara to represent District #3; and Board of Supervisors member Mr.

Travis J. Moskalski to the Recreation Commission, motion was seconded by C. T. Redd III; Resolution #14-44 was approved with the following roll call vote:

RESOLUTION #14-44
Resolution of Appointment
King William County
Recreation Commission

WHEREAS, it is necessary for the Board of Supervisors of King William County to appoint a member to the King William County Recreation Commission representing King William County Public Schools for an unexpired term ending June 30, 2015; and

WHEREAS, the Board of Supervisors appointed Ms. Leigh Hubbard on February 24, 2014, to serve as a member of the Recreation Commission representing King William County Public Schools; and

WHEREAS, by letter dated May 21, 2014, from the Division Superintendent of King William County Public Schools, Mark R. Jones recommends the appointment of Mr. Donald B. Longest, Jr., to serve the unexpired term on the Recreation Commission; and

WHEREAS, it is also necessary for the Board of Supervisors to appoint a citizen member from Election District #3 and a Board of Supervisors member to the Recreation Commission; and

WHEREAS, the term of citizen member Eugene J. Rivara, Election District #3, serving on the Recreation Commission will expire June 30, 2014; and

WHEREAS, Mr. Rivara has expressed interest in reappointment to the Recreation Commission; and

WHEREAS, the term of the Board of Supervisors member, Travis J. Moskalski, serving on the Recreation Commission will expire June 30, 2014;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, that Mr. Donald B. Longest, Jr. is hereby appointed to serve as a member of the King William County Recreation Commission, representing King William County Public Schools, for an unexpired term ending June 30, 2015.

BE IT FURTHER RESOLVED, by the Board of Supervisors of King William County, Virginia, that Eugene J. Rivara, is hereby appointed to serve as a citizen member of the King William County Recreation Commission, for a term of three years; said term expires June 30, 2017.

BE IT FINALLY RESOLVED, by the Board of Supervisors of King William County, Virginia, that Board of Supervisors member, Travis J. Moskalski, is hereby appointed to serve as a member of the King William County Recreation Commission, for a term of three years; said term expires June 30, 2017.

Adopted this 23rd day of June, 2014

Those members voting:

S. K. Greenwood	Aye
T. S. Stone	Aye
C. T. Redd III	Aye
S. K. Greenwood	Aye
O. O. Williams	Aye

e. Resolution #14-45 – Resolution of Appointment to the King William County Social Services Board – T. J. Moskalski moved for approval of the appointment of Ms. Mary P. Washington to the King William County Social Services Board, motion

was seconded by T. S. Stone; Resolution #14-45 was approved with the following roll call vote:

RESOLUTION #14-45
Resolution of Appointment
King William County
Social Services Board

WHEREAS, it is necessary for the Board of Supervisors of King William County to appoint a member to the King William County Social Services Board; and

WHEREAS, the term of one member, Constance D. Mickens, serving on the Social Services Board will expire June 30, 2014; and

WHEREAS, the bylaws limit Social Services Board members to no more than two consecutive terms; and

WHEREAS, Ms. Mickens is currently serving her second consecutive term and therefore is ineligible for reappointment and would not be eligible for a third consecutive term but would be eligible for future terms after a break in service;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, that Mary P. Washington, is hereby appointed to serve as a member of the King William County Social Services Board, for a term of four years, with said term expiring June 30, 2018.

Adopted this 23rd day of June, 2014

Those members voting:

T. S. Stone	Aye
C. T. Redd III	Aye
T. J. Moskalski	Aye
S. K. Greenwood	Aye
O. O. Williams	Aye

f. Resolution #14-46 – Resolution of Appointment to the Wetlands Board –

No action was taken on Resolution #14-46.

g. Resolution #14-47 – Resolution of Appointment to the Board of Zoning

Appeals – No action was taken on Resolution #14-47.

h. Resolution #14-48 – Resolution of Appointment to the Bay Consortium

Local Workforce Investment Board, Inc. – Ms. Stone serves on this Board and noted she has been unable to attend the meetings and asked if another Board member is interested in serving. No action was taken on Resolution #14-48.

i. Resolution #14-49 – Resolution of Appointment to the Middle Peninsula

Planning District Commission – C. T. Redd III moved for approval of the appointment of Mr. Eugene J. Rivara to the Middle Peninsula Planning District Commission, motion was seconded by T. J. Moskalski; Resolution #14-49 was approved with the following roll call vote:

RESOLUTION #14-49
Resolution of Appointment
Middle Peninsula Planning District Commission

WHEREAS, it is necessary for the Board of Supervisors of King William County to appoint one member to the Middle Peninsula Regional Airport Authority; and

WHEREAS, the term of one citizen member, Eugene J. Rivara, serving on the Middle Peninsula Planning District Commission, will expire June 30, 2014; and

WHEREAS, Article III, Section I of the bylaws of the Middle Peninsula Planning District Commission provides for the term of office of the citizen member shall be one year or until their successors are appointed; and

WHEREAS, Mr. Rivara has expressed an interest in reappointment to the Middle Peninsula Planning District Commission,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, that Eugene J. Rivara, is hereby appointed to serve as a citizen member of the Middle Peninsula Planning District Commission, for a term of one year; with said term expiring June 30, 2015.

Adopted this 23rd day of June, 2014

Those members voting:

C. T. Redd III	Aye
T. J. Moskalski	Aye
S. K. Greenwood	Aye
T. S. Stone	Aye
O. O. Williams	Aye

j. Resolution #14-50 – Resolution of Appointment to the Middle Peninsula Regional Airport Authority – T. J. Moskalski moved for approval of the appointment of Mr. Thomas G. Smiley to the Middle Peninsula Regional Airport Authority, motion was seconded by T. S. Stone; Resolution #14-50 was approved with the following roll call vote:

RESOLUTION #14-50
Resolution of Appointment
Middle Peninsula Regional Airport Authority

WHEREAS, it is necessary for the Board of Supervisors of King William County to appoint one member to the Middle Peninsula Regional Airport Authority; and

WHEREAS, the term Thomas G. Smiley serving on the Middle Peninsula Regional Airport Authority will expire June 30, 2014; and

WHEREAS, Mr. Smiley has expressed interest in reappointment to the Middle Peninsula Regional Airport Authority;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, that Thomas G. Smiley, is hereby appointed to serve as a member of the Middle Peninsula Regional Airport Authority, for a term of four years; said term expiring June 30, 2018.

Adopted this 23rd day of June, 2014

Those members voting:

T. J. Moskalski	Aye
S. K. Greenwood	Aye
T. S. Stone	Aye
C. T. Redd III	Aye
O. O. Williams	Aye

RE: BOARD OF SUPERVISORS COMMENTS

Chairman Williams opened the Board of Supervisors comment period.

Ms. Stone wished everyone a happy and safe 4th of July holiday. She is very excited a state budget has been passed.

Mr. Redd reminded everyone the University of Virginia is playing in the World Series college baseball play offs and said all support is appreciated; including Virginia Tech fans.

Mr. Moskalski noted the State Water Control Board has taken consideration of the permit for industrial residual applications in King William, and several other counties, off of their June 26th agenda. He feels this is positive and thanked everyone for their efforts in opposing these applications.

Mr. Greenwood thanked everyone for taking time out of their busy schedules to attend the monthly meetings.

Mr. Williams thanked citizens for their participation at the monthly Board meetings and wished everyone a safe trip home.

RE: ADJOURNMENT OF MEETING

There being no further business to come before this Board, the meeting was adjourned at 9:00 p.m. on motion by C. T. Redd III, seconded by T. S. Stone, and carried unanimously.

COPY TESTE:

O. O. Williams, Chairman
Board of Supervisors

T. L. Funkhouser,
County Administrator
Clerk to the Board