

**MINUTES  
KING WILLIAM COUNTY  
BOARD OF SUPERVISORS  
MEETING OF NOVEMBER 24, 2014**

A regular meeting of the Board of Supervisors of King William County, Virginia, was held on the 24<sup>th</sup> day of November, 2014, beginning at 7:00 p.m. in the Conference Room of the County Administration Building, with the following present:

Terry S. Stone, Vice-Chairman  
C. Thomas Redd III  
Stephen K. Greenwood  
Travis J. Moskalski

Daniel M. Stuck, County Attorney and Interim County Administrator

**RE: CALL TO ORDER**

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

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

Chairman Otto O. Williams joined the meeting at 7:10 p.m.

**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.

The Chairman called the meeting back to order at 7:25 p.m.

**RE: ADOPTION OF MEETING AGENDA**

T. S. Stone moved for the adoption of the agenda for this meeting as presented by the Interim County Administrator with the following change: item 8f was added to the Consent Agenda – Resolution #14-86 a Resolution Modifying the Financial Audit Committee Charter; motion was seconded by T. J. Moskalski and approved by the following roll call vote:

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

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

**RE: CONSENT AGENDA**

T. J. Moskalski moved for approval of the following items on the amended Consent Agenda, motion was seconded by C. T. Redd III and approved by the following roll call vote:

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

a. Minutes:

i. Work Session of October 14, 2014

ii. Continued Meeting of October 22, 2014, Middle Peninsula Planning District Commission quarterly meeting

iii. Regular Meeting of October 27, 2014

b. Claims against the County for the month of November, 2014, in the amount of \$1,546,503.94 as follows:

(1) General Fund Warrants #80199-80255 in the amount of \$319,751.18, and General Fund Warrants #80256-80292 in the amount of \$100,136.26; ACH Direct Payments #5673-5753 in the amount of \$575,067.75, and ACH Direct Payments #5754-5783 in the amount of \$97,504.46; Direct Deposits #20023-20157 in the amount of \$191,145.76; and Electronic Tax Payment in the amount of \$119,098.00.

(2) For informational purposes, Social Services expenditures for the month of November, 2014, Warrants #310317-310327 in the amount of \$5,509.00, and Warrants #310328-310363 in the amount of \$26,347.75; ACH Direct Payments #1332-1353 in the amount of \$14,678.01; Direct Deposits #3364-3383 in the amount of \$45,787.00; and Electronic Tax Payment in the amount of \$19,519.51.

(3) For informational purposes, Comprehensive Services Act Fund expenditures for the month of November, 2014, Warrants #80291-80296 in the amount of \$14,342.26; and ACH Direct Payments #5784-5786 in the amount of \$17,617.00.

(4) There were no tax refunds for the month of November, 2014.

c. Resolution #14-79 as follows:

RESOLUTION #14-79  
APPLICATION FOR THE  
VIRGINIA DEPARTMENT OF TRANSPORTATION  
FY 2016 REVENUE SHARING PROGRAM

WHEREAS, the King William County Board of Supervisors desires to submit an application for an allocation of funds of up to \$250,000.00 through the Virginia Department of Transportation Fiscal Year 2016 Revenue Sharing Program; and

WHEREAS, \$125,000.00 from revenue sharing funds and match from the locality for \$125,000.00 in FY16 is requested to fund work related to construct a multi-use trail/sidewalk on Route 1002 Magnolia Avenue from Route 1004 Mattaponi Avenue to Route 30 King William Avenue; and

WHEREAS, this project will allow the final connection of the multi-use trail/sidewalks that have been and will be constructed to Route 30 King William Avenue,

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors does hereby support this application for an allocation of \$250,000.00 through the Virginia Department of Transportation Revenue Sharing Program.

BE IT FURTHER RESOLVED, that the King William County Board of Supervisors hereby grants authority for the individual appointed and serving as the County Administrator for King William County, to include those serving in an acting or interim role, to execute project administration agreements for any approved revenue sharing projects.

d. Resolution #14-80 as follows:

RESOLUTION #14-80  
A RESOLUTION ADDRESSING CONDITION #12 OF  
CONDITIONAL USE PERMIT CUP-01-07

WHEREAS, the King William County Board of Supervisors on May 21, 2007 approved a conditional use permit, known as CUP-01-07, for the excavation of sand and gravel on approximately 1,500 acres of land known as Tax Map Parcels 27-15A, 32-2A, 32-5 33-1 and 33-2 subject to fifteen conditions; and

WHEREAS, condition #12 states "*King William Sand and Gravel Company, Inc. or its successors and/or assigns shall, at the request of King William County and at no expense to the County, convey a one-acre well lot to the County. The said one acre well lot shall be located within the Mankin Lodge Farm or Queenfield Farm as they existed at the time of rezoning. The exact location of the said well lot to be mutually agreed upon by King William County and King William Sand and Gravel at the time of conveyance.*"; and

WHEREAS, King William Sand and Gravel wishes to excavate sand and gravel from the above referenced properties at this time and in a letter dated October 2, 2014 requested the County confirm if a well lot is to be requested at this time; and

WHEREAS, there are no public water facilities, infrastructure or service areas within the proximity of the above referenced properties; and

WHEREAS, the above referenced properties are zoned A-C Agricultural Conservation and recommended by the Future Land Use Map for A-C Agricultural Conservation or Medium Density Residential, neither of which require public water facilities; and

WHEREAS, the King William County Board of Supervisors is not aware of any pending or future development plans which would propose or require public water facilities within proximity of the above referenced properties,

NOW, THEREFORE, BE IT RESOLVED the King William County Board of Supervisors this 24<sup>th</sup> day of November, 2014, hereby waives Condition #12 of Conditional Use Permit CUP-01-07.

e. Resolution #14-81 as follows:

RESOLUTION #14-81  
A RESOLUTION TO PERIODICALLY WAIVE ADOPTION FEE  
FOR THE REGIONAL ANIMAL SHELTER

WHEREAS, the Board of Supervisors of King William County reenacted Chapter 10 “Animals” of the King William County Code at its February 18, 2009 meeting; and

WHEREAS, section 10-114(a)(2) “Adoption of Animals” of Chapter 10 of the King William County Code calls for the payment of a fee to the Regional Animal Shelter; and

WHEREAS, a fee schedule was established by resolution and adopted by the Board of Supervisors at the April 27, 2009 meeting; and

WHEREAS, it would be beneficial to encourage pet adoption from the Regional Animal Shelter periodically through adoption events that would lower the normal costs involved with adoption by waiving the established adoption fee,

NOW, THEREFORE, BE IT RESOLVED, by the King William County Board of Supervisors that the County Administrator for King William County, to include those serving in an acting or interim role, has the authority to periodically waive the pet adoption fee in conjunction with adoption promotion events for up to 30 days per event.

f. Resolution #14-86 as follows:

RESOLUTION #14-86  
MODIFYING THE KING WILLIAM COUNTY  
FINANCIAL AUDIT COMMITTEE CHARTER

WHEREAS, the Board of Supervisors of King William County established the King William County Financial Audit Committee on May 21, 2012, by Resolution #14-41; and

WHEREAS, it has become necessary to adjust the original charter of the Financial Audit Committee,

NOW, THEREFORE, BE IT RESOLVED that the King William County Board of Supervisors does hereby adopt the following modified King William County Financial Audit Committee Charter:

King William County  
Financial Audit Committee Charter

I. Charge:

The Financial Audit Committee (Audit Committee) is a committee of the Board of Supervisors. The primary function of the Audit Committee is to assist the Board of Supervisors in carrying out its oversight responsibilities by reviewing financial information provided in the Comprehensive Annual Financial Report (CAFR), by reviewing any material weaknesses in the County's system of internal accounting controls as reported by the external auditor, and by reviewing the annual audit process and results. The Audit Committee is to provide guidance on the selection of an independent accounting firm to conduct the annual audit of fiscal reporting and compliance with federal and state laws and regulations, contracts and grants.

II. Membership:

The Audit Committee shall be comprised of the following members:

- One member of the Board of Supervisors (selected by the Board)
- One member of the School Board (selected by the School Board)
- County Administrator
- Superintendent of Schools
- Director of Finance for the Schools and Financial Services Manager of the County
- One Board or staff member from the King William Department of Social Services (selected by the Social Services Board)

III. Responsibilities:

- Recommend the selection, retention or termination of the County's external financial auditors.
- Review the overall plan for the audit (letter of engagement) with the external auditor and County management.
- Review the annual financial statements and audit results with the Auditors and County management.
- Review any material weaknesses in internal accounting controls, as outlined in the auditor's Management Letter to the County.
- Prepare an Audit Committee report to the Board of Supervisors.

IV. Operating Procedures:

- The County Administrator shall coordinate a meeting at least once a year, or more frequently at the discretion of the Committee, in conjunction with the County's external audit process.
- The Committee, as necessary, will: i) discuss the auditor's preliminary fieldwork and review the auditor's scope of work of the annual audit; ii) discuss the Annual Financial Report, prior to its presentation to the Board of Supervisors and School Board; and iii) discuss any issues raised by the Auditor in the Management Letter or other similar correspondence.
- The Audit Committee may select a Chair, whose responsibility is to preside over the meetings, schedule the meetings and prepare a written agenda.
- Audit Committee meetings will be public meetings. The meeting agenda for regularly scheduled meetings shall be posted in the offices of County Administration and School Board three days prior to the meeting date. Agendas and written material to be reviewed at the meeting will be sent to committee members prior to the meeting.
- The County Administrator will provide necessary support to the Audit Committee and will prepare and distribute minutes to the Committee members after each meeting.

**RE: PRESENTATIONS TO THE BOARD**

There were no presentations to the Board

**RE: OLD BUSINESS**

a. Resolution #14-82 – Amendment of Resolution #14-73 – Regarding Compensation of the King William County Board of Equalization –

Mr. Redd explained that in the previous reassessment Board of Equalization members were paid \$130 per meeting for their services. He said the resolution passed by the Board during the October 27<sup>th</sup> meeting set the compensation at \$50 per meeting. He noted the BOE meets during the day and the members are giving up time from their regular job to serve on this board. He said the appointments to the BOE are for a short term.

C. T. Redd III moved for approval of an amended Resolution #14-82 setting compensation at \$125 per meeting; motion was seconded by T. J. Moskalski.

The Chairman called for any discussion.

Mr. Greenwood disagrees with the reason this resolution was brought before the Board for consideration. He noted there were no concerns with the compensation in the resolution presented and adopted by the Board during their October 27<sup>th</sup> meeting. He said the members selected for recommendation of appointment to the BOE were informed of the compensation before agreeing to serve. He does not feel compensation should be paid at the rate set for the previous BOE. He does however feel the rate should be raised some, but not to the suggested \$125 per meeting.

Mr. Moskalski asked the Chairman if Mr. Greenwood has a particular amount of compensation in mind.

Mr. Greenwood stated he prefers the rate to be set at \$50 but he would possibly consider up to \$100.

Chairman Williams called for any further discussion. He said it appears this item was brought up by a Board member because the resolution setting the compensation was not read before the member voted to approve.

Mr. Redd acknowledges this was an oversight on his part and said he was not aware of the compensation of the previous BOE members. He thought the compensation amount had not changed in the recently adopted resolution.

Mr. Moskalski feels this reconsideration is based on feedback from the BOE members, including those who have served before, that were displeased in the drop in

the compensation. He supports an increase in the compensation to reflect the value the Board believes these people bring and the reason for appointing them in the first place. He is willing to compromise on the amount.

Ms. Stone stated she feels there is value in the appointment of returning members because they have been through the process. She said considering the members are professionals and are being asked to perform these functions during the day they should be compensated. She noted staff provided examples of what neighboring localities are paying for this service and the range is from \$120 to about \$136 per day. She added this is a temporary appointment that runs its course. For these reasons, she can support an increase.

Mr. Greenwood compared the compensation the Planning Commission members receive, \$100 per meeting, and pointed out that they also spend day time hours performing services. Again, he does not agree with the increase.

Mr. Redd noted members of the BOE are not paid for meetings that they do not attend.

Upon the completion of discussions amended Resolution #14-82(R), a Resolution Amending Resolution #14-73 Setting the Compensation for the Appointees to the King William County Board of Equalization, was approved by the following roll call vote:

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

RESOLUTION #14-82(R)  
A Resolution Amending Resolution #14-73  
Setting the Compensation for Appointees to the  
King William County Board of Equalization

WHEREAS, the Board of Supervisors of King William County adopted Resolution #14-73 recommending appointments to the King William County Board of Equalization on October 27, 2014 and setting the compensation for those appointees; and

WHEREAS, the Board finds it appropriate to amend Resolution #14-73 to increase the compensation to be paid to appointees,

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of King William County does hereby establish the compensation for the 2015 Board of Equalization at \$125 per meeting attended, per member.

**RE: NEW BUSINESS**

a. Public Hearing Proposed Ordinance #14-07 – An ordinance to amend existing Section 86-171 “Permitted use table established” and add Article XIX “Telecommunication towers” Sections 86-800 through 86-812 in Chapter 86 “Zoning” of the Code of the County of King William.

i. Staff Presentation – Director of Community Development, Bret Schardein, gave details of Zoning Text Amendment #ORD-14-01, proposed amendment to the Zoning Ordinance, Telecommunications Towers. The details presented covered the history, development, and elements of the draft ordinance. In summary, staff believes the ordinance, as proposed, provides the best balance between protecting the property rights of those living near towers, while dictating clear expectations to applicants and providing a more transparent and inclusive process. The ordinance should provide for more expedient deployment of much needed wireless service in the County, which has economic development, public safety, entertainment, and educational benefits. The Planning Commission, at their October meeting, unanimously recommended approval of the proposed ordinance. Staff recommends approval as well.

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 proposed Ordinance #14-07.

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

iii. Consideration – Proposed Ordinance #14-07 – Chairman Williams called for any discussion.

Mr. Redd complimented Mr. Schardein on the hard work of the Planning Commission and staff on this project.

C. T. Redd III moved for approval of Ordinance #14-07 as presented; motion was seconded by T. J. Moskalski.

Mr. Moskalski also complimented Mr. Schardein on working with the Planning Commission throughout this process and the outstanding job done on this ordinance.



There being no other discussions the following Ordinance #14-07 was adopted by the following roll call vote:

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

ORDINANCE #14-07  
 ZONING TEXT AMENDMENT ORD 14-01  
 An Ordinance to Amend Chapter 86 – Zoning  
 of the King William County Code  
 to Address Telecommunications Infrastructure

WHEREAS, King William County is permitted to regulate telecommunications infrastructure through its zoning ordinance by the authority granted in the State Code of Virginia Sections § 15.2-2280 and § 15.2-2286 as well as Title 47 of the United States Code (U.S.C.), Section 332; and

WHEREAS, the King William County Planning Commission conducted a public hearing on October 7, 2014 on the zoning text amendment, and voted unanimously to recommend the Board of Supervisors approve the amendment; and

WHEREAS, after a duly advertised and held public hearing on November 24, 2014, the Board believes it is appropriate to amend the King William County Code Chapter 86 as recommended by the Planning Commission;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Board of Supervisors of King William County, Virginia, does this 24<sup>th</sup> day of November, 2014, amend and reenact the following sections of Chapter 86, of the King William County Code to read as follows:

ARTICLE V. PERMITTED USES IN PRINCIPAL ZONING DISTRICTS

Sec. 86-171. Permitted use table established.

TABLE OF PERMITTED USES IN ZONING DISTRICTS

Description of Uses	A-C	R-R	R-1	B-1	B-2	M	R-C
COMMERCIAL, BUSINESS AND SERVICE							
Telecommunications tower, replacement; which complies with Sec. 86-810	R			R	R	R	
Telecommunications tower, replacement; which does not comply with Sec. 86-810	C			C	C	C	
Telecommunications tower, new	C			C	C	C	
Collocation of telecommunications equipment on an existing structure; which complies with Sec. 86-809	R			R	R	R	
Collocation of telecommunications equipment on an existing structure; which does not comply with Sec. 86-809	C			C	C	C	

## Article XIX. Telecommunication Towers

### Sec. 86-800. Purpose.

The purpose of this article is to establish general guidelines and standards for the siting of telecommunication towers and to involve members of the public earlier in the process, in a more meaningful manner. Wireless infrastructure and technology provide substantial public safety, economic development, educational, and quality-of-life benefits to the County's residents and businesses and the County seeks to promote the expansion of those technologies in a manner which has a minimal impact on the general public.

The goals of this article are to:

- (1) minimize the number of towers which need to be constructed,
- (2) encourage the joint use of towers where feasible.
- (3) encourage the location and construction of towers and antennas in ways that balance the desire to minimize impacts on the County's scenic and other resources,
- (4) maximize the public's ability to contact public safety responders and
- (5) meet the growing public demand for reliable, high-quality wireless communications services.

### Sec. 86-801. Establishment.

For the purposes enumerated in Section 86-800, Article XIV Telecommunication Towers is hereby established pursuant to the authority granted by § 15.2-2280, § 15.2-2286 and Title 47 of the United States Code (U.S.C.), Section 332.

### Sec. 86-802. Applicability.

The supplementary regulation in this subdivision shall govern the location of towers that exceed 50 feet in height and antennas that are installed at greater than 50 feet in height. These regulations are in addition to the general requirements of conditional uses of Sec. 86-173(5) "Interpretation of the Table", Article X. "Conditional Uses" and Sec. 86-702 "Conditional uses." The supplementary regulations in this subdivision shall not govern:

- a) A temporary, commercial wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government, or determination of public necessity by the county Board of Supervisors or designee and approved by the county Board of Supervisors or designee; except that such facility must comply with all federal and state requirements. The wireless communications facility may be exempt from the provisions of this article up to three months after the duration of the state of emergency.
- b) A temporary, commercial wireless communications facility, for the purposes of providing coverage of a special event such as news coverage or sporting event, subject to approval by the county Board of Supervisors or designee, except that such facility must comply with all federal and state requirements. Said wireless communications facility may be exempt from the provisions of this article for up to one week after the duration of the special event.
- c) Any antenna that is operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas for amateur radio station operation.

### Sec. 86-803. Application requirements.

Each applicant requesting a conditional use permit under this supplementary regulation shall submit the following:

- a) A complete Conditional Use Permit application form.
- b) Twelve sets (11"× 17") and one reduced copy (8½"× 11") of signed and sealed site plans by a surveyor or engineer licensed in the State of Virginia, including tower elevations and landscape plans if required. Site plans shall meet the requirements of Sec. 86-494 "Requirements; content and form."
- c) An identification card for the subject property from the office of the Commissioner of the Revenue for the County or a tax bill showing the ownership of the subject parcel.
- d) Proof that the applicant has authorization to act upon the owner's behalf.
- e) A map showing the designated search ring.
- f) Identification of the intended service providers of the tower.
- g) Title report or American Land Title Association (A.L.T.A.) survey showing all easements on the tower area, lease area and access to the tower.

- h) Verifiable evidence of the lack of feasible antenna space on existing towers, buildings, or other structures suitable for antenna location within the coverage area. Such evidence may also include any of the following items:
  - (1) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
  - (2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
  - (3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  - (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna. The applicant shall provide an affidavit executed by a radio frequency engineer in support of its claim that another structure is unsuitable for the applicant's needs due to technical reasons related to radio frequency.
  - (5) The fees, costs, or contractual provisions demanded by the owner of an existing tower or structure to share the required amount space on such tower or structure or to adapt it for sharing are cannot be reasonably obtained or are commercially infeasible.
  - (6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable or commercially unfeasible.
- i) An engineering report stating the number of co-location spaces on the proposed tower. The County shall generally require a minimum of four (4) collocation spaces on a new tower, however may approve fewer in instances where fewer spaces results in a lower height, less visibility or the tower is designed to permit feasible expansion for additional future height and additional collocation spaces. The applicant shall permit collocation by additional users without requiring any form of reciprocal location agreement from subsequent users.
- j) A proposed construction schedule.
- k) The applicant shall certify through a written statement that the facility meets or exceeds the standards for electrometric radiation as set by the Federal Communications Commission ("FCC") at the time of the application.
- l) A radio frequency propagation plot indicating the coverage of the applicant's existing wireless communications sites within the area and coverage prediction of the proposed facility.
- m) The applicant shall provide at least two actual photographs of the site that include simulated photographic images of the proposed tower. The photographs with the simulated image shall illustrate how the facility will look from adjacent roadways, nearby residential areas, or public building such as a school, church, etc. The county staff reserves the right to select the locations for the photographic images and require additional images. As photo simulations may be dependent upon a balloon test first being conducted, the applicant is not required to submit photo simulations with their initial application, but must provide them prior to the public hearing with the Planning Commission.
- n) List of all adjacent property owners, their tax map numbers and addresses.
- o) Aerial imagery which shows the proposed location of the tower, fenced area and driveways with the closest distance to all adjacent property lines and dwellings.
- p) The county may require other information deemed necessary to assess compliance with this subdivision.

Sec. 86-804. Public Notice.

Required notices for balloon tests and community meetings may be combined if they comply with the timing requirements set forth in this section.

- a) Balloon test: A balloon test shall be required for new towers prior to the public hearing with the Planning Commission.
  - (1) The applicant shall arrange to raise a colored balloon (no less than three feet in diameter) at the maximum height of the proposed tower and within 50 horizontal feet of the center of the proposed tower.
  - (2) The applicant shall inform the community development department and adjacent property owners in writing of the date and times of the test at least seven but no more than 14 days in advance. The notice will direct readers to a new date if the test is postponed due to inclement weather. The applicant shall request in writing permission from the adjacent property owners to access their property during the balloon test to take pictures of the balloon and to evaluate the visual impact of the proposed tower on their property.
  - (3) The date, time and location of the balloon test shall be advertised in the County's newspaper of record by the applicant at least seven but no more than

- 14 days in advance of the test date. The advertisement will direct readers to a new date if the test is postponed due to inclement weather.
- (4) The balloon shall be flown for at least four consecutive hours during daylight hours on the date chosen.
  - (5) Signage similar to rezoning signage shall be posted on the property to identify the property where the balloon is to be launched. The signage will direct readers to a new date if the test is postponed due to inclement weather. This signage shall be posted a minimum of seventy-two hours prior to the balloon test. If inclement weather postpones the test, then cancellation of the test for that day shall be clearly noted on the signage.
  - (6) If the wind during the balloon test does not allow the balloon to sustain its maximum height or there is significant fog or precipitation which obscures the balloon's visibility then the test shall be postponed and moved to the alternate inclement weather date provided in the advertisement. County staff reserves the right to declare weather inclement for purposes of the balloon test.
- b) Community meeting: A community meeting shall be held by the applicant prior to the public hearing with the Planning Commission.
- (1) The applicant shall inform the community development department and adjacent property owners in writing of the date, time and location of the meeting at least seven but no more than 14 days in advance.
  - (2) The date, time and location of the meeting shall be advertised in the County's newspaper of record by the applicant at least seven but no more than 14 days in advance of the meeting date.
  - (3) The meeting shall be held within the County, at a location open to the general public with adequate parking and seating facilities which may accommodate persons with disabilities.
  - (4) The meeting shall give members of the public the opportunity to review application materials, ask questions of the applicant and provide feedback.
  - (5) The applicant shall provide to the Community Development Department a summary of any input received from members of the public at the meeting.

Sec. 86-805. Development Standards.

- a) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration ("FAA"), be painted a neutral color scheme, so as to reduce visual obtrusiveness. Dish antennas will be of a neutral, non-reflective color with no logos. If painting is required by the FAA, documentary evidence from the FAA requiring such painting must be provided to the County by the applicant. Should the applicant request to construct the tower from materials other than galvanized steel, the applicant shall state the reasons for the request in the application, and the applicant shall also furnish the County with photographs or other visual sample of the proposed finish.
- b) The design of the support buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and surrounding structures.
- c) Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the county may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
- d) No signage of any type may be placed on the tower or accompanying facility other than notices, warnings, and identification information required by law.
- e) Maximum tower height (including appurtenances) shall generally be 199 feet, however, the Board of Supervisors may approve a greater height based upon a demonstration of a significant gap in coverage, including a gap affecting wireless users in buildings and cars.
- f) Towers shall be designed to collapse fully within the lot lines of the subject property in case of structural failure.
- g) All towers and antennas must meet or exceed the standards and regulations of the FAA, FCC, and any other agency of the federal government with the authority to regulate towers and antennas that are in force at the time of the application or which a Federal agency applies retroactively.
- h) To ensure the structural integrity of towers, the owner of a tower shall ensure that it is designed and maintained in compliance with standards contained in applicable federal, state and local building codes and regulations that were in force at the time of the permit approval.
- i) Towers shall be enclosed by security fencing not less than six feet in height and the tower shall also be equipped with an appropriate anticlimbing device.

- j) All newly installed utilities including but not limited to, electric, fiber, CATV and telephone leading to the site shall be placed underground unless prohibited by the State or Federal agency regulating such utilities. Existing overhead utility lines may be extended to a terminal pole at the property line, as needed, and thence placed underground.
- k) All wireless E-911 calls received by a tower shall be routed to public safety answering points in accordance with Federal and State law.
- l) The security fencing surrounding tower facilities shall be significantly screened from the view of adjacent properties and public rights-of-way by a buffer zone at least four feet wide that shall be landscaped with plant materials, except to the extent that existing vegetation or natural land forms on the site provide such screening. In the event existing vegetation or land forms providing the screening are disturbed, new plantings shall be provided which accomplish the same.
- m) Any other condition added by the Board of Supervisors as part of a conditional use permit approval.

Sec. 86-806. Setbacks.

The minimum setback to the property lines of properties zoned industrial, commercial or to any property owned by the same owner as the subject property is 110% of the tower's designed break point (fall zone) measured from the center of the base of the tower.

The minimum setback to property lines of properties zoned residential, agricultural, PUD Planned Unit Development or R-C Rural Conservation shall generally be 110% of total tower height or 500' to off-site dwellings not owned by the owner of the subject property, measured from the center of the base of the tower, whichever is greater. A tower may be located closer to those property lines based on mitigating its impacts by a reduced height, alternative designs such as monopole, camouflaging the tower or other methods, however a tower may not be located closer than 110% of the tower's designed break point (fall zone) to property lines or 500' to dwellings not owned by the owner of the subject property, measured from the center of the base of the tower, whichever is greater.

Sec. 86-807. Coordination of local emergency services communications.

Applicants for new telecommunication facilities shall be encouraged to coordinate with the County's emergency services staff to consider the emergency services communication needs within the coverage area and consider possibilities for the sharing or utilization of new infrastructure.

Sec. 86-808. Removal.

Any tower that is not in active use for a continuous period of 24 months shall be considered abandoned, and the owner of any such tower, the land owner of the property on which a tower is located upon or their successors or assigns shall remove the tower within 90 days of receipt of notice from the county. Removal includes the removal of the tower, all tower and fence footers, underground cables and support buildings. The Zoning Administrator may permit the fence footers, underground cables and support buildings to remain with the property owner's approval so long as they continue to be screened as required. When a tower is deemed to be abandoned, an owner wishing to extend the time for removal shall submit an application stating the reason for such extension. The Zoning Administrator may extend the time for removal or reactivation up to 60 additional days upon a showing of good cause. If the antenna support structure or antenna is not removed within the specified time, the County may contract for removal. Thereafter, the County may cause removal of the antenna support structure with costs being borne by the owner of the tower or the land owner. All costs there of shall be charged to the landowner and become a lien on the property on which the tower is located.

Sec. 86-809. Interference.

The facility shall comply with the FCC's rules governing interference with communications reception. Owner shall resolve any inference issues in accordance with industry standards and FCC's rules.

Sec. 86-810. Collocations.

Whenever a proposed placement of an antenna on or in an existing structure such as a building, sign, light pole, utility pole, including placement on or within an existing transmission/utility tower, or tower, water tank, or other freestanding structure or existing tower or pole shall fall within the scope of Section 6409 of the federal Middle Class Tax Relief and

Job Creation Act of 2012, Pub. L. No. 112-96, as from time to time amended, ("Section 6409") such placement shall be permitted without the need for a conditional use permit so long as the proposed placement complies with Section 6409 and the FCC rules and policies for implementing Section 6409.

Each telecommunications service provider that locates or otherwise places wireless communications equipment on the facility, auxiliary structures, or the host structure, or on the property shall obtain building and zoning permits from the county prior to attaching the equipment to the structure or erecting any accessory structures within or adjacent to the existing structure.

If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

#### Sec. 86-811. Replacement of existing towers.

A pre-existing non-conforming tower may be replaced without the need for a conditional use permit, subject only to administrative site plan, zoning permit, building permit and other applicable approvals if all of the following are met:

- a) The replacement tower shall meet the requirements of Sec. 86-804 "Development standards" with the exception that:
  - (1) replacement towers shall not be subject to the height requirement except that no replacement tower may exceed the height of the existing tower except as permitted by Section 6409.
- b) A replacement tower shall not be required to meet current setback standards so long as the replacement tower and its equipment compound do not encroach further than the existing tower and its equipment into any yard setback.
- c) The existing tower being replaced, including tower base and foundation must be removed within six months of the initial operation of the new tower.
- d) If any tower is replaced an additional time after the first replacement, all subsequent replacement towers shall meet or exceed the requirements stated above as compared to the most recent tower, not the original existing tower.

Replacement towers that do not meet all of the above requirements shall require a conditional use permit approved by the Board of Supervisors.

#### Sec. 86-812. Approval process for tower and collocation applications.

- a) The approving bodies, in exercise of the County's zoning regulatory authority, may consider an application for approval and determine: whether a tower is in harmony with the area; the effects and general compatibility of a tower with adjacent properties; or the aesthetic effects of the tower as well as mitigating factors concerning aesthetics.
- b) The approving bodies, in exercise of the County's zoning regulatory authority, may disapprove an application on the grounds that the tower's aesthetic effects are unacceptable, or may condition approval on changes in tower height, design, style, buffers, or other features of the tower or its surrounding area. Such changes need not result in performance identical to that of the original application.
- c) Factors relevant to aesthetic effects are: the protection of the view in sensitive or particularly scenic areas, and areas containing unique natural features, scenic roadways or historic areas; the concentration of towers in the proposed area; and, whether the height, design, placement or other characteristics of the proposed tower could be modified to have a less intrusive visual impact.
- d) Unless some other timeframe is mutually agreed upon, an application for a tower shall be reviewed by the County and a written decision shall be issued within one hundred fifty days of a completed submission.
- e) Unless some other timeframe is mutually agreed upon, an application for collocation shall be reviewed by the County and a written decision shall be issued within ninety days of a completed submission.

**RE: ADMINISTRATIVE MATTERS – DANIEL M. STUCK, INTERIM**

#### **COUNTY ADMINISTRATOR**

Mr. Stuck said information was received, late last week, regarding the cuts the State announced earlier this year; the total amount of cuts for King William is slightly

under \$20,000. He will work with finance staff to prepare a proposal for consideration of the Board at the December 15<sup>th</sup> meeting. The State requires that the County notifies them by the end of the calendar year with a plan; if not, funds will be withheld from recordation and rolling stock tax.

He confirmed that a joint budget dinner meeting will be held with the King William School Board on February 10, 2015. He said the budget calendar is finalized and asked for Board approval to distribute.

By consensus, the Board authorized the Interim County Administrator to publish and distribute the budget calendar as necessary.

Mr. Stuck stated the assessors began holding citizen meetings today and will continue for the next couple of weeks. He said the preliminary reassessment numbers are out and overall there is a reduction in real estate. He noted these numbers will change some once the Board of Equalization meets, they could potentially go up or down a little bit, but probably not a lot. He said overall reductions are about 12 to 14 percent and in order to come up with the same revenue there will have to be a 9 or 10 cent increase in the rate to equal out for the same amount. He said this will have to be dealt with during the budget process.

**RE: VDOT UPDATE – JOYCE MCGOWAN, ASSISTANT RESIDENCY ADMINISTRATOR**

Ms. McGowan was recognized and the Chairman asked her to speak to the Board.

Mr. Redd noted a recent letter that was sent to VDOT, from King William County, regarding the dissatisfaction of the recent paving job in the Town of West Point. He has noticed some corrective work has begun and some noted substantial improvements have already been made. He said he appreciates VDOT getting involved and thanked Ms. McGowan for the quick response time.

Ms. McGowan stated some punch list items are being addressed in the upper end of the County to include driveway entrances and shoulder work. She said if issues from the recent paving are reported a work order is issued and are addressed in the order received. She said the contractor has a punch list, for the Town and the

upper end of the County, and when they are finished VDOT will probably have to do some corrective work.

Mr. Redd asked for clarification when the striping will be complete on Rt. 30, near Colosse Church.

Ms. McGowan said she will check on this item.

**RE: APPOINTMENTS**

a. Resolution #14-83 – Appointment of Principal and Alternate Representatives to serve on the Middle Peninsula Juvenile Detention Commission was approved by the following roll call vote:

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

RESOLUTION #14-83  
RESOLUTION OF APPOINTMENT  
PRINCIPAL AND ALTERNATE REPRESENTATIVES  
TO SERVE ON THE MIDDLE PENINSULA JUVENILE DETENTION COMMISSION

WHEREAS, the Middle Peninsula Juvenile Detention Commission (MPJDC) was created pursuant to applicable sections of Title 16.1 of the Code of Virginia, and by action of the respective governing bodies of its Member Jurisdictions, to plan, construct, finance, own maintain and operate a juvenile detention facility to serve the needs of the Member Jurisdictions for secure detention of juvenile offenders; and

WHEREAS, MPJDC is governed by a Board of Directors made up of one representative from each member city and county and appointed by the City Council or the County Board of Supervisors; and

WHEREAS, member localities include the Counties of Caroline, Charles City, Essex, Gloucester, Hanover, James City County, King and Queen, King William, Lancaster, Mathews, Middlesex, New Kent, Northumberland, Richmond County, Westmoreland and York and the Cities of Poquoson and Williamsburg; and

WHEREAS, the Commission provides for the appointment, by the respective member governing bodies, of a principal member and one alternate member from each member locality with such appointment and associated representation for a term of four years,

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of King William County hereby reappoints Troy Bingham, Financial Services Manager, to serve as the principal member for King William County to the Middle Peninsula Juvenile Detention Commission; said term to expire October 31, 2018.

BE IT FURTHER RESOLVED, the Board of Supervisors of King William County hereby appoints the County Administrator for King William County, to include those serving in an acting or interim role, to serve as the alternate member for King William County to the Middle Peninsula Juvenile Detention Commission; said term to expire October 31, 2018.



b. Resolution #14-84 – Appointment of Primary Member to serve the Middle Peninsula Chesapeake Bay Public Access Authority was approved by the following roll call vote:

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

RESOLUTION #14-84  
RESOLUTION OF APPOINTMENT  
PRIMARY REPRESENTATIVE TO SERVE  
THE MIDDLE PENINSULA CHESAPEAKE BAY PUBLIC ACCESS AUTHORITY  
(MP-PAA)

WHEREAS, the Middle Peninsula Public Access Authority (MP-PAA) was created by the Virginia General Assembly on April 7, 2002, and ratified by participating localities on June 13, 2003, in recognition of shorelines as high priority natural areas and the need to set aside shorelines and other lands for access by citizens for various types of recreational activities; and

WHEREAS, member localities include the Counties of Essex, Gloucester, King & Queen, King William, Mathews and Middlesex and the Towns of Tappahannock, Urbanna, and West Point; and

WHEREAS, the MP-PAA provides for the appointment, by the respective member governing bodies, of a Primary and Alternate Representative from each member locality with such appointment and associated representation starting and ending at the pleasure of the governing body; and

WHEREAS, Trenton L. Funkhouser, previous County Administrator, for King William County was appointed by the Board of Supervisors to serve as the Primary Representative on January 24, 2011, with no term expiration; and

WHEREAS, Bret Schardein, Community Development Director, for King William County was appointed to serve as the Alternate Representative, with no term expiration, by Resolution #13-02 dated February 25, 2013.

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of King William County hereby appoints the County Administrator for King William County, to include those serving in an acting or interim role, as the Primary Representative representing King William County on the Middle Peninsula Chesapeake Bay Public Access Authority; with no term expiration.

c. Resolution #14-85 – Appointment of Alternate Member to serve the Middle Peninsula Regional Security Center was approved by the following roll call vote:

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

RESOLUTION #14-85  
RESOLUTION OF APPOINTMENT  
ALTERNATE MEMBER TO SERVE  
THE MIDDLE PENINSULA REGIONAL JAIL AUTHORITY

WHEREAS, the Middle Peninsula Regional Jail Authority was created by an agreement dated February 16, 1994, by and among the Authority and the counties of Essex, Mathews, Middlesex, King & Queen and King William; and

WHEREAS, the Jail Authority provides for the appointment, by the respective member governing bodies, of a Primary and Alternate Member from each member locality; and

WHEREAS, Trenton L. Funkhouser, previous County Administrator, for King William County was appointed by the Board of Supervisors to serve as the Alternate Member on January 24, 2011, with no term expiration; and

WHEREAS, Board of Supervisors member Otto O. Williams was appointed to serve as the Primary Member with a term to expire December 31, 2015, by Resolution #12-05 dated January 3, 2012,

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of King William County hereby appoints the County Administrator for King William County, to include those serving in an acting or interim role, as the Alternate Member representing King William County on the Middle Peninsula Regional Jail Authority; with no term expiration.

**RE: BOARD OF SUPERVISORS COMMENTS**

Chairman Williams opened the Board of Supervisors comment period.

All Board members thanked citizens for attending and participating in the monthly meetings. They also wished everyone a Happy Thanksgiving.

**RE: ADJOURNMENT OF MEETING**

There being no further business to come before this Board, the Chairman adjourned the meeting at 8:10 p.m.

COPY TESTE:

\_\_\_\_\_  
Otto O. Williams, Chairman  
Board of Supervisors

\_\_\_\_\_  
Bobbi L. Langston  
Deputy Clerk of the Board