

**MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF MAY 19, 2014**

At a regularly scheduled meeting of the Board of Supervisors of King William County, Virginia, held on the 19th day of May, 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:

C. T. Redd III	Aye
T. J. Moskalski	Aye
S. K. Greenwood	Aye
T. S. Stone	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 7:20 p.m.

RE: ADOPTION OF MEETING AGENDA

On motion by T. J. Moskalski, seconded by S. K. Greenwood, with the following roll call vote, the Board adopted the agenda for this meeting as presented by the County Administrator with the following changes: item 14 - Appointments and item 15 - Board of Supervisors' Comments were moved in front of item 13 - Closed Meeting; agenda items were renumbered accordingly.

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: 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. Don Wagner, of the Mangohick district, spoke of the recent email he sent to Board members suggesting action is taken in the form of a resolution to be sent to the State Water Control Board opposing the DEQ permit to apply industrial residuals in King William County. He feels there has been no good response from DEQ thus far on this matter. In his opinion, the expected response from DEQ will be the same as was received from the recent application of residuals on Wakema Road. He has doubts the materials coming from the plants, to be applied, are being inspected thoroughly enough. He urged the Board to take action on this matter.

2. Thomas Rubino, with Alliance to Save the Mattaponi, also opposes the Synagro permit. He is concerned the permit in place will pollute wells. He stressed the importance of stopping the application of these substances. In his opinion, there are a series of illegalities the County can complain about to the State Water Control Board. He said permits for this purpose are approved by the State Water Control Board, not the DEQ.

3. Tyla Matteson, of 4896 Burnham Road Richmond, VA, stated she is very involved with Saving the Mattaponi. She is opposed to approving the permit submitted to the DEQ by Synagro. She gave a handout to the Board listing violations and fines that have been incurred by Synagro; some incurred in very recent years in Virginia. She questions why RockTenn wants to apply the industrial waste from the plant on open land instead of using their landfill. In her opinion, the heavy metals in the waste could contaminate wells; harm waterways such as the rivers and the bay; threaten marine life; and could also become airborne and contaminate land and food sources.

4. Tom Gresh, of 160 Wood Lane Aylett, noted the moment of silence at the start of the meeting and said the Supreme Court says we can pray; he would like to hear a prayer.

Chairman Williams stated the Board is reviewing the process of bringing prayer back on the agenda.

Mr. Moskalski clarified that under advisement of legal counsel the Board will continue with a moment of silence for the time being. He stated the Board is aware of the ruling and they are reviewing the policy. He said the ruling is complex and the Board will follow policy and practices to ensure, they are in full compliance with the ruling, if that is the direction this Board goes.

Continuing, Mr. Gresh, asked for clarification if the recently approved Schools Resource Officer position will be covered by a grant and how long the grant lasts.

Mr. Redd said the Schools Resources Officer position is covered by a grant and further clarified the grant is good for one year.

Mr. Gresh asked if the cost of the officer will fall on the taxpayers after the grant expires.

Mr. Redd stated the position could possibly be eliminated depending on the local funding decision by the schools and the county at that time. He said the position would not automatically continue after the grant expires.

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. Budget and Tax Levy Public Hearings of April 21, 2014
 - ii. Regular meeting of April 28, 2014
- b. Claims against the County for the month of May, 2014, in the amount of

\$303,186.80 as follows:

- (1) General Fund Warrants #79322-79376 in the amount of \$81,596.07; and ACH Direct Payments #4972-5031 in the amount of \$59,076.05 for May, 2014.

(2) For informational purposes, Social Services expenditures for the month of April, 2014, Warrants #310072-310099 in the amount of \$28,306.26; ACH Direct Payments #1169-1195 in the amount of \$12,432.36; Direct Deposits #3218-3239 in the amount of \$30,148.07; and Electronic Tax Payment in the amount of \$12,009.13.

(3) For informational purposes, Comprehensive Services Act Fund expenditures for the month of April, 2014, Warrants #79316-79321 in the amount of \$23,884.86; and ACH Direct Payments #4968-4971 in the amount of \$55,734.00.

(4) There were no Tax Refunds for the month of May, 2014.

c. Resolution #14-29 – VRS Employer Contribution Rates – Employer Contribution Rates for Counties, Cities, Towns, School Divisions and Other Political Subdivisions (In accordance with the 2014 Appropriation Act Item 458(H)); was approved.

RESOLUTION #14-29
Employer Contribution Rates for Counties, Cities,
Towns, School Divisions and Other Political Subdivisions
(In accordance with the 2014 Appropriation Act Item 468(H))

BE IT RESOLVED, that King William County 55150 does hereby acknowledge that its contribution rates effective July 1, 2014 shall be based on the higher of a) the contribution rate in effect for FY 2012, or b) seventy percent of the results of the June 30, 2013 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2014-16 biennium (the "Alternate Rate") provided that, at its option, the contribution rate may be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(l) resulting from the June 30, 2013 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that King William County 55150 does hereby certify to the Virginia Retirement System Board of Trustees that it elects to pay the following contribution rate effective July 1, 2014:

The Certified Rate of 10.53%

BE IT ALSO RESOLVED, that King William County 55150 does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this resolution; and

NOW, THEREFORE, the officers of King William County 55150 are hereby authorized and directed in the name of King William County to carry out the provisions of this resolution, and said officers of King William County are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by King William County for this purpose.

Adopted this 19th day of May, 2014

d. Resolution #14-30 – Local Governing Body Concurrence with School Division Electing to Pay the VRS Board-Certified Rate (In accordance with the 2014 Appropriation Act Item 468 (H)); was approved.

RESOLUTION #14-30
Local Governing Body Concurrence with School Division
Electing to Pay the VRS Board-Certified Rate
(In accordance with the 2014 Appropriation Act Item 468(H))

BE IT RESOLVED, that King William County Board of Supervisors does hereby acknowledge that the King William County Schools (employer code 55550) has made the election for its contribution rate to be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(I) resulting from the June 30, 2013 actuarial value of assets and liabilities; and

BE IT ALSO RESOLVED, that the King William County Board of Supervisors does hereby certify to the Virginia Retirement System Board of Trustees that it concurs with the election of the King William County Public Schools (employer code 55550) to pay, as required by item 468(H) of the 2014 Appropriation Act, the Certified Rate of 6.43% and does not select the optional alternate rate of 7.64%, and

BE IT ALSO RESOLVED, that King William County Board of Supervisors does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this resolution; and

NOW, THEREFORE, the officers of King William County Schools (employer code 55550) are hereby authorized and directed in the name of the King William County Board of Supervisors to execute any required contract to carry out the provisions of this resolution. In execution of any such contract which may be required, the seal of the King William County Board of Supervisors, as appropriate, shall be affixed and attested by the Clerk.

Adopted this 19th day of May, 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: PRESENTATIONS TO THE BOARD

There were no presentations to the Board.

RE: OLD BUSINESS

a. Resolution #14-22 – Claims for Damages to Fowls – Donald A. Oakley;
tabled item from Board of Supervisors meeting of April 28, 2014 – Chairman Williams noted the Board was presented with claims for damages to fowls, submitted by Donald A. Oakley, during their regular business meeting of April 28th and item was tabled.

The County Administrator stated staff has no additional information at this time but will respond to any questions the Board may have on this matter.

Ms. Stone clarified the County Attorney was not present at the meeting last month to provide the Board with a summary of the responsibilities of the Board or his take on the claims. She asked the County Attorney to provide some guidance to the Board on this item.

The County Attorney said after reviewing the documents presented and the minutes from the last meeting he has several concerns. He has reviewed State Code and County Code requirements for filing damage claims to the County. He noted the three claims submitted are all dated April 2, 2014. However, two of the incidents occurred in January 2014; both past the 60 day time period in which certain required information is to be provided to the county. The third incident occurred in March 2014, and falls within the 60 day time period in which certain required information is to be provided to the county. He does not see any evidence in the supplied documentation showing the value of the animals, other than the owner's statement of the fair market value. In his opinion, other documentation should be supplied showing the fair market value of the animals; such as a third party valuation. He stated, in his opinion, sufficient information was not shown by the record to have been submitted for the two incidents discovered in January. He advised the Board they may wish to direct staff to obtain evidence from the claimant regarding fair market value, as well as information regarding exactly when county staff received proof of the fair market value and the number of fowls killed. At this point nothing has been provided to the Board to indicate the quantity and the value of the loss within the 60 day requirement. He noted if all requirements are met then the county is required to compensate. In closing, he noted the amount of the claim was miscalculated, as quoted in the newspaper; State Code has a ten dollar limit on any fowl.

T. J. Moskalski motioned to table action on this item and directed staff to reach out to the claimant to request additional information and to provide any additional information in staff's possession raised by the County Attorney; motion was seconded by T. S. Stone.

There being no further discussion Chairman Williams called for a roll call vote.

Those members voting:

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

RE: NEW BUSINESS

a. Public Hearing and Intent to Adopt Proposed Resolution #14-31 – Conditional Use Permit 01-14, Applicant: National Communication Towers, LLC – Location: Powhatan Trail, King William VA, Tax Map #37-66 –

i. Staff Presentation – Bret Schardein, Community Development Director, stated the applicant is proposing to construct a 199' tall telecommunications lattice tower on property belonging to Eva Jo Kelly, tax map parcel 37-66, located on Powhatan Trail, approximately ¼ mile south from its intersection with King William Road; in the Courthouse district. The proposed tower itself would be 195' tall with a 4' lightning rod, but would not be lit, neither day nor night. The tower would have spaces for 6 co-locations for various carriers. The applicant conducted a balloon test on Monday, March 24th. On April 1st a community meeting was held that was attended by Staff, members of the Board, Planning Commission members, as well as adjacent property owners. He said public input received to date are general comments about the need for service in the area and also questions whether or not towers already along Route 30 could serve the need. He noted since the Planning Commission meeting Verizon has issued a letter of intent approving this site for their use and thus far has chosen not to co-locate upon any of the State Police towers in the County. He said the Planning Commission voted unanimously, in their April 15th meeting, to recommend approval of CUP-01-14, with conditions, to the Board of Supervisors.

Mr. Redd asked for clarification why the tower would not be lit.

Mr. Schardein explained the FAA does not require towers under 200 feet in height to be lit. He said a nearby property owner expressed they would prefer the tower not be lit. He added the FAA issued a determination the proposed tower would not be a flight hazard.

Steven Gallagher, with National Communication Towers LLC (NCT), addressed the Board and stated the company was founded in 1997, and has

constructed 40 operational towers in the State of Virginia; averaging three carriers per tower. He gave details of a proposed communication tower at Powhatan Trail; approximately 0.15 miles south of its intersection with Route 30. 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. He addressed the issue of the tower not being lit is partly due to the height and also the proximity of the tower to any airfields or landing strips. He gave detailed requirements of aircrafts flying in residential areas. He stated NCT registers all towers they construct with the FAA, no matter the height.

Mr. Moskalski stated he attended the community meeting held for this proposed tower and after some initial questions were answered is pleased some additional coverage will be available in this area.

Mr. Greenwood said given the recent balloon crash he feels it would be better for towers to be lit, no matter the height, for safety reasons and better visibility. He also noted out of the 16 towers in the county only 4 of them are not lit.

Mr. Moskalski said lighting of this tower would be displeasing to some of the nearby residents.

Mr. Williams asked for clarification should the timber be cut at the proposed location would the tower be visible.

Mr. Gallagher said should the timber be cleared cut right up to the lease area then this would obviously increase the visibility of the tower.

The County Administrator said the property is required to have green plantings and would be up to staff to enforce if the existing trees or vegetation screens from surrounding property owner, which granted the easement. He said unless staff observed a clear cut, or someone else, and was aware of this condition then it would be up to either the property owner or NCT to plant evergreen plantings according to the condition.

Mr. Gallagher said this is fairly common practice and is recommended from time to time if people have issues with an area being clear cut or harvested; at that time contact would be made with the landowner and/or NCT.

Mr. Williams said his reason for addressing this subject is because he has had constituents make comments about existing towers that were unnoticeable until surrounding timber was cut.

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 the Intent to Adopt Proposed Resolution #14-31 – Conditional Use Permit 01-14, Applicant: National Communication Towers, LLC – Location: Powhatan Trail, King William VA, Tax Map #37-66.

1. Bill Toth, of McCauley Park, commented on the item listed in the contract regarding the County having free use of space on the tower. In his opinion, the county should be charged a minimal fee and should not be accepting as a gift. He also suggested the county should have someone recording the electromagnetic radiation emitted from the tower. He feels the towers being built in the county is an economic development opportunity and supports a monthly rebate to the county to help keep tax rates down.

There being no other persons for or against this matter Chairman Williams closed the public comments period.

iii. Consideration – Resolution #14-31 – Chairman Williams asked for further discussion or comments from the Board.

The County Attorney asked for clarification on the requirement that imposes the bond to ensure removal.

Mr. Schardein stated a requirement for removal is listed in the conditions and a bond is required. He said the lease agreement between NCT and the property owner also has a removal requirement which is enforceable by the county.

T. J. Moskalski motioned to approve Resolution #14-31(A).

Mr. Moskalski addressed the citizen comment about this being a gift and clarified the resolution before the Board denotes this is being provided to the county at no expense; what the speaker was specifically referring to was personal gifts. He further clarified this is not a gift to anyone individual of this Board; this is a proffer to the bodied politic of the county.

Motion was seconded by T. S. Stone.

Chairman Williams called for any further discussion. There being none the Chairman called for a roll call vote on Resolution #14-31(A).

RESOLUTION #14-31(A)
A RESOLUTION APPROVING CUP-01-14 – WHITES SHOP 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 April 15, 2014, to consider the application of National Communication Towers, LLC submitted on behalf of property owner Eva Jo Kelly, CUP-01-14, to construct a communications tower on property located on Powhatan Trail (County Parcel 37-66) and, following such public hearing, voted to recommend the Board of Supervisors approve such application; and

WHEREAS, the Board of Supervisors conducted a public hearing on May 19, 2014 to consider CUP-01-14;

NOW, THEREFORE, BE IT RESOLVED the King William County Board of Supervisors this 19th day of May 2014, hereby approves CUP-01-14 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 and any accessory structures shall be removed, 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 May 19th, 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 "Whites Shop 195' Tower Site Site Plan" prepared by Johnson, Mirmiran & Thompson (JMT) dated December 23, 2013

Adopted this 19th day of May, 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 Resolution #14-32 – Road Abandonment – State Route 682 – Tidy Cat Road –

i. Staff Presentation – The County Administrator stated Joe Topham, Executive Assistant – Operations, has worked with the applicant and VDOT on this proposed road abandonment. He explained this request is very similar to other road abandonments handled by this Board in recent past. He stated the surrounding property is owned by Nestle Purina and they have coordinated with VDOT their plans for expansion. He noted this is one aspect of Nestle expansion along the adjacent

property they own. He said the road no longer serves a public purpose and applicant would like to construct some improvements that might not otherwise be permitted under VDOT regulations. He noted he made the Board aware that due to some timing issues he asked the public comment period be conducted and then continue this matter to June when the Board can take action at that time.

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 the Intent to Adopt Proposed Resolution #14-32 – Road Abandonment – State Route 682 – Tidy Cat Road.

There being no one to speak for or against this matter the Chairman continued the public hearing to occur during the regular business meeting of the Board of Supervisors on June 23, 2014.

iii. Consideration – Resolution #14-32 – T. J. Moskalski motioned to table Resolution #14-32, motion was seconded by C. T. Redd III. Resolution #14-32 was tabled until the regular business meeting of the Board of Supervisors scheduled on June 23, 2014; with the following roll call vote:

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 #14-33 – VDOT Six Year Secondary Road Plan for Fiscal Years 2015 through 2020 for King William County and the Secondary System Construction Budget for Fiscal Year 2014/2015 –

i. Presentation – Sean Trapani, Residency Administrator with the Virginia Department of Transportation, addressed the Board and reviewed the proposed FY-2015 through FY-2020 Six Year Secondary Road Plan and the FY-2015 Budget. He stated in updating the six year plan priorities established last year were followed. He said paved priorities are Route 600 – West River right turn lane at the West Route 360 intersection. He said unpaved priorities are Route 631 – Marl Hill Road from Rt. 30 to end of state maintenance; he noted this project has been removed from the unpaved priorities list because the project will be complete in the next couple

of months and is fully funded. The second unpaved priority is Route 613 – Dunluce Road from Route 618 to 1.6 miles east of Route 618; and the third unpaved priority is Route T1003 – Chelsea Road from 0.37 miles north of Route 1014 to the end of state maintenance. He said Route T-1124 – Prospect Street is fully funded and is scheduled to be constructed this season; using funds previously allocated to the Town of West Point.

Continuing Mr. Trapani stated the plan presented is only for improvements and new construction and does not include maintenance work such as patching pot holes, pulling ditches, snow removal or repaving roads. He noted there was an increase in the amount of allocated funds as of today which is an increase as previously submitted in the Board packet. He said this is due in part because of new legislation that changed the formula for unpaved roads for projected allocations.

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 the proposed Six Year Secondary Road Plan for Fiscal Years 2015 through 2020 and the Secondary System Construction Budget for Fiscal Year 2015.

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

iii. Consideration – Resolution #14-33 – Chairman Williams called for any discussion from Board members.

Mr. Redd thanked Mr. Trapani for adding Prospect Street to the priorities.

Mr. Moskalski said he is happy the completion of Marl Hill Road is nearing the end.

Mr. Greenwood asked what the projected start date is for the turn lane on Route 600.

Mr. Trapani stated this project is still in infancy and funds do not hit the budget until the fiscal year. He said the plan is to scope the project this fall; hopefully there will be an increase in the funding for the Six Year Secondary Plan in order to construct what is scoped for the project.

C. T. Redd III moved for approval of Resolution #14-33 – Adoption of the Virginia Department of Transportation (VDOT) Secondary Six-Year Road Plan FY 2015 through 2020, motion was seconded by T. S. Stone; motion carried with the following roll call vote:

RESOLUTION #14-33
ADOPTION OF THE
VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT)
SECONDARY SIX-YEAR ROAD PLAN
FY 2015 THROUGH 2020

RESOLUTION

WHEREAS, Sections 33.1-23.4 and 33.1-70.01 of the 1950 Code of Virginia, as amended, provides the opportunity for each County to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan; and,

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2015 through 2020) as well as the Construction Priority List (2015) on May 19th, 2014, after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and,

WHEREAS, Sean Trapani, Residency Administrator, Virginia Department of Transportation, appeared before the Board and recommended approval of the Six-Year Plan and budget for Secondary Roads (2015 through 2020) and the Construction Priority List (2015) for King William County,

NOW, THEREFORE, BE IT RESOLVED, that since said Plan and budget appears to be in the best interest of the Secondary Road System in King William County, and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2015 through 2020) and Construction Priority List (2015) are hereby approved as presented at the public hearing.

Adopted this 19th day of May, 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

Maintenance Update – Mr. Trapani gave a brief update of the maintenance and other projects throughout the county. He said mowing has been completed on primary routes; secondary mowing will start after the Memorial Day holiday. He said a contract has been awarded for the resurfacing and rehabilitation of the Route 30 project, approximately a six million dollar project, to Le-Hi Construction; construction has not been scheduled as of yet so a contractors schedule is not available at this time. He anticipates construction to start on the other side of Central Garage first; West Point

will be the second phase. He said the pre-conference has not occurred yet but as soon as he has a schedule he will forward to Mr. Funkhouser for distribution to the Board. In closing, he said improvements have been made to guard rails and asphalt work has been done on Venter Road.

Mr. Moskalski said he contacted Ms. McGowan with an issue during the recent hard rains and issue has been resolved.

Mr. Greenwood asked about the cycling of the traffic light at Route 360 in the left turn lane, going east towards Tappahannock. He said the red light delays west bound traffic for at least 2 minutes.

Mr. Trapani said he will pass this issue on to traffic engineering.

Ms. Stone mentioned the recent snow removal was not consistent in comparison to Caroline and Hanover; King William was significantly different. She said some concerns were shared with VDOT and through Mr. Funkhouser. She asked for clarification if there is an order localities receive snow removal assistance.

Mr. Trapani said there is no specific order for localities. He spoke with the superintendent, after being made aware of the situation, and there may have been an equipment failure.

Ms. Stone asked for guidance for future incidents of this kind that may occur.

Mr. Trapani said he will review the VDOT plan to make sure enough equipment is out working during snow removal.

Mr. Williams noted numerous pot holes on Dabney's Mill Road; Route 30 heading towards Caroline in front of body shop; and Herring Creek Road. He said water is running in the road instead of the ditches at Epworth Road in front of the dump. He gave a written list of other issues to Mr. Trapani for review. He complimented VDOT on the quick response and correction of the vision issue at the railroad on Route 600.

d. Resolution #14-34 – Budget Amendment FY14 – King William County Project Appropriation for County Administration Building Roof Repair – FY14 – The County Administrator noted the first phase of the capping of the parapet walls of the roof of the Administration Building is complete and was successful. He said after subsequent testing the next phase of the project is coating the roof; this should wrap

up the roof repairs. He pointed out there are still some miscellaneous HVAC pans being monitored at the complex. He said he misstated in his comments the roof has not been coated in the past 10 years, it has actually been 17 years since the roof has been coated; recommendations are for recoating every 5 to 6 years.

There was some discussion between Board members and the County Administrator on specific areas of the roof that will be repaired and the method of repair to be used.

T. S. Stone moved for approval of Resolution #14-34, seconded by T. J. Moskalski; motion carried with the following roll call vote:

RESOLUTION # 14-34
BUDGET AMENDMENT – KING WILLIAM COUNTY
CAPITAL PROJECT APPROPRIATION FOR
COUNTY ADMINISTRATION BUILDING ROOF REPAIR – FY14

WHEREAS, the Board of Supervisors wishes to amend the FY 13-14 County Budget to provide funds to complete the County Administration Roof Repair Project; and

WHEREAS, the first phase of the project to flash the parapet walls has been completed; and

WHEREAS, the second phase of the project to study roof and identify problem areas has also been completed; and

WHEREAS, the final phase of the project to recoat the roof after 17 years has been bid; and

WHEREAS, the current existing budget for the project after the first two phases is \$35,473 and the lowest bidders that meet the specifications of the bid process is \$46,310;

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors of King William County hereby amends the FY 13-14 County Budget to establish the following revenue, expenditure, and authorize the corresponding transfers:

FUND 100	GENERAL FUND	
TRANSFER:	From - Contingency	\$ 10,837
	To - Transfer to Capital Project Fund	\$ 10,837
FUND 310	CAPITAL PROJECT FUND	
REVENUE:	Transfer from General Fund	\$ 10,837
EXPENDITURE:	Admin Roof Repair-Construction	\$ 10,837

and \$10,837 is hereby appropriated and is directed to be transferred to the above-referenced line items for the above stated purposes.

Adopted this 19th day of May, 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

e. Resolution #14-35 – Budget Amendment – Fund Transfer – Debt Service Fund and King William Volunteer Fire Department – FY15 – The County Administrator said staff considers this item largely as a housekeeping item. He said this is a debt service previously allocated for some financing staff was pursuing that the Board handled by Resolution 14-23 and Resolution 14-24 last month. He said staff recommends relocating what was a debt service figure and has now since been revised downward based on financing obtained by the fire department by EVB. He explained the revised funds are reflected in Resolution 14-35 in the form of debt service and the difference in contingency.

Mr. Greenwood asked for clarification the request is for \$76,421 and the department only needs \$54,295; the remainder will go into contingency fund.

The County Administrator said yes sir.

Ms. Stone noted this is not the total budget to the department; this request is a portion of their budget for use of a potential debt service payment.

Mr. Redd asked for clarification this request is actually giving the department \$54,295 more towards their budget.

The County Administrator stated technically speaking yes; the money would have been devoted to them but it was shown as county debt service because technically the vehicles involved would be owned by the county. He said there was never any intent to reassign the vehicles; they were always going to reside with the department.

Mr. Redd stated when the funds were in debt service the money belonged to the county and no one had access to them.

The County Administrator said that is correct.

Mr. Redd stated the department will have full access to the \$54,295 and asked what is going to require them to use the funds to pay for the engines and not something else.

The County Administrator stated staff and Board monitoring.

Mr. Greenwood asked if the county is still paying the departments bills.

The County Administrator said that is open for discussion.

Ms. Stone would be comfortable with restricting this to a debt service payment only on behalf of King William Volunteer Fire Department as opposed to just putting the funds with their annual allocation. She feels the funds should be put under a different line item identified as service support.

Mr. Greenwood agreed with Ms. Stone.

Mr. Moskalski does not feel this is necessary, the department realizes that without making this payment they will lose significant pieces of equipment. He will support a resolution that gets this money to the fire department to make the necessary payments, however this needs to happen.

Mr. Redd asked if the \$54,295 is appropriated by the Board how much can the fire department save if they pay the whole amount on the debt up front at one time.

The County Administrator deferred the question to Mr. Bingham. He said, for clarification, funds do not have to be released except for presentation of warrants or some other proof of previous expenditure or seeking such approval ahead of time, either from staff or the Board of Supervisors. He said this is probably an ongoing discussion to be had at another point in time. For clarification, going back to Ms. Stone's suggestion, he asked if the Board wants the county to pay EVB directly on this note.

Ms. Stone said that is her preference. She noted that she and Mr. Williams participated in a few of the meetings with EVB representatives which then initiated the renegotiation of the loan with the volunteer organization; as a result EVB has restructured the debt and lowered the interest rate. She said part of the conversation was these funds would be committed or come directly to EVB; she is not aware of the actual language listed in the loan. She added that EVB had a desire to have some comfort the funds would be coming directly to them as opposed to funneling through some type of other process.

The County Administrator feels county staff has worked very well, in terms of procurement, and in very limited cases where the Board wants to ensure payments are made a certain way or for a certain purpose; this would be an example. He said in other cases where grant funds are involved it may be better for staff to maintain the

loop; this will keep the Board involved and consulted. He noted staff is in the process of trying to get the grant funds spent through well in advance of the end of the fiscal year. He said on very specific things, such as this, perhaps the Board would like staff to handle from start to finish to ensure that all the required regulations are followed.

Ms. Stone said from the perspective of identifying this as debt service support to the extent once the debt is paid off then that doesn't necessarily go into the regular allocation. She said she knows that is several years away but then those dollars would be freed up; potentially debt service support for another volunteer organization. She said that is the reason she prefers seeing this identified as such.

Mr. Bingham said this debt service is already identified under an object code.

The County Attorney suggested the last three words of the resolution be changed to say...for the purpose of debt service "on fire equipment". He said this is so there is record of what the Board's intent was.

Mr. Bingham agreed.

T. S. Stone motioned for approval of Resolution #14-35 with the modification in the last paragraph, the last three words are stricken and include for the purpose of debt service "on fire equipment"; motion was seconded by T. J. Moskalski.

Chairman Williams called for any further discussion.

Mr. Redd asked for clarification if there has been a recent change, within the last 60 days, in leadership within the organization.

Mr. Moskalski stated he is aware there were a few changes in the officers in the organization last December.

Mr. Rodney Inge, President of the King William Volunteer Fire Department, stated the Secretary position is the only available position at this time. He said the EMS Chief recently resigned and was filled by B. J. Sprouse.

Mr. Greenwood asked for clarification if the requested funds will be used as a one-time payment for the debt service.

Mr. Bingham stated the payments are set up as monthly payments.

Mr. Redd asked for the monthly payment amount.

Mr. Bingham stated \$4,500 per month.

Mr. Redd asked again for clarification, if funds are allocated, how much money can be saved if the entire amount is paid at one time.

Mr. Bingham stated the interest on the loan is pre-calculated and there is a pre-payment penalty for the first five years if paid early.

Chairman Williams said he was under the impression this loan was set up as an annual payment and asked for further clarification.

Mr. Inge, President of the King William County Fire Department, stated the principal amount of the loan will be reduced faster by making monthly payments. He also said there have been discussions with EVB about removing the pre-payment penalty language from the loan. He stated an addendum will be added to the loan documents removing this language.

After the lengthy discussion Chairman Williams called for a roll call vote for the motion and the following amended Resolution #14-35(R) carried with the following roll call vote:

RESOLUTION # 14-35(R)
BUDGET AMENDMENT – FUND TRANSFER – DEBT SERVICE FUND AND
KING WILLIAM VOLUNTEER FIRE DEPARTMENT – FY15

WHEREAS, the Board of Supervisors wishes to amend the FY 14-15 County Budget to clarify funding structure for King William Volunteer Fire and Rescue; and

WHEREAS, the FY15 budget was approved April 28, 2014 by Resolution 14-23 and 14-24; and

WHEREAS, the King William Volunteer Fire Department was approved with a \$76,421 debt service payment in the Debt Service Fund; and

WHEREAS, the King William Volunteer Fire Department was able to refinance their loans for \$54,295;

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors of King William County hereby amends the FY 14-15 County Budget to establish the following revenue, expenditure, and authorize the corresponding transfers:

FUND 401	DEBT SERVICE FUND	
REVENUE:	Transfer from General Fund	(\$ 76,421)
EXPENDITURE:	Contingency	(\$ 76,421)
FUND 100	GENERAL FUND	
EXPENDITURE:	Transfer to Debt Service Fund	(\$ 76,421)
	KWVFD	\$ 54,295
	Contingency	\$ 22,126

and \$54,295 is hereby appropriated and is directed to be transferred to the above-referenced line items for the purpose of debt service on fire equipment.

Adopted this 19th day of May, 2014

Those members voting:

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

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

a. Communication Towers – The County Administrator gave a brief update, stemming from several questions, about the communications tower policy previously provided to the Board. He said Mr. Schardein informed him the Planning Commission voted to prepare an ordinance on this matter. He asked for direction from the Board on how they would like to proceed.

There was some discussion between the Board members and the County Administrator on the best way to address the questions brought about from the information provided to them on this subject.

b. Public Safety Radio System (Towers) Update – The County Administrator explained, as discussed several months ago, there are some frequency issues with the county public safety radio system. He said we are faced with, sooner rather than later, constructing a tower at the courthouse. He reviewed some of the avenues researched by staff. He gave some particulars of the type of tower, such as 125 foot and 190 foot towers, and the location. He asked for the Board's concurrence generally for the courthouse location. He said a conditional use permit application will be brought before the Board for the location. He said the proposed tower will be filled with equipment to communicate with Hanover tower, West Point tower and other towers in order to resolve the few issues we have in the northeast quadrant.

Mr. Greenwood asked why the tower approved by the Board tonight was not considered for this location.

The County Administrator explained being in a historic district, or just outside a historic district, the intent was to try and avoid a tower. He said NCT chose to move forward with other sites. He said cable options were researched and staff has been advised this is not the appropriate route to be cost effective.

Ms. Stone asked if Motorola representatives could attend the next Board meeting to explain and respond to some of the questions on this matter.

The County Administrator stated yes.

Chairman Williams asked if this had done this sooner would it have been harder to approve the tower across the street.

The County Administrator said that is a policy decision.

Mr. Redd said he would like to see the cost estimate for the 190 foot tower.

The County Administrator stated this information was already planned to be presented to the Board for their June meeting. He said staff will arrange for Motorola to come and speak to this matter.

Ms. Stone asked for clarification of a joint work session with the Planning Commission and the Board of Supervisors.

The County Administrator asked for clarification the Board wishes to schedule a joint meeting with the Planning Commission before the regular business meeting in June.

By consensus of the Board staff is directed to schedule a joint work session meeting between the Board of Supervisors and the Planning Commission to occur before the regular business meeting in June.

RE: APPOINTMENTS

a. Resolution #14-36 – Resolution of Appointment – King William County Recreation Commission – C. T. Redd III motioned for approval of the appointment of Ms. Katherine Upshaw to represent West Point Public Schools on the Recreation Commission, motion was seconded by T. J. Moskalski; Resolution #14-36 was approved with the following roll call vote:

RESOLUTION #14-36
Resolution of Appointment
King William County
Recreation Commission

WHEREAS, the term of Ms. Katherine J. Upshaw serving on the King William County Recreation Commission, member representing West Point Public Schools, will expire June 30, 2014; and

WHEREAS, by letter dated April 29, 2014, from the Division Superintendent of West Point Public Schools, Jeffrey O. Smith recommends the reappointment of Ms. Upshaw to serve a three year term representing West Point Public Schools;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, that Katherine J. Upshaw, member representing West Point Public Schools, is hereby reappointed to serve as a member of the King William County Recreation Commission for a term of three years, with said term expiring June 30, 2017.

Adopted this 19th day of May, 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

b. Resolution #14-37 – Resolution of Appointment – Alternate Representative to serve the Middle Peninsula Regional Airport Authority – T. S. Stone motioned for approval of Resolution #14-37 appointing Joseph M. Topham as the alternate member to the Middle Peninsula Regional Airport Authority for an unexpired term ending December 31, 2014, motion was seconded by T. J. Moskalski; motion carried with the following roll call vote:

RESOLUTION #14-37
RESOLUTION OF APPOINTMENT
ALTERNATE REPRESENTATIVE TO SERVE
THE MIDDLE PENINSULA REGIONAL AIRPORT AUTHORITY

WHEREAS, the Middle Peninsula Regional Airport Authority was enacted by the Virginia General Assembly and approved on April 8, 1997; and

WHEREAS, the Authority owns and administers the Middle Peninsula Regional Airport; and

WHEREAS, member localities include the Counties of Gloucester, King & Queen, King William and the Town of West Point; and

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

WHEREAS, Trenton L. Funkhouser, County Administrator, was appointed by the Board of Supervisors on January 24, 2011, to serve as the alternate representative to the Authority with said term to expire December 31, 2014; and

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of King William County appoints Joseph M. Topham, Executive Assistant - Operations, as the Alternate Representative to fulfill the unexpired term ending December 31, 2014, representing King William County on the Middle Peninsula Regional Airport Authority.

Adopted this 19th day of May, 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

c. Resolution #14-38 – Resolution of Appointments – Tidewater Resource Conservation and Development Council – T. J. Moskalski motioned to approve Resolution #14-38 – Resolution of Appointments to the Tidewater Resource Conservation and Development Council appointing Bret Schardein as the primary member and Sarah Richards as the alternate member, motion was seconded by C. T. Redd III; motion carried with the following roll call vote:

RESOLUTION #14-38
RESOLUTION OF APPOINTMENTS
TIDEWATER RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL

WHEREAS, the Tidewater Resource Conservation and Development Council is a non-profit corporation recognized by the IRS as a 501c 3; and

WHEREAS, the mission of the RC&D Council is to help build an economically diverse and ecologically sound region; and

WHEREAS, by partnering with local, state and federal agencies, as well as private groups, businesses and non-profit groups the Council has had success with many different projects that address local issues; and

WHEREAS, most of the issues covered by the Council for the ten counties they serve involve agriculture, forests and the water that surrounds us; and

WHEREAS, the counties served by the Council are Essex, Gloucester, King & Queen, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond County and Westmoreland; and

WHEREAS, the Council is also sponsored by the Middle Peninsula Planning District Commission, the Northern Neck Planning District Commission, the Northern Necks Soil and Water Conservation District, the Three Rivers Soil and Water Conservation District, and the Tidewater Soil and Water Conservation District; and

WHEREAS, appointments of County Staff as the primary and alternate members to the Council, representing King William County, were vacated due to departures of County employees; and

WHEREAS, it is necessary for King William County Board of Supervisors to appoint a primary and alternate member to the RC&D Council to fill the vacated positions,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, that Bret Schardein, Community Development Director, is hereby appointed to serve as the primary member, representing King William County, on the Tidewater Resource Conservation and Development Council for a vacated term expiring December 31, 2016; and

BE IT FURTHER RESOLVED, by the Board of Supervisors of King William County, Virginia, that Sarah Richards, Environmental Planner, is hereby appointed to serve as the secondary member, representing King William County, on the Tidewater Resource Conservation and Development Council for a vacated term expiring December 31, 2016.

Adopted this 19th day of May, 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: BOARD OF SUPERVISORS COMMENTS

Chairman Williams opened the Board of Supervisors comment period.

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

Ms. Stone asked if there is a desire of the Board to have staff prepare a resolution, for consideration at the next meeting, regarding the biosolids permit.

Mr. Moskalski suggested having Board consensus tonight to direct staff to write a letter in opposition to the permit application.

Mr. Schardein confirmed the next Water Control Board meeting is scheduled for June 23rd which is the same date of the next Board of Supervisors meeting.

T. S. Stone motioned, by the direction of the Board, to have staff prepare a letter on behalf of the Board indicating opposition to the biosolids permit, motion was seconded by T. J. Moskalski; motion carried with the following roll call vote:

Those members voting:

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

Mr. Redd wished everyone a safe Memorial holiday and reminded everyone to remember the real reason we celebrate the holiday.

Mr. Moskalski also wished everyone a safe and happy holiday.

Mr. Greenwood thanked everyone for coming.

Mr. Williams mentioned he still has tickets for the Mangohick drive through barbeque dinner for this Thursday.

RE: CLOSED MEETING –

Motion was made by S. K. Greenwood, to convene in a Closed Meeting in accordance with § 2.2-3711(A)(1), of the Code of Virginia, to consider a personnel

matter involving the performance of a specific public employee. The motion was seconded by T. J. Moskalski, with the following roll call vote:

Those members voting:

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

The Board recessed and moved to the Administration Conference Room of the County Administration Building to conduct the closed meeting. Upon exiting the Closed Meeting, Chairman Williams reconvened the meeting in open session. Chairman Williams called for a motion and roll call vote certifying the closed session.

On motion of C. T. Redd III, seconded by T. J. Moskalski, the following resolution was adopted:

STANDING RESOLUTION -1 (SR-1)

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT REGARDING MEETING IN CLOSED MEETING

WHEREAS, the King William County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote, and in accordance with the provisions of the Virginia Freedom of Information Act; and,

WHEREAS, Section 2.2-3712(D) of the Code of Virginia requires a certification by the King William County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors this the 19th day of May, 2014, hereby certifies that, to the best of each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were heard, discussed, or considered in the closed meeting to which this certification resolution applies, by the King William County Board of Supervisors.
2. Only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the King William County Board of Supervisors.

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: ADJOURNMENT OF MEETING

There being no other business to come before this Board, the meeting was adjourned at 10:00 p.m. on motion by C. T. Redd III, seconded by T. J. Moskalski, and carried unanimously.

COPY TESTE:

O. O. Williams, Chairman
Board of Supervisors

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