

**MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF SEPTEMBER 22, 2014**

At a regularly scheduled meeting of the Board of Supervisors of King William County, Virginia, held on the 22nd day of September, 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

D. M. Stuck, County Attorney and Interim County Administrator

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.

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

S. K. Greenwood joined the meeting at 7:05 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.

Chairman Williams called the meeting back to order at 7:20 p.m.

RE: ADOPTION OF MEETING AGENDA

On motion by C. T. Redd III, seconded by T. J. Moskalski, with the following roll call vote, the Board adopted the agenda for this meeting as presented by the Interim County Administrator with the following change: agenda item Old Business, was moved to follow agenda item New Business.

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. Rhett Coates, of the 1st district, spoke of the need for a rail line extension to extend to the Nestle Purina plant. He provided a packet of research materials for board members to review at their convenience. He stated he plans to present a copy of the materials to Delegate Keith Hodges and the Tidewater Review. He asked the board to consider adding this topic to the agenda for next month.

2. Don Wagner, of the Mangohick district, spoke of the recent article in the Tidewater Review regarding the Department of Environmental Quality notification of the public comment period for the biosolids permit to upgrade a recent application to the new standards. He urged the board to prepare and send a resolution to the DEQ requesting the public hearing for this issue be held in King William County. He noted the deadline for comments on the biosolids permit is October 3rd and the deadline for comments on the residual permit is November 7th.

Mr. Moskalski stated the board has approved a letter to be sent to the DEQ regarding the industrial residuals hearing. He believes a similar letter can be constructed regarding the biosolids hearing.

Mr. Redd said the letter approved by the board requests the public hearing be held in King William.

3. Dr. Christine Paul, Physician at Riverside King William Medical Center, has had the opportunity to work in the community for the past year. However, she has some grave concerns about the availability of emergency management services in King William. She said in the last few months she has seen a decline in the wait time for ambulance service. She has concerns of the public health of the community.

4. Dr. James Dudley, Physician at Riverside Tappahannock Hospital, noted he has worked with Dr. A. W. Lewis, and the local rescue squads, and has taken on a lot of duties as the operational medical director for most of squads in the upper end of the county; as well as for Mattaponi Rescue. He said having adequate volunteer

service is difficult and is not exclusive to King William. He said he stands ready to do whatever he can to work with the county to resolve these concerns.

Ms. Stone asked Dr. Dudley if he has had any contact with the county's consultant.

Dr. Dudley stated he understands there is a study being performed but he has not talked with the consultant.

Ms. Stone suggested both speakers provide contact information to Mr. Bingham, Financial Services Manager, so he can pass on to the consultant for further discussion.

Mr. Moskalski feels this board has taken these issues very seriously and in keeping these organizations viable for what level of service they may provide. He said the board understands the level of service is not where they want it to be. He also said he is happy to meet and discuss specific solutions Dr. Paul and Dr. Dudley may have in mind that can better help to serve the community.

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

RE: CONSENT AGENDA

T. S. Stone moved for approval of the following items on the Consent Agenda, motion was seconded by C. T. Redd III and carried with 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. Regular meeting of August 25, 2014
- ii. Work Session of September 8, 2014

b. Claims against the County for the month of September, 2014, in the amount of \$1,085,343.87 as follows:

(1) General Fund Warrants #79860-79914 in the amount of \$173,501.81, and General Fund Warrants #79914-80017 in the amount of \$213,603.09; ACH Direct Payments #5446-5514 in the amount of \$70,258.57, and ACH Direct Payments #5515-5555 in the amount of \$186,029.68; Direct Deposits

#19813-19918 in the amount of \$195,802.55; and Electronic Tax Payment in the amount of \$122,581.24.

(2) For informational purposes, Social Services expenditures for the month of September, 2014, Warrants #310248-310259 in the amount of \$6,641.00, and Warrants #310260-310285 in the amount of \$19,287.35; ACH Direct Payments #1283-1305 in the amount of \$10,756.23; Direct Deposits #3319-3343 in the amount of \$33,288.02; and Electronic Tax Payment in the amount of \$19,738.80.

(3) For informational purposes, Comprehensive Services Act Fund expenditures for the month of September, 2014, Warrants #80018-80020 in the amount of \$23,325.53; and ACH Direct Payments #5556-5559 in the amount of \$10,530.00.

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

c. Resolution #14-63 as follows:

RESOLUTION #14-63
A RESOLUTION DESIGNATING A
KING WILLIAM COUNTY REPRESENTATIVE
TO VOTE AT THE
2014 VACo ANNUAL BUSINESS MEETING

WHEREAS, Board of Supervisors members T. S. Stone and O. O. Williams are scheduled to attend the 2014 VACo Annual Business Meeting on Tuesday, November 11, 2014, at The Homestead in Bath County; and

WHEREAS, the VACo Bylaws allow counties to designate a non-elected official of the county or a representative from its Board of Supervisors to vote at the Annual Business Meeting,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, that Mr. Otto O. Williams, is hereby appointed to vote on behalf of King William County during the 2014 VACo Annual Business Meeting.

RE: PRESENTATIONS TO THE BOARD

a. Virginia Cooperative Extension – Introduction of Mr. Landre Toulson, Agriculture Natural Resources Agent and Mr. Chris Mernin, 4-H Extension Agent for King William County King & Queen Counties – Mr. Landre Toulson addressed the board and introduced himself as the new Agriculture Natural Resources Agent for King William and King & Queen counties. He noted he has worked in the field of Virginia biosolids for a period of time and also in risk management with Virginia State. He is looking forward to working more with the school systems to present more agriculture to the community.

Mr. Chris Mernin addressed the board and stated he is the 4-H Extension Agent for King William and King & Queen counties. He has worked in this position for approximately one year and has been learning about the area. During this time he has had the opportunity to engage with youth in programs they offer.

b. Water System Capacity/Groundwater Withdrawal Permit – Staff Presentation – Bret Schardein, Community Development Director, said staff has been reviewing the groundwater withdrawal permit, development approvals, and recently met with Department of Environmental Quality staff. He said the groundwater system for King William is currently served by the Kennington well. He said the Central Garage well went off line many years ago because of contaminant buildup but could be used as emergency potable water and can currently be used as a non-potable water source; such as for construction water and fire suppression. He stated the McCauley Park well is supposed to come on line next year and will double the pumping capacity.

Continuing, Mr. Schardein said the pumps are designed to pump no more than 16 hours per day. The maximum capacity at the Kennington and the McCauley Park well, when it comes on line, will produce approximately 800,064 gallons per day; well beyond existing or expected use and well beyond what is permitted by DEQ. He said DEQ regulates withdrawal of groundwater and the county permit is good through 2019 and allows for a total daily withdrawal of approximately 400,067 gallons per day. Current use of the system is about one fifth permitted; approximately 100,000 gallons per day or approximately 22% of the total permit capacity.

He said looking at all projects that have been zoned in the county, and the maximum build out of all of them, they would account for about 340,000 gallons per day or about 72% of the permitted capacity. He said it is worth noting that all of these zoned projects do not necessarily have subdivision plat approval; construction plans have not been approved; or they do not have water service agreements with the county. He said the next phase of development would account for approximately 175,000 gallons per day or 38% of permitted capacity. He said the amount of development the county could likely see over the life span of this permit, compared

with the populated growth projection is expected to add approximately 500 more people within the life of the permit; which is well below permitted capacity.

He said the take home message from the meeting with DEQ staff was the county has plenty of water for existing or any projects that could be realistically completed during the permit time period; by 2019. He said the county is faced with a different issue; we are not using enough water based on the request of 2009, which was a bit optimistic. He said reports were started in 2006, pre-recession when things were booming, so the permit should have accounted for about 60% of what the county would actually use and 40% buffer for future growth; actual use is approximately 22% well below what the original permit projected. He said DEQ could review the permit and reduce the county's amount because there is not enough activity going on; DEQ says they will not do that because they do not have staff time to allow. The permit will be renewed in 2019 so a reevaluation will be done then.

In closing, he said in the opinion of the county, and concurred by DEQ staff, there is sufficient water capacity to serve existing development and new residential and commercial proposals, considering many of the projects the original permit was intended to cover will not realistically be completed until 2019. He said although there is sufficient water to serve the amount of development that can be realistically expected in the foreseeable future, the County does need to increase its efforts to find alternative sources of water for the future and increase its water conservation efforts through education campaigns and encouraging or requiring water conservation strategies in new development.

Ms. Stone feels this report is very helpful and suggested getting an annual update with a running tally of usage.

Mr. Schardein stated he and Mr. Bingham are preparing annual reports to DEQ of usage with details that will be shared with the board.

Mr. Moskalski said he thinks this is very good background information and provides some clarification for questions that have been asked. He commended Mr. Schardein and staff for a job well done.

Mr. Greenwood asked for clarification if some of the projects in the horizon will help meet, or gets us closer to, the projected usage capacity so we do not run into penalties with DEQ.

Mr. Schardein said DEQ is going to be looking more closely at what can be realistically served and constructed; this information will be used to justify the request.

Mr. Greenwood asked if construction of the proposed townhouses, being talked about, would hinder or help this situation.

Mr. Schardein stated this would increase the amount and the justification for the amount.

Mr. Greenwood said the main concerns of his constituents were not having enough water for future development. He thanked Mr. Schardein for this report.

Chairman Williams asked for clarification of how many gallons of water is being pumped from the Kennington well daily.

Mr. Schardein clarified approximately 100,000 gallons.

Chairman Williams also asked for clarification that three wells are supposed to be drawn from but we are actually drawing from one.

Mr. Schardein said we are supposed to have at least two, a primary source and a secondary source. Currently we are on the one, moving towards constructing a second well for the second source.

Chairman Williams said it sounds like a dangerous situation to run on one source with no backup.

Mr. Schardein said we certainly want to get the McCauley well on line as soon as we can. He added that the Central Garage well could be used as a backup, up to 30 days at a time; no more than 90 days total in a year.

RE: NEW BUSINESS

a. Public Hearing Proposed Resolution #14-65 – Z-03-14 – Conditional Use Permit 05-14 – Owner: Earth Materials of Virginia LLC – Applicant: Barden, Inc. – Location: 1566 McKendree Lane, Aylett, VA, Tax Map #1-1 –

i. Staff Presentation – Bret Schardein, Community Development Director, summarized the request for Conditional Use Permit 05-14. He said the applicant currently operates the Aggregate Industries sand and gravel mine and

processing facility on this property, as well as mining on adjacent parcel 1-1A which fronts on W. River Road (Rt. 600). The two properties have been mined by various companies since parcel 1-1 was originally permitted in 1988 by special exception SE-88-220, which the current processing plan operates under today. The front parcel, Tax Map 1-1A was permitted in 2004 by conditional use permit CUP-01-04. This portion of the property is reaching the end of its life, with some of the property already in the reclamation stage and approximately 2-3 years of mining material left in the active portion. The 20-acre portion would use the existing interior roads and entrance with W. River Road. Once mining activity is complete, the property would be converted to a pond and pasture land pursuant to Dept of Mines Minerals and Energy (DMME) regulations and post-closure plans. The proposed mining area is surrounded on the north, west and south sides by the previous and current mining areas and operations. The property to the east is a large A-C Agricultural Conservation zoned property, which in the vicinity of the proposed mining area consists of forest and wetlands. The proposed mining area will not require well or septic services. He said no impact on other public utilities or services are expected. The proposed mining will utilize existing interior private roads. The entrance onto W. River Road is an existing commercial specification entrance. The proposed operations are not expected to increase existing traffic counts or patterns. Sec. 86-209 of the Zoning Ordinance contains supplementary developments standards for sand and gravel excavations. Staff finds the application meets or exceeds those minimum requirements. The comprehensive plan designates the area for industrial use, which includes mining as a potential use for this designation.

He stated to date staff has received general comments from the public that Aggregate Industries has improved on the operations compared to previous companies mining the property. Staff finds that the application meets the requirements of the Zoning Ordinance, including Sec. 86-209 and believes adequate conditions are in place to minimize and manage impacts to the public. In reviewing the request, after the planning commission review, staff recommends a condition be added to the permit which places a time limit on the mining of the property. He noted the Planning Commission conducted a public hearing on this matter September 2,

2014 and voted unanimously to recommend the Board of Supervisors approve the CUP as proposed by the applicant.

ii. Applicant Presentation, if any (In land use matters, the applicant or his/her representative(s) shall be allowed a maximum of ten (10) minutes to present their case) – Mr. Tim Bavard, Land Manager for Aggregate Industries, said he has operated this mining site since 2011. He noted over the past 3 years many improvements have been made to the site including remodeling of the plant equipment. He said this location is very viable and desirable for Aggregate Industries to operate. He said the site life is ending and they expect to be operating at this location for approximately one more year. He stated the site is very neat, orderly and clean and they plan to continue with this practice.

iii. 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 Resolution #14-65.

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

iv. Consideration – Proposed Resolution #14-65 – Chairman Williams called for any discussion.

C. T. Redd III moved for approval of Conditional Use Permit 05-14 with proffers as presented; motion was seconded by T. J. Moskalski.

There being no further discussions the following Resolution #14-65(A) was adopted 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 #14-65(A)
A RESOLUTION APPROVING CUP-05-14
EARTH MATERIALS OF VIRGINIA, LLC

WHEREAS, Section 86-171 of the King William County Code provides for the development of excavations or filling, including borrow pits, processing removal of sand, gravel or stone, stripping of top-soil (except farm pond construction or field leveling) and other major extractions 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 September 2, 2014, to consider the application of Bardon, Inc. submitted on behalf of property owner Earth Materials of Virginia, LLC, CUP-05-14, to mine sand and gravel on property located on McKendree Lane (County Parcel 1-1) and, following such public hearing, voted unanimously to recommend the Board of Supervisors approve such application; and

WHEREAS, the Board of Supervisors conducted a public hearing on September 22, 2014 to consider CUP-05-14;

NOW, THEREFORE, BE IT RESOLVED the King William County Board of Supervisors this 22nd day of September 2014, hereby approves CUP-05-14 with the following twelve (12) conditions:

- 1) The applicant shall utilize the existing mining operation entrance on Route 600. No other entrances shall be permitted or utilized.
- 2) No stationary or mobile lighting shall be permitted on site.
- 3) No machinery except for that used for extraction, processing and transport of materials, shall be located on the area subject to this conditional use permit.
- 4) Noise shall be minimized using acceptable industry practices for back-up alarms and equipment that do not emit traditional beeping sounds. No loud speakers or whistles shall be permitted in daily operations, unless needed for emergency purposes.
- 5) Use of blasting and explosives shall be prohibited.
- 6) Hours of operation shall not exceed 6:00 a.m. to 6:00 p.m. Monday through Friday and 6:00 a.m. to 2:00 p.m. on Saturdays. Work on Saturdays shall occur as deemed necessary by the applicant provided that Saturday work does not occur more than 26 times per year. No operation shall be allowed on Sundays or the following major holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day. In the event of an emergency, such as a natural disaster, restrictions on hours of operation shall be waived as needed upon permission by the Department of Community Development.
- 7) All Resource Protection Areas shall maintain a 100 foot required buffer. No land disturbing activities shall be permitted within the buffer. The 100 foot buffer shall be clearly delineated by visible fencing material (i.e., orange safety fence) or an earthen berm installed as to not impede site drainage and to specifications indicated on an approved site plan. In no case shall the grade of the berm be steeper than a 3:1 ratio.
- 8) A true and complete copy of the approved Mining Permit from the appropriate State of Virginia Agencies (i.e., Department of Mines Mineral & Energy) for this site shall be submitted to the King William County Department of Community Development. The permit shall be added to the zoning file for this matter and become a part of the record for this conditional use permit. Any amendments to the Mining Permit will be promptly submitted to the King William County Department of Community Development for review and approval. The Department of Community Development shall be promptly notified upon completion of the requirements for reclamation of the site as required by the Mining Permit, at which time authority to continue extraction on the site by virtue of this conditional use permit shall cease.
- 9) Non-compliance with the Mining Permit, site plan or conditions of this conditional use permit may be deemed to be sufficient reasons to revoke this conditional use permit.

- 10) The applicant shall prepare and submit a closure and reclamation plan, in accordance with applicable state & federal requirements, that restores the land to forestry/agricultural uses.
- 11) These conditions shall be applicable to the Applicant, Owner and any successors and/or assigns of either.
- 12) This conditional use permit shall remain valid until September 22nd, 2019. The applicant may request a one-time extension not to exceed five additional years, which may be approved by the Zoning Administrator if the operations are in compliance with the conditions contained here-in and other requirements of local, state and federal law. After September 22nd, 2019 or a onetime administrative extension, whichever is last, operations shall require re-application for a conditional use permit and approval by the Board of Supervisors.

b. Public Hearing Proposed Resolution #14-66 – Conditional Use Permit

06-14 – Owner: King William County Board of Supervisors –

i. Staff Presentation – Bret Schardein, Community Development Director, summarized the request for Conditional Use Permit 06-14. The County is proposing to construct a telecommunications lattice tower for emergency services communications. The tower would be 195' tall with a 4' lightning rod. The tower would not be lit, neither day nor night. A balloon test was conducted to simulate the tower's height on Wednesday, August 13, 2014. The proposed tower site is completely within the New Courthouse property. Properties to the north are zoned A-C Agricultural Conservation and include some medium-sized lot residential properties. Property to the east is forest and wetlands on the subject property. Properties to the west are primarily governmental offices. Properties to the south are a mix of land zoned A-C, B-1 Local Business and B-2 General Business and include the animal shelter, a church, small business offices and residential properties. Properties to the west and south include the Courthouse Historic Preservation overlay district. No negative impact on public facilities or services is expected. Once construction is complete, the proposed tower should not generate more than 8-10 light vehicle trips per month. The existing road and proposed gravel drive should be suitable for this use. The Zoning Ordinance permits towers by CUP, but does not provide for supplementary development standards. This application is consistent with prior tower approvals. Staff is working on a telecommunications ordinance and this application would meet or exceed the draft standards as currently proposed. The Comprehensive Plan does not address the development of communication towers. The Plan does however include

the Implementation Strategy: *“Continue to provide the most modern, cost-effective equipment possible for the Sheriff’s Department and promote and assist the emergency services with the acquisition of the highest quality, modern equipment.”*

Continuing, he said as of this report, staff has received two specific comments of support for the proposed tower from adjacent property owners as well as general comments for the need and importance of emergency services communication in this area from members of the public. Staff received a letter from an adjacent property owner stating concerns which was included in the Planning Commission’s public comment record. Concerns included visibility from their property, the impact on the historic area, and the impact of noise upon animals at the shelter and the consideration of alternate locations for the tower. The balloon test indicated the tower should not be visible from this property. The tower will transmit via a microwave signal and will not produce noise which would impact the animals. Alternative sites were considered, but due to the necessity for the tower to be in proximity to the existing emergency services communication infrastructure, as well as poor soils and slopes, this location was staff’s best location which balanced cost with the technical requirements for locating the tower. The tower will be visible from certain areas of the historic district, but existing trees should limit its impact on the overall landscape. Staff finds that the application meets the requirements of the Zoning Ordinance and believes adequate conditions are in place to minimize and manage impacts to the public. Staff recommends approval of the application as proposed. He noted the Planning Commission conducted a public hearing on this matter September 2, 2014 and voted unanimously to recommend the Board of Supervisors approve the CUP as proposed by the applicant.

ii. Applicant Presentation, if any (In land use matters, the applicant or his/her representative(s) shall be allowed a maximum of ten (10) minutes to present their case) – Troy Bingham, Financial Services Manager, briefly reviewed details such as specifications, placement and visibility of the proposed courthouse tower. He said after some due diligence by staff, Motorola and multiple agencies involved, the project scope has relocated the courthouse tower site and includes additional cost estimates. He said the initial location was deemed unsuitable due to septic infrastructure located

under the site for the potential tower. Upon investigation by staff, an unused potentially-planned conduit was discovered in an electrical box east of the courthouse. Due to the discovery, the Circuit Court Judge expressed that he preferred the county follow the original plan for the facility, screening the base of the tower with the tree line to the east. After an extensive search for suitable ground east of the courthouse and a feasible distance from the building, the only site available in the tree line was designated as the new location for the tower.

Ms. Stone assumes it was helpful that leaves were on the trees when the balloon test was performed.

Mr. Bingham said when the balloon testing was performed the leaves on the trees were not a factor; layers and layers of trees are what were seen.

Ms. Stone is a little nervous, because of soil issues that have cropped up with other approved sites after the fact, that only one location site was determined.

Mr. Bingham stated a core sample has been drilled at this site and staff is confident that this site is viable and is not likely to change.

Mr. Moskalski asked for clarification all the simulations were performed for a 195' tower with a lightning rod.

Mr. Bingham answered in the affirmative. He added that an alternate at the potential site was performed at 199'.

Mr. Greenwood asked why the longest route around the tower site is required instead of a more direct route.

Mr. Bingham stated for many reasons, some of which are to keep the screen buffer and Virginia Department of Health (VDH) restrictions of how close the site can be built in relation to the existing well on the property. He added there are also substantial terrain issues at the site; the path presented is the most viable.

iii. 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 Resolution #14-66.

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

iv. Consideration – Proposed Resolution #14-66 – Chairman

Williams called for any discussion.

C. T. Redd III moved for approval of Conditional Use Permit 06-14 as presented; motion was seconded by T. J. Moskalski.

There being no further discussions the following Resolution #14-66(A) was adopted by the following roll call vote:

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

RESOLUTION #14-66(A)
A RESOLUTION APPROVING CUP-06-14
KING WILLIAM COUNTY BOARD OF SUPERVISORS

WHEREAS, Section 86-171 of the King William County Code provides for the development of telecommunication 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 September 2, 2014, to consider the application of King William County, CUP-06-14, to construct a 199' tall telecommunications tower off of Courthouse Lane, Rt. 1301, (County Parcel 37-102) and, following such public hearing, voted unanimously to recommend the Board of Supervisors approve such application; and

WHEREAS, the Board of Supervisors conducted a public hearing on September 22, 2014 to consider CUP-06-14;

NOW, THEREFORE, BE IT RESOLVED the King William County Board of Supervisors this 22nd day of September 2014, hereby approves CUP-06-14 with the following twelve (12) conditions:

- 1) All ground equipment, including but not limited to, fencing, pads, buildings or electrical equipment shall be fully screened from view from adjacent properties, either by existing trees or vegetation, or by new evergreen plantings.
- 2) The tower shall be limited to a maximum total height of 199 feet, including any lightning rods, antennas or accessory equipment.
- 3) Unless required by State or Federal agencies, the tower shall not be lit, neither day nor night.
- 4) If the tower is abandoned or unused for communication purposes for a period exceeding two years, the tower, foundation, utilities, fencing and any accessory structures shall be removed and the site planted with native vegetation, from the property within 90 days.
- 5) This conditional use permit shall allow for construction work commenced on or before September 22nd, 2017.
- 6) 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.

- 7) The tower and its operations shall comply with all local, state and federal laws and regulations.
- 8) The tower and associated equipment shall be located as depicted on the site plan submitted with the application, titled "King William County Courthouse" prepared by KCI Technologies dated December 05/12/2014.

RE: OLD BUSINESS

Resolution #14-68 – Consideration of appropriation of funds to complete the 800Mhz Public Safety Radio Communication System Project – Mr. Bingham addressed the board to speak to the financial ramifications of approving the project just approved. He noted project options were provided in the board packet and he is seeking feedback on this information. He reviewed the items listed with some background information on many of them. He also provided the cost for additional items for the project such as enclosed fencing and a 75’ extension to the tower. He said staff’s recommendation is for board approval to build a 195’ lattice tower as specified.

There was a lengthy discussion among the board members and Mr. Bingham regarding the location and additional costs for the proposed courthouse communications tower.

T. J. Moskalski moved to table Resolution #14-68 until the next meeting in order to receive additional information from staff; motion was seconded by C. T. Redd III.

Upon completion of discussions Resolution #14-68 was tabled 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

RE: ADMINISTRATIVE MATTERS – DANIEL M. STUCK, INTERIM COUNTY ADMINISTRATOR

Chairman Williams introduced Daniel M. Stuck as the current County Attorney and recently named Interim County Administrator.

Mr. Stuck noted the General Assembly met last week and said one of the fixes they made to the state budget was that local governments were cut by 30 million dollars across the state for the current fiscal year. He said exactly where those cuts will fall is unknown, they basically instructed their budget staff to figure it out and

allocate out to the localities. He said more information will be provided to the board when those cuts are finalized by the state.

He touched on the item that was tabled earlier and strongly encouraged the board to consider building a fence surrounding the project site. He said these towers are too frequently climbed by young citizens and a fence could deter them from doing so. He said staff will attempt to answer the questions of the board on this matter in the next meeting. He noted his recollection of the first bid the board received on this project was in excess of about 7 million dollars; a 3 million dollar system is not going to be as quite a functional system. He said this has been a very big effort to get the county a cost effective system that will do the job and is not too expensive.

Mr. Redd noted the General Assembly made similar cuts to localities several years ago and at that time department heads looked at their budgets and came up with a plan to cut them by 10%. He said a ban was put on employee travel at that time as well. He feels the board should direct the Interim County Administrator to get with staff and request they come up with a plan to find a way to cut their budgets. He said the cuts by the state may not be a big issue when handed down but he would like to see the county be prepared when it happens.

By consensus, the board agreed with Mr. Redd's suggestion of directing the Interim County Administrator to work on a plan for cutting department budgets.

RE: CLOSED MEETING

Motion was made by C. T. Redd III, seconded by T. S. Stone, that the Board enter Closed Meeting pursuant to § 2.2-3711(A)(1) of the Code of Virginia, to consider the appointment of individuals to the Local Board of Building & Code Appeals and the Planning Commission; and pursuant to § 2.2-3711(A)(29) of the Code of Virginia, because discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Board, to discuss the award of a public contract and the terms or scope thereof which involves an executive search firm.

Those members voting on roll call:

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

Having completed the Closed Meeting, Chairman Williams called the special meeting back to order in open session.

Chairman Williams called for a motion to approve Standing Resolution 1 (SR-1).

In accordance with Section 2.2-3717(D) of the Code of Virginia, 1950, as amended, C. T. Redd III moved that the King William County Board of Supervisors adopt the following resolution certifying that this closed meeting's procedures comply with the requirements of the Virginia Freedom of Information Act; motion was seconded by T. S. Stone.

Chairman Williams announced the motion was properly moved and properly seconded; he called for any discussion. There being no discussion among Board members the Chairman asked the Deputy Clerk to call the roll adopting Standing Resolution – 1 (SR-1).

STANDING RESOLUTION – 1 (SR-1) ADOPTED BY THE KING WILLIAM COUNTY BOARD OF SUPERVISORS:

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 2.2-3711 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 on this 22nd day of September, 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:

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

T. S. Stone Aye
O. O. Williams Aye

RE: APPOINTMENTS

Resolution #14-64 – Local Board of Building & Code Appeals – two citizen members – five year terms – T. S. Stone moved for approval of Resolution #14-64 appointing Mr. James Ellis Boyer and Mr. Donald Kellum, each for a term of 5 years, to the Local Board of Building Code Appeals, motion was seconded by C. T. Redd III. Resolution #14-64 was approved with 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 #14-64
Resolution of Appointment
King William County
Local Board of Building and Code Appeals

WHEREAS, it is necessary for the Board of Supervisors of King William County to appoint two members to the King William County Local Board of Building and Code Appeals (LBBCA); and

WHEREAS, Section 119.2 of the 2009 Virginia Construction Code requires the LBBCA to consist of at least five members; and

WHEREAS, the King William County LBBCA consists of seven members; and

WHEREAS, the terms of Mr. Donald W. Kellum and Mr. James Ellis Boyer, serving on the LBBCA, expired on September 1, 2014; and

WHEREAS, both Mr. Kellum and Mr. Boyer have expressed interest in reappointment to the LBBCA,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, that Mr. Donald W. Kellum and Mr. James Ellis Boyer are hereby reappointed to serve as members of the King William County Local Board of Building and Code Appeals, for a term of five years, with said terms expiring September 1, 2019.

Resolution #14-67 – King William County Planning Commission – two citizen members – staggered terms – T. J. Moskalski moved for approval of Resolution #14-67 appointing Ms. Bonnie J. Hite for a term expiring June 30, 2015 and Mr. Carlyle P. Clements for a term expiring June 30, 2016 to the King William County Planning Commission, motion was seconded by C. T. Redd III. Resolution #14-67 was approved with 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

Chairman Williams noted the terms of the appointments to the Planning Commission members are as such to fix the staggered terms of the commission.

RESOLUTION #14-67
Resolution of Appointment
King William County
Planning Commission

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

WHEREAS, the terms of Mr. Carlyle P. Clements and Mr. Alvin Carter, serving on the Planning Commission, expires on October 31, 2014; and

WHEREAS, Mr. Carlyle P. Clements, of the 4th District, is currently serving on the Planning Commission and has expressed interest in reappointment; and

WHEREAS, Mr. Alvin Carter, of the 2nd District, is currently serving on the Planning Commission and is not interested in reappointment at this time,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, that Ms. Bonnie J. Hite is hereby appointed to serve as a member of the King William County Planning Commission, for a term expiring June 30, 2015.

BE IT FURTHER RESOLVED, by the Board of Supervisors of King William County, Virginia, that Mr. Carlyle P. Clements is hereby appointed to serve as a member of the King William County Planning Commission, for a term expiring June 30, 2016.

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.

Ms. Stone appreciates Mr. Stuck's willingness to serve as the Interim County Administrator. She thanked staff for working with the board during the interim period in finding a new county administrator. She said the board started two weeks ago with a work session and staff provided them with some wonderful information that has really been helpful in educating the board and helping them in keeping their finger on the pulse; she appreciates that.

Chairman Williams congratulated Ms. Hite on her appointment to the Planning Commission. He also thanked Mr. Stuck for standing in as the Interim County Administrator.

RE: RECESS OF MEETING

Chairman Williams called to recess the meeting at 9:25 p.m. until Tuesday, October 14, 2014, at 7:00 p.m. when the Board will reconvene for a work session in the Conference Room of the County Administration Building located at 180 Horse Landing Road, King William, VA.

COPY TESTE:

O. O. Williams, Chairman
Board of Supervisors

B. L. Langston
Deputy Clerk of the Board