

MINUTES

KING WILLIAM COUNTY BOARD OF SUPERVISORS MEETING OF FEBRUARY 27, 2012

At a regularly scheduled meeting of the Board of Supervisors of King William County, Virginia, held on the 27th day of February, 2012, beginning at 7:00 p.m. in the Conference Room of the County Administration Building, order was called with the following present:

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

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

RE: REVIEW OF MEETING AGENDA

Chairman, C. T. Redd III, called the meeting to order at 7:00 p.m. and agenda changes were discussed.

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, C. T. Redd III called the Board of Supervisors meeting to order at 7:30 p.m.

RE: APPROVAL OF MEETING AGENDA

On motion by T. S. Stone, seconded by T. J. Moskalski and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator with the following changes: under item 9 Presentations to the Board item 9e was removed; and under item 11 Old Business Comprehensive Economic Development Strategy (CEDS) Appointments (Accommodations/Food Services and Health Care) was removed.

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 First Public Comment Period.

a. Roni Kozlowski, of the 2nd District, spoke of the right to speak out and reminded everyone to be ever mindful of any attempts to restrict or take away our rights and freedoms; she closed with an invocation.

b. Anthony Wilson, spoke on behalf of Little Texas 3 restaurant, located on Route 360 in Manquin, asking that the Board and citizens support them by dining with them or using them for hosting events. He mentioned they have held fund raisers at the restaurant for the American Cancer Society, Relay for Life, the Little League Cheerleaders and the Girl Scouts. Also they cooked and served all of the food for the King William High School senior cookout and Spring Fest; all of the meetings for the Chamber of Commerce were hosted at Little Texas last year.

Continuing Mr. Wilson said for the second year in a row Little Texas was awarded the contract for the concessions at the King William recreation park. In closing he asked that citizens give Little Texas a try for dining, or contact them to host events. He offered a certificate for a free appetizer to anyone attending the meeting tonight.

c. Robert Shannon, of the 3rd district, spoke of tax breaks at the State level in Virginia and gave a copy of an article to the Board. He talked of land use tax exemptions in King William County being abused. He also spoke about recent expanded conservation easements; saying exemptions of this magnitude for this many groups make a continuously shrinking pool of people left to carry the weight. Mr. Shannon said he has often heard that homeowners bring school age children; he suggested if the Board is serious, if this is a burden, then the comprehensive plan should be amended and they should set lot sizes to ten acres.

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

RE: CONSENT AGENDA

On motion by T. S. Stone, seconded by T. J. Moskalski and carried by a unanimous vote the Board approved the following items on its Consent Agenda:

- a. Minutes of the Regular Meeting of January 23, 2012, as presented
- b. Claims against the County for the month of February, 2012, in the amount of \$1,165,578.47 as follows:

(1) General Fund Warrants #76010-76110 in the amount of \$306,300.50; ACH Direct Payments for #1958-2067 in the amount of \$461,493.23; Direct Deposits #16326-16431 in the amount of \$187,535.14; and Electronic Tax Payment in the amount of \$67,503.65.

(2) For informational purposes, Social Services expenditures for the month of January, 2012, Warrants #309095-309128 in the amount of \$26,850.69; ACH Direct Payments #529-556 in the amount of \$41,506.96; Direct Deposits #2700-2723 in the amount of \$32,308.18; and Electronic Tax Payment in the amount of \$11,063.18.

(3) For informational purposes, Comprehensive Services Act Fund expenditures for the month of January, 2012, Warrants #76000-76009 in the amount of \$22,843.44; and ACH Direct Payments #1952-1956 in the amount of \$8,173.50.

(4) There were no Tax Refunds for the month of February, 2012.

RE: PRESENTATIONS TO THE BOARD

a. Adoption of Resolution of Appreciation to Willie T. Carter – Resolution #12-10 – The Board adopted the following Resolution #12-10, Resolution of Appreciation to Willie T. Carter for his twenty years of service to the King William County Planning Commission. Board member O. O. Williams read and presented the framed resolution to Mr. Carter. Chairman Redd thanked Mr. Carter for his services to the Planning Commission.

**Resolution #12-10
KING WILLIAM COUNTY
RESOLUTION OF APPRECIATION**

WHEREAS, Willie T. Carter was appointed to the King William County Planning Commission in 1991; and

WHEREAS, during Mr. Carter's twenty years of service on the Planning Commission he served several times both as Chairman and Vice Chairman; and

WHEREAS, Mr. Carter was born and raised in King William County, where he has lived all of his life, seventy-three years; and

WHEREAS, Mr. Carter has served, in the past, as President of both the King William County NAACP and the King William County PTA, and has spent the past 55 years in active ministry here in King William County,

NOW, THEREFORE, BE IT RESOLVED, that the King William County Board of Supervisors extends its sincere appreciation to Willie T. Carter for his twenty years of service as a member of the King William County Planning Commission; and,

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

Adopted this 27th day of February, 2012

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. Extension Agent for King William and King & Queen – David Moore to Introduce Laura Maxey – David Moore, Acting Unit Coordinator, of the King William County Extension Office, addressed the Board and gave a brief background on the extension office. He stated that in 2009 the Unit Coordinator and the Administrative Assistant retired and at that time he was appointed the Acting Unit Coordinator for the King William Extension Office; also serving Middlesex County and the lower part of the Peninsula. He stated that King William and King & Queen have not had an assigned Agriculture Extension Agent as far back as 2006 – 2007. Mr. Moore said it gives him great pleasure to introduce Laura Maxey, the new Extension Agent, serving King William and King & Queen counties. Ms. Maxey is a graduate of Virginia Tech in Entomology and is a resident of King William County.

Board Members welcomed Ms. Maxey and said they look forward to working with her in the future. Mr. Moore added that Ms. Maxey's position is no additional cost to King William County.

c. Arts Alive, Inc. – Betsy Mountcastle and Beth Dandridge – Beth Dandridge, Coordinator for Arts Alive addressed the Board and introduced Betsy Mountcastle, President of Arts Alive. Ms. Mountcastle thanked the Board for its past support and funding, and provided them with an update by way of a presentation on the programs, art showings and other services provided by Arts Alive. She also stated Arts Alive offers two scholarships, \$1,000 each, to graduating seniors attending a school in the arts; the scholarships are in memory of C. Herbert Brown and Andy Konklin. Arts Alive is supported by the counties of King William, King & Queen, New Kent and the Town of West Point.

d. VDOT – Saluda Residency – Joyce McGowan, Assistant Residency Administrator – Ms. McGowan addressed the Board and introduced herself to the new

Board members. She stated she is present to give the Board an update on the maintenance and construction projects in King William County and to answer any questions Board members may have. She said that VDOT staff in the Saluda office is available by email or telephone for any concerns.

Continuing Ms. McGowan announced that the Six Year Secondary Road Plan is coming up for review and adoption by the King William Board of Supervisors; she asked that VDOT be worked in during the March and April Board meetings for some work sessions, priorities in the plan will need to be reviewed. The County Administrator stated information would be reviewed in March and a public hearing will occur in April.

Construction – Ms. McGowan gave an update on active construction projects:

Herring Creek Bridge – This project is on schedule for advertisement this fall; if advertisement runs in November construction will begin sometime in January or February of 2013.

West Point Creek, Route 33 in West Point – This project is on schedule for completion in May 2012.

Custis Mill Pond Road – This project was on the secondary unpaved roads list and is complete.

Ms. McGowan said VDOT staff has been working with County staff in the past couple of months on a list of projects going on throughout the County. She announced that VDOT will be assisting with traffic control during Kids fest.

Maintenance – Ms. McGowan said VDOT has been responding to citizen concerns on Routes 604 and 605. Currently shoulder repairs are being performed on Routes 604 and 608; normal shoulder repairs for Routes 30, 606 and 360 are mostly complete. Work is being done on drainage issues in West Point; a contractor is being brought in to work on cleaning drop inlets.

Ms. McGowan said cyclical work is going on throughout the County such as cutting ditches, repairing shoulders and pavement; signs are also being repaired or replaced as needed.

Chairman Redd asked for questions or comments from Board members.

Ms. Stone said a resident contacted her about the stop sign on Sharon Road at the high school, it is not clearly visible. She also mentioned she had communicated an issue on Brandywine Road to Ms. McGowan.

Mr. Moskalski said one of the biggest issues in the 2nd district, since the hurricane, is ditches are clogged; specifically the intersection of Moorefield Road and Chelsea Road; ditches are flooding across the road into yards causing issues with access. He also said a citizen brought to his attention tonight an issue on East Spring Forest Road, Route 617, ditch drainage needs to be addressed in this area. Continuing he said there is an issue of a guardrail encroaching on a property owner's driveway in the 1700 block of Route 30.

Ms. McGowan stated the cleaning of the ditches on Moorefield Road, Chelsea Road and East Spring Forest Road is part of the cyclical work being performed; rotary ditchers should be coming through this area in the next couple of weeks.

Mr. Greenwood said the issues in the 3rd district are the same as Mr. Moskalski spoke of regarding ditch drainage since the hurricane. Also he spoke of some sink holes on East River Road, Route 600; and between Route 30 and 360 the edges of the road are crumbling.

Mr. Williams noted the repaving that was done on Route 600 is separating. He also said Route 30 feels like it is coming apart, from Venter Road to the County line, vibrations occur in his vehicle in spurts throughout this section. He said rural rustic repairs to roads such as Old Foot Path are not holding up, there are issues with this area when it rains; he is not sure why money is being wasted on these types of repairs when they are not holding up. He also noted as he travels through the County he sees washed out roads and ditches stopped up. Continuing he said he provided an extensive list to VDOT and said some items have been addressed but very few. He asked if there is money in the budget to take care of these problems, he feels King William County roads are falling to pieces.

Ms. McGowan stated maintenance is not included in the secondary road plan construction budget, maintenance dollars are allocated to King William County, VDOT has a cyclical plan and this is what they are trying to address. She said if there is a major issue affecting the roadway or a safety issue it will be addressed right away, stating VDOT has a maintenance plan to adhere to.

Mr. Williams asked for a copy of the maintenance plan; Ms. McGowan said she could provide him a copy, adding VDOT has 18 months of work on this plan at any given time.

Mr. Williams asked about the progress on the issue at Dabneys Mills Road and Nelson Bridge intersection; it appears some surveying has been done in this area. Ms. McGowan stated the project for Route 604 Dabneys Mill Road is on the six year plan but is funding out towards 2012 and beyond, she is not certain of where this will fall when the new plan is reviewed; she said she believes this is with project engineering.

Mr. Funkhouser stated the Dabneys Mill Road project is a 2 to 3 million dollar project; \$700,000 was allocated and as Ms. McGowan stated you can only do the preliminary engineering and then how many more years until construction. We have very limited control over this and little influence with the General Assembly; it is going to get a lot worse before it gets better. He pointed out that mowing is occurring throughout the County, VDOT mows as much as they have forces available; their staff has been severely cut and funding has been cut as well.

e. Middle Peninsula Regional Airport – Bill Dale, Airport Manager – This item was removed from the agenda.

f. Middle Peninsula Planning District Commission – Lewis Lawrence (Acting) Executive Director – Mr. Lawrence addressed the Board to give a brief update of what the Middle Peninsula Planning District Commission is; saying it is a very misunderstood political subdivision. Planning District Commissions are local governments, created in 1968 under the Regional Cooperation Act. MPPDC was formed in 1972 and exists as a non-regulatory political subdivision to work on issues and problems that impact local government.

Mr. Lawrence said he has two topics overall regional benefits and specific benefits to King William County. King William County hosted the MPPDC meeting in November 2011, he said they appreciated the facility, it was very nice. At this meeting we discussed the 40 years of service of solving local and regional issues, there is an extensive list the mission has tackled; this list is available on their website for viewing.

Value, over the last 40 years for every dollar that has been invested by local governments in the PDC is returned \$8.41 locally; that is a return on your local investment across the region.

Funding, the PDC accesses a variety of State and Federal programs to implement a variety of programs based on what is identified as needed at the local level, elevated up to the regional level.

Priority response, this is an area for those who have not served with the PDC before and may not be familiar with. The PDC provides a critical service to local governments answering very complicated technical issues that often local governments do not have the experience with or they are so new they do not know exactly how to respond to the issues; often PDC is called upon for help. He encouraged all, whether serving on the PDC or not, to use the PDC as a resource.

Specific benefits to King William County, there are five topical areas 1) Policy, 2) Networking, 3) Technical Assistance, 4) Mandates and 5) Grants at the policy level, this is a voice for your community to be heard at the regional table and establishes a platform for local dialogue, and provides an opportunity to network with fellow elected officials from adjoining local governments.

Networking, Mr. Williams attended the VAPDC winter conference a couple of weeks ago. Attendees were able to listen to the Governor's Senior Economic Advisor on rural economic development.

For mandates, the PDC talks with County Administrators to find out how localities want them to be handled; does it make sense to consolidate mandates on behalf of the nine units of local government. Mr. Lawrence cited the Federal Natural Mitigation Act, after the disaster in the gulf federal government passed legislation to require all local governments to develop hazard mitigation plans, to be better prepared in the event of a natural disaster. This program took 3 years to develop, about a \$9,000 investment from each local government each year, King William's share was \$28,500, this was to keep the County consistent with the federal mandate. Water supply regulations were also cited; this was a 4 year share project, total of about \$20,000, about \$5,000 a year to get information back to the State and to keep consistent with State regulations.

Mr. Lawrence said he feels upcoming storm water regulations are going to be a very challenging and costly endeavor to local government.

Mr. Lawrence noted King William County staff has asked for some assistance for transportation planning, possibly to update the Comp Plan section; MPPDC staff can do that through the rural transportation planning program.

Citizen Level, the MPPDC offers a variety of loan and grant programs for a whole host of different services. The MPPDC has pumped out 83 septic systems on behalf of the lower income folks in King William County; costing approximately \$15,355 in grant funds that is going directly to the low income communities so that they comply with the Chesapeake Bay pump out requirements. Septic repair, recently did a grant for \$5,000 locally, this is a program that King William County has not traditionally tapped into. Most of the other local governments, with MPPDC, sanitarians in their health districts refer clients to them; MPPDC can offer a combination of loan and grant monies to repair failing systems. Failing systems are very costly, engineered systems are pushing \$20, \$30, \$40,000 in some cases. This is a very hard financial burden for low to moderate family incomes to absorb; MPPDC has grant funds available but if the local sanitarians in the health district do not refer these clients to MPPDC we can not make this financial assistance available to them. As you all find constituents in the community that have failing septic systems, have them call MPPDC.

Ms. Stone asked if this has been discussed with the King William County Health Department; Mr. Lawrence said yes. Ms. Stone stated they should be making those referrals; Mr. Lawrence confirmed they should be.

On the municipal service side, MPPDC often provides grant preparation assistance. MPPDC also implements and manages these grants for localities when asked.

The Board Room at MPPDC also provides joint services; approximately 60 different entities use this room. Jail Board, VPPSA, Public Access Authority just to name a few. Many of these third party partners do business in the communities and then come to Saluda to meet and convene the business that is needed.

Mr. Lawrence said he would be glad to answer any questions, he said he provided the Board with some information on the Commission; they are just a phone call away, they are there to help work on local government issues.

Ms. Stone said the Board packet contained minutes from the MPPDC meeting, she noticed a formula change in terms of the funding that is provided by counties versus towns, she is interested in this because she believes the indication is that the economy in such difficult budget times is true for both counties and towns, she asked for explanation.

Mr. Lawrence said the MPPDC spent a considerable amount of time looking at the dues structure, the planning commission has not requested a dues increase since he believes the early 1980's. The MPPDC is one of the lowest funded planning district commissions in the State as far as local contributions. For the previous two years the MPPDC voluntarily reduced the dues by 50% in an effort to help local governments through some of the budgetary problems they were struggling with as well. As with everything when you begin to reduce revenue you can only do it for so long. MPPDC recognized that they needed to try and make up some ground and try to bring that back because as local governments have used their rainy day fund to help balance their budget, that is what happened on MPPDC side when it voluntarily cut the dues; it cut down on the MPPDC rainy day fund. As a result of this discussion MPPDC took a look at how different planning district commissions were funding their dues structures. The MPPDC executive committee discussed several approaches, and came back with a recommendation to increase from \$10,000 to \$16,000. The MPPDC charter and by laws require that the three Towns be equivalent to one County, when the new ratio was applied Urbanna expressed some concerns about not fiscally being able to pay that level. A motion was made to lower the Towns' contributions and then rebalance that across the Counties.

Ms. Stone said this makes her uncomfortable. Mr. Lawrence said that Mr. Williams has expressed this, he encouraged the Board to voice this back to the MPPDC; it should be brought up if the Board is uncomfortable with the distribution of dues.

Mr. Moskalski stated he is relatively new to the Board and the MPPDC but shares the concerns of Ms. Stone with regards to the dues structure, considering the Towns and Counties share a financial burden, he thinks all can agree on this. Outside of that, it has been requested, but he has never seen, a generic number of what is returned to the local governments per dollar put in, is there a number for the Counties, more specifically King William County, of what we are getting in return for the investment.

Mr. Lawrence said he would have his staff look at the audits and try to see if they have the ability to parcel out either specific projects for King William or projects that have an equal share and then assign a value; hopefully it won't be too difficult. Mr. Moskalski said it would be appreciated.

Mr. Williams said he appreciates Mr. Lawrence coming out and speaking to the Board, he said it has been a pleasure working with the MPPDC.

Mr. Redd said he appreciates Mr. Lawrence coming out as well, a very well run regional organization is very cost effective and gets things done

RE: APPOINTMENTS

a. Local Emergency Planning Committee – Resolution #12-06 – On motion by T. S. Stone, seconded by T. J. Moskalski, with the following roll call vote the Board adopted Resolution #12-06, Resolution of Appointments to the King William County Local Emergency Planning Committee. There was some discussion of the appointment of Board of Supervisor member, Terry S. Stone was appointed to serve this committee.

**RESOLUTION #12-06
Resolution of Appointments to the
King William County
Local Emergency Planning Committee**

WHEREAS, SARA Title III, the Emergency Planning and Community Right-to-Know Act of 1986 supports the establishment of Local Emergency Planning Committees; and

WHEREAS, the Board of Supervisors hereby establishes a Local Emergency Planning Committee (LEPC) consisting of stakeholders in emergency planning; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, the following persons are hereby appointed to serve on the Local Emergency Planning Committee:

- Travis Lindsey, Emergency Management Coordinator, County of King William
- The Hon. J.S. Walton, Sheriff, County of King William
- Terry S. Stone, Member of the Board of Supervisors, County of King William
- John Edwards, Town Manager, Town of West Point

- William Hodges, Chief of Police, Town of West Point
- Gene Jenkins, Safety Manager, RockTenn Mills
- Michael Broz, General Manager, Nestle Purina Pet Care
- Joseph Bartos, Assistant Chief, West Point Vol. Fire & Rescue
- Forrist Jewell, Chief, Mangohick Vol. Fire Department
- Sherman Hardesty, Chief, King William Vol. Fire & Rescue
- Todd Cannon, Hazardous Materials Officer, Virginia Dept. of Emergency Management
- Sarah Keally, Emergency Planner, Virginia Dept. of Health

Adopted this 27th day of February, 2012

Those members voting:

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

b. Building and Code Appeals Board, two members; terms expire on March 1, 2012 – Resolution #12-11 – On motion by T. J. Moskalski, seconded by S. K. Greenwood, with the following roll call vote, the Board adopted resolution #12-11 Resolution of Appointment to King William County Local Board of Building and Code Appeals Board.

**RESOLUTION #12-11
Resolution of Appointment
King William County
Local Board of Building and Code Appeals**

WHEREAS, the terms of two citizen members, serving on the King William County Local Board of Building and Code Appeals (LBBCA), expire on March 1, 2012; 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 eight members; and

WHEREAS, one member of the King William County LBBCA wishes to be re-appointed and one member does not wish to be considered for re-appointment; and

WHEREAS, the Board of Supervisors wishes to reduce the membership of the LBBCA from eight members to seven members,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, that William W. Bailey is hereby appointed to serve as a citizen member to the King William County Local Board of Building and Code Appeals, for a term of five years, with said term expiring March 1, 2017.

Adopted this 27th day of February, 2012

Those members voting:

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

c. Historical Preservation and Architectural Review Board, one member; vacated unexpired term ending June 30, 2014 – Resolution #12-12 – On motion by T. S. Stone, seconded by O. O. Williams, with the following roll call vote the Board adopted Resolution #12-12 Resolution of Appointment to the King William County Historic Preservation and Architectural Review Board.

**RESOLUTION #12-12
Resolution of Appointment
King William County
Historic Preservation and Architectural Review Board**

WHEREAS, there is a vacated unexpired term for one member on the King William County Historic Preservation and Architectural Review Board that expires June 30, 2014; and

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

WHEREAS, King William residency is not required for a member appointed to this vacated unexpired term; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of King William County, Virginia, that David A. Brown, is hereby appointed to serve as a member of the King William County Historic Preservation and Architectural Review Board, for the vacated unexpired term; said term expiring June 30, 2014.

Adopted this 27th day of February, 2012

Those members voting:

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

RE: OLD BUSINESS

a. Comprehensive Economic Development Strategy (CEDS) Appointments (Accommodations/Food Services and Health Care) – This item was removed from the agenda.

RE: NEW BUSINESS

a. Public Hearing Intent to Adopt – Ordinance #12-01 Proposed Amendment to King William County Code Section 46-35. Dangerous Devices. – The County Administrator gave a brief introduction of proposed Ordinance #12-01, saying this ordinance was presented to the Board several months ago for authorization to advertise and to prepare an appropriate ordinance to comply with State Code; attention to this was also brought up by several citizens. Many localities have adopted

a similar provision to respond to the State Code change. The ordinance prohibits the discharge but allows the carrying of weapons, mandated by State Code.

Chairman, C. T. Redd III opened the public hearing.

No persons appeared before the Board to speak. The Chairman declared the public hearing closed.

The Chairman called for a motion.

On motion made by T. J. Moskalski, seconded by S. K. Greenwood, to adopt Ordinance #12-01, Amend Section 46-35 of the King William County Code. Dangerous Devices.

Mr. Williams stated it really bothers him that the State mandates that people will be allowed to carry guns at the recreation park where our children will be playing sports and no one in the public spoke for or against it. He said he would hate to think his children were there playing sports at this time.

The Chairman agreed with Mr. Williams, saying unfortunately the State has mandated the County allow citizens to carry firearms but we can prevent them from discharging them. Hopefully anyone that chooses to carry a firearm will pay attention to this ordinance; this can be discussed at a later date.

Ms. Stone said although citizens may not be commenting tonight, the County must approve the ordinance to be in compliance with State Code, she encouraged anyone that is not comfortable with this mandate to contact their representative of the General Assembly, saying this is where the comments are needed. Mr. Williams agreed with Ms. Stone.

At the conclusion of the discussion of the Board members, the Board adopted the following Ordinance #12-01, An Ordinance to Amend Section 46-35 of the King William County Code, "Dangerous Devices", with the following roll call vote.

**O12-01
AN ORDINANCE TO
AMEND SECTION 46-35 OF THE KING WILLIAM COUNTY CODE,
"DANGEROUS DEVICES"**

WHEREAS, the Board of Supervisors of King William County, Virginia has received a request to amend and update Chapter 46 (Parks and Recreation) of the King William County Code to be consistent with § 15.2-915 of the Code of Virginia, as amended; and

WHEREAS, the request is specifically to amend Section 46-35, Dangerous Devices; and

WHEREAS, after receiving public comment, the Board believes it appropriate to amend said County Code Section 46-35;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Board of Supervisors of King William County, Virginia, does this 27th day of February, 2012, amend and reenact Section 46-35 of the King William County Code to read as follows:

Section 46-35. Dangerous Devices

No person other than any law enforcement officer, emergency service person, or county employed security guard in the course of their respective employment shall have in his possession in any park any slingshot, bow and arrow, crossbow, dart device, boomerang, fireworks, or any other device for high speed missile projection, except in areas designated by the county and with the written permission of the county.

The possession, carrying, storage or transporting of pneumatic guns or firearms and ammunition or components or combination thereof is permitted. No person other than any law enforcement officer, emergency service person, or county employed security guard in the course of their respective employment shall discharge in any park any firearm or other gun, including an air-powered or gas-powered gun except in areas designated by the county and with the written permission of the director. Violators of this section, upon conviction, shall be guilty of a Class 4 misdemeanor.

Adopted this 27th of February, 2012

Those members voting:

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

b. Consideration of Amendment of King William County Code Section 86-173 – Motocross Track – The County Administrator clarified for the audience that this is a consideration of amendment to King William County Code Section 86-173 – Motocross Track, there is no amendment before the Board and no formal action is required at this time on an ordinance or any other related items. This is a request that was discussed with several Board members due to some constituent concerns; this is an opportunity to ask the Planning Commission to look into this matter. Historically there have been discussions on this topic, there may be opportunities to address the impacts that were discussed as part of that historical application the Commission may wish to consider. The memo before the Board outlines some of the options that the Board can add to or subtract from. The County Administrator stated a simple motion is required for permission to ask the Planning Commission to look into this matter and develop some recommendations for discussion purposes in the future.

Chairman Redd asked for clarification that this is a request to send to the Planning Commission for their review with a fairly speedy response, in the next couple of months or so, with recommendations.

Ms. Stone stated she prompted this action, saying this was a very heated topic several years ago and became rather emotional for the community; currently there is not an active application so if we want to step back and take a look at motocross and decide where it is appropriate and where it is not, she believes now is the time to do it. She said while the Board is busy with the budget this particular issue has no budget implications. If it goes to the Planning Commission now it is likely not to get back to the Board until May or June and the budget will be adopted by then. The fact there are no current applications, she feels it gives the Board the opportunity to consider what is appropriate. She encourages the Planning Commission to limit motocross within the industrial district; she feels the noise, dust and all the other things that come along with motocross is most appropriate in that district. She said of course she is only one Board member but she is confident that the Planning Commission will perform their due diligence and will come back to the Board of Supervisors with a recommendation that is appropriate.

On motion by T. S. Stone, seconded by T. J. Moskalski, with the following roll call vote the Board voted to send the consideration of amendment to King William County Code Section 86-173 – Motocross to the King William County Planning Commission for review and recommendations.

Those members voting:

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

c. Consideration of Ground Lease Proposals – Cell Phone Tower – Courthouse Complex Area – The County Administrator stated Mr. Steven Gallagher with National Communications and Mr. Greg Rafferty representing Williamsburg Tower is in the audience. Continuing he said both firms has conducted work in the County and applications for consideration have been approved in the past. The County Administrator explained the two gentlemen are present representing two unsolicited proposals for a cell phone tower; unsolicited proposals were submitted to the County in early 2011, several months apart.

In the course of reviewing the two proposals there were some initial conversations with both companies. The County Attorney has prepared a lease for consideration; related research has been performed, such as pricing, performance and other issues associated with these towers. The primary benefit of a tower is that public safety communication space would be available and of course for the private sector, cell phone coverage in the court house area is not the greatest sometimes. Hopefully between public demand and the private demand the County could get a net/net benefit.

Mr. Funkhouser explained a public hearing is required to propose any ground lease, the purpose of the two gentlemen being here tonight is so you can meet them and discuss preliminary information; final lease terms will need to be negotiated and returned to the Board for consideration of advertisement for public hearing.

Mr. Rafferty addressed the Board and confirmed this project is in the preliminary stages, he has been in contact with a number of the carriers that are interested. He stated the proposed site is behind the Regional Animal Shelter. He said he is available to answer any questions.

Mr. Moskalski asked for clarification that the proposed tower height is 285 feet; Mr. Rafferty answered in the affirmative. Mr. Moskalski also asked how this falls in the normal cell phone tower range; Mr. Rafferty stated this is the height of a typical cell phone tower.

Steven Gallagher, Vice President of Construction with National Communications Towers, addressed the Board and said typically his company tries to keep their towers at or below 199 feet, that way they are not required to be lit. Continuing he said the tower can be constructed as a lattice or monopole tower.

Ms. Stone asked for clarification on the two options; Mr. Gallagher said a monopole which is basically a large flag pole; the other is a lattice style tower which typically has three legs; both are self supporting unguided type towers.

Mr. Moskalski asked if there are any implications with regards to future County communications in a 199 foot tower as opposed to a 285 foot tower; the County Administrator stated this is part of the investigation.

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

- a. The County Administrator had nothing further to report.

**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 Second Public Comment Period.

- a. Etta Hill, of the 2nd District, asked the Board to continue to support the Parks and Recreation senior citizen programs. She said she is aware of the tough budget times but feels they are needed and appreciated.

- b. Robert Shannon, of the 3rd District, spoke of the statement made by Mr. Lawrence, from the MPPDC, in regards to the return invested by King William County and feels there should be an audited verification of the claim, or at least something to substantiate this claim, he said he is skeptical. Continuing he said the advantages to the localities, as Mr. Redd pointed out, of collaboration of localities that most reasonable people would agree there is an advantage to this on some of the issues; especially as the State and Federal Government pour down more and more directives, mandates and policies.

Continuing, Mr. Shannon asked the County Administrator if the cell phone tower project is geared towards generating revenue for the County. Mr. Funkhouser answered that the County will receive ground lease revenue for the property, further stating this is not a money making venture, this is not a profit motive, the County is not in the business of renting out its property for those purposes. Mr. Shannon asked that the Board take in consideration, as they go about deliberating the factors, to consider the length of the contract and any extended liabilities the County might incur.

Lastly, Mr. Shannon spoke about the emergency system bandwidth mandate and asked for clarification that King and Queen have a system already in place; the County Administrator answered in the affirmative. Mr. Shannon asked the cost and type King and Queen has put in place; the County Administrator stated it is a UHF system, he is not familiar with the total cost; a meeting is scheduled with King and Queen on Wednesday to discuss.

Eugene Campbell, of the 2nd district, agreed with Mr. Williams comment about citizens having the right to carry firearms in parks and recreation areas. Mr. Redd stated this is mandated by the State and the County must follow; the County chose to restrict the discharge of firearms in these areas. Mr. Campbell said he can not think of any good reason why anyone would need to carry a gun in a recreation park.

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

RE: BOARD OF SUPERVISORS COMMENTS

All Board members thanked citizens for their participation at the monthly Board meetings.

Mr. Williams said he is amazed no citizens spoke out against the change in the King William County code, allowing the carrying of a firearm in County parks and recreation areas. He said it blows his mind the State mandates localities adopt this change, that the State even thinks the safety of people is not more important than someone being able to carry a firearm in this type of place. He said the Board is working hard on the budget; it is going to be a tight budget and the Board is going to try and do the best with what they have before them.

Mr. Greenwood also said there is going to be some hard choices with regards to the budget. He also spoke of the timeline for the radio system mandate and it is going to be a challenge to meet. He said hopefully more businesses can be brought in to the County to generate more revenue.

Mr. Moskalski said it is great to see so many come out to the meeting. He also spoke of the tough budget before the Board and said if citizens have questions or concerns to please bring them to the Boards attention, public input is welcome.

Ms. Stone encouraged everyone to participate in the selection process of the emergency radio system, saying this is a project that is under an urgent timeline, meetings will be held in the near future deliberating over the options. She said she is interested in citizen input because what ever option is chosen it is going to be costly to the County and more than likely will result in a debt for the County. She feels it is important for citizens to be active, knowledgeable and informed. In reference to the motocross issue she also encouraged citizens to participate in the Planning

Commission process and to stay active throughout the process to ensure their voice is heard.

Mr. Redd also thanked everyone for attending and for the comments.

RE: CLOSED MEETING PURSUANT TO § 2.2-3711(A)(7) OF THE CODE OF VIRGINIA, AS AMENDED, TO CONSULT WITH LEGAL COUNSEL ON A MATTER OF PROBABLE LITIGATION IN WHICH THE COUNTY MAY BECOME INVOLVED; AND PURSUANT TO § 2.2-3711(A)(1), CODE OF VIRGINIA, AS AMENDED, TO CONSIDER THE APPOINTMENT OF INDIVIDUALS TO BOARDS AND COMMISSIONS - On motion by T. J. Moskalski, seconded by O. O. Williams, and

carried unanimously, the Board entered Closed Meeting pursuant to § 2.2-3711(A)(7), Code of Virginia, 1950, as amended, to consult with legal counsel on a matter of probable litigation in which the County may become involved; and pursuant to § 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended, to consider appointments of individuals to Boards and Commissions.

Having completed the Closed Meeting, the Board reconvened in open meeting, on motion by T. J. Moskalski, seconded by O. O. Williams and carried unanimously.

In accordance with Section 2.2-3717(D) of the Code of Virginia, 1950, as amended, T. J. Moskalski 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. This motion was seconded by S. K. Greenwood and carried with a unanimous roll call vote.

RESOLUTION

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 27th day of February, 2012, 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:

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

RE: RECESS OF MEETING

On motion by T. J. Moskalski, seconded by T. S. Stone, and carried unanimously, the meeting was recessed until March 15, 2012 at 6:30 p.m. for a Joint Budget Work Session Meeting with the King William County School Board, at Hamilton Holmes School

Those members voting:

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

COPY TESTE:

C. T. Redd III, Chairman
Board of Supervisors

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