

**MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF DECEMBER 18, 2017**

A regular meeting of the Board of Supervisors of King William County, Virginia, was held on the 18th day of December, 2017, beginning at 7:00 p.m. in the Board Meeting Room of the County Administration Building.

RE: CALL TO ORDER

Chairman Moskalski called the meeting to order.

RE: ROLL CALL

The members were polled:

Supervisor, 1 st District: William L. Hodges – Vice Chairman	Aye
Supervisor, 2 nd District: Travis J. Moskalski – Chairman	Aye
Supervisor, 3 rd District: Stephen K. Greenwood	Aye
Supervisor, 4 th District: David E. Hansen	Absent
Supervisor, 5 th District: Robert W. Ehrhart II	Aye

Also in attendance:

Mark K. Reeter, County Administrator
Daniel M. Stuck, County Attorney
Bobbie Tassinari, Director of Finance
Olivia Schools, Deputy Clerk to the Board

RE: MOMENT OF SILENCE

The Chairman called for a moment of silence.

RE: PLEDGE OF ALLEGIANCE

The Chairman led the pledge of allegiance.

RE: REVIEW AND ADOPTION OF MEETING AGENDA

There was general discussion of the meeting agenda items.

Supervisor Hodges moved for the adoption of the agenda of this meeting with the removal of Item 10 E; motion was seconded by Supervisor Greenwood.

The members were polled:

Supervisor, 1 st District: William L. Hodges – Vice Chairman	Aye
Supervisor, 2 nd District: Travis J. Moskalski – Chairman	Aye
Supervisor, 3 rd District: Stephen K. Greenwood	Aye
Supervisor, 4 th District: David E. Hansen	Absent
Supervisor, 5 th District: Robert W. Ehrhart II	Aye

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

Chairman Moskalski opened the public comment period.

1. Beth Dandridge, of the 2nd District, spoke about the changes within the County she experienced while working there and offered suggestions.

RE: CONSENT AGENDA

Supervisor Ehrhart stated there were still errors in the minutes for October.

Supervisor Ehrhart moved for approval of the items on the Consent Agenda with the changes mentioned above; motion was seconded by Supervisor Greenwood.

The Chairman called for any discussion.

There being no discussion the Consent Agenda was approved by the following roll call vote:

Supervisor, 1 st District: William L. Hodges – Vice Chairman	Aye
Supervisor, 2 nd District: Travis J. Moskalski – Chairman	Aye
Supervisor, 3 rd District: Stephen K. Greenwood	Aye
Supervisor, 4 th District: David E. Hansen	Absent
Supervisor, 5 th District: Robert W. Ehrhart II	Aye

**RESOLUTION 17-57
A RESOLUTION DIRECTING THE
TREASURER OF KING WILLIAM COUNTY**

**TO ISSUE A REAL ESTATE TAX REFUND
DUE TO ERRONEOUS ASSESSMENT OF REAL ESTATE TAXES;
TAX PARCELS 69A3-68-965, 69A3-76-1127, 69A3-76-1131,
AND 69A3-76-1133**

WHEREAS, the Commissioner of the Revenue has determined an erroneous real estate tax assessment has been made on TAX PARCELS 69A3-68-965, 69A3-76-1127, 69A3-76-1131, AND 69A3-76-1133 due to a factual error in failing to combine parcels in accordance with a recorded plat and has certified the same to this Board; and

WHEREAS, the Commissioner of the Revenue has determined that the taxpayer paid all taxes due on the erroneous assessment and is entitled to a refund of excess taxes paid for the years 2014, 2015, and 201, based on the corrected assessment as required by law, in the total amount of \$686.24 together with interest and such refund has been consented to by the County Attorney, all as provided for in Section 58.1-3981 of the Code of Virginia; and

WHEREAS, the Board is required to direct the Treasurer to issue a real estate tax refund together with the appropriate amount of interest calculated to the time of refund on the overpayment;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of King William County directs the Treasurer to issue a refund of \$686.42, together with interest to the time of refund, calculated in accordance with law, to the taxpayer(s) paying the same.

DONE this the 18th day of December, 2017.

**RESOLUTION 17-58
A RESOLUTION DIRECTING THE
TREASURER OF KING WILLIAM COUNTY
TO ISSUE A PROPERTY TAX REFUND
DUE TO ERRONEOUS ASSESSMENT ON
CERTAIN EQUIPMENT**

WHEREAS, the Commissioner of the Revenue has determined an erroneous tax assessment has been made on certain business equipment standing in the name of K & K Music Company of Bluefield and certified the same to this Board; and

WHEREAS, the Commissioner of the Revenue has determined that the taxpayer paid all taxes due on the erroneous assessment and is entitled to a refund of excess taxes paid for the years 2014 through 2016 in the amount of \$86.40, together with interest, and such refund has been consented to by the County Attorney, all as provided for in Section 58.1-3981 of the Code of Virginia; and

WHEREAS, the Board is required to direct the Treasurer to issue a property tax refund together with the appropriate amount of interest calculated to the time of refund on the overpayment;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of King William County this 18th day of December, 2017, directs the Treasurer to issue a refund of \$86.40, together with interest to the time of refund, calculated in accordance with law, to the taxpayer(s) paying the same.

DONE this the 18th day of December, 2017.

RE: PRESENTATIONS

a. Consideration of Adoption and Presentation of Resolution 17-61 Honoring Herbert L. White, Jr.

Chairman Moskalski presented Herbert L. White, Jr. Resolution 17-61 honoring his 30 years of service to the Board of Zoning Appeals.

Supervisor Greenwood moved for the approval of Resolution 17-61; motion was seconded by Supervisor Hodges.

The Chairman called for any discussion.

There being no discussion Resolution 17-61 was approved by the following roll call vote:

- Supervisor, 1st District: William L. Hodges – Vice Chairman Aye
- Supervisor, 2nd District: Travis J. Moskalski – Chairman Aye
- Supervisor, 3rd District: Stephen K. Greenwood Aye
- Supervisor, 4th District: David E. Hansen Absent
- Supervisor, 5th District: Robert W. Ehrhart II Aye

**RESOLUTION 17-61
HONORING HERBERT L. WHITE, JR.**

WHEREAS, HERBERT L. WHITE, Jr. has retired after thirty years of service to King William County as a member of the King William County Board of Zoning Appeals, having been first appointed in November of 1987 and was Chairman for twenty-seven years, and

WHEREAS, in 1963, Herb was one of four individuals who founded the King William Volunteer Rescue Squad and in 1965, was instrumental in adding on the King William Volunteer Fire Department, remaining an active member in both organizations for more than 20 years, and is a Charter Member and a Life Member, and

WHEREAS, he is a member of the King William Ruritan Club, serving as past Secretary/ Treasurer of the Ruritan Foundation, Incorporated during construction of the new Ruritan Community Building and Park, and has served for a number of years as its Director with twenty-two years perfect attendance, and

WHEREAS, Herb has also served on the Board of Directors of King William Emergency Ministries as well as working for many years with the Christmas Wishes Program, and

WHEREAS, his other civic involvements have included the King William County Tri-centennial Committee and Parade Chairman (2002); service on the County's Redistricting Committee for two terms; as a Charter Member, Director and Registered Agent for Mattaponi Crime Solvers, Incorporated formed originally in 1996 as the King William and West Point Crime Solvers with its name being changed in 2003 when King & Queen County was accepted into the service area; as Director of Prevent Blindness Mid-Atlantic serving Virginia, Maryland and Washington, D. C. and served as Chairman of the Board from 1996 to 1998; as Director of The Virginia Voice for six years, and a member of the Mechanicsville Rotary Club, the Joppa 40 Masonic Lodge in Richmond, and Colosse Baptist Church, and

WHEREAS, Herb retired from Richmond Newspapers, Incorporated (now Media General) with over thirty-seven years' service, and has been married to Marian Allen White for fifty-five years and has one son, Scott Allen White;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of King William County, Virginia that, in recognition of the foregoing, the Board does hereby commit to record this Resolution in honor of HERBERT L. WHITE, Jr. on the occasion of thirty years of service to King William County as a member of its Board of Zoning Appeals and so Order the Clerk of the Board to present a copy of same to Mr. White as an expression of the Board's appreciation of a life well-lived in service to King William County and the Commonwealth of Virginia.

DONE this the 18th day of December, 2017.

b. Presentation of CAFR for Fiscal Year Ending June 30, 2017

Travis Gilmer, of Brown, Edwards & Company, L.L.P., presented the Comprehensive Annual Financial Report for the year ended June 30, 2017. He noted awards, opinions and suggestions for the County.

Supervisor Hodges moved for the approval of the June 2017 CAFR; motion was seconded by Supervisor Greenwood.

The Chairman called for any discussion.

There being no discussion the June 2017 CAFR was approved by the following roll call vote:

Supervisor, 1 st District:	William L. Hodges – Vice Chairman	Aye
Supervisor, 2 nd District:	Travis J. Moskalski – Chairman	Aye
Supervisor, 3 rd District:	Stephen K. Greenwood	Aye
Supervisor, 4 th District:	David E. Hansen	Absent
Supervisor, 5 th District:	Robert W. Ehrhart II	Aye

RE: OLD BUSINESS

No old business was brought before the Board.

RE: NEW BUSINESS

a. Public Hearing and Consideration of Adoption of Resolution 17-59 approving a Conditional Use Permit CUP-03-17 (Owners/Applicants: Herbert A. and Anita B. Davis) – Request for Conditional use Permit to build a 1,000 square foot second dwelling on a property of less than 50 acres for a handicapped family member. The Tax Map Parcel is 5-1-3 consisting of approximately 5 acres of land zoned R-R District and the Future Land Use Map in the 2016 Comprehensive Plan indicates Rural Land Use for the property. The property is in the Mangohick (5th) Election District

This is a request for Conditional Use Permit to build a 1,000 square foot second dwelling on a property of less than 50 acres for a handicapped family member.

The property is part of the Dorrell Farms Subdivision. There are no deed restrictions barring the proposed use of the property. This application would appear to contain measures to preserve privacy.

Public Hearing:

1. Anita Davis, of the 5th District, spoke as the requester of this Conditional Use Permit and clarified they would be sharing a well.
2. Gene Campbell, of the District, spoke in favor of this Conditional Use Permit.

There being no further speakers, the public hearing was closed.

The Chairman called for any discussion.

There being no discussion, upon the motion of Supervisor Greenwood, seconded by Supervisor Hodges, Resolution 17-59 was approved by the following roll call vote:

Supervisor, 1 st District:	William L. Hodges – Vice Chairman	Aye
Supervisor, 2 nd District:	Travis J. Moskalski – Chairman	Aye
Supervisor, 3 rd District:	Stephen K. Greenwood	Aye
Supervisor, 4 th District:	David E. Hansen	Absent
Supervisor, 5 th District:	Robert W. Ehrhart II	Aye

RESOLUTION 17-59

**APPROVING CONDITIONAL USE PERMIT CUP-03-17
HERBERT A. AND ANITA B. DAVIS**

WHEREAS, the Table of Permitted Uses (Article V) of the County Zoning Ordinance provides for the development a dwelling, second or accessory dwelling/apartment, whether attached or detached, on a parcel of land under 50 acres in area within the R-R Rural-Residential Zoning District following review and approval of a Conditional Use Permit; and

WHEREAS, Applicants Herbert A and Anita B. Davis have filed a request for Conditional Use Permit to build a 1,000 square foot second dwelling on a property of less than 50 acres for a handicapped family member; specifically on property identified as Tax Map Parcel is 5-1-3 consisting of approximately 5 acres of land zoned R-R District and the

Future Land Use Map in the 2016 Comprehensive Plan indicates Rural Land Use for the property; and

WHEREAS, staff in the King William County Department of Community Development have proposed conditions to mitigate potential impacts of the use on the public; and

WHEREAS, the Planning Commission conducted a public hearing on November 20, 2017, to consider the application, and, following such public hearing, voted unanimously to recommend the Board of Supervisors approve such application as proposed; and

WHEREAS, the Board of Supervisors conducted a public hearing on December 18, 2017 to consider CUP-03-17,

NOW, THEREFORE, BE IT RESOLVED, the King William County Board of Supervisors this 20th day of November, 2017, hereby approves CUP-02-17, with the following four (4) conditions:

1. Development shall proceed in general conformance with all materials submitted and included as part of this CUP application.
2. The Applicants/Owners will need to obtain all required Health Department Approvals prior to issuance of a Zoning or Building Permit for the use.
3. An in-lieu of plan for land disturbance will be required prior to issuance of a Zoning or Building Permit for the use.
4. The second/accessory dwelling shall meet all setback regulations and be located in accord with the Conceptual Layout so as to be buffered by existing trees, on the Davis property, from the property to the east.

DONE this 18th day of December, 2017

b. Public Hearing and Consideration of Adoption of Ordinance 22-17 Approving Rezoning Z-03-17 (Owners: D.S. Mitchell Electric, Inc. – Tax Parcel 22-2-3 and 22-2-4 & tri-County Appraisers, Inc. – Tax Parcel 22-2-2) all consisting of approximately 4.5 acres – Request to rezone to from B-1 (Limited Business) to B-2 (General Business). The properties are located just south of 11414 West River Road in Aylett, VA. The property is in the 3rd (Aylett) Election District. The Future Land Use Map in the 2016 Comprehensive Plan indicates Business Land Use for the property

The owners are requesting that Tax Parcel 22-2-3, 22-2-4 and 22-2-2, consisting of approximately 4.5 acre be rezoned from B-1 (Limited Business) to B-2 (General Business).

Public Hearing:

There being no speakers, the public hearing was closed.

The Chairman called for any discussion.

There being no discussion, upon the motion of Supervisor Ehrhart, seconded by Supervisor Greenwood, Ordinance 22-17 was approved by the following roll call vote:

Supervisor, 1 st District:	William L. Hodges – Vice Chairman	Aye
Supervisor, 2 nd District:	Travis J. Moskalski – Chairman	Aye
Supervisor, 3 rd District:	Stephen K. Greenwood	Aye
Supervisor, 4 th District:	David E. Hansen	Absent
Supervisor, 5 th District:	Robert W. Ehrhart II	Aye

ORDINANCE 22-17

**APPROVING REZONING APPLICATION Z-03-17
(OWNERS/APPLICANTS: D. S. MITCHELL ELECTRIC, INC. - TAX PARCEL 22-2-3 AND
22-2-4 & TRI-COUNTY APPRAISERS, INC. - TAX PARCEL 22-2-2)**

WHEREAS, D. S. Mitchell Electric, Inc. and Tri-County Appraisers, Inc. (the Owner/Applicants) submitted an application to change the designation of Tax Map Parcels 22-2-3, 22-2-4 and 22-2-2, all consisting of approximately 4.5 acres from B-1 (Limited Business) to B-2 (General Business), said properties located just south of 11414 West River Rd in Aylett, Virginia, and;

WHEREAS, the Owner/Applicants wish expand the number of potential business uses permissible on their properties; and

WHEREAS, the King William County Planning Commission, after study and review, conducted a public hearing on the application on November 14, 2017 and following such public hearing voted unanimously to recommend that the Board of Supervisors approve such application; and

WHEREAS, the Board of Supervisors conducted a public hearing on December 18, 2017 to consider Rezoning Application Z-03-17;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Board of Supervisors of King William County, Virginia, that the Board hereby amends the Zoning Map of King William County by rezoning Tax Map Parcels 22-2-3, 22-2-4 and 22-2-2 from B-1 to B-2.

ADOPTED this the 18th day of December 2017.

c. Public Hearing and Consideration of Adoption of Ordinance 23-17 Approving Rezoning Z-04-17 – Owners: Darrell Kellum, Inc. & Steve Adams, Inc. (Tax Parcel 22-34) consisting of approximately 15.96 acres, Request to rezone from AC (Agricultural-Conservation) to B-2 (General Business). The property is located adjacent to the King William Volunteer Fire Department. The property is in the 3rd (Aylett) Election District. The Future Land Use Map in the 2016 Comprehensive Plan indicates Business Land Use for the property

The owners are requesting that Tax Parcel 22-34J consisting of approximately 15.96 acres be rezoned from A-C (Agricultural conservation) to B-2 (General Business). Applicants indicate rezoning request is for general commercial development of the property, with no specific intended use provided.

Mr. Stuck had previously arose concerns in regards to a current ordinance, Section 86-58. Based on this ordinance the access road proposed for this property cannot be used for access to the rezoned property without either rezoning the properties through which this road passes or revising this section of the Ordinance. Mr. Donald Wagner had stated that at the time this was approved by the Board, we did not have a Director of Community Development nor a Zoning Administrator, therefore there is no institutional knowledge to be carried forward in the Planning Department.

Scrivener's Note: Exhibit 1 from Donald Wagner are attached to these minutes.

Public Hearing:

There being no speakers, the public hearing was closed.

The Chairman called for any discussion.

There being no discussion, upon the motion of Supervisor Hodges, seconded by Supervisor Greenwood, Ordinance 23-17 was approved by the following roll

call vote:

Supervisor, 1 st District:	William L. Hodges – Vice Chairman	Aye
Supervisor, 2 nd District:	Travis J. Moskalski – Chairman	Aye
Supervisor, 3 rd District:	Stephen K. Greenwood	Aye
Supervisor, 4 th District:	David E. Hansen	Absent
Supervisor, 5 th District:	Robert W. Ehrhart II	Aye

**ORDINANCE 23-17
APPROVING REZONING APPLICATION Z-04-17
(OWNERS/APPLICANTS: DARRELL KELLUM, INC & STEVE ADAMS, INC. –
TAX PARCEL 22-34J)**

WHEREAS, Darrell Kellum, Inc. and Steve Adams, Inc. (the Owner/Applicants) submitted an application to change the designation of Tax Map Parcel 22-34J consisting of approximately 15.96 acres from A-C (Agricultural-Conservation) to B-2 (General Business), said properties located adjoin the King William Volunteer Fire Department in Aylett, Virginia (Central Garage Community), and;

WHEREAS, the Owner/Applicants wish expand the number of potential business uses permissible on their properties; and

WHEREAS, the King William County Planning Commission, after study and review, conducted a public hearing on the application on December 5, 2017 and following such public hearing voted unanimously to recommend that the Board of Supervisors approve such application; and

WHEREAS, the Board of Supervisors conducted a public hearing on December 18, 2017 to consider Rezoning Application Z-04-17;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Board of Supervisors of King William County, Virginia, that the Board hereby amends the Zoning Map of King William County by rezoning Tax Map Parcel 22-34J from A-C to B-2.

ADOPTED this the 18th day of December 2017.

d. Public Hearing and Consideration of Adoption of Resolution 17-60 Authorizing Conveyance of Real Property consisting of a proposed release/vacation and conveyance of certain easement rights accruing to the County of King William by virtue of its ownership of two parcels of land acquired in 2000 and 2002 for the purpose of construction of a well and elevated water storage tank near the intersection of US Route 360 and State Route 30 at Central Garage

The easements, conveyed to a predecessor owner of its property and provide no benefit to the county, but adversely affect the future development of nearby property for private purposes.

Public Hearing:

There being no speakers, the public hearing was closed.

The Chairman called for any discussion.

There being no discussion, upon the motion of Supervisor Hodges, seconded by Supervisor Greenwood, Resolution 17-60 was approved by the following roll call vote:

Supervisor, 1 st District: William L. Hodges – Vice Chairman	Aye
Supervisor, 2 nd District: Travis J. Moskalski – Chairman	Aye
Supervisor, 3 rd District: Stephen K. Greenwood	Aye
Supervisor, 4 th District: David E. Hansen	Absent
Supervisor, 5 th District: Robert W. Ehrhart II	Aye

RESOLUTION 17-60

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A VACATION OF EASEMENT AGREEMENT RELEASING THE COUNTY'S INTERESTS IN CERTAIN EASEMENTS ACROSS THE LAND OF CENTRAL CROSSING, LLC

WHEREAS, the Board of Supervisors of the County of King William acquired certain land in July of 2000 for the construction of certain public utility improvements; and

WHEREAS, it has been brought to the attention of the Board that the aforesaid land was a portion of a tract that possessed certain easement rights over adjacent properties, and the Board has been advised that such easements are of no benefit to the County's use and enjoyment of its land and which now unreasonably restrict the development of adjacent and nearby properties; and

WHEREAS, the current owner of the property encumbered by these easements desires that the easements be vacated by the various owners of the properties having the rights to potential use of such easements, one of such owners being King William County; and

WHEREAS, the Board of Supervisors wishes to authorize the County Administrator to act on its behalf to effect the property exchange;

NOW THEREFORE, BE IT RESOLVED by the King William County Board of Supervisors that the County Administrator be, and he is hereby, authorized to act on behalf of the County of King William to release and convey the County's property interests in the real estate involved in this matter and that the County Administrator is further authorized to sign any and all deeds or instruments necessary to carry out the intent of this resolution, provided that any such deed or instrument is approved as to form by the County Attorney.

DONE this the 18th day of December, 2017.

f. Consideration of Resolution 17-63 Authorizing Waiver of Certain Fees for the Hamilton Holmes Middle School Project

Request of Building Permit Fee in the amount of \$9,297.18 and Land Disturbance Fee in the amount of \$1,500.00 be waived.

The Chairman called for any discussion.

There being no discussion, upon the motion of Supervisor Ehrhart, seconded by Supervisor Hodges, Resolution 17-63 was approved by the following roll call

vote:

Supervisor, 1 st District: William L. Hodges – Vice Chairman	Aye
Supervisor, 2 nd District: Travis J. Moskalski – Chairman	Aye
Supervisor, 3 rd District: Stephen K. Greenwood	Aye
Supervisor, 4 th District: David E. Hansen	Absent
Supervisor, 5 th District: Robert W. Ehrhart II	Aye

RESOLUTION 17-63
AUTHORIZING WAIVER OF COUNTY FEES FOR HAMILTON HOLMES MIDDLE SCHOOL
EXPANSION AND RENOVATION PROJECT

BE IT RESOLVED by the Board of Supervisors of King William County, Virginia that the Board authorizes waiver of the following fees associated with the Hamilton Holmes Middle School Expansion and Renovation Project:

Building Permit Fee - \$9,297.18

Land Disturbance Permit Fee - \$1,500.00

DONE this the 18th day of December, 2017.

g. Consideration of Resolution 17-65 Regarding Legislative Action to Remedy Inequities in Calculation of School Composite Index for King William and Westmoreland Counties

The Board stated they'd like to table this matter until the January meeting.

There being no discussion, upon the motion of Supervisor Hodges, seconded by Supervisor Greenwood, Resolution 17-65 was tabled by the following roll call vote:

Supervisor, 1 st District: William L. Hodges – Vice Chairman	Aye
Supervisor, 2 nd District: Travis J. Moskalski – Chairman	Aye
Supervisor, 3 rd District: Stephen K. Greenwood	Aye
Supervisor, 4 th District: David E. Hansen	Absent
Supervisor, 5 th District: Robert W. Ehrhart II	Aye

RE: ADMINISTRATIVE MATTERS FROM COUNTY ADMINISTRATOR

11. a. Fire and EMS Call Statistics for November 2017.

Andy Aigner, Chief of Fire & EMS, presented the call statistics for the Fire and EMS stations operating within King William County. He noted Station 1 was improving and the next Chief's meeting would be held in late January.

11. b. Board Information

No board information was discussed.

11. c. Review of Calendar Year 2018 Board By-Laws and Proposed Meeting Schedule

The Board noted some changes needed to be made to the calendar and would discuss further at January's work session.

RE: BOARD MEMBER COMMENTS

Supervisor Hodges thanked everyone for attending and wished everyone a Merry Christmas.

Supervisor Greenwood thanked everyone for attending and wished everyone a Merry Christmas.

Supervisor Ehrhart thanked everyone for attending and wished everyone a Merry Christmas.

Supervisor Moskalski thanked everyone for attending and wished everyone a Happy New Year.

RE: CLOSED MEETING

There was no closed meeting.

RE: APPOINTMENTS

a. Appointment of Alternates to Bay Consortium Local Chief Elected Officials Consortium

There was general discussion.

Upon motion of Supervisor Hodges to appoint Supervisor Ehrhart and Supervisor Hansen as Alternates to the Bay Consortium Local Chief Elected Officials Consortium, seconded by Supervisor Ehrhart, Resolution 17-64 was approved by the following roll call vote:

Supervisor, 1 st District: William L. Hodges – Vice Chairman	Aye
Supervisor, 2 nd District: Travis J. Moskalski – Chairman	Aye
Supervisor, 3 rd District: Stephen K. Greenwood	Aye
Supervisor, 4 th District: David E. Hansen	Absent
Supervisor, 5 th District: Robert W. Ehrhart II	Aye

RESOLUTION 17-64

**APPOINTMENT OF ALTERNATE(S) TO
BAY CONSORTIUM LOCAL ELECTED OFFICIALS CONSORTIUM**

WHEREAS, the Board of Supervisors has been requested to consider the appointment of up to two (2) alternates representing the County on the Bay Consortium Local Elected Officials Consortium, and

WHEREAS, the Board of Supervisors now desires to make an appointment(s) to this/these position(s);

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of King William, Virginia that _____ and _____ be appointed as alternates to the aforementioned organization.

DONE this the 18th day of December, 2017.

RE: ADJOURN

The meeting was adjourned at 8:47 pm. by the following roll call vote:

Supervisor, 1 st District: William L. Hodges – Vice Chairman	Aye
Supervisor, 2 nd District: Travis J. Moskalski – Chairman	Aye
Supervisor, 3 rd District: Stephen K. Greenwood	Aye
Supervisor, 4 th District: David E. Hansen	Absent
Supervisor, 5 th District: Robert W. Ehrhart II	Aye

COPY TESTE:

Travis J. Moskalski, Chairman
Board of Supervisors

Olivia L. Schools
Deputy Clerk to the Board

Members of the Board of Supervisors, Mr. Reeter and Mr. Stuck,

You have on your agenda for the December 18, 2017, meeting of the Board, a public hearing for zoning case Z-04-17. This is an application to rezone a 15.96-acre parcel, adjacent to the King William Volunteer Fire Department and Rescue Squad, from A-C (Agricultural Conservation) to B-2, (General Business).

The applicants for this rezoning have indicated that the request is for general commercial development of the property with no specific intended use provided. The property is located behind a row of residential and commercial properties fronting on Route 360. Access to the property would be via a fifty (50) foot wide "perpetual" easement for ingress/egress across parcels 22-34A and 22-34G east of the King William Pharmacy, which is the same access currently used by the KWVFD. The front portion of the proposed development, as well as the access road, are partially in the Transportation Corridor Overlay District

This case was heard by the Planning Commission at their meeting on December 5, 2017 and was recommended to be forwarded to the Board of Supervisors for approval. In his comments to the planning commission at the public hearing, the applicant, Darrell Kellum, stated that the KWVFD may be abandoning the site and further commented that he had offered to purchase the site. Mr. Kellum went on to say that KWVFD did not have a recorded easement for their access to the site, only a verbal agreement for ingress/egress. Mr. Kellum then stated that he had acquired a perpetual easement for access. Some members of the planning commission questioned whether the development traffic would interfere with emergency ingress/egress to Route 360 but did not press the issue.

To be clear we are not opposed to the development of this site as commercial development is needed to increase our tax base. However, we are concerned with issues of access to the property and with the long-term viability of the KWVFD to serve the community as it has done for the past 18-20 years.

In regard to assuring the KWVFD's continued and unfettered use of the easement they currently enjoy, we visited the Clerk's office to determine what access rights KWVFD had and what kind of access the applicants had acquired. The property was gifted to KWVFD by deed of gift from Dr. A. W. Lewis as recorded in Deed Book 285, Page 359 on 27 December 1995. Then by a Deed of Gift of Easement recorded in Deed Book 287, Page 740 on 10 September 1998, Roberta Lewis gifted a fifty (50) foot wide Perpetual Easement to KWVFD. The Perpetual Easement acquired by Kellum and Adams was recorded in the Clerk's office on 29 August 2016. That Perpetual Easement was recorded with the same description as the one gifted to KWVFD as recorded in Deed Book 287, Page 740. KWVFD, which was the original owner of this Easement was not made a party to the Easement acquired by Kellum and Adams. This brings up the question as to whether Kellum and Adams have a right to this Easement. Also, of concern is whether this is a public easement that will allow access to KWVFD for any and all events including voting?

Is the fifty (50) foot wide easement adequate for this commercial development. As I recall an access road for a commercial development requires a landscaped median for a distance of 150' from the entrance. How many traffic lanes will be required? Has VDOT reviewed the rezoning request? Should the access road be developed to VDOT standards to be taken over and maintained by VDOT? If not, who will

be responsible for perpetual maintenance? KWVFD currently has a crossover for use by emergency vehicles only. What steps will be taken to prohibit commercial traffic from using the crossover? Should a traffic signal for emergency vehicle use be installed?

You are all aware of the problems that have been experienced with the Commerce Park. There is no agreement for maintenance of the access road to those businesses and as this was not required to be taken into the VDOT system, costly maintenance issues could lead to abandonment.

Our recommendation is that the applicant be required to construct an access road from Route 360 to a point on the property where a cul-de-sac can be constructed to accommodate development, the road be built to VDOT standards to be taken over by VDOT. Short of this the board should table the project until such time as these questions can be adequately addressed for the good of the community.

I will provide Mr. Reeter with copies of the deeds for the properties we have referenced.

Don & Jeanette Wagner
5515 Herring Creek Road
Aylett, VA 23009
(804)994-9668