

Board of Supervisors Draft Minutes – February 26, 2014

Shown below is a preliminary draft of the actions taken by the Hanover County Board of Supervisors on February 26, 2014. Detailed minutes in final form will be presented to the Board for approval at a future date.

VIRGINIA: At a regular meeting of the Board of Supervisors for Hanover County held in the Board Room of the Hanover County Administration Building on the 26th day of February, 2014, at 2:00 p.m.

Present: Mr. Sean M. Davis, Chairman
Mr. Wayne T. Hazzard, Vice-Chairman
Mrs. Angela Kelly-Wiecek
Mr. W. Canova Peterson
Mr. Aubrey M. Stanley
Mr. G.E. “Ed” Via, III
Mr. Elton J. Wade, Sr.
Mr. Cecil R. Harris, Jr., County Administrator
Mr. Sterling E. Rives, III County Attorney

I. Call to Order

The Chairman called the meeting to order at 2:00 p.m. All Board members were present.

- A. The invocation was given by Mr. Stanley
- B. The pledge of Allegiance was led by Mr. Wade.

II. Consideration of Agenda Amendments

The Chairman announced that staff had provided a chart for an addition to the consent agenda. Item IV-D adds the consideration of an appointment to the Hanover County Council on Aging.

On a motion by Mr. Hazzard, seconded by Mrs. Kelly-Wieck, the agenda was approved as amended to add Item IV-D to the consent agenda.

Vote:

Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. Via, III	Aye
Elton J. Wade, Sr.	Aye

Motion approved.

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III. Citizens' Time

The Chairman opened Citizens' Time and offered to anyone who wanted to address the Board of Supervisors for up to five minutes on any matter within the scope of the Board's authority that is not on the agenda for that meeting to come forward.

Mr. Rick Ryan of the Cold Harbor District spoke on the proposed development at Bell Creek and Pole Green. He expressed concerns with the proposed development. The area around this development is much less dense. The zoning is not compatible with other properties in the area, such as Hanover Grove. The use is too dense and should be reduced.

Mr. Peterson advised Mr. Ryan that there is a community meeting planned for February 27, 2014 where citizens will discuss the proposed development.

Seeing no one else come forward, the Chairman closed citizens' time.

IV. Consent Agenda

The Chairman entertained a motion for approval of the consent agenda. On a motion by Mr. Stanley, seconded by Mr. Via, the consent agenda was approved.

Vote:

Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. Via, III	Aye
Elton J. Wade, Sr.	Aye

A. Adoption of Resolution – Acceptance of Streets into the Secondary System of Highways – Meredith Place Subdivision (Henry Magisterial District)

Board Sheet Background:

Meredith Place Subdivision is a 59 lot subdivision recorded on November 10, 2009. The Virginia Department of Transportation – Ashland and the Departments of Planning and Public works recommend processing for acceptance of streets in the attached resolution into the state secondary system.

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Recommendation:

Adopt the attached resolution requesting the Virginia Department of Transportation to accept Homeplace Court, Janice Avenue, and Harris Field Road in Meredith Place Subdivision into the Secondary System of State Highways.

On motion of Mr. Davis, seconded by Mr. Via, members of the Board of Supervisors voted to adopt this resolution.

RESOLUTION

WHEREAS, the street(s) described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Hanover County, and

WHEREAS, the representative for the Virginia Department of Transportation has advised this Board that the street(s) in **Meredith Place** meets the requirements established by the Virginia Department of Transportation's Subdivision Street Requirements, and

NOW, THEREFORE, BE IT RESOLVED, the Board requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form AM-4.3 to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, after receiving a copy of this resolution and all outstanding fees and documents required of the developer, whichever occurs last in time, and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Area Land Use Engineer for the Virginia Department of Transportation.

	Vote:
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. Via, III	Aye
Elton J. Wade, Sr.	Aye

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B. Acceptance of Grant – Fire & EMS - \$215,016 – OEMS/RSF

Board Sheet Background:

Hanover Fire & EMS has received a grant from the Virginia Office of Emergency Medical Services (OEMS) in the amount of \$268,770 to purchase ten monitor defibrillators. By FY18 all 25 of our monitor defibrillators will have to be upgraded to the next generation. Under state law, all EMS licensed transport units are required to have a monitor defibrillator on board.

In the current OEMS grant cycle, the state is funding 10 units at 80% (\$215,016). Hanover Fire & EMS is funding the 20% match out of funds proposed in the Capital Improvement Program (CIP). This is a reimbursable grant and the funds will be reimbursed once the monitor defibrillators are purchased.

Recommendation:

Motion to accept this grant of \$215,016 from OEMS/RSF contingent upon the appropriation in the FY15 budget.

C. Acceptance of Grant – Fire & EMS - \$390,859 – SAFER Recruitment and Retention Grant

Board Sheet Background:

Hanover Fire & EMS has received a grant from the Federal Emergency Management Agency (FEMA) for the recruitment and retention of our Explorer program consisting of Hanover County Students ages 14 to 18. This grant funds uniforms, tuition, physicals, personal protective equipment and educational material to make this program successful. Currently, 35 Explorers are enrolled in this program and 35 new Explorers are expected each year. Upon graduation from the program, the Explorers are eligible to volunteer in the Hanover Fire & EMS system.

This grant provides \$98,081 in FY15, \$96,767 in FY16, \$97,566 in FY17 and \$98,445 in FY18. It requires no local match and there is no obligation after the period of performance.

Recommendation:

Motion is to approve the acceptance of this grant contingent upon the appropriation in the FY15 budget.

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V. Presentation – County Administrator’s Proposed FY 2015 Budget

Mr. Rhu Harris, County Administrator, came forward to present the FY15 proposed budget. The fiscal year 2015 budget is the first budget in five years to reflect what we all hope to be the recovery for our local economy and community. Our economic indicators are consistently showing that Hanover residents are returning to work, are spending in our retail stores and feel more secure about their home values. This news in combination with the proposed financial support recommended in the Governor’s budget allows us to renew our investment in local government. The focus of our investment is in public safety, education, technology and our workforce. This budget does not include a tax rate increase.

Hanover’s financial recovery has been bolstered by our economic development efforts along with a renewal of new home construction. During the past year we have attracted more than \$53 million in new commercial construction to Hanover County. Several examples worthy of noting are the opening of the Vitamin Shoppe distribution center in Ashland and the Women’s Health Center at Bell Creek and the soon to be completed HCA Emergency Center on Rt. 301. During the last fiscal year, 987 private sector jobs were added to the workforce and we anticipate this trend to continue into the next year with the construction of OrthoVirginia at Memorial Regional Medical Center, the Richmond Harley-Davidson Sales Center and a new distribution center for Republic National.

Our unemployment rate, which had risen as high as 7.6% in January 2010, has dropped to 4.4% in December. We are approaching our normalized rate of 3.5%.

Another positive indicator that we have been tracking closely is sales tax collection. This fiscal year, we are projecting to top our previous high of \$17.8 million achieved in FY08, with a collection of \$18.4 million. We are projecting a 4% increase over that forecast for FY15. Our total general fund budget is \$214.6 million. The largest areas are 35% for education and 26% for public safety. The budget for education is \$74.5 million, Public safety/judicial is 55.9 million, Debt & capital is 26.1 million, human services is 23.0 million and the remaining amount is 35.1 million.

Our recommendation for schools is a 4.4% increase. This increase is supported by \$6.0 million in state funding and \$1.4 million in additional local funds. Schools have new positions and merit increases consistent with county employees.

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We spend 26% on our public safety and judicial administration. We have invested significantly in this area with 16.5 positions and \$1.0 million of operating funds. These resources restore previous cuts or meet new demands for service such as courts services personnel for the two new courts we received during the current year.

One of our major considerations in this budget was to meet the service demands which have increased during the last 4 years. These recommended positions in the area of public safety and judicial administration are needed in order to respond to those demands. For example, the Sheriff's office has seen a 5.5% increase in reported crime and a 6% increase in response times for priority one calls. Similarly, the fire department has experienced manpower shortages that limited our responses with a ladder truck; this important piece of equipment was unable to respond to 501 calls for service. Building Inspections has also seen an increase in FY14 building permits of over 20% from FY13 and are projected to increase again in FY 15. These are the types of things that are driving our needs in public safety.

We have discussed the value of our employees in providing great customer service and it's now time to reward these hard working individuals for sticking with us through these financially lean times. This budget includes a 2% merit increase for county and school employees. We have a hard-working staff that is dedicated to the citizens of Hanover. Recruiting and retaining a high performing workforce is a priority for quality customer service. A recent review of our starting salaries demonstrated issues with our competitiveness within the region, so we have proposed raising the pay grades for those public safety and judicial service positions identified as currently below their peers. We plan to address the remainder of our workforce in next year's budget.

It is also recommended that the county invest in selected non-public safety positions. As was true with the public safety positions already mentioned, other areas of the organization have also seen increased service level demands that have not been able to be addressed in prior budgets. As an example, the Commissioner of the Revenue has seen a 19% increase in transactions for DMV services and Social Services has a 20% increase in case loads since 2008.

The 4.25 positions noted are a combination of new positions and converting positions from part-time to full-time.

The CIP for the county and schools combined over the 5 years is as follows. Schools make up 39% of the capital investment. The county projects are split evenly between public

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safety, public works – primarily our road improvements projects, and general government projects.

Our investment in school capital totals \$24.7 million over five years. We are investing significantly in facility improvements and technology. Concurrently, we are planning significant investments for county projects as well. The technology investment the county is making is a result of our major systems needing replacement and the opportunity to make this investment to gain efficiencies in our organization.

One of the components of our CIP is our stormwater implementation plan. Our stormwater implementation plan is in response to the federal mandates for stormwater and Chesapeake Bay clean up requirements. Incorporated into five year financial plan and CIP is a funding strategy which allows us to focus on building projects that fix existing local problems and also meet regulatory requirements. Local funds will be matched by state grant funds to meet these requirements. These projects will allow the county to meet its first five year Chesapeake Bay related requirements.

Lastly, public utilities. While our overall public utilities budget is down, this is a reflection of spending less of our savings for capital improvements. The Department of Public Utilities has significant capital demands which are the basis for the proposed FY15 rate increases of 4% for water user fees, 1% for sewer user fees, and 2.5% for capacity fees.

While budgets and rates are adopted for a single fiscal year, water and sewer user fees have been calculated utilizing projected operating and capital expenses over a five year planning period. Calculating fees in this manner equalizes rate increases, avoiding unusually large increases in any given year when larger CIP projects would cause rate shock.

In addition to on-going, already authorized CIP projects, planned CIP projects totaling \$47 million dollars are projected for the five year period FY15 to FY19 including anticipated payments of \$22.9 million to the City of Richmond for Hanover's share of renewal and replacement projects for facilities that serve Hanover.

The five year rate model anticipates the need to issue bonds to meet the cash needs of the department in FY17 or later. The actual timing of payments made to the City of Richmond and development activity in Hanover will impact the timing of any bond issuance.

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The summary of investments details where the 3.3% in additional general funds will go: personnel - \$2.8 million, debt & capital - \$1.7 million and operating - \$2.3 million (predominantly education and public safety).

This is being recommended because this budget meets our stated desire to be a premier community. We have invested in public safety, in our Schools, in our workforce and in the necessary technology – ALL without raising tax rates.

We stand ready to work with the Board to answer questions and provide additional information through the Board workshops or individually. Mr. Harris thanked the county and schools' budget staff for their hard work and cooperation throughout this process.

VI. Department Presentations - FY 2015 Budget

Sheriff's Office

Colonel Hines came forward to give the FY15 budget presentation for the Sheriff's office. He informed the Board that Hanover County's crime rate is lower than nearby localities but the 2013 crime rate increased 2% over 2012.

He gave statistics for the number of incidents for the various types of crimes in Hanover County. He also noted that Hanover has a tremendously high clearance rate. He stressed the importance of the various community partnerships the Sheriff's office is involved in as well as the many citizen volunteers who devote time to the department.

The proposed FY15 budget totals \$21,960,364. Colonel Hines explained the need for additional officers and equipment. The Sheriff also explained the need for salaries to be comparable to surrounding localities.

Following his presentation, Colonel Hines answered Board members' questions.

Fire/EMS Department

Chief Piland came forward to give a presentation on the FY15 proposed budget. He began by identifying four key focuses for next four years. They are adequate staffing, IT, health safety and officer development.

Chief Piland explained the department's request for additional firefighter/medics. They are needed to provide truck company staffing so there is 40-hour coverage during peak hours.

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Additionally, they are needed to reduce brownouts in Beaverdam, Rockville, Farrington, and Black Creek.

The proposed CIP calls for one fire pumper, two ambulances, a cascade system replacement and a lifepack replacement grant match.

There has been great success in obtaining funds from grants. The department understands that resources are limited and the team is dedicated to bringing in additional funds from grants.

Mr. Davis thanked Chief Piland and his staff for the work they do on a continual basis and the hours put into preparing the budget. Chief Piland then answered questions from the Board members.

Schools

Dr. Jamelle Wilson came forward to give a presentation on the FY15 proposed budget. She presented the community expectations, the public budget development process and noted special achievements of the county schools and teachers.

The FY15 School Board approved budget that is proposed before the Board is \$177,730,543. The general fund amount is \$170,725,515. This amount includes the textbook funds. The school nutrition fund is \$7,005,028.

Proposed are 18 additional instructional positions (14 classroom teachers, 2 gifted teachers, 2 resource teachers) and a 2% salary adjustment. The budget provides funds for maintaining existing benefit plans, healthcare, VRS, restoring SOL funding, increasing instructional material budgets and increasing facility maintenance.

Dr. Wilson thanked the Board of Supervisors on behalf of the School Board for the work they have done. She then answered Board member questions.

VII. Legislative Update

Mr. Rives, County Attorney, reported on the status of the following bills: HB 333, HB 199, HB 527, HB 597, HB 617, HB 1173, HB 1088, HJ 40 Study, SB 48, HB 268, SB 236, HB 209, HB 494, HJ 103 AND SB 340.

Mr. Rives updated the Board on HB 1084 - Damages for unconstitutional grant or denial by locality of certain permits and approvals. He explained that the Virginia Association of

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Counties, the Virginia Municipal League and local County Attorneys have noted it is very unusual in Virginia law and state laws in general, to have awards of attorneys' fees to complainants paid by localities.

There was a discussion on the various potential issues that could arise from this bill. Mr. Davis asked Mrs. Kelly-Wiecek to monitor the outcome of this bill as the Planning Committee does the same.

VIII. Recess – 4:59 p.m.

Reconvene – 7:00 p.m.

IX. Citizens' Time

The Chairman opened citizens' time and offered to anyone who wanted to address the Board of Supervisors for up to five minutes on any matter within the scope of the Board's authority that is not on the agenda for that meeting to come forward.

Mr. Wayne Varnier of the Mechanicsville District spoke on the proposed development at Bell Creek and Pole Green. He stated his two main concerns are the traffic problems and the environmental impacts. He feels the county has an obligation to the citizens who have been living in the county for 30-40 years.

Mr. Brian Walton from the South Anna district spoke on the need for a noise ordinance that would regulate kennels. He lives near the Dude Ranch Pet Resort. There were stipulations put in place to control noise on the inside but the business operates 24 hours per day.

Ms. Patty Thomas of the Mechanicsville District spoke on the proposed development at Bell Creek and Pole Green. The newest plan to be revealed has increased the density from 112 to 124 housing units. Overflow runoff will flood her garage and add unhealthy sediment to her pond. The wetlands serve as a natural stormwater management plan. The stormwater basin to be built over the wetlands will destroy natural plant growth.

Mr. Peterson informed the citizens speaking on the proposed development at Bell Creek and Pole Green that there will be a meeting at the Pole Green Church of Christ at 7:00 p.m. on February 27, 2014 for all concerned citizens. He is interested in seeing what latest plan for this development will be.

Seeing no one else come forward, the Chairman closed Citizens' Time.

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X. Planning Public Hearings

C-29-03(c) AM. 4-13 - ROYAL DOMINION HOMES (MOUNT HERMON FARMS), Requests an amendment to the proffers approved with rezoning request C-29-03(c), Arthur L. Traylor, Jr., on GPINs 7799-32-7838 and 7799-32-0714, zoned RC(c), Rural Conservation District with conditions, and located on the south line of Mount Hermon Road (State Route 656) at its intersection with Campbell Creek Road (State Route 1071) in the **BEAVERDAM MAGISTERIAL DISTRICT**. The proposed zoning amendment would amend the cash proffer.

Mr. Maloney came forward to present C-29-03(c) AM. 4-13 - ROYAL DOMINION HOMES (MOUNT HERMON FARMS).

Mr. Davis asked if Board members had any questions.

Hearing none, he opened the public hearing and asked that anyone wishing to speak for or against the matter come forward. Seeing no one come forward, Mr. Davis closed the public hearing.

On motion of Mr. Stanley, seconded by Mr. Hazzard, the members of the Board of Supervisors voted to approve Ordinance C-29-03(c), Am. 4-13, Royal Dominion Homes.

ORDINANCE C-29-03(c), AM. 4-13

OWNER OF RECORD: ROYAL DOMINION HOMES

WHEREAS the Planning Commission of Hanover County has held an advertised public hearing and forwarded this case to the Board of Supervisors with a recommendation of **APPROVAL** of the adoption of the following amendment to the Zoning Ordinance and Zoning District Map of Hanover County; and

WHEREAS the Board of Supervisors has held public hearings on the 26th day of February, 2014, and advertised in the *Hanover Herald-Progress* once a week for two successive weeks as required by Virginia Code Section 15.2-2204; and

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WHEREAS the Board of Supervisors has determined that the public necessity, convenience, general welfare, and good zoning practices require this amendment.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County that the Zoning Ordinance and the Zoning District Map of this County are amended (with conditions) by amending the proffers approved with rezoning request C-29-03(c), Arthur L. Traylor, Jr., of the property described as GPINs 7799-32-7838 and 7799-32-0714, located on the south line of Mount Hermon Road (State Route 656) at its intersection with Campbell Creek Road (State Route 1071) (a detailed description is filed with the Board's papers), zoned RC(c), Rural Conservation District with conditions, subject to the following conditions which were proffered by the Applicant on January 24, 2014 and February 24, 2014, and accepted by the Board:

1. The Property Owner, for himself, his successors and assigns, agrees to pay Hanover County prior to issuance of a Certificate of Occupancy for the Property, the amount of Two Thousand Three Hundred Six and 00/100 (\$2,306.00) per single family unit built on the Property. The funds shall be used for the purpose of completing off-site road improvements relating to the development allowed by the rezoning and included in the Business and Residential Development Road Improvements Transportation Policy, adopted March 13, 2013. In the event funds are paid and are not used for such improvements, the County shall return the funds paid to the Owner or his successors in title.
2. Exterior foundation of houses shall be of brick or stone construction unless the house is constructed of synthetic stucco (DriVit) in which case the foundation may be of like material. Above the foundation exterior of the houses shall be constructed of brick, stone, synthetic stucco (DriVit), premium vinyl siding or concrete-based siding material (Hardi Plank).
3. Minimum house size shall be 2,500 square feet. Minimum floor area shall not include garages or breezeways in any category. Floor area shall be measured along the exterior walls of the structure.
4. There shall be no removal of trees of five-inch (5") or larger caliper in the required rear and side yard area of each building lot, as defined by the Zoning Ordinance, with the exception of dead or diseased trees. This, however, shall not prevent the

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removal of trees necessary for construction of improvements, driveways, utility easements, drain fields, drainage facilities, wells, swimming pools, or basketball or tennis areas. In addition, this shall not prevent the removal of trees for open areas in the Common Open Space areas as shown on the Conceptual Plan. No trees five inches (5”) in caliper or greater may be cleared in the remaining area of the Common Open Space with the exception of clearing necessary for the installation of utilities.

5. The Property Owner agrees to dispose of or stabilize all fill material located on the Property in compliance with all applicable federal, state, and local guidelines and regulations. The Property Owner shall also provide a Groundwater Risk Analysis as recommended in the memo prepared by the County’s Environmental Consultant EEE on May 5, 2004, to determine the potential for any risk to groundwater and well contamination. The Property Owner shall submit a remediation plan (“the Plan”) and Groundwater Risk Analysis or Groundwater Sample Analysis with the construction plans for the project. The Plan shall indicate the steps the Property Owner will undertake to properly dispose of, remediate, or stabilize the areas of unconsolidated fill or contamination. The Plan and the Groundwater Risk Analysis or sample shall be submitted to Hanover County no later than one year following rezoning. The Plan shall include cost estimates for the removal and disposal of any necessary material, the stabilization of the consolidation fill areas and, should the results of the Groundwater Risk Assessment or sample indicate a risk to human health or the environment, the remediation of ground water and/or contaminated soils in accordance with applicable guidelines and/or regulations. The Plan shall be reviewed by the Department of Public Works. The Property Owner agrees to modify the Plan as required by the Department of Public Works. The Property Owner acknowledges that the Department of Public Works shall only approve the Plan if the Plan meets all federal, state, and local requirements and guidelines, and the Plan results in the complete remediation of the conditions and eliminates the risk to human health or the environment resulting from the fill activity.

All remediation work described herein shall be bonded as a subdivision improvement in an amount determined by the Department of Public Works to be

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adequate for the completion of the remediation work. The location of all fill areas on the Property shall be shown on the final record plat for the Property. No building permits shall be issued by the County until all remediation work has been completed on the Property.

Should any unidentified fill material be discovered on the Property during the design or construction phase, the owner shall dispose of this fill material in conformity with all federal, state, and local statutes, regulations, and standards.

6. The Property Owner agrees to dedicate twenty-five (25') feet of right-of-way from the centerline of Mount Hermon Road (State Route 656) to the Property for future road widening free of cost to the County, upon request of the County or VDOT.
7. The Property Owner shall build the internal road to VDOT standards and specifications for residential subdivisions and the internal roads shall be dedicated to VDOT for maintenance and acceptance into the State highway system.
8. The Property Owner shall provide an ingress and egress easement as shown on the Conceptual Plan to the owner of GPIN 7799-11-7150. A deed of easement shall be recorded prior to or concurrently with recordation of the Subdivision Plat.
9. The Property Owner, his successors or assigns shall have developed a timber management plan for the timber located on the Preservation area and the Common Open Space areas as shown on the Conceptual Plan titled "Mt. Hermon Farms, Beaverdam District, Hanover County, Virginia, Conceptual Plan" by Resource International, LTD., dated December 15, 2003, (herein referred to as the "Timber Plan"). Said Timber Plan will be delivered to the Hanover County Planning Office prior to construction plan approval. Any thinning of timber recommended by the Timber Plan to be done immediately will be carried out prior to issuance of any building permits. The Owner, his successors or assigns reserve the right to cut, thin or otherwise remove timber from the said Common Open Space and Preservation Area as the Timber Plan and any of its amendments may recommend.
10. The Property Owner shall provide a drilled deep well upon each lot. Should production from the deep well prove inadequate for requisite household use with respect to either quantity or quality, a shallow well may be used.

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BE IT FURTHER ORDAINED that this Ordinance is effective on the date of adoption and the Planning Director is hereby directed to designate the boundaries of the foregoing area as rezoned, subject to conditions, on the Zoning District Map of Hanover County.

	Vote:
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. Via, III	Aye
Elton J. Wade, Sr.	Aye

Motion Approved.

C-39-05(c) AM. 2-13 - ROYAL DOMINION HOMES (HICKORY HILL), Requests an amendment to the proffers approved with rezoning request C-39-05(c), Hickory Hill, L.L.C., on GPINs 7890-61-3804 and 7890-52-7082, zoned RC(c), Rural Conservation District with conditions, and located on the north line of East Patrick Henry Road (State Route 54) approximately 2,000 feet east of its intersection with Goddins Hill Road (State Route 798) in the **BEAVERDAM MAGISTERIAL DISTRICT**. The proposed zoning amendment would amend the cash proffer.

Mr. Maloney came forward to present C-39-05(c) AM. 2-13 - ROYAL DOMINION HOMES (HICKORY HILL).

Mr. Davis asked if Board members had any questions.

Hearing none, he opened the public hearing and asked that anyone wishing to speak for or against the matter come forward. Seeing no one come forward, Mr. Davis closed the public hearing.

Mr. Davis made a motion to approve C-13-13(c) - SANDRA B. AND MICHAEL A. JALBERT, subject to the submitted proffers dated December 31, 2013, seconded by Mr. Wade.

On motion of Mr. Stanley, seconded by Mr. Hazzard, the members of the Board of Supervisors voted to approve Ordinance C-39-05(c), Am. 2-13, Royal Dominion Homes.

ORDINANCE C-39-05(c), AM. 2-13

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OWNER OF RECORD: ROYAL DOMINION HOMES

WHEREAS the Planning Commission of Hanover County has held an advertised public hearing and forwarded this case to the Board of Supervisors with a recommendation of **APPROVAL** of the adoption of the following amendment to the Zoning Ordinance and Zoning District Map of Hanover County; and

WHEREAS the Board of Supervisors has held public hearings on the 26th day of February, 2014, and advertised in the *Hanover Herald-Progress* once a week for two successive weeks as required by Virginia Code Section 15.2-2204; and

WHEREAS the Board of Supervisors has determined that the public necessity, convenience, general welfare, and good zoning practices require this amendment.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County that the Zoning Ordinance and the Zoning District Map of this County are amended (with conditions) by amending the proffers approved with rezoning request C-39-05(c), Hickory Hill, L.L.C., of the property described as GPINs 7890-61-3804 and 7890-52-7082, located on the north line of East Patrick Henry Road (State Route 54) approximately 2,000 feet east of its intersection with Goddins Hill Road (State Route 798) (a detailed description is filed with the Board's papers), zoned RC(c), Rural Conservation District with conditions, subject to the following conditions which were proffered by the Applicant on November 1, 2013, and accepted by the Board:

1. Cash Proffers. The Property Owner, for himself, his successors and assigns, agrees to pay Hanover County, prior to the issuance of a Certificate of Occupancy for the Property, the amount of Two Thousand Five Hundred Seventy-Four and 00/100 (\$2,574.00) per single family unit built on the Property. The funds shall be used for the purpose of completing off-site road improvements relating to the development allowed by the rezoning and included in the Business and Residential Development Road Improvements Transportation Policy adopted March 13, 2013. In the event funds are paid and are not used for such improvements, the County shall return the funds paid to the Owner or his successors in title.

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2. Dwelling Size. The minimum dwelling size shall be 2,000 square feet for a one-story dwelling and 2,500 for a one and one-half or two story dwelling. Minimum floor area shall not include garages or breezeways in any category. Floor area shall be measured along the exterior walls of the structure.
3. Tree Preservation. The required rear and side yard area of each lot, as required by the Zoning Ordinance, along with a minimum of 50 feet front setback shall be selectively cut with no cutting of trees of 5-inch caliper or greater to be allowed. Additional clearing may be allowed (i) when said areas may be used for driveways, wells, drainfields, drainage and utility easement when necessary for dwelling or all other outbuilding construction and/or (ii) when required by the County of Hanover, and then only to the minimum extent necessary, except when cutting is permitted in accordance with approved grading plans, issued by the Public Works Department. The foregoing shall not prohibit the removal of dead or diseased trees. In addition, trees may be cut wherever necessary to establish required storm water detention, or drainage facilities.
4. Homeowners Association. Prior to the conveyance of the first lot, the Property Owner shall cause to be formed a Homeowners Association in which membership will be required of all lot owners. The Homeowners Association shall be charged with maintenance of the common areas, the street lights, the signage, the sidewalks, and the pedestrian trails. Control of the Homeowners Association shall be relinquished by the Property Owner when 75 percent of the lots are developed and owner occupied, but nothing contained herein shall prevent the Property Owner from retaining architectural control until all lots are developed. All common areas shall be conveyed by the Property Owner, subject to the further provisions hereof, to the Homeowners Association upon its formation. The Property Owner may reserve the right to enter upon the common areas to install utilities and to complete the improvements contemplated by these proffers.
5. Architectural Control. An architectural control committee shall be created by restrictive covenants applicable to the Property which shall be filed by the Property Owner prior to recordation of the subdivision plat. House plans shall be approved by the architectural control committee prior to the issuance of a building permit by

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Hanover County, and all applications for building permits shall be accompanied by verification by the architectural control committee or its representative that the requested structure has been approved.

6. Cemeteries.
 - A. Should a grave or cemetery, not reflected on the Conceptual Plan, be discovered at any point in the development of the subject Property that cannot remain in its current location and must be relocated, the Property Owner shall remove and relocate the human remains from the cemetery through the permit procedure administered by the Virginia Department of Historic Resources. The Property Owner shall be responsible for all costs and expenses associated with the cemetery removal or relocation.
 - B. The Property Owner agrees to grant ingress and egress easements for the purpose of accessing the cemeteries located on the Property to the families of those interred in said cemeteries.
 - C. The Property Owner agrees to employ an Archeologist to study the Slave Cemetery shown on the Conceptual Plan to determine the boundaries of the cemetery. The Property Owner agrees to build a fence around the boundary of the cemetery and place a suitable marker identifying the cemetery.
7. Dedication of Right-of-Way – Patrick Henry Road (State Route 54). The Owner agrees to dedicate 50 feet of right-of-way from the centerline of Patrick Henry Road (State Route 54) to the property for future road widening, free of cost to the County, upon request of the County or VDOT.
8. Dedication of Right-of-Way – Providence Church Road. The Owner agrees to dedicate 25 feet of right-of-way from the centerline of Providence Church Road to the property for future road widening, free of cost to the County, upon request of the County or VDOT.
9. Transportation Improvements. Transportation improvements to be constructed in accordance with VDOT standards and specifications:

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- A. SR54/West Access Driveway (Plantation Way). The southbound access driveway shall be configured to include at least one inbound and one outbound lane. The southbound approach shall be STOP controlled and constructed in accordance with *VDOT Road Design Manual: Appendix B, Subdivision Design Guide and the Minimum Standards of Entrances to State Highways*. A left turn land shall be provided with 200 feet of storage length and 200 feet of taper.
 - B. SR54/East Site Driveway (Wickham’s Crossing). The east access driveway shall be configured to include a shared left/right-turn lane. The configuration shall be configured to include at least one inbound and one outbound lane. The southbound approach shall be STOP controlled and constructed in accordance with *VDOT Road Design Manual: Appendix B, Subdivision Design Guide and the Minimum Standards of Entrances to State Highways*. A left turn land shall be provided with 200 feet of storage length and 200 feet of taper.
 - C. I-95 Southbound Off-Ramp/SR54. A left turn lane shall be provided for westbound SR 54 to southbound I-95 with 150 feet of storage length and 75 feet of taper.
10. Manor House, Preservation.
- A. The current historic structures including the manor house and associated dependencies including approximately 50 acres as shown on the Conceptual Plan will be sold as a subdivision lot to a person or entity that exhibits the desire to preserve and or restore the historic structures, subject to subparagraph B below.
 - B. An open-space preservation easement that conforms to the standards designated by the Virginia Board of Historic Resources shall be recorded to preserve the historic, architectural, archaeological and cultural resources located on the portion of the Property comprising approximately 50 acres including the manor house, family cemetery and the majority of the historic outbuildings. This lot is depicted on

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the Conceptual Plan. The timing of the recordation of this easement shall not be dependent on the approval of recordation of any subdivision plat.

BE IT FURTHER ORDAINED that this Ordinance is effective on the date of adoption and the Planning Director is hereby directed to designate the boundaries of the foregoing area as rezoned, subject to conditions, on the Zoning District Map of Hanover County.

	Vote:
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. Via, III	Aye
Elton J. Wade, Sr.	Aye

Motion Approved.

C-13-13(c) - SANDRA B. AND MICHAEL A. JALBERT, Request to rezone from A-1, Agricultural District to AR-6(c), Agricultural Residential District with conditions on GPIN 8717-58-3801, consisting of approximately 4.86 acres, and located in the southeast quadrant of the intersection of Shannondale Road (State Route 1763) and Georgetown Road (State Route 651) in the **HENRY MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Agricultural. The proposed zoning amendment would permit the creation of one additional building lot for a gross density of one (1) dwelling unit per 2.43 acres.

Mr. Maloney came forward to present C-13-13(c) - SANDRA B. AND MICHAEL A. JALBERT.

Mr. Davis asked if Board members had any questions.

Hearing none, he opened the public hearing and asked that anyone wishing to speak for or against the matter come forward. Seeing no one come forward, Mr. Davis closed the public hearing.

On motion of Mr. Davis, seconded by Mr. Wade, the members of the Board of Supervisors voted to approve Ordinance C-13-13(c), Sandra B. and Michael A. Jalbert.

ORDINANCE C-13-13(c)

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OWNER OF RECORD: SANDRA B. AND MICHAEL A. JALBERT

WHEREAS the Planning Commission of Hanover County has held an advertised public hearing and forwarded this case to the Board of Supervisors with a recommendation of **APPROVAL** of the adoption of the following amendment to the Zoning Ordinance and Zoning District Map of Hanover County; and

WHEREAS the Board of Supervisors has held public hearings on the 26th day of February, 2014, and advertised in the *Hanover Herald-Progress* once a week for two successive weeks as required by Virginia Code Section 15.2-2204; and

WHEREAS the Board of Supervisors has determined that the public necessity, convenience, general welfare, and good zoning practices require this amendment.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County that the Zoning Ordinance and the Zoning District Map of this County are amended (with conditions) by the rezoning of the property described as GPIN 8717-58-3801, consisting of 4.86± acres located in the southeast quadrant of the intersection of Shannondale Road (State Route 1763) and Georgetown Road (State Route 651), (a detailed description is filed with the Board's papers) from A-1, Agricultural District, to AR-6(c), Agricultural Residential District with conditions, subject to the following conditions which were proffered by the Applicant on December 13, 2013, and accepted by the Board:

1. Conceptual Plan. The property shall be divided in substantial conformity with the conceptual plan attached, titled "Conceptual Plan for a two lot division of GPIN 8717-58-3801 located at the Southeast Corner of Georgetown and Shannondale Road in Henry District Hanover County," dated October 3, 2011, and prepared by Goodfellow, Jalbert, Beard and Associates.
2. Tree Preservation. Existing trees of 5 inch caliper or greater on the Property shall not be removed with the exception of dead, hazardous, or diseased trees or parts thereof. This shall not prevent the removal of trees necessary for the construction of improvements, fencing, driveways, drainfields, or drainage facilities. Suppressed and overcrowded trees may be thinned out to improve forest health

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and/or provide vistas. Any additional clearing for forestal health purposes shall be conducted under the guidance of the Department of Forestry, and such guidance shall be submitted to the Hanover County Planning Department prior to implementation of the recommended forestry practice.

3. Access. No lot shall have access to the existing 20' right-of-way that runs along the southern boundary of the Property.
4. Contribution for Road Improvements. The Owner, for himself, his successors and assigns, agrees to pay Hanover County prior to issuance of a Certificate of Occupancy for the Property, the amount of Two Thousand Three Hundred Six and 00/100 (\$2,306.00) per single family unit built on the Property. The funds shall be used for the purpose of completing off-site road improvements relating to the development allowed by the rezoning and included in the Business and Residential Development Road Improvements Transportation Policy, adopted March 13, 2013. In the event funds are paid and are not used for such improvements, the County shall return the funds paid to the Owner or his successors in title.
5. Dedication of Right-of-Way. The Owner agrees to dedicate thirty (30) feet of right-of-way from the centerline of Georgetown Road (State Route 651) to the property for the future road widening, free of cost to the County, upon request of the County or VDOT.

BE IT FURTHER ORDAINED that this Ordinance is effective on the date of adoption and the Planning Director is hereby directed to designate the boundaries of the foregoing area as rezoned, subject to conditions, on the Zoning District Map of Hanover County.

Sean M. Davis	Vote:
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. Via, III	Aye
Elton J. Wade, Sr.	Aye

Motion Approved.

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Mr. Maloney came forward to present C-32-07(c) AM 1-13 and CUP-22-07 AM 1-13 concurrently. Mr. Stanley noted for the record that he has been a member of this foundation for a number of years but has no financial interest in the foundation.

C-32-07(c) AM. 1-13 - BEAVERDAM HERITAGE DAYS FOUNDATION, ET AL.,

Requests an amendment to the proffers and conceptual plan approved with rezoning request C-32-07(c), John K. Thompson, et al. on GPINs 7826-67-3848 and 7826-68-4236, consisting of approximately 9.23 acres, located on the west line of Beaver Dam Road (State Route 715) approximately 310 feet west of its intersection with Beaverdam School Road (State Route 739) in the **BEAVERDAM MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Rural Village. The proposal is to amend the conceptual plan in order to accomplish a lot line adjustment and to add a barn structure.

CUP-22-07 AM. 1-13- BEAVERDAM HERITAGE DAYS FOUNDATION, ET AL.,

Request an amendment to a Conditional Use Permit in accordance with Section 26-110.14 of the Hanover County Zoning Ordinance to permit the addition of 0.25 acres and to add a barn structure on GPINs 7826-67-3848 and 7826-68-4236, consisting of approximately 9.23 acres. The area of the Conditional Use Permit will be limited to approximately 2.42 acres. The property is zoned B-1(c), Neighborhood Business District with conditions, and is located on the west line of Beaver Dam Road (State Route 715) approximately 310 feet west of its intersection with Beaverdam School Road (State Route 739) in the **BEAVERDAM MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Rural Village.

Mr. Davis asked if Board members had any questions.

Hearing none, he opened the public hearing for both items and asked that anyone wishing to speak for or against the matter come forward. Seeing no one come forward, Mr. Davis closed the public hearing.

On motion of Mr. Stanley, seconded by Mr. Hazzard, the members of the Board of Supervisors voted to approve Ordinance C-32-07(c), Am. 1-13, Beaverdam Heritage Days Foundation, et al.

ORDINANCE C-32-07(c), AM. 1-13

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OWNER OF RECORD: BEAVERDAM HERITAGE DAYS FOUNDATION ET AL.

WHEREAS the Planning Commission of Hanover County has held an advertised public hearing and forwarded this case to the Board of Supervisors with a recommendation of **APPROVAL** of the adoption of the following amendment to the Zoning Ordinance and Zoning District Map of Hanover County; and

WHEREAS the Board of Supervisors has held public hearings on the 26th day of February, 2014, and advertised in the *Hanover Herald-Progress* once a week for two successive weeks as required by Virginia Code Section 15.2-2204; and

WHEREAS the Board of Supervisors has determined that the public necessity, convenience, general welfare, and good zoning practices require this amendment.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County that the Zoning Ordinance and the Zoning District Map of this County are amended (with conditions) by amending the proffers and conceptual plan approved with rezoning request C-32-07(c), John K. Thompson, et al., described as GPINs 7826-67-3848 and 7826-68-4236, consisting of 9.23 ± acres located on the west line of Beaverdam Road (State Route 715) approximately 310 feet west of its intersection with Beaverdam School Road (State Route 739), (a detailed description is filed with the Board's papers) currently zoned B-1(c), Neighborhood Business District with conditions, subject to the following conditions which were proffered by the Applicant on February 5, 2014, and accepted by the Board:

1. Conceptual Plan. The driveways shall be located in substantial conformity with the conceptual plan attached and titled "Beaverdam Heritage Day Foundation Sketch Plan," prepared by Downing Surveys, Inc., dated August 27, 2008, revised August 5, 2010, and received October 24, 2013. A conceptual plan shall be submitted to the Planning Commission for review and approval, at its sole discretion, for any proposed use on "Parcel B", prior to site plan approval.
2. Elevations and Exterior Materials. The proposed historical museum and learning center on "Parcel A" shall be constructed in substantial conformity with the elevations received December 3, 2007. Elevations for any structure constructed on

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“Parcel B” or any use other than a museum and learning center on “Parcel A” must be submitted to the Planning Commission for review and approval, at its sole discretion, prior to site plan approval.

3. Signage. All freestanding signage in the B-1 District shall be monument style. Wall signs shall be designated in accordance with B-1 district standards.
4. Tree Preservation. Existing trees of 5 inch caliper or greater on the Property shall not be removed with the exception of dead or diseased trees or parts thereof. This shall not prevent the removal of trees necessary for the construction of improvements, driveways, drainfields, or drainage facilities.
5. Dedication of Right-of-Way. The Owner agrees to dedicate 30 feet of right-of-way from the centerline of Beaverdam Road (State Route 715) to the property for future road widening, free of cost to the County, upon request of the County or VDOT.
6. Use Prohibitions. The property shall only be for general retail and office use. Such uses shall not include drive-in service.
7. HVAC. Screening shall be designed so as to block such units from view by persons on any public streets immediately adjoining the B-1 zoned property, or from adjacent residential uses. Any units placed on the ground shall also be screened from view by a person on any public street, utilizing wing walls, fencing, or landscaping.
8. Lighting. The Property Owner shall provide lighting in the B-1 zoning districts not greater than twenty-five (25) feet in height, and such lighting shall be so arranged as to reasonably protect adjacent properties from direct glare or hazardous interference.
9. Outside Storage. There shall be no outside storage of equipment, materials, or supplies, except that an outdoor trash receptacle may be used if it is enclosed within an area that is completely screened from view in a manner that is architecturally compatible with the buildings on site. Chain link, wire mesh, and similar fence materials shall not be permitted.

BE IT FURTHER ORDAINED that this Ordinance is effective on the date of adoption and the Planning Director is hereby directed to designate the boundaries of the foregoing area as rezoned, subject to conditions, on the Zoning District Map of Hanover County.

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	Vote:
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. Via, III	Aye
Elton J. Wade, Sr.	Aye

Motion Approved.

On motion of Mr. Stanley, seconded by Mr. Hazzard, the members of the Board of Supervisors voted to approve Ordinance C-29-03(c), Am. 4-13, Royal Dominion Homes, as follows:

Vote:

Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. Via, III	Aye
Elton J. Wade, Sr.	Aye

Motion Approved.

XI. Announcements

Mr. Stanley recognized Mr. Joseph Monolo, former School Board member, and his wife, Sandy. They are a very big part of Beaverdam Heritage Day and devote many hours to the Montpelier Center and other western Hanover organizations. He thanked them for their attendance and for their continued community involvement.

Mr. Davis reminded all those present that the Board Members are available to answer questions about any of the budget proposals. Constituents are welcome to contact their representative.

Mrs. Angela Kelly-Wiecek announced that her Annual Budget Town Hall will be held at 7:00 p.m. at Chickahominy Middle School on Monday, March 3, 2014.

XII. Adjournment

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At 7:29 p.m., the Chairman adjourned the meeting to March 5, 2014 - Hanover County Administration Building – 2:00 p.m.