

*Shown below is a preliminary summary of the actions taken by the Hanover County Board of Supervisors on August 27, 2014. Minutes in final form will be presented to the Board for approval at a future date.*

# **HANOVER COUNTY BOARD OF SUPERVISORS**

## **DRAFT SUMMARY MINUTES**

**Hanover County Administration Building  
Board Room**

**August 27, 2014**

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 27<sup>th</sup> day of August, 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. G.E. "Ed" Via, III  
Mr. Elton J. Wade, Sr.  
Mr. Cecil R. Harris, Jr., County Administrator  
Mr. Sterling E. Rives, III, County Attorney

Absent: Mr. Aubrey M. Stanley

### **I. Call to Order**

The Chairman called the meeting to order at 2:01 p.m. All Board members were present except for Mr. Aubrey M. Stanley.

- A. The invocation was given by Mr. Via.
- B. The Pledge of Allegiance was led by Mr. Wade.

C. Approval of Minutes:

Upon a motion by Mr. Via, seconded by Mr. Hazzard, the minutes from the June 25 and July 23, 2014 Board of Supervisors meetings were approved as presented.

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

**II. Consideration of Agenda Amendments**

The Chairman asked if there were any agenda amendments. Hearing none, moved to citizens' time.

**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. Oscar Walker, Ashland Magisterial District, came forward to speak on public health and safety, legal issues and budget shortfalls with respect to illegal immigration.

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

**IV. Consent Agenda**

Mr. Via made a motion to approve the consent agenda as presented, seconded by Mr. Peterson.

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

Motion approved.

**IV-A. Committee Appointments**

COMMITTEE NAME	NON-DISTRICT APPOINTMENT	FIRST NAME	LAST NAME	TERM START	CURRENT TERM END	TERM LENGTH	ACTION
Board of Zoning Appeals	N/A	Lewis	Hester	9/1/2014	N/A	5 years	Appoint to replace Mr. Jeter for remainder of term (to 6/30/2019)
Board of Zoning Appeals	Alternate	Norman Donnal (Don)	Wade	9/1/2014	N/A	5 years	Appoint for remainder of term (to 6/30/2019)
Central Virginia Waste Management Authority-Board	Staff Alternate	Randy	Hardman	9/1/2014	N/A	4 years	Appoint to 8/31/2018
Richmond Area Metropolitan Planning Organization Board	Alternate	Wayne	Hazzard	9/1/2014	N/A	2 years	Appoint to replace David Maloney for remainder of term (to 12/31/2015)
Richmond Area Metropolitan Planning Organization Board - Executive Committee	Board Alternate	Sean	Davis	9/1/2014	N/A	2 years	Appoint for remainder of term (to 12/31/2015)

**IV-B. Approval of FY 15-16 Performance Contract with the Virginia Department of Behavioral Health and Developmental Services**

Board Sheet Background:

The Hanover County Community Services Board (HCCSB) staff reviewed and supplied the required data and information for the FY15-16 Performance Contract, a document developed by the Virginia Department of Behavioral Health and Developmental Services to be executed by each

community services board and behavioral health authority in Virginia. This is a prerequisite for the receipt of state-controlled funds for mental health, intellectual disabilities and substance use disorder services. Execution of the Performance Contract requires approval by both the CSB Board and the Board of Supervisors.

The Code of Virginia requires that prior to the execution of the performance contract, each community services board and behavioral health authority make the proposed Performance Contract available for public comment for a thirty-day period. HCCSB made the proposed FY15-16 Performance Contract available for public comment on July 14, 2014. There were no public comments received by the end of the comment period. On August 18, 2014, the HCCSB Board took the necessary action to recommend to the Board of Supervisors the approval of the FY15-16 Performance Contract.

Recommended Action:

Approval of the FY15-16 Performance Contract

**IV-C. Budget Appropriation - \$2,145,893 - Reappropriation of the Fiscal Year 2014 Budget**

Board Sheet Background:

The County's operating budget appropriations lapse each year on June 30. At the end of FY14, as in past years, there were purchases and projects in progress that were not completed prior to June 30. This request is for the consideration of a budget appropriation of \$2,145,893 of unspent funding from the FY14 operating budget. These funds were appropriated in FY14 and included in quarterly report forecasts made during the year. There is no new or additional funding required for this reappropriation as the funding sources for this reappropriation were recognized during FY14 as part of a balanced budget. As part of the Finance Department's review of reappropriation requests, efforts are made to ensure that the reappropriation balances recommended by the County Administrator represent those projects that need to continue and/or were in progress to honor commitments.

During the FY15 budget process, a resolution was adopted by the Board of Supervisors providing for all outstanding operating encumbrances (purchase orders) and continuing capital projects to be reappropriated at year-end after thorough review by Finance and Administration. As a part of that review, some projects have been closed or reduced in funding due to updated project information. Capital projects and operating encumbrances are not included in this request.

On August 19, 2014, the Finance Committee was presented with the County's recommended

reappropriations which had been reviewed by the Finance Department and County Administrator's Office. Finance and Management Services concurs with the attached budget appropriation request.

Recommended Action:

Approve the budget appropriation of \$2,145,893 to FY15 for various funds and departments.

**IV-D. Approval of Third Addendum to Tower Construction and Lease Agreement between Hanover County and New Cingular Wireless PCS, LLC (Ashland Magisterial District)**

Board Sheet Background:

On February 28, 2001, Hanover County and Triton PCS Property Company, L.L.C. entered into a Tower Construction and Lease Agreement under which Triton leased the right to use the Airport Beacon Tower and a portion of ground area on the Tower Site to install and operate telecommunications equipment, including antennas. The Agreement was subject to renewal for four additional terms of five years each. The Agreement was subsequently amended on February 28, 2007 and March 24, 2010.

Under the Agreement, New Cingular Wireless PCS, LLC, successor in interest to Triton PCS Property Company, L.L.C., currently pays a yearly base fee of \$22,500, which increases with each renewal term. AT&T Mobility Corporation, the Manager for New Cingular Wireless PCS, LLC, wishes to install additional antennas, associated cables, and equipment, as described in Exhibit 1-A to the Third Addendum.

A Structural Analysis and Radio Frequency study determined no adverse effects to the Beacon Tower and airport users from installation of the additional antennas, cables, and equipment.

For placement of the additional equipment on the Beacon Tower, New Cingular Wireless PCS, LLC will pay an additional base fee in the amount of \$200.00 per month or \$2,400.00 per year over the previously established base fee.

The County Attorney's Office has reviewed and approved the Third Addendum as to form.

Recommended Action:

Motion to authorize the County Administrator to approve the Third Addendum to Tower Construction and Lease Agreement, and to take all actions necessary to implement the terms of the Addendum.

#### **IV-E. Budget Supplement and Authorization of Public Safety Training and Response Equipment with Asset Forfeiture Funds – Sheriff’s Office - \$83,000**

##### Board Sheet Background:

The Hanover County Sheriff’s Office has received funding through the Virginia Attorney General’s Asset Forfeiture Sharing Program for Hanover County’s Crisis Intervention Team (CIT), and is designed to assist law enforcement and other first responders. The identified benefits of the CIT approach are enhancing safety for all involved in a crisis situation and strengthening the relationships between those agencies involved in an emergency mental health response. This funding would be utilized in continuing community outreach and education, and officer training (\$23,341).

The Hanover County Sheriff’s Office will use State Asset Forfeiture funding to complete needed renovations and equipment upgrades to the Sheriff’s Office gym facility. The current gym equipment is twenty-years-old and well past its life span. The purchases include new cardio machines, paint and flooring and exercise/weight machines (\$59,659).

The Sheriff’s Office is requesting approval to spend \$83,000 in prior year’s forfeiture funds to purchase public safety training equipment and to fund facility renovations.

As of August 2014, the Sheriff’s Office has \$631,790.54 remaining in Federal Forfeiture Funds and \$92,341.08 in State Asset Forfeiture Funds. This amount is roughly equivalent to the last three years of funds received (FY12-14). These funds cannot be appropriated in anticipation of future collections per the following state and federal regulations: US DOJ Forfeiture Guide, Section X. *Uses of Equitable Shared Property*, A.4.b; VA DCJS Forfeited Asset Sharing Manual, Appendix H *Uses of Equitable Shared Money*; and, VA Sheriff’s Accounting Manual, Chapter 8 Forfeited Property – Best Accounting Practices. This request meets the requirements for the use of forfeiture funds.

The Finance and Management Services Department concurs with this request.

##### Recommended Action:

Motion to approve the budget supplement and purchase of public safety training and response equipment with Asset Forfeiture Funds in the amount of \$83,000.

#### **IV-F. Request for Conditional Use Permit Extension – CUP-2-11, Fairmount Memorial Baptist Church**

##### Board Sheet Background:

The Hanover County Board of Supervisors approved CUP-2-11 on August 24, 2011, to allow for the construction of Fairmount Memorial Baptist Church on GPIN 8746-83-5507. Extensions of one year were granted by the Board of Supervisors on August 22, 2012 and August 28, 2013, because funds were not available to start construction since the sale of the current church property had not occurred. The Church is now in negotiations for the sale of its facilities in eastern Henrico County. Because construction of the church facility in Hanover is contingent upon receipt of funds from this sale, the Church is requesting an additional one (1) year extension.

The property remains unimproved, and no zoning violations were found to exist when inspected in July 2014. Based on consistency with prior Board actions on similar requests, the Planning Department recommends approval of a one (1) year extension, subject to the original conditions of approval.

Recommended Action:

Approval of the extension of Conditional Use Permit, CUP-2-11, Fairmount Memorial Baptist Church, until August 31, 2015, subject to the originally approved conditions

**IV-G. Adoption of Resolution – Acceptance of Streets into the Secondary System of Highways – Rutland, Section 4A (Chickahominy Magisterial District)**

Board Sheet Background:

Rutland, Section 4A is a 32 lot subdivision recorded on July 12, 2012. 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.

Recommended Action:

Adopt the attached resolution requesting the Virginia Department of Transportation to accept Oakham Drive, Lyndon Circle, and Thistleton Court in Rutland, Section 4A Subdivision into the Secondary System of State Highways.

**V. Award Presentation to the Hanover County Sheriff's Office for achieving state accreditation through the Virginia Law Enforcement Professional Standards Commission**

Sheriff Charles Jett, Stafford Sheriff's Office, came forward as representative of the Virginia Law Enforcement Professional Standards Commission. He recognized Sheriff Hines and the members

of the Hanover County Sheriff's Office for their commitment to law enforcement excellence as evidenced by their successful completion of the certification process of the Virginia Law Enforcement Accreditation Program. He noted that all accreditation programs are designed to measure and confirm compliance of the participating organization with the professional standards in the discipline or profession they are involved. It is one of the only means by which citizens and government agencies can be assured that an agency is maintained ethical standards and benchmarks of performance that the community has a right to expect.

To obtain accreditation, the Sheriff's Department must demonstrate compliance with the administrative, operational, training and personnel policies and practices with the 190 professional standards of the Commission. The process involves the assessment and evaluation of the agency by trained law enforcement professionals from outside of the agency.

Sheriff Jett noted that this is the fourth reaccreditation for the Hanover Sheriff's Office and stated that the Hanover Sheriff's Office is also recognized by the National Commission on Accreditation for Law Enforcement Agencies, which makes it the only Sheriff's Office in Virginia to achieve dual accreditation.

Colonel Hines came forward and recognized the importance of his staff as well as the Board and County Administrator's support in achieving the accreditation.

## **VI. Presentation - Overview of Recent Activities – Capital Region Airport Commission**

Mr. Mathiasen, President/CEO, came forward to address the Board. He presented an overview of recent and upcoming projects and provided information on the current state of air travel.

### Infrastructure Development:

Runway 16/34 – underway now:

- Approximate Cost - \$18MM
- Full Length Pavement Rehab
- Replacement/Repair of Stormwater Drainage System

Snow Equipment Removal Building:

- Approximate Cost – \$6.23MM
- Haley Builders, Ashland, Virginia

Taxiway Mike:

- Approximate Cost - \$29MM
- Group IV Taxiway
- Full Parallel to Runway 16/34
- American Infrastructure – Virginia

Collector/Access Road from Williamsburg Road to East Side Development Area:

- Approximate Cost – \$12 MM
- Bid Advert: September 14, 2014

Future Development:

- General Aviation Hangars
- Large/Small East Side Parcels

New Service, Retained Route Initiations

- Southwest transitioned AirTran’s Atlanta flights to Southwest in early August.
- JetBlue will add additional Richmond-Boston service starting in November.
- American started New York-LaGuardia in April, joining Delta on the route.
- Delta commenced 2x RIC-BOS service in March, joining JetBlue and US Airways.

2014 Fundamental Truths in Aviation:

- Economic development and fuel costs drive air service development.
- Via consolidation and capacity discipline, domestic networks are shrinking.
- Since schedules are primarily built based on historic data, better usage now leads to opportunities for increased flight frequencies and new route opportunities in the future for Richmond Region travelers.
- Only competition creates competitive fares, thus it is important to include all carriers in your travel plans, including LCCs Southwest and JetBlue.
- If domestic service is going to be dominated by four big brands, each of these brands need to be well-represented in Richmond: American/US Airways, Delta Air Lines, United Airlines and Southwest Airlines
- Richmond travelers should be familiar with [www.SaveLowFares.com](http://www.SaveLowFares.com).

## **VII. Presentation - Dominion Power Update**

Mrs. Jennifer Kostyniuk, Manager, Regional State and Local Affairs, and Jeff Hutchinson, Regional Operations Center Manager, came forward to update the Board on the new Dominion Wire Down Identification measures to help identify if fallen wires are electric, telephone, cable or other. Dominion Virginia Power wire down will be marked with yellow tape that reads “CAUTION Dominion”. Wire that does not belong to Dominion will be marked with orange tape that reads “CAUTION Dominion”. Dominion will create a National Joint Use Notification System ticket when orange CAUTION tape is used. This will notify other utility companies their wire is down.

## **VIII. Presentation – Virginia Pollution Abatement Permit, Industrial Residuals Program**

Mr. Kyle Winter, Virginia Department of Environmental Quality Piedmont Regional Deputy Director/Water Compliance and VPA Program Manager came forward to provide an overview of the Virginia Pollution Abatement Permit, Industrial Residuals Program and description of industrial residuals.

Following his presentation, Mr. Winter answered questions from Board members. There was clarification and detailed discussion on the following areas of concern:

- The previous role of the Department of Health in the issuance of biosolids permits
- The two parties able to apply for permits (facility or entity that is generating the material or an applicator/broker/third party who did not generate the material)
- The information that must be provided to DEQ by the applicant and how DEQ determines what is in the materials
- What office or division of DEQ evaluates whether or not the material has value as a fertilizer or soil amendment
- The role of the Department of Conservation and Recreation (DCR) in the process
- The benefit of using these type materials as opposed to commercial fertilizer due to the requirements that must be met to prevent run-off
- What DEQ does to ensure the application is being done responsibly once a permit is issued
- When DEQ inspects sites and the percentage of sites that are inspected
- Whether or not the material is tilled into the fields
- Storage requirements for the material and what party holds the permits for storage

- The vegetative buffers required around an application site
- How DEQ handles permit applicants who have a history of violations related to previous permits
- Mr. Stanley's efforts to contact landowners in the area of the permit applied for in Hanover, including the owner of the parcel in question

Ms. Dale Taylor, Beaverdam Magisterial District, came forward and voiced opposition to the use of industrial residuals. She had questions concerning if the company in question has been vetted to determine their history of compliance, the self-reporting of the process and clarification of when notice was given to Hanover County. She asked that DEQ send her an email confirming that the permit application in question has been withdrawn.

Mr. John Davenport, West Point resident, came forward and voiced opposition to to the use of industrial residuals and asked the County to go on record in opposition of the use of industrial residuals by sending a letter to the SWCB.

Mr. Don Wagner, King William resident, came forward and voiced opposition to to the use of industrial residuals and noted other localities that have gone on record as being opposed to their use.

Ms. Tyla Matteson, Chesterfield County resident, came forward and voiced opposition to to the use of industrial residuals. She expressed concern about harm to the waterways, oyster farms, and wells and stated the company in question has had a record of previous violations and fines.

Ms. Deborah Wooten, South Anna Magisterial District, came forward and voiced opposition to to the use of industrial residuals. She expressed concerns about there being general regulations as opposed to specific regulations, the level of self-regulation allowed, the post application inspection process when violations have occurred and the 30% of sites that are not inspected.

Mr. C.L Jones, Beaverdam Magisterial District, came forward and voiced opposition to to the use of industrial residuals, citing concerns about damage to residential wells.

Ms. Jeannette Wagner, King William resident, came forward and voiced opposition to to the use of industrial residuals, citing concerns about the reporting requirements and the retention of files.

Ms. Martha Wingfield, Beaverdam Magisterial District, came forward and voiced opposition to to the use of industrial residuals, and asked the County to pass a resolution in opposition to the use of industrial residuals.

Ms. Kim Singhas, South Anna Magisterial District, came forward and voiced opposition to to the use of industrial residuals, citing concerns about damage to residential wells and the negative impact on property values. She asked for the County to pass a resolution in opposition to the use of industrial residuals.

There was further discussion by the Board members concerning compliance history, DEQ's process when non-compliance is discovered after application, previous sites in Hanover County where problems have occurred and the limited authority of local government in this matter. The Board members discussed adding this matter to the list of items to be addressed at the Legislative Committee meeting to be held on August 28.

Mr. Sterling Rives, County Attorney, detailed the history of the uses of biosolids and industrial residuals in Hanover County and the efforts the County has taken to monitor these uses.

The Chairman announced a brief recess at 4:41 p.m.

The Chairman reconvened the meeting at 4:50 p.m. and announced that Item X. would be heard at that time. He stated that the Board would then go into Closed Session until 6:50 p.m., at which time Item IX. would be heard.

#### **X. Presentation of the Year-End June 30, 2014 Financial Report**

Mrs. Kathy Seay, Director of Finance, came forward and presented the operating results for the County's General Fund, Public Utilities and the School Division Operating Fund for the year ending June 30, 2014.

As reported in May, operating revenues have a positive variance to budget. Preliminary year end revenues totaled \$203.5 million, 102% of the appropriated budget. Expenditures and transfers including encumbrances and reappropriations totaled \$198.2 million, 94.7% of the appropriated budget.

General property taxes are favorable to budget by approximately \$2.8 million. This includes an increase of approximately \$1 million for real property taxes due to a change in reassessment from 0.5% to 2.07% and an increased base last year. Additionally, personal property taxes are approximately \$1.4 million higher than budget. Public service corporation taxes are \$308,000 favorable to budget due to an increased collection rate and an increase in the tax rate.

Other local taxes are favorable to budget by approximately \$384,000. This favorability is primarily due to an increase in the estimates for sales tax. The Permits and fees revenue has also increased due to anticipated growth and regulation changes.

Total year expenditures and transfers were also favorable to budget. Personnel savings are estimated to be approximately \$1.8 million and operating savings are estimated to be approximately \$5.4 million with a return from the School Board of approximately \$3.8 million.

The total projected favorable variance to budget is approximately \$15.0 million which is primarily planned for use in the County and School budgets in FY15 and the subsequent five year plan.

The General Fund's fund balance increased approximately \$5.3 million due to actual revenues greater than expenditures. Changes to fund balance classifications include small increases to nonspendable and restricted balances. These balances represent resources that are not in a spendable form such as inventories and amounts constrained to specific purposes by providers such as grantors, bondholders, and higher levels of government.

At this time, the General Fund's Unassigned Fund Balance is projected to increase approximately \$438,000 and remain at 12.6% of operating revenues consistent with the prior year. By Board policy, the County's General Fund maintains a minimum unassigned fund balance of at least 10% of revenues to protect against unanticipated expenditures or revenue shortfalls, with a higher targeted percentage to maintain its triple AAA rating and lowest possible interest on capital projects. The estimated change to assignment balances net of encumbrances and reappropriations is approximately \$4.3 million.

Based on available operating balance funds, the Preliminary County Administrator Assignment balances including encumbrances and reappropriations as of June 30, 2014 are estimated to be approximately \$22.0 million. These funds are assigned for various purposes including economic development, education, the subsequent year budget and five year financial plan and capital improvements as noted on the screen.

The audited financial statements will be presented with the County's CAFR in November at the conclusion of the annual audit.

A detailed statement of revenues, expenses and changes in net position for Public Utilities was presented. Operating revenues were \$22.6 million or approximately \$435,000 higher than the appropriated budget. This favorable variance is primarily due to increases in plan review and

inspection fees, sewer user fees, and miscellaneous revenues. User fees for water service were \$273,000 below budget reflecting an ongoing trend of lower water consumption. Expenses for the year were \$17.9 million or 94% of the appropriated budget. Personnel costs were \$290,000 below budget, long-term water and sewer contracts with Henrico County and the City of Richmond were \$400,000 below budget and power costs were \$135,000 below budget.

Non-operating revenues were \$6.4 million or approximately \$2.2 million higher than the appropriated budget, primarily due to a significant increase in water and sewer capacity fees. Partial receipt of grant funds designated to Totopotomoy wastewater treatment plan improvements (CIP) were received during the year resulting in a \$757,000 unfavorable budget variance. Donated assets in the amount of \$3.5 million were received, but were not projected as part of the annual budget process.

The FY14 capital improvement plan of \$14.4 million included \$3.4 million of continuing projects from prior years and \$11.1 million of current year capital appropriations and transfers. Capital expenditures during the year were \$6.7 million. Multi-year capital project costs are not included in the Statement of Revenues, Expenses and Changes in Fund Net Position.

Also provided were detailed statements of revenues, expenditures and changes in fund balance for the School Division Operating Fund. The School division will return approximately \$3.8 million to the County's General Fund. As compared to the prior year both appropriated revenues and expenditures have decreased due primarily to the creation of the debt service fund of \$15.7 million, reduction of staffing in the FY14 budget of approximately \$2.0 million, consolidation of services with the county of approximately \$400,000 and transfer of approximately \$600,000 from the operating fund to the capital fund to support summer capital projects and the implementation of a new phone system.

FY14 appropriated revenues of \$162.4 million have decreased by \$18.8 million compared with appropriated revenues in the prior year of \$181.2 million. FY14 appropriated expenditures of \$164.5 million have decreased by \$19.2 million compared with appropriated expenditures in the prior year of \$183.7 million. The factors affecting the reduction are substantially the same as noted for revenues. Actual revenues accrued as anticipated in FY14 compared to the appropriated budget. Final revenue payments, based on amendments adopted in the General Assembly caboose bill, confirm that sales tax was slightly over budget, however, actual student enrollment this year is higher than anticipated by the State and the basic aid and other related state dollars are more than sufficient to cover that potential

shortfall. Expenditure savings are primarily the result of utility savings from continued energy containment efforts and attrition savings from employee turnover.

**XI. Closed Session**

- 1. Section 2.2-3711(A)(7) of the Code of Virginia – Consultation with legal counsel and briefing by staff regarding specific legal matters - proposed Third Amendment to Development/Acquisition Agreement with Lewistown Commerce Center LLC and Lewistown Commerce Center CDA**
- 2. Section 2.2-3711(A)(19) of the Code of Virginia - Discussion of reports and plans related to the security of governmental facilities – Hanover County Public Schools**
- 3. Section 2.2-3711(A)(7) of the Code of Virginia – Briefings by legal counsel – (A) Legislative Prayer after Greece v. Galloway and (B) Section 15.2-2208.1 (HB. 1054)**

Mr. Hazzard moved that the Board of Supervisors go into Closed Session pursuant to the following: Section 2.2-3711(A)(7) of the Code of Virginia – Consultation with legal counsel and briefing by staff regarding specific legal matters - proposed Third Amendment to Development/Acquisition Agreement with Lewistown Commerce Center LLC and Lewistown Commerce Center CDA, Section 2.2-3711(A)(19) of the Code of Virginia - Discussion of reports and plans related to the security of governmental facilities – Hanover County Public Schools and Section 2.2-3711(A)(7) of the Code of Virginia – Briefings by legal counsel – (A) Legislative Prayer after Greece v. Galloway and (B) Section 15.2-2208.1 (HB. 1054). The motion was seconded by Mrs. Kelly-Wiecek.

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

Motion Approved.

Board members entered Closed Session at 5:01 p.m. At the conclusion of the Closed Session, all Board members returned to the Board room, and the Chairman called the regular meeting back to order at 5:58 p.m.

**Certification of Closed Session**

Mr. Hazzard moved that the Board of Supervisors certify that during the Closed Session only public business matters lawfully exempted from the open meeting requirement of the Freedom of Information Act and only such public business matters as were identified in the motion for the Closed Session were discussed. The motion was seconded by Mr. Via.

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

Motion Approved.

**XII. Recess**

The meeting was recessed at 5:59 p.m.

The meeting reconvened at 6:50 p.m.

**IX. Strategic Plan Update and Recommendations**

Mr. John Budesky, Deputy County Administrator, presented the Board with the Strategic Plan update and recommendations. He described the work of the taskforce and noted that Mrs. Kelly-Wiecek (Chair), Mr. Via and Mr. Stanley participated in the taskforce.

**Assigned Role of Taskforce Goals**

1. Assess and Confirm Objectives or Establish new/revised Objectives as related to established Goals
2. Assess if the Key Indicators are true measurements/Benchmarks of achievement towards meeting the stated objectives and goal
3. Identify Revised Key Indicators and Data sets as necessary

4. Adopt a Dash Board or Reporting Format for Key Indicator Measurements to provide Consistency and Clarity on Strategic Plan Performance to our Citizens
5. Determine plan for how to integrate Strategies and Board Initiatives

Review of Key Focus Areas & Goal Statements

Strategic Focus Area	Goal Statement
Education	Provide an environment for life-long learning
Public Safety	To be a safe community
Health and Human Services	Promote citizen independence and a high quality of life
Stewardship	Provide sound financial and infrastructure management
Service and Engagement	Provide excellent employee customer service while leveraging promoting citizen engagement
Economic Development	Create strategic business investment that enhances quality of life
Community	To have a vibrant community while preserving natural and cultural, and historic resources

Next Steps

- Recommend adoption of the proposed changes to BOS Strategic Plan
- Annual Presentations to full Board of Supervisors on progress of all County Strategic Plans – BOS Plan, Specific Focus Area Plans, and Departmental Strategic Plans
- Continue to evolve and update all Strategic Plans Annually and clarify reporting between plans(BOS Plan, Strategic Focus Area Plans, Department Plans)
- Update all Strategic Plans at least every five years
- Evaluate options for improved measurement and correlation between budgeted strategies and outcomes

Mrs. Kelly-Wiecek made a motion to adopt the recommended changes to the Board of Supervisors Strategic Plan. The motion was seconded by Mr. Hazzard.

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

Motion Approved.

### **XIII. 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.

Ms. Emily Harlow, Henry Magisterial District, came forward to speak in opposition of the proposed Dollar General store in the Henry District, citing the large number of fellow citizens who are opposed and the traffic problems that will ensue.

Mr. Ron Harlow, Henry Magisterial District, came forward to speak in opposition of the proposed Dollar General store in the Henry District, citing traffic issues and the safety issues of large trucks needing to enter and exit the site.

Mr. Dennis Young, Henry Magisterial District, came forward to speak in opposition of the proposed Dollar General store in the Henry District, citing architectural design and traffic concerns.

Mr. Keith Ober, Henry Magisterial District, came forward to speak in opposition of the proposed Dollar General store in the Henry District, citing lack of community support, proximity to similar stores and traffic issues.

Ms. Jennifer Clements, Henry Magisterial District, came forward to speak in opposition of the proposed Dollar General store in the Henry District, citing safety issues with student drivers from Hanover High School, dangerous road conditions already present, the need for imposing standards of development requirements on the developer and the negative impact on the quiet, rural environment.

Mr. Lee Newton, Henry Magisterial District, came forward to speak in opposition of the proposed Dollar General store in the Henry District, citing the need for a turning lane, the narrow width of Pine Ridge Road and the future cost to taxpayers when these issues must be addressed.

Ms. Carol Towns, Henry Magisterial District, came forward to speak in opposition of the proposed Dollar General store in the Henry District, citing safety concerns if the high school students use the private road for training and the change from a quiet, rural environment.

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

The Board members discussed the issues of previous zoning actions, no-parking signs, the lack of a turning lane, other traffic safety concerns, aesthetics of the proposed building and the possible benefit of residents contacting the landowner and/or company.

Mr. Rives explained the history of previous cases and the reason the County is unable to down-zone this property.

The Chairman announced a brief recess at 7:49 p.m.

The Chairman reconvened the meeting at 7:57 p.m.

#### **XIV. Presentations**

##### **Eagle Scout Robert W. Scaplehorn – Troop 521 - Ashland Magisterial District**

Mr. Via came forward and presented this award to Eagle Scout Scaplehorn.

##### **Eagle Scout Michael Joseph Lenzi, Jr., Troop 500, Henry Magisterial District**

Mr. Davis came forward and presented this award to Eagle Scout Lenzi.

#### **XV. Presentations – Recognition of Robert R. Jeter, Jr.**

Mr. Davis called Mr. Robert R. Jeter, Jr. forward and presented him with a letter of recognition on behalf of the Board. Mr. Davis conveyed the Board's appreciation to Mr. Jeter for his many years of service to Hanover County, including his years on the Board of Zoning Appeals and the Grand Jury.

#### **XVI. Public Hearing – Lease of County Property – Between Hanover County and Zynnovation LLC for a location to pilot a new recycling technology. (Beaverdam Magisterial District)**

##### **Board Sheet Background:**

Zynnovation, located in the Hanover County Clean Technology Innovation Center, proposes to evaluate the feasibility of recovering polymers from soiled disposable diapers. The recovered polymers would be utilized to manufacture irrigation tree mats. The Department of Public Works proposes to lease a 40' by 20' area at the Solid Waste Transfer Station site for the purposes of locating

a 100 square foot processing building. Zynnovation will be responsible for all operating costs including diaper collection from local day cares, electricity, water, sewage (discharge approved by Hanover County DPU) and residue disposal costs. The lease would be for one year beginning October 1, 2015 and ending September 30, 2016. The Virginia Department of Environmental Quality has approved this project that is dependent on Zynnovation receiving a grant from the National Science Foundation. The lease amount will be \$1 per year.

The Department of Public Works will amend its Site Plan and Operations Plan to incorporate the pilot project upon Zynnovation receiving its grant approval from the National Science Foundation. This is anticipated to require a nominal amount of staff time.

The County Attorney’s Office has approved the attached form of the agreement.

Recommended Action:

Motion to authorize the County Administrator to enter into the lease of County property between Hanover County and Zynnovation LLC in a form approved by the County Attorney and authorize all actions necessary to implement the lease.

Mr. Mike Flagg, Director of Public Works, presented the Board with this request.

Mr. Davis asked if Board members had any questions. Hearing none, Mr. Davis opened the public hearing and asked that anyone wishing to speak for or against the matter come forward.

Seeing none, Mr. Davis closed the public hearing.

On motion of Mr. Hazzard, seconded by Mr. Wade, the members of the Board of Supervisors voted to approve the lease of County property between Hanover County and Zynnovation LLC for a location to pilot a new recycling technology.

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

**XVII. Planning Public Hearings**

**C-24-02(c) AM. 1-14 – Gina M. and Erich M. Petschauer (Greenwood Creek Subdivision),**

Request an amendment to the proffers approved with rezoning request C-24-02(c), Cauthorne Family, L.L.C. on GPIN 7759-89-6608, zoned AR-6(c), Agricultural Residential District with conditions, and located at the terminus of Greenwood Creek Drive (private road) approximately 3,400 feet east of its intersection with Greenwood Church Road (State Route 657) in the **South Anna Magisterial District**. The proposed zoning amendment would amend the cash proffer.

Planning Analysis:

- The request is to amend the following:
  - Reduce Proffer No. 1 from \$7,399.00 (capital & road improvements) to \$2,306.00 (road improvements)
  - The amended proffer is in accordance with the Business and Residential Development Road Improvements Transportation Policy

Recommendation:

The Planning Commission and staff recommend approval subject to the submitted proffers.

Mr. David Maloney, Director of Planning, presented the Board with this request.

Mr. Davis asked if Board members had any questions. Hearing none, Mr. Davis opened the public hearing and asked that anyone wishing to speak for or against the matter come forward.

Seeing none, Mr. Davis closed the public hearing.

On motion of Mr. Hazzard, seconded by Mr. Via, the members of the Board of Supervisors voted to approve Ordinance C-24-02(c), Am. 1-14, Gina and Erich Michael Petschauer as follows:

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

**C-30-04(c) AM. 1-14 – Adrienne L. and James D. Knox (Main Street Homes) (Triple Oaks**

**Subdivision),** Requests an amendment to the proffers approved with rezoning request C-30-04(c),

Triple Oaks, L.L.C. (KLS, L.L.C.) on GPIN 7739-99-9099, zoned RC(c), Rural Conservation District with conditions, and located on Whispering Creek Circle (private road) approximately 1,500 feet west of its intersection with Triple Oaks Estates Drive (private road) in the **South Anna Magisterial District**. The proposed zoning amendment would amend the cash proffer.

Planning Analysis:

- The request is to amend the following:
  - Reduce Proffer No. 8 from \$7,700.00 (capital & road improvements) to \$2,306.00 (road improvements)
  - The amended proffer is in accordance with the Business and Residential Development Road Improvements Transportation Policy

Recommendation:

The Planning Commission and staff recommend approval subject to the submitted proffers.

Mr. David Maloney, Director of Planning, presented the Board with this request.

Mr. Davis asked if Board members had any questions. Hearing none, Mr. Davis opened the public hearing and asked that anyone wishing to speak for or against the matter come forward.

Seeing none, Mr. Davis closed the public hearing.

On motion of Mr. Hazzard, seconded by Mr. Wade, the members of the Board of Supervisors voted to approve Ordinance C-30-04(c), Am. 1-14, Adrienne L. and James D. Knox (Main Street Homes), as follows:

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

**C-5-14(c) – Linda and Joseph Doane**, Request to rezone from A-1, Agricultural District, to AR-6(c), Agricultural Residential District with conditions, on GPIN 8744-75-0551, consisting of approximately 39.86 acres, and located on the south line of Parsleys Mill Road (State Route 609) at its intersection with Crown Hill Road (State Route 632) in the **Cold Harbor 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 19.93 acres.

Planning Analysis:

- The applicant is proposing to rezone to AR-6(c) to permit the creation of 2 lots:
  - 5.43 acre lot with the existing house
  - 34.43 acre lot

Proffers:

- Conceptual plan
- Tree Preservation
- Contribution for Road Improvements
- Dedication of Right-of-Way

Recommendation:

The Planning Commission and staff recommend approval subject to the submitted proffers.

Mr. David Maloney, Director of Planning, presented the Board with this request.

Mr. Davis asked if Board members had any questions. Hearing none, Mr. Davis opened the public hearing and asked that anyone wishing to speak for or against the matter come forward.

Seeing none, Mr. Davis closed the public hearing.

On motion of Mr. Wade, seconded by Mr. Peterson, the members of the Board of Supervisors voted to approve Ordinance C-5-14(c), Linda and Joseph Doane, as follows:

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

**SE-9-14 – Bon Secours – Memorial Regional Medical Center**, Requests a Special Exception Permit in accordance with Section 26-338 of the Hanover County Zoning Ordinance to allow two signs larger than permitted on GPINs 8705-54-0926 and 8705-53-7813, consisting of approximately 1.78 acres,

zoned B-1(c), Neighborhood Business District with conditions, and located at the Atlee Road entrance to Memorial Regional Medical Center, on the east line of Atlee Road (State Route 638), at its intersection with Summer Walk Parkway (State Route 1900), and Meadowbridge Road entrance to Memorial Regional Medical Center, on the west line of Meadowbridge Road (State Route 627), approximately 1,600 feet north of its intersection with Atlee Road in the **Chickahominy Magisterial District**.

Planning Analysis:

- The proposed signs incorporate an electronic message board so that temporary advertisement signs are no longer needed

	Permitted (max)	Proposed	Difference
Sign Area	30 s.f.	73.67 s.f.	43.67 s.f.
Sign Height	6’	14’ 8”	8’ 8”

Recommendation:

The Planning Commission and staff recommend approval with the conditions outlined in the staff report.

Mr. David Maloney, Director of Planning, presented the Board with this request.

It was noted that Mr. Peterson is a member of the Community Advisory Board for Memorial Regional Medical Center, but this does not constitute a conflict of interest as Mr. Peterson has no personal interest in the matter.

Following his presentation, Mr. Maloney answered questions from Board members. Hearing no other questions, Mr. Davis opened the public hearing and asked that anyone wishing to speak for or against the matter come forward.

Seeing none, Mr. Davis closed the public hearing.

On motion of Mrs. Kelly-Wiecek, seconded by Mr. Peterson, the members of the Board of Supervisors voted to approve SE-9-14 – Bon Secours – Memorial Regional Medical Center.

	Vote:
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
W. Canova Peterson	Aye
G. E. “Ed” Via, III	Aye

Elton J. Wade, Sr.      Aye  
Aubrey M. Stanley      Absent

**SE-12-14 – Carol and Roger Martin**, Requests a Special Exception Permit in accordance with Section 1.4.5 (repealed AR-1 District) of the Hanover County Zoning Ordinance to permit a private garage for more than four (4) automobiles on GPIN 8715-78-5568, consisting of approximately 4.1 acres, zoned AR-1, Agricultural Residential District, and located on the east line of Verdi Lane (State Route 710) approximately 850 feet north of its intersection with Pole Green Road (State Route 627) in the **Henry Magisterial District**.

Planning Analysis:

- The applicants are proposing a detached private garage, approx. 1,856 sq. ft.
  - The space will accommodate more than 4 vehicles, as well as lawn equipment, tools, a work area and restored collector’s items
- The sketch plan shows the proposed garage structure will be located to the rear of the house, exceeding the required setbacks
- The property is heavily wooded and the garage should not be visible from the road

Recommendation:

The Planning Commission and staff recommend approval with the conditions outlined in the staff report.

Mr. David Maloney, Director of Planning, presented the Board with this request.

Mr. Davis asked if Board members had any questions. Hearing none, Mr. Davis opened the public hearing and asked that anyone wishing to speak for or against the matter come forward.

Seeing none, 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 SE-12-14 – Carol and Roger Martin.

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

**SE-13-14 – Nancy Pecsok**, Requests a Special Exception Permit in accordance with Section 26-21.3 of the Hanover County Zoning Ordinance to permit a commercial dog kennel on GPIN 7769-71-2498, consisting of approximately 4.58 acres, zoned A-1, Agricultural District, and located on the south line of Melton Place Drive (private road) approximately 725 feet west of its intersection with Melton Road (State Route 679) in the **Beaverdam Magisterial District**

Planning Analysis:

- The proposed commercial dog kennel is for up to 5 dogs to be boarded inside the applicant’s house
- The sketch plan shows access to a fenced area in the backyard and sufficient parking onsite for customers
- The County’s noise ordinance states that animal noises from commercial kennels are governed by the conditions of approval of the Special Exception
  - Staff has recommended a condition that requires the enforcement of that portion of the noise ordinance for excessive barking of dogs

Recommendation:

The Planning Commission and staff recommend approval with the conditions outlined in the staff report.

Mr. David Maloney, Director of Planning, presented the Board with this request.

Mr. Davis asked if Board members had any questions. Hearing none, Mr. Davis opened the public hearing and asked that anyone wishing to speak for or against the matter come forward.

Seeing none, Mr. Davis closed the public hearing.

On motion of Mr. Hazzard, seconded by Mr. Wade, the members of the Board of Supervisors voted to approve SE-13-14 – Nancy Pecsok.

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

**SE-14-14 – Wright’s Enterprise, L.L.C.**, Requests a Special Exception Permit in accordance with Section 26-131.5 of the Hanover County Zoning Ordinance to allow a dwelling for use by the proprietor or employee of a business on GPIN 8745-19-6168, consisting of approximately 1.307 acres, zoned B-3, General Business District, and located on the north line of Mechanicsville Turnpike (U.S. Route 360) approximately 1,050 feet east of its intersection with New Bethesda Road (State Route 634) in the **Henry Magisterial District**.

Planning Analysis:

- The subject property is zoned B-3, which allows for living quarters for the owner/employee of the business operating at the location with a Special Exception Permit
- S&W Excavating, L.L.C. operates out of 1 of the 2 buildings on the property and the owner of that business wishes to have living quarters on-site
- The conversion of the space from commercial to residential is subject to inspection and approval by the Building Inspector’s office
  - Approval will result in no exterior changes

Recommendation:

The Planning Commission and staff recommend approval with the conditions outlined in the staff report.

Mr. David Maloney, Director of Planning, presented the Board with this request.

Mr. Davis asked if Board members had any questions. Hearing none, Mr. Davis opened the public hearing and asked that anyone wishing to speak for or against the matter come forward.

Seeing none, 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 SE-14-14 – Wright’s Enterprise, L.L.C.

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

**SE-15-14 – Jean and Robert Brummell**, Request a Special Exception Permit in accordance with Section 3.6.2(a) (repealed R-1 District) of the Hanover County Zoning Ordinance to allow a private garage for more than four (4) automobiles on GPIN 8706-77-8733, consisting of approximately 0.52 acres, zoned R-1, Single Family Residential District, and located on the west line of Braxton Way (State Route 1052) approximately 250 feet north of its intersection with Crown Colony Parkway (State Route 1050) in the **Chickahominy Magisterial District**.

Planning Analysis:

- The property is located in Crown Colony Subdivision, and has an existing 2-car garage
- The applicant is requesting to construct a 2<sup>nd</sup> garage that will provide the owners storage for more than 4 vehicles
- The sketch plan shows the existing structures and the proposed 2<sup>nd</sup> garage structure, which meets setback requirements at the proposed location
- A drawing was submitted depicting the proposed 3-car garage, and shows frame construction with a brick foundation and vinyl siding
- The applicants submitted their plans for the 2<sup>nd</sup> garage to the Crown Colony architectural review committee (ARC) and the proposed structure was approved

Recommendation:

The Planning Commission and staff recommend approval with the conditions outlined in the staff report.

Prior to the presentation, Mrs. Kelly-Wiecek made a motion to defer SE 15-14 for 30 days. The motion was seconded by Mr. Hazzard.

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

Motion approved.

## **XV. Announcements/Adjournment**

Mr. Rhu Harris reminded all present that school will be starting on September 2<sup>nd</sup>. He explained that the update from Dr. Wilson, School Superintendent may be moved from the September 10<sup>th</sup> meeting to the September 24<sup>th</sup> meeting due to scheduling conflicts. The Board will be notified once the presentation date is finalized.

At 8:32 p.m. the Chairman adjourned the meeting to September 10, 2014 – Hanover County Administration Building – 2:00 p.m.