

*Shown below is a preliminary summary of the actions taken by the Hanover County Board of Supervisors on January 23, 2013. Detailed minutes in final form will be presented to the Board for approval at a future date.*

# **HANOVER COUNTY BOARD OF SUPERVISORS**

## **DRAFT SUMMARY**

### **Hanover County Administration Building Board Room**

**January 23, 2013**

**I. Call to Order**

The Chairman called the meeting to order at 6:00 p.m. All Board members were present.

**A. Invocation**

Mr. Via gave the invocation.

**B. Pledge of Allegiance**

Mr. Wade led the Pledge of Allegiance.

**II. Consideration of Agenda Amendments**

The Chairman asked if there were any agenda amendments. None

**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.

Due to the number of those who wished to speak Mrs. Kelly-Wiecek made a motion to extend citizens time 45 minutes, seconded by Mr. Davis.

Vote:

W. Canova Peterson	Aye
Sean M. Davis	Aye
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
Aubrey M. Stanley	Aye

G. E. Via, III  
Elton J. Wade, Sr.

Aye  
Aye

Mr. Wayne Hazzard, South Anna MD left the dais came forward to address the Board. Mr. Chairman, Members of the Board and Citizens of Hanover County. It has come to my attention that the Hanover Democratic Committee has made some accusations about my ethics in voting to remove Hanover's Cash Proffer Policy and existing proffers. Toni Radler, Vice Chair of the Hanover Democratic Committee, states that I and I quote "It appears that at least one subdivision with preexisting proffers is owned by South Anna District Supervisor Wayne Hazzard along with James A. Sonny Hill." While this statement is technically inaccurate there is no subdivision and therefore no proffers it must be considered that at some point a subdivision could be created and if it was created I obviously would not vote on it. The attempt to have citizens think that I would vote on an issue as an elected official in Hanover County that somehow benefits me over that of the citizens who elected me certainly bothers me. I assure this board and the citizens of Hanover that I would never put my own self-interest ahead of the well-being of this great community. I am increasingly saddened by the actions of some groups that go to great lengths to impugn the character of those they do not agree with. That is why I took this opportunity to put this matter to rest by providing the facts. I will continue to do my best to represent the citizens of South Anna District as well as all of Hanover. Thank you all.

Chris Pace, Chickahominy, Teacher, School Budget cuts.

Michelle Mondray, City of Richmond, Hanover HS Jr., pay tuition to attend Hanover and concerned about lack of technological resources in HS.

Betty Ann Aylar, Cold Harbor, Teacher in Hanover County, School Budget reinstate funds.

Brian Moore, Henry MD, Senior Hanover HS, support of Hanover Teachers, school budget. Handout to Board

Daniel Chen, Henry MD, Hanover HS Sr., lack of technological resources

Jeff Arco, Cold Harbor MD, we need revenue and need to restore funding to education, continual underfunding of the schools

Julie Keeney, Ashland MD, underfunding of budget and how it impacts teachers.

Dave Keeney, Chickahominy MD, School budget cuts and impacts.

Amy Farris, Henry MD, Teacher in Hanover, reconsider school budget.

Daniel McGraw, Ashland MD, Teacher, School budget, myth that Hanover residents do not want to be taxed. Don't understand why assessments are going down.

Anthony Smith, Henry MD, Hanover HS Student, not enough teachers and they help during planning hours to assist students and this is a practical need. Should not need text books and reprioritize toward technology. Make sure the teachers have enough time for their students.

Lori O’Toole, Chickahominy MD, Schools - preserve and protect the integrity of the school system.

Jim Woodward, Kings Charter, expect the same quality education for his children still in school that those who are now in college have had. The other issue is Lacrosse – obtaining support for VHL status and funds were raised by private sources and will be cost neutral to the school system and will be similar to a football game and add money to coffers and requested support of the Board.

Ray Smith, Henry MD, some people cannot afford to pay higher taxes.

Mr. Via, motion to extend Citizens Time only to allow those already in line to address the Board, seconded by Mrs. Kelly-Wiecek.

Davis Opposed and ask to rescind the motion and allow anyone to address the Board who has come out with that expectation this evening.

Vote:

W. Canova Peterson	Aye
Sean M. Davis	No
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
Aubrey M. Stanley	Aye
G. E. Via, III	Aye
Elton J. Wade, Sr.	Aye

Motion Carries 6:1.

Extend Citizens’ time to those already in line.

Lori O’Toole, Chickahominy MD, implore the board to preserve and protect the integrity of the school system, as a resident she is ready to see her real estate taxes rise moderately in order to see positions restored in education and jobs restored in other parts of our county government as well. Disappointed by the vote of some members of the Board to eliminate proffers. Need sustainable resources to maintain quality of services in Hanover County.

Dusty Rhodes, Chickahominy MD, concerned that by continuously reducing the budget allocated for educational instruction we are creating a longer term problem that will lead to falling test scores and overall reduction in effectiveness of educational institutions in Hanover. Consider alternative revenue raising measures including reinstating proffer at 50% of previous levels to provide infrastructure support for schools, property tax increases back to 2006 levels or institute special school sustainability tax.

Kathy Abbott, Ashland MD, schools budget, please invest in the schools at the levels that made the system so exceptional. Raise home values.

[6:55:49 PM](#) Mrs. Kelly-Wiecek, left the Dais.

[6:56:33 PM](#) Mrs. Kelly-Wiecek returned.

Rachel Levy, Ashland MD, PTA parent, school budget cuts. Mentioned the fees the parents contribute toward supplies, field trips and PTA fundraisers. It is not feasible for PTA to raise money it is the job of tax payers. Would rather pay taxes as it is more fair to pay for the benefit of the entire community. Developers should contribute money towards community as well as they benefit from the resources the local government devotes to make this an attractive community and should also be asked to contribute to the infrastructure needed to support the newest members of our community.

Charmaine Montz, Chickahominy MD, please raise my taxes and restore \$5.4M to public school budget this year.

Kathy Easter, Henry MD, raise budget and fund schools. Willing to pay more taxes.

Debbie Ireland, Ashland MD, cuts since 2009 are affecting students and mentioned her child who has struggled in college.

John Szyweck, Hanover Professional Educators, retired Hanover teacher, formerly a 22 year Hanover resident. Asking on behalf of Hanover Prof educators to raise real estate tax to make up the \$5.4M budget short fall. Asked for a show of hands for those who think school district is underfunded. The majority of the audience raised their hands.

Liz Chambers, South Anna, school budget impacts her children and displayed their photos for the board and asked the Board to do the right thing by all the children in the County.

Scott Daly, South Anna, do not raise taxes, for everyone who spoke out tonight to have taxes raised there are more at home who do not want taxes raised. Thanked the Board for being good stewards in bridging the budget gap without taking more money for taxes.

Daniel Bartels, not a Hanover resident so it is not fair for him to ask the board to raise taxes, Hanover teacher, mentioned the investment already made in him as a teacher and the overloaded work schedule, if there is extra pay for extra classes it is too much and takes away from being the teacher that is required and takes away from time with his children as more time is already being spent with Hanover students. Teacher planning time is used to work with students rather than planning.

Chairman closed citizens' time and thanked all those who came out on behalf of the Board to speak on all sides of the issues. Your being active in the community is important to what makes Hanover a great community and everyone on the Board was listening and listening attentively to what you have to say. There are also members of the School Board present tonight as well as Planning Commissioners. Everyone is taking what you say to heart and putting that into consideration as to what is going on in this County.

Mrs. Kelly-Wiecek asked the Board to review when the overall budget will be presented and Mr. Harris advised February 27, 2012 is when County Administrator will present the budget. There will be several days' worth of workshops between the February 27<sup>th</sup> and April 3<sup>rd</sup> to go over the details of the recommended budget. April 3<sup>rd</sup> is the budget public hearing.

[7:22:27 PM](#) Recess

[7:30:07 PM](#) Reconvene

#### IV. Consent Agenda

The Chairman entertained a motion for approval of the consent agenda.

Mr. Davis motion to approve the Consent Agenda, seconded by Mr. Via.

Vote:

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

A. Adoption of Proclamation – James Russell “Rusty” Dempsey (Ashland Magisterial District) (removed from consent)

On a motion by Mr. Via, seconded by Mr. Davis, the Board adopted the proclamation.

Vote:

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

#### V. Presentations of Proclamations –

A. Eagle Scout Andrew C. Harrell, Chickahominy Magisterial District, Boy Scout Troop 544  
Mrs. Kelly-Wiecek presented this proclamation.

B. Kirk Rohle, Henry Magisterial District  
Mr. Davis presented this proclamation.

VI. Report on status of petition for termination of coverage of the preclearance requirements under Section 5 of the Voting Rights Act – Mrs. Smithson

*Board Sheet Background: The County petition for termination of coverage of preclearance requirements (“bailout”) will be filed with the U. S. District Court for the District of Columbia once we have given the Department of Justice all the information as to past practices requested by DOJ and DOJ has reviewed the information and consented to the petition. Information submitted by the Registrar includes minutes (Board of Supervisors, Town Council, Electoral Board) and statistical information related to past elections and to participation in the electoral process by minorities. We anticipate that our submission of information will be completed by the end of January. The DOJ staff will then review the material and interview individuals deemed to have additional relevant information, and conduct any other necessary investigations within a few weeks.*

*Once the bailout petition is filed, DOJ staff will draft a proposed consent judgment and decree within about 30 days. We will review it expeditiously and file it along with a joint motion of the County and DOJ to approve the petition. The law requires Hanover County to publish a notice of the bailout settlement and so the joint motion will ask the three-judge panel of the Court to wait 30 days to allow the County to publish the notice. Once the 30 day period expires, we would immediately file a notice that we have complied with the publication requirements, and the court usually acts within a week of that to enter the consent judgment and decree. An estimate of completion would be July 1, 2013.*

Mrs. Smithson – advised staff is finalizing the last bit of data that is required for this petition to be submitted to the Department of Justice and legal representative in Washington, DC by the end of January. Once the DOJ receives the petition for the preclearance termination it will take them about 30 days to process that once they make their decree that will be investigated by them and they may send investigators to Hanover County to interview and once that is done they will allow us 30 days to petition the court 30 days so we can do our public hearings. Once we have done our public notice we will have 30 days and will take it part and parcel to the DOJ along with their decree to the three judges in DC and submit that as one package and hope to have everything finalized by July.

No questions from the Board.

## VII. Legislative Update – Mr. Rives

*Board Sheet Background: The County Attorney will provide an update on the Board’s 2013 Legislative Agenda and discuss bills that have been filed up to the date of the Board meeting that may be of special interest to Hanover County.*

[7:42:46 PM](#) The Chairman advised since the Board was behind schedule he will bring forward VIII. Planning public hearings.

## VIII. Planning Public Hearing – Mr. Maloney

Mr. Peterson disclosed he has an agreement to provide architectural services for All Souls Episcopal Church for their future facilities on Route 301 as such will recuse himself from participation in deliberations and vote and Mr. Davis will preside as Chair. [7:43:50 PM](#) Mr. Peterson left the dais.

Mr. David Maloney, Director of Planning, came forward to present the Planning Public Hearings.

### **Conditional Use Permit**

**CUP-4-12 THE EPISCOPAL DIOCESE OF VIRGINIA (ALL SOULS EPISCOPAL CHURCH)**, Requests a Conditional Use Permit in accordance with Title I, Article 5, Section 3.5.14 of the Hanover County Zoning Ordinance to permit a church office and meeting space in an existing house on GPIN 8706-20-5623, consisting of approximately 2.37 acres, zoned R-1, Single Family Residential District, and located on the west line of Atlee Road (State Route 638) at its intersection with Russet Lane (State Route 752) in the **CHICKAHOMINY MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Suburban General (2-4 units per acre).

Mr. Maloney introduced this request, displayed the General Parcel Map

#### *Executive Summary:*

- Sunday services are currently being held at Messiah Lutheran Church
- The church intends to move forward in the future with their plans to construct a new church at their approved 13-acre site on Chamberlayne Road
- Staff was made aware of the house being used for church purposes from a complaint made in March of 2012
- The church was issued a Notice of Violation, and this application was submitted to bring the property into compliance with the Zoning Ordinance

#### *Planning Analysis:*

- The site will be used for the following:
  - Church office
  - Committee meetings
  - Bible studies
  - Fellowship activities
- Typically, no more than 10-15 people will be onsite attending meetings or tending to the community garden
  - Occasional holiday parties or events may exceed 15 people

Sketch Plan was displayed.

#### *Recommendations:*

The Planning Commission and staff recommend **APPROVAL** subject to the conditions outlined in the staff report

Representatives from the Church were present to answer questions.

Mr. Davis, Presiding Chairman, asked if Board Members had any questions.

Hearing none, opened the public hearing and asked all those in favor or in opposition to come forward.

Seeing no one come forward, the Chairman closed the public hearing.

Mrs. Kelly-Wiecek thanked Reverend Wilmer and All Souls Episcopal Church, they hosted a community meeting that was full of members of the church but we had no citizens come forward and so no issues to address. Mrs. Kelly-Wiecek made comments in support. Mrs. Kelly-Wiecek then made a motion to Approve **CUP-4-12**, seconded by Mr. Via.

Vote:

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

CUP-4-12 Approved 6:0.

**7:48 p.m. Mr. Peterson returned to the dais and resumed duties of Chairman.**

### **Legislative Update**

Mr. Rives, reviewed Lake Level Contingency Plan – Senator McEachin introduced a bill on the Lake Level Contingency Plan as requested. Both bills were withdrawn as came to agreement with DEQ. Making progress on the bills regarding GA Approval tolls on existing interstate roads. The General Assembly has asked what the preference of Hanover County is related to the funding of transportation needs. The Legislative Committee discussed that this afternoon. Mrs. Kelly-Wiecek is the Chair of that committee and Mr. Rives asked Mrs. Kelly-Wiecek to make comments about the discussion and Resolution she asked Mr. Rives to draft. Mrs. Kelly-Wiecek advised for a number of years people have commented that we want the problem to be fixed but we are willing to let the Members of the General Assembly figure it out. That may be true but felt it was time to get very specific much in the way the PDC recently did and also other groups around the region. Looking and evaluating all of the proposals there were pros and cons to all. Decision that as we lead in opposing the tolls and taking a stand there that it was time to take a bold step forward and exhibit leadership and courage in calling for this resolution which identifies a five percent increase in the gas tax contingent upon a study from the JLARC of VDOT which would address not just cuts to VDOT but the true efficiency of the organization. The bill by Senator Vogel which invokes the JLARC study is a comprehensive study of how VDOT works internally / externally with other organizations and other state departments. Mr. Rives reviewed the three proposals: Governor's / Watkins / Saslaw.

Mr. Rives read resolution proposed by legislative committee. Mr. Rives advised that three members of the Board have not had a chance to review this previously. Members of the Legislative Committee and the full board discussed. Mrs. Kelly-Wiecek advised she is aware that this is just being brought forward and noted the short General Assembly Session we are working with this year.

Chairman asked if there was further discussion.

Board members made comments in support / opposition.

Mrs. Kelly-Wiecek made a motion to adopt resolution as presented, seconded by Mr. Hazzard.

More discussion in favor / opposition / amending.

Mr. Davis made a motion to remove the portion of this resolution that states whereas an increase in the state portion of the gasoline tax is the simplest and most cost effective means of increasing revenue, seconded by Mr. Stanley. Mr. Rives clarified a motion to amend the pending motion is in order at this time.

Mrs. Kelly-Wiecek made a motion to withdraw as suggested changes takes the teeth and bold leadership out of the resolution and she will not support a revision. Mr. Hazzard agreed as the second on the original motion.

The Chairman recognized Mrs. Kelly-Wiecek, Mr. Hazzard and Mr. Davis who have been actively involved at state level.

Mr. Rives clarified that the Board supports SJ 299 by previous board actions.

The Chairman advised that no further update on the General Assembly is necessary this evening. PowerPoint presentation was not reviewed but is on file with the record.

Mr. Via asked for a copy of Vogel proposal. Mr. Rives will hand out later tonight.

IX. Announcements

Mrs. Kelly-Wiecek advised that on January 31, 2013 we will go to General Assembly to continue our support of keeping school start dates Labor Day or later.

X. Adjournment —

At 8:21 PM p.m. the Chairman adjourned the meeting to February 13, 2013; Hanover County Administration Building – 2:00 p.m.