

## OCTOBER 24, 2012

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 24th day of October, 2012, at 6:00 p.m.

Present: Mr. G.E. "Ed" Via, III, Chairman  
Mr. W. Canova Peterson, Vice-Chairman  
Mr. Sean M. Davis  
Mr. Wayne T. Hazzard  
Mrs. Angela Kelly-Wiecek  
Mr. Aubrey M. Stanley  
Mr. Elton J. Wade, Sr.  
Mr. Cecil R. Harris, Jr., County Administrator  
Ms. Yvonne Wellford, Senior Assistant County Attorney

Absent: Mr. Sterling E. Rives, III County Attorney

### Call to Order

At 6:00 p.m. the Chairman called the meeting to order. All Board Members were present.

Mr. Peterson did not return after closed session through adjournment due to an outside commitment.

Mr. Rives, County Attorney, was not present and acting as the County Attorney representative was

Ms. Yvonne Wellford, Senior Assistant County Attorney.

### Invocation

Mr. Stanley asked those present to keep in their prayers the Snapper Harris family.

Mr. Stanley then gave the Invocation.

### Pledge of Allegiance

Mr. Hazzard led the Pledge of Allegiance.

### Consideration of Agenda Amendments

The Chairman asked if there were any agenda amendments.

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Mr. Peterson made a motion to amend the Consent Agenda to add item IV. A – Adoption of Proclamation – Frederick C. Crosby, II, Mechanicsville Magisterial District, seconded by Mr. Stanley.

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

Consent Agenda Amended.

### **Citizens’ Time**

The Chairman opened Citizens’ Time and asked if anyone wished 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. Mr. David Fuller, Mechanicsville MD, came forward to give the Board an Update on the Hanover’s Tourism Supporters. Gave out a copy of the presentation (Exhibit 1 of 2, Item III) and a copy of the Hanover County Tourism Study SWOT analysis completed by VCU (Exhibit 2 of 2, Item III). Mr. Fuller reviewed the organization was chartered some months ago with a responsibility to look at the promotion of tourism and to grow that particular business with jobs and income. Mr. Fuller advised the Richmond Metropolitan and Visitors Bureau updated video productions to include Hanover references; Instant adapt placement results, improving internet “hits” to second in the region. VCU Team from the Wilder School created a semester long project with four takeaways; Virginia Tourism Grants were explored and one has been secured: pilot grant from Virginia Tourism Corporation for VCU Brand Center to

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help brand Hanover/Ashland Tourism (\$10K+value). Actions for the future: Create coordinated approach to promote tourism in Hanover including Town of Ashland; Create centralized website utilizing electronic & social media; establish centralized visitor's center; Create marketing logo for Hanover County; Support existing businesses & attract new businesses that supplement the tourism industry. Will report back to the board in the first quarter of 2013.

The Chairman brought forward the following item:

### Closed Session –

1. *Section 2.2-3711 (A)(1) of the Code of Virginia – Personnel Discussion –Acting Chief of Fire/EMS*
2. *Section 2.2-3711(A)(7) – of the Code of Virginia - Consultation with legal counsel and staff regarding proposed development agreement for a project in Northlake Business Park*

Mr. Peterson moved that the Board of Supervisors go into Closed Session pursuant to the following:

1. *Section 2.2-3711 (A)(1) of the Code of Virginia – Personnel Discussion –Acting Chief of Fire/EMS*
2. *Section 2.2-3711(A)(7) of the Code of Virginia – Consultation with legal counsel and staff regarding proposed development agreement for a project in Northlake Business Park*

Seconded by Mr. Stanley.

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

Motion approved.

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Board Members entered Closed Session at 6:07 p.m. At the conclusion of the Closed Session, all Board Members (*with the exception of Mr. Peterson*) returned to the Boardroom, and the Chairman called the regular meeting back to order at 6:57 p.m.

### Certification of Closed Session

Mr. Stanley 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.

Mr. Hazzard seconded the motion.

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

Motion approved.

There was no closed session action.

### **Consent Agenda**

Mr. Davis made a motion to approve the consent agenda, seconded by Mr. Hazzard.

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

Consent Agenda Approved.

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**Adoption of Proclamation – Frederick C. Crosby, II, Mechanicsville Magisterial District**

On motion of Mr. Davis, seconded by Mr. Hazzard, Board adopted the Proclamation.

**PROCLAMATION**

WHEREAS Frederick C. Crosby, II, began his career with emergency services in 1976 when he became a volunteer with the Lakeside Volunteer Rescue Squad in Henrico County, and in 1979 became a Firefighter with Chesterfield Fire Department; and

WHEREAS in 1983, Frederick C. Crosby, II, was chosen as one of the Original 7 Firefighter/Flight Paramedics for the EMS Medflight Program and was promoted to Chief Flight Paramedic in 1984; and

WHEREAS Frederick C. Crosby, II, joined the Hanover County Fire Department on August 11, 1986, serving as the first Training Officer and Assistant Fire Marshal before being promoted to Captain in charge of Training; and

WHEREAS after being selected as Hanover County's first EMS Chief in 1989, Frederick C. Crosby, II, led in the formation of EMS Department; and

WHEREAS Frederick C. Crosby, II, was appointed Chief of Fire and EMS and Deputy Director of Public Safety in 2002 and helped lead in the merger of the Hanover County Fire and EMS Departments; and

WHEREAS Chief Crosby has been a key contributor in major initiatives such as developing a combination emergency services organization that has served as an international model, started Revenue Recovery for EMS transports for Hanover County and successfully led a high-performing EMS system, implementing advanced patient care protocols that have improved the quality of life for the citizens of Hanover County; and

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WHEREAS Chief Crosby provided critical leadership in leading the Fire and EMS Department in response to numerous major events and disasters; repeatedly facilitated a perfect performance for the North Anna Nuclear Power Station Drill; secured multiple federal grant awards to save Hanover citizen's dollars and advance the level of emergency services and preparedness for the County; and was an integral part of the search and recovery of Robbie Wood in October, 2011, leading the Department in working hand in hand with the Sheriff's Office and citizens; and

WHEREAS Chief Crosby is currently a National Registered Paramedic who holds numerous Fire/EMS certifications including Fire Investigator, is a member of the Virginia Fire Chief's Association, International Fire Chief's Association, National Association of Counties serving on Committees, and coauthored the Leading Combination Fire Departments textbook, demonstrating his leadership of the Hanover combination system; and

WHEREAS Chief Crosby served as a state and national leader, serving on the Board of Directors for the Virginia Fire Chief's Association and the Volunteer/Combination Officer's Section of the International Association of Fire Chiefs; and

WHEREAS the 2011 Tomato Festival was dedicated to Hanover Fire and EMS Department and Chief Crosby; and

WHEREAS Chief Crosby has demonstrated through action all of the best qualities of a Hanover County employee for the past twenty-six (26) years, and on December 31, 2012, will retire from service with Hanover County.

NOW, THEREFORE, BE IT RESOLVED that the Hanover County Board of Supervisors, on behalf of the citizens, wishes to express its sincere appreciation to Chief Frederick C. Crosby, II,

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for his twenty-six (26) years of dedicated service and leadership to the County of Hanover and the citizens he served.

On motion of Mr. Davis, seconded by Mr. Hazzard, members of the Board of Supervisors voted to adopt this Proclamation as follows:

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

Proclamation Adopted.

**Public Hearings—Ordinance 12-11—Taxicab Rate for Trips from Richmond Airport – Mr. Flagg, Director of Public Works**

*Board Sheet Background:*

*In connection with action of the Capital Region Airport Commission and parallel ordinance amendments of neighboring localities, Hanover County has been requested to provide for an additional charge for trips originating at the Richmond International Airport. The proposed additional charge is two dollars added to either ten dollars or the metered rate, whichever is more. Since Hanover County had not previously conformed to the other localities in adopting an airport rate, the staff recommends that the base rate be adopted as well as the additional two dollars. The additional charge would be used to help taxicab companies offset the cost of upgrades to their vehicles and uniforms, which will enhance the safety and appearance of the taxicabs servicing the passengers at the Airport. The upgrades are required by new contracts that the Commission has entered into with taxicab companies for walk-up service at the Airport. Regulation of taxicabs by localities including the setting of rates is authorized by Virginia Code Section 46.2-2062.*

*The Administration recommends approval of Ordinance 12-11.*

Mr. Flagg noted Mr. Via and Mr. Stanley serve on the Capital Regional Taxicab Advisory Board (CRTAB). Mr. Davis asked if the additional charge will be used to help taxicab companies offset the cost of upgrades to their vehicles and uniforms – is that the reason for the two dollar increase. Mr. Flagg advised there is a resolution in packet that outlines the objective of the commission regarding the action and there may be some other costs but it is his understanding that

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the commission had requested this to help defray those costs that the taxicabs would endure. Mr. Via advised he and Mr. Stanley are both on CRTAB and they all have to be color-coded yellow and black and have to be new and asked if Mr. Stanley had comments. Mr. Stanley advised the cabs are in much better shape now than they have ever been in his 25 years and they asked the commission to move forward with an increase and all jurisdictions must vote for any charges for cabs in the region and two jurisdictions have also voted to approve this. Mrs. Kelly-Wiecek asked to clarify it is a \$2.00 fee on top of \$10.00 or the meter rate whichever is greater. Mr. Flagg advised that is his understanding.

The Chairman opened the public hearing and asked if anyone wished to address the Board in favor or in opposition to this request. No one to address the Board, the Chairman closed the public hearing.

Mr. Stanley made a motion to approve Ordinance 12-11 providing for a rate for taxi trips originating at the Richmond International Airport, seconded by Mr. Hazzard.

The Chairman asked if there were any Board Member comments. Mr. Davis clarified the vote would also include a discount lesser charge for elderly is that correct. Mr. Stanley yes.

Mr. Flagg those provisions were in existence prior to this amendment which only applies to the two dollars.

**ORDINANCE NO. 12-11**

**AN ORDINANCE AMENDING THE HANOVER COUNTY CODE, CHAPTER 22.1, ARTICLE VI, SECTION 22.1-34, TO SET A RATE FOR TAXI TRIPS FROM THE RICHMOND AIRPORT INCLUDING THE AMOUNT OF TWO DOLLARS TO FUND AIRPORT IMPROVEMENTS RELATED TO LOCAL TRANSPORTATION.**

WHEREAS the County is authorized to regulate taxicab service, including setting rates, by Virginia Code Section 46.2-2062 and the Board of Supervisors has previously adopted Chapter 22.1 of the Hanover County Code to provide for such regulation, and

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WHEREAS in order to conform to the rates in the Richmond Metropolitan Area the Board has determined that it is advisable to set a rate for trips from the Richmond Airport including the amount of two dollars to fund Airport improvements related to local transportation.

NOW, THEREFORE, BE IT ORDAINED by the Hanover County Board of Supervisors that:

1. The Hanover County Code, Chapter 22.1, Article VI, Section 22.1-34 shall be amended to read in its entirety as follows:

**Sec. 22.1-34. Enumerated; special discount for elderly passengers and disabled passengers.**

(a) The rates to be charged passengers by certificate holders or drivers of taxicabs shall be as follows, and it shall be unlawful for a certificate holder to permit or a driver to make any greater or lesser charge for the transportation of passengers and baggage:

For the first one-fifth mile .....\$2.50

For each succeeding one-fifth mile .....0.50

For each eighty seconds of waiting time .....0.50

Waiting time shall include the time consumed while the taxicab is waiting for a passenger beginning five (5) minutes after the time of arrival at the place to which it has been called and the time consumed while it is standing at the direction of the passenger. Waiting time shall not include, and no charge shall be made for, the time lost on account of inefficiency of the taxicab, or its operation, or time consumed by premature response to a call. No charge shall be made for mileage while waiting time is being charged.

For each additional passenger over one (1), an additional charge of one dollar (\$1.00) shall be made; provided that children six (6) years of age or younger, when accompanying a fee-paying passenger, shall not be deemed additional passengers for the assessment of such additional charge.

(b) For a trip originating between the hours of 9:00 p.m. and 6:00 a.m. of the day following, in addition to the charges registered on the meter, a surcharge of fifty cents (\$0.50) per trip shall be added to compute the fare for such trip.

(c) For a trip originating at Richmond International Airport, the rate shall be \$10.00 or the charge registered on the meter, whichever is greater, plus \$2.00.

(d) The owner of any cab may, upon receipt of satisfactory proof that a person is sixty-five (65) years of age or older, or disabled, issue to any such eligible person a coupon book or script entitling such person to transportation and services of the value of five dollars (\$5.00) for a consideration of not less than four dollars (\$4.00). For purposes of eligibility under this chapter, disabled persons include individuals who are physically, hearing, mentally, or visually impaired. The following identification may serve as satisfactory proof of age or disability: a valid driver's license; a valid GRTC Seniors Citizens ID or Medicare card; a valid GRTC Handicapped or Disabled Identification card issued by a public transportation provider to meet the requirements of federal Americans with Disabilities Act.

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(e) The owner of any taxicab may enter into written contracts with organizations and companies to provide taxicab services on a negotiated basis.

The owner of any taxicab may enter into written contracts with individuals to provide, on a negotiated basis, regular service, as defined in article II, section 22.1-3.

All such contracts must be kept and preserved, and shall be subject to inspection, in the main offices of the taxicab company during the terms of the contract and for twelve (12) months after termination of the contract. The rates to be charged for such services under written contract shall not be fixed, prescribed, or established by the board of supervisors. As required by article V, section 22.1-30, taximeters shall be in operation at all times during the transportation of passengers; however, the charge for such services shall be governed by the written contract; and not the taximeter.

2. This ordinance shall be effective on the date of adoption.

The members of the Board of Supervisors voted to approve Ordinance No. 12-11, as follows:

	Vote:
G. E. "Ed" Via, III	Aye
W. Canova Peterson	Absent for the vote
Sean M. Davis	No
Wayne T. Hazzard	Aye
Angela Kelly-Wiecek	Aye
Aubrey M. Stanley	Aye
Elton J. Wade, Sr.	Aye

Motion Carries 5:1

**Appropriations - Public Works – \$3,279,907 - Atlee Road Extended and \$13,085,102 - Rt. 360/Lee-Davis Rd and Authorization to Execute VDOT Project Administration Agreements (Chickahominy, Henry and Mechanicsville Magisterial Districts) – Mr. Vidunas, Traffic Engineer, Public Works**

*Board Sheet Background: Through separate project administration agreements with VDOT, the County is developing plans to extend Atlee Road and to widen Rt. 360 from I-295 east through its intersection with Lee-Davis Road.*

*Supplemental funding has been allocated to both projects and Board approval is necessary to appropriate \$3,279,907 for the Atlee Road Extended and \$13,085,102 for Rt. 360/Lee-Davis Road projects. The Department of Public Works is actively administering the Atlee Road project and is prepared to resume the development of the Rt. 360 project upon appropriation of the additional funds and execution of the VDOT project administration agreements (attached).*

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*The attached memo dated October 17, 2012 provides additional background.*

*The Department of Finance and Management Services concurs with the attached budget appropriation.*

Mr. Vidunas – reviewed background and displayed maps of both requested areas during his presentation.

The proposed appropriations in the amount of \$3,279,907 for the construction of the extension to Atlee Road and in the amount of \$13,085,102 for the widening of Rt. 360 east through the intersection of Lee-Davis Road is the subject of this public hearing. A second action to authorize the County Administrator to enter into project administration agreements with VDOT for the two projects is also being requested.

### **Atlee Road Extended**

In April 2010, the Board of Supervisors appropriated \$7,650,000 and authorized staff to enter into an agreement with VDOT to design and construct a 0.45 mile extension to Atlee Road between its terminus in Rutland and Atlee Station Road. The project is currently in the design phase and plans are advancing to the right-of-way acquisition phase with construction scheduled to begin in the summer of 2014.

RSTP	\$ 4,276,000
Secondary	\$ 479,854
Revenue Sharing	\$ 3,460,775
Proffers	\$ 2,937,000
GF	\$ 907,070
<b>Total Funding</b>	<b>\$ 12,060,699</b>
<hr/>	
<b>Current Appropriations</b>	<b>\$ 8,780,792</b>
<b>Unappropriated Balance</b>	<b>\$ 3,279,907</b>

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Since its initiation, additional funds have been allocated to the project. Total funding is \$12,060,699, which is comprised of various federal, state and local sources. Current appropriations are \$8,7M resulting in an unappropriated balance of \$3,279,907.

### **Rt. 360/Lee-Davis Road**

In 2008, design of improvements to Rt. 360 between Wynbrook Lane and east of Lee-Davis Road had advanced through the design public hearing phase, but were then halted due to a shortfall in funding. The majority of the funding that had been assigned to this project was transferred to fund the shortfall that existed on the Rt. 360 project segments to the west. In the past year, funding has been restored which will allow the County to continue with the development of the project.

RSTP	\$ 10,452,684
CMAQ	\$ 3,040,000
Primary	\$ 164,000
<b>Total Funding</b>	<b>\$ 13,656,684</b>
<hr/>	
<b>Current Appropriations</b>	<b>\$ 571,582</b>
<b>Unappropriated Balance</b>	<b>\$ 13,085,102</b>

All of the funding removed in 2008 has since been restored bringing the total funding to \$13,656,684, based upon current appropriations there remains an unappropriated balance of \$13,085,102.

The Department of Public Works is actively administering both projects and is prepared to resume the development of the Rt. 360 project upon appropriation of the additional funds and execution of the VDOT project administration agreements.

No questions from the Board. Chairman opened the public hearing, no one to address the Board, public hearing closed.

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Mrs. Kelly-Wiecek made comments that the Atlee Road Extended project is something we are looking at very carefully and closely and reminded everyone that the timing is good as there are over 600 homes scheduled to come to this immediate area. The timing of this project allows us to provide the infrastructure before there are backlogs and congestions and frustrations for citizens.

Mrs. Kelly-Wiecek made a Motion to approve the appropriations as detailed on the attached budget detail sheets in the amount of \$3,279,907 for Atlee Road Extended and \$13,085,102 for Rt. 360/Lee-Davis Road and authorize the County Administrator to execute the agreements and take all other necessary actions for the County's administration of the projects, seconded by Mr. Davis.

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

## COUNTY OF HANOVER, VIRGINIA Budget Appropriation Detail

### Department: Public Works

#### Capital Improvements Fund:

##### Expenditures

##### Addition to Expenditures:

##### Public Works Capital Improvements - Roads

Atlee Road Extended	\$ 3,279,907
Total Additions to Expenditures	<u>\$ 3,279,907</u>

<b>Net Change to Expenditures</b>	<u><b>\$ 3,279,907</b></u>
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##### Revenues

##### Addition to Revenues:

State Categorical Aid	
RSTP	\$ 2,275,900
Secondary	\$ 479,854
Revenue Sharing	\$ 460,775

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Prior Year Balance - Road Proffers	\$ 63,378
Total Additions to Revenues	\$ 3,279,907
<b>Net Change to Revenues</b>	<b>\$ 3,279,907</b>

## COUNTY OF HANOVER, VIRGINIA Budget Appropriation Detail

Department: Public Works

### **Capital Improvements Fund:**

#### Expenditures

#### Addition to expenditures:

Public Works Capital Improvements  
Route 360/Lee Davis Road

\$ 13,085,102

Total additions to  
expenditures

\$ 13,085,102

#### Revenues

#### Addition to revenues:

Public Works Capital Improvements  
State Categorical Aid

13,085,102

Total additions to revenues

\$ 13,085,102

**Net Change to Fund**

**\$ 13,085,102**

Motion Approved.

### **Expedited Planning Public Hearings**

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

### **Rezoning**

**C-6-12(c) DIANE O. AND JOHN H. BOYD, JR.,** Requests to rezone with conditions from A-1, Agricultural District, to RS(c), Single Family Residential District, on GPIN 7758-84-5150, consisting of 10.0 acres, located on the east line of Goose Pond Lane (Private Road), approximately 650 feet south of its intersection with Greenwood Road (State Route 625) in the **SOUTH ANNA MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Suburban General. The proposed zoning amendment would permit the creation of one (1) additional building lot for a family member for a gross density of one dwelling unit per 5.0 acres.

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Mr. Maloney introduced this request, displayed the Zoning Map,

### Executive Summary:

- ❖ Rezone a 10.0 acre subdivision lot (Sherwood Farms, Section C) to RS with conditions in order to create a 2.0 acre building lot for a family member
- ❖ The property is located in an area designated on the General Land Use Plan as Suburban General (1-4 DU per Acre)
  - The proposed 2.0 acre lot is consistent with the minimum lot size in the A-1 District for a family division

### Planning Analysis:

- ❖ The 10.0 acre lot is in an area designated on the Phased Suburban Development Plan map for utility expansion in the 2017-2027 Phase; however, connection to public utilities is not required for family divisions
- ❖ The applicant has recorded access to Greenwood Road via a private 50' right-of-way (Goose Pond Lane)

Conceptual Plan was displayed which shows Lot 5 the entire 10 acre lot with the proposed two acre lot towards the rear.

### Staff Recommendation:

The Planning Commission and staff recommend **APPROVAL**, subject to the submitted proffers.

The Chairman asked if there were any questions of Mr. Maloney. Hearing none, opened the public hearing and asked all those in favor or in opposition to come forward.

Seeing no one, the Chairman closed the public hearing and asked if board members had any questions. Hearing none, entertained a motion.

Mr. Hazzard made comments in support of keeping family together and then made a motion to Approve C-6-12(c), seconded by Mr. Stanley.

### **ORDINANCE C-6-12(c)**

**OWNER OF RECORD: DIANE O. AND JOHN H. BOYD, JR.**

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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 24<sup>th</sup> day of October, 2012, 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 7758-84-5150, consisting of 10.0± acres located on the east line of Goose Pond Lane (Private Road) approximately 650 feet south of its intersection with Greenwood Road (State Route 625), (a detailed description is filed with the Board's papers) from A-1, Agricultural District, to RS(c), Single Family Residential District with conditions, subject to the following conditions which were proffered by the Applicant on August 30, 2012, and accepted by the Board:

1. Conceptual Plan. The property shall be divided in substantial conformity with the conceptual plan attached, titled "Boyd Conceptual Plan," dated June 12, 2012, and sketched by John Howard Boyd, Jr..
2. 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.
3. Wetlands Certification. The Owner agrees to submit a wetlands certification for the property to the Hanover County Department of Public Works for its review and approval along with the submission of an application for a Family Division. The Family Division shall not be approved unless the Department of Public Works approves the wetlands certification.
4. Perenniality Study. The Owner agrees to submit a perenniality study for the property to the Hanover County Department of Public Works for its review and approval along with the submission of an application for a Family Division. The Family Division shall not be approved unless the Department of Public Works approves the perenniality study.
5. Family Division. The Property shall only be divided for family, in accordance with Article II, Division 5 of the Hanover County Subdivision Ordinance. Title to the newly created lot shall be held by the family member to whom the property was sold or given for at least three (3) years following the issuance of a Certificate of

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Occupancy, unless the lot is the subject of an involuntary transfer caused by foreclosure, death, judicial sale, condemnation, or bankruptcy.

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.

The members of the Board of Supervisors voted to approve Ordinance C-6-12(c), Diane O. and John H. Boyd, Jr., as follows:

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

C-6-12(c) Approved.

**C-9-12(c) VIRGINIA T. AND WILLIAM C. JOYCE**, Request to rezone with conditions from A-1, Agricultural District to B-2(c), Community Business District, on GPIN 7822-12-6037(part), consisting of approximately 0.69 acres, and located on the north line of Mountain Road (U.S. Route 33) at its intersection with Lane Mill Road (Private Road) in the **BEAVERDAM MAGISTERIAL DISTRICT**. The subject property is designated on the General Land Use Plan Map as Agricultural. The proposed zoning amendment would permit the applicants to locate a drainfield on the subject property to serve the adjacent B-2 parcel.

Mr. Maloney introduced this request, displayed the Zoning Map,

Executive Summary:

- ❖ The applicants plan to reopen a restaurant on a 1.27 acre parcel zoned B-2, fronting on Mountain Road
  - An updated septic system will be required but the existing B-2 parcel does not have sufficient area for the required drainfield
- ❖ This request is to rezone a portion of the applicant's adjoining A-1 property to B-2(c), and then add it to the restaurant parcel for the drainfield site

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Plat of the parcel was displayed as well.

Recommendations:

The Planning Commission and staff recommend **APPROVAL**, subject to the submitted proffers.

Mr. Maloney advised there was a letter received from the adjacent property owner Donald and Sarah Angle dated 10/12/12 with concerns of adjoining property and the B-2 zoning (exhibit 2 of 2).

Mr. Hazzard and Mr. Stanley generally discussed this was formerly a business called Bill and Ed's.

The Chairman asked if there were any questions of Mr. Maloney. 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 and asked if board members had any questions. Hearing none, entertained a motion.

Mr. Stanley advised he has discussed this with Mr. Joyce on several occasions and advised that he also owns a larger portion 16 acres of which a portion is already zoned and asked Mr. Joyce if this is correct and Mr. Joyce from the audience advised yes. Mr. Stanley advised he did not hear in advance from the individual that wrote the letter which was received tonight in opposition and stated he does not know the person as the letter had a Manassas address. Mr. Stanley advised that area has quite a few B-2's in the future and it will be economic development for the county.

Mr. Stanley made a motion to Approve C-9-12(c), seconded by Mr. Wade.

**ORDINANCE C-9-12(c)**

**OWNER OF RECORD: VIRGINIA T. AND WILLIAM C. JOYCE**

## OCTOBER 24, 2012

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 24<sup>th</sup> day of October, 2012, 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 7822-12-6037(part), consisting of 0.69± acres located on the north line of Mountain Road (U.S. Route 33) at its intersection with Lane Mill Road (Private Road), (a detailed description is filed with the Board's papers) from A-1, Agricultural District, to B-2(c), Community Business District with conditions, subject to the following conditions which were proffered by the Applicant on October 2, 2012, and accepted by the Board:

1. Use of Property. The subject property, identified as parcel "B-Area to be rezoned" on a plat titled "Plat Showing a Property Line Adjustment of Land Owned by William C. and Virginia T. Joyce," surveyed date May 17, 2012, and signed by Herman F. Whitt, shall be used only as a drainfield and reserve drainfield.
2. Add-On. The subject property shall be added to the adjacent property (GPIN 7822-11-4773 (1.27 acres)) within 90 days of rezoning approval.

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.

The members of the Board of Supervisors voted to approve Ordinance C-9-12(c), Virginia T. and William C. Joyce, as follows:

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

C-9-12(c) Approved.

### **Announcements**

The Chairman asked if there were any announcements.

### **Monitoring Tropical Storm (Hurricane Sandy)**

Mr. Harris advised staff is closely monitoring the tropical storm and potential impacts on the county, prepping facilities, refueling, and making sure appropriate personnel are available should we have a weather event over the weekend.

### **Declare Additional County Holiday (2012)**

Mr. Via brought forward a draft resolution to declare December 31, 2013 as County Holiday for 2012 and read the draft resolution.

Mr. Hazzard made a motion to adopt the resolution declaring 12/31/12 a County Holiday, seconded by Mrs. Kelly-Wiecek.

### **RESOLUTION DECLARE ADDITIONAL COUNTY HOLIDAY (2012)**

WHEREAS the Hanover County workforce has come together to meet and exceed expectations in difficult economic times and the Board wishes to show its appreciation for the innovative ways they have cut costs and remained committed to serving the citizens of Hanover County;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors declares December 31, 2012 (New Year's Eve - 2012) a County Holiday.

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The members of the Board of Supervisors voted to approve this Resolution as follows:

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

Motion Approved.

## Adjournment

At 7:19:42 PM p.m., the Chairman adjourned the meeting to November 14, 2012 - Hanover County Administration Building – 2:00 p.m.

Handwritten signature of G. E. Via, III in cursive script, with three horizontal lines to the right of the name.

CHAIRMAN