NOVEMBER 14, 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 14th day of November, 2012, at 2:00 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
Mr. Sterling E. Rives, III County Attorney

Call to Order – 2:00 p.m.

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

Mr. Wade was absent at 2:00 p.m. arrived after 4:06 p.m. and joined the Board during Closed Session and participated in Closed Session Discussions.

Invocation

Mr. Hazzard gave the Invocation.

Pledge of Allegiance

Mr. Davis led the Pledge of Allegiance.

Approval of Board of Supervisors' Minutes – October 10, 2012 and October 24, 2012

The Chairman asked if there were any corrections or additions to the minutes. Hearing none, entertained a motion. Mr. Stanley made a motion to approve the minutes – October 10, 2012 and October 24, 2012 as submitted, seconded by Mr. Peterson.

	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.	Absent for the vote

Minutes Approved.

Consideration of Amendments to the Agenda

The Chairman asked if there were any agenda amendments. Mr. Peterson moved to amend the agenda to add Item XII. C. Closed Session - Section 2.2-3711(A)(7) – 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.	Absent for the vote

Agenda Amended.

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.

Ms. Wilnette Jackson, Beaverdam MD, came forward and advised she is Opposed to the County considering the change to the voting rights act.

Mr. Ray Scher, Caroline County, Proposed Medicaid Expansion, under the new Affordable Care Act, representing himself as a Healthcare Advocate from Virginia Organizing, grassroots social justice organization Virginia Organizing has 17 chapters throughout Virginia and active in VA for over 17 years. Upcoming General Assembly will be whether or not Virginia accepts the Medicaid expansion and Virginia Organizing is strongly in favor of acceptance. Requesting to add to the Legislative Agenda and pass a resolution in support. This will gain coverage for 3,000 Hanover citizens. Have spoken to 20 senators or delegates on this. Please pass along to Hanover DSS. Gave out a handout (Item III, Exhibit 1 of 1).

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

Mrs. Kelly-Wiecek Attended the 2012 Congressional Veteran Accommodation Presentation Ceremony on Monday and represented the Board and offered congratulations to Sgt. Zack Horn, Chief Petty Officer in the U.S. Coast Guard and served 14 years in the Marine Corps, Sheriff's Deputy, Hanover County.

Consent Agenda

On a motion by Mrs. Kelly-Wiecek, seconded by Mr. Hazzard, the Board approved the consent agenda.

	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.	Absent for the vote

Appropriation - $171,000 - Fire EMS Department – Urban Area Security Initiative (UASI) Communications Grant managed by Virginia Department of Emergency Management (VDEM)

Board Sheet Background: The Fire/EMS Department has received Urban Area Security Initiative (UASI) Communications grant funding originally awarded to New Kent County. With the changes in New Kent, administration of the grant was difficult, so it was awarded to Hanover County to execute. This grant will outfit local government Mobile Command Unit's in Hopewell, Chesterfield, King and Queen, Caroline, Goochland, Dinwiddie, and Hanover with various types of communications equipment such as antennas, generators, portable radios, battery packs, etc. that they will maintain for their use to enhance interoperability.

The obligation period for this program is August 23, 2012 to November 30, 2012 and will be reimbursed as proof of purchase is submitted to VDEM.
Finance and Management Services concurs with this request.

On a motion by Mrs. Kelly-Wiecek, seconded by Mr. Hazzard, the Board approved the appropriation of $171,000 for the Urban Area Security Initiative (UASI) Communications Grant to the Fire/EMS Department

	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.	Absent for the vote

COUNTY OF HANOVER, VIRGINIA

Budget Transfer Detail

Department: Department of Fire and EMS

General Fund

Revenues:	
Additions to Revenues	
Categorical Federal Aid	
Fire/EMS - UASI	$171,000
Total additions to revenues	$171,000
Expenditures:	
Additions to Expenditures	
Fire EMS	
UASI Communications Grant	$171,000
Total additions to expenditures	$171,000
Net Change to Fund	$171,000

Appropriation - $45,805 - Hanover County Sheriff's Office – 2012 State Homeland Security Program (SHSP) managed by Virginia Department of Emergency Management

Board Sheet Background: The Hanover County Sheriff's Office has received grant funding allocated to the 2012 State Homeland Security Program (SHSP).

These funds will be used for purchasing gas masks and tactical shields. The overall project proposed is the purchase of equipment to aid in the protection of law enforcement personnel as they respond to potentially hazardous situations. Equipment identified is the purchase of Tactical Shields and Personal Protective Equipment (PPE) in the form of upgraded or replaced gas masks.

The Shields and Gas Masks requested directly connect with National Preparedness Goals and are a component of Homeland Security Presidential Directive 8.

The shields being requested provide an additional level of protection against a variety of potential assault possibilities or injury from the environment while responding to major events.

The Sheriff's Office also needs to replace its aging inventory of assigned gas masks that have deteriorated since they were purchased almost 10 years ago. The purchase of the masks will enhance officer ability to operate in an environment not conducive to public health where potential airborne threats are identified.

Essentially 45 tactical field force shields will be purchased and the remaining funding used to begin updating and expanding our current personal protective equipment resources in the form of gas masks.

The Finance Department concurs with this request.

On a motion by Mrs. Kelly-Wiecek, seconded by Mr. Hazzard, the Board approved the appropriation of the 2012 State Homeland Security Program in the amount of $45,805 to the Sheriff's Office budget

	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.	Absent for the vote

COUNTY OF HANOVER, VIRGINIA

Budget Amendment Detail

Department: Sheriff's Office

General Fund

Expenditures

Additions to expenditures:

Sheriff's Office

Operating $45,805

Total additions to expenditures	$45,805

Revenue	
Additions to revenues:	
Categorical Federal Aid	
2012 State Homeland Security Program (SHSP)	$45,805
Total additions to revenues	$45,805
Net Change to fund	$45,805

Adoption of Resolution Expressing Concurrence with Inducement Resolution adopted by Henrico Economic Development Authority (EDA) and approve issuance by Henrico EDA of Revenue Bonds for Bon Secours Health System and Memorial Regional Medical Center Approve the resolution expressing concurrence with the Inducement Resolution adopted by the Economic Development Authority Of Henrico County, Virginia and approving the issuance of Revenue Bonds for the benefit of, among others, Bon Secours Health System, Inc. And Bon Secours – Memorial Regional Medical Center, Inc.

On a motion by Mrs. Kelly-Wiecek, seconded by Mr. Hazzard, the Board Approved the resolution expressing concurrence with the Inducement Resolution adopted by the Economic Development Authority of Henrico County, Virginia and approving the issuance of Revenue Bonds for the benefit of, among others, Bon Secours Health System, Inc. And Bon Secours – Memorial Regional Medical Center, Inc.

RESOLUTION

EXPRESSING THE CONCURRENCE OF THE BOARD OF SUPERVISORS OF HANOVER COUNTY, VIRGINIA WITH THE INDUCEMENT RESOLUTION ADOPTED BY THE ECONOMIC DEVELOPMENT AUTHORITY OF HENRICO COUNTY, VIRGINIA AND APPROVING THE ISSUANCE OF REVENUE BONDS FOR THE BENEFIT OF, AMONG OTHERS, BON SECOURS HEALTH SYSTEM, INC. AND BON SECOURS – MEMORIAL REGIONAL MEDICAL CENTER, INC.

WHEREAS, Bon Secours – Memorial Regional Medical Center, Inc. ("MRMC"), is a not-for-profit Virginia nonstock corporation, which is affiliated with Bon Secours Health System,

Inc. ("BSHSI"), a Maryland nonstock, nonprofit membership corporation, and which has facilities located in Hanover County, Virginia; and

WHEREAS, on October 18, 2012, the Economic Development Authority of Henrico County, Virginia (the "Henrico Authority") adopted an inducement resolution (the "Inducement Resolution") relating to the issuance of its Revenue Bonds (Bon Secours Health System, Inc.) (the "Bonds") in an aggregate principal amount not to exceed $74,000,000, to, among other things, (i) pay or reimburse, or refinance certain indebtedness the proceeds of which were used by, MRMC for the payment of the costs of acquiring, constructing, equipping, expanding, enlarging and improving certain of its medical facilities, (ii) pay a portion of the interest on the Bonds, if deemed necessary, (iii) establish a debt service reserve fund, if deemed necessary, and (iv) pay certain expenses incurred in connection with the issuance of the Bonds, all pursuant to a master financing plan for certain health care facilities affiliated with BSHSI, which plan includes the above-described financing by the Henrico Authority for the benefit of MRMC; and

WHEREAS, the portion of the Bonds issued for the benefit of MRMC shall not exceed $5,000,000; and

WHEREAS, the facilities to be financed with the proceeds of the Bonds are located at the following addresses: the intersection of Atlee Road and Meadowbridge Road, 7041 Lee Park Road, 8220 Meadowbridge Road and 8260 Atlee Road in Mechanicsville (Hanover County), Virginia; and

WHEREAS, the Bonds will be issued pursuant to the Virginia Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), and will be limited obligations of the Henrico Authority payable solely from the revenues and receipts derived from payments provided by BSHSI, MRMC and certain other related corporations; and

WHEREAS, as described above, the facilities of MRMC to be financed are located within the boundaries of Hanover County, Virginia, which has created the Economic Development Authority of Hanover County (the "Hanover Authority"), and Section 15.2-4905 of the Act permits the issuance of the Bonds by the Henrico Authority for the benefit of BSHSI and MRMC if the governing body of Hanover County, Virginia concurs in the Inducement Resolution adopted by the Henrico Authority; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the highest elected governmental official of the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of the Bonds is located must approve the issuance of the Bonds in order for the interest on the Bonds to be entitled to certain exemptions from taxation provided by the Code, and the Board of Supervisors of Hanover County, Virginia constitutes such highest elected governmental official within the meaning of the Code; and

WHEREAS, representatives of BSHSI and MRMC have appeared before the Hanover Authority at a public hearing held on October 23, 2012 (as to which proper notice was given by publication in newspapers of general circulation on October 9 and October 16, 2012), such

public hearing being that required by Section 15.2-4906 of the Act and Section 147(f) of the Code; and

WHEREAS, on October 23, 2012, the Hanover Authority adopted a resolution approving the issuance of the Bonds by the Henrico Authority and recommending that the Board of Supervisors of Hanover County, Virginia concur in the Inducement Resolution of the Henrico Authority and approve the issuance of the Bonds by the Henrico Authority to comply with Section 147(f) of the Code and Section 15.2-4905 of the Act; and

WHEREAS, copies of the following documents have been filed with the Board of Supervisors of Hanover County, Virginia: (i) the Inducement Resolution, (ii) notice of the public hearing, published once a week for two consecutive weeks, (iii) a summary of the proceedings of the public hearing held on October 23, 2012, (iv) a copy of the resolution adopted by the Hanover Authority and (v) the fiscal impact statements of BSHSI.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF HANOVER COUNTY, VIRGINIA:

1.The Board of Supervisors of Hanover County, Virginia, approves the issuance of the Bonds for the benefit, among others, of BSHSI and MRMC, and concurs in the Inducement Resolution adopted by the Henrico Authority as required by Section 147(f) of the Code and Section 15.2-4905 of the Act.

2.The approval of the issuance of the Bonds as required by Section 147(f) of the Code and the concurrence in the Inducement Resolution adopted by the Henrico Authority as required by Section 15.2-4905 of the Act does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of BSHSI or MRMC, nor does it constitute a pledge of contributions of any kind from the Hanover Authority or Hanover County, Virginia.

3.This Resolution shall take effect immediately upon its adoption, and shall remain in effect for a period of one year from the date of its adoption.

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

	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.	Absent for the vote

Appointments (Removed from Consent)

Approved As Recommended:

COMMITTEE NAME	NON-DISTRICT APPT	DISTRICT	FIRST NAME	LAST NAME	MAXIMUM TERM LIMITS (BEQ/Social Services/CSB/JSRCC/Library)	TERM LENGTH	EXPIRATION	# OF MTGS HELD IN LAST 12 MOS	# OF MTGS ATTENDED IN LAST 12 MOS	OTHER
Social Services Advisory Board		**Ashland**	Dr.Janet	Eddy,MD	**2 Consecutive Terms Max**	4 years	12/31/2012 (Has served maximum terms)	4	2	Mr. Via is recommending Reverend Michael Shannon for a term beginning 01/01/13
Roads Committee		**Chickahominy**	Thomas	Vick Roy		1 Year	12/31/12	2	1	Mrs. Kelly-Wiecek recommends reappointment
CultureWorks	*	**N/A**	Ben	Dacus		3 Years	10/31/12			Need to Reappoint for Term 11/1/12-06/30/13 - Cultureworks has selected Mr. Dacus to rotate off in June but current term does not cover that. Mr. Via is recommending Reappointment through June 30, 2013
Capital Area WIA Policy Board	*	**Co. Designee/ Alternate**	Jim	Taylor		4 years	12/31/12			Mr. Via is recommending reappointment

	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.	Absent for the vote

Adoption of Proclamation – Eagle Scout –Michael English, Ashland Magisterial District Removed from Consent

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

PROCLAMATION

WHEREAS the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910; and

WHEREAS the Boy Scouts of America was founded to promote citizenship, training, personal development and fitness of individuals; and

WHEREAS Michael English is a resident of the Ashland Magisterial District in Hanover County, Virginia, and a senior at Atlee High School; and

WHEREAS on the 29th day of May, 2012, Michael English attained the rank of Eagle Scout, the highest award granted by the Boy Scouts of America; and

WHEREAS to achieve this high honor Michael English carried out a community project by creating a twenty-eight (28) page coloring book based on submissions from the Atlee High

School Art Students and printing 2500 copies which were then donated to the Children's Hospital of Richmond; and

WHEREAS Michael English of Boy Scout Troop 505 which meets at New Highland Baptist Church has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout; and

WHEREAS the Hanover County Board of Supervisors fully supports the programs of the Boy Scouts of America and recognizes the important service they provide to the youth of our Country.

NOW, THEREFORE, BE IT RESOLVED that the Hanover County Board of Supervisors hereby extends its congratulations to Michael English and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

The members of the Board of Supervisors voted to adopt this Proclamation as follows:

	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.	Absent for the vote

Motion Approved.

Adoption of Proclamation – Eagle Scout –Andrew Korpics, Ashland Magisterial District Removed from Consent

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

NOVEMBER 14, 2012

PROCLAMATION

WHEREAS the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910; and

WHEREAS the Boy Scouts of America was founded to promote citizenship, training, personal development and fitness of individuals; and

WHEREAS Andrew Korpics is a resident of the Ashland Magisterial District in Hanover County, Virginia, and a freshman at Atlee High School; and

WHEREAS on the 29th day of May, 2012, Andrew Korpics attained the rank of Eagle Scout, the highest award granted by the Boy Scouts of America; and

WHEREAS to achieve this high honor Andrew Korpics carried out a community project by developing and constructing disability awareness stations that included a miniature golf hole and archery range at the Sky Anchor Disability Awareness Facility in Spring Grove, Virginia; and

WHEREAS Andrew Korpics of Boy Scout Troop 505 which meets at New Highland Baptist Church has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout; and

WHEREAS the Hanover County Board of Supervisors fully supports the programs of the Boy Scouts of America and recognizes the important service they provide to the youth of our Country.

NOW, THEREFORE, BE IT RESOLVED that the Hanover County Board of Supervisors hereby extends its congratulations to Andrew Korpics and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

The members of the Board of Supervisors voted to adopt this Proclamation as follows:

	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.	Absent for the vote

Motion Approved.

Adoption of Proclamation – Eagle Scout –Scott D. Utterback, Ashland Magisterial District Removed from Consent

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

PROCLAMATION

WHEREAS the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910; and

WHEREAS the Boy Scouts of America was founded to promote citizenship, training, personal development and fitness of individuals; and

WHEREAS Scott D. Utterback is a resident of the Ashland Magisterial District in Hanover County, Virginia, and a senior at Atlee High School; and

WHEREAS on the 25th day of July, 2012, Scott D. Utterback attained the rank of Eagle Scout, the highest award granted by the Boy Scouts of America; and

WHEREAS to achieve this high honor Scott D. Utterback carried out a community project by raising money to send 400 pocket flags to soldiers from the Sandston National Guard deployed to Iraq; and

WHEREAS Scott D. Utterback of Boy Scout Troop 505 which meets at New Highland Baptist Church has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout; and

WHEREAS the Hanover County Board of Supervisors fully supports the programs of the Boy Scouts of America and recognizes the important service they provide to the youth of our Country.

NOW, THEREFORE, BE IT RESOLVED that the Hanover County Board of Supervisors hereby extends its congratulations to Scott D. Utterback and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

The members of the Board of Supervisors voted to adopt this Proclamation as follows:

	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.	Absent for the vote

Motion Approved.

Adoption of Proclamation – Eagle Scout –Chase Cameron Prince, Chickahominy Magisterial District Removed from Consent

On a motion by Mrs. Kelly-Wiecek, seconded by Mr. Hazzard, the Board adopted the proclamation.

PROCLAMATION

WHEREAS the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910; and

WHEREAS the Boy Scouts of America was founded to promote citizenship, training, personal development and fitness of individuals; and

WHEREAS Chase Cameron Prince is a resident of the Chickahominy Magisterial District in Hanover County, Virginia, and a freshman at Hanover High School; and

WHEREAS on the 26th day of June, 2012, Chase Cameron Prince attained the rank of Eagle Scout, the highest award granted by the Boy Scouts of America; and

WHEREAS to achieve this high honor Chase Cameron Prince carried out a community project by establishing an electronic library and cabinet for the Ronald McDonald House Charities of Richmond; and

WHEREAS Chase Cameron Prince of Boy Scout Troop 500 which meets at Chamberlayne Heights United Methodist Church has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout; and

WHEREAS the Hanover County Board of Supervisors fully supports the programs of the Boy Scouts of America and recognizes the important service they provide to the youth of our Country.

NOW, THEREFORE, BE IT RESOLVED that the Hanover County Board of Supervisors hereby extends its congratulations to Chase Cameron Prince and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

The members of the Board of Supervisors voted to adopt this Proclamation as follows:

	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.	Absent for the vote

Motion Approved.

Adoption of Proclamation – Eagle Scout –Paul W. G. Adam, Cold Harbor Magisterial District Removed from Consent

On a motion by Mrs. Kelly-Wiecek, seconded by Mr. Hazzard, the Board adopted the proclamation.

PROCLAMATION

WHEREAS the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910; and

WHEREAS the Boy Scouts of America was founded to promote citizenship, training, personal development and fitness of individuals; and

WHEREAS Paul W. G. Adam is a resident of the Cold Harbor Magisterial District in Hanover County, Virginia, and a junior at Lee-Davis High School; and

WHEREAS on the 20th day of August, 2012, Paul W. G. Adam attained the rank of Eagle Scout, the highest award granted by the Boy Scouts of America; and

WHEREAS to achieve this high honor Paul W. G. Adam carried out a community project by soliciting discounts and donations from local businesses for supplies and equipment and then planned and managed the construction of a half basketball court at Knox Reformed Presbyterian Church in Mechanicsville, Virginia, with the help of fellow scouts and a skilled mason to aid in the completion of the project; and

WHEREAS Paul W. G. Adam of Boy Scout Troop 531 which meets at Immanuel Episcopal Church has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout; and

WHEREAS the Hanover County Board of Supervisors fully supports the programs of the Boy Scouts of America and recognizes the important service they provide to the youth of our Country.

NOW, THEREFORE, BE IT RESOLVED that the Hanover County Board of Supervisors hereby extends its congratulations to Paul W. G. Adam and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

The members of the Board of Supervisors voted to adopt this Proclamation as follows:

	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.	Absent for the vote

Motion Approved.

Presentation of Proclamation – Frederick C. Crosby, II (Mechanicsville Magisterial District)

Mr. Via came forward along with Chief Crosby. Mr. Via thanked Mr. Crosby on behalf of the Citizens for his years of service and all he has done for them during those years and that the Board wishes him well in the future. The Chairman then read and presented the proclamation recognizing in part: 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 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 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 after being selected as Hanover County's first EMS Chief in 1989, Frederick C. Crosby, II, led in the formation of EMS Department; and 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 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 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 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 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 the 2011 Tomato Festival was dedicated to Hanover Fire and EMS Department and Chief Crosby; and 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. The Hanover County Board of Supervisors, on behalf of the citizens, wishes to express its sincere appreciation to Chief Frederick C. Crosby, II, for his

twenty-six (26) years of dedicated service and leadership to the County of Hanover and the citizens he served. The Board and audience members then gave a standing ovation.

Mr. Crosby briefly addressed the Board and thanked them for the opportunity to serve in this special place called Hanover County and for everything he has given he has received ten fold from Hanover County and will leave with a deep appreciation that cannot be expressed by words.

Presentation – Council on Aging

Board Sheet Background: Mrs. Jeanne Bradley, Chairperson, will give the Board a brief update on recent activities for the Council on Aging.

Mrs. Bradley, Chair, Council on Aging, came forward and introduced Council on Aging members who were also present: Jean Folly; Morris Walker, Nancy Mountjoy, Miriam Chambliss, B. W. Alexander, Rita Cowans, Virginia Bloch, Ester Davis. Not present: Dr. Madge Carter, James Dorschel, Melinda Davis, Deborah Nuttycombe. Noted there is a vacancy for the Cold Harbor District.

Recognized Staff Support: Lisa Adkins, Department of Community Resources, Pam Bridgeforth, Senior Connections. Ms. Sherrell Price, Department of Social Services not present.

In 2010 the Council began to offer a series of local senior resource fairs in partnerships with churches, clubs and other host sites located in various parts of the County to provide greater access to free information and health screening. Each resource fair also includes short presentations by various service providers to increase community education for Hanover's older adults and family members. Since we have begun these smaller senior fairs we have offered at least 15 fairs with at least 450 attendees. At each fair there are at least 15-20 service providers who offered information on topics such as end of life care, home health, travel, continuing care

facilities, adult day care, medical directives, downsizing your home, health screening and more. A fair was held at Covenant Woods in September which covered caring for elderly loved ones – hands on training by certified occupational therapists. The council has also been part of a focus group to provide feedback to the County Information Technology Department from an older adult perspective on changes to the County's web pages. The increase to the Council's budget by $500 was appreciated to continue outreach.

Report from the Cash Proffers and Capital Funding Committee –
Mr. Peterson / Mr. Stanley & Mrs. Emma Lee Mitchell (Cash Proffers and Capital Funding Committee Members)

Board Sheet Background: On June 13, 2012, the Board of Supervisors created the Cash Proffers and Capital Funding Committee (Proffer Committee) comprised of two Board members, two Planning Commissioners, one appointed member per magisterial district and two at-large members. The Proffer Committee met eight times to review the subject and consider alternatives to cash proffers. Ms. Emma Lee Mitchell of the Proffer Committee will present the Committee's recommendation. The recommendation is provided to the Board for consideration as it develops a long range approach to funding investments in public facilities necessitated by residential growth. No formal actions of the Board are being requested but staff seeks direction from the Board on how it wishes to proceed.

Attached are the Proffer Committee recommendation and supplemental documents including a summary of the Committee activities, alternative cash proffer proposals with recommended proposal, meeting minutes, staff presentations, letters from four developers and the Board approved Proffer Committee scope.

Provide direction to staff regarding how the Board of Supervisors members wish to proceed

Cash Proffer and Capital Funding Committee Recommendation

Memo To: Board of Supervisors

From: Co-Chairs, Cash Proffer and Capital Funding Committee
Canova Peterson, Mechanicsville Magisterial District
Bucky Stanley, Beaverdam Magisterial District

On May 9, 2012 the Board of Supervisor's Finance Committee began the annual review of the Board's Cash Proffers Policy. The Committee recognized that over the past several years of economic downturn the housing market has suffered a significant decline and there was concern expressed that expectation of cash proffers along with the current economic conditions have been a burden on developers and homebuyers alike. However, the County continues to bear the impact of new residential development on public services and infrastructure. Although cash proffers do not currently represent a significant contribution to the County's budget, the proffer revenues have undoubtedly helped the School Board and the Fire/EMS, Libraries, Parks & Recreation and Public Works Departments address some of the needs resulting from additional homes in Hanover. The Committee members discussed the potential to utilize alternative revenue sources in lieu of cash proffers to fund the new capital facilities necessary to accommodate the needs of a growing community. To accomplish the review the Finance Committee recommended the creation of an ad-hoc Cash Proffers and Capital Funding Committee (Proffer Committee). On June 13, 2012 the Board of Supervisors formally created the Proffer Committee.

The Proffer Committee held its first meeting on July 17, 2012, and met eight times through October 2012. The Committee meetings included staff presentations, question and answer

sessions and Committee member deliberations. The Committee members accepted most information but not all Committee members accepted certain projections and assumptions presented by staff.

The members debated the impact of cash proffers on the housing industry versus the overall impact of the current economic situation. They also debated the need for an alternative revenue source if cash proffers are eliminated and, if an alternative revenue source is needed, what is the source and level of funding necessary.

Several proposals were submitted by Committee members including reducing the existing cash proffer amount and eliminating the cash proffer completely. The Committee members discussed the proposals and were unable to reach a consensus. Emma Lee Mitchell made a motion that her proposal to eliminate cash proffers be sent forward to the Board of Supervisors as the Committee's recommendation. The motion passed seven in favor and four opposed. Mr. Stanley and Mr. Peterson did not vote. B.W. Alexander, David Armentrout, Scott Byrnes, Bill Carter, Tom Evans, Emma Lee Mitchell and Claiborne Winborne voted in favor of Ms. Mitchell's motion. Caroline Cooke, Harold Padgett, Bob Setliff and Kevin Smyth voted against it.

The proposal eliminates all cash proffers, both the future and the balance of receivable cash proffers. A $10 motor vehicle license fee would be implemented generating approximately $1.3 million annually. The proposal also includes longer term suggestions that the Board of Supervisors consider pursuing General Assembly approval of a grantor's tax, cigarette tax, and/or Admissions tax. If the General Assembly does authorize one or more of these fees the

Board of Supervisors would have the option of enacting one or more in order to reduce reliance on the motor vehicle related fee or to supplement it as needed.

Additional information and details are available in the cash proffers summary document, Committee member proposals, Committee meeting summaries with staff presentations and comments received from developers.

Mr. Peterson – noted those present from the cash proffer committee and that they were fully engaged in accomplishing the task. Scott Byrnes; Bob Setliff; David Armentrout; Bill Carter; Carolyn Cooke; B. W. Alexander; Kevin Smythe; Emily Mitchell; Harold Padgett; Tom Evans Mr. Stanley. Not Present. Ms. Winborne.

Mr. Stanley stated the staff came forward with so much information it was hard to take in at one time but everyone on the committee had some input and that was very good.

Mr. Peterson recognized that a lot of interested citizens were at the meetings and are here today as well.

Mrs. Emily Mitchell, came forward to present the Report from the Committee. Thanked the Board and Staff. Special thank you to Frank Harksen, Deputy County Administrator as the Staff Liaison to the Committee.

Reviewed that out of 9 citizens who served only 3 had background in actual development and appointing a variety of backgrounds led to many good ideas, strength to the committee and the integrity of the recommendation. Referred to the last page of the report – outline scope of the committee was reviewed: The Committee will analyze the existing cash proffer methodology and model in order to understand the funding rationale. The model will also be analyzed against

the Comprehensive Plan with regard to growth and population projections and the need for new facilities to accommodate the growth. The Committee will evaluate alternatives to existing cash proffers with the goal of providing revenues to support schools, parks, libraries, public safety facilities and roads equal to the amount currently generated solely by cash proffers. The Committee will review the current Code of Virginia provisions and outcomes of General Assembly study committees, and recommend potential changes to the Code of Virginia. The Committee will obtain citizen input in the development of its recommendations. Recommendations will include consideration of the proffer receivables for past approved cases for which the agreed upon cash proffers have not yet been paid; Appendix A Proposals that were submitted; Appendix A Pages 5/6 Emily Mitchell Final Proposal – it came from the entire committee, Mr. Stanley and Peterson did not vote on this recommendation and passed 7/4. Recommendation was reviewed from page A5 and A6.

Cash Proffers and Capital Funding Committee

The Charge of the Committee: Evaluate alternatives to existing cash proffers with the goal of providing revenues to support schools, parks, libraries, public safety facilities and roads "equal to the amount currently generated solely by cash proffers."

Recommendation to Board of Supervisors

1. The Cash Proffers would be eliminated for all lots currently zoned for cash proffers where the cash proffer has not yet been paid by the lot owner and for all future rezonings.

In making a recommendation the committee had the charge of submitting sources for the Replacement of Funds

1. The County to charge $10 per decal per car. (This equals 2 .5 gallons of gas.) (130,000 cars x $10 = $1.3 million)

(13 million in 10 years and 26 million in 20 years of revenue to the County)

The replacement of funds through the $10 decal provides the County with a steady stream of income of $1.3 million dollars per year which is an additional $121,429 of revenue per year than the county has been receiving since the beginning of the cash proffer policy. The charge given to this committee to provide revenue equal to the amount currently generated solely by cash proffers will be fulfilled by this one item.

This proposal brings in $121,000 more than cash proffers. $27.3M in 21 years while current policy has provided $24.5M so this proposal will provide $2.8M more in total than the currently cash proffer policy has done.

2. The elimination of cash proffers can bring additional revenue to the County as growth is renewed bringing in new businesses.

3. The County/Board of Supervisors can pursue through their Legislative Agenda the following in upcoming years to add additional revenue if they deem it necessary: Admissions tax, Cigarette tax, and/or the increase of Recordation/Grantors Tax.

Reasons for the Recommendation

1. Two recent zoning cases have been approved: one with drastically reduced cash proffers and the other with no cash proffers. The precedent has been set; therefore, a consistent policy is needed.

2. Cash proffers are an unfair tax which burdens only a select group of citizens. The group of citizens is those building a new home on rezoned lots only, not lots by right. This is not fair to our seniors who may want to down size, our young people who want to stay in the County, and for citizens needing work force housing.

3. Cash proffers are pigeon holed to be spent for specific items so the County cannot spend the money where it may be needed the most.

4. The Capital Fund/Road Fund, etc. should be a line item in the County budget, not dependent on how many lots are sold in a year. This would result in more efficient budgeting.

5. Cash proffers inflate other properties/their neighbor's properties. This becomes an unfair tax burden to all Hanover County citizens.

6. Cash proffers prevent the construction of more housing including a mix of housing and work force housing which is needed to bring more economic development into Hanover County. Our County, with no cash proffers, is a great selling point for economic development.

7. This change with our cash proffer policy will support our business friendly philosophy articulated by Economic Development.

Mr. Peterson noted the report was in the Board packet and Mrs. Mitchell highlighted the main part of the report. Asked all Board Members to review the report in full detail and there will be a workshop on 11/28 at 5:00 p.m. for the purpose of going through the report and discussing in detail. Everyone is invited to join the board. Mr. Via noted this will be a workshop between board members and anyone interested is welcome to attend.

Mrs. Kelly-Wiecek in reviewing this information and other information on this issue there was a request to look at additional numbers that staff could assist with on what a 50 or 25% reduction would be. Mr. Harris advised he would prepare whatever background information is requested by the Board. Mr. Peterson stated within the report there are PowerPoint's and they may not all be clear. Mr. Peterson stated that any questions that board members have need to be relayed to staff by the first part of the week so that they may have it prepared by next week.

Request for Authorization to Advertise: Ordinance Amendment 12-12, Federal or State Inspected Commercial Slaughter/Processing Facilities as a Conditional Use within the A-1, Agricultural District

Mr. David Maloney, Acting Director of Planning, introduced this request.

Board Sheet Background: The Community Development Committee instructed the Planning Department to review the A-1, Agricultural District to determine if small-scale commercial meat processing facilities would be an appropriate use within the district. The request originated with a Committee Member, based on an inquiry from a County farmer. The existing A-1 District does not allow commercial slaughtering and processing of large animals (horses, cows, pigs, sheep or goats). Commercial slaughtering operations are only permitted in the M-3, Heavy Industrial District.

Subsequent to the Committee's request a Project Management Team was formed in May, 2012. The team consisted of County staff and an individual from the Virginia Tech Cooperative Extension. The staff reviewed Ordinances from numerous counties and observed that of those researched; none allow commercial slaughtering by right in an Agricultural District. The majority requires a Special Use Permit, or it was only allowed in an Industrial District (often with a Special Use Permit).

The staff has looked at operational standards for those facilities. These types of operations are subject to State or Federal inspections and standards so that meat can be sold on the retail market for human consumption. The staff recommends base standards as follows:

a)Federal and State regulations;

b)Minimum lot size of 20 acres;

c)Facilities located at least 200 feet from any property line;

d)Facilities limited to 15,000 square feet (excluding stock pens);

e)Facilities located outside Suburban Service Areas; and

f)All slaughtering/processing only in an enclosed building

The 20 acre minimum lot size would minimize the likelihood of placing a facility within recorded Agricultural Subdivisions.

The team recommends a Conditions Use Permit (CUP) to deal with potential site specific issues such as access, hours of operation, times of operation, noise, odor, volume of production, and so forth. Staff is recommending that this ordinance be authorized to move through the public hearing process to be considered by the Planning Commission and subsequently considered and acted upon by the board.

Mr. Davis commended Mr. Maloney and Staff and this came through correspondence this year to him and this shows how quick we got this done.

Mr. Stanley stated we have had a lot of requests for these over the years and we have done a lot of research with State and Federal Inspection Agencies. Currently individuals are hauling to Fauquier County and this will give those an opportunity to do so in Hanover.

Mr. Stanley made a Motion to advertise for Public Hearing – Ordinance Amendment 12-12, Federal or State Inspected Commercial Slaughter/Processing Facilities as a Conditional Use within the A-1, Agricultural District, Mr. Davis seconded.

	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.	Absent for the vote

Motion Approved.

Presentation – Review of the Department of Parks and Recreation 2005 Recreational Bond Projects – Mr. Sager

Board Sheet Background: Greg Sager, Director of Parks and Recreation, will provide the Board of Supervisors with a review on all of the projects associated with the 2005 Recreational Bond Referendum. All projects related to the referendum have now been completed.

2:55:21 PM Mr. Rives left the meeting.

Mr. Sager came forward and noted that Mrs. Marcy Durrer was also present. Mr. Sager then reviewed the project summary for each project.

Projects completed in 2012 since the last update:

Poor Farm Park

- ☑ Construction of new shelter and lighted, irrigated multi-purpose fields (2) Completed: Construction and lighting of new parking lot and additional lighting of existing parking lot – Completed February 2012

Taylor Park

- ☑ Construction of new multipurpose fields (2) with irrigation system
- ☑ Addition to existing parking lot

  Completed: September 2012 /Opened for Use: October 2012

Noted the work done by Friends of Hanover Trails at Washington-Lacy Park.

- Due to funding limitations, some projects initially listed on the referendum were either addressed with other funding sources or postponed to a future referendum. A list is being maintained within Parks and Recreation for future items.
- In 2008, a prioritized list of projects was created by the Department and endorsed by the Parks and Recreation Advisory Commission and Board of Supervisors.

2:57:14 PM Mr. Rives returned to the meeting.

3:07:45 PM Mrs. Kelly-Wiecek left the meeting.

No questions from the Board. Mr. Via recognized Mr. Sager, Mr. Thorn and Staff for all their work in maintaining the excellence of our Hanover Parks.

Mr. Harris noted that all of the county-wide projects in the 2005 referendum have now been completed.

Proposed Solid Waste Disposal Regulations Changes - Department of Public Works – Mr. Flagg, Director of Public Works, reviewed the background on this request.

Board Sheet Background: The Hanover County Solid Waste Facilities are administered by the Department of Public Works in accordance with the Solid Waste Disposal Regulations adopted by the Board of Supervisors. These regulations serve to inform the public on acceptable waste disposal practices and characteristics and are used by staff to guide administration of activities at the County's Solid Waste Facilities. The attached revised regulations affect three primary areas:

Trailer length - modifies regulations to allow 12 ft. trailers vs. the current 10ft. Staff has determined that extending existing bumper stop locations 18 inches will permit the safe use of these trailers. This separation will also provide extended clearance for other vehicles such as pick-up trucks and discourage unsafe practices such as standing between the safety rails and truck beds. Regulations regarding commercial usage and load sizes will remain unchanged.

3:11:37 PM Mrs. Kelly-Wiecek returned to the meeting.

Reuse areas - where practical staff intends to partner with not-for-profit organizations to facilitate reuse and reduce the burden associated with managing these activities. Goodwill through an existing Central Virginia Waste Management Authority contract will provide a manned Goodwill trailer at the larger sites at no cost to the County for reuse purposes. Goodwill feels the larger sites such as Verdi and Elmont support this level of activity but would discontinue if not, at their discretion. All materials deposited become the property of Goodwill.

At the remaining sites staff proposes to limit resident use to reduce facility misuse and conflict. The proposed regulations limit visits to removal of one item (or complete set as determined by staff, ex. matching table and chairs) once per day. This would limit individuals scrapping or reselling materials and leave more opportunities for general citizen use. Any materials not suitable for reuse but with salvage value will be recycled at the County Transfer station.

Tires – modifies the existing 16 inch rim rule to stipulate 16 inch rim or 32 inch total tire diameter. This will not limit existing users but will accommodate a range of automobiles rim and wheel sizes. This is not intended to have any practical change in residential use, but clarify for ease of use.

Staff is recommending these changes to accommodate a wider range of citizen needs and to provide for smoother facility administration.

Mrs. Kelly-Wiecek advised that she and Mr. Flagg have discussed this and asked Mr. Flagg to confirm for the record that 12 ft will not make an additional burden on the county and employees to manage that capacity. Mr. Flagg – yes., we have addressed the safety issue and volume issue.

If there is a huge change we would reconsider. Mrs. Kelly-Wiecek and Mr. Flagg generally discussed that the mechanism to receive feedback is from employees and tonnage reports. Mrs. Kelly-Wiecek and Mr. Flagg generally discussed that employees are challenged with uncomfortable situations by a small percentage of citizens and we are supported well by the Sheriff's Department.

Mr. Stanley stated when the Board originally voted he never had a problem with 12 ft. trailers. There are people who go several times a day to pick up items and it creates havoc when two individuals want the same item. Mr. Stanley stated one item a day may be too petty. Mr. Hazzard reviewed an instance where someone took springs off baby carriage to sell and threw the carriage away so we want to prevent that waste when the item intact will be useful for its purpose. Mr. Peterson – partnering with Goodwill is great as people who really need this will get this. Mrs. Kelly-Wiecek and Mr. Flagg generally discussed this will create a job at Goodwill (not with the County). Mr. Flagg also clarified for the public that reject containers have extensive recycling activities for metal, construction waste, brass, aluminum are separated and sold to help underwrite cost of our operations and is returned to the county coffers and everyone is invited to come out and see what we do at our facilities as far as recycling is concerned.

Mr. Hazzard made a Motion to approve the proposed Solid Waste Disposal Regulations changes which will become effective January 1, 2013, Mr. Peterson seconded the motion.

	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.	Absent for the vote

Motion Approved.

Legislative Update – Mr. Rives

Board Sheet Background: The County Administrator and County Attorney will provide an overview of the legislative agendas for the Virginia Association of Counties and the Richmond Regional Planning District Commission.

Mr. Rives reviewed regarding the VACo Legislative agenda and RRPDC Legislative Agenda - Propose that we differ from adopting those agendas as in years past; will talk about Stormwater Management and Consolidation of DEQ and Legislators Meeting is November 29, 2012. Amendments were handed out to each board member (Item XI, 1 of 3).

Items reviewed from VACo Legislative Agenda: Broadband (Federal); Dillon Rule/Local Authority; Land Use/Growth Management Tools; Line of Duty; Employment Benefits Including VRS; Non-Point Source Pollution; Onsite Wastewater Systems; Stormwater; Water Quality Improvement Funding; County Authority Including Equal Taxation; Online Travel Taxes and Transient Occupancy Taxes; Local Government Revenues; State Aid to Localities; Maintenance

Priorities; Transportation Funding; Public Notice, Public Hearing and Public Procurement; Summary Judgment; Voting Machines; Employee Benefits Including VRS; Highway Tolls.

Legislative Committee recommends agreement with VACo's position on the Line of Duty Act and adding this to the Hanover Legislative Agenda. Mr. Rives will prepare the wording and cover memo to the board for the agenda two weeks from now to consider.

Employment Benefits including VRS – this has to do with how the state uses retirement funds, VACo opposes and encourages full funding to these programs. Who carries on their books liability for teachers? VACo should be borne by the state not local governments. Mr. Harris clarified that for years when the teachers came on board they were part of a statewide teacher pool and accounted for at the state level for liability and retirement program. Over time they have not funded the teacher pool to the extent that the actuaries have recommended and have a substantial liability now that they have unfunded liability since teachers are employees of jurisdictions and that the liability be reflected on locality funding. Locality does not determine retirement – state does. Our recommendation is proportionate share on Hanover County sheet and proportionate on state so we both carry our fair share. When the state sets the rate we have no choice but to pay the rate but we should not be required to reflect entire liability.

Mr. Hazzard, Mr. Harris, Mr. Davis and Mr. Rives generally discussed if we get stuck with total liability could affect AAA bond rating and pave the way to have localities paying for something that the State is now paying for as they did with line of duty act and constitutional officers.

Mrs. Kelly-Wiecek – Mr. Rives legislative committee discussed both items and recommends concurrence with VACo agenda and adding to Hanover's agenda. Mr. Rives will add two weeks from now on consent agenda.

Mr. Rives – continued review with land use growth management tools.
State Aid to Localities - Mrs. Kelly-Wiecek not excess monies. Mr. Rives – yes does not take into account state aid to localities has been reduced over years. Mr. Hazzard asked for the amount - $400,000. Mr. Harris – yes. Mr. Davis when the state says we sent you $10.00 they are not aiding with anything other than our money and our $10.00 allowance and leave out $3.00 comes back at the end of the year. Mr. Rives it is accurate and State Aid helps us to implement services that are mandated by the State in the first place. Will try to discuss this with legislators on November 29th how this has shifted over the years.

Mr. Harris noted the General Assembly put 60 mandates on local governments so while they did away with 50 we netted 45 more in just one session of the General Assembly.

Mr. Rives continued his review with the Item on Highway Tolls that the County Administrator asked to be included. This is language drafted by Mr. Rives opposing the installation of toll facilities on Virginia's interstate highways until the CTB has thoroughly reviewed and assessed the components of a long-term capital improvement program, has identified and compared all available funding alternative and has adopted a proposal that matches capital improvements with realistically available funding sources. Further, VACo supports legislation to require that prior approval of the General Assembly shall be obtained prior to the imposition and collection of tools on any interstate highway in Virginia. Mr. Harris advised that Mr. Peterson made a very eloquent speech at VACo transportation. Mr. Rives

stated there were those that wanted to defer action and it would be too late as it will be approved or not approved within the next six months and now is the time for any action.

Mr. Rives then began review of the RRPDC Agenda (Item XI, 2 of 3). Mrs. Kelly-Wiecek and Mr. Peterson were there. Mrs. Kelly-Wiecek reviewed the PDC met on Thursday for the Large and Small Jurisdictional Meeting with the focus on priorities and to issue policy statements. CTB representation; key is transportation funding wording and how urban and rural is defined as it dates back to 1920; need to specify and take a position that we would want an indexed gas tax as preferred mechanism for funding. The Hanover Delegation was very specific as we would want this to be accompanied by efficiencies not necessarily cuts in staffing but operational efficiencies and funding efficiencies at VDOT and the Department of Rail and Public Transportation. The vote was not unanimous 13:7. Mr. Peterson stated the Hanover delegation vote was 3:1 and Mr. Peterson dissented because the PDC added in the statement of the indexed gas tax and his concern was that PDC was saying to GA we were supporting gas tax and you could forget the other things. Mr. Peterson wanted to keep the emphasis on a comprehensive plan for funding and for new construction and maintenance for the state and fully supported PDC in getting to work on this now. Mrs. Kelly-Wiecek mentioned this has been in the media and noted the article by the Times Dispatch and this will be up to us and citizens as well. Mrs. Kelly-Wiecek noted there is an extensive statement on resource protections- natural resources and PDC is calling for implementation of funding based on scientific studies to be meaningful improvements.

Mr. Rives then reviewed that at the October 12, 2012 Board meeting Mr. Hazzard raised the issue regarding the Proposal to consolidate stormwater management water quality programs in

DEQ and moving over assistance given to agricultural operations stormwater quality. There is concern in the agriculture community that the Department of Conservation and Recreation where these programs are currently established uses a voluntary approach and financial and other incentives and educational programs to help farmers implement best management practices to reduce storm water runoffs from their farms. The concern is if relocated to DEQ they will become mandated regulatory enforced rather than incentive based education. We have met with Mr. Dodd, Chair, Soil and Water and Mr. Don Wells on the same board and discussed at some length. Mr. Wells and Mr. Cauthorn, Hanover Farmer on Hanover Caroline Soil Water Conservation District also met with Mr. Hazzard. Soil and Water Conservation District has different take and believe consolidation will be beneficial. This portion of the water quality management program will be under the supervision of a citizen board, Virginia Soil and Water Conservation Board within DEQ. The Hanover-Caroline Soil and Water Conservation Board support the consolidation of these programs and adopted a resolution which was put at your places (Item XI, 3 of 3). At this time no legislation has been made available for us to review and after discussion with the Hanover Legislative Committee - recommendation is that the Board takes no action at this time.

Mr. Hazzard advised this started as the Louisa Farm Bureau was against the merger and since that time Mr. Hazzard has discussed with Hanover Farm Bureau who is in support of this. The Hanover Soil and Water does not feel they have gotten the word out to our farmers yet. Based on Hanover feedback everyone seems to be in favor of this.

Mr. Rives reminded the Board of the meeting on 11/29/12; 8:00 a.m. – with Hanover's State Legislative Delegation at Andrews Hall, mentioned RMC / Utilities water reuse system in place

so the stormwater that falls on the roof is collected in the cisterns and is used for non-potable purposes such as toilet flushing etc. and it will be nice to see that green initiative take place through the cooperation of Randolph Macon College and Hanover County Department of Public Utilities.

Closed Session –

4:06:47 PM Mr. Peterson moved that the Board of Supervisors go into Closed Session pursuant to the following:

a. Section 2.2-3711 (A)(1) of the Code of Virginia – Personnel Discussion – Planning Director
b. Section 2.2-3711(A)(7) – of the Code of Virginia - Consultation with legal counsel and staff regarding -Hanover County and Curtis and Bernice Shepperson
c. Section 2.2-3711(A)(7) – Consultation with legal counsel and staff regarding proposed development agreement for a project in Northlake Business Park (amended agenda item).

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.	Absent for the vote

Motion approved.

Board Members entered Closed Session at 4:06 p.m. At the conclusion of the Closed Session, all Board Members returned to the Boardroom, and the Chairman called the regular meeting back to order at 6:05:18 PM .

Mr. Wade joined the Board during Closed Session.

Certification of Closed Session

Mr. Peterson 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. Stanley seconded the motion.

	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.

Recess

At 6:06 p.m., the Board went into recess.

Reconvene

At 7:00 p.m. the Board reconvened. All Board Members were present.

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

Planning Public Hearings – Mr. Maloney

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

SPECIAL EXCEPTIONS

SE-20-12 **RAY CLARKE**, Requests a Special Exception Permit in accordance with Title I, Article 9, Section 7.2 of the Hanover County Zoning Ordinance to allow a fence taller than permitted within front and side yards on GPIN 8714-07-3906, consisting of approximately 0.42 acres, zoned R-2, Single Family Residential District, and located on the west line of Shady Grove Road (State Route 640) approximately 150 feet north of its intersection with Ridge View Road (State Route 1146) in the **MECHANICSVILLE MAGISTERIAL DISTRICT**.

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

Executive Summary:

- To allow an existing 8' high fence to remain in the front and side yards to help contain a wolf hybrid dog
- A nonprofit organization, Rescue of Chained K-9's (ROCK), installed the fence to help the occupant of the home build a proper fence for this type of dog
- This application is the result of a Notice of Violation issued in May 2012

Sketch Plan:

- The sketch plan indicates that the fence is approx. 20' from the front property line
- The 8' high fence exceeds the 4' front yard requirement and the 7' side yard requirement of the Zoning Ordinance
- The location in the front yard does not appear to obstruct sight distance along the public right-of-way

Sketch Plan submitted by the applicant was displayed; photos of the fence.

Staff Recommendation:
APPROVAL subject to conditions as outlined in the staff report

The Chairman asked Board Members if there were any questions for Mr. Maloney. Mrs. Kelly-Wiecek asked Mr. Maloney to review the conditions which Mr. Maloney reviewed as: We are recommending that no additional animals be added to the property other than the existing wolf-hybrid; the fence be removed within 60 days of the animals permanent removal from the property (if the tenant moves etc.). Mrs. Kelly-Wiecek asked Mr. Maloney to confirm if there is a planned removal date and Mr. Maloney advised no – this would be if the animal was removed for whatever reason in the future. Mr. Peterson also asked if the beagle may be the companion animal and Mr. Maloney advised this request is related to the wolf-hybrid animal only. In discussing this Mr. Maloney noted they will re-review related to the companion animal. Mrs. Kelly-Wiecek and Mr. Maloney generally discussed the animal belongs to a tenant of Mr. Clarke and they are not sure how the animal was acquired. Hearing no further questions, the Chairman opened the public hearing and asked all those in favor or in opposition to come forward.

Mrs. Lisa Compton, President, Founder ROCK (non-profit that installed the fence), Henrico Resident, came forward to address the Board. Ms. Compton advised normally they do not build a fence that encompasses an entire yard - a generous donor gave the funds as the dog kept jumping the fence. Mrs. Compton requested approval as it was considerable expense and time to build and noted it is important to recognize the tenant is a disabled veteran. Mrs. Compton also noted that this is a busy road where people do not obey the speed limit – this is for the protection of the animal and those who drive the area.

Seeing no one else come forward, the Chairman Closed the public hearing and asked if Board Members had any questions. Hearing none, entertained a motion.

Mr. Peterson advised that he met with Mr. Clarke this morning at the property. The eight ft. is the sloped piece at the top of the fence. None of the neighbors are objective to this. The rear yard has no shade for the animal and the front yard is more isolated from the neighbors than the back yard. The dog is very timid and not a dangerous animal and he was previously running through the electronic fence so this other measure is needed. Appreciate the work that ROCK has done to help these animals and especially in this case as the tenant is a veteran. Mr. Peterson then made a motion to Approve SE-20-12 with staff recommended conditions, seconded by Mr. Wade.

RESOLUTION

WHEREAS the Board finds that, in its opinion, as a matter of fact, such exception will not substantially affect adversely the uses of adjacent and neighboring property.

NOW, THEREFORE, BE IT RESOLVED that Ray Clarke is granted, a Special Exception Permit in accordance with Title I, Article 9, Section 7.2 of the Hanover County Zoning Ordinance to allow a fence taller than permitted within front and side yards on GPIN 8714-07-3906, consisting of approximately 0.42 acres, zoned R-2, Single Family Residential District, and located on the west line of Shady Grove Road (State Route 640) approximately 150 feet north of its intersection with Ridge View Road (State Route 1146) in the Mechanicsville Magisterial District, subject to the following conditions:

1. No additional animals shall be added to the property other than the existing wolf hybrid and hound-beagle dogs.
2. The fence shall be modified to meet the Zoning Ordinance requirements within sixty (60) days of the wolf hybrid's permanent removal from the property.

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

	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

SE-20-12 Approved.

SE-21-12 TRACEY C. AND WALTER T. CHENAULT, Requests a Special Exception Permit in accordance with Title I, Article 9, Section 7.2 of the Hanover County Zoning Ordinance to allow a fence taller than permitted within a side yard on GPIN 7874-63-6132, consisting of approximately 2.99 acres, zoned A-1, Agricultural District, and located at the terminus of Napier Drive (Private Road) approximately 1,800 feet north of its intersection with Verdon Road (State Route 684) in the **BEAVERDAM MAGISTERIAL DISTRICT**.

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

Executive Summary:

- To allow an existing 12' high fence to remain in a side yard
- The Zoning Ordinance limits the height to 7'
- The applicant was erroneously issued a building permit for a 10'-12' fence via the "one-stop process" from the Building Inspection Department
- This application is the result of a Notice of Violation issued in June 2012

The sketch plan was displayed with the location in the rear portion of the property and is approximately 180 ft. long / 12 ft. high; photos of the fence from the neighbor's yard were displayed.

Staff Recommendation:

Should the Board of Supervisors deem the 12-foot fence height appropriate, conditions are outlined in the staff report

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

Mr. Wade Napier and Mrs. Barbara Napier, Beaverdam MD, came forward to address the Board in opposition. Mr. Napier noted he and Mr. Chenault are not next door neighbors, this is not Mr. Chenault's side yard the photos were from Mr. Napier's back yard and he has to look at the fence which is awful, this damages his property value and he has to look at this every day. The applicant has no special situation to need a fence that looks like this and the applicant should have gotten the SE before building the fence. Mr. Napier does not feel the regulations should allow this and the applicant does not have to look at the fence as it is 100's of yards away from his house. Mr. Napier feels this is a jab at him to damage his property values.

Mr. Tracey Chenault, Beaverdam MD, (Applicant) and Mr. Fred Marotta (Napier Drive Resident and neighbor – Beaverdam MD) came forward. Mr. Chenault advised the reason the fence is there is that he went to the Hanover County building officials to request a 12 ft. privacy fence as he was getting numerous noise complaints from his neighbors. Mr. Chenault stated the neighbors harass him and they put cameras above his 12 ft. fence facing down in his back yard and along his driveway. Mr. Chenault advised that Mr. Stanley was at the property and witnessed the cameras. Mr. Chenault stated he is an electrical contractor and is familiar with permitting process. He gave the staff plans and received the permit and he did what was according to permit, the county official came out and inspected the footings and inspected the fence and signed off on the fence. Four months after the fence went up the neighbors decided to complain. Mr. Chenault advised if it was such a problem why they didn't complain to the County at that time when they saw the fence going up. The investment in fence materials was

over $6,000 as well as the fee for the County to advertise the public hearing for the Special Exception. The fence is there for privacy and protection, requested that the fence be left the same. Mr. Chenault referred to the photo taken from the Napier property and noted half of the posted signs the neighbors placed there on the fence and on the line. If they are complaining how the fence looks, half the signs posted there are theirs. The fence is three ft. off the line and they have cameras there so that if Mr. Chenault goes around the side of the fence they try to prosecute him for trespassing and the neighbors have falsely accused him of trespassing twice and both cases were dismissed. The fence is built structurally sound and mentioned there are people present who support this request and some individuals in support called Mr. Stanley. The fence cannot be seen from the road, only the neighbors can see the fence. Mr. Chenault also brought in a disc with photos if the board wished to see the cameras. Mr. Chenault stated he put up the fence for privacy and they are still putting cameras up 12 ft above the privacy fence. Mr. Chenault reiterated the fence is there for the protection and privacy of his family.

Mr. Fred Marotta advised where his home is on the sketch plan. The fence is in the back part of the property and runs along Mr. Napier, Sr.'s property. The houses are set up in a way that there is no privacy as they were built in the 1950's. Since 2010 the Sheriff has answered 18 calls between the two neighbors that he knows of. It has become a difficult situation between them both. Mr. Marotta helped construct part of the fence and was there when the building inspectors saw the footings and he discussed with the building inspector the height as he wanted to know what he could construct himself and he has discussed his building a fence with his neighbor (Mr. Bernie Napier) so both he and Mr. Bernie Napier could have privacy. Mr. Marotta advised the fence is not unsightly and is well constructed.

Mr. Hazzard asked Mr. Marotta to clarify his property address and Mr. Marotta clarified the location displayed. Mrs. Kelly-Wiecek then asked Staff to point out the Napier's location and Mrs. Napier clarified from the audience the location. Mr. Marotta advised the fence blocks a lot and there is one back porch for 17155 that is elevated and a 6 ft. fence would still allow the neighbors to see into Mr. Chenault's back yard.

Mr. Davis asked Mr. Chenault if the peace symbol that was painted on the back of Mr. Chenault's fence was authorized to be placed there. Mr. Chenault advised no.

Mr. Mark Clayettes, Henrico, came forward and advised he is an electrical contractor, and has been pulling permits for 13 years (30 of those have been in Hanover), normal operating procedure of pulling a permit is you go and show plans if needed for anything built like this. Mr. Chenault had a set of plans that were approved and on his permit it states exactly what he is doing and what was constructed. Know the structure is sound and was put up by contractors. This is ridiculous what goes on between these two neighbors as he has been there on three occasions where the police have been called by Mr. Chenault's neighbors related to noise complaints and wanted the Board to understand there was a reason for the fence to be put up. The money was not spent for this to be an eyesore.

Seeing no one else come forward, the Chairman Closed the public hearing and asked if Board Members had any questions. Hearing none entertained a motion.

Mr. Stanley advised that if this had come before him prior to being built he would not have approved it because it is an unsightly situation for both sides. What happened tonight is not what he wanted to happen because there are issues between the neighbors. Mr. Stanley advised he

cannot tell people what to do but asked both sides to take the cameras down and be good neighbors and they both advised last night that is what we want to do. That is probably not going to happen whether the fence is there or not as there are still some pending court cases. Mr. Stanley advised he would not like to be one of the other surrounding neighbors who witness the signs and cameras related to the disagreement between neighbors. Mr. Stanley advised he has talked to the Sheriff's Office and they do not want to keep coming out there either. Mr. Stanley advised he does not know who is at fault or what is at fault. Mr. Stanley advised he cannot approve 12 ft. as if he did for this case he would be obligated for future cases. Mr. Stanley stated he has been out to the site four times including today. He has talked with neighbors and received calls from those on both sides of the issue who have said Mr. Chenault and Mr. Wade are nice people. Both Mr. Chenault and Mr. Napier told Mr. Stanley that they both want to be left alone and Mr. Stanley stated he was hoping we could do that as Mr. Stanley is a compromiser and always wants to be fair and up front. Again there is a lot of confrontation there that is not good for anyone. One person mentioned that there is the possibility of injury due to the confrontations between neighbors. That is not the way we should live in Hanover, Beaverdam or any other District in Hanover. Mr. Stanley stated his recommendation is that we grant the permit for 9 ½ ft. (Mr. Chenault will have to take the fence down to 9 ½ ft. (if it is not 9/12 then it would have to be 8 ft.). Mr. Stanley also recommended that the Board authorize Staff to give back Mr. Chenault his $750.00 fee. What Mr. Chenault says is exactly right, he came over and got a permit. There was a process we started a few years ago of one stop. Had it been a major building he could not have done that. This was a mistake by staff as they did not check with the Planning Department on the allowed height and noted the ordinance has been in

place for a number of years. Mr. Chenault has to have it down within 60 days, seconded by Mr. Peterson

Mr. Rives clarified the motion intended by Mr. Stanley is:
Where the fence is currently at 8 ft. or whatever height that it not be increased. This is not to authorize the increase of any portion of the fence to 9 ½ ft. but where it currently exceeds 9 ½ feet it has to be cut back down to 9 ½ feet. Mr. Rives advised that will be written into the conditions by Mr. Maloney. Secondly, the Board authorizes a refund of the $750.00 zoning fee.

Mr. Stanley advised correct.

Mr. Rives further clarified for those present the fee is an unusual circumstance. The fact that a mistake was made by County Staff does not change the county ordinance requirements and no staff person may change the law by accidentally or intentionally making a mistake. It is unfortunate in this case that a mistake was made inadvertently and that will happen from time to time. In this case it has cost Mr. Chenault the expense of having ultimately to apply for the special exception and whatever expense will be incurred in reducing the height of the fence. The zoning ordinance does not allow the Zoning Administrator/Planning Director to refund a fee unless the application is withdrawn by the applicant prior to the advertisement for the public hearing. In that case the Zoning Administrator can refund the fee. However, because of these circumstances where the mistake has been made by the County and because a County resident has incurred additional expenses as result of that mistake under these specific circumstance the Board of Supervisors may authorize and direct a refund as it could if there had been a claim against the County or were to be a claim against the County. Then even without going through that formality it lies within the authority of the Board of Supervisors under these narrow

circumstances to authorize a refund of the $750.00 zoning fee. Mr. Rives stated he understands that to be part of the motion and Mr. Stanley stated correct.

Mr. Davis had a question about the conditions. One of the conditions said that the graffiti has to be removed within 30 days – the blaze orange peace sign. Mr. Maloney stated correct. Mr. Hazzard asked who will remove the graffiti as the Applicant said they did not put it up and asked who you will enforce that rule with. Mr. Maloney stated the fence is on the applicant's property, it is the applicant's application and ultimately the applicant will be responsible for abiding by the conditions. Mr. Via stated this is a tough situation, you get approval on something and then find out after the fact that you can't change it and it ends up being your fault and there is something about that which is hard to understand. At least the homeowner will be refunded the $750.00 is the only solace in this.

RESOLUTION

WHEREAS the Board finds that, in its opinion, as a matter of fact, such exception will not substantially affect adversely the uses of adjacent and neighboring property.

NOW, THEREFORE, BE IT RESOLVED that Tracey C. And Walter T. Chenault are granted a Special Exception Permit in accordance with Title I, Article 9, Section 7.2 of the Hanover County Zoning Ordinance to allow a fence taller than permitted within a side yard on GPIN 7874-63-6132, consisting of approximately 2.99 acres, zoned A-1, Agricultural District, and located at the terminus of Napier Drive (Private Road) approximately 1,800 feet north of its intersection with Verdon Road (State Route 684) in the Beaverdam Magisterial District, subject to the following conditions:

1. The height of the fence may not exceed nine and one-half (9.5) feet. The height of any portion of the existing fence that is below nine and one-half (9.5) feet may not be increased. The adjustment to the fence height shall be completed within 60 days of Board of Supervisors approval of SE-21-12.

2. The fence may not be extended in length.

3. There shall be no writing or markings of any type on the fence. Existing graffiti shall be removed within thirty (30) days of Special Exception approval.

4. The fence shall be well maintained in its existing condition.

5. The Special Exception shall expire when fifty percent (50%) or more of the area of the fence is removed or destroyed for any reason.

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

	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

SE-21-12 Approved as clarified by the County Attorney.

Announcements

Mr. Harris noted that the meeting time for the November 28, 2012 meeting will be 5:00 p.m. rather than 6:00 p.m. as previously posted to allow for a workshop by the Board on Cash Proffers. Proper notifications have been posted and sent by staff.

Adjournment –

At 7:36 p.m., the Chairman adjourned the meeting to November 28, 2012 – Hanover County Administration Building – ~~6:00~~ p.m. **Meeting Time will begin at 5:00 p.m.**

CHAIRMAN