Shown below is a preliminary summary of the actions taken by the Hanover County Board of Supervisors on May 8, 2013. Detailed minutes in final form will be presented to the Board for approval at a future date.

HANOVER COUNTY BOARD OF SUPERVISORS

DRAFT SUMMARY MINUTES

Hanover County Administration Building
Board Room

May 8, 2013

I. Call to Order

The Chairman called the meeting to order at 2:00 PM. All Board Members Present.

A. Invocation was given by Mr. Davis.

B. Pledge of Allegiance was led by Mr. Wade.

II. Consideration of Amendments to the Agenda – The Chairman asked if there were amendments to the agenda and there were none.

Announcement - Public Hearing on the Permit to Keep Vicious Animals – Curtis W. Shepperson – 8207 Bultaco Trial (Cold Harbor Magisterial District)

The Chairman announced that the T.V. media had misreported that the public hearing would be held during the afternoon session. The Chairman clarified the public hearing is scheduled for 7:00 p.m. in the evening.

III. Citizens' Time

The Chairman opened Citizens' Time and asked if anyone wished to address the Board. Seeing no one come forward, closed Citizens' Time.

IV. Consent Agenda

The consent agenda was approved on a motion by Mr. Via, seconded by Mr. Davis.

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

A. Adoption of Resolution – Approval of Conveyance of Land between Capital Region Airport Commission and County of Henrico

B. Budget Transfer from Reserve for Contingencies $34,350 – Registrar's Office

C. Request for Resubdivision Authorization: Cool Well Subdivision Chickahominy Magisterial District

D. Adoption of Proclamation – Older Americans Month

E. Appointments (Removed from Consent)

Approved as recommended.

COMMITTEE NAME	MUST BE SWORN IN	DISTRICT	FIRST NAME	LAST NAME	TERM BEGINS	TERM LENGTH	EXPIRATION	WILLING TO BE REAPPOINTED: YES/NO/PENDING	Recommendation By APPLICABLE BD MEMBER
Economic Development Authority-Hanover County	Must be Sworn In	Cold Harbor	Stephen	Winters	01/28/09	4 years	01/31/13	YES	Mr. Wade recommends reappointment of Mr. Winters - 4 Year Term
Hanover County Council on Aging		Cold Harbor	Lillie	Gaines	01/01/11	1 year	12/31/11	NO	Mr. Wade recommends the nomination of Ms. Bunny Young - 1 Year Term

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

V. Presentation – 25th Anniversary of Hanover Court Appointed Special Advocates (CASA) – Delegate Peace

Delegate Peace – came forward and introduced this program serves the children who have been abused or neglected and are at the mercy of the court. Melanie Baker came forward and Ms. Sondra Tucker who has been one of the volunteers since the beginning. Presentation from the House of Delegates recognizing the 25th year anniversary and presented the certificate of commendation.

Mr. Peterson thanked all those involved with CASA and recognized that Nina Killian Peace was a key part of this and was very big in getting this started in Hanover County and it has been a very positive thing. Mr. Peterson stated he knew Ms. Peace very well and she was a good friend and again this is a wonderful thing and wonderful in that Delegate Peace presented this on the 25th anniversary. Mr. Davis made comments that this is more than a tradition of what Delegate Peace's mom started and CASA goes with little recognition and understanding but they are advocates and mean the world and the impact is nothing but positive from CASA.

Mr. Peterson stated that last night we had the recognition of volunteerism in the community and today we want to recognize and celebrate our employees.

VI. Employee Service Awards – Mrs. Lawson

Mr. Peterson gave the introduction. Mr. Harris; Mr. Peterson came forward as well as Mrs. Lawson and Mrs. Kapolka. Ms. Darlene Young and the entire HR Team were thanked for their support and work on this program.

Employees were recognized for their years of service and presented with a celebration kit (certificate, service pin, and gift brochure) at this annual ceremony.

Years of Service	Number of Recipients
15 Years	48
20 Years	20
25 Years	7
30 Years	2
35 Years	1

Service awards for five years of service and ten years of service will be presented to recipients at the departmental recognition events, scheduled in May and June.

Mr. Harris addressed the employees in the audience and added his thank you to them as well as those who are not present who have all made the County very successful during the past year and during these very challenging times. On behalf of the County Administration from the bottom of his heart thanked the employees for everything they do. You make the Hanover community a much better place to live, work and play. The Chairman thanked all the great staff in the County.

VII. Proposed Revisions to the Human Resources Policy Manual – Mrs. Lawson

Mrs. Janet Lawson, Director of Human Resources, reviewed the proposed policy changes are designed to represent best practices and to provide clarification of the policies. These proposed changes have been reviewed by Department Heads and the County Attorney's Office and is listed on the attached summary and in more depth in the attached policy. Mrs. Lawson reviewed the changes for Board Members. A copy of the changes are on file with the Board's records.

Mr. Via made a Motion to approve Human Resources policy revisions effective 5-8-2013, seconded by Mrs. Kelly-Wiecek.

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

Motion Approved.

2:59:53 PM - Mr. Via left the meeting.
3:04:40 PM - Mr. Via returned to the meeting.

VIII. Presentation of Financial Reports for the General Fund and Public Utilities

In accordance with the County's Accounting Policy, attached to the Board Record is the financial report for the County's General fund for the nine months ended March 31, 2013 and a projection for the twelve months ended June 30, 2013. Additionally, the financial report and projection for Public Utilities for the same periods is provided.

Ms. Tancredi presented the Financial Reports for the General Fund and Public Utilities. There were no questions from the Board.

The Chairman announced since the Board was ahead of schedule he would bring forward Item X. Closed Session.

X. Closed Session - Section 2.2-3711(A)(1) of the Code of Virginia – Performance Review of County Administrator and County Attorney

Mr. Davis moved that the Board of Supervisors go into Closed Session pursuant to the following:
Section 2.2-3711(A)(1) of the Code of Virginia – Performance Review of County Administrator and County Attorney

Seconded by Mr. Stanley.

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

Motion approved.

Board Members entered Closed Session at 3:17 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 3:32 p.m.

Certification of Closed Session

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

Motion approved.

3:33:06 PM Recess until 3:50 p.m.
3:50:57 PM Reconvene 3:52 p.m.

Mr. Via announced that Southwest Airlines is in the process of buying Air Tran will be in process of flights to Orlando. Mr. Berry cautioned that if we don't use it, we will lose it.

IX. Richmond Region Tourism Update – Mr. Berry

Mr. Jack Berry, President and CEO of Richmond Region Tourism briefed the Board on tourism and marketing of the region that included a video on the Richmond Region and what it has to offer. Mr. Berry also gave out the most recent marketing materials being utilized to get the word out on the Richmond Region.

Mr. Davis advised he appreciates the partnership of Richmond Region Tourism.
Mr. Harris and Mr. Berry generally discussed the upcoming NCAA Bike Race.

XI. Recess

4:12:56 PM Recess

7:00:33 PM Reconvene

XII. Citizens' Time

Chairman noted that two people had turned in cards for citizens' time for school board appointments and he advised that would need to be handled during Public Hearings. No one to address the Board during Citizens' Time.

XIII. Proclamations for Eagle Scouts –

A. Jacob K. Schuhle, Beaverdam Magisterial District, Boy Scout Troop 707 Mr. Stanley came forward and Mr. Hazzard. Mr. Stanley advised he will defer to Mr. Hazzard who is very close to the family to read the proclamation. The Schuhle family came forward and Mr. Hazzard read and presented the proclamation.
B. Michael Woodend, Cold Harbor Magisterial District, Boy Scout Troop 544 – Mr. Wade came forward. Woodend family came forward. Mr. Wade read and presented the proclamation.

XIV. Public Hearings –

A. To Receive Nominations for School Board Members - Cold Harbor & South Anna Magisterial Districts

The Chairman introduced this public hearing and asked all those who wished to come forward to the South Anna District to do so. The following individuals came forward:

David McCormack, South Anna, came forward in support of Lynn Hargrove of South Anna.
Sue Dibble, South Anna, came forward to put her name into nomination for South Anna MD (Handout)
Lynn Hargrove, came forward to put her name into nomination for South Anna MD (Handout)
Patti Bland, South Anna, came forward and nominated Amy Mendelson Cheeley, South Anna
Ann Gladstone, South Anna, came forward to put her name into nomination for South Anna
Glen Garland, South Anna, support of Sue Dibble.
Janet Binns, South Anna, came forward to recommend Ann Gladstone for reappointment.
Marcy Williams, Hanover Teacher and Henrico County resident, came forward in support of Sue Dibble.
Marlene Zeigler, Cold Harbor, came forward to read a letter from Danielle McElroy, in support of Sue Dibble. Handout
Dr. James Zeigler, Cold Harbor, came forward in support of Sue Dibble. Handout

Mr. Hazzard advised that he would get together between now and decision time to interview each candidate for South Anna.

The Chairman asked those to come forward for the Cold Harbor Nomination.

Paul Cash, Cold Harbor, came forward to put his name into nomination for Cold Harbor
Robert Wood, Cold Harbor, came forward to put his name into nomination for Cold Harbor
Richard Rhodes, Henry MD, came forward in support of Norman Sulser's as Cold Harbor representative.
Paul Dorn, Cold Harbor MD, came forward to nominate Norm Sulser for Cold Harbor
Norm Sulser, Cold Harbor MD, came forward to put his name into nomination.

Seeing no one else come forward, the Chairman closed the public hearing and advised that appointments would be made at the June 12, 2013 board meeting.

B. Virginia Department of Transportation FY 2014-19 Secondary Six-Year Plan and FY2014 Construction Budget – Mr. Vidunas, Transportation Engineer, Public Works

On April 10, 2013, the Board of Supervisors authorized advertisement of a public hearing on the annual update to the Secondary Six-Year Plan for FY 2014-19. Annually, the County in conjunction with the Virginia Department of Transportation (VDOT) prepares an update to the Secondary Six-Year Plan and conducts a joint public hearing with VDOT prior to its adoption. The attached draft plan has been updated to reflect current project information and the proposed allocation of secondary construction funds. $3,191,762 in secondary funds is available over the six-year period of the plan. Though funding from other sources is accounted for in the plan, these funds have been allocated through separate processes and are not the subject of this update.

Since the last update, four rural rustic road projects have been completed and are no longer identified in the plan. Two new projects are proposed: a shoulder wedge and overlay project to improve a one-mile section of Cool Spring Rd south of New Ashcake Rd; and a project to widen Sliding Hill Rd between Atlee Station Rd and New Ashcake Rd. The Cool Spring Rd project will be funded from surplus balances on completed projects and/or from the $294,004 available in the secondary cost centers listed on the first page of the plan document. At their April meeting, the Richmond Area MPO allocated $500,000 for the widening of Sliding Hill Rd with an additional $1,034,026 in secondary allocations proposed in this update. Additional funding is anticipated from a variety of sources once the engineering phase is completed. The proposed project priorities and funding are summarized on the attachment titled "FY 14-19 Secondary Six-Year Plan Allocation Summary". $1,950 in secondary unpaved funds is not assigned since all unpaved road priorities have been completed. Staff has inquired as to other opportunities to use these funds.

The draft plan was reviewed by the Roads Committee at their April 22nd meeting and the Committee expressed support for the plan as proposed.

Mr. Vidunas – noted the draft plan included in the Board's agenda packet has been updated since the workshop that was held on April 10, 2013 to account for the $1.2M in additional allocations that are available in this update and also added one additional project since that workshop. Mr. Vidunas reviewed the 6-YR Plan Development Process; Estimated Secondary Construction Allocations; Secondary Construction Allocations; Plan Update Changes; Recommended Projects; Plan Summary and Recommendation.

8:03:19 PM Mr. Davis left the meeting.
8:06:24 PM Mr. Davis returned.

Mr. Hazzard asked about the shoulder wedge of Cedar Lane. Mr. Vidunas not in this plan as funding is composed of MPO funds and not required to be part of this plan. Mr. Hazzard asked if it is in the works and Mr. Vidunas advised yes . Mr. Wade asked about the Crown Hill Road shoulder wedging not completed yet is that in the plan. Mr. Vidunas advised this is part of VDOT maintenance activities and not in this plan and will defer to VDOT to get back with Mr. Wade on the answer.

Chairman opened the public hearing – no one to address the Board.

Mr. Hazzard made a motion to Adopt Resolution - Virginia Department of Transportation FY 2014-19 Secondary Six-Year Plan and FY 2014 Construction Budget, seconded by Mrs. Kelly-Wiecek.

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

Motion Approved.

C. Ordinance 13-02 amending Chapter 20 of the Hanover County Code to implement a wastewater pretreatment program and to establish a procedure for enforcement through civil penalties –

Hanover County's pretreatment program is designed to protect the County's wastewater system, public health, and receiving waters.

Hanover County currently operates a pretreatment program under an umbrella agreement with Henrico County. The County is now required by its Virginia Pollutant Discharge Elimination System (VPDES) permit, Virginia State Water Control Law, the Clean Water Act and associated regulations to establish its own pretreatment program to control by permit significant industrial users discharging wastewater to County-owned treatment works. This pretreatment program must be approved by the Virginia Department of Environmental Quality (DEQ). Working with DEQ over the past year, Public Utilities has developed a pretreatment program which has been tentatively approved by DEQ. The amendments to Chapter 20 contained within Ordinance 13-02 are needed in order to implement this pretreatment program.

The proposed program was presented to the Board's Community Development Committee on December 3, 2012. The Committee requested that staff meet with the two industrial users that currently hold permits before taking further action. Staff recently held meetings with representatives from both of the industrial users which will be affected by this ordinance and no significant concerns were expressed.

Mr. Steve Herzog, Director of Public Utilities, came forward to introduce this item. Mr. Herzog recognized Dave VanGelder, Matt Ellinghaus and Rebecca Randolph for their work related to this ordinance.

Mr. VanGelder came forward and presented the History of the Pretreatment Program; Major Elements of Hanover's Program; Key Points no questions from the board.
Chairman opened public hearing – no one to address the Board. Public Hearing closed.

Mrs. Kelly-Wiecek made a motion to Approve Ordinance 13-02 amending Chapter 20 of the Hanover County Code to implement a wastewater pretreatment program pursuant to Hanover's Virginia Pollutant Discharge Elimination System permit, Virginia State Water Control Law, the

Clean Water Act, and associated regulations, and to establish a procedure for enforcement through civil penalties pursuant to Virginia Code Section 15.2-2122, seconded by Mr. Hazzard.

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

Motion Approved.

Mr. Herzog reviewed National Drinking Water Week.

Mr. Rives – left the meeting at 8:23 p.m.

8:24:14 PM Recess – The Chairman announced a brief recess.

8:24:29 PM Mr. Rives returned.
8:30:47 PM Reconvene – All Board Members present.

D. Permit to Keep Vicious Animals - Curtis W. Shepperson – 8207 Bultaco Trail (Cold Harbor Magisterial District) – Mr. Taylor

In accordance with Hanover County Code, Chapter 4, Article III, Section 4-80, the Hanover County Board of Supervisors is required to advertise and conduct a public hearing to receive comments before issuing a permit to keep vicious animals.

Mr. Curtis W. Shepperson, a resident of the Cold Harbor Magisterial District, has applied for a permit to keep vicious animals (4 chimpanzees) at his residence located at 8207 Bultaco Trail, Mechanicsville, VA 23111.

In September 1999 and June 2000, the Board of Supervisors issued a wild/exotic/vicious animal permit to Mr. Shepperson which permitted 2 chimpanzees to be kept at his facility. Following the second documented escape of chimpanzees from their enclosure at the Shepperson facility, it was discovered that there were 6 chimpanzees at the facility. A notice of violation was issued to Mr. Shepperson on August 2, 2010 and a revised notice of violation was issued on September 7, 2010 for violation of Hanover County Code Section 4-80 and the conditions of his wild/exotic/vicious animal permit.

Curtis and Bernice Shepperson entered into a Compliance Agreement with Hanover County on December 23, 2010. Under this Agreement, the County agreed to refrain from prosecuting the Sheppersons for violation of Hanover County Code Section 4-80 and the Sheppersons agreed to

make certain structural and procedural improvements to their facility and relocate the four unpermitted chimpanzees by December 23, 2012. On December 12, 2012, the Board of Supervisors granted a six month extension to the deadline to relocate the four unpermitted chimpanzees.

Due to public safety concerns related to the facility and the location of the site and the surrounding community, staff recommends denial of the permit application for four additional chimpanzees. The American Veterinary Medical Association (AVMA), the United States Department of Agriculture (USDA), the Centers for Disease Control (CDC), the American Zoo and Aquarium Association (AZA), the American Society of Primatologists, and the National Association of State Public Health Veterinarians oppose private possession of primates.

A copy of the permit application is attached to the Board record.

Mr. Jim Taylor, Deputy County Administrator, came forward and Introduced Rebecca Randolph, Colonel Hines, Major Woody and Chief Kilgore for their work on this request and noted they were present in the audience to answer board questions.

Mr. Taylor presented this request. A map of the location was displayed.

Purpose of the Permitting Process

- To protect public health and safety
- To ensure the welfare of the wild, exotic and vicious animals

Sec. 4-80. – Permit required to keep wild, exotic or vicious animals

- (a) No person shall keep or permit to be kept on his premises any wild, exotic or vicious animal, unless that person shall have previously obtained a permit from the county for such animal
- (b)(2) The board of supervisors has the authority to issue or deny permits for vicious animals.
- *Sec. 4-1. – Definitions*
- *Vicious animal:* The term vicious animal shall include any leopard, panther, tiger, lion, cougar, puma, lynx, wolf, coyote, mountain lion, bobcat, bear, **chimpanzee** or other large primate, any member of crocodilia, including but not limited to alligators, crocodiles, caimans, and gavials, any poisonous snake or snake greater than six (6) feet in length or any animal or animals, other than a canine or canine crossbreed, that, in the judgment of the chief animal control officer, constitute a threat to public safety and welfare due to their size, species, and/or behavioral characteristics.
- *Sec. 4-80. – Permit required to keep wild, exotic or vicious animals*
- (c) No permit shall be approved by the chief animal control officer or the board of supervisors unless the applicant has demonstrated in the application:
- (1)That the wild, exotic or vicious animal(s) will be securely enclosed at all times in a manner that is appropriate for the character of the animal;
- (2)That the animal(s) will be provided with an appropriate habitat and be properly fed, cared for and handled;
- (3)That the keeping of such animal(s) on the premises is consistent with the nature and character of the neighborhood;
- (4)That the owner has obtained any federal or state permits required for possession of that particular species of animal(s); and

- (5)That, for vicious animals, the owner has obtained a surety bond or liability insurance or bond in the amount of fifty thousand dollars ($50,000.00) which covers incidents or occurrences involving the vicious animal.
- *Sec. 4-80. – Permit required to keep wild, exotic or vicious animals*
- The permit shall be nontransferable and subject to such conditions as are deemed necessary to assure the public safety and welfare and appropriate care of the animal(s).

Sec. 4-80. – Permit required to keep wild, exotic or vicious animals

- Any permitted animal that dies or is sold or relocated out of the county may be replaced by an animal of the same species.
- Any additions, as a result of breeding of permitted animals or acquisition of additional wild, exotic, or vicious animals, shall require an amendment to the permit.

Background:

- 1999 and 2000 – Board of Supervisors approved Vicious Animal Permit and amended permit to allow 2 chimpanzees
- March 28, 2007 - Board of Supervisors approved a Conditional Use Permit for a zoo
- July 2010 – Second documented chimp escape occurred; County Administrator's Office became aware that Mr. Shepperson had 6 chimps in his possession
- August 2010 – Notice of Violation issued to Mr. Shepperson for violation of **Hanover County Code § 4-80, a class 4 misdemeanor**, giving Mr. Shepperson 90 days to come into compliance
- September 2010 – Revised Notice of Violation issued, giving Mr. Shepperson 90 days from revised Notice of Violation

- December 2010 – Compliance Agreement between Hanover County and Mr. Shepperson.
  - Mr. Shepperson agreed to relocate 4 unpermitted chimps within 2 years and make structural and procedural improvements to his facility. *He is now seeking a permit for these four chimpanzees.*
  - Hanover County agreed to refrain from prosecuting Mr. Shepperson for violation of Hanover County Code § 4-80, conditions of permit, and zoning violations.
- 2011 – Structural/procedural improvements made
- December 12, 2012 – Board granted six month extension of deadline to relocate 4 chimps. New deadline: June 23, 2013.

December 2010 Compliance Agreement:

- Use good faith efforts to relocate 4 unpermitted chimps within 2 years
  - Immediately begin the process of locating a suitable placement
  - Keep the County informed of this process
  - Work diligently in cooperation with Hanover County Animal Control and outside experts to find appropriate placements for 4 chimps

Mr. Taylor displayed a slide listing the organizations opposed to private possession of primates. Dr. Steve Ross had stated that the Shepperson facility is one of the better private facilities that he has seen however he feels it would be in the best interest of these animals to go to a sanctuary.

Photos of the outside of the structure and the interior were displayed.

Staff Recommendation:

Staff recommends denial of permit request.

Reasons for recommendation:

1. Public Safety is overarching concern
    a. Chimpanzees are extremely dangerous animals
    b. History of escapes in 2008 and 2010.
2. Private ownership of chimpanzees is not in the best interests of the public or chimpanzees.
3. Long-term welfare and care of chimpanzees is not ensured at the Shepperson facility as chimpanzees can live to be 60 years or longer.
4. Mr. Shepperson already agreed to relocate these chimpanzees over two years ago.

Denial of permit application.

Copy of the Sheriff's Public Safety Impact Statement was handed out to the Board. Staff recommends denial.

Chairman advised this is not a permit for 2 animals, this is strictly about having the ability to add 4 more chimpanzees to the previous permit and asked speakers to keep this to the subject at hand.

Chairman opened public hearing

Mrs. Taylor Richard Sands, Cold Harbor, Windy Oaks, came forward and advised her husband is the care giver of chimps. Security has all been implemented as recommended by Dr. Steve Ross and passed out photos of the facility. 2010 escape was the result of a third party contractor who left one of the doors open, no humans were threatened or harmed during that escape and the animals were returned to their facility. Have worked with Save The Chimps, Chimp Care (Dr. Ross's organization) as well as others to try to relocate and as recently as Monday there is nowhere to put them. The National Institutes of Health is releasing some 800 chimpanzees from the research environment and where do they go. Rigorous controls have been put in place. Mr. Sands is a retired police officer. Windy Oaks has provided thousands of tours with no one being harmed, thousands have been raised through fundraiser events at Windy Oaks with no one harmed.

This facility is a zoo class facility. Handed out pictures of the animals.

Janna Strickland, South Anna, also a WEVA permit holder. Is in support of Shepperson's and that the facility is secure. Chief advised you could add animals at any time no public hearing. Questions what is in the code on line related to permits. Does not understand the revisions.

Morgan Sands, Cold Harbor, (Windy Oak employee) reviewed that globally chimpanzee attacks are rare and when they do occur they make news such as the CT case, South Africa case, last year 660,000 people were attacked by the domestic family dog and 3,000 dog attacks that led to deaths.

Carl Davis, Cold Harbor, property shares common boundary line with the Sheppersons. Allowing the four illegal chimps to remain for over two years is unacceptable and a risk to the

surrounding property owners. Hanover County will share in the responsibility if any harm falls to anyone after today. opposed.

Stuart Davis, Caroline County, opposed due to the nature of the animals and is concerned that there is one caregiver and a 24 hour work day is very hard for any individual and would like to know what fail safes are in place and how an escaped animal would be tracked and $50,000 liability will not cover a serious injury.

Public Hearing closed.

Mr. Via stated that the County, its Staff and the Board of Supervisors have worked with Mr. Shepperson to help resolve this issue. Chimpanzees are dangerous, vicious animals and the citizens of Hanover County should not be vulnerable to them. Mr. Via advised he is not willing to take a chance on the safety of our citizens. Mr. Via then made a motion for denial of this application, seconded by Mrs. Kelly-Wiecek.

Mr. Davis advised he has received many calls etc. The Sheppersons are good people. Issue was human error and not what the facility is constructed of. They agreed to something and have not complied within the last two years and this is a matter of upholding the law.

Mrs. Kelly-Wiecek echoed Mr. Davis' comments this is not about the Sheppersons this hearing is about making a rational and reasoned decision on public safety. There is the element of human error. Please try to place all six chimps as a family in a natural habitat and make that sacrifice on behalf of these chimps.

Mr. Hazzard stated as an animal lover, the animals have been in jail for 20 years or longer and now they are suffering. Putting himself as one of them to be there day in and day out in the same environment, a sanctuary in Florida would be best and he knows how much the Sheppersons' love these animals. If we can find a home that is in keeping more with their natural habitat has got to be better for them.

Mr. Stanley advised he understands those in support or opposition. Mr. Shepperson has done what the County asked and it is hard to say the Shepperson's are good people and vote against them. The School system has had buses visit and they have been an asset to the community. If Mr. Stanley lived next door he would be in Mr. Davis' position if he was in Mr. Shepperson's position he would try to get the permit for the additional four animals. Hopefully with the County Staff working another six weeks to get a place for the animals and Staff do not wish the animals hurt. Wish staff to work with placement

Mr. Wade stated the facility is very sturdy and the only way the animals would get out is human error. Do not want to see the animals euthanized and hopefully a door will open to take all six animals.

Mr. Stanley stated with the news media here today hopefully someone will step up to the plate to help the Shepperson's out.

Mr. Peterson echoed Board Member comments and respect what Mr. Hazzard said. Most new style zoos are replicas of the natural habitat and not a cell type situation as the old type private zoos. Mr. Taylor has located a place for two chimpanzees.

Mr. Taylor advised we have been contacted by a private zoo in Indiana to take up to 2 chimps. On Monday we had a conference call with the Director of Save the Chimps in FL and she is continuing to try to find space and it would have to be all 6 chimps if they went to a sanctuary like that and they are at the top of the list. It is a matter of when space will become available. Mr. Taylor advised the word is out and lots of people are following across the County and with Steve Ross involved he is the person to help us.

Mr. Peterson advised we are at a place where we need to make a decision as we have gone two and half years trying to come into compliance adding four more would not be in the best interest of the citizens of Hanover County.

Mr. Via reiterated the motion the County, the Staff, the Board of Supervisors has worked with Mr. Shepperson to help rescue and resolve this issue. Chimpanzees are dangerous vicious animals. The citizens of Hanover County should not be vulnerable to them and Mr. Via is not willing to take the chance on the safety of our citizens therefore Mr. Via moved for denial of this permit application, seconded by Mrs. Kelly-Wiecek.

Mr. Harris polled the board:

Mr. Hazzard – Aye
Mrs. Kelly-Wiecek – Aye
Mr. Via – Aye
Mr. Davis – Aye
Mr. Stanley – Aye
Mr. Wade – No
Mr. Peterson – Aye

Motion Carries 6:1 – Denial Approved.

9:23 – Five minute recess.

9:29 p.m. - Reconvene

XV. Planning Public Hearings – Mr. Maloney

Rezoning Proffer Amendment Cases

C-15-05(c) AM. 1-13 RE2, L.L.C. (SYCAMORE HALL), Requests an amendment to the proffers approved with rezoning request C-8-07(c), William Lamb and Patrick Lamb, on GPINs 7769-39-1483, 7769-38-3925, 7769-39-4264, 7769-39-7286, 7769-38-0518, 7769-28-9851, 7769-29-8248, 7769-39-2157, 7769-38-9717 and 7769-38-3612, zoned RC(c), Rural Conservation District with conditions, and located on Homestretch Lane (State Route Pending)

approximately 800 feet north of Ashcake Road (State Route 657) in the **BEAVERDAM MAGISTERIAL DISTRICT**. The proposed zoning amendment would amend the cash proffer. Mr. Maloney introduced this request, Location of the subdivisions was displayed on the Zoning Map.

Planning Analysis:

- The request is to amend the following cash proffer:
  - Eliminate Proffer No. 1 - $9,741.00 (Community Facilities and Roads)
- 7 of the 10 lot owners have submitted the new proffer that would require them to pay the $2,306.00 prior to issuance of CO, in accordance with the transportation policy
- 3 of the 10 lot owners have not submitted the new proffer that addresses the transportation policy, nor have they provided any traffic analysis that justifies the elimination of a road proffer

Recommendations:

The Planning Commission and staff recommend **DENIAL** as submitted but **APPROVAL**, subject to submittal of $2,306.00 traffic impact contribution proffer on all 10 lots as outlined in the staff report

Mr. Maloney noted for the record that staff discovered this afternoon that one of the current property owners for three lots in question, that property had transferred we did receive a new signed proffer statement from that property owner today. It does not change the proffer but we do have the correct signature as of today for that parcel. Mr. Peterson asked Mr. Maloney to identify all the GPIN #'s: on the Proffers received on 5/8/3; GPIN 7769-39-1483; 7769-38-3925; 7769-39-7286. Mr. Maloney stated the revised proffer is to eliminate the existing proffer and they have not proffered an alternative amount for transportation. Mr. Peterson advised one of those changed today and Mr. Maloney stated the one that changed today was 7769-38-3925, the current owner is DePriest, the previous property owner was ACB Construction and according to the Staff's records the title of the property changed on the 22nd of April. The Chairman asked if there were any other questions of Mr. Maloney before going to public hearing. Mr. Hazzard asked if they already own the property and did they pay a proffer then or what is the status of that. Mr. Maloney advised a bond for the proffered amount has been submitted, a CO has been issued for the property and whether we release the bond or utilize the bond is largely dependent upon the Board's action this evening. Mr. Hazzard asked if we deny this then all of them keep the proffered amount at the existing amount? Mr. Maloney advised if the board were to deny the entire zoning request that is correct, the proffer amount would not change. Mr. Hazzard questioned what the options are and the Chairman asked to get the public hearing started and then we will have discussion after that. Mr. Maloney advised that after the public hearing he and Mr. Rives will have alternatives for the board.

9:34:49 PM Chairman opened public hearing.

Emma Lee Mitchell, stated she is assisting, representing this group of property owners purely and is not an owner of any of these lots personally. There are 10 lots involved in the zoning case, 7 of the lots are volunteering the $2306 for the cash proffers because as the ordinance stated the proffers are voluntary and they are being voluntarily submitted. There are three lots

that are in a special circumstance and that is why the request is 0. The reason and why this is unique because particular lots went into a legal binding contract during the time period of November 28, 2012 when the board voted for no cash proffer policy and when that changed on March 13, 2013. However these three applicants went into legal binding contracts based on board policy of no cash proffers and that is why this application is being submitted as it is. Ms. Mitchell gave an example of the handout she submitted Sycamore Hall Subdivision Points of Interest, Exhibit 3 of 3. This was also the lot that was just brought to the attention of the Board that did transfer. ACB Construction was the builder and through the process that the Board set that any time anyone is going to get a certificate of occupancy they have to do a letter, credit bond and so forth and that is what he did. Mr. Bruce has put forth that proffer in order to get the certificate of occupancy to close and Ms. Mitchell wanted to clear up that question. The example shows when it went into a contract with the buyer during this time period based on the policy then the price was reduced according to that cash proffer which for this lot was around $13,000 so that is what was done. What has happened with these three applicants is they have gotten caught because the policy changed but they were in legal contracts and that does not change and is why the uniqueness of these three parcels and why we are presenting this to the board this way. During emails and conversations with board members over the last few days Ms. Mitchell advised she was asked why is it fair for these three lots only and not the remaining seven lots and Ms. Mitchell stated those 7 lots since the past month three of them have gone under contract after March 13, 2013 so everyone knew the rules, price and negotiations were done according to the cash proffer policy voted on the 13th for $2306 and is why those lots have no uniqueness in the situation. Is this like the Rutland case, this is not like the Rutland case and sounds the exact opposite because the consumers, the buyers had been given credit by the proffer not charged for the proffer by the owners. The last item board members asked if this is a precedent and this cannot be set by the board. Ms. Mitchell advised if the board did it would be a good one to set because it would be fair to these few select group of citizens that got caught in this time period and that as a board would be a good thing to do for your citizens and it would be a fair thing and we are probably talking about a hand full. They might not request it like we have and that is up to them but we are requesting this because they think it is the right thing and the fair thing for those property owners. There has been confusion in the process and those reasons they request that the board take the voluntary proffers from the 7 lots and also accept the voluntary proffer of 0 for those three lots.

Mr. A. C. Bruce, Ashland, Mr. Bruce stated he got caught in the middle, he runs a small construction company and build 3-5 house per year. His company started building this house and got the building permit in mid-November, in late November board voted to take off the cash proffers, Mr. Bruce reduced the price of the house $15,000 the next month sold the house and did not know that he would have to pay any proffers until he went to get the Certificate of Occupancy and they advised he owed $13,000 or he will not receive the CO. So he had to come up with $13,000 to close on the house and take what little profit was left after the $13,000 was spent. Mr. Bruce is in the middle of this and was caught thinking there were no proffers and went to get the co and told there were proffers. It was not magic it was a vote that was changed in that small period of time and he is asking for approval for three lots to be exempt and the $2306 will be spent on the other 7 lots only because it seems to be the fair thing to do in his personal opinion because he will lose that money.

Mr. Blair Funk, Beaverdam MD, homeowner of 1 of the 3 lots. Mr. Funk bought a lot recently and negotiated a price after the proffers were taken away from his perspective and was told there would be no cash proffers. He negotiated the price and had four bids, took the lowest bid with a Hanover builder. If Mr. Funk has to pay the $2300, the net is that it is going to the county or to the citizens that provide construction.

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

Mr. Stanley stated he has talked to Mr. Blair and Mr. Bruce and advised he was lost in the mix too and indicated that they were done away with as he did not know the $2306 was coming forward. Mr. Stanley made a motion to approve 7 lots at 2306 and the other 3 which were done in good faith between the Board's actions at $0, seconded by Mr. Wade.
Mr. Via advised he would like to make a friendly amendment, to approve the request for 7 lots for which a cash proffer in the amount of $2306 was submitted and defer action until the Board's second meeting in June for remaining 3 properties identified as GPINs: 7769-39-1483; 7769-38-3925 and 7769-39-7286. The reason for the deferral on the three parcels is to allow property owners to amend proffers that have been submitted should they so choose to avoid the requirement to pay either proffer originally approved with the rezoning of C-15-05 in the amount of $9,741 or having to incur the cost of reapplying for the proffer amendment should the board vote to deny the request to eliminate the cash proffer that is currently before the board.

Mr. Stanley asked for Mr. Rives' interpretation of Mr. Via's friendly amendment.
Mr. Rives stated the friendly amendment proposed by Mr. Via has the intent of going ahead and taking action tonight on the 7 lots where a proffer of $2306 in accordance with the policy adopted by the board in March was in fact made. Because there are three lots where there was no proffer of $2306 made in accordance with the policy adopted by the board in March was in fact made. Because there are three lots where there was no proffer of $2306 made in accordance with the policy adopted by the board in march was offered the friendly amendment is to defer action on those to give an opportunity for the owners of those lots to submit that proffer if they should so choose. Mr. Rives also clarified one issue that has come up. There have been several discussions related to cash proffers over the course of time and it is important to remember the sequence of events. On 11/28/12 the Board rescinded the cash proffer policy that was in place at that time and as discussed at that meeting that action was prospective only. By repealing the policy that affected only new applications that might be made after that date and that subsequent action was required to have any effect on proffers that had already been offered and accepted by the Board. In fact that is what this process is. Until and unless the board took action to amend proffers as it has been doing in the last month then the original proffers remained in effect and were not repealed by the action of November 28, 2012. They could not by law have been repealed on that date.
.
Mr. Hazzard asked if Mr. Stanley's amendment is voted on and not passed then the applicants are stuck with original proffer and go through this process again.
Mr. Rives advised Mr. Stanley's motion includes all 10 lots so if that motion were voted down and no follow up motion were made then all 10 lots would still have the original proffer amounts on them. Mr. Hazzard asked what the timeline is for coming back. Mr. Rives stated

you cannot file the same request within a year. If you file a request to reduce the proffer to 0 and that is denied and you subsequently file a request to reduce it to $2306 that would not be substantially the same request so that could be made within a year. If it is denied you cannot file the same request. Mr. Hazzard advised if this is denied the whole subdivision is worse off if we go to the amendment. Mr. Peterson stated if the friendly amendment were agreed to the ones that already have complied with the new regulation would pass tonight and the others would still have an opportunity to be reviewed at the next meeting and Mr. Rives advised correct.
Mr. Stanley accepted the friendly amendment, seconded by Wade.

Mr. Rives restated the motion which is to approve the request for proffer amendments for all lots except the lots ending in 1483; 3925 and 7286 those being the lots which did not proffer $2306 in accordance with board's adopted policy and that action on those three lots be deferred to the second meeting in June.

Mr. Davis – June 26. Mr. Harris advised that it is not necessary to hold another public hearing since one was held tonight. Mr. Rives clarified that if no other proffer or other provision of the rezoning were changed and the only change were to add the $2306 no public hearing would be required because that is within the boundaries of what has already been advertised and discussed.

Mrs. Kelly-Wiecek could we do this in 2 weeks. Mr. Maloney – Code states 21 days prior. If there are multiple property owners within 21 days. Staff recommends 30 day deferral with no public hearing as public hearing held tonight.

Mr. Peterson stated a lot of this depends on when the contracts were signed. In November we did away with the cash proffer policy, the following meeting we established the bonding as there were two motions in November. One was to do away with the cash proffer policy and the other was to do away with previous cash proffers subject to having to bring it back here for amendments to the zoning and we sent the Planning Staff out to come up with a means of making that transition. Depends on when the contract dates were and we do not want to get into the position of making business decisions for people at this point. The deferral will give us time to get the facts in front of us. Mr. Hazzard advised he does not argue the point about the deferral but the transportation part of this policy was not discussed until after the first of the year and one of the questions that came up that was a big issue when the proffers were getting rid of a lot of the community said it will not be any value to the citizens and this is a perfect example that it was a benefit to the citizens because these house prices got lower. We did pass at that meeting that we were going to eliminate original proffers the $2306 was brought into effect of March of this year so if our intentions and our vote at that time was to eliminate proffers that is what we did. The fact that we came back because of Staff presentations and road proffers and added them back in is secondary to what happened in this particular case. Mr. Peterson advised that is why he agrees with the deferral to think about this further.

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

Motion Approved.

Extension of Meeting

Mr. Harris advised that due to the lateness of the hour the Board will need a motion to extend the meeting.

Mr. Via made a motion to extend the meeting until all agenda items are handled, seconded by Mrs. Kelly-Wiecek.

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

Meeting extended.

C-15-06(c) AM. 1-13 FALLING CREEK ESTATES, L.L.C., Requests an amendment to the proffers approved with rezoning request C-15-06(c), Poplar Springs, Inc., William K. Glave, Lewis Vaughan Mills, and Sharon P. and H. Lee Stanley, on GPINs 7860-56-7342, 7860-55-8620 and 7860-74-1772, zoned RC(c), Rural Conservation District with conditions, and located on the south line of West Patrick Henry Road (State Route 54) approximately 1,200 feet east of its intersection with Blanton Road (State Route 666) in the **BEAVERDAM MAGISTERIAL DISTRICT**. The proposed zoning amendment would amend the cash proffer.

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

Planning Analysis:

- The request is to amend the following cash proffer:
  - Eliminate Proffer No. 1 - $11,246.00 (Community Facilities and Roads)
  - Substitute with a road improvement proffer in the amount of $2,306

Recommendations:

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

The Chairman asked if board members had any questions of Mr. Maloney. Hearing none, opened the public hearing and asked those in favor or in opposition to come forward. Seeing no one to address the board, closed the public hearing and asked if board members had any questions. Hearing none, entertained a motion.

Mr. Stanley made a motion to approve **C-15-06(c) AM. 1-13 FALLING CREEK ESTATES, L.L.C.**, seconded by Mr. Via.

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

C-15-06(c) AM. 1-13 FALLING CREEK ESTATES, L.L.C. Approved.

C-7-01(c) AM. 1-13 COLONIAL HOMECRAFTERS, LTD. (ATLEE STATION VILLAGE), Requests an amendment to the proffers approved with rezoning request C-7-01(c), (Am.1-11), Colonial Homecrafters, LTD., on GPINs 7797-41-2889, 7797-41-3953, 7797-41-4912, 7797-41-4961, 7797-41-5910, 7797-41-5980, 7797-41-6825, 7797-41-6728, 7797-41-6733, 7797-41-6638, 7797-41-6633, 7797-41-6548, 7797-41-6543, 7797-41-6448, 7797-41-7479, 7797-41-7575, 7797-41-7661, 7797-41-7666, 7797-41-8734, 7797-41-9703, 7797-41-9648, 7797-51-0631, 7797-51-0588, 7797-51-1514, 7797-51-1551, 7797-51-2445, 7797-51-2358, 7797-41-9430, 7797-41-2747, 7797-41-7385, 7797-41-7335, 7797-41-6385, 7797-41-6335, 7797-41-5385, 7797-41-5335, 7797-41-4385, 7797-41-2382, 7797-41-2388, 7797-41-2473, 7797-41-2468, 7797-41-2563, 7797-41-2558, 7797-41-2653, 7797-41-2657, 7797-41-8494 and 7797-41-2752, zoned R-5(c), Multi-Family Residential District with conditions, and located on the south line of Atlee Station Road (State Route 637) at its intersection with Forest Patch Drive (Private Road) and Berry Pond Lane (Private Road) in the **CHICKAHOMINY MAGISTERIAL DISTRICT**. The proposed zoning amendment would amend the cash proffer.

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

Planning Analysis:

- The request is to amend the following cash proffers:
  - Eliminate Proffer No. 12 - $2,717.00 (Roads, current CPI adjusted value)
  - Eliminate Proffer No. 13 - $1,306.00 (Community Facilities)
  - Substitute with a road improvement proffer in the amount of $2,306

Recommendations:

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

The Chairman asked if board members had any questions of Mr. Maloney. Hearing none, opened the public hearing and asked those in favor or in opposition to come forward. Seeing no one to address the board, closed the public hearing and asked if board members had any questions. Hearing none, entertained a motion.

Mrs. Kelly-Wiecek made a motion to approve, **C-7-01(c) AM. 1-13 COLONIAL HOMECRAFTERS, LTD. (ATLEE STATION VILLAGE),** seconded by Mr. Hazzard.

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

C-7-01(c) AM. 1-13 COLONIAL HOMECRAFTERS, LTD. (ATLEE STATION VILLAGE) Approved.

C-8-07(c) AM. 1-13 CHRISTIAN RIDGE, L.L.C., ET AL. (MALLARD VIEW), Requests an amendment to the proffers approved with rezoning request C-8-07(c), Joshua Meekins Estates and Nettie A. Christian, on GPINs 8765-26-2713, 8765-25-2718, 8765-25-0497, 8765-15-8281, 8765-14-4992, 8765-04-8465, 8765-04-8037, 8765-14-1191, 8765-14-6100, 8765-13-9945 and 8765-24-1386, zoned AR-6(c), Agricultural Residential District with conditions, and located on Drakes Landing Court (Private Road), approximately 800 feet south of Old Church Road (U.S. Route 606) in the **COLD HARBOR MAGISTERIAL DISTRICT**. The proposed zoning amendment would amend the cash proffer.

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

Planning Analysis:

- The request is to amend the following cash proffer:
  - Eliminate Proffer No. 2 - $14,240.00 (Community Facilities and Roads)
  - Substitute with a road improvement proffer in the amount of $2,306

Recommendations:

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

The Chairman asked if board members had any questions of Mr. Maloney. Hearing none, opened the public hearing and asked those in favor or in opposition to come forward. Seeing no one to address the board, closed the public hearing and asked if board members had any questions. Hearing none, entertained a motion.

Mr. Wade made a motion to approve **C-8-07(c) AM. 1-13 CHRISTIAN RIDGE, L.L.C., ET AL. (MALLARD VIEW)**, seconded by Mr. Hazzard.

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

C-8-07(c) AM. 1-13 CHRISTIAN RIDGE, L.L.C., ET AL. (MALLARD VIEW) Approved.

C-21-02(c) AM. 1-13 HANOVERTOWN, L.L.C., (SCOT'S LANDING), Requests an amendment to the proffers approved with rezoning request C-21-02(c), Helen F. and Riley B. Lowe, on GPINs 8747-04-6663, 8747-13-4980, 8747-14-3848, 8747-24-2190, 8747-25-1001, 8747-25-5576, 8747-26-6206, 8747-16-7858, 8747-04-5516, 8747-04-3043, 8747-14-3336, 8747-24-0648, 8747-16-8179, 8747-24-1346, 8747-02-6927, 8747-14-2291, 8747-14-2014, 8747-27-1061, 8747-27-0367, 8747-14-3665 and 8747-25-7672, zoned RC(c), Rural Conservation District with conditions, and located on the west side of Hanover Town Road (State Route 604) approximately 2,975 feet north of Studley Road (State Route 606) in the **HENRY MAGISTERIAL DISTRICT**. The proposed zoning amendment would amend the cash proffer.

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

Planning Analysis:

- The request is to amend the following cash proffers:
  - Eliminate Proffer No. 1a - $4,764.00 (Community Facilities)
  - Eliminate Proffer No. 1b - $2,653.00 (Roads)
  - Substitute with a road improvement proffer in the amount of $2,306

Recommendations:

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

The Chairman asked if board members had any questions of Mr. Maloney. Hearing none, opened the public hearing and asked those in favor or in opposition to come forward. Seeing no one to address the board, closed the public hearing and asked if board members had any questions. Hearing none, entertained a motion.

Mr. Davis made a motion to approve **C-21-02(c) AM. 1-13 HANOVERTOWN, L.L.C., (SCOT'S LANDING)**, seconded by Mr. Stanley.

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

C-21-02(c) AM. 1-13 HANOVERTOWN, L.L.C., (SCOT'S LANDING) Approved.

C-27-05(c) AM. 1-13 HOMETOWN INVESTMENTS TWO, L.L.C., ET AL. (MEADOWS AT STUDLEY), Requests an amendment to the proffers approved with rezoning request C-27-05(c), Hometown Investments Two, L.L.C., on GPINs 8746-39-2954, 8746-39-6812, 8746-39-4724, 8747-30-7139, 8746-39-3428, 8746-29-8734, 8747-40-0062, 8746-39-9940, 8746-29-0008 and 8746-29-6638, zoned RC(c), Rural Conservation District with conditions, and located on the east line of Studley Road (State Route 606) approximately 200 feet south of its intersection with Hanover Town Road (State Route 604) in the **HENRY MAGISTERIAL DISTRICT**. The proposed zoning amendment would amend the cash proffer.

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

Planning Analysis:

- The request is to amend the following cash proffer:
  - Eliminate Proffer No. 1 - $9,741.00 (Community Facilities and Roads)
  - Substitute with a road improvement proffer in the amount of $2,306

Recommendations:

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

The Chairman asked if board members had any questions of Mr. Maloney. Hearing none, opened the public hearing and asked those in favor or in opposition to come forward. Seeing no one to address the board, closed the public hearing and asked if board members had any questions. Hearing none, entertained a motion.

Mr. Davis made a motion to approve **C-27-05(c) AM. 1-13 HOMETOWN INVESTMENTS TWO, L.L.C., ET AL. (MEADOWS AT STUDLEY),** seconded by Mrs. Kelly-Wiecek.

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

C-27-05(c) AM. 1-13 HOMETOWN INVESTMENTS TWO, L.L.C., ET AL. (MEADOWS AT STUDLEY) Approved.

C-30-06(c) AM. 1-13 YOUNGBLOOD PROPERTIES, L.L.C., Requests an amendment to the proffers approved with rezoning request C-30-06(c), Virginia Commonwealth Land Company, on GPIN 8715-93-0182, and zoned RS(c), Single-Family Residential District with conditions, and located at the western terminus of Evergreen Lane (State Route 1377) in the **HENRY MAGISTERIAL DISTRICT**. The proposed zoning amendment would amend the cash proffer.

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

Planning Analysis:

- The request is to amend the following cash proffer:
  - Eliminate Proffer No. 1 - $14,240.00 (Community Facilities and Roads)
  - Substitute with a road improvement proffer in the amount of $2,306
- *Recommendations:*
- The Planning Commission and staff recommend **APPROVAL** subject to the submitted proffers

The Chairman asked if board members had any questions of Mr. Maloney. Hearing none, opened the public hearing and asked those in favor or in opposition to come forward. Seeing no one to address the board, closed the public hearing and asked if board members had any questions. Hearing none, entertained a motion.

Mr. Davis made a motion to approve **C-30-06(c) AM. 1-13 YOUNGBLOOD PROPERTIES, L.L.C.**, seconded by Mrs. Kelly-Wiecek.

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

C-30-06(c) AM. 1-13 YOUNGBLOOD PROPERTIES, L.L.C. Approved.

C-3-11(c) AM. 1-13 JEAN W. MAY, Requests an amendment to the proffers approved with rezoning request C-3-11(c), Jean W. May, on GPIN 8727-07-6690, zoned AR-6(c), Agricultural Residential District with conditions, located on the west line of Pollard Creek Road (State Route 742), approximately 800 feet north of its intersection with Fire Lane (State Route 724) in the **HENRY MAGISTERIAL DISTRICT**. The proposed zoning amendment would amend the cash proffer.

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

Planning Analysis:

- The request is to amend the following cash proffer:
  - Eliminate Proffer No. 3 - $19,503.00 (Community Facilities and Roads)

- Substitute with a road improvement proffer in the amount of $2,306

- *Recommendations:*
- The Planning Commission and staff recommend **APPROVAL** subject to the submitted proffers

The Chairman asked if board members had any questions of Mr. Maloney. Hearing none, opened the public hearing and asked those in favor or in opposition to come forward. Seeing no one to address the board, closed the public hearing and asked if board members had any questions. Hearing none, entertained a motion.

Mr. Davis made a motion to approve, **C-3-11(c) AM. 1-13JEAN W. MAY** , seconded by Mrs. Kelly-Wiecek.

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

C-3-11(c) AM. 1-13 JEAN W. MAY Approved.

C-29-06(c) AM.1-13 YOUNGBLOOD PROPERTIES, L.L.C., Requests an amendment to the proffers approved with rezoning request C-29-06(c), Christy C. Yeadon and Donna B. Paschal, on GPIN 8715-86-9679, zoned RS(c), Single-Family Residential District with conditions, and located on the west line of Lee-Davis Road (State Route 643) approximately 1,150 feet south of its intersection with Pole Green Road (State Route 627) in the **MECHANICSVILLE MAGISTERIAL DISTRICT**. The proposed zoning amendment would amend the cash proffer.

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

Planning Analysis:

- The request is to amend the following cash proffer:
  - Eliminate Proffer No. 3- $14,240.00 (Community Facilities and Roads)
  - Substitute with a road improvement proffer in the amount of $2,306
- *Recommendations:*
- The Planning Commission and staff recommend **APPROVAL** subject to the submitted proffers

The Chairman asked if board members had any questions of Mr. Maloney. Hearing none, opened the public hearing and asked those in favor or in opposition to come forward. Seeing no one to address the board, closed the public hearing and asked if board members had any questions. Hearing none, entertained a motion.

Mr. Peterson made a motion to approve **C-29-06(c) AM.1-13 YOUNGBLOOD PROPERTIES, L.L.C.,** seconded by Mr. Via.

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

C-29-06(c) AM.1-13YOUNGBLOOD PROPERTIES, L.L.C. Approved.

C-22-02(c) AM. 1-13 RUDDY DUCK VENTURES, L.L.C., ET AL. (CEDARLEA PARK), Requests an amendment to the proffers approved with rezoning request C-22-02(c), Ada and Robert Caruthers, Jr., on GPINs 7778-65-7152, 7778-64-5578, 7778-64-1264, 7778-64-9171, 7778-64-5341, 7778-64-7464, 7778-64-2392, 7778-64-3188, 7778-54-9220, 7778-64-8729, 7778-64-9344, 7778-74-7061, 7778-74-7289, 7778-75-1334 and 7778-64-4297, zoned RS(c), Single Family Residential District with conditions, and located on the south line of Cobbs Road (State Route 801) at its intersection with Old Scotland Road (State Route 2259) in the **SOUTH ANNA MAGISTERIAL DISTRICT**. The proposed zoning amendment would amend the cash proffer.

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

Planning Analysis:

- The request is to amend the following cash proffer:
  - Eliminate Proffer No. 1 - $7,399.00 (Community Facilities and Roads)
  - Substitute with a road improvement proffer in the amount of $2,306
- *Recommendations:*
- The Planning Commission and staff recommend **APPROVAL** subject to the submitted proffers

The Chairman asked if board members had any questions of Mr. Maloney. Hearing none, opened the public hearing and asked those in favor or in opposition to come forward. Seeing no one to address the board, closed the public hearing and asked if board members had any questions. Hearing none, entertained a motion.

Mr. Hazzard made a motion to approve **C-22-02(c) AM. 1-13 RUDDY DUCK VENTURES, L.L.C., ET AL. (CEDARLEA PARK),** seconded by Mrs. Kelly-Wiecek.

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

C-22-02(c) AM. 1-13 RUDDY DUCK VENTURES, L.L.C., ET AL. (CEDARLEA PARK) Approved.

C-11-03(c) AM. 1-13 ECVA INVESTMENTS, L.L.C., (LAKERIDGE GREEN), Requests an amendment to the proffers approved with rezoning request C-11-03(c), Raymond E. Sawyer, et. al., on GPINs 7787-46-8728, 7787-46-8798, 7787-46-9749, 7787-46-9718, 7787-46-5709, 7787-46-8758, 7787-46-8778, 7787-56-0765, 7787-56-0726, 7787-56-0746, 7787-56-0794, 7787-56-0707 and 7787-46-9778, zoned R-5(c), Multi-Family Residential District with conditions, and located on the south line of Lakeridge Parkway (State Route 782) at the southwest quadrant of its intersection with Lakeridge Square Court (Private Road) in the **SOUTH ANNA MAGISTERIAL DISTRICT**. The proposed zoning amendment would amend the cash proffer.

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

Planning Analysis:

- The request is to eliminate the following cash proffer:
  - Eliminate Proffer No. 1 - $7,866.00 (Community Facilities and Roads)
  - Substitute with a road improvement proffer in the amount of $2,306
- *Recommendations:*
- The Planning Commission and staff recommend **APPROVAL** subject to the submitted proffers

The Chairman asked if board members had any questions of Mr. Maloney. Hearing none, opened the public hearing and asked those in favor or in opposition to come forward. Seeing no one to address the board, closed the public hearing and asked if board members had any questions. Hearing none, entertained a motion.

Mr. Hazzard made a motion to approve **C-11-03(c) AM. 1-13 ECVA INVESTMENTS, L.L.C., (LAKERIDGE GREEN),** seconded by Mrs. Kelly-Wiecek.

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

C-11-03(c) AM. 1-13 ECVA INVESTMENTS, L.L.C., (LAKERIDGE GREEN) Approved.

C-41-03(c) AM. 1-13 BETHANY DEVELOPMENT, L.L.C. (BETHANY ESTATES), Requests an amendment to the proffers approved with rezoning request C-41-03(c), Jean H. and Howard C. Strickler, on GPINs 7822-40-0924, 7822-30-9638, 7822-30-8359, 7822-30-7132, 7821-39-6804, 7821-39-4511, 7821-39-3191, 7821-39-9293 and 7821-49-5642, zoned AR-6(c), Agricultural Residential District with conditions, and located on Bethany Estates Way (State

Route Pending) at its intersection with Mountain Road (U.S. Route 33) in the **SOUTH ANNA MAGISTERIAL DISTRICT**. The proposed zoning amendment would amend the cash proffer.

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

Planning Analysis:

- The request is to amend the following cash proffer:
  - Eliminate Proffer No. B2 - $8,700.00 (Community Facilities and Roads)
  - Substitute with a road improvement proffer in the amount of $2,306

Recommendations:

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

The Chairman asked if board members had any questions of Mr. Maloney. Hearing none, opened the public hearing and asked those in favor or in opposition to come forward. Seeing no one to address the board, closed the public hearing and asked if board members had any questions. Hearing none, entertained a motion.

Mr. Hazzard made a motion to approve **C-41-03(c) AM. 1-13 BETHANY DEVELOPMENT, L.L.C. (BETHANY ESTATES), seconded by Mrs. Kelly-Wiecek.**

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

C-41-03(c) AM. 1-13 BETHANY DEVELOPMENT, L.L.C. (BETHANY ESTATES) Approved.

XVI. Announcements

None

XVII. Adjournment –

At 10:08:23 PM, the Chairman adjourned the meeting to May 22, 2013 – Hanover County Administration Building – 6:00 p.m.