

HANOVER COUNTY BOARD OF SUPERVISORS

MINUTES

**Hanover County Administration Building
Board Room**

June 24, 2015

VIRGINIA: At a regular meeting of the Board of Supervisors for Hanover County held in the Board Room of the Hanover County Administration Building on the 24th day of June, 2015, at 6:00 p.m.

Present: Mr. Wayne T. Hazzard, Chairman
Mr. Aubrey M. Stanley, Vice-Chairman
Mr. Sean M. Davis
Mrs. Angela Kelly-Wiecek
Mr. W. Canova Peterson
Mr. G.E. “Ed” Via, III
Mr. Elton J. Wade, Sr.
Mr. Cecil R. Harris, Jr., County Administrator
Mr. Sterling E. Rives, III, County Attorney

I. Call to Order

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

- A. The invocation was given by Mrs. Kelly-Wiecek.
- B. The Pledge of Allegiance was led by Mr. Stanley.

II. Consideration of Agenda Amendments

At the recommendation of the Chairman, the Board Members unanimously agreed to move Agenda Item VII., Closed Session, to the end of the agenda. The Chairman asked if there were any other agenda amendments. Hearing none, moved to citizens’ time.

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III. Citizens' Time

The Chairman opened citizens' time and offered to anyone who wanted to address the Board of Supervisors for up to five minutes on any matter within the scope of the Board's authority that is not on the agenda for that meeting to come forward.

Seeing none, citizens' time was closed.

IV. Consent Agenda

Mr. Stanley made a motion to approve the consent agenda, seconded by Mr. Via.

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

Motion approved.

IV. A. – Adoption of Proclamation – Eagle Scout – Scott Wood McIlhenny - Magisterial District: South Anna

Board Sheet Background:

It is requested that the Board of Supervisors adopt the attached proclamation congratulating Scott Wood McIlhenny in attaining the rank of Eagle Scout on June 26, 2013, the highest award granted by the Boy Scouts of America.

Recommended Action:

A motion to adopt proclamation.

PROCLMATION

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

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WHEREAS Scott Wood McIlhenny is a resident of the South Anna Magisterial District in Hanover County, Virginia, and a senior at Patrick Henry High School; and

WHEREAS on the 26th day of June, 2013, Scott Wood McIlhenny attained the rank of Eagle Scout, the highest award granted by the Boy Scouts of America; and

WHEREAS to achieve this high honor Scott Wood McIlhenny carried out a community project at South Anna Elementary School by constructing a wooden ramp on the playground to provide easier and safer wheelchair access to the adaptive swing set; and

WHEREAS Scott Wood McIlhenny of Boy Scout Troop 706 which meets at St. Peter’s 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 Scott Wood McIlhenny and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

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

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

IV. B. – Request for Conditional Use Permit Extension - CUP-9-08, Landmark Baptist Church - Magisterial District: Henry

Board Sheet Background:

The Hanover County Board of Supervisors approved CUP-9-08 on December 10, 2008, to allow Landmark Baptist Church to construct a church and accessory school and daycare uses on GPINs

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8735-26-1779, 8735-26-5272, 8735-25-5599, and 8735-25-7712. Extensions were granted for this site in 2009 by the Virginia General Assembly and in 2014 by the Board of Supervisors. The church is now requesting another extension to allow them additional time to determine their space needs before moving forward with a submittal of the site plan.

A site inspection was conducted by Code Compliance, and no violations were found. Based on consistency with prior Board actions on similar requests, the Planning Department recommends approval of a one (1) year extension subject to the original conditions of approval.

Recommended Action:

Motion to approve extension request for CUP-9-08, Landmark Baptist Church for one (1) year, or until June 30, 2016, subject to the original conditions of approval.

IV. C. -. Transfer and Appropriation of \$150,000 – Communications – Acceptance of a \$150,000 Grant from the Virginia E-911 Services Board PSAP Grant Program

Board Sheet Background:

As a part of the County's desire to keep our technology current, Hanover County has applied for grant funding to update hardware and software related to the current E911 Phone system. The Virginia E-911 Services Board approved Emergency Communications grant request to upgrade the Customer Premise Equipment (CPE) – Intrado Phone System. The award amount is \$150,000 and will be available to payment reimbursement beginning July 1, 2015. Grant does not require a match of local funds. Attached is the Grant Award letter.

The Finance & Management Services Department concurs with this request.

Recommended Action:

Accept the Virginia E-911 Services Board PSAP grant award, approve the Transfer and Appropriation of the funding received in the amount of \$150,000, and authorize the County Administrator to take all actions necessary to carry out the terms of the grant award.

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IV. D. -. Lease of County Tower Space - Emergency Communications – Leasing of Space on Existing County Communications Tower at the Rockville Site - Magisterial District: South Anna
Board Sheet Background:

The Emergency Communications Department is requesting authorization for the County to enter into a lease agreement with PEG Bandwidth VA LLC, to lease land and tower space on the Poor Farm Tower located at 16405 MLC Lane, Rockville, Virginia 23146; GPINs: 7729-45-8653, 7729-43-4175, 7729-41-7385 and 7729-42-5048.

The initial term of the proposed lease is five years. The initial lease fee will be \$12,000 for the first five years with an annual escalator of 3% beginning the first year of the subsequent five year extension. Pursuant to the County’s agreement with the International Ministry Board, revenues will be shared equally between the County and the International Ministry Board.

The County Attorney’s Office has approved the lease agreement as to form and Emergency Communications has approved it as to content.

Recommended Action:

Motion to authorize the County Administrator to execute the attached Lease Agreement with PEG Bandwidth VA, LLC, for the lease of tower space at the Rockville Tower Site and authorize the County Administrator to take all other actions necessary to implement the Lease Agreement.

IV. E. -. Resolution to approve an agreement between Hanover County and the Town of Ashland for the County to enforce the County’s animal control laws in the Town

Board Sheet Background:

To date Hanover County has provided animal control services within the Town of Ashland and has also housed the Town’s stray animals at the County’s animal shelter, all through an informal understanding with the Town. In an effort to formalize that arrangement, the Town has proposed entering into a written agreement with the County through which the Town would also repeal its own animal control laws and incorporate by reference the County’s animal control laws.

The Town of Ashland on June 16, 2015 adopted an ordinance approving the agreement included in the attached resolution. The Town’s ordinance repealed Chapter 3, “Animal & Fowl” of

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the Ashland Town Code, and incorporated by reference Chapter 4, “Animals,” of the Hanover County Code, effective June 25, 2015.

Under this agreement, the County would continue to provide this service at no additional cost to the Town.

Recommended Action:

Adoption of the resolution to approve an agreement between Hanover County and the Town of Ashland for the County to enforce the County’s animal control laws in the Town.

RESOLUTION

WHEREAS the Town of Ashland and the County seek to have a uniform set of laws relating to animal control;

WHEREAS the Town of Ashland on June 16, 2015 adopted an ordinance repealing Chapter 3, “Animal & Fowl” of the Ashland Town Code, and incorporating by reference Chapter 4, “Animals,” of the Hanover County Code;

WHEREAS the Town of Ashland has requested that the County provide animal control enforcement within the Town;

WHEREAS such an agreement between the County and the Town is authorized by Virginia Code sections 3.2-6555 and 15.2-1300; and

WHEREAS the County has agreed to enforce the animal control laws in the Town.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Hanover County, Virginia, hereby approves an Agreement with the Town of Ashland as follows:

1. Purpose. The purpose of this Agreement is to provide for comprehensive and uniform enforcement of animal control laws in the Town of Ashland and Hanover County.
2. Term. This Agreement shall take effect on June 25th, 2015 and shall automatically renew for terms of one year unless terminated by the Town or the County in accordance with paragraph 4.
3. Budget. The County agrees to assume full financial responsibility for the enforcement of the animal control laws in the Town of Ashland and the County of Hanover.
4. Termination. Either party may terminate this Agreement upon ninety (90) days written

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notice to the other party.

5. Repeal of Town of Ashland’s Animal Control Laws. The Town agrees to repeal its animal control ordinance (Chapter 3, Animals & Fowl, Ashland Town Code) and to incorporate by reference Chapter 4 (Animals) of the Hanover County Code. The Town further agrees that this Agreement shall be null and void upon the Town’s enactment of its own animal control ordinance.

6. Enforcement of Animal Laws. The County agrees to enforce the animal control laws set forth in Chapter 4 of the Hanover County Code throughout the Town of Ashland.

7. Insurance/Liability. The County agrees to assume any liability for its enforcement of the animal control laws in the Town of Ashland and to maintain appropriate insurance for such activity.

On motion of Mr. Stanley, seconded by Mr. Via, the members of the Board of Supervisors voted to approve the resolution as follows:

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

IV. F. -. Adoption of Proclamation – Jamelle S. Wilson - South Anna Magisterial District

Board Sheet Background:

It is requested that the Board of Supervisors adopt the attached proclamation recognizing Jamelle S. Wilson for her twenty-four (24) years of outstanding service to Hanover County and offering best wishes for her continued success.

Recommended Action:

A motion to adopt proclamation.

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PROCLAMATION

WHEREAS Jamelle S. Wilson is a resident of the South Anna Magisterial District in Hanover County, Virginia; and

WHEREAS Jamelle S. Wilson began her service with Hanover County Public Schools in 1991 as the Lead Teacher Specialist for English/Language Arts at Lee-Davis High School; and

WHEREAS, during her tenure with Hanover County Public Schools, Jamelle S. Wilson has served as Assistant Principal at Liberty Middle School, Principal of South Anna Elementary School and Assistant Superintendent for Instructional Leadership, and in 2011 was appointed Superintendent of Schools; and

WHEREAS Jamelle S. Wilson's focus on student achievement and instruction has been continual and exceptional; and

WHEREAS under her leadership Hanover County Public Schools have ranked among the best in the Commonwealth of Virginia in many measurements, including but not limited to an on-time graduation rate that is the highest in the State; and

WHEREAS the degree of respect in which Jamelle S. Wilson is regarded by her peers was evidenced when she was named Region I Superintendent of the Year by the Virginia Association of School Superintendents earlier this year; and

WHEREAS Jamelle S. Wilson's community leadership includes serving as a member of the Greater Richmond Chamber of Commerce and the International Baccalaureate Board of Governors, and in 2014 she was presented with the Outstanding Woman Award in Education by the YMCA of Greater Richmond; and

WHEREAS, during her twenty-four (24) year career in public education, Jamelle S. Wilson has given her time, talent and energy and served the Board of Supervisors, School Board, staff, and citizens of Hanover County with great dedication and professionalism; and

WHEREAS Jamelle S. Wilson has tendered her resignation effective June 30, 2015; and

WHEREAS Jamelle S. Wilson's dedication to and hard work for Hanover County and its citizens represents the best attributes of Hanover County employees.

NOW, THEREFORE, BE IT RESOLVED that the Hanover County Board of Supervisors, on behalf of the citizens, wishes to recognize and thank Jamelle S. Wilson for her twenty-four (24) years

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of outstanding service to Hanover County and offers their best wishes for her continued success at the University of Richmond and in any other future endeavors she may choose.

On motion of Mr. Hazzard, seconded by Mr. Stanley, the members of the Board of Supervisors voted to approve the resolution as follows:

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

V. Appointment of School Board Members - Magisterial Districts: Beaverdam and Henry **Board Sheet Background:**

In accordance with Virginia Code, Section 22.1-29.1, the Hanover County Board of Supervisors held a public hearing on June 10, 2015, to receive nominations for the School Board Member vacancies from the Beaverdam and Henry Magisterial Districts.

The following citizens from the Beaverdam Magisterial District have been nominated:

- Mr. John F. Axselle , III
- Mr. Michael C. “Mike” Carter
- Mr. Edward Gooding, Sr.
- Mr. Hamilton Holloway
- Ms. Dale Taylor

The following citizens from the Henry Magisterial District have been nominated:

- Mr. Earl Joseph Hunter, Jr.
- Ms. Marla Coleman
- Mr. Edwin Kidder
- Ms. Pam Mentz

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Recommended Action:

A motion to approve Appointment of School Board Members Representing the Beaverdam and the Henry Magisterial Districts.

The Chairman opened the matter for nominations by Board members, starting with Mr. Stanley.

Mr. Stanley announced that he spoke with each person seeking the Beaverdam Magisterial District School Board representative position. He commented on the high quality of the school system and noted his pride in it.

Mr. Stanley nominated Mr. John Axselle for reappointment to the Beaverdam Magisterial District School Board representative position.

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

Nomination approved.

Mr. Davis commented on the quality of the school system. He commended Mr. Earl Hunter for his service on the School Board and to the country and expressed his gratitude to Mr. Hunter and the other individuals who were seeking appointment to the position.

Mr. Davis nominated Ms. Marla Coleman for appointment to the Henry Magisterial District School Board representative position.

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

Nomination approved.

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**VI.-A. Lease of County Tower Space and Land - Emergency Communications – Leasing of Land at Tower Site and of Space on Existing County Communications Tower at the Poor Farm Site
Magisterial District: Beaverdam**

Board Sheet Background:

The Emergency Communications Department is requesting authorization for the County to enter into a lease agreement with LastMile Broadband, LLC, to lease land and tower space on the Poor Farm Tower located at 12481 West Patrick Henry Road, Hanover, Virginia 23069, GPIN Number 7860-09-5200.

The initial term of the proposed lease is five years. The lease provides for four additional five year lease extensions if approved by the County Administrator. The initial year lease fee is \$7,750.00, which increases to \$15,500 per year for the remaining four years of the initial term, with an annual escalator of 3% to be applied at the first year of each subsequent five year extension.

The County Attorney's Office has approved the lease agreement as to form and Emergency Communications has approved it as to content.

Recommended Action:

Motion to authorize the County Administrator to execute the Lease Agreement with LastMile Broadband, LLC, for the lease of land and tower space at the Poor Farm Tower Site and authorize the County Administrator to take all other actions necessary to implement the Lease Agreement.

Mr. John Budesky, Deputy County Administrator, came forward to provide the details of the lease agreement. He noted that both leases being considered are the result of citizens expressing a need for and requesting additional internet service options.

Mr. Stanley made a motion to authorize the County Administrator to execute the Lease Agreement with LastMile Broadband, LLC, for the lease of land and tower space at the Poor Farm Tower Site and authorize the County Administrator to take all other actions necessary to implement the Lease Agreement, seconded by Wade.

| | |
|---------------------|-------|
| | Vote: |
| Wayne T. Hazzard | Aye |
| Aubrey M. Stanley | Aye |
| Sean M. Davis | Aye |
| Angela Kelly-Wiecek | Aye |

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| | |
|---------------------|-----|
| W. Canova Peterson | Aye |
| G. E. “Ed” Via, III | Aye |
| Elton J. Wade, Sr. | Aye |

Motion approved.

VI.-B. Lease of County Tower Space and Land - Emergency Communications – Lease of Land at Tower Site and of Space on Existing County Communications Tower at the Doswell Site - Magisterial District: Beaverdam

Board Sheet Background:

The Emergency Communications Department is requesting authorization for the County to enter into a lease agreement with LastMile Broadband, LLC, to lease land and tower space on the Doswell Tower located at 10080 Kings Dominion Boulevard, Doswell, Virginia 23047, GPIN 7893-08-2029.

The initial term of the proposed lease is five years. The lease provides for four additional five year lease extensions if approved by the County Administrator. The initial year lease fee is \$8,375.00, which increases to \$16,750 per year for the remaining four years of the initial term, with an annual escalator of 3% to be applied at the first year of each subsequent five year extension.

The County Attorney’s Office has approved the lease agreement as to form and Emergency Communications has approved it as to content.

Recommended Action:

Motion to authorize the County Administrator to execute the Lease Agreement with LastMile Broadband, LLC, for the lease of land and tower space at the Doswell Tower Site and authorize the County Administrator to take all other actions necessary to implement the Lease Agreement.

Mr. Budesky provided the information for this lease to the Board. Following his presentation, Mr. Budesky answered questions from Board members and provided clarification on the radius of coverage for the towers. The Board members had a discussion about these leases providing residents of the western part of the County with another option for internet service.

Mr. Stanley made a motion to authorize the County Administrator to execute the Lease Agreement with LastMile Broadband, LLC, for the lease of land and tower space at the Doswell Tower

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Site and authorize the County Administrator to take all other actions necessary to implement the Lease Agreement, seconded by Wade.

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

Motion approved.

The Chairman announced that items IX. and X. would be heard at that time.

IX. Request for Authorization to Advertise Public Hearings on a Comprehensive Plan Amendment: CPA-1-15, Jeff Wade. Magisterial District: Cold Harbor

Mr. David Maloney, Director of Planning, presented the Board with this request. The County has received a request to consider a Comprehensive Plan Amendment to change the General Land Use designation from Commercial to Business-Industrial along Cold Harbor Road (State Route 156), from the Henrico County line to its intersection with Market Road (State Route 630). The proposed amendment is a companion to a rezoning application to rezone approximately 92 acres on the south line of Cold Harbor Road, from A-1, Agricultural, to M-2, Light Industrial District, for developing a Business / Industrial Park. The proposed industrial zoning uses are not consistent with the current Commercial designation. Existing uses in the subject area include agriculture, a few single family dwellings, a landscape business, and a convenience store/fuel station. The subject area is less than (1) mile to the I-295 / Route 156 interchange.

Mr. Wade recused himself from the public hearing, deliberations and vote. Mr. Wade left the Dias.

Following the presentation, Mr. Maloney answered questions from Board members and provided clarification on the current zoning of the area.

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On motion of Mr. Peterson, seconded by Mr. Stanley, the members of the Board of Supervisors voted to authorize the Planning Commission to hold a public hearing on proposed amendment CPA-1-15, as follows:

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

Mr. Wade returned to the Dias.

X. Request for Authorization to Advertise Public Hearings on a Comprehensive Plan Amendment: CPA-2-15, Rogers-Chenault, Inc. Magisterial District: Beavertdam

Mr. Maloney presented the Board with this request. The County has received a request to consider a Comprehensive Plan Amendment to amend three of the Plan maps for an area located on both sides of West Patrick Henry Road (State Route 54), immediately west and adjoining the Town of Ashland, consisting of approximately 264 acres. The proposed changes include: (1) change the General Land Use Plan map designation from Suburban General (1-4 Dwelling Units per acre) to Agricultural; (2) remove the subject properties from the Suburban Service Area on the Growth Management Conservation and Suburban Development Plan map; and, (3) remove the subject properties from the Utility Service Area on the Public Utility Plan map. The proposed amendment is a companion to a rezoning application to rezone approximately 264 acres from A-1, Agricultural, to RC, Rural Conservation District, for developing a residential subdivision. There is no infrastructure for sewer service in the subject watershed area. Without an amendment to the Comprehensive Plan as proposed, both public water and sewer service would be required for a rezoning to develop the property at a density greater than the by-right (1) dwelling unit per 10 acres.

On motion of Mr. Stanley, seconded by Mr. Wade, the members of the Board of Supervisors voted to authorize the Planning Commission to hold a public hearing on proposed amendment CPA-2-15, as follows:

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

The Chairman announced that Agenda Item VII., Closed Session, previously intended to be held at the end of the meeting, would be held following a brief recess.

The meeting was recessed at 6:25 p.m.

The meeting was reconvened at 6:28 p.m.

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

Mr. Stanley 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 Attorney. The motion was seconded by Mrs. Kelly-Wiecek.

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

Motion approved.

Board members entered Closed Session at 6:30 p.m. At the conclusion of the Closed Session, all Board members returned to the Board room, and the Chairman called the regular meeting back to order at 6:58 p.m.

Certification of Closed Session

Mr. Stanley moved that the Board of Supervisors certify that during the Closed Session only public business matters lawfully exempted from the open meeting requirement of the Freedom of

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Information Act and only such public business matters as were identified in the motion for the Closed Session were discussed. The motion was seconded by Mr. Wade.

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

Motion approved.

The meeting was recessed at 6:58 p.m.

The meeting was reconvened at 7:00 p.m.

VIII. PLANNING PUBLIC HEARINGS

A. **C-18-00(c) - AM. 1-15 – Blue Ridge Custom Homes L.L.C. (Winding Creek Estates)**, Requests an amendment to the proffers approved with rezoning request C-18-00(c), Dorothy Anne Jennings, on GPIN 7811-60-3537, zoned RC(c), Rural Conservation District with conditions, and located in the southwest quadrant of Taylors Overlook Court (State Route 1091) and Wedged Stone Drive (State Route 1090) in the South Anna Magisterial District. The proposed zoning amendment would amend the cash proffer. **Magisterial District: South Anna**

Planning Analysis:

- The request is to amend the following:
 - Amend Proffer No. 1 from \$6,319.00 (capital & road improvements) to \$2,171.00 (road improvements)
 - The amended proffer is in accordance with the Business and Residential Development Road Improvements Transportation Policy

Recommendations:

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

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Mr. Maloney came forward to give this presentation to the Board. Following the presentation, Mr. Maloney answered questions from Board members and provided clarification on the road proffer amount.

The Chairman opened the public hearing and asked that anyone who wished to speak for or against the matter come forward. Seeing none, he closed the public hearing.

ORDINANCE C-18-00(c), AM. 1-15

OWNER OF RECORD: BLUE RIDGE CUSTOM HOMES, L.L.C.

WHEREAS the Planning Commission of Hanover County has held an advertised public hearing and forwarded this case to the Board of Supervisors with a recommendation of approval of the adoption of the following amendment to the Zoning Ordinance and Zoning District Map of Hanover County; and

WHEREAS the Board of Supervisors has held public hearings on the 24th day of June, 2015, and advertised in the *Hanover Herald-Progress* once a week for two successive weeks as required by Virginia Code Section 15.2-2204; and

WHEREAS the Board of Supervisors has determined that the public necessity, convenience, general welfare, and good zoning practices require this amendment.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County that the Zoning Ordinance and the Zoning District Map of this County are amended (with conditions) by amending the proffers approved with rezoning request C-18-00(c), Dorothy Anne Jennings, of the property described as GPIN 7811-60-3537, (a detailed description is filed with the Board's papers), zoned RC(c), Rural Conservation District with conditions, subject to the following conditions which were proffered by the Applicant on March 16, 2015, and accepted by the Board:

1. The Property Owner, for himself, his successors and assigns, agrees to pay Hanover County prior to issuance of a Certificate of Occupancy for the Property, the amount of Two Thousand One Hundred Seventy-One and 00/100 (\$2,171.00) per single family unit built on the Property. The funds shall be used for the purpose of completing off-site road improvements relating to the development allowed by the rezoning and included in the Business and Residential Development Road Improvements Transportation Policy, adopted March 13, 2013. In the

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event funds are paid and are not used for such improvements, the County shall return the funds paid to the Owner or his successors in title.

2. Exterior foundation of houses shall be of brick or stone construction unless the house is constructed of synthetic stucco, in which case the foundation may be of like material.
3. Minimum house sizes shall be as follows: 2,500 square feet for a one-story building and a one and one-half or two-story building. Minimum floor area shall not include garages or breezeways in any category. Floor area shall be measured along the exterior walls of the structure. All attached garages shall open to the side or rear of the dwelling. No cinder block, cement block, solite block or asbestos shingle shall be permitted for the finished exterior of any structure.
4. Four (4) deciduous trees of 2 inch caliper shall be placed upon each open lot prior to issuance of certificate of occupancy; but credit against this requirement may be taken for any existing trees on the lot which meet the 2 inch caliper requirement. Trees in the rear and side yards may be selectively cut with no removal of trees of 5 inch or greater caliper unless removal is necessary for construction of roads or driveways, establishment of drainfields or drainage, home sites, or when required by the County of Hanover.
5. The property shall be developed in substantial conformity with the conceptual plan titled “Winding Creek Estates,” dated October 26, 2000, and revised January 10, 2001, drawn by Goodfellow, Jalbert, Beard, and Associates, Inc. However, Applicant reserves the right to adjust road and lot lines subject to the approval of the Planning Commission in order to effectively design the subdivision, following detailed engineering. No houses shall front on any existing public road.
6. The owner agrees to dedicate twenty-five (25) feet of right-of-way from the centerline of Bethany Church Road (State Route 610) and Taylors Creek Road (State Route 677) to the Property for future road widening when requested by the County, free of cost, and free of encumbrances interfering with the use for road purposes. The amount of land so dedicated shall be included in the acreage total of the Property as such total may be used to determine compliance with any of the requirements of the RC Ordinance.

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BE IT FURTHER ORDAINED that this Ordinance is effective on the date of adoption and the Planning Director is hereby directed to designate the boundaries of the foregoing area as rezoned, subject to conditions, on the Zoning District Map of Hanover County.

On motion of Mr. Hazzard, seconded by Mr. Stanley, the members of the Board of Supervisors voted to approve Ordinance C-18-00(c), Am. 1-15, Blue Ridge Custom Homes, L.L.C., as follows:

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

B. **C-5-15(c) – Suzanne L. and Cameron L. Wood**, Request to rezone from A-1, Agricultural District, to AR-6(c), Agricultural Residential District with conditions, on GPIN 8746-52-8458, consisting of approximately 13.32 acres, and located on the north line of Studley Road (State Route 606) approximately 475 feet west of its intersection with Mechanicsville Turnpike (U.S. Route 360) in the Henry Magisterial District. The subject property is designated on the General Land Use Plan Map as Agricultural. The proposed zoning amendment would permit the creation of one additional building lot for a family member for a gross density of one (1) dwelling unit per 6.66 acres. **Magisterial District: Henry**

Planning Analysis:

- Rezone 13.32 acres to create two 6.6 acre lots for a family division
- 20' access easement for ingress and egress

Proffers:

- Conceptual Plan
- Tree Preservation
- Wetlands Certification
- Perenniality Study
- Family Division – minimum 3-year residency

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➤ Reservation of Right-of-Way

Recommendations:

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

Mr. Maloney presented the Board with this request.

The Chairman opened the public hearing and asked that anyone who wished to speak for or against the matter come forward.

Seeing none, he closed the public hearing.

ORDINANCE C-5-15(c)

OWNER OF RECORD: SUZANNE L. AND CAMERON L. WOOD

WHEREAS the Planning Commission of Hanover County has held an advertised public hearing and forwarded this case to the Board of Supervisors with a recommendation of approval of the adoption of the following amendment to the Zoning Ordinance and Zoning District Map of Hanover County; and

WHEREAS the Board of Supervisors has held public hearings on the 24th day of June, 2015, and advertised in the *Hanover Herald-Progress* once a week for two successive weeks as required by Virginia Code Section 15.2-2204; and

WHEREAS the Board of Supervisors has determined that the public necessity, convenience, general welfare, and good zoning practices require this amendment.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County that the Zoning Ordinance and the Zoning District Map of this County are amended (with conditions) by the rezoning of the property described as GPIN 8746-52-8458, consisting of 13.32± acres located on the north line of Studley Road (State Route 606) approximately 475 feet west of its intersection with Mechanicsville Turnpike, (a detailed description is filed with the Board's papers) from A-1, Agricultural District, to AR-6(c), Agricultural Residential District with conditions, subject to the following conditions which were proffered by the Applicant on May 29, 2015, and accepted by the Board:

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1. Conceptual Plan. The property shall be divided in substantial conformity with the conceptual plan attached, titled “Conceptual for Rezoning Review Family Division of Parcel of Land Standing in the names of Cameron L. and Suzanne L. Wood,” dated April 22, 2015, and prepared by Edward C. Carr, II.
2. Tree Preservation. Existing trees of 5 inch caliper or greater on the Property shall not be removed with the exception of dead or diseased trees or parts thereof. This shall not prevent the removal of trees necessary for the construction of improvements, driveways, drainfields, or drainage facilities.
3. Wetlands Certification. The Owner agrees to submit a wetlands certification for the property to the Hanover County Department of Public Works for its review and approval prior to or concurrent with the submission of an application for a Family Division. The Family Division shall not be approved unless the Department of Public Works approves the wetlands certification.
4. Perenniality Study. The Owner agrees to submit a perenniality study for the property to the Hanover County Department of Public Works for its review and approval prior to or concurrent with the submission of an application for a Family Division. The Family Division shall not be approved unless the Department of Public Works approves the perenniality study.
5. Family Division. The Property shall only be divided for family, in accordance with Chapter 25, Article II, Division 5 of the Hanover County Code. The family member to whom the property was sold or given shall hold title to and reside on the newly created lot for at least three (3) years following the issuance of a Certificate of Occupancy, unless the lot is the subject of an involuntary transfer caused by foreclosure, death, judicial sale, condemnation, or bankruptcy.
6. Reservation of Right-of-Way. The Owner agrees to reserve thirty (30) feet of right-of-way from the centerline of Studley Road (State Route 606) to the property for the future road widening.

BE IT FURTHER ORDAINED that this Ordinance is effective on the date of adoption and the Planning Director is hereby directed to designate the boundaries of the foregoing area as rezoned, subject to conditions, on the Zoning District Map of Hanover County.

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On motion of Mr. Davis, seconded by Mr. Wade, the members of the Board of Supervisors voted to approve Ordinance C-5-15(c), Suzanne L. and Cameron L. Wood, as follows:

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

- C. **CUP-4-15 – Randall Everett**, Requests a Conditional Use Permit in accordance with Sections 26-20.13 and 26-20.14 of the Hanover County Zoning Ordinance to permit a recreational facility that includes a race track for the teaching of motocross skills and up to three annual race events, on GPIN 7884-22-5294, consisting of approximately 43.6 acres, zoned A-1, Agricultural District, and located on the east line of Washington Highway (U.S. Route 1) approximately 1,000 feet north of its intersection with Verdon Road (State Route 684) in the Beaverdam Magisterial District. The subject property is designated on the General Land Use Plan for Industrial. **Magisterial District: Beaverdam**

Planning Analysis:

- This request is for a motocross race track to include:
 - Accessory camping
 - 3 race events per year
 - Weekend “open track” practice days
 - Individualized weekday instruction
- Hours of operation
 - Monday-Saturday 10 am to 6 pm
 - Sunday 11 am to 6 pm
- The facility includes the following:
 - Dirt track
 - Bleachers with seating of 60
 - Restrooms

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- Staging area
- Parking area
- 30 overnight camping spaces for participants
- The surrounding area is zoned M-3, Heavy Industrial and A-1, Agricultural
- The property is characterized as open field and dense woodland to the north and south
- The property bounded to the east by the railroad
- A ridgeline generally bisects the property north and south
- The race track and the majority of the facility will be located east of the ridgeline
- Applicant proposes to construct a berm with a fence located at the top of the berm along the ridgeline further shielding the improvements and noise emanating from the property
- The proposal is not forecast to generate enough traffic to warrant roadway improvements to Route 1
- VDOT will require a commercial entrance
- The staff report states that the applicant had requested to make changes to the conceptual plan subsequent to the Planning Commission meeting
 - The applicant has withdrawn that request and proposes the plan that was considered by the Commission
- The Board of Supervisors recently adopted the Economic Development 2015-2020 Strategic Plan
 - This request supports objectives of that Plan related to promotion of tourism venues and promote the development of additional tourism assets

Community Meeting held on March 23, 2015:

- Concerns raised at the meeting:
 - Noise
 - Controlling alcohol and drug use
- Several citizens spoke in support, indicating it was a family event and a needed use in the community
- The proposed improvements including the berm and fence as well as the recommended conditions are intended to address community concerns

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Recommendations:

The Planning Commission and staff recommend approval subject to the conditions as outlined in the staff report.

Mr. Maloney presented the Board with this request. Following the presentation, Mr. Maloney answered questions from Board members. A map of what the Comprehensive Plan shows for this area was displayed. Mr. Maloney offered clarification on the size of the adjacent lots.

The Chairman opened the public hearing and announced that the applicant and/or his representative could come forward. Following the applicant’s comments anyone who wished to speak in favor of the matter would be asked to come forward followed by those who wished to speak in opposition of the matter.

| | | |
|---|--------------------------|------------------------|
| Name: | Mr. L. McCauley Chenault | Attorney for Applicant |
| Asked the applicant to come forward. Gave a presentation on the planning analysis and recommendation. Addressed the areas of opposition and gave detailed noise analysis findings. Concluded with benefits of the facility. | | |

| | | |
|---|---------------------|-----------|
| Name: | Mr. Randall Everett | Applicant |
| Described his background. Stated he has done his best to address the potential noise issues and has met with residents. Stated that the positives far outweigh the negatives. | | |

Mr. Chenault and Mr. Everett answered extensive questions from Board members concerning the planned RV sewage tank, generators that would be used by campers, the economic development benefit to the County that the applicant anticipates and the planned location of RVs. The Board members had a discussion concerning the site plan map. Mr. Maloney displayed an updated site plan.

| | | | | | |
|--|------------------|---------------------|-----------|-----------|----------|
| Name: | Mr. Brian Watson | Place of residence: | Beaverdam | Position: | In favor |
| Stated the facility will bring increased revenue to the County and the location is appropriate with respect to the surrounding businesses. | | | | | |

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|---|------------------|---------------------|-----------|-----------|----------|
| Name: | Mr. David Newell | Place of residence: | Beaverdam | Position: | In favor |
| Stated he does not feel the number of races will increase, his family always eats and shops near tracks | | | | | |

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when they travel to race events, he has not encountered problems with generator noise at other tracks and he noted that this is a family sport.

| | | | | | |
|-------|--------------------|---------------------|---------|-----------|----------|
| Name: | Mr. Blake Thompson | Place of residence: | Doswell | Position: | In favor |
|-------|--------------------|---------------------|---------|-----------|----------|

Stated he is familiar with the noise from this type facility and he doesn't feel it will be noticed with respect to the surrounding businesses.

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|-------|------------------|---------------------|---------|-----------|----------|
| Name: | Mr. Alex Hineman | Place of residence: | Doswell | Position: | In favor |
|-------|------------------|---------------------|---------|-----------|----------|

Stated noise and pollution will not be an issue. Cited the benefits of sports tourism and no use of taxpayer dollars. Stated quarry, hotels, restaurants, gas stations, Kings Dominion, the Berry Farm, repair shops and building/landscaping companies will see increased business.

| | | | | | |
|-------|----------------------|---------------------|---------|-----------|----------|
| Name: | Mr. Stewart Jennings | Place of residence: | Doswell | Position: | In favor |
|-------|----------------------|---------------------|---------|-----------|----------|

Stated revenue in the County will be created. Cited safety benefits of having a sport such as this regulated as opposed to young people participating in this type activity on their own. As an EMT, he feels this is a good location as it is close to medical facilities.

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|-------|---------------|---------------------|---------|-----------|----------|
| Name: | Corinne Dixon | Place of residence: | Doswell | Position: | In favor |
|-------|---------------|---------------------|---------|-----------|----------|

Expressed appreciation to the Board for zoning the area as industrial. Cited the benefits of having activities for available for children. Stated that the noise will not be an issue.

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|-------|---------------------|---------------------|--------|-----------|----------|
| Name: | Mr. Everett Tredway | Place of residence: | Elmont | Position: | In favor |
|-------|---------------------|---------------------|--------|-----------|----------|

Stated this is the type of business needed in Hanover as it will create jobs, open up local trade and commerce and provide a good activity for children. The facility will take riders from unsafe locations to one safe location.

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|-------|------------------|---------------------|---------------|-----------|----------|
| Name: | Ms. Angie Pruitt | Place of residence: | Eastern Shore | Position: | In favor |
|-------|------------------|---------------------|---------------|-----------|----------|

Stated she is with *Motorcross for Christ* and described their chapel services and activities. Cited the importance of family bonds created by this sport and having activities such as this available to children.

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|-------|-------------------|---------------------|--------------|-----------|----------|
| Name: | Mr. Ed Jackovitch | Place of residence: | Spotsylvania | Position: | In favor |
|-------|-------------------|---------------------|--------------|-----------|----------|

Cited environmental compliance that will be in place, noted noise and dust will be much less than from

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farming.

| | | | | | |
|---|---------------------|---------------------|-------------------|-----------|----------|
| Name: | Mr. Steve Salisbury | Place of residence: | Silver Spring, MD | Position: | In favor |
| Stated the site is ideal for accessibility for clients, ready availability of businesses that will benefit and its environmental suitability. | | | | | |

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|---|-------------------|---------------------|---------|-----------|---------|
| Name: | Mr. Bill Kitchens | Place of residence: | Doswell | Position: | Opposed |
| Cited concerns with noise and stated noise statistics to support his opinion. | | | | | |

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|---|------------------|---------------------|---------|-----------|---------|
| Name: | Ms. Iris Delfore | Place of residence: | Doswell | Position: | Opposed |
| Cited concerns with noise and traffic that is currently experienced by Doswell residents due to the State Fair and Kings Dominion. Stated this facility will increase these issues. | | | | | |

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|--|---------------------|---------------------|---------|-----------|---------|
| Name: | Ms. Lindsey Tingler | Place of residence: | Doswell | Position: | Opposed |
| Stated it is not a good fit for the community. Cited noise concerns and stated it will be disruptive, particularly during worship service. | | | | | |

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|--|-------------------|---------------------|---------|-----------|---------|
| Name: | Mr. James Johnson | Place of residence: | Doswell | Position: | Opposed |
| Cited concerns with noise that is already present from trains, Kings Dominion and the quarry. Stated the jobs that will be created are not long-term. Stated location is closer to Carmel Church and tourism dollars will go there. Also cited traffic concerns. | | | | | |

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|--|-------------------|---------------------|---------|-----------|---------|
| Name: | Ms. Debbie Taylor | Place of residence: | Doswell | Position: | Opposed |
| Cited concerns that property values will be negatively impacted. Also cited concerns with noise, dust and increased traffic in the area. | | | | | |

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|--|---------------|---------------------|---------|-----------|---------|
| Name: | Mr. Bill Ruby | Place of residence: | Doswell | Position: | Opposed |
| Cited concerns with current noise in the area. The proposed facility will increase the problem. Stated most of those who are in favor of the facility do not live in the immediate area. Would prefer a business that would create jobs in the area. | | | | | |

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|--|------------------|---------------------|---------|-----------|---------|
| Name: | Ms. Valerie Hall | Place of residence: | Doswell | Position: | Opposed |
| Stated fumes from racing fuel and dust will pose health hazards. Cited concerns with noise and traffic | | | | | |

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that will be increased and stated the facility will increase the burden on the Doswell EMS staff.

| | | | | | |
|--|---------------|---------------------|---------|-----------|---------|
| Name: | Mr. Doug Wild | Place of residence: | Doswell | Position: | Opposed |
| Cited negative effects to the quality of life for those who live in the community. Noted that those in favor are not life-long residents of the community. | | | | | |

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|--|-----------------|---------------------|---------|-----------|---------|
| Name: | Ms. Regan Waggy | Place of residence: | Doswell | Position: | Opposed |
| Stated hotels and gas stations are cheaper in Carmel Church so those type businesses in Hanover will not see increased revenue. Stated this facility is not the best use of the property and cited noise concerns. | | | | | |

| | | | | | |
|--|-------------------|---------------------|---------|-----------|---------|
| Name: | Ms. Corinne Lucas | Place of residence: | Doswell | Position: | Opposed |
| Stated the facility is not compatible with the Doswell community. Doswell is a business friendly community but the track will cause a loss of quietness, dignity, respectfulness and privacy to the residents. | | | | | |

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|---|-----------------------|---------------------|--------------------|-----------|---------|
| Name: | Ms. Emma Lee Mitchell | Place of residence: | Beaverdam District | Position: | Opposed |
| Cited concerns from business perspective and stated this business will not bring in jobs or provide a tax base and will only provide a negative effect on the residents' quality of life. Noted surrounding properties are zoned M except for this one and current businesses could be negatively impacted. | | | | | |

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|---|----------------------|---------------------|---------|-----------|---------|
| Name: | Mr. E. Richard Swann | Place of residence: | Doswell | Position: | Opposed |
| Spoke on behalf of Jerusalem Baptist Church members. Cited concerns that the noise will disrupt church activities. Noted the community is designated as low to middle income based and a motorcross track will further disenfranchise and compartmentalize residents, lower property values, and make the community less likely to grow and attract new businesses. | | | | | |

| | | | | | |
|---|-------------------|---------------------|---------|-----------|---------|
| Name: | Ms. Dorothy Hites | Place of residence: | Doswell | Position: | Opposed |
| Cited current noise and traffic issues in the areas and stated that the proposed facility will increase the problems. | | | | | |

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Mr. Chenault returned to the podium to rebut the comments in opposition of the proposed facility. He addressed each issue raised and noted there are many residents in the area who are in support.

The Chairman closed the public hearing.

Mr. Stanley detailed many of the aspects to be taken into consideration in this matter, including the economic development factors, zoning, lack of any businesses in the area expressing support, the opposition of the Historical Commission and the cost of increased EMS/Fire calls.

Mr. Stanley made a motion, seconded by Mr. Wade, to deny CUP-4-15 – Randall Everett.

The Board members had a detailed discussion on the various aspects of the proposed facility that were noted by Mr. Stanley and other pros and cons of the facility. Board members discussed the possibility that there may be another site in the County that would be more appropriate for this type facility.

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

Motion to deny approved.

The Chairman announced a brief recessed at 9:05 p.m.

The meeting was reconvened at 9:11 p.m.

Mr. Hazzard made a motion, pursuant to the annual performance review of the County Administrator and the County Attorney, to approve a 3% salary increase which may be applied to their deferred compensation plan to the extent permitted by IRS regulations. The motion was seconded by Mr. Via.

| | Vote: |
|-------------------|-------|
| Wayne T. Hazzard | Aye |
| Aubrey M. Stanley | Aye |
| Sean M. Davis | Aye |

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| | |
|---------------------|-----|
| Angela Kelly-Wiecek | Aye |
| W. Canova Peterson | Aye |
| G. E. “Ed” Via, III | Aye |
| Elton J. Wade, Sr. | Aye |

Motion approved.

XI. Announcements

Mr. Harris announced that there will be two community meetings on the upcoming 2015 bike race. They will be held on August 3rd at 7:00 p.m. at Hanover High School and August 10th at 7:00 p.m. at Atlee High School. Residents and businesses will be notified.

Mrs. Kelly-Wiecek announced that the Atlee High School Girls Softball Team won the State Championship and the Boys Lacrosse Team made the Championship Team.

XII. Adjournment

At 9:14 p.m. the Chairman adjourned the meeting to July 22, 2015 – Hanover County Administration Building – 2:00 p.m.