



**County of Hanover**

**Board Meeting: May 14, 2014**

**Subject:** Approval of Minutes –  
February 26, 2014  
March 5, 2014  
March 12, 2014

**Summary of  
Agenda Item:** The minutes of February 26, 2014, March 5, 2014 and March 12, 2014 are included  
in the packet to be approved.

**County  
Administrator's  
Recommended  
Board Motion:** A motion to approve the Board of Supervisors' minutes of February 26, 2014, March  
5, 2014 and March 12, 2014.

# Board of Supervisors Draft Minutes – February 26, 2014

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 26<sup>th</sup> day of February, 2014, at 2:00 p.m.

Present: Mr. Sean M. Davis, Chairman  
Mr. Wayne T. Hazzard, Vice-Chairman  
Mrs. Angela Kelly-Wiecek  
Mr. W. Canova Peterson  
Mr. Aubrey M. Stanley  
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

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

- A. The invocation was given by Mr. Stanley.
- B. The Pledge of Allegiance was led by Mr. Wade.

## II. Consideration of Agenda Amendments

The Chairman announced that staff had provided a chart for an addition to the consent agenda. Item IV-D adds the consideration of an appointment to the Hanover County Council on Aging.

On a motion by Mr. Hazzard, seconded by Mrs. Kelly-Wieck, the agenda was approved as amended to add Item IV-D to the consent agenda.

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

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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.

Mr. Rick Ryan of the Cold Harbor District spoke on the proposed development at Bell Creek and Pole Green. He expressed concerns with the proposed development.

Mr. Peterson advised Mr. Ryan that there is a community meeting planned for February 27, 2014 where citizens will discuss the proposed development.

Seeing no one else come forward, the Chairman closed citizens' time.

### IV. Consent Agenda

The Chairman entertained a motion for approval of the consent agenda. On a motion by Mr. Stanley, seconded by Mr. Via, the consent agenda was approved.

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

### A. Adoption of Resolution – Acceptance of Streets into the Secondary System of Highways – Meredith Place Subdivision (Henry Magisterial District)

#### Board Sheet Background:

Meredith Place Subdivision is a 59 lot subdivision recorded on November 10, 2009. The Virginia Department of Transportation – Ashland and the Departments of Planning and Public works recommend processing for acceptance of streets in the attached resolution into the state secondary system.

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Recommendation:

Adopt the attached resolution requesting the Virginia Department of Transportation to accept Homeplace Court, Janice Avenue, and Harris Field Road in Meredith Place Subdivision into the Secondary System of State Highways.

On motion of Mr. Davis, seconded by Mr. Via, members of the Board of Supervisors voted to adopt this resolution.

## RESOLUTION

**WHEREAS**, the street(s) described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Hanover County, and

**WHEREAS**, the representative for the Virginia Department of Transportation has advised this Board that the street(s) in **Meredith Place** meets the requirements established by the Virginia Department of Transportation's Subdivision Street Requirements, and

**NOW, THEREFORE, BE IT RESOLVED**, the Board requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form AM-4.3 to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, after receiving a copy of this resolution and all outstanding fees and documents required of the developer, whichever occurs last in time, and

**BE IT FURTHER RESOLVED**, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Area Land Use Engineer for the Virginia Department of Transportation.

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

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### **B. Acceptance of Grant – Fire & EMS - \$215,016 – OEMS/RSAF**

#### Board Sheet Background:

Hanover Fire & EMS has received a grant from the Virginia Office of Emergency Medical Services (OEMS) in the amount of \$268,770 to purchase ten monitor defibrillators. By FY18 all 25 monitor defibrillators will have to be upgraded to the next generation. Under state law, all EMS licensed transport units are required to have a monitor defibrillator on board.

In the current OEMS grant cycle, the state is funding 10 units at 80% (\$215,016). Hanover Fire & EMS is funding the 20% match out of funds proposed in the Capital Improvement Program (CIP). This is a reimbursable grant and the funds will be reimbursed once the monitor defibrillators are purchased.

#### Recommendation:

Motion to accept this grant of \$215,016 from OEMS/RSAF contingent upon the appropriation in the FY15 budget.

### **C. Acceptance of Grant – Fire & EMS - \$390,859 – SAFER Recruitment and Retention Grant**

#### Board Sheet Background:

Hanover Fire & EMS has received a grant from the Federal Emergency Management Agency (FEMA) for the recruitment and retention of the Explorer program consisting of Hanover County students ages 14 to 18. This grant funds uniforms, tuition, physicals, personal protective equipment and educational material to make this program successful. Currently, 35 Explorers are enrolled in this program and 35 new Explorers are expected each year. Upon graduation from the program, the Explorers are eligible to volunteer in the Hanover Fire & EMS system.

This grant provides \$98,081 in FY15, \$96,767 in FY16, \$97,566 in FY17 and \$98,445 in FY18. It requires no local match and there is no obligation after the period of performance.

#### Recommendation:

Motion to approve the acceptance of this grant contingent upon the appropriation in the FY15 budget.

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### **V. Presentation – County Administrator’s Proposed FY 2015 Budget**

Mr. Rhu Harris, County Administrator, came forward to present the FY15 proposed budget. The total general fund budget is \$214.6 million. The largest areas are 35% for education and 26% for public safety. The budget for education is \$74.5 million, public safety/judicial is 55.9 million, debt & capital is 26.1 million, human services is 23.0 million and the remaining amount is 35.1 million. (Note: the entire FY15 proposed budget is filed with the Board papers.)

### **VI. Department Presentations - FY 2015 Budget** (Note: the entire FY15 proposed budget presentations are filed with the Board papers.)

#### Sheriff’s Office

Colonel Hines came forward to give the FY15 budget presentation for the Sheriff’s Office. He informed the Board that Hanover County’s crime rate is lower than nearby localities but the 2013 crime rate increased 2% over 2012.

He gave statistics for the number of incidents for the various types of crimes in Hanover County. He also noted that Hanover has a tremendously high clearance rate. He stressed the importance of the various community partnerships the Sheriff’s Office is involved in as well as the many citizen volunteers who devote time to the department.

The proposed FY15 budget totals \$21,960,364. Colonel Hines explained the need for additional officers and equipment. The Sheriff also explained the need for salaries to be comparable to surrounding localities.

Following his presentation, Colonel Hines answered Board members’ questions.

#### Fire/EMS Department

Chief Piland came forward to give a presentation on the FY15 proposed budget. He began by identifying four key focuses for next four years. They are adequate staffing, IT, health safety and officer development.

Chief Piland explained the department’s request for additional firefighter/medics. They are needed to provide truck company staffing so there is 40-hour coverage during peak hours. Additionally, they are needed to reduce brownouts in Beaverdam, Rockville, Farrington, and Black Creek.

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The proposed CIP calls for one fire pumper, two ambulances, a cascade system replacement and a lifepack replacement grant match.

There has been great success in obtaining funds from grants. The department understands that resources are limited and the team is dedicated to bringing in additional funds from grants.

Mr. Davis thanked Chief Piland and his staff for the work they do on a continual basis and the hours put into preparing the budget. Chief Piland then answered questions from the Board members.

### Schools

Dr. Jamelle Wilson came forward to give a presentation on the FY15 proposed budget. She presented the community expectations, the public budget development process and noted special achievements of the county schools and teachers.

The FY15 School Board approved budget that is proposed before the Board is \$177,730,543. The general fund amount is \$170,725,515. This amount includes the textbook funds. The school nutrition fund is \$7,005, 028.

Proposed are 18 additional instructional positions (14 classroom teachers, 2 gifted teachers, 2 resource teachers) and a 2% salary adjustment. The budget provides funds for maintaining existing benefit plans, healthcare, VRS, restoring SOL funding, increasing instructional material budgets and increasing facility maintenance.

Dr. Wilson thanked the Board of Supervisors on behalf of the School Board for the work they have done. She then answered Board member questions.

### **VII. Legislative Update**

Mr. Rives, County Attorney, reported on the status of the following bills: HB 333, HB 199, HB 527, HB 597, HB 617, HB 1173, HB 1084, HB 1088, HJ 40 Study, SB 48, HB 268, SB 236, HB 209, HB 494, HJ 103 AND SB 340.

There was a discussion on the various potential issues that could arise from HB 1084. Mr. Davis asked Mrs. Kelly-Wiecek to monitor the outcome of this bill as the Planning Committee does the same.

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**VIII. Recess** – The meeting was recessed at 4:59 p.m.

The meeting reconvened at 7:00 p.m.

### **IX. 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.

Mr. Wayne Varnier of the Mechanicsville District spoke on the proposed development at Bell Creek and Pole Green. He has concerns with the proposed development.

Mr. Brian Walton from the South Anna district spoke on the need for a noise ordinance that would regulate kennels.

Ms. Patty Thomas of the Mechanicsville District expressed concerns with the proposed development at Bell Creek and Pole Green. T

Mr. Peterson informed the citizens speaking on the proposed development at Bell Creek and Pole Green that there will be a meeting at the Pole Green Church of Christ at 7:00 p.m. on February 27, 2014 for all concerned citizens.

Seeing no one else come forward, the Chairman closed citizens' time.

### **X. Planning Public Hearings**

**C-29-03(c) AM. 4-13 – Royal Dominion Homes (Mount Hermon Farms)**, Requests an amendment to the proffers approved with rezoning request C-29-03(c), Arthur L. Traylor, Jr., on GPINs 7799-32-7838 and 7799-32-0714, zoned RC(c), Rural Conservation District with conditions, and located on the south line of Mount Hermon Road (State Route 656) at its intersection with Campbell Creek Road (State Route 1071) in the **Beaverdam Magisterial District**. The proposed zoning amendment would amend the cash proffer.

Mr. Maloney came forward to present C-29-03(c) AM. 4-13 – Royal Dominion Homes (Mount Hermon Farms).

Mr. Davis asked if Board members had any questions.

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Hearing none, he opened the public hearing and asked that anyone wishing to speak for or against the matter come forward. Seeing no one come forward, Mr. Davis closed the public hearing.

On motion of Mr. Stanley, seconded by Mr. Hazzard, the members of the Board of Supervisors voted to approve Ordinance C-29-03(c), Am. 4-13, Royal Dominion Homes.

### **ORDINANCE C-29-03(c), AM. 4-13**

OWNER OF RECORD: ROYAL DOMINION HOMES

**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 26<sup>th</sup> day of February, 2014, 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-29-03(c), Arthur L. Traylor, Jr., of the property described as GPINs 7799-32-7838 and 7799-32-0714, located on the south line of Mount Hermon Road (State Route 656) at its intersection with Campbell Creek Road (State Route 1071) (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 January 24, 2014 and February 24, 2014, 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 Three Hundred Six and 00/100 (\$2,306.00) per single family unit

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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 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 (DriVit) in which case the foundation may be of like material. Above the foundation exterior of the houses shall be constructed of brick, stone, synthetic stucco (DriVit), premium vinyl siding or concrete-based siding material (Hardi Plank).
3. Minimum house size shall be 2,500 square feet. Minimum floor area shall not include garages or breezeways in any category. Floor area shall be measured along the exterior walls of the structure.
4. There shall be no removal of trees of five-inch (5”) or larger caliper in the required rear and side yard area of each building lot, as defined by the Zoning Ordinance, with the exception of dead or diseased trees. This, however, shall not prevent the removal of trees necessary for construction of improvements, driveways, utility easements, drain fields, drainage facilities, wells, swimming pools, or basketball or tennis areas. In addition, this shall not prevent the removal of trees for open areas in the Common Open Space areas as shown on the Conceptual Plan. No trees five inches (5”) in caliper or greater may be cleared in the remaining area of the Common Open Space with the exception of clearing necessary for the installation of utilities.
5. The Property Owner agrees to dispose of or stabilize all fill material located on the Property in compliance with all applicable federal, state, and local guidelines and regulations. The Property Owner shall also provide a Groundwater Risk Analysis as recommended in the memo prepared by the County’s Environmental Consultant EEE on May 5, 2004, to determine the potential for any risk to groundwater and well contamination. The Property Owner shall submit a remediation plan (“the Plan”) and Groundwater Risk Analysis or Groundwater Sample Analysis with the

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construction plans for the project. The Plan shall indicate the steps the Property Owner will undertake to properly dispose of, remediate, or stabilize the areas of unconsolidated fill or contamination. The Plan and the Groundwater Risk Analysis or sample shall be submitted to Hanover County no later than one year following rezoning. The Plan shall include cost estimates for the removal and disposal of any necessary material, the stabilization of the consolidation fill areas and, should the results of the Groundwater Risk Assessment or sample indicate a risk to human health or the environment, the remediation of ground water and/or contaminated soils in accordance with applicable guidelines and/or regulations. The Plan shall be reviewed by the Department of Public Works. The Property Owner agrees to modify the Plan as required by the Department of Public Works. The Property Owner acknowledges that the Department of Public Works shall only approve the Plan if the Plan meets all federal, state, and local requirements and guidelines, and the Plan results in the complete remediation of the conditions and eliminates the risk to human health or the environment resulting from the fill activity.

All remediation work described herein shall be bonded as a subdivision improvement in an amount determined by the Department of Public Works to be adequate for the completion of the remediation work. The location of all fill areas on the Property shall be shown on the final record plat for the Property. No building permits shall be issued by the County until all remediation work has been completed on the Property.

Should any unidentified fill material be discovered on the Property during the design or construction phase, the owner shall dispose of this fill material in conformity with all federal, state, and local statutes, regulations, and standards.

6. The Property Owner agrees to dedicate twenty-five (25') feet of right-of-way from the centerline of Mount Hermon Road (State Route 656) to the Property for future road widening free of cost to the County, upon request of the County or VDOT.
7. The Property Owner shall build the internal road to VDOT standards and specifications for residential subdivisions and the internal roads shall be dedicated to VDOT for maintenance and acceptance into the State highway system.

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8. The Property Owner shall provide an ingress and egress easement as shown on the Conceptual Plan to the owner of GPIN 7799-11-7150. A deed of easement shall be recorded prior to or concurrently with recordation of the Subdivision Plat.
9. The Property Owner, his successors or assigns shall have developed a timber management plan for the timber located on the Preservation area and the Common Open Space areas as shown on the Conceptual Plan titled “Mt. Hermon Farms, Beaverdam District, Hanover County, Virginia, Conceptual Plan” by Resource International, LTD., dated December 15, 2003, (herein referred to as the “Timber Plan”). Said Timber Plan will be delivered to the Hanover County Planning Office prior to construction plan approval. Any thinning of timber recommended by the Timber Plan to be done immediately will be carried out prior to issuance of any building permits. The Owner, his successors or assigns reserve the right to cut, thin or otherwise remove timber from the said Common Open Space and Preservation Area as the Timber Plan and any of its amendments may recommend.
10. The Property Owner shall provide a drilled deep well upon each lot. Should production from the deep well prove inadequate for requisite household use with respect to either quantity or quality, a shallow well may be used.

**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.

Vote:

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

**C-39-05(c) AM. 2-13 – Royal Dominion Homes (Hickory Hill)**, Requests an amendment to the proffers approved with rezoning request C-39-05(c), Hickory Hill, L.L.C., on GPINs 7890-61-3804 and 7890-52-7082, zoned RC(c), Rural Conservation District with conditions, and located

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on the north line of East Patrick Henry Road (State Route 54) approximately 2,000 feet east of its intersection with Goddins Hill Road (State Route 798) in the **Beaverdam Magisterial District**. The proposed zoning amendment would amend the cash proffer.

Mr. Maloney came forward to present C-39-05(c) AM. 2-13 – Royal Dominion Homes (Hickory Hill).

Mr. Davis asked if Board members had any questions.

Hearing none, he opened the public hearing and asked that anyone wishing to speak for or against the matter come forward. Seeing no one come forward, Mr. Davis closed the public hearing.

On motion of Mr. Stanley, seconded by Mr. Hazzard, the members of the Board of Supervisors voted to approve Ordinance C-39-05(c), Am. 2-13, Royal Dominion Homes.

### **ORDINANCE C-39-05(c), AM. 2-13**

OWNER OF RECORD: ROYAL DOMINION HOMES

**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 26<sup>th</sup> day of February, 2014, 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-39-05(c), Hickory Hill, L.L.C., of the property described as GPINs 7890-61-3804 and 7890-52-7082, located on the north line of East Patrick Henry Road (State Route 54)

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approximately 2,000 feet east of its intersection with Goddins Hill Road (State Route 798) (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 November 1, 2013, and accepted by the Board:

1. Cash Proffers. The Property Owner, for himself, his successors and assigns, agrees to pay Hanover County, prior to the issuance of a Certificate of Occupancy for the Property, the amount of Two Thousand Five Hundred Seventy-Four and 00/100 (\$2,574.00) 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 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. Dwelling Size. The minimum dwelling size shall be 2,000 square feet for a one-story dwelling and 2,500 for a one and one-half or two story dwelling. Minimum floor area shall not include garages or breezeways in any category. Floor area shall be measured along the exterior walls of the structure.
3. Tree Preservation. The required rear and side yard area of each lot, as required by the Zoning Ordinance, along with a minimum of 50 feet front setback shall be selectively cut with no cutting of trees of 5-inch caliper or greater to be allowed. Additional clearing may be allowed (i) when said areas may be used for driveways, wells, drainfields, drainage and utility easement when necessary for dwelling or all other outbuilding construction and/or (ii) when required by the County of Hanover, and then only to the minimum extent necessary, except when cutting is permitted in accordance with approved grading plans, issued by the Public Works Department. The foregoing shall not prohibit the removal of dead or diseased trees. In addition, trees may be cut wherever necessary to establish required storm water detention, or drainage facilities.
4. Homeowners Association. Prior to the conveyance of the first lot, the Property Owner shall cause to be formed a Homeowners Association in which membership will be required of all lot owners. The Homeowners Association shall be charged

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with maintenance of the common areas, the street lights, the signage, the sidewalks, and the pedestrian trails. Control of the Homeowners Association shall be relinquished by the Property Owner when 75 percent of the lots are developed and owner occupied, but nothing contained herein shall prevent the Property Owner from retaining architectural control until all lots are developed. All common areas shall be conveyed by the Property Owner, subject to the further provisions hereof, to the Homeowners Association upon its formation. The Property Owner may reserve the right to enter upon the common areas to install utilities and to complete the improvements contemplated by these proffers.

5. Architectural Control. An architectural control committee shall be created by restrictive covenants applicable to the Property which shall be filed by the Property Owner prior to recordation of the subdivision plat. House plans shall be approved by the architectural control committee prior to the issuance of a building permit by Hanover County, and all applications for building permits shall be accompanied by verification by the architectural control committee or its representative that the requested structure has been approved.
6. Cemeteries.
  - A. Should a grave or cemetery, not reflected on the Conceptual Plan, be discovered at any point in the development of the subject Property that cannot remain in its current location and must be relocated, the Property Owner shall remove and relocate the human remains from the cemetery through the permit procedure administered by the Virginia Department of Historic Resources. The Property Owner shall be responsible for all costs and expenses associated with the cemetery removal or relocation.
  - B. The Property Owner agrees to grant ingress and egress easements for the purpose of accessing the cemeteries located on the Property to the families of those interred in said cemeteries.
  - C. The Property Owner agrees to employ an Archeologist to study the Slave Cemetery shown on the Conceptual Plan to determine the boundaries of the cemetery. The Property Owner agrees to build a

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fence around the boundary of the cemetery and place a suitable marker identifying the cemetery.

7. Dedication of Right-of-Way – Patrick Henry Road (State Route 54). The Owner agrees to dedicate 50 feet of right-of-way from the centerline of Patrick Henry Road (State Route 54) to the property for future road widening, free of cost to the County, upon request of the County or VDOT.
8. Dedication of Right-of-Way – Providence Church Road. The Owner agrees to dedicate 25 feet of right-of-way from the centerline of Providence Church Road to the property for future road widening, free of cost to the County, upon request of the County or VDOT.
9. Transportation Improvements. Transportation improvements to be constructed in accordance with VDOT standards and specifications:
  - A. SR54/West Access Driveway (Plantation Way). The southbound access driveway shall be configured to include at least one inbound and one outbound lane. The southbound approach shall be STOP controlled and constructed in accordance with *VDOT Road Design Manual: Appendix B, Subdivision Design Guide and the Minimum Standards of Entrances to State Highways*. A left turn land shall be provided with 200 feet of storage length and 200 feet of taper.
  - B. SR54/East Site Driveway (Wickham’s Crossing). The east access driveway shall be configured to include a shared left/right-turn lane. The configuration shall be configured to include at least one inbound and one outbound lane. The southbound approach shall be STOP controlled and constructed in accordance with *VDOT Road Design Manual: Appendix B, Subdivision Design Guide and the Minimum Standards of Entrances to State Highways*. A left turn land shall be provided with 200 feet of storage length and 200 feet of taper.
  - C. I-95 Southbound Off-Ramp/SR54. A left turn lane shall be provided for westbound SR 54 to southbound I-95 with 150 feet of storage length and 75 feet of taper.

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10. Manor House, Preservation.
- A. The current historic structures including the manor house and associated dependencies including approximately 50 acres as shown on the Conceptual Plan will be sold as a subdivision lot to a person or entity that exhibits the desire to preserve and or restore the historic structures, subject to subparagraph B below.
- B. An open-space preservation easement that conforms to the standards designated by the Virginia Board of Historic Resources shall be recorded to preserve the historic, architectural, archaeological and cultural resources located on the portion of the Property comprising approximately 50 acres including the manor house, family cemetery and the majority of the historic outbuildings. This lot is depicted on the Conceptual Plan. The timing of the recordation of this easement shall not be dependent on the approval of recordation of any subdivision plat.

**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.

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

**C-13-13(c) – Sandra B. and Michael A. Jalbert**, Request to rezone from A-1, Agricultural District to AR-6(c), Agricultural Residential District with conditions on GPIN 8717-58-3801, consisting of approximately 4.86 acres, and located in the southeast quadrant of the intersection of Shannondale Road (State Route 1763) and Georgetown Road (State Route 651) in the **Henry Magisterial District**. The subject property is designated on the General Land Use Plan Map as

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Agricultural. The proposed zoning amendment would permit the creation of one additional building lot for a gross density of one (1) dwelling unit per 2.43 acres.

Mr. Maloney came forward to present C-13-13(c) – Sandra B. and Michael A. Jalbert.

Mr. Davis asked if Board members had any questions.

Hearing none, he opened the public hearing and asked that anyone wishing to speak for or against the matter come forward. Seeing no one come forward, Mr. Davis closed the public hearing.

On motion of Mr. Davis, seconded by Mr. Wade, the members of the Board of Supervisors voted to approve Ordinance C-13-13(c), Sandra B. and Michael A. Jalbert.

### ORDINANCE C-13-13(c)

OWNER OF RECORD: SANDRA B. AND MICHAEL A. JALBERT

**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 26<sup>th</sup> day of February, 2014, 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 8717-58-3801, consisting of 4.86± acres located in the southeast quadrant of the intersection of Shannondale Road (State Route 1763) and Georgetown Road (State Route 651), (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

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conditions which were proffered by the Applicant on December 13, 2013, and accepted by the Board:

1. Conceptual Plan. The property shall be divided in substantial conformity with the conceptual plan attached, titled “Conceptual Plan for a two lot division of GPIN 8717-58-3801 located at the Southeast Corner of Georgetown and Shannondale Road in Henry District Hanover County,” dated October 3, 2011, and prepared by Goodfellow, Jalbert, Beard and Associates.
2. Tree Preservation. Existing trees of 5 inch caliper or greater on the Property shall not be removed with the exception of dead, hazardous, or diseased trees or parts thereof. This shall not prevent the removal of trees necessary for the construction of improvements, fencing, driveways, drainfields, or drainage facilities. Suppressed and overcrowded trees may be thinned out to improve forest health and/or provide vistas. Any additional clearing for forestal health purposes shall be conducted under the guidance of the Department of Forestry, and such guidance shall be submitted to the Hanover County Planning Department prior to implementation of the recommended forestry practice.
3. Access. No lot shall have access to the existing 20’ right-of-way that runs along the southern boundary of the Property.
4. Contribution for Road Improvements. The 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 Three Hundred Six and 00/100 (\$2,306.00) 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 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.
5. Dedication of Right-of-Way. The Owner agrees to dedicate thirty (30) feet of right-of-way from the centerline of Georgetown Road (State Route 651) to the property for the future road widening, free of cost to the County, upon request of the County or VDOT.

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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.

Vote:

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

Mr. Maloney came forward to present C-32-07(c) AM 1-13 and CUP-22-07 AM 1-13 concurrently. Mr. Stanley noted for the record that he has been a member of this foundation for a number of years but has no financial interest in the foundation.

**C-32-07(c) AM. 1-13 – Beaverdam Heritage Days Foundation, ET AL.,** Requests an amendment to the proffers and conceptual plan approved with rezoning request C-32-07(c), John K. Thompson, et al. on GPINs 7826-67-3848 and 7826-68-4236, consisting of approximately 9.23 acres, located on the west line of Beaver Dam Road (State Route 715) approximately 310 feet west of its intersection with Beaverdam School Road (State Route 739) in the **Beaverdam Magisterial District**. The subject property is designated on the General Land Use Plan Map as Rural Village. The proposal is to amend the conceptual plan in order to accomplish a lot line adjustment and to add a barn structure.

**CUP-22-07 AM. 1-13- Beaverdam Heritage Days Foundation, ET AL.,** Request an amendment to a Conditional Use Permit in accordance with Section 26-110.14 of the Hanover County Zoning Ordinance to permit the addition of 0.25 acres and to add a barn structure on GPINs 7826-67-3848 and 7826-68-4236, consisting of approximately 9.23 acres. The area of the Conditional Use Permit will be limited to approximately 2.42 acres. The property is zoned B-1(c), Neighborhood Business District with conditions, and is located on the west line of Beaver Dam Road (State Route 715) approximately 310 feet west of its intersection with Beaverdam

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School Road (State Route 739) in the **Beaverdam Magisterial District**. The subject property is designated on the General Land Use Plan Map as Rural Village.

Mr. Davis asked if Board members had any questions.

Hearing none, he opened the public hearing for both items and asked that anyone wishing to speak for or against the matter come forward. Seeing no one come forward, Mr. Davis closed the public hearing.

On motion of Mr. Stanley, seconded by Mr. Hazzard, the members of the Board of Supervisors voted to approve Ordinance C-32-07(c), Am. 1-13, Beaverdam Heritage Days Foundation, et al.

### **ORDINANCE C-32-07(c), AM. 1-13**

**OWNER OF RECORD:** BEAVERDAM HERITAGE DAYS FOUNDATION EL AL.

**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 26<sup>th</sup> day of February, 2014, 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 and conceptual plan approved with rezoning request C-32-07(c), John K. Thompson, et al., described as GPINs 7826-67-3848 and 7826-68-4236, consisting of 9.23 ± acres located on the west line of Beaverdam Road (State Route 715) approximately 310 feet west of its intersection with Beaverdam School Road (State Route 739), (a detailed description is filed with the Board's papers) currently zoned B-1(c), Neighborhood Business District with conditions, subject to the following

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conditions which were proffered by the Applicant on February 5, 2014, and accepted by the Board:

1. Conceptual Plan. The driveways shall be located in substantial conformity with the conceptual plan attached and titled “Beaverdam Heritage Day Foundation Sketch Plan,” prepared by Downing Surveys, Inc., dated August 27, 2008, revised August 5, 2010, and received October 24, 2013. A conceptual plan shall be submitted to the Planning Commission for review and approval, at its sole discretion, for any proposed use on “Parcel B”, prior to site plan approval.
2. Elevations and Exterior Materials. The proposed historical museum and learning center on “Parcel A” shall be constructed in substantial conformity with the elevations received December 3, 2007. Elevations for any structure constructed on “Parcel B” or any use other than a museum and learning center on “Parcel A” must be submitted to the Planning Commission for review and approval, at its sole discretion, prior to site plan approval.
3. Signage. All freestanding signage in the B-1 District shall be monument style. Wall signs shall be designated in accordance with B-1 district standards.
4. 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.
5. Dedication of Right-of-Way. The Owner agrees to dedicate 30 feet of right-of-way from the centerline of Beaverdam Road (State Route 715) to the property for future road widening, free of cost to the County, upon request of the County or VDOT.
6. Use Prohibitions. The property shall only be for general retail and office use. Such uses shall not include drive-in service.
7. HVAC. Screening shall be designed so as to block such units from view by persons on any public streets immediately adjoining the B-1 zoned property, or from adjacent residential uses. Any units placed on the ground shall also be screened from view by a person on any public street, utilizing wing walls, fencing, or landscaping.

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8. Lighting. The Property Owner shall provide lighting in the B-1 zoning districts not greater than twenty-five (25) feet in height, and such lighting shall be so arranged as to reasonably protect adjacent properties from direct glare or hazardous interference.
9. Outside Storage. There shall be no outside storage of equipment, materials, or supplies, except that an outdoor trash receptacle may be used if it is enclosed within an area that is completely screened from view in a manner that is architecturally compatible with the buildings on site. Chain link, wire mesh, and similar fence materials shall not be permitted.

**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.

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

Mr. Stanley made a motion to approve CUP-22-07, Am. 1-13, Beaverdam Heritage Days Foundation, et al., subject to conditions as outlined in the staff report. Mr. Hazzard seconded the motion.

### RESOLUTION

**WHEREAS** after a public hearing held on this 26<sup>th</sup> day of January, 2014, as advertised in the Herald-Progress once a week for two successive weeks as required by Virginia Code, Section 15.1-431 and the Hanover County Code.

**NOW, THEREFORE, BE IT RESOLVED** that Commonwealth Soccer Programs Commonwealth Soccer Programs, is granted a Conditional Use Permit in accordance with Section 26-110.14 of the Hanover County Zoning Ordinance to permit the addition of 0.25 acres to the area of the Conditional Use Permit on GPINs 7826-67-3848 and 7826-68-4236, consisting of 9.23 acres (the area of the Conditional Use Permit will be limited to 2.42 acres), zoned B-1(c),

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Neighborhood Business District with conditions, subject to the following conditions, which incorporate all of the applicable conditions from previous amendments:

1. All requirements of the Public Works Department, Public Utilities Department, Fire Department, Health Department and Building Inspector’s Department shall be met.
2. All development and use of the Property shall comply with all federal, State, and local statutes, ordinances and regulations.
3. The entrance shall meet minimum sight distance requirements and shall be designed and constructed according to VDOT standards and specifications.

The site plan for this site will need to be amended to complete the addition of acreage to the area of the CUP, and it will have to be in accordance with the sketch plan. At such time in the future when the CUP is amended to add a barn structure, modifications to the conditions will be reconsidered. The Planning staff will be glad to assist you in this process.

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

Motion approved.

### **XI. Announcements**

Mr. Stanley recognized Mr. Joseph Monolo, former School Board member, and his wife, Sandy. They are a very big part of Beaverdam Heritage Day and devote many hours to the Montpelier Center and other western Hanover organizations. He thanked them for their attendance and for their continued community involvement.

Mr. Davis reminded all those present that the Board Members are available to answer questions about any of the budget proposals. Constituents are welcome to contact their representative.

Mrs. Angela Kelly-Wiecek announced that her Annual Budget Town Hall will be held at 7:00 p.m. at Chickahominy Middle School on Monday, March 3, 2014.

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### **XII. Adjournment**

At 7:29 p.m., the Chairman adjourned the meeting to March 5, 2014 - Hanover County Administration Building – 2:00 p.m.

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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 5<sup>th</sup> day of March, 2014, at 2:00 p.m.

Present: Mr. Sean M. Davis, Chairman  
Mr. Wayne T. Hazzard, Vice-Chairman  
Mrs. Angela Kelly-Wiecek  
Mr. W. Canova Peterson  
Mr. Aubrey M. Stanley  
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**

The Chairman called the meeting to order at 2:00 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. Via.

## **II. Consideration of Agenda Amendments**

The Chairman asked if there were any agenda amendments. Hearing none, moved to citizens’ time.

## **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 no one come forward, the Chairman closed citizens’ time.

## **IV. FY15 Budget Presentations** (Note: All FY15 budget presentations are filed with the Board papers.)

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## **Overview**

Ms. Shelly Wright, Budget Division Director, Department of Finance, gave an overview of the presentations to be made that afternoon.

## **Revenues & Five Year Plan**

Ms. Kathleen Seay, Director of Finance and Management Services, gave a presentation on revenues and the five-year plan. The all-funds revenue total for FY15 is \$390.6 million. This is up 4.8% or \$18 million from FY14. The FY15 general fund revenues are \$214.6 million total; up 3.3% or \$6.8 million from FY14.

The five-year plan for real property assumptions maintains a real property tax rate of \$0.81. The FY15 budget assumes a 1.5% increase in reassessments and a 2.0% increase in the growth rate for a net increase of 3.5%. The FY15 budget assumes a 1.5% increase in reassessments and a 2.0% increase in the growth rate for a net increase of 3.5%.

Mrs. Kelly-Wiecek asked about the recycling fee. Mr. Harris responded that these are charged to the subdivisions who have decided to opt in. Mrs. Kelly-Wiecek wanted to reiterate that that increase does not represent any revenue to the county.

There was a discussion on rate assessments and other growth.

## **Commonwealth Attorney's Office**

Mr. Tripp Chalkley, Hanover County Commonwealth Attorney, came forward and gave a presentation on the proposed FY15 budget for the Commonwealth Attorney's office. He explained the necessity of pay increases for his staff in order for them to be comparable to surrounding localities. Currently the salaries are significantly lower than those localities.

## **Compensation and Benefits**

Mrs. Janet Lawson, Director of Human Resources, came forward and gave a presentation on the proposed FY15 budget. The proposed FY15 budget includes the addition of 20.75 full-time equivalents (FTEs), stable health insurance costs, reinstatement of funds for the tuition assistance program, a 2% merit increase for all eligible employees, and pay grade adjustments to specific positions in public safety and judicial administrative departments.

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With a proposed 2% merit increase, the cost of our benefits will also increase incrementally. In FY15, we anticipate a 2.4% increase in health insurance costs.

The proposed FY15 budget restores the Tuition Assistance Program to comparable funding in FY13.

There was a discussion on the requested positions and how this relates to positions that were previously lost.

There was a discussion about the DMV position. Hanover County is getting a commission for providing this service to DMV customers. The fees paid for DMV services provided at Hanover County are not higher than those paid at other DMV locations.

### **Public Utilities**

Mr. Steve Herzog, Director of Public Utilities, came forward and gave a presentation on the proposed FY15 budget. He explained in detail the business model. Operating expenses for FY15 were detailed for wages, benefits, operations, purchased services and debt service.

The capital improvement program expenses were detailed for renewal/replacement as well as expansion/enhancement projects.

Proposed inflationary type rate increases are as follows: 4% water and 1% sewer fee increase for combined 2.1% increase for typical residential customer and a 2.5% capacity fee increase.

There was discussion on the capacity fees and the difference in calculating between residential and commercial. Mr. Herzog answered questions from Board members concerning increased capacity fees and future growth.

Mr. Davis left the room at 3:25 p.m.

Mr. Davis returned at 3:26 p.m.

Mr. Davis announced a brief recess at 3:30 p.m.

The meeting reconvened at 3:35 p.m.

### **V. Request to Set Public Hearings and Authorization to Advertise the Notices of Public Hearings on the County Administrator's FY 15 Proposed Budget and Related Items**

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Ms. Wright explained that a public hearing and the associated advertisement will be necessary to proceed with the budget process.

Mr. Hazzard made a motion to authorize a public hearing at 7:00 p.m. on March 26, 2014, in the Board Room of the Administration Building on the FY15 Proposed Budget, the FY15-19 CIP, the FY15-19 General Fund Financial Plan, the 2014 Tax Rates and ordinance changes and to authorize the advertisement of the public hearing, seconded by Mr. Via.

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

Motion approved.

### **VI. Announcements**

Mrs. Kelly-Wiecek announced that her Budget Town Hall has been rescheduled for March 10, 2014 at 7:00 p.m. at Chickahominy Middle School.

### **VII. Adjournment**

At 3:40 p.m., the Chairman adjourned the meeting to March 12, 2014 - Hanover County Administration Building – 2:00 p.m.

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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 12<sup>th</sup> day of March, 2014, at 2:00 p.m.

Present: Mr. Sean M. Davis, Chairman  
Mr. Wayne T. Hazzard, Vice-Chairman  
Mrs. Angela Kelly-Wiecek  
Mr. W. Canova Peterson  
Mr. Aubrey M. Stanley  
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

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

- A. The invocation was given by Mr. Hazzard.
- B. The Pledge of Allegiance was led by Mr. Via.

## II. Consideration of Agenda Amendments

Mr. Hazzard stated that there are two items to be added to Item VII of the agenda. The first will be an Explanation of the Fund Balance given by Mrs. Seay and the second will be Board Members’ Budget Amendments.

On a motion by Mr. Hazzard, seconded by Mr. Stanley, the agenda was amended to add these two items to Item VII of the agenda.

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

Motion approved.

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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.

Ms. Gwen Townsend from the Cold Harbor Magisterial District came forward to address the Board concerning a tannerite explosion that occurred near her home on Sunday, March 9, 2014 at 3:30 p.m.

Mr. William A. Powell, Jr. from the Cold Harbor Magisterial District came forward to speak on the same issue of the recent tannerite explosion.

Ms. Ann Blanks from the Cold Harbor Magisterial District came forward to speak on the same issue of the recent tannerite explosion.

Mr. Davis thanked the citizens for their attendance and comments. He stated that there has been discussion with Colonel Hines and there is ongoing consultation with the Commonwealth Attorney and the appropriate authorities on this issue.

Seeing no one else come forward, the Chairman closed citizens' time.

### IV. Consent Agenda

The Chairman entertained a motion for approval of the consent agenda. On a motion by Mr. Stanley, seconded by Mr. Via, the consent agenda was approved.

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

#### A. Request for Conditional Use Permit Extension – CUP-19-90, Am. 1-09, Hanover County Board of Supervisors (Beaverdam Magisterial District)

##### Board Sheet Background:

A Conditional Use Permit (CUP) extension is requested to allow additional time to complete the design and begin construction of the new Hanover County Courts

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building. The CUP (CUP-19-90) was approved for uses within the Hanover County government complex and was amended on March 25, 2009, (Am. 1-08), to add the area designated for the new courts facility. The CUP was last amended on October 28, 2009, (Am. 1-09), to exclude the structures in the Old Courthouse Historic Preservation Overlay. The approved conditions included an expiration date of five-years from the date of approval; therefore, the CUP will expire on October 28, 2014, if not extended by the Board of Supervisors. Design and construction of the new courts building was delayed due to the economic recession. The County's budget now supports the new facility. Design of the new courts building is currently being finalized. Site plan submittal is anticipated during the spring of 2014. Construction is expected to begin during the spring of 2015, with completion anticipated in late 2016 or early 2017.

Based on construction scheduling detailed in the application, the Planning Department recommends approval of a three-year extension.

### Recommendation:

Approval of the extension of Conditional Use Permit, CUP-19-90, Am. 1-09, until March 31, 2017, subject to the conditions.

## **B. Acceptance of Grant Award and Appropriation – Fire•EMS - \$85,898 – Toughpads**

### Board Sheet Background:

Hanover Fire•EMS received a grant from the State Office of Emergency Medical Services (OEMS) in the amount of \$85,898 to purchase twenty nine (29) units of the Panasonic Toughpad. This will outfit OEMS licensed EMS vehicles with a Toughpad. Hanover County will be responsible for software, vehicle mounts and accessories which will be paid for out of existing funds in the CIP.

Finance and Management Services concurs with this request.

### Recommendation:

Accept the State OEMS grant award and approve an appropriation in the amount of \$85,898 to the FY14 Capital Improvements Program (CIP) budget.

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### **C-1. Adoption of Proclamation – Eagle Scout – Kyle Scott Vaughan - South Anna Magisterial District**

On motion of Mr. Hazzard, seconded by Mr. Via, members of the Board of Supervisors voted to adopt this Proclamation.

#### **PROCLAMATION**

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

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

**WHEREAS** Kyle Scott Vaughan 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 8<sup>th</sup> day of October, 2013, Kyle Scott Vaughan attained the rank of Eagle Scout, the highest award granted by the Boy Scouts of America; and

**WHEREAS** to achieve this high honor Kyle Scott Vaughan carried out a community project by renovating the South Anna Elementary School Lobby including installation of an electronic bulletin board for real-time update of announcements or display of information such as the school calendar, student artwork, and pictures of school events; and

**WHEREAS** Kyle Scott Vaughan 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 Kyle Scott Vaughan and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

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

### **C-2. Adoption of Proclamation – Eagle Scout – Nathan T. Dunham - South Anna Magisterial District**

On motion of Mr. Hazzard, seconded by Mr. Via, members of the Board of Supervisors voted to adopt this Proclamation.

### **PROCLAMATION**

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

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

**WHEREAS** Nathan T. Dunham is a resident of the South Anna Magisterial District in Hanover County, Virginia, and a 2013 graduate of Patrick Henry High School; and

**WHEREAS** on the 24<sup>th</sup> day of October, 2012, Nathan T. Dunham attained the rank of Eagle Scout, the highest award granted by the Boy Scouts of America; and

**WHEREAS** to achieve this high honor Nathan T. Dunham carried out a community project at Montpelier Park by measuring the fitness trail and installing distance markers, a map, and park benches; and

**WHEREAS** Nathan T. Dunham 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

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**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 Nathan T. Dunham and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

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

**C-3. Adoption of Proclamation – Eagle Scout – Joseph Andrew Davis - South Anna Magisterial District**

On motion of Mr. Hazzard, seconded by Mr. Via, members of the Board of Supervisors voted to adopt this Proclamation.

### PROCLAMATION

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

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

**WHEREAS** Joseph Andrew Davis is a resident of the South Anna Magisterial District in Hanover County, Virginia, and a 2013 graduate of Patrick Henry High School; and

**WHEREAS** on the 22<sup>nd</sup> day of May, 2013, Joseph Andrew Davis attained the rank of Eagle Scout, the highest award granted by the Boy Scouts of America; and

**WHEREAS** to achieve this high honor Joseph Andrew Davis carried out a community project by designing and building a permanent wooden structure to benefit

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the Patrick Henry High School Marching Band providing a safe, covered platform to be used by band leadership during outdoor practice sessions; and

**WHEREAS** Joseph Andrew Davis 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 Joseph Andrew Davis and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

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

### **C-4. Adoption of Proclamation – Eagle Scout – Charles Edward Pemberton - Beaverdam Magisterial District**

On motion of Mr. Stanley, seconded by Mr. Via, members of the Board of Supervisors voted to adopt this Proclamation.

### **PROCLAMATION**

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

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

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**WHEREAS** Charles Edward Pemberton is a resident of the Beaverdam Magisterial District in Hanover County, Virginia, and a senior at Patrick Henry High School; and

**WHEREAS** on the 8<sup>th</sup> day of October, 2013, Charles Edward Pemberton attained the rank of Eagle Scout, the highest award granted by the Boy Scouts of America; and

**WHEREAS** to achieve this high honor Charles Edward Pemberton carried out a community project at Montpelier Park by building and installing sign posts along the trail describing the existing plants, trees and animals; and

**WHEREAS** Charles Edward Pemberton 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 Charles Edward Pemberton and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

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

### **V. Resolution Commemorating the Sesquicentennial of the Civil War in Hanover County and Recognizing April of 2014 and Subsequent Years as Civil War History in Hanover Month.**

Mr. Stanley stated that many of his constituents have asked for a resolution recognizing April for Civil War history for a long time. The Sesquicentennial of the Civil War is a very good time to make this resolution.

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On a motion by Mr. Stanley, seconded by Mr. Wade, the members of the Board of Supervisors voted to approve this Resolution.

### **A RESOLUTION COMMEMORATING THE SESQUICENTENNIAL OF THE CIVIL WAR IN HANOVER COUNTY AND RECOGNIZING APRIL OF 2014 AND SUBSEQUENT YEARS AS CIVIL WAR HISTORY IN HANOVER MONTH**

**WHEREAS** the Spring of 2014 marks the 150 year anniversary of an especially historic time in Hanover County when it became a decisive battleground during the fourth year of the American Civil War; and

**WHEREAS** the elaborate strategic maneuvers of General Robert E. Lee and General Ulysses S. Grant and their respective commanders, as well as the determined and heroic combat by the soldiers of the Confederate Army of Northern Virginia and of the United States Army of the Potomac began in Hanover County on May 9-11 of 1864 when cavalry forces led by USA Major General Phillip Sheridan and CSA Major General J.E.B. Stuart maneuvered and skirmished through Hanover from Anderson's Ford on the North Anna River down to Yellow Tavern where a fierce battle resulted in the death of Major General Stuart, a crippling loss for General Lee and the Confederate Army; and

**WHEREAS** more than 150,000 Union and Confederate soldiers occupied fortifications along the North Anna River between May 23 and May 26, 1864, from which, after brief fighting and much tactical movement, the Union forces moved to the south and to the east where they were met again by the Confederate troops at Totopotomoy Creek May 29 through 31; and

**WHEREAS** the Union troops moved again to the site of the Battle of Cold Harbor which took place between May 31 and June 12, 1864, and is remembered as one of American history's bloodiest battles; and

**WHEREAS**, as a result of this determined Confederate defense, General Grant was forced to abandon his direct assault on the City of Richmond and skirt around the Capital of the Confederacy to begin what became a nine-month siege of the City of Petersburg; and

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**WHEREAS** Hanover County was the site of many other important battles throughout the course of the war, including those fought at Beaverdam, Hanover Courthouse, Beaverdam Creek near Mechanicsville, Gaines Mill, Haw’s Shop/Enon Church, Peak’s Station and Watt House: and

**WHEREAS** April is an especially significant month in the history of the Confederacy because April was the month in 1861 when the Virginia Secession Convention in Richmond adopted an ordinance declaring Virginia to be a free and independent State, and April of 1865 marks the surrender of the army of Northern Virginia at Appomattox Courthouse and the fall of the last capital of the Confederacy in Danville, Virginia; and

**WHEREAS** the people of Hanover County were loyal to Virginia and fought valiantly to defend their Commonwealth, their homes and their families; and

**WHEREAS** the American Civil War was a conflict that divided not only the nation, but also many families and friends, where over 3.5 million Americans, including over 400,000 African-Americans, both free men and slaves, fought in a war in which over 600,000 American soldiers, including over 40,000 African-American soldiers, were killed; and

**WHEREAS** the soldiers fighting in Virginia, both Confederate and Union, distinguished themselves in their service and their sacrifice, fighting with bravery in the most desperate circumstances, and many lost their lives in defense of firmly held beliefs and convictions; and

**WHEREAS** it is essential that all Virginians, as we recognize the courage and sacrifice of our ancestors on both sides of the American Civil War, also acknowledge that the institution of slavery was one of the causes of this war, that slavery was an evil and inhumane practice that deprived African-Americans of their God-given inalienable rights and that the American Civil War hastened the demise of slavery in Virginia and its permanent eradication throughout the United States of America; and

**WHEREAS** General Lee set an example of reconciliation and grace necessary to help the people of Virginia return peacefully to the Union and urged his fellow Virginians to “...abandon all these local animosities and make your sons Americans”; and

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**WHEREAS** in Hanover, in Virginia and throughout the United States, we have and we will continue to honor our past and draw from it the wisdom and strength to reconcile differences among ourselves and to move forward into the future together as “a more perfect union” of Americans;

**NOW, THEREFORE, BE IT RESOLVED** by the Hanover County Board of Supervisors to proclaim the month of April in 2014 and subsequent years as Civil War History in Hanover Month and urge all residents of the County of Hanover to participate in the commemoration of the Sesquicentennial of the Civil War in Hanover, to study the crucial role of Hanover County in the history of the Civil War and to welcome visitors to Hanover’s many historic sites and special events highlighting the shared history and heritage of the citizens of this great nation, the United States of America.

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

### **VI. Presentation – Hanover County Sheriff’s Department – Certified Crime Prevention Community (from the Virginia Department of Criminal Justice Services**

Ms. Teresa Gooch, Division Director for both Regulatory Affairs and Law Enforcement Divisions with the Department of Criminal Justice Services, came forward to address the Board. Mr. Sam Hoffman, Division of Law Enforcement Standards, Policy and Homeland Security Manager with DCJS, was also present. Ms. Gooch gave an explanation of the background of the Certified Crime Prevention Community. Ms. Gooch gave some specific items the subcommittee noted about Hanover County’s application. Hanover’s model is strongly community policing oriented, relying heavily on personal interaction with citizens and business owners. They were particularly impressed with the 2011 Citizens Satisfaction Survey which revealed that 99 percent of the respondents rated Hanover as a safe or very safe place to live. Having revealed that senior citizens and youth are the most vulnerable demographic in Hanover and focusing many of the efforts on this demographic, was noted as efficiently addressing the needs of the community.

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One demonstration of this was Hanover being named one of America's Promise Alliances' 100 Best Communities for Young People for the 5<sup>th</sup> consecutive year in 2012 for addressing the drop-out rate. The subcommittee noted that Hanover also recognizes the value of technology. Specifically noted was the Sheriff's Office Intelligence Unit and analysis process, which is unique in that it uses its high density data, traditional and non-traditional data, such as terrain models, to product predictive policing. This process was so unique that it was published by the IACPE, which is a high accolade. These and the overall application of the community have once again led to Hanover being recertified as a Certified Crime Prevention Community.

On behalf of the Director of the Department of Criminal Justice Services, Garth Wheeler, all of the members of DCJS and the Criminal Justice Services Board, Ms. Gooch congratulated the community and the Sheriff's Department doing an outstanding job. She formally presented the certification plaque to the Sheriff.

### **VII. Budget Presentations Related to the Proposed Fiscal Year 2015 Budget.**

(Note: all FY15 proposed budget presentations are on file with the Board's papers.)

#### **Stormwater Implementation**

Mr. Mike Flagg, Director of Public Works, came forward to give a presentation on the Stormwater Program. His presentation was focused primarily on the Chesapeake Bay TMDL.

Stormwater mandates easily 50 percent of engineering budget at about \$870,000 per year. Another 21 percent (\$359,000) in community development related effort. \$257,000 is for operations drainage, and litter control.

Local funds will be matched by state grant funds to meet the requirements. These projects will allow the County to meet its first five-year Chesapeake Bay related requirements.

Following his presentation, Mr. Flagg answered questions from Board members.

#### **Capital Improvement Program**

Ms. Shelly Wright, Budget Division Director, provided an overview of FY15 CIP. She displayed a chart detailing the FY15 Funding Sources. The chart takes into account

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projects from all funds including the County, Airport, Utilities and Schools over the five-year period of the program. The total for all five years is \$122.6 million.

### **Addition to Item VII - Explanation of the Fund Balance**

Ms. Kathleen Seay, Director, Finance and Management Services, gave the Board an update on the Fund Balances for the County's General Fund. The Board's financial policies as well as accounting standards define the categories of fund balances to include Assigned Fund Balances and Unassigned Fund Balances. Assigned fund balances are established by the County Administrator for a specific purpose subject to appropriation by the Board. Unassigned Fund Balances are established at target levels to exceed the policy minimum to protect against unanticipated expenditures, cash flow reserves and rating agency expectations for sound reserves to maintain County's AAA rating. Estimated Assigned and Unassigned Fund balances for FY 2014 were explained next. The \$25.5 million unassigned fund balance is 12.6 percent of estimated FY14 Revenues and meets the financial policy requirements which demonstrate sound financial practices to our rating agencies to maintain the County's AAA bond rating.

Following her presentation, Mrs. Seay answered questions from Board members. The Board members had questions for Mrs. Seay and Mr. Harris concerning unassigned fund balances at the end of each year. There was a discussion on the "available for assignment" amount shown and the possibility of savings at the end of future years.

### **Addition to Item VII - Board Members' Budget Amendments**

The Board members had open discussions about the FY15 proposed budget. There was a detailed discussion on the growth of the budget and use of reserve funds. The Board members discussed consideration of a possible tax cut through the use of unassigned funds. It was noted that this was just for consideration and that no proposal has been made.

**VIII. Adoption of Resolution Authorizing the Issuance of Appropriation Bonds to the Virginia Resources Authority in a Principal Amount Not To Exceed \$19,950,000 and the transfer to the Debt Service Fund of applicable debt issuance costs not to exceed \$300,000.**

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Mrs. Seay came forward and explained the resolution for the Board members.

### Board Sheet Background:

On November 26, 2013 and December 11, 2013, The Hanover County Board held a Public Hearing to amend the FY14 Budget Capital Improvements Plan for the \$44,000,000 Courthouse capital project to be funded with debt proceeds and approved a reimbursement resolution to enable the County to be reimbursed by debt proceeds for previous expenditures associated with this project.

The new Courthouse project is designed as a 108,400 sq. foot facility that is expected to be constructed to accommodate six courtrooms (two each for the Circuit Court, District Court, and Juvenile/Domestic Relations Court) The facility will also provide additional space for personnel, equipment, court records storage, and offices for the Commonwealth's Attorney, Circuit Court, District Court, Sheriff Department personnel, and Juvenile/Domestic Relations Court Clerk's Offices.

The Virginia Resources Authority (“VRA”) sale of its Bonds Series 2014 is tentatively scheduled to sell in May 2014. The Bonds shall have a true interest cost not to exceed 5.50% per annum and shall mature no later than November 30, 2044. Debt service for this issuance will begin in FY15 and is planned to be included in the County’s FY15 Budget. Applicable cost of issuance not to exceed \$300,000 will be transferred from the County Improvements Fund to the Debt Fund. Finance and Management Services concurs with the issuance of the bonds to the VRA and the associated transfer.

### Recommendation:

Approval of the attached Resolution authorizing the issuance and sale of the bonds to the VRA, the transfer of costs of issuance and authorize the County Administrator to take all actions necessary to proceed with the issuance of the bonds and administration of all matters related to the bonds, including execution of all necessary documents.

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

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### **RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF COURTHOUSE PROJECT SPECIAL FUND REVENUE BOND, SERIES 2014 OF THE COUNTY OF HANOVER, VIRGINIA, AND PROVIDING FOR THE FORMS, DETAILS AND PAYMENT THEREOF**

The Board of Supervisors of the County of Hanover, Virginia (the “Board”) has determined that the County of Hanover, Virginia (the “County”) has an immediate need to finance (i) a portion of the costs of (a) the construction of a courthouse facility, (b) site work related thereto including landscaping, utilities, parking lots and stormwater management, (c) certain road improvements including improvements to U.S. Route 301 and (d) renovations to the existing court buildings and (ii) expenses related thereto and issuance costs in connection therewith (clauses (i) and (ii) being collectively referred to herein as the “Project”).

There has been presented to the Board a plan for the financing of the Project which would not create debt of the County for purposes of the Virginia Constitution.

Pursuant to such financing plan, the Virginia Resources Authority (the “VRA”) would use a portion of the proceeds of its Infrastructure and State Moral Obligation Revenue Bonds (Virginia Pooled Financing Program), Series 2014A (Tax-Exempt) (as more particularly defined in the below defined Financing Agreement, the “VRA Bonds”) to purchase the County’s Courthouse Project Special Fund Revenue Bond, Series 2014 (the “Local Bond”). Subject to final approval by VRA’s Board of Directors on March 25, 2014, the VRA is agreeing to purchase the Local Bond pursuant to the terms of a Local Bond Sale and Financing Agreement, dated as of April 3, 2014 (the “Financing Agreement”), between the County and VRA.

The County has indicated that the amount of proceeds being requested from VRA for the Project is \$18,800,000 (the “Proceeds Requested”), or such other amount requested by the County in writing and approved by VRA prior to the pricing of the VRA Bonds, provided such amount does not exceed the maximum principal amount of the Local Bond authorized pursuant to this Resolution.

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VRA has advised the County that VRA's objective is to pay the County as the purchase price for the Local Bond an amount which, in VRA's judgment, reflects the market value of the Local Bond (the "VRA Purchase Price Objective"), taking into consideration such factors as the maximum authorized par amount of the Local Bond, the Proceeds Requested, the purchase price to be received by VRA for the VRA Bonds, the issuance costs of the VRA Bonds (consisting of the underwriters' discount and other costs incurred by VRA (collectively, the "VRA Costs")) and other market conditions relating to the sale of the VRA Bonds.

Such factors may result in the County receiving an amount other than the Proceeds Requested and consequently (i) the aggregate principal amount of the Local Bond may be greater than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) if the maximum authorized aggregate amount of the Local Bond set forth in paragraph 2 of this Resolution does not exceed the Proceeds Requested by at least the amount of the VRA Costs and any original issue discount, the amount to be paid to the County, given the VRA Purchase Price Objective and market conditions, will be less than the Proceeds Requested.

There have been made available to the members of the Board at this meeting preliminary drafts of the forms of the Local Bond and the Financing Agreement.

### **BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF HANOVER, VIRGINIA:**

1. The Board hereby finds and determines that it is in the best interests of the County to proceed with the financing of the Project. After consideration of the methods of financing the Project, it is hereby determined that it is in the best interests of the County to accept, and the County does hereby accept, the offer from VRA for the financing of the Project as contemplated by the Financing Agreement, subject to final approval by VRA's Board of Directors on March 25, 2014.

2. The Local Bond shall be issued as a single, registered bond, shall be designated "Courthouse Project Special Fund Revenue Bond, Series 2014," shall be numbered R-1 and shall be dated the date of its delivery. The aggregate principal amount of the Local Bond shall not exceed \$19,950,000, the "true" interest cost of the Local

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Bond shall not exceed 5.50% per annum (exclusive of “supplemental interest” as provided in the Financing Agreement) and the Local Bond shall mature no later than November 30, 2044. Interest and principal on the Local Bond shall be payable on the dates set forth in the Local Bond. Given the VRA Purchase Price Objective and market conditions, it may become necessary to issue the Local Bond in an amount greater than the Proceeds Requested. If the limitation on the maximum aggregate principal amount of Local Bond set forth in this paragraph 2 restricts VRA’s ability to generate the Proceeds Requested, taking into account the VRA Costs, the VRA Purchase Price Objective and market conditions, the purchase price of the Local Bond will result in an amount less than the Proceeds Requested. Subject to the foregoing limitations, the County authorizes VRA to establish the final principal amount of the Local Bond, the final interest rates on the Local Bond and the final principal amortization schedule (including principal installment dates and amounts) for the Local Bond. No further action or approval of such financing terms shall be necessary on the part of the County. The County may, at its option, redeem or refund the Local Bond upon the terms set forth therein and in the Financing Agreement.

As set forth in the Financing Agreement, the County agrees to pay, solely from the source provided therein, the “supplemental interest” and other charges as provided therein, including such amounts as may be necessary to maintain or replenish the VRA Reserve and, on the demand of VRA, a late payment penalty if any payment due on the Local Bond is not paid within ten days after its due date.

The principal of, premium, if any, and interest on the Local Bond and amounts payable under the Financing Agreement shall be payable in lawful money of the United States of America.

3. The Local Bond is a limited obligation of the County payable solely from payments made by the County under the Financing Agreement. The obligation of the County to make the payments under the Financing Agreement in amounts sufficient to pay the principal of and interest on the Local Bond is subject to, and contingent upon, the annual appropriation of funds by the Board for such purpose for each fiscal year.

4. The Local Bond shall be signed by the County Administrator or Deputy County Administrator of the County and the County’s seal shall be affixed thereon and

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attested by the Clerk or Deputy Clerk of the Board. The Local Bond shall be issued as a typewritten bond in substantially the form made available at this meeting, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the County Administrator or Deputy County Administrator, whose approval shall be evidenced conclusively by the execution and delivery of the Local Bond.

5. The Financing Agreement shall be in substantially the form submitted to this meeting, which is hereby approved, with such completions, omissions, insertions and changes (including changes of dates of the Financing Agreement) as may be subsequently approved by the County Administrator, Deputy County Administrator or Director of Finance, any of whom may act, which approval shall be evidenced conclusively by the execution and delivery of the Financing Agreement by such County Administrator, Deputy County Administrator or Director of Finance.

6. The County Administrator, Deputy County Administrator and Director of Finance, any of whom may act, are each hereby authorized and directed to execute and deliver the Financing Agreement. The Clerk and Deputy Clerk of the Board, either of whom may act, are each hereby authorized and directed to affix the County seal to the Financing Agreement, if requested, and to attest the same.

7. The County Administrator, Deputy County Administrator and Director of Finance and other appropriate officials of the County, including the Clerk and Deputy Clerk of the Board, are each hereby authorized to execute and deliver all other certificates, instruments and documents, including without limitation the Non-Arbitrage Certificate and Tax Compliance Agreement, dated the date of its execution and delivery, between VRA and the County, in the name and on behalf of the County and to take all such further action (a) as they may consider necessary or desirable to carry out the intent and purpose of this Resolution, the issuance of the Local Bond, the financing of the Project or the execution, delivery and performance of the Financing Agreement or (b) as may be reasonably requested by VRA in connection with any of the foregoing.

8. The County shall initially issue the Local Bond in typewritten form. Upon request of the registered owner and upon presentation of the Local Bond at the office of the Registrar (as hereinafter defined), the County shall arrange to have prepared, executed

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and delivered in exchange as soon as practicable the Local Bond in printed form in an aggregate principal amount equal to the unpaid principal of the Local Bond in typewritten form, of the same form and maturity and registered in such names as requested by the registered owners or their duly authorized attorneys or legal representatives. The printed Local Bond may be executed by manual or facsimile signature of the County Administrator or Deputy County Administrator, the County's seal affixed thereto and attested by the Clerk or the Deputy Clerk of the Board. The typewritten Local Bond surrendered in any such exchange shall be canceled.

9. The County appoints the County's Director of Finance as paying agent and registrar (the "Registrar") for the Local Bond. If deemed to be in its best interest, the County may at any time appoint a qualified bank or trust company or any other person or entity as successor Registrar. Upon surrender of a Local Bond at the office of the Registrar, together with an assignment duly executed by the registered owner or its duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the County shall execute, and the Registrar shall authenticate and deliver in exchange, a new Local Bond or Local Bonds having an equal aggregate principal amount, of the same form and maturity, bearing interest at the same rates and registered in such name as requested by the then registered owner or its duly authorized attorney or legal representative. Any such exchange shall be at the expense of the County, except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The Registrar shall treat the registered owner as the person or entity exclusively entitled to payment of principal, premium, if any, and interest, and the exercise of all other rights and powers of the owner.

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10. If a Local Bond has been mutilated, lost or destroyed, the County shall execute and deliver a new Local Bond of like form, date and tenor in exchange and substitution for, and upon cancellation of, such mutilated Local Bond or in lieu of and in substitution for such lost or destroyed Local Bond; provided, however, that the County shall so execute and deliver a new Local Bond only if the registered owner has paid the reasonable expenses and charges of the County in connection therewith and, in the case of a lost or destroyed Local Bond, (a) has filed with the County evidence satisfactory to the County that such Local Bond was lost or destroyed and (b) has furnished to the County satisfactory indemnity.

11. The County authorizes and consents to the inclusion of information with respect to the County in VRA's Preliminary Official Statement and VRA's Official Statement in final form, both prepared in connection with the sale of the VRA Bonds. The County Administrator, Deputy County Administrator and Director of Finance, any of whom may act, are each authorized and directed to take whatever actions are necessary and/or appropriate to aid VRA in ensuring compliance with Securities and Exchange Commission Rule 15c2-12.

12. The Board hereby selects and designates Troutman Sanders LLP as Bond Counsel with respect to the issuance of the Local Bond.

13. The County has heretofore received and reviewed the Information Statement describing the State Non-Arbitrage Program of the Commonwealth of Virginia ("SNAP") and the Contract Creating the State Non-Arbitrage Program Pool I (the "Contract"), and the County hereby authorizes the use of SNAP in connection with the investment of the proceeds for the Project received by the County under the Financing Agreement, if the County Administrator, the Deputy County Administrator or Director of Finance, any of whom may act, determine that the utilization of SNAP is in the best interest of the County. The County acknowledges that the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the County in connection with SNAP, except as otherwise provided in the Contract.

14. No covenant, condition, agreement or obligation contained herein shall be deemed to be a covenant, condition, agreement or obligation of any officer, employee or agent of the County in his or her individual capacity, and no officer of the County executing

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the Local Bond shall be liable personally on the Local Bond or be subject to any personal liability or accountability by reason of the issuance thereof. No officer, employee or agent of the County shall incur any personal liability with respect to any other action taken by him or her pursuant to this Resolution, provided he or she acts in good faith.

15. All acts of the County Administrator, Deputy County Administrator and Director of Finance and other officers of the County, regardless of whether such acts occurred prior to or occur after the adoption of this Resolution, that are in conformity with the purposes and intent of this Resolution and in furtherance of the plan of financing, the issuance of the Local Bond, the execution and delivery of the Financing Agreement and the undertaking of the Project are hereby approved and ratified.

16. The Project is hereby declared to be essential to the efficient operation of the County, and the Board anticipates that the Project will continue to be essential to the operation of the County during the term of the Local Bond and of the Financing Agreement. The Board, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, hereby states its intent to make annual appropriations in future fiscal years pursuant to the provisions of the Financing Agreement in amounts sufficient to make all payments under the Local Bond and hereby recommends that future Boards of Supervisors do likewise during the term of the Local Bond and of the Financing Agreement.

17. The County acknowledges that VRA is treating the Local Bond as a “local obligation” within the meaning of Section 62.1-199 of the Code of Virginia of 1950, as amended (the “Virginia Code”), including amendments thereto taking effect as of July 1, 2011, which in the event of a nonpayment thereunder authorizes VRA or VRA’s trustee to file an affidavit with the Governor of Virginia (the “Governor”) that such nonpayment has occurred pursuant to Section 62.1-216.1 of the Virginia Code. In purchasing the Local Bond, VRA is further relying on Section 62.1-216.1 of the Virginia Code, providing that if the Governor is satisfied that such nonpayment has occurred, the Governor will immediately make an order directing the Comptroller of Virginia (the “Comptroller”) to withhold all further payment to the County of all funds, or of any part of them, appropriated and payable by the Commonwealth of Virginia to the County for

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any and all purposes, and the Governor will, while the nonpayment continues, direct in writing the payment of all sums withheld by the Comptroller, or as much of them as is

18. All resolutions, ordinances or parts thereof in conflict herewith are repealed.
19. This Resolution shall take effect immediately.

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

### **IX. Approval of acceptance of 1991 Oshkosh T1500 Foam Unit into the Fire•EMS fleet.**

#### Board Sheet Background

Hanover Fire•EMS is a member of the Capital Region Airport Commission (CRAC) and Richmond International Airport has offered to donate to Hanover Fire•EMS a 1991 Oshkosh TA1500 Foam Unit with 13,190 miles. It was built in 1991 and purchased new by RIA Fire Department in 1992. The vehicle will provide a much needed firefighting foam capability for Hanover County to meet such target hazards as roadway flammable liquids, railway, pipeline, aircraft and bulk storage incidents.

Estimated annual preventative maintenance (PM) is estimated to be \$2,000 or less. This estimate includes two PM's per year.

Members from Hanover County's Fleet Maintenance Department and the Fire•EMS Department have inspected the truck and maintenance records. They have both recommended acceptance into the fleet.

#### Recommended Action

Approve the request for the transfer of title for VIN#10T9L5BH4N1044935 and accept into the Hanover Fire•EMS fleet.

Chief Jethro Piland came forward and addressed the Board. He described the foam unit that is being offered at no charge to Hanover County. The unit was replaced by new apparatus. Following his presentation, Chief Piland answered questions from Board members.

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Mr. Stanley made a motion to approve the request for the transfer of title for VIN#10T9L5BH4N1044935 and accept into the Hanover Fire•EMS fleet, seconded by Mr. Via.

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

Motion approved.

The meeting was recessed for a short break at 3:37 p.m.

The meeting reconvened at 3:47.

### **X. Legislative Update**

Mr. Rives came forward to give a legislative update presentation. He noted that this should be the last update for a while. The bills he will be going over today are just updates to previous reports. He updated the Board on the status of the following bills: HB 333, HB 199, HB 597, HB 1173, HB 1088, HJR 40, SB 48, HB 268, HB 1084, SB 236, HB 209, HJR 103, HB 1237, SB 304, SB 430, HB 1209, HB 143, HB 296

Following his presentation, Mr. Rives answered questions from Board members.

Mr. Davis announced that he had invited Delegate Hyland “Buddy” Fowler, Jr. to attend the meeting. Delegate Fowler came forward and gave the Board detailed information on the status of the State Budget. Mr. Davis stated he has directed the County Attorney to develop a resolution stating a clean budget should be passed. The resolution urges the Governor of Virginia and the General Assembly to pass a clean budget. Mr. Davis read the resolution.

On a motion by Mr. Davis, seconded by Mrs. Kelly-Wiecek, the members of the Board of Supervisors voted to approve the Resolution.

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### RESOLUTION

**WHEREAS** each year the foremost duty of the Virginia General Assembly is to pass a budget or budget amendments that serve as Virginia's financial blueprint for each fiscal year; and

**WHEREAS** Virginia is consistently recognized for its sound fiscal management and budgetary practices as illustrated by its AAA bond rating and the strong bond ratings of many local government divisions throughout the Commonwealth including the AAA bond rating of the County of Hanover; and

**WHEREAS** the County of Hanover is currently in the process of developing and adopting its budget for the upcoming fiscal year; and

**WHEREAS** the Hanover County Board of Supervisors relies on the timely passage of a budget to allocate funding to local government services and make policy and hiring decisions for the upcoming fiscal year; and

**WHEREAS** 102,000 residents of Hanover County depend on county government to provide critical services such as education and public safety; and

**WHEREAS** the General Assembly's failure to pass a timely budget will result in uncertainty for the County of Hanover, which receives nearly 30% of its funding as direct aid from the Commonwealth, which includes over 50% of the operating budget for Hanover County Schools; and

**WHEREAS** the Hanover County School Board relies on the timely passage of the state budget in order to set its budget and make staffing decisions, which includes teacher contracts; and

**WHEREAS** interruption of the provision of educational services to Hanover students will have a significant negative impact on students and families; and

**WHEREAS** the interruption of public safety services would likely result in the loss of property, serious injury, or loss of life for 102,000 citizens; and

**WHEREAS** critical mental health services to Hanover residents are provided via funds that flow from the state budget through county; and

**WHEREAS** the Virginia General Assembly adjourned sine die on Saturday, March 8, 2014 without adopting a budget for the two year biennium beginning July 1, 2014;

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**NOW, THEREFORE, BE IT RESOLVED** by the Hanover County Board of Supervisors that the Governor of Virginia and the Virginia General Assembly are urged to pass a budget as soon as practicable to ensure the continued functioning of state and local governments; and, be it

**RESOLVED FURTHER** that the issue of Medicaid Expansion under the Affordable Care Act should be decoupled from budget negotiations and considered in a separate legislative session to facilitate prompt passage of a state budget; and, be it

**RESOLVED FURTHER** that the Hanover County Board of Supervisors shall transmit copies of this resolution to the Honorable Terence R. McAuliffe, Governor of the Commonwealth of Virginia and to members of the Virginia General Assembly representing the County of Hanover so that they may be apprised of the sense of the Hanover County Board of Supervisors in this matter.

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

### **XI. Closed Session**

Mr. Hazzard moved that the Board of Supervisors go into Closed Session pursuant to the following: Virginia Code Section 2.2-3711(A)(7) Consultation with Legal Counsel and briefing by staff members regarding 1. Proposed extension of utility service agreement with Bear Island Paper Company; 2. Probable litigation with Bear Island Paper Company regarding machinery and tools taxes; 3. Proposed restructuring of Lewistown CDA bonds and agreements and 4. Proposed agreement with Caroline County for use of components of Hanover's communications facilities. The motion was seconded by Mrs. Kelly-Wiecek.

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

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W. Canova Peterson	Aye
Aubrey M. Stanley	Aye
G. E. “Ed” Via, III	Aye
Elton J. Wade, Sr.	Aye

Motion Approved.

Board Members entered Closed Session at 4:18 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 5:21 p.m.

### **Certification of Closed Session**

Mr. Hazzard 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. The motion was seconded by Mr. Stanley.

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

Motion approved.

## **XII. Approval of Extension to Water and Sewer Service Agreement between County of Hanover and Bear Island Paper WB LLC – Department of Public Utilities (Beaverdam Magisterial District)**

### **Board Sheet Background**

On April 28, 2004, the Board of Supervisors approved a 10 year Water and Sewer Service Agreement (“Agreement”) with Bear Island Paper Company L.L.C. (BIPCo) which established the terms and conditions under which BIPCo would receive water and wastewater services from the County. On May 13, 2009, the terms of this Agreement

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were amended. The Agreement expires April 30, 2014.

The Doswell Wastewater Treatment Plant's (WWTP) recently renewed Virginia Pollutant Discharge Elimination System permit (Permit) requires Hanover and BIPCo to have an agreement to allow BIPCo to utilize the Doswell WWTP's outfall as they have since 1978. The recently renewed permit also includes a condition requiring an update to the river model to determine if current Permit limits should be modified upon renewal in 2018.

Public Utilities and BIPCo agree that a two year extension to the current agreement is appropriate at this time. We anticipate that this will allow time to complete the update to the river model and negotiate a new long term contract once the impacts of the updated model are known.

In addition to extending the agreement for two years, the extension reflects BIPCo's name change following its bankruptcy. A copy of the proposed extension is attached.

The extension has been reviewed and approved by the DEQ, approved and executed by BIPCo, reviewed and approved as to form by the County Attorney's Office, and reviewed and recommended for approval by the Department of Public Utilities.

### Recommended Action

Approve the Extension to Water and Sewer Service Agreement between County of Hanover and Bear Island Paper WB LLC.

Mr. Steven Herzog came forward and gave a presentation on the proposed agreement extension.

Mr. Stanley moved approve the extension to Water and Sewer Service Agreement between County of Hanover and Bear Island Paper WB LLC, seconded by Mr. Hazzard.

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

Motion approved.

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### **XIII. Recess**

The meeting was recessed at 5:25 p.m.

The meeting reconvened at 7:00.

### **XIV. 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.

Mr. Randy Sherrod of the Chickahominy Magisterial District spoke against any proposal to reduce the tax rate.

Mr. Davis stated that, while it was brought up in open discussion, there has been no proposal for a tax rate decrease.

Mr. Chris Pace of the Chickahominy Magisterial District spoke against the previous open discussion on a tax rate reduction.

Mr. Peterson clarified that there was just a conversation on rolling funds and whether they should be used for citizens' needs. There are no plans or proposals at this time to use one time funds.

Mr. Davis recognized the attendance of students from the Hanover Youth Perspective. He thanked them for serving their community and attending meeting.

### **XV. Presentation of Proclamations**

Mrs. Kelly Wiecek presented Eagle Scout Craft of Troop 503

**Chickahominy Magisterial District** with a Proclamation

Mrs. Kelly Wiecek, on behalf of Mr. Wade, presented Eagle Scout Cary of Troop 503 – **Cold Harbor Magisterial District** with a Proclamation

### **XVI. Public Hearing – Commissioner of Revenue – Ordinance No. 14-02, Amendment to Hanover County Code Section 22-43 regarding deadline for final disposition of applications for relief from reassessment with the Board of Equalization**

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### Board Sheet Background

Virginia Code Section 58.1-3331 has been amended to require written notice to a taxpayer appealing a tax assessment to be given at least 45 days prior to the hearing on the taxpayer's appeal for all applicable assessments after January 1, 2012. The deadlines set forth in Hanover County Code Section 22-43 (application for relief from reassessment must be filed by March 15; applications must be finally disposed of by April 3) do not allow sufficient time to meet the statutory notice requirements.

The Commissioner of Revenue and County Attorney's Office propose revision of Hanover County Code Section 22-43 by changing April 3 to June 1 in order to provide sufficient time to meet statutory notice requirements.

### Recommendation

Motion to adopt Ordinance No. 14-02, Amendment to Hanover County Code Section 22-43 regarding deadline for final disposition of applications for relief from reassessment with the Board of Equalization

Mr. Davis asked if Board Members had any questions.

Hearing none, he opened the public hearing and asked that anyone wishing to speak for or against the matter come forward. Seeing no one come forward, Mr. Davis closed the public hearing.

On motion of Mr. Hazzard, seconded by Mr. Via, the members of the Board of Supervisors voted to approve Ordinance No. 14-02, as follows:

### **ORDINANCE 14-02**

**AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE,  
CHAPTER 22, TAXATION, BY AMENDING SECTION 22-43 TO  
PROVIDE THAT THE BOARD OF EQUALIZATION MUST FINALLY  
DISPOSE OF ALL APPLICATIONS APPEALING REAL ESTATE TAX  
ASSESSMENTS BY JUNE 1 OF THE APPLICABLE TAX YEAR.**

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**WHEREAS** the Hanover County Board of Equalization seeks to consider fairly and deliberatively all applications for relief from reassessment submitted by taxpayers of the County, and

**WHEREAS** the General Assembly has amended Section 58.1-3331 to specify additional notice requirements prior to hearings before the Board of Equalization, and

**WHEREAS** the Board of Supervisors finds that an amendment to the Hanover County Code changing the deadline for final disposition of appeals to the Board of Equalization from April 3 to June 1 is necessary to provide taxpayers of the County with adequate time to prepare for the hearings and to ensure that the Board of Equalization has adequate time for deliberations;

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

1. That the Hanover County Code, Chapter 22, Taxation, be amended by amending Section 22-43, Deadlines for filing applications for relief; final disposition by board, which shall read in its entirety as follows:

**Section 22-43: Deadlines for filing applications for relief; final disposition by board.**

Property owners or lessees must file applications for relief from reassessment with the board no later than March 15 of the applicable tax year, and such applications must be finally disposed of by the board no later than June 1 of that tax year.

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

**XVII. Public Hearing on and Adoption of Resolution Authorizing the Issuance of General Obligation Bonds to the Virginia Public School Authority in a Principal Amount Not To Exceed \$2,000,000.**

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### Board Sheet Background

The Hanover County School Board adopted the attached resolution at the February 11, 2014 meeting requesting that the Hanover County Board of Supervisors issue \$2,000,000 general obligation bonds and authorizing the staff to file any applications that may be required to secure VPSA Bonds.

The Virginia Public School Authority (“VPSA”) is moving forward with the sale of its School Financing Bonds Series 2014, tentatively scheduled to sell in late April 2014. The approved School Capital Improvement Plans for fiscal years 2013 and 2014 included capital projects to be funded with VPSA bonds. The debt funded projects include facility improvements and mechanical/roofing improvements in the amount of \$1,000,000 and school safety improvements in the amount of \$1,000,000. This action is consistent with the approved FY2013 and FY2014 Capital Improvement Plans and will enable the reimbursement of the county treasury for all previously expended funds. On May 25, 2011 and April 10, 2013, the Board of Supervisors approved a reimbursement resolution to permit the County to reimburse itself and/or the School Board for these projects.

The Bonds shall have a true interest cost not to exceed 5.50% per annum. Debt service for this issuance will begin in FY16 and is planned to be included in the County’s FY16 Budget. This public hearing is held on the adoption of the attached resolution authorizing the issuance of the general obligation bonds and pledging the full faith and credit of the County thereto. Finance and Management Services concurs with the issuance of the bonds to the VPSA.

### Recommendations:

Approval of the attached Resolution authorizing the issuance and sale of the bonds to the VPSA, and authorize the County administrator to take all actions necessary to proceed with the issuance of the bonds and administration of all matters related to the bonds, including execution of all necessary documents.

Mr. Davis asked if Board Members had any questions.

Hearing none, he opened the public hearing and asked that anyone wishing to speak for or against the matter come forward. Seeing no one come forward, Mr. Davis closed the public hearing.

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Mr. Hazzard made a motion to approve the attached Resolution authorizing the issuance and sale of the bonds to the VPSA, and authorize the County administrator to take all actions necessary to proceed with the issuance of the bonds and administration of all matters related to the bonds, including execution of all necessary documents, seconded by Mrs. Kelly-Wiecek.

### **RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,100,000 GENERAL OBLIGATION SCHOOL BOND OF THE COUNTY OF HANOVER, VIRGINIA, TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY AND PROVIDING FOR THE FORM AND DETAILS THEREOF.**

**WHEREAS**, the Board of Supervisors (the "Board") of the County of Hanover, Virginia (the "County"), has determined that it is necessary and expedient to borrow an amount not to exceed \$2,100,000 and to issue its general obligation school bond (as more specifically defined below, the "Local School Bond") for the purpose of financing (i) various facility and mechanical infrastructure improvements and school safety enhancements, the specific mechanical improvements to include, without limitation, new roofs, HVAC systems, electrical services, and window replacements and the school safety enhancements to include camera surveillance systems, interior and exterior access upgrades and site improvements and (ii) costs of issuance (collectively, the "Project");

**WHEREAS**, the County held a public hearing, duly noticed, on March 12, 2014, on the issuance of the Local School Bond in accordance with the requirements of Section 15.2-2606, Code of Virginia 1950, as amended (the "Virginia Code");

**WHEREAS**, the School Board of the County has, by resolution, requested the Board to authorize the issuance of the Local School Bond and consented to the issuance of the Local School Bond;

**WHEREAS**, Virginia Public School Authority ("VPSA") has offered to purchase the Local School Bond along with the local school bonds of certain other localities with a portion of the proceeds of certain bonds to be issued by VPSA in the spring of 2014 (the "VPSA Bonds");

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**WHEREAS**, the Bond Sale Agreement (as defined below) shall indicate that 2,000,000 is the amount of proceeds requested (the "Proceeds Requested") from VPSA in connection with the sale of the Local School Bond;

**WHEREAS**, VPSA's objective is to pay the County a purchase price for the Local School Bond which, in VPSA's judgment, reflects the Local School Bond's market value (the "VPSA Purchase Price Objective"), taking into consideration of such factors as the amortization schedule the County has requested for the Local School Bond relative to the amortization schedules requested by other localities, the purchase price to be received by VPSA from the sale of the VPSA Bonds and other market conditions relating to the sale of the VPSA Bonds; and

**WHEREAS**, such factors may result in the Local School Bond having a purchase price other than par and consequently (i) the County may have to issue the Local School Bond in a principal amount that is greater than or less than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) if the maximum authorized principal amount of the Local School Bond set forth in section 1 below does not exceed the Proceeds Requested by at least the amount of any discount, the purchase price to be paid to the County, given the VPSA Purchase Price Objective and market conditions, will be less than the Proceeds Requested.

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

1. **Authorization of Local School Bond and Use of Proceeds.** The Board hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bond in an aggregate principal amount not to exceed \$2,100,000 (the "Local School Bond") for the purpose of financing the Project. The Board hereby authorizes the issuance and sale of the Local School Bond in the form and upon the terms established pursuant to this Resolution.

2. **Sale of the Local School Bond.** The sale of the Local School Bond, within the parameters set forth in paragraph 4 of this Resolution, to VPSA is authorized. Given the VPSA Purchase Price Objective and market conditions, the County acknowledges that the limitation on the maximum principal amount on the Local School

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Bond set forth in paragraph 1 of this Resolution restricts VPSA's ability to generate the Proceeds Requested, however, the Local School Bond may be sold for a purchase price not lower than 100% of the Proceeds Requested. The County Administrator, the Deputy County Administrator and the Director of Finance, any of whom may act (each a "Delegate") and such other officer or officers of the County as a Delegate may designate are hereby authorized and directed to enter into an agreement with VPSA providing for the sale of the Local School Bond to VPSA (the "Bond Sale Agreement"). The Bond Sale Agreement shall be in substantially the form submitted to the Board at this meeting, which form is hereby approved.

**3. Details of the Local School Bond.** The Local School Bond shall be dated 15 days prior to the date of its issuance and delivery or such other date designated by VPSA; shall be designated "General Obligation School Bond, Series 2014A"; shall bear interest from its dated date payable semi-annually on each January 15 and July 15 beginning January 15, 2015 (each an "Interest Payment Date"), at the rates established in accordance with paragraph 4 of this Resolution; and shall mature on July 15 in the years (each a "Principal Payment Date") and in the amounts acceptable to a Delegate (the "Principal Installments"), subject to the provisions of paragraph 4 of this Resolution.

**4. Interest Rates and Principal Installments.** Each Delegate is hereby authorized and directed to accept the interest rates on the Local School Bond established by VPSA, provided that each interest rate shall be five one-hundredths of one percent (0.05%) over the interest rate to be paid by VPSA for the corresponding principal payment date of the VPSA Bonds, a portion of the proceeds of which will be used to purchase the Local School Bond, and provided further that the true interest cost of the Local School Bond does not exceed five and fifty one-hundredths percent (5.50%) per annum. The Interest Payment Dates and the Principal Installments are subject to change at the request of VPSA. Each Delegate is hereby authorized and directed to accept changes in the Interest Payment Dates and the Principal Installments at the request of VPSA based on the final term to maturity of the VPSA Bonds, requirements imposed on VPSA by the nationally-recognized rating agencies and the final principal amount of the Local School Bond; provided, however, that the principal amount of the Local School Bond shall not exceed the amount authorized by this Resolution. The execution and delivery of the Local School Bond as described in

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paragraph 8 hereof shall conclusively evidence the approval and acceptance of all of the details of the Local School Bond by the Delegate as authorized by this Resolution.

5. **Form of the Local School Bond.** The Local School Bond shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.

6. **Payment; Paying Agent and Bond Registrar.** The following provisions shall apply to the Local School Bond:

(a) For as long as VPSA is the registered owner of the Local School Bond, all payments of principal, premium, if any, and interest on the Local School Bond shall be made in immediately available funds to VPSA at, or before 11:00 a.m. on the applicable Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next succeeding such Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption.

(b) All overdue payments of principal and, to the extent permitted by law, interest shall bear interest at the applicable interest rate or rates on the Local School Bond.

(c) U.S. Bank National Association, Richmond, Virginia, is designated as Bond Registrar and Paying Agent for the Local School Bond.

7. **Prepayment or Redemption.** The Principal Installments of the Local School Bond held by VPSA coming due on or before July 15, 2024, and the definitive bond for which the Local School Bond held by VPSA may be exchanged that mature on or before July 15, 2024, are not subject to prepayment or redemption prior to their stated maturities. The Principal Installments of the Local School Bond held by VPSA coming due on or after July 15, 2025, and the definitive bond(s) for which the Local School Bond held by VPSA may be exchanged that mature on or after July 15, 2025, are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after July 15, 2024, upon payment of the prepayment or redemption prices (expressed as percentages of Principal Installments to be prepaid or the principal amount of

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the Local School Bond to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

<u>Dates</u>	<u>Prices</u>
July 15, 2024 through July 14, 2025	101%
July 15, 2025 through July 14, 2026	100½
July 15, 2026 and thereafter	100

Provided, however, that the Local School Bond shall not be subject to prepayment or redemption prior to their stated maturities as described above without first obtaining the written consent of VPSA or other registered owner of the Local School Bond. Notice of any such prepayment or redemption shall be given by the Bond Registrar to VPSA or other registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

**8. Execution of the Local School Bond.** The County Administrator or Deputy County Administrator and the Clerk or any Deputy Clerk of the Board are each authorized and directed to execute and deliver the Local School Bond and to affix the seal of the County thereto.

**9. Pledge of Full Faith and Credit.** For the prompt payment of the principal of, premium, if any, and the interest on the Local School Bond as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any portion of the Local School Bond shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and premium, if any, and the interest on the Local School Bond as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

**10. Use of Proceeds Certificate and Tax Compliance Agreement.** Each Delegate and such other officer or officers of the County or the School Board as a Delegate may designate are hereby authorized and directed to execute and deliver on behalf of the

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County a Use of Proceeds Certificate and Tax Compliance Agreement (the "Tax Compliance Agreement") setting forth the expected use and investment of the proceeds of the Local School Bond and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the VPSA Bonds. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Local School Bond will be invested and expended as set forth in such Tax Compliance Agreement and that the County shall comply with the other covenants and representations contained therein and (ii) the County shall comply with the provisions of the Code so that interest on the VPSA Bonds will remain excludable from gross income for federal income tax purposes.

**11. State Non-Arbitrage Program; Proceeds Agreement.** The Board hereby determines that it is in the best interests of the County to authorize and direct each Delegate and the County Treasurer to participate in the State Non-Arbitrage Program in connection with the Local School Bond. Each Delegate, the County Treasurer and such officer or officers of the County as a Delegate or the County Treasurer may designate are each hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Local School Bond by and among the County, the other participants in the sale of the VPSA Bonds, VPSA, the investment manager and the depository.

**12. Continuing Disclosure Agreement.** Each Delegate and such other officer or officers of the County as a Delegate may designate are each hereby authorized and directed to execute a Continuing Disclosure Agreement, as set forth in Appendix F to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12, under the Securities Exchange Act of 1934, as amended, and directed to make all filings required by Section 3 of the Bond Sale Agreement should the County be determined by VPSA to be a MOP (as defined in the Bond Sale Agreement).

**13. Refunding.** The Board hereby acknowledges that VPSA may issue refunding bonds to refund any bonds previously issued by VPSA, including the VPSA

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Bonds issued to purchase the Local School Bond, and that the purpose of such refunding bonds would be to enable VPSA to pass on annual debt service savings to the local issuers, including the County. Each Delegate is authorized to execute and deliver to VPSA such allonge to the Local School Bond, revised debt service schedule, IRS Form 8038-G or such other documents reasonably deemed necessary by VPSA and VPSA's bond counsel to be necessary to reflect and facilitate the refunding of the Local School Bond and the allocation of the annual debt service savings to the County by VPSA. The Clerk to the Board of Supervisors is authorized to affix the County's seal on any such documents and attest or countersign the same.

**14. Filing of Resolution.** The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.

**15. Election to Proceed under Public Finance Act.** In accordance with Section 15.2-2601 of the Virginia Code, the Board elects to issue the Local School Bond pursuant to the provisions of the Public Finance Act of 1991, Chapter 26 of Title 15.2 of the Virginia Code.

**16. Further Actions.** The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Local School Bond and otherwise in furtherance of this Resolution and any such action previously taken is hereby ratified and confirmed.

**17. Effective Date.** This Resolution shall take effect immediately.

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

Motion approved.

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### XVIII. Planning Public Hearings

**C-22-03(c) AM. 1-13 Lois d. and Sterling S. Medlin, Jr. ET. AL. (Medlin Subdivision)**, Requests an amendment to the proffers approved with rezoning request C-22-03(c), Lois D. and Sterling S. Medlin, Jr., on GPINs 8727-56-0942 and 8727-67-1122, zoned AR-6(c), Agricultural Residential District with conditions, and located on the south line of Fire Lane (State Route 724) approximately 0.33 miles east of its intersection with Appaloosa Trail (State Route 824) in the **Henry Magisterial District**. The proposed zoning amendment would amend the cash proffer.

Planning Analysis:

The request is to amend the following:

- Reduce Proffer No. 1 from \$7,866.00 (capital & road improvements) to \$2,306.00 (road improvements)

Recommendations:

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

Mr. Davis asked if Board Members had any questions.

Hearing none, he opened the public hearing and asked that anyone wishing to speak for or against the matter come forward. Seeing no one come forward, Mr. Davis closed the public hearing.

On motion of Mr. Davis, seconded by Mr. Hazzard, the members of the Board of Supervisors voted to approve Ordinance C-22-03(c), Am. 1-13, Lois D. and Sterling S. Medlin, Jr. et al.

### **ORDINANCE C-22-03(c), AM. 1-13**

**OWNER OF RECORD:** LOIS D. AND STERLING S. MEDLIN, JR. ET AL.

**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

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**WHEREAS** the Board of Supervisors has held public hearings on the 12<sup>th</sup> day of March, 2014, 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-22-03(c), Lois D. and Sterling S. Medlin, Jr., of the property described as GPINs 8727-56-0942 and 8727-67-1122, located on the south line of Fire Lane (State Route 724) approximately 0.33 miles east of its intersection with Appaloosa Trail (State Route 824) (a detailed description is filed with the Board's papers), zoned AR-6(c), Agricultural Residential District with conditions, subject to the following conditions which were proffered by the Applicant on December 5, 2013, and accepted by the Board:

1. Conceptual Plan. The property shall be divided in substantial conformity with the conceptual plan attached, titled "Conceptual plan for Medlin Rezoning," dated May 22, 2003, and drawn by Sterling S. Medlin, Jr.
2. Tree Preservation. Existing trees of 5 inch caliper or greater on the Property shall not be removed with the exception of dead or diseased trees or parts thereof. This shall not prevent the removal of trees necessary for the construction of improvements, driveways, drainfields, or drainage facilities.
3. Dedication of Right-of-Way. The Property Owner agrees to dedicate twenty-five (25) feet of right-of-way from the centerline of Fire Lane (State Route 724) to the property for future road widening, free of cost to the County, upon request of the County or VDOT.
4. 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 Three Hundred Six and 00/100 (\$2,306.00) per single family unit built on the Property. The funds shall be

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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 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.

5. Lot 3. The Property Owners agree that Lot 3 shall not be resubdivided for the purpose of creating an additional building lot.

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.

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

**C-16-13 (c) Pleasant Grove Investors, L.L.C.**, Request to rezone from R-1, Single-Family Residential District to B-1(c), Neighborhood Business District with conditions on GPINs 8705-74-7730 and 8705-74-7491, consisting of approximately 1.25 acres, and located on the west line of Shady Grove Road (State Route 640) approximately 250 feet north of its intersection with Meadowbridge Road (State Route 627) in the **Chickahominy Magisterial District**. The subject property is designated on the General Land Use Plan Map as Commercial. The proposed use is for medical offices.

Planning Analysis:

The conceptual plan shows the following:

- 6,600 sq. ft., one-story building
- Entrances on Pleasant Grove Road and Shady Grove Road, which meet VDOT access management requirements

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- Existing crossover and left turn lane in place for Shady Grove Road entrance
- Parking lot screening from adjacent residentially-zoned properties
- Cross-access easement to adjoining property to the north

### Proffers:

- Conceptual plan
- 6' screening fence along the adjoining residentially-zoned property to the north
- Architectural materials that will be harmonious with Memorial Regional Medical Center
- Construction of a 16" water line and connection to public sewer, when available
- Screening of all mechanical units
- Monument signage that is compatible with the architectural theme of the building
- Cross-access easement provided to parcel to the north

### Recommendations:

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

Mr. Davis asked if Board Members had any questions.

Hearing none, he opened the public hearing and asked that anyone wishing to speak for or against the matter come forward. Seeing no one come forward, Mr. Davis closed the public hearing.

On motion of Mrs. Kelly-Wiecek, seconded by Mr. Hazzard, the members of the Board of Supervisors voted to approve Ordinance C-16-13(c), Pleasant Grove Investors, L.L.C., as follows:

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### ORDINANCE C-16-13(c)

**OWNER OF RECORD:** PLEASANT GROVE INVESTORS, 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 12<sup>th</sup> day of March, 2014, 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 GPINs 8705-74-7730 and 8705-74-7491, consisting of 1.25± acres located on the west line of Shady Grove Road (State Route 640) approximately 250 feet north of its intersection with Meadowbridge Road (State Route 627), (a detailed description is filed with the Board's papers) from R-1, Single-Family Residential District, to B-1(c), Neighborhood Business District with conditions, subject to the following conditions which were proffered by the Applicant on February 19, 2014, and accepted by the Board:

1. Conceptual Plan. The Property shall be developed in substantial conformity with the conceptual plan attached, titled "Pleasant Grove Office, Zoning Amendment – Concept Plan," dated December 2, 2013, and revised January 30, 2014, and prepared by Resource International, Ltd.
2. Buffer. A minimum of a 6' tall opaque fence shall be provided along the western edge of property where the parking lot is within 50' of a residentially zoned property. At such time that the adjacent property zoning is amended to non-residential use, the fence may be removed.
3. Architectural Treatment. The exterior wall surfaces (front, rear and sides) of each individual building shall be similar to architectural treatment and

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- materials. All buildings constructed on the Property shall have exposed exterior walls (above finish grade) of face brick, natural stone, glass stucco, drivit, exposed aggregate concrete or an equivalent permanent architecturally finished material. All buildings on the Property shall be architecturally harmonious with the structures, including their colors and materials, on the adjacent property of the Memorial Regional Medical Center. No portion of an exterior wall surface visible from any adjoining property shall contain painted or untreated concrete or unfinished concrete masonry units, sheet or corrugated aluminum or metal, except that metal and/or aluminum may be incorporated for window and decorative treatments. The elevations will be reviewed and approved by the Director of Planning prior to site plan approval.
4. Public Utilities. A 16” waterline shall be constructed through the property, as required by the Department of Public Utilities. The property shall be served by public water. At the time that public sanitary sewer service is available to the property, the owner shall connect to such service.
  5. HVAC Units. Any mechanical units on the Property shall be screened, and if on the roof, screened by architectural features which are compatible with the building façade architecture. Screening shall be designed so as to block such units from view by persons on any public streets immediately adjoining the Property, or from adjacent residential uses. The method of screening shall be submitted at the time of site plan review.
  6. Monument Signs. All freestanding signs on the Property shall be monument type, and shall include materials and design that are compatible with the proposed materials and architectural theme of the proposed structure.
  7. Access. The owner shall provide a cross access easement (but no construction of such access) to GPIN 8705-74-4832 prior to site plan approval. The cross access easement shall be subject to signing a Maintenance Agreement.

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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.

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

**SE-2-14 Atlee Road Realty, L.L.C.**, Requests a Special Exception Permit in accordance with Section 26-337 of the Hanover County Zoning Ordinance to allow two entrances along a property frontage that is less than 300 feet in length and to relocate the required landscaping on GPINs 8706-12-7167 and 8706-12-8045, consisting of approximately 2.9 acres, zoned B-3(c), General Business District with conditions and located on the southeast quadrant of the intersection of Chamberlayne Road (U.S. Route 301) and Atlee Road (State Route 638) in the **Chickahominy Magisterial District**.

Planning Analysis:

- Public Works and VDOT have a road project to improve Atlee Road south of its intersection with U.S. Route 301
- The existing full movement entrance on Atlee Road will become right-in/right-out only
  - A new full movement entrance is proposed at the southern end of the site, near the Stevie B’s Restaurant
- The applicant is requesting an exception to access and landscaping standards necessitated by the road project
- The ordinance permits one entrance per 300’ of frontage
  - The subject property has less than 400’ of frontage on Atlee Road which would only permit one entrance
- The new entrance also affects the design of the required parking lot and landscaping

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### Recommendations:

Staff recommends approval subject to the conditions outlined in the staff report  
Mr. Davis asked if Board Members had any questions.

Hearing none, he opened the public hearing and asked that anyone wishing to speak for or against the matter come forward. Seeing no one come forward, Mr. Davis closed the public hearing.

Mrs. Kelly-Wiecek made a motion to approve SE 2-14 – Atlee Road Realty, L.L.C, seconded by Mr. Peterson.

### **RESOLUTION**

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

**NOW, THEREFORE, BE IT RESOLVED** that Atlee Road Realty, L.L.C, are granted a Special Exception Permit in accordance with Section 26-337 of the Hanover County Zoning Ordinance to allow two entrances along a property frontage that is less than 300 feet in length and to relocate the required landscaping on GPINs 8706-12-7167 and 8706-12-8045, consisting of 2.9 acres, zoned B-3(c), General Business District with conditions, subject to the following conditions:

1. The site plan for Patriots Corner Shopping Center shall be amended to show the modifications shown on the sketch plan titled, “Patriots Corner Shopping Center Entrance and Parking Modifications,” dated January 30, 2014, and prepared by Hanover County [Department of Public Works].
2. The improvements shown on the sketch plan to the Patriots Corner Shopping Center site shall be completed within six (6) months of the completion of the Atlee Road improvement project.
3. To allow for the timing of the Atlee Road improvement project, this Special Exception Permit shall be valid for three (3) years following the date of approval. The permit shall then be void unless the Director of Planning approves an extension beyond that time pursuant to written application. If

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approved, all original conditions of approval shall continue in effect, unless modified by the Director.

4. All development and use of the Property shall comply with all federal, State and local statutes, ordinances and regulations.

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

Motion approved.

### **Ordinance of Vacation: Walnut Hill Section II Subdivision (George Bryant),**

Requests an Ordinance of Vacation in accordance with Section 15.2-2272, Code of Virginia, 1950, as amended, in order to vacate the designation “Lot 5” on GPIN 7719-77-4661, located on the west line of Walnut Hill Drive (private section) approximately 1,500 feet north of the terminus of Walnut Hill Drive (State Route 622) as shown on the plat titled “Walnut Hill, Section II,” prepared by Koontz-Bryant, P.C., recorded April 12, 2005, in Plat Book 37, Page 125, in the Office of the Clerk of the Hanover County Circuit Court. **(South Anna Magisterial District).**

#### Planning Analysis:

- Vacation of Lot 5 would:
  - Create land for a road access
  - The area of Lot 5 will be combined into the area of 2 lots within the proposed subdivision
- The Vacation document will be recorded concurrently with the proposed subdivision plat

#### Recommendations:

Adoption of Walnut Hill, Section II (George Bryant) Ordinance, to vacate “Lot 5” as shown on the plat, titled “Walnut Hill, Section II”, and dated March 18, 2005, and recorded April 12, 2005

Mr. Davis asked if Board Members had any questions.

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Hearing none, he opened the public hearing and asked that anyone wishing to speak for or against the matter come forward.

Mr. George Bryant thanked Board for consideration of the matter and offered to answer any questions.

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

On a motion by Mr. Hazzard, seconded by Mr. Stanley, the Board of Supervisors voted to approve the Ordinance of Vacation “Walnut Hill, Section II Subdivision”.

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

**C-35-80(c) AM. 1-13 West Engineering Co., Inc.**, Requests an amendment to the proffers and conceptual plan approved with rezoning request C-35-80(c), West Engineering Co., Inc., on GPIN 7788-79-7366, zoned M-2(c), Light Industrial District with conditions, consisting of approximately 16.79 acres, and located on the west line of Ashcake Road (State Route 657) approximately 1000 feet north of its intersection with Lewistown Road (State Route 802) in the **Ashland Magisterial District**. The subject property is designated on the General Land Use Plan Map as Commercial and Suburban General (1-4 units per acre). The proposed zoning amendment would permit truck access from Ashcake Road.

### Board Sheet Background

The subject property was rezoned to M-2(c), Light Industrial District with conditions on December 17, 1980. The original proffers limited truck traffic to Lewistown Road. With the construction of a median along Lewistown Road that is part of a pending VDOT road project, left turns into the subject property will be eliminated for all eastbound traffic. Consequently, the applicant has submitted this application to amend the proffers to allow truck access through a new entrance on Ashcake Road. Staff would note that the applicant is not agreeing to proffer right-of-way dedication on Lewistown Road.

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### Planning Analysis:

- The property was rezoned in December 1980
  - The proffers limited truck access to Lewistown Road only
- A VDOT road project, which includes the construction of a median along the property's frontage on Lewistown Road, will eliminate left turns to and from the property
- The applicant is proposing a new entrance on Ashcake Road for vehicles and trucks
- The proposed entrance to Ashcake Road meets sight distance requirements
- A warrant analysis for the proposed entrance determined that a left-turn lane is not required
- At VDOT's request, the applicant has verified that the Ashcake Road/Lewistown Road intersection is adequate for truck turning movements
- To limit the impacts of industrial development on the residential community, the applicant has agreed to maintain the buffers established with the original rezoning which include:
  - A 15' natural buffer along the northern property line
  - A 50' natural buffer along Ashcake Road

### Proffers:

- Development in substantial conformity with the buffers and entrances shown on the conceptual plan
- Use restrictions
- Dedication of right-of-way along Ashcake Road only
  - Staff recommends the applicant submit a proffer to dedicate right-of-way to VDOT or Hanover County at no cost along Lewistown Road
  - Recommendation is supported by the Comprehensive Plan, the Business and Residential Development Road Improvements transportation Policy, dated March 13, 2013, and the Transportation Policy, dated May 22, 2013

### Recommendation

Approval subject to the submitted proffers, dated January 30, 2014, and conceptual plan, dated January 17, 2014.

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Mr. Davis asked if Board Members had any questions.

Hearing none, he opened the public hearing and asked that anyone wishing to speak for or against the matter come forward.

Mr. Via stated he wanted to make it clear that the driveway was approved in 1980. Mr. Maloney confirmed that and stated that will remove the truck restriction.

Mr. Stephen West came forward and stated that the company has been there since 1980. The company requests approval as presented.

Mr. Scott Courtney, Resource International and resident of the Cold Harbor District came forward to address the Board. He stated this is not a developer driven project, but a VDOT driven project. There are only about two to five trucks per day that will come in to the property. He stated that the Planning Commission agreed with staff on the appropriateness of uses, but disagreed on whether the West family should dedicate the right of way at no cost. He asked that the Board all Mr. West and VDOT to continue negotiations and support the proffers as submitted.

Ms. Keshana James, resident of Ashcake Road came forward to address the Board. Her concern is what she will see when she from her front door. She asked what the buffer is and when the construction will begin. Mr. Maloney responded that the buffer is a 15' natural buffer along the property line; this means the existing vegetation cannot be disturbed. The applicant has shown a future right-of-way reservation which also shows a natural buffer of 15'.

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

On motion of Mr. Via, seconded by Mr. Peterson, the members of the Board of Supervisors voted to approve Ordinance C-35-80(c), Am. 1-13, West Engineering Co., Inc.

### **ORDINANCE C-35-80(c), AM. 1-13**

**OWNER OF RECORD:** WEST ENGINEERING CO., INC.

**WHEREAS** the Planning Commission of Hanover County has held an advertised public hearing and forwarded this case to the Board of Supervisors with a

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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 12<sup>th</sup> day of March, 2014, 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 and conceptual plan approved with rezoning request C-35-80(c), West Engineering Co., Inc., of the property described as GPIN 7788-79-7366, consisting of 16.79± acres located on the west line of Ashcake Road (State Route 657) approximately 1,000 feet north of its intersection with Lewistown Road (State Route 802), (a detailed description is filed with the Board's papers) currently zoned M-2(c), Light Industrial District with conditions, subject to the following conditions which were proffered by the Applicant on January 30, 2014, and accepted by the Board:

1. Conceptual Plan. The entrances and buffers shall be constructed and remain in substantial conformity with the conceptual plan attached, titled, "West Engineering Company, Inc., Rezoning Amendment – Ashcake Road Ingress/Egress Concept Plan, "dated January 17, 2014, and prepared by Resource International, Ltd.
2. Dedication of Right-of-Way. The Property Owner agrees to dedicate thirty (30) feet of right-of-way from the centerline of Ashcake Road (State Route 657) for future road widening, free of cost to the County, upon request of the County or VDOT.
3. Use Restrictions. The following M-2, Light Industrial District, uses shall not be permitted:
  - a. Animal hospital
  - b. Automobile, tractor, truck, bus, motorcycle body and fender repair

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- c. Automobile, tractor, truck, bus, motorcycle tire retreading, recapping and vulcanizing
- d. Coal and wood yards, coke storage and sales
- e. Grain storage
- f. Greenhouses, commercial, wholesale or retail
- g. Kennels, boarding or otherwise
- h. Poultry packing and slaughtering (wholesale)
- i. Railroad switching yard, primarily for railroad service in the district, team tracks and spur tracks
- j. Vehicle storage area (not parking garages), including the storage of empty trailers

**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.

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

**C-15-13(c) Hanover Land, L.L.C. (Hanky, L.L.C.)**, Requests to rezone from A-1, Agricultural District to RS(c), Single-Family Residential District with conditions, on GPIN 8724-37-8172, consisting of approximately 17.71 acres, and located at the terminus of Adams Farm Road (State Route 830) approximately 0.42 miles south of its intersection with Mechanicsville Turnpike (U.S. Route 360) in the **Mechanicsville Magisterial District**. The subject property is designated on the General Land Use Plan Map as Suburban General (1-4 dwelling units per acre). The proposed zoning amendment would permit the creation of forty-nine (49) building lots for a gross density of 2.8 units per acre.

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### Planning Analysis:

- The applicant is proposing 49 single-family lots with a gross density of 2.82 units per acre
- The conceptual plan addresses the open space requirements of the RS ordinance and strategies of the Comprehensive Plan
- A variety of elevations have been submitted as part of the conceptual plan, which show a diverse use of materials and architectural styles
- Public Works has noted that this development will not be allowed to increase runoff to the surrounding neighborhoods
- Community Meeting January 7, 2014:
  - Issues raised at the meeting pertained to Adams Farm Road
  - The condition of the road, including its narrowness and quality
  - Additional stormwater runoff from Adams Farm Road and the project

### Proffers:

- Contribution to road improvements
- Widening and paving Adams Farm Road to 20', provided that sufficient right-of-way exists to accommodate the increased pavement width and any associated drainage improvements that may be required
  - The proffer also requires that Adams Farm Road be paved regardless of the width of the right-of-way
- In the event a cemetery is located on the property, it shall be relocated in accordance with Department of Historic Resources procedures

### Recommendation

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

Mr. Davis asked if Board Members had any questions. Mrs. Kelly-Wiecek asked if there will be a homeowners' association that is going to maintain the pocket park. Mr. Maloney responded that there would.

Hearing no other question Mr. Davis opened the public hearing and asked that anyone wishing to speak for or against the matter come forward.

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Mr. Dan Caskey with Bay Companies came forward representing the developers and asked that the Board approve the request as presented.

Mr. Leroy Crowder, Mechanicsville Magisterial District, came forward and stated he is concerned with the overlay of Adams Farm Road. He wants to make sure it is built to VDOT specifications.

Ms. Mary Lee Willberger, Henry Magisterial District, came forward and stated her concerns about the in/out situation and the Liberty Hall Hills subdivision. She feels the roads are not designed for that amount of increased traffic and has cross over traffic with regard to the Shalom Baptist Church.

Mr. Maloney responded that with regard to the design for a future stub road, there is no current plan for that. It is just designed to comply with VDOT regulations for interconnections to adjacent parcels so residents of one development have multiple options to enter and exit project.

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

Mr. Peterson explained that this project came in well prepared and designed.

On motion of Mr. Peterson, seconded by Mr. Via, the members of the Board of Supervisors voted to approve Ordinance C-15-13(c), Hanover Land, L.L.C. (Hanky, L.L.C.), as follows:

### ORDINANCE C-15-13(c)

**OWNER OF RECORD:** HANOVER LAND, L.L.C.

**CONTRACT PURCHASER:** HANKY, 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 12<sup>th</sup> day of March, 2014, 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.

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**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 8724-37-8172, consisting of 17.71± acres located at the terminus of Adams Farm Road (State Route 830) approximately 0.42 miles south of its intersection with Mechanicsville Turnpike (U.S. Route 360), (a detailed description is filed with the Board's papers) from A-1, Agricultural District, to RS(c), Single-Family Residential District with conditions, subject to the following conditions which were proffered by the Applicant on February 19, 2014, and revised February 26, 2014, and accepted by the Board:

1. Contribution to Road Improvements. 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 Three Hundred Six and 00/100 (\$2,306.00) 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 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. Road Paving and Widening. The Property Owner shall widen the pavement on Adams Farm Road to 20 feet in width from its intersection with U.S. Route 360 to the property. In addition, the subdivision construction plans shall also incorporate all such stormwater management improvements necessary to accommodate the road widening.  
  
The Owner shall undertake such necessary studies and surveys to determine the existing right of way width along the entirety of Adams Farm Road and submit the information as part of the construction plan documents. Once the information has been submitted, if it is determined by the Director of Planning, in consultation with VDOT and the Director of Public Works, that insufficient right-of-way exists to accommodate the increased pavement

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width and associated drainage improvements, then there shall be no further obligation on the part of the Owner to widen Adams Farm Road. Nothing herein shall eliminate the requirement to provide an overlay to Adams Farm Road from a point 850 feet south of U.S. 360 to the property.

All such improvements shall be designed and constructed in accordance with VDOT standards and specifications, and shall be bonded as subdivision improvements.

3. Cemetery Removal or Relocation. Should a grave or cemetery be discovered, and should the location of the grave or cemetery be in conflict with the conceptual plan and necessary infrastructure such as roads, drainage, and utilities, the grave or cemetery shall be relocated in accordance with the procedure administered by the Virginia Department of Historic Resources. The property owner shall be responsible for all costs and expenses associated with the cemetery removal or relocation.

**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.

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

### **XIX. Announcements**

Mr. Harris reminded citizens and the Board that the next meeting of the Board of Supervisors will be at 7:00 p.m. on March 26, 2014. The only item on the agenda is the budget public hearing.

### **XX. Adjournment**

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At 8:15 p.m., the Chairman adjourned the meeting to March 26, 2014 in the Hanover County Administration Building at 7:00 p.m.