

Shown below is a preliminary summary of the actions taken by the Hanover County Board of Supervisors on June 25, 2014. Minutes in final form will be presented to the Board for approval at a future date.

HANOVER COUNTY BOARD OF SUPERVISORS

SUMMARY MINUTES

Hanover County Administration Building Board Room

June 25, 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 25th day of June, 2014, at 6:00 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 6:00 p.m. Six Board members were present at the start of the meeting. Mrs. Kelly-Wiecek arrived at 6:11 p.m.

- A. The invocation was given by Mr. Hazzard.
- 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.

Mr. Rick Ryan with from the Cold Harbor District came forward and spoke on changes in zoning and the need for gradual increases in density rather than drastic changes.

Seeing no others come forward, the Chairman closed citizens’ time.

IV. Consent Agenda

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

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

Motion approved.

IV-A. Committee Appointments

COMMITTEE NAME	DISTRICT	FIRST NAME	LAST NAME	CURRENT TERM START	CURRENT TERM END	TERM LENGTH	ACTION
Bell Creek CDA	N/A	Robert	Bluford	07/01/10	06/30/14	4 years	Reappoint to 6/30/2018
Bell Creek CDA	N/A	Roger	Burcham	07/01/10	06/30/14	4 years	Reappoint to 6/30/2018
Bell Creek CDA	N/A	Charles	Harrell			4 years	Appoint to 6/30/2018
Bell Creek CDA	N/A	John	Wash, Sr.	07/01/10	06/30/14	4 years	Reappoint to 6/30/2018
Historic Courthouse Area Advisory Committee	Hanover Tavern	James	Rice	04/24/13	04/30/14	1 Year	Reappoint to 6/30/2015

COMMITTEE NAME	DISTRICT	FIRST NAME	LAST NAME	CURRENT TERM START	CURRENT TERM END	TERM LENGTH	ACTION
Historic Courthouse Area Advisory Committee	Historical Commission	Judy	Lowry	04/24/13	04/30/14	1 Year	Reappoint to 6/30/2015
Historic Courthouse Area Advisory Committee	Historical Commission	Brenda	Pennington	04/24/13	04/30/14	1 Year	Reappoint to 6/30/2015
Historical Commission	ARB	Alison	Ross	08/22/12	08/31/14	2 years	Reappoint to 8/31/2016
Historical Commission	Beaverdam Depot	Nancy	Jett	09/01/12	08/31/14	2 years	Reappoint to 8/31/2016
Historical Commission	Hanover Tavern Foundation	Brenda	Pennington	09/01/12	08/31/14	2 years	Reappoint to 8/31/2016
Historical Commission	Hanover Civic Association	Donald	Pleasants	04/01/12	03/31/14	2 years	Reappoint to 6/30/2016
Historical Commission	Hanover Branch - Preservation VA	Lyn	Hodnett	07/01/12	06/30/14	2 years	Reappoint to 6/30/2016
Historical Commission	Historical Society Representative	Faye	Wade	04/01/12	03/31/14	2 years	Reappoint to 6/30/2016
Historical Commission	Montpelier Center Representative	Gary	Henley	07/01/12	06/30/14	2 years	Reappoint to 6/30/2016
Historical Commission	Page Library	Judith	Lowry	09/01/12	08/31/14	2 years	Reappoint to 8/31/2016
Historical Commission	Scotchtown DAR	Marla	Coleman			2 years	Appoint to 6/30/2016
J. Sargeant Reynolds Community College Board of Directors	N/A	Anna Marie	Lauranzon	07/01/10	06/30/14	4 years	Reappoint to 6/30/2018

COMMITTEE NAME	DISTRICT	FIRST NAME	LAST NAME	CURRENT TERM START	CURRENT TERM END	TERM LENGTH	ACTION
Richmond Area Metropolitan Planning Organization Board-Citizens Transportation Advisory Committee	Citizen Representative	Robert	Morris	09/01/13	08/31/14	1 year	Reappoint to 8/31/2015
Roads Committee	Planning Commission Representative	Edmonia	Iverson	05/01/13	04/30/14	1 Year	Reappoint to 6/30/2015
Maymont Board of Directors	Board Member	Angela	Kelly-Wiecek			2 Years	Appoint to 12/31/15
Middle Peninsula Juvenile Detention Center	Staff	Jim	Taylor	07/01/10	06/30/14	4 years	Reappoint to 6/30/2018
Hanover County Council on Aging	Chickahominy	Miriam	Chambliss	07/01/13	06/30/14	1 year	Reappoint to 6/30/2015
Historical Commission	Chickahominy	Charles	Nunn, Jr.	07/25/12	06/30/14	2 years	Reappoint to 6/30/2016
Roads Committee	Chickahominy	Portia	Bagby			1 Year	Appoint to 6/30/2015
Historical Commission	Mechanicsville	Patricia	Rudolph			2 years	Appoint to 6/30/2016
Cannery Advisory Committee	South Anna	Connie	Alexander	09/01/13	08/31/14	1 year	Reappoint to 8/31/2015
Hanover County Council on Aging	South Anna	Ester	Davis	07/01/13	06/30/14	1 year	Reappoint to 6/30/2015
Roads Committee	South Anna	Calvin	Stanley	07/24/13	07/31/14	1 year	Reappoint to 7/31/2015

IV-B. Adoption of Proclamation – Eagle Scout – Cary James Bevan - Chickahominy Magisterial District

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

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

IV-C. Approval of Resolution to Refund Water and Sewer System Revenue Bonds, Series 2006

Board Sheet Background:

On April 25, 2006 The Board of Supervisors approved a resolution authorizing the issuance of Water and Sewer System Revenue Bonds in the principal amount of \$9,000,000 through the Virginia Resources Authority (VRA) pooled financing program. Since 2006 tax exempt interest rates have declined affording an opportunity to refund a portion of the Series 2006 debt structure and reduce debt service. Based on current market interest rates, the County’s financial advisor has identified a possible refunding opportunity for the Series 2006 bonds maturing between 2017 and 2031. The bonds will be refunded if the issuance generates a minimum net present value savings of 4% in accordance with the County financial regulations. Current market conditions indicate the opportunity for total net present value savings of up to 5%. The attached resolution outlines the parameters for issuance of the refunding bonds, including a maximum interest rate of 4.5%.

Recommended Action:

Motion to approve the attached Resolution to refund Water and Sewer System revenue bonds, Series 2006 through the 2014 VRA pooled financing program, and authorize the County administrator to take all actions necessary to proceed with the issue of the refunding bonds and administration of all matters related to the bonds, including execution of all necessary documents.

IV-D. Emergency Communications Department – Georgetown Tower – Second Amendment to Lease with New Cingular Wireless PCS, LLC

Board Sheet Background:

The County entered into a lease on August 26, 2009 with New Cingular Wireless PCS, LLC for use of the Georgetown Tower. New Cingular Wireless PCS, LLC agreed to pay an annual rent of \$27,500 with escalation of 15% after the initial 5 year base rental period. This second lease amendment provides for the additional microwave dishes at 165 feet and 200 feet to provide intrasite connectivity with other communications towers. New rental terms reflect that the base rental fee due under the Lease Agreement will increase by \$12,000 per year (the “Rent Increase”).

The Emergency Communications Department recommends approval of the attached second lease amendment and requests authorization for the County Administrator to finalize the lease amendment and administer the lease.

Recommended Action:

Motion to approve the attached second lease amendment between Hanover County and New Cingular Wireless PCS, LLC to 1) allow for additional microwave equipment on the tower at 165 feet and 200 feet; 2) to increase the Base Rent by \$12,000; and 3) authorize the County Administrator to take all actions necessary to enter into and administer the lease as amended.

Note: A full copy of the lease amendment is on file with the Board’s papers.

IV-E. Request by Commissioner of the Revenue to consolidate two part-time positions into one full-time position

Board Sheet Background:

A request to combine an existing part-time account clerk position (0.49 FTE, Non-benefitted) and a FY15 funded part-time customer service agent position (0.50 FTE, Benefitted) into one full-time customer service agent position, effective July 1, 2014. Funding is available to cover the additional costs of full-time benefits. If approved, this will increase the department’s approved FTE count from 17.5 to 18.0.

The departments of Human Resources and Finance & Management Services concur with this request.

Recommended Action:

Motion to approve Commissioner of the Revenue's request to consolidate two part-time positions into one full-time position, effective July 1, 2014.

IV-F. Adoption of Resolution – Acceptance of Streets into the Secondary System of Highways – Providence Subdivision, Section 1 (Beaverdam Magisterial District)

Board Sheet Background:

Providence, Section 1 is a 49 lot subdivision recorded on April 18, 2013. 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.

Recommended Action:

Adopt the attached resolution requesting the Virginia Department of Transportation to accept Providence Green Drive, Folly Trail Place, Providence Run Road, Abrams Court, Spencer Trail Place, and Winston Trail Circle in Providence, Section 1 Subdivision into the Secondary System of State Highways.

IV-G. Adoption of Resolution – Acceptance of Streets into the Secondary System of Highways – Rutland Subdivision, Section 3B (Chickahominy Magisterial District)

Board Sheet Background:

Rutland, Section 3B is a 21 lot subdivision recorded on June 12, 2013. 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.

Recommended Action:

Adopt the attached resolution requesting the Virginia Department of Transportation to accept Rushbrooke Lane in Rutland, Section 3B Subdivision into the Secondary System of State Highways.

IV-H. Director of Real Estate Assessment Appointment

Board Sheet Background:

At the direction of the Board of Supervisors Finance Committee, staff posted the Director of Real Estate Assessment (formerly Chief Assessor) position. After a competitive recruitment and with

concurrence of the Board Finance Committee Mr. Richard Paul is recommended to fill the position which is an appointee of the Board of Supervisors with day to day supervision provided by County Administration.

Mr. Paul has served Hanover County for over 18 years, of which, 17 were in the capacity Of Chief Deputy Director Assessor. Most recently he has serves as the Acting Chief Assessor for almost two years. He has an additional 10 years of related service in the public sector. He exceeds all required credentials and educational requirements.

Recommended Action:

Appointment of Director of Real Estate Assessment – Richard W. Paul

V. Presentations

Eagle Scout Sobel – Troop 706 – South Anna Magisterial District

Mr. Hazzard called Eagle Scout Elliot Michael Sobel and his family forward and presented him with the proclamation recognizing his achievement.

Eagle Scout Hope – Troop 706 – South Anna Magisterial District

Mr. Hazzard called Eagle Scout William Jacob Hope and his family forward and presented him with the proclamation recognizing his achievement.

Mrs. Angela Kelly-Wiecek joined the meeting at 6:11 p.m.

VI. Closed Session - Section 2.2-3711(A)(7) of the Code of Virginia – Consultation with legal counsel and staff regarding Claim against the County by EMAC, LLC (“McGeorge Rolling Hills RV SuperCenter”) and Section 2.2-3711(A)(1) of the Code of Virginia - Performance Review of County Administrator and County Attorney

Mr. Hazzard moved that the Board of Supervisors go into Closed Session pursuant to the following: Section 2.2-3711(A)(7) of the Code of Virginia – Consultation with legal counsel and staff regarding Claim against the County by EMAC, LLC (“McGeorge Rolling Hills RV SuperCenter”) and Section 2.2-3711(A)(1) of the Code of Virginia - Performance Review of County Administrator and County Attorney. 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.

Board members entered Closed Session at 6:11 p.m. At the conclusion of the Closed Session, all Board members returned to the Board room, and the Chairman called the regular meeting back to order at 7:12 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.

The Chairman announced a recess at 7:13 p.m.

The meeting was reconvened at 7:17 p.m.

VII. Planning Public Hearings

CUP-2-02 AM. 1-14 BEAVERDAM BAPTIST CHURCH, Requests an amendment to a Conditional Use Permit in accordance with Section 26.20.21 of the Hanover County Zoning Ordinance to permit expansion of church activities to include a private church school on GPIN 7826-62-2888, consisting of approximately 55 acres, currently zoned A-1, Agricultural District, located on the east side of Beaver Dam Road (State Route 715) approximately 1,025 feet north of Tyler Station Road

(State Route 658) in the Beaverdam Magisterial District. The site of the requested Conditional Use Permit is designated on the General Land Use Plan Map as Agricultural.

Planning Analysis:

- This request is to amend the approved CUP for the church to allow the operation of a private school.
 - Approx. 15 to 20 students for the 1st school year and eventually grow to approx. 120 students.
- The church facilities can accommodate the school without additional improvements.

Staff Recommendation:

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

Mr. Maloney presented the details of this case to the Board.

Mr. Davis 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 a motion by Mr. Stanley, seconded by Mr. Hazzard, the Board voted to approve request CUP-2-02 AM. 1-14 as follows:

	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-38-98(c) - AM. 1-14 AMAR AND HARVINDER SINGH, ET AL. (WALTON TAVERN ESTATES), Request an amendment to the proffers approved with rezoning request C-38-98(c), W. Pettus Gilman and William B. Gilman, on GPIN 7831-02-6166, zoned AR-6(c), Agricultural Residential District with conditions, and located on the east line of Sir Walker Drive (private road) approximately 500 feet north of its intersection with Mountain Road (U.S. Route 33) in the South Anna 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 \$5,185.00 (capital & road improvements) to \$1,259.00 (road improvements).

Recommendation:

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

Mr. Maloney presented the Board with the details of the request. Following his presentation, Mr. Maloney answered questions from Board members.

Mr. Davis opened the public hearing and asked that anyone wishing to speak for or against these matters come forward. Seeing no one come forward, Mr. Davis closed the public hearing.

On motion of Mr. Hazzard, seconded by Mr. Stanley, the members of the Board of Supervisors voted to approve Ordinance C-38-98(c), Am. 1-14, Amar and Harvinder Singh, et al.

	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-15-00(c) AM. 1-13 ANN BROOKE W. AND JAMES S. DAVIS, JR., ET AL. (BAYLOR SPRINGS SUBDIVISION), Request an amendment to the proffers approved with rezoning request C-15-00(c), Helen and Matthew Blackwood, on GPINs 8764-57-5208 and 8764-77-1930, zoned RC(c), Rural Conservation District with conditions, and located on the east line of Flannigan Mill Road (State Route 693) at its intersection with Babbling Brooke Lane (State Route 1014) in the Cold Harbor 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 \$6,310.00 (capital & road improvements) to \$2,126.00 (road improvements).

Staff Recommendation:

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

Mr. Maloney presented the Board with the details of this request. Following his presentation, Mr. Maloney answered questions from Board members.

Mr. Davis 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. Wade, seconded by Mr. Hazzard, the members of the Board of Supervisors voted to approve Ordinance C-15-00(c), Am. 1-13, Ann Brooke W. and James S. Davis, Jr., et al.

	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-2-14(c) JOYCE Y. MORRIS, Requests to rezone from A-1, Agricultural District to AR-6(c), Agricultural Residential District with conditions, on GPIN 7822-83-8301, consisting of approximately 6.18 acres, and located at the terminus of Bradley’s Country Lane (private road) approximately 950 feet southeast of its intersection with W. Patrick Henry Road (State Route 54) in the South Anna Magisterial District. The subject property is designated on the General Land Use Plan Map as Agricultural. The proposed zoning amendment would permit the creation of one additional building lot for a gross density of one (1) dwelling unit per 3.09 acres.

Planning Analysis:

- The conceptual plan shows the 6.1 acre parcel divided into a 2.1 acre lot and 4.0 acre lot.
 - The proposed lots have an irregular configuration but both comply with the AR-6 provisions.

Recommendation:

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

Mr. Maloney came forward to present the details of this rezoning request.

Mr. Davis 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. Peterson, the members of the Board of Supervisors voted to approve Ordinance C-2-14(c), Joyce Y. Morris.

	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-9-13(c) HANOVER LAND INVESTORS, L.L.C., Request to rezone from A-1, Agricultural District to RM(c), Multi-Family Residential District with conditions and B-1(c), Neighborhood Business District with conditions, on GPINs 8715-45-2556, 8715-45-5685, 8715-45-4972 and 8715-45-8101, consisting of approximately 25.45 acres, and located in the southeast quadrant of the intersection of Pole Green Road (State Route 627) and Bell Creek Road (State Route 642) in the Mechanicsville Magisterial District. The subject property is designated on the General Land Use Plan Map as Commercial and Suburban High (4-8 dwelling units per acre). The proposed zoning amendment would permit the creation of 121 building lots for a gross density of 5.52 dwelling units per acre.

Planning Analysis

- The applicant requests to rezone:
 - 22.11 acres to RM(c), Multi-Family Residential District with conditions
 - 121 dwelling units for a density of 5.52 units per acre
 - 48 Single-family units
 - 73 Townhouse units
 - 3.33 acres to B-1(c), Neighborhood Business District with conditions
 - B-1 site is speculative
- The conceptual plan and elevations meet RM District and subdivision preliminary plat requirements:

Recreation areas include: Playground, Multi-use fields, Walking trails and Exercise stations.

 - Sidewalks align both sides of the internal roads, which connect to walking trails in the common areas.
 - Tree plantings are shown along all streets and grouped in common areas.
 - A 50' landscaped thoroughfare buffer and entrance lighting are provided along Bell Creek Road.

- There are 2 entrances proposed on Bell Creek Road:
 - Northernmost entrance being right-in/right-out only
 - Southernmost entrance providing full movement
- The Pole Green Road entrance shall be right-in/right-out only.
- **Revisions of the conceptual plan since the packet was distributed include:**
 - 10' of common open space added behind Lots 45-48.
 - 10' landscape area added along the eastern property line in the common open space area. Plantings to be approved by Planning Director
 - 6' opaque fence added along the townhouse section in the northeastern portion of the property.

Staff Recommendation:

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

Mr. Maloney presented the Board with the details of this request. He explained the changes to the conceptual plan that have been made since the Board packet was distributed.

Following his presentation, Mr. Maloney answered questions from Board members. Mr. Maloney clarified issues concerning gross density calculations, optimizing signal times for existing stoplights to reduce queuing during peak traffic hours, other traffic engineering standards and the numerous studies that have been done regarding traffic.

Mr. Davis opened the public hearing and asked that anyone wishing to speak for or against the matter come forward.

Mr. Andy Condlin came forward and spoke on behalf of Hanover Land Development on the density being consistent with the Comprehensive Plan and the need for growth in the County. He described the traffic, density and environmental issues that have been addressed.

Following his comments, Mr. Condlin answered questions from Board members. There was a discussion concerning the traffic measurements.

Mr. Mark Beasley, resident of Hanover Grove subdivision, came forward and spoke in opposition of the development, specifically in regard to the four existing single family homes to the east of the development being on an overflow spillway as well as the increased traffic that will be created in an area already experiencing heavy traffic.

Mr. Rick Ryan of the Cold Harbor Magisterial District came forward and spoke in opposition of the development, specifically in regard to the lack of commitment for the commercial part of the development and the lack of harmonious transition in density from the surrounding properties.

Mr. Scott Courtney with Resource International and a resident of the Cold Harbor Magisterial District came forward and spoke concerning the efforts that have been made to address the potential environmental issues, such as the overflow spillway.

The efforts made by Mr. Peterson to research the project, inspect the property to be developed as well as the surrounding properties and the stormwater basin were detailed. Mr. Courtney offered clarification on how the stormwater basin works and there was a detailed discussion on the specifics of the issue.

There was further discussion by Board members on right-of-way issues with respect to planning for future traffic and the commercial aspect of the development.

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

On motion of Mr. Peterson, seconded by Mr. Via, the members of the Board of Supervisors voted to approve Ordinance C-9-13(c), Hanover Land Investors, L.L.C.

	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

VIII. Public Hearing – Ordinance No. 14-07 – Consideration of a Proposed Ordinance Amending the Special Assessment for Lewistown Commerce Center Community Development Authority and Approving an Amended and Restated Special Assessment Agreement

Board Sheet Background:

The proposed ordinance will authorize an Amended and Restated Special Assessment Agreement amending the special assessment (the "Special Assessment") levied on property within the Lewistown Commerce Center Community Development Authority (the "CDA") district pursuant to ordinances enacted by the Board of Supervisors of the County of Hanover, Virginia (the "County") on May 9, 2007 and March 23, 2011. The proposed Amended and Restated Special Assessment

Agreement will also (i) provide for the issuance of bonds by the CDA in exchange for bonds issued by the CDA in 2007 to finance certain infrastructure improvements benefiting property within the CDA district and furthering the County's economic development interests and (ii) extend the agreement by the County to pay to the CDA certain increased County tax revenues attributable to development in the CDA district. The restructured bonds to be issued by the CDA will not constitute a debt of the County and will be payable from the Special Assessment and specified percentages of increased tax revenues generated by development within the CDA. The Special Assessment is a special levy on property within the CDA district and is not a general tax on County taxpayers.

Recommended Action:

Motion to Approve Ordinance No. 14-07 Amending the Special Assessment for Lewistown Commerce Center Community Development Authority and Approving an Amended and Restated Special Assessment Agreement.

Mrs. Kelly-Wiecek left the room at 8:54. p.m.

Mr. Edwin Gaskin, Director of Economic Development came forward to present this proposed ordinance to the Board.

Mrs. Kelly-Wiecek returned at 8:58 p.m.

Mr. Gaskin gave a detailed explanation on the history of the matter and the reasons the restructuring of the bonds is being proposed.

Timeline - Lewistown Commerce Center Community Development Authority \$37,675,000 Revenue Bonds, Series 2007

- CDA created October 2006
- Bonds issued September 2007
- Bond-financed improvements built (roads, water, sewer, etc.)
- Improvements help attract Bass Pro
- Recession begins 2008
- Bond Default in March 2014
- Holders: USAA (\$ 17,175,000), Wells Fargo (\$13,000,000), Oppenheimer Funds (\$5,000,000), PIMCO (\$1,250,000), Others (\$1,250,000)... Total : \$37,675,000

Restructuring Goals:

- Reduce complexity of CDA for marketing
- Spur development by reducing CDA assessment debt to \$100,000/acre (average)
- Enable full repayment of Bonds
- Increase Tax Revenues to County

Proposed Restructuring:

- 37,575,000 Old Bonds exchanged for \$37,575,000 New Bonds
 - \$ 12,300,000 Series A Assessment Bonds Secured by Land
 - \$ 25,275,000 Tax Increment Revenue Bonds
 - \$6,045,000 Series B (1st Lien)
 - \$19,230,000 Series C (2nd Lien)
- County Pledge of Tax Increment from CDA to Bonds
 - Payment towards Series C is capped at \$59.0 million
 - Pledge %: 2015-31: 75%, 2032-36: 70%, 2037-41: 65%, 2042-46: 60%, 2047-51: 55%, 2052-54: 50%
 - County pledge ends 2054 at latest (unlike current pledge)

COMPARISON	CURRENT BONDS	RESTRUCTURED
Total Bonds	\$37,675,000	\$37,675,000 In 3 series
Bonds Secured Only By Land	\$0	\$12,300,000
Bonds Secured By Increm. Tax Revenues	\$37,675,000	\$25,275,000

% of Pledged Tax Revenues (Increm.)	75% declining to 50% in 2022, pledged until fully paid off	75% declining to 50% in 5% increments until 2054
Limit of County Pledge	Perpetual – however long until all P & I are paid	Earlier of (a) Bond payoff, (b) 40 years, (c) \$59M paid in

Restructuring:

- Heads off further default issues
- Reduces cost of site investment
- Reduces complexity that has clouded marketing efforts
- Reduces CDA burden per acre from \$300K to \$100K
- More commercial development increases tax revenues

Mr. Gaskin answered questions from Board members and provided clarification on technical details of the issue.

Mr. Davis opened the public hearing and asked that anyone wishing to speak for or against the matter come forward.

Ms. Virginia Housum, Senior Vice-President with UMB Bank, came forward as the indenture trustee of the bonds. She spoke in support of the restructuring of the bonds on behalf of the creditor community and the investors.

Mr. Dan Johnson, South Anna Magisterial District, came forward and spoke in support of the restructuring of the CDA bond and noted several positive outcomes he feels will result from the development.

Ms. Loretta Cataldi, resident of Atlee Ridge subdivision and a real estate estate broker, came forward and spoke in support of the restructuring. She feels it will make it possible for the future development to occur.

Mr. John Beckner, resident of the South Anna Magisterial District and a commercial real estate broker representing a destination commerce developer, came forward and spoke in support of the restructuring as a necessary step toward getting the development off the ground.

Mr. Mark Williams, resident of the Beaverdam Magisterial District and owner of an engineering firm located in Hanover County, came forward to speak in support of the restructuring. He

has participated in the design of some of the developments and feels that future developments will rely on approval of the restructuring.

Seeing no others come forward, the Chairman closed the public hearing.

On motion of Mr. Hazzard, seconded by Mr. Peterson, the members of the Board of Supervisors voted to approve Ordinance No. 14-07.

	Vote:
Sean M. Davis	No
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

Note: Prior to the vote, Sterling Rives, County Attorney, made note that the approval of the special assessment agreement may be subject to final revisions that do not affect the county's rights and obligations under the agreement and are subject to approval by the County Administrator or County Attorney.

Motion approved.

IX. Authorize Staff to Evaluate Setback and Yard Requirements within Residential and Industrial Districts

Board Sheet Background:

Planning has received a number of inquiries recently regarding setbacks in the A-1, Agricultural, AR-6, Agricultural Residential Zoning Districts, and the Industrial Zoning Districts. Although the recent update to the Zoning Ordinance added several definitions related to yards and property lines, there is still some confusion regarding the methodology involved in calculating a yard measurement.

Additionally the staff has received inquiries regarding setback requirements in the Industrial Zoning Districts, specifically the requirements for the M-1, Limited Industrial District. The M-1 District is a more restrictive district than M-2 and M-3 with regard to permitted uses. Yet the M-1 District contains requirements for yards and setbacks that are more extensive than the requirements in the M-2 and M-3 Districts. As such, there is a need to review existing yard and setback regulations

within the Industrial Districts to ensure that the County’s standards remain viable and responsive to promote current industrial land use practices while also maintaining adequate and appropriate protections for adjacent non-industrial properties.

It should be noted that the yard and setback requirements within the RS, Residential Suburban and RM, Residential Multi-Family Districts underwent extensive review at the time the district regulations were developed, and those districts provide greater flexibility than what is otherwise required in the A-1 and AR-6 Districts.

Staff brought this issue to the attention of the Planning Commission during the Commission’s May 15, 2014, meeting and the consensus of the Commission was to support the staff request to undertake the review. Should the board authorize the staff begin a review process as requested, staff will bring a final recommendation to the Board’s Community Development Committee for its review.

Staff Recommendation:

Move to authorize staff to undertake a review of yard and setback requirements within the A-1, Agricultural and AR-6, Agricultural Residential Zoning Districts, and review yard and setback requirements in the M-1, Limited Industrial District.

Mr. Maloney presented the details of the request.

On a motion by Mr. Hazzard, seconded by Mr. Wade, the Board voted to authorize staff to undertake a review of yard and setback requirements within the A-1, Agricultural and AR-6, Agricultural Residential Zoning Districts, and review yard and setback requirements in the M-1, Limited Industrial District.

	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

X. Request for Conditional Use Permit Extension – CUP-6-07, Mechanicsville Storage, L.L.C. (formerly Budget Development Virginia) (Henry Chickahominy Magisterial District)

Note: This item was withdrawn by the property owner so it was not brought before the Board.

The Chairman announced one final item of business: that the annual performance review of the County Administrator and the County Attorney has been completed by the Board members.

Mr. Hazzard made a motion that pursuant to the annual performance review, the salaries of the County Administrator and the County Attorney be increased by 2% and the deferred compensation of each be increased by 1% of current salary effective July 1, 2014. 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.

XX. Announcements

None.

XXI. Adjournment

At 9:38 p.m. the Chairman adjourned the meeting to July 23, 2014 – Hanover County Administration Building – 2:00 p.m.