

COUNTY OF HENRICO, VIRGINIA
Board of Supervisors' Agenda
November 24, 2009
7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Dr. Michael J. Clingenpeel, Pastor, River Road Baptist Church

APPROVAL OF MINUTES – November 10, 2009 Regular and Special Meetings

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

PRESENTATION

Proclamation – Pancreatic Cancer Awareness Month – November 2009.

APPOINTMENTS

- 286-09 Resolution – Appointment of Members to Board of Directors – Economic Development Authority.
- 287-09 Resolution – Appointment of Member – Richmond Area Metropolitan Planning Organization Citizens Transportation Advisory Committee.

PUBLIC HEARINGS - ITEMS

- 288-09 Resolution - Authorizing and Providing for the Issuance and Sale of Not to Exceed Nine Million Eight Hundred Thousand Dollars (\$9,800,000) Aggregate Principal Amount of Water and Sewer System Revenue Bonds, Series 2009b, of the County of Henrico, Virginia, for the Purpose of Financing Extensions and Improvements to the County's Water and Sewer System; Authorizing the County Manager or Any Deputy County Manager and the Director of Finance to Fix the Maturities, Interest Rates and Other Details of Such Bonds; Approving the Form of Such Bonds; Authorizing the County Manager or Any Deputy County Manager and the Director of Finance to Select the Underwriters of Such Bonds and to Negotiate the Sale of Such Bonds to Such Underwriters and Authorizing the Execution and Delivery to Such Underwriters of a Bond Purchase Agreement for Such Sale; Authorizing the Preparation and Delivery of a Preliminary Official Statement Relating to Such Bonds and Authorizing the Distribution Thereof; Authorizing the Preparation of a Final Official Statement and Continuing Disclosure Certificate Relating to Such Bonds and Authorizing the Distribution Thereof; Designating Recovery Zones for the Purposes of Section 1400u-1(b) of the Internal Revenue Code of 1986; Amending the 2009a Supplemental Resolution to Extend the Effectiveness Thereof to

June 30, 2010; and Ratifying Certain Acts and Proceedings.

- 289-09 Ordinance – To Add Section 20-73 to the Code of the County of Henrico Titled “Partial exemption for rehabilitated, renovated or replacement residential structures other than multifamily residential rental units,” to Create a Partial Tax Exemption for Qualifying Property Devoted to Residential Use Other Than Multifamily Residential Rental Units.
- 290-09 Ordinance – Vacation of Unimproved Portion of Alley – Pemberton Place, Portion of Section 2 - Fairfield District.

PUBLIC COMMENTS

GENERAL AGENDA

- 291-09 Introduction of Resolution – Receipt of Requests for Amendments to the FY 2009-10 Annual Fiscal Plan: December, 2009.
- 292-09 Resolution - Receipt of Audited Annual Financial Report for Fiscal Year Ended June 30, 2009 and Acknowledgement of Discharge of Duties and Responsibilities by Audit Committee.
- 293-09 Resolution – Award of Construction Contract – Eastern Henrico Recreation Center.
- 294-09 Resolution – Signatory Authority – Amendments to Contract and Deed for Conveyance of County Real Property - Varina District.
- 295-09 Resolution – Signatory Authority – Second Amendment to Host Agreement with BFI Waste Systems of Virginia, LLC – Varina District.
- 296-09 Resolution - Signatory Authority - Amendment to Contract for Engineering Design Services - Charles City Road Improvements from West of Laburnum Avenue to East of Monahan Road (approximately 1,365 feet). Project #00984 (formerly #555656-701-205-00). Varina District.
- 297-09 Resolution – Request to Suspend Proposed Stormwater Regulations.
- 298-09 Resolution – Acceptance of Roads.

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
REGULAR MEETING
November 10, 2009

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, November 10, 2009 at 7:00 p.m. in the Board Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia.

Members of the Board Present:

David A. Kaechele, Chairman, Three Chopt District
Patricia S. O'Bannon, Vice-Chairman, Tuckahoe District
James B. Donati, Jr., Varina District
Richard W. Glover, Brookland District
Frank J. Thornton, Fairfield District

Other Officials Present:

Virgil R. Hazelett, P.E., County Manager
Joseph P. Rapisarda, Jr., County Attorney
Michael L. Wade, Sheriff
Barry R. Lawrence, CMC, Assistant to the County Manager/Clerk to the Board
George T. Drumwright, Jr., Deputy County Manager County Manager for Human Services
Leon T. Johnson, Deputy County Manager for Administration
Robert K. Pinkerton, P.E., Deputy County Manager for Community Operations
Randall R. Silber, Deputy County Manager for Community Development

Mr. Kaechele called the meeting to order at 7:08 p.m. and led recitation of the Pledge of Allegiance.

Dr. J. Rayfield Vines, Jr., Pastor of Hungary Road Baptist Church, delivered the invocation.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, the Board approved the minutes of the October 27, 2009 Regular Meeting.

The vote of the Board was as follows:

Yes: Kaechele, O'Bannon, Donati, Glover, and Thornton

No: None

MANAGER'S COMMENTS

The Department of Public Utilities recently received a National Environmental Achievement Award due to the Department's participation in the Virginia Biosolids Council. This award was presented by the National Association of Clean Water Agencies (NACWA) to recognize the work of the Virginia Biosolids Council in public information and education. James Grandstaff, the Department's Water Reclamation Facility Division Director, currently serves on the Council's Board of Directors.

Robin D. Smith, a resident of the Brookland District, was introduced as the 2009 Henrico Christmas Mother. Joining her were the Chair and Co-Chair of the County Government Christmas Mother Program, Lisa H. Orlosky of the Department of Information Technology and Juliana L. Haalboom of the Division of Recreation and Parks. This is the 68th year of the program, which helps community family members in need and is anticipating a record number of applicants in 2009. Mrs. Smith acknowledged the generosity and efforts of the program's many partners and expressed appreciation to the County for its support. Mr. Kaechele offered the Board's thanks to Mrs. Smith and all of the program's volunteers.

BOARD OF SUPERVISORS' COMMENTS

There were no comments from the Board.

RECOGNITION OF NEWS MEDIA

Mr. Kaechele recognized Katherine Calos from the *Richmond Times-Dispatch*.

PRESENTATION

273-09 Resolution - Congratulating St. Joseph's Villa on Its 175th Anniversary.

On motion of Mr. Thornton, seconded by Mr. Glover, and by unanimous vote, the Board Approved Agenda Item No. 273-09 – see attached resolution.

Mr. Thornton presented the resolution to Kathleen Burke Barrett, Chief Executive Officer of St. Joseph's Villa. Joining her was Bruce Cauthen, Vice President of Public Relations for the Villa.

PUBLIC HEARINGS - REZONING CASES

274-09 Towne Center-West, LLC and Towne Center West Shoppes, LLC: Request to
C-27C-09 amend proffered conditions accepted with Rezoning Case C-49C-04, on Parcels
Three Chopt 735-764-4742, 736-764-1136, 736-764-0871, 736-764-3961 and part of Parcel
734-764-9340 located on the north line of W. Broad Street (U.S. Route 250)
approximately 1,100 feet east of N. Gayton Road, approximately 500 feet north
of W. Broad Street approximately 1,100 feet east of N. Gayton Road, and
approximately 675 feet north of W. Broad Street approximately 1,775 feet east

of N. Gayton Road.

Joe Emerson, Director of Planning, responded to questions from the Board regarding the numbering of newly submitted proffers, the use of signage on the property, and how the restaurant will be oriented on the site.

No one from the public spoke in opposition to this case.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 274-09 (C-27C-09) with the following proffered conditions:

1. Except as amended hereby, all proffers contained in C-49C-04 shall remain in full force and effect and shall by this reference thereto be made a part hereof as if fully set forth herein.
2. Proffer 20 of Case C-49C-04 shall be deleted in its entirety and replaced with the following:

Exterior Elevations. The exposed portions of the exterior wall surfaces (front, rear and sides) of any buildings constructed on the Property shall be similar in high quality of construction and shall have compatible architectural design (incorporating compatible, but not necessarily the same, design elements, color and architectural styles).

Any building located on the Property shall have an exterior architectural style and use design elements generally compatible with the concept drawings entitled "The Breeden Company Inc., Broad Street Development, Proposed Elevation" and "The Breeden Company Inc., Broad Street Development, Proposed Elevation", prepared by Baskervill and attached as Exhibits A-2, A-3 and A-4 (see case file) to Rezoning Case C-49C-04, which such renderings are conceptual in nature and are provided only as an illustration of the quality of the design and architectural style of such buildings on the Property.

All buildings on the Property shall have exposed exterior walls (above finished grade and exclusive of architectural features, windows and doors) constructed of masonry brick, stone, precast concrete, exterior insulating finishing systems (E.I.F.S.) and/or glass and may have varying amounts of these exterior materials or an equivalent permanent architecturally finished material, unless different architectural treatment and/or materials are requested and specifically permitted at the time of Plan of Development review. All buildings (other than the Proposed Restaurant (hereinafter referenced and defined)) on the Property shall have at least thirty-five percent (35%) brick or stone in the aggregate on the exposed exterior walls of such buildings, with the front exposed exterior wall of any such building being

constructed of at least fifty percent (50%) brick or stone and any side exposed exterior wall visible from the 40' Collector Road being constructed of a minimum of thirty-five percent (35%) brick or stone. Notwithstanding the foregoing, one building located on the Parcel referenced as "4.530 Acres" on the attached Exhibit 1 (the "Proposed Restaurant"), (see case file) may also have an exterior architectural style and material generally consistent with the exterior elevation plans prepared by CRHO Architects each dated February 9, 2009, entitled "Italian Restaurant" and attached hereto as Exhibit 2-A and Exhibit 2-B (see case file), subject to such changes as may be requested by the applicant and approved at the time of Plan of Development review, which such renderings are conceptual in nature and are provided as an illustration of the quality of the design, materials used and architectural style of such buildings on the Proposed Restaurant.

Wood or composite siding, natural or cultured stone, marble, pre-cast or cast-in-place architectural concrete, exposed aggregate concrete, exterior insulating finish systems, and/or glass, or an equivalent, permanent, architecturally finished material may be utilized as accent materials on such buildings.

No building on The Property shall be covered with or have exposed to view any painted or unfinished concrete block, sheet or corrugated aluminum, iron and/or steel or other materials unless requested and specifically permitted at the time of Plan of Development review.

Roof design shall be implemented so as to minimize building mass and offer variations in building appearance.

The rear of any buildings on The Property facing West Broad Street shall have a façade substantially similar to the front façade of that building or as otherwise approved by the Planning Commission at the time of Plan of Development review.

The vote of the Board was as follows:

Yes: Kaechele, O'Bannon, Donati, Glover, and Thornton

No: None

275-09
C-28C-09
Three Chopt

Towne Center-West, LLC: Request to conditionally rezone from R-6C General Residence District (Conditional) to B-3C Business District (Conditional), part of Parcel 734-764-9340, containing approximately 4.85 acres, located approximately 325 feet north of W. Broad Street (U.S. Route 250) approximately 1,100 feet east of N. Gayton Road.

Mr. Emerson responded to a question from Mr. Glover concerning limits on hours of operation contained in the case's proffered conditions.

No one from the public spoke in opposition this case.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 275-09 (C-28C-09) with the following proffered conditions:

1. **Site Plan.** The Property shall be developed generally consistent with the schematic layout prepared by Timmons Group entitled "TOWNE CENTER WEST - POD 1 REZONING LAYOUT SCHEMATIC - OPTION B" dated August 18, 2009, and attached as Exhibit 1 (the "Site Plan"), (see case file), which such layout is conceptual in nature and may be revised from time to time as required for engineering purposes, as required by any governmental entity or as otherwise requested and specifically permitted at the time of Plan of Development review.
2. **Exterior Elevations.** Unless different architectural treatment and/or materials are requested and specifically permitted at the time of Plan of Development review, any building on the Property shall have exposed exterior walls (above finished grade and exclusive of architectural features, windows and doors) constructed of masonry brick, stone, stucco and siding, exterior insulating finishing systems (E.I.F.S.) and/or glass and may have varying amounts of these exterior materials or an equivalent permanent architecturally finished material, as generally shown in the renderings attached hereto as Exhibits 3 and 4, both dated September 22, 2009, (see case file) which such renderings are conceptual in nature and are provided only as an illustration of the quality of the design and architectural style of such buildings on the Property.

All buildings on the Property shall have at least thirty-five percent (35%) brick or stone in the aggregate on the exposed exterior walls of such buildings, with the front exposed exterior wall of any such building being constructed of at least fifty percent (50%) brick or stone and any side exposed exterior wall visible from the 40' Collector Road being constructed of minimum of thirty-five (35%) brick or stone.

permitted at the time of Plan of Development review.

Roof design shall be implemented so as to minimize building mass and offer variations in building appearance.

3. **Buffers.** Landscaped buffers shall be provided and designed with a cohesive landscape planting plan generally consistent with the "POD 1

SCHEMATIC BUFFER PLAN" dated August 19, 2009, prepared by Timmons Group and attached as Exhibit 2, (see case file) which is conceptual in nature and may vary in detail as otherwise requested and specifically permitted at the time of landscape plan approval. Roads, sidewalks, utility easements, fencing/walls adjacent to any roads or drives, and signage shall be permitted within such buffers.

4. **Vehicular Access.** Unless otherwise requested and specifically permitted at the time of Plan of Development review, access to the Property from West Broad Street shall be provided by Towne Center West Boulevard (private) and Henley Lane (private) as shown on the Site Plan (see case file).
5. **Loading Docks.** Loading docks shall be screened from public view at ground level as approved at the time of Plan of Development review by use of a wall or other architectural feature similar to the exterior material as the building on which it is located, landscaping, or such other method as may be approved at the time of Plan of Development review.
6. **Trash Receptacles.** Any dumpsters and trash receptacles located outside the building, not including convenience cans, shall be screened from public view at ground level with architectural material similar to the main building using such dumpster or trash receptacle unless otherwise requested and approved at the time of Plan of Development review.
7. **Trash removal.** Trash removal on the Property shall be limited to the hours between 7:00 a.m. and 8:00 p.m.
8. **Underground Utility Lines.** All utility lines on the Property shall be underground, except for already existing utilities, junction boxes, meters, utility lines in wetland areas and utility lines required to be above ground by the utility company.
9. **Stone Mulch.** Aggregate stone media shall not be used as a mulch in any landscaped buffer area on the Property nor in any parking lot landscaping areas (including islands), unless otherwise requested and specifically permitted at the time of Plan of Development review.
10. **Outdoor Speakers.** Unless permitted for outdoor dining areas, no public address or speaker systems outside of any building shall be permitted.
11. **Parking Lot and Exterior Lighting.** Parking lot lighting standards within the Property shall not exceed twenty-five (25) feet in height as measured from the grade of the lighting standard, except as otherwise

permitted at the time of Plan of Development review.

Parking lot lighting standards shall not exceed twenty (20) feet in height within three hundred (300) feet of the boundary line of the Property along West Broad Street. Parking lot lighting on the Property shall be produced from concealed lighting sources to minimize the impact of such lighting on adjacent properties, unless otherwise permitted at the time of Plan of Development review. Exterior light fixtures shall be produced from concealed sources of light unless other low intensity decorative ornamental fixtures such as gas style lamps are approved at the time of Plan of Development review. Such lighting shall be reduced to no more than a security level following the close of business operations each day. At no time shall the parking lot lighting exceed one-half (1/2) footcandle at the right-of-way lines along West Broad Street.

The exterior lighting on this parcel shall be designed with a cohesive plan with the remainder of Towne Center West so that all exterior lighting shall use compatible design elements.

12. **Pedestrian Circulation.** Pedestrian circulation shall be provided throughout the Property. Except as required at the time of Plan of Development review, such walkways along or on roads, parking areas and access areas used for motor vehicles on the Property shall be constructed of material different than such roads, parking areas and access areas. Such walkways may be constructed of, but not limited to, brick pavers, concrete, stamped concrete, aggregate concrete or other similar material.
13. **Pedestrian Access to Adjoining Properties.** The Property shall be developed in a fashion that provides pedestrian access to other portions of the Towne Center West Development as required by the Planning Commission at the time of Plan of Development.
14. **Pedestrian Areas.** The Property shall be subject to the pedestrian area requirements required by Proffer number 14 from Case C-49C-04 (see case file).
15. **Stormwater Management.** Stormwater runoff will be managed via underground stormwater detention facilities unless otherwise approved by the Planning Commission at the time of Plan of Development approval.
16. **Site Coverage.** The Property shall be subject to the site coverage ratio required by Proffer number 23 from Case C-49C-04 (see case file).

17. **Use Restrictions.** Other than outside dining areas for restaurants, only those uses permitted in the B-2 Business District shall be permitted, subject to the following:
- a. Any outside dining area for a restaurant shall be permitted on the Property, subject to the following conditions:
- i. The operator shall not permit food preparation outside the enclosed building.
 - ii. The outside dining area shall not be in operation between 10:00 p.m. and 7:00 a.m.
 - iii. Prior to operation of the outdoor dining area, the applicant shall submit a site plan of the restaurant and outdoor dining area and obtain Administrative Approval from the Planning Department. The site plan shall show the location of any relocated street furniture, trees/landscaping, and utility lines. Such site plan shall also show landscaping within or along the perimeter of the outdoor dining area to address the reduction and relocation of landscaping, including trees.
 - iv. A clear, continuous, and unobstructed pedestrian path not less than 4' in width shall be required for pedestrian circulation between the outdoor dining area and the sidewalk curb.
 - v. Barriers to the sidewalk and parking area shall be installed and shall complement the building façade as well as any street furniture. The railings shall not exceed 36" in height and shall consist of commercial grade material for durability. Unless otherwise approved by the Planning Commission, the outdoor railing enclosure shall conform to "Exhibit C" of Case P-19-08 (see case file).
 - vi. Outdoor lighting fixtures shall complement the style of building. Lighting fixtures shall be from a concealed source and shall not produce glare for motorists or pedestrians on the adjacent rights-of-way and parking areas and shall illuminate only the outdoor dining area.
 - vii. Trash receptacles shall be provided and properly serviced to control litter generated by this use.
 - viii. Access to the outdoor dining area shall be available only through the interior of the restaurant, except during an emergency when a patio fence exit gate may be utilized.

- ix. Prior to operation, the applicant shall consult with the Special Services Unit within the Division of Police to discuss crime prevention recommendations and conduct a security survey of the property and restaurant operations. The applicant shall implement mutually agreed upon security recommendations.
 - x. Due to the location of existing water and sewer easements, the applicant and/or owner acknowledges their responsibility for any and all damages resulting from the County's need to access and repair the lines.
 - xi. The applicant/owner shall be responsible for relocating any street trees or furniture that is displaced by the outdoor dining area.
 - xii. Hours of operation shall be extended until 2 a.m. for the interior use of the restaurant only.
 - xiii. The facility's window shall not be tinted or obscured by posters, advertisements, or similar materials in order to permit surveillance opportunities both from within and from the outside of the building. This shall not prevent from being used during daylight hours.
 - xiv. If calls for police service or other activities on the site dictate the need for security (as determined by the Division of Police), the applicant shall install such cameras. The security cameras and video system shall be designed by a security specialist and shall meet the requirements of the Crime Prevention Unit of the Division of Police.
 - xv. The owner or operator shall provide adequate lighting for the entrances, exits and parking areas serving the use or location. "Adequate lighting" means lighting sufficient for clear visual and security camera surveillance.
- b. The following B-2 Business District uses shall be prohibited on the Property:
- i. flea markets;
 - ii. laundromats and self-service dry-cleaning establishments;
 - iii. gun shop, sales and repairs, except that such gun sales and repairs shall be permitted in a store that sells a variety of sporting goods;

- iv. establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.1-432 et seq. and 6.1-444 et seq. of the Code of Virginia (1950), in effect as of the date of the approvals of these proffers (the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections);
- v. lodge and fraternal organization;
- vi. sign printing and painting shop;
- vii. skating rinks (unless such ice skating areas are an amenity of the pedestrian-oriented shopping center), roller skating rinks, model racing tracks, electronic video game rooms, bingo halls and billiard parlors unless such billiard parlors are associated with a restaurant;
- viii. restaurants with drive-thru windows (not to exclude, however, restaurants with dedicated parking spaces for the pick-up of carry-out food), unless otherwise requested and specifically permitted at the time of Plan of Development review;
- ix. funeral home, mortuary and/or undertaking establishment;
- x. parking lots, commercial (nothing herein shall preclude parking lots as an accessory use to a principally permitted use);
- xi. automobile filling or service station;
- xii. hotel, motel or motor lodge.

18. **Hours of Operation.** The hours of operation to the public for any uses on the Property shall not occur between the hours of 2:00 a.m. and 5:30 a.m.
19. **Signage.** Only signage permitted in the B-2 Business District shall be permitted on the Property. Any detached signage on the Property shall be a monument style sign.

All external signs shall be in compliance with a plan for the coordination of signage on Towne Center West, which plan shall be adopted and enforced by an architectural control committee. This sign plan will be submitted as part of the Plan of Development for the first building on the Property.

20. **Protective Covenants.** The Property shall be subject to protective covenants required by Proffer number 24 from Case C-49C-04 (see case file).
21. **Curb and Gutter.** Curb and gutter shall be used on all streets and shall be designed to meet the current County standard for either "roll top" curb and gutter, which shall measure not less than three (3) feet from edge of pavement on back of curb, or six (6) inches standard curb and gutter.
22. **Burning on Site.** There shall be no burning of construction debris, materials or vegetation on the Property, except to provide warmth to workmen using drums not exceeding fifty-five (55) gallons.
23. **Landscaping.** The 10 (ten) foot landscape buffer on both sides of the portion of the Collector Road as it runs from West Broad Street to the traffic circle will be planted with shade trees of at least three and one-half (3.5) inch caliper at the time of planting, with one such tree to be planted every fifty (50) linear feet along the buffer, all unless otherwise requested and approved at the time of Plan of Development review.
- At least one shade tree of at least two and one-half (2.5) inch caliper will be planted on each parking lot island, unless parking lot lighting is required to be located on such parking island (in which case such a tree shall be omitted from that parking island), all unless otherwise requested and approved at the time of the Plan of Development approval.
24. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

The vote of the Board was as follows:

Yes: Kaechele, O'Bannon, Donati, Glover, and Thornton

No: None

276-09
C-3C-09
Brookland

Staples Mill Marketplace, LLC: Request to conditionally rezone from R-3 One-Family Residence District to B-2C Business District (Conditional), Parcels 767-757-8360 and 767-756-9991 and part of Parcel 767-757-6317, containing approximately 28.914 acres, located between the southwest line of Staples Mill Road (U. S. Route 33), the east line of Hungary Spring Road, and the north line of Lucas Road.

Mr. Glover responded to concerns expressed by Dr. Vines, who lives across

from the site at Staples Mill and Hungary Spring Roads, pertaining to the impact of the proposed development on Dumbarton Elementary School. He also commented on two issues addressed by the applicant through amended proffered conditions, namely a transitional 25 foot buffer included in the landscape plan for the Best Management Practice structure and restrictions on areas for outdoor display of merchandise for sale.

On motion of Mr. Glover, seconded by Mr. Thornton, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 276-09 (C-3C-09) with the following proffered conditions:

1. **Landscaped Buffers - Staples Mill Road, Hungary Spring Road and Lucas Road.** A landscaped buffer shall be provided twenty-five (25) feet in width adjacent to the ultimate right-of-way lines of Staples Mill Road, Hungary Spring Road and Lucas Road (each as determined at the time of Plan of Development review), except to the extent necessary or allowed for roads, sidewalks, utility easements, grading, stormwater management facilities and signage and other purposes requested and specifically permitted, or if required, by the Planning Commission at the time of Plan of Development review, or by any other governmental body. Any road, utility easement (other than existing easements) or use permitted within the aforesaid buffer areas shall be extended general perpendicular to the buffer area unless otherwise requested and specifically permitted, or if required, by the County at the time of Plan of Development review and where permitted, areas disturbed for utility installations shall be restored to the extent reasonably practical.

That portion of the twenty-five-foot transitional buffer on the Property adjacent to Lucas Road shall be double in the number of large evergreen trees required under County's twenty-five-foot transitional buffer. That portion of the landscaped buffer along Lucas Road opposite Parcel #768-756-4550 (owned by Henry W. and Z. W. Chenault at the time of the rezoning) and Parcel #768-756-6548 (owned by Henry W. and C. A. Chenault, Jr. at the time of the rezoning) shall include a three to five-foot varying height berm.

In addition to the twenty-five-foot transitional buffer on the Property adjacent to Lucas Road, there shall be installed and maintained on the Property a six-foot tall black PVC coated chain link fence with black mesh screening attached, with such fencing being on the internal side of the buffer on the Property.

2. **Architectural Treatment.** The exposed portion of each exterior wall surface (front, rear and sides) of any building to be constructed on the Property (excluding rooftop screening materials for mechanical equipment) shall be similar in quality of construction and shall have

compatible architectural design (incorporating compatible design elements, color and architectural styles. All buildings constructed on the Property shall have exposed exterior walls (above finished grade) constructed primarily of masonry brick, stone, precast concrete, exterior insulating finishing systems (E.I.F.S.), stucco over wire mesh and/or glass and may have varying amounts of these exterior materials or an equivalent permanent architecturally finished material, unless different architectural treatment and/or materials are requested and specifically permitted at the time of Plan of Development (POD) review. Wood or composite siding, natural or cultured stone, marble, pre-cast or cast-in-place architectural concrete, exposed aggregate concrete, exterior insulating finish systems, and/or glass, or an equivalent, permanent, architecturally finished material may be utilized as accent materials on such buildings.

3. **Parking Lot Lighting.** Parking lot lighting standards shall not exceed thirty-five (35) feet in height above grade level, except that parking lot lighting standards on out-parcels and parking lot lighting standards immediately adjacent to properties zoned residential shall not exceed twenty-five (25) feet in height above grade level. All parking lot lighting standards on the Property shall be positioned in such a manner as to minimize the impact of such lighting on any adjacent property and shall be produced from concealed sources of light.

All parking lot lighting shall be reduced to no more than a security level following the close of business operations on the Property.

At the time of Plan of Development review by the Planning Commission, the parking lot lighting on the Property shall be designed with a cohesive plan so that all such lighting shall use compatible design elements.

The Planning Commission at the time of Plan of Development review may allow deviation from standards of this proffer if specifically requested and permitted during such Plan of Development review.

4. **Use Restrictions.** The following uses shall be prohibited on the Property:
 - a. flea markets;
 - b. gun shop, sales and repairs, except that such gun sales and repairs shall be permitted in a store that sells a variety of sporting goods;
 - c. establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.1-432 et seq. and 6.1-444 et seq. of the Code of Virginia (1950), in effect as of the date of the approvals of these proffers

(the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections);

- d. lodge and fraternal organization;
- e. skating rinks (unless such ice skating areas are an amenity of the pedestrian-oriented shopping center), roller skating rinks, model racing tracks, electronic video game rooms, bingo halls and billiard parlors unless such billiard parlors are associated with a restaurant;
- f. funeral home, mortuary, crematorium and/or undertaking establishment;
- g. parking lots, commercial (nothing herein shall preclude parking lots as an accessory use to a principally permitted use);
- h. automobile service station, however, a grocery or convenience food store dispensing gasoline products shall be permitted; towing service;
- i. adult businesses as defined by the County of Henrico;
- j. billboards;
- k. truck stops;
- l. communication tower;
- m. self-storage facilities;
- n. off-track betting parlors;
- o. permanent on-site recycling collection facilities;
- p. sewer/water pump stations;
- q. massage establishments;
- r. automobile, truck, trailer, motorcycle, recreational vehicle or bus sales, rental and repair;
- s. automobile, truck, trailer, motorcycle or recreational vehicle storage lot;
- t. boat and boat trailer sales, service and storage;
- u. exterminating establishment;
- v. fortuneteller, palmist, astrologist, numerologist, clairvoyant, craniologist, phrenologist, card reader, spiritual reader or similar activity;
- w. public dance halls;
- x. rifle or pistol range; and
- y. sheet metal shop or roofing company.

- 5. **HVAC.** Rooftop heating and air conditioning equipment shall be screened from public view at ground level at the Property lines by means of parapets or other architectural features, in a manner approved by the Planning Commission at the time of Plan of Development review.
- 6. **Central Trash Receptacles; Trash Pick Up; Parking Lot Cleaning.** Central trash receptacles, not including convenience cans, shall be

screened from public view at ground level, in a manner approved by the Planning Commission at the time of Plan of Development review. Trash pickup and parking lot cleaning on the Property shall occur only between 7:00 a.m. and 10:00 p.m., Monday through Saturday.

7. **Building Heights.** No building constructed on the Property shall exceed the lesser of two (2) stories or thirty-five (35) feet in height, exclusive of parapets, chimneys or other architectural design features on any building.
8. **Underground Utility Lines.** All utility lines on the Property shall be underground, except for existing utilities, junction boxes, meters, utility lines in wetland areas and utility lines required to be above ground by the utility company.
9. **Best Management Practice.** Any permanently wet above-ground Best Management Practice structure shall include an aeration feature to move water within such structure. The Landscape Plan for the Property shall take into consideration the visibility of any such Best Management Practice structure on the Property. The Landscape Plan for the Property shall include for any such Best Management Practice structure visible from the right-of-way of Hungary Spring Road or Staples Mill Road plantings equivalent to a transitional buffer 25 unless otherwise approved as part of the Landscape Plan.
10. **Signs.** All signs on the Property shall be internally lit, if lighted. There shall not be any exterior mobile signs on the property.
11. **Attention Getting Devices.** Attention-getting devices shall not be allowed on the Property except for a two-week grand opening. Seasonal banners are permitted provided there is no tenant information on such banner.
12. **Vehicular Access.** Unless otherwise requested and specifically permitted at the time of Plan of Development review, there shall be no more than two (2) vehicular access points to the Property from Staples Mill Road and no more than one (1) vehicular access point to the Property from Hungary Spring Road. There shall be no vehicular access to and from Lucas Road. No out parcel on the Property shall have direct vehicular access to Staples Mill Road or Hungary Spring Road.
13. **Fencing; Parcel #767-757-6317 (owned by Leroy S. Compton at the time of the rezoning).** There shall be constructed and maintained on the Property a six-foot tall black PVC coated chain link fencing with black mesh screen attached adjacent to any portion of the Property adjacent to Parcel #767-757-6317.

14. **Landscaped buffers and fencing; Parcels #767-757-4502, #767-756-6892 and #767-756-7792 (owned by Goodwill Baptist Church at the time of the rezoning).** There shall be constructed and maintained on the Property a six-foot tall black PVC coated chain link fencing with black mesh screen attached adjacent to any portion of the Property adjacent to Parcels #767-757-4502, #767-756-6892 and #767-756-7792.

That portion of the 25-foot transitional buffer on the Property adjacent to the following portions of the Parcels described below shall be double in the number of large evergreen trees required under the County 25-foot transitional buffer for the following portions on the Property adjacent to the following: (i) a distance of 140 feet west from the eastern edge of Parcel #767-756-7792; (ii) a distance of 50 feet east from the western most point that the Property abuts Parcel #767-757-4502.

15. **Illustrative Fencing and Landscape Buffer Plans.** The attached exhibit entitled “Staples Mill Marketplace, Illustrative Fencing and Landscape Buffers”, dated September 23, 2009, by Rummel Klepper and Kahl, LLP, (see case file) illustrates the landscape buffer and fencing requirements set forth in proffers 13 and 14.
16. **Stormwater; Parcels #767-756-7792, 767-756-6892, #767-756-5286, #767-757-4502, #767-756-6056, #767-756-2955 and #767-756-3262 (owned by Goodwill Baptist Church at the time of this rezoning).** Prior to any certificate of occupancy being issued on the Property, the owner of the Property shall provide an easement and stormwater conveyance designed to accommodate the stormwater that would naturally drain from Parcels #767-756-7792, 767-756-6892, #767-756-5286, #767-757-4502, #767-756-6056, #767-756-2955 and #767-756-3262, taking into consideration the current and future development for church-related uses on the enumerated Parcels. In preparing and seeking approval for the referenced Plan of Development, the owner of the Property shall keep informed the owner of Parcels #767-756-7792, 767-756-6892, #767-756-5286, #767-757-4502, #767-756-6056, #767-756-2955 and #767-756-3262.
17. **Road Improvements.** The improvements outlined in the letter of Ralph L. “Bill” Axselle, Jr. to Timothy A. Foster, Henrico County Director of Public Works, dated September 23, 2009 (see case file) shall be made by the Developer of the Property as may be required by the Director of Public Works.
18. **Fencing; Parcel #767-756-8792 (owned by Luis Linan-Olivera at the time of the rezoning).** There shall be constructed and maintained on

the Property a six-foot tall black PVC coated chain link fence on any portion of the Property adjacent to Parcel #767-756-8792.

19. **Outdoor Display and Sales.** Areas for outdoor display of merchandise for sale shall be clearly delineated on the Plan of Development for the Property. In no case shall outdoor display of merchandise occur on any portion of the Property in use for dispensing gasoline products.
20. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

The vote of the Board was as follows:

Yes: Kaechele, O'Bannon, Donati, Glover, and Thornton

No: None

277-09
C-25C-09
Three Chopt

Hightech Signs: Request to amend proffered conditions accepted with Rezoning Case C-5C-97, on part of Parcel 747-759-8591, located at the southwest intersection of W. Broad Street (U. S. Route 250) and Cox Road (Colonnades West Shopping Center).

Jean Moore, Assistant Director of Planning, confirmed for Mr. Kaechele that staff's concerns with this case were the individual sign height in the individual chain of letters proposed by the applicant and the precedent that the proposed sign would set for other tenants in the shopping center.

No one from the public spoke in opposition to this case.

Greg Schwartz of Hightech Signs presented the case on behalf of the applicant. He distributed a handout to the Board highlighting the applicant's proposal and responded to questions from Mr. Kaechele pertaining to the contractual relationship between Hightech Signs and Ross Dress for Less as well as the business' location within the shopping center. There was extended discussion by the Board, Mr. Schwartz, Ms. Moore, and Mr. Hazelett relating to the adequacy of existing signage at the subject site, the precedent that this request could have on other shopping center tenants, the less restrictive requirements for sign dimensions contained in the County's zoning ordinance for B-2 districts, the proximity of the subject site to West Broad Street, and the types and sizes of existing signage used by other businesses in the shopping center. Mr. Glover questioned whether the proffered condition placed on signage at the subject site in a 1997 rezoning case is practical in today's market and commented that the County's zoning ordinance has already established a precedent for larger signs along this area of West Broad Street. Mr. Kaechele

stated that he agreed with staff and the Planning Commission that this request constituted a precedent change that would affect other stores. Mrs. O'Bannon agreed with Mr. Kaechele that granting this request would set a bad precedent.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, the Board followed the recommendation of the Planning Commission and denied Agenda Item No. 277-09 (C-25C-09).

The vote of the Board was as follows:

Yes: Kaechele, O'Bannon, Donati, and Thornton

No: Glover

278-09
C-26C-09
Three Chopt

KCA/Holloway, L.C.: Request to rezone from R-3C One-Family Residence District (Conditional) to C-1C Conservation District (Conditional), part of Parcel 750-774-6038, containing approximately 1.8 acres, located along the Chickahominy River beginning at a point approximately 200 feet to the northeast of Riverplace Court and extending approximately 475 feet southeast through the proposed Martin's Ridge subdivision.

Ms. Moore confirmed for Mr. Kaechele that this rezoning followed a proffered condition and would not affect any future subdivisions on the site.

No one from the public spoke in opposition to this case.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 278-09 (C-26C-09) with the following proffered conditions:

1. Conservation Areas - Notwithstanding the uses permitted and regulated by the zoning of the Property, such portion(s) of the Property which lie within a one hundred (100) year flood plain as determined by definitive engineering studies approved by the Department of Public Works, and/or such portion(s) of the Property which may be inundated by waters impounded to a maximum elevation determined in a controlled, regulated manner by a structure or structures approved by the Department of Public Works, may only be used for the following purposes:
 - a. Storm water management and/or retention areas;
 - b. Ponds, lakes and similar areas intended as aesthetic and/or recreational amenities and/or wildlife habitats;
 - c. Access drives, utility easements, signage, walkways and

recreational facilities installed in a manner to minimize their impacts; and

- d. Such additional uses to the uses identified in (a), (b) and (c) above as may be deemed compatible and of the same general character by the Planning Administrator (Director of Planning) pursuant to Chapters 19 and 24 of the County Code (the "Zoning Ordinance").

The vote of the Board was as follows:

Yes: Kaechele, O'Bannon, Donati, Glover, and Thornton

No: None

PUBLIC HEARINGS - OTHER ITEMS

- 279-09 Ordinance – To Amend and Reordain Section 20-599 of the Code of the County of Henrico Titled "Deduction of receipts taxed by other jurisdiction" Relating to Deductions from Gross Receipts of Contractors and Speculative Builders.

No one from the public spoke in opposition to this ordinance.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 279-09 – see attached ordinance.

- 280-09 Ordinance – To Amend and Reordain Sections 20-311, 20-312, 20-313, 20-314, 20-316, 20-317, 20-318, 20-320, 20-321, 20-325 and 20-327 of the Code of the County of Henrico Titled Respectively "Definitions," "Levy; amount," "Taxation of rental property other than daily rental property," "Application for certificate of registration," "Collection and remittance; returns," "Records," "Procedure upon failure to file return or filing of false return," "Exemptions," "Collection without certificate of registration prohibited," "Bond," and "Period of limitations," All Relating to Short-term Rental Property tax.

Ed Trice, Revenue Division Director for the Department of Finance, responded to questions from the Board relating to the definition of short-term rental property and examples of property included within this classification.

No one from the public spoke in opposition to this ordinance.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 280-09 – see attached ordinance.

- 281-09 Ordinance - To Amend and Reordain Section 19-2 Titled "Definitions," Section 19-52 Titled "Application for approval," Section 19-53 Titled "Review of plat;

action by planning commission,” Section 19-55 Titled “Effect of approval; expiration of approval,” Section 19-72 Titled “Form and contents,” Section 19-74 Titled “Action by director of planning,” Section 19-75 Titled “Installation of improvements or bonding; release of bond,” Section 19-77 Titled “Recording,” Section 19-111 Titled “Development of areas subject to inundation,” Section 24-3 Titled “Enumerated,” Section 24-8 Titled “Nonconforming uses; regulations,” Section 24-106 Titled “Plan of development (POD), administrative and schematic site plans,” and Section 24-116 Titled “Powers” of the Code of the County of Henrico, and to Add Section 19-32 Titled “Extension of approvals to address housing crisis,” Section 19-56 Titled “Development in dam break inundation zone,” and Section 24-106.4 Titled “Development in dam break inundation zone” to the Code of the County of Henrico, All to Revise the County’s Subdivision and Zoning Ordinances To Comply with Recent Changes Enacted by the General Assembly.

Ben Blankinship, Principal Planner, narrated a Power Point presentation titled “Amendments to Subdivision and Zoning Ordinances to Address Recent Statutory Changes.” The first section of his presentation focused on dam break inundation zones, including Virginia Code Section 15.2-2243.1, inundation zone maps, review and study requirements, and additional requirements. Mr. Blankinship, Director of Public Works Tim Foster, David Gunn Public Works Design Engineer, and Mr. Hazelett responded to questions and comments from the Board regarding new State permitting requirements that have been placed on dam owners, developers, the County, and citizens residing within inundation zones. There was extended discussion of the impact of these requirements on the County’s 26 regulated dams, how some homeowners’ associations and individual citizens will be affected financially, the rationale for the State legislation, the County’s role in reviewing proposed developments in mapped dam break inundation zones, the option of eliminating dams where permit requirements cannot be met, and the criteria for map inundation zones.

The second section of Mr. Blankinship’s presentation focused on review timelines and the extension of validity for plans of development and subdivisions required under current State law, including timelines for review, periods of validity, and extension of validity. The third and final section of Mr. Blankinship’s presentation focused on miscellaneous areas of the County Code that had fallen out of parallel with State Code in the areas of nonconforming structures, Board of Zoning Appeals (BZA) powers and duties, and family divisions. He responded to questions from the Board concerning the impetus for these proposed ordinance changes and how they will affect existing BZA powers and duties.

Mr. Hazelett confirmed for Mr. Kaechele that the proposed amendments in all three of the sections discussed by Mr. Blankenship would be contained in a single ordinance.

No one from the public spoke in opposition to this ordinance.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 281-09 – see attached ordinance.

PUBLIC COMMENTS

Della Ellar, a resident of the Brookland District, expressed concern that the existing landscaping at Dumbarton Area Library provides potential cover for criminal activity. She also questioned why the County is not laying off employees and lowering taxes in its efforts to streamline County services and make them more efficient. Mr. Glover, Mr. Hazelett, Mrs. O'Bannon, and Director of Public Utilities Art Petrini responded to Ms. Ellar's concerns. Mr. Hazelett stated that he would be more than happy to meet with Ms. Ellar to discuss the issues she raised.

Dr. Vines advised that directional signs to his church previously erected by the County along Cleveland Street and Hungary Road as a condition of a bridge reconstruction project were recently knocked down while grass was being cut in the rights-of-way. He asked that the signs be reinstalled.

GENERAL AGENDA

282-09 Resolution – Authorizing the County Manager to Execute the Joint Application Amendment Agreement for the City of Richmond's Amendment to Its Zone III/North Enterprise Zone.

Mark Strickler, Director of Community Revitalization, and Mr. Hazelett responded to questions from the Board pertaining to the area in the City covered by the amendment. Mr. Strickler confirmed that this amendment would have no impact on the acreage of Henrico's enterprise zone.

On motion of Mr. Glover, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 282-09 – see attached resolution.

283-09 Resolution – Concurring in the Declarations and Findings of the Short Pump Town Center Community Development Authority and Authorizing the Dissolution of the Authority and the Execution of Documents in Connection Therewith.

On motion of Mr. Glover, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No 283-09 – see attached resolution.

284-09 Introduction of Ordinance – To Amend and Reordain Section 9-2 of the Code of the County of Henrico Titled "Precincts and polling places" by Making Technical Corrections in the Text Relating to the Polling Places for the Westwood Precinct in the Brookland District, the Maplewood and Yellow Tavern Precincts in the Fairfield District, and the Laburnum and Sandston Precincts in the Varina District.

On motion of Mr. Glover, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 284-09 – see attached resolution.

285-09 Resolution - To Permit Additional Fine of \$200 for Speeding on University Boulevard.

On motion of Mrs. O'Bannon seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 285-09 – see attached resolution.

There being no further business, the meeting was adjourned at 8:56 p.m.

Chairman, Board of Supervisors
County of Henrico, Virginia

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
SPECIAL MEETING
November 10, 2009

The Henrico County Board of Supervisors convened a special meeting on Tuesday, November 10, 2009 at 4:30 p.m. in the County Manager's Conference Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia.

Members of the Board Present:

David A. Kaechele, Chairman, Three Chopt District
Patricia S. O'Bannon, Vice Chairman, Tuckahoe District
James B. Donati, Jr., Varina District (arrived at 4:42 p.m.)
Richard W. Glover, Brookland District
Frank J. Thornton, Fairfield District (departed at 5:16 p.m.)

Other Officials Present:

Virgil R. Hazelett, P.E., County Manager
Joseph P. Rapisarda, Jr., County Attorney
Barry R. Lawrence, CMC, Assistant to the County Manager/Clerk to the Board
Tanya B. Harding, Administrative Assistant/Deputy Clerk to the Board
George T. Drumwright, Jr., Deputy County Manager for Community Services
Angela N. Harper, Deputy County Manager for Special Services
Leon T. Johnson, Deputy County Manager for Administration
Robert K. Pinkerton, P.E., Deputy County Manager for Community Operations
Randall R. Silber, Deputy County Manager for Community Development
Tamra McKinney, Director of Public Relations & Media Services
C. Michael Schnurman, Jr., Legislative Liaison
John A. Vithoulkas, Director of Finance/Special Economic Adviser

Mr. Kaechele called the meeting to order at 4:36 p.m.

Mr. Hazelett briefly referred to the three items listed on the agenda.

Dissolution of the Short Pump Town Center Community Development Authority

Mr. Hazelett recognized Mr. Vithoulkas, who narrated a brief Power Point presentation on the current status of Short Pump Town Center Community Development Authority (CDA). Mr. Vithoulkas noted that the CDA was created by the Board of Supervisors on September 26, 2000 pursuant to the Virginia Water and Waste Water Authorities Act to provide financing for public improvements associated with the Short Pump Town Center project. He advised that the Board would be considering a resolution at its regular meeting later in the evening to

dissolve the CDA since the \$25.5 million of taxable special assessment revenue bonds had been paid in full and all obligations of the CDA in connection the bonds had been satisfied. Mr. Vithoulkas reviewed the tax revenues generated by the Center and the surplus of taxes over debt service. He concluded his presentation by reviewing CDA criteria, including project size, type of development, necessity of the CDA, debt limits, credit rating, impact on services, financial stability, and hold harmless. Following the presentation, Mr. Vithoulkas and Mr. Hazelett responded to questions from the Board regarding the interest rate for the bonds, schedule of payment for the bonds' principal and interest, allocation of sales tax revenues generated by the project, and procedure for sale of the bonds.

Mr. Hazelett recognized the following persons in the audience who were instrumental to the Short Pump Town Center project and CDA: Tommy Pruitt, President of Pruitt and Associates; Wilson Flohr, Chairman of the CDA Board; and Bill Axselle, Counsel to the CDA. Mr. Pruitt addressed the Board. He noted the CDA's instrumental role in the development of Short Pump Town Center, thanked the Board of Supervisors and County staff for taking a chance with the project and the CDA, referred to Mr. Hazelett's early and *steadfast insistence on a five and one-half year amortization schedule for the CDA bonds*, and thanked Mr. Flohr for his leadership on the CDA Board. Mr. Hazelett responded to a question from Mr. Kaechele concerning the status of revenues generated by the out parcels of the Center. Mr. Kaechele expressed appreciation to everyone who served on the CDA Board and to the members of the County staff who were involved with the project. He commented on the success of the Center and the outlying development stimulated by the Center. Mr. Hazelett closed discussion of this item by predicting that the Center will generate a huge amount of revenue for the County for a long time into the future.

Proposed Ordinance Amendments Pertaining to Noise

Mr. Hazelett recognized Mr. Rapisarda, who in turn acknowledged the efforts of Assistant County Attorney Ben Thorp, Senior Assistant County Attorney Karen Adams, and Deputy Commonwealth's Attorney Duncan Reid for their work on the proposed ordinance amendments. Mr. Rapisarda pointed out that this ordinance is enforced in General District Court by the Commonwealth's Attorney's Office rather than by the County Attorney's Office. He then recognized Mr. Thorp, who narrated a Power Point presentation on the proposed ordinance amendments. Mr. Thorp stated that the proposed amendments were being proposed because of an April 17, 2009 Virginia Supreme Court ruling in the case Tanner v. City of Virginia Beach, whereby the Court found the City's ordinance to be unconstitutionally vague. Like Virginia Beach, Henrico County's ordinance has been using the "reasonable person" standard. In addition to explaining why the amendments were being proposed, Mr. Thorp reviewed the County's current noise ordinance, the volume and type of noise complaints received by the County, two possible approaches to the ordinance, ordinance considerations, the ordinance proposed by staff, enforcement alternatives and penalties under Section 10-71 of the County Code, prohibited noises enumerated in Section 10-73 of the County Code, the eight categories of noise regulated, specific exemptions to the ordinance under Section 10-74 of the County Code, and four categories of noise proposed for elimination.

During Mr. Thorp's presentation, he responded to numerous questions and comments from the Board. Mr. Hazelett, Mr. Rapisarda, Mr. Reid, and Mrs. Adams also responded. The questions raised included how the "per se" approach recommended in the proposed ordinance differs from the "reasonable person" standard, why staff was not recommending a decibel-based ordinance and the use of noise meters, objective criteria such as frequency that would be used with a "per se" approach, the severity of penalties in the proposed ordinance for animal noise, the status of Virginia Beach's appeal of the Tanner decision, the circumstances that initiated the Tanner litigation, the process for citizens to file a noise complaint summons with a magistrate, whether community maintenance staff and police officers can enforce noise ordinance violations, logistical concerns in pursuing noise ordinance violations related to trash and recycling collection, the current absence of civil penalties for noise violations under Virginia state law, whether commercial trash collection is regulated in B-2 districts under the County's zoning ordinance, whether the "plainly audible" standard will be upheld in court, the categories of noise that would be subject to 24-hour prohibition under the proposed ordinance, who is the liable party in noise ordinance violations related to trash and recycling collection, the role of the County Attorney's Office in noise ordinance litigation, the types of noise that would be considered violations in the amplified sound category, the types of animals that would be included in the noise regulation category for animals, the hours during which trash and recycling collection noise would be prohibited under the proposed ordinance, the rationale for using 11:00 p.m. as the trigger time for prohibiting noise in several different categories, whether the proposed ordinance would regulate All Terrain Vehicles (ATVs) and the shooting of firearms, whether exemptions under the proposed ordinance would include religious activities and ambulances, and how miscellaneous noises not enumerated in the proposed ordinance would be handled. There was considerable discussion by Mr. Glover, Mr. Rapisarda, and Mr. Reid pertaining to the enforcement process under both the current and proposed ordinances. Mrs. O'Bannon voiced concern that localities do not have the option of imposing civil penalties for noise ordinance violations under existing State law. Mr. Glover expressed and reiterated concerns about placing the burden on citizens to request summonses from magistrates for noise ordinance violations, particularly those related to trash collection and recycling.

Mr. Hazelett concluded the discussions by advising that staff would like to schedule a public hearing on a proposed noise ordinance for the second meeting in January 2010. He noted that the County Attorney's Office will need time to research and clarify some of the issues raised by the Board and to make changes suggested by the Board. Mr. Hazelett stated that another work session on the proposed ordinance would be scheduled for November 24, 2009 and introduction of a proposed ordinance would be placed on the December 8, 2009 regular meeting agenda.

The Board recessed for dinner at 6:10 p.m. and reconvened at 6:18 p.m.

Proposed State Stormwater Regulations

Mr. Hazelett noted that proposed State stormwater management regulations had been discussed by County officials earlier in the week during the Virginia Association of Counties Annual Conference. He referred to a draft resolution prepared by the Department of Public Works expressing opposition to the regulations. Mr. Hazelett then recognized Jeff Perry, Engineering and Environmental Services Manager for the Department of Public Works, who narrated a

Power Point presentation titled *The Perfect Storm - Effects of Pending Stormwater Program Requirements*. Mr. Perry advised that new stormwater regulations adopted by the Virginia Soil and Water Conservation Board on October 5, 2009 will go into effect on July 1, 2010. He discussed impacts of the regulations on development and redevelopment, impaired waters and their total daily maximum loads (TMDLs) for fecal limits, active management for sediment, National Pollutant Discharge Elimination System (NPDES) and Municipal Separate Storm Sewer System (MS4) permit reissuance, significant staffing impacts relating to Norfolk's draft permit, impacts of the proposed regulations on local policies and programs, the costs of the proposed regulations to the County, Virginia localities that have adopted a stormwater utility tax, stormwater personnel in selected Virginia localities, a bipartisan State legislative committee known as the Joint Commission on Rules (JCAR) with the authority to review the proposed regulations, and a site layout comparing current and proposed regulations. During his presentation, Mr. Perry and Mr. Rapisarda responded to a number of questions from the Board relating to sediment discharge responsibilities and management for road construction and other construction projects, whether the County has the option of bringing suit against the Environmental Protection Action (EPA), whether the proposed regulations could be considered a legal taking of private property, the criteria used by EPA in establishing numerical limits on discharges and pollutants, how fines are imposed for violations of NPDES permits, the number of combined sewer systems in Henrico County, the County's responsibility for complying with TMDL fecal limits placed on the five watersheds in Henrico, how localities with a stormwater utility tax are assessing and collecting the tax, whether any new stormwater or environmental regulations have been proposed for farming operations, and proposals to cultivate a new oyster in waters off of the Eastern Shore.

Mr. Hazelett concluded the discussions by noting that staff had previously briefed Board members individually on the proposed regulations. Mr. Pinkerton distributed a copy of the draft resolution prepared by staff expressing opposition to the regulations. Mr. Hazelett stated that unless there were any objections from the Board staff would bring the resolution to the Board for its consideration at the Board's November 24, 2009 regular meeting. He commented that the resolution would be circulated to other affected localities and the central Virginia State legislative delegation. Mr. Hazelett further commented that the proposed regulations would significantly impact development in Henrico County and result in increased housing costs. He asked that Board members notify him of any suggested changes to the draft resolution.

Mr. Hazelett briefly reviewed the agenda for the evening meeting, which included five zoning cases three other public hearing items, and four general agenda items. He noted that Mr. Rapisarda had previously briefed Board members on the ordinance introduction Board paper that would make technical corrections in the text relating to several polling places in the County.

There being no further business, the meeting was adjourned at 6:56 p.m.

Chairman, Board of Supervisors
Henrico County, Virginia

PANCREATIC CANCER AWARENESS MONTH

November 2009

WHEREAS, over 42,000 people will be diagnosed with pancreatic cancer this year in the United States and over 35,000 will die from the disease, with approximately 880 of these deaths occurring in the Commonwealth of Virginia; and

WHEREAS, the mortality rate for this type of cancer is 99 percent, the highest of any cancer; and

WHEREAS, pancreatic cancer is the fourth most common cause of cancer death for men and women in the United States; and

WHEREAS, 76 percent of pancreatic cancer patients die within the first year of their diagnosis and 95 percent of these patients die within the first five years; and

WHEREAS, there is no cure for pancreatic cancer and there have been no significant improvements in early detection, treatment methods, or survival rates in the last 30 years; and

WHEREAS, when symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis, and the average life expectancy of persons diagnosed with metastatic pancreatic cancer is only three to six months; and

WHEREAS, the incidence of pancreatic cancer is approximately 50 percent higher in African-Americans than in any other ethnic groups; and

WHEREAS, the federal government invests less money in pancreatic cancer research than it does in any of the other leading cancer killers; and

WHEREAS, the good health and well-being of the residents of Henrico County are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments; and

WHEREAS, the Pancreatic Cancer Action Network is the only national patient advocacy organization that serves the pancreatic cancer community in Henrico County, in the Commonwealth, and nationwide by focusing its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer; and

WHEREAS, this organization and its affiliates in Henrico County support patients battling pancreatic cancer and are committed to finding a cure for the disease.

NOW, THEREFORE, BE IT PROCLAIMED that the Board of Supervisors of Henrico County, Virginia hereby recognizes November 2009 as Pancreatic Cancer Awareness Month and calls this observance to the attention of all Henrico citizens.

David A. Kaechele, Chairman
Board of Supervisors

Barry R. Lawrence, Clerk
November 24, 2009

RESOLUTION – Appointment of Members to Board of Directors – Economic Development Authority

This Board paper appoints the following persons to the Board of Directors of the Economic Development Authority for four-year terms expiring November 13, 2013 or thereafter, when their successors shall have been appointed and qualified:

Fairfield District
Tuckahoe District

Harold D. Parker, Jr.
Marsha S. Shuler



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. 286-09

Page No. 1 of 1

Agenda Title: RESOLUTION - Appointment of Members to Board of Directors - Economic Development Authority

For Clerk's Use Only:

Date: **NOV 24 2009**

- () Approved
() Denied
() Amended
() Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) _____ Seconded by (1) _____
(2) _____ (2) _____

REMARKS: _____

YES NO OTHER

Donati, J. _____
Glover, R. _____
Kaechele, D. _____
O'Bannon, P. _____
Thornton, F. _____

BE IT RESOLVED that the Board of Supervisors of Henrico County, Virginia appoints the following persons to the Board of Directors of the Economic Development Authority for four-year terms expiring November 13, 2013 or thereafter, when their successors shall have been appointed and qualified:

Fairfield District
Tuckahoe District

Harold D. Parker, Jr.
Marsha S. Shuler

By Agency Head _____ By County Manager [Signature]

Routing:
Yellow to: _____
Copy to: _____

Certified:
A Copy Teste: _____
Clerk, Board of Supervisors

Date: _____

RESOLUTION – Appointment of Member – Richmond Area Metropolitan Planning Organization Citizens Transportation Advisory Committee

This Board paper appoints the following person to the Richmond Area Metropolitan Planning Organization Citizens Transportation Advisory Committee for an unexpired term ending December 31, 2010 or thereafter, when his successor shall have been appointed and qualified:

At-Large

Gregory R. Baka



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 287-09

Page No. 1 of 1

Agenda Title: RESOLUTION - Appointment of Member - Richmond Area Metropolitan Planning Organization Citizens Transportation Advisory Committee

For Clerk's Use Only:

Date: NOV 24 2009

- ☐ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) _____ Seconded by (1) _____
(2) _____ (2) _____

REMARKS: _____

YES NO OTHER

Donati, J. _____
Glover, R. _____
Kaechele, D. _____
O'Bannon, P. _____
Thornton, F. _____

BE IT RESOLVED that the Board of Supervisor of Henrico County, Virginia appoints the following person to the Richmond Area Metropolitan Planning Organization Citizens Transportation Advisory Committee for an unexpired term ending December 31, 2010 or thereafter, when his successor shall have been appointed and qualified:

At-Large

Gregory R. Baka

By Agency Head _____ By County Manager _____

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____
Clerk, Board of Supervisors

Date: _____

**COUNTY OF HENRICO, VIRGINIA
2009B SUPPLEMENTAL RESOLUTION**

RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED NINE MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$9,800,000) AGGREGATE PRINCIPAL AMOUNT OF WATER AND SEWER SYSTEM REVENUE BONDS, SERIES 2009B, OF THE COUNTY OF HENRICO, VIRGINIA, FOR THE PURPOSE OF FINANCING EXTENSIONS AND IMPROVEMENTS TO THE COUNTY'S WATER AND SEWER SYSTEM; AUTHORIZING THE COUNTY MANAGER OR ANY DEPUTY COUNTY MANAGER AND THE DIRECTOR OF FINANCE TO FIX THE MATURITIES, INTEREST RATES AND OTHER DETAILS OF SUCH BONDS; APPROVING THE FORM OF SUCH BONDS; AUTHORIZING THE COUNTY MANAGER OR ANY DEPUTY COUNTY MANAGER AND THE DIRECTOR OF FINANCE TO SELECT THE UNDERWRITERS OF SUCH BONDS AND TO NEGOTIATE THE SALE OF SUCH BONDS TO SUCH UNDERWRITERS AND AUTHORIZING THE EXECUTION AND DELIVERY TO SUCH UNDERWRITERS OF A BOND PURCHASE AGREEMENT FOR SUCH SALE; AUTHORIZING THE PREPARATION AND DELIVERY OF A PRELIMINARY OFFICIAL STATEMENT RELATING TO SUCH BONDS AND AUTHORIZING THE DISTRIBUTION THEREOF; AUTHORIZING THE PREPARATION OF A FINAL OFFICIAL STATEMENT AND CONTINUING DISCLOSURE CERTIFICATE RELATING TO SUCH BONDS AND AUTHORIZING THE DISTRIBUTION THEREOF; DESIGNATING RECOVERY ZONES FOR THE PURPOSES OF SECTION 1400U-1(b) OF THE INTERNAL REVENUE CODE OF 1986; AMENDING THE 2009A SUPPLEMENTAL RESOLUTION TO EXTEND THE EFFECTIVENESS THEREOF TO JUNE 30, 2010; AND RATIFYING CERTAIN ACTS AND PROCEEDINGS

This resolution authorizes the issuance and sale of \$9,800,000 of Recovery Zone Economic Development Bonds (RZEDs). These taxable bonds have a 45 percent interest subsidy.

In addition, this Board paper creates recovery zones for the Strawberry Hill Sewer Rehabilitation Project (Lakeside area) and the Strawberry Hill Sewer Rehabilitation Project (Monument Avenue Area) as well as the Broadwater Area Sewer Rehabilitation Project (Highland Springs). The bonds will be used to fund sewer rehabilitation work in these areas.

Finally, this Board paper extends the authorization granted by the Board of Supervisors on May 12, 2009 to refund the Outstanding Water and Sewer System Revenue Note, Subordinate Series 1997, through June 30, 2010.

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. **288-09**
Page No. 1 of 22

Agenda Title **See Below**

<p>For Clerk's Use Only:</p> <p>NOV 24 2009</p> <p>Date</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p> <p><input type="checkbox"/> Amended</p> <p><input type="checkbox"/> Deferred to</p>	<p>BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) _____ Seconded by (1) _____</p> <p>(2) _____ (2) _____</p> <p>REMARKS: _____</p> <p>_____</p> <p>_____</p>	<table style="width: 100%; border-collapse: collapse;"><thead><tr><th></th><th style="text-align: center;">YES</th><th style="text-align: center;">NO</th><th style="text-align: center;">OTHER</th></tr></thead><tbody><tr><td>Donati, J.</td><td style="text-align: center;">_____</td><td style="text-align: center;">_____</td><td style="text-align: center;">_____</td></tr><tr><td>Glover, R.</td><td style="text-align: center;">_____</td><td style="text-align: center;">_____</td><td style="text-align: center;">_____</td></tr><tr><td>Kaechele, D.</td><td style="text-align: center;">_____</td><td style="text-align: center;">_____</td><td style="text-align: center;">_____</td></tr><tr><td>O'Bannon, P.</td><td style="text-align: center;">_____</td><td style="text-align: center;">_____</td><td style="text-align: center;">_____</td></tr><tr><td>Thornton, F.</td><td style="text-align: center;">_____</td><td style="text-align: center;">_____</td><td style="text-align: center;">_____</td></tr></tbody></table>		YES	NO	OTHER	Donati, J.	_____	_____	_____	Glover, R.	_____	_____	_____	Kaechele, D.	_____	_____	_____	O'Bannon, P.	_____	_____	_____	Thornton, F.	_____	_____	_____
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AGENDA TITLE: RESOLUTION - AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED NINE MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$9,800,000) AGGREGATE PRINCIPAL AMOUNT OF WATER AND SEWER SYSTEM REVENUE BONDS, SERIES 2009B, OF THE COUNTY OF HENRICO, VIRGINIA, FOR THE PURPOSE OF FINANCING EXTENSIONS AND IMPROVEMENTS TO THE COUNTY'S WATER AND SEWER SYSTEM; AUTHORIZING THE COUNTY MANAGER OR ANY DEPUTY COUNTY MANAGER AND THE DIRECTOR OF FINANCE TO FIX THE MATURITIES, INTEREST RATES AND OTHER DETAILS OF SUCH BONDS; APPROVING THE FORM OF SUCH BONDS; AUTHORIZING THE COUNTY MANAGER OR ANY DEPUTY COUNTY MANAGER AND THE DIRECTOR OF FINANCE TO SELECT THE UNDERWRITERS OF SUCH BONDS AND TO NEGOTIATE THE SALE OF SUCH BONDS TO SUCH UNDERWRITERS AND AUTHORIZING THE EXECUTION AND DELIVERY TO SUCH UNDERWRITERS OF A BOND PURCHASE AGREEMENT FOR SUCH SALE; AUTHORIZING THE PREPARATION AND DELIVERY OF A PRELIMINARY OFFICIAL STATEMENT RELATING TO SUCH BONDS AND AUTHORIZING THE DISTRIBUTION THEREOF; AUTHORIZING THE PREPARATION OF A FINAL OFFICIAL STATEMENT AND CONTINUING DISCLOSURE CERTIFICATE RELATING TO SUCH BONDS AND AUTHORIZING THE DISTRIBUTION THEREOF; DESIGNATING RECOVERY ZONES FOR THE PURPOSES OF SECTION 1400U-1(b) OF THE INTERNAL REVENUE CODE OF 1986; AMENDING THE 2009A SUPPLEMENTAL RESOLUTION TO EXTEND THE EFFECTIVENESS THEREOF TO JUNE 30, 2010; AND RATIFYING CERTAIN ACTS AND PROCEEDINGS.

The Board of Supervisors adopted the attached resolution.

Comments: This resolution was prepared by the County's New York bond counsel and has been reviewed and approved as to form by the County Attorney.

<p>By Agency Head _____</p> <hr/> <p>Routing:</p> <p>Yellow to: _____</p> <p>Copy to: _____</p>	<p>By County Manager _____</p> <hr/> <p>Certified: _____</p> <p>A Copy Teste: _____</p> <p style="text-align: right;">Clerk, Board of Supervisors</p> <p>Date: _____</p>
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**COUNTY OF HENRICO, VIRGINIA,
2009B SUPPLEMENTAL RESOLUTION**

RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED NINE MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$9,800,000) AGGREGATE PRINCIPAL AMOUNT OF WATER AND SEWER SYSTEM REVENUE BONDS, SERIES 2009B, OF THE COUNTY OF HENRICO, VIRGINIA, FOR THE PURPOSE OF FINANCING EXTENSIONS AND IMPROVEMENTS TO THE COUNTY'S WATER AND SEWER SYSTEM; AUTHORIZING THE COUNTY MANAGER OR ANY DEPUTY COUNTY MANAGER AND THE DIRECTOR OF FINANCE TO FIX THE MATURITIES, INTEREST RATES AND OTHER DETAILS OF SUCH BONDS; APPROVING THE FORM OF SUCH BONDS; AUTHORIZING THE COUNTY MANAGER OR ANY DEPUTY COUNTY MANAGER AND THE DIRECTOR OF FINANCE TO SELECT THE UNDERWRITERS OF SUCH BONDS AND TO NEGOTIATE THE SALE OF SUCH BONDS TO SUCH UNDERWRITERS AND AUTHORIZING THE EXECUTION AND DELIVERY TO SUCH UNDERWRITERS OF A BOND PURCHASE AGREEMENT FOR SUCH SALE; AUTHORIZING THE PREPARATION AND DELIVERY OF A PRELIMINARY OFFICIAL STATEMENT RELATING TO SUCH BONDS AND AUTHORIZING THE DISTRIBUTION THEREOF; AUTHORIZING THE PREPARATION OF A FINAL OFFICIAL STATEMENT AND CONTINUING DISCLOSURE CERTIFICATE RELATING TO SUCH BONDS AND AUTHORIZING THE DISTRIBUTION THEREOF; DESIGNATING RECOVERY ZONES FOR THE PURPOSES OF SECTION 1400U-1(b) OF THE INTERNAL REVENUE CODE OF 1986; AMENDING THE 2009A SUPPLEMENTAL RESOLUTION TO EXTEND THE EFFECTIVENESS THEREOF TO JUNE 30, 2010; AND RATIFYING CERTAIN ACTS AND PROCEEDINGS

ADOPTED NOVEMBER __, 2009

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**COUNTY OF HENRICO, VIRGINIA,
2009B SUPPLEMENTAL RESOLUTION**

RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED NINE MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$9,800,000) AGGREGATE PRINCIPAL AMOUNT OF WATER AND SEWER SYSTEM REVENUE BONDS, SERIES 2009B, OF THE COUNTY OF HENRICO, VIRGINIA, FOR THE PURPOSE OF FINANCING EXTENSIONS AND IMPROVEMENTS TO THE COUNTY'S WATER AND SEWER SYSTEM; AUTHORIZING THE COUNTY MANAGER OR ANY DEPUTY COUNTY MANAGER AND THE DIRECTOR OF FINANCE TO FIX THE MATURITIES, INTEREST RATES AND OTHER DETAILS OF SUCH BONDS; APPROVING THE FORM OF SUCH BONDS; AUTHORIZING THE COUNTY MANAGER OR ANY DEPUTY COUNTY MANAGER AND THE DIRECTOR OF FINANCE TO SELECT THE UNDERWRITERS OF SUCH BONDS AND TO NEGOTIATE THE SALE OF SUCH BONDS TO SUCH UNDERWRITERS AND AUTHORIZING THE EXECUTION AND DELIVERY TO SUCH UNDERWRITERS OF A BOND PURCHASE AGREEMENT FOR SUCH SALE; AUTHORIZING THE PREPARATION AND DELIVERY OF A PRELIMINARY OFFICIAL STATEMENT RELATING TO SUCH BONDS AND AUTHORIZING THE DISTRIBUTION THEREOF; AUTHORIZING THE PREPARATION OF A FINAL OFFICIAL STATEMENT AND CONTINUING DISCLOSURE CERTIFICATE RELATING TO SUCH BONDS AND AUTHORIZING THE DISTRIBUTION THEREOF; DESIGNATING RECOVERY ZONES FOR THE PURPOSES OF SECTION 1400U-1(b) OF THE INTERNAL REVENUE CODE OF 1986; AMENDING THE 2009A SUPPLEMENTAL RESOLUTION TO EXTEND THE EFFECTIVENESS THEREOF TO JUNE 30, 2010; AND RATIFYING CERTAIN ACTS AND PROCEEDINGS

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF HENRICO, VIRGINIA:

SECTION 1. Definitions. (a) Unless the context shall clearly indicate some other meaning, all the words and terms used in this 2009B Supplemental Resolution which are defined in the Resolution, entitled "A RESOLUTION AUTHORIZING THE ISSUANCE OF TWELVE MILLION EIGHT HUNDRED SEVENTY THOUSAND DOLLARS (\$12,870,000) BONDS OF HENRICO COUNTY, VIRGINIA, FOR THE PURPOSE OF REFUNDING IN ADVANCE OF MATURITY WATER AND SEWER SYSTEM REVENUE BONDS, SERIES OF 1975, OF HENRICO COUNTY, VIRGINIA, HERETOFORE ISSUED FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, RECONSTRUCTING, IMPROVING,

EXTENDING AND ENLARGING A UNIFIED WATER SUPPLY AND SANITARY SEWERAGE SYSTEM IN HENRICO COUNTY; PRESCRIBING THE FORM AND DETAILS OF THE BONDS AUTHORIZED HEREBY; COVENANTING AS TO THE ESTABLISHMENT, MAINTENANCE, REVISION AND COLLECTION OF RATES AND CHARGES FOR THE SERVICES, FACILITIES AND COMMODITIES OF SAID SYSTEM AND THE COLLECTION AND DISBURSEMENT OF THE REVENUES DERIVED THEREFROM; PLEDGING SAID REVENUES TO THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THE SAME BECOME DUE AND LIMITING THE PAYMENT OF SAID BONDS SOLELY TO SAID REVENUES; SETTING FORTH THE LIMITATIONS ON THE ISSUANCE OF ADDITIONAL BONDS PAYABLE FROM SAID REVENUES; AND MAKING OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE FOREGOING”, adopted by the Board on November 23, 1977 and amended by resolutions adopted by the Board on January 13, 1999 and February 18, 1999 (such Resolution, as from time to time amended or supplemented by Supplemental Resolutions being defined in such Resolution and referred to herein as the “Resolution”), shall for all purposes of this 2009B Supplemental Resolution have the respective meanings given to them in the Resolution.

(b) Unless the context shall clearly indicate some other meaning, the following terms shall, for all purposes of the Resolution and of any certificate, resolution or other instrument amendatory thereof or supplemental thereto (including for all purposes of this 2009B Supplemental Resolution) and for all purposes of any opinion or instrument or other document therein mentioned, have the following meanings, with the following definitions to be equally applicable to both the singular and plural forms of such terms:

“2009B Bonds” shall mean the Bonds authorized by this 2009B Supplemental Resolution and issued under the Resolution and this 2009B Supplemental Resolution at any time Outstanding.

“2009B Supplemental Resolution” shall mean this Supplemental Resolution.

“1986 Code” shall mean the Internal Revenue Code of 1986 and the regulations promulgated by the United States Department of the Treasury thereunder from time to time.

“Official Statement” shall mean the Official Statement of the County relating to the 2009B Bonds.

“Preliminary Official Statement” shall mean the Preliminary Official Statement of the County relating to the 2009B Bonds.

Unless the context shall clearly indicate otherwise or otherwise require, (i) all references in this 2009B Supplemental Resolution to the Resolution (without specifying in such references any particular section of the Resolution) shall be to the Resolution as amended and supplemented, (ii) all references by number in this 2009B Supplemental Resolution to a

particular section of the Resolution shall be to the section of that number of the Resolution, and if such section shall have been amended or supplemented, to such section as so amended and supplemented and (iii) all references by number in this 2009B Supplemental Resolution to a particular section of this 2009B Supplemental Resolution shall be only to the section of that number of this 2009B Supplemental Resolution.

Whenever used in this 2009B Supplemental Resolution, the words "herein", "hereinbefore", "hereinafter", "hereof", "hereunder", and other words of similar import, refer to this 2009B Supplemental Resolution only and to this 2009B Supplemental Resolution as a whole and not to any particular article, section or subdivision hereof; and the words "therein", "thereinbefore", "thereof", "thereunder", and other words of similar import, refer to the Resolution as a whole and not to any particular article, section or subdivision thereof.

SECTION 2. Authorization of Issuance of 2009B Bonds.

(a) For the purpose of financing the costs of acquisition, construction, reconstruction, improvement, extension and enlargement of the County's water and sewer system, there are hereby authorized to be issued, and shall be issued, under and secured by the Resolution, including this 2009B Supplemental Resolution, a series of Bonds in the aggregate principal amount of not to exceed \$9,800,000, to be designated as "County of Henrico, Virginia, Water and Sewer System Revenue Bonds, Series 2009B".

(b) The 2009B Bonds shall be dated as of their date of issue; shall be issued in fully registered form; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered or lettered, or both, as shall be determined by the Paying Agent and Registrar for the 2009B Bonds, which numbers or letters shall have the letter "R" prefixed thereto; and shall mature and become due and payable on May 1 in each of the years, not to exceed thirty (30) years, and in the principal amounts to be determined by the County Manager or any Deputy County Manager and the Director of Finance, and shall bear interest from the date thereof payable on such first interest payment date as shall be determined by the County Manager or any Deputy County Manager and the Director of Finance (which first interest payment date shall be either a May 1 or a November 1), and semiannually on each May 1 and November 1 thereafter, at the rates per annum to be determined by the County Manager or any Deputy County Manager and the Director of Finance.

The 2009B Bonds, if any, in term form, as determined by the County Manager or any Deputy County Manager and the Director of Finance (the "2009B Term Bonds") shall be retired by sinking fund installments which shall be accumulated in the Sinking Fund Account in the Revenue Fund in amounts, in addition to the amounts required to be deposited therein for the Outstanding Bonds, sufficient to redeem on May 1 of each year, at a redemption price equal to the principal amount of the 2009B Bond or 2009B Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption, the principal amount of such 2009B Bonds as determined by the County Manager or any Deputy County Manager and the Director of Finance.

SECTION 3. Book-Entry Only System; Appointment of Principal Paying Agent and Registrar; Payment of 2009B Bonds; Books of Registry; Exchanges and Transfers of 2009B Bonds.

(a) The 2009B Bonds shall be issued, upon initial issuance, in fully registered form and registered in the name of Cede & Co., a nominee of The Depository Trust Company, New York, New York ("DTC"), as registered owner of the 2009B Bonds, and immobilized in the custody of DTC. One fully registered 2009B Bond for the principal amount of each maturity shall be registered to Cede & Co. Beneficial owners of 2009B Bonds shall not receive physical delivery of 2009B Bonds. Individual purchases of 2009B Bonds may be made in book-entry form only in principal amounts of \$5,000 and integral multiples thereof. While registered in the name of Cede & Co., principal and interest payments on the 2009B Bonds shall be made by wire transfer to DTC or its nominee as registered owner of such 2009B Bonds on the applicable payment date, notwithstanding the provisions of Section 3(d) hereof.

Transfers of principal and interest payments to the participants of DTC, which include securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations (the "Participants") shall be the responsibility of DTC. Transfers of principal and interest payments to beneficial owners of the 2009B Bonds by the Participants is the responsibility of the Participants and other nominees of such beneficial owners. The Paying Agent and Registrar, hereinafter referred to, shall notify DTC of any notice required to be given pursuant to the Resolution, as supplemented by this 2009B Supplemental Resolution, not less than fifteen (15) calendar days prior to the date upon which such notice is required to be given; *provided* that the failure to provide such notice to DTC shall not invalidate any action taken or notice given by the Paying Agent and Registrar hereunder.

Transfers of ownership interests in the 2009B Bonds shall be made by DTC and its Participants, acting as nominees of the beneficial owners of the 2009B Bonds, in accordance with rules specified by DTC and its Participants. The County makes no assurances that DTC, its Participants or other nominees of the beneficial owners of the 2009B Bonds shall act in accordance with such rules or on a timely basis.

(b) Replacement 2009B Bonds (the "Replacement 2009B Bonds") shall be issued directly to beneficial owners of 2009B Bonds rather than to DTC, or its nominee, but only in the event that:

(i) DTC determines not to continue to act as securities depository for the 2009B Bonds; or

(ii) the County has advised DTC of its determination that DTC is incapable of discharging its duties; or

(iii) the County has determined that it is in the best interest of the beneficial owners of the 2009B Bonds not to continue the book-entry system of transfer.

Upon occurrence of the events described in clause (i) or (ii) above the County shall attempt to locate another qualified securities depository. If the County fails to locate another qualified securities depository to replace DTC, the County shall execute and deliver Replacement 2009B Bonds substantially in the form set forth in Section 8 hereof to the Participants. In the event the County makes the determination noted in clause (iii) above (the County undertakes no obligation to make any investigation to determine the occurrence of any events that would permit the County to make any such determination) and has made provisions to notify the beneficial owners of 2009B Bonds by mailing an appropriate notice to DTC, the County shall execute and deliver Replacement 2009B Bonds substantially in the form set forth in Section 8 hereof to any Participants making a request for such Replacement 2009B Bonds. The County shall be entitled to rely on the records provided by DTC as to the Participants entitled to receive Replacement 2009B Bonds. *Principal of and interest on the Replacement 2009B Bonds shall be payable as provided in subsection (d) of this Section 3 hereof, and such Replacement 2009B Bonds will be transferable and exchangeable in accordance with subsection (e) of this Section 3.*

(c) Appointment of Principal Paying Agent and Registrar. U.S. Bank National Association is hereby designated as the Paying Agent and Registrar for the 2009B Bonds (herein referred to as the "Paying Agent "or "Principal Paying Agent" or" Registrar" or "Paying Agent and Registrar").

(d) Payment of 2009B Bonds. (i) The interest on the 2009B Bonds shall be payable by check, draft or wire transfer mailed by the Paying Agent and Registrar to the registered owners of the 2009B Bonds at their addresses as the same appear on the books of registry as of the fifteenth (15th) day of the month calendar next preceding each interest payment date.

(ii) The principal of the 2009B Bonds shall be payable at the office of the Paying Agent and Registrar in Richmond, Virginia.

(iii) The principal of and interest on the 2009B Bonds shall be payable in such coin or currency of the United States of America as at the respective dates of payment is legal tender for public and private debts.

(e) Books of Registry; Exchanges and Transfers of 2009B Bonds.

(i) At all times during which any 2009B Bond remains Outstanding and unpaid, the Paying Agent and Registrar shall keep or cause to be kept at its office in Richmond, Virginia, books of registry for the registration, exchange and transfer of the 2009B Bonds. Upon presentation at the office of the Paying Agent and Registrar for such purpose, the Paying Agent and Registrar, under such reasonable regulations as it may prescribe, shall register, exchange, transfer, or cause to be registered, exchanged or transferred, on the books of registry the 2009B Bonds as herein set forth.

(ii) Any 2009B Bond may be exchanged at the office of the Paying Agent and Registrar for a like aggregate principal amount of such 2009B Bonds in other authorized principal amounts of the same interest rate and maturity.

(iii) Any 2009B Bond may, in accordance with its terms, be transferred upon the books of registry by the person in whose name it is registered, in person or by his duly authorized agent, upon surrender of such 2009B Bond to the Paying Agent and Registrar for cancellation, accompanied by a written instrument of transfer duly executed by the registered owner in person or his duly authorized agent, in form satisfactory to the Paying Agent and Registrar.

(iv) All transfers or exchanges pursuant to this Section 3(e) shall be made without expense to the holder of such 2009B Bonds, except as otherwise herein provided, and except that the Paying Agent and Registrar shall require the payment by the holder of the 2009B Bond requesting such transfer or exchange of any tax or other governmental charges required to be paid with respect to such transfer or exchange. All 2009B Bonds surrendered pursuant to this Section 3(e) shall be cancelled.

SECTION 4. Redemption of 2009B Bonds.

(a) Optional Redemption. The 2009B Bonds shall be subject to redemption as determined by the County Manager or any Deputy County Manager and the Director of Finance.

(b) Mandatory Redemption. The 2009B Bonds, if any, in term form shall also be subject to redemption as determined by the County Manager or any Deputy County Manager and the Director of Finance.

(c) Redemption By Lot. In the event less than all of the 2009B Bonds of a particular maturity are called for redemption, the particular 2009B Bonds of such maturity or portion thereof in installments of \$5,000 to be redeemed shall be selected by lot.

(d) Notice of Redemption. Notice of any such redemption shall be mailed not less than thirty (30) days prior to the date fixed for redemption by first class mail, postage prepaid, to the registered owner of the 2009B Bonds to be redeemed at such address as it appears on the books of registry kept by the Paying Agent and Registrar for the 2009B Bonds as of the close of business on the forty-fifth (45th) day preceding the date fixed for redemption. Such notice shall specify the date, numbers and maturities of the 2009B Bonds to be redeemed, the date and place fixed for their redemption, and if less than the entire principal amount of any 2009B Bond is to be redeemed, that such 2009B Bond must be surrendered in exchange for the principal amount thereof to be redeemed and the issuance of a new 2009B Bond equalling in principal amount that portion of the principal amount thereof not redeemed, and shall also state that upon the date fixed for redemption there shall become due and payable upon each 2009B Bond called for redemption the principal amount thereof, together with the interest accrued thereon to the date fixed for redemption, and that from and after such date interest thereon shall cease to accrue.

(e) Effect of Redemption. When notice of redemption of any 2009B Bonds shall have been given as hereinabove set forth, such 2009B Bonds shall become due and payable on the date so specified for their redemption at a price equal to the principal amount thereof, together with the interest accrued thereon to such date. Whenever payment of such redemption

price shall have been duly made or provided for, interest on the 2009B Bonds so called for redemption shall cease to accrue from and after the date so specified for their redemption. All redeemed 2009B Bonds shall be cancelled and not reissued.

SECTION 5. Execution and Authentication of 2009B Bonds; CUSIP Identification Numbers.

(a) Execution of 2009B Bonds. The 2009B Bonds shall be executed in the name of the County by the manual or facsimile signatures of the Chairman and the Clerk of the Board, and the seal of the County shall be impressed, or a facsimile thereof printed, on the 2009B Bonds.

(b) Authentication of 2009B Bonds. The County Manager or any Deputy County Manager and the Director of Finance shall direct the Paying Agent and Registrar to authenticate the 2009B Bonds and no 2009B Bond shall be valid or obligatory for any purpose unless and until the certificate of authentication endorsed on such Bond shall have been manually executed by an authorized signatory of the Paying Agent and Registrar. Upon the authentication of any 2009B Bond, the Paying Agent and Registrar shall insert in the certificate of authentication the date as of which such 2009B Bond is authenticated. The execution and authentication of the 2009B Bonds in the manner above set forth is adopted as a due and sufficient authentication of the 2009B Bonds.

(c) CUSIP Identification Numbers. CUSIP identification numbers may be printed on the 2009B Bonds, but neither the failure to print any such number on any 2009B Bonds, nor any error or omission with respect thereto, shall constitute cause for failure or refusal by the successful bidder for the 2009B Bonds to accept delivery of and pay for the 2009B Bonds in accordance with the terms of its proposal to purchase the 2009B Bonds. No such number shall constitute or be deemed to be a part of any 2009B Bond or a part of the contract evidenced thereby and no liability shall attach to the County or any of its officers or agents because of or on account of any such number or any use made thereof.

SECTION 6. Covenant as to Compliance with 1986 Code. (a) To the extent it shall be contemplated at the time of their issuance that the interest on any 2009B Bonds issued hereunder shall be excludable from gross income for purposes of federal income taxation, the County hereby covenants to comply with the provisions of Sections 103 and 141 through 150 of the 1986 Code and the Treasury Regulations promulgated thereunder applicable to such 2009B Bonds throughout the term of such 2009B Bonds.

(b) In the event the County shall determine to issue all or a portion of the 2009B Bonds as taxable "recovery zone economic development bonds", the County Manager or any Deputy County Manager and the Director of Finance are hereby authorized to irrevocably designate such 2009B Bonds as recovery zone development bonds for purposes of Section 1400U-2 of the 1986 Code and the County Manager, the Director of Finance and other County officials are hereby authorized to take all such actions as shall be necessary in order for such 2009B Bonds to meet the requirements of Section 1400U-2 of the 1986 Code and the Treasury

Regulations promulgated thereunder applicable to such 2009B Bonds throughout the term of such 2009B Bonds.

SECTION 7. Sources of Payment of 2009B Bonds. The principal of and interest on the 2009B Bonds are payable solely from, and secured solely by, a pledge of the Revenues to be derived from the operation of the County's Water and Sewer System, subject to the prior application of such Revenues to provide for the expenses of operation and maintenance of such System and on a parity with the Outstanding principal amount of Water and Sewer System Bonds of the County and on a parity with the payment of principal of and interest on all Bonds and interest on all Bond Anticipation Notes hereafter issued under the Resolution.

SECTION 8. Form of 2009B Bonds. The 2009B Bonds shall be in substantially the form set forth in Exhibit A hereto with such necessary or appropriate variations, omissions and insertions as are incidental to their numbers, interest rates and maturities or as are otherwise permitted or required by law or this 2009B Supplemental Resolution.

SECTION 9. Sale of the 2009B Bonds. (a) The County Manager or any Deputy County Manager and the Director of Finance are hereby authorized to select the underwriters of the 2009B Bonds (the "Underwriters") and to sell the 2009B Bonds to the Underwriters, upon such terms and conditions as such officers shall approve upon the advice of counsel; *provided* that the 2009B Bonds shall mature in not to exceed thirty (30) years, shall be sold at a true interest cost of not to exceed 5.50% and shall be subject to redemption at a redemption price of not to exceed 101%. The County Manager or any Deputy County Manager and the Director of Finance, or either of them, are hereby authorized to execute and deliver to the Underwriters a Bond Purchase Agreement in such form as the officer or officers executing the same shall approve upon the advice of counsel (including the County Attorney and Bond Counsel), such approval to be conclusively evidenced by the execution thereof by such officer or officers. Pursuant to the Bond Purchase Agreement, the Underwriters will agree to purchase all of the 2009B Bonds upon the terms and conditions to be provided therein and in this 2009B Supplemental Resolution.

(b) The County Manager or any Deputy County Manager and the Director of Finance are hereby authorized to prepare a Preliminary Official Statement and a final Official Statement in such form and substance as the County Manager or any Deputy County Manager and the Director of Finance upon the advice of counsel shall approve. The Underwriters of the 2009B Bonds are hereby authorized to use the Preliminary Official Statement relating to the 2009B Bonds and to make such Preliminary Official Statement available for use by prospective and ultimate purchasers of the 2009B Bonds. The County Manager or any Deputy County Manager and the Director of Finance are hereby authorized to execute the final Official Statement relating to the 2009B Bonds and to deliver the final Official Statement as so executed to the Underwriters and the ultimate purchasers of the 2009B Bonds. There is hereby further authorized the use of the final Official Statement relating to the 2009B Bonds by the Underwriters and the purchasers of such Bonds in effecting sales of the 2009B Bonds. Each of the County Manager or any Deputy County Manager and the Director of Finance may certify that (i) the Preliminary Official Statement is "deemed final" as of its date solely for purposes and within the meaning of Paragraph (b)(1) of Rule 15c2-12 ("Rule 15c2-12") promulgated by the

Securities and Exchange Commission under the Securities Exchange Act of 1934, and (ii) the information which precedes the signatures of the County Manager or any Deputy County Manager and the Director of Finance contained in each final Official Statement is as of the date thereof true and correct in all material respects and does not contain any untrue or misleading statement and does not omit to state a material fact necessary to make the final Official Statement, and the statements and information therein contained, not misleading.

(c) A Continuing Disclosure Certificate, in such form as the Director of Finance upon the advice of counsel shall approve, and the Director of Finance is hereby authorized to execute such Certificate. The County covenants with the holders and beneficial owners from time to time of the 2009B Bonds that it will take, and hereby authorizes the appropriate officers and employees of the County to take, all action necessary or appropriate to comply with and carry out all of the provisions of the Continuing Disclosure Certificate as amended from time to time. Failure of the County to perform in accordance with the Continuing Disclosure Certificate shall not constitute an event of default under the Resolution or this 2009B Supplemental Resolution.

SECTION 10. Application of Proceeds of the 2009B Bonds. The proceeds of sale of the 2009B Bonds received by the County shall be applied as follows:

(a) an amount shall be deposited in the Revenue Fund and credited to the Reserve Account therein sufficient to insure that there is on deposit in such Reserve Account an amount equal to the maximum Debt Service Requirement on all Bonds outstanding;

(b) an amount shall be repaid to the appropriate funds of the County equal to the amount of money which has been advanced to the purposes for which the 2009B Bonds are being issued; and

(c) the balance of the proceeds of the 2009B Bonds shall be deposited in the Construction Fund and applied to the payment of the costs of acquisition, construction, reconstruction, improvement, extension and enlargement of the water and sewer system and the costs of issuance of the 2009B Bonds.

SECTION 11. Debt Service Payments. (a) For the purpose of providing for the payment of the interest on the 2009B Bonds, not later than the first interest payment date for the 2009B Bonds and on or before May 1 and November 1 in each year thereafter, there shall be credited to the Interest Account an amount such that, if the same amount were so paid and credited to the Interest Account on each May 1 and November 1 thereafter and prior to the next date upon which an installment of interest falls due on the 2009B Bonds, the aggregate of the amounts so credited to the Interest Account, would on such date be equal to the installment of interest then falling due on the 2009B Bonds. In making such credits to the Interest Account, any amounts paid into the Revenue Fund and credited to the Interest Account representing accrued interest received on the sale of the 2009B Bonds and any other credit otherwise made to such account shall be taken into consideration and allowed for.

(b) For the purpose of providing for the payment of the principal of the 2009B Bonds issued as Serial Bonds, not later than May 1 of the calendar year next preceding the first installment due date of a serial principal payment, and on or before May 1 of each succeeding year thereafter, so long as any 2009B Bonds issued as Serial Bonds are Outstanding, there shall be credited to the Principal Account an amount such that, if the same amount were so credited to the Principal Account on May 1 of each succeeding year thereafter and prior to the next date upon which an installment of principal falls due on the 2009B Bonds issued as Serial Bonds, the aggregate of the amounts so credited to the Principal Account together with any other moneys theretofore credited to the Principal Account, would on such date be equal to the installment of principal of such 2009B Bonds issued as Serial Bonds then falling due.

(c) For the purpose of providing moneys to retire the 2009B Term Bonds issued, if any, not later than May 1 in the year of the first redemption date of 2009B Term Bonds, and on and before May 1 in each year thereafter, so long as any 2009B Term Bonds are Outstanding, there shall be credited to the Sinking Fund Account for the purpose of retiring the 2009B Term Bonds an amount such that, if the same amount were so paid and credited to the Sinking Fund Account to provide for the retirement of the 2009B Term Bonds on May 1 of each year thereafter and prior to the next date upon which a Sinking Fund Account installment falls due, the aggregate of the amounts so credited to such account would on such date be sufficient to redeem the 2009B Term Bonds in the principal amounts determined in accordance with Section 2 hereof.

SECTION 12. 2009B Supplemental Resolution Is a "Supplemental Resolution" under the Resolution; 2009B Bonds Are "Bonds" and "Additional Bonds" under the Resolution.

(a) This 2009B Supplemental Resolution is adopted pursuant to Section 18A of the Resolution. This 2009B Supplemental Resolution (i) supplements the Resolution, (ii) is hereby found, determined, and declared to constitute and to be a "Supplemental Resolution" within the meaning of the quoted words as defined and used in the Resolution and (iii) is adopted pursuant to and under the authority of the Resolution.

(b) The 2009B Bonds are hereby found, determined and declared to constitute and to be "Additional Bonds" and "Bonds" within the meaning of the quoted words as defined and used in the Resolution. The 2009B Bonds shall be entitled to the benefits, security and protection of the Resolution, equally and proportionately with any other Bonds heretofore or hereafter issued thereunder; shall be payable from the Revenues of the Water and Sewer System on a parity with all Bonds heretofore or hereafter issued under the Resolution; shall rank *pari passu* with all Bonds heretofore or hereafter issued under the Resolution; and shall be equally and ratably secured with all Bonds heretofore or hereafter issued under the Resolution by a prior and paramount lien and charge on the Revenues, without priority or distinction by reason of series, number, date, date of sale, date of issuance, date of execution and authentication or date of delivery; all as is more fully set forth in the Resolution. It is hereby further found, determined and declared that no default exists in the payment of the principal of or interest and premium, if any, on any Bond issued under the Resolution and that all mandatory redemptions, if any, of

Bonds required to have been made under the terms of the Resolution or any Supplemental Resolution have been made.

SECTION 13. Designation of Recovery Zones for Purposes of Section 1400U-1(b) of 1986 Code. (a) The Board hereby finds and determines as follows:

(i) Section 1400U-1 of the 1986 Code authorizes the County to designate “recovery zones” for the purpose of issuing “recovery zone economic development bonds” under Section 1400U-2 of the 1986 Code.

(ii) The proceeds of such recovery zone economic development bonds, over the amounts in a reasonably required reserve with respect to such issue, are to be used for one or more “qualified economic development purposes”.

(iii) The term “qualified economic development purpose” is defined in Section 1400U-2(c) of the 1986 Code to mean expenditures for purposes of promoting development or other economic activity in a recovery zone, including (1) capital expenditures paid or incurred with respect to property located in such zone, (2) expenditures for public infrastructure and construction of public facilities, and (3) expenditures for job training and educational purposes.

(iv) Section 1400U-1 of the 1986 Code provides for a national recovery zone economic development bond limitation of \$10,000,000,000.

(v) Pursuant to Notice 2009-50 promulgated by the Internal Revenue Service, there has been allocated to the County volume cap the issuance of recovery zone economic development bonds under Section 1400U-2 of the 1986 Code in the amount of \$9,800,000.

(vi) Section 1400U-1(b) of the 1986 Code provides that the term “recovery zone” means, among other things, any area designated by the issuer as having significant poverty, unemployment, rate of home foreclosures or general distress.

(vii) The Board has determined that the areas of the County set forth in subsection (b) hereof are areas having significant poverty, unemployment rate of home foreclosures and general distress and has determined to designate such areas of the County as “recovery zones” for purposes of Section 1400U-1(b) of the 1986 Code.

(b) Based on the findings and determinations set forth in Section 13(a) hereof, the Board hereby designates the “Broadwater Area Recovery Zone” (Highland Springs), the “Strawberry Hill Recovery Zone 1” (Monument Avenue Area) and the Strawberry Hill Recovery Zone 2” (Lakeside), the same being more fully described in the maps set forth in Exhibit B attached hereto, as “recovery zones” for purposes of Section 1400U-1(b) of the 1986 Code.

SECTION 14. Amendment of 2009A Supplemental Resolution. Section 16 of the 2009A Supplemental Resolution adopted by the Board on May 12, 2009 is hereby amended in its entirety such that, as so amended, such Section 16 shall read in its entirety as follows:

SECTION 16. Effectiveness of this 2009A Supplemental Resolution. This 2009A Supplemental Resolution shall be effective from and after the adoption hereof by the Board; *provided* that in the event any 2009A Bonds authorized for issuance under this 2009A Supplemental Resolution shall not have been issued and delivered on or before June 30, 2010, this 2009A Supplemental Resolution shall thereafter be void and the authorization herein shall terminate and be of no further force and effect.

SECTION 15. Filing of this 2009B Supplemental Resolution with Circuit Court. The County Attorney be and hereby is authorized and directed to file a copy of this 2009B Supplemental Resolution, certified by the Clerk of the Board to be a true and correct copy thereof, with the Circuit Court of the County.

SECTION 16. Effect of Article and Section Headings and Table of Contents. The headings or titles of articles and sections hereof, and any table of contents appended hereto or copies hereof, shall be for convenience of reference only and shall not affect the meaning or construction, interpretation or effect of this 2009B Supplemental Resolution.

SECTION 17. Effectiveness of this 2009B Supplemental Resolution. This 2009B Supplemental Resolution shall be effective from and after the adoption hereof by the Board; *provided* that in the event any 2009B Bonds authorized for issuance under this 2009B Supplemental Resolution shall not have been issued and delivered on or before June 30, 2010, this 2009B Supplemental Resolution shall thereafter be void and the authorization herein shall terminate and be of no further force and effect.

EXHIBIT A

(FORM OF 2009B BOND)

**UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO
WATER AND SEWER SYSTEM REVENUE BOND,
SERIES 2009B**

REGISTERED

No. R-__

REGISTERED

\$ _____

INTEREST RATE:

%

MATURITY DATE:

MAY 1, ____

DATE OF BOND:

CUSIP NO.:

REGISTERED HOLDER: CEDE & CO.

PRINCIPAL SUM:

The County of Henrico (hereinafter referred to as the "County"), a political subdivision of the Commonwealth of Virginia, for value received, hereby acknowledges itself indebted and hereby promises to pay to the Registered Holder (named above), or registered assigns, but solely from the revenues and moneys pledged to the payment hereof hereinafter specified and not otherwise, on the Maturity Date (specified above), unless this Bond shall have been called for previous redemption and payment of the redemption price shall have been duly made or provided for, the Principal Sum (specified above), and to pay interest on such Principal Sum, but solely from such revenues and moneys pledged to the payment hereof hereinafter specified and not otherwise, on the first day of [May] [November], 20__, and semiannually on the first day of May and the first day of November of each year thereafter (each such date is hereinafter referred to as an "interest payment date"), from the date hereof or from the interest payment date next preceding the date of authentication hereof to which interest shall have been paid, unless such date of authentication is an interest payment date, in which case from such interest payment date, or unless such date of authentication is within the period from the sixteenth (16th) day to the last day of the calendar month next preceding the following interest payment date, in which case from such following interest payment date, such interest to be paid until the maturity or redemption hereof at the Interest Rate (specified above) per annum, by wire transfer or by check or draft mailed by the Registrar hereinafter mentioned to the Registered Holder in whose name this Bond is registered upon the books of registry of the County kept by the Registrar as of the close of business on the fifteenth (15th) day (whether or not a business day) of the calendar month next preceding each interest payment date at the address of the Registered Holder hereof as it appears on such books of registry; *provided, however*, that so long as this Bond is in book-entry only form and registered in the name of Cede & Co., as nominee of The Depository Trust Company ("DTC"), or in the name of such other nominee of DTC as may be requested by an authorized representative of DTC, interest on this Bond shall be

paid directly to Cede & Co. or such other nominee of DTC by wire transfer. Interest on this Bond shall be calculated on the basis of a three hundred sixty (360) day year consisting of twelve (12) thirty (30) day months.

The principal of this Bond is payable on presentation and surrender hereof at the corporate trust office of **U.S. Bank National Association** as Paying Agent and Registrar, in the City of Richmond, Virginia. Principal of and interest on this Bond are payable in such coin or currency of the United States of America as at the respective dates of payment thereof is legal tender for public and private debts.

This Bond is one of a duly authorized series of Bonds (herein referred to as the "Bonds") of the aggregate principal amount of _____ dollars (\$_____) of like date, denomination and tenor herewith except for number, interest rate, maturity and redemption provisions, and is issued under and pursuant to and in full compliance with the Constitution and statutes of the Commonwealth of Virginia, including Chapter 26 of Title 15.2 of the Code of Virginia, 1950 (the same being the Public Finance Act of 1991), a resolution duly adopted on November 23, 1977 by the Board of Supervisors of the County, entitled "A RESOLUTION AUTHORIZING THE ISSUANCE OF TWELVE MILLION EIGHT HUNDRED SEVENTY THOUSAND DOLLARS (\$12,870,000) BONDS OF HENRICO COUNTY, VIRGINIA, FOR THE PURPOSE OF REFUNDING IN ADVANCE OF MATURITY WATER AND SEWER SYSTEM REVENUE BONDS, SERIES OF 1975, OF HENRICO COUNTY, VIRGINIA, HERETOFORE ISSUED FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, RECONSTRUCTING, IMPROVING, EXTENDING AND ENLARGING A UNIFIED WATER SUPPLY AND SANITARY SEWERAGE SYSTEM IN HENRICO COUNTY; PRESCRIBING THE FORM AND DETAILS OF THE BONDS AUTHORIZED HEREBY; COVENANTING AS TO THE ESTABLISHMENT, MAINTENANCE, REVISION AND COLLECTION OF RATES AND CHARGES FOR THE SERVICES, FACILITIES AND COMMODITIES OF SAID SYSTEM AND THE COLLECTION AND DISBURSEMENT OF THE REVENUES DERIVED THEREFROM; PLEDGING SAID REVENUES TO THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THE SAME BECOME DUE AND LIMITING THE PAYMENT OF SAID BONDS SOLELY TO SAID REVENUES; SETTING FORTH THE LIMITATIONS ON THE ISSUANCE OF ADDITIONAL BONDS PAYABLE FROM SAID REVENUES; AND MAKING OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE FOREGOING", as amended, and a resolution supplemental thereto duly adopted by such Board on November __, 2009, entitled "RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED NINE MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$9,800,000) AGGREGATE PRINCIPAL AMOUNT OF WATER AND SEWER SYSTEM REVENUE BONDS, SERIES 2009B, OF THE COUNTY OF HENRICO, VIRGINIA, FOR THE PURPOSE OF FINANCING EXTENSIONS AND IMPROVEMENTS TO THE COUNTY'S WATER AND SEWER SYSTEM; AUTHORIZING THE COUNTY MANAGER OR ANY DEPUTY COUNTY MANAGER AND THE DIRECTOR OF FINANCE TO FIX THE MATURITIES, INTEREST RATES AND OTHER DETAILS OF SUCH BONDS; APPROVING THE FORM OF SUCH BONDS; AUTHORIZING THE COUNTY MANAGER OR ANY DEPUTY COUNTY

MANAGER AND THE DIRECTOR OF FINANCE TO SELECT THE UNDERWRITERS OF SUCH BONDS AND TO NEGOTIATE THE SALE OF SUCH BONDS TO SUCH UNDERWRITERS AND AUTHORIZING THE EXECUTION AND DELIVERY TO SUCH UNDERWRITERS OF A BOND PURCHASE AGREEMENT FOR SUCH SALE; AUTHORIZING THE PREPARATION AND DELIVERY OF A PRELIMINARY OFFICIAL STATEMENT RELATING TO SUCH BONDS AND AUTHORIZING THE DISTRIBUTION THEREOF; AUTHORIZING THE PREPARATION OF A FINAL OFFICIAL STATEMENT AND CONTINUING DISCLOSURE CERTIFICATE RELATING TO SUCH BONDS AND AUTHORIZING THE DISTRIBUTION THEREOF; DESIGNATING RECOVERY ZONES FOR THE PURPOSES OF SECTION 1400U-1(b) OF THE INTERNAL REVENUE CODE OF 1986; AMENDING THE 2009A SUPPLEMENTAL RESOLUTION TO EXTEND THE EFFECTIVENESS THEREOF TO JUNE 30, 2010; AND RATIFYING CERTAIN ACTS AND PROCEEDINGS" (such resolutions being herein referred to collectively as the "Resolution") for the purpose of financing the costs of acquisition, construction, reconstruction, improvement, extension and enlargement of the unified water supply and sanitary sewerage system in the County.

This Bond and the series of Bonds of which this is one and interest thereon are payable solely from, and secured equally and ratably solely by a lien and charge on, the revenues derived from the operation of the water and sewer system of the County, consisting of the plants and properties, real and personal, tangible and intangible, owned or operated by the County, used for or pertaining to the supply, storage, treatment, transmission and distribution of water, or the collection, transmission, treatment and disposal of sewage, and all additions, improvements, enlargements, extensions, expansions and betterments to such plants and properties hereafter constructed or otherwise acquired (exclusive of any such plants and properties constituting separate utility systems and financed other than by Bonds or Additional Bonds issued under the Resolution), subject, however, to the prior payment from such revenues of the expenses of operation and maintenance of the water and sewer system, on a parity with the payment of principal of and interest on all Bonds and interest on all Bond Anticipation Notes issued under the Resolution. This Bond and the series of Bonds of which this is one are not a debt of the County within the meaning of any constitutional or statutory limitation upon the creation of general obligation indebtedness of the County, nor does this Bond or the Bonds of the series of which it is one impose any general liability upon the County, and the County shall not be liable for the payment hereof or thereof out of any funds of the County except the revenues of the water and sewer system of the County, which revenues have been pledged to the punctual payment of the principal of and interest on this Bond and the series of Bonds of which this is one in accordance with the provisions of the Resolution.

Reference is hereby made to the Resolution, to all of the provisions of which any Registered Holder of this Bond by his acceptance hereof hereby assents, for definitions of terms; the description of and the nature and extent of the security for the Bonds issued under the Resolution, including this Bond; the description of the plants and properties constituting the water and sewer system of the County; the description of and the nature and extent of the security for, and the revenues and the moneys pledged to the payment of the interest on and principal of, the Bonds issued under the Resolution, including this Bond; the nature and extent and manner of enforcement of the pledge; the covenants of the County as to the fixing,

maintaining and revising of rates, rentals, fees and charges for the services, facilities and commodities of the water and sewer system of the County; the covenants of the County as to the collection, deposit and application of the revenues of the water and sewer system of the County; the conditions upon which other Bonds may hereafter be issued under the Resolution payable on a parity with this Bond from the revenues of the water and sewer system of the County and equally and ratably secured herewith; the conditions upon which the Resolution may be amended or supplemented without the consent of the holder of any Bond and upon which it may be amended only with the consent of the holders of sixty-six and two-thirds per cent (66-2/3%) in principal amount of all Bonds then outstanding under the Resolution or only with the consent of the holder of each Bond affected thereby; the rights and remedies of the holder hereof with respect hereto; the rights, duties and obligations of the County; the provisions discharging the Resolution as to this Bond and the lien and pledge of this Bond on the revenues of the water and sewer system of the County if there shall have been deposited with the paying agent for this Bond on or before the maturity or redemption hereof moneys sufficient to pay the principal hereof and the interest hereon to the maturity or redemption date hereof, or certain specified securities maturing at such times and in such amounts which, together with the earnings thereon, would be sufficient for such payment; and for the other terms and provisions of the Resolution.

The Bonds of the series of which this Bond is one maturing on and before May 1, _____ are not subject to redemption prior to their stated maturities thereof. The Bonds of the series of which this Bond is one (or portions thereof in installments of \$5,000) maturing on and after May 1, _____ are subject to redemption at the option of the County prior to the stated maturities thereof, on or after May 1, _____ in whole or in part at any time and at the redemption price of par, together with the interest accrued on such principal amount to the date fixed for redemption. [The Bonds of the series of which this Bond is one maturing May 1, _____ shall be redeemed pursuant to the Resolution on May 1 in each year commencing _____ 1, _____, from moneys to be credited to the Sinking Fund Account in the Revenue Fund for the redemption of such Bonds, such redemption to be made at a redemption price equal to the principal amount thereof, together with the interest accrued on such principal amount to the date fixed for the redemption thereof.] In the event less than all of the Bonds of a particular maturity are called for redemption, the particular Bonds of such maturity or portions thereof in installments of \$5,000 to be redeemed shall be selected by lot.

If this Bond is redeemable and this Bond (or any portion of the principal amount thereof in installments of \$5,000) shall be called for redemption, notice of the redemption hereof, specifying the date, number and maturity of this Bond, the date and place fixed for its redemption and if less than the entire principal amount of this Bond is to be redeemed, that this Bond must be surrendered in exchange for the principal amount thereof to be redeemed and the issuance of a new Bond equalling in principal amount that portion of the principal amount hereof not to be redeemed, shall be mailed not less than thirty (30) days prior to the date fixed for redemption by first class mail, postage prepaid, to the Registered Holder of this Bond at his address as it appears on the books of registry maintained by the Registrar as of the close of business on the forty-fifth (45th) day preceding the date fixed for redemption. If notice of redemption of this Bond shall have been given as aforesaid, and payment of the principal amount of this Bond (or the portion of the principal amount hereof to be redeemed) and of the accrued

interest payable upon such redemption shall have been duly made or provided for, interest hereon shall cease to accrue from and after the date so specified for the redemption hereof.

Subject to the limitations and upon payment of the charges, if any, provided in the proceedings authorizing the Bonds of the series of which this Bond is one, this Bond may be exchanged at the corporate trust office of the Registrar for a like aggregate principal amount of Bonds of other authorized principal amounts and of the series of which this Bond is one. This Bond is transferable by the Registered Holder hereof, in person or by his attorney duly authorized in writing, at the corporate trust office of the Registrar but only in the manner, subject to the limitations and upon payment of the charges, if any, provided in the proceedings authorizing the Bonds of the series of which this Bond is one, and upon the surrender hereof for cancellation. Upon such transfer a new Bond or Bonds of authorized denominations and of the same aggregate principal amount of the series of which this Bond is one will be issued to the transferee in exchange herefor.

This Bond shall not be valid or obligatory unless the certificate of authentication hereon shall have been manually signed by an authorized signatory of the Registrar.

It is hereby certified, recited and declared that all acts, conditions and things required to have happened, to exist and to have been performed precedent to and in the issuance of this Bond and the series of which it is one, have happened, do exist and have been performed in regular and due time, form and manner as required by law, and that the Bonds of the series of which this Bond is one do not exceed any constitutional or statutory limitation of indebtedness.

IN WITNESS WHEREOF, the County, by its Board of Supervisors, has caused this Bond to be executed by the manual or facsimile signature of the Chairman of such Board; the seal of the County to be impressed or a facsimile thereof imprinted hereon, attested by the manual or facsimile signature of the Clerk of such Board; and this Bond to be dated the date first above written.

Chairman of the Board of Supervisors

(Seal)

Clerk of the Board of Supervisors

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds delivered pursuant to the within-mentioned proceedings.

U.S. BANK NATIONAL ASSOCIATION,
as Registrar and Paying Agent

By: _____
Authorized Signature

Date of Authentication: _____, 20__

ASSIGNMENT

For value received, the undersigned hereby sell(s), assign(s) and transfer(s) unto

(Please print or type name and address, including postal zip code, of transferee)

PLEASE INSERT SOCIAL SECURITY
OR OTHER TAX IDENTIFYING NUMBER
OF TRANSFEREE:

--

Dated: _____

Signature(s) Guaranteed:

NOTICE: Signature(s) must be guaranteed by a member firm of The New York Stock Exchange, Inc. or a commercial bank or trust company.

(Signature(s) of Registered Holder)

NOTICE: The signature(s) above must correspond with the name of the Registered Holder as it appears on the front of this Bond in every particular, without alteration or enlargement or any change whatsoever.

EXHIBIT B

DESCRIPTION OF RECOVERY ZONES

Ordinance – To Add Section 20-73 to the Code of the County of Henrico Titled “Partial exemption for rehabilitated, renovated or replacement residential structures other than multifamily residential rental units,” to Create a Partial Tax Exemption for Qualifying Property Devoted to Residential Use Other Than Multifamily Residential Rental Units.

This Board paper proposes an ordinance to add section 20-73 to the Henrico Code creating a partial tax exemption for qualifying property devoted to residential use other than multifamily residential rental units. Qualifying properties under the proposed partial exemption program would have to be at least 40 years old and have a maximum total assessed value of \$200,000. The rehabilitation would need to increase the base structure value by at least 20% without increasing the square footage by more than 100%. The partial tax exemption would last for seven years and would run with the land.

This ordinance was discussed with the Board during a work session on October 13, 2009.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 289-09
Page No. 1 of 3

Agenda Title: Ordinance – To Add Section 20-73 to the Code of the County of Henrico Titled "Partial exemption for rehabilitated, renovated or replacement residential structures other than multifamily residential rental units," to Create a Partial Tax Exemption for Qualifying Property Devoted to Residential Use Other Than Multifamily Residential Rental Units.

For Clerk's Use Only:

Date: NOV 24 2009

☐ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) _____ Seconded by (1) _____
(2) _____ (2) _____

REMARKS: _____

YES NO OTHER

Donati, J. _____
Glover, R. _____
Kaechele, D. _____
O'Bannon, P. _____
Thornton, F. _____

AN ORDINANCE to add Section 20-73 to the Code of the County of Henrico titled "Partial exemption for rehabilitated, renovated or replacement residential structures other than multifamily residential rental units" to create a partial tax exemption for qualifying property devoted to residential use other than multifamily residential rental units.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA:

1. That Section 20-73 be added to the Code of the County of Henrico as follows:

Sec. 20-73. Partial exemption for rehabilitated, renovated or replacement residential structures other than multifamily residential rental units.

(a) Exemption authorized. Partial exemption from real estate taxes is hereby provided in accordance with the provisions of this section for qualifying property devoted to residential units other than multifamily whose structures are rehabilitated in accordance with the criteria set out in Code of Virginia, § 58.1-3220, as amended, and this section.

(b) Qualifications. For the purposes of this section, the total assessed value of a residential property other than multifamily residential rental units shall not exceed \$200,000 and the structure must be at least 40 years old. The real estate shall be deemed to be substantially rehabilitated when it has been so improved as to increase the assessed value of the structure by no less than 20 percent, but without increasing the total footage of such structure by more than 100 percent. Detached improvements, including but not limited to a garage, shed or swimming pool, are not eligible. As used in this section, the terms "rehabilitation" and "rehabilitated" shall also include situations in which the structures on the property have been demolished and replaced with new residential structures.

(c) Application; determination of base value; application fee

By Agency Head _____

By County Manager _____

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 28909
Page No. 2 of 3

Agenda Title: Ordinance – To Add Section 20-73 to the Code of the County of Henrico Titled “Partial exemption for rehabilitated, renovated or replacement residential structures other than multifamily residential rental units,” to Create a Partial Tax Exemption for Qualifying Property Devoted to Residential Use Other Than Multifamily Residential Rental Units.

(1) As a requisite for qualifying for partial tax exemption, the owner of the structure shall, prior to or simultaneously with making application for a building permit to rehabilitate such structure, file with the county's director of finance, upon forms furnished by him, an application to qualify such structure as a rehabilitated residential structure. Upon receipt of an application for tax exemption, the director of finance shall determine a base fair market value assessment (referred to in this section as base value) of the structure prior to commencement of rehabilitation. The tax assessment of the improvements located upon the qualifying real estate shall be considered in determining the base value. The base value shall serve as a basis for determining whether the rehabilitation increases the assessed value of such structure by at least 20 percent.

(2) Rehabilitation must be completed within three years from the date on which the director of finance determines the base value.

(3) The application to qualify for the rehabilitated structure tax exemption must be accompanied by a payment of a fee of \$50.00, which fee shall be applied to offset the cost of processing such application, making the required assessments, and making an annual inspection to determine the progress of the work.

(d) *Inspection of progress of work; effective date of exemption.*

(1) During the period between the receipt of the application and the time when the director of finance may ascertain that the assessed value has increased by at least 20 percent, the owner of the property shall be subject to taxation upon the full fair market value of the property. An owner may, at any time prior to November 1 of any calendar year in which rehabilitation of a structure is underway, submit a written request to the director of finance to inspect the structure to determine if it then qualifies for the rehabilitated property exemption.

(2) When it is determined that the rehabilitation is completed and that it has resulted in at least a 20 percent increase in assessed value (base value is exceeded by 20 percent or more), the tax exemption shall become effective beginning on January 1 of the next calendar year.

(e) *Credit memorandum.* The owner of property qualifying for partial exemption of real estate taxes because of rehabilitation of a structure shall be issued a credit memorandum in the amount of the difference in taxes computed upon the base value and the assessed value of the property resulting from the rehabilitation for each year of a seven-year period of exemption from real estate taxes. Such seven-year period shall begin as specified in subsection (d) of this section. Additional increases resulting from increases in value occurring in subsequent years of the seven-year period shall not be eligible for partial tax relief. Such credit memorandum shall be surrendered when payment is made of the real estate taxes payable for the year for which such credit memorandum

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 289-09
Page No. 3 of 3

Agenda Title: Ordinance – To Add Section 20-73 to the Code of the County of Henrico Titled “Partial exemption for rehabilitated, renovated or replacement residential structures other than multifamily residential rental units,” to Create a Partial Tax Exemption for Qualifying Property Devoted to Residential Use Other Than Multifamily Residential Rental Units.

has been issued. Each credit memorandum timely surrendered shall be credited in its full amount against the taxes due for the real estate for which partial exemption has been obtained. Each credit memorandum so surrendered shall be charged against an appropriation made by the board of supervisors for the purpose of honoring such credit memorandums.

(f) *Credit to run with land.* Exemption from taxation of real estate qualifying for the rehabilitation exemption shall run with the land, and the owner of such property during each of the seven years of exemption shall be entitled to receive a credit memorandum for such partial exemption from taxation.

(g) *Methods of evaluation.* In determining the base value of a structure and whether the rehabilitation results in a 20 percent increase over such base value, the director of finance shall employ usual and customary methods of assessing real estate.

(h) *Exemption not applicable to demolition of historic structures.* Where rehabilitation is achieved through demolition and replacement of an existing structure, the exemption provided in this section shall not apply when any structure demolished is a registered Virginia landmark or is determined by the state's Department of Historic Resources to contribute to the significance of a registered historic district.

(i) *Condition of the property.* Upon making application to qualify for partial tax exemption, an applicant shall certify that the property that is the subject of the application, including the real estate upon which the structure is located, shall be maintained in compliance with all Code requirements. Failure to properly maintain the property in compliance with all Code provisions shall be grounds for denial of the requested partial tax exemption.

2. That this ordinance shall be effective on and after January 1, 2010.

Comments: The Director of Finance recommends approval of this Board paper; the County Manager concurs.

**ORDINANCE – Vacation of Unimproved Portion of Alley – Pemberton Place,
Portion of Section 2 - Fairfield District**

Approval of this Ordinance will vacate the unimproved portion of an alley lying between Lots 7, 13, and 14, Block 6 of a Portion of Section 2 in the Pemberton Place Subdivision. The lots, owned by the County of Henrico, Virginia, and the portion of the alley to be vacated will be used for the expansion of Fire Station No. 7. There are no County facilities in the alley and none are planned which would interfere with the proposed fire station improvements. The Real Property Department has processed this requested vacation through the Departments of Planning, Public Works and Public Utilities without objection.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 290-09
Page No. 1 of 2

Agenda Title: **ORDINANCE - Vacation of Unimproved Portion of Alley – Pemberton Place,
Portion of Section 2 – Fairfield District**

For Clerk's Use Only:	BOARD OF SUPERVISORS ACTION	YES NO OTHER
NOV 24 2009	Moved by (1) _____ Seconded by (1) _____	Donati, J. _____
Date _____	(2) _____ (2) _____	Glover, R. _____
<input type="checkbox"/> Approved	REMARKS: _____	Kaechle, D. _____
<input type="checkbox"/> Denied	_____	O'Bannon, P. _____
<input type="checkbox"/> Amended	_____	Thornton, F. _____
<input type="checkbox"/> Deferred to _____	_____	

WHEREAS, the County of Henrico, Virginia, owner of Lots 7, 13, and 14, Block 6 of a Portion of Section 2 in Pemberton Place Subdivision, has requested that the Board of Supervisors of the County of Henrico, Virginia vacate the unimproved portion of the alley lying between these lots and shown shaded on the attached copy of the subdivision plat of Pemberton Place, Portion of Section 2, marked as Exhibit "A," which plat is recorded in the Clerk's Office of the Circuit Court of the County of Henrico, Virginia ("Clerk's Office") in Plat Book 26, page 67; and,

WHEREAS, this Ordinance was advertised pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, ("Va. Code") and a public hearing was held on November 24, 2009 by the Board; and,

WHEREAS, it appearing to the Board that no owner of any lot shown on the aforementioned recorded plat will be irreparably damaged by this vacation.

NOW, THEREFORE, BE IT ORDAINED by the Board that:

(1) the unimproved portion of the alley as shown shaded on Exhibit "A" is vacated in accordance with the provisions of Va. Code § 15.2-2272(2);

By Agency Head

[Signature]

By County Manager

[Signature]

Routing:

Yellow to:

Real Property

Copy to:

Certified:

A Copy Tests:

Clerk, Board of Supervisors

Date:

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. 290-09
Page No. 2 of 2

**Agenda Title ORDINANCE - Vacation of Unimproved Portion of Alley – Pemberton
Place, Portion of Section 2 – Fairfield District**

- (2) this Ordinance shall become effective 30 days after passage as provided by law;
- (3) the Clerk of the Circuit Court of the County of Henrico, Virginia (the "Clerk") is authorized, upon receipt of payment therefor, to record a certified copy of this Ordinance in the Clerk's Office after the expiration of 30 days from its passage, provided no appeal has been taken to the Circuit Court of the County of Henrico, Virginia, pursuant to law;
- (4) the Clerk is further authorized to index the same on the grantor and grantee sides of the general index to deeds in the name of the County of Henrico, Virginia; and,
- (5) pursuant to Va. Code § 15.2-2276 the Clerk shall note this vacation as prescribed.

Comments: The Real Property Department has processed this requested vacation through the Departments of Planning, Public Utilities and Public Works without objection; the County Manager concurs.

2-A2-9

CERTIFICATE OF SUBDIVISION -
THE SUBDIVISION OF LAND SHOWN ON THIS PLAT
DESIGNATED AS PEMBERTON PLACE, PORTION
OF SECTION 2 IS WITH THE FREE CONSENT AND
IN ACCORDANCE WITH THE DESIRES OF THE
UNDERSIGNED OWNER, THE DEDICATION OF THE
STREETS AND ALLEYS ARE OF THE WIDTH AND
EXTENT SHOWN ON THIS PLAT. THERE IS NO
MORTGAGE ON THIS PROPERTY.

Eva S. Pemberton OWNER

STATE OF VIRGINIA
CITY OF RICHMOND, TO-WIT-
J. H. FOSTER, A NOTARY PUBLIC IN AND FOR THE
CITY OF RICHMOND, STATE OF VIRGINIA DO CERTIFY
THAT EVA S. PEMBERTON WHOSE NAME IS SIGNED
TO THE ABOVE CERTIFICATE HAS ACKNOWLEDGED
THE SAME BEFORE ME IN MY CITY & STATE AFORESAID.
GIVEN UNDER MY HAND THIS 28 DAY OF April 1955.

J. H. Foster NOTARY PUBLIC
MY COMMISSION EXPIRES JUNE 8, 1958.

SOURCE OF TITLE -
THIS PROPERTY WAS CONVEYED TO EVA S. PEMBERTON
INDIVIDUALLY AND AS EXECUTRIX AND SUBSTITUTED
TRUSTEE UNDER THE LAST WILL & TESTAMENT OF
E. M. PEMBERTON, DECEASED, SAID WILL RECORDED
IN WILL BOOK 9, PAGE 262, HENRICO CIRCUIT COURT.

FOSTER & MILLER BY William L. Miller, Jr.

SURVEYORS CERTIFICATE -
TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL
OF THE REQUIREMENTS AS SET FORTH IN THE
ORDINANCES FOR APPROVING PLATS OF SUBDIVISIONS
FOR RECORDATION IN HENRICO COUNTY, VA. HAVE
BEEN COMPLIED WITH. STONES SHOWN HEREON
WILL BE SET BY JAN. 1, 1956.

FOSTER & MILLER BY William L. Miller, Jr.

NOTES -
USE - RESIDENTIAL
WATER - COUNTY SYSTEM
SEWER - SEPTIC TANKS

Approved By Vice

STREET PLANNING COMMISSION

APR 28 1955

City Planner



APPROVED
APR 29 1955
BY Wm. L. Miller, Jr.
COUNTY PLANNING

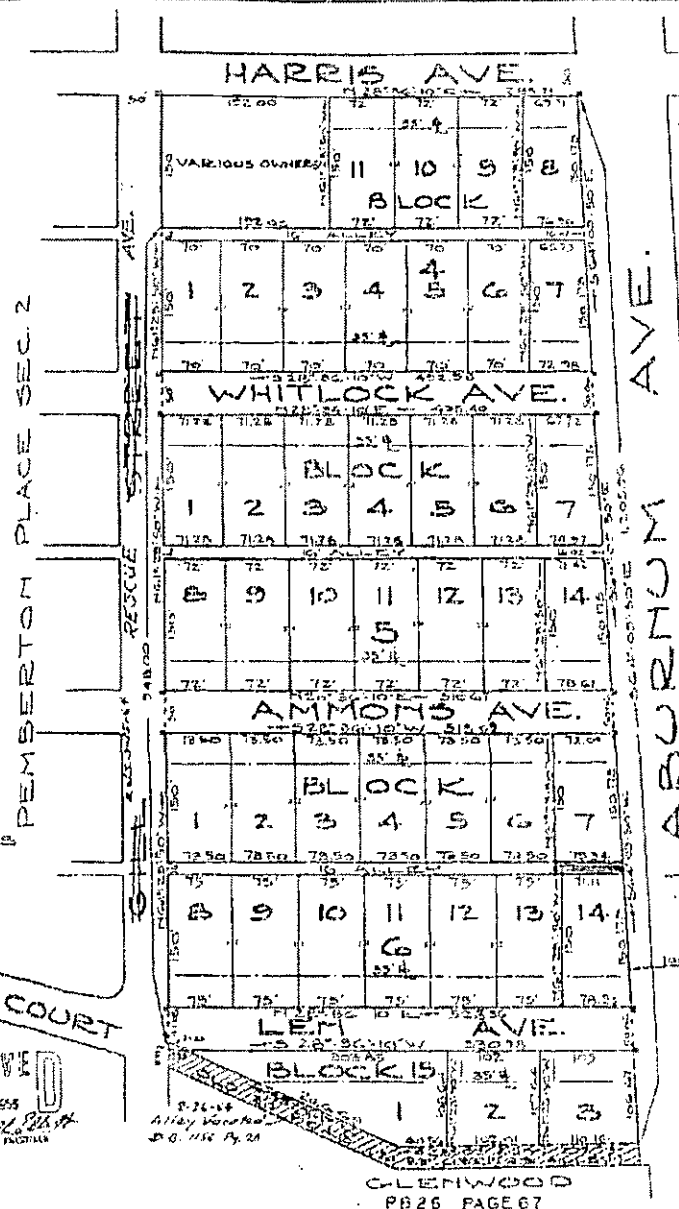


EXHIBIT "A"

PEMBERTON
PLACE

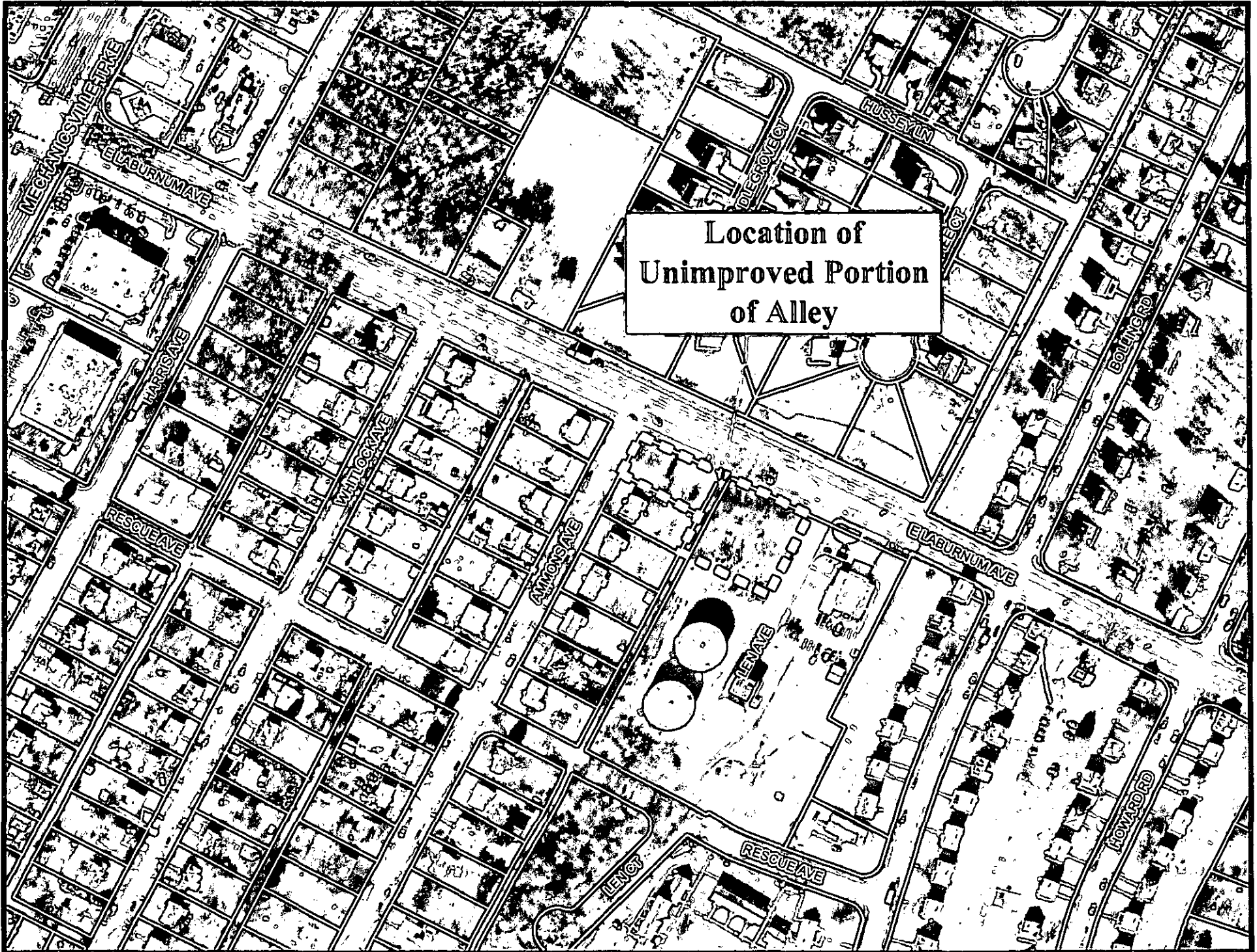
PORTION OF SECTION 2
FAIRFIELD DISTRICT, HENRICO
COUNTY, VIRGINIA
SCALE 1"=100' APRIL 22, 1955

FAIRFAX

FOSTER & MILLER
REGISTERED SURVEYORS
RICHMOND, VIRGINIA

1955

GLENWOOD
PB25 PAGE 67



Location of
Unimproved Portion
of Alley

INTRODUCTION OF RESOLUTION – Receipt of Requests for Amendments to the FY 2009-10 Annual Fiscal Plan: December, 2009

Pursuant to Virginia Code Section 15.2-2507, amendments to the County's approved budget in excess of one percent of the County's currently adopted budget may be approved by first publishing a notice of a public hearing. The notice shall state the County's intent to amend the budget. To that end this paper is submitted, along with a list of the requested amendments, as an introduction, so the Board may authorize the required advertising for December 1, 2009. A separate paper will be submitted at the public hearing on December 8, 2009, for Board action in amending the Annual Fiscal Plan and appropriating funds for expenditure, as applicable. The amendments may be approved after the public hearing at that same meeting.

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. **291-09**
Page No. 1 of 1

Agenda Title **INTRODUCTION OF RESOLUTION – Receipt of Requests for Amendments to the
FY 2009-10 Annual Fiscal Plan: December, 2009**

<div>For Clerk's Use Only:</div> <div style="text-align: center; font-weight: bold; font-size: 1.2em; margin-top: 10px;">NOV 24 2009</div> <div>Date _____</div> <div><input type="checkbox"/> Approved</div> <div><input type="checkbox"/> Denied</div> <div><input type="checkbox"/> Amended</div> <div><input type="checkbox"/> Deferred to _____</div>	<div style="font-weight: bold; margin-bottom: 10px;">BOARD OF SUPERVISORS ACTION</div> <div>Moved by (1) _____ Seconded by (1) _____ (2) _____ (2) _____</div> <div>REMARKS: _____ _____ _____</div>	<div style="font-weight: bold; margin-bottom: 10px;">YES NO OTHER</div> <div>Donati, J. _____</div> <div>Glover, R. _____</div> <div>Kacchele, D. _____</div> <div>O'Bannon, P. _____</div> <div>Thornton, F. _____</div>
--	--	--

WHEREAS, the County Manager has provided the Board of Supervisors of the County of Henrico, Virginia, with a list dated November 17, 2009 requesting amendments to the 2009-10 Annual Fiscal Plan; and,

WHEREAS, the County Manager listed by department and cost center, the purpose of the request, and the source of funding to support the proposed amendments.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Henrico, Virginia, that the Clerk of the Board is directed to advertise a synopsis of the proposed amendments and a public hearing thereon to be held on December 8, 2009, at 7:00 p.m., in the Board Room at the Henrico County Government Center, East Parham and Hungary Spring Roads, to ascertain the views of the citizens with respect to the proposed amendments, such advertisement to be placed in the Richmond Times-Dispatch on Tuesday, December 1, 2009.

COMMENTS: The Director of Finance recommends approval of this Board paper and the County Manager concurs.

<div>By Agency Head _____</div> <div style="margin-top: 20px;">Routing: Yellow to: _____ Copy to: _____</div>	<div>By County Manager _____</div> <div style="margin-top: 20px;">Certified: _____ A Copy Teste: _____ Clerk, Board of Supervisors Date: _____</div>
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AMENDMENT TO THE 2009-10
ANNUAL FISCAL PLAN FOR DECEMBER, 2009

OPERATING FUNDS

FUND 0101 - GENERAL FUND - General Operating Fund

Department - 13 - Fire

13115	- Logistics	\$ 233,658
13122	- Operations - EMS	100,000

0000 00000 To appropriate funding received from the Virginia Department of Fire Programs. The Code of Virginia requires the funds to be expended for fire services in the fiscal year that the funds are received. The FY2009-10 approved budget appropriated \$390,000 to the Division of Fire. This request will appropriate the balance of \$333,658 and bring the total appropriation for FY2009-10 to \$723,658. The dedicated funds will be used for repairs to the Division's Emergency Services apparatus.

Department - 22 - Social Services

22001 - Independent Living Program

1302 00000	- <u>Purchase of Services</u>	\$ 13,500
------------	-------------------------------	-----------

This will appropriate additional funds for the Independent Living Education and Training Voucher Program. This program provides funding to help foster care youth with expenses associated with college and vocational training. The program is funded with Federal (80%) and State (20%) funding. The total appropriation for this program in fiscal year 2009-10 will be \$58,010, after this addition. No County matching funds are required.

22031 - TANF Hard to Serve

1301 00000	- <u>Administration</u>	96,807
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1302 00000	- <u>Purchase of Services</u>	420,943
------------	-------------------------------	---------

The Commonwealth of Virginia, Department of Social Services, has awarded the County of Henrico \$517,750 in additional Federal funding for fiscal year 2009-10 to continue providing employment services for the Hard-to-Serve Temporary Assistance for Needy Families (TANF) recipients. Of this total, \$96,807 has been designated for administration and \$420,943 is allotted for the purchase of services. No County matching funds are required.

22609 - Refugee Program

1302 00000	- <u>Purchase of Services</u>	100,000
------------	-------------------------------	---------

The Commonwealth of Virginia, Department of Social Services, has awarded the County of Henrico an additional \$100,000 in Federal funding for fiscal year 2009-10 to fund State and Federal mandated Refugee Program expenditures. The total appropriation for this program in fiscal year 2009-10 will be \$117,000, after this addition. No local match is required.

Total Social Services
Total GENERAL FUND

\$	631,250	
\$	964,908	

FUND 1102 - SPECIAL REVENUE FUND - State and Federal Grants - County

Department 12 - Police

12002 - Fiscal Records

0000 05292 - TRIAD 10 \$ 752

The Office of the Attorney General has awarded the County of Henrico \$752 in State funds for the Senior Services program. Funds will be used to purchase supplies for the Senior Citizen Police Academies. A County required match of \$84 will be provided via a transfer of appropriated funds from a Police reserve account, for a total program amount of \$836.

0000 05293 - Justice Assistance Grant 10 111,576

Funds have been received from the Justice Assistance Grant (JAG), for \$111,576. These federal funds are to be used to purchase navigation devices, forensic and computer equipment. No County matching funds are required.

Total Police	\$ 112,328
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Department 13 - Fire

13113 - Emergency Planning and Safety

0000 05291 - VFSB - Training Equipment \$ 9,535

To appropriate grant funding of \$9,535 received from the Commonwealth of Virginia Department of Fire Programs. Funds were awarded by the Virginia Services Board as part of the Fire Programs Training Mini Grant Program and will be used to purchase training equipment for the Division of Fire's classrooms. No local match is required.

0000 00000 - FAEMS - Personal Protection Equipment 27,660

To appropriate grant funding of \$27,660 received from the Commonwealth of Virginia, Department of Health, Office of Emergency Medical Services (OEMS). Funding will be used for the purchase of surgical masks that are intended to provide OEMS licensed agencies with an inventory of masks in preparation for a pandemic event. No local match is required.

Total Fire	\$ 37,195
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Total Fund 1102 - Special Revenue Fund-State/Fed Grants-County	\$ 149,523
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FUND 1110 - SPECIAL REVENUE FUND - Mental Health/Retardation Services

Department 26 - Mental Health/Retardation Services

26108 - Medical Services

1506 00000 - State Pharmacy Funds \$ 321,824

To appropriate restricted state funds to purchase medications for eligible consumers with mental illness due to the closing of the state community resource pharmacy as part of state budget reductions. The allocation replaces the disbursement of medication by the State operated community resource pharmacy that will now be allocated directly to MH/MR for the purchase of medications.

FUND 1113 - SPECIAL REVENUE FUND - Forfeitures Commonwealth's Attorney State
 Department 05 - Commonwealth's Attorney

05001 - Commonwealth's Attorney

0000 00000 - Forfeitures - Commonwealth's Attorney - State \$ 101,743

Law enforcement special funds which have been received by the County of Henrico, and heretofore not appropriated for expenditure, are to be appropriated and used by the Commonwealth's Attorney for law enforcement projects as determined and approved by the County Manager or his designee.

Total SPECIAL REVENUE FUND \$ 573,090

FUND 6301 - RISK MANAGEMENT FUND

Department 16 - General Services

16001 - Risk Management

0000 00000 - Risk Management \$ 5,560,534

Funds are required to support anticipated expenses for the Workers' Compensation and Property/Liability programs for fiscal year ending June 30, 2010. This appropriation is an estimate of what will be required for the balance of the fiscal year. In fiscal year 2008-09, this amendment was appropriated in the amount of \$5,507,380. Funds are to come from the Self-Insurance Reserve in the General Fund, via an interfund transfer to the Internal Service Fund.

Total OPERATING FUNDS \$ 7,098,532

FUND 2101 - CAPITAL PROJECTS FUND - General Capital Projects

Department 12 - Police

12999 - Police Capital Projects

0000 06580 - Forensics Lab Expansion and Renovation \$ 253,700

To provide funding to expand the Police Forensics Lab and renovate the Technology Crime Unit and the Automated Fingerprint Identification System areas in the Public Safety Building. The renovation and expansion of these areas will enhance the efficiency of these units. Funds are to come from Wireless E-911 revenues that have been received by the County but not appropriated. This funding is to be moved from the Special Revenue Fund via an interfund transfer to the Capital Projects Fund.

FUND 2111 - CAPITAL PROJECTS FUND - Capital Initiatives

Department 23 - Recreation and Parks

23101 - Administration - Director

0000 01153 - RF&P Park \$ 12,000

To provide funding for improvements to the railroad mail car located at the Glen Allen Stadium at RF&P Park. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

4015 06241	- <u>Virginia Randolph</u>	55,000
	To provide funding for improvements to the 1,800 foot long walking trail at the Virginia Randolph athletic facility. The improvements would include construction of a six foot wide asphalt walking trail to replace the existing gravel walking trail. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
4007 06587	- <u>Wilder Soccer Facility</u>	95,000
	To provide funding for sodding and grading of two soccer fields at the Wilder Youth Soccer facility. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
Total Recreation and Parks		<hr/> \$ 162,000
Department 28 - Public Works		
28004	- Construction	
0000 06585	- <u>Horsepen Road Feasibility Study</u>	\$ 31,760
	This amendment will provide funding for a drainage corridor feasibility study on Horsepen Road from the intersection of Horsepen Road and Shrewsbury Road to the existing drainage outfall at Hampshire Road. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
0000 06588	- <u>St. Claire Lane and Walnut Street Drainage Improvements</u>	69,375
	This amendment will provide funding for survey and engineering services for approximately 1,300 linear feet of drainage improvements along Saint Claire Lane and Walnut Street. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
0000 00000	- <u>Oak Hill Lane Drainage Improvements</u>	59,370
	This amendment will provide funding for survey and engineering services for approximately 1,150 linear feet of drainage improvements along Oak Hill Lane. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
0000 00000	- <u>Michael Road Drainage Improvements</u>	80,000
	This amendment will provide funding for a storm sewer collection system for the drainage from the roadside ditches along Yolanda Road and surface drainage between Yolanda Road and Michael Road. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
Total Public Works		<hr/> \$ 240,505

Department 32 - Non-Departmental

32001 - Non-Departmental

0488 06555 - Babe Ruth World Series \$ 40,000

This amendment will provide funding to Varina Youth Sports for the application to host the Babe Ruth Fast Pitch Softball 16 and under World Series in August 2010 at Dorey Park. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

Total Capital Projects Fund - Capital Initiatives

\$ 442,505

Total CAPITAL PROJECTS FUND

\$ 696,205

FUND 5102 - Water and Sewer Construction Fund

31201 - Accounting

1001 00735 - Water Reclamation Facility \$ 5,132,842

The Virginia Department of Environmental Quality (DEQ) under the Water Quality Improvement Program has awarded a grant equal to thirty-five percent of the cost of design and installation of Nutrient Removal Technology at the Water Reclamation Facility. The total estimated value of the grant is \$8,584,821. This amendment reflects the first reimbursement from the DEQ that totals \$5,132,842.

FUND 5107 - ARRA - Water and Sewer Construction Fund

31201 - Accounting

1000 06586 - Dabbs House Road Water Main Extension/DEQ \$ 300,000

This funding will extend the water main from Creighton Road southward along Dabbs House Road to provide water service for three homes with petroleum contaminated wells. The Virginia Department of Environmental Quality (DEQ) will reimburse the County for design and construction costs for these improvements. The DEQ has a program for extension of water to homes with petroleum contaminated wells. The DEQ is allocating American Resources and Recovery Act (ARRA) funding for this project.

FUND 5108 - Water and Sewer Recovery Zone Economic Development Bonds (RZEDB)

31201 - Accounting

1001 00732 - Sewer Line Rehabilitation \$ 9,800,000

This project will rehabilitate or replace deteriorating sewer piping to reduce wet weather flows due to infiltration and inflow, prevent overflows, ensure adequate pipe capacity and improve the overall condition of the sewer system in part or all of the three designated recovery zones - Lakeside and Monument Avenue Areas (Strawberry Hill Sewer Basin) and the Highland Springs Area (Broadwater Sewer Area). Funding for this project will be provided by the sale of the Recovery Zone Economic Development Bonds (RZEDB).

Total Water and Sewer Capital Projects

\$ 15,232,842

TOTAL CAPITAL FUNDS

\$ 15,929,047

Total Amendments/Appropriations

\$ 23,027,579

RESOLUTION - Receipt of Audited Annual Financial Report for Fiscal Year Ended June 30, 2009 and Acknowledgement of Discharge of Duties and Responsibilities by Audit Committee

This Board paper receives the Annual Financial Report of the County of Henrico for the fiscal year ended June 30, 2009, as audited by KPMG LLP, Certified Public Accountants. Representatives of the firm will be present and available for comment regarding this report. In addition, this Board paper acknowledges the discharge by the Audit Committee of its duties and responsibilities.

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. 292-09

Page No. 1 of 1

Agenda Title **RESOLUTION – Receipt of Audited Annual Financial Report for Fiscal Year Ended June 30, 2009 and Acknowledgement of Discharge of Duties and Responsibilities by Audit Committee**

For Clerk's Use Only:

NOV 24 2009

Date _____

☐ Approved

☐ Denied

☐ Amended

☐ Deferred to _____

BOARD OF SUPERVISORS ACTION

Moved by (1) _____ Seconded by (1) _____

(2) _____ (2) _____

REMARKS: _____

YES NO OTHER

Donati, J. _____

Glover, R. _____

Kaechele, D. _____

O'Bannon, P. _____

Thornton, F. _____

BE IT RESOLVED by the Board of Supervisors of the County of Henrico, Virginia, that the Comprehensive Annual Financial Report for the fiscal year ended June 30, 2009 including the Schedule of Expenditures of Federal Awards, is received in accordance with the Single Audit Act and OMB Circular A-133, as audited by KPMG LLP, Certified Public Accountants; and

BE IT FURTHER RESOLVED that the Board acknowledges that the Henrico County Audit Committee (consisting of Board of Supervisors members from the Tuckahoe and Varina Districts plus the County Manager) having met on April 28, July 14, October 13 and November 24, 2009, discharged its duties and responsibilities by reviewing the presented External and Internal Audit Reports, Audit Plans, External Auditor Compensated Services, and Internal Audit Planning Survey.

COMMENTS: The Director of Finance recommends approval of this Board paper and the County Manager concurs.

By Agency Head _____

By County Manager _____

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Tests: _____

Clerk, Board of Supervisors

Date: _____

Resolution – Award of Construction Contract – Eastern Henrico Recreation Center

This resolution awards a contract to **Virtexco Corporation** for the construction of a new 25,765 square foot recreation center located at 1440 North Laburnum Avenue, Henrico County, Virginia. The project, which includes a gymnasium, a weight and fitness room, a group exercise/dance room, activity rooms, classrooms, administrative offices, an outdoor multi-purpose athletic field, walking trails, and 243 parking spaces, has been registered, designed and specified to comply with Leadership in Energy and Environmental Design (LEED®) rating system.

Additive Alternate Number 1 includes a small shelter with restrooms and 33 additional parking spaces. Additive Alternate Number 2 includes a regulation football field, a five lane, 360 meter track, seating for 388 people, a press box and equipment storage, a large shelter with restrooms, and a concession shelter. It is anticipated that the project, including alternates 1 and 2, will be substantially complete within 458 calendar days after the date of the written Notice to Proceed.

Eleven bids were received on November 5, 2009, as follows.

<u>Bidder</u>	<u>Base Bid</u>	<u>Alternates 1 and 2</u>	<u>Total</u>
Virtexco Corporation	\$7,628,000	\$1,422,000*	\$9,050,000
Evans Construction, Inc.	\$7,265,316	\$1,798,936	\$9,064,252
Kenbridge Construction Company, Inc.	\$7,477,000	\$1,760,000	\$9,237,000
Gulf Seaboard General Contractors, Inc.	\$7,468,000	\$1,890,000	\$9,358,000
Haley Builders, Inc.	\$7,645,000	\$1,780,000	\$9,425,000
Nielsen Builders, Inc.	\$7,531,000	\$1,971,500	\$9,502,500
Hitt Contracting, Inc.	\$7,771,653	\$1,795,968	\$9,567,621
Raymond Key Commercial Contracting, LLC	\$7,797,787	\$1,805,000	\$9,602,787
P.G. Harris Construction Co.	\$7,811,000	\$1,838,000	\$9,649,000
Warren Flynn Construction, Inc.	\$8,493,000	\$2,254,000	\$10,747,000
Wm. L. Griffith and Co.	\$8,571,897	\$2,788,733	\$11,360,630

***Alternate 1 is \$292,000 and Alternate 2 is \$1,130,000**

Funding to support the contract is available within the project budget. The Director of General Services and the Director of Recreation and Parks, the County Manager concurring, recommend that the Board award the contract to **Virtexco Corporation**, the lowest responsive and responsible bidder, in the amount of **\$9,050,000**.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 293-09
Page No. 1 of 2

Agenda Title: Resolution – Award of Construction Contract –Eastern Henrico Recreation Center

For Clerk's Use Only: NOV 24 2009 Date: () Approved () Denied () Amended () Deferred to:	BOARD OF SUPERVISORS ACTION Moved by (1) _____ Seconded by (1) _____ (2) _____ (2) _____ REMARKS: _____ _____ _____	YES NO OTHER Donati, J. _____ Glover, R. _____ Kaechele, D. _____ O'Bannon, P. _____ Thornton, F. _____
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WHEREAS, eleven bids were received on November 5, 2009 in response to Bid Request No. 09-8708-8JK and Addenda 1, 2, and 3 for the construction of Eastern Henrico Recreation Center, as follows.

<u>Bidder</u>	<u>Base Bid</u>	<u>Alternates</u> <u>1 & 2</u>	<u>Total</u>
Virtexco Corporation	\$7,628,000	\$1,422,000*	\$9,050,000
Evans Construction, Inc.	\$7,265,316	\$1,798,936	\$9,064,252
Kenbridge Construction Company, Inc.	\$7,477,000	\$1,760,000	\$9,237,000
Gulf Seaboard General Contractors, Inc.	\$7,468,000	\$1,890,000	\$9,358,000
Haley Builders, Inc.	\$7,645,000	\$1,780,000	\$9,425,000
Nielsen Builders, Inc.	\$7,531,000	\$1,971,500	\$9,502,500
Hitt Contracting, Inc.	\$7,771,653	\$1,795,968	\$9,567,621
Raymond Key Commercial Contracting, LLC	\$7,797,787	\$1,805,000	\$9,602,787
P.G. Harris Construction Co.	\$7,811,000	\$1,838,000	\$9,649,000
Warren Flynn Construction, Inc.	\$8,493,000	\$2,254,000	\$10,747,000
Wm. L. Griffith & Co.	\$8,571,897	\$2,788,733	\$11,360,630

*Alternate 1 is \$292,000 and Alternate 2 is \$1,130,000

WHEREAS, after review and evaluation of all bids received, it was determined that Virtexco Corporation is the lowest responsive and responsible bidder with a total bid in the amount of \$9,050,000.

By Agency Head

By County Manager

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 293-09
Page No. 2 of 2

Agenda Title: Resolution – Award of Construction Contract – Eastern Henrico Recreation Center

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Henrico County that:

1. A contract to furnish all labor, materials, supplies, equipment, and services necessary for construction of the Eastern Henrico Recreation Center is awarded to **Virtexco Corporation**, the lowest responsive and responsible bidder, in the amount of **\$9,050,000**, pursuant to Bid Request No. 09-8708-8JK, Addenda 1, 2, and 3, inclusive of Add Alternates Nos.1 and 2, and the bid submitted by **Virtexco Corporation**.
2. The County Manager and Clerk are authorized to execute the contract in a form approved by the County Attorney.
3. The County Manager, or the Director of General Services as his designee, is further authorized to execute all necessary change orders within the scope of the project budget.

Comments: Funding to support the contract is available within the project budget. The Director of General Services and the Director of Recreation and Parks, the County Manager concurring, recommend approval of this Board paper.

**RESOLUTION – Signatory Authority –Amendments to Contract and Deed for
Conveyance of County Real Property - Varina District**

The purpose of this Board paper is to: (1) authorize the County Manager to execute a Second Amendment to the Contract for conveyance of County real property changing the location, acreage and configuration of a portion of the public use area; (2) authorize the County Manager to obtain the original deed of conveyance from the escrow agency; and (3) authorize the Chairman and Clerk of the Board to execute a new deed of conveyance to ensure that the terms of the Contract and its amendments will bind the parties and their successors after closing, and to change the name of the grantee to BFI Waste Systems of North America, LLC. This Board paper further provides for correcting the name of BFI Waste Services of Virginia, LLC used in the original Board papers authorizing this transaction to its correct name of BFI Waste Systems of Virginia, LLC. The Directors of Public Utilities and Real Property recommend approval of this action; the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 294-09

Page No.

1 of 2

Agenda Title

RESOLUTION - Signatory Authority – Amendments to Contract and Deed for
Conveyance of County Real Property – Varina District

For Clerk's Use Only:

Date **NOV 24 2009**

- ☐ Approved
☐ Denied
☐ Amended
☐ Deferred to

BOARD OF SUPERVISORS ACTION

Moved by (1) _____ Seconded by (1) _____
(2) _____ (2) _____

REMARKS:

YES NO OTHER

Donati, J. _____
Glover, R. _____
Kaechele, D. _____
O'Bannon, P. _____
Thornton, F. _____

WHEREAS, on January 27, 2004, the Board authorized the County Manager to execute a Real Estate Contract for the sale of 167.8 acres and part of Lot 16 in the Plan of Wedgewood Farms owned by the County ("the Property") to BFI Waste Services of Virginia, LLC ("BFI"); and,

WHEREAS, on March 27, 2007, the Board authorized the County Manager to execute the First Amendment to Real Estate Contract to extend the contract term until March 31, 2010, to allow BFI more time to obtain a permit from the Virginia Department of Environmental Quality for operation of an expanded landfill on the property; and,

WHEREAS, the correct name of BFI is BFI Waste Systems of Virginia, LLC, not BFI Waste Services of Virginia, LLC as stated in the Board resolutions previously approved; and,

WHEREAS, BFI has obtained the permit; and,

WHEREAS, the Real Estate Contract provided that the deed of conveyance was to be held in escrow until BFI obtained the permit; and,

WHEREAS, a term of the Real Estate Contract required BFI to lease back to the County, with an option to purchase for \$1.00, an area for use as a public use area and the storage of mulch; and,

WHEREAS, the County and BFI have determined that a change in the location, acreage and configuration of a portion of the public use area, as shown on Exhibit "A," will provide better utilization of and access to the public use area, and the parties have agreed to this change in their mutual best interests; and,

By Agency Head

[Signature]

By County Manager

[Signature]

Routing:

Yellow to: Real Property

Copy to: _____

Certified:

A Copy Tests: _____

Clerk, Board of Supervisors

Date: _____

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. 294-09

Page No. 2 of 2

**Agenda Title: RESOLUTION - Signatory Authority – Amendments to Contract and Deed
for Conveyance of County Real Property – Varina District**

WHEREAS, the parties also have determined that additional language should be added to a new deed of conveyance to ensure that the terms and conditions of the Real Estate Contract and its amendments will bind the parties and their successors after closing; and,

WHEREAS, BFI Waste Systems of Virginia, LLC has requested that the grantee named in the deed be changed to a related entity, BFI Waste Systems of North America, LLC.

NOW, THEREFORE, BE IT RESOLVED by the Henrico County Board of Supervisors that:

- (1) the County Manager is authorized and directed to execute a Second Amendment to the Real Estate Contract, in a form approved by the County Attorney, for conveyance of the Property changing the proposed location, acreage and configuration of a portion of the public use area, as shown on Exhibit "A," including language ensuring survivability of the Real Estate Contract and its amendments, and naming BFI Waste Systems of North America, LLC as grantee;
- (2) the County Manager is authorized and directed to have the original deed of conveyance returned from the escrow agent; and
- (3) the Chairman and Clerk of the Board are authorized and directed to execute a new deed for this conveyance in a form approved by the County Attorney.

Comments: The Directors of Public Utilities and Real Property recommend approval of this paper; the County Manager concurs.

EXHIBIT

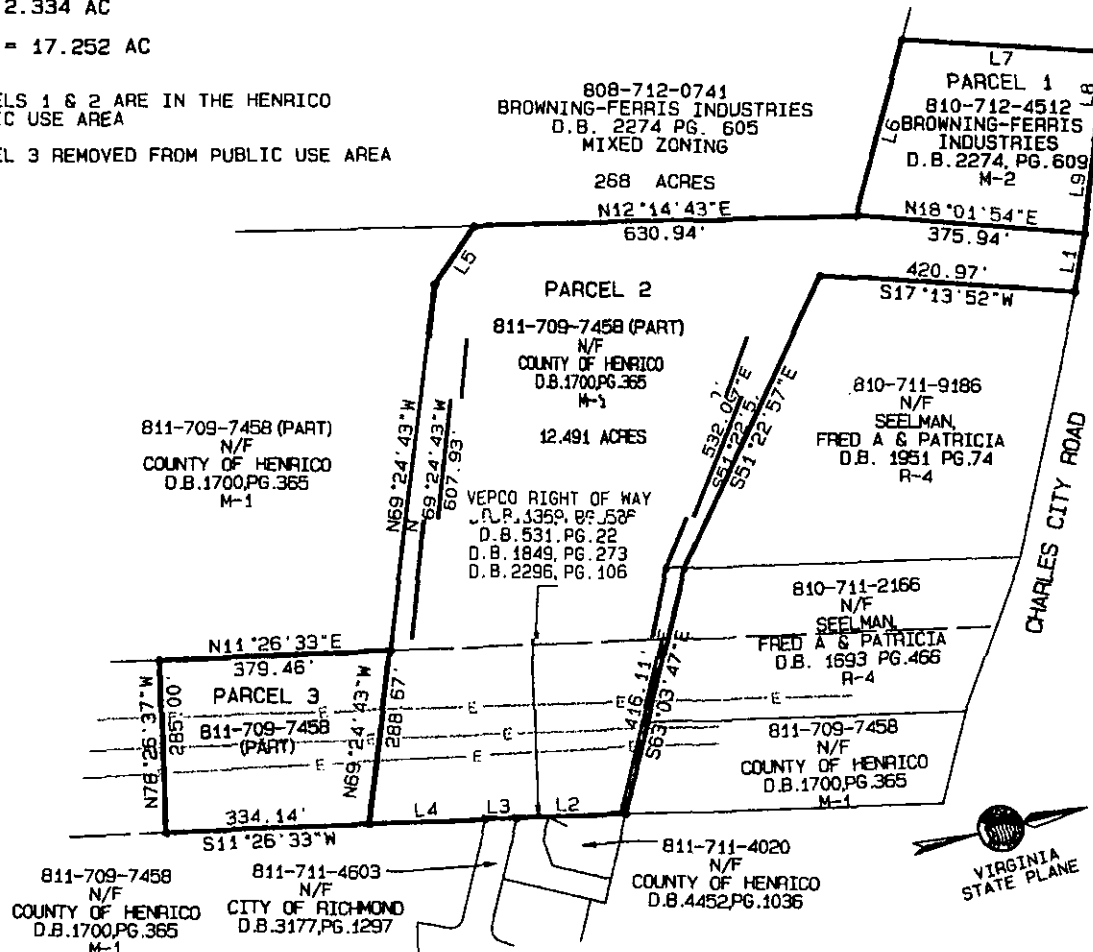
A

PARCEL 1 = 2.427 AC
 PARCEL 2 = 12.491 AC
 PARCEL 3 = 2.334 AC

TOTAL AREA = 17.252 AC

NOTE: PARCELS 1 & 2 ARE IN THE HENRICO
 PUBLIC USE AREA

PARCEL 3 REMOVED FROM PUBLIC USE AREA

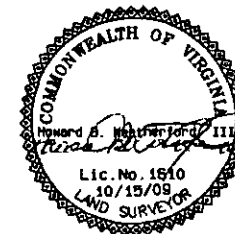


LINE	BEARING	DISTANCE
L1	S66°58'34\"E	97.00'
L2	S11°43'27\"W	179.78'
L3	S11°39'37\"W	51.83'
L4	S11°23'01\"W	191.32'
L5	N42°05'52\"W	115.29'
L6	N61°31'47\"W	299.82'
L7	N16°51'33\"E	331.24'
L8	S71°10'49\"E	145.00'
L9	S69°12'19\"E	156.83'

2009

2004 & 2009

2004



COMPILED PLAT OF
 17.252 ACRES OF LAND

VARINA DISTRICT,
 HENRICO COUNTY, VIRGINIA

DATE: 10/15/2009 SCALE: 1" = 200'
 P.N. 87047.107



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 P.O. BOX 6100 • 6560 KINGS CHARTER DRIVE • ASHLAND, VA 23006
 (804)550-9200 • FAX (804)550-9259

THIS PLAT HAS BEEN COMPILED FROM VARIOUS SOURCES.
 NO FIELD SURVEY HAS BEEN PERFORMED

NO TITLE REPORT FURNISHED, EASEMENTS AND/OR
 ENCUMBRANCES MAY EXIST.

COMPILED PLAT SWAP 10-09 VER C 11X17.PRO

RESOLUTION – Signatory Authority – Second Amendment to Host Agreement with BFI Waste Systems of Virginia, LLC – Varina District

The purpose of this Board paper is to authorize the County Manager to execute a Second Amendment to the Host Agreement with BFI Waste Systems of Virginia, LLC to change the location, acreage, and configuration of a portion of the proposed public use area at the Old Dominion Landfill on Charles City Road. The proposed change will provide better utilization of and access to the public use area. The Board paper also reflects the correct name of the party to the Host Agreement (BFI Waste Systems of Virginia, LLC) rather than the incorrect name (BFI Waste Services of Virginia, LLC) used in the Board papers approved previously.

The Director of Public Utilities recommends approval of this action; the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 295-09
Page No.

1 of 2

Agenda Title **RESOLUTION - Signatory Authority - Second Amendment to Host Agreement with BFI Waste Systems of Virginia, LLC - Varina District**

For Clerk's Use Only:

Date **NOV 24 2009**

- ☐ Approved
☐ Denied
☐ Amended
☐ Deferred to

BOARD OF SUPERVISORS ACTION

Moved by (1) _____ Seconded by (1) _____
(2) _____ (2) _____

REMARKS: _____

YES NO OTHER

Donati, J. _____
Glover, R. _____
Kaechele, D. _____
O'Bannon, P. _____
Thornton, P. _____

WHEREAS, on January 27, 2004, the Board of Supervisors authorized the County Manager to execute a Host Agreement with BFI Waste Services of Virginia, LLC ("BFI") to expand the Old Dominion Landfill on Charles City Road in the Varina District; and,

WHEREAS, on March 27, 2007, the Board authorized the County Manager to execute the First Amendment to the Host Agreement to (i) allow BFI until March 31, 2007 to obtain a permit for new or expanded landfill areas, (ii) allow BFI to pay the connection fees for private well customers, and (iii) modify the calculation of the host fees to be paid by BFI; and,

WHEREAS, the correct name of BFI is BFI Waste Systems of Virginia LLC, not BFI Waste Services of Virginia, LLC, as stated in the Board resolutions previously approved; and,

WHEREAS, BFI has obtained the permit for new and expanded landfill areas as required by the First Amendment to the Host Agreement and is ready to complete the acquisition of the 167.8 acres and part of Lot 16 in the Plan of Wedgewood Farms owned by the County for use as new or expanded landfill areas; and,

WHEREAS, a term of the Host Agreement required BFI to lease, with an option to purchase to the County for \$1.00, an area for use as a public use area and the storage of mulch; and,

WHEREAS, the County and BFI have determined that a change in the location, acreage and configuration of the public use area, as shown on Exhibit "A," will provide better utilization of and access to the public use area, and the parties have agreed to this change in their mutual best interests.

By Agency Head

Arthur O'Brien

By County Manager

David L. Hyatt

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Tests: _____

Clerk, Board of Supervisors

Date: _____

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. 295-09

Page No. 2 of 2

Agenda Title: RESOLUTION - Signatory Authority – Second Amendment to Host Agreement with BFI Waste Systems of Virginia, LLC – Varina District

NOW, THEREFORE, BE IT RESOLVED by the Henrico County Board of Supervisors that:

- (1) the County Manager is authorized and directed to execute a Second Amendment to the Host Agreement, in a form approved by the County Attorney, to change the location, acreage and configuration of a portion of the public use area as shown on Exhibit "A"; and,
- (2) the name of BFI Waste Services of Virginia, LLC as used in the Board resolutions previously approved is corrected to read BFI Waste Systems of Virginia, LLC.

Comments: The Director of Public Utilities recommends approval of this paper; the County Manager concurs.

RESOLUTION — Signatory Authority — Amendment to Contract for Engineering Design Services — Charles City Road Improvements from West of Laburnum Avenue to East of Monahan Road (approximately 1,365 feet). Project #00984 (formerly #555656-701-205-00). Varina District

On December 14, 2005, the Board of Supervisors approved a contract with Michael Baker, Jr., Inc. for a lump sum fee of \$1,084,121.76 for the preparation of design and construction plans for Charles City Road improvements from west of Laburnum Avenue to east of Monahan Road.

The Board has previously approved a contract amendment to add \$220,453.00 for additional work to design approximately 1,365 feet of waterline along Charles City and Monahan Roads and roadway design.

Additional work is now required to provide final plans for a stand-alone construction project on Charles City Road near the proposed intersection with the I-895 Connector. Michael Baker Jr., Inc. and the Department of Public Works have negotiated a fixed lump sum fee of \$186,379.16 for the additional design work.

This Board paper authorizes the County Manager and the Clerk to execute the amendment in a form approved by the County Attorney in the amount of \$186,379.16, together with any necessary change orders within funds available. Funds for this project will be provided from the Capital Projects Fund Project #00984 (formerly #555656-701-205-00).

The Director of Public Works recommends approval of this Board paper, and the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 296-09
Page No.

1 of 1

Agenda Title: **RESOLUTION — Signatory Authority — Amendment to Contract for Engineering Design Services — Charles City Road Improvements from West of Laburnum Avenue to East of Monahan Road (approximately 1,365 feet). Project #00984 (formerly #555656-701-205-00). Varina District**

For Clerk's Use Only:

BOARD OF SUPERVISORS ACTION

YES NO OTHER

Date: **NOV 24 2009**

Moved by (1) _____ Seconded by (1) _____
(2) _____ (2) _____

Donati, J. _____
Glover, R. _____
Kaechele, D. _____
O'Bannon, P. _____
Thornton, F. _____

- () Approved
() Denied
() Amended
() Deferred to: _____

REMARKS: _____

WHEREAS, on December 14, 2005, the Board of Supervisors approved a contract with Michael Baker, Jr., Inc. for a lump sum fee of \$1,084,121.76 for the preparation of design and construction plans for Charles City Road improvements from west of Laburnum Avenue to east of Monahan Road; and,

WHEREAS, the Board has previously approved an amendment to the contract for a fixed lump sum fee of \$220,453.00 for additional work to design approximately 1,365 feet of waterline along Charles City and Monahan Roads as well as roadway design; and,

WHEREAS, additional work in the amount of \$186,379.16 is now required to provide final plans for a stand-alone construction project on Charles City Road beginning at a point approximately 800 linear feet west of the proposed intersection with the I-895 Connector and ending approximately 800 linear feet east of the intersection.

NOW, THEREFORE, BE IT RESOLVED that the Henrico County Board of Supervisors approves an amendment to the contract with Michael Baker Jr., Inc., for engineering design services for improvements to Charles City Road for the additional fixed lump sum amount of \$186,379.16.

BE IT FURTHER RESOLVED that the County Manager and the Clerk are authorized to execute the amendment in a form approved by the County Attorney, together with any necessary change orders within funds available.

COMMENTS: The funds for this project will be provided from the Capital Projects Fund, Project #00984 (formerly #555656-701-205-00). The Director of Public Works recommends approval of this Board paper, and the County Manager concurs.

Assistant
By Agency Head

By County Manager

Routing:

Yellow to: _____

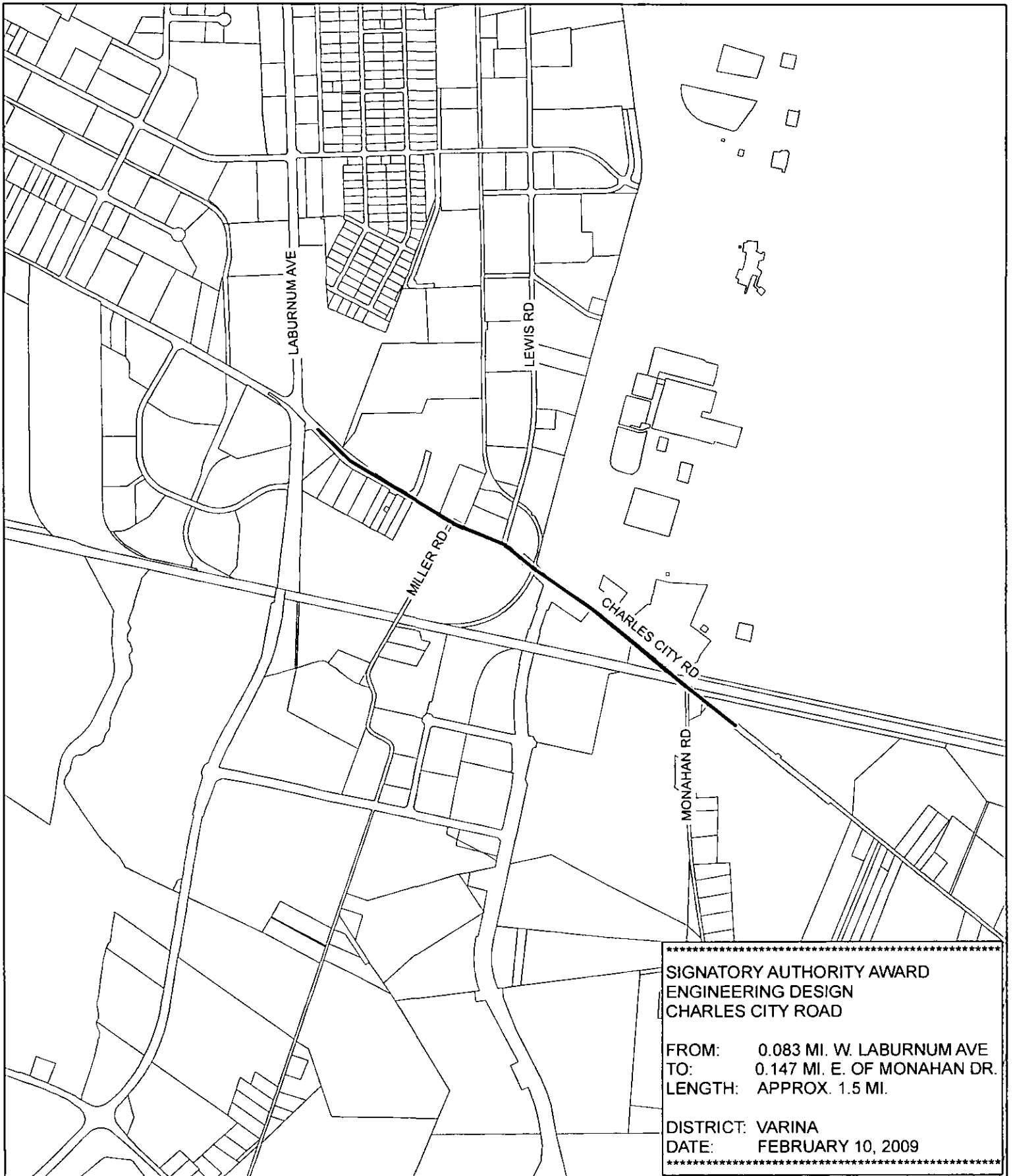
Copy to: _____

Certified:

A Copy Teste: _____
Clerk, Board of Supervisors

Date: _____

CHARLES CITY ROAD



RESOLUTION – Request to Suspend Proposed Stormwater Regulations

This Board paper requests that the proposed stormwater regulations recently approved by the Virginia Soil and Water Conservation Board be suspended.

While the Board of Supervisors is committed to protecting the waters of the Commonwealth and the Chesapeake Bay, the proposed regulations place a significant financial burden on local governments when they are experiencing declining revenues that threaten levels of services. Furthermore, the proposed regulations will negatively impact revitalization efforts, add to urban sprawl, and suppress affordable housing initiatives.

Local officials and private sector representatives throughout the Commonwealth have expressed serious concerns and questioned the scientific basis for the water quality criteria and the validity of the stormwater model.

The suspension of the proposed stormwater regulations would allow additional time for the Virginia Department of Conservation and Recreation to work with local officials and representatives of the private sector to develop a program that is realistic and scientifically supported.

A certified copy of this Resolution shall be sent to the Governor of the Commonwealth of Virginia, the Secretary of Natural Resources, the Director of the Department of Conservation and Recreation, members of the General Assembly delegation for Henrico County, the Virginia Association of Counties, and the Virginia Municipal League.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 297-04
Page No. 1 of 2

Agenda Title: **RESOLUTION – Request to Suspend Proposed Stormwater Regulations**

For Clerk's Use Only:

NOV 24 2009

Date: _____

- ☐ Approved
☐ Denied
☐ Amended
☐ Deferred to: _____

BOARD OF SUPERVISORS ACTION

Moved by (1) _____ Seconded by (1) _____
(2) _____ (2) _____

REMARKS: _____

YES NO OTHER

Donati, J. _____
Glover, R. _____
Kaechele, D. _____
O'Bannon, P. _____
Thornton, F. _____

WHEREAS, the Henrico County Board of Supervisors is committed to protecting the waters of the Commonwealth and the Chesapeake Bay from the adverse effects of stormwater runoff; and,

WHEREAS, the stormwater regulations proposed by the Virginia Department of Conservation and Recreation would constitute an unfunded mandate that would be only partially offset by the proposed fee structure set forth in Part XII of the proposed regulations; and,

WHEREAS, the proposed regulations would place a significant financial burden on local governments when economic stress and declining revenues threaten essential services to citizens; and,

WHEREAS, the proposed stormwater regulations will negatively impact revitalization efforts, lead to urban sprawl, and suppress efforts to provide affordable housing; and,

WHEREAS, the proposed regulations, as currently drafted, will increase the market value of most new single family homes resulting in increased real property taxes to all owners at a time when citizens are presently suffering from the faltering economy; and

WHEREAS, local officials and private sector representatives continue to express serious concerns and to question the scientific basis for the proposed technical water quality criteria and the validity of the stormwater model.

By Agency Head _____

By County Manager _____

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____
Clerk, Board of Supervisors

Date: _____

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No.
Page No: 2 of 2

297-09

Agenda Title: RESOLUTION - Request to Suspend Proposed Stormwater Regulations

NOW, THEREFORE, BE IT RESOLVED that the Henrico County Board of Supervisors requests that the proposed regulations be suspended and that the Virginia Department of Conservation and Recreation continue to work with local officials and representatives of the private sector to develop a program that is realistic and scientifically supported to achieve the goal of improving water quality; and,

BE IT FURTHER RESOLVED that a certified copy of this Resolution be sent to the Governor of the Commonwealth of Virginia, the Secretary of Natural Resources, the Director of the Department of Conservation and Recreation, members of the General Assembly delegation for Henrico County, the Virginia Association of Counties, and the Virginia Municipal League.

Comments: The Director of Public Works recommends approval and the County Manager concurs.

RESOLUTION - Acceptance of Roads

This Board paper would accept the following named and described sections of roads into the County road system for maintenance.

- 1) 0.02 miles of Willow Chase. Brookland District.
- 2) 0.70 miles of Four Mile Run, Section F. Varina District.
- 3) 0.16 miles of Four Mile Run, Section G. Varina District.

The Director of Public Works and the County Manager recommend approval of this Board paper.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. 298-09

Page No. 1 of 2

Agenda Title: **RESOLUTION - ACCEPTANCE OF ROADS**

For Clerk's Use Only: Date: NOV 24 2009 () Approved () Denied () Amended () Deferred to: _____	BOARD OF SUPERVISORS ACTION Moved by (1) _____ Seconded by (1) _____ (2) _____ (2) _____ REMARKS: _____ _____ _____	<table style="width: 100%; border-collapse: collapse;"><tr><th style="width: 30%;"></th><th style="width: 10%;">YES</th><th style="width: 10%;">NO</th><th style="width: 10%;">OTHER</th></tr><tr><td>Donati, J.</td><td>_____</td><td>_____</td><td>_____</td></tr><tr><td>Glover, R.</td><td>_____</td><td>_____</td><td>_____</td></tr><tr><td>Kaechele, D.</td><td>_____</td><td>_____</td><td>_____</td></tr><tr><td>O'Bannon, P.</td><td>_____</td><td>_____</td><td>_____</td></tr><tr><td>Thornton, F.</td><td>_____</td><td>_____</td><td>_____</td></tr></table>		YES	NO	OTHER	Donati, J.	_____	_____	_____	Glover, R.	_____	_____	_____	Kaechele, D.	_____	_____	_____	O'Bannon, P.	_____	_____	_____	Thornton, F.	_____	_____	_____
	YES	NO	OTHER																							
Donati, J.	_____	_____	_____																							
Glover, R.	_____	_____	_____																							
Kaechele, D.	_____	_____	_____																							
O'Bannon, P.	_____	_____	_____																							
Thornton, F.	_____	_____	_____																							

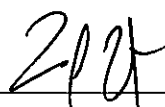
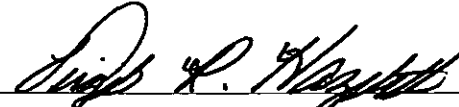
BE IT RESOLVED by the Board of Supervisors of the County of Henrico that the following named and described sections of roads are accepted into the County road system for maintenance.

Willow Chase - Brookland District

Linbrook Drive from 0.16 Mi. S. of Hilliard Road to 0.18 Mi. S. of Hilliard Road	0.02 Mi.
Total Miles	0.02 Mi.

Four Mile Run, Section F - Varina District

Stonemeade Drive from 0.03 Mi. S. of Heather Ridge Drive to 0.18 Mi. S. of Heather Ridge Drive	0.15 Mi.
Heavenly Valley Drive from Heather Ridge Drive to Falcon Creek Drive	0.18 Mi.
Falcon Creek Drive from Countryside Crossing Court to Falcon Creek Drive	0.18 Mi.
Countryside Crossing Court from 0.03 Mi. N. of Falcon Creek Drive to 0.06 Mi. S. of Falcon Creek Drive	0.09 Mi.
Falcon Creek Court from 0.07 Mi. N. of Falcon Creek Drive to 0.03 Mi. S. of Falcon Creek Drive	0.10 Mi.
Total Miles	0.70 Mi.

By Agency Head  By County Manager 

Routing:
Yellow to: _____

Copy to: _____

Certified: _____
A Copy Teste: _____
Clerk, Board of Supervisors

Date: _____

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. **298-09**

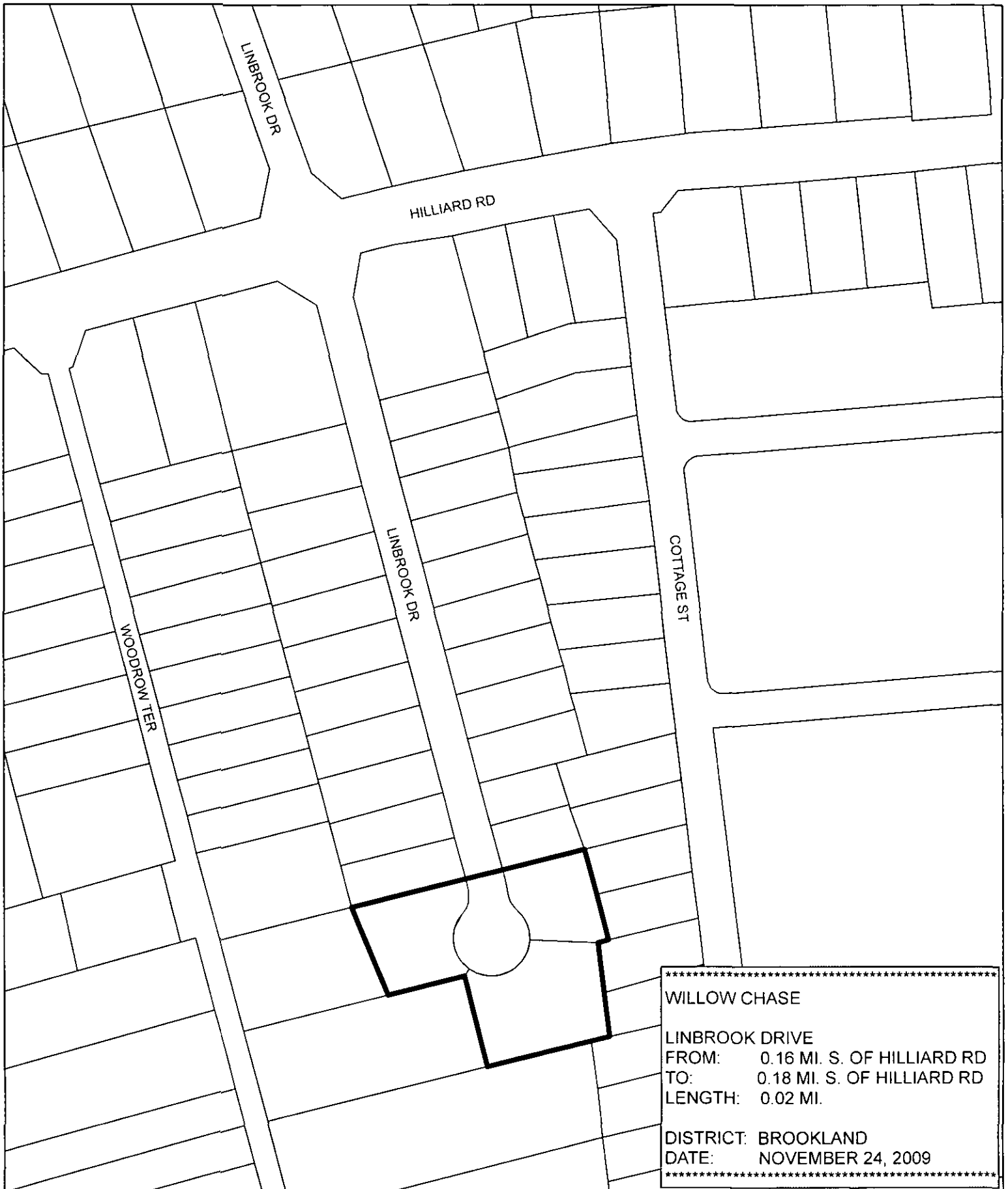
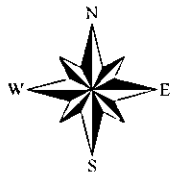
Page No. 2 of 2

Agenda Title: RESOLUTION – ACCEPTANCE OF ROADS

Four Mile Run, Section G – Varina District

Migration Drive from 0.05 Mi. S. of Heather Ridge Drive to 0.06 Mi. N. of Heather Ridge Drive	0.11 Mi.
Heather Ridge Drive from Migration Drive to 0.05 Mi. W. of Migration Drive	<u>0.05 Mi.</u>
Total Miles	0.16 Mi.

WILLOW CHASE



WILLOW CHASE

LINBROOK DRIVE

FROM: 0.16 MI. S. OF HILLIARD RD

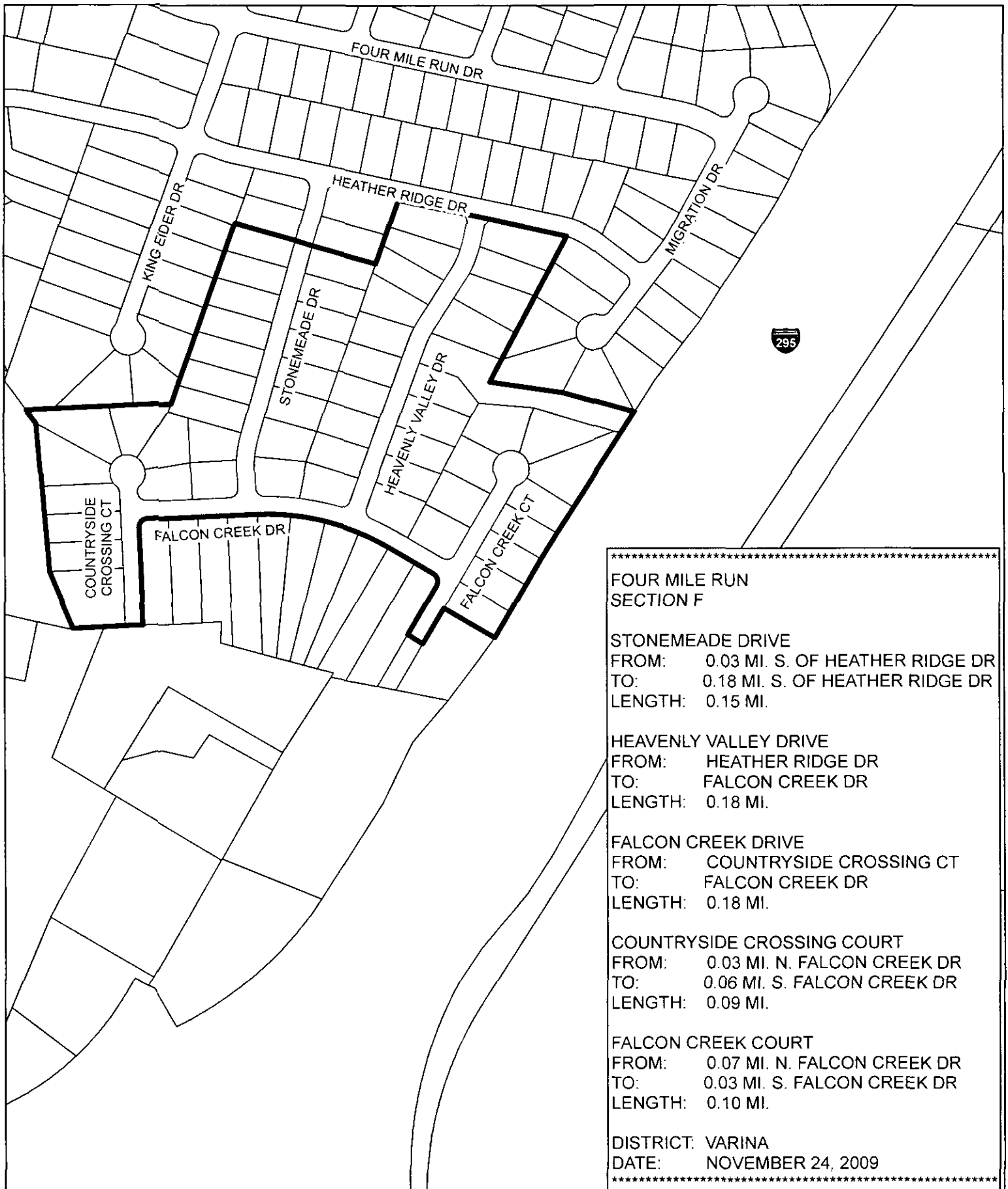
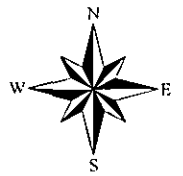
TO: 0.18 MI. S. OF HILLIARD RD

LENGTH: 0.02 MI.

DISTRICT: BROOKLAND

DATE: NOVEMBER 24, 2009

FOUR MILE RUN SECTION F



FOUR MILE RUN SECTION G

