

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
REGULAR MEETING
March 11, 2014**

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, March 11, 2014, 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:

Patricia S. O'Bannon, Chairman, Tuckahoe District
Frank J. Thornton, Vice Chairman, Fairfield District
Richard W. Glover, Brookland District
David A. Kaechele, Three Chopt District
Tyrone E. Nelson, Varina District

Other Officials Present:

John A. Vithoulkas, 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
Joseph P. Casey, Deputy County Manager for Administration
Jane D. Crawley, Deputy County Manager for Community Services
Randall R. Silber, Deputy County Manager for Community Development

Mrs. O'Bannon called the meeting to order at 7:03 p.m.

Mrs. O'Bannon led recitation of the Pledge of Allegiance and a moment of silent prayer.

On motion of Mr. Thornton, seconded by Mr. Nelson, the Board approved the minutes of the February 25, 2014, Regular and Special Meetings.

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Glover, Kaechele, Nelson

No: None

MANAGER'S COMMENTS

There were no comments from the Manager.

BOARD OF SUPERVISORS' COMMENTS

Mr. Thornton mentioned he and Mr. Vithoulkas recently attended the homegoing celebration for former Virginia State Senator Benjamin Joseph Lambert III. He pointed out Senator Benny Lambert was a product of Henrico County public schools, cared very much about Henrico County and education, and had the dignity to keep an infectious smile in moments of adversity. Mrs. O'Bannon expressed gratitude for Senator Lambert's service to the community and remarked it was notable he wished for donations to be made to the Henrico Education Foundation in lieu of flowers.

Mrs. O'Bannon recognized the following Boy Scouts who were observing the meeting to fulfill merit badge requirements: Ben Cumming from Troop 772, sponsored by Discovery United Methodist Church, who is working on the Citizenship in the Nation Merit Badge; and Markus Stanley from Troop 414, co-sponsored by 31st Street Baptist Church and Fourth Street Baptist Church, who is working on the Citizenship in the Community Merit Badge.

RECOGNITION OF NEWS MEDIA

Mrs. O'Bannon recognized Ted Strong from the *Richmond Times-Dispatch*.

BOARD OF SUPERVISORS' COMMENTS (continued)

At Mrs. O'Bannon's request, Public Works Director Steve Yob provided a brief report on the cost of the County's snow removal efforts this year (\$3 million to date stemming from four major snowfalls) and how his department is responding to the large number of citizen phone calls about potholes on County roads. Mr. Thornton asked Mr. Yob to pass along kudos to members of the Department of Public Works staff for the fine job they did when the County had snow.

Mrs. O'Bannon recognized Fitzzy Quinn from Boy Scout Troop 777, sponsored by St. Martin's Episcopal Church, who was observing the meeting to fulfill a requirement for the Citizenship in the Community Merit Badge.

PUBLIC HEARINGS –REZONING CASE AND PROVISIONAL USE PERMITS

68-14 REZ2014- 00009 Three Chopt	ME Nuckols, LLC: Request to conditionally rezone from A-1 Agricultural District to UMUC Urban Mixed-Use District (Conditional) part of Parcels 731-764-5533 and 731-764-4292 containing 66.9 acres located on the south line of W. Broad Street (U.S. Route 250) approximately 600' west of its intersection with N. Gayton Road.
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Mr. Vithoulkas noted this case and Agenda Item No. 69-14 (case PUP2014-0006) were companion cases and suggested they be heard together.

Joe Emerson, Director of Planning, responded to questions from Mr. Kaechele.

April Sullivan, a resident of Graham Meadows, spoke in support of these items. No one from the public spoke in opposition to these items.

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item with the following proffered conditions:

A. Plan Conformance and Submission.

1. **Plans.** The Property shall be developed in general conformance with the following sections of the GreenGate Master Plan Book (the “GreenGate Book”) prepared by Torti Gallas and Partners, Kimley-Horn and Associates, Inc., and ParkerRodriguez, Inc. Notations of “Section” within the Proffers reference an enumerated exhibit(s) within the GreenGate Book (see case file):
 - a. “GreenGate Master Plan Vision,” Section 2, dated December 19, 2013, (the “Master Plan Vision”), (see case file).
 - b. “GreenGate Development Guidelines,” Section 3, dated December 19, 2013, (the “Development Guidelines”), (see case file).
 - c. “GreenGate Thoroughfare Standards,” Section 4, dated December 19, 2013, (the “Thoroughfare Standards”), (see case file).
 - d. “GreenGate Architectural Styles,” Section 5, dated December 19, 2013, (the “Architectural Styles”), (see case file).
 - e. “GreenGate Landscape Design,” Section 6, dated December 19, 2013, (the “Landscape Design”), (see case file).
 - f. Notations within the Proffers referencing “subdivision” are applicable to residential development. Notations referencing “Plan of Development” are applicable to commercial development.
2. **Modifications.** Modifications to the GreenGate Book may be permitted at the time of subdivision plat review or Plan of Development, provided that the modifications are generally in keeping with the spirit and intent of the GreenGate Book as determined by the Director of Planning.
3. **Protective Covenants.** Prior to or concurrent with the recordation of each subdivision plat or Plan of Development approved by the County on the Property and before the conveyance of any portion of the

Property covered by said subdivision plat or Plan of Development (except for a subdivision plat or Plan of Development related to the dedication of easements, roads, or utilities), protective covenants ("Covenants") shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia. The Covenants shall set forth controls on the development and maintenance of the Property. Separate Covenants may be provided for the commercial areas and for the residential areas of the Property.

4. **Architectural Review.** An architectural review process shall be established by the Applicant and set forth in the Covenants for the review and approval of all structures on the Property. Such architectural approval shall be in keeping with the spirit and intent of the GreenGate Book (see case file). Evidence of architectural approval shall be submitted with the Plan of Development and/or building permit, as applicable. An example of architectural approval forms are shown in Section 3.14 (see case file).

B. Density.

1. **Commercial Minimum.** A minimum of nine percent (9%) of the total building square footage on the Property (which shall be defined as the gross square footage of the commercial building footprint and finished and conditioned floor area of residential units) shall be constructed for commercial uses. The design of the commercial areas shall provide a minimum of 80,000 square feet.
2. **Phasing of Commercial Development.**
 - a. The Applicant shall have constructed not less than 40,000 square feet of commercial building square footage by the time fifty percent (50%) of the total building square footage of the Property has been constructed.
 - b. At ninety percent (90%) completion of construction of the total building square footage planned for the Property, the Applicant shall have constructed commercial space equal to 60,000 square feet.
3. **Residential Density.** The total number of residential dwelling units on the Property shall not exceed 300 units.

C. Roads, Drives, Access, and Utilities.

1. **West Broad Street Improvements.** The Applicant shall make the following listed improvements to West Broad Street, generally as shown

on Figure E6 of the Traffic Impact Analysis prepared by Kimley-Horn and Associates, Inc. (see case file) provided such improvement is approved by VDOT:

- a. Full movement access on West Broad Street generally midway along the Property frontage and west of the signalized intersection at North Gayton Road.
- b. Signal installation at the full movement access noted above, as approved by VDOT at the time warrants are reached.
- c. Right-in/Right-out access on West Broad Street west of the proposed full movement access noted above.
- d. An additional left turn lane from westbound West Broad Street into the Property at the proposed signalized access.
- e. A westbound left turn lane from West Broad Street into the Property at the western most entrance contingent on approval by VDOT.

2. **Graham Meadows Drive.** The Applicant shall make the following improvements to Graham Meadows Drive, generally as shown in Section 4.2 (see case file), as approved by Henrico County, provided the necessary easements for right-of-way and construction are granted at no cost by the Henrico County School Board:

- a. Restripe Graham Meadows Drive to provide a westbound left-turn lane into the Nuckols Farm Elementary School (the "School") parking lot.
- b. Restripe Graham Meadows Drive to provide a westbound left-turn lane into the School bus loop.
- c. Construct an eastbound right-turn lane into the School parking lot.
- d. Restripe the center of Graham Meadows Drive to provide a continuous westbound and eastbound turn lane to provide additional stacking space for access to the School parking lot and to North Gayton Road.
- e. Construct three full-movement accesses on Graham Meadows Drive west of North Gayton Road as generally shown in Section 4.2 (see case file).

- f. Restripe Graham Meadows Drive to provide two (2) crosswalks across Graham Meadows Drive to connect the School to the sidewalk/trail system within the Property.
- g. The dates of construction shall be coordinated with the Henrico County School Board to minimize disruption to school activities.

3. **Interior Road Standards.**

- a. All roads on the Property intended to be dedicated for public use shall be constructed in general conformance with the Thoroughfare Standards in Section 4.1 (see case file) and VDOT Secondary Street Acceptance Requirements or comparable Henrico County TND road standards as determined during subdivision plan and/or Plan of Development review.
- b. Private roads on the Property shall be constructed in general conformance with the Thoroughfare Standards.
- c. Prior to the issuance of a final Certificate of Occupancy for any structure that fronts on a private road (excluding alleys and driveways), the Applicant shall provide the Planning Department certification from a licensed engineering firm that the private road where such structure fronts was constructed according to the approved Plan of Development, the applicable subdivision plat, the Thoroughfare Standards, and/or in compliance with Henrico County road construction standards as to the proper compaction of the sub-base soils, utility trenches, base stone, and asphalt surface but excluding road widths, intersection separation, turning radii, and road curvature.
- d. Maintenance of Interior Roads.
 - (i) The maintenance of interior roads shall be as set forth in the Covenants referenced in Proffer A.3 (see case file).
 - a) Generally all areas located from the face of curb to the edge of a privately owned lot, plus any and all improvements provided within those areas, shall be privately maintained. Examples of such areas include "Public Frontage" and "Linear Green" shown in Section 4.1 (see case file).
 - b) All roads set forth in Section 4.1 and titled as "Private" shall be privately maintained (see case file).

(ii) If constructed, the maintenance of the “raised speed table” referenced and shown on Schemes A, B, and C and shown in Section 3.1, (see case file) shall be determined as follows:

- a) Publically maintained if the speed table meets the Henrico County construction and maintenance standards and is approved by Henrico County.
- b) Privately maintained if the speed table is not approved by Henrico County for public maintenance.

(iii) The details of such improvements and maintenance agreements, if necessary (in addition to the Covenants), needed to satisfy this Proffer shall be determined at the time of subdivision plat or Plan of Development.

- 4. **Driveways.** Any driveway serving dwelling units shall have a paved surface constructed of exposed aggregate concrete, concrete, stone, asphalt, or pavers, or a mix of such paved surfaces. Alternative materials for aprons, driveways, and parking areas, which are located from or along an alley, may be approved at the time of subdivision plat or Plan of Development.
- 5. **Cross Access.** Upon request of the County, the Applicant shall grant a cross access easement upon mutually agreed terms from the Property to Tax Parcel Number 733-764-4118, generally in one of the locations shown in Section 3.1 (see case file).

D. Uses and Restrictions.

- 1. **Prohibited Uses.** The following commercial uses shall be prohibited:
 - a. Adult businesses as defined in the Henrico County Zoning Ordinance
 - b. Auto filling and service stations including towing service and vehicle storage and repair
 - c. Billboards
 - d. Hotel/motel
 - e. Marina
 - f. Multi-family units for lease
 - g. Outdoor flea markets or outdoor antique auctions, except for farmer’s markets or uses provided by a PUP
 - h. Title lenders or check cashing businesses

2. **Parked or Stored Vehicles.** No recreational vehicles, campers, trailers, or boats shall be parked or stored on the Property other than in garages or screened designated areas. Any designated area shall be identified on the applicable subdivision plat or Plan of Development.
3. **Construction Activity.**
 - a. The hours of exterior construction, including operation of bulldozers and other earthmoving equipment, shall be between 7:00 a.m. and 7:00 p.m., Monday through Friday, between 8:00 a.m. and 5:00 p.m. on Saturday, and between 10:00 a.m. and 4:00 p.m. on Sunday except in emergencies where unusual circumstances require extending the specific hours in order to complete work including, but not limited to, concrete pours or utility connections.
 - b. Construction traffic shall be directed to access the Property from West Broad Street (Route 250). Signs, in both English and Spanish, noting the access restriction shall be posted and maintained at all Property entrances prior to any land disturbance activities on the Property.
 - c. A six-foot fence with mesh covers shall be placed 150 feet north of and generally parallel and adjacent to Graham Meadows Drive during the period of time that grading and earthmoving activities occur within three hundred (300) feet of the Property's southern boundary.
 - d. The Applicant shall provide dust control measures to minimize dust created on the site during construction, as needed. A dust control plan shall be provided to and approved by the County at the time of the land disturbance permit.
 - e. There shall be no burning of construction debris, materials, or vegetation on the Property, except for the use of drums [not exceeding fifty-five (55) gallons] to provide heat during construction hours.
4. **Deliveries.** All commercial deliveries shall be directed to access the Property from West Broad Street.
5. **Commercial Hours of Operation.** The only uses permitted to be open to the public for 24 hours shall be drug stores, grocery stores, health and fitness facilities, and offices. The hours of operation for all other commercial uses shall be limited to 6:00 a.m. to 2:00 a.m.

6. **Sound.** Any outdoor amplified music shall end by 10:00 p.m., Sunday through Thursday; by 11:00 p.m., Friday and Saturday, and by 12:00 midnight on federally recognized holidays.

E. Design and Architecture.

1. **Lot Widths and Setbacks.**

- a. Front setbacks shall be as shown in Section 3.1 (see case file).
- b. Side and rear setbacks shall be as shown in Section 3.10 (see case file).
- c. The minimum lot width for the townhouse lots shall be twenty (20) feet.
- d. The minimum lot width for the single family detached lots shall be thirty-six (36) feet.
- e. The minimum lot width for the two-unit townhouse lots shall be twenty (20) feet.

2. **Exposed Walls.**

- a. The exposed portions of the exterior wall surfaces (front and rear and sides) of any building constructed on the Property shall be similar in quality of construction and shall have architectural designs (incorporating compatible design elements, color, and architectural styles), generally consistent with the Development Guidelines and Architectural Styles or as approved by the Director of Planning.
- b. Exterior wall materials for exposed, above grade walls of residential units shall be brick, fiber-cement siding, stucco, stone, cast/artificial stone, EIFS, wood, or shakes based on the building style and as set forth in Section 3.12 and Section 5 (except that other materials may be used for trim, architectural decorations, or design elements), (see case file).
- c. Exterior wall materials for commercial uses shall be brick, fiber-cement siding, stucco, stone, wood, cast/artificial stone, split-face block, architectural grade metal panels, glass, or EIFS, as set forth in Section 3.13 (except that other materials may be used for trim, architectural decorations, or design elements), (see case file).

3. **Dumpster Enclosures.** Enclosures for dumpsters serving any commercial space shall be constructed of finished masonry materials

with the exception of gates and doors where such dumpsters are not already screened or enclosed by a building, structure, or wall. Gates and doors shall be opaque, sturdy, and designed to minimize visibility from public rights-of-way to the extent reasonably practicable. Concrete pavement shall be used for the refuse container pad and apron.

4. **Sound Suppression Measures.** Sound suppression measures shall be provided in the common wall and floor/ceiling between attached residential units and between residential and commercial units with at least a 54 sound coefficient rating. A cross-sectional detail, reviewed and approved by a certified architect or engineer as to the methodology accomplishing the sound coefficient rating, shall be included in the building permit application.
5. **Commercial Layout.** The commercial development on the Property shall be developed in general conformance with one (1) of the four (4) program schemes illustrated in Section 2.4 (see case file). Modifications to the program schemes may be permitted at the time of Plan of Development provided that the modifications are generally in keeping with the spirit and intent of the four (4) program schemes or combination thereof, as determined by the Director of Planning.
6. **Screening of Parking.** Surface parking areas and structured parking facilities located along the West Broad Street frontage shall be landscaped as illustrated in Section 3.7 and Section 6.16 (see case file).
7. **Graham Meadows Buffer.** The existing trees located along the southwest Property line contiguous with the residential lots in Graham Meadows Subdivision shall be retained in a variable width buffer as shown in Section 6.14. Such buffer shall be a minimum of fifteen (15) feet and shall be open space outside the GreenGate residential lots. To the extent additional trees are needed to provide the minimum treed buffer, evergreens shall be planted. The species and size of such plantings shall be determined at the time of landscape plan approval.
8. **Best Management Practices.**
 - a. Best Management Practice (“BMP”) facilities shall be developed in accordance with Section 6.5 (see case file) and shall be located outside of any landscape buffer along West Broad Street, unless such facilities are underground or serve as a landscaping amenity or water-related feature and if requested and specifically permitted at the time of subdivision plat or Plan of Development review.

- b. Any above ground wet BMP facilities shall be aerated. All above ground BMP facilities shall be designed as an amenity and landscaped or fenced as required by Henrico County.
- c. No above ground wet BMP pond shall be constructed within 150 feet of Graham Meadows Subdivision.

F. Open Space.

1. **Open Space Requirement.** At a minimum, 30% of the Property (as calculated at the time of completion) shall be open space. Open space shall include, but not be limited to, features such as outdoor recreation and public meeting areas, play areas and associated equipment, landscaping, buffer areas, civic spaces, the pedestrian network, stormwater management facilities, and environmental features inclusive of floodplain, environmental resources, and wetlands (provided the environmental features are used as a design feature or recreational amenity). At a minimum, the Applicant shall provide the following open spaces for the general use of all residents on the Property:
 - a. One (1) swimming pool.
 - b. One (1) clubhouse, a minimum of 2000 square feet.
 - c. Parks and greens shall be provided generally as shown in Section 6.1 (see case file).
 - d. Outdoor plaza and seating areas generally located within the commercial area as shown in Sections 6.7, 6.8, and 6.9 (see case file).
2. **Pedestrian Network.**
 - a. A pedestrian network that includes sidewalks, and a minimum of 7,000 linear feet of paths and trails, shall be constructed within the Property, generally as shown in Section 6.3 (see case file). Such network shall include links to adjacent developments.
 - b. Sidewalks or paths measuring a minimum of five (5) feet in width shall be provided generally along all roads within the development as shown in Section 3.1 and Section 6.3 (see case file).
 - c. Sidewalks shall have a paved surface constructed of concrete, exposed aggregate concrete, asphalt, stone, pavers, or brick. Trails shall be constructed of the sidewalk surfaces listed above or soft surfaces such as mulch, pea gravel, boardwalks, or loose stone.

- d. Upon the request of the County, the Applicant shall provide an access easement in a mutually agreed upon location that will provide a pedestrian connection to the future trail network along Tuckahoe Creek as may be established by Henrico County.

G. Fire Protection/Access.

1. **Fire Suppression.** All buildings developed on the Property shall be constructed with fire suppression sprinkler systems, which shall include fire suppression in all residential garages.
2. **Alleys.** Alleys constructed on the Property shall:
 - a. Have a paved area a minimum of twenty-four (24) feet in width clear of parking.
 - b. The 24 foot pavement width is inclusive of a concrete band or roll face curb and gutter.
 - c. The paved area shall be constructed to support the weight of aerial fire apparatus outriggers.

H. 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: O'Bannon, Thornton, Glover, Kaechele, Nelson

No: None

69-14 ME Nuckols, LLC: Request for a Provisional Use Permit under Sections 24-
PUP2014- 32.1(a), 24-32.1(i), 24-32.1(k), 24-32.1(n), 24-32.1(s), 24-32.1(w), 24-120 and 24-
00006 122.1 of Chapter 24 of the County Code related to a Master Plan for the proposed
Three urban mixed-use development "GreenGate" and to allow certain uses and
Chopt exceptions to permitted uses, heights, and square footages of uses, on part of
Parcels 731-764-5533 and 731-764-4292 located on the south line of W. Broad
Street (U.S. Route 250) approximately 600' west of its intersection with N. Gayton
Road.

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

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item with the following conditions:

1. **Master Plan. Density Limitations and Percentage of For-Lease Multifamily Units.** All development on the property shall be consistent with the *GreenGate Master Plan Book* (see case file). Development on the property shall not exceed 300 residential units, and shall include a minimum of 80,000 square feet of nonresidential square footage.
2. **Square Footage Limitations.** The maximum square footage of any use other than an office building shall not exceed 10,000 square feet in floor area, except that:
 - Medical offices, clinics or laboratories shall have no limit as to floor area.
 - Retail and service uses shall not exceed 18,000 square feet.
 - Up to one grocery store exceeding 30,000 square feet shall be permitted. The maximum square footage of this grocery store shall be 40,000 square feet.
 - Indoor recreational facilities shall not exceed 18,000 square feet.
3. **Building Height.** The maximum building height on the property shall be 75', provided the location of buildings exceeding 60' is consistent with the locations shown in the *GreenGate Master Plan Book* (see case file).
4. **Vendor Areas.** Areas of the Property not used solely for residential purposes may be designated on the master plan, which may be revised from time to time, or a Plan of Development, for the preparation of food or beverages or the sale or display of merchandise conducted in an open area or structure by one or more individual vendors operating from stalls, stands, carts, vehicles or other spaces which are rented or otherwise made available to such vendors. Such activities may include a market, the sale of merchandise as part of a permitted festival or other similar special event, or the outdoor display or sale by a single food or beverage vendor, operated as an incidental part of retail activity regularly conducted from within a permanent building on the premises. Sidewalk widths adjacent to outdoor vending areas shall not be reduced to less than five (5) feet, except to accommodate a permitted festival or other similar special event. Trash receptacles shall be provided and conveniently located for each block that contains an outdoor vending area.
5. **Emergency Communication Systems.** The owner shall install a fire command center and emergency radio communication equipment within any building exceeding 60 feet in height to allow for adequate public safety and radio coverage within and between the buildings. A communications consultant shall certify such equipment as compatible with the County's emergency communication system within 90 days of the owner or tenant obtaining a Certificate of Occupancy for any such building. The County shall

be permitted to perform communications testing within the buildings at any time.

6. **Fire Protection-Structured Parking.** A 3" standpipe for fire protection shall be provided within all structured parking at approximately 200' intervals. The exact location of these improvements will be determined during Plan of Development review.
7. **Drive-through Service Windows.** Any use incorporating a drive-through service window shall be designed to minimize negative impacts to the pedestrian environment and shall be accessed from secondary access aisles, unless otherwise approved at the time of Plan of Development review. Any drive-through service window shall not front directly onto W. Broad Street or the main entrance drive into the development.
8. **Parking Structures.** Parking structures without ground floor retail uses along at least one facade or without usable floor space for residential or nonresidential uses along any facade that faces a one-family use or public or private street shall be permitted, provided the design of such structures is consistent with the *GreenGate Master Plan Book* (see case file) as determined at the time of Plan of Development Review.
9. **Crime Prevention.** Prior to occupancy of any structure containing commercial or office uses, the applicant and the Crime Prevention Unit of the Division of Police shall conduct a security survey of the property. The applicant shall implement mutually agreed upon security recommendations.
10. **Proffered Conditions.** All proffered conditions accepted with case REZ2014-00009 shall be made a part of this Provisional Use Permit.
11. **Commercial Development.** A minimum of 80,000 square feet of nonresidential development shall be constructed on the property. The phasing of such construction shall be consistent with Section 24-34(b) of the zoning ordinance.

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Glover, Kaechele, Nelson

No: None

70-14 Carolyn C. Penniston Family Trust: Request to conditionally rezone from A-1
REZ2014- Agricultural District and C-1 Conservation District to O-3C Office District
00008 (Conditional) Parcel 790-762-3014 containing 75.677 acres located between the
Fairfield south line of Interstate 295, the northern terminus of Magellan Parkway and Park
Central Drive.

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

On motion of Mr. Thornton, seconded by Mr. Nelson, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item with the following proffered conditions:

1. **Exterior Materials.** The exposed portions of all exterior wall surfaces (front, rear and sides) of each building constructed on the Property shall consist of brick, stone, glass, architectural precast, EIFS, stucco if applied to a masonry surface, metal, metal panel or any combination thereof, or other aesthetically comparable finished material.
2. **Detached Signage.** Any detached signs shall be monolithic style signs and shall not exceed a height of eight (8') feet, as measured from the base of the sign. The base of any detached signage shall be landscaped. No portable signs or signs with changeable copy shall be permitted on the site.
3. **Exterior Lighting.** Exterior lighting fixtures shall not exceed thirty (30') feet in height as measured from the grade of the base of the lighting standard or from the finished grade of the building directly below such lighting fixture, as the case may be. Any freestanding lighting above fifteen (15') feet shall not be embedded.
4. **Trash Receptacles.** Dumpsters and trash receptacles, not including convenience cans, shall be screened from public view at ground level at the perimeter of the Property with architectural material similar to the main building using such dumpster or trash receptacle or as may otherwise be approved at the time of Plan of Development review.
5. **HVAC Screening.** Any heating, ventilation and air conditioning equipment and any utility meters shall be screened from public view at ground level at the perimeter of the Property with use of landscaping, a wall or other architectural feature similar to the exterior as the building on which it is located, or such other method as may be approved at the time of Plan of Development.
6. **Loading Dock Screening.** Any loading dock serving a building on the Property shall be screened from public view at ground level from any public roads in a manner approved at the time of Plan of Development review.
7. **Concept Road.** The Owner shall dedicate a sixty-six (66') foot wide right-of-way for the future extension of Concept Road 143 to the County prior to the issuance of a certificate of occupancy for a building on the Property or as required by the County Director of Public Works at the time of subdivision review. The Owner shall dedicate the necessary right-of-way for the future extension of Park Central Drive as required to connect to

Concept Road 143 to the County as required by the County Director of Public Works at the time of subdivision review. Owner shall construct two (2) lanes of pavement of Concept Road 143, including curb, gutter and storm drainage facilities, from the properties to the southeast of the Property with County GPINs of 791-761-3872 and 791-761-0312 to the properties to the south of the Property having County GPINs of 789-761-0925 and 789-760-7494, as required by the County Director of Public Works at the time of subdivision review. If for any cause or reason whatsoever any portions of Concept Road 143 not approved for construction within twenty (20) years or the construction of any portions of Concept Road 143 has not commenced within thirty (30) years from the date of such dedication to the County or its designee, then such applicable portion of Concept Road 143 shall without any further act or deed of any kind or nature whatsoever automatically revert to the then owner or owners of the property adjoining the same on the north and south of the such portion of Concept Road 143. If requested to do so, the County or its designee shall confirm such reconveyance or reversion by deed or other appropriate recordable instrument.

8. **Construction Traffic.** Construction traffic shall not use Scott Road west of the Property.
9. **Best Management Practice.** Any above-ground Best Management Practice structure shall include an aeration feature to move water within such structure.
10. **Underground Utility Line.** All utility lines on the Property shall be underground, except for already existing utilities, junction boxes, meters, utility lines in and over wetland areas and utility lines required to be above ground by the utility company. Electrical junction boxes and meters shall be screened from public view at ground level at the perimeter of the Property with use of a wall, fencing, landscaping, or such other method as may be approved at the time of Plan of Development review.
11. **Buffer.** A landscaped buffer area of a minimum of twenty-five (25') feet in width shall be maintained and planted to a level of a transitional buffer 25 along the north side of Concept Road 143, or as required at the time of Plan of Development review, as such road is constructed provided, however, all such buffers may include utility easements, roads, signage, driveways or other purposes approved at the time of Plan of Development review. Utility easements and driveways extended through the buffer areas shall be extended generally perpendicular thereto, and where practicable and permitted, areas disturbed for utility installation shall be restored. Existing vegetation and underbrush may, and fallen, diseased or dead plant growth shall, be removed from such buffer areas, and if so removed, additional plantings shall be added.

12. **C-1 Zoning.** Applicant shall file an application for C-1 zoning for the areas within the Property that are within the 100 year flood plain, unless such areas are needed for roads, access ways or other purposes approved or required by the Director of Planning or the Planning Commission or any other governmental body or official at the time of Plan of Development review. Such rezoning application shall be filed as required at the time of Plan of Development review.
13. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or 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: O'Bannon, Thornton, Glover, Kaechele, Nelson

No: None

71-14 WOVA Gyms, LLC: Request for a Provisional Use Permit under Sections 24-
PUP2014- 58.2(a), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to extend
00004 hours of operation for a gym to open at 5:00 a.m. on part of Parcel 813-718-3411
Varina located on the west line of S. Laburnum Avenue approximately 660' from its
intersection with Gay Avenue.

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

On motion of Mr. Nelson, seconded by Mr. Thornton, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item with the following conditions:

1. All proffered conditions accepted with case C-32C-86 and C-24C-00 shall be made a part of this Provisional Use Permit.
2. The daily hours of operation shall be limited to 5:00 a.m. -12:00 midnight.
3. This permit shall apply only to the tenant space occupied by Gold's Gym as shown on Exhibit A (see case file).
4. The owner and/or operator of the establishment shall allow the Crime Prevention Unit of the Division of Police to conduct a security survey of the location to identify potential security risks and to recommend additional prevention measures, if any, to be implemented by the business.

5. The owner and/or operator of the establishment shall install and maintain a security camera and video system designed by a security specialist. The security system shall include the following items:
 - a. Exterior surveillance cameras monitoring the entrance(s), parking area(s), and any other areas deemed necessary by the Division of Police. Such security cameras shall provide clear imagery of the establishment's patrons and their vehicles.
 - b. Tapes or digital files showing recorded activities in the areas under surveillance shall be preserved for a period of four (4) months. Authorized representatives of the Henrico County Police Department and the Henrico County Planning Department shall have access to such tapes upon request.
6. The owner and/or operator of the establishment shall provide adequate lighting for the entrances, exits, and parking areas serving the business. Adequate lighting shall be defined as lighting sufficient for clear visual and security camera surveillance.
7. Extended hours of operation shall not result in loitering, criminal activity, traffic or public nuisance in the area surrounding the business. In the event that evidence (i.e. police calls to the premises or complaints) indicates the extended hours of operation are having an adverse effect (i.e. increased public nuisance, loitering, excessive noise outside the building, criminal assault, traffic, etc.) on the surrounding area, the Board of Supervisors may hold a public hearing to consider revoking the provisional use permit.

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Glover, Kaechele, Nelson

No: None

72-14 REZ2014-00001 Fairfield Monarch Land LLC: Request to amend proffered condition #12 related to garages accepted with Rezoning Case C-32C-09 on Parcels, 799-732-4991, -8887, -8597, -6697, 799-733-5351, -8231, -8525, -8819, -9113, -9209, -9504, -8204, -7808, -7023, -6143, -5223, -5614, and -5810 located between the east line of the Chesapeake and Ohio Railway right-of-way and the west line of Barrington Road at its intersection with Springton Road.

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

On motion of Mr. Thornton, seconded by Mr. Kaechele, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item with the following proffered conditions:

12. **Garages.** A minimum of a one-car garage with interior dimensions of at least 18 feet in depth by 9 feet in width clear of as-built obstructions shall be provided for at least twenty-five percent (25%) of homes on the Property. The twenty-five percent calculation shall exclude parcels located at 3108, 3112, 3116 Barrington Road and 3120 and 3121 Dillyn Court. At least fifty percent (50%) of garages shall be side or rear loaded.

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Glover, Kaechele, Nelson

No: None

73-14 Bobby Marchetti: Request for a Provisional Use Permit under Sections 24-58.2(d),
PUP2014- 24-120 and 24-122.1 of Chapter 24 of the County Code in order to allow outdoor
00002 dining for a proposed restaurant on part of Parcel 767-757-8360 located 490' east
Brookland of the east line of Hungary Spring Road approximately 1,200' south of its
intersection with Staples Mill Road (U.S. Route 33).

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

On motion of Mr. Glover, seconded by Mr. Nelson, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item with the following conditions:

1. The outdoor dining area shall not be in operation between 10:00 p.m. and 6:00 a.m.
2. There shall be no use of outdoor speakers.
3. The operator shall not permit food preparation outside the enclosed building.
4. The wall/fence enclosing the outdoor dining areas shall be limited in height to 36 inches.
5. Outdoor lighting fixtures shall complement the style of the building. Lighting fixtures shall not produce glare for motorists or pedestrians on the adjacent rights-of-way and parking areas and shall illuminate only the outdoor dining areas.
6. Access to the outdoor dining areas shall be available only through the interior of the restaurant, except during an emergency when patio fence exit gates may be utilized.
7. This permit shall apply only to Franco's and shall not apply to any other business in Staples Mill Market Place.

8. The outdoor dining area shall comply with proffered conditions of rezoning case C-3C-09.
9. Trash receptacles shall be provided and properly serviced to control litter generated by this use.
10. Outdoor dining furniture, fencing, and canopies shall be of durable material and complementary to exterior features of the building.
11. The outdoor dining areas shall be constructed in general conformance with Exhibits A and B (see case file).
12. Televisions and other video display devices shall not be allowed in the outdoor dining areas.
13. 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 resulting from this review.
14. If a fire pit or other outdoor heating element is installed at a future time, details of its design and use shall be submitted to the Director of Planning and approved by the Fire Marshal and Planning Director to ensure safety features are in place.

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Glover, Kaechele, Nelson

No: None

74-14 West End Farmers' Market: Request for a Provisional Use Permit under Sections
PUP2014- 24-62.2(g), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow the
00007 continued operation of an existing farmers' market on parts of Parcels 732-751-
Tuckahoe 4078, -0561, and 731-751-8088 located at the southwest intersection of Ridgefield
Parkway and Gayton Road.

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

On motion of Mr. Thornton, seconded by Mr. Glover, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item with the following conditions:

1. The farmers' market shall not operate outside of the following parameters:

- a) **Market season** - beginning the first Saturday in April, and ending the 2nd Sunday in December;
 - b) **Market days** - maximum of three days per week, only on Wednesday, Saturday, and Sunday;
 - c) **Hours of operation** -
 - **Regular season** (beginning of market season thru 2nd Wednesday in September)
 - Wednesday (3:00 pm - 7:00 pm)
 - Saturday (8:00 am - 12:00 noon)
 - Sunday (10:00 am - 2:00 pm);
 - **Mid season** (after 2nd Wednesday in September thru last market day in October)
 - Wednesday (3:00 pm - 6:00 pm)
 - Saturday (8:00 am - 12:00 noon)
 - Sunday (10:00 am - 2:00 pm);
 - **Late season** (first market day in November thru end of market season)
 - Wednesday (market closed, except for holiday market)
 - Saturday (8:00 am - 12:00 noon, except for holiday market)
 - Sunday (10:00 am - 2:00 pm, except for holiday market);
 - **Three holiday markets** (4th Wednesday of November, and 1st Saturday/Sunday of December or 2nd Saturday/Sunday of December in case of weather cancellation)
 - Wednesday, Saturday, and Sunday (10:00 am - 4:00 pm).
2. The farmers' market shall be no greater than 13,600 square feet in size and shall be located on the site as shown in Exhibit A. All market-related services shall take place only within this market boundary.
 3. Market operations shall abide by all rules and regulations set forth in Exhibit C, entitled "West End Farmers Market Vendor Application Packet".
 4. The applicant shall designate a Market Manager to be in charge of the farmers' market operations, including vendor selection and implementation of the conditions of this permit. The Market Manager shall be responsible for ensuring market compliance with all applicable local, state and federal regulations.
 5. Other than temporary stands and canopies/tents for vendor sales or for the Market Manager, no structures shall be erected on the property. All canopies/tents shall be solid in color, and neither text nor logo displays shall be permitted on any canopy/tent or similar temporary structure. No later than one hour after the closing of each market, any stands shall be removed from the site and the subject parcels shall be completely cleared of all market-related items and debris.

6. No sales or outside storage shall be permitted except in designated vendor spaces during market hours.
7. Vehicles shall not be permitted on the grass area of the parcel identified as GPIN 732-751-4078 for any reason.
8. Trash receptacles shall be provided and properly serviced to control litter generated by this use.
9. Generators, portable toilets, outside live music performances, or use of public address systems (including megaphones) shall not be permitted on the site.
10. On-site food preparation and distribution of prepared meals shall not be permitted.
11. The sale or consumption of alcohol shall be prohibited.
12. The operation of the farmers' market shall not cause loitering, criminal assaults, public nuisance, or unsafe conditions for the adjacent area.
13. Except for one temporary banner or board sign for market identification (no greater than 25 square feet in size), any other signage or attention-getting devices related to the market shall be prohibited. Temporary individual vendor signage shall be permitted, but it shall not be attached to vendor canopies/tents, shall only be placed to face the interior of the market sales area, and must be removed at the close of each market.
14. Prior to each season, the Market Manager shall submit any necessary Plan of Development (POD) revisions to the Department of Planning for approval. The POD shall delineate the vendor sales areas, specific landscaping information for the proposed perimeter hedge, and details of any temporary canopy/tent structures, pedestrian walkways, drive aisles, and parking areas for the site. The perimeter of the vendor area shall be clearly defined by a barrier to discourage unauthorized access into the vendor area and to provide safe and orderly pedestrian access to and from the market.
15. If the Director of Planning finds that the permit holder has failed to comply with any of the conditions or that the operation of the outdoor farmers' market is having a deleterious effect on the surrounding area, then the Director shall initiate a show cause hearing on revocation of the permit pursuant to the provisions of Section 24-122.1 (b) of the County Code.

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

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Glover, Kaechele, Nelson

No: None

75-14 Tripps Properties II, LP: Request for a Provisional Use Permit under Sections 24-
PUP2014- 58.2(a), 24-58.2(d), 24-120 and 24-122.1 of Chapter 24 of the County Code in
00003 order to allow extended hours of operation until 2 a.m. and outdoor dining for a
Brookland proposed restaurant on part of Parcel 757-757-0843 located on the north line of W.
Broad Street (U.S. Route 250) approximately 1,060' west of its intersection with
Tuckernuck Drive.

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

Gloria Freye, an attorney for McGuire Woods representing the applicant, presented the case at the request of Mr. Glover due to the fact it was recommended for denial by the Planning Commission but subsequently supported by staff. Ms. Freye confirmed the applicant concurred with the conditions proposed by staff after participating in further meetings and discussions with staff. She responded to questions from Mr. Glover, who noted the Chief of Police's favorable recommendation on the case. Mr. Glover also noted the conditions will ensure the development becomes a plus factor. Mr. Glover responded to questions from Mr. Kaechele.

On motion of Mr. Glover, seconded by Mr. Thornton, and by unanimous vote, the Board did not follow the recommendation of the Planning Commission and approved this item with the following conditions:

General Conditions:

1. This permit is limited to the current applicant/owner, is non-transferrable, and shall apply only to the building shown on the attached exhibit and shall not apply to any other business in the overall parcel. In the event that evidence (i.e. police calls to the premises or complaints from other businesses) indicate that extended hours of operation or outdoor dining are having an adverse effect (i.e. increased public nuisance, loitering, excessive noise outside the building, criminal assault, etc.) on the surrounding area, the Board of Supervisors may hold a public hearing to consider revoking the provisional use permit.

Outdoor Dining:

1. No outdoor live music performances shall be permitted.
2. Any outside speakers or sound system shall comply with the following standards:
 - a. Sound systems shall be equipped with controls permitting full volume adjustment.
 - b. Sound systems may be used only when outside dining is permitted.

- c. Any outside speakers shall be directed in a manner to mitigate noise impacts.
3. The operator shall not permit food preparation outside the enclosed building.
4. The outside dining area shall not be in operation between 12:00 a.m. (midnight) and 9:00 a.m.
5. Prior to operation of the outdoor dining area, the applicant shall submit an administrative site plan to the Planning Department for the review and approval of the proposed alterations and outdoor dining area.
6. The wall/fence enclosing the outdoor dining areas shall be limited in height to 48 inches.
7. Outdoor dining furniture, fencing, and canopies shall be of durable material and complementary to exterior features of the building.
8. Televisions and other video display devices shall not be allowed in the outdoor dining areas.
9. The outdoor dining areas shall be constructed in general conformance with the layouts and images depicted in the case file. In no case shall the outside dining area be located on the eastern side of the building.
10. Outdoor lighting fixtures shall complement the style of building. Exterior lighting shall not exceed an intensity of one-half ($\frac{1}{2}$) foot candle at the property line and shall not produce glare for motorists or pedestrians on the adjacent rights-of-way and parking areas.
11. Trash receptacles shall be provided and properly serviced to control litter generated by this use.
12. 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.
13. If a fire pit or other outdoor heating element is installed at a future time, details of its design and use shall be submitted to the Director of Planning and approved by the Fire Marshal to ensure safety features are in place.
14. Any gas heaters or other outdoor heating devices shall be affixed to the ground or other surface on which they are based.

Extended Hours of Operation:

1. Hours of operation shall be extended until 2 a.m. for the interior use of the restaurant only.
2. The facility's windows shall not be obscured by posters, advertisements, or similar materials or tinted in such a manner that prevents surveillance opportunities both from within and from the outside of the building. This shall not prevent blinds from being used during daylight hours.
3. 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. Exterior lighting shall be reduced to a minimum level necessary for security purposes following the close of business.
4. 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.
5. The applicant shall install security cameras (as determined by the Division of Police), with adequate lighting to provide exterior and interior surveillance of the restaurant and parking area. 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. The surveillance system shall be designed and set to maintain the video file storage of a period of at least one (1) month.
6. Any operable windows and doors exposing the restaurant to the outside will remain closed between the hours of 12:00 a.m. and 9 a.m.
7. At least one (1) uniformed security officer shall be on duty during the extended hours of operation. Security officers shall either be off duty police officers or licensed security guards employed by a licensed security service company.

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Glover, Kaechele, Nelson

No: None

76-14 Attack Properties: Request to conditionally rezone from O-3C Office District
REZ2014- (Conditional) and B-2C Business District (Conditional) to RTHC Residential
00010 Townhouse District (Conditional) Parcel 747-770-3395 containing 5.66 acres located
Three on the west line of Nuckols Road approximately 465' south of its intersection with
Chopt Hickory Park Drive.

Jim Strauss, Principal Planner, responded to questions from Mrs. O'Bannon and Mr. Kaechele.

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

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item with the following proffered conditions:

1. **Conceptual Master Plan.** Development of the Property shall be in general conformance with the Conceptual Master Plan attached hereto as Exhibit A entitled "The Villas at Hickory Grove, Henrico County, Virginia, Exhibit A: Conceptual Plan" prepared by Cite Design, (the "Concept Plan"), (see case file) which Concept Plan is conceptual in nature and may vary in detail, unless otherwise requested and specifically approved at the time of Plan of Development and/or subdivision review.
2. **Entrance Feature.** An entrance feature shall be provided at the access to the Property in general conformance with the plan entitled "The Villas at Hickory Grove, Henrico County, Virginia, Exhibit B: Conceptual Entrance Design" prepared by Cite Design and attached hereto (see case file), unless otherwise requested and specifically approved at the time of Plan of Development and/or subdivision review.
3. **Protective Covenants.** Prior to or concurrent with the recordation of a subdivision plat approved by the County and before the conveyance of any portion of the Property covered by said subdivision plat (other than for the dedication of easements, roads or utilities), a document shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia, setting forth controls on the development and maintenance of such portions of the Property.
4. **Sidewalks.** Sidewalks shall be provided along both sides of the internal private roadway as shown on the Concept Plan (see case file) and along Nuckols Road.
5. **Underground Utilities.** Except for junction boxes, meters, pedestals, transformers, transmission mains and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.

6. **Best Management Practice.** Any Best Management Practice structures shall be located outside of any landscaped buffer within the Property, except as a landscaping amenity or water-related feature and if requested and specifically permitted by the Director of Planning or the Planning Commission at the time of subdivision and/or Plan of Development review. Any above-ground wet Best Management Practice structure shall include an aeration feature to move water within such structure.
7. **Minimum Sizes.** The minimum finished floor area of each home shall be 1,865 square feet.
8. **Architectural Treatment.** Townhomes constructed on the Property shall be generally in conformance with the elevations attached hereto as "The Villas at Hickory Grove, Henrico, Virginia, Exhibit C-1: Conceptual Townhouse Renderings" and "The Villas at Hickory Grove, Henrico, Virginia, Exhibit C-2: Conceptual Townhouse Renderings" (see case file), unless requested and approved by the Director of Planning at the time of Plan of Development review.
9. **Building Materials.** All buildings shall have exposed exterior walls (above grade and exclusive of windows, gables, doors, trim, soffit and fascia) of stone, stone veneer, brick, hardi-plank, engineered wood (e.g. LP Smartside), or a combination of the foregoing unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall, at the time of Plan of Development review. A minimum of thirty-five (35) percent in the aggregate, of the exterior portions of the front building wall surfaces of each building, excluding windows, doors, breezeways, gables and architectural design features, shall be of brick, stone or stone veneer construction.
10. **Foundations.** All finished floor areas, except basements, shall be constructed above grade or give the appearance of being constructed above grade. The exterior portions of all residential foundations, including the exterior portion of foundations below the first floor level which is visible above grade, shall be constructed of brick, stone or stone veneer. There shall be a minimum vertical height of twelve (12) inches of brick, stone or stone veneer above grade utilized on slab-on-grade foundations to present the appearance of a crawl space.
11. **Cantilevering.** There shall be no cantilevered treatment of any architectural features on the first floor. Items on the second floor such as balconies, decks, box or bay-type windows may be cantilevered, but shall include decorative corbels.
12. **Sound Suppression.** Interior walls between homes shall have a minimum sound transmission coefficient rating of 54. A cross-sectional detail, reviewed

and approved by a certified architect or engineer as to the methodology to accomplish the sound coefficient rating, shall be included in building permit application.

13. **Garages.** Each home shall include a minimum of a one (1) car attached garage.
14. **Driveways.** All driveways directly serving homes shall be constructed of concrete, aggregate materials, asphalt, brick or stone pavers.
15. **Marketing.** All homes shall be marketed for sale as "Owner-occupied".
16. **Private Street.** Prior to issuance of a permanent Certificate of Occupancy for any home, the developer shall provide the Planning Department certification from a licensed engineering firm that the roadway within the development was constructed according to the approved plan and in compliance with Henrico County road design standards and specifications, to include proper compaction of sub-base soils, utility trenches, base stone and asphalt, but excluding road widths, turning radii, cross over and entrance spacing, sight distance and vertical curves, or a bond in an amount satisfactory to the Director of the Department of Public Works shall be provided to Henrico County for items not yet completed. The internal road within the Property shall be private and shall be maintained by the Homeowners Association.
17. **Street Lights.** Street lights shall be provided and shall not exceed sixteen (16) feet in height. The street lights shall be non-glare and residential in character. Direct embedded light poles and standards shall be prohibited.
18. **Density.** There shall be no more than thirty-seven (37) residential units developed on the Property.
19. **Landscaped Median.** Landscaping and trees shall be provided within the grassy median within the Property as generally shown on the Concept Plan (see case file). Actual plantings shall be depicted on a plan to be approved at the time of Plan of Development or Landscape Plan approval.
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.

21. **Access.** There shall be no direct vehicular access to and from the Property to and from Nuckols Road, unless otherwise requested and specifically approved at the time of Plan of Development and/or subdivision review. Stub road access shall be provided for the benefit of the property adjacent to the south (Henrico County GPIN 747-770-4264) as generally shown on the Concept Plan.
22. **Greenbelt.** A greenbelt, exclusive of adjacent lots, for landscaping and/or natural areas shall be provided a minimum of twenty-five (25) feet in width adjacent to the ultimate right-of-way line of Nuckols Road except to the extent necessary for utility easements, signage, fencing, and other purposes requested and specifically permitted, or if required, at the time of Plan of Development and/or subdivision review, or by any other governmental body. Any utility easements (other than existing utility easements) permitted within the aforesaid greenbelt area shall be extended generally perpendicular to the greenbelt area unless otherwise requested and specifically permitted or if required by the County at the time of landscape plan review.
23. **Units in a Row.** There shall be no more than six (6) residential units developed in a row on the Property.
24. **Amenity.** A park area with benches shall be provided within the passive amenity area generally as shown on the Concept Plan (see case file).
25. **Front Yards.** Front yards shall initially be sodded and irrigated, exclusive of mulched flowerbeds and landscaping.

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Glover, Kaechele, Nelson

No: None

77-14
REZ2014-
00011
Three
Chopt

Seven Hills Group, LLC: Request to amend proffered condition #17 related to lot coverage accepted with Rezoning Case C-43C-05 and C-44C-06 on part of Parcels 735-764-8708 and 735-763-9381 located on the north line of W. Broad Street (U.S. Route 250) approximately 1,870' east of its intersection with N. Gayton Road.

Mr. Vithoulikas noted this case and Agenda Item No. 78-14 (case REZ2014-00012) were companion cases and suggested they be heard together.

Mr. Strauss responded to questions from Mr. Kaechele.

No one from the public spoke in opposition to these items.

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the

Board followed the recommendation of the Planning Commission and approved this item with the following proffered conditions:

All proffers from Case C-43C-05, as amended by Case C-44C-06, shall be incorporated herein except proffer number 17, Case C-43C-05, which is hereby deleted and replaced in its entirety with:

Site Coverage. No more than eighty-three percent (83%) of the Property in the aggregate may be covered by buildings, parking areas and driveways. This site coverage ratio shall be achieved through the use of landscaping and open areas, including, without limitation, landscaped buffers, medians and parking lot islands, pedestrian areas and open plazas.

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Glover, Kaechele, Nelson

No: None

78-14
REZ2014-
00012
Three
Chopt

Seven Hills Group, LLC: Request to amend proffered condition #23 related to lot coverage accepted with Rezoning Case C-49C-04 and C-27C-09 on Parcels 736-764-0871, -1136, and -3961 located 700' north of W. Broad Street (U.S. Route 250) approximately 1,940' east of its intersection with N. Gayton Road.

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

On motion of Mr. Kaechele, seconded by Mr. Nelson, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item with the following proffered conditions:

All proffers from Case C-49C-04, as amended by Case C-27C-09 for parcels 736-764-0871, 736-764-1136 and 736-764-3961, shall be incorporated herein except proffer number 23, Case C-49C-04, which is hereby deleted and replaced in its entirety with:

Site Coverage. No more than eighty-three percent (83%) of the Property in the aggregate may be covered by buildings, parking areas and driveways. This site coverage ratio shall be achieved through the use of landscaping and open areas, including, without limitation, landscaped buffers, medians and parking lot islands, pedestrian areas and open plazas.

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Glover, Kaechele, Nelson

No: None

79-14
PUP2014-
00005
Three
Chopt

Serve It Up, LLC: Request for a Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to allow outdoor dining for a proposed restaurant on part of Parcel 747-759-8591 located on the south line of W. Broad Street (U.S. Route 250) at its intersection with Cox Road.

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

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item with the following conditions:

1. Any outside speakers or sound system shall comply with the following standards:
 - a. Sound systems shall be equipped with controls permitting full volume adjustment.
 - b. Sound from the system shall not be audible beyond 100 feet from the source.
 - c. Sound systems may be used only when outside dining is permitted.
 - d. Any outside speakers shall be directed in a manner to mitigate noise impacts.
2. The operator shall not permit food preparation outside the enclosed building.
3. The wall/fence enclosing the outdoor dining areas shall be limited in height to 45 inches.
4. An administrative site plan which includes landscaping shall be submitted to the Planning Department for approval prior to the use of the outdoor dining area.
5. The outdoor dining area shall not encroach into the 60' landscape buffer along W. Broad Street (U.S. Route 250) as indicated in the proffered conditions of rezoning case C-22C-95. The outdoor dining area shall comply with proffered conditions of rezoning case C-22C-95.
6. Outdoor lighting fixtures shall complement the style of the building. Lighting fixtures shall not produce glare for motorists or pedestrians on the adjacent rights-of-way and parking areas and shall illuminate only the outdoor dining areas.

7. Access to the outdoor dining areas shall be available only through the interior of the restaurant, except during an emergency when patio fence exit gates may be utilized.
8. This permit shall apply only to Pie Five restaurant and shall not apply to any other business in Colonnades West Shopping Center.
9. Trash receptacles shall be provided and properly serviced to control litter generated by this use.
10. Outdoor dining furniture, fencing, and canopies shall be of durable material and complementary to exterior features of the building.
11. The outdoor dining areas shall be constructed in general conformance with the exhibits submitted with this request, Exhibits 1-4 (see case file).
12. Televisions and other video display devices shall not be allowed in the outdoor dining areas

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Glover, Kaechele, Nelson

No: None

PUBLIC HEARINGS – OTHER ITEMS

80-14 Ordinance – To Amend and Reordain Sec. 10-68(3) of the Code of the County of Henrico Titled “Prohibited noises enumerated” to Exempt from the Ordinance Animal Noise Emanating During Certain Hours from Commercial Kennels, Veterinarian Facilities, and the County Animal Shelter.

Andrew Newby, Assistant County Attorney, narrated a slide presentation titled *Henrico County Regulations Regarding Noisy Animals*. During his presentation, Mr. Newby reviewed pertinent provisions of the County’s current noise ordinance, identified by magisterial district the number of commercial kennels and veterinary facilities that board animals in Henrico County, and explained the amendment recommended by the County Manager to create an exception for animal noise between the hours of 7:00 a.m. and 11:00 p.m. on the premises of commercial kennels, veterinarian facilities, and the County animal shelter. He cited the rationale for this recommendation as follows: facilities proposed for exemption were not considered when the noise ordinance was approved in 2010; the impact of these facilities on residential neighborhoods is addressed by the zoning ordinance; the exemption recognizes noise is an

inherent aspect of these facilities; and the exemption is partial and strikes an appropriate balance as the hours limitation is consistent with most other time periods in Section 10-68 of the ordinance.

The following residents of Three Chopt Village expressed concerns about the volume, duration, and frequency of noise from barking dogs at Tolkien's Kennel, which adjoins their neighborhood, and spoke in opposition to this item: Rose Angely, Diane Enroughty, Armin Burkholder, Cheryl Burkholder, Neelam Kalra, Nick Lukowsy, Carsten Fouquet, John Brittingham, Cheryl Lukowsky, Tad Steinberg, and Robert Lipton. Ms. Angely presented packets to the Board that included photographs of the Tolkien's Kennel property; copies of a petition signed by 37 residents of Three Chopt Village opposing the proposed ordinance amendment; minutes from a September 26, 2013, neighborhood meeting where residents complained about the excessive barking at Tolkien Kennel; and a September 6, 2013, letter to Tolkien's Kennel owner Lawrence W. Knox from Assistant County Attorney Benjamin A. Thorp regarding application of the County's noise ordinance to Tolkien's Kennel, which is a non-conforming use under the County's zoning ordinance. Mr. Burkholder and Mr. Lukowsky played audio clips of barking dog noise emanating from Tolkien's Kennel they recorded from their back doors. Lyman Flinn, a resident of 1724 Betty Lane, also voiced concerns about canine noise, spoke in opposition to this item, and suggested kennels within the hearing range of residential homes should be obligated to erect sound wall barriers.

The following persons spoke in support of this item and on behalf of Larry and Christy Knox, the owners of Tolkien's Kennel: Mike Rothermel, an attorney with Spotts Fain who represents Larry and Christy Knox, William Diamond, President of the Greenaire Woods Townhome Association; Mary Ellen Colangelo, a member of the Greenaire Woods Townhome Association Board of Directors; Shannon Brooks, a resident of Greenaire Woods; Carroll Londoner, a friend of the Knoxes who boards his animals at Tolkien's Kennel; Jonas Katz, a Henrico resident and patron of Tolkien's Kennel; Joe Winn, a Goochland County resident and client and friend of the Knoxes; John Daniel, a resident of 8911 Brennan Road and an acquaintance of the Knoxes; Robert Gary, a resident of 10601 Three Chopt Road; and Frank Taylor, a resident of 2665 Chancer Drive and client of the Knoxes.

Mrs. O'Bannon noted the Board received one letter in opposition to the proposed ordinance amendment, from Lyman Flinn, and 24 letters and e-mails from the following persons in support of the proposed amendment and/or Tolkien's Kennel: Seth Rosenthal, Elisabeth Oxenham, Fielding O'Niell, Sharon Walker Stone, Mark Crean, George and Elizabeth Somerville, Chuck and Sally Bingley, Mary Ellen Colangelo, Susan

Bruce, Darren Long, Jim and Jane Hartough, Carroll Londoner, Pam and Joe Katz, Robert Gary, George Fox, Jack Chevalier, Marcia and Paul Germain, Susan Dively, Dennis Shaw, an anonymous Richmond taxpayer, Debra Hoffman, Steve Creech, and Beverly and Sid Koerin.

At Mrs. O'Bannon's request and in response to a question raised during the public hearing by Ms. Angely, Mr. Emerson commented on the zoning history of the Greenaire Woods townhome community and the building setbacks that were required for that community when it was developed. Mr. Thornton suggested the County look at its tool box and require developers in the future to preserve more trees. In response to a question from Mr. Nelson, Police Lieutenant and Animal Protection Section Supervisor Shawn Sears clarified the number and location of calls received by the Division of Police since January 1, 2003, from residents complaining about animal noise associated with Tolkien's Kennel.

Mr. Kaechele commented on the difficulty and controversy of this issue. He pointed out the Knoxes have operated Tolkien's Kennel since 1971 as a non-conforming use and the property has been used as a kennel since 1948. Mr. Kaechele further noted a special committee involving several County agencies closely studied this issue and recommended a reasonable and enforceable amendment to the noise ordinance after considering a number of options.

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved this item – see attached ordinance.

The Board recessed at 9:47 p.m. and reconvened at 9:56 p.m.

81-14

Resolution - Authorizing and Providing for the Issuance and Sale of Not to Exceed Seventy-Five Million Dollars (\$75,000,000) Aggregate Principal Amount of Water and Sewer System Revenue Bonds, of the County of Henrico, Virginia, for the Purpose of Financing the Costs of Acquisition, Construction, Reconstruction, Improvement, Extension and Enlargement of the County's Water and Sewer System.

Gene Walter, Director of Finance, responded to questions from the Board.

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

On motion of Mr. Glover, seconded by Mr. Kaechele, and by unanimous vote, the Board approved this item – see attached resolution.

PUBLIC COMMENTS

William Spencer, a resident of the Three Chopt District, shared personal reminiscences of Senator Lambert and thanked the Board for the Eastern Henrico Recreation Center.

Erica Trice-Kindell, a resident of 6900 Woodside Street in the Varina District, presented a petition requesting that a portion of Woodside Street in the Sunset Heights subdivision be fully paved and maintained at the expense of the County. She expressed concerns regarding the current condition of the road and also requested that the County fix the front and back yards of two properties in her subdivision damaged by a County trash truck. William Mitchell, a neighbor of Ms. Trice-Kindell and resident of 1389 Rockingham Street where one of the damaged properties is located, elaborated on her request and presented photographs depicting the damage to his property and the condition of Woodside Street. Mr. Vithoulkas asked Mr. Mitchell to leave his telephone number with Mr. Yob and promised to call Mr. Mitchell the following morning. Mr. Nelson also agreed to follow up on this matter.

GENERAL AGENDA

82-14 Resolution – Receipt of Operating and Capital Budget Estimates for Fiscal Year 2014-15 and Notice of Public Hearings on the Budget and Proposed Tax Rates.

Mr. Vithoulkas narrated a slide presentation titled *Introduction of the FY15 Manager's Proposed Budget*. He noted the proposed budget is balanced with a tax rate of 87 cents, is the first budget in five years that truly reflects positive economic growth, and is able to provide additional resources to the County's most pressing needs while addressing long-term structural concerns within the budget. During his presentation, Mr. Vithoulkas identified general fund cost increases and budget reductions, highlighted general fund revenues and expenses, and showed dollar and percentage changes to the County's six operating funds. He responded to a number of questions from the Board. Mr. Glover remarked it is important for Henrico citizens to recognize the County's budget is impacted tremendously by outside sources over which it has no control. Mr. Nelson reiterated that 56 percent of the County's budget and all of the meals tax revenue is targeted for schools. He expressed his expectation that the School Board will explain to the Board during the upcoming legislative budget reviews how it plans to spend the meals tax revenue.

On motion of Mr. Glover, seconded by Mr. Thornton, and by unanimous vote, the Board approved this item – see attached resolution.

83-14 Resolution - Award of Contract - C-South Generator Upgrade - Brookland District.

On motion of Mr. Glover, seconded by Mr. Nelson, and by unanimous vote, the Board approved this item – see attached resolution.

- 54-14 Resolution - Authorization of Pipeline Relocation Engineering Agreement - Colonial Pipeline Company - Cobbs Creek Regional Water Supply Reservoir - Cumberland County. **(Deferred from the February 11, 2014, meeting.)**

On motion of Mr. Glover, seconded by Mr. Thornton, and by unanimous vote, the Board approved this item – see attached resolution.

- 84-14 Resolution - Award of Construction Contract - Bacova Drive 30" Water Main - Three Chopt District.

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved this item – see attached resolution.

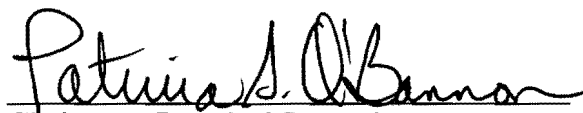
- 85-14 Resolution – Signatory Authority - Amendment to Work Management System Services Agreement - Woolpert, Inc.

On motion of Mr. Nelson, seconded by Mr. Glover, and by unanimous vote, the Board approved this item – see attached resolution.

- 86-14 Resolution – Signatory Authority – Amendments to Virginia Department of Transportation Agreements for Reimbursements for Various Federal Highway Safety Improvement Program Intersection Improvement Projects.

On motion of Mr. Glover, seconded by Mr. Nelson, and by unanimous vote, the Board approved this item – see attached resolution.

There being no further business, the meeting was adjourned at 10:56 p.m.


Chairman, Board of Supervisors
Henrico County, Virginia



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 80-14
Page No. 1 of 1

Agenda Title: **ORDINANCE – To Amend and Reordain Sec. 10-68(3) of the Code of the County of Henrico Titled "Prohibited noises enumerated" to Exempt from the Ordinance Animal Noise Emanating During Certain Hours from Commercial Kennels, Veterinarian Facilities, and the County Animal Shelter.**

For Clerk's Use Only:

Date: **MAR 11 2014**

☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thornton, E.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

After a duly advertised public hearing, the Board of Supervisors of Henrico County adopted the attached ordinance.

Comments: The County Manager recommends approval of this Board paper.

By Agency Head _____

By County Manager _____

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

BLACKLINE

ORDINANCE -To Amend and Reordain Sec. 10-68(3) of the Code of the County of Henrico Titled "Prohibited noises enumerated" to Exempt from the Ordinance Animal Noise Emanating During Certain Hours from Commercial Kennels, Veterinarian Facilities, and the County Animal Shelter.

AN ORDINANCE to amend and reordain Sec. 10-68(3) of the Code of the County of Henrico titled "Prohibited noises enumerated" to exempt from the ordinance animal noise emanating during certain hours from commercial kennels, veterinarian facilities, and the County animal shelter.

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

1. That Section 10-68(3) of the Code of the County of Henrico be amended and reordained as follows:

Sec. 10-68. Prohibited noises enumerated.

It shall be unlawful for any person to cause or pennit to be caused any of the following prohibited sounds or noises:

(3) Noisy animal/s. Allowing any animal to cause any sound or noise such that it is plainly audible

a. Inside the confines of the dwelling unit, house or apartment of another person at least once a minute for ten consecutive minutes; or

b. At 100 or more feet from the animal at least once a minute for ten consecutive minutes.

However, this prohibition shall not apply to animal sounds or noises arising between the hours of 7:00 a.m. and 11:00 p.m. on the premises of any commercial kennel, animal boarding place, small animal hospital, veterinarian hospital, or veterinarian clinic, as those terms are defined in chapter 24, or any county animal shelter.

2. That this ordinance shall be in full force and effect on and after its passage as provided by law.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 81-14
Page No. 1 of 1

Agenda Title: RESOLUTION - Authorizing and Providing for the Issuance and Sale of Not to Exceed Seventy-Five Million Dollars (\$75,000,000) Aggregate Principal Amount of Water and Sewer System Revenue Bonds, of the County of Henrico, Virginia, for the Purpose of Financing the Costs of Acquisition, Construction, Reconstruction, Improvement, Extension and Enlargement of the County's Water and Sewer System

For Clerk's Use Only:

Date: MAR 11 2014

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS

APPROVED

YES NO OTHER

Glover, K.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kacchale, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thornton, E.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

After holding a duly advertised public hearing on March 11, 2014, the Board of Supervisors approved the attached resolution.

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

By Agency Head

Eugene Watter

By County Manager

[Signature]

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

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

RESOLUTION-Authorizing and Providing for the Issuance and Sale of Not to Exceed Seventy-Five Million Dollars (\$75,000,000) Aggregate Principal Amount of Water and Sewer System Revenue Bonds, of the County of Henrico, Virginia, for the Purpose of Financing the Costs of Acquisition, Construction, Reconstruction, Improvement, Extension and Enlargement of the County's Water and Sewer System

ADOPTED MARCH 11, 2014

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
SECTION 1. Definitions	1
SECTION 2. Authorization of Issuance of Bonds.	2
SECTION 3. Book-Entry Only System; Appointment of Principal Paying Agent and Registrar; Payment of Bonds; Books of Registry; Exchanges and Transfers of Bonds.....	3
SECTION 4. Redemption of Bonds	5
SECTION 5. Execution and Authentication of Bonds; CUSIP Identification Numbers.....	6
SECTION 6. Covenant as to Compliance with 1986 Code.....	7
SECTION 7. Sources of Payment of Bonds.....	7
SECTION 8. Form of Bonds	7
SECTION 9. Sale of the Bonds	7
SECTION 10. Application of Proceeds of the Bonds	8
SECTION 11. Debt Service Payments	9
SECTION 12. Supplemental Resolution Is a “Supplemental Resolution” under the Resolution; Bonds Are “Bonds” and “Additional Bonds” under the Resolution	9
SECTION 13. Filing of this Supplemental Resolution with Circuit Court.....	10
SECTION 14. Effect of Article and Section Headings and Table of Contents.....	10
SECTION 15. Effectiveness of this Supplemental Resolution	10
 EXHIBIT A Form of Bonds	 A-1

COUNTY OF HENRICO, VIRGINIA,
SUPPLEMENTAL RESOLUTION

RESOLUTION-Authorizing and Providing for the Issuance and Sale of Not to Exceed Seventy-Five Million Dollars (\$75,000,000) Aggregate Principal Amount of Water and Sewer System Revenue Bonds, of the County of Henrico, Virginia, for the Purpose of Financing the Costs of Acquisition, Construction, Reconstruction, Improvement, Extension and Enlargement of the County's Water and Sewer System

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 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 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

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:

"Bonds" shall mean the Bonds authorized by this Supplemental Resolution and issued under the Resolution and this Supplemental Resolution at any time Outstanding, which Bonds shall have the series designation determined by the County Manager or any Deputy County Manager and the Director of Finance in accordance with the provisions of Section 2(a) hereof

"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 Bonds.

"Preliminary Official Statement" shall mean the Preliminary Official Statement of the County relating to the Bonds.

"Supplemental Resolution" shall mean this Supplemental Resolution.

Unless the context shall clearly indicate otherwise or otherwise require, (i) all references in this 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 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 Supplemental Resolution to a particular section of this Supplemental Resolution shall be only to the section of that number of this Supplemental Resolution.

Whenever used in this Supplemental Resolution, the words "herein", "hereinbefore", "hereinafter", "hereof", "hereunder" and other words of similar import, refer to this Supplemental Resolution only and to this 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 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 Supplemental Resolution, a series of Bonds in the aggregate principal amount of not to exceed \$75,000,000, to be designated as "County of Henrico, Virginia, Water

and Sewer System Revenue Bonds". The Bonds shall have such series designation as shall be determined by the County Manager or any Deputy County Manager and the Director of Finance.

(b) (i) The 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 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.

(ii) The Bonds, if any, in term form, as determined by the County Manager or any Deputy County Manager and the Director of Finance (the "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 Bond or Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption, the principal amount of such 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 Bonds; Books of Registry; Exchanges and Transfers of Bonds.

(a) (i) The 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 Bonds, and immobilized in the custody of DTC. One fully registered Bond for the principal amount of each maturity shall be registered to Cede & Co. Beneficial owners of Bonds shall not receive physical delivery of Bonds. Individual purchases of 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 Bonds shall be made by wire transfer to DTC or its nominee as registered owner of such Bonds on the applicable payment date, notwithstanding the provisions of Section 3(d) hereof.

(ii) 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 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 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.

(iii) Transfers of ownership interests in the Bonds shall be made by DTC and its Participants, acting as nominees of the beneficial owners of the 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 Bonds shall act in accordance with such rules or on a timely basis.

(b) Replacement Bonds (the "Replacement Bonds") shall be issued directly to beneficial owners of 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 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 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 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 Bonds by mailing an appropriate notice to DTC, the County shall execute and deliver Replacement Bonds substantially in the form set forth in Section 8 hereof to any Participants making a request for such Replacement Bonds. The County shall be entitled to rely on the records provided by DTC as to the Participants entitled to receive Replacement Bonds. Principal of and interest on the Replacement Bonds shall be payable as provided in subsection (d) of this Section 3 hereof, and such Replacement Bonds will be transferable and exchangeable in accordance with subsection (e) of this Section 3.

(c) Appointment of Principal Paying Agent and Registrar. The County Manager or any Deputy County Manager and the Director of Finance are hereby authorized to appoint a Paying Agent and Registrar for the Bonds (herein referred to as the "Paying Agent" or "Principal Paying Agent" or "Registrar" or "Paying Agent and Registrar").

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

(ii) The principal of the Bonds shall be payable at the designated corporate trust office of the Paying Agent and Registrar.

(iii) The principal of and interest on the 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 Bonds. (i) At all times during which any Bond remains Outstanding and unpaid, the Paying Agent and Registrar shall keep or cause to be kept at its designated corporate trust office, books of registry for the registration, exchange and transfer of the 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 or transfer, or cause to be registered, exchanged or transferred, on the books of registry the Bonds as herein set forth.

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

(iii) Any Bond may, in accordance with its terms, be transferred upon the books of registry by the registered owner thereof, in person or by the duly authorized agent of such registered owner, upon surrender of such Bond to the Paying Agent and Registrar for cancellation, accompanied by a written instrument of transfer duly executed by the registered owner thereof or the duly authorized agent of such registered owner, 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 registered owner of such Bonds, except as otherwise herein provided, and except that the Paying Agent and Registrar shall require the payment by the registered owner of the 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 Bonds surrendered pursuant to this Section 3(e) shall be cancelled.

SECTION 4. Redemption of Bonds. (a) Optional Redemption. The 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 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 Bonds of a particular maturity are called for redemption, the particular 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 and not more than forty-five (45) days prior to the date fixed for redemption by first class mail, postage prepaid, to the registered owner of the Bonds to be redeemed at such address as it appears on the books of registry kept by the Paying Agent and Registrar for the 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 Bonds to be redeemed, the date and place fixed for their redemption, and if less than the entire principal amount of any Bond is to be redeemed, that such 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 thereof not redeemed, and shall also state that upon the date fixed for redemption there shall become due and payable upon each 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 Bonds shall have been given as hereinabove set forth, such 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 Bonds so called for redemption shall cease to accrue from and after the date so specified for their redemption. All redeemed Bonds shall be cancelled and not reissued.

SECTION 5. Execution and Authentication of Bonds; CUSIP Identification Numbers. (a) Execution of Bonds. The 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 Bonds.

(b) Authentication of Bonds. The County Manager or any Deputy County Manager and the Director of Finance shall direct the Paying Agent and Registrar to authenticate the Bonds and no 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 signator of the Paying Agent and Registrar. Upon the authentication of any Bond, the Paying Agent and Registrar shall insert in the certificate of authentication the date as of which such Bond is authenticated. The execution and authentication of the Bonds in the manner above set forth is adopted as a due and sufficient authentication of the Bonds.

(c) CUSIP Identification Numbers. CUSIP identification numbers may be printed on the Bonds, but neither the failure to print any such number on any Bonds, nor any error or omission with respect thereto, shall constitute cause for failure or refusal by the successful bidder for the Bonds to accept delivery of and pay for the Bonds in accordance with the terms of its proposal to purchase the Bonds. No such number shall constitute or be deemed to be a part of any 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. The County hereby covenants to comply with the provisions of Sections 103 and 141 through 150 of the 1986 Code and the applicable Treasury Regulations promulgated thereunder, applicable to the Bonds throughout the term of the Bonds.

SECTION 7. Sources of Payment of Bonds. The principal of and interest on the 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 Bonds. The 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 Supplemental Resolution.

SECTION 9. Sale of the Bonds. (a) The Bonds shall be sold in one or more series in accordance with the provisions of Section 2 at competitive or negotiated sale at not less than one hundred percent (100%) of the principal amount thereof and on such other terms and conditions as are provided in the Notice of Sale thereof or in the Purchase Contract or Bond Purchase Agreement relating thereto.

(b) If the Bonds are sold at competitive sale, they may be sold contemporaneously with other bonds of the County under a combined Official Notice of Sale. If the Bonds are sold at competitive sale, the County Manager or any Deputy County Manager and the Director of Finance are hereby authorized to cause to be published and distributed, via electronic dissemination or otherwise, an Official Notice of Sale of the Bonds in such form and containing such terms and conditions as the County Manager or any Deputy County Manager and the Director of Finance may deem advisable, subject to the provisions hereof

(c) Upon the determination by the County Manager or any Deputy County Manager and the Director of Finance to sell the Bonds at competitive or negotiated sale, the County Manager or any Deputy County Manager and the Director of Finance are hereby authorized, without further notice to or action by the Board of Supervisors, to determine the rates of interest the Bonds shall bear; *provided that:*

(i) in no event shall the true interest cost for the Bonds exceed five percent (5%); and

(ii) in no event shall the premium payable by the County upon the redemption of the Bonds exceed two percent (2%) of the principal amount thereof

(d) If the Bonds are sold at negotiated sale, the County Manager or any Deputy County Manager and the Director of Finance are hereby authorized, without further notice to or action by the Board of Supervisors, to select the underwriters for the Bonds (the "Underwriters") and to execute and deliver to the Underwriters a Purchase Contract or Bond Purchase Agreement relating to the Bonds.

(e) The County Manager or any Deputy County Manager and the Director of Finance are hereby authorized to cause to be prepared and distributed, via electronic dissemination or otherwise, a Preliminary Official Statement and a final Official Statement relating to the Bonds. The County Manager or any Deputy County Manager and the Director of Finance are hereby further authorized to certify that the Preliminary Official Statement for the Bonds of each series authorized hereunder is "deemed final" for purposes of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934. The County Manager or any Deputy County Manager and the Director of Finance are hereby authorized to execute and deliver the final Official Statement for the Bonds of each series authorized hereunder, and the County Manager or any Deputy County Manager, the Director of Finance and the County Attorney are hereby authorized to execute and deliver to the purchasers of the Bonds of each series certificates in the forms provided for in the Official Statement for the Bonds of such series.

(f) The Director of Finance is hereby further authorized to execute and deliver to the purchasers of the Bonds of each series authorized hereunder a Continuing Disclosure Certificate or a Continuing Disclosure Agreement evidencing the County's undertaking to comply with the continuing disclosure requirements of Paragraph (b)(5) of such Rule 15c2-12 to the extent applicable to the Bonds, such Continuing Disclosure Certificate or Continuing Disclosure Agreement to be in such form as shall be approved by the Director of Finance upon the advice of counsel (including the County Attorney or Bond Counsel to the County), such approval to be conclusively evidenced by the execution of such Continuing Disclosure Certificate or Continuing Disclosure Agreement by the Director of Finance.

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

(i) 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;

(ii) 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 Bonds are being issued; and

(iii) the balance of the proceeds of the 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 Bonds.

SECTION 11. Debt Service Payments. (a) For the purpose of providing for the payment of the interest on the Bonds, not later than the first interest payment date for the 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 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 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 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 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 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 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 Bonds issued as Serial Bonds then falling due.

(c) For the purpose of providing moneys to retire the Term Bonds issued, if any, not later than May 1 in the year of the first redemption date of Term Bonds, and on and before May 1 in each year thereafter, so long as any Term Bonds are Outstanding, there shall be credited to the Sinking Fund Account for the purpose of retiring the 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 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 Term Bonds in the principal amounts determined in accordance with Section 2 hereof

SECTION 12. Supplemental Resolution Is a "Supplemental Resolution" under the Resolution; Bonds Are "Bonds" and "Additional Bonds" under the Resolution. (a) This Supplemental Resolution is adopted pursuant to Section 18A of the Resolution. This 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) (i) The 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 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.

(ii) 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. Filing of this Supplemental Resolution with Circuit Court. The County Attorney be and hereby is authorized and directed to file a copy of this 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 14. 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 Supplemental Resolution.

SECTION 15. Effectiveness of this Supplemental Resolution. This Supplemental Resolution shall be effective from and after the adoption hereof by the Board; *provided* that in the event any Bonds authorized for issuance under this Supplemental Resolution shall not have been issued and delivered on or before June 30, 2014, this Supplemental Resolution shall thereafter be void and the authorization herein shall terminate and be of no further force and effect.

(FORM OF BOND)
UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO
WATER AND SEWER SYSTEM REVENUE BOND,
SERIES _____

REGISTERED

No. R-__

REGISTERED

\$ _____

INTEREST RATE:

%

MATURITY DATE:

MAV 1, ____

DATE OF BOND:

CUSIP NO.:

REGISTERED OWNER: 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 Owner (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 Owner 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 Owner 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 designated corporate trust office of _____, as Paying Agent and Registrar, in the City of _____. 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 _____, 2014, entitled "RESOLUTION-Authorizing and Providing for the Issuance and Sale of Not to Exceed Seventy-Five Million Dollars (\$75,000,000) Aggregate Principal Amount of Water and Sewer System Revenue Bonds, of the County of Henrico, Virginia, for the Purpose of Financing the Costs of Acquisition, Construction, Reconstruction, Improvement, Extension and Enlargement of the County's Water and Sewer System" (such resolutions being herein referred to collectively as the "Resolution") for the purpose of refunding certain outstanding Water and Sewer System Revenue Bonds of 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 Owner 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 owner of any Bond and upon which it may be amended only with the consent of the owners 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 owner of each Bond affected thereby, the rights and remedies of the owner 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 Owner of this Bond at the address of such Registered Owner 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 designated 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 Owner hereof, in person or by the agent of such Registered Owner duly authorized in writing, at the designated 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 signator 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.

as Registrar and Paying Agent

By: _____
Authorized Signature

Date of Authentication: _____, _____

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

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 82-14
Page No. 1 of 2

Agenda Title **RESOLUTION – Receipt of Operating and Capital Budget Estimates for Fiscal Year 2014-15 and Notice of Public Hearings on the Budget and Proposed Tax Rates**

<p>For Clerk's Use Only:</p> <p>MAR 11 2014</p> <p>Date _____</p> <p><input checked="" 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) <u>C. Jones</u> Seconded by (1) <u>J. Thornton</u></p> <p>(2) _____ (2) _____</p> <p>REMARKS: APPROVED</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>Glover, R.</td><td style="text-align: center;"><input checked="" type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr><tr><td>Kaechele, D.</td><td style="text-align: center;"><input checked="" type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr><tr><td>Nelson, T.</td><td style="text-align: center;"><input checked="" type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr><tr><td>O'Bannon, P.</td><td style="text-align: center;"><input checked="" type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr><tr><td>Thornton, F.</td><td style="text-align: center;"><input checked="" type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr></tbody></table>		YES	NO	OTHER	Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
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O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							

WHEREAS, the County Manager has assembled his estimates of the resources and expenditures anticipated to be available or required during fiscal year 2014-15, for the operating and capital budgets from requests received from all County offices, divisions, boards, and departments, including the Department of Education; and,

WHEREAS, state law requires the advertisement and holding of a public hearing and the approval of an Annual Fiscal Plan for the County, and,

WHEREAS, the Board desires to advertise proposed tax rates and levies for calendar year 2014 and hold a public hearing thereon.

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

- (1) The Board hereby receives the County Manager's estimates of resources and expenditures anticipated to be available or required during fiscal year 2014-15, for the operating and capital budgets; and,
- (2) The Board hereby directs its Clerk to advertise in the **Richmond Times-Dispatch** on Sunday, March 23, 2014:
 - (a) A synopsis of the operating and capital budgets and a public hearing thereon to be held on Tuesday, April 8, 2014, at 6:00 p.m., in the Board Room at the Government Center, Hungary Spring and East Parham Roads, Henrico County, Virginia; and,

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. 82-14
Page No. 2 of 2

Agenda Title **RESOLUTION – Receipt of Operating and Capital Budget Estimates for Fiscal Year 2014-15 and Notice of Public Hearings on the Budget and Proposed Tax Rates**

- (b) Proposed tax rates and levies for calendar year 2014 and a public hearing thereon to be held on Tuesday, April 22, 2014, at 7:00 p.m., in the Board Room at the Government Center, Hungary Spring and East Parham Roads, Henrico County, Virginia.
- (3) The Board hereby directs its Clerk to post on or before Sunday, March 23, 2014, in a prominent public location at which notices are regularly posted at both the Eastern and Western Government Centers:
 - (a) A synopsis of the operating and capital budgets and notice of a public hearing thereon to be held on Tuesday, April 8, 2014, at 6:00 p.m. in the Board Room at the Government Center, Hungary Spring and East Parham Roads, Henrico County, Virginia; and,
 - (b) A notice of proposed tax rates and levies for calendar year 2014 and a public hearing thereon to be held on Tuesday, April 22, 2014, at 7:00 p.m. in the Board Room at the Government Center, Hungary Spring and East Parham Roads, Henrico County, Virginia.

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



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 8314
Page No. 1 of 2

Agenda Title: RESOLUTION — Award of Contract — C-South Generator Upgrade — Brookland District

For Clerk's Use Only: Date: MAR 11 2014 <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:	BOARD OF SUPERVISORS ACTION Moved by (1) <u>Clover</u> Seconded by (1) <u>Nelson</u> (2) _____ (2) _____ REMARKS: APPROVED		YES NO OTHER Glover, R. <input checked="" type="checkbox"/> _____ Kaechele, D. <input checked="" type="checkbox"/> _____ Nelson, T. <input checked="" type="checkbox"/> _____ O'Bannon, P. <input checked="" type="checkbox"/> _____ Thornton, F. <input checked="" type="checkbox"/> _____
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WHEREAS, the County received four bids on January 22, 2014 in response to IFB# 13-9525-12JK and Addenda Nos. 1, 2 and 3 for the C-South Generator Upgrade project at the Western Government Center as follows:

<u>Bidders</u>	<u>Bid Amount</u>
Master Electrical Services, LLC Richmond, VA	\$767,425
Electrical Controls & Maintenance, Inc. Mechanicsville, VA	\$816,950
Pyramid Electrical Contractors, LLC N. Chesterfield, VA	\$905,000
Davis & Green, Inc. Richmond, VA	\$919,100

WHEREAS, after review and evaluation of all bids received, it was determined that Master Electrical Services, LLC is the lowest responsive and responsible bidder with a bid in the amount of \$767,425; and

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

By Agency Head John H. Nelson By County Manager [Signature]

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

83-14

**Agenda Title: RESOLUTION — Award of Construction Contract — C-South
Generator Upgrade — Brookland District**

1. A contract to furnish all labor, materials, supplies, equipment, and services necessary for the C-South Generator Upgrade is awarded to Master Electrical Services, LLC, the lowest responsive and responsible bidder, in the amount of \$767,425, pursuant to IFB# 13-9525-12JK, Addenda Nos. 1, 2 and 3, and the bid submitted by Master Electrical Services, LLC.
2. The County Manager is authorized to execute the contract in a form approved by the County Attorney.
3. The County Manager, or the Purchasing Director as his designee, is authorized to execute change orders within the scope of the project budget not to exceed 15% of the original contract amount.

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



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 54-14
Page No. 1 of 1

Agenda Title: RESOLUTION — Authorization of Pipeline Relocation Engineering Agreement
— Colonial Pipeline Company — Cobbs Creek Regional Water Supply Reservoir —
Cumberland County

For Clerk's Use Only:

MAR 11 2014

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS

APPROVED

YES NO OTHER

Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

WHEREAS, the Colonial Pipeline Company has prepared a pipeline relocation engineering agreement for all engineering and design services necessary to relocate and replace the portion of its petroleum pipelines between Cedar Plains Road and Columbia Road in Cumberland County; and,

WHEREAS, approximately 2.6 miles of 32-inch and 36-inch high pressure petroleum pipelines must be relocated from the proposed reservoir pool area at an estimated design cost of \$3,157,000; and,

WHEREAS, funding to support the Agreement will be provided by the Water and Sewer Enterprise Fund.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the County Manager is authorized to execute the pipeline relocation design agreement with Colonial Pipeline Company in a form approved by the County Attorney to provide engineering and design services for relocation of the existing petroleum pipelines at an estimated cost of \$3,157,000.

Comment: The Director of Public Utilities and the Purchasing Director recommend approval of this resolution, and the County Manager concurs.

By Agency Head

Arthur D. Petrin

By County Manager

[Signature]

Routing:

Yellow to: _____

Certified:

A Copy Tests: _____

Copy to: _____

Clerk, Board of Supervisors

Date: _____



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 84-14
Page No. 1 of 2

Agenda Title: **RESOLUTION — Award of Construction Contract — Bacova Drive 30" Water Main — Three Chopt District**

For Clerk's Use Only:

MAR 11 2014

Date:

- ☒ Approved
☐ Denied
☐ Amended
☐ Defended to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Kaechele Seconded by (1) Climer
(2) (2)

REMARKS:

APPROVED

YES NO OTHER

Glover, R. ☒ ☐ ☐
Kaechele, D. ☒ ☐ ☐
Nelson, T. ☒ ☐ ☐
O'Bannon, P. ☒ ☐ ☐
Thornton, F. ☒ ☐ ☐

WHEREAS, six bids were received on February 6, 2014 in response to Invitation for Bid No. 13-9527-12CE and Addenda Nos. 1 and 2 for the Bacova Drive 30" Water Main project in the Three Chopt District; and,

WHEREAS, the project includes providing 2,600 feet of 30-inch diameter water piping along Bacova Drive from Pouncey Tract Road to the future Bacova Water Pumping Station to be located adjacent to Colonial Trail Elementary School; and

WHEREAS, the bids were as follows:

<u>Bidders</u>	<u>Bid Amounts</u>
Lyttle Utilities, Inc.	\$ 1,009,000.00
Perkinson Construction, LLC	\$ 1,031,457.00
G.L. Howard, Inc.	\$ 1,128,800.00
Walter C. Via Enterprises, Inc.	\$ 1,268,226.40
Valley Industrial Piping, Inc.	\$ 1,618,505.00
Kelvic Construction Company, Inc.	\$ 1,633,778.00

WHEREAS, after a review and evaluation of all bids received, it was determined that Lyttle Utilities, Inc. is the lowest responsive and responsible bidder with a bid of \$ 1,009,000.

By Agency Head

Arthur O. Petrenko

By County Manager

[Signature]

Routing:

Yellow to: _____

Copy to: _____

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Clerk, Board of Supervisors

Date: _____

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

Agenda Item No. **84-14**

Page No. 2 of 2

Agenda Title: **RESOLUTION — Award of Construction Contract — Bacova Drive 30" Water
Main — Three Chopt District**

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

1. The contract is awarded to Lyttle Utilities, Inc., the lowest responsive and responsible bidder, in the amount of \$1,009,000.00 pursuant to Invitation for Bid No. 13-9527-12CE, Addenda Nos. 1 and 2, and the bid submitted by Lyttle Utilities, Inc.
2. The County Manager is authorized to execute the contract in a form approved by the County Attorney.
3. The County Manager, or the Purchasing Director as his designee, is authorized to execute change orders within the scope of the project budget not to exceed 15% of the original contract amount.

Comment: Funding to support the contract will be provided by the Water and Sewer Enterprise Fund. The Director of Public Utilities and the Purchasing Director recommend approval of this Board paper, and the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 85-14
Page No. 1

Agenda Title: Resolution – Signatory Authority - Amendment to Work Management System Services Agreement – Woolpert, Inc.

For Clerk's Use Only: Date: MAR 11 2011 (<input checked="" type="checkbox"/>) Approved () Denied () Amended () Deferred to:	BOARD OF SUPERVISORS ACTION Moved by (1) <u>Nelson</u> Seconded by (1) <u>Clover</u> (2) _____ (2) _____ REMARKS: APPROVED	YES NO OTHER Nelson, T. <input checked="" type="checkbox"/> _____ Glover, R. <input checked="" type="checkbox"/> _____ Kaechele, D. <input checked="" type="checkbox"/> _____ O'Bannon, P. <input checked="" type="checkbox"/> _____ Thornton, F. <input checked="" type="checkbox"/> _____
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WHEREAS, on April 14, 2011, the Board of Supervisors approved an agreement in the amount of \$1,466,000 with Woolpert, Inc. for nonprofessional services to provide software and implementation of a work management system; and,

WHEREAS, the Department of Public Utilities (DPU) and Woolpert, Inc. have negotiated an amendment to the agreement in the amount of \$282,312 to modify DPU's existing asset data in CIS to more effectively work with the new work management system, and to provide additional reports and training to successfully implement and operate this new system.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the County Manager is authorized to execute an amendment to the agreement with Woolpert, Inc. in the amount of \$282,312, for a new total contract amount of \$1,748,312.

Comments: The Director of Public Utilities and the Purchasing Director recommend approval, and the County Manager concurs.

By Agency Head [Signature]

By County Manager [Signature]

Routing:

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A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 86-14
Page No. 1 of 2

Agenda Title: RESOLUTION – Signatory Authority – Amendments to Virginia Department of Transportation Agreements for Reimbursements for Various Federal Highway Safety Improvement Program Intersection Improvement Projects

For Clerk's Use Only:

Date: MAR 11 2014

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

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

Glover, R. ☒ ☐ ☐
Kacchele, D. ☒ ☐ ☐
Nelson, T. ☒ ☐ ☐
O'Bannon, P. ☒ ☐ ☐
Thornton, F. ☒ ☐ ☐

WHEREAS, on June 27, 2011 and on May 29, 2012 the County entered into two separate agreements with the Virginia Department of Transportation ("VDOT"), both titled "Standard Project Administration Agreement Federal-aid Projects" (the "Agreements"); and,

WHEREAS, under the Agreements, VDOT is required to reimburse the County for the cost of six intersection improvement projects; and,

WHEREAS, the Department of Public Works and VDOT wish to amend the Agreements to increase the reimbursements available to the County as follows:

Project Intersection (District/s)	County Project Number	VDOT UPC	Current Maximum Allowable Reimbursements	Proposed New Maximum Allowable Reimbursements
Parham / Three Chopt (Tuckahoe/Three Chopt)	06712	98561	\$152,400	\$665,678
Laburnum / Darbytown (Varina)	06711	98562	\$312,550	\$505,190
Parham / Woodman (Brookland/Fairfield)	06708	98563	\$85,000	\$136,289
Parham / Shrader (Brookland)	06709	98564	\$429,148	\$683,780
Parham / Ackley (Brookland/Fairfield)	06710	98565	\$142,610	\$176,051
Parham / Villa Park (Fairfield)	06685	100561	\$358,000	\$598,760
Total			\$1,479,708	\$2,765,748

By Agency Head mil A 1

By County Manager [Signature]

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Clerk, Board of Supervisors

Date: _____

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

Agenda Item No.
Page no. 2 of 2

86-14

Agenda Title: RESOLUTION – Signatory Authority – Amendments to Virginia Department of Transportation Agreements for Reimbursements for Various Federal Highway Safety Improvement Program Intersection Improvement Projects

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that it approves the amendments to the Agreements and authorizes the County Manager to execute the amended Agreements to increase the reimbursements available to the County for the six intersection improvement projects, in a form approved by the County Attorney.

COMMENTS: VDOT reimbursements will cover 100% of the project costs and will be provided from Federal Highway Safety Improvement Program Funds. The Director of Public Works recommends approval of this Board paper, and the County Manager concurs.