

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
REGULAR MEETING
May 12, 2009

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, May 12, 2009 at 7:00 p.m. in the Board Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia.

Members of the Board Present:

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

Other Officials Present:

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

Mr. Kaechele called the meeting to order at 7:07 p.m. and led recitation of the Pledge of Allegiance.

Rev. Travis Branch, Gospel Jail Ministries, delivered the invocation.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, the Board approved the minutes of the April 28, 2009 Regular and Special Meetings.

The vote of the Board was as follows:

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

No: None

MANAGER'S COMMENTS

The Henrico County Attorney's Office, directed by Joseph P. Rapisarda, Jr., proudly participated in the 3rd Annual Statewide Legal Food Frenzy held March 30 – April 10, 2009. The Legal Food Frenzy was started in 2007 by former Attorney General Bob McDonnell, the Young Lawyers Division of the Virginia Bar Association, and the Federation of Virginia Food Banks. This friendly competition among the legal community encourages all law firms and law offices throughout Virginia to raise food and funds for food banks during a traditionally slow period for donations. Karen W. Grizzard, Business Supervisor for the County Attorney's Office, attended the kick-off luncheon on March 26, where Attorney General Bill Mims gave the keynote address. On April 10, Mrs. Grizzard delivered 2,168 pounds of food to the Central Virginia Foodbank. The 72 participating law firms and agencies in Central Virginia exceeded last year's contributions by over 28 percent, raising 836,221 pounds and contributing over 50 percent of the 1,652,732 pounds collected across the Commonwealth.

Mr. Hazelett recognized William R. Janis from the Virginia House of Delegates' 56th District, who presented a copy of House Joint Resolution No. 943 to Michael L. Wade, Henrico County's Sheriff. The following members of Sheriff Wade's staff joined him in accepting the resolution: Merle H. Bruce Jr., Undersheriff; Carlos V. Talley, Chief Deputy; and Capts. Patricia A. Moore and James M. Harper. The resolution commends and congratulates the sheriffs of the Commonwealth of Virginia on the occasion of the 375th anniversary of the founding of the office of sheriff. Henrico Shire (now Henrico County), was one of the eight original shires created by the Virginia House of Burgesses in 1634. The principal officer charged with administering the shires was the "shire reeve" or "sheriff."

BOARD OF SUPERVISORS' COMMENTS

Mr. Kaechele recognized Mason and Jake Davenport from Boy Scout Troop 747, sponsored by Gayton Baptist Church, who were observing the meeting to fulfill a requirement for the Citizenship in the Community Merit Badge.

RECOGNITION OF NEWS MEDIA

No media representatives were present.

PRESENTATIONS

Mrs. O'Bannon presented a proclamation recognizing May 16 – 22, 2009 as Safe Boating Week. Accepting the proclamation from Flotilla 31 of the United States Coast Guard Auxiliary's Fifth District Southern Region were Evelyn Koon, Vice Commander, and Shirley Callahan, Staff Officer for Public Affairs. Joining them from Flotilla 31 were Mike Callahan, Staff Officer for Operations, and Thomas Jordon, Flotilla member. Joining them from the Henrico County Division of Police were Col. Henry W. Stanley, Jr., Chief; Capt. Humberto I. Cardounel I. Jr., Commanding Officer for Special Operations/Homeland Security; and Officers Christian W. Gillikin and Dewayne L. Wilson. Joining them from the County's Division of Fire were Edwin

W. Smith, Chief; R. Wayne Baber, Assistant Chief of Operations; Capt. Henry Rosenbaum from Station 17; and Capt. Daniel Schwartz from Station 2.

Mr. Glover presented a proclamation recognizing May 17 - 23, 2009 as Insurance Professionals Appreciation Week. Accepting the proclamation was Annette Lynn Ardler, President of Insurance Women of Richmond, Virginia (IWOR). Joining her from the IWOR Board were Sharon K. Needham, Second Vice President, and Stephanie R. Horacek, Safety Committee Chair.

Mr. Kaechele presented a proclamation recognizing May 2009 as Mental Health Month. Accepting the proclamation were Michael A. O'Connor, Executive Director of Henrico Area Mental Health and Retardation Services (MH/MR), and Raymond C. Gudum, Chair of the MH/MR Community Services Board. Joining them from the MH/MR staff were Laura S. Totty, Director of Clinical and Prevention Services, and Stacy L. Hamilton, Manager of Substance Abuse Services. Joining them from the MH/MR Community Services Board were Karen W. Grizzard, Vice Chairman and Member-at-Large, and Joyce A. Hann, Brookland District Representative.

Mr. Thornton presented a proclamation recognizing May 2009 as Older Americans Month. Accepting the proclamation were Dr. Thelma Bland Watson, Executive Director of Senior Connections, The Capital Area Agency on Aging, and Gloria B. Johnson, Henrico County's appointed representative on the Senior Connections Board of Directors. Joining them from the agency's staff were Marian M. Dolliver, Caregiver Support Services Manager, and Frederick R. Geiger, Education and Corporate Affairs Manager.

PUBLIC HEARINGS - REZONING CASES AND PROVISIONAL PERMITS

102-09 Brook Run Somerset LLC: Request to amend proffered conditions accepted with
C-5C-09 Rezoning Case C-33C-04, on Parcels 784-749-1627 and 784-748-0982, located
Fairfield on the west line of Brook Road (U.S. Route 1), approximately 875 feet south of
 its intersection with Hilliard Road (State Route 161). The applicant proposes to
 amend Proffer 2 related to age restrictions to reduce the minimum age restriction
 from 62 to 55 and amend Proffer 3 related to enforcement of age restrictions.
 The total number of units would remain the same. The existing zoning is R-5C
 General Residence District (Conditional). The Land Use Plan recommends
 Commercial Concentration and Environmental Protection Area. The site is in the
 Enterprise Zone. The Planning Commission voted to recommend the Board of
 Supervisors **grant** the request.

On motion of Mr. Thornton, seconded by Mr. Glover, the Board deferred this item to the June 9, 2009 meeting.

The vote of the Board was as follows:

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

No: None

122-09
P-20-08
Tuckahoe

New Cingular Wireless PCS, LLC: Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to construct a 102' high internal array style monopole telecommunications tower and related equipment, on part of Parcel 732-749-5405, located on the east line of Gayton Road approximately 1,325 feet north of its intersection with Cambridge Drive. The existing zoning is B-1 Business District. The Land Use Plan recommends Commercial Concentration. The Planning Commission voted to recommend the Board of Supervisors grant the request.

Joe Emerson, Director of Planning, responded to a question from the Board regarding an updated exhibit addressing a landscaping plan for the site.

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

Mrs. O'Bannon commented on the future need to locate towers in close proximity to residential neighborhoods. Gloria Freye, an attorney for McGuire Woods representing the applicant, provided background on the case at Mrs. O'Bannon's request. She spoke to changes made to the case after it was filed and challenges faced by the applicant in finding a location and design that is acceptable to the community. Mrs. Freye noted that the case as presented addressed concerns that had been raised by the neighbors and also met the County's siting policies.

In pointing out how the applicant had worked with citizens on pole design, Mrs. O'Bannon mentioned that this issue had given her a chance to learn about some of the problems citizens have who live close to proposed cellular tower sites. In response to a further question from the Board, Ms. Freye stated that the applicant could accommodate one other carrier on this site.

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 122-09(P-20-08) subject to the following conditions:

1. If the use of the tower for communication purposes is discontinued for 180 days, the tower and all related structures shall be removed from the site within ninety (90) days. Within ten (10) business days after written request by the County, the owner of the tower shall provide the County with written confirmation of the status of the tower, the number of and identity of users on the tower, available co-location space on the tower and such additional information as may be reasonably requested.

2. Application for a building permit to install the tower must be made within one year after the Provisional Use Permit is granted by the Board of Supervisors, unless an extension of time is granted by the Director of Planning upon a written request by the applicant.
3. The applicant shall obtain approval from the Planning Commission should the FAA require the addition of standard obstruction marking and lighting (i.e. red lighting and orange and white striping) to the tower. Any proposed changes to the original galvanized finish of the tower shall be submitted to the Director of Planning for approval.
4. When site construction is initiated as a result of this Provisional Use Permit, the applicant shall complete requirements prescribed by Chapter 10 of the Henrico County Code. Land disturbance of more than 2,500 square feet shall require that construction plans shall include a detailed drainage and erosion control plan prepared by a professional engineer, *certified in the State of Virginia*. *Ten (10) sets of the construction plans shall be submitted to the Department of Public Works for approval.*
5. The applicant shall allow the co-location of at least one (1) and as many additional users as technically possible at this site in accordance with the provisions of the Letter of Intent to Permit Co-Location on Communications Tower, filed by the applicant with this request.
6. If ownership of the lease is transferred to another provider, the applicant shall submit a Transfer of Provisional Use Permit.
7. The height of the tower shall not exceed 102 feet.
8. This permit applies only to the 1,000 square foot lease area on the property.
9. A landscaping plan for the identified Gayton Road frontage (Exhibit B), *(see case file) and equipment enclosure area shall be submitted to the Planning Department for approval prior to the issuance of a building permit for the tower. The landscaping as shown in such landscaping plan shall be maintained by the applicant in accordance with a Maintenance Agreement between AT&T and the applicant dated March 19, 2009.*
10. Prior to the co-location of any carrier's antennas or addition of equipment lease space, a revised site plan and equipment placement details shall be submitted to the Planning Department for approval.
11. In order to reduce the tower's visual profile, all carriers' antennae and cables located on the monopole shall be concealed within the tower's cylindrical structure.

12. The 20' x 50' equipment compound and lease area shall be screened by an 8' high, unpainted masonry wall as shown on Exhibit A (see case file) and shall match the darker gray brick color of the existing refuse compound enclosure.
13. Unless dead or diseased, the existing tree buffers outside the identified Limits of Disturbance, as shown on the site plan (Exhibit A), (see case file) shall be preserved and shall not be pruned to reduce their height.

The vote of the Board was as follows:

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

No: None

123-09
C-7C-09
Tuckahoe

McDonald's Corporation: Request to conditionally rezone from B-1 Business District to B-2C Business District (Conditional), part of Parcel 753-747-8509, containing approximately 1.037 acres, located on the west line of N. Parham Road, approximately 230 feet north of Starling Drive. The applicant proposes to redesign and reconstruct the existing restaurant (McDonald's) with drive through service. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Commercial Concentration. The Planning Commission voted to recommend the Board of Supervisors grant the request.

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

Mrs. O'Bannon commented that the McDonald's on this site gets a lot of use, that McDonald's Corporation has been a good neighbor, and that the applicant's proposal would be a really good redo of this site.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 123-09(C-7C-09) subject to the following proffered conditions:

1. **Landscaped Areas.** Natural and/or landscaped areas shall be provided as required by the Code of the County of Henrico, Chapter 24 (the "Zoning Ordinance") and substantially as shown on the Concept Landscape Plan and the Concept Frontage Landscape Plan, both drawings by Carter Design, both dated December 5, 2008, copies of which are attached hereto as Exhibit A (see case file), except to the extent necessary or allowed for utility easements, grading, drainage, signage and access driveways and other purposes requested and specifically permitted, or if required at the time of Plan of Development review, as defined in the Zoning Ordinance. Any new utility easements or use permitted within the aforesaid landscaped areas shall be extended generally perpendicular to the

landscaped areas unless otherwise requested and specifically permitted or if required at the time of Plan of Development review and, where permitted, areas disturbed for utility installation shall be replanted to the extent reasonably practicable.

2. **Lighting.** Parking lot lighting standards shall not exceed twenty (20) feet in height above grade level. Parking lot lighting shall be produced from concealed sources.
3. **HVAC.** Rooftop heating and air conditioning equipment shall be screened from public view at ground level at the Property lines by means of parapets or other architectural features in a manner approved at the time of Plan of Development review.
4. **Central Trash Receptacles.** Central trash receptacles, not including convenience cans, shall be screened from public view at ground level and enclosed in a manner approved at the time of Plan of Development review (the "Trash Enclosure") identified as the "Prop. Trash Corral" on the Plan, as defined in Condition No. 8 below. The access doors for the Trash Enclosure shall not be visible from the public right-of-way (Parham Road). The Trash Enclosure shall be constructed consistent with the predominant material (brick) of the main building.
5. **Building Height.** No building constructed on the Property shall exceed the lesser of two (2) stories or thirty-five (35) feet in height exclusive of architectural design features on any building.
6. **Use Restrictions.** Uses are limited to those permitted in a B-1 District except for the use as a restaurant with drive-through service shall be allowed as regulated in a B-2 District. The following uses shall not be permitted on any portion of the Property:
 - a. Hotels or motels;
 - b. Flea markets;
 - c. Gun shop sales and repair;
 - d. Private clubs and lodges;
 - e. Dancing and recreational use;
 - f. Automotive body shops and repair facilities;
 - g. Billiard parlors;
 - h. Bars and taverns;
 - i. Massage parlors;
 - j. Adult businesses as defined in Section 24-3 of the Henrico County Code; and
 - k. Establishments whose primary business is check cashing or making payday loans as defined and regulated by Section 6.1-432 et. Seq. and Section 6.1-444 et. Seq. of the Code of Virginia 1950, as revised.

7. **Architectural Treatment.** The exposed portion of each exterior wall surface (front, rear and sides) of buildings constructed on the Property shall be similar to the exposed portions of other exterior wall surfaces of such building in architectural treatment and materials. All buildings constructed on the Property shall have exposed exterior walls (above finished grade) predominately of unpainted face brick and glass unless different architectural treatment and/or materials are specifically approved at the time of Plan of Development. No building walls on the Property shall be covered with or have exposed to view any exposed aggregate concrete, unpainted or unfinished concrete masonry units or asbestos. The McDonald's restaurant building shall be in substantial conformance with the "Proposed McDonald's Restaurant" elevation drawing, dated March 25, 2009, by Restaurant Development (the "Elevation"), a copy of which is attached hereto as Exhibit B, (see case file) subject to such changes as may be approved at the time of Plan of Development review.
8. **Plan.** The Property shall be developed in substantial conformance with the "Site Layout Plan" drawing by Carter Design, last revised February 13, 2009 (the "Plan"), a copy of which is attached hereto as Exhibit C, (see case file) subject, however, to such changes as may be approved at the time of Plan of Development review.
9. **Loudspeakers.** No outside pagers or loudspeakers shall be permitted on the Property. However, an intercom system equipped with volume control associated with the drive through window and customer order display shall be permitted; provided that the intercom system shall not be audible from beyond the boundary lines of the property.
10. **Irrigation.** Landscaped buffers shall be served by an underground irrigation system.
11. **Signs.** The existing freestanding sign on the Property adjacent to North Parham Road shall be maintained without change, provided that the foundation may be redone in connection with the construction of a retaining wall as shown on the Plan. The only signage permitted on the Property shall be (a) the aforementioned freestanding sign or replacement of equal or lesser height, (b) the attached signage on the building, (c) directional signs and the menu board, all as permitted by the Zoning Ordinance. Electronic changeable message boards shall not be permitted.
12. **Access/Interparcel Connection.** There shall be no direct access from the Property to public rights-of-way, except through the existing, recorded, shared interparcel connections to North Parham Road and Starling Drive as shown on the Plan.

13. **Utilities.** All utilities shall be underground except for junction boxes, meters and existing overhead utility lines.
14. **No Exterior Playground.** No outside playground areas shall be permitted on the property.
15. **Dedication and Construction of Sidewalk.** The Applicant shall dedicate up to four feet of additional right-of-way for the benefit of Henrico County adjacent to Parham Road to provide for the installation of a typical sidewalk section of seven feet in width from the face of the existing curb within the public right-of-way, as shown on the Plan. Compliance with this condition will be evidenced with the final Plan of Development approval. Any property so dedicated that is not used for the installation of the sidewalk or if the sidewalk use is abandoned, such property shall remain or revert to the Applicant. The Applicant shall construct a four foot wide sidewalk within the public right-of-way, as shown on the Plan.
16. **Retaining Walls.** If required due to grade change, the Applicant shall construct a retaining wall on the Applicant's property adjacent to the Parham Road right-of-way consistent with the predominant material (brick) of the principal building or other suitable material approved at the time of Plan of Development. As shown on the Plan, the Applicant shall also construct a retaining wall at the rear of the Applicant's property which shall be of masonry material of a color and texture compatible with the principal building or other suitable material approved at the time of Plan of Development. The Applicant shall not use wood for either of these retaining walls.
17. **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 any of the other proffers or the unaffected part of any such proffer.

The vote of the Board was as follows:

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

No: None

124-09
C-9C-09
Fairfield

Thornhurst Land Company & Colwyck Land Company: Request to conditionally rezone from R-3 One-Family Residence District and C-1 Conservation District to R-3C One-Family Residence District (Conditional), part of Parcels 813-720-2876, 813-721-9111, and 813-721-3024 containing 9.136 acres, located at the southeast intersection of S. Laburnum Avenue and Thornhurst Street and on the south line of Colwyck Drive approximately 150 feet west of Gretna Court. The

applicant proposes a single-family residential subdivision with a maximum of 14 homes. The R-3 District allows a minimum lot size of 11,000 square feet and a maximum gross density of 3.96 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre, and Environmental Protection Area. The site is in the Airport Safety Overlay District. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

Jean Moore, Assistant Director of Planning, responded to a question from the Board pertaining to the future name of the subdivision proposed for this site.

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

Mr. Thornton thanked the Department of Planning staff and the applicant's representative, Andy Condlin, for their work on this case. He expressed hope that this will be a stellar community.

On motion of Mr. Thornton, seconded by Mr. Glover, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 124-09(C-9C-09) subject to the following proffered conditions:

1. **Maximum Density.** The maximum number of building lots on the property shall not exceed fourteen (14).
2. **Dwelling Design.**
 - a. **Minimum Finished Floor Area:** The minimum finished floor area for all dwellings shall be one thousand eight hundred (1,800) square feet.
 - b. **Exterior Materials:** The exterior of all dwellings shall be constructed of, brick, brick veneer, fiber cement siding, vinyl, stone, synthetic stone, or similar masonry material. If vinyl is used then the thickness of the vinyl shall be a minimum of .042" and manufacturer's printed literature shall be provided as evidence at the time of building permit application. At least two dwellings shall have 100% brick or stone on the dwelling's front façade.
 - c. **Foundations:** The main portion of the dwelling shall not be constructed on a slab, provided that garages, patios and out buildings may be constructed on a slab. The exposed exterior portion of all dwelling foundations and front stoops and front steps shall be brick, brick veneer, stone, synthetic stone or similar masonry material.

- d. Fireplace Chimneys: The exposed portion of a fireplace chimney shall be clad in brick, brick veneer, stone, synthetic stone or similar masonry material. No chimney or gas vent unit shall be cantilevered. This proffer shall not apply to direct vent gas fireplaces or appliances.
 - e. Garages: Each dwelling shall be constructed with a garage and at least fifty percent (50%) of dwellings shall have a two-car garage. Two-car garages shall have interior dimensions free of as-built obstruction of at least 18 feet in width and at least 20 feet in depth. One-car garages shall have interior dimensions free of as-built obstructions of at least 10 feet in width and at least 20 feet in depth.
 - f. Cantilevering: No closets or windows shall be cantilevered.
 - g. Elevations: The architectural appearance of the dwellings shall be generally consistent with the buildings depicted by Exhibit "A" attached hereto (see case file), unless otherwise requested and approved by the Director of Planning.
3. **Landscaping and Foundation Plantings and Buffering.** All homes shall be provided a landscape package. A diversity of plant materials will be used, including a variety of ground cover, plants and trees. Prior to the issuance of a final certificate of occupancy for any individual dwelling, a minimum of 6 trees or shrubs (or a combination thereof) for the front yard shall be provided. In addition, a minimum of 2 street trees per lot shall be planted or retained along the front of such lot. A landscape strip along Laburnum Avenue at least fifty-five (55) feet in width shall be provided and all trees within such strip shall be retained subject to the removal of fallen, diseased or dead trees and the extent necessary for utility easements, including drainage.
4. **Driveways.** All driveways shall be constructed of exposed aggregate, concrete, brick, stone, asphalt or pre-cast pavers.
5. **Underground Utilities.** All utilities except for junction boxes, meters and existing utility lines or for technical or environmental reasons shall be installed underground.
6. **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 Planning Commission or any other governmental body or official at the time of subdivision review. The application for C-1 shall be filed no later than final subdivision approval. The acreage then zoned

C-1 may or may not be included in any subdivision or lot on the Property, at the sole discretion of the Applicant.

7. **Stormwater Facilities.** Any wet Best Management Practice areas shall be aerated and landscaped as approved by the Planning Commission at the time of subdivision review. Any dry Best Management Practice areas shall be screened from any public and/or private roadways with landscaping as approved by the Planning Commission at the time of subdivision review.
8. **Protective Covenants/Homeowners Association.** Prior to or concurrent with the recordation of the 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. In addition, there shall be a Homeowners Association of the property owners that shall be responsible for the enforcement of the restrictive covenants and the maintenance of any common area. These proffers accepted with this case shall be attached as an exhibit to, and recorded with, such protective covenants.
9. **Hours of Construction.** 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 and 9:00 a.m. and 6:00 p.m. on Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connections. Exceptions shall require the approval of the Department of Planning. Construction signs shall be posted in English and in Spanish.
10. **Compliance Certification.** Upon request by the Director of Planning, the developer shall provide the County with the necessary calculations that illustrate that the dwellings and lots constructed in the subdivision are in compliance with the requirements and obligations set forth in these proffers.
11. **Entrance Sign.** An entrance sign, if any, shall be landscaped and shall be a monument sign constructed of brick, brick veneer, stone, synthetic stone or similar masonry material, or some combination thereof.
12. **Access.** No lot shall access directly onto or from Laburnum Avenue.
13. **Conceptual Plan.** Development of the property shall be in general conformance with the attached conceptual site plan, Exhibit "B"(see case

file). The concept plan is conceptual and therefore the details and exact layout may vary from the conceptual plan as approved by the Planning Commission at the time of the Plan of Development review.

14. **Sanitary Sewer.** No grinder pumps shall be used for the sanitary sewer service unless otherwise approved by the Director of Public Utilities.
15. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

The vote of the Board was as follows:

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

No: None

125-09
P-6-09
Fairfield

Peter L. Francisco: Request to amend Condition 2 approved with Provisional Use Permit P-18-07, on part of Parcel 780-749-9410, located on the west line of Lakeside Avenue (State Route 161) at its intersection with Timberlake Avenue, in order to build a permanent structure for the outdoor farmers' market at Lakeside Towne Center. The existing zoning is B-3C Business District (Conditional). The Land Use Plan recommends Commercial Concentration. The site is in the Enterprise Zone. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

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

Mr. Thornton complimented Mr. Francisco for adding diversity to the Lakeside area with this farmer's market.

On motion of Mr. Thornton, seconded by Mr. Glover, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 125-09(P-6-09) subject to the following conditions:

1. The operation of the outdoor farmers' market shall adhere to all proffers accepted with rezoning case C-55C-07 (see case file).
2. The maximum area of the outdoor farmers' market shall be 4,500 square feet. Any permanent structure for the farmers' market use shall be in substantial conformance with Exhibits A - E (see case file). No other temporary stands or tents shall be erected. No outside storage shall be permitted. Any column protectors or bollards shall be approved by the Director of Planning prior to installation.

3. The operation of the outdoor farmers' market shall comply with the following standards:
 - a. The market shall only be in operation a maximum of 2 days a week and between May 1st thru November 30th of each year.
 - b. Hours of operation shall be limited to 7:00 a.m. to 8:00 p.m. during Eastern Daylight Saving Time and from 7:00 a.m. to 5:30 p.m. during Eastern Standard Time.
 - c. Only produce and those processed foods that are regulated by the Virginia Department of Agriculture and Consumer Services shall be permitted for sale. No arts and crafts or prepared foods shall be permitted.
 - d. The sale or consumption of alcohol shall be prohibited.
4. The applicant shall designate a Market Manager to be in charge of the farmers' market operations, including vendor selection, and responsible for compliance with the conditions of this Provisional Use Permit. The Market Manager shall be responsible for complying with all local, state and federal regulations.
5. Prior to operation, the Market Manager shall submit a Plan of Development to the Department of Planning for approval. The POD shall delineate the specific vendor area and details of any temporary tent structures, pedestrian walkways, drive aisles and parking stalls for the site. The vendor area shall be secured to prevent unauthorized access into the vendor area and to provide safe pedestrian access to and from the market.
6. Prior to operation, the surface parking lot shall be restriped in accordance with Henrico County parking standards.
7. Trash receptacles shall be provided and property serviced to control litter generated by this use. All refuse including produce, boxes, etc. shall be removed from the premises at the end of each sales day. The parking lot shall be cleaned of trash and debris at least twice a week.
8. No outside live music performances or outdoor speaker system shall be permitted on the site.
9. The operation of the farmers' market shall not cause loitering, criminal assaults or public nuisance or unsafe conditions for the surrounding area.
10. The Director of Planning shall review the operation of the outdoor farmers' market annually for a period of 36 months to ensure compliance

with the conditions imposed with this Provisional Use Permit. If the Director finds, based upon his review, 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.

The vote of the Board was as follows:

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

No: None

Mrs. O'Bannon commented on the successes of the farmer's markets at this location and in western Henrico County.

51-09
C-4C-09
Brookland

Arthur S. McGurn: Request to conditionally rezone 1.06 acres from C-1 Conservation District to C-1C Conservation District (Conditional), .09 acres from B-2C Business District (Conditional) to C-1C Conservation District (Conditional), and .18 acres from C-1 Conservation District to B-2C Business District (Conditional), and to amend the proffers accepted with rezoning case C-72C-88 to include building elevations. The site is located on Parcel 770-767-7982 at the northeast intersection of Mountain Road and John Cussons Drive. The applicant proposes a conservation area and extension of office development. The uses will be controlled by zoning ordinance regulations and proffered conditions. The Land Use plan recommends Commercial Concentration and Environmental Protection Area. The Planning Commission voted to recommend the Board of Supervisors grant the request.

Jim Strauss, Principal Planner, confirmed for the Board that there were both proffer amendments and additional proffers associated with this case and that these were all voluntarily offered by the applicant.

Mr. Glover complimented the applicant for working out a very good case for the Mountain Road corridor and the neighborhood behind the site.

On motion of Mr. Glover, seconded by Mr. Thornton, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 51-09(C-4C-09) subject to the following proffered conditions:

1. Once a determination has been made as to the portion of the property located within the 100-year flood plain, such portion of the property shall be described as a flood plain easement. Application shall be made to rezone said property within the 100-year flood plain to C-1 Conservation District as determined by a definitive engineering study.

2. Abutting and to the south of the 100-year flood plain, there shall be a 10-foot buffer zone, a type to be determined and approved by the Planning Commission at the time of the P.O.D. approval. Within the 10 foot buffer beginning approximately 75 feet from the western property line at John Cussons Drive, continuing in an easterly direction and terminating at the eastern property line, at a minimum, a double row of Leyland Cypresses or equivalent evergreen trees shall be planted approximately 10 feet on center unless otherwise determined at the time of Planning Commission landscape plan review. Such plantings shall have a minimum height of 6 feet at planting. The rows shall be staggered/offset at ten foot intervals to achieve maximum screening as determined at the time of landscape plan review. In no event shall the distance between the southern line of the buffer zone and the centerline of the flood plain be less than twenty-five feet. Underbrush and fallen, diseased or dead plant growth may be removed from such buffer area. Clearing in the buffer zone to the extent necessary for utility easements, signs, fences, roads and other purposes required or permitted by the Planning Commission at the time of P.O.D. approval or by any governmental body, agency, commission, board, department, or official shall be permitted, provided that additional plantings are provided for comparable and appropriate screening.
3. Along the southern property line of the property abutting Mountain Road there shall be a 20-foot landscaped buffer that shall allow for freestanding signage. Underbrush and fallen, diseased or dead plant growth may be removed from such buffer area. Clearing in the buffer zone to the extent necessary for utility easements, signs, fences, roads and other purposes required or permitted by the Planning Commission at the time of P.O.D. approval or by any governmental body, agency, commission, board, department or official shall be permitted, provided that additional plantings are provided for comparable and appropriate screening.
4. No portable signage shall be placed on the property except for signs advertising real estate for sale or lease as stated in Section 24-104(k)(8).
5. Any freestanding identification or commemorative signage on the property shall be landscaped and shall be similar to the architectural treatment of the buildings on the property.
6. No buildings shall be used for games of chance, profit or non-profit.
7. No businesses shall be open to the public between 11:00 p.m. and 6:00 a.m. or prior to 12:00 noon on Sunday.
8. The architecture shall be of Colonial or Victorian style to be determined and approved by the Planning Commission at the time of P.O.D. and

shall be constructed predominantly of brick, glass, stone, dryvit or beaded lap siding. The design and the materials shall be predominantly the same on all sides of the building.

9. No building shall exceed two stories or 28 feet in height.
10. Principal uses on the property shall be limited to those permitted in the B-2 District; except the following uses shall not be permitted on any portion of the property:
 - a) hotels, motels or motor lodges;
 - b) flea markets or antique auctions;
 - c) gun shop sales and repair;
 - d) *private clubs and lodges, including fraternal organizations;*
 - e) billiard parlors;
 - f) bars and taverns;
 - g) massage parlors and establishments with the exception of Certified Massage Therapist(s);
 - h) sign painting shop;
 - i) recreational facilities, indoor, including theaters, bowling alleys, skating rinks (ice skating and roller skating), swimming pools, tennis, model racing tracks, electronic video game rooms, bingo halls, archery ranges, and similar activities;
 - j) funeral home, mortuary, crematorium and/or undertaking establishment;
 - k) parking lots, commercial (nothing herein shall preclude parking lots as an accessory use to a principally permitted use);
 - l) automotive filling and service stations, and towing service;
 - m) any service or parts store primarily related to construction or automotive works;
 - n) billboards;
 - o) truck stops;
 - p) communication tower except as part of a permitted retail use;
 - q) self-storage facilities;
 - r) off-track betting parlors;
 - s) permanent on-site recycling collection facilities not associated with a permitted on-site retail use;
 - t) check cashing and/or the making of payday loans as defined and regulated by Sections 6.1-432 et seq. and 6.1-444 et seq. of the Code of Virginia, provided the foregoing shall not precluded banks, saving and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections;
 - u) dancehalls;
 - v) fortune teller, palmist, etc.;
 - w) convenience stores;
 - x) attention getting devices;

- y) adult businesses as defined by Section 24-3 of the Henrico County Zoning Ordinance;
 - z) general hospitals, sanatoriums and charitable institutions for human care;
 - aa) stores primarily engaged in the sale of packaged liquor for off premise consumption;
 - bb) "fast food" restaurant. For purposes hereof, "fast food" restaurant is defined as an establishment, the principal business of which is the sale of foods and beverages already prepared at the time of ordering to consumers in a ready-to-consume state and which foods and beverages are usually served in paper, plastic or other disposable containers or wrappers for immediate consumption either within the restaurant building or off the premises. This shall not prohibit onsite and offsite catering establishments;
 - cc) repair business for construction related electrical, heating, or plumbing systems; and
 - dd) child care centers.
11. The architectural appearance of the building shall be generally consistent with the façade elevations depicted by drawings labeled "Glen Allen Professional Park Building 1, Building 2, and Building 3 dated October 2, 2008" (see case file). No building shall have overhead loading doors.
 12. Lighting shall be reduced to a minimum level necessary for security purposes following the close of business. Light pole height shall not exceed 20 feet.
 13. No outdoor speakers or public address systems shall be permitted.

The following proffers will apply to the new C-1C Conservation District (Conditional) depicted as Area 3 on the Plat dated April 23, 2009 (see case file).

1. Only the following uses shall be allowed on the C-1 property:
 - a. public and private forest;
 - b. wildlife preserves and similar conservation area;
 - c. flood-control works; and
 - d. utility and drainage works.

The vote of the Board was as follows:

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

No: None

Mr. Glover complimented the staff for its hard work on this case.

PUBLIC HEARINGS – OTHER ITEMS

- 126-09 Resolution – Authority to Submit Amendment to the Henrico County FY2008-2009 Annual Consolidated Plan and to Execute Agreements for Homelessness Prevention and Rapid Re-Housing Activities.

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

On motion of Mrs. O'Bannon, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 126-09 – see attached resolution.

- 127-09 Resolution - POD-07-09 (POD-32-87 Revised) - Approval of a Revised Plan of Development for Varina Elementary School Additions.

Leslie News, Principal Planner, provided a brief overview of this project. Doug Westmoreland of Mosely Architects, architect for the project, narrated a Power Point presentation that discussed the elementary school building program in more detail. His presentation addressed the project design committee and vision statement, the building program, issues with the existing site and proposed site concept, proposed improvements and additions to the existing building and site, and the project schedule and funding. He responded to questions from the Board relating to plans for parking in the drop off circle, the estimated cost of the project, and funding of the trail along Route 5 requested by the Virginia Department of Transportation. There was brief discussion by Mr. Hazelett and Mr. Donati regarding the funding, location, and design of the trail.

Two citizens spoke during the public hearing. Douglas Trammell, whose home adjoins the school, asked about plans for widening the drive on the west side of the school and expressed concerns about traffic coming in and out of the school. He asked that the fence along his property be constructed to the maximum allowable height. Mike Jennings, Traffic Engineer, responded to questions from the Board regarding traffic counts on Route 5. Mr. Kaechele pointed out that many Henrico schools have traffic conditions that are of concern but that are still considered safe.

Randy Underwood, a resident of 8102 Recreation Road, voiced concerns about drainage problems on his property and traffic conditions on New Market Road (Route 5). Mr. Hazelett pointed out that Mr. Underwood's drainage problem is not being caused by the school and commented on how traffic issues in the vicinity of the school are being addressed with the Virginia Department of Transportation. Mr. Donati asked Mr. Hazelett to review the possibility of constructing roadway behind the recreation fields that would access Strath Road near Fire Station No. 4. Mr. Hazelett advised Mr. Underwood that staff will follow up with him on his drainage concerns.

On motion of Mr. Donati, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved Agenda Item No. 127-09 – see attached resolution.

- 128-09 Resolution – Signatory Authority – Conveyance of Real Estate – Approximately 0.224 Acre on Bethlehem Road – Brookland District.

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

On motion of Mr. Glover, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 128-09 – see attached resolution.

- 129-09 Ordinance – Vacation of Portion of Cul-de-Sac – Mayland Court – Deep Run Trade Center – Three Chopt District.

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

On motion of Mr. Donati, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved Agenda Item No. 129-09 – see attached ordinance.

PUBLIC COMMENTS

Patricia Shear, a resident of the Three Chopt District, asked the Board to consider allowing subdivision residents to keep a small number of laying hens in their backyards. There was some discussion of this matter by Ms. Shear and the Board.

GENERAL AGENDA

- 130-09 Resolution - Requesting the Economic Development Authority of Henrico County, Virginia, to Authorize the Issuance of Not to Exceed Forty-Five Million Dollars (\$45,000,000) Principal Amount of Lease Revenue Refunding Bonds (Henrico County Governmental Projects) for the Purpose of Refunding a Portion of the Authority's Outstanding Lease Revenue Bonds (Henrico County Governmental Projects), Series 1996, a Portion of the Authority's Outstanding Lease Revenue Bonds (Henrico County Governmental Projects), Series 1998, and a Portion of the Authority's Outstanding Public Facility Lease Revenue Refunding Bonds (Henrico County Regional Jail Project), Series 1999, Issued to Finance Various Projects for Lease to the County.

Mr. Hazelett clarified that this resolution would provide authorization for staff to sell bonds through the end of the calendar year. He and John Vithoulkas, Director of Finance, responded to questions from the Board relating to the types of bonds covered by this resolution and the projected interest rates and terms for these bonds and other bonds that the County plans to refund. Mr. Vithoulkas introduced Jay Conrad, Senior Vice President of BB&T and the County's financial adviser. He and Mr. Conrad responded to further questions from the Board regarding the definition and legal structure of lease revenue bonds. Mr.

Rapisarda clarified that the general tax revenue of the County does not secure these bonds.

On motion of Mr. Glover, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 130-09 ~ see attached resolution.

- 131-09 Resolution - Authorizing and Providing for the Issuance and Sale of Not to Exceed Thirty-Four Million Dollars (\$34,000,000) Aggregate Principal Amount of Water and Sewer System Refunding Revenue Bonds, Series 2009A, of the County of Henrico, Virginia, for the Purpose of Refunding the Outstanding Water and Sewer System Revenue Note, Subordinate Series 1997, of the County; Authorizing the County Manager or Any Deputy County Manager and the Director of Finance to Fix the Maturities, Interest Rates and Other Details of Such Bonds; Approving the Form of Such Bonds; Authorizing the County Manager or Any Deputy County Manager and the Director of Finance to Select the Underwriters of Such Bonds and to Negotiate the Sale of Such Bonds to Such Underwriters and Authorizing the Execution and Delivery to Such Underwriters of a Bond Purchase Agreement for Such Sale or, in Lieu of Negotiating the Sale of Such Bonds to Such Underwriters, Authorizing the Placement of Such Bonds with the Virginia Resources Authority; Authorizing the Preparation and Delivery of a Preliminary Official Statement Relating to Such Bonds and Authorizing the Distribution Thereof; Authorizing the Preparation of a Final Official Statement and Continuing Disclosure Certificate Relating to Such Bonds and Authorizing the Distribution Thereof; Authorizing a Refunding Trust Agreement by and between the County and U.S. Bank National Association, as Refunding Trustee, and Authorizing the Execution and Delivery of Such Refunding Trust Agreement; Designating and Giving Irrevocable Instructions for the Redemption of the County's Water and Sewer System Revenue Note, Subordinate Series 1997; and Ratifying Certain Acts and Proceedings.

On motion of Mr. Glover, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 131-09 ~ see attached resolution.

- 132-09 Resolution – Authorization to Apply for and Accept Grant Funding for \$37,114 through the Virginia Department of Fire Programs for Fire Officer Leadership Development and Training.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 132-09 – see attached resolution.

- 133-09 Resolution – Authorization to Apply for and Accept Grant Funding for \$60,000 through the Virginia Department of Emergency Management for HazMat Team Equipment, Exercise and Training.

On motion of Mr. Glover, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 133-09 – see attached resolution.

107-09 Resolution – Award of Annual Contracts for Small Projects – Architectural and Engineering Services.

Ed Bass, Senior Capital Projects Manager for the Department of General Services, identified for the Board the names contained in the acronym BCWH Architects.

On motion of Mrs. O'Bannon, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 107-09 – see attached resolution.

134-09 Resolution - Signatory Authority - Change Order No. 7 to Construction Contract for Public Safety Building Renovations.

On motion of Mr. Glover, seconded Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 134-09 – see attached resolution.

135-09 Resolution – Award of Contract – Operational Medical Director Services – Division of Fire.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 135-09 – see attached resolution.

136-09 Resolution - Signatory Authority - Agreement with Virginia Department of Transportation for Secondary Roads Escrow Account Funds - John Rolfe Parkway, Phase II. VDOT Project #9999-043-189, PE101, RW201, C501 County Project #2101.50704.28004.00720 (formerly Project #552117-704-463-00). Three Chopt and Tuckahoe Districts.

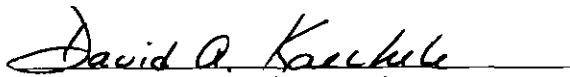
In response to a request by Mr. Kaechele, Director of Public Works Tim Foster briefly elaborated on the purpose of this resolution.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 136-09 – see attached resolution.

137-09 Resolution - To Permit Additional Fine of \$200 for Speeding on Village Run Drive.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 137-09 – see attached resolution.

There being no further business, the meeting was adjourned at 9:16 p.m.


Chairman, Board of Supervisors
Henrico County, Virginia

Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

SAFE BOATING WEEK

May 16 – 22, 2009

WHEREAS, many Henrico residents choose recreational boating as a way to relax with their families and friends; and

WHEREAS, opportunities for on-the-water activities grow each year; and

WHEREAS, with this growth comes additional responsibility; and

WHEREAS, 5,463 of the 250,988 boats currently registered in the Commonwealth of Virginia are owned by residents of the County of Henrico; and

WHEREAS, additional boaters from outside the County visit our waters each boating season; and

WHEREAS, it is important that both novice and experienced boaters practice safe boating habits, maintain essential safety equipment, and wear a life jacket; and

WHEREAS, the law requires that a wearable life jacket be carried for each person on board all boats; and

WHEREAS, the life jackets of today are more comfortable, attractive, and wearable than the styles of the past; and

WHEREAS, the theme for the 2009 National Safe Boating Campaign, "Wear It!", acknowledges that many lives are saved each year by the use of life jackets; and

WHEREAS, boating safety education classes and complimentary vessel safety checks are readily available throughout the year from the United States Coast Guard Auxiliary.

NOW, THEREFORE, BE IT PROCLAIMED that the Board of Supervisors of Henrico County, Virginia hereby recognizes May 16 – 22, 2009 as Safe Boating Week and urges all Henrico boaters to take a boating safety course, wear their life jackets, have their boats checked for other safety equipment, and practice safe boating.



David A. Kaechele
David A. Kaechele, Chairman
Board of Supervisors

Barry R. Lawrence
Barry R. Lawrence, Clerk
May 12, 2009

Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

INSURANCE PROFESSIONALS APPRECIATION WEEK

May 17 – 23, 2009

WHEREAS, insurance professionals in Henrico County and throughout the Richmond metropolitan area work in every facet of the industry – as agents for both property and casualty and/or life and health, brokers, adjusters, underwriters, claims professionals, risk managers, financial advisors, attorneys, certified public accountants, and information technology professionals; and

WHEREAS, professional insurance men and women make many significant contributions to the people and businesses of our County and advocate for greater public awareness of important issues at the local, regional, state, and national levels; and

WHEREAS, it is beneficial for these men and women to be provided with the opportunity to gain new insights into their profession by associating with other industry professionals and sharing problems, solutions, and experiences; and

WHEREAS, the National Association of Insurance Women (NAIW), a non-profit international organization of insurance professionals, encourages professional development and promotes ethical standards within the insurance industry; and

WHEREAS, NAIW has a local affiliate, Insurance Women of Richmond, Virginia, which holds monthly membership meetings in Henrico County, provides education programs for the general public as well as its members, and offers guidance to youth who are interested in careers in insurance and risk management; and

WHEREAS, this local association of insurance professionals is hosting its Annual Industry Night Dinner and Awards event on May 19, 2009; and

WHEREAS, since 1965, the week beginning the third Sunday in May has traditionally been set aside each year to acknowledge the considerable professional achievements of men and women working in the insurance industry.

NOW, THEREFORE, BE IT PROCLAIMED that the Board of Supervisors of Henrico County, Virginia hereby recognizes May 17 - 23, 2009 as Insurance Professionals Appreciation Week and calls this observance to the attention of all Henrico citizens.



Barry R. Lawrence
Barry R. Lawrence, Clerk
May 12, 2009

David A. Kaechele
David A. Kaechele, Chairman
Board of Supervisors

Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

MENTAL HEALTH MONTH

May 2009

WHEREAS, mental health is an essential element in overall health and well-being; and

WHEREAS, mental health problems strike one in five adults each year regardless of age, gender, race, ethnicity, religion, or economic status; and

WHEREAS, all Americans, from combat veterans to hurricane victims, are vulnerable to mental health problems associated with trauma; and

WHEREAS, nearly 30,000 American lives are lost each year to suicide and mental illness; and

WHEREAS, people can and do recover from mental illness and lead full lives as contributing members of their communities; and

WHEREAS, government, business, and all citizens bear the cost of mental health problems and have a responsibility to promote mental wellness; and

WHEREAS, Henrico Area Mental Health and Retardation Services, as the point of entry into the publicly funded mental health system, offers a broad array of recovery focused mental health services; and

WHEREAS, Henrico Area Mental Health and Retardation Services provides essential services to approximately 9,000 citizens and their families and provides a critical safety net to all our citizens; and

WHEREAS, Henrico County has a long and proud history of supporting the recovery of its citizens with mental disabilities.

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



David A. Kaechele
David A. Kaechele, Chairman
Board of Supervisors

Barry R. Lawrence
Barry R. Lawrence, Clerk
May 12, 2009

Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

OLDER AMERICANS MONTH

May 2009

WHEREAS, Henrico County is home to 51,391 citizens age 60 and over; and

WHEREAS, older adults are a growing population with evolving needs; and

WHEREAS, older Americans are valuable members of our society who enhance our communities and personal lives; and

WHEREAS, the number of baby boomers reaching traditional retirement age highlights the need for increased support of older adults; and

WHEREAS, our older citizens of today and tomorrow promise to be among the most active and involved older adult populations in our nation's history; and

WHEREAS, communities have a responsibility to work collaboratively to address the unique health and long-term care challenges faced by older adults; and

WHEREAS, it is important that communities modernize systems of care to help empower older Americans and give them more control over their own lives; and

WHEREAS, communities can improve the overall quality of life of older adults by helping them make behavioral changes in their lifestyles to reduce the risk of disease, disability, and injury; obtain the tools they need to make informed decisions about, and gain better access to, existing health and long-term care options; and have more options to avoid placement in nursing homes and remain at home as long as possible.

NOW, THEREFORE, BE IT PROCLAIMED that the Board of Supervisors of Henrico County, Virginia hereby recognizes May 2009 as Older Americans Month and encourages everyone to take time to honor our older adults and the professionals, family members, and citizens who care for them.



David A. Kaechele

David A. Kaechele, Chairman
Board of Supervisors

Barry R. Lawrence

Barry R. Lawrence, Clerk
May 12, 2009



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 126-09

Page No. 1 of 1

Agenda Title: RESOLUTION – Authority to Submit Amendment to the Henrico County FY2008-2009 Annual Consolidated Plan and to Execute Agreements for Homelessness Prevention and Rapid Re-Housing Activities

For Clerk's Use Only:

MAY 12 2009

Date:

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) O'Bannon Seconded by (1) Donati
(2)

REMARKS:

APPROVED

YES NO OTHER

Donati, J. ☒ ☐ ☐
Glover, R. ☒ ☐ ☐
Kacchele, D. ☒ ☐ ☐
O'Bannon, P. ☒ ☐ ☐
Thornton, F. ☒ ☐ ☐

WHEREAS, Henrico County (the "County") is an entitlement community under the Housing and Community Development Act of 1974, as amended, administered by the U.S. Department of Housing and Urban Development ("HUD"); and,

WHEREAS, the American Recovery and Reinvestment Act of 2009 allocated \$603,408 as the County's entitlement to Homelessness Prevention and Rapid Re-Housing Funds for homelessness prevention activities, and the County has prepared objectives and proposed uses of these funds; and,

WHEREAS, to obtain the funds, the County must submit an amendment to the FY 2008-2009 Annual Consolidated Plan; and,

WHEREAS, the Department of Community Revitalization has prepared the required amendment with proposed uses of Homelessness Prevention and Rapid Re-Housing Funds as shown on the attached table; and,

WHEREAS, the Henrico County Board of Supervisors wishes to authorize homelessness prevention activities in accordance with the amendment.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors approves the County's amendment to the FY2008-2009 Annual Consolidated Plan, including the proposed uses of funds.

BE IT FURTHER RESOLVED that the Board of Supervisors authorizes the County Manager to submit an amendment to the Henrico County FY2008-2009 Annual Consolidated Plan to HUD on or before May 18, 2009, in accordance with submission requirements; to execute an agreement with HUD, in a form approved by the County Attorney, for use of the Homelessness Prevention and Rapid Re-Housing funds; and to execute agreements in a form approved by the County Attorney to implement the program activities.

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

By Agency Head

[Signature] 9/16

By County Manager

[Signature]

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

Henrico County, Virginia
Homelessness Prevention Funds
Under the American Recovery and Reinvestment Act of 2009

1. Henrico Social Services Emergency Financial Services	303,481
2. St. Joseph's Villa/Hilliard House Rapid Re-Housing	100,000
3. Commonwealth Catholic Charities Prevention & Rapid Re-Housing	100,000
4. Henrico Mental Health & Mental Retardation Financial Assistance	100,000
	\$603,481



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 127-09

Page No. 1 of 4

Agenda Title: RESOLUTION — POD-07-09 (POD-32-87 Revised) — Approval of a Revised Plan of Development for Varina Elementary School Additions

For Clerk's Use Date: MAY 12 2009 <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>Donati</u> Seconded by (1) <u>O'Bannon</u> (2) _____ (2) _____ REMARKS: APPROVED	YES NO OTHER Donati, J. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Glover, R. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Kaechele, D. <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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WHEREAS, Sections 24-11(b) and 24-106 of the Henrico County Code require the submission of applications for plans of development for public facilities to the Board of Supervisors; and,

WHEREAS, an application has been submitted for approval of POD-07-09, a plan of development for construction of a 6,600 square foot, one-story administrative addition consisting of a new general office area, a library, and renovation of existing office area for 3 additional classrooms; a 16,740 square foot, one-story classroom addition consisting of 11 additional classrooms; and revisions to parking and drop off areas and related site improvements; and,

WHEREAS, the 28.49-acre site is located along the southern line of New Market Road (State Route 5) west of its intersection with Produce Road, on parcel 815-687-2336, is zoned A-1, Agricultural District, and ASO, Airport Safety Overlay District, and is located in the Varina District; and,

WHEREAS, the County Administration, including Henrico County Public Schools, the Department of Planning, the Department of Public Works, the Department of Public Utilities, the Division of Fire, the Division of Police, the Office of Building Construction and Inspections, and the Virginia Department of Transportation, has reviewed the application and recommends approval subject to the staff recommendations and the staff plan dated May 12, 2009; and,

WHEREAS, on May 12, 2009, the Board of Supervisors held a public hearing to receive comments on the application for approval.

NOW, THEREFORE, BE IT RESOLVED that the Henrico County Board of Supervisors hereby approves the application, subject to the following conditions:

By Agency Head: [Signature] 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. 127-09

Page No. 2 of 4

Agenda Title: RESOLUTION — POD-07-09 (POD-32-87 Revised) — Approval of a Revised Plan of Development for Varina Elementary School Additions

1. The Director of Public Utilities shall approve the construction plans for public water and sewer prior to beginning any construction of these utilities. The Department of Public Utilities shall be notified at least 24 hours prior to the start of any County water or sewer construction.
2. The parking lot shall be subject to the requirements of Section 24-98 of the Henrico County Code.
3. The parking spaces shall be marked on the pavement surface with four-inch wide white painted traffic lines. All lane lines and parking lines shall be white in color with the exception that those dividing traffic shall be yellow.
4. Sufficient, effective usable parking shall be provided. If experience indicates the need, additional parking shall be provided.
5. Curb and gutter and necessary storm sewer shall be constructed as shown on approved plans.
6. The plan of development shall be revised as annotated on the staff plan dated May 12, 2009, which shall be as much a part of this approval as if its details were fully described herein. Eight (8) sets of revised plans, including the detailed drainage, erosion control and utility plans shall be submitted by the design engineer who prepared the plans to the Department of Planning for final review. Upon notice from the Department of Planning that all comments have been addressed, twenty-one (21) sets of final plans for signature shall be submitted to the Department of Planning for approval signatures.
7. The Department of Public Works shall be notified at least 24 hours prior to the start of any construction.
8. Two copies of an Erosion and Sediment Control Agreement shall be submitted to the Department of Public Works. Approval is required prior to construction plan approval and beginning construction.
9. A detailed landscaping plan shall be submitted to the Department of Planning for review and approval prior to the issuance of any occupancy permits.
10. All ground cover and landscaping shall be properly maintained in a healthy condition at all times. Dead plant materials shall be removed within a reasonable time and replaced during the normal planting season.
11. Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including light spread and intensity diagrams and fixture specifications and mounting height details shall be submitted for Department of Planning review and approval.
12. All exterior lighting shall be designed and arranged to direct the light and glare away from nearby residential property and streets.
13. The site including the parking areas shall be kept clean of litter and debris on a daily basis. Trash container units/litter receptacles and recycling containers shall be maintained with scheduled regular pickups and shall be screened properly on all four sides. The gate(s) shall remain closed except when the receptacle(s) are being filled or serviced and shall be repaired or replaced as necessary. Details shall be included with the final site plan or required landscape plan review and approval.
14. Required fire lanes shall be marked and maintained in accordance with the Virginia Statewide Fire Prevention Code.

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

Agenda Item No. 127-09

Page No. 3 of 4

Agenda Title: RESOLUTION — POD-07-09 (POD-32-87 Revised) — Approval of a Revised Plan of Development for Varina Elementary School Additions

15. Traffic control signs shall be provided as indicated on the Planning staff plan. All signs shall be fabricated as shown in The National Manual on Uniform Traffic Control Devices for Streets and Highways and The Virginia Supplement to The Manual on Uniform Traffic Control Devices for Streets and Highways.
16. The assigned property number shall be displayed so it is easily readable from the street. If assistance is needed with the address, please contact the Department of Planning at 501-4284. The Planning Department must assign all property addresses.
17. The contractor shall have a set of plans approved by the Director of Public Works, Director of Public Utilities and the County Manager available at the site at all times when work is being performed. A designated responsible employee shall be available for contact by County inspectors.
18. The property shall be developed generally as shown on the plan filed with the case and no major changes or additions to the layout shall be made without the approval of the Board of Supervisors.
19. Upon completion of the improvements and prior to the certification of the permanent occupancy permit, the engineer or land surveyor who prepared the POD plan shall furnish a statement to the effect that all construction, including water and sewer is in conformance with the regulations and requirements of the POD.
20. The developer shall provide fire hydrants as required by the Department of Public Utilities and Division of Fire.
21. Insurance Service Offices (ISO) calculations should be included on the final construction plans for approval by the Department of Public Utilities prior to issuance of a building permit.
22. Any necessary offsite drainage easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works.
23. Deviations from County standards for pavement, curb, or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
24. Vehicles shall be parked only in approved and constructed parking spaces.
25. The construction shall be properly coordinated to ensure that safe access, circulation and adequate parking is provided for the facility. A plan to indicate the phasing of improvements and the handling of traffic (construction and employees) shall be submitted to the Department of Planning prior to the issuance of a building permit.
26. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued. The easement plats and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.

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

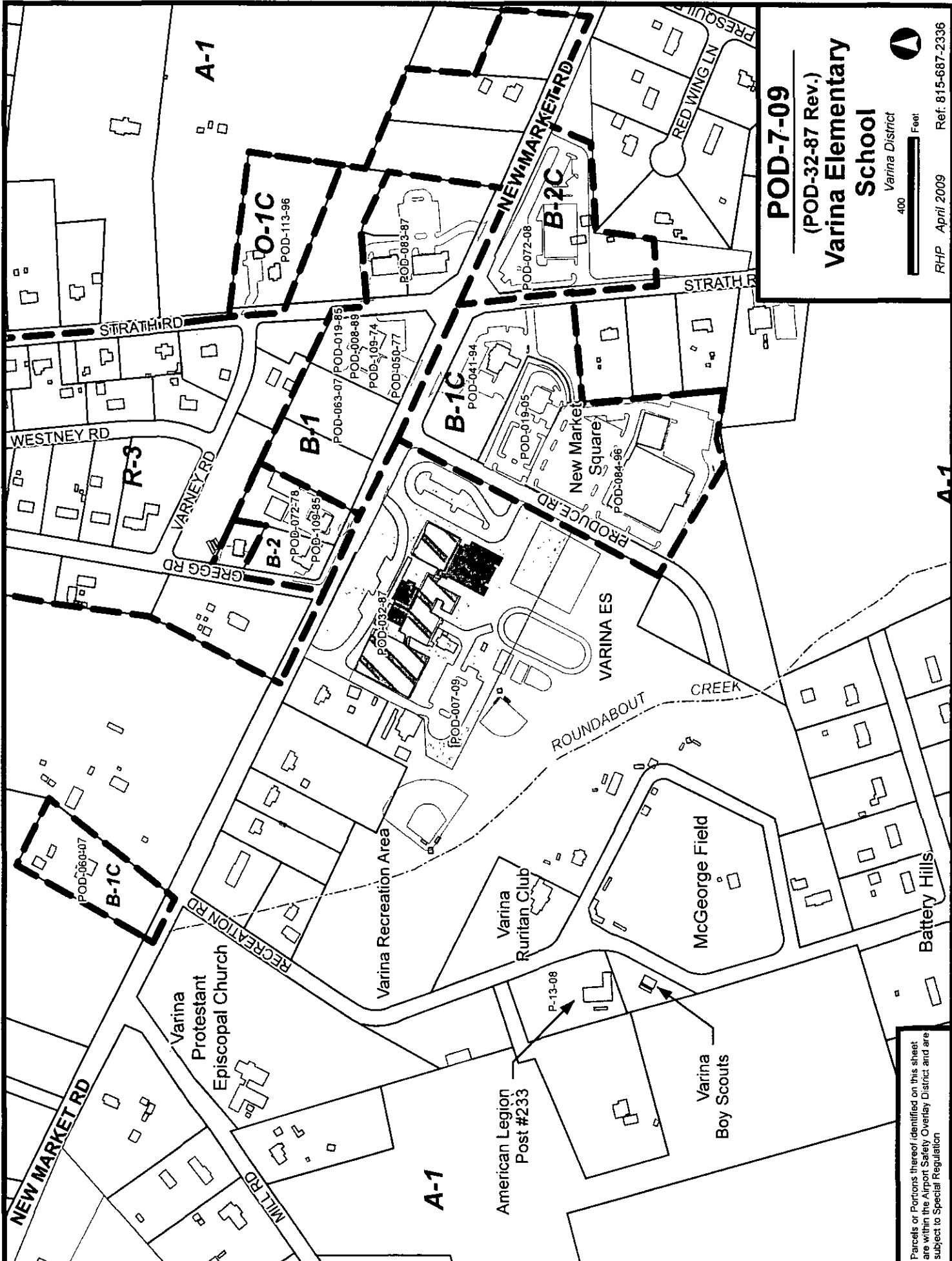
Agenda Item No. 127-09

Page No. 4 of 4

Agenda Title: RESOLUTION — POD-07-09 (POD-32-87 Revised) — Approval of a Revised Plan of Development for Varina Elementary School Additions

27. The right-of-way for widening New Market Road (State Route 5) as shown on approved plans shall be dedicated to the County prior to any occupancy permits being issued. The right-of-way dedication plat and any other required information shall be submitted to the Director of Real Property at least sixty (60) days prior to requesting occupancy permits.
28. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Henrico County maintained right-of-way. The elevations will be set by Henrico County.
29. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Virginia Department of Transportation maintained right-of-way. The elevations will be set by the contractor and approved by the Virginia Department of Transportation.
30. A notice of completion form, certifying that the requirements of the Virginia Department of Transportation entrances permit have been completed, shall be submitted to the Department of Planning prior to any occupancy permits being issued.
31. The entrances and drainage facilities on New Market Road (State Route 5) shall be approved by the Virginia Department of Transportation and the County.
32. A multi-purpose trail meeting VDOT Capital Trail standards shall be provided along the south line of New Market Road (State Route 5).

COMMENTS: The Director of Planning has reviewed the plans submitted by Moseley Architects and Timmons Group on behalf of Henrico County Public Schools and recommends approval, and the County Manager concurs.

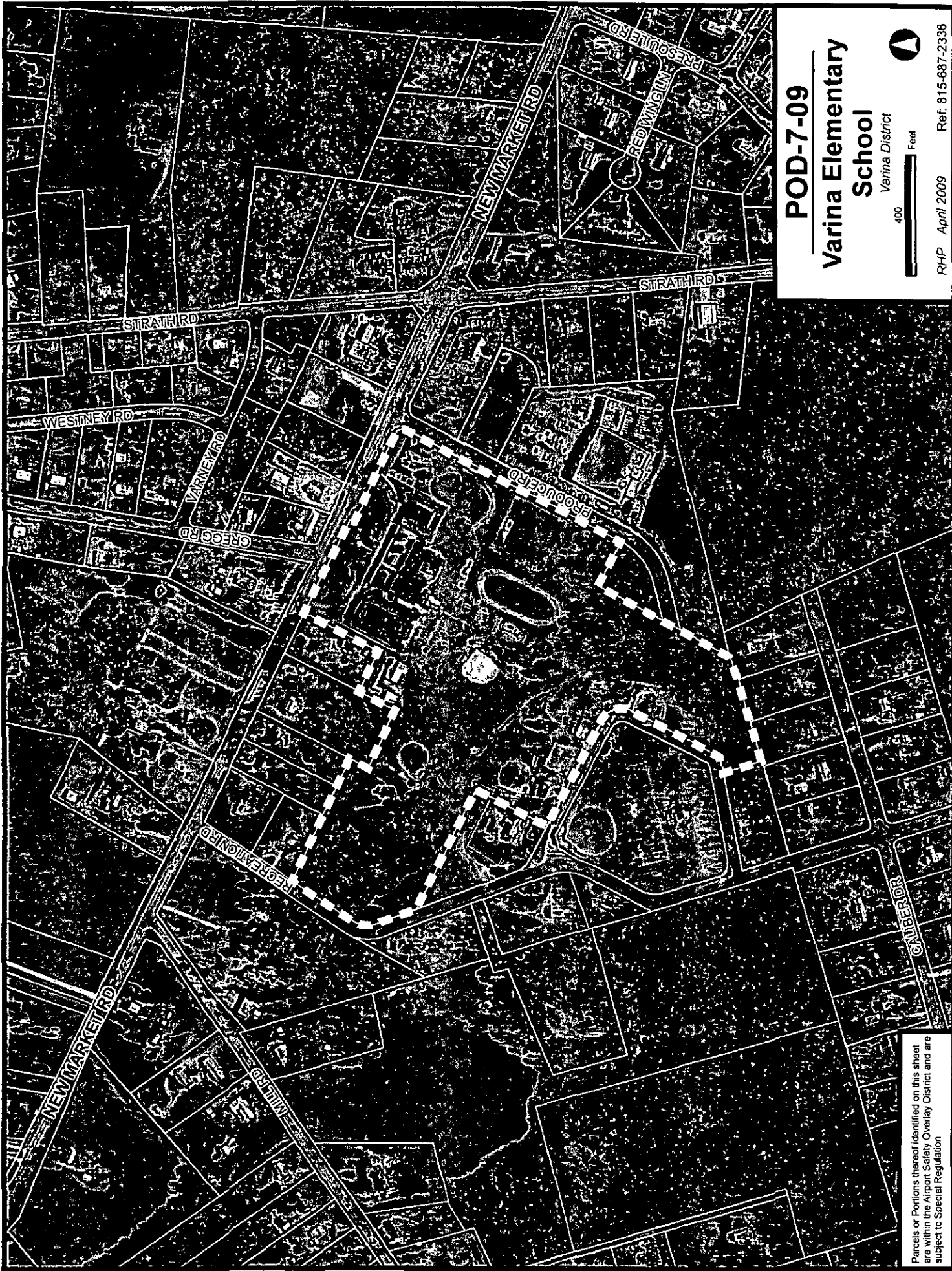


POD-7-09
(POD-32-87 Rev.)
Varina Elementary School
Varina District

400 Feet

RHP April 2009 Ref: 815-687-2336

Parcels or Portions thereof identified on this sheet are within the Airport Safety Overlay District and are subject to Special Regulation

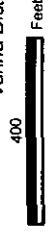


POD-7-09

Varina Elementary

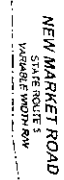
School

Varina District



RHP April 2009 Ref: 815-687-2336

Parcels or Portions thereof identified on this sheet are within the Airport Safety Overlay District and are subject to Special Regulation



POD 7-09

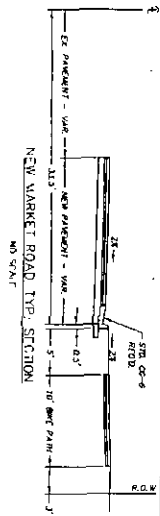
MOSELEY ARCHITECTS
A PROFESSIONAL CORPORATION

3200 NORFOLK STREET, RICHMOND, VIRGINIA 23290
PHONE (804) 794-7655 FAX (804) 355-6670
MOSELEYARCHITECTS.COM

PROJECT NO:
481000
DATE:
FEBRUARY 6, 2009
REVISION:
APRIL 10, 2009
DRAWN BY:
BSC, DAS
REVIEWED BY:
KAP, JWM

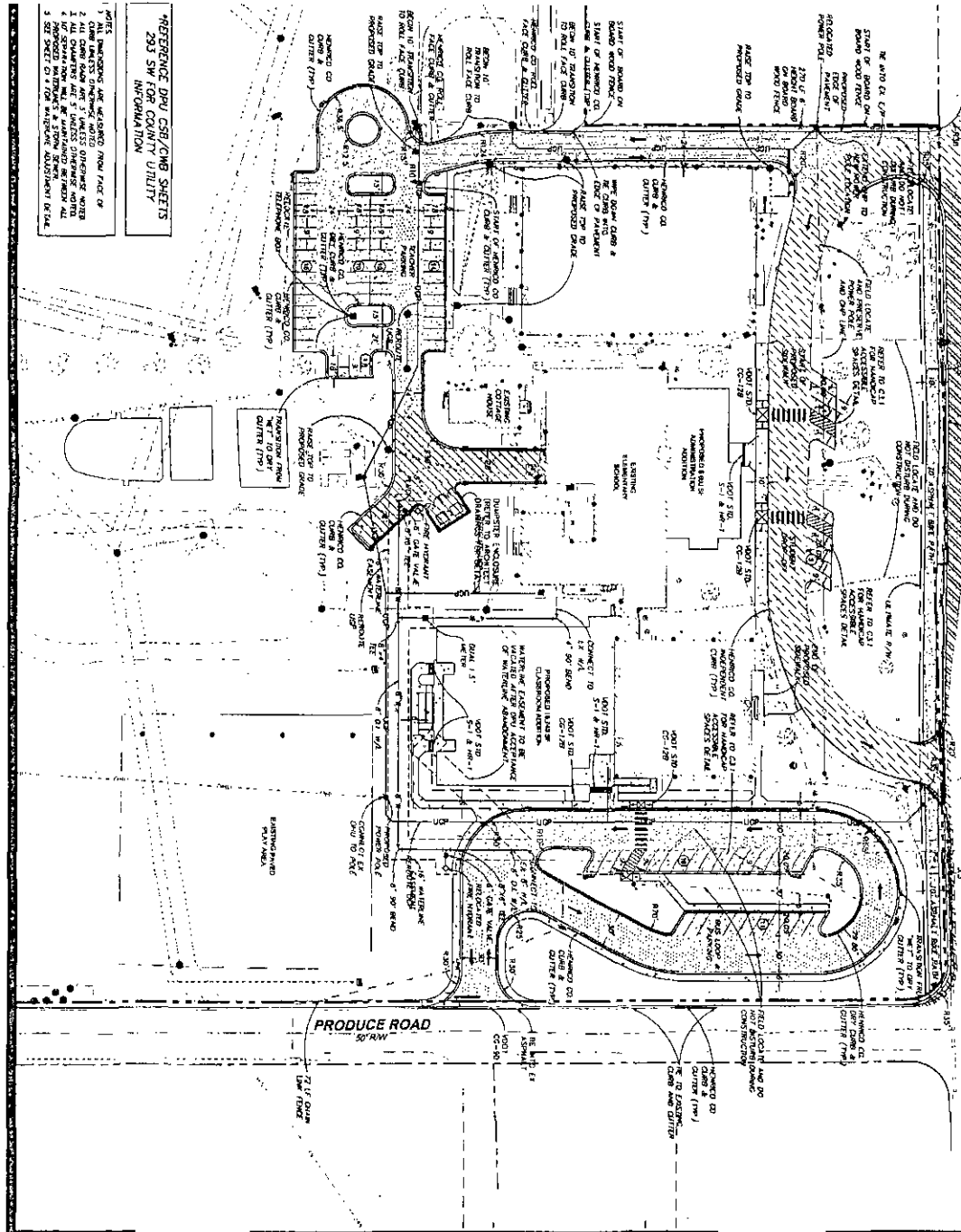
STAFF PLAN 5-12-09

NEW MARKET ROAD TYP. SECTION



NEW MARKET ROAD

VARINA ES ADDITIONS



REFERENCE DRU, CSB/CMB SHEETS
293 SW FOR COUNTY UTILITY
INFORMATION

1. NOTES
2. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED
3. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED
4. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED
5. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED

VARINA ES ADDITIONS

STATE PROJECT CODE # 43-29G
HENRICO COUNTY PUBLIC SCHOOLS
VARINA, VA

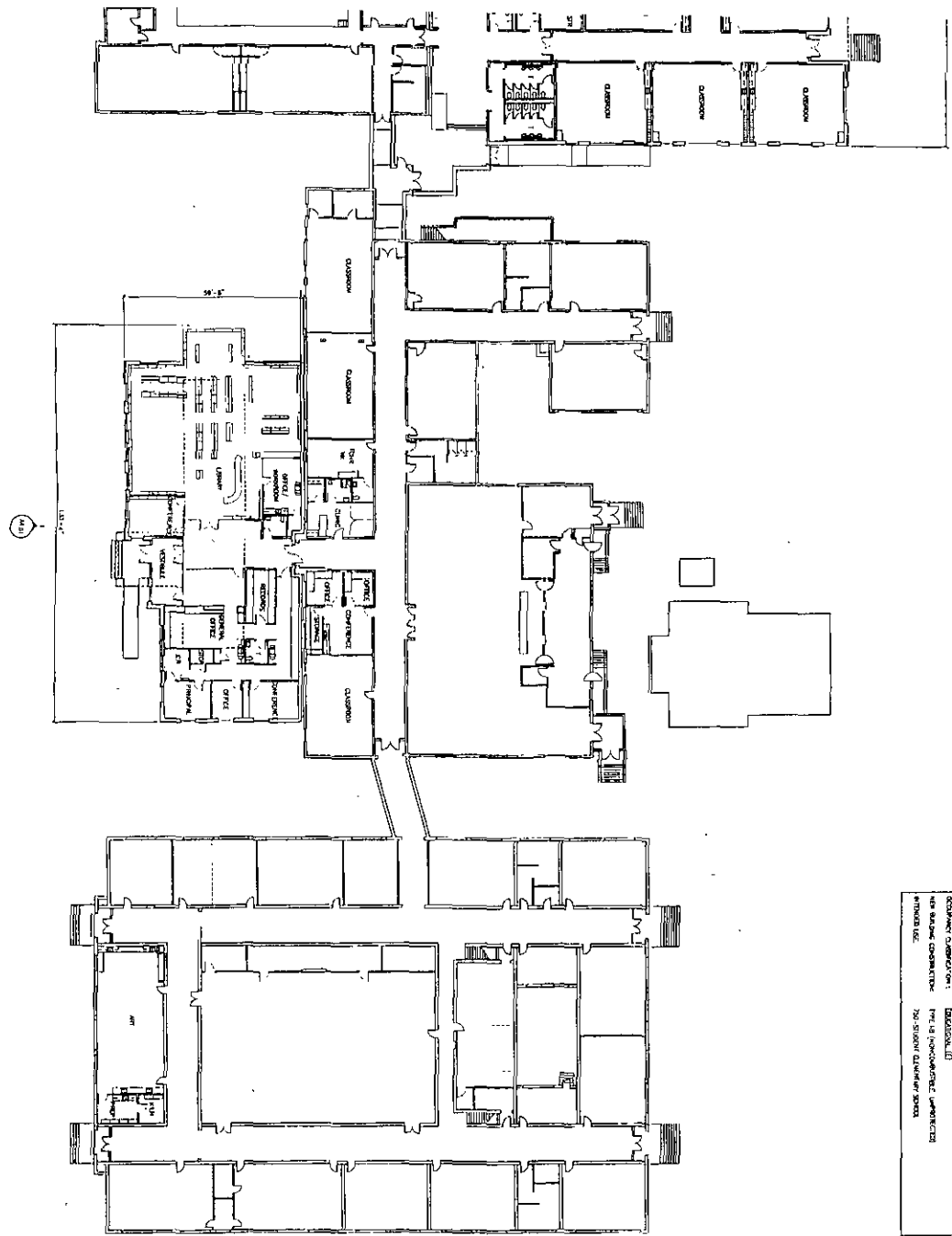


MOSELEY ARCHITECTS
A PROFESSIONAL CORPORATION

3220 WOLFPOK STREET, RICHMOND, VIRGINIA 23220
PHONE (804) 794-7666 FAX (804) 366-0090
MOSELEYARCHITECTS.COM

PROJECT NO.	43-29G
DATE	FEBRUARY 6, 2009
REVISION	
DRAWN BY	KAP, JMM
CHECKED BY	KAP, JMM

C30



**CODES COMPLIANCE REVIEW
AND RELATED INFORMATION**

DATE: 02/12/09
BY: J. MOSELEY
PROJECT: 43-29G
SHEET: 1 OF 1
REVISIONS: 0
DATE: 02/12/09
BY: J. MOSELEY
PROJECT: 43-29G
SHEET: 1 OF 1
REVISIONS: 0

A2.00

OVERALL
FLOOR PLAN

PROJECT NO: 43-29G
DATE: FEBRUARY, 12, 2009
REVISION: 0
DRAWN BY: J. MOSELEY
REVIEWED BY: J. MOSELEY

VARINA ES ADDITIONS
STATE PROJECT CODE # 43-29G
HENRICO COUNTY PUBLIC SCHOOLS
VARINA, VA

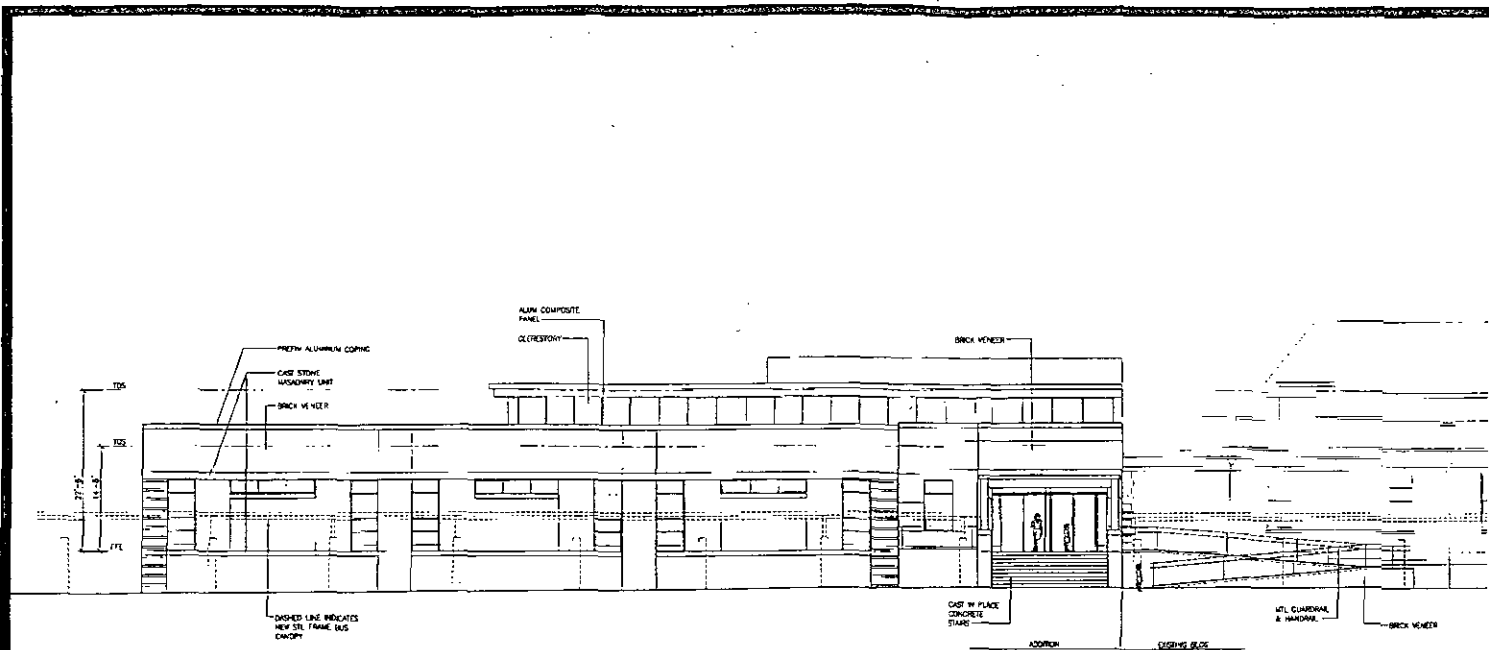
PROGRESS
PRINT NOT FOR
CONSTRUCTION

MOSELEYARCHITECTS
A PROFESSIONAL CORPORATION

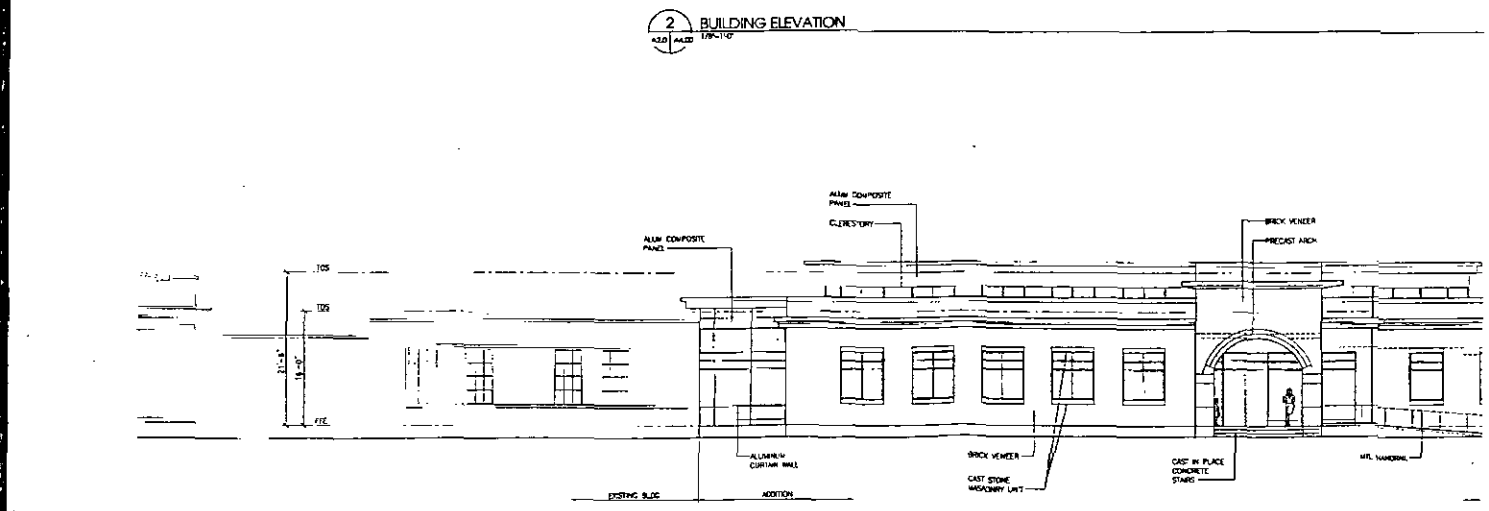
3200 NORFOLK STREET, RICHMOND, VIRGINIA 23230
PHONE (804) 794-7550 FAX (804) 355-5690
MOSELEYARCHITECTS.COM

STAFF ARCHITECTURE 5-12-09

POD 7-09



2 BUILDING ELEVATION
ASB ALSD 1/16/10



1 BUILDING ELEVATION
ASB ALSD 1/16/10



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 128-09
Page No.

1 of 2

Agenda Title RESOLUTION - Signatory Authority - Conveyance of Real Estate -
Approximately 0.224 Acre on Bethlehem Road - Brookland District

For Clerk's Use Only:	BOARD OF SUPERVISORS ACTION	
MAY 12 2009	Moved by (1) <u>Wlover</u> Seconded by (1) <u>Thornnton</u>	YES NO OTHER
Date <u>MAY 12 2009</u>	(2) _____ (2) _____	Donati, J. <u>✓</u> _____
<input checked="" type="checkbox"/> Approved	REMARKS: APPROVED	Glover, R. <u>✓</u> _____
<input type="checkbox"/> Denied		Kaechele, D. <u>✓</u> _____
<input type="checkbox"/> Amended		O'Bannon, P. <u>✓</u> _____
<input type="checkbox"/> Deferred to		Thornnton, F. <u>✓</u> _____

WHEREAS, the County of Henrico, Virginia (the "County") acquired for future road use a 0.224 acre parcel of land (the "Parcel") on Bethlehem Road from James E. Smith and Gertrude Bruce Smith by Deed dated November 15, 1960, recorded in Clerk's Office of the Circuit Court of Henrico County, Virginia (the Clerk's Office) in Deed Book 1003, Page 625; and,

WHEREAS, the Parcel was never incorporated in a County road project and except for an 8' wide strip along the western boundary of Bethlehem Road and an easement for an existing drainage pipe, there is no public necessity for the Parcel; and,

WHEREAS, an advertised public hearing for the conveyance of the Parcel was held on May 12, 2009.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of Henrico County, Virginia that the Parcel, less an 8' wide strip of land along the western boundary of Bethlehem Road, is hereby declared surplus to the needs of the County and the County Manager is hereby authorized and directed to execute a Real Estate Purchase Agreement, in a form approved by the County Attorney, for the sale of 1/2 of the Parcel lying adjacent to 5305 Bethlehem Road to H. Leroy Basham and 1/2 of the Parcel lying adjacent to 5401 Bethlehem Road to Stuart N. Ragland and Elizabeth M. Ragland for the total contract price of \$2,240.00.

By Agency Head [Signature]

By County Manager [Signature]

Routing:

Yellow to: Real Property

Copy to: _____

Certified:

A Copy Teate: _____

Clerk, Board of Supervisors

Date: _____

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

Agenda Item No. 128-09
Page No.

2 of 2

Agenda Title

**RESOLUTION - Signatory Authority - Conveyance of Real Estate -
Approximately 0.224 Acre on Bethlehem Road - Brookland District**

AND BE IT FURTHER RESOLVED that the Chairman and Clerk are authorized and directed to execute two Deeds of Special Warranty, in a form approved by the County Attorney, conveying the County's interest in ½ of the Parcel lying adjacent to 5305 Bethlehem Road to H. Leroy Basham and in ½ of the Parcel lying adjacent to 5401 Bethlehem Road to Stuart N. Ragland and Elizabeth M. Ragland, less an 8' wide strip of the Parcel along the western boundary of Bethlehem Road and less an easement for an existing drainage pipe.

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

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

Agenda Item No. 129-09
Page No. 2 of 2

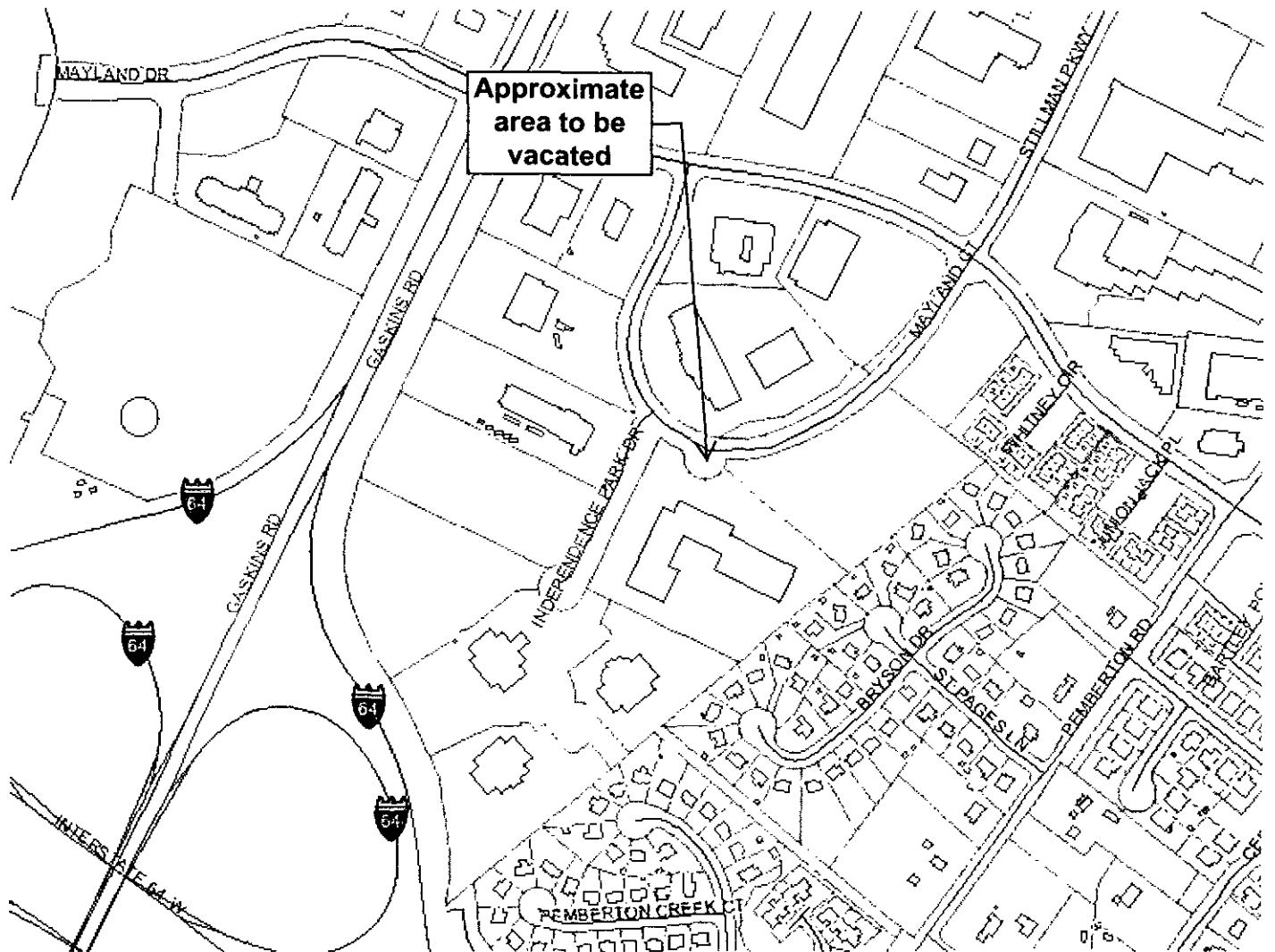
**Agenda Title ORDINANCE - Vacation of Portion of Cul-de-Sac – Mayland Court – Deep
Run Trade Center - Three Chopt District**

(3) the Clerk of the Circuit Court of the County of Henrico, Virginia (the "Clerk") is authorized, upon receipt of payment therefor, to record a certified copy of the Ordinance in the Clerk's Office, after the expiration of thirty (30) days from its passage, provided no appeal has been taken to the Circuit Court of the County of Henrico, Virginia, pursuant to law;

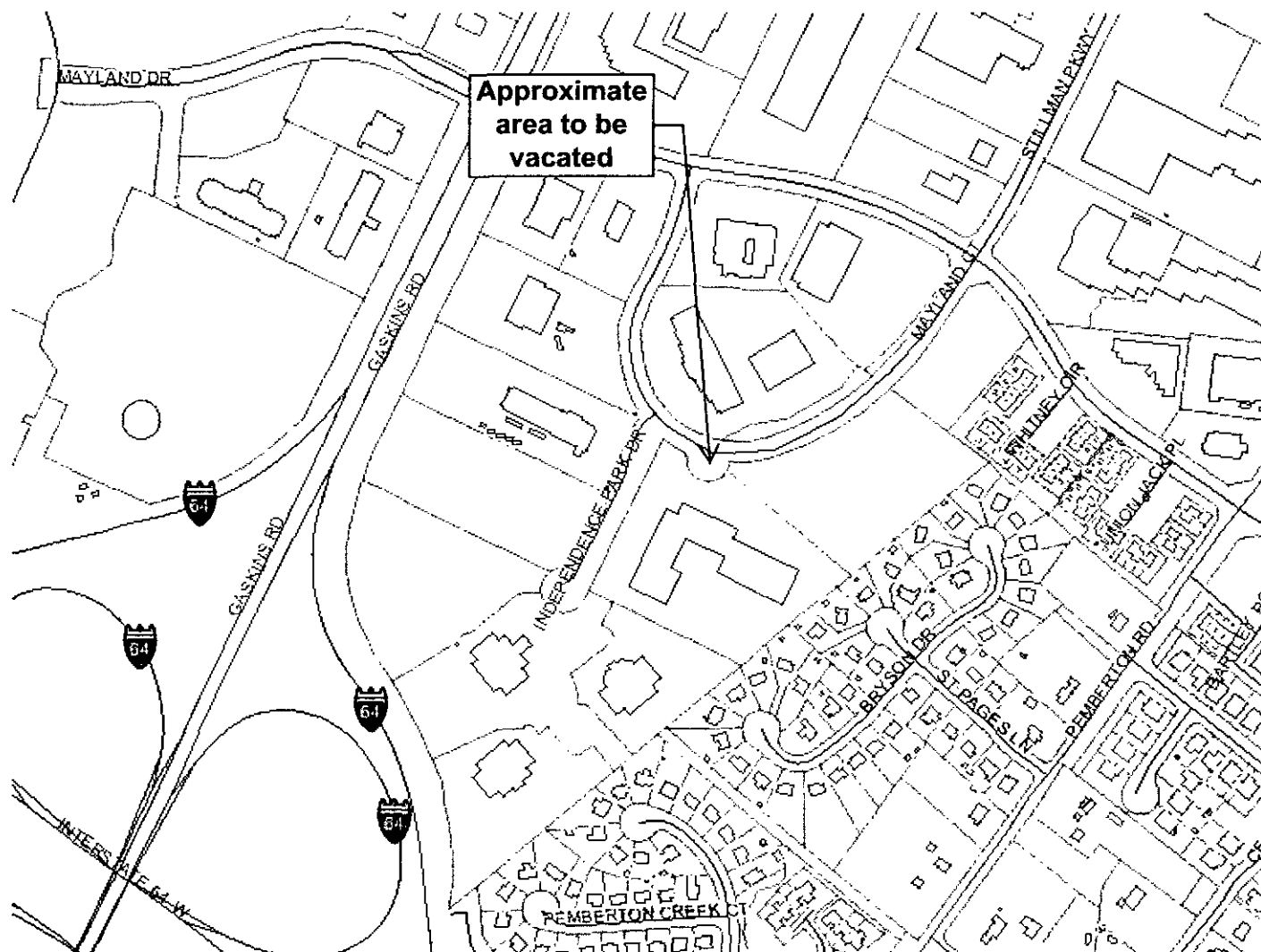
(4) the Clerk is further authorized to index the same on the grantor and grantee sides of the general index to deeds in the names of Commonwealth Foundation For Cancer Research, a Virginia non-stock corporation, and Beverley W. Armstrong, or their successors or assigns; and

(5) Pursuant to Va. Code §15.2-2276 the Clerk shall note this vacation as prescribed.

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



MAYLAND COURT
VICINITY MAP



MAYLAND COURT
VICINITY MAP

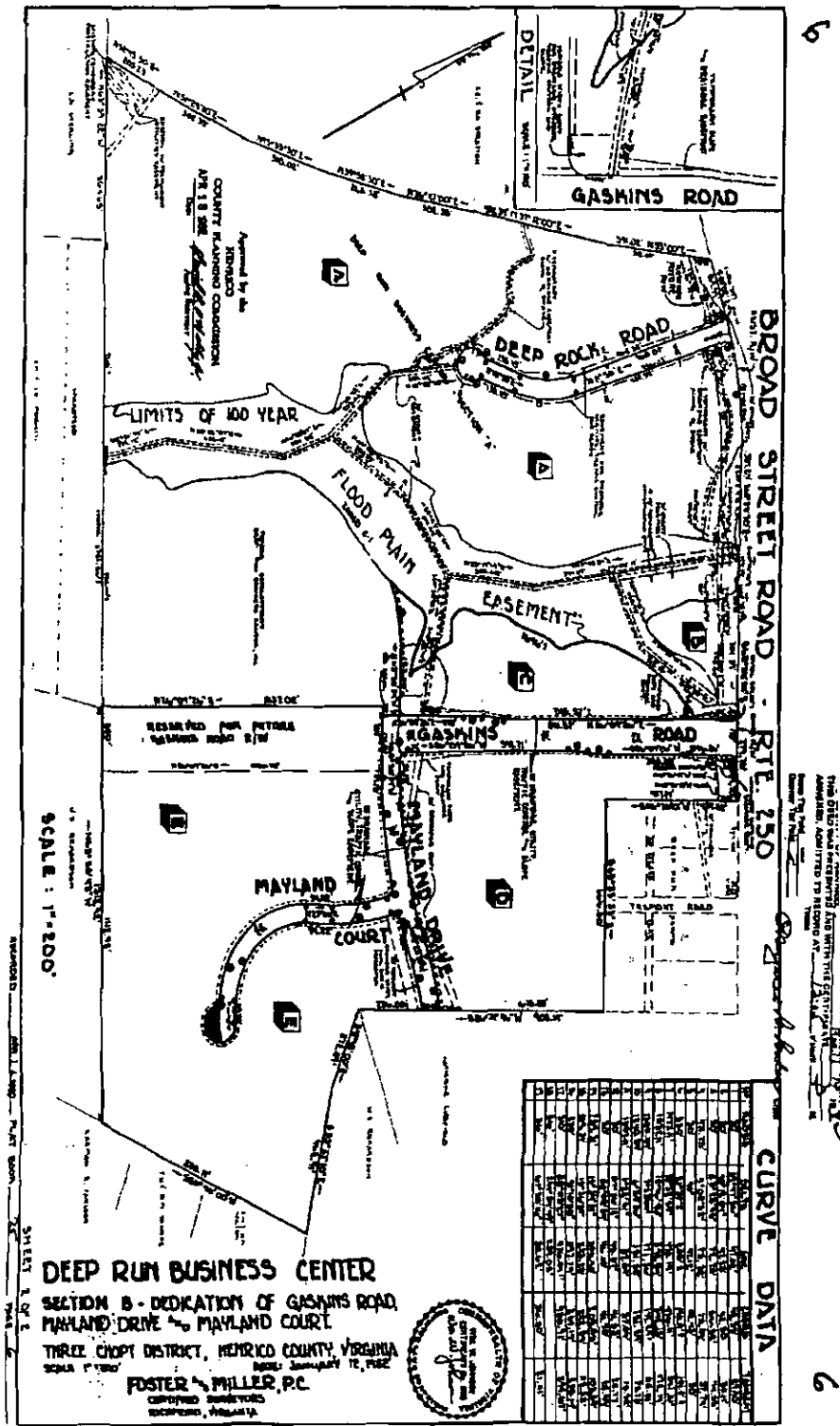
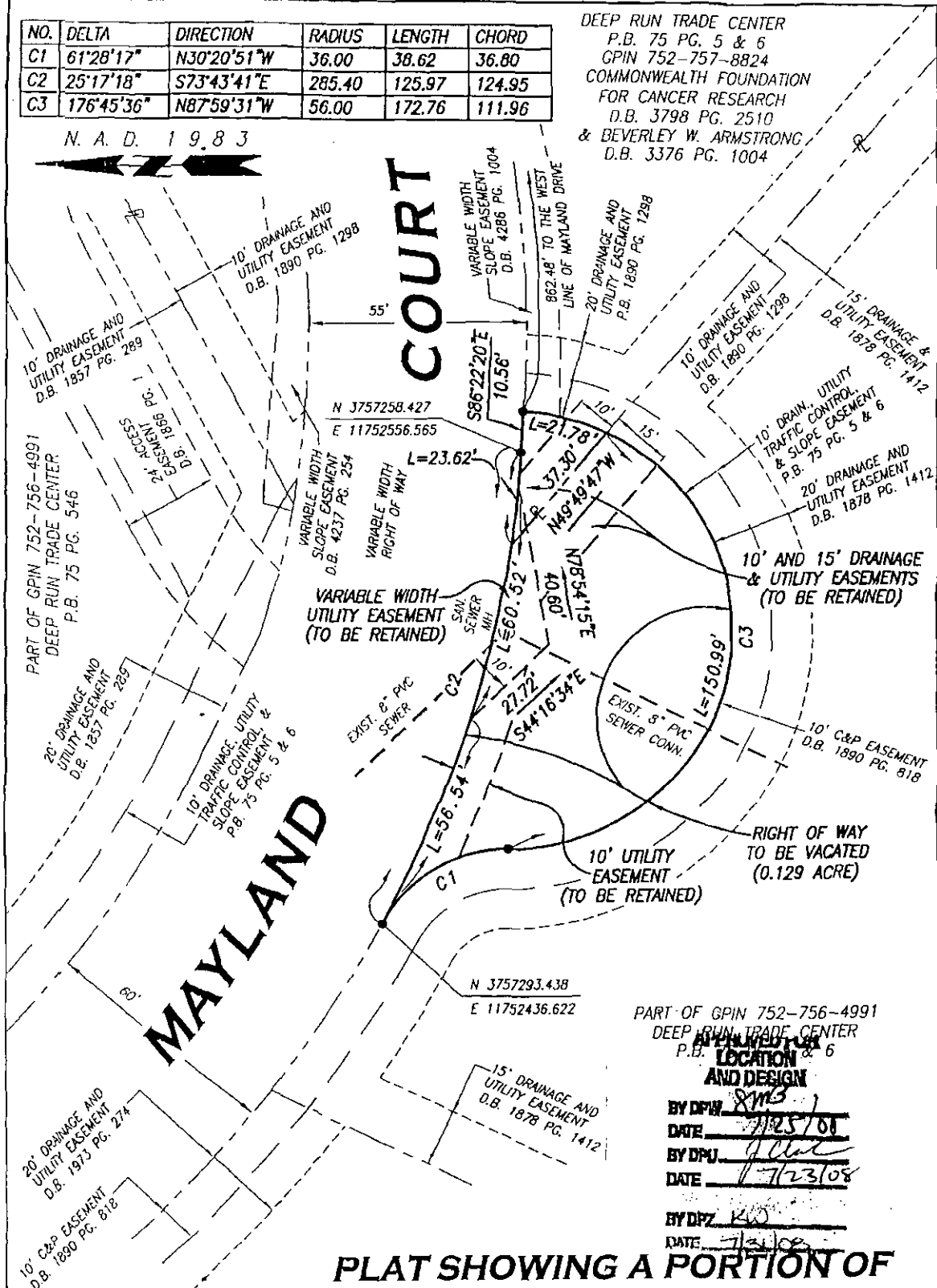


EXHIBIT "A"

NO.	DELTA	DIRECTION	RADIUS	LENGTH	CHORD
C1	61°28'17"	N30°20'51"W	36.00	38.62	36.80
C2	25°17'18"	S73°43'41"E	285.40	125.97	124.95
C3	176°45'36"	N87°59'31"W	56.00	172.76	111.96

N. A. D. 1983



DEEP RUN TRADE CENTER
P.B. 75 PG. 5 & 6
GPIN 752-757-8824
COMMONWEALTH FOUNDATION
FOR CANCER RESEARCH
D.B. 3798 PG. 2510
& BEVERLEY W. ARMSTRONG
D.B. 3376 PG. 1004

PART OF GPIN 752-756-4991
DEEP RUN TRADE CENTER
P.B. 75 PG. 5 & 6

APPROVED FOR
LOCATION
AND DESIGN

BY DPW 8MB
DATE 7/23/08
BY DPJ [Signature]
DATE 7/23/08

BY DPZ KD
DATE 7/23/08

PLAT SHOWING A PORTION OF MAYLAND COURT TO BE VACATED, AND EASEMENTS TO BE RETAINED

HENRICO COUNTY, VIRGINIA

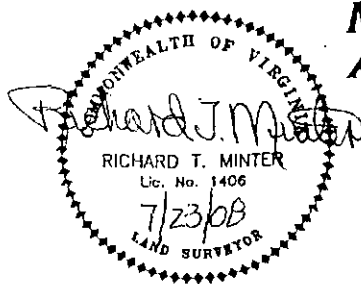
JULY 23, 2008 SCALE: 1"=30'

POTTS, MINTER and ASSOCIATES, P.C.

Engineers, Land Surveyors, Land Planners
3520 Courthouse Road
Richmond, Virginia 23236
(804) 745-2876

EXHIBIT "B"

J.N. 0401-08



CHECKED: RTM

Agenda Item No. 130-09
Page No. 1 of 5

☒ Approved
☐ Denied
☐ Amended
☐ Deferred to

BOARD OF SUPERVISORS ACTION

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

REMARKS:

REMARKS: APPROVED

YES NO OTHER

Donati, J.	7		
Glover, R.	1		
Kaechele, D.	2		
O'Bannon, P.	1		
Thornton, F.	1		

AGENDA TITLE: RESOLUTION - REQUESTING THE ECONOMIC DEVELOPMENT AUTHORITY OF HENRICO COUNTY, VIRGINIA, TO AUTHORIZE THE ISSUANCE OF NOT TO EXCEED FORTY-FIVE MILLION DOLLARS (\$45,000,000) PRINCIPAL AMOUNT OF LEASE REVENUE REFUNDING BONDS (HENRICO COUNTY GOVERNMENTAL PROJECTS) FOR THE PURPOSE OF REFUNDING A PORTION OF THE AUTHORITY'S OUTSTANDING LEASE REVENUE BONDS (HENRICO COUNTY GOVERNMENTAL PROJECTS), SERIES 1996, A PORTION OF THE AUTHORITY'S OUTSTANDING LEASE REVENUE BONDS (HENRICO COUNTY GOVERNMENTAL PROJECTS), SERIES 1998, AND A PORTION OF THE AUTHORITY'S OUTSTANDING PUBLIC FACILITY LEASE REVENUE REFUNDING BONDS (HENRICO COUNTY REGIONAL JAIL PROJECT), SERIES 1999, ISSUED TO FINANCE VARIOUS PROJECTS FOR LEASE TO THE COUNTY

The Board of Supervisors adopted the attached resolution.

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

By Agency Head

By County Manager

Routing:

Certified:

Yellow to:

A Copy Test:

Copy to:

Clerk, Board of Supervisors

Date:

RESOLUTION - REQUESTING THE ECONOMIC DEVELOPMENT AUTHORITY OF HENRICO COUNTY, VIRGINIA, TO AUTHORIZE THE ISSUANCE OF NOT TO EXCEED FORTY-FIVE MILLION DOLLARS (\$45,000,000) PRINCIPAL AMOUNT OF LEASE REVENUE REFUNDING BONDS (HENRICO COUNTY GOVERNMENTAL PROJECTS) FOR THE PURPOSE OF REFUNDING A PORTION OF THE AUTHORITY'S OUTSTANDING LEASE REVENUE BONDS (HENRICO COUNTY GOVERNMENTAL PROJECTS), SERIES 1996, A PORTION OF THE AUTHORITY'S OUTSTANDING LEASE REVENUE BONDS (HENRICO COUNTY GOVERNMENTAL PROJECTS), SERIES 1998, AND A PORTION OF THE AUTHORITY'S OUTSTANDING PUBLIC FACILITY LEASE REVENUE REFUNDING BONDS (HENRICO COUNTY REGIONAL JAIL PROJECT), SERIES 1999, ISSUED TO FINANCE VARIOUS PROJECTS FOR LEASE TO THE COUNTY

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

SECTION 1. Findings and Determinations. The Board of Supervisors (the "Board") of the County of Henrico, Virginia (the "County") hereby finds and determines as follows:

(a) At the request of the County, the Economic Development Authority of Henrico County, Virginia (the "Authority"), has issued its Lease Revenue Bonds (Henrico County Governmental Projects), Series 1996 (the "1996 Bonds"), its Lease Revenue Bonds (Henrico County Governmental Projects), Series 1998 (the "1998 Bonds"), and its Public Facility Lease Revenue Refunding Bonds (Henrico County Regional Jail Project), Series 1999 (the "1999 Bonds"), to finance various projects for or on behalf of the County (the "Projects").

(b) The 1996 Bonds maturing on June 1 in each of the years 2010 through 2017, which are outstanding on the date hereof in the principal amount of \$6,215,000 (the "callable 1996 Bonds"), are currently subject to redemption at the option of the County as a whole or in part at any time at a redemption price equal to 100% of the principal amount of the callable 1996 Bonds to be redeemed, together with the interest accrued thereon to the date fixed for the redemption thereof.

(c) The 1998 Bonds maturing on June 1 in each of the years 2010 through 2018, which are outstanding on the date hereof in the principal amount of \$5,835,000 (the "callable 1998 Bonds"), are currently subject to redemption at the option of the County as a whole or in part at any time at a redemption price, during the period from June 1, 2009 through May 31, 2010, equal to 101% of the principal amount of the callable 1998 Bonds to be redeemed, together with the interest accrued thereon to the date fixed for the redemption thereof.

(d) The 1999 Bonds maturing on November 1 in each of the years 2010 through 2017, and on November 1, 2019 and on November 1, 2021, which are outstanding on the date hereof in the principal amount of \$27,140,000 (the "callable 1999 Bonds"), are subject to

redemption at the option of the County as a whole or in part at any time on or after November 1, 2009 at a redemption price equal to 102% of the principal amount of the callable 1999 Bonds to be redeemed, together with the interest accrued thereon to the date fixed for the redemption thereof.

(e) The Board has determined that it would be desirable for the Authority to current refund the callable 1996 Bonds, the callable 1998 Bonds and the callable 1999 Bonds (collectively, the "Refunded Bonds") in order to achieve interest cost savings for the County.

SECTION 2. Authorization of Issuance and Sale of 2009 Bonds. The Authority is hereby requested to authorize the issuance of its refunding lease revenue bonds (the "2009 Bonds") in the principal amount of not to exceed Forty-Five Million Dollars (\$45,000,000) for the purpose of refunding all, or a portion of, the Refunded Bonds in order to achieve interest cost savings for the County. The 2009 Bonds shall mature in not to exceed 20 years, shall be sold at a true interest cost of not to exceed 5.50% and shall be subject to redemption at a redemption price of not to exceed 101%. Subject to the provisions of the immediately succeeding sentence, the terms and provisions of the 2009 Bonds and all other matters in connection with the issuance and sale of the 2009 Bonds shall be determined by the Authority. The County Manager or any Deputy County Manager is hereby authorized, without further notice to or action by the Board, to approve the selection of the underwriters for the Bonds (the "Underwriters"), to approve the form of the terms, conditions and provisions of, and to execute and deliver, a Bond Purchase Agreement by and among the Authority, the County and the Underwriters relating to the Bonds and to approve the details of the Bonds at the time of sale thereof. The appropriate officers of the County are hereby authorized to take any and all actions necessary to prepare the 2009 Bonds for sale.

SECTION 3. Approval of Execution of Amendments or Supplements to Lease Purchase Agreements and Other Documents and Instruments. The County Manager or any Deputy County Manager is hereby authorized, without further notice to and action of the Board, to approve the terms, conditions and provisions of and to execute and deliver such amendments or supplements to the Lease Purchase Agreements relating to the 1996 Bonds, the 1998 Bonds and the 1999 Bonds (as so amended or supplemented, the "Lease Purchase Agreements") and other documents and instruments as shall be necessary or desirable in connection with the authorization, issuance, sale and delivery of the 2009 Bonds, such approval to be evidenced by the execution and delivery of the amendments or supplements to the Lease Purchase Agreements or such other document and instruments by the County Manager or any Deputy County Manager.

SECTION 4. Source of Payment of Bonds; Annual Appropriation. (a) The 2009 Bonds shall be payable solely from the revenues and receipts derived by the Authority from the leasing of the Projects to the County and from other moneys furnished by the County.

(b) As provided in the Lease Purchase Agreements, the County Manager is hereby directed in each fiscal year to include in the County budget prepared by him for such fiscal year an appropriation equal to debt service due on the 2009 Bonds in such fiscal year and in amounts sufficient to make up any deficiencies in any bond reserve for the 2009 Bonds and to

pay fees and expenses in connection with the 2009 Bonds. It is hereby declared to be the intent of the Board to appropriate such amounts as are included by the County Manager in the annual budgets, it being understood, however, that the obligation to make any such payments in any fiscal year shall be limited to the amount appropriated by the Board, if any, for such purpose in such fiscal year. Nothing in this resolution, the 2009 Bonds, the Lease Agreements relating to the 1996 Bonds, the 1998 Bonds of the 1999 Bonds (the "Lease Agreements") or the Lease Purchase Agreements, shall constitute a pledge of the full faith and credit of the County.

SECTION 5. Preliminary Official Statement; Official Statement; Continuing Disclosure Certificate. The County Manager or any Deputy County Manager and Director of Finance are hereby authorized to approve, and to execute and deliver, the Official Statement of the Authority, to be dated as of the date of sale of the 2009 Bonds, relating to the 2009 Bonds (the "Official Statement"), in substantially the form of the Preliminary Official Statement of the Authority relating to the 2009 Bonds, after the same has been completed by the insertion of the maturities, interest rates and other details of the 2009 Bonds and by making such other insertions, changes or corrections as the Chairman of the Authority, based on the advice of the County's financial advisors and legal counsel (including the County Attorney and Bond Counsel), deems necessary or appropriate. The Board hereby authorizes the Official Statement and the information contained therein to be used by the purchasers in connection with the sale of the 2009 Bonds. The Preliminary Official Statement and the distribution thereof is hereby approved and ratified and 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 Director of Finance are hereby authorized and directed to deliver on behalf of the County to the purchasers of the 2009 Bonds a certificate as to the Official Statement as of the date of delivery and payment for the 2009 Bonds.

A Continuing Disclosure Certificate is hereby authorized to be executed and delivered by the Director of Finance of the County. The Board covenants with the holders from time to time of the 2009 Bonds that it will take, and hereby authorizes the appropriate officers of the Board and employees of the County to take, all action necessary or appropriate to comply with and carry out all of the provisions of the Continuing Disclosure Certificate as amended from time to time. Notwithstanding any other provision of this resolution, failure of the County to perform in accordance with the Continuing Disclosure Certificate shall not constitute a default under the Lease Purchase Agreements and the Continuing Disclosure Certificate may be enforced only as provided therein.

SECTION 6. Approval of Appointment of Escrow Agent; Approval of Execution and Delivery of Escrow Deposit Agreement. (a) The County Manager or any Deputy County Manager is hereby authorized to appoint an escrow agent (the "Escrow Agent") in connection with the refunding of the Refunded Bonds.

(b) The County Manager or any Deputy County Manager is hereby authorized and directed to execute and deliver an Escrow Deposit Agreement by and among the Authority, the County and the Escrow Agent in such form as shall be approved by the County Manager,

such approval to be conclusively evidenced by the execution of the Escrow Deposit Agreement by the County Manager or any Deputy County Manager.

SECTION 7. Tax Covenant. The County hereby covenants to comply with the provisions of Section 103 and Sections 141 through 150 of the Internal Revenue Code of 1986, as amended, applicable to the 2009 Bonds throughout the term of the 2009 Bonds.

SECTION 8. Essentiality. The Board determines that lease of the Real Estate to the Authority pursuant to the Lease Agreements, the issuance of the 2009 Bonds and the acquisition, construction and reconstruction of the Projects, the lease of the Projects to the County in accordance with the terms of the Lease Purchase Agreements and all actions of the County contemplated thereunder, will be in furtherance of the welfare of the citizens of the County and will provide facilities which are essential to the operations of the County.

SECTION 9. Effectiveness of Resolution. This resolution shall take effect upon its adoption. In the event the 2009 Bonds shall not have been issued on or before December 31, 2009, this resolution shall be of no further force and effect.

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 131-09
Page No. 1 of 21

Agenda Title See Below

For Clerk's Use Only:

MAY 12 2009

Date _____

☒ Approved

☐ Denied

☐ Amended

☐ Deferred to

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

Donati, J. ✓ _____

Glover, R. ✓ _____

Kaechele, D. ✓ _____

O'Bannon, P. ✓ _____

Thornton, F. ✓ _____

AGENDA TITLE: RESOLUTION - AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED THIRTY-FOUR MILLION DOLLARS (\$34,000,000) AGGREGATE PRINCIPAL AMOUNT OF WATER AND SEWER SYSTEM REFUNDING REVENUE BONDS, SERIES 2009A, OF THE COUNTY OF HENRICO, VIRGINIA, FOR THE PURPOSE OF REFUNDING THE OUTSTANDING WATER AND SEWER SYSTEM REVENUE NOTE, SUBORDINATE SERIES 1997, OF THE COUNTY; AUTHORIZING THE COUNTY MANAGER OR ANY DEPUTY COUNTY MANAGER AND THE DIRECTOR OF FINANCE TO FIX THE MATURITIES, INTEREST RATES AND OTHER DETAILS OF SUCH BONDS; APPROVING THE FORM OF SUCH BONDS; AUTHORIZING THE COUNTY MANAGER OR ANY DEPUTY COUNTY MANAGER AND THE DIRECTOR OF FINANCE TO SELECT THE UNDERWRITERS OF SUCH BONDS AND TO NEGOTIATE THE SALE OF SUCH BONDS TO SUCH UNDERWRITERS AND AUTHORIZING THE EXECUTION AND DELIVERY TO SUCH UNDERWRITERS OF A BOND PURCHASE AGREEMENT FOR SUCH SALE OR, IN LIEU OF NEGOTIATING THE SALE OF SUCH BONDS TO SUCH UNDERWRITERS, AUTHORIZING THE PLACEMENT OF SUCH BONDS WITH THE VIRGINIA RESOURCES AUTHORITY; AUTHORIZING THE PREPARATION AND DELIVERY OF A PRELIMINARY OFFICIAL STATEMENT RELATING TO SUCH BONDS AND AUTHORIZING THE DISTRIBUTION THEREOF; AUTHORIZING THE PREPARATION OF A FINAL OFFICIAL STATEMENT AND CONTINUING DISCLOSURE CERTIFICATE RELATING TO SUCH BONDS AND AUTHORIZING THE DISTRIBUTION THEREOF; AUTHORIZING A REFUNDING TRUST AGREEMENT BY AND BETWEEN THE COUNTY AND U.S. BANK NATIONAL ASSOCIATION, AS REFUNDING TRUSTEE, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH REFUNDING TRUST AGREEMENT; DESIGNATING AND GIVING IRREVOCABLE INSTRUCTIONS FOR THE REDEMPTION OF THE COUNTY'S WATER AND SEWER SYSTEM REVENUE NOTE, SUBORDINATE SERIES 1997; AND RATIFYING CERTAIN ACTS AND PROCEEDINGS

The Board of Supervisors adopted the attached resolution.

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

By Agency Head [Signature] 073

By County Manager [Signature]

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

RESOLUTION - AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED THIRTY-FOUR MILLION DOLLARS (\$34,000,000) AGGREGATE PRINCIPAL AMOUNT OF WATER AND SEWER SYSTEM REFUNDING REVENUE BONDS, SERIES 2009A, OF THE COUNTY OF HENRICO, VIRGINIA, FOR THE PURPOSE OF REFUNDING THE OUTSTANDING WATER AND SEWER SYSTEM REVENUE NOTE, SUBORDINATE SERIES 1997, OF THE COUNTY; AUTHORIZING THE COUNTY MANAGER OR ANY DEPUTY COUNTY MANAGER AND THE DIRECTOR OF FINANCE TO FIX THE MATURITIES, INTEREST RATES AND OTHER DETAILS OF SUCH BONDS; APPROVING THE FORM OF SUCH BONDS; AUTHORIZING THE COUNTY MANAGER OR ANY DEPUTY COUNTY MANAGER AND THE DIRECTOR OF FINANCE TO SELECT THE UNDERWRITERS OF SUCH BONDS AND TO NEGOTIATE THE SALE OF SUCH BONDS TO SUCH UNDERWRITERS AND AUTHORIZING THE EXECUTION AND DELIVERY TO SUCH UNDERWRITERS OF A BOND PURCHASE AGREEMENT FOR SUCH SALE OR, IN LIEU OF NEGOTIATING THE SALE OF SUCH BONDS TO SUCH UNDERWRITERS, AUTHORIZING THE PLACEMENT OF SUCH BONDS WITH THE VIRGINIA RESOURCES AUTHORITY; AUTHORIZING THE PREPARATION AND DELIVERY OF A PRELIMINARY OFFICIAL STATEMENT RELATING TO SUCH BONDS AND AUTHORIZING THE DISTRIBUTION THEREOF; AUTHORIZING THE PREPARATION OF A FINAL OFFICIAL STATEMENT AND CONTINUING DISCLOSURE CERTIFICATE RELATING TO SUCH BONDS AND AUTHORIZING THE DISTRIBUTION THEREOF; AUTHORIZING A REFUNDING TRUST AGREEMENT BY AND BETWEEN THE COUNTY AND U.S. BANK NATIONAL ASSOCIATION, AS REFUNDING TRUSTEE, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH REFUNDING TRUST AGREEMENT; DESIGNATING AND GIVING IRREVOCABLE INSTRUCTIONS FOR THE REDEMPTION OF THE COUNTY'S WATER AND SEWER SYSTEM REVENUE NOTE, SUBORDINATE SERIES 1997; AND RATIFYING CERTAIN ACTS AND PROCEEDINGS

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
SECTION 1. Definitions.....	1
SECTION 2. Authorization of Issuance of 2009A Bonds.....	3
SECTION 3. Book-Entry Only System; Appointment of Principal Paying Agent and Registrar; Payment of 2009A Bonds; Books of Registry; Exchanges and Transfers of 2009A Bonds.....	4
SECTION 4. Redemption of 2009A Bonds.....	6
SECTION 5. Execution and Authentication of 2009A Bonds; CUSIP Identification Numbers.....	7
SECTION 6. Covenant as to Compliance with 1986 Code.....	8
SECTION 7. Sources of Payment of 2009A Bonds	8
SECTION 8. Form of 2009A Bonds	8
SECTION 9. Sale of the 2009A Bonds	8
SECTION 10. Approval of Execution and Delivery of 2009A Refunding Trust Agreement; Appointment of 2009A Refunding Trustee; Authorization of Purchase of Securities; Designation of Refunded Obligation for Redemption.	9
SECTION 11. Application of Proceeds of the 2009A Bonds.....	10
SECTION 12. Debt Service Payments	10
SECTION 13. 2009A Supplemental Resolution Is a “Supplemental Resolution” under the Resolution; 2009A Bonds Are “Bonds” and “Additional Bonds” under the Resolution.	11
SECTION 14. Filing of this 2009A Supplemental Resolution with Circuit Court	11
SECTION 15. Effect of Article and Section Headings and Table of Contents	11
SECTION 16. Effectiveness of this 2009A Supplemental Resolution.....	12
 EXHIBIT A Form of 2009A Bonds	 A-1

RESOLUTION - AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED THIRTY-FOUR MILLION DOLLARS (\$34,000,000) AGGREGATE PRINCIPAL AMOUNT OF WATER AND SEWER SYSTEM REFUNDING REVENUE BONDS, SERIES 2009A, OF THE COUNTY OF HENRICO, VIRGINIA, FOR THE PURPOSE OF REFUNDING THE OUTSTANDING WATER AND SEWER SYSTEM REVENUE NOTE, SUBORDINATE SERIES 1997, OF THE COUNTY; AUTHORIZING THE COUNTY MANAGER OR ANY DEPUTY COUNTY MANAGER AND THE DIRECTOR OF FINANCE TO FIX THE MATURITIES, INTEREST RATES AND OTHER DETAILS OF SUCH BONDS; APPROVING THE FORM OF SUCH BONDS; AUTHORIZING THE COUNTY MANAGER OR ANY DEPUTY COUNTY MANAGER AND THE DIRECTOR OF FINANCE TO SELECT THE UNDERWRITERS OF SUCH BONDS AND TO NEGOTIATE THE SALE OF SUCH BONDS TO SUCH UNDERWRITERS AND AUTHORIZING THE EXECUTION AND DELIVERY TO SUCH UNDERWRITERS OF A BOND PURCHASE AGREEMENT FOR SUCH SALE OR, IN LIEU OF NEGOTIATING THE SALE OF SUCH BONDS TO SUCH UNDERWRITERS, AUTHORIZING THE PLACEMENT OF SUCH BONDS WITH THE VIRGINIA RESOURCES AUTHORITY; AUTHORIZING THE PREPARATION AND DELIVERY OF A PRELIMINARY OFFICIAL STATEMENT RELATING TO SUCH BONDS AND AUTHORIZING THE DISTRIBUTION THEREOF; AUTHORIZING THE PREPARATION OF A FINAL OFFICIAL STATEMENT AND CONTINUING DISCLOSURE CERTIFICATE RELATING TO SUCH BONDS AND AUTHORIZING THE DISTRIBUTION THEREOF; AUTHORIZING A REFUNDING TRUST AGREEMENT BY AND BETWEEN THE COUNTY AND U.S. BANK NATIONAL ASSOCIATION, AS REFUNDING TRUSTEE, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH REFUNDING TRUST AGREEMENT; DESIGNATING AND GIVING IRREVOCABLE INSTRUCTIONS FOR THE REDEMPTION OF THE COUNTY'S WATER AND SEWER SYSTEM REVENUE NOTE, SUBORDINATE SERIES 1997; AND RATIFYING CERTAIN ACTS AND PROCEEDINGS

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

SECTION 1. Definitions. (a) Unless the context shall clearly indicate some other meaning, all the words and terms used in this 2009A 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 2009A 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 2009A 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:

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

“2009A Refunding Trust Agreement” shall mean the refunding trust agreement between the County and a Trustee referred to in Section 10 hereof.

“2009A Refunding Trustee” shall mean U.S. Bank National Association.

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

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

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

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

“Refunded Obligation” shall mean the outstanding Water and Sewer System Revenue Note, Subordinate Series 1997, dated August 7, 1997, and maturing in annual principal installments on October 1 in each of the years 2009 through 2027, the same being outstanding on the date of adoption of this 2009A Supplemental Resolution in the principal amount of \$25,555,000.

Unless the context shall clearly indicate otherwise or otherwise require, (i) all references in this 2009A 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 2009A 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 2009A Supplemental Resolution to a particular section of this 2009A Supplemental Resolution shall be only to the section of that number of this 2009A Supplemental Resolution.

Whenever used in this 2009A Supplemental Resolution, the words “herein”, “hereinbefore”, “hereinafter”, “hereof”, “hereunder”, and other words of similar import, refer to this 2009A Supplemental Resolution only and to this 2009A 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 2009A Bonds.

(a) For the purpose of refunding the Refunded Obligation, there are hereby authorized to be issued, and shall be issued, under and secured by the Resolution, including this 2009A Supplemental Resolution, a series of Bonds in the aggregate principal amount of not to exceed \$34,000,000, to be designated as “County of Henrico, Virginia, Water and Sewer System Revenue Refunding Bonds, Series 2009A”.

(b) The 2009A 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 2009A 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 twenty (20) years, and in the principal amounts to be determined by the County Manager or any Deputy County Manager and the Director of Finance, and shall bear interest from the date thereof payable on such first interest payment date as shall be determined by the County Manager or any Deputy County Manager and the Director of Finance (which first interest payment date shall be either a May 1 or a November 1), and semiannually on each May 1 and November 1 thereafter,

at the rates per annum to be determined by the County Manager or any Deputy County Manager and the Director of Finance.

The 2009A Bonds, if any, in term form, as determined by the County Manager or any Deputy County Manager and the Director of Finance (the "2009 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 2009A Bond or 2009A Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption, the principal amount of such 2009A 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 2009A Bonds; Books of Registry; Exchanges and Transfers of 2009A Bonds.

(a) The 2009A 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 2009A Bonds, and immobilized in the custody of DTC. One fully registered 2009 Bond for the principal amount of each maturity shall be registered to Cede & Co. Beneficial owners of 2009A Bonds shall not receive physical delivery of 2009A Bonds. Individual purchases of 2009A 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 2009A Bonds shall be made by wire transfer to DTC or its nominee as registered owner of such 2009A Bonds on the applicable payment date, notwithstanding the provisions of Section 3(d) hereof.

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

Transfers of ownership interests in the 2009A Bonds shall be made by DTC and its Participants, acting as nominees of the beneficial owners of the 2009A 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 2009A Bonds shall act in accordance with such rules or on a timely basis.

(b) Replacement 2009A Bonds (the "Replacement 2009A Bonds") shall be issued directly to beneficial owners of 2009A 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 2009A 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 2009A 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 2009A 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 2009A Bonds by mailing an appropriate notice to DTC, the County shall execute and deliver Replacement 2009A Bonds substantially in the form set forth in Section 8 hereof to any Participants making a request for such Replacement 2009A Bonds. The County shall be entitled to rely on the records provided by DTC as to the Participants entitled to receive Replacement 2009A Bonds. Principal of and interest on the Replacement 2009A Bonds shall be payable as provided in subsection (d) of this Section 3 hereof, and such Replacement 2009A Bonds will be transferable and exchangeable in accordance with subsection (e) of this Section 3.

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

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

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

(iii) The principal of and interest on the 2009A 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 2009A Bonds.

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

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

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

(iv) All transfers or exchanges pursuant to this Section 3(e) shall be made without expense to the holder of such 2009A Bonds, except as otherwise herein provided, and except that the Paying Agent and Registrar shall require the payment by the holder of the 2009A 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 2009A Bonds surrendered pursuant to this Section 3(e) shall be cancelled.

SECTION 4. Redemption of 2009A Bonds.

(a) Optional Redemption. The 2009A 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 2009A 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 2009A Bonds of a particular maturity are called for redemption, the particular 2009A Bonds of such maturity or portion thereof in installments of \$5,000 to be redeemed shall be selected by lot.

(d) Notice of Redemption. Notice of any such redemption shall be mailed not less than thirty (30) days prior to the date fixed for redemption by first class mail, postage prepaid, to the registered owner of the 2009A Bonds to be redeemed at such address as it appears on the books of registry kept by the Paying Agent and Registrar for the 2009A 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 2009A Bonds to be redeemed, the date and place fixed for their redemption, and if less than the entire principal amount of any 2009A Bond is to be redeemed, that such 2009A Bond must be surrendered in exchange for the principal amount thereof to be redeemed and the issuance of a new 2009A 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 2009A 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 2009A Bonds shall have been given as hereinabove set forth, such 2009A 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 2009A Bonds so called for redemption shall cease to accrue from and after the date so specified for their redemption. All redeemed 2009A Bonds shall be cancelled and not reissued.

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

(a) Execution of 2009A Bonds. The 2009A 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 2009A Bonds.

(b) Authentication of 2009A Bonds. The County Manager or any Deputy County Manager and the Director of Finance shall direct the Paying Agent and Registrar to authenticate the 2009A Bonds and no 2009A 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 2009A Bond, the Paying Agent and Registrar shall insert in the certificate of authentication the date as of which such 2009A Bond is authenticated. The execution and authentication of the 2009A Bonds in the manner above set forth is adopted as a due and sufficient authentication of the 2009A Bonds.

(c) CUSIP Identification Numbers. CUSIP identification numbers may be printed on the 2009A Bonds, but neither the failure to print any such number on any 2009A Bonds, nor any error or omission with respect thereto, shall constitute cause for failure or refusal by the successful bidder for the 2009A Bonds to accept delivery of and pay for the 2009A Bonds in accordance with the terms of its proposal to purchase the 2009A Bonds. No such number shall constitute or be deemed to be a part of any 2009A 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 2009A Bonds throughout the term of the 2009A Bonds.

SECTION 7. Sources of Payment of 2009A Bonds. The principal of and interest on the 2009A 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 2009A Bonds. The 2009A 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 2009A Supplemental Resolution.

SECTION 9. Sale of the 2009A Bonds. (a) The County Manager or any Deputy County Manager and the Director of Finance are hereby authorized to select the underwriters of the 2009A Bonds (the "Underwriters") and to sell the 2009A Bonds to the Underwriters, upon such terms and conditions as such officers shall approve upon the advice of counsel; *provided* that the 2009A Bonds shall mature in not to exceed 20 years, shall be sold at a true interest cost of not to exceed 5.50% and shall be subject to redemption at a redemption price of not to exceed 101%. The County Manager or any Deputy County Manager and the Director of Finance, or either of them, are hereby authorized to execute and deliver to the Underwriters a Bond Purchase Agreement in such form as the officer or officers executing the same shall approve upon the advice of counsel (including the County Attorney and Bond Counsel), such approval to be conclusively evidenced by the execution thereof by such officer or officers. Pursuant to the Bond Purchase Agreement, the Underwriters will agree to purchase all of the 2009A Bonds upon the terms and conditions to be provided therein and in this 2009A Supplemental Resolution.

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

within the meaning of Paragraph (b)(1) of Rule 15c2-12 ("Rule 15c2-12") promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, and (ii) the information which precedes the signatures of the County Manager or any Deputy County Manager and the Director of Finance contained in each final Official Statement is as of the date thereof true and correct in all material respects and does not contain any untrue or misleading statement and does not omit to state a material fact necessary to make the final Official Statement, and the statements and information therein contained, not misleading.

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

(d) In lieu of selling the 2009A Bonds to the Underwriters, the County Manager or any Deputy County Manager and the Director of Finance, subject to the proviso in the first sentence of subsection (a) above, are hereby authorized to place the 2009A Bonds with the Virginia Resources Authority (the "Authority") and to execute and deliver to the Authority such Financing Agreement or other agreements as the County Manager or any Deputy County Manager and the Director of Finance shall determine to be necessary or desirable in connection with the placement of the 2009A Bonds with the Authority.

SECTION 10. Approval of Execution and Delivery of 2009A Refunding Trust Agreement; Appointment of 2009A Refunding Trustee; Authorization of Purchase of Securities; Designation of Refunded Obligation for Redemption.

(a) The County Manager or any Deputy County Manager is hereby authorized and directed to execute and deliver to the 2009A Refunding Trustee a 2009A Refunding Trust Agreement in such form as the officer executing the same shall approve upon the advice of counsel (including the County Attorney and Bond Counsel), such approval to be conclusively evidenced by the execution thereof by such officer. There shall be transferred to the 2009A Refunding Trustee from the Principal and Interest Accounts in the Revenue Fund such amounts on credit to such accounts for the payment of principal and interest on the Refunded Obligation for deposit into the Refunding Trust Fund thereunder such amounts as shall be determined by the Director of Finance.

(b) U.S. Bank National Association is hereby appointed as the 2009A Refunding Trustee under the 2009A Refunding Trust Agreement.

(c) The 2009A Refunding Trustee is hereby authorized to purchase from moneys deposited in the Refunding Trust Fund created and established under the 2009A Refunding Trust Agreement United States Government Securities as referred to in the Refunding

Trust Agreement. Such securities so purchased shall be held by the 2009A Refunding Trustee under and in accordance with the provisions of the 2009A Refunding Trust Agreement. The County Manager or any Deputy County Attorney and the Director of Finance, or either of them, are hereby authorized to execute, on behalf of the County, any instruments required to be executed on behalf of the County in connection with investments contemplated by the 2009A Refunding Trust Agreement.

SECTION 11. Application of Proceeds of the 2009A Bonds. The proceeds of sale of the 2009A Bonds received by the County shall be applied as follows:

(a) an amount required to be deposited into the 2009A Refunding Trust Fund to provide for the refunding and redemption of the Refunded Obligation shall be deposited with the 2009A Refunding Trustee under the 2009A Refunding Trust Agreement and applied, together with other available moneys of the County so deposited thereunder, as provided therein;

(b) 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; and

(c) the balance of the proceeds of the 2009A Bonds shall be deposited in the Construction Fund and applied to the payment of the costs of issuance of the 2009A Bonds.

SECTION 12. Debt Service Payments. (a) For the purpose of providing for the payment of the interest on the 2009A Bonds, not later than the first interest payment date for the 2009A 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 2009A 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 2009A 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 2009A 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 2009A 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 2009A 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 2009A 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 2009A Bonds issued as Serial Bonds then falling due.

(c) For the purpose of providing moneys to retire the 2009A Term Bonds issued, if any, not later than May 1 in the year of the first redemption date of 2009A Term Bonds, and on and before May 1 in each year thereafter, so long as any 2009A Term Bonds are Outstanding, there shall be credited to the Sinking Fund Account for the purpose of retiring the 2009A 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 2009A 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 2009A Term Bonds in the principal amounts determined in accordance with Section 2 hereof.

SECTION 13. 2009A Supplemental Resolution Is a "Supplemental Resolution" under the Resolution; 2009A Bonds Are "Bonds" and "Additional Bonds" under the Resolution.

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

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

SECTION 14. Filing of this 2009A Supplemental Resolution with Circuit Court. The County Attorney be and hereby is authorized and directed to file a copy of this 2009A 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 15. 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 2009A Supplemental Resolution.

SECTION 16. Effectiveness of this 2009A Supplemental Resolution. This 2009A Supplemental Resolution shall be effective from and after the adoption hereof by the Board; *provided* that in the event any 2009A Bonds authorized for issuance under this 2009A Supplemental Resolution shall not have been issued and delivered on or before December 31, 2009, this 2009A Supplemental Resolution shall thereafter be void and the authorization herein shall terminate and be of no further force and effect.

(FORM OF 2009A BOND)

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

REGISTERED

No. R-__

REGISTERED

\$ _____

INTEREST RATE:

MATURITY DATE:

DATE OF BOND:

CUSIP NO.:

%

MAY 1, ____

REGISTERED HOLDER: CEDE & CO.

PRINCIPAL SUM:

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

Bond shall be calculated on the basis of a three hundred sixty (360) day year consisting of twelve (12) thirty (30) day months.

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

This Bond is one of a duly authorized series of Bonds (herein referred to as the "Bonds") of the aggregate principal amount of _____ dollars (\$ _____) of like date, denomination and tenor herewith except for number, interest rate, maturity and redemption provisions, and is issued under and pursuant to and in full compliance with the Constitution and statutes of the Commonwealth of Virginia, including Chapter 26 of Title 15.2 of the Code of Virginia, 1950 (the same being the Public Finance Act of 1991), a resolution duly adopted on November 23, 1977 by the Board of Supervisors of the County, entitled "A RESOLUTION AUTHORIZING THE ISSUANCE OF TWELVE MILLION EIGHT HUNDRED SEVENTY THOUSAND DOLLARS (\$12,870,000) BONDS OF HENRICO COUNTY, VIRGINIA, FOR THE PURPOSE OF REFUNDING IN ADVANCE OF MATURITY WATER AND SEWER SYSTEM REVENUE BONDS, SERIES OF 1975, OF HENRICO COUNTY, VIRGINIA, HERETOFORE ISSUED FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, RECONSTRUCTING, IMPROVING, EXTENDING AND ENLARGING A UNIFIED WATER SUPPLY AND SANITARY SEWERAGE SYSTEM IN HENRICO COUNTY; PRESCRIBING THE FORM AND DETAILS OF THE BONDS AUTHORIZED HEREBY; COVENANTING AS TO THE ESTABLISHMENT, MAINTENANCE, REVISION AND COLLECTION OF RATES AND CHARGES FOR THE SERVICES, FACILITIES AND COMMODITIES OF SAID SYSTEM AND THE COLLECTION AND DISBURSEMENT OF THE REVENUES DERIVED THEREFROM; PLEDGING SAID REVENUES TO THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THE SAME BECOME DUE AND LIMITING THE PAYMENT OF SAID BONDS SOLELY TO SAID REVENUES; SETTING FORTH THE LIMITATIONS ON THE ISSUANCE OF ADDITIONAL BONDS PAYABLE FROM SAID REVENUES; AND MAKING OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE FOREGOING", AS AMENDED, AND A RESOLUTION SUPPLEMENTAL THERETO DULY ADOPTED BY SUCH BOARD ON MAY 12, 2009, ENTITLED "RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED THIRTY-FOUR MILLION DOLLARS (\$34,000,000) AGGREGATE PRINCIPAL AMOUNT OF WATER AND SEWER SYSTEM REFUNDING REVENUE BONDS, SERIES 2009A, OF THE COUNTY OF HENRICO, VIRGINIA, FOR THE PURPOSE OF REFUNDING THE OUTSTANDING WATER AND SEWER SYSTEM REVENUE NOTE, SUBORDINATE SERIES 1997, OF THE COUNTY; AUTHORIZING THE COUNTY MANAGER OR ANY DEPUTY COUNTY MANAGER AND THE DIRECTOR OF FINANCE TO FIX THE MATURITIES, INTEREST RATES AND OTHER DETAILS OF SUCH BONDS; APPROVING THE FORM OF SUCH BONDS; AUTHORIZING THE COUNTY MANAGER OR ANY DEPUTY COUNTY MANAGER AND THE DIRECTOR OF

FINANCE TO SELECT THE UNDERWRITERS OF SUCH BONDS AND TO NEGOTIATE THE SALE OF SUCH BONDS TO SUCH UNDERWRITERS AND AUTHORIZING THE EXECUTION AND DELIVERY TO SUCH UNDERWRITERS OF A BOND PURCHASE AGREEMENT FOR SUCH SALE OR, IN LIEU OF NEGOTIATING THE SALE OF SUCH BONDS TO SUCH UNDERWRITERS, AUTHORIZING THE PLACEMENT OF SUCH BONDS WITH THE VIRGINIA RESOURCES AUTHORITY; AUTHORIZING THE PREPARATION AND DELIVERY OF A PRELIMINARY OFFICIAL STATEMENT RELATING TO SUCH BONDS AND AUTHORIZING THE DISTRIBUTION THEREOF; AUTHORIZING THE PREPARATION OF A FINAL OFFICIAL STATEMENT AND CONTINUING DISCLOSURE CERTIFICATE RELATING TO SUCH BONDS AND AUTHORIZING THE DISTRIBUTION THEREOF; AUTHORIZING A REFUNDING TRUST AGREEMENT BY AND BETWEEN THE COUNTY AND U.S. BANK NATIONAL ASSOCIATION, AS REFUNDING TRUSTEE, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH REFUNDING TRUST AGREEMENT; DESIGNATING AND GIVING IRREVOCABLE INSTRUCTIONS FOR THE REDEMPTION OF THE COUNTY'S WATER AND SEWER SYSTEM REVENUE NOTE, SUBORDINATE SERIES 1997; AND RATIFYING CERTAIN ACTS AND PROCEEDINGS" (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 Holder of this Bond by his acceptance hereof hereby assents, for definitions of terms; the description of and the nature and extent of the security for the Bonds issued under the Resolution, including this Bond; the description of the plants and properties constituting the water and sewer system of the County; the description of and the nature and extent of the

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

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

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

redemption of this Bond shall have been given as aforesaid, and payment of the principal amount of this Bond (or the portion of the principal amount hereof to be redeemed) and of the accrued interest payable upon such redemption shall have been duly made or provided for, interest hereon shall cease to accrue from and after the date so specified for the redemption hereof.

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

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

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

By: _____
Authorized Signature

Date of Authentication: _____, 2009

ASSIGNMENT

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

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

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

--

Dated: _____

Signature(s) Guaranteed:

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

(Signature(s) of Registered Holder)

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



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 132-09

Page No. 1

Agenda Title: **RESOLUTION - Authorization to Apply for and Accept Grand Funding for \$37,114 through the Virginia Department of Fire Programs for Fire Officer Leadership Development and Training**

For Clerk's Use Only: MAY 12 2009 Date: _____ () Approved () Denied () Amended () Deferred to: _____	BOARD OF SUPERVISORS ACTION Moved by (1) <u>O'Bannon</u> Seconded by (1) <u>Donati</u> (2) _____ (2) _____ REMARKS: APPROVED	<table><thead><tr><th></th><th>YES</th><th>NO</th><th>OTHER</th></tr></thead><tbody><tr><td>Donati, J.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Glover, R.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Kaechele, D.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>O'Bannon, P.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Thornton, F.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr></tbody></table>		YES	NO	OTHER	Donati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kaechele, D.	<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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Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Kaechele, D.	<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 County of Henrico Division of Fire wishes to apply for and accept grant funding totaling \$37,114 through the 2009 Virginia Department of Fire Programs Conference and Education Assistance Program as administered by the Virginia Department of Fire Programs; and

WHEREAS, this funding will be used by the Division of Fire to deliver a Fire Officer Leadership Development program that is designed to further the leadership skills and abilities of the Division of Fire's current and future leaders, the Lieutenant cadre.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Henrico County authorizes the County Manager to apply for and accept grant funding totaling \$37,114, which does not require any local match, through the 2009 Virginia Department of Fire Programs Conference and Education Assistance Program as administered by the Virginia Department of Fire Programs.

Comments: The Fire Chief recommends approval of this Board paper, the County Manager concurs.

By Agency Head

Edwin E. Smith

By County Manager

David L. Haylett

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. 133-09

Page No. 1

Agenda Title: **RESOLUTION – Authorization to Apply for and Accept Grand Funding for \$60,000 through the Virginia Department of Emergency Management for HazMat Team Equipment, Exercise and Training**

For Clerk's Use Only: MAY 12 2009 Date: _____ <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>Thornton</u> (2) _____ (2) _____ REMARKS: APPROVED	<table><thead><tr><th></th><th>YES</th><th>NO</th><th>OTHER</th></tr></thead><tbody><tr><td>Donati, J.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Glover, R.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Kaechele, D.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>O'Bannon, P.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Thornton, F.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr></tbody></table>		YES	NO	OTHER	Donati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kaechele, D.	<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"/>
		YES	NO	OTHER																						
Donati, J.	<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 Division of Fire wishes to apply for and accept grant funding totaling \$60,000 through the 2008 State Homeland Security Grant (CFDA #97.0773) from the National Preparedness Directorate, United States Department of Homeland Security, and administered by the Virginia Department of Emergency Management; and

WHEREAS, this funding will be used by the Division of Fire to design, develop, and conduct a multi-team response exercise to evaluate the capabilities of a hazardous materials response in Henrico County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Henrico County authorizes the County Manager to apply for and accept grant funding totaling \$60,000, which does not require any local match, through the 2008 State Homeland Security Grant (CFDA #97.0773) from the National Preparedness Directorate, United States Department of Homeland Security, and administered by the Virginia Department of Emergency Management.

Comments: The Fire Chief recommends approval of this Board paper; the County Manager concurs.

By Agency Head

Edmund M. Smith

By County Manager

David A. Hays

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. 107-09
Page No. 1 of 2

Agenda Title: **Resolution – Award of Annual Contracts for Small Projects – Architectural and Engineering Services**

For Clerk's Use Only:

Date **MAY 12 2009**

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to

BOARD OF SUPERVISORS ACTION

Moved by (1) O'Bannon Seconded by (1) Glover
(2) _____ (2) _____

REMARKS:

APPROVED

YES NO OTHER

Donati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kaechele, D.	<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, on February 6, 2009, twenty-two proposals were received in response to RFP #08-8568-12CS to provide architectural, interior design, and engineering services for small projects on an annual basis; and

WHEREAS, based upon review and evaluation of the written proposals, the Selection Committee (consisting of Mr. Richard Morse, Mr. Edward Bass, Mr. Fred Drake, Mr. Don Large, Mrs. Jaspreet Pahwa, Sgt. Linda Toney, and Mrs. Cecelia Stowe) interviewed the following firms:

Moseley Architects
BCWH Architects
Rawlings Wilson & Associates
Rancorn Wildman Architects

WHEREAS, the Selection Committee selected **Moseley Architects**, **BCWH Architects** and **Rawlings Wilson & Associates** as the three top ranked firms and negotiated hourly rate schedules with each firm.

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

1. An annual contract to provide architectural and engineering services for small projects is awarded to each of **Moseley Architects**, **BCWH Architects**, and **Rawlings Wilson & Associates** for the period April 15, 2009 to April 14, 2010, with the option for the County to renew each contract for two additional one-year terms, all in accordance with RFP #08-8568-12CS and the proposals submitted by each of these three firms.
2. Compensation for services rendered pursuant to each of the contracts will be based upon the agreed upon hourly rate schedules contained in the contracts.

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. 107-09

Page No. 2 of 2

Agenda Title: **Resolution – Award of Annual Contracts for Small Projects – Architectural and Engineering Services**

3. The fees shall not exceed \$300,000 for any single project and \$1,500,000 per one-year term of the contract, in accordance with RFP #08-8568-12CS.
4. The County Manager and Clerk are authorized to execute the contract in a form approved by the County Attorney.
5. The County Manager, or the Director of General Services as his designee, is authorized to execute all change orders within the scope of the project budget.

Comments: Funding to support the contracts is available. The Director of General Services, the County Manager concurring, recommends approval of this Board paper.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 134-09

Page No. 1 of 1

Agenda Title: **Resolution — Signatory Authority — Change Order No. 7 to Construction Contract for Public Safety Building Renovations**

For Clerk's Use Only:

MAY 12 2009

Date: _____

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

BOARD OF SUPERVISORS ACTION

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

REMARKS

APPROVED

YES NO OTHER

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

WHEREAS, on February 26, 2008 the Board of Supervisors awarded a contract to **Quality Plus Services, Inc.** in the amount of \$505,992 for the Public Safety Building Renovations for Police Crime Briefing, Logistics and Evidence; and,

WHEREAS, the County has approved six change orders totaling \$74,180.94 for increases in scope of the work; and

WHEREAS, County staff has determined it is desirable to increase the scope of the construction contract to provide for the construction of security improvements to the Police Forensic Lab and to install rubber floor tiles in staff handling areas; and,

WHEREAS, the County has negotiated a change order to the contract for the additional work at an additional cost of \$51,758.30.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Henrico County that the County Manager is authorized to execute Change Order No. 7 to the February 27, 2008 contract with **Quality Plus Services, Inc.**, in a form approved by the County Attorney, in the amount of \$51,758.30 resulting in a revised contract sum totaling \$631,931.24.

Comments: Funding to support this Change Order is available within the project budget. The Director of General Services and the Chief of Police recommend award of this contract, and the County Manager concurs.

By Agency Head

[Signature]

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. 135-09

Page No. 1 of 1

Agenda Title: Award of Contract – Operational Medical Director Services – Division of Fire

For Clerk's Use Only:

MAY 12 2009

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

BOARD OF SUPERVISORS ACTION

Moved by (1) O'Bannon Seconded by (1) Donati
(2) _____ (2) _____

REMARKS:

APPROVED

YES NO OTHER

Donati, J.	<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"/>	_____	_____

WHEREAS, on March 13, 2009, two proposals were received in response to RFP #09-8599-2CS to provide Operational Medical Services – Division of Fire; and

WHEREAS, based upon review of the written proposals, the Selection Committee (consisting of Chief Edwin Smith, Division Chief Wayne Baber, Battalion Chief Lloyd Runnett, Mr. Will Aiken, Mrs. Monty Dixon and Mrs. Cecelia Stowe) interviewed the following firms:

VCU Health System, Department of Emergency Medicine
Robert G. Powell, M.D., P.C.

WHEREAS, the Selection Committee subsequently negotiated a contract with **VCU Health System, Department of Emergency Medicine** in the amount of \$ 70,000 for a one year term from June 1, 2009 to May 31, 2010, with the possibility of four additional one-year terms.

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

1. A contract to provide Operational Medical Director Services – Division of Fire is awarded to **VCU Health System, Department of Emergency Medicine** for a term of one year, June 1, 2009 to May 31, 2010 in the amount of \$70,000 in accordance with RFP #09-8599-2CS, **VCU Health System, Department of Emergency Medicine's** March 10, 2009 proposal, and **VCU Health System Department of Emergency Medicine's** fee schedule submitted April 1, 2009; and
2. The County Manager and Clerk are authorized to execute the contract in a form approved by the County Attorney.
3. The County Manager, or the Director of General Services as his designee, is authorized to execute all change orders within the scope of the project budget.

Comments: Funding to support this contract is available. The Director of General Services and the Chief, Division of Fire, the County Manager concurring, recommend approval of this Board paper.

By Agency Head _____

By County Manager _____

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. 136-09

Page No. 1 of 1

Agenda Title: **RESOLUTION — Signatory Authority — Agreement with Virginia Department of Transportation for Secondary Roads Escrow Account Funds — John Rolfe Parkway, Phase II. VDOT Project #9999-043-189, PE101, RW201, C501 County Project #2101.50704.28004.00720 (formerly Project #552117-704-463-00). Three Chopt and Tuckahoe Districts.**

For Clerk's Use Only:

MAY 12 2009

Date:

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) O'Bannon Seconded by (1) Donati
(2) _____ (2) _____

REMARKS:

APPROVED

YES NO OTHER

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

WHEREAS, the County entered into an agreement with the Virginia Department of Transportation ("VDOT") for preliminary engineering for John Rolfe Parkway on November 30, 1999; and,

WHEREAS, the County entered into an agreement with VDOT for right-of-way acquisition and utility relocation for John Rolfe Parkway on October 4, 2002; and,

WHEREAS, the Board approved a comprehensive agreement with VDOT for the preliminary engineering, right-of-way acquisition, and construction of Phase I of John Rolfe Parkway on June 12, 2007; and,

WHEREAS, the Department of Public Works has negotiated an amendment that would add Phase II construction to the existing comprehensive agreement with VDOT; and,

WHEREAS, the estimated cost of preliminary engineering is \$3,289,135, the estimated cost for right-of-way acquisition is \$6,465,000, and the estimated cost for construction is \$23,764,960 for Phases I and II, and VDOT will reimburse the County 80% of the project's cost.

NOW, THEREFORE, BE IT RESOLVED by the Henrico County Board of Supervisors that the County Manager is authorized to execute an amendment to the existing comprehensive VDOT agreement for preliminary engineering, right-of-way acquisition, and construction of Phase II of the John Rolfe Parkway in a form approved by the County Attorney.

COMMENTS: Funding for project costs will be provided from the Capital Projects Fund, Project #2101.50704.28004.00720 (formerly #552117-704-463-00 and 552117-704-463-00), and 80% of project costs will be reimbursed by VDOT from Secondary Roads Escrow Account Funds and the County will provide the remaining 20%. The Director of Public Works recommends approval of the Board paper, and the County Manager concurs.

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 13 7-09
Page No. 1 of 2

Agenda Title: **RESOLUTION — To Permit Additional Fine of \$200 for Speeding on Village Run Drive**

For Clerk's Use Only:

Date: **MAY 12 2009**

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) O'Bannon Seconded by (1) Donati
(2) (2)

REMARKS: **APPROVED**

YES NO OTHER

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

WHEREAS, Section 46.2-878.2 of the Code of Virginia provides for the imposition of a \$200 fine for speeding, in addition to other penalties provided by law, when a locality has established a maximum speed limit for a highway in a residence district and the speed limit is indicated by appropriately placed signs; and,

WHEREAS, the statute also requires the Board of Supervisors (the "Board"), because Henrico County maintains its own roads, to develop criteria for the overall applicability for the installation of the signs and to request the application of the statute to certain residential streets in the County before the additional fine may be imposed; and,

WHEREAS, the Board approved detailed criteria (the "Criteria") for the County's Traffic Calming Program on February 10, 2004; and,

WHEREAS, increased fines for speeding on residential streets in Henrico County which meet the Criteria and are designated by the Board are part of the Traffic Calming Program; and,

WHEREAS, the County's Traffic Engineer has collected traffic data and has determined that Village Run Drive in the County is experiencing speeding problems and meets the Criteria for traffic calming measures set forth in the Traffic Calming Program; and,

By Agency Head 284

By County Manager [Signature]

Routing:

Yellow to: _____

Copy to: _____

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A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

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

Agenda Item No. 137-09

Page No. 2 of 2

Agenda Title: RESOLUTION — To Permit Additional Fine of \$200 for Speeding on Village Run Drive

WHEREAS, the citizens in the area of this road requesting the increased fine have collected signatures from 79% of the residents; and,

WHEREAS, this road is a local residential street with a posted speed limit of 25 mph.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Henrico County that the County Manager is authorized and directed to install signs on Village Run Drive advising citizens of an additional fine of \$200 for exceeding the posted speed limit on this road.

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