

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
REGULAR MEETING
November 24, 2009

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, November 24, 2009 at 7:00 p.m. in the Board Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia.

Members of the Board Present:

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

Other Officials Present:

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

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

Dr. Michael J. Clingenpeel, Pastor of River Road Church, Baptist, delivered the invocation.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, the Board approved the minutes of the November 10, 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

At the 75th annual conference of the Virginia Association of Counties (VACo) held in Bath County earlier this month, county officials who were in attendance had an opportunity to visit the Virginia War Memorial Educational Foundation's exhibit booth. The Virginia War Memorial's mission is to *Honor Our Veterans, Preserve Our History, Educate Our Children, and Inspire Patriotism in All*. Created by the Virginia General Assembly and dedicated in 1956, the War Memorial was designed to honor those Virginians who paid the ultimate sacrifice on fields of battle since World War II while protecting our freedoms. The Memorial's Shrine of Memory contains on its glass and marble walls the engraved names of 11,638 Virginia heroes who lost their lives while fighting in World War II, Korea, Vietnam, and Desert Storm. Efforts are currently underway to include those Virginians killed as the result of hostile actions in the War on Terrorism. At the request of the Foundation's Executive Director, the list of Henrico citizens whose names are inscribed on the Shrine of Memory were entered into the public record of this meeting to ensure that the sacrifices of these citizens who gave their lives will not be forgotten.

Mr. Kaechele has received a service award from VACo congratulating him for 30 years of dedicated service to county government. On November 8, 2009, during VACo's annual conference, VACo President Donald L. Hart, Jr. recognized Mr. Kaechele for achieving this milestone. Mr. Kaechele has served on the Board of Supervisors since 1980 and is the only member of the Board since the County Manager Form of Government was adopted in 1934 to have been elected to eight terms. On January 1, 2004, he earned the distinction of being the longest serving member of the Board on record. Mr. Kaechele has served eight terms as Board Chairman since 1983. He also served four consecutive terms on the VACo Board of Directors from 2000 to 2008, the maximum allowed under VACo's bylaws.

Mrs. O'Bannon, who is currently a Region 3 representative on the VACo Board of Directors, presented Mr. Kaechele with this special award and paid tribute to Mr. Kaechele on behalf of the Board of Supervisors. She noted that Mr. Kaechele has always been ahead of the curve and that the County has gained an incredible reputation during Mr. Kaechele's years of service. In accepting the award, Mr. Kaechele commented that the current members of the Board of Supervisors will have served together for 16 years at the end of their current terms and that he shared this honor with all of them and with the County Manager. Mr. Thornton commended Mr. Kaechele for his gentlemanly and dignified demeanor.

BOARD OF SUPERVISORS' COMMENTS

Mr. Kaechele recognized Will Ericson from Boy Scout Troop 772, sponsored by Discovery United Methodist Church, who was observing the meeting to fulfill a requirement for the Citizenship in the Community Merit Badge.

RECOGNITION OF NEWS MEDIA

Mr. Kaechele recognized Luz Lazo from the *Richmond Times-Dispatch* and welcomed Ms. Lazo to her new assignment covering Henrico County government.

PRESENTATION

Mr. Kaechele presented a proclamation recognizing November 2009 as Pancreatic Cancer Awareness Month. Accepting the proclamation was Connie Madison, a member of the Richmond Affiliate of the Pancreatic Cancer Action Network. Joining her were the Richmond Affiliate's Chair, Sheryl Taylor, and Affiliate members Lee Hall, Mark Madison, and Teresa Witte. Also participating were René Hypes and Jeannie Murray, Co-Founders and Co-Chairs of the Annual Movin' and Groovin' 5K Run and 2-Mile Walk at Dorey Park that has supported the Pancreatic Cancer Action Network and Virginia Commonwealth University Massey Cancer Center. Ms. Murray is Special Events Coordinator for the Henrico County Division of Recreation and Parks.

APPOINTMENTS

286-09 Resolution – Appointment of Members to Board of Directors – Economic Development Authority.

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 286-09 – see attached resolution.

287-09 Resolution – Appointment of Member – Richmond Area Metropolitan Planning Organization Citizens Transportation Advisory Committee.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 287-09 – see attached resolution.

PUBLIC HEARINGS -ITEMS

288-09 Resolution - Authorizing and Providing for the Issuance and Sale of Not to Exceed Nine Million Eight Hundred Thousand Dollars (\$9,800,000) Aggregate Principal Amount of Water and Sewer System Revenue Bonds, Series 2009B, of the County of Henrico, Virginia, for the Purpose of Financing Extensions and Improvements to the County's Water and Sewer System; Authorizing the County Manager or Any Deputy County Manager and the Director of Finance to Fix the Maturities, Interest Rates and Other Details of Such Bonds; Approving the Form of Such Bonds; Authorizing the County Manager or Any Deputy County Manager and the Director of Finance to Select the Underwriters of Such Bonds and to Negotiate the Sale of Such Bonds to Such Underwriters and Authorizing the Execution and Delivery to Such Underwriters of a Bond Purchase Agreement for Such Sale; Authorizing the Preparation and Delivery of a Preliminary Official Statement Relating to Such Bonds and Authorizing the Distribution Thereof; Authorizing the Preparation of a Final Official Statement and Continuing Disclosure Certificate Relating to Such Bonds and Authorizing the Distribution Thereof; Designating Recovery Zones for the Purposes of Section 1400U-1(b) of the Internal Revenue Code of 1986; Amending the 2009A Supplemental Resolution to Extend the Effectiveness Thereof to June 30, 2010;

and Ratifying Certain Acts and Proceedings.

John Vithoukas, Director of Finance, recognized Jay Conrad, Senior Vice President for BB&T Capital Markets, who is the County's financial advisor on bond issuances. Mr. Vithoukas responded to questions and comments from the Board regarding limits on and criteria for these types of bonds, the anticipated interest rates for both series of bonds, how these rates will be affected by the federal subsidy, how citizens can purchase Henrico bonds, and the attractiveness of the County's bonds to investors because of the County's favorable credit rating.

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

On motion of Mr. Glover, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 288-09 – see attached resolution.

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

Mr. Vithoukas responded to questions and comments from the Board pertaining to provisions of the proposed ordinance, including how the tax abatement and tax assessments would be applied to qualifying properties. He also responded to questions concerning the percentage of housing units in the County that would potentially qualify for the partial tax exemption set forth in the ordinance and the timeframe and process for disseminating information to the public about the program that would be established by the ordinance.

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

Mr. Kaechele noted that the Board had received a lot of positive response from citizens that this would be a good program.

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 289-09 – see attached ordinance.

290-09 Ordinance – Vacation of Unimproved Portion of Alley – Pemberton Place, Portion of Section 2 - Fairfield District.

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

On motion of Mr. Thornton, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 290-09 – see attached ordinance.

PUBLIC COMMENTS

William Spencer, a resident of the Three Chopt District, commended the Planning Commission on the quality of housing in the County, praised the members of the Board of Supervisors, complimented the County Manager for reading to school students, and congratulated Mr. Kaechele on his years of service.

BOARD OF SUPERVISORS' COMMENTS (continued)

Mr. Kaechele acknowledged the recent passing of the wife of Delegate Riley Ingram. A funeral service for Mrs. Ingram was held on November 21, 2009. Mr. Kaechele noted that the Board's hearts go out to Del. Ingram and his family on this untimely death.

GENERAL AGENDA

291-09 Introduction of Resolution – Receipt of Requests for Amendments to the FY 2009-10 Annual Fiscal Plan: December, 2009.

Director of Management and Budget Gene Walter, Assistant Director of Clinical Services Laura Totty, and Mr. Hazelett responded to questions from Mr. Glover relating to the proposed special revenue fund appropriation for state pharmacy funds. Mr. Glover asked for clarification of the term "restricted state funds" for the purchase of medications for eligible consumers with mental illness due to the closing of the state community resource pharmacy, the process that Henrico Area Mental Health and Retardation Services is now following to purchase these medications, and the reason that the state community resource pharmacy has been closed. He also asked if there would be anything wrong with the County administering its own pharmacy. Mr. Hazelett commented that staff can look at the costs of this alternative but that there are probably other avenues such as group purchasing with other localities that might assist the County better.

Mr. Walter, Director of Public Utilities Art Petrini, and Mr. Hazelett responded to questions from Mr. Kaechele regarding the proposed water and sewer construction fund appropriation for a Virginia Department of Environmental Quality grant for improvements at the County's Water Reclamation Facility. Mr. Kaechele asked for the status of the design and installation of Nutrient Removal Technology that will be partially funded by the grant, clarification of the relationship of this plant upgrade project to existing and future water quality standards, and the percentage of project costs that will be covered by this grant.

On motion of Mr. Glover, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 291-09 – see attached introduction to resolution.

292-09 Resolution - Receipt of Audited Annual Financial Report for Fiscal Year Ended June 30, 2009 and Acknowledgement of Discharge of Duties and

Responsibilities by Audit Committee.

Mr. Vithoukas thanked Internal Auditor Vaughan Crawley and Accounting Division Director Clarence Daniel for their time and work in supporting the audit, which was performed by the County's external auditors.

On motion of Mr. Donati, seconded by Mrs. O'Bannon, and unanimous vote, the Board approved Agenda Item No. 292-09 – see attached resolution.

Mr. Kaechele congratulated the County's Department of Finance as well as Mr. Crawley and Mr. Daniel for upholding a great record.

293-09 Resolution – Award of Construction Contract – Eastern Henrico Recreation Center.

Paul Proto, Director of General Services, responded to a question from Mr. Kaechele pertaining to the anticipated timeframe for this project's construction schedule and notice to proceed. Mr. Thornton commented on the genesis of this project, referred to the project as his "baby," and noted that the project had been ten years in the making.

On motion of Mr. Thornton, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 293-09 – see attached resolution.

294-09 Resolution – Signatory Authority – Amendments to Contract and Deed for Conveyance of County Real Property - Varina District.

Mr. Hazelett commented briefly on the history of transactions leading up to these amendments.

On motion of Mr. Donati, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved Agenda Item No. 294-09 – see attached resolution.

295-09 Resolution – Signatory Authority – Second Amendment to Host Agreement with BFI Waste Systems of Virginia, LLC – Varina District.

On motion of Mr. Donati, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved Agenda Item No. 295-09 – see attached resolution.

296-09 Resolution - Signatory Authority - Amendment to Contract for Engineering Design Services - Charles City Road Improvements from West of Laburnum Avenue to East of Monahan Road (approximately 1,365 feet). Project #00984 (formerly #555656-701-205-00). Varina District.

Tim Foster, Director of Public Works, responded to a question from Mr. Kaechele concerning the availability of funds for this project.

On motion of Mr. Donati, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved Agenda Item No. 296-09 – see attached resolution.

297-09 Resolution – Request to Suspend Proposed Stormwater Regulations.


Mr. Foster and Mr. Hazelett responded to questions from Mr. Kaechele relating to the purpose of this resolution. Mr. Foster responded to concerns expressed by Mr. Glover regarding the impact of the proposed regulations on affordable housing and the level of participation by localities in the development of the regulations. Mr. Foster and Mr. Rapisarda clarified for Mr. Kaechele how the County will communicate the concerns stated in this resolution to its state legislative delegation and to other state officials. Mr. Foster responded to concerns voiced by Mrs. O'Bannon that the Environmental Protection Agency could impose more stringent regulations at the federal level should the proposed state regulations be suspended.

On motion of Mr. Glover, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 297-09 – see attached resolution.

298-09 Resolution – Acceptance of Roads.

On motion of Mr. Glover, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 298-09 – see attached resolution.

There being no further business, the meeting was adjourned at 8:21 p.m.



Chairman, Board of Supervisors
Henrico County, Virginia



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 286-09

Page No. 1 of 1

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

For Clerk's Use Only:

Date: **NOV 24 2009**

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) O'Bannon Seconded by (1) Thornton
(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"/>

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

Fairfield District
Tuckahoe District

Harold D. Parker, Jr.
Marsha S. Shuler

By Agency Head _____

By County Manager _____

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. 287-09

Page No. 1 of 1

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

For Clerk's Use Only: Date: NOV 24 2009 <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>O'Bannon</u> Seconded by (1) <u>Donati</u> (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"/> _____
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BE IT RESOLVED that the Board of Supervisor of Henrico County, Virginia appoints the following person to the Richmond Area Metropolitan Planning Organization Citizens Transportation Advisory Committee for an unexpired term ending December 31, 2010 or thereafter, when his successor shall have been appointed and qualified:

At-Large

Gregory R. Baka

By Agency Head _____ By County Manager [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. 288-09
Page No. 1 of 22

Agenda Title See Below

For Clerk's Use Only:

Date **NOV 24 2009**

- ☒ 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.	<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"/>

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

The Board of Supervisors adopted the attached resolution.

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

By Agency Head _____

By County Manager _____

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

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

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

ADOPTED NOVEMBER __, 2009

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. Authorization of Issuance of 2009B Bonds.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 4. Redemption of 2009B Bonds.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXHIBIT A

(FORM OF 2009B BOND)

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

REGISTERED

No. R-__

REGISTERED

\$ _____

INTEREST RATE:

%

MATURITY DATE:

MAY 1, ____

DATE OF BOND:

CUSIP NO.:

REGISTERED HOLDER: CEDE & CO.

PRINCIPAL SUM:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chairman of the Board of Supervisors

(Seal)

Clerk of the Board of Supervisors

CERTIFICATE OF AUTHENTICATION

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

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

By: _____
Authorized Signature

Date of Authentication: _____, 20__

ASSIGNMENT

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

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

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

--

Dated: _____

Signature(s) Guaranteed:

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

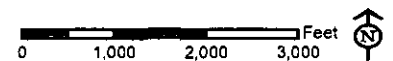
(Signature(s) of Registered Holder)

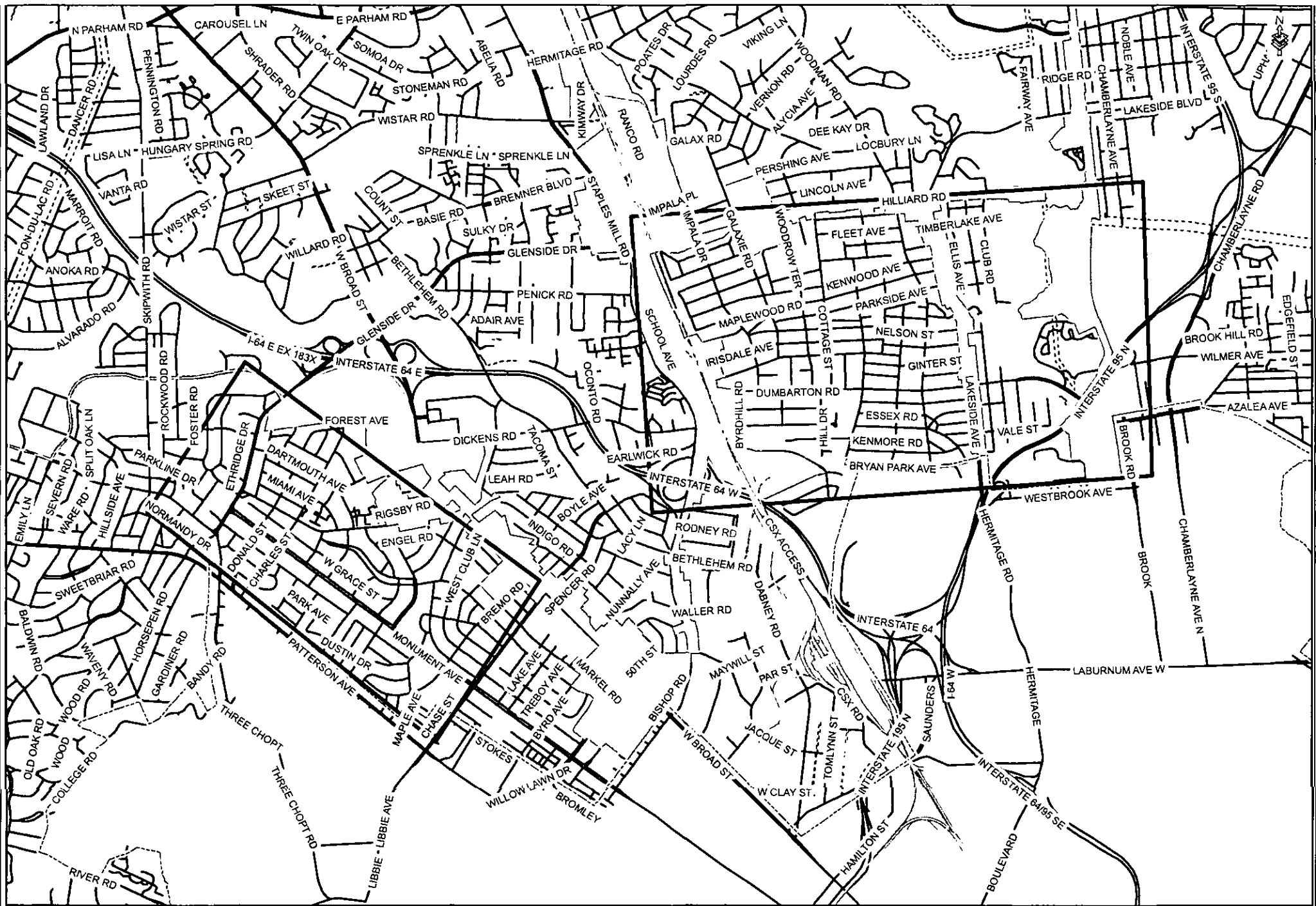
NOTICE: The signature(s) above must correspond with the name of the Registered Holder as it appears on the front of this Bond in every particular, without alteration or enlargement or any change whatsoever.

EXHIBIT B**DESCRIPTION OF RECOVERY ZONES**



Broadwater Area Recovery Zone (Highland Springs Area)





Strawberry Hill Recovery Zones 1 & 2
(Monument Avenue and Lakeside Avenue Areas)

0 1,050 2,100 4,200 6,300 8,400
Feet





COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

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

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

For Clerk's Use Only:

Date: NOV 24 2009

☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

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

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

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

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

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

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

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

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

By Agency Head

By County Manager

Routing:

Yellow to:

Copy to:

Certified:

A Copy Teste:

Clerk, Board of Supervisors

Date:

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 28909
Page No. 2 of 3

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

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

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

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

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

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

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

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

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

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

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

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

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

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

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

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

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

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



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

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

Agenda Title

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

For Clerk's Use Only:

NOV 24 2009

Date

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

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

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

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

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

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

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

By Agency Head

D. B. Day

By County Manager

David R. Hays

Routing:

Yellow to:

Real Property

Copy to:

Certified:

A Copy Tests:

Clerk, Board of Supervisors

Date:

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

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

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

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

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

2-A2-9

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

Eva S. Pemberton OWNER

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

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

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

FOSTER & MILLER William L. Miller
BY

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

FOSTER & MILLER William L. Miller
BY

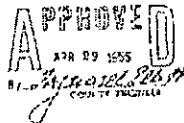
NOTES -
USE - RESIDENTIAL
WATER - COUNTY SYSTEM
SEWER - SEPTIC TANKS

Approved by SLD

SUB PLANNING COMMISSION

APR 24 1955

City Planner



PEMBERTON PLACE SEC. 2

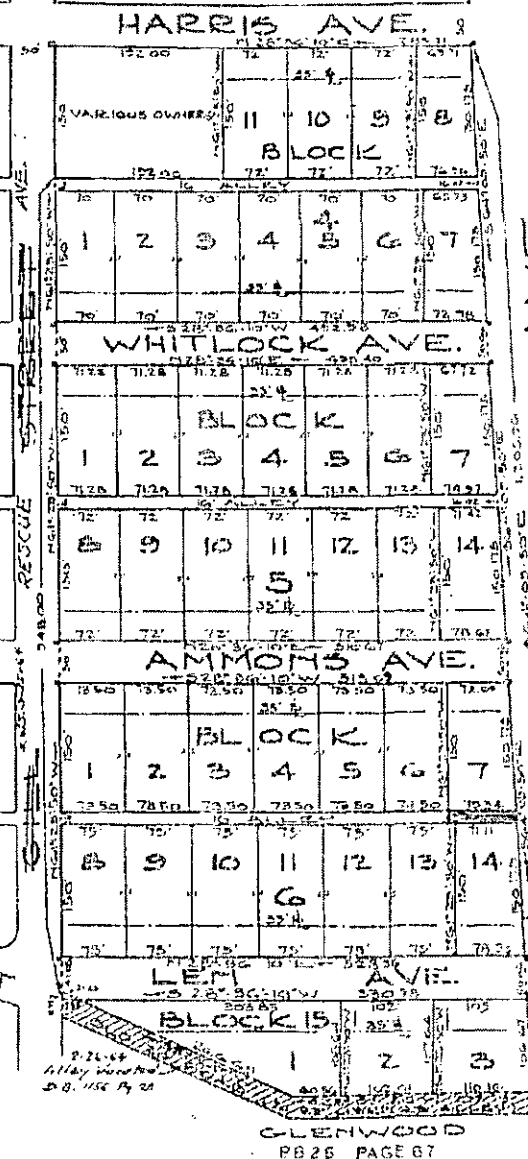


EXHIBIT "A"

PEMBERTON
PLACE

PORTION OF SECTION 2
FAIRFIELD DISTRICT, HENRICO
COUNTY, VIRGINIA
SCALE 1"=50'

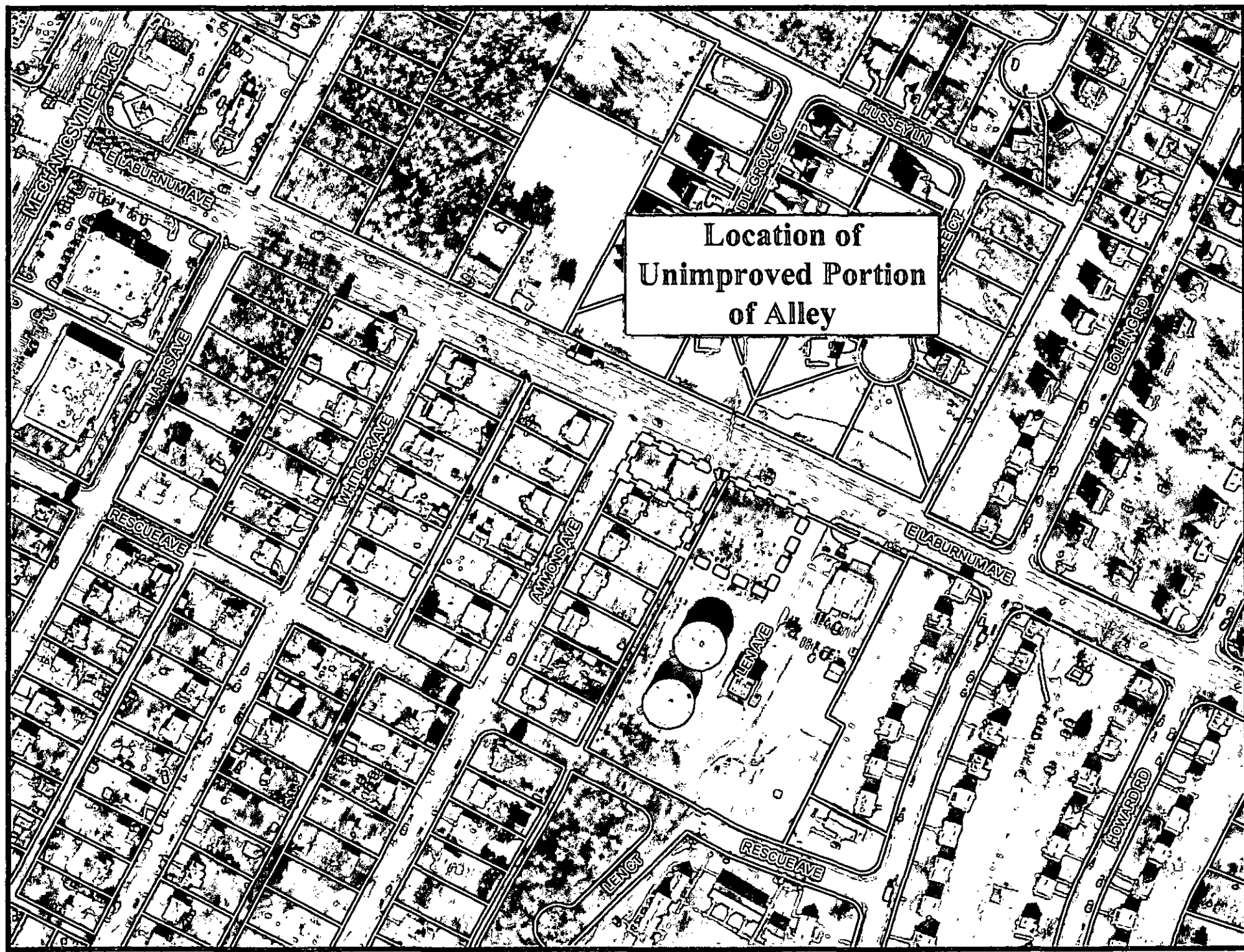
FAIRFAX

FOSTER & MILLER
ENGINEERS & SURVEYORS
RICHMOND, VIRGINIA

1955

GLENWOOD
PAGE 67

Location of
Unimproved Portion
of Alley



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

For Clerk's Use Only:

NOV 24 2009

Date

14 Approved

[] Denied

{ } Amended

() Deferred to

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

REMARKS:

REMARKS: APPROVED

YES NO OTHER

Donati, J.

Glover, R. _____

Kaechele, D. _____

O'Vaillon, P. ✓

Thornton, F. ✓

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

By Agency Head

By County Manager

Routing:

Yellow to:

Copy to:

Certified:

A Copy Test:

Clerk, Board of Supervisors

Date:

AMENDMENT TO THE 2009-10
ANNUAL FISCAL PLAN FOR DECEMBER, 2009

OPERATING FUNDS

FUND 0101 - GENERAL FUND - General Operating Fund

Department - 13 - Fire

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

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

Department - 22 - Social Services

22001 - Independent Living Program

1302 00000	- <u>Purchase of Services</u>	\$ 13,500
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This will appropriate additional funds for the Independent Living Education and Training Voucher Program. This program provides funding to help foster care youth with expenses associated with college and vocational training. The program is funded with Federal (80%) and State (20%) funding. The total appropriation for this program in fiscal year 2009-10 will be \$58,010, after this addition. No County matching funds are required.

22031 - TANF Hard to Serve

1301 00000	- <u>Administration</u>	96,807
------------	-------------------------	--------

1302 00000	- <u>Purchase of Services</u>	420,943
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The Commonwealth of Virginia, Department of Social Services, has awarded the County of Henrico \$517,750 in additional Federal funding for fiscal year 2009-10 to continue providing employment services for the Hard-to-Serve Temporary Assistance for Needy Families (TANF) recipients. Of this total, \$96,807 has been designated for administration and \$420,943 is allotted for the purchase of services. No County matching funds are required.

22609 - Refugee Program

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

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

Total Social Services
Total GENERAL FUND

\$	631,250	
\$	964,908	

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

Department 12 - Police

12002 - Fiscal Records

0000 05292 - TRIAD 10 \$ 752

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

0000 05293 - Justice Assistance Grant 10 111,576

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

Total Police	\$ 112,328
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Department 13 - Fire

13113 - Emergency Planning and Safety

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

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

0000 00000 - FAEMS - Personal Protection Equipment 27,660

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

Total Fire	\$ 37,195
------------	-----------

Total Fund 1102 - Special Revenue Fund-State/Fed Grants-County	\$ 149,523
--	------------

FUND 1110 - SPECIAL REVENUE FUND - Mental Health/Retardation Services

Department 26 - Mental Health/Retardation Services

26108 - Medical Services

1506 00000 - State Pharmacy Funds \$ 321,824

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

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

05001 - Commonwealth's Attorney

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

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

Total SPECIAL REVENUE FUND \$ 573,090

FUND 6301 - RISK MANAGEMENT FUND

Department 16 - General Services

16001 - Risk Management

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

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

Total OPERATING FUNDS \$ 7,098,532

FUND 2101 - CAPITAL PROJECTS FUND - General Capital Projects

Department 12 - Police

12999 - Police Capital Projects

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

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

FUND 2111 - CAPITAL PROJECTS FUND - Capital Initiatives

Department 23 - Recreation and Parks

23101 - Administration - Director

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

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

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

Department 32 - Non-Departmental

32001 - Non-Departmental

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

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

Total Capital Projects Fund - Capital Initiatives

\$ 442,505

Total CAPITAL PROJECTS FUND

\$ 696,205

FUND 5102 - Water and Sewer Construction Fund

31201 - Accounting

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

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

FUND 5107 - ARRA - Water and Sewer Construction Fund

31201 - Accounting

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

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

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

31201 - Accounting

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

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

Total Water and Sewer Capital Projects

\$ 15,232,842

TOTAL CAPITAL FUNDS

\$ 15,929,047

Total Amendments/Appropriations

\$ 23,027,579

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

Agenda Item No. 292-09

Page No. 1 of 1

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

For Clerk's Use Only:

NOV 24 2009

Date

☒ Approved

☐ Denied

☐ Amended

☐ Deferred to

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

Donati, J. ☒ ☐ ☐

Glover, R. ☒ ☐ ☐

Kaechele, D. ☒ ☐ ☐

O'Bannon, P. ☒ ☐ ☐

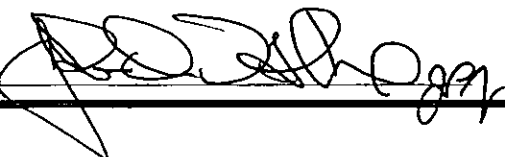
Thornton, F. ☒ ☐ ☐

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

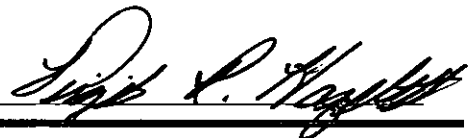
BE IT FURTHER RESOLVED that the Board acknowledges that the Henrico County Audit Committee (consisting of Board of Supervisors members from the Tuckahoe and Varina Districts plus the County Manager) having met on April 28, July 14, October 13 and November 24, 2009, discharged its duties and responsibilities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

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

By Agency Head



By County Manager



Routing:

Yellow to: _____

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Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

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

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

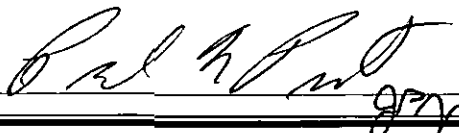
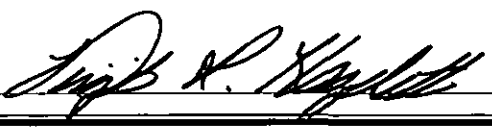
For Clerk's Use Only: Date: NOV 24 2009 <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:	BOARD OF SUPERVISORS ACTION Moved by (1) <u>Thornton</u> Seconded by (1) <u>Colone</u> (2) _____ (2) _____ REMARKS: APPROVED	<table style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;"></th> <th style="text-align: center;">YES</th> <th style="text-align: center;">NO</th> <th style="text-align: center;">OTHER</th> </tr> <tr> <td>Donati, J.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Glover, R.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Kacchele, D.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>O'Bannon, P.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Thornton, F.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </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"/>	Kacchele, 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"/>																							
Glover, R.	<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, eleven bids were received on November 5, 2009 in response to Bid Request No. 09-8708-8JK and Addenda 1, 2, and 3 for the construction of Eastern Henrico Recreation Center, as follows.

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

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

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

By Agency Head  By County Manager 

Routing:
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Clerk, Board of Supervisors

Date: _____

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 293-09

Page No. 2 of 2

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

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

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

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



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 294-09

Page No.

1 of 2

Agenda Title

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

For Clerk's Use Only:

BOARD OF SUPERVISORS ACTION

Date **NOV 24 2009**

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to

Moved by (1) Donati Seconded by (1) O'Bannon
(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 January 27, 2004, the Board authorized the County Manager to execute a Real Estate Contract for the sale of 167.8 acres and part of Lot 16 in the Plan of Wedgewood Farms owned by the County ("the Property") to BFI Waste Services of Virginia, LLC ("BFI"); and,

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

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

WHEREAS, BFI has obtained the permit; and,

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

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

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

By Agency Head

[Signature]

By County Manager

[Signature]

Routing:

Yellow to:

Real Property

Certified:

A Copy Tests:

Clerk, Board of Supervisors

Copy to:

Date:

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

Agenda Item No. 294-09

Page No. 2 of 2

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

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

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

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

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

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

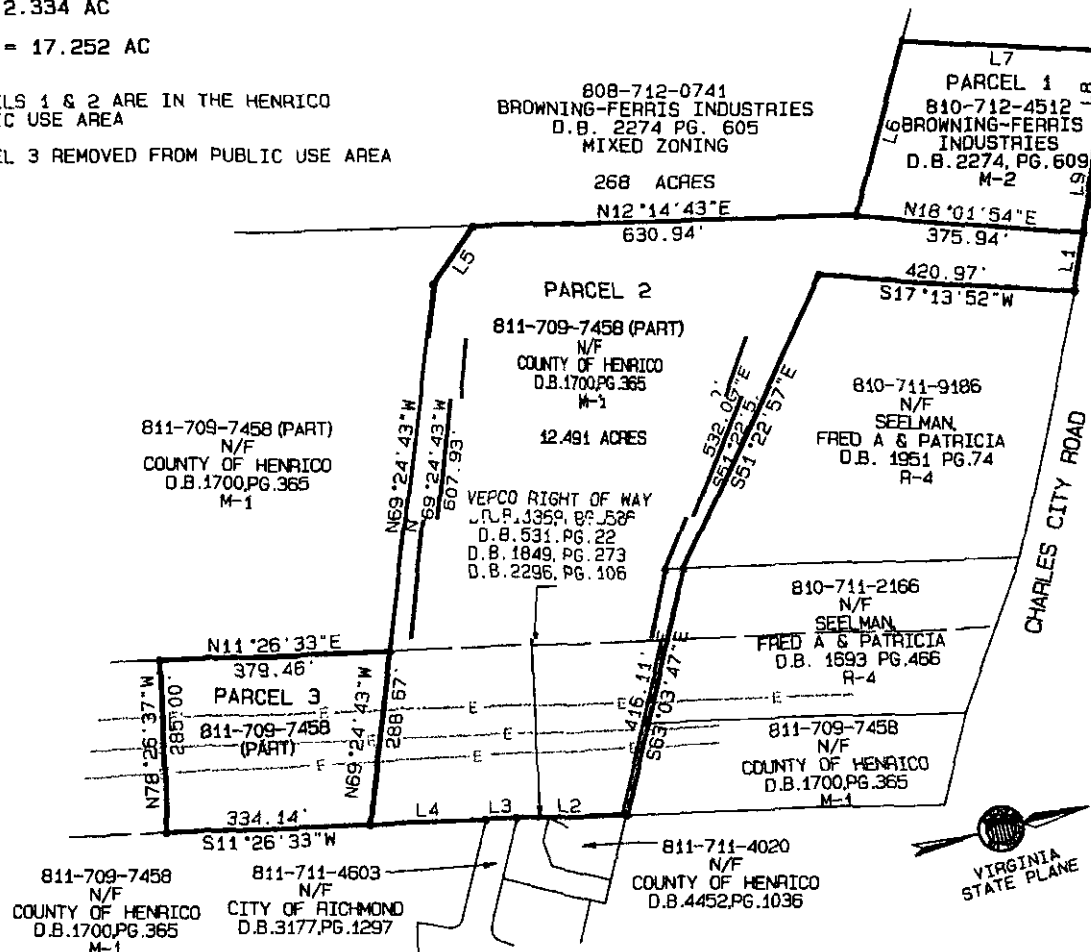
EXHIBIT

A

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

TOTAL AREA = 17.252 AC

NOTE: PARCELS 1 & 2 ARE IN THE HENRICO
PUBLIC USE AREA
PARCEL 3 REMOVED FROM PUBLIC USE AREA

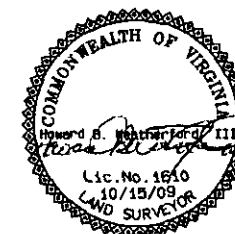


LINE	BEARING	DISTANCE
L1	S66°58'34\"E	97.00'
L2	S11°43'27\"W	179.78'
L3	S11°39'37\"W	51.83'
L4	S11°23'01\"W	191.32'
L5	N42°05'52\"W	115.29'
L6	N61°31'47\"W	299.82'
L7	N16°51'33\"E	331.24'
L8	S71°10'49\"E	145.00'
L9	S69°12'19\"E	156.83'

2009

2004 & 2009

2004



COMPILED PLAT OF
17.252 ACRES OF LAND

VARINA DISTRICT,
HENRICO COUNTY, VIRGINIA

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

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

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



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COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 295-09

Page No.

1 of 2

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

For Clerk's Use Only:

Date **NOV 24 2009**

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to

BOARD OF SUPERVISORS ACTION

Moved by (1) Donati Seconded by (1) O'Bannon
(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 January 27, 2004, the Board of Supervisors authorized the County Manager to execute a Host Agreement with BFI Waste Services of Virginia, LLC ("BFI") to expand the Old Dominion Landfill on Charles City Road in the Varina District; and,

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

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

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

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

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

By Agency Head

Arthur O'Brien

By County Manager

David R. Hyatt

Routing:

Yellow to: _____

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Certified:

A Copy Test: _____

Clerk, Board of Supervisors

Date: _____

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

Agenda Item No. 295-04

Page No. 2 of 2

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

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

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

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



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 296-09
Page No.

1 of 1

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

For Clerk's Use Only:

Date: NOV 24 2009

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

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

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

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

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

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

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

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

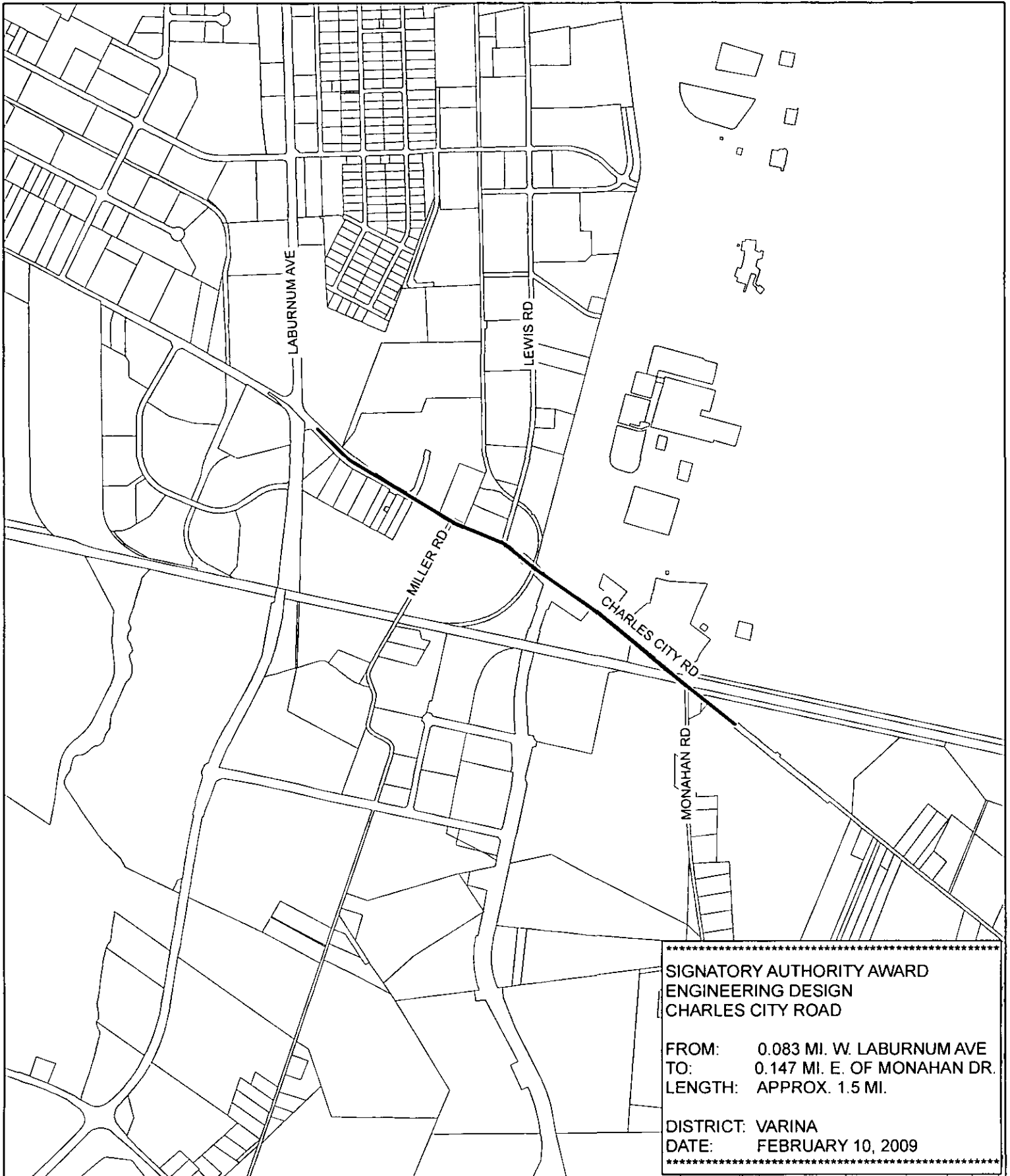
By Agency Head Cheryl J. [Signature] By County Manager [Signature]

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

Date: _____

CHARLES CITY ROAD





COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

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

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

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

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

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

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

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

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

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

By Agency Head 21A

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. 297-09
Page No: 2 of 2

Agenda Title: RESOLUTION - Request to Suspend Proposed Stormwater Regulations

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

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

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



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 298-09

Page No. 1 of 2

Agenda Title: RESOLUTION - ACCEPTANCE OF ROADS

For Clerk's Use Only: Date: NOV 24 2009 () Approved () Denied () Amended () Deferred to:	BOARD OF SUPERVISORS ACTION Moved by (1) <u>Glover</u> Seconded by (1) <u>Thornton</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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BE IT RESOLVED by the Board of Supervisors of the County of Henrico that the following named and described sections of roads are accepted into the County road system for maintenance.

Willow Chase - Brookland District

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

Four Mile Run, Section F - Varina District

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

By Agency Head [Signature] By County Manager [Signature]

Routing:
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Copy to: _____
Certified: _____
A Copy Teste: _____
Clerk, Board of Supervisors
Date: _____

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. **298-09**

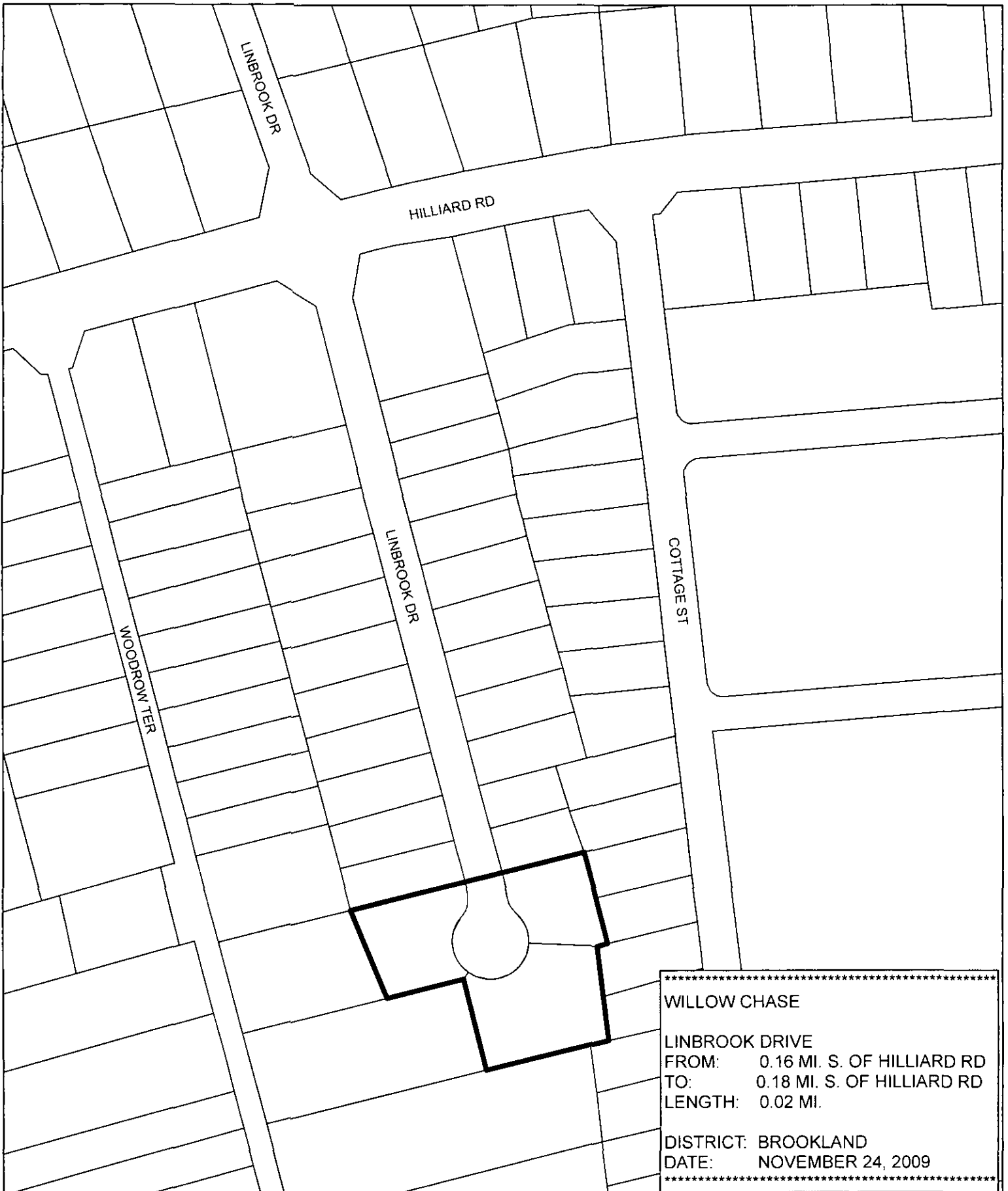
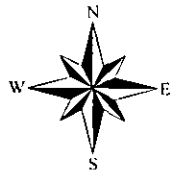
Page No. 2 of 2

Agenda Title: RESOLUTION - ACCEPTANCE OF ROADS

Four Mile Run, Section G - Varina District

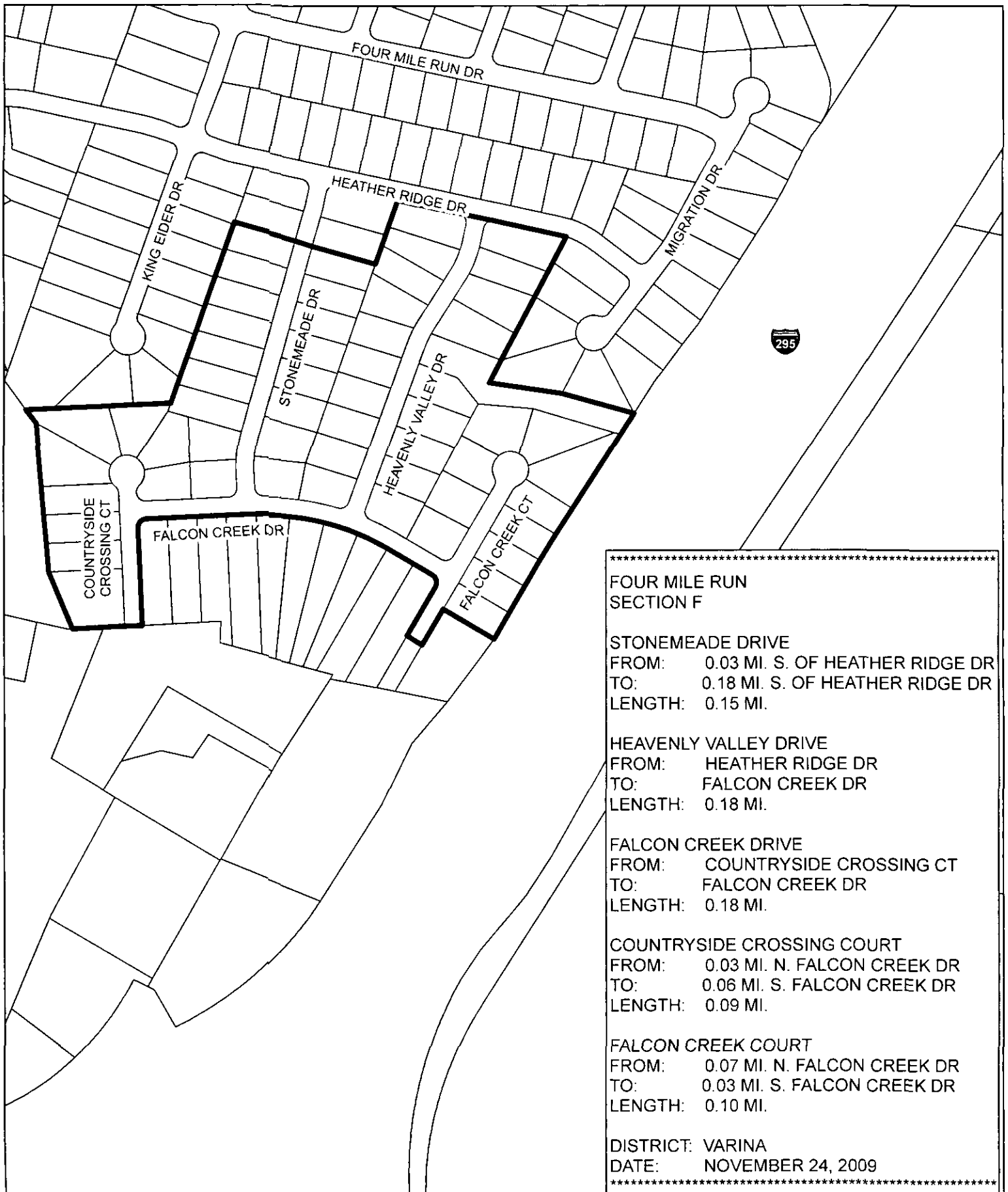
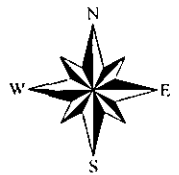
Migration Drive from 0.05 Mi. S. of Heather Ridge Drive to 0.06 Mi. N. of Heather Ridge Drive	0.11 Mi.
Heather Ridge Drive from Migration Drive to 0.05 Mi. W. of Migration Drive	<u>0.05 Mi.</u>
Total Miles	0.16 Mi.

WILLOW CHASE



WILLOW CHASE
LINBROOK DRIVE
FROM: 0.16 MI. S. OF HILLIARD RD
TO: 0.18 MI. S. OF HILLIARD RD
LENGTH: 0.02 MI.
DISTRICT: BROOKLAND
DATE: NOVEMBER 24, 2009

FOUR MILE RUN SECTION F



FOUR MILE RUN
SECTION F

STONEMEADE DRIVE

FROM: 0.03 MI. S. OF HEATHER RIDGE DR
TO: 0.18 MI. S. OF HEATHER RIDGE DR
LENGTH: 0.15 MI.

HEAVENLY VALLEY DRIVE

FROM: HEATHER RIDGE DR
TO: FALCON CREEK DR
LENGTH: 0.18 MI.

FALCON CREEK DRIVE

FROM: COUNTRYSIDE CROSSING CT
TO: FALCON CREEK DR
LENGTH: 0.18 MI.

COUNTRYSIDE CROSSING COURT

FROM: 0.03 MI. N. FALCON CREEK DR
TO: 0.06 MI. S. FALCON CREEK DR
LENGTH: 0.09 MI.

FALCON CREEK COURT

FROM: 0.07 MI. N. FALCON CREEK DR
TO: 0.03 MI. S. FALCON CREEK DR
LENGTH: 0.10 MI.

DISTRICT: VARINA

DATE: NOVEMBER 24, 2009

FOUR MILE RUN SECTION G

