

COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
REGULAR MEETING  
February 9, 2010

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, February 9, 2010 at 7:00 p.m. in the Board Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia.

**Members of the Board Present:**

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

**Members of the Board absent:**

Frank J. Thornton, Vice Chairman, Fairfield District

**Other Officials Present:**

Virgil R. Hazelett, P.E., County Manager  
Joseph P. Rapisarda, Jr., County Attorney  
Michael L. Wade, Sheriff  
Barry R. Lawrence, CMC, Assistant to the County Manager/Clerk to the Board  
George T. Drumwright, Jr., Deputy County Manager for Human Services  
Leon T. Johnson, Ph.D., 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

Mrs. O'Bannon called the meeting to order at 7:05 p.m.

Mrs. O'Bannon led recitation of the Pledge of Allegiance.

Rev. Angelo V. Chatmon, Pastor of Pilgrim Journey Baptist Church, delivered the invocation.

Mrs. O'Bannon announced that Mr. Thornton's chair was empty because he was ill and not present for the meeting.

On motion of Mr. Glover, seconded by Mr. Donati, the Board approved the minutes of the January 26, 2010 Regular and Special Meetings and March 16 - 19, 2009 Special Meeting.

The vote of the Board was as follows:

Yes: O'Bannon, Donati, Glover, Kaechele

No: None

Absent: Thornton

### **MANAGER'S COMMENTS**

There were no comments from the Manager.

### **BOARD OF SUPERVISORS' COMMENTS**

Mr. Donati thanked the Department of Public Works for doing an excellent job with snow removal over the past several weeks.

Mr. Glover offered a reminder that Darren Sharper, who plays cornerback for the Super Bowl champion New Orleans Saints, attended Hermitage High School along with his brother Jamie, who played for the Baltimore Ravens Super Bowl championship team. Their parents live in the Brookland District.

Mrs. O'Bannon noted the recent passing of Alexander Lebenstein, a Henrico resident and Holocaust survivor from Haltern, Germany who was involved with the Virginia Holocaust Museum and humanitarian efforts in Virginia, New York City, and his former German hometown.

### **RECOGNITION OF NEWS MEDIA**

Mrs. O'Bannon recognized Luz Lazo from the *Richmond Times-Dispatch* and mentioned that Tom Lappas from the *Henrico Citizen* was covering the Henrico County School Board meeting.

### **PUBLIC HEARINGS - REZONING CASES AND PROVISIONAL USE PERMITS**

47-10                      Barrington Investors LTD and Elder Homes Corporation: Request to amend  
C-32C-09                proffered conditions accepted with Rezoning Case C-65C-06, on Parcels  
Fairfield                799-732-4991, 799-733-5351, -7350, -7644, -7938, -8231, -8525, -8819, -9113,  
                                 -9209, -9504, -8204, -7808, -7513, -7318, -7023, -6728, -6533, -6338, -6143,  
                                 -4535, -4830, -5025, -5223, -5419, -5614, -5810, 799-732-8887, -8597, and -  
                                 6697, located between the east line of the Chesapeake and Ohio Railway right-  
                                 of-way and the west line of Barrington Road at its intersection with Springton  
                                 Road.

On motion of Mr. Kaechele, seconded by Mr. Glover, the Board deferred Item No. 47-10 (C-32C-09) to March 9, 2010.

The vote of the Board was as follows:

Yes: O'Bannon, Donati, Glover, Kaechele

No: None

Absent: Thornton

**BOARD OF SUPERVISORS' COMMENTS (continued)**

Mrs. O'Bannon recognized Susan Bako, a student in Ms. Melissa Velazquez's Administrative Practice and Procedure class at J. Sargeant Reynolds Community College's Parham Road campus who was observing the meeting for a school project.

**PUBLIC HEARINGS - REZONING CASES AND PROVISIONAL USE PERMITS (continued)**

44-10  
C-35C-09  
Three Chopt

Oglethorpe Park LLC: Request to conditionally rezone from R-3C One-Family Residence District (Conditional) to R-5AC General Residence District (Conditional), Parcels 745-764-6608, 745-764-7122, 745-764-7834, 745-764-1645, 745-764-2159 and 745-764-1031, containing 12.373 acres, located on the south line of Dublin Road between the east line of Belfast Road and the west line of Glasgow Road.

Joe Emerson, Director of Planning, responded to questions from the Board.

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

On motion of Mr. Kaechele, seconded by Mr. Glover, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 44-10 (C-35C-09) with the following proffered conditions:

1. **Underground Utilities.** All proposed utilities except for junction boxes and meters shall be placed underground, unless technical or environmental reasons require otherwise. Junction boxes, meters, pedestals and transformers shall be screened with opaque vegetation or screening materials.
2. **Phased Development.** There shall be no more than (30) building permits issued for homes within the development prior to July 1, 2010. The remaining nineteen (19) building permits may be issued for homes within the development after January 1, 2011.
3. **Streets.** All new streets on the Property shall be public and shall be constructed of asphalt and designed with standard six (6) inch curb and

gutter. The south side of Dublin Road where adjacent to the Property, the east side of Belfast Road where adjacent to the Property and the west side of Glasgow Road where adjacent to the Property shall be improved with standard six (6) inch curb and gutter.

4. **Streetlights.** Streetlights a maximum of sixteen (16) feet in height and of a uniform style shall be provided along both sides of the new streets, along the south side of Dublin Road where adjacent to the Property, the east side of Belfast Road where adjacent to the Property and the west side of Glasgow Road where adjacent to the Property.
5. **Sidewalks.** Sidewalks a minimum of four (4) feet in width shall be provided on both sides of the new streets, along the south side of Dublin Road where adjacent to the Property, the east side of Belfast Road where adjacent to the Property and the west side of Glasgow Road where adjacent to the Property. A grass strip a minimum of two (2) feet in width shall be provided between the back of curb and the sidewalk.
6. **Foundations.** All houses shall be constructed on crawl space foundations except for garages and basements. The exterior portion of the foundations below the first floor level which is visible above grade shall be finished with brick or stone. This proffer shall not apply to direct vent gas fireplaces or appliances. There shall be no cantilevered chimneys, direct vent gas fireplaces, closets or bay windows.
7. **Driveways and Alleys.** All driveways shall be constructed of either cobblestone, brick, asphalt, pre-cast pavers, concrete or other similar materials approved by the Director of Planning. If alleys are built, they shall be constructed of asphalt or concrete and meet minimum public road standards for depth of stone and asphalt or concrete equivalent.
8. **Building Materials.** All houses shall be constructed of brick, stone, hardiplank, or premium vinyl siding. In the aggregate, the front elevation of all the homes shall contain a minimum of fifty-percent (50%) brick or stone. The front exterior elevation of any home using vinyl siding shall contain 100% brick or stone exclusive of trim or architectural features. Vinyl siding shall have a minimum nominal thickness of .042" as evidenced by the manufacturer's printed literature which shall be provided at the time of building permit application.
9. **Landscaping.** A minimum of two (2) trees measuring a minimum of 2.5" in caliper shall be retained or planted in the front yard of each residential lot, plus a minimum of two (2) trees of the same caliper shall be retained or planted in the side yard adjacent to the street if the residential lot is a corner lot. The tree shall be a street tree located

within ten (10) feet of the back of curb in the front yard of each residential lot and, if the residential lot is a corner lot in the side yard also. Each house and building shall have prototypical plantings (shrubs and ornamental ground cover) along the front foundation. The front and side yards shall be irrigated and planted with sod except where mulching or landscaping may occur.

10. **Density.** The development shall not exceed 49 dwelling units.
11. **Restrictive Covenants.** Prior to or concurrent with the recordation of the subdivision plat approved by the County and before the conveyance of any portion of the property covered by said subdivision plat (other than for the dedication of easements, roads, or utilities), there shall be recorded a document in the Clerk's Office of the Circuit Court of Henrico County, Virginia setting forth quality controls on the development and maintenance of all portions of the Property substantially in accord with the Restrictive Covenants recorded in the Book 3920, Page 1974 in the Clerk's Office of the Circuit Court of Henrico County, Virginia.
12. **Minimum Size.** Any one story house constructed on the Property shall have a minimum of 1,600 square feet of finished floor area. Any house more than one story shall have a minimum of 2,200 square feet of finished floor area.
13. **Restricted Uses.** Two family dwellings and semi detached dwellings shall not be permitted.
14. **Lot Size.** The lots shall be a minimum of sixty (60) feet in width.
15. **Garages.** All homes shall have a minimum of a two (2) car garage. Garage doors shall contain varying architectural features including but not limited to varying styles, windows, and garage door or doors designs. Fifty-percent (50%) of all attached garages in the aggregate shall be either side or rear loaded. Garages will be constructed with the same brick, hardiplank, etc., and roofing material as on the main buildings.
16. **Conceptual Site Plan.** The plan of development will be designed in a similar style as the conceptual site plan dated October 15, 2009 and revised December 17, 2009, (see case file) subject to changes required for final engineering design and in compliance with the governmental regulations.

17. **Stormwater Management Facilities.** Any above-ground wet stormwater management facilities located on the Property shall be designed and utilized as a water feature amenity and/or designed and landscaped to make it an integral part of the development and shall be aerated.
18. **Compliance Certification.** The property owner and/or builder shall provide a cumulative count of the amount of brick (or other comparable material) used on each dwelling for all dwellings and the type of garage constructed upon the submittal of each building permit application.
19. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

The vote of the Board was as follows:

Yes: O'Bannon, Donati, Glover, Kaechele

No: None

Absent: Thornton

46-10  
P-1-10  
Three Chopt

Advance Auto Parts: Request for a Provisional Use Permit under Sections 24-58.2(c), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to allow auto parts sales in an existing commercial building, on part of Parcel 752-759-9472, located on the east line of Gaskins Road approximately 400 feet north of W. Broad Street.

Jean Moore, Assistant Director of Planning, responded to a question from the Board.

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

On motion of Mr. Kaechele, seconded by Mr. Donati, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 46-10 (P-1-10) subject to the following conditions:

1. The permit shall apply only to the tenant space to be occupied by Advance Auto Parts and shall not apply to any other business in the overall shopping center.
2. The auto parts store shall be no greater than 6,550 square feet in size and shall be located on the site as shown in Exhibit B (see case file).

3. No exterior storage of batteries, tires, or other automotive parts and other retail supplies shall be permitted.
4. All sales, operations and services shall be conducted within a completely enclosed building.
5. Any modifications to the building to accommodate installation of automobile parts shall require an administrative approval of a Plan of Development. Any installation of parts shall take place within a completely enclosed building and shall consist of products which are purchased from the Advanced Auto Part store. In no case shall the floor area dedicated for any installation of automobile parts exceed 7% of the aggregate gross floor area of the tenant space, and any bay doors shall be adequately screened from view from adjacent properties and roads.
6. All proffered conditions accepted with Case C-35C-91 are hereby made a part of this Provisional Use Permit.

The vote of the Board was as follows:

Yes: O'Bannon, Donati, Glover, Kaechele

No: None

Absent: Thornton

48-10  
P-12-09  
Three Chopt

New Cingular Wireless PCS, LLC: Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to extend the height of an existing telecommunications tower from 150 feet to 169 feet, on part of Parcel 739-760-8865, located on the east line of Pump Road approximately 640 feet north of Three Chopt Road (Short Pump Park).

Ms. Moore responded to questions from the Board.

On motion of Mr. Kaechele, seconded by Mr. Donati, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 48-10(P-12-09) subject to the following conditions:

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

2. Application for a building permit to install the tower extension must be made within one year after the Provisional Use Permit is granted by the Board of Supervisors, unless an extension of time is granted by the Director of Planning upon a written request by the applicant.
3. The applicant shall obtain approval from the Planning Commission should the FAA require the addition of standard obstruction marking and lighting (i.e. red lighting and orange and white striping) to the tower. Any proposed changes to the original galvanized finish of the tower shall be submitted to the Director of Planning for approval.
4. When site construction is initiated as a result of this Provisional Use Permit, the applicant shall complete requirements prescribed by Chapter 10 of the Henrico County Code. In particular, land disturbance of more than 2,500 square feet will require that construction plans include a detailed drainage and erosion control plan prepared by a professional engineer certified in the State of Virginia. Ten (10) sets of the construction plans shall be submitted to the Department of Public Works for approval.
5. If ownership of the lease is transferred to another provider, the new owner shall submit a Transfer of Provisional Use Permit.
6. The height of the tower shall not exceed 169 feet.
7. This permit shall apply only to the 7,260 + square foot lease area identified in Exhibit B (see case file).
8. Unless dead or diseased, the existing tree buffers adjoining the proposed lease area shall be preserved and shall not be pruned to reduce their height.
9. Low-profile or "flush mounted" antennas or a similar style of equipment as approved by the Director of Planning which reduces the visual profile of equipment shall be installed on the tower.
10. The co-location of additional users, as technically feasible, shall be allowed at this site.
11. Prior to the co-location of any carrier's antennas or addition of equipment lease space, a revised site plan and equipment placement details shall be submitted to the Planning Department for approval.
12. To maintain visual and sound buffering, a supplemental landscaping plan may be required by the Director of Planning. The Director of Planning may waive the enforcement of this condition if it is deemed unnecessary.



13. Any UHF, VHF or other type of receivers/transmitters that would interfere with the County's Division of Police emergency communications are prohibited from this tower.
14. A Locust Virginia Worm Fence, or substitute approved by the Director of Planning and the Director of Recreation and Parks, approximately 370' in length, shall be installed generally along the southern and eastern access easement boundary (Exhibit C), (see case file). The proposed fence route shall be staked prior to installation for approval.
15. A UV resistant, vinyl coated polyester with a 75% shade density screen or equivalent screening of a color and type approved by the Director of Planning and the Director of Recreation and Parks shall be installed and maintained around the full perimeter (175 linear feet and 10' high) of the existing 10' high fence and expanded equipment area fence. Installation shall be in accordance with manufacturer's specifications.
16. An entrance security chain of appropriate grade and length, including a support structure and security padlocks, shall be installed across the Pump Road access entrance. Location, chain grade and length, padlocks, and support system shall be approved, prior to installation, by the Division of Recreation and Parks.
17. Cables may be banded to the exterior of the tower provided their color sufficiently matches the tower's exterior color as approved by the Henrico Division of Recreation and Parks.

The vote of the Board was as follows:

Yes: O'Bannon, Donati, Glover, Kaechele

No: None

Absent: Thornton

#### **PUBLIC HEARINGS - OTHER ITEMS**

49-10 Resolution - Signatory Authority – First Amendment to Lease Agreement – Global Signal Acquisitions III LLC – Three Chopt District.

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

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 49-10 – see attached resolution.

## **PUBLIC HEARINGS - REZONING CASES (continued)**

45-10                      Patterson Investments, Inc.: Request to conditionally rezone from R-2A One-Family Residence District to R-5AC General Residence District (Conditional),  
C-30C-09                      Parcel 748-741-8046, containing approximately 6.059 acres, located at the  
Tuckahoe                      southeast intersection of Patterson Avenue (State Route 6) and Maybeury Drive.

Director of Planning Joe Emerson, Traffic Engineer Mike Jennings, and Engineering and Environmental Services Manager Jeff Perry responded to a series of questions from Mrs. O'Bannon regarding distinctions between the County's R-2A and R-5A zoning districts, certification and maintenance of a private internal road that would serve the proposed development, the Virginia Department of Transportation's recommendations for accessing the proposed development, buffering and fencing of the proposed development, recommended uses for this site in the County's 2010 and 2026 Comprehensive Plans, and drainage requirements for new residential development. Mr. Emerson and Mr. Jennings also responded to questions from Mr. Kaechele pertaining to proffers with this case addressing landscaping and transportation.

Jim Theobald presented the case on behalf of Patterson Investments and Gumenick Properties. He narrated a slide presentation that addressed the site's ownership and location; the applicant's goal in creating the community; the proposed development's architectural design, options, conceptual plan, access, drainage, traffic projections and improvements, and landscaping; and the case's proffered conditions. Mr. Theobald responded to a number of questions from Mrs. O'Bannon concerning the proposed development's stormwater drainage system; private road; impervious site coverage; lot and house sizes, configurations, and designs; cross access easement and maintenance agreement with the Tuckahoe Family YMCA; buffer; and zoning. He responded to questions from Mr. Kaechele regarding the compatibility of the homes in this proposed development with those in nearby residential areas. He, Monte Lewis of Lewis and Associates, Director of Public Works Tim Foster, and Mr. Hazelett responded to questions from Mr. Donati and the other members of the Board pertaining to the design of the cul-de-sacs and the widths of roads that would be located in the proposed development. Fire Chief Ed Smith responded to a question from Mr. Glover concerning the County Division of Fire's hose drop requirements for residential subdivisions. Mr. Hazelett commented on the status of considerations by the State to require sprinkler systems in single-family homes.

The following four speakers who were in opposition to the case jointly narrated a slide presentation during the public hearing:

- John Blakemore, a resident of the 700 block of Maybeury Drive, offered a few acknowledgments about the case and introduced the

concerns of his community relating to the proposed development, including some of the proffered conditions, the number of lots per acre, and the timeframe for clearing the site. He also expressed concerns about stagnant developments by Gumenick Properties in the Richmond area. Mr. Blakemore stated that his neighborhood opposes this rezoning and believes that the proposed development would not ensure the health, safety, and welfare of the students at Maybeury Elementary School and the surrounding community.

- Jim McGehee, a resident of the 700 block of Maybeury Drive, spoke to existing traffic problems on Maybeury Drive and asked that no entrance and exit be allowed for the proposed development on this road if the case is granted. He voiced concerns regarding how the proposed development would impact traffic on Maybeury Road. Mr. McGehee also stated concern for the protection of the children at Maybeury Elementary School and commented that the case's 31 proffers are largely for the benefit of future residents rather than the existing community.
- Colleen O'Meara, a resident of Lakeland Circle in the Waterford Rhye townhome community, elaborated on stormwater drainage issues in her community, which was developed by Gumenick Properties. She expressed concerns about how the proposed development would impact existing drainage areas in surrounding communities and also raised questions about how the development would impact traffic and the children attending Maybeury Elementary School.
- Joni Albrecht, Vice President of the Maybeury Elementary School Parent Teacher Association (PTA), provided background information on the school and presented concerns pertaining to its proximity to the proposed development. She reviewed how the school would be buffered from the proposed development; how this buffer would compare with the buffers at other open campus Henrico elementary schools that adjoin residential developments; the recommended school site criteria contained in the County's 2026 Comprehensive Plan; and several safety issues associated with the proposed development that parents believe will jeopardize the health, safety, and welfare of students unless adequately addressed. Ms. Albrecht stated that the PTA is asking for the elimination of four houses in the proposed development, the installation of a privacy fence along the property line where the proposed development borders the school, and relocation of the construction and neighborhood entrance for the proposed development to Patterson Avenue. She then identified several provisions and objectives of the County's 2026 Comprehensive Plan with which the PTA feels that the proposed development is in conflict. Ms. Albrecht concluded her lengthy presentation by asking those

persons in the audience who were opposed to the case to stand and show their opposition and by asking the Board to deny the case.

The Board recessed at 9:50 p.m. and reconvened at 10:06 p.m.

The public hearing continued with the following persons speaking in opposition to the case:

- Jane McAllister, a resident of Maybeury Drive, spoke to two areas of disconnect between information the residents believe is true and information presented by the applicant, i.e. the salability of the homes at the projected price point and the marketability of home theatres as buyers' incentives. She also expressed fear that the applicant will create another blighted community of half-abandoned property.
- David Conrad, a resident of Penola Drive and Vice-President of the Westmoor Civic Association, noted that his Board of Directors is unanimously opposed to the case in its present form. He referred to the areas of major contention relating to the proposed development mentioned by previous speakers, including the number of homes, the distance of the homes from the school, fencing between the homes and the school, and the location of the neighborhood's entrance. He also indicated that the applicant should consider Leadership in Environmental Energy and Design (LEED) certification for the homes, address where cleared snow will be stored in the development, discuss whether it plans to use local subcontractors and materials, and be more attentive to the concerns of the community.
- Lawrence Pollard, a resident of Derbyshire Road, voiced several concerns regarding the case, including the type of development, reliability of traffic projections, impact of heavy construction traffic, high percentage of out-of-state workers used by Gumenick Properties, adequacy of erosion and sediment control and flood plain plans, and impact of the project on the students and staff at Maybeury Elementary School.
- Marge Street, a Maybeury Elementary School parent, highlighted two concerns pertaining to the new development, i.e. its impact on the safety of school children due to increased traffic and its disruption of school classes due to construction noise. She proposed a Patterson Avenue only entrance and exit for the development or alternatively that the applicant provide funding for a crossing guard at the school 30 minutes before and after the school day. Ms. Street also proposed that the applicant leave at least a 30-foot wooded buffer between the development and the school and that the applicant phase its construction outside of school hours.

- Joyce Maines, President of the Board of Directors of the Waterford Rhye Townhouse Association, stated that her association was opposed to the case because of downhill drainage and traffic congestion resulting from the proposed development and the development's impact on Maybeury Elementary School.

Ms. Albrecht returned to the podium and to her slide presentation and re-emphasized the close proximity of the proposed development to Maybeury Elementary School. She contrasted this plan with the wider buffers that exist between three other open campus elementary schools in the County and their surrounding residential communities.

Mr. Emerson, Mr. Perry, Mr. Foster, Police Chief Henry Stanley, and Mr. Hazelett responded to a number of questions from the Board regarding a developer's drainage control and erosion and sediment control responsibilities, a developer's responsibilities under the Chesapeake Bay Preservation Act, traffic congestion and safety on Maybeury Drive in the vicinity of Maybeury Elementary School, criminal background checks for construction workers, and the compatibility of the proposed development with the County's 2026 Comprehensive Plan. Mrs. Albrecht offered further concerns from her seat in the audience about the stacking of vehicles on Maybeury Drive during peak school hours.

Mr. Theobald returned to the podium to respond to questions and issues raised by the speakers during the public hearing. He addressed the maintenance easement required by the County's ordinance, the location of the security fence offered by the applicant, the status of the Waterford Rhye sediment basin, the layout of the Maybeury Elementary School campus, the location of plantings requested by the school's representatives, road improvements on Maybeury Drive offered by the applicant to reduce traffic near the school, the status of safety and security at the school, the quality of the homes in the proposed development and their proximity to the school, and the relationship between current market demands and this rezoning request. Mr. Theobald returned to his earlier slide presentation and concluded it by explaining the appropriateness of the applicant's request.

Mrs. O'Bannon summarized several outstanding issues pertaining to this case, specifically the community's desire for fewer homes, more distance between the homes and the school, a right in and right out on Patterson Avenue, and a seven-foot privacy fence bordering the school. In response to further questions and comments by Mrs. O'Bannon, Mr. Theobald requested a 30-day deferral to discuss these issues. Mr. Glover suggested that the applicant investigate paying for a traffic signal at the intersection of Patterson Avenue and the Tuckahoe YMCA in lieu of paying for road improvements on Maybeury Drive if this alternative is acceptable to the Virginia Department of Transportation. He also commented on recent projects in the Brookland District that Gumenick

Properties has developed. Mr. Rapisarda clarified that although Virginia law requires that the Board hold another public hearing on this case if new proffers are to be considered, the hearing can be limited to new material. Mrs. O'Bannon recommended that Mr. Theobald hold at least one meeting with citizens at a convenient time to discuss any changes that the applicant may make to the case. Mr. Kaechele suggested that the Board keep in mind what the applicant can do with the property if the rezoning is not approved and pointed out that the number of homes that can be developed under the proposed rezoning is not a great deal more than the number that can be developed under the existing zoning on the property.

On motion of Mr. Glover, seconded by Mr. Donati, the Board deferred Item No. 45-10 (C-30C-09) to March 9, 2010 meeting.

The vote of the Board was as follows:

Yes: O'Bannon, Donati, Glover, Kaechele

No: None

Absent: Thornton

The Board recessed at 11:36 p.m. and reconvened at 11:45 p.m.

#### **PUBLIC HEARINGS - OTHER ITEMS (continued)**

50-10 Resolution – Signatory Authority – Transmission Line Easement Agreement for Virginia Electric and Power Company – Varina District

Jon Tracy, Director of Real Property, responded to a question from the Board.

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

On motion of Mr. Donati, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item no. 50-10 – see attached resolution.

#### **PUBLIC COMMENTS**

There were no comments from the public.

#### **GENERAL AGENDA**

51-10 Resolution – Approval of Issuance of Bonds – Richmond Volleyball Club, Inc. – Economic Development Authority.

Mr. Glover encouraged the members of the Board to visit this athletic facility.

On motion of Mr. Glover, seconded by Mr. Kaechele, and by unanimous vote, the Board approved Agenda Item No. 51-10 – see attached resolution.

- 52-10 Introduction of Resolution – Receipt of Requests for Amendments to Reduce the FY 2009-10 Annual Fiscal Plan: February, 2010.

On motion of Mr. Glover, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 52-10 – see attached introduction of resolution.

- 53-10 Resolution – Authorizing and Providing for the Issuance, Sale and Delivery of Not to Exceed \$120,000,000 Principal Amount of County of Henrico, Virginia, General Obligation Public Improvement Refunding Bonds.

John Vithoukas, Director of Finance, responded to questions from the Board.

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 53-10 – see attached resolution.

- 54-10 Resolution – Award of Construction Contract – Public Safety Building Lobby Alterations.

Paul Proto, Director of General Services, responded to questions from the Board.

On motion of Mr. Glover, seconded by Mr. Kaechele, and by unanimous vote, the Board approved Agenda Item No. 54-10 – see attached resolution.

- 55-10 Resolution – Signatory Authority – Amendment to Contract for Architectural and Engineering Services – Old Tuckahoe Library.

Mr. Proto responded to questions from the Board.

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 55-10 – see attached resolution.

- 56-10 Resolution - Award of Construction Contract - Patterson Avenue Water Main Abandonment.

Art Petrini, Director of Public Utilities, responded to questions from the Board.

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 56-10 – see attached resolution.

- 57-10 Resolution - Award of Construction Contract - Fourmile Creek Trunk Sewer Rehabilitation - Lining of Existing 84” Sewer.

Mr. Petrini responded to questions from the Board.

On motion of Mr. Glover, seconded by Mr. Kaechele, and by unanimous vote, the Board approved Agenda Item No. 57-10 – see attached resolution.

58-10 Resolution - Signatory Authority - First Amendment to Comprehensive Agreement for the Extension of North Gayton Road.

Tim Foster, Director of Public Works, responded to questions from the Board.

Mr. Kaechele remarked that this project has been going on for a long time and he has received a lot of questions about the work. Mr. Hazelett updated the Board on the status of the project and indicated that he can brief the Board further on this matter in a work session.

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 58-10 – see attached resolution.

59-10 Resolution - To Permit Additional Fine of \$200 for Speeding on Oregon Avenue between Randall Avenue and Darbytown Road.

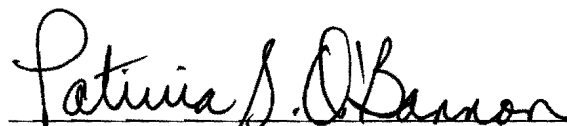
On motion of Mr. Donati, seconded by Mr. Kaechele, and by unanimous vote, the Board approved Agenda Item No. 59-10 – see attached resolution.

60-10 Resolution - Acceptance of Roads.

On motion of Mr. Donati, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 60-10 – see attached resolution.

At Mr. Hazelett's request, Mr. Foster updated the Board on current weather conditions in the County.

There being no further business, the meeting was adjourned at 12:10 a.m.



Chairman, Board of Supervisors  
Henrico County, Virginia





COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 49-10  
Page No. 1 of 1

Agenda Title RESOLUTION – Signatory Authority – First Amendment to Lease Agreement – Global Signal Acquisitions III LLC – Three Chopt District

For Clerk's Use Only:

Date FEB - 9 2010

- ☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to

BOARD OF SUPERVISORS ACTION

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

REMARKS

APPROVED

YES NO OTHER

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

WHEREAS, the County of Henrico, Virginia is the owner of real property at 3401 Pump Road designated as Tax Map Parcel 739-760-8865, which parcel is the site of the County's Short Pump Park (the "Property"); and,

WHEREAS, on April 30, 2002, the County and Sprintcom Inc., a Kansas corporation, (the "Lessee"), entered into a lease agreement for a portion of the Property for the purpose of constructing, operating, and maintaining a communications tower; and,

WHEREAS, Global Signal Acquisitions III LLC, a Delaware limited liability company, is Attorney-in-Fact for the Lessee; and

WHEREAS, the Lessee desires to amend the Lease Agreement to expand the fenced area to include the Lessee's current parking area and to increase the tower height by fifteen feet; and,

WHEREAS, this resolution was advertised pursuant to Section 15.2-1813 of the Code of Virginia, 1950, as amended, and a public hearing was held on February 9, 2010 by the Board of Supervisors of Henrico County, Virginia.

NOW, THEREFORE, BE IT RESOLVED that the Board authorizes the County Manager to execute, on behalf of the County, a First Amendment to Lease Agreement, in a form approved by the County Attorney, to provide for the expansion of the fenced area to include the Lessee's current parking area and to increase the tower height by fifteen feet.

Comments: The Directors of Recreation and Parks and Real Property recommend approval of this resolution; the County Manager concurs.

By Agency Head

*[Signature]*

By County Manager

*[Signature]*

Routing:

Yellow to:

*Real Property*

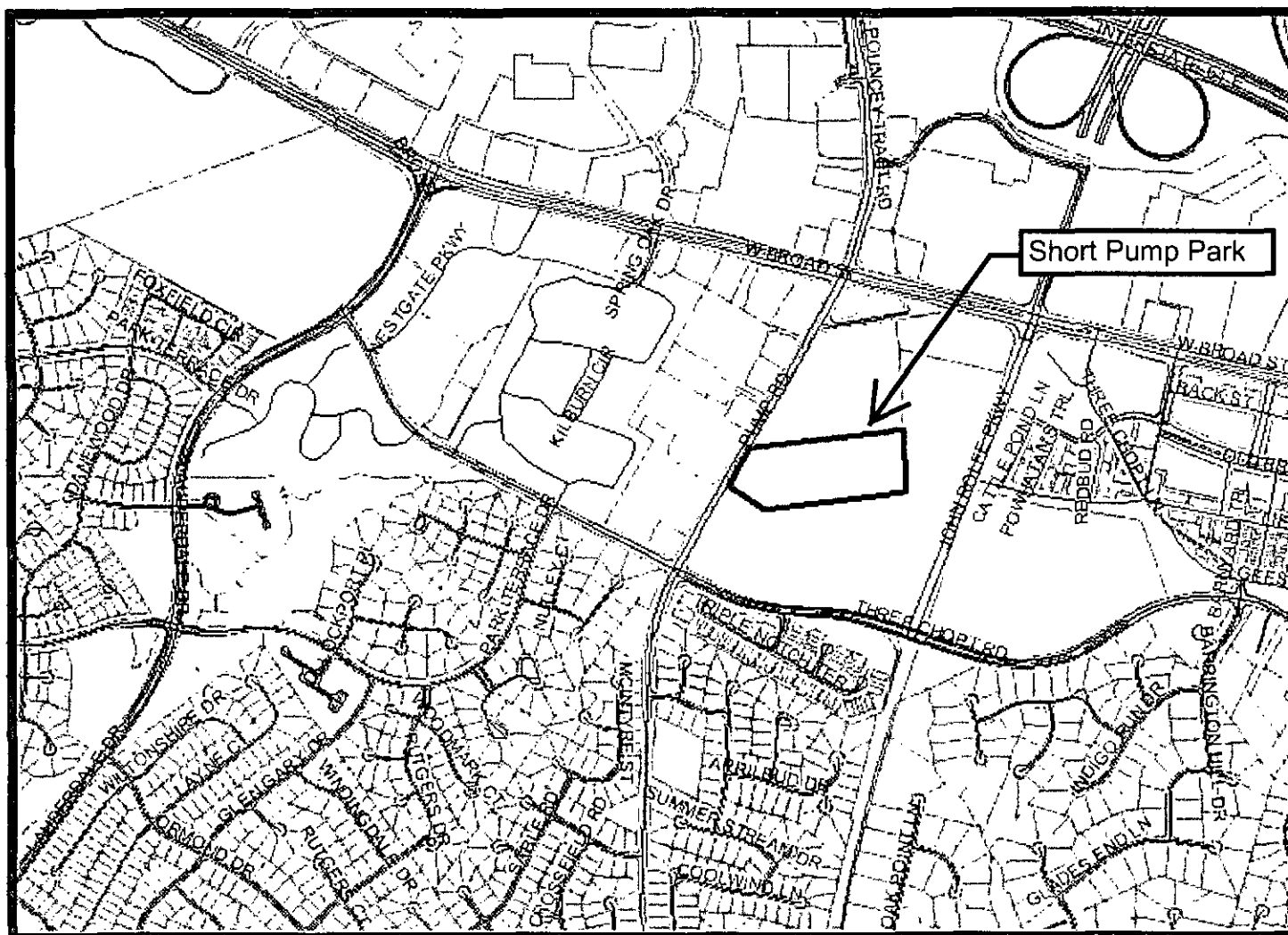
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Certified:

A Copy Teste:

Clerk, Board of Supervisors

Date:



**VICINITY MAP**  
**3401 PUMP ROAD**



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 50-10  
Page No. 1 of 1

Agenda Title **RESOLUTION - Signatory Authority - Transmission Line Easement Agreement for Virginia Electric and Power Company - Varina District**

For Clerk's Use Only:	BOARD OF SUPERVISORS ACTION	
Date <b>FEB - 9 2010</b>	Moved by (1) <u>Donati</u> Seconded by (1) <u>Glover</u>	YES NO OTHER
<input checked="" type="checkbox"/> Approved	(2) _____ (2) _____	Donati, J. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Denied	REMARKS: <b>APPROVED</b>	Glover, R. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Amended		Kaechele, D. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Deferred to		O'Bannon, P. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
		Thornton, F. <input type="checkbox"/> <input type="checkbox"/> <u>absent</u>

WHEREAS, the County of Henrico, Virginia is the owner of a parcel of land east of Hurop Road near the Henrico-New Kent County line (the "Property"); and,

WHEREAS, Virginia Electric and Power Company ("VEPCO") has requested that the County convey an overhead electric transmission line easement across a portion of the Property, as shown on the attached Exhibit "A," as part of VEPCO's Old Church to Chickahominy Transmission Line; and,

WHEREAS, the County wishes to grant an easement to VEPCO for this purpose for the consideration of \$9,000; and,

WHEREAS, on February 9, 2010, the Board of Supervisors of the County held an advertised public hearing on this Resolution pursuant to Sections 15.2-1800 and 15.2-1813 of Code of Virginia, 1950, as amended.

NOW, THEREFORE, BE IT RESOLVED by the Board that the Chairman and Clerk are authorized to execute an easement agreement, in a form approved by the County Attorney, by and between the County and VEPCO, for the conveyance of an overhead electric transmission line easement across the Property as shown on Exhibit "A" for the consideration of \$9,000.

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

By Agency Head [Signature]

By County Manager [Signature]

Routing:

Yellow to: Real Property

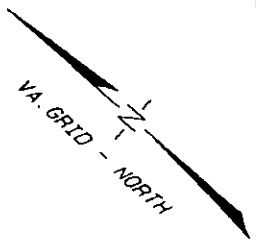
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Certified:

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Clerk, Board of Supervisors

Date: \_\_\_\_\_



N/F  
RILEY B. LOWE &  
HELEN F. LOWE  
GPIN 863-706-3470  
D.B. 1431 PG. 109

177  
BX  
COUNTY OF HENRICO,  
VIRGINIA  
GPIN 862-706-9038  
D.B. 2846 PG. 1071

N/F  
RILEY B. LOWE &  
HELEN F. LOWE  
GPIN 863-706-3470  
D.B. 1431 PG. 109

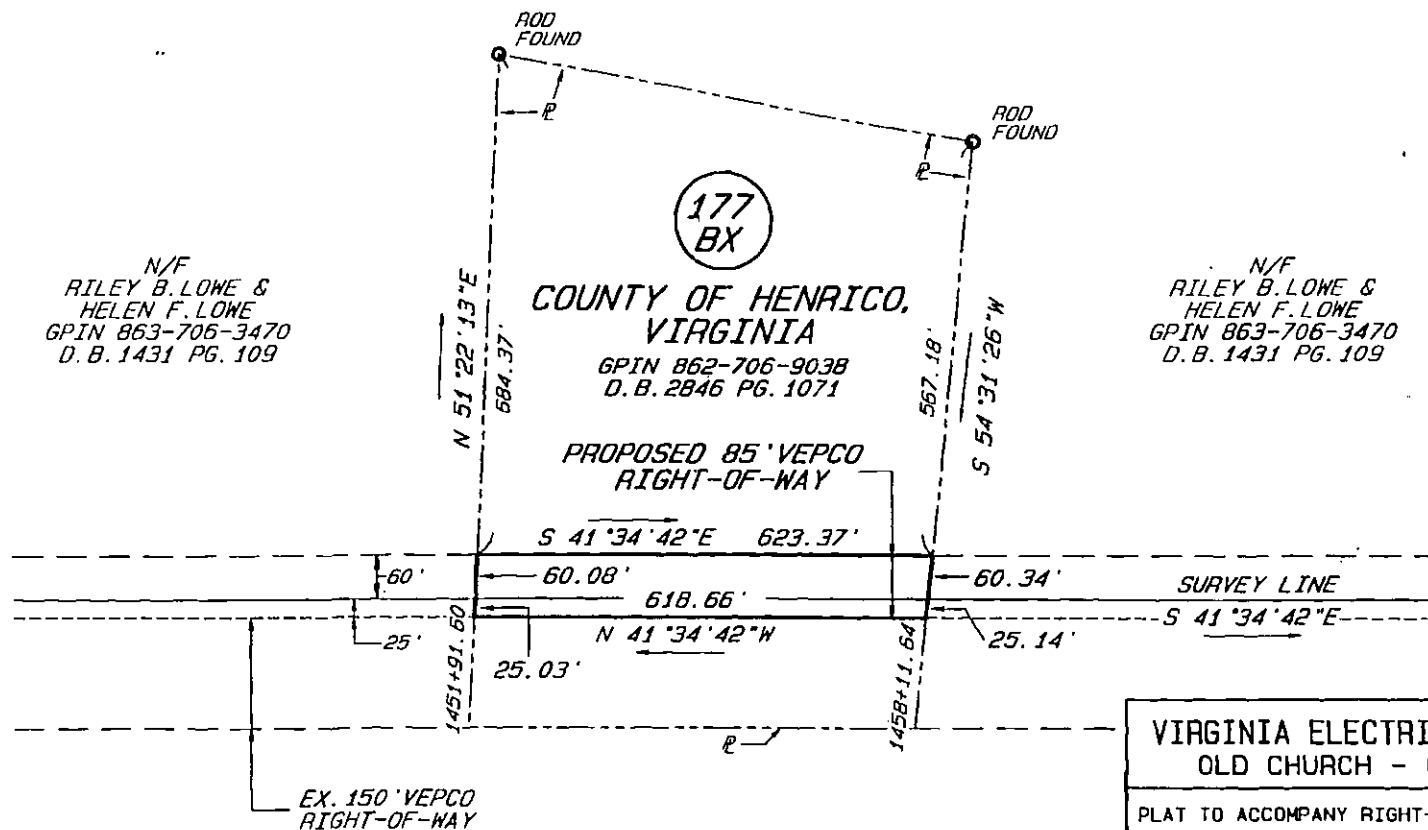


EXHIBIT "A"

AREA = 1.21 ACRES

REVISIONS					
4		3		2	1

VIRGINIA ELECTRIC AND POWER CO. OLD CHURCH - CHICKAHOMINY		
PLAT TO ACCOMPANY RIGHT-OF-WAY AGREEMENT WITH COUNTY OF HENRICO, VIRGINIA		
DISTRICT VARINA	COUNTY HENRICO	STATE VA.
SCALE: 1 INCH = 200 FT.		SURVEYED BY BURGESS & NIPLE
DRAWN BY MWB	DATE 7-08-04	NO. 177 BX



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 51-10

Page No. 1 of 2

Agenda Title: RESOLUTION – Approval of Issuance of Bonds – Richmond Volleyball Club, Inc. – Economic Development Authority

For Clerk's Use Only:

Date: FEB - 9 2010

- ☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Glone Seconded by (1) Kaechele  
(2) \_\_\_\_\_ (2) \_\_\_\_\_

REMARKS

APPROVED

YES NO OTHER

Donati, J. 2 \_\_\_\_\_  
Glover, R. ✓ \_\_\_\_\_  
Kaechele, D. ✓ \_\_\_\_\_  
O'Bannon, P. ✓ \_\_\_\_\_  
Thornton, F. \_\_\_\_\_ absent

WHEREAS, the Economic Development Authority of Henrico County, Virginia (the "Authority"), has considered the application and plan of financing of Richmond Volleyball Club, Inc. (the "Borrower"), a 501(c)(3) organization, for the issuance of the Authority's revenue Bonds in an amount not to exceed \$4,000,000 (the "Bonds"), in one or more series at one time or from time to time, to assist the Borrower in (1) financing and/or refinancing the acquisition, renovation and equipping of an approximately 73,494 square foot athletic facility located at 2921 Byrdhill Road, Henrico, Virginia 23228-5805 to be owned and operated by the Borrower (the "Project") and (2) financing of amounts required for reserves, working capital, capitalized interest, costs of issuance and other financing expenses related to the Project and the issuance of the Bonds;

WHEREAS, the Authority held a public hearing on the Borrower's application and the Project on January 21, 2010;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds;

WHEREAS, the Authority issues its bonds on behalf of Henrico County, Virginia (the "County"), the Project is located in the County, and the Board of Supervisors of Henrico County, Virginia (the "Board") constitutes the highest elected governmental unit of the County;

By Agency Head

Sam T. McLean

By County Manager

David A. Hays

Routing:

Yellow to: \_\_\_\_\_

Copy to: \_\_\_\_\_

Certified:

A Copy Teste: \_\_\_\_\_

Clerk, Board of Supervisors

Date: \_\_\_\_\_

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

Agenda Item No. 51-10

Page 2 of 2

**Agenda Title: RESOLUTION – Approval of Issuance of Bonds – Richmond Volleyball Club, Inc. – Economic Development Authority**

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WHEREAS, by resolution adopted January 21, 2010, the Authority recommended that the Board approve the Project and the issuance of the Bonds; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, subject to terms to be agreed upon, a certificate of the public hearing, and a "fiscal impact statement" with respect to the Project have been filed with the Board.

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

1. The Board approves the issuance of the Bonds by the Authority for the benefit of the Borrower, to the extent required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"), to permit the Authority to assist in the financing of the Project.

2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the Borrower but, as required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that neither the County nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor, and neither the faith or credit nor the taxing power of the Commonwealth, the County, or the Authority shall be pledged thereto.

3. This resolution shall take effect immediately upon its adoption.

Comments: The Executive Director of the Economic Development Authority recommends approval of this Board paper; the County Manager concurs.

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

Agenda Item No. 62-10  
Page No. 1 of 1

Agenda Title    **INTRODUCTION OF RESOLUTION – Receipt of Requests for Amendments to  
Reduce the FY 2009-10 Annual Fiscal Plan: February, 2010**

<b>For Clerk's Use Only:</b>  Date <u>FEB - 9 2010</u> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to	<b>BOARD OF SUPERVISORS ACTION</b>  Moved by (1) <u>Glover</u> Seconded by (1) <u>Donati</u> (2) _____ (2) _____  <b>REMARKS:</b> <div style="font-size: 4em; font-weight: bold; text-align: center; margin-top: 10px;">APPROVED</div>	<table style="width: 100%; border-collapse: collapse;"><tr><th></th><th style="text-align: center;">YES</th><th style="text-align: center;">NO</th><th style="text-align: center;">OTHER</th></tr><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>Kaechele, D.</td><td style="text-align: center;"><input checked="" type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr><tr><td>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 type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><u>absent</u></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"/>	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 type="checkbox"/>	<input type="checkbox"/>	<u>absent</u>
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Thornton, F.	<input type="checkbox"/>	<input type="checkbox"/>	<u>absent</u>																							

**WHEREAS**, the County Manager has provided the Board of Supervisors of the County of Henrico, Virginia, with a list dated February 2, 2010 requesting amendments to reduce the 2009-10 Annual Fiscal Plan; and,

**WHEREAS**, the County Manager listed the resource adjustments and appropriation reductions.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Henrico, Virginia, that the Clerk of the Board is directed to advertise a synopsis of the proposed amendments and a public hearing thereon to be held on February 23, 2010, at 7:00 p.m., in the Board Room at the Henrico County Government Center, East Parham and Hungary Spring Roads, to ascertain the views of the citizens with respect to the proposed amendments, such advertisement to be placed in the Richmond Times-Dispatch on Tuesday, February 16, 2010.

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

<div style="border-bottom: 1px solid black; margin-bottom: 5px;">By Agency Head <u>[Signature]</u></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Routing: Yellow to: _____</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Copy to: _____</div>	<div style="border-bottom: 1px solid black; margin-bottom: 5px;">By County Manager <u>[Signature]</u></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Certified: A Copy Teste: _____ <div style="text-align: right;">Clerk, Board of Supervisors</div></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Date: _____</div>
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AMENDMENTS TO REDUCE THE 2009-10  
ANNUAL FISCAL PLAN FOR FEBRUARY, 2010

OPERATING FUNDS

## RESOURCE ADJUSTMENTS

01 - GENERAL FUND

## Local Sources:

Current Real Property Taxes	\$ (10,600,000)
Delinquent Real Property Taxes	1,500,000
Local Sales and Use Taxes	(2,600,000)
Bank Franchise Taxes	2,000,000
Interest Earnings	1,000,000

Subtotal Local Sources: (8,700,000)

## State Aid for Education:

Basic Aid General Appropriation	(1,800,000)
Social Security Reimbursement	(70,000)
Retirement Reimbursement	(2,400,000)
Group Life Reimbursement	(60,000)
Sales Tax - Education	(4,850,000)
Special Education SOQ	(170,000)
English As Second Language	(470,000)
Textbooks	(3,287,000)
Foster Care Handicapped	(148,000)
At Risk	(45,000)
Lottery - Construction, Operating, Textbooks	1,500,000

Subtotal State Aid for Education: (11,800,000)

## Other State Revenues:

Communication Sales Tax (HB #568)	(1,000,000)
HB #599 Law Enforcement - Police	(300,000)
State Share Salaries Sheriff	(200,400)
State Share Benefits Sheriff	(114,000)
State Share Office Exp Sheriff	(175,000)
State Share Salaries Cir Court Clerk	(50,000)
State Share Benefits Cir Court Clerk	(30,000)
State Share Salaries Finance Director	(100,000)
State Share Benefits Finance Director	(30,600)

Subtotal Other State Revenues: (2,000,000)

Operating Transfer to Debt Service Fund 6,000,000

**Total General Fund: (16,500,000)**

71 - DEBT SERVICE FUND

Operating Transfer from General Fund	(6,000,000)
Interest Earnings GO and VPSA Bonds	4,000,000

**Total Debt Service Fund: (2,000,000)**

**TOTAL RESOURCE ADJUSTMENTS: (18,500,000)**



AMENDMENTS TO REDUCE THE 2009-10  
ANNUAL FISCAL PLAN FOR FEBRUARY, 2010

OPERATING FUNDS

APPROPRIATION REDUCTIONS

01 - GENERAL FUND

Schools VRS Savings	(6,000,000)
---------------------	-------------

The Henrico County Public School System will not incur the employer share of the VRS Retirement costs due to a fourth quarter premium holiday included in the Governor's proposed amendments to the FY2009-10 budget. The estimated cost savings of the fourth quarter premium holiday is \$6,000,000.

Schools Expenditure Savings	(5,000,000)
-----------------------------	-------------

The Henrico County Public School System has been preparing for this budget reduction since fall 2009. The additional \$5,000,000 in savings will be generated from a combination of savings in salaries and benefits due to vacant positions, savings in the cost of substitute teachers, savings in the cost of diesel fuel for buses and gasoline for School vehicles, and savings in utility costs due to energy conservation measures.

General Government Expenditure Savings	(5,500,000)
--	-------------

The County has been preparing for this budget reduction since fall 2009. The additional \$5,500,000 in savings will be generated from a combination of savings in salaries and benefits due to vacant positions, savings in the cost of gasoline for County vehicles, and savings in utility costs due to energy conservation measures.

<b>Total General Fund:</b>	<b>(16,500,000)</b>
----------------------------	---------------------

71 - DEBT SERVICE FUND

Debt Service Savings	(2,000,000)
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The County has generated debt service savings in fiscal year 2009-10 due to the refunding of general obligation bonds and lease revenue bonds. The reduction in debt service payments in the fiscal is \$2,000,000.

<b>Total Debt Service Fund:</b>	<b>(2,000,000)</b>
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<b>TOTAL EXPENDITURE REDUCTIONS:</b>	<b><u>(18,500,000)</u></b>
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COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 53-10

Page No. 1 of

Agenda Title: - RESOLUTION – Authorizing and Providing for the Issuance, Sale and Delivery of Not to Exceed \$120,000,000 Principal Amount of County of Henrico, Virginia, General Obligation Public Improvement Refunding Bonds

For Clerk's Use Only: Date: <b>FEB - 9 2010</b> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:	<b>BOARD OF SUPERVISORS ACTION</b> Moved by (1) <u>Kaechele</u> Seconded by (1) <u>Glover</u> (2) _____ (2) _____ REMARKS: _____ <b>APPROVED</b>	<table><thead><tr><th></th><th>YES</th><th>NO</th><th>OTHER</th></tr></thead><tbody><tr><td>Donati, J.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Glover, R.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Kaechele, D.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>O'Bannon, P.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Thornton, F.</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><u>absent</u></td></tr></tbody></table>		YES	NO	OTHER	Donati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input type="checkbox"/>	<input type="checkbox"/>	<u>absent</u>
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Thornton, F.	<input type="checkbox"/>	<input type="checkbox"/>	<u>absent</u>																							

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: \_\_\_\_\_

**RESOLUTION – Authorizing and Providing for the Issuance, Sale and Delivery of Not to Exceed \$120,000,000 Principal Amount of County of Henrico, Virginia, General Obligation Public Improvement Refunding Bonds**

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

SECTION 1. Pursuant to Chapter 26 of Title 15.2 of the Code of Virginia, 1950, the same being the Public Finance Act of 1991, for the purpose of refunding in advance of their stated maturities all or any portion of the County's (1) General Obligation Public Improvement Bonds, Series 2003 (2) General Obligation Public Improvement Bonds, Series 2004, (3) General Obligation Public Improvement Bonds, Series 2005, (4) General Obligation Public Improvement Bonds, Series 2006, (5) General Obligation Public Improvement Bonds, Series 2008, and (6) General Obligation Public Improvement Bonds, Series 2008A (collectively, the "Refunded Bonds"), there are authorized to be issued not to exceed \$120,000,000 principal amount of general obligation bonds of the County to be designated as the "County of Henrico, Virginia, General Obligation Public Improvement Refunding Bonds, Series 2010" (the "Bonds").

SECTION 2. (a) The Bonds shall be issued in fully registered form and shall be in the denomination of \$5,000 or any integral multiple thereof. The Bonds shall be numbered from R-1 upwards in order of issuance and shall have such other series designation as shall be determined by the Director of Finance, shall mature in such years and in such amounts in each year as shall be determined by the Director of Finance, and shall bear interest, calculated on the basis of a 360-day year comprised of twelve 30-day months, at such rate or rates per annum as shall be determined in accordance with the provisions of Section 8, such interest to be payable semiannually; *provided* that the first interest payment date may be any date within one (1) year from the date of the Bonds as determined by the Director of Finance. The Director of Finance is authorized to determine, in accordance with and subject to the provisions of this Resolution: the date or dates of the Bonds, the interest payment dates thereof, the maturity dates thereof, the amount of principal maturing on each maturity date and whether or not the Bonds shall be subject to redemption prior to their stated maturity or maturities and if subject to such redemption, the premiums, if any, payable upon such redemption and the respective periods in which such premiums are payable.

(b) If the Bonds are subject to redemption and if any Bonds (or portions thereof in installments of \$5,000 or any integral multiple thereof) are to be redeemed, notice of such redemption specifying the date, numbers and maturity or maturities of the Bond or Bonds to be redeemed, the date and place or places fixed for their redemption, the premium, if any, payable upon such redemption and, if less than the entire principal amount of a Bond called for redemption is to be redeemed, that such Bond must be surrendered in exchange for payment of the principal amount thereof to be redeemed and the issuance of a new Bond or Bonds equalling in principal amount that portion of the principal amount of such Bond not to be redeemed, shall be mailed not less than thirty (30) days prior to the date fixed for redemption, by first class mail, postage prepaid, to the registered owner of such Bond at his address as it appears on the books of registry kept by the Registrar (as hereinafter defined) as of the close of business on the forty-fifth (45th) day next preceding the date fixed for redemption. If any Bond shall have been called for

redemption and notice thereof shall have been given as hereinabove set forth, and payment of the principal amount of such Bond (or of the principal amount thereof to be redeemed) and of the accrued interest and premium, if any, payable upon such redemption shall have been duly made or provided for, interest on such Bond (or on the principal amount thereof to be redeemed) shall cease to accrue from and after the date so specified for the redemption thereof. So long as the Bonds are in book-entry only form, any notice of redemption shall be given only to The Depository Trust Company, New York, New York ("DTC"), or to its nominee. The County shall not be responsible for providing any beneficial owner of the Bonds any notice of redemption.

SECTION 3. The full faith and credit of the County are irrevocably pledged to the punctual payment of the principal of and interest on the Bonds as the same become due. In each year while the Bonds, or any of them, are outstanding and unpaid, the Board of Supervisors is authorized and required to levy and collect annually, at the same time and in the same manner as other taxes of the County are assessed, levied and collected, a tax upon all taxable property within the County, over and above all other taxes, authorized or limited by law and without limitation as to rate or amount, sufficient to pay when due the principal of and interest on the Bonds to the extent other funds of the County are not lawfully available and appropriated for such purpose.

SECTION 4. (a) The Bonds shall be executed, for and on behalf of the County, by the manual or facsimile signature of the Chairman of the Board of Supervisors and shall have a facsimile of the seal of the County imprinted thereon, attested by the manual or facsimile signature of the Clerk of the Board of Supervisors.

(b) The Director of Finance is hereby appointed as the Registrar and Paying Agent for the Bonds (the "Registrar"). No Bond shall be valid or obligatory for any purpose unless and until the certificate of authentication endorsed on such Bond shall have been manually executed by the Registrar. Upon the authentication of any Bonds the Registrar shall insert in the certificate of authentication the date as of which such Bonds are authenticated as follows: (i) if the Bond is authenticated prior to the first interest payment date, the certificate shall be dated as of the date of the initial issuance and delivery of the Bonds of the series of Bonds of which such Bond is one, (ii) if the Bond is authenticated upon an interest payment date, the certificate shall be dated as of such interest payment date, (iii) if the Bond is authenticated after the fifteenth (15th) day of the calendar month next preceding an interest payment date and prior to such interest payment date, the certificate shall be dated as of such interest payment date and (iv) in all other instances the certificate shall be dated as of the interest payment date next preceding the date upon which the Bond is authenticated.

(c) The execution and authentication of the Bonds in the manner above set forth is adopted as a due and sufficient authentication of the Bonds.

SECTION 5. (a) The principal of and interest on the Bonds shall be payable in such coin or currency of the United States of America as at the respective dates of payment thereof is legal tender for public and private debts. The principal of the Bonds shall be payable upon presentation and surrender thereof at the office of the Registrar. Interest on the Bonds shall

be payable by check mailed by the Registrar to the registered owners of the Bonds at their respective addresses as such addresses appear on the books of registry kept pursuant to this Section 5; *provided, however*, that so long as the Bonds are in book-entry form and registered in the name of Cede & Co., as nominee of DTC, or in the name of such other nominee of DTC as may be requested by an authorized representative of DTC, interest on the Bonds shall be paid directly to Cede & Co. or such other nominee of DTC by wire transfer.

(b) At all times during which any Bond of any series remains outstanding and unpaid, the Registrar shall keep or cause to be kept at its office books of registry for the registration, exchange and transfer of Bonds of such series. Upon presentation at its office for such purpose, the Registrar, under such reasonable regulations as it may prescribe, shall register, exchange or transfer, or cause to be registered, exchanged or transferred, on the books of registry the Bonds as hereinbefore set forth.

(c) Any Bond may be exchanged at the office of the Registrar for such series of Bonds for a like aggregate principal amount of such Bonds in other authorized principal sums of the same series, interest rate and maturity.

(d) Any Bond of any series 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 Bond to the Registrar for cancellation, accompanied by a written instrument of transfer duly executed by the registered owner in person or by his duly authorized attorney, in form satisfactory to the Registrar.

(e) All transfers or exchanges pursuant to this Section 5 shall be made without expense to the registered owner of such Bonds, except as otherwise herein provided, and except that the Registrar shall require the payment by the registered owner of the Bond requesting such transfer or exchange of any tax or other governmental charges required to be paid with respect to such transfer or exchange. All Bonds surrendered pursuant to this Section 5 shall be cancelled.

(f) (i) The Bonds shall be issued in full book-entry form. One Bond representing each maturity of the Bonds will be issued to and registered in the name of Cede & Co., as nominee of DTC, as registered owner of the Bonds and each such Bond will be immobilized in the custody of DTC. DTC will act as securities depository for the Bonds. Individual purchases will be made in book-entry form only, in the principal amount of \$5,000 or any integral multiple thereof. Purchasers will not receive physical delivery of certificates representing their interest in the Bonds purchased.

(ii) Principal and interest payments on the Bonds will be made by the Registrar to DTC or its nominee, Cede & Co., as registered owner of the Bonds, which will in turn remit such payments to DTC participants for subsequent disbursement to the beneficial owners of the Bonds. Transfers of principal and interest payments to DTC participants will be the responsibility of DTC. Transfers of such payments to beneficial owners of the Bonds by DTC participants will be the responsibility of such participants and other nominees of such beneficial owners. Transfers of ownership interests in the Bonds will be accomplished by book entries

made by DTC and, in turn, by DTC participants who act on behalf of the indirect participants of DTC and the beneficial owners of the Bonds.

(iii) The County will not be responsible or liable for sending transaction statements or for maintaining, supervising or reviewing records maintained by DTC, its participants or persons acting through such participants or for transmitting payments to, communicating with, notifying or otherwise dealing with any beneficial owner of the Bonds.

SECTION 6. (a) CUSIP identification numbers may be printed on the Bonds, but no such number shall constitute a part of the contract evidenced by the particular Bond upon which it is printed; no liability shall attach to the County or any officer or agent thereof (including any paying agent for the Bonds) by reason of such numbers or any use made thereof (including any use thereof made by the County, any such officer or any such agent) or by reason of any inaccuracy, error or omission with respect thereto or in such use; and any inaccuracy, error or omission with respect to such numbers shall not constitute cause for failure or refusal by a purchaser of the Bonds to accept delivery of and pay for such Bonds. All expenses in connection with the assignment and printing of CUSIP numbers on the Bonds shall be paid by the initial purchasers of the Bonds.

(b) A copy of the final legal opinion with respect to the Bonds, with the name of the attorney or attorneys rendering the same, together with a certification of the Clerk of the Board of Supervisors, executed by a facsimile signature of that officer, to the effect that such copy is a true and complete copy (except for letterhead and date) of the legal opinion which was dated as of the date of delivery of and payment for the Bonds, may be printed on the Bonds.

SECTION 7. The County covenants and agrees to comply with the provisions of Sections 103 and 141-150 of the Internal Revenue Code of 1986 and the applicable Treasury Regulations promulgated thereunder throughout the term of the Bonds.

SECTION 8. The Bonds shall be sold in one or more series in accordance with the provisions of Section 2 at negotiated or competitive sale at not less than ninety-eight percent (98%) of the principal amount thereof and on such other terms and conditions as are provided in the Purchase Contract relating thereto.

The Director of Finance is hereby authorized, without further notice to or action by the Board of Supervisors, to determine the rates of interest the Bonds shall bear; *provided* that:

(i) in no event shall the true interest cost for the Bonds exceed six percent (6%);

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

(iii) the Bonds of any series may be issued and sold only if the refunding of the Refunded Bonds refunded thereby will result in gross debt service savings to the County of not less than \$2,000,000.

The Director of Finance is hereby authorized to, without further notice to or action by the Board of Supervisors, to select the underwriters for the Bonds (the "Underwriters") and to execute and deliver to the Underwriters a Bond Purchase Contract relating to the Bonds.

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

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

SECTION 9. (a) The Director of Finance is hereby authorized to appoint an escrow agent (the "Escrow Agent") for the County in connection with the refunding of the Refunded Bonds.

(b) The Director of Finance is hereby authorized and directed to execute and deliver an Escrow Deposit Agreement by and between the County and the Escrow Agent in such form as shall be approved by the Director of Finance upon the advice of counsel (including the County Attorney or Bond Counsel to the County), such approval to be conclusively evidenced by the execution of the Escrow Deposit Agreement by the Director of Finance.

(c) The County Manager, any Deputy County Manager or the Director of Finance is hereby authorized from time to time to execute, on behalf of the County, subscriptions for United States Time Deposit Securities - State and Local Government Series, if any, to be purchased by the Escrow Agent from moneys deposited in the Escrow Deposit Fund created and established under any Escrow Deposit Agreement and from time to time to authorize the sale of such United States Time Deposit Securities - State and Local Government Series and the

purchase of other United States Time Deposit Securities - State and Local Government Series or open market obligations of the United States in lieu of and in substitution therefor. Such United States Time Deposit Securities - State and Local Government Series, if any, and open market obligations so purchased shall be held by the Escrow Agent under and in accordance with the provisions of the related Escrow Deposit Agreement. The County Manager, any Deputy County Manager or the Director of Finance is hereby authorized to enter into such purchase agreements, including forward supply agreements, if any, as shall be required in connection with the purchase by the Escrow Agent, from moneys deposited in the Escrow Deposit Fund created and established under any Escrow Deposit Agreement, of Government Securities (as defined in the Escrow Deposit Agreement) other than United States Time Deposit Securities - State and Local Government Series.

SECTION 10. Subject to the issuance, sale and delivery of the Bonds pursuant to this Resolution, the Board of Supervisors hereby designates for redemption the Refunded Bonds to be redeemed at a redemption price equal to the principal amount thereof, together with the interest accrued thereon to the date or dates fixed for redemption thereof, plus the applicable premium, if any. The Director of Finance is hereby authorized and directed to deliver to the escrow agent under the Escrow Deposit Agreement irrevocable written instructions to give notices of such redemption of the Refunded Bonds, in the name and on behalf of the County, to the holders thereof, such notices to be given in the manner and at the time or times provided in the respective proceedings authorizing the issuance of the respective bonds and to be in substantially the forms to be set forth as an exhibits to the Escrow Deposit Agreement.

SECTION 11. The Bonds, the certificate of authentication of the registrar and the assignment endorsed on the Bonds, shall be in substantially the form set forth in Exhibit A.

SECTION 12. The County Attorney is hereby directed to file a copy of this Resolution, certified by the Clerk of the Board of Supervisors to be a true copy hereof, with the Circuit Court of the County.

SECTION 13. All resolutions and proceedings in conflict herewith are, to the extent of such conflict, repealed.

SECTION 14. In the event any Bonds authorized for issuance under this Resolution shall not have been issued on or before December 31, 2010, such authorization to issue such Bonds shall terminate and shall be of no further force and effect.



**EXHIBIT A**

**UNITED STATES OF AMERICA  
COMMONWEALTH OF VIRGINIA  
COUNTY OF HENRICO  
GENERAL OBLIGATION PUBLIC IMPROVEMENT  
REFUNDING BOND, SERIES 2010**

**REGISTERED**

**REGISTERED**

No. R-\_\_

\$ \_\_\_\_\_

**INTEREST  
RATE:**  
%

**MATURITY  
DATE:**

**DATE OF BOND:**

**CUSIP NO.:**

**REGISTERED OWNER: CEDE & CO.**

**PRINCIPAL SUM:**

**DOLLARS**

The County of Henrico (hereinafter referred to as the "County"), a political subdivision of the Commonwealth of Virginia, for value received, hereby acknowledges itself indebted and hereby promises to pay to the Registered Owner (named above), or registered assigns, 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 on \_\_\_\_\_ 1, 201\_ and semiannually on each \_\_\_\_\_ 1 and \_\_\_\_\_ 1 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 mailed by the Registrar hereinafter mentioned to the Registered Owner hereof in whose name this Bond is registered upon the books of registry, 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; *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 comprised of twelve (12) thirty (30) day months.

The principal of this Bond is payable upon presentation and surrender thereof at the office of the Director of Finance of the County (the "Registrar"). The 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 is legal tender for public and private debts.

This Bond is one of a duly authorized issue of Bonds (herein referred to as the "Bonds") in 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), for the purpose of refunding in advance of their stated maturities certain outstanding general obligation public improvement bonds of the County pursuant to a resolution duly adopted by the Board of Supervisors of the County on \_\_\_\_\_, 2010.

The Bonds maturing on or before \_\_\_\_\_, 20\_\_ will not be subject to optional redemption before their respective maturity dates.

The Bonds maturing on or after \_\_\_\_\_, 20\_\_ may be redeemed prior to their respective maturity dates, on or after \_\_\_\_\_, 20\_\_, at the option of the County, as a whole or in part at any time, at the price equal to the principal amount of the Bonds to be redeemed, together with the interest accrued thereon to the date fixed for the redemption thereof.

In the event less than all of the Bonds of a particular maturity are called for redemption, the particular Bonds of such maturity or portions thereof in installments of \$5,000 to be redeemed shall be selected by lot.

If this Bond is redeemable and this Bond (or any portion of the principal amount thereof in installments of \$5,000) shall be called for redemption, notice of the redemption hereof, specifying the date, number and maturity of this Bond, the date and place fixed for its redemption, and if less than the entire principal amount of this Bond is to be redeemed, that this Bond must be surrendered in exchange for the principal amount thereof to be redeemed and the issuance of a new Bond equalling in principal amount that portion of the principal amount hereof not to be redeemed, shall be mailed not less than thirty (30) days prior to the date fixed for redemption by first class mail, postage prepaid, to the Registered Owner of this Bond at 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 issue of which this Bond is one, this Bond may be exchanged at the office of the Registrar for a like aggregate principal amount of Bonds of other authorized principal amounts and of the series of which this Bond is one. This Bond is transferable by the Registered Owner hereof, in person or by his attorney duly authorized in writing, at the 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 issue 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 issue of which this Bond is one will be issued to the transferee in exchange herefor.

The full faith and credit of the County are irrevocably pledged to the punctual payment of the principal of and interest on this Bond as the same become due. In each year while this Bond is outstanding and unpaid, the Board of Supervisors of the County is authorized and required to levy and collect annually, at the same time and in the same manner as other taxes of the County are assessed, levied and collected, a tax upon all taxable property within the County, over and above all other taxes, authorized or limited by law and without limitation as to rate or amount, sufficient to pay when due the principal of and interest on this Bond to the extent other funds of the County are not lawfully available and appropriated for such purpose.

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

It is hereby certified, recited and declared that all acts, conditions and things required to have happened, to exist and to have been performed precedent to and in the issuance of this Bond and the issue 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 issue 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 the Board of Supervisors; a facsimile of the seal of the County to be imprinted hereon, attested by the manual or facsimile signature of the Clerk of the Board of Supervisors; and this Bond to be dated the date first above written.

(Seal)	
_____	_____
Clerk of the Board of Supervisors	Chairman of the Board of Supervisors

## CERTIFICATE OF AUTHENTICATION

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

Date of Authentication: \_\_\_\_\_, 2010

By: \_\_\_\_\_  
Director of Finance, Registrar

## (FORM OF 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:

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_, attorney, to transfer such Bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature(s) Guaranteed

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

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



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 54-10

Page No. 1 of 2

Agenda Title: Resolution – Award of Construction Contract – Public Safety Building Lobby Alterations

For Clerk's Use Only:

Date: FEB - 9 2010

- ☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Clover Seconded by (1) Kaechele  
(2) \_\_\_\_\_ (2) \_\_\_\_\_

REMARKS:

**APPROVED**

YES NO OTHER

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

WHEREAS, ten bids were received on January 20, 2010 in response to Bid Request No. 09-8748-12JK and Addendum No.1 for Public Safety Building lobby alterations.

Bidder	Base Bid	*Add Alternate No.1	Total
Reliable Commercial Builders, LLC	\$166,500	\$10,000	\$176,500
J.D. Lewis Construction Management, Inc.	\$189,900	\$0	\$189,900
North Star Companies, LLC	\$183,817	\$7,975	\$191,792
<b>Taft Construction, Inc.</b>	<b>\$214,800</b>	<b>\$15,000</b>	<b>\$229,800</b>
All Seasons Contractors, Inc.	\$248,710	\$5,250	\$253,960
David A. Nice Builders, Inc.	\$233,300	\$20,700	\$254,000
Stoker Construction Management, LLC	\$259,900	\$35,000	\$294,000
HSL, Inc., dba Loudin Building Systems	\$346,500	\$60,000	\$406,500
Robra Construction Inc.	\$257,379.90	\$300,648.05	\$558,027.95
Haley Builders, Inc.	\$248,000	\$325,000	\$573,000

\*Add Alternate No.1 provides for reducing the Base Bid Construction Schedule from 185 days to 140 days.

WHEREAS, Reliable Commercial Builders, LLC did not submit a bid bond as required by the specifications and has been determined to be non-responsive; and,

WHEREAS, North Star Companies, LLC has not operated as the same corporate entity for a period of five years as required by the specifications and has been determined to be non-responsive; and,

WHEREAS, J.D. Lewis Construction Management, Inc. has not operated as the same corporate entity for a period of five years as required by the specifications and has been determined to be non-responsive; and,

WHEREAS, after review and evaluation of all bids received, it was determined that **Taft Construction, Inc.** is the lowest responsive and responsible bidder with a total bid amount of **\$229,800**.

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. 54-10

Page No. 2 of 2

Agenda Title: **Resolution – Award of Construction Contract – Public Safety Building Lobby Alterations**

---

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

1. A contract to furnish all labor, materials, supplies, equipment, and services necessary for the Construction of Public Safety Building lobby alterations is awarded to **Taft Construction, Inc.**, the lowest responsive and responsible bidder, in the amount of **\$229,800** pursuant to Bid Request No.09-8748-12JK, Addendum 1, and the bid submitted by **Taft Construction, Inc.** inclusive of Add Alternate No. 1.
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 Chief of Police, the County Manager concurring, recommend approval of this Board paper.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 55-10

Page No. 1 of 1

Agenda Title: Resolution – Signatory Authority – Amendment to Contract for Architectural and Engineering Services – Old Tuckahoe Library

For Clerk's Use Only:

BOARD OF SUPERVISORS ACTION

Date: FEB - 9 2010

Moved by (1) Kaechele Seconded by (1) Glover  
(2) \_\_\_\_\_ (2) \_\_\_\_\_

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

REMARKS:

APPROVED

YES NO OTHER

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

**WHEREAS**, on September 12, 2006 the Board of Supervisors awarded a contract in the amount of \$245,000 to Peck Peck & Associates, Inc. for architectural and engineering services for the Old Tuckahoe Library renovation project; and

**WHEREAS**, the Board has approved two subsequent amendments resulting in a current contract amount totaling \$303,880; and

**WHEREAS**, it is necessary and desirable to further amend the contract in order to provide additional services for the design of landscape and lighting plans, design of a permanent exterior emergency generator, design of an independent HVAC system for the main IT server room, and services related to roof asbestos abatement; and

**WHEREAS**, fees in the amount of \$95,987 have been negotiated for the increased scope of work, which will result in a revised contract amount of \$399,867.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors that the County Manager is authorized to execute an amendment in the amount of \$95,987 to the September 13, 2006 contract with Peck Peck & Associates, Inc. with the revised contract amount totaling \$399,867.

**Comments:** Funding to support this contract amendment is available within the project budget. The Director of General Services, the County Manager concurring, recommends approval of this board paper.

By Agency Head

By County Manager

Routing:

Yellow to: \_\_\_\_\_

Copy to: \_\_\_\_\_

Certified:

A Copy Teste: \_\_\_\_\_

Clerk, Board of Supervisors

Date: \_\_\_\_\_



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 56-10

Page No. 1 of 2

Agenda Title: **RESOLUTION — Award of Construction Contract — Patterson Avenue Water Main Abandonment**

For Clerk's Use Only:

Date: **FEB - 9 2010**

- ☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Kaechele Seconded by (1) Glover  
(2) \_\_\_\_\_ (2) \_\_\_\_\_

REMARKS:

**APPROVED**

YES NO OTHER

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

**WHEREAS**, twelve bids were received on January 7, 2010 in response to Bid Request No. 09-8742-11CE for the Patterson Avenue Water Main Abandonment Project, located in the Tuckahoe District; and,

**WHEREAS**, the project includes abandonment of approximately 7,800 linear feet of existing 6-inch and 8-inch water main along Patterson Avenue between Westbriar Drive and Otlyn Road, and installation of approximately 475 linear feet of 6-inch and 8-inch diameter ductile iron water main along Walbrook Drive and Westbriar Drive and 175 linear feet of 8-inch water main across Patterson Avenue; and,

**WHEREAS**, the bids were as follows:

Bidders

Bid Amounts

J. Sanders Construction Co.	\$231,888.00
JM Excavating Co.	\$268,449.00
R.R. Snipes Construction Co., Inc.	\$310,500.00
Biggs Construction Company, Inc.	\$317,770.00
Toano Contractors, Inc.	\$322,349.00
G. L. Pruett, Inc.	\$349,818.00
Lyttle Utilities, Inc.	\$367,000.00
G.L. Howard, Inc.	\$371,371.00
C.T. Purcell Excavating, Inc.	\$372,780.00
C.D. Hall Utilities	\$438,521.00
Henry S. Branscome, LLC	\$439,622.47
Walter C. Via Enterprises, Inc.	\$452,500.00

**WHEREAS**, after a review and evaluation of all bids received, it was determined that J. Sanders Construction Co. is the lowest responsive and responsible bidder with a bid of \$231,888.00.

By Agency Head

Arthur O. Petrino

By County Manager

David S. Knight

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. 56-10

Page No. 2 of 2

**Agenda Title: RESOLUTION — Award of Construction Contract — Patterson Avenue Water Main Abandonment**

---

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

1. The contract is awarded to J. Sanders Construction Co., the lowest responsive and responsible bidder, in the amount of \$231,888.00.
2. The County Manager and Clerk are authorized to execute the contract in a form approved by the County Attorney.
3. The County Manager, or the Director of General Services as his designee, is authorized to execute change orders within the scope of the project budget not to exceed 15% of the original contract amount.

Comment: Funding to support the contract is available within the Water and Sewer Enterprise Fund. The Directors of Public Utilities and General Services recommend approval of this Board paper, and the County Manager concurs.



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

Agenda Item No. 57-10

Page No. 1 of 2

**Agenda Title: RESOLUTION — Award of Construction Contract — Fourmile Creek Trunk Sewer Rehabilitation — Lining of Existing 84" Sewer**

For Clerk's Use Only:

Date: **FEB -9 2010**

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

**BOARD OF SUPERVISORS ACTION**

Moved by (1) Aloner Seconded by (1) Kaechele  
(2) \_\_\_\_\_ (2) \_\_\_\_\_

REMARKS:

**APPROVED**

YES NO OTHER

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

**WHEREAS**, six bids were received on January 12, 2010 in response to Bid Request No. 09-8734-10CE for the Fourmile Creek Trunk Sewer Rehabilitation - Lining of Existing 84" Sewer Project, located in the Varina District; and,

**WHEREAS**, the project includes rehabilitation of approximately 3.4 miles of existing 84-inch diameter concrete sewer main by inserting a 72-inch fiberglass reinforced polyester liner pipe into the existing pipe from Dorey Park to the Water Reclamation Facility; and,

**WHEREAS**, the bids were as follows:

<u>Bidders</u>	<u>Bid Amounts</u>
Spiniello Companies	\$14,762,000.00
Northeast Remsco Construction, Inc.	\$15,396,000.00
S. J. Louis Construction, Inc.	\$17,710,000.00
Alex E. Paris Contracting Company, Inc.	\$18,000,000.00
Hall Contracting Corporation	\$21,471,452.00
Super Excavators, Inc.	\$25,225,000.00

**WHEREAS**, after a review and evaluation of all bids received, it was determined that Spiniello Companies is the lowest responsive and responsible bidder with a bid of \$14,762,000.00.

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

- The contract is awarded to Spiniello Companies, the lowest responsive and responsible bidder, in the amount of \$14,762,000.00.

By Agency Head

Arthur Oll

By County Manager

David H. Kaechele

Routing:

Yellow to: \_\_\_\_\_

Certified:

A Copy Teste: \_\_\_\_\_

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Clerk, Board of Supervisors

Date: \_\_\_\_\_

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

Agenda Item No. 57-10

Page No. 2 of 2

**Agenda Title: RESOLUTION — Award of Construction Contract — Fourmile Creek Trunk Sewer Rehabilitation — Lining of Existing 84" Sewer**

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2. The County Manager and Clerk are authorized to execute the contract in a form approved by the County Attorney.
3. The County Manager, or the Director of General Services as his designee, is authorized to execute change orders within the scope of the project budget not to exceed 15% of the original contract amount.

Comment: Funding to support the contract is available within the Water and Sewer Enterprise Fund. The Directors of Public Utilities and General Services recommend approval of this Board paper, and the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 58-10  
Page No. 1 of 1

Agenda Title: RESOLUTION — Signatory Authority — First Amendment to Comprehensive Agreement for the Extension of North Gayton Road

For Clerk's Use Only:	BOARD OF SUPERVISORS ACTION	YES NO OTHER
Date: FEB - 9 2010	Moved by (1) Kaechele Seconded by (1) Olmer	Donati, J. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input checked="" type="checkbox"/> Approved	(2) <input type="checkbox"/> <input type="checkbox"/> (2) <input type="checkbox"/> <input type="checkbox"/>	Glover, R. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Denied	REMARKS: APPROVED	Kaechele, D. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Amended		O'Bannon, P. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Deferred to:		Thornton, F. <input type="checkbox"/> <input type="checkbox"/> absent

WHEREAS, pursuant to the Public-Private Transportation Act of 1995 (the "PPTA") and the January 24, 2006 Henrico Guidelines for the Implementation of the PPTA, the County received three unsolicited proposals for the extension of North Gayton Road; and

WHEREAS, the County selected **W.C. English, Inc.** for negotiations and subsequently negotiated a Scope of Services and Comprehensive Agreement for the project with the negotiated cost for design, construction, and related services totaling \$38,600,000; and,

WHEREAS, on September 25, 2007, the Board authorized the County Manager to execute the Comprehensive Agreement with **W.C. English, Inc.** for the design, construction, and related services for the extension of North Gayton Road at a total cost of \$38,600,000; and,

WHEREAS, the parties have negotiated an amendment to the Comprehensive Agreement to reduce the total cost of the work by \$2,030,000, to extend the Guaranteed Completion Date from December 31, 2011 to March 1, 2012, and to establish additional procedures for the acquisition of the remaining right-of-way needed for the project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Henrico County authorizes the County Manager and Clerk to execute the First Amendment to Comprehensive Agreement with **W.C. English, Inc.** in a form approved by the County Attorney.

COMMENTS: The Directors of Public Works and General Services recommend approval of this Board paper, and the County Manager concurs.

By Agency Head

By County Manager

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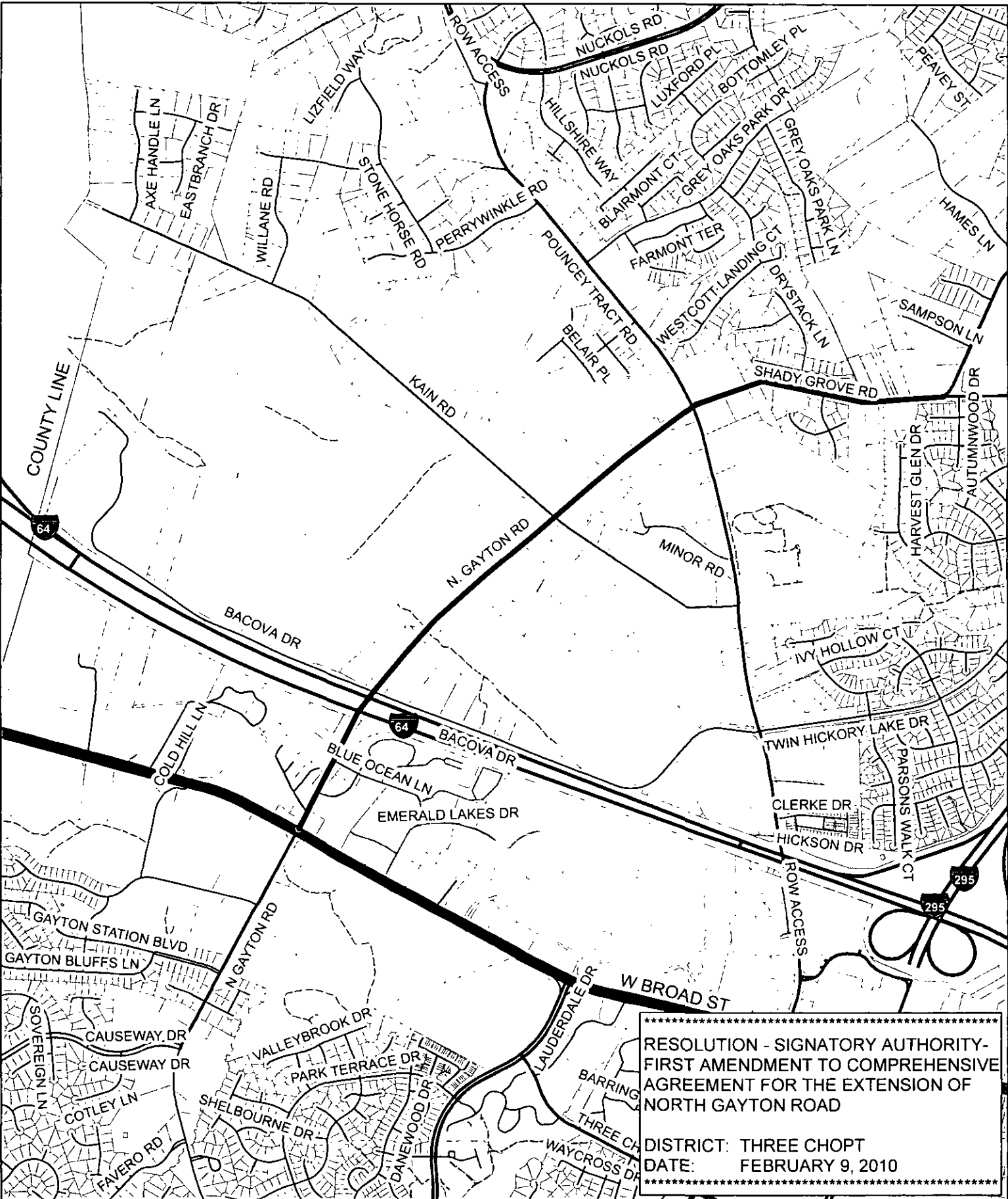
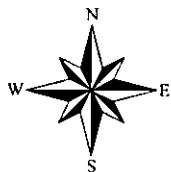
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Clerk, Board of Supervisors

Date: \_\_\_\_\_

# NORTH GAYTON ROAD





COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda 59-10  
Page No. 1 of 2

Agenda Title: **RESOLUTION — To Permit Additional Fine of \$200 for Speeding on Oregon Avenue between Randall Avenue and Darbytown Road**

For Clerk's Use Only:

**FEB - 9 2010**

Date: \_\_\_\_\_

- ☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to: \_\_\_\_\_

BOARD OF SUPERVISORS ACTION

Moved by (1) Donati Seconded by (1) Kaechele  
(2) \_\_\_\_\_ (2) \_\_\_\_\_

REMARKS: \_\_\_\_\_

**APPROVED**

YES NO OTHER

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

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

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

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

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

WHEREAS, the County's Traffic Engineer has collected traffic data and has determined that Oregon Avenue between Randall Avenue and Darbytown Road in the County is experiencing speeding problems and meets the Criteria for traffic calming measures set forth in the Traffic Calming Program; and,

By Agency Head \_\_\_\_\_

By County Manager \_\_\_\_\_

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Clerk, Board of Supervisors

Date: \_\_\_\_\_

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

Agenda Item No. 59-10

Page No. 2 of 2

**Agenda Title: RESOLUTION — To Permit Additional Fine of \$200 for Speeding on Oregon Avenue between Randall Avenue and Darbytown Road**

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WHEREAS, the citizens in the area of this road requesting the increased fine have collected signatures from 75% of the residents; and,

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

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

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



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 60-10  
Page No. 1 of 1

Agenda Title: RESOLUTION - ACCEPTANCE OF ROADS

For Clerk's Use Only:  Date: <b>FEB - 9 2010</b>  ( <input checked="" type="checkbox"/> ) Approved ( <input type="checkbox"/> ) Denied ( <input type="checkbox"/> ) Amended ( <input type="checkbox"/> ) Deferred to: _____	<b>BOARD OF SUPERVISORS ACTION</b>  Moved by (1) <u>Donati</u> Seconded by (1) <u>Glover</u> (2) _____ (2) _____  REMARKS: <b>APPROVED</b>	<table><thead><tr><th></th><th>YES</th><th>NO</th><th>OTHER</th></tr></thead><tbody><tr><td>Donati, J.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Glover, R.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Kaechele, D.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>O'Bannon, P.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Thornton, F.</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><u>Absent</u></td></tr></tbody></table>		YES	NO	OTHER	Donati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input type="checkbox"/>	<input type="checkbox"/>	<u>Absent</u>
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Thornton, F.	<input type="checkbox"/>	<input type="checkbox"/>	<u>Absent</u>																							

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.

**Glendale Estates, Section A - Varina District**

Glendale Estates Drive from Charles City Road to 0.33 Mi. N. of Charles City Road	0.33 Mi.
Glendale Estates Court from Glendale Estates Drive to 0.23 Mi. E. of Glendale Estates Drive	<u>0.23 Mi.</u>
<b>Total Miles</b>	<b>0.56 Mi.</b>

By Agency Head ZPCT

By County Manager [Signature]

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Clerk, Board of Supervisors

Date: \_\_\_\_\_



# GLENDAL ESTATES SECTION A

