COUNTY OF HENRICO, VIRGINIA BOARD OF SUPERVISORS REGULAR MEETING July 26, 2011

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, July 26, 2011 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:

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

Other Officials Present:

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

Mr. Thornton called the meeting to order at 7:06 p.m.

Mr. Thornton led recitation of the Pledge of Allegiance.

Reverend Joseph T. Driver, Chaplain for Gospel Jail Ministry, delivered the invocation.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, the Board approved the minutes of the July 12, 2011 Regular and Special Meetings.

The vote of the Board was as follows:

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

No: None

Mr. Thornton reminded the audience that the County is commemorating its 400th anniversary and encouraged citizens to partake of the County's magnificent history.

MANAGER'S COMMENTS

There were no comments from the Manager.

BOARD OF SUPERVISORS' COMMENTS

Mr. Glover reminded the public that history was made in Henrico County on July 25, 2011 when CBS Sports Network televised nationally a baseball game from Glen Allen Stadium at RF&P Park.

Mr. Thornton recognized David Hill from Boy Scout Troop 799, sponsored by Trinity United Methodist Church, who was observing the meeting to fulfill a requirement for the Citizenship in the Community Merit Badge.

RECOGNITION OF NEWS MEDIA

No media representatives were present.

PRESENTATIONS

Mr. Glover presented a certificate of recognition to Nicholas Biddison, a resident of the Brookland district, for bringing honor and distinction to the Glen Allen community and Henrico County by representing the Washington Nationals and being crowned the 2011 Aquafina Major League Baseball Pitch, Hit & Run National Champion for the 9-10 Year Old Boys Age Division at Chase Field in Phoenix, Arizona during Gatorade All-Star Workout Day. Prior to the presentation, Mr. Glover provided background information on this accomplishment and Nicholas' other achievements.

172-11 Resolution – Expressing Appreciation to Douglas S. Fritz.

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

Mr. Hazelett noted that three representatives of the Henrico Business Council of the Greater Richmond Chamber were in the audience to show their support for Mr. Fritz and their appreciation for all his efforts. Mr. Thornton presented the resolution to Doug Fritz in recognition of Mr. Fritz's enthusiastic promotion of NASCAR racing and for his notable contributions to Henrico County and the Richmond region over the past twelve and a half years.

PUBLIC HEARING ITEM

173-11 Ordinance – To Amend and Reordain Section 24-104 Titled "Signs" of the Code of the County of Henrico to Provide Greater Flexibility in the Regulation of Menu Signs at Drive-Through Restaurants. Ben Blankinship, Zoning Development Manager and Principal Planner, narrated a slide presentation titled *Proposed Zoning Amendments: Drive-Thru Restaurant Menu Signs*. During the first part of his presentation, Mr. Blankinship reviewed the County's current menu board sign regulations, the request from a restaurant owner for a change in these regulations, and proposed regulations recommended by the Planning Commission. In response to questions from Mrs. O'Bannon, Mr. Blankinship continued his presentation by offering examples of different sized menu signs and drive-through lane, menu board set ups. He also responded to questions from Mr. Kaechele and Mr. Thornton.

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

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

PUBLIC COMMENTS

Maeola Strother, a representative of the Three Fountains North Civic Association in the Fairfield District, expressed concerns regarding the rerouting of stormwater into Lake Overton. Mr. Thornton thanked Ms. Strother for bringing pictures to the Board highlighting her concerns and noted that there are plans for future meetings where he and other County representatives will try to help the Association and reconcile some of its concerns.

GENERAL AGENDA

174-11 Resolution - Authorizing and Providing for the Issuance and Sale of Not to Exceed Seventy-Three Million Five Hundred Thousand Dollars (\$73,500,000) Principal Amount of County of Henrico, Virginia, General Obligation Public Improvement Bonds.

John Vithoulkas, Director of Finance, recognized Jay Conrad of BB&T, the County's financial advisor, who was in the audience. Mr. Vithoulkas thanked the County Attorney's Office and Senior Assistant County Attorney Rhysa South for all of their work in bringing this resolution forward. He and Mr. Hazelett responded to questions from the Board. In response to questions from Mrs. O'Bannon, Mr. Vithoulkas elaborated on how Henrico citizens can invest in municipal bonds and on the potential impact of a downgrade in the federal credit rating on the County's credit rating.

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

175-11 Resolution - Award of Construction Contract - Mechanical Access Platforms for Public Works Operations Center and Eastern Government Center.

Chris Winstead, Director of General Services, and Mr. Hazelett responded to questions from Mr. Kaechele.

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

176-11 Resolution - Award of Construction Contract - Hawthorne Avenue Area Sewer Rehabilitation and Replacement - Fairfield District.

Art Petrini, Director of Public Utilities, responded to a question from Mrs. O'Bannon.

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

177-11 Resolution - Acceptance of Roads.

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

There being no further business, the meeting was adjourned at 7:58 p.m.

Chairman, Board of Supervisors Henrico County, Virginia



Awarded to

Nicholas Biddison

for bringing honor and distinction to the Glen Allen community and Henrico County by representing the Washington Nationals and being crowned the 2011 Aquafina Major League Baseball Pitch, Hit & Run National Champion for the 9-10 Year Old Boys Age Division at Chase Field in Phoenix, Arizona during Gatorade All-Star Workout Day

Presented on this 26th day of July 2011

FRANK J. THORNTON Chairman, Board of Supervisors County of Henrico



RICHARD W. GLOVER Vice Chairman, Board of Supervisors County of Henrico



Agenda Item No. 172-11 Page No. 1 of 2

Agenda Title: RESOLUTION - Expressing Appreciation to Douglas S. Fritz

| For Clerk's Use Only: | BOARD OF SUPERVISORS ACTION | | YES | NO | OTHER |
|--|--|--|-------------------------|----|-------|
| Approved () Approved () Denied () Amended () Amended | Moved by (1) <u>C'Bannen</u> Seconded by (1) <u>Kalchel</u> (2) (2) REMARKS: | Donati, J. Glover, R. Kaechele, D. O'Bannon, P. Thornton, F. | $ \zeta \zeta \zeta $ | | |

WHEREAS, Douglas S. Fritz, a native Virginian and Virginia Tech graduate, served as the first president of Richmond International Raceway (RIR) after the track was purchased by International Speedway Corporation (ISC) on December 1, 1999; and

WHEREAS, prior to joining RIR, Doug Fritz distinguished himself in the racing business while holding positions as Senior Director of Marketing and Business Development for the National Association for Stock Car Auto Racing (NASCAR) and Director of Corporate Administration for ISC; and

WHEREAS, Mr. Fritz oversaw several major track expansions and improvements during his successful tenure at RIR and last year broke new ground by becoming the first track president in the United States to participate in a tandem sky-diving exercise at a racing event by personally parachuting onto the track infield; and

WHEREAS, NASCAR racing's contributions to the local economy grew considerably under Mr. Fritz's energetic and innovative leadership at RIR; and

WHEREAS, Mr. Fritz also significantly enhanced RIR's community relations efforts and initiated many programs and activities benefiting neighborhoods and businesses located in the vicinity of RIR's facilities; and

WHEREAS, in addition to his professional responsibilities at RIR, Mr. Fritz has supported Henrico County and the Richmond region through his membership on the Henrico Police Athletic League, Henrico County Public Schools Communication Committee, Advisory Board of the Salvation Army, and Board of Directors of the Richmond Metropolitan Convention & Visitor's Bureau; and

| By Agency Head | By County Manager | Hoybet |
|------------------------|---------------------------|-------------------|
| Routing: Yellow to: | Certified: | |
| Сору to: | A Copy Teste: Clerk, Boar | rd of Supervisors |
| | Date: | · |

Agenda Irem No. 172-11 Page No. 2 of 2

Agenda Title: RESOLUTION – Expressing Appreciation to Douglas S. Fritz

WHEREAS, Mr. Fritz is a past winner of the prestigious Henrico County Business Leader of the Year Award and a founding board member of the Henrico Business Leaders as well as the Virginia Motorsports Coalition, a trade association made up of tracks, teams, and other racing businesses; and

WHEREAS, Mr. Fritz was instrumental in kicking off the Richmond Flying Squirrels home season this year by greeting fans near the main entrance of The Diamond before the home-opener against the New Britain Rock Cats and throwing out the first pitch at the second game of this opening series.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Henrico County, Virginia hereby formally expresses its sincere appreciation to Doug Fritz for fis enthusiastic promotion of NASCAR racing, and for his notable contributions to Henrico County and the Richmond region over the past twelve and a half years.

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of this meeting and a copy publicly presented to Mr. Fritz as a token of the Board's gratitude and with the Board's best wishes for his future success and fulfillment.



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

Expressing Appreciation to Douglas S. Fritz

WHEREAS, Douglas S. Fritz, a native Virginian and Virginia Tech graduate, served as the first president of Richmond International Raceway (RIR) after the track was purchased by International Speedway Corporation (ISC) on December 1, 1999; and

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WHEREAS, NASCAR racing's contributions to the local economy grew considerably under Mr. Fritz's energetic and innovative leadership et RIR; and

WHEREAS, Mr. Fritz also significantly enhanced RIR's community relations efforts and initiated many programs and activities benefiting neighborhoods and businesses located in the vicinity of RIR's facilities; and

WHEREAS, in addition to his professional responsibilities at RIR, Mr. Fritz has supported Henrico County and the Richmond region through his membership on the Board of Directors of the Henrico Police Athletic League, Henrico County Public Schools Communication Committee, Advisory Board of the Salvation Army, and Board of Directors of the Richmond Metropolitan Convention & Visitor's Bureau; and

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BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of this meeting and a copy publicly presented to Mr. Fritz as a token of the Board's gratitude and with the Board's best wishes for his future success and fulfillment.

Barry R. Lawrence, Clerk July 26, 2011



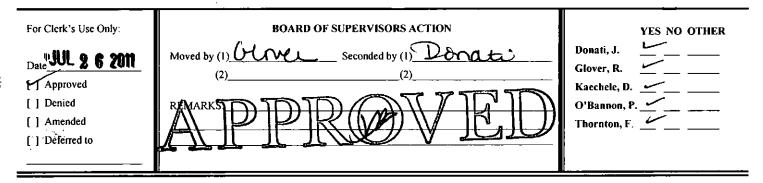
Frank (. Shounto

Frank J. Thornton, Chairman Board of Supervisors



Agenda Item No. 173-11 Page No. 1 of 3

Agenda Title: ORDINANCE – To Amend and Reordain Section 24-104 Titled "Signs" of the Code of the County of Henrico to Provide Greater Flexibility in the Regulation of Menu Signs at Drive-Through Restaurants



ORDINANCE – To amend and reordain Section 24-104 titled "Signs" of the Code of the County of Henrico to provide greater flexibility in the regulation of menu signs at drive-through restaurants

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

1. That Section 24-104 of the Code of the County of Henrico be amended and reordained as follows:

Section 24-104. Signs.

(j) Signs permitted in the B-1 business district.

(6) One detached menu order board for For restaurants with drive-through facilities-, one detached preview sign and one detached menu sign for each position where orders are placed. The Each menu sign shall not exceed 48 square feet in area or eight feet in height, and each preview sign shall not exceed 24 square feet in area or eight feet in height. Further, the sign shall not have any logo(s) nor shall it face any public right of way. Preview signs and menu signs shall be screened to prevent noise and glare from affecting adjacent residential property and to prevent the sign from distracting motorists. The following may be approved by special exception pursuant to Sections 24-2 and 24-106:

| By Agency Head for A. O. | Culler By County Manager Juice & Kay |
|--------------------------|--------------------------------------|
| Routing: Yellow to: | Certified: A Copy Teste: |
| | Clerk, Board of Supervisors |
| Copy to: | Date: |

Agenda Item No. 173-11

Page No. 2 of 3

Agenda Title: ORDINANCE – To Amend and Reordain Section 24-104 Titled "Signs" of the Code of the County of Henrico to Provide Greater Flexibility in the Regulation of Menu Signs at Drive-Through Restaurants

a. additional preview or menu signs b. preview signs larger than 24 square feet c. menu signs larger than 48 square feet

(k) Signs permitted in the B-2 business district.

(6) One detached menu order board for For restaurants with drive-through facilities. , one detached preview sign and one detached menu sign for each position where orders are placed. The Each menu sign shall not exceed 48 square feet in area or eight feet in height, and each preview sign shall not exceed 24 square feet in area or eight feet in height. Further, the sign shall not have any logo(s) nor shall it face any public right of way. Preview signs and menu signs shall be screened to prevent noise and glare from affecting adjacent residential property and to prevent the sign from distracting motorists. The following may be approved by special exception pursuant to Sections 24-2 and 24-106:

a. additional preview or menu signs b. preview signs larger than 24 square feet c. menu signs larger than 48 square feet

(I) Signs permitted in the B-3 business district.

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Agenda Item No. 173-11

Page No. 3 of 3

Agenda Title: ORDINANCE – To Amend and Reordain Section 24-104 Titled "Signs" of the Code of the County of Henrico to Provide Greater Flexibility in the Regulation of Menu Signs at Drive-Through Restaurants

> affecting adjacent residential property and to prevent the sign from distracting motorists. The following may be approved by special exception pursuant to Sections 24-2 and 24-106:

a. additional preview or menu signs b. preview signs larger than 24 square feet c. menu signs larger than 48 square feet

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



Agenda Item No. 144-11 Page No. 1 of 1

Agenda Title: RESOLUTION – Authorizing and Providing for the Issuance and Sale of Not to Exceed Seventy-Three Million Five Hundred Thousand Dollars (\$73,500,000) Principal Amount of County of Henrico, Virginia, General Obligation Public Improvement Bonds

| For Clerk's Use Only: | | • | | |
|-----------------------------------|--|--------------|--------|---------|
| JUL 2 2 2011 | BOARD OF SUPERVISORS ACTION | | YES NO |) OTHER |
| Date: | | Donati, J. | / | |
| (Approved | Moved by (1) Vone Seconded by (1) Vonati | Glover, R. | | |
| () Denied | | Kaechele, D. | - ~ | |
| (): Amenaca (): Defended to: | | O'Bannon, P. | | |
| | | Thornton, F. | ~ | |
| | | | | |
| · | | | | |

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 | HEREN | By County Manager | |
|------------------------------------|-------|--|--|
| Routing: Yellow to: Copy to: | | Certified: A Copy Teste:Clerk, Board of Supervisors | |
| | | Date: | |

RESOLUTION – Authorizing and Providing for the Issuance and Sale of Not to Exceed Seventy-Three Million Five Hundred Thousand Dollars (\$73,500,000) Principal Amount of County of Henrico, Virginia, General Obligation Public Improvement Bonds

WHEREAS, the voters of Henrico County, Virginia (the "County"), at an election in the County held on March 8, 2005, approved the issuance of general obligation bonds of the County (the "Voter Authorization"), for the purposes and in the amounts as follows:

| Purpose | 2005 Election |
|------------------------------|---------------|
| Schools | \$220,000,000 |
| Libraries | 56,400,000 |
| Fire Stations and Facilities | 18,500,000 |
| Recreation | 22,400,000 |
| Roads | 32,000,000 |
| | \$349,300,000 |

WHEREAS, the balance of such Voter Authorization is as follows, taking into consideration the amount of bonds heretofore issued for the respective purposes:

| | 2005 Election |
|------------------------------|-----------------------------|
| Purpose | Balance of Authorization |
| Schools | \$24,136,135 |
| Libraries | 43,172,285 |
| Fire Stations and Facilities | 1,491,472 |
| Recreation | 6,227,514 |
| Roads | 617,685 |
| | \$75,645,091 |

WHEREAS, in the judgthent of the Board of Supervisors of the County, it is necessary and expedient to issue and sell not to exceed Seventy-Three Million Five Hundred Thousand Dollars (\$73,500,000) aggregate principal amount of general obligation bonds of the County in accordance with the Voter Authorization and this Resolution to pay costs of public improvement projects in the amounts set forth below:

| | <u>Total</u> |
|------------------------------|------------------------------|
| Purpose | Bonds <u>to be Issued</u> |
| Schools | \$22,950,000 |
| Libraries | 43,170,000 |
| Fire Stations and Facilities | 1,380,000 |
| Recreation | 6,000,000 |
| Roads | 0 |
| | \$73,500,000 |

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

SECTION 1. Pursuant to Chapter 26 of Title 15.2 of the Code of Virginia, 1950, as amended, the same being the Public Finance Act of 1991 (the "Public Finance Act of 1991"), and the Voter Authorization, for the purpose of financing [certain school capital improvements, library facilities, fire stations and facilities, and recreation and parks facilities improvements], there are authorized to be issued Seventy-Three Million Five Hundred Thousand Dollars (\$73,500,000) principal amount of general obligation bonds of the County to be designated as the "County of Henrico, Virginia, General Obligation Public Improvement Bonds" (herein referred to as 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 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 and, if less than the ontire 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 herehuffer 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, ami 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 nonlinee. 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 corporate seai of the Board of Supervisors imprinted thereen, attested by the manual or facsimile signature of the Clerk of the Board of Supervisors.

(b) The Director of Finance is hereby appolhted 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 an authorized officer of the Registran. 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 issunce 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 eertificate 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 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 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 any Bond is in book-entry only 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 rapresentative of DTC, interest on such Bond shall be paid directly to Cede & Co. or such other nominee of DTC by wire transfer. The principal of and interest on the Bonds shall be payable in such coin or currency of the United States of America as at the respective dates of payment is legal tender for public and private debts.

(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 disbursal 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 er attorneys rendering the same, together with a certification of the Clcrk 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 Bohds, may be printed on the Bonds.

SECTION 7. The County covenants and agrees that to comply with the provisions of Sections 103 and 141-150 of the Internal Revenue Code of 1986 (the "1986 Code") and the applicable Treasury Regulations 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 competitive sale at not less than [one hundred percent (100%)] of the principal amount thereof and on such other terms and conditions as are provided in the Notice of Sale thereof.

The Director of Finance is hereby authorized to cause to be published and distributed a Notice of Sale of the Bonds in such form and containing such terms and conditions as the Director of Finance may deem advisable, subject to the provisions hereof. In lieu of publishing the full text of the Notice of Sale in accordance with the provisions of the immediately preceding sentence, the Director of Finance is hereby authorized to cause a

Summary Notice of Sale in such form as the Director of Finance shall approve to be published in *The Bond Buyer* on a date selected by the Director of Finance.

The Director of Finance is hereby authorized to receive bids for the Bonds af each series and, without further notice to or action by the Board of Supervisors, to accept the bid offering to purchase the Bonds of each series at the lowest true interest cost to the County and to determine the rates of interest the Bonds of each such series; *provided, however*, in no event shall the true interest cost for the Bonds of any series exceed [six percent (6%)] and *provided further* in no event shall the premium payable by the County upon the redemption of the Bonds of any series exceed two percent (2%) of the principal amount thereof.

The Director of Einance is hereby nuthorized te 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 peries anthorized hereunder is "deenned 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 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, 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 Cectificate 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. The Bonds, the eertificate of authentication of the Registrar and the assignment endorsed on the Bonds shall be in substantially the form set forth in Exhibit A, with such necessary or appropriate variations, omissions, and insertions as are incidental to their numbers, interest rates, and maturities, or as are otherwise permitted or required by law or this Resolution.

SECTION 10. The Board of Supervisors hereiny authorizes the County to utake expenditures for the purposes for which the Bonds are to be issued in advance of the issuance and receipt of the proceeds of sale of the Bonds and to reimburse such expenditures from the proceeds of sale of the Bonds. The adoption of this Resolution shall be considered as an "official intent" within the meaning of Treasury Regulations Section 1.150-2 promulgated under the 1986 Code.

SECTION 11. 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 12. All resolutions and proceedings in conflict herewith are, to the extent of such conflict, repealed.

EXHIBIT A

UNITED STATES OF AMERICA COMMONWEALTH OF VIRGINIA COUNTY OF HENRICO GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND, SERIES ____

DATE OF BOND:

REGISTERED

REGISTERED

No. R-___

\$<u>____</u>

CUSIP NO.:

INTEREST <u>RATE:</u> %

REGISTERED OWNER: CEDE & CO.

MATURITY

DATE:

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 bookentry 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 ou 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 ann 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 Pinance Act of 1991), for the purpose of financing [certain school capital improvements, library facilities, fire stations and facilities, and recreation and parks facilities improvements] in the County in accordance with an election held in the County on March 8, 2005 and pursuant to a resolution duly adopted by the Board of Supervisors of the County on July 26, 2011 (the "Resolution").

The Bonds maturing on or before _____1, 20__ will not be subject to optional redemption before their respective maturity dates.

The Bonds maturing on or after ______1, 20__ may be redeemed prior to their respective maturity dates, on or after ______1, 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 or 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 preprind, 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 principal 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 principal office of the Registrar but only in the manuer, 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, nuthorized 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 such Board; the corporate seal of such Board to be impressed or imprinted hereon, attested by the manual or facsimile signature of the Clerk of such Board; and this Bond to be dated the date first above written.

Clerk of the Board of Supervisors

(Seal)

Chairman of the Board of Supervisors

CERTIFICATE OF AUTHENTICATION

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

Director of Finance, Registrar

By: _____

Authorized Signature

Date of Authentication: _____, 2011

(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.



Agenda Item No. 175-11 Page No. 1 of 1

Agenda Title: Resolution — Award of Construction Contract — Mechanical Access Platforms for Public Works Operations Center and Eastern Government Center

| For Clerk's Use Only: BOARD OF SUPERVISORS ACTION Moved by (1)Seconded by (1)Seconded by (1) (2)Seconded by (1)Seconded by (1) (2)Seconded by (1)Seconded | YES NO OTHER Donati, J Glover, R Kaechele, D O'Bannon, P Thornton, F |
|--|---|
|--|---|

WHEREAS, five bids were received on June 14, 2011 in response to IFB # 11-9069-5AL for the fabrication and installation of mechanical access platforms and related items at the Public Works Operations Center and Eastern Government Center, as follows:

| Bidder | Bid |
|--|-----------|
| S.W. Funk Industrial Contractors, Inc. | \$107,326 |
| Suburban Remodeling Corp. | \$149,500 |
| Waco, Inc. | \$155,200 |
| Gibson International, Inc. | \$239,385 |
| Taylor Construction Services Heating & Air, In | \$290,600 |

WHEREAS, after review and evaluation of the bids, the Department of General Services determined S.W. Funk Industrial Contractors, Inc. is the lowest responsive and responsible bidder with a bid of \$107,326.

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

- A contract to furnish fabrication and installation of mechanical access platforms and related items at the Henrico County Department of Public Works Operations Center and Eastern Government Center be awarded to S.W. Funk Industrial Contractors, Inc., the lowest responsive and responsible bidder, in the amount of \$107,326, pursuant to IFB # 11-9069-5AL and the bid submitted by S.W Funk Industrial Contractors, Inc.
- 2. The County Manager and Clerk are authorized to execute the contract in a form approved by the County Attorney.
- 3. The County Manager, or the Director of General Services as his designee, is authorized to execute all necessary change orders within the scope of the project budget.

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

| By Agency Head | T. Al | By County Manager | |
|------------------------------------|-------|--|--|
| Routing: Yellow to: Copy to: | | Certified: A Copy Teste:Clerk, Board of Supervisors | |
| | | Date: | |

| Agenda Title: | COUNTY OF HENRICO, VIRGINIA BOARD OF SUPERVISORS MINUTE Page RESOLUTION — Award of Construction Contract — Hawthorn Rehabilitation and Replacement — Fairfield District | Agenda Item No. 276-11 No. 1 of 2 e Avenue Area Sewer |
|---|---|--|
| For Clerk's Use Only: MUL 2 6 2011 Date: Approved) Denied) Amended) Deferred to?:" | BOARD OF SUPERVISORS ACTION Moved by (1) O'Bann Seconded by (1) Kalchile (2) (2) (2) REMARKS: APPROVED | YES NO OTHER Donati, J Glover, R Kaechele, D O'Bannon, P Thornton, F |

WHEREAS, five bids were received on May 24, 2011 in response to IFB #11-9055-4CE for the Hawthorne Avenue Area Sewer Rehabilitation and Replacement Project located in the Fairfield District; and,

WHEREAS, the project includes the replacement of approximately 350 linear feet of 6-inch and 8-inch diameter sanitary sewer with 8-inch diameter sewer, 2 manholes, and approximately 60 sewer laterals and rehabilitation of approximately 3,850 linear feet of 8-inch diameter sanitary sewer, 14 manholes, and two sewer laterals; and,

WHEREAS, the bids were as follows:

| Bidders | Bid Amounts |
|------------------------------------|--------------------|
| Lyttle Utilities, fnc. | \$327,000.00 |
| Construction Specialists, Inc. | \$406,474.00 |
| G. L. Howard, Inc. | \$442,475.00 |
| J.D. Ludwig, Inc. | \$575,438.00 |
| R.R. Snipes Construction Co., Inc. | \$644,455.00 |

WHEREAS, after a review and evaluation of all bids received, it was determined that Lyttle Utilities, Inc. is the lowest responsive and responsible bidder with a bid of \$327,000.00.

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

1. The contract is awarded to Lyttle Utilities, Inc., the lowest responsive and responsible bidder, in the amount of \$327,000.00 pursuant to IFB #11-9055-4CE and the bid submitted by Lyttle Utilities, Inc.

| By Agency Head | Amawyer fr. | By County Manager | Juge & Hayley |
|----------------|-------------|-----------------------------|---------------------------------------|
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Page No. 2 of 2

Agenda Title: RESOLUTION — Award of Construction Contract — Hawthorne Avenue Area Sewer Rehabilitation and Replacement — Fairfield District

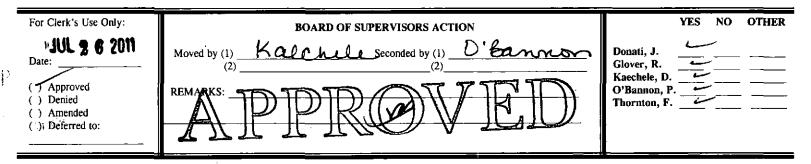
- 2. The County Manager and Clerk are authorized to execute the contract in a form approved by the County Attorney.
- 3. The County Manager, or the Director of General Services as his designee, is authorized to execute change orders within the scope of the project budget not to exceed 15% of the original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



Apenda Item No. 177-11

Page No. 1 of 1

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



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.

Shreveport Park - Fairfield District

| Natchez Road from 0.30 Mi. W. of Orams Lane to Dead End | |
|---|-----------------|
| Total Miles | 0.02 Mi. |
| Oxford at Grey Oaks, Section 1 – Three Chopt District | |
| Grey Oaks Park Road from 0.35 Mi. S. of Nuckols Road to 0.52 Mi. S. of Nuckols Road | <u>0.17 Mi.</u> |
| Total Miles | 0.17 Mi. |

| By Agency Head | By County Manager |
|------------------------|--|
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| | Date: |

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