

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
REGULAR MEETING
July 9, 2019

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, July 9, 2019, 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:

Tyrone E. Nelson, Chairman, Varina District
Thomas M. Branin, Vice Chairman, Three Chopt District
Patricia S. O'Bannon, Tuckahoe District
Daniel J. Schmitt, Brookland District
Frank J. Thornton, Fairfield District

Other Officials Present:

John A. Vithoulkas, County Manager
Joseph P. Rapisarda, Jr., County Attorney
Lt. Col. Alisa A. Gregory, Chief Deputy Sheriff
Barry R. Lawrence, CMC, Assistant to the County Manager/Clerk to the Board
Timothy A. Foster, P.E., Deputy County Manager for Community Operations
W. Brandon Hinton, Deputy County Manager for Administration
Anthony E. McDowell, Deputy County Manager for Public Safety
Randall R. Silber, Deputy County Manager for Community Development

Mr. Nelson called the meeting to order at 7:02 p.m. He led the recitation of the Pledge of Allegiance.

Reverend James W. Arsenault, Parochial Vicar at St. Michael the Archangel Catholic Church and Pastor of St. Elizabeth Catholic Church, delivered the invocation.

On motion of Mrs. O'Bannon, seconded by Mr. Schmitt, and by unanimous vote, the Board approved the June 25, 2019, Regular and Special Meeting Minutes.

The vote of the Board was as follows:

Yes: Nelson, Branin, O'Bannon, Schmitt, Thornton

No: None

MANAGER'S COMMENTS

Mike Cross, a part-time employee with the Department of Public Utilities since 2008, is responsible for performing day-to-day operations at the Springfield Public Use Area for trash disposal and recycling in often harsh weather conditions. On June 22, during his 12-hour shift, Mr. Cross observed two lost dogs at the public use area. He was able to locate

the owners' telephone number on the dogs' tags and call the owners with the dogs' whereabouts. Mr. Cross waited with the dogs for nearly an hour after the public use area closed at 7:00 p.m. until the family was able to come and retrieve them. Mr. Cross did not know at the time that the dogs had been missing for two days after running away from the safety of their home and that the family was devastated. Mr. Cross also did not know that the family included a fellow Henrico employee. Although "dogcatcher" is not listed in the job duties of a landfill attendant, Mr. Cross stepped in and made a huge impact on a family in the Henrico community. Mr. Vithoulikas thanked Mr. Cross for going above and beyond his duties and pointed out no act of public service, no matter how small, goes unnoticed by those the County serves. Bentley Chan, Assistant Director of Public Utilities, joined Mr. Cross for this recognition.

BOARD OF SUPERVISORS' COMMENTS

Mrs. O'Bannon noted that on July 7 the County's library system began offering Sunday hours, from 1:00 to 5:00 p.m., at Libbie Mill Library. With the leadership and support of the Board, the County has been able to expand access to the library system with an additional day of the week. When the new Fairfield Area Library opens in October, it will also offer Sunday hours. Mrs. O'Bannon recognized Barbara Weedman, Director of Libraries, who reported that Libbie Mill had over 400 persons of all ages enjoying the new Sunday hours and a lively story time. Ms. Weedman thanked the Board for its support and expressed excitement about moving forward with Sunday hours.

Mr. Thornton mentioned that Lewis Ginter Botanical Garden hosted a patriotic event on the morning of July 4, which was free to the public and included activities funded by the County. The Garden's new LOVE artwork was unveiled during this event.

Mr. Nelson sadly pointed out the County's annual Red, White, and Lights community celebration presented by the Division of Recreation and Parks and scheduled for July 4 at Dorey Park was cancelled due to inclement weather. Close to 25,000 people attended last year's event. Over 1,000 people were already present for this year's event when the gates briefly opened at 4:00 p.m. This year's July 4 was the wettest on record for the Richmond area based on official totals reported at Richmond International Airport. Mr. Nelson commended and expressed gratitude to the 280 employees and volunteers who staffed the event, including the detailed, yearlong planning conducted by Recreation and Parks Director Neil Luther and his staff; support provided by the Divisions of Fire and Police; and construction of a new access road under the purview of Public Works Director Steve Yob and his team of employees. He noted the safety of Henrico citizens and the County's staff must come first but predicted this spectacular event will be back next year, bigger and better than before. Other than the NASCAR races, the Red, White, and Lights celebration is Henrico's largest event and is great way to showcase the beauty of Varina and Dorey Park.

Mr. Thornton remarked that Dawn Miller, the County's Recreation Tourism Specialist, was instrumental to the success of the July 4 Lewis Ginter Botanical Garden event.

RECOGNITION OF NEWS MEDIA

Mr. Nelson recognized Chris Suarez Rojas from the *Richmond Times-Dispatch*.

PRESENTATION

Mr. Nelson presented a proclamation recognizing July 21 - 27, 2019, as Pretrial, Probation, and Parole Supervision Week. Accepting the proclamation was Shelby Johnson, Director of the Henrico Community Corrections Program and Drug Court. Joining her were Kathy Jones, Director of the Virginia Department of Juvenile Justice's Fourteenth District Court Service Unit; Gayle Parrish, Chief of Probation and Parole for the Virginia Department of Corrections' District 32 Office; Christopher Jacobs, Probation Services Unit Supervisor for the Community Corrections Program; and Laura Siegfried, Pretrial Services Unit Supervisor for the Community Corrections Program.

PUBLIC HEARING – REZONING CASES

164-19 REZ2019- 00020 Fairfield	Chris Singh: Request to amend proffers accepted with Rezoning case C-16C-81 on Parcel 808-722-6230 located at the southeast intersection of Nine Mile Road (State Route 33) and Masonic Lane.
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No one from the public spoke in opposition to this item.

On motion of Mr. Thornton, seconded by Mrs. O'Bannon, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item. The proffer accepted in Rezoning Case C-16C-81 was amended and replaced as follows:

1. The property shall be restricted to the following uses:
 - Printing, publishing and engraving, blueprinting, photocopying and similar uses
 - Studio for artists, photographers, writers, teachers, jewelers, tailors and dressmakers; no retail
 - Office; business, professional or administrative; excluding medical type uses
 - Childcare and adult day care centers
 - Janitorial service establishment
 - Drapery making, and furniture upholstery
 - Furniture, television and appliance service and repair; no retail
2. Outside Storage:
No outside storage shall be allowed on the property.
3. Outdoor Lighting:
A minimum level of outdoor lighting necessary for security purposes shall be maintained. Light pole height shall not exceed 20 feet.
4. Mechanical Equipment:
All mechanical equipment on the property shall be screened from public view at ground level.
5. Speakers:
No public address, speaker or paging systems shall be audible beyond the boundary line of the property.

6. Hours of Operation:
There shall be no service to the public or outside activity on the subject property after 10:00 p.m. or before 6:00 a.m.
7. Truck Deliveries:
No truck deliveries will be made after 7:00 p.m. or before 7:00 a.m.
8. 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: Nelson, Branin, O'Bannon, Schmitt, Thornton

No: None

PUBLIC HEARING – OTHER ITEMS

165-19 Ordinance - To Amend and Reordain Section 24-36.1 of the Code of the County of Henrico Titled "Provisional uses permitted" to Allow Master-Planned Communities With Mixed Uses and Higher Residential Densities in the R-6 General Residence District by Provisional Use Permit.

Mr. Vithoukas pointed out this item was discussed by the Board at its work session prior to this meeting and although the Planning Commission previously recommended approval it subsequently requested that staff draft an additional regulation allowing a small percentage of freestanding commercial uses. Because this adjustment will require an amendment to the Board paper and a substitute ordinance is being worked on, Mr. Vithoukas suggested a deferral of this item.

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

On motion of Mr. Branin, seconded by Mrs. O'Bannon, and by unanimous vote, the Board deferred this item to the July 23, 2019, meeting.

The vote of the Board was as follows:

Yes: Nelson, Branin, O'Bannon, Schmitt, Thornton

No: None

166-19 Resolution - Signatory Authority - Easement Agreement - Virginia Electric and Power Company - Brookland District.

Steve Price, Director of Real Property, responded to a question from Mrs. O'Bannon.

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

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

167-19 Resolution - Hearing of Necessity - Oakleys Lane Improvements - Fairfield and Varina Districts.

Mr. Thornton complimented Mr. Yob and his staff for posting adequate signage and answering the questions it received at a community meeting on this project. Mr. Yob recognized Steve Bandura from the Department of Public Works, who organized the meeting as project manager. Mr. Yob pointed out 33 persons attended the meeting and thanked Mr. Thornton for sharing his thoughts with the attendees. Mr. Nelson advised that the owners of Mankin Mansion sent the County a letter of support for the project and noted residents are excited about the improvements.

Karen Hamilton, a resident of the Three Chopt District, asked whether trees will be removed during the widening of the road and during nesting season. Mr. Yob responded that most of the trees on the road alignment were removed during the construction of sewer and water lines to serve an adjoining residential neighborhood, The Townes at Oakleys Bluff. He confirmed for Ms. Hamilton that the project will extend 2,400 feet.

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

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

PUBLIC COMMENTS

Ms. Hamilton voiced concerns regarding failing alternative septic systems in Westin Estates and flooding basements in Short Pump Manor.

GENERAL AGENDA

168-19 Resolution - Approval of Issuance of Bonds by the Economic Development Authority of Montgomery County, Virginia for Virginia Tech Foundation, Inc.

Anthony Romanello, Executive Director of the Henrico County Economic Development Authority, recognized Anne Curtis Saunders, an associate with McGuireWoods and the foundation's bond counsel.

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

169-19 Resolution - Signatory Authority - Agreement with project:Homes - 19 N. Ivy Avenue.

Eric Leabough, Housing Specialist, responded to a question from Mrs. O'Bannon, and he and Mr. Vithoulikas responded to questions from Mr. Nelson.

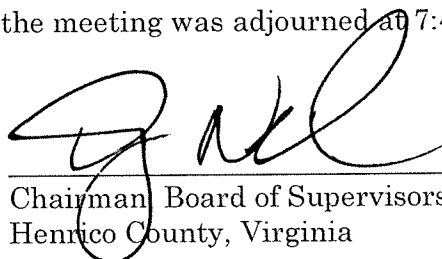
On motion of Mrs. O'Bannon, seconded by Mr. Branin, and by unanimous vote, the Board approved this item – see attached resolution.

170-19 Resolution - Award of Contract - Pouncey Tract Park Pickleball Courts - Three Chopt District.

Neil Luther, Director of Recreation and Parks, responded to a comment by Mrs. O'Bannon.

On motion of Mr. Branin, 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 7:44 p.m.



Chairman, Board of Supervisors
Henrico County, Virginia

Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

PRETRIAL, PROBATION, AND PAROLE SUPERVISION WEEK

July 21 - 27, 2019

WHEREAS, pretrial services, probation, and parole agencies are essential parts of the criminal justice system; and

WHEREAS, these agencies work collaboratively and in partnership with other local and state entities, such as law enforcement, magistrates, victim services, judges, commonwealth's attorneys, defense attorneys, sheriffs, jail and prison administrators, reentry providers, local educators, mental health and substance abuse treatment providers, and other citizen organizations to respond effectively to crime and correctional needs in each locality throughout the Commonwealth; and

WHEREAS, Virginia maintains a system that allows defendants and offenders to be supervised in their communities while on pretrial, probation, or parole supervision to protect the safety and well-being of citizens; and

WHEREAS, pretrial, probation, and parole officers support rehabilitative justice, engage in evidence-based practices, and help defendants and offenders transition into productive citizens and are a true positive force in their communities, restoring trust and creating hope; and

WHEREAS, these officers are community corrections professionals charged with preserving the safety of our citizens by implementing data-driven practices to ensure defendant and offender adherence to mandated conditions, which include court appearances and applying appropriate interventions and sanctions for non-compliance with pretrial, probation, or parole conditions; and

WHEREAS, community corrections professionals uphold the law with dignity, while acknowledging the right of the public to be safeguarded from criminal activity.

NOW, THEREFORE, BE IT PROCLAIMED that the Board of Supervisors of Henrico County, Virginia, hereby recognizes July 21 - 27, 2019, as Pretrial, Probation, and Parole Supervision Week; salutes the men and women who have contributed to the success of the County's community corrections system; and calls to the attention of Henrico residents how these community corrections professionals are working daily to change lives and provide a safer community for all.



A handwritten signature in black ink, likely of the Board of Supervisors, is written over a horizontal line.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 105-19
Page No. 1 of 1

Agenda Title: ORDINANCE – To Amend and Reordain Section 24-36.1 of the Code of the County of Henrico Titled “Provisional uses permitted” to Allow Master-Planned Communities With Mixed Uses and Higher Residential Densities in the R-6 General Residence District by Provisional Use Permit

For Clerk's Use Only:

Date: 7/9/2019

() Approved

() Denied

() Amended

(X) Deferred to:

7/23/2019

BOARD OF SUPERVISORS ACTION

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

REMARKS: _____

YES NO OTHER

Branin, T. ☒ _____

Nelson, T. ☒ _____

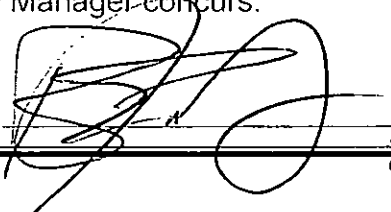
O'Bannon, P. ☒ _____

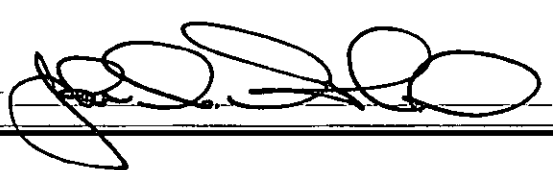
Schmitt, D. ☒ _____

Thornton, F. ☒ _____

At its regular meeting on July 9, 2019, the Board of Supervisors adopted the attached ordinance.

Comments: After a public hearing on June 13, 2019, the Planning Commission recommended approval of the ordinance. The Director of Planning recommends approval of this Board paper, and the County Manager concurs.

By Agency Head 

By County Manager 

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

ORDINANCE – To Amend and Reordain Section 24-36.1 of the Code of the County of Henrico Titled “Provisional uses permitted” to Allow Master-Planned Communities With Mixed Uses and Higher Residential Densities in the R-6 General Residence District by Provisional Use Permit

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

1. That Section 24-36.1 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-36.1. Provisional uses permitted.

The following uses may be permitted as provisional uses if approved by the board of supervisors in accordance with sections 24-120 and 24-122.1 of this chapter:

• • • •

~~(b) Any principal use permitted in the B-1 district may be located in the first or second story of a structure exceeding two stories in height, subject to the following requirements:~~

~~(1) *Floor area.* B-1 uses may not occupy more than 35 percent of the floor area of the structure.~~

~~(2) *Parking required.* The required parking for B-1 uses may be reduced by up to 50 percent if the parking is shared between residential and B-1 uses.~~

~~(3) *Signage.* Each tenant may have one attached sign if the tenant's space has direct access from the exterior of the building. No sign shall exceed 15 square feet of sign area per tenant.~~

~~(4) *[Other requirements.]* The requirements of section 24-122.1 of this Code.~~

~~(5) *Parking required.* The required parking for B-1 uses may be reduced by up to 50 percent if the parking is shared between residential and B-1 uses.~~

Master-planned communities, subject to the following requirements:

(1) *Maximum project area.* Master-planned communities may not exceed ten acres in area.

- (2) Master plan required. Each application pursuant to this subsection must include a master plan showing the location and mix of proposed residential and commercial uses, the location and height of all existing and proposed structures, public and private streets, parking spaces, pedestrian circulation, open space, the developer's architectural design requirements, landscaping, buffers, and site lighting.
- (3) Permitted B-2 uses. Any principal or accessory use permitted in the B-2 district may be located in the first or second story of a building exceeding two stories in height. Any provisional use permitted in the B-2 district may be located in the first or second story of a building exceeding two stories in height without a separate provisional use permit if the use is identified in the master plan. Commercial uses shall occupy no less than 15 percent and no more than 35 percent of the floor area of the overall project unless a different percentage is approved by the board of supervisors.
- (4) Signage for commercial uses. Each commercial use with direct access from the exterior of the building may have one attached sign not to exceed 15 square feet in area.
- (5) Parking study. The master plan may include a parking study prepared by a licensed engineer showing the number of parking spaces required and proposed for the project. The parking study may consider the use of on-street parking and the use of shared parking under shared parking agreements. The number of parking spaces proposed in the study shall apply in lieu of the parking requirements of this chapter if the provisional use permit is granted.
- (6) Increased density. The master plan may show multifamily residential units at a higher density than otherwise allowed on the property by this chapter. The density of multifamily residential units shown on the master plan shall apply in lieu of the density requirements of this chapter if the provisional use permit is granted.
- (7) Reduced setbacks. The master plan may show setbacks that do not meet the minimum setback requirements of this chapter. Reduced setbacks shown on the master plan shall apply in lieu of the minimum setback requirements of this chapter if the provisional use permit is granted.

• • • •

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



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 106-19

Page No. 1 of 1

Agenda Title: RESOLUTION — Signatory Authority — Easement Agreement — Virginia Electric and Power Company — Brookland District

For Clerk's Use Only:

Date: 7/9/2019

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Schmitt Seconded by (1) Thornton
(2) (2)

REMARKS:

APPROVED

YES NO OTHER

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

WHEREAS, Virginia Electric and Power Company ("VEPCO") has agreed to relocate utility facilities for the County's Woodman Road project; and,

WHEREAS, in connection with the relocation of its utility facilities, VEPCO requires a new easement across County-owned land, as shown on the attached plat; and,

WHEREAS, this resolution was advertised and a public hearing was held on July 9, 2019, pursuant to Va. Code §§ 15.2-1800 and 15.2-1813.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the Chairman and Clerk are authorized to execute an easement agreement, in a form approved by the County Attorney, allowing VEPCO to relocate its facilities on County-owned land for the County's Woodman Road project.

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

By Agency Head Steve Bice By County Manager [Signature]

Routing:

Yellow to: _____

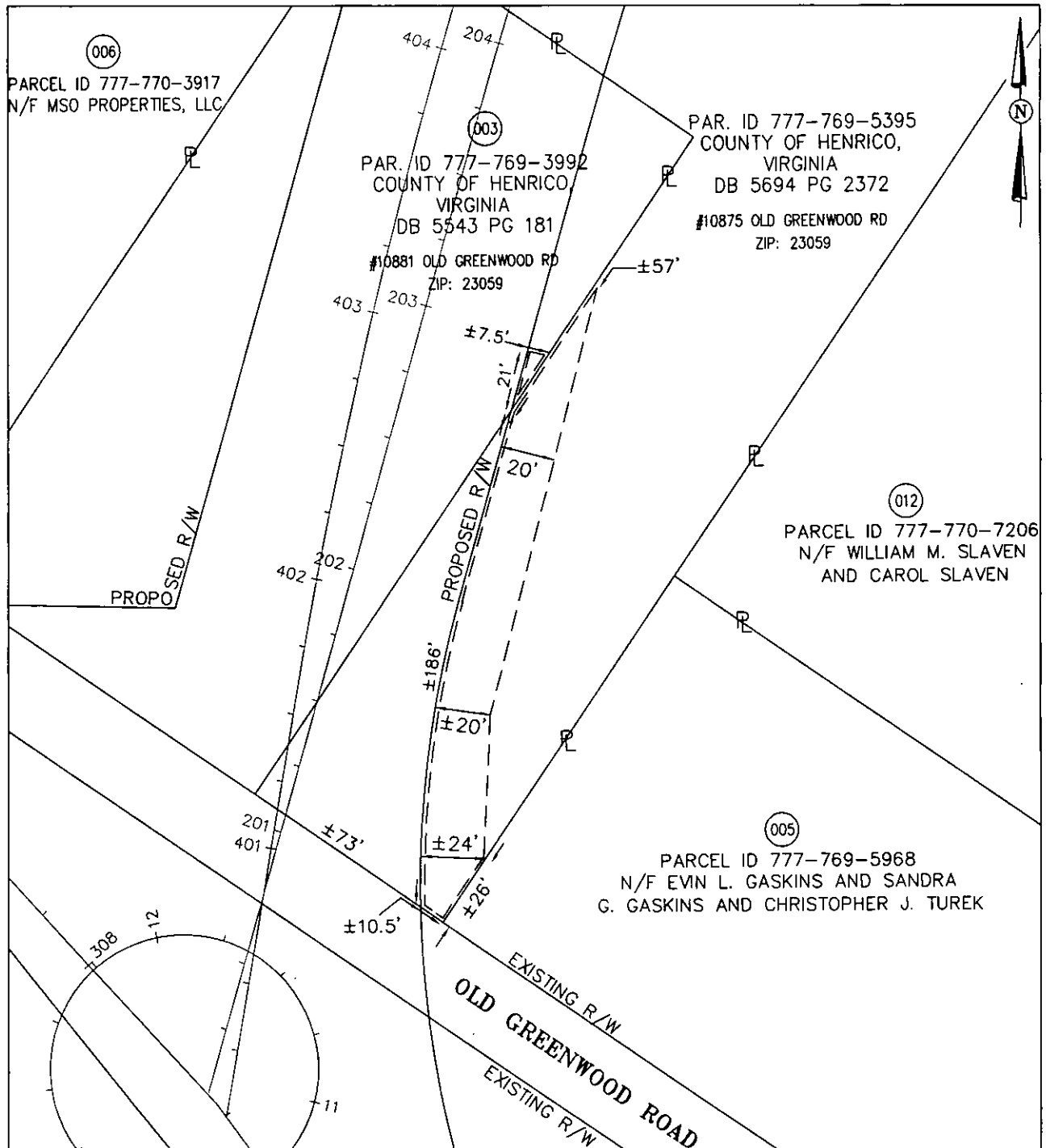
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Clerk, Board of Supervisors

Date: _____

EXHIBIT A



LEGEND --- Location of Boundary Lines of Right-of-Way VARIABLE in Width. =P= Indicates Property Line is Right-of-Way Boundary	District RICHMOND	Scale NOT TO SCALE	PLAT TO ACCOMPANY RIGHT-OF-WAY AGREEMENT OH/UG
	District-Township-Borough County-City State BROOKLAND HENRICO VA	Office Plot Number CENTRAL 00-18-0300	VIRGINIA ELECTRIC AND POWER COMPANY doing business as
DATE: 6/8/2018	Estimate Number 10212228	Grid Number H0008	Dominion Energy Virginia Page 5 of 5 OWNER INITIALS _____



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 167-19
Page No. 1 of 1

Agenda Title: RESOLUTION — Hearing of Necessity — Oakleys Lane Improvements — Fairfield and Varina Districts

For Clerk's Use Only:

Date: 7/9/2019

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

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

WHEREAS, on June 25, 2019, the Board of Supervisors approved a resolution scheduling a public hearing on July 9, 2019, to consider the need for construction of improvements on Oakleys Lane from Oakleys Place to South Holly Avenue; and,

WHEREAS, the Board has examined the report submitted by the Director of Public Works/County Engineer on June 18, 2019, pursuant to section 33.2-707 of the Code of Virginia recommending that the necessity for construction be declared by the Board; and,

WHEREAS, the project will improve approximately 2,400 feet of Oakleys Lane by increasing lane widths, constructing adequate roadway shoulders, installing guardrail, adding a right turn lane onto South Holly Avenue, and installing a single span bridge crossing over a FEMA floodplain; and,

WHEREAS, after its Clerk gave the written notice required by section 33.2-710 of the Code of Virginia, the Board held a public hearing on July 9, 2019, at which time all interested citizens were given an opportunity to be heard; and,

WHEREAS, the Board is of the opinion that it is necessary to construct the improvements.

BE IT FURTHER RESOLVED that the Board of Supervisors of the County of Henrico declares the necessity of the improvements on Oakleys Lane from Oakleys Place to South Holly Avenue and authorizes their construction.

COMMENTS: The estimated total cost of this project is \$5.2 million. Funding shall be provided from the Capital Projects Fund. The Director of Public Works recommends approval of this Board paper, and the County Manager concurs.

By Agency Head

By County Manager

Routing:

Yellow to: _____

Certified:

A Copy Teste: _____

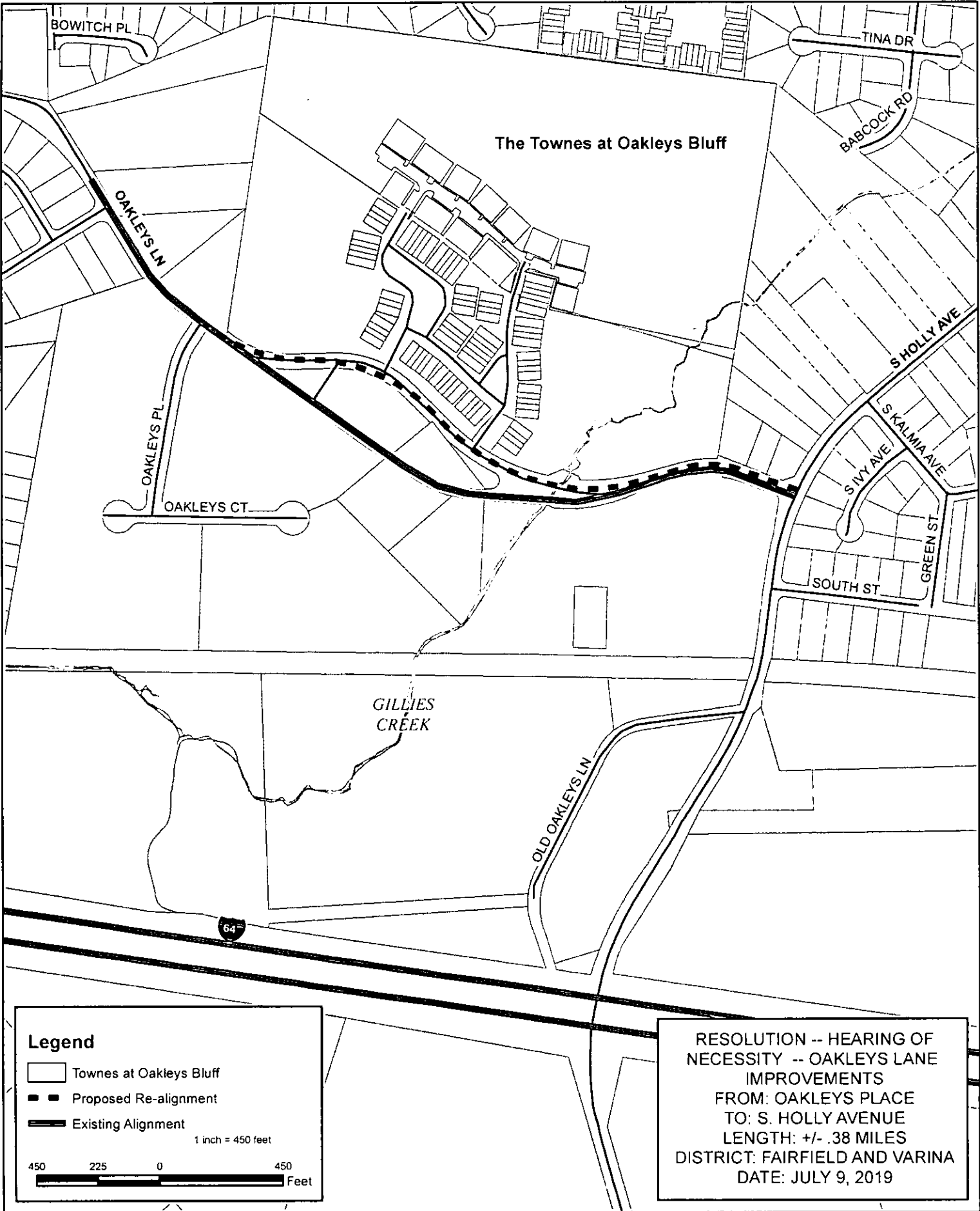
Copy to: _____

Clerk, Board of Supervisors

Date: _____



Oakleys Lane Improvements





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

Agenda Item No. 168-19

Page No. 1 of 3

Agenda Title: RESOLUTION - Approval of Issuance of Bonds by the Economic Development Authority of Montgomery County, Virginia for Virginia Tech Foundation, Inc.

For Clerk's Use Only:

Date: 7/9/2019

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

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

WHEREAS, the Economic Development Authority of Montgomery County, Virginia (the "Montgomery EDA") is empowered by the Industrial Development and Revenue Bond Act (the "Act") to issue its revenue bonds for the purposes of, among other things, financing or refinancing facilities for use by organizations (other than institutions organized and operated exclusively for religious purposes) that are exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), thereby promoting the safety, health, welfare, convenience, and prosperity of the residents of the Commonwealth of Virginia (the "Commonwealth"); and,

WHEREAS, the Montgomery EDA has received a request from Virginia Tech Foundation, Inc., a Virginia nonstock corporation (the "Foundation"), whose address is 902 Prices Fork Road, Suite 4000, Blacksburg, Virginia, for the issuance by the Montgomery EDA of its revenue bonds in an amount not to exceed \$104,120,000 (the "Bonds") to assist the Foundation with the financing and refinancing of various projects, including without limitation the following project in Henrico County (the "Project"): (1) the acquisition, construction, equipping and development of the WVTF/Radio IQ Richmond signal improvement project, which is located at 2450 Inman Avenue, Henrico, Virginia, and (2) capitalized interest on the Bonds, a debt service reserve fund for the Bonds, costs of issuance related to the issuance of the Bonds, working capital, routine capital expenditures at the facilities described above, and other related costs; and,

WHEREAS, the maximum principal amount of Bonds expected to be issued for the Project in Henrico County is \$3,500,000 plus amounts described in (2) above; and,

WHEREAS, the Project is expected to include purchasing the license to broadcast on 89.7 FM in the greater Richmond area and all associated broadcast equipment, including the broadcast tower and land on which the tower and transmission facilities currently sit; and,

By Agency Head [Signature]

By County Manager [Signature]

Routing:

Yellow to: _____

Certified:

A Copy Teste: _____

Copy to: _____

Clerk, Board of Supervisors

Date: _____

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

Agenda Item No. 168-19
Page No. 2 of 3

Agenda Title: RESOLUTION - Approval of Issuance of Bonds by the Economic Development Authority of Montgomery County, Virginia for Virginia Tech Foundation, Inc.

WHEREAS, the Project is expected to be owned by the Virginia Tech Real Estate Foundation, Inc. and is expected to be used by the Virginia Polytechnic Institute and State University; and,

WHEREAS, the Foundation will use the Project in furtherance of the Foundation's mission; and,

WHEREAS, the Foundation is exempt from income taxation under Section 501(c)(3) of the Code and is not organized and operated exclusively for religious purposes; and,

WHEREAS, because the Project is located in Henrico County, Section 147(f) of the Code and Sections 15.2-4905 and 15.2-4906 of the Act require that the Board of Supervisors of Henrico County (the "Henrico Board") approve the issuance of the Bonds and concur with an inducement resolution adopted by the Montgomery EDA on June 18, 2019 (the "Inducement Resolution"); and,

WHEREAS, prior to the consideration of the Inducement Resolution, the Montgomery EDA held a public hearing on the issuance of the Bonds, following reasonable notice, as required by, and in compliance with, Section 147(f) of the Code and Section 15.2-4906 of the Act; and,

WHEREAS, a fiscal impact statement was presented to the Economic Development Authority of Henrico County, Virginia (the "Henrico EDA") and copies of the Foundation's fiscal impact statement, the Inducement Resolution, the Montgomery EDA's Summary of Public Hearing, which included a reasonably detailed summary of the comments expressed at the Montgomery EDA's public hearing, was presented to the Board of Supervisors of Montgomery County, Virginia (the "Montgomery Board") on July 8, 2019; and,

WHEREAS, the Montgomery Board approved the issuance of the Bonds by the Montgomery EDA in accordance with Section 147(f) of the Code and Section 15.2-4906 of the Act on July 8, 2019; and,

WHEREAS, the Henrico EDA held a public hearing on the issuance of the Bonds, following reasonable public notice, as required by, and in compliance with, Section 147(f) of the Code and Section 15.2-4906 of the Act, and adopted a resolution on June 20, 2019 (the "Henrico Authority Resolution") that recommended and requested that the Henrico Board approve the issuance of the Bonds and concur with the Inducement Resolution, effective upon the approval by both the Montgomery EDA and the Montgomery Board; and,

1. The Henrico Board approves the issuance of the Bonds by the Montgomery EDA for the benefit of the Foundation, as required by Section 147(f) of the Code and Section 15.2-4906 of the Act, to permit the Montgomery EDA to assist in the financing and refinancing of the Project.
2. The Henrico Board concurs with the Inducement Resolution.
3. 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 Foundation or the Project.
4. As required by Section 15.2-4909 of the Act, the Bonds shall provide that neither the Montgomery EDA, Montgomery County, the Henrico EDA nor Henrico County 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 and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof, including the Montgomery EDA, Montgomery County, the Henrico EDA, and Henrico County, shall be pledged thereto.
5. This resolution shall take effect immediately upon its adoption.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 169-19

Page No. 1 of 1

Agenda Title: RESOLUTION – Signatory Authority – Agreement with project:Homes – 19 N. Ivy Avenue – Varina District

For Clerk's Use Only:

Date: 7/9/2019

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS

APPROVED

YES NO OTHER

Branin, T. ☒ ☐ ☐
Nelson, T. ☒ ☐ ☐
O'Bannon, P. ☒ ☐ ☐
Schmitt, D. ☒ ☐ ☐
Thornton, F. ☒ ☐ ☐

WHEREAS, the Board of Supervisors has identified the Highland Springs Area as an historic district and revitalization area; and,

WHEREAS, the house at 19 N. Ivy Avenue is currently in disrepair and in need of significant public and private resources to rebuild the home and improve the overall health and vitality of the community; and,

WHEREAS, the Board of Supervisors established a "Community Revitalization Fund" to serve as a flexible resource to improve mature neighborhoods; and,

WHEREAS, project:Homes is a non-profit corporation with a track record of rehabilitating single-family homes, providing homebuyer services and other assistance programs to residents of the County and Central Virginia.

NOW, THEREFORE, BE IT RESOLVED by the Board that the County Manager is authorized to execute an agreement, in a form approved by the County Attorney, with project:Homes to acquire, rebuild, and resell 19 N. Ivy Avenue to a homebuyer with the assistance of County funding not to exceed \$93,175.

Comments: The Housing Specialist recommends approval of this Board paper; the County Manager concurs.

By Agency Head

By County Manager

Routing:

Yellow to: _____

Certified:

A Copy Teste: _____

Copy to: _____

Clerk, Board of Supervisors

Date: _____

COMMUNITY REVITALIZATION AGREEMENT

Between

County of Henrico

and

ElderHomes Corporation dba project:HOMES

This agreement is made this 15th day of July 2019 between the County of Henrico, Virginia (hereinafter the "County"), and ElderHomes Corporation dba project:HOMES, (hereinafter "PROJECT:HOMES") a Virginia corporation (collectively the "Parties"), to undertake acquisition, rehabilitation, construction activities in conjunction with the development and sale of residential real estate as set forth herein.

Whereas, the County Board of Supervisors has established a Community Revitalization Fund to assist in redeveloping and improving existing neighborhoods; and

Whereas, PROJECT:HOMES is a Virginia not-for-profit corporation that acquires, rehabilitates, constructs, and sells low to moderate priced homes and lots; and

Whereas, the Parties desire to redevelop a house located at 19 North Ivy Avenue, Henrico, VA 23075 (the "Home");

Now, therefore, the Parties hereby agree as follows:

I. SCOPE OF SERVICES

PROJECT:HOMES shall acquire, rebuild, and sell the Home pursuant to the terms of this agreement. The County agrees to provide funds as set forth in the Project Budget and Proforma attached to this agreement.

II. USE OF COUNTY FUNDS

The County agrees to provide funds to PROJECT:HOMES for the acquisition, demolition, construction and sale of the Home. Funds may be also be used for homebuyer assistance and other related costs.

The funds for activities taken pursuant to this agreement may come from the County or other government sources. The use and accounting of such funds may require PROJECT:HOMES to comply with additional regulatory requirements. All such additional requirements will be set forth in writing in an appropriate addendum to this agreement.

Upon completion of the sale of the Home pursuant to this agreement, PROJECT:HOMES shall return all project proceeds (if any) to the County. If PROJECT:HOMES sells the Home for an amount that exceeds the amount identified in Project Budget and Pro Forma, PROJECT:HOMES and the County shall split equally the amount above the projected sales price minus any expenses that were not identified in the Project Budget and Pro Forma.

III. PURCHASE OF HOME

The contract sales price for the Home shall be supported by an appraisal by a licensed appraiser. PROJECT:HOMES may require an affordability restriction by Deed of Trust and Note. Such affordability restrictions will terminate upon foreclosure or transfer in lieu of foreclosure.

PROJECT:HOMES shall include an assignment clause in the Deed of Trust and Note stating that in the event PROJECT:HOMES ceases to exist or is unable to satisfy the requirements of this contract, the County or its agent will be assigned the note securing the County's investment. The County shall provide a suitable form Deed of Trust and Note to PROJECT:HOMES to be executed for this project.

IV. SCHEDULE OF ACTIVITIES

All activities of PROJECT:HOMES under this agreement shall be completed in an expeditious manner. The parties agree to prepare jointly a Project Schedule for work to be performed pursuant to this agreement. All activities shall be completed in accordance with this Project Schedule, unless extended by mutual consent in writing.

Timely completion of the work specified in this agreement is an integral and essential part of performance. By accepting and executing this agreement, PROJECT:HOMES agrees that activities will be completed as expeditiously as possible and that PROJECT:HOMES will make every effort to ensure that the project will proceed as scheduled and will not be delayed. Failure to meet the Project Schedule without prior written approval from the County may, at the discretion of the County, be considered failure to comply with this agreement and result in termination of the agreement under the terms outlined in Part XI.

V. PAYMENT

Payments to PROJECT:HOMES shall be in compliance with County cash management requirements. The County will remit payment within ten business days of receipt of an approved request for funds to the County's Housing Specialist. PROJECT:HOMES shall return erroneously drawn funds to the County within ten business days.

PROJECT:HOMES shall include accurate information in the request for funds, and PROJECT:HOMES may not request funds until payment for eligible costs is necessary. Requests for payment must be submitted by PROJECT:HOMES in a form acceptable to the County and must include adequate documentation of eligible costs incurred. All such expenses shall conform with the project budget. The County shall have the right to inspect records and project sites to determine reimbursement requests are reasonable and accurate. The County shall also have the right to hold payment until adequate documentation has been provided, reviewed, and approved by the County.

VI. LEAD BASED PAINT

PROJECT:HOMES shall comply with the provisions of the Lead Based Paint Poisoning Prevention Act (42 U.S.C. § 4821 *et seq.*), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 USC 485-4956), and implementing regulations at 24 CFR Part 35, subparts A,

B, J, K, M, and R of this title.

VII. FAIR HOUSING AND EQUAL OPPORTUNITY

PROJECT:HOMES shall comply with the provisions of Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000d *et seq.*), 24 CFR Part 1, The Fair Housing Act (42 U.S.C. § 3601-3620), 24 CFR Part 100-115, Equal Opportunity in Housing, Executive Order 11063, as amended by Executive Order 12259, 24 CFR Part 107, the Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101), and 24 CFR Part 146 and Executive Order 11246 as applicable, and the applicable provisions of 24 CFR § 92.351 Affirmative Marketing; Minority Outreach Program.

PROJECT:HOMES shall also comply with all federal, state and local laws, ordinances, codes, rules and regulations and amendments thereto, including but not limited to Title 8 of the Civil Rights Act of 1968 PL.90-284; Executive Order 11063 on Equal Opportunity; and Section 3 of the Housing and Urban Development Act of 1968.

VIII. RECORDS AND REPORTS

PROJECT:HOMES shall retain all records pertaining to this agreement and services performed pursuant to it for no less than for ten years. Notwithstanding this the foregoing, PROJECT:HOMES shall comply with any applicable federal, state or local legal requirements that impose a longer retention schedule. The County shall have unrestricted access to those records for the entire duration of the retention period. Records include:

- A. A full description of the project, including the location, form of assistance, and project budget.
- B. The source and application of funds and supporting documentation.
- C. Records demonstrating that the property meets the property standards of 24 CFR § 92.251 and the lead-based paint requirements of 24 CFR § 92.355 and any other documentation necessary to maintain compliance with contractual requirements, and federal, state, or local codes.
- D. Income eligibility documentation, if the County requires that the home be sold to a low- or moderate-income buyer.
- E. A record demonstrating adequate financing has been secured to ensure project completion.
- F. Records ensuring that there is adequate need for the project based on neighborhood market conditions.

PROJECT:HOMES shall submit to the County a monthly report setting forth the progress made to date in relationship to the Scope of Services.

IX. PROCUREMENT REQUIREMENTS

Any work that PROJECT HOMES seeks to have performed by third-parties shall comply with the following Henrico County procurement requirements based on the value of the work to be bid:

- A. For all types of bid requests a **written** description of the solicited good or service, including any requirements, shall be prepared.
- B. For any purchase less than \$7,500, a minimum of one (1) proposal shall be solicited. Additional competition, if available, should be solicited to include a supplier from the Small, Women and Minority (SWAM) Vendor list made available by the Virginia Department of Minority Business Enterprise (DMBE). The SWAM Vendor Directory can be located at the following link: <http://www.dmbv.virginia.gov>
- C. For professional services (architects, engineers, etc.) less than or equal to \$7,500, a minimum of one (1) proposal shall be solicited. Soliciting proposals from a DMBE SWAM list is encouraged.
- D. For professional services greater than \$7,500 and less than or equal to \$60,000 a minimum of four (4) proposals solicited from a qualified firm. A minimum of one (1) proposal shall be solicited from a DMBE SWAM business; soliciting more than one (1) DMBE SWAM is encouraged.
- E. For goods and services, including construction, greater than \$7,500 and less than or equal to \$50,000, a minimum of four (4) written quotes solicited, which shall include a minimum of one (1) supplier selected from the DMBE SWAM list.
- F. For goods, services, and construction greater than \$50,000 and less than or equal to \$100,000 a minimum of four (4) written quotes solicited, which shall include a minimum of one (1) quote solicited from a DMBE SWAM business, however, soliciting more than one (1) written quote from a DMBE SWAM business is encouraged. A copy of the published notice for invitations to bid shall be provided to the Department of Community Revitalization.

X. AUDIT REQUIREMENTS

PROJECT:HOMES shall retain the services of an independent certified public accountant to perform an annual organizational wide audit in accordance with generally accepted government auditing standards as defined by Standards for Audit of Government Organizations, Activities, and Functions, in compliance in all respects with the generally accepted auditing standards of the American Institute of Certified Public Accountants, and in accordance with the Single Audit Act of 1984, if applicable. In the alternative, it shall provide an organization wide audit report, including an audit report for program activities funded under this agreement, in compliance with accepted auditing standards of the American Institute of Certified Public Accountants, by a certified public accountant.

The cost of the audit is to be paid by PROJECT:HOMES, and no funds provided under this

agreement shall be used for this purpose. Copies of the audit reports shall be provided to the County's Housing Specialist and the County Department of Finance within 90 days of the close of PROJECT:HOMES's fiscal year.

XI. TERMINATION FOR CAUSE OR CONVENIENCE

This agreement may be suspended or terminated if PROJECT:HOMES materially fails to comply with any term of the agreement. This agreement may be terminated for convenience at any time by either the County or PROJECT:HOMES upon written notification 30 days prior to termination. Notice of Termination of this agreement by PROJECT:HOMES prior to project completion will require repayment of all funds advanced to PROJECT:HOMES within ten days of notice of termination. In the event of termination, all property and finished or unfinished documents, data, studies, and reports purchased or prepared by PROJECT:HOMES under this agreement shall, at the option of the County, become the County's property or assigned to the County's agent at the County's sole discretion.

In the event the County determines PROJECT:HOMES is in default of this agreement, the County may take one or more of the following actions

- a. Temporarily withhold cash payments pending correction of the deficiency by PROJECT:HOMES or any contractor or subcontractor;
- b. Disallow all or part of the cost of the activity or action not in compliance;
- c. Wholly or partly suspend or terminate the current agreement with PROJECT:HOMES;
- d. Withhold further federal or non-federal funds from PROJECT:HOMES; or
- e. Take other remedies that may be legally available.

XII. CONFLICT OF INTEREST

No employee, agent, consultant, officer or appointed official of PROJECT:HOMES who is in a position to participate in a decision-making process or gain inside information with regard to any activity under this agreement may obtain a personal or financial interest in any contract, subcontract or agreement with respect thereto, or in the proceeds hereunder, for himself, or for his family or business associates, during his tenure or for one year thereafter.

XIII. AVAILABILITY OF FUNDS

Henrico County shall be bound under this agreement only to the extent that there are funds available to perform its obligations hereunder. Funding under this agreement is also contingent on the County's determination to proceed with, modify, or cancel a project based on the result of any title examination.

XIV. INDEMNIFICATION

PROJECT:HOMES agrees to indemnify and hold harmless the County, its officers, agents and employees against and from all liability, claims, damages and costs, including attorney's fees, of every kind and nature, and attributable to bodily injury, sickness, disease or death, or to damage or destruction of property resulting from or in any manner arising out of or in conjunction with the

performance of work under this agreement. In addition, PROJECT:HOMES shall furnish the County a Certificate of Insurance evidencing coverage under the Workers Compensation Act and liability protection against claims for bodily injury, death, or property damage in the amounts set forth in Part XVI of this agreement. In addition, PROJECT:HOMES's insurer shall give the County 30 day's written notice of its decision to amend, cancel or terminate the insurance coverage. The County shall be named as an additional insured on all insurance policies.

XV. INSURANCE

PROJECT:HOMES will obtain liability insurance from a company licensed to do business in the Commonwealth of Virginia, countersigned by an authorized agent in Virginia, to cover injury to or death of one or more persons in PROJECT:HOMES's performance of this agreement. Premiums chargeable for the insurance shall be paid by PROJECT:HOMES and all liability insurance policies shall be kept in force during the term of this agreement. Types of liability insurance policies required and their limits of coverage are as follows:

- Auto Liability, including Owned, Non-Owned and Hired Car Coverage: One Million (\$1,000,000) per occurrence combined single limit
- Comprehensive General Liability (CGL) One Million (\$1,000,000) per occurrence Combined single limit, Two million (\$2,000,000) in the aggregate
- Worker's Compensation coverage according to statutory limits of the Code of Virginia, Title 65.2

County, its officials, employees, volunteers and agents shall be named as an additional insured under the commercial general liability coverage. The required insurance shall apply as primary insurance with respect to any other insurance or self-insurance programs of the County. The policy(s) shall be endorsed to be primary with respect to the additional insured.

XVI. GOVERNING LAW

This agreement shall be governed by the laws of the Commonwealth of Virginia. Any disputes concerning interpretation or performance under this agreement shall be litigated only in the Circuit Court of Henrico County.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as the day and year herein above written:

COUNTY OF HENRICO

By: 

John A. Vithoulkas, County Manager

ElderHomes Corporation dba project:HOMES

By: 

Project Budget and Pro-forma

Property Address: 19 N. Ivy Ave.					
Expenses			Sources of Funds		
Building and Land	Estimate	Actual		Estimate	Actual
Building and Land	\$ 80,000.00		Sales Price	\$ 145,000.00	
Attorney's Fee	\$ 525.00		Commission (6%)	\$ 8,100.00	
Title Insurance	\$ 600.00		Seller Closing Costs	\$ 2,500.00	
Recording Fees			Net Sales Price	\$ 134,400.00	-
Taxes	\$ 500.00				
Demolition			Development Costs	\$ 227,575.00	
Real Estate Commission					
Appraisal - Acq.	\$ 500.00		Development Gap	(\$93,175.00)	
Subtotal	\$ 82,125.00				
			Development Subsidy		
Pre-Development			Community Revitalization Funding (Henrico)	93,175.00	
Appraisal (after value rehab)	\$ 500.00				
Arch. & Engineering Fees	\$ 1,500.00				
Surveys (4)					
Environmental					
Hazard Insurance	\$ 500.00				
			Subtotal	93,175.00	\$ -
Subtotal	\$ 2,500.00	\$ -			
			Property Information		
Construction			Square Footage	848	
Construction Costs	\$ 110,000.00		Year Built	1925	
Construction Contingency	\$ 11,000.00		cost/sq. ft.		
Interior Demo					
Lead Abatement/Clearance	\$ 500.00				
Pest Treatment					
Utilities					
Attorney/					
Construction Loan					
Title Insurance/Lender					
Taxes					
Construction Loan Fee					
Construction Interest					
Site Maint./Appliances	\$ 6,450.00				
Subtotal	\$ 127,950.00				
Developer's Fee	\$ 15,000.00				
Total Development Costs	\$ 227,575.00				



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 170-19

Page No. 1 of 2

Agenda Title: RESOLUTION — Award of Contract — Pouncey Tract Park Pickleball Courts — Three Chopt District

For Clerk's Use Only:

Date: 7/9/2019

() Approved

() Denied

() Amended

() Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

Branin, T. ✓ — —

Nelson, T. ✓ — —

O'Bannon, P. ✓ — —

Schmitt, D. ✓ — —

Thornton, F. ✓ — —

WHEREAS, the County wishes to construct 8 new illuminated pickleball courts on the existing park site at Pouncey Tract Park, located at 4747 Pouncey Tract Road; and,

WHEREAS, the County received 4 bids on June 4, 2019, in response to ITB No. 19-1868-5JOK; and,

WHEREAS, the bid amounts are as follows:

Bidder	Bid Amount
The Boyd Group of VA Montpelier, VA	\$385,500.00
Brooks and Company General Contractors, Inc. Richmond, VA	\$411,700.00
Enviroscape, Inc. Sandston, VA	\$441,300.00
Miller Flooring Company West Chester, PA	\$480,500.00

WHEREAS, after review and evaluation of all bids, it was determined that The Boyd Group of VA is the lowest responsive and responsible bidder for the work with a bid of \$385,500.00.

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

1. A contract to furnish all labor, materials, supplies, equipment, and services necessary to construct 8 new illuminated pickleball courts on the existing park site at Pouncey Tract Park is awarded to The Boyd Group of VA, the lowest responsive and responsible bidder, in the amount of \$385,500.00, pursuant to ITB No. 19-1868-5JOK and the bid submitted by The Boyd Group of VA.

By Agency Head [Signature]

By County Manager [Signature]

Routing:

Yellow to: _____

Certified:

A Copy Teste: _____

Copy to: _____

Clerk, Board of Supervisors

Date: _____

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

Agenda Item No. 170-19

Page No. 2 of 2

**RESOLUTION — Award of Contract — Pouncey Tract Park Pickleball Courts — Three
Chopt District**

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

Comment: Funding to support the contract is available within the project budget. The Director of Recreation and Parks and the Purchasing Director recommend approval of the Board paper, and the County Manager concurs.