

COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
REGULAR MEETING  
November 28, 2023

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, November 28, 2023, 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  
Tyrone E. Nelson, Vice-Chairman, Varina District  
Thomas M. Branin, Three Chopt District – via Webex  
Patricia S. O'Bannon, Tuckahoe District  
Daniel J. Schmitt, Brookland District

**Other Officials Present:**

John A. Vithoulkas, County Manager  
Andrew R. Newby, County Attorney  
Tanya N. Brackett, CMC, Assistant to the County Manager/Clerk to the Board  
Michael Y. Feinmel, Deputy County Manager for Public Safety  
W. Brandon Hinton, Deputy County Manager for Administration  
Monica Smith-Callahan, Deputy County Manager for Community Affairs  
Cari M. Tretina, Deputy County Manager/Chief of Staff  
Steven J. Yob, Deputy County Manager for Community Operations  
Steve W. Knockemus, Assistant Director of Public Relations

Bryson Smith, Chaplain for the Henrico County Police Division, delivered the invocation.

Mr. Thornton announced that Mr. Branin was unable to attend the meeting in person due to a temporary medical condition. He noted the Board had arranged for Mr. Branin to be heard by all persons in the Board Room and that a quorum was present in the Board Room.

On motion of Mrs. O'Bannon, and seconded by Mr. Schmitt, the Board approved Mr. Branin's electronic participation from his home, in accordance with the Board's electronic participation policy.

The vote of the Board was as follows:

Yes: Thornton, Nelson, O'Bannon, Schmitt

No: None

On motion of Mrs. O'Bannon, seconded by Mr. Nelson, the Board approved the minutes of the November 14, 2023, Regular and Special Meetings.

The vote of the Board was as follows:

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

No: None

### **MANAGER'S COMMENTS**

Mr. Vithoulkas recognized Yvette George, Director of Human Resources, who noted every year there is a Fall Team Rowing Challenge from September 15 through October 15. The goal is to create a team consisting of willing individuals to collectively row as many meters as possible against hundreds of other teams throughout the world. After much diligence, Team Henrico completed a total of 4,164,729 meters and achieved 1<sup>st</sup> place in the Corporate Division for the 3<sup>rd</sup> time, and also placed 7<sup>th</sup> overall worldwide. The Division of Fire Recruit Academy led the team with 759,962 meters, and Deputy Fire Chief Douglas Clevert achieved a new all-time individual participant record with 501,409 meters.

Mr. Vithoulkas recognized Nita Grignol with Parents for Community Based Services and several members who wanted to show their appreciation to Mr. Thornton and Mrs. O'Bannon for their services. She explained for 30 years they have been meeting with the Supervisors who have supported their mission to help children with disabilities find jobs. Ms. Grignol and other members presented Mr. Thornton and Mrs. O'Bannon with scrolls of all the individuals they have supported over the years. Mrs. O'Bannon noted the Board has always felt if you want to work you should be able to work. Mr. Thornton and Mrs. O'Bannon thanked them for the beautiful work.

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

Mr. Thornton noted the passing of Patricia Paige. She was a member of the New Kent County Board of Supervisors and served on the Central Virginia Transportation Authority Board as Chairman of the Finance Committee. He noted she was a hard worker for residents in New Kent, and the widening of I-64 is due to her efforts.

### **RECOGNITION OF NEWS MEDIA**

There was no media present for the meeting.

### **PRESENTATION**

303-23                      Resolution – Recognizing Henrico County Alumnae Chapter of Delta Sigma Theta Sorority, Inc.

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

Mr. Nelson presented a resolution recognizing the Henrico County Alumnae Chapter of the Delta Sigma Theta Sorority, Inc. and expressing the Board's sincere appreciation to its members and their service to our community.

Accepting the resolution was Rylanda Thornton, President of the Henrico County Alumnae Chapter. Joining her was Karen Mullins, 1<sup>st</sup> Vice President, and Melissa Smith, 2<sup>nd</sup> Vice President, along with members of the Henrico County Alumnae Chapter. Mrs. Thornton thanked the Board for this great honor and said they will continue to serve this great County, the residents, and the community.

### **PUBLIC HEARING ITEMS**

- 304-23            Resolution - Granting Authorization for the Issuance of Not to Exceed Five Hundred Thousand Dollars (\$500,000) Aggregate Principal Amount of Water and Sewer System Revenue Bonds of the County of Henrico, Virginia for the Purpose of Providing Funds to Pay a Portion of the Costs of a Water Line Inventory Project for the County's Water and Sewer System (the "Project"); Providing for the Issuance of Such Bonds to the Virginia Resources Authority (the "VRA"), as Financial Administrator of the Virginia Drinking Water State Revolving Fund; and Authorizing the County to Enter Into One or More Funding Agreements With the VRA for Grant Funding to be Provided to the County From the VRA to Pay a Portion of the Costs of the Project.

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

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

- 305-23            Resolution - Approval of Issuance of Bonds by the Harrisonburg Redevelopment and Housing Authority for the Helios Apartments - Fairfield District.

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

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

- 306-23            Ordinance - Vacation of Portion of Alley - 4010 Williamsburg Road - Larchmont Subdivision - Varina District.

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

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

### **PUBLIC COMMENTS**

Jamyce Vinson, a resident of the Brookland District voiced concerns about her home being burglarized and the concerns about the response she has received from the Division of Police. Ms. Vinson requested the help of the Board for assistance with the Police.

John Martin Owens, a resident of the Brookland District noted he was sad the current Board was turning over and stated he was happy to live in Henrico County and wanted to thank Mr. Thornton, Mrs. O'Bannon, and Mr. Branin for all the work they have done and hope the Board will continue to lead as we do as a County.

### **GENERAL AGENDA**

307-23            Introduction of Resolution - Receipt of Requests for Amendments to FY 2023-24 Annual Fiscal Plan - December 2023.

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

308-23            Resolution - Receipt of Audited Annual Comprehensive Financial Report for Fiscal Year Ended June 30, 2023, and Acknowledgement of Discharge of Duties and Responsibilities by Audit Committee.

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

309-23            Resolution - Signatory Authority - Lease of the Henrico Sports & Events Center to the Sports and Entertainment Authority - 1 All Star Boulevard - Fairfield District.

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

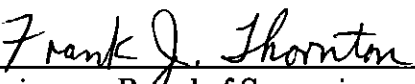
310-23            Resolution - Award of Contract - Ozone Generator PSU Replacement - Water Treatment Facility Project - Tuckahoe District.

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

311-23            Resolution - Acceptance of Roads - Greengate - Three Chopt District.

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 7:58 p.m.

  
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Chairman, Board of Supervisors  
Henrico County, Virginia



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 303-23

Page No. 1 of 2

Agenda Title: RESOLUTION – Recognizing Henrico County Alumnae Chapter of Delta Sigma Theta Sorority, Inc.

For Clerk's Use Only:

Date: 11/28/2023

☒ Approved

☐ Denied

☐ Amended

☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS

APPROVED

YES NO OTHER

	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, Delta Sigma Theta Sorority, Inc. a historically Black sorority, was founded at Howard University in Washington, D.C., on January 13, 1913; and

WHEREAS, Henrico County Alumnae Chapter (HCAC) of Delta Sigma Theta Sorority, Inc. was chartered on March 26, 2000, with 49 members signing the Charter; and

WHEREAS, HCAC serves Henrico County (east of Interstate 95), New Kent County, and Charles City County; and

WHEREAS, HCAC has a longstanding tradition of community service and has earned a solid reputation of trust within the community; and

WHEREAS, for over 20 years, HCAC has continually implemented programs aligned with Delta Sigma Theta Sorority's Five Point Programmatic of Economic Development, Educational Development, International Awareness, and Involvement, Physical and Mental Health, and Political Awareness and Involvement; and

WHEREAS, HCAC has provided thousands of scholarships to area youth to further their education; and

WHEREAS, HCAC has partnered with Henrico County Public Schools in hosting its Dr. Betty Shabazz Delta Academy to enhance the education of young females ages 11-14 and the Delta GEMS (Growing and Empowering Myself Successfully) to enrich the lives of African American at-risk adolescent females ages 14-18; and

WHEREAS, HCAC has also partnered with area churches to host the Annual Health Fair "Unlocking the Key to Health – Journey to Wellness" and provide Thanksgiving baskets to families in need; and

WHEREAS, HCAC has hosted Local Voter Awareness, Education, and Registration drives, and some of its members also serve as Election Officers; and

By Agency Head

By County Manager

Certified:

A Copy Teste:

Copy to:

Clerk, Board of Supervisors

Date:

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

Agenda Item No. 303-23

Page No. 2 of 2

**Agenda Title: RESOLUTION - Recognizing Henrico County Alumane Chapter of Delta Sigma Theta Sorority, Inc.**

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**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Henrico County, Virginia, joins the County Manager in honoring the Henrico County Alumnae Chapter of Delta Sigma Theta Sorority, Inc. for its dedicated public service to the County and its residents.

**BE IT FURTHER RESOLVED** that the Clerk of the Board of Supervisors shall prepare a copy of this resolution for presentation to Delta Sigma Theta Sorority, Inc. and expresses its sincere appreciation to its members and their service to our community.

# Resolution



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

## ***Recognizing Henrico County Alumnae Chapter of Delta Sigma Theta Sorority, Inc.***

**WHEREAS**, Delta Sigma Theta Sorority, Inc. a historically Black sorority, was founded at Howard University in Washington, D.C., on January 13, 1913; and

**WHEREAS**, Henrico County Alumnae Chapter (HCAC) of Delta Sigma Theta Sorority, Inc. was chartered on March 26, 2000, with 49 members signing the Charter; and

**WHEREAS**, HCAC serves Henrico County (east of Interstate 95), New Kent County, and Charles City County; and

**WHEREAS**, HCAC has a longstanding tradition of community service and has earned a solid reputation of trust within the community; and

**WHEREAS**, for over 20 years, HCAC has continually implemented programs aligned with Delta Sigma Theta Sorority's Five Point Programmatic of Economic Development, Educational Development, International Awareness, and Involvement, Physical and Mental Health, and Political Awareness and Involvement; and

**WHEREAS**, HCAC has provided thousands of scholarships to area youth to further their education; and

**WHEREAS**, HCAC has partnered with Henrico County Public Schools in hosting its Dr. Betty Shabazz Delta Academy to enhance the education of young females ages 11-14 and the Delta GEMS (Growing and Empowering Myself Successfully) to enrich the lives of African American at-risk adolescent females ages 14-18; and

**WHEREAS**, HCAC has also partnered with area churches to host the Annual Health Fair "Unlocking the Key to Health – Journey to Wellness" and provide Thanksgiving baskets to families in need; and

**WHEREAS**, HCAC has hosted Local Voter Awareness, Education, and Registration drives, and some of its members also serve as Election Officers; and

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Henrico County, Virginia, joins the County Manager in honoring the Henrico County Alumnae Chapter of Delta Sigma Theta Sorority, Inc. for its dedicated public service to the County and its residents.

**BE IT FURTHER RESOLVED** that the Clerk of the Board of Supervisors shall prepare a copy of this resolution for presentation to Delta Sigma Theta Sorority, Inc. and expresses its sincere appreciation to its members and their service to our community.



*Frank J. Thornton*



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 304-23

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**Agenda Title: RESOLUTION — Granting Authorization for the Issuance of Not to Exceed Five Hundred Thousand Dollars (\$500,000) Aggregate Principal Amount of Water and Sewer System Revenue Bonds of the County of Henrico, Virginia for the Purpose of Providing Funds to Pay a Portion of the Costs of a Water Line Inventory Project for the County's Water and Sewer System (the "Project"); Providing for the Issuance of Such Bonds to the Virginia Resources Authority (the "VRA"), as Financial Administrator of the Virginia Drinking Water State Revolving Fund; and Authorizing the County to Enter Into One or More Funding Agreements With the VRA for Grant Funding to be Provided to the County From the VRA to Pay a Portion of the Costs of the Project**

For Clerk's Use Only:

Date: 11/28/2023

☒ Approved

☐ Denied

☐ Amended

☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

After a duly advertised public hearing, the Board of Supervisors adopted the attached resolution.

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

By Agency Head

By County Manager

Certified:

A Copy Teste:

Clerk, Board of Supervisors

Copy to:

Date:



**SUPPLEMENTAL RESOLUTION GRANTING AUTHORIZATION FOR THE ISSUANCE OF NOT TO EXCEED FIVE HUNDRED THOUSAND DOLLARS (\$500,000) AGGREGATE PRINCIPAL AMOUNT OF WATER AND SEWER SYSTEM REVENUE BONDS OF THE COUNTY OF HENRICO, VIRGINIA FOR THE PURPOSE OF PROVIDING FUNDS TO PAY A PORTION OF THE COSTS OF A WATER LINE INVENTORY PROJECT FOR THE COUNTY'S WATER AND SEWER SYSTEM (THE "PROJECT"); PROVIDING FOR THE ISSUANCE OF SUCH BONDS TO THE VIRGINIA RESOURCES AUTHORITY (THE "VRA"), AS FINANCIAL ADMINISTRATOR OF THE VIRGINIA DRINKING WATER STATE REVOLVING FUND; AND AUTHORIZING THE COUNTY TO ENTER INTO ONE OR MORE FUNDING AGREEMENTS WITH THE VRA FOR GRANT FUNDING TO BE PROVIDED TO THE COUNTY FROM THE VRA TO PAY A PORTION OF THE COSTS OF THE PROJECT**

WHEREAS, the Board of Supervisors (the "Board") of the County of Henrico, Virginia (the "County") has adopted a Resolution, dated November 23, 1977, as amended and supplemented from time to time in accordance with the terms thereof, and as amended by Resolutions adopted by the Board on January 13, 1999, February 9, 1999, March 13, 2018 and September 22, 2020 (collectively, the "Water and Sewer Resolution"); and

WHEREAS, this Resolution shall constitute a "Supplemental Resolution" under the Water and Sewer Resolution and all defined terms used herein and not otherwise defined herein shall have the meanings given to such terms in the Water and Sewer Resolution; and

WHEREAS, in the judgment of the Board, it is desirable and in the best interests of the County to authorize the issuance of not to exceed Five Hundred Thousand Dollars (\$500,000) aggregate principal amount of Water and Sewer System Revenue Bonds under and pursuant to the Water and Sewer Resolution to provide funds to pay a portion of the costs of a water line inventory project for the County's Water and Sewer System (the "Project"); and

WHEREAS, the County has submitted an application for financing for the Project from the Virginia Drinking Water State Revolving Fund Lead Elimination Assistance Program (the "Loan Program"); and

WHEREAS, the Virginia Department of Health (the "Department of Health") acts as the administrator of the Loan Program and the Virginia Resources Authority (the "VRA") acts as the financial administrator of the Loan Program; and

WHEREAS, the County will request funding from the Loan Program to finance a portion of the costs of the Project in an amount up to \$500,000 in the form of Water and Sewer System Revenue Bonds to be issued by the County under the Water and Sewer Resolution and purchased by the VRA, as financial administrator of the Loan Program (the "Bonds"), and additional funding in the principal amount of up to \$300,000 in the form of a grant (the "Principal Forgiveness Funding"); and

WHEREAS, the County and the VRA will enter into a Financing Agreement (the "Financing Agreement") providing for the purchase by the VRA of the Bonds to be issued by the County and a Funding Agreement (the "Funding Agreement") providing for the granting of the Principal Forgiveness Funding to the County; and

WHEREAS, in the judgment of the Board it is desirable and in the best interest of the County to issue the Bonds and to enter into the Funding Agreement for the receipt of the Principal Forgiveness Funding to provide funds to pay a portion of the costs of the Project;

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, as amended (the "Public Finance Act"), and the Water and Sewer Resolution, there are authorized to be issued not to exceed Five Hundred Thousand Dollars (\$500,000) aggregate principal amount of the Bonds to be designated "County of Henrico, Virginia, Water and Sewer System Revenue Bonds (Water Line Inventory Project)". The Bonds shall be issued for the purpose of providing funds to pay a portion of the costs of the Project. The Bonds may be issued in one or more series from time to time and shall bear such series designation as shall be determined by the County Manager or the Director of Finance (each an "Authorized Officer"). Notwithstanding anything herein to the contrary, in no event shall the aggregate principal amount of the Bonds issued hereunder exceed the aggregate principal amount of Bonds to be purchased by the VRA to pay costs of the Project, as set forth in the Commitment Letter of the VRA relating to the Bonds (the "Commitment Letter"), as the same may be amended or supplemented from time to time.

SECTION 2. The Bonds of each series shall be issued under the Water and Sewer Resolution to the VRA, as financial administrator of the Virginia Drinking Water State Revolving Fund (the "Fund"), pursuant to the terms, conditions and provisions of, and to evidence the borrowing to be made by the County from the VRA under the Commitment Letter (or any additional commitment letters from the VRA for Bonds of a series) and under a Financing Agreement for the Bonds of each series, as the same may be amended and supplemented from time to time (a "Financing Agreement" or, collectively, the "Financing Agreements"), by and between VRA, as financial administrator of the Fund, and the County, as the Borrower thereunder. Any Authorized Officer is each hereby authorized and directed to execute and deliver to the VRA a Commitment Letter and a Financing Agreement for the Bonds of each series in such forms as such Authorized Officer executing the same shall approve upon the advice of counsel (including the County Attorney and Bond Counsel to the County), such approval to be conclusively evidenced by the execution and delivery thereof by such Authorized Officer. In accordance with the terms, conditions and provisions of the Water and Sewer Resolution, the Commitment Letters and the Financing Agreements, as the same may be amended from time to time, the Bonds of each series shall have a term of not exceeding the term provided for in the Financing Agreement relating to the Bonds of such series as executed, shall bear interest (referred to as the "Cost of Funds" in each applicable Financing Agreement) at the rate of 1.0% per annum and shall mature on such dates (*provided* that the final maturity date of the Bonds of each series shall not be later than twenty-one (21) years after the date of issuance of

the Bonds of such series) and in such principal amounts as shall be specified in the definitive forms of the Financing Agreements and the forms of the Bonds attached to the definitive forms of the Financing Agreements as Exhibit A thereto.

SECTION 3. The Revenues of the Water and Sewer System of the County are and shall be irrevocably pledged to the punctual payment of the principal of the Bonds as the same become due and payable, and the Bonds shall be secured solely by and payable solely from such Revenues in accordance with the Water and Sewer Resolution. The Bonds shall be secured on a parity basis with the County's "Existing Parity Bonds" issued under the Water and Sewer Resolution and identified in the definitive forms of the Financing Agreements and any additional Parity Bonds issued in accordance with the Water and Sewer Resolution.

SECTION 4. The Bonds of each series (including any allonge or amendment thereto) shall be executed, for and on behalf of the County, by the manual or facsimile signature of the Chairman or Vice-Chairman of the County and shall have the corporate seal of the County impressed or imprinted thereon, attested by the manual or facsimile signature of the Clerk or Deputy Clerk of Board of the County, and such Bonds shall be authenticated with the manual or facsimile signature of the Paying Agent.

The Bonds of each series shall be in substantially the form set forth as Exhibit A to the definitive form of the Financing Agreement relating to such series.

The Director of Finance is hereby authorized to serve as the Registrar and Paying Agent for the Bonds, or, alternatively, is authorized to appoint a qualified bank or trust company to serve as Registrar and Paying Agent for the Bonds.

SECTION 5. Any Authorized Officer, the County Attorney or any other appropriate officers and employees of the County shall take all actions and shall approve, execute and deliver such documents and certificates in connection with the execution and delivery of the Bonds and the Financing Agreements as shall be necessary to carry out the provisions thereof and of the Water and Sewer Resolution and this Supplemental Resolution; including, but not limited to, a Tax Compliance Agreement, if any.

SECTION 6. Any Authorized Officer is each hereby authorized and directed to take all necessary steps to obtain the Principal Forgiveness Funding from the VRA in a principal amount of up to Three Hundred Thousand Dollars (\$300,000) (or any such greater amount as may be made available by the VRA and approved by an Authorized Officer) and to execute and deliver to the VRA one or more Funding Agreements relating thereto in such form as the Authorized Officer executing the same shall approve upon the advice of counsel (including the County Attorney and Bond Counsel to the County), such approval to be conclusively evidenced by the execution and delivery thereof by such Authorized Officer. Any Authorized Officer, the County Attorney or any other appropriate officers and employees of the County shall take all actions and shall approve, execute and deliver such documents and certificates in connection with the execution and delivery of one or more Funding Agreements and the acceptance of the Principal Forgiveness Funding as shall be necessary to carry out the provisions thereof and of the Water and Sewer Resolution and this Supplemental Resolution.

SECTION 7. All resolutions in conflict herewith are, to the extent of such conflict, repealed. The Water and Sewer Resolution, as supplemented by this Supplemental Resolution, shall constitute the "Local Resolution" as such term may be defined in the Financing Agreement.

SECTION 8. The County Attorney is hereby directed to file a copy of this Supplemental Resolution, certified by such Clerk of Board to be a true and correct copy hereof, with the Circuit Court of the County.

SECTION 9. The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Bonds and acceptance of the Principal Forgiveness Funding and any such action previously taken is hereby ratified and confirmed.

SECTION 10. The Board hereby authorizes the County to make expenditures for the purpose for which the Bonds are to be issued in advance of the issuance and receipt of the proceeds of the Bonds and to reimburse such expenditures from the proceeds of the Bonds. The adoption of this Supplemental Resolution shall be considered an "official intent" within the meaning of Treasury Regulation Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.

SECTION 11. This Supplemental Resolution shall take effect upon its adoption.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 305-23

Page No. 1 of 1

Agenda Title: RESOLUTION — Approval of Issuance of Bonds by the Harrisonburg Redevelopment and Housing Authority for the Helios Apartments — Fairfield District

For Clerk's Use Only:

Date: 11/28/2023

☒ Approved

☐ Denied

☐ Amended

☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

Branin, T. ✓ — —

Nelson, T. ✓ — —

O'Bannon, P. ✓ — —

Schmitt, D. ✓ — —

Thornton, F. ✓ — —

After holding advertised public hearings on November 28, 2023, the Board of Supervisors approved the attached resolution.

Comments: This resolution has been requested by 5701 Chamberlayne, LLC, the proposed purchaser of the Helios Apartments.

By Agency Head

By County Manager

Certified:

A Copy Teste:

Clerk, Board of Supervisors

Copy to:

Date:

**RESOLUTION – APPROVAL OF ISSUANCE OF BONDS  
BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY  
FOR THE HELIOS APARTMENTS – FAIRFIELD DISTRICT**

WHEREAS, the Board of Supervisors of Henrico County, Virginia (the “Board”), is the governing body of Henrico County, Virginia (the “County”); and

WHEREAS, Helios Apartments (the “Apartments”), to be located at 5701 Chamberlayne Road in the Fairfield District of the County, will be an approximately 186-unit, multifamily housing development which will qualify as a “qualified residential rental project” within the meaning of Section 142(d) of the Internal Revenue Code of 1986, as amended (the “Code”); and

WHEREAS, the proposed purchaser of the Apartments, 5701 Chamberlayne, LLC, a Virginia limited liability company (the “Purchaser”), has entered into contracts pursuant to which it will acquire and construct the Apartments; and

WHEREAS, the Purchaser will spend approximately \$260,000 per unit on labor and materials to construct the Apartments, which will include one-, two- and three-bedroom new affordable units, a community room with a workout facility, business center and lounge, a playground, dog run, and grilling area, vast green space, 30% brick exteriors, energy efficient faucets, toilets, and showerheads, LED lighting, Earthcraft Gold certification and an adjacent solar array for electric power; and

WHEREAS, in accordance with federal tax law which fosters private investments in affordable housing, the Purchaser wishes to access private funds from the capital markets through the sale of tax-exempt bonds in an aggregate amount not to exceed \$33,000,000 (the “Bonds”) to finance a portion of the costs of the purchase and construction of the Apartments (collectively, the “Project”); and

WHEREAS, in order to accomplish this, the Purchaser has sought assistance from the Harrisonburg Redevelopment and Housing Authority (the “Authority”), as the County does not have a redevelopment and housing authority organized pursuant to the Virginia Housing Authorities Law, Chapter 1, Title 36 of the Code of Virginia of 1950, as amended (the “Act”); and

WHEREAS, the Authority held a public hearing on September 20, 2023, on the issuance of revenue bonds to assist in financing the Project and adopted a resolution on the same date agreeing to issue its bonds for such purpose, subject to, among other requirements, approval by the Board as required by Section 36-23 of the Act; and

WHEREAS, the Harrisonburg City Council adopted a resolution approving the issuance of the bonds on September 26, 2023; and

WHEREAS, Section 36-23 of the Act authorizes the Authority to provide financing assistance for multifamily residential housing developments in the County, provided the Board, after holding an advertised public hearing on the matter, adopts a resolution which declares a need for the Authority to exercise its powers within the County; and

WHEREAS, Section 36-23 of the Act requires further that before the Authority may issue bonds to assist with the Project, the consent must be obtained from any other housing authority with bonds outstanding on a project in the County; and

WHEREAS, each of the Suffolk Redevelopment and Housing Authority (the "Suffolk Authority") and the Richmond Redevelopment and Housing Authority (the "Richmond Authority") has bonds outstanding to assist in financing projects in the County, and, at the request of the Authority, each of the Suffolk Authority and the Richmond Authority has expressed its consent to the issuance by the Authority of bonds to assist with the Project; and

WHEREAS, certified copies of the resolutions of the Authority and Harrisonburg City Council have been filed with the County evidencing the actions taken by the respective bodies; and

WHEREAS, the Board has held an advertised public hearing on November 28, 2023, regarding the need for the Authority to exercise its powers in the County as required by Section 36-23 of the Act following notice of such hearing in the form attached hereto as Exhibit A, published in a newspaper of general circulation within the County at least seven (7) days prior to the date set for such hearing as required by Section 36-23 of the Act; and

WHEREAS, the Board has held an additional, concurrent public hearing on November 28, 2023, on the Apartments and the issuance of the Bonds as required by Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"), and Section 147(f) of the Code, following notice of such hearing in the form attached hereto as Exhibit B, published in a newspaper of general circulation within the County at least seven (7) days prior to the date set for such hearing as required by the applicable public hearing requirements of the Code and the Virginia Code; and

WHEREAS, a fiscal impact statement complying with the requirements of Section 15.2-4907 of the Virginia Code relating to the Apartments has been filed with the Board; and

WHEREAS, the County and the Purchaser have negotiated the Agreement and Memorandum of Understanding, in substantially the form attached hereto as Exhibit C (the "Agreement"), that creates certain operational and maintenance standards for the Project; and

WHEREAS, the advertised public hearings provided opportunities for interested persons to be heard, for the expressions of opinion, for arguments on the merits, and for the introduction of documentary evidence pertinent to the proposed issuance of the Bonds and the Authority's exercise of its powers in the County.

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

1. The Board acknowledges that with the assistance of the Authority through the issuance of its tax-exempt bonds, the financing would enable the Apartments to be constructed in the County and the available housing opportunities for prospective tenants in the surrounding environs of the County would consequently be expanded and improved, and therefore the Board hereby declares that there is a need for the Authority to exercise its powers within the County.

2. The Board finds, as required by Section 36-23 of the Act, that the dwelling accommodations to be available to prospective tenants in the Apartments could be significantly improved and made substantially safer if the Authority exercises its powers within the territorial boundaries of the County.

3. The Board makes the appropriate findings as required by Section 36-23 of the Act, acknowledges the consent provided by the Suffolk Authority and the Richmond Authority, and approves the issuance of the Bonds by the Authority for the Apartments, as required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code.

4. The Board approves the Agreement in substantially the form attached hereto as Exhibit C.

5. The Board's approval of this resolution is contingent upon immediate execution of the Agreement.

6. This approval does not constitute an endorsement to prospective purchasers of the Bonds or of the creditworthiness of the Apartments, the Project, or the Purchaser.

7. The issuance of the Bonds shall not create a debt or pledge of the full faith and credit of the Commonwealth of Virginia, the County, the City of Harrisonburg, Virginia, or the Authority.

8. This resolution applies exclusively to the Project. Nothing contained herein shall be construed to authorize or permit the Authority to exercise its powers or engage in any other project financing except as authorized by this resolution.

9. This resolution will take effect immediately upon its adoption and will remain in effect for a period of one year from the date of its adoption.



## **EXHIBIT A**

### **NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Board of Supervisors of Henrico County, Virginia (the "County Board") will hold a public hearing pursuant to Section 36-23 of the Code of Virginia of 1950, as amended, to determine whether the stock of safe dwelling accommodations in the County can be expanded and improved through the exercise by the Harrisonburg Redevelopment and Housing Authority of its powers to issue tax-exempt bonds for the benefit of facilities located within the territorial boundaries of Henrico County. The public hearing, which may be continued or adjourned, will be held at 7:00 p.m. on Tuesday, November 28, 2023, before the County Board in the Board room at the Henrico Western Government Center at 4301 E. Parham Road, Henrico, Virginia 23228.

The public hearing will provide an opportunity for interested persons to be heard and communications and writings to be received and considered. Anyone may attend the meeting in person and express an opinion on the issuance of the bonds. In addition, anyone may be heard remotely during the meeting by phone or through the internet by completing and submitting the signup form in advance of the meeting. The signup form is available at <https://henrico.us/services/Board-of-Supervisors-Meeting-Participation-Registration/>.

Alternatively, anyone may submit written comments in advance of the meeting by email to [bra151@henrico.us](mailto:bra151@henrico.us) or by regular mail to Clerk, Henrico County Board of Supervisors, P.O. Box 90775, Henrico, VA 23273-0775. Any written comments received in advance of the meeting will be provided to the Board of Supervisors before the hearing and included in the record of the hearing. The hearing shall provide the fullest opportunity for the expression of opinion, for argument on the merits, and for the introduction of documentary evidence pertinent to the issuance of the proposed private activity bonds.

**CLERK OF THE BOARD OF SUPERVISORS OF  
HENRICO COUNTY, VIRGINIA**

## **EXHIBIT B**

### **NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA ON PROPOSED PRIVATE ACTIVITY BOND FINANCING FOR 5701 CHAMBERLAYNE, LLC**

Notice is hereby given that the Board of Supervisors of Henrico County, Virginia (the "County Board") will hold a public hearing on the request of 5701 Chamberlayne, LLC, a Virginia limited liability company (the "Borrower"), whose address is 2601 West Broad Street, Suite 201, Richmond, Virginia 23220, for the issuance by the Harrisonburg Redevelopment and Housing Authority (the "Authority") of up to \$33,000,000 of its revenue bonds to finance or refinance a portion of the cost of acquiring, constructing and equipping a multifamily residential rental housing project consisting of two residential buildings containing approximately 186 units and related facilities, including a clubhouse/leasing office, to be known as Helios Apartments (the "Project") and located on approximately 8.196 acres of land at 5701 Chamberlayne Road in the County of Henrico, Virginia. The Project will meet the requirements of a qualified residential rental project within the meaning of Section 142(d) of the Internal Revenue Code of 1986, as amended. The Project will be owned by the Borrower or an entity affiliated with and controlled by or under common ownership with the Borrower. The public hearing, which may be continued or adjourned, will be held at 7:00 p.m. on Tuesday, November 28, 2023, before the County Board in the Board room at the Henrico Western Government Center at 4301 E. Parham Road, Henrico, Virginia 23228.

The proposed private activity bonds will not pledge the credit or the taxing power of the Commonwealth of Virginia, the City of Harrisonburg, Virginia, the County of Henrico, Virginia, or the Authority but will be payable solely from the revenues derived from the Borrower and pledged therefor.

The public hearing will provide an opportunity for interested persons to be heard and communications and writings to be received and considered. Anyone may attend the meeting in person and express an opinion on the issuance of the bonds. In addition, anyone may be heard remotely during the meeting by phone or through the internet by completing and submitting the signup form in advance of the meeting. The signup form is available at <https://henrico.us/services/Board-of-Supervisors-Meeting-Participation-Registration/>.

Alternatively, anyone may submit written comments in advance of the meeting by email to [bra151@henrico.us](mailto:bra151@henrico.us) or by regular mail to Clerk, Henrico County Board of Supervisors, P.O. Box 90775, Henrico, VA 23273-0775. Any written comments received in advance of the meeting will be provided to the Board of Supervisors before the hearing and included in the record of the hearing. The hearing shall provide the fullest opportunity for the expression of opinion, for argument on the merits, and for the introduction of documentary evidence pertinent to the issuance of the proposed private activity bonds.

**CLERK OF THE BOARD OF SUPERVISORS OF  
HENRICO COUNTY, VIRGINIA**

**EXHIBIT C**

**MEMORANDUM OF UNDERSTANDING**

(attached)

## AGREEMENT AND MEMORANDUM OF UNDERSTANDING

**THIS AGREEMENT AND MEMORANDUM OF UNDERSTANDING** (this "Agreement") is made by and between the **County of Henrico, Virginia**, a political subdivision of the Commonwealth of Virginia (the "County") and **5701 Chamberlayne, LLC**, a Virginia limited liability company (the "Owner"). The County and Owner may each be referred to individually as a "Party" and may be referred to collectively as the "Parties."

### RECITALS

- A. The Owner is the contract purchaser of certain real property in Henrico County, Virginia, consisting of approximately 8.196 acres of land, with addresses of 5701 Chamberlayne Road and 5700 Crenshaw Road, Henrico, VA 23227, and described further in Exhibit A (including all improvements now or hereafter existing thereon, the "Property").
- B. The Owner intends to construct and equip a multifamily residential rental housing facility on the Property to be known as the Helios Apartments, consisting of a four-story building and a three-story building containing 186 rental units (one-, two-, and three-bedroom units); a community room with a workout facility, business center, and lounge; a playground, dog run, and grilling area; vast green space; 30% brick exteriors; energy efficient faucets, toilets, and showerheads; LED lighting; Earthcraft Gold certification; and an adjacent solar array for electric power (the "Project").
- C. The Owner intends to pursue tax-exempt bond financing and tax credit equity to fund the construction and equipping of the Project (the "Financing").
- D. The Owner has obtained an inducement resolution from the Harrisonburg Redevelopment and Housing Authority for the issuance of its bonds in an amount not to exceed \$33,000,000 to finance the acquisition, construction, and equipping of the Project.
- E. The Owner requested that the Board of Supervisors of Henrico County, Virginia (the "Board of Supervisors") adopt a resolution on November 28, 2023, authorizing the Harrisonburg Redevelopment and Housing Authority to issue bonds to finance the acquisition, construction, and equipping of the Project (the "Resolution"). A copy of the Resolution, as proposed, is attached to this Agreement as Exhibit B.

- F. In consideration of the adoption of the Resolution by the Board of Supervisors, the Owner commits to undertaking certain activities with respect to the Property and the Project upon closing of the Financing.

### UNDERSTANDING AND AGREEMENT

NOW, THEREFORE, the parties agree as follows:

1. Incorporation of Recitals. The recitals are incorporated into, and are part of, this Agreement.
2. Term; Recording of Memorandum of Agreement. This Agreement has a term of 30 years from the date of adoption of the Resolution by the Board of Supervisors. During its term, this Agreement inures to the benefit of, and is binding on, the Parties, their successors, their permitted assigns, and subsequent owners of the Property (and any portion of the Property). Following the adoption of the Resolution by the Board of Supervisors, the Parties will promptly record this Agreement in the Clerk's Office of the Circuit Court of Henrico County, Virginia.
3. Condition of Property.
  - a. The Owner covenants to construct, equip, and maintain the Property in a decent, safe, and sanitary manner in accordance with the applicable Minimum Design and Construction Requirements of the Virginia Housing Development Authority ("VHDA"), and applicable federal, state, and local laws and regulations, including, without limitation, the Virginia Uniform Statewide Building Code (including the Virginia Maintenance Code) and all zoning and land use ordinances. The Owner covenants to keep all on-site improvements in good condition and to repair the same in accordance with the standards set out above, promptly repairing or replacing any materials which are damaged or otherwise out of repair. On-site improvements include, but are in no way limited to, paving and sidewalks, recreational areas, doors and windows, roofing, landscaping, lighting, signage, fences, gutters and downspouts, trash enclosures, and facade materials and finishes. The Owner covenants to keep facades free of mold and graffiti.
  - b. The Owner agrees to provide to the County, through the County Manager (or his designee), a copy of any physical inspection report undertaken by VHDA, within five days of the report being provided to the Owner. If the Owner intends to appeal or otherwise contest any portion of the report, the Owner will inform the County of its intent to appeal or contest the report, identifying those portions which

the Owner intends to appeal or contest, and thereafter keep the County apprised of the status of its appeal or contest. Upon a final determination of the appeal by VHDA, the Owner will promptly notify the County of VHDA's findings and decision and provide to the County all documents related to the inspection and resolution of the appeal. Further, the Owner agrees to cure any deficiency identified in such report within ten business days of receiving notice of the deficiency, or, if such deficiency cannot be reasonably cured in such ten-business-day period, such longer period as may be necessary to cure such deficiency provided that the Owner is diligently pursuing a cure of such deficiency. If the deficiency presents an imminent threat to the safety of residents at the Property, then the Owner will cure the deficiency as soon as reasonably possible. The Owner will allow County officials and employees to inspect the Property in accordance with Sections 8 and 9 of this Agreement.

4. Educational and Skill-Building Programs. The Owner agrees to provide residents at the Property with educational programs. All such programs must be provided on-site (or if off-site, at a reasonably convenient location for residents), free of charge, or for a nominal amount, and must be provided at times that are reasonably convenient for residents. Such programs may include, without limitation, tutoring (including language tutoring), computer training, financial literacy, resume building, job interviewing, parenting, mentoring, or other programs based on the needs of residents. Upon request by the County, the Owner will also provide residents information concerning drug and alcohol abuse treatment options available within the County. The Owner further agrees to reserve space on-site for a minimum of two (2) hours per month for County- and Owner-approved third parties to provide additional education and skill-building programs to residents.
5. Health and Wellness Activities. The Owner agrees to offer residents health and wellness programs throughout the year free of charge, or for a nominal amount. The Owner further agrees to reserve space on-site for a minimum of eight hours per month for County- and Owner-approved third parties to provide additional health and wellness programs to residents. Such programs may include, without limitation, recreation, exercise, physical health, nutrition, asthma education, smoking cessation, and mental health (e.g., mindfulness, meditation, crafts, resiliency training) programming.
6. Cooperation with Local Law Enforcement and Security Plan. The Owner covenants to cooperate, and cause its property manager to cooperate, with local law enforcement agencies. The Owner further covenants to participate, and cause its property manager to participate, in any programs recommended by such agencies to reduce and prevent crime and to ensure the safety and well-being of all residents at the Property. Without

limiting the generality of the Owner's obligations under this section, the Owner agrees to establish a Neighborhood Watch program for the Property.

7. Security Improvements.

a. Within 180 days after the date of adoption of the Resolution by the Board of Supervisors, the Owner covenants to develop a security and crime prevention plan prepared by a third-party crime prevention consultant, in consultation with the Henrico County Police Division (the "Division"), and submit such plan to the Division for review and approval. The plan must follow the principles stated in Division 5 of Article 5 of the County's zoning ordinance ("Lighting and Crime Prevention Principles"). The Division will have 60 days to review and approve or disapprove the submission. If the Division disapproves the submission, the Division will identify corrections with reference to the Lighting and Crime Prevention Principles that will allow the Division to approve the submission. Following receipt of comments from the Division, the Owner will have 30 days to incorporate such comments and resubmit the plan for approval. This process will repeat until the Division approves the Owner's submission. Once approved by the Division, the approved security and crime prevention plan will be part of this Agreement and enforceable in accordance with its terms and the terms of this Agreement.

b. The Owner covenants to implement the approved security and crime prevention plan and maintain the Property in accordance with the same.

c. Prior to issuance of a certificate of occupancy, the Owner covenants to install functioning closed-circuit video recording devices that provide coverage for all vehicular and pedestrian entrance areas, walkways, parking areas, building breezeways, and all community facilities (including playgrounds). The devices must provide at least 30 days of recorded video that will be available to law-enforcement upon request. The Owner further covenants to maintain the devices in good repair and working condition at all times following their installation.

8. Audit and Access. The Owner agrees that the County may conduct semi-annual audits of the conditions at the Property to ensure compliance with the terms of this Agreement and applicable federal, state, or local laws or regulations. Within three business days of receiving a request from the County, the Owner will provide access to the Owner's annual work order report, which must include, at a minimum, a list of all resident work requests and corresponding work performed by the Owner. The Owner further agrees to provide County employees and agents with access to the Property as necessary to investigate reported complaints and incidents.

9. Annual Inspection by County Employees.

a. In addition to the County's audit and access rights in Section 8, the Owner agrees to provide County employees with access to the Property for quarterly inspections to ensure compliance with this Agreement and federal, state, and local laws and regulations pertaining to the condition of the Property. During such inspections, the County may inspect up to five percent of the units at the Property. The Owner agrees to cooperate with the County to obtain the permission of individual residents as necessary to fulfill this requirement, and the County will provide the Owner with sufficient advance notice of such inspections to permit the Owner to give residents at least seven days' prior notice.

b. If the inspections reveal noncompliance with this Agreement or with federal, state, or local laws or regulations pertaining to the condition of the Property, the Owner agrees to permit the County to inspect up to an additional five percent of the units. The Owner further agrees to cure any deficiency identified by County employees within ten business days of receiving notice of the deficiency, or, if such deficiency cannot be reasonably addressed in such ten-business-day period, such longer period as may be necessary to cure such deficiency provided that the Owner is diligently pursuing a cure of such deficiency. If the deficiency presents an imminent threat to the safety of residents at the Property, then the Owner will cure the deficiency as soon as reasonably possible.

c. Quarterly inspections under this section will commence upon issuance of a certificate of occupancy.

d. Nothing in this Agreement limits the authority of the County to enforce the provisions of the Virginia Uniform Statewide Building Code (including the Virginia Maintenance Code) or any other applicable laws or ordinances.

10. On-site Property Manager. The Owner will ensure that at least one full-time property management employee is on site Monday through Saturday during regular business hours at the Property with authority to serve as a contact for the County during regular business hours. The Owner will also ensure that emergency management support is available twenty-four hours a day, seven days per week, and will provide the County with an authorized contact outside of regular business hours.



11. Background Checks. The Owner covenants that all background checks on prospective residents will be conducted in accordance with federal, state, and local laws, including all fair housing laws, and that it will comply with federal, state, and local laws pertaining to the use and disposal of background information obtained on prospective residents.

12. Subsequent Owners; Assignments.

a. During the term of this Agreement, the Owner may transfer ownership of the Property only with the prior written consent of the County, which may be conditioned only on the transferee's agreement to assume all the obligations and responsibilities of the Owner under this Agreement prior to such transfer. The Owner covenants and agrees to require any third party, including any affiliate of the Owner, that acquires all or any portion of the Owner's ownership interest in the Property, to assume in writing all the obligations and responsibilities of the Owner under this Agreement. The Owner further covenants and agrees to make the assumption of the Owner's obligations and responsibilities under this Agreement by such third party a condition precedent to the transfer of ownership to such third party.

b. The Owner may not otherwise assign this Agreement or any portion thereof without the prior written consent of the County, and any assignment in violation of this Agreement will be null and void.

13. Consequences of Breach. In the event of a breach by the Owner of any of the terms of this Agreement, and upon the Owner's receipt of written notice of the breach from the County, the Owner will have ten business days to cure the breach to the reasonable satisfaction of the County or, if such breach cannot reasonably be cured in ten business days, such longer period as may be necessary to cure such breach provided that the Owner is diligently pursuing a cure of such breach. If the breach presents an imminent threat to the safety of residents at the Property, then the Owner will cure the deficiency as soon as reasonably possible. If the Owner fails to cure a breach within the applicable cure period, the County may take any action at law or in equity, including seeking specific performance, to obtain a remedy for such breach. If the County is successful in such action against the Owner, the Owner agrees to pay all costs and reasonable attorneys' fees expended by the County in pursuing such action.

14. Compliance by Owner with VHDA Requirements. If a requirement of this Agreement is inconsistent with any requirement imposed by the VHDA, the more stringent requirement controls, except that this Agreement will not be construed to require any

act or omission prohibited by any requirement imposed by the VHDA.

15. Notices. Any notice under this Agreement will be sufficiently given when delivered by (i) United State first-class mail, postage prepaid, (ii) Federal Express or similar overnight delivery service, or (ii) by hand, to the address of the receiving Party below:

If to the Owner:

c/o Crescent Development  
2601 West Broad Street, Suite 201  
Richmond, VA 23220  
804.519.3425  
[zac@crescent-development.com](mailto:zac@crescent-development.com)

If to the County:

Henrico County Attorney's Office  
Post Office Box 90755  
Henrico, Virginia 23273-0775

A Party may require notices to be sent to a different address by giving notice to the other Party in accordance with this section. All notices or other communications required or permitted hereunder must be in writing and will be deemed to have been given on (x) the third day after deposit in the United States first-class mail, postage prepaid, (y) the first day after deposit with Federal Express or similar overnight delivery service, or (iii) delivery if delivered by hand.

16. Miscellaneous.

a. This Agreement, including the exhibits attached hereto, constitutes the entire contract between the parties, supersedes all prior or contemporaneous agreements, understandings, representations, or statements, oral or written, regarding the subject matter of this Agreement. This Agreement may not be changed except in writing signed by both Parties. The failure of either Party to insist upon the strict performance of any provision of this Agreement will not be deemed to be a waiver of the right of such Party to insist upon the strict performance of such provision or of any other provision of this Agreement at any time.

b. If any court of competent jurisdiction holds any provision of this Agreement invalid, then (i) such holding will not invalidate any other provision of this Agreement, unless such provision is contingent on the invalidated provision; and (ii) the remaining terms will constitute the Parties' entire agreement.

c. This Agreement may be executed in any number of counterparts, all of which taken together will constitute one and the same agreement, and any of the Parties to this Agreement may execute this Agreement by signing any of the counterparts.

d. This Agreement is governed by, and will be construed and interpreted in accordance with, the law of the Commonwealth of Virginia without giving effect to its conflict of laws principles. The exclusive venue for actions regarding this Agreement is the Henrico County Circuit Court.

As evidenced by the signature of their authorized representatives below, the Owner and the County hereby agree to the terms of this Agreement.

**[SIGNATURE PAGES FOLLOW]**

**COUNTY:**

**COUNTY OF HENRICO, VIRGINIA**

**By:** \_\_\_\_\_

**Name:** John A. Vithoulikas

**Title:** County Manager

**COMMONWEALTH OF VIRGINIA**

**COUNTY OF HENRICO to-wit:**

I hereby certify that on this \_\_\_ day of November, 2023, before me, the undersigned Notary Public in and for the Commonwealth of Virginia, at large, personally appeared John A. Vithoulikas, as County Manager of the County of Henrico, Virginia, a political subdivision of the Commonwealth of Virginia, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the foregoing instrument as County Manager of the County of Henrico, Virginia, for the purposes set forth herein.

Given under my hand this \_\_\_ day of November, 2023.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

Commission number:  
\_\_\_\_\_

**OWNER:**

**5701 CHAMBERLAYNE, LLC, a Virginia  
limited liability company**

**By: \_\_\_\_\_**

**Name: Zachery R. Frederick**

**Title: Manager**

**STATE OF \_\_\_\_\_**

**COUNTY/CITY OF \_\_\_\_\_, to wit:**

I hereby certify that on this \_\_\_ day of November, 2023, before me, the undersigned Notary Public in and for the State of \_\_\_\_\_, at large, personally appeared Zachery R. Frederick, as Manager of 5701 Chamberlayne, LLC, a Virginia limited liability company, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument and acknowledged that she/he executed the foregoing instrument as Manager of 5701 Chamberlayne, LLC, for the purposes set forth herein.

Given under my hand this \_\_\_ day of November, 2023.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

Commission number:  
\_\_\_\_\_

**EXHIBIT A**

**(Property Description)**

[TO BE CONFIRMED

5701 Chamberlayne Road (Tax Map Parcel No. 788-747-4162)

ALL THOSE certain parcels of land containing approximately 6.277 acres shown on a plat of survey in Plat Book 73, page 101, by J.K. Timmons & Associates, Consulting Engineers.

5700 Crenshaw Road (Tax Map Parcel No. 788-747-5728)

ALL that certain lot, piece, or parcel of land containing approximately 1.92 acres shown on a plat of survey in Deed Book 2187, page 1231; by J. K. Timmons & Associates, P.C., dated February 15, 1998.]

**EXHIBIT B**

**(Form of Board of Supervisors Resolution (attached))**

**RESOLUTION – APPROVAL OF ISSUANCE OF BONDS  
BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY  
FOR THE HELIOS APARTMENTS – FAIRFIELD DISTRICT**

WHEREAS, the Board of Supervisors of Henrico County, Virginia (the “Board”), is the governing body of Henrico County, Virginia (the “County”); and

WHEREAS, Helios Apartments (the “Apartments”), to be located at 5701 Chamberlayne Road in the Fairfield District of the County, will be an approximately 186-unit, multifamily housing development which will qualify as a “qualified residential rental project” within the meaning of Section 142(d) of the Internal Revenue Code of 1986, as amended (the “Code”); and

WHEREAS, the proposed purchaser of the Apartments, 5701 Chamberlayne, LLC, a Virginia limited liability company (the “Purchaser”), has entered into contracts pursuant to which it will acquire and construct the Apartments; and

WHEREAS, the Purchaser will spend approximately \$260,000 per unit on labor and materials to construct the Apartments, which will include one-, two- and three-bedroom new affordable units, a community room with a workout facility, business center and lounge, a playground, dog run, and grilling area, vast green space, 30% brick exteriors, energy efficient faucets, toilets, and showerheads, LED lighting, Earthcraft Gold certification and an adjacent solar array for electric power; and

WHEREAS, in accordance with federal tax law which fosters private investments in affordable housing, the Purchaser wishes to access private funds from the capital markets through the sale of tax-exempt bonds in an aggregate amount not to exceed \$33,000,000 (the “Bonds”) to finance a portion of the costs of the purchase and construction of the Apartments (collectively, the “Project”); and

WHEREAS, in order to accomplish this, the Purchaser has sought assistance from the Harrisonburg Redevelopment and Housing Authority (the “Authority”), as the County does not have a redevelopment and housing authority organized pursuant to the Virginia Housing Authorities Law, Chapter 1, Title 36 of the Code of Virginia of 1950, as amended (the “Act”); and

WHEREAS, the Authority held a public hearing on September 20, 2023, on the issuance of revenue bonds to assist in financing the Project and adopted a resolution on the same date agreeing to issue its bonds for such purpose, subject to, among other requirements, approval by the Board as required by Section 36-23 of the Act; and

WHEREAS, the Harrisonburg City Council adopted a resolution approving the issuance of the bonds on September 26, 2023; and

WHEREAS, Section 36-23 of the Act authorizes the Authority to provide financing assistance for multifamily residential housing developments in the County, provided the Board, after holding an advertised public hearing on the matter, adopts a resolution which declares a need for the Authority to exercise its powers within the County; and



WHEREAS, Section 36-23 of the Act requires further that before the Authority may issue bonds to assist with the Project, the consent must be obtained from any other housing authority with bonds outstanding on a project in the County; and

WHEREAS, each of the Suffolk Redevelopment and Housing Authority (the "Suffolk Authority") and the Richmond Redevelopment and Housing Authority (the "Richmond Authority") has bonds outstanding to assist in financing projects in the County, and, at the request of the Authority, each of the Suffolk Authority and the Richmond Authority has expressed its consent to the issuance by the Authority of bonds to assist with the Project; and

WHEREAS, certified copies of the resolutions of the Authority and Harrisonburg City Council have been filed with the County evidencing the actions taken by the respective bodies; and

WHEREAS, the Board has held an advertised public hearing on November 28, 2023, regarding the need for the Authority to exercise its powers in the County as required by Section 36-23 of the Act following notice of such hearing in the form attached hereto as Exhibit A, published in a newspaper of general circulation within the County at least seven (7) days prior to the date set for such hearing as required by Section 36-23 of the Act; and

WHEREAS, the Board has held an additional, concurrent public hearing on November 28, 2023, on the Apartments and the issuance of the Bonds as required by Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"), and Section 147(f) of the Code, following notice of such hearing in the form attached hereto as Exhibit B, published in a newspaper of general circulation within the County at least seven (7) days prior to the date set for such hearing as required by the applicable public hearing requirements of the Code and the Virginia Code; and

WHEREAS, a fiscal impact statement complying with the requirements of Section 15.2-4907 of the Virginia Code relating to the Apartments has been filed with the Board; and

WHEREAS, the County and the Purchaser have negotiated the Agreement and Memorandum of Understanding, in substantially the form attached hereto as Exhibit C (the "Agreement"), that creates certain operational and maintenance standards for the Project; and

WHEREAS, the advertised public hearings provided opportunities for interested persons to be heard, for the expressions of opinion, for arguments on the merits, and for the introduction of documentary evidence pertinent to the proposed issuance of the Bonds and the Authority's exercise of its powers in the County.

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

1. The Board acknowledges that with the assistance of the Authority through the issuance of its tax-exempt bonds, the financing would enable the Apartments to be constructed in the County and the available housing opportunities for prospective tenants in the surrounding

environs of the County would consequently be expanded and improved, and therefore the Board hereby declares that there is a need for the Authority to exercise its powers within the County.

2. The Board finds, as required by Section 36-23 of the Act, that the dwelling accommodations to be available to prospective tenants in the Apartments could be significantly improved and made substantially safer if the Authority exercises its powers within the territorial boundaries of the County.

3. The Board makes the appropriate findings as required by Section 36-23 of the Act, acknowledges the consent provided by the Suffolk Authority and the Richmond Authority, and approves the issuance of the Bonds by the Authority for the Apartments, as required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code.

4. The Board approves the Agreement in substantially the form attached hereto as Exhibit C.

5. The Board's approval of this resolution is contingent upon immediate execution of the Agreement.

6. This approval does not constitute an endorsement to prospective purchasers of the Bonds or of the creditworthiness of the Apartments, the Project, or the Purchaser.

7. The issuance of the Bonds shall not create a debt or pledge of the full faith and credit of the Commonwealth of Virginia, the County, the City of Harrisonburg, Virginia, or the Authority.

8. This resolution applies exclusively to the Project. Nothing contained herein shall be construed to authorize or permit the Authority to exercise its powers or engage in any other project financing except as authorized by this resolution.

9. This resolution will take effect immediately upon its adoption and will remain in effect for a period of one year from the date of its adoption.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 306-23

Page No. 1 of 2

Agenda Title: ORDINANCE — Vacation of Portion of Alley — 4010 Williamsburg Road —  
Larchmont Subdivision — Varina District

For Clerk's Use Only: Date: <u>11/28/2023</u> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to: _____	<b>BOARD OF SUPERVISORS ACTION</b> Moved by (1) <u>O'Bannon</u> Seconded by (1) <u>Nelson</u> (2) _____ (2) _____ REMARKS: <b>APPROVED</b>	<b>YES NO OTHER</b> 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, James M. Rose, Sr. (the "Owner") owns 4010 Williamsburg Road (the "Property") in the Larchmont subdivision; and,

WHEREAS, an alley bisects the Property (the "Alley"); and,

WHEREAS, the Alley is depicted on Exhibit A and was conveyed to the County by the subdivision plat of Larchmont Section A recorded in the Clerk's Office of the Circuit Court of Henrico County (the "Clerk's Office") in Plat Book 13, page 45 (Exhibit B) (the "Plat"); and,

WHEREAS, the Owner has asked the County to vacate the Alley; and,

WHEREAS, the County does not need the Alley, and it appears to the Board that no owner of any land shown on the Plat will be irreparably damaged by the vacation of the Alley; and,

WHEREAS, this Ordinance was advertised pursuant to Va. Code § 15.2-2204, and the Board held a public hearing on November 28, 2023.

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

(1) the Alley shown between Lots 1, 2, and 3, on one side, and Lot 4, on the other side, of Block 1 on Exhibit B is vacated in accordance with Va. Code § 15.2-2272(2);

(2) this Ordinance will become effective 30 days after its passage as provided by law;

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

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

Certified:

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

Clerk, Board of Supervisors

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

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

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

Agenda Item No. 306-23

Page No. 2 of 2

**Agenda Title: ORDINANCE — Vacation of Portion of Alley — 4010 Williamsburg Road —  
Larchmont Subdivision — Varina District**

---

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

(4) the Clerk is further authorized to index the Ordinance on the grantor and grantee sides of the general index to deeds in the name of James M. Rose, Sr.; and,

(5) the Clerk will note this vacation as provided in Va. Code § 15.2-2276.

Comments: The Real Property Division has processed this request through the Departments of Planning, Public Works, and Public Utilities without objection. The Director of Real Property recommends approval of the Board paper; the County Manager concurs.

EXHIBIT

A

Subject Property:  
4010 Williamsburg Rd  
813-714-9031

Proposed Area of  
Alley Vacation

WILLIAMSBURG RD

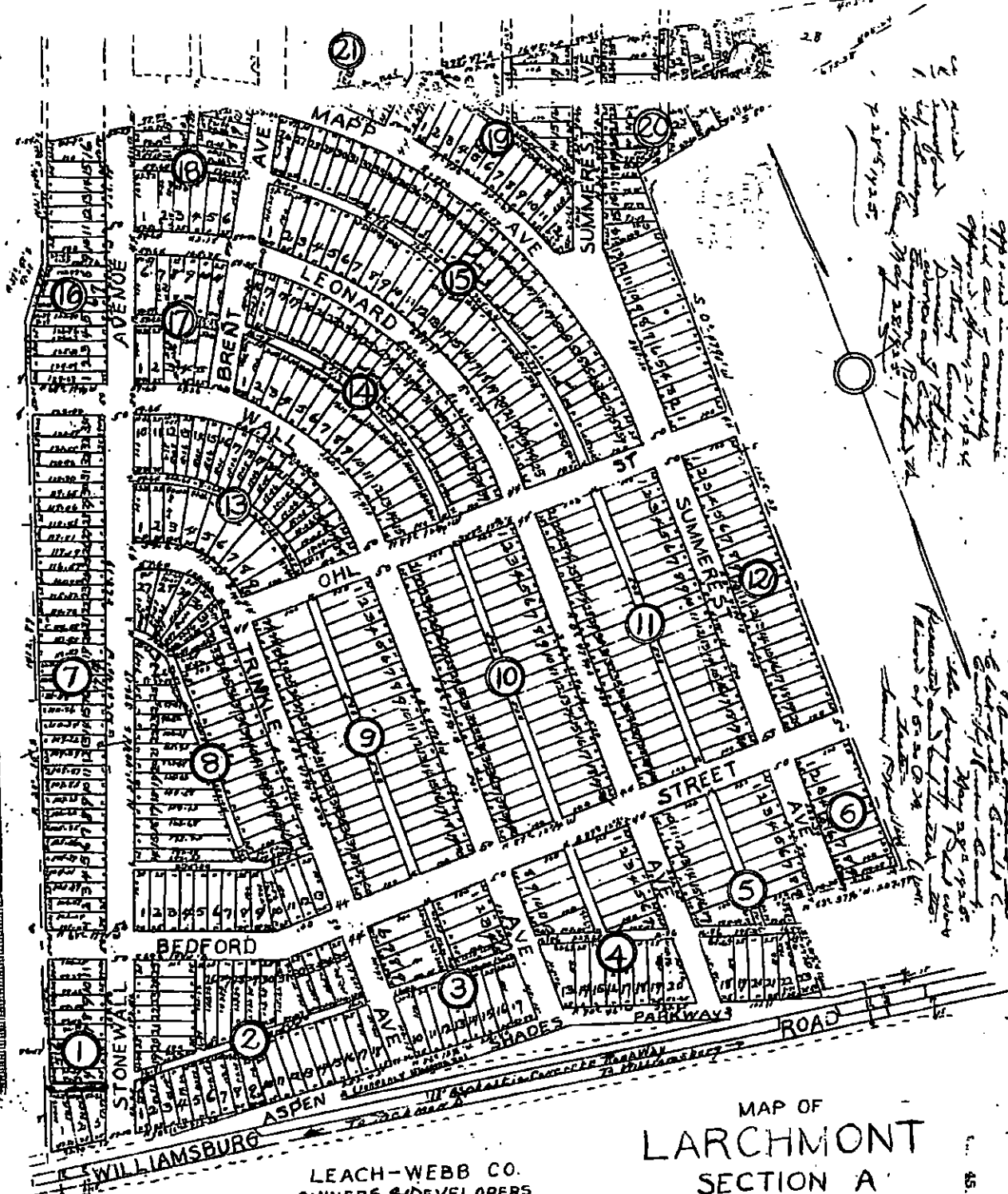
B-3C

Proposed Alley Vacation  
Larchmont

Prepared by Planning Department 9/23

EXHIBIT

B



J. Temple Waddell  
CIVIL ENGINEER  
Richmond, Va.

LEACH-WEBB CO.  
OWNERS & DEVELOPERS  
NO. 2 GRACE SECURITIES BLDG.  
RICHMOND-VA.

MAP OF  
LARCHMONT  
SECTION A  
HENRICO COUNTY  
VIRGINIA

Scale: 1"=100'

May 16, 1925

Approved by the Board of Supervisors of Henrico County, Virginia, on May 16, 1925.  
Attest: J. Temple Waddell, Civil Engineer.  
J. Temple Waddell, Civil Engineer.  
May 16, 1925.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 307-23

Page No. 1 of 1

Agenda Title: INTRODUCTION OF RESOLUTION – Receipt of Requests for Amendments to  
FY 2023-24 Annual Fiscal Plan – December 2023

For Clerk's Use Only: Date: <u>11/28/2023</u> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:	<b>BOARD OF SUPERVISORS ACTION</b> Moved by (1) <u>O'Bannon</u> Seconded by (1) <u>Nelson</u> (2) _____ (2) _____ REMARKS: <b>APPROVED</b>	<table><thead><tr><th></th><th>YES</th><th>NO</th><th>OTHER</th></tr></thead><tbody><tr><td>Branin, T.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Nelson, T.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>O'Bannon, P.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Schmitt, D.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Thornton, F.</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr></tbody></table>		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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							

**WHEREAS**, the County Manager has provided the Board of Supervisors with a list dated November 21, 2023, requesting amendments to the FY 2023-24 Annual Fiscal Plan; and

**WHEREAS**, the County Manager listed by department the purpose of the request and the source of funding to support the proposed amendments.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors that the Clerk of the Board is directed to advertise, in the Richmond Times-Dispatch on December 5, 2023, a synopsis of the proposed amendments and a public hearing thereon to be held on December 12, 2023, at 7:00 p.m., in the Board Room at the Henrico County Government Center, East Parham and Hungary Spring Roads, to ascertain the views of the citizens with respect to the proposed amendments.

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

By Agency Head

*Shari S. Min*

By County Manager

*[Signature]*

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

Certified:  
A Copy Teste:

\_\_\_\_\_  
Clerk, Board of Supervisors

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

AMENDMENTS TO THE FY2023-24  
ANNUAL FISCAL PLAN FOR DECEMBER, 2023

OPERATING FUNDS

## FUND 0101 - GENERAL FUND - General Operating Fund

## Department 13 - Fire

13122	- Operations - EMS	\$	159,893
0000 00000	To appropriate funding for one new Institutional Physician position. This replaces a contractual position to allow for more flexibility and accountability of medical services within the division.		

13150	- Field Operations	\$	269,702
0000 00000	To appropriate funding for seven new Firefighter positions. These positions will be strategically deployed within the division to lessen the need for overtime.		

Total Fire	\$	429,595
------------	----	---------

## Department 23 - Recreation and Parks

## 23201 - Recreation Services Administration

0000 00000	- <u>Taylor Farm Park</u>	\$	87,725
	To appropriate funding for six months salary and benefits for one new Tradesman IV position and one new Capital Project Coordinator position to manage the process of opening Taylor Farm Park.		

## Department 24 - Public Health

24001 - Public Health

		\$	80,569
	To appropriate funding to cover Henrico's 45% share of increased funding provided by the Virginia Department of Health in the current fiscal year. Resources will come from the fund balance in the General Fund.		

Total Fund 0101 - General Operating Fund	\$	597,889
--	----	---------

## FUND 0102 - GENERAL FUND - School Board

## Department 50 - Education

50101	- Elementary School Education		
0000 00000	- Elementary School Education	\$	4,064,293
0001 00000	- <u>General Regular</u>	\$	2,047,860
50115	- Teaching, Learning and Innovation - Elementary		
0001 00000	- <u>General Regular</u>	\$	5,000,000
50121	- High School Education		
0000 00000	- High School Education	\$	3,435,129
0001 00000	- <u>General Regular</u>	\$	627,660
0100 00000	- <u>Improvement Instruction - General Regular</u>	\$	716,000
50143	- School Counseling Services		
0000 00000	- School Counseling Services	\$	285,023
0900 00000	- School Social Work - Regular	\$	687,820
50302	- Pupil Transportation		
0000 00000	- Pupil Transportation	\$	376,775

Additional State revenue is available to implement the ALL IN VA initiative as required by the Virginia Department of Education. Funding will be used to add 30 new Reading Specialist positions and 10 new English Language Learner Teacher positions to help implement the Virginia Literacy Act. Ten new Attendance Officer positions will also be added.

Total Fund 0102 - School Board	\$	17,240,560
Total GENERAL FUND	\$	17,838,449



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

Department 12 - Police

12800 – Grants

0000 00033 – Police - DMV Animal Friendly Plates \$ 7,485

The Commonwealth of Virginia, Department of Motor Vehicles (DMV) has awarded the County of Henrico \$7,485 from the Dog and Cat Sterilization Fund as a result of the sale of State Animal Friendly license plates in Henrico County during fiscal year 2023-24. Funds will be used to support sterilization programs for dogs and cats through a donation to the Henrico Humane Society.

Total Fund 1102 - Special Revenue Fund-State/Fed Grants-County \$ 7,485

FUND 1108 – SPECIAL REVENUE FUND - Capital Region Workforce Partnership

Department 27 - Capital Region Workforce Partnership

27004 – Workforce Partnership

0000 09230 – FY2023-24 WIOA Adult \$ 307,155

To appropriate additional allocations received from the federal government for the Capital Region Workforce Partnership. Funds will be used to augment services provided to adults under the Workforce Innovation and Opportunity Act.

0000 09231 – FY2023-24 WIOA Dislocated Worker \$ 9,978

To appropriate additional allocations received from the federal government for the Capital Region Workforce Partnership. Funds will be used to augment services provided to dislocated workers under the Workforce Innovation and Opportunity Act.

0000 09233 – FY2023-24 WIOA Administrative \$ 66,370

To appropriate additional allocations received from the federal government for the Capital Region Workforce Partnership. Funds will be used to cover administrative costs of services provided under the Workforce Innovation and Opportunity Act.

\$ 383,503

FUND 1110 – SPECIAL REVENUE FUND - Mental Health and Developmental Services

Department 26 - Mental Health and Developmental Services

26107 – Substance Abuse

9559 09609 – Federal SAPT Block Grant - Adult Substance Abuse - Treatment \$ 201,329

9559 09611 – Federal SAPT Block Grant - Adult Substance Abuse - Recovery 220,446

To appropriate \$421,775 of federal State Opioid Response - Treatment funds. These resources will be used to support the work of one new Clinical Supervisor, one new Clinician, and two new Peer Recovery Specialists, as well providing funding for miscellaneous treatment-related medical services.

Total Fund 1110 Special Revenue Fund - MH and DS \$ 421,775

Total SPECIAL REVENUE FUND \$ 812,763

Total OPERATING FUNDS \$ 18,651,212

CAPITAL FUNDS

FUND 2101 – General Capital Projects Fund

Department 28 - Public Works

28012 – Real Property

0000 00000 – Land Reserve \$ 17,250,000

To provide funding for the acquisition of real property. Funds are to come either come from the issuance of debt, or from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

Total Fund 2101 - General Capital Projects \$ 17,250,000

FUND 2109 – CAPITAL PROJECTS FUND - State and Federal Grant-Funded Capital Projects

Department 28 - Public Works

28004 – Construction

0000 00000 – Lambert Way \$ 5,000,000

To appropriate \$5,000,000 of federal funding for improvements to Lambert Way. The County will construct a road featuring a 10 foot wide bike and pedestrian path, which will tie along the extended portion of Woodman Road and ultimately the Fall Line Trail.

Total 2109 - State and Federal Grant-Funded Capital Projects \$ 5,000,000

FUND 2111 – CAPITAL PROJECTS FUND - Capital Initiatives Fund

Department 23 - Recreation and Parks

23101 – Director

0000 09455 – Freeman HS Athletic Improvements \$ 115,428

To appropriate funds for improvements at the Freeman High School baseball field. This project will include irrigation, laser grading and new top dressing. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

0000 00000 – Virginia Randolph Museum Improvements 635,000

To appropriate funds for improvements at the Virginia Randolph Museum. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

0000 00000 – Henrico Visitor's Center 500,000

To appropriate funds for improvements at the Henrico Visitor's Center. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

0000 00000 – Three Lakes Nature Center 250,000

To appropriate funds for an immersive technology room at the Three Lakes Nature Center. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

0000 00000 – Dabbs House Improvements 150,000

To appropriate funds for improvements to Dabbs House. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

0000 00000 – Vawter Field Improvements 207,000

To appropriate funds for irrigation improvements and other renovations at Vawter Fields. These improvements will occur at two baseball fields and one football field. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

0000 00000 – Klehr Field Improvements 303,300

To appropriate funds for improvements at Klehr Fields. These improvements feature sod improvements, base cut-outs, batting cages, fencing, foul poles and a new sound system. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

0000 00000	- <u>Tuckahoe Creek Park - West Broad Side</u> To appropriate funds for improvements at the West Broad Side of Tuckahoe Creek Park. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	650,000
0000 00000	- <u>Tuckahoe Creek Park Improvements</u> To appropriate funds for improvements at Tuckahoe Creek Park. These improvements feature replacement of picnic tables, additional picnic tables and a water bottle filler at the trailhead. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	52,000
0000 00000	- <u>Tucker High School Baseball Field Improvements</u> To appropriate funds for improvements at the Tucker High School baseball field. Funds we be used for fencing enhancements. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	60,000
0000 00000	- <u>James River Safety Improvements</u> To appropriate funds for safety improvements on the James River, to include additional signage and buoys. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	11,115
0000 00000	- <u>Freeman High School Path Improvements</u> To appropriate funds for improvements to the path between the gymnasium and the softball field at Freeman High School. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	50,000
0000 00000	- <u>Light Pole Replacement at Athletic Fields</u> To appropriate funds for the replacement of aging wooden light poles at various athletic fields. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	20,000
0000 00000	- <u>Lighting and Gate Improvements - Deep Run Park</u> To appropriate funds for lighting and gate improvements in the area of the Deep Run Park Recreation Center. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	375,000
0000 00000	- <u>Cricket Pitch Improvements - Wilder Middle School</u> To appropriate funds for improvements to the cricket pitch at Wilder Middle School. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	180,000
0000 00000	- <u>Richmond Strikers</u> To appropriate funds for a new building for the Richmond Strikers. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	250,000

0000 00000	- <u>Pouncey Tract Park Pickleball</u>	75,000
	To appropriate funds to resurface pickleball courts and replace windscreens at Pouncey Tract Park. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
0000 00000	- <u>Deep Run High School Baseball Scoreboard</u>	65,000
	To appropriate funds to replace the baseball scoreboard at Deep Run High School. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
0000 00000	- <u>Tuckahoe Middle School Baseball Field</u>	15,000
	To appropriate funds to add an outfield fence to the baseball field at Tuckahoe Middle School. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
0000 00000	- <u>Deep Run Park Cricket Pitch</u>	10,000
	To appropriate funds for improvements to the cricket pitch at Deep Run Park. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
	Total - Recreation and Parks	\$ 3,973,843
Department 28 - Public Works		
28004	- Construction	
0000 09107	- <u>Raintree Drive Sidewalk</u>	\$ 300,000
	To appropriate funding for approximately 1,400 linear feet of sidewalk along the east side of Raintree Drive, from Falconbridge Drive to Raintree Commons Drive. This enhancement will connect to trails leading to Godwin High School. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
0000 09604	- <u>Old Sellers Way Paving Improvements</u>	300,000
	To appropriate funding for improvements to the parking area along Old Sellers Way. The area will have new base stone installed and then paved allowing for 75 parking spaces. Additionally, traffic calming devices will be installed along Old Sellers Way. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
0000 09605	- <u>Village Views Parkway Paving Improvements</u>	425,000
	To appropriate funding for paving improvements to Village Views Parkway, including milling and overlaying. The project will also install a roundabout at the intersection of Village Views Parkway and Ironwoods Walk Place. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
0000 09606	- <u>Bryant Lake Pond</u>	100,000
	To appropriate funding for improvements to the Bryant Lake Pond. The scope of work includes removal of silt and sediment that has accumulated over time. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	

0000 09607	- <u>Westbury Lake Dredging</u>	125,000
	To appropriate funding for dredging of Westbury Lake, located east of Maybeury Drive. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
0000 00000	- <u>Montezuma Village Sidewalk Repair</u>	46,800
	To appropriate funding for sidewalk repair and improvements in the Montezuma Village subdivision. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
Total - Public Works		\$ 1,296,800
Department 32 - Non-Departmental		
32001	- Non-Departmental	
0000 00433	- <u>Cultural Arts Center at Glen Allen</u>	\$ 365,000
	To appropriate funds for a payment to the Cultural Arts Center at Glen Allen. Funds will be used for sound and lighting improvements at the facility's theatre. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
0000 00000	- <u>Feed More</u>	250,000
	To appropriate funds for a one-time payment to Feed More. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
0000 00000	- <u>Henrico Humane Society</u>	100,000
	To appropriate funds for a one-time payment to the Henrico Humane Society. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
0000 09187	- <u>Meadowood Community Association</u>	1,250
	This amendment will provide a donation of \$1,250 to the Meadowood Community Association for signage improvements. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
0000 00000	- <u>Lake Loreine</u>	65,000
	To appropriate funds to make improvements at Lake Loreine. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
0000 00000	- <u>Godwin High School Athletic Boosters</u>	100,000
	This amendment will provide funding for the Godwin High School Athletic Boosters in support of various aspects of the school's athletic programs. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
0000 00000	- <u>Godwin High School Choral Boosters</u>	20,000
	This amendment will provide funding for the Godwin High School Choral Boosters for the purchase of new risers for the choral program. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
0000 00000	- <u>Glen Allen High School Band Boosters</u>	60,000
	This amendment will provide funding for the Glen Allen High School Band Boosters for the purchase of new uniforms. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
Total - Non-Departmental		\$ 961,250

Department 50 - Education

50301 - Operations

0000 00000 - Godwin High School Band Boosters

123,751

This amendment will provide funding for the Godwin High School Band Boosters for the purchase of musical instruments to replace instruments that have exceeded their expected life span. Resources are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

0000 00000 - Godwin High School Band Boosters

\$ 202,100

This amendment will provide funding for classroom furniture replacement, replacement of damaged physical education lockers and displays for showcasing students' work. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

Total - Education

\$ 325,851

Total Capital Initiatives Fund

\$ 6,557,744

Total CAPITAL PROJECTS FUND

\$ 28,807,744

**NEW AMENDMENTS/APPROPRIATIONS**

**\$ 47,458,956**



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 308-23

Page No. 1 of 1

Agenda Title: RESOLUTION – Receipt of Audited Annual Comprehensive Financial Report for Fiscal Year Ended June 30, 2023, and Acknowledgement of Discharge of Duties and Responsibilities by Audit Committee

For Clerk's Use Only:

Date: 11/28/2023

- ☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

Branin, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nelson, T.	<input 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 Board of Supervisors of the County of Henrico, Virginia, that the Annual Comprehensive Financial Report, as of and for the fiscal year ended June 30, 2023, including the Schedule of Expenditures of Federal Awards, is received in accordance with Sections 15.2-636 and 15.2-2511 of the Code of Virginia, as audited by Cherry Bekaert LLP, Certified Public Accountants.

**NOW, THEREFORE, BE IT RESOLVED** that the Board acknowledges that the Henrico County Audit Committee (consisting of two Board of Supervisors members plus the County Manager) having met on May 9, August 8, and November 28, 2023, discharged its duties and responsibilities by reviewing the presented external and internal audit report(s), audit plans, external auditor compensated services, and internal audit planning survey.

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

By Agency Head

*Hub S. Min*

By County Manager

*[Signature]*

Certified:

A Copy Teste:

Copy to:

Clerk, Board of Supervisors

Date:



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 309-23

Page No. 1 of 1

**Agenda Title: RESOLUTION — Signatory Authority — Lease of the Henrico Sports & Events Center to the Sports and Entertainment Authority — 1 All Star Boulevard — Fairfield District**

For Clerk's Use Only:

Date: 11/28/2023

- ☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS

APPROVED

YES NO OTHER

	YES	NO	OTHER
Branin, T.	✓		
Nelson, T.	✓		
O'Bannon, P.	✓		
Schmitt, D.	✓		
Thornton, F.			

WHEREAS, the County owns real property known as the Henrico Sports & Events Center, which is located at 1 All Star Boulevard in the Fairfield District (the "Property"); and,

WHEREAS, the Board of Supervisors created the Sports and Entertainment Authority of Henrico County, Virginia (the "Authority") to acquire, expand, lease, operate, and maintain recreational facilities in the County, to develop and foster sports and entertainment tourism at recreational facilities in the County, and to engage in other activities authorized by the Public Recreational Facilities Authorities Act, Chapter 56, Title 15.2 of the Code of Virginia, 1950, as amended; and,

WHEREAS, consistent with the purposes and powers of the Authority, and in accordance with Sections 15.2-1800 and 15.2-5605, the Authority requested on October 18, 2023, to lease the Property from the County, and the County wishes to lease the Property to the Authority; and,

WHEREAS, the initial lease term is 30 years, commencing on or about December 1, 2023, at the cost of one dollar (\$1.00) annually; and,

WHEREAS, the Authority will have the option to renew or extend the lease on the same terms and conditions for three additional terms of 10 years each.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the County Manager is authorized to execute a lease agreement, and any amendments thereto, with the Sports and Entertainment Authority for the Henrico Sports & Events Center in a form approved by the County Attorney in accordance with the terms set forth above.

Comments: The Director of Real Property recommends approval of the Board paper; the County Manager concurs.

By Agency Head

By County Manager

Certified:

A Copy Teste:

Clerk, Board of Supervisors

Copy to:

Date:





COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 310-23  
Page No. 1 of 1

Agenda Title: RESOLUTION – Award of Contract – Ozone Generator PSU Replacement – Water Treatment Facility Project – Tuckahoe District

For Clerk's Use Only:

Date: 11/28/2023

- ☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

Branin, T.	✓	—	—
Nelson, T.	✓	—	—
O'Bannon, P.	✓	—	—
Schmitt, D.	✓	—	—
Thornton, F.	✓	—	—

WHEREAS, the County received two bids on October 10, 2023, in response to ITB 23-2580-8EAR and Addenda Nos. 1, 2, 3, and 4 for construction of the Ozone Generator PSU Replacement – Water Treatment Facility Project; and,

WHEREAS, the Project will replace the existing Ozone Generator PSU system; and,

WHEREAS, the bids were as follows:

Bidders	Bid Amounts
Triad Electrical Solutions, Inc. Carrollton, VA	\$1,675,748
American Contracting & Environmental Services, Inc. Columbia, MD	\$2,265,000

WHEREAS, after review and evaluation of the bids, it was determined that Triad Electrical Solutions, Inc. is the lowest responsive and responsible bidder with a bid of \$1,675,748.

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

1. The contract for \$1,675,748 is awarded to Triad Electrical Solutions, Inc., the lowest responsive and responsible bidder, pursuant to ITB 23-2580-8EAR, Addenda Nos. 1, 2, 3, and 4 and the bid submitted by Triad Electrical Solutions, Inc.
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 change orders within the scope of the project budget not to exceed 15% of the original contract amount.

Comment: Funding will be provided by the Water and Sewer Revenue Fund. The Director of Public Utilities and the Purchasing Director recommend approval of the Board paper, and the County Manager concurs.

By Agency Head

By County Manager

Certified:

A Copy Teste:

Clerk, Board of Supervisors

Copy to:

Date:



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 311-23

Page No. 1 of 1

Agenda Title: RESOLUTION — Acceptance of Roads — Greengate — Three Chopt District

For Clerk's Use Only:

Date: 11/28/2013

(X) 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. ✓

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:

Greengate (Section 1) – Three Chopt District

Becklow Avenue from Haydenpark Lane to 0.10 Mi. N. of Haydenpark Lane	0.10 Mi.
Conningham Lane from Haydenpark Lane to Graham Meadows Drive	0.12 Mi.
Dewhurst Avenue from Becklow Avenue to 0.04 Mi. W. of Becklow Avenue	0.04 Mi.
Haydenpark Lane from 0.15 Mi. S. of West Broad Street to Graham Meadows Drive	0.09 Mi.
<b>Total Miles</b>	<b>0.35 Mi.</b>

COMMENT: The Director of Public Works recommends approval of this Board paper, and the County Manager concurs.

By Agency Head

By County Manager

Certified:

A Copy Teste:

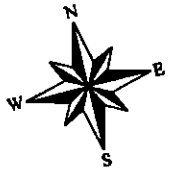
Clerk, Board of Supervisors

Copy to:

Date:



# GREENGATE - SECTION 1



## GREENGATE - SECTION 1

### BECKLOW AVENUE

FROM: HAYDENPARK LANE  
TO: 0.10 MI. N. OF HAYDENPARK LANE  
LENGTH: 0.10 MI.

### CONNINGHAM LANE

FROM: HAYDENPARK LANE  
TO: GRAHAM MEADOWS DRIVE  
LENGTH: 0.12 MI.

### DEWHURST AVENUE

FROM: BECKLOW AVENUE  
TO: 0.04 MI. W. OF BECKLOW AVENUE  
LENGTH: 0.04 MI.

### HAYDENPARK LANE

FROM: 0.15 MI. S. OF WEST BROAD STREET  
TO: GRAHAM MEADOWS DRIVE  
LENGTH: 0.09 MI.

DISTRICT: THREE CHOPT

DATE: NOVEMBER 28, 2023

