

COUNTY OF HENRICO, TO-WIT:

At a regular meeting of the Board of Supervisors of Henrico County, held in the Board Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia, on Tuesday, the 11th of December 2007, at the hour of 7:00 p.m.

MEMBERS OF THE BOARD PRESENT

The Honorable James B. Donati, Jr., Chairman

The Honorable David A. Kaechele, Vice-Chairman

The Honorable Richard W. Glover, Brookland District Supervisor (departed at 7:13 p.m.)

The Honorable Patricia S. O'Bannon, Tuckahoe District Supervisor

The Honorable Frank J. Thornton, Fairfield District Supervisor

OTHER OFFICIALS PRESENT

Mr. Virgil R. Hazelett, P.E., County Manager

Mr. Joseph P. Rapisarda, Jr., County Attorney

The Honorable Michael L. Wade, Sheriff

Mrs. Linda B. Jones, Deputy Clerk

Mr. George T. Drumwright, Jr., Deputy County Manager for Community Services

Ms. Angela N. Harper, FAICP, Deputy County Manager for Special Services

Mr. Harvey L. Hinson, Deputy County Manager for Community Development

Mr. Leon T. Johnson, Deputy County Manager for Administration

Mr. Robert K. Pinkerton, P.E., Deputy County Manager for Community Operations
Department Heads and Key Officials

The meeting was called to order by the Chairman at 7:00 p.m.

Mr. Donati wished everyone a merry Christmas and a happy Hanukah.

Mr. Donati led the Board, staff, and public in reciting the Pledge of Allegiance.

Chaplain Woody Fisher, Henrico County Jail, provided the invocation.

Mrs. O'Bannon noted that she had asked for additional background information to be added to the November 13, 2007 minutes. She expressed appreciation for the additions, especially comments that were made by Mr. Donati on a particular case. Mrs. O'Bannon stated that the minutes are not for the Board's memory but for the future use of persons who are unfamiliar with the deliberations that took place. She further stated that the inclusion of Mr. Donati's comments, which were pointed and well taken, show that the Board spent a great deal of time on the case in question and will help people know that the Board's decision was not arbitrary and capricious. Mrs. O'Bannon explained that in researching an old case from 1950 she discovered that the minutes were not very complete and that she feels it is important for people to understand 20 years from now how the Board voted on a specific case.

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, the Board approved the minutes of the November 27, 2007 Regular and Special Meetings and November 13, 2007 Regular and Special Meetings.

The vote of the Board was as follows:

<u>Aye</u>	<u>Nay</u>
James B. Donati, Jr.	
David A. Kaechele	
Richard W. Glover	
Patricia S. O'Bannon	
Frank J. Thornton	

MANAGER'S COMMENTS

Mr. Hazelett recognized County government Christmas Mother Program Chair, Barbara Poole of the County Manager's Office, and her Co-Chair, Lisa Orlosky of the Department of Information Technology. With the assistance of Mrs. Poole, Mrs. Orlosky presented a ceremonial check in the amount of \$11,500 to the 2007 Henrico Christmas Mother, Mary Shaia. Mrs. Shaia noted that the Henrico Christmas Mother Program is assisting nearly 1,600 families during the holiday season. An army of volunteers and generous donors are providing new clothes, books, toys, blankets, and food to more than 4,500 Henrico citizens, over half of whom are children and nearly 700 of whom are elderly or disabled. Mrs. Shaia thanked the County and its employees for their fabulous support and Mrs. Poole and Mrs. Orlosky for their leadership. The Henrico Christmas Mother Council is appreciative of the use of the facility on Dabbs House Road for the Christmas Mother program. Mrs. Shaia pointed out that the program is also providing the equivalent of 160,000 meals to Henrico families this season, in large part because of the successful food drives organized in Henrico County schools. She commented on the many other generous cooperative efforts by students, school employees, and citizen and corporate volunteers on behalf of the Christmas Mother.

BOARD OF SUPERVISORS' COMMENTS

Mr. Donati recognized the following Boy Scouts from Troop 766, sponsored by the Church of Jesus Christ of Latter-Day Saints – Gayton Ward, who were observing the meeting to fulfill requirements for the Citizenship in the Community and Communications Merit Badges: Mitchell Aldridge, Bo Bleyl, Kevin Cabas, Shelton Diaz, Leon Allen, Daniel Morales, Franco Ramirez, Alexander Velazques, Josh Warriner, and Pablo Williams. He also recognized Kyle Adam from Boy Scout Troop 531, sponsored by Emmanuel Episcopal Church, who was observing the meeting to fulfill Merit Badge requirements.

RECOGNITION OF NEWS MEDIA

Mr. Donati recognized Will Jones of the *Richmond Times-Dispatch* and Tom Lappas of the *Henrico Citizen*.

PUBLIC HEARINGS - REZONING CASES AND PROVISIONAL USE PERMITS

346-07 Cadence Capital Investments: Request to conditionally rezone from R-3 One-
C-48C-07 Family Residence District to B-2C Business District (Conditional), Parcels 769-
Brookland 756-6351, 769-756-6059, and 769-756-5766, containing 1.3815 acres, located at
 the northwest intersection of Staples Mill (State Route 33) and Old Staples Mill
 Roads.

On motion of Mr. Glover, seconded by Mr. Kaechele, the Board deferred this item to February 12, 2008.

The vote of the Board was as follows:

<u>Aye</u>	<u>Nay</u>
James B. Donati, Jr.	
David A. Kaechele	
Richard W. Glover	
Patricia S. O'Bannon	
Frank J. Thornton	

372-07 Atack Properties: Request to conditionally rezone from A-1 Agricultural District
C-46C-07 to R-3C One-Family Residence District (Conditional), Parcel 750-773-1173 and
Three Chopt part of Parcel 751-773-4286, containing approximately 34.9 acres, located between
 the terminus of Opaca Lane and the Chickahominy River.

Mr. Kaechele advised that two meetings had been held with citizens concerning this case, but he was recommending the case be deferred because of a few more details that needed to be resolved.

On motion of Mr. Kaechele, seconded by Mrs. O'Bannon, the Board deferred this item to January 22, 2008.

The vote of the Board was as follows:

<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
James B. Donati, Jr.		Richard W. Glover
David A. Kaechele		
Patricia S. O'Bannon		
Frank J. Thornton		

402-07 Creighton & Laburnum LLC: Request to conditionally rezone from A-1
C-29C-07 Agricultural District, B-2C Business District (Conditional) and M-1C Light
Fairfield Industrial District (Conditional) to B-2C Business District (Conditional) and M-1C
 Light Industrial District (Conditional), Parcels 807-730-9116, 808-730-2377, -
 6309, -4825, -3946, -3162, and -6227, containing approximately 27.04 acres (B-
 2C 7.37 ac; M-1C 19.67 ac), located at the northwest intersection of N. Laburnum
 Avenue and Creighton Road.

Mr. Thornton advised that because of the proposed intersection re-alignment of Creighton Road and Laburnum Avenue, he was recommending deferral of this case until the contemplated impact of the design layout can be studied.

On motion of Mr. Thornton, seconded by Mrs. O'Bannon, the Board deferred this item to January 22, 2008.

The vote of the Board was as follows:

<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
James B. Donati, Jr. David A. Kaechele Patricia S. O'Bannon Frank J. Thornton		Richard W. Glover

398-07 Emerald Land Development, LLC: Request to conditionally rezone from A-1
C-58C-07 Agricultural District and C-1 Conservation District to R-3C One-Family Residence
Fairfield District (Conditional), Parcel 815-721-3551, containing 60.51 acres, located
between the south line of Oakleys Lane and the north line of the Southern Railway
east of the Hechler Village subdivision.

Randall R. Silber, Director of Planning, responded to a question from Mrs. O'Bannon pertaining to the hours of construction on Saturdays and whether that information had been spelled out in the proffered conditions. He clarified for Mr. Thornton how hours of construction are typically written for proffered conditions.

In response to a question from Mr. Donati, Mr. Silber advised that the developer would be required to make improvements to widen Oakleys Lane adjacent to the entrances of the planned development. Michael A. Jennings, Traffic Engineer, confirmed that the developer would be required to make improvements to the lot frontages along Oakleys Lane at the two entrances into the proposed subdivision and answered a question pertaining to the traffic count.

Andrew M. Condlin, an attorney with Williams Mullen, presented the case on behalf of the applicant. In response to a question from Mr. Thornton about concerns citizens have that live in the area near the proposed subdivision, Mr. Condlin offered that change was never easy and that although traffic would be added to the area, the developers had hoped to raise the bar in developing a quality subdivision. He further pointed to the open space that would provide more areas for the children and to how the quality of the development would further enhance the area. He clarified for Mr. Kaechele the type of material used for fireplace chimneys listed in the proffered conditions.

During the public hearing on this case, the following persons addressed the Board:

- Arlene R. Clemons, a resident of Hechler Village, raised concerns about whether the new development along with the proposed new shopping center in the area would create a real estate tax increase to the neighboring homes. She also cited traffic congestion concerns.

Mr. Silber indicated that any new quality development carries the potential of a real estate tax impact on the neighboring homes. Mr. Hazelett commented that increased home values in combination with the real estate tax rate can result in higher taxes for homeowners.

- Lloyd Duckenfield, a resident of 5610 Cupula Lane, expressed concerns about increased traffic in the area and the possibility of Dalglish Road being used as a cut-through by subdivision traffic to reach Laburnum Avenue. He requested that the developers change the entrance into the subdivision to mitigate the flow of traffic.

Mr. Jennings indicated that he believed the traffic pattern would be evenly distributed throughout the development and that Dalglish Road would not be used as a main entrance into the subdivision, but rather as a secondary entrance.

- Betty Wallace, a resident of 4183 Oakleys Lane, informed the Board that since the area had previously been a gravel pit she had felt confident when she first purchased her home that the area would not be developed. She commented on the 60 acres of trees that the subdivision would take away, the traffic impact of Oakleys Lane being used as a main entrance, and the diminished well water supply that a new development would bring. Mrs. Wallace presented a petition from area homeowners opposed to the new subdivision (see enclosed copy) and noted that the area already had enough affordable housing.
- Martin and Paula Ramirez, residents and owners of the Manakin Mansion located at 4300 Oakleys Lane, addressed concerns about the deteriorating and hazardous condition of Oakleys Lane. After providing background information on the mansion, Mr. Ramirez showed slides of the area (see enclosed copies) and cited the numerous accidents that had occurred in front of the mansion. Mr. Ramirez referred to a letter dated June 20, 1997 from Robert Thompson, former Director of Public Works, informing the previous owner of Manakin Mansion that \$500,000 had been allocated to redesign Oakleys Lane, contingent on finding additional funding and gaining approval by the Board of Supervisors. He thanked the Department of Public Works for painting white lines on the edges of the road and double yellow lines down the center but emphasized the need for additional improvements. Mr. Ramirez showed pictures of damage that had been done to the masonry at the mansion by heavy trucks (see enclosed copies). He also advised that construction at the new subdivision performed on Saturdays would have an adverse effect on his bed and breakfast business, which includes outdoor weddings. He urged the Board to improve the conditions on Oakleys Lane before any more growth takes place. Mr. Ramirez expressed concerns about safety in the narrow curve of Oakleys Lane and showed a two-minute video on vehicles entering the curve. He reiterated his concern about the two projects coming to the area, this case and one approved in 2005 on Oakleys Court next to the mansion.

In response to a question from Mr. Donati, Director of Public Works Lee Priestas commented on the amount of right-of-way on Oakleys Lane shown in the video. Mr. Priestas responded to additional questions from Mr. Kaechele and Mr. Thornton concerning the current traffic count on Oakleys Lane and how much the traffic was projected to increase with the proposed subdivision, whether any further studies had been

done to improve the conditions on Oakleys Lane as a follow-up to Mr. Thompson's letter, and whether truck prohibition was a possibility. Mrs. Ramirez pointed out that the proffers for the case require all truck traffic to use Oakleys Lane. At Mrs. O'Bannon's request, Mr. Priestas explained the original plan for relocating Oakleys Lane. There was some discussion about draining the pond for the re-alignment and the environmental issues associated with this work. In response to a question from Mr. Kaechele, Mr. Priestas pointed out that the area could handle the new development safely but that the concerns expressed by Mr. and Mrs. Ramirez were noteworthy. He suggested implementing traffic safety devices and utilizing the Division of Police for additional enforcement of the speed limit. Mrs. Ramirez offered to remove brick pillars if necessary to improve the area and save improvement costs.

Mrs. Wallace addressed the Board again and asked about deceleration lanes. Mr. Jennings indicated that the route is considered a minor collector and therefore deceleration lanes would not be required. In response to a question from Mr. Thornton, Mr. Jennings pointed out that deceleration lanes could be a possibility after the actual widening of the road.

Mr. Condlin returned to the podium and advised that while he was sensitive to the needs of the community about truck traffic in neighboring areas, the construction trucks had to enter the area somehow. He referred to the thirty-five (35) foot trees planned for the area that would provide buffering from existing neighborhoods, some of the road enhancements dedicated to improving Oakleys Lane that would hopefully lead to a first step in improving the hazardous conditions, and how the development was in compliance with the 2010 Comprehensive Plan.

Mrs. Ramirez addressed the Board again and asked that language be included in future proffers indicating that no construction take place on Saturdays and Sundays.

Mr. Thornton acknowledged the multidimensional case before him and summarized the concerns of the citizens that spoke to it. He suggested that the County take another look at configuring Oakleys Lane. Mr. Thornton noted that while the case brought up many important issues, he found no reason to deny it and was hopeful that the new development would be an enhancement to the area. He observed that Henrico is not the rural County it once was and development is part of the growing pains.

Mr. Thornton responded to a question from Mr. Kaechele regarding whether construction hours and truck traffic on Saturdays included in the proffered conditions had been worked out with the applicant.

On motion of Mr. Thornton, seconded by Mrs. O'Bannon, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 398-07 (C-58C-07) subject to the following proffered conditions:

1. **Maximum Density.** The maximum number of building lots on the property shall not exceed one hundred and thirty-two (132).

2. **Dwelling Design.**

- a. **Minimum Finished Floor Area:** The minimum finished floor area for all dwellings shall be eighteen hundred (1,800) square feet.
- b. **Exterior Materials.** The exterior of all dwellings shall be constructed of, brick, brick veneer, fiber cement siding, vinyl, stone, synthetic stone, or similar masonry material. If vinyl is used then the thickness of the vinyl shall be a *minimum of .042"* and manufacturer's printed literature shall be provided as evidence at the time of building permit application. A minimum of fifteen percent (15%) of the dwellings shall have one hundred percent (100%) brick or stone on the dwelling's front facade.
- c. **Foundations:** The main portion of the dwelling shall not be constructed on a slab, provided that garages, patios and out buildings may be constructed on a slab. The exposed exterior portion of all dwelling foundations and front stoops and front steps shall be brick, brick veneer, stone, synthetic stone or similar masonry material.
- d. **Fireplace Chimneys:** The exposed portion of a fireplace chimney shall be clad in brick, brick veneer, stone, synthetic stone or similar masonry material. No chimney or gas vent unit shall be cantilevered. This proffer shall not apply to direct vent gas fireplaces or appliances.
- e. **Garages:** Each dwelling shall be constructed with an attached garage. A minimum of fifty percent (50%) of the dwellings shall have a two (2) car garage. Two (2) car garages shall have interior dimensions free of as-built obstruction of at least eighteen (18) feet in width and at least twenty (20) feet in depth. One (1) car garages shall have interior dimensions free of as-built obstruction of at least ten (10) feet in width and at least twenty (20) feet in depth.
- f. No closets or windows shall be cantilevered.
- g. *The architectural appearance of the dwellings shall be generally consistent with the buildings depicted by Exhibit A (see case file), unless otherwise requested and approved by the Director of Planning.*

3. **Landscaping and Foundation Plantings and Buffering.** All homes shall be provided a landscape package. A diversity of plant materials will be used, including a variety of ground cover, plants and trees. Prior to the issuance of a final C.O. for any individual dwelling, a minimum of six (6) trees or shrubs (or a combination thereof) for the front elevation and a minimum of three (3) additional trees or shrubs (or a combination thereof) per side elevation shall be provided. Street trees shall be provided along both sides of all internal roadways at intervals of not more than thirty-five (35) feet and within ten (10) feet of the property line (right-of-way), unless otherwise approved at the time of subdivision review. A fifty (50) foot buffer (to remain in its natural state) shall be provided along the eastern side of the parcel adjacent to GPIN 816-721-1410. A twenty (20) foot wide buffer (to remain in its natural state) shall be provided along the southern side of the parcel. A thirty-five (35) foot natural buffer to be supplemented with street trees at intervals of not less than thirty-five (35) feet and additional landscaping as needed to meet the requirements for a thirty-five (35) foot transitional buffer

shall be provided along the ultimate right-of-way of Oakleys Lane. The applicant may supplement all aforementioned buffers with additional plantings to exceed the stated requirements, as approved by the Director of Planting. Underbrush, fallen, diseased or dead trees and plant growth may be removed from any buffer area; if such underbrush, trees, and plant growth are removed, additional supplemental plantings shall be added to such buffer as approved by the Director of Planning. Utility easements, driveways, roads and signage may be permitted in any buffer as approved at the time of subdivision review. Cutting, grading and other construction as needed for road, lot and utility improvements may take place within any such buffer so long as landscaping is replanted as required by the Director of Planning. Any such new road or new utility easement shall be extended generally perpendicular to such buffer.

4. **Dwelling Orientation.** Dwellings shall not be situated on a lot in a manner where the front of one house fronts the rear of another house. No stem lots shall be permitted.
5. **Driveways.** All driveways shall be constructed of exposed aggregate, concrete, brick, stone, asphalt or pre-cast pavers.
6. **Road and Curb and Gutter.** All roads shall be constructed with six (6) inch standard full faced curb and gutter.
7. **Underground Utilities.** All utilities except for junction boxes, meters and existing overhead utility lines or for technical or environmental reasons shall be installed underground.
8. **C-1 Zoning.** Applicant shall file an application for C-1 zoning for the areas within the Property that are within the 100 year flood plain, unless such areas are needed for roads, access ways or other purposes approved or required by the Planning Commission or any other governmental body or official at the time of subdivision review. The application for C-1 shall be filed no later than final subdivision approval. The acreage then zoned C-1 may or may not be included in any subdivision or lot on the Property, at the sole discretion of the Applicant.
9. **Storm-Water Facilities.** Any wet Best Management practice areas shall be aerated and landscaped as approved by the Planning Commission at the time of subdivision review. Any dry Best Management Practice areas shall be screened from any public and/or private roadways with landscaping as approved by the Planning Commission at the time of subdivision review.
10. **Protective Covenants/Homeowners Association.** Prior to or concurrent with the recordation of the subdivision plat approved by the County and before the conveyance of any portion of the Property covered by said subdivision plat (other than for the dedication of easements, roads or utilities), a document shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia, setting forth controls on the development and maintenance of such portions of the Property. In addition there shall be a Homeowners Association of the property owners that shall be responsible for the enforcement of the restrictive covenants and the maintenance of the common area, which common area shall include the areas noted on the Concept Plan (see case file) as buffers, open space and SWM/BMP. These proffers accepted with this case shall

be attached as an exhibit to and recorded with such protective covenants. The restrictive covenants shall provide for uniform mailboxes and post lights and prohibit wooden stockade-style fences.

11. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.
12. **Conceptual Site Plan.** The Property shall be developed generally consistent with the layout plan entitled "OAKLEY'S CHASE, CONCEPTUAL PLAN, HENRICO COUNTY, VIRGINIA", prepared by Balzer and Associates, revised conceptual plan last revised as of 12/5/07 (see case file). The Concept Plan is conceptual in nature and may vary in detail as the exact locations of lots and roads shown thereon may be revised for engineering reasons, as required by any governmental authority or as otherwise approved by the Planning Commission at the time of subdivision review.
13. **Hours of Construction.** The hours of exterior construction, including operation of bulldozers and other earthmoving equipment, shall be between 7:00 a.m. and 7:00 p.m., Monday through Friday, and 9:00 a.m. and 6:00 p.m. on Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connections. Exceptions shall require the Director of Planning's approval. Construction signs shall be posted in English and in Spanish. The construction sign shall state the hours of construction and that construction traffic is prohibited from using Orinda Drive and Dalglish Road.
14. **Compliance Certification.** Upon request by the Director of Planning, the developer shall provide the County with the necessary calculations that illustrate that the dwellings and lots constructed in the subdivision are in compliance with all the allowable and required percentages set forth in these proffers.
15. **Recreation Amenities.** Prior to the issuance of the final certificate of occupancy for the thirty-fifth (35th) dwelling, a tot lot containing at least 0.4 of an acre shall be constructed within the open space area for use in common by owners of the lots and their invitees. The tot lot shall include, but not be limited to, play equipment and/or an open recreation area, benches, and trash receptacles.
16. **Entrance Sign.** An entrance sign and landscaping shall be placed at the entry to the subdivision along Oakleys Lane. The sign shall be a monument sign constructed of brick, brick veneer, stone, synthetic stone or similar masonry material, or some combination thereof.

The vote of the Board was as follows:

Aye
James B. Donati, Jr.
David A. Kaechele
Patricia S. O'Bannon
Frank J. Thornton

Nay

Absent
Richard W. Glover

PUBLIC HEARING - OTHER ITEM

376-07 Resolution - To Amend the Henrico 2010 Land Use Plan to Designate the Tree Hill Farm Site as an Urban Mixed Use Development Area.

The Board agreed to hear Agenda Item Nos. 376-07, 370-07 (C-52C-07), and 371-07 (P-17-07) at the same time since they were all related.

Ralph "Joe" Emerson, Assistant Director of Comprehensive Planning and Administration, responded to several questions from Board members regarding the estimated number of people that a project of this size would bring to the area, how the quality of this development compares to other design developments in the County, and where the land was located that had been dedicated to a library and fire house. Mr. Thornton commented that early on in the case he had certain questions about demographics in the development and its affordability. He expressed hope that Tree Hill will reflect "Americana" and represent citizens from all backgrounds.

Gloria Freye, an attorney representing the applicant, recognized her partner Daniel K. Slone, who provided a brief overview of the case. Following his presentation, Ms. Freye noted that the applicant had made every attempt to reach out to the community regarding the proposed development, including holding meetings and sending letters to nearby homeowners. She referred to a number of letters of support she had received for the Tree Hill project that had been included in the Board's information packet. Ms. Freye informed the Board that there were four persons at the meeting who would like to speak in favor of the project. They were as follows:

- Steve Adkins, Chief of the Chickahominy Indian Tribe, praised the principals in the case and thanked them for honoring the historical significance of the site, which is the possible birthplace of Chief Powhatan. He referred to the possibility of the site creating a venue to teach citizens about the history of Native Americans.
- Kathleen Kilpatrick, Director of the Virginia Department of Historic Resources, noted the many layers of historical resources at the site that are being preserved and available to the public. She pointed out that she was hopeful her organization could partner with the developers to perform field schools for archaeological recovery beyond the Native American sites and work to ensure the site is a focal point and gathering place for Virginia Indians.
- Mahlon G. Funk Jr., a resident of 6210 Osborne Turnpike, offered his approval of the development on behalf of himself and his neighbor, Julian Garber. He referred to the cooperative spirit of the Tree Hill developers and Ms. Freye in meeting their every demand and request, the quality that the architects and design team had brought to the development,

and his belief that the enhancement of the property would bring a quality of life to him and his neighbors that may not have been available otherwise. In response to a question from Mr. Donati, Mr. Funk advised that with the previous owner's permission, he and his family had thoroughly enjoyed the land and scenery prior to the sale of the property.

- Henry Nelson, a Varina resident and Vice-President of Henrico Beautification Committee, spoke in favor of the project on behalf of the Beautification Committee. Mr. Nelson advised that the principals involved with the development had met all the concerns addressed by his group, including all the outdoor amenities to enjoy, sensitivity to building heights, maintenance and angles of sheds on the property, a variety of neighborhood designs with easy transitional spaces, and preservation aspects of the property.

In response to a question from Mrs. O'Bannon, Ms. Freye advised that the units would carry a wet sprinkler system as opposed to a dry system.

Mr. Donati called for any other persons who wished to speak. They were as follows:

- Robert Irby, a resident of 9110 Osborne Turnpike, advised that he owned property along the riverfront and was undecided as to whether he was in favor of the project. He referred to his family background along Osborne Turnpike and noted that he was glad the eastern part of Henrico County was gaining the respect it deserved and being developed in a respectful manner. Mr. Irby expressed concern about making sure the development would not have a negative impact on traffic on Osborne Turnpike and stated his opposition to turning the road into four lanes.
- Walter Berry, a resident of 7021 Osborne Turnpike, expressed concern about the increased density of homes on Osborne Turnpike and the road conditions at the Richmond City line. He asked the Board to coordinate with the City of Richmond on making improvements to the roads and possibly adding sidewalks. He also expressed opposition to using traffic signals at the entrances into the development and suggested the County look at traffic circles instead. Mr. Donati noted that he shared Mr. Berry's concerns about traffic issues at the City line and that Mr. Hazelett was trying to set up a meeting with the Mayor of Richmond, the County Public Works staff, and the Henrico County legislative delegation to try and work out those issues.
- Brian Wenk, a resident of the Brookland District, stated that approval by the Board of this project would serve as an injustice to Henrico citizens because of the amount of residential and commercial population that it would bring. He suggested that the County require the applicant to build the school and a police substation before development takes place.

Ms. Freye pointed out that the issues surrounding the school, library, and fire house were explained in the presentation and that the proffers were developed to mitigate the impact that this development would bring.

On motion of Mr. Kaechele, seconded by Mr. Thornton, and by unanimous vote with Mr. Glover absent, the Board approved Agenda Item No. 376-07 – see attached Resolution.

Mr. Donati commented that this case was significant for the Varina area and its citizens. He pointed out that this property had the potential for mining rights and, since it was zoned unconditionally, eliminating that type of zoning would be a big step in the right direction. He noted that the previous owners had been very selective in who would develop the property and the applicant had given them the opportunity to develop something of which to be proud. Mr. Donati referred to the positive aspects of the case, including the Native American heritage, the riverfront enhancement that would be a large part of the Major Thoroughfare Plan, the school site that had been added by the developer, and the beautiful skyline and riverfront vistas for the public to enjoy. He thanked the applicant and Ms. Freye for working with the citizens in dealing with the issues surrounding the development.

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

370-07 Gray Land and Development Company-Tree Hill, LLC: Request to conditionally
C-52C-07 rezone from A-1 Agricultural District and M-2 General Industrial District to
Varina UMUC Urban Mixed Use District (Conditional), part of Parcel 797-706-5048,
 containing 530.9 acres, located between the James River and the west line of
 Osborne Turnpike and Old Osborne Turnpike, generally located between McCoul
 Street and the intersection of New Market Road and Osborne Turnpike.

On motion of Mr. Kaechele, seconded by Mrs. O'Bannon, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 370-07 (C-52C-07) subject to the following proffered conditions:

A. Plan Conformance and Submission.

1. Overall Development. The Property shall be developed in general conformance with the following:
 - a. "Tree Hill Master Plan" dated July 19, 2007 or as amended, prepared by Duany, Plater-Zyberk & Company (the "Master Plan") (see case file);
 - b. "Tree Hill Design Code" dated July 19, 2007 or as amended, prepared by Duany Plater-Zyberk & Company (the "Design Code") (see case file);
 - c. "Tree Hill Thoroughfare Standards" dated July 19, 2007 or as amended, prepared by Kimley-Horn and Associates, Inc. (the "Thoroughfare Standards") (see case file);
and
 - d. "Landscape and Open Space Plan" dated July 19, 2007 or as amended, prepared by Higgins and Gerstenmaier (the "Landscape Plan") (see case file).

Variations from the Master Plan, Design Code, Thoroughfare Standards and Landscape Plan may be permitted for the development on the Property in any subsequent Plan of Development or subdivision approval as approved by the Planning Commission upon

finding the variations are generally in keeping with the spirit and intent of the Master Plan, Design Code, Thoroughfare Standards and Landscape Plan.

Any structure constructed on the Property shall be in general conformance with the Design Code, provided, however, there may be modifications in such structures due to differences in size, scale and uses of such structures.

An architectural review process shall be established by the developer to review and approve development of all structures on the Property in general conformance with the Design Code prior to the plans being submitted to the County.

2. Neighborhood Plan. Prior to or at the time of submission of each tentative subdivision plan or Plan of Development, the developer shall provide a "Neighborhood Plan" for the neighborhood of which the requested tentative subdivision or Plan of Development is a part. The "Neighborhood Plan" shall show:
 - a. The specific types and locations of all uses proposed for such neighborhood or portion of the neighborhood to the extent known;
 - b. A phasing schedule showing that adequate utilities, pedestrian accessways and roadways exist or will be constructed as part of the proposed development to serve the proposed uses or level of development within the neighborhood or portion of the neighborhood;
 - c. Other information for tentative subdivision or Plan of Development submissions as may be required by the Henrico County Subdivision and/or Zoning Ordinance; and
 - d. The developer shall submit the Neighborhood Plan and other information related to access and lighting to CPTED for its review related to security at the time of Plan of Development.

The uses shown on each subdivision plan or Plan of Development within each neighborhood or portion of the neighborhood will be consistent with the uses contained in these proffered conditions.

B. Densities.

1. Commercial Minimum.
 - a. A minimum of the lesser of (i) twenty percent (20%) of the total building square footage (which shall for commercial and civic uses be defined as the gross square footage of the building footprint and for residential space be defined as the finished and conditioned floor area) on the Property or (ii) 1.16 million building square feet shall be developed for commercial space. The design of the development and the construction of the infrastructure on the Property shall permit a minimum of three hundred thousand (300,000) building square feet for a corporate office site which area shall be reserved until the earlier of (a) all or a

substantial portion of the reserved area is used for a corporate office site or (b) eight hundred sixty thousand (860,000) building square feet of other commercial uses have been constructed on the Property.

- b. The developer shall have constructed or caused construction of not less than two hundred fifty thousand (250,000) building square feet of commercial space by the time fifty percent (50%) of the residential dwelling units have been issued final certificates of occupancy and shall have reserved area(s) illustrated on the Master Plan (see case file) sufficient to meet the B.1(a) requirement in its entirety. At ninety percent (90%) completion of construction of the total building square footage, the developer shall have constructed or caused the construction of commercial space equal to the lesser of (i) twenty percent (20%) of the total building square footage or (ii) seven hundred seventy-four thousand (774,000) building square feet.
2. Civic Uses. The developer shall provide infrastructure adequate to support a minimum of one hundred fifty thousand (150,000) building square feet for civic uses. Civic use shall be defined as any area or building, developed for public use (whether publicly or privately owned) including but not limited to recreation buildings, libraries, assembly halls, fire stations, police stations, schools, YMCA, churches and other community activities.
 3. Residential Density. Residential dwelling units on the Property shall not exceed two thousand seven hundred seventy (2,770) units.
 4. Rental Restriction. Of the multifamily residential dwelling units, no more than six hundred (600) dwelling units shall receive a Certificate of Occupancy as rental apartment units. To the extent that rental apartment units subsequently are converted to condominium units, the Director of Planning may approve new rental apartment units up to the foregoing maximum.
 5. Mix of Uses Within Neighborhoods. Each neighborhood shall have a mix of uses within the range provided in the Master Plan (see case file) provided, however, that the entire project shall remain within the total densities set forth in this Section B.

C. Roads, Sidewalks, Drives, Access and Utilities.

1. Interior Road Standards.
 - a. All roads within the development shall be constructed in accordance with the Thoroughfare Standards (see case file) and, except where explicitly provided otherwise in the Thoroughfare Standards, in accordance with Henrico County public road standards.
 - b. Prior to the issuance of a final Certificate of Occupancy for any structure, the developer shall provide the Planning Department certification from a licensed engineering firm that any private roadways within the development leading to

such structure were constructed according to the approved Plan of Development, subdivision plan, the Thoroughfare Standards (see case file) and/or in compliance with Henrico County road construction standards to include proper compaction of the sub-base soils, utility trenches, base stone and asphalt surface or a bond shall be provided to Henrico County for items not yet completed.

2. Route 5 Road Improvements.

- a. All right-of-way necessary, but not to exceed forty (40) feet as measured from the existing centerline, to allow the portion of Route 5 adjacent to the Property to be an eighty (80) foot wide right-of-way shall be dedicated to the County or to the State by the then Owner of the Property prior to the final approval of the Plan of Development and/or subdivision for the first building on the Property, unless otherwise determined by the Director of Public Works. If such property is not used by the County or by the State for the widening of Route 5 by January 1, 2026, the dedicated portions of the Property shall be returned to the developer.
- b. Pursuant to the recommendations set forth in the Tree Hill Development - Traffic Impact Analysis prepared by Timmons Group, dated April 27, 2007, revised October 25, 2007, and Addendum dated November 5, 2007 (see case file) and based upon the assumptions provided by the County Department of Public Works and VDOT with respect to the Route 5 configuration in 2016 as a four-lane highway, the developer, subject to VDOT approval, shall undertake to construct and dedicate to the County or to the State at no cost, at the time of the applicable subdivision or Plan of Development approval, the following Route 5 road improvements:
 - (i) A single right turn lane at the north project entrance on Old Osborne Turnpike and a single right turn lane at the east project entrance on Osborne Turnpike. Single right turn lanes shall also be constructed at the three proposed right in/right out intersections on southbound Rt. 5. Project entrance locations are shown on the Thoroughfare Standards (see case file). Southbound Rt. 5 Improvements are shown on Figure 5-10A and Figure 47A in the Traffic Impact Analysis (see case file);
 - (ii) A traffic signal at the east project entrance and at the north project entrance as shown on Figure 5-10A and Figure 47A in the Traffic Impact Analysis (see case file) when warranted;
 - (iii) A single left turn lane at the north project entrance on Old Osborne Turnpike and a single left turn lane at the east project entrance on Old Osborne Turnpike. Project entrance locations are shown on the Thoroughfare Standards (see case file). Northbound Rt. 5 Improvements are shown on Figure 5-10A and Figure 47A in the Traffic Impact Analysis (see case file); and

- (iv) Subject to VDOT providing all required approvals and right-of-way for the following improvements at no cost to the developer by May 1, 2009, unless an extension date is mutually agreed upon by VDOT, the County and the developer, the developer shall widen Route 5 to a four lane section with the required transitions from the east side of the north project entrance to the southern property line of Rocketts Landing property, GPIN# 797-711-6071. If VDOT does not approve the foregoing scenario by May 1, 2008, then developer shall widen Route 5 to a four lane section with the required transitions along the Property frontage at the east project entrance and the north project entrance, provided that VDOT approves the widening of Route 5 at the east project entrance and north project entrance as satisfying the developers obligations for improvements to Route 5.

3. Vision 2026 Concept Road. Developer shall provide an easement at the time of the first Plan of Development or subdivision of the Property without cost to the County, for the proposed Vision 2026 Concept Road right-of-way extending from the southern Property line to the northeastern Property line as shown on the Thoroughfare Standards (see case file). Provided that the developer's obligations to make improvements to Route 5 are limited to the Route 5 Road Improvements contained in proffer C2 and provided that the Vision 2026 Concept Road connects to Route 895, developer shall construct and dedicate portions of the Vision 2026 Concept Road as shown on the Thoroughfare Standards at the time of the first to occur:

- (i) when requested by the County and as warranted by a traffic study; or
- (ii) as land within the Property adjacent to the Vision 2026 Concept Road is developed and to the extent warranted by a traffic study.

If VDOT approves the widening of Route 5 from the east side of the north entrance to the southern property line of Rocketts Landing property, GPIN# 797-711-6071, as set forth in Proffer C.2.b.iv, developer shall build the Vision 2026 Concept Road extending south from the Town Center to its terminus as shown on the Thoroughfare Standards (see case file) as a two lane section and shall pay the costs of building the third and fourth lanes to the costs of improving Route 5 to a four lane section from the east side of the north entrance to the four lane section developed by Rocketts Landing.

If VDOT does not approve the widening of Route 5 from the east side of the north entrance to the southern property line of Rocketts Landing property, GPIN# 797-711-6071, as set forth in Proffer C.2.b.iv, developer shall complete construction of the Vision 2026 Concept Road from its southern terminus as shown on the Thoroughfare Standards (see case file) to the southern property line or provide to Henrico County a cash escrow, letter of credit or other funding guarantee satisfactory to the County Attorney's office in an amount not to exceed \$250,000.00 toward the completion of the construction of the said portion of the Vision 2026 Concept Road as four lanes.

If the County does not request construction or accept the dedication of the Vision 2026 Concept Road by January 1, 2026, the developer shall be relieved of this obligation to

construct and dedicate the Vision 2026 Concept Road, the easement shall be terminated and any financial guarantee shall be cancelled and returned to the developer.

4. Pedestrian Access.

- a. Sidewalks a minimum of five (5) feet in width shall be provided along the roads within the development as shown on the Neighborhood Plan (see case file) and consistent with the Thoroughfare Standards (see case file).
- b. A pedestrian network shall be created which includes, in addition to the sidewalks, hiking and bike trails extending into the flood plain areas of the Property to connect the developed areas shown on the Master Plan (see case file) with the Nature Area adjacent to the James River.

5. Paved Drives. Each driveway serving a single-family dwelling unit shall be hard surface and may be of asphalt, concrete, pavers, brick, stone or aggregate materials; provided however, that hard surface "cart tracks" shall be deemed to comply with this requirement.

6. Underground Utilities. Except for junction boxes, meters and existing overhead utility lines or for technical, regulatory or environmental reasons, all utility lines on the Property shall be underground.

7. Best Management Practice. Best Management Practice facilities shall be located outside of any landscaped buffer along Route 5, except if such facilities are underground or serve as a landscaping amenity or water-related feature and if requested and specifically permitted at the time of subdivision or Plan of Development review.

Any above-ground wet Best Management Practice facilities shall be aerated and designed and utilized as a water feature amenity and/or designed and landscaped to make it an integral part of the development.

8. Public Access to James River. Developer shall provide to the public, non-vehicular access to the Nature Area adjacent to the James River similar to that provided to residents and property owners subject to the rules and regulations of the homeowners association.

9. Emergency Access to James River. Developer shall dedicate at no cost to Henrico County an access easement to the James River for the benefit of the Division of Fire and the Division of Police. Such access shall be located in a mutually agreed upon location near the southern Property line for an emergency boat launch to be constructed by the County.

D. Cultural Resource Elements.

1. Cultural Resources Response Plan. Developer shall manage the cultural resources on the Property in accordance with the Tree Hill Cultural Resources Response Plan prepared by McGuireWoods LLP dated May 10, 2007, revised July 19, 2007 (see case file) and shall undertake the actions described therein.

E. Dedications.

1. School. Developer shall dedicate an area for use as an elementary school a minimum of ten (10) acres and identified as "Elementary School" on the Master Plan (see case file) as and when requested by the County, without cost to the County. The ten (10) acres shall be located outside of the floodplain and shall not contain any wetlands. The ten (10) acre "Elementary School" site shall be conveyed together with non-exclusive rights for the periodic use of the adjacent two (2) acre park also shown on the Master Plan. The Elementary School shall have non-exclusive rights for the use of the park for adjunct school activities, such as school picnics and field days, for so long as the school exists. The developer shall provide and maintain stormwater management facilities which meet County standards off the school site, construct all streets around the school site perimeter, provide landscaping and sidewalks around the perimeter of the school site equal to those described in the Neighborhood Street section of the Tree Hill Design Code (see case file), and shall extend water and sanitary sewer lines to the school site when requested by the County, without cost to the County.
2. Fire Station. Developer shall pay a cash proffer in the amount of two hundred fifty thousand dollars (\$250,000.00) no later than one hundred twenty (120) days following the rezoning to the County to mitigate the development's impact on fire, police and emergency services. Such cash proffer shall be used by the County to provide for equipment, an additional facility or improvements to an existing facility for County fire, police or emergency services that will serve the Property. Such cash proffers not used for the purposes specified in this proffer within fifteen (15) years of such payment shall be returned to the payor.
3. Library/Museum. Developer shall dedicate an area not to exceed three (3) acres and identified as "Library/Museum" on the Master Plan (see case file), for use as a library, museum, or other civic use approved by the developer as and when requested by the County, without cost to the County. If the County has not constructed the library, museum or other civic use approved by developer by 2016 or by the time that fifty percent (50%) of the dwelling units have received final Certificates of Occupancy, whichever date is later, then the dedicated area shall be returned to the developer and may be used for other civic uses or other permitted uses.
4. Dedication Timeframes. If the area dedicated for the school is not accepted by the County and the County does not construct the improvements for the designated use by January 1, 2026, the dedicated area shall be returned to the developer and may be used for other civic uses or other permitted uses. Until such time as the County accepts and constructs the improvements for the designated use, the developer may use the proposed dedication site temporarily for any permitted use.
5. Plan of Development and External Elevation Approval. Plans of Development and external elevations, including materials, for the improvements to be constructed on the above dedicated areas shall be mutually agreed upon by the developer and the County.

F. Design and Use.

1. Residential Construction Materials. The exterior wall surfaces of any structure on the Property in which the majority of square footage usage is for residential purposes shall be constructed of the materials as provided in the Design Code (see case file), unless otherwise allowed at the time of Plan of Development or subdivision review.
2. Commercial Construction Materials. The commercial buildings on the Property shall have exposed exterior front, rear and side walls (above finished grade) constructed of the materials as provided in the Design Code (see case file), unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall, at the time of Plan of Development or subdivision review.
3. Architectural Treatment. The exposed portions of the exterior wall surfaces (front, rear and sides) of any building constructed within the Property shall be similar in quality of construction and shall have architectural designs (incorporating compatible design elements, color and architectural styles), generally or substantially consistent with the Design Code (see case file) or as approved by the Director of Planning.
4. Mechanical Equipment. Mechanical equipment adjacent to any commercial building shall be screened from view from a public right-of-way at ground level in a manner approved at the time of Plan of Development, with landscaping or such screening material being of the same material as the exterior of the adjacent building or of material of comparable architectural treatment as the exterior of such adjacent building and substantially consistent with the Landscape Plan.
5. Refuse Container Enclosures. Enclosures for refuse containers serving any commercial space shall be constructed of finished masonry materials with the exception of gates and doors. Gates and doors shall be opaque, substantial, and oriented to minimize views of the enclosures from public rights-of-way to the extent practicable. Concrete pavement shall be used for the refuse container pad and apron.
6. Parked or Stored Vehicles. No recreational vehicles, campers, trailers or boats shall be permitted to be parked or stored on the Property other than in garages or screened designated areas.
7. Sound Suppression Measures. Sound suppression measures shall be provided in the common wall and floor/ceiling between attached residential units and between residential and commercial units with at least a 54 sound coefficient rating. A cross-sectional detail, reviewed and approved by a certified architect or engineer as to the methodology accomplishing the sound coefficient rating, shall be included in the building permit application.
8. Protective Covenants. Prior to or concurrent with the recordation of each subdivision or Plan of Development approved by the County for residential and/or commercial development on the Property and before the conveyance of any portion of the Property covered by said subdivision plat or Plan of Development (other than for the dedication of easements, roads or utilities), a document[s] shall be recorded in the Clerk's Office of the

Circuit Court of Henrico County, Virginia setting forth controls on the development and maintenance of such portions of the Property.

9. Certificates of Compliance. Prior to issuing a building permit for any structure within the Property, the Building Permit Department shall receive a form from the developer or its agent indicating that the plans have been reviewed and approved for the proposed design of the structure.
10. Prohibited Uses. The following commercial uses shall be prohibited:
 - a. automotive filling and service stations including towing service;
 - b. outdoor flea markets or outdoor antique auctions; except for farmers markets;
 - c. billboards;
 - d. recycling facilities;
 - e. truck stops;
 - f. gun shop, sales and repair;
 - g. non-stealth communication towers;
 - h. adult businesses as defined by Section 24.3 of the Henrico County Zoning Ordinance;
 - i. establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.1-432 et seq. and 6.1 et. seq. of the Code of Virginia (the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections); and
 - j. commercial uses with drive-through service windows, except for a maximum of 2 banks on the Property located in the North Entrance, East Entrance and/or Town Center areas.
11. Minimum Square Footage. The minimum square footage for dwelling units shall be as provided in the Design Code (see case file).
12. Height Limitation. All buildings on the Property shall not exceed the height restrictions defined in the Design Code (see case file).
13. Amenities. The developer shall provide for the general use of all residents of the Property the minimum of the following:
 - a. three (3) swimming pools;
 - b. four (4) tennis courts;

- c. three (3) acres of playing fields;
- d. three (3) playgrounds;
- e. two (2) miles of pedestrian and bike trails in addition to trails in the Nature Area;
- f. Lafayette Park of approximately two and one-half (2.5) acres;
- g. Dairy Barn Park of approximately five (5) acres improved with a landscaped plaza and outdoor amphitheatre; and
- h. Nature Area of approximately one hundred fifty (150) acres with trails, ponds, observation decks and a landing for canoes and kayaks, if permitted.

Additionally, the developer shall provide private amenities for multifamily development such as, but not limited to exercise rooms, game rooms and theater rooms.

- 14. No Incorporation. The Property shall not be incorporated as a town as permitted by Code of Virginia Section 15.2-3600.
- 15. Sprinklers. Townhouses developed on the Property shall be constructed with a sprinkler system.
- 16. Hours of Commercial Operation. The only uses permitted to be open to the public for 24 hours shall be drug stores, grocery stores, health and fitness facilities and offices. Restaurants, pubs and bars located in the Town Center may be open to the public from 6:00 a.m. to 1:00 a.m. Sunday through Wednesday and to 2:00 a.m. Thursday through Saturday. All other commercial uses may be open to the public from 6:00 a.m. to 12:00 a.m.
- 17. Alley Lighting. Alleys serving residential development and adjacent areas shall be lighted pursuant to the standards provided in the Design Code.
- 18. Buffers.
 - a. A landscaped berm shall be provided along the northern Property line adjacent to GPIN# 799-705-4484. The berm shall be constructed to be a maximum of six (6) feet in height with a maximum of a two to one slope ratio within a buffer a minimum of twenty (20) feet in width. The berm shall be landscaped with evergreen trees such as Leyland Cypress, Nellie Stevens Hollies or White Pine trees a minimum of four (4) feet in height and planted at ten (10) feet on center on the top of the berm. The berm shall be constructed so as not to block the current flow of stormwater from the adjacent parcel or the Route 5 right-of-way.
 - b. A landscaped buffer a minimum of ten (10) feet in width shall be provided along the eastern boundary line of the Property adjacent to parcel GPIN# 799-705-4484. This buffer shall be planted with one row of evergreen trees such as cedars and hollies a minimum of four (4) feet in height and planted at ten (10) feet on center.

19. Sewer Connection. The developer shall extend the public sanitary sewer line to the property line of parcel GPIN# 799-705-4484 at a mutually agreeable location at the time a sanitary sewer line is installed to serve the first residential lot adjacent to GPIN# 799-705-4484. The sewer line shall be of sufficient size to serve the existing residences located on GPIN# 800-705-2197 and GPIN# 800-705-2570.

G. Miscellaneous.

1. Severance. The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

The vote of the Board was as follows:

<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
James B. Donati, Jr. David A. Kaechele Patricia S. O'Bannon Frank J. Thornton		Richard W. Glover

371-07 Gray Land and Development Company-Tree Hill, LLC: Request for a Provisional
P-17-07 Use Permit under Sections 24-32.1(a), 24-32.1(b), 24-32.1(e), 24-32.1(g), 24-
Varina 32.1(k), 24-32.1(l), 24-32.1(m), 24-32.1(p), 24-32.1(r), 24-32.1(t), 24.32.1(u),
24-32.1(v), 24-32.1(w), 24-34.1(c), and 24-122.1 of Chapter 24 of the County
Code, related to a Master Plan for The Town of Tree Hill Urban Mixed Use
development and to permit certain uses and exceptions to permitted height, density,
and design for uses within the proposed UMU, on part of Parcel 797-706-5048,
containing 530.9 acres, located between the James River and the west line of
Osborne Turnpike and Old Osborne Turnpike, generally located between McCoul
Street and the intersection of New Market Road and Osborne Turnpike.

On motion of Mr. Kaechele, seconded by Mrs. O'Bannon, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 371-07 (P-17-07) subject to the following conditions:

1. Permitted Provisional Uses. The following provisional uses shall be permitted on the property: outdoor vending areas subject to the conditions outlined below, commercial parking lots, retail and recreational facilities up to thirty thousand (30,000) square feet in area, indoor/outdoor auditoriums, drapery-making shops, drive-thru service windows for not more than two (2) banks and the proffered public library subject to the conditions outlined below, a grocery store not exceeding eighty-five thousand (85,000) square feet in floor area, recording studios, sign printing and painting shops, buildings heights as defined in the proffered Design Code and subject to the conditions outlined below, residential densities as set forth in the proffered Design Code, single-family homes as a principal use subject to the conditions set forth below, private schools, indoor and outdoor garden nurseries, child and adult day care centers, vehicle and boat storage, townhouse architectural treatments as set forth in the

proffered Design Code and subject to the following conditions set forth below, dwelling units accessory to a single-family detached residence and subject to the following conditions set forth below; and temporary sales or construction centers.

2. **Height and Floor Area Limitations.** Retail, service, residential and office uses, including a grocery store, located on the Property may be permitted as generally shown on the attached application materials, including the "Tree Hill Master Plan" included in the "Town of Tree Hill" materials (the "Master Plan") and the "Tree Hill Design Code," subject to the following height limitations (unless otherwise permitted during the plan of development for such building):
 - Within the East Entrance and the Hilltop Neighborhood land bays, the maximum height of any building may not exceed fifty-five (55) feet.
 - Within the Schoolhouse land bay, the maximum height of any building may not exceed sixty (60) feet.
 - Within the Town Center land bay, the maximum height of any building may not exceed eight-five (85) feet.
 - Within the North Village land bay, the maximum height of any building may not exceed seventy (70) feet.
 - Within the North Entrance land bay, the maximum height of any buildings may not exceed eighty-five (85) feet.

The maximum square footage of any use other than an office building, parking garage, or hotel shall not exceed ten thousand (10,000) square feet in floor area, except that:

- Retail and recreational buildings may be permitted up to thirty-five thousand (35,000) square feet of floor area.
 - A grocery store may be permitted up to eighty-five thousand (85,000) square feet of floor area.
3. **Vendor Areas.** Areas of the Property not used solely for residential purposes may be designated on the Master Plan, as may be revised from time to time, or a Plan of Development, for the preparation of food or beverages or the sale or display of merchandise conducted in an open area or structure by one or more individual vendors operating from stalls, stands, carts, vehicles or other spaces which are rented or otherwise made available to such vendors. Such activities may include a market, sale of merchandise as part of a permitted festival or other similar special event, or the outdoor display or sale by a single food or beverage vendor, operated as an incidental part of retail activity regularly conducted from within a permanent building on the premises. Sidewalk widths adjacent to outdoor vending areas shall not be reduced to less than five (5) feet, except to accommodate a permitted festival or other similar special event. Convenience trash receptacles shall be provided for each block that contains an outdoor vending area.
 4. **Drive-Through Service.** Drive-through service windows shall not be permitted except for not more than two (2) banks and the proffered library, which shall be restricted in location to the East Entrance, North Entrance, or Town Center land bays.

5. **Outdoor Dining.** Outdoor dining areas shall be designated on an approved Plan of Development and shall not reduce the adjacent sidewalk width to less than five (5) feet.
6. **Emergency Communication Systems.** At the request of the Fire Department, the owner shall install a fire command center and emergency radio communication equipment within any building devoted to commercial, office, civic, multifamily, or mixed use to allow for adequate public safety and radio coverage within and between the buildings. A communications consultant shall certify such equipment as compatible with the County's emergency communication system within ninety (90) days of the owner or tenant obtaining a Certificate of Occupancy for any such building. The County shall be permitted to perform communications testing within the buildings at any time.
7. **Fire Protection-Structured Parking.** A three (3) inch standpipe for fire protection shall be provided within all structured parking at approximately two hundred (200) foot intervals. The exact location of these improvements will be determined by the Fire Department during Plan of Development review. All structured parking decks shall be protected through a sprinkler system.
8. **Fire Protection.** All structures intended for residential, office, commercial, retail, civic or municipal, or mixed-use shall be fully sprinkled for fire protection. This condition shall not apply to single-family detached dwellings, unless an accessory dwelling unit is contained on the same parcel, in which case both structures shall be fully sprinkled for fire protection. This condition shall not apply to signs, fences, or accessory structures that do not contain an accessory dwelling unit.
9. **Crime Prevention.** Prior to occupancy of any structure containing commercial or office uses, the applicant and the Crime Prevention Unit of the Division of Police shall conduct a security survey of the property. The applicant shall implement mutually agreed upon security recommendations.
10. **Proffered Conditions.** All proffered conditions accepted with case C-52C-07 shall be made a part of this Provisional Use Permit.
11. **Single-Family Dwelling Units.** Single-family dwelling units may be permitted on the property on lots not less than forty (40) feet in width.
12. **Accessory Dwelling Units.** Not more than one accessory dwelling unit may be permitted on any individual lot occupied by a single-family dwelling. In no case may the total number of dwelling units permitted on the property exceed two thousand seven hundred seventy (2,770).
13. **Townhouse Architectural Treatment.** The side yard distance between any two rows of townhouses may be reduced to five (5) feet.

The vote of the Board was as follows:

Aye
James B. Donati, Jr.
David A. Kaechele
Patricia S. O'Bannon
Frank J. Thornton

Nay

Absent
Richard W. Glover

The Board recessed at 9:18 p.m. and reconvened at 9:34 p.m.

399-07 Norman C. & Gloria J. McCowin: Request to conditionally rezone from A-1
C-59C-07 Agricultural District to R-2AC, One-Family Residence District (Conditional),
Fairfield Parcel 790-746-1573, containing approximately 1.56 acres, located at the southeast
intersection of North Road and Edgefield Street.

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

On motion of Mr. Thornton, seconded by Mrs. O'Bannon, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 399-07 (C-59C-07) subject to the following proffered conditions:

1. **Density**: Density of the site shall not exceed two (2) units, including the existing dwelling on the property.
2. **Minimum Dwelling House Size**: The minimum finished floor area of any new dwelling shall be eighteen hundred (1,800) square feet.
3. **Brick Foundation**: Any new dwelling to be constructed on the property shall have a brick faced foundation on all sides of the dwelling.
4. **Crawl Space**: Any new dwelling constructed on the property shall have adequate crawl space there under to allow access thereto and shall have a crawl space entrance of at least three (3) feet by two (2) feet in the rear of the house.
5. **Brick Stoop and Steps**: The stoops and steps shall be brick consistent with the brick-faced foundation.
6. **Architectural Materials**: The exterior finishes of any new dwelling shall be brick, stone, hardiplank or vinyl siding.
7. **Chimneys, Flues and Cantilevered Windows**: The exposed portion of a flue for a direct-vent gas fireplace shall be constructed of the same material used on the adjacent siding. No windows, closets, chimneys or gas vents shall be cantilevered. The exposed portion of all fireplace chimneys shall be brick. This proffer shall not apply to direct-vent gas fireplaces or appliances.

8. **Severance:** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

The vote of the Board was as follows:

<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
James B. Donati, Jr. David A. Kaechele Patricia S. O'Bannon Frank J. Thornton		Richard W. Glover

400-07 Lakeside Town Center, LLC: Request to conditionally rezone from B-2C Business
C-55C-07 District (Conditional) to B-3C Business District (Conditional), Parcel 780-749-
Fairfield 9410, containing 2.73 acres, located on the west line of Lakeside Avenue at
 Timberlake Avenue.

The Board agreed to hear Agenda Item Nos. 400-07 (C-55C-07) and 401-07 (P-18-07) at the same time since they were companion cases.

No one from the public spoke in opposition to these cases.

In response to a question from Mr. Donati, Principal Planner Jean M. Moore confirmed that the public as well as vendors had supported this type of use for the rezoning request. Mr. Thornton advised that he had also received supportive communication for this initiative, noting that it was the first time Henrico County had husbanded such a facility. He described the request as a novel idea that would provide a good marriage for this location. He asked Mr. Silber to convey his appreciation to the Planning Staff that had worked to bring this case forward.

On motion of Mr. Thornton, seconded by Mrs. O'Bannon, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 400-07 (C-55C-07) subject to the following proffered conditions:

1. The only use first permitted in the B-3 District permitted on the property shall be an Outdoor Farmers' Market not to exceed four thousand five hundred (4,500) square feet of vendor space. In addition, the following uses shall be prohibited.
 - a. Automotive filling and service stations;
 - b. Gun shop, sales and repair;
 - c. Hotels, motels, and motor lodges;
 - d. Radio and television stations and studios or recording studios;
 - e. Indoor recreational facilities; however, theaters shall be permitted;
 - f. Permanent on site recycling facility;
 - g. Flea markets; however, indoor farmers' markets shall be permitted.
 - h. Establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.1-432 et seq. and 6.1-444 et seq. of the Code of

Virginia (1950), in effect as the date of the approvals of these proffers (the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the forgoing Virginia Code Sections);

- i. Child care centers, babysitting services and adult day care centers; and;
 - j. Private club, lodge, meeting hall and fraternal organization;
2. Facade improvements and signage shall be substantially as shown on the drawing entitled, "6112 Lakeside Avenue, Richmond, Virginia" and dated March 30, 2005 (see case file).
 3. Upon completion of streetscape improvements to the adjacent portion of Lakeside Avenue by the Department of Public Works, the applicant shall construct brick planters substantially as shown on the drawing entitled "6112 Lakeside Avenue, Richmond, Virginia" and dated March 30, 2005 (see case file), and shall plant shrubs within these planters at no wider that eighteen (18) inches on center.
 4. All signage on the existing structures will follow the sign requirements of B-2 zoning.
 5. Hours of operation will be the same as the requirements of B-2 zoning.

The vote of the Board was as follows:

<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
James B. Donati, Jr. David A. Kaechele Patricia S. O'Bannon Frank J. Thornton		Richard W. Glover

401-07 Lakeside Town Center, LLC: Request for a Provisional Use Permit under
P-18-07 Sections 24-62.2(g), 24-120, and 24-122.1 of Chapter 24 of the County Code to
Fairfield operate a farmers' market permitted under the category of an outdoor commercial
 flea market within a 4,500 square foot area, on Parcel 780-749-9410, located on
 the west line of Lakeside Avenue at Timberlake Avenue.

On motion of Mr. Thornton, seconded by Mrs. O'Bannon, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 401-07 (P-18-07) subject to the following conditions:

1. The operation of the outdoor farmers' market shall adhere to all proffers accepted with rezoning case C-55C-07 (see case file).
2. The maximum area of the outdoor farmers' market shall be four thousand five hundred (4,500) square feet. Other than temporary stands and tents for vendors, no structures shall be erected. Any temporary tents used for vendors shall be uniform in design. Any stands and temporary tents shall be removed at the end of each day of operation. No outside storage shall be permitted.

3. The operation of the outdoor farmers' market shall comply with the following standards:
 - a. The market shall only be in operation a maximum of two (2) days a week and between May 1 through November 30 of each year.
 - b. Hours of operation shall be limited to 7:00 a.m. to 8:00 p.m. during Eastern Daylight Saving Time and from 7:00 a.m. to 5:30 p.m. during Eastern Standard Time.
 - c. Only produce and those processed foods that are regulated by the Virginia Department of Agriculture and Consumer Services shall be permitted for sale. No arts and crafts or prepared foods shall be permitted.
 - d. The sale or consumption of alcohol shall be prohibited.
4. The applicant shall designate a Market Manager to be in charge of the farmers' market operations, including vendor selection, and responsible for compliance with the conditions of this Provisional Use Permit. The Market Manager shall be responsible for complying with all local, state and federal regulations.
5. Prior to operation, the Market Manager shall submit a Plan of Development to the Department of Planning for approval. The POD shall delineate the specific vendor area and details of any temporary tent structures, pedestrian walkways, drive aisles and parking stalls for the site. The vendor area shall be secured to prevent unauthorized access into the vendor area and to provide safe pedestrian access to and from the market.
6. Prior to operation, the surface parking lot shall be re-stripped in accordance with Henrico County parking standards.
7. Trash receptacles shall be provided and property serviced to control litter generated by this use. All refuse including produce, boxes, etc. shall be removed from the premises at the end of each sales day. The parking lot shall be cleaned of trash and debris at least twice a week.
8. No outside live music performances or outdoor speaker system shall be permitted on the site.
9. The operation of the farmers' market shall not cause loitering, criminal assaults or public nuisance or unsafe conditions for the surrounding area.
10. The Director of Planning shall review the operation of the outdoor farmers' market annually for a period of thirty-six (36) months to ensure compliance with the conditions imposed with this Provisional Use Permit. If the Director finds, based upon his review, that the permit holder has failed to comply with any of the conditions or that the operation of the outdoor farmers' market is having a deleterious effect on the surrounding area, then the Director shall initiate a show cause hearing on revocation of the permit pursuant to the provisions of Section 24-122.1(b) of the County Code.

The vote of the Board was as follows:

Aye
James B. Donati, Jr.
David A. Kaechele
Patricia S. O'Bannon
Frank J. Thornton

Nay

Absent
Richard W. Glover

PUBLIC HEARINGS - OTHER ITEMS (continued)

403-07 Resolution – Amendment to the FY 2007-08 Annual Fiscal Plan: December, 2007.

Eugene H. Walter, Acting Director of Management and Budget, responded to a couple of questions from Mr. Kaechele pertaining to monies dedicated to the County's self-insurance program that are paid by employees, and the allocation of the reserve fund. Mr. Hazelett assisted Mr. Walter in answering a question from Mr. Kaechele regarding the budget shortfall for renovations at Douglas Freeman High School. *In response to a question from Mrs. O'Bannon, Mr. Walter advised that the \$250,000 listed in the amendment would cover the projected shortfall for the project. Mr. Walter and Mr. Hazelett confirmed for Mrs. O'Bannon that the funding for the Byrd Middle School project was coming from the fund balance as part of capital initiatives.*

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

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, and by unanimous vote with Mr. Glover absent, the Board approved Agenda Item No. 403-07 – see attached Resolution.

404-07 Resolution – Signatory Authority – Extension of Lease – 8611 Dixon Powers Drive – Brookland District.

Mr. Hazelett advised that due to an advertising error, this Board paper would have to be deferred to the January 22, 2008 meeting.

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, and by unanimous vote with Mr. Glover absent, the Board deferred this item to January 22, 2008 – see attached copy of Resolution.

405-07 Resolution – Signatory Authority – Quitclaim of Drainage Easement – Spring Lake – Fairfield District.

Mr. Hazelett advised that this paper would also have to be deferred to January 22, 2008 because of an advertising error.

On motion of Mr. Thornton, seconded by Mrs. O'Bannon, and by unanimous vote with Mr. Glover absent, the Board deferred this item to January 22, 2008 – see attached copy of Resolution.

PUBLIC COMMENTS

Bruce Richardson, a Fairfield District resident and member of East End Communities United for Change, read a letter addressed to Fred S. Morton IV, Superintendent of Schools, pertaining to conditions at Fairfield Middle School (see enclosed copy). He expressed concerns about the recent transfer of funds by the School Board from a pending renovation project at Fairfield Middle School to design projects for field houses at Deep Run and J. R. Tucker High Schools. Mr. Donati advised Mr. Richardson of the 2005 bond referendum where \$100 million had been designated to go directly to school projects in the eastern portion of the County and offered to have the Department of Finance provide him with a copy that shows how the funds had been allocated. Mr. Thornton complimented Mr. Richardson for coming forward and effectively articulating his challenges with the school system and suggested that he and his fellow committee members educate themselves on the administrative process to better assist them in their efforts. Mr. Kaechele advised Mr. Richardson that he had received his e-mail and asked whether Mr. Richardson was aware of the reasoning behind the transfer of funds from Fairfield Middle School. Mr. Kaechele assured Mr. Richardson that the funds would be replaced. Mrs. O'Bannon pointed out to Mr. Richardson that the Board of Supervisors allocates the money to the School Board and he needed to address his concerns to that body as far as how it is distributed.

Brian Wenk, a resident of the Brookland District, raised questions and concerns that he felt had not been addressed when he spoke during the public comment period at the November 27, 2007 Board meeting. These included the method of sewage disposal at Elko Middle School, the time period for constructing the middle school, whether State law allows the construction of a school without a sewer system in place, and whether the County requires permits and inspections for new school facilities. Mr. Hazelett advised Mr. Wenk that the citizens were made aware of the sewage disposal method at Elko Middle School because of deliberations over the funding that had to be provided for the school before the sewage system could be completed. In response to a couple of Mr. Wenk's questions, Mr. Hazelett advised that he would have to obtain his answers from the Schools. Mr. Hazelett confirmed that school construction requires the same permits and inspections as any other buildings.

Rodney Booker, an eastern Henrico County resident, representative of East End Coalition for Change, and Vice-President of the Parent Teacher Association (PTA) at Arthur Ashe Elementary School, expressed concerns paralleling Mr. Richardson's regarding the recent movement of funds from the Fairfield Middle School renovation project to field house designs at Deep Run and J. R. Tucker High Schools. He also commented on the present level of equipment, staffing, and security features at Arthur Ashe Elementary School. Mr. Hazelett noted that he suspected but did not know for a fact that Mr. Booker's issues were going to be addressed by Schools because there was a change in the scope of features for the renovation project. He inferred that the cafeteria furniture needs of the school should be addressed by the School Administration and the School Board. In response to one of Mr. Booker's concerns, Mr. Hazelett stated that the School Board solicits community involvement to aid the Schools and foster better relationships with parents.

Mr. Hazelett assured Mr. Booker that the transferred funds would be replaced on July 1 and the renovation project would move forward. He encouraged him to sit down with the School Board and communicate the community's needs. Mrs. O'Bannon explained that the Board of Supervisors collects taxes and distributes money to the Schools, but the School Board is an elected body that divides the money the way it wants to based on its policy decisions. Mr. Kaechele pointed out to Mr. Booker that the funds that were recently transferred to Deep Run and J. R. Tucker High Schools were for design only to get the project to move forward and not for the construction of buildings. Mr. Thornton encouraged Mr. Booker to communicate with the School Board member in his district to assist him in moving through the process and addressing issues of concern.

William Spencer, a County resident, opined on the need for principals and school staff to communicate better with students and get to know them on a first name basis.

Lynette Goode, a County resident, commented on the need for parents to become more involved with their children's schools and PTAs, address the School Board on issues of concern, and be aware of the administrative process followed by the Board of Supervisors in allocating funds that are then distributed by the School Board. Referring to the issue of the transfer of funds going to the design of field houses, she stated that students need to become more active to promote healthier lifestyles and reduce obesity.

Makon Fletcher, a Fairfield District resident and co-founder of East End Communities United for Change, remarked on the previous speaker's comments and how she as a parent has stepped up and become more involved in her child's school and in the issues pertaining to Fairfield Middle School.

Following the public comments, Mrs. O'Bannon stated that this is why she loves being on the Board of Supervisors and remarked that this was a great civics lesson.

GENERAL AGENDA

406-07 Resolution – Authorizing and Providing for the Issuance of Not to Exceed Thirty Million Eight Hundred Thousand Dollars (\$30,800,000) Principal Amount of General Obligation Public Improvement Bonds of Henrico County, Virginia, for the Purpose of Providing Funds to Finance Certain School Capital Improvements and Fire Stations and Facilities in the County; Fixing the Form, Denomination and Certain Other Details of Such Bonds; Approving the Sale of Such Bonds; Approving the Form of and Distribution of a Preliminary Official Statement in Connection with the Sale of Such Bonds; Authorizing and Approving Other Actions with Respect to the Issuance and Sale of Such Bonds; and Ratifying Certain Acts and Proceedings.

John A. Vithoukas, Acting Director of Finance, responded to an inquiry from Mrs. O'Bannon about the anticipated bond rating the County would receive.

On motion of Mr. Kaechele, seconded by Mrs. O'Bannon, and by unanimous vote with Mr. Glover absent, the Board approved Agenda Item No. 406-07 – see attached Resolution.

407-07 Resolution - Receipt of Audited Annual Financial Report for Fiscal Year Ended June 30, 2007 and Acknowledgement of Discharge of Duties and Responsibilities by Audit Committee.

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, and by unanimous vote with Mr. Glover absent, the Board approved Agenda Item No. 407-07 – see attached Resolution.

379-07 Introduction of Ordinance - To Participate in the John Tyler Alcohol Safety Action Program.

Mr. Hazelett noted that this item had been brought before the Board at the November 13, 2007 meeting but had been deferred because of some concerns he had at the time. He advised that he has since met with the judges from General District Court and the paper was now ready to be brought forward; however a substitute paper was necessary to correct the advertising dates for the public hearing scheduled for January 8, 2008.

On motion of Mrs. O'Bannon, seconded by Mr. Kaechele, the Board approved Mrs. O'Bannon motion to substitute introduction of ordinance 379A-07 for ordinance 379-07. The vote of the Board was as follows:

<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
James B. Donati, Jr.		Richard W. Glover
David A. Kaechele		
Patricia S. O'Bannon		
Frank J. Thornton		

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, and by unanimous vote with Mr. Glover absent, the Board approved Agenda Item No. 379A-07 – see attached Substitute Introduction of Ordinance.

408-07 Resolution – Signatory Authority – Amendment to Architectural and Engineering Services Contract, Animal Shelter.

Paul N. Proto, Director of General Services, pointed to a typographical error in the Board paper and noted that the amount in the last line of the fourth paragraph should have read \$237,359.25. In response to several questions from Mrs. O'Bannon, Mr. Proto described the numerous construction problems associated with the project that primarily stemmed from supervision at the site, the original amount of the contract, and the name of the company that had been awarded the contract and where the company is located. Mr. Proto responded to further

questions from Mr. Kaechele concerning the nature of the change in the contract, whether the problem at the site had been corrected, if the County had incurred any costs because of the deficiencies, whether the County was in litigation with the contractor, the additional costs of the project, and concern about this amendment being a third change to the original contract. Mr. Thornton inquired as to whether the original contractor is still doing the work. Mr. Hazelett advised the Board that he and Mr. Proto met with the owners of the construction company and were assured that the project will be completed correctly without additional costs to the County. Mr. Proto responded to an additional question from Mrs. O'Bannon concerning the completion of the site and whether the contractor has been banned from any future work with the County.

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, the Board approved Mrs. O'Bannon motion to amend resolution 408-07. The vote of the Board was as follows:

<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
James B. Donati, Jr.		Richard W. Glover
David A. Kaechele		
Patricia S. O'Bannon		
Frank J. Thornton		

On motion of Mrs. O'Bannon, seconded by Mr. Kaechele, and by unanimous vote with Mr. Glover absent, the Board approved Agenda Item No. 408-07 as amended – see attached amended Resolution.

409-07 Introduction of Ordinance - To Amend and Reordain Section 23-231 Titled “Authority of county manager,” Section 23-232 Titled “Use of water during water emergency,” Section 23-233 Titled “Notice of declaration of water emergency,” and Section 23-234 Titled “Reserved” of the Code of the County of Henrico to Permit Mandatory Restrictions on the Use of Water From the County’s Public Water System Under Certain Conditions and to Establish Penalties for Violations.

On motion of Mr. Kaechele, seconded by Mrs. O'Bannon, and by unanimous vote with Mr. Glover absent, the Board approved Agenda Item No. 409-07 – see attached Introduction of Ordinance.

410-07 Resolution - Signatory Authority - Amendment to Engineering Services Agreement - Whitman, Requardt and Associates, LLP - Wilkinson Road Area Water Mains.

On motion of Mr. Thornton, seconded by Mrs. O'Bannon, and by unanimous vote with Mr. Glover absent, the Board approved Agenda Item No. 410-07 – see attached Resolution.

411-07 Resolution - Signatory Authority - Award of Construction Contract - Wilkinson Road Area Water Mains - Phase 2 - R. R. Snipes Construction Co., Inc.

On motion of Mr. Thornton, seconded by Mrs. O'Bannon, and by unanimous vote with Mr. Glover absent, the Board approved Agenda Item No. 411-07 – see attached Resolution.

- 412-07 Resolution - Signatory Authority - Award of Construction Contract - Springfield Road Landfill Public Use Area Improvements - Blakemore Construction Corporation.

On motion of Mr. Kaechele, seconded by Mrs. O'Bannon, and by unanimous vote with Mr. Glover absent, the Board approved Agenda Item No. 412-07 – see attached Resolution.

- 413-07 Resolution - Signatory Authority - Amendment to Engineering Services Agreement - Fourmile Creek Trunk Sewer Rehabilitation - Greeley and Hansen LLC.

On motion of Mr. Kaechele, seconded by Mrs. O'Bannon, and by unanimous vote with Mr. Glover absent, the Board approved Agenda Item No. 413-07 – see attached Resolution.

- 414-07 Resolution - Signatory Authority – Purchase and Sale Agreement – Wetlands Mitigation Credits – Fourmile Trunk Sewer Rehabilitation Project.

Arthur D. Petrini, Director of Public Utilities, responded to a question from Mr. Kaechele about the cost of the wetland credits.

On motion of Mr. Kaechele, seconded by Mrs. O'Bannon, and by unanimous vote with Mr. Glover absent, the Board approved Agenda Item No. 414-07 – see attached Resolution.

- 415-07 Resolution - Signatory Authority – Special Project Service Agreement for Disaster Recovery Services.

Mr. Petrini responded to a question from Mrs. O'Bannon concerning the procedures followed by the Central Virginia Waste Management Authority (CVWMA) for Federal Emergency Management Agency (FEMA) reimbursement. Mr. Hazelett confirmed that CVWMA follows FEMA requirements and this contract merely provides for their availability in conformance with FEMA regulations. There was some discussion on the use of Grubbs, a contractor the County has used in the past for clean-up efforts. Mr. Petrini responded to additional questions by Board members regarding whether the County has ever had this type of service agreement before, whether it would cost the County for the contractor to be on stand-by, whether the County would have to provide areas for the contractor to handle the collected debris, and the terms for removing trees.

On motion of Mr. Kaechele, seconded by Mrs. O'Bannon, and by unanimous vote with Mr. Glover absent, the Board approved Agenda Item No. 415-07 – see attached Resolution.

416-07 Resolution - Signatory Authority - Special Project Service Agreement for Professional Debris Management Services.

Mr. Petrini responded to a question from Mr. Kaechele concerning the costs incurred for this service. Mr. Vithoulkas responded to a question from Mr. Donati relating to how much FEMA still owed the County for reimbursement from previous storm damage.

On motion of Mr. Kaechele, seconded by Mrs. O'Bannon, and by unanimous vote with Mr. Glover absent, the Board approved Agenda Item No. 416-07 – see attached Resolution.

417-07 Resolution – Award of Contract to Provide for Digital Imagery and Planimetric Base Map Products and Services.

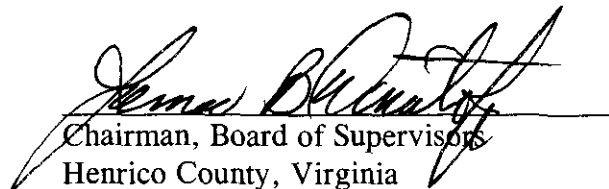
In response to a question from Mrs. O'Bannon, Mr. Priestas commented that this contract costs significantly less than the original contract in 1998 because of improved technology. Mr. Priestas and Mr. Hazelett responded to additional questions from Board members concerning the potential for combining this type of service with the Richmond Regional Planning District Commission, the timeframe for flying the County, and delivery of the imagery.

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, and by unanimous vote with Mr. Glover absent, the Board approved Agenda Item No. 417-07 – see attached Resolution.

418-07 Resolution – Acceptance of Roads.

On motion of Mr. Kaechele, seconded by Mrs. O'Bannon, and by unanimous vote with Mr. Glover absent, the Board approved Agenda Item No. 418-07 – see attached Resolution.

There being no further business, the meeting was adjourned at 11:12 p.m.


Chairman, Board of Supervisors
Henrico County, Virginia

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

Agenda Title RESOLUTION - Amendment to the FY 2007-08 Annual Fiscal Plan: December, 2007

<p>For Clerk's Use Only:</p> <p>Date <u>DEC 11 2007</u></p> <p><input checked="" type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p> <p><input type="checkbox"/> Amended</p> <p><input type="checkbox"/> Deferred to</p>	<p>BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>O'Bannon</u> Seconded by (1) <u>Thornton</u></p> <p>(2) _____ (2) _____</p> <p>REMARKS: APPROVED</p>	<table border="0"> <tr> <td></td> <td align="center">YES</td> <td align="center">NO</td> <td align="center">OTHER</td> </tr> <tr> <td>Donati, J.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Glover, R.</td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input checked="" type="checkbox"/> <u>absent</u></td> </tr> <tr> <td>Kaechele, D.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>O'Bannon, P.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Thornton, F.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> </table>		YES	NO	OTHER	Donati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Glover, R.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> <u>absent</u>	Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Donati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
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Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							

WHEREAS, the Board of Supervisors of the County of Henrico, Virginia, did hold an advertised public hearing at 7:00 p.m., on December 11, 2007, to consider proposed amendments to the Annual Fiscal Plan for fiscal year 2007-08; and,

WHEREAS, those citizens who appeared and wished to speak, were heard.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Henrico, Virginia, that the Annual Fiscal Plan for fiscal year 2007-08, should be and hereby is amended and that such funds hereby are appropriated for expenditure in the amounts and for the purposes indicated.

OPERATING FUNDS

FUND 0101 - GENERAL FUND - General Operating

Department - 04 - Circuit Court

04001 - Circuit Court Clerk

\$ 393,094

0000 00000 The Commonwealth of Virginia Compensation Board has awarded the County of Henrico, an additional \$393,094, from the Clerk's Technology Trust Fund. These funds will be used for secure remote access; enhancements to the integrated land records system; and various hardware and software for the Circuit Court Clerk's Office. These funds result from fees collected by the clerk on documents recorded in the Clerk's Office.

Department 22 - Social Services

22001 - Independent Living Program

1302 00000 - Purchase of Services

\$ 10,000

To appropriate additional funds for the Independent Living Education and Training Voucher Program. This program provides funding to help foster care youth with expenses associated with college and vocational training. The program is funded with \$8,000 of Federal (80%) and \$2,000 of State (20%) funding. No local match is required.

By Agency Head: [Signature]

By County Manager: [Signature]

Routing:
Yellow to: Finance

Copy to: _____

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

Date: _____

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

22031 - TANF Hard to Serve
1302 00000 - Purchase of Services 683,786

The Commonwealth of Virginia, Department of Social Services, has awarded the County of Henrico, \$683,786, in additional Federal funding for fiscal year 2007-08, to continue providing employment services for the Hard-to-Serve Temporary Assistance for Needy Families (TANF) recipients. Of this total, \$73,786 has been designated for administration and \$610,000 is allotted for the purchase of services. No County matching funds are required.

22202 - VIEW Day Care
1302 00000 - Purchase of Services 806,060

The Commonwealth of Virginia, Department of Social Services, will reimburse the County of Henrico, an additional \$322,424 of State (40%) and \$403,030 of Federal (50%) funds for the Virginia Initiative for Employment not Welfare (VIEW) Program in fiscal year 2007-08. The required 10% County match (\$80,606) will come from the fund balance in the General Fund, and is included in this \$806,060, amount. The total appropriation for this program in fiscal year 2007-08, will be \$3,478,477, after this addition.

22301 - VIEW Program
1302 00000 - Purchase of Services 329,438

The Commonwealth of Virginia, Department of Social Services, will reimburse the County of Henrico, an additional \$113,656 of State (34.5%) and \$164,719 of Federal (50%) funds for the Virginia Initiative for Employment not Welfare (VIEW) Program in fiscal year 2007-08. The required 15.5% County match (\$51,063) will come from the fund balance in the General Fund, and is included in this \$329,438 amount. The total appropriation for this program in fiscal year 2007-08 will be \$1,048,736 after this addition.

22505 - Adult Services
1302 00000 - Purchase of Services 10,000

Supplemental funding of \$8,000 has been awarded to the County of Henrico by the Commonwealth of Virginia, Department of Social Services for the Adult Services program. The required 20% or \$2,000 of County matching funds will come from the fund balance in the General Fund, and is included in this \$10,000 total. This funding will enable the department to serve up to seven cases currently on the waiting list for Adult Chore and Companion Services. These cases will be served at ten hours per week for thirty-two weeks and will receive services which could include assistance for housekeeping, cleaning, cooking, bathing, light chores, and other miscellaneous assistance. The total funding in this program area is \$110,000 of which \$22,000 is local.

	\$	1,839,284
Total Social Services	\$	2,232,378
Total GENERAL FUND	\$	2,232,378

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

FUND 1102 - SPECIAL REVENUE FUND - State and Federal Grants - County
Department 02 - Public Library

02001 - Public Services

0000 05140 - Filtering Grant \$ 9,428

The Library of Virginia Board has awarded \$9,428 to the County of Henrico in the form of a filtering grant in order to assist the public libraries with providing filtering software for public use computers that provide Internet services to the County citizens. The software does not allow minors to access inappropriate web sites. No County matching funds are required.

Department 12 - Police

12002 - Fiscal Records

0000 00173 - Bulletproof Vest Partnership Program \$ 5,986

Additional funds have been approved for reimbursement to the County of Henrico from the United States Department of Justice, Office of Justice Programs, under the Bulletproof Vest Partnership Program, in the amount of \$5,986. No County matching funds are required.

0000 05113 - Domestic Violence Cell Phone Recycling 789

To appropriate revenue received from the recycling of cell phones. These inactive cell phones are donations from citizens and are collected by the Domestic Violence Coordinator, who in turn, recycles the phones. Funding is to be used on initiatives to combat domestic violence.

0000 05138 - Justice Assistance Grant 08 115,167

Funds have been received from the Justice Assistance Grant (JAG), for \$115,167. These federal funds are to be used to purchase a SWAT vehicle, portable handheld breathalyzers, and a replacement video system for the interview room in Warrant Services. No County matching funds are required.

0000 05139 - TRIAD 08 2,475

The Office of the Attorney General has awarded the County of Henrico, \$2,475 in State funds for the Senior Services program. Funds will be used to purchase a portable sound system to be used to educate the County's senior citizens on crime prevention. A County required match of \$275 will be provided via a transfer of appropriated funds from a Police reserve account, for a total program amount of \$2,750.

Total Police \$ 124,417

Department 13 - Fire

13113 - Emergency Planning and Safety

0000 00833 - Fire Prevention Services \$ 1,535

Donations have been received from the private sector for use by the Division of Fire. These funds are to be used to purchase smoke detectors, training related materials for Fire Prevention Services, and provide funding for the maintenance of the Division's Kids Safety House.

Total Fund 1102 - Special Revenue Fund-State/Fed Grants-County \$ 135,380

COUNTY OF HENRICO, VIRGINIA
 BOARD OF SUPERVISORS
 MINUTE

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

05001	- Commonwealth's Attorney	
0000 00000	- <u>Forfeitures - Commonwealth's Attorney - State</u>	\$ 4,954
	Law enforcement special funds which have been received by the County of Henrico, and heretofore not appropriated for expenditure, are to be appropriated and used by the Commonwealth's Attorney for law enforcement projects as determined and approved by the County Manager or his designee.	
Total SPECIAL REVENUE FUND		\$ 140,334

FUND 6301 - RISK MANAGEMENT FUND

Department 16 - General Services

16001	- Risk Management	
0000 00000	- <u>Risk Management</u>	\$ 4,845,500
	Funds are required to support anticipated expenses for the Workers' Compensation and Property/Liability programs for fiscal year ending June 30, 2008. This appropriation is an estimate of what will be required for the balance of the fiscal year. In fiscal year 2006-07, this amendment was appropriated in the amount of \$3,948,322. Funds are to come from the Self-Insurance Reserve in the General Fund, via an interfund transfer to the Internal Service Fund.	
Total RISK MANAGEMENT FUND		\$ 4,845,500

FUND 6401 - HEALTH INSURANCE FUND

Department 42 - Health Insurance, Self-Insured

42001	- Health Insurance, Self-Insured	
0000 00000	- <u>Health Insurance, Self-Insured</u>	\$ 36,015,362
	The new Health Insurance Fund will equal \$36,015,362 for the remainder of fiscal year 2007-08. Of the \$36,015,362, there is \$26,662,660 currently budgeted in the Annual Fiscal Plan. Those appropriations need to be moved to this Internal Service Fund function. The balance of funding, \$9,352,702 will come from employee and retiree payments for their health insurance coverage.	
	<u>Health Insurance, Self-Insured - Interfund Adjustment</u>	(26,662,660)
	This amount reflects the interfund adjustments from County agencies for the remainder of fiscal year 2007-08 that have already been appropriated.	
	<u>Health Insurance, Self-Insured - Net New Appropriation</u>	9,352,702
	The remaining funding of \$9,352,702 will be supported by employee and retiree payments for their health insurance coverage. This amount, in conjunction with interfund transactions, will create the new Health Insurance Fund for the County of Henrico.	
Total HEALTH CARE FUND		\$ 9,352,702
Total OPERATING FUNDS		\$ 16,570,914

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

CAPITAL FUNDS

FUND 2100 - CAPITAL PROJECTS FUND

Department 23 - Recreation and Parks

23101 - Administration - Director

0260 01187 - Osborne Park Picnic Shelters \$ 5,000

This amendment will provide funding for the installation of ceiling fans in the picnic shelters at Osborne Park. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

0257 06435 - Tuckahoe Sports Complex 65,587

To provide additional funding for the Master Plan for the Tuckahoe Sports Complex. The total budget for the Master Plan is \$89,500, of which \$23,913 is being used from the available balance of the March 2005 G.O. Bond Referendum project for Western Henrico Recreation and Parks Land Acquisition. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

0257 06472 - Byrd Middle School 62,900

To provide funding for the planning and design costs for the construction of a concession building at the Byrd Middle School playing field. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

Total Recreation and Parks \$ 133,487

Department 28 - Public Works

28004 - Construction

0000 00678 - Tuckahoe Drainage Improvements \$ 14,440

This amendment of \$14,440 will provide funding for engineering services for the construction of Phase 1B of the Tuckahoe Park drainage improvements project located in the Three Chopt district. This project will tie into the previously constructed Phase 1A drainage system along Mayland Drive. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

0000 00000 - Gaylord Road Drainage Improvements 28,120

To provide funding for survey and engineering services for approximately 1,500 linear feet of drainage improvements at Gaylord Road located in the Three Chopt district. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

Total Public Works \$ 42,560

COUNTY OF HENRICO, VIRGINIA
 BOARD OF SUPERVISORS
 MINUTE

Department - 32 - Non-Departmental

32001 - Non-Departmental

0000 06482 - Clarendon Farms Sign Project \$ 7,000

To provide funding for a brick entrance sign for the Clarendon Farms community. The sign would be located on Bogart Road between Brooking Meadows and Reynolds Ridge Court. The total cost of the sign is estimated to be \$9,000, of which \$2,000 will be provided from the Clarendon Farms Homeowner's Association. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

32001 - Non-Departmental

0000 06483 - Lakeside Business Association Project 550

To provide funding for the Lakeside Business Association avenue-wide event to promote economic activities in the Lakeside community. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

Total Non-Departmental \$ 7,550

Department 50 - Education

50331 - Construction and Maintenance

0000 06281 - Freeman High School Renovation Planning and Construction \$ 250,000

This amendment will provide additional funding for the Freeman High School renovation project. Funding is to be provided by interest earnings recorded from proceeds of the 2000 G.O. Bond Referendum.

0000 06306 - Varina High School Field House Addition and Renovation (2105) 441,000

0000 06306 - Varina High School Field House Addition and Renovation (2111) 100,000

This project will add funding to the construction phase of the Varina High School field house addition and renovation project. Funding for this project is to come from cumulative unappropriated Lottery (\$402,000) and State Construction funds (\$39,000). In addition, this project is also to be funded with \$100,000 from the County's General Fund balance that is to be transferred to the Capital Projects Fund for this project.

Total Education	\$ 791,000
Total CAPITAL PROJECTS FUND	\$ 974,597
Total Amendments/Appropriations	\$ 17,545,511

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

For informational purposes only:

FROM:

CAPITAL FUNDS

FUND 2123 - CAPITAL PROJECTS FUND - FY2008 School G.O. Bonds Ref. 2005

Department 50 - Education

50331 - Construction and Maintenance

0000 06397 - Education Bond Project Reserve \$ (2,018,969)

TO:

CAPITAL FUNDS

FUND 2123 - CAPITAL PROJECTS FUND - FY2008 School G.O. Bonds Ref. 2005

Department 50 - Education

50331 - Construction and Maintenance

0000 06282 - Varina High School Cafeteria and Classroom Addition \$ 2,018,969

Additional funding required for the construction phase for the Varina High School Cafeteria and Classroom Addition project. This additional appropriation will bring the total project appropriation for this project to \$5,474,016. Funds are to come from the Education Bond Project reserve.

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



COUNTY OF HENRICO, VIRGINIA
 BOARD OF SUPERVISORS
 MINUTE

Agenda Item No. **376-07**
 Page No. 1 of 1

Agenda Title: Resolution — To Amend the Henrico 2010 Land Use Plan to Designate the Tree Hill Farm Site as an Urban Mixed Use Development Area

For Clerk's Use Only: Date <u>DEC 11 2007</u> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to	BOARD OF SUPERVISORS ACTION Moved by (1) <u>Kaechele</u> Seconded by (1) <u>Thornton</u> (2) _____ (2) _____	YES NO OTHER Donati, J. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Glover, R. <input type="checkbox"/> <input type="checkbox"/> <u>absent</u> Kaechele, D. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> O'Hannon, P. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Thornton, F. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	REMARKS: APPROVED	

WHEREAS, the 2010 Land Use Plan (the "Plan") shows all of the existing and planned land uses within Henrico County; and,

WHEREAS, the Plan contains guidelines for identifying areas appropriate for designation as an Urban Mixed Use Development Area; and,

WHEREAS, property owners have requested the County to amend the Plan to designate the Tree Hill Farm site as an Urban Mixed Use Development Area; and,

WHEREAS, the Tree Hill Farm site is bordered by New Market Road to the north, the James River to the south, Almond Creek to the west, and Mill Creek to the east; and,

WHEREAS, the proposed Tree Hill Farm project would be consistent with the Urban Mixed Use development criteria and guidelines, including compatibility with adjacent uses; and,

WHEREAS, the Planning Commission recommended approval of the request to designate the Tree Hill Farm site an Urban Mixed Use Development Area at its October 11, 2007 meeting.

NOW, THEREFORE, BE IT RESOLVED by the Henrico County Board of Supervisors that the 2010 Land Use Plan be amended to designate the Tree Hill Farm site as an Urban Mixed Use Development Area.

Comments: The Director of Planning recommends approval of this Board paper, and the County Manager concurs.

By Agency Head David D. O'Kelly By County Manager Supp. S. Hayslett

Routing:
 Yellow to: Planning
 Copy to: _____

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

Date: _____



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

Agenda Item No. **406-07**
Page No. _____
1 of 1

Agenda Title

See Below

<p>For Clerk's Use Only:</p> <p>Date <u>DEC 11 2007</u></p> <p><input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to</p>	<p>BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>Kaechele</u> Seconded by (1) <u>O'Bannon</u> (2) _____ (2) _____</p> <p>REMARKS: APPROVED</p>	<table border="0"> <tr> <td></td> <td>YES</td> <td>NO</td> <td>OTHER</td> </tr> <tr> <td>Donati, J.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Glover, R.</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><u>absent</u></td> </tr> <tr> <td>Kaechele, D.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>O'Bannon, P.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Thornton, F.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>		YES	NO	OTHER	Donati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Glover, R.	<input type="checkbox"/>	<input type="checkbox"/>	<u>absent</u>	Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							

AGENDA TITLE: RESOLUTION - AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED THIRTY MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$30,800,000) PRINCIPAL AMOUNT OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF HENRICO COUNTY, VIRGINIA, FOR THE PURPOSE OF PROVIDING FUNDS TO FINANCE CERTAIN SCHOOL CAPITAL IMPROVEMENTS AND FIRE STATIONS AND FACILITIES IN THE COUNTY; FIXING THE FORM, DENOMINATION AND CERTAIN OTHER DETAILS OF SUCH BONDS; APPROVING THE SALE OF SUCH BONDS; APPROVING THE FORM OF AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT IN CONNECTION WITH THE SALE OF SUCH BONDS; AUTHORIZING AND APPROVING OTHER ACTIONS WITH RESPECT TO THE ISSUANCE AND SALE OF SUCH BONDS; AND RATIFYING CERTAIN ACTS AND PROCEEDINGS

The Board of Supervisors of Henrico County adopted the attached resolution.

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

<p>By Agency Head <u>[Signature]</u></p> <p>Routing: Yellow to: <u>Finance</u></p> <p>Copy to: _____</p>	<p>By County Manager <u>[Signature]</u></p> <p>Certified: _____</p> <p>A Copy Tests: _____</p> <p align="center">Clerk, Board of Supervisors</p> <p>Date: _____</p>
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HENRICO COUNTY, VIRGINIA

RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED THIRTY MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$30,800,000) PRINCIPAL AMOUNT OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF HENRICO COUNTY, VIRGINIA, FOR THE PURPOSE OF PROVIDING FUNDS TO FINANCE CERTAIN SCHOOL CAPITAL IMPROVEMENTS AND FIRE STATIONS AND FACILITIES IN THE COUNTY; FIXING THE FORM, DENOMINATION AND CERTAIN OTHER DETAILS OF SUCH BONDS; APPROVING THE SALE OF SUCH BONDS; APPROVING THE FORM OF AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT IN CONNECTION WITH THE SALE OF SUCH BONDS; AUTHORIZING AND APPROVING OTHER ACTIONS WITH RESPECT TO THE ISSUANCE AND SALE OF SUCH BONDS; AND RATIFYING CERTAIN ACTS AND PROCEEDINGS

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

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

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

<u>Purpose</u>	<u>2005 Election</u> <u>Balance of</u> <u>Authorization</u>
Schools	\$175,661,561
Libraries	44,949,055
Fire Stations and Facilities	14,120,432
Recreation	15,011,456
Roads	<u>28,000,000</u>
	\$277,742,504

WHEREAS, in the judgment of the Board of Supervisors of the County, it is necessary and expedient to issue and sell not to exceed Thirty Million Eight Hundred Thousand Dollars (\$30,800,000) aggregate principal amount of general obligation bonds of the County in accordance with the Voter Authorization and this Resolution to pay costs of public improvement projects in the amounts set forth below:

<u>Purpose</u>	<u>Total</u> <u>Bonds</u> <u>to be Issued</u>
Schools	\$25,950,000
Libraries	-0-
Fire Stations and Facilities	4,850,000
Recreation	-0-
Roads	<u>-0-</u>
	\$30,800,000

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

SECTION 1. Pursuant to Chapter 26 of Title 15.2 of the Code of Virginia, 1950, as amended, the same being the Public Finance Act of 1991 (the "Public Finance Act of 1991"), and the Voter Authorization, for the purpose of financing certain school capital improvements and fire stations and facilities, there are authorized to be issued Thirty Million Eight Hundred Thousand Dollars (\$30,800,000) principal amount of general obligation bonds of the County to be designated as the "Henrico County, Virginia, General Obligation Public Improvement Bonds, Series 2008" (herein referred to as the "Bonds")

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

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

Bonds are in book-entry only form, any notice of redemption shall be given only to The Depository Trust Company, New York, New York ("DTC"), or to its nominee. The County shall not be responsible for providing any beneficial owner of the Bonds any notice of redemption.

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

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

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

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

SECTION 5. (a) The principal of the Bonds shall be payable upon presentation and surrender thereof, at the office of the Registrar. Interest on the Bonds shall be payable by check mailed by the Registrar to the registered owners of such Bonds at their respective addresses as such addresses appear on the books of registry kept pursuant to this Section 5. The principal of and premium, if any, and interest on the Bonds shall be payable in such coin or currency of the United States of America as at the respective dates of payment is legal tender for public and private debts.

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

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

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

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

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

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

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

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

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

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

SECTION 8. The Bonds shall be sold in one or more series in accordance with the provisions of Section 2 at competitive or negotiated sale at not less than ninety-eight percent (98%) of the principal amount thereof, plus accrued interest thereon from their date to the date of delivery thereof and payment therefor, and on such other terms and conditions as are provided in the Notice of Sale thereof or in the Purchase Contract relating thereto.

If the Bonds are sold at competitive sale, they may be sold contemporaneously with other bonds of the County under a combined Notice of Sale. If the Bonds are sold at competitive sale, the Director of Finance is hereby authorized to cause to be published and distributed a Notice of Sale of the Bonds in such form and containing such terms and conditions as the Director of Finance may deem advisable, subject to the provisions hereof. In lieu of publishing the full text of the Notice of Sale in accordance with the provisions of the immediately preceding sentence, the Director of Finance is hereby authorized to cause a Summary Notice of Sale in such form as the Director of Finance shall approve to be published in *The Bond Buyer* on a date selected by the Director of Finance.

Upon the determination by the Director of Finance to sell the Bonds at competitive or negotiated sale, the Director of Finance is hereby authorized, without further notice to or action by the Board of Supervisors, to determine the rates of interest the Bonds shall bear; *provided, however*, in no event shall the true interest cost for the Bonds exceed eight percent (8%) and *provided further* in no event shall the premium payable by the County upon the redemption of the Bonds exceed two percent (2%) of the principal amount thereof.

If the Bonds are sold at negotiated sale, the Director of Finance is hereby authorized, without further notice to or action by the Board of Supervisors, to select the

underwriters for the Bonds (the "Underwriters") and to execute and deliver to the Underwriters a Bond Purchase Contract or Forward Delivery Agreement relating to the Bonds.

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

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

SECTION 9. The Bonds, the certificate of authentication of the Registrar and the assignment endorsed on the Bonds shall be in substantially the form set forth in Exhibit A, with such necessary or appropriate variations, omissions, and insertions as are incidental to their numbers, interest rates, and maturities, or as are otherwise permitted or required by law or this Resolution.

SECTION 10. In the event and for as long as the office of the Director of Finance is vacant, any action required or permitted by this Resolution to be taken by the Director of Finance may be taken by the Acting Director of Finance.

SECTION 11. The County Attorney is hereby directed to file a copy of this Resolution, certified by the Clerk of the Board of Supervisors to be a true copy hereof, with the Circuit Court of the County.

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

EXHIBIT A

**UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
HENRICO COUNTY
GENERAL OBLIGATION PUBLIC IMPROVEMENT
BOND, SERIES 2008**

REGISTERED

REGISTERED

No. R-__

\$ _____

**INTEREST
RATE:**
%

**MATURITY
DATE:**

DATE OF BOND:

CUSIP NO.:

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM: DOLLARS

Henrico County (hereinafter referred to as the "County"), a political subdivision of the Commonwealth of Virginia, for value received, hereby acknowledges itself indebted and hereby promises to pay to the Registered Holder (named above), or registered assigns, on the Maturity Date (specified above), unless this Bond shall have been called for previous redemption and payment of the redemption price shall have been duly made or provided for, the Principal Sum (specified above), and to pay interest on such Principal Sum on _____ 1, 200_ and semiannually on each _____ 1 and _____ 1 thereafter (each such date is hereinafter referred to as an "interest payment date"), from the date hereof or from the interest payment date next preceding the date of authentication hereof to which interest shall have been paid, unless such date of authentication is an interest payment date, in which case from such interest payment date, or unless such date of authentication is within the period from the sixteenth (16th) day to the last day of the calendar month next preceding the following interest payment date, in which case from such following interest payment date, such interest to be paid until the maturity or redemption hereof at the Interest Rate (specified above) per annum, by wire transfer or by check mailed by the Registrar hereinafter mentioned to the Registered Owner hereof in whose name this Bond is registered upon the books of registry, as of the close of business on the fifteenth (15th) day (whether or not a business day) of the calendar month next preceding each interest payment date. Interest on this Bond shall be calculated on the basis of a three hundred sixty (360) day year comprised of twelve (12) thirty (30) day months.

The principal of this Bond is payable upon presentation and surrender thereof at the office of the Director of Finance of the County (the "Registrar"). The principal of and

interest on this Bond are payable in such coin or currency of the United States of America as at the respective dates of payment is legal tender for public and private debts.

This Bond is one of a duly authorized issue of Bonds (herein referred to as the "Bonds") in the aggregate principal amount of _____ Dollars (\$ _____) of like date, denomination and tenor herewith except for number, interest rate, maturity and redemption provisions, and is issued under and pursuant to and in full compliance with the Constitution and statutes of the Commonwealth of Virginia, including Chapter 26 of Title 15.2 of the Code of Virginia, 1950, as amended (the same being the Public Finance Act of 1991), for the purpose of financing certain school capital projects and fire stations and facilities in the County in accordance with an election held in the County on March 8, 2005 and pursuant to a resolution duly adopted by the Board of Supervisors of the County on December 11, 2007 (the "Resolution").

The Bonds maturing on or before December 1, 2018 will not be subject to optional redemption before their respective maturity dates.

The Bonds maturing on or after December 1, 2019 may be redeemed prior to their respective maturity dates, on or after December 1, 2018, at the option of the County, as a whole or in part at any time at the price equal to the principal amount of the Bonds to be redeemed, together with the interest accrued thereon to the date fixed for the redemption thereof.

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

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

Subject to the limitations and upon payment of the charges, if any, provided in the proceedings authorizing the Bonds of the issue of which this Bond is one, this Bond may be exchanged at the principal office of the Registrar for a like aggregate principal amount of Bonds of other authorized principal amounts and of the series of which this Bond is one. This Bond is transferable by the Registered Owner hereof, in person or by his attorney duly authorized in

writing, at the principal office of the Registrar but only in the manner, subject to the limitations and upon payment of the charges, if any, provided in the proceedings authorizing the Bonds of the issue of which this Bond is one, and upon the surrender hereof for cancellation. Upon such transfer a new Bond or Bonds of authorized denominations and of the same aggregate principal amount of the issue of which this Bond is one will be issued to the transferee in exchange herefor.

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

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

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

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

Clerk of the Board of
Supervisors

(Seal)

Chairman of the Board of Supervisors

CERTIFICATE OF AUTHENTICATION

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

Director of Finance, Registrar

By: _____
Authorized Signature

Date of Authentication: _____, 2008

(FORM OF ASSIGNMENT)

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

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

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

[Empty rectangular box for Social Security or Tax Identifying Number]

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

Dated: _____

Signature(s) Guaranteed

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

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

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

Agenda Item No. 407-07
Page No. 1 of 1

Agenda Title **RESOLUTION – Receipt of Audited Annual Financial Report for Fiscal Year Ended June 30, 2007 and Acknowledgement of Discharge of Duties and Responsibilities by Audit Committee**

<p>For Clerk's Use Only:</p> <p>130 1 1</p> <p>Date _____</p> <p><input checked="" type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p> <p><input type="checkbox"/> Amended</p> <p><input type="checkbox"/> Deferred to _____</p>	<p>BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>O'Bannon</u> Seconded by (1) <u>Thornton</u></p> <p>(2) _____ (2) _____</p> <p>REMARKS: APPROVED</p>	<table border="0"> <tr> <td></td> <td align="center">YES</td> <td align="center">NO</td> <td align="center">OTHER</td> </tr> <tr> <td>Donati, J.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Glover, R.</td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><u>absent</u></td> </tr> <tr> <td>Kaechele, D.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>O'Bannon, P.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Thornton, F.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> </table>		YES	NO	OTHER	Donati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Glover, R.	<input type="checkbox"/>	<input type="checkbox"/>	<u>absent</u>	Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Donati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Glover, R.	<input type="checkbox"/>	<input type="checkbox"/>	<u>absent</u>																							
Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							

BE IT RESOLVED by the Board of Supervisors of the County of Henrico, Virginia, that the Comprehensive Annual Financial Report for the fiscal year ended June 30, 2007 including the Schedule of Expenditures of Federal Awards, is received in accordance with the Single Audit Act and OMB Circular A-133, as audited by KPMG LLP, Certified Public Accountants; and

BE IT FURTHER RESOLVED that the Board acknowledges that the Henrico County Audit Committee (consisting of Board of Supervisors members from the Tuckahoe and Varina Districts plus the County Manager) having met on May 8, May 22, July 24, October 23 and December 11, 2007, discharged its duties and responsibilities by reviewing the presented External and Internal Audit Reports, Audit Plans, External Auditor Compensated Services, and Internal Audit Planning Survey.

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

<p>By Agency Head <u>[Signature]</u></p>	<p>By County Manager <u>[Signature]</u></p>
<p>Routing:</p> <p>Yellow to: <u>Finance</u></p> <p>Copy to: _____</p>	<p>Certified:</p> <p>A Copy Teste: _____</p> <p align="right">Clerk, Board of Supervisors</p> <p>Date: _____</p>

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

Agenda Item No.

411-07

Page No. 2 of 2

Agenda Title: **RESOLUTION — Signatory Authority — Award of Construction Contract —
Wilkinson Road Area Water Mains — Phase 2 — R. R. Snipes Construction Co.,
Inc.**

NOW, THEREFORE, BE IT RESOLVED that the Henrico County Board of Supervisors awards a contract for construction of the Wilkinson Road Area Water Mains - Phase 2 to the lowest responsive and responsible bidder, R. R. Snipes Construction Co., Inc., in the amount of \$2,963,585.00.

BE IT FURTHER RESOLVED that the County Manager is authorized to execute the contract in a form approved by the County Attorney and change orders within the funds available, not to exceed 15% of the original contract amount.

Comment: The Director of Public Utilities recommends approval, and the County Manager concurs.

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

Agenda Item No.

412-07

Page No. 2 of 2

**Agenda Title: RESOLUTION — Signatory Authority — Award of Construction Contract —
Springfield Road Landfill Public Use Area Improvements — Blakemore
Construction Corporation**

BE IT FURTHER RESOLVED that the County Manager is authorized to execute the contract in a form approved by the County Attorney and change orders within the funds available, not to exceed 15% of the original contract amount.

Comment: The Director of Public Utilities recommends approval, and the County Manager concurs.



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

41407

Agenda Item No.
Page No. 1 of 1

Agenda Title

**RESOLUTION — Signatory Authority — Purchase and Sale Agreement —
Wetlands Mitigation Credits – Fourmile Trunk Sewer Rehabilitation Project**

For Clerk's Use Only: Date _____ <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to _____	BOARD OF SUPERVISORS ACTION Moved by (1) <u>Kaechele</u> Seconded by (1) <u>O'Bannon</u> (2) _____ (2) _____ REMARKS: APPROVED	<table border="0"> <tr> <td></td> <td align="center">YES</td> <td align="center">NO</td> <td align="center">OTHER</td> </tr> <tr> <td>Donati, J.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Glover, R.</td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><u>absent</u></td> </tr> <tr> <td>Kaechele, D.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>O'Bannon, P.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Thornton, F.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> </table>		YES	NO	OTHER	Donati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Glover, R.	<input type="checkbox"/>	<input type="checkbox"/>	<u>absent</u>	Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							

WHEREAS, the Board of Supervisors of Henrico County, Virginia (the "Board") desires to acquire .521 wetlands mitigation credits from GrayCole, LLC, a Virginia limited liability company, to satisfy one of the specific conditions for the United States Army Corps of Engineers Permit No. 2007-1229 issued to allow the construction of the Fourmile Trunk Sewer Rehabilitation Project.

NOW, THEREFORE, BE IT RESOLVED by the Board that the County Manager is authorized and directed to execute a Purchase and Sale Agreement, in a form approved by the County Attorney, by and between GrayCole LLC, a Virginia limited liability company, Seller, and the County of Henrico, Purchaser, for the purchase of .521 wetlands credits for the Fourmile Trunk Sewer Rehabilitation Project for \$27,092.00 and other considerations and conditions as specified in the Purchase and Sale Agreement.

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

By Agency Head <u><i>Arthur O'Neil</i></u>	By County Manager <u><i>Doris S. Hayes</i></u>
Routing: <u>Public Utilities</u>	Certified: _____
Yellow to: _____	A Copy Teste: _____
Copy to: _____	Clerk, Board of Supervisors
	Date: _____



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. **417-07**
Page No. 1 of 1

Agenda Title: **Resolution – Award of Contract for Digital Imagery and Planimetric Base Map Products and Services**

Clerk's Use Only:	BOARD OF SUPERVISORS ACTION	YES NO OTHER
	Moved by (1) <u>O'Bannon</u> Seconded by (1) <u>Thornton</u>	Donati, J. ✓ — <u>absent</u>
	(2) _____ (2) _____	Glover, R. ✓ — _____
	REMARKS: APPROVED	Kaechele, D. ✓ — _____
		O'Bannon, P. ✓ — _____
		Thornton, F. ✓ — _____

WHEREAS, on September 17, 2007, nine proposals were received in response to RFP #07-8204-7CS to provide digital imagery and planimetric base map products and services; and

WHEREAS, based upon review of the written proposals, the Selection Committee (consisting of Mr. Al Frauenfelder, Mr. Jim Uzel, Ms. Brenda Byrum, Mr. Jay Cummins, Mr. Jon Steele and Mrs. Cecelia Stowe) interviewed the following firms:

Merrick and Company
EarthData International, Inc.
The Sanborn Map Company, Inc.

WHEREAS, the Selection Committee subsequently negotiated a contract with **Merrick and Company** in the amount of \$ 573,987.65.

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

1. A contract to provide for Digital Imagery and Planimetric Base Map Products and Services is hereby awarded to **Merrick and Company** in the amount of \$ 573,987.65 in accordance with RFP #07-8204-7CS, the September 14, 2007 proposal, and final cost estimate letter dated November 28, 2007 submitted by **Merrick and Company**.
2. The County Manager and Clerk are authorized to execute the contract in a form approved by the County Attorney.
3. The County Manager, or the Director of General Services as his designee, is authorized to execute all change orders within the scope of the project budget.

Comments: Funding to support the contract is available within the Capital Improvements Program. The Deputy County Manager for Community Operations, the Director of Public Works, and the Director of General Services recommend approval of this Board paper, and the County Manager concurs.

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

Routing: Public Works
Yellow to: _____
Copy to: _____

Certified: _____
A Copy Tests: _____
Clerk, Board of Supervisors
Date: _____

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

Agenda Item No. **418-07**

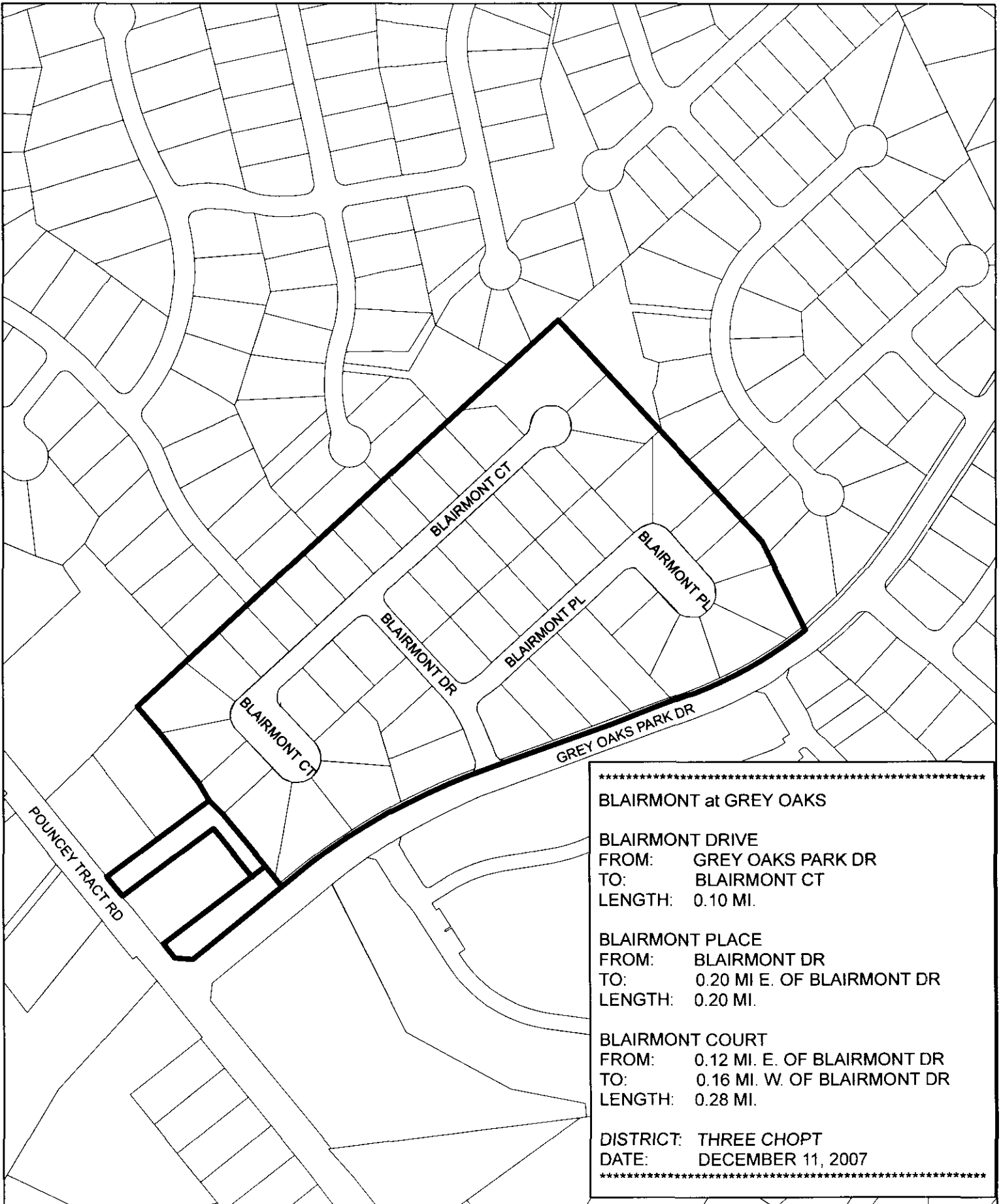
Page No. 2 of 2

Agenda Title: RESOLUTION – ACCEPTANCE OF ROADS

Windomere Avenue - Fairfield District

Windomere Avenue from Edgefield Street to Tamiani Avenue	<u>0.10 Mi.</u>
Total Miles	0.10 Mi.

BLAIRMONT at GREY OAKS



BLAIRMONT at GREY OAKS

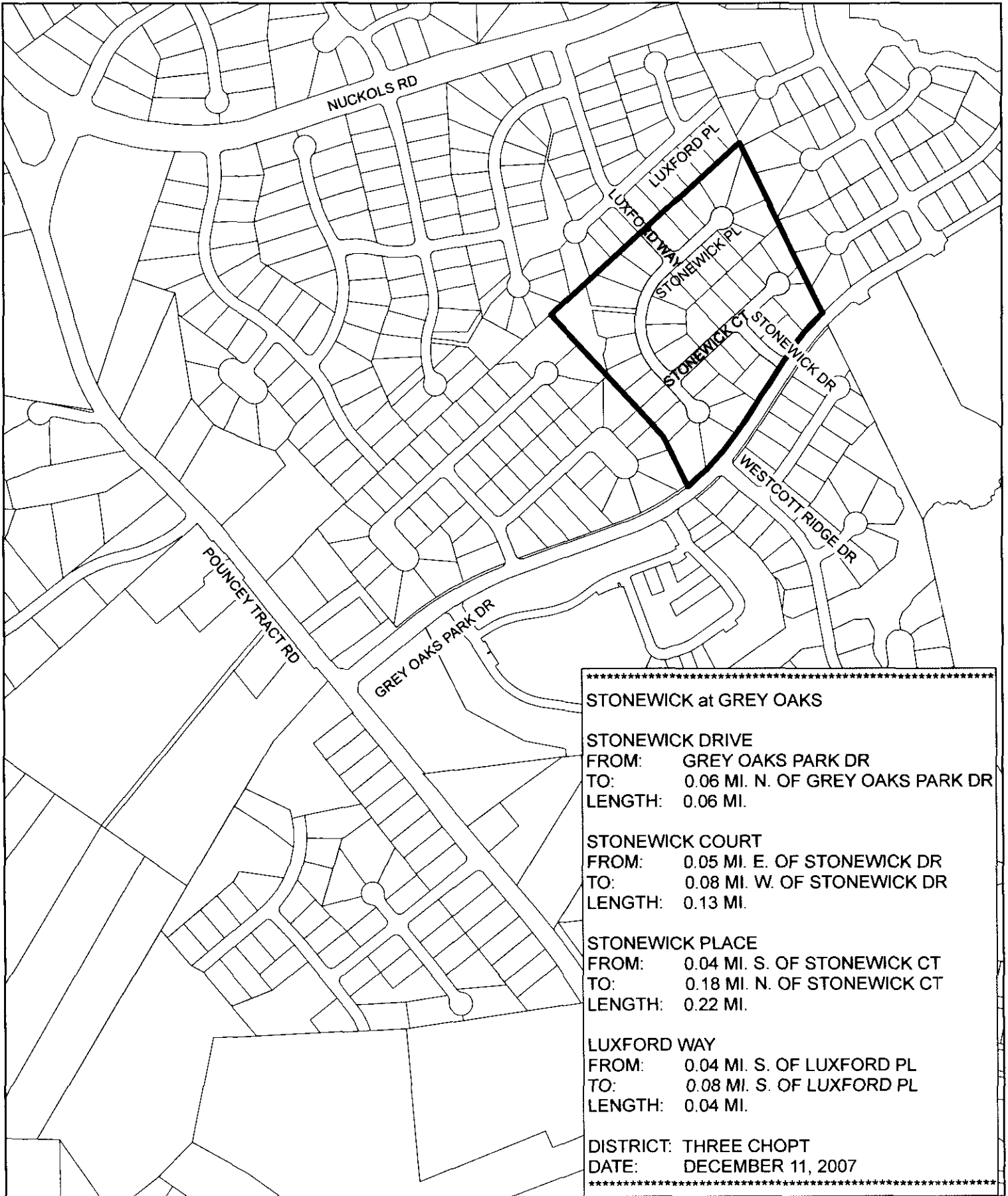
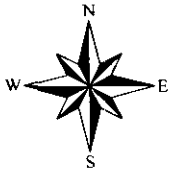
BLAIRMONT DRIVE
FROM: GREY OAKS PARK DR
TO: BLAIRMONT CT
LENGTH: 0.10 MI.

BLAIRMONT PLACE
FROM: BLAIRMONT DR
TO: 0.20 MI E. OF BLAIRMONT DR
LENGTH: 0.20 MI.

BLAIRMONT COURT
FROM: 0.12 MI. E. OF BLAIRMONT DR
TO: 0.16 MI. W. OF BLAIRMONT DR
LENGTH: 0.28 MI.

DISTRICT: THREE CHOPT
DATE: DECEMBER 11, 2007

STONEWICK at GREY OAKS



STONEWICK at GREY OAKS

STONEWICK DRIVE

FROM: GREY OAKS PARK DR
TO: 0.06 MI. N. OF GREY OAKS PARK DR
LENGTH: 0.06 MI.

STONEWICK COURT

FROM: 0.05 MI. E. OF STONEWICK DR
TO: 0.08 MI. W. OF STONEWICK DR
LENGTH: 0.13 MI.

STONEWICK PLACE

FROM: 0.04 MI. S. OF STONEWICK CT
TO: 0.18 MI. N. OF STONEWICK CT
LENGTH: 0.22 MI.

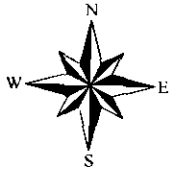
LUXFORD WAY

FROM: 0.04 MI. S. OF LUXFORD PL
TO: 0.08 MI. S. OF LUXFORD PL
LENGTH: 0.04 MI.

DISTRICT: THREE CHOPT

DATE: DECEMBER 11, 2007

WINDOMERE AVENUE



WINDOMERE AVENUE
WINDOMERE AVENUE
FROM: EDGEFIELD ST.
TO: TAMIANI AVE.
LENGTH: 0.10 MI.
DISTRICT: FAIRFIELD
DATE: DECEMBER 11, 2007
