

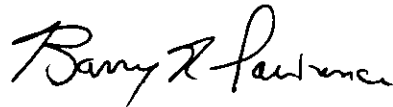
**HENRICO COUNTY
NOTICE OF SPECIAL MEETING
BOARD OF SUPERVISORS**

Please take notice that a special meeting of the Board of Supervisors will be held on **Tuesday, November 24, 2009** at **5:15 p.m.** in the County Manager's Conference Room located on the third floor of the Administration Building at the Henrico County Government Center, Parham and Hungary Spring Roads, Henrico, Virginia.

The matter to be reviewed by the Board at this time is:

5:15 – 6:00 p.m. Proposed Ordinance Amendments Pertaining to Noise

6:00 – 6:45 p.m. *Dinner*



Barry R. Lawrence, CMC
Clerk, Henrico County Board of Supervisors
November 19, 2009

COUNTY OF HENRICO, VIRGINIA
Board of Supervisors' Agenda
November 24, 2009
7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Dr. Michael J. Clingenpeel, Pastor, River Road Baptist Church

APPROVAL OF MINUTES – November 10, 2009 Regular and Special Meetings

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

PRESENTATION

Proclamation – Pancreatic Cancer Awareness Month – November 2009.

APPOINTMENTS

286-09 Resolution – Appointment of Members to Board of Directors – Economic Development Authority.

287-09 Resolution – Appointment of Member – Richmond Area Metropolitan Planning Organization Citizens Transportation Advisory Committee.

PUBLIC HEARINGS - ITEMS

288-09 Resolution - Authorizing and Providing for the Issuance and Sale of Not to Exceed Nine Million Eight Hundred Thousand Dollars (\$9,800,000) Aggregate Principal Amount of Water and Sewer System Revenue Bonds, Series 2009b, of the County of Henrico, Virginia, for the Purpose of Financing Extensions and Improvements to the County's Water and Sewer System; Authorizing the County Manager or Any Deputy County Manager and the Director of Finance to Fix the Maturities, Interest Rates and Other Details of Such Bonds; Approving the Form of Such Bonds; Authorizing the County Manager or Any Deputy County Manager and the Director of Finance to Select the Underwriters of Such Bonds and to Negotiate the Sale of Such Bonds to Such Underwriters and Authorizing the Execution and Delivery to Such Underwriters of a Bond Purchase Agreement for Such Sale; Authorizing the Preparation and Delivery of a Preliminary Official Statement Relating to Such Bonds and Authorizing the Distribution Thereof; Authorizing the Preparation of a Final Official Statement and Continuing Disclosure Certificate Relating to Such Bonds and Authorizing the Distribution Thereof; Designating Recovery Zones for the Purposes of Section 1400u-1(b) of the Internal Revenue Code of 1986; Amending the 2009a Supplemental Resolution to Extend the Effectiveness Thereof to

June 30, 2010; and Ratifying Certain Acts and Proceedings.

- 289-09 Ordinance – To Add Section 20-73 to the Code of the County of Henrico Titled “Partial exemption for rehabilitated, renovated or replacement residential structures other than multifamily residential rental units,” to Create a Partial Tax Exemption for Qualifying Property Devoted to Residential Use Other Than Multifamily Residential Rental Units.
- 290-09 Ordinance – Vacation of Unimproved Portion of Alley – Pemberton Place, Portion of Section 2 - Fairfield District.

PUBLIC COMMENTS

GENERAL AGENDA

- 291-09 Introduction of Resolution – Receipt of Requests for Amendments to the FY 2009-10 Annual Fiscal Plan: December, 2009.
- 292-09 Resolution - Receipt of Audited Annual Financial Report for Fiscal Year Ended June 30, 2009 and Acknowledgement of Discharge of Duties and Responsibilities by Audit Committee.
- 293-09 Resolution – Award of Construction Contract – Eastern Henrico Recreation Center.
- 294-09 Resolution – Signatory Authority – Amendments to Contract and Deed for Conveyance of County Real Property - Varina District.
- 295-09 Resolution – Signatory Authority – Second Amendment to Host Agreement with BFI Waste Systems of Virginia, LLC – Varina District.
- 296-09 Resolution - Signatory Authority - Amendment to Contract for Engineering Design Services - Charles City Road Improvements from West of Laburnum Avenue to East of Monahan Road (approximately 1,365 feet). Project #00984 (formerly #555656-701-205-00). Varina District.
- 297-09 Resolution – Request to Suspend Proposed Stormwater Regulations.
- 298-09 Resolution – Acceptance of Roads.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS' RESUME
November 24, 2009**

INVOCATION - Dr. Michael J. Clingenpeel, Pastor, River Road Baptist Church

PRESENTATION

PROCLAMATION – Pancreatic Cancer Awareness Month – November 2009.

Pancreatic cancer is the fourth most common cause of cancer death for men and women in the United States. The mortality rate for this type of cancer is 99 percent, the highest of any cancer. The Pancreatic Cancer Action Network is the only national patient advocacy organization that serves the pancreatic cancer community in Henrico County, in the Commonwealth of Virginia, and nationwide by focusing its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer. This proclamation recognizes November 2009 as Pancreatic Cancer Awareness Month and calls the observance to the attention of all Henrico citizens.

APPOINTMENTS

RESOLUTION – Appointment of Members to Board of Directors – Economic Development Authority.

This Board paper appoints the following persons to the Board of Directors of the Economic Development Authority for four-year terms expiring November 13, 2013 or thereafter, when their successors shall have been appointed and qualified:

Fairfield District	Harold D. Parker, Jr.
Tuckahoe District	Marsha S. Shuler

RESOLUTION – Appointment of Member – Richmond Area Metropolitan Planning Organization Citizens Transportation Advisory Committee.

This Board paper appoints the following person to the Richmond Area Metropolitan Planning Organization Citizens Transportation Advisory Committee for an unexpired term ending December 31, 2010 or thereafter, when his successor shall have been appointed and qualified:

At-Large	Gregory R. Baka
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PUBLIC HEARINGS - ITEMS

Resolution - Authorizing and Providing for the Issuance and Sale of Not to Exceed Nine Million Eight Hundred Thousand Dollars (\$9,800,000) Aggregate Principal Amount of Water and Sewer System Revenue Bonds, Series 2009b, of the County of Henrico, Virginia, for the Purpose of Financing Extensions and Improvements to the County's Water and Sewer System; Authorizing the County Manager or Any Deputy County Manager and the Director of Finance to Fix the Maturities, Interest Rates and Other Details of Such Bonds; Approving the Form of Such Bonds; Authorizing the County Manager or Any Deputy County Manager and the Director of Finance to Select the Underwriters of Such Bonds and to Negotiate the Sale of Such Bonds to Such Underwriters and Authorizing the Execution and Delivery to Such Underwriters of a Bond Purchase Agreement for Such Sale; Authorizing the Preparation and Delivery of a Preliminary Official Statement Relating to Such Bonds and Authorizing the Distribution Thereof; Authorizing the Preparation of a Final Official Statement and Continuing Disclosure Certificate Relating to Such Bonds and Authorizing the Distribution Thereof; Designating Recovery Zones for the Purposes of Section 1400u-1(b) of the Internal Revenue Code of 1986; Amending the 2009a Supplemental Resolution to Extend the Effectiveness Thereof to June 30, 2010; and Ratifying Certain Acts and Proceedings.

This resolution authorizes the issuance and sale of \$9,800,000 of Recovery Zone Economic Development Bonds (RZEDs). These taxable bonds have a 45 percent interest subsidy.

In addition, this Board paper creates recovery zones for the Strawberry Hill Sewer Rehabilitation Project (Lakeside area) and the Strawberry Hill Sewer Rehabilitation Project (Monument Avenue Area) as well as the Broadwater Area Sewer Rehabilitation Project (Highland Springs). The bonds will be used to fund sewer rehabilitation work in these areas.

Finally, this Board paper extends the authorization granted by the Board of Supervisors on May 12, 2009 to refund the Outstanding Water and Sewer System Revenue Note, Subordinate Series 1997, through June 30, 2010.

ORDINANCE - To Add Section 20-73 to the Code of the County of Henrico Titled "Partial exemption for rehabilitated, renovated or replacement residential structures other than multifamily residential rental units," to Create a Partial Tax Exemption for Qualifying Property Devoted to Residential Use Other Than Multifamily Residential Rental Units.

This Board paper proposes an ordinance to add section 20-73 to the Henrico Code creating a partial tax exemption for qualifying property devoted to residential use other than multifamily residential rental units. Qualifying properties under the proposed partial exemption program would have to be at least 40 years old and have a maximum total assessed value of \$200,000. The rehabilitation would need to increase the base structure value by at least 20% without

increasing the square footage by more than 100%. The partial tax exemption would last for seven years and would run with the land.

This ordinance was discussed with the Board during a work session on October 13, 2009.

ORDINANCE – Vacation of Unimproved Portion of Alley – Pemberton Place, Portion of Section 2 - Fairfield District.

Approval of this Ordinance will vacate the unimproved portion of an alley lying between Lots 7, 13, and 14, Block 6 of a Portion of Section 2 in the Pemberton Place Subdivision. The lots, owned by the County of Henrico, Virginia, and the portion of the alley to be vacated will be used for the expansion of Fire Station No. 7. There are no County facilities in the alley and none are planned which would interfere with the proposed fire station improvements. The Real Property Department has processed this requested vacation through the Departments of Planning, Public Works and Public Utilities without objection.

PUBLIC COMMENTS

GENERAL AGENDA

INTRODUCTION OF RESOLUTION – Receipt of Requests for Amendments to the FY 2009-10 Annual Fiscal Plan: December, 2009.

Pursuant to Virginia Code Section 15.2-2507, amendments to the County’s approved budget in excess of one percent of the County’s currently adopted budget may be approved by first publishing a notice of a public hearing. The notice shall state the County’s intent to amend the budget. To that end this paper is submitted, along with a list of the requested amendments, as an introduction, so the Board may authorize the required advertising for December 1, 2009. A separate paper will be submitted at the public hearing on December 8, 2009, for Board action in amending the Annual Fiscal Plan and appropriating funds for expenditure, as applicable. *The amendments may be approved after the public hearing at that same meeting.*

RESOLUTION - Receipt of Audited Annual Financial Report for Fiscal Year Ended June 30, 2009 and Acknowledgement of Discharge of Duties and Responsibilities by Audit Committee.

This Board paper receives the Annual Financial Report of the County of Henrico for the fiscal year ended June 30, 2009, as audited by KPMG LLP, Certified Public Accountants. Representatives of the firm will be present and available for comment regarding this report. In addition, this Board paper acknowledges the discharge by the Audit Committee of its duties and responsibilities.

RESOLUTION – Award of Construction Contract – Eastern Henrico Recreation Center.

This resolution awards a contract to **Virtexco Corporation** for the construction of a new 25,765 square foot recreation center located at 1440 North Laburnum Avenue, Henrico County, Virginia. The project, which includes a gymnasium, a weight and fitness room, a group exercise/dance room, activity rooms, classrooms, administrative offices, an outdoor multi-purpose athletic field, walking trails, and 243 parking spaces, has been registered, designed and specified to comply with Leadership in Energy and Environmental Design (LEED®) rating system.

Additive Alternate Number 1 includes a small shelter with restrooms and 33 additional parking spaces. Additive Alternate Number 2 includes a regulation football field, a five lane, 360 meter track, seating for 388 people, a press box and equipment storage, a large shelter with restrooms, and a concession shelter. It is anticipated that the project, including alternates 1 and 2, will be substantially complete within 458 calendar days after the date of the written Notice to Proceed.

Eleven bids were received on November 5, 2009, as follows.

<u>Bidder</u>	<u>Base Bid</u>	<u>Alternates 1 and 2</u>	<u>Total</u>
Virtexco Corporation	\$7,628,000	\$1,422,000*	\$9,050,000
Evans Construction, Inc.	\$7,265,316	\$1,798,936	\$9,064,252
Kenbridge Construction Company, Inc.	\$7,477,000	\$1,760,000	\$9,237,000
Gulf Seaboard General Contractors, Inc.	\$7,468,000	\$1,890,000	\$9,358,000
Haley Builders, Inc.	\$7,645,000	\$1,780,000	\$9,425,000
Nielsen Builders, Inc.	\$7,531,000	\$1,971,500	\$9,502,500
Hitt Contracting, Inc.	\$7,771,653	\$1,795,968	\$9,567,621
Raymond Key Commercial Contracting, LLC	\$7,797,787	\$1,805,000	\$9,602,787
P.G. Harris Construction Co.	\$7,811,000	\$1,838,000	\$9,649,000
Warren Flynn Construction, Inc.	\$8,493,000	\$2,254,000	\$10,747,000
Wm. L. Griffith and Co.	\$8,571,897	\$2,788,733	\$11,360,630

*Alternate 1 is \$292,000 and Alternate 2 is \$1,130,000

Funding to support the contract is available within the project budget. The Director of General Services and the Director of Recreation and Parks, the County Manager concurring, recommend that the Board award the contract to **Virtexco Corporation**, the lowest responsive and responsible bidder, in the amount of **\$9,050,000**.

RESOLUTION – Signatory Authority – Amendments to Contract and Deed for Conveyance of County Real Property - Varina District.

The purpose of this Board paper is to: (1) authorize the County Manager to execute a Second Amendment to the Contract for conveyance of County real property changing the location, acreage and configuration of a portion of the public use area; (2) authorize the County Manager to obtain the original deed of conveyance from the escrow agency; and (3) authorize the Chairman and Clerk of the Board to execute a new deed of conveyance to ensure that the terms of the Contract and its amendments will bind the parties and their successors after closing, and to change the name of the grantee to BFI Waste Systems of North America, LLC. This Board paper further provides for correcting the name of BFI Waste Services of Virginia, LLC used in the original Board papers authorizing this transaction to its correct name of BFI Waste Systems of Virginia, LLC. The Directors of Public Utilities and Real Property recommend approval of this action; the County Manager concurs.

RESOLUTION – Signatory Authority – Second Amendment to Host Agreement with BFI Waste Systems of Virginia, LLC – Varina District.

The purpose of this Board paper is to authorize the County Manager to execute a Second Amendment to the Host Agreement with BFI Waste Systems of Virginia, LLC to change the location, acreage, and configuration of a portion of the proposed public use area at the Old Dominion Landfill on Charles City Road. The proposed change will provide better utilization of and access to the public use area. The Board paper also reflects the correct name of the party to the Host Agreement (BFI Waste Systems of Virginia, LLC) rather than the incorrect name (BFI Waste Services of Virginia, LLC) used in the Board papers approved previously.

The Director of Public Utilities recommends approval of this action; the County Manager concurs.

RESOLUTION - Signatory Authority - Amendment to Contract for Engineering Design Services - Charles City Road Improvements from West of Laburnum Avenue to East of Monahan Road (approximately 1,365 feet). Project #00984 (formerly #555656-701-205-00). Varina District.

On December 14, 2005, the Board of Supervisors approved a contract with Michael Baker, Jr., Inc. for a lump sum fee of \$1,084,121.76 for the preparation of design and construction plans for Charles City Road improvements from west of Laburnum Avenue to east of Monahan Road.

The Board has previously approved an contract amendment to add \$220,453.00 for additional work to design approximately 1,365 feet of waterline along Charles City and Monahan Roads and roadway design.

Additional work is now required to provide final plans for a stand-alone construction project on Charles City Road near the proposed intersection with the I-895 Connector. Michael Baker

Jr., Inc. and the Department of Public Works have negotiated a fixed lump sum fee of \$186,379.16 for the additional design work.

This Board paper authorizes the County Manager and the Clerk to execute the amendment in a form approved by the County Attorney in the amount of \$186,379.16, together with any necessary change orders within funds available. Funds for this project will be provided from the Capital Projects Fund Project #00984 (formerly #555656-701-205-00).

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

RESOLUTION – Request to Suspend Proposed Stormwater Regulations.

This Board paper requests that the proposed stormwater regulations recently approved the Virginia Soil and Water Conservation Board be suspended.

While the Board of Supervisors is committed to protecting the waters of the Commonwealth and the Chesapeake Bay, the proposed regulations place a significant financial burden on local governments when they are experiencing declining revenues that threaten levels of services. Furthermore, the proposed regulations will negatively impact revitalization efforts, and to urban sprawl, and suppress affordable housing initiatives.

Local officials and private sector representatives throughout the Commonwealth have expressed serious concerns and questioned the scientific basis for the water quality criteria and the validity of the storwater model.

The suspension of the proposed storwater regulations would allow additional time for the Virginia Department of Conservation and Recreation to work with local officials and representatives of the private sector to develop a program that is realistic and scientifically supported.

A certified copy of this Resolution shall be sent to the Governor of the Commonwealth of Virginia, the Secretary of Natural Resources, the Director of the Department of Conservation and Recreation, members of the General Assembly delegation for Henrico County, the Virginia Association of Counties, and the Virginia Municipal League.

RESOLUTION - Acceptance of Roads.

This Board paper would accept the following named and described sections of roads into the County road system for maintenance.

- 1) 0.02 miles of Willow Chase. Brookland District.
- 2) 0.70 miles of Four Mile Run, Section F. Varina District.
- 3) 0.16 miles of Four Mile Run, Section G. Varina District.

The Director of Public Works and the County Manager recommend approval of this Board paper.