

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
REGULAR MEETING
November 9, 2011

The Henrico County Board of Supervisors convened a regular meeting on Wednesday, November 9, 2011 at 7:00 p.m. in the Board Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia.

Members of the Board Present:

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

Other Officials Present:

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

Mr. Thornton called the meeting to order at 7:04 p.m.

Mr. Thornton led recitation of the Pledge of Allegiance.

Reverend Angelo V. Chatmon, Pastor of Pilgrim Journey Baptist Church delivered the invocation.

On motion of Mrs. O'Bannon, seconded by Mr. Kaechele, the Board approved the minutes of the October 25, 2011 Regular and Special Meetings.

The vote of the Board was as follows:

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

No: None

MANAGER'S COMMENTS

Shelly Poole, was introduced as the 2011 Henrico Christmas Mother Council President. Mrs. Poole was standing in for Bonnie Abernathy, the 2011 Henrico Christmas Mother, who was unable to be present due to a medical situation. Joining Ms. Poole were the Chair and Co-Chair of the County Government Christmas Mother program, Lisa Orlosky of the Department of Information Technology and Tanya Harding of the County Manager's Office. Mrs. Poole thanked the Board for its support of the program through the years and characterized Mrs. Orlosky as a fantastic Christmas Mother cheerleader and leader as well as a wonderful person to work with through the County employees. In 2010, the Henrico Christmas Mother program served 1,953 families representing almost 6,000 individuals, including over 3,600 children and more than 650 senior citizens and disabled adults. A number of Henrico citizens are applying to the program this year for the first time because their unemployment benefits have run out. The support of the Board of Supervisors and School Board are integral to the program's success.

BOARD OF SUPERVISORS' COMMENTS

Mr. Thornton recognized Ted Syrquin from Boy Scout Troop 418, sponsored by St. Stephen's Episcopal Church, who was observing the meeting to fulfill a requirement for the Communications and Citizenship in the Community Merit Badges. Joining him was Assistant Scoutmaster Dave Irvin.

RECOGNITION OF NEWS MEDIA

No media representatives were present.

APPOINTMENTS

243-11 Resolution - Appointment of Members to Board of Directors - Economic Development Authority.

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

PUBLIC HEARINGS - REZONING CASES

225-11 Shurm Construction Inc.: Request to amend proffered conditions accepted
C-14C-11 with Rezoning Cases C-78C-05 and C-36C-07 on Parcel 803-696-9576 located
Varina between the south line of Harmony Avenue approximately 90' west of its
 intersection with Woodside Street and the northern terminus of Woodside
 Street approximately 155' north of Woodside Court.

Mr. Hazelett informed the public that this case had been withdrawn by the applicant.

244-11
C-6C-11
Varina

J & B Realty, LLC: Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) Parcel 843-701-2778 containing approximately 24.4 acres, located along the south line of Portugee Road approximately 2,300 feet east of its intersection with Memorial Drive. The applicant proposes a zero-lot-line residential development. The R-5A District allows a minimum lot size of 5,625 square feet and a maximum density of (6) units per acre.

Joe Emerson, Director of Planning, responded to questions from Mr. Donati and Mr. Kaechele.

No one from the public spoke in opposition to this case and the applicant was not present.

On motion of Mr. Donati, seconded by Mr. Glover, the Board followed the recommendation of the Planning Commission and denied the request.

The vote of the Board was as follows:

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

No: None

245-11
C-16C-11
Fairfield

Sauer Properties, Inc.: Request to conditionally rezone from O-2C Office District (Conditional) to R-2AC One-Family Residence District (Conditional) part of Parcel 784-766-6082 containing 1.018 acres located at the northwest intersection of Francis Road and Battlefield Road and on the north line of Francis Road approximately 500 feet west of its intersection with Battlefield Road and from R-2A One-Family Residence District, O-2C Office District (Conditional), and O-3C Office District (Conditional) to B-3C Business District (Conditional) part of Parcels 784-766-6082, 784-766-7982, 784-766-6565, 784-766-7467, and 784-767-4440 containing approximately 18.58 acres located at the southeast intersection of Brook Road (U.S. Route 1) and Virginia Center Parkway.

Jean Moore, Assistant Director of Planning, responded to questions from Mr. Thornton and Mrs. O'Bannon.

Ed Kidd, a representative of the applicant, briefly addressed the case. He noted that an additional proffered condition submitted to the County earlier in the day had been discussed during neighborhood meetings relating to the case.

Chris Tetzlaff and Michelle Brown, a resident of Stonewall Glen, spoke in support of this case and complimented the applicant on its efforts in working with the community. No one from the public spoke in opposition to the case.

On motion of Mr. Glover, seconded by Mr. Kaechele, the Board followed the recommendation of the Planning Commission and approved this item with the following proffered conditions:

Applicable to the Proposed B-3C Parcels (the "B-3C Property")

Building Type and Design

1. **Architectural Treatment.**

The exposed portions of the exterior wall surfaces (front, rear and sides) of any buildings constructed on the B-3C Property shall be similar in high quality of construction and shall have compatible architectural design (incorporating compatible, but not necessarily the same, *design elements, colors and architectural styles*). Attention shall be given, especially to the sides and rears facing adjacent properties, to provide a variety of materials, textures and colors within the B-3C Property and to soften the visual impact on adjacent properties. Fenestrations and entrance/exit doors shall be detailed with horizontal relief (a change in wall plane) and overhead canopies. The façades shall utilize one or more of cornice profiles, textured or flush banding, watertable shapes, colors, textures or other such similar features to be approved by the Planning Commission at the time of Plan of Development.

All buildings on the B-3C Property shall have exposed exterior walls (above finished grade and exclusive of architectural features, windows and doors) constructed of masonry, brick, stone, pre-cast concrete, exterior insulating finishing systems (E.I.F.S.) and/or glass and may have varying amounts of these exterior materials or an equivalent permanent architecturally finished material, unless different architectural treatment and/or materials are requested and specifically permitted at the time of Plan of Development review. Wood or composite siding, natural or cultured stone, marble, pre-cast or cast-in-place architectural concrete, exposed aggregate concrete, exterior insulating finish systems, and/or glass, or an equivalent, permanent, architecturally finished material may be utilized as accent materials on such buildings.

No building on the B-3C Property shall be covered with or have exposed to view any painted or unfinished concrete block, sheet or corrugated aluminum unless requested and approved at the time of Plan of Development review.

2. **Building Heights.** The height of any building on the B-3C Property shall not exceed two (2) stories or forty-five (45) feet.

Site Design and Road Improvements

3. **Conceptual Plan.** The B-3C Property shall be developed generally consistent with the plan dated September 22, 2011, prepared by Gorrell Designs LLC, entitled "Conceptual Illustrative Retail Site Development Plan, Stuart's Crossing at Virginia Center", (see case file) a copy of which is on file with the application for the rezoning of the B-3C Property (the "Conceptual Plan") subject to revisions for engineering purposes, to reflect changes in the building footprints, as required by any governmental entity or as otherwise requested and approved at the time of Plan of Development review.
4. **Building Setbacks.** All buildings on the B-3C Property shall be set back at least one hundred (100) feet from the right of way of Battlefield Road.
5. **Road Improvements.** The following road improvements shall be required prior to issuance of a Certificate of Occupancy for the first building constructed on the B-3C Property after approval of this rezoning:
 - (a) Subject to VDOT approval, reconfigure existing pavement for westbound lanes of Virginia Center Parkway approaching Route 1 (Brook Road) (currently configured for one left turn lane, one left/through lane and one right/through lane) to result in two left turn lanes, one through lane and one right turn lane.
 - (b) Subject to VDOT approval, reconfigure existing pavement for eastbound lanes of Virginia Center Parkway approaching Route 1 (Brook Road) (currently configured for one right turn lane, one left/through lane and one left turn lane) to result in one right turn lane, one through lane and one left turn lane.
 - (c) Design and construct a traffic signal at the intersection of Virginia Center Parkway and the easternmost entrance to the B-3C Property from Virginia Center Parkway as shown on the Conceptual Plan (the "Primary Entrance"), (see case file).
 - (d) Design and construct a traffic signal at the intersection of Virginia Center Parkway and Battlefield Road.
 - (e) Construct a right turn lane with approximately 150 feet of stacking and 100 feet of taper from eastbound Virginia Center Parkway onto Battlefield Road.

(f) Reconstruct the median on Virginia Center Parkway between Route 1 (Brook Road) and the Primary Entrance to (1) extend the westbound, left-side (inner) left turn lane onto Route 1 (Brook Road) to approximately 325 feet of storage and 125 feet of taper, (2) eliminate the existing eastbound turn lane for U-turns currently located on Virginia Center Parkway at its intersection with the Primary Entrance, and (3) provide a transition taper on the median side of westbound Virginia Center Parkway to accommodate double left turns from the Primary Entrance onto westbound Virginia Center Parkway.

(g) Pay full cost to adjust the signalization of the traffic signal at the intersection of Virginia Center Parkway and Route 1 (Brook Road) to allow overlap phases for simultaneous left turns from both eastbound and westbound Virginia Center Parkway onto Route 1 (Brook Road).

(h) Install curb and gutter along and widen the western side of the pavement of Battlefield Road, between Virginia Center Parkway and Francis Road, within the existing right-of-way to the County's standard pavement width.

(i) Design and construct a taper, approximately 100 feet in length, at the westernmost point of access to and from Virginia Center Parkway shown on the Conceptual Plan (see case file) for eastbound vehicular traffic entering the B-3C Property, unless otherwise determined by the County traffic engineer in connection with Plan of Development review.

(j) Dedicate rights-of-way required for all improvements described in this Section 5.

6. **Stormwater Management.** The stormwater facility designated on the Conceptual Plan as "Proposed BMP Pond" (see case file) shall be a wet pond with one or more fountains and shall be landscaped in accordance with a plan to be approved in connection with Plan of Development review.
7. **Utility Lines.** Except for junction and access boxes, meters and existing above ground utilities, all utility lines installed within the B-3C Property including, without limitation, electric, telephone, water and sewer lines shall be installed underground. All junction and access boxes and meters shall be screened from view at the perimeter of the Property to the greatest extent practical.

8. **Sidewalks.** Subject to obtaining all required governmental approvals and permits, a pedestrian sidewalk shall, concurrent with the development of any portion of the B-3C Property, be installed in accordance with County standards in the County's right-of-way or within dedicated easements along the southern line of Virginia Center Parkway from Route 1 (Brook Road) to Battlefield Road, and along the western line of Battlefield Road from Virginia Center Parkway to Francis Road.

9. **Site Lighting.** Parking lot lights shall be limited in height to twenty (20) feet where located within fifty (50) feet of any R district and thirty (30) feet in other locations within the B-3C Property. Other than pedestrian-scale, decorative or accent lighting sources, parking lot light fixtures shall use concealed light sources designed to reduce or eliminate side glare. Lighting on the B-3C Property shall be designed such that the intensity of the lighting at ground level at any property line adjoining an R district shall not exceed one half (1/2) foot-candle. The one half (1/2) foot-candle restriction shall not apply where the R district which adjoins the B-3C Property is located across Virginia Center Parkway or across Route 1 from the B-3C Property. Lighting poles and standards shall be mounted on permanent footings and foundations. Direct embedded light poles and standards shall be prohibited.

10. **Signage.**
 - (a) Comprehensive tenant sign criteria addressing the coordination of the design, construction, size, color, placement and types of illumination for building-mounted signs on the B-3C Property shall be provided to the County prior to the issuance of sign permits for building-mounted signs.

 - (b) All free-standing project identification signs for the initial development of the B-3C Property shall substantially conform to the design shown on the sign elevations labeled Drawing #2172.01 and last revised August 24, 2011, Drawing #2172.02 dated August 24, 2011, and Drawing #2172.03 dated August 25, 2011, (see case file) all of which drawings were prepared by *ad vice, inc.*, and copies of which are on file with the application for the rezoning of the B-3C Property, (see case file) subject to (i) zoning compliance review in connection with the issuance of sign permits and (ii) changes requested by the owner and approved in connection with Plan of Development review.

(c) No building-mounted signs facing Battlefield Road or Francis Road and located within 250 feet of an R district shall be internally illuminated.

11. **Design Standards.** Prior to approval of any Plan of Development for the Property, the portion of the B-3C Property not already subject to the declaration of restrictions and covenants for Virginia Center West (Deed Book 1882, page 1224, Clerk's Office, Circuit Court, Henrico County), as amended, shall be made subject to such declaration.

Screening, Buffering and Landscaping

12. **Screening.**

(a) All HVAC and other mechanical equipment and fixtures, whether at grade or roof mounted on the buildings or other structures located on the B-3C Property, shall be screened from view at ground level from adjacent properties and adjacent public rights-of-way. Roof top screening may be accomplished by a continuous parapet wall, solid equipment room penthouse, continuous metal screening with matching color or other materials approved at the time of Plan of Development review. Ground level screening may be accomplished by landscaping or other materials approved at the time of Plan of Development review and shall include reasonable measures to address suppression of noise from mechanical equipment where necessary to avoid adverse impacts on adjacent properties.

(b) Refuse containers (other than convenience trash receptacles), dumpster pads and compactor equipment located on the B-3C Property at grade shall be screened from view from adjacent property and from public rights-of-way. Unless otherwise approved at the time of Plan of Development review, dumpster enclosures shall be constructed of similar material as the primary material on the exterior of the closest building and shall have a solid (non-transparent) gate. All such containers and/or storage facilities shall be serviced only between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. to 7:00 p.m. on Saturdays.

(c) Loading docks shall be screened from public view at ground level by use of landscaping, walls or other architectural features similar to the primary material on the exterior of the building which they serve, or such other method as may be approved at the time of Plan of Development review.

13. **Buffers and Landscaping.**

(a) A landscaped buffer with a minimum width of fifteen (15) feet

shall be provided along the northern boundary of the B-3C Property adjacent to Virginia Center Parkway (the "VCP Buffer"), a landscaped buffer with a minimum width of seventy five (75) feet shall be provided along the eastern boundary of the B-3C Property adjacent to Battlefield Road (the "Battlefield Road Buffer") and a landscaped buffer with a minimum width of fifty (50) feet shall be provided along the southern boundary of the B-3C Property adjacent to the proposed R-2A zoning (the "Southern Buffer" and, together with the VCP Buffer and the Battlefield Road Buffer, the "Buffers").

(b) The landscaping to be installed within each of the Buffers shall be consistent with the conceptual landscape plan dated September 22, 2011, prepared by Gorrell Designs LLC, entitled "Schematic Buffer Landscape Plan, Stuart's Crossing at Virginia Center", (see case file) a copy of which is on file with the application for the rezoning of the B-3C Property, except as otherwise approved pursuant to a landscaping plan approved in connection with Plan of Development review.

(c) Utility easements, roads, retaining walls, sidewalks, signage, driveways, jogging/fitness trails or other improvements required by the County, or requested by the developer and specifically permitted at the time of Plan of Development review, shall be permitted within the Buffers; provided, however, any roads, driveways and utility easements must cross the buffer in a substantially perpendicular direction.

(d) A vinyl privacy fence shall be installed and maintained on the R-2A Property along the boundary line dividing the R-2A district and the 1.078 acre 0-2 parcel designated as GPIN 784-766-3463, and on the B-3C Property along the boundary lines dividing (i) the R-2A and B-3C zoning districts and (ii) the B-3C district and the 1.078 acre 0-2 parcel designated as GPIN 784-766-3463. Such fence shall be approximately six (6) feet high (i) except to the extent it is located within fifteen (15) feet of the front lot line of a lot in the R-2A district, where it shall transition to a height of no more than 42 inches and (ii) subject to site distance requirements for adjacent public rights of way, all as set forth in Section 24-95(I) of the Code of Henrico (Zoning Ordinance).

Use and Operation

14. Uses.

(a) The uses on the B-3C Property shall be limited to those uses allowed under the B2 classification of Chapter 24 of the Code of

Henrico (Zoning Ordinance) with the exception that outdoor dining may be permitted for restaurant uses, subject to the conditions set forth in subsection 14(c) below.

- (b) The following uses shall be prohibited on the B-3C Property:
- (1) Funeral home, mortuary and undertaking establishments;
 - (2) Laundromat and self service dry cleaning establishments;
 - (3) Automotive filling and service station including towing services and consisting of an attendant sales office and/or convenience store;
 - (4) Flea markets and antique auctions;
 - (5) Furniture, television and home appliance repair;
 - (6) Lawnmower, yard and garden equipment sales marketing and service as a primary use;
 - (7) Radio and television station;
 - (8) Billiard-parlors;
 - (9) Outside public telephones;
 - (10) Adult businesses as defined by Section 24-3 of the Code of Henrico (Zoning Ordinance);
 - (11) Check cashing and/or payday loans as defined and regulated by Sections 6.2-2100 et seq. and 6.2-1800 et seq. of the Code of Virginia, provided the foregoing shall not preclude banks, savings and loans, or similar financial institutions that are not regulated by the foregoing Virginia Code Sections.
- (c) Outside dining areas shall be permitted for restaurants on the B-3C property and shall be subject to the following conditions (for the purposes of this section, "outdoor dining areas" shall be limited to those serviced by the restaurant's waitstaff and shall not include outdoor self-service or convenience seating):
- (1) The operator shall not permit food preparation outside the enclosed building.
 - (2) Any outside dining area located within 250 feet of an R district shall not be in operation between 10 p.m. and 7 a.m.
 - (3) Prior to operation of the outdoor dining area, the applicant shall submit a conceptual plan of the restaurant and outdoor dining area and obtain administrative approval from the Planning

Department. The conceptual plan shall show the location of the outdoor dining area, doors, tables and chairs, and landscaping within or along the perimeter of the outdoor dining area.

- (4) A clear, continuous, and unobstructed pedestrian path not less than 4' in width shall be required for pedestrian circulation between the outdoor dining area and the sidewalk curb.
 - (5) Outdoor lighting fixtures shall complement the style of building. Lighting fixtures shall be from a concealed source and shall not produce glare for motorists or pedestrians on the adjacent rights-of-way and parking areas and shall illuminate only the outdoor dining area.
 - (6) Appropriate trash receptacles shall be provided and properly serviced to control litter generated by this use.
 - (7) Access to the outdoor dining area shall be available only through the interior of the restaurant, except during an emergency when a patio fence exit gate may be utilized. A fence or other barrier to the sidewalk and/or parking area shall be installed and shall complement the building façade. The railings shall not exceed 42" in height and shall consist of commercial grade material for durability.
 - (8) Prior to operation, the applicant shall consult with the Special Services Unit within the Division of Police to discuss crime prevention recommendations and conduct a security survey of the property and restaurant operations. The applicant shall implement mutually agreed upon security recommendations.
15. **Hours of Operation.** Hours of operation shall be between 6:00 a.m. and 2:00 a.m. with the exception of a health club/fitness center which may remain open at all times without restriction.
16. **Parking Lot Cleaning.** With the exception of snow removal, the cleaning of the parking lots on the B-3C Property shall occur only between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. to 7:00 p.m. on Saturdays.
17. **Outside Speakers.** Outside speaker systems, if any, shall be used only for music to complement the uses of the B-3C Property and shall not be audible within any R districts.

Construction

18. **Construction Hours.** The hours of exterior construction on the B-3C Property, including operation of bulldozers and other earthmoving equipment, shall be between 7:00 a.m. and 7:00 p.m., Monday through Saturday, and 8:00 a.m. and 5:00 p.m. on Sunday, except in emergencies or where circumstances (such as concrete pours or utility connections) or adverse weather conditions require extended hours in order to complete work. Signs, in both English and Spanish, stating the above-referenced limitation, shall be posted and maintained at all construction entrances to the B-3C Property prior to any land disturbance activities thereon. This proffer does not restrict hours of interior construction activities.

Applicable to the Proposed R-2A Parcels (the "R-2A Property")

1. **Foundations.** All exposed exterior portions above grade of the foundations of each dwelling constructed on the R-2A Property shall be of brick or stone.
2. **Driveways.** All driveways for each lot within the R-2A Property shall be paved.
3. **Size of Dwellings.** The livable floor area of dwellings constructed on the R-2A Property will not be less than one thousand six hundred (1,600) square feet of finished floor area.
4. **Francis Road Dedication.** If requested by the County, up to ten (10) feet of the R-2A Property adjacent to existing Francis Road shall be dedicated to the County for the purpose of widening Francis Road.

Applicable to the B-3C Property and the R-2A Property

Neighborhood Park. Subject to the conditions set forth herein, in connection with the initial development of the B-3C Property or the R-2A Property, whichever is first to occur, a neighborhood park facility shall be established on a 0.34 acre, more or less, portion of the R-2A Property located at the intersection of Battlefield Road and Francis Road generally consistent with the plan dated September 22, 2011, prepared by Gorrell Designs, LLC, entitled "Conceptual Illustrative Neighborhood Park Plan, Stuart's Crossing at Virginia Center", a copy of which is on file with the application for the rezoning of the B-3C Property and the R-2A Property (the "Park Plan"), (see case file) including construction of improvements generally consistent with the improvements shown on the Park Plan. The obligation to establish such park facility is subject to (i) the agreement of the Stonewall Glen at Virginia Center Property Owners Association, Inc. ("Stonewall Glen") to (A) accept the conveyance of the park site upon

completion of the improvements and to assume all obligations with respect to the ownership, operation and maintenance of the park facility subject to reasonable restrictions regarding use of the park facility and modifications thereto and (B) the obligation to reconvey the park site to the grantor thereof in the event use of the park site as a neighborhood park is discontinued and (ii) being able to obtain approvals from the County for development of the park facility in accordance with the Park Plan and conveyance thereof to Stonewall Glen. If such conditions are not satisfied prior to approval of the initial Plan of Development or subdivision approval for the Property for any reason other than the failure of the developer of the B-3C Property or the R-2AC Property to act diligently and in good faith, the obligation to establish the park facility shall terminate.

The vote of the Board was as follows:

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

No: None

Mr. Thornton thanked Mr. Mr. Kidd and Mr. Saur for their work on the case and for being inclusive in the community.

PUBLIC HEARINGS - OTHER ITEMS

246-11 Resolution - Approval of Issuance of Bonds by the Harrisonburg Redevelopment and Housing Authority for the Oakmeade Apartments - Varina District.

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

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

247-11 Resolution - Signatory Authority - Conveyance of Real Property - Bacova, LLC - Three Chopt District.

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

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

248-11 Resolution - Signatory Authority - Quitclaim of Portion of Utility Easement - 5625 South Laburnum Avenue - Varina District.

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

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

PUBLIC COMMENTS

William Spencer, a resident of the Three Chopt District, noted the recent passing of Dr. Melvin Law, a former president of Virginia State University. He thanked the Board for not cutting funding for teaching positions and suggested a dress code for children using the new Eastern Henrico Recreation Center.

GENERAL AGENDA

- 249-11 Resolution – Settlement of *Teasia Boyd v. Shameka Bradley, et al.*
- On motion of Mr. Glover, seconded by Mr. Donati, and by unanimous vote, the Board approved this item – see attached resolution.
- 250-11 Resolution - SIA-003-11 - 10785 & 10791 Old Washington Highway - Substantially in Accord with the Comprehensive Plan.
- On motion of Mr. Glover, seconded by Mr. Donati, and by unanimous vote, the Board approved this item – see attached resolution.
- 251-11 Resolution - SIA-002-11 - Varina Area Library Site - Substantially in Accord with the Comprehensive Plan.
- Jean Moore, Assistant Director of Planning, provided a brief slide presentation on this item. Ms. Moore and Mr. Hazelett responded to questions from Mr. Donati regarding future plans for an existing dwelling located on the site. Mr. Donati and Mr. Hazelett responded to a question from Mr. Kaechele concerning the timing for constructing the library.
- On motion of Mr. Donati, seconded by Mr. Glover, and by unanimous vote, the Board approved this item – see attached resolution.
- 252-11 Resolution - To Accept Virginia Department of Emergency Management State Homeland Security Program Grant.
- Doug Middleton, Chief of Police, responded to questions from Mrs. O'Bannon and Mr. Kaechele.
- On motion of Mr. Kaechele, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved this item – see attached resolution.
- 253-11 Resolution - Acquisition of Hepler Property - North Gayton Road Project - Three Chopt District.

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

254-11 Resolution - Acquisition of Hepler Trust Property - North Gayton Road Project - Three Chopt District.

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

255-11 Resolution - Signatory Authority - Acquisition of Real Property - 12321 Kain Road - Three Chopt District.

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

256-11 Resolution - Signatory Authority - Lease - Department of Mental Health & Developmental Services - Providence Forge.

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

257-11 Resolution - Signatory Authority - Amendment to Contract for Engineering Design Services - Creighton Road Improvements Project #00985 - Fairfield and Varina Districts.

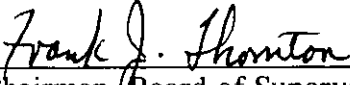
On motion of Mr. Glover, seconded by Mr. Kaechele, and by unanimous vote, the Board approved this item – see attached resolution.

Tim Foster, Director of Public Works, responded to a question from Mr. Kaechele.

258-11 Resolution - To Permit Additional Fine of \$200 for Speeding on Fort McHenry Parkway from Nuckols Road to .14 Mile South of Shadyford Lane.

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

There being no further business, the meeting was adjourned at 7:59 p.m.



Chairman, Board of Supervisors
Henrico County, Virginia



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

Agenda Item No. 243-11
Page No. 1 of 1

Agenda Title: **RESOLUTION** – Appointment of Members to Board of Directors – Economic Development Authority

<p>For Clerk's Use Only:</p> <p>Date: NOV - 9 2011</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>Kaechle</u> Seconded by (1) <u>O'Bannon</u> (2) _____ (2) _____</p> <p>REMARKS: APPROVED</p>	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: center;">YES</th> <th style="text-align: center;">NO</th> <th style="text-align: center;">OTHER</th> </tr> </thead> <tbody> <tr> <td>Donati, J.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Glover, R.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Kaechle, D.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>O'Bannon, P.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Thornton, F.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </tbody> </table>		YES	NO	OTHER	Donati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kaechle, 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"/>																							

BE IT RESOLVED that the Board of Supervisors of Henrico County, Virginia appoints the following persons to the Board of Directors of the Economic Development Authority for four-year terms expiring November 13, 2015 or thereafter, when their successors shall have been appointed and qualified:

Three Chopt District
Varina District

Edward F. Steiner
John M. Steele

By Agency Head _____ *gm* By County Manager *Sup. E. Steiner*

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

Date: _____



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

Agenda Item No. 246-11

Page No. 1 of 1

Agenda Title: RESOLUTION - Approval of Issuance of Bonds by the Harrisonburg Redevelopment and Housing Authority for the Oakmeade Apartments – Varina District

For Clerk's Use Only: Date: NOV - 9 2011 <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>Donati</u> Seconded by (1) <u>Glover</u> REMARKS: APPROVED	<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 checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Kacchela, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kacchela, 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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After duly advertised, concurrent public hearings, the Board of Supervisors approved the attached resolution.

Comments: This resolution has been requested by Oakmeade Associates, L.P., a Virginia limited partnership, the proposed purchaser of Oakmeade Apartments.

By Agency Head Joseph P. Rappiando, Jr By County Manager David P. Reynolds

Routing:
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 Clerk, Board of Supervisors

Date: _____

RESOLUTION — Approval of Issuance of Bonds by the Harrisonburg Redevelopment and Housing Authority for the Oakmeade Apartments

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

WHEREAS, Oakmeade Apartments (the "Apartments"), located at 300 Airport Place in the County, is an approximately 100-unit, multifamily residential rental housing development which qualifies as a "qualified residential rental project" within the meaning of Section 142(d) of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the proposed purchaser of the Apartments, Oakmeade Associates, L.P., a Virginia limited partnership (the "Purchaser"), has a contract pursuant to which it will acquire and rehabilitate the Apartments; and

WHEREAS, the Purchaser will spend approximately \$32,884 per unit on labor and materials to improve the safety and the living conditions at the Apartments with playgrounds, lighting, security, fencing, and other property improvements; and

WHEREAS, in accordance with federal tax law which fosters private investments in affordable housing, the Purchaser wishes to access private funds from the capital markets through the sale of tax-exempt bonds in an aggregate amount not to exceed \$5,300,000 (the "Bonds") to finance, together with other funds, the purchase and rehabilitation of the Apartments, including the costs of the aforementioned improvements; and

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

WHEREAS, the Authority held a public hearing on September 21, 2011 on the issuance of revenue bonds to assist in financing the rehabilitation and improvement of the Apartments, and adopted resolutions on September 21, 2011 and October 17, 2011 agreeing to issue its bonds for such purpose, subject to, among other requirements, approval by the Board as required by Section 36-23 of the Act; and

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

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

WHEREAS, the Suffolk Redevelopment and Housing Authority (the "Suffolk") has bonds outstanding on a project it assisted in financing in the County, and at the request of the Authority, the Suffolk Authority adopted a resolution on August 23, 2011 consenting to the issuance by the Authority of bonds to assist with the Apartments project; and

WHEREAS, certified copies of the aforementioned resolutions of the Authority and the Suffolk Authority have been filed with the County evidencing the actions taken by such authorities; and

WHEREAS, the Board has held an advertised public hearing on November 9, 2011 regarding the need for the Authority to exercise its powers in the County as required by Section 36-23 of the Act following notice of such hearing in the form attached hereto as Exhibit A, published in a newspaper of general circulation within the County (there being no newspaper published in the County) at least ten (10) days prior to the date set for such hearing as required by Section 36-23 of the Act; and

WHEREAS, the Board has held an additional, concurrent public hearing on November 9 on the Apartments and the issuance of the Bonds as required by Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"), and Section 147(f) of the Code, following notice of such hearing in the form attached hereto as Exhibit B, published in a newspaper of general circulation within the County on October 26 and November 2, 2011 which is (i) reasonable notice as required by applicable public hearing requirements of the Code and (ii) once a week for two successive weeks with the second advertisement published at least six (6) but not more than twenty (21) days before the date set for such hearing, as required by Section 15.2-4906 of the Virginia Code; and

WHEREAS, a Fiscal Impact Statement has been filed with the Board; and

WHEREAS, the advertised public hearings provided opportunities for interested persons to be heard, for the expressions of opinion, for arguments on the merits, and for the introduction of documentary evidence pertinent to the proposed issuance of the Bonds.

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

1. The Board acknowledges that with the assistance of the Authority through the issuance of its tax-exempt bonds, the financing would enable the aforementioned safety improvements to be implemented and the safety of the tenants at the Apartments and the surrounding environs of the County would consequently be improved insofar as the improvements would be made with the proceeds of the Bonds, and therefore the Board hereby declares that there is a need for the Authority to exercise its powers within the County.

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

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

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

5. The issuance of the Bonds shall not create a debt or pledge of the full faith and credit of the County.

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

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

EXHIBIT A
NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of Supervisors of Henrico County, Virginia (the "County Board") will hold a public hearing pursuant to Section 36-23 of the Code of Virginia of 1950, as amended, to determine whether dwelling accommodations in the County can be made substantially safer through the exercise by the Harrisonburg Redevelopment and Housing Authority of its powers to issue tax-exempt bonds for the benefit of facilities located within the territorial boundaries of Henrico County.

The public hearing, which may be continued or adjourned, will be held at 7:00 p.m. on November 9, 2011, before the County Board in the Board Room at the Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia. The public hearing will provide an opportunity for interested persons to be heard and communications and writings to be received and considered. Interested persons wishing to express their views may also submit written comments prior to the time of the hearing to the attention of the County Board in care of Joseph P. Rapisarda, Jr., County Attorney, P.O. Box 90775, Henrico, Virginia 23273-0775. The hearing shall provide the fullest opportunity for the expression of opinion, for argument on the merits, and for the introduction of documentary evidence.

CLERK OF THE BOARD OF SUPERVISORS OF
HENRICO COUNTY, VIRGINIA

EXHIBIT B

**NOTICE OF PUBLIC HEARING
BEFORE THE BOARD OF SUPERVISORS
OF HENRICO COUNTY, VIRGINIA
ON A PROPOSED PRIVATE ACTIVITY BOND FINANCING
FOR OAKMEADE APARTMENTS**

Notice is hereby given that the Board of Supervisors of Henrico County, Virginia (the "County Board") will hold a public hearing on the request of Oakmeade Associates, L.P., a Virginia limited partnership (the "Purchaser"), whose address is c/o Atlantic American Partners, LLC 269 South Main Street, Providence, Rhode Island 02903 for the issuance by the Harrisonburg Redevelopment and Housing Authority (the "Issuer") whose address is 286 Kelley Street, Harrisonburg, Virginia 22802 of up to \$5,300,000 of its Tax-Exempt Multifamily Housing Revenue Bonds (Oakmeade Apartments Project) (the "Bonds"), to finance a portion of the cost of acquiring and rehabilitating a multifamily residential rental housing project known as Oakmeade Apartments located in Henrico County, Virginia at 300 Airport Place, Highland Springs Virginia 23075, consisting of 100 units and related facilities (the "Project"). The Project will meet requirements of a qualified residential rental project within the meaning of Section 142(d) of the Internal Revenue Code of 1986, as amended (the "Code"). The public hearing, which may be continued or adjourned, will be held at 7:00 p.m. on November 9, 2011, before the County Board in the Board Room at the Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia.

The proposed private activity bonds will not pledge the credit or the taxing power of the County of Henrico, the Issuer or the City of Harrisonburg, Virginia, but will be payable solely from the revenues derived from the Purchaser and pledges therefore.

The public hearing will provide an opportunity for interested persons to be heard and communications and writings to be received and considered. Interested persons wishing to express their views on the issuance of the Bonds may also submit written comments prior to the time of the hearing to the attention of the County Board in care of Joseph P. Rapisarda, Jr., County Attorney, P.O. Box 90775, Henrico, Virginia 23273-0775. The hearing shall provide the fullest opportunity for the expression of opinion, for argument on the merits, and for the introduction of documentary evidence pertinent to the issuance of the Bonds.

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

FISCAL IMPACT STATEMENT¹

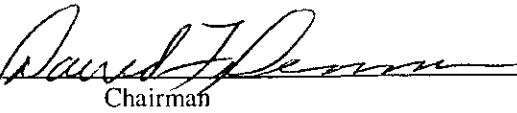
HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY

September 21, 2011

Name of Applicant: Oakmeade Associates, LP
for Oakmeade Apartments, Henrico County, Virginia

1.	Maximum amount of financing sought	\$ 5,300,000
2.	Estimated taxable value of the facility's real property to be constructed in the locality (Henrico)	\$ 4,187,000
3.	Estimated real property tax per year using present Henrico tax rates	\$ 36,427
4.	Estimated personal property tax per year using present Henrico tax rates	\$ 2,000
5.	Estimated merchants' capital tax per year using present Henrico tax rates	\$ 0
6.	a. Estimated dollar value per year of goods that will be purchased from Virginia companies within the locality (Henrico)	\$ 30,000
	b. Estimated dollar value per year of goods that will be purchased from non-Virginia companies within the locality (Henrico)	\$ 20,000
	c. Estimated dollar value per year of services that will be purchased from Virginia companies within the locality (Henrico)	\$ 50,000
	d. Estimated dollar value per year of services that will be purchased from non-Virginia companies within the locality (Henrico)	\$ 5,000
7.	Estimated number of regular employees on year round basis	9 Full Time, 3 FTE
8.	Average annual salary per employee	\$ 35,000

HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY

By 
 Chairman

¹ The information contained in this Fiscal Impact Statement is based solely on facts and estimates provided by the Applicant and has not been verified by the Authority. The Authority has no responsibility or liability for any of such information.

**RESOLUTION OF THE
HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY
REGARDING THE ISSUANCE OF UP TO \$5,300,000 IN
REVENUE BONDS FOR THE PURPOSE OF FINANCING THE ACQUISITION,
RENOVATION, IMPROVEMENT AND EQUIPPING OF A
100 UNIT APARTMENT COMPLEX LOCATED
IN HENRICO COUNTY, VIRGINIA**

WHEREAS, the Harrisonburg Redevelopment and Housing Authority, a political subdivision of the Commonwealth of Virginia ("Authority") has received a request from Atlantic America Partners, LLC and its affiliate Oakmeade Associates, LP, a Virginia limited partnership ("Company"), requesting that the Authority issue its revenue bonds to assist in financing the acquisition, renovation, improvement and equipping of a 100-unit apartment complex currently known as Oakmeade Apartments, located at 300 Airport Place, Highland Springs, Virginia 23075 (the "Project") in Henrico County, Virginia, which county does not have a housing authority;

WHEREAS, the Authority is empowered by the Virginia Housing Authorities Law, Chapter 1, Title 36, Code of Virginia of 1950, as amended (the "Housing Authorities Act"), to make loans for assistance in planning, development, acquisition, construction, renovation and equipping of facilities used primarily for multi-family residences in order to promote safe and affordable housing in the Commonwealth of Virginia, to issue its revenue bonds from time to time for such purposes and to pledge all or any part of its revenues derived by the Authority in connection with any loans made by the Authority to secure the payment of such obligations;

WHEREAS, Section 36-23 of the Housing Authorities Act empowers the Authority, in addition to its other powers, to exercise any or all of its powers within the territorial boundaries of any municipality not included in its area of operation, for the purpose of planning, undertaking, financing, rehabilitating, constructing and operating a housing project or projects or a multi-family residential building or buildings within such municipality, provided that a resolution shall have been adopted (a) by the governing body of such municipality in which the housing authority is to exercise its powers following a public hearing and (b) by the authority of such municipality (if one has been established by such municipality) declaring that there is a need for the aforesaid housing authority to exercise its powers within such municipality;

WHEREAS, Section 36-23 of the Housing Authorities Act requires further that if a housing authority desires to undertake a project within the boundaries of another municipality and another housing authority has bonds outstanding on any project in such municipality, then such housing authority desiring to undertake the project shall be required to obtain the consent of the other housing authority;

WHEREAS, the Company has represented that it has described the Project and the assistance to be provided by the Authority to officials of Henrico County and expects to receive approval of the Board of Supervisors of Henrico County following approval by the Authority and the City Council of the City of Harrisonburg;

WHEREAS, representatives of Henrico County advised the Company and representatives of the Authority that the Suffolk Redevelopment and Housing Authority has bonds outstanding on a project located in Henrico County, and at the request of the Company to comply with Section 36-23 of the Act, the Suffolk Redevelopment and Housing Authority approved the issuance of revenue bonds by the Authority for the Project by resolution adopted on August 23, 2011, a certified copy of which has been filed with the Authority;

WHEREAS, the Authority's assistance will induce the Company to undertake the Project in Virginia and benefit the inhabitants of Henrico County, Virginia and the Commonwealth of Virginia, either through the increase of their commerce or through the promotion of their safety, health, welfare, convenience or prosperity, and provide additional benefits to the Authority, the City of Harrisonburg and its residents from the administrative fee paid by the Company to the Authority which will assist the Authority in providing programs and activities in furtherance of the Authority's purpose;

WHEREAS, preliminary plans for the Project have been described to the Authority and a public hearing has been held as required by Section 147(f) of the Internal Revenue Code of 1986, as amended ("IRS Code"), and Section 15.2-4906 of the Code of Virginia of 1950 as amended (the "Virginia Code").

WHEREAS, the Company has represented that the estimated cost of the acquisition, renovation, improvement and equipping of the Project and all expenses of issue will require an issue of revenue bonds in the aggregate principal amount not to exceed \$5,300,000 (the "Bonds").

NOW, THEREFORE, BE IT RESOLVED BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY:

1. The Authority finds and determines that the issuance of the Bonds will be in furtherance of the purposes for which the Authority was organized, and hereby agrees to assist the Company in financing the acquisition, renovation, improvement and equipping of the Project by undertaking the issuance of its revenue bonds in an amount not to exceed \$5,300,000.

2. It having been represented to the Authority that it is necessary to proceed immediately with the acquisition, planning, renovation and equipping of the Project, the Authority agrees that the Company may proceed with plans for the Project, enter into contracts for land, construction, materials and equipment for the Project, and take such other steps as it may deem appropriate in connection with the Project, provided, however, that nothing in this resolution shall be deemed to authorize the Company to obligate the Authority without its consent in each instance to the payment of any moneys or the performance of any acts in connection with the Project. The Authority agrees that the Company may be reimbursed from the proceeds of the Bonds for all expenditures and costs so incurred by it, provided such expenditures and costs are properly reimbursable under the Act and applicable federal laws.

3. The Bonds shall not constitute an indebtedness or be a charge against the general credit or taxing power of the Commonwealth of Virginia or any political subdivision thereof, including the Authority, the City of Harrisonburg or the County of Henrico, Virginia, and neither

the Commonwealth of Virginia nor any political subdivision thereof, including the Authority, the City of Harrisonburg or the County of Henrico, Virginia, shall be liable thereon. The Bonds shall be limited obligations of the Authority payable solely from the revenues and other sources which are specifically pledged therefore by the Company.

4. All costs and expenses in connection with the issuance of the Bonds and the financing of the acquisition, renovation, improvement and equipping of the Project, including, but not limited to, the Authority's annual administrative fee, and fees of counsel to the Authority, Bond Counsel, counsel to the Company and other participants in the financing shall be paid from funds provided by the Company, or to the extent permitted by applicable law, from proceeds of the Bonds. If for any reason the Bonds are not issued, it is understood that all such expenses shall be paid by the Company and that the Authority shall have no responsibility for any such expenses.

5. The Company shall indemnify and save harmless the Authority, its officers, commissioners, employees and agents from and against all liabilities, obligations, claims, damages, penalties, losses, costs and expenses in any way connected with the issuance of the Bonds or the undertaking of the Project.

6. At the request of the Company, the Authority approves Kutak Rock LLP, Richmond, Virginia, as Bond Counsel, in connection with the issuance of the Bonds.

7. In adopting this resolution the Authority intends to take "official action" toward the issuance of the Bonds and to evidence its "official intent" to reimburse from the proceeds of the Bonds any expenditures paid by the Company to finance the acquisition, planning, renovation and equipping of the Project before the issuance of the Bonds, all within the meaning of regulations issued by the Internal Revenue Service pursuant to Sections 103 and 141 through 150 and related sections of the IRS Code.

8. The Authority recommends that the City Council of the City of Harrisonburg, Virginia and the Board of Supervisors of Henrico County, Virginia, approve the issuance of the Bonds.

9. No Bonds may be issued pursuant to this resolution until such time as (a) the issuance of the Bonds has been approved by the City Council of the City of Harrisonburg as required by Section 15.2-4906 of the Virginia Code and the IRS Code, (b) the issuance of the Bonds for the Project by the Authority has been approved by the Board of Supervisors of Henrico County, Virginia as required by the Housing Authorities Act, Section 15.2-4906 of the Virginia Code and the IRS Code, (c) the Bonds have received an allocation of the State Ceiling (as defined in Section 15.2-5000 of the Virginia Code) for the issuance of private activity bonds in accordance with the applicable provisions of the Virginia Code and any regulations or executive orders issued thereunder, and (d) the final terms and details of the Bonds have been approved by subsequent resolution of the Authority.

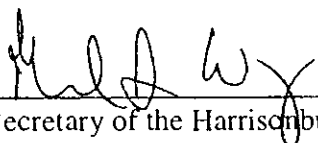
10. This resolution shall take effect immediately upon its adoption.

CERTIFICATE

The undersigned Secretary of the Harrisonburg Redevelopment and Housing Authority ("Authority") certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the Commissioners of the Authority present and voting at a meeting duly called and held on September 21, 2011, in accordance with law, and that such resolution has not been repealed, revoked, rescinded or amended but is in full force and effect on this date.

Commissioners	Present/Absent	Vote
David Denman, Chairman	P	Yes
Rudy Propst, Vice Chair	P	Yes
Thomas J. Dawson	P	Yes
Elroy Miller	P	Yes
Cheryl Risley	P	Yes

WITNESS the following signature and seal of the Authority, this 21 day of September, 2011.



 Secretary of the Harrisonburg Redevelopment and
 Housing Authority

[SEAL]

FISCAL IMPACT STATEMENT¹

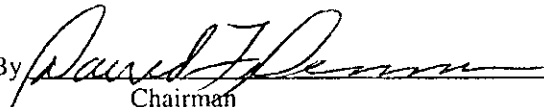
HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY

September 21, 2011

Name of Applicant: Oakmeade Associates, LP
for Oakmeade Apartments, Henrico County, Virginia

1.	Maximum amount of financing sought	\$ 5,300,000
2.	Estimated taxable value of the facility's real property to be constructed in the locality (Henrico)	\$ 4,187,000
3.	Estimated real property tax per year using present Henrico tax rates	\$ 36,427
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	b. Estimated dollar value per year of goods that will be purchased from non-Virginia companies within the locality (Henrico)	\$ 20,000
	c. Estimated dollar value per year of services that will be purchased from Virginia companies within the locality (Henrico)	\$ 50,000
	d. Estimated dollar value per year of services that will be purchased from non-Virginia companies within the locality (Henrico)	\$ 5,000
7.	Estimated number of regular employees on year round basis	9 Full Time, 3 FfE
8.	Average annual salary per employee	\$ 35,000

HARRISONBURG REDEVELOPMENT AND
HOUSING AUTHORITY

By 
Chairman

¹ The information contained in this Fiscal Impact Statement is based solely on facts and estimates provided by the Applicant and has not been verified by the Authority. The Authority has no responsibility or liability for any of such information.

DAILY NEWS-RECORD

STATE OF VIRGINIA
CITY/COUNTY OF ROCKINGHAM

Subscribed and sworn to before me in
the jurisdiction aforesaid this
14th day of September, 2011 by

Sharon L. Posey

Pamela R. Smith

Pamela R. Smith - Notary Public
My commission expires 6/30/2014
Notary Registration Number: 7040502

Certificate of Publication

KUTAK ROCK LLP

THIS IS TO CERTIFY that the attached
advertisement of:

HBURG REDEV & HOUSING
REVENUE BOND ISSUANCE
PO#:

appeared in the DAILY NEWS-RECORD
on the following dates:

09/07/2011 09/14/2011

At 16.45 per inch, ~~line~~. Cost \$542.86

DUPLICATE by ... *Sharon L. Posey*

**NOTICE OF PUBLIC HEARING
BY THE HARRISONBURG REDEVELOPMENT
AND HOUSING AUTHORITY
REGARDING A PROPOSED REVENUE BOND
ISSUANCE**

Notice is hereby given that the Harrisonburg Redevelopment and Housing Authority (the "Authority") will hold a public hearing on the application and plan of financing of Atlantic American Partners, LLC and its affiliate, Oakmeade Associates, LP, a Virginia limited partnership, whose address is 269 South Main Street, Providence, Rhode Island 02903 (the "Applicant"), requesting the Authority to issue its revenue bonds to assist the Applicant in financing the project described below.

The Applicant requests that the Authority issue up to \$5,300,000 of its revenue bonds to provide assistance in financing the acquisition, renovation, improvement and equipping of an existing multi-family housing apartment complex at 300 Airport Place, Highland Springs, Virginia 23075, which is located in Henrico County, Virginia (the "Project"). The Project will meet requirements of a qualified residential rental project within the meaning of Section 142(f) of the Internal Revenue Code of 1986, as amended. The Project, currently known as Oakmeade Apartments, contains 100 rental units in twelve apartment buildings and consists of approximately 81,000 square feet in rentable area. The Project will be operated and managed by the Applicant.

The public hearing, which may be continued or adjourned, will be held at 4:00 p.m. on Wednesday, September 21, 2011, before the Authority at the address given below. As required by the Act, the bonds will not pledge the credit or the taxing power of the Commonwealth of Virginia, the City of Harrisonburg, Henrico County or the Authority, but will be payable solely from revenues and other assets of the Project and the Applicant which are pledged as security for the bonds. Any person interested in the issuance of the bonds or nature of the proposed Project may appear at the hearing and present his or her views. The Applicant's application describing the Project is on file and open for inspection during business hours at the main office of the Authority located at 286 Kelley Street, Harrisonburg, Virginia 22802. The Authority's phone number is (540) 434-7386.

**HARRISONBURG REDEVELOPMENT
AND HOUSING AUTHORITY**

**RESOLUTION OF THE
HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY
PROVIDING FINAL AUTHORIZATION FOR THE ISSUANCE OF UP TO \$5,300,000
OF REVENUE BONDS FOR THE PURPOSE OF FINANCING THE ACQUISITION,
RENOVATION, IMPROVEMENT AND EQUIPPING OF A
100 UNIT APARTMENT COMPLEX LOCATED
IN HENRICO COUNTY, VIRGINIA**

WHEREAS, at a meeting duly called and held on September 21, 2011, the Harrisonburg Redevelopment and Housing Authority, a political subdivision of the Commonwealth of Virginia ("Authority") held a public hearing and adopted a resolution granting preliminary approval, subject to certain conditions, to an application submitted by Atlantic America Partners, LLC and its affiliate Oakmeade Associates, LP, a Virginia limited partnership ("Company"), requesting that the Authority issue its revenue bonds to assist in financing the acquisition, renovation, improvement and equipping of a 100-unit apartment complex currently known as Oakmeade Apartments, located at 300 Airport Place, Highland Springs, Virginia 23075 (the "Project") in Henrico County, Virginia, which county does not have a housing authority;

WHEREAS, the Company represented in connection with the preliminary approval that the estimated cost of the acquisition, renovation, improvement and equipping of the Project and all expenses of issue will require an issue of revenue bonds in the aggregate principal amount not to exceed \$5,300,000;

WHEREAS, the City Council of the City of Harrisonburg, Virginia adopted a resolution on September 27, 2011 concurring in the action taken by the Authority and consenting to the issuance by the Authority of its revenue bonds to assist the Company with the Project;

WHEREAS, the Company has represented that Banc of America Public Capital Corp (the "Bond Purchaser") has issued a commitment to purchase the Authority's revenue bonds in an amount not to exceed \$5,300,000 to assist in financing the Project, and the Company has requested that the Authority adopt a resolution authorizing the issuance of its Multifamily Housing Revenue Bonds (Oakmeade Apartments Project) Series 2011 in the principal amount not to exceed \$5,300,000 (the "Bonds"), the proceeds of which will be used to make a loan (the "Loan") to the Company to finance a portion of the cost of the acquisition, renovation, improvement and equipping of the Project;

WHEREAS, the Company will agree to repay the Loan as evidenced by the Company's repayment obligation contained in the Loan Agreement (herein defined) in the original principal amount equal to the original principal amount of the Bonds;

WHEREAS, the Company requests that such Bonds be issued pursuant to a certain Indenture of Trust by and between the Authority and a corporate trustee to be named (the "Trustee"), pursuant to which the Authority will transfer and assign certain rights under the Loan Agreement by and among the Authority and the Company, hereafter authorized, to the Trustee as security for the payment of such Bonds and such other security instruments as may be necessary;

WHEREAS, the form of the Bonds and the forms of the basic agreements listed below pursuant to which the Bonds will be issued have been presented to the Authority for approval (the "Basic Agreements"):

(a) Indenture of Trust, dated as of December 1, 2011 (the "Indenture"), between the Authority and the Trustee; and

(b) Loan Agreement, dated as of December 1, 2011 (the "Loan Agreement"), among the Authority and the Company;

WHEREAS, in addition to the Basic Agreements it is contemplated that the Authority will be asked to enter into certain additional instruments and agreements to implement regulatory and security provisions required by the terms of the Basic Agreements, including but not limited to a land use restriction agreement, a tax compliance agreement, a continuing disclosure agreement, various agreements to provide security for the Bonds and one or more assignments related to such agreements (collectively, the "Additional Agreements");

WHEREAS, the Authority in furtherance of the public purposes for which it was created desires to approve the execution and delivery of the Bonds, the Basic Agreements and the Additional Agreements, upon final approval of the forms thereof by the officers herein authorized, and such other agreements, certificates and documents as the Chairman, Vice Chairman or Executive Director of the Authority and its counsel may consider necessary and proper.

NOW, THEREFORE, BE IT RESOLVED BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY:

1. The Authority finds and determines that the issuance of the Bonds will be in furtherance of the purposes for which the Authority was organized, and authorizes their issuance subject to the terms of this Resolution for the purpose of paying the cost, in part, of the acquisition, construction, renovation and equipping of the Project and issuance of the Bonds.

2. The Bonds shall be in an aggregate principal amount of not to exceed \$5,300,000. The Bonds shall be designated "R-1" and upwards, and shall be in substantially the forms presented to the Authority with such changes, insertions or omissions (including, without limitation, changes of the dates thereof) as may be approved by either of the Chairman, Vice Chairman or Executive Director of the Authority, whose approval shall be evidenced conclusively by the execution and delivery of such Bonds. The Bonds shall be sold to the Bond Purchaser at par, shall bear interest at a variable rate of interest subject to periodic adjustment as set forth in the Indenture not to exceed 12% per annum, shall mature on such date or dates not later than January 1, 2044, and shall be subject to redemption at such times as are set forth in the Indenture. Each of the Chairman, Vice-Chairman or Executive Director of the Authority is hereby authorized to approve the initial interest rate to be payable on the Bonds, such rate being subject to subsequent adjustment as set forth in the Indenture. Such approvals shall be conclusively evidenced by the execution and delivery of a bond purchase agreement (the "Bond

Purchase Agreement”) by the Authority's Chairman, Vice-Chairman or Executive Director containing provisions not inconsistent with the terms of the Resolution. The Bond Purchase Agreement together with the Basic Agreements and the Additional Agreements are referred to collectively herein as the “Bond Documents.”

3. Neither the Bonds nor the premium, if any, nor the interest payable thereon shall constitute an indebtedness or be a charge against the general credit or taxing power of the Commonwealth of Virginia or any political subdivision thereof, including the Authority and the City of Harrisonburg or County of Henrico, Virginia, and neither the Commonwealth of Virginia nor any political subdivision thereof, including the Authority, the City of Harrisonburg and the County of Henrico, Virginia, shall be liable thereon. The Bonds, together with the premium, if any, and the interest payable thereon, shall be special, limited obligations of the Authority payable solely from the revenues and other sources which are specifically pledged thereto, pursuant to the terms of the Loan Agreement, the Indenture, the Bonds and the other related documents therein and herein referenced.

4. The Authority agrees to make the Loan to the Company to partially finance the acquisition, renovation, improvement and equipping of the Project as provided in the Loan Agreement. The payments to be received by the Authority in repayment of the Loan pursuant to the terms of the Loan Agreement hereafter authorized, as represented by the Company, are calculated to be sufficient to pay the principal of, premium, if any, and interest on the Bonds as the same shall become due and payable, and all of the payments under the Loan Agreement and other revenue arising out of or in connection with the Loan, together with certain of the Authority's rights under the Loan Agreement and the security therefor, shall be assigned for that purpose pursuant to and in addition to such other purposes to the extent set forth and provided in the Indenture.

5. The Bond Documents and the Bonds are hereby approved in substantially the forms submitted to this meeting, with such changes, insertions or omissions (including, without limitation, changes of the dates thereof) as may be approved by either of the Chairman, the Vice Chairman or Executive Director of the Authority, whose approval shall be evidenced conclusively by the execution and delivery thereof. Execution of the Bonds and the execution, delivery and performance by the Authority of the Bond Documents are authorized. If required, the Secretary and the Assistant Secretary of the Authority are each authorized and directed to affix the seal of the Authority to the Bonds, the Bond Documents to which the Authority is a party, and such other instruments, documents, agreements and certificates authorized hereby, and to attest to such seal. The signatures of the Chairman or Vice Chairman and the Secretary or Assistant Secretary and the seal of the Authority on the Bonds may be by facsimile.

6. Each officer of the Authority is authorized as necessary or appropriate to execute and deliver on behalf of the Authority such other instruments, documents or certificates, including tax and regulatory agreements and certificates regarding the expected use and investment of the proceeds of the Bonds and use of the Project to comply with requirements of the Internal Revenue Code, to enter into agreements and instruments to provide security for the Bond and to provide continuing disclosure while the Bonds are outstanding, and to do and perform such other things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated by the Bonds, the Bond Documents

or such other instruments, documents or certificates entered into in connection with the issuance of the Bonds. All of the foregoing previously done or performed by such officers of the Authority, are in all respects approved, ratified and confirmed.

7. All other acts of the officers and commissioners of the Authority that are in conformity with the purposes and intent of this Resolution and in furtherance of the issuance, delivery and sale of the Bonds, whether such acts occurred before or occur after the adoption of this Resolution, are hereby ratified, approved and confirmed.

8. This Resolution shall take effect immediately upon its adoption and constitutes the Authority's final authorization for the issuance of the Bonds, subject to the terms of the preliminary approval resolution adopted on September 21, 2011, including any conditions set forth in paragraph 9 thereof which remain to be satisfied.

9. All costs and expenses in connection with the issuance of the Bonds and the financing of the acquisition, renovation, improvement and equipping of the Project, including, but not limited to, the Authority's annual administrative fee, and fees of counsel to the Authority, Bond Counsel, counsel to the Company and other participants in the financing shall be paid from funds provided by the Company, or to the extent permitted by applicable law, from proceeds of the Bonds. If for any reason the Bonds are not issued, it is understood that all such expenses shall be paid by the Company and that the Authority shall have no responsibility for any such expenses.

10. The Company shall indemnify and save harmless the Authority, its officers, commissioners, employees and agents from and against all liabilities, obligations, claims, damages, penalties, losses, costs and expenses in any way connected with the issuance of the Bonds or the undertaking of the Project.

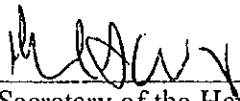
11. This Resolution shall remain in full force and effect until the next regularly scheduled meeting of the Authority occurring one year after the date of preliminary approval resolution at which time it shall terminate unless the Bonds are issued or unless specifically extended by the Authority.

CERTIFICATE

The undersigned Secretary of the Hanisonburg Redevelopment and Housing Authority ("Authority") certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the Commissioners of the Authority present and voting at a meeting duly called and held on October 17, 2011, in accordance with law, and that such resolution has not been repealed, revoked, rescinded or amended but is in full force and effect on this date.

<u>Commissioners</u>	<u>Present/Absent</u>	<u>Vote</u>
David Denman, Chairman	P	aye
Rudy Propst, Vice Chair	P	aye
Thomas J. Dawson	P	aye
Elroy Miller	P	aye
Cheryl Risley	A	

WITNESS the following signature and seal of the Authority, this 17th day of October, 2011.



Secretary of the Harrisonburg Redevelopment and
Housing Authority

[SEAL]

RESOLUTION NO. 1993

**CONSENT TO ISSUANCE OF BONDS BY THE HARRISONBURG
REDEVELOPMENT AND HOUSING AUTHORITY FOR THE OAKMEADE
APARTMENTS**

WHEREAS, the Suffolk Redevelopment and Housing Authority (the "Authority") has outstanding bond issues for one or more projects in Henrico County, Virginia (the "County") issued pursuant to the authority set forth in Chapter 1, Title 36 of the Code of Virginia of 1950, as amended (the "Act"); and

WHEREAS, Oakmeade Associates, LP, a Virginia limited partnership (the "Developer"), expects to rehabilitate the Oakmeade Apartments (the "Project"), located in Henrico County, using the proceeds of tax-exempt bonds (the "Bonds"); and

WHEREAS, to accomplish this, the Developer has sought assistance from the Harrisonburg Redevelopment and Housing Authority ("HRHA"), as Henrico County does not have a redevelopment and housing authority organized pursuant to the Act; and

WHEREAS, Section 36-23 of the Act authorizes HRHA to provide financing assistance for multifamily residential housing developments in the County, provided, among other things, that any other housing authority that has outstanding any evidence of indebtedness for a project or projects within the County must consent to an issuance by another housing authority of bonds to finance a project in the County; and

WHEREAS, the Authority wishes to accommodate the County, the Developer and the HRHA by consenting to the issuance by the HRHA of the Bonds, the proceeds of which are to be used to finance the rehabilitation of the Project.

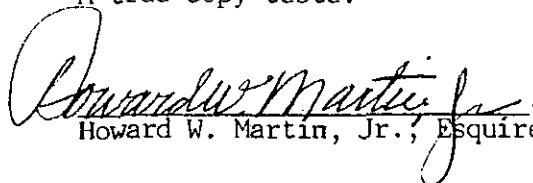
NOW, THEREFORE BE IT RESOLVED BY THE SUFFOLK REDEVELOPMENT AND HOUSING AUTHORITY, as follows:

1. The Authority consents, as required by Section 36-23 of the Act, to the issuance by HRHA of bonds to finance the Project.
2. This consent does not constitute an endorsement to prospective purchasers of the Bonds or of the creditworthiness of the Project or the Developer.
3. The issuance of the Bonds shall not create any obligation of the Authority and the Authority shall not be required to execute any documents related to the Bonds, other than evidence of this resolution.
4. This resolution will take effect immediately upon its adoption.
5. This resolution applies exclusively to the Oakmeade Apartments financing only. Nothing contained herein shall be construed to authorize or permit the exercise of powers in any other project financing except as authorized by this resolution.

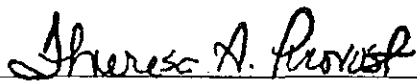
ADOPTED this 23rd day of August, 2011.

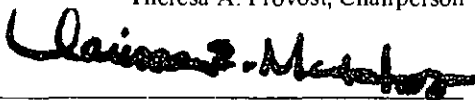
A true copy teste:

ADOPTED:


Howard W. Martin, Jr., Esquire

ATTESTED:


Theresa A. Provost, Chairperson


Clarissa E. McAdoo, Secretary

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA REGARDING THE ISSUANCE OF REVENUE BONDS BY THE
HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY**

WHEREAS, the Harrisonburg Redevelopment and Housing Authority (the "Authority") has considered the application of Oakmeade Associates, LP (the "Company") for the issuance of the Authority's revenue bonds in an amount not to exceed \$5,300,000 (the "Bonds") to assist the Company in financing the acquisition, renovation, improvement and equipping of an existing 100-unit multi-family housing apartment complex currently known as Oakmeade Apartments located at 300 Airport Place (the "Project") in the County of Henrico, Virginia, and has held a public hearing thereon on September 21, 2011;

WHEREAS, following the public hearing, the Authority adopted a resolution (the "Authority Resolution") in which it approved the issuance of the Bonds, subject to certain conditions, and recommended and requested that the Harrisonburg City Council (the "Council") approve the issuance of the Bonds by the Authority, and in connection with such request filed with the Council a copy of the Authority Resolution, a brief summary of the Authority's public hearing, and the Applicant's Fiscal Impact Statement;

WHEREAS, the Suffolk Redevelopment and Housing Authority, which the Council has been advised has bonds outstanding for a project in Henrico County, has consented to the issuance of the Bonds by the Authority as required by Section 36-23 of the Virginia Housing Authorities Law, Chapter 1, Title 36, Code of Virginia of 1950, as amended (the "Housing Authorities Act") pursuant to a resolution adopted on August 23, 2011, a copy of which has been filed with the Council by the Authority;

WHEREAS, Section 147(f) of the Internal Revenue Code (the "Code") and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"), provide that the highest elected governmental unit of the locality having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of such bonds, and since the Council of the City of Harrisonburg constitutes the highest elected governmental unit of the City, the Council is required to approve issuance of the Bonds;

WHEREAS, the Council has been advised that Henrico County does not have a redevelopment and housing authority, and the Authority is empowered by Section 36-23 of the Housing Authorities Act to exercise its powers within the territorial boundaries of any municipality, such as Henrico County, not included in its area of operation, provided the governing body of such municipality in which the housing authority is to exercise its powers authorizes it to do so in accordance with the requirements of such section;

WHEREAS, the Board of Supervisors of Henrico County is the highest elected governmental unit of Henrico County where the Project is located and is required to approve the issuance of the Bonds pursuant to Section 147(f) of the Code, Section 15.2-4906 of the Virginia Code and Section 36-23 of the Housing Authorities Act, and the Company has represented that the Board of Supervisors of Henrico County is scheduled to hold a public hearing on the Project and consider it for approval following approval by the Council.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:

1. The Council approves the issuance of the Bonds by the Authority in a principal amount not to exceed \$5,300,000 for the benefit of the Applicant, as required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code, to permit the Authority to assist in the financing of the Project, such approval being conditioned upon approval being granted by the Board of Supervisors of Henrico County, Virginia in accordance with such provisions and Section 36-23 of the Housing Authorities Act and the other conditions set forth in the Authority Resolution.

2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the Applicant, and the Bonds shall provide that neither the City, the Authority nor the County of Henrico shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor by the Applicant, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof, including the City, the Authority or the County of Henrico, shall be pledged thereto.

3. This resolution shall take effect immediately upon its adoption.

CERTIFICATION

The undersigned Clerk of the City Council of the City of Harrisonburg, Virginia hereby certifies that the foregoing constitutes a true, correct and complete copy of a Resolution duly adopted by the City Council of the City of Harrisonburg, Virginia at a meeting duly called and held on the 27th day of September, 2011 and during which a quorum was present and acting throughout, by the vote set forth below, and that such Resolution has not been repealed, revoked, rescinded or amended:

<u>Council Member</u>	<u>Present/Absent</u>	<u>Vote</u>
Richard Baugh, Mayor	✓	yes
Ted Byrd	✓	yes
Kai Degner	✓	yes
Charles Chenault	✓	yes
David Wiens	✓	yes

WITNESS, my hand and the seal of the City Council of the City of Harrisonburg, Virginia, this 27th day of September, 2011.


Clerk, City of Harrisonburg, Virginia

(SEAL)



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

Agenda Item No. 247-11

Page No. 1 of 1

Agenda Title **RESOLUTION — Signatory Authority — Conveyance of Real Property — Bacova, LLC — Three Chopt District**

<p>For Clerk's Use Only:</p> <p>NOV - 9 2011</p> <p>Date <u>NOV - 9 2011</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>Kaechele</u> Seconded by (1) <u>Glover</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>Doaati, 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 checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></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	Doaati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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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WHEREAS, the County owns a triangular-shaped parcel containing approximately 0.775 acre at the northeast intersection of North Gayton Road Extended and relocated Bacova Drive (the "Property"); and,

WHEREAS, Bacova, LLC wishes to purchase the Property for \$56,062.50 to provide access to a future development; and,

WHEREAS, this resolution was advertised pursuant to Va. Code § 15.2-1813, and the Board of Supervisors held a public hearing on November 9, 2011 pursuant to Va. Code § 15.2-1800.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the Chairman is authorized to execute a deed and all necessary documents in a form approved by the County Attorney conveying the Property to Bacova, LLC for \$56,062.50.

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

By Agency Head *D. B. O'Connell* By County Manager *David L. Haynes*

Routing:
Yellow to: *Real Property*
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Certified:
A Copy Teste: _____
Clerk, Board of Supervisors
Date: _____



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

Agenda Item No. 248-11
Page No. _____
1 of 1

Agenda Title **RESOLUTION – Signatory Authority – Quitclaim of Portion of Utility Easement - 5625 South Laburnum Avenue – Varina District**

<p>For Clerk's Use Only:</p> <p>NOV - 9 2011</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>Doati</u> Seconded by (1) <u>Glover</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>Doati, 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 checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></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'Bannoa, 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	Doati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Bannoa, 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"/>																							

WHEREAS, A.F. Byrd Center, LLC wishes to acquire the unused portion of a County-owned utility easement which crosses its land at 5625 South Laburnum Avenue; and,

WHEREAS, this resolution was advertised and a public hearing was held on November 9, 2011 pursuant to Section 15.2-1813 of the Code of Virginia.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the Chairman is authorized to execute a quitclaim deed, in a form approved by the County Attorney, conveying to A.F. Byrd Center, LLC the County's interest in the easement shown on the attached Exhibit "A."

Comments: This request has been routed through the Departments of Public Works, Public Utilities, and Planning without objection. The Directors of Public Utilities and Real Property recommend approval of this Board paper, and the County Manager concurs.

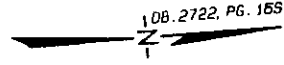
By Agency Head *Jim B. [Signature]* By County Manager *[Signature]*

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Copy to: _____

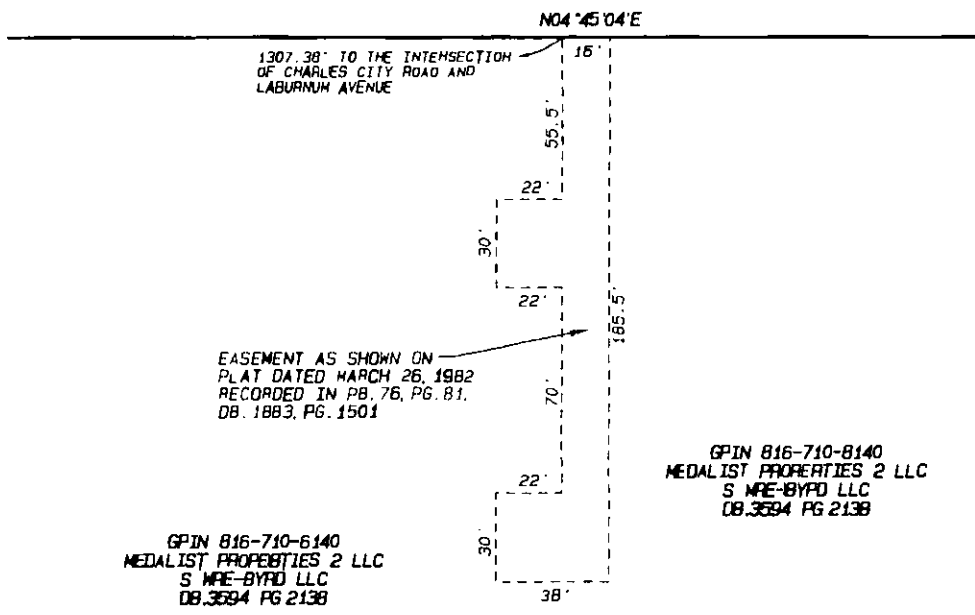
Certified:
A Copy Teste: _____
Clerk, Board of Supervisors
Date: _____

REFERENCE:

THIS PROPERTY APPEARS TO FALL WITHIN ZONE 'X' AS SHOWN ON FIRM FLOOD INSURANCE RATE MAP.



SOUTH LABURNUM AVENUE
VARIABLE WIDTH R/W



1307.38' TO THE INTERSECTION
OF CHARLES CITY ROAD AND
LABURNUM AVENUE

EASEMENT AS SHOWN ON
PLAT DATED MARCH 26, 1982
RECORDED IN PB. 76, PG. 81.
DB. 1883, PG. 1501

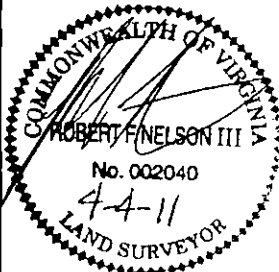
GPIN 816-710-8140
MEDALIST PROPERTIES 2 LLC
S WRE-BYRD LLC
DB. 3694 PG 2138

GPIN 816-710-6140
MEDALIST PROPERTIES 2 LLC
S WRE-BYRD LLC
DB. 3694 PG 2138

EXHIBIT "A"

**PLAT SHOWING A VARIABLE WIDTH UTILITY
EASEMENT TO BE OBTAINED SITUATED
EAST OF LABURNUM AVENUE AND NORTH
OF CHARLES CITY ROAD**

VARINA DISTRICT HENRICO COUNTY, VA.



I HEREBY CERTIFY THAT THIS SURVEY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, IS CORRECT AND
COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA STATE
BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS
AND LANDSCAPE ARCHITECTS.

ENGINEERING DESIGN ASSOCIATES, INC.

CONSULTING ENGINEERS & SURVEYORS

P.O. BOX 50067 RICHMOND, VIRGINIA 23250 (604) 236-0190

DATE: FEBRUARY 16, 2011 SCALE: 1" = 50' JDS No: 10278-E



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 249-11
Page No. 1 of 1

Agenda Title: **RESOLUTION – Settlement of *Teasia Boyd v. Shameka Bradley, et al.***

For Clerk's Use Only: NOV - 9 2011 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>Glover</u> Seconded by (1) <u>Donati</u> (2) (2) REMARKS: APPROVED	YES NO OTHER Donati, J. <u>✓</u> _____ Glover, R. <u>✓</u> _____ Kaechele, D. <u>✓</u> _____ O'Bannon, P. <u>✓</u> _____ Thornton, F. <u>✓</u> _____
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BE IT RESOLVED by the Board of Supervisors that:

- (1) it authorizes settlement of the case styled *Teasia Boyd v. Shameka Bradley, et al.*, which is pending in the Circuit Court for the City of Richmond, on terms as recommended by the Risk Manager, the County Manager, and the County Attorney, and as approved by the Self-Insurance Trustees; and
- (2) the Risk Manager, County Manager and County Attorney are authorized to execute all documents, in forms satisfactory to the County Attorney, necessary to conclude this case and implement the terms of the settlement.

Comments: The Self-Insurance Trustees, the Risk Manager, and the County Attorney recommend approval of this Board paper; the County Manager concurs.

By Agency Head Joseph P. Rappiando, Jr. By County Manager Joseph L. [Signature]

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



COUNTY OF HENRICO, VIRGINIA
 BOARD OF SUPERVISORS
 MINUTE

Agenda Item No. 250-11
 Page No. 1 of 2

Agenda Title: **RESOLUTION — SIA-003-11 — 10785 & 10791 Old Washington Highway — Substantially in Accord with the Comprehensive Plan**

For Clerk's Use Only: NOV - 9 2011 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>Glover</u> Seconded by (1) <u>Donati</u> (2) _____ (2) _____	YES NO OTHER
	REMARKS: <h1 align="center">APPROVED</h1>	Donati, J. ✓ _____ Glover, R. ✓ _____ Kaechele, D. ✓ _____ O'Bannon, P. ✓ _____ Thornton, F. ✓ _____

WHEREAS, Section 15.2-2232A of the Code of Virginia requires the Planning Commission to review and to consider whether the general or approximate location, character and extent of major public facilities are substantially in accord with the County's Comprehensive Plan ("Plan"); and,


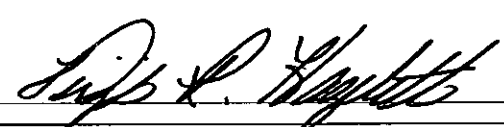
WHEREAS, the Planning Commission reviewed 10785 & 10791 Old Washington Highway for conformance with the Plan; and,

WHEREAS, a report dated October 5, 2011 presented by the Planning staff found the proposed use would not be in conflict with or a significant departure from the Plan; and,

WHEREAS, on October 13, 2011 the Planning Commission reviewed the staff recommendations and found that future public/government use will further the Goals, Objectives and Policies of the Plan that identify the need for new public services and facilities based on projected and planned growth in accordance with the 2026 Future Land Use map; and,

WHEREAS, the Planning Commission further found the use of the property for public/government use would be compatible with the adjacent developments and existing and future residential developments in the larger vicinity; and,

WHEREAS, the Board of Supervisors has reviewed the Planning Commission's findings and concurs with its conclusions.

By Agency Head  By County Manager 

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

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 250-11
Page No. 2 of 2

Agenda Title: **RESOLUTION — SIA-003-11 — 10785 & 10791 Old Washington Highway — Substantially in Accord with the Comprehensive Plan**

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that use of 10785 & 10791 Old Washington Highway is approved as being substantially in accord with the County's Comprehensive Plan.

Comments: The Director of Planning concurs with the findings of the Planning Commission that use of the property is "substantially in accord" with the Plan and recommends approval of the Board paper, and the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA
 BOARD OF SUPERVISORS
 MINUTE

Agenda Item 251-11
 Page No. 1 of 2

Agenda Title: RESOLUTION — SIA-002-11 — Varina Area Library Site — Substantially in Accord with the Comprehensive Plan

or Clerk's Use Only: Date: NOV - 9 2011 <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:	<p style="text-align: center;">BOARD OF SUPERVISORS ACTION</p> Moved by (1) <u>Donati</u> Seconded by (1) <u>Glover</u> (2) _____ REMARKS: APPROVED	<table border="1"> <thead> <tr> <th></th> <th>YES</th> <th>NO</th> <th>OTHER</th> </tr> </thead> <tbody> <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 checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Kacchele, 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> </tbody> </table>		YES	NO	OTHER	Donati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kacchele, 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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WHEREAS, Section 15.2-2232A of the Code of Virginia requires the Planning Commission to review and to consider whether the general or approximate location, character and extent of major public facilities are substantially in accord with the County's Comprehensive Plan ("Plan"); and,

WHEREAS, the Planning Commission reviewed the proposed Varina Area Library Site for conformance with the Plan; and,

WHEREAS, a report dated September 15, 2011 presented by the Planning staff found the proposed use would not be in conflict with or a significant departure from the Plan; and,

WHEREAS, on October 13, 2011 the Planning Commission reviewed the staff recommendations and found the proposed use will further the Goals, Objectives and Policies of the Plan that address the need for new public services and facilities based on projected and planned growth in accordance with the 2026 Future Land Use map; and,

WHEREAS, the Planning Commission further found the proposed use for an area library would be compatible with the adjacent developments and existing and future residential developments in larger vicinity; and,

WHEREAS, the Board of Supervisors has reviewed the Planning Commission's findings and concurs with its conclusions.

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

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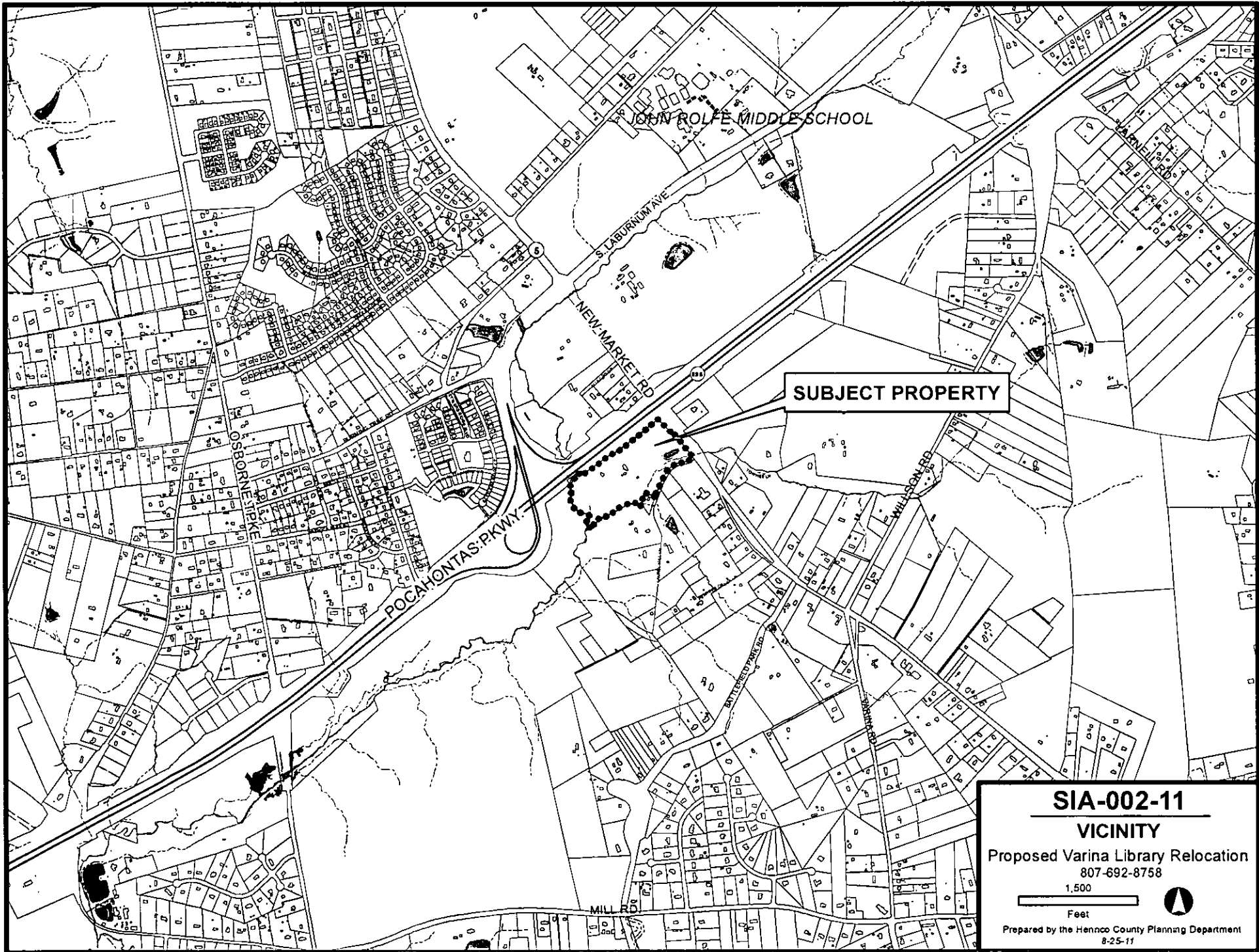
**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. 251-11
Page No. 2 of 2

Agenda Title: **RESOLUTION — SIA-002-11 — Varina Area Library Site — Substantially in Accord with the Comprehensive Plan**

NOW, THEREFORE, BE IT RESOLVED by the Henrico County Board of Supervisors that the proposed Varina Area Library Site is approved as being substantially in accord with the County's Comprehensive Plan.

Comments: The Director of Planning concurs with the findings of the Planning Commission that the proposed Varina Area Library Site is "substantially in accord" with the Plan and recommends approval of the Board paper, and the County Manager concurs.



JOHN ROLFE MIDDLE SCHOOL

S. LABURNUM AVE

NEW MARKET RD

SUBJECT PROPERTY

POCAHONTAS PKWY.

OSBORNE PIKE

WILLIAMSON RD

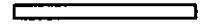
MILL RD

SIA-002-11

VICINITY

Proposed Varina Library Relocation
807-692-8758

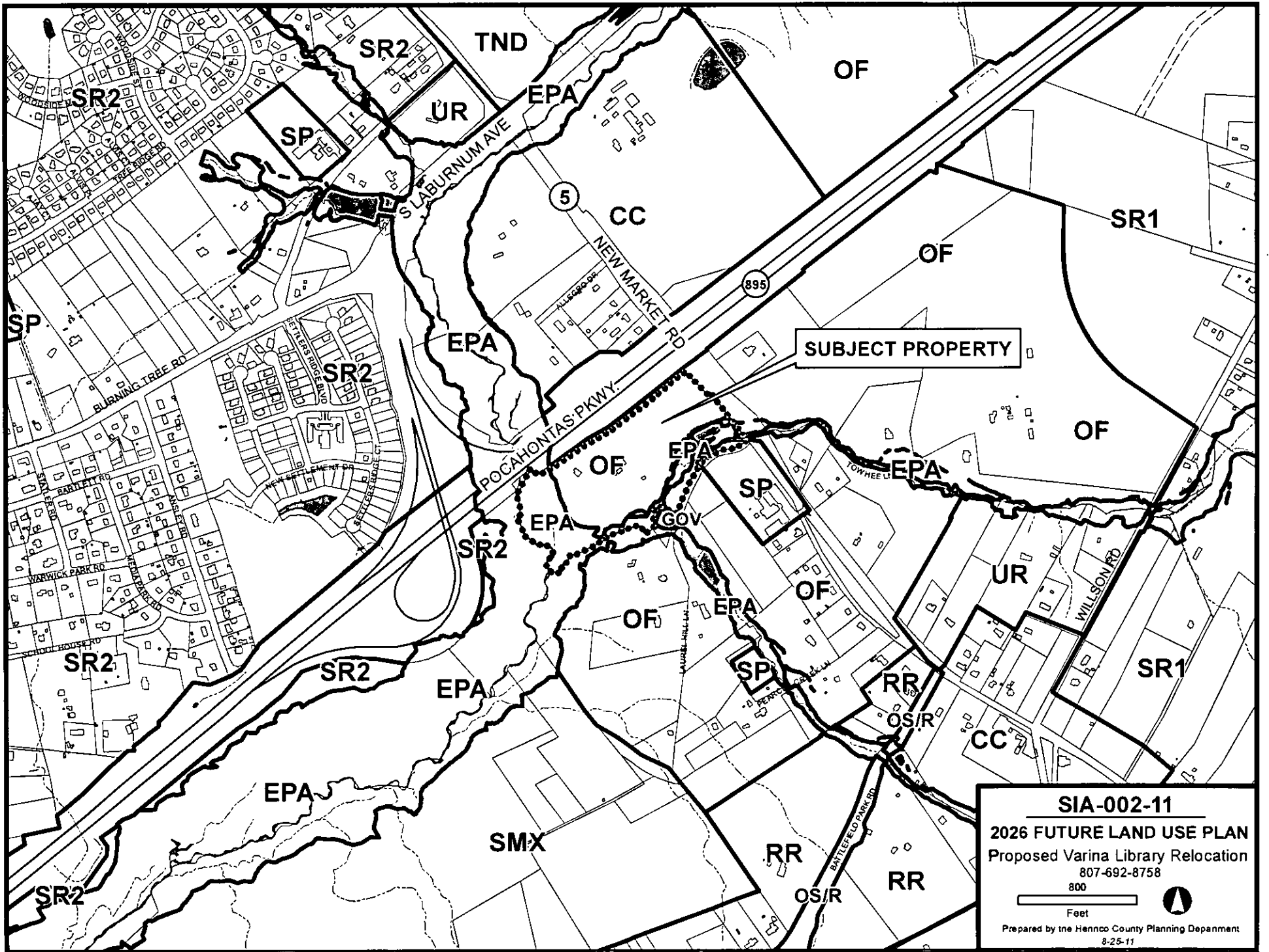
1,500



Feet



Prepared by the Henrico County Planning Department
8-25-11



SIA-002-11
2026 FUTURE LAND USE PLAN
Proposed Varina Library Relocation
 807-692-8758

800
 Feet

Prepared by the Henrico County Planning Department
 8-25-11



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

Agenda Item No. 252-11
Page No.

Agenda Title **RESOLUTION - To Accept Virginia Department of Emergency Management State Homeland Security Program Grant**

<p>For Clerk's Use Only:</p> <p>NOV - 9 2011</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>Kacchale</u> Seconded by (1) <u>O'Bannon</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>Donad, 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 checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Kacchale, 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	Donad, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kacchale, 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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WHEREAS, the Virginia Department of Emergency Management has awarded the Division of Police a \$16,040 grant under the State Homeland Security Program; and

WHEREAS, the Division will use this grant to purchase and install a License Plate Reader system to enhance the Division's traffic law enforcement and surveillance capabilities.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors accepts this grant and authorizes the County Manager to sign the necessary agreements in a form approved by the County Attorney.

COMMENT: No local match is required for this grant. The Chief of Police 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: _____</p> <p>Copy to: _____</p>	<p>Certified:</p> <p>A Copy Test: _____</p> <p align="center">Clerk, Board of Supervisors</p> <p>Date: _____</p>



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 253-11
Page No. i of 2

Agenda Title: RESOLUTION — Acquisition of Hepler Property — North Gayton Road Project — Three Chopt District

For Clerk's Use Only: Date: NOV - 9 2011 <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="1"> <thead> <tr> <th></th> <th>YES</th> <th>NO</th> <th>OTHER</th> </tr> </thead> <tbody> <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 checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></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> </tbody> </table>		YES	NO	OTHER	Donati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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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WHEREAS, in connection with construction of the North Gayton Road Project, the Board filed a Certificate with the Clerk of the Henrico County Circuit Court on April 27, 2010 giving it defeasible title to 2,719 square feet of fee simple right-of-way, 5,145 square feet of permanent slope and drainage easements, 326 square feet of a temporary construction easement, and 1,776.10 square feet of a permanent easement for Virginia Electric and Power Company across the property at 12315 Kain Road identified as Tax Map Parcel 736-768-6361 owned by David M. Hepler and Jennifer E. Hepler; and,

WHEREAS, the Board simultaneously deposited \$20,691 with the Clerk as the fair market value of the areas to be taken; and,

WHEREAS, the parties have agreed that the amount previously paid by the Board to the Clerk and the additional amount of \$3,103.65 shall be just compensation for the property taken by the Board.

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

- (1) it authorizes settlement of the case styled *Board of Supervisors of Henrico County, Virginia v. David M. Hepler and Jennifer E. Hepler*, Case No. CL10-1204, pending in the Henrico County Circuit Court, on terms recommended by the County Manager and the County Attorney; and
- (2) the County Manager and County Attorney are authorized to execute all documents, in a form approved by the County Attorney, necessary to conclude the case and implement the terms of the settlement.

By Agency Head Joseph P. Rappin, Jr. By County Manager Joseph P. Hepler

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Clerk, Board of Supervisors

Date: _____

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 253-11
Page No. 2 of 2

**Agenda Title: RESOLUTION — Acquisition of Hepler Property — North Gayton Road Project
— Three Chopt District**

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



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

Agenda Item No. 254-11
Page No. 1 of 2

Agenda Title: RESOLUTION — Acquisition of Hepler Trust Property — North Gayton Road Project — Three Chopt District

For Clerk's Use Only: NOV 9 2011 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>Kacchle</u> Seconded by (1) <u>O'Bannon</u> (2) _____ (2) _____ REMARKS: APPROVED	<table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:50%;"></th> <th style="width:15%;">YES</th> <th style="width:15%;">NO</th> <th style="width:10%;">OTHER</th> </tr> </thead> <tbody> <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>Ghver, R.</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>Kacchle, 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 type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> </tbody> </table>		YES	NO	OTHER	Donati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ghver, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kacchle, 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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WHEREAS, in connection with construction of the North Gayton Road Project, the Board filed a Certificate with the Clerk of the Henrico County Circuit Court on April 27, 2010 giving it defeasible title to 1,146 square feet of fee simple right-of-way, 5,037 square feet of permanent slope and drainage easements, and 1,918.73 square feet of a permanent easement for Virginia Electric and Power Company across the property at 12311 Kain Road identified as Tax Map Parcel 736-768-5323 owned by David M. Hepler, Trustee of the Mary D. Hepler Living Trust; and,

WHEREAS, the Board simultaneously deposited \$9,370 with the Clerk as the fair market value of the areas to be taken; and,

WHEREAS, the parties have agreed that the amount previously paid by the Board to the Clerk and the additional amount of \$1,405.50 shall be just compensation for the property taken by the Board.

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

- (1) it authorizes settlement of the case styled *Board of Supervisors of Henrico County, Virginia v. David M. Hepler Trustee of the Mary D. Hepler Living Trust*, Case No. CL10-1205, pending in the Henrico County Circuit Court, on terms recommended by the County Manager and the County Attorney; and
- (2) the County Manager and County Attorney are authorized to execute all documents, in a form approved by the County Attorney, necessary to conclude the case and implement the terms of the settlement.

By Agency Head Joseph P. Casiano, Jr. By County Manager Joseph P. Hepler

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Clerk, Board of Supervisors

Date: _____

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 254-11
Page No. 2 of 2

Agenda Title: **RESOLUTION — Acquisition of Hepler Trust Property — North Gayton Road Project — Three Chopt District**

Comments: The **D**irectors of Real Property and Public Works and the County Attorney recommend approval of **this** Board paper; the County Manager concurs.



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

Agenda Item No. 255-11
Page No. 1 of 1

Agenda Title: RESOLUTION — Signatory Authority — Acquisition of Real Property — 12321 Kain Road — Three Chopt District

For Clerk's Use Only: Date: NOV - 9 2011 <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:	<p align="center">BOARD OF SUPERVISORS ACTION</p> Moved by (1) <u>Kaechele</u> Seconded by (1) <u>O'Bannon</u> (2) _____ (2) _____ REMARKS: APPROVED	<table border="0"> <thead> <tr> <th></th> <th>YES</th> <th>NO</th> <th>OTHER</th> </tr> </thead> <tbody> <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 checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></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> </tbody> </table>		YES	NO	OTHER	Donati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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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Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Kaechele, D.	<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, Bacova, LLC ("Bacova") is the contract purchaser of approximately 3.65 acres located at 12321 Kain Road in the Three Chopt District (the "Property") and identified as a portion of Tax Map Parcel Number 735-767-9459; and,

WHEREAS, the County has agreed to acquire the Property from Bacova for \$155,602.50 for future recreational use or road access.

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

- (1) The County Manager is authorized to execute an agreement, in a form approved by the County Attorney, between Bacova and the County, for the purchase of the Property for \$155,602.50; and,
- (2) The County Attorney is directed to cause title to be examined to the Property, and the County Manager is authorized, upon approval of the title to the Property by the County Attorney, to accept a deed to the Property, in a form approved by the County Attorney; and,
- (3) The County Manager and the County Attorney are authorized to undertake all additional actions necessary to acquire title to the Property.

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

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

Routing: Yellow to: Real Property Certified: _____
 Copy to: _____ A Copy Teste: _____ Clerk, Board of Supervisors
 Date: _____



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

Agenda Item No. 256-11

Page No.

1 of 1

Agenda Title **RESOLUTION — Signatory Authority — Lease — Department of Mental Health & Developmental Services — Providence Forge**

<p>For Clerk's Use Only:</p> <p>NOV - 9 2011</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>Glover</u> Seconded by (1) <u>Donati</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 checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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 County is leasing office space in the Forge Professional Building in Providence Forge to implement its cooperative agreement for delivery of services by the Department of Mental Health and Developmental Services to residents of New Kent County and Charles City County; and,

WHEREAS, the County wishes to replace the existing lease with a new lease for the entire first floor of the building for a five-year term commencing November 1, 2011; and,

WHEREAS, the initial annual rental rate would be \$28,955.00 and would increase 3% annually in succeeding years.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the County Manager is authorized to execute a lease agreement in a form approved by the County Attorney for office space in the Forge Professional Building.

Comments: The Directors of Mental Health & Developmental Services and Real Property recommend approval of this paper; the County Manager concurs.

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



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 257-11
Page No. 1 of 1

Agenda Title: RESOLUTION — Signatory Authority — Amendment to Contract for Engineering Design Services — Creighton Road Improvements Project #00985 — Fairfield and Varina Districts

For Clerk's Use Only: Date: <u>NOV - 9 2011</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>Glover</u> Seconded by (1) <u>Kaechele</u> (2) _____ (2) _____ REMARKS: APPROVED	YES NO OTHER Donati, J. <u>✓</u> _____ Glover, R. <u>✓</u> _____ Kaechele, D. <u>✓</u> _____ O'Bannon, P. <u>✓</u> _____ Thornton, T. <u>✓</u> _____
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WHEREAS, on April 25, 2006, the Board awarded a contract to AECOM (formerly Earth Tech, Inc.) for a total fixed lump sum fee of \$1,549,450.60 for the preparation of design and construction plans for Creighton Road improvements; and,

WHEREAS, additional design work is required to create a final set of plans to bid the portion of the project between Laburnum Avenue and Sandy Lane for construction, and additional environmental analysis is required due to changes in environmental regulations; and,

WHEREAS, AECOM and the Department of Public Works have negotiated a fixed lump sum fee of \$174,129.00 for the additional work.

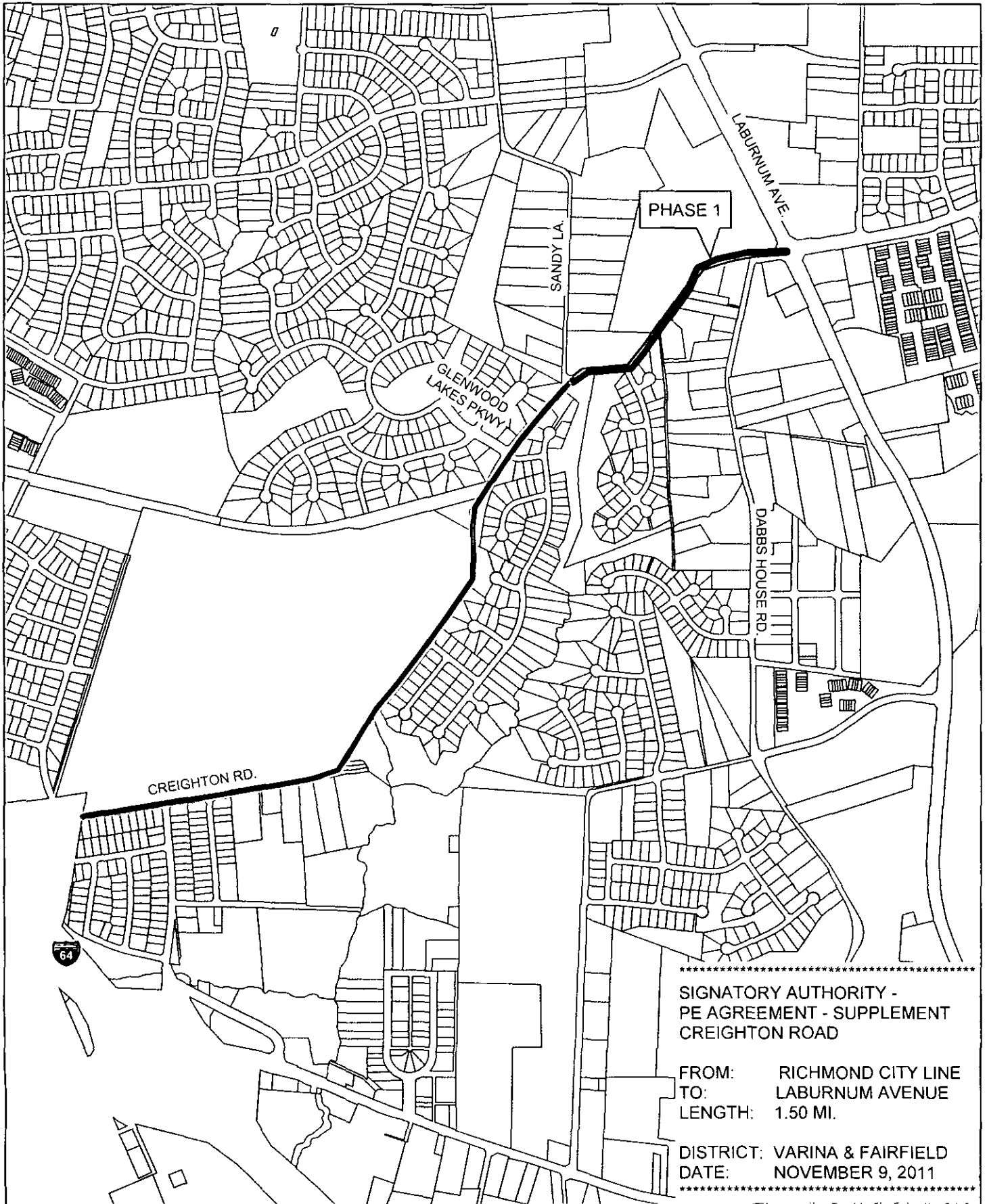
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors approves an amendment to the contract with AECOM for additional engineering design services for a fixed lump sum amount of \$174,129.00 and authorizes the County Manager to execute the amendment, in a form approved by the County Attorney, and any necessary change orders up to 15% of the total contract amount.

COMMENTS: The funds for this amendment will be provided from the Capital Projects Fund, Project #00985. The Director of Public Works recommends approval of this Board paper, and the County Manager concurs.

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

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Clerk, Board of Supervisors
Date: _____

CREIGHTON ROAD



SIGNATORY AUTHORITY -
PE AGREEMENT - SUPPLEMENT
CREIGHTON ROAD

FROM: RICHMOND CITY LINE
TO: LABURNUM AVENUE
LENGTH: 1.50 MI.

DISTRICT: VARINA & FAIRFIELD
DATE: NOVEMBER 9, 2011



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

Agenda 258-11

Page No. 1 of 2

Agenda Title: **RESOLUTION — To Permit Additional Fine of \$200 for Speeding on Fort McHenry Parkway from Nuckols Road to .14 Mile South of Shadyford Lane**

For Clerk's Use Only:	BOARD OF SUPERVISORS ACTION	YES NO OTHER
Date: NOV - 9 2011 <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:	Moved by (1) <u>Kaechle</u> Seconded by (1) <u>O'Bannon</u> (2) _____ (2) _____ REMARKS: APPROVED	Donatl, J. <input checked="" type="checkbox"/> _____ Glover, R. <input checked="" type="checkbox"/> _____ Kaechle, D. <input checked="" type="checkbox"/> _____ O'Bannon, P. <input checked="" type="checkbox"/> _____ Thornton, F. <input type="checkbox"/> _____

WHEREAS, Section 46.2-878.2 of the Code of Virginia provides for the imposition of a \$200 fine for speeding, in addition to other penalties provided by law, when a locality has established a maximum speed limit for a highway in a residence district and the speed limit is indicated by appropriately placed signs; and,

WHEREAS, the statute also requires the Board of Supervisors (the "Board"), because Henrico County maintains its own roads, to develop criteria for the overall applicability for the installation of the signs and to request the application of the statute to certain residential streets in the County before the additional fine may be imposed; and,

WHEREAS, the Board approved detailed criteria (the "Criteria") for the County's Traffic Calming Program on February 10, 2004; and,

WHEREAS, increased fines for speeding on residential streets in Henrico County which meet the Criteria and are designated by the Board are part of the Traffic Calming Program; and,

WHEREAS, the County's Traffic Engineer has collected traffic data and has determined that Fort McHenry Parkway from Nuckols Road to .14 mile south of Shadyford Lane is experiencing speeding problems and meets the Criteria for traffic calming measures set forth in the Traffic Calming Program; and,

WHEREAS, the citizens in the area of this road requesting the increased fine have collected signatures from 76% of the residents; and,

By Agency Head _____

[Signature]

By County Manager _____

[Signature]

Routing:
Yellow to: _____
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Clerk, Board of Supervisors

Date: _____

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

Agenda Item No. 258-11

Page No. 2 of 2

Agenda Title: RESOLUTION — To Permit Additional Fine of \$200 for Speeding on Fort McHenry Parkway from Nuckols Road to .14 Mile South of Shadyford Lane

WHEREAS, this road is a local residential street with a posted speed limit of 25 mph.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the County Manager is authorized and directed to install signs on Fort McHenry Parkway from Nuckols Road to .14 mile south of Shadyford Lane advising citizens of an additional fine of \$200 for exceeding the posted speed limit on this road.

Comments: The Director of Public Works recommends approval of this Board paper; the County Manager concurs.