

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
REGULAR MEETING
December 11, 2012**

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, December 11, 2012, 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:

Richard W. Glover, Chairman, Brookland District
David A. Kaechele, Vice Chairman, Three Chopt District
Tyrone E. Nelson, Varina District
Patricia S. O'Bannon, Tuckahoe District
Frank J. Thornton, Fairfield 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
Jane D. Crawley, Deputy County Manager for Community Services
Timothy A. Foster, Deputy County Manager for Community Operations
Randall R. Silber, Deputy County Manager for Community Development
John A. Vithoukias, Deputy County Manager for Administration

Mr. Glover called the meeting to order at 7:00 p.m.

Mr. Glover led recitation of the Pledge of Allegiance, which was followed by a moment of silence.

On motion of Mr. Kaechele, seconded by Mrs. O'Bannon, the Board approved the minutes of the November 27, 2012, Regular and Special Meetings; and March 19 - 22, 2012 Special Meeting.

The vote of the Board was as follows:

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

No: None

MANAGER'S COMMENTS

Mr. Hazelett recognized the Henrico County Government Christmas Mother Program Chair, Lisa H. Orlosky of the Department of Information Technology, and her Co-Chair, Tanya B. Harding of the County Manager's Office. Mrs. Orlosky cited examples of the many innovative events sponsored by County employees this year to raise money and in-kind donations for the Henrico Christmas Mother campaign. With Mrs. Harding's assistance, Mrs. Orlosky presented a ceremonial check on behalf of County employees in the amount of \$13,000 to Terry Brady, the 2012 Henrico Christmas Mother. Mrs. Brady pointed to the considerable growth in the Henrico Christmas Mother program over the past 70 years and reported that the program this year will serve over 1,800 families (approximately 6,000 individuals), including 3,500 children and nearly 800 elderly and disabled adults. She also noted the strong support provided to the program by the Board, Mr. Hazelett, departmental Christmas Mothers, County employees, and warehouse volunteers with the assistance of Henrico residents, businesses, and community organizations. Mrs. Brady expressed gratitude to Mrs. Orlosky and Mrs. Harding for keeping her on task throughout the process and thanked Henrico government for its continued support.

BOARD OF SUPERVISORS' COMMENTS

Mrs. O'Bannon invited the public to attend a free *Lunch Break Science* event at the Science Museum of Virginia on December 12 at 12:00 noon. Dr. Andy O'Bannon, Mrs. O'Bannon's son, will speak on "Superconductivity and String Theory: A Crash Course in Modern Theoretical Physics." Dr. O'Bannon is a theoretical physicist at the University of Cambridge in England and a graduate of Douglas S. Freeman High School.

Mr. Kaechele noted the recent passing of Reverend Dr. Al Lynch, who was a great friend of Sheriff Mike Wade and a member of the County's Community Criminal Justice Board and the Henrico community, and extended prayers to Dr. Lynch's family.

RECOGNITION OF NEWS MEDIA

Mr. Glover recognized Michael Martz from the Richmond Times-Dispatch, Ava-joye Burnett from WRIC-TV 8, and Kelly Avellino and Terrell Thompson from WWBT-TV 12.

GENERAL AGENDA

Mr. Hazelett asked the Board to consider adding an item to the agenda by unanimous consent at this point in the meeting because a member of the Board was expected to depart the meeting early due to illness.

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, and by unanimous vote, the Board approved adding to the agenda a resolution numbered 302-12 and titled "Resolution - Signatory Authority - Acquisition of Real Property - 1367 Columbia Road - Douglas R. Young and Carolyn F. Boutchard Young - Cobbs Creek Reservoir Project - Cumberland County, Virginia."

Mr. Hazelett read the text of the resolution. He explained that he had requested that the resolution be added to the agenda because the County is beginning the acquisition of property for the Cobbs Creek Reservoir project and Mr. Young would like to have this acquisition completed before the end of the year.

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

APPOINTMENT/RESIGNATION

286-12 Resolution - Resignation of Member - Parks and Recreation Advisory Commission.

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

287-12 Resolution - Appointment of Member - Board of The Shops at White Oak Village Community Development Authority.

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

PUBLIC HEARING - REZONING CASES AND PROVISIONAL USE PERMITS

288-12 Highwoods Properties: Request to conditionally rezone from UMUC Urban
C-13C-11 Mixed Use District (Conditional), O-2C Office District (Conditional), and
Three Chopt A-1 Agricultural District to UMUC Urban Mixed Use District
(Conditional) Parcels 749-765-7952, 750-765-0494, 750-765-4697, 750-766-3162, and 750-767-3526 containing 39.46 acres located at the southwest intersection of Cox Road and Sadler Place and the northeast intersection of Sadler Place and Sadler Road. The applicant proposes an urban mixed use development with up to 2,324,000 square feet of commercial, office, and residential uses.

Mr. Hazelett noted that this case would be heard in combination with Agenda Item No. 289-12 (case P-10-11).

Joe Emerson, Director of Planning, narrated a slide presentation on the companion cases. Mr. Emerson began his presentation by reviewing the history of the County's Innsbrook Land Use Area Study, which resulted in the Board of Supervisors adopting a Comprehensive Plan amendment in 2010 that supported urban mixed use development within Innsbrook along with numerous guidelines and policies for future development. He then provided an overview and update of the applicant's rezoning and Provisional Use permit (PUP) requests for these cases, which were supported by staff and recommended by the Planning Commission.

Following Mr. Emerson's presentation, Assistant Public Works Director Mike Jennings reviewed the applicant's several proposed road improvements to handle additional traffic projected for the area of the proposed development. He responded to questions from Mr. Kaechele and Mrs. O'Bannon regarding the applicant's proposal to construct a roundabout near the existing intersection of Sadler Road and Sadler Place.

Jim Theobald presented the companion cases on behalf of Highwoods Properties and Markel Company. During his presentation, Mr. Theobald reviewed community input, the Innsbrook Area Study, the location and current site of the proposed development, a campus expansion plan, Innsbrook Urban Mixed-Use District design guidelines, proposed building setbacks, case proffers, and transportation improvements; and estimated economic impacts from a consultant study by Chumura Economics & Analytics. Following his presentation, Mr. Theobald read two letters into the record in support of the cases, one from three principals of Lingerfelt Companies and the other from the Chief Executive Officer of the Virginia Association of Realtors. He responded to comments from Mr. Kaechele pertaining to the applicant's proffered conditions that are directed at traffic concerns.

The following persons spoke in support of the cases: Paul Kreckman, President of the Innsbrook Owners Association and Vice President of Highwoods Properties; Bruce Kay, Vice President of Investor Relations for Market Company (via recorded video); Bob Atack, President of Atack Properties; Ali Abbasi, co-owner and co-operator of Visitor Center International; and Nate Van Epp, Vice President of Acquisition and Strategy for Eagle Construction of Virginia and Director of Residential Operations at Markel/Eagle Partners, LLC.

The following persons spoke in opposition to the cases:

Karen Hamilton, a resident of Short Pump, disputed the validity of the County's Comprehensive Plan and Chimura study, advocated more open space in the County, and expressed concerns relating to the impact of office development on traffic, the impact of residential apartment development on schools, and the County's competition with the City for new development.

Bob Warlick, a resident of Sadler Road, voiced concerns regarding proposed building heights, overdevelopment of the land, the impact of residential development on schools, proposed traffic solutions, and the impact of the proposed development on existing Broad Street businesses.

Terry Blankenship, a resident of 4508 Cedar Forest Road, stated concerns pertaining to traffic gridlock and noise, diminished property values in adjoining neighborhoods, and the pace of development. Mr. Hazelett responded to a question from Mr. Blankenship regarding the ability of the County's Division of Fire to service tall buildings.

Dave Cummings, Vice President of the Cedars Homeowners Association, expressed concerns about protecting the quality of life of adjoining homeowners, building heights and density, monitoring and enforcement of architectural standards, traffic congestion, and balancing commercial and residential communities. He presented for the record a petition with 246 names that asks the Board in considering the cases to adopt several provisions addressing three visionary issues contemplated by the County's Comprehensive Plan. Mr. Cummings also presented for the record a document listing comments submitted by 83 residents who have concerns about the impact of the cases on traffic, density, and congestion.

Kathy Kozak, a resident of Sadler Grove, shared concerns regarding reduced residential home values, noise, building heights, and the sacrifice of residential privacy and quality of life to commercial developer profits.

The Board recessed at 8:57 p.m. and reconvened at 9:06 p.m.

The public hearing resumed and the following person also spoke in opposition to these cases:

Barbara Hershey voiced concerns relating to building heights, unresolved traffic issues, and limited concessions by the applicant.

Mr. Theobald responded to the speakers' concerns by reiterating the goals of the proposed development to preserve the essence of Innsbrook while building on existing parking lots. He also addressed resident concerns relating to traffic, the generation of school-aged children, property values, and the co-existence of commercial and residential communities. Mr. Theobald concluded his rebuttal by referring to the cases' extensive design guidelines and Provisional Use Permit conditions and to the anticipated benefits of the proposed development to all Henrico citizens through increased tax revenues and jobs and the preservation of Innsbrook as a quality place for employees and residents. In response to questions from Mrs. O'Bannon and Mr. Thornton, Mr. Theobald commented on issues that will be addressed by the applicant in the Plan of Development (POD) and the applicant's efforts to follow the County's Comprehensive Plan and protect residents of adjoining neighborhoods through design guidelines.

Mr. Kaechele commented on the complexity and comprehensiveness of the case. At Mr. Kaechele's request, Mr. Hazelett reflected on his many years of experience with zoning cases and the significance of Innsbrook to the County's business community, economic development efforts, and ability to maintain a low tax burden for Henrico residents. He suggested that these cases are appropriate and beneficial for the County's future and assured the Board that County staff will do everything possible to work out issues of concern between the developers and residents.

Mr. Kaechele thanked Mr. Hazelett for his comments and also thanked the opponents for their input and involvement. He emphasized the overwhelming need for economic development opportunities in Henrico's future and the importance of keeping the County competitive. Mr. Kaechele acknowledged the rush hour traffic in Innsbrook but expressed confidence that the residential and commercial communities will co-exist and that property values will rise as a result of the proposed development.

On motion of Mr. Kaechele, seconded by Mrs. O'Bannon, the Board followed the recommendation of the Planning Commission and approved this item subject to the following proffered conditions:

1. **Urban Design Guidelines.** The Property shall be developed in general conformance with the illustrations and information set forth in the "Innsbrook Urban Mixed-Use District Urban Design Guidelines" (the "Urban Design Guidelines") dated November 18, 2011 and filed herewith (see case file), which illustrations and information are conceptual in nature and may vary in detail. If not in general conformance with the foregoing, deviations may be approved in any subsequent Plan of Development, subdivision approval or any variations permitted by the Director of Planning upon the Director finding that the variations are generally in keeping with the spirit and concept of the Urban Design Guidelines.
2. **Architectural Review Committee.** All development on the Property shall be subject to approval of an Architectural Review Committee established by the Innsbrook Owners' Association to review and approve development of all structures on the Property in general conformance with the Urban Design Guidelines (see case file) prior to plans being submitted to the County. Such approval shall accompany any submittal for rezoning and/or Plan of Development submitted to the County for review.
3. **Mixture of Uses/Density.** Including existing development, there shall be no more than 2,324,000 square feet of development constructed on the Property. A minimum of one-half of the aforesaid square footage shall be devoted to commercial or office

uses, and no more than one-half of the aforesaid square footage shall be devoted to finished floor area of units for residential uses. The square footage contained in structured parking, loading areas, open space and recreation space shall not be included in these limitations. In order to meet changing market demands, the Owner reserves the right to adjust upward and/or downward, the number of each type of development ((1) commercial/office or (2) residential) by five percent (5%) of the building square footage specified above, but in no event shall the overall density of the project exceed 2,324,000 square feet. Except as herein provided, Owner shall not be entitled to receive certificates of occupancy for residential uses in excess of the aforesaid one-half maximum. Any non-residential building(s) for which a building permit(s) has been issued and construction is diligently being pursued shall be included in the total square footage for purposes of calculation.

4. **Building Height.** As depicted in the Innsbrook Area Study approved by the Board of Supervisors on September 14, 2010 (the "Study") and as depicted in the Urban Design Guidelines (see case file), building heights shall be limited as follows:
 - a. buildings within one hundred fifty (150) feet of existing single-family detached residences shall not exceed forty-five (45) feet in height exclusive of architectural enclosures, provided that any such enclosures do not exceed twenty-five (25) percent of the linear distance along any face of a building nor exceed an additional fifteen (15) feet in height; and
 - b. buildings between one hundred fifty (150) feet and three hundred (300) feet of existing single-family detached residences shall not exceed eighty (80) feet in height exclusive of architectural enclosures, provided that any such enclosures do not exceed twenty-five (25) percent of the linear distance along any face of a building nor exceed an additional fifteen (15) feet in height.
 - c. buildings beyond three hundred (300) feet of existing single-family detached residences shall not exceed two hundred (200) feet in height exclusive of architectural enclosures, provided that any such enclosures do not exceed twenty-five (25) percent of the linear distance along any face of a building nor exceed an additional fifteen (15) feet in height;
5. **Private Road Certification.** Prior to the issuance of the first permanent certificate of occupancy, the Owner shall provide the Planning Department with certification from a licensed engineering

firm that the private roadways within the development were constructed according to the approved Plan of Development and in compliance with Henrico County road design standards and specifications applicable thereto, to include proper compaction of the sub-base soils, utility trenches, base stone and asphalt surface, but excluding road widths and turning radii.

6. **Submissions With Plans of Development.** Each Plan of Development submittal shall contain a table and a plan showing all developed square footage, allocated parking meeting travel distance requirements, and open space applicable to the Property.
7. **Outside Music.** Outdoor music shall not be permitted on the Property after 10:00 p.m. other than on the Fourth of July or New Year's Eve.
8. **Transportation.** To provide an adequate roadway system at the time of complete development, the Owner shall be responsible for the following, unless otherwise requested by the Owner or specifically permitted at the time of Plan of Development or subdivision review:
 - a. as part of development on the Property, construction of the extension of Highwoods Parkway north to Nuckols Road to include the construction of a roundabout, as shown in the Urban Design Guidelines (see case file), and to restripe/realign the northbound approach to the intersection of Nuckols Road and Sadler Road to include two northbound lanes coming from the roundabout;
 - b. one additional lane along the southern right-of-way line of Nuckols Road eastbound from Sadler Road merging with the existing right turn lane for Cox Road;
 - c. one additional lane along the northern right-of-way line of Nuckols Road from Lake Brook Drive westbound merging with the northbound entrance ramp to northbound I-295; and
 - d. dedication to Henrico County, free and unrestricted, of any additional right-of-way (or easements) owned or controlled by Owner required for the improvements identified above. Should the dedicated property not be utilized within thirty (30) years of the date of the dedication, title to the dedicated property will revert to the applicant or its successors in interest.

9. **Transportation Phasing.** The improvements required by Condition 8 hereof shall be provided as follows:
- a. 8.a. with the initial phase of new development on the Property;
 - b. 8.b. with the initial phase of new development on the Property, or as soon as any necessary right-of-way over the U.S. Postal Service property is obtained by Owner subject to the provisions set forth below;
 - c. 8.c. with the initial phase of new development on the Property or as soon as all required permits for such lane are obtained and/or issued by all applicable federal agencies subject to the provisions set forth below; and
 - d. notwithstanding the foregoing, if such right-of-way and/or permits are refused, or if not refused, not provided to Owner after Owner's commercially reasonable attempts to obtain same, Owner's obligations for such improvements shall expire, unless the Department of Public works authorizes and approves all permits for Owner to provide the road improvements within the available right-of-way.
10. **Landscaping in Buffer.** No tree having a trunk diameter of four (4) inches or more at a point two (2) feet above ground level in the buffer west of Highwoods Parkway adjacent to the western property line of the Property which was previously supplemented to achieve at least the standard required by a Transitional Buffer 50, shall be removed without the written consent of the Director of Planning, unless such tree is dead or diseased or constitutes a safety hazard. If so removed, supplemental plantings approved by the Director of Planning shall be provided. Supplemental plantings along the residential side of the roundabout described in Condition 8(a) above shall be submitted as part of the Plan of Development for the roundabout.
11. **Construction Activity.** The hours of exterior construction, including operation of bulldozers and other earthmoving equipment, shall be between 7:00 a.m. and 7:00 p.m., Monday through Friday, and between 8:00 a.m. and 4:00 p.m. on Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connections. No exterior construction shall occur on Sunday. Primary construction access to the Property shall be from the easternmost access drive off Sadler Place. All clearing, grading and

construction contracts will contain these provisions. Signs, in both English and Spanish, stating the above-referenced provisions shall be posted and maintained at all entrances on Sadler Place prior to any land disturbance activities on the Property.

12. **Buildings on Highwoods Parkway.** No retail or restaurant uses shall be permitted to front on the Highwoods Parkway side of buildings adjacent to Highwoods Parkway across from the single-family neighborhood south from the proposed traffic circle. Any retail or restaurant uses within one hundred fifty (150) feet of the western property line of the Property shall only be open to the public between the hours of 6:00 a.m. and 11:00 p.m.
13. **Internal Circulation.** The Property shall provide vehicular circulation among adjacent properties as determined at the time of Plan of Development. Copies of applicable cross access agreements, if agreed to by the adjacent property owner shall be provided to the County upon execution.
14. **Volleyball Courts.** Any volleyball courts west of Highwoods Parkway shall not be lighted.
15. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.
16. **Crosswalk.** Prior to the issuance of the first permanent certificate of occupancy, Owner shall install a pedestrian crosswalk at the intersection of Sadler Place and Cox Road. The crosswalk shall include durable pavement markings and pedestrian walk signals and push buttons operational during non-peak traffic hours in a manner approved by the County Traffic Engineer at the time of Plan of Development.

The vote of the Board was as follows:

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

No: None

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Highwoods Properties: Request for Provisional Use Permits under Sections 24-32.1(a), 24-32.1(e), 24-32.1(f), 24-32.1(g), 24-32.1(i), 24-32.1(j), 24-32.1(k), 24-32.1(l), 24-32.1(n), 24-32.1(o), 24-32.1(q), 24-32.1(s), 24-32.1(t), 24-32.1(z), 24-32.1(aa), and 24-34.1(bb) of Chapter 24 of the County Code, to permit certain uses and exceptions to density, height,

setbacks and square footages of uses within the proposed Urban Mixed Use Development on Parcels 749-765-7952, 750-765-0494, 750-765-4697, 750-766-3162, and 750-767-3526 containing 39.46 acres located at the southwest intersection of Cox Road and Sadler Place and the northeast intersection of Sadler Place and Sadler Road.

On motion of Mr. Kaechele, seconded by Mr. Nelson, the Board followed the recommendation of the Planning Commission and approved this item subject to the following conditions:

1. Master Plan, Density Limitations and Percentage of For-Lease Multifamily Units. All development on the property shall be in general conformance with the *Innsbrook Urban Mixed-Use District Urban Design Guidelines* (see case file). Development on the property shall not exceed 2,324,000 square feet, excluding square footage within parking structures.
2. Square Footage Limitations. The maximum square footage of any use other than an office building shall not exceed 10,000 square feet in floor area, except that:
 - Medical offices, clinics or laboratories shall have no limit as to floor area, except that any clinic or laboratory exceeding 30,000 square feet shall be part of a multi-story, multi-tenant building.
 - Indoor recreational facilities including fitness centers, theaters, bowling alleys, skating rinks, and similar activities shall have no limit as to floor area, except that any facility exceeding 10,000 square feet shall be part of a multi-story, multi-tenant building.
 - Colleges and universities shall have no limit as to floor area, except that any college or university exceeding 10,000 square feet shall be part of a multi-story, multi-tenant building.
 - Amphitheaters shall have no limit as to floor area, subject to Condition 7 below.
 - Parking structures shall have no limit as to floor area, subject to Condition 14 below.
3. Building Height. Buildings on the Property may exceed 60' in height provided:
 - The maximum height of buildings within 150' of the property line of a lot containing an existing one-family dwelling shall not exceed 45' in height, except that architectural enclosures not exceeding 25% of the linear distance along any face of a building may be permitted up to 60' in height.
 - The maximum height of buildings between 150' and 300' of the property line of a lot containing an existing one-family dwelling shall not exceed 80' in height, except that architectural

enclosures not exceeding 25% of the linear distance along any face of a building may be permitted up to 95' in height.

4. Other buildings on the property shall not exceed 200' in height, except that architectural enclosures not exceeding 25% of the linear distance along any face of a building may be permitted up Vendor Areas. Areas of the Property may be designated on the master plan, which may be revised from time to time, or a Plan of Development, for the preparation of food or beverages or the sale or display of merchandise conducted in an open area or structure by one or more individual vendors operating from stalls, stands, carts, vehicles or other spaces which are rented or otherwise made available to such vendors. Such activities may include a market, sale of merchandise as part of a permitted festival or other similar special event, or the outdoor display or sale by a single food or beverage vendor, operated as an incidental part of retail activity regularly conducted from within a permanent building on the premises. Sidewalk widths adjacent to outdoor vending areas shall not be reduced to less than five (5) feet, except to accommodate a permitted festival or other similar special event. Trash receptacles shall be provided and conveniently located for each block that contains an outdoor vending area.
5. Emergency Communication Systems. The owner shall install a fire command center and emergency radio communication equipment within any new building exceeding 60 feet in height to allow for adequate public safety and radio coverage within and between the buildings. A communications consultant shall certify such equipment as compatible with the County's emergency communication system within 90 days of the owner or tenant obtaining a Certificate of Occupancy for any such building. The County shall be permitted to perform communications testing within the buildings at any time.
6. Fire Protection-Structured Parking. A 3" standpipe for fire protection shall be provided within all structured parking at approximately 200' intervals. The exact location of these improvements will be determined during Plan of Development review.
7. Auditoriums and assembly halls, including conference centers, performing arts areas and amphitheaters. Auditoriums and assembly halls seating no more than 1,000 persons may be permitted provided the design of such facility is consistent with the *Innsbrook Urban Mixed-Use District Urban Design Guidelines* (see case file) as determined at the time of Plan of Development Review. Outdoor amphitheaters may be permitted without limitation as to attendance, provided any required permits, such as music festival permits, are obtained. For any use of such facility that extends beyond 10:00 p.m., at least one (1) uniformed security officer shall be on duty. The

security officer shall periodically monitor the exterior of the premises as well as the interior for possible criminal activity. Any security officer shall be an off duty uniformed law enforcement officer.

8. Billiard Parlors. Billiard parlors shall only be permitted as an accessory use, provided that evidence (i.e. police calls to the premises, complaints from other businesses or the residential community, etc.) does not indicate that the establishment and operation of a billiard parlor is having an adverse effect (i.e. increased public nuisance: loitering, excessive noise outside the building, criminal assaults, traffic, etc.) on the surrounding area.
9. Drive-through Service Windows. Any use incorporating a drive-through service window shall be part of a multi-tenant building. Drive-through service windows shall be designed to minimize negative impacts to the pedestrian environment and shall be accessed from secondary access aisles such as alleys, unless otherwise approved at the time of Plan of Development review.
10. Heliports. Heliports shall include only landing facilities with no fueling or service facilities permitted, and shall be subject to the following requirements:
 - a. Heliport locations shall be consistent with the *Innsbrook Urban Mixed-Use District Urban Design Guidelines* (see case file) as determined at the time of Plan of Development Review.
 - b. Any heliport shall be designed, constructed, and marked in compliance with Federal Aviation Administration regulations and recommendations, including Advisory Circular 150-5390-2B.
 - c. All heliport operations shall conform to Federal Aviation Administration regulations and recommendations, including those related to training and oversight of flight crews, and safety equipment on helicopters.
 - d. Any heliport shall be located on the roof of a building at least 300' from the property line of a lot containing an existing one-family dwelling.
11. Radio and Television Stations and Television Receiving Antennas. Any communications equipment such as satellite dishes or antennas associated with a radio or television station shall be screened from public view at ground level in a manner approved at the time of Plan of Development Review. No stand-alone television or radio antennas shall be permitted.

12. Vehicle Rental Facilities. Only passenger vehicles or light-duty trucks with a gross weight of less than 10,000 pounds shall be rented. Storage and washing of vehicles for vehicle rental uses shall be provided entirely within a parking structure and screened from sidewalks and adjacent streets.

13. Parking Plan. The applicant shall provide a minimum of 3,415 parking spaces on the property in a manner consistent with that described in the *Innsbrook Shared Parking Study* prepared by Walker Parking Consultants dated July 16, 2012 (see case file). Each Plan of Development submitted for the property shall include a tabulation of all parking required per the parking study. Shared parking information, including updates to the parking study demonstrating the



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parking rate is meeting the needs of approved development on the property, shall be provided with each Plan of Development or as requested by the Director of Planning. Each plan of development submitted shall identify the location and means of creating additional parking that could accommodate the difference between the reduced parking standard approved by this permit and the standards contained in Section 24-34(m) of the Henrico County Code.

14. Parking Structure. Parking structures without ground floor retail uses along at least one façade or without usable floor space for residential or nonresidential uses along any façade that faces a one-family use or public or private street shall be permitted, provided the design of such structures is consistent with *Innsbrook Urban Mixed-Use District Urban Design Guidelines* (see case file) as determined at the time of Plan of Development Review.

15. Crime Prevention. Prior to occupancy of any structure containing commercial or office uses, the applicant and the Crime Prevention Unit of the Division of Police shall conduct a security survey of the property. The applicant shall implement mutually agreed upon security recommendations.

The vote of the Board was as follows:

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

No: None

290-12
C-26C-12

Capital Region Airport Commission: Request to conditionally rezone from A-1 Agricultural District to M-2C General Industrial District (Conditional)

Varina

part of Parcel 824-712-5473 containing approximately 134.02 acres located at the southern terminus of Raines Avenue and on the west line of Wilson

Way at the western terminus of Hunstman Road approximately 1,200 feet south of Williamsburg Road (U.S. Route 60).

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

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

On motion of Mr. Nelson, seconded by Mrs. O'Bannon, the Board followed the recommendation of the Planning Commission and approved this item subject to the following proffered conditions:

1. **Buffer.** A buffer of one hundred fifty (150') feet ("Buffer A"), shall be provided along the portion of the property labeled as "150' Buffer A" on the exhibit prepared by Timmons Group, dated November 7, 2012, entitled "Compiled Rezoning Map of 134.024 Acres of Land Located at the Richmond International Airport, Being Property of Capitol Region Airport Commission" and attached hereto as Exhibit A (see case file). Buffer A will be retained in its natural state and may include fencing/walls, any existing buildings and improvements, the perimeter security road, and utility easements, provided, any such utility easements shall be extended generally perpendicular through such buffer. A second buffer of one hundred fifty (150') feet along those portions of the property adjacent to Buffer A labeled as "150' Buffer B" on Exhibit A ("Buffer B"), (see case file) shall be provided on the property. Buffer B may include fencing/walls, roads, all utilities, including but not limited to all communications, fiber, cable, electricity, gas, water, stormwater and sewer, and associated easements, facilities and appurtenances.
2. **Severance.** The unenforceability, elimination, revision or amendment of any part of the proffer set forth herein shall not affect the validity or enforceability of any other part of the proffer.

The vote of the Board was as follows:

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

No: None

291-12
P-17-12

Genghis Grill: Request for a Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to

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allow outside dining for an existing restaurant on part of Parcel 736-762-7338 located on the south line of W. Broad Street (U.S. Route 250) approximately 640' west of its intersection with Lauderdale Drive.

Mrs. Moore responded to a question from Mrs. O'Bannon and she and Mr. Hazelett responded to a question from Mr. Kaechele.

On motion of Mr. Kaechele, seconded by Mr. Nelson, the Board followed the recommendation of the Planning Commission and approved this item subject to the following conditions:

1. The outdoor dining area shall not be in operation between 10:00 p.m. and 7:00 a.m.
2. Any outside speakers or sound system shall comply with the following standards:
 - a. Sound systems shall be equipped with controls permitting full volume adjustment.
 - b. Sound from the system shall not be audible beyond the property lines of the development.
 - c. Sound systems may be used only when outside dining is permitted.
3. The operator shall not permit food preparation outside the enclosed building.
4. The fence enclosing the outdoor dining area shall be limited in height to 48 inches.
5. Outdoor lighting fixtures shall complement the style of the building. Lighting fixtures 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. Access to the outdoor dining area shall be available only through the interior of the restaurant, except during an emergency when the patio fence exit gate may be utilized.
7. This permit shall apply only to Genghis Grill and shall not apply to any other business in The Corner at Short Pump.
8. The outdoor dining area shall comply with proffered conditions of rezoning case C-65C-07.
9. Trash receptacles shall be provided and properly serviced to control litter generated by this use.

10. Outdoor dining furniture, fencing, and canopies shall be of durable material and complementary to exterior features of the building.
11. The outdoor dining area shall be constructed in general conformance with the elevations and layout depicted in "Exhibit A" (see case file) and "Exhibit B" (see case file).
12. Televisions and other video display devices shall not be allowed in the outdoor dining area.
13. 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.

The vote of the Board was as follows:

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

No: None

PUBLIC HEARING - OTHER ITEM

22-12 Resolution - Amendments to the FY 2012-13 Annual Fiscal Plan: December, 2012.

Brandon Hinton, Management and Budget Division Director, responded to a question from Mrs. O'Bannon.

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

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

After this vote, Mr. Thornton left the meeting due to illness.

PUBLIC COMMENTS

William Spencer, a resident of the Three Chopt District, commended Mrs. O'Bannon on her son's professional achievements, noted the passing of former Bishop Walter Sullivan, offered personal anecdotes, and commented favorably on how the County is run.

GENERAL AGENDA (continued)

293-12 Resolution - Payment of County Retirement Benefits.

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

294-12

Resolution - Authorizing and Providing for the Issuance and Sale of Not to Exceed Seventy-Five Million Dollars (\$75,000,000) Aggregate Principal Amount of Water and Sewer System Refunding Revenue Bonds, of the County of Henrico, Virginia, for the Purpose of Refunding All of One or More Outstanding Series of Water and Sewer System Revenue Bonds of the County; Approving the Form of Such Bonds; Authorizing the County Manager or Any Deputy County Manager and the Director of Finance to Fix the Maturities, Interest Rates and Other Details of Such Bonds, to Select the Underwriters of Such Bonds, and to Negotiate the Sale of Such Bonds to Such Underwriters; Authorizing the Execution and Delivery to Such Underwriters of a Bond Purchase Agreement for Such Sale; Authorizing the Preparation, Delivery and Distribution of a Preliminary Official Statement Relating to Such Bonds; Authorizing the Preparation and Distribution of a Final Official Statement and Continuing Disclosure Certificate Relating to Such Bonds; Authorizing the Appointment of an Escrow Agent and the Execution and Delivery of an Escrow Deposit Agreement By and Between the County and Such Escrow Agent; Designating and Giving Irrevocable Instructions for the Redemption of the County's Water and Sewer System Revenue Bonds Being Refunded; and Ratifying Certain Acts and Proceedings.

Gene Walter, Director of Finance, Mr. Hazelett, and Mr. Rapisarda responded to questions from the Board.

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

295-12

Resolution – Authorization to Apply for and Accept an Allocation of Funding from the United States Department of Transportation Hazardous Materials Emergency Preparedness Grant Program Administered by the Virginia Department of Emergency Management.

Tony McDowell, Chief of Fire, responded to questions from Mrs. O'Bannon.

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

Chief McDowell responded to a question from Mr. Glover regarding this item.

296-12

Resolution - Donation of Surplus Equipment – Charles City County, Virginia.

Mr. Hazelett recognized two Charles City County officials who were in the audience, Vice Chairman Floyd Miles and County Administrator Zach Trogden.

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

297-12 Resolution - Signatory Authority - Acquisition of Real Property - 11145 Greenwood Road - Brookland District.

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

298-12 Resolution - Signatory Authority - Acquisition of Real Property - Part of Lots 1-4 and Lots 5-8, Block A, Sunset Park Subdivision - Recycling Facility - Omiyah Investment Corporation - Tuckahoe District.

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

299-12 Resolution - Award of Contract for Architectural and Engineering Services - Short Pump Park.

Neil Luther, Director of Recreation and Parks, responded to a question from Mr. Kaechele.

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

300-12 Resolution - Award of Contract - Sanitary Sewer Odor and Corrosion Control.

Public Utilities Director Art Petrini and Mr. Rapisarda responded to a question from Mrs. O'Bannon and Mr. Petrini also responded to a question from Mr. Kaechele.

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

301-12 Resolution - Award of Construction Contract - Beverly Hills Phase II Water System Improvements - Tuckahoe District.

Mr. Petrini responded to questions from Mrs. O'Bannon.

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

Mr. Hazellett confirmed for Mr. Glover that the Board is not scheduled to meet again during the month of December.

There being no further business, the meeting was adjourned at 10:07 p.m.

A handwritten signature in black ink, appearing to read "Richard A. Glover", written over a horizontal line.

Chairman, Board of Supervisors
Henrico County, Virginia



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

Agenda Item No. 286-12
Page No. 1 of 1

Agenda Title: RESOLUTION - Resignation of Member - Parks and Recreation Advisory Commission

For Clerk's Use Only: Date DEC 11 2012 <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>Nelson</u> (2) _____ (2) _____ REMARKS <div style="font-size: 2em; font-weight: bold; text-align: center;">APPROVED</div>	<table border="0"> <tr> <td></td> <td>YES</td> <td>NO</td> <td>OTHER</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>Nelson, T.</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	Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	YES	NO	OTHER																							
Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							

WHEREAS, on January 10, 2012, Charles E. Sowers was reappointed to the Parks and Recreation Advisory Commission as a representative of the Three Chopt District for a three-year term expiring December 31, 2014; and

WHEREAS, by correspondence dated November 8, 2012, and directed to David A. Kaechele, Vice Chairman of the Board of Supervisors, Mr. Sowers submitted his resignation from the Parks and Recreation Advisory Commission, effective January 1, 2013.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Henrico County, Virginia, hereby accepts the resignation of Charles E. Sowers from the Parks and Recreation Advisory Commission, effective January 1, 2013.

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

Routing:
Yellow to: _____
Copy to: _____

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

Date: _____

Herbaugh, Veta

From: Charles Sowers [csowers@ezlinks.com]
Sent: Thursday, November 08, 2012 4:00 PM
To: ThreeChopt
Subject: Resignation from the Recreation and Parks Commission

Dear Mr. Kaechele,

I am writing to formally notify you that I am resigning my position as the Three Chopt District Recreation and Parks Commission Representative effective January 1st 2013. My reason for resigning is that I will be relocating to the Brookland District in the County of Henrico.

I appreciate the opportunities I have been given to serve the County of Henrico Recreation and Parks and I wish you and my fellow commission member's great success in the future. Thanks again for a great opportunity. I enjoyed my years serving on the commission as there are some great people serving their respective districts and I will miss their fellowship and words of wisdom.

Sincerely,

Charles E. Sowers

Charles E. Sowers
REGIONAL SALES MANAGER
EZLINKS GOLF, INC.
401 S. LASALLE STREET | SUITE 500
CHICAGO, IL 60605
312.913.6960 | OFFICE
804.512.9404 | CELL
csowers@ezlinks.com

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

22061	- Eligibility Administration		
1301 00000	- <u>Administration</u>		12,670
	<p>The Commonwealth of Virginia, Department of Social Services, will provide the County of Henrico an additional \$4,371 of State (34.5%) and \$6,335 of Federal (50%) funds for the FUEL/Crisis Program in fiscal year 2012-13. This amendment provides funding for temporary labor for this program. The required 15.5% County match, \$1,964, will come from the fund balance in the General Fund, and is included in this \$12,670 amount. The total appropriation for this program in fiscal year 2012-13, will be \$5,373,645, after this addition.</p>		
22507	- Preventative Foster Care		
1302 00000	- <u>Purchase of Services</u>		20,919
	<p>The Commonwealth of Virginia, Department of Social Services, will provide the County of Henrico an additional \$105 of State (0.5%) and \$17,572 of Federal (84%) funds for the Family Preservation Program in fiscal year 2012-13. The required 15.5% County match of \$3,242 will come from the fund balance in the General Fund, and is included in this \$20,919 amount.</p>		
	Total Social Services	\$	38,514
Department - 24 - Public Health			
24001	- Public Health	\$	81,277
0000 00000	- To appropriate funding to cover Henrico's 45% share of the increased funds provided to Henrico's Public Health department by the State in the current fiscal year. This funding will come from the fund balance of the General Fund.		
	Total GENERAL FUND	\$	119,791
FUND 1102 - SPECIAL REVENUE FUND - State and Federal Grants - County			
Department 12 - Police			
12800	- Grants		
0000 00173	- <u>Bulletproof Vest</u>	\$	3,044
	<p>Additional funds have been approved for reimbursement to the County of Henrico from the United States Department of Justice, Office of Justice Programs, under the Bulletproof Vest Partnership Program, in the amount of \$3,044. No County matching funds are required.</p>		
0000 05198	- <u>Spay and Neuter Foundation</u>		1,134
	<p>The Commonwealth of Virginia, Department of Taxation, has awarded the County of Henrico, \$1,134, which was designated by Henrico citizens who voluntarily donated funds to the Spay and Neuter Foundation on their Virginia tax return. Once these funds are appropriated, the Division of Police will donate them to the local SPCA to support sterilization programs of dogs and cats.</p>		
	Total Police	\$	4,178

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Department 13 - Fire

13113	- Emergency Planning and Safety		
0000 05444	- <u>RMMRS - Regional Medical Gap Analysis</u>	\$	3,000
	To appropriate additional Federal funding received from the FY2009 Metropolitan Medical Response System (MMRS) Grant Program as a sub-awardee to the City of Richmond, and as managed by the Virginia Department of Health and the Virginia Department of Emergency Management. This additional federal funding will bring the total amount to \$90,000. This funding will be used to support a regional effort within the Richmond MMRS to conduct an analysis of capabilities and identify measures to enhance the regional medical surge response and capacity of participating localities. No local match is required.		
0000 00000	- <u>Richmond MSA Shelter Enhancement</u>		90,000
	To appropriate funding from the Virginia Department of Emergency Management. These federal funds are pass-through from the National Preparedness Directorate (NPD) of the United States Department of Homeland Security and are being administered by the Commonwealth. Funds will be used for the Central Virginia Urban Area Security Initiative project to enhance emergency shelter capabilities at Elko Middle School. No local match is required.		
	Total Fire	\$	93,000

Department 23 - Recreation and Parks

23101	- <u>Director</u>		
0476 05154	- <u>Recreation Donations - Brookland Youth Baseball/Softball</u>	\$	900
	To appropriate a donation received from Shoney's of Richmond for the Brookland Youth Sports Awards.		
0472 05154	- <u>Recreation Donations - Youth, Arts, and Humanities</u>		2,400
0479 05154	- <u>Recreation Donations - Henrico Pops Chorus</u>		1,000
	To appropriate donations received for the Cultural Arts Center which will be utilized for youth programs entitled "The True Story of Pocahontas" and two performances by David Vanderveer.		
	Total Recreation and Parks	\$	4,300

Department 30 - Economic Development

30001	- Economic Development		
0902 00000	- <u>Governor's Opportunity Award - FAREVA</u>	\$	650,000
0903 00000	- <u>County Match - Governor's Opportunity Award - FAREVA</u>		650,000
	The Commonwealth of Virginia, Governor's Opportunity Fund, through the Virginia Economic Development Partnership (VEDP), has awarded the County of Henrico a \$650,000 grant to FAREVA to assist in funding necessary technological improvements to the former Pfizer plant. A required County match of \$650,000 is also being appropriated at this time, and is to come from the fund balance in the General Fund via an interfund transfer to the Special Revenue Fund, for a total budget of \$1,300,000 for this purpose.		
	Total Economic Development	\$	1,300,000
	Total Fund 1102 - Special Revenue Fund-State/Fed Grants-County	\$	1,401,478

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

FUND 1110 - SPECIAL REVENUE FUND - Mental Health and Developmental Services
 Department 26 - Mental Health and Developmental Services
 26106 - Emergency Services
 1674 00000 - MH State CIT Drop Off Site \$ 214,000
 To appropriate restricted State funds to operate a crisis receiving center to be located at Henrico Doctor's Hospital, Parham Road campus.

FUND 1113 - SPECIAL REVENUE FUND - Forfeitures Commonwealth's Attorney State
 Department 05 - Commonwealth's Attorney
 05001 - Commonwealth's Attorney
 0000 00000 - Forfeitures - Commonwealth's Attorney - State \$ 6,364
 Law enforcement special funds which have been received by the County of Henrico, and heretofore not appropriated for expenditure, are to be used by the Commonwealth's Attorney for law enforcement projects as determined and approved by the County Manager or his designee.
 Total SPECIAL REVENUE FUND \$ 1,621,842

FUND 6301 - RISK MANAGEMENT FUND
 Department 16 - General Services
 16001 - Risk Management
 0000 00000 - Risk Management \$ 7,287,150
 Funds are required to support anticipated expenses for the Workers' Compensation and Property/Liability programs for the fiscal year ending June 30, 2013. This appropriation is an estimate of what will be required for the balance of the fiscal year. Funds are to come from the Self-Insurance Reserve in the General Fund, via an interfund transfer to the Internal Service Fund.
 Total OPERATING FUNDS \$ 9,028,783

CAPITAL FUNDS

FUND 2101 - CAPITAL PROJECTS FUND - General Capital Projects
 Department 28 - Public Works
 28004 - Construction
 0000 06685 - Parham Road Improvements - Villa Park Drive to Sanctuary \$ 240,846
 0000 06708 - Parham and Woodman - Federal Highway Safety Improvement Fund 159,754
 0000 06709 - Parham and Shrader - Federal Highway Safety Improvement Fund 683,903
 0000 06710 - Parham and Ackley - Federal Highway Safety Improvement Fund 175,828
 0000 06711 - Laburnum and Darbytown - Federal Highway Safety Improvement Fund 504,974
 0000 06712 - Parham and Three Chopt - Federal Highway Safety Improvement Fund 782,731
 To appropriate funding from the Department of Transportation for Federal Highway Safety Improvement Program Funds. The Department of Public Works has negotiated an agreement with VDOT for preliminary engineering, right of way, utilities, and construction for road improvements. VDOT will reimburse 100% of project costs from the Federal Highway Safety Improvement Program Funds.
 \$ 2,548,036

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

0000 06721	- <u>Woodman Road Turn Lanes</u> To appropriate funding from the State Department of Transportation for the County to construct a southbound left turn lane on Woodman Road at Jesse Chavis Drive. VDOT will reimburse up to fifty percent of the project costs under their Revenue Sharing Program.	\$ 268,000
	Total Public Works	\$ 2,816,036
	Total Fund 2101 - Capital Projects Fund	\$ 2,816,036
FUND 2111	- CAPITAL PROJECTS FUND - Capital Initiatives Fund	
Department 23	- Recreation and Parks	
23101	- Director	
0000 00000	- <u>Greenwood Road Park</u> This amendment will provide funding for design work for a proposed athletic field complex at Greenwood Road. Funding is to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	\$ 1,150,000
0000 00000	- <u>Greenwood Road Park</u> This amendment will provide funding for the purchase of an additional two acres for a proposed athletic field complex at Greenwood Road. Funding is to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	160,000
	Total Recreation and Parks	\$ 1,310,000
Department 32	- Non-Departmental	
32001	- Non-Departmental	
0000 06483	- <u>Lakeside Business Association Project</u> To provide funding for the Lakeside Business Association avenue-wide event to promote economic activities in the Lakeside community. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	\$ 9,950
0000 06619	- <u>Children's Museum of Richmond</u> This amendment will provide funding to upgrade exhibits at the Children's Museum located at West Broad Village. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	50,000
0000 00000	- <u>Fastpitch Softball Tournament</u> This amendment will provide funding to the Glen Allen Youth Athletic Association to support hosting a girls Southeast Regional Fastpitch Softball Tournament. At this event fifty to sixty teams are expected to come to the area for at least five days. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	10,000
	Total Non-Departmental	\$ 69,950

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

Department 50 - Education		
50331	- Construction and Maintenance	
0000 06750	- <u>Baker Elementary School - Main Gym Light Replacements</u>	\$ 7,500
	This amendment will provide funding for the main gym light replacements for Baker Elementary School. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
0000 06751	- <u>Donahoe Elementary School - Multi-Purpose Room Light Replacements</u>	7,500
	This amendment will provide funding for the multi-purpose room light replacements for Donahoe Elementary School. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
0000 06752	- <u>Montrose Elementary School - Multi-Purpose Gym Light Replacements</u>	7,500
	This amendment will provide funding for the multi-purpose gym light replacements for Montrose Elementary School. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
0000 06753	- <u>Rolfe Middle School - Athletic Improvements</u>	10,000
	This amendment will provide funding for athletic improvements for Rolfe Middle School. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
0000 06754	- <u>Baker Elementary School - Computers On Wheels</u>	20,000
	This amendment will provide funding for the Computers On Wheels learning system for Baker Elementary School. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
0000 06760	- <u>Sandston Elementary School - Multi-Purpose Gym Light Replacements</u>	7,500
	This amendment will provide funding for the multi-purpose gym light replacements for Sandston Elementary School. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
		<hr/> \$ 60,000

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

50331	- Construction and Maintenance		
0000 06755	- <u>Henrico High School - Athletic Equipment/Facility</u>	\$	14,000
0000 06757	- <u>Fairfield Middle School - Athletic Equipment/Facility</u>		15,000
0000 06758	- <u>Wilder Middle School - Athletic Equipment/Facility</u>		15,000

This amendment will provide funding for educational and athletic equipment as well as facility improvements for Henrico High School, Fairfield Middle School, and Wilder Middle School. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

	\$ 44,000
Total Education	\$ 104,000
Total Fund 2111 - Capital Initiatives Fund	\$ 1,483,950
Total CAPITAL PROJECTS FUND	\$ 4,299,986
Total Amendments/Appropriations	\$ 13,328,769

BE IT FURTHER RESOLVED by the Board of Supervisors of the County of Henrico, Virginia, that the following appropriation for transfer between Operating funds and Capital funds accounts from the existing account listed below, to the account shown, be approved for the purpose indicated.

FROM:

CAPITAL FUNDS

FUND 2101 - CAPITAL PROJECTS FUND

Department 38 - Community Revitalization

38003	- CDBG		
0000 05317	- <u>09-10 South Elm Road Drainage Improvement</u>	\$	(21,278)
0000 05318	- <u>09-10 Sandston Ballfield Parking Lot</u>		(2,638)
0000 06606	- <u>FY2010-11 CDBG MH&DS Group Home Improvements</u>		(509)
0000 06699	- <u>FY11-12 CDBG MH/DS Group Home Improvements</u>		(7,442)

TO:

OPERATING FUNDS

FUND 1102 - SPECIAL REVENUE FUND

Department 38 - Community Revitalization

38003	- CDBG	\$	31,867
0000 05470	- <u>FY12-13 Enterprise Zone - Façade Grants</u>		

To transfer completed capital project balances to the Enterprise Zone program to allow one to two additional façade grants.

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



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

Agenda Item No. 294-12
Page No. 1 of 1

Agenda Title: See Below

For Clerk's Use Only:

DEC 11 2012

Date:

- Approved
- Denied
- Amended
- Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thornton, F.	<input type="checkbox"/>	<input type="checkbox"/>	<u>absent</u>

AGENDA TITLE: RESOLUTION - Authorizing and Providing for the Issuance and Sale of Not to Exceed Seventy-Five Million Dollars (\$75,000,000) Aggregate Principal Amount of Water and Sewer System Refunding Revenue Bonds, of the County of Henrico, Virginia, for the Purpose of Refunding All of One or More Outstanding Series of Water and Sewer System Revenue Bonds of the County; Approving the Form of Such Bonds; Authorizing the County Manager or Any Deputy County Manager and the Director of Finance to Fix the Maturities, Interest Rates and Other Details of Such Bonds, to Select the Underwriters of Such Bonds, and to Negotiate the Sale of Such Bonds to Such Underwriters; Authorizing the Execution and Delivery to Such Underwriters of a Bond Purchase Agreement for Such Sale; Authorizing the Preparation, Delivery and Distribution of a Preliminary Official Statement Relating to Such Bonds; Authorizing the Preparation and Distribution of a Final Official Statement and Continuing Disclosure Certificate Relating to Such Bonds; Authorizing the Appointment of an Escrow Agent and the Execution and Delivery of an Escrow Deposit Agreement By and Between the County and Such Escrow Agent; Designating and Giving Irrevocable Instructions for the Redemption of the County's Water and Sewer System Revenue Bonds Being Refunded; and Ratifying Certain Acts and Proceedings

The Board of Supervisors approved the attached resolution.

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

By Agency Head

Joseph P. Capriando, Jr.

By County Manager

David R. Hopton

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Tests: _____

Clerk, Board of Supervisors

Date: _____

**COUNTY OF HENRICO, VIRGINIA,
SUPPLEMENTAL RESOLUTION**

RESOLUTION-Authorizing and Providing for the Issuance and Sale of Not to Exceed Seventy-Five Million Dollars (\$75,000,000) Aggregate Principal Amount of Water and Sewer System Refunding Revenue Bonds, of the County of Henrico, Virginia, for the Purpose of Refunding All of One or More Outstanding Series of Water and Sewer System Revenue Bonds of the County; Approving the Form of Such Bonds; Authorizing the County Manager or Any Deputy County Manager and the Director of Finance to Fix the Maturities, Interest Rates and Other Details of Such Bonds, to Select the Underwriters of Such Bonds, and to Negotiate the Sale of Such Bonds to Such Underwriters; Authorizing the Execution and Delivery to Such Underwriters of a Bond Purchase Agreement for Such Sale; Authorizing the Preparation, Delivery and Distribution of a Preliminary Official Statement Relating to Such Bonds; Authorizing the Preparation and Distribution of a Final Official Statement and Continuing Disclosure Certificate Relating to Such Bonds; Authorizing the Appointment of an Escrow Agent and the Execution and Delivery of an Escrow Deposit Agreement By and Between the County and Such Escrow Agent; Designating and Giving Irrevocable Instructions for the Redemption of the County's Water and Sewer System Revenue Bonds Being Refunded; and Ratifying Certain Acts and Proceedings

ADOPTED DECEMBER 11, 2012

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COUNTY OF HENRICO, VIRGINIA,
SUPPLEMENTAL RESOLUTION

RESOLUTION-Authorizing and Providing for the Issuance and Sale of Not to Exceed Seventy-Five Million Dollars (\$75,000,000) Aggregate Principal Amount of Water and Sewer System Refunding Revenue Bonds, of the County of Henrico, Virginia, for the Purpose of Refunding All of One or More Outstanding Series of Water and Sewer System Revenue Bonds of the County; Approving the Form of Such Bonds; Authorizing the County Manager or Any Deputy County Manager and the Director of Finance to Fix the Maturities, Interest Rates and Other Details of Such Bonds, to Select the Underwriters of Such Bonds, and to Negotiate the Sale of Such Bonds to Such Underwriters; Authorizing the Execution and Delivery to Such Underwriters of a Bond Purchase Agreement for Such Sale; Authorizing the Preparation, Delivery and Distribution of a Preliminary Official Statement Relating to Such Bonds; Authorizing the Preparation and Distribution of a Final Official Statement and Continuing Disclosure Certificate Relating to Such Bonds; Authorizing the Appointment of an Escrow Agent and the Execution and Delivery of an Escrow Deposit Agreement By and Between the County and Such Escrow Agent; Designating and Giving Irrevocable Instructions for the Redemption of the County's Water and Sewer System Revenue Bonds Being Refunded; and Ratifying Certain Acts and Proceedings

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

SECTION 1. Definitions. (a) Unless the context shall clearly indicate some other meaning, all the words and terms used in this Supplemental Resolution which are defined in the Resolution, entitled "A RESOLUTION AUTHORIZING THE ISSUANCE OF TWELVE MILLION EIGHT HUNDRED SEVENTY THOUSAND DOLLARS (\$12,870,000) BONDS OF HENRICO COUNTY, VIRGINIA, FOR THE PURPOSE OF REFUNDING IN ADVANCE OF MATURITY WATER AND SEWER SYSTEM REVENUE BONDS, SERIES OF 1975, OF HENRICO COUNTY, VIRGINIA, HERETOFORE ISSUED FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, RECONSTRUCTING, IMPROVING, EXTENDING AND ENLARGING A UNIFIED WATER SUPPLY AND SANITARY SEWERAGE SYSTEM IN HENRICO COUNTY; PRESCRIBING THE FORM AND DETAILS OF THE BONDS AUTHORIZED HEREBY; COVENANTING AS TO THE ESTABLISHMENT, MAINTENANCE, REVISION AND COLLECTION OF RATES AND CHARGES FOR THE SERVICES, FACILITIES AND COMMODITIES OF SAID SYSTEM AND THE COLLECTION AND DISBURSEMENT OF THE REVENUES DERIVED THEREFROM; PLEDGING SAID REVENUES TO THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THE SAME BECOME DUE AND LIMITING THE

PAYMENT OF SAID BONDS SOLELY TO SAID REVENUES; SETTING FORTH THE LIMITATIONS ON THE ISSUANCE OF ADDITIONAL BONDS PAYABLE FROM SAID REVENUES; AND MAKING OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE FOREGOING”, adopted by the Board on November 23, 1977 and amended by resolutions adopted by the Board on January 13, 1999 and February 18, 1999 (such Resolution, as from time to time amended or supplemented by Supplemental Resolutions being defined in such Resolution and referred to herein as the “Resolution”), shall for all purposes of this Supplemental Resolution have the respective meanings given to them in the Resolution.

(b) Unless the context shall clearly indicate some other meaning, the following terms shall, for all purposes of the Resolution and of any certificate, resolution or other instrument amendatory thereof or supplemental thereto (including for all purposes of this Supplemental Resolution) and for all purposes of any opinion or instrument or other document therein mentioned, have the following meanings, with the following definitions to be equally applicable to both the singular and plural forms of such terms:

“Bonds” shall mean the Bonds authorized by this Supplemental Resolution and issued under the Resolution and this Supplemental Resolution at any time Outstanding, which Bonds shall have the series designation determined by the County Manager or any Deputy County Manager and the Director of Finance in accordance with the provisions of Section 2(a) hereof.

“Escrow Deposit Agreement” shall mean the escrow deposit agreement by and between the County and the Escrow Agent referred to in Section 10 hereof

“1986 Code” shall mean the Internal Revenue Code of 1986 and the regulations promulgated by the United States Department of the Treasury thereunder from time to time.

“Official Statement” shall mean the Official Statement of the County relating to the Bonds.

“Preliminary Official Statement” shall mean the Preliminary Official Statement of the County relating to the Bonds.

“Refunded Bonds” shall mean all or a portion of the outstanding County of Henrico, Virginia, Water and Sewer System Revenue Bonds, Series 2006A, dated July 6, 2006, and all or a portion of such other series of the County’s Water and Sewer System Revenue Bonds, the refunding of which shall be recommended by the County’s Financial Advisor.

“Supplemental Resolution” shall mean this Supplemental Resolution.

Unless the context shall clearly indicate otherwise or otherwise require, (i) all references in this Supplemental Resolution to the Resolution (without specifying in such references any particular section of the Resolution) shall be to the Resolution as amended and supplemented, (ii) all references by number in this Supplemental Resolution to a particular section of the Resolution shall be to the section of that number of the Resolution, and if such

section shall have been amended or supplemented, to such section as so amended and supplemented and (iii) all references by number in this Supplemental Resolution to a particular section of this Supplemental Resolution shall be only to the section of that number of this Supplemental Resolution.

Whenever used in this Supplemental Resolution, the words "herein", "hereinbefore", "hereinafter", "hereof", "hereunder" and other words of similar import, refer to this Supplemental Resolution only and to this Supplemental Resolution as a whole and not to any particular article, section or subdivision hereof, and the words "therein", "thereinbefore", "thereof", "thereunder" and other words of similar import, refer to the Resolution as a whole and not to any particular article, section or subdivision thereof

SECTION 2. Authorization of Issuance of Bonds.

(a) For the purpose of refunding the Refunded Bonds, there are hereby authorized to be issued, and shall be issued, under and secured by the Resolution, including this Supplemental Resolution, a series of Bonds in the aggregate principal amount of not to exceed \$75,000,000, to be designated as "County of Henrico, Virginia, Water and Sewer System Revenue Refunding Bonds". The Bonds shall have such series designation as shall be determined by the County Manager or any Deputy County Manager and the Director of Finance.

(b) (i) The Bonds shall be dated as of their date of issue, shall be issued in fully registered form, shall be in the denomination of \$5,000 or any integral multiple thereof, shall be numbered or lettered, or both, as shall be determined by the Paying Agent and Registrar for the Bonds, which numbers or letters shall have the letter "R" prefixed thereto, and shall mature and become due and payable on May 1 in each of the years, not to exceed thirty (30) years, and in the principal amounts to be determined by the County Manager or any Deputy County Manager and the Director of Finance, and shall bear interest from the date thereof payable on such first interest payment date as shall be determined by the County Manager or any Deputy County Manager and the Director of Finance (which first interest payment date shall be either a May 1 or a November 1), and semiannually on each May 1 and November 1 thereafter, at the rates per annum to be determined by the County Manager or any Deputy County Manager and the Director of Finance.

(ii) The Bonds, if any, in term form, as determined by the County Manager or any Deputy County Manager and the Director of Finance (the "Term Bonds") shall be retired by sinking fund installments which shall be accumulated in the Sinking Fund Account in the Revenue Fund in amounts, in addition to the amounts required to be deposited therein for the Outstanding Bonds, sufficient to redeem on May 1 of each year, at a redemption price equal to the principal amount of the Bond or Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption, the principal amount of such Bonds as determined by the County Manager or any Deputy County Manager and the Director of Finance.

SECTION 3. Book-Entry Only System; Appointment of Principal Paying Agent and Registrar; Payment of Bonds; Books of Registry; Exchanges and Transfers of Bonds.

(a) (i) The Bonds shall be issued, upon initial issuance, in fully registered form and registered in the name of Cede & Co., a nominee of the Depository Trust Company, New York, New York (“DTC”), as registered owner of the Bonds, and immobilized in the custody of DTC. One fully registered Bond for the principal amount of each maturity shall be registered to Cede & Co. Beneficial owners of Bonds shall not receive physical delivery of Bonds. Individual purchases of Bonds may be made in book-entry form only in principal amounts of \$5,000 and integral multiples thereof. While registered in the name of Cede & Co., principal and interest payments on the Bonds shall be made by wire transfer to DTC or its nominee as registered owner of such Bonds on the applicable payment date, notwithstanding the provisions of Section 3(d) hereof

(ii) Transfers of principal and interest payments to the participants of DTC, which include securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations (the “Participants”) shall be the responsibility of DTC. Transfers of principal and interest payments to beneficial owners of the Bonds by the Participants is the responsibility of the Participants and other nominees of such beneficial owners. The Paying Agent and Registrar, hereinafter referred to, shall notify DTC of any notice required to be given pursuant to the Resolution, as supplemented by this Supplemental Resolution, not less than fifteen (15) calendar days prior to the date upon which such notice is required to be given; *provided* that the failure to provide such notice to DTC shall not invalidate any action taken or notice given by the Paying Agent and Registrar hereunder.

(iii) Transfers of ownership interests in the Bonds shall be made by DTC and its Participants, acting as nominees of the beneficial owners of the Bonds, in accordance with rules specified by DTC and its Participants. the County makes no assurances that DTC, its Participants or other nominees of the beneficial owners of the Bonds shall act in accordance with such rules or on a timely basis.

(b) Replacement Bonds (the “Replacement Bonds”) shall be issued directly to beneficial owners of Bonds rather than to DTC, or its nominee, but only in the event that:

(i) DTC determines not to continue to act as securities depository for the Bonds; or

(ii) the County has advised DTC of its determination that DTC is incapable of discharging its duties; or

(iii) the County has determined that it is in the best interest of the beneficial owners of the Bonds not to continue the book-entry system of transfer.

Upon occurrence of the events described in clause (i) or (ii) above the County shall attempt to locate another qualified securities depository. If the County fails to locate another qualified securities depository to replace DTC, the County shall execute and deliver Replacement Bonds substantially in the form set forth in Section 8 hereof to the Participants. In the event the County makes the determination noted in clause (iii) above (the County undertakes no obligation to make any investigation to determine the occurrence of any events that would permit the County

to make any such determination) and has made provisions to notify the beneficial owners of Bonds by mailing an appropriate notice to DTC, the County shall execute and deliver Replacement Bonds substantially in the form set forth in Section 8 hereof to any Participants making a request for such Replacement Bonds. The County shall be entitled to rely on the records provided by DTC as to the Participants entitled to receive Replacement Bonds. Principal of and interest on the Replacement Bonds shall be payable as provided in subsection (d) of this Section 3 hereof, and such Replacement Bonds will be transferable and exchangeable in accordance with subsection (e) of this Section 3.

(c) Appointment of Principal Paying Agent and Registrar. The County Manager or any Deputy County Manager and the Director of Finance are hereby authorized to appoint a Paying Agent and Registrar for the Bonds (herein referred to as the "Paying Agent" or "Principal Paying Agent" or "Registrar" or "Paying Agent and Registrar").

(d) Payment of Bonds. (i) The interest on the Bonds shall be payable by check, draft or wire transfer mailed by the Paying Agent and Registrar to the registered owners of the Bonds at their addresses as the same appear on the books of registry as of the fifteenth (15th) day of the month calendar next preceding each interest payment date.

(ii) The principal of the Bonds shall be payable at the designated corporate trust office of the Paying Agent and Registrar.

(iii) The principal of and interest on the Bonds shall be payable in such coin or currency of the United States of America as at the respective dates of payment is legal tender for public and private debts.

(e) Books of Registry; Exchanges and Transfers of Bonds.

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

(ii) Any Bond may be exchanged at the office of the Paying Agent and Registrar for a like aggregate principal amount of such Bonds in other authorized principal amounts of the same interest rate and maturity.

(iii) Any Bond may, in accordance with its terms, be transferred upon the books of registry by the registered owner thereof, in person or by the duly authorized agent of such registered owner, upon surrender of such Bond to the Paying Agent and Registrar for cancellation, accompanied by a written instrument of transfer duly executed by the registered owner thereof or the duly authorized agent of such registered owner, in form satisfactory to the Paying Agent and Registrar.

(iv) All transfers or exchanges pursuant to this Section 3(e) shall be made without expense to the registered owner of such Bonds, except as otherwise herein provided, and except that the Paying Agent and Registrar shall require the payment by the registered owner of the Bond requesting such transfer or exchange of any tax or other governmental charges required to be paid with respect to such transfer or exchange. All Bonds surrendered pursuant to this Section 3(e) shall be cancelled.

SECTION 4. Redemption of Bonds.

(a) Optional Redemption. The Bonds shall be subject to redemption as determined by the County Manager or any Deputy County Manager and the Director of Finance.

(b) Mandatory Redemption. The Bonds, if any, in term form shall also be subject to redemption as determined by the County Manager or any Deputy County Manager and the Director of Finance.

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

(d) Notice of Redemption. Notice of any such redemption shall be mailed not less than thirty (30) days prior to the date fixed for redemption by first class mail, postage prepaid, to the registered owner of the Bonds to be redeemed at such address as it appears on the books of registry kept by the Paying Agent and Registrar for the Bonds as of the close of business on the forty-fifth (45th) day preceding the date fixed for redemption. Such notice shall specify the date, numbers and maturities of the Bonds to be redeemed, the date and place fixed for their redemption, and if less than the entire principal amount of any Bond is to be redeemed, that such Bond must be surrendered in exchange for the principal amount thereof to be redeemed and the issuance of a new Bond equalling in principal amount that portion of the principal amount thereof not redeemed, and shall also state that upon the date fixed for redemption there shall become due and payable upon each Bond called for redemption the principal amount thereof, together with the interest accrued thereon to the date fixed for redemption, and that from and after such date interest thereon shall cease to accrue.

(e) Effect of Redemption. When notice of redemption of any Bonds shall have been given as hereinabove set forth, such Bonds shall become due and payable on the date so specified for their redemption at a price equal to the principal amount thereof, together with the interest accrued thereon to such date. Whenever payment of such redemption price shall have been duly made or provided for, interest on the Bonds so called for redemption shall cease to accrue from and after the date so specified for their redemption. All redeemed Bonds shall be cancelled and not reissued.

SECTION 5. Execution and Authentication of Bonds; CUSIP Identification Numbers.

(a) Execution of Bonds. The Bonds shall be executed in the name of the County by the manual or facsimile signatures of the Chairman and the Clerk of the Board, and the seal of the County shall be impressed, or a facsimile thereof printed, on the Bonds.

(b) Authentication of Bonds. The County Manager or any Deputy County Manager and the Director of Finance shall direct the Paying Agent and Registrar to authenticate the Bonds and no Bond shall be valid or obligatory for any purpose unless and until the certificate of authentication endorsed on such Bond shall have been manually executed by an authorized signator of the Paying Agent and Registrar. Upon the authentication of any Bond, the Paying Agent and Registrar shall insert in the certificate of authentication the date as of which such Bond is authenticated. The execution and authentication of the Bonds in the manner above set forth is adopted as a due and sufficient authentication of the Bonds.

(c) CUSIP Identification Numbers. CUSIP identification numbers may be printed on the Bonds, but neither the failure to print any such number on any Bonds, nor any error or omission with respect thereto, shall constitute cause for failure or refusal by the successful bidder for the Bonds to accept delivery of and pay for the Bonds in accordance with the terms of its proposal to purchase the Bonds. No such number shall constitute or be deemed to be a part of any Bond or a part of the contract evidenced thereby and no liability shall attach to the County or any of its officers or agents because of or on account of any such number or any use made thereof

SECTION 6. Covenant as to Compliance with 1986 Code. The County hereby covenants to comply with the provisions of Sections 103 and 141 through 150 of the 1986 Code and the applicable Treasury Regulations promulgated thereunder, applicable to the Bonds throughout the term of the Bonds.

SECTION 7. Sources of Payment of Bonds. The principal of and interest on the Bonds are payable solely from, and secured solely by, a pledge of the Revenues to be derived from the operation of the County's Water and Sewer System, subject to the prior application of such Revenues to provide for the expenses of operation and maintenance of such System and on a parity with the Outstanding principal amount of Water and Sewer System Bonds of the County and on a parity with the payment of principal of and interest on all Bonds and interest on all Bond Anticipation Notes hereafter issued under the Resolution.

SECTION 8. Form of Bonds. The Bonds shall be in substantially the form set forth in Exhibit A hereto with such necessary or appropriate variations, omissions and insertions as are incidental to their numbers, interest rates and maturities or as are otherwise permitted or required by law or this Supplemental Resolution.

SECTION 9. Sale of the Bonds. (a)(i) The County Manager or any Deputy County Manager and the Director of Finance are hereby authorized to select the underwriters of the Bonds (the "Underwriters") and to sell the Bonds to the Underwriters, upon such terms and conditions as such officers shall approve upon the advice of counsel; *provided* that the Bonds

(A) shall mature in not to exceed 30 years,

(B) shall be sold at a true interest cost of not to exceed 5.00%,

(C) shall be subject to redemption at a redemption price of not to exceed 102%, and

(D) may be issued and sold only if the refunding of the Refunded Bonds will result in gross debt service savings to the County of not less than \$3,000,000.

(ii) The County Manager or any Deputy County Manager and the Director of Finance, or either of them, are hereby authorized to execute and deliver to the Underwriters a Bond Purchase Agreement in such form as the officer or officers executing the same shall approve upon the advice of counsel (including the County Attorney and Bond Counsel), such approval to be conclusively evidenced by the execution thereof by such officer or officers. Pursuant to the Bond Purchase Agreement, the Underwriters will agree to purchase all of the Bonds upon the terms and conditions to be provided therein and in this Supplemental Resolution.

(b) The County Manager or any Deputy County Manager and the Director of Finance are hereby authorized to prepare a Preliminary Official Statement and a final Official Statement in such form and substance as the County Manager or any Deputy County Manager and the Director of Finance upon the advice of counsel shall approve. The Underwriters of the Bonds are hereby authorized to use the Preliminary Official Statement relating to the Bonds and to make such Preliminary Official Statement available for use by prospective and ultimate purchasers of the Bonds. The County Manager or any Deputy County Manager and the Director of Finance are hereby authorized to execute the final Official Statement relating to the Bonds and to deliver the final Official Statement as so executed to the Underwriters and the ultimate purchasers of the Bonds. There is hereby further authorized the use of the final Official Statement relating to the Bonds by the Underwriters and the purchasers of such Bonds in effecting sales of the Bonds. Each of the County Manager or any Deputy County Manager and the Director of Finance may certify that (i) the Preliminary Official Statement is "deemed final" as of its date solely for purposes and within the meaning of Paragraph (b)(1) of Rule 15c2-12 ("Rule 15c2-12") promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, and (ii) the information which precedes the signatures of the County Manager or any Deputy County Manager and the Director of Finance contained in each final Official Statement is as of the date thereof true and correct in all material respects and does not contain any untrue or misleading statement and does not omit to state a material fact necessary to make the final Official Statement, and the statements and information therein contained, not misleading.

(c) A Continuing Disclosure Certificate, in such form as the Director of Finance upon the advice of counsel shall approve, and the Director of Finance is hereby authorized to execute such Certificate. The County covenants with the owners and beneficial owners from time to time of the Bonds that it will take, and hereby authorizes the appropriate officers and employees of the County to take, all action necessary or appropriate to comply with and carry out all of the provisions of the Continuing Disclosure Certificate as amended from time to time. Failure of the County to perform in accordance with the Continuing Disclosure

Certificate shall not constitute an event of default under the Resolution or this Supplemental Resolution.

SECTION 10. Approval of Execution and Delivery of Escrow Deposit; Appointment of Escrow Agent; Authorization of Purchase of Securities; Designation of Refunded Bonds for Redemption.

(a) The County Manager or any Deputy County Manager or the Director of Finance is hereby authorized and directed to execute and deliver to the Escrow Agent an Escrow Deposit Agreement in such form as the officer executing the same shall approve upon the advice of counsel (including the County Attorney and Bond Counsel), such approval to be conclusively evidenced by the execution thereof by such officer. There shall be transferred to the Escrow Agent from the Principal and Interest Accounts in the Revenue Fund such amounts on credit to such accounts for the payment of principal and interest on the Refunded Bonds for deposit into the Escrow Deposit Fund thereunder such amounts as shall be determined by the Director of Finance.

(b) The County Manager or any Deputy County Manager and the Director of Finance are hereby authorized to appoint an Escrow Agent (the "Escrow Agent") in connection with the refunding of the Refunding Bonds.

(c) The Escrow Agent is hereby authorized to purchase from moneys deposited in the Escrow Deposit Fund created and established under the Escrow Deposit Agreement United States Government Securities as referred to in the Escrow Deposit Agreement. Such securities so purchased shall be held by the Escrow Agent under and in accordance with the provisions of the Escrow Deposit Agreement. The County Manager or any Deputy County Manager and the Director of Finance, or any of them, are hereby authorized to execute, on behalf of the County, any instruments required to be executed on behalf of the County in connection with investments contemplated by the Escrow Deposit Agreement.

(d) Subject to the issuance, sale and delivery of the Bonds pursuant to this Supplemental Resolution, the Board hereby designates for redemption the Refunded Bonds to be redeemed at a redemption price equal to the principal amount thereof, together with the interest accrued thereon to the date or dates fixed for redemption thereof, plus the applicable premium, if any. The County Manager or any Deputy County Manager or the Director of Finance is hereby authorized and directed to deliver to the escrow agent under the Escrow Deposit Agreement irrevocable written instructions to give notices of such redemption of the Refunded Bonds, in the name and on behalf of the County, to the registered owners thereof, such notices to be given in the manner and at the time or times provided in the respective proceedings authorizing the issuance of the respective bonds and to be in substantially the forms to be set forth as an exhibits to the Escrow Deposit Agreement.

SECTION 11. Application of Proceeds of the Bonds. The proceeds of sale of the Bonds received by the County shall be applied as follows:

(a) an amount required to be deposited into the Escrow Deposit Fund to provide for the refunding and redemption of the Refunded Bonds shall be deposited with the Escrow Agent under the Escrow Deposit Agreement and applied, together with other available moneys of the County so deposited thereunder, as provided therein;

(b) an amount shall be deposited in the Revenue Fund and credited to the Reserve Account therein sufficient to insure that there is on deposit in such Reserve Account an amount equal to the maximum Debt Service Requirement on all Bonds outstanding; and

(c) the balance of the proceeds of the Bonds shall be deposited in the Construction Fund and applied to the payment of the costs of issuance of the Bonds.

SECTION 12. Debt Service Payments. (a) For the purpose of providing for the payment of the interest on the Bonds, not later than the first interest payment date for the Bonds and on or before May 1 and November 1 in each year thereafter, there shall be credited to the Interest Account an amount such that, if the same amount were so paid and credited to the Interest Account on each May 1 and November 1 thereafter and prior to the next date upon which an installment of interest falls due on the Bonds, the aggregate of the amounts so credited to the Interest Account, would on such date be equal to the installment of interest then falling due on the Bonds. In making such credits to the Interest Account, any amounts paid into the Revenue Fund and credited to the Interest Account representing accrued interest received on the sale of the Bonds and any other credit otherwise made to such account shall be taken into consideration and allowed for.

(b) For the purpose of providing for the payment of the principal of the Bonds issued as Serial Bonds, not later than May 1 of the calendar year next preceding the first installment due date of a serial principal payment, and on or before May 1 of each succeeding year thereafter, so long as any Bonds issued as Serial Bonds are Outstanding, there shall be credited to the Principal Account an amount such that, if the same amount were so credited to the Principal Account on May 1 of each succeeding year thereafter and prior to the next date upon which an installment of principal falls due on the Bonds issued as Serial Bonds, the aggregate of the amounts so credited to the Principal Account together with any other moneys theretofore credited to the Principal Account, would on such date be equal to the installment of principal of such Bonds issued as Serial Bonds then falling due.

(c) For the purpose of providing moneys to retire the Term Bonds issued, if any, not later than May 1 in the year of the first redemption date of Term Bonds, and on and before May 1 in each year thereafter, so long as any Term Bonds are Outstanding, there shall be credited to the Sinking Fund Account for the purpose of retiring the Term Bonds an amount such that, if the same amount were so paid and credited to the Sinking Fund Account to provide for the retirement of the Term Bonds on May 1 of each year thereafter and prior to the next date upon which a Sinking Fund Account installment falls due, the aggregate of the amounts so credited to such account would on such date be sufficient to redeem the Term Bonds in the principal amounts determined in accordance with Section 2 hereof

SECTION 13. Supplemental Resolution Is a "Supplemental Resolution" under the Resolution; Bonds Are "Bonds" and "Additional Bonds" under the Resolution.

(a) This Supplemental Resolution is adopted pursuant to Section 18A of the Resolution. This Supplemental Resolution (i) supplements the Resolution, (ii) is hereby found, determined, and declared to constitute and to be a "Supplemental Resolution" within the meaning of the quoted words as defined and used in the Resolution and (iii) is adopted pursuant to and under the authority of the Resolution.

(b) (i) The Bonds are hereby found, determined and declared to constitute and to be "Additional Bonds" and "Bonds" within the meaning of the quoted words as defined and used in the Resolution. The Bonds shall be entitled to the benefits, security and protection of the Resolution, equally and proportionately with any other Bonds heretofore or hereafter issued thereunder, shall be payable from the Revenues of the Water and Sewer System on a parity with all Bonds heretofore or hereafter issued under the Resolution, shall rank *pari passu* with all Bonds heretofore or hereafter issued under the Resolution and shall be equally and ratably secured with all Bonds heretofore or hereafter issued under the Resolution by a prior and paramount lien and charge on the Revenues, without priority or distinction by reason of series, number, date, date of sale, date of issuance, date of execution and authentication or date of delivery, all as is more fully set forth in the Resolution.

(ii) It is hereby further found, determined and declared that no default exists in the payment of the principal of or interest and premium, if any, on any Bond issued under the Resolution and that all mandatory redemptions, if any, of Bonds required to have been made under the terms of the Resolution or any Supplemental Resolution have been made.

SECTION 14. Filing of this Supplemental Resolution with Circuit Court. The County Attorney be and hereby is authorized and directed to file a copy of this Supplemental Resolution, certified by the Clerk of the Board to be a true and correct copy thereof, with the Circuit Court of the County.

SECTION 15. Effect of Article and Section Headings and Table of Contents. The headings or titles of articles and sections hereof, and any table of contents appended hereto or copies hereof, shall be for convenience of reference only and shall not affect the meaning or construction, interpretation or effect of this Supplemental Resolution.

SECTION 16. Effectiveness of this Supplemental Resolution. This Supplemental Resolution shall be effective from and after the adoption hereof by the Board; *provided* that in the event any Bonds authorized for issuance under this Supplemental Resolution shall not have been issued and delivered on or before June 30, 2013, this Supplemental Resolution shall thereafter be void and the authorization herein shall terminate and be of no further force and effect.

(FORM OF BOND)

UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO
WATER AND SEWER SYSTEM REFUNDING REVENUE BOND,
SERIES _____

REGISTERED

REGISTERED

No. R-__

\$ _____

INTEREST RATE:

MATURITY DATE:

DATE OF BOND:

CUSIP NO.:

%

MAY 1, ____

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM:

The County of Henrico (hereinafter referred to as the "County"), a political subdivision of the Commonwealth of Virginia, for value received, hereby acknowledges itself indebted and hereby promises to pay to the Registered Owner (named above), or registered assigns, but solely from the revenues and moneys pledged to the payment hereof hereinafter specified and not otherwise, on the Maturity Date (specified above), unless this Bond shall have been called for previous redemption and payment of the redemption price shall have been duly made or provided for, the Principal Sum (specified above), and to pay interest on such Principal Sum, but solely from such revenues and moneys pledged to the payment hereof hereinafter specified and not otherwise, on the first day of [May] [November], 20__, and semiannually on the first day of May and the first day of November of each year thereafter (each such date is hereinafter referred to as an "interest payment date"), from the date hereof or from the interest payment date next preceding the date of authentication hereof to which interest shall have been paid, unless such date of authentication is an interest payment date, in which case from such interest payment date, or unless such date of authentication is within the period from the sixteenth (16th) day to the last day of the calendar month next preceding the following interest payment date, in which case from such following interest payment date, such interest to be paid until the maturity or redemption hereof at the Interest Rate (specified above) per annum, by wire transfer or by check or draft mailed by the Registrar hereinafter mentioned to the Registered Owner in whose name this Bond is registered upon the books of registry of the County kept by the Registrar as of the close of business on the fifteenth (15th) day (whether or not a business day) of the calendar month next preceding each interest payment date at the address of the Registered Owner hereof as it appears on such books of registry; *provided, however*, that so long as this Bond is in book-entry only form and registered in the name of Cede & Co., as nominee of the Depository Trust Company ("DTC"), or in the name of such other nominee of DTC as may be requested by an authorized representative of DTC, interest on this Bond shall be paid directly to Cede & Co. or such other nominee of DTC by wire transfer. Interest on this Bond shall be

calculated on the basis of a three hundred sixty (360) day year consisting of twelve (12) thirty (30) day months.

The principal of this Bond is payable on presentation and surrender hereof at the designated corporate trust office of _____ as Paying Agent and Registrar, in the City of _____, _____. Principal of and interest on this Bond are payable in such coin or currency of the United States of America as at the respective dates of payment thereof is legal tender for public and private debts.

This Bond is one of a duly authorized series of Bonds (herein referred to as the "Bonds") of the aggregate principal amount of _____ Dollars (\$ _____) of like date, denomination and tenor herewith except for number, interest rate, maturity and redemption provisions, and is issued under and pursuant to and in full compliance with the Constitution and statutes of the Commonwealth of Virginia, including Chapter 26 of Title 15.2 of the Code of Virginia, 1950 (the same being the Public Finance Act of 1991), a resolution duly adopted on November 23, 1977 by the Board of Supervisors of the County, entitled "A RESOLUTION AUTHORIZING THE ISSUANCE OF TWELVE MILLION EIGHT HUNDRED SEVENTY THOUSAND DOLLARS (\$12,870,000) BONDS OF HENRICO COUNTY, VIRGINIA, FOR THE PURPOSE OF REFUNDING IN ADVANCE OF MATURITY WATER AND SEWER SYSTEM REVENUE BONDS, SERIES OF 1975, OF HENRICO COUNTY, VIRGINIA, HERETOFORE ISSUED FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, RECONSTRUCTING, IMPROVING, EXTENDING AND ENLARGING A UNIFIED WATER SUPPLY AND SANITARY SEWERAGE SYSTEM IN HENRICO COUNTY; PRESCRIBING THE FORM AND DETAILS OF THE BONDS AUTHORIZED HEREBY; COVENANTING AS TO THE ESTABLISHMENT, MAINTENANCE, REVISION AND COLLECTION OF RATES AND CHARGES FOR THE SERVICES, FACILITIES AND COMMODITIES OF SAID SYSTEM AND THE COLLECTION AND DISBURSEMENT OF THE REVENUES DERIVED THEREFROM; PLEDGING SAID REVENUES TO THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THE SAME BECOME DUE AND LIMITING THE PAYMENT OF SAID BONDS SOLELY TO SAID REVENUES; SETTING FORTH THE LIMITATIONS ON THE ISSUANCE OF ADDITIONAL BONDS PAYABLE FROM SAID REVENUES; AND MAKING OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE FOREGOING", as amended, and a resolution supplemental thereto duly adopted by such Board on _____, 201_, entitled "RESOLUTION-Authorizing and Providing for the Issuance and Sale of Not to Exceed Seventy-Five Million Dollars (\$75,000,000) Aggregate Principal Amount of Water and Sewer System Refunding Revenue Bonds, of the County of Henrico, Virginia, for the Purpose of Refunding All of One or More Outstanding Series of Water and Sewer System Revenue Bonds of the County; Approving the Form of Such Bonds; Authorizing the County Manager or Any Deputy County Manager and the Director of Finance to Fix the Maturities, Interest Rates and Other Details of Such Bonds, to Select the Underwriters of Such Bonds, and to Negotiate the Sale of Such Bonds to Such Underwriters; Authorizing the Execution and Delivery to Such Underwriters of a Bond Purchase Agreement for Such Sale; Authorizing the Preparation, Delivery and Distribution of a Preliminary Official Statement Relating to Such Bonds; Authorizing the Preparation and Distribution of a Final Official Statement and Continuing Disclosure Certificate Relating to Such

Bonds; Authorizing the Appointment of an Escrow Agent and the Execution and Delivery of an Escrow Deposit Agreement By and Between the County and Such Escrow Agent; Designating and Giving Irrevocable Instructions for the Redemption of the County's Water and Sewer System Revenue Bonds Being Refunded; and Ratifying Certain Acts and Proceedings" (such resolutions being herein referred to collectively as the "Resolution") for the purpose of refunding certain outstanding Water and Sewer System Revenue Bonds of the County.

This Bond and the series of Bonds of which this is one and interest thereon are payable solely from, and secured equally and ratably solely by a lien and charge on, the revenues derived from the operation of the water and sewer system of the County, consisting of the plants and properties, real and personal, tangible and intangible, owned or operated by the County, used for or pertaining to the supply, storage, treatment, transmission and distribution of water, or the collection, transmission, treatment and disposal of sewage, and all additions, improvements, enlargements, extensions, expansions and betterments to such plants and properties hereafter constructed or otherwise acquired (exclusive of any such plants and properties constituting separate utility systems and financed other than by Bonds or Additional Bonds issued under the Resolution), subject, however, to the prior payment from such revenues of the expenses of operation and maintenance of the water and sewer system, on a parity with the payment of principal of and interest on all Bonds and interest on all Bond Anticipation Notes issued under the Resolution.

This Bond and the series of Bonds of which this is one are not a debt of the County within the meaning of any constitutional or statutory limitation upon the creation of general obligation indebtedness of the County, nor does this Bond or the Bonds of the series of which it is one impose any general liability upon the County, and the County shall not be liable for the payment hereof or thereof out of any funds of the County except the revenues of the water and sewer system of the County, which revenues have been pledged to the punctual payment of the principal of and interest on this Bond and the series of Bonds of which this is one in accordance with the provisions of the Resolution.

Reference is hereby made to the Resolution, to all of the provisions of which any Registered Owner of this Bond by his acceptance hereof hereby assents, for definitions of terms, the description of and the nature and extent of the security for the Bonds issued under the Resolution, including this Bond, the description of the plants and properties constituting the water and sewer system of the County, the description of and the nature and extent of the security for, and the revenues and the moneys pledged to the payment of the interest on and principal of, the Bonds issued under the Resolution, including this Bond; the nature and extent and manner of enforcement of the pledge; the covenants of the County as to the fixing, maintaining and revising of rates, rentals, fees and charges for the services, facilities and commodities of the water and sewer system of the County; the covenants of the County as to the collection, deposit and application of the revenues of the water and sewer system of the County, the conditions upon which other Bonds may hereafter be issued under the Resolution payable on a parity with this Bond from the revenues of the water and sewer system of the County and equally and ratably secured herewith, the conditions upon which the Resolution may be amended or supplemented without the consent of the owner of any Bond and upon which it may be amended only with the consent of the owners of sixty-six and two-thirds per cent (66-2/3%) in

principal amount of all Bonds then outstanding under the Resolution or only with the consent of the owner of each Bond affected thereby, the rights and remedies of the owner hereof with respect hereto, the rights, duties and obligations of the County, the provisions discharging the Resolution as to this Bond and the lien and pledge of this Bond on the revenues of the water and sewer system of the County if there shall have been deposited with the paying agent for this Bond on or before the maturity or redemption hereof moneys sufficient to pay the principal hereof and the interest hereon to the maturity or redemption date hereof, or certain specified securities maturing at such times and in such amounts which, together with the earnings thereon, would be sufficient for such payment; and for the other terms and provisions of the Resolution.

The Bonds of the series of which this Bond is one maturing on and before May 1, _____ are not subject to redemption prior to their stated maturities thereof the Bonds of the series of which this Bond is one (or portions thereof in installments of \$5,000) maturing on and after May 1, _____ are subject to redemption at the option of the County prior to the stated maturities thereof, on or after May 1, _____ in whole or in part at any time and at the redemption price of par, together with the interest accrued on such principal amount to the date fixed for redemption. [The Bonds of the series of which this Bond is one maturing May 1, _____ shall be redeemed pursuant to the Resolution on May 1 in each year commencing _____ 1, _____, from moneys to be credited to the Sinking Fund Account in the Revenue Fund for the redemption of such Bonds, such redemption to be made at a redemption price equal to the principal amount thereof, together with the interest accrued on such principal amount to the date fixed for the redemption thereof] In the event less than all of the Bonds of a particular maturity are called for redemption, the particular Bonds of such maturity or portions thereof in installments of \$5,000 to be redeemed shall be selected by lot.

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

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

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

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

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

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

Chairman of the Board of Supervisors

(Seal)

Clerk of the Board of Supervisors

CERTIFICATE OF AUTHENTICATION

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

_____,
as Registrar and Paying Agent

By: _____
Authorized Signature

Date of Authentication: _____, _____

ASSIGNMENT

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

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

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

Dated: _____

Signature(s) Guaranteed:

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

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



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

Agenda Item No. 295-12

Page No. 1 of 1

Agenda Title: RESOLUTION – Authorization to Apply for and Accept an Allocation of Funding from the United States Department of Transportation Hazardous Materials Emergency Preparedness Grant Program Administered by the Virginia Department of Emergency Management

<p>For Clerk's Use Only DEC 11 2012</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 align="center">BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>O'Bannon</u> Seconded by (1) <u>Kacchela</u> (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>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>Kacchela, 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>Nelson, T.</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, E.</td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><u>about</u></td> </tr> </table>		YES	NO	OTHER	Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kacchela, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, E.	<input type="checkbox"/>	<input type="checkbox"/>	<u>about</u>
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O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Thornton, E.	<input type="checkbox"/>	<input type="checkbox"/>	<u>about</u>																							

WHEREAS, the Division of Fire wishes to apply for and accept an allocation of funding totaling \$3,000.00 from the United States Department of Transportation Hazardous Materials Emergency Preparedness ("HMEP") Grant Program administered by the Virginia Department of Emergency Management ("VDEM"); and

WHEREAS, this grant, which requires a 25% local match, will be used by the Division for publishing educational material and notifications to the public of meetings on the proper disposal and reporting of hazardous materials.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Henrico County authorizes the County Manager to apply for and accept an allocation of funding totaling \$3,000.00 from the HMEP Grant Program administered by VDEM.

Comments: The Fire Chief recommends approval of this Board paper; the County Manager concurs.

By Agency Head Anthony E. McDaniel By County Manager [Signature]

Routing:
Yellow to: _____
Copy to: _____

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

if you concur, please sign below with the following understanding:

As the Chief Executive of the County of Henrico, i give my approval to the Division of Fire for an application to the United States Department of Transportation Hazardous Materials Emergency Preparedness (HMEP) 2012 planning grant, as managed by the Virginia Department of Emergency Management, and if awarded and then approved by the Board of Supervisors, to accept and expend \$3,000.00 with a 25% in-kind match (\$750.00) to:

Development and publishing of brochures and outreach materials on proper disposal of oil/hazardous waste products and how improper disposal of these materials impacts the environment through runoff.

Publishing of Tier 2 business education brochures to continue the project started with FY2011 HMEP funds to educate all businesses in the County on when they need to report EHS materials and encourage the use of the County's online reporting system.

Support for required publication of notices of meetings, reporting information and outreach as noted in CERCLA and EPCRA community notification needs in local newspapers and print media.

APPROVED BY:



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

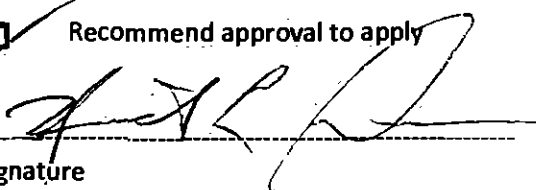
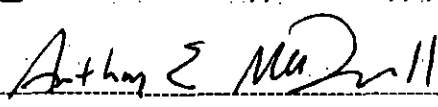
DATE:



**Division of Fire
Grant Information Sheet**

Name of Grant: 2012 Hazardous Materials Emergency Planning (EMPG) Grant	
What organization(s) or agency(ies) is/are providing the funding for this grant? US DOT and VDEM	
Is this grant: <input checked="" type="checkbox"/> Related to existing granting programs (such as UASi, MMRS, etc) <input type="checkbox"/> Completely new grant <input type="checkbox"/> Other: <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>	
Total amount of annual funding for this fiscal year:	
From the granting agency:	\$3,000.00
Local match from Henrico County:	\$750.00
Other Components:	_____
Total program funding:	\$3,750.00
Briefly state the purpose of the grant: To support outreach efforts for proper disposal and reporting of haz mat and to support publication of notices for public meetings	
Name of Division of Fire program manager responsible for implementation of the grant if awarded: Anna McRay	
Application due date for the grant: 11/01/2012	
A draft budget or spending plan is attached: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No. Please explain why:	
Describe the types of procurements and specific dollar amounts that will be required for this grant (including use of direct pays, fax quotes, (small purchase procedure), invitation to bid (IFB), request for proposals (RFP)): Printing	

Chain of Approval

Battalion Chief of Administrative Services	
<input type="checkbox"/> Recommend approval to apply	<input type="checkbox"/> Recommend denial to apply
_____ Signature	_____ Date
Assistant Fire Chief	
<input checked="" type="checkbox"/> Recommend approval to apply	<input type="checkbox"/> Recommend denial to apply
 _____ Signature	_____ Date
Fire Chief	
<input checked="" type="checkbox"/> Recommend approval to apply	<input type="checkbox"/> Recommend denial to apply
 _____ Signature	_____ Date

HMEP PLANNING GRANT APPLICATION GUIDANCE FOR LOCAL EMERGENCY PLANNING COMMITTEES

PURPOSE OF THIS GRANT PROGRAM

The purpose of this grant program is to increase State and local effectiveness in safely and efficiently handling hazardous materials accidents and incidents; enhance implementation of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA); and encourage a comprehensive approach to emergency planning and training by incorporating the unique challenges of responses to transportation situations. Federal Hazardous Material Law authorizes the U.S. Department of Transportation (DOT) to provide assistance to public-sector employees through grants to States for emergency response planning and to States and Indian tribes for emergency response training.

BACKGROUND

Section 17 of HMEP evolved from a proposal developed by DOT, Federal Emergency Management Agency (FEMA), Environmental Protection Agency (EPA), Department of Labor/Occupational Safety and Health Administration (DOL/OSHA), and Department of Energy (DOE). Presented to Congress during the legislative process to reauthorize the Hazardous Materials Transportation Act of 1975, this section of the amended law provides the Federal government with an unprecedented opportunity to assist the country in dealing with HAZMAT emergencies—through planning and training for public-sector responders to enable them to act safely and effectively when possibility becomes reality.

The law also provides an appropriate role for the Federal government: to provide coordinated financial and technical support as well as national direction and guidance to support ongoing State and local HAZMAT planning and training efforts. The Act increases emphasis on transportation and is designed to improve the capability of communities to plan and train for the full range of potential risks they face—regardless of the source.

AMOUNT AND TYPES OF ASSISTANCE AVAILABLE

The grant program is supported by fees collected under a registration program of shippers and carriers of certain hazardous materials. DOT is authorized to award annual planning grants to States—with a required 75% pass-through of funds to “Local Emergency Planning Committees” (LEPCs). These grant funds are authorized for each Federal fiscal year beginning in 1993 and continuing through 2013. The allocation for each state was determined by a formula which considered, among other things, the number of SARA Section 302 facilities in the state, the number of hazardous materials truck miles within the state, and the population at risk. The planning allocation for the Commonwealth for Federal FY 2012 has been announced and awarded.

ELIGIBLE PROJECT ACTIVITIES AND EXPENSES FOR PLANNING GRANTS

Planning grants may be made to reimburse LEPCs for (1) developing, improving, and implementing emergency plans under the Emergency Planning and Community Right-to-Know Act of 1986; (2) determining the flow patterns of hazardous materials within an Emergency Planning District (EPD) or between EPDs, and development and maintaining a system to keep such information current. The following specific activities are eligible for planning grants:

- Development, improvement, and implementation of emergency plans required under EPCRA, as well as exercises which test the emergency plan. Enhancement of emergency plans to include hazards analysis as well as response procedures for emergencies involving transportation of hazardous materials, including radioactive materials.
- An assessment to determine flow patterns of hazardous materials within an EPD, between an EPD and another EPD and development and maintenance of a system to keep such information current.
- Conduct emergency response drills and exercises associated with emergency preparedness plans.
- Technical staff to support the planning effort. (Staff funded under planning grants cannot be diverted to support other requirements of EPCRA.)
- An assessment of local response capabilities.
- Additional activities the VDEM HMEP Grants Administrator and the DOT Associate Administrator for Hazardous Materials Safety deems appropriate to implement the scope of work for the proposed project plan and approved in the grant.

ALLOWABLE AND NON-ALLOWABLE EXPENSES

LEPCs will be given the option to contract another entity such as a higher education institution or private contractor. Supporting documentation should be included in the application package attesting to the need for this outside assistance.

For participation in exercises, personnel expenses, overtime, travel and per diem will not be allowable expenses. Equipment rental and purchase of supplies will be allowed, depending on the reasonableness of the proposal.

APPLICATION REQUIREMENTS

A planning grant application from an LEPC must be accompanied by a letter from the chief administrating official of the political jurisdiction designating an entity to receive Federal funds and provide the required written certifications (located in the application package), if such has not already been provided to the Virginia Department of Emergency Management (VDEM). DOT and VDEM encourage the designated entity to obtain substantive knowledge of the status of planning and/or training under EPCRA, familiarity with State and local emergency preparedness and response capabilities and training needs, and an understanding of the intent and mandate of

APPLICATION REQUIREMENTS (continued)

HMEP. Also required is a statement that all members of the LEPC have been given an opportunity to review the grant application. To be approved for a planning grant, an LEPC must certify that it is complying with or that the project will bring it into compliance with Sections 301 and 303 of EPCRA. The LEPC must describe the status of the LEPC's emergency response plan and their compliance with Section 303. The LEPC must also certify that it will maintain a two-fiscal-year average of its own aggregate level of expenditures for developing, improving, and implementing emergency plans under EPCRA.

MATCHING FUNDS

For a planning grant, an LEPC must contribute a minimum of 20% matching share to the total cost of the grant project. Thus, if the total cost of the project is \$5,000, the LEPC must provide at least \$1,000 and DOT will provide no more than \$4,000. The matching requirement must be satisfied by costs incurred by the sub-grantee or by the value of in-kind contributions. Funds or costs used for matching purposes under any other Federal grant or cooperative agreement may not be used for matching purposes. The two-year averaged non-Federal aggregate amount cannot be used for matching (in other words, the LEPC's matching share must be new money or new contributions of in-kind services.

PROJECT AND BUDGET PERIODS

While assistance provided under this section is intended to support a six-year comprehensive planning project for the State, LEPC projects are expected, for the most part, to be one-year projects. Some eligible projects, such as commodity flow projects, may require multi-year approval. Multi-year projects will be funded on the basis of one-year budget periods (usually coterminous with the recipient's fiscal year). Each budget period will be funded according to a specifically defined budget and statement of work.

SUBMITTING APPLICATIONS

In order to be considered for the Federal FY 2012 grant period, an application, with original signature and two copies, must be submitted to VDEM by January 21, 2012. However applications will be considered throughout the fiscal year until all grant funds are obligated. Applications must be sent to: Virginia Department of Emergency Management, Hazardous Materials and Counterterrorism Planning Branch, 10501 Trade Court, Richmond, VA 23236-3713, Attn: Randy Francis. If you have any questions, contact Randy Francis at (804) 897-9786, or email: randy.francis@vdem.virginia.gov.

REVIEW PROCESS

All applicants who provide all required information and certify their compliance with Sections 301 and 303 of EPCRA, or that the project for which they are making application for will bring them into compliance, will be competitively considered. Final award determination will take into account the following key factors: the number of Section 302 facilities reported in their EPD, the mileage of HAZMAT transportation through the EPD, the population at risk, and the degree of improvement the project would make in the level of preparedness for the EPD.

PAYMENTS

Sub-grantees will be reimbursed on a quarterly basis for up to 75% of the Federal grant award upon submission of properly documented, eligible expenditures to the: Virginia Department of Emergency Management, Hazardous Materials and Counterterrorism Planning Branch, 10501 Trade Court, Richmond, VA 23236-3713, Attn: Randy Francis. The final 25% of the Federal grant award will be reimbursed upon the satisfactory completion of all elements of the grant project.

REMINDERS FOR COMPLETING THE APPLICATION

- Assure that the application has been made available to all LEPC members for review.
- The purchase of operational equipment is not allowed under the terms of the planning grants.
- Staff funded under HMEP planning and training grants cannot be diverted to support other requirements of the Emergency Planning and Community Right-to-Know Act.
- For participation in exercises, personnel expenses and overtime are not approved costs. Equipment rental and other expenses may be allowed, depending on the reasonableness of the costs.
- If LEPCs intend to sub-contract (e.g., to an institution of higher education or private contractor), supporting documentation should be included in the application package attesting to the need for outside assistance.

**CHECKLIST ITEMS TO BE SUBMITTED BY LEPCS FOR HMEP GRANTS
GENERAL REQUIREMENTS FOR ALL GRANTS**

- Completed Standard Form 424 (Application for Federal Assistance for Non-Construction Programs)
- A written statement explaining whether the local jurisdiction assesses and collects fees on the transportation of hazardous materials and whether such assessments or fees are used solely to carry out purposes related to the transportation of hazardous materials.
- A statement designating a project manager and providing the name, position, address and telephone number of the individual who will be responsible for coordinating the funded activities with other agencies and organizations.
- A project narrative statement of the goals and objectives of the proposed project, project design, and long-range plans.
- A statement of work that describes and sets priorities for the activities and tasks to be conducted, the costs associated with each activity, the number and types of deliverables and products to be completed, and a schedule for implementation.
- A description of supplies and equipment needed to implement the statement of work, and justification for these needs.
- Assurances-Non-construction Program (SF-4248)
- Debarment and Suspension Certification
- Drug-Free Workplace Certification
- Anti-Lobbying Certification
- HMEP Grant Award Criteria Worksheet
- A statement that all members of the LEPC were provided the opportunity to review the grant application.
- A written statement specifying the aggregate expenditures of funds by the LEPC, exclusive of Federal funds, for each of its last two fiscal years for developing, improving, and implementing emergency plans under EPCRA. A written certification that the LEPC's aggregate expenditures of funds for this purpose during the fiscal year for which the grant will be applied, exclusive of Federal funds, will not fall below the average level of its expenditures for its last two fiscal years.
- A project narrative statement of the goals and objectives of the proposed project, including the following:
 - The current abilities and authorities of the applicant's program for preparedness planning
 - The need to sustain or increase program capability

**CHECKLIST ITEMS TO BE SUBMITTED BY LEPCS FOR HMEP GRANTS
GENERAL REQUIREMENTS FOR ALL GRANTS (continued)**

- The impact that the grant will have on the program
- A discussion of whether the applicant knows, or intends to assess transportation flow patterns of hazardous materials within the EPD and between the EPD and another EPD
- A schedule for implementing the proposed grant activities
- A statement describing the ways in which planning will be monitored by the recipient

ACTIONS REQUIRED OF RECIPIENTS OF HMEP PLANNING GRANTS

The statute referenced above specifies that the Secretary of Transportation cannot allow the award of planning grants unless the State receiving such grant has certified that it will commit to maintaining or increasing the non-Federal expenditures for such activities; agrees to make available grant funds to Local Emergency Planning Committees (LEPCs); and certifies compliance with Sections 301 and 303 of the Emergency Preparedness and Community Right-to-Know Act (EPCRA). By extension these assurances apply to LEPCs making application for a planning grant. To clarify and expedite the assurances, the following has been presented for your consideration. To be deemed an "eligible applicant," the following assurance must be signed by the duly authorized representative of your governing body.

1. I certify that the aggregate expenditure of funds of the Henrico County LEPC, exclusive of Federal funds, for developing, improving, and implementing emergency plans under the EPCRA will be maintained at a level which does not fall below the average level of such expenditures for its last 2 fiscal years.
2. I certify that the Henrico County Emergency Planning District (EPD) is complying, or will be in compliance, with Sections 301 and 303 of EPCRA as an end product of the applied for grant.

Signature of Authorized Representative

(804) 501-4206
Telephone Number

Virgil R. Hazelett, P.E.
Typed Name of Authorized Representative

County Manager
Title

Date

LIST OF APPLICABLE DOT REGULATIONS

49 CFR Part 17 – Intergovernmental Review of Department of Transportation Programs and Activities: The training and planning grant may be subject to the internal review process and/or the consultation requirements of Section 204 of the Demonstration Cities and Metropolitan Development Act. There is a single point of contact for each state. The applicant must communicate with the contact point to receive information about its review process requirements and procedures. If the program is subject to Section 204, the applicant must notify areawide metropolitan or regional planning agencies or general government units authorized to govern planning for the locale of the applicant's project or intended application.

49 CFR Part 18 – Uniform Administrative Requirements for Grants and Cooperative Agreements to States and Local Governments: State, local and Native American tribal governments are required to be familiar with this regulation and to comply with its provisions.

49 CFR Part 20 – New Restrictions on Lobbying by Recipients of Federal Funds.

49 CFR Part 21 – Nondiscriminating in Federally Assisted Programs of the Department of Transportation: This rule implements the statutes prohibiting discrimination on the basis of race, color, national origin, and sex. All applicants for DOT assistance are required to be familiar with this rule and comply with this rule and its provisions.

49 CFR Part 23 – Participation by Minority Business Enterprise in Department of Transportation Programs: If an applicant intends to procure goods and services with grant funds, this rule is applicable.

49 CFR Part 27 – Nondiscrimination on the Basis of Handicap for Programs and Activities Receiving or Benefiting From Federal Financial Assistance: This rule implements the statutes prohibiting discrimination on the basis of a handicap. All applicants for DOT assistance are required to be familiar with this rule and comply with its provisions.

49 CFR Part 29 – Government-wide Debarment and Suspension (Non-Procurement) and Government-wide Requirements for Drug-Free Workplace (Grants): Applicants requesting \$25,000 or more are required to be familiar with the regulation and to submit the certification found in the application package with their applications. In addition, grantees are required to obtain the certification from subrecipients receiving \$25,000 or more. With regard to drug-free workplace, applicants for DOT assistance must submit the certification form required found on pages 109 and 110. Grantees must meet the requirements specified in this regulation to maintain a drug-free workplace.

49 CFR Part 90 – Audits of State and Local Governments: Grantees are required to meet the audit requirements set forth in Appendix A of 49 CFR part 90.

49 CFR Part 110 – Hazardous Materials Response Public Sector Training and Planning Grants: This regulation provides the organizational structure and procedures for implementing the reimbursable grant program to enhance existing hazardous materials response training and planning program.

These regulations are available on request from DOT at (202) 366-4900. They also should be available in every state's business office. Applicants should contact their business office before calling DOT number.

APPLICATION FOR FEDERAL ASSISTANCE (See Separate Attachment)

DESIGNATION STATEMENT

Applicant: Henrico County

Project Title: 2012 HMEP Project

Mailing Address: PO Box 90775; Henrico, VA 23273-0775

Project Manager: Anna McRay Phone: 804-501-7183

Title: Deputy Coordinator of Emergency Management EMAIL: mcr@co.henrico.va.us

Financial Officer*: Gene Walter Phone: 804-501-5580

Title: Director of Finance

HMEP Funds Requested: \$ 3,000.00

Match Contribution: \$750.00

Total Project Budget: \$ 3,750.00

*Financial Officer cannot be the Project Manager

CERTIFICATION

I certify that I have the legal authority to make a commitment to the project on behalf of the applicant and that the project manager indicated above has the responsibility for the daily implementation of the proposed project.

I certify that I am duly authorized to act on behalf of the recipient organization and the recipient agrees with the requirements of the "Offer and Acceptance" clause, and that the award is subject to the applicable provisions of 49 CFR 110 et seq., 49 CFR Part 18, and of the provision of the HMEP agreement.

I certify that the financial manager indicated above has the responsibility for the fiscal management of the grant and has the legal authority to certify all financial status reports, invoices and requests for payments that will be submitted.

I certify that the information in the attached application is true to the best of my knowledge. By submitting this application, I am making a commitment to the proposed project, budget, match share and scope of work (Project Narrative and Work Schedule and Deliverables).


County Manager, Henrico County, VA

12/19/12
Date

PROJECT NARRATIVE

APPLICANT: Henrico County

PROJECT TITLE:
2012 HMEP Project

PROJECT NARRATIVE:

Funding of this project will provide:

1. Development and publishing of brochures and outreach materials on proper disposal of oil/hazardous waste products and how improper disposal of these materials impacts the environment through runoff.
2. Publishing of Tier 2 business education brochures to continue the project started with FY2011 HMEP funds to educate all businesses in the County on when they need to report EHS materials and encourage the use of the County's online reporting system.
3. Support for required publication of notices of meetings, reporting information and outreach as noted in CERCLA and EPCRA community notification needs in local newspapers and print media.

BUDGET SHEET

APPLICANT: Henrico County

PROJECT TITLE: 2012 HMEP Project

PROJECT COSTS

Salaries/Wages:

Fringe Benefits:

Travel:

Supplies:

Contractual:

Printing/Copying: \$3,000.00

Other Direct Expenses:

Total Costs: \$3,000.00

20% SOFT MATCH REQUIREMENT*:

Salaries/Wages: \$750.00

Fringe Benefits:

Office Space:

Use of Equipment:

Supplies:

Other (Specify):

*Figures can be adjusted throughout project period.

PROJECT STATEMENT OF WORK

APPLICANT: Henrico County

PROJECT TITLE: 2012 HMEP Project

Project Activities, Tasks and Deliverables

Anticipated Completion

Development and publishing of brochures and outreach materials on proper disposal of oil/hazardous waste products and how improper disposal of these materials impacts the environment through runoff.

06/2013

Publishing of Tier 2 business education brochures to continue the project started with FY2011 HMEP funds to educate all businesses in the County on when they need to report EHS materials and encourage the use of the County's online reporting system.

06/2013

Support for required publication of notices of meetings, reporting information and outreach as noted in CERCLA and EPCRA community notification needs in local newspapers and print media.

06/2013

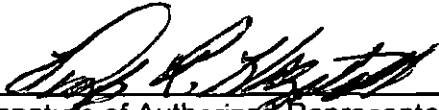
PROGRAMMATIC CERTIFICATIONS

HMTUSA Sec 17 requires the following certifications as a condition of eligibility for grant award.

ACTIONS REQUIRED OF RECIPIENTS OF HMEP PLANNING GRANTS

The statute referenced above specifies that the Secretary of Transportation cannot allow the award of planning grants unless the State receiving such grant has certified that it will commit to maintaining or increasing the non-Federal expenditures for such activities; agrees to make available grant funds to Local Emergency Planning Committees (LEPCs); and certifies compliance with Sections 301 and 303 of the Emergency Preparedness and Community Right-to-Know Act (EPCRA). By extension, these assurances apply to LEPCs making application for a planning grant. To clarify and expedite the assurances, the following has been presented for your consideration. To be deemed an "eligible applicant," the following assurance must be signed by the duly authorized representative of your governing body.

1. I certify that the aggregate expenditure of funds of the Henrico County LEPC, exclusive of Federal funds, for developing, improving, and implementing emergency plans under the EPCRA will be maintained at a level which does not fall below the average level of such expenditures for its last 2 fiscal years.
2. I certify that the Henrico County Emergency Planning District (EPD) is complying, or will be in compliance, with Sections 301 and 303 of EPCRA as an end product of the applied for grant



Signature of Authorized Representative

(804)501-4206

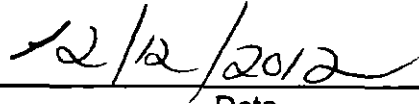
Telephone Number

Virgil R. Hazelett, P.E.

Typed Named of Authorized Representative

County Manager

Title



Date

ADMINISTRATIVE CERTIFICATIONS

(See separate attachment)

- **Assurances - Non-Construction Programs**
- **Debarment and Suspension Certification**
- **Drug - Free Workplace Certification**
- **Disclosure of Lobbying Activities**
- **Assurance of Compliance With Title VI of the Civil Rights Act of 1964**

ASSURANCES – NON-CONSTRUCTION PROGRAMS (See separate attachment)

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the Institutional, managerial and financial capability (including funds sufficient to pay the non-federal share of the project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standard or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes of regulations specified in Appendix A of OPM's Standard for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal Statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §§794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to non-discrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provision in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Title II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or

whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally assisted construction sub-agreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102 (a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazards area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetland pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under §176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g.) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with §106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1968 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 at seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
17. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.



Signature of Authorized Certifying Official

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

Title

Henrico County, VA
Applicant Organization

Date Submitted

DEBARMENT & SUSPENSION CERTIFICATIONS

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION,
AND OTHER RESPONSIBILITY MATTERS**

The prospective participant certifies to the best of its knowledge and belief that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from cover transactions by any Federal department or agency;
2. Have not within a 3-year period preceding this proposal been convicted or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; or violation of Federal or State antitrust statutes or commission of embezzlement, theft, forger, bribery, falsification or destruction of records, making false statement, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph 2 of this certification; and
4. Have not within a 3-year period preceding this application or proposal had one or more public transactions (Federal, State, and local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 U.S.C. §1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both.

Virgil R. Hazelett, P.E., County Manager
Type Name/Title of Authorized Representative


Signature of Authorized Representative

Or, alternatively, state:

I am unable to certify to the above statement. My explanation is attached.

DRUG-FREE WORKPLACE CERTIFICATION

CERTIFICATION-DRUG FREE WORKPLACE ACT OF 1988

The recipient certifies that it will provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the recipient's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing a drug-free awareness program to inform employees about:
 - a. The dangers of drug abuse in the workplace;
 - b. The recipient's policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - d. The penalties that may be imposed on employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the project be given a copy of the statement required by paragraph (1);
4. Notifying each employee in the statement required by paragraph (1) that, as a condition of employment under the award, the employee must:
 - a. Abide by the terms of the statement; and
 - b. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction;
5. Notifying the Award Official within 10 days after receiving notice under subparagraph (d)2 from an employee or otherwise receiving actual notice of such conviction;
6. Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)2, with respect to any employee who is so convicted:
7. Making a good-faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1-6.

The recipient shall insert in the space provided below the site(s) of the performance of work done in conjunction with the specific award.

Place of performance (street, city, county, state, zip code)

Henrico County Public Safety Building; 7721 E. Parham Rd; Henrico, VA 23294

Date: _____

Recipient: Virgij R. Hazelett, P.E., County Manager, Henrico County

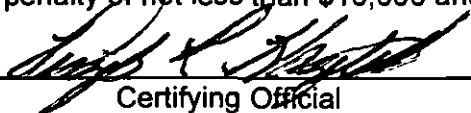
By: 
 (Signature of Authorized Official)

DISCLOSURE OF LOBBYING ACTIVITIES

U.S. Department of Transportation
Hazardous Materials Emergency Preparedness
Training and Planning Grant
Certification of Compliance with Government-Wide
Guidance on Lobbying Restrictions

The Henrico County (LEPC/Locality) certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the Grant Recipient, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee or a member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into any cooperative agreement, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to nay person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Grant Recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The Grant Recipient shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreement(s) and that all subrecipients shall certify and disclose accordingly.
4. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of the certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of fibt less than \$10,000 and not more than \$100,000 for such failure.



Certifying Official

10/10/12

Date

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

Title

ASSURANCE OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Appendix A

**ASSURANCE OF COMPLIANCE WITH
TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

DEPARTMENT OF TRANSPORTATION

The LEPC/locality Henrico County (herein referred to as the "Recipient) HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, -42 U.S.C. 2000d-42 U.S.C.2000d-4 (herein referred to as the Act) and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the U.S. Department of Transportation,-Effectuation of Title VI of the Civil Rights Act of 1964 (herein referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the U.S. Department of Transportation, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurance with respect to the project:

1. The Recipient agrees that each "program" and each "facility" as defines in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and, in adapted form in all proposals for negotiated agreements:

The Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 State 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Coder of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the Department of Transportation Issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in regard to any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race color, sex or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix B of this assurance in every contract subject to the Act and the Regulations.
4. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the project.
5. The recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she

delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation and is binding on it, other recipients, sub grantees, contractors, transferees, successors in interest and other participants in the U.S. Department of Transportation Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipients.

Date: 12/14/12

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

By 
(Signature of Authorized Official)

Appendix B
ASSURANCE OF COMPLIANCE WITH
TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

DEPARTMENT OF TRANSPORTATION

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor shall comply with the Regulations relative to nondiscrimination in Federally assisted programs of the U.S. Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, sex, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the LEPC/locality Henrico County, the state, or the Research and Special Programs Administration (RSPA) to be pertinent to ascertain compliance with such Regulations, orders or instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the LEPC/locality Henrico County, the state or the Research and Special Programs Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with nondiscrimination provisions of this contract, the LEPC/locality Henrico County shall impose contract sanctions as it or the Research and Special Programs Administration may determine to be appropriate, including but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancellation, termination, or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurements as the LEPC/locality, state or the Research and Special Programs Administration may

direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontract or supplier as a result of such direction, the contractor may request the LEPC/locality and state to enter into such litigation to protect the interests of the LEPC/locality and state, and in addition the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Appendix C

**ASSURANCE OF COMPLIANCE WITH
TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

DEPARTMENT OF TRANSPORTATION

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the LEPC/locality.

The [grantee, licensee, lessee, permittee, etc., as appropriate] for herself/himself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this [deed, license, lease, permit, etc.] for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the [grantee, licensee, lessee, permittee, etc.] shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination of Federally-Assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of the above nondiscrimination covenants, the Henrico County (LEPC/locality) shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, the Henrico County (LEPC/locality) shall have the right to re-enter lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Henrico County LEPC/locality and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Henrico County LEPC/locality.

The [grantee, licensee, lessee, permittee, etc., as appropriate] for herself/himself, his/her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in case of deeds, and leases add "as a covenant running with the land"] that (1) ___ person on the grounds of race, color, sex, or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing services thereon, no person on the grounds of race, color, sex, or national origin shall be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination, and (3) that the [grantee, licensee, lessee, permittee, etc.] shall use the premises in compliance with all other requirements imposed by or

pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination of Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, Henrico County (LEPC/locality) shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, the Henrico County (LEPC/locality) shall have the right to re-enter said land and the facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Henrico County (LEPC/locality) and its assigns.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

Appendix D

HMEP GRANT AWARD CRITERIA WORKSHEET

1. Do you have a Local Emergency Planning Committee (LEPC)? ___Y___(Y/N)
If so, when are your meetings held?
 - a. Monthly __X(bi-monthly., even months)
 - b. Quarterly ___
 - c. Semi Annually _
 - d. Annually _____

2. Is the LEPC:
 - a. Single Jurisdiction __X_____
 - b. Regional _____
 - c. If not currently regional then is there an ongoing assessment to determine if the LEPC should be joined (joint or regional) with others in the area? _____

3. Is the applicant jurisdiction population:
 - a. Small - under 44,000 _____
 - b. Medium - 44,000-150,000 _____
 - c. Large - 150,000+ __X_____

4. Did the applicant jurisdiction receive a HMEP grant (check as many as apply):
 - a. Last year __X___
 - b. More than two years but less than five __X_____
 - c. Last five years _____

5. Is the applicant jurisdiction receiving other grant money through programs administered by the Virginia Department of Emergency Management? ___Y___ (Y/N)

6. Was the applicant jurisdiction's Emergency Operations Plan updated:
- a. Last year _____
 - b. Within last 4 years X
 - c. 5 years or more _____
7. Was the applicant jurisdiction's Hazardous Materials Plan updated:
- a. Last year X
 - b. From 2-4 years ago _____
 - c. 5 years or more _____
8. Has the applicant jurisdictions (all jurisdictions in the event of joint LEPC) Locality Capability Assessment Report (LCAR) been submitted to VDEM:
- a. Prior to July 1st X
 - b. Prior to Sept 1st _____
 - c. Not currently submitted _____

9. Is the project for which funds are being requested an exercise? N (Y/N)

If so, is it:

- a. Full Scale /Functional _____
- b. Tabletop _____

10. Is the project transportation related (highway hazmat exercise, commodity flow study, etc.?)
 N (Y/N)

If yes, then explain briefly: _____

11. Is the request for:

- a. Continuation of work previously funded by VDEM Y (project #2) (Y/N)
- b. Continuation of work not funded by VDEM Y (project #1 and #3) (Y/N)
- c. New scope of work Y (Y/N)
- d. Work previously submitted but not funded N (Y/N)

12. Brief description of work: 1. Development and publishing of brochures and outreach materials on proper disposal of oil/hazardous waste products and how improper disposal of these materials impacts the environment through runoff. 2. Publishing of Tier 2 business education brochures to continue the project started with FY2011 HMEP funds to educate all businesses in the County on when they need to report EHS materials and encourage the use of the County's online reporting system. 3. Support for required publication of notices of meetings, reporting information and outreach as noted in CERCLA and EPCRA community notification needs in local newspapers and print media.

12. Amount of grant request: \$ \$3,000.00 (\$3,750 with match)

13. Is the applicant jurisdiction's grant match contribution:

- a. Hard Match (e.g. jurisdiction is providing 20% of actual funding for proposed project)

If a hard match, is the funding coming from another grant source? (Y/N)

- b. Soft Match (e.g. jurisdiction is providing match in kind with resources, personnel costs, etc.) X
- c. Combination of Hard and Soft Matches (e.g. jurisdiction is providing some funds and some match in kind)

14. The applicable LEPC has reviewed and approved this request for grant funding before submittal to VDEM: Y (Y/N)

**49 CFR PART 110
FINAL RULE**

[Code of Federal Regulations]
[Title 49, Volume 2]
[Revised as of October 1, 2004]
From the U.S. Government Printing Office via GPO Access
[CITE: 49CFR110]

[Page 63-71]

TITLE 49--TRANSPORTATION

**CHAPTER I--RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION, DEPARTMENT
OF TRANSPORTATION**

**PART 110_HAZARDOUS MATERIALS PUBLIC SECTOR TRAINING AND PLANNING
GRANTS**

Sec.

110.1 Purpose.

110.5 Scope.

110.7 Control Number under the Paperwork Reduction Act.

110.10 Eligibility.

110.20 Definitions.

110.30 Grant application.

110.40 Activities eligible for funding.

110.50 Disbursement of Federal funds.

110.60 Cost sharing for planning and training.

110.70 Financial administration.

110.80 Procurement.

110.90 Grant monitoring, reports, and records retention.

110.100 Enforcement.

110.110 After-grant requirements.

110.120 Deviation from this part.

110.130 Disputes.

Authority: 49 U.S.C. 5101-5127; 49 CFR 1.53.

Source: Amdt. 110-1, 57 FR 43067, Sept. 17, 1992, unless otherwise noted.

[[Page 64]]

Sec. 110.1 Purpose.

This part sets forth procedures for reimbursable grants for public sector planning and training in support of the emergency planning and training efforts of States, Indian tribes, and local

communities to deal with hazardous materials emergencies, particularly those involving transportation. These grants will enhance the implementation of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11001).

Sec. 110.5 Scope.

(a) This part applies to States and Indian tribes and contains the program requirements for public sector training and planning grants to support hazardous materials emergency planning and training efforts. (b) The requirements contained in 49 CFR Part 18, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments", apply to grants issued under this part. (c) Copies of standard forms and OMB circulars referenced in this part are available from the HMTUSA Grants Manager, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, Washington DC 20590-0001.

Sec. 110.7 Control Number under the Paperwork Reduction Act.

The Office of Management and Budget control number assigned to collection of information in Sec. Sec. 110.30, 110.70, 110.80, and 110.90 are 2137-0586.

Sec. 110.10 Eligibility.

This part applies to States and Indian tribes. States may apply for planning and training grants. Federally recognized Indian tribes may apply for training grants.

Sec. 110.20 Definitions.

Unless defined in this part, all terms defined in 49 U.S.C. 5102 are used in their statutory meaning and all terms defined in 49 CFR part 18 and OMB Circular A-102, with respect to administrative requirements for grants, are used as defined therein. Other terms used in this part are defined as follows:

Allowable costs mean those costs that are: eligible, reasonable, necessary, and allocable to the project permitted by the appropriate Federal cost principles, and approved in the grant. Associate Administrator means the Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration.

Budget period means the period of time specified in the grant agreement during which the project manager may expend or obligate project funds.

Cost review means the review and evaluation of costs to determine reasonableness, allocability, and allowability.

Indian country means Indian country as defined in 18 U.S.C. 1151. That section defines Indian country as all land within the limits of any reservation under the jurisdiction of the U.S. Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation; all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State; and all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

Indian tribe means a tribe "federally recognized" by the Secretary of the Interior under 25 CFR 272.2.

Local Emergency Planning Committee (LEPC) means a committee appointed by the State Emergency Response Commission under section 301(c) of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11001(c)) that includes at a minimum,

representatives from each of the following groups or organizations: elected State and local officials; law enforcement, firefighting, civil defense, first aid, health, local environmental, hospital, and transportation personnel; broadcast and print media; community groups; and owners and operators of facilities subject to the emergency planning requirements. National curriculum means the curriculum required to be developed under 49 U.S.C. 5115 and necessary to train public sector emergency response and preparedness teams, enabling them to comply with performance standards as stated in 49 U.S.C. 5115(c). Political subdivision means a county, municipality, city, town, township, local public authority (including any public and Indian housing agency under the United States Housing Act of 1937 (42 U.S.C. 1401 et seq.), school district, special district, intrastate district, council of governments (whether or not incorporated as a nonprofit corporation under State law), any other regional or interstate government entity, or any agency or instrumentality of a local government. Project means the activities and tasks identified in the grant agreement.

Project manager means the State or Indian tribal official designated in a grant as the recipient agency's principal program contact with the Federal Government. Project officer means the Federal official designated in a grant as the program contact with the project manager. The project officer is responsible for monitoring the project. Project period means the length of time specified in a grant for completion of all work associated with that project. State Emergency Response Commission (SERC) means the State Emergency Response Commission appointed by the Governor of each State and Territory under the Emergency Planning and Community Right-to-Know Act of 1986.

Statement of Work means that portion of a grant that describes the purpose and scope of activities and tasks to be carried out as part of the proposed project.

[Amdt. 110-1, 57 FR 43067, Sept. 17, 1992, as amended by Amdt. 110-3, 59 FR 49132, Sept. 26, 1994; 66 FR 45377, Aug. 28, 2001]

Sec. 110.30 Grant application.

(a) General. An applicant for a planning or training grant shall use only the standard application forms approved by the Office of Management and Budget (OMB) (SF-424 and SF-424A) under the Paperwork Reduction Act of 1980 (44 U.S.C. 3502). Applicants are required to submit an original and two copies of the application package to: Grants Manager, Research and Special Programs Administration, U.S. Department of Transportation, 400 7th Street, SW., Washington, DC 20590-0001. Applications received on or before January 1st and July 1st of each year will be considered in that cycle of the semi-annual review and award process. An initial round of the review and award process will consider applications received on or before November 15, 1992. Requests and continuation applications must include an original and two copies of the affected pages; previously submitted pages with information that is still current do not have to be resubmitted. The application must include the following:

(1) Application for Federal Assistance for non-construction programs (SF-424) and Budget sheets (SF-424A). A single application may be used for both planning and training if the budgets for each are entered separately on all budget sheets.

(2) For States, a letter from the Governor designating the State agency that is authorized to apply for a grant and to provide the written certifications required to receive a grant.

(3) For Indian tribes, a letter from the tribal government, governing body, or tribal council to the effect that the applicant is authorized to apply for a grant and to provide the written certifications required to receive a grant.

(4) A written statement explaining whether the State or tribe assesses and collects fees on the transportation of hazardous materials and whether such assessments or fees are used solely to carry out purposes related to the transportation of hazardous materials.

(5) A statement designating a project manager and providing the name, position, address and phone number of that individual who will be responsible for coordinating the funded activities with other agencies/organizations.

(6) A project narrative statement of the goals and objectives of the proposed project, project design, and long range plans. The proposed grant project and budget periods may be one or more years.

(7) A statement of work in support of the proposed project that describes and sets priorities for the activities and tasks to be conducted, the costs associated with each activity, the number and types of deliverables and products to be completed, and a schedule for implementation.

(8) A description of the major items of costs needed to implement the statement of work and a copy of any cost or price analysis if conducted.

(9) Drug-Free Workplace Certification. The applicant must certify as specified in appendix C of 49 CFR part 29 that it will comply with the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, title V, subtitle D; 51 U.S.C. 701 et seq.). (10) Anti-Lobbying Certification. The applicant must certify as specified in appendix A of 49 CFR part 20 that no Federal funds will be expended to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress (section 319 of Pub. L. 101-121, 31 U.S.C. 1352). (11) Debarment and Suspension Certification. The applicant must certify as specified in subpart G of 49 CFR part 29 that it will not make an award or permit any award to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs. (b) Planning. In addition to the requirements specified in paragraph (a) of this section, eligible State applicants must include the following in their application package: (1) A written certification that the State is complying with sections 301 and 303 of the Emergency Planning and Community Right-to-Know Act of 1986, including a brief explanation of how compliance has been achieved. (2) A written statement specifying the aggregate expenditure of funds of the State, exclusive of Federal funds, for each of its last two fiscal years for developing, improving, and implementing emergency plans under the Emergency Planning and Community Right-to-Know Act of 1986, including an explanation specifying the sources of these funds. A written certification that the State's aggregate expenditures, as defined by the State, of funds for this purpose, exclusive of Federal funds, will not fall below the average level of its expenditures for its last two fiscal years. The applicant may not claim any of these expenditures for cost-sharing. (3) A written statement agreeing to make at least 75 percent of the Federal funds awarded available to LEPCs and an explanation of how the applicant intends to make such funds available to them for developing, improving, or implementing emergency plans. (4) Designation of a project manager to serve as contact for coordinating planning funds under this program. (5) A project narrative statement of the goals and objectives of each proposed project, including the following: (i) A background statement describing the applicant's long-term goals and objectives with respect to:

(A) The current abilities and authorities of the applicant's program for preparedness planning; (B) The need to sustain or increase program capability; (C) Current degree of participation in or intention to assess the need for a regional hazardous materials emergency response team; and (D) The impact that the grant will have on the program. (ii) A discussion of whether the applicant's program currently knows, or intends to assess, transportation flow patterns of hazardous materials within the State and between that State and another State. (iii) A schedule for implementing the proposed grant activities. (iv) A statement describing the ways in which planning will be monitored by the project manager. (v) A statement indicating that all members of the State Emergency Response Commission were provided the opportunity to review the grant application. (c) Training. In addition to the requirements specified in paragraph (a) of this section, eligible State and Indian tribe applicants must include the following in their application package: (1) For a State applicant, a written certification

explaining how the State is complying with sections 301 and 303 of the Emergency Planning and Community Right-to-Know Act. (2) A written statement specifying the aggregate expenditure of funds of the State or Indian tribe, exclusive of Federal funds, for each of its last two fiscal years for training public sector employees to respond to accidents and incidents involving hazardous materials, including an explanation specifying the sources of these funds. A written certification that the applicant's aggregate expenditure, as defined by the State or tribe, of funds for this purpose, exclusive of Federal funds, will not fall below the average level of its expenditures for its last two fiscal years. The applicant may not claim any of these expenditures for cost-sharing purposes.

(3) For a State applicant, a written statement agreeing to make at least 75 percent of the Federal funds awarded available for the purpose of training public sector employees employed or used by political subdivisions. A State applicant may elect to pass all or some portion of the grant on to political subdivisions for this purpose. The applicant must include a specific explanation of how it intends to meet this requirement. (4) Designation of a primary point of contact for coordinating training funded under this program. Identification of a single repository for copies of course materials delivered under the grant as specified in Sec. 110.90 of this part. (5) A project narrative statement of the long-range goals and objectives of each proposed project, including the following: (i) A background statement describing: (A) The current hazardous materials training program(s); (B) Training audience, including numbers and levels of training and accreditation program for each level or criterion required to advance to the next level; (C) Estimated total number of persons to be trained under the proposed project; (D) The ways in which training grants will support the integrated delivery of training to meet the needs of individualized geographic and resource needs and time considerations of local responders. When appropriate, a statement describing how the proposed project will accommodate the different training needs for rural versus urban environments; and (E) The impact that the grant and the National Curriculum will have on the program. (ii) A statement describing how the National Curriculum will be used or modified to train public sector employees at the local level to respond to accidents and incidents involving hazardous materials. (iii) A statement describing the ways in which effectiveness of training will be monitored by the project manager, including, but not limited to, examinations, critiques, and instructor evaluations. (iv) A schedule for implementing the proposed training grant activities. (v) A statement indicating that all members of the State or Tribal Emergency Response Commission were provided the opportunity to review the grant application.

[Amdt. 110-1, 57 FR 43067, Sept. 17, 1992, as amended by Amdt. 110-3, 59 FR 49132, Sept. 26, 1994]

Sec. 110.40 Activities eligible for funding.

(a) Planning. Eligible State applicants may receive funding for the following activities:

(1) Development, improvement, and implementation of emergency plans required under the Emergency Planning and Community Right-to-Know Act of 1986, as well as exercises which test the emergency plan. Enhancement of emergency plans to include hazard analysis as well as response procedures for emergencies involving transportation of hazardous materials, including radioactive materials. (2) An assessment to determine flow patterns of hazardous materials within a State, between a State and another State or Indian country, and development and maintenance of a system to keep such information current. (3) An assessment of the need for regional hazardous materials emergency response teams. (4) An assessment of local response capabilities. (5) Conduct of emergency response drills and exercises associated with emergency preparedness plans. (6) Provision of technical staff to support the planning effort. (7) Additional activities the Associate Administrator deems appropriate to

implement the scope of work for the proposed project plan and approved in the grant. (b) Training. Eligible State and Indian tribe applicants may receive funding for the following activities: (1) An assessment to determine the number of public sector employees employed or used by a political subdivision who need the proposed training and to select courses consistent with the National Curriculum. (2) Delivery of comprehensive preparedness and response training to public sector employees. Design and delivery of preparedness and response training to meet specialized needs. Financial assistance for trainees and for the trainers, if appropriate, such as tuition, travel expenses to and from a training facility, and room and board while at the training facility. (3) Emergency response drills and exercises associated with training, a course of study, and tests and evaluation of emergency preparedness plans. (4) Expenses associated with training by a person (including a department, agency, or instrumentality of a State or political subdivision thereof or an Indian tribe) and activities necessary to monitor such training including, but not limited to examinations, critiques and instructor evaluations. (5) Provision of staff to manage the training effort designed to result in increased benefits, proficiency, and rapid deployment of local and regional responders. (6) Additional activities the Associate Administrator deems appropriate to implement the scope of work for the proposed project and approved in the grant.

[Amdt. 110-1, 57 FR 43067, Sept. 17, 1992, as amended by 66 FR 45377, Aug. 28, 2001]

Sec. 110.50 Disbursement of Federal funds. (a) Preaward expenditures may not be reimbursed. (b) Reimbursement may not be made for a project plan unless approved in the grant award. (c) If a recipient agency seeks additional funds, the amendment request will be evaluated on the basis of needs, performance and availability of funds. An existing grant is not a commitment of future Federal funding.

Sec. 110.60 Cost sharing for planning and training. (a) The recipient agency must provide 20 percent of the direct and indirect costs of all activities covered under the grant award program with non-Federal funds. Recipients may either use cash (hard-match), in-kind (soft-match) contributions, or a combination of in-kind plus hard-match to meet this requirement. In-kind (soft-match) contributions are in addition to the maintenance of effort required of recipients of grant awards. The types of contributions allowed are as follows: (1) Any funds from a State, local, or other non-Federal source used for an eligible activity as defined in Sec. 110.40 in this part. (2) The dollar equivalent value of an eligible activity as defined in Sec. 110.40 of this part provided by a State, local, or other non-Federal source. (3) The value of participants' salary while attending a planning or training activity contained in the approved grant application provided by a State, local, or other non-Federal source. (4) Additional types of in-kind contributions the Associate Administrator deems appropriate. (b) Funds used for matching purposes under any other Federal grant or cooperative agreement may not be used for matching purposes. The funds expended by a recipient agency to qualify for the grant may not be used for cost-sharing purposes. (c) Acceptable contributions for matching and cost sharing purposes must conform to 49 CFR Part 18.

[Amdt. 110-1, 57 FR 43067, Sept. 17, 1992, as amended by Amdt. 110-3, 59 FR 49132, Sept. 26, 1994; 66 FR 45377, Aug. 28, 2001]

Sec. 110.70 Financial administration.

(a) A State must expend and account for grant funds in accordance with State laws and procedures for expending and accounting for its own funds. Fiscal control and accounting procedures of the State, as well as its subgrantees and cost-type contractors, must be sufficient

to: (1) Permit the preparation of reports required by 49 CFR part 18 and this part, including the tracing of funds provided for planning to a level of expenditure adequate to establish that at least 75 percent of the funds provided were made available to LEPCs for developing, improving, and implementing emergency plans; and the tracing of funds provided for training to a level of expenditure adequate to establish that at least 75 percent of the funds provided were made available for the purposes of training public sector employees employed or used by political subdivisions. (2) Permit the tracing of funds to a level of expenditure adequate to establish that such funds have not been used in violation of the restrictions and prohibitions of applicable statutes. (b) The financial management systems of Indian tribes and any subgrantees must meet the standards of 49 CFR 18.20, including the ability to trace funds provided for training to a level of expenditure adequate to establish that at least 75 percent of the funds provided were made available for the purposes of training public sector employees employed or used by political subdivisions. (c) Advances shall be made to States and Indian tribes consistent with 49 CFR part 18 and 31 CFR Part 205. The Associate Administrator shall base these advances on demonstrated need, which will be determined on a case-by-case basis, considering such factors as State/Tribal budget constraints and reductions in amounts budgeted for hazardous materials activities. To obtain an advance, a State or Indian tribe must comply with the following requirements: (1) A letter from the Governor or Tribal leader or their designee is required specifying the extenuating circumstances requiring the funding advance for the grant; (2) The maximum advance request may not be more than \$25,000 for each State or Indian tribe; (3) Recipients of advance funding must obligate those funds within 3 months of receipt; (4) Advances including interest will be deducted from the initial reimbursement to the State or Indian tribe; and (5) The State or Indian tribe will have its allocation of current grant funds reduced and will not be permitted to apply for future grant funds until the advance is covered by a request for reimbursement. For example, if \$25,000 were advanced for personnel costs, this advance would be deducted from the initial reimbursement in the year the advance was made. (d) To be allowable, costs must be eligible, reasonable, necessary, and allocable to the approved project in accordance with OMB Circular A-87 and included in the grant award. Costs incurred prior to the award of any grant are not allowable. Recipient agencies are responsible for obtaining audits in accordance with the Single Audit Act of 1984 (31 U.S.C. 7501), 49 CFR part 90, and OMB Circular A-128. Audits shall be made by an independent auditor in accordance with generally accepted government auditing standards covering financial and compliance audits. The Associate Administrator may audit a recipient agency at any time.

[Amdt. 110-1, 57 FR 43067, Sept. 17, 1992, as amended by 66 FR 45377, Aug. 28, 2001]

Sec. 110.80 Procurement.

Project managers shall use procurement procedures and practices which reflect applicable State laws and regulations and Federal requirements as specified in 49 CFR 18.36. Sec. 110.90 Grant monitoring, reports, and records retention. (a) Grant monitoring. Project managers are responsible for managing the day-to-day operations of grant, subgrant and contract-supported activities. Project managers must monitor performance of supported activities to assure compliance with applicable Federal requirements and achievement of performance goals. Monitoring must cover each program, function, activity, or task covered by the grant. Monitoring and reporting requirements for planning and training are contained in this part; general grant reporting requirements are specified in 49 CFR 18.40. (b) Reports. (1) The project manager shall submit a performance report at the completion of an activity for which reimbursement is being requested or with a request to amend the grant. The final performance report is due 90 days after the expiration or termination of the grant. (2) Project managers shall submit an

original and two copies of all performance reports. Performance reports for planning and training must include comparison of actual accomplishments to the stated goals and objectives established for the performance period, and the reasons for not achieving those goals and objectives, if applicable. (3) Project managers shall report developments or events that occur between the required performance reporting dates which have significant impact upon the planning and training activity such as: (i) Problems, delays, or adverse conditions which will impair the ability to meet the objective of the grant; and (ii) Favorable developments which enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more beneficial results than originally planned. (4) Financial reporting, except as provided in Sec. 110.70 and 49 CFR 18.41, shall be supplied quarterly using Standard Form 270, Request for Advance or Reimbursement, to report the status of funds. The project manager shall report separately on planning and training. (c) Records retention. In accordance with 49 CFR 18.42, all financial and programmatic records, supporting documents, statistical records, training materials, and other documents generated under a grant shall be maintained by the project manager for three years from the date the project manager submits the final financial status report (SF 269) or Request for Advance or Reimbursement (SF 270). The project manager shall designate a repository and single-point of contact for planning and for training, or both, for these purposes. If any litigation, claim, negotiation, audit or other action involving the records has been started before the expiration of the 3-year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular 3-year period, whichever is later.

Sec. 110.100 Enforcement.

If a recipient agency fails to comply with any term of an award (whether stated in a Federal statute or regulation, an assurance, a State plan or application, a notice of award, or elsewhere) a noncompliance action may be taken as specified in 40 CFR 18.43. The recipient agency may appeal any such actions as specified in 49 CFR Part 18. Costs incurred by the recipient agency during a suspension or after termination of an award are not allowable unless the Associate Administrator authorizes it in writing. Grant awards may be terminated in whole or in part with the consent of the recipient at any agreed upon effective date, or by the recipient upon written notification.

[Amdt. 110-1, 57 FR 43067, Sept. 17, 1992, as amended by 66 FR 45377, Aug. 28, 2001]

Sec. 110.110 After-grant requirements.

The Associate Administrator will close out the award upon determination that all applicable administrative actions and all required work of the grant are complete in accordance with subpart D of 49 CFR Part 18. The project manager must submit all financial, performance, and other reports required as a condition of the grant, within 90 days after the expiration or termination of the grant. This time frame may be extended by the Associate Administrator for Hazardous Materials Safety for cause.

[Amdt. 110-1, 57 FR 43067, Sept. 17, 1992, as amended by 66 FR 45377, Aug. 28, 2001]

Sec. 110.120 Deviation from this part.

Recipient agencies may request a deviation from the non-statutory provisions of this part. The Associate Administrator will respond to such requests in writing. If appropriate, the decision will be included in the grant agreement. Request for deviations from Part 110 must be submitted to:



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 296-12
Page No. 1 of 1

Agenda Title: RESOLUTION - Donation of Surplus Equipment - Charles City County, Virginia

For Clerk's Use Only:

DEC 11 2012

Date:

Approved

Denied

Amended

Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Nelson
(2)

Seconded by (1) Kaechele

REMARKS

APPROVED

YES NO OTHER

Glover, R.

Kaechele, D.

Nelson, T.

O'Bunnon, P.

Thornton, E. Albert

WHEREAS, the County has declared as surplus to its needs a 1998 Pierce Quantum Pumper Fire Truck, equipment #422 (the "Fire Truck") having recorded 14,680 engine hours of operation, which equates to an estimated 500,000 miles and having an estimated value of no more than \$20,000; and,

WHEREAS, the Charles City County Board of Supervisors has requested the donation of a fire truck in support of the Charles City County Volunteer Fire Department, which is a nonprofit, volunteer organization that has provided fire and emergency medical services to the residents of Charles City County since 1974 and that lost a fire truck as a result of an accident on May 20, 2012; and,

WHEREAS, Henrico County and Charles City County share a common border and are parties to a fire mutual aid agreement; and,

WHEREAS, the Henrico County Board of Supervisors ("the Board") has determined that it is in the community's and the County's best interest to donate the Fire Truck to Charles City County.

NOW, THEREFORE, BE IT RESOLVED by the Board that it authorizes the donation of the Fire Truck to Charles City County and authorizes the County Manager to take all steps necessary to implement this donation.

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

By Agency Head

By County Manager

Routing:

Yellow to: _____

Copy to: _____

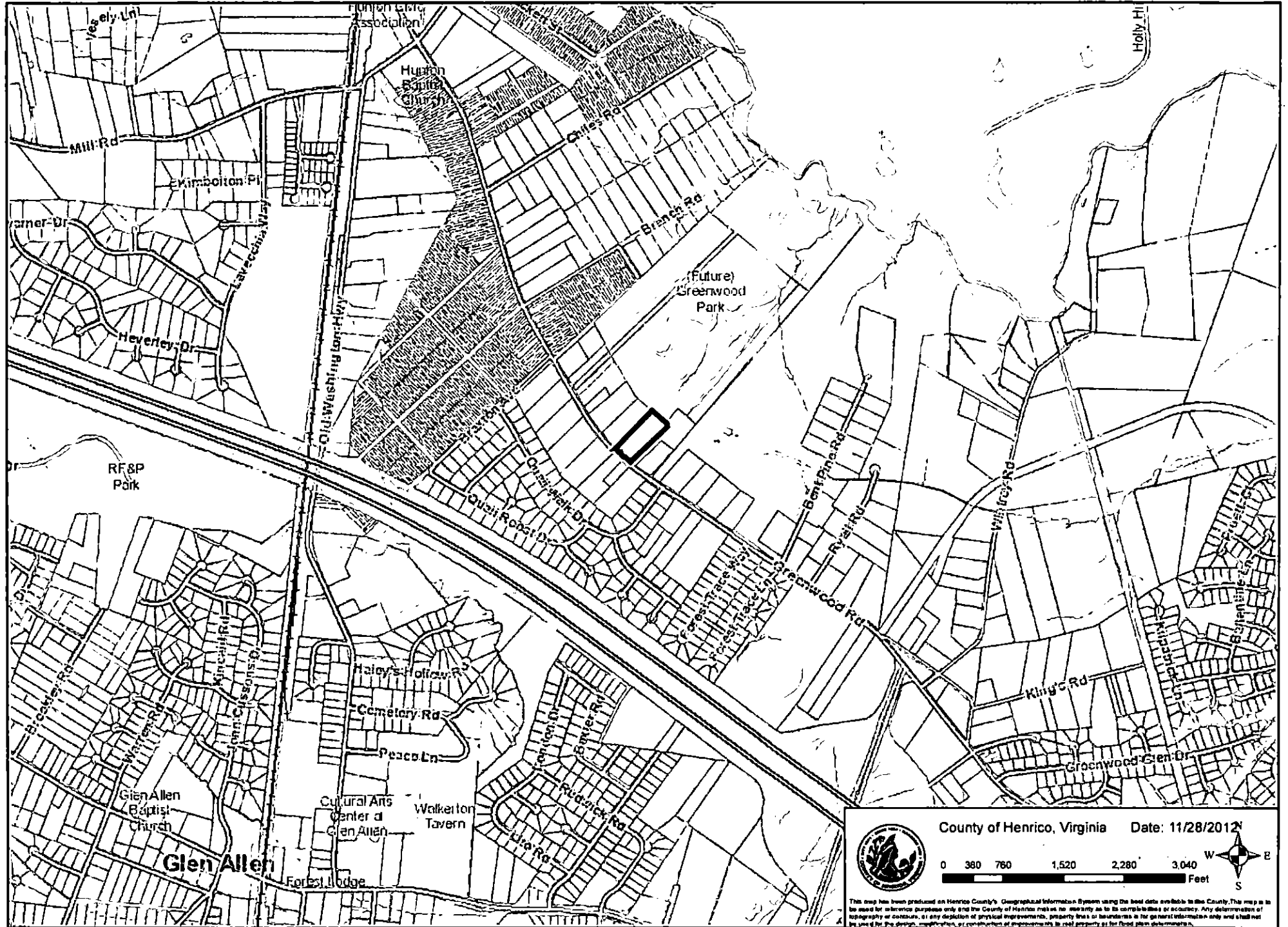
Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

Vicinity Map - 11145 Greenwood Road



County of Henrico, Virginia Date: 11/28/2012

0 380 760 1,520 2,280 3,040 Feet

This map has been produced on Henrico County's Geographical Information System using the best data available to the County. This map is to be used for reference purposes only and the County of Henrico makes no warranty as to its completeness or accuracy. Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, construction, or construction of improvements to real property or for flood plain determinations.



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

Agenda Item No. 298-12

Page No. 1 of 1

Agenda Title: **RESOLUTION — Signatory Authority — Acquisition of Real Property — Part of Lots 1-4 and Lots 5-8, Block A, Sunset Park Subdivision — Recycling Facility — Omiyah Investment Corporation — Tuckahoe District**

For Clerk's Use Only: DEC 11 2012 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>O'Bannon</u> Seconded by (1) <u>Nelson</u> (2) _____ (2) _____ REMARKS: APPROVED	YES NO OTHER Glover, R. <input checked="" type="checkbox"/> _____ Kuechle, D. <input checked="" type="checkbox"/> _____ Nelson, T. <input checked="" type="checkbox"/> _____ O'Bannon, P. <input checked="" type="checkbox"/> _____ Thornton, F. _____ <u>absent</u>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

WHEREAS, the Board of Supervisors desires to acquire property owned by Omiyah Investment Corporation described as Lots 1-8, Block A, Sunset Park Subdivision, as shown on the April 19, 1941 map of "Sunset Park," less and except 0.07 acres and 0.02 acres previously conveyed to the Commonwealth of Virginia for the widening of Quioccasin Road (the "Property"), for the public use of construction, maintenance and operation of a recycling facility; and,

WHEREAS, the Omiyah Investment Corporation has agreed to sell the Property for \$300,000, as a negotiated settlement of a condemnation previously authorized by the Board.

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

- (1) the County Manager is authorized to execute all documents necessary, in a form approved by the County Attorney, to purchase the Property for \$300,000.00; and,
- (2) the County Manager and County Attorney are authorized to take all actions necessary to acquire title to the Property.

Comments: The Directors of Public Utilities and Real Property recommend approval of this Board paper, and 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. 29a-12
Page no. 2 of 2

**Agenda Title: RESOLUTION – Award of Contract for Architectural and Engineering Services –
Short Pump Park**

**Comments: Funding to support the contract is available. The Directors of Recreation and Parks
and General Services recommend approval of this Board paper, and the County
Manager concurs.**



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

Agenda Item No. 300-12
Page No. 1 of 2

Agenda Title: RESOLUTION – Award of Contract – Sanitary Sewer Odor and Corrosion Control

For Clerk's Use Only:

Date: **DEC 12 2012**

- Approved
- Denied
- Amended
- Deferred to: _____

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thornton, F.	<input type="checkbox"/>	<input type="checkbox"/>	<u>absent</u>

WHEREAS, on October 26, 2012, the County received one proposal in response to RFP #12-9316-8KS to provide sanitary sewer odor and corrosion control; and

WHEREAS, based upon review and evaluation of the written proposal, the selection committee entered into negotiations with Siemens Industry, Inc.; and

WHEREAS, the selection committee negotiated a contract with Siemens Industry, Inc. to provide sanitary sewer odor and corrosion control for a two-year term with the option to renew, in the County's discretion, for up to three additional one-year terms; and

WHEREAS, the contract is a unit price contract whose final amount will be based on actual unit quantities of chemicals used multiplied by the unit prices contained in the contract; and

WHEREAS, the estimated annual cost for the initial two-year term is \$1,433,960.90.

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

1. A contract to provide sanitary sewer odor and corrosion control is hereby awarded to Siemens Industry, Inc. pursuant to and in accordance with RFP #12-9316-8KS dated September 10, 2012, Addendum 1 dated October 10, 2012, Siemens Industry, Inc.'s proposal dated October 24, 2012 and Siemens Industry, Inc.'s best and final offer dated November 26, 2012.
2. The County Manager is authorized to execute the contract in a form approved by the County Attorney.

By Agency Head Arthur O. Palmer / By Boumy Magey David L. Magey

Routing:
Yellow to: _____
Copy to: _____

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

Date: _____

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

Agenda Item No. 300-12
Page no. 2 of 2

Agenda Title: RESOLUTION – Award of Contract – Sanitary Sewer Odor and Corrosion Control

3. The County Manager, or the Director of General Services as his designee, is authorized to execute all change orders within the scope of the budget.

Comments: Funding to support the contract is available. The Directors of General Services and Public Utilities recommend approval of this Board paper, and the County Manager concurs.



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

Agenda Item No. 301-12
Page No. 1 of 2

Agenda Title: **RESOLUTION** — Award of Construction Contract — Beverly Hills Phase II Water System Improvements — Tuckahoe District

For Clerk's Use Only: Date DEC 11 2012 <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>O'Bannon</u> Seconded by (1) <u>Kaechele</u> (2) _____ (2) _____ REMARKS: APPROVED	<table style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: right;">YES NO OTHER</td> <td></td> </tr> <tr> <td style="text-align: right;">Glover, R.</td> <td align="center"><input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></td> </tr> <tr> <td style="text-align: right;">Kaechele, D.</td> <td align="center"><input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></td> </tr> <tr> <td style="text-align: right;">Nelson, T.</td> <td align="center"><input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></td> </tr> <tr> <td style="text-align: right;">O'Bannon, P.</td> <td align="center"><input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></td> </tr> <tr> <td style="text-align: right;">Thornton, F.</td> <td align="center"><input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <u>absent</u></td> </tr> </table>	YES NO OTHER		Glover, R.	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Kaechele, D.	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Nelson, T.	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	O'Bannon, P.	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Thornton, F.	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <u>absent</u>
YES NO OTHER														
Glover, R.	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>													
Kaechele, D.	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>													
Nelson, T.	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>													
O'Bannon, P.	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>													
Thornton, F.	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <u>absent</u>													

WHEREAS, seven bids were received on November 7, 2012 in response to IFB #12-9325-9CE and Addendum No.1 for the Beverly Hills Phase II Water System Improvements project in the Tuckahoe District; and,

WHEREAS, the project includes providing approximately 7,640 linear feet of 4-inch and 6-inch diameter water main piping to replace existing 1 1/2-inch and 6-inch diameter water piping located in rear yard easements and the streets and installing 163 water service lines located in the streets of Beverly Hills subdivision, and,

WHEREAS, the bids were as follows:

<u>Bidders</u>	<u>Bid Amounts</u>
Southern Construction Utilities, Inc.	\$1,190,828.00
Piedmont Construction Co. Inc.	\$1,333,298.72
Howard Brothers Contractor, Inc.	\$1,440,550.00
Walter C. Via Enterprises, Inc.	\$1,551,712.00
Godsey & Son, Inc.	\$1,711,000.00
Perkinson Construction, LLC	\$1,782,343.00
Possie B. Chenault, Inc.	\$2,417,000.00

WHEREAS, after a review and evaluation of all bids received, it was determined that Southern Construction Utilities, Inc. is the lowest responsive and responsible bidder with a bid of \$1,190,828.00.

By Agency Head Arthur O. Petrinis By County Manager [Signature]

Routing: Yellow to: _____ Certified: _____
 Copy to: _____ A Copy To: _____ Clerk, Board of Supervisors
 Date: _____

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

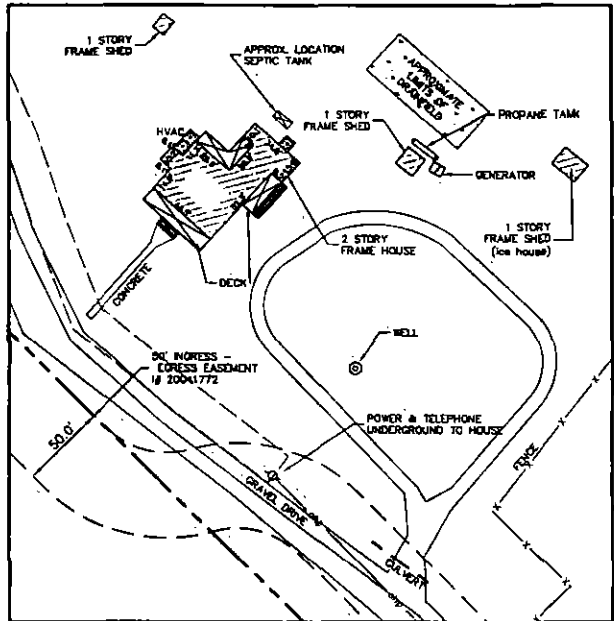
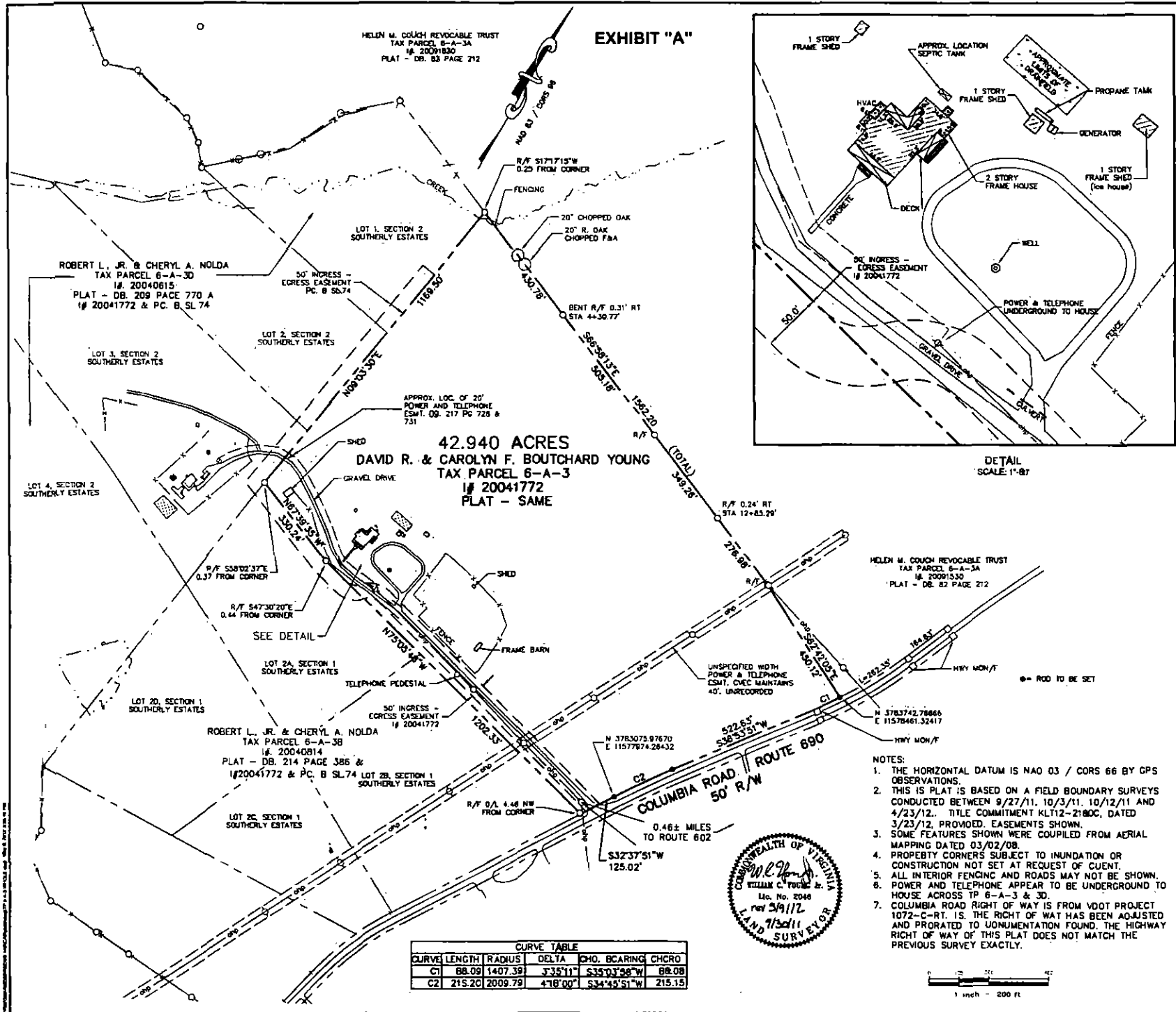
Agenda Item No. 301-12
Page No. 2 of 2

**Agenda Title: RESOLUTION — Award of Construction Contract — Beverly Hills Phase
II Water System Improvements — Tuckahoe District**

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

1. The contract is awarded to Southern Construction Utilities, Inc., the lowest responsive and responsible bidder, in the amount of \$1,190,828.00 pursuant to IFB #12-9325-9CE, Addendum No. 1, and the bid submitted by Southern Construction Utilities, Inc..
2. The County Manager is authorized to execute the contract in a form approved by the County Attorney.
3. The County Manager, or the Director of General Services as his designee, is authorized to execute change orders within the scope of the project budget not to exceed 15% of the original contract amount.

Comment: Funding to support the contract is available within the Water and Sewer Enterprise Fund. The Directors of Public Utilities and General Services recommend approval of this Board paper, and the County Manager concurs.



Draper Aden Associates
 Engineering • Surveying • Environmental Services

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 6000 Villa Park Drive
 Charlottesville, VA 22904
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 www.daa.com

Charlottesville, VA
 Charlottesville, VA
 Hampton Roads, VA

PLAT SHOWING 42.940 ACRES OF LAND
BEING ALL OF TP 6-A-3

COBBS CREEK RESERVOIR
 HAMILTON DISTRICT, CUMBERLAND COUNTY, VIRGINIA

REVISIONS

5/9/12 TC

DESIGNED BY: CAS
 DRAWN BY: WCY
 CHECKED BY: WCY
 SCALE: 1" = 200'
 DATE: 8/30/11
 PROJECT NUMBER: R02380-14S

1 OF 1

- NOTES:
1. THE HORIZONTAL DATUM IS NAD 03 / CORS 66 BY GPS OBSERVATIONS.
 2. THIS IS PLAT IS BASED ON A FIELD BOUNDARY SURVEYS CONDUCTED BETWEEN 9/27/11, 10/3/11, 10/12/11 AND 4/23/12. TITLE COMMITMENT KLT12-2180C, DATED 3/23/12, PROVIDED EASEMENTS SHOWN.
 3. SOME FEATURES SHOWN WERE COUPLED FROM AERIAL MAPPING DATED 03/02/08.
 4. PROPEBTY CORNERS SUBJECT TO INUNDATION OR CONSTRUCTION NOT SET AT REQUEST OF CUENT.
 5. ALL INTERIOR FENCING AND ROADS MAY NOT BE SHOWN.
 6. POWER AND TELEPHONE APPEAR TO BE UNDERGROUND TO HOUSE ACROSS TP 6-A-3 & 3D.
 7. COLUMBIA ROAD RIGHT OF WAY IS FROM VDOT PROJECT 1072-C-RT. IS. THE RIGHT OF WAY HAS BEEN ADJUSTED AND PRORATED TO UONUMENTATION FOUND. THE HIGHWAY RIGHT OF WAY OF THIS PLAT DOES NOT MATCH THE PREVIOUS SURVEY EXACTLY.

