

COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
REGULAR MEETING  
November 12, 2019

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, November 12, 2019, 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:**

Tyrone E. Nelson, Chairman, Varina District  
Thomas M. Branin, Vice Chairman, Three Chopt District  
Patricia S. O'Bannon, Tuckahoe District  
Daniel J. Schmitt, Brookland District  
Frank J. Thornton, Fairfield District

**Other Officials Present:**

John A. Vithoulkas, County Manager  
J.T. (Tom) Tokarz, Deputy County Attorney  
Alisa A. Gregory, Undersheriff  
Barry R. Lawrence, CMC, Assistant to the County Manager/Clerk to the Board  
Timothy A. Foster, P.E., Deputy County Manager for Community Operations  
W. Brandon Hinton, Deputy County Manager for Administration  
Anthony E. McDowell, Deputy County Manager for Public Safety  
Randall R. Silber, Deputy County Manager for Community Development

Mr. Nelson called the meeting to order at 7:02 p.m. He led the recitation of the Pledge of Allegiance.

Jeanette Lee, Chaplain for the Henrico County Police Division, delivered the invocation.

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, and by unanimous vote, the Board approved the October 22, 2019, Regular and Special Meeting Minutes.

The vote of the Board was as follows:

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

No: None

**MANAGER'S COMMENTS**

Mr. Vithoulkas recognized and congratulated two County employees. Meghan Coates has joined the Department of Finance as Assistant Director and will be heavily involved in the County's budget development process. She previously served as Chesterfield County's Budget Director. Jamie Massey, who has worked for Henrico for 15 years, is now the

Assistant Director of Operations within the Department of Public Works. Mr. Vithoukas asked Ms. Coates and Mr. Massey to share comments with the Board of Supervisors.

Mr. Vithoukas recognized Andrea Collins, the 2019 Henrico County Christmas Mother. He also recognized Tanya Harding of the County Manager's Office and Rebecca Slough of the Department of Human Resources, the Chair and Co-Chair of the County Government Christmas Mother Program. Last year's Henrico Christmas Mother campaign raised more than \$12,400 and collected over 5,200 items, such as toys, books, blankets and clothing, which benefited 1,465 families. Mrs. Collins noted this was the 77<sup>th</sup> year of neighbors helping neighbors through Henrico Christmas Mother campaigns and provided an update on this year's campaign. On behalf of the Henrico Christmas Mother Council, she expressed gratitude to the County for its past and continuing support and invited each member of the Board to visit the Christmas Mother warehouse on Dabbs House Road to see the program in action.

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

Mr. Nelson thanked citizens for exercising their right to vote on November 5 and giving all members of the Board the opportunity to serve for four more years.

### **RECOGNITION OF NEWS MEDIA**

Mr. Nelson recognized Chris Suarez from the *Richmond Times-Dispatch*.

### **RESIGNATION/APPOINTMENTS**

268-19                      Resolution - Resignation of Member - Board of Real Estate Review and Equalization.

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

269-19                      Resolution - Appointment of Members to the Board of Directors - Economic Development Authority.

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

Mr. Nelson noted Electoral Board Secretary Cathy Woodson was present for Agenda Item No. 279-19 and asked that this item be moved up on the agenda.

### **GENERAL AGENDA**

279-19                      Introduction of Ordinance - To Amend and Reordain Section 9-2 of the Code of the County of Henrico Titled "Precincts and polling places" by Changing the Polling Place of the Fairfield Precinct to the New Fairfield Library in the Fairfield District.

Mark Coakley, General Registrar, responded to questions from Mr. Nelson.

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

**PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMIT**

270-19 Wells Fargo Bank, N.A.: Request to conditionally rezone from O-3C Office  
REZ2019- District (Conditional) to UMUC Urban Mixed-Use District (Conditional)  
00018 part of Parcels 746-762-8251 and 747-763-3334 containing 13.292 acres  
Three Chopt located on the east line of Sadler Road, approximately 550' south of  
Thorncroft Drive.

Mr. Vithoukias announced the first two agenda items were companion cases. Joe Emerson, Director of Planning, clarified they would be presented together but would require separate motions.

Keith Barker, an owner of KSS One at 4908 Dominion Boulevard, submitted a petition in opposition to this rezoning request signed by the owners and tenants of buildings in the vicinity of the subject site. The petitioners referred to existing traffic congestion on Dominion Boulevard and expressed concern that the proposed development will add to the congestion. Mr. Barker narrated a slide presentation highlighting existing and future points of vehicular access and current sidewalk locations along Dominion Boulevard. He asked for a better solution to the traffic issue.

The following persons joined Mr. Barker in expressing opposition to this case:

- Jay Andrews, a representative of the Virginia Hospital and Healthcare Association at 4200 Innslake Drive, reiterated traffic concerns, stated a need for more sidewalks and crosswalks near the subject site, and voiced concerns pertaining to pedestrian safety and how students will access school buses in this area.
- David Hudgins, a representative of Old Dominion Electric Cooperative at 4201 Dominion Boulevard, reiterated concerns about traffic congestion resulting from ongoing residential development near the subject site and the proposed development.

Jim Theobald narrated a slide presentation and presented the case on behalf of the applicant. He pointed out the Innsbrook Urban-Mixed Use District has urban development guidelines that are administered by the Innsbrook Owners Association Architectural Review Committee. Mr. Theobald explained that the applicant has provided pedestrian connectivity as suggested by the Planning Commission and will address vehicular connectivity during the Plan of Development process. He also explained how the proposed development is consistent with the urban development guidelines and referred to increases in parking spaces that have been proffered since the Planning Commission's public hearing.

Mr. Branin commented that he is comfortable with the applicant's commitment to enhancing pedestrian and vehicular connectivity. He referred to the paramount role of the Innsbrook Owners Association Architectural Review Committee in reviewing Innsbrook development proposals before they come to the County.

Sidney Gunst, a resident of Powhatan County and founder of Innsbrook who serves on the Association's Board of Directors, spoke in support of the case. He remarked that Innsbrook must evolve to accommodate the employees of the future and noted the Association and its Architectural Review Committee have been actively working with the applicant to set a visionary standard. Mr. Gunst responded to questions from Mr. Branin. He confirmed for Mr. Branin that walkability, runnability, and rideability are integral to achieving Innsbrook's vision.

Mr. Branin acknowledged the continuing challenges of moving traffic in western Henrico but noted the County has made commitments to future transportation upgrades. He explained how some of the traffic issues have already been addressed by the County. Mr. Branin pointed out the vibrancy of Innsbrook is crucial to the success of Henrico and he believes this is a good case and the project will help bring new life to Innsbrook.

On motion of Mr. Branin, seconded by Mrs. O'Bannon, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item with the following proffered conditions:

1. **Urban Design Guidelines.** The Property shall be developed in general conformance with the concept plan, illustrations and information set forth in the "Innsbrook Urban Mixed-Use District Urban Design Guidelines" (the "Urban Design Guidelines") dated October 12, 2016, revised January 27, 2017, as amended by Amendment No. 1 dated October 14, 2017 (see case file), and filed herewith, 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, previously approved by the Innsbrook Architectural Review Committee.
2. **Architectural Review Committee.** All development of the Property shall be subject to approval by the Architectural Review Committee. Such approval shall accompany any submittal for rezoning and/or Plan of Development submitted to the County for review.
3. **Overall Density.** There shall be no more than 700 residential units developed on the Property.

4. **Prohibited Uses.** The following uses shall be prohibited on the Property:
- a. automotive filling and service stations including towing service;
  - b. billiard, bagatelle, video game or a bingo parlor, unless accessory to a permitted use;
  - c. flea markets or antique auctions;
  - d. billboards;
  - e. recycling facilities;
  - f. funeral homes, mortuaries, crematories and/or undertaking establishments;
  - g. dance halls;
  - h. truck stops;
  - i. gun shop, sales and repair;
  - j. sign painting shops;
  - k. theaters;
  - l. communication towers;
  - m. adult businesses as defined by Section 24-3 of the Henrico County Code;
  - n. establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.2-2100 et seq. and 6.2-1800 et seq. of the Code of Virginia (the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections);
  - o. restaurants with drive-thru windows, not to exclude, however, restaurants with dedicated parking spaces for the pick-up of carry-out food nor restaurants whose primary business is the sale of specialty coffees or other non-alcoholic beverages or pastry;
  - p. car title loan operations;
  - q. fuel pumps associated with permitted uses; and
  - r. motels or motor lodges.
5. **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.
6. **Mixture of Uses.** There shall be a minimum of 25,000 square feet for office, retail, or other commercial uses, which square footage may also include administrative, indoor service and accessory uses in a commercial building or mixed-use building for the benefit of the residents of the multifamily dwellings.
7. **Height.** The maximum height of buildings within 150' of the eastern right of way line for Sadler Road shall not exceed 45' in height, except as permitted in Section 24-95(a)(1) of the Henrico Zoning Ordinance. The location of the eastern right of way line for

Sadler Road shall be the location of such right of way line at the time of rezoning.

8. **Location of Non-Residential Uses.** Excluding parking as an accessory use, no commercial use on the Property shall be located within 150' of the Property's western boundary line.
9. **Outside Music.** Excluding outdoor music used in connection with a commercial building adjacent to Dominion Blvd, outdoor music shall not be permitted on the Property between the hours of 10:00 p.m. and 7:00 a.m.
10. **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 Dominion Blvd. 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 prior to any land disturbance activities on the Property.
11. **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.
12. **Amenity.** The Owner shall provide a swimming pool.
13. **Parking Structure.** Any parking structure adjacent to Sadler Road shall be constructed in a wrapped building style in such a manner that no more than thirty percent (30%) of the parking structure's facade facing Sadler Road is exposed to Sadler Road.
14. **Sidewalks.** A sidewalk shall be provided along the Property's frontage on Dominion Boulevard, along the south side of the Access Road (as defined below), and along internal streets within the project, all in accordance with the sidewalk standards in the Urban Design Guidelines or as otherwise may be approved by the Planning Director at the time of Plan of Development review.
15. **Construction Entrance.** The entrance onto Dominion Boulevard existing on the Property at the time of rezoning approval, which entrance is also a shared entrance providing access to the adjacent office condominium development commonly known as Dominion

Place (the "Access Road"), shall not be used as a permanent construction entrance.

16. **Sadler Road.** The owner of the Property shall not construct a connection to and entrance onto Sadler Road.
17. **Temporary Construction Fence.** Prior to any land disturbance on the Property, a temporary construction fence a minimum four (4) feet in height shall be installed along the edge of pavement (or as close to the edge of pavement as structures, utilities and other improvements allow) on both sides of the Access Road and located within the bounds of the Property. This temporary fence may be removed on a temporary basis to permit development work along, or in the proximity of, the edge of pavement. Upon completion of such work, the temporary fence must be reinstalled. At such time as alternate, paved access is provided to Dominion Place through the Property, the temporary fence may be removed.
18. **Access Road Parking Prohibited.** There shall be no parking along the Access Road from the Access Road's entrance onto Dominion Blvd to the shared property line with Dominion Place (GPIN 747-763-2893).
19. **Pedestrian Connection.** Prior to the issuance of the first permanent certificate of occupancy, Owner shall install an asphalt pedestrian path along the west side of Dominion Blvd from the Property's southern property line to the existing parking lot entrance from Dominion Blvd. to the parking lot located on GPIN 746-762-8251. This pedestrian path shall be located within the portion of GPIN 746-762-8251 that extends twenty feet (20') from the western right of way line for Dominion Blvd. in a manner that avoids existing utility improvements. The exact location of this pedestrian path shall be determined and approved by the Director of Planning at the time of plan of development review. The width of this pedestrian path shall match the width of the existing asphalt pedestrian path on GPIN 746-762-8251.
20. **Adjacent Property Pedestrian Connection.** Prior to the issuance of the first permanent certificate of occupancy, Owner shall install a minimum of three (3) asphalt pedestrian paths extending from the pedestrian/vehicular way along the Property's southern property line to the existing parking lot located on GPIN 746-762-8251. The exact location of the asphalt pedestrian paths shall be determined by the Owner at the time of plan of development review and shall be located in a manner that avoids existing utility improvements. The width of these pedestrian paths shall match the width of the existing asphalt pedestrian path located along GPIN 746-762-8251's frontage on Dominion Blvd.

The vote of the Board was as follows:

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

No: None

271-19  
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Three Chopt

Wells Fargo Bank, N.A.: Request for a Provisional Use Permit under Sections 24-32.1(a, d, i, k, n, p, s, t, v, w, z and aa), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow for outdoor vending; carwash; single offices, clinics and labs for medical, dental and optical uses greater than 30,000 square feet of floor area; drive-through service window; parking garage with no associated ground floor retail uses; commercial outdoor recreation facilities including skating rinks, swimming pools or other standard facilities of this type of development; buildings exceeding 60' in height; density of residential development exceeding 30 dwelling units per acre; open space within a development of less than 20 percent; commercial or office square footage of less than 25 percent of the total building square footage of the UMU district; number of for-lease multifamily dwelling units to exceed 30 percent of the total units of the UMU district; and a parking plan on part of Parcels 746-762-8251 and 747-763-3334 located on the east line of Sadler Road, approximately 550' south of Thorncroft Drive.

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

1. **Master Plan, Density, and Percentage of For-Lease Multifamily Units.** All development on the property shall be in general conformance with the 10/14/17 version of the Innsbrook Urban Mixed-Use District Urban Design Guidelines. Residential development on the property shall not exceed 700 dwelling units, all of which may be multi-family for-lease.
2. **Commercial/Office Square Footage.** The minimum commercial and office square footage may be less than 25% of the site's aggregate building square footage, but shall not be less than the minimum amount proffered in rezoning case REZ2019-018 (see case file).
3. **Square Footage Limitations.** 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.
4. **Open Space.** Open space on the site may be less than 20% but shall be no less than 10%.
5. **Building Height and Emergency Communication Systems.** Buildings within 150' of the eastern right-of-way boundary of Sadler Road shall not exceed 45' in height, except as allowed by the Innsbrook Redevelopment Overlay District. Buildings more



than 150' from but within 300' of the eastern right-of-way boundary of Sadler Road shall not exceed 80' in height, except as allowed by the Innsbrook Redevelopment Overlay District. All other buildings may exceed 80' in height up to a maximum of 200' in height, except that architectural enclosures not exceeding 25% of the linear distance along any face of such building may be permitted up to 215' in height. For any building above 60' in height, the owner shall install a fire command center and emergency radio communication equipment in the building 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. **Parking Structure Design and Fire Protection.** Parking structures without ground floor retail uses along at least one facade or without usable floor space for residential or nonresidential uses along any facade that faces a one-family use or public or private street shall be permitted, provided the design of such structures is consistent with the 10/14/17 version of the Innsbrook Urban Mixed-Use District Urban Design Guidelines as determined at the time of Plan of Development Review. 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. **Parking Plan.** The applicant shall provide a minimum of 1,037 parking spaces on the property in a manner consistent with: a) the development plan proposed with case REZ2019-018 (see case file), and b) the two-page shared parking strategy provided with this request. 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 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.
8. **Car Wash.** Each parking structure may contain a car washing amenity for use by apartment residents. The car wash area shall be entirely within the parking structure and screened from sidewalks and adjacent streets.

9. **Drive-Through Service Windows.** Drive-through service windows for specialty coffee, specialty beverage or pastry, banks, pharmacies, and dry cleaners shall be the only drive through services permitted on the site. 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. **Commercial Outdoor Recreation Facility.** Commercial outdoor recreation facilities such as skating rinks, swimming pools, and other similar uses may be included on the property.
11. **Outdoor Vending 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.
12. **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.
13. **Heliports.** Heliports shall include only landing facilities with no fueling or service facilities permitted, and shall be subject to the following requirements:
  - a. Any heliport shall be designed, constructed, and marked in compliance with Federal Aviation Administration regulations and recommendations, including Advisory Circular 150-5390-28.
  - b. 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.

- c. 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.

- 14. **Billiard Parlors.** Billiard parlors shall be permitted, 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. Billiard parlors shall not operate between the hours of 2:00 a.m. to 6:00 a.m.
- 15. **Crime Prevention.** Prior to occupancy of any new 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: Nelson, Branin, O'Bannon, Schmitt, Thornton

No: None

272-19  
REZ2019-  
00030  
Three Chopt

Bacova, LLC: Request to conditionally rezone from A-1 Agricultural District and R-3C One-Family Residence District (Conditional) to R-5AC General Residence District (Conditional) Parcels 737-766-9299, 737-767-9448, and 738-766-1287 containing 12.201 acres located on the north line of Liesfeld Farm Drive at its intersection with Mason Glen Drive.

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

On motion of Mr. Branin, seconded by Mrs. O'Bannon, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item with the following proffered conditions:

- 1. **Concept Plan.** The Property shall be developed generally consistent with that certain conceptual plan entitled "CONCEPT PLAN SHOWING 32 LOTS SITUATED SOUTH OF KAIN ROAD, THREE CHOPT DISTRICT, HENRICO COUNTY, VIRGINIA", and dated October 30, 2019 (see case file) (the "Concept Plan"). The exact sizes and details of the lots, roads and other improvements shown on the Concept Plan are illustrative and may be subject to change and revised and updated from time to time as required for final engineering design, compliance with governmental regulations, or as otherwise approved by the County

at the time of subdivision or plan of development review of the Property.

2. **Architectural Features.** All dwellings shall have an architectural style and use design elements generally similar to those images set forth on the attached Exhibit A (pages 1-4), (see case file). Such renderings are conceptual in nature and are provided only as an illustration of the quality of the design and architectural style of such buildings. Various design elements shall be incorporated to provide variety amongst individual dwelling units including, but not limited to the following: varying colors of brick, brick accents (including, but not limited to, arches with or without keystones, soldier courses, quoin corners, and accent coloring different from any main brick coloring), varying colors of siding, varying window designs, and varying doorway designs. No two homes adjoining each other side by side shall be identical in exterior architectural features and colors. The side of any dwelling that is on the opposite side of the zero lot line side of the dwelling shall include at least two windows; provided, however, two windows shall be located on the side of the dwellings that face Liesfeld Farm Drive and Woodson Hills Way (as shown on the Concept Plan). Any porch (which shall not include front access stoops) shall be a minimum of five feet (5') in depth as measured from the front of the home.
3. **Density.** No more than 32 residential dwelling units shall be constructed on the Property. Any residual land that is reserved and would be combined with land adjacent to this Property to form a buildable lot would not be counted toward this density restriction.
4. **Home and Lot Details.** Any new home constructed on the Property shall have a minimum of 2,000 square feet of finished floor area and shall be located on a lot with a minimum lot width of 50 feet at the minimum front setback line.
5. **Recreational Facility.** All homes shall have the right to use the recreational facility provided as part of Case C-9C-11 (see case file).
6. **Foundations.** All dwelling units on the Property shall be constructed on slabs at grade, elevated slabs or crawl space foundations except for basements and garages. The exterior portion of the foundations below the first-floor level which is visible above grade shall be finished with full standard brick or stone unless otherwise approved by the Director of Planning. Dwelling units not built on a crawl space foundation shall be faced with a minimum one (1) foot full standard brick or stone foundation. Dwelling units built on a crawl space foundation, with steps to the main entrance, including front access stoops or

porches, but not including homes with country porches, shall be faced with full standard brick or stone with a finished concrete or exposed aggregate landing for any such steps, stoops or porches and any visible piers on porches shall be constructed of brick.

7. **Exterior Materials.** Any dwelling, including any garage (whether attached or detached) accessory to such dwelling upon the same lot, whether attached or detached, shall have exposed exterior walls (above finished grade) of full standard brick, stone, cementitious siding, or a combination of the foregoing, unless otherwise approved by the Director of Planning.
8. **Roof Material.** The roof of each dwelling shall be constructed with a roof that has a minimum certified twenty-five (25) year warranty.
9. **Garages.** Every dwelling shall be constructed with no less than a one (1) car garage that shall have a minimum interior clear area of eighteen (18) feet in length by ten (10) feet in width at the time of construction.
10. **Driveways.** All driveways shall be constructed of exposed aggregate, concrete, brick, stone, asphalt, pre-cast pavers or other similar materials approved by the Director of Planning. No individual lots shall have direct access to Liesfeld Farm Drive or Kain Road.
11. **Fireplace Chimneys.** The exposed portions of all fireplace chimneys shall be of full standard brick, stone, or cementitious siding. The exposed bases of all chimneys shall be of the same material as the building foundations. The exposed portion of the flue for a direct-vent gas fireplace shall be constructed of the same material used on the adjacent siding and shall be built on a foundation that is constructed of the same material that is used on the adjacent foundation.
12. **Cantilevering.** No cantilevered features will be allowed on the front or side of the home, except for second story bay windows which will be designed and constructed with decorative corbels.
13. **Lighting.** Pedestrian scale residential lighting shall be provided on each lot. Such lighting shall be non-glare, decorative in style, residential in character and shall be provided at least in the front yard of each residential lot.
14. **Roads.** Prior to the issuance of any final Certificate of Occupancy, if the roads are private, the applicant shall provide the Planning Department with certification from a licensed engineer that the built roadways within the project were constructed according to the approved subdivision plan, and in compliance with Henrico

County road design standards and specifications (except as to pavement width, turning radii, cul-de-sac dimensions, curb type, and underdrains), to include proper compaction of the sub-base soils, utility trenches, base stone, and asphalt surface. If the internal roads are private they shall be maintained by the Association.

15. **Kain Road Improvements.** The southern side of Kain Road shall be widened and improved to Henrico County public road standards, with curb and gutter, as it adjoins the Property.
16. **Landscaping.** Buffer and Fencing Requirements.
  - a. **Overall.** Any buffer within the Property required herein shall be retained as natural and may also be landscaped, and may include supplemental plantings, signage, berms and/or fencing and other purposes as approved by the Planning Commission at the time of landscape plan review. Buffer areas with installed landscaping shall be irrigated unless otherwise approved by the County at the time of subdivision or plan of development review. Roads, sidewalks, utility easements (including drainage), common owned fencing/walls adjacent to any roads or drives, and signage shall be permitted within such buffer; provided, any such road or utility easements shall be extended generally perpendicular through such buffer. All buffers, whether in common area or a lot, shall be maintained by the Association, hereinafter defined. No fencing and walls for an individual lot may be located within a buffer. No chain link fencing or stockade fencing shall be permitted on the Property.
  - b. **Liesfeld Farm Drive.** A natural and landscaped buffer of twenty-five (25) feet in width and planted to the level of a transitional buffer 25 shall be provided on the boundary of the Property adjoining Liesfeld Farm Drive. Spacing for street trees along or within Liesfeld Farm Drive shall be a maximum of thirty-five (35) feet on center, and no more than fifteen (15) feet from the edge of the right-of-way for Liesfeld Farm Drive. Such buffer shall include (i) a minimum of 48" tall black cast aluminum decorative fence along Liesfeld Farm Drive and (ii) a berm similar to the berm as shown on Exhibit 8 of Case C-9C-11 (see case file).
  - c. **Kain Road.** A natural and landscaped buffer a minimum of at least twenty-five (25) feet in width and planted to the level of a transitional buffer 25 shall be provided adjacent to Kain Road. Such buffer shall include a fence as depicted on Exhibit 8 from case C-9C-11.

- d. Lot Buffer. At the time of final certificate of occupancy, landscaping shall be installed to transitional buffer 10, in a 10' Landscaping Buffer on the rear of Lots 1-5, Block A, which lots are shown on the Concept Plan (see case file). Alternatively, this landscaping requirement may be satisfied with equal planting on the adjoining property as approved by the Director of Planning.
  
17. **Sidewalks**.
  - a. Kain Road. When requested by the County, the area needed to construct a five (5) foot wide sidewalk and two-foot grass strip shall be dedicated to the County along the entire ultimate boundary for the southern line of Kain Road.
  - b. Internal. A sidewalk a minimum of 4 feet wide shall be provided on one side of all roads within the Property, unless otherwise approved by the County at the time of subdivision or plan of development review of the Property.
  
18. **Entrance Feature**. An entrance feature from Liesfeld Farm Drive into the Property shall be constructed of either full standard brick or stone or a combination thereof consistent with the signage as required from Case C-9C-11 (see case file).
  
19. **Protective Covenants**. Prior to or concurrent with the final approval of the initial subdivision or plan of development for the Property, a document setting forth covenants (the "Covenants") shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia, setting forth controls on the development and maintenance of the Property and establishing an owners' association (the "Association"). The Association may be a part of a larger association encompassing more property than just the Property. The Covenants shall provide for high standards of uniform maintenance of individual sites, common areas, open space, landscaping and private streets. The Association shall establish uniform rules related to the standards for approval by the Association of improvements within the Property, including, but not limited to, construction of any buildings and other structures and signage.
  
20. **Lot Landscaping**. A minimum of one (1) tree measuring a minimum of 2.5" shall be retained or planted in the front or side yard of every lot and two (2) such trees on corner lots. All yards on a lot shall be irrigated and planted with sod. Each home shall have prototypical plantings (shrubs and ornamental ground cover) along the entire front foundation as approved by the Planning Commission at the time of subdivision or plan of development review of the Property.

21. **Underground Utility Lines.** All utility lines on the Property shall be underground, except for already existing utilities, junction boxes, meters, utility lines in wetland areas and utility lines required to be above ground by the utility company. Electrical junction boxes and meters shall be screened from public view with a wall, fence, landscaping, or such other method as may be approved by the County at the time of subdivision or plan of development review of the Property.
22. **Best Management Practice.** Best Management Practice structures shall be located outside of any landscaped buffer within the Property, except as a landscaping amenity or water-related feature and if specifically permitted by the Director of Planning or the Planning Commission at the time of subdivision or plan of development review of the Property. Any aboveground Best Management Practice structure shall include an aeration feature to move water within such structure.
23. **C-1 Zoning.** Applicant shall file an application for C-1 zoning for the areas within the Property that are within the 100 year flood plain, unless such areas are needed for roads, access ways or other purposes approved or required by the Director of Planning or the Planning Commission or any other governmental body or official at the time of subdivision or plan of development review of that portion of the Property. Such rezoning application shall be filed as soon as reasonably practical, but in no case later than the final subdivision approval for the last subdivision plat for the Property. The acreage then zoned C-1 may or may not be included in any subdivision or lot on the Property, at the sole discretion of the Applicant.
24. **Hours of Construction.** During the construction of the development on the Property the hours of exterior construction shall be limited to 7:00 a.m. to 8:00 p.m. Monday through Friday and 8:00 a.m. to 8:00 p.m. on Saturdays, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connections. Exceptions shall require the approval of the Director of Planning. Construction signs shall be posted in English and in Spanish and shall state the hours of construction.
25. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

The vote of the Board was as follows:



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

No: None

246-19  
REZ2019-  
00029  
Fairfield

Staples Mill Investments, LLC: Request to rezone from O-2C Office District (Conditional) to R-5AC General Residence District (Conditional) part of Parcel 793-760-5253 containing 11.074 acres located on the north line of E. Parham Road at its intersection with Ashbury Hills Drive.

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

On motion of Mr. Thornton, seconded by Mr. Schmitt, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item with the following proffered conditions:

1. **Density.** There shall be no more than 16 units.
2. **Architectural Treatment.** Homes constructed on the Property shall be generally in conformance with EXHIBIT A attached hereto (see case file), unless otherwise requested by the owner and specifically approved by the Director of Planning.
3. **Building Materials.** Primary exterior wall materials (exclusive of windows, dormers, gables, doors, trim, soffit and fascia) shall be brick, stone, cultured stone, stone veneer, fiber cement siding, engineered wood, vinyl (a minimum of .042" nominal thickness as evidenced by manufacturer's printed literature), or a combination of the foregoing unless different architectural treatment and/or materials are requested by owner and approved by the Director of Planning. Fiberboard (e.g. Masonite) shall not be permitted as an exterior wall material.
4. **Foundations.** All finished floor areas, except basements, shall be constructed above grade or give the appearance of being constructed above grade. The exterior portions of all residential foundations, including the exterior portion of foundations below the first-floor level which is visible above grade, shall be constructed of brick or stone. There shall be a minimum vertical height of twelve (12) inches of brick or stone above grade utilized on slab-on-grade foundations to present the appearance of a crawl space.
5. **Fireplace Chimneys.** The exposed portions of all fireplace chimneys shall be of brick or a siding similar to the exterior treatment of the dwelling. This proffer shall not apply to direct vent gas fireplaces or appliances. The exposed bases of all chimneys shall be of the same material as the dwelling foundations.
6. **Stoops.** Steps to the main entrance of all homes, except for homes with country porches, shall be faced with brick or stone or a cementitious, mortared stone-appearing product. Front stoops,

except for homes with country porches, shall be brick or stone or a cementitious, mortared stone-appearing product with finished concrete or exposed aggregate landing. Any country porches shall have brick or stone piers to match the foundation.

7. **Cantilevering.** There shall be no cantilevered treatment of any architectural features on the first floor. Items on the upper floors such as balconies, decks, bump-outs, box or bay-type windows may be cantilevered, but shall include decorative supports.
8. **Street Trees.** Street trees with a minimum two and one half (2-1/2) inch caliper shall be planted along the sides of all internal public roads, one tree on each side for every fifty (50) feet of road length. Spacing of trees shall be adjusted as needed to accommodate driveways and underground utilities, including stormwater systems.
9. **Sod and Irrigation.** Each front and side yard (to the edge of the rear of the home on corner lots adjacent to streets) shall initially be sodded and irrigated, exclusive of mulched flowerbeds and landscaping.
10. **Paved Driveways.** All driveways shall be paved with either exposed aggregate, concrete, asphalt, cobblestone, brick, or pre-cast pavers or other similar materials approved by the Director of Planning.
11. **Conceptual Master Plan.** Development of the Property shall be in general conformance with the Conceptual Master Plan attached hereto entitled "200 East Parham Road" prepared by Youngblood, Tyler & Associates P.C. attached hereto as EXHIBIT B (the "Concept Plan"), (see case file) which Concept Plan is conceptual in nature and may vary in detail, unless otherwise requested and specifically approved at the time of Plan of Development and/or subdivision review.
12. **Parham Road Buffer.** A natural and/or landscaped buffer of thirty-five (35) feet in width for landscaping and/or natural areas beside Lot 1 and 16 as shown on the Concept Plan (see case file) where not impeded by wetlands, floodplain, severe slope or existing vegetation as determined at the time of landscape plan review, shall be provided adjacent to the right-of-way line of Parham Road and planted to TB-35 standards with credit for existing vegetation except to the extent necessary for drainage and utility easements, signage and other purposes requested and specifically permitted, or if required at the time of Plan of Development and/or subdivision review, or by any other governmental body. Any drainage and utility easements (other than existing drainage and utility easements) permitted within the aforesaid buffer area shall be extended generally perpendicular to the buffer area unless otherwise requested and specifically permitted or if required by the County at the time of landscape plan review.

13. **Minimum Lot Width.** The minimum lot width shall be fifty-five (55) feet at the actual front building line.
14. **Sidewalk.** A five (5) foot sidewalk for pedestrian access shall be constructed along the Property's Parham Road frontage from guardrail to guardrail solely in the locations shown on the attached Exhibit C (see case file) where not constrained by existing steep grades, utilities, storm drainage, floodplain, RPA or wetlands and subject to all applicable governmental approvals.
15. **Hours of Construction.** The hours of site work construction shall be between 7:00 a.m. and 7:00 p.m. Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours and utility connections. For purposes of this proffer, site work is defined as any construction work shown on approved construction plans for the initial construction of roads, utilities, infrastructure and the respective exteriors of structures. Hours shall be posted in both English and Spanish until the roads are accepted by Henrico County for maintenance.
16. **Restrictive Covenants.** Prior to or concurrent with the recording of the subdivision plat approved by the County, restrictive covenants describing development controls and maintenance of the property shall be recorded in the Clerk's Office of the Circuit Court of Henrico County.
17. **Underground Utilities.** Except for junction boxes, meters, pedestals, transformers, transmission mains and existing overhead utility lines, and for technical and environmental reasons, all utility lines shall be underground.
18. **Severance.** The unenforceability, elimination, revision, or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

The vote of the Board was as follows:

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

No: None

### **PUBLIC HEARINGS – OTHER ITEM**

273-19

Resolution - Approval of Issuance of Bonds by the Harrisonburg Redevelopment and Housing Authority for the Newbridge Village Apartments - Varina District.

Andrew Newby, Assistant County Attorney, responded to a question from Mr. Nelson.

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

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

274-19 Resolution - Signatory Authority - Easement Agreement - Virginia Electric and Power Company - Fairfield District.

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

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

275-19 Resolution - Signatory Authority - Lease of Premises in Mental Health East Center - 3908 Nine Mile Road - Varina District.

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

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

276-19 Resolution - Authorization to Proceed to Negotiations - Indoor Sports and Convocation Center.

Neil Luther, Director of Recreation and Parks, narrated a slide presentation on this item. He reviewed a proposal submitted by The Rebkee Company and recommended by staff to acquire and redevelop 76 acres at Virginia Center Commons shopping mall, which would include siting and developing a 200,000 square foot indoor sports facility on 25 acres that meets the original program and performance requirements laid out in the County's request for proposals. Mr. Luther provided an orientation of the site and the concepts presented by Rebkee for redevelopment of the existing mall property. He provided external and internal renderings of the proposed facility, which would include a convocation center. Mr. Luther also informed the Board of the merits of the proposal, which include its central location, the potential for adaptive reuse of existing buildings where parking and infrastructure already exist, its economic development potential, convenient interstate access, and plans for a 150-room hotel in concert with the proposed sports venue. He also outlined the negotiations process should the Board grant staff the authorization to proceed. Mr. Luther recognized Dan and Rob Hargett from Rebkee, who were in the audience.

Debbie Southall, a resident of the Brookland District, spoke in opposition to this item. Ms. Southall raised concerns that the County is expending substantial funds for a sports complex and convocation center rather than using those funds for education and to alleviate overcrowded schools. She

suggested the County should focus on serving its residents versus drawing tourists from other areas. Mr. Vithoukas responded to questions she raised relating to current and future ownership of the subject property and the status of the former Best Products headquarters.

Mr. Nelson advised Ms. Southall that the School Board is currently going through a redistricting process to alleviate overcrowding in western Henrico, a new school is being planned for western Henrico, and two new high schools are currently being built. He pointed out there are no school overcrowding issues in eastern Henrico. Mr. Thornton added that high school graduations used to be held at Richmond International Raceway and subsequent to that the County has paid huge amounts of money to have graduations in its sister locality. He pointed out the new indoor sports and convocation center will be positive and redemptive and will provide the County with an opportunity to bring students home for their graduations. Mr. Thornton remarked that he does not see this proposal as deleterious to how the County has done business in the past.

Mr. Vithoukas confirmed for Mr. Schmitt that the County has recently purchased land for a new elementary school very close to the location of the proposed indoor sports and convocation center. In response to questions from Mr. Schmitt, Mr. Luther reported that sports tourism generated more than \$53 million in direct economic spending in Henrico last year, and Mr. Vithoukas reported that the meals tax generates close to \$30 million a year with 100 percent of those revenues going directly to schools. In response to a further series of questions from Mr. Schmitt, Mr. Luther reaffirmed that this project will provide a tremendous economic opportunity in an area in need of revitalization, generate more meals tax revenues to go to the County's schools, fill a large void in sports tournament court space, carve out weekday dedicated use to benefit local recreational play as well as accommodate outside tournaments, provide ease of access in a central location, and offer better infrastructure than other potential sites.

In response to questions and comments from Mr. Branin, Mr. Luther confirmed that locating a school on the subject site would run counter to the economic development scenario the developer envisions. Mr. Nelson remarked that the County has demonstrated it can take care of its sports tourism needs while at the same time adequately funding, renovating, and building its schools. In response to a question from Mrs. O'Bannon, Mr. Luther stated that the County could fill the proposed facility with tournaments at least 30 weekends a year and draw just under 200,000 visitors annually based on a recent study. Mrs. O'Bannon reiterated that all the County's meals tax revenues go to schools and that the Board has worked hard to make sure that schools have sufficient funding for new construction and renovation. Mr. Nelson pointed out that Henrico is the only locality in the region that allocates 100 percent of its meals tax revenues to schools and the Board has been committed to education. Mr. Schmitt concluded that the Board is allowing sports tourism, economic development, and education to feed each other.

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

## **PUBLIC COMMENTS**

Rick Kirkland, a resident of the Brookland District, voiced concerns regarding the condition and construction status of an unfinished residential dwelling on Old Courtney Road. Mr. Schmitt noted the Brookland District Planning Commissioner recently met with Mr. Kirkland on this issue and assured Mr. Kirkland that he and his Planning Commissioner as well as County staff will follow up again with Mr. Kirkland.

## **GENERAL AGENDA (Continued)**

277-19 Introduction of Resolution - Receipt of Request for Amendment to the FY 2019-20 Annual Fiscal Plan: November 2019.

Brandon Hinton, Deputy County Manager for Administration, and Mr. Vithoulkas responded to a question from Mr. Schmitt.

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

278-19 Resolution - Receipt of Audited Annual Financial Report for Fiscal Year Ended June 30, 2019, and Acknowledgement of Discharge of Duties and Responsibilities by Audit Committee.

Mr. Smither thanked Internal Auditor Vaughan Crawley and his staff and Accounting Division Director Susan Worrell and the following members of her staff for their assistance with the audit: Charles Ramsey, Peggy Walsh, Brian Edwards, and Phil Matthews. He also thanked the Finance Department staff, Department of Public Utilities, and the School Board. Mr. Smither recognized Chris Chappell and her team from the County's external auditing firm, KPMG.

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

280-19 Resolution - Signatory Authority - Acquisition of Real Property - 2913 and 2915 Parham Road - Three Chopt District.

Steve Price, Director of Real Property, responded to a question from Mr. Branin.

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

281-19 Resolution - Signatory Authority - Acquisition of Real Property - 640 North Airport Drive - Varina District.

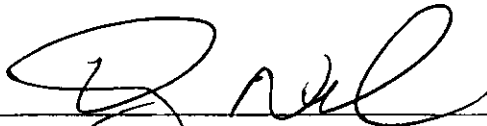
Mr. Price responded to a question from Mr. Nelson.

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

282-19 Resolution - Award of Contract - Bretton Woods Stream Restoration - Brookland District.

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

There being no further business, the meeting was adjourned at 8:54 p.m.



Chairman, Board of Supervisors  
Henrico County, Virginia





Dan Schmitt, Brookland Supervisor, [Brookland@henrico.us](mailto:Brookland@henrico.us) Frank Thornton,  
[Fairfield@henrico.us](mailto:Fairfield@henrico.us) Tommy Branin, [threechopt@henrico.us](mailto:threechopt@henrico.us) Pat O'Bannon,  
[Tuckahoe@henrico.us](mailto:Tuckahoe@henrico.us) Tyrone Nelson, [varina@Henrico.us](mailto:varina@Henrico.us)

John Vithoukias, County Manager, [vit@henrico.us](mailto:vit@henrico.us)

John Schwartz, Chairman Real Estate Review & Equalization Board,  
[jjschwartz@havesitewilltravel.com](mailto:jjschwartz@havesitewilltravel.com)

Dear Dan Schmitt, members of the Board of Supervisors and Mr. Manager.

I just wanted to say that it has been an honor to serve the citizens of Henrico County for close to 31 years on the Henricopolis Soil & Water Conservation Board as I will be stepping down as a Director. During the 31 years I also have been honored to serve the Virginia Association of Soil & Water Conservation Districts as their Area 3 chair 2 terms (6 years), 2<sup>nd</sup> Vice President 1 term (2 years) and as Treasurer of the Virginia Soil & Water Conservation District Foundation this past year. I have served 2 terms appointed by 2 Governors to the Virginia Soil & Water Conservation Board (3 years as the Chairperson). I have also served a term on the Virginia Land Conservation Foundation & Regional Open Space Advisory Board –Region 3.

It has been here in Henrico that I cherish the most, working with our members of the Board of Supervisors, County staff and the citizens of our county. Besides the Henricopolis Soil & Water Conservation District since 1987 until now, Richmond Regional Planning District, January 1994-1997, Henrico County Cable Television Advisory Board, June 2000 to January 2015, Henrico County Historic Preservation Advisory Committee, January 2011-January 2012 Henrico County Parks & Recreation Advisory Commission and the Henrico County Board of Real Estate Review and Equalization, February 2017 to the present time.

I am so humble of the opportunities I have been given to serve my county and State. I have accepted a new career opportunity that will have me out of the county during the week working.

I am submitting my letter of resignation effective October 31, 2019 from the Henrico County Real Estate Review & Equalization Board. I would like to personally thank each and every one of you for what you do for our county.

Respectfully,



Herbert L Dunford, Jr



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

Agenda Item No. 269-19

Page No. 1 of 1

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

or Clerk's Use Only: Date: <u>11/12/2019</u> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:	<b>BOARD OF SUPERVISORS ACTION</b> Moved by (1) <u>O'Bannon</u> Seconded by (1) <u>Branin</u> (2) _____ (2) _____ REMARKS: <div style="font-size: 2em; font-weight: bold; text-align: center;">APPROVED</div>	YES NO OTHER Branin, T. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Nelson, T. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> O'Bannon, P. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Schmitt, D. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Thornton, F. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
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**BE IT RESOLVED** that the Board of Supervisors of Henrico County, Virginia, appoints the following persons to the Board of Directors of the Economic Development Authority for four-year terms expiring November 13, 2023, or thereafter, when their successors shall have been appointed and qualified:

Three Chopt District  
Varina District

Travis J. Pearson  
John M. Steele

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

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

Routing:

Yellow to: \_\_\_\_\_

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

Certified:

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

Clerk, Board of Supervisors

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



## AGREEMENT AND MEMORANDUM OF UNDERSTANDING

This Agreement and Memorandum of Understanding (the "MOU") is made and entered into effective as of November 12, 2019 (the "Effective Date"), by and between Henrico County, Virginia (the "County") and Newbridge Village Associates, L.P. (the "Owner") (collectively, the "Parties").

### RECITALS

- A. The Owner is the purchaser of certain improved real property in Henrico County, Commonwealth of Virginia, consisting of an apartment community commonly known as Newbridge Village Apartments (comprised of one-hundred-fifty-two (152) apartment units) having an address of 313 Newbridge Road, Henrico, VA 23223 described generally in Exhibit A (the "Property").
- B. The Property is subject to a Housing Assistance Payments Contract pursuant to the United States Housing Act of 1937, 42 U.S.C. 1437 and the Department of Housing and Urban Development Act, 42 U.S.C. 3531.
- C. The Owner intends to pursue tax-exempt bond financing and tax credit equity to fund rehabilitation improvements to the Property (the "Financing").
- D. The Owner has obtained an inducement resolution from the Harrisonburg Redevelopment and Housing Authority for the issuance of its bonds in an amount not to exceed \$15,000,000 to finance the rehabilitation improvements contemplated for the Property.
- E. The Owner requests the Henrico County Board of Supervisors to adopt a resolution on November 12, 2019, authorizing the Harrisonburg Redevelopment and Housing Authority to issue bonds to finance the rehabilitation. A copy of the resolution to be presented is attached to the MOU as Exhibit B.
- F. In consideration of the adoption of the resolution by the Henrico County Board of Supervisors, this MOU is intended to outline for the County the commitment of the Owner upon the closing of the Financing to undertake certain rehabilitation improvements to the Property and other commitments outlined here.

### UNDERSTANDING AND AGREEMENT

- I. Defined Terms. All terms not otherwise defined herein shall have the meanings set forth below.
  - 1.1. "HUD" shall mean the United States Department of Housing and Urban Development.
  - 1.2. "Lender" shall mean the financial institution, bank, investor group or other funding source

that provides financing to the Owner.

1.3. "Project" shall mean the acquisition and rehabilitation of the Property, together with the Financing of such activities.

1.4. "VHDA" shall mean the Virginia Housing and Development Authority.

2. Term. This MOU shall have a term of fifteen (15) years from the Effective Date and shall be binding on subsequent owners, except to a foreclosing lender or assignee of a foreclosing lender, of the Property (and any portion of the Property).
3. Condition of Property. The Owner shall maintain the Property in a decent, safe, and sanitary manner in accordance with the applicable standards of HUD and state and local laws. The Owner shall provide to the County through the County Manager or his designee a copy of any physical inspection report undertaken by HUD, at the reasonable request of the County. Further, the Owner agrees to use its best efforts to cure any health and safety deficiency identified in such report or identified by a County building inspector, within ten (10) business days of receiving written notice of the deficiency, or, if such deficiency cannot be reasonably cured in such ten (10) business day period, such longer period as may be necessary to address such deficiency provided that Owner is diligently pursuing cure of such deficiency. If the deficiency presents an imminent threat to the safety of residents requiring curing in less than ten (10) business days, then the Owner agrees to use its best efforts to cure the deficiency as soon as reasonably possible. The Owner shall also allow County officials and employees to inspect the Property as provided in Paragraph 11 of this MOU.
4. Improvements. As part of the Project, the Owner agrees to complete, at a minimum, the actions listed in the rehabilitation scope per Exhibit C (the "Improvements Scope"). All such improvements shall be completed within twenty-four (24) months from the closing of the Financing.
5. Minimum Investment for Site Improvements. As part of the Project, the Owner agrees to obtain site plan approval for all new site improvements for which approval is required by the County and approval to transfer the existing plan of development. Owner agrees to work in good faith to address any reasonable requests made by the County that fall outside the site plan approval process.
6. Property Maintenance Reserve Fund. The Financing will include the establishment of a replacement reserve account to assist in the funding of required repairs and be made available to the Project in accordance with Lender requirements.
7. Mitigation of Displacement of Residents. The Owner agrees to take all reasonable steps to

mitigate the displacement of current residents during and subsequent to completion of the Project in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (49 USC 4601 *et seq.*). In the event tenants are required to relocate temporarily because of the Project, such relocation shall not exceed twelve (12) months and all reasonable efforts shall be made to limit the relocation to fourteen (14) days, except for units being retrofitted for accessibility standards. During the relocation period, Owner shall reimburse tenants for (1) the actual cost incurred in moving to and from the Property for relocation purposes; and (2) any increased housing and utility costs at the temporary housing location. Owner shall also provide notice and advisory services in the event temporary relocation is required, including but not limited to: (1) advance written notice of the date and approximate duration of the temporary relocation; (2) the address of the suitable, decent, safe, and sanitary dwelling to be made available for the temporary period; and (3) terms and conditions under which the tenant may lease and occupy a decent, safe, and sanitary dwelling at the Property upon completion of the Project.

8. Meetings. The Parties, or Owner's Property Management designee (the "Property Manager"), including at least one (1) representative from the County Police Division and other such representatives as may be designated by the County, will meet annually, and additionally whenever reasonably requested by the County, to discuss the physical and social conditions of the Property and to assess compliance with the provisions of this MOU. In assessing compliance with the terms of this MOU, the Owner agrees to make available upon reasonable request by the County such work orders or other records that show Owner's compliance with the provisions of this MOU.
  
9. Cooperation with Local Law Enforcement. The Owner, through coordination with its Property Manager, shall work in concert with local law enforcement agencies and actively participate in any programs recommended by such agencies to reduce and prevent crime and to ensure the safety and well-being of all residents at the Property. Such work shall include, without limitation, establishment of a Neighborhood Watch program for the Property. Additionally, Owner shall develop and enforce no-trespassing and barring policies for individuals convicted of trespassing or serious crimes that would warrant barring from the Property. Owner shall further execute a no-trespassing enforcement agreement with the Henrico Police Division.
  
10. Inspection by County Employees. On a semi-annual basis, the Owner agrees to allow County employees to access the Property, including, upon seven (7) days written notice to the residents thereof, the interior of housing units, and any other onsite facilities, to ensure compliance with this MOU and with federal, state, and local laws and regulations associated with the condition of the property. Such inspectors shall be accompanied by Owner or Property Manager employees. Such inspections may include up to ten (10) percent of the apartment units. The Owner agrees to cooperate with the County to obtain the permission of individual residents necessary to fulfill this requirement. Any access to such units shall be consistent with due process and privacy rights available to such individuals. The Owner further agrees to cure any health and safety deficiency identified by County employees within ten (10) business days of receiving notice of the deficiency, or, if such deficiency cannot be reasonably addressed in such

ten (10) business day period, such longer period as may be necessary to cure such deficiency, provided that the Owner is diligently pursuing cure of such deficiency. If the deficiency presents an imminent threat to the safety of the residents requiring curing in less than ten (10) business days, then the Owner agrees to use its best efforts to cure the deficiency as soon as reasonably possible.

11. On-Site Property Manager. The Owner shall ensure that its Property Manager will maintain an employee on site during regular business hours at the Property, and a management employee shall be identified who will serve as a primary point of contact for the County, and emergency management support in the form of access to a Property Manager Employee is available twenty-four (24) hours a day, seven (7) days per week.
12. Background Checks. The Owner shall conduct all required background checks on prospective tenants in accordance with fair housing, state, and local laws and abide by all legal restrictions concerning prospective residents' criminal backgrounds.
13. Consequences of Breach. In the event of a breach by the Owner of any of the terms of this MOU, and upon Owner's receipt of written notice of the breach from the County, the Owner shall have ten (10) business days to cure the breach to the reasonable satisfaction of the County or, if such breach cannot be reasonably cured in such ten (10) business day period, such longer period as may be necessary to address such breach provided that Owner is diligently pursuing cure of such breach. If the breach presents an imminent threat to the safety of residents requiring curing in less than ten (10) business days, then the Owner agrees to use its best efforts to cure the deficiency as soon as reasonably possible. The cure of any breach made or tendered by any Lender and/or limited partner of the Owner shall be deemed to be a cure by the Owner and shall be accepted or rejected on the same basis as if made or tendered by the Owner. If the breach is not so cured beyond any cure periods, the County may take any action at law or in equity, including seeking specific performance, to cause a cure of such breach.
14. Amendments. This MOU may be amended only by the written agreement of the parties.
15. Notices. Notices to any party shall be sent to the addresses of that party set forth below. Any party may require notices to be sent to a different address by giving notice thereof to the other party. All notices or other communication required or permitted hereunder shall be in writing, and shall be deemed to have been given on (i) the third day after deposit in the United States mail, postage prepaid, (ii) the first day after deposit with Federal Express or similar overnight delivery services, or (iii) the date of delivery, if delivered personally.

Owner:  
Newbridge Village Associates, L.P.  
c/o Atlantic American Partners, LLC  
269 South Main Street, Suite E  
Providence, Rhode Island 02903

County:  
Henrico County Attorney's Office  
Post Office Box 90775  
Henrico, Virginia 23273-0775

16. No Opposition to Owner Tax Credit Allocation Request. The County hereby agrees that it will not oppose the Owner's application for Affordable Housing tax credits that will be submitted to VHDA in connection with the Project. Owner agrees to provide the County an electronic copy of the low-income housing tax-credit application and the bond financing application submitted to the Harrisonburg Redevelopment and Housing Authority for the Project.
  
17. Compliance by Owner with HUD, VHDA and Lender Requirements. The County agrees that compliance by the Owner with the provisions of this MOU is not intended to, and does not, supersede or conflict with any HUD, VHDA and Lender requirements regarding the Project or the Owner's responsibilities described herein. Therefore, the parties agree to interpret and apply this MOU in a manner that will not require the Owner to undertake anything that is prohibited by any HUD, VHDA or Lender requirements.
  
18. Transfer of Property and Assumption of this MOU by Successors and Assigns. Throughout the term of this MOU, the Owner shall provide written notice of any proposed sale or assignment of its ownership rights in the Property to any third party or affiliate at least ten (10) business days prior to the consummation of such transaction. Owner hereby covenants and agrees that any third party or affiliate that acquires all or any portion of its ownership interest in the Property shall be required, as a condition precedent to the transfer of the Property to such purchaser, to assume in writing all the obligations and responsibilities of the Owner to the County in accordance with this MOU throughout its term. The notice of any such sale or transfer of the Property shall include a copy, in substantially final form, of the purchase and sale agreement by which the Property is to be sold that includes a provision or a separate assignment agreement whereby the purchaser expressly assumes and agrees to the terms of this MOU. This provision shall not apply to a foreclosing lender or assignee of a foreclosing lender.

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

**SIGNATURE PAGE TO FOLLOW**



**APPROVED AS TO FORM**

*A.N. My* 11/10/19  
ASST. COUNTY ATTORNEY

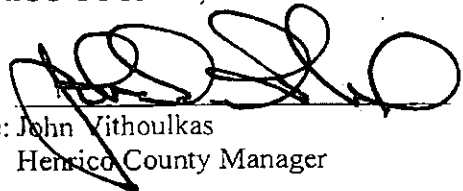
COUNTY:

HENRICO COUNTY, VIRGINIA

By:

Name: John Vithoulkas

Its: Henrico County Manager



COMMONWEALTH OF VIRGINIA

COUNTY OF HENRICO to-wit:

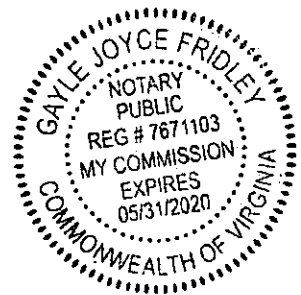
I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that John Vithoulkas, whose name is signed to the foregoing Agreement and Memorandum of Understanding, has acknowledged the same before me in my jurisdiction aforesaid and sworn the information is accurate to the best of his knowledge and belief.

Given under my hand this 14 day of November, 2019.

*Gayle Joyce Fridley*  
Notary Public

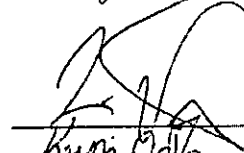
My commission expires: 05/31/2020

Commission number: 7671103



OWNER:  
NEWBRIDGE VILLAGE ASSOCIATES L. P.

By: *AAP Newbridge Village, its General Partner*

By:   
Name: Kevin Orth  
Its: Manager

~~COMMONWEALTH OF RHODE ISLAND~~  
~~STATE OF RHODE ISLAND~~  
COUNTY/CITY OF HENRICO to-wit:

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that Kevin Orth, whose name is signed to the foregoing Agreement and Memorandum of Understanding, has acknowledged the same before me in my jurisdiction aforesaid and sworn the information is accurate to the best of his knowledge and belief.

Given under my hand this 12<sup>th</sup> day of November, 2019.

  
Notary Public



My commission expires: 6/30/2022  
My commission number: 7797426

EXHIBIT A  
Property Legal Description (attached)

EXHIBIT A

LEGAL DESCRIPTION

SITUATED in Varina District, Henrico County, Virginia, to-wit:

PARCEL 1:

BEGINNING at a point on the westerly side of Newbridge Road, said point being the northerly line of the property of Woodpost Section 1; thence with the northerly line of Woodpost Section 1, S. 87 deg. 39' 30" W. 360.42 feet to a point on the easterly line of a private road; thence with the same, N. 12 deg. 26' 30" E. 536.51 feet to a point; thence leaving the private road and with new lines through property of Fralin & Waldron, Inc., the following courses and distances: N. 87 deg. 45' 20" E. 8.62 feet; S. 12 deg. 14' 20" W. 5.16 feet; N. 87 deg. 45' 20" E. 41.32 feet; and with a curved line to the left, whose radius is 430.81 feet, an arc distance of 180.06 feet; and with another curved line to the right, whose radius is 687.81 feet, an arc distance of 257.95 feet; and with another curved line to the right, whose radius is 20.00 feet, an arc distance of 43.47 feet to a point on the westerly side of Newbridge Road; thence with the same, S. 29 deg. 50' W. 122.56 feet to a point; thence with a curved line to the left, whose radius is 1438.74 feet, an arc distance of 405.81 feet to a point; thence S. 13 deg. 39' 00" W. 139.83 feet to the place of BEGINNING, containing 5.23 acres.

PARCEL 2:

BEGINNING at a point on the easterly side of Newbridge Road, said point being the northerly line of the property of Woodpost Section 1; thence with the easterly side of Newbridge Road, N. 13 deg. 39' 00" E. 127.82 feet to a point; thence with a curved line to the right, whose radius is 1376.74 feet, an arc distance of 388.86 feet to a point; thence N. 29 deg. 50' E. 151.54 feet to a point; thence with a curved line to the left, whose radius is 1078.30 feet, an arc distance of 27.15 feet to a point; thence with a curved line to the right whose radius is 20.00 feet, an arc distance of 23.30 feet to a point on the southerly side of Hawkes Lane; thence with the same, and with a curved line to the right, whose radius is 687.81 feet, an arc distance of 116.54 feet to a point; thence still with Hawkes Lane, S. 75 deg. 06' 56" E. 132.83 feet to a point; thence with a curved line to the left, whose radius is 815.18 feet, an arc distance of 202.44 feet to a point; thence S. 89 deg. 20' 40" E. 27.96 feet to a point; thence leaving Hawkes Lane, S. 16 deg. 57' 50" W. 726.75 feet to a point on the northerly line of Woodpost Section 1; thence with the same, S. 87 deg. 39' 30" W. 316.39 feet to the place of BEGINNING, containing 6.34 acres.

BEING the same real estate conveyed to Newbridge Associates, LLC, a Virginia limited liability company, by deed from Newbridge Village Limited Partnership, a Virginia limited partnership, dated September 16, 2003, recorded September 23, 2003, in the Clerk's Office, Circuit Court, Henrico County, Virginia, in Deed Book 354E, page 41.

EXHIBIT B  
Form of Board of Supervisors Resolution (attached)

**RESOLUTION — APPROVAL OF ISSUANCE OF BONDS  
BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY  
FOR THE NEWBRIDGE VILLAGE APARTMENTS - VARINA DISTRICT**

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

WHEREAS, Newbridge Village Apartments (the “Apartments”), located at 313 Newbridge Road, Henrico, Virginia 23223, in the Varina District of the County, is an approximately 152-unit multifamily housing apartment project which qualifies as a “qualified residential rental project” within the meaning of Section 142(d) of the Internal Revenue Code of 1986, as amended (the “Code”); and

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

WHEREAS, the Purchaser will spend approximately \$23,500 per unit on labor and materials to improve the safety and living conditions at the Apartments, with upgrades and/or replacements of the Apartments’ building system and components, including without limitation, fire safety improvements, playgrounds, interior and exterior lighting, security, kitchen and bathroom upgrades, concrete repair, conversion of eight units and related parking and common areas for handicap accessibility (including provision of ramps and curb cuts and installation of handrails, guard rails, grab bars and accessible bathtubs with skid-resistant surfaces), and provision of notifications/alarms for the visually impaired within four dwelling units; and

WHEREAS, in accordance with federal tax law which fosters private investments in affordable housing, the Purchaser wishes to access private funds from the capital markets through the sale of tax-exempt bonds in an aggregate amount not to exceed \$15,000,000 (the “Bonds”) to finance a portion of the costs of the acquisition and rehabilitation of the Apartments, including the costs of the aforementioned improvements (collectively, the “Project”); and

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

WHEREAS, the Authority held a public hearing on September 18, 2019, on the issuance of revenue bonds to assist in the financing of the Project and adopted a resolution on the same date agreeing to issue its bonds for such purpose, subject to, among other requirements, approval by the Board as required by Section 36-23 of the Act; and

WHEREAS, the City Council of the City of Harrisonburg, Virginia adopted a resolution approving the issuance of the Bonds on October 22, 2019; and

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

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

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

WHEREAS, the Board has held an advertised public hearing on November 12, 2019, regarding the need for the Authority to exercise its powers in the County as required by Section 36-23 of the Act following notice of such hearing in the form attached hereto as Exhibit A, published in a newspaper of general circulation within the County at least ten (10) days prior to the date set for such hearing as required by Section 36-23 of the Act; and

WHEREAS, the Board held an additional, concurrent public hearing on November 12, 2019, on the Apartments and the issuance of the Bonds as required by Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"), and Section 147(f) of the Code, following notice of such hearing in the form attached hereto as Exhibit B, published in a newspaper of general circulation within the County (i) at least fourteen (14) days prior to the date set for such hearing as required by applicable public hearing requirements of the Code and (ii) once a week for two successive weeks with the second advertisement published at least six (6) but not more than twenty-one (21) days before the date set for such hearing, as required by Section 15.2-4906 of the Virginia Code; and

WHEREAS, a Fiscal Impact Statement complying with the requirements of Section 15.2-4907 of the Virginia Code relating to the Apartments has been filed with the Board; and

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

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

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

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

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

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

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

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

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

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

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

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

Adopted: November 12, 2019



**EXHIBIT A**

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Board of Supervisors of Henrico County, Virginia (the "County Board"), will hold a public hearing pursuant to Section 36-23 of the Code of Virginia of 1950, as amended, to determine whether dwelling accommodations in the County can be made substantially safer through the exercise by the Harrisonburg Redevelopment and Housing Authority of its powers to issue tax exempt bonds for the benefit of facilities located within the territorial boundaries of Henrico County. The public hearing, which may be continued or adjourned, will be held at 7:00 p.m. on November 12, 2019, before the County Board in the Board Room at the Henrico Western Government Center at 4301 E. Parham Road, Henrico, Virginia 23228.

The public hearing will provide an opportunity for interested persons to be heard and communications and writings to be received and considered. Interested persons wishing to express their views on the issuance of the bonds or request additional information prior to the public hearing may do so by completing the Citizen Participation Form available on the County Board's website, <https://henrico.us/supervisors>. Alternatively, written comments or requests for additional information may be submitted by regular mail prior to the hearing to the County Board in care of Andrew R. Newby, Assistant County Attorney, P.O. Box 90775, Henrico, Virginia 23273-0775. The public hearing shall provide the fullest opportunity for the expression of opinion, for argument on the merits, and for the introduction of documentary evidence pertinent to the issuance of the proposed private activity bonds.

CLERK OF THE BOARD OF SUPERVISORS OF  
HENRICO COUNTY, VIRGINIA

**EXHIBIT B**

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

Notice is hereby given that the Board of Supervisors of Henrico County, Virginia (the "County Board") will hold a public hearing on the request of Newbridge Village Associates, L.P. a Virginia limited partnership (the "Borrower"), whose address is c/o Atlantic American Partners, LLC, 269 South Main Street, Suite E, Providence, Rhode Island 02903, for the issuance by the Harrisonburg Redevelopment and Housing Authority (the "Issuer") of up to \$15,000,000 of its revenue bonds to finance a portion of the costs of the acquisition and rehabilitation of a multifamily apartment project known as Newbridge Village Apartments located in Henrico County, Virginia, at 313 Newbridge Road, Henrico, Virginia 23223, consisting of 152 units contained in nineteen (19) two-story residential buildings, totaling approximately 140,796 square feet of space, a clubhouse facility totaling approximately 2,500 square feet of space, and related or ancillary facilities (the "Project"), including, as necessary, the financing of capitalized interest on the bonds, any necessary reserve funds for the bonds, and costs of issuance of the bonds, in each case only as permitted by applicable law. The Project will meet the requirements of a qualified residential rental project within the meaning of Section 142(d) of the Internal Revenue Code of 1986, as amended (the "Code"), and will be owned by the Borrower. The public hearing, which may be continued or adjourned, will be held at 7:00 p.m. on November 12, 2019, before the County Board in the Board Room at the Henrico Western Government Center at 4301 E. Parham Road, Henrico, Virginia 23228.

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

The public hearing will provide an opportunity for interested persons to be heard and communications and writings to be received and considered. Interested persons wishing to express their views on the issuance of the bonds or request additional information prior to the public hearing may do so by completing the Citizen Participation Form available on the County Board's website, <https://henrico.us/supervisors>. Alternatively, written comments or requests for additional information may be submitted by regular mail prior to the hearing to the County Board in care of Andrew R. Newby, Assistant County Attorney, P.O. Box 90775, Henrico, Virginia 23273-0775. The public hearing shall provide the fullest opportunity for the expression of opinion, for argument on the merits, and for the introduction of documentary evidence pertinent to the issuance of the proposed private activity bonds.

CLERK OF THE BOARD OF SUPERVISORS OF HENRICO  
COUNTY, VIRGINIA

EXHIBIT C

MEMORANDUM OF UNDERSTANDING

EXHIBIT C

Improvements Scope (attached)

# Project Description and Summary Scope of Work

## Newbridge Village Apartments

### Project Address:

Newbridge Village Apartments  
313 Newbridge Road  
Henrico, VA 23223

### Development Team Contact Information:

Kevin Orth  
Managing Member  
Atlantic American Partners, LLC  
269 South Main Street, Suite E  
Providence, RI 02903  
Phone: 401-553-2002  
Fax: 401-553-2004  
Email: [korth@aap-llc.com](mailto:korth@aap-llc.com)  
Website: [www.aap-llc.com](http://www.aap-llc.com)

### Number, Type, Square Footage and Income Restriction of Units:

<u>Unit Type</u>	<u>Income Limit</u>	<u>Quantity</u>	<u>Size (SF)</u>	<u>Total SF</u>
One-bedroom, one bath	40% AMI	3	733 sf	2,199 sf
One-bedroom, one bath	50% AMI	25	733 sf	18,325 sf
Two-bedroom, one bath	40% AMI	8	930 sf	7,440 sf
Two-bedroom, one bath	50% AMI	68	930 sf	63,240 sf
Three-bedroom, one bath	40% AMI	5	1,086 sf	5,430 sf
<u>Three-bedroom, one bath</u>	<u>50% AMI</u>	<u>43</u>	<u>1,086 sf</u>	<u>46,698 sf</u>
<b>Total</b>		<b>152</b>	<b>943sf</b>	<b>143,332sf</b>

The proposed rehabilitation, totaling approximately \$3,300,000 (\$21,700/unit), includes the following:

### **Site Improvements**

#### *Parking and Roadways*

- Selected areas of asphalt will be removed and replaced; the entire lot will be sealed and re-stripped per code.
- Proper signage and pavement markings will be provided for fire lanes, handicapped parking spaces and accessible aisles
- Handicapped accessible parking spaces will be provided and properly assigned to appropriate units.

#### *Crosswalk*

- A crosswalk across from Newbridge Road will be added to access the recreational facilities and existing handicapped ramp.

#### *Fencing/Gates*

- Additional fencing will be provided to secure the remaining unfenced property lines. Fencing that borders 6001 Hawkes Lane will be the constructed of the same material as the existing fence and shall be substantially similar in terms of height, design, strength and durability. Fence will be located along the eastern property line and extend from the northern property line southwest towards to Alamosa Drive and be approximately 135 feet in length. The remaining fencing along the eastern property line will be black vinyl coated chain link fence that is 8 feet in height that runs the remaining 615 feet in length along the eastern property line just south of the fencing described above. (see the attached map for reference)
- The gaps/holes in the fencing behind building 319 will be repaired and/or replaced.
- Gates will be provided on trash enclosures.
  - a) Enclosures shall be constructed of finished masonry materials with the exception of gates and doors. Gates and doors shall be opaque, substantial, and oriented to minimize views of the enclosures from public rights-of-way. Concrete pavement shall be used where the refuse container pad and apron are located. Such containers shall be serviced only between the hours of 6:00a.m. and 12:00 midnight.

#### *Signage*

- Regulatory signs including fire lane signs, stop bars and signs, handicapped parking signs, address signs and no trespassing signs will be provided where needed.
- Site features including mailboxes, dumpster enclosures, the community center, laundry facilities, pool, playground equipment and sidewalks will be made handicapped accessible in accordance with ADA requirements.

- The handicap parking signs will include:
  - a) PENALTY, \$100-\$500 Fine
  - b) TOW-AWAY ZONE
- The numbering of each building and the units within the building shall be clearly displayed on the exterior of each side of the apartment.

### **Sidewalks / Concrete**

- All broken curbing and sidewalks shall be repaired.
- Install and/or upgrade ADA ramps on all sidewalks at the curb cuts
- All sidewalk trip hazards will be eliminated
  - a) Example 1: And jacked slabs
  - b) Example 2: Any settled slabs
- The existing public sidewalk located along the east side of Newbridge Road will be extended from the northern driveway to Hawkes Lane.
- In general, we are amenable to this; however, there are some utility boxes in this area that we'll need to work around.

### **Landscaping**

- Owner will ensure no conflicts exist between site lighting and landscaping.
- A general tree pruning will be done throughout the site.
- All trees that are within 10' of the buildings and over roofs will be trimmed or removed away from the structures.
- Foundation plantings and shrubs will be maintained at 2 ½ to 3 feet in height. Especially those located around the buildings, walkways and parking areas.
- Shade trees will be added across the property and maintained at least 4 feet from the ground. Especially those located around the buildings, walkways and parking areas.
- The three missing trees located adjacent to Buildings 15 and 18 will be replaced.
- Selected areas of the site will be graded to provide positive drainage away from the buildings and alleviate ponding.
- Areas of erosion and bare soil will be corrected through installation of swales, drains, reseeded and other measures.

### **Recreational Amenities**

#### *Swimming Pool*

- The swimming pool will be re-plastered. Tiling, coping, pool deck and equipment will be repaired or replaced as needed.
- A handrail will be installed on the stair serving the pool pump/filter equipment building and guard along the top of the outside wall of the stair well.
- The access opening to the swimming pool will be equipped with a self-latching and self-closing pedestrian gate. Latch mechanism at least 54" above the sidewalk.
- A handrail will be installed on the stair serving the pool pump/filter equipment building and a guard will be installed along the top of the outside wall of the stair well.

#### *Basketball Court*

- The basketball court will be seal coated and restriped, and the hoops and fencing will be repaired.

#### *Playground*

- The playground equipment and fall surface will receive repairs.

#### **Community Building**

The existing rental office will be enlarged by approximately 350 square feet and reconfigured to provide for a new community room.

#### **Exterior Lighting**

- All exterior lighting will be replaced with LED fixtures and will provide a minimum of one foot-candle illumination in the parking areas, walkways, building entrances, building edge, around dumpster enclosures and mailbox areas.
- Full cut-off light fixtures will be installed.

#### **Security Improvements**

- The Owner shall provide and maintain the following improvements for the overall security of the Property:

##### *Crime Prevention Plan*

- The owner will implement a crime prevention plan that addresses crime and safety concerns prepared by a licensed and qualified third-party crime prevention consultant, in consultation with the Henrico County Police Division;

##### *Security Camera System*

- The existing security camera system will be upgraded to provide additional cameras placed at strategic locations at the property with digital recording and remote-viewing capabilities. The owner shall install and maintain functioning high-quality closed-circuit video recording devices that provide coverage for all pedestrian and vehicular entrance areas, parking areas, and all community facilities (including playgrounds, Community center, pool, community garden, etc.). These cameras shall provide at least 30 days of recorded video that will be available to law-enforcement, upon request. Cameras will be able to capture an individual's identity, clothing color, car color and license plate information.

#### **Mailboxes**

Replace mailboxes in central location similar to what exists at Coventry Gardens.



## **Exterior Building Improvements**

### **Siding / Wood Repair**

- The vinyl siding in some breezeways will be replaced with T1-11.
- Miscellaneous repairs to the siding will be done throughout the site.
  - a) Siding from a gable will be repaired.
- Window shutters will be repainted or replaced.
- Windows, doors and exterior openings shall be re-caulked, as needed.
- All replaced doors, stairs and breezeway siding will be painted.
- Brickwork will be power washed and repointed as necessary.

### **Roofing**

- Install new felt paper and 30-year dimensional asphalt composition shingles, flashing, ridge vents, vents and ridge caps.
  - a) On all buildings—except for two (recently re-roofed).
  - b) Included in the budget is an allocation for wood sheathing repair/replacement.

### **Exterior Doors, Stairways**

#### *Doors*

- Existing doors in poor condition will be replaced
  - a) Others with cosmetic dents or damage to hardware or weather-stripping will be repaired.
- Install metal solid core replacement doors at a minimum of 1 ¾ inches thick in new metal frames with a wide-angle peephole.
- Install strike plates into the framing studs using screws three inches or longer in length.
- Door hinges will be located on the inside of the door, as well as on any accessory structures.
  - a) The doors should not have more than 1/8<sup>th</sup> of an inch between them.
- Locking devices will be installed.
  - a) Install deadbolt-locking device that meets fire code.
  - b) Will serve as both a key lock and a single cylinder deadbolt.
- Install 'Charlie-bars' for sliding glass doors.

#### *Stairways*

- Exterior stairways in poor condition will be repaired and/or replaced.
- All loose handrails on exterior stairs will be repaired (e.g., buildings 301, 303 and 305).

### **Termite/Structural Pests**

Termite and structural pest report will be ordered. Any identified damage shall be repaired, and all buildings will be treated appropriately for termites.

### **Building Systems**

#### **HVAC**

- Older heating and air conditioning units will be replaced with higher efficiency systems.
- All systems not replaced will be cleaned and repaired as needed.

#### **Ductwork**

- Ductwork will be cleaned and registers and returns replaced in each apartment.
- Ductwork for dryers in laundry room will be cleaned and/or replaced.

#### **Plumbing**

- Storm and sewer lines will be jetted clear.
- Sewer lines will be inspected with camera and appropriate repairs made as needed.
- New hot water heaters with drip pans shall be installed in majority of units.
- Wireless water submeters will be installed in every apartment to permit real-time monitoring of water consumption.
- A solar hot water heating system will be installed in the clubhouse.

#### **Electrical**

- Exterior electrical disconnects at the A/C condensing units will be replaced.
- Selected meter bases in poor condition will be replaced.
- Damaged switches, outlets and covers will be replaced.

#### **Life Safety**

- Fire suppression equipment will be installed on all stoves.
- Smoke Alarms with 10-year battery back-up will be installed in each bedroom. This is in addition to the existing hard-wired smoke detectors that are in each unit.

### **Unit Interiors**

#### **Kitchens**

- Selected kitchen cabinets, countertops, sinks and faucets will be replaced.
- Any damaged kitchen wet wall with moisture resistant wall board will be replaced.
- Appliances over eight years of age and/or in poor condition will be replaced.
- Vinyl flooring will be repaired and/or replaced as needed.

**Bathrooms**

- Vanity, countertop, sink and faucet in approximately one-half of apartments will be replaced.
- Tubs and tub surrounds in poor condition will be repaired and/or replaced with new tubs, surrounds and fixtures.
- Damaged floor underlayment and flooring will be replaced as needed.
- Older toilets, showerheads and faucet aerators will be replaced with low-flow fixtures.

**General Interior Items**

- Damaged interior doors and hardware will be replaced.
- Drywall will be repaired as needed throughout units.
- Perform painting of full and partial selected units.
- Mismatched or damaged flooring will be replaced.
- Install new window blinds that are damaged and/or mismatched in color.
- Perform unit cleaning, baseboard repair/replacement and other miscellaneous unit maintenance.

**Fire Prevention**

- Perform an inspection of all attic spaces to ensure any fire walls / smoke curtains are intact. If any fire walls / smoke curtains are not intact, please repair.
  - a. General contractor will review existing conditions and complete repairs to any existing fire walls / smoke curtains.
- Fire suppression equipment will be installed on all stoves, or temperature limiting cooktop surfaces will be installed.
- Smoke Alarms with 10-year battery back-up will be installed in each bedroom. This is in addition to the existing hard-wired smoke detectors that are in each unit.

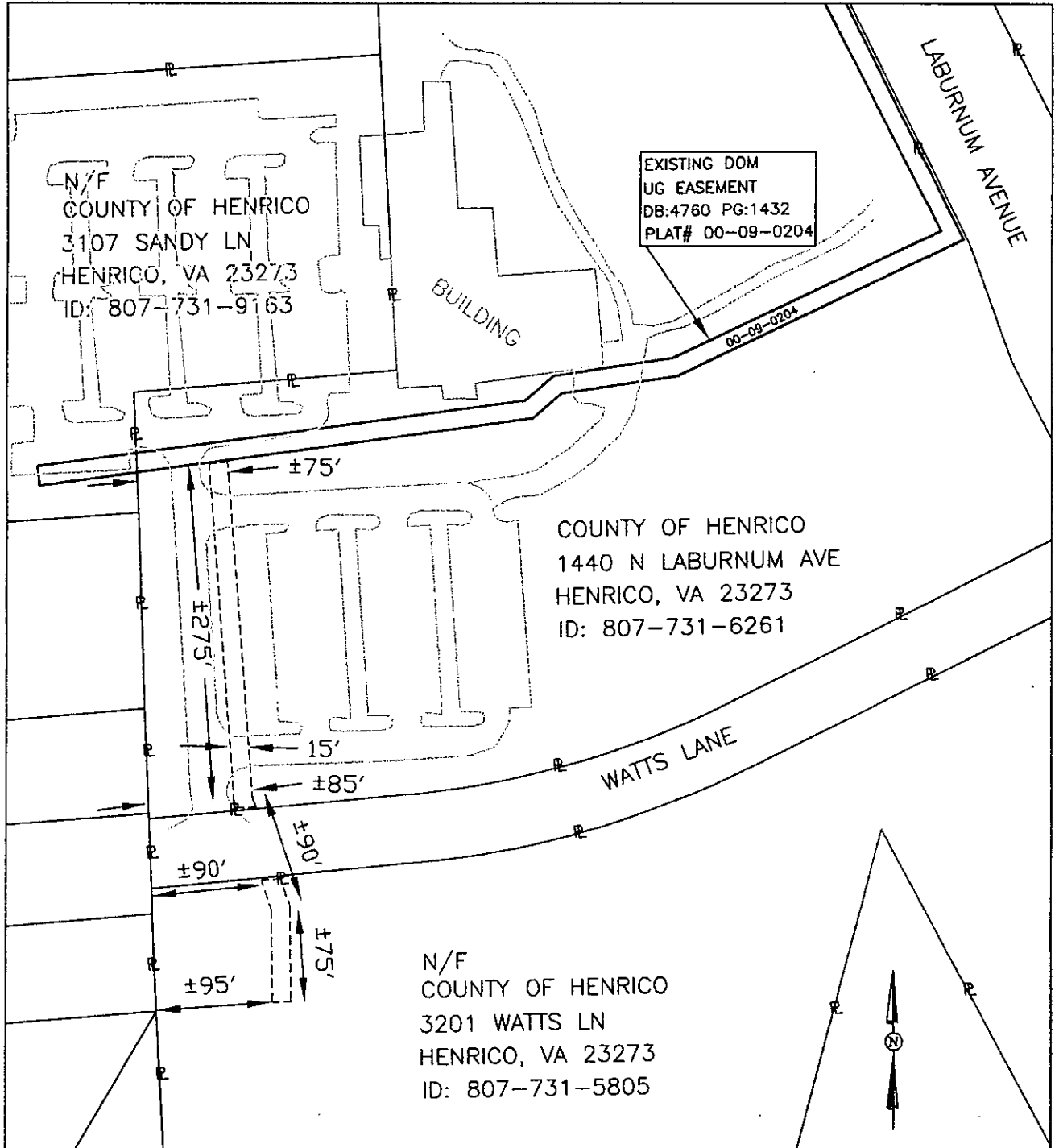
**Educational, Skill-building and Health and Wellness Programing**

- Educational and Skill-Building Programs. The Owner agrees to provide residents educational programs. Each of the programs shall be provided on- or off-site, shall be free of charge, or for a nominal amount, and shall be provided at times that are reasonably convenient for residents. Such programs may include, without limitation, tutoring (to include language tutoring), computer training, financial literacy, resume building, job interviewing, parenting, mentoring, or other programs based on the needs of residents. Upon request of the County, the Owner also agrees to provide residents information concerning drug and alcohol abuse treatment options available within the County. The Owner further agrees to reserve space on-site for a minimum of two (2) hours per month for County- and Owner-approved third parties to provide additional education and skill-building programs to residents.
- Health and Wellness Activities. The Owner agrees to offer residents health and wellness programs throughout the year free of charge, or for a nominal amount. The Owner further agrees to reserve space on-site for a minimum of eight hours per month for County- and Owner-approved third parties to provide additional health and wellness programs to

residents. Such programs may include, without limitation, recreation, exercise, health information/awareness, and nutrition programs, asthma education, smoking cessation, and mental health programming (mindfulness, meditation, crafts, resiliency training, etc.).



EXHIBIT A



<b>LEGEND</b> --- Location of Boundary Lines of Right-of-Way 15' in Width. =P= Indicates Property Line is Right-of-Way Boundary	District 01	Scale NTS	PLAT TO ACCOMPANY RIGHT-OF-WAY AGREEMENT UG VIRGINIA ELECTRIC AND POWER COMPANY doing business as <b>Dominion Energy Virginia</b> Page 5 of 5
	District-Township-Borough County-City FAIRFIELD HENRICO COUNTY	State VA	
	Office W BROAD	Plot Number 06-19-0072	
	Estimate Number 10302647	Grid Number H0203	
DATE 09.13.2019	BY H. Lawrence	OWNER INITIALS _____	





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

Agenda Item No. 276-19

Page No. 1 of 1

**Agenda Title: RESOLUTION — Authorization to Proceed to Negotiations — Indoor Sports and Convocation Center**

For Clerk's Use Only: Date: <u>11/12/2019</u> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to: _____	<b>BOARD OF SUPERVISORS ACTION</b> Moved by (1) <u>Shorles</u> Seconded by (1) <u>Schmitt</u> (2) _____ (2) _____ REMARKS: <b>A P P R O V E D</b>	<table border="0"> <tr> <td></td> <td>YES</td> <td>NO</td> <td>OTHER</td> </tr> <tr> <td>Branin, T.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Nelson, T.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>O'Bannon, P.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Schmitt, D.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Thornton, F.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>		YES	NO	OTHER	Branin, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Schmitt, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							

**WHEREAS**, on July 30, 2018, the County requested proposals under The Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) for design, construction, and operation of an indoor sports and convocation center; and,

**WHEREAS**, the County received six conceptual proposals; and,

**WHEREAS**, after the Working Group established under the County's PPEA Guidelines reviewed the conceptual proposals, the County Manager determined to proceed to the detailed review phase with proposals submitted by Eastern Sports Management, LLC and MEB General Contractors, Inc.; and,

**WHEREAS**, the Working Group reviewed the detailed proposals and recommended that the Board defer a decision on proceeding to the negotiation phase until the Working Group had obtained additional information from both proposers; and,

**WHEREAS**, on December 11, 2018, after an advertised public hearing, the Board of Supervisors authorized the Working Group to seek additional information from both proposers; and,

**WHEREAS**, when both proposers provided the requested additional information, neither had a property interest to construct and operate the proposed center at the County's initially-preferred location; and,

**WHEREAS**, on August 14, 2019, the Board directed the County Manager to request new detailed proposals that proposed to locate the proposed center on property in which the proposer has a property interest from the six entities which submitted conceptual proposals in response to the July 30, 2018 Request for Proposals; and,

By Agency Head Eli Lub *EL* By County Manager [Signature]

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

Agenda Item No. 276-19

Page No. 2 of 2

**Agenda Title: RESOLUTION — Authorization to Proceed to Negotiations — Indoor Sports and Convocation Center**

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**WHEREAS**, the County has received, and the Working Group has reviewed, detailed proposals from The Rebkee Company, Eastern Sports Management, LLC, and MEB General Contractors, Inc.; and,

**WHEREAS**, the Working Group has recommended to the County Manager that the County proceed to negotiations with The Rebkee Company; and,

**WHEREAS**, the County Manager concurs with the Working Group's recommendation; and,

**WHEREAS**, on November 12, 2019, the Board of Supervisors held a public hearing on the three detailed proposals.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors authorizes the Working Group to proceed to negotiations with The Rebkee Company for design, construction, and operation of the proposed indoor sports and convocation center.

**Comment:** The Working Group recommends approval of the Board paper, and the County Manager concurs.



AMENDMENT TO THE 2019-20  
ANNUAL FISCAL PLAN FOR NOVEMBER, 2019

CAPITAL FUNDS

FUND 2142 – 2020 Lease Revenue Bonds

Department 23 - Recreation and Parks

23101 – Director

0000 08770 – Indoor Sports Facility

\$ 50,000,000

To appropriate funding for land acquisition and construction costs associated with an Indoor Sports Facility and Convocation Center. Funds for the facility will come from 2020 lease revenue bonds that will be issued through the County's Economic Development Authority. Authorization to issue lease revenue bonds will come before the Board of Supervisors for its consideration at a future board meeting when additional cost details are available. A total of \$1.0 million in debt service funding is included in the FY2019-20 approved budget and additional necessary debt service requirements for this project will be included in the FY2020-21 proposed budget.

Total CAPITAL PROJECTS FUND

\$ 50,000,000

Total Amendments/Appropriations

\$ 50,000,000



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

Agenda Item No. 278-19

Page No. 1 of 1



**Agenda Title: RESOLUTION – Receipt of Audited Annual Financial Report for Fiscal Year Ended June 30, 2019, and Acknowledgement of Discharge of Duties and Responsibilities by Audit Committee**

For Clerk's Use Only: Date: <u>11/12/2019</u> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to: _____	<b>BOARD OF SUPERVISORS ACTION</b> Moved by (1) <u>O'Bannon</u> Seconded by (1) <u>Branin</u> (2) _____ (2) _____ REMARKS: <div style="font-size: 2em; font-weight: bold; text-align: center;">APPROVED</div>	<table border="0"> <thead> <tr> <th></th> <th>YES</th> <th>NO</th> <th>OTHER</th> </tr> </thead> <tbody> <tr> <td>Branin, T.</td> <td align="center">✓</td> <td></td> <td></td> </tr> <tr> <td>Nelson, T.</td> <td align="center">✓</td> <td></td> <td></td> </tr> <tr> <td>O'Bannon, P.</td> <td align="center">✓</td> <td></td> <td></td> </tr> <tr> <td>Schmitt, D.</td> <td align="center">✓</td> <td></td> <td></td> </tr> <tr> <td>Thornton, F.</td> <td align="center">✓</td> <td></td> <td></td> </tr> </tbody> </table>		YES	NO	OTHER	Branin, T.	✓			Nelson, T.	✓			O'Bannon, P.	✓			Schmitt, D.	✓			Thornton, F.	✓		
	YES	NO	OTHER																							
Branin, T.	✓																									
Nelson, T.	✓																									
O'Bannon, P.	✓																									
Schmitt, D.	✓																									
Thornton, F.	✓																									

**BE IT RESOLVED** by the Board of Supervisors of the County of Henrico, Virginia, that the Comprehensive Annual Financial Report for the fiscal year ended June 30, 2019, including the Schedule of Expenditures of Federal Awards, is received in accordance with the Single Audit Act and OMB Circular A-133, as audited by KPMG LLP, Certified Public Accountants.

**BE IT FURTHER RESOLVED** that the Board acknowledges that the Henrico County Audit Committee (consisting of two Board of Supervisors members plus the County Manager) having met on April 9, May 14, September 10, and November 12, 2019, discharged its duties and responsibilities by reviewing the presented External and Internal Audit Reports, Audit Plans, External Auditor Compensated Services, and Internal Audit Planning Survey.

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

By Agency Head  By County Manager 

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

Agenda Item No. 279-19  
Page No. 1 of 1

**Agenda Title: INTRODUCTION OF ORDINANCE – To Amend and Reordain Section 9-2 of the Code of the County of Henrico Titled “Precincts and polling places” by Changing the Polling Place of the Fairfield Precinct to the New Fairfield Library in the Fairfield District**

For Clerk's Use Only:

Date: 11/12/2019  
 Approved  
 Denied  
 Amended  
 Deferred to:

**BOARD OF SUPERVISORS ACTION**

Moved by (1) Shouse Seconded by (1) Schmitt  
 (2) \_\_\_\_\_ (2) \_\_\_\_\_

REMARKS: **APPROVED**



YES NO OTHER

Branin, T.	<input checked="" type="checkbox"/>	_____	_____
Nelson, T.	<input checked="" type="checkbox"/>	_____	_____
O'Bannon, P.	<input checked="" type="checkbox"/>	_____	_____
Schmitt, D.	<input checked="" type="checkbox"/>	_____	_____
Thornton, F.	<input checked="" type="checkbox"/>	_____	_____

The Clerk is directed to advertise, in the Richmond Times-Dispatch on November 26, 2019, and December 3, 2019, the following ordinance for a public hearing to be held at the Board Room on December 10, 2019, at 7:00 p.m.:

"AN ORDINANCE to amend and reordain Section 9-2 of the Code of the County of Henrico titled "Precincts and polling places" by changing the polling place of the Fairfield Precinct to the new Fairfield Library in the Fairfield District. A copy of the full text of this ordinance, as well as a description and map of the proposed change, shall be on file in the Office of the County Manager."

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

By Agency Head  By County Manager 

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**ORDINANCE – To Amend and Reordain Section 9-2 of the Code of the County of Henrico Titled “Precincts and polling places” by Changing the Polling Place of the Fairfield Precinct to the New Fairfield Library in the Fairfield District**

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

1. That Section 9-2 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 9-2. Precincts and polling places.**

The following shall be the precinct boundaries and polling places for the magisterial districts in the county.

• • • •

(2) Fairfield Magisterial District.

• • • •

i. *Fairfield Precinct.* Beginning at the intersection of Cedar Fork Road and Creighton Road; thence southwestwardly along Creighton Road to its intersection with N. Laburnum Avenue; thence southeastwardly along N. Laburnum Avenue to its intersection with Nine Mile Road; thence northeastwardly along Nine Mile Road to its intersection with Bayard Road; thence northwardly along Bayard Road to its intersection with Biloxi Road; thence northwestwardly along Biloxi Road to its intersection with Natchez Road; thence eastwardly along Natchez Road to its intersection with Buffalo Road; thence northwardly along Buffalo Road to its intersection with Cloverfield Lane; thence northwestwardly along Cloverfield Lane to its intersection with Tiffanywoods Lane; thence westwardly along Tiffanywoods Lane to its intersection with Cedar Fork Road; thence northwardly along Cedar Fork Road to its intersection with Creighton Road and the point of beginning. The polling place for Fairfield Precinct shall be Fairfield Library, 4004 1401 N. Laburnum Avenue.

• • • •

• • • •

2. That the remaining provisions of Section 9-2 of the Code of the County of Henrico shall remain unchanged and in full force and effect.

3. That this ordinance shall be in full force and effect on and after its passage as provided by law.

4. That the Clerk of the Board shall send a certified copy of this ordinance to the Henrico County Electoral Board, the State Board of Elections, and the Division of Legislative Services.

COUNTY OF HENRICO, VIRGINIA  
ELECTORAL BOARD MEETING  
October 5, 2019

The Henrico County Electoral Board convened a meeting on Saturday, October 5, 2019, at 11:30 a.m. in the Administration Building Annex, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia. Those present at the meeting were:

**PRESENT**

Robert Shippee, Vice-Chair, Electoral Board  
Cathy Woodson, Secretary, Electoral Board  
Mark Coakley, General Registrar, Voter Registration and Elections  
Anne Marie Middlesworth, Deputy Registrar, Voter Registration and Elections

**Call to Order**

The meeting was called to order by the Vice-Chair, at 11:32 a.m.

**Moved polling place, Precinct 208 Fairfield to new Fairfield Library-Mark Coakley**

On motion of Mrs. Woodson and seconded by Mr. Shippee and by unanimous vote the Electoral Board approved the relocation of the Fairfield Library voting precinct from 1001 North Laburnum Avenue to 1401 North Laburnum Avenue, Henrico, VA, 23223.

The vote of the Board was as follows:

<u>Aye</u>	<u>Nay</u>
Shippee	
Woodson	

**Other business**

None

**Public Comment**

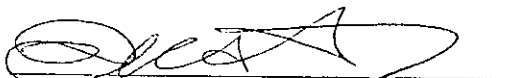
None


**Adjournment**

There being no further business, on the motion of Mrs. Woodson, seconded by Mr. Shippee, and by unanimous vote, the Board voted to adjourn the meeting at 11:40 a.m.

The vote of the Board was as follows:

<u>Aye</u>	<u>Nay</u>
Shippee	
Woodson	

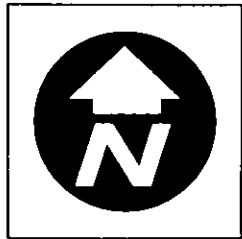
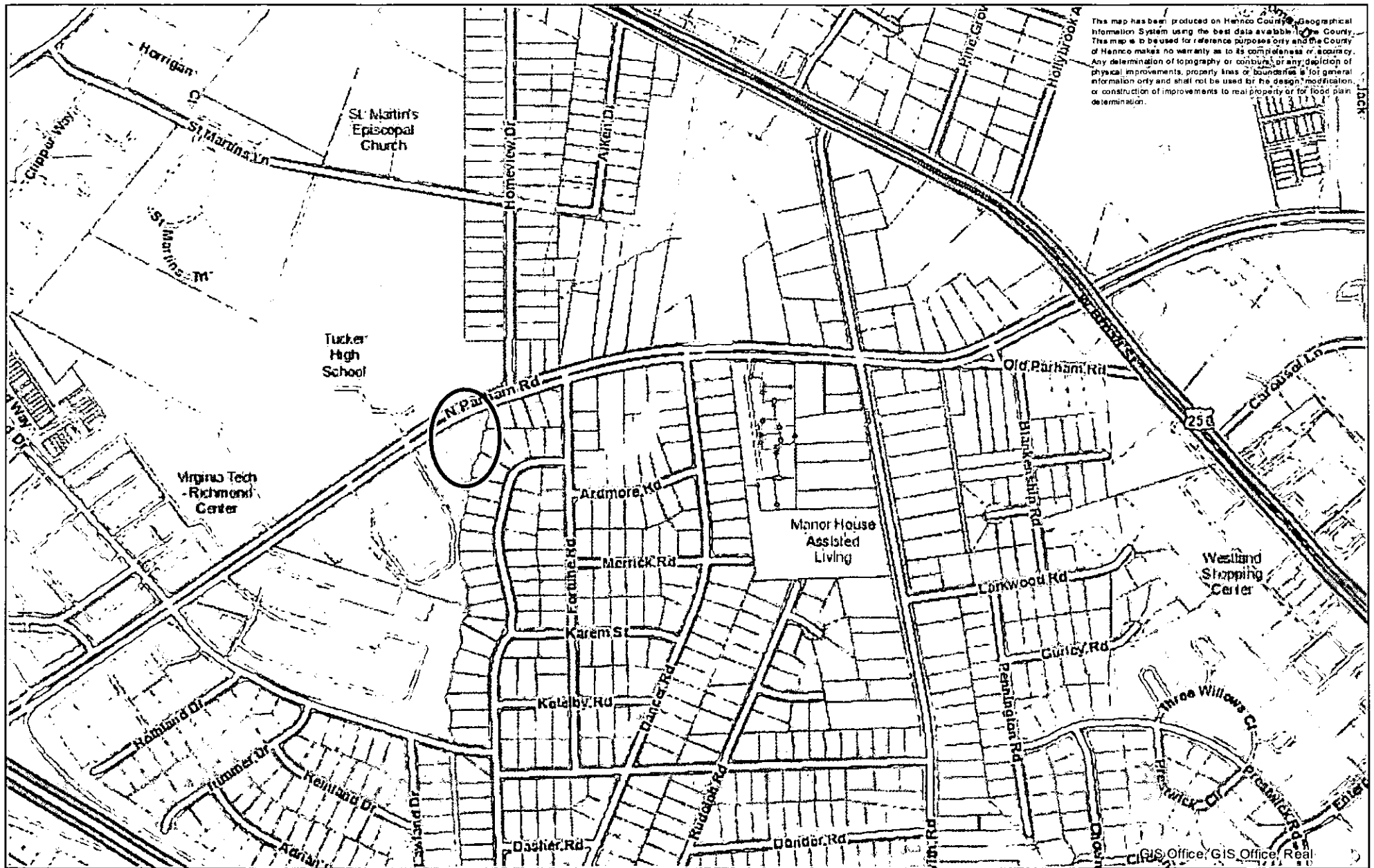
  
Robert Shippee, Vice-Chair

  
Cathy Woodson, Secretary





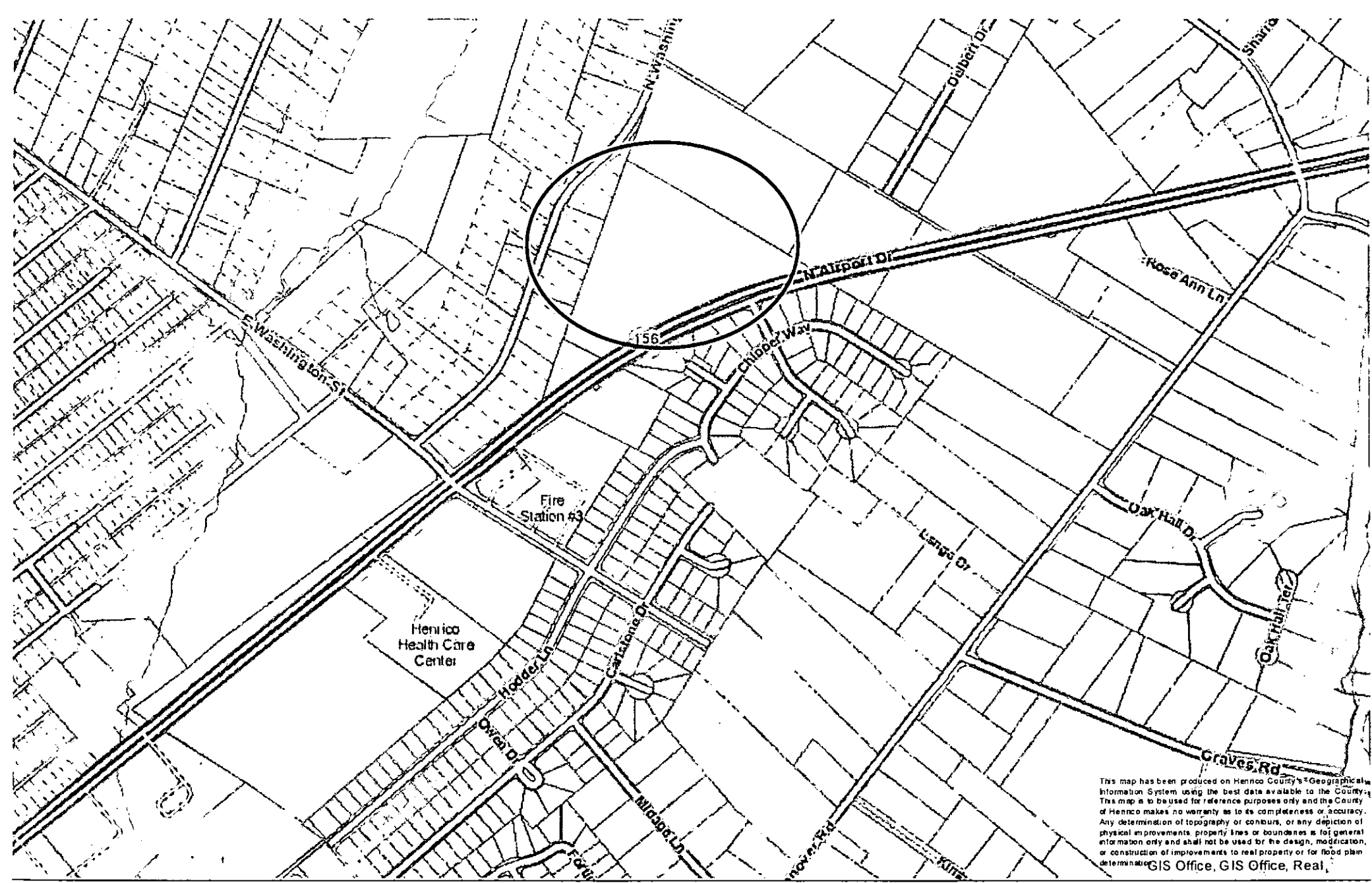




**VICINITY MAP**  
**ACQUISITION OF REAL PROPERTY**  
**2913 and 2915 PARHAM ROAD**  
**THREE CHOPT DISTRICT**







This map has been produced on Henrico County's Geographic 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, modification, or construction of improvements to real property or for flood plain determination. GIS Office, GIS Office, Real,



**VICINITY MAP**  
**ACQUISITION OF REAL PROPERTY**  
**640 NORTH AIRPORT DRIVE**  
**VARINA DISTRICT**





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

Agenda Item No. 282-19  
Page No. 1 of 2

**Agenda Title: RESOLUTION — Award of Contract — Bretton Woods Stream Restoration —  
Brookland District**

For Clerk's Use Only: Date: <u>11/12/2019</u> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to: _____	<b>BOARD OF SUPERVISORS ACTION</b> Moved by (1) <u>Schmitt</u> Seconded by (1) <u>Thornton</u> (2) _____ (2) _____ REMARKS: <div style="font-size: 2em; font-weight: bold; text-align: center;">APPROVED</div>	<table border="0"> <tr> <td></td> <td align="center">YES</td> <td align="center">NO</td> <td align="center">OTHER</td> </tr> <tr> <td>Branin, 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>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>Schmitt, 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>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	Branin, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Schmitt, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**WHEREAS**, the County received three bids on October 2, 2019, in response to ITB No. 19-1909-8EAR and Addendum No. 1 for the Bretton Woods Stream Restoration project; and,

**WHEREAS**, the project will include installation of in-stream structures, floodplain bench grading, seeding, and planting along 1,050 linear feet of an unnamed tributary of North Run; and,

**WHEREAS**, for selection and evaluation purposes, the lowest responsive and responsible bid was determined by multiplying the unit prices times the unit quantities specified in the bid documents, with the following results:

Bidder	Total Bid
Environmental Quality Resources	\$509,647.20
Docks of the Bay	\$594,999.30
HGS	\$728,269.00

**WHEREAS**, after review and evaluation of all bids, it was determined that Environmental Quality Resources is the lowest responsive and responsible bidder with a bid of \$509,647.20.

By Agency Head  By County Manager 

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

Agenda Item No. 282-19

Page No. 2 of 2

**Agenda Title: Resolution — Award of Contract — Bretton Woods Stream Restoration — Brookland District**

---

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

1. A contract to furnish all labor, materials, supplies, equipment, and services necessary for the Bretton Woods Stream Restoration project is hereby awarded to Environmental Quality Resources, the lowest responsive and responsible bidder, in the amount of \$509,647.20, pursuant to ITB No. 19-1909-8EAR, Addendum No.1, and the bid submitted by Environmental Quality Resources. The final contract amount shall be determined upon completion of the project by multiplying the actual County-authorized unit quantities required for construction of the project by the unit prices submitted in the Contractor's bid.
2. The County Manager is authorized to execute the contract in a form approved by the County Attorney.
3. The County Manager, or the Purchasing Director as his designee, is authorized to execute all change orders within the scope of the budget not to exceed 15% of the original contract amount.

Comment: Funding to support the contract is available through the MS4 Fund. The Director of Public Works and Purchasing Director recommend approval of the Board paper, and the County Manager concurs.



# Bretton Woods Stream Restoration

