

COUNTY OF HENRICO, VIRGINIA
Board of Supervisors' Agenda
October 27, 2009
7:00 p.m.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES – October 13, 2009 Regular and Special Meetings

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

PUBLIC COMMENTS

GENERAL AGENDA

- 269-09 Introduction of Ordinance – To Add Section 20-73 to the Code of the County of Henrico Titled “Partial exemption for rehabilitated, renovated or replacement residential structures other than multifamily residential rental units,” to Create a Partial Tax Exemption for Qualifying Property Devoted to Residential Use Other Than Multifamily Residential Rental Units.
- 270-09 Resolution - Authorizing and Directing the Publication of a Notice of Public Hearing in Connection with the Authorization of Not to Exceed \$9,800,000 Principal Amount of Water and Sewer System Revenue Bonds.
- 271-09 Resolution – Award of Contract for Computer Assisted Mass Appraisal (CAMA) Software and Implementation Services.
- 272-09 Resolution – Acceptance of Road.

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
REGULAR MEETING
October 13, 2009

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, October 13, 2009 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:

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

Other Officials Present:

Virgil R. Hazelett, P.E., County Manager
Joseph P. Rapisarda, Jr., County Attorney
Michael L. Wade, Sheriff
Tanya B. Harding, Administrative Assistant/Deputy Clerk to the Board
George T. Drumwright, Jr., Deputy County Manager County Manager for Human Services
Angela N. Harper, Deputy County Manager for Special Services
Robert K. Pinkerton, P.E., Deputy County Manager for Community Operations
Randall R. Silber, Deputy County Manager for Community Development

Mr. Kaechele called the meeting to order at 7:08 p.m. and led recitation of the Pledge of Allegiance.

Rev. Guy Holloway, Pastor of Grace Community Baptist Church, delivered the invocation.

On motion of Mr. Thornton, seconded by Mr. Glover, the Board approved the minutes of the September 22, 2009 Regular and Special Meetings.

The vote of the Board was as follows:

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

No: None

MANAGER'S COMMENTS

There were no comments from the Manager.

BOARD OF SUPERVISORS' COMMENTS

Mr. Donati read a letter he received from Ross McKimmey, a Varina District resident, conveying thanks to the County's Department of Public Works for its great service in quickly responding to McKimmey's report of a dead tree endangering traffic on Berryhill Road. Mrs. O'Bannon noted a similar quick response by the Department last month to a report of a dead tree on her own street. Mr. Hazelett pointed to the huge difference in the quality and level of maintenance performed by the Department of Public Works along County roadways versus the situation that exists along State roads maintained by the Virginia Department of Transportation. Mr. Kaechele commented that litter and debris spilled along Nuckols Road near the County's landfill does not stay there long.

Mr. Thornton recognized the passing of Dr. Dorothy N. Cowling, an eminent educator who influenced students from the Henrico, Richmond, and Northern Neck areas. Dr. Cowling was the first female president of Virginia Union University.

Mr. Donati announced that a health and safety fair will be held at Henrico Fire Station #18 on the afternoon of October 18. The station is located in the Varina District on Darbytown Road. Representatives from an array of agencies and organizations will be present to talk to the public. Mr. Donati thanked the Division of Fire for sponsoring this event and encouraged Henrico citizens to attend.

RECOGNITION OF NEWS MEDIA

Mr. Kaechele recognized Katherine Calos from the *Richmond Times-Dispatch*.

PRESENTATIONS

Mr. Kaechele presented a proclamation recognizing October 18 – 24, 2009 as Energy Conservation Awareness Week. Accepting the proclamation was Jerry L. Walker, Energy Manager for the County's Department of General Services. Joining him was Paul N. Proto, Director of General Services; and William L. Smith, Deputy Director of General Services.

Mrs. O'Bannon presented a proclamation recognizing October 2009 as Domestic Violence Awareness Month. Accepting the proclamation were Pat Morris, a member of the Safe Harbor Board of Directors. Joining her was Shannon E. Heady, Executive Director of Safe Harbor; Angela Merritt Verdery, Deputy Director of Safe Harbor; Col. Henry W. Stanley, Jr., Chief of Police; Capt. John C. Coover, Commanding Officer for the Henrico Division of Police's Criminal Investigations Section; and Lt. K. Steven Schaaf, Commander of the Division's Violent Crimes Unit.

Mr. Hazelett interjected at this point in the meeting that Tanya Harding was taking on the duties this evening for Barry Lawrence, Clerk to the Board, who was absent due to illness.

PUBLIC HEARINGS - REZONING CASES AND PROVISIONAL USE PERMIT

251-09 CA, L.L.C.: Request to amend proffered conditions accepted with Rezoning
C-22C-09 Cases C-67C-03 and C-38C-06, on part of Parcel 762-773-4696, located at the
Brookland southeast intersection of Hunton Park Boulevard and Hunton Park Lane.

Joe Emerson, Director of Planning, clarified for Mr. Kaechele that this case would amend previously accepted proffers.

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

Mr. Glover commented that several meetings on the case were held with the existing residential community in the Villas and that the community was in agreement with the case. He noted how the case would benefit the community.

On motion of Mr. Glover, seconded by Mr. Thornton, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 251-09 (C-22C-09) with the following amended proffered conditions:

Applicable to RTHC District Only

2. **Architectural Treatment.** The two and three story townhouses constructed on the Property shall be substantially in conformance with the elevations filed with Case No. C-38C-06 or the additional elevation entitled "The Lafayette" attached hereto (see case file).
3. **Minimum Size.** The minimum finished floor area of a minimum of one hundred (100) units when aggregated with those units which were the subject of Case No. C-38C-06 shall be 2,925 square feet and shall have a minimum width of twenty-four (24) feet. The minimum finished floor area of the remaining units shall be 2,000 square feet and shall have a minimum width of twenty-four (24) feet.
18. **Sound Suppression.** Interior walls between units shall have a minimum sound transmission coefficient rating of 55. Exterior walls parallel or adjacent to Interstate 295 (i.e., the rear facade of the buildings M, N, O, P and Q as shown on POD-52-04 as amended — see case file) shall be standard construction with, at the option of the purchaser, the addition of an RC-1 sound attenuation channel creating a ½" dead air space, and with, at the option of the purchaser, windows installed in these walls having a minimum sound transmission coefficient rating of 32. A cross-sectional detail, reviewed and approved by a certified architect or engineer as the methodology to accomplish the sound coefficient rating if desired by the purchaser, shall be included in the building permit application.
25. **Security System.** At the option of the purchaser, a security system shall

be provided for each dwelling unit.

The vote of the Board was as follows:

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

No: None

252-09
C-24C-09
Three Chopt

HHHunt Corporation: Request to amend proffered conditions accepted with Rezoning Case C-72C-05, on Parcels 746-769-5893, 746-769-5289, 746-769-4786, 746-769-4184, 746-769-2878, 746-769-2890, 746-769-4197, 746-770-2806, 746-770-2317, 746-770-2222, 746-770-2128, 746-770-2034, 746-770-2139, 746-770-2048, 746-770-1150, 745-770-9942, 745-770-9934, 746-770-0129, 746-770-4605, 746-770-3446, 746-770-3436, 746-770-3430, 746-770-3425, and 746-770-3768, located at the southeast intersection of Hickory Bend Drive and Hickory Park Drive.

Mr. Emerson clarified for Mr. Kaechele the square footage requirements set forth in new proffer #7.

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

On motion of Mrs. O'Bannon, seconded by Mr. Donati, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 252-09 (C-24C-09) with the following proffered conditions:

1. Except as stated and amended herein, all proffers and conditions of the original zoning case C-72C-05 shall remain in effect and full force.
2. Proffer #7 of the original zoning case C-72C-05 shall be deleted in its entirety and replaced with the following:
 7. Square Footage. Homes shall have a minimum of 1,800 finished square feet on the first floor, or if there is not 1,800 square feet finished on the first floor, the home must have a minimum of 2,400 finished square feet of which a minimum of 1,600 must be finished on the first floor. Finished square footage shall be computed by dimensions taken from outside of finished wall to outside of finished wall and shall not include garage area.
3. Proffer #9 of the original zoning case C-72C-05 shall be deleted in its entirety.
4. The following is an additional proffered condition:
 19. Fences. Wooden fences are not permitted.

The vote of the Board was as follows:

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

No: None

253-09
P-11-09
Three Chopt

Bruce D. Perretz: Request for a Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of Chapter 24 of the County Code to permit outside dining for a restaurant on part of Parcel 737-761-2086, located on the east line of Lauderdale Drive approximately 480 feet north of Three Chopt Road (Shoppes at Westgate).

Jean Moore, Assistant Director of Planning, confirmed for Mr. Kaechele that the applicant had agreed to the extensive list of conditions.

Mr. Kaechele commented that many restaurants in the Short Pump desire to have outdoor dining and that outdoor dining was appropriate for the high quality restaurant addressed by this case. He further commented that the Planning Department staff and applicant had worked together well on the case.

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

On motion of Mrs. O'Bannon, seconded by Mr. Donati, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 253-09 (P-11-09) with the following conditions:

1. No outdoor live music performances shall be permitted.
2. Any outside speakers or sound system shall comply with the following standards:
 - a. Sound systems shall be equipped with controls permitting full volume adjustment.
 - b. Sound from the system shall not be audible beyond 100 feet from the source.
 - c. *Sound systems may be used only when outside dining is permitted.*
3. The operator shall not permit food preparation outside the enclosed building.
4. The outdoor dining area shall not be in operation between 10:00 p.m. and 7:00 a.m.
5. The outdoor dining area shall be constructed in general conformance with the floor plan attached as "Exhibit A" (see case file).

6. Unless otherwise approved by the Director of Planning, the outdoor tables, chairs, and umbrellas shall be substantially similar to those submitted with this request (Exhibit B) (see case file).
7. The applicant shall obtain administrative approval from the Planning Department for the design and layout of the outdoor dining area.
8. The railing surrounding the outdoor dining area shall be limited to 42" in height and shall consist of commercial grade material for durability as shown in "Exhibit A" (see case file).
9. Outdoor lighting fixtures shall complement the style of building. Lighting fixtures shall be from a concealed source and shall not produce glare for motorists or pedestrians on the adjacent rights-of-way and parking areas and shall illuminate only the outdoor dining area.
10. Trash receptacles shall be provided and properly serviced to control litter generated by this use.
11. This permit shall apply only to the tenant space to be occupied by Anokha and shall not apply to any other business in the overall shopping center.
12. Access to the outdoor dining area shall be available only through the interior of the restaurant, except during an emergency when a patio fence exit gate may be utilized.
13. Prior to operation, the applicant shall consult with the Special Services Unit within the Division of Police to discuss crime prevention recommendations and conduct a security survey of the property and restaurant operations. The applicant shall implement mutually agreed upon security recommendations.
14. Prior to the construction of the outdoor dining area, the stairs and the adjacent crosswalk north of the outdoor dining area shall be removed. Plantings consistent with the existing landscaping on either side of the stairs shall be planted in place of the stairway.

The vote of the Board was as follows:

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

No: None

PUBLIC HEARING - OTHER ITEM

254-09 Ordinance - To Amend and Reordain Section 6-117 Titled "Blighted property defined," Section 6-118 Titled "Procedures for declaring blight; notification of owner; public hearing," and Section 6-119 Titled "Declaration of nuisance" of the

Code of the County of Henrico, All to Revise the County's Buildings Ordinance to Comply with Recent Changes Enacted by the General Assembly.

Greg Revels, Building Official, clarified for Mr. Kaechele that the Board held a work session on this proposed ordinance on September 8, 2009. He confirmed for Mrs. O'Bannon that what was being proposed was a housekeeping revision to make the County's ordinance compliant with the Code of Virginia.

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

On motion of Mr. Glover, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 254-09 – see attached resolution.

PUBLIC COMMENTS

There were no comments from the public.

GENERAL AGENDA

255-09 Introduction of Ordinance – To Amend and Reordain Section 20-599 of the Code of the County of Henrico Titled “Deduction of receipts taxed by other jurisdiction” Relating to Deductions from Gross Receipts of Contractors and Speculative Builders.

Mr. Hazelett clarified that the public hearing for this proposed ordinance would be held on November 10, 2009.

Ed Trice, Revenue Division Director for the Department of Finance, confirmed for Mr. Hazelett that the public hearing for this proposed ordinance will be held on November 10, 2009. He responded to a question from Mrs. O'Bannon regarding the Supreme Court case that precipitated the ordinance.

On motion of Mr. Donati, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved Agenda Item No. 255-09 – see attached introduction of ordinance.

256-09 Introduction of Ordinance – To Amend and Reordain Sections 20-311, 20-312, 20-313, 20-314, 20-316, 20-317, 20-318, 20-320, 20-321, 20-325 and 20-327 of the Code of the County of Henrico Titled Respectively “Definitions,” “Levy; amount,” “Taxation of rental property other than daily rental property,” “Application for certificate of registration,” “Collection and remittance; returns,” “Records,” “Procedure upon failure to file return or filing of false return,” “Exemptions,” “Collection without certificate of registration prohibited,” “Bond,” and “Period of limitations,” All Relating to Short-term Rental Property Tax.

In response to a question from Mr. Kaechele, Mr. Trice offered a couple of examples of the types of companies subject to the short-term rental property tax.

On motion of Mrs. O'Bannon, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 256-09 – see attached introduction of ordinance.

257-09 Resolution – Signatory Authority – Second Amendment to Contract for Architectural and Engineering Services – Fire Station #7.

On motion of Mr. Donati, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved Agenda Item No. 257-09 – see attached resolution.

258-09 Resolution – Award of Construction Contract – Fire Station #8.

Paul Proto, Director of General Services, responded to comments from the Board relating to the current bid market and range of the bids for this contract.

On motion of Mrs. O'Bannon, seconded Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 258-09 – see attached resolution.

259-09 Resolution – Award of Contract – Services for the Location and Designation of Subsurface Utilities.

Mr. Proto confirmed for Mr. Kaechele that this contract would apply to all utilities being marked for County projects. He also responded to a question from Mr. Kaechele regarding the role of Miss Utility.

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 259-09 – see attached resolution.

260-09 Resolution – Award of Contract for Engineering Services – Commissioning Agent.

Mr. Proto and Mr. Hazelett responded to questions from the Board pertaining to the services that would be provided by the contractor, how the County benefits from this type of contract, and how the contract would augment the County's Leadership in Energy and Environmental Design (LEED) certification program.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 260-09 – see attached resolution.

261-09 Resolution - To Accept the FY2010 Virginia Office of the Attorney General, TRIAD Crime Prevention for Seniors Grant Award.

On motion of Mr. Glover, seconded by Mrs. O'Bannon, and by unanimous vote,

the Board approved Agenda Item No. 261-09 – see attached resolution.

- 262-09 Resolution - To Accept the FY2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Program: Local Solicitation Award to the County of Henrico, Division of Police, for Specialized Police-Related Equipment.

Col. Henry Stanley, Chief of Police, clarified for Mr. Kaechele that this grant program is provided through the United States Department of Justice.

On motion of Mr. Glover, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved Agenda Item No. 262-09 – see attached resolution.

- 263-09 Resolution – Signatory Authority – Rental Agreement – North Gayton Road Extension Project – Three Chopt District.

On motion of Mrs. O'Bannon, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 263-09 – see attached resolution.

- 264-09 Resolution - Award of Construction Contract - Foxhill Townhouses Water Service Replacement – G. L. Howard, Inc.

Bill Mawyer, Assistant Director of Public Utilities, and Mr. Hazelett responded to a number of questions from the Board relating to the size, type, and depth of the new pipe that would be used in this project; the age of the existing pipe proposed for replacement; existing standards for water service line connections; problems the County has experienced with plastic pipes versus copper pipes; the freeze line for water pipes; and the type of water pipe used on residential properties between the County's meter box and private homes.

On motion of Mr. Donati, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved Agenda Item No. 264-09 – see attached resolution.

- 265-09 Resolution - Award of Construction Contract - River Road Roadway Improvements from Roslyn Hills Drive to Ralston Road. Project #2111.50709.28004.00682 (formerly #502153-709-301-04). Tuckahoe District.

Mrs. O'Bannon noted that this project was first brought to her attention in 1995 by citizens along River Road who were concerned about insufficient site distance at the intersections of their subdivisions with River Road. She further noted that the County had held many meetings with citizens to work out the details of the project, the citizens understood the need for the project, and the lowest bid for the project had come in at just one-half of its estimated cost.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 265-09 – see attached resolution.

Mrs. O'Bannon commented on the timing of the project in response to a question from Mr. Kaechele. Mr. Foster confirmed for Mr. Hazelett that the project's estimated \$700,000 utility relocation cost is not included in this contract.

266-09 Resolution - Award of Annual Contract - Engineering Services - Bridge and Major Drainage Structures Design and Repair Projects.

Mr. Foster clarified that AECOM was the County's previous bridge contractor under the name of Earth Tech. He responded to questions from Mr. Kaechele concerning the scope of the contract.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 266-09 – see attached resolution.

267-09 Resolution - To Permit Additional Fine of \$200 for Speeding on Blue Jay Lane, Notre Dame Drive, Camden Drive, and a Portion of Rolando Drive.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 267-09 – see attached resolution.

268-09 Resolution - Acceptance of Roads.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 268-09 – see attached resolution.

There being no further business, the meeting was adjourned at 8:08 p.m.

Chairman, Board of Supervisors
Henrico County, Virginia

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
SPECIAL MEETING
October 13, 2009

The Henrico County Board of Supervisors convened a special meeting on Tuesday, October 13, 2009 at 4:30 p.m. in the County Manager's Conference Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia.

Members of the Board Present:

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

Other Officials Present:

Virgil R. Hazelett, P.E., County Manager
Joseph P. Rapisarda, Jr., County Attorney
Tanya B. Harding, Administrative Assistant/Deputy Clerk to the Board
George T. Drumwright, Jr., Deputy County Manager for Community Services
Angela N. Harper, Deputy County Manager for Special Services
Leon T. Johnson, Deputy County Manager for Administration
Robert K. Pinkerton, P.E., Deputy County Manager for Community Operations
Randall R. Silber, Deputy County Manager for Community Development
Tamra McKinney, Director of Public Relations & Media Services
C. Michael Schnurman, Jr., Legislative Liaison
John A. Vitoulkas, Director of Finance/Special Economic Adviser

Mr. Kaechele called the meeting to order at 4:44 p.m.

Mr. Hazelett briefly referred to the four items listed on the agenda.

Proposed Ordinance Amendment Pertaining to Street Frontage Requirements

Mr. Hazelett recognized Ben Blankinship, Principal Planner for Code Support, who narrated a Power Point presentation titled "Proposed Zoning Ordinance Amendment - Public Street Frontage Requirement." Mr. Blankinship reviewed the County Code's current street frontage requirement, public policy concerns, an exception to the requirement for family divisions, the need for the proposed amendment, family division criteria, problems and examples of three issues with private drives, provisions of the proposed amendment, and previous action by the Planning Commission on the proposed amendment. During his presentation, Mr. Blankinship responded to questions and comments from the Board regarding examples of issues the County

has experienced with private drives and the Department of Public Works' (DPW) requirements for public streets.

There was considerable discussion between Mr. Glover and Mr. Blankinship pertaining to previous decisions by the County's Board of Zoning Appeals (BZA) in cases where property owners requested variances from the public street frontage requirement and DPW's requirement that public streets have seven inches of approved base material. Mr. Rapisarda responded to questions from Mr. Donati relating to the BZA's legal obligation to follow the Cochran v. Board of Zoning Appeals of Fairfax County decision of the Virginia Supreme Court that made it very difficult for the BZA to grant variances for proposed lots. In response to Board concerns about certain provisions of the proposed ordinance, Mr. Hazelett emphasized the importance of maintaining access to residential properties for public safety purposes and the problems that private drives can pose for the County once lots are sold outside of the family originally requesting an exception to public street frontage requirements. Joe Emerson, Director of Planning, responded to concerns expressed by Mr. Glover regarding a new paragraph in the proposed amendment that would provide the BZA with the authority to approve special exceptions for family divisions. Mr. Rapisarda explained the distinction in legal authority between the Planning Commission and BZA. Mr. Hazelett acknowledged the Board's concerns with respect to the BZA's role in granting special exceptions and advised that the Department of Planning will bring the proposed amendment back to the Board after the first of the year with further revisions.

Residential Real Estate Tax Abatement

Mr. Hazelett recognized John Vithoukas, Director of Finance, who narrated a Power Point presentation titled "Proposed Partial Tax Exemption Program for Residential Real Estate other than Multifamily Rental Units." Mr. Vithoukas thanked Mr. Johnson, Mr. Silber, Director of Community Revitalization Mark Strickler, Senior Assistant County Attorney Karen Adams, and Real Estate Assessment Director Sam Davis for their help with this proposed program. Mr. Vithoukas reviewed the proposed program's purpose; cautions; State enabling legislation and legislative conditions; suggested requirements, including the 20 percent structure value increase requirement; year 1 examples of qualifying areas; marketing; and implementation timeline. He also explained a color coded graphic highlighting areas of the County that will potentially be helped by the program.

Mr. Vithoukas, Mr. Hazelett, and Mr. Silber responded to questions and comments from the Board regarding program requirements, the types of improvements that would qualify for the tax abatement, the anticipated impact of the program on real estate revenues, and program goals. They clarified that only houses built in 1969 or earlier that are located on properties with a maximum total assessed value of \$200,000 would potentially qualify for the program. The rehabilitation would need to increase the base value structure by at least 20 percent without increasing the square footage by more than 100 percent. Mr. Glover commented that he felt the program would be beneficial to the County in the long haul. Mr. Thornton agreed with Mr. Vithoukas that effective marketing of the program would be critical to its success. Mr. Kaechele expressed concerns about the program's cost and value to the County. Mr. Thornton stated his view that the program is an excellent idea and that the Board should claim ownership of it as has

been the case with the Real Estate Advantage Program (REAP). Mr. Kaechele indicated that the Board was in agreement to proceed with the program. Mr. Vithoukas concluded the discussions by advising that an ordinance to create this tax exemption will be introduced at the Board's October 27, 2009 meeting for public hearing on November 24, 2009. The effective date of the ordinance will be January 1, 2010.

The Board recessed for dinner at 6:09 p.m. and reconvened at 6:16 p.m.

Variable Rate Debt and Recovery Zone Bonds for Public Utilities

Mr. Hazelett recognized Mr. Vithoukas, who narrated a Power Point presentation titled "Variable Rate Debt and Recovery Zone Bonds for Public Utilities." Mr. Vithoukas began by providing background information on a May 12, 2009 resolution of the Board authorizing the County to lock in fixed rate debt to replace floating rate debt of the County's Water and Sewer Fund. He explained slides that addressed the County's variable rate debt for water and sewer bonds, staff's proposal to refund variable rate debt in utilities and take advantage of an opportunity to issue interest subsidized bonds authorized by the American Recovery and Reinvestment Act (ARRA) of 2009, general information on Recovery Zone Economic Development Bonds (RZEDBs), local demand for RZEDBs, Executive Order 94, the process to issue RZEDBs, the definition of a recovery zone, the County's water and sewer project needs, capital improvement project (CIP) rehabilitation project requests in three areas of the County, sewer rehabilitation projects in relation to enterprise zones, the Broadwater II and Strawberry Hill basin sewer rehabilitation areas, a potential timeline for establishing recovery zones and issuing RZEDBs, and threats to the plan to issue RZEDBs. Mr. Vithoukas noted that under Executive Order 94, Henrico County has a RZEDB allocation of \$9.8 million and a Recovery Zone Facility Bonds (RZFB) allocation of \$14.7 million. Jay Conrad of BB&T, the County's financial advisor, commented briefly on staff's proposal to refund variable rate debt in public utilities and issue interest subsidized bonds authorized by ARRA.

Mr. Vithoukas and Mr. Hazelett responded to questions from the Board regarding a November 2, 2009 notification deadline cited in Executive Order 94, how proceeds from the RZEDBs will be allocated, the process for refunding variable rate debt and issuing interest subsidized bonds, and bond interest rates and terms. There was discussion among the Board, Mr. Hazelett, and Mr. Vithoukas pertaining to the costs and potential savings to the County of permanently locking in fixed rate debt on water and sewer bonds as opposed to continuing with floating rate debt. Mr. Hazelett reiterated the suggested timeline for proceeding, which is as follows: October 27, 2009 – the Board establishes three "recovery zones" and authorizes \$9.8 million in new debt to be issue for the Water and Sewer System; November 2, 2009 – the County submits its intent that will utilize its RZEDB allocation to the Governor's Office; December 8, 2009 – the Board recognizes this bond sale as an appropriation on the next budget amendment; and early/mid-December 2009 – the County sells bonds to lock in permanent financing for Water and Sewer Fund debt and issues RZEDBs.

Draft 2010 Legislative Program

Mr. Hazelett recognized Mr. Schnurman, who reviewed a slide listing the two proposed items for the County's 2010 Draft Legislative Program. These include a request for a joint resolution of the General Assembly recognizing the County's 400th anniversary in 2011 and for State legislation granting local animal control officers with authority over wild animals as well as domestic animals. In response to a question from Mr. Thornton, Mr. Hazelett advised that there may be additional issues of concern not listed in this draft that can be discussed with the County's State legislative delegation next month. He confirmed for Mr. Kaechele that the Board's annual dinner meeting with the delegation is scheduled for November 4, 2009.

Mr. Hazelett briefed the Board on one item listed on the general agenda for the evening meeting, a resolution authorizing the County Manager to execute a rental agreement with the owners of a house to be acquired by the County for the North Gayton Road Extension Project. The agreement will eliminate the need to displace a tenant and pay relocation benefits as part of the acquisition.

There being no further business, the meeting was adjourned at 6:56 p.m.

Chairman, Board of Supervisors
Henrico County, Virginia

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

This Board paper introduces for advertisement and public hearing on November 24, 2009, an ordinance to add section 20-73 to the Henrico Code creating a partial tax exemption for qualifying property devoted to residential use other than multifamily residential rental units. Qualifying properties under the proposed partial exemption program would have to be at least 40 years old and have a maximum total assessed value of \$200,000. The rehabilitation would need to increase the base structure value by at least 20% without increasing the square footage by more than 100%. The partial tax exemption would last for seven years and would run with the land.

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



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 269-09
Page No. 1 of 1

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

For Clerk's Use Only: Date: OCT 27 2009 <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:	<p style="text-align: center;">BOARD OF SUPERVISORS ACTION</p> Moved by (1) _____ Seconded by (1) _____ (2) _____ (2) _____ REMARKS: _____ _____	<table border="0"> <thead> <tr> <th></th> <th style="text-align: center;">YES</th> <th style="text-align: center;">NO</th> <th style="text-align: center;">OTHER</th> </tr> </thead> <tbody> <tr> <td>Donati, J.</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Glover, R.</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Kaechele, D.</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>O'Bannon, P.</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Thornton, F.</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table>		YES	NO	OTHER	Donati, J.	_____	_____	_____	Glover, R.	_____	_____	_____	Kaechele, D.	_____	_____	_____	O'Bannon, P.	_____	_____	_____	Thornton, F.	_____	_____	_____
	YES	NO	OTHER																							
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Thornton, F.	_____	_____	_____																							

The Clerk is directed to advertise, in the Richmond Times-Dispatch on November 3, 2009 and November 10, 2009, the following ordinance for a public hearing to be held at the Board Room on November 24, 2009 at 7:00 p.m.:

"AN ORDINANCE to add Section 20-73 to the Code of the County of Henrico titled 'Partial exemption for rehabilitated, renovated or replacement residential structures other than multifamily residential rental units,' to create a partial tax exemption for qualifying property devoted to residential use other than multifamily residential rental units. A copy of the full text of this ordinance shall be on file in the Office of the County Manager."

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

By Agency Head  By County Manager 

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

Ordinance - To Add Section 20-73 to the Code of the County of Henrico titled "Partial exemption for rehabilitated, renovated or replacement residential structures other than multifamily residential rental units" to create a partial tax exemption for qualifying property devoted to residential use other than multifamily residential rental units.

AN ORDINANCE to add Section 20-73 to the Code of the County of Henrico titled "Partial exemption for rehabilitated, renovated or replacement residential structures other than multifamily residential rental units" to create a partial tax exemption for qualifying property devoted to residential use other than multifamily residential rental units.

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

1. That Section 20-73 be added to the Code of the County of Henrico as follows:

Sec. 20-73. Partial exemption for rehabilitated, renovated or replacement residential structures other than multifamily residential rental units.

(a) Exemption authorized. Partial exemption from real estate taxes is hereby provided in accordance with the provisions of this section for qualifying property devoted to residential units other than multifamily whose structures are rehabilitated in accordance with the criteria set out in Code of Virginia, § 58.1-3220, as amended, and this section.

(b) Qualifications. For the purposes of this section, the total assessed value of a residential property other than multifamily residential rental units shall not exceed \$200,000 and the structure must be at least 40 years old. The real estate shall be deemed to be substantially rehabilitated when it has been so improved as to increase the assessed value of the structure by no less than 20 percent, but without increasing the total footage of such structure by more than 100 percent. Detached improvements, including but not limited to a garage, shed or swimming pool, are not eligible. As used in this section, the terms "rehabilitation" and "rehabilitated" shall also include situations in which the structures on the property have been demolished and replaced with new residential structures.

(c) Application; determination of base value; application fee.

(1) As a requisite for qualifying for partial tax exemption, the owner of the structure shall, prior to or simultaneously with making application for a building permit to rehabilitate such structure, file with the county's director of finance, upon forms furnished by him, an application to qualify such structure as a rehabilitated residential structure. Upon receipt of an application for tax exemption, the director of finance shall determine a base fair market value assessment (referred to in this section as base value) of the structure prior to commencement of rehabilitation. The tax assessment of the improvements located upon the qualifying real estate shall be considered in determining the base value. The base value shall serve as a basis for determining whether the rehabilitation increases the assessed value of such structure by at least 20 percent.

(2) Rehabilitation must be completed within three years from the date on which the director of finance determines the base value.

(3) The application to qualify for the rehabilitated structure tax exemption must be accompanied by a payment of a fee of \$50.00, which fee shall be applied to offset the cost of processing such application, making the required assessments, and making an annual inspection to determine the progress of the work.

(d) Inspection of progress of work; effective date of exemption.

(1) During the period between the receipt of the application and the time when the director of finance may ascertain that the assessed value has increased by at least 20 percent, the owner of the property shall be subject to taxation upon the full fair market value of the property. An owner may, at any time prior to November 1 of any calendar year in which rehabilitation of a structure is underway, submit a written request to the director of finance to inspect the structure to determine if it then qualifies for the rehabilitated property exemption.

(2) When it is determined that the rehabilitation is completed and that it has resulted in at least a 20 percent increase in assessed value (base value is exceeded by 20 percent or more), the tax exemption shall become effective beginning on January 1 of the next calendar year.

(e) Credit memorandum. The owner of property qualifying for partial exemption of real estate taxes because of rehabilitation of a structure shall be issued a credit memorandum in the amount of the difference in taxes computed upon the base value and the assessed value of the property resulting from the rehabilitation for each year of a seven-year period of exemption from real estate taxes. Such seven-year period shall begin as specified in subsection (d) of this section. Additional increases resulting from increases in value occurring in subsequent years of the seven-year period shall not be eligible for partial tax relief. Such credit memorandum shall be surrendered when payment is made of the real estate taxes payable for the year for which such credit memorandum has been issued. Each credit memorandum timely surrendered shall be credited in its full amount against the taxes due for the real estate for which partial exemption has been obtained. Each credit memorandum so surrendered shall be charged against an appropriation made by the board of supervisors for the purpose of honoring such credit memorandums.

(f) Credit to run with land. Exemption from taxation of real estate qualifying for the rehabilitation exemption shall run with the land, and the owner of such property during each of the seven years of exemption shall be entitled to receive a credit memorandum for such partial exemption from taxation.

(g) Methods of evaluation. In determining the base value of a structure and whether the rehabilitation results in a 20 percent increase over such base value, the director of finance shall employ usual and customary methods of assessing real estate.

(h) Exemption not applicable to demolition of historic structures. Where rehabilitation is achieved through demolition and replacement of an existing structure, the exemption provided in this section shall not apply when any structure demolished is a registered Virginia landmark or is determined by the state's Department of Historic Resources to contribute to the significance of a registered historic district.

(i) Condition of the property. Upon making application to qualify for partial tax exemption, an applicant shall certify that the property that is the subject of the application, including the real estate upon which the structure is located, shall be maintained in compliance with all Code requirements. Failure to properly maintain the property in compliance with all Code provisions shall be grounds for denial of the requested partial tax exemption.

2. That this ordinance shall be effective on and after January 1, 2010.

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

RESOLUTION – Authorizing and Directing the Publication of a Notice of Public Hearing in Connection with the Authorization of Not to Exceed \$9,800,000 Principal Amount of Water and Sewer System Revenue Bonds

This Board paper authorizes and directs the Clerk to publish a notice of public hearing on November 10 and November 17, 2009, in connection with a public hearing to be held by the Board of Supervisors on November 24, 2009 concerning the proposed issuance by the County of not to exceed \$9,800,000 principal amount of Water and Sewer System Revenue Bonds to be issued as Recovery Zone Economic Development Bonds pursuant to the American Recovery and Reinvestment Act of 2009.

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 270-09
Page No. 2 of 2

Agenda Title: **RESOLUTION – Authorizing and Directing the Publication of a Notice of Public Hearing in Connection with the Authorization of Not to Exceed \$9,800,000 Principal Amount of Water and Sewer System Revenue Bonds**

WHEREAS, prior to the adoption by the Board of Supervisors of a resolution authorizing the issuance of such Water and Sewer System Revenue Bonds, the Board of Supervisors is required under Section 15.2-2606(A) of the Code of Virginia, 1950, to hold a public hearing on the proposed bond issue, and a notice of such public hearing must be published once a week for two successive weeks in the *Richmond Times-Dispatch*.

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

1. Authorization and Direction to Publish Notice of Public Hearing. The Clerk of the Board of Supervisors is hereby authorized and directed to cause to be published a notice of public hearing in the *Richmond Times-Dispatch* on Tuesday, November 10, 2009, and on Tuesday, November 17, 2009, in connection with a public hearing to be held by the Board of Supervisors on Tuesday, November 24, 2009, at 7:00 P.M., local time, in connection with the proposed issuance by the County of not to exceed \$9,800,000 principal amount of Water and Sewer System Revenue Bonds to be issued as Recovery Zone Economic Development Bonds. The notice of such public hearing shall be in such form as shall be prepared by Bond Counsel to the County and approved by the County Attorney.

2. Effective Date. This resolution shall take effect immediately upon its adoption.

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

Resolution — Award of Contract for Computer Assisted Mass Appraisal (CAMA) Software and Implementation Services

This resolution would award a contract in the amount of \$389,500 to **VISION APPRAISAL TECHNOLOGY, INC** for a new CAMA system and implementation services. The new system will replace an existing legacy system developed in the 1990s. The new software will include the following modules and functionality:

- Storage and maintenance of all real estate data, including characteristics, images and parcel history
- Valuation modules for all property types including commercial, industrial and residential
- System interfaces

On April 3, 2009, seven proposals were received in response to RFP #09-8603-2CS. Based upon evaluation of the proposals, the Selection Committee (consisting of Mr. Doug Baugh, Mr. Tom Owdom, Mr. Craig Lucas, Mr. Tom Little, Mr. Sam Davis and Mrs. Cecelia Stowe) interviewed the following firms:

Vision Appraisal Technology, Inc
Patriot Properties, Inc.
Manatron, Inc.

Based on the written proposals and interviews, the Selection Committee subsequently determined that **VISION APPRAISAL TECHNOLOGY, INC** made the best proposal and negotiated a contract in the amount of \$389,500.

Funding to support this contract is available. The Directors of Finance and General Services recommend that the contract be awarded to **VISION APPRAISAL TECHNOLOGY, INC**, and the County Manager concurs.

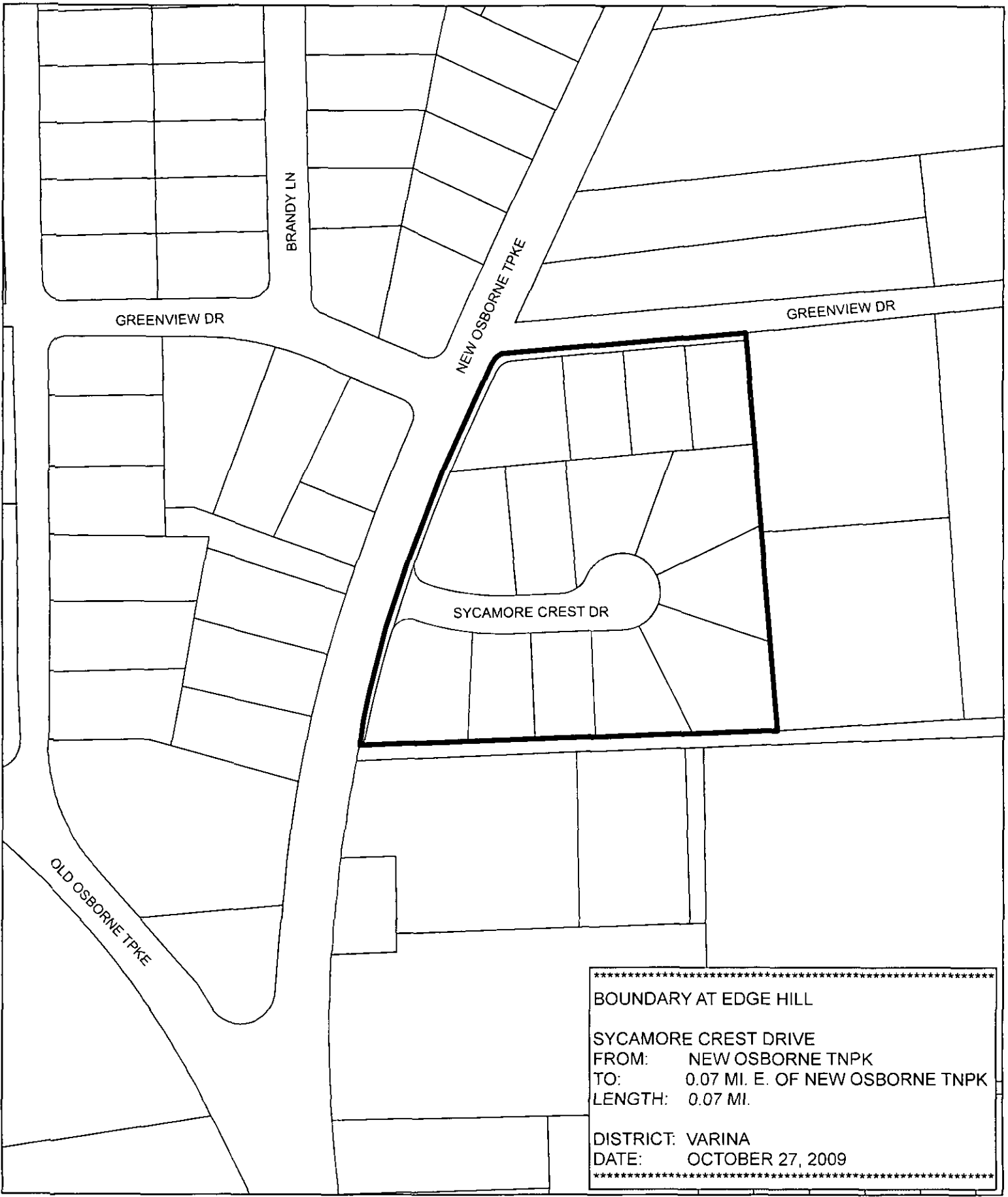
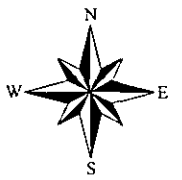
RESOLUTION - Acceptance of Road

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

- 1) 0.07 miles of Boundary at Edge Hill. Varina District.

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

BOUNDARY AT EDGE HILL



BOUNDARY AT EDGE HILL
SYCAMORE CREST DRIVE
FROM: NEW OSBORNE TNPK
TO: 0.07 MI. E. OF NEW OSBORNE TNPK
LENGTH: 0.07 MI.
DISTRICT: VARINA
DATE: OCTOBER 27, 2009
