

COUNTY OF HENRICO, VIRGINIA
Board of Supervisors' Agenda
February 23, 2010
7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Rev. Marcus D. Martin, Senior Pastor, New Bridge Baptist Church

APPROVAL OF MINUTES – February 9, 2010 Regular Meeting

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

PRESENTATION

61-10 Resolution – Expressing Appreciation to U.S. Smokeless Tobacco Company and Altria Group.

RESIGNATION/APPOINTMENT

62-10 Resolution – Resignation of Member – Local Emergency Planning Committee.

63-10 Resolution – Nomination of Member – Local Emergency Planning Committee.

PUBLIC HEARING ITEMS

26-10 Ordinance – To Amend and Reordain Sections 10-71 Titled “Complaints” and 10-73 Titled “Prohibited noises enumerated” of the Code of the County of Henrico, to Repeal and Reserve Section 10-72 Titled “Prohibited noise generally,” and to Add Section 10-74 Titled “Exemptions,” All Relating to the Regulation of Noise. **(Deferred from January 26, 2010 meeting).**

64-10 Resolution – Amendments to Reduce the FY 2009-10 Annual Fiscal Plan: February, 2010.

65-10 Resolution – Signatory Authority – Lease of County Property – 6007 Morningside Drive – Brookland District.

66-10 Resolution - Condemnation - Right-of-Way and Easements - North Gayton Road Extension Project - Sterling Management Corporation of Virginia - Three Chopt District.

67-10 Resolution - Condemnation - Right-of-Way and Easements - North Gayton Road Extension Project - David S. Brown and Chris C. Brown - Three Chopt District.

- 68-10 Resolution - Condemnation - Right-of-Way and Easement - North Gayton Road Extension Project - Edward B. Kidd and Jay M. Weinberg, Trustees - Three Chopt District.
- 69-10 Resolution - Condemnation - Right-of-Way and Easements - North Gayton Road Extension Project - Sheran S. Shiner and Susanne M. Smith, Trustees - Three Chopt District.
- 70-10 Resolution - Condemnation - Right-of-Way and Easements - North Gayton Road Extension Project - Louis A. Minor - Three Chopt District.

PUBLIC COMMENTS

GENERAL AGENDA

- 71-10 Introduction of Resolution – Receipt of Requests for Amendments to the FY 2009-10 Annual Fiscal Plan: March, 2010.
- 72-10 Resolution - Adopting 2009 Henrico County Emergency Operations Plan.

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
REGULAR MEETING
February 9, 2010

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, February 9, 2010 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:

Patricia O'Bannon, Chairman, Tuckahoe District
James B. Donati, Jr., Varina District
Richard W. Glover, Brookland District
David A. Kaechele, Three Chopt District

Members of the Board absent:

Frank J. Thornton, Vice-Chairman, Fairfield District

Other Officials Present:

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

Mrs. O'Bannon called the meeting to order at 7:05 p.m.

Mrs. O'Bannon led recitation of the Pledge of Allegiance.

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

Mrs. O'Bannon announced that Mr. Thornton's chair was empty because he was ill and not present for the meeting.

On motion of Mr. Glover, seconded by Mr. Donati, the Board approved the minutes of the January 26, 2010 Regular and Special Meetings and March 16 - 19, 2009 Special Meeting.

The vote of the Board was as follows:

Yes: Kaechele, O'Bannon, Donati, Glover

Absent: Thornton

MANAGER'S COMMENTS

There were no comments from the Manager.

BOARD OF SUPERVISORS' COMMENTS

Mr. Donati thanked the Department of Public Works for doing an excellent job with snow removal over the past several weeks.

Mr. Glover offered a reminder that Darren Sharper, who plays cornerback for the Super Bowl champion New Orleans Saints, attended Hermitage High School along with his brother Jamie, who played for the Baltimore Ravens Super Bowl championship team. Their parents live in the Brookland District.

Mrs. O'Bannon noted the recent passing of Alexander Lebenstein, a Henrico resident and Holocaust survivor from Haltern, Germany who was involved with the Virginia Holocaust Museum and humanitarian efforts in Virginia, New York City, and his former German hometown.

RECOGNITION OF NEWS MEDIA

Mrs. O'Bannon recognized Luz Lazo from the *Richmond Times-Dispatch* and mentioned that Tom Lappas from the *Henrico Citizen* was covering the Henrico County School Board meeting.

PUBLIC HEARINGS - REZONING CASES AND PROVISIONAL USE PERMITS

47-10 Barrington Investors LTD and Elder Homes Corporation: Request to amend
C-32C-09 proffered conditions accepted with Rezoning Case C-65C-06, on Parcels
Fairfield 799-732-4991, 799-733-5351, -7350, -7644, -7938, -8231, -8525, -8819, -9113,
 -9209, -9504, -8204, -7808, -7513, -7318, -7023, -6728, -6533, -6338, -6143,
 -4535, -4830, -5025, -5223, -5419, -5614, -5810, 799-732-8887, -8597, and -
 6697, located between the east line of the Chesapeake and Ohio Railway right-
 of-way and the west line of Barrington Road at its intersection with Springton
 Road.

On motion of Mr. Kaechele, seconded by Mr. Glover, the Board deferred Item No. 47-10 (C-32C-09) to March 9, 2010.

The vote of the Board was as follows:

Yes: Kaechele, O'Bannon, Donati, Glover

Absent: Thornton

BOARD OF SUPERVISORS' COMMENTS (continued)

Mrs. O'Bannon recognized Susan Bako, a student in Ms. Melissa Velazquez's Administrative Practice and Procedure class at J. Sargeant Reynolds Community College's Parham Road campus who was observing the meeting for a school project.

PUBLIC HEARINGS - REZONING CASES AND PROVISIONAL USE PERMITS (continued)

44-10
C-35C-09
Three Chopt

Oglethorpe Park LLC: Request to conditionally rezone from R-3C One-Family Residence District (Conditional) to R-5AC General Residence District (Conditional), Parcels 745-764-6608, 745-764-7122, 745-764-7834, 745-764-1645, 745-764-2159 and 745-764-1031, containing 12.373 acres, located on the south line of Dublin Road between the east line of Belfast Road and the west line of Glasgow Road.

Joe Emerson, Director of Planning, responded to questions from the Board.

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

On motion of Mr. Kaechele, seconded by Mr. Glover, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 44-10 (C-35C-09) with the following proffered conditions:

1. **Underground Utilities.** All proposed utilities except for junction boxes and meters shall be placed underground, unless technical or environmental reasons require otherwise. Junction boxes, meters, pedestals and transformers shall be screened with opaque vegetation or screening materials.
2. **Phased Development.** There shall be no more than (30) building permits issued for homes within the development prior to July 1, 2010. *The remaining nineteen (19) building permits may be issued for homes within the development after January 1, 2011.*
3. **Streets.** All new streets on the Property shall be public and shall be constructed of asphalt and designed with standard six (6) inch curb and gutter. The south side of Dublin Road where adjacent to the Property, the east side of Belfast Road where adjacent to the Property and the west side of Glasgow Road where adjacent to the Property shall be improved with standard six (6) inch curb and gutter.

4. **Streetlights.** Streetlights a maximum of sixteen (16) feet in height and of a uniform style shall be provided along both sides of the new streets, along the south side of Dublin Road where adjacent to the Property, the east side of Belfast Road where adjacent to the Property and the west side of Glasgow Road where adjacent to the Property.
5. **Sidewalks.** Sidewalks a minimum of four (4) feet in width shall be provided on both sides of the new streets, along the south side of Dublin Road where adjacent to the Property, the east side of Belfast Road where adjacent to the Property and the west side of Glasgow Road where adjacent to the Property. A grass strip a minimum of two (2) feet in width shall be provided between the back of curb and the sidewalk.
6. **Foundations.** All houses shall be constructed on crawl space foundations except for garages and basements. The exterior portion of the foundations below the first floor level which is visible above grade shall be finished with brick or stone. This proffer shall not apply to direct vent gas fireplaces or appliances. There shall be no cantilevered chimneys, direct vent gas fireplaces, closets or bay windows.
7. **Driveways and Alleys.** All driveways shall be constructed of either cobblestone, brick, asphalt, pre-cast pavers, concrete or other similar materials approved by the Director of Planning. If alleys are built, they shall be constructed of asphalt or concrete and meet minimum public road standards for depth of stone and asphalt or concrete equivalent.
8. **Building Materials.** All houses shall be constructed of brick, stone, hardiplank, or premium vinyl siding. In the aggregate, the front elevation of all the homes shall contain a minimum of fifty-percent (50%) brick or stone. The front exterior elevation of any home using vinyl siding shall contain 100% brick or stone exclusive of trim or architectural features. Vinyl siding shall have a minimum nominal thickness of .042" as evidenced by the manufacturer's printed literature which shall be provided at the time of building permit application.
9. **Landscaping.** A minimum of two (2) trees measuring a minimum of 2.5" in caliper shall be retained or planted in the front yard of each residential lot, plus a minimum of two (2) trees of the same caliper shall be retained or planted in the side yard adjacent to the street if the residential lot is a corner lot. The tree shall be a street tree located within ten (10) feet of the back of curb in the front yard of each residential lot and, if the residential lot is a corner lot in the side yard also. Each house and building shall have prototypical plantings (shrubs and ornamental ground cover) along the front foundation. The front and side yards shall be irrigated and planted with sod except where

mulching or landscaping may occur.

10. **Density.** The development shall not exceed 49 dwelling units.
11. **Restrictive Covenants.** *Prior to or concurrent with the recordation of the subdivision plat approved by the County and before the conveyance of any portion of the property covered by said subdivision plat (other than for the dedication of easements, roads, or utilities), there shall be recorded a document in the Clerk's Office of the Circuit Court of Henrico County, Virginia setting forth quality controls on the development and maintenance of all portions of the Property substantially in accord with the Restrictive Covenants recorded in the Book 3920, Page 1974 in the Clerk's Office of the Circuit Court of Henrico County, Virginia.*
12. **Minimum Size.** Any one story house constructed on the Property shall have a minimum of 1,600 square feet of finished floor area. Any house more than one story shall have a minimum of 2,200 square feet of finished floor area.
13. **Restricted Uses.** Two family dwellings and semi detached dwellings shall not be permitted.
14. **Lot Size.** The lots shall be a minimum of sixty (60) feet in width.
15. **Garages.** All homes shall have a minimum of a two (2) car garage. Garage doors shall contain varying architectural features including but not limited to varying styles, windows, and garage door or doors designs. Fifty-percent (50%) of all attached garages in the aggregate shall be either side or rear loaded. Garages will be constructed with the same brick, hardiplank, etc., and roofing material as on the main buildings.
16. **Conceptual Site Plan.** The plan of development will be designed in a similar style as the conceptual site plan dated October 15, 2009 and revised December 17, 2009, (see case file) subject to changes required for final engineering design and in compliance with the governmental regulations.
17. **Stormwater Management Facilities.** Any above-ground wet stormwater management facilities located on the Property shall be designed and utilized as a water feature amenity and/or designed and landscaped to make it an integral part of the development and shall be aerated.

18. **Compliance Certification.** The property owner and/or builder shall provide a cumulative count of the amount of brick (or other comparable material) used on each dwelling for all dwellings and the type of garage constructed upon the submittal of each building permit application.
19. **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: Kaechele, O'Bannon, Donati, Glover

Absent: Thornton

46-10
P-1-10
Three Chopt

Advance Auto Parts: Request for a Provisional Use Permit under Sections 24-58.2(c), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to allow auto parts sales in an existing commercial building, on part of Parcel 752-759-9472, located on the east line of Gaskins Road approximately 400 feet north of W. Broad Street.

Jean Moore, Assistant Director of Planning, responded to a question from the Board.

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

On motion of Mr. Kaechele, seconded by Mr. Donati, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 46-10 (P-1-10) subject to the following conditions:

1. The permit shall apply only to the tenant space to be occupied by Advance Auto Parts and shall not apply to any other business in the overall shopping center.
2. The auto parts store shall be no greater than 6,550 square feet in size and shall be located on the site as shown in Exhibit B (see case file).
3. No exterior storage of batteries, tires, or other automotive parts and other retail supplies shall be permitted.
4. All sales, operations and services shall be conducted within a completely enclosed building.
5. Any modifications to the building to accommodate installation of automobile parts shall require an administrative approval of a Plan of Development. Any installation of parts shall take place within a

completely enclosed building and shall consist of products which are purchased from the Advanced Auto Part store. In no case shall the floor area dedicated for any installation of automobile parts exceed 7% of the aggregate gross floor area of the tenant space, and any bay doors shall be adequately screened from view from adjacent properties and roads.

6. All proffered conditions accepted with Case C-35C-91 are hereby made a part of this Provisional Use Permit.

The vote of the Board was as follows:

Yes: Kaechele, O'Bannon, Donati, Glover

Absent: Thornton

48-10
P-12-09
Three Chopt

New Cingular Wireless PCS, LLC: Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to extend the height of an existing telecommunications tower from 150 feet to 169 feet, on part of Parcel 739-760-8865, located on the east line of Pump Road approximately 640 feet north of Three Chopt Road (Short Pump Park).

Ms. Moore responded to questions from the Board.

On motion of Mr. Kaechele, seconded by Mr. Donati, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 48-10(P-12-09) subject to the following conditions:

1. If the use of the tower for communication purposes is discontinued for 180 days, the tower and all related structures shall be removed from the site within ninety (90) days. Within ten (10) business days after written request by the County, the owner of the tower shall provide the County with written confirmation of the status of the tower, the number of and identity of users on the tower, available co-location space on the tower and such additional information as may be reasonably requested.
2. Application for a building permit to install the tower extension must be made within one year after the Provisional Use Permit is granted by the Board of Supervisors, unless an extension of time is granted by the Director of Planning upon a written request by the applicant.
3. The applicant shall obtain approval from the Planning Commission should the FAA require the addition of standard obstruction marking and lighting (i.e. red lighting and orange and white striping) to the tower. Any proposed changes to the original galvanized finish of the tower shall be submitted to the Director of Planning for approval.

4. When site construction is initiated as a result of this Provisional Use Permit, the applicant shall complete requirements prescribed by Chapter 10 of the Henrico County Code. In particular, land disturbance of more than 2,500 square feet will require that construction plans include a detailed drainage and erosion control plan prepared by a professional engineer certified in the State of Virginia. Ten (10) sets of the construction plans shall be submitted to the Department of Public Works for approval.
5. If ownership of the lease is transferred to another provider, the new owner shall submit a Transfer of Provisional Use Permit.
6. The height of the tower shall not exceed 169 feet.
7. This permit shall apply only to the 7,260 + square foot lease area identified in Exhibit B (see case file).
8. Unless dead or diseased, the existing tree buffers adjoining the proposed lease area shall be preserved and shall not be pruned to reduce their height.
9. Low-profile or "flush mounted" antennas or a similar style of equipment as approved by the Director of Planning which reduces the visual profile of equipment shall be installed on the tower.
10. The co-location of additional users, as technically feasible, shall be allowed at this site.
11. Prior to the co-location of any carrier's antennas or addition of equipment lease space, a revised site plan and equipment placement details shall be submitted to the Planning Department for approval.
12. To maintain visual and sound buffering, a supplemental landscaping plan may be required by the Director of Planning. The Director of Planning may waive the enforcement of this condition if it is deemed unnecessary.
13. Any UHF, VHF or other type of receivers/transmitters that would interfere with the County's Division of Police emergency communications are prohibited from this tower.
14. A Locust Virginia Worm Fence, or substitute approved by the Director of Planning and the Director of Recreation and Parks, approximately 370' in length, shall be installed generally along the southern and eastern access easement boundary (Exhibit C), (see case file). The proposed fence route shall be staked prior to installation for approval.

15. A UV resistant, vinyl coated polyester with a 75% shade density screen or equivalent screening of a color and type approved by the Director of Planning and the Director of Recreation and Parks shall be installed and maintained around the full perimeter (175 linear feet and 10' high) of the existing 10' high fence and expanded equipment area fence. Installation shall be in accordance with manufacturer's specifications.
16. An entrance security chain of appropriate grade and length, including a support structure and security padlocks, shall be installed across the Pump Road access entrance. Location, chain grade and length, padlocks, and support system shall be approved, prior to installation, by the Division of Recreation and Parks.
17. Cables may be banded to the exterior of the tower provided their color sufficiently matches the tower's exterior color as approved by the Henrico Division of Recreation and Parks.

The vote of the Board was as follows:

Yes: Kaechele, O'Bannon, Donati, Glover

Absent: Thornton

PUBLIC HEARINGS - OTHER ITEMS

- 49-10 Resolution - Signatory Authority - First Amendment to Lease Agreement - Global Signal Acquisitions III LLC - Three Chopt District.

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

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 49-10 - see attached resolution.

PUBLIC HEARINGS - REZONING CASES (continued)

- 45-10 Patterson Investments, Inc.: Request to conditionally rezone from R-2A One-
C-30C-09 Family Residence District to R-5AC General Residence District (Conditional),
Tuckahoe Parcel 748-741-8046, containing approximately 6.059 acres, located at the
southeast intersection of Patterson Avenue (State Route 6) and Maybeury
Drive.

Director of Planning Joe Emerson, Traffic Engineer Mike Jennings, and Engineering and Environmental Services Manager Jeff Perry responded to a series of questions from Mrs. O'Bannon regarding distinctions between the County's R-2A and R-5A zoning districts, certification and maintenance of a private internal road that would serve the proposed development, the Virginia Department of Transportation's recommendations for accessing the proposed

development, buffering and fencing of the proposed development, recommended uses for this site in the County's 2010 and 2026 Comprehensive Plans, and drainage requirements for new residential development. Mr. Emerson and Mr. Jennings also responded to questions from Mr. Kaechele pertaining to proffers with this case addressing landscaping and transportation.

Jim Theobald presented the case on behalf of Patterson Investments and Gumenick Properties. He narrated a slide presentation that addressed the site's ownership and location; the applicant's goal in creating the community; the proposed development's architectural design, options, conceptual plan, access, drainage, traffic projections and improvements, and landscaping; and the case's proffered conditions. Mr. Theobald responded to a number of questions from Mrs. O'Bannon concerning the proposed development's stormwater drainage system; private road; impervious site coverage; lot and house sizes, configurations, and designs; cross access easement and maintenance agreement with the Tuckahoe Family YMCA; buffer; and zoning. He responded to questions from Mr. Kaechele regarding the compatibility of the homes in this proposed development with those in nearby residential areas. He, Monte Lewis of Lewis and Associates, Director of Public Works Tim Foster, and Mr. Hazelett responded to questions from Mr. Donati and the other members of the Board pertaining to the design of the cul-de-sacs and the widths of roads that would be located in the proposed development. Fire Chief Ed Smith responded to a question from Mr. Glover concerning the County Division of Fire's hose drop requirements for residential subdivisions. Mr. Hazelett commented on the status of considerations by the State to require sprinkler systems in single-family homes.

The following four speakers who were in opposition to the case jointly narrated a slide presentation during the public hearing:

- John Blakemore, a resident of the 700 block of Maybeury Drive, offered a few acknowledgments about the case and introduced the concerns of his community relating to the proposed development, including some of the proffered conditions, the number of lots per acre, and the timeframe for clearing the site. He also expressed concerns about stagnant developments by Gumenick Properties in the Richmond area. Mr. Blakemore stated that his neighborhood opposes this rezoning and believes that the proposed development would not ensure the health, safety, and welfare of the students at Maybeury Elementary School and the surrounding community.
- Jim McGehee, a resident of the 700 block of Maybeury Drive, spoke to existing traffic problems on Maybeury Drive and asked that no entrance and exit be allowed for the proposed development on this road if the case is granted. He voiced concerns regarding how the proposed development would impact traffic on Maybeury Road. Mr. McGehee

also stated concern for the protection of the children at Maybeury Elementary School and commented that the case's 31 proffers are largely for the benefit of future residents rather than the existing community.

- Colleen O'Meara, a resident of Lakeland Circle in the Waterford Rhye townhome community, elaborated on stormwater drainage issues in her community, which was developed by Gumenick Properties. She expressed concerns about how the proposed development would impact existing drainage areas in surrounding communities and also raised questions about how the development would impact traffic and the children attending Maybeury Elementary School.
- Joni Albrecht, Vice President of the Maybeury Elementary School Parent Teacher Association (PTA), provided background information on the school and presented concerns pertaining to its proximity to the proposed development. She reviewed how the school would be buffered from the proposed development; how this buffer would compare with the buffers at other open campus Henrico elementary schools that adjoin residential developments; the recommended school site criteria contained in the County's 2026 Comprehensive Plan; and several safety issues associated with the proposed development that parents believe will jeopardize the health, safety, and welfare of students unless adequately addressed. Ms. Albrecht stated that the PTA is asking for the elimination of four houses in the proposed development, the installation of a privacy fence along the property line where the proposed development borders the school, and relocation of the construction and neighborhood entrance for the proposed development to Patterson Avenue. She then identified several provisions and objectives of the County's 2026 Comprehensive Plan with which the PTA feels that the proposed development is in conflict. Ms. Albrecht concluded her lengthy presentation by asking those persons in the audience who were opposed to the case to stand and show their opposition and by asking the Board to deny the case.

The Board recessed at 9:50 p.m. and reconvened at 10:06 p.m.

The public hearing continued with the following persons speaking in opposition to the case:

- Jane McAllister, a resident of Maybeury Drive, spoke to two areas of disconnect between information the residents believe is true and information presented by the applicant, i.e. the salability of the homes at the projected price point and the marketability of home theatres as buyers' incentives. She also expressed fear that the applicant will create another blighted community of half-abandoned property.

- David Conrad, a resident of Penola Drive and Vice-President of the Westmoor Civic Association, noted that his Board of Directors is unanimously opposed to the case in its present form. He referred to the areas of major contention relating to the proposed development mentioned by previous speakers, including the number of homes, the distance of the homes from the school, fencing between the homes and the school, and the location of the neighborhood's entrance. He also indicated that the applicant should consider Leadership in Environmental Energy and Design (LEED) certification for the homes, address where cleared snow will be stored in the development, discuss whether it plans to use local subcontractors and materials, and be more attentive to the concerns of the community.
- Lawrence Pollard, a resident of Derbyshire Road, voiced several concerns regarding the case, including the type of development, reliability of traffic projections, impact of heavy construction traffic, high percentage of out-of-state workers used by Gumenick Properties, adequacy of erosion and sediment control and flood plain plans, and impact of the project on the students and staff at Maybeury Elementary School.
- Marge Street, a Maybeury Elementary School parent, highlighted two concerns pertaining to the new development, i.e. its impact on the safety of school children due to increased traffic and its disruption of school classes due to construction noise. She proposed a Patterson Avenue only entrance and exit for the development or alternatively that the applicant provide funding for a crossing guard at the school 30 minutes before and after the school day. Ms. Street also proposed that the applicant leave at least a 30-foot wooded buffer between the development and the school and that the applicant phase its construction outside of school hours.
- Joyce Maines, President of the Board of Directors of the Waterford Rhye Townhouse Association, stated that her association was opposed to the case because of downhill drainage and traffic congestion resulting from the proposed development and the development's impact on Maybeury Elementary School.

Ms. Albrecht returned to the podium and to her slide presentation and re-emphasized the close proximity of the proposed development to Maybeury Elementary School. She contrasted this plan with the wider buffers that exist between three other open campus elementary schools in the County and their surrounding residential communities.

Mr. Emerson, Mr. Perry, Mr. Foster, Police Chief Henry Stanley, and Mr. Hazelett responded to a number of questions from the Board regarding a

developer's drainage control and erosion and sediment control responsibilities, a developer's responsibilities under the Chesapeake Bay Preservation Act, traffic congestion and safety on Maybeury Drive in the vicinity of Maybeury Elementary School, criminal background checks for construction workers, and the compatibility of the proposed development with the County's 2026 Comprehensive Plan. Mrs. Albrecht offered further concerns from her seat in the audience about the stacking of vehicles on Maybeury Drive during peak school hours.

Mr. Theobald returned to the podium to respond to questions and issues raised by the speakers during the public hearing. He addressed the maintenance easement required by the County's ordinance, the location of the security fence offered by the applicant, the status of the Waterford Rhye sediment basin, the layout of the Maybeury Elementary School campus, the location of plantings requested by the school's representatives, road improvements on Maybeury Drive offered by the applicant to reduce traffic near the school, the status of safety and security at the school, the quality of the homes in the proposed development and their proximity to the school, and the relationship between current market demands and this rezoning request. Mr. Theobald returned to his earlier slide presentation and concluded it by explaining the appropriateness of the applicant's request.

Mrs. O'Bannon summarized several outstanding issues pertaining to this case, specifically the community's desire for fewer homes, more distance between the homes and the school, a right in and right out on Patterson Avenue, and a seven-foot privacy fence bordering the school. In response to further questions and comments by Mrs. O'Bannon, Mr. Theobald requested a 30-day deferral to discuss these issues. Mr. Glover suggested that the applicant investigate paying for a traffic signal at the intersection of Patterson Avenue and the Tuckahoe YMCA in lieu of paying for road improvements on Maybeury Drive if this alternative is acceptable to the Virginia Department of Transportation. He also commented on recent projects in the Brookland District that Gumenick Properties has developed. Mr. Rapisarda clarified that although Virginia law requires that the Board hold another public hearing on this case if new proffers are to be considered, the hearing can be limited to new material. Mrs. O'Bannon recommended that Mr. Theobald hold at least one meeting with citizens at a convenient time to discuss any changes that the applicant may make to the case. Mr. Kaechele suggested that the Board keep in mind what the applicant can do with the property if the rezoning is not approved and pointed out that the number of homes that can be developed under the proposed rezoning is not a great deal more than the number that can be developed under the existing zoning on the property.

On motion of Mr. Glover, seconded by Mr. Donati, the Board deferred Item No. 45-10 (C-30C-09) to March 9, 2010 meeting.

The vote of the Board was as follows:

Yes: Kaechele, O'Bannon, Donati, Glover

Absent: Thornton

The Board recessed at 11:36 p.m. and reconvened at 11:45 p.m.

PUBLIC HEARINGS - OTHER ITEMS (continued)

50-10 Resolution – Signatory Authority – Transmission Line Easement Agreement for Virginia Electric and Power Company – Varina District

Jon Tracy, Director of Real Property, responded to a question from the Board.

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

On motion of Mr. Donati, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item no. 50-10 – see attached resolution.

PUBLIC COMMENTS

There were no comments from the public.

GENERAL AGENDA

51-10 Resolution – Approval of Issuance of Bonds – Richmond Volleyball Club, Inc. – Economic Development Authority.

Mr. Glover encouraged the members of the Board to visit this athletic facility.

On motion of Mr. Glover, seconded by Mr. Kaechele, and by unanimous vote, the Board approved Agenda Item No. 51-10 – see attached resolution.

52-10 Introduction of Resolution – Receipt of Requests for Amendments to Reduce the FY 2009-10 Annual Fiscal Plan: February, 2010.

On motion of Mr. Glover, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 52-10 – see attached introduction of resolution.

53-10 Resolution – Authorizing and Providing for the Issuance, Sale and Delivery of Not to Exceed \$120,000,000 Principal Amount of County of Henrico, Virginia, General Obligation Public Improvement Refunding Bonds.

John Vithoulikas, Director of Finance, responded to questions from the Board.

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 53-10 – see attached resolution.

- 54-10 Resolution – Award of Construction Contract – Public Safety Building Lobby Alterations.

Paul Proto, Director of General Services, responded to questions from the Board.

On motion of Mr. Glover, seconded by Mr. Kaechele, and by unanimous vote, the Board approved Agenda Item No. 54-10 – see attached resolution.

- 55-10 Resolution – Signatory Authority – Amendment to Contract for Architectural and Engineering Services – Old Tuckahoe Library.

Mr. Proto responded to questions from the Board.

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 55-10 – see attached resolution.

- 56-10 Resolution - Award of Construction Contract - Patterson Avenue Water Main Abandonment.

Art Petrini, Director of Public Utilities, responded to questions from the Board.

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 56-10 – see attached resolution.

- 57-10 Resolution - Award of Construction Contract - Fourmile Creek Trunk Sewer Rehabilitation - Lining of Existing 84” Sewer.

Mr. Petrini responded to questions from the Board.

On motion of Mr. Glover, seconded by Mr. Kaechele, and by unanimous vote, the Board approved Agenda Item No. 57-10 – see attached resolution.

- 58-10 Resolution - Signatory Authority - First Amendment to Comprehensive Agreement for the Extension of North Gayton Road.

Tim Foster, Director of Public Works, responded to questions from the Board.

Mr. Kaechele remarked that this project has been going on for a long time and he has received a lot of questions about the work. Mr. Hazelett updated the Board on the status of the project and indicated that he can brief the Board

further on this matter in a work session.

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 58-10 – see attached resolution.

59-10 Resolution - To Permit Additional Fine of \$200 for Speeding on Oregon Avenue between Randall Avenue and Darbytown Road.

On motion of Mr. Donati, seconded by Mr. Kaechele, and by unanimous vote, the Board approved Agenda Item No. 59-10 – see attached resolution.

60-10 Resolution - Acceptance of Roads.

On motion of Mr. Donati, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 60-10 – see attached resolution.

At Mr. Hazelett's request, Mr. Foster updated the Board on current weather conditions in the County.

There being no further business, the meeting was adjourned at 12:10 a.m.

Chairman, Board of Supervisors
Henrico County, Virginia

Resolution – Expressing Appreciation to U. S. Smokeless Tobacco Company and Altria Group

This Board paper expresses the Board's appreciation to the U.S. Smokeless Tobacco Company and Altria Group for supporting the public safety mission of the Division of Fire with the donation of a Polaris Ranger 6X6 All-Terrain Vehicle.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 61-10

Page No. 1 of 1

Agenda Title: Resolution – Expressing Appreciation to U. S. Smokeless Tobacco Company and Altria Group

For Clerk's Use Only:

FEB 23 2010

Date: _____

- () Approved
() Denied
() Amended
() Deferred to: _____

BOARD OF SUPERVISORS ACTION

Moved by (1) _____ Seconded by (1) _____
(2) _____ (2) _____

REMARKS: _____

YES NO OTHER

Donati, J. _____
Glover, R. _____
Kacchale, D. _____
O'Bannon, P. _____
Thornton, F. _____

WHEREAS, the Henrico County Division of Fire has received a donation of a Polaris Ranger 6X6 All-Terrain Vehicle from U.S. Smokeless Tobacco Company, a subsidiary of Altria Group, located at 6603 West Broad Street; and

WHEREAS, this vehicle will greatly enhance the ability of Division personnel to quickly access the sick and injured at mass gathering events and will aid the Division's ability to engage and extinguish wildfires in Henrico County; and

WHEREAS, the Division wishes to extend its sincerest appreciation to the U.S. Smokeless Tobacco Company and Altria Group for this very generous gift.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Henrico County expresses its appreciation to the U.S. Smokeless Tobacco Company and Altria Group for supporting the public safety mission of the Division of Fire with the donation of an all-terrain vehicle.

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

By Agency Head

Edwin A. Smith gsz

By County Manager

David L. Kay

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

Resolution



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

Expressing Appreciation to U.S. Smokeless Tobacco Company and Altria Group

WHEREAS, the Henrico County Division of Fire has received a donation of a Polaris Ranger 6X6 All-Terrain Vehicle from U.S. Smokeless Tobacco Company, a subsidiary of Altria Group, located at 6603 West Broad Street; and

WHEREAS, this vehicle will greatly enhance the ability of Division personnel to quickly access the sick and injured at mass gathering events and will aid the Division's ability to engage and extinguish wildfires in Henrico County; and

WHEREAS, the Division wishes to extend its sincerest appreciation to the U.S. Smokeless Tobacco Company and Altria Group for this very generous gift.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Henrico County expresses its appreciation to the U.S. Smokeless Tobacco Company and Altria Group for supporting the public safety mission of the Division of Fire with the donation of an all-terrain vehicle.



Patricia S. O'Bannon

Patricia S. O'Bannon, Chairman
Board of Supervisors

Barry R. Lawrence

Barry R. Lawrence, Clerk
February 23, 2010

RESOLUTION – Resignation of Member – Local Emergency Planning Committee

This Board paper accepts the resignation of Captain Humberto I. Cardounel, Jr. from the Local Emergency Planning Committee as the Law Enforcement Representative.



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

Agenda Item No. 10-10
Page No.

Agenda Title **RESOLUTION - Resignation of Member - Local Emergency Planning
Committee**

For Clerk's Use Only: Date <u>FEB 23 2010</u> <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to	BOARD OF SUPERVISORS ACTION Moved by (1) _____ Seconded by (1) _____ (2) _____ (2) _____ REMARKS: _____ _____ _____	<table style="width: 100%;"><tr><td></td><td style="text-align: center;">YES</td><td style="text-align: center;">NO</td><td style="text-align: center;">OTHER</td></tr><tr><td>Donati, J.</td><td style="text-align: center;">___</td><td style="text-align: center;">___</td><td style="text-align: center;">___</td></tr><tr><td>Glover, R.</td><td style="text-align: center;">___</td><td style="text-align: center;">___</td><td style="text-align: center;">___</td></tr><tr><td>Kaechele, D.</td><td style="text-align: center;">___</td><td style="text-align: center;">___</td><td style="text-align: center;">___</td></tr><tr><td>O'Bannon, P.</td><td style="text-align: center;">___</td><td style="text-align: center;">___</td><td style="text-align: center;">___</td></tr><tr><td>Thornton, F.</td><td style="text-align: center;">___</td><td style="text-align: center;">___</td><td style="text-align: center;">___</td></tr></table>		YES	NO	OTHER	Donati, J.	___	___	___	Glover, R.	___	___	___	Kaechele, D.	___	___	___	O'Bannon, P.	___	___	___	Thornton, F.	___	___	___
	YES	NO	OTHER																							
Donati, J.	___	___	___																							
Glover, R.	___	___	___																							
Kaechele, D.	___	___	___																							
O'Bannon, P.	___	___	___																							
Thornton, F.	___	___	___																							

WHEREAS, on January 9, 2007, Captain Humberto I. Cardounel, Jr. was renominated for appointment to the Local Emergency Planning Committee as the Law Enforcement Representative for a term expiring December 31, 2010; and

WHEREAS, by e-mail correspondence dated February 15, 2010 and directed to Barry R. Lawrence, Clerk to the Board of Supervisors, Capt. Cardounel submitted his resignation from the Committee.

NOW THEREFORE, BE IT RESOLVED that the Board of Supervisors of Henrico County, Virginia accepts the resignation of Capt. Humberto I. Cardounel, Jr. from the Local Emergency Planning Committee.

By Agency Head

Edwin H. Smith

By County Manager

David L. Hays

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

Lawrence, Barry

From: Cardounel, Humberto
Sent: Monday, February 15, 2010 8:48 AM
To: Lawrence, Barry
Cc: McRay, Anna
Subject: LEPC Resignation

Barry,

I am relinquishing my position as a member of the Henrico County Local Emergency Planning Committee (LEPC). Effective February, 27, 2010 I will be assuming a new command within the Division of Police Criminal Investigation Section. Captain Carl A. Mueller will be my replacement in the Homeland Security Section and as such would be the best suited person to replace me as the police representative on the LEPC.

Please accept this notice as my formal resignation from the LEPC and my request to appoint Captain Mueller as my replacement. I will continue to fulfill my duties on the LEPC until such time as the Board of Supervisors is able to act on this request.

I have thoroughly enjoyed this experience and look forward to serving Henrico County in any capacity that I am able to.

Respectfully,

Humberto Cardounel
Division of Police
LEPC, Chairman

2/15/2010

RESOLUTION – Nomination of Member – Local Emergency Planning Committee

This Board paper nominates the following person for appointment to the Local Emergency Planning Committee for an unexpired term ending December 31, 2010 or thereafter, when his successor shall have been appointed and qualified:

Law Enforcement Representative

Captain Carl A. Mueller, Henrico County Division of Police



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 63-10

Page No.

Agenda Title RESOLUTION - Nomination of Member - Local Emergency Planning
Committee

For Clerk's Use Only: FEB 23 2010 Date _____ <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to _____	BOARD OF SUPERVISORS ACTION Moved by (1) _____ Seconded by (1) _____ (2) _____ (2) _____ REMARKS: _____ _____ _____	YES NO OTHER Donati, J. _____ Glover, R. _____ Kaechele, D. _____ O'Bannon, P. _____ Thornton, F. _____
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BE IT RESOLVED that the Board of Supervisors of Henrico County, Virginia nominates the following person for appointment to the Local Emergency Planning Committee for an unexpired term ending December 31, 2010 or thereafter, when his successor shall have been appointed and qualified:

Law Enforcement Representative

Captain Carl A. Mueller, Henrico County Division of Police

By Agency Head

Edward H. Smith

By County Manager

Raymond E. Hight

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

Ordinance – To Amend and Reordain Sections 10-71 Titled “Complaints” and 10-73 Titled “Prohibited noises enumerated” of the Code of the County of Henrico, to Repeal and Reserve Section 10-72 Titled “Prohibited noise generally,” and to Add Section 10-74 Titled “Exemptions,” All Relating to the Regulation of Noise.

This Board paper proposes an ordinance to amend Henrico Code sections 10-71 and 10-73, to repeal section 10-72 and to add section 10-74 all relating to the regulation of noise.

These Code changes result from a decision of the Virginia Supreme Court in *Tanner v. Virginia Beach* in April 2009 and from a desire to modernize the County’s noise ordinance.

The proposed ordinance was discussed during work sessions on November 10 and 24, 2009, and introduced on December 8, 2009.

The Board received citizen comments at a public hearing on January 26, 2010. Another work session to review possible changes to the proposed ordinance will be held on February 23, 2010.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 26-10
Page No. 1 of 6

Agenda Title: Ordinance – To Amend and Reordain Sections 10-71 Titled “Complaints” and 10-73 Titled “Prohibited noises enumerated” of the Code of the County of Henrico, to Repeal and Reserve Section 10-72 Titled “Prohibited noise generally,” and to Add Section 10-74 Titled “Exemptions,” All Relating to the Regulation of Noise.

For Clerk's Use Only:

Date FEB 23 2010

- ☐ Approved
☐ Denied
☐ Amended
☐ Deferred to

BOARD OF SUPERVISORS ACTION

Moved by (1) _____ Seconded by (1) _____
(2) _____ (2) _____

REMARKS:

YES NO OTHER

Donati, J. _____
Glover, R. _____
Kaechele, D. _____
O'Bannon, P. _____
Thornton, F. _____

AN ORDINANCE to Amend and Reordain Sections 10-71 Titled “Complaints” and 10-73 Titled “Prohibited noises enumerated” of the Code of the County of Henrico, to Repeal and Reserve Section 10-72 Titled “Prohibited noise generally,” and to Add Section 10-74 Titled “Exemptions,” All Relating to the Regulation of Noise.

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

1. That Section 10-71 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 10-71. Complaints. Penalty and enforcement.

- (a) No person shall be charged with a violation of the provisions of section 10-73 unless the a (1) complainant appears before a magistrate and requests a summons to be issued or (2). However, when a violation is committed in the presence of a police officer, he shall proceed as provided by section 1-13.
- (b) Any person convicted of violating any of the provisions of section 10-73 shall be punished by a fine not to exceed \$500. Any person convicted of a second offense within less than five years after a first offense under this article shall be punished by a fine not to exceed \$1000. Any person convicted of a third offense within less than 10 years after a first offense under this article shall be punished by a fine not to exceed \$2500.

By Agency Head

By County Manager

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 26-10
Page No. 2 of 6

Agenda Title: Ordinance – To Amend and Reordain Sections 10-71 Titled “Complaints” and 10-73 Titled “Prohibited noises enumerated” of the Code of the County of Henrico, to Repeal and Reserve Section 10-72 Titled “Prohibited noise generally,” and to Add Section 10-74 Titled “Exemptions,” All Relating to the Regulation of Noise.

- (c) Each day a violation continues unabated shall constitute a separate offense.**
- (d) Criminal enforcement against a person violating this article shall not be a bar against, or a prerequisite for, taking any other action permitted by this Code or the Code of Virginia to abate the violation.**

2. That Section 10-72 of the Code of the County of Henrico be repealed and reserved as follows:

Sec. 10-72. Prohibited noise generally Reserved.

~~It shall be unlawful for any person to create any unreasonably loud, disturbing and unnecessary noise in the county. Noise of such character, intensity and duration as to be detrimental to the life or health of any person or to unreasonably disturb or annoy the quiet, comfort or repose of any person is hereby prohibited.~~

3. That Section 10-73 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 10-73. Prohibited noises enumerated.

~~The following acts are declared to be loud, disturbing and unnecessary noises in violation of section 10-72, but such enumeration shall not be deemed to be exclusive~~ **It shall be unlawful for any person to cause or permit to be caused any of the following prohibited sounds or noises:**

- (1) *Horns and signaling devices on vehicles.* ~~The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if any other vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended,~~ **or other evasive action is taken;** ~~the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time.~~

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 26-10
Page No. 3 of 6

Agenda Title: Ordinance – To Amend and Reordain Sections 10-71 Titled “Complaints” and 10-73 Titled “Prohibited noises enumerated” of the Code of the County of Henrico, to Repeal and Reserve Section 10-72 Titled “Prohibited noise generally,” and to Add Section 10-74 Titled “Exemptions,” All Relating to the Regulation of Noise.

- (2) ~~Radios, phonographs and musical instruments~~ **Sound-producing and sound-reproducing devices.** The **use, operation or** playing of any radio, phonograph, television, record, compact disc, tape, digital music, MP3 or DVD player, or musical instrument, **loudspeaker, sound amplifier or other machine or device capable of producing or reproducing sound, regardless of whether such sound-producing or sound-reproducing machine or device is located inside of a structure, outside of or on a structure or in or on a motor vehicle located on private property,** in such a manner or with such volume **or duration that it is plainly audible,** particularly during the hours between 12:00 midnight **11:00 p.m.** and 7:00 a.m., **(i) inside the confines of the dwelling unit, house or apartment of another person or (ii) at 50 or more feet from the device,** as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence.
- (3) ~~Noisy animals.~~ The **Allowing** keeping of any animal or bird which by **to** causing **any sound or noise such that it is plainly audible (i) inside the confines of the dwelling unit, house or apartment of another person at least once a minute for 10 consecutive minutes or (ii) at 100 or more feet from the animal at least once a minute for 10 consecutive minutes** frequent or long continued noise shall disturb the quiet, comfort or repose of any person in the vicinity to such an extent as shall constitute a nuisance.
- (4) ~~Defect in vehicle or load.~~ The use of any automobile, motorcycle or vehicle so out of repair, so loaded or operated in such manner as to create loud and unnecessary grating, grinding, rattling or other noises.
- (5) ~~Steam whistles.~~ The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger or other emergency.
- (6) ~~Noisy exhausts.~~ The discharge of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorboat engine into the open air except through a muffler or other device which will effectively prevent loud and explosive noises therefrom.
- (7) ~~Creation of noise near schools, courts or hospitals.~~ The creation of any excessive sound on any street adjacent to any school, institution of learning or court while such

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No.
Page No. 4 of 6

Agenda Title: Ordinance – To Amend and Reordain Sections 10-71 Titled “Complaints” and 10-73 Titled “Prohibited noises enumerated” of the Code of the County of Henrico, to Repeal and Reserve Section 10-72 Titled “Prohibited noise generally,” and to Add Section 10-74 Titled “Exemptions,” All Relating to the Regulation of Noise.

~~institution is in session, or adjacent to any hospital, which unreasonably interferes with the workings of such institution or disturbs or unduly annoys patients in the hospital; provided that conspicuous signs are displayed in such streets indicating that such street is a school, hospital or court street.~~

- (4) **Trash and recycling collection.** ~~The creation of any sound or noise between 12:00 midnight and 6:00 a.m. that is plainly audible in a residential area, except those areas zoned for Urban Mixed Use, when the sound or noise is produced in connection with the loading or unloading of refuse, waste or recycling collection vehicles.~~
- (85) **Street cleaning and construction.** ~~Loading, unloading or opening boxes.~~ The creation of **any sound or noise between 11:00 p.m. and 6:00 a.m. that is plainly audible in a residential area, except those areas zoned for Urban Mixed Use, when the sound or noise is produced in connection with (i) the cleaning of streets or parking lots or (ii) construction or demolition activities** ~~loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.~~
- (96) ~~Peddlers and hawkers.~~ The **Yelling, shouting, whistling, screaming or** ~~and crying for the purpose of attracting attention to a performance, show, sale or display of merchandise between the hours of 11:00 p.m. and 7:00 a.m. on any public street, sidewalk or parking lot or any privately-owned street, sidewalk or parking lot open to the public, except to summon aid in an emergency of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.~~
- (10) ~~Drums, loudspeakers and other attention-attracting devices.~~ The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise.
- (117) ~~Amplified sound from vehicles.~~ The **Playing, using** ~~or operating~~ **ion,** or permitting the playing, use or operation of, any radio, **stereo,** tape player, compact disc player, loud speaker or other electronic device **or mechanical equipment** used for the amplification of sound, which is located **on or** within a motor vehicle being operated on a public street or alley, and which is **plainly** audible from outside the motor vehicle at a distance of 50 feet or more. The provisions of this subsection shall not apply to

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 26-10
Page No. 5 of 6

Agenda Title: Ordinance – To Amend and Reordain Sections 10-71 Titled “Complaints” and 10-73 Titled “Prohibited noises enumerated” of the Code of the County of Henrico, to Repeal and Reserve Section 10-72 Titled “Prohibited noise generally,” and to Add Section 10-74 Titled “Exemptions,” All Relating to the Regulation of Noise.

~~motor vehicle alarms or other security devices, nor to the emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work~~ the playing of music or jingles by an ice cream truck or similar mobile food-service vehicle, provided such vehicle may emit sounds otherwise prohibited by this subsection only between the hours of 7:00 a.m. and 9:00 p.m.

- (8) Lawn care activities. Creating any sound or noise plainly audible in residential areas between 11:00 p.m. and 7:00 a.m. in connection with lawn care, leaf removal, gardening, tree maintenance or removal or other landscaping, lawn or timbering activities.

4. That Section 10-74 be added to the Code of the County of Henrico as follows:

Sec. 10-74. Exemptions.

The prohibitions of section 10-73 of this article shall not apply to any sound or noise generated by any of the following:

- (1) Sound or noise which is necessary for the protection or preservation of property or the health, safety, life or limb of any person, including sound or noise caused by restoration of utility service after an interruption.
- (2) Sound or noise which is necessary for the maintenance or construction of roads and highways.
- (3) Radios, sirens, horns and bells on police, fire or other emergency response vehicles.
- (4) Parades, fireworks displays, school-related activities and other such public special events or public activities.
- (5) Band performances or practices, athletic contests or practices and other school-sponsored activities on the grounds of public or private schools, colleges or universities.

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 26-10
Page No. 6 of 6

Agenda Title: Ordinance – To Amend and Reordain Sections 10-71 Titled “Complaints” and 10-73 Titled “Prohibited noises enumerated” of the Code of the County of Henrico, to Repeal and Reserve Section 10-72 Titled “Prohibited noise generally,” and to Add Section 10-74 Titled “Exemptions,” All Relating to the Regulation of Noise.

- (6) Athletic contests and other officially-sanctioned activities in county parks.
- (7) Fire alarms, burglar alarms and car alarms, prior to the giving of notice and a reasonable opportunity for the owner or person in possession of the premises or vehicle served by any such alarm to turn off the alarm.
- (8) Religious services, religious events or religious activities or expressions, including, but not limited to music, singing, bells, chimes and organs which are part of such service, event, activity or expression.
- (9) Locomotives and other railroad equipment, and aircraft.
- (10) Military activities of the state or of the United States of America.
- (11) Agricultural operations, as defined in Code of Virginia § 3.2-300, provided such operations comply with all applicable laws, regulations and ordinances.
- (12) Amateur and professional motorsports competitions and competition-related events such as time trials and practices, provided the competition is sanctioned by a nationally-recognized motorsports racing organization and complies with all applicable laws, regulations and ordinances, including permit terms and conditions, if any.
- (13) Political gatherings and other activities protected by the First Amendment to the United States Constitution.
- (14) Activities for which the regulation of noise has been preempted by federal law.

5. That this ordinance shall be effective on and after its passage.

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

**RESOLUTION – Amendments to Reduce the FY 2009-10 Annual Fiscal Plan:
February, 2010**

A Board paper was presented on February 9, 2010, which (a) received requests for amendments to reduce the Annual Fiscal Plan, (b) directed the advertisement of same, and (c) set the date for a public hearing. The Board may now receive this paper, which, if approved, reduces the Annual Fiscal Plan and likewise reduces the County's appropriation, as applicable, on February 23, 2010. After the public hearing, at that same meeting, this paper may be approved.

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 64-10
Page 1 of 3

Agenda Title **RESOLUTION - Amendments to Reduce the FY 2009-10 Annual Fiscal Plan: February, 2010**

<p>For Clerk's Use Only:</p> <p>Date: FEB 23 2010</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p> <p><input type="checkbox"/> Amended</p> <p><input type="checkbox"/> Deferred to</p> <p>_____</p>	<p>BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) _____ Seconded by (1) _____</p> <p>(2) _____ (2) _____</p> <p>REMARKS: _____</p> <p>_____</p> <p>_____</p>	<table style="width: 100%;"><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><tr><td>Donati, J.</td><td style="text-align: center;">___</td><td style="text-align: center;">___</td><td style="text-align: center;">___</td></tr><tr><td>Glover, R.</td><td style="text-align: center;">___</td><td style="text-align: center;">___</td><td style="text-align: center;">___</td></tr><tr><td>Kaechele, D.</td><td style="text-align: center;">___</td><td style="text-align: center;">___</td><td style="text-align: center;">___</td></tr><tr><td>O'Bannon, P.</td><td style="text-align: center;">___</td><td style="text-align: center;">___</td><td style="text-align: center;">___</td></tr><tr><td>Thornton, F.</td><td style="text-align: center;">___</td><td style="text-align: center;">___</td><td style="text-align: center;">___</td></tr></table>		YES	NO	OTHER	Donati, J.	___	___	___	Glover, R.	___	___	___	Kaechele, D.	___	___	___	O'Bannon, P.	___	___	___	Thornton, F.	___	___	___
	YES	NO	OTHER																							
Donati, J.	___	___	___																							
Glover, R.	___	___	___																							
Kaechele, D.	___	___	___																							
O'Bannon, P.	___	___	___																							
Thornton, F.	___	___	___																							

WHEREAS, the Board of Supervisors of the County of Henrico, Virginia held an advertised public hearing on February 23, 2010 to consider proposed amendments to reduce the Annual Fiscal Plan for fiscal year 2009-10; and,

WHEREAS, those citizens who appeared and wished to speak were heard.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Henrico, Virginia that the Annual Fiscal Plan for fiscal year 2009-10 is amended to reflect an anticipated reduction in state and local revenues and the County's appropriations are likewise reduced.

OPERATING FUNDS

RESOURCE ADJUSTMENTS

01 - GENERAL FUND

Local Sources:

Current Real Property Taxes	\$ (10,600,000)
Delinquent Real Property Taxes	1,500,000
Local Sales and Use Taxes	(2,600,000)
Bank Franchise Taxes	2,000,000
Interest Earnings	1,000,000
Subtotal Local Sources:	(8,700,000)

By Agency Head

By County Manager

Routing:

Certified:

Yellow to: _____

A Copy Teste: _____

Copy to: _____

Clerk, Board of Supervisors

Date: _____

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

Agenda Item No. **64-10**
Page 2 of 3

State Aid for Education:

Basic Aid General Appropriation	(1,800,000)
Social Security Reimbursement	(70,000)
Retirement Reimbursement	(2,400,000)
Group Life Reimbursement	(60,000)
Sales Tax - Education	(4,850,000)
Special Education SOQ	(170,000)
English As Second Language	(470,000)
Textbooks	(3,287,000)
Foster Care Handicapped	(148,000)
At Risk	(45,000)
Lottery - Construction, Operating, Textbooks	1,500,000
Subtotal State Aid for Education:	(11,800,000)

Other State Revenues:

Communication Sales Tax (HB #568)	(1,000,000)
HB #599 Law Enforcement - Police	(300,000)
State Share Salaries Sheriff	(200,400)
State Share Benefits Sheriff	(114,000)
State Share Office Expenses Sheriff	(175,000)
State Share Salaries Circuit Court Clerk	(50,000)
State Share Benefits Circuit Court Clerk	(30,000)
State Share Salaries Finance Director	(100,000)
State Share Benefits Finance Director	(30,600)
Subtotal Other State Revenues:	(2,000,000)

Operating Transfer to Debt Service Fund	6,000,000
---	-----------

Total General Fund:	(16,500,000)
----------------------------	---------------------

71 - DEBT SERVICE FUND

Operating Transfer from General Fund	(6,000,000)
Interest Earnings GO and VPSA Bonds	4,000,000

Total Debt Service Fund:	(2,000,000)
---------------------------------	--------------------

TOTAL RESOURCE ADJUSTMENTS:	<u>(18,500,000)</u>
------------------------------------	----------------------------

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

Agenda Item No. **64-10**
Page 3 of 3

OPERATING FUNDS

APPROPRIATION REDUCTIONS

01 - GENERAL FUND

Schools VRS Savings (6,000,000)

The Henrico County Public School System will not incur the employer share of the VRS Retirement costs due to a fourth quarter premium holiday included in the Governor's proposed amendments to the FY2009-10 budget. The estimated cost savings of the fourth quarter premium holiday is \$6,000,000.

Schools Expenditure Savings (5,000,000)

The Henrico County Public School System has been preparing for this budget reduction since fall 2009. The \$5,000,000 in savings will be generated from a combination of savings in salaries and benefits due to vacant positions, savings in the cost of substitute teachers, savings in the cost of diesel fuel for buses and gasoline for School vehicles, and savings in utility costs due to energy conservation measures.

General Government Expenditure Savings (5,500,000)

The County has been preparing for this budget reduction since fall 2009. The \$5,500,000 in savings will be generated from a combination of savings in salaries and benefits due to vacant positions, savings in the cost of gasoline for County vehicles, and savings in utility costs due to energy conservation measures.

Total General Fund: (16,500,000)

71 - DEBT SERVICE FUND

Debt Service Savings (2,000,000)

The County has generated debt service savings in fiscal year 2009-10 due to the refunding of general obligation bonds and lease revenue bonds. The reduction in debt service payments in fiscal year 2009-10 is \$2,000,000.

Total Debt Service Fund: (2,000,000)

TOTAL EXPENDITURE REDUCTIONS: (18,500,000)

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

RESOLUTION – Signatory Authority – Lease of County Property – 6007 Morningside Drive – Brookland District

Approval of this resolution will authorize the County Manager to execute a lease agreement for a County-owned home located at 6007 Morningside Drive by and between the County of Henrico, Virginia and a qualified U.S. Department of Housing and Urban Development ("HUD") Housing Choice Voucher Program applicant. The lease will be for one year commencing on March 1, 2010, with rent payable to the County at the rate of \$1,200.00 per month. The lease may renew for additional one-year terms unless either party gives timely notice of its intent to terminate the lease. The County Manager is further authorized to execute the necessary lease-related forms required by HUD. The Directors of MH/MR and Real Property recommend approval of this resolution. **(Public Hearing)**



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 65-10

Page No.

1 of 1

Agenda Title

RESOLUTION - Signatory Authority - Lease of County Property - 6007 Morningside Drive - Brookland District

For Clerk's Use Only:	BOARD OF SUPERVISORS ACTION	
FEB 23 2010	Moved by (1) _____ Seconded by (1) _____	YES NO OTHER
Date _____	(2) _____ (2) _____	Donati, J. _____
<input type="checkbox"/> Approved	REMARKS: _____	Glover, R. _____
<input type="checkbox"/> Denied	_____	Kaechele, D. _____
<input type="checkbox"/> Amended	_____	O'Bannon, P. _____
<input type="checkbox"/> Deferred to _____	_____	Thornton, F. _____

WHEREAS, the County of Henrico, Virginia owns a residence at 6007 Morningside Drive; and,

WHEREAS, a qualified applicant desires to lease this home from the County under the terms and conditions negotiated by the parties under a U.S. Department of Housing and Urban Development ("HUD") Housing Choice Voucher Program; and,

WHEREAS, the County desires to lease this residence to a person with a HUD Housing Choice Voucher; and,

WHEREAS, on February 23, 2010, the Board of Supervisors of Henrico County, Virginia held an advertised public hearing on this Resolution pursuant to Sections 15.2-1800 and 15.2-1813 of the Code of Virginia, 1950, as amended.

NOW, THEREFORE, BE IT RESOLVED by the Board, that the County Manager is authorized to execute: (1) a lease agreement on behalf of the County, in a form approved by the County Attorney, for 6007 Morningside Drive for a period of one year, commencing on March 1, 2010, at a rental of \$1,200.00 per month, and (2) the necessary forms required of the County by HUD.

Comments: If neither party gives at least 60 days written notice prior to the end of any one-year term, the lease shall renew for additional one-year terms under the terms and conditions as permitted under the lease. The Directors of MH/MR and Real Property recommend approval of this action; the County Manager concurs.

By Agency Head

[Signature]

By County Manager

[Signature]

Routing:

Yellow to:

[Signature]

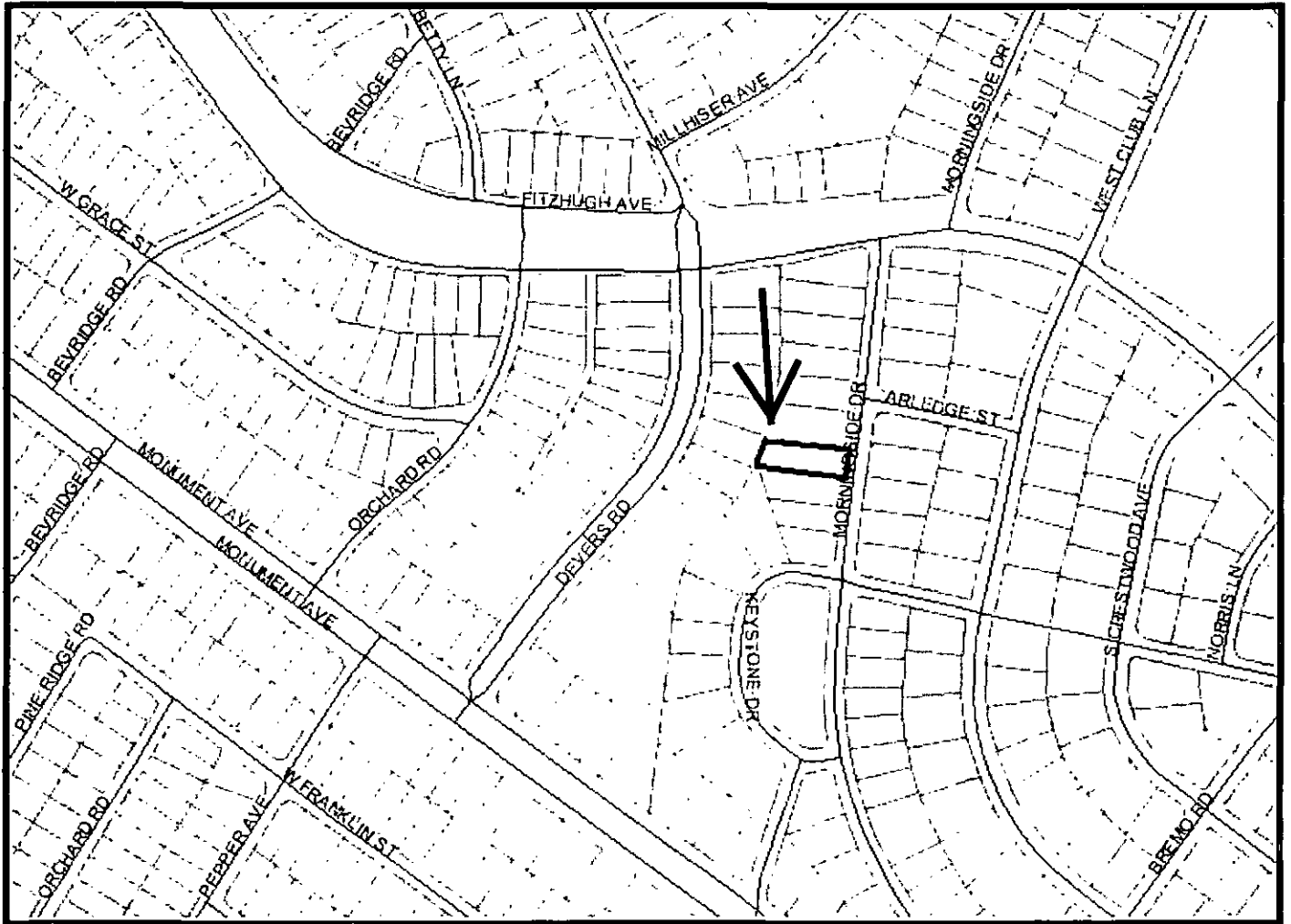
Certified:

A Copy Teste:

Clerk, Board of Supervisors

Copy to:

Date:



VICINITY MAP
6007 MORNINGSIDE DRIVE

RESOLUTION — Condemnation — Right-of-Way and Easements — North Gayton Road Extension Project — Sterling Management Corporation of Virginia — Three Chopt District

This Board paper authorizes condemnation proceedings for property owned by Sterling Management Corporation of Virginia for construction of the North Gayton Road Extension Project.

The County needs to acquire right-of-way containing 7,964 sq. ft., a permanent slope, access and guardrail easement containing 2,624 sq. ft., a temporary construction easement containing 7,019 sq. ft., and a permanent easement for Dominion Virginia Power containing 4,126.52 sq. ft. across the property at 12100 West Broad Street identified as Tax Map Parcel 733-764-9576. Based on an independent appraisal, a bona fide offer of \$126,000.00 has been made to and rejected by the owner.

This Board paper directs the County Manager to take the necessary steps to acquire the right-of-way and easements with the right to enter the property upon the filing of a certificate of take and the deposit of \$126,000.00 in the Clerk's Office of the Henrico County Circuit Court.

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



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 64-10
Page No. 1 of 2

Agenda Title

RESOLUTION — Condemnation — Right-of-Way and Easements — North Gayton Road Extension Project — Sterling Management Corporation of Virginia — Three Chopt District

For Clerk's Use Only:

FEB 23 2010

Date _____

- ☐ Approved
☐ Denied
☐ Amended
☐ Deferred to

BOARD OF SUPERVISORS ACTION

Moved by (1) _____ Seconded by (1) _____
(2) _____ (2) _____

REMARKS: _____

YES NO OTHER

Donati, J. _____
Glover, R. _____
Kaechele, D. _____
O'Bannon, P. _____
Thornton, F. _____

WHEREAS, it is necessary for the construction of the North Gayton Road Extension Project (the "Project") to acquire right-of-way containing 7,964 sq. ft., a permanent slope access and guardrail easement containing 2,624 sq. ft., a temporary construction easement containing 7,019 sq. ft., and a permanent easement containing 4,126.52 sq. ft. for Virginia Electric and Power Company, a Virginia public service corporation doing business in Virginia as Dominion Virginia Power (collectively, the "Right-of-Way and Easements") across the property at 12100 West Broad Street owned by Sterling Management Corporation of Virginia (the "Owner") and identified as Tax Map Parcel 733-764-9576 in the Three Chopt District; and,

WHEREAS, the Board of Supervisors of Henrico County, Virginia desires to exercise authority granted by the Code of Virginia to acquire title, to enter upon and take possession of the Right-of-Way and Easements, and to construct the Project before the institution of condemnation proceedings; and,

WHEREAS, after advertisement in the *Richmond Times-Dispatch*, the Board held a public hearing pursuant to §15.2-1903 of the Code, at which time the Board declared its intent to enter and take the Right-of-Way and Easements for the Project across portions of the Owner's property.

NOW, THEREFORE, BE IT RESOLVED that:

- (1) The Board directs the County Manager to take the necessary steps to acquire the Right-of-Way and Easements over, upon, across and through the property of the Owner, shown as "STERLING MANAGEMENT CORPORATION OF VIRGINIA," on a plat dated December 14, 2009, a reduced size copy of which is attached and marked Exhibit "A," and shown as "BANNER REALTY COMPANY OF RICHMOND, INC.," now known as Sterling Management Corporation of Virginia, for parcel "001" on Sheet No. 3 of the road plans for North Gayton Road, Project 2122.50701.28004.01152, a reduced copy of which is attached and marked Exhibit "B";

By Agency Head _____

By County Manager _____

Routing:

Yellow to: Real Property

Copy to: _____

Certified:

A Copy Tests: _____

Clerk, Board of Supervisors

Date: _____

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

Agenda Item No. 66-10
Page No.

2 of 2

Agenda Title RESOLUTION — Condemnation — Right-of-Way and Easements — North Gayton Road Extension Project — Sterling Management Corporation of Virginia — Three Chopt District

- (2) The Board deems it necessary to enter upon the property and take possession of the Right-of-Way and Easements in order to construct the Project prior to the time in which a condemnation case can be filed and heard in accordance with the Code;
- (3) The County Manager shall send by certified mail dated February 24, 2010, a notice advising the Owner that the County intends to enter upon and take the Right-of-Way and Easements prior to the conclusion of condemnation proceedings, setting forth the compensation and damages offered by the County, and informing the Owner it has 30 days within which to contest the taking;
- (4) The Board finds a necessity exists to institute condemnation proceedings pursuant to the Code to acquire the Right-of-Way and Easements for the public use of constructing, operating, and maintaining the Project and to determine the amount of compensation and damages, if any, caused by the taking, possession and acquisition of the Right-of-Way and Easements;
- (5) After the 30-day period for the Owner to contest the taking has run, the County Attorney shall file in the Clerk's Office of the Circuit Court a certificate signed by the Chairman and Clerk of the Board in accordance with the Code and shall deposit with the Clerk the amount of the bona fide offer listed below that has not been accepted by the Owner:

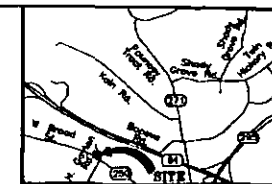
**STERLING MANAGEMENT CORPORATION OF VIRGINIA
AS TO 12100 WEST BROAD STREET - \$126,000.00**

and,

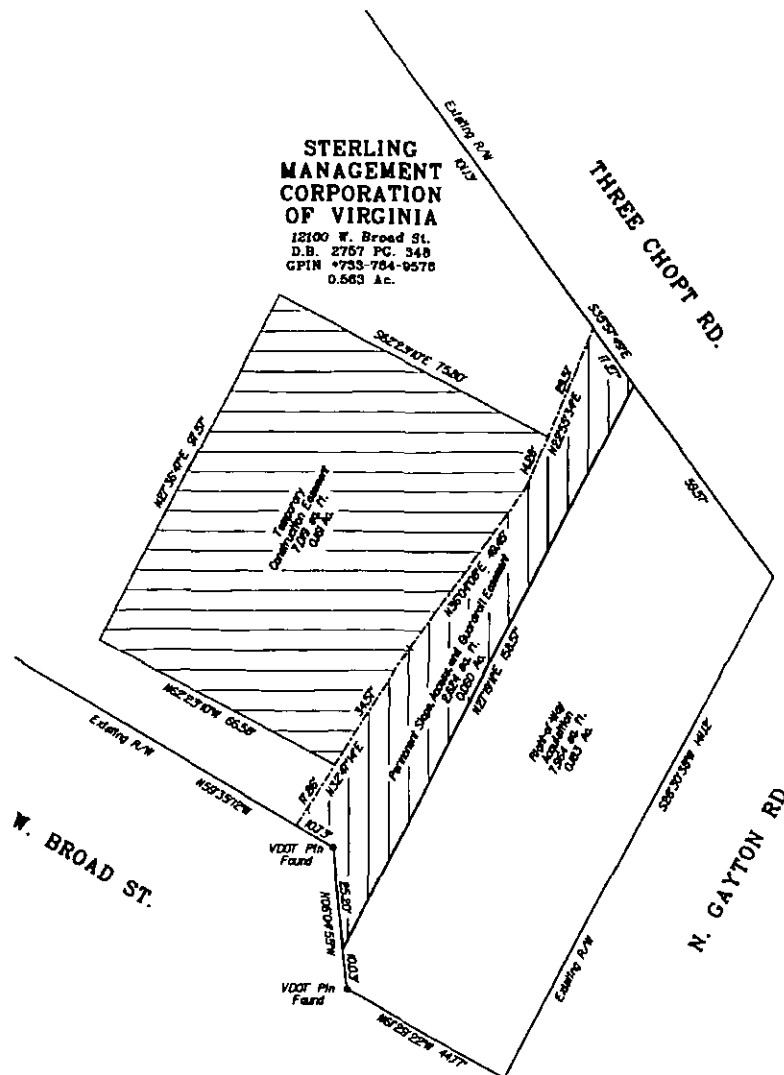
- (6) The Board authorizes and directs the County Manager to continue to seek a voluntary acquisition of the Right-of-Way and Easements, to take all steps necessary to acquire the Right-of-Way and Easements, and to enter on and take immediate possession of the required Right-of-Way and Easements.

Comments: The Real Property Department has been unsuccessful in negotiating a settlement for the acquisition of the Right-of-Way and Easements. Therefore, the Directors of Public Works and Real Property recommend approval of this Board paper, and the County Manager concurs.

GPM	LAND OWNER	D.B./P.G.	Right-of-Way Acquisition	Permanent Slope, Access, and Guardrail Easements	Temporary Construction Easements
733-764-9576	STERLING MANAGEMENT CORPORATION OF VIRGINIA	2757/348	1,354 sq. ft.	7,524 sq. ft.	1,019 sq. ft.



VICINITY MAP - NOT TO SCALE

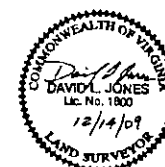
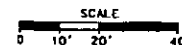


Meridian Source:
Virginia State Plane
South Zone Grid North

Exhibit "A"

Notes:

1. This plat has been prepared for the purpose of defining the right-of-way and easements noted, and is not to be considered a boundary survey. No structures or utilities have been located by this survey.
2. Proposed right-of-way, permanent easements, and temporary construction easements are based on files provided by AECOM received: 10/16/08.
3. Acreage tabulations, if provided, are based on information provided by Henrico County Real Estate assessments and may not necessarily agree with computed areas or recorded deeds.
4. Meridian Source: Virginia State Plane Coordinate System South Zone, Grid North, Based On Henrico County Geodetic Control.



ACQUISITION PLAT SHOWING RIGHT-OF-WAY, TEMPORARY CONSTRUCTION EASEMENT, AND PERMANENT SLOPE, ACCESS AND GUARDRAIL EASEMENT ON THE PROPERTY OF
STERLING MANAGEMENT CORPORATION OF VIRGINIA
THREE CHOPT MAGISTERIAL DISTRICT
HENRICO COUNTY, VIRGINIA

mod Engineers, Surveyors
Construction Managers
114 east cary street, suite 200
richmond, virginia 23219
(804) 644-4600

FILE NAME	SCALE	DATE	JOB NO.	SHEET NO.
001	1"=20'	Dec. 14, 2009	0710007L	1 of 1

RESOLUTION — Condemnation — Right-of-Way and Easements — North Gayton Road Extension Project— David S. Brown and Chris C. Brown — Three Chopt District

This Board paper authorizes condemnation proceedings for property owned by David S. Brown and Chris C. Brown for the construction of the North Gayton Road Extension Project.

The County needs to acquire right-of-way containing 8,672 sq. ft., a permanent slope, drainage and access easement containing 15,730 sq. ft., and temporary construction easements containing 3,486 sq. ft. across the property at 13180 Old Three Chopt Road identified as Tax Map Parcel 734-765-3041. Based on an independent appraisal, a bona fide offer of \$175,000.00 has been made to and rejected by the owners.

This Board paper directs the County Manager to take the necessary steps to acquire the right-of-way and easements with the right to enter the property upon the filing of a certificate of take and the deposit of \$175,000.00 in the Clerk's Office of the Henrico County Circuit Court.

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



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 67-10
Page No. 1 of 2

Agenda Title

RESOLUTION — Condemnation — Right-of-Way and Easements — North Gayton Road Extension Project — David S. Brown and Chris C. Brown — Three Chopt District

For Clerk's Use Only:

FEB 23 2010

Date _____

- ☐ Approved
☐ Denied
☐ Amended
☐ Deferred to _____

BOARD OF SUPERVISORS ACTION

Moved by (1) _____ Seconded by (1) _____
(2) _____ (2) _____

REMARKS: _____

YES NO OTHER

Donati, J. _____
Glover, R. _____
Kaechele, D. _____
O'Bannon, P. _____
Thornton, F. _____

WHEREAS, it is necessary for construction of the North Gayton Road Extension Project (the "Project") to acquire right-of-way containing 8,672 sq. ft., a permanent slope, drainage and access easement containing 15,730 sq. ft., and temporary construction easements containing 3,486 sq. ft. across the property (the "Right-of-Way and Easements") at 13180 Old Three Chopt Road owned by David S. Brown and Chris C. Brown (the "Owners") and identified as Tax Map Parcel 734-765-3041 in the Three Chopt District; and,

WHEREAS, the Board of Supervisors of Henrico County, Virginia desires to exercise authority granted by the Code of Virginia to acquire title, to enter upon and take possession of the Right-of-Way and Easements, and to construct the Project before the institution of condemnation proceedings; and,

WHEREAS, after advertisement in the *Richmond Times-Dispatch*, the Board held a public hearing pursuant to §15.2-1903 of the Code, at which time the Board declared its intent to enter and take the Right-of-Way and Easements for the Project across portions of the Owners' property.

NOW, THEREFORE, BE IT RESOLVED that:

- (1) The Board directs the County Manager to take the necessary steps to acquire the Right-of-Way and Easements over, upon, across and through the property of the Owners, as shown on a plat dated November 16, 2009, a reduced size copy of which is attached and marked Exhibit "A";

By Agency Head

By County Manager

Routing:

Yellow to: Real Property

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

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

Agenda Item No. **67-10**
Page No. **2 of 2**

Agenda Title RESOLUTION — Condemnation — Right-of-Way and Easements — North Gayton Road Extension Project — David S. Brown and Chris C. Brown — Three Chopt District

- (2) The Board deems it necessary to enter upon the property and take possession of the Right-of-Way and Easements in order to construct the Project prior to the time in which a condemnation case can be filed and heard in accordance with the Code;
- (3) The County Manager shall send by certified mail dated February 24, 2010, a notice advising the Owners that the County intends to enter upon and take the Right-of-Way and Easements prior to the conclusion of condemnation proceedings, setting forth the compensation and damages offered by the County, and informing the Owners they have 30 days within which to contest the taking;
- (4) The Board finds a necessity exists to institute condemnation proceedings pursuant to the Code to acquire the Right-of-Way and Easements for the public use of constructing, operating, and maintaining the Project and to determine the amount of compensation and damages, if any, caused by the taking, possession and acquisition of the Right-of-Way and Easements;
- (5) After the 30-day period for the Owners to contest the taking has run, the County Attorney shall file in the Clerk's Office of the Circuit Court a certificate signed by the Chairman and Clerk of the Board in accordance with the Code and shall deposit with the Clerk the amount of the bona fide offer listed below that has not been accepted by the Owners:

**DAVID S. BROWN AND CHRIS C. BROWN
AS TO 13180 OLD THREE CHOPT ROAD - \$175,000.00**

and,

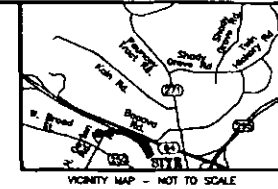
- (6) The Board authorizes and directs the County Manager to continue to seek a voluntary acquisition of the Right-of-Way and Easements, to take all steps necessary to acquire the Right-of-Way and Easements, and to enter on and take immediate possession of the required Right-of-Way and Easements.

Comments: The Real Property Department has been unsuccessful in negotiating a settlement for the acquisition of the Right-of-Way and Easements. Therefore, the Directors of Public Works and Real Property recommend approval of this Board paper, and the County Manager concurs.

GPM	LAND OWNER	D.B./PG. Right-of-Way Acquisition	Permanent Slope, Drainage & Access Easements	Temporary Construction Easements
734-765-3041	DAVID S. BROWN & CHRIS C. BROWN	4037/EC99	ASFE sq. ft.	157.30 sq. ft.
				3,406 sq. ft.

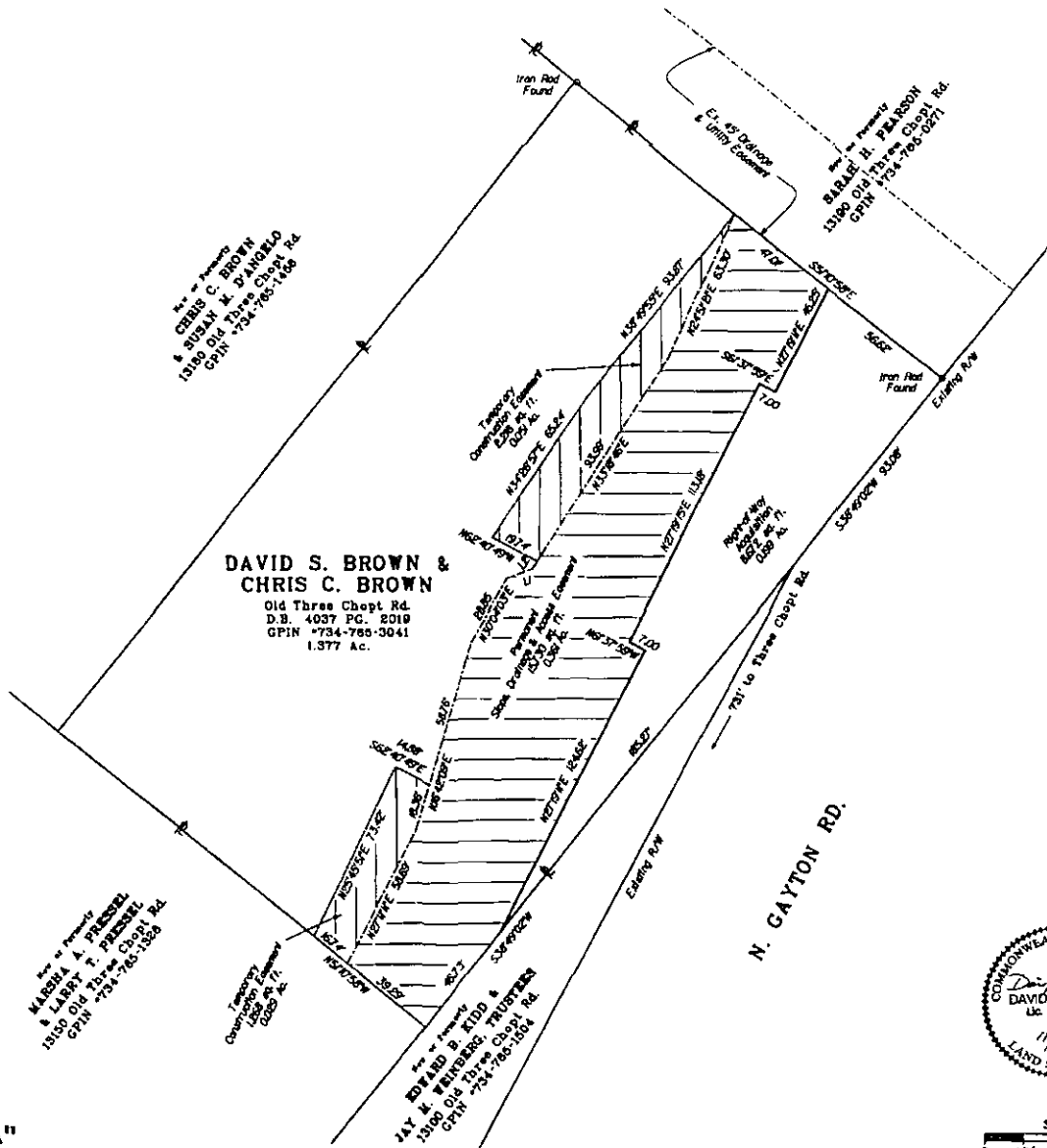
Line Table

U	W/0.3705E	0.56
LE	N/37.4645E	3.88



VICINITY MAP - NOT TO SCALE

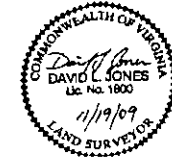
Meridian Source:
Virginia State Plane
South Zone Grid North



Notes:

1. This plat has been prepared for the purpose of defining the right-of-way and easements noted, and is not to be considered a boundary survey. No structures or utilities have been located by this survey.
2. Proposed right-of-way, permanent easements, and temporary construction easements are based on files provided by AECOM received: 10/18/09.
3. Acreage tabulations, if provided, are based on information provided by Henrico County Real Estate Assessments and may not necessarily agree with computed areas or recorded deeds.
4. Meridian Source: Virginia State Plane Coordinate System South Zone, Grid North, Based On Henrico County Geodetic Control.

Exhibit "A"



SCALE
0 15' 30' 60'

ACQUISITION PLAT SHOWING RIGHT-OF-WAY, PERMANENT SLOPE, DRAINAGE & ACCESS EASEMENT, AND TEMPORARY CONSTRUCTION EASEMENT ON THE PROPERTY OF DAVID S. BROWN & CHRIS C. BROWN THREE CHOPT MAGISTERIAL DISTRICT HENRICO COUNTY, VIRGINIA				
 Engineers & Surveyors Construction Managers 114 east bary street, suite 200 richmond, virginia 23219 (804) 644-4600				
FILE NAME	SCALE	DATE	JOB NO.	SHEET NO.
008	1"=30'	Nov. 18, 2009	0710007L	1 of 1

RESOLUTION — Condemnation — Right-of-Way and Easement — North Gayton Road Extension Project — Edward B. Kidd and Jay M. Weinberg, Trustees — Three Chopt District

This Board paper authorizes condemnation proceedings for property owned by Edward B. Kidd and Jay M. Weinberg, Trustees under Land Trust Agreement dated December 29, 1998, that is needed for construction of the North Gayton Road Extension Project.

The County needs to acquire right-of-way containing 20,264 sq. ft. and a permanent slope, drainage and access easement containing 11,376 sq. ft. across the property at 13100 Old Three Chopt Road identified as Tax Map Parcel 734-765-1504. Based on an independent appraisal, a bona fide offer of \$227,000.00 has been made to and rejected by the owners.

This Board paper directs the County Manager to take the necessary steps to acquire the right-of-way and easement with the right to enter the property upon the deposit of \$227,000.00 in the Clerk's Office of the Henrico County Circuit Court.

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



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 68-10
Page No. 1 of 2

Agenda Title

RESOLUTION — Condemnation — Right-of-Way and Easement — North Gayton Road Extension Project — Edward B. Kidd and Jay M. Weinberg, Trustees — Three Chopt District

For Clerk's Use Only:

Date **FEB 23 2010**

- ☐ Approved
☐ Denied
☐ Amended
☐ Deferred to

BOARD OF SUPERVISORS ACTION

Moved by (1) _____ Seconded by (1) _____
(2) _____ (2) _____

REMARKS: _____

YES NO OTHER

Donati, J. _____
Glover, R. _____
Kaechele, D. _____
O'Bannon, P. _____
Thornton, F. _____

WHEREAS, it is necessary for construction of the North Gayton Road Extension Project (the "Project") to acquire right-of-way containing 20,264 sq. ft. and a permanent slope, drainage and access easement containing 11,376 sq. ft. (the "Right-of-Way and Easement") across the property at 13100 Old Three Chopt Road owned by Edward B. Kidd and Jay M. Weinberg, Trustees Under Land Trust Agreement Dated December 29, 1998 (the "Owners") and identified as Tax Map Parcel 734-765-1504 in the Three Chopt District; and,

WHEREAS, the Board of Supervisors of Henrico County, Virginia desires to exercise authority granted by the Code of Virginia to acquire title, to enter upon and take possession of the Right-of-Way and Easement, and to construct the Project before the institution of condemnation proceedings; and,

WHEREAS, after advertisement in the *Richmond Times-Dispatch*, the Board held a public hearing pursuant to §15.2-1903 of the Code, at which time the Board declared its intent to enter and take the Right-of-Way and Easement for the Project across portions of the Owners' property.

NOW, THEREFORE, BE IT RESOLVED that:

- (1) The Board directs the County Manager to take the necessary steps to acquire the Right-of-Way and Easement over, upon, across and through the property of the Owners, as shown on a plat dated November 5, 2009, a reduced size copy of which is attached and marked Exhibit "A";

By Agency Head

[Signature]

By County Manager

[Signature]

Routing:

Yellow to: *Real Property*

Copy to: _____

Certified:

A Copy Tests: _____

Clerk, Board of Supervisors

Date: _____

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

Agenda Item No. 68-10
Page No.

2 of 2

**Agenda Title RESOLUTION — Condemnation — Right-of-Way and Easement — North Gayton
Road Extension Project — Edward B. Kidd and Jay M. Weinberg, Trustees — Three
Chopt District**

- (2) The Board deems it necessary to enter upon the property and take possession of the Right-of-Way and Easement in order to construct the Project prior to the time in which a condemnation case can be filed and heard in accordance with the Code;
- (3) The County Manager shall send by certified mail dated February 24, 2010, a notice advising the Owners that the County intends to enter upon and take the Right-of-Way and Easement prior to the conclusion of condemnation proceedings, setting forth the compensation and damages offered by the County, and informing the Owners they have 30 days within which to contest the taking;
- (4) The Board finds a necessity exists to institute condemnation proceedings pursuant to the Code to acquire the Right-of-Way and Easement for the public use of constructing, operating, and maintaining the Project and to determine the amount of compensation and damages, if any, caused by the taking, possession and acquisition of the Right-of-Way and Easement;
- (5) After the 30-day period for the Owners to contest the taking has run, the County Attorney shall file in the Clerk's Office of the Circuit Court a certificate signed by the Chairman and Clerk of the Board in accordance with the Code and shall deposit with the Clerk the amount of the bona fide offer listed below that has not been accepted by the Owners:

**EDWARD B. KIDD AND JAY M. WEINBERG, TRUSTEES UNDER
LAND TRUST AGREEMENT DATED DECEMBER 29, 1998
AS TO 13100 OLD THREE CHOPT ROAD - \$227,000.00**

and,

- (6) The Board authorizes and directs the County Manager to continue to seek a voluntary acquisition of the Right-of-Way and Easement, to take all steps necessary to acquire the Right-of-Way and Easement, and to enter on and take immediate possession of the required Right-of-Way and Easement.

Comments: The Real Property Department has been unsuccessful in negotiating a settlement for the acquisition of the Right-of-Way and Easement. Therefore, the Directors of Public Works and Real Property recommend approval of this Board paper, and the County Manager concurs.

GPIN	LAND OWNER	D.B./PG.	Right-of-Way Acquisition	Permanent Slope, Drainage & Access Easements	Temporary Construction Easements
734-765-1504	EDWARD B. KIDD & JAY M. WEINBERG, TRUSTEES	2885/286	20,264 sq. ft.	11,316 sq. ft.	0 sq. ft.

Line Table		
1	562-47-49E	30.30'
2	562-47-49W	4.00'
3	562-05-29W	65.0'

**EDWARD B. KIDD &
JAY M. WEINBERG, TRUSTEES**
15100 Old Three Chopt Rd.
D.B. 2885 PG. 286
GPIN #734-765-1504
1.024 Ac.

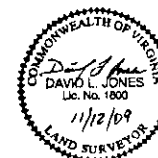
Proposed
DAVID S. BERRY &
CHARLES C. BERRY JR.
Old Three Chopt Rd.
GPIN #734-765-3041

Proposed
MARCEL A. PIERRELLI
& LARRY T. PIERRELLI
15100 Old Three Chopt Rd.
GPIN #734-765-3358

THREE CHOPT RD.

N. GAYTON RD.

Exhibit "A"



SCALE
0 20' 40' 60'

Notes:

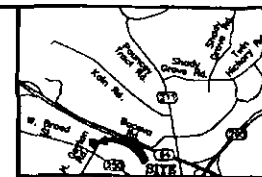
1. This plot has been prepared for the purpose of defining the right-of-way and easements noted, and is not to be considered a boundary survey. No structures or utilities have been located by this survey.
2. Proposed right-of-way, permanent easements, and temporary construction easements are based on files provided by AECOM received: 10/16/09.
3. Acreage tabulations, if provided, are based on information provided by Henrico County Real Estate assessments and may not necessarily agree with computed areas or recorded deeds.
4. Meridian Source: Virginia State Plane Coordinate System South Zone, Grid North, Based On Henrico County Geodetic Control.

ACQUISITION PLAT SHOWING RIGHT-OF-WAY
AND PERMANENT SLOPE, DRAINAGE
& ACCESS EASEMENT
ON THE PROPERTY OF
**EDWARD B. KIDD &
JAY M. WEINBERG, TRUSTEES**
THREE CHOPT MAGISTERIAL DISTRICT
HENRICO COUNTY, VIRGINIA



Engineers, Surveyors
& Construction Managers
114 east cary street, suite 200
richmond, virginia 23219
(804) 644-4600

FILE NAME	SCALE	DATE	JOB NO.	SHEET NO.
002	1"=40'	Nov. 5, 2009	0719007L	1 of 1



VICINITY MAP - NOT TO SCALE

RESOLUTION — Condemnation — Right-of-Way and Easements — North Gayton Road Extension Project — Sheran S. Shiner and Susanne M. Smith, Trustees — Three Chopt District

This Board paper authorizes condemnation proceedings for property owned by Sheran S. Shiner and Susanne M. Smith, Trustees of the Thomas A. Smith Family Trust dated October 10, 1998, that is needed for the construction of the North Gayton Road Extension Project.

The County needs to acquire right-of-way containing 236,098 sq. ft., permanent slope and drainage easements containing 83,781 sq. ft., temporary construction easements containing 19,932 sq. ft., and a permanent easement containing 576.56 sq. ft. for Dominion Virginia Power across the property at 12321 Kain Road identified as Tax Map Parcel 735-767-9459. Based on an independent appraisal, a bona fide offer of \$613,433.00 has been made to and rejected by the owners.

This Board paper directs the County Manager to take the necessary steps to acquire the right-of-way and easements with the right to enter the property upon the filing of a certificate of take and the deposit of \$613,433.00 in the Clerk's Office of the Henrico County Circuit Court.

The Directors of Public Works and Real Property recommend approval of this Board paper.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 69-10

Page No.

1 of 2

Agenda Title

RESOLUTION — Condemnation — Right-of-Way and Easements — North Gayton Road Extension Project — Sheran S. Shiner and Susanne M. Smith, Trustees — Three Chopt District

For Clerk's Use Only:

FEB 23 2010

Date

- ☐ Approved
☐ Denied
☐ Amended
☐ Deferred to

BOARD OF SUPERVISORS ACTION

Moved by (1) _____ Seconded by (1) _____
(2) _____ (2) _____

REMARKS:

YES NO OTHER

Donati, J. _____
Glover, R. _____
Kaechele, D. _____
O'Bannon, P. _____
Thornton, F. _____

WHEREAS, it is necessary for the construction of the North Gayton Road Extension Project (the "Project") to acquire right-of-way containing 236,098 sq. ft., permanent slope and drainage easements containing 83,781 sq. ft., temporary construction easements containing 19,932 sq. ft., and a permanent easement containing 576.56 sq. ft., for Virginia Electric and Power Company, a Virginia public service corporation, doing business as Dominion Virginia Power (collectively, the "Right-of-Way and Easements") across the property at 12321 Kain Road owned by Sheran S. Shiner and Susanne M. Smith, Trustees of the Thomas A. Smith Family Trust Dated October 10, 1998 (the "Owners"), and identified as Tax Map Parcel 735-767-9459 in the Three Chopt District; and,

WHEREAS, the Board of Supervisors of Henrico County, Virginia desires to exercise authority granted by the Code of Virginia to acquire title, to enter upon and take possession of the Right-of-Way and Easements and to construct the Project before the institution of condemnation proceedings; and,

WHEREAS, after advertisement in the *Richmond Times-Dispatch*, the Board held a public hearing pursuant to §15.2-1903 of the Code, at which time the Board declared its intent to enter and take the Right-of-Way and Easements for the Project across portions of the Owners' property.

NOW, THEREFORE, BE IT RESOLVED that:

- (1) The Board directs the County Manager to take the necessary steps to acquire the Right-of-Way and Easements over, upon, across and through the property of the Owners, shown as "SHERAN S. SHINER & SUSANNE M. SMITH, TRUSTEES" on those plats dated October 8, 2009, reduced size copies of which are attached and marked Exhibit "A-1" and "A-2," and shown as parcel "117" on Sheet No. 10 of the plans for North Gayton Road, Project 2122.50701.28004.01152, a reduced copy of which is attached and marked as Exhibit "B";

By Agency Head

By County Manager

Routing:

Yellow to:

Copy to:

Certified:

A Copy Tests:

Clerk, Board of Supervisors

Date:

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

Agenda Item No. **69-10**
Page No. **2 of 2**

Agenda Title **RESOLUTION — Condemnation — Right-of-Way and Easements — North Gayton Road Extension Project — Sheran S. Shiner and Susanne M. Smith, Trustees — Three Chopt District**

- (2) The Board deems it necessary to enter upon the property and take possession of the Right-of-Way and Easements in order to construct the Project prior to the time in which a condemnation case can be filed and heard in accordance with the Code;
- (3) The County Manager shall send by certified mail dated February 24, 2010, a notice advising the Owners that the County intends to enter upon and take the Right-of-Way and Easements prior to the conclusion of condemnation proceedings, setting forth the compensation and damages offered by the County, and informing the Owners they have 30 days within which to contest the taking;
- (4) The Board finds a necessity exists to institute condemnation proceedings pursuant to the Code to acquire the Right-of-Way and Easements for the public use of constructing, operating, and maintaining the Project and to determine the amount of compensation and damages, if any, caused by the taking, possession and acquisition of the Right-of-Way and Easements;
- (5) After the 30-day period for the Owners to contest the taking has run, the County Attorney shall file in the Clerk's Office of the Circuit Court a certificate signed by the Chairman and Clerk of the Board in accordance with the Code and shall deposit with the Clerk the amount of the bona fide offer listed below that has not been accepted by the Owners:

**SHERAN S. SHINER AND SUSANNE M. SMITH, TRUSTEES OF THE
THOMAS A. SMITH FAMILY TRUST DATED OCTOBER 10, 1998
AS TO 12321 OLD KAIN ROAD - \$613,433.00**

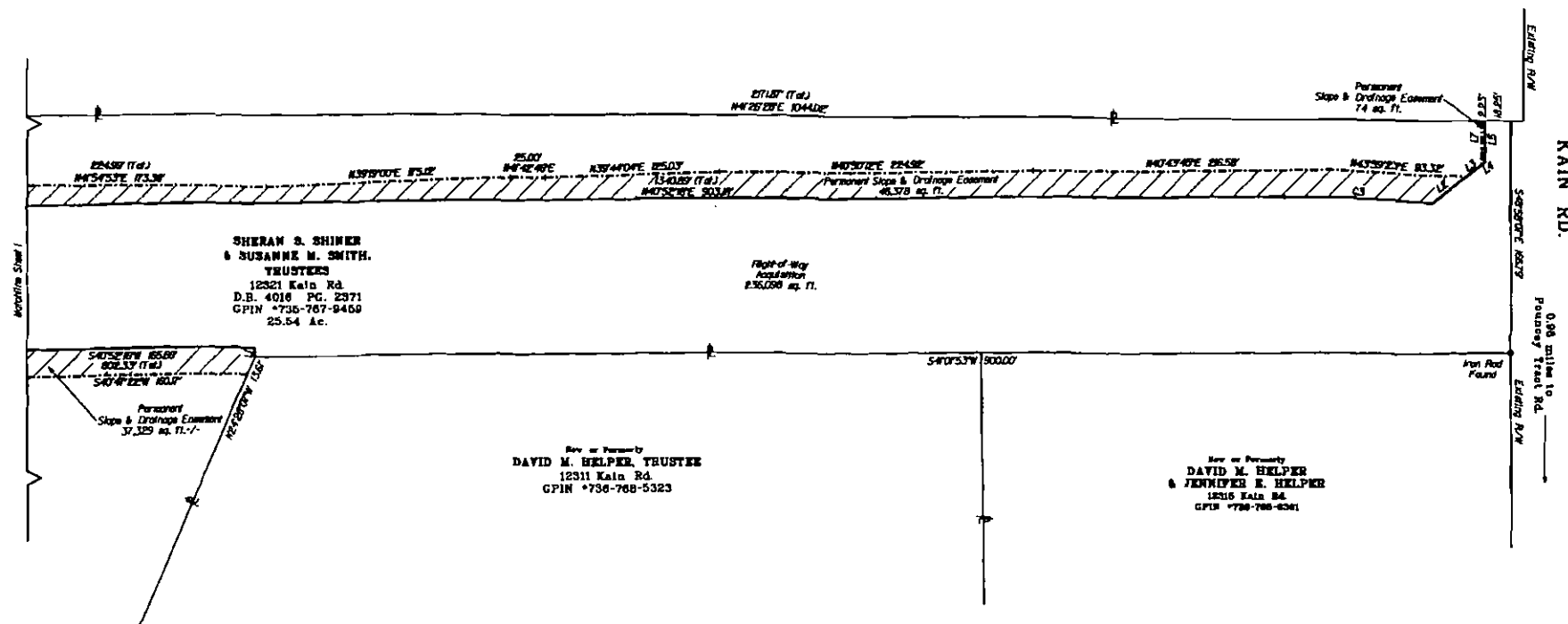
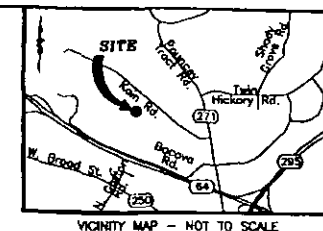
and,

- (6) The Board authorizes and directs the County Manager to continue to seek a voluntary acquisition of the Right-of-Way and Easements, to take all steps necessary to acquire the Right-of-Way and Easements, and to enter on and take immediate possession of the required Right-of-Way and Easements.

Comments: The Real Property Department has been unsuccessful in negotiating a settlement for the acquisition of the Right-of-Way and Easements. Therefore, the Directors of Public Works and Real Property recommend approval of this Board paper, and the County Manager concurs.

CPIN	LAND OWNER	D.B./PG.	Right of Way Acquisition	Permanent Slope & Drainage Easements	Temporary Construction Easements
735-767-9459	SHERAN S. SHINER & SUSANNE M. SMITH, TRUSTEES	406/2371	2,360.08 sq. ft.	8,378 sq. ft. +/-	19,332 sq. ft. +/-

See or Personally
ANNIE B. FAIR
12325 Kain Rd.
CPIN #736-768-7509



Notes:

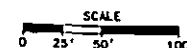
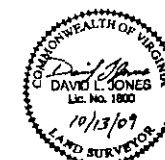
- This plat has been prepared for the purpose of defining the right-of-way and easements noted, and is not to be considered a boundary survey. No structures or utilities have been located by this survey.
- Proposed right-of-way, permanent easements, and temporary construction easements are based on those provided by AECOM received: 08/15/08.
- Acresage tabulations, if provided, are based on information provided by Henrico County Real Estate assessments and may not necessarily agree with computed areas or recorded deeds.
- Meridian Source: Virginia State Plane Coordinate System South Zone, Grid North, Based On Henrico County Geodetic Control.

Exhibit "A-2"

Delta	Radius	Length	Tangent	Chord	Chord Bearing
C1	15.33'F	248.00'	57.96'	571.77'	S34°05'43"W
C2	15.33'F	255.00'	60.66'	602.29'	N34°05'43"E
C3	04.32'F	1242.00'	126.6'	584.3'	N43°16'25"E

Uts Table

11	N49°07'44"W	67.7'
12	N02°50'26"E	30.77'
13	N02°50'26"E	11.49'
14	N02°50'26"E	3.55'
15	N48°42'54"W	29.58'
16	N88°52'34"W	42.79'
17	N47°57'37"W	31.67'
18	S54°00'28"E	13.73'
19	S52°40'49"E	6.39'
20	S54°30'17"E	15.97'
21	N50°48'24"W	38.08'
22	N85°00'32"W	32.08'

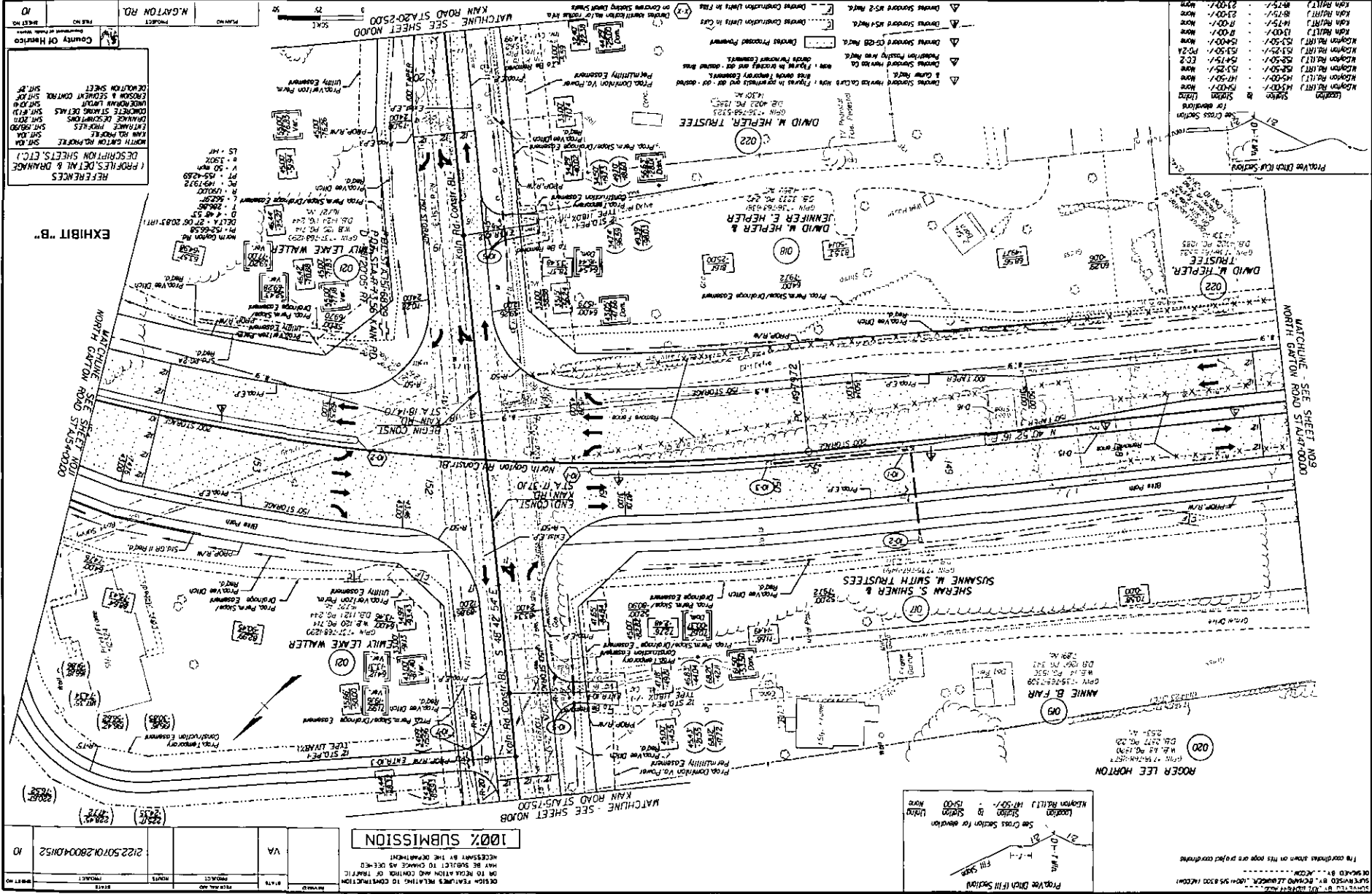


ACQUISITION PLAT SHOWING RIGHT-OF-WAY, TEMPORARY CONSTRUCTION EASEMENTS, AND PERMANENT SLOPE AND DRAINAGE EASEMENTS ON THE PROPERTY OF SHERAN S. SHINER & SUSANNE M. SMITH, TRUSTEES THREE CHOPT MAGISTERIAL DISTRICT HENRICO COUNTY, VIRGINIA



K&M Engineers, Surveyors & Construction Managers
114 east oary street, suite 200
richmond, virginia 23219
(804) 644-4600

FILE NAME	SCALE	DATE	JOB NO.	SHEET NO.
017	1"=50'	Oct. 8, 2008	0710007L	2 of 2



GPIN	LAND OWNER	LD/PG	Right-of-Way Acquisition	Permanent Slope & Drainage Easements	Temporary Construction Easements
735767-9459	SHERAN S. SHINER & SUSANNE M. SMITH, TRUSTEES	406/2371	236,098 sq. ft.	83,378 sq. ft. +/-	19,932 sq. ft. +/-

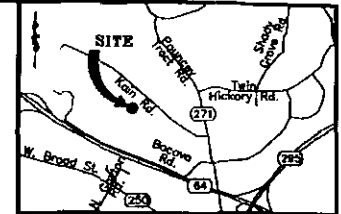
Now or Formerly
ANNIE B. FAIR
12325 Kala Rd.
GPIN #736-768-7309

Now or Formerly
HELEN LONG PAYNE
12600 Bacova Rd.
GPIN #734-767-8531

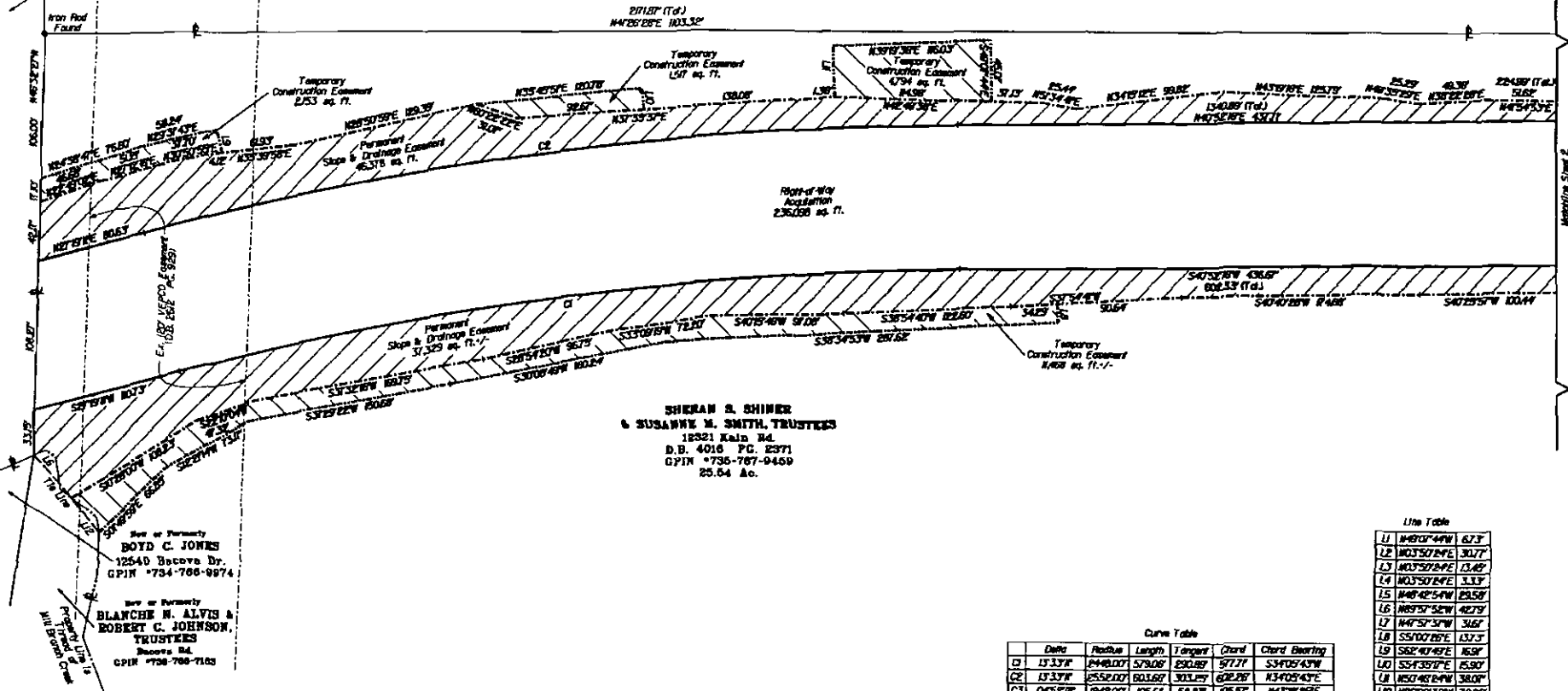
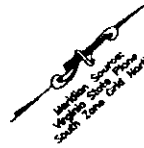
Now or Formerly
BOYD C. JONES
12540 Bacova Dr.
GPIN #734-766-9974

Now or Formerly
BLANCHE M. ALVIS &
ROBERT C. JOHNSON,
TRUSTEES
Bacova Rd.
GPIN #736-768-7103

SHERAN S. SHINER
& SUSANNE M. SMITH, TRUSTEES
12321 Kala Rd.
D.B. 4016 PG. 2371
GPIN #735-767-9459
25.64 Ac.



VICINITY MAP - NOT TO SCALE



Line Table

11	N48°07'44W	6.73
12	N03°50'44E	30.77
13	N03°50'44E	13.48
14	N03°50'44E	3.33
15	N48°42'54W	25.58
16	N89°50'52W	42.79
17	N47°50'30W	3.67
18	S51°00'00E	13.73
19	S62°47'47E	16.97
20	S54°35'17E	15.90
21	N50°42'44W	38.00
22	N86°00'32W	32.06

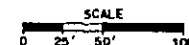
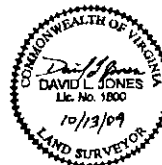
Curve Table

Date	Radius	Length	Tangent	Chord	Chord Bearing
C1	17.378'	144.007'	579.06'	290.89'	S34°05'43W
C2	17.378'	255.007'	603.66'	303.75'	N34°05'43E
C3	045°28'	184.000'	105.61'	58.83'	N43°07'25E

Notes:

- This plat has been prepared for the purpose of defining the right-of-way and easements noted, and is not to be considered a boundary survey. No structures or utilities have been located by this survey.
- Proposed right-of-way, permanent easements, and temporary construction easements are based on files provided by AECOM received: 09/15/09.
- Acresage tabulations, if provided, are based on information provided by Henrico County Real Estate assessments and may not necessarily agree with computed areas or recorded deeds.
- Meridian Source: Virginia State Plane Coordinate System South Zone, Grid North, Based On Henrico County Geodetic Control.

Exhibit "A-1"



ACQUISITION PLAT SHOWING RIGHT-OF-WAY, TEMPORARY CONSTRUCTION EASEMENTS, AND PERMANENT SLOPE AND DRAINAGE EASEMENTS ON THE PROPERTY OF
SHERAN S. SHINER
& SUSANNE M. SMITH, TRUSTEES
THREE CHOFT MAGISTERIAL DISTRICT
HENRICO COUNTY, VIRGINIA



Engineers, Surveyors
Construction Managers
114 east cary street, suite 200
richmond, virginia 23219
(804) 644-1600

FILE NAME	SCALE	DATE	JOB NO.	SHEET NO.
017	1"=50'	Oct. 8, 2009	0710007L	1 of 2

RESOLUTION — Condemnation — Right-of-Way and Easements — North Gayton Road Extension Project — Louis A. Minor — Three Chopt District

This Board paper authorizes condemnation proceedings for property owned by Louis A. Minor for the construction of the North Gayton Road Extension Project.

The County needs to acquire right-of-way containing 27,911 sq. ft.; permanent slope and drainage easements containing 10,429 sq. ft.; and temporary construction easements containing 7,386 sq. ft. across the property at 4754 Pouncey Tract Road identified as Tax Map Parcel 737-769-4316. Based on an independent appraisal, a bona fide offer of \$44,820.00 was made to and rejected by the owner.

This Board paper directs the County Manager to take the necessary steps to acquire the necessary right-of-way and easements with the right to enter the property upon the filing of a certificate of take and the deposit of \$44,820.00 in the Clerk's Office of the Henrico County Circuit Court.

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



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 70-10

Page No.

1 of 2

Agenda Title

RESOLUTION — Condemnation — Right-of-Way and Easements — North Gayton Road Extension Project — Louis A. Minor — Three Chopt District

For Clerk's Use Only:	BOARD OF SUPERVISORS ACTION	YES NO OTHER
Date: <u>FEB 23 2010</u>	Moved by (1) _____ Seconded by (1) _____	Donati, J. _____
<input type="checkbox"/> Approved	(2) _____ (2) _____	Glover, R. _____
<input type="checkbox"/> Denied	REMARKS: _____	Kaechele, D. _____
<input type="checkbox"/> Amended	_____	O'Bannon, P. _____
<input type="checkbox"/> Deferred to	_____	Thornton, F. _____

WHEREAS, it is necessary for construction of the North Gayton Road Extension Project (the "Project") to acquire right-of-way containing 27,911 sq. ft., permanent slope and drainage easements containing 10,429 sq. ft., and temporary construction easements containing 7,386 sq. ft. (the "Right-of-Way and Easements") across the property at 4754 Pouncey Tract Road owned by Louis A. Minor (the "Owner") and identified as Tax Map Parcel 737-769-4316 in the Three Chopt District; and,

WHEREAS, the Board of Supervisors of Henrico County, Virginia desires to exercise authority granted by the Code of Virginia to acquire title, to enter upon and take possession of the Right-of-Way and Easements, and to construct the Project before the institution of condemnation proceedings; and,

WHEREAS, after advertisement in the *Richmond Times-Dispatch*, the Board held a public hearing pursuant to §15.2-1903 of the Code, at which time the Board declared its intent to enter and take the Right-of-Way and Easements for the Project across portions of the Owner's property.

NOW, THEREFORE, BE IT RESOLVED that:

- (1) The Board directs the County Manager to take the necessary steps to acquire the Right-of-Way and Easements over, upon, across and through the property of the Owner, as shown on a plat dated December 18, 2009, a reduced size copy of which is attached and marked Exhibit "A";

By Agency Head

[Signature]

By County Manager

[Signature]

Routing:

Yellow to:

Real Property

Copy to:

Certified:

A Copy Teste:

Clerk, Board of Supervisors

Date:

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

Agenda Item No. 70-10
Page No. 2 of 2

Agenda Title **RESOLUTION — Condemnation — Right-of-Way and Easements — North Gayton Road Extension Project — Louis A. Minor — Three Chopt District**

- (2) The Board deems it necessary to enter upon the property and take possession of the Right-of-Way and Easements in order to construct the Project prior to the time in which a condemnation case can be filed and heard in accordance with the Code;
- (3) The County Manager shall send by certified mail dated February 24, 2010, a notice advising the Owner that the County intends to enter upon and take the Right-of-Way and Easements prior to the conclusion of condemnation proceedings, setting forth the compensation and damages offered by the County, and informing the Owner he has 30 days within which to contest the taking;
- (4) The Board finds a necessity exists to institute condemnation proceedings pursuant to the Code to acquire the Right-of-Way and Easements for the public use of constructing, operating, and maintaining the Project and to determine the amount of compensation and damages, if any, caused by the taking, possession and acquisition of the Right-of-Way and Easements;
- (5) After the 30-day period for the Owner to contest the taking has run, the County Attorney shall file in the Clerk's Office of the Circuit Court a certificate signed by the Chairman and Clerk of the Board in accordance with the Code and shall deposit with the Clerk the amount of the bona fide offer listed below that has not been accepted by the Owner:

LOUIS A. MINOR

AS TO 4754 POUNCEY TRACT ROAD - \$44,820.00

and,

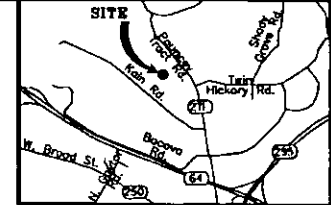
- (6) The Board authorizes and directs the County Manager to continue to seek a voluntary acquisition of the Right-of-Way and Easements, to take all steps necessary to acquire the Right-of-Way and Easements, and to enter on and take immediate possession of the required Right-of-Way and Easements.

Comments: The Real Property Department has been unsuccessful in negotiating a settlement for the acquisition of the Right-of-Way and Easements. Therefore, the Directors of Public Works and Real Property recommend approval of this Board paper, and the County Manager concurs.

GPW	LAND OWNER	D.B./P.C.	Right-of-Way Acquisition	Permanent Slope & Drainage Easements	Temporary Construction Easements
737-769-436	LOUIS A. MINOR	EN20/1860	27.91 sq. ft.	10,425 sq. ft.	7,506 sq. ft.

Line Table		
LI	N54°31'37"W	0.07
LP	S52°33'29"W	16.62
LI	S29°33'28"W	18.90

Meridian Source:
Virginia State Plane
South Zone Grid North



VICINITY MAP - NOT TO SCALE

Notes:

1. This plat has been prepared for the purpose of defining the right-of-way and easements noted, and is not to be considered a boundary survey. No structures or utilities have been located by this survey.
2. Proposed right-of-way, permanent easements, and temporary construction easements are based on files provided by AECOM received: 11/18/09.
3. Acreage tabulations, if provided, are based on information provided by Henrico County Real Estate assessments and may not necessarily agree with computed areas or recorded deeds.
4. Meridian Source: Virginia State Plane Coordinate System South Zone, Grid North, Based On Henrico County Geodetic Control.

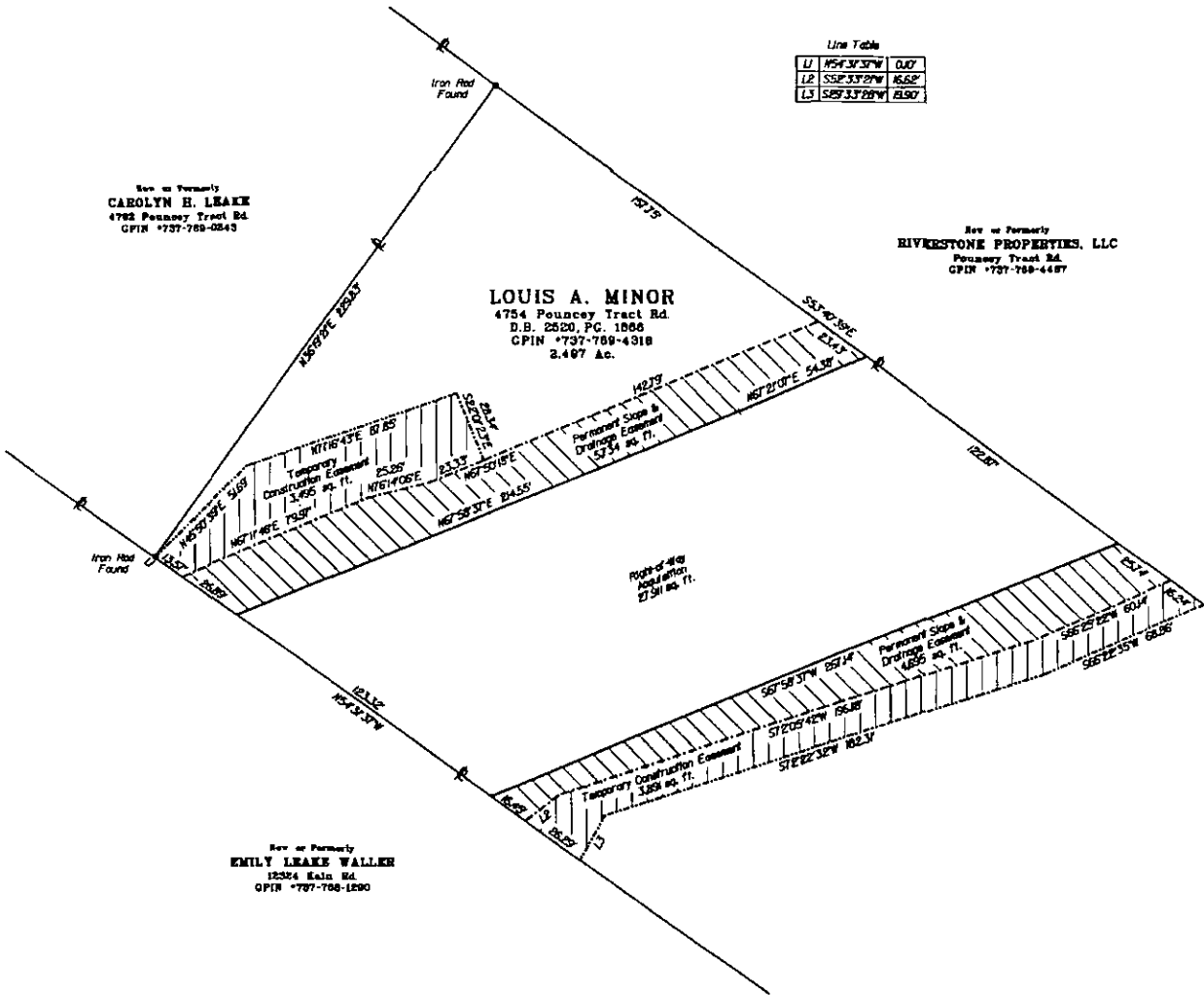
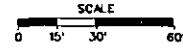
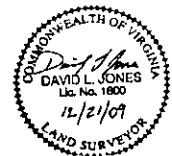


Exhibit "A"



ACQUISITION PLAT SHOWING RIGHT-OF-WAY, TEMPORARY CONSTRUCTION EASEMENTS, AND PERMANENT SLOPE AND DRAINAGE EASEMENTS ON THE PROPERTY OF

LOUIS A. MINOR

THREE CHOPT MAGISTERIAL DISTRICT
HENRICO COUNTY, VIRGINIA

rdi Engineers, Surveyors
Construction Managers
114 east cary street, suite 200
richmond, virginia 23219
(804) 644-4600

FILE NAME	SCALE	DATE	JOB NO.	SHEET NO.
027	1"=30'	Dec. 18, 2009	07100071	1 of 1

INTRODUCTION OF RESOLUTION – Receipt of Requests for Amendments to the FY 2009-10 Annual Fiscal Plan: March, 2010

Pursuant to Virginia Code Section 15.2-2507, amendments to the County's approved budget in excess of one percent of the County's currently adopted budget may be approved only after publishing a notice of a public hearing at least seven days before the hearing date. The budget amendments that are the subject of this paper fall under the one percent threshold that triggers the advertised public hearing requirement; nevertheless, this paper calls for their advertisement. The notice states the County's intent to amend the budget. To that end this paper is submitted, along with a list of the requested amendments, as an introduction, so the Board may authorize the required advertising for March 2, 2010. A separate paper will be submitted at the public hearing on March 9, 2010 for Board action to amend the Annual Fiscal Plan and appropriate funds for expenditure, as applicable. The amendments may be approved after the public hearing at the same meeting.

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

Agenda Item No. 71-10
Page No. 1 of 1

Agenda Title **INTRODUCTION OF RESOLUTION - Receipt of Requests for Amendments to the
FY 2009-10 Annual Fiscal Plan: March, 2010**

For Clerk's Use Only: <div style="text-align: center; font-weight: bold; font-size: 1.2em;">FEB 23 2010</div> Date _____ <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to _____	BOARD OF SUPERVISORS ACTION Moved by (1) _____ Seconded by (1) _____ (2) _____ (2) _____ REMARKS: _____ _____ _____	<table style="margin: auto;"><tr><td></td><td>YES</td><td>NO</td><td>OTHER</td></tr><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></table>		YES	NO	OTHER	Donati, J.	___	___	___	Glover, R.	___	___	___	Kaechele, D.	___	___	___	O'Bannon, P.	___	___	___	Thornton, F.	___	___	___
	YES	NO	OTHER																							
Donati, J.	___	___	___																							
Glover, R.	___	___	___																							
Kaechele, D.	___	___	___																							
O'Bannon, P.	___	___	___																							
Thornton, F.	___	___	___																							

WHEREAS, the County Manager has provided the Board of Supervisors of the County of Henrico, Virginia, with a list dated February 16, 2010 requesting amendments to the 2009-10 Annual Fiscal Plan; and,

WHEREAS, the County Manager listed by department and cost center, the purpose of the request, and the source of funding to support the proposed amendments.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Henrico, Virginia, that the Clerk of the Board is directed to advertise a synopsis of the proposed amendments and a public hearing thereon to be held on March 9, 2010, at 7:00 p.m., in the Board Room at the Henrico County Government Center, East Parham and Hungary Spring Roads, to ascertain the views of the citizens with respect to the proposed amendments, such advertisement to be placed in the Richmond Times-Dispatch on Tuesday, March 2, 2010.

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

By Agency Head _____

By County Manager _____

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

AMENDMENTS TO THE 2009-10
ANNUAL FISCAL PLAN FOR MARCH, 2010

OPERATING FUNDS

FUND 0101 - GENERAL FUND - General Operating

Department 22 - Social Services

22202 - VIEW Day Care

1302 00000 - Purchase of Services \$ 674,500

The Commonwealth of Virginia, Department of Social Services will reimburse the County of Henrico an additional \$301,750 of State and \$337,250 of Federal funds for the Virginia Initiative for Employment not Welfare (VIEW) Program in fiscal year 2009-10. The required 5% or \$35,500 of County matching funds will come from the fund balance in the General Fund, and is included in this \$674,500 total. Also an additional \$35,500 in ARRA funding for this program can be found elsewhere in this document that will bring the total program funding to \$3,374,912.

22504 - Special Needs Adoption

1302 00000 - Purchase of Services 130,000

The Commonwealth of Virginia, Department of Social Services, will reimburse the County of Henrico an additional \$130,000 of State funds for the mandated Special Needs Adoption Program expenditures. The total appropriation for this program in fiscal year 2009-10 will be \$1,055,376 after this addition. The Special Needs Adoption Program is funded with 100% State funds and no local matching funds are required.

Total Social Services \$ 804,500

Department 28 - Public Works

28002 - Road Maintenance \$ 4,000,000

0000 00000 Due to the amount of snowfall this winter and the cost of snow removal from County roadways, additional funding is requested by the Department of Public Works. The additional funding will be used to replace the road maintenance funding used for snow removal and to allocate additional funds for road maintenance requirements that have resulted from the severe winter weather. Funds are to come from the fund balance in the General Fund.

Total Fund 0101 - General Fund - General Operating \$ 4,804,500

FUND 0107 - GENERAL FUND - ARRA - County General Fund

Department - 22 - Social Services

22202 - VIEW Day Care

1302 05272 - ARRA - VIEW Day Care \$ 35,500

This will amend the Department of Social Services budget to incorporate additional American Recovery and Reinvestment Act (ARRA) funding for the Virginia Initiative for Employment not Welfare (VIEW) Program. An additional \$674,500 of State and Federal funds for this program can be found elsewhere in this document that will bring the total program funding to \$3,374,912.

Total Fund 0107 - ARRA - County General Fund \$ 35,500

Total GENERAL FUND \$ 4,840,000

FUND 1102 - SPECIAL REVENUE FUND - State and Federal Grants - County**Department 05 - Commonwealth's Attorney**

05001 - Commonwealth's Attorney \$ 11,445

0000 05230 To appropriate State funding received from the Department of Criminal Justice Services for the Virginia Domestic Violence Victim Fund. Funding will be used for office supplies and travel expenses to support the program.

Department 07 - Juvenile Detention

07002 - Juvenile Probation

0000 05218 - Juvenile Accountability Block Grant \$ 50,551

The Commonwealth of Virginia, Department of Criminal Justice Services (DCJS) has, for the twelfth year, awarded the County of Henrico, a Federal Juvenile Accountability Block Grant (JABG) for \$45,495, for calendar year 2010. A match of 5% or \$2,528 will be provided by the Virginia Department of Criminal Justice Services. A County required match of 5% or \$2,528 of the total program, will come from the fund balance in the General Fund via an interfund transfer to the Special Revenue Fund. Funds are to be used to provide Multisystemic Therapy services for chronic and/or serious juvenile offenders to be provided by existing staff at Henrico Mental Health facilities.

Department 12 - Police

12002 - Fiscal Records

0000 05295 - Target 10 \$ 3,000

To appropriate a donation received from Target to purchase transmitters, receivers, and headphones for use in the interview rooms.

Department 13 - Fire

13113 - Emergency Planning and Safety

0000 05312 - State Fire Programs - Training \$ 2,870

To appropriate Training Mini-Grant funding received from the Commonwealth of Virginia Department of Fire Programs. This funding will be used to purchase a smoke generator for the Division's training program. No local match is required.

Department 16 - General Services

16002 - Communications

0000 05311 - RAMIS Phase II \$ 1,730,000

To appropriate funding from the Virginia Department of Emergency Management. These federal funds are pass-through from the National Preparedness Directorate (NPD) of the United States Department of Homeland Security and are being administered by the Commonwealth. Funds will be used to complete phase two of the Richmond Area Microwave Interoperability System (RAMIS) network. This phase includes the purchase and installation of equipment to create an eastern microwave ring, which would connect the counties of New Kent, Charles City, and the Henrico Jail East into the newly created RAMIS network.

Department 23 - Recreation and Parks

23101	- <u>Director</u>	
0476 05154	- <u>Recreation Donations - Brookland Youth Baseball/Softball</u>	\$ 900
	To appropriate donations received from Shoney's of Richmond for the Brookland Youth Sports Awards.	
23101	- <u>Director</u>	
0000 00000	- <u>Recreation Donations - Youth, Arts, and Humanities</u>	\$ 3,700
	To appropriate donations received from the Richmond Square Dance Club to provide children's cultural arts programs to the residents of Henrico County.	
	Total Recreation and Parks	\$ 4,600
	Total Fund 1102 - Special Revenue Fund-State/Fed Grants-County	\$ 1,802,466

FUND 1110 - SPECIAL REVENUE FUND - Mental Health/Retardation Services

Department 26 - Mental Health/Retardation Services

26110	- Short Term Outpatient Services	
1688 00000	- <u>Virginia Healthcare Foundation</u>	\$ 125,616
	To appropriate a calendar year 2010 grant from the Virginia Healthcare Foundation. This grant will provide a clinician, psychiatric services, and medication at the Crossover Clinic and will improve access for uninsured clients to mental health services and access to primary medical care for persons with a mental illness. This grant provides funding for a full-time complement III Clinician position to provide mental health services to Crossover patients.	

FUND 1119 - American Recovery and Reinvestment Act Funds

Department 27 - CATC

27004	- Workforce Partnership	
0000 00000	- <u>ARRA - WIA DW 2010</u>	\$ 180,527
0000 00000	- <u>ARRA - WIA Admin 2010</u>	47,836
0000 00000	- <u>ARRA - Employment Transition Center CATC 2010</u>	250,000
	To amend the Capital Area Training Consortium's budget to incorporate additional American Recovery and Reinvestment Funds awarded to the Capital Region Workforce Partnership for job search services for adults, youth, and dislocated workers.	
	Total Fund 1119 American Recovery and Reinvestment Act Funds	\$ 478,363
	Total SPECIAL REVENUE FUND	\$ 2,406,445
	Total OPERATING FUNDS	\$ 7,246,445

CAPITAL FUNDS

FUND 2111 - CAPITAL PROJECTS FUND - Capital Initiatives

23101	- Director	
0000 00000	- <u>Henrico County Historical Markers</u>	\$ 2,760
	To provide funding for historical markers for the Courtney Road Service Station and the Forest Lodge Belvedere. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	

Department 32 - Non-Departmental

32001 - Non-Departmental

0000 00000 - Richmond Dragway \$ 30,000

This amendment will provide funding to allow for sponsorship of the 2010 International Hot Rod Association's Sportsman Nationals event at the Richmond Dragway to promote economic activity in the area. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

Department 50 - Education

50331 - Construction and Maintenance

0000 00000 - Highland Springs High School Enhancements \$ 118,500

This amendment will provide funding for facility improvements, equipment replacement, and security enhancements to the athletic training facility at Highland Springs High School. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

Total Capital Projects Fund - Capital Initiatives \$ 151,260

FUND 2133 - American Recovery and Reinvestment Act Fund - Capital Improvements Fund

Department 16 - General Services

16999 - General Services Capital Projects

0000 05309 - ARRA - Lighting System Upgrades \$ 1,045,249

To appropriate federal ARRA funding of \$1,045,249 received from the U.S. Department of Energy's Efficiency and Conservation Block Grant program. This funding will be used to provide lighting system upgrades in selected general government and school buildings.

0000 05310 - ARRA - Building Automation System Upgrades 1,745,851

To appropriate federal ARRA funding of \$1,745,851 received from the U.S. Department of Energy's Efficiency and Conservation Block Grant program. This funding will be used for building automation projects that will upgrade and replace outdated equipment in the Administration, Administration Annex, and Courthouse buildings. In addition, outdated mechanical equipment will be replaced in the Administration building.

Total Fund 2133 - ARRA - Capital Improvements Fund \$ 2,791,100

Total CAPITAL PROJECTS FUND \$ 2,942,360

FUND 5102 - Water and Sewer Construction Fund

31201 - Accounting

1001 00735 - Water Reclamation Facility \$ 724,617

The Virginia Department of Environmental Quality (DEQ) under the Water Quality Improvement Program has awarded a grant equal to thirty-five percent of the cost of design and installation of Nutrient Removal Technology at the Water Reclamation Facility. This amendment reflects the second reimbursement from the DEQ and brings the total reimbursement to \$5,857,459. The total estimated value of the grant is \$8,584,821.

TOTAL CAPITAL FUNDS \$ 3,666,977

Total Amendments/Appropriations \$ 10,913,422

TRANSFER OF FUNDS
BETWEEN OPERATING FUNDS AND CAPITAL FUNDS

FROM:

CAPITAL FUNDS

FUND 2110 - CAPITAL PROJECTS FUND

Department 38 - Community Revitalization

38003 - CDBG \$ (41,760)

0000 06419 - FY07-08 CDBG Golden Road Drainage

TO:

OPERATING FUNDS

FUND 1102 - SPECIAL REVENUE FUND - State and Federal Grants - County

Department 38 - Community Revitalization

38003 - CDBG

0000 05315 - 09-10 Off-Site EZ Improvement Grants \$ 20,000

0000 05316 - 09-10 CONNECT Program Computer Replacement 21,760

Funding of \$41,760 from the United States Department of Housing and Urban Development (HUD), Community Development Block Grant (CDBG) is being reallocated from the Golden Road Drainage project to cover additional expenditures associated with the Offsite Improvement Program, which funds improvements to offsite drainage and water and sewer lines, and the purchase of replacement computers for the CONNECT Program.

\$ 41,760

TRANSFER OF FUNDS
WITHIN CAPITAL FUNDS

FROM:

CAPITAL FUNDS

FUND 2100 - CAPITAL PROJECTS FUND

Department 38 - Community Revitalization

38003 - CDBG

0000 06419	- <u>FY07-08 CDBG Golden Road Drainage</u>	\$	(534,431)
0000 05162	- <u>FY07-08 CDBG Meadowview Park Phase I</u>		(972)
0000 05183	- <u>FY08-09 CDBG Mormac Group Home</u>		(7,990)
0000 06319	- <u>FY01-02 Howard Road Drainage</u>		(10,107)
		\$	(553,500)

TO:

CAPITAL FUNDS

FUND 2101 - CAPITAL PROJECTS FUND

Department 38 - Community Revitalization

38003 - CDBG

0000 05313	- <u>09-10 Playground Equipment Replacement</u>	\$	50,000
0000 05314	- <u>09-10 Belmont Recreation Center Patio</u>		48,500
0000 05317	- <u>09-10 South Elm Road Drainage Improvements</u>		105,000
0000 05318	- <u>09-10 Sandston Ballfield Parking Lot</u>		350,000

Available funding of \$553,500 from the United States Department of Housing and Urban Development (HUD), Community Development Block Grant (CDBG) is being reallocated within the Capital Projects Fund to cover expenditures associated with Playground Equipment Replacement, the Belmont Recreation Center Patio, South Elm Road Drainage Improvements, and the Sandston Ballfield Parking Lot.

\$	553,500
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RESOLUTION — Adopting 2009 Henrico County Emergency Operations Plan

The purpose of this Board paper is to adopt the 2009 Henrico County Emergency Operations Plan (the “EOP”) which amends and revises the County’s existing Emergency Operations Plan that was initially adopted December 9, 1998, and subsequently updated on September 13, 2005. The 2009 EOP (1) establishes the Emergency Support Function format, which permits the identification of lead agencies and their support assets throughout the EOP; (2) makes changes to the terminology used in the EOP to bring the EOP in line with the current terminology used in the field; (3) creates new appendices for the existing Debris Management Plan, Radiological Emergency Response Plan, animal sheltering plan, and health-related plans; and (4) changes, as required by state law, from five years to four the interval when the EOP must be updated.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 72-10
Page No. 1 of 1

Agenda Title: **RESOLUTION — Adopting 2009 Henrico County Emergency Operations Plan**

For Clerk's Use Only:

Date: **FEB 23 2010**

- ☐ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) _____ Seconded by (1) _____
(2) _____ (2) _____

REMARKS: _____

YES NO OTHER

Donati, J. _____

Glover, R. _____

Kaechele, D. _____

O'Bannon, P. _____

Thornton, F. _____

WHEREAS, the Virginia Emergency Services and Disaster Law, Chapter 3.2 of Title 44 of the Code of Virginia, requires every locality to prepare and keep current an emergency operations plan; and,

WHEREAS, by Agenda Item No. 526-98, the Board of Supervisors of Henrico County adopted on December 9, 1998, a resolution approving the initial Henrico County Emergency Operations Plan as the necessary basic plan for County emergency services; and,

WHEREAS, by Agenda Item No. 293-05, the Board adopted on September 13, 2005, a resolution approving a revised Emergency Operations Plan that contained amendments proposed by the Division of Fire; and,

WHEREAS, it is necessary and appropriate to adopt the 2009 Henrico County Emergency Operations Plan that contains amendments and revisions to the County's previously-adopted Emergency Operations Plan required by federal and state law.

NOW, THEREFORE, BE IT RESOLVED that the Board adopts the 2009 Henrico County Emergency Operations Plan, in the form presented to this meeting, as the basic plan for County emergency services as required by Virginia Code § 44-146.19(E).

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

By Agency Head

John A. Smith

By County Manager

David L. Haynes

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____