

COUNTY OF HENRICO, VIRGINIA
Henrico County Board Room
Board of Supervisors' Agenda
August 10, 2010
7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Elayne Hudson–Scott, Pastor, New Life Evangelistic Ministries International

APPROVAL OF MINUTES – July 27, 2010 Regular and Special Meetings

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

PRESENTATION

Proclamation – Payroll Week – September 6 – 10, 2010.

PUBLIC HEARINGS - REZONING CASES AND PROVISIONAL USE PERMITS

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|---------------------------------|---|
| 193-10
P-6-10
Three Chopt | West Broad Village, LLC: Request for a Provisional Use Permit under Sections 24-32.1 (a) and (t), 24-120, and 24-122.1 of the County Code in order to allow a farmers' market, community/demonstration gardens and a production farm on part of Parcels 743-760-2155 and 744-760-7007, located on the south line of West Broad Street (U.S. Route 250) at its intersection with Brookriver Drive (West Broad Village). The existing zoning is UMUC Urban Mixed Use District (Conditional). The Land Use Plan recommends Urban Mixed-Use. The site is in the West Broad Street Overlay District. The Planning Commission voted to recommend the Board of Supervisors <u>grant</u> the request. |
| 194-10
C-10C-10
Fairfield | Emerald Land Development LLC: Request to amend proffered conditions accepted with Rezoning Case C-59C-07, on Parcels 790-746-1573 and 790-746-1765 containing 1.56 acres located at the southeast intersection of North Road and Edgefield Street. The applicant proposes to amend Proffer 1 to increase the number of dwelling units from 2 to 3 and Proffer 2 to decrease the minimum dwelling size from 1,800 to 1,600 square feet and add new proffers to require garages and paved driveways for each new dwelling constructed. The existing zoning is R-2AC One-Family Residence District (Conditional). The Land Use Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre. This site is located in the Airport Safety Overlay District. The Planning Commission voted to recommend the Board of Supervisors <u>grant</u> the request. |
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Three Chopt | RTF Sports and Entertainment, INC: Request for a Provisional Use Permit under Sections 24-58.2(a) and (d), 24-120, and 24-122.1 of the County Code in order to allow outside dining and extended hours of operation until 2 a.m. for an existing restaurant (Short Pump Pour House) in Short Pump |

Crossing Shopping Center, on part of Parcel 738-760-8449, located on the west line of Pump Road approximately 600 feet north of its intersection with Three Chopt Road. The existing zoning is B-2C Business District (Conditional). The Land Use Plan recommends Commercial Arterial. The site is in the West Broad Street Overlay District. The Planning Commission voted to recommend the Board of Supervisors grant the request for outdoor dining and deny the request for extended hours.

196-10
C-12C-10
Brookland
Stylecraft Homes, Inc. of Virginia: Request to amend proffered conditions accepted with Rezoning Case C-61C-04 on Parcels 759-767-7960,-7852,-7644,-7537,-7430,-7115, and -7008 located on the west line of Francistown Road near its intersection with Castle Point Road. The applicant proposes to amend Proffer 12 related to rear entry garages for homes fronting Francistown Road. The existing zoning is R-5AC General Residence District (Conditional). The Land Use Plan recommends Suburban Residential 2, density not to exceed 3.4 units per acre. The Planning Commission voted to recommend the Board of Supervisors grant the request.

166-10
C-8C-10
Brookland
JMW, LLC: Request to amend proffered conditions accepted with Rezoning Case C-68C-00, on Parcel 776-744-1464, located at the southwest intersection of Dumbarton Road and Byrdhill Road. The applicant proposes to amend proffers related to building size, building height, and landscaping. The existing zoning is M-1C Light Industrial District (Conditional) and O-2C Office District (Conditional). The Land Use Plan recommends Office. This site is in the Enterprise Zone. The Planning Commission voted to recommend the Board of Supervisors grant the request. **(Deferred from the July 13, 2010 Meeting).**

PUBLIC HEARINGS - OTHER ITEMS

197-10
Ordinance – To Amend and Reordain Sections 4-112 and 4-113 of the Code of the County of Henrico Titled “Application” and “Annual Permit,” Respectively, Relating to Applications for a Music Festival Permit.

198-10
Ordinance - To Amend and Reordain Section 2-87 of the Code of the County of Henrico Titled “Service charge on returned payments,” to Add Another Reason for the Charge.

199-10
Ordinance - To Add Section 20-605 to the Code of the County of Henrico Titled “Prerequisite to issuance or renewal of license,” Relating to the Issuance or Renewal of a Business License for Contractors.

200-10
Ordinance - To Amend and Reordain Section 20-411 of the Code of the County of Henrico Titled “Enumerated; amount of license tax” and to Add Section 20-414 Titled “Exclusion from gross receipts – Security brokers and dealers,” Relating to Business License Taxation of Security Brokers and Dealers.

- 201-10 Ordinance – To Amend and Reordain Sections 20-312, 20-313, and 20-691 of the Code of the County of Henrico Titled, Respectively, “Levy; amount,” “Taxation of rental property other than daily rental property,” and “License and payment of tax required; ‘retail merchant’ defined,” All Relating to Short-Term Rental Property Tax.
- 202-10 Ordinance - To Amend and Reordain Sections 2-51, 5-1, 5-2, 5-3, 5-4, 5-31, 5-32, 5-36, 5-53, 5-59, 5-61, 5-81, 5-102, 5-133, 5-136, 5-140, 5-141, 5-173, 5-174, 5-175, and 5-179 of the Code of the County of Henrico Titled, Respectively, “Bonds,” “Definitions,” “Appointment of animal protection supervisor; powers and duties generally,” “Animal protection officers,” “Disposal of dead animals,” “Dogs killing or injuring livestock or poultry,” “Compensation for livestock and poultry killed by dogs; false claims,” “Control of dangerous or vicious dogs,” “Failure to pay tax,” “Display of receipt; wearing of collar and tag,” “Display of kennel tags; allowing dogs out of kennel,” “[Rabies vaccination] Required; certificate,” “Sterilization required,” “Impoundment generally; holding period,” “Redemption of animals,” “Voluntary delivery of animal by owner; surrender of owner’s rights in animal,” “Seizure and impoundment of stolen or unlawfully held dogs or cats,” “Confinement or destruction of dogs and cats suspected of having rabies,” “Confinement or destruction of biting animals,” “Confinement or destruction of dogs or cats bitten by rabid animals,” and “Enforcement measures on noncompliance by owner of dog or cat,” All to Change the Name of “Animal Protection Officer” to “Animal Protection Police Officer.”
- 203-10 Resolution - Condemnation - Right-of-Way and Easements - North Gayton Road Extension Project - Trustees of Christ Church Episcopal Church - Three Chopt District.

PUBLIC COMMENTS

GENERAL AGENDA

- 204-10 Resolution – Authorizing the County Manager to Request Disaster Designation and Federal Assistance for Henrico County Agricultural Producers.
- 205-10 Resolution – Approval of the FY 2011 Community Services Board Performance Contract Between the Virginia Department of Behavioral Health and Developmental Services and Henrico Area Mental Health & Developmental Services Board.
- 206-10 Resolution - Approval of Acquisition - Permanent Slope and Drainage and Temporary Construction Easements - North Gayton Road Extension Project - Katherine F. White - Three Chopt District.

- 207-10 Resolution - Award of Construction Contract - Springfield Landfill Permit
545 Landfill Gas Expansion Stage 4 - Three Chopt District.
- 208-10 Resolution - To Permit Additional Fine of \$200 for Speeding on Grey Oaks
Park Road from Nuckols Road to Grey Oaks Park Drive.

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
REGULAR MEETING
July 27, 2010

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, July 27, 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 S. O'Bannon, Chairman, Tuckahoe District
Frank J. Thornton, Vice Chairman, Fairfield District
James B. Donati, Jr., Varina District
Richard W. Glover, Brookland District
David A. Kaechele, Three Chopt District

Other Officials Present:

Virgil R. Hazelett, P.E., County Manager
Joseph P. Rapisarda, Jr., County Attorney
Capt. Earl P. Williams, Civil Process, Sheriff's Office
Barry R. Lawrence, CMC, Assistant to the County Manager/Clerk to the Board
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 7:07 p.m.

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

Rev. Roscoe D. Cooper, III, Pastor of Rising Mount Zion Baptist Church, delivered the invocation.

On motion of Mr. Kaechele, seconded by Mr. Glover, the Board approved the minutes of the July 13, 2010 Regular and Special Meetings.

The vote of the Board was as follows:

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

No: None

MANAGER'S COMMENTS

Henrico County has received 18 Achievement Awards from the National Association of Counties (NACo), more than any other Virginia county and seventh-most nationally. Mr. Thornton and Mr. Kaechele accepted the awards on behalf of the County at the 2010 NACo Annual Conference held July 16 – 20, 2010 in Washoe County, Nevada. 2010 marks the fifth year in a row that Henrico has led Virginia's counties in the number of NACo awards received. It also marks the 24th consecutive year that a program developed by the County's Department of Human Resources has won a NACo Achievement Award, a record that is unmatched by any other human resources agency in the country.

The County participated in a unique training exercise during the week of June 13 – 18, 2010 in coordination with the National Guard and resources from the United States Department of Defense. This multi-day casualty exercise involved County agencies and the new Virginia National Guard Chemical, Biological, Radiological, Nuclear, and High Explosive (CBRNE) Enhanced Response Force Package (CEFRP) unit located in Sandston. The final drill day of the five-day exercise on June 18 included approximately 300 responders and multiple support personnel. Mr. Hazelett recognized Capt. Shawn Talmadge, Officer in Charge of the Virginia CERFP, who presented certificates of appreciation to the following members of the County staff: Ed Smith, Fire Chief; Art Petrini, Director of Public Utilities; Tim Foster, Director of Public Works; and Tom Alford, Operations Division Director for the Department of Public Utilities. Not present but also receiving a certificate was Omega Wilson, Principal of Hermitage High School.

The Environmental Systems Research Institute (ESRI) has named the County's Geographic Information System (GIS) program a winner of the Special Achievement in GIS Award for its innovative use of GIS technology. The award was presented on July 14, 2010 at the 30th annual ESRI International User Conference in San Diego, California. The Henrico GIS program was recognized for integrating GIS throughout the County's information technology systems and enhancing the County's management of billions of dollars of infrastructure and other assets. It was selected from more than 300,000 organizations and industries worldwide that use GIS technology. Henrico is just the fourth locality to receive the award since 2002. Mr. Hazelett recognized Mr. Foster, who introduced the following members of the Department of Public Works' GIS staff: Justin Manville, GIS Coordinator; Tim Swalin; and Jim Uzel.

BOARD OF SUPERVISORS' COMMENTS

Mr. Thornton noted the recent passing of Lucille Haskins, who taught elementary school in Henrico County for 32 years. He characterized Ms. Haskins as a dedicated teacher and an exemplary leader in the classroom.

RECOGNITION OF NEWS MEDIA

No media representatives were present.

PRESENTATION

Mrs. O'Bannon presented a proclamation recognizing August 1 - 7, 2010 as Clown Week. Accepting the proclamation was Eric "Recycle" Seidel, 2010 Clown Week Chair for Virginia Alley #3 of the Clowns of America International, Inc. (COIA). Joining him were Barbara "Sweet Thang" Cox, Mideast Region Ambassador for COIA; Joe "Checkers" Saunders, Parade Chairperson for Virginia Alley #3; and Barbara "Butterfly McPeace" Mann, a member of Virginia Alley #3.

APPOINTMENT

184-10 Resolution – Appointment of Members – Keep Henrico Beautiful Committee.

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

PUBLIC COMMENTS

Rodney Richmond, a resident of 6469 Springcrest Lane in the Varina District, voiced concerns regarding the privately owned East End Landfill on Darbytown Road. These included the height of garbage piles and the level of truck traffic and associated road debris. Mr. Donati and Mr. Hazelett pointed out that these issues are controlled by a Virginia Department of Environmental Quality (DEQ) permit. Mr. Hazelett noted that Mr. Petrini has been talking with individuals in the area. He further noted that County staff has been investigating traffic coming to and from the landfill and will assist Mr. Richmond in making the necessary contacts with DEQ. Mr. Petrini referred to his previous contact with DEQ's Deputy Chief, Mr. Weeks, and stated that he will put Mr. Richmond in direct contact with Mr. Weeks. There was further discussion by Mr. Donati, Mr. Richmond, and Mr. Hazelett pertaining to Mr. Richmond's concerns. Mr. Hazelett responded to a suggestion from Mr. Thornton that the County consider pursuing state legislation addressing the impact of private landfills on residential communities. Mrs. O'Bannon advised Mr. Richmond that he should talk with Mr. Petrini to obtain the necessary contact information for DEQ.

GENERAL AGENDA

185-10 Resolution – Expressing Concurrence with the Resolution of the Economic Development Authority of the Town of Ashland and Approving the Issuance of Revenue Bonds for the Benefit of the Young Men's Christian Association of Greater Richmond.

Mr. Hazelett responded to a question from Mrs. O'Bannon.

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

- 186-10 Resolution – Authorization to Accept up to \$23,315 in Grant Funding through the Virginia Department of Emergency Management’s Emergency Management Performance Competitive Grant Program.
- There was some discussion by Mr. Hazelett, Chief Smith, and the Board regarding Chief Smith’s recent participation in a local Muscular Dystrophy Association fundraiser. Chief Smith also responded to a question from Mrs. O’Bannon concerning how the portable emergency operations center equipment that will be funded by the grant will enhance existing amateur radio capability.
- On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved this item – see attached resolution.
- 187-10 Resolution – Award of Construction Contract – Public Safety Building Renovations.
- Paul Proto, Director of General Services, and Mr. Hazelett responded to questions from the Board.
- On motion of Mr. Glover, seconded by Mr. Kaechele, and by unanimous vote, the Board approved this item – see attached resolution.
- 188-10 Resolution – Acceptance of Central Virginia Urban Area Security Initiative Grant from the National Preparedness Directorate, U. S. Department of Homeland Security for Division of Police.
- Col. Henry Stanley, Jr., Chief of Police, and Mr. Hazelett responded to questions from Mrs. O’Bannon.
- On motion of Mr. Donati, seconded by Mr. Thornton, and by unanimous vote, the Board approved this item – see attached resolution.
- 189-10 Resolution - Signatory Authority - Acquisition of Real Property - 12151 Bacova Drive - Three Chopt District.
- Jon Tracy, Director of Real Property, responded to questions from the Board.
- On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved this item – see attached resolution.
- 190-10 Resolution - Award of Construction Contract - Interstate 95 & U. S. Route 301 12-inch Sewer Rehabilitation - Fairfield District.
- Art Petrini, Director of Public Utilities, and Mr. Hazelett responded to questions from Mr. Thornton.

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

- 191-10 Resolution - Signatory Authority - Amendment to Contract for Engineering Design Services for Three Chopt Road from 1,055 Feet West of Barrington Hills Drive to 1,000 Feet East of Gaskins Road (approximately 2.05 miles). County Project #2110.50701.28004.00607 (formerly Project #556126-701-245-00); VDOT Project #9999-043-188, PE101. Three Chopt District.

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

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

- 192-10 Resolution - Acceptance of Road.

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

There being no further business, the meeting was adjourned at 7:54 p.m.

Chairman, Board of Supervisors
Henrico County, Virginia

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
SPECIAL MEETING
July 27, 2010

The Henrico County Board of Supervisors convened a special meeting on Tuesday, July 27, 2010 at 4:30 p.m. in the County Manager's Conference Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico, Virginia.

Members of the Board Present:

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

Other Officials Present:

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

Mrs. O'Bannon called the meeting to order at 4:37 p.m.

Mr. Hazelett briefly reviewed the two items listed on the special meeting agenda.

Capital Region Collaborative Update

Mr. Hazelett recognized Bob Crum, Executive Director of the Richmond Regional Planning District Commission (RRPDC), and Kim Scheeler, President and CEO of the Greater Richmond Chamber of Commerce. They distributed a brochure and narrated a slide presentation titled *Developing Strategic Priorities for the Richmond Region – Capital Region Collaborative*. Mr. Scheeler began the presentation by noting that its purpose was to get feedback and thoughts from the Board. He thanked Mr. Kaechele and Mr. Hazelett for their participation on the Capital Region Collaborative organizing team. Mr. Scheeler explained that the Collaborative is a partnership between RRPDC and the Chamber to identify and implement regional priorities that

will improve the Richmond region's quality of life. He reviewed the process for receiving community input from government, business, and community stakeholders; spoke to the diversity of the region's population; and cited two initial pilot projects identified by the Collaborative, high speed rail and school preparedness.

Mr. Scheeler recognized Mr. Crum, who narrated the second half of the presentation. Mr. Crum addressed the Collaborative's strategy and focus groups as well as draft aspirations for the region and the following draft regional priorities: social stability and awareness, optimized educational excellence, business and economic development, appealing entertainment destination, leveraged James River, healthy community, and regionally coordinated transportation. He also pointed out the next steps to be taken by the Collaborative and wanted to leave the Board with three questions – Which draft priorities do you support? Which draft priorities do you disagree with? What else would like us to consider?

Mr. Crum responded to questions and comments from the Board. Mrs. O'Bannon emphasized the importance of regional branding and maintaining businesses, Mr. Donati spoke of the need to take a regional approach towards more technical education for high school students; Mr. Kaechele mentioned the public safety concerns of older adults; Mr. Glover noted the need to reduce high school dropout rates; and Mr. Thornton referred to the importance of reassessing educational opportunities offered to high school graduates, connecting economic development and education models, and ensuring that the region is receptive to different types of people and to enhancing social justice. Mr. Glover also voiced concerns regarding the large list of priorities and objectives brought forward by the Collaborative and the feasibility of tackling them in a Dillon Rule state with independent localities. There was discussion by Mr. Glover and Mr. Crum pertaining to the current level of regional cooperation among localities in the region, how the priorities were being developed, and the respective roles of the Collaborative focus groups and organizing team. Mr. Crum concluded the discussions by promising to document the Board's feedback in a written synopsis, which he will prepare for Mr. Hazelett to review and critique.

2011 Commemoration Advisory Commission Update

Mr. Hazelett recognized Ms. Harper, who introduced the following members of the Commission who were present: Gail Atkins, Sarah Pace, Jeannie McNeil, and Bill LaVecchia. Ms. Harper began a slide presentation by identifying the ten topics that would be covered. She then recognized Mrs. Acker, who introduced Katherine O'Donnell, Director of Marketing for the Richmond Metropolitan Convention & Visitor's Bureau (RMCVB). After noting that Ms. O'Donnell had assisted with the development of the Commission's website, Mrs. Acker reviewed the highlights of the website, which contains a mix of tourism and historical information. Mrs. Acker also identified the various ways in which the Commemoration is being promoted. Ms. Harper distributed a recently published promotional brochure on Henrico County produced by the Division of Recreation and Parks and Henrico County Public Schools (HCPS) and also distributed a generic business card that will be used to promote the Commission. Mrs. O'Bannon and Mrs. Acker explained how expenditures for promoting the Commemoration have been minimized thanks to its partnership with RMCVB and the use of in-house resources such as Joel Archibald, Public Relations Specialist for the Department of Public Relations & Media Services, who designed the Commission's logo. Mrs. Acker showed a promotional video produced by RMCVB

that is being run in each hotel room in the region and that contains a welcome message from Mr. Hazelett. Ms. Harper discussed the County's Tourist Information Center at Dabbs House Museum that will open on September 17, 2010 and also discussed associated directional highway signage. She and Mike Jennings, Traffic Engineer for the Department of Public Works, reviewed the design and location of new "Welcome to Henrico County" road signage.

Mrs. Harper recognized Dawn Miller, Director of Public Information and Television Services for HCPS, and Carol Simopoulos, HCPS Educational Specialist for Social Studies K-5. Ms. Miller reviewed HCPS' 400th anniversary promotional activities, a newly designed school banner and student bookmark, and a history of Henrico educational video. Ms. Simopoulos discussed historic plaques approved by the County's Historic Preservation Advisory Commission; a newly designed and framed school poster and a school history rack card; and student and teacher opportunities, including the Henrico Explorers Passport program and Summer Institute 2010 teacher workshop. She responded to questions from the Board.

The Board recessed for dinner at 6:03 p.m. and reconvened at 6:12 p.m.

Ms. Harper resumed the slide presentation by providing information on the commemorative vendor, Logovision, LLC; noting commemorative items that will be sold by the vendor; and reviewing the three versions of commemorative Civil War posters that will be printed for sale. She responded to questions from the Board. Ms. Harper then recognized Christine Campbell, Assistant Director of Public Libraries, who explained a notable Henricoan database that has been developed by the Commission. Andrea Brown, Librarian for the Glen Allen Branch, distributed copies of a "Notable Henricoans Database Nomination Form," which also included the criteria for inclusion in the database.

Ms. Harper introduced Cristol Klevinsky, an Administrative Assistant in the County Manager's Office, who is serving as Project Manager for the Commission's community partnerships. Ms. Harper also introduced two partnership coordinators who were present, Alfred Arzuaga of the Department of Community Revitalization and Elizabeth Goff of the Department of Public Works. Mrs. Klevinsky distributed a list of businesses and organizations that the Commission has contacted in regards to the Commemoration. Ms. Harper also identified special partnerships that have been developed by the Commission, cited shire event participation by the County's sister counties and sister city, and reviewed the Commission's 2011 hosted events and exhibits. She shared a recorded version of a song titled "Echoes of Henrico," that was commissioned for the 400th anniversary. The song will make its premier at the January 2011 shire event.

Ms. Harper concluded her presentation by identifying next steps for the Commission. She noted that another update on the Commission will be provided to the Board in November 2010.

Mr. Hazelett briefly updated the Board on two additional matters, the status of a mandatory collective bargaining provision for public employees contained in the 2010 federal supplemental appropriations legislation and the status of negotiations with Cumberland County on the proposed Cobbs Creek Reservoir Project. Mrs. O'Bannon thanked the members of the 2011 Commemoration Advisory Commission for their hard work in taking good ideas and

making them better. She also thanked Ms. Harper for her efforts as lead staff to the Commission.

There being no further business, the meeting was adjourned at 6:55 p.m.

Chairman, Board of Supervisors
Henrico County, Virginia

PROCLAMATION – Payroll Week – September 6 – 10, 2010

Payroll professionals in Henrico County play a key role in maintaining the economic health of this community, performing such diverse tasks as paying into the unemployment insurance system, providing information for child support enforcement, and carrying out tax withholding, reporting, and depositing. This proclamation recognizes September 6 – 10, 2010 as Payroll Week and encourages Henrico citizens to support the efforts of local payroll professionals who work to ensure excellence in the administration of payrolls.

Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

PAYROLL WEEK

September 6 – 10, 2010

WHEREAS, the American Payroll Association and its 23,000 members have launched a nationwide public awareness campaign that pays tribute to the more than 156 million people who work in the United States and the payroll professionals who support the American system by paying wages, reporting worker earnings, and withholding federal employment taxes; and

WHEREAS, payroll professionals in Henrico County, Virginia play a key role in maintaining the economic health of this community, performing such diverse tasks as paying into the unemployment insurance system, providing information for child support enforcement, and carrying out tax withholding, reporting, and depositing; and

WHEREAS, payroll departments collectively spend more than \$15 billion annually complying with myriad federal and state wage and tax laws; and

WHEREAS, payroll professionals significantly contribute to the economic security of American families by helping to identify noncustodial parents and making certain that they comply with their child support mandates; and

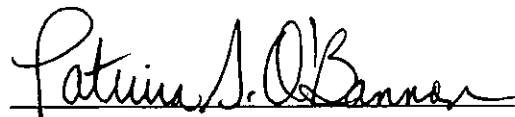
WHEREAS, payroll professionals are dedicated to educating the business community and the public at large about the payroll tax withholding systems; and

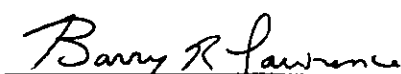
WHEREAS, payroll professionals meet regularly with federal and state tax officials to discuss improving compliance with government procedures and how compliance can be achieved at less cost to government and businesses; and

WHEREAS, the American Payroll Association has designated the week in which Labor Day falls as National Payroll Week.

NOW, THEREFORE, BE IT PROCLAIMED that the Board of Supervisors of Henrico County, Virginia hereby recognizes September 6 – 10, 2010 as Payroll Week and encourages Henrico citizens to support the efforts of local payroll professionals who work to ensure excellence in the administration of payrolls.




Patricia O'Bannon, Chairman
Board of Supervisors


Barry R. Lawrence, Clerk
August 10, 2010

193-10
P-6-10
Three Chopt

West Broad Village, LLC: Request for a Provisional Use Permit under Sections 24-32.1 (a) and (t), 24-120, and 24-122.1 of the County Code in order to allow a farmers' market, community/demonstration gardens and a production farm on part of Parcels 743-760-2155 and 744-760-7007, located on the south line of West Broad Street (U.S. Route 250) at its intersection with Brookriver Drive (West Broad Village). The existing zoning is UMUC Urban Mixed Use District (Conditional). The Land Use Plan recommends Urban Mixed-Use. The site is in the West Broad Street Overlay District. Acting on a motion by Mr. Branin seconded by Mr. Jernigan, the Planning Commission voted 4-0 (one absent, one abstention) to recommend the Board of Supervisors grant the request because it would provide added services to the community and the recommended conditions would minimize the potential impacts on surrounding land uses.

194-10
C-10C-10
Fairfield

Emerald Land Development LLC: Request to amend proffered conditions accepted with Rezoning Case C-59C-07, on Parcels 790-746-1573 and 790-746-1765 containing 1.56 acres located at the southeast intersection of North Road and Edgefield Street. The applicant proposes to amend Proffer 1 to increase the number of dwelling units from 2 to 3 and Proffer 2 to decrease the minimum dwelling size from 1,800 to 1,600 square feet and add new proffers to require garages and paved driveways for each new dwelling constructed. The existing zoning is R-2AC One-Family Residence District (Conditional). The Land Use Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre. This site is located in the Airport Safety Overlay District. Acting on a motion by Mr. Archer seconded by Mr. Jernigan, the Planning Commission voted 4-0 (one absent, one abstention) to recommend the Board of Supervisors grant the request because the reduction in minimum house size and required finished space would not greatly influence the quality or value of residential development in the area and the changes do not greatly reduce the original intended purpose of the proffers.

195-10
P-5-10
Three Chopt

RTF Sports and Entertainment, INC: Request for a Provisional Use Permit under Sections 24-58.2(a) and (d), 24-120, and 24-122.1 of the County Code in order to allow outside dining and extended hours of operation until 2 a.m. for an existing restaurant (Short Pump Pour House) in Short Pump Crossing Shopping Center, on part of Parcel 738-760-8449, located on the west line of Pump Road approximately 600 feet north of its intersection with Three Chopt Road. The existing zoning is B-2C Business District (Conditional). The Land Use Plan recommends Commercial Arterial. The site is in the West Broad Street Overlay District. Acting on a motion by Mr. Branin seconded by Mr. Jernigan, the Planning Commission voted 4-0 (one absent, one abstention) to recommend the Board of Supervisors grant the request for outdoor dining because it is reasonable in light of the surrounding uses and existing zoning on the property and deny the request for extended hours of operation because the extension of hours could impact the health, safety, and welfare of residents in the area and could have precedent setting impact on existing land uses in the area.

196-10
C-12C-10
Brookland

Stylecraft Homes, Inc. of Virginia: Request to amend proffered conditions accepted with Rezoning Case C-61C-04 on Parcels 759-767-7960, -7852, - 7644, -7537, -7430, -7115, and - 7008 located on the west line of Francistown Road near its intersection with Castle Point Road. The applicant proposes to amend Proffer 12 related to rear entry garages for homes fronting Francistown Road. The existing zoning is R-5AC General Residence District (Conditional). The Land Use Plan recommends Suburban Residential 2, density not to exceed 3.4 units per acre. Acting on a motion by Mr. Archer seconded by Mr. Branin, the Planning Commission voted 4-0 (one absent, one abstention) to recommend the Board of Supervisors **grant** the request because the changes do not greatly reduce the original intended purpose of the proffers and it is not expected to adversely impact surrounding land uses in the area.

166-10
C-8C-10
Brookland

JMW, LLC: Request to amend proffered conditions accepted with Rezoning Case C-68C-00, on Parcel 776-744-1464, located at the southwest intersection of Dumbarton Road and Byrdhill Road. The applicant proposes to amend proffers related to building size, building height, and landscaping. The existing zoning is M-1C Light Industrial District (Conditional) and O-2C Office District (Conditional). The Land Use Plan recommends Office. This site is in the Enterprise Zone. Acting on a motion by Mr. Vanarsdall seconded by Mr. Archer, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because the proffers continue to assure a quality form of development with maximum protection afforded the adjacent properties. **(Deferred from the July 13, 2010 Meeting**

ORDINANCE – To Amend and Reordain Sections 4-112 and 4-113 of the Code of the County of Henrico Titled “Application” and “Annual Permit,” Respectively, Relating to Applications for a Music Festival Permit

This paper proposes an ordinance to allow the Director of Public Safety to consider applications for music festival permits submitted less than 45 days before the date of the festival.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 197-10
Page No. 1 of 2

Agenda Title: **ORDINANCE - To Amend and Reordain Sections 4-112 and 4-113 of the Code of the County of Henrico Titled "Application" and "Annual Permit," Respectively, Relating to Applications for a Music Festival Permit**

For Clerk's Use Only:

Date: **AUG 10 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 4-112 and 4-113 of the Code of the County of Henrico titled "Application" and "Annual Permit," respectively, relating to applications for a music festival permit.

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

1. That Section 4-112 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 4-112. Application.

Application for a special entertainment permit required by this division shall be in writing on forms provided for the purpose and filed in duplicate with the director of public safety at least 45 days before the date of such festival. Such application shall have attached thereto and made a part thereof the plans, statements, approvals and other documents required by this division. A non-refundable fee of \$200.00 shall accompany each application. **The director of public safety may, at his discretion and upon an applicant's showing of good cause, consider an application submitted less than 45 days before the date of the festival.**

By Agency Head

Joseph P. R. [Signature]

By County Manager

[Signature]

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. 197-10
Page No. 2 of 2

Agenda Title: ORDINANCE - To Amend and Reordain Sections 4-112 and 4-113 of the Code of the County of Henrico Titled "Application" and "Annual Permit," Respectively, Relating to Applications for a Music Festival Permit

2. That Section 4-113 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 4-113. Annual permit.

(a) Eligibility. The director of public safety may issue an annual permit under this division for multiple festivals at a site which is the subject of an approved plan of development, has a structure previously used for outdoor concerts, and has previously satisfied the requirements of this article.

(b) Application; fee. Application for an annual permit shall be in writing on forms provided for the purpose and filed in duplicate with the director of public safety at least 45 days before the date of the first festival to be held under the permit. **The director of public safety may, at his discretion and upon an applicant's showing of good cause, consider an application submitted less than 45 days before the date of the festival.** Except as provided in this subsection, the application shall have attached thereto and made a part thereof the plans, statements, approvals and other documents required by this division. An application for an annual permit need not contain the information described in section 4-115(a)(1) and (2), provided such information is submitted to the chief of police at least 15 days prior to each festival or as soon thereafter as such information becomes available. If such information is not submitted, the annual permit shall be null and void as to that particular festival. A nonrefundable fee of \$2,000.00 shall accompany each application for an annual permit.

(c) Duration. Annual permits shall be issued for the period January 1 to December 31 of the same calendar year, except that, when the application is filed after January 1, the permit shall be effective from the date issued until December 31 of that same year.

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

Comments: The Director of Public Safety recommends approval of this Board paper.

ORDINANCE - To Amend and Reordain Section 2-87 of the Code of the County of Henrico Titled "Service charge on returned payments," to Add Another Reason for the Charge

This Board paper proposes an ordinance relating to the existing \$35 service charge on returned payments. Currently, this charge is imposed when a payment is returned because: (1) there are insufficient funds in the account; (2) there is no account; or (3) the account has been closed. The proposed ordinance results from 2010 state legislation and also allows the charge to be imposed when a stop-payment order is placed in bad faith and causes the payment to be returned.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 198-10
Page No. 1 of 1

Agenda Title: ORDINANCE - To Amend and Reordain Section 2-87 of the Code of the County of Henrico
Titled "Service charge on returned payments," to Add Another Reason for the Charge

For Clerk's Use Only:

Date: **AUG 10 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 Section 2-87 of the Code of the County of Henrico titled "Service charge on returned payments," to add another reason for the charge.

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

1. That Section 2-87 be amended and reordained as follows:

Sec. 2-87. Service charge on returned payments.

If A person who tenders any check, draft, order, credit card, debit card, electronic funds transfer or other means of payment ~~tendered~~ for the payment of taxes or any other sums due the county which is subsequently returned unpaid for because of insufficient funds, ~~or because there is no account, or because~~ the account has been closed, ~~the person by whom such check, draft, credit card, debit card, electronic funds transfer or other means of payment was tendered~~ shall be subject to a service charge of \$35.00 for the processing of the returned check, draft, order, credit card, debit card, electronic funds transfer or other means of payment. A drawer shall be charged a fee of \$35.00 for return of a check, draft or order on which the drawer placed a stop-payment order in bad faith.

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

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: _____

ORDINANCE - To Add Section 20-605 to the Code of the County of Henrico Titled "Prerequisite to issuance or renewal of license," Relating to the Issuance or Renewal of a Business License for Contractors

This Board paper proposes an ordinance that would require contractors to furnish the County the number of their state license or certificate, or an affidavit setting out their exemption from the licensure or certification requirement, in order to obtain an initial or renewal business license. This amendment is mandated by 2010 state legislation. It was discussed with the Board in a work session on June 22.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 199-10
Page No. 1 of 1

Agenda Title: **ORDINANCE - To Add Section 20-605 to the Code of the County of Henrico Titled "Prerequisite to issuance or renewal of license," Relating to the Issuance or Renewal of a Business License for Contractors**

For Clerk's Use Only: Date: AUG 10 2010 <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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AN ORDINANCE to add Section 20-605 to the Code of the County of Henrico titled "Prerequisite to issuance or renewal of license," relating to the Issuance or renewal of a business license for contractors.

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

1. That Section 20-605 be added to the Code of the County of Henrico as follows:

Sec. 20-605. Prerequisite to issuance or renewal of license.

(a) Any person applying for or renewing a license under this division shall furnish prior to the issuance or renewal of the license either (i) satisfactory proof that he is duly licensed or certified under the terms of Code of Virginia, tit. 54.2, ch. 11 or (ii) a written statement, supported by an affidavit that he is not subject to licensure or certification as a contractor or subcontractor pursuant to Code of Virginia, tit. 54.1, ch. 11.

(b) No license shall be issued or renewed under this division unless the contractor has furnished his license or certificate number issued pursuant to Code of Virginia, tit. 54.1, ch. 11 or evidence of being exempt from the provisions of Code of Virginia, tit. 54.1, ch. 11.

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

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

By Agency Head _____ By County Manager _____

Routing:
Yellow to: _____

Copy to: _____

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

Date: _____

ORDINANCE - To Amend and Reordain Section 20-411 of the Code of the County of Henrico Titled "Enumerated; amount of license tax" and to Add Section 20-414 Titled "Exclusion from gross receipts – Security brokers and dealers," Relating to Business License Taxation of Security Brokers and Dealers

This Board paper proposes an ordinance that would exclude, from the taxable gross receipts of security brokers and dealers, amounts paid to independent contractors as commissions on the sale or purchase of a security. This amendment is mandated by 2010 state legislation. It was discussed with the Board in a work session on June 22.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 200-10
Page No. 1 of 4

Agenda Title: **ORDINANCE - To Amend and Reordain Section 20-411 of the Code of the County of Henrico Titled "Enumerated; amount of license tax" and to Add Section 20-414 Titled "Exclusion from gross receipts - Security brokers and dealers," Relating to Business License Taxation of Security Brokers and Dealers**

For Clerk's Use Only:

Date: **AUG 10 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 Section 20-411 of the Code of the County of Henrico titled "Enumerated; amount of license tax" and to add Section 20-414 to the Code of the County of Henrico titled "Exclusion from gross receipts - Security brokers and dealers," relating to business license taxation of security brokers and dealers.

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

1. That Section 20-411 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-411. Enumerated; amount of license tax.

(a) Every person engaged in one or more of the following businesses and having a definite place of business in the county, provided that the gross receipts of the business exceed \$100,000.00, shall pay a license tax equal to the greater of: (i) \$30.00 or (ii) 0.20 percent of the difference between the gross receipts of the business and \$100,000.00.

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. 260-10
Page No. 2 of 4

Agenda Title: **ORDINANCE - To Amend and Reordain Section 20-411 of the Code of the County of Henrico Titled "Enumerated; amount of license tax" and to Add Section 20-414 Titled "Exclusion from gross receipts – Security brokers and dealers," Relating to Business License Taxation of Security Brokers and Dealers**

(b) If the gross receipts of the business are \$100,000.00 or less, an application shall be required to be filed, but no tax shall be due or paid.

Accountant (other than certified public accountant).

Administration and management of health care plans.

Adult educational services, except those provided by religious or nonprofit organizations.

Appraiser or evaluator of personal property or damages to personal property.

Appraiser or evaluator of real estate for others for compensation.

Arboriculturist or pruner of trees and shrubs.

Assayer.

Auctioneer.

Auditing company or firm.

Blueprinter.

Bookkeeper, public.

Botanist.

Business management.

Claims adjustor.

Collection agent or agency.

Commercial artist.

Common crier.

Computer consultant or programmer.

Conductor of seminars.

Consulting or consultant service.

Custom house broker or freight forwarder.

Draftsman.

Ecologist.

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 200-10
Page No. 3 of 4

Agenda Title: ORDINANCE - To Amend and Reordain Section 20-411 of the Code of the County of Henrico Titled "Enumerated; amount of license tax" and to Add Section 20-414 Titled "Exclusion from gross receipts – Security brokers and dealers," Relating to Business License Taxation of Security Brokers and Dealers

Erection or improvement of buildings, furnisher of plans or specifications for or persons employed in consulting capacity in connection with architect.

Interpreter.

Investment broker, consultant or advisor.

Lumber measurer.

Manufacturer's agent.

Marriage or business counselor.

Merchandise broker.

Paralegal or legal assistant.

Photostater.

Public relations counselor and furnisher of publicity.

Recorder of proceedings in any court, commission or organization.

Recorder of securities transactions.

Sales agent or agency.

Security broker, dealer.

Sign painter or service.

Social counselor.

Speech therapist.

Tax return preparer or tax consultant.

Taxidermist.

Technician, including dental or medical.

Telecommunications services, including, but not limited to, telephone and cellular mobile radio communication services, provided by persons not subject to tax under section 20-814 of this article.

Title abstract or guaranty.

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 200-10
Page No. 4 of 4

Agenda Title: **ORDINANCE - To Amend and Reordain Section 20-411 of the Code of the County of Henrico Titled "Enumerated; amount of license tax" and to Add Section 20-414 Titled "Exclusion from gross receipts – Security brokers and dealers," Relating to Business License Taxation of Security Brokers and Dealers**

2. That Section 20-414 be added to the Code of the County of Henrico as follows:

Sec. 20-414. Exclusion from gross receipts – Security brokers and dealers.

(a) For purpose of computing the tax under this division, the gross receipts of a security broker or security dealer shall not include amounts received by the broker or dealer that arise from the sale or purchase of a security to the extent that such amounts are paid to an independent registered representative as a commission on any sale or purchase of a security. The broker or dealer claiming the exclusion shall identify on its business license application each independent registered representative to whom the excluded receipts have been paid and, if applicable, the localities in the Commonwealth to which the independent registered representative is subject to business license taxes.

(b) For the purpose of this division:

(1) "Security broker" means a "broker" as that term is defined under the Securities Exchange Act of 1934 (15 U.S.C. § 78a et seq.), or any successor law to the Securities Exchange Act of 1934, who is registered with the United States Securities and Exchange Commission.

(2) "Security dealer" means a "dealer" as that term is defined under the Securities Exchange Act of 1934 (15 U.S.C. § 78a et seq.), or any successor law to the Securities Exchange Act of 1934, who is registered with the United States Securities and Exchange Commission.

(3) "Independent registered representative" means an independent contractor registered with the United States Securities and Exchange Commission.

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

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

ORDINANCE – To Amend and Reordain Sections 20-312, 20-313, and 20-691 of the Code of the County of Henrico Titled, Respectively, “Levy; amount,” “Taxation of rental property other than daily rental property,” and “License and payment of tax required; ‘retail merchant’ defined,” All Relating to Short-Term Rental Property Tax

This Board paper proposes an ordinance that would: (1) clarify that short-term rental property is classified as merchants’ capital, not tangible personal property; (2) permit the County to continue to levy BPOL tax on persons engaged in the short-term rental business; and (3) require such persons be classified as retail merchants for BPOL purposes. This amendment is mandated by 2010 state legislation. It was discussed with the Board in a work session on June 22.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 201-10
Page No. 1 of 2

Agenda Title: **ORDINANCE – To Amend and Reordain Sections 20-312, 20-313, and 20-691 of the Code of the County of Henrico Titled, Respectively, “Levy; amount,” “Taxation of rental property other than daily rental property,” and “License and payment of tax required; ‘retail merchant’ defined,” All Relating to Short-Term Rental Property Tax**

For Clerk's Use Only:

Date: **AUG 10 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 20-312, 20-313, and 20-691 of the Code of the County of Henrico titled respectively, “Levy; amount,” “Taxation of rental property other than daily rental property,” and “License and payment of tax required; ‘retail merchant’ defined,” all relating to short-term rental property tax.

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

1. That Section 20-312 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-312. Levy; amount.

Pursuant to Code of Virginia, § 58.1-3510.6A, as amended, for each tax year, there is hereby levied and imposed a tax of one percent on the gross proceeds arising from rentals of every person engaged in the short-term rental business. Such tax shall be in addition to the tax levied pursuant to Code of Virginia, § 58.1-605, as amended. “Gross proceeds” means the total amount charged to each person for the rental of short-term rental property, excluding any state and local sales tax paid under the provisions of Code of Virginia, Title 58.1, Chapter 6. ~~The imposition and collection of a short-term rental property tax under this article with respect to rental property shall be in lieu of taxation of such rental property as tangible business personal property in the same tax year.~~

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 201-10
Page No. 2 of 2

Agenda Title: **ORDINANCE – To Amend and Reordain Sections 20-312, 20-313, and 20-691 of the Code of the County of Henrico Titled, Respectively, “Levy; amount,” “Taxation of rental property other than daily rental property,” and “License and payment of tax required; ‘retail merchant’ defined,” All Relating to Short-Term Rental Property Tax**

2. That Section 20-313 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-313. Taxation of rental property other than daily **short-term** rental property.

Except for daily rental vehicles **pursuant to Code of Virginia, § 58.1-3510 and short-term rental property**, rental property shall be classified, assessed and taxed as tangible personal property. ~~if such property (i) is owned and rented by a person not engaged in the short-term rental business, as defined in § 20-311; or (ii) has acquired situs in the Commonwealth and is owned and rented by a person who does not collect and remit to a locality within the Commonwealth a short-term rental property tax with respect to the rental of such property.~~

3. That Section 20-691 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-691. License and payment of tax required; "retail merchant" defined.

Every person engaged in the business of a retail merchant shall obtain a license for the privilege of doing business in the county and shall pay a license tax therefor. The term "retail merchant," as used in this division, shall include every merchant who sells to others at retail only and not for resale. **The term “retail merchant,” as used in this division, shall also include any person engaged in the short-term rental business as defined in § 20-311.**

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

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

ORDINANCE - To Amend and Reordain Sections 2-51, 5-1, 5-2, 5-3, 5-4, 5-31, 5-32, 5-36, 5-53, 5-59, 5-61, 5-81, 5-102, 5-133, 5-136, 5-140, 5-141, 5-173, 5-174, 5-175, and 5-179 of the Code of the County of Henrico Titled, Respectively, "Bonds," "Definitions," "Appointment of animal protection supervisor; powers and duties generally," "Animal protection officers," "Disposal of dead animals," "Dogs killing or injuring livestock or poultry," "Compensation for livestock and poultry killed by dogs; false claims," "Control of dangerous or vicious dogs," "Failure to pay tax," "Display of receipt; wearing of collar and tag," "Display of kennel tags; allowing dogs out of kennel," "[Rabies vaccination] Required; certificate," "Sterilization required," "Impoundment generally; holding period," "Redemption of animals," "Voluntary delivery of animal by owner; surrender of owner's rights in animal," "Seizure and impoundment of stolen or unlawfully held dogs or cats," "Confinement or destruction of dogs and cats suspected of having rabies," "Confinement or destruction of biting animals," "Confinement or destruction of dogs or cats bitten by rabid animals," and "Enforcement measures on noncompliance by owner of dog or cat," All to Change the Name of "Animal Protection Officer" to "Animal Protection Police Officer"

This Board paper proposes an ordinance that would change the name of Animal Protection Officers to Animal Protection Police Officers ("APPOs") in several sections of the County Code. The APPOs, who are certified by the State Department of Criminal Justice Services, would be able to enforce State game laws as well as the Comprehensive Animal Laws regarding companion animals, and would have full law-enforcement powers. The ordinance is the result of 2010 legislation that the Board requested.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 202-10
Page No. 1 of 1

Agenda Title: See Below

For Clerk's Use Only:	BOARD OF SUPERVISORS ACTION	YES NO OTHER
AUG 10 2010 Date: _____	Moved by (1) _____ Seconded by (1) _____ (2) _____ (2) _____	Donati, J. _____
<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to: _____	REMARKS: _____	Glover, R. _____
		Kaechele, D. _____
		O'Bannon, P. _____
		Thornton, F. _____

Agenda Title: ORDINANCE - To Amend and Reordain Sections 2-51, 5-1, 5-2, 5-3, 5-4, 5-31, 5-32, 5-36, 5-53, 5-59, 5-61, 5-81, 5-102, 5-133, 5-136, 5-140, 5-141, 5-173, 5-174, 5-175, and 5-179 of the Code of the County of Henrico Titled, Respectively, "Bonds," "Definitions," "Appointment of animal protection supervisor; powers and duties generally," "Animal protection officers," "Disposal of dead animals," "Dogs killing or injuring livestock or poultry," "Compensation for livestock and poultry killed by dogs; false claims," "Control of dangerous or vicious dogs," "Failure to pay tax," "Display of receipt; wearing of collar and tag," "Display of kennel tags; allowing dogs out of kennel," "[Rabies vaccination] Required; certificate," "Sterilization required," "Impoundment generally; holding period," "Redemption of animals," "Voluntary delivery of animal by owner; surrender of owner's rights in animal," "Seizure and impoundment of stolen or unlawfully held dogs or cats," "Confinement or destruction of dogs and cats suspected of having rabies," "Confinement or destruction of biting animals," "Confinement or destruction of dogs or cats bitten by rabid animals," and "Enforcement measures on noncompliance by owner of dog or cat," All to Change the Name of "Animal Protection Officer" to "Animal Protection Police Officer"

The Board of Supervisors of Henrico County adopted the attached ordinance.

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

By Agency Head _____

By County Manager _____

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

AN ORDINANCE - To Amend and Reordain Sections 2-51, 5-1, 5-2, 5-3, 5-4, 5-31, 5-32, 5-36, 5-53, 5-59, 5-61, 5-81, 5-102, 5-133, 5-136, 5-140, 5-141, 5-173, 5-174, 5-175, and 5-179 of the Code of the County of Henrico Titled, Respectively, "Bonds," "Definitions," "Appointment of animal protection supervisor; powers and duties generally," "Animal protection officers," "Disposal of dead animals," "Dogs killing or injuring livestock or poultry," "Compensation for livestock and poultry killed by dogs; false claims," "Control of dangerous or vicious dogs," "Failure to pay tax," "Display of receipt; wearing of collar and tag," "Display of kennel tags; allowing dogs out of kennel," "[Rabies vaccination] Required; certificate," "Sterilization required," "Impoundment generally; holding period," "Redemption of animals," "Voluntary delivery of animal by owner; surrender of owner's rights in animal," "Seizure and impoundment of stolen or unlawfully held dogs or cats," "Confinement or destruction of dogs and cats suspected of having rabies," "Confinement or destruction of biting animals," "Confinement or destruction of dogs or cats bitten by rabid animals," and "Enforcement measures on noncompliance by owner of dog or cat," All to Change the Name of "Animal Protection Officer" to "Animal Protection Police Officer."

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

1. That Section 2-51 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 2-51. Bonds.

(c) *Other persons.* Persons holding the following positions shall give bond with corporate surety in the amount of \$100,000.00, payable to the county, conditioned on the faithful discharge of their duties and the proper account for all funds coming into their possession:

- (1) The county manager and all deputy county managers;
- (2) The director of general services;
- (3) All employees of the department of social services duly authorized to certify payments to be made or authorized to draw warrants;
- (4) The chief of police and all police officers, animal protection **police** officers, police aides, crossing guards, property technicians and identification technicians;
- (5) The chief of fire, fire marshal and all deputy fire marshals;

- (6) The supervisor of licenses and all deputies of that position; and
- (7) The registrar.

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2. That Section 5-1 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 5-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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Vicious dog means a canine or canine crossbreed which has (i) killed a person; (ii) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (iii) continued to exhibit the behavior which resulted in a previous finding by a court or, on or before July 1, 2006, by an animal protection police officer that it is a dangerous dog, provided that its owner has been given notice of that finding.

3. That Section 5-2 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 5-2. Appointment of animal protection police officer supervisor; powers and duties generally.

An animal protection police officer supervisor shall be appointed by the county manager. The animal protection police officer supervisor shall have all the powers and duties of an animal warden provided for in Code of Virginia, title 3.2, ch. 65 (Code of Virginia § 3.2-6500 et seq.) in the enforcement of the provisions of this chapter and the animal laws of the county and state and such other duties as may be prescribed by this Code, the Code of Virginia, or other ordinances or laws of the county or State.

4. That Section 5-3 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 5-3. Animal protection police officers.

The county manager shall appoint as many animal protection police officers as may be necessary in the enforcement of this chapter. Animal protection police officers shall have all the powers and duties of the animal protection police officer supervisor.

5. That Section 5-4 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 5-4. Disposal of dead animals.

The owner of any companion animal which has died from disease or other cause shall forthwith cremate, bury or sanitarily dispose of the animal. If, after notice, any owner fails to do so, the animal protection police officer supervisor or other officer shall bury or cremate the companion animal, and he may recover on behalf of the county from the owner his cost for this service. It shall be unlawful for any owner to fail to dispose of the body of his companion animal in violation of this section. Violation of this section shall be punishable as a class 4 misdemeanor.

6. That Section 5-31 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 5-31. Dogs killing or injuring livestock or poultry.

It shall be the duty of the animal protection police officer supervisor or other officer who may find a dog in the act of killing or injuring livestock or poultry to kill such dog forthwith whether such dog bears a tag or not. Any person finding a dog committing any of the depredations mentioned in this section shall have the right to kill such dog on sight, as shall any owner of livestock or his agent finding a dog chasing livestock on land utilized by the livestock when the circumstances show that such chasing is harmful to the livestock. Any court shall have the power to order the animal protection police officer or other officer to kill any dog known to be a confirmed livestock or poultry killer, and any dog killing poultry for the third time shall be considered a confirmed poultry killer. The court, through its contempt powers, may compel the owner, custodian or harbinger of the dog to produce the dog. If the animal protection police officer supervisor has reason to believe that a dog is killing livestock or poultry, he is empowered to seize such dog solely for the purpose of examining such dog in order to determine whether it committed any of the depredations mentioned in this section. The animal protection police officer supervisor or any other person who has reason to believe that any dog is killing livestock or committing any of the depredations mentioned in this section shall apply to any magistrate of the county, who shall issue a warrant requiring the owner or custodian, if known, to appear before the county general district court at a

time and place named therein, at which time evidence shall be heard. If it shall appear that such a dog is a livestock killer or has committed any of the depredations mentioned in this section, the district court shall order that the dog be killed immediately by the animal protection **police officer** supervisor or other officer designated by the court, or removed to another state which does not border on this state and prohibited from returning to this state.

7. That Section 5-32 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 5-32. Compensation for livestock and poultry killed by dogs; false claims.

(a) Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry, not to exceed \$400.00 per animal or \$10.00 per fowl; provided that the claimant has furnished evidence within 60 days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that the death or injury was caused by dogs and the animal protection **police officer** supervisor has conducted an investigation and his investigation supports the claim.

8. That Section 5-36 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 5-36. Control of dangerous or vicious dogs.

(a) Any law enforcement officer or animal protection **police** officer who has reason to believe that a canine or canine crossbreed is a dangerous or vicious dog, shall apply to a county magistrate for the issuance of a summons requiring the owner or custodian, if known, to appear before the general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law enforcement officer successfully makes an application for the issuance of a summons, he shall contact an animal protection **police** officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous or vicious. The animal protection **police** officer shall confine the animal until a verdict is rendered on the summons. If the animal protection **police** officer determines that the owner or custodian can confine the animal in a manner that protects public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this section. If, after hearing the evidence, the court finds that the animal is a vicious

dog, the court shall order the animal euthanized in accordance with section 5-142. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Article 4 of Chapter 15 of Title 19.2 of the Code of Virginia. The Commonwealth shall be required to prove its case beyond a reasonable doubt.

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(d) Within ten days of a finding that an animal is a dangerous dog, the owner of the animal shall obtain a dangerous dog registration certificate from the animal protection unit of the division of police or the director of finance for a fee of \$50. This fee is in addition to other fees required by this chapter. The animal protection police officer or the director of finance shall provide the owner with a tag which identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this subsection shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained. The animal protection police officer shall provide a copy of the dangerous dog registration certificate and verification of compliance to the State Veterinarian.

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9. That Section 5-53 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 5-53. Failure to pay tax.

(a) Any person convicted of failure to pay the dog license tax prior to February 1 of any year, or as otherwise provided in this division, on any dog owned by him shall be guilty of a class 4 misdemeanor. Such person shall be required to obtain the proper license forthwith. Unless the fine and license tax are paid immediately, the court shall order the proper disposition of such dog by the animal protection police officer supervisor or some other officer, but the disposition of such dog shall not relieve its owner of the payment of the fine and the license tax already due.

10. That Section 5-59 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 5-59. Display of receipt; wearing of collar and tag.

(a) Dog license receipts shall be carefully preserved by the licensees and exhibited promptly on request for inspection by any animal protection police officer or other law enforcement officer. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog. It shall be unlawful for any person to permit any licensed dog, four months of age or over, to be off the premises of the owner at any time without wearing the license tag; except that the owner of the dog may remove the collar and license tag required by this section when the dog:

- (1) Is engaged in lawful hunting;
- (2) Is competing in a dog show;
- (3) Has a skin condition which would be exacerbated by the wearing of a collar;
- (4) Is confined; or
- (5) Is under the immediate control of the owner.

11. That Section 5-61 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 5-61. Display of kennel tags; allowing dogs out of kennel.

(a) The owner of a kennel in the county shall securely fasten the license tag to the kennel enclosure in full view and keep one of the identification plates provided therewith attached to the collar of each dog authorized to be kept enclosed in the kennel. Any identification plates not so in use must be kept by the owner or custodian and promptly shown to the animal protection police officer supervisor or other officer upon request. A kennel dog shall not be permitted to stray beyond the limits of the enclosure, but this shall not prohibit removing dogs therefrom temporarily while under the control of the owner or custodian for the purpose of exercising, hunting, breeding, trial or show. The animal protection police officer supervisor may, in his discretion, issue a permit allowing kennel dogs to run at large during such months as he may deem proper; provided that such permit shall not authorize such dogs to run at large contrary to any other provisions of this Code or other ordinance of the county. Every permit shall state the months that such dogs may run at large and the rules and regulations that

must be complied with, and the animal protection **police officer** supervisor may revoke any such permit at any time. Forms of application blanks and permits shall be supplied by the animal protection **police officer** supervisor. A kennel shall not be operated in such a manner as to defraud the county of the license tax applying to dogs which cannot be legally covered thereunder or to in any manner violate other provisions of this chapter.

12. That Section 5-81 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 5-81. Required; certificate.

(d) The certificate issued pursuant to subsection (b) of this section shall be preserved by the owner of the dog or cat and exhibited promptly on request for inspection by any animal protection **police** officer or other law enforcement officer.

13. That Section 5-102 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 5-102. Sterilization required.

(e) *Order to comply.* Upon the petition of the animal protection **police officer** supervisor, an investigator or the state veterinarian or his designee to the district court where a violation of this division occurs, the court may order the new owner to take any steps necessary to comply with the requirements of this division. This remedy shall be exclusive of and in addition to any civil penalty which may be imposed under this division.

14. That Section 5-133 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 5-133. Impoundment generally; holding period.

(a) The animal protection police officer supervisor or other officer who finds a dog without the tags required by this chapter, or a dog running at large in violation of section 5-34(7), or any other animal in violation of the provisions of this chapter shall impound such animal in the pound.

15. That Section 5-136 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 5-136. Redemption of animals.

Either a custodian of an animal or an individual who has found an animal may qualify as owner and may claim the animal by expressing his desire in writing to claim the animal at the expiration of the period set out in section 5-133(a) after payment of required fees. The rightful owner may redeem any animal confined pursuant to this article by producing an authorized current valid vaccination certificate, if required by this chapter, and a current dog license receipt or tag, if required by this chapter, and by paying to the animal protection police officer supervisor the board and redemption fees set out in section 5-143. Payment of the charges provided for in this section shall not relieve any person from prosecution for a violation of this chapter.

16. That Section 5-140 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 5-140. Voluntary delivery of animal by owner; surrender of owner's rights in animal.

Nothing in this article shall prohibit the immediate euthanasia or disposal by the methods listed in subdivisions (1) through (5) of section 5-137 of an animal that has been released to the pound or animal protection police officer supervisor by the animal's rightful owner after the rightful owner has read and signed a statement (i) surrendering all property rights in such animal, (ii) certifying that no other person has a right of property in the animal, and (iii) acknowledging that the animal may be immediately euthanized or disposed of in accordance with subdivisions (1) through (5) of section 5-137.

17. That Section 5-141 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 5-141. Seizure and impoundment of stolen or unlawfully held dogs or cats.

The animal protection police officer supervisor or other officer finding a stolen dog or cat or a dog or cat held or detained contrary to the law shall have the authority to seize and hold such animal pending court action. If no such action is instituted within seven days, the animal protection police officer supervisor or other officer shall deliver the animal to its owner. The presence of a dog or a cat on the premises of a person other than its legal owner shall raise no presumption of theft against the owner of the property, and the animal protection police officer supervisor may take such animal in charge and notify its legal owner to remove it. The legal owner shall pay to the animal protection police officer supervisor a fee in the amount of \$5.00 for each day that such animal has been confined.

18. That Section 5-173 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 5-173. Confinement or destruction of dogs and cats suspected of having rabies.

(a) Dogs or cats found within the county reasonably suspected of having rabies or exhibiting the common symptoms of such disease shall be taken into custody immediately by the animal protection police officer or any police officer and confined in the county pound or at a private veterinarian's establishment approved by the county health director in solitary confinement and kept under competent observation for such time as may be necessary to determine whether they are afflicted with rabies.

(c) The animal protection police officer may cause to be destroyed humanely any dog or cat which, in the opinion of a veterinarian, has rabies, or any dog or cat which is in need of confinement pursuant to subsection (a) of this section but for which such confinement is impossible or impracticable because there apparently is no owner or for other reasons. In such event the animal protection police officer shall arrange to have the head of such dog or cat examined for the purpose of confirming rabies. If the opinion of a veterinarian as to whether an animal has rabies is not reasonably obtainable, the animal protection police officer may act on his own opinion.

19. That Section 5-174 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 5-174. Confinement or destruction of biting animals.

(a) Upon information to the county division of police or any animal protection **police** officer that a dog or cat has bitten a person, it shall be the duty of the animal protection **police** officer, upon ascertaining the identity of such dog or cat, to direct it to be confined for a period of ten days from the date the bite occurred, such confinement to be either with a veterinarian approved by the county health director or in a kennel or enclosure approved by the animal protection **police** officer as the person who owns or controls such dog or cat shall select, provided that the person who owns or controls such dog or cat shall bear the cost of such confinement. It shall further be the duty of the animal protection **police** officer to assume the responsibility of supervising such confinement and ordering the dog or cat to be released if it is safe to do so at the end of the confinement period required by this subsection.

(b) A wild, nondomestic or feral domestic animal biting or otherwise injuring a human being, and suspected of being rabid by the county health director or animal protection **police** officer, shall be humanely destroyed and its head sent to the state laboratory for evaluation.

20. That Section 5-175 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 5-175. Confinement or destruction of dogs or cats bitten by rabid animals.

Any dog or cat bitten by an animal believed to be afflicted with rabies shall be destroyed immediately and humanely or confined under strict quarantine, at the expense of the owner, in a kennel or enclosure approved by the animal protection **police** officer for a period not to exceed six months. If the owner of the bitten animal has proof of a valid rabies vaccination, the animal shall be revaccinated immediately by a licensed veterinarian at the expense of the owner and the period of confinement shall be 90 days. If the owner of the bitten animal does not have proof of a valid rabies vaccination, the animal shall be destroyed humanely immediately, or confined for six months. In the event of a six-month confinement, the dog or cat shall receive a rabies vaccination at the expense of the owner four weeks prior to release.

21. That Section 5-179 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 5-179. Enforcement measures on noncompliance by owner of dog or cat.

If any person who owns or controls a dog or cat fails or refuses to comply with any of the provisions of this article or with any instructions given by an animal protection **police** officer, a veterinarian, a health department representative or other appropriate official pursuant to this article, the animal protection **police** officer may take such dog or cat immediately into custody and confine it in the county pound. The person owning or controlling such dog or cat shall then be summoned immediately by the animal protection **police** officer to appear in the general district court, where the matter shall be heard as all other matters are heard on criminal warrants. Upon finding that such person either owns or controls a dog or cat and has failed or refused to comply with any provision of this article or with instructions properly given pursuant to this article, the judge, in addition to any sentence which he may impose for conviction of a class 4 misdemeanor, shall order any confinement or destruction of the animal appropriate under the circumstances and pursuant to this article, and shall order the convicted person to pay for any required vaccination, license and confinement-related expenses.

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

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

RESOLUTION — Condemnation — Right-of-Way and Easements — North Gayton Road Extension Project — Trustees of Christ Church Episcopal Church — Three Chopt District

This Board paper authorizes condemnation proceedings for property owned by the Trustees of Christ Church Episcopal Church that is needed for the construction of the North Gayton Road Extension Project.

The County needs to acquire right-of-way containing 130,930 sq. ft., permanent slope and drainage easements containing 39,196 sq. ft., temporary construction easements containing 9,001 sq. ft., a permanent easement for Virginia Electric and Power Company, a Virginia public service corporation, doing business as Dominion Virginia Power, containing 386.64 sq. ft., and permanent easements containing 11,161.26 sq. ft. for Verizon Virginia Inc., a Virginia corporation, (collectively, the “Right-of-Way and Easements”) across the property owned by the Trustees of Christ Church Episcopal Church identified as Tax Map Parcels 737-769-4467 and 738-769-3891. Based on an independent appraisal, a bona fide offer of \$405,380 was 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 \$405,380 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. **(Public Hearing)**



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 203-10

Page No.

1 of 2

Agenda Title RESOLUTION — Condemnation — Right-of-Way and Easements — North Gayton Road Extension Project — Trustees of Christ Church Episcopal Church — Three Chopt District

For Clerk's Use Only:

AUG 10 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 130,930 sq. ft., permanent slope and drainage easements containing 39,196 sq. ft., temporary construction easements containing 9,001 sq. ft., a permanent easement for Virginia Electric and Power Company, a Virginia public service corporation, doing business as Dominion Virginia Power, containing 386.64 sq. ft., and permanent easements containing 11,161.26 sq. ft. for Verizon Virginia Inc., a Virginia corporation, (collectively, the "Right-of-Way and Easements") across the property owned by the Trustees of Christ Church Episcopal Church (the "Owner"), and identified as Tax Map Parcels 737-769-4467 and 738-769-3891 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 (the "Code") 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, under, upon, across and through the property of the Owner, shown as "TRUSTEES OF CHRIST CHURCH EPISCOPAL CHURCH" on Sheet Nos. 1 and 2 of a plat made by NXL, dated and sealed on December 21, 2009 by David L. Jones, Land Surveyor, reduced size copies of which are attached and marked Exhibit "A", a plat made by Virginia Electric and Power Company, dated November 20, 2009, copy of which is attached and marked Exhibit "B", and two plats made by Verizon Virginia, Inc., copies of which are

By Agency Head

Don B. Jones

By County Manager

David L. Jones

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. **203-10**
Page No. **2 of 2**

**Agenda Title RESOLUTION — Condemnation — Right-of-Way and Easements — North Gayton
Road Extension Project — Trustees of Christ Church Episcopal Church — Three
Chopt District**

attached and marked "C" and "C-1", and shown as Parcels "028" and "029" on Sheet Nos. 11, 12, 13, 14, and 14B, and further described on Sheet No. 1C(1) of the plans for North Gayton Road, Project 2122.50701.28004.01152, reduced size copies of which are attached and marked Exhibit "D", "D-1", "D-2", "D-3", "D-4", and "D-5", respectively;

- (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 a notice dated August 11, 2010, 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 of the 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:

**TRUSTEES OF CHRIST CHURCH EPISCOPAL CHURCH
TAX MAP PARCELS 737-769-4467 AND 738-769-3891, -
\$405,380;**

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.

GPIN	LAND OWNER	D.B./PG.	Right-of-Way Acquisition	Permanent Slope & Drainage Easements	Temporary Construction Easements
737-769-4467	TRUSTEES OF CHRIST CHURCH EPISCOPAL CHURCH	4578/2246	130,930 sq. ft.	33,996 sq. ft.	9,001 sq. ft.

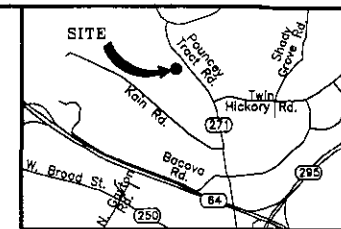
Curve Table

	Data	Radius	Length	Tangent	Chord	Chord Bearing
C1	03°20'35"	2256.80'	131.68'	65.86'	131.66'	S20°50'02"E
C2	88°29'48"	25.00'	38.61'	24.35'	34.89'	S66°50'55"E

Line Table

L1	S82°02'23"E	12.82'
L2	N67°28'41"E	15.00'
L3	N82°02'23"W	11.02'
L4	S43°39'10"W	7.69'
L5	S08°22'16"E	10.36'
L6	N08°22'16"W	13.57'
L7	N73°32'38"W	10.16'
L8	S67°06'58"W	3.98'

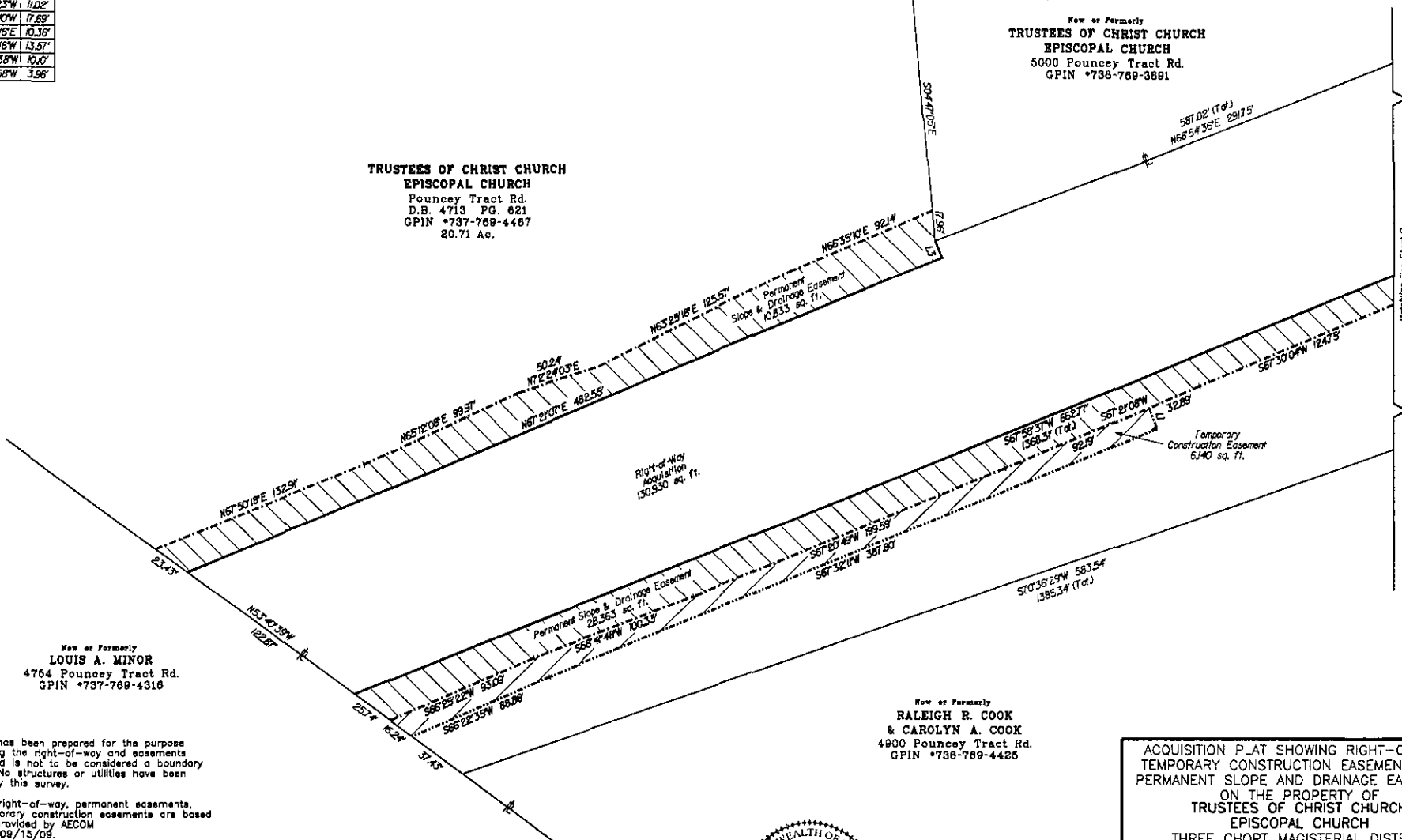
EXHIBIT "A"



VICINITY MAP - NOT TO SCALE

Now or Formerly
TRUSTEES OF CHRIST CHURCH
EPISCOPAL CHURCH
 5000 Pouncey Tract Rd.
 GPIN #738-769-3881

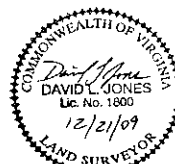
TRUSTEES OF CHRIST CHURCH
EPISCOPAL CHURCH
 Pouncey Tract Rd.
 D.B. 4713 PG. 021
 GPIN #737-769-4467
 20.71 Ac.



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: 09/15/09.
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.

Now or Formerly
RALEIGH R. COOK
& CAROLYN A. COOK
 4900 Pouncey Tract Rd.
 GPIN #738-769-4425



SCALE
 0 20' 40' 80'

ACQUISITION PLAT SHOWING RIGHT-OF-WAY, TEMPORARY CONSTRUCTION EASEMENTS, AND PERMANENT SLOPE AND DRAINAGE EASEMENTS ON THE PROPERTY OF
TRUSTEES OF CHRIST CHURCH
EPISCOPAL CHURCH
 THREE CHOPT MAGISTERIAL DISTRICT
 HENRICO COUNTY, VIRGINIA



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

FILE NAME	SCALE	DATE	JOB NO.	SHEET NO.
028	1"=40'	Dec. 21, 2009	0710007L	1 of 2

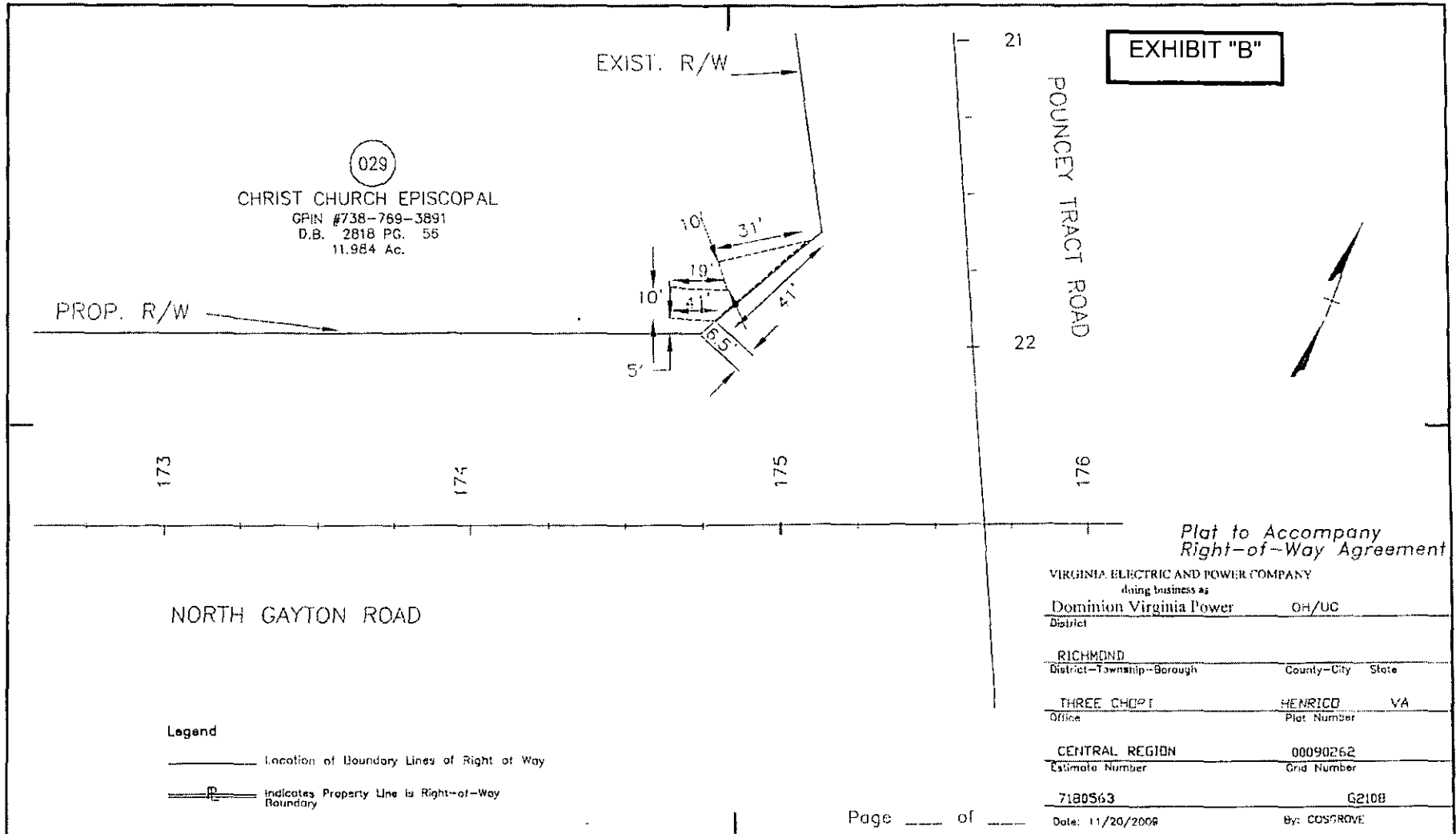
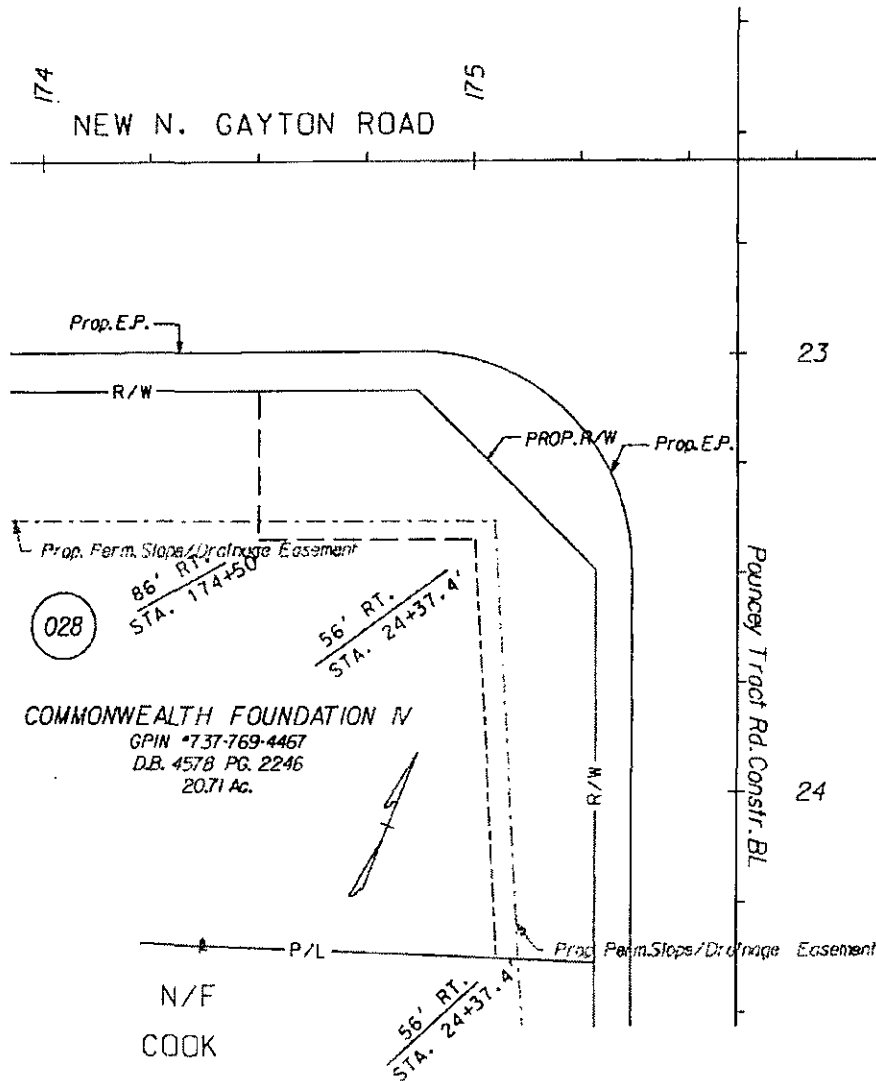


EXHIBIT "C"

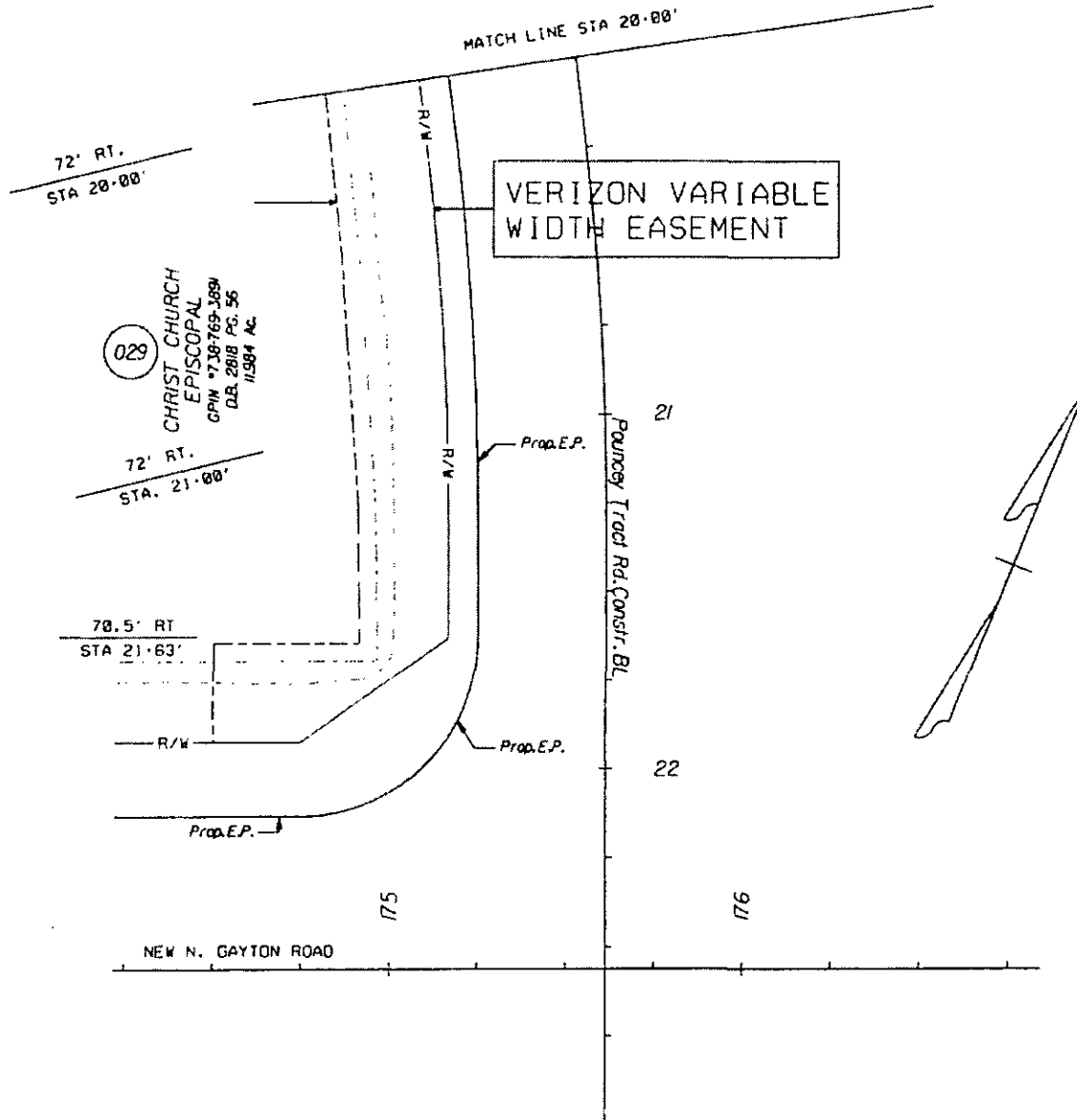


SITE PLAN REFERENCE:

NORTH GAYTON ROAD & POUNCEY TRACT ROAD

VERIZON VIRGINIA INC.	GRANTOR/OWNER: COMMONWEALTH FOUNDATION IV	COUNTY: HENRICO MAGISTERIAL DIST.: THREE CHOPT
---R--- DENOTES R AND/OR R/W ---- LIMITS OF RIGHT-OF-WAY	ADDRESS:	TAX MAP NO.: 737-769-4467
E.A.: KEN GILBERT	CONTACT TEL. NO.:	PROPERTY ID *:
PHONE NO.: 772-5963	GRANTOR:	DEED BOOK: 4578 PAGE: 2246
CENTRAL OFFICE: GAYTON VZ ROW NUMBER: 267330 COVER SHEET NUMBER:	GRANTOR:	GRSM SH E-W N-S PG 4 1700 4 K OF 4
		PLAT BOOK: ROUTE: WORK ORDER *: 4A18546

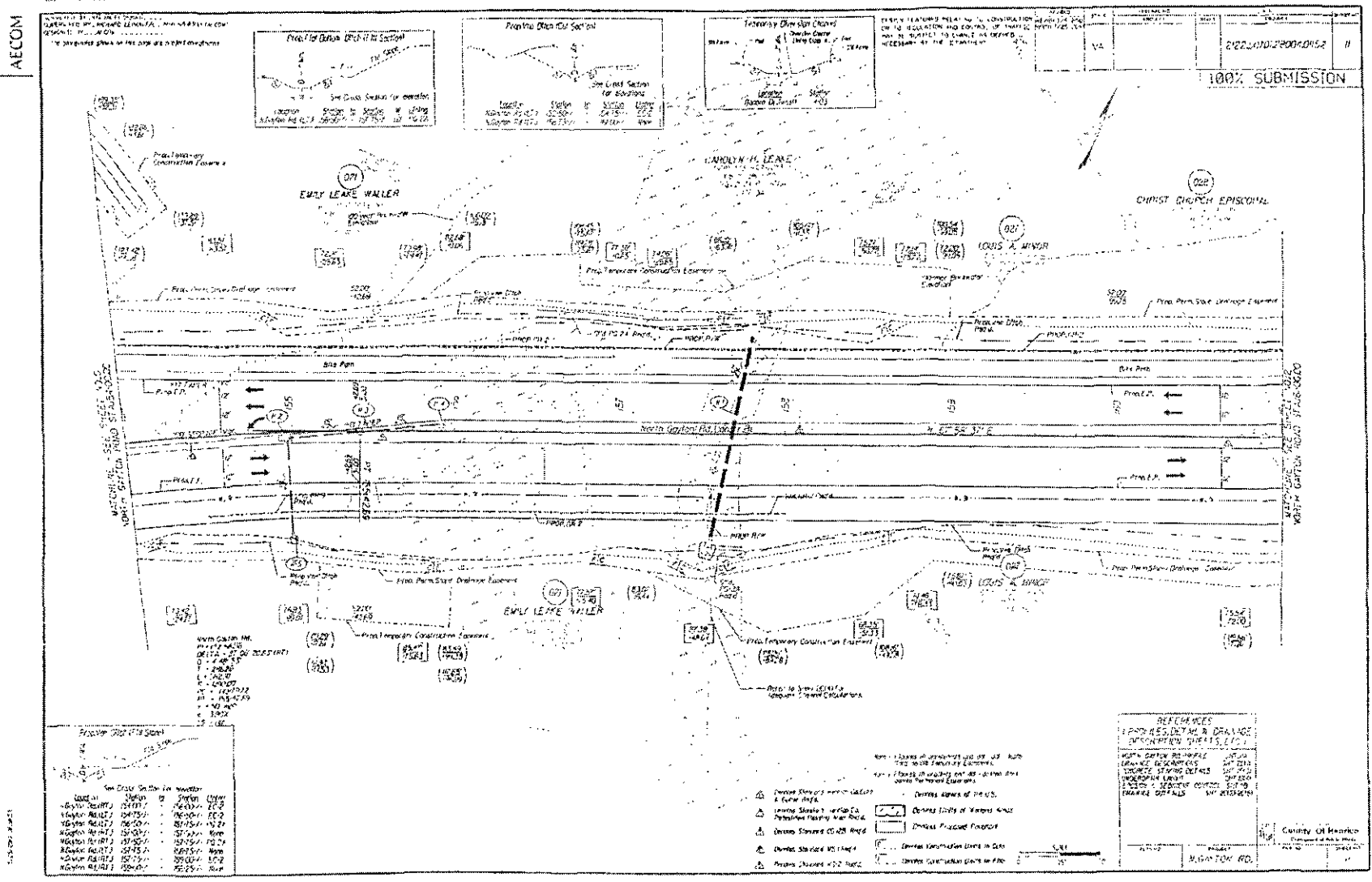
EXHIBIT "C-1"



SITE PLAN REFERENCE:

POUNCEY TRACT ROAD

VERIZON VIRGINIA INC.		GRANTOR/OWNER: CHRIST CHURCH EPISCOPAL		COUNTY: HENRICO MAGISTERIAL DIST.: THREE CHOPT	
---R---DENOTES R AND/OR R/W ----LIMITS OF RIGHT-OF-WAY		ADDRESS: POUNCEY TRACT ROAD GLEN ALLEN, VA. 23059		TAX MAP NO.: 739-769-3891	
E.A.: KEN GILBERT		CONTACT TEL. NO.:		PROPERTY ID .:	
PHONE NO.: 772-5963		GRANTOR:		DEED BOOK: 2818 PAGE: 56	
CENTRAL OFFICE: GAYTON		GRANTOR:		PLAT BOOK: ROUTE:	
VZ ROW NUMBER: 267329				WORK ORDER .: 4A18546	
COVER SHEET NUMBER:					



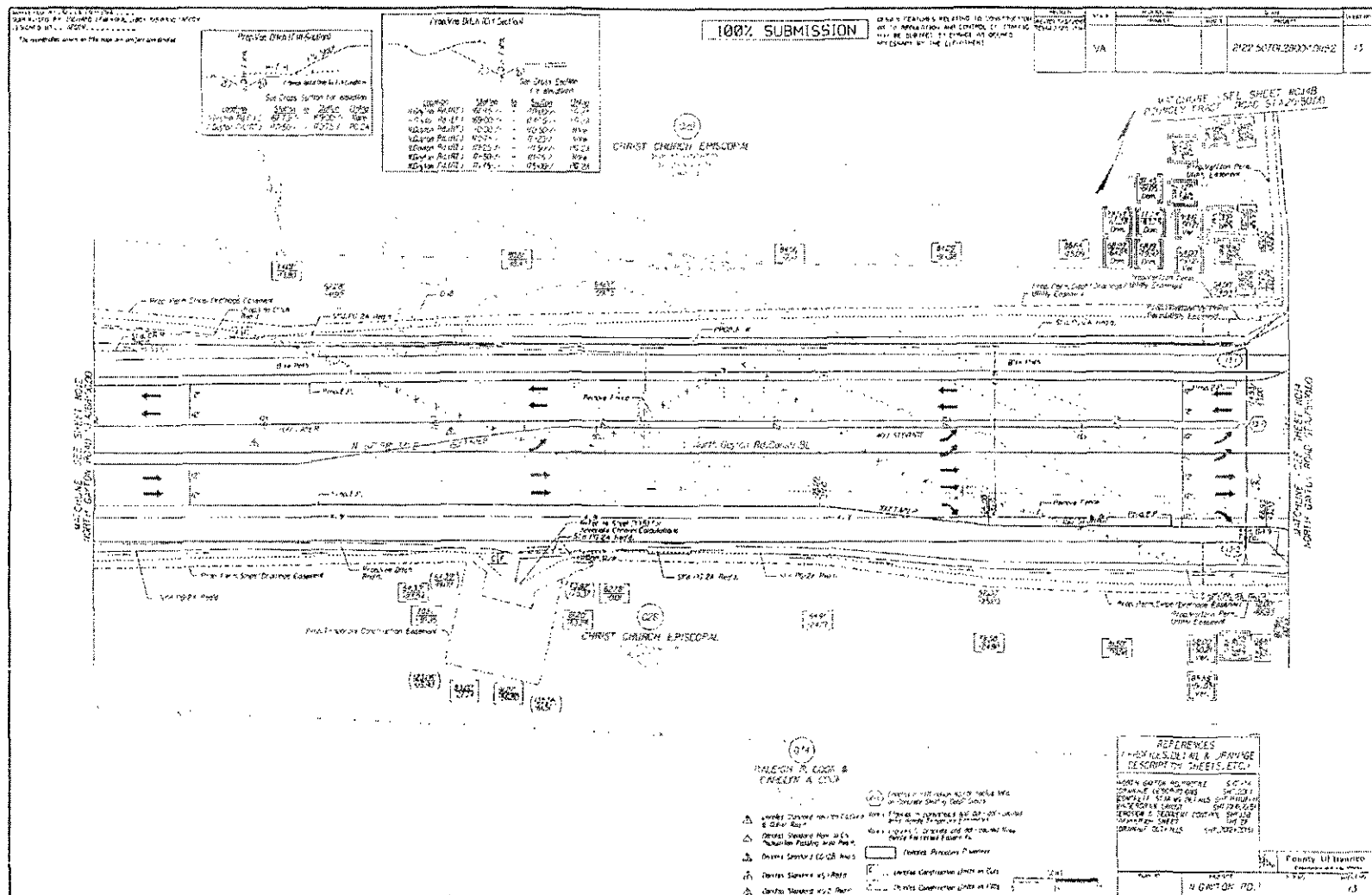
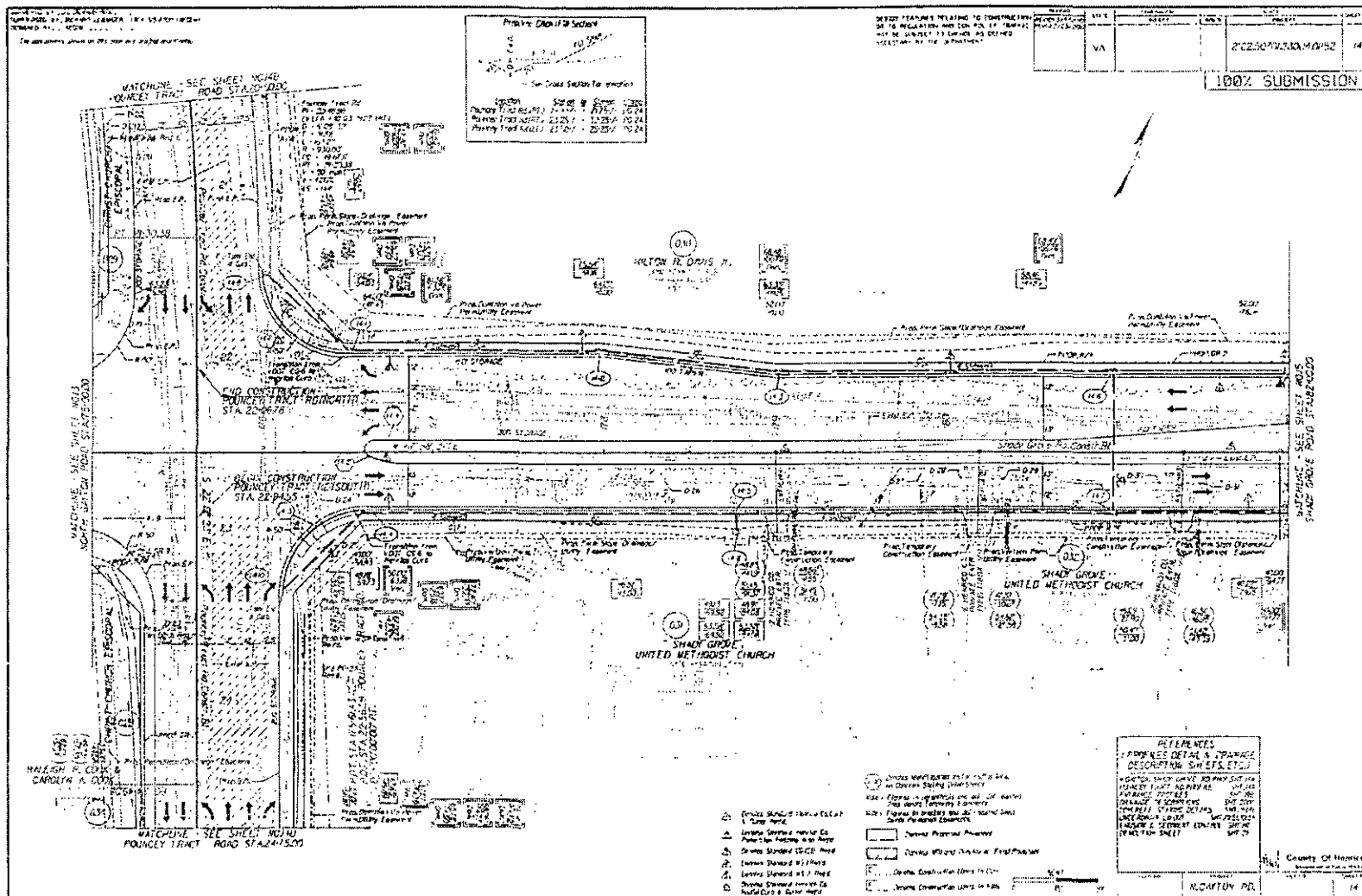


EXHIBIT "D-3"



Design File - L:\work\1041544-1550 - Gayton Road\Drawings\Planning\Concept\1041544-1550.dwg
 Design Date on - 1/15

SURVEYED BY: NXL 1041544-1550
 SUPERVISED BY: MICHAEL L. LANNING - 1041544-1550 (AECOM)
 DESIGNED BY: AECOM

PRELIMINARY
 RIGHT OF WAY DATA SHEET

100% SUBMISSION

DESIGN FEATURES RELATING TO CONSTRUCTION
 OR TO REGULATION AND CONTROL OF TRAFFIC
 MAY BE SUBJECT TO CHANGE AS DEEMED
 NECESSARY BY THE DEPARTMENT

ROUTE	PROJECT	DATE	PROJECT NO.	DATE
COUNTY/CITY: HENRICO COUNTY	PROJECT: NORTH GAYTON RD.	2/22/2020	280040152	10/11
COMPILED BY:	DATE:			
REVISED BY:	DATE:			

PARCEL NO.	LANDOWNER	SHEET NO.	AREA																			EASEMENTS									
			TOTAL		FEE TAKING		FEE REMAINDER		FEE REMAINDER		BISECTED PROPERTIES		FEE REMAINDER		BISECTED PROPERTIES		FEE REMAINDER		BISECTED PROPERTIES		PERM. SLOPE/DRAINAGE/ACCESS/SIGHT DISTANCE		UTILITY				TEMPORARY		PROFFERS		
									N. GAYTON RD. (L.T.)		N. GAYTON RD. (RT.)		BACOVA DR. (L.T.)		BACOVA DR. (RT.)		N. GAYTON RD. (L.T.)		BACOVA DR. (RT.)				DOMINION VA. POWER		VERIZON						
			ACRES	SO. FEET	ACRES	SO. FEET	ACRES	SO. FEET	ACRES	SO. FEET	ACRES	SO. FEET	ACRES	SO. FEET	ACRES	SO. FEET	ACRES	SO. FEET	ACRES	SO. FEET	ACRES	SO. FEET	ACRES	SO. FEET	ACRES	SO. FEET	ACRES	SO. FEET	YES / NO		
001	Sterling Management Corp.	3	0.563	0.183	7964	0.380	16552.80										0.060	2624	0.094	4126.52					0.161	7019					
002	Duane A. Deskevich & Kimberly A. Keith, Trs	3,4	1.024	0.465	20264	0.559	24350.04										0.261	11376													
003	Gateway Bank & Trust Co.	3	1.004	0.056	2450	0.948	41294.88										0.084	3671													
004	The Linhart Company C/O Dominion Chevrolet	3,4	9.207	0.013	583	9194	400490.64										0.081	3546													
005	Marsha A. Pressel & Larry T. Pressel	3,4	2.084														0.062	2706						0.016	695						
006	David S. Brown & Chris C. Brown	4	1.377	0.199	8672	1.178	51313.68										0.361	15730						0.030	3486						
007	Sarah H. Pearson	4,5	6.246	1.074	46773	5.172	225292.32										0.268	11678													
008	Gayton Road Properties, LLC	4	1.547														0.023	1009													
009	DELETED																														
010	Boyd C. Jones	6,6B,7	6.8	2.103	91627.41			1.707	74356.92	0.749	32626.44	2.288	99665.28				2.564	11722.00						0.349	15264.40						
011	Darrell H. Bowman & Marsha Morgan	6,6F,7	3.98	0.909	39601							2.130	92782.80	0.942	41033.52	0.790	34368						0.056	2471							
012	Helen Long Payne	6B,6D,7	42.51	1.037	45191									40.007	1742704.92		0.673	29326					0.263	11463							
013	Blanche N. Anis	6,6F	5.368	0.398	17354	4.970	216493.20										0.149	6506													
014	Blanche N. Anis	6F,6H	5.0	0.592	25768	4.408	192012.48										0.164	7132					0.222	9656							
015	Darrel H. Bowman & Marsha S. Morgan	6H	3.5	0.011	470	3.489	151980.84										0.031	1334													
016	DELETED																														
017	Sheron S. Shiner & Susanne M. Smith Trustees	7,8,9,10	25.54	5.420	236098			3.876	168838.56	16.244	707588.64						1.923	83781	0.013	576.56			0.458	19932							
018	David M. Hepler & Jennifer E. Hepler	9,10	1.259	0.062	2719	1.197	52141.32										0.118	5145	0.040	1776.10			0.007	326							
019	Annie B. Fair	7,8,9,10	7.891	0.049	2134	7.842	341597.52										0.001	46	0.023	1043.74			0.012	519							
020	Roger Lee Horton	10,10B	2.534	0.061	2652	2.473	107723.88										0.027	1190.68					0.017	725							
021	Emily Leake Walter	10,10B, 10D,11	16.727	1.916	83463			3.516	153156.96	11.295	492010.20						0.672	29271	0.003	165.03	0.150	6544.44	0.691	30093							
022	David M. Hepler, Trustee	10,10D	14.301	0.026	1146	14.275	621819.00										0.116	5037	0.044	1918.73											
023	Allen G. Bowles & Mildred Ann P. Bowles	10B	4.61	0.092	4001	4.518	196804.08										0.024	1034	0.003	152.55	0.061	2696.62	0.002	98							
024	County Of Henrico	10B	205.261	0.030	1316	205.231	8939862.36										0.013	545	0.005	255.48											
025	Gerald W. Glover	10D	1.31	0.002	90	1.308	56976.48										0.008	329	0.007	331.39											
026	Timothy Willis & Roe M. Willis	10D	2.06														0.0146	636	0.010	435.61			0.0376	1636							
027	Louis A. Minor	11,12	2.497	0.641	27911			0.585	25490.42	1.271	55371.06						0.239	10429					0.170	7386							
028	Christ Church Episcopal	11,12,13,14	20.71	3.006	130930			14.720	641203.20	2.985	130040.65						0.900	39196			0.103	4529.36	0.207	9001							
029	Christ Church Episcopal	12,13, 14,14B	11.984	1.184	51559	10.800	470448.00										0.496	21602	0.008	386.64	0.152	6631.90	0.063	2731							
030	Hilton R. Davis Jr.	14,14B,15	9.53	0.541	23573	8.989	391560.84										0.320	13959	0.242	10579.67			0.018	766							
031	Shady Grove United Methodist Church	14,14D	3.15	0.257	1174	2.893	126019.08										0.120	5210	0.061	2657.24	0.139	6078.98	0.050	2185							
032	Shady Grove United Methodist Church	14,15	2.50	0.134	5825	2.366	103062.96										0.073	3191			0.073	3200.46	0.005	213							
033	Shady Grove United Methodist Church	14D	5.469	0.017	731	5.452	237489.12											0.006	285.11												
034	Raleigh R. Cook & Carolyn A. Cook	12,13, 14,14D	10.25	0.050	2174	10.200	444312.00										0.120	5262			0.161	7014.00	0.075	3266							
035	Barbara W. Feibush, Trustee	14D	10.06														0.084	3642			0.126	5513.46									
036	DELETED																														
037	DELETED																														
038	DELETED																														
039	Shady Grove United Methodist Church	15	2.00	0.104	4556	1.896	82589.76										0.059	2578			0.033	1472.55	0.004	159							
040	Shady Grove United Methodist Church	15	0.735	0.149	6511	0.586	25526.16										0.058	2526			0.038	1690.57	0.142	6211							

County Of Henrico
Department of Public Works

FILE NO. N. GAYTON RD. FILE NO. 1011

County Of Henrico
 Department of Public Works

Resolution – Authorizing the County Manager to Request Disaster Designation and Federal Assistance for Henrico County Agricultural Producers

This Board paper authorizes and directs the County Manager to request the Governor of Virginia to declare Henrico County a primary drought disaster area. This declaration will make Henrico farmers (1) eligible to be considered for low-interest emergency loans from the U.S. Department of Agriculture, provided they meet certain eligibility requirement, and (2) eligible for any supplemental relief that Congress may provide in the future.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 204-10

Page No. 1 of 2

Agenda Title: **RESOLUTION – Authorizing County Manager to Request Disaster Designation and Federal Assistance for Henrico County Agricultural Producers**

For Clerk's Use Only:

Date: **AUG 10 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, high temperatures and drought conditions in Henrico County have adversely affected farmers and their production yields; and

WHEREAS, the growing season extending from April through July of 2010 has been characterized by significantly higher than normal temperatures with more than double the average number of days with high temperatures above 90° F and by rainfall totals almost nine inches below normal; and

WHEREAS, the loss of production for Henrico farmers due to these adverse conditions has been reported by the Farm Service Agency, the Natural Resources Conservation Service, and Virginia Cooperative Extension to be, at a minimum, a 75% loss of corn (2,953 acres planted, value of loss estimated at \$980,400) and a 50% loss of soybeans (4088 acres planted, value of loss estimated at \$621,380); and

WHEREAS, Henrico County farmers need state and federal assistance to help mitigate their losses.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Henrico County authorizes and directs the County Manager to submit to the Governor of Virginia a certified copy of this resolution and request that he petition the Secretary of the U. S. Department of Agriculture that Henrico County be declared a primary drought disaster area so that Henrico County farmers who have experienced agricultural damages and losses due to excessive heat and drought may receive financial assistance from the U. S. Department of Agriculture.

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

By Agency Head

Harvey J. Carter *9/11*

By County Manager

David L. Hight

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____
Clerk, Board of Supervisors

Date: _____

RESOLUTION – Approval of the FY 2011 Community Services Board Performance Contract between the Virginia Department of Behavioral Health and Developmental Services and Henrico Area Mental Health & Developmental Services Board.

Virginia Code § 37.2-508 provides that an annual performance contract negotiated between the Virginia Department of Behavioral Health and Developmental Services (the Department) and Henrico Area Mental Health & Developmental Services Board (HAMHDS) is to serve as the primary accountability and funding mechanism between the Department and HAMHDS. Section 37.2-508 further provides that the performance contract is to be submitted by HAMHDS for approval by formal vote of the governing body of each political subdivision that established HAMHDS.

Under the terms of § 37.2-508, the performance contract must:

- delineate the responsibilities of the Department and HAMHDS;
- specify conditions that must be met for the receipt of state-controlled funds;
- identify the groups of consumers to be served with state-controlled funds;
- contain consumer outcome, provider performance, consumer satisfaction, and consumer and family participation measures;
- contain mechanisms jointly developed with the Department to manage the utilization of state hospital beds;
- establish an enforcement mechanism should HAMHDS fail to comply with the contract; and
- include reporting requirements and revenue, cost, service and consumer information in a format determined by the Department.

In late spring of 2010, the Department provided to HAMHDS a Letter of Notification setting out the amount of state and federal funding that would be available to HAMHDS during FY 2011 and HAMHDS and the Department negotiated a FY 2011 Community Services Board Performance Contract. HAMHDS approved the FY 2011 Community Services Board Performance Contract on July 22, 2010, and recommended it to the Boards of Supervisors of Henrico, Charles City, and New Kent Counties, the three political subdivisions that established it.

The FY 2011 Community Services Board Performance Contract submitted for approval by this Resolution is based on the requirements of Va. Code § 37.2-508, on the FY 2010-2011 budget approved by this Board on April 27, 2010, on the Letter of Notification to HAMHDS for FY 2011, and on local contributions approved by the Charles City County Board of Supervisors and the New Kent County Board of Supervisors.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 205-10

Page No. 1 of 2

RESOLUTION - Approval of the FY 2011 Community Services Board Performance Contract between the Virginia Department of Behavioral Health and Developmental Services and Henrico Area Mental Health & Developmental Services Board

For Clerk's Use Only:	BOARD OF SUPERVISORS ACTION	YES	NO	OTHER
Date: AUG 10 2010	Moved by (1) _____ Seconded by (1) _____ (2) _____ (2) _____			
() Approved () Denied () Amended () Deferred to:	REMARKS: _____ _____ _____	Donati, J. _____ Glover, R. _____ Kaechele, D. _____ O'Bannon, P. _____ Thornton, F. _____		

WHEREAS, Virginia Code § 37.2-508 was amended effective July 1, 1998 to require that a performance contract negotiated between the Virginia Department of Behavioral Health and Developmental Services (the Department) and Henrico Area Mental Health & Developmental Services Board (HAMHDS) and approved by HAMHDS be submitted by HAMHDS for approval by formal vote of the governing body of each political subdivision that established HAMHDS; and,

WHEREAS, the County of Henrico, Charles City County and New Kent County, established HAMHDS in 1973; and,

WHEREAS, on May 3, 2010, the Department provided to HAMHDS a Letter of Notification setting out the amount of state and federal funding that would be available to HAMHDS during FY 2011; and,

WHEREAS, HAMHDS and the Department have negotiated a FY 2011 Community Services Board, Performance Contract; and,

WHEREAS, HAMHDS approved the FY 2011 Community Services Board Performance Contract on July 22, 2010, and recommended it to the Boards of Supervisors of Henrico, Charles City, and New Kent Counties; and,

WHEREAS, the HAMHDS recommended FY 2011 Community Services Board Performance Contract is based on the requirements of § 37.2-508 of the Virginia Code, on the budget adopted by the Henrico County Board of Supervisors on April 27, 2010, on the Letter of Notification to HAMHDS for FY 2011, and on local contributions approved by the Charles City County Board of Supervisors, and the New Kent County Board of Supervisors.

By Agency Head

Michael D. Lee

By County Manager

David R. Hays

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. **205-10**

Page No. 2 of 2

RESOLUTION - Approval of the FY 2011 Community Services Board Performance Contract between the Virginia Department of Behavioral Health and Developmental Services and Henrico Area Mental Health & Developmental Services Board

NOW, THEREFORE BE IT RESOLVED, by the Board of Supervisors of Henrico County that the Board approves the FY 2011 Community Services Board Performance Contract between the Virginia Department of Behavioral Health and Developmental Services, and Henrico Area Mental Health & Developmental Services Board.

Comment: The Executive Director of HAMHDS recommends approval of this Board paper; the County Manager concurs.

RESOLUTION — Approval of Acquisition — Permanent Slope and Drainage and Temporary Construction Easements — North Gayton Road Extension Project — Katherine F. White — Three Chopt District

This Board paper authorizes the execution and filing of documents necessary to complete the acquisition of a permanent slope and drainage easement containing 1,264 sq. ft. and a temporary construction easement containing 475 sq. ft. for the construction of the North Gayton Road Extension Project across land in the Three Chopt District owned by Katherine F. White (the “Owner”).

On April 27, 2010, the Board authorized condemnation proceedings to acquire a permanent slope and drainage easement containing 290 sq. ft. and a temporary construction easement containing 1,450 sq. ft., and on May 28, 2010, the County filed a Certificate and deposited \$2,199 with the Clerk of the Circuit Court to acquire the easements in accordance with state law.

Following negotiations between the parties, the Owner is willing to accept \$11,479 for a larger permanent slope and drainage easement containing 1,264 sq. ft. and smaller temporary construction easement containing 475 sq. ft. for the construction of the project.

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



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 200-10

Page No.

1 of 1

Agenda Title **RESOLUTION — Approval of Acquisition — Permanent Slope and Drainage and Temporary Construction Easements — North Gayton Road Extension Project — Katherine F. White — Three Chopt District**

For Clerk's Use Only:

Date **AUG 10 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, on April 27, 2010, the Board authorized condemnation proceedings to acquire a permanent slope and drainage easement containing 290 sq. ft. and a temporary construction easement containing 1,450 sq. ft. shown on a plat by NXL, dated October 14, 2009, sealed on October 20, 2009 by David L. Jones, Land Surveyor, for the construction of the North Gayton Road Extension Project (the "Project") across land in the Three Chopt District owned by Katherine F. White (the "Owner"); and,

WHEREAS, on May 28, 2010, the County filed a Certificate and deposited \$2,199 with the Clerk of the Circuit Court to acquire the easements in accordance with state law; and,

WHEREAS, following negotiations between the parties, the Owner is willing to accept \$11,479 for a larger permanent slope and drainage easement containing 1,264 sq. ft. and a smaller temporary construction easement containing 475 sq. ft. (the "Easements") shown on a plat by NXL, dated and sealed on July 8, 2010 by Nicholas Kougoulis, Land Surveyor, (a reduced size copy of which is attached and marked Exhibit "A"), for the construction of the Project; and,

WHEREAS, County staff has prepared the necessary documents to memorialize the agreement of the parties and to complete the acquisition.

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

- (1) The Chairman and the County Manager are authorized to execute the documents and to take all steps necessary for acquisition of the Easements.
- (2) The County Attorney is authorized to file the necessary documents in the Circuit Court of Henrico County to complete the acquisition of the Easements.

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

By Agency Head *John B. Jones*

By County Manager *Stephen P. Hays*

Routing:

Yellow to: *Real Property*

Copy to: _____

Certified:

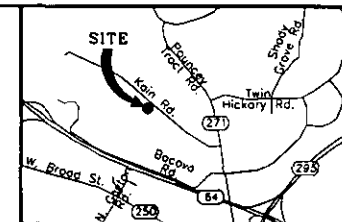
A Copy Tests: _____

Clerk, Board of Supervisors

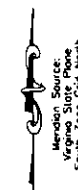
Date: _____

GPIN	LAND OWNER	D.B./PG.	Right-of-Way Acquisition	Permanent Slope & Drainage Easements	Temporary Construction Easements
737-768-2023	KATHERINE F. WHITE	292/1673	0 sq. ft.	1264 sq. ft. +/-	475 sq. ft. +/-

EXHIBIT "A"



VICINITY MAP - NOT TO SCALE



Now or Formerly
**TIMOTHY WILLIS &
RAE M. WILLIS**
12291 Kain Rd.
GPIN *737-768-0534

KATHERINE F. WHITE
12271 Kain Rd.
D.B. 2192, PG. 1673
GPIN *737-768-2023
0.48 Ac. +/-

Now or Formerly
**CARLOS LOPEZ &
EVELIA LOPEZ**
12261 Kain Rd.
GPIN *737-767-1086

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: 06/30/10.
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 PERMANENT SLOPE AND DRAINAGE EASEMENT, AND TEMPORARY CONSTRUCTION EASEMENT ON THE PROPERTY OF

KATHERINE F. WHITE

THREE CHOPT MAGISTERIAL DISTRICT
HENRICO COUNTY, VIRGINIA



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

SCALE
0 5' 10' 20'

FILE NAME	SCALE	DATE	JOB NO.	SHEET NO.
057	1"=10'	July 8, 2010	0710007L	1 of 1

RESOLUTION — Award of Construction Contract — Springfield Landfill Permit 545 Landfill Gas Expansion Stage 4 — Three Chopt District

This resolution would award a construction contract to Sterns, Conrad & Schmidt, Consulting Engineers Inc. dba SCS Field Services in the amount of \$219,226 to install 19 methane gas wells and approximately 3,000 linear feet of 4-inch and 8-inch plastic gas header piping located at the Springfield Road Landfill in the Three Chopt District.

The purpose of the project is to expand the existing methane gas collection system in the Springfield Landfill. The work will begin in September 2010 and will be completed by February 2011. Funding to support the contract is available within the Solid Waste Special Revenue Fund.

Four bids were received on July 29, 2010 in response to Bid Request No. 10-8885-6CE and Addendum No.1 for the Springfield Landfill Permit 545 Landfill Gas Expansion Stage 4 project.

Bidders	<u>Bid Amounts</u>
Sterns, Conrad & Schmidt, Consulting Engineers Inc. dba SCS Field Services Reston, VA	\$219,226.00
Shaw Environmental & Infrastructure, Inc. Baton Rouge, LA	\$233,566.00
Griffin Dewatering Corp. Chesapeake, VA	\$261,850.00
Harnden Group, LLC Mechanicsburg, PA	\$289,967.00

The Directors of Public Utilities and General Services recommend the Board award the contract to Sterns, Conrad & Schmidt, Consulting Engineers Inc. dba SCS Field Services, the lowest responsive and responsible bidder, in the amount of \$219,226 and authorize the County Manager, or the Director of General Services as his designee, to execute the contract and change orders not to exceed 15% of the original contract amount, and the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 207-10

Page No. 1 of 2

Agenda Title: RESOLUTION — Award of Construction Contract — Springfield Landfill Permit 545
Landfill Gas Expansion Stage 4 — Three Chopt District

For Clerk's Use Only:

Date: AUG 10 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, four bids were received on July 29, 2010 in response to Bid Request No. 10-8885-6CE and Addendum No.1 for the Springfield Landfill Permit 545 Landfill Gas Expansion Stage 4 project located in the Three Chopt District; and,

WHEREAS, the project includes installation of 19 methane gas wells and approximately 3,000 LF of plastic header piping and appurtenances; and,

WHEREAS, the bids were as follows:

<u>Bidders</u>	<u>Bid Amounts</u>
Sterns, Conrad & Schmidt, Consulting Engineers Inc. dba SCS Field Services	\$219,226.00
Shaw Environmental & Infrastructure, Inc.	\$233,566.00
Griffin Dewatering Corp.	\$261,850.00
Harnden Group, LLC	\$289,967.00

WHEREAS, after a review and evaluation of all bids received, it was determined that Sterns, Conrad & Schmidt, Consulting Engineers Inc. dba SCS Field Services is the lowest responsive and responsible bidder.

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.

Page No. 2 of 2

**Agenda Title: RESOLUTION — Award of Construction Contract — Springfield Landfill Permit 545
Landfill Gas Expansion Stage 4 — Three Chopt District**

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

1. The contract is awarded to Sterns, Conrad & Schmidt, Consulting Engineers Inc. dba SCS Field Services, the lowest responsive and responsible bidder, in the amount of \$219,226 pursuant to Bid Request No. 10-8885-6CE, Addendum No.1, and the bid submitted by Sterns, Conrad & Schmidt, Consulting Engineers Inc. dba SCS Field Services.
2. The County Manager and Clerk are authorized to execute the contract in a form approved by the County Attorney.
3. The County Manager, or the Director of General Services as his designee, is authorized to execute change orders within the scope of the project budget not to exceed 15% of the original contract amount.

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

RESOLUTION — To Permit Additional Fine of \$200 for Speeding on Grey Oaks Park Road from Nuckols Road to Grey Oaks Park Drive

Section 46.2-878.2 of the Code of Virginia provides for the imposition of a \$200 fine for speeding, in addition to other penalties provided by law, when a locality has established a maximum speed limit for a highway in a residence district and the speed limit is indicated by appropriately placed signs. The law requires the Board of Supervisors to develop criteria for the overall applicability for the installation of the signs and to specify application of the law to particular streets before the additional fine may be imposed.

On February 10, 2004, the Board approved criteria for the County's Traffic Calming Program.

The County's Traffic Engineer has collected traffic data and has determined that Grey Oaks Park Road from Nuckols Road to Grey Oaks Park Drive in the County is experiencing speeding problems and meets the criteria for traffic calming measures set forth in the Traffic Calming Program.

The citizens in the area of this road requesting the increased fine have collected signatures from 76% of the residents.

The Board paper authorizes the County Manager to place appropriate signs on Grey Oaks Park Road from Nuckols Road to Grey Oaks Park Drive warning of an additional fine of \$200 for speeding.

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



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda 208-10
Page No. 1 of 2

Agenda Title: **RESOLUTION — To Permit Additional Fine of \$200 for Speeding on Grey Oaks Park Road from Nuckols Road to Grey Oaks Park Drive**

For Clerk's Use Only:	BOARD OF SUPERVISORS ACTION	YES	NO	OTHER
Date: AUG 10 2010	Moved by (1) _____ Seconded by (1) _____ (2) _____ (2) _____			
() Approved () Denied () Amended () Deferred to: _____	REMARKS: _____ _____ _____	Donati, J. _____ Glover, R. _____ Kaechele, D. _____ O'Bannon, P. _____ Thornton, F. _____		

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

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

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

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

WHEREAS, the County's Traffic Engineer has collected traffic data and has determined that Grey Oaks Park Road from Nuckols Road to Grey Oaks Park Drive in the County is experiencing speeding problems and meets the Criteria for traffic calming measures set forth in the Traffic Calming Program; and,

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. **208-10**

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Agenda Title: RESOLUTION — To Permit Additional Fine of \$200 for Speeding on Grey Oaks Park Road from Nuckols Road to Grey Oaks Park Drive

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

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Henrico County that the County Manager is authorized and directed to install signs on Grey Oaks Park Road from Nuckols Road to Grey Oaks Park Drive advising citizens of an additional fine of \$200 for exceeding the posted speed limit on this road.

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