

COUNTY OF HENRICO, TO-WIT:

At a regular meeting of the Board of Supervisors of Henrico County, held in the Board Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia, on Wednesday, the 12th of November 2008, at the hour of 7:00 p.m.

**MEMBERS OF THE BOARD PRESENT**

The Honorable David A. Kaechele, Chairman

The Honorable Patricia S. O'Bannon, Vice-Chairman

The Honorable James B. Donati, Jr., Varina District Supervisor

The Honorable Richard W. Glover, Brookland District Supervisor

The Honorable Frank J. Thornton, Fairfield District Supervisor

**OTHER OFFICIALS PRESENT**

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

Mr. Joseph P. Rapisarda, Jr., County Attorney

The Honorable Michael L. Wade, Sheriff

Mr. Barry R. Lawrence, Clerk

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

Ms. Angela N. Harper, FAICP, Deputy County Manager for Special Services

Mr. Leon T. Johnson, Deputy County Manager for Administration

Mr. Robert K. Pinkerton, P.E., Deputy County Manager for Community Operations

Mr. Randall R. Silber, Deputy County Manager for Community Development

Department Heads and Key Officials

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The meeting was called to order by the Chairman at 7:06 p.m. He pointed out that there was a standing room only crowd, welcomed all to the meeting, noted that the Board was meeting on Wednesday due to the previous day's holiday, and remarked that the Board would get through its long and complex agenda as best it could.

Mr. Kaechele led the Board, staff, and public in reciting the Pledge of Allegiance.

Rev. Travis Branch, Gospel Jail Ministries, provided the invocation.

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, the Board approved the minutes of the October 28, 2008 Regular and Special Meetings.

The vote of the Board was as follows:

Aye

David A. Kaechele

Patricia S. O'Bannon

James B. Donati, Jr.

Richard W. Glover

Frank J. Thornton

Nay

## **MANAGER'S COMMENTS**

Karen W. Moore, a resident of the Tuckahoe District, was introduced as the 2008 Henrico Christmas Mother. Joining her were the Chair and Co-Chair of the County Government Christmas Mother program, Lisa H. Orlosky of the Department of Information Technology and Juliana L. Major of the Division of Recreation and Parks. Mrs. Moore noted that she was very grateful for the opportunity to travel around the County to thank County residents for their continued support of the Henrico Christmas Mother program. The program is celebrating its 67<sup>th</sup> year of providing new clothes, toys, books, and food to approximately 5,000 low income, disabled, and elderly Henrico neighbors at Christmastime. Mrs. Moore acknowledged the overwhelming enthusiasm of Mrs. Orlosky and Mrs. Major and referred to the many efforts of the County's general government and school employees, students, community organizations, businesses, and citizens on behalf of the program. Over 90 percent of all monetary contributions to the program are distributed directly to program recipients.

As a reminder, the Board of Supervisors will be meeting at the Eastern Government Center's Glen Echo Building on November 25 and December 9, 2008. The Board will return to the Administration Building for its January 13, 2009 meeting. The Glen Echo Building is where the School Board currently meets and is located on Nine Mile Road.

## **BOARD OF SUPERVISORS' COMMENTS**

Mr. Kaechele recognized Michael Muldowny, Citizenship in the Community Merit Badge Counselor for the Cardinal District of the Boy Scouts of America's Heart of Virginia Council. Mr. Muldowny introduced the following Scouts from his Citizenship in the Community Merit Badge class who were observing the meeting to fulfill requirements for this merit badge: John Keefe and William Perrine from Troop 436, sponsored by St. Bridget Catholic Church; James Turner from Troop 487, sponsored by Giuseppe Verdi Lodge No. 315; Michael Props from Troop 509, sponsored by Four Mile Creek Baptist Church; Michael Norman from Troop 535, sponsored by Church of the Creator; Jarred Giannasi from Troop 544, sponsored by Shady Grove United Methodist Church (Mechanicsville); Cole McDonnell and Kenny McDonnell from Troop 700, sponsored by Henry Clay Elementary School; Boyd Esleck, Stuart MacIlwaine, Ryan Neighbors, Scott Rateau, Andrew Stewart, and George Spotts from Troop 702, sponsored by Second Baptist Church; Joey Davis, Jake Hope, Ben Humphries, James Noel, Robert Noel, James Roach, Elliot Sobel, and Kyle Vaughan from Troop 706, sponsored by Saint Peter's United Methodist Church; Bobby Erickson, Robert Janis, and Josh Morgan from Troop 720, sponsored by Mount Vernon Baptist Church; Brandon Keithly and Raymond Arroyo from Troop 728, sponsored by West Richmond Church of the Brethren; Joey Droter, Christopher Kamper, David Kraft, Ryan Kraft, and Ciaran Lowell from Troop 736, sponsored by St. Michael Catholic Church; Reza Mortazavi from Troop 747, sponsored by Gayton Baptist Church; Colin Rogers from Troop 772, sponsored by Discovery United Methodist Church; Andrew Vitkus from Troop 776, sponsored by the Columbian Center; Joshua Byers and Joseph Pittman from Troop 799, sponsored by Trinity United Methodist Church; James Irby, Josh Olds, and Aldan Parker from Troop 840, sponsored by St. Michael's Episcopal Church; Joey Norris from Troop 845, sponsored by Redeemer Lutheran Church; Parker Mann from Troop 876, sponsored by Mount Pisgah United Methodist Church; Connor Kirk from Troop 891, sponsored by Bon Air United Methodist Church; Ryan Kendricken from Troop 1807, sponsored by Bethlehem Baptist Church; and Nick Leeds and Nathaniel Kimble from Troop 2890, sponsored by The

Brandermill Church. Mr. Kaechele next recognized William Bruce, Assistant Scoutmaster for Troop 436, sponsored by St. Bridget Catholic Church, who introduced the following additional Scouts from his troop who were observing the meeting to fulfill a requirement for the Citizenship in the Community Merit Badge: T. J. Bliley, Joseph Bruce, William Bruce, Jack Downey, and Nathan Pal. Mr. Kaechele also recognized Erik Bleyl, Scoutmaster for Troop 766, sponsored by The Church of Jesus Christ of Latter-day Saints – Gayton Ward, who introduced the following Scouts from his troop who were observing the meeting to fulfill merit badge requirements: Bo Bleyl, Connor Bleyl, Albert Castanos, Christopher Diaz, Brandt Loveland, Daniel Morales, Miguel Morales, and Donald Velazquez. Mr. Kaechele commented that the Board was pleased to have the Scouts and their leaders in the audience and he wished the Scouts good luck with their merit badges. Mr. Kaechele then recognized Delegate Bill Janis, who was observing the meeting with Scouts from Troop 720.

### **RECOGNITION OF NEWS MEDIA**

Mr. Kaechele recognized Melodie Martin from the *Richmond Times-Dispatch* and Tom Lappas from the *Henrico Citizen*.

### **PUBLIC HEARINGS - REZONING CASES AND PROVISIONAL USE PERMITS**

322-08                      Parham Road Properties, LLC: Request to conditionally rezone from R-4 One-  
C-44C-07                      Family Residence District to O-2C Office District (Conditional), Parcels 783-756-  
Fairfield                      0592, 782-756-7785, and -9285, containing approximately 1.49 acres, located  
   along the north line of E. Parham Road, at its intersection with Cleveland Street.

On motion of Mr. Thornton, seconded by Mr. Glover, the Board deferred this item to February 10, 2009.

The vote of the Board was as follows:

Aye  
David A. Kaechele  
Patricia S. O'Bannon  
James B. Donati, Jr.  
Richard W. Glover  
Frank J. Thornton

Nay

255-08                      1241 Associates, LLC: Request to conditionally rezone from O-3C Office District  
C-29C-08                      (Conditional) to R-2AC One-Family Residence District (Conditional), part of  
Brookland                      Parcel 775-749-1480, containing 3.6031 acres, located on the east line of Impala  
   Drive at its intersection with Impala Place.

Joe Emerson, Director of Planning, reviewed the case. He noted that staff did not support this request because it believed the office recommendation in the land use plan and office zoning on the site were appropriate. Mr. Emerson further noted that that the Planning Commission had recommended denial of the case at

its August 14, 2008 meeting. There were no questions of Mr. Emerson from the Board.

John G. Mizell, Jr., an attorney with Spinella Owings & Shaia, presented the case on behalf of the applicant, 1241 Associates, LLC. He provided background information on the applicant's purchase of the property, accentuated several specific aspects of the case, and highlighted certain provisions of the proffers that had already been summarized by staff. Mr. Mizell referred to a community meeting held on November 10, 2008 at Lakeside United Methodist Church, at which time the applicant highlighted major features of the rezoning request and went over new proffer amendments added on November 7, 2008. He gave a brief review of the subject site (see enclosed exhibit 1 submitted by Mr. Mizelle for the record). Mr. Mizell also reviewed for comparative purposes the action of the Board on other cases in recent years relating to requested zoning for church or church related facilities where the Board has deviated from the County's 2010 Land Use Plan (see enclosed exhibits 2 and 3). He stated that his client was seeking no special consideration, just equal protection under the law, and that the same level of scrutiny and flexibility be applied in this case that has been applied in other church related cases. Mr. Mizell stated that the applicant felt strongly that this requested rezoning represented a reasonable use of the property that would further the public health, safety, and welfare. The applicant also believed that the use requested in this case was an appropriate transitional use between the light industrial zoning to the west across Impala Drive and the residential development that had existed for many years to the south and southeast. The applicant did not believe that the requested use would have any adverse impact on the residential neighborhood, especially given the activity that would occur on the site when compared with what could be permitted as uses of right under the O-3C zoning that had existed for the past 24 years.

The following persons spoke in support of the rezoning request:

- Dr. Nazir Chaudhary, a local physician and 30-year County resident, noted that there is no Islamic center in Henrico, pointed out that the Board has established a precedent by approving rezoning requests of other churches in similar situations, referred to the length of the search and hardships faced by the Muslim community in finding a site for another house of worship, spoke to the history of the site, and stated how the Islamic Center of Virginia in Chesterfield County is an asset to that community (see enclosed exhibit 4). In response to a question from Mrs. O'Bannon, Dr. Chaudhary clarified that a portion of the site would retain its current office zoning designation and would be left undisturbed as a buffer between the proposed house of worship and a school adjoining the site.
- Mike Greer, a Henrico resident, commented on the inconveniences his family has endured for the past ten years in commuting to the Islamic

Center of Virginia in Chesterfield County for religious services and stated that a permanent mosque in Henrico would be a great relief.

- Dr. Qadir Sabur, an adjunct professor of education at Virginia Commonwealth University, referred to similar rezoning requests that have previously been approved by the Board for houses of worship, spoke to discrimination he has encountered throughout his career, noted that there are over 60 licensed physicians in the Muslim community who are willing to staff a weekly medical screening clinic for poor and uninsured Henrico residents, advised that the applicant intended to build a medical examination room in the building on this site and that non-perishable food items would be collected from the congregation and delivered to centralized food banks in the Richmond area, stated that the group intended to conduct a monthly blood drive to support area blood banks, and concluded that it would be far better to have the property used as a church and the associated programs than to have it sit vacant.
- Alya Ali, the daughter of the consultant for this project and Henrico resident, asked the Board for an opportunity to help young Henrico residents to become better and stronger citizens of tomorrow.
- Imad Damaj, a professor of pharmacology at Virginia Commonwealth University Medical Center and President of the Virginia Muslim Coalition of Public Affairs, referred to local community service efforts sponsored by the Coalition and suggested that this Muslim community would be good neighbors.
- Rev. Charles Swadley, Pastor of Lakeside United Methodist Church, elaborated on how the Muslim community has shared in worship with other faiths, worked to help rebuild the Richmond area, and initiated efforts to bring a Care-A-Van to the area (see enclosed exhibit 5). He expressed his beliefs as to how the proposed worship/community center would benefit the area through collaborative projects such as housing renovation and support for the poor and how the leaders presenting this proposal had answered his questions and concerns. Rev. Swadley cited the need for building bridges of healthy community relationships and sustaining *interfaith dialogue and support*.
- Ammar Amonette, Imam at the Islamic Center of Virginia, pointed out that many of the persons who attend his mosque are Henrico residents. He described the services offered at the Center, referred to the overcrowding of its facilities, spoke to the diversity of the local Muslim community, and stated that it would be a great blessing to have this facility available in Henrico.
- Zulfi Khan, a Henrico resident, referred to the abundance of office space

in this area of the County and the absence of demand for that space, expressed concern that there has been no investment in this site since it was rezoned for office use in 1984, and asked the Board to consider that it would not be losing much revenue if the County loses this site for office use. He referred to the benefits of the Muslim community's Care-A-Van program and contended that the proposed Islamic facility would be a good transition from the residential area to the office area, school, and industrial area. Mr. Khan suggested that the property addressed by this case is not the most feasible site for office use.

Mr. Mizell asked all of those in the audience who were in support of the case but who did not wish to speak to stand. He referred to exhibit 6 (see enclosed copy), which included copies of petitions signed by 32 property owners and apartment renters who were in support of the case.

At Mr. Donati's request, Mr. Mizell elaborated on why he had referred to this site as being at the center of a transportation network and clarified that the site is not currently served by GRTC. In response to questions from Mr. Thornton, Mr. Mizell offered estimates of the number of persons who would be attending services at the proposed facility and noted that an adjacent two-acre parcel would be there as a safety value that could be used eventually for expansion and overflow parking. Carol Abdul-Malik addressed the Board and pointed out that police were used to control traffic every Friday at the Islamic Center of Virginia. Mr. Mizell acknowledged that services held at Faith Landmark Ministries require the use of private police to control traffic and that although it was not anticipated traffic control would be necessary on this site the community was fully prepared to incur the expense to help take care of that safety need. At Mr. Kaechele's request, Mr. Mizell explained how and where the petitions were circulated.

The following persons spoke in opposition to this case:

- Charlie Rhodes, a resident of 2920 Lafayette Avenue, noted that his property directly abuts the site of the proposed rezoning. He referred to the Planning Commission's recommendation for denial and said he personally found the presence of a 25 foot tall domed structure inconsistent with surrounding architecture and inappropriate and undesirable. He recognized that there had been rezoning allowances made in the past but expected that in those cases the Board considered the sentiments and desires of the people in those immediate areas where the changes were being made. Mr. Rhodes asked that the Board extend the same consideration to this individual case on its own merits.
- Bob Lahey, an owner of property at 7206 Impala Drive directly across the street from the site, commented on why the site had not previously been developed and expressed concerns about heavy truck traffic in the area as well as the number of parking spaces proposed for the development and

existing congestion in the industrial and residential areas near the site. He alluded to the real estate and personal property taxes that would be generated by future office development of the site and suggested that the proposed use for the site could degrade the value of industrially zoned (M-1) properties in the area.

- Michelle Lewis, a resident of 2912 Lafayette Avenue, concurred with the remarks made by the two previous speakers and voiced concerns about traffic, having a parking lot visible from her backyard, and the width of the proposed buffer. Mrs. Lewis stated that she was speaking on behalf of some of her more elderly neighbors who were afraid to come forward.

Mr. Mizell responded to comments and concerns expressed by the opponents. He stated that a 25 foot high building was not unreasonable and was within the realm of what could be built within the existing zoning for the site; reviewed the history of ownership of the property during the past 24 years and referred to the absence of interest in developing the property for office use during that time; pointed out that the County parking space requirements for a building of this size were much less than what had been proposed in the site plan for this development but that overflow parking could be accommodated on the adjoining site or by phasing services and prayer times; submitted that the benefits in community service, economic development, and revenue from traffic coming to the site but stopping for lunch, gasoline, and grocery shopping would far exceed the \$1,800 in tax revenue generated from the site during the current year; acknowledged that the applicant intended to apply for tax exempt status if the rezoning were approved; clarified that Ms. Lewis' home was adjacent to an undeveloped County park area and would not look into the back of the subject property; and advised that three of the property owners signing petitions in support of the project live in very close proximity to the property. Mr. Mizell concluded by asking that the Board consider what had not happened on the site over the past 24 years and the opportunity that the Board would now have to provide a permanent place of worship for a different faith community and show that the County wants to reach out and be more inclusive.

In response to questions from Mr. Glover, Dr. Chaudhary and Mr. Mizell spoke to the size of the property and building owned by the Islamic Center of Virginia in Chesterfield County, factors contributing to the overcrowding of that facility, and the examination room suggested for the proposed facility in Henrico. In response to questions from Mrs. O'Bannon, Mr. Emerson clarified building height limits in O-3C zoned districts and parking space requirements for houses of worship without fixed seats. He clarified the square footage of the proposed facility for Mr. Kaechele. In response to a question from Mr. Thornton, Mr. Emerson acknowledged that different localities have different levels of zoning regulations or restrictions for churches. In response to questions from Mr. Donati, Mr. Emerson stated that a medical examination facility probably would not be allowable in a residentially zoned district. In response to further questions

from Mrs. O'Bannon, Mr. Emerson clarified the size of an office building that could currently be constructed on the site, buffer requirements for development on O-3C zoned property, and how previous proffers for the site had addressed fencing requirements. In response to questions from Mr. Kaechele, Mr. Emerson confirmed that the concept plan had been proffered and explained that parking requirements had been addressed by the plan.

Mr. Thornton noted that he was especially sensitive to issues such as discrimination and felt that inclusivity was very important. Mr. Kaechele responded that the rest of the Board agreed. Mr. Hazelett and Mr. Rapisarda clarified for Mr. Thornton how the motion on this case should be phrased.

Mr. Glover observed that it is easy to get very emotional when dealing with the issue of worship. He stated that he is very much aware of the need for people to have a place of worship. Mr. Glover referred to his confidence in the recommendations of the Planning Department staff and his pride in the Planning Commission's particular attention to the needs of the people. He noted that he would like to follow the land use plan recommendation and pointed out that there was an environmental protection area on the property and the request being made conflicted with the plan's office designation. Mr. Glover said he would consider the Muslim community on any piece of land in his district that meets the needs of the goals, objectives, and policies that he cited. He commented that there is other land in the County that is available and can quite possibly be made into a reasonable use of a place of worship regardless of the faith.

On motion of Mr. Glover, seconded by Mr. Donati, the Board followed the recommendation of the Planning Commission and denied Agenda Item No. 255-08 (C-29C-08).

The vote of the Board was as follows:

Aye  
David A. Kaechele  
James B. Donati, Jr.  
Richard W. Glover

Nay  
Patricia S. O'Bannon  
Frank J. Thornton

Mr. Kaechele recognized that a lot of persons in the audience were disappointed with the decision but assured them that the decision was based on technical issues. He remarked that Mr. Glover and all of the Board agreed that they would like for the Muslim community to find a home in Henrico County and that the Planning staff would like to help in that regard. Mr. Kaechele noted that Mr. Thornton had pointed out that discrimination is far from the Board's thoughts.

Mrs. O'Bannon commented that she had taken a great deal of time reviewing the case. She said she felt that the neighbors concerns were very real and appropriate and could be addressed. Mrs. O'Bannon also stated that she felt the applicant had



presented a compelling case and that she could find no reasonable reason to deny the rezoning.

The Board recessed at 9:01 p.m. and reconvened at 9:16 p.m.

321-08  
P-17-08  
Brookland

Noodles & Company: Request for a Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to allow outside dining for the proposed Noodles & Company restaurant, on part of Parcel 773-736-2198, located at the southeast intersection of W. Broad Street (U. S. Route 250) and Willow Lawn Drive (Willow Lawn Shopping Center).

In response to questions from Mr. Glover, Director of Planning Joe Emerson clarified the location of the proposed restaurant, confirmed that other restaurants within Willow Lawn Shopping Center already provide outdoor convenience seating and that alcohol could be prohibited within the outdoor dining area of the proposed restaurant by adding another condition to the provisional use permit. He advised Mr. Kaechele that the Wild Noodles restaurant off of Cox Road is no longer in operation.

Benjamin Bixby, a representative of the applicant, informed the Board that the applicant had applied for an Alcoholic Beverage Control (ABC) license but that approval had not yet been granted. He further stated that Noodles & Company does serve alcohol in its restaurants.

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

Mr. Glover asked that a condition be added to the provisional use permit prohibiting alcoholic beverages from being served outside the restaurant.

On motion of Mr. Glover, seconded by Mr. Thornton, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 321-08 (P-17-08) subject to the following conditions:

1. No outside live music shall be permitted on site.
2. The operator shall not permit food preparation outside the enclosed building.
3. The outdoor dining area shall be limited to no more than 314 square feet.
4. The outdoor patio enclosure shall be constructed substantially in conformance with the floor plan and elevation attached as Exhibit A and B (see case file), respectively.
5. The fence surrounding the patio enclosure shall be limited to 36" in height and shall consist of commercial grade material for durability. The outdoor railing enclosure shall conform to the specifications and photos attached as

Exhibit C and Exhibit D (see case file).

6. Access to the outside dining area shall be available only through the restaurant except during an emergency when the patio fence gate may be utilized.
7. Outdoor lighting fixtures shall complement the style of building. Lighting fixtures shall not produce glare for motorists or pedestrians on the adjacent rights-of-way and parking areas and shall illuminate only the outdoor dining area.
8. The applicant shall consult with the Special Services Unit within the Division of Police to discuss crime prevention recommendations.
9. Trash receptacles shall be provided and properly serviced to control litter generated by this use.
10. A clear, continuous, and unobstructed pedestrian path not less than 5' in width shall be required for pedestrian circulation between the outdoor dining area and the sidewalk curb.
11. The applicant shall obtain Administrative Approval from the Planning Department for the design and layout of the outdoor dining area.
12. This permit shall apply only to the tenant space to be occupied by Noodles & Company and shall not apply to any other business.
13. No alcoholic beverages shall be served or consumed within the outdoor dining area.

The vote of the Board was as follows:

Aye  
David A. Kaechele  
Patricia S. O'Bannon  
James B. Donati, Jr.  
Richard W. Glover  
Frank J. Thornton

Nay

323-08  
P-16-08  
Fairfield

New Cingular Wireless PCS, LLC: Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to construct a 120' high internal array monopole telecommunications tower and related equipment, on part of Parcel 789-754-3978, located on the west line of Upham Drive approximately 500 feet north of its intersection with Wilkinson Road (Chamberlayne Farms Shopping Center).

Jean Moore, Assistant Director of Planning, reviewed the applicant's request,

explaining how the applicant had proposed mitigating concerns voiced by adjacent residents regarding the visual impact of the proposed telecommunications tower. She cited the reasons the request demonstrated consistency with the County's 2010 land use plan and noted that staff believed the site could be an acceptable location for the proposed structure subject to the conditions in the staff report. Ms. Moore pointed out that the Planning Commission had recommended approval of this request at its October 9, 2008 meeting. In response to questions from Board members, Ms. Moore confirmed that the pole would not have any structures sticking out of it, clarified how the equipment compound would be enclosed, identified the location of a masonry wall proposed for the site, and elaborated on the purpose and appearance of the proposed wall.

Gloria Freye, an attorney with McGuire Woods who was attending the meeting on behalf of AT&T Mobility, presented the case for the applicant (see enclosed Power Point presentation). She thanked the staff for its thorough report and recognized how very responsive staff had been to the citizens in regards to this case. Ms. Freye emphasized several key points in the staff report, namely that the pole would be on commercially zoned property, which would be consistent with the County's guidelines in locating towers; that there are mature 60 to 70 foot trees throughout the residential neighborhood, which would significantly limit the visibility of the pole from a majority of the homes; and that the pole would have a stealth design. Her presentation focused on four main issues in this case. These included establishing the need for AT&T to have a facility in this area and showing the company's proper due diligence in filing the application, giving a couple of examples of the proposed pole's visibility from the residential properties, showing how the landscape plan would ultimately cause better screening for the pole and surrounding shopping center, and presenting some evidence that these facilities would not reduce property values. Although federal law prevents health effects from being the basis for regulating telecommunication facilities, Ms. Freye acknowledged that citizens had raised the health issue. She noted that the applicant had addressed this issue and submitted materials documenting that the emissions would be in compliance with *Federal Communications Commission (FCC) regulations*. In response to questions from Mr. Kaechele, Ms. Freye elaborated on the coverage area for the proposed tower. Ms. Freye briefly reviewed two community meetings held by the applicant and the applicant's response to citizen questions and concerns. She concluded her presentation by asking that the Board follow the recommendations of the staff and Planning Commission and approve the provisional use permit with the suggested conditions.

Larry West, Radio Frequency Engineer for AT&T Mobility, explained for Mr. Thornton why an existing tower at I-95 and Parham Road could not be used to provide in-building coverage for the residential area that would be served by the proposed tower. In response to questions from Mr. Thornton, he and Ms. Freye elaborated on cellular telephone technology and discussed how frequency restrictions contribute to the number of cellular towers that are needed. Ms.

Freye also spoke to the absence of alternative tower sites fitting the County's criteria within the service area of the proposed tower and cited trends in cellular telephone usage by residential customers. In response to questions from Mrs. O'Bannon, Ms. Freye and Mr. West addressed the height of the proposed monopole tower and why a lower tower height would not be attractive to the other two carriers who would be co-locating on this structure. In response to further questions from Mrs. O'Bannon, Ms. Moore and Ms. Freye explained how a proposed landscaping plan for the property would be enforced and implemented.

The following persons spoke in opposition to this case:

- Kim Koda, a resident of 104 Wilkinson Road, referred to a booklet she distributed at the October 9, 2008 Planning Commission public hearing in response to this provisional use permit application (see enclosed copy). Ms. Koda began by agreeing with Ms. Freye that cellular telephones are indispensable. Ms. Koda then referred to copies of petitions included in the enclosed booklet that contained 157 signatures from citizens who were opposed to the proposed construction of the telecommunications tower at Upham Drive and Wilkinson Road. She expressed concern about the visual impact of the proposed tower on surrounding neighborhoods and insufficiency of existing tree buffers along the site of the proposed tower. Ms. Koda stated that her neighborhood's biggest concern was the perception that the proposed tower would negatively impact property values in the area. She also referred to AT&T's coverage maps and questioned the need for AT&T to expand its coverage area.

In response to questions from Board members, Ms. Coda said that her neighborhood had not discussed whether it would be desirable to use the proposed monopole tower as a flagpole and that she had no problem with the shopping center.

- Chris Dovi, a resident of 5910 Rois Road, asked for the opportunity to have rebuttal time at the end of the hearing. In response to a question from Mr. Dovi, Mr. Rapisarda explained that localities cannot exclude cellular telephone towers and opined that cellular telephone companies do not have a legal right to have the most convenient and maximum coverage they want. Mr. Dovi contended that AT&T does currently have cellular coverage in his area. He suggested that the shopping center where the tower would be located has in the past been an example of County blight and that the owner could have previously planted trees on the site had he wanted to do so. Mr. Dovi commented on positive trends occurring in his neighborhood in recent years and indicated that the proposed tower could impact the neighborhood's property values. He stated that although the County has not done a particularly good job of making sure that businesses locating in the shopping center are appropriate for the

neighborhood, the shopping center is again beginning to have more relevance to the neighborhood. Mr. Dovi expressed concerns regarding the visibility of the proposed tower from Wilkinson Road. He said that notification of this public hearing had not been adequate. Mr. Dovi concluded by questioning the FCC's defense of its own science pertaining to the health effects of cellular towers. Mr. Rapisarda advised the Board that health effects could not be considered under federal law.

- John Girdley, a resident of 909 Wilaka Lane, advised that he would not have bought his house if there had been a cellular tower on the proposed site. He referred to the large amount of time his neighbors spend outside of their homes talking to one another and how the proposed tower would be visible to his neighborhood.

Ms. Freye responded to comments and concerns expressed by the opponents. She clarified that the company already has outside and in-car coverage in the area but is trying to accomplish in-building coverage. Ms. Freye suggested that photo-simulations showed that the addition of the proposed tower would not change the character of the existing residential neighborhood because it would not change the character of the commercial property that it is on. In response to questions from Mr. Kaechele, Ms. Freye noted that the tower site had been carefully designed to provide open space at the end of the shopping center. Ms. Freye also commented on citizen concerns relating to public notice of this hearing and where the proposed facility would be visible within the community. She referred to the importance of providing reliable in-home telecommunications service, the need for the proposed tower as documented by AT&T, and the applicant's efforts to follow County guidelines, investigate other feasible sites, provide tangible evidence that this facility is unlikely to have a negative impact on property values, shows minimal visual impact on a majority of the houses, and provide supplemental landscaping to further mitigate the view of the tower and enhance the shopping center. In response to a question from Mr. Thornton, Ms. Freye offered additional assurances to address the qualms of neighbors in the area of the proposed tower.

At Mr. Thornton's request, the owner of the shopping center and proposed tower site offered his perspective on the shopping center. The owner, who identified himself as Jeff Cook, elaborated on improvements that have been made to the property since he and his wife purchased the center ten years ago and acknowledged the challenges he continues to face in trying to attract high quality franchises and return the site to a retail center. Mr. Cook noted that had unsuccessfully tried to market the open field prior to being contacted three years ago by AT&T. He commented on how the tower would improve cellular telephone service in the area, how revenues from the tower would help him do a better job of keeping up the center and bringing in tenants, and how the tower would actually improve the appearance of the site. In response to a question from Mr. Thornton, Mr. Cook spoke to the types of businesses he has sought for the

shopping center and the types of businesses that are interested in locating there.

Mr. Kaechele allowed the opponents to have an opportunity for brief rebuttal. The following citizens addressed the Board for a second time:

- Ms. Coda again acknowledged the need for cellular telephones but pointed out that there are many different service providers. She said that citizens should not have to pay for AT&T's lack of bandwidth or unfortunate business mistake. Ms. Coda also referred to the two RF Emissions Compliance Reports included in the booklet she previously distributed at the Planning Commission meeting.
- Mr. Dovi referred to ongoing corporate consolidations among cellular telephone companies. He suggested that if more cellular companies consolidate in the coming months inferior technology will be shed off and a cellular tower may have been provided for a company that does not need it anymore.

Ms. Freye pointed out that the engineer for the RF Emissions Compliance Reports to which Ms. Coda referred is not a radio frequency engineer. She commented on the accuracy of the report signed by the applicant's consultant.

Mr. Thornton thanked staff, the Planning Commission, Ms. Coda, and residents for the information they shared with him. He noted that he had just been given earlier in the day the booklet previously distributed to the Planning Commission. He advised that he was going to ask that the case be deferred for decision only in order to allow him an opportunity to review the booklet. Mrs. O'Bannon pointed out that the next Board meeting would be held at the Eastern Government Center's Glen Echo Building. Ms. Freye asked that the applicant have an opportunity to review the information that Mr. Thornton had just received. At Mr. Thornton's request, Mr. Kaechele clarified that "for decision only" means that the case will not be heard again.

On motion of Mr. Thornton, seconded by Mrs. O'Bannon, the Board deferred this item to November 25, 2008 for decision only.

The vote of the Board was as follows:

Aye  
David A. Kaechele  
Patricia S. O'Bannon  
James B. Donati, Jr.  
Richard W. Glover  
Frank J. Thornton

Nay

## **GENERAL AGENDA**

327-08 Resolution – Acceptance of Gift from Tuckahoe Sports, Incorporated.

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 327-08 – see attached Resolution.

Jim Dowd, President of the Board of Directors of Tuckahoe Sports, Inc., presented a check on behalf of his organization in the amount of \$500,000 for the successful completion of the Challenger Field at Tuckahoe Sports Park. Mrs. O'Bannon accepted the check on behalf of the Board. Mr. Dowd commented that Tuckahoe Sports, Inc. looks forward to working with the County's Director of Recreation and Parks, Karen Mier, in developing this state-of-the-art ball field that will provide opportunities for the physically challenged throughout our area. Mike O'Toole, Executive Director of Tuckahoe Sports, Inc., joined Mr. Dowd in making this presentation. Mrs. O'Bannon remarked that the County was fortunate to have groups like Tuckahoe Little League and Tuckahoe Sports, expressed appreciation for the donation, and noted that she will tell citizens in her district that the County is willing to accept any donations they wish to make.

## **PUBLIC HEARINGS – OTHER ITEMS**

324-08 Ordinance – To Amend and Reordain Subdivision (3) of Subsection (e) of Section 20-72 of the Code of the County Henrico Titled “Elderly or permanently and totally disabled persons” to increase the Income Limit Under the Tax Relief for the Elderly or Permanently and Totally Disabled Program (REAP) from \$62,000 to \$67,000.

Revenue Division Director Ed Trice confirmed for Mr. Donati that this ordinance amendment would provide for the maximum relief allowed under State law.

Bob Layton, a resident of 4184 Coles Point Way in the Brookland District, spoke in opposition to the proposed increase in the income limit for this program and asked that the Board consider reducing the income limit. Mr. Layton also submitted written comments for the record (see enclosed copy). He expressed concerns about acceleration in the income and net worth levels in a short period of time and contended that high income annuitants are receiving tax relief under the program. He suggested that the Board look at need rather than qualification factors, consider having participants work off the amount of tax they owe by giving services to the jurisdiction offering relief, and set the income amount at an index based on the County's per capita income.

Mr. Kaechele thanked Mr. Layton for his comments and stated that they were something the County could look at now and in the future. There was discussion between Mr. Kaechele and Mr. Layton regarding how the program's \$350,000 limit on net worth applies to income from annuities. Mr. Trice clarified that any

assets of value other than a person's home are used in determining the program's net worth limit, subject to certain caveats, and pointed out that the average income of program participants is currently \$29,000. There was further discussion between Mr. Layton and Mr. Kaechele pertaining to the relationship of the program's income limit to need. Mr. Kaechele explained that the State Code allows the increase in the income limit and the Board feels that elderly citizens who have paid taxes throughout their working days are entitled to as much relief as the Board can give them. Mr. Layton countered that he was paying more taxes as a result of the program and that he did not find Mr. Kaechele's response to be reasonable.

On motion of Mrs. O'Bannon, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 324-08 – see attached Ordinance.

314-08            Ordinance – Vacation of Alley – Block L – Greenwood Heights, Part 2 – Brookland District.

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

On motion of Mr. Glover, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 314-08 – see attached Ordinance.

325-08            Resolution - Signatory Authority - Lease Agreement – Richmond 20MHz, LLC, Inc. – Pouncey Tract Park – Three Chopt District.

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

On motion of Mrs. O'Bannon, seconded by Mr. Glover, the Board deferred this item to February 10, 2009.

The vote of the Board was as follows:

<u>Aye</u>	<u>Nay</u>
David A. Kaechele	
Patricia S. O'Bannon	
James B. Donati, Jr.	
Richard W. Glover	
Frank J. Thornton	

326-08            Resolution – Signatory Authority – Easement Agreement for Verizon Virginia, Inc., - Pouncey Tract Park – Three Chopt District.

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

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, the Board deferred this item to February 10, 2009.



The vote of the Board was as follows:

Aye  
David A. Kaechele  
Patricia S. O'Bannon  
James B. Donati, Jr.  
Richard W. Glover  
Frank J. Thornton

Nay

## **PUBLIC COMMENTS**

Mr. Kaechele asked if anyone in the audience wished to address the Board on any items not on the agenda. There were no speakers.

## **GENERAL AGENDA (continued)**

328-08            Introduction of Ordinance – To Add Section 2-53 to the Code of the County of Henrico Titled “Criminal history record check and fingerprinting” to Provide for Criminal History Record Checks of Persons Conditionally Offered Employment.

In response to a question from Mr. Kaechele, Mr. Hazelett clarified that the public hearing on this item will be held on December 9, 2008.

On motion of Mr. Glover, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 328-08 – see attached Introduction of Ordinance.

329-08            Introduction Of Ordinance - To Amend and Reordain Section 23-1 Titled “Definitions,” Section 23-204 Titled “Disconnection of meter,” “Section 23-206 Titled “Billing; adjustment of bills,” Section 23-281 Titled “Service deposit,” Section 23-284 Titled “Overdue bills; discontinuance of service,” Section 23-313 Titled “Water service and volume charges,” and Section 23-314 Titled “Sewer service charges and rates,” All to Change Public Utility Billing Practices.

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 329-08 – see attached Introduction of Ordinance.

330-08            Introduction Of Ordinance — To Amend and Reordain Section 23-1 Titled “Definitions,” Section 23-109 Titled “Restricted wastes,” Section 23-131 Titled “Violations; enforcement; penalty,” Section 23-133 Titled “Applicability of categorical standards,” Section 23-134 Titled “Discharge permit required,” Section 23-135 Titled “Discharge permit conditions,” Section 23-138 Titled “Correction of violations,” and Section 23-314 Titled “Sewer service charges and rates,” and to Add Section 23-127 Titled “State pretreatment standards,” Section 23-128 Titled “Dilution,” Section 23-129 Titled “Violations,” and Section 23-130

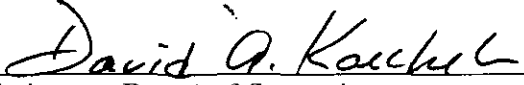
Titled "Administrative enforcement remedies," to the Code of the County of Henrico, All to Conform the County's Industrial Pretreatment and Strong Waste Program to State Requirements.

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 330-08 - see attached Introduction of Ordinance.

331-08                      *Resolution - Acceptance of Roads.*

On motion of Mrs. O'Bannon, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 331-08 - see attached Resolution.

There being no further business, the meeting was adjourned at 11:06 p.m.

  
Chairman, Board of Supervisors  
Henrico County, Virginia



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No 327-08  
Page No. 1 of 1

Agenda Title: RESOLUTION – Acceptance of Gift from Tuckahoe Sports, Incorporated

For Clerk's Use Only:	BOARD OF SUPERVISORS ACTION	YES NO OTHER
Date: NOV 12 2008	Moved by (1) O'Bannon, P. Seconded by (1) Thornton, F. (2) _____ (2) _____	Donati, J. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to: _____	REMARKS: APPROVED	Glover, R. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
		Kaechele, D. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
		O'Bannon, P. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
		Thornton, F. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

WHEREAS, Tuckahoe Little League's Challenger Division has provided opportunities for disabled youth to enjoy the benefits of Little League baseball in an athletic environment structured around their abilities since 1990; and

WHEREAS, the Challenger program provides proven therapeutic recreation and socialization benefits, strengthens mind, body, and self-esteem, and teaches teamwork, citizenship, and fair play; and

WHEREAS, Tuckahoe Sports, Incorporated has donated \$500,000 to Henrico County to support a new, fully-accessible and inclusive youth baseball field at Tuckahoe Park; and

WHEREAS, the Henrico County Division of Recreation and Parks will use this donation to design and construct a new, state-of-the-art Challenger baseball field for mentally and physically disabled youth.

NOW, THEREFORE, BE IT RESOLVED that the Henrico County Board of Supervisors authorizes the County Manager to accept this generous gift from Tuckahoe Sports, Incorporated, and commends Tuckahoe Sports, Incorporated for both its generosity and commitment to the youth of Henrico County.

COMMENTS: The Director of Recreation and Parks recommends approval of this Board paper; the County Manager concurs

By Agency Head Karen L. Miller By County Manager David A. Kuylenstierna

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Clerk, Board of Supervisors

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

## Millionaires REAP Benefits from Taxpayers

I take this opportunity to oppose the recommended increase in the Real Estate Advantage Program income level to \$67,000. The facts below suggest reducing the amount is more justified.

No doubt the county has citizens who have worked hard but through bad breaks, family circumstances, or poor health are deserving of a benefit of this nature. They are unlikely to be the ones earning above average incomes and holding assets above the maximum. The basic plan is a good one but the qualification levels are set much too high and increases are too recurrent.

In 2004 the maximum income level of the plan was set at \$45,000, the estate value was capped at \$195,000 exempting 1-acre of land and residence. In just four years, the proposal would increase the income to \$67,000 after the net worth has been raised to \$350,000 and 10 acres are now exempt. Those enhancements are 148%, 179% and 1,000%. All are unreasonable.

I plead the case of those paying more. A recent article in the Henrico Citizen reported an average family annual income in Henrico County of \$52,416-ranked 16<sup>th</sup> in the nation. That means a citizen working to raise a family would be exposed to \$3,000 real estate tax while his neighbor, who had forty-plus years to accumulate and making 28% more each year, would pay nothing.

REAP is already subsidizing hundreds of millionaires. Raising the income level to \$67,000 would only add to the numbers. Do the math. To purchase a no refund annuity paying that amount requires a deposit over \$800,000, add the \$350,000 exemption and residence and you are there. A couple purchasing a joint-survivor plan (more aligned with REAP) for the same amount would need over \$940,000.

Moreover, the program is destined to see eligibility numbers increase as the Boomer generation approaches 65 and if falling stock prices continue or fail to revive.

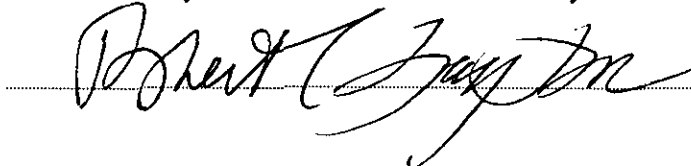
Other states\* have similar programs that allow seniors to work off tax obligations by providing services to the jurisdictions granting relief. This should be a requirement in Henrico's plan.

I believe a more equitable way to administer the program would be by setting the income level to an index. The county's per-capita income figure might be a good place to start. That would place the program more in line with need. It was never intended for the plan to subsidize millionaires.

Thank you for the opportunity to express these views.

\* At least CO, MA, NY, SC

Robert C. Layton 4184 Coles Point Way Glen Allen, VA 755-4917





COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 324-08  
Page No. 1 of 2

Agenda Title: **ORDINANCE – To Amend and Reordain Subdivision (3) of Subsection (e) of Section 20-72 of the Code of the County of Henrico Titled “Elderly or permanently and totally disabled persons” to Increase the Income Limit Under the Tax Relief for the Elderly or Permanently and Totally Disabled Program (REAP) from \$62,000 to \$67,000**

For Clerk's Use Only:

NOV 12 2008

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

- ☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to: \_\_\_\_\_

BOARD OF SUPERVISORS ACTION

Moved by (1) O'Bannon Seconded by (1) Glover  
(2) \_\_\_\_\_ (2) \_\_\_\_\_

REMARKS:

**APPROVED**

YES NO OTHER

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

AN ORDINANCE to Amend and Reordain Subdivision (3) of Subsection (e) of Section 20-72 of the Code of the County of Henrico Titled “Elderly or permanently and totally disabled persons” to Increase the Income Limit Under the Tax Relief for the Elderly or Permanently and Totally Disabled Program (REAP) from \$62,000 to \$67,000.

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

1. That Subdivision (3) of Subsection (e) of Section 20-72 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 20-72. Elderly or permanently and totally disabled persons.**

•  
•  
•

(e) *Criteria for exemption.* Exemption shall be granted to persons subject to the following provisions:

•  
•  
•

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

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

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A Copy Teste: \_\_\_\_\_  
Clerk, Board of Supervisors

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

COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 32408  
Page No. 2 of 2

Agenda Title: **ORDINANCE – To Amend and Reordain Subdivision (3) of Subsection (e) of Section 20-72 of the Code of the County of Henrico Titled “Elderly or permanently and totally disabled persons” to Increase the Income Limit Under the Tax Relief for the Elderly or Permanently and Totally Disabled Program (REAP) from \$62,000 to \$67,000.**

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(3) The gross combined income of the owner during the year immediately preceding the taxable year shall be determined by the director to be an amount not to exceed ~~\$62,000.00~~ **\$67,000.00**. Gross combined income shall include all income from all sources, without regard to whether a tax return is actually filed, of the owner, the spouse and the owner's relatives living in the dwelling for which exemption is claimed. Gross combined income shall not include life insurance benefits or receipts from borrowing or other debt. For the purpose of this subsection, the first \$10,000.00 of annual income of each of the owner's relatives, other than a spouse, living in the dwelling and who does not qualify for the exemption provided by subdivision (4) of this subsection shall be excluded in computing gross combined income. The term "owner", as used in this subsection, shall also be construed as "owners".

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2. That this ordinance shall be in full force and effect beginning with tax year 2009.

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



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 34-08  
Page No. 1 of 2

Agenda Title

ORDINANCE - Vacation of Alley - Block L - Greenwood Heights, Part 2 -  
Brookland District

For Clerk's Use Only:

Date NOV 12 2008

☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to

BOARD OF SUPERVISORS ACTION

Moved by (1) Glover Seconded by (1) Thornton  
(2) \_\_\_\_\_ (2) \_\_\_\_\_

REMARKS:

**APPROVED**

YES NO OTHER

Donati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

WHEREAS, Jennifer April Roberts, Nannie F. Hamersley, Dailey Robert Mayo and Sharon Smith Mayo, G. V. Layne Contracting, Inc., Theresa Lucas Setelin, beneficiary of the estate of Alfred and Joyce Lucas, Mamie Adelia Grady, and Mary B. Gorman, owners of the lots in Block L of Greenwood Heights, Part 2, having requested that the alley shown shaded on the attached copy of the subdivision plat of Greenwood Heights, Part 2, marked Exhibit "A," which plat is recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia (the "Clerk's Office") in Plat Book 12, Page 91, be vacated; and,

WHEREAS, this Ordinance was advertised pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, ("VA Code") and a public hearing was held on November 12, 2008, by the Board of Supervisors of the County of Henrico, Virginia (the "Board"); and,

WHEREAS, it appearing to this Board that no owner of any lot shown on the aforementioned recorded plat will be irreparably damaged by this vacation.

NOW THEREFORE, BE IT ORDAINED by the Board that:

- (1) the alley, as shown shaded on Exhibit "A," is vacated in accordance with the provisions of VA Code Section 15.2-2272 (2);
- (2) this Ordinance shall become effective thirty (30) days after the time of its passage as provided by law;
- (3) the Clerk of the Circuit Court of the County of Henrico, Virginia (the "Clerk"), is authorized, upon receipt of payment therefor, to record a certified copy of this Ordinance in the Clerk's Office after the expiration of thirty (30) days from its passage, provided no appeal has been taken to the Circuit Court of the County of Henrico, Virginia, pursuant to law;

By Agency Head

*Steve Quinn*

By County Manager

*AM*

Routing:

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

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

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A Copy Tests: \_\_\_\_\_

Clerk, Board of Supervisors

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

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

Agenda Item No. 314-08  
Page No.

2 of 2

**Agenda Title      ORDINANCE - Vacation of Alley – Block L – Greenwood Heights, Part 2 –  
Brookland District**

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(4) the Clerk is further authorized to index the same on the grantor and grantee sides of the general index to deeds in the names of Jennifer April Roberts, Nannie F. Hamersley, Dailey Robert Mayo and Sharon Smith Mayo, G. V. Layne Contracting, Inc., Theresa Lucas Setelin, beneficiary of the estate of Alfred and Joyce Lucas, Mamie Adelia Grady, and Mary B. Gorman, or their successors or assigns; and,

(5) pursuant to VA Code Section 15.2-2276, the Clerk shall note this vacation as prescribed.

Comments: The Real Property Department has processed this requested vacation through the Departments of Planning, Public Works, and Public Utilities without objection; the County Manager concurs.



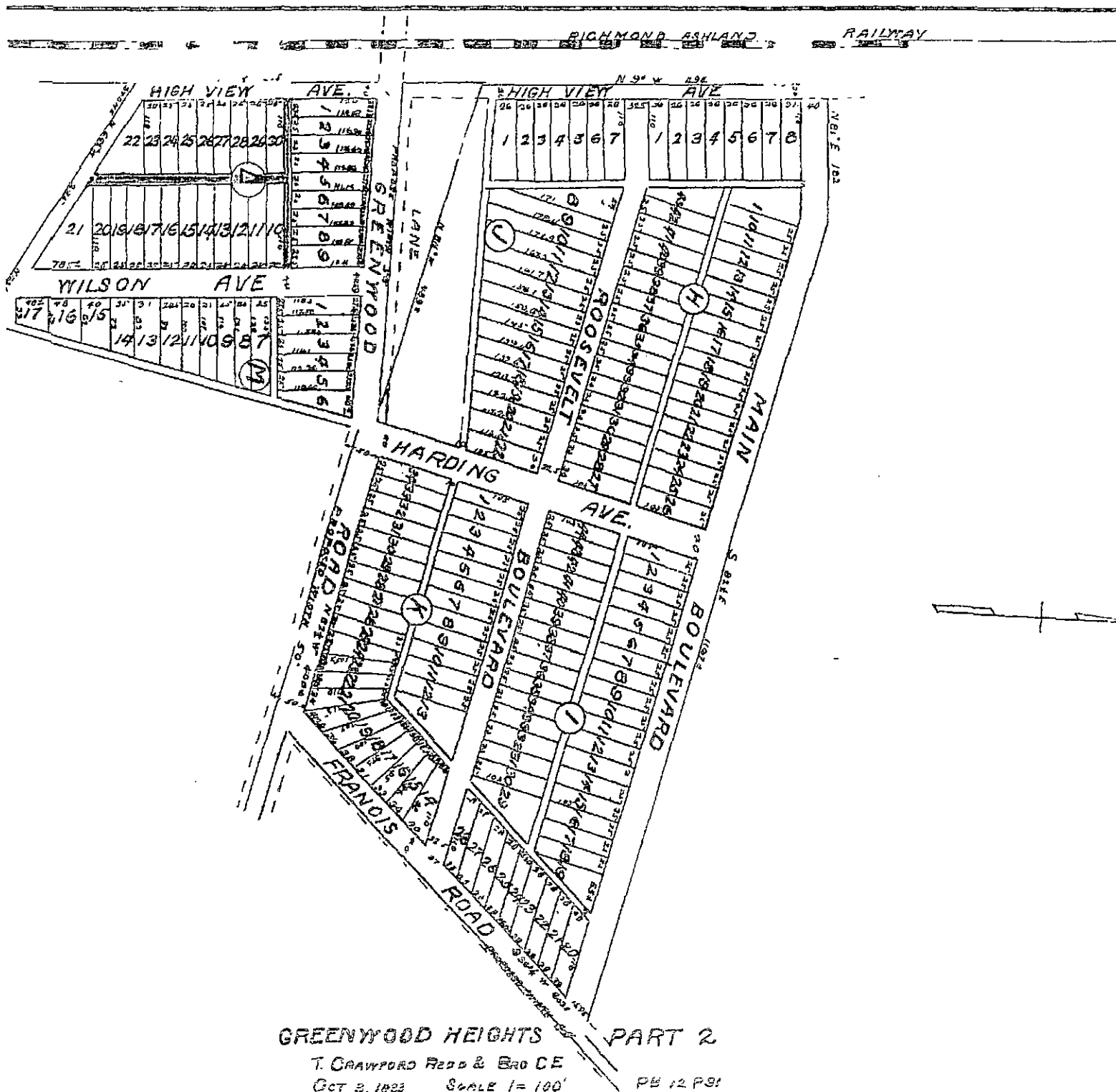
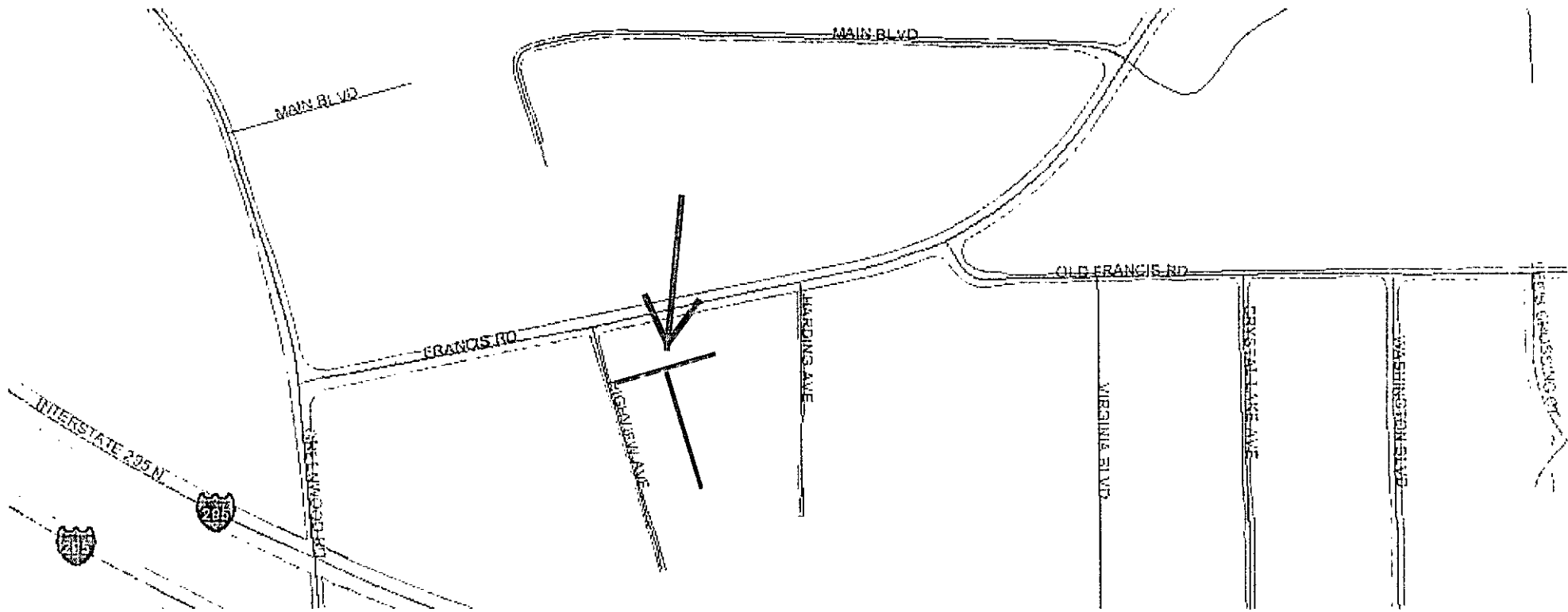


EXHIBIT "A"



VICINITY MAP  
GREENWOOD HEIGHTS, PART 2



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 325-08

Page No. 1 of 1

Agenda Title

RESOLUTION - Signatory Authority - Lease Agreement - Richmond 20MHz, LLC,  
Inc. - Pouncey Tract Park - Three Chopt District

For Clerk's Use Only:

BOARD OF SUPERVISORS ACTION

Date NOV 12 2008

☐ Approved  
☐ Denied  
☐ Amended  
☒ Deferred to  
2/10/09

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

REMARKS:

YES NO OTHER

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

WHEREAS, the County of Henrico, Virginia (the "County") is the owner of a parcel of land containing 13.224 acres and commonly known as Pouncey Tract Park (the "Property"); and,

WHEREAS, Richmond 20MHz, LLC, a Delaware limited liability company, d/b/a NTELOS ("NTELOS"), proposes to construct a 142' tall telecommunications tower on the property; and,

WHEREAS, NTELOS desires to lease from the County a certain parcel of real property measuring 50 ft. by 50 ft., together with the right of ingress and egress across the Property, for an initial term of 25 years with three optional 5-year renewal terms at an initial annual rental rate of \$14,000.00 with annual 3% rent increases over the previous year's rent; and,

WHEREAS, on November 12, 2008, the Board of Supervisors of Henrico County, Virginia (the "Board") held an advertised public hearing on this Resolution pursuant to Sections 15.2-1800 and 15.2-1813 of the Code of Virginia, 1950, as amended.

NOW, THEREFORE, BE IT RESOLVED by the Board that the County Manager is authorized and directed to execute a lease, in a form approved by the County Attorney, by and between the County and NTELOS for a parcel of land measuring 50 ft. by 50 ft., together with the right of ingress and egress across the Property for an initial term of 25 years with three optional 5-year renewal terms at an initial annual rental rate of \$14,000.00 with annual 3% rent increases over the previous year's rent.

Comments: The Directors of Recreation and Parks and General Services and the Acting Director of Real Property recommend approval of this paper; the County Manager concurs.

By Agency Head

*Steve Bui*

By County Manager

*David P. Hays*

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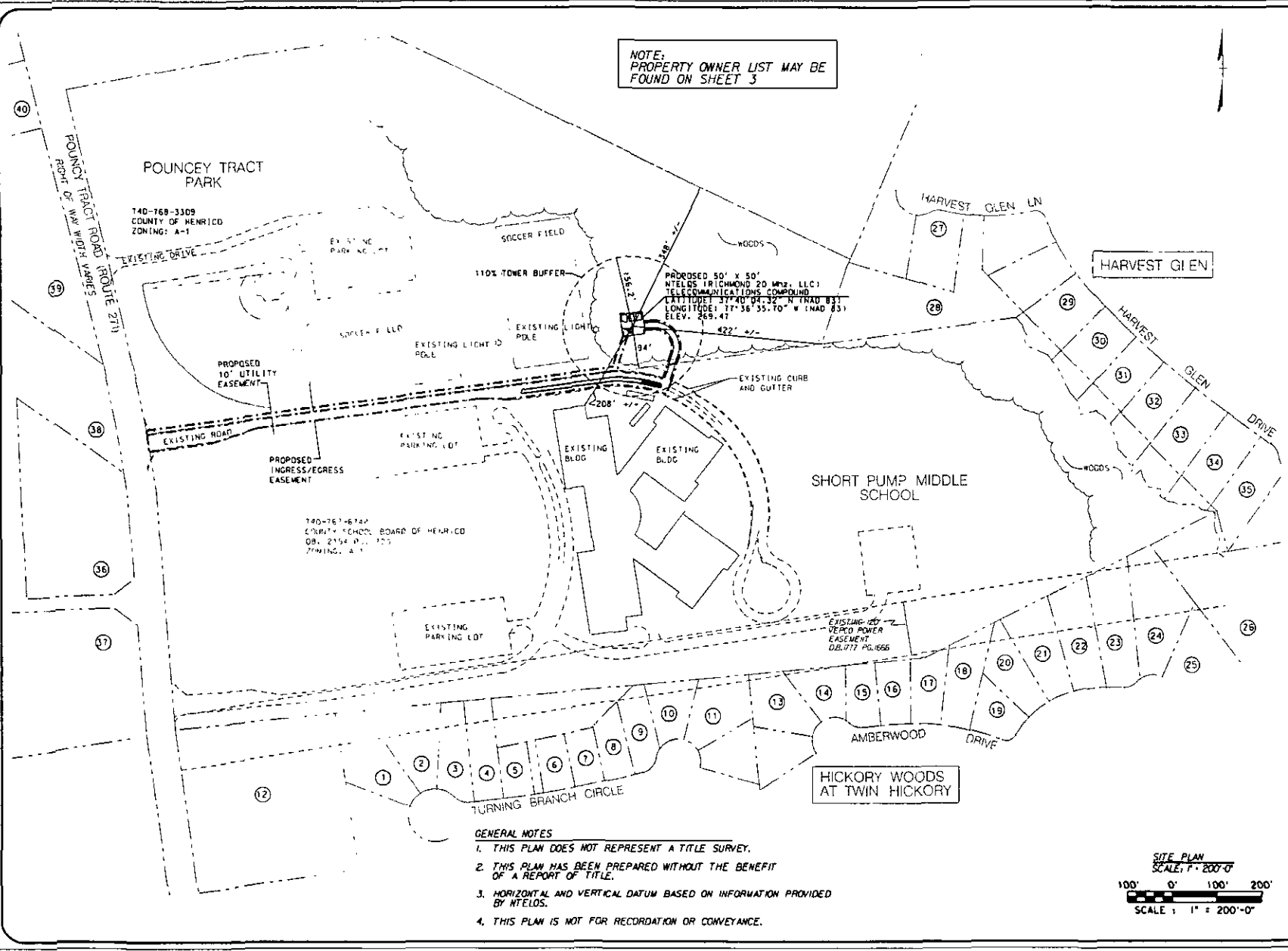
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Clerk, Board of Supervisors

Date:

SEE SHEET NO. 200505

NOTE:  
PROPERTY OWNER LIST MAY BE  
FOUND ON SHEET 3



**JMT**  
JOHNSON, MCDONALD & THOMPSON  
Professional Surveyors & Engineers  
9203 Arboretum Parkway, Suite 140  
Richmond, Virginia 23236  
Phone (804) 323-9900  
Fax (804) 323-0596



**nTelos**  
Suite 200  
9011 Arboretum Parkway  
Richmond, Virginia 23236

APPROVALS

NTELOS \_\_\_\_\_  
DATE \_\_\_\_\_

OWNER \_\_\_\_\_  
DATE \_\_\_\_\_

SUBMITTALS

NO.	DATE	ISSUE

PROJECT NAME

TELECOMMUNICATIONS  
FACILITY  
WYNDHAM  
(R-1234)  
4741 POUNCEY TRACT RD  
GLEN ALLEN, VA  
23059

SHEET TITLE

SITE PLAN  
CI

DATE: 8/15/08  
SCALE: AS SHOWN  
DESIGNED: JC  
CHECKED: JC  
DRAWN: JC

SHEET NO:  
2 OF 5

- GENERAL NOTES
1. THIS PLAN DOES NOT REPRESENT A TITLE SURVEY.
  2. THIS PLAN HAS BEEN PREPARED WITHOUT THE BENEFIT OF A REPORT OF TITLE.
  3. HORIZONTAL AND VERTICAL DATUM BASED ON INFORMATION PROVIDED BY NTELOS.
  4. THIS PLAN IS NOT FOR RECORDATION OR CONVEYANCE.

SITE PLAN  
SCALE: 1" = 200'-0"

100' 0' 100' 200'





COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 326-08  
Page No. 1 of 1

Agenda Title

RESOLUTION – Signatory Authority – Easement Agreement for Verizon Virginia, Inc., - Pouncey Tract Park – Three Chopt District

For Clerk's Use Only:

BOARD OF SUPERVISORS ACTION

Date NOV 12 2008

☐ Approved

☐ Denied

☐ Amended

☒ Deferred to

2/10/09

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

REMARKS:

YES NO OTHER

Donati, J. ☒ ☐ ☐

Glover, R. ☒ ☐ ☐

Kaechele, D. ☒ ☐ ☐

O'Bannon, P. ☒ ☐ ☐

Thornton, F. ☒ ☐ ☐

WHEREAS, the County of Henrico, Virginia (the "County") is the owner of a parcel of land containing 13.224 acres and commonly known as Pouncey Tract Park (the "Property"); and,

WHEREAS, Richmond 20MHz, LLC, dba/NTELOS, ("NTELOS") is proposing to lease a portion of the Property for construction and operation of a telecommunication tower facility; and,

WHEREAS, Verizon Virginia, Inc. ("Verizon") intends to provide underground telephone service to NTELOS for its facility; and,

WHEREAS, Verizon has requested the County to convey an underground utility easement across a portion of the Property, as shown on Exhibit "A" attached hereto; and,

WHEREAS, it is the desire of the Board of Supervisors of Henrico County, Virginia (the "Board") to grant an easement to Verizon for this purpose; and,

WHEREAS, on November 12, 2008, the Board held an advertised public hearing on this Resolution pursuant to Sections 15.2-1800 and 15.2-1813 of the Code of Virginia, 1950, as amended.

NOW, THEREFORE, BE IT RESOLVED by the Board that the Chairman and Clerk are authorized to execute an easement agreement, in a form approved by the County Attorney, by and between the County and Verizon for the conveyance of a utility easement across the Property, as shown on Exhibit "A."

Comments: The Directors of Recreation and Parks and General Services and the Acting Director of Real Property recommend approval of this paper; the County Manager concurs.

By Agency Head

Steve Poirer

99

By County Manager

David P. Kuylenstierna

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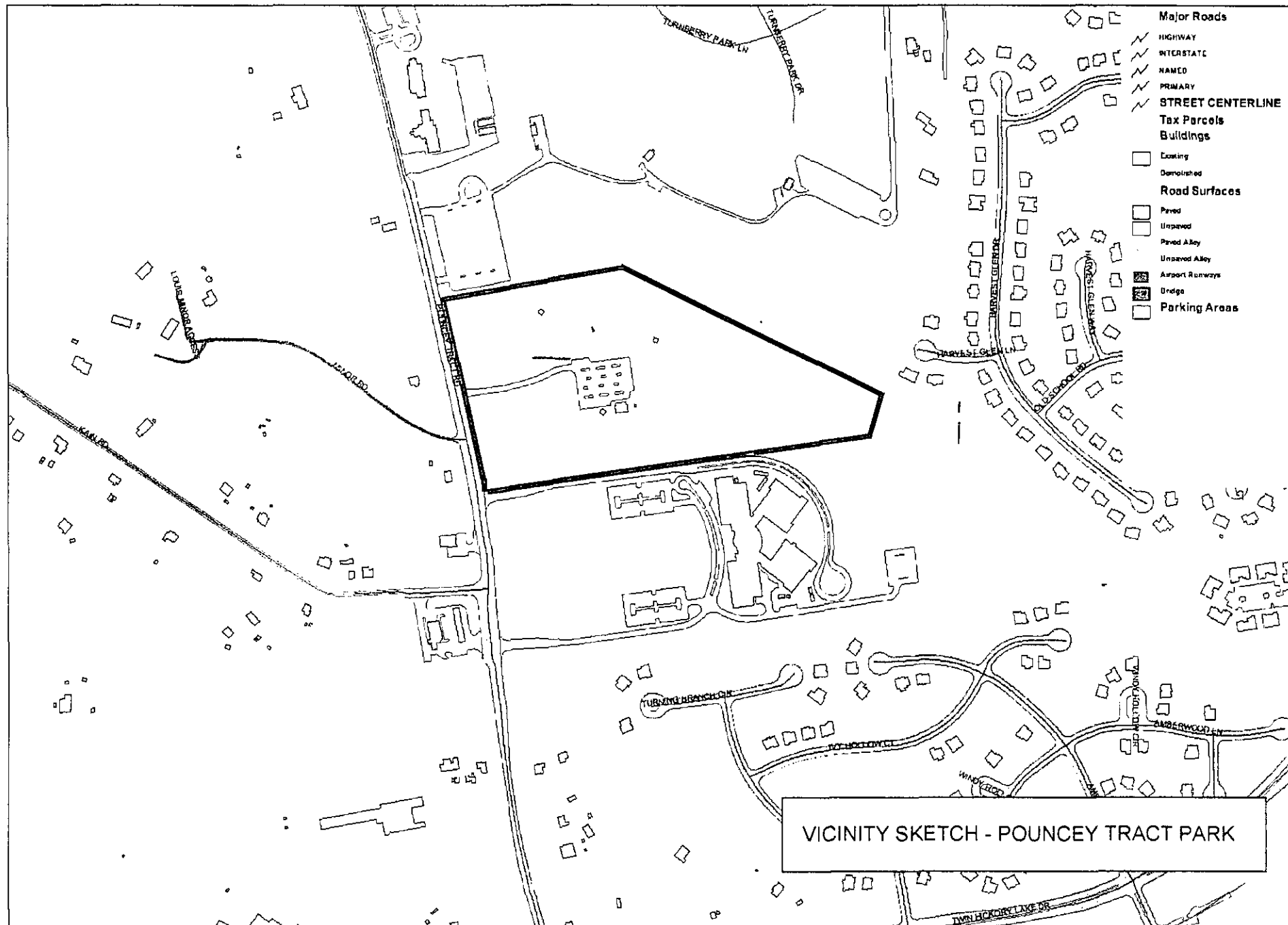
A Copy Tests:

Clerk, Board of Supervisors

Date:

[illegible]

VERIZON VIRGINIA INC. RIGHT-OF-WAY Exhibit "A"		GRANTOR/OWNER: . County of Henrico		CITY/COUNTY: Henrico	
R --- DENOTES AND/OR R/W --- LIMITS OF RIGHT-OF-WAY		ADDRESS: P. O. Box 27032 Richmond, VA 23273		MAGISTERIAL DIST.: Three Chopt TAX MAP NO.: 740-768-3309 PROPERTY I.D.: N/A	
		PH. NO.:		DEED BOOK. <u>2224</u> PAGE <u>1140</u>	
E.A.: Dan Clark PHONE NO.: 804-772-5246		Grantor: Loyal Order Of Moose, Inc. (Richmond Tuckahoe Lodge No. 1163)		INSTRUMENT #: N/A	
		GRSM		SH 255	E-W A
				N-S 7	SH 1 OF 1
CENTRAL OFFICE: Gayton VZ ROW NUMBER: CTE-08-266581 COVER SHEET NUMBER: CS-		Grantor: B. M. Kastenbaum and Assoc.		ROUTE ____ PLAT ____ WORK ORDER #: GD08015	







COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 328-08  
Page No. 1 of 1

Agenda Title: INTRODUCTION OF ORDINANCE - To Add Section 2-53 to the Code of the County of Henrico Titled "Criminal history record check and fingerprinting" to Provide for Criminal History Record Checks of Persons Conditionally Offered Employment

For Clerk's Use Only:

Date: NOV 12 2008

- ☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Glover Seconded by (1) Thornton  
(2) \_\_\_\_\_ (2) \_\_\_\_\_

REMARKS:

APPROVED

YES NO OTHER

	YES	NO	OTHER
Donati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The Clerk is directed to advertise, in the Richmond Times-Dispatch on November 18, 2008 and November 25, 2008, the following ordinance for a public hearing to be held at the Glen Echo Building Auditorium located at 3810 Nine Mile Road on December 9, 2008 at 7:00 p.m.:

"AN ORDINANCE to add Section 2-53 to the Code of the County of Henrico titled 'Criminal history record check and fingerprinting' to provide for criminal history record checks of persons conditionally offered employment. A copy of the full text of this ordinance shall be on file in the Office of the County Manager."

Comments: The Director of Human Resources 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: \_\_\_\_\_

## BLACKLINE

AN ORDINANCE to add Section 2-53 to the Code of the County of Henrico titled "Criminal history record check and fingerprinting" to provide for criminal history record checks of persons conditionally offered employment.

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

1. That Section 2-53 be added to the Code of the County of Henrico as follows:

### Sec. 2-53. Criminal history record check and fingerprinting.

(a) *Finding.* The board of supervisors finds it necessary in the interest of public welfare and safety to determine whether the past criminal conduct of each person described in subsection (d) below is compatible with the nature of the county employment conditionally offered to such person.

(b) *Intent.* It is the intent of the board of supervisors in enacting this section to comply with the provisions of Va. Code Ann. §§ 15.2-1503.1, 15.2-1505.1 and 19.2-389(A)(7), as amended, to be able to access criminal history record information regarding those persons described in subsection (d) below conditionally offered county employment in order to determine whether the past criminal conduct of such persons would be compatible with the nature of such employment. Further, the provisions of this section are intended to be in addition to, and not in derogation of, all other federal and state statutes providing for access to criminal history record information concerning applicants for, and persons offered, county employment.

### (c) *Definitions.*

(1) As used in this section, the term *conditionally offered employment* shall include a conditional offer of initial employment, or a conditional offer to promote, demote, or laterally transfer an employee.

(2) As used in this section, the term *authorized position* means a position listed in the personnel complement as approved by the board of supervisors or the county manager, as the case may be, and assigned a unique position number by the department of human resources.

(3) As used in this section, the term *hourly safety-sensitive position* shall mean an hourly position, as defined in the *County of Henrico, Virginia Personnel Rules and Regulations*, that the county manager, after consultation with the director of human resources, has determined is safety-sensitive. In determining whether an hourly position is safety-

sensitive, the county manager shall consider whether the prospective employee would:

(A) Be responsible for providing services directly to members of the public;

(B) Be able to enter residences or businesses in the course of employment;

(C) Have the capability of making changes to county technology systems;

(D) Be permitted to operate a county vehicle in the course of employment;

(E) Be permitted to handle cash, have the ability to effect transfers of funds of the county or others, or otherwise be accountable for funds of the county or others;

(F) Have access to records containing identifying information of a personal, medical or financial nature; or,

(G) Be permitted to enter restricted or secure county facilities.

(4) For purposes of this section, the director of human resources must be a county employee.

(d) Policy – authorized and hourly safety-sensitive positions. All persons conditionally offered employment in an authorized or hourly safety-sensitive position shall, as a condition of employment, submit to fingerprinting and provide personal descriptive information to be forwarded to the Central Criminal Records Exchange and the Federal Bureau of Investigation for the purpose of obtaining criminal history record information. All offers of employment in such positions shall be conditioned upon the person offered such employment submitting to fingerprinting and providing personal descriptive information as described above. Failure of the person conditionally offered employment in such a position to submit to fingerprinting and to provide personal descriptive information shall disqualify the person from employment in the position.

(e) Voluntary disclosure. Nothing in this section shall be construed as prohibiting (i) the voluntary disclosure by an applicant of convictions of felonies, misdemeanors, or traffic infractions or (ii) the solicitation of such voluntary disclosure by an applicant.

(f) Responsibilities.

(1) The county manager shall:

(A) After consultation with the director of human resources, establish and maintain the list of hourly safety-sensitive positions that are subject to the provisions of this section. The county manager may, from time to time, add or remove positions from the list of hourly safety-sensitive positions.

(B) Receive the report from the Central Criminal Records Exchange concerning whether the person conditionally offered employment in an authorized or hourly safety-sensitive position has no criminal history record information or the record of criminal history information. The county manager may designate the director of human resources to receive such reports.

(2) The director of human resources shall:

(A) Ensure that potential applicants for authorized or hourly safety-sensitive positions are notified that the positions are subject to the provisions of this section.

(B) Upon making a conditional offer of employment in an authorized or hourly safety-sensitive position, inform the applicant that, as a condition of employment, the applicant must submit to fingerprinting and provide personal descriptive information to be forwarded along with the applicant's fingerprints to the Central Criminal Records Exchange and the Federal Bureau of Investigation for the purpose of obtaining criminal history record information.

(C) Upon receipt of a report from the Central Criminal Records Exchange concerning a person conditionally offered employment that indicates that the person has a criminal history record determine whether the conviction or convictions contained in the record directly relates to the authorized or hourly safety-sensitive position, whether the past criminal conduct contained in the record is compatible with the nature of the employment in the authorized or hourly safety-sensitive position, and whether such conviction or convictions disqualifies the person from employment in that authorized or hourly safety-sensitive position. In determining whether a criminal conviction directly relates to an authorized or hourly safety-sensitive position, the director shall consider the following criteria:

- (i) The nature and seriousness of the crime;
- (ii) The relationship of the crime to the work to be performed in the position applied for;
- (iii) The extent to which the position applied for might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;
- (iv) The relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the position being sought;
- (v) The nature and extent of the person's past criminal activity;
- (vi) The age of the person at the time of the commission of the crime;
- (vii) The amount of time that has elapsed since the person's last involvement in the commission of a crime;
- (viii) The conduct and work activity of the person before and after the criminal activity; and,
- (ix) Evidence of the person's rehabilitation or rehabilitative efforts while incarcerated or following release.

(D) Notify in writing all persons who are denied employment in an authorized or hourly safety-sensitive position because of the information appearing in their criminal history record that information obtained from the Central Criminal Records Exchange contributed to such denial and inform them of their right to obtain a copy of their criminal history record from the Central Criminal Records Exchange.

(E) Issue procedural instructions and promulgate all forms necessary to carry out the provisions of this section.

2. That this Ordinance shall be effective on and after April 1, 2009.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 329-08

Page No. 1 of 1

Agenda Title: INTRODUCTION OF ORDINANCE — To Amend and Reordain Section 23-1 Titled "Definitions," Section 23-204 Titled "Disconnection of meter," "Section 23-206 Titled "Billing; adjustment of bills," Section 23-281 Titled "Service deposit," Section 23-284 Titled "Overdue bills; discontinuance of service," Section 23-313 Titled "Water service and volume charges," and Section 23-314 Titled "Sewer service charges and rates," All to Change Public Utility Billing Practices

For Clerk's Use Only:

Date: NOV 12 2008

- ☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

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

The Clerk is authorized to advertise, in the Richmond Times-Dispatch on November 18 and November 25, 2008 the following ordinance for a public hearing to be held on December 9, 2008 at 7:00 p.m. in the Glen Echo Building Auditorium located at 3810 Nine Mile Road at the Eastern Government Center complex:

"AN ORDINANCE — To Amend and Reordain Section 23-1 Titled "Definitions," Section 23-204 Titled "Disconnection of meter," "Section 23-206 Titled "Billing; adjustment of bills," Section 23-281 Titled "Service deposit," Section 23-284 Titled "Overdue bills; discontinuance of service," Section 23-313 Titled "Water service and volume charges," and Section 23-314 Titled "Sewer service charges and rates," all to change public utility billing practices."

The advertisement of the ordinance shall contain all of the information specified and required by Section 15.2-107 of the Code of Virginia.

Comments: The Director of Public Utilities recommends approval, and the County Manager concurs.

By Agency Head

*Arthur O. Pelham*

By County Manager

*David A. Hynes*

Routing:

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

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

Certified:

A Copy Teste: \_\_\_\_\_  
Clerk, Board of Supervisors

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

**ORDINANCE – To Amend and Reordain Section 23-1 Titled “Definitions,” Section 23-204 Titled “Disconnection of meter,” “Section 23-206 Titled “Billing; adjustment of bills,” Section 23-281 Titled “Service deposit,” Section 23-284 Titled “Overdue bills; discontinuance of service,” Section 23-313 Titled “Water service and volume charges,” and Section 23-314 Titled “Sewer service charges and rates,” To Change Public Utility Billing Practices**

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

1. That Section 23-1 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 23-1. Definitions.**

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~~*Multimeter installations* means the installation of two or more meters in the same or adjoining vault and served by a single service connection.~~

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*Underground leak* means a water leak in pipes that cannot be seen without digging, destroying **or removing** property on the premises of a user whose system is connected to the county system. Leaks due to faulty installation of private systems, even if underground, and leaks due to mechanical failure or malfunction are specifically excluded from this definition.

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2. That Section 23-204 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 23-204. Disconnection of meter.**

No water meter shall be disconnected, moved or disturbed without the director's permission, and the director shall be responsible for making any needed changes. The director shall charge a \$35.00 reconnection fee for restoring service after a customer's water service is turned off.

3. That Section 23-206 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 23-206. Billing; adjustment of bills.**

Unless the director chooses to send monthly bills, the department shall bill on a bimonthly basis for all water passing through a meter, whether used or wasted, after installation of the water meter. If underground leaks occur in water pipes or metered services and the owner, tenant or customer has promptly made all necessary repairs, the director may rebate any charges in excess of double the amount of the average bimonthly bills for the premises. The director may give the same rebate where an unexplained problem causes metered water consumption to exceed double the average bimonthly bills and the director believes the water was not beneficially used. Adjustments for an unexplained problem may only be made once every three years except in cases of extreme hardship. Average bimonthly bills are to be determined by averaging bimonthly water consumption for three previous equivalent billing periods for the preceding six months.

4. That Section 23-281 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 23-281. Service deposit.**

(a) *Deposit required.* Persons applying for available water and sewer service to property they do not own shall pay a deposit to ensure payment for each type of service of \$100.00 or another amount deemed necessary by the director to cover anticipated usage for one billing period. ~~The deposit shall be paid within two weeks of application. Deposits not received within two weeks of application~~ The deposit shall be billed to the customer's account. The County shall hold the deposit as surety without interest.

(b) *Return of deposit.* The deposit shall be credited to the customer's account under the following circumstances:

- (1) When service is discontinued, or
- (2) If the customer has ~~never~~ not been turned off for nonpayment and has not had more than one late payment on the account over the last ~~12 consecutive months~~ 365 days.

In addition, the director shall have the right to return the deposit under other circumstances in his discretion.

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5. That Section 23-284 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 23-284. Overdue bills; discontinuance of service.**

- (a) All charges for water and sewer service shall be due within 30 days of billing, and a \$1.00 service charge shall be added to all delinquent bills. If a due date falls on a weekend or holiday, the due date shall be the next business day. The director shall notify the owner or tenant in writing that the bill is delinquent, that the owner or tenant may contest the bill by contacting the director and that all utility service ~~shall~~ may be discontinued if the delinquent bill is not paid within 15 days of the notice. If the delinquent bill is not paid by the delinquent due date ~~within 15 days of the date of this notice~~, refuse service ~~shall~~ may be discontinued and ~~the supply of water~~ service to the premises ~~shall~~ may be disconnected unless the health officer certifies that shutting off the water will endanger the health of the occupants of the premises or the health of others.

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6. That Section 23-313 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 23-313. Water service and volume charges.**

- (a) *Amount of charges.* The charges for water service shall consist of a service charge and a volume charge, as follows:

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- (3) ~~Fire hydrant rental.~~—A fire hydrant charge shall be paid by the count at the rate of \$8.06 per hydrant per month.

- (b) *General provisions.*

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- (3) Any bills rendered for less than a full billing period shall have the service charge prorated according to days of use, plus the actual volume charge. ~~The minimum~~

~~prorated bill shall be \$4.00 for all services (water, sewer and refuse collection) combined. Credit balances on final bills of less than \$4.00 shall not be refunded unless requested by the user.~~

(4) Charges shall begin as required by contract or when the meter is set and shall continue until water service is abandoned ~~appropriate connection fees are paid.~~

(5) Rates for service provided to contract users shall be established by the contract.

~~(6) The volume charge on multimeter installations shall be applied to the sum of the volume.~~

7. That Section 23-314 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 23-314. Sewer service charges and rates.**

(a) *Amount of charges.* The charges for sewer service shall consist of a service charge and a volume charge, as follows:

(1) *Service charge.* All users billed bimonthly for water service shall pay the following charge based on the size of the water meter which serves or the size of the water meter which would serve the premises if one were installed for each water meter or sewage meter which serves the premises to which sewer service is available. Users billed monthly shall pay one-half of this charge.

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(2) *Volume charge.*

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c. For residential units receiving water service from the county, other than multifamily, bimonthly sewer volume charges shall be based on the lesser of actual usage or usage determined from the first meter reading cycle of the calendar year. For residential units receiving water service from the City of Richmond, other than multifamily, bimonthly sewer volume charges shall be based on usage determined from the first meter reading cycle of the calendar year. For the purpose of this subsection, if the first reading is

estimated as provided in section 23-205 or if the user joins the system after the first reading cycle, or an allowance is made for an underground leak during the first billing cycle, billing shall not exceed charges for 20 CCF.

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(b) *General provisions.*

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- (2) Charges shall begin as required by contract or when the meter is set and shall continue until sewer service is abandoned~~appropriate connection fees are paid.~~ When there is no contract for service and no water or sewer meter, the service charge shall begin upon completion of the sewer lateral from the main sewer line to the property line or payment of the connection fee if the sewer lateral does not need to be extended.

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- (4) ~~The volume charge on multimeter installations shall be applied to the sum of the volume.~~

8. This ordinance shall be in full force and effect upon passage as provided by law.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 330-08

Page No. 1 of 1

Agenda Title: INTRODUCTION OF ORDINANCE — To Amend and Reordain Section 23-1 Titled "Definitions," Section 23-109 Titled "Restricted wastes," Section 23-131 Titled "Violations; enforcement; penalty," Section 23-133 Titled "Applicability of categorical standards," Section 23-134 Titled "Discharge permit required," Section 23-135 Titled "Discharge permit conditions," Section 23-138 Titled "Correction of violations," and Section 23-314 Titled "Sewer service charges and rates," and to Add Section 23-127 Titled "State pretreatment standards," Section 23-128 Titled "Dilution," Section 23-129 Titled "Violations," and Section 23-130 Titled "Administrative enforcement remedies," to the Code of the County of Henrico, All to Conform the County's Industrial Pretreatment and Strong Waste Program to State Requirements

For Clerk's Use Only:

Date: NOV 12 2008

- ☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

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

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"AN ORDINANCE — To Amend and Reordain Section 23-1 Titled "Definitions," Section 23-109 Titled "Restricted wastes," Section 23-131 Titled "Violations; enforcement; penalty," Section 23-133 Titled "Applicability of categorical standards," Section 23-134 Titled "Discharge permit required," Section 23-135 Titled "Discharge permit conditions," Section 23-138 Titled "Correction of violations," and Section 23-314 Titled "Sewer service charges and rates," and to Add Section 23-127 Titled "State pretreatment standards," Section 23-128 Titled "Dilution," Section 23-129 Titled "Violations," and Section 23-130 Titled "Administrative enforcement remedies," to the Code of the County of Henrico, all to conform the County's industrial pretreatment and strong waste program to state requirements." A copy of the full text of this ordinance shall be on file in the Office of the County Manager."

Comments: The Director of Public Utilities recommends approval, 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 Amend and Reordain Section 23-1 Titled “Definitions,” Section 23-109 Titled “Restricted wastes,” Section 23-131 Titled “Violations; enforcement; penalty,” Section 23-133 Titled “Applicability of categorical standards,” Section 23-134 Titled “Discharge permit required,” Section 23-135 Titled “Discharge permit conditions,” Section 23-138 Titled “Correction of violations,” Section 23-314 Titled “Sewer service charges and rates,” and to Add Section 23-127 Titled “State pretreatment standards,” Section 23-128 Titled “Dilution,” Section 23-129 Titled “Violations,” and Section 23-130 Titled “Administrative enforcement remedies,” All to Conform the County’s Industrial Pretreatment and Strong Waste Program to State Requirements**

1. That Section 23-1 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 23-1. 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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*POTW* means publicly owned treatment works and includes wastewater treatment or reclamation facilities, sewage pumping stations, and sewer mains, laterals and other publicly-owned sewage conveyances.

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*Slug Discharge* means any discharge of a non-routine, episodic nature, including an accidental spill or a non-customary batch discharge which has a reasonable potential to cause interference or pass through, or in any other way violate this chapter, local limits or permit conditions.

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2. That Section 23-109 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 23-109. Restricted wastes.**

~~The discharger is responsible for providing pretreatment necessary to assure that there is no exceedence of the effluent limits specified herein. In addition to the other provisions of this chapter, the following specific effluent limits, including flashpoint, are applicable to all nondomestic dischargers:~~ **Unless permitted by a wastewater discharge permit or other document created pursuant to this chapter, no user shall discharge wastewater to the POTW containing any of the following listed pollutants or characteristics in excess of the provided level or concentration:**

<b><u>Regulated Pollutant or Characteristic</u></b>	<b>Maximum Daily Discharge* (mg/l)</b>
Cadmium	0.23 <b><u>mg/l</u></b>
Chromium	2.75 <b><u>mg/l</u></b>
Copper	1.16 <b><u>mg/l</u></b>
Cyanide	1.86 <b><u>mg/l</u></b>
Lead	0.44 <b><u>mg/l</u></b>
Mercury	0.0031 <b><u>mg/l</u></b>
Nickel	1.31 <b><u>mg/l</u></b>
Silver	1.58 <b><u>mg/l</u></b>
Zinc	4.27 <b><u>mg/l</u></b>
Oil and grease (petroleum-based)	100 <b><u>mg/l</u></b>
Oil and grease (animal- or vegetable-based)	300 <b><u>mg/l</u></b>
Total toxic organic compounds (TTO)	2.13 <b><u>mg/l</u></b>
pH	5--11 s.u.
Flashpoint	less than 140° F

\*All measurements shall be made in accordance with 40 CFR 136, ~~except for oil and grease, which shall be measured by the Soxhlet Method.~~

~~Failure to comply with the above limits shall constitute a violation of this chapter subject to the provisions of section 23-131.~~

The above limits apply at the point where the wastewater is discharged to the POTW. The director shall develop industrial user-specific local limits for appropriate pollutants of concern in accordance with state and federal Local Limits Guidance Criteria, and the director shall include the applicable limits in individual significant industrial user wastewater discharge permits.

Secs. 23-110--23-130126. Reserved.

## DIVISION 5.

### INDUSTRIAL PRETREATMENT

3. That Section 23-127 shall be added to the Code of the County of Henrico as follows:

Sec. 23-127. State pretreatment standards.

Users must comply with all state pretreatment standards, as set out at 9 VAC § 25-31-730 through 9 VAC § 25-31-900, as they may be amended.

4. That Section 23-128 shall be added to the Code of the County of Henrico as follows:

Sec. 23-128. Dilution.

No user shall attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limit unless expressly authorized by an applicable pretreatment standard or permit requirement.

5. That Section 23-129 shall be added to the Code of the County of Henrico as follows:

**Sec. 23-129. Violations.**

- (a) Users shall notify the director in writing of any violation of a permit or of this chapter within 24 hours after becoming aware of the violation. Within 10 days after the date of the violation, the user shall also submit to the director a detailed written statement describing the cause of the violation and the measures that the user is taking to prevent future violations. The director may require a user to correct a violation by taking measures to prevent the discharge of prohibited materials or other wastes that are regulated by this chapter. Users shall correct all violations promptly and shall take reasonable actions to prevent damage to the POTW or the public from the violation.
- (b) The director shall annually publish a list of significant industrial users who have been in significant noncompliance during the previous 12 months. This list shall be published in the largest daily newspaper of general circulation in the county. A significant industrial user is in significant noncompliance if one or more of the following criteria apply:
  - (1) Sixty-six percent (66%) or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or the average limit for the same pollutant parameter ("chronic violations of wastewater discharge limits");
  - (2) Thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, Total Suspended Solids, fats, oils, and grease, and 1.2 for all other pollutants (except pH)) ("Technical Review Criteria violations");
  - (3) Any other discharge violation that the director believes has caused, alone or in combination with other discharges, interference or pass through, or endangered the health of county personnel or the public;



- (4) Any discharge of pollutants that has caused imminent danger to the environment or has required the director to exercise his emergency authority to halt or prevent such a discharge;
- (5) Failure to meet a compliance schedule requirement contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance, within 90 days of the scheduled date;
- (6) Failure to provide any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules, within 30 days after the due date;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation which the director determines will adversely affect the operation or implementation of the local pretreatment program.

6. That Section 23-130 be added to the Code of the County of Henrico as follows:

Sec. 23-130. Administrative enforcement remedies.

- (a) Notice of violation. When the director finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, an order issued hereunder, or any other pretreatment standard or requirement, the director may serve upon that user a written notice of violation.
- (b) Submission of plan. Within 10 days of the receipt of such notice, the user shall provide the director a written explanation of the violation and a plan for the satisfactory correction and prevention of future violations, including specific required actions. Submission of a plan shall not relieve the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the director to take any action,

including emergency actions or any other enforcement action, without first issuing a notice of violation.

- (c) *Show cause hearing.* The director may order a user who has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, an order issued hereunder, or any other pretreatment standard or requirement, to appear before the director and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place of the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least 10 days prior to the hearing date. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.
- (d) *Consent orders.* The director may enter into a consent order, an agreement with assurances of voluntary compliance, or a similar document with any noncompliant user. Such document shall state specific action the user must take to correct the noncompliance within a specified time period. Such documents shall have the same force and effect as administrative orders issued pursuant to section 23-130 (e) and shall be judicially enforceable.
- (e) *Compliance orders.* When the director finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, an order issued hereunder, or any other pretreatment standard or requirement, the director may issue an order to the user responsible for the discharge directing that the user become compliant within a specified time. If the user does not become compliant within the time provided, the director may discontinue sewer service until the user installs and properly operates adequate treatment facilities, devices, or other related appurtenances. Compliance orders also may contain other requirements to resolve the noncompliance, including additional self-monitoring and management actions designed to minimize the amount of pollutants discharged to the POTW. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, and a compliance order shall not relieve the user of liability for any violation, including a continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

- (f) Emergency suspensions. After informal notice to the user, the director may immediately suspend a user's right to discharge whenever suspension is necessary to stop an actual or threatened discharge which appears in the director's reasonable judgment to present an imminent or substantial danger to the health or welfare of the public. After notice and opportunity to respond, the director may also suspend a user's right to discharge if the discharge threatens to interfere with the operation of the POTW or presents, or may present, a danger to the environment.

(1) Any user notified of a suspension of its right to discharge shall immediately stop or eliminate its discharge to the POTW. If a user fails to immediately comply with the suspension order, the director may take any steps he deems necessary to prevent or minimize damage to the POTW, its receiving stream, or danger to any person, including immediate severance of the sewer connection. Unless termination proceedings pursuant to section 23-130(g) are initiated, or have been initiated, against the user, the director may allow the user to recommence its discharge when the user has demonstrated, to the satisfaction of the director, that the period of endangerment has passed,

(2) Prior to the date of any show cause or termination hearing under section 23-130(c) or (g), a user that is responsible, in whole or in part, for any discharge presenting imminent danger to the public, the environment or to the operation of the POTW shall submit to the director a detailed written statement describing the causes of the harmful discharge and the measures taken to prevent any future occurrence.

This section does not require a hearing prior to any emergency suspension.

- (g) Termination of right to discharge. A user's right to discharge may be terminated if any of the following occur:

(1) User's violations of wastewater discharge permit conditions;

(2) User's failure to accurately report the wastewater constituents and characteristics of its discharge;

(3) User's failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

(4) User's refusal of reasonable access to its premises for inspection, monitoring, or sampling; or

(5) User's violation of any pretreatment standard or requirement.

The director shall notify the user of the proposed termination of its right to discharge and offer an opportunity to show why its right to discharge should not be terminated. Exercise of this option by the director shall not be a bar to, or a prerequisite for, any other action against the user.

7. That Section 23-131 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 23-131. ~~Violations; enforcement; penalty.~~ Enforcement.**

~~(a) — *Penalty.* Any person who violates any provision of this division, any permit requirements, or the terms of any compliance schedule shall be guilty of a class 1 misdemeanor. Each violation shall constitute a separate offense. Violation of weekly permit limits shall constitute seven separate offenses, and violation of monthly limits shall constitute a number of offenses equivalent to the number of days in the month.~~

~~(b) — *Notice of violation.* At least seven days before commencing legal action, the director shall give written notice to the offending person or discharger of any violations. However, this section shall not be construed to limit the director's or his agent's authority to execute a search warrant in order to secure information necessary for prosecution of known or suspected violations. Furthermore, if the director determines that the violations pose an immediate threat to the health, safety or welfare of the public, the environment, the county sewer system or the wastewater treatment plant, no notice shall be required and the director may immediately initiate corrective enforcement action.~~

~~(c) — *Enforcement remedies.* In order to remedy a violation, the director may, in addition to other remedies available, do any or all of the following:~~

~~(1) — Seek equitable relief in a court of law;~~

~~(2) — Disconnect all sewer connections of the discharger and plug the sewer line used by such discharger; and~~

~~(3) — Discontinue county water service to the discharger.~~

~~(d) — *Publication of list of significant violators.* The director shall annually publish a list of significant violators of pretreatment standards in a local paper of general circulation in the county.~~

(a) *Injunctive relief.* When the director finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, an order issued hereunder, or any other pretreatment standard or requirement, the director may petition the circuit court for a temporary or permanent injunction which restrains or compels compliance with the user's wastewater discharge permit, an order issued pursuant to this chapter, or other requirement imposed by this chapter. The director may also seek legal or equitable relief, including remediation of any environmental damage caused by the user's violation or noncompliance. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(b) *Civil penalties.*

(1) A user who has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, an order issued hereunder, or any other pretreatment standard or requirement shall be liable for a maximum civil penalty of \$2,500.00 per violation, per day. In the case of violations of monthly or other

average discharge limits, the director may assess penalties for each day of violation.

(2) The director may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement actions under this chapter, including sampling and monitoring expenses and the cost of any actual damages incurred by the county.

(3) In determining the amount of civil penalties, the court shall consider all relevant circumstances, including the harm caused by the violation, the magnitude and duration of the violation, economic benefit to the user resulting from the user's violation, corrective actions by the user, the compliance history of the user, and other relevant factors.

(4) Filing suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(c) Criminal prosecution.

(1) A user who willfully or negligently violates any provision of this chapter, a wastewater discharge permit, an order issued hereunder, or any other pretreatment standard or requirement, or who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage, shall, upon conviction, be guilty of a class 1 misdemeanor, punishable by a fine of not more than \$2,500.00, imprisonment for not more than 12 months, or both.

(2) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other document filed or maintained pursuant to this chapter or a wastewater discharge permit or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be

guilty of a class 1 misdemeanor punishable by a fine of not more than \$2,500.00, imprisonment for not more than 12 months, or both.

(d) *Remedies nonexclusive.* The remedies provided for in this chapter are not exclusive. The director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the county's enforcement response plan. However, the director may take other action against any user when the circumstances warrant.

8. That Section 23-133 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 23-133. Applicability of categorical standards.**

All discharges subject to categorical standards shall comply with the requirements of any applicable federal categorical standard, including ~~all reporting requirements of the general pretreatment regulations set forth at 40 CFR 403.12~~ in the Code of Federal Regulations, and with any the ~~stricter~~ local limits contained in section 23-109~~the county's pretreatment program~~. More stringent limitations shall be imposed by the director where appropriate. In case of conflict, the more stringent limitation shall apply.

9. That Section 23-134 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 23-134. Industrial wastewater ~~D~~discharge permit requirements.**

~~(a) Unless a wastewater discharge permit has been obtained from the director, it shall be unlawful to discharge, cause to be discharged or permit to be discharged into the county sewer system any substance that requires control or treatment by the discharger in order to:~~

~~(1) Make or render the substance susceptible to treatment by the wastewater treatment plant providing treatment;~~

~~(2) — Prevent the pass-through of such substance through the county sewer system or wastewater treatment plant providing treatment;~~

~~(3) — Prevent interference by such substance with the normal operation of the county sewer system or the wastewater treatment plant providing treatment; or~~

~~(4) — Continue the lawful operation of such sewer system or wastewater treatment plant providing treatment.~~

~~(b) — A permit shall also be required of each industrial and commercial establishment listed in the act or to which the act may subsequently apply, including each person who discharges a substance which the director determines requires control due to a wastewater constituent because of the character, volume or strength of such substance.~~

~~(c) — Each permit shall:~~

~~(1) — Require discharge standards that meet the requirements of state and federal law and the requirements of this chapter.~~

~~(2) — Require the discharger to meet the requirements of state and federal law and the requirements of this chapter, including self-monitoring report requirements.~~

~~(3) — Require all pretreatment to comply with the requirements of state and federal law and the requirements of this chapter.~~

~~(4) — Specify that violations of permit conditions, including those for reporting, constitute a violation under section 23-131 punishable under section 1-13.~~

**(a) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the director, except that a significant industrial user that has filed a timely application pursuant to subsection (d) may continue to discharge for the time period specified therein.**



- (b) The director may require users other than significant industrial users to obtain wastewater discharge permits when necessary to carry out the purpose of this chapter. Such users must obtain a discharge permit prior to discharging to the POTW.
- (c) Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal, state, and local laws, including the standards in this chapter, categorical pretreatment standards, and local discharge limits.
- (d) Wastewater discharge permit application requirements.
- (1) To apply for a wastewater discharge permit, the applicant shall submit a complete industrial waste survey form to the director.
- (2) An application for a wastewater discharge permit must be filed at least 60 days before discharging to the POTW.
- (3) Any user sent an industrial waste survey form by the director must complete and return the form to the director within 60 days of receipt.
- (4) The director will not process incomplete or inaccurate industrial waste survey forms and will return them to the user for revision.
- (e) Duty to reapply. All users shall reapply for authorization and reissuance of a permit to discharge at least 180 days before the expiration of the existing permit unless the director grants permission for a later date.

10. That Section 23-135 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 23-135. Wastewater ~~D~~discharge permit conditions.

**Wastewater discharge permits must contain, at a minimum, the following conditions:**

~~(a) — Each wastewater discharge permit shall contain specific limits imposed on the discharge for which the permit is being issued.~~

~~(b) — Each permit shall contain a schedule for self-monitoring, including frequency, required analyses and specific conditions required for the discharge.~~

~~(c) — Each permit shall contain a compliance schedule for dischargers that cannot meet permit limits when issued but are expected to comply within a reasonable amount of time after installation of additional equipment, a change in operation, or other steps. This subsection, however, does not require the director to issue or amend a permit. Compliance schedules, as opposed to other remedies, are at the director's discretion.~~

~~(d) — Each authorized representative of the permit holder shall take instruction yearly from the state department of waste management on waste minimization.~~

~~(e) — Each permit shall contain any additional conditions required by the director.~~

**(a) Statement of duration, up to five years.**

**(b) Statement of nontransferability without prior notification to the director and certification that the existing permit and any orders issued under this chapter have been provided to the new owner or operator.**

**(c) Effluent limits or best management practices, based on the applicable general pretreatment standards in this chapter, categorical pretreatment standards, and local limits.**

**(d) Self-monitoring and sampling provisions, and reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type.**

(e) Statement of applicable civil and criminal penalties for violation of pretreatment standards and other requirements; and any applicable compliance schedules, which may not extend beyond applicable federal and state deadlines.

(f) Any r equirements to control slug discharges determined by the director.

11. That Section 23-138 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 23-138. Correction of violations.**

~~(a) — Each discharge permit holder shall observe the permit requirements at all times. If the director reasonably believes that the permit requirements are being or have been violated, the director shall notify the permit holder in writing of each violation. Within seven days after receipt of notification, the permit holder shall give the director a written report, including a description of the action being taken to correct the violation, a statement of the date by which such violation will be corrected, and any other information required by the director. Notwithstanding this requirement to give notice, nothing in this section shall prevent the director from immediately suspending or revoking a permit.~~

(ba) Each permitee holder shall prevent accidental discharges and slug discharges of prohibited materials or other substances regulated by this chapter at the permitee holder's expense. Detailed prevention plans shall be submitted to the director with the permit application for approval. In the case of an accidental discharge, the permit holder shall immediately notify the county by telephone of the incident. The notification shall include a description of the discharge, type of waste, concentration and volume, and proposed corrective actions. Telephone notice shall be followed within five days by written notice to the same effect. In addition, the written notice shall be followed within five days by written notice to the same effect. In addition, the written notice shall contain a description of measures taken by the user to prevent future occurrences. If an accidental discharge or slug discharge is released into the POTW, the permittee must immediately notify the director.

(b) The director shall evaluate whether each significant industrial user requires an accidental discharge/ slug discharge control plan or other action to control accidental or slug discharges.

The director may require any user to develop, submit for approval, and implement such a plan or take other action necessary to control accidental and slug discharges. Alternatively, the director may develop a control plan for any user. An accidental discharge/slug discharge control plan shall address the following:

1. Description of discharge practices, including nonroutine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the director of accidental or slug discharges, including any discharge that would violate a prohibition under section 23-108, and procedures for written notification to the director within five days; and
4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures should include inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and measures and equipment for emergency response.

12. That Section 23-314 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 23-314. Sewer service charges and rates.**

(a) *Amount of charges.* The charges for sewer service shall consist of a service charge and a volume charge, as follows:

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(3) *Industrial strong waste charge.* In addition to the charges set out in ~~subsections~~ subdivisions (1) and (2) of this subsection, there will be charged to individual users a strong waste charge as applicable:

- a. Suspended solids, when the concentrations of suspended solids exceed 275 milligrams per liter: \$17.60 per CWT for suspended solids in excess of 275 mg/l.
- b. BOD, when concentrations of BOD exceed 250 milligrams per liter: \$24.35 per CWT for BOD in excess of 250 mg/l.

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13. That this ordinance shall be in full force and effect upon passage as provided by law.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 331-08

Page No. 1 of 1

Agenda Title: RESOLUTION – ACCEPTANCE OF ROADS

For Clerk's Use Only:	BOARD OF SUPERVISORS ACTION	YES NO OTHER
Date: NOV 12 2008	Moved by (1) O'Bannon Seconded by (1) Donati	
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:	REMARKS: APPROVED	
		Donati, J. <input checked="" type="checkbox"/> Glover, R. <input checked="" type="checkbox"/> Kaechele, D. <input checked="" type="checkbox"/> O'Bannon, P. <input checked="" type="checkbox"/> Thornton, J. <input checked="" type="checkbox"/>

BE IT RESOLVED by the Board of Supervisors of the County of Henrico that the following named and described sections of roads are accepted into the County road system for maintenance.

Church Trace – Three Chopt District

Benjamin Place from Guyana Drive to 0.07 Mi. E. of Guyana Drive	0.07 Mi.
Bryans View Court from Guyana Drive to 0.04 Mi. E. of Guyana Drive	0.04 Mi.
<b>Total Miles</b>	<b>0.11 Mi.</b>

By Agency Head

By County Manager

Routing:

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

Certified:

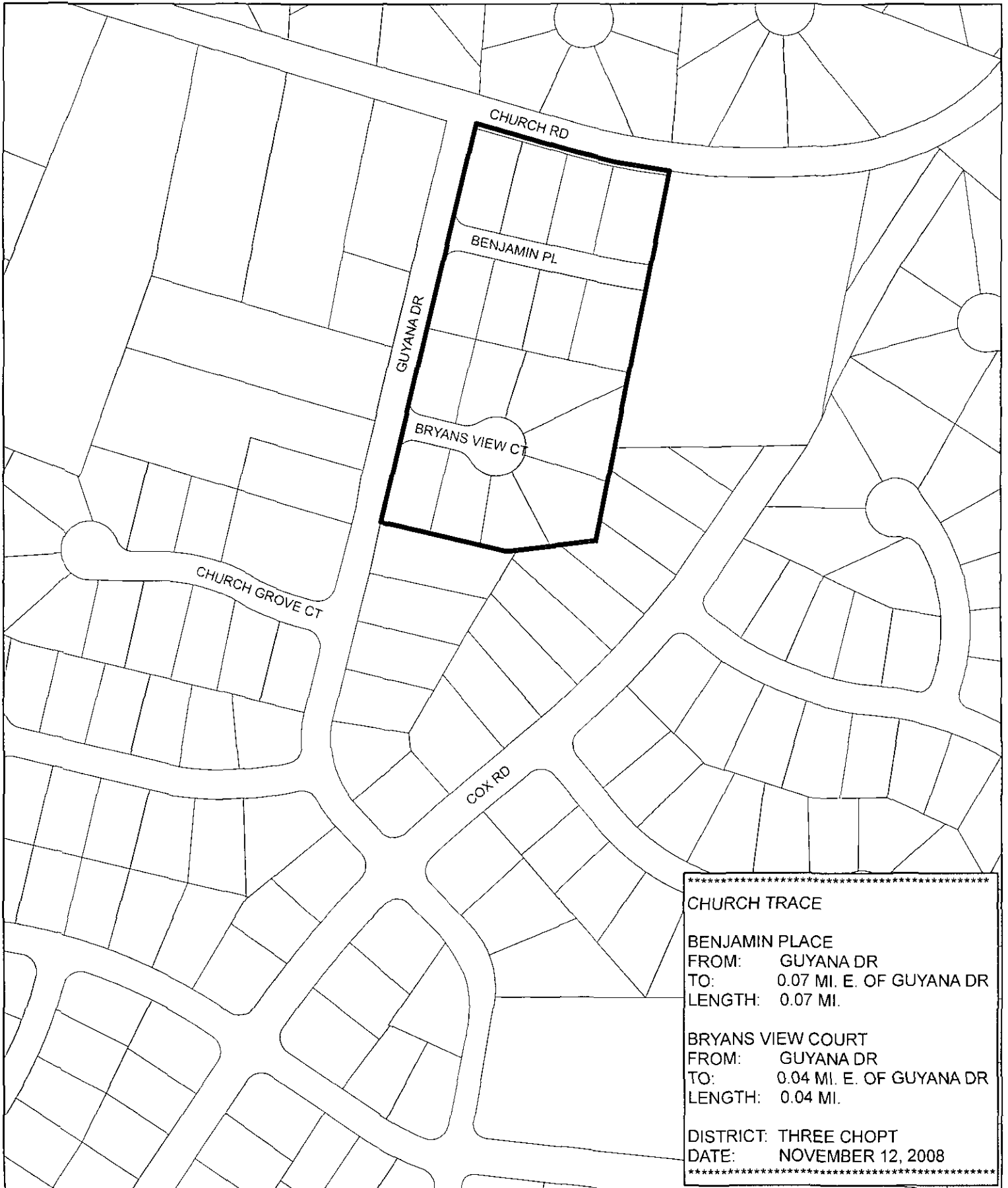
A Copy Teste: \_\_\_\_\_

Copy to:

Clerk, Board of Supervisors

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

# CHURCH TRACE



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CHURCH TRACE  
BENJAMIN PLACE  
FROM: GUYANA DR  
TO: 0.07 MI. E. OF GUYANA DR  
LENGTH: 0.07 MI.  
BRYANS VIEW COURT  
FROM: GUYANA DR  
TO: 0.04 MI. E. OF GUYANA DR  
LENGTH: 0.04 MI.  
DISTRICT: THREE CHOPT  
DATE: NOVEMBER 12, 2008  
\*\*\*\*\*