

**COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
REGULAR MEETING  
July 22, 2014**

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, July 22, 2014, at 7:00 p.m. in the Board Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia.

**Members of the Board Present:**

Patricia S. O'Bannon, Chairman, Tuckahoe District  
Frank J. Thornton, Vice Chairman, Fairfield District  
Richard W. Glover, Brookland District  
David A. Kaechele, Three Chopt District  
Tyrone E. Nelson, Varina District

**Other Officials Present:**

John A. Vithoukas, County Manager  
Joseph P. Rapisarda, Jr., County Attorney  
Michael L. Wade, Sheriff  
Barry R. Lawrence, CMC, Assistant to the County Manager/Clerk to the Board  
Joseph P. Casey, Deputy County Manager for Administration  
Jane D. Crawley, Deputy County Manager for Community Services  
Timothy A. Foster, Deputy County Manager for Community Operations  
Randall R. Silber, Deputy County Manager for Community Development

Mrs. O'Bannon called the meeting to order at 7:00 p.m.

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

The Reverend Marcus D. Martin, Pastor of New Bridge Baptist Church, delivered the invocation.

On motion of Mr. Thornton, seconded by Mr. Nelson, the Board approved the minutes of the July 8, 2014, Regular and Special Meetings.

The vote of the Board was as follows:

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

No: None

## **MANAGER'S COMMENTS**

Henrico County has always hired student employees for the summer but did not have a formal internship program until fall 2012. Since that time, 77 interns have gained valuable work experience while using their talents and skills to make numerous contributions to the County and its citizens. This summer alone, the County has 35 interns. The internship program allows the County to partner with its public school system and other colleges and universities, and the County makes sure it is a valuable opportunity for the students and is tied directly to their learning goals and desires. All interns attended a half-day New Intern Orientation session that included an overview of Henrico County's history, information about County departments, what it means to be an intern, and modules on customer service. Mr. Vithoukas personally thanked the interns on behalf of the County for the many contributions they have offered this summer and wished them the best in their future endeavors and education. He also thanked Debbie Lumpkin, Human Resources Analyst and Internship Coordinator, and Human Resources Director Paula Reid for taking the internship program to new heights. Mr. Vithoukas recognized County Manager's Office intern Taylor Jaszewski and Planning Department intern Tiona Johnson, who offered comments to the Board on their internship experiences.

## **BOARD OF SUPERVISORS' COMMENTS**

Mrs. O'Bannon pointed out *Richmond Magazine's* annual Best and Worst Readers' Survey has cited Henrico County's local government as "Best in Government" for the region. Survey results for more than 250 different categories were revealed in the magazine's most recent edition. An article highlighting the readers' selections characterizes Henrico County as "quietly going about its business" and shares Mrs. O'Bannon's perspective on the "Henrico way." Survey respondents also chose Short Pump Town Center as "Best in Retail" and Deep Run Park as "Best Under-the-Radar Park."

## **RECOGNITION OF NEWS MEDIA**

Mrs. O'Bannon recognized Ted Strong from the *Richmond Times-Dispatch*.

## **PRESENTATION**

193-14                      Resolution – Congratulating Richmond Dragway on Its 50<sup>th</sup> Anniversary.

Mr. Nelson presented the resolution to Johnny and Allison Davis, the owners and track operators of Richmond Dragway.

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

## **PUBLIC HEARING ITEMS**

194-14                      Resolution – Amendments to the FY 2014-15 Annual Fiscal Plan: July, 2014.

At Mrs. O'Bannon's request, Management and Budget Director Brandon Hinton and Mr. Vithoukas explained how the County is working with citizens and businesses to resolve individual cases where the meals tax may have been misapplied. Mr. Hinton and Mr. Vithoukas also responded to questions from the Board regarding the process for appropriating and transferring meals tax revenues to Henrico County Public Schools for specific capital projects.

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

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

195-14                      Resolution - Signatory Authority - Easement Agreement - Sprintcom, Inc. - Brookland District.

Jon Tracy, Director of Real Property, responded to questions from Mr. Glover. He confirmed for Mr. Glover that the installation of an underground fiber optic cable in RF&P Park pursuant to this easement agreement will not disturb the park's athletic fields or road networks.

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

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

196-14                      Resolution - Signatory Authority - Conveyance of Land - Old Pump Road - Three Chopt District.

Mr. Rapisarda and Joe Emerson, Director of Planning, responded to a question from Mr. Kaechele.

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

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

## **PUBLIC COMMENTS**

There were no comments from the public.

## **GENERAL AGENDA**

- 197-14                    Introduction of Ordinance - To Amend and Reordain Section 20-77 Titled "Pollution control equipment and facilities," Section 20-113 Titled "Exemption for household goods and personal effects of residents," Section 20-377 Titled "Relief from erroneous assessment; appeals," Section 20-383 Titled "Written ruling from the director of finance," and Section 20-843 Titled "Exemptions" of the Code of the County of Henrico to Conform to State Legislation Exempting Certain Property and Food and Beverage Sales from Taxation and Allowing an Administrative Appeal of Business License Classification.

On motion of Mr. Kaechele, seconded by Mr. Nelson, and by unanimous vote, the Board approved this item - see attached introduction of ordinance.

- 198-14                    Introduction of Ordinance - To Amend and Reordain Section 5-27 of the Code of the County of Henrico Titled "Dogs killing or injuring livestock or poultry" to Conform to State Legislation Allowing Animal Protection Officers to Seize Dogs Found in the Act of Killing or Injuring Livestock or Poultry.

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

- 199-14                    Introduction of Ordinance - To Amend and Reordain Section 21-23 of the Code of the County of Henrico Titled "Enforcement officers" to Conform to State Legislation Eliminating the Reference to Special Police Officers.

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

- 200-14                    Resolution - Authorization for Grant Funding - Tuckahoe Creek Park - Tuckahoe District.

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

- 201-14                    Resolution - Signatory Authority - Memorandum of Understanding - Chickahominy Water Access Trail - Varina District.

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

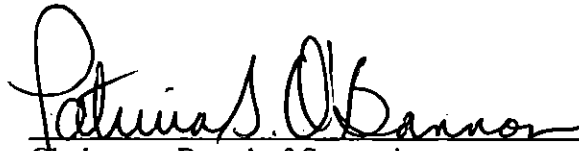
202-14

Resolution - Award of Contracts - Annual Engineering Services - Water and Sewer Projects - Draper Aden Associates and URS Corporation.

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

Mrs. O'Bannon added that the "Best in Government" award from *Richmond Magazine* is for every person who is working in Henrico County Government.

There being no further business, the meeting was adjourned at 7:43 p.m.

  
Chairman, Board of Supervisors  
Henrico County, Virginia



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 193-14  
Page No. 1 of 2

Agenda Title: RESOLUTION - Congratulating Richmond Dragway on Its 50<sup>th</sup> Anniversary

For Clerk's Use Only:

Date: JUL 22 2014

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

BOARD OF SUPERVISORS ACTION

Moved by (1) Nelson Seconded by (1) Shanta  
(2) (2)

REMARKS

APPROVED

YES NO OTHER

Glover, R. ☒ ☐ ☐  
Kaechele, D. ☒ ☐ ☐  
Nelson, T. ☒ ☐ ☐  
O'Bannon, P. ☒ ☐ ☐  
Thornton, F. ☒ ☐ ☐

WHEREAS, Richmond Dragway was built in eastern Henrico County in 1964 and has continuously hosted drag racing events for the past five decades; and

WHEREAS, this historic, quarter-mile drag racing facility is sanctioned by the International Hot Rod Association (IHRA) and located on a 130-acre site with a full service concession stand, fuel station, and three-story timing and scoring tower; and

WHEREAS, Richmond Dragway was one of the first purpose-built, sanctioned facilities in the United States and also features a state-of-the-art timing system along with 48-inch scoreboards and LED dial-in boards; and

WHEREAS, during racing activities, drivers are protected by a track-owned non-transport basic life support agency that includes an ambulance and dedicated fire/rescue vehicle; and

WHEREAS, cleanups of oil spills at Richmond Dragway last only 20 to 25 minutes due to specialized equipment that is used for oil dry applications; and

WHEREAS, over the years, Richmond Dragway has experienced outstanding motorsports success and featured some of the best and most memorable championship racing in the country; and

WHEREAS, Richmond Dragway is the only drag racing facility in the Richmond metropolitan area offering a schedule of 70-plus events throughout the season; and

WHEREAS, since 2008, Richmond Dragway has operated under the watchful guidance of track owners Johnny and Allison Davis as they have continued and enhanced the legacy of founder and original owner Dan Weis, Johnny's uncle, who passed away on May 16, 2014; and

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

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

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Clerk, Board of Supervisors

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

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

Agenda Item No. 193-14  
Page No. 2 of 2

Agenda Title : **RESOLUTION – Congratulating Richmond Dragway on Its 50<sup>th</sup> Anniversary**

**WHEREAS**, 2014 marks the 50<sup>th</sup> anniversary of Richmond Dragway.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of Henrico County, Virginia, hereby extends its sincere congratulations to Johnny and Allison Davis and the staff of Richmond Dragway as they commemorate the 50<sup>th</sup> anniversary of this venerable local business by bringing race fans and our community a special season of exciting and challenging events.

# Resolution



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

## ***Congratulating Richmond Dragway on Its 50<sup>th</sup> Anniversary***

**WHEREAS**, Richmond Dragway was built in eastern Henrico County in 1964 and has continuously hosted drag racing events for the past five decades; and

**WHEREAS**, this historic, quarter-mile drag racing facility is sanctioned by the International Hot Rod Association (IHRA) and located on a 130-acre site with a full service concession stand, fuel station, and three-story timing and scoring tower; and

**WHEREAS**, Richmond Dragway was one of the first purpose-built, sanctioned facilities in the United States and also features a state-of-the-art timing system along with 48-inch scoreboards and LED dial-in boards; and

**WHEREAS**, during racing activities, drivers are protected by a track-owned non-transport basic life support agency that includes an ambulance and dedicated fire/rescue vehicle; and

**WHEREAS**, cleanups of oil spills at Richmond Dragway last only 20 to 25 minutes due to specialized equipment that is used for oil dry applications; and

**WHEREAS**, over the years, Richmond Dragway has experienced outstanding motorsports success and featured some of the best and most memorable championship racing in the country; and

**WHEREAS**, Richmond Dragway is the only drag racing facility in the Richmond metropolitan area offering a schedule of 70-plus events throughout the season; and

**WHEREAS**, since 2008, Richmond Dragway has operated under the watchful guidance of track owners Johnny and Allison Davis as they have continued and enhanced the legacy of founder and original owner Dan Weis, Johnny's uncle, who passed away on May 16, 2014; and

**WHEREAS**, 2014 marks the 50<sup>th</sup> anniversary of Richmond Dragway.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of Henrico County, Virginia, hereby extends its sincere congratulations to Johnny and Allison Davis and the staff of Richmond Dragway as they commemorate the 50<sup>th</sup> anniversary of this venerable local business by bringing race fans and our community a special season of exciting and challenging events.



*Barry R. Lawrence*  
Barry R. Lawrence, Clerk  
July 22, 2014

*Patricia S. O'Bannon*  
Patricia S. O'Bannon, Chairman  
Board of Supervisors



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

Agenda Item No. **194-14**  
Page 1 of 3

**Agenda Title      RESOLUTION - Amendments to the FY 2014-15 Annual Fiscal Plan: July, 2014**

<b>For Clerk's Use Only:</b>  Date: <u>JUL 22 2014</u> ( ) Approved ( ) Denied ( ) Amended ( ) Deferred to	<b>BOARD OF SUPERVISORS ACTION</b>  Moved by (1) <u>Shomin</u> Seconded by (1) <u>Kaechele</u> (2) _____ (2) _____  <b>REMARKS</b> <div style="font-size: 4em; font-weight: bold; text-align: center; margin-top: 10px;">APPROVED</div>	<table style="width: 100%;"><tr><td style="text-align: center;"><b>YES</b></td><td style="text-align: center;"><b>NO</b></td><td style="text-align: center;"><b>OTHER</b></td></tr><tr><td style="text-align: center;"><input checked="" type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr><tr><td style="text-align: center;"><input checked="" type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr><tr><td style="text-align: center;"><input checked="" type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr><tr><td style="text-align: center;"><input checked="" type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr></table> <div style="font-size: 0.8em;"><div>Glover, R. _____</div><div>Kaechele, D. _____</div><div>Nelson, T. _____</div><div>O'Hannon, P. _____</div><div>Thornton, F. _____</div></div>	<b>YES</b>	<b>NO</b>	<b>OTHER</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>YES</b>	<b>NO</b>	<b>OTHER</b>															
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**WHEREAS**, the Board of Supervisors held an advertised public hearing on July 22, 2014, to consider proposed amendments to the Annual Fiscal Plan for fiscal year 2014-15 and a proposed project-by-project list of capital projects of the Henrico County Public Schools funded with meals tax revenues; and,

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

**NOW, THEREFORE, BE IT RESOLVED** by the Board that the Annual Fiscal Plan for fiscal year 2014-15 is amended and that such funds are appropriated and allocated for expenditure in the amounts and for the purposes indicated.

**OPERATING FUNDS**

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

**Department 38 - Community Revitalization**

**38003 – CDBG**

0000 06906 – <u>FY14-15 CDBG - Administration</u>	\$ 249,000
0000 06907 – <u>FY14-15 CDBG - Commercial Assistance Program</u>	176,500
0000 06908 – <u>FY14-15 CDBG - CONNECT Program</u>	172,000
0000 06909 – <u>FY14-15 CDBG - HOME Inc. Downpayment Assistance</u>	20,000
0000 06910 – <u>FY14-15 CDBG - Laburnum Ave. Revitalization</u>	240,000
0000 06911 – <u>FY14-15 CDBG - Project HOMES Emergency &amp; Minor Repairs</u>	495,000
0000 06912 – <u>FY14-15 CDBG - Project HOMES Homeowner Rehabilitation Program</u>	112,477
0000 06913 – <u>FY14-15 CDBG - SCDHC Downpayment Assistance</u>	20,000
0000 06914 – <u>FY14-15 CDBG - St. Joseph's Villa HVAC Improvements</u>	142,800
0000 06915 – <u>FY14-15 Enterprise Zone - Design Assistance</u>	30,000
0000 06916 – <u>FY14-15 Enterprise Zone - Façade Grants</u>	60,000
<b>Sub-Total CDBG</b>	<b>\$ 1,717,777</b>

The United States Department of Housing and Urban Development (HUD), Community Development Block Grant (CDBG), as authorized by Title I of the Housing and Community Development Act of 1974, as amended, has awarded the County of Henrico, fiscal year 2014-15 grant funds in the amount of \$1,564,176. Unspent prior year funds of \$153,601 will be carried forward for a total program budget of \$1,717,777 for these eleven programs/purposes.

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

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

Routing:

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Clerk, Board of Supervisors

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

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

Agenda Item No. **194-14**  
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38004	- HOME	
0000 06917	- <u>FY14-15 HOME - Administration</u>	\$ 65,000
0000 06918	- <u>FY14-15 HOME - CHDO</u>	100,000
0000 06919	- <u>FY14-15 HOME - HOME Inc. Downpayment Assistance</u>	75,000
0000 06920	- <u>FY14-15 HOME - Project HOMES Homeowner Rehabilitation Program</u>	342,051
0000 06921	- <u>FY14-15 HOME - SCDHC Downpayment Assistance</u>	75,000
	Sub-Total HOME	<u>\$ 657,051</u>

The United States Department of Housing and Urban Development (HUD), HOME Investment Partnerships Program, as authorized by the HOME Investment Partnerships Act of 1990, has awarded the County of Henrico, fiscal year 2014-15 grant funds in the amount of \$657,051 for these five programs/purposes.

38007	- ESG	
0000 06922	- <u>FY14-15 ESG - Administration</u>	\$ 9,171
0000 06923	- <u>FY14-15 ESG - CARITAS - Case Mgmt for Shelter Clients</u>	20,000
0000 06924	- <u>FY14-15 ESG - DSS - Homeless Prevention</u>	37,000
0000 06925	- <u>FY14-15 ESG - Hilliard House - Rapid Rehousing</u>	30,000
0000 06934	- <u>FY14-15 ESG - St. Joseph's Villa - Flagler Housing &amp; Homeless Service</u>	30,000
	Sub-Total ESG	<u>\$ 126,171</u>

The United States Department of Housing and Urban Development (HUD), Emergency Solutions Grant (ESG) Program, as authorized by the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, has awarded the County of Henrico, fiscal year 2014-15 grant funds in the amount of \$126,171 for these five programs/purposes.

Total Community Revitalization	<u>\$ 2,500,999</u>
Total SPECIAL REVENUE FUND	<u>\$ 2,500,999</u>
Total Amendments/Appropriations	<u><u>\$ 2,500,999</u></u>

**BE IT FURTHER RESOLVED** by the Board of Supervisors of the County of Henrico, Virginia, that the following resources from the approved Education Meals Tax Project Reserve be transferred to the specific capital projects listed below.

*FROM:*

**CAPITAL FUNDS**

*FUND 2139 - MEALS TAX SCHOOLS CAPITAL*

*Department 50 - Education*

*50331 - Construction and Maintenance*

0000 06899	- <u>Education Meals Tax Project Reserve</u>	\$ 1,159,278
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*TO:*

**CAPITAL FUNDS**

*FUND 2139 - MEALS TAX SCHOOLS CAPITAL*

*Department 50 - Education*

*50331 - Construction and Maintenance*

0000 06545	- <u>Tuckahoe ES - 5th Grade Area Renov, Planning, &amp; Construction</u>	\$ 266,314
0000 06738	- <u>Jackson Davis ES - Parking Lot Expansion</u>	73,421
0000 06739	- <u>Longan ES - Parking Lot Expansion</u>	85,657
0000 06740	- <u>Pinchbeck ES - Parking Lot Expansion</u>	71,128
0000 06967	- <u>Fairfield MS - Main Parking Lot</u>	56,062

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

Agenda Item No. **194-14**  
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0000 06968	- <u>Laburnum ES - Parking &amp; Drive Lanes</u>	39,071
0000 06969	- <u>Highland Springs HS - Replace Gym Floor</u>	21,875
0000 06970	- <u>Springfield Park ES - Replace Gym Floor</u>	3,750
0000 06971	- <u>Wilder MS - Gym &amp; Commons Lighting, Replace Gym Floor</u>	10,925
0000 06972	- <u>Davis ES - Bathroom Upgrade</u>	18,750
0000 06973	- <u>Donahoe ES - Bathroom Upgrade</u>	9,375
0000 06974	- <u>Glen Lea ES - Bathroom Upgrade</u>	8,825
0000 06975	- <u>Hermitage HS - Bathroom Upgrade</u>	37,500
0000 06976	- <u>Highland Springs ES - Bathroom Upgrade</u>	18,750
0000 06977	- <u>Holladay ES - Bathroom Upgrade</u>	18,750
0000 06978	- <u>Lakeside ES - Bathroom Upgrade</u>	18,750
0000 06979	- <u>Ridge ES - Bathroom Upgrade</u>	9,375
0000 06980	- <u>Three Chopt ES - Bathroom Upgrade</u>	15,625
0000 06981	- <u>Tuckahoe MS - Bathroom Upgrade</u>	31,250
0000 06982	- <u>Tucker HS - Bathroom Upgrade</u>	34,375
0000 06983	- <u>Hermitage HS - Building Automation System Upgrade</u>	12,500
0000 06984	- <u>Davis ES - Kitchen HVAC &amp; Exhaust Hood Replacement</u>	21,875
0000 06985	- <u>Donahoe ES - Kitchen HVAC &amp; Exhaust Hood Replacement</u>	21,875
0000 06986	- <u>Fairfield MS - Kitchen Walk-in Coolers</u>	18,750
0000 06987	- <u>Glen Allen ES - Kitchen HVAC &amp; Exhaust Hood Replacement</u>	21,875
0000 06988	- <u>Glen Lea ES - Replace Kitchen Serving Lines</u>	9,375
0000 06989	- <u>Holladay ES - Kitchen HVAC &amp; Exhaust Hood Replacement</u>	21,875
0000 06990	- <u>Rolfe MS - Replace Galv Water Piping</u>	18,750
0000 06991	- <u>Tucker HS - Kitchen HVAC &amp; Exhaust Hood Replacement</u>	21,875
0000 06992	- <u>Donahoe ES - Replace T12 Light Fixtures</u>	6,250
0000 06993	- <u>Glen Allen ES - Retrofit T12 Light Fixtures</u>	6,000
0000 06994	- <u>Glen Lea ES - Lighting MP &amp; Aud. Upgrades</u>	3,125
0000 06995	- <u>Hermitage HS - Lighting Upgrade T-12's</u>	25,000
0000 06996	- <u>Mehfoud ES - Retrofit T12 Light Fixtures</u>	18,750
0000 06997	- <u>Montrose ES - Replace Ceilings &amp; T12 Light Fixtures</u>	46,875
0000 06998	- <u>Short Pump ES - Retrofit T12 Light Fixtures</u>	6,250
0000 06999	- <u>Ratcliffe ES - Roofing &amp; Waterproofing Repairs</u>	28,750

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



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 195-14

Page No. 1 of 1

Agenda Title:

RESOLUTION — Signatory Authority — Easement Agreement —  
Sprintcom, Inc. — Brookland District

For Clerk's Use Only:

Date: JUL 22 2014

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

BOARD OF SUPERVISORS ACTION

Moved by (1) Aloner Seconded by (1) Kaechele  
(2) \_\_\_\_\_ (2) \_\_\_\_\_

REMARKS:

**APPROVED**

YES NO OTHER

Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

WHEREAS, Sprintcom, Inc. has requested the County to convey a 10-foot wide underground utility easement across RF&P Park so that Sprintcom can install fiber optic cable to service its existing telecommunications tower within the park; and,

WHEREAS, the County is willing to convey the easement with a requirement that Sprintcom bears the cost of relocating its cable should the cable interfere with the County's future development of the park; and,

WHEREAS, this resolution was advertised and a public hearing was held on July 22, 2014, pursuant to Va. Code §§ 15.2-1813 and 15.2-1800.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the Chairman and Clerk are authorized to execute an easement agreement, in a form approved by the County Attorney, under the terms outlined above conveying an underground utility easement to Sprintcom as shown on the attached Exhibit A.

Comments: The Directors of Recreation and Parks and Real Property recommend approval of this Board Paper; the County Manager concurs.

By Agency Head

Jim Botney

By County Manager

[Signature]

Routing:

Yellow to: Real Property

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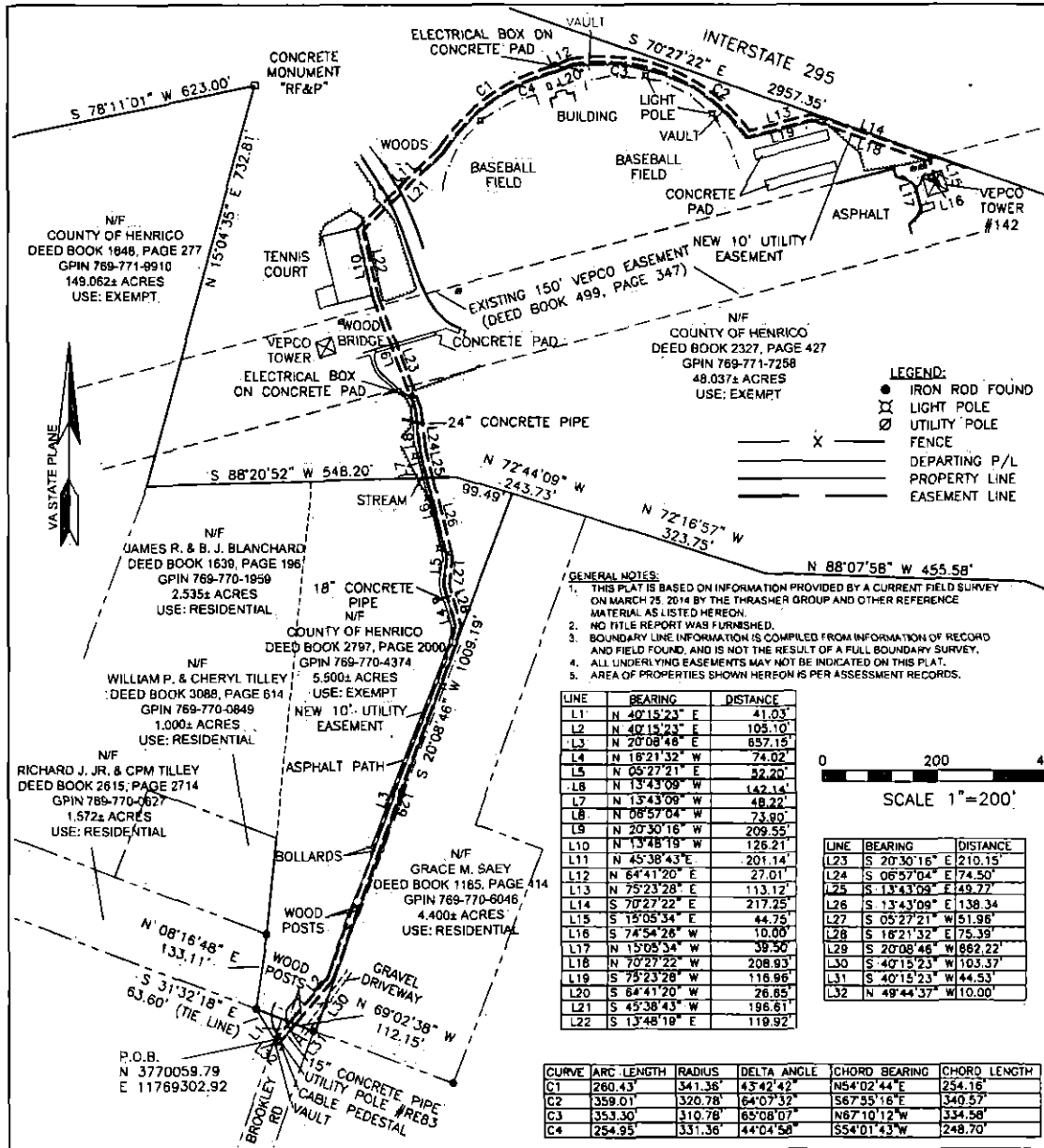
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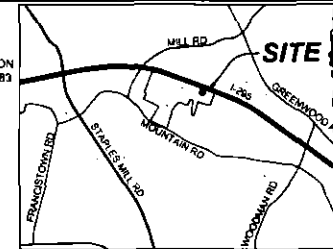
Clerk, Board of Supervisors

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

# EXHIBIT A



**PLAN DATA:**  
 1. COORDINATES AND BEARINGS ON THIS PLAN ARE BASED ON NAD 83 VIRGINIA SOUTH ZONE STATE PLANE GRID. THE U.S. SURVEY FOOT WAS USED TO CONVERT FROM METERS TO FEET (1 METER = 39.37 INCHES).



## LEGAL DESCRIPTION FOR A 10' WIDE UTILITY EASEMENT:

COMMENCING AT A POINT WITHIN THE RIGHT OF WAY OF BROOKLEY ROAD HAVING A NAD 83 VIRGINIA SOUTH ZONE STATE PLANE COORDINATE VALUE OF NORTH 3770059.19 AND EAST 11765302.82, SAID POINT BEING S 31°32'18" E 63.00' FROM AN IRON ROD, SAID ROD BEING THE SOUTHEAST CORNER OF PROPERTY NOW OR FORMERLY OWNED BY RICHARD J. JR. & CPM TILLEY DEED BOOK 2615 PAGE 2714, SAID POINT BEING THE POINT OF BEGINNING OF A 10' WIDE UTILITY LICENSE AREA:

THENCE ALONG THE FOLLOWING COURSE AND DISTANCE WITHIN THE RIGHT OF WAY, N 40°15'23" E 41.03' TO A POINT, SAID POINT BEING ON THE PROPERTY LINE COMMON TO THE NORTH RIGHT OF WAY LIMIT OF BROOKLEY ROAD AND THE COUNTY OF HENRICO RF & P PARK (GPN 769-770-4374);

THENCE LEAVING THE COMMON PROPERTY LINE AND CONTINUING THROUGH RF & P PARK THE FOLLOWING COURSES:

- N 40°15'23" E 105.10' TO A POINT;
- N 20°08'48" E 657.15' TO A POINT;
- N 16°21'32" W 74.02' TO A POINT;
- N 05°27'21" E 32.20' TO A POINT;
- N 13°43'09" W 142.14' TO A POINT, SAID POINT BEING ON THE PROPERTY LINE COMMON TO RF&P PARK (GPN 769-770-4374) AND RF&P PARK (GPN 769-771-7258);

THENCE LEAVING THE COMMON PROPERTY LINE AND CONTINUING THROUGH RF&P PARK THE FOLLOWING COURSES:

- N 13°43'09" W 48.22' TO A POINT;
- N 08°57'04" W 73.80' TO A POINT;
- N 20°30'16" W 209.55' TO A POINT;
- N 13°48'19" W 126.21' TO A POINT;
- N 45°38'43" E 201.14' TO A POINT;
- ALONG A 341.36' RADIUS CURVE TO THE RIGHT FOR 260.43' (CHORD BEARS N 54°02'44" E 254.16') TO A POINT;
- N 64°41'20" E 27.01' TO A POINT;
- ALONG A 320.78' RADIUS CURVE TO THE RIGHT FOR 359.01' (CHORD BEARS N 87°10'12" W 334.58') TO A POINT;
- N 75°23'28" E 113.12' TO A POINT;
- S 70°27'22" E 217.25' TO A POINT;
- S 15°05'34" E 44.75' TO A POINT;
- S 74°54'26" W 10.00' TO A POINT;
- N 15°05'34" W 39.50' TO A POINT;
- N 70°27'22" W 208.93' TO A POINT;
- S 75°23'28" W 118.96' TO A POINT;
- ALONG A 310.78' RADIUS CURVE TO THE LEFT FOR 353.30' (CHORD BEARS N 67°10'12" W 334.58') TO A POINT;
- S 64°41'20" W 26.85' TO A POINT;
- ALONG A 331.36' RADIUS CURVE TO THE LEFT FOR 254.95' (CHORD BEARS S 54°01'43" W 248.70') TO A POINT;
- S 45°38'43" W 196.61' TO A POINT;
- S 13°48'19" E 119.92' TO A POINT;
- S 20°30'16" W 209.55' TO A POINT;
- S 13°43'09" E 44.75' TO A POINT;
- S 74°54'26" W 10.00' TO A POINT;
- N 15°05'34" W 39.50' TO A POINT;
- N 70°27'22" W 208.93' TO A POINT;
- S 75°23'28" W 118.96' TO A POINT;
- S 64°41'20" W 26.85' TO A POINT;
- S 45°38'43" W 196.61' TO A POINT;
- S 13°48'19" E 119.92' TO A POINT;

THENCE LEAVING THE COMMON PROPERTY LINE AND CONTINUING THROUGH RF&P PARK THE FOLLOWING COURSES:

- N 13°43'09" E 138.34' TO A POINT;
- S 05°27'21" W 51.96' TO A POINT;
- S 16°21'32" W 75.39' TO A POINT;
- S 20°08'48" W 652.22' TO A POINT;
- S 40°15'23" W 103.37' TO A POINT, SAID POINT BEING ON THE PROPERTY LINE COMMON TO THE NORTH RIGHT OF WAY LIMIT OF BROOKLEY ROAD AND THE COUNTY OF HENRICO RF & P PARK (GPN 769-770-4374);

THENCE ALONG THE FOLLOWING COURSE AND DISTANCE WITHIN THE RIGHT OF WAY, S 40°15'23" W 44.83' TO A POINT, AND N 49°44'37" W 10.00' TO THE POINT OF BEGINNING, CONTAINING 0.629 ACRES, MORE OR LESS.

## SURVEYED BY:

PHONE (540) 372-3499  
 CIVIL ENVIRONMENTAL CONSULTING FIELD SERVICES  
 238 CAMBRIDGE STREET - FREDERICKSBURG, VA 22405

ALCATEL-LUCENT  
 9305 GERYNG LN., STE. H  
 COLUMBIA, MD 21048  
 TEL: 410-290-5508  
 FAX: 410-290-3362

Sprint

1788 OLD MEADOW ROAD  
 MCLEAN, VIRGINIA 22102  
 TEL: 800-357-7841

FULLERTON  
 ENGINEERING-DESIGN

9600 W. BAYN MAVER AVE. SUITE 200  
 ROSEMONT, ILLINOIS 60018  
 TEL: 847-392-0100  
 FAX: 847-392-0106  
 www.FullertonEngineering.com

DATE	DESCRIPTION	INT.
1/12/14	PRELIMINARY REVIEW	YES
2/12/14	FINAL	NO

COMMONWEALTH OF VIRGINIA  
 Douglas A. Richmond  
 Lic. No. 1718  
 06/12/2014  
 LAND SURVEYOR

VEPCO/RF & P

SITE NO.

RI03XC036

SITE ADDRESS

3750 RF & P DRIVE  
 GLEN ALLEN, VA 23060

SHEET NAME

SITE SURVEY

SHEET NUMBER

TE-1

THIS DRAWING IS THE PROPERTY OF FULLERTON ENGINEERING CONSULTANTS, INC. IT IS FOR THE EXCLUSIVE USE OF THE PROJECT AND ANY RE-USE OF THIS DRAWING WITHOUT THE EXPRESSED WRITTEN CONSENT OF FULLERTON ENGINEERING CONSULTANTS, INC. IS PROHIBITED.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 196-14

Page No. 1 of 1

Agenda Title:

RESOLUTION — Signatory Authority — Conveyance of Land — Old  
Pump Road — Three Chopt District

For Clerk's Use Only:

Date: JUL 22 2014

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

BOARD OF SUPERVISORS ACTION

Moved by (1) Kaechele Seconded by (1) Glover  
(2) (2)

REMARKS:

APPROVED

YES NO OTHER

Glover, R.	✓		
Kaechele, D.	✓		
Nelson, T.	✓		
O'Bannon, P.	✓		
Thornton, F.	✓		

WHEREAS, at its meeting on September 25, 2010, the Board agreed to abandon and quitclaim a 4,805.19 square foot portion of former Old Pump Road as a part of a condemnation settlement with the adjacent owners, John C. Zehler, Kathryne K. Zehler and Tommy L. England, for the John Rolfe Parkway Project; and,

WHEREAS, at a public hearing held May 27, 2014, the County abandoned the property shown on the attached Exhibit A survey dated January 9, 2012; and,

WHEREAS, the quitclaim deed will reserve a permanent drainage and utility easement for the County's use; and,

WHEREAS, this resolution was advertised and a public hearing was held on July 22, 2014.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the Chairman and Clerk are authorized to execute a deed, in a form approved by the County Attorney, quitclaiming the property described above to John C. Zehler, Kathryne K. Zehler and Tommy L. England, subject to the reservation of a permanent drainage and utility easement.

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

By Agency Head

*[Signature]*

By County Manager

*[Signature]*

Routing:

Yellow to:

*[Signature]*

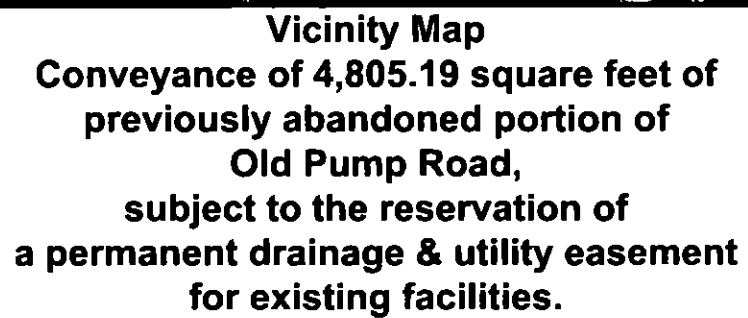
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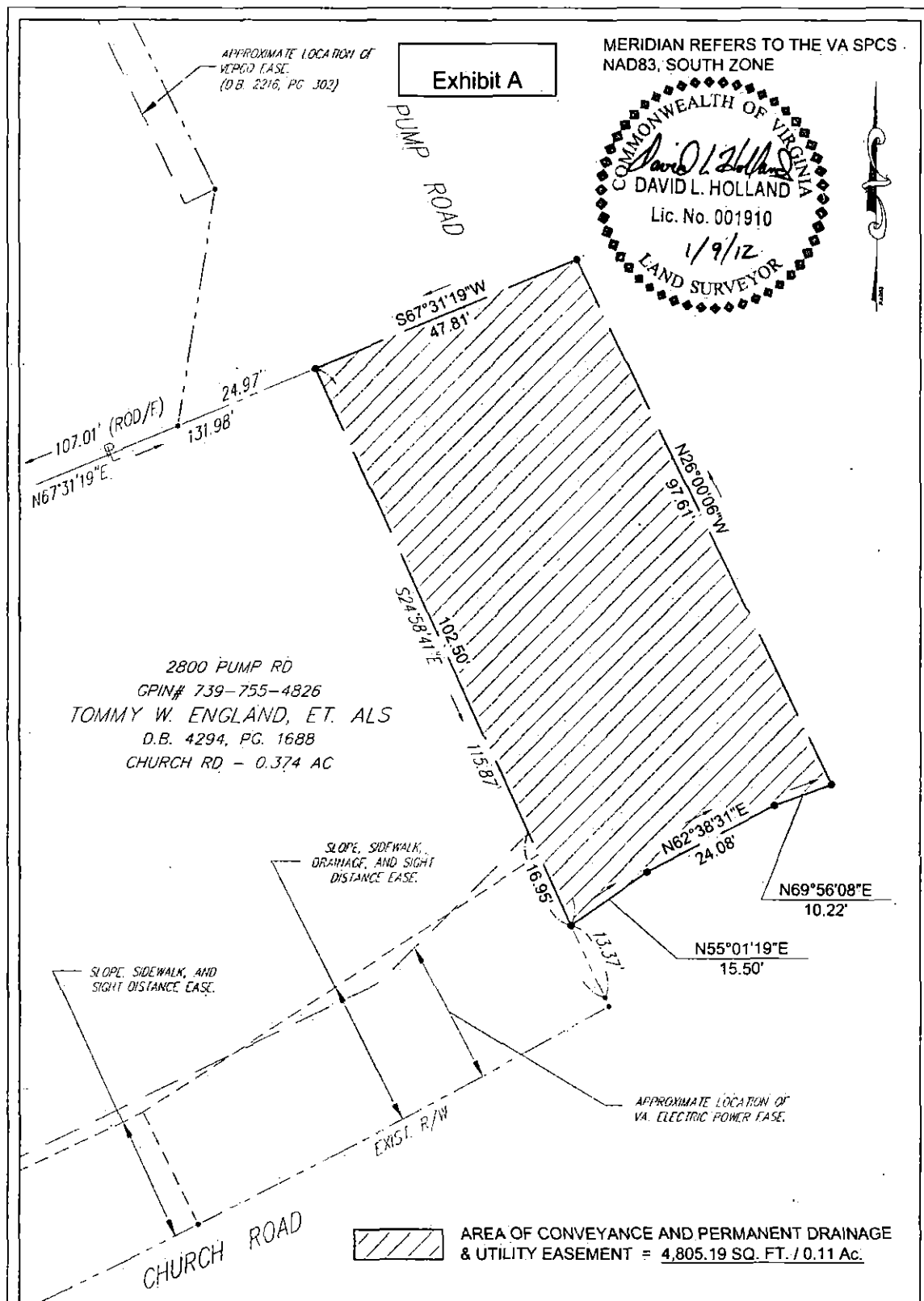
Certified:

A Copy Teste:

Clerk, Board of Supervisors

Date:





COUNTY OF HENRICO  
DEPARTMENT OF  
PUBLIC WORKS

TITLE: RIGHT OF WAY  
TO BE CONVEYED

DISTRICT: Three Chopt  
DATE: January 9, 2012  
SCALE: 1"=20'

RECOMMENDED FOR R/W APPROVAL

APPROVED FOR R/W

1-9-12

*David L. Holland*

5-12-14

*Jon B. [Signature]*

DATE

COUNTY SURVEYOR

DATE

DIRECTOR, REAL PROPERTY





COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 197-14  
Page No. 1 of 1

**Agenda Title: INTRODUCTION OF ORDINANCE – To Amend and Reordain Section 20-77 Titled "Pollution control equipment and facilities," Section 20-113 Titled "Exemption for household goods and personal effects of residents," Section 20-377 Titled "Relief from erroneous assessment; appeals," Section 20-383 Titled "Written ruling from the director of finance," and Section 20-843 Titled "Exemptions" of the Code of the County of Henrico to Conform to State Legislation Exempting Certain Property and Food and Beverage Sales from Taxation and Allowing an Administrative Appeal of Business License Classification**

For Clerk's Use Only:

Date: JUL 22 2014

- ☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Kaechele Seconded by (1) Nelson  
(2) \_\_\_\_\_ (2) \_\_\_\_\_

REMARKS

**APPROVED**

YES NO OTHER

Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The Clerk is directed to advertise in the Richmond Times-Dispatch on July 29, 2014 and August 5, 2014 the following ordinance for a public hearing to be held on August 12, 2014, at 7:00 p.m. in the Board Room.

"An ordinance to amend and reordain Section 20-77 titled "Pollution control equipment and facilities," Section 20-113 titled "Exemption for household goods and personal effects of residents," Section 20-377 titled "Relief from erroneous assessment; appeals," Section 20-383 titled "Written ruling from the director of finance," and Section 20-843 titled "Exemptions" of the Code of the County of Henrico to conform to state legislation exempting certain property and food and beverage sales from taxation and allowing an administrative appeal of business license classification. A copy of the full text of this ordinance shall be on file in the Office of the County Manager."

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

By Agency Head

[Signature]

By County Manager

[Signature]

Routing:

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

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

Certified:

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

Clerk, Board of Supervisors

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

**ORDINANCE – To Amend and Reordain Section 20-77 Titled "Pollution control equipment and facilities," Section 20-113 Titled "Exemption for household goods and personal effects of residents," Section 20-377 Titled "Relief from erroneous assessment; appeals," Section 20-383 Titled "Written ruling from the director of finance," and Section 20-843 Titled "Exemptions" of the Code of the County of Henrico to Conform to State Legislation Exempting Certain Property and Food and Beverage Sales from Taxation and Allowing an Administrative Appeal of Business License Classification**

AN ORDINANCE to amend and reordain Section 20-77 titled "Pollution control equipment and facilities," Section 20-113 titled "Exemption for household goods and personal effects of residents," Section 20-377 titled "Relief from erroneous assessment; appeals," Section 20-383 titled "Written ruling from the director of finance," and Section 20-843 titled "Exemptions" of the Code of the County of Henrico to conform to state legislation exempting certain property and food and beverage sales from taxation and allowing an administrative appeal of business license classification.

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

1. That Section 20-77 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 20-77. Pollution control equipment and facilities.**

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(c) As used in this section, the term "certified pollution control equipment and facilities" shall mean any property, whether real, personal or machinery and tools, equipment, facilities or devices, used primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the state, and which the state certifying authority having jurisdiction with respect to such property has certified to the state department of taxation and to the director of finance of the county as having been constructed, reconstructed, erected or acquired in conformity with the state program or requirement for abatement or control of water or atmospheric pollution or contamination. Such property shall include, but is not limited to, any equipment used to grind, chip, or mulch trees, tree stumps, underbrush, and other vegetative cover for reuse as mulch, compost, landfill gas, synthetic or natural gas recovered from waste or other fuel, and equipment used in collecting, processing, and distributing, or generating electricity from, landfill gas or synthetic or natural gas recovered from waste, whether or not such property has been

certified to the department of taxation and to the director of finance of the county by a state certifying authority. Such property shall also include solar energy equipment, facilities, or devices owned or operated by a business that collect, generate, transfer, or store thermal or electric energy whether or not such property has been certified to the state department of taxation and to the director of finance of the county by a state certifying authority. For solar photovoltaic (electric energy) systems, this exemption applies only to projects equaling 20 megawatts or less, as measured in alternating current (AC) generation capacity. Such property shall not include the land on which such equipment or facilities are located.

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2. That Section 20-113 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 20-113. Exemption for household goods and personal effects of residents.**

(a) The following household goods and personal effects of the residents of the county are hereby exempt from taxation as tangible personal property:

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(10) Electronic communications and processing devices and equipment, including but not limited to cell phones and tablet and personal computers, including peripheral equipment such as printers.

~~(1011)~~ All other tangible personal property used by an individual or a family or household incident to maintaining an abode.

(b) The classifications set forth in this section shall apply only to such property owned and used by an individual or by a family or household primarily incident to maintaining an abode.

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3. That Section 20-377 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 20-377. Relief from erroneous assessment; appeals.**

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(b) Any person assessed with a license tax as a result of an appealable event may apply within one year from the last day of the tax year for which such assessment is made, or within one year from the date of the appealable event, whichever is later, to the director of finance for a correction of the assessment. The application must be filed in good faith and sufficiently identify the taxpayer, the tax periods covered by the challenged assessments, the remedy sought, each alleged error in the assessment, the grounds upon which the taxpayer relies, and any other facts relevant to the taxpayer's contention. The director of finance may hold a conference with the taxpayer if requested by the taxpayer, or require submission of additional information and documents, an audit or further audit, or other evidence deemed necessary for a proper and equitable determination of the application. The assessment shall be deemed prima facie correct. The director of finance shall undertake a full review of the taxpayer's claims and issue a determination to the taxpayer setting forth the facts and arguments in support of his decision. The taxpayer may at any time also file an administrative appeal of the classification applicable to the taxpayer's business, including whether the business properly falls within a business license subclassification established by the county. However, the appeal of the classification of the business shall not apply to any license year for which the tax commissioner has previously issued a final determination relating to any license fee or license tax imposed upon the taxpayer's business for the year. In addition, any appeal of the classification of a business shall in no way affect or change any limitations period prescribed by law for appealing an assessment. Every assessment pursuant to an appealable event shall include or be accompanied by a written explanation of the taxpayer's right to a correction and the specific procedure to be followed, including the name and address of the person to whom the application should be directed, an explanation of the required content of the application for a correction and the deadline for filing the request for a correction. For purposes of facilitating an administrative appeal of the classification applicable to a taxpayer's business, the county shall maintain on its website the specific procedures to be followed with regard to such appeal and the name and address to which the appeal should be directed.

(c) Provided a timely and complete application for relief is made, collection activity with respect to the amount in dispute related to any assessment by the director of finance shall be suspended until a final determination is issued by the director of finance, unless the director of finance determines that: (i) collection would be jeopardized by delay, (ii) the taxpayer has not responded to a request for relevant information after a reasonable time, or (iii) the appeal is frivolous. Interest shall accrue in accordance with the provisions of sections 20-370 and 20-376 as to that portion of the assessment which has remained unpaid during the pendency of the application to

the director of finance for relief and was determined to be properly due and owing, but no further penalty shall be assessed while collection action is suspended.

(d) Upon an application for correction pursuant to subsection (b) of this section, aAny person assessed with a license tax as a result of a determination, or that has received a determination with regard to the person's appeal of the license classification or subclassification of the person's business, upon an application for correction pursuant to subsection (b) of this section, that is adverse to the position asserted by the taxpayer in such application may apply within 90 days of the determination by the director of finance to the tax commissioner for the Commonwealth for a correction of such assessment or determination. The appeal shall be in such form as the tax commissioner may prescribe and the taxpayer shall serve a copy of the appeal upon the director of finance. The tax commissioner shall permit the director of finance to participate in the proceedings, and shall issue a determination to the taxpayer within 90 days of receipt of the taxpayer's application, unless the taxpayer and the director of finance are notified that a longer period will be required. The application shall be treated as an application pursuant to Code of Virginia, § 58.1-1821, and the tax commissioner pursuant to Code of Virginia, § 58.1-1822 may issue an order correcting such assessment or correcting the license classification or subclassification of the business and the related license tax or fee liability pursuant to Code of Virginia, § 58.1-1822.

(e) On receipt of a notice of intent to file an appeal to the tax commissioner, the director of finance shall further suspend collection activity with respect to the amount in dispute related to any assessment by the director of finance until a final determination is issued by the tax commissioner, unless the director of finance determines that: (i) collection would be jeopardized by delay, (ii) the taxpayer has not responded to a request for relevant information after a reasonable time, or (iii) the appeal is frivolous. Interest shall accrue in accordance with the provisions of sections 20-370 and 20-376, but no further penalty shall be imposed while collection action is suspended. The requirement that collection activity be suspended shall cease unless an appeal is filed and served on the necessary parties within 30 days of the service of notice of intent to file such appeal.

(f) Promptly upon receipt of the final determination of the tax commissioner with respect to an appeal pursuant to subsection (e) of this section, the director of finance shall take those steps necessary to calculate the amount of tax owed by or refund due to the taxpayer consistent with the tax commissioner's determination and shall provide that information to the taxpayer.

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(4) If the determination of the tax commissioner does not set forth a specific amount of refund due, or otherwise requires director of finance to undertake a new or revised assessment that will result in an obligation on the part of the county to make a refund of taxes previously paid, the director of finance shall promptly commence the

steps necessary to undertake such new or revised assessment **or to determine the amount of refund due in the case of a correction to the license classification or subclassification of the business**, and provide it to the taxpayer within 60 days of the date of the determination of the tax commissioner, or within 60 days after receipt from the taxpayer of any additional information requested or reasonably required under the determination of the tax commissioner, whichever is later. The director of finance shall issue a refund to the taxpayer for the amount of tax due, together with interest accrued, within 30 days of the date of the new assessment **or determination of the amount of the refund**.

(g) Judicial review of determination of tax commissioner shall be in accordance with the following:

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(2) *Suspension of payment of disputed amount of tax due upon taxpayer's notice of intent to initiate judicial review.*

- a. On receipt of a notice of intent to file an application for judicial review, pursuant to Code of Virginia, § 58.1-3984, of a determination of the tax commissioner pursuant to subsection (f) of this section, and upon payment of the amount of the tax **related to any assessment by the director of finance** that is not in dispute together with any penalty and interest then due with respect to such undisputed portion of the tax, the director of finance shall further suspend collection activity while the court retains jurisdiction unless the court, upon appropriate motion after notice and an opportunity to be heard, determines that:
  1. The taxpayer's application for judicial review is frivolous;
  2. Collection would be jeopardized by delay; or
  3. Suspension of collection would cause substantial economic hardship to the county. For purposes of determining whether substantial economic hardship to the county would arise from a suspension of collection activity, the court shall consider the cumulative effect of then-pending appeals filed within the county by different taxpayers that allege common claims or theories of relief.
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- c. No suspension of collection activity shall be required if the application for judicial review fails to identify with particularity the amount in

dispute or the application does not relate to any assessment by the director of finance.

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

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*Appealable event* means an increase in the assessment of a local license tax payable by a taxpayer, the denial of a refund, or the assessment of a local license tax where none previously was assessed, arising out of the director of finance's (i) examination of records, financial statements, books of account or other information for the purpose of determining the correctness of an assessment; (ii) determination regarding the rate or classification applicable to the licensable business; (iii) assessment of a local license tax when no return has been filed by the taxpayer; or (iv) denial of an application for correction of erroneous assessment attendant to the filing of an amended application for license.

**An appealable event shall include a taxpayer's appeal of the classification applicable to a business, including whether the business properly falls within a business license subclassification established by the county, regardless of whether the taxpayer's appeal is in conjunction with an assessment, examination, audit, or any other action taken by the county.**

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(i) Any taxpayer whose application for correction pursuant to the provisions of subsection (b) of this section has been pending for more than one year without the issuance of a final determination may, upon not less than 30 days' written notice to the director of finance, elect to treat the application as denied and appeal the assessment **or classification of the taxpayer's business** to the tax commissioner in accordance with the provisions of subsection (d) of this section. The tax commissioner shall not consider an appeal filed pursuant to the provisions of this subsection if he finds that the absence of final determination on the part of the director of finance was caused by the

willful failure or refusal of the taxpayer to provide information requested and reasonably needed by the director of finance to make the determination.

4. That Section 20-383 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 20-383. Written ruling from the director of finance.**

Any taxpayer or an authorized representative of a taxpayer may request a written ruling from the director of finance regarding the assessment of license tax in a specific fact situation. Any person requesting such a ruling must provide all the relevant facts and may present a rationale for an interpretation of the law most favorable to the taxpayer. **In addition, the taxpayer or authorized representative may request a written ruling with regard to the classification applicable to the taxpayer's business, including whether the business properly falls within a business license subclassification established by the county.** Any misrepresentation or change in the applicable law or the factual situation as presented in the ruling request shall invalidate any ruling issued. A written ruling will be revoked or amended automatically prospectively if there is a change in the law, a court decision or the guidelines issued by the state department of taxation upon which the ruling was based. A written ruling may be revoked or amended prospectively if the assessor notifies the taxpayer of a change in policy or interpretation upon which the ruling was based. However, any person who acts on a written ruling which later becomes invalid shall be deemed to have acted in good faith during the period when such ruling was in effect.

5. That Section 20-843 of the Code of the County of Henrico be amended and reordained as follows:

**§ 20-843. Exemptions.**

The following transactions shall not be subject to the tax under this article:

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(5) Food and beverages sold by volunteer fire departments and rescue squads; nonprofit churches or other religious bodies; educational, charitable, fraternal, or benevolent organizations, ~~on an occasional basis, not exceeding the first~~ **three times per calendar year and, beginning with the fourth time, the first \$100,000.00 of gross receipts per calendar year from sales of food and beverages (excluding gross receipts from the first three times),** as a fundraising activity, the gross



proceeds of which are to be used by such church, religious body or organization exclusively for nonprofit educational, charitable, benevolent, or religious purposes;

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



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 198-14  
Page No. 1 of 1

**Agenda Title: INTRODUCTION OF ORDINANCE – To Amend and Reordain Section 5-27 of the Code of the County of Henrico Titled “Dogs killing or injuring livestock or poultry” to Conform to State Legislation Allowing Animal Protection Officers to Seize Dogs Found in the Act of Killing or Injuring Livestock or Poultry**

For Clerk's Use Only:

Date: Jul 22 2014

- ☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

**APPROVED**

YES NO OTHER

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

The Clerk is directed to advertise in the Richmond Times-Dispatch on July 29, 2014 and August 5, 2014 the following ordinance for a public hearing to be held on August 12, 2014, at 7:00 p.m. in the Board Room.

“An ordinance to amend and reordain section 5-27 of the Code of the County of Henrico titled “Dogs killing or injuring livestock or poultry” to conform to state legislation allowing animal protection officers to seize dogs found in the act of killing or injuring livestock or poultry. A copy of the full text of this ordinance shall be on file in the Office of the County Manager.”

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

By Agency Head

By County Manager

Routing:

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

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

Certified:

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

Clerk, Board of Supervisors

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

**BLACKLINE**

**ORDINANCE – To Amend and Reordain Section 5-27 of the Code of the County of Henrico Titled “Dogs killing or injuring livestock or poultry” to Conform to State Legislation Allowing Animal Protection Officers to Seize Dogs Found in the Act of Killing or Injuring Livestock or Poultry**

AN ORDINANCE to amend and reordain section 5-27 of the Code of the County of Henrico titled “Dogs killing or injuring livestock or poultry” to conform to state legislation allowing animal protection officers to seize dogs found in the act of killing or injuring livestock or poultry.

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

1. That Section 5-27 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 5-27. Dogs killing or injuring livestock or poultry.**

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

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



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 199-14  
Page No. 1 of 1

**Agenda Title: INTRODUCTION OF ORDINANCE – To Amend and Reordain Section 21-23 of the Code of the County of Henrico Titled “Enforcement officers” to Conform to State Legislation Eliminating the Reference to Special Police Officers**

For Clerk's Use Only:	BOARD OF SUPERVISORS ACTION	YES	NO	OTHER
Date: <u>JUL 22 2014</u>	Moved by (1) <u>Cilmer</u> Seconded by (1) <u>Kaechle</u>			
<input checked="" type="checkbox"/> Approved	(2) <u>APPROVED</u>	<input checked="" type="checkbox"/>		
<input type="checkbox"/> Denied	REMARKS:	<input checked="" type="checkbox"/>		
<input type="checkbox"/> Amended		<input checked="" type="checkbox"/>		
<input type="checkbox"/> Deferred to:		<input checked="" type="checkbox"/>		
		<input checked="" type="checkbox"/>		

The Clerk is directed to advertise in the Richmond Times-Dispatch on July 29, 2014 and August 5, 2014 the following ordinance for a public hearing to be held on August 12, 2014, at 7:00 p.m. in the Board Room.

“An ordinance to amend and reordain section 21-23 of the Code of the County of Henrico titled “Enforcement officers” to conform to state legislation eliminating the reference to special police officers. A copy of the full text of this ordinance shall be on file in the Office of the County Manager.”

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

By Agency Head [Signature]

By County Manager [Signature]

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Clerk, Board of Supervisors

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

**BLACKLINE**

**ORDINANCE – To Amend and Reordain Section 21-23 of the Code of the County of Henrico Titled “Enforcement officers” to Conform to State Legislation Eliminating the Reference to Special Police Officers**

AN ORDINANCE to amend and reordain section 21-23 of the Code of the County of Henrico titled “Enforcement officers” to conform to state legislation eliminating the reference to special police officers.

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

1. That Section 21-23 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 21-23. Enforcement officers.**

The provisions of this article shall be enforceable by all sworn law-enforcement officers to the extent of their authority, ~~including special police officers whose jurisdiction is limited geographically to certain areas of the County.~~

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



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 200-14

Page No. 1 of 1

Agenda Title: RESOLUTION — Authorization for Grant Funding — Tuckahoe Creek Park – Tuckahoe District

For Clerk's Use Only: Date: <u>JUL 27 2014</u> ( ) Approved ( ) Denied ( ) Amended ( ) Deferred to:	<b>BOARD OF SUPERVISORS ACTION</b> Moved by (1) <u>Glover</u> Seconded by (1) <u>Nelson</u> (2) _____ (2) _____ REMARKS: <b>APPROVED</b>	<table><thead><tr><th></th><th>YES</th><th>NO</th><th>OTHER</th></tr></thead><tbody><tr><td>Glover, R.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Kaechele, D.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Nelson, T.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>O'Bannon, P.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Thornton, F.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr></tbody></table>		YES	NO	OTHER	Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		YES	NO	OTHER																						
Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							

**WHEREAS**, the Division of Recreation & Parks wishes to obtain grant funding of \$260,000 from the Federal Highway Administration through the Recreational Trails Program administered by the Virginia Department of Conservation and Recreation; and,

**WHEREAS**, the grant, which requires a 20% local match, will be used to supplement local funding for construction of the first phase of Tuckahoe Creek Park; and,

**WHEREAS**, the required match is available within appropriated project funds.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors authorizes the County Manager to execute all documents necessary to apply for and receive grant funding of \$260,000 from the Virginia Department of Conservation and Recreation in a form approved by the County Attorney.

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

By Agency Head

By County Manager

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Clerk, Board of Supervisors

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



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 201-14

Page No. 1 of 1

Agenda Title: **RESOLUTION – Signatory Authority – Memorandum of Understanding –  
Chickahominy Water Access Trail – Varina District**

For Clerk's Use Only:

Date: Jul 22 2014

- ☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS

**APPROVED**

YES NO OTHER

Glover, R. ☒ ☐ ☐

Kacchale, D. ☒ ☐ ☐

Nelson, T. ☒ ☐ ☐

O'Bannon, P. ☒ ☐ ☐

Thornton, F. ☒ ☐ ☐

WHEREAS, the James River Association ("JRA"), the Virginia Department of Transportation ("VDOT") and the County of Henrico, Virginia (the "County") desire to provide residents a quality public access point to the Chickahominy River from the parking lot and Chickahominy Water Trail owned by VDOT near the Grapevine Bridge at N. Airport Drive ("the site"); and,

WHEREAS, JRA has agreed to install trail improvements, a canoe/kayak launch and trailhead signage at the site using grant funding awarded by the National Park Service; and,

WHEREAS, the general location of the improvements is shown on the attached diagram labeled "Chickahominy River Access Concept Plan" dated February 7, 2014 (the "Concept Plan"); and,

WHEREAS, upon completion of the improvements, the County has agreed to provide essential maintenance of the Chickahominy Water Trail and the canoe/kayak launch and VDOT has agreed to maintain the improvements located within its parking lot.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the County Manager is authorized to execute a Memorandum of Understanding, in a form approved by the County Attorney, among JRA, VDOT and the County to install and maintain the public river access as described above.

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

By Agency Head

Celia Tucker

By County Manager

[Signature]

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COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 202-14

Page No. 1 of 1

Agenda Title: **RESOLUTION — Award of Contracts — Annual Engineering Services — Water and Sewer Projects — Draper Aden Associates and URS Corporation**

For Clerk's Use Only:

Date: **May 22 2014**

- ☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Culver Seconded by (1) Nelson  
(2) (2)

REMARKS:

**APPROVED**

YES NO OTHER

Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**WHEREAS**, on May 23, 2014, seven proposals were received in response to RFP #14-9593-4CE, Annual Engineering Services for Water and Sewer Projects; and,

**WHEREAS**, based upon review and evaluation of the written proposals, the Selection Committee interviewed the following firms:

Draper Aden Associates  
URS Corporation  
Whitman, Requardt & Associates, LLP  
O'Brien & Gere

**WHEREAS**, the Selection Committee selected Draper Aden Associates and URS Corporation as the two top-ranked firms and negotiated hourly rate schedules with each firm.

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

1. A contract to provide annual engineering services for water and sewer projects is awarded to Draper Aden Associates for the period of August 1, 2014 to July 31, 2015, with the option to renew for two additional one-year terms, all in accordance with RFP #14-9593-4CE dated April 25, 2014 and the proposal submitted by Draper Aden Associates. Compensation will be based upon the hourly rate schedules that have been negotiated between the County and Draper Aden Associates.
2. A contract to provide annual engineering services for water and sewer projects is awarded to URS Corporation for the period of August 1, 2014 to July 31, 2015, with the option to renew for two additional one-year terms, all in accordance with RFP #14-9593-4CE dated April 25, 2014 and the proposal submitted by URS Corporation. Compensation will be based upon the hourly rate schedules that have been negotiated between the County and URS Corporation.

By Agency Head

Arthur O. Petrucci

By County Manager

[Signature]

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**HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE**

Agenda Item No. 202-14

Page No. 2 of 2

Agenda Title: **RESOLUTION — Award of Contracts — Annual Engineering Services — Water and Sewer Projects — Draper Aden Associates and URS Corporation**

3. Fees paid to Draper Aden Associates and URS Corporation shall not exceed \$300,000 for any single project, nor \$1,500,000 per one-year term of the contract.
4. The County Manager is authorized to execute the contracts in a form approved by the County Attorney.

Comments: Funding to support these contracts will be provided by the Water and Sewer Revenue Fund. The Directors of Public Utilities and the Purchasing Director recommend approval of this Board paper, and the County Manager concurs.