

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 Tuesday, the 8<sup>th</sup> of April 2008, at the hour of 6:00 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

**MEMBER OF THE BOARD ABSENT**

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 6:05 p.m.

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

Rev. Barbara J. Massey, Minister to Children, River Road Church, Baptist, provided the invocation.

**PUBLIC HEARING**

96-08            Resolution – Adoption of Operating and Capital Annual Fiscal Plans For Fiscal Year 2008-09 and Allocation of Car Tax Relief for Tax Year 2008.

Mr. Hazelett advised that the Department of Finance's Management and Budget Division had placed copies of the proposed budget as well as small budget brief packets in the back of the Board Room for interested citizens. He offered a brief overview of the budget preparation process that was initiated in August 2007 for the FY 2008-09 fiscal plans. Mr. Hazelett noted that Henrico County is the only locality in Virginia where the elected body undergoes an intensive department by department and line by line review of the proposed budget. He narrated a Power Point presentation (see enclosed copy) that included major budget considerations, historic reductions to

the County's real estate tax rate, proposed changes to the County's Real Estate Tax Advantage Program (REAP), FY 2008-09 budget highlights, major budget recommendations and adjustments by the Board of Supervisors, an overview of capital improvements program (CIP) requests and the proposed capital budget projects, and a summary of major budget issues.

Mr. Kaechele expressed appreciation to Mr. Hazelett for a great summary and acknowledged the hard work that had gone into the preparation of the budget. He spoke to the diligence of staff in looking at the budget and trying to hold down costs and live within a five percent increase. Mr. Kaechele thanked Mr. Hazelett, the Department of Finance, and all of the employees who were involved with the budget preparation process. He stated that everyone could be proud of the way the County treats taxpayer money.

The following persons addressed the Board during the advertised public hearing on the fiscal plans:

- Ross Hotchkiss, a member of the Board of Directors of Meals on Wheels Serving Central Virginia. Mr. Hotchkiss expressed appreciation for the thorough and knowledgeable budget presentation. He introduced the organization's Executive Director, Richard Schultz, and thanked the Board for the funds included in the current year's budget for Meals on Wheels and for the modest increase included in the budget being considered by the Board. Mr. Hotchkiss updated the Board on the new community kitchen built by Meals on Wheels in partnership with the Central Virginia Foodbank. He also announced that Henrico was hosting the annual convention of the American Daffodil Society at the Sheraton Richmond West on April 8 and 9, 2008. Mrs. O'Bannon commented that she had visited the kitchen facility and was very impressed with the savings achieved through the partnership between Meals on Wheels and the Central Virginia Foodbank. Mr. Hotchkiss responded that this is the only Meals on Wheels organization in the country that has formed a partnership with a food bank.
- Karen Stanley, Executive Director of CARITAS and Executive Director of The Healing Place. Ms. Stanley thanked the Board for its continued support of CARITAS and explained the services that are provided by The Healing Place. She noted that The Healing Place was not recommended for funding in the County budget but that she planned to communicate further with the Board in hopes that it will also see the value of supporting this organization as well as CARITAS.
- Karen Gattuso, a parent representative of Henrico Parents for Community-Based Services. Mrs. Gattuso thanked the Board for providing funding in the past for community services and asked the Board to support the Community Services Board's supplemental budget request so it can continue to provide services to students who are graduating from high school. She introduced her daughter, Teresa, who will be making the transition in June 2008 from Deep Run High School to life in the community. Mrs. Gattuso expressed appreciation for the efforts of past Board of Supervisors, Community Services Boards, and parent advocates who have worked tirelessly to ensure that there is no waiting list for these services. She also thanked the Board for its commitment to serving the citizens of Henrico County with intellectual disabilities.

- Teresa Gattuso, Karen Gattuso's daughter and a senior at Deep Run High School. Ms. Gattuso offered brief biographical information and joined her mother in thanking the Board.
- Karen Cameron, Executive Director of the Central Virginia Health Planning Agency. Ms. Cameron distributed an information packet on her organization (see enclosed copy) and noted that this was her first time before the Board although her organization has applied for funding from the County in previous years. She reviewed her organization's mission, history, and primary activities; identified several Henrico residents who are actively involved in the organization's decision-making processes; cited specific benefits provided to localities by her organization; elaborated on her organization's activities impacting Henrico; explained her organization's funding request; referred to data generated by her organization's surveys of prevalence rates of selected chronic conditions and cardiovascular disease rates; and offered conclusions about her organization's role in the community. Ms. Cameron asked that the Board consider funding at least one-third of her organization's original request of \$35,656, which was based on 12 cents per capita. Mr. Kaechele commented that although the Board could not promise anything, it could find time to take another look at the request before adoption of the budget. Ms. Cameron thanked the Board for its time and attention.
- Larry Moffett, Chairman of the Capital Region Arts and Cultural Funding Consortium Board of Directors. Mr. Moffett expressed gratitude to the Board for its support of the Consortium and reported how the County's funding has been spent by the Consortium. He also explained the scope and structure of the Consortium, reviewed how it allocates funding to member organizations, and summarized the cultural and educational programs and events sponsored and subsidized by these organizations in Henrico County. Mr. Moffett noted that the organizations funded through the Consortium were asking that the Board continue its investment in supporting arts and cultural programs for its citizens.
- Bob Halbruner, Director of Communications for the Richmond Symphony. Mr. Halbruner distributed information on the Richmond Symphony (see enclosed copy), pointed out that his organization is a member of the Consortium, and commented that he was addressing the Board at Mr. Moffett's invitation to present a snapshot of the Richmond Symphony and its impact on the community. He spoke to the importance of music in the development of young minds, offered some facts and figures on the Richmond Symphony, reviewed the Symphony's presence in Henrico County, summarized the Symphony's education programs, spoke to how public-private partnerships help keep the cultural arts alive, and explained how the Symphony benefits the local economy. Mr. Halbruner thanked the Board for its support of both the Richmond Symphony and Arts Council of Richmond.
- Carol Holmquist, Executive Director of the READ Center, explained how her organization is serving low-level literacy students, referred to a new program that is being offered to clients of the Center, and noted that her organization works closely with the adult education department of Henrico County Public Schools and uses local public libraries. Ms. Holmquist expressed gratitude on behalf of her students and tutors for the funding provided

by the Board and pointed out that the County's funding covers approximately one-third of what it costs her organization to work with Henrico students.

- Tom Townsend, a resident of 12416 Duncannon Place in the Three Chopt District. Mr. Townsend commended the County and the Board for its excellent financial discipline and maintenance of the triple-A bond rating. He expressed concern about increased traffic and construction in the Short Pump area and the unabated volume of rezoning approvals during the past several years. Mr. Townsend expressed the view that there is an imbalance between infrastructure and growth in the County and stated that he believed the County's infrastructure is underfunded. He cited examples of congested areas of the County where no funds are currently available for road improvements. Mr. Townsend asked how the Board can address this traffic congestion and more directly correlate rezoning requests and approvals with the necessary infrastructure to support this growth. He also asked why Henrico County does not impose cash proffers upon developers during the rezoning approval process to fund and help pay for these necessary infrastructure improvements rather than spreading the cost of this infrastructure among all citizens of the County.

Mr. Kaechele responded to Mr. Townsend by pointing out that growth in the County overall has been at a moderate rate although much of it has been in the northwest corridor. He gave specific examples of current road projects in this area of the County to help alleviate traffic, cited the high quality of development in the County, and noted that the revenue generated by new growth and the development of West Broad Street contributes to the County's strong tax base and helps pay for infrastructure improvements. Mr. Kaechele explained that the County has been able to get along without cash proffers and that the major concern with cash proffers is that they affect the affordability of homes.

Mr. Hazelett pointed out that the Virginia General Assembly has not granted Henrico County the authority to impose impact fees. He spoke to Henrico County's continued emphasis on economic development and a favorable commercial and industrial tax base. Mr. Hazelett added that the County continues to consider alternatives but has to be mindful that the County's roadway system is shared with the Virginia Department of Transportation. He elaborated on the limitations of cash proffers and noted that the Board has considered cash proffers but decided that they are not in the best interest of the County at this point. Mr. Hazelett indicated that the General Assembly may in the future eliminate cash proffers as an available tool for Virginia localities.

- Susan Rhodes, a resident of 12308 Lynwood Drive in the Three Chopt District. Ms. Rhodes voiced concerns about the impact of residential rezonings in western Henrico on the County's schools. She asked how the County budgets and finds revenue for new students entering its public school system.

Mr. Hazelett explained how the County budgets for new students based on projections provided by the school system and accommodates the infrastructure needs for schools. He also commented on the accuracy of the school system's projections and pointed out that the school system is involved in the zoning process.

- Jason Young, Executive Director of the Community Futures Foundation, a non-profit organization that operates The Mill House. Mr. Young thanked the County for its ongoing support of the Mill House, offered an update on the community-based programs and services that The Mill House provides to Henrico citizens who are survivors of brain injury, and spoke to the more limited range of services available to persons with brain injury versus those with mental retardation, mental illness, or substance abuse problems. He also noted that The Mill House has been replicated in several other Virginia localities and currently has a two-year wait list. Mr. Young thanked Mr. Glover for his support of the expansion of The Mill House in the Brookland District and thanked the entire Board and the County for its ongoing support of The Mill House and persons with brain injury.
- Charles Hague, a resident of the Three Chopt District. Mr. Hague thanked Mr. Hazelett for his 36 years of service to Henrico County and 16 years as County Manager, the Board for its many years of service and dedication, and personnel from the Divisions of Fire and Police for their compassion when responding to a medical emergency last year at his mother's house. He indicated that he had a number of concerns regarding the "Keep Your Dollars in Henrico" campaign that he would document in an e-mail and hoped that the Board would consider.
- Robert Lewis, President of the Parham Youth Football and Cheering Association. Mr. Lewis expressed concerns about the absence of public water at the field where his organization plays on the J. Sargeant Reynolds Community College Parham Road campus. He noted that the dry conditions have created dust storms as well as allergy and asthma related situations. Mr. Lewis acknowledged the assistance his organization has received from the County's Division of Recreation and Parks with field maintenance but asked for the County's assistance in paving the road with asphalt and installing a water line.
- Katherine Lawson, a resident of the Tuckahoe District. Mrs. Lawson complimented the County for taking the time and energy to launch the "Keep Your Dollars in Henrico" campaign to educate its citizens and thanked the Director of Finance and Mrs. O'Bannon for further explaining to her the importance of identifying where Henrico residents live so that the proper tax revenues can come back to the County. She spoke to the better quality of life and more functional and inclusive form of government found in the County than in the City of Richmond where she previously lived. Mrs. Lawson stated that she personally feels comfortable that the citizens of Henrico need to vote "yes" on the address change initiative and that she is willing to serve as an advocate on this issue. She also spoke to the importance of outcome-based performance measures as are being used by the County's Division of Recreation and Parks. Mrs. Lawson expressed appreciation for the Division's hard work and inclusive program for persons with disabilities.

On motion of Mr. Glover, seconded by Mrs. O'Bannon, and by unanimous vote, the Board deferred this item to April 22, 2008 – see attached copy of Resolution.

The Board recessed at 7:37 p.m. and reconvened at 7:50 p.m.

Mrs. O'Bannon questioned how the minutes were distributed and stated that she did not receive them. She mentioned that she has had some problems with her fax machine in the past. In response to a question from Mr. Kaechele, Mrs. O'Bannon said that she preferred the minutes be deferred until she had an opportunity to look them over.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, the Board deferred the minutes of the March 25, 2008 Regular and Special Meetings to April 22, 2008.

The vote of the Board was as follows:

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

### **BOARD OF SUPERVISORS' COMMENTS**

Mrs. O'Bannon thanked emergency medical services personnel from the Henrico County Division of Fire and volunteers from a local rescue squad for responding very professionally to an emergency at her daughter's house during the previous weekend. Her daughter and son-in-law were really grateful for the assistance.

### **RECOGNITION OF NEWS MEDIA**

Mr. Kaechele recognized Melodie Martin, a new reporter from the *Richmond Times-Dispatch*, and noted that Tom Lappas from the *Henrico Leader* was present earlier in the meeting for the public hearing on the proposed budget.

### **PRESENTATIONS**

Mrs. O'Bannon presented a proclamation recognizing April 13 - 19, 2008 as Crime Victims' Rights Week. Accepting the proclamation was Shelly J. Shumann-Johnson, Director of the Victim/Witness Assistance Program for the Commonwealth's Attorney's Office. Joining her from the County's Victim/Witness Services staff were Victim Advocates Kristen Camp, Marcia Carr, Nikki Johnson, and Nicole Mayton; and Program Assistants Kate Griffin and Susan Haynes.

Mr. Donati presented a proclamation recognizing April 13 - 19, 2008 as Library Week. Accepting the proclamation was Gail A. Atkins, Chairman of the County's Library Advisory Board. Joining her from the Advisory Board were Gregory M. Clay, Vice-Chairman; Gloria L. Wilkerson, Brookland District Representative; Harmonhinder P. Singh-Sandhu, Fairfield District Representative; and Anne D. Sterling, Tuckahoe District Representative. Also participating was Gerald M. McKenna, Director of Libraries.

Mr. Kaechele presented a proclamation recognizing April 13 - 19, 2008 as Public Safety Telecommunicators Week. Accepting the proclamation was Col. Henry W. Stanley, Jr., Chief of

Police. Joining him from the County's Division of Police were Lt. Col. Douglas A. Middleton, Deputy Chief of Police; Maj. James B. Fitzgerald, Support Operations; Capt. Carl A. Mueller, Commander of Communications; Suzanne T. Roberts, Emergency Communications Manager; and Devona L. Hill, 2007 Communications Officer of the Year.

Mr. Kaechele presented a proclamation recognizing April 2008 as Child Abuse Prevention Month. Accepting the proclamation was Karen M. Coppola, FAM Coordinator for Greater Richmond SCAN. Joining her from the County's Department of Social Services were Shawn M. Rozier, Assistant Director; and Gretchen B. Icard, Child Protective Services Supervisor.

Mr. Glover presented a proclamation recognizing April 2008 as Keep Henrico Beautiful Month. Accepting the proclamation was Lynne Smolin-Yurchak, Chairperson of the Keep Henrico Beautiful Committee. Joining her from the Committee were Brian S. Montgomery and Marion J. Martin, Fairfield District Representatives; and Cynthia T. Funk and Linda B. Turner, Varina District Representatives. Also participating were Arthur D. Petrini, Director of Public Utilities, and Megan Brown, Executive Coordinator of Keep Henrico Beautiful.

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

99-08 JSN Development, LLC: Request to conditionally rezone from A-1 Agricultural  
C-63C-07 District to B-2C Business District (Conditional), Parcel 816-687-5307, containing  
Varina 3.82 acres, located at the southeast intersection of Strath Road and New Market  
Road (State Route 5).

On motion of Mr. Donati, seconded by Mrs. O'Bannon, the Board deferred this item to May 13, 2008.

The vote of the Board was as follows:

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

97-08 RER/New Boston West Broad Street, LLC: Request to conditionally rezone from  
C-4C-08 O-3 Office District, O-3C Office District (Conditional) and B-3C Business  
Three Chopt District (Conditional) to B-3C Business District (Conditional), part of Parcel 746-  
760-8608, containing approximately 6.35 acres, located in the WestMark Office  
Park at the southeast intersection of W. Broad Street (U.S. Route 250) and I-64.

Mr. Hazelett noted that this case would be discussed in combination with Agenda Item No. 98-08 (case P-2-08). In response to a question from Mr. Kaechele, Director of Planning Joe Emerson confirmed that most of the proffered conditions with this zoning case had been carried over from a previous case, with the primary change being the allowance of the hotel. He also confirmed for

Mr. Kaechele that the Planning Commission and staff were comfortable with the modified proffers.

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

On motion of Mr. Donati, seconded by Mrs. O'Bannon, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 97-08 (C-4C-08) subject to the following proffered conditions:

1. **Architectural Treatment.** All sides of any building shall be substantially similar in design, materials and detailing to any other side of such building, unless otherwise approved by the Director of Planning. All buildings constructed on the Property shall have exposed exterior walls (above finished grade) constructed primarily of either/or a combination of brick, stone, pre-cast tile, finished masonry materials, glass, or similar quality material and in combination with secondary materials which may include stucco, smooth or split face block or similar quality materials, unless different architectural treatment and/or material are specifically approved with respect to the exposed portion of any such wall at the time of Plan of Development review. No building walls on the Property shall be covered with or have exposed to view any sheet or corrugated aluminum or sheet or corrugated metal or exposed aggregate concrete, unpainted or unfinished concrete masonry units or asbestos.
2. **Mechanical Equipment.** Mechanical equipment on the B-3C Property shall be screened from public view at ground level at the Property lines in a manner approved at the time of Plan of Development review.
3. **Permitted Uses.** The only uses permitted on the B-3C Property shall be the following:
  - a. Offices and office buildings, business professional or administrative.
  - b. Restaurants, including coffee shops, delicatessens or ice cream parlors, with outside dining areas but without drive through windows.
  - c. Banks, savings and loan and similar financial Institutions, but not establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.1-432 et seq. and 6.1-444 et seq. of the Code of Virginia, provided the foregoing shall not preclude banks, savings and loans, or similar financial institutions that are not regulated by the foregoing Virginia Code Sections.
  - d. Hotels
4. **Hours of Operation.** No restaurant may be open to serve the public before 6:00 a.m. nor after 12:00 a.m., except for holidays and special events, in which case, the restaurant shall close no later than 2:00 a.m.



5. **Detached Signs.** Detached signs located along West Broad Street shall be ground mounted, monument-style signs and shall not exceed fifteen (15) feet in height as measured from the grade of the sign location.
6. **Access.** The B-3C Property shall not have direct access to and from West Broad Street and shall be restricted to a shared access with GPIN 746-760-8608.
7. **Buffer.** A landscaped buffer area a minimum of thirty-five (35) feet in width as measured from the existing right-of-way line shall be provided along the approximately four hundred forty-five (445) feet of West Broad Street frontage of the B-3C Property. Developer shall provide a landscape plan utilizing a modified TB 25 that allows for reduced heights and clustering to be approved by the Planning Commission at the time of Plan of Development review. Utility easements, grading, underground drainage facilities, signage and other purposes required or permitted at the time of Plan of Development review may be permitted within the aforesaid buffer area, except that any utility easement within the buffer area shall run generally perpendicular thereto, unless otherwise requested and specifically permitted, or if required, at the time of Plan of Development review. Where permitted, areas disturbed for utility installation shall be restored to the extent reasonably practical.
8. **Sound Proofing.** Hotel walls adjacent to Interstate 64 shall be constructed with a minimum sound transmission coefficient rating of fifty-four (54). A cross-sectional detail, reviewed and approved by a certified architect or engineer as to the methodology accomplishing the sound transmission coefficient rating, shall be included in the building permit application.
9. **Restaurant Pads.** No more that two (2) freestanding restaurant pads shall be permitted.
10. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

The vote of the Board was as follows:

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

98-08 RER/New Boston West Broad Street, LLC: Request for a Provisional Use  
P-2-08 Permit under Sections 24-62.2(m), 24-120 and 24-122.1 of Chapter 24 of the  
Three Chopt County Code to permit a building height (hotel) up to 150 feet, on part of Parcel  
746-760-8608, located in the WestMark Office Park at the southeast intersection  
of W. Broad Street (U.S. Route 250) and I-64.

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

On motion of Mr. Donati, seconded by Mrs. O'Bannon, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 98-08 (P-2-08) subject to the following conditions:

1. This permit shall allow the maximum building height to be extended only for one (1) hotel building or one (1) office building on the subject site and shall not apply to any other structure or area in the WestMark development.
2. The maximum height of the building, exclusive of mechanical equipment and elevator shafts, shall be no greater than one hundred fifty (150) feet.
3. The building height shall be certified by a licensed engineer, and the owner shall provide evidence of such height certification to the Director of Planning prior to the issuance of a Certificate of Occupancy.
4. The development shall adhere to all proffers accepted with rezoning case C-4C-08.
5. In order to maintain the effectiveness of the County's public safety radio communications system within buildings, the owner shall install radio equipment that allows for adequate radio coverage within the building, unless waived by the Director of Planning. Compliance with the County's emergency communication system shall be certified to the County by a communications consultant within ninety (90) days of obtaining a certificate of occupancy. The County shall be permitted to perform communications testing in the building at any time.
6. The building's fire command center shall meet the Division of Fire prototype for design and layout.
7. The building shall be fully sprinkled for fire protection.
8. The applicant shall contact and work with the Community Policing Unit within the Division of Police for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts, as a Plan of Development is drafted to be submitted for review. Prior to occupancy of the building, the applicant and the Crime Prevention Unit of the Division of Police shall conduct a security survey of the property. The applicant shall implement mutually agreed upon security recommendations.
9. Prior to approval of a Plan of Development for the building, a comprehensive parking analysis shall be submitted to and approved by the Director of Planning for confirmation that aggregate parking requirements will be met for the WestMark development.
10. Color architectural elevations of the proposed building shall be submitted for Planning Commission review and approval during Plan of Development. The elevations shall identify all external building materials and illustrate all sides of the proposed structure, including attached signage.

The vote of the Board was as follows:

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

100-08 Georgi Georgiev and Aleksandar Aleksandrov: Request to rezone from R-3  
C-3C-08 One-Family Residence District to O-2C Office District (Conditional), on Parcels  
Three Chopt 760-754-8425 and 760-754-9225, containing approximately 0.786 acres, located  
on the northwest line of N. Parham Road approximately 126 feet west of its  
intersection with Skipwith Road.

*In response to questions from Mr. Kaechele, County Planner Jean Moore stated that the site plan as shown had been proffered, there would be a concrete driveway on the site, the landscape plan was contained in the proffer language but not shown in the conceptual plan, and the line between the two properties would be vacated so the properties could be consolidated.*

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

*On motion of Mr. Donati, seconded by Mrs. O'Bannon, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 100-08 (C-3C-08) subject to the following proffered conditions:*

1. **Building Materials.** There are no changes to the exterior of the buildings proposed. Any future buildings to be constructed on the property shall be architecturally similar and have similar materials as the existing buildings or buildings surrounding the property. The exterior shall be predominately of brick, wood, stone, textured masonry, stucco, or exposed aggregate.
2. **HVAC.** Heating and air conditioning equipment shall be screened from public view along property lines at ground level with landscaping.
3. **Conceptual Site Plan.** The site layout and parking lot constructed on the property shall be substantially similar to the conceptual site plan entitled "Rezoning Site Plan - 3110 & 3112 Parham Road," sheet 4 of 5, prepared by Mike Morgan Engineering, LLC, and dated January 16, 2008 (see case file), unless revisions to this plan are specifically requested and permitted by the Planning Commission during the Plan of Development review and approval.
4. **Parking Lot Lighting.** The existing floodlights that are on the existing buildings, with the addition of motion sensors, will remain for parking lot lighting as they are currently being used. No additional lighting is proposed at this time. A photometric plan will be submitted with the Plan of Development submittal for any proposed lighting.

Any lighting shall be produced from concealed sources of light. Parking lot lighting shall produce a maximum lighting intensity of one-half (½) foot candle at the boundary lines of the property. Parking lot lighting shall be reduced to a minimum level necessary for security purposes following 10:00 p.m.

5. **Trash Receptacles.** Any trash receptacles on the property shall be screened from public view at ground level with a vinyl fence or masonry wall.
6. **Signage.** The proposed detached sign will be constructed in the approximate location as shown on the Conceptual Plan (see case file). The sign shall be a monument-style sign, limited to six (6) feet in height, the base of which shall be landscaped. Any sign shall not be internally lit.
7. **Security Alarms.** Outside speakers shall be prohibited. No external alarm bells or warning devices that are audible beyond the boundary lines of the property shall be permitted.
8. **Landscape Plan.** Landscaping, consisting of a minimum of four (4) trees with a minimum caliper of 2" and foundation plantings shall be provided along the Parham Road frontage of the property unless otherwise approved at the time of the Plan of Development submittal.
9. **Utility Lines.** Except for junction and access boxes, meters and existing overhead utility lines, all utility lines shall be installed underground.
10. **Use Restrictions.** The site shall not be used for banks, daycare, hospitals or broadcasting stations.
11. **Trash Pick-Up, Parking Lot Cleaning, and Leaf Blowing.** No trash pick-up, parking lot cleaning, and leaf blowing shall occur before 7:00 a.m. or after 8:00 p.m., Monday through Friday, or before 10:00 a.m. or after 8:00 p.m. on Saturdays. No trash pick-up, parking lot cleaning, and leaf blowing shall occur on Sundays.
12. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of any of the other proffers or the unaffected part of any such proffer.
13. **Lot Line Vacation.** The two separate lots shall be combined into one lot after the rezoning approval, but prior to the Plan of Development submittal.

The vote of the Board was as follows:

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

Nay

Absent  
Frank J. Thornton

101-08      Celco Partnership (Verizon Wireless): Request for a Provisional Use Permit under  
P-5-08      Sections 24-95(a)(3), 24-120 and 24-122.1 of Chapter 24 of the County Code in  
Varina      order to construct a 150' high monopole telecommunications tower and related  
              equipment on part of Parcel 827-718-5661, located at the southeast intersection of E.  
              Nine Mile Road (State Route 33), Hanover Road, Lumber Drive, and the Norfolk  
              Southern Corporation Railroad right-of-way.

Attalah Mahases, who identified himself as an owner of property across the street from the site, addressed the Board and recommended that the applicant clear and landscape a lot in the vicinity of the proposed tower. Jen Rosen of Hirschler Fleischer, who was representing the applicant, responded to the constituent at the request of Mr. Kaechele. She stated that Verizon Wireless would keep clear its leased area and its access to the site, but noted that the company did not have any authority over the remainder of the property. Ms. Rosen confirmed for Mr. Kaechele that there would a six (6) foot high fence around the 80 by 60 foot Verizon compound. Mr. Mahases indicated to Mr. Kaechele that this was satisfactory. In response to a question from Mr. Donati, Ms. Rosen identified the owner of the property being leased by Verizon Wireless as Mountaineer Properties, Inc.

On motion of Mr. Donati, seconded by Mrs. O'Bannon, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 101-08 (P-5-08) subject to the following conditions:

1. If the use of the tower for communication purposes is discontinued for one hundred eighty (180) days, the tower and all related structures shall be removed from the site within ninety (90) days. Within ten (10) business days after written request by the County, the owner of the tower shall provide the County with written confirmation of the status of the tower, the number of and identity of users on the tower, available collocation space on the tower and such additional information as may be reasonably requested.
2. Application for a building permit to install the tower must be made within one year after the Provisional Use Permit is granted by the Board of Supervisors, unless an extension of time is granted by the Director of Planning upon a written request by the applicant.
3. The applicant shall obtain approval from the Planning Commission should the FAA require the addition of standard obstruction marking and lighting (i.e. red lighting and orange and white striping) to the tower. Any proposed changes to the original galvanized finish of the tower shall be submitted to the Director of Planning for approval.
4. When site construction is initiated, as a result of this Provisional Use Permit, the applicant shall complete requirements prescribed by Chapter 10 of the Henrico County Code. In particular, land disturbance of more than two thousand five hundred (2,500) square feet will require that construction plans include a detailed drainage and erosion control plan prepared by a professional engineer certified in the State of Virginia. Ten (10) sets of the construction plans shall be submitted to the Department of Public Works for approval.

5. The applicant shall allow the collocation of at least two (2) and as many additional users as technically possible at this site, in accordance with the provisions of the Letter of Intent to Permit Co-Location on Communications Tower, filed by the applicant with this request.
6. A landscaping plan to provide visual and sound buffering (including tree save areas and supplemental plantings) shall be submitted to the Planning Department for approval prior to the issuance of a building permit for the tower. The Director of Planning may waive the enforcement of this condition if it is deemed unnecessary.
7. If ownership of the lease is transferred to another provider, the applicant shall submit a Transfer of Provisional Use Permit.
8. The height of the tower shall not exceed one hundred fifty (150) feet.
9. This permit applies only to the existing 0.288 acre lease area on the property.
10. Unless dead or diseased, or necessary for substation operations, the existing tree buffers along all property lines shall be preserved and shall not be pruned to reduce their height.
11. Prior to the co-location of any carrier's antennas or addition of equipment lease space, a revised site plan and equipment placement details shall be submitted to the Planning Department for approval.

The vote of the Board was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
	David A. Kaechele		Frank J. Thornton
	Patricia S. O'Bannon		
	James B. Donati, Jr.		
	Richard W. Glover		
102-08 C-7C-08 Fairfield	Partners Financial Federal Credit Union: Request to conditionally rezone from R-4 One-Family Residence District and O-2C Office District (Conditional) to O-2C Office District (Conditional), Parcels 783-762-7854 and 783-762-9359, containing 1.157 acres, located at the northwest intersection of Brook Road (U.S. Route 1) and New York Avenue.		

Jim Theobald of Hirschler Fleischer presented the case on behalf of the applicant. He noted that the request was consistent with the County's Land Use Plan and had broad support. Mr. Theobald referred to the services provided by Partners Financial Federal Credit Union and gave examples of the companies where its members work. He reviewed proposed improvements to the site, summarized the case's proffered conditions, identified adjoining properties and their uses, and referred to letters of support that had been received by the applicant. In response to questions from Mr. Glover, Mr. Theobald clarified where parking would be added on the site and noted that the cemetery behind the site was not particularly well maintained. In response to a question from

Mrs. O'Bannon, Ms. Moore explained that the proposed office zoning for the property would only allow very limited uses.

The following persons spoke in opposition to the case:

- Regina McHugh, a resident of 1317 New York Avenue. Ms. McHugh expressed concerns relating to increased traffic and speeding on New York Avenue and the impact of the proposed development on property values in the adjoining residential neighborhood. She felt that it did not make sense to turn an existing residential property into an office use.
- David Harris, a resident of New York Avenue, concurred with Ms. McHugh's concerns.
- George Meadowcroft reiterated concerns about traffic and expressed concern that commercial rezoning will eventually push residents out of his neighborhood.

In response to a question from Mr. Harris, Traffic Engineer Mike Jennings provided projected trip generation data for the proposed development. He advised that although New York Avenue is in phase 1 of the County's traffic calming program, there is still speeding on the road; however, residents have not provided the necessary signatures for implementation of phase 2 of the program. In response to a question from Mr. Glover, Mr. Jennings noted that he sent the phase 2 packet out to residents in September 2007. He also cited for Mr. Glover the current traffic count on New York Avenue.

Mr. Theobald commented that the traffic that would be generated by the applicant's request would be negligible and suggested that the proposed development would enhance rather than detract from the area.

Mr. Glover noted that he had spoken with Mr. Thornton about this case and that the neighborhood had heretofore been supportive of having this credit union as a neighbor. He also mentioned that Fairfield District Planning Commissioner Chris Archer was very much in favor of the proposed rezoning and that no opposition to the case had been voiced when the case was heard by the Planning Commission.

On motion of Mr. Glover, seconded by Mrs. O'Bannon, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 102-08 (C-7C-08) subject to the following proffered conditions:

1. **Buffer Areas.** Landscaped and/or natural buffer areas and/or berms shall be provided along the boundaries of the Property as set forth below, except to the extent necessary or allowed for sidewalks, utility easements, fencing and signage and other purposes requested and specifically approved at the time of Plan of Development:
  - a. Five (5) feet minimum in width adjacent to the existing structure expanding to ten (10) feet, parallel and adjacent to Henrico County GPIN 783-762-7151 along the side (western) boundary line, which will also contain a board-on-board privacy fence a minimum of six (6) feet in height, extending from the northwest corner of

the Property to the rear edge of the structure, then a non-privacy wooden fence a maximum of four (4) feet in height, extending to the front edge of the structure, with shrubbery continuing southwardly therefrom to New York Avenue; and

- b. A minimum of fifteen (15) feet for the length of the northern boundary of Henrico County GPINs 783-762-9359 and 783-762-7854 and ending at its junction with Henrico County GPIN 783-762-9973, which will also contain a board-on-board privacy fence a minimum of six (6) feet in height for the length of the buffer.

Notwithstanding the above widths, all such buffer areas shall be landscaped in accordance with the planting standards required of a transitional buffer ten (10) area as approved at the time of Landscape Plan review. Any dead, diseased or fallen trees and vegetation shall be replaced as required.

2. **Hours of Office Operation.** The hours of regular business services extended by the credit union to the membership or public to be conducted on the Property other than with regard to use of an Automated Teller Machine, shall be limited as set forth below:
  - a. Saturday hours shall be limited to 9:00 a.m. to 12:30 p.m.;
  - b. No office hours of operation shall be conducted before 8:30 a.m., nor after 6:00 p.m., daily; and
  - c. No Sunday office hours of operation shall be conducted.
3. **Handicap Parking.** Handicap parking shall be provided in a location as approved by the Departments of Public Works and Planning.
4. **Conceptual Site Plan.** Subject to the proffered conditions herein set forth, the Property shall be developed in general conformance with the Conceptual Plan (see case file) filed herewith, subject, however, to such traffic, engineering and other changes as may be requested and approved at the time of Plan of Development.
5. **Building.** No building on the Property shall be enlarged, except to accommodate handicapped access facilities, other governmental requirements or weather-protected entrances.
6. **Canopy.** Any canopy over the Automated Teller Machine and drive-through window shall be complementary in architectural design and materials with the offices on the Property and residential in character.
7. **Chain Link Fence.** Prior to issuance of a Certificate of Occupancy for Henrico County GPIN 783-762-7854, all chain link fencing shall be removed from Henrico County GPIN 783-762-7854 and no further utilization of chain link fencing shall be allowed on the Property.
8. **Use Restrictions.** The structure located on Henrico GPIN 783-762-7854 shall be used for administrative purposes only. The following uses shall not be permitted on the Property:



- a. funeral homes;
  - b. child care facilities;
  - c. banks, savings and loan, small loan establishments, check cashing establishments as defined and regulated by Sections 6.1-432 et seq. of the Code of Virginia, and payday loan establishments as defined and regulated by Sections 6.1-444 et seq. of the Code of Virginia, the foregoing not to preclude the operation of federally or state chartered credit unions;
  - d. medical offices; and
  - e. employment service or agency.
9. **Underground Utilities.** Except for junction boxes, meters, and existing overhead utility lines, all utility lines shall be underground.
  10. **Signage.** Any detached signs shall be ground mounted, monumental-type signs and shall not exceed six (6) feet in height. The base of such signs shall be landscaped. No sign identifying the credit union shall be placed on the canopy over the Automated Teller Machine and/or drive-through window.
  11. **Parking Lot Lighting.** Parking lot lighting fixtures shall not exceed fifteen (15) feet in height above grade level. Parking lot lighting shall be produced from concealed sources (i.e., "shoe box" type fixtures).
  12. **HVAC.** Heating and air conditioning equipment shall be screened from public view at ground level at the property lines in a manner approved at the time of Plan of Development. The HVAC equipment shall be located to the rear of the existing building.
  13. **Trash Receptacles.** Trash receptacles, not including convenience cans, shall be screened from public view at ground level in a manner approved at the time of Plan of Development and shall not be visible from the public right-of-way. Enclosure areas for dumpsters shall, except for access doors, be constructed of a masonry material.
  14. **Public Address System.** No outside public address, loudspeaker, paging or speaker system audible beyond the boundary lines of the property shall be permitted.
  15. **Severance.** The unenforceability, elimination, revision, or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of any of the other proffers or the unaffected part of any such proffer.

The vote of the Board was as follows:

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

Nay

Absent  
Frank J. Thornton

## **PUBLIC HEARINGS - OTHER ITEMS**

103-08      Resolution - Appeal - TC-227 - Alternative Fence Height - Rainer Residence - 2008 Fon-Du-Lac Road.

Dave O'Kelly, Assistant Director of Plan Review and Code Support, advised that this item was an appeal of a decision of the Planning Commission denying the approval of a landscape and alternative fence height plan for the Rainer residence, located at 2008 Fon-Du-Lac Road in the Three Chopt Magisterial District. Mr. O'Kelly reviewed the type of fence proposed by the applicant, Dr. Rainer; explained the purpose of Dr. Rainer's request; and cited the County Code's fence requirements. He advised that the County's Traffic Engineer had stated that the wall and proposed fence would not cause any problems with respect to sight distance and would not adversely affect the safety of the road. Prior to the January 23, 2008 Commission hearing, staff received calls from adjacent neighbors who were very much in support of this request. Prior to the Commission's February 27, 2008 hearing, staff received one call in opposition to the request from the neighbor immediately adjacent to the fence. Mr. O'Kelly pointed out that this neighbor was present at the Commission's February hearing and voiced opposition to the request based on concerns about maintenance, drainage, and visibility. The Commission unanimously denied the applicant's request at its February 27 meeting. On March 12, 2008, the applicant filed an appeal to the denial of his request on the basis of mistake of fact and application of erroneous principles of law. Mr. O'Kelly noted that the Board had held a work session on this matter immediately prior to its regular meeting this evening. In response to questions from Mrs. O'Bannon, Mr. O'Kelly explained the fence type and height that could be constructed without the requested variance.

Dr. Rainer presented his case to the Board. He advised that he was seeking permission for a 16-inch variance in the fence height along the front portion of his property to obscure the view of the adjacent property and to enable him and his wife to live in peaceful co-existence with his adjoining neighbor. Dr. Rainer took issue with Planning Commissioner Bonnie-Leigh Jones' stated reason for recommending denial of his request after the first Commission public hearing on his appeal. He also took issue with Commissioner Tommy Branin's stated reason for recommending denial of his request after the subsequent Commission public hearing on this matter. Dr. Rainer contended that this case suggests that the Commission's opinions can be capricious and callous, its decisions may not be based on principles of fairness and accuracy, and it may not display empathy for the needs of persons whose fate it rules upon. Mr. Kaechele responded that the Board reads the minutes

of, and has dialogue with, the appointed members of the Commission. He pointed out that the Board was already familiar with the facts of the case and the appearance of the fence and would make its decision based on what it heard and saw at this meeting.

Linda Marks, Dr. Rainer's next door neighbor, referred to problems with Dr. Rainer trespassing on and vandalizing her property and contended that he violated a judge's order to stay off of her property after she obtained a civil warrant. She attributed drainage and landscaping issues on her property, including the death of some trees, to a ditch that she said Dr. Rainer dug on her property. Ms. Marks also referred to ongoing property line disputes with Dr. Rainer, elaborated at length on water and flooding problems that she said resulted from an addition to Dr. Rainer's house that was constructed approximately ten years ago, and reviewed recent debris clean up efforts in her backyard by volunteers coordinated through the County's Community Maintenance program. Mr. Hazelett responded that Ms. Marks' concerns involved civil actions between two property owners and had nothing to do with the appeal before the Board. Mrs. O'Bannon commented that Dr. Rainer did say that one of the reasons he wanted the fence was to obscure the view of the adjacent property. Mr. Kaechele suggested that Ms. Marks comment on why she objected to the fence.

Ms. Marks stated that her major concerns with the fence were visibility and safety. She expressed concern that young children might run out without thinking in front of Dr. Rainer's driveway and that the Traffic Engineer had not reviewed visibility issues on her street during evening hours. Mr. Kaechele pointed out that the windows of her vehicle in her driveway would be visible above the fence and that visibility had not been determined to be an issue in this case. Ms. Marks commented further on her concerns about how the fence could impede visibility and impact traffic safety. In response to a question from Mr. Glover, Mr. Jennings confirmed that the fence was safe from a traffic engineering standpoint. There was some discussion between Mr. Kaechele and Ms. Marks regarding the configuration of the fence. After Ms. Marks began reiterating her civil problems with Dr. Rainer, Mr. Glover commented that the Board was not supposed to hear civil cases.

In response to a question from Mr. Kaechele, Mr. O'Kelly stated that a 22-inch knee wall previously constructed on Dr. Rainer's property had not required a building permit. Mr. Kaechele acknowledged that this was a controversial neighborhood situation, but said that in looking at the merits of this case and the testimony from staff the fence would not create any safety issues, would be attractive and expensive, had neighborhood support, and would have no real negative effect on the community.

On motion of Mr. Glover, seconded by Mr. Donati, with Mrs. O'Bannon voting "No," the Board approved Mr. Glover's motion to substitute Resolution 103A-08 for 103-08. The vote of the Board was as follows:

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

Nay  
Patricia S. O'Bannon

Absent  
Frank J. Thornton

On motion of Mr. Glover, seconded by Mr. Donati, and with Mrs. O'Bannon voting "No," the Board approved Agenda Item No. 103A-08 – see attached Resolution.

Mrs. O'Bannon explained her vote by stating that she believed the County did not need to set precedent here and that it was against the public good to grant this request for an alternative fence height. She further stated that she believed the original fence height that was allowed legally and technically would be sufficient, extra shrubbery could be added, there were alternatives to changing the fence height, and this was an arbitrary decision. Mr. Kaechele responded by noting there was precedent for this decision in that the Planning Commission has approved a number of alternative fence heights. Mrs. O'Bannon said that those cases involved more open fences intended to keep animals confined, she had a concern because of the reasons given by the two parties, and she felt this matter could be handled in a better way rather than altering the fence height.

104-08      Resolution – Signatory Authority – Third Amendment to Lease – Approximately 0.53 Acre with Improvements at 4810 Allenshaw Drive - Varina District.

Mr. Hazelett explained that the County would retain ownership of this home at 4810 Allenshaw Drive and continue to lease the property to Community Based Services, Inc.

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

On motion of Mr. Donati, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved Agenda Item No. 104-08 – see attached Resolution.

105-08      Ordinance – Vacation of Portion of Drainage and Utility Easement – Lot 16 and Reserved Area – Block D – Easthaven Village – Varina District.

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

On motion of Mr. Donati, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved Agenda Item No. 105-08 – see attached Ordinance.

### **PUBLIC COMMENTS**

Katherine W. Lawson, a resident of the Tuckahoe District, urged the Board of Supervisors to continue appointing individuals from different cultures and with disabilities to serve on the County's boards and commissions. Mrs. Lawson also shared information from two workshops

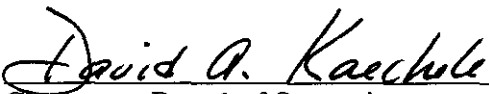
conducted at a conference held on April 7 and 8, 2008 and co-sponsored by the Virginia Elder Rights Coalition; the Virginia Guardianship Association; and Virginia Department of Mental Health, Mental Retardation, and Substance Abuse Services. One of these sessions addressed ethical issues relating to pandemic flu and was presented by Dr. Michael Gillette from the University of Virginia. Mrs. Lawson expressed appreciation for the County's leadership on this issue and suggested that the County consider using Dr. Gillette as a speaker in its ongoing efforts to inform citizens about the risks of pandemic flu. A second session highlighted a new initiative enabling parents of young adults with disabilities or Medicaid waivers to form an incorporated entity to facilitate the purchase, operation, and management of multifamily properties where their children can live independently in the community. The speaker for this session was Dr. William Fuller of the Virginia Housing Development Authority. Mrs. Lawson commented that affordable housing is the most difficult area to address for people with disabilities.

Mrs. O'Bannon pointed out that Parents for Community Based Services works on this type of transitional housing and that the proposed budget included funding to provide 19 individuals with Day Support Services.

#### **GENERAL AGENDA**

- 106-08            Resolution - Authorization to Apply for and Accept Continuation Grants for Victim/Witness Assistance Program in Commonwealth's Attorney's Office.
- On motion of Mr. Glover, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved Agenda Item No. 106-08 – see attached Resolution.
- 107-08            Resolution – Signatory Authority - Agreement with the County School Board of Henrico County to Allow School Board Participation in the County's Other Post-Employment Benefits Trust.
- On motion of Mrs. O'Bannon, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 107-08 – see attached Resolution.
- 108-08            Resolution – Authority to Submit Henrico County Plan for the Virginia Juvenile Community Crime Control Act (2008-2010).
- On motion of Mr. Glover, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved Agenda Item No. 108-08 – see attached Resolution.
- 109-08            Resolution – Acceptance of Gift from the Pfizer Foundation Volunteer Program.
- On motion of Mrs. O'Bannon, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 109-08 – see attached Resolution.

There being no further business, the meeting was adjourned at 9:48 p.m.

  
Chairman, Board of Supervisors  
Henrico County, Virginia



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 103A-08  
Page No. 1 of 1

Agenda Title: **RESOLUTION – Appeal – TC-227 – Alternative Fence Height – Rainer Residence – 2008 Fon-Du-Lac Road**

For Clerk's Use Only:

APR 8 2008

Date:

- ☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to:

*1) bring forward 2) approve*  
BOARD OF SUPERVISORS ACTION

Moved by (1) *Glover*  
(2) *Glover*

Seconded by (1) *Donati*  
(2) *Donati*

REMARKS:

**APPROVED**

☒ YES ☒ NO ☐ OTHER

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

WHEREAS, Section 24-95(l)(7) of the Henrico County Code provides that a fence, wall, or hedge may not exceed a height of three feet, six inches in a front yard; and,

WHEREAS, Section 24-95(l)(7)b. of the Henrico County Code provides the Planning Commission may permit an alternative height exceeding three feet, six inches in a front yard where the Planning Commission finds that the criteria specified in that section have been satisfied; and,

WHEREAS, on February 27, 2008, the Planning Commission denied TC-227 - Alternative Fence Height – Rainer Residence, a request submitted by Dr. Norman B. Rainer (the "Applicant") for a 58-inch high fence in the front yard of his residence located at 2008 Fon-Du-Lac Road; and,

WHEREAS, Sections 24-106.2(e)(5)d. and 24-106(p) of the Henrico County Code permit an appeal to the Board of Supervisors from final decisions of the Planning Commission; and,

WHEREAS, the Applicant contends the Planning Commission improperly denied the alternative fence height request; and,

WHEREAS, the Board of Supervisors has reviewed the record in this case and has considered the information presented to it during its public hearing on April 8, 2008, and has determined that the Applicant's request should be granted.

NOW, THEREFORE, BE IT RESOLVED that the Henrico County Board of Supervisors reverses the decision of the Planning Commission on TC-227 – Alternative Fence Height – Rainer Residence – 2008 Fon-Du-Lac Road and grants the Applicant's request for an alternative fence height, subject to the Department of Planning's Standard Conditions for Landscape/Lighting/Fence Plans (Revised January 2008).

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

By County Manager *[Signature]*

Routing:

Yellow to: *Planning*

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

Certified:

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

Clerk, Board of Supervisors

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



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 104-08  
Page No. 1 of 2

Agenda Title RESOLUTION - Signatory Authority - Third Amendment To Lease - Approximately 0.53 Acre With Improvements at 4810 Allenshaw Drive - Varina District

For Clerk's Use Only:	BOARD OF SUPERVISORS ACTION	
Date APR 8 2008	Moved by (1) <u>Donati</u> Seconded by (1) <u>O'Bannon</u>	YES NO OTHER
<input checked="" type="checkbox"/> Approved	(2) _____ (2) _____	Donati, J. <input checked="" type="checkbox"/> _____
<input type="checkbox"/> Denied	REMARKS: <u>APPROVED</u>	Glover, R. <input checked="" type="checkbox"/> _____
<input type="checkbox"/> Amended		Kaechele, D. <input checked="" type="checkbox"/> _____
<input type="checkbox"/> Deferred to		O'Bannon, P. <input checked="" type="checkbox"/> _____
		Thornton, F. _____ <u>absent</u>

WHEREAS, the County of Henrico, Virginia (the "County") is the owner of approximately 0.53 acre with a dwelling located thereon at 4810 Allenshaw Drive (the "Property") in the Varina District of the County; and,

WHEREAS, the County currently leases the Property to Community Based Services, Inc. ("CBS"), a Virginia non-profit corporation, for use as a group home; and,

WHEREAS, the lease agreement dated March 23, 1999, amended October 25, 1999, and March 29, 2004, (the "Lease Agreement") provides for a year-to-year rental period at the now monthly rental rate of \$955.09; and,

WHEREAS, CBS has given the proper written notice requesting that the Lease Agreement be amended to provide for a month-to-month rental period at the current rental rate of \$955.09 per month; and,

WHEREAS, the County is willing to amend the Lease to provide a month-to-month rental period with a 30-day written termination notice by either the County or CBS; and,

WHEREAS, this resolution was advertised pursuant to Section 15.2-1813 of the Code of Virginia, 1950, as amended, and a public hearing was held on April 8, 2008 at 7:00 p.m., by the Board of Supervisors of Henrico County, Virginia (the "Board").

By Agency Head

Steve Rein

By County Manager

David P. Hyatt

Routing:

Yellow to:

Real Property

Certified:

A Copy Tests:

Clerk, Board of Supervisors

Copy to:

Date:



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

Agenda Item No. **10408**  
Page No.

2 of 2

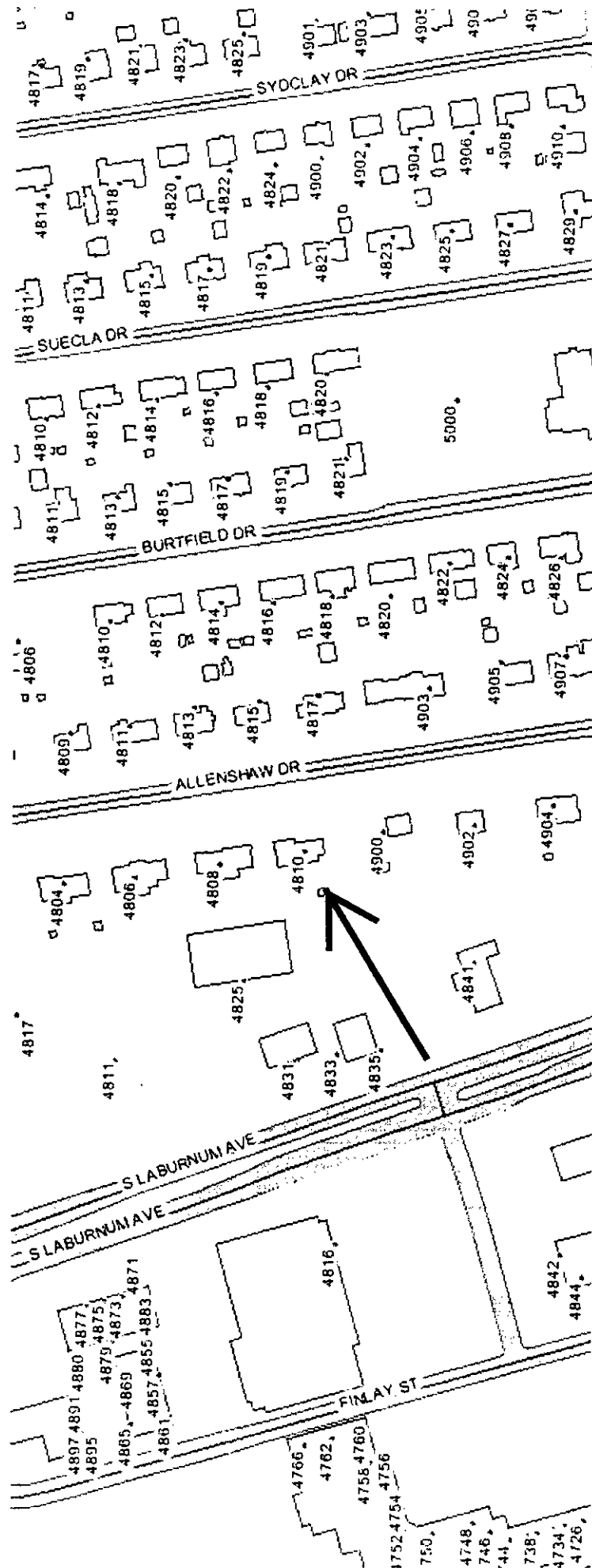
**Agenda Title**

**RESOLUTION - Signatory Authority - Third Amendment To Lease -  
Approximately 0.53 Acre With Improvements at 4810 Allenshaw Drive - Varina  
District**

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NOW, THEREFORE, BE IT RESOLVED, that the Board authorizes the County Manager to execute the third amendment to the Lease Agreement to amend the rental period to a month-to-month rental period at the rental rate of \$955.09 in a form approved by the County Attorney.

Comments: The Director of the Department of Mental Health/Retardation Services and the Acting Director of the Real Property Department recommend approval of this action; the County Manager concurs.



VICINITY MAP  
4810 ALLENSHAW DRIVE



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 105-08  
Page No. 1 of 2

Agenda Title

ORDINANCE - Vacation of Portion of Drainage and Utility Easement - Lot  
16 and Reserved Area - Block D - Easthaven Village - Varina District

For Clerk's Use Only:	BOARD OF SUPERVISORS ACTION	
Date <u>APR 8 2003</u>	Moved by (1) <u>Donati</u> Seconded by (1) <u>O'Bannon</u>	YES NO OTHER
<input checked="" type="checkbox"/> Approved	(2) _____ (2) _____	Donati, J. <input checked="" type="checkbox"/> _____
<input type="checkbox"/> Denied	REMARKS <u>APPROVED</u>	Glover, R. <input checked="" type="checkbox"/> _____
<input type="checkbox"/> Amended		Kaechele, D. <input checked="" type="checkbox"/> _____
<input type="checkbox"/> Deferred to		O'Bannon, P. <input checked="" type="checkbox"/> _____
		Thornton, F. <input checked="" type="checkbox"/> <u>absent</u>

WHEREAS, upon application of David L. Sharma and Lisa M. Sharma, owners of Lot 16 and Reserved Area in Block D of Easthaven Village, the plat of which is recorded in the Clerk's Office of the Circuit Court of the County of Henrico, Virginia (Clerk's Office) in Plat Book 70, Page 1, requesting that a portion of the drainage and utility easement shown shaded on the attached copy of said subdivision plan marked Exhibit "A," be vacated, this Ordinance was advertised pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, and a public hearing was held on April 8, 2008, at 7:00 p.m., 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:

The portion of the drainage and utility easement, as shown shaded on Exhibit "A," is vacated in accordance with the provisions of Section 15.2-2272(2) of the Code of Virginia, 1950, as amended.

This Ordinance shall become effective thirty (30) days after the time of its passage as provided by law.

By Agency Head Steve Price

By County Manager David P. Hylton

Routing:

Yellow to: Real Property

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

Certified:

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

Clerk, Board of Supervisors

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

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

Agenda Item No. *105-08*  
Page No.

Agenda Title

2 of 2

**ORDINANCE - Vacation of Portion of Drainage and Utility Easement – Lot  
16 and Reserved Area – Block D – Easthaven Village – Varina District**

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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. 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 David L. Sharma and Lisa M. Sharma, or their successors or assigns. Pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended, 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.

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Approved by the  
HUMANES

Ernest W. Woodward, a notary public in and for  
the county of Winnebago, State of Wisconsin, do hereby

**IDENTIFY:**

7/16/77  
ELVIN G. THOM JR. / CLS

TABLE			
Station	Dist'n	Lat.	Long.
1) 70000	47 35 36"	24 17'	31 41"
2) 70000	45 49 46"	30 39'	31 00"
3) 70000	1 28 54"	32 39'	30 50"
4) 70000	2 45 36"	34 35'	30 18"
5) 70000	6 50 05"	36 40'	30 40"
6) 70000	5 05 39"	38 40'	30 45"
7) 70000	9 37 05"	40 36'	30 16"
8) 70000	9 37 05"	42 44'	31 32"
9) 70000	48 29 45"	30 35'	30 00"
10) 70000	11 31 41"	32 36'	

STATIONERY, ETC., IN THE COUNTY AND SPENT APPROXIMATELY  
SIXTY DOLLARS IN MY HANDS AT THAT TIME. I RECEIVED OF THE  
GIVEN UNDER MY HANDS A CHECK FOR THE SUM OF FIFTY DOLLARS  
MY COMMISSION EXPENSES.

*February 27, 1978*

*James W. McLaughlin*  
NOTARY

Special Atty. Gen. H. H. H. H. H.  
NOTARY

The subdivision of land shown hereby designated as "EASTMANLY VILLAGE" is with the fore, causing and in accordance with the desires of the LANDOWNERS OWNED. THERE IS A MORTGAGE ON THE PROPERTY. ALL EASEMENTS ARE FOR SURFACE & UNDERGROUND PASSAGE AND UNDERGROUND OVERHEAD UTILITIES AND ARE SUBJECT TO THE DEBT OF THE COUNTY OF HENRICO ANY/OR THE CITY OF RICHMOND. THE EASEMENTS WERE/ARE AS SHOWN OF THE WHICH & BEING SHOWN.

VACATED

AREA TO BE  
VACATED

TOLES: 2 Aug 1968

[illegible][illegible]

**VARIOUS**

1. WATERS: HENNECO COUNTY WATER
2. GRAVES: HENNECO COUNTY GRAVES
3. ZONED R-4
4. USED: RESIDENTIAL
5. BUILDING: SEPARATE LINED TRACT
6. COMPROM: TO HENNECO
7. COUNTY: BOUND: ADJACENT.
8. NUMBER OF LOTS: 24
9. PLOTTED: No. 4-01-88
10. ADDED: IN LOTS - 800000
11. AFFRA: IN ROAD: 2-00-00
12. TOTAL: AREA: 1/2 OF ACRES

**VERONA DISTRICT**

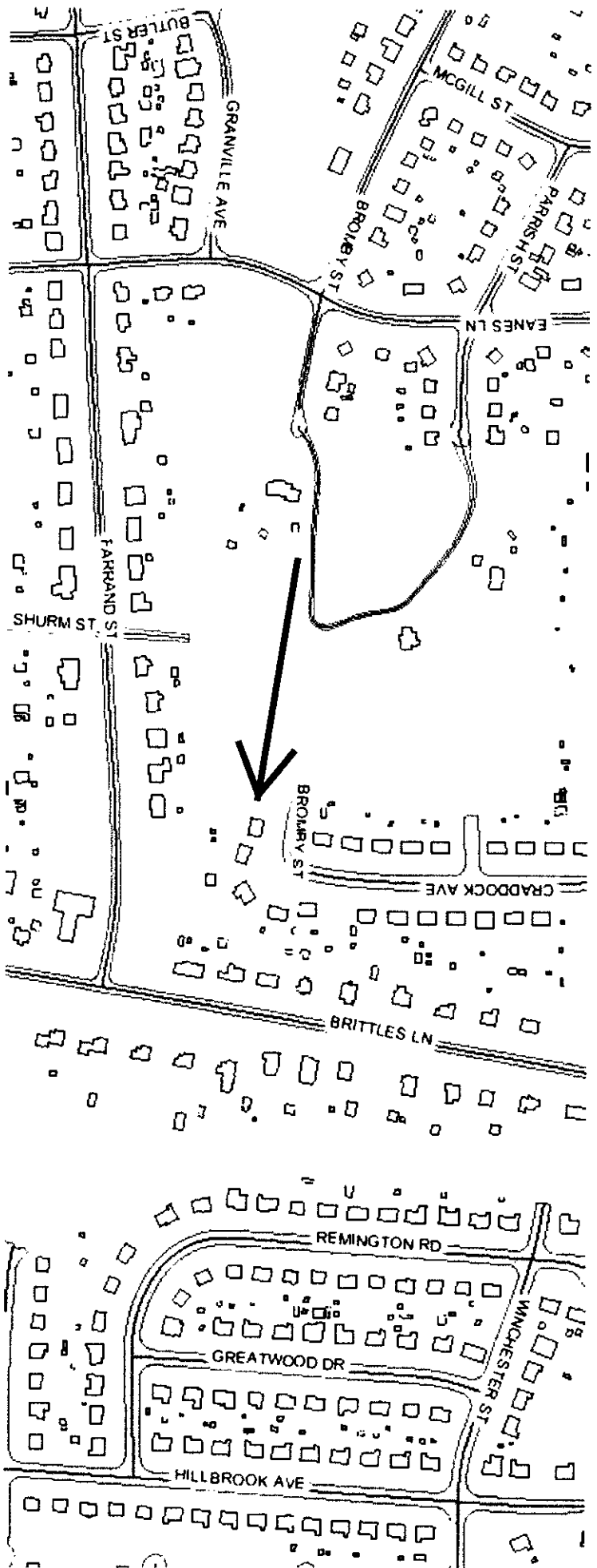
**HERFORD COUNTY, VIRGINIA**

**HOLLY & SPAIN LTD**

**EXHIBIT "A"**

LOT 16 & RESERVED AREA - BLOCK D

# EASTHAVEN VILLAGE



VICINITY MAP  
LOT 16 & RESERVED AREA - BLOCK D  
EASTHAVEN VILLAGE



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 100-08  
Page No. 1 of 1

Agenda Title: **RESOLUTION - Authorization to Apply for and Accept Continuation Grants for Victim/Witness Assistance Program in Commonwealth's Attorney's Office**

For Clerk's Use Only: APR 8 2009 Date: _____ <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to: _____	<b>BOARD OF SUPERVISORS ACTION</b> Moved by (1) <u>Glover</u> Seconded by (1) <u>O'Bannon</u> (2) _____ (2) _____ REMARKS: <b>APPROVED</b>		<b>YES</b> <b>NO</b> <b>OTHER</b> 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, F. _____ <u>absent</u>
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WHEREAS, the Henrico County Victim/Witness Assistance Program provides support, counseling, service referral, and information regarding the criminal justice system to citizens of Henrico County who are crime victims or witnesses to crimes;

WHEREAS, the Office of the Commonwealth's Attorney desires to pursue continuation grants for the continuation of the Victim/Witness Assistance Program currently operating in Henrico County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Henrico County authorizes the County Manager to apply for and accept continuation grants from the Virginia Department of Criminal Justice Services totaling \$327,509 for fiscal year 2009 and currently estimated at \$327,509 for fiscal year 2010 for continuation of the Victim/Witness Assistance Program in Henrico County.

Comments: The total County support of this grant in fiscal year 2009 will be \$325,160, which includes a 100% County- funded position.

By Agency Head Woolf

By County Manager Rich P. Hays

Routing:

Yellow to: Commonwealth Attorney

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

Certified:

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

Clerk, Board of Supervisors

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



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. *107-08*

Page No. 1 of 1

Agenda Title: **RESOLUTION** – Signatory Authority - Agreement with the County School Board of Henrico County to Allow School Board Participation in the County's Other Post-Employment Benefits Trust

For Clerk's Use Only:

APR 8 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. ☐ ☐ *absent*

**WHEREAS**, on March 11, 2008, by action of the Board of Supervisors, the County agreed to establish a trust pursuant to Section 15.2-1544 of the Virginia Code for the purpose of accumulating and investing assets to fund Other Post-Employment Benefits (the "OPEB Trust"); and

**WHEREAS**, the County School Board of Henrico County (the "School Board") desires to participate in the OPEB Trust established by the County; and

**WHEREAS**, the Virginia Code requires an agreement between the Board of Supervisors and the School Board to permit the School Board to participate in the County's OPEB Trust.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors that the County Manager and the Clerk are authorized and directed to execute an agreement, in substantially the form presented to this meeting and in a form approved by the County Attorney, between the Board of Supervisors and the School Board to permit the School Board to participate in the County's OPEB Trust.

Comments: The County Manager and Director of Finance recommend approval of this Board Paper.

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

*SM*

By County Manager

*David P. Knight*

Routing:

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

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

Certified:

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

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



**AGREEMENT**  
**Between**  
**THE HENRCIO COUNTY BOARD OF SUPERVISORS**  
**And**  
**THE COUNTY SCHOOL BOARD OF HENRICO COUNTY**

WHEREAS, the County of Henrico (the "County") has agreed to establish a trust pursuant to Section 15.2-1544 of the Virginia Code for the purpose of accumulating and investing assets to fund Other Post-Employment Benefits (the "OPEB Trust"); and

WHEREAS, the Henrico County Board of Supervisors (the "Board of Supervisors") pursuant to Section 15.2-1547 has created and appointed members to a finance board (the "Finance Board") to serve as trustee of funds designated by the County to be held, accumulated and invested by the Finance Board for the purpose of funding Other Post-Employment Benefits ("OPEB"); and

WHEREAS, the County School Board of Henrico County (the "School Board") desires to participate in the County's OPEB Trust; and

WHEREAS, the Board of Supervisors agrees to the School Board's participation in the County's OPEB Trust.

NOW, THEREFORE, the Board of Supervisors and the School Board agree as follows:

1. The School Board desires to participate in the County's OPEB Trust and the Board of Supervisors agrees to the School Board's participation.
2. The School Board agrees to comply with all provisions of the OPEB Trust documents entered into by the County and the Finance Board.
3. The School Board confers all authority necessary on the Finance Board to serve as trustee of funds designated by the School Board to be held, accumulated and invested by the Finance Board for the purpose of funding OPEB.
4. The amount the School Board shall invest in the OPEB Trust shall be determined collaboratively with the County annually.
5. This Agreement shall become effective upon execution by both parties.

HENRICO COUNTY BOARD OF  
SUPERVISORS

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

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

Attest:

\_\_\_\_\_  
Clerk

Approved as to form:

\_\_\_\_\_  
County Attorney

COUNTY SCHOOL BOARD OF  
HENRICO COUNTY

By: \_\_\_\_\_  
Superintendent

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

Attest:

\_\_\_\_\_  
Clerk

Approved as to form:

\_\_\_\_\_  
County Attorney



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 108-08  
Page No. 1 of 1

Agenda Title: RESOLUTION – Authority to Submit Henrico County Plan for the Virginia Juvenile Community Crime Control Act (2008-2010)

For Clerk's Use Only:

APR 8 2008

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

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

BOARD OF SUPERVISORS ACTION

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

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

REMARKS:

**APPROVED**

YES NO OTHER

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, F.	_____	_____	<u>absent</u>

**WHEREAS**, the Virginia General Assembly enacted the Virginia Juvenile Community Crime Control Act (the "Act") effective January 1, 1996; and,

**WHEREAS**, the Act replaces the state block grant system for all juvenile community-based programs and services except secure detention homes; and,

**WHEREAS**, the County of Henrico (the "County") desires to submit to the Board of Juvenile Justice of the Commonwealth of Virginia (the "State Board") for approval of a local biennial plan (the "Plan") for the implementation and operation of services, programs, and facilities for juveniles before the Henrico County Juvenile and Domestic Relations District Court and the 14<sup>th</sup> District Court Services Unit on matters alleging that a juvenile is in need of services, is in need of supervision, or is delinquent under § 16.1-309.3D of the Act, to be effective July 1, 2008; and,

**WHEREAS**, the County is willing to comply with the provisions of the Act found in §§ 16.1-309.2 through 16.1-309.10 of the Code of Virginia.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Henrico County that the County Manager is authorized to sign and submit the Plan to the State Board in a form approved by the County Attorney and after consultation with the Judges of the Henrico County Juvenile and Domestic Relations District Court.

**COMMENTS:** The Henrico County Juvenile Community Crime Control Act Coordinator and the Probation Director recommend approval of the Board Paper; the County Manager concurs.

By Agency Head Kay D. Frazier

By County Manager David A. Hyatt

Routing:

Yellow to: Probation

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

Certified:

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

Clerk, Board of Supervisors

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



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 109-08  
Page No. 1 of 1

Agenda Title: **RESOLUTION – Acceptance of Gift from the Pfizer Foundation Volunteer Program**

For Clerk's Use Only:  Date: <u>APR 9 2008</u>  <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:	<b>BOARD OF SUPERVISORS ACTION</b> Moved by (1) <u>O'Bannon</u> Seconded by (1) <u>Donati</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>Donati, J.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><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>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 type="checkbox"/></td><td><input type="checkbox"/></td><td><u>absent</u></td></tr></tbody></table>		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 type="checkbox"/>	<input type="checkbox"/>	<u>absent</u>
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WHEREAS, the Pfizer Foundation Volunteer Program has donated \$1,000 to Henrico County to support the Henrico County Pops Chorus in honor of Robert Brockmeier, a Henrico County resident and member of the Henrico County Pops Chorus; and

WHEREAS, the funds will be used by the Division of Recreation and Parks to pay an accompanist for the Henrico County Pops Chorus.

NOW, THEREFORE, BE IT RESOLVED that the Henrico County Board of Supervisors authorizes the County Manager to accept this generous gift from the Pfizer Foundation Volunteer Program.

BE IT FURTHER RESOLVED, that the Board commends Pfizer, Inc. and the Pfizer Foundation Volunteer Program for their generosity and interest in cultural arts in Henrico County.

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

By Agency Head Karen K. Miller By County Manager David S. Hays

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