

**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 13<sup>th</sup> of May 2008, at the hour of 7:00 p.m.

**MEMBERS OF THE BOARD PRESENT**

The Honorable David A. Kaechele, Chairman  
The Honorable Patricia S. O'Bannon, Vice-Chairman  
The Honorable James B. Donati, Jr., Varina District Supervisor  
The Honorable Richard W. Glover, Brookland District Supervisor  
The Honorable Frank J. Thornton, Fairfield District Supervisor

**OTHER OFFICIALS PRESENT**

Mr. Virgil R. Hazelett, P.E., County Manager  
Mr. Joseph P. Rapisarda, Jr., County Attorney  
Col. Merle H. Bruce, Undersheriff  
Mr. Barry R. Lawrence, Clerk  
Mr. George T. Drumwright, Jr., Deputy County Manager for Community Services  
Ms. Angela N. Harper, FAICP, Deputy County Manager for Special Services  
Mr. Leon T. Johnson, Deputy County Manager for Administration  
Mr. Robert K. Pinkerton, P.E., Deputy County Manager for Community Operations  
Mr. Randall R. Silber, Deputy County Manager for Community Development  
Department Heads and Key Officials

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The meeting was called to order by the Chairman at 7:06 p.m.

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

Pastor Barry W. Loop, First Mennonite Church of Richmond, provided the invocation.

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, the Board approved the minutes of the April 22, 2008 Regular and Special Meetings.

The vote of the Board was as follows:

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

## **MANAGER'S COMMENTS**

The Virginia Department of Health Office of Drinking Water (VDH-ODW) formally recognized the Henrico County Department of Public Utilities with two awards at the Southeast Rural Community Assistance Project, Inc. Water is Life 2008 Celebration Luncheon in Roanoke, Virginia on May 8, 2008. These awards, which commend the department for excellence in its water treatment plant and waterworks operations, are a testament to the staff of the County's Water Treatment Plant and what these employees do on a daily basis to ensure that the County produces the best water in the region for Henrico residents. During his comments, Mr. Hazelett introduced Douglas E. Meyer, District Engineer for VDH-ODW, who explained and presented the awards. Russell Navratil, Water Treatment Facility Division Director, accepted the 2007 Virginia Excellence in Granular Media Water Filter Plant Performance Bronze Award on behalf of the Department of Public Utilities. Carol M. Isenhour, Chief of Laboratory Operations, represented the department in accepting the 2007 Virginia Excellence in Waterworks Operation Award. Joining them for this presentation were Arthur D. Petrini, Director of Public Utilities, and Mr. Kaechele.

## **BOARD OF SUPERVISORS' COMMENTS**

Mr. Thornton thanked the members of the Board for their thoughtfulness and for sending him a goody basket while he was recovering from recent surgery. He also expressed appreciation to members of the County staff and Henrico citizens for sending him cards and best wishes and for keeping him in their prayers. Mr. Thornton informed the public that he was on the mend.

Mr. Thornton announced that the National Association of Black Law Enforcement Executives has presented its Presidential Award to Sgt. Kenneth L. Ragland of the Henrico County Division of Police for his dedication and commitment to the chapter and for his exemplary leadership in initiating the County's police athletic program. In extending kudos to Sgt. Ragland, Mr. Thornton commented that the County's Division of Police, directed by Chief Henry W. Stanley, Jr., is one of the best police departments in the country and is nationally certified.

Mrs. O'Bannon advised that the National Association of Child Care Professionals has named River Road Church Preschool Development Center as the National Child Care Center of the Year. Located in Henrico's Tuckahoe District, the center was founded in 1972, is accredited, and serves children 10 months through 5 years of age. Margaret Collins has been the center's director for 20 years. Mrs. O'Bannon noted that it was a great honor for the center to receive this national award.

Mr. Kaechele recognized Danny Wegerbauer from Boy Scout Troop 737, sponsored by St. Mary's Catholic Church, who was observing the meeting to fulfill a requirement for the Citizenship in the Community Merit Badge.

## **RECOGNITION OF NEWS MEDIA**

Mr. Kaechele recognized Melodie Martin from the *Richmond Times-Dispatch*.

## **PRESENTATIONS**

Mr. Kaechele presented a proclamation recognizing May 2008 as Drug Court Month. Accepting the proclamation were Patricia A. Shaw, Henrico County Drug Court Administrator; and Wanda Snead, a graduate of the County's Drug Court.

Mrs. O'Bannon presented a proclamation recognizing May 18 - 24, 2008 as Emergency Medical Services Week. Accepting the proclamation was John T. Tatum, President of the Henrico County Association of Volunteer Rescue Squads and President of Tuckahoe Volunteer Rescue Squad. Joining him was Tracy Giddens-Jarrett, Association Vice-President and President of Lakeside Volunteer Rescue Squad; Joseph G. Klenzmann, Administrative Vice-President of Henrico Volunteer Rescue Squad; and Richard D. McClure, Deputy Chief of the Henrico County Division of Fire.

Mr. Donati presented a proclamation recognizing May 2008 as Older Americans Month. Accepting the proclamation was Thelma Bland Watson, Executive Director of Senior Connections, The Capital Area Agency on Aging. Joining her were Gloria B. Johnson, Henrico County's representative on the organization's Board of Directors; and Marian M. Dolliver and Frederick R. Geiger, Caregiver Support Managers for the organization.

## **PUBLIC HEARINGS - REZONING CASES**

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

In response to questions from members of the Board, Director of Planning Joe Emerson confirmed the B-1 zoning classification for properties abutting corners of this site and also confirmed that all changes to the proffered conditions for this case were included in the staff report.

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

Mr. Donati commented that he understood staff's concerns about the parcel being rather tight for this type of building as had been the situation for a number of other uses proposed for the site; however, there were a number of meetings with residents and staff to work out the best solution and the Varina Beautification Committee and citizens in the immediate area agreed to the architectural design and layout. He noted that people were looking for a nice drugstore in this immediate area with the growth that has occurred there in recent years and that he was pleased with the proposed development and felt it would work despite the tightness of the lot.

On motion of Mr. Donati, seconded by Mr. Glover, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 99-08 (C-63C-07) subject to the following proffered conditions:

1. **Conceptual Plan.** The development of the property shall be in substantial accordance with the conceptual plans prepared by Bohler Engineenng (a) entitled "DETAILED COMMITTEE PLAN FOR RITE AID, NEW MARKET ROAD (U.S. RTE. 5) & STRATH ROAD, HENRICO COUNTY, VARINA, VA," dated 7/10/07, last revised April 4, 2008 and attached hereto as Exhibit A (2 sheets) (see case file) and (b) entitled "RITE AID", dated April 2, 2008 and attached hereto as Exhibit A-1 (3 sheets) (see case file). The development will consist of a retail building fronting on New Market Road (the "Retail Building") and an office building fronting on Strath Road (the "Office Building") as shown on Exhibit A (see case file).
2. **Building Materials and Exterior Elevations.**
  - (a) The Retail Building shall have exposed exterior walls (above finished grade and exclusive of architectural features, windows and doors) constructed of masonry, brick, stone, and/or glass in varying amounts of these exterior materials, unless different architectural treatment and/or materials are requested and approved at the time of Plan of Development review. Wood or composite siding, natural or cultured stone, marble, and/or glass, or an equivalent, permanent, architecturally finished material may be utilized as accent materials on the Retail Building. The exterior elevations of the Retail Building shall be in substantial accordance with the elevations prepared by Farrell McGlynn Architects entitled "PROPOSED ELEVATIONS, RITE AID PHARMACY #4080 INTERSECTION OF STRATH ROAD AND NEW MARKET ROAD, VARINA, VIRGINIA" dated 05/29/07, last revised 4/2/08, and attached hereto as Exhibit B (see case file).
  - (b) The exposed portions of the exterior walls of the Office Building (above finished grade and exclusive of architectural features, windows and doors), shall be of a cape-cod style design as approved by the Planning Commission at the time of Plan of Development review and shall have compatible architectural design (incorporating compatible design elements, and architectural styles) with the existing building located on tax map parcel 816-687-1427, and shall be constructed primarily of one or more of the following materials: masonry, fiber cement siding, brick, stone, and/or glass and may have varying amounts of these exterior materials or an equivalent permanent architecturally finished material, unless different architectural treatment and/or materials are requested and specifically permitted at the time of Plan of Development (POD) review. The foundation of the Office Building shall be constructed primarily of brick and/or stone. The rear of the Office Building shall not have dormers.

No building on the Property shall be covered with or have exposed to view any painted or unfinished concrete block, sheet or corrugated aluminum, iron and/or steel or other

materials unless requested and specifically permitted at the time of Plan of Development review.

3. **Permitted Uses.**

(i) The only uses permitted in the area labeled "Retail Area" on the plat prepared by Timmons Group, dated April 4, 2008, entitled "Plat Showing the Proposed Division of 3.820 Acres of Land Located on the East Side of Strath Road and the South Side of State Route 5, Varina District, Henrico County, Virginia" attached hereto as Exhibit C (the "Plat") (see case file) shall be those principal uses permitted as set forth in Section 24-54.1 of the Code of Henrico County, Virginia and accessory uses permitted as set forth in Section 24-56.1, provided that the development standards and floor area requirements for retail shall be regulated by the B-2 Business District requirements and the Retail Building shall be permitted to have a drive-thru service window provided such drive-thru service window is accessory to a pharmaceutical retail store. Further, the following uses otherwise permitted in the B-1 Business District shall be prohibited on the Property:

- a. Payday loan/check cashing establishments;
- b. Funeral home, mortuary and/or undertaking establishment;
- c. Private club, lodge, meeting hall and fraternal organization;
- d. Laundromats and self-service dry-cleaning establishments;
- e. Parking lots, commercial;
- f. Water or sewerage pumping station;
- g. Hospital or clinic for small animals, dogs, cats, birds and the like;
- h. Outside display or storage, including newspaper boxes, unless any such display is placed along the front of the building;
- i. Employment service or agency;
- j. Communication tower;
- k. Massage establishments;
- l. Billboards; and
- m. Vending machines located outside a building.

(ii) The only uses permitted in the area labeled "Office Area" on the Plat shall be those principal uses permitted in the O-1 Office District. Further, vending machines located outside the building shall be prohibited.

4. **Hours.** Hours of operation for any use on the Property shall be limited to 6:00 a.m. to 10:00 p.m. The hours of operation for delivery purposes shall be limited to 8:00 a.m. to 8:00 p.m.

5. **Underground Utilities.** All proposed utilities except for junction boxes and meters shall be placed underground, unless technical or environmental reasons require otherwise. Junction boxes, meters, pedestals and transformers shall be screened with opaque vegetation or screening materials.

6. **Lighting.** All lighting shall be produced from concealed sources of light and directed away from adjacent residential uses and surrounding public rights-of-way. The maximum height of light poles surrounding the Retail Building shall be eighteen (18) feet or less. The maximum height of light poles for the parking area serving the Office Building shall be sixteen (16) feet. Lighting levels shall be limited to one-half (½) foot candle at the property line to adjacent residential properties. The parking lot lighting shall be reduced to security level at the close of business each day. Any other external lighting serving the Office Building shall be attached to the Office Building.
7. **Buffers and Fencing.** A six (6) foot brick wall shall be constructed along that portion of the property line identified on Exhibit A (see case file) as "PROP. 6' SCREEN/RETAINING WALL" in which area there shall also be a thirteen (13) foot transitional buffer. A twenty-five (25) foot transitional buffer shall be required along all other portions of the property line that are adjacent to residential property.
8. **Dumpsters.** All dumpsters shall be enclosed and screened from public view at ground level with architectural material similar to the main building using the dumpster or as otherwise approved at the time of Plan of Development review. Any gate shall be a black color. Landscaping surrounding any such dumpster shall be provided as generally shown on Exhibit A-1 (see case file) and as approved at the time of Plan of Development review.
9. **HVAC Equipment.** Heating, air conditioning and other mechanical equipment shall be screened from public view at ground level at the Property lines with architectural material similar to the main building using such equipment, or as otherwise approved at the time of Plan of Development review.
10. **Hours of Construction.** During the construction of the development on the Property the hours of exterior construction shall be limited to 7:00 a.m. to 8:00 p.m., Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connections. Exceptions shall require the Director of Planning's approval. Construction signs shall be posted in English and in Spanish and shall state the hours of construction.
11. **Trash Pick-Up.** Trash pick-up, the emptying of dumpsters, and lot maintenance shall be limited to the hours of 9:00 a.m. to 6:00 p.m.
12. **Detached Signage.** Any detached signs shall be monolithic style signs, the base of which shall be landscaped, and shall be limited in height to eight (8) feet. Changeable message signs, portable or mobile signs, and inflatable or other attention-getting devices shall be prohibited.
13. **Outdoor Speakers.** Outdoor speakers shall be permitted only with respect to the drive-thru for the Retail Building and shall be limited in volume to the minimum extent needed to effectively communicate with the vehicle using such drive-thru. Any outdoor speaker shall be placed no higher than forty (40) inches from the ground level.

14. **Sidewalks.** Subject to approval by the Department of Public Works and the Virginia Department of Transportation at the time of Plan of Development review, a sidewalk shall be constructed on the Retail Area in compliance with the County of Henrico's standards and specifications for sidewalks within the right-of-way of New Market Road and Strath Road as shown on Exhibit A-1 (see case file).
15. **Storm Water Facilities.** Any storm water management structure (BMP) shall be located on the Property and shall be placed underground.
16. **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:

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

Nay

120-08 C-10C-08 Brookland	J & L Associates, LLC and McDonald's Corporation: Request to rezone from R-4 One-Family Residence District to B-3C Business District (Conditional), Parcels 767-747-1789 and 767-747-0666 and part of Parcel 766-747-9382, located at the southwest intersection of Deep Run and Fountain Avenues, on the east line of Fountain Avenue approximately 100 feet south of Deep Run Avenue, and on the west line of Fountain Avenue at its southern terminus in the West Broad Street Village subdivision.
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No one from the public spoke in opposition to this case.

On motion of Mr. Glover, seconded by Mr. Thornton, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 120-08 (C-10C-08) subject to the following proffered conditions:

**Applicable to Parcels 767-747-0666 and 767-747-1789**

1. **Parking Lot Lighting.** Parking lot lighting shall be produced from concealed sources of light so as to minimize the impact of such light on any adjacent residential neighborhood. The parking lot lighting shall be reduced to no more than security level following the close of business on the Property. Parking lot lighting standards shall not exceed twenty-five (25) feet in height.
2. **Signage Limitation.** No advertising signs shall be placed on the Property.

3. **Outdoor Speakers.** No outdoor speakers shall be permitted on the Property.
4. **Fence.** A solid vinyl covered fence of a minimum of five (5) feet in height shall be installed and maintained along boundaries of the Property adjacent to residentially developed property. The design and placement of the fence shall be subject to review and approval at the time of landscape plan review.
5. **Use Limitation.** The Property shall be integrated with and used in conjunction with the adjoining automobile dealership.
6. **Architecture.** Any principal building constructed on the Property shall be of predominantly brick construction and shall be architecturally compatible with existing principal buildings on the adjoining automobile dealership property.

**Applicable to Parcel 766-747-9382**

7. **Access Restriction.** There shall be no access between the Property and Deep Run Avenue.
8. **Use Limitation.** The only use of the Property first permitted in the B-3 Zoning District shall be its integration with the adjoining automobile dealership.

The vote of the Board was as follows:

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

121-08 C-8C-08 Three Chopt	Pavilion Development Company: Request to amend proffered conditions accepted with Rezoning Case C-3C-98, on part of Parcel 739-763-7259, located on the west line of Pouncey Tract Road (State Route 271) approximately 485 feet south of Interstate 64.
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In response to a series of questions from Mr. Kaechele, Mr. Emerson stated that the proposed retail building was planned for a later time and would have similar materials and architectural treatments to the mini-storage facility; a loading door would be visible from Pouncey Tract Road; there would be only one vehicle door in and one vehicle door out; there were provisions for the screening of heating, ventilation, and air conditioning (HVAC) equipment; the proffered conditions addressed preservation of a mature oak tree and an alternate landscaping plan in the event of the removal of the tree due to death and disease; the proposed elevations and building materials had been proffered; the exterior wall surfaces of the mini-warehouse buildings would be restricted to split-face block and would be consistent with or an upgrade from other buildings



in the area; and the materials along the base of mini-warehouse buildings would be constructed of stone or stone seal.

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. 121-08 (C-8C-08) subject to the following proffered conditions:

Except as hereby amended, proffers accepted with case C-3C-98 shall remain in full force and effect as restated below:

Proffered Condition 12 of Case No. C-3C-98 is hereby deleted in its entirety. Proffered Conditions 1, 2, 3, 6 and 11 of Case No. C-3C-98 are hereby amended and restated and Proffered Conditions 14, 15 and 16 are added as follows:

1. **Elevation and Site Plan.** Any mini-storage warehouse facility shall be developed in substantial conformance with the elevation prepared by J. Calvin Holcombe, AIA, dated December 23, 1997, a copy of which is attached as Exhibit A to Case No. C-3C-98 (see case file), and the preliminary site plan prepared by J. Calvin Holcombe, AIA, dated December 23, 1997, revised January 29, 1998, a copy of which is attached as Exhibit B to Case No. C-3C-98 (see case file), subject to such changes as may be requested by the County or owner and approved at the time of Plan of Development.

Any retail uses shall be developed in general conformance with the conceptual site plan attached hereto as Exhibit A (see case file) prepared by J. Calvin Holcombe, AIA, dated April 8, 2008 (the "Plan"), unless otherwise requested and specifically approved at the time of Plan of Development. Any retail buildings used for motor vehicle repair, and tires or parts sales, wholesale or retail, service and/or installation shall be developed in general conformance with the elevation attached hereto as Exhibit B (see case file) prepared by Childrey Robinson Associates.

2. **Architectural Treatment.** Colonial cream colored split-face block shall be used on the exterior wall surfaces of any mini-storage warehouse buildings where shown shaded in blue, a copy of which is attached as Exhibit B to Case No. C-3C-98 (see case file), and the exterior of any mini-storage doors shall be of a substantially similar color. The remaining walls of any mini-storage warehouse buildings shall be of a colonial cream color with cedar tan color asphalt shingles on all roofs. The exterior walls of any office/apartment building shall be constructed of colonial cream vinyl siding with cedar tan asphalt shingles on the roof.

Any retail building developed on the property (excluding rooftop screening materials for mechanical equipment) shall have exposed exterior walls (above finished grade) that are complementary in architectural treatment and materials with the elevations shown on Exhibit B (see case file) prepared by Childrey Robinson Associates, unless otherwise requested and specifically approved at the time of Plan of Development review. Any

retail building developed on the property shall have exposed exterior walls (above finished grade) of either, or a combination of brick, exterior insulating finishing systems (E.I.F.S.), split face block, stone, cementitious, dryvit, stucco, vinyl or glass, unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall surface at the time of Plan of Development review. No retail building shall be covered with or have exposed to view any sheet or corrugated aluminum or metal, exposed aggregate concrete, painted or unpainted, unless otherwise specifically requested and approved by the Planning Commission at the time of Plan of Development review.

3. **Use Restriction.** The Property may only be used for:

- a. A mini-storage warehouse facility with an accessory office and dwelling unit for its manager.
- b. Motor vehicle repair, and tires or parts sales, wholesale or retail, service and/or installation. The foregoing shall not, however, permit automotive body or paint shops.
- c. Uses permitted in a B-2 zoning district, except none of the following uses shall be permitted on any portion of the Property:
  - i. billiard, bagatelle, video game or a bingo parlor;
  - ii. flea markets or antique auctions;
  - iii. billboards;
  - iv. recycling facilities;
  - v. funeral homes, mortuaries, crematories and/or undertaking establishments;
  - vi. dance halls;
  - vii. truck stops;
  - viii. gun shop, sales and repair;
  - ix. parking garages or commercial parking lots;
  - x. communication towers;
  - xi. adult business as defined in the Henrico County Zoning Ordinance;
  - xii. 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 (the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections);
  - xiii. bars, which, for purposes of this restriction, shall mean a business establishment whose primary business is the sale of alcoholic beverages

for on-premises consumption. This restriction shall not prohibit the sale of alcoholic beverages in restaurants as licensed by the Virginia Department of Alcoholic Beverage Control;

- xiv. off-track betting parlor;
- xv. private club, lodge, meeting hall or fraternal organization;
- xvi. drapery making and furniture upholstery shop;
- xvii. recreation facility, indoor, to include a theater, bowling alley, skating rink (ice skating and roller skating), swimming pool, tennis, model racing track, archery range, rifle or pistol range, and similar activities; and
- xviii. massage parlors, not to include spa, massage and other therapeutic establishments where employees performing massages, if any, are all duly licensed massage therapists in the Commonwealth of Virginia.

6. **Central Trash Receptacles.** Dumpsters, trash receptacles, not including convenience cans and recycling receptacles, and compactors shall be screened from public view at ground level at the property lines with masonry enclosures which complement the architectural design of the buildings as approved at the time of Plan of Development.
11. **Doors.** No loading doors associated with a mini-storage warehouse facility shall be located on the eastern wall of any building closest to Pouncey Tract Road.
14. **Preservation of the Tree.** The area of the Property located under the mature oak tree, which is located on the Property as shown on the Plan (see case file), shall remain undisturbed, except as to the existing roadway on the Property as shown on the Plan, decorative seating, plantings, and maintenance (the "Undisturbed Area"), unless otherwise specifically requested and approved by the Planning Commission at the time of Plan of Development review. The Undisturbed Area shall include only the area under the branch expansion as determined as of the date of Plan of Development approval. The Undisturbed Area shall have a split rail or other decorative fence installed around its perimeter at the completion of development of the Property, unless otherwise specifically requested and approved by the Planning Commission at the time of Plan of Development review. Should a certified arborist recommend the removal of the tree due to death or disease and, thirty (30) days after notification of such recommendation to the Director of Planning, such tree is removed, this Proffer 14 shall no longer apply.
15. **Alternate Landscaping Plan.** At the time of Landscape Plan review, a conceptual landscape plan for the vicinity of the mature oak tree shall be provided as an alternative plan in the event of the removal of such tree due to death or disease.
16. **Outside Storage.** No outside storage shall be permitted unless screened in a manner acceptable as determined at the time of Plan of Development.

The vote of the Board was as follows:

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

Nay

122-08 Elderhomes Corporation: Request to conditionally rezone from B-2 Business  
C-14C-08 District to R-3C One-Family Residence District (Conditional), Parcel 814-  
Fairfield 725-2886, containing 1.94 acres, located approximately 230 feet north of  
Nine Mile Road (State Route 33) and 175 feet west of Bayard Road at the  
western terminus of Chuck Road (unimproved).

In response to a question from Mr. Kaechele, Mr. Emerson confirmed that the only change to the proffered conditions was the addition of condition No. 14. In response to a question from Mr. Thornton, Marion Cake of Elderhomes Corporation estimated the sale price of the homes in this proposed development to be approximately \$165,000.

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

Mr. Thornton said that he thought this case would be a good marriage for this particular area.

On motion of Mr. Thornton, seconded by Mrs. O'Bannon, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 122-08 (C-14C-08) subject to the following proffered conditions:

1. Density: No more than four (4) units shall be developed on the site.
2. Minimum Dwelling Size: The minimum finished floor area of any dwelling shall be one thousand one hundred fifty (1,150) square feet.
3. Brick Foundation: Any dwelling constructed on the property shall have a brick-faced foundation on all sides of the dwelling.
4. Crawl Space: All dwellings on the property shall be constructed on crawl space foundations. This shall also apply to any future additions for year-round use.
5. A ten (10) foot wide buffer of trees and a six (6) foot high, vinyl privacy fence shall line the south, west, and north sides of the property and shall tie into the existing fence at the rear of the apartment complex as shown on Exhibit B (see case file), dated 4/8/08.
6. Exterior Materials: The exterior of the dwellings shall be constructed of brick, brick veneer, and vinyl. All porch piers shall be brick.
7. Appearance: The architectural appearance of the dwellings shall be generally consistent with the buildings depicted by Exhibit A (see case file) unless otherwise requested and approved by the Director of Planning.

8. Cantilevers: No windows, closets, chimneys or gas vents shall be cantilevered. This proffer shall not apply to direct vent appliances.
9. Driveways: All driveways shall be constructed of exposed aggregate, concrete, brick, stone, asphalt or pre-cast pavers.
10. Construction Hours: The hours of exterior construction, including operation of bulldozers and other earthmoving equipment, shall be between 7:00 a.m. and 7:00 p.m., Monday through Friday, and 9:00 a.m. through 6:00 p.m. on Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connections. Exceptions shall require the Director of Planning's approval.
11. The proposed development shall be constructed in general conformance to the conceptual plan labeled Exhibit B (see case file), dated 4/8/08, unless otherwise requested and approved by the Planning Commission at the time of subdivision review.
12. Underground Utilities: All utilities on the proposed residential lots except for junction boxes, meters, and existing overhead utility lines or for technical or environmental reasons shall be installed underground.
13. A landscaping and lighting plan shall be provided for Planning Commission approval during the time of subdivision review. The plan shall contain elements consistent with CPTED concepts to minimize trespassing on the property.
14. Ownership: All dwelling units shall be marketed as owner-occupied homes.

The vote of the Board was as follows:

Aye

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

Nay

123-08	Rastek Construction & Development Corporation: Request to amend
C-11C-08	proffered conditions accepted with Rezoning Case C-59C-87, on Parcel 772-
Brookland	752-0526, located approximately 456 feet east of Staples Mill Road (U.S.
	Route 33), approximately 330 feet north of Wistar Road, and approximately
	215 feet west of Kimway Drive.

County Planner Jean Moore confirmed for Mr. Glover that the fence on the site had been replaced and that the gap in the fence was there to begin with. There was considerable discussion by Mr. Hazelett, Ms. Moore, and Mr. Glover regarding the proposed hours of operation on the property as provided in amended proffered condition No. 9. In response to a concern raised by Mr. Hazelett, Ms. Moore and Mr. Glover clarified that the intent of this

condition was to allow future businesses on the property to operate on Sunday between the hours of noon and midnight and not until 6:00 a.m. on Mondays.

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

On motion of Mr. Glover, seconded by Mr. Thornton, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 123-08 (C-11C-08) subject to the following proffered conditions:

1. There shall be not more than seventy thousand (70,000) square feet of gross leaseable floor area for specialty retail, office/warehouse and light manufacturing use. Not more than twenty thousand (20,000) square feet of floor area shall be specialty retail, emphasizing small shops of approximately one thousand two hundred (1,200) square feet, but not to exceed seven thousand five hundred (7,500) square feet, and no food or grocery store shall exceed six thousand (6,000) square feet, and no store specializing in retail sales of automotive parts and related accessories shall exceed six thousand (6,000) square feet. All principal uses which are first permitted in B-3 General Business Districts except those noted below shall not be permitted. In addition, the following uses shall not be permitted: hotels, motels, motor lodges, motor hotels, bowling, skating, billiards, bagatelle, video game or a bingo parlor and similar indoor recreational establishments, dancing establishments and dance halls, funeral homes, mortuaries, crematories and/or undertaking establishments, gun shop, sales and repair, adult business as defined in the Henrico County Zoning Ordinance, bars, which, for purposes of this restriction, shall mean a business establishment whose primary business is the sale of alcoholic beverages for on-premises consumption and is not intended to prohibit the sale of alcoholic beverages in restaurants as licensed by the Virginia Department of Alcoholic Beverage Control, massage parlors, and establishments whose primary business is check cashing or making payday loans as defined and regulated by Sections 6.1-432 et seq. and 6.1-444 et seq. of the Code of Virginia (this shall not preclude banks, savings and loans or similar institutions that are not regulated by the foregoing Virginia Code Sections).

Notwithstanding the above, the following uses first permitted in B-3 General Business District shall be permitted provided such uses operate within completely enclosed buildings and there shall be no outdoor storage or display.

- a. Automobile or truck tires or parts sales, wholesale or retail, service and/or installation.
  - b. Plumbing, electrical and heating shop.
2. The exposed portions of all exterior wall surfaces (front and sides) of each building constructed on the Property shall be similar in architectural style and construction and shall be predominantly of masonry, stucco, and/or glass, except to the extent that other architectural materials are used for trim or architectural decorations.

3. All roof-mounted mechanical equipment shall be screened, and screening material shall be compatible with the architectural style of the building.
4. A twenty (20) foot landscaped area shall be maintained from the ultimate right-of-way line on Staples Mill Road, as determined at the time of the Plan of Development. Ten (10) foot landscaped buffers shall be maintained on the southern and northern property lines, and these buffers shall include planting and trees.
5. All trash dumpsters will be screened from view.
6. No building constructed on the Property shall exceed twenty-five (25) feet in height.
7. Lights illuminating off-street parking or loading areas shall be arranged and installed so that no material glare or direct light shall spill over onto adjacent parcels. Lighting standards shall not exceed twenty (20) feet in height and shall be of directional type capable of shielding the light source from direct view.
8. No sign shall exceed twenty-five (25) feet in height and, if lighted, shall be internally lit so that there are no freestanding spotlights or any type of individual lighting structure. The sign message, if illuminated, shall be illuminated from within the sign structure.
9. Hours of operation for all uses on the property identified as GPIN 772-752-0526 (Wistar Commons) shall adhere to B-2 Business District regulations. For retail uses, outside activity and general services to the public shall not be permitted between 6:00 a.m. and noon on Sunday.

The vote of the Board was as follows:

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

Nay

In response to a question from Mr. Thornton, Mr. Hazelett and Mr. Rapisarda clarified the meaning of the wording contained in proffered condition No. 14 of Case C-14C-08, Agenda Item No. 122-08. Mr. Rapisarda noted that the proffer states and requires that the homes in this development will be offered for sale as owner-occupied residences but will not preclude future owners who purchase their property from renting it. Mr. Thornton questioned whether the proffer contains what others might refer to as "weasel language." Mr. Rapisarda replied that he would not personally consider the wording to be weasel language and that his office had worked with the Department of Planning to craft the wording carefully so that it is legal. He pointed out that this proffer has been used in several previous zoning cases. Mr. Rapisarda commented that he could not express an opinion on the merits of the proffer but noted that there are some planning studies and opinions that have concluded that communities are better off with more owner-occupied homes. In response to questions from Mr. Kaechele, Mr. Emerson

acknowledged that staff had requested this proffer to ensure that at least the first ownership is marketed for sale. Mr. Glover expressed concern that this proffer was not requested by a planning commissioner or elected official but was decided to be a good idea by staff after the case was heard by the Planning Commission. Mr. Hazelett noted Mr. Glover's concern and said that he would look into it. Mr. Kaechele concluded the discussion by pointing out that the Board had already approved the case containing this proffer.

124-08	Lakeridge Builders L.L.C.: Request to rezone from R-5 General Residence
C-12-08	District to R-2A One-Family Residence District, Parcels 815-724-4963 and
Varina	815-724-8094, containing 0.657 acre, located on the east line of Pleasant
	Street approximately 390 feet north of Yates Lane and at the southwest
	intersection of Emerson and Jefferson Streets.

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

Nikki Jones, a resident of 305 Leatherhead Court, asked how the layout of the housing proposed for this site would affect her and an older neighbor's condominium backyards. Ms. Moore and Mr. Hazelett explained that the proposed development would not affect Ms. Jones' property. They pointed out that any future subdivision on this site would have to go through the Plan of Development process and that Ms. Jones would be contacted when this occurs. In response to questions from Mrs. O'Bannon, Ms. Moore identified the likely location of a road that would be required to develop the property. Ms. Moore confirmed for Mr. Kaechele that the acreage of the site addressed by this case was approximately two-thirds of an acre and that the applicant intended to incorporate this site within an adjacent R-2A zoned parcel. Mr. Hazelett suggested that Ms. Jones give her name and telephone number to staff so that information will be given to her when future development does occur on the site.

On motion of Mr. Donati, seconded by Mrs. O'Bannon, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 124-08 (C-12-08).

The vote of the Board was as follows:

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

125-08	Ronald W. Vaughan: Request to amend proffered conditions accepted with
C-16C-08	Rezoning Case C-25C-92, on Parcel 745-745-3910, located between the
Tuckahoe	northeast line of Cherrywood Drive and the northwest intersection of
	Clearwood and Gayton Roads.

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



Andy Condlin, speaking on behalf of Ronald W. Vaughan, confirmed for Mrs. O'Bannon that the applicant's landscaping plan would include an on-going maintenance program for the buffers that would be submitted to staff for review and approval prior to planting. Mr. Condlin confirmed for Mr. Hazelett that the applicant already had an irrigation system on the site. In response to a question from Mr. Kaechele, Mr. Condlin and Mrs. O'Bannon explained that the purpose of the proffer changes was to provide flexibility in the species and planted height of evergreen trees located in the buffer area on the site. Mrs. O'Bannon noted that there had been a problem over the years in keeping something green and growing in this location.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 125-08 (C-16C-08) subject to the following proffered conditions:

All proffers accepted with case C-25C-92 are still in effect except that Proffer #4 is amended as follows:

4 (c)

**Ednam Forest.** A natural and landscaped buffer will be provide at least thirty (30) feet in width adjacent to the boundary lines of the property adjacent to the Ednam Forest Subdivision and at least seventy-five (75) feet in width adjacent to Lot 5, Block A, Ednam Forest, except to the extent necessary for utility easements and other purposes requested, described and specifically permitted, or if required by the Planning Commission at the time of Plan of Development review or by any other governmental body. Except as provided in the following sentence, or as otherwise permitted by the Planning Commission at the time of Plan of Development review, any utilities in the buffer shall be generally perpendicular to the adjacent boundary line. Utility easements that were recorded prior to this rezoning may be located in the buffer area as shown on such recorded easements.

This buffer shall be left in its natural state or consist of berms, fencing and landscaping, or a combination thereof, as determined in the landscape plan approved by the Planning Commission at the time of Plan of Development review.

In addition, there shall be a six (6) foot tall opaque wooden fence located in such buffer approximately ten (10) feet from the boundary of such buffer furthest from the adjoining Ednam Forest boundary line, with such fence running generally parallel to the Ednam Forest boundary line and with such fence terminating ten (10) feet from Gayton Road and thirty (30) feet from Clearwood Road. The fence shall be of the general design, nature and appearance as shown on the attached Exhibit 2 (see case file).

In addition to any other landscaping required by the Planning Commission at the time of the Plan of Development review, there shall be six (6) evergreen trees along Cherrywood Drive and four (4) evergreen trees adjacent to Lot 5, Block A, Ednam Forest Subdivision generally as shown on the attached Exhibit 3 (see case file), which evergreen trees shall be ten (10) feet tall at the time of planting. A landscaping plan including the proposed tree species and on-going maintenance program for the buffers (to include the planting and maintenance schedule

for new landscaping, mowing schedule and the removal of dead and diseased trees) shall be submitted to the Planning Department for staff review and approval prior to planting.

The vote of the Board was as follows:

Aye

Nay

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

126-08	Thomas B. Porterfield: Request to amend proffered conditions accepted with
C-17C-08	Rezoning Case C-17C-91, on Parcel 745-742-4101, located at the northeast
Tuckahoe	intersection of Patterson Avenue (State Route 6) and Gaskins Road (State
	Route 157).

In response to questions from Mrs. O'Bannon, Ms. Moore advised that going from B-1 to B-2 zoning would not change the hours of operation but pointed out that B-2 zoning was already in place for this site. She confirmed for Mr. Kaechele that this case would amend some of the existing proffered conditions for the property and also add new proffers.

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

Mrs. O'Bannon commented that this case was a good example of improving the looks of an older area of the County through a change in uses.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 126-08 (C-17C-08) subject to the following proffered conditions:

1. **Permitted Uses.** Following such time as the improvements on the Property are modified pursuant to a building permit or an amendment to the Plan of Development for improvements on the property, uses permitted on the Property shall be limited to automotive filling stations as permitted and regulated in the B-2 Business District, and any use permitted in the B-1 Business District.
2. **Signage Limitation.** Signage permitted on the property shall be limited to one hundred five (105) square feet of business signage. No attention-getting devices or changeable message signs, as defined in the zoning ordinance, shall be permitted.
3. **Floor Area Limitation.** Any convenience store operated in conjunction with an automotive filling station on the property shall not exceed two thousand (2000) square feet of floor area.

4. **Use Restriction.** No towing service or automotive repair services shall be permitted in conjunction with the operation of an automotive filling station on the property.
5. **Concept Plan.** The site will be developed similar to the attached concept plan, entitled "Concept Plan of Convenience Store at the Intersection of Gaskins Road and Patterson Avenue - Exhibit A" (see case file), by Bay Design Group, P.C., dated February 1, 2008, unless otherwise approved at the time of Plan of Development.
6. **Architectural Treatment.** The building shall be similar in architectural style to the illustrations in Exhibit B (see case file).
7. **Trash Receptacle.** The trash receptacle, not including convenience containers, shall be screened from public view at ground level from the adjacent properties and/or public rights of way with an enclosure constructed with materials to match the building it serves.
8. **Retaining Walls.** Any new retaining walls, if required, shall be constructed of materials that match the building, unless otherwise approved at the time of Plan of Development.
9. **Landscape Buffers.** Landscaping adjacent to GPIN 745-742-4618 shall be planted in accordance with the transitional ten (10) planting requirements.

The vote of the Board was as follows:

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

127-08	Barrington Investors Ltd.: Request to rezone from R-5AC General Residence
C-15-08	District (Conditional) to C-1 Conservation District, part of Parcel 799-732-
Fairfield	4991, containing approximately 2.70 acres, located generally along the 100
	year floodplain between the east line of the Chesapeake and Ohio Railroad
	and the west line of Barrington Road at its intersection with Yeadon Road.

In response to a question from Mr. Thornton, Ms. Moore confirmed that the proposed conservation area would not be deleterious to the proposed Dillyn Place subdivision.

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

On motion of Mr. Thornton, seconded by Mr. Glover, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 127-08 (C-15-08).

The vote of the Board was as follows:

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

Nay

## **PUBLIC HEARINGS - OTHER ITEMS**

128-08                      Resolution - MTP-1-08 - To Delete Concept Road W-3 between Rasmussen Drive Extended and White Oak Road from the 2010 Major Thoroughfare Plan - Varina District.

In response to a question from Mr. Kaechele, Mr. Emerson acknowledged that this road section could have been deleted under the new 2026 Major Thoroughfare Plan.

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. 128-08 - see attached Resolution.

129-08                      Ordinance - Vacation of Right-of-Way - Hilliard Park - Brookland District.

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

On motion of Mr. Glover, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 129-08 - see attached Ordinance.

130-08                      Resolution - Signatory Authority - Quitclaim of Portion of Utility Easement - Towne Center West - Three Chopt District.

In response to a question from Mr. Kaechele, Acting Director of Real Property Steve Price confirmed that there was no need for the County to retain these portions of the utility easement because the easement had been relocated.

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

On motion of Mrs. O'Bannon, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 130-08 - see attached Resolution.

131-08                      Ordinance - Vacation of Portion of Alley Easement - Lot 6 - Block V - Tuckahoe Village - Tuckahoe District.

In response to questions from Mrs. O'Bannon, Mr. Price and Mr. Hazelett advised that there were likely other lots in this area with existing alley easements but that staff would check and bring this information back to her. Mr. Kaechele commented that it would be unlikely that there would be an alley easement for only one lot.

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

On motion of Mrs. O'Bannon, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 131-08 – see attached Ordinance.

132-08                    Resolution - Signatory Authority - Acquisition of Real Property – 10101 Three Chopt Road - Tuckahoe District.

Mr. Kaechele reiterated that this item had been discussed by the Board in a work session.

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

Mrs. O'Bannon stated that she was pleased the County had used a new method of getting appraisals for proposed property acquisitions.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 132-08 – see attached Resolution.

133-08                    Resolution - Signatory Authority – Lease Agreement – United States of America, Acting By and Through a Duly Authorized Official of the United States Coast Guard – Varina District.

Mr. Kaechele noted that the Board had discussed this resolution in a work session and that the County Manager had also sent the Board a letter explaining the resolution. In response to questions from Board members, Mr. Hazelett clarified that up to four communications antennae could be located on the site, that the type of dish had not been decided, that other public safety agencies could be allowed to co-locate on this tower under restricted conditions, and that any other antennae placed on the tower would have to be located below the County's antenna.

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. 133-08 – see attached Resolution.

## **PUBLIC COMMENTS**

William Spencer, a resident of the Three Chopt District, thanked the Board for supporting Mr. Thornton in establishing the Eastern Government Recreation Center and praised the County's Division of Police for being one of the best police departments in the United States.

## **GENERAL AGENDA**

134-08                      Resolution - Signatory Authority – Grant Recipient Agreement for Workforce Investment Area IX – Capital Area Training Consortium.

In response to a question from Mrs. O'Bannon, Mr. Hazelett confirmed that this agreement was being implemented at the direction of the State.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 134-08 – see attached Resolution.

Mrs. O'Bannon commented that she knew discussions of the agreement addressed by the previous resolution had centered on the fact that previously rigid community college schedules had become more flexible.

135-08                      Resolution – Authorization to Apply for and Accept \$14,000 in State Fire Service Grant Funding from the Commonwealth of Virginia through the Virginia Department of Fire Programs for Renovations to the Current Burn Building.

On motion of Mr. Glover, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 135-08 – see attached Resolution.

136-08                      Resolution – Authorization to Apply to the National Weather Service to Achieve StormReady Certification.

In response to a question from Mrs. O'Bannon, Deputy Coordinator of Emergency Management Anna McRay confirmed that the County would be putting up a StormReady sign similar to one that already exists in the City of Richmond on Cary Street Road.

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 136-08 – see attached Resolution.

137-08                      Resolution - Acceptance of Donation of NOAA All-Hazard Weather Radios from Ms. Susan Newton.

Ms. McRay recognized Ms. Newton and thanked her for her kind donation. Mr. Glover also thanked Ms. Newton.

On motion of Mr. Glover, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved Agenda Item No. 137-08 – see attached Resolution.

In response to questions from Mrs. O'Bannon, Ms. McRay explained that she will be working with Director of Libraries Gerald McKenna to establish a good place in the library to put the radios where the public can hear them, that the radios will be properly programmed to pick up notifications only for Henrico, and that the County's service provider has been working with Verizon to address a gateway issue where Verizon has been interpreting emergency messages as spam and bouncing the alerts.

138-08                      Resolution – Award of Contract for Consulting Services – Citizen Relationship Management.

Mr. Kaechele commented that this contract would be a self-explanatory first step in a big program. In response to a question from Mr. Kaechele, Mr. Hazelett and Ms. Harper stated that no decision had been made as to which County department this system would fall under once the program is formulated but that the consultant would assist the County with this decision and would make other recommendations to the County after interviewing selected County departments and talking with the Board. Ms. Harper confirmed for Mr. Kaechele that this system would be limited to general government and would not include schools. In response to questions from Mrs. O'Bannon, Ms. Harper noted that there would be several different components of the system, including an improved web portal with more access for e-mails as well as a call center. Ms. Harper explained to Mr. Kaechele that the lowest bidder was not being recommended because the firm's experience was limited to call centers in one city.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 138-08 – see attached Resolution.

139-08                      Resolution – Signatory Authority – Revised Ingress/Egress Easement and Agreement - Pump Station – Varina District.

In response to a question from Mr. Donati, Mr. Price clarified the location of the Dean properties in proximity to the pump station.

On motion of Mr. Donati, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved Agenda Item No. 139-08 – see attached Resolution.

140-08                      Resolution – Acceptance of Roads.

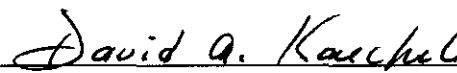
On motion of Mr. Thornton, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 140-08 – see attached Resolution.

141-08                      Resolution - Settlement of *Kraft Foods Global, Inc. v. County of Henrico*.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 141-08 – see attached Resolution.

Mr. Thornton asked why the County, unlike the City of Richmond, has never opted for signage to let people know they are in the environs of Henrico. Mr. Hazelett responded that the County had at one time considered putting up All-American signs and that what Mr. Thornton was suggesting was something the County could do on both State-maintained and County-maintained roads. Mr. Hazelett pointed out that there are small green and white signs on State-maintained roads showing individuals that they have changed jurisdictions but Mr. Thornton stated that he feels those signs lack flair. Mr. Glover commented that the column signs alerting persons that they are coming into the City of Richmond were granted in the early 1990s by the Commonwealth Transportation Board from transportation enhancement funds. Mr. Kaechele noted that several jurisdictions have placed welcome messages on large water tanks. Mr. Thornton observed that although the most precious thing a person has is his or her name and that Henrico is a stellar location, the County has not put anything up to show how magnificent it is or to let people know where they are. Mr. Hazelett said that staff will look at some alternatives in other locations and bring this information back to the Board.

There being no further business, the meeting was adjourned at 9:14 p.m.

  
\_\_\_\_\_  
Chairman, Board of Supervisors  
Henrico County, Virginia



# Proclamation



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

## ***DRUG COURT MONTH***

***May 2008***

**WHEREAS**, drug courts combine criminal court cases and evidence-based treatment to intervene against substance abuse and related crimes; and

**WHEREAS**, more than 100 program evaluations have yielded definitive evidence that drug courts are demonstratively effective and reduce crime, improve community health, and produce greater cost benefits than other justice strategies; and

**WHEREAS**, within the Commonwealth of Virginia, 29 drug courts are currently in operation with successful results; and

**WHEREAS**, the Henrico County Adult Drug Court has served our community since January 2003 as a collaborative effort of the 14<sup>th</sup> Judicial Circuit, the Commonwealth Attorney's Office, the Sheriff's Office, Henrico Area Mental Health and Retardation Services, the Division of Police, the Community Corrections Program, and the Probation and Parole District #32 Office of the Virginia Department of Corrections; and

**WHEREAS**, 47 participants in the Henrico County Adult Drug Court have successfully completed its intensive requirements and graduated from the program since 2003; and

**WHEREAS**, the National Association of Drug Court Professionals is sponsoring National Drug Court Month during May 2008.

**NOW THEREFORE, BE IT PROCLAIMED** that the Board of Supervisors of Henrico County, Virginia hereby recognizes May 2008 as Drug Court Month and calls this year's theme, "Taking Drug Court to Scale: Healthy Families Healing Communities," to the attention of Henrico citizens.

**BE IT FURTHER PROCLAIMED** that the Board of Supervisors salutes the practitioners and participants who make drug courts work and acknowledges the significant contribution that drugs courts continue to make in reducing substance abuse and crime.

# Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

## **EMERGENCY MEDICAL SERVICES WEEK**

**May 18 – 24, 2008**

**WHEREAS**, the provision of emergency medical services (EMS) is vital to the public's well-being and dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and,

**WHEREAS**, members of EMS teams are ready to provide life-saving care to those in need 24 hours a day, seven days a week; and,

**WHEREAS**, whether career or volunteer, EMS team members engage in thousands of hours of specialized training and continuing education to enhance their life-saving skills; and,

**WHEREAS**, these persons are frequently exposed to a variety of hazards and dangerous situations during the performance of their duties; and,

**WHEREAS**, Henrico citizens benefit daily from the knowledge and skills of these highly trained individuals; and,

**WHEREAS**, the Henrico County EMS system, consisting of the Division of Fire, Henrico Volunteer Rescue Squad, Lakeside Volunteer Rescue Squad, Tuckahoe Volunteer Rescue Squad, and the Division of Police, recorded 30,077 responses for service during fiscal year 2006-2007; and,

**WHEREAS**, it is appropriate to acknowledge the value and the accomplishments of EMS providers and to educate the public about injury prevention and how to respond to a medical emergency.

**NOW, THEREFORE, BE IT PROCLAIMED** that the Board of Supervisors of Henrico County, Virginia hereby recognizes May 18 - 24, 2008 as Emergency Medical Services Week and encourages the community to mark this observance with appropriate programs, ceremonies, and activities.



# Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

## OLDER AMERICANS MONTH

*May 2008*

**WHEREAS**, Henrico County is home to more than 50,000 citizens 60 years of age or older; and

**WHEREAS**, older adults in Henrico and throughout this capital area are a growing population with evolving needs; and

**WHEREAS**, older Americans are valuable members of our society who are rich with experience and deserving of our respect; and

**WHEREAS**, the number of baby boomers reaching traditional retirement age continues to increase, a fact that spotlights the importance of offering increased attention to the needs of our older adults; and

**WHEREAS**, our older citizens of today and tomorrow promise to be among the most active and engaged older adult populations in our county's history; and

**WHEREAS**, communities have a responsibility to work together and prepare for changing older adult populations by strengthening the resources and systems of care available to older citizens, acknowledging and addressing their needs, and providing them with more opportunities to make informed choices for a healthy and rewarding future; and

**WHEREAS**, our efforts can improve the quality of life of our older citizens and help pave the way for future generations; and

**WHEREAS**, Older Americans Month has been celebrated nationally each year since 1963, during which time the number of Americans age 60 or over has increased from 17 million to 44 million; and

**WHEREAS**, the theme for this year's observance is "Working Together for Strong, Healthy, and Supportive Communities."

**NOW, THEREFORE, BE IT PROCLAIMED** that the Board of Supervisors of the Henrico County, Virginia hereby recognizes May 2008 as Older Americans Month and encourages everyone to honor our older adults and support the professionals, family members, and citizens who care for them.





COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 128-08  
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Agenda Title: RESOLUTION — MTP-1-08 — To Delete Concept Road W-3 between Rasmussen Drive Extended and White Oak Road from the 2010 Major Thoroughfare Plan — Varina District

For Clerk's Use Only:	BOARD OF SUPERVISORS ACTION	YES	NO	OTHER
Date: MAY 13 2008	Moved by (1) Donati Seconded by (1) O'Bannon (2) (2)			
(X) Approved ( ) Denied ( ) Amended ( ) Deferred to:	REMARKS: APPROVED	Donati, J. ✓ Glover, R. ✓ Kaechele, D. ✓ O'Bannon, P. ✓ Thornton, F. ✓		

WHEREAS, the 2010 Major Thoroughfare Plan shows all the existing and planned future roadways that are significant links in the County's surface transportation system; and,

WHEREAS, Concept Road W-3 is a planned Minor Collector road that would provide a connection from Windsor Road at White Oak Road westward approximately 6,200 feet to Concept Road W-2; and,

WHEREAS, the areas adjacent to Concept Road W-3 consist primarily of large tract parcels recommended for Suburban Residential 1 and Suburban Residential 2 in the 2010 Land Use Plan; and,

WHEREAS, Concept Road W-3 is intended to provide an adequate road network to support residential uses as recommended by the 2010 Land Use Plan; and,

WHEREAS, all parcels located along the conceptual alignment of Concept Road W-3 between Rasmussen Drive Extended and White Oak Road currently have direct or indirect access to White Oak Road, Elko Road, or both; and,

WHEREAS, a portion of Concept Road W-3 between Rasmussen Drive Extended and White Oak Road would transverse through a proposed single-family subdivision; and,

WHEREAS, the existing access provided by White Oak and Elko Roads would be sufficient to accommodate future development of those parcels adjacent to the segment of Concept Road W-3 proposed for deletion; and,

By Agency Head [Signature] 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

*128-08*

Page No 2 of 2

**Agenda Title: RESOLUTION — MTP-1-08 — To Delete Concept Road W-3 between Rasmussen Drive Extended and White Oak Road from the 2010 Major Thoroughfare Plan — Varina District**

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**WHEREAS**, on April 10, 2008, the Planning Commission held a public hearing on the issue of removing Concept Road W-3 between Rasmussen Drive and White Oak Road from the Major Thoroughfare Plan, and recommends the Major Thoroughfare Plan amendment.

**NOW, THEREFORE, BE IT RESOLVED** that the Henrico County Board of Supervisors amends the 2010 Major Thoroughfare Plan to remove Concept Road W-3 between Rasmussen Drive Extended and White Oak Road.

**Comments:** The Director of Planning recommends approval; the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 129-08  
Page No. 1 of 2

Agenda Title

ORDINANCE - Vacation of Right-of-Way - Hilliard Park - Brookland  
District

For Clerk's Use Only:  Date <u>MAY 13 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>Glover</u> Seconded by (1) <u>Thornton</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 checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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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, upon application of Matthew G. Barrick and Melissa L. Barrick, owners of Lot 95 of Hilliard Park, 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 13, Page 1, requesting that a 73.41 square foot portion of right-of-way for Linbrook Drive, as shown crosshatched on a plat dated March 10, 2008, a copy of which is attached hereto and 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 May 13, 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 right-of-way for Linbrook Drive, as shown crosshatched on Exhibit "A", is vacated in accordance with the provisions of Section 15.2-2272(2) of the Code of Virginia, 1950, as amended, subject to the reservation of the County of Henrico, Virginia of a permanent drainage and utility easement on, under, and across the entire area of the right-of-way for Linbrook Drive hereby vacated.

By Agency Head

Steve Sine

By County Manager

Sup. L. Kay

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. **129-08**  
Page No.

Agenda Title

2 of 2

**ORDINANCE - Vacation of Right-of-Way - Hilliard Park - Brookland District**

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

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 the 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 Matthew G. Barrick and Melissa L. Barrick, 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.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 130-08  
Page No. 1 of 1

Agenda Title RESOLUTION - Signatory Authority - Quitclaim of Portion of Utility Easement --  
Towne Center West - Three Chopt District

For Clerk's Use Only:  Date _____ <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to	BOARD OF SUPERVISORS ACTION Moved by (1) <u>O'Bannon</u> Seconded by (1) <u>Donati</u> (2) _____ (2) _____ REMARKS: <b>APPROVED</b>	YES NO OTHER Donati, J. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Glover, R. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Kaechele, D. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> O'Bannon, P. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Thornton, F. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
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WHEREAS, by Deed of Easement dated February 16, 1999 and recorded in Deed Book 2918, Page 2105, in the Clerk's Office of the Circuit Court of the County of Henrico, Virginia (the "Clerk's Office"), Frederick Reaves Williams and William R. Curdts conveyed to the County of Henrico, Virginia (the "County") a permanent utility easement (the "Easement") across land now known as Towne Center West; and,

WHEREAS, replacement utility facilities have been constructed in other easements conveyed to the County and portions of the Easement are no longer needed; and,

WHEREAS, Towne Center West Apartments, LLC, Hensley SPW, LLC, Towne Center-West, L.L.C., and Towne Center West Shoppes, L.L.C. (the "Owners"), owners of the land encumbered by the Easement, have made a request to the County to quitclaim portions of the Easement; and,

WHEREAS, the portions of the Easement to be quitclaimed are shown shaded on the plats attached and marked as Exhibits "A-1," "A-2," and "A-3"; and,

WHEREAS, this resolution was advertised pursuant to Section 15.2-1813 of the Code of Virginia, 1950, as amended (the "Code"), and a public hearing was held pursuant to Section 15.2-1800 of the Code on May 13, 2008.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Henrico County, Virginia that the Chairman and Clerk are authorized to execute Deeds of Quitclaim, in a form approved by the County Attorney, releasing unto the Owners, their successors or assigns, all claims of the County in and to the portions of the Easement as shown shaded on the attached Exhibits "A-1," "A-2" and "A-3".

Comments: This request has been routed through the Departments of Public Utilities and Planning without objection. The Real Property Department recommends approval of this action; the County Manager concurs.

By Agency Head Steve Davis

By County Manager Steve P. Hight

Routing: Yellow to: Real Property

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

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

Clerk, Board of Supervisors

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





COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 131-08  
Page No.

1 of 2

Agenda Title      **ORDINANCE - Vacation of Portion of Alley Easement – Lot 6, Block V of Tuckahoe Village – Tuckahoe District**

<b>For Clerk's Use Only:</b>  Date <u>MAY 13 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'Ranun</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>Bannon, P.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Thurston, F.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></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"/>	Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thurston, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Thurston, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							

WHEREAS, Carter O. Chapman and Donna S. Chapman, owners of Lot 6, Block V of Tuckahoe Village, having requested that a portion of the alley easement shown shaded and labeled "Area of Requested Vacation" on the attached copy of the subdivision plat of Tuckahoe Village, marked Exhibit "A," which plat is recorded in the Clerk's Office of the Circuit Court of the County of Henrico, Virginia ("Clerk's Office") in Plat Book 42, Page 8, 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 May 13, 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:

(1) the portion of the alley easement as shown shaded and labeled "Area of Requested Vacation" on Exhibit "A" is vacated in accordance with the provisions of Section 15.2-2272(2) of the Code of Virginia, 1950, as amended;

(2) this Ordinance shall become effective thirty (30) days after the time of its passage as provided by law;

By Agency Head Steve Orr

By County Manager David L. Haydel

Routing:

Yellow to: Real Property

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

Certified:

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

Clerk, Board of Supervisors

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

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

Agenda Item No. **131-08**  
Page No.

2 of 2

**Agenda Title**

**ORDINANCE - Vacation of Portion of Alley Easement – Lot 6, Block V of  
Tuckahoe Village – Tuckahoe District**

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(3) the Clerk of the Circuit Court of the County of Henrico, Virginia (the "Clerk"), is authorized, upon receipt of payment therefor, to record a certified copy of this Ordinance in the Clerk's Office after the expiration of thirty (30) days from its passage, provided no appeal has been taken to the Circuit Court of the County of Henrico, Virginia, pursuant to law;

(4) the Clerk is further authorized to index the same on the grantor and grantee sides of the general index to deeds in the names of Carter O. Chapman and Donna S. Chapman, or their successors or assigns; and,

(5) 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.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 132-08

Page No.

1 of 1

Agenda Title

RESOLUTION - Signatory Authority - Acquisition of Real Property - 10101  
Three Chopt Road - Tuckahoe District

For Clerk's Use Only:

Date MAY 13 2003

☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

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

WHEREAS, the Board of Supervisors of Henrico County, Virginia (the "Board") desires to acquire a parcel of land identified as Tax Map Parcel Number 750-753-3194, containing 0.938 acres, more or less, with improvements, located at 10101 Three Chopt Road (the "Property"), and adjacent to the County's Water Treatment Plant in the Tuckahoe Magisterial District; and,

WHEREAS, Philip C. Kennedy and Constance C. Kennedy ("Sellers"), owners of the Property, have agreed to sell the Property to the County of Henrico, Virginia (the "County") at its appraised value.

NOW, THEREFORE, BE IT RESOLVED by the Board that:

- (1) the County Manager is hereby authorized and directed to execute a purchase agreement (the "Agreement"), in a form approved by the County Attorney, by and between the Sellers and the County, for the purchase of the Property for \$280,000.00 and other considerations and conditions as specified in the Agreement;
- (2) the County Attorney is directed to cause title to be examined to the Property and the County Manager is authorized, upon approval of the title to the Property by the County Attorney, to accept the deed to the Property, in a form approved by the County Attorney; and
- (3) the County Manager and the County Attorney are authorized to undertake all additional administrative and legal actions necessary to acquire title to the Property described above.

Comments: The Director of Public Utilities and the Acting Director of Real Property recommend approval of this paper; the County Manager concurs.

By Agency Head

Steve Babin

SLH

By County Manager

Philip C. Kennedy

Routing:

Yellow to:

Real Property

Copy to:

Certified:

A Copy Teste:

Clerk, Board of Supervisors

Date:



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 133-08  
Page No. 1 of 1

Agenda Title RESOLUTION - Signatory Authority - Lease Agreement - United States of America, Acting By and Through a Duly Authorized Official of the United States Coast Guard- Varina District

For Clerk's Use Only:  Date MAY 13 2003 <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to	BOARD OF SUPERVISORS ACTION Moved by (1) <u>Donati</u> Seconded by (1) <u>O'Bannon</u> (2) _____ (2) _____ REMARKS: <b>APPROVED</b>		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. <input checked="" type="checkbox"/> _____
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WHEREAS, the County of Henrico, Virginia (the "County"), is the owner of real property at 8701 Willis Church Road containing approximately 1,048.831 acres, more or less, designated as GPIN# 851-678-5224, which parcel is the site of the County's "Runnimeade" communications tower (the "Property"); and,

WHEREAS, the United States of America, acting by and through a duly authorized official of the United States Coast Guard (the "Government"), is desirous of leasing a portion of the Property adjacent to the communications tower along with certain space on the tower for the purpose of constructing, operating, and maintaining four communications antennae; and,

WHEREAS, the County is desirous of leasing this portion of the Property under the terms and conditions negotiated by the parties; 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 May 13, 2008, at 7:00 p.m. by the Board of Supervisors of Henrico County, Virginia (the "Board").

NOW, THEREFORE, BE IT RESOLVED, that the Board authorizes the Chairman and Clerk to execute on behalf of the County, a lease and a memorandum of lease, in a form approved by the County Attorney, for a portion of the Property, including space on the County's Runnimeade communications tower, to the Government for an initial period of five years with an initial annual rental rate of \$56,400.00, and subject to terms and conditions as outlined in the lease agreement between the parties.

Comments: The initial term of the lease will be five years with yearly renewals thereafter, not to exceed twenty years. Beginning October 1, 2009, and each October 1 thereafter, the rent shall increase three percent over the rent for the preceding year. The Directors of Public Utilities and General Services and the Acting Director of Real Property recommend approval for this paper; the County Manager concurs.

By Agency Head Steve Davis

By County Manager Doris L. Nye

Routing:

Yellow to: Real Property

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

Certified:

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

Clerk, Board of Supervisors

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



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 134-08  
Page No. 1 of 1

Agenda Title: **RESOLUTION** — Signatory Authority — Grant Recipient Agreement for Workforce Investment Area IX — Capital Area Training Consortium

For Clerk's Use Only:

Date: MAY 13 2000

☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

**APPROVED**

YES NO OTHER

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

**WHEREAS**, the federal Workforce Investment Act of 1998 (the "Act") required the establishment of local workforce investment areas and boards by July 1, 2000; and,

**WHEREAS**, the Counties of Charles City, Chesterfield, Goochland, Hanover, Henrico, New Kent and Powhatan (the "Counties") constitute Workforce Area IX (the "Capital Area") under the Act and, pursuant to an agreement among the Counties dated July 1, 1999 (the "Agreement"), operate as the Capital Area Training Consortium ("CATC") for the purpose of delivering workforce services under the Act; and,

**WHEREAS**, pursuant to the Agreement, Henrico County (the "County") has been designated as the grant recipient for CATC; and,

**WHEREAS**, as grant recipient, the County will receive funds awarded by the Commonwealth for programs and services required under the Act; and,

**WHEREAS**, on May 9, 2000, the Board of Supervisors authorized the County Manager to execute an agreement with the Virginia Employment Commission (the "VEC") for receipt of funds allocated to the Capital Area under the Act; and

**WHEREAS**, by virtue of Governor's Executive Order Number 61, the Virginia Community College System (the "VCCS") has replaced the VEC as the state administrative agency for activities under the Act and a new agreement is necessary to establish the terms and conditions under which CATC will conduct activities under the Act.

**NOW THEREFORE**, BE IT RESOLVED that the Board of Supervisors authorizes the County Manager to execute the Grant Recipient Agreement in a form approved by the County Attorney for receipt of all funds allocated or appropriated to CATC for activities under the Act.

Comments: The Director of the Capital Area Training Consortium recommends approval of this Board paper, and the County Manager concurs.

By Agency Head Rosalyn D. Key-Lilly

By County Manager David S. Hayes

Routing:  
Yellow to: CATC

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

Certified:

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

Clerk, Board of Supervisors

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



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 135-08  
Page No. 1

Agenda Title: **RESOLUTION – Authorization to Apply for and Accept \$14,000 in State Fire Service Grant Funding from the Commonwealth of Virginia through the Virginia Department of Fire Programs for Renovations to the Current Burn Building**

For Clerk's Use Only:  Date: <b>MAY 13 2008</b>  <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>Thornton</u> (2) _____ (2) _____  REMARKS: <b>APPROVED</b>		<b>YES</b> <b>NO</b> <b>OTHER</b>  Donati, J. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Glover, R. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Kaechele, D. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> O'Bannon, P. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Thornton, F. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
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WHEREAS, the Division of Fire wishes to apply for and accept \$14,000 in State Fire Service grant funding from the Commonwealth of Virginia through the Virginia Department of Fire Programs; and

WHEREAS, the grant, which requires no local match, will be used by the Division of Fire for renovations to the existing burn building.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Henrico County authorizes the County Manager to apply for and accept \$14,000 in State Fire Service grant funding from the Commonwealth of Virginia through the Virginia Department of Fire Programs.

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

By Agency Head

John H. Smith

gll

By County Manager

David R. Taylor

Routing:

Yellow to:

Fire

Copy to:

Certified:

A Copy Teste:

Clerk, Board of Supervisors

Date:



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 136-08  
Page No.

Agenda Title: **Resolution – Authorization to Apply to the National Weather Service to Achieve StormReady Certification**

For Clerk's Use Only:	BOARD OF SUPERVISORS ACTION	YES	NO	OTHER
Date: <u>MAY 13 2008</u>	Moved by (1) <u>O'Bannon</u> Seconded by (1) <u>Thornton</u>			
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:	REMARKS: <u>APPROVED</u>			
		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. <input checked="" type="checkbox"/>		

WHEREAS, each year, Americans cope with an average of 10,000 thunderstorms, 5,000 floods, 1,000 tornadoes, an average of 6 deadly hurricanes, and other deadly weather impacts; and

WHEREAS, Henrico County has coped with more than 240 severe weather events since 1950, including hurricanes, tornados, severe thunderstorms, hail, ice, snow, and floods; and

WHEREAS, the Office of Emergency Management of the Division of Fire desires to apply to the National Weather Service to achieve StormReady certification to better protect the residents of Henrico County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the County Manager is authorized to apply to the National Weather Service for StormReady certification.

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

By Agency Head

Edward A. Smith

By County Manager

David L. Taylor

Routing:

Yellow to:

Fire

Copy to:

Certified:

A Copy Teste:

Clerk, Board of Supervisors

Date:



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 137-08  
Page No.

Agenda Title: Resolution - Acceptance of Donation of NOAA All-Hazard Weather Radios from Ms. Susan Newton

For Clerk's Use Only:  Date: MAY 13 2008  <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:	BOARD OF SUPERVISORS ACTION Moved by (1) <u>Glover</u> Seconded by (1) <u>O'Bannon</u> (2) _____ (2) _____ REMARKS: <b>APPROVED</b>		YES	NO	OTHER
			Donati, J. <u>/</u>		
			Glover, R. <u>/</u>		
			Kaechele, D. <u>/</u>		
			O'Bannon, P. <u>/</u>		
			Thornton, F. <u>/</u>		

WHEREAS, Ms. Susan Newton, a resident of Henrico County, has offered to donate 30 NOAA All-Hazard Weather Radios to Henrico County for use by the Division of Fire Office of Emergency Management; and

WHEREAS, the Division of Fire Office of Emergency Management proposes to place these radios in County buildings open to the public to ensure immediate notification of severe weather watches and warnings and other important messages related to life safety measures.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Henrico County authorizes the County Manager to accept this generous gift from Ms. Susan Newton, and commends her for her generosity and interest in public safety in Henrico County.

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

By Agency Head

John A. Smith

By County Manager

David L. Hight

Routing:

Yellow to: Fire

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

Certified:

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

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





COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. **138-08**  
Page No. 1 of 1

Agenda Title: **Resolution – Award of Contract for Consulting Services – Citizen Relationship Management**

For Clerk's Use Only: <b>MAY 1 2008</b> 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>O'Ranum</u> Seconded by (1) <u>Donati</u> (2) _____ (2) _____ REMARKS: <b>APPROVED</b>		<b>YES NO 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. <input checked="" type="checkbox"/> _____
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**WHEREAS**, on March 21, 2008 nine (9) proposals were received in response to RFP #08-8339-2CS to provide consulting services necessary for the development and deployment of a Citizenship Relationship Management initiative for the County; and

**WHEREAS**, based upon review of the written proposals, the Selection Committee (consisting of Ms. Angela Harper; Mr. Paul N. Proto; Ms. Louise Evans; Mr. Al Watts; and Mr. Julian Parr) interviewed and negotiated with three firms, with the best and final offers from each of the selected three firms as follows:

<b>Empower Solutions, Inc.</b>	<b>\$225,960</b>
EMA, Inc.	308,403
Winbourne & Costas, Inc.	78,000

**WHEREAS**, the Selection Committee has determined that **Empower Solutions, Inc.** has submitted the best proposal.

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

1. A contract to provide consulting services necessary for the development and deployment of a Citizenship Relationship Management initiative is hereby awarded to **Empower Solutions, Inc.** in the amount of \$225,960 in accordance with RFP #08-8339-2CS, the March 21, 2008 proposal, and the April 23 and May 2, 2008 submittals from **Empower Solutions, Inc.**
2. The County Manager and Clerk are authorized to execute the contract in a form approved by the County Attorney.
3. The County Manager, or the Director of General Services as his designee, is authorized to execute all change orders within the scope of the project budget.

**Comments:** Funding to support the contract is available. The Director of General Services and the Selection Committee, the County Manager concurring, recommend approval of this Board paper.

By Agency Head Paul N. Proto *fu* By County Manager Theresa A. Hayes

Routing:  
Yellow to: General Services  
Copy to: \_\_\_\_\_

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

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



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 137-08

Page No. 1 of 1

Agenda Title RESOLUTION - Signatory Authority - Revised Ingress/Egress Easement and Agreement - Pump Station - Varina District

For Clerk's Use Only:  Date MAY 13 2007 <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to	BOARD OF SUPERVISORS ACTION Moved by (1) <u>Donati</u> Seconded by (1) <u>O'Bannon</u> (2) _____ (2) _____ REMARKS: <u>APPROVED</u>		YES NO OTHER Donati, J. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Glover, R. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Kaechele, D. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> O'Bannon, P. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Thornton, F. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
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WHEREAS, on August 14, 2007, the Board of Supervisors of Henrico County, Virginia (the "Board") authorized and directed the Chairman and Clerk to execute an Ingress/Egress Easement and Agreement between the County of Henrico, Virginia (the "County") and Arthur P. Dean and Jacqueline H. Dean, Thagard L. Dean and Sheela M. Dean, John Aylett Dean and Carol A. Dean, and Linwood R. Baker, to allow all parties to have access from White Oak Road to their respective properties which adjoin the easement; and,

WHEREAS, all the parties executed the Ingress/Egress Easement and Agreement which was recorded August 29, 2007, in Deed Book 4401, Page 1173 in the Circuit Court Clerk's Office; and,

WHEREAS, at the request of Linwood Baker and with all the parties' consent, the alignment of the access drive has been changed, requiring a Revised Ingress/Egress Easement and Agreement; and,

WHEREAS, Arthur P. Dean and Jacqueline H. Dean, Thagard L. Dean and Sheela M. Dean, John Aylett Dean and Carol A. Dean, and Linwood R. Baker wish to enter into a Revised Ingress/Egress Easement and Agreement with the County to allow all parties to have access from White Oak Road to their respective properties which adjoin the easement; and,

WHEREAS, it is the desire of the Board to enter into a Revised Ingress/Egress Easement and Agreement with Arthur P. Dean and Jacqueline H. Dean, Thagard L. Dean and Sheela M. Dean, John Aylett Dean and Carol A. Dean, and Linwood R. Baker, and their successors and assigns.

NOW, THEREFORE, BE IT RESOLVED by the Board that the Chairman and Clerk are authorized and directed to execute on behalf of the Board a Revised Ingress/Egress Easement and Agreement in a form approved by the County Attorney and shown on the attached Exhibit A, Exhibits B-1, B-2, B-3, Exhibit C, and Exhibit D.

Comments: The Director of Public Utilities and the Real Property Department recommend approval of this paper; the County Manager concurs.

By Agency Head Steve Dean

By County Manager David P. Hays

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. **140-08**  
Page No. 1 of 1

Agenda Title: **RESOLUTION - ACCEPTANCE OF ROADS**

For Clerk's Use Only: MAY 13 2008 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>Thornton</u> Seconded by (1) <u>Plover</u> (2) _____ (2) _____ REMARKS: <b>APPROVED</b>		<b>YES NO OTHER</b> Donati, J. <input checked="" type="checkbox"/> _____ Glover, R. <input checked="" type="checkbox"/> _____ Kaechele, D. <input checked="" type="checkbox"/> _____ Bannon, P. <input checked="" type="checkbox"/> _____ Thornton, F. <input checked="" type="checkbox"/> _____
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BE IT RESOLVED by the Board of Supervisors of the County of Henrico that the following named and described sections of roads are accepted into the County road system for maintenance.

**Ashbury at Stoneleigh, Section 2 - Fairfield District**

Hawk Nest Drive from 0.04 Mi. S. of Ashbury Hills Drive to 0.04 Mi. E. of Clauson Road	0.18 Mi.
Hawk Nest Court from Hawk Nest Drive to 0.30 Mi. N. of Hawk Nest Drive	0.30 Mi.

<b>Total Miles</b>	<b>0.48 Mi.</b>
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**Ashbury at Stoneleigh, Section 3 (a Resubdivision of Lots 1 through 5, Block A, Section 1, and Lot 1, Block B, Section 1) - Fairfield District**

Ashbury Hills Drive from Ashbury Hills Drive to Ashbury Hills Drive	0.04 Mi.
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<b>Total Miles</b>	<b>0.04 Mi.</b>
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By Agency Head \_\_\_\_\_

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

Routing:

Yellow to: Public Works

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

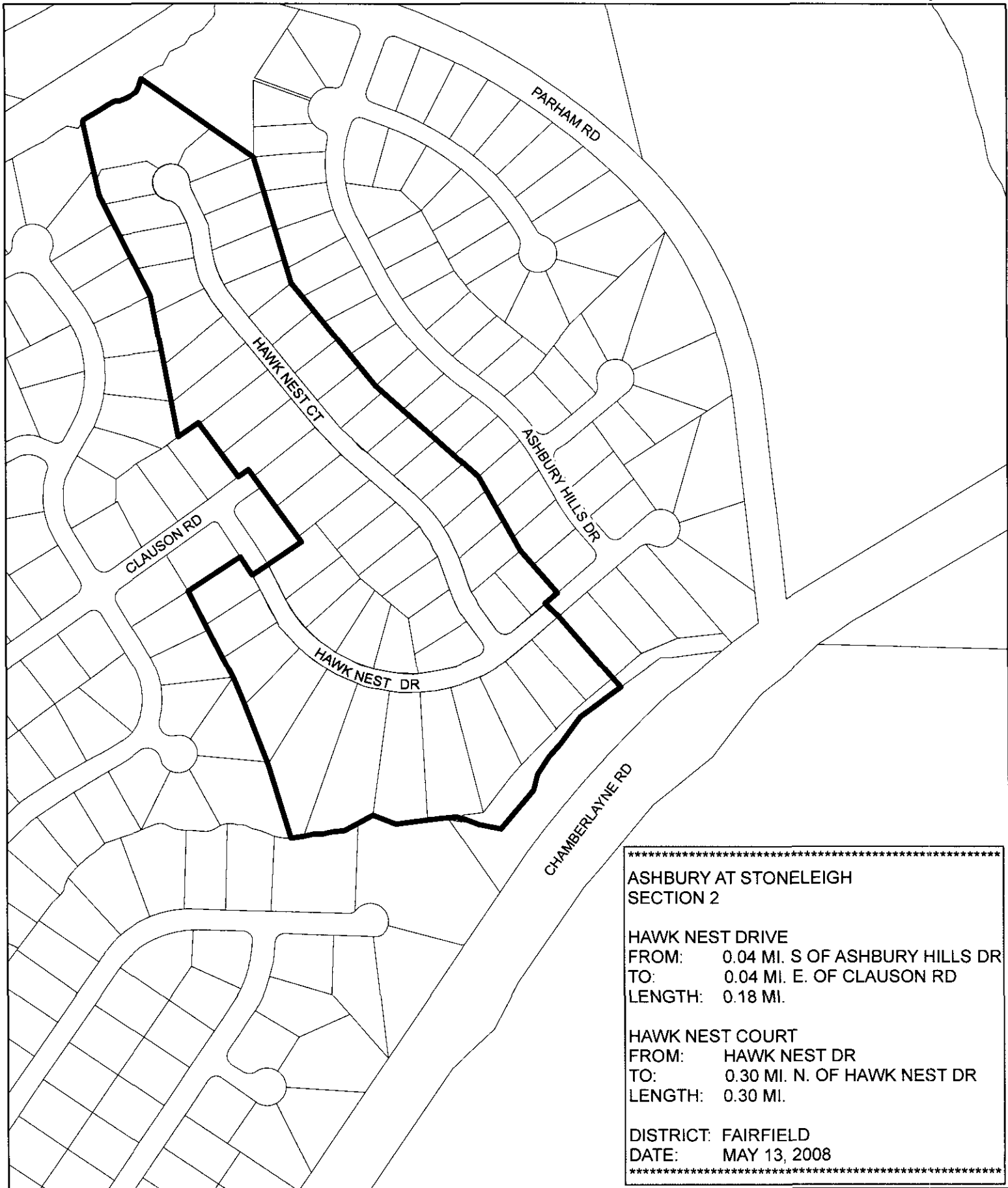
Certified:

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

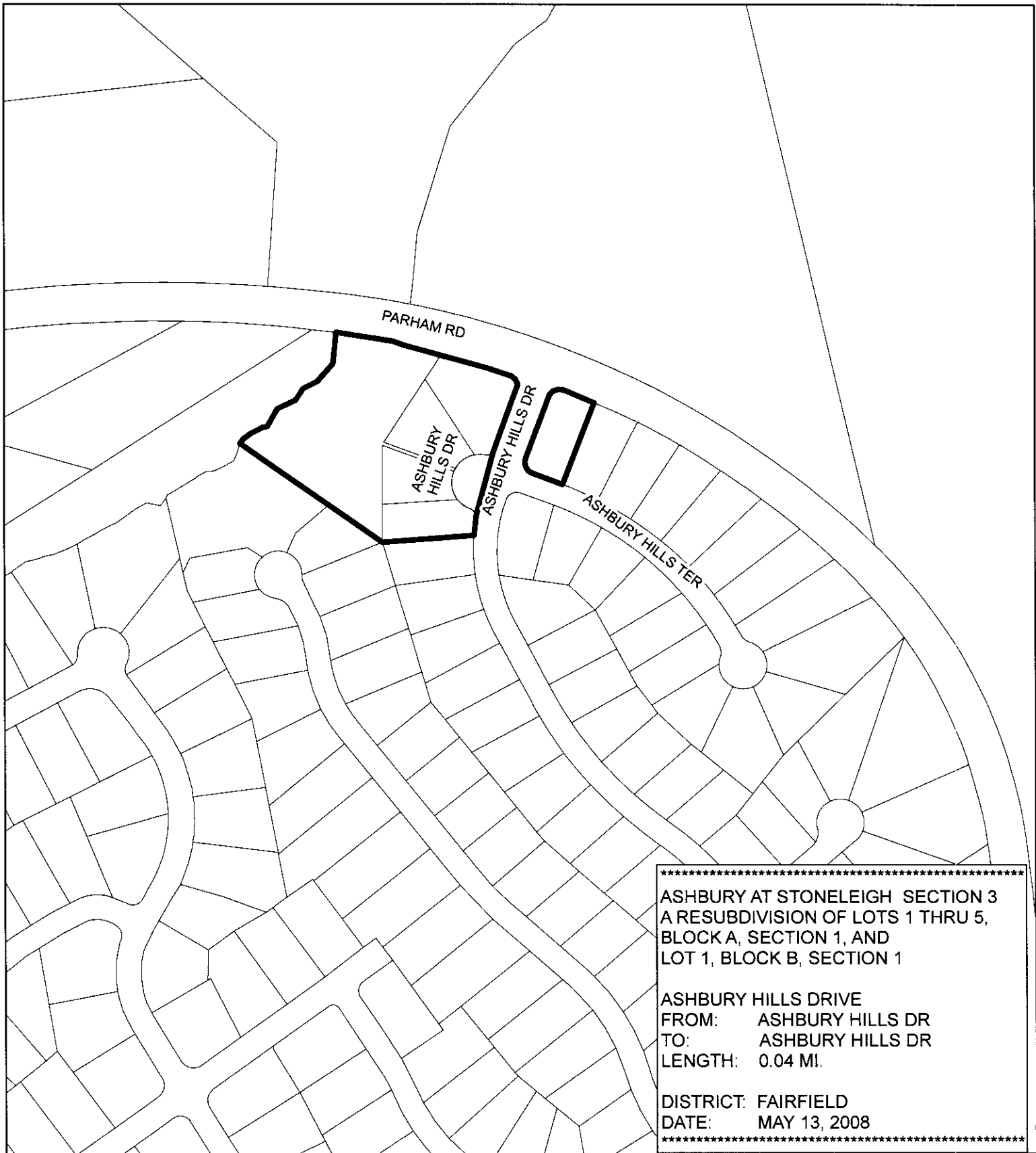
Clerk, Board of Supervisors

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

# ASHBURY AT STONELEIGH SECTION 2



ASHBURY AT STONELEIGH SECTION 3  
A RESUBDIVISION OF LOTS 1 THRU 5,  
BLOCK A, SECTION 1, AND  
LOT 1, BLOCK B, SECTION 1





COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 141-08  
Page No. 1 of 1

Agenda Title: RESOLUTION – Settlement of Kraft Foods Global, Inc. v. County of Henrico

For Clerk's Use Only:

Date: MAY 13 2008

- ☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

**APPROVED**

YES NO OTHER

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

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

- (1) it authorizes settlement of the case styled *Kraft Foods Global, Inc. v. County of Henrico*, Case No CL05-1144, now pending in the Circuit Court of Henrico County, on terms as recommended by the County Attorney; and
- (2) the County Manager and County Attorney are authorized to execute all documents, in forms satisfactory to the County Attorney, necessary to conclude this case and implement the terms of the settlement.

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

By Agency Head

Joseph P. Rappaport Jr.

By County Manager

David P. Haydel

Routing:

Yellow to:

County Attorney

Certified:

A Copy Teste:

Clerk, Board of Supervisors

Copy to:

Date: