

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
REGULAR MEETING
February 23, 2010

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, February 23, 2010 at 7:00 p.m. in the Board Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia.

Members of the Board Present:

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

Other Officials Present:

Virgil R. Hazelett, P.E., County Manager
Joseph P. Rapisarda, Jr., County Attorney
Michael L. Wade, Sheriff
Barry R. Lawrence, CMC, Assistant to the County Manager/Clerk to the Board
George T. Drumwright, Jr., Deputy County Manager for Human Services
Angela N. Harper, Deputy County Manager for Special Services
Leon T. Johnson, Ph.D., Deputy County Manager for Administration
Robert K. Pinkerton, P.E., Deputy County Manager for Community Operations
Randall R. Silber, Deputy County Manager for Community Development

Mrs. O'Bannon called the meeting to order at 7:03 p.m.

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

Rev. Marcus D. Martin, Senior Pastor of New Bridge Baptist Church, delivered the invocation.

On motion of Mr. Kaechele, seconded by Mr. Glover, the Board approved the minutes of the February 9, 2010 Regular Meeting.

The vote of the Board was as follows:

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

No: None

MANAGER'S COMMENTS

For the 24th consecutive year, the Henrico County Department of Finance's Office of Management and Budget has prepared the *Financial Trends Monitoring System* document prior to examination of the operating budget for the subsequent fiscal year. This document provides an historical review, over an 11-year period, of financial and budgetary information that is used in combination with economic and demographic information. During these difficult economic times, the information provided within the *Trends* document is used in combination with the County's *Comprehensive Annual Financial Report* (CAFR) and the *Annual Fiscal Plan* to monitor the County's financial health.

Next month, the Board of Supervisors will review the County's FY 2011 budget, which will decrease from the current fiscal year's budget. The amount of the decrease is still in question due to the lack of specific information from the Commonwealth of Virginia on reductions in aid to localities and the impact these reductions will have on the County.

BOARD OF SUPERVISORS' COMMENTS

There were no comments from the Board.

RECOGNITION OF NEWS MEDIA

Mrs. O'Bannon recognized Luz Lazo from the *Richmond Times-Dispatch*.

PRESENTATION

61-10 Resolution – Expressing Appreciation to U.S. Smokeless Tobacco Company and Altria Group.

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 61-10 – see attached resolution.

Mr. Kaechele presented the resolution to Brian W. Quigley, Vice President of Brand Management for U.S. Smokeless Tobacco Company. Joining Mr. Quigley was Charles E. (Charlie) Agee III, Director of Corporate Contributions and Stakeholder Relations for Altria Client Services.

RESIGNATION/APPOINTMENT

62-10 Resolution – Resignation of Member – Local Emergency Planning Committee.

On motion of Mr. Thornton, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 62-10 – see attached resolution.

63-10 Resolution – Nomination of Member – Local Emergency Planning Committee.

On motion of Mr. Donati, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 63-10 – see attached resolution.

PUBLIC HEARING ITEMS

- 26-10 Ordinance – To Amend and Reordain Sections 10-71 Titled “Complaints” and 10-73 Titled ‘Prohibited noises enumerated” of the Code of the County of Henrico, to Repeal and Reserve Section 10-72 Titled “Prohibited noise generally,” and to Add Section 10-74 Titled “Exemptions,” All Relating to the Regulation of Noise. (**Deferred from January 26, 2010 meeting**).

Ben Thorp, Assistant County Attorney, narrated a slide presentation on *proposed amendments to the noise ordinance*. At the outset of his presentation, and in response to several questions from Mrs. O'Bannon regarding the impetus for these amendments, Mr. Thorp explained the role of the Local Government Attorneys of Virginia (LGA) in assisting localities that must re-write their noise ordinances to comply with the recent Virginia Supreme Court *Tanner* decision. He also commented on the Board's opportunity to make further amendments in the future to the County's noise ordinance should the ordinance have unintended consequences or not be upheld by the Virginia Supreme Court. Mr. Thorp's prepared presentation highlighted staff's recommended changes to categories of the proposed ordinance addressing car horns, party noise, sound-producing devices, car stereos, and lawn care. He concluded his presentation by noting that a substitute ordinance incorporating these changes had been prepared for the Board to consider, and if accepted, would replace the ordinance that was the subject of the Board's January 26, 2010 public hearing. Mr. Thorp responded to additional questions from the Board concerning penalties for violating the proposed ordinance and how the ordinance would be enforced.

The following six citizens spoke during the public hearing on the recommended changes to this proposed ordinance:

- Renee Hawkins, a resident of Sara Jean Terrace, objected to a provision in the proposed ordinance that would prohibit operating or playing any sound-producing device in a manner or with such volume or duration that it is plainly audible at 50 or more feet from the device. She expressed concern that this requirement would be unduly restrictive on persons with hearing disabilities or residing in townhomes who wish to play music or watch television at louder volumes. (Mr. Thorp later pointed out that this restriction would only apply between the hours of 11:00 p.m. and 7:00 a.m.)
- Seth Rosenthal, a resident of Creekside Drive, expressed concerns that the proposed ordinance would not provide for uniform time frames for regulating the various categories of noise. He specifically objected to

the provision that would regulate noise from trash collection only between the hours of 12:00 midnight and 6:00 a.m. and suggested that trash collection in residential neighborhoods should not be allowed any earlier than 7:00 a.m.

- Tim Yuhas, a resident of Cornelia Road, voiced concerns about noise from early morning trash collection and dumpster servicing and questioned how the section of the proposed ordinance regulating noise from trash collection would be enforced.
- Faye Weems, a resident of Henrico County, stated concerns that the sound-producing devices section of the proposed ordinance would only regulate these noises between 11:00 p.m. and 7:00 a.m. rather than 24 hours a day as is the case with the City of Richmond's newly amended noise ordinance.
- Lyman Flynn, a resident of Betty Lane, elaborated on concerns about noise from barking dogs that he raised at the Board's previous public hearing on the noise ordinance. He submitted a worldwide internet petition calling for the banishment of dog barking. Mr. Flynn also suggested that a countywide program be established to regulate barking dogs and submitted posters that he created for this purpose.
- Sarah Powell, a resident of Henrico County, suggested that the County consider establishing a time limit on barking dogs and that noise from sound-producing devices such as music can sometimes be handled privately by citizens.

Mr. Rosenfeld returned to the podium and posed questions regarding enforcement of the trash collection section of the noise ordinance and the recourse citizens would have under the proposed ordinance when subjected to continuous noise from barking dogs.

Mr. Thorp returned to the podium and addressed the comments and concerns that were raised by the speakers. Mr. Hazelett elaborated on the alternatives for enforcing the proposed ordinance and pointed out that the ordinance was necessitated by actions of the Virginia Supreme Court. Mr. Thorp, Mr. Hazelett, and Mr. Rapisarda responded to further questions from the Board relating to enforcement of the proposed ordinance and how conditions in a Plan of Development (POD) are imposed and enforced. Mr. Glover asked Mr. Hazelett to have the Department of Planning investigate a concern raised by Mr. Yuhas regarding non-compliance by The Shops at Staples Mill with a POD condition prohibiting early morning trash collection on that site.

Mr. Glover commented that Mr. Thorp and County staff had worked hard to reach a fine line between over-regulation and under-regulation in drafting the

proposed ordinance.

On motion of Mr. Glover, seconded by Mr. Donati, and by unanimous vote, the Board approved Mr. Glover's motion to substitute ordinance 26A-10 for 26-10 – see attached substitute ordinance.

On motion of Mr. Glover, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 26A-10 – see attached substitute ordinance.

64-10 Resolution – Amendments to Reduce the FY 2009-10 Annual Fiscal Plan: February, 2010.

Gene Walter, Director of the Management Budget Division, and Mr. Hazelett responded to questions from the Board.

Sarah Powell spoke during the public hearing on this resolution. She questioned how the County's budget would be reduced and suggested that the salaries of County employees be reduced across the board by a set percentage to help avoid future employee layoffs. Mrs. O'Bannon and Mr. Glover alluded to the County's current salary freeze.

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 64-10 – see attached resolution.

65-10 Resolution – Signatory Authority – Lease of County Property – 6007 Morningside Drive – Brookland District.

Jon Tracy, Director of Real Property, responded to a question from the Board.

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

On motion of Mr. Glover, seconded by Mr. Kaechele, and by unanimous vote, the Board approved Agenda Item No. 65-10 – see attached resolution.

66-10 Resolution - Condemnation - Right-of-Way and Easements - North Gayton Road Extension Project - Sterling Management Corporation of Virginia - Three Chopt District.

Mr. Hazelett commented on the tight time frame for this project and the need to move it along. He noted that the County will continue to negotiate with property owners after condemnation proceedings are instituted. Mr. Tracy and Mr. Hazelett responded to questions from Mr. Kaechele regarding the acreage and value of the land to be acquired.

Joshua Sterling, President of Sterling Management Corporation, spoke during the public hearing. He objected to the condemnation and the manner in which the negotiation process was conducted by representatives of the County. He asked that the County take the entire parcel as appraised.

In response to further questions and comments from the Board, Mr. Hazelett commented again on the project's time frame and the condemnation process. Mr. Glover asked that Mr. Hazelett take note of Mr. Sterling's contention that he was intimidated during the negotiation process.

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 66-10 – see attached resolution.

67-10 Resolution - Condemnation - Right-of-Way and Easements - North Gayton Road Extension Project - David S. Brown and Chris C. Brown - Three Chopt District.

Mr. Tracy responded to questions from Mr. Kaechele pertaining to the acreage and status of the property to be acquired.

Susan Brown, wife and sister-in-law of the two co-owners, spoke during the public hearing and advised the Board that an agreement was in process.

Mr. Hazelett and Mr. Tracy responded to further question and comments from the Board regarding the status of the negotiations on this property.

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 67-10 – see attached resolution.

68-10 Resolution - Condemnation - Right-of-Way and Easement - North Gayton Road Extension Project - Edward B. Kidd and Jay M. Weinberg, Trustees -Three Chopt District.

Mr. Tracy and Mr. Hazelett responded to questions from Mr. Kaechele relating to the acreage of the property to be acquired.

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

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 68-10 – see attached resolution.

69-10 Resolution - Condemnation - Right-of-Way and Easements - North Gayton Road Extension Project - Sheran S. Shiner and Susanne M. Smith, Trustees - Three Chopt District.

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

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 69-10 – see attached resolution.

70-10 Resolution - Condemnation - Right-of-Way and Easements - North Gayton Road Extension Project - Louis A. Minor - Three Chopt District.

Mr. Tracy and Mr. Hazelett responded to questions from Mr. Kaechele regarding the acreage of the property to be acquired.

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

On motion of Mr. Kaechele, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 70-10 – see attached resolution.

PUBLIC COMMENTS

William Spencer, a resident of the Three Chopt District, praised the Board for its work on the County's budget and thanked the Board for previously funding the Eastern Henrico Recreation Center. He also praised the Department of Public Works for doing an excellent job with snow removal and praised the Divisions of Police and Fire for their ongoing efforts.

Savon Stephens, a resident of the Three Chopt District, expressed concerns regarding the safety and security of senior citizens residing in The Atlantic at Twin Hickory apartment community.

GENERAL AGENDA

71-10 Introduction of Resolution – Receipt of Requests for Amendments to the FY 2009-10 Annual Fiscal Plan: March, 2010.

Mr. Walter and Mr. Hazelett responded to questions from the Board.

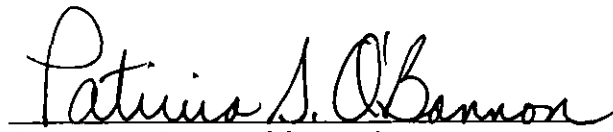
On motion of Mr. Donati, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 71-10 – see attached introduction of resolution.

72-10 Resolution - Adopting 2009 Henrico County Emergency Operations Plan.

Ed Smith, Chief of Fire, and Mr. Hazelett responded to questions from the Board.

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 72-10 – see attached resolution.

There being no further business, the meeting was adjourned at 9:20 p.m.

A handwritten signature in black ink, reading "Patricia S. O'Bannon". The signature is written in a cursive style with a large initial "P" and "O".

Chairman, Board of Supervisors
Henrico County, Virginia



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 61-10

Page No. 1 of 1

Agenda Title: Resolution – Expressing Appreciation to U. S. Smokeless Tobacco Company and Altria Group

For Clerk's Use Only:

FEB 23 2010

Date: _____

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to: _____

BOARD OF SUPERVISORS ACTION

Moved by (1) Kaechele Seconded by (1) Blome
(2) _____ (2) _____

REMARKS:

APPROVED

YES NO OTHER

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

WHEREAS, the Henrico County Division of Fire has received a donation of a Polaris Ranger 6X6 All-Terrain Vehicle from U.S. Smokeless Tobacco Company, a subsidiary of Altria Group, located at 6603 West Broad Street; and

WHEREAS, this vehicle will greatly enhance the ability of Division personnel to quickly access the sick and injured at mass gathering events and will aid the Division's ability to engage and extinguish wildfires in Henrico County; and

WHEREAS, the Division wishes to extend its sincerest appreciation to the U.S. Smokeless Tobacco Company and Altria Group for this very generous gift.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Henrico County expresses its appreciation to the U.S. Smokeless Tobacco Company and Altria Group for supporting the public safety mission of the Division of Fire with the donation of an all-terrain vehicle.

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

By Agency Head

John A. Smith *gss*

By County Manager

David L. Kay

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

Resolution



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

Expressing Appreciation to U.S. Smokeless Tobacco Company and Altria Group

WHEREAS, the Henrico County Division of Fire has received a donation of a Polaris Ranger 6X6 All-Terrain Vehicle from U.S. Smokeless Tobacco Company, a subsidiary of Altria Group, located at 6603 West Broad Street; and

WHEREAS, this vehicle will greatly enhance the ability of Division personnel to quickly access the sick and injured at mass gathering events and will aid the Division's ability to engage and extinguish wildfires in Henrico County; and

WHEREAS, the Division wishes to extend its sincerest appreciation to the U.S. Smokeless Tobacco Company and Altria Group for this very generous gift.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Henrico County expresses its appreciation to the U.S. Smokeless Tobacco Company and Altria Group for supporting the public safety mission of the Division of Fire with the donation of an all-terrain vehicle.



Patricia S. O'Bannon

Patricia S. O'Bannon, Chairman
Board of Supervisors

Barry R. Lawrence

Barry R. Lawrence, Clerk
February 23, 2010



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 62-10
Page No.

Agenda Title

Committee

RESOLUTION - Resignation of Member - Local Emergency Planning

For Clerk's Use Only:

FEB 23 2010

Date

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to

BOARD OF SUPERVISORS ACTION

Moved by (1) Thornton Seconded by (1) Donati
(2) _____ (2) _____

REMARKS

APPROVED

YES NO OTHER

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

WHEREAS, on January 13, 2009, Captain Humberto I. Cardounel, Jr. was renominated for appointment to the Local Emergency Planning Committee as the Law Enforcement Representative for a term expiring December 31, 2010; and

WHEREAS, by e-mail correspondence dated February 15, 2010 and directed to Barry R. Lawrence, Clerk to the Board of Supervisors, Capt. Cardounel submitted his resignation from the Committee.

NOW THEREFORE, BE IT RESOLVED that the Board of Supervisors of Henrico County, Virginia accepts the resignation of Capt. Humberto I. Cardounel, Jr. from the Local Emergency Planning Committee.

By Agency Head

John A. Smith

By County Manager

David L. Hynes

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

Lawrence, Barry

From: Cardounel, Humberto
Sent: Monday, February 15, 2010 8:48 AM
To: Lawrence, Barry
Cc: McRay, Anna
Subject: LEPC Resignation

Barry,

I am relinquishing my position as a member of the Henrico County Local Emergency Planning Committee (LEPC). Effective February, 27, 2010 I will be assuming a new command within the Division of Police Criminal Investigation Section. Captain Carl A. Mueller will be my replacement in the Homeland Security Section and as such would be the best suited person to replace me as the police representative on the LEPC.

Please accept this notice as my formal resignation from the LEPC and my request to appoint Captain Mueller as my replacement. I will continue to fulfill my duties on the LEPC until such time as the Board of Supervisors is able to act on this request.

I have thoroughly enjoyed this experience and look forward to serving Henrico County in any capacity that I am able to.

Respectfully,

Humberto Cardounel
Division of Police
LEPC, Chairman

2/15/2010



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 63-10

Page No.

Agenda Title RESOLUTION - Nomination of Member - Local Emergency Planning
Committee

For Clerk's Use Only: FEB 23 2010 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>Donati</u> Seconded by (1) <u>Thornton</u> (2) _____ (2) _____ REMARKS: APPROVED		YES NO OTHER Donati, J. <input checked="" type="checkbox"/> _____ Glover, R. <input checked="" type="checkbox"/> _____ Kaechele, D. <input checked="" type="checkbox"/> _____ O'Bannon, P. <input checked="" type="checkbox"/> _____ Thornton, F. <input checked="" type="checkbox"/> _____
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BE IT RESOLVED that the Board of Supervisors of Henrico County, Virginia nominates the following person for appointment to the Local Emergency Planning Committee for an unexpired term ending December 31, 2010 or thereafter, when his successor shall have been appointed and qualified:

Law Enforcement Representative

Captain Carl A. Mueller, Henrico County Division of Police

By Agency Head John H. Smith

By County Manager [Signature]

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 26A-10
Page No. 1 of 1

Agenda Title: **ORDINANCE** – To Amend and Reordain Sections 10-71 Titled "Complaints" and 10-73 Titled "Prohibited noises enumerated" of the Code of the County of Henrico, to Repeal and Reserve Section 10-72 Titled "Prohibited Noise Generally," and to Add Section 10-74 Titled "Exemptions," All Relating to the Regulation of Noise

For Clerk's Use Only: Date: FEB 23 2010 <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to: _____	<p align="center">BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>Glover</u> Seconded by (1) <u>Donati</u> (2) <u>Glover</u> (2) <u>Donati</u></p> <p>REMARKS: APPROVED</p>	<table><tr><th></th><th>YES</th><th>NO</th><th>OTHER</th></tr><tr><td>Donati, J.</td><td><input checked="" type="checkbox"/></td><td><input checked="" 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></table>		YES	NO	OTHER	Donati, J.	<input checked="" type="checkbox"/>	<input checked="" 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"/>
		YES	NO	OTHER																						
Donati, J.	<input checked="" type="checkbox"/>	<input checked="" 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"/>																							

After a duly advertised public hearing, the Board of Supervisors of Henrico County adopted the attached ordinance.

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

By Agency Head [Signature] By County Manager [Signature]

Routing:
Yellow to: _____
Copy to: _____

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

Ordinance – To amend and reordain Sections 10-71 titled “Complaints” and 10-73 titled “Prohibited noises enumerated” of the Code of the County of Henrico, to repeal and reserve Section 10-72 titled “Prohibited noise generally,” and to add Section 10-74 titled “Exemptions,” all relating to the regulation of noise.

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

1. That Section 10-71 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 10-71. ~~Complaints.~~ Penalty and enforcement.

- (a) No person shall be charged with a violation of the provisions of section 10-73 unless the a (1) complainant appears before a magistrate and requests a summons to be issued or (2). ~~However, when a violation is committed in the presence of a police officer, he shall proceed as provided by section 1-13.~~
- (b) Any person convicted of violating any of the provisions of section 10-73 shall be punished by a fine not to exceed \$500. Any person convicted of a second offense within less than five years after a first offense under this article shall be punished by a fine not to exceed \$1000. Any person convicted of a third offense within less than 10 years after a first offense under this article shall be punished by a fine not to exceed \$2500.
- (c) Each day a violation continues unabated shall constitute a separate offense.
- (d) Criminal enforcement against a person violating this article shall not be a bar against, or a prerequisite for, taking any other action permitted by this Code or the Code of Virginia to abate the violation.

2. That Section 10-72 of the Code of the County of Henrico be repealed and reserved as follows:

Sec. 10-72. ~~Prohibited noise generally~~ Reserved.

~~It shall be unlawful for any person to create any unreasonably loud, disturbing and unnecessary noise in the county. Noise of such character, intensity and duration as to be detrimental to the life or health of any person or to unreasonably disturb or annoy the quiet, comfort or repose of any person is hereby prohibited.~~

3. That Section 10-73 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 10-73. Prohibited noises enumerated.

~~The following acts are declared to be loud, disturbing and unnecessary noises in violation of section 10-72, but such enumeration shall not be deemed to be exclusive~~ **It shall be unlawful for any person to cause or permit to be caused any of the following prohibited sounds or noises:**

- ~~(1) *Horns and signaling devices on vehicles.* The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if any other vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time.~~
- (1) Social gatherings and parties. Allowing any noise between 11:00 p.m. and 7:00 a.m. generated from a gathering of 10 or more people that is plainly audible (i) inside the confines of the dwelling unit, house or apartment of another person or (ii) in a residential area, at 100 or more feet from the gathering.**
- ~~(2) *Radios, phonographs and musical instruments* **Sound-producing and sound-reproducing devices. Except for commercial establishments located in areas zoned for Urban Mixed Use, the use, operation or playing of any radio, phonograph, television, record, compact disc, tape, digital music, MP3 or DVD player, or musical instrument, loudspeaker, sound amplifier or other machine or device capable of producing or reproducing sound, regardless of whether such sound-producing or sound-reproducing machine or device is located inside of a structure or, outside of or on a structure or in or on a motor vehicle located on private property, in such a manner or with such volume or duration that it is plainly audible, particularly during the hours between 12:00 midnight 11:00 p.m. and 7:00 a.m., (i) inside the confines of the dwelling unit, house or apartment of another person or (ii) in residential areas, at 50 or more feet from the device, as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence.**~~
- (3) Noisy animals. The Allowing keeping of any animal or bird which by to causing any sound or noise such that it is plainly audible (i) inside the confines of the dwelling unit, house or apartment of another person at least once a minute for 10 consecutive minutes or (ii) at 100 or more feet from the animal at least once a minute for 10 consecutive minutes frequent or long continued noise shall disturb the quiet, comfort or repose of any person in the vicinity to such an extent as shall constitute a nuisance.**

- (4) ~~Defect in vehicle or load.~~ The use of any automobile, motorcycle or vehicle so out of repair, so loaded or operated in such manner as to create loud and unnecessary grating, grinding, rattling or other noises.
- (5) ~~Steam whistles.~~ The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger or other emergency.
- (6) ~~Noisy exhausts.~~ The discharge of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorboat engine into the open air except through a muffler or other device which will effectively prevent loud and explosive noises therefrom.
- (7) ~~Creation of noise near schools, courts or hospitals.~~ The creation of any excessive sound on any street adjacent to any school, institution of learning or court while such institution is in session, or adjacent to any hospital, which unreasonably interferes with the workings of such institution or disturbs or unduly annoys patients in the hospital; provided that conspicuous signs are displayed in such streets indicating that such street is a school, hospital or court street.
- (4) **Trash and recycling collection.** The creation of any sound or noise between 12:00 midnight and 6:00 a.m. that is plainly audible in a residential area, except those areas zoned for Urban Mixed Use, when the sound or noise is produced in connection with the loading or unloading of refuse, waste or recycling collection vehicles.
- (85) **Street cleaning and construction.** ~~Loading, unloading or opening boxes.~~ The creation of **any sound or noise between 11:00 p.m. and 6:00 a.m. that is plainly audible in a residential area, except those areas zoned for Urban Mixed Use, when the sound or noise is produced in connection with (i) the cleaning of streets or parking lots or (ii) construction or demolition activities** ~~loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.~~
- (96) **Peddlers and hawkers.** ~~The~~ **Yelling, shouting, whistling, screaming or and crying for the purpose of attracting attention to a performance, show, sale or display of merchandise between the hours of 11:00 p.m. and 7:00 a.m. on any public street, sidewalk or parking lot or any privately-owned street, sidewalk or parking lot open to the public, except to summon aid in an** emergency of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
- (10) ~~Drums, loudspeakers and other attention-attracting devices.~~ The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise.

(117) ~~Amplified sound from vehicles. The playing, using or operating, or permitting the playing, use or operation of, any radio, stereo, tape player, compact disc player, loud speaker or other electronic device or mechanical equipment used for the amplification of sound, which is located on or within a motor vehicle being operated on a public street or alley, and which is plainly audible from outside the motor vehicle at a distance of 50 feet or more. The provisions of this subsection shall not apply to motor vehicle alarms or other security devices, nor to the emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work the playing of music or jingles by an ice cream truck or similar mobile food-service vehicle, provided such vehicle may emit sounds otherwise prohibited by this subsection only between the hours of 7:00 a.m. and 9:00 p.m.~~

(8) Lawn care activities. Creating any sound or noise plainly audible in residential areas between 11:00 p.m. and 7:00 a.m. in connection with lawn care, leaf removal, gardening, tree maintenance or removal or other landscaping, lawn or timbering activities. The provisions of this subsection shall not apply to sound or noise generated by the maintenance of recreational facilities such as golf courses and ball or playing fields.

4. That Section 10-74 be added to the Code of the County of Henrico as follows:

Sec. 10-74. Exemptions.

The prohibitions of section 10-73 of this article shall not apply to any sound or noise generated by any of the following:

- (1) Sound or noise which is necessary for the protection or preservation of property or the health, safety, life or limb of any person, including sound or noise caused by restoration of utility service after an interruption.
- (2) Sound or noise which is necessary for the maintenance or construction of roads and highways.
- (3) Radios, sirens, horns and bells on police, fire or other emergency response vehicles.
- (4) Parades, fireworks displays, school-related activities and other such public special events or public activities.
- (5) Band performances or practices, athletic contests or practices and other school-sponsored activities on the grounds of public or private schools, colleges or universities.
- (6) Athletic contests and other officially-sanctioned activities in county parks.

- (7) Fire alarms, burglar alarms and car alarms, prior to the giving of notice and a reasonable opportunity for the owner or person in possession of the premises or vehicle served by any such alarm to turn off the alarm.
- (8) Religious services, religious events or religious activities or expressions, including, but not limited to music, singing, bells, chimes and organs which are part of such service, event, activity or expression.
- (9) Locomotives and other railroad equipment, and aircraft.
- (10) Military activities of the state or of the United States of America.
- (11) Agricultural operations, as defined in Code of Virginia § 3.2-300, provided such operations comply with all applicable laws, regulations and ordinances.
- (12) Amateur and professional motorsports competitions and competition-related events such as time trials and practices, provided the competition is sanctioned by a nationally-recognized motorsports racing organization and complies with all applicable laws, regulations and ordinances, including permit terms and conditions, if any.
- (13) Political gatherings and other activities protected by the First Amendment to the United States Constitution.
- (14) Activities for which the regulation of noise has been preempted by federal law.

5. That this ordinance shall be effective on and after its passage.

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

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 64-10
Page 1 of 3

Agenda Title **RESOLUTION - Amendments to Reduce the FY 2009-10 Annual Fiscal Plan: February, 2010**

<p>For Clerk's Use Only:</p> <p>Date: <u>FEB 23 2010</u></p> <p><input checked="" type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p> <p><input type="checkbox"/> Amended</p> <p><input type="checkbox"/> Deferred to _____</p>	<p>BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>Kaechele</u> Seconded by (1) <u>Cloner</u></p> <p>(2) _____ (2) _____</p> <p>REMARKS: APPROVED</p>	<table border="0" style="width: 100%;"><tr><td></td><td style="text-align: right;">YES NO OTHER</td></tr><tr><td>Donati, J.</td><td style="text-align: right;">✓ _____</td></tr><tr><td>Glover, R.</td><td style="text-align: right;">✓ _____</td></tr><tr><td>Kaechele, D.</td><td style="text-align: right;">✓ _____</td></tr><tr><td>O'Bannon, P.</td><td style="text-align: right;">✓ _____</td></tr><tr><td>Thornton, F.</td><td style="text-align: right;">✓ _____</td></tr></table>		YES NO OTHER	Donati, J.	✓ _____	Glover, R.	✓ _____	Kaechele, D.	✓ _____	O'Bannon, P.	✓ _____	Thornton, F.	✓ _____
	YES NO OTHER													
Donati, J.	✓ _____													
Glover, R.	✓ _____													
Kaechele, D.	✓ _____													
O'Bannon, P.	✓ _____													
Thornton, F.	✓ _____													

WHEREAS, the Board of Supervisors of the County of Henrico, Virginia held an advertised public hearing on February 23, 2010 to consider proposed amendments to reduce the Annual Fiscal Plan for fiscal year 2009-10; and,

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Henrico, Virginia that the Annual Fiscal Plan for fiscal year 2009-10 is amended to reflect an anticipated reduction in state and local revenues and the County's appropriations are likewise reduced.

OPERATING FUNDS

RESOURCE ADJUSTMENTS

01 - GENERAL FUND

Local Sources:

Current Real Property Taxes	\$ (10,600,000)
Delinquent Real Property Taxes	1,500,000
Local Sales and Use Taxes	(2,600,000)
Bank Franchise Taxes	2,000,000
Interest Earnings	1,000,000
Subtotal Local Sources:	(8,700,000)

By Agency Head _____

By County Manager _____

Routing:

Certified:

Yellow to: _____

A Copy Teste: _____

Copy to: _____

Date: _____

Clerk, Board of Supervisors

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

Agenda Item No. **64-10**
Page 2 of 3

State Aid for Education:

Basic Aid General Appropriation	(1,800,000)
Social Security Reimbursement	(70,000)
Retirement Reimbursement	(2,400,000)
Group Life Reimbursement	(60,000)
Sales Tax - Education	(4,850,000)
Special Education SOQ	(170,000)
English As Second Language	(470,000)
Textbooks	(3,287,000)
Foster Care Handicapped	(148,000)
At Risk	(45,000)
Lottery - Construction, Operating, Textbooks	1,500,000
Subtotal State Aid for Education:	<u>(11,800,000)</u>

Other State Revenues:

Communication Sales Tax (HB #568)	(1,000,000)
HB #599 Law Enforcement - Police	(300,000)
State Share Salaries Sheriff	(200,400)
State Share Benefits Sheriff	(114,000)
State Share Office Expenses Sheriff	(175,000)
State Share Salaries Circuit Court Clerk	(50,000)
State Share Benefits Circuit Court Clerk	(30,000)
State Share Salaries Finance Director	(100,000)
State Share Benefits Finance Director	(30,600)
Subtotal Other State Revenues:	<u>(2,000,000)</u>

Operating Transfer to Debt Service Fund	6,000,000
---	-----------

Total General Fund:	(16,500,000)
----------------------------	---------------------

71 - DEBT SERVICE FUND

Operating Transfer from General Fund	(6,000,000)
Interest Earnings GO and VPSA Bonds	4,000,000

Total Debt Service Fund:	(2,000,000)
---------------------------------	--------------------

TOTAL RESOURCE ADJUSTMENTS:	<u>(18,500,000)</u>
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**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. **64-10**
Page 3 of 3

OPERATING FUNDS

APPROPRIATION REDUCTIONS

01 - GENERAL FUND

Schools VRS Savings (6,000,000)

The Henrico County Public School System will not incur the employer share of the VRS Retirement costs due to a fourth quarter premium holiday included in the Governor's proposed amendments to the FY2009-10 budget. The estimated cost savings of the fourth quarter premium holiday is \$6,000,000.

Schools Expenditure Savings (5,000,000)

The Henrico County Public School System has been preparing for this budget reduction since fall 2009. The \$5,000,000 in savings will be generated from a combination of savings in salaries and benefits due to vacant positions, savings in the cost of substitute teachers, savings in the cost of diesel fuel for buses and gasoline for School vehicles, and savings in utility costs due to energy conservation measures.

General Government Expenditure Savings (5,500,000)

The County has been preparing for this budget reduction since fall 2009. The \$5,500,000 in savings will be generated from a combination of savings in salaries and benefits due to vacant positions, savings in the cost of gasoline for County vehicles, and savings in utility costs due to energy conservation measures.

Total General Fund: (16,500,000)

71 - DEBT SERVICE FUND

Debt Service Savings (2,000,000)

The County has generated debt service savings in fiscal year 2009-10 due to the refunding of general obligation bonds and lease revenue bonds. The reduction in debt service payments in fiscal year 2009-10 is \$2,000,000.

Total Debt Service Fund: (2,000,000)

TOTAL EXPENDITURE REDUCTIONS: (18,500,000)

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



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 65-10

Page No.

1 of 1

Agenda Title

RESOLUTION - Signatory Authority - Lease of County Property - 6007
Morningside Drive - Brookland District

For Clerk's Use Only:	BOARD OF SUPERVISORS ACTION	
FEB 23 2010	Moved by (1) <u>Glover</u> Seconded by (1) <u>Kaechele</u>	YES NO OTHER
Date	(2) _____ (2) _____	Donati, J. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input checked="" type="checkbox"/> Approved	REMARKS: APPROVED	Glover, R. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Denied		Kaechele, D. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Amended		O'Bannon, P. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Deferred to		Thornton, F. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

WHEREAS, the County of Henrico, Virginia owns a residence at 6007 Morningside Drive; and,

WHEREAS, a qualified applicant desires to lease this home from the County under the terms and conditions negotiated by the parties under a U.S. Department of Housing and Urban Development ("HUD") Housing Choice Voucher Program; and,

WHEREAS, the County desires to lease this residence to a person with a HUD Housing Choice Voucher; and,

WHEREAS, on February 23, 2010, the Board of Supervisors of Henrico County, Virginia held an advertised public hearing on this Resolution pursuant to Sections 15.2-1800 and 15.2-1813 of the Code of Virginia, 1950, as amended.

NOW, THEREFORE, BE IT RESOLVED by the Board, that the County Manager is authorized to execute: (1) a lease agreement on behalf of the County, in a form approved by the County Attorney, for 6007 Morningside Drive for a period of one year, commencing on March 1, 2010, at a rental of \$1,200.00 per month, and (2) the necessary forms required of the County by HUD.

Comments: If neither party gives at least 60 days written notice prior to the end of any one-year term, the lease shall renew for additional one-year terms under the terms and conditions as permitted under the lease. The Directors of MH/MR and Real Property recommend approval of this action; the County Manager concurs.

By Agency Head

[Signature]

By County Manager

[Signature]

Routing:

Yellow to:

[Signature]

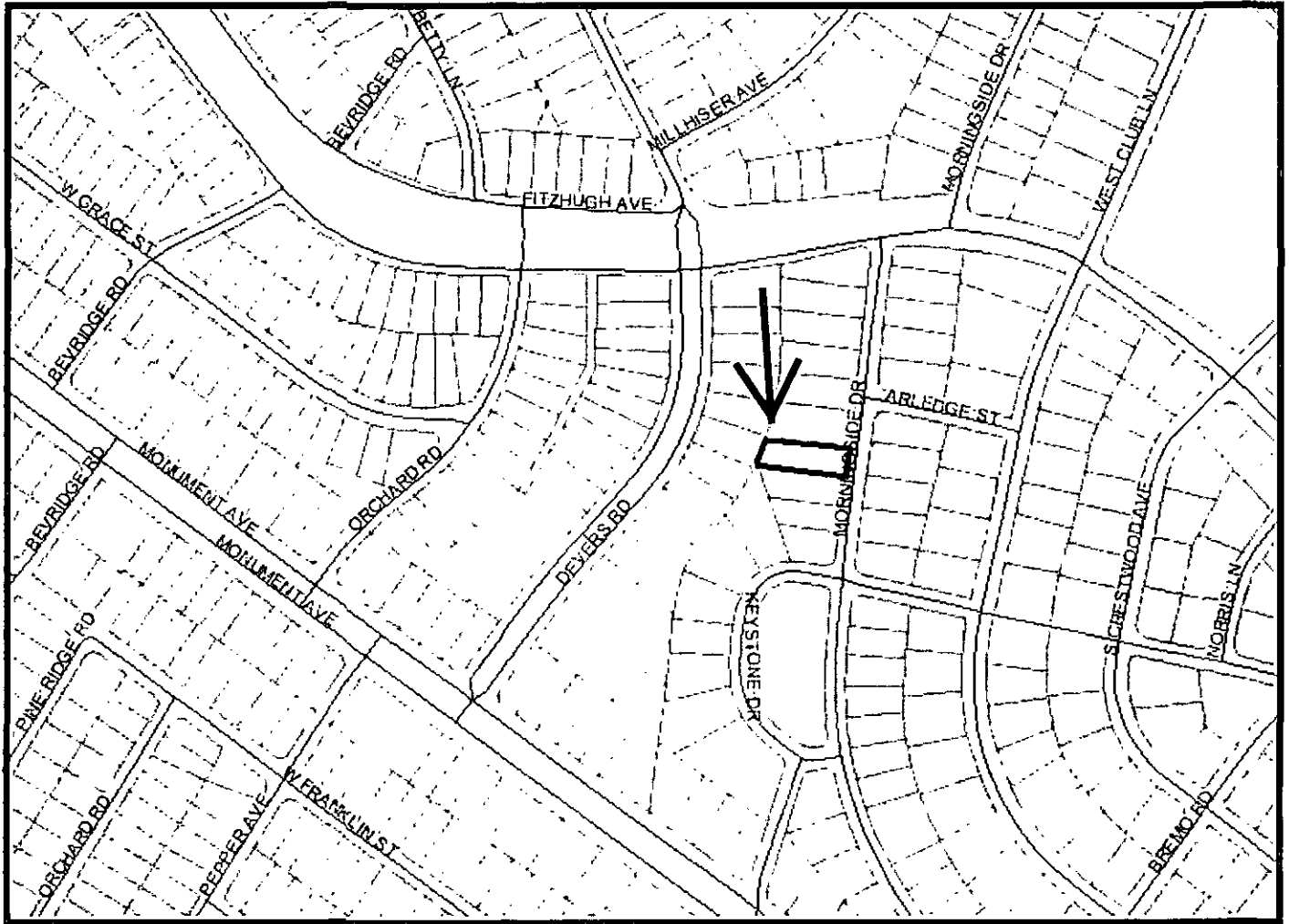
Certified:

A Copy Tests:

Clerk, Board of Supervisors

Copy to:

Date:



VICINITY MAP
6007 MORNINGSIDE DRIVE



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 646-10
Page No. 1 of 2

Agenda Title

RESOLUTION — Condemnation — Right-of-Way and Easements — North Gayton Road Extension Project — Sterling Management Corporation of Virginia — Three Chopt District

For Clerk's Use Only:

FEB 23 2010

Date
☒ Approved
☐ Denied
☐ Amended
☐ Deferred to

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

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

WHEREAS, it is necessary for the construction of the North Gayton Road Extension Project (the "Project") to acquire right-of-way containing 7,964 sq. ft., a permanent slope access and guardrail easement containing 2,624 sq. ft., a temporary construction easement containing 7,019 sq. ft., and a permanent easement containing 4,126.52 sq. ft. for Virginia Electric and Power Company, a Virginia public service corporation doing business in Virginia as Dominion Virginia Power (collectively, the "Right-of-Way and Easements") across the property at 12100 West Broad Street owned by Sterling Management Corporation of Virginia (the "Owner") and identified as Tax Map Parcel 733-764-9576 in the Three Chopt District; and,

WHEREAS, the Board of Supervisors of Henrico County, Virginia desires to exercise authority granted by the Code of Virginia to acquire title, to enter upon and take possession of the Right-of-Way and Easements, and to construct the Project before the institution of condemnation proceedings; and,

WHEREAS, after advertisement in the *Richmond Times-Dispatch*, the Board held a public hearing pursuant to §15.2-1903 of the Code, at which time the Board declared its intent to enter and take the Right-of-Way and Easements for the Project across portions of the Owner's property.

NOW, THEREFORE, BE IT RESOLVED that:

- (1) The Board directs the County Manager to take the necessary steps to acquire the Right-of-Way and Easements over, upon, across and through the property of the Owner, shown as "STERLING MANAGEMENT CORPORATION OF VIRGINIA," on a plat dated December 14, 2009, a reduced size copy of which is attached and marked Exhibit "A," and shown as "BANNER REALTY COMPANY OF RICHMOND, INC.," now known as Sterling Management Corporation of Virginia, for parcel "001" on Sheet No. 3 of the road plans for North Gayton Road, Project 2122.50701.28004.01152, a reduced copy of which is attached and marked Exhibit "B";

By Agency Head *D. B. Day*

By County Manager *David R. Taylor*

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. 66-10
Page No.

2 of 2

Agenda Title RESOLUTION — Condemnation — Right-of-Way and Easements — North Gayton Road Extension Project — Sterling Management Corporation of Virginia — Three Chopt District

- (2) The Board deems it necessary to enter upon the property and take possession of the Right-of-Way and Easements in order to construct the Project prior to the time in which a condemnation case can be filed and heard in accordance with the Code;
- (3) The County Manager shall send by certified mail dated February 24, 2010, a notice advising the Owner that the County intends to enter upon and take the Right-of-Way and Easements prior to the conclusion of condemnation proceedings, setting forth the compensation and damages offered by the County, and informing the Owner it has 30 days within which to contest the taking;
- (4) The Board finds a necessity exists to institute condemnation proceedings pursuant to the Code to acquire the Right-of-Way and Easements for the public use of constructing, operating, and maintaining the Project and to determine the amount of compensation and damages, if any, caused by the taking, possession and acquisition of the Right-of-Way and Easements;
- (5) After the 30-day period for the Owner to contest the taking has run, the County Attorney shall file in the Clerk's Office of the Circuit Court a certificate signed by the Chairman and Clerk of the Board in accordance with the Code and shall deposit with the Clerk the amount of the bona fide offer listed below that has not been accepted by the Owner:

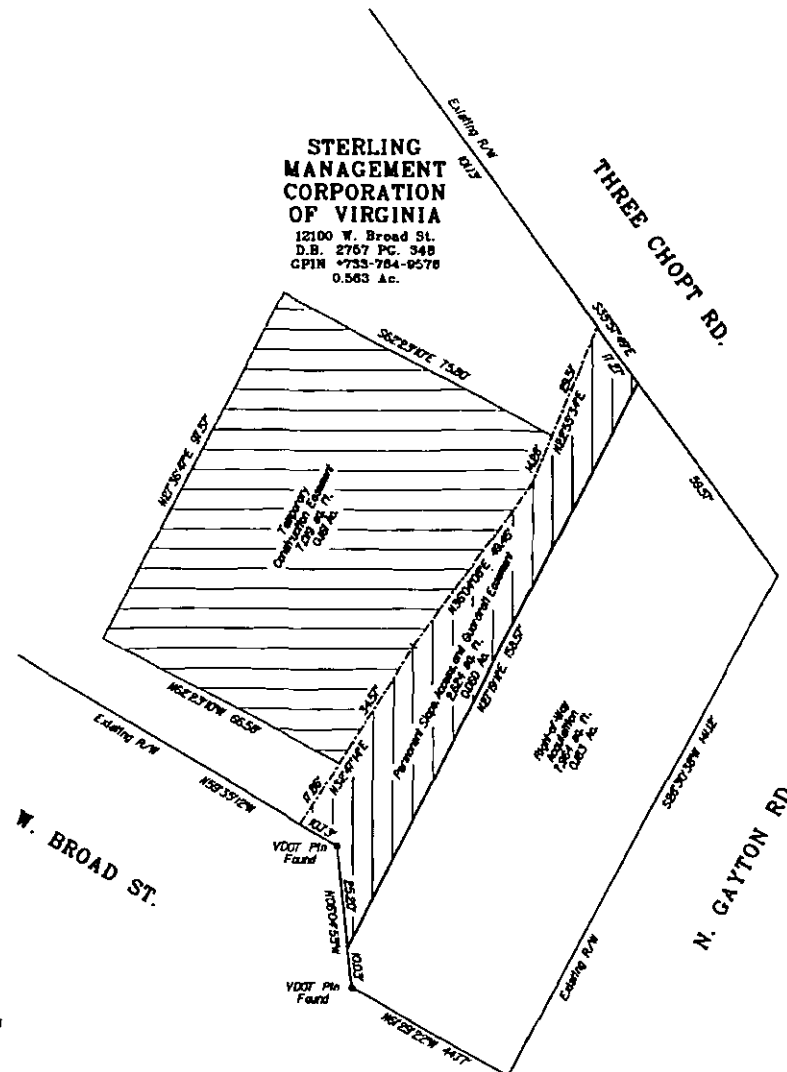
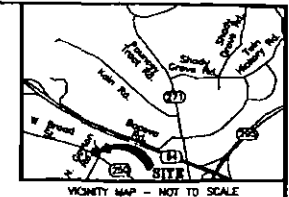
**STERLING MANAGEMENT CORPORATION OF VIRGINIA
AS TO 12100 WEST BROAD STREET - \$126,000.00**

and,

- (6) The Board authorizes and directs the County Manager to continue to seek a voluntary acquisition of the Right-of-Way and Easements, to take all steps necessary to acquire the Right-of-Way and Easements, and to enter on and take immediate possession of the required Right-of-Way and Easements.

Comments: The Real Property Department has been unsuccessful in negotiating a settlement for the acquisition of the Right-of-Way and Easements. Therefore, the Directors of Public Works and Real Property recommend approval of this Board paper, and the County Manager concurs.

GPIN	LAND OWNER	D.B./PG.	Right-of-Way Acquisition	Permanent Slope, Access, and Guardrail Easements	Temporary Construction Easements
733-764-9576	STERLING MANAGEMENT CORPORATION OF VIRGINIA	2757/348	7,964 sq. ft.	7,664 sq. ft.	7,019 sq. ft.

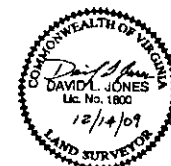
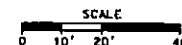


Meridian Source:
Virginia State Plane
South Zone Grid System

Exhibit "A"

Notes:

- This plat has been prepared for the purpose of defining the right-of-way and easements noted, and is not to be considered a boundary survey. No structures or utilities have been located by this survey.
- Proposed right-of-way, permanent easements, and temporary construction easements are based on files provided by AECOM received: 10/16/09.
- Acresage tabulations, if provided, are based on information provided by Henrico County Real Estate assessments and may not necessarily agree with computed areas or recorded deeds.
- Meridian Source: Virginia State Plane Coordinate System South Zone, Grid North, Based On Henrico County Geodetic Control.



ACQUISITION PLAT SHOWING RIGHT-OF-WAY, TEMPORARY CONSTRUCTION EASEMENT, AND PERMANENT SLOPE, ACCESS AND GUARDRAIL EASEMENT ON THE PROPERTY OF
STERLING MANAGEMENT CORPORATION OF VIRGINIA
THREE CHOPT MAGISTERIAL DISTRICT
HENRICO COUNTY, VIRGINIA

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

FILE NAME	SCALE	DATE	JOB NO.	SHEET NO.
001	1"=20'	Dec. 14, 2009	0710007L	1 of 1

SURV: TEL BY 411 1204 849 504
SUPERVISED BY RICHARD LEUBINGER (804) 545-8300 (AECOM)
DESIGNED BY AECOM
The coordinates shown on this page are original coordinates

ELECTRAK

DOMINION VIRGINIA POWER
7500 WEST BROAD STREET
RICHMOND, VA 23294
CONTACT: ABIGAIL FRAZER
PHONE: (804) 755-5209
E-MAIL: abigail.frazer@dom.com

TRAFFIC CONTROL

HENRICO COUNTY
TRAFFIC ENGINEERING DEPT. STRANGES FLORIST, INC.
OF PUBLIC WORKS
10431 WOODMAN ROAD
GLENN ALLEN VA 23060
CONTACT JACKIE SHIP
PHONE: (804) 727-8308
GPM 0733-764-498
DA 727 AT 124
0552 AL

GA

CITY OF RICHMOND DEPT.
OF PUBLIC UTILITIES
400 JEFFERSON DAVIS HIGHWAY
RICHMOND, VA
23224
CONTACT: RICHARD C. FEATHERSTON
PHONE: (804) 646-8533
FAX: (804) 646-8545

WATER

HENRICO COUNTY
PUBLIC UTILITIES
4301 EAST PARHAM ROAD
RICHMOND, VA 23228
CONTACT: BARBARA C. DOVELL
PHONE: (804) 501-4504
FAX: (804) 501-4545
E-MAIL: dov03@co.henrico.va.us

TELEPHONE

VERIZON
2600 BRITTONS HILL ROAD
RICHMOND, VA 23230
CONTACT: MARGARET-WALKER
PHONE: (804) 772-4243
FAX: (804) 772-4274

FIBER OPTIC

VERIZON
2600 BRITTONS HILL ROAD
RICHMOND, VA 23230
CONTACT: JAMES B. MORGAN
PHONE: (804) 772-4451
FAX: (804) 772-4202

E-BA

CATV
COMCAST CABLE
5401 STAPLES MILL ROAD
RICHMOND, VA 23228
CONTACT: BRAD ALLEN
PHONE: (804) 915-5363
FAX: (804) 915-5356
CELL: (804) 816-0598
E-MAIL: brad.allen@cable.comcast.com

1

F.G. PRUITT, JR.
Rt. 1, Box 733-764 93H
D.C. 2227 PG. 26E
2694 Ar.

MATCHLINE - SEE SHEET NO.3B
BROAD STREET STA12+50.00

ANNE M. CLEMENTS FAMILY.LTD
GPV 1733 755-4019
C6 3718 BC 48

BANNER REALTY COMPANY
OF RICHMOND, VA

MARSHA A. PRESSEL &
LARRY T. PRESSEL

EDWARD B. KIDD &
LAW FIRM WEINBERG TRUSTEES

THE LINHART COMPANY
DOMINION CHEVROLET

REFERENCES
FILES, DETAIL & DRAINAGE
SCRIPTION SHEETS, ETC.)

EXHIBIT "B"

County Of Menrico
Department of Public Works

FILE NO.	SHEET NO.
	3

<input checked="" type="checkbox"/> Dames Standard Practices Co. Corp & Gutter Road.	Note: Figures in parentheses and dot-dot-dot (dash-dot-dot) designates First Design / Temporary Easements.
<input checked="" type="checkbox"/> Dames Standard Practices Co. Pedestrian Crossing Area Road.	Note: Figures in brackets and dot-dot-dashed lines denote Permanent Easements.
<input checked="" type="checkbox"/> Dames Standard CG-129 Road.	<input type="checkbox"/> Dames Proposed Pavement
<input checked="" type="checkbox"/> Dames Standard WS-1 Road.	<input checked="" type="checkbox"/> Dames Construction Units in Cuts
<input checked="" type="checkbox"/> Dames Standard WS-2 Road.	<input type="checkbox"/> Dames Construction Units in Fills
<input checked="" type="checkbox"/> Dames Standard Practices Co. Borehole Path & Gutter Road.	

A horizontal scale bar with the word "SCALE" above it. The bar has tick marks at 0, 25, and 50 feet.

PROJECT	N. GAYTON RE
---------	--------------

Department of Public Works	
FILE NO.	SHEET NO.
	3

Samsong 6008/4/20



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 67-10
Page No. 1 of 2

Agenda Title

RESOLUTION — Condemnation — Right-of-Way and Easements — North Gayton Road Extension Project — David S. Brown and Chris C. Brown — Three Chopt District

For Clerk's Use Only:

FEB 23 2010

Date

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to

BOARD OF SUPERVISORS ACTION

Moved by (1) Kaechele Seconded by (1) Colone
(2) _____ (2) _____

REMARKS:

APPROVED

YES NO OTHER

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

WHEREAS, it is necessary for construction of the North Gayton Road Extension Project (the "Project") to acquire right-of-way containing 8,672 sq. ft., a permanent slope, drainage and access easement containing 15,730 sq. ft., and temporary construction easements containing 3,486 sq. ft. across the property (the "Right-of-Way and Easements") at 13180 Old Three Chopt Road owned by David S. Brown and Chris C. Brown (the "Owners") and identified as Tax Map Parcel 734-765-3041 in the Three Chopt District; and,

WHEREAS, the Board of Supervisors of Henrico County, Virginia desires to exercise authority granted by the Code of Virginia to acquire title, to enter upon and take possession of the Right-of-Way and Easements, and to construct the Project before the institution of condemnation proceedings; and,

WHEREAS, after advertisement in the *Richmond Times-Dispatch*, the Board held a public hearing pursuant to §15.2-1903 of the Code, at which time the Board declared its intent to enter and take the Right-of-Way and Easements for the Project across portions of the Owners' property.

NOW, THEREFORE, BE IT RESOLVED that:

- (1) The Board directs the County Manager to take the necessary steps to acquire the Right-of-Way and Easements over, upon, across and through the property of the Owners, as shown on a plat dated November 16, 2009, a reduced size copy of which is attached and marked Exhibit "A";

By Agency Head

[Signature]

By County Manager

[Signature]

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. **67-10**
Page No. **2 of 2**

Agenda Title RESOLUTION — Condemnation — Right-of-Way and Easements — North Gayton Road Extension Project — David S. Brown and Chris C. Brown — Three Chopt District

- (2) The Board deems it necessary to enter upon the property and take possession of the Right-of-Way and Easements in order to construct the Project prior to the time in which a condemnation case can be filed and heard in accordance with the Code;
- (3) The County Manager shall send by certified mail dated February 24, 2010, a notice advising the Owners that the County intends to enter upon and take the Right-of-Way and Easements prior to the conclusion of condemnation proceedings, setting forth the compensation and damages offered by the County, and informing the Owners they have 30 days within which to contest the taking;
- (4) The Board finds a necessity exists to institute condemnation proceedings pursuant to the Code to acquire the Right-of-Way and Easements for the public use of constructing, operating, and maintaining the Project and to determine the amount of compensation and damages, if any, caused by the taking, possession and acquisition of the Right-of-Way and Easements;
- (5) After the 30-day period for the Owners to contest the taking has run, the County Attorney shall file in the Clerk's Office of the Circuit Court a certificate signed by the Chairman and Clerk of the Board in accordance with the Code and shall deposit with the Clerk the amount of the bona fide offer listed below that has not been accepted by the Owners:

**DAVID S. BROWN AND CHRIS C. BROWN
AS TO 13180 OLD THREE CHOPT ROAD - \$175,000.00**

and,

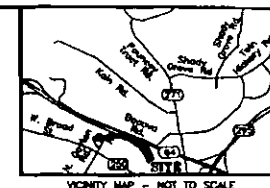
- (6) The Board authorizes and directs the County Manager to continue to seek a voluntary acquisition of the Right-of-Way and Easements, to take all steps necessary to acquire the Right-of-Way and Easements, and to enter on and take immediate possession of the required Right-of-Way and Easements.

Comments: The Real Property Department has been unsuccessful in negotiating a settlement for the acquisition of the Right-of-Way and Easements. Therefore, the Directors of Public Works and Real Property recommend approval of this Board paper, and the County Manager concurs.

GPM	LAND OWNER	D.B./PG.	Right-of-Way Acquisition	Permanent Slope, Drainage & Access Easements	Temporary Construction Easements
734-765-304	DAVID S. BROWN & CHRIS C. BROWN	4037/2019	8.57E sq. ft.	15,330 sq. ft.	3,486 sq. ft.

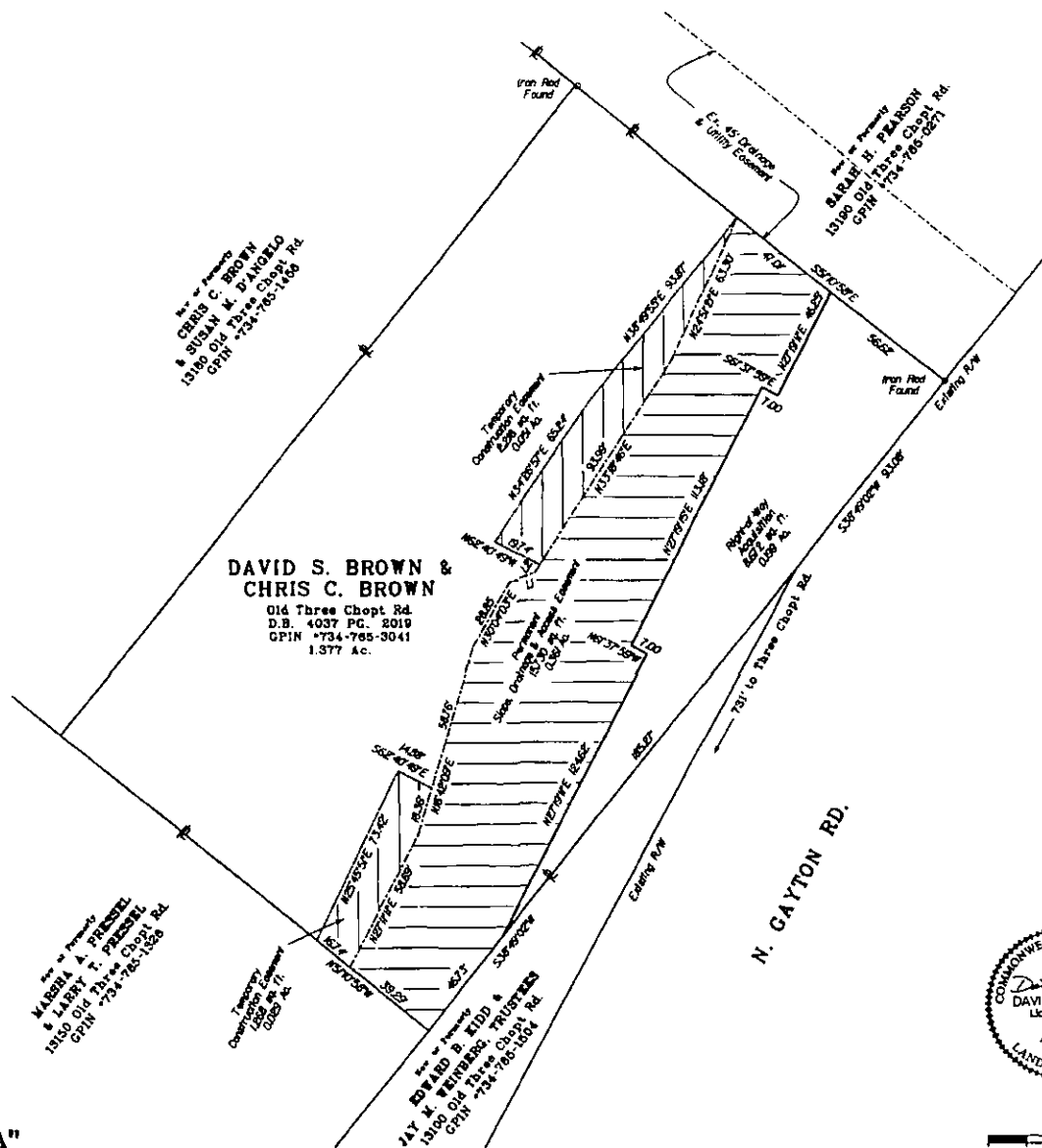
Line Table

11	N10.3700E	10.56'
12	N33.7845E	3.68'



VICINITY MAP - NOT TO SCALE

Meridian Source:
Virginia State Plane
South Zone Grid North



Notes:

1. This plat has been prepared for the purpose of defining the right-of-way and easements noted, and is not to be considered a boundary survey. No structures or utilities have been located by this survey.
2. Proposed right-of-way, permanent easements, and temporary construction easements are based on files provided by AECOM received: 10/10/09.
3. Acreage tabulations, if provided, are based on information provided by Henrico County Real Estate assessments and may not necessarily agree with computed areas or recorded deeds.
4. Meridian Source: Virginia State Plane Coordinate System South Zone, Grid North, Based On Henrico County Geodetic Control.

Exhibit "A"



SCALE
0 15' 30' 60'

ACQUISITION PLAT SHOWING RIGHT-OF-WAY,
PERMANENT SLOPE, DRAINAGE & ACCESS
EASEMENT, AND TEMPORARY CONSTRUCTION
EASEMENT ON THE PROPERTY OF
**DAVID S. BROWN &
CHRIS C. BROWN**
THREE CHOPT MAGISTERIAL DISTRICT
HENRICO COUNTY, VIRGINIA

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

FILE NAME	SCALE	DATE	JOB NO.	SHEET NO.
008	1"=30'	Nov. 18, 2009	0710007L	1 of 1



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 68-10
Page No. 1 of 2

Agenda Title

RESOLUTION — Condemnation — Right-of-Way and Easement — North Gayton Road Extension Project — Edward B. Kidd and Jay M. Weinberg, Trustees — Three Chopt District

For Clerk's Use Only:

Date **FEB 23 2010**

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

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

WHEREAS, it is necessary for construction of the North Gayton Road Extension Project (the "Project") to acquire right-of-way containing 20,264 sq. ft. and a permanent slope, drainage and access easement containing 11,376 sq. ft. (the "Right-of-Way and Easement") across the property at 13100 Old Three Chopt Road owned by Edward B. Kidd and Jay M. Weinberg, Trustees Under Land Trust Agreement Dated December 29, 1998 (the "Owners") and identified as Tax Map Parcel 734-765-1504 in the Three Chopt District; and,

WHEREAS, the Board of Supervisors of Henrico County, Virginia desires to exercise authority granted by the Code of Virginia to acquire title, to enter upon and take possession of the Right-of-Way and Easement, and to construct the Project before the institution of condemnation proceedings; and,

WHEREAS, after advertisement in the *Richmond Times-Dispatch*, the Board held a public hearing pursuant to §15.2-1903 of the Code, at which time the Board declared its intent to enter and take the Right-of-Way and Easement for the Project across portions of the Owners' property.

NOW, THEREFORE, BE IT RESOLVED that:

- (1) The Board directs the County Manager to take the necessary steps to acquire the Right-of-Way and Easement over, upon, across and through the property of the Owners, as shown on a plat dated November 5, 2009, a reduced size copy of which is attached and marked Exhibit "A";

By Agency Head

[Signature]

By County Manager

[Signature]

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. 68-10
Page No.
2 of 2

**Agenda Title RESOLUTION — Condemnation — Right-of-Way and Easement — North Gayton
Road Extension Project — Edward B. Kidd and Jay M. Weinberg, Trustees — Three
Chopt District**

- (2) The Board deems it necessary to enter upon the property and take possession of the Right-of-Way and Easement in order to construct the Project prior to the time in which a condemnation case can be filed and heard in accordance with the Code;
- (3) The County Manager shall send by certified mail dated February 24, 2010, a notice advising the Owners that the County intends to enter upon and take the Right-of-Way and Easement prior to the conclusion of condemnation proceedings, setting forth the compensation and damages offered by the County, and informing the Owners they have 30 days within which to contest the taking;
- (4) The Board finds a necessity exists to institute condemnation proceedings pursuant to the Code to acquire the Right-of-Way and Easement for the public use of constructing, operating, and maintaining the Project and to determine the amount of compensation and damages, if any, caused by the taking, possession and acquisition of the Right-of-Way and Easement;
- (5) After the 30-day period for the Owners to contest the taking has run, the County Attorney shall file in the Clerk's Office of the Circuit Court a certificate signed by the Chairman and Clerk of the Board in accordance with the Code and shall deposit with the Clerk the amount of the bona fide offer listed below that has not been accepted by the Owners:

**EDWARD B. KIDD AND JAY M. WEINBERG, TRUSTEES UNDER
LAND TRUST AGREEMENT DATED DECEMBER 29, 1998
AS TO 13100 OLD THREE CHOPT ROAD - \$227,000.00**

and,

- (6) The Board authorizes and directs the County Manager to continue to seek a voluntary acquisition of the Right-of-Way and Easement, to take all steps necessary to acquire the Right-of-Way and Easement, and to enter on and take immediate possession of the required Right-of-Way and Easement.

Comments: The Real Property Department has been unsuccessful in negotiating a settlement for the acquisition of the Right-of-Way and Easement. Therefore, the Directors of Public Works and Real Property recommend approval of this Board paper, and the County Manager concurs.

GPIN	LAND OWNER	D.B./PG.	Right-of-Way Acquisition	Permanent Slope, Drainage & Access Easements	Temporary Construction Easements
134-765-1504	EDWARD B. KIDD & JAY M. WEINBERG, TRUSTEES	2005/PBG	20,254 sq. ft.	8,376 sq. ft.	0 sq. ft.

Line Table	
11	SSSE 40° 00' E 30.30'
12	NSSE 40° 00' W 4.00'
13	N02° 00' 00' W 6.50'

**EDWARD B. KIDD &
JAY M. WEINBERG, TRUSTEES**
13100 Old Three Chopt Rd.
D.B. 2285 PG. 256
GPIN #734-785-1504
1.024 Ac.

See Attached
DAVID B. BROTHER &
DEBBY C. BROTHER
Old Three Chopt Rd.
GPIN #734-785-3641

See Attached
MARSH A. PRESSLEY
& LAUREN T. PRESSLEY
13100 Old Three Chopt Rd.
GPIN #734-785-1504

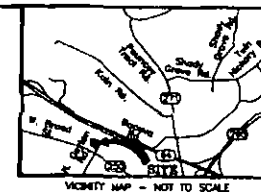
THREE CHOPT RD.

N. GAYTON RD.

Exhibit "A"



SCALE
0 20' 40' 60'



Meridian Source:
Virginia State Plane
South Zone Grid North

Notes:

1. This plot has been prepared for the purpose of defining the right-of-way and easements noted, and is not to be considered a boundary survey. No structures or utilities have been located by this survey.
2. Proposed right-of-way, permanent easements, and temporary construction easements are based on files provided by AECOM received: 10/16/09.
3. Acreage tabulations, if provided, are based on information provided by Henrico County Real Estate assessments and may not necessarily agree with computed areas or recorded deeds.
4. Meridian Source: Virginia State Plane Coordinate System South Zone, Grid North, Based On Henrico County Geodetic Control.

ACQUISITION PLAT SHOWING RIGHT-OF-WAY
AND PERMANENT SLOPE, DRAINAGE
& ACCESS EASEMENT
ON THE PROPERTY OF
**EDWARD B. KIDD &
JAY M. WEINBERG, TRUSTEES**
THREE CHOPT MAGISTERIAL DISTRICT
HENRICO COUNTY, VIRGINIA

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

FILE NAME	SCALE	DATE	JOB NO.	SHEET NO.
002	1"=40'	Nov. 5, 2009	0710007L	1 of 1



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 69-10
Page No. 1 of 2

Agenda Title

RESOLUTION — Condemnation — Right-of-Way and Easements — North Gayton Road Extension Project — Sheran S. Shiner and Susanne M. Smith, Trustees — Three Chopt District

For Clerk's Use Only:

Date **FEB 23 2010**

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to

BOARD OF SUPERVISORS ACTION

Moved by (1) Kaechele Seconded by (1) Clower
(2) _____ (2) _____

REMARKS:

APPROVED

YES NO OTHER

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

WHEREAS, it is necessary for the construction of the North Gayton Road Extension Project (the "Project") to acquire right-of-way containing 236,098 sq. ft., permanent slope and drainage easements containing 83,781 sq. ft., temporary construction easements containing 19,932 sq. ft., and a permanent easement containing 576.56 sq. ft., for Virginia Electric and Power Company, a Virginia public service corporation, doing business as Dominion Virginia Power (collectively, the "Right-of-Way and Easements") across the property at 12321 Kain Road owned by Sheran S. Shiner and Susanne M. Smith, Trustees of the Thomas A. Smith Family Trust Dated October 10, 1998 (the "Owners"), and identified as Tax Map Parcel 735-767-9459 in the Three Chopt District; and,

WHEREAS, the Board of Supervisors of Henrico County, Virginia desires to exercise authority granted by the Code of Virginia to acquire title, to enter upon and take possession of the Right-of-Way and Easements and to construct the Project before the institution of condemnation proceedings; and,

WHEREAS, after advertisement in the *Richmond Times-Dispatch*, the Board held a public hearing pursuant to §15.2-1903 of the Code, at which time the Board declared its intent to enter and take the Right-of-Way and Easements for the Project across portions of the Owners' property.

NOW, THEREFORE, BE IT RESOLVED that:

- (1) The Board directs the County Manager to take the necessary steps to acquire the Right-of-Way and Easements over, upon, across and through the property of the Owners, shown as "SHERAN S. SHINER & SUSANNE M. SMITH, TRUSTEES" on those plats dated October 8, 2009, reduced size copies of which are attached and marked Exhibit "A-1" and "A-2," and shown as parcel "117" on Sheet No. 10 of the plans for North Gayton Road, Project 2122.50701.28004.01152, a reduced copy of which is attached and marked as Exhibit "B";

By Agency Head [Signature]

By County Manager [Signature]

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. **69-10**
Page No. **2 of 2**

Agenda Title **RESOLUTION — Condemnation — Right-of-Way and Easements — North Gayton Road Extension Project — Sheran S. Shiner and Susanne M. Smith, Trustees — Three Chopt District**

- (2) The Board deems it necessary to enter upon the property and take possession of the Right-of-Way and Easements in order to construct the Project prior to the time in which a condemnation case can be filed and heard in accordance with the Code;
- (3) The County Manager shall send by certified mail dated February 24, 2010, a notice advising the Owners that the County intends to enter upon and take the Right-of-Way and Easements prior to the conclusion of condemnation proceedings, setting forth the compensation and damages offered by the County, and informing the Owners they have 30 days within which to contest the taking;
- (4) The Board finds a necessity exists to institute condemnation proceedings pursuant to the Code to acquire the Right-of-Way and Easements for the public use of constructing, operating, and maintaining the Project and to determine the amount of compensation and damages, if any, caused by the taking, possession and acquisition of the Right-of-Way and Easements;
- (5) After the 30-day period for the Owners to contest the taking has run, the County Attorney shall file in the Clerk's Office of the Circuit Court a certificate signed by the Chairman and Clerk of the Board in accordance with the Code and shall deposit with the Clerk the amount of the bona fide offer listed below that has not been accepted by the Owners:

**SHERAN S. SHINER AND SUSANNE M. SMITH, TRUSTEES OF THE
THOMAS A. SMITH FAMILY TRUST DATED OCTOBER 10, 1998
AS TO 12321 OLD KAIN ROAD - \$613,433.00**

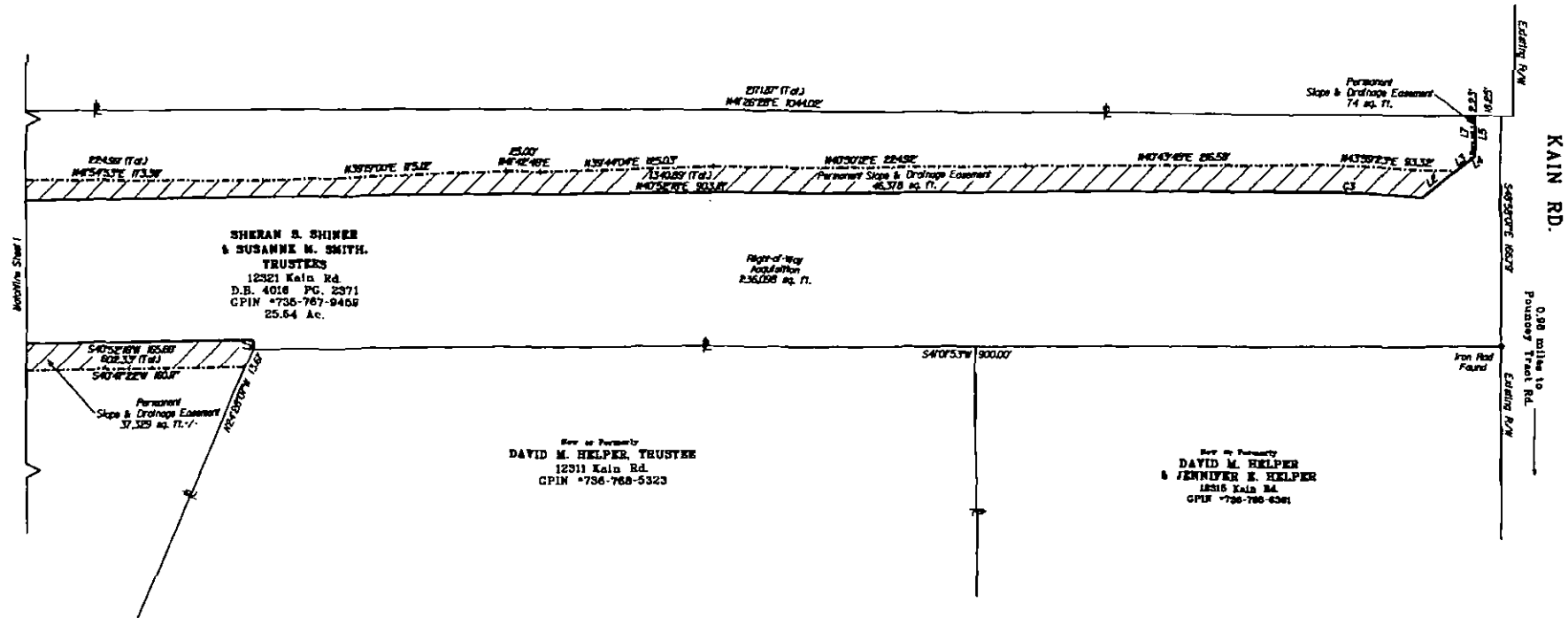
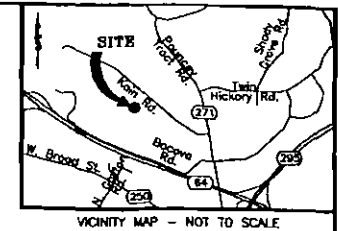
and,

- (6) The Board authorizes and directs the County Manager to continue to seek a voluntary acquisition of the Right-of-Way and Easements, to take all steps necessary to acquire the Right-of-Way and Easements, and to enter on and take immediate possession of the required Right-of-Way and Easements.

Comments: The Real Property Department has been unsuccessful in negotiating a settlement for the acquisition of the Right-of-Way and Easements. Therefore, the Directors of Public Works and Real Property recommend approval of this Board paper, and the County Manager concurs.

CPIN	LAND OWNER	D.B./PG.	Right-of-Way Acquisition	Permanent Slope & Drainage Easements	Temporary Construction Easements
735-767-9459	SHERAN S. SHINER & SUSANNE M. SMITH, TRUSTEES	406/2371	236,008 sq. ft.	63,774 sq. ft. +/-	19,332 sq. ft. +/-

Now or Formerly
ANNIE B. FAIR
12305 Kain Rd.
CPIN #736-768-7300



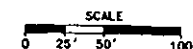
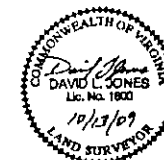
Notes:

- This plat has been prepared for the purpose of defining the right-of-way and easements noted, and is not to be considered a boundary survey. No structures or utilities have been located by this survey.
- Proposed right-of-way, permanent easements, and temporary construction easements are based on files provided by AECOM received: 08/15/08.
- Acresage tabulations, if provided, are based on information provided by Henrico County Real Estate assessments and may not necessarily agree with computed acres or recorded deeds.
- Meridian Source: Virginia State Plane Coordinate System South Zone, Grid North, Based On Henrico County Geodetic Control.

Exhibit "A-2"

Curve Table					
Date	Radius	Length	Tangent	Chord	Chord Bearing
G1	1733.0'	244.00'	579.08'	250.89'	57.77'
G2	1733.0'	255.00'	603.68'	303.25'	60.22'
G3	0456.0'	1242.00'	105.61'	58.83'	105.51'

Line Table	
L1	N49°04'44"W 67.3'
L2	N03°50'24"E 30.77'
L3	N03°50'24"E 13.49'
L4	N03°50'24"E 3.33'
L5	N48°42'54"W 25.59'
L6	N89°51'52"W 42.79'
L7	N45°07'37"W 3.69'
L8	S50°02'02"E 13.73'
L9	S82°40'49"E 15.9'
L10	S54°53'17"E 15.90'
L11	N57°46'24"W 38.00'
L12	N85°02'32"W 32.06'

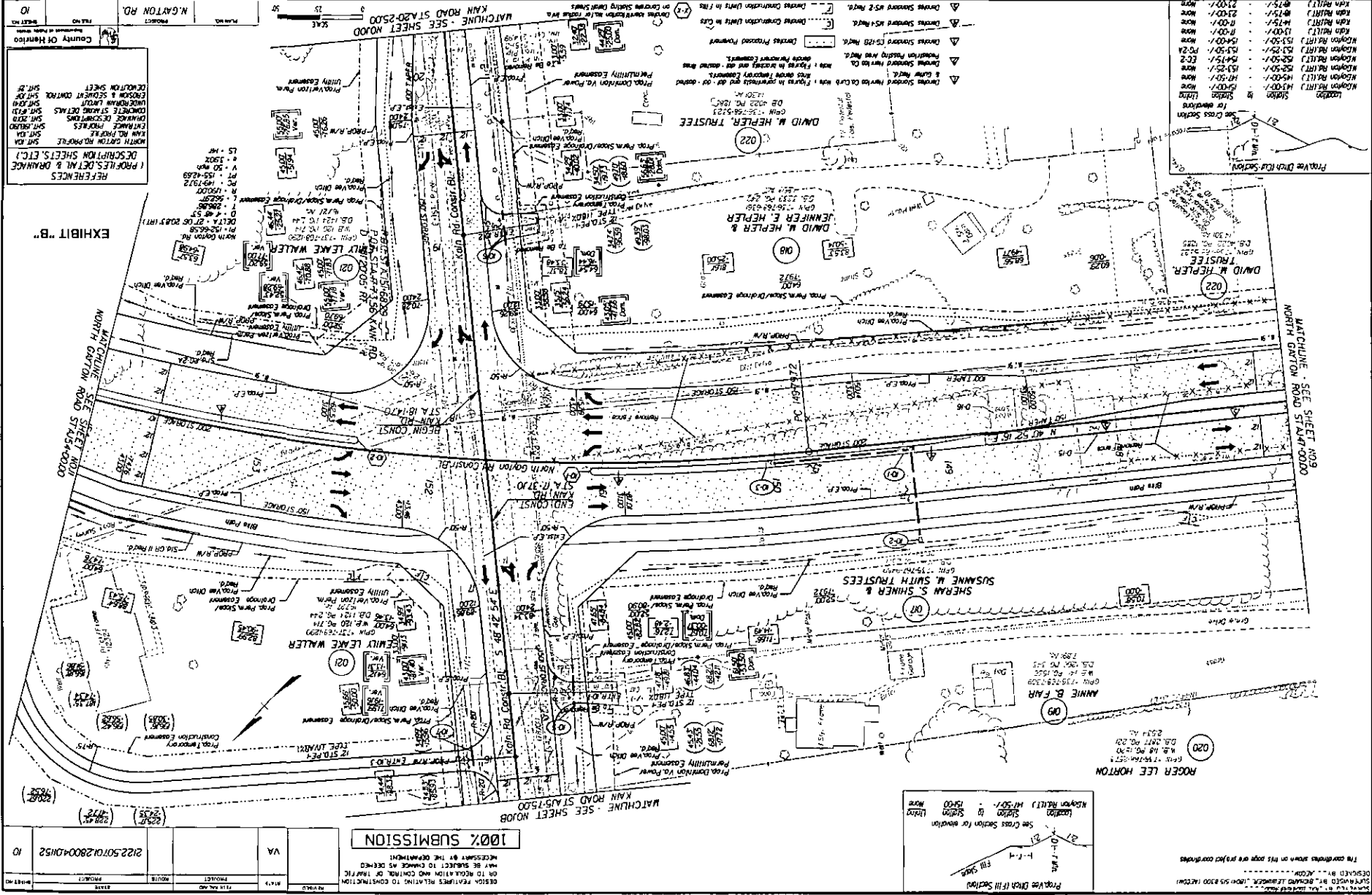


ACQUISITION PLAT SHOWING RIGHT-OF-WAY, TEMPORARY CONSTRUCTION EASEMENTS, AND PERMANENT SLOPE AND DRAINAGE EASEMENTS ON THE PROPERTY OF SHERAN S. SHINER & SUSANNE M. SMITH, TRUSTEES THREE CHOPT MAGISTERIAL DISTRICT HENRICO COUNTY, VIRGINIA



K&M Engineers, Surveyors & Construction Managers
111 east cary street, suite 200
richmond, virginia 23219
(804) 644-1600

FILE NAME	SCALE	DATE	JOB NO.	SHEET NO.
017	1"=50'	Oct. 8, 2009	0710007L	2 of 2



GPN	LAND OWNER	D.B./P.C.	Right-of-Way Acquisition	Permanent Slope & Drainage Easements	Temporary Construction Easements
735-767-9459	SHERAN S. SHINER & SUSANNE M. SMITH, TRUSTEES	4016/2371	236,006 sq. ft.	83,778 sq. ft. +/-	19,932 sq. ft. +/-

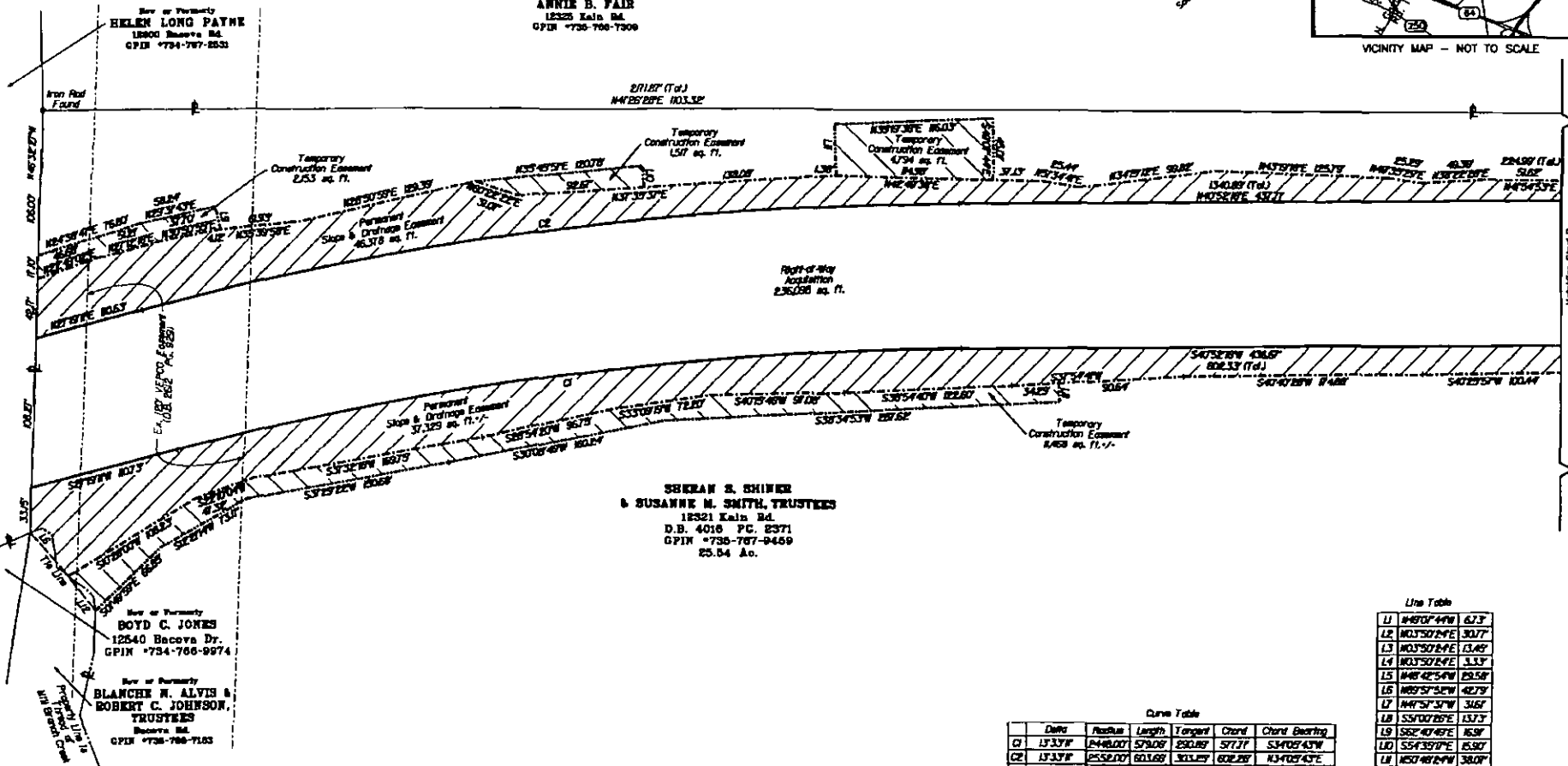
Now or Formerly
ANNIE B. FAIR
12325 Kain Rd.
GPN #735-766-7306

Now or Formerly
HELEN LONG PAYNE
12800 Baccova Rd.
GPN #734-767-8931

Now or Formerly
BOYD C. JONES
12540 Baccova Dr.
GPN #734-766-9974

Now or Formerly
BLANCHE M. ALVIN &
ROBERT C. JOHNSON,
TRUSTEES
Baccova Rd.
GPN #735-766-7183

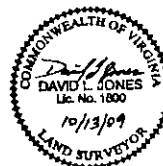
SHERAN S. SHINER
& SUSANNE M. SMITH, TRUSTEES
12321 Kain Rd.
D.B. 4016 P.C. 2371
GPN #735-767-9459
25.54 Ac.



Notes:

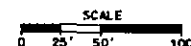
- This plat has been prepared for the purpose of defining the right-of-way and easements noted, and is not to be considered a boundary survey. No structures or utilities have been located by this survey.
- Proposed right-of-way, permanent easements, and temporary construction easements are based on files provided by AECOM received: 08/15/09.
- Acresage tabulations, if provided, are based on information provided by Henrico County Real Estate assessments and may not necessarily agree with computed areas or recorded deeds.
- Meridian Source: Virginia State Plane Coordinate System South Zone, Grid North, Based On Henrico County Geodetic Control.

Exhibit "A-1"



Delta	Radius	Length	Tangent	Chord	Chord Bearing
C1	17.37'	1448.00'	579.06'	290.89'	S71°17' S34°09'43"W
C2	17.37'	6552.00'	60.168'	303.29'	N34°09'43"E
C3	0°52'18"	1248.00'	125.61'	58.83'	N43°28'25"E

Line	Bearing	Length
L1	N48°04'44"W	673'
L2	N03°50'24"E	3077'
L3	N03°50'24"E	13.49'
L4	N03°50'24"E	3.33'
L5	N48°42'54"W	29.58'
L6	N03°50'24"E	42.79'
L7	N47°52'31"W	316'
L8	S5°00'00"E	137.3'
L9	S62°40'48"E	16.9'
L10	S54°33'01"E	15.90'
L11	N50°48'04"W	38.00'
L12	N85°00'31"W	32.00'



ACQUISITION PLAT SHOWING RIGHT-OF-WAY, TEMPORARY CONSTRUCTION EASEMENTS, AND PERMANENT SLOPE AND DRAINAGE EASEMENTS ON THE PROPERTY OF SHERAN S. SHINER & SUSANNE M. SMITH, TRUSTEES THREE CHOFT MAGISTERIAL DISTRICT HENRICO COUNTY, VIRGINIA

	Engineers, Surveyors Construction Managers 114 east cary street, suite 200 richmond, virginia 23219 (804) 644-1600			
	FILE NAME	SCALE	DATE	SHEET NO.
	017	1"=50'	Oct. 6, 2008	07100071. 1 of 2



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 70-10

Page No.

1 of 2

Agenda Title RESOLUTION — Condemnation — Right-of-Way and Easements — North Gayton Road Extension Project — Louis A. Minor — Three Chopt District

For Clerk's Use Only:	BOARD OF SUPERVISORS ACTION	
Date: <u>FEB 23 2010</u>	Moved by (1) <u>Kaechle</u> Seconded by (1) <u>Donati</u>	YES NO OTHER
<input checked="" type="checkbox"/> Approved	(2) _____ (2) _____	Donati, J. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Denied	REMARKS: <u>APPROVED</u>	Glover, R. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Amended		Kaechle, D. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Deferred to		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, it is necessary for construction of the North Gayton Road Extension Project (the "Project") to acquire right-of-way containing 27,911 sq. ft., permanent slope and drainage easements containing 10,429 sq. ft., and temporary construction easements containing 7,386 sq. ft. (the "Right-of-Way and Easements") across the property at 4754 Pouncey Tract Road owned by Louis A. Minor (the "Owner") and identified as Tax Map Parcel 737-769-4316 in the Three Chopt District; and,

WHEREAS, the Board of Supervisors of Henrico County, Virginia desires to exercise authority granted by the Code of Virginia to acquire title, to enter upon and take possession of the Right-of-Way and Easements, and to construct the Project before the institution of condemnation proceedings; and,

WHEREAS, after advertisement in the *Richmond Times-Dispatch*, the Board held a public hearing pursuant to §15.2-1903 of the Code, at which time the Board declared its intent to enter and take the Right-of-Way and Easements for the Project across portions of the Owner's property.

NOW, THEREFORE, BE IT RESOLVED that:

- (1) The Board directs the County Manager to take the necessary steps to acquire the Right-of-Way and Easements over, upon, across and through the property of the Owner, as shown on a plat dated December 18, 2009, a reduced size copy of which is attached and marked Exhibit "A";

By Agency Head

[Signature]

By County Manager

[Signature]

Routing:

Yellow to:

[Signature]

Certified:

A Copy Teste:

Clerk, Board of Supervisors

Copy to:

Date:

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

Agenda Item No. 70-10
Page No. 2 of 2

Agenda Title **RESOLUTION — Condemnation — Right-of-Way and Easements — North Gayton Road Extension Project — Louis A. Minor — Three Chopt District**

- (2) The Board deems it necessary to enter upon the property and take possession of the Right-of-Way and Easements in order to construct the Project prior to the time in which a condemnation case can be filed and heard in accordance with the Code;
- (3) The County Manager shall send by certified mail dated February 24, 2010, a notice advising the Owner that the County intends to enter upon and take the Right-of-Way and Easements prior to the conclusion of condemnation proceedings, setting forth the compensation and damages offered by the County, and informing the Owner he has 30 days within which to contest the taking;
- (4) The Board finds a necessity exists to institute condemnation proceedings pursuant to the Code to acquire the Right-of-Way and Easements for the public use of constructing, operating, and maintaining the Project and to determine the amount of compensation and damages, if any, caused by the taking, possession and acquisition of the Right-of-Way and Easements;
- (5) After the 30-day period for the Owner to contest the taking has run, the County Attorney shall file in the Clerk's Office of the Circuit Court a certificate signed by the Chairman and Clerk of the Board in accordance with the Code and shall deposit with the Clerk the amount of the bona fide offer listed below that has not been accepted by the Owner:

LOUIS A. MINOR

AS TO 4754 POUNCEY TRACT ROAD - \$44,820.00

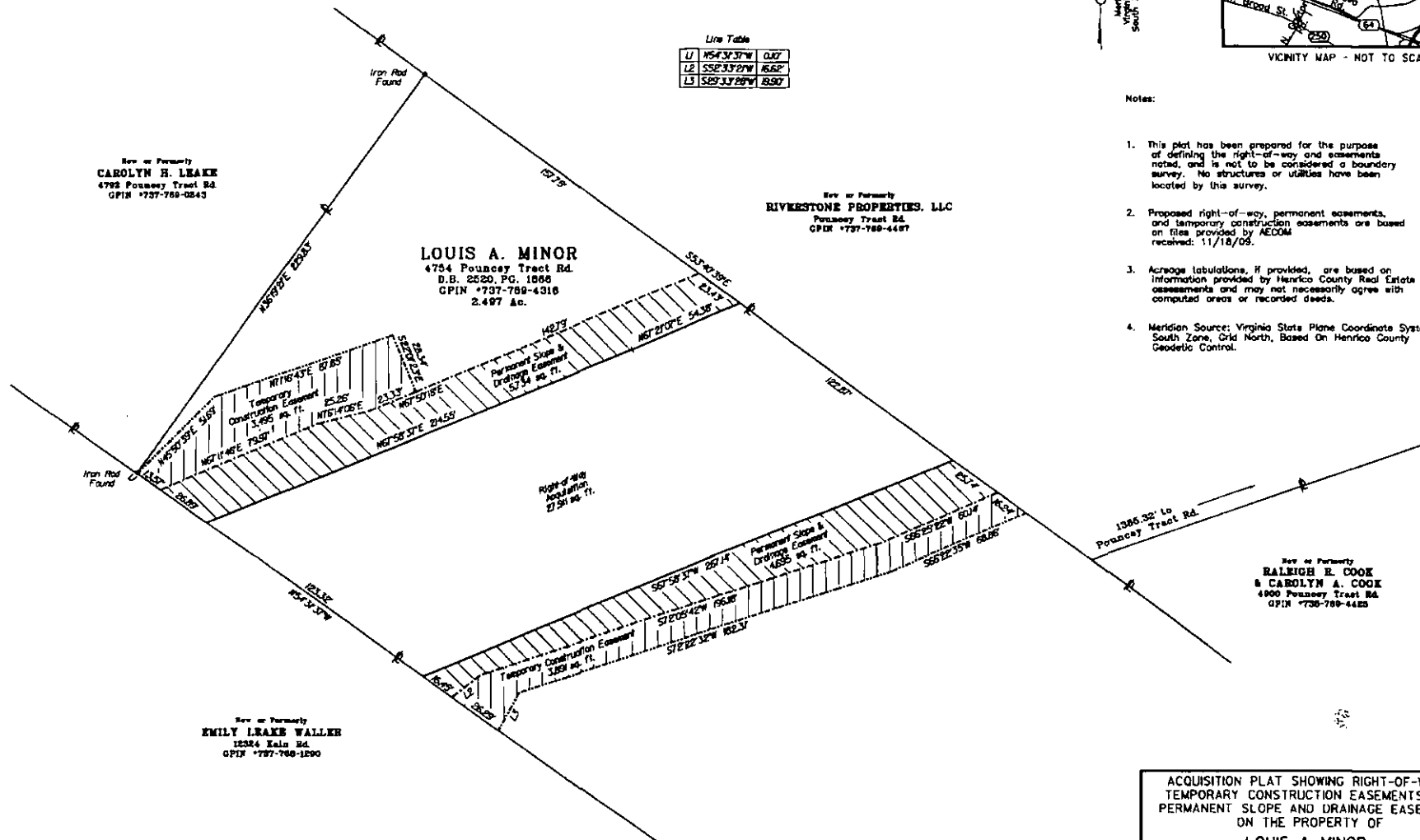
and,

- (6) The Board authorizes and directs the County Manager to continue to seek a voluntary acquisition of the Right-of-Way and Easements, to take all steps necessary to acquire the Right-of-Way and Easements, and to enter on and take immediate possession of the required Right-of-Way and Easements.

Comments: The Real Property Department has been unsuccessful in negotiating a settlement for the acquisition of the Right-of-Way and Easements. Therefore, the Directors of Public Works and Real Property recommend approval of this Board paper, and the County Manager concurs.

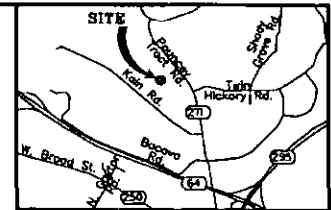
GPIN	LAND OWNER	D.B./PG.	Right-of-Way Acquisition	Permanent Slope & Drainage Easements	Temporary Construction Easements
737-789-4346	LOUIS A. MINOR	ESCU/1868	27.91 ac. ft.	81,429 sq. ft.	7,395 sq. ft.

Line Table		
L1	N54°31'37"W	0.07
L2	S52°33'27"W	16.62
L3	S89°31'28"W	18.90



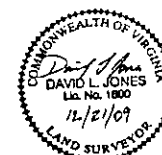
Notes:

1. This plat has been prepared for the purpose of defining the right-of-way and easements noted, and is not to be considered a boundary survey. No structures or utilities have been located by this survey.
2. Proposed right-of-way, permanent easements, and temporary construction easements are based on files provided by AECOM received: 11/18/09.
3. Acreage tabulations, if provided, are based on information provided by Henrico County Real Estate assessments and may not necessarily agree with computed areas or recorded deeds.
4. Meridian Source: Virginia State Plane Coordinate System South Zone, Grid North, Based On Henrico County Geodetic Control.



VICINITY MAP - NOT TO SCALE

Exhibit "A"



SCALE
0 15' 30' 60'

ACQUISITION PLAT SHOWING RIGHT-OF-WAY, TEMPORARY CONSTRUCTION EASEMENTS, AND PERMANENT SLOPE AND DRAINAGE EASEMENTS ON THE PROPERTY OF
LOUIS A. MINOR
THREE CHOPT MAGISTERIAL DISTRICT
HENRICO COUNTY, VIRGINIA



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

FILE NAME	SCALE	DATE	JOB NO.	SHEET NO.
027	1"=30'	Dec. 18, 2009	0710007L	1 of 1

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

Agenda Item No. 71-10
Page No. 1 of 1

Agenda Title **INTRODUCTION OF RESOLUTION - Receipt of Requests for Amendments to the
FY 2009-10 Annual Fiscal Plan: March, 2010**

<p>For Clerk's Use Only:</p> <p style="text-align: center;">FEB 23 2010</p> <p>Date _____</p> <p><input checked="" type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p> <p><input type="checkbox"/> Amended</p> <p><input type="checkbox"/> Deferred to</p>	<p>BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>Donati</u> Seconded by (1) <u>Thornton</u></p> <p>(2) _____ (2) _____</p> <p>REMARKS: APPROVED</p>	<table style="width: 100%; border-collapse: collapse;"><thead><tr><th></th><th style="text-align: center;">YES</th><th style="text-align: center;">NO</th><th style="text-align: center;">OTHER</th></tr></thead><tbody><tr><td>Donati, J.</td><td style="text-align: center;"><input checked="" type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr><tr><td>Glover, R.</td><td style="text-align: center;"><input checked="" type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr><tr><td>Kaechele, D.</td><td style="text-align: center;"><input checked="" type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr><tr><td>O'Bannon, P.</td><td style="text-align: center;"><input checked="" type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr><tr><td>Thornton, F.</td><td style="text-align: center;"><input checked="" type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr></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"/>
	YES	NO	OTHER																							
Donati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							

WHEREAS, the County Manager has provided the Board of Supervisors of the County of Henrico, Virginia, with a list dated February 16, 2010 requesting amendments to the 2009-10 Annual Fiscal Plan; and,

WHEREAS, the County Manager listed by department and cost center, the purpose of the request, and the source of funding to support the proposed amendments.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Henrico, Virginia, that the Clerk of the Board is directed to advertise a synopsis of the proposed amendments and a public hearing thereon to be held on March 9, 2010, at 7:00 p.m., in the Board Room at the Henrico County Government Center, East Parham and Hungary Spring Roads, to ascertain the views of the citizens with respect to the proposed amendments, such advertisement to be placed in the Richmond Times-Dispatch on Tuesday, March 2, 2010.

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

By Agency Head _____

By County Manager _____

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

AMENDMENTS TO THE 2009-10
ANNUAL FISCAL PLAN FOR MARCH, 2010

OPERATING FUNDS

FUND 0101 - GENERAL FUND - General Operating

Department 22 - Social Services

22202 - VIEW Day Care

1302 00000 - Purchase of Services \$ 674,500

The Commonwealth of Virginia, Department of Social Services will reimburse the County of Henrico an additional \$301,750 of State and \$337,250 of Federal funds for the Virginia Initiative for Employment not Welfare (VIEW) Program in fiscal year 2009-10. The required 5% or \$35,500 of County matching funds will come from the fund balance in the General Fund, and is included in this \$674,500 total. Also an additional \$35,500 in ARRA funding for this program can be found elsewhere in this document that will bring the total program funding to \$3,374,912.

22504 - Special Needs Adoption

1302 00000 - Purchase of Services 130,000

The Commonwealth of Virginia, Department of Social Services, will reimburse the County of Henrico an additional \$130,000 of State funds for the mandated Special Needs Adoption Program expenditures. The total appropriation for this program in fiscal year 2009-10 will be \$1,055,376 after this addition. The Special Needs Adoption Program is funded with 100% State funds and no local matching funds are required.

Total Social Services \$ 804,500

Department 28 - Public Works

28002 - Road Maintenance \$ 4,000,000

0000 00000 Due to the amount of snowfall this winter and the cost of snow removal from County roadways, additional funding is requested by the Department of Public Works. The additional funding will be used to replace the road maintenance funding used for snow removal and to allocate additional funds for road maintenance requirements that have resulted from the severe winter weather. Funds are to come from the fund balance in the General Fund.

Total Fund 0101 - General Fund - General Operating \$ 4,804,500

FUND 0107 - GENERAL FUND - ARRA - County General Fund

Department - 22 - Social Services

22202 - VIEW Day Care

1302 05272 - ARRA - VIEW Day Care \$ 35,500

This will amend the Department of Social Services budget to incorporate additional American Recovery and Reinvestment Act (ARRA) funding for the Virginia Initiative for Employment not Welfare (VIEW) Program. An additional \$674,500 of State and Federal funds for this program can be found elsewhere in this document that will bring the total program funding to \$3,374,912.

Total Fund 0107 - ARRA - County General Fund \$ 35,500

Total GENERAL FUND \$ 4,840,000

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

Department 05 - Commonwealth's Attorney

05001 - Commonwealth's Attorney \$ 11,445

0000 05230 To appropriate State funding received from the Department of Criminal Justice Services for the Virginia Domestic Violence Victim Fund. Funding will be used for office supplies and travel expenses to support the program.

Department 07 - Juvenile Detention

07002 - Juvenile Probation

0000 05218 - Juvenile Accountability Block Grant \$ 50,551

The Commonwealth of Virginia, Department of Criminal Justice Services (DCJS) has, for the twelfth year, awarded the County of Henrico, a Federal Juvenile Accountability Block Grant (JABG) for \$45,495, for calendar year 2010. A match of 5% or \$2,528 will be provided by the Virginia Department of Criminal Justice Services. A County required match of 5% or \$2,528 of the total program, will come from the fund balance in the General Fund via an interfund transfer to the Special Revenue Fund. Funds are to be used to provide Multisystemic Therapy services for chronic and/or serious juvenile offenders to be provided by existing staff at Henrico Mental Health facilities.

Department 12 - Police

12002 - Fiscal Records

0000 05295 - Target 10 \$ 3,000

To appropriate a donation received from Target to purchase transmitters, receivers, and headphones for use in the interview rooms.

Department 13 - Fire

13113 - Emergency Planning and Safety

0000 05312 - State Fire Programs - Training \$ 2,870

To appropriate Training Mini-Grant funding received from the Commonwealth of Virginia Department of Fire Programs. This funding will be used to purchase a smoke generator for the Division's training program. No local match is required.

Department 16 - General Services

16002 - Communications

0000 05311 - RAMIS Phase II \$ 1,730,000

To appropriate funding from the Virginia Department of Emergency Management. These federal funds are pass-through from the National Preparedness Directorate (NPD) of the United States Department of Homeland Security and are being administered by the Commonwealth. Funds will be used to complete phase two of the Richmond Area Microwave Interoperability System (RAMIS) network. This phase includes the purchase and installation of equipment to create an eastern microwave ring, which would connect the counties of New Kent, Charles City, and the Henrico Jail East into the newly created RAMIS network.

Department 23 - Recreation and Parks

23101 - Director

0476 05154 - Recreation Donations - Brookland Youth Baseball/Softball \$ 900

To appropriate donations received from Shoney's of Richmond for the Brookland Youth Sports Awards.

23101 - Director

0000 00000 - Recreation Donations - Youth, Arts, and Humanities \$ 3,700

To appropriate donations received from the Richmond Square Dance Club to provide children's cultural arts programs to the residents of Henrico County.

Total Recreation and Parks	\$ 4,600
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Total Fund 1102 - Special Revenue Fund-State/Fed Grants-County	\$ 1,802,466
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FUND 1110 - SPECIAL REVENUE FUND - Mental Health/Retardation Services

Department 26 - Mental Health/Retardation Services

26110 - Short Term Outpatient Services

1688 00000 - Virginia Healthcare Foundation \$ 125,616

To appropriate a calendar year 2010 grant from the Virginia Healthcare Foundation. This grant will provide a clinician, psychiatric services, and medication at the Crossover Clinic and will improve access for uninsured clients to mental health services and access to primary medical care for persons with a mental illness. This grant provides funding for a full-time complement III Clinician position to provide mental health services to Crossover patients.

FUND 1119 - American Recovery and Reinvestment Act Funds

Department 27 - CATC

27004 - Workforce Partnership

0000 00000 - ARRA - WIA DW 2010 \$ 180,5270000 00000 - ARRA - WIA Admin 2010 47,8360000 00000 - ARRA - Employment Transition Center CATC 2010 250,000

To amend the Capital Area Training Consortium's budget to incorporate additional American Recovery and Reinvestment Funds awarded to the Capital Region Workforce Partnership for job search services for adults, youth, and dislocated workers.

Total Fund 1119 American Recovery and Reinvestment Act Funds	\$ 478,363
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Total SPECIAL REVENUE FUND	\$ 2,406,445
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Total OPERATING FUNDS	\$ 7,246,445
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CAPITAL FUNDS

FUND 2111 - CAPITAL PROJECTS FUND - Capital Initiatives

23101 - Director

0000 00000 - Henrico County Historical Markers \$ 2,760

To provide funding for historical markers for the Courtney Road Service Station and the Forest Lodge Belvedere. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

Department 32 - Non-Departmental

32001 - Non-Departmental

0000 00000 - Richmond Dragway \$ 30,000

This amendment will provide funding to allow for sponsorship of the 2010 International Hot Rod Association's Sportsman Nationals event at the Richmond Dragway to promote economic activity in the area. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

Department 50 - Education

50331 - Construction and Maintenance

0000 00000 - Highland Springs High School Enhancements \$ 118,500

This amendment will provide funding for facility improvements, equipment replacement, and security enhancements to the athletic training facility at Highland Springs High School. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

Total Capital Projects Fund - Capital Initiatives \$ 151,260

FUND 2133 - American Recovery and Reinvestment Act Fund - Capital Improvements Fund

Department 16 - General Services

16999 - General Services Capital Projects

0000 05309 - ARRA - Lighting System Upgrades \$ 1,045,249

To appropriate federal ARRA funding of \$1,045,249 received from the U.S. Department of Energy's Efficiency and Conservation Block Grant program. This funding will be used to provide lighting system upgrades in selected general government and school buildings.

0000 05310 - ARRA - Building Automation System Upgrades 1,745,851

To appropriate federal ARRA funding of \$1,745,851 received from the U.S. Department of Energy's Efficiency and Conservation Block Grant program. This funding will be used for building automation projects that will upgrade and replace outdated equipment in the Administration, Administration Annex, and Courthouse buildings. In addition, outdated mechanical equipment will be replaced in the Administration building.

Total Fund 2133 - ARRA - Capital Improvements Fund \$ 2,791,100

Total CAPITAL PROJECTS FUND \$ 2,942,360

FUND 5102 - Water and Sewer Construction Fund

31201 - Accounting

1001 00735 - Water Reclamation Facility \$ 724,617

The Virginia Department of Environmental Quality (DEQ) under the Water Quality Improvement Program has awarded a grant equal to thirty-five percent of the cost of design and installation of Nutrient Removal Technology at the Water Reclamation Facility. This amendment reflects the second reimbursement from the DEQ and brings the total reimbursement to \$5,857,459. The total estimated value of the grant is \$8,584,821.

TOTAL CAPITAL FUNDS \$ 3,666,977

Total Amendments/Appropriations \$ 10,913,422

TRANSFER OF FUNDS
BETWEEN OPERATING FUNDS AND CAPITAL FUNDS

FROM:

CAPITAL FUNDS

FUND 2110 - CAPITAL PROJECTS FUND

Department 38 - Community Revitalization

38003 - CDBG \$ (41,760)

0000 06419 - FY07-08 CDBG Golden Road Drainage

TO:

OPERATING FUNDS

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

Department 38 - Community Revitalization

38003 - CDBG

0000 05315 - 09-10 Off-Site EZ Improvement Grants \$ 20,000

0000 05316 - 09-10 CONNECT Program Computer Replacement 21,760

Funding of \$41,760 from the United States Department of Housing and Urban Development (HUD), Community Development Block Grant (CDBG) is being reallocated from the Golden Road Drainage project to cover additional expenditures associated with the Offsite Improvement Program, which funds improvements to offsite drainage and water and sewer lines, and the purchase of replacement computers for the CONNECT Program.

\$ 41,760

TRANSFER OF FUNDS
WITHIN CAPITAL FUNDS

FROM:

CAPITAL FUNDS

FUND 2100 - CAPITAL PROJECTS FUND

Department 38 - Community Revitalization

38003 - CDBG

0000 06419	- <u>FY07-08 CDBG Golden Road Drainage</u>	\$	(534,431)
0000 05162	- <u>FY07-08 CDBG Meadowview Park Phase I</u>		(972)
0000 05183	- <u>FY08-09 CDBG Mormac Group Home</u>		(7,990)
0000 06319	- <u>FY01-02 Howard Road Drainage</u>		(10,107)
		\$	(553,500)

TO:

CAPITAL FUNDS

FUND 2101 - CAPITAL PROJECTS FUND

Department 38 - Community Revitalization

38003 - CDBG

0000 05313	- <u>09-10 Playground Equipment Replacement</u>	\$	50,000
0000 05314	- <u>09-10 Belmont Recreation Center Patio</u>		48,500
0000 05317	- <u>09-10 South Elm Road Drainage Improvements</u>		105,000
0000 05318	- <u>09-10 Sandston Ballfield Parking Lot</u>		350,000

Available funding of \$553,500 from the United States Department of Housing and Urban Development (HUD), Community Development Block Grant (CDBG) is being reallocated within the Capital Projects Fund to cover expenditures associated with Playground Equipment Replacement, the Belmont Recreation Center Patio, South Elm Road Drainage Improvements, and the Sandston Ballfield Parking Lot.

\$	553,500
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COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 72-10
Page No. 1 of 1

Agenda Title: RESOLUTION — Adopting 2009 Henrico County Emergency Operations Plan

For Clerk's Use Only:

Date: FEB 23 2010

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

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

WHEREAS, the Virginia Emergency Services and Disaster Law, Chapter 3.2 of Title 44 of the Code of Virginia, requires every locality to prepare and keep current an emergency operations plan; and,

WHEREAS, by Agenda Item No. 526-98, the Board of Supervisors of Henrico County adopted on December 9, 1998, a resolution approving the initial Henrico County Emergency Operations Plan as the necessary basic plan for County emergency services; and,

WHEREAS, by Agenda Item No. 293-05, the Board adopted on September 13, 2005, a resolution approving a revised Emergency Operations Plan that contained amendments proposed by the Division of Fire; and,

WHEREAS, it is necessary and appropriate to adopt the 2009 Henrico County Emergency Operations Plan that contains amendments and revisions to the County's previously-adopted Emergency Operations Plan required by federal and state law.

NOW, THEREFORE, BE IT RESOLVED that the Board adopts the 2009 Henrico County Emergency Operations Plan, in the form presented to this meeting, as the basic plan for County emergency services as required by Virginia Code § 44-146.19(E).

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. Hays

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____