

COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
REGULAR MEETING  
August 10, 2010

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, August 10, 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  
Capt. Earl P. Williams, Civil Process, Sheriff's Office  
Barry R. Lawrence, CMC, Assistant to the County Manager/Clerk to the Board  
George T. Drumwright, Jr., Deputy County Manager for Community 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 7:07 p.m.

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

Elayne Hudson-Scott, Pastor of New Life Evangelistic Ministries International, delivered the invocation.

On motion of Mr. Donati, seconded by Mr. Glover, the Board approved the minutes of the July 27, 2010 Regular and Special Meetings.

The vote of the Board was as follows:

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

No: None

## **MANAGER'S COMMENTS**

Leo Marsh, Business Section Manager for the Department of Finance, recently received the prestigious designation of Personal Property Specialist (PPS) from the International Association of Assessing Officers (IAAO). In attaining this achievement, Mr. Marsh completed over 200 hours of in-depth coursework and passed both an eight-hour case study and four-hour cumulative master exam. He is only the 2nd person within the Commonwealth of Virginia and 25<sup>th</sup> in the entire United States to earn this designation. Mr. Marsh's supervisor, Revenue Division Director Ed Trice, presented a special plaque from IAAO to Mr. Marsh in the presence of John Vithoukas, Director of Finance.

Virginia Commonwealth University (VCU) is currently hosting 12 Turkish sub-governors (governors in training), who are participating in a professional development program in public policy and administration through the university's L. Douglas Wilder School of Government and Public Affairs and its Global Education Office. Prior to entering this program, the sub-governors completed seven months of study in VCU's English language program. In Turkey, these officials are responsible for education, health care administration, finance, public safety, social services, and "construction" (urban planning). Their summer program includes lectures, site visits, and rotating internships relating to their areas of oversight. Mr. Hazelett recently met with the entire group to discuss governance in Henrico County. He recognized the following members of the group who were in the audience observing the Board meeting: Oktay Ates, Sedat Attes, Hasan Gundogdu, Remzi Kattas, and Uhut Emre Koyunci. After noting that Mr. Kaechele was in Turkey last year, Mrs. O'Bannon joined Mr. Hazelett in thanking the group for coming to Henrico. Mr. Hazelett advised that the group will also be attending an upcoming pre-Board session with the County's department heads and key officials.

## **BOARD OF SUPERVISORS' COMMENTS**

Mrs. O'Bannon referred to the Fuentes & Heizer wedding announcement that appeared in the August 8, 2010 "Celebrations" section of the *Richmond Times-Dispatch*. The wedding and reception were held at Belmont Recreation Center in the midst of a snowstorm on January 30, 2010. The announcement includes an expression of sincere appreciation from the couple's families to Henrico County and to staff members from the Division of Recreation and Parks who were on hand during the snowstorm.

Mrs. O'Bannon recognized Wade Bradshaw from Boy Scout Troop 735, sponsored by Shady Grove United Methodist Church, who was observing the meeting to fulfill a requirement for the Citizenship in the Community Merit Badge.

## **RECOGNITION OF NEWS MEDIA**

Mrs. O'Bannon recognized Wes Hester from the *Richmond Times-Dispatch*.

## **PRESENTATION**

Mrs. O'Bannon presented a proclamation recognizing September 6 – 10, 2010 as Payroll Week. Accepting the proclamation was John Vithoulkas, Director of Finance. Joining him from the Department of Finance's Accounting Division were Michael Lowery, Senior Accountant; Timothy Massenburg, Payroll Supervisor and Government Liaison Director of the Richmond Chapter of the American Payroll Association; Martha Sorensen, Payroll Accountant; Nancy Burnett, Accounting and Fiscal Technician; and Lyn Zacharias, Account Clerk. Mr. Massenburg and Ms. Sorensen have each earned the designation of Certified Payroll Professional (CPP) from the American Payroll Association.

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

166-10                      JMW, LLC: Request to amend proffered conditions accepted with Rezoning  
C-8C-10                      Case C-68C-00, on Parcel 776-744-1464, located at the southwest  
Brookland                      intersection of Dumbarton Road and Byrdhill Road.

No one from the public spoke in opposition to a request for deferral by the applicant.

On motion of Mr. Glover, seconded by Mr. Kaechele, the Board deferred this item to September 14, 2010.

The vote of the Board was as follows:

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

No:    None

193-10                      West Broad Village, LLC: Request for a Provisional Use Permit under  
P-6-10                      Sections 24-32.1 (a) and (t), 24-120, and 24-122.1 of the County Code in  
Three Chopt                      order to allow a farmers' market, community/demonstration gardens and a  
   production farm on part of Parcels 743-760-2155 and 744-760-7007, located  
   on the south line of West Broad Street (U.S. Route 250) at its intersection  
   with Brookriver Drive (West Broad Village).

Mr. Kaechele commented favorably on the case, noting that the proposed uses would be a nice addition to West Broad Village and would be well received by the citizens who live and shop there. Jean Moore, Assistant Director of Planning, responded to questions from the Board.

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

Mark Kokowsky, a representative of the applicant, responded to additional questions from the Board.

On motion of Mr. Kaechele, seconded by Mr. Glover, the Board followed the recommendation of the Planning Commission and approved this item subject to the following conditions:

**Farmers' Market:**

1. The operation of the Whole Foods Farmers' Market shall comply with the following standards and shall not operate outside of the following parameters:

Market Season: Beginning on the fourth Thursday of April and ending on the third Thursday in October.

Hours of Operation: Market hours are every Thursday during the Market Season, from 4:00 PM until 7:00 PM.

2. The applicant shall designate a Market Manager to be in charge of the farmers' market operations, including vendor selection, and responsible for compliance with the conditions of this Provisional Use Permit. The Market Manager shall be responsible for complying with all local, state, and federal regulations. Market operations shall abide by all rules and regulations set forth in Exhibit B (see case file) entitled "Whole Foods Market Vendor Information and Rules and Regulations," dated July 13, 2010.
3. The farmers' market shall be no greater than 2,500 square feet in size and shall be located only along the southern and eastern façades of the Whole Foods Market grocery store.
4. Other than temporary stands for vendors or the Market Manager, no structures or tents shall be erected on the property. All tents shall be solid in color, and neither text nor logo displays shall be permitted on any tent or similar temporary structure. No later than one hour after the closing of each market, any stands shall be removed from the site and the subject parcels shall be completely cleared of all market-related items and debris.
5. Only produce and those processed foods that are regulated by the Virginia Department of Agriculture and Consumer Services shall be permitted for sale. Artisans are allowed to vend non-edible products. These vendors shall not exceed 25% of the total market area. Artisans must produce their own products. Food sampling shall be allowed in accordance with the Virginia Department of Agriculture and Consumer Services food safety regulations. Under no circumstances shall samples be sold.

6. Generators, portable toilets, or use of public address systems (including megaphones) shall not be permitted on the site.
7. No outside live music performances or outdoor speaker systems shall be permitted on the site. One musician with one non-electric, non-amplified, musical instrument and musical performances shall be permitted within the 2,500 square foot farmers' market area. To be consistent with other vendors, each musician must complete a vendor application and shall perform within the operating hours of the farmers' market. The music shall not be audible beyond the property line of the site.
8. The Director of Planning shall review the operation of the outdoor farmers' annually for a period of 36 months to ensure compliance with the conditions imposed with this Provisional Use Permit. If the Director finds, based upon his review, that the permit holder has failed to comply with any of the conditions or that the operation of the outdoor farmers' market or Village Garden is having a deleterious effect on the surrounding area, then the Director shall initiate a show cause hearing on revocation of the permit pursuant to the provisions of Section 24-122.1(b) of the County Code.

**Community/Demonstration Gardens and Production Farm:**

9. The operator of the Whole Foods Village Garden shall comply with the following conditions:

Use: The Village Garden is for the specific use of: a demonstration garden, a community garden and a production farm and associated educational programming. No sales or vending is permitted, except that produce grown and harvested on the production farm component of the property may be sold to Whole Foods Market.

Hours of Operation: The Village Garden will be open from dusk to dawn.

10. The community/demonstration gardens and production farm will be developed in substantial conformance with Exhibit D (see case file), entitled Whole Foods Garden, dated July 14, 2010.
11. All activities in the community/demonstration garden and production farm will be in compliance with the "Garden Layout and Design Proposal" (see case file) as submitted with this application.
12. The area of the community/demonstration gardens and production farm will be as shown on Exhibit D (see case file), and will encompass an

area approximately .86 acres. The gardens and production farm will not exceed the area shown on Exhibit D (see case file) unless written permission is obtained from the Director of Planning in advance of any changes to the area. A revised economic impact analysis for the West Broad Street Village project may be required prior to any authorized expansion of the community/demonstration gardens and production farm.

13. The gravel path providing access to the site will be rolled to provide a more stable walking surface.
14. No vehicles will be allowed on-site with the exception of a Backyard Farmer vehicle. All vehicles must park in one of the paved lots between the Whole Foods Market and the Village Garden.
15. A gate will be installed to prevent unauthorized access to the site. A fence, to secure the perimeter of the site, will also be installed around the entire Village Garden area.
16. Signage indicating the hours of operation should be posted to limit trespassing after hours.
17. The Provisional Use Permit for the Village Garden will be effective for a period of 24 months. After 24 months, the applicant shall apply to the Planning Commission for a reissuance of the PUP.

**Recommended Conditions Applicable to Farmers' Market and Village Garden:**

18. On-site food preparation and distribution of prepared meals shall not be permitted.
19. The sale or consumption of alcohol shall be prohibited.
20. Trash receptacles shall be provided and properly serviced to control litter generated by this use. All refuse including produce, boxes, etc. shall be removed from the premises at the end of each sales day.
21. The operation of the farmers' market and Village Garden shall not cause loitering, criminal assaults or public nuisance or unsafe conditions for the surrounding area.
22. Prior to the installation of any structures or alterations to the farmers' market or Village Garden area, the Market Manager shall submit any necessary Plan of Development (POD) revisions to the Department of Planning for approval. The POD shall delineate the specific vendor areas and details of pedestrian walkways, drive aisles, and parking stalls for the site. The vendor area shall be secured to prevent unauthorized access

into the vendor area and to provide safe pedestrian access to and from the market.

The vote of the Board was as follows:

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

No: None

194-10  
C-10C-10  
Fairfield

Emerald Land Development LLC: Request to amend proffered conditions accepted with Rezoning Case C-59C-07, on Parcels 790-746-1573 and 790-746-1765 containing 1.56 acres located at the southeast intersection of North Road and Edgefield Street.

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

On motion of Mr. Thornton, seconded by Mr. Donati, the Board followed the recommendation of the Planning Commission and approved this item subject to amended proffers 1 and 2 and added proffers 9 and 10 as follows:

1. Density: Density on the site shall not exceed three (3) units, including the existing dwelling on the property.
2. Minimum Dwelling House Size: The minimum finished floor area of any new dwelling shall be 1,600 square feet.
9. Garages: Each new dwelling shall have a minimum of a one-car attached garage with interior dimensions free of as-built obstructions of at least 10 feet in width and at least 20 feet in depth. The garage shall not protrude beyond the front building line of the house.
10. Driveways: Each new dwelling shall have a hard surface driveway consisting of exposed aggregate, stone, or asphalt.

All other proffers previously accepted with C-59C-07 shall remain in full force and effect.

The vote of the Board was as follows:

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

No: None

195-10

RTF Sports and Entertainment, INC: Request for a Provisional Use Permit

P-5-10  
Three Chopt

under Sections 24-58.2(a) and (d), 24-120, and 24-122.1 of the County Code in order to allow outside dining and extended hours of operation until 2 a.m. for an existing restaurant (Short Pump Pour House) in Short Pump Crossing Shopping Center, on part of Parcel 738-760-8449, located on the west line of

Pump Road approximately 600 feet north of its intersection with Three Chopt Road.

Ms. Moore responded to questions from the Board.

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

On motion of Mr. Kaechele, seconded by Mr. Glover, the Board followed the recommendation of the Planning Commission and denied the request for extended hours of operation and approved the request to operate an outdoor dining area subject to the following conditions:

1. No outdoor live music performances shall be permitted.
2. The operator shall not permit food preparation outside the enclosed building.
3. The outside dining area shall not be in operation between 10:00 p.m. and 7:00 a.m.
4. Prior to operation of the outdoor dining area, the applicant shall submit a site plan of the restaurant and outdoor dining area and obtain administrative approval from the Planning Department. The site plan shall show the location of any relocated street furniture, trees/landscaping, lighting and utility lines.
5. A clear, continuous, and unobstructed pedestrian path not less than 5' in width shall be required for pedestrian circulation between the outdoor dining area and the sidewalk curb.
6. A method of enclosure to provide separation of the dining area from the parking area shall be installed and shall complement the building façade as well as any street furniture. The railings shall not exceed 42" in height and shall consist of commercial grade material for durability. Unless otherwise approved by the Director of Planning, the outdoor railing enclosure shall conform to Exhibit B (see case file), entitled "Proposed Railing."
7. Outdoor lighting fixtures shall complement the style of building. Lighting fixtures shall be from a concealed source and shall not produce glare for motorists or pedestrians on the adjacent rights-of-



way and parking areas and shall illuminate only the outdoor dining area.

8. Trash receptacles shall be provided and properly serviced to control litter generated by this use.
9. This permit shall apply only to the tenant space to be occupied by Short Pump Pour House restaurant and shall not apply to any other business in the overall shopping center.
10. Access to the outdoor dining area shall be available only through the interior of the restaurant, except during an emergency when a patio fence exit gate may be utilized.
11. Prior to operation, the applicant shall consult with the Special Services Unit within the Division of Police to discuss crime prevention recommendations and conduct a security survey of the property and restaurant operations. The applicant shall implement mutually agreed upon security recommendations.
12. Any outside speakers and/or sound system shall comply with the following standards:
  - a) Sound systems shall be equipped with controls that permit full and complete volume control; and
  - b) Sound(s) emitted from the system shall not be audible beyond a distance of one hundred (100) feet measured from the source.
13. Televisions and other video display devices shall be prohibited in the outdoor dining area.

The vote of the Board was as follows:

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

No: None

196-10  
C-12C-10  
Brookland

Stylecraft Homes, Inc. of Virginia: Request to amend proffered conditions accepted with Rezoning Case C-61C-04 on Parcels 759-767-7960,-7852,-7644,-7537,-7430,-7115, and -7008 located on the west line of Francistown Road near its intersection with Castle Point Road.

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

On motion of Mr. Glover, seconded by Mr. Thornton, the Board followed the recommendation of the *Planning Commission* and approved this item subject to the following:

1. Except as amended hereby, all proffers accepted with Case C-61C-04 shall remain in full force and effect.
2. Proffer 12 of Case C-61C-04 shall be amended with the following:
  12. **Garages.** Each house on the Property shall be constructed with a two (2) car attached side or rear loading garage. No front-loading garages shall be permitted on the Property.

The vote of the Board was as follows:

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

No: None

#### **PUBLIC HEARINGS - OTHER ITEMS**

- 197-10 Ordinance – To Amend and Reordain Sections 4-112 and 4-113 of the Code of the County of Henrico Titled “Application” and “Annual Permit,” Respectively, Relating to Applications for a Music Festival Permit.

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

Lee Ann Anderson, Assistant County Attorney, and Mr. Hazelett responded to questions from the Board. Mr. Hazelett elaborated on the music festival permit application process. Mr. Thornton asked that members of the Board be individually notified in the future when permit applications are submitted for music festivals in their districts.

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

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

- 198-10 Ordinance - To Amend and Reordain Section 2-87 of the Code of the County of Henrico Titled “Service charge on returned payments,” to Add Another Reason for the Charge.

Karen Adams, Senior Assistant County Attorney, responded to a question from Mrs. O'Bannon.

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

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

- 199-10            Ordinance - To Add Section 20-605 to the Code of the County of Henrico Titled "Prerequisite to issuance or renewal of license," Relating to the Issuance or Renewal of a Business License for Contractors.  
Ms. Adams responded to questions from Mrs. O'Bannon.
- No one from the public spoke in opposition to this ordinance.
- On motion of Mr. Kaechele, seconded by Mr. Thornton, and by unanimous vote, the Board approved this item – see attached ordinance.
- 200-10            Ordinance - To Amend and Reordain Section 20-411 of the Code of the County of Henrico Titled "Enumerated; amount of license tax" and to Add Section 20-414 Titled "Exclusion from gross receipts – Security brokers and dealers," Relating to Business License Taxation of Security Brokers and Dealers.
- Ms. Adams responded to a question from Mrs. O'Bannon.
- No one from the public spoke in opposition to this ordinance.
- On motion of Mr. Thornton, seconded by Mr. Donati, and by unanimous vote, the Board approved this item – see attached ordinance.
- 201-10            Ordinance – To Amend and Reordain Sections 20-312, 20-313, and 20-691 of the Code of the County of Henrico Titled, Respectively, "Levy; amount," "Taxation of rental property other than daily rental property," and "License and payment of tax required; 'retail merchant' defined," All Relating to Short-Term Rental Property Tax.
- Ms. Adams responded to questions from the Board.
- No one from the public spoke in opposition to this ordinance.
- On motion of Mr. Glover, seconded by Mr. Kaechele, and by unanimous vote, the Board approved this item – see attached ordinance.
- 202-10            Ordinance - To Amend and Reordain Sections 2-51, 5-1, 5-2, 5-3, 5-4, 5-31, 5-32, 5-36, 5-53, 5-59, 5-61, 5-81, 5-102, 5-133, 5-136, 5-140, 5-141, 5-173, 5-174, 5-175, and 5-179 of the Code of the County of Henrico Titled, Respectively, "Bonds," "Definitions," "Appointment of animal protection supervisor; powers and duties generally," "Animal protection officers," "Disposal of dead animals," "Dogs killing or injuring livestock or poultry," "Compensation for livestock and poultry killed by dogs; false claims," "Control of dangerous or vicious dogs," "Failure to pay tax," "Display of receipt; wearing of collar and tag," "Display of kennel tags; allowing dogs out of kennel," "[Rabies vaccination] Required; certificate," "Sterilization

required,” “Impoundment generally; holding period,” “Redemption of animals,” “Voluntary delivery of animal by owner; surrender of owner’s rights in animal,” “Seizure and impoundment of stolen or unlawfully held dogs or cats,” “Confinement or destruction of dogs and cats suspected of having rabies,” “Confinement or destruction of biting animals,” “Confinement or destruction of dogs or cats bitten by rabid animals,” and “Enforcement measures on noncompliance by owner of dog or cat,” All to Change the Name of “Animal Protection Officer” to “Animal Protection Police Officer.”

Ms. Adams responded to questions from the Board.

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

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

203-10                      Resolution - Condemnation - Right-of-Way and Easements - North Gayton Road Extension Project - Trustees of Christ Church Episcopal Church - Three Chopt District.

Jon Tracy, Director of Real Property, responded to questions from Mr. Kaechele.

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 this item – see attached resolution.

## **PUBLIC COMMENTS**

William Spencer, a resident of the Three Chopt District, thanked the Board for caring about people, not laying off employees, and previously approving construction of the Eastern Henrico Recreation Center.

## **GENERAL AGENDA**

204-10                      Resolution – Authorizing the County Manager to Request Disaster Designation and Federal Assistance for Henrico County Agricultural Producers.

Karen Carter, County Agent for Virginia Cooperative Extension, responded to questions from the Board.

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

205-10 Resolution – Approval of the FY 2011 Community Services Board Performance Contract Between the Virginia Department of Behavioral Health and Developmental Services and Henrico Area Mental Health & Developmental Services Board.

Mike O'Connor, Director of Mental Health and Developmental Services, responded to questions from Mrs. O'Bannon.

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

206-10 Resolution - Approval of Acquisition - Permanent Slope and Drainage and Temporary Construction Easements - North Gayton Road Extension Project - Katherine F. White - Three Chopt District.

Mr. Tracy responded to questions from the Board.

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

207-10 Resolution - Award of Construction Contract - Springfield Landfill Permit 545 Landfill Gas Expansion Stage 4 - Three Chopt District.

Art Petrini, Director of Public Utilities, and Steve Yob, Solid Waste Division Director, responded to questions from the Board.

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

208-10 Resolution - To Permit Additional Fine of \$200 for Speeding on Grey Oaks Park Road from Nuckols Road to Grey Oaks Park Drive.

Mike Jennings, Traffic Engineer, responded to questions from the Board.

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


On motion of Mr. Glover, seconded by Mr. Thornton, and by unanimous vote, the Board approved adding to the agenda a resolution numbered 209-10 and titled “Resolution – Approval of Memorandum of Understanding with Cumberland County Regarding Cobbs Creek Reservoir” – see attached resolution.

Mr. Hazelett read portions of the resolution. He, Mr. Rapisarda, and Mr. Petrini responded to a number of questions from the Board pertaining to the memorandum of understanding and

proposed reservoir project. Mr. Glover complemented Mr. Hazelett and his staff for their many years of work on this regional effort.

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

There being no further business, the meeting was adjourned at 8:35 p.m.

  
Chairman, Board of Supervisors  
Henrico County, Virginia

# Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

## PAYROLL WEEK

September 6 – 10, 2010

**WHEREAS**, the American Payroll Association and its 23,000 members have launched a nationwide public awareness campaign that pays tribute to the more than 156 million people who work in the United States and the payroll professionals who support the American system by paying wages, reporting worker earnings, and withholding federal employment taxes; and

**WHEREAS**, payroll professionals in Henrico County, Virginia play a key role in maintaining the economic health of this community, performing such diverse tasks as paying into the unemployment insurance system, providing information for child support enforcement, and carrying out tax withholding, reporting, and depositing; and

**WHEREAS**, payroll departments collectively spend more than \$15 billion annually complying with myriad federal and state wage and tax laws; and

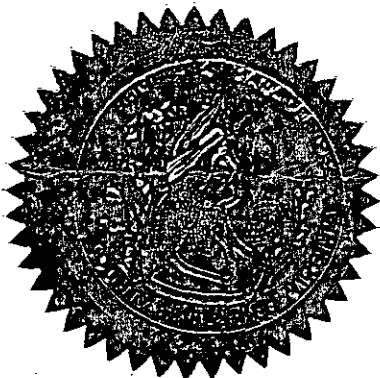
**WHEREAS**, payroll professionals significantly contribute to the economic security of American families by helping to identify noncustodial parents and making certain that they comply with their child support mandates; and

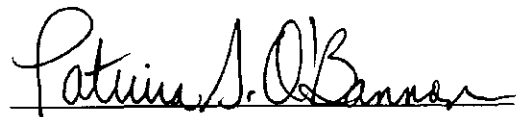
**WHEREAS**, payroll professionals are dedicated to educating the business community and the public at large about the payroll tax withholding systems; and

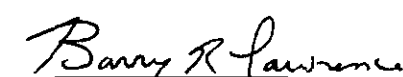
**WHEREAS**, payroll professionals meet regularly with federal and state tax officials to discuss improving compliance with government procedures and how compliance can be achieved at less cost to government and businesses; and

**WHEREAS**, the American Payroll Association has designated the week in which Labor Day falls as National Payroll Week.

**NOW, THEREFORE, BE IT PROCLAIMED** that the Board of Supervisors of Henrico County, Virginia hereby recognizes September 6 – 10, 2010 as Payroll Week and encourages Henrico citizens to support the efforts of local payroll professionals who work to ensure excellence in the administration of payrolls.



  
Patricia O'Bannon, Chairman  
Board of Supervisors

  
Barry R. Lawrence, Clerk  
August 10, 2010



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 197-10  
Page No. 1 of 2

Agenda Title: **ORDINANCE - To Amend and Reordain Sections 4-112 and 4-113 of the Code of the County of Henrico Titled "Application" and "Annual Permit," Respectively, Relating to Applications for a Music Festival Permit**

For Clerk's Use Only:

Date: **AUG 10 2010**

☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Kaechele Seconded by (1) Alvord  
(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"/>	_____	_____

AN ORDINANCE to amend and reordain Sections 4-112 and 4-113 of the Code of the County of Henrico titled "Application" and "Annual Permit," respectively, relating to applications for a music festival permit.

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

1. That Section 4-112 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 4-112. Application.**

Application for a special entertainment permit required by this division shall be in writing on forms provided for the purpose and filed in duplicate with the director of public safety at least 45 days before the date of such festival. Such application shall have attached thereto and made a part thereof the plans, statements, approvals and other documents required by this division. A non-refundable fee of \$200.00 shall accompany each application. **The director of public safety may, at his discretion and upon an applicant's showing of good cause, consider an application submitted less than 45 days before the date of the festival.**

By Agency Head

Joseph P. Rappiaro, Jr.

By County Manager

David S. Hargrett

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. 147-10  
Page No. 2 of 2

**Agenda Title: ORDINANCE - To Amend and Reordain Sections 4-112 and 4-113 of the Code of the County of Henrico Titled "Application" and "Annual Permit," Respectively, Relating to Applications for a Music Festival Permit**

---

2. That Section 4-113 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 4-113. Annual permit.**

(a) Eligibility. The director of public safety may issue an annual permit under this division for multiple festivals at a site which is the subject of an approved plan of development, has a structure previously used for outdoor concerts, and has previously satisfied the requirements of this article.

(b) Application; fee. Application for an annual permit shall be in writing on forms provided for the purpose and filed in duplicate with the director of public safety at least 45 days before the date of the first festival to be held under the permit. **The director of public safety may, at his discretion and upon an applicant's showing of good cause, consider an application submitted less than 45 days before the date of the festival.** Except as provided in this subsection, the application shall have attached thereto and made a part thereof the plans, statements, approvals and other documents required by this division. An application for an annual permit need not contain the information described in section 4-115(a)(1) and (2), provided such information is submitted to the chief of police at least 15 days prior to each festival or as soon thereafter as such information becomes available. If such information is not submitted, the annual permit shall be null and void as to that particular festival. A nonrefundable fee of \$2,000.00 shall accompany each application for an annual permit.

(c) Duration. Annual permits shall be issued for the period January 1 to December 31 of the same calendar year, except that, when the application is filed after January 1, the permit shall be effective from the date issued until December 31 of that same year.

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

Comments: The Director of Public Safety recommends approval of this Board paper.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 198-10  
Page No. 1 of 1

Agenda Title: ORDINANCE - To Amend and Reordain Section 2-87 of the Code of the County of Henrico Titled "Service charge on returned payments," to Add Another Reason for the Charge

For Clerk's Use Only:

Date: **AUG 10 2010**

☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

**APPROVED**

YES NO OTHER

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

AN ORDINANCE to amend Section 2-87 of the Code of the County of Henrico titled "Service charge on returned payments," to add another reason for the charge.

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

1. That Section 2-87 be amended and reordained as follows:

**Sec. 2-87. Service charge on returned payments.**

If A person who tenders any check, draft, order, credit card, debit card, electronic funds transfer or other means of payment ~~tendered~~ for the payment of taxes or any other sums due the county which is subsequently returned unpaid ~~for~~ because of insufficient funds, ~~or~~ because there is no account, or because the account has been closed, ~~the person by whom such check, draft, credit card, debit card, electronic funds transfer or other means of payment was tendered~~ shall be subject to a service charge of \$35.00 for the processing of the returned check, draft, order, credit card, debit card, electronic funds transfer or other means of payment. A drawer shall be charged a fee of \$35.00 for return of a check, draft or order on which the drawer placed a stop-payment order in bad faith.

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

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

By Agency Head [Signature]

By County Manager [Signature]

Routing:

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

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

Certified:

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

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



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 199-10  
Page No. 1 of 1

Agenda Title: **ORDINANCE - To Add Section 20-605 to the Code of the County of Henrico Titled "Prerequisite to issuance or renewal of license," Relating to the Issuance or Renewal of a Business License for Contractors**

For Clerk's Use Only:

Date: **AUG 10 2010**

☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARK: **APPROVED**

YES NO OTHER

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

AN ORDINANCE to add Section 20-605 to the Code of the County of Henrico titled "Prerequisite to issuance or renewal of license," relating to the Issuance or renewal of a business license for contractors.

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

1. That Section 20-605 be added to the Code of the County of Henrico as follows:

**Sec. 20-605. Prerequisite to issuance or renewal of license.**

**(a) Any person applying for or renewing a license under this division shall furnish prior to the issuance or renewal of the license either (i) satisfactory proof that he is duly licensed or certified under the terms of Code of Virginia, tit. 54.2, ch. 11 or (ii) a written statement, supported by an affidavit that he is not subject to licensure or certification as a contractor or subcontractor pursuant to Code of Virginia, tit. 54.1, ch. 11.**

**(b) No license shall be issued or renewed under this division unless the contractor has furnished his license or certificate number issued pursuant to Code of Virginia, tit. 54.1, ch. 11 or evidence of being exempt from the provisions of Code of Virginia, tit. 54.1, ch. 11.**

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

Comments: The Director of Finance 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: \_\_\_\_\_



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 200-10  
Page No. 1 of 4

Agenda Title: **ORDINANCE - To Amend and Reordain Section 20-411 of the Code of the County of Henrico Titled "Enumerated; amount of license tax" and to Add Section 20-414 Titled "Exclusion from gross receipts - Security brokers and dealers," Relating to Business License Taxation of Security Brokers and Dealers**

For Clerk's Use Only:

Date: **AUG 10 2010**

☒ 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.	<input checked="" type="checkbox"/>	_____	_____
Glover, R.	<input checked="" type="checkbox"/>	_____	_____
Kaëchele, D.	<input checked="" type="checkbox"/>	_____	_____
O'Bannon, P.	<input checked="" type="checkbox"/>	_____	_____
Thornton, F.	<input checked="" type="checkbox"/>	_____	_____

AN ORDINANCE to amend and reordain Section 20-411 of the Code of the County of Henrico titled "Enumerated; amount of license tax" and to add Section 20-414 to the Code of the County of Henrico titled "Exclusion from gross receipts - Security brokers and dealers," relating to business license taxation of security brokers and dealers.

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

1. That Section 20-411 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-411. Enumerated; amount of license tax.

(a) Every person engaged in one or more of the following businesses and having a definite place of business in the county, provided that the gross receipts of the business exceed \$100,000.00, shall pay a license tax equal to the greater of: (i) \$30.00 or (ii) 0.20 percent of the difference between the gross receipts of the business and \$100,000.00.

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

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

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. 200-10  
Page No. 2 of 4

**Agenda Title: ORDINANCE - To Amend and Reordain Section 20-411 of the Code of the County of Henrico Titled "Enumerated; amount of license tax" and to Add Section 20-414 Titled "Exclusion from gross receipts – Security brokers and dealers," Relating to Business License Taxation of Security Brokers and Dealers**

---

(b) If the gross receipts of the business are \$100,000.00 or less, an application shall be required to be filed, but no tax shall be due or paid.

Accountant (other than certified public accountant).

Administration and management of health care plans.

Adult educational services, except those provided by religious or nonprofit organizations.

Appraiser or evaluator of personal property or damages to personal property.

Appraiser or evaluator of real estate for others for compensation.

Arboriculturist or pruner of trees and shrubs.

Assayer.

Auctioneer.

Auditing company or firm.

Blueprinter.

Bookkeeper, public.

Botanist.

Business management.

Claims adjustor.

Collection agent or agency.

Commercial artist.

Common crier.

Computer consultant or programmer.

Conductor of seminars.

Consulting or consultant service.

Custom house broker or freight forwarder.

Draftsman.

Ecologist.

COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 200-10  
Page No. 3 of 4

Agenda Title: **ORDINANCE - To Amend and Reordain Section 20-411 of the Code of the County of Henrico Titled "Enumerated; amount of license tax" and to Add Section 20-414 Titled "Exclusion from gross receipts – Security brokers and dealers," Relating to Business License Taxation of Security Brokers and Dealers**

---

Erection or improvement of buildings, furnisher of plans or specifications for or persons employed in consulting capacity in connection with architect.

Interpreter.

Investment broker, consultant or advisor.

Lumber measurer.

Manufacturer's agent.

Marriage or business counselor.

Merchandise broker.

Paralegal or legal assistant.

Photostater.

Public relations counselor and furnisher of publicity.

Recorder of proceedings in any court, commission or organization.

Recorder of securities transactions.

Sales agent or agency.

**Security broker, dealer.**

Sign painter or service.

Social counselor.

Speech therapist.

Tax return preparer or tax consultant.

Taxidermist.

Technician, including dental or medical.

Telecommunications services, including, but not limited to, telephone and cellular mobile radio communication services, provided by persons not subject to tax under section 20-814 of this article.

Title abstract or guaranty.

COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 200-10  
Page No. 4 of 4

Agenda Title: **ORDINANCE - To Amend and Reordain Section 20-411 of the Code of the County of Henrico Titled "Enumerated; amount of license tax" and to Add Section 20-414 Titled "Exclusion from gross receipts – Security brokers and dealers," Relating to Business License Taxation of Security Brokers and Dealers**

---

2. That Section 20-414 be added to the Code of the County of Henrico as follows:

**Sec. 20-414. Exclusion from gross receipts – Security brokers and dealers.**

**(a) For purpose of computing the tax under this division, the gross receipts of a security broker or security dealer shall not include amounts received by the broker or dealer that arise from the sale or purchase of a security to the extent that such amounts are paid to an independent registered representative as a commission on any sale or purchase of a security. The broker or dealer claiming the exclusion shall identify on its business license application each independent registered representative to whom the excluded receipts have been paid and, if applicable, the localities in the Commonwealth to which the independent registered representative is subject to business license taxes.**

**(b) For the purpose of this division:**

**(1) "Security broker" means a "broker" as that term is defined under the Securities Exchange Act of 1934 (15 U.S.C. § 78a et seq.), or any successor law to the Securities Exchange Act of 1934, who is registered with the United States Securities and Exchange Commission.**

**(2) "Security dealer" means a "dealer" as that term is defined under the Securities Exchange Act of 1934 (15 U.S.C. § 78a et seq.), or any successor law to the Securities Exchange Act of 1934, who is registered with the United States Securities and Exchange Commission.**

**(3) "Independent registered representative" means an independent contractor registered with the United States Securities and Exchange Commission.**

3. That this ordinance shall be in full force and effect on and after its passage as provided by law.

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



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 201-10  
Page No. 1 of 2

Agenda Title: **ORDINANCE – To Amend and Reordain Sections 20-312, 20-313, and 20-691 of the Code of the County of Henrico Titled, Respectively, "Levy; amount," "Taxation of rental property other than daily rental property," and "License and payment of tax required; 'retail merchant' defined," All Relating to Short-Term Rental Property Tax**

For Clerk's Use Only:

Date: **AUG 10 2010**

- ☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Glover Seconded by (1) Kaechele  
(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"/>

AN ORDINANCE to amend and reordain Sections 20-312, 20-313, and 20-691 of the Code of the County of Henrico titled respectively, "Levy; amount," "Taxation of rental property other than daily rental property," and "License and payment of tax required; 'retail merchant' defined," all relating to short-term rental property tax.

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

1. That Section 20-312 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-312. Levy; amount.

Pursuant to Code of Virginia, § 58.1-3510.6A, as amended, for each tax year, there is hereby levied and imposed a tax of one percent on the gross proceeds arising from rentals of every person engaged in the short-term rental business. Such tax shall be in addition to the tax levied pursuant to Code of Virginia, § 58.1-605, as amended. "Gross proceeds" means the total amount charged to each person for the rental of short-term rental property, excluding any state and local sales tax paid under the provisions of Code of Virginia, Title 58.1, Chapter 6. ~~The imposition and collection of a short-term rental property tax under this article with respect to rental property shall be in lieu of taxation of such rental property as tangible business personal property in the same tax year.~~

By Agency Head

By County Manager

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. 201-10  
Page No. 2 of 2

**Agenda Title: ORDINANCE – To Amend and Reordain Sections 20-312, 20-313, and 20-691 of the Code of the County of Henrico Titled, Respectively, “Levy; amount,” “Taxation of rental property other than daily rental property,” and “License and payment of tax required; ‘retail merchant’ defined,” All Relating to Short-Term Rental Property Tax**

---

2. That Section 20-313 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-313. Taxation of rental property other than daily **short-term** rental property.

Except for daily rental vehicles **pursuant to Code of Virginia, § 58.1-3510 and short-term rental property**, rental property shall be classified, assessed and taxed as tangible personal property, ~~if such property (i) is owned and rented by a person not engaged in the short term rental business, as defined in § 20-311; or (ii) has acquired situs in the Commonwealth and is owned and rented by a person who does not collect and remit to a locality within the Commonwealth a short term rental property tax with respect to the rental of such property.~~

3. That Section 20-691 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-691. License and payment of tax required; "retail merchant" defined.

Every person engaged in the business of a retail merchant shall obtain a license for the privilege of doing business in the county and shall pay a license tax therefor. The term "retail merchant," as used in this division, shall include every merchant who sells to others at retail only and not for resale. **The term “retail merchant,” as used in this division, shall also include any person engaged in the short-term rental business as defined in § 20-311.**

4. That this ordinance shall be in full force and effect on and after its passage as provided by law.

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



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 202-10  
Page No. 1 of 1

Agenda Title: See Below

For Clerk's Use Only: Date: <b>AUG 10 2010</b> <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>Celmer</u> Seconded by (1) <u>Donati</u> (2) _____ (2) _____ REMARKS: <b>APPROVED</b>		YES NO OTHER Donati, J. <input checked="" type="checkbox"/> _____ Glover, R. <input checked="" type="checkbox"/> _____ Kaechele, D. <input checked="" type="checkbox"/> _____ O'Bannon, P. <input checked="" type="checkbox"/> _____ Thornton, F. <input checked="" type="checkbox"/> _____
---	--	--	--

**Agenda Title:** ORDINANCE - To Amend and Reordain Sections 2-51, 5-1, 5-2, 5-3, 5-4, 5-31, 5-32, 5-36, 5-53, 5-59, 5-61, 5-81, 5-102, 5-133, 5-136, 5-140, 5-141, 5-173, 5-174, 5-175, and 5-179 of the Code of the County of Henrico Titled, Respectively, "Bonds," "Definitions," "Appointment of animal protection supervisor; powers and duties generally," "Animal protection officers," "Disposal of dead animals," "Dogs killing or injuring livestock or poultry," "Compensation for livestock and poultry killed by dogs; false claims," "Control of dangerous or vicious dogs," "Failure to pay tax," "Display of receipt; wearing of collar and tag," "Display of kennel tags; allowing dogs out of kennel," "[Rabies vaccination] Required; certificate," "Sterilization required," "Impoundment generally; holding period," "Redemption of animals," "Voluntary delivery of animal by owner; surrender of owner's rights in animal," "Seizure and impoundment of stolen or unlawfully held dogs or cats," "Confinement or destruction of dogs and cats suspected of having rabies," "Confinement or destruction of biting animals," "Confinement or destruction of dogs or cats bitten by rabid animals," and "Enforcement measures on noncompliance by owner of dog or cat," All to Change the Name of "Animal Protection Officer" to "Animal Protection Police Officer"

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: \_\_\_\_\_

AN ORDINANCE - To Amend and Reordain Sections 2-51, 5-1, 5-2, 5-3, 5-4, 5-31, 5-32, 5-36, 5-53, 5-59, 5-61, 5-81, 5-102, 5-133, 5-136, 5-140, 5-141, 5-173, 5-174, 5-175, and 5-179 of the Code of the County of Henrico Titled, Respectively, "Bonds," "Definitions," "Appointment of animal protection supervisor; powers and duties generally," "Animal protection officers," "Disposal of dead animals," "Dogs killing or injuring livestock or poultry," "Compensation for livestock and poultry killed by dogs; false claims," "Control of dangerous or vicious dogs," "Failure to pay tax," "Display of receipt; wearing of collar and tag," "Display of kennel tags; allowing dogs out of kennel," "[Rabies vaccination] Required; certificate," "Sterilization required," "Impoundment generally; holding period," "Redemption of animals," "Voluntary delivery of animal by owner; surrender of owner's rights in animal," "Seizure and impoundment of stolen or unlawfully held dogs or cats," "Confinement or destruction of dogs and cats suspected of having rabies," "Confinement or destruction of biting animals," "Confinement or destruction of dogs or cats bitten by rabid animals," and "Enforcement measures on noncompliance by owner of dog or cat," All to Change the Name of "Animal Protection Officer" to "Animal Protection Police Officer."

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

1. That Section 2-51 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 2-51. Bonds.**

(c) *Other persons.* Persons holding the following positions shall give bond with corporate surety in the amount of \$100,000.00, payable to the county, conditioned on the faithful discharge of their duties and the proper account for all funds coming into their possession:

- (1) The county manager and all deputy county managers;
- (2) The director of general services;
- (3) All employees of the department of social services duly authorized to certify payments to be made or authorized to draw warrants;
- (4) The chief of police and all police officers, animal protection **police** officers, police aides, crossing guards, property technicians and identification technicians;
- (5) The chief of fire, fire marshal and all deputy fire marshals;

- (6) The supervisor of licenses and all deputies of that position; and
- (7) The registrar.

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

**Sec. 5-1. Definitions.**

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

*Vicious dog* means a canine or canine crossbreed which has (i) killed a person; (ii) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (iii) continued to exhibit the behavior which resulted in a previous finding by a court or, on or before July 1, 2006, by an animal protection police officer that it is a dangerous dog, provided that its owner has been given notice of that finding.

3. That Section 5-2 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 5-2. Appointment of animal protection police officer supervisor; powers and duties generally.**

An animal protection police officer supervisor shall be appointed by the county manager. The animal protection police officer supervisor shall have all the powers and duties of an animal warden provided for in Code of Virginia, title 3.2, ch. 65 (Code of Virginia § 3.2-6500 et seq.) in the enforcement of the provisions of this chapter and the animal laws of the county and state and such other duties as may be prescribed by this Code, the Code of Virginia, or other ordinances or laws of the county or State.

4. That Section 5-3 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 5-3. Animal protection police officers.**

The county manager shall appoint as many animal protection police officers as may be necessary in the enforcement of this chapter. Animal protection police officers shall have all the powers and duties of the animal protection police officer supervisor.

5. That Section 5-4 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 5-4. Disposal of dead animals.**

The owner of any companion animal which has died from disease or other cause shall forthwith cremate, bury or sanitarily dispose of the animal. If, after notice, any owner fails to do so, the animal protection police officer supervisor or other officer shall bury or cremate the companion animal, and he may recover on behalf of the county from the owner his cost for this service. It shall be unlawful for any owner to fail to dispose of the body of his companion animal in violation of this section. Violation of this section shall be punishable as a class 4 misdemeanor.

6. That Section 5-31 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 5-31. Dogs killing or injuring livestock or poultry.**

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

time and place named therein, at which time evidence shall be heard. If it shall appear that such a dog is a livestock killer or has committed any of the depredations mentioned in this section, the district court shall order that the dog be killed immediately by the animal protection **police officer** supervisor or other officer designated by the court, or removed to another state which does not border on this state and prohibited from returning to this state.

7. That Section 5-32 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 5-32. Compensation for livestock and poultry killed by dogs; false claims.**

(a) Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry, not to exceed \$400.00 per animal or \$10.00 per fowl; provided that the claimant has furnished evidence within 60 days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that the death or injury was caused by dogs and the animal protection **police officer** supervisor has conducted an investigation and his investigation supports the claim.

8. That Section 5-36 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 5-36. Control of dangerous or vicious dogs.**

(a) Any law enforcement officer or animal protection **police** officer who has reason to believe that a canine or canine crossbreed is a dangerous or vicious dog, shall apply to a county magistrate for the issuance of a summons requiring the owner or custodian, if known, to appear before the general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law enforcement officer successfully makes an application for the issuance of a summons, he shall contact an animal protection **police** officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous or vicious. The animal protection **police** officer shall confine the animal until a verdict is rendered on the summons. If the animal protection **police** officer determines that the owner or custodian can confine the animal in a manner that protects public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this section. If, after hearing the evidence, the court finds that the animal is a vicious

dog, the court shall order the animal euthanized in accordance with section 5-142. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Article 4 of Chapter 15 of Title 19.2 of the Code of Virginia. The Commonwealth shall be required to prove its case beyond a reasonable doubt.

(d) Within ten days of a finding that an animal is a dangerous dog, the owner of the animal shall obtain a dangerous dog registration certificate from the animal protection unit of the division of police or the director of finance for a fee of \$50. This fee is in addition to other fees required by this chapter. The animal protection police officer or the director of finance shall provide the owner with a tag which identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this subsection shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained. The animal protection police officer shall provide a copy of the dangerous dog registration certificate and verification of compliance to the State Veterinarian.

9. That Section 5-53 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 5-53. Failure to pay tax.**

(a) Any person convicted of failure to pay the dog license tax prior to February 1 of any year, or as otherwise provided in this division, on any dog owned by him shall be guilty of a class 4 misdemeanor. Such person shall be required to obtain the proper license forthwith. Unless the fine and license tax are paid immediately, the court shall order the proper disposition of such dog by the animal protection police officer supervisor or some other officer, but the disposition of such dog shall not relieve its owner of the payment of the fine and the license tax already due.

10. That Section 5-59 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 5-59. Display of receipt; wearing of collar and tag.**

(a) Dog license receipts shall be carefully preserved by the licensees and exhibited promptly on request for inspection by any animal protection police officer or other law enforcement officer. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog. It shall be unlawful for any person to permit any licensed dog, four months of age or over, to be off the premises of the owner at any time without wearing the license tag; except that the owner of the dog may remove the collar and license tag required by this section when the dog:

- (1) Is engaged in lawful hunting;
- (2) Is competing in a dog show;
- (3) Has a skin condition which would be exacerbated by the wearing of a collar;
- (4) Is confined; or
- (5) Is under the immediate control of the owner.

11. That Section 5-61 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 5-61. Display of kennel tags; allowing dogs out of kennel.**

(a) The owner of a kennel in the county shall securely fasten the license tag to the kennel enclosure in full view and keep one of the identification plates provided therewith attached to the collar of each dog authorized to be kept enclosed in the kennel. Any identification plates not so in use must be kept by the owner or custodian and promptly shown to the animal protection police officer supervisor or other officer upon request. A kennel dog shall not be permitted to stray beyond the limits of the enclosure, but this shall not prohibit removing dogs therefrom temporarily while under the control of the owner or custodian for the purpose of exercising, hunting, breeding, trial or show. The animal protection police officer supervisor may, in his discretion, issue a permit allowing kennel dogs to run at large during such months as he may deem proper; provided that such permit shall not authorize such dogs to run at large contrary to any other provisions of this Code or other ordinance of the county. Every permit shall state the months that such dogs may run at large and the rules and regulations that



must be complied with, and the animal protection **police officer** supervisor may revoke any such permit at any time. Forms of application blanks and permits shall be supplied by the animal protection **police officer** supervisor. A kennel shall not be operated in such a manner as to defraud the county of the license tax applying to dogs which cannot be legally covered thereunder or to in any manner violate other provisions of this chapter.

12. That Section 5-81 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 5-81. Required; certificate.**

(d) The certificate issued pursuant to subsection (b) of this section shall be preserved by the owner of the dog or cat and exhibited promptly on request for inspection by any animal protection **police** officer or other law enforcement officer.

13. That Section 5-102 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 5-102. Sterilization required.**

(e) *Order to comply.* Upon the petition of the animal protection **police officer** supervisor, an investigator or the state veterinarian or his designee to the district court where a violation of this division occurs, the court may order the new owner to take any steps necessary to comply with the requirements of this division. This remedy shall be exclusive of and in addition to any civil penalty which may be imposed under this division.

14. That Section 5-133 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 5-133. Impoundment generally; holding period.**

(a) The animal protection police officer supervisor or other officer who finds a dog without the tags required by this chapter, or a dog running at large in violation of section 5-34(7), or any other animal in violation of the provisions of this chapter shall impound such animal in the pound.

15. That Section 5-136 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 5-136. Redemption of animals.**

Either a custodian of an animal or an individual who has found an animal may qualify as owner and may claim the animal by expressing his desire in writing to claim the animal at the expiration of the period set out in section 5-133(a) after payment of required fees. The rightful owner may redeem any animal confined pursuant to this article by producing an authorized current valid vaccination certificate, if required by this chapter, and a current dog license receipt or tag, if required by this chapter, and by paying to the animal protection police officer supervisor the board and redemption fees set out in section 5-143. Payment of the charges provided for in this section shall not relieve any person from prosecution for a violation of this chapter.

16. That Section 5-140 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 5-140. Voluntary delivery of animal by owner; surrender of owner's rights in animal.**

Nothing in this article shall prohibit the immediate euthanasia or disposal by the methods listed in subdivisions (1) through (5) of section 5-137 of an animal that has been released to the pound or animal protection police officer supervisor by the animal's rightful owner after the rightful owner has read and signed a statement (i) surrendering all property rights in such animal, (ii) certifying that no other person has a right of property in the animal, and (iii) acknowledging that the animal may be immediately euthanized or disposed of in accordance with subdivisions (1) through (5) of section 5-137.

17. That Section 5-141 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 5-141. Seizure and impoundment of stolen or unlawfully held dogs or cats.**

The animal protection police officer supervisor or other officer finding a stolen dog or cat or a dog or cat held or detained contrary to the law shall have the authority to seize and hold such animal pending court action. If no such action is instituted within seven days, the animal protection police officer supervisor or other officer shall deliver the animal to its owner. The presence of a dog or a cat on the premises of a person other than its legal owner shall raise no presumption of theft against the owner of the property, and the animal protection police officer supervisor may take such animal in charge and notify its legal owner to remove it. The legal owner shall pay to the animal protection police officer supervisor a fee in the amount of \$5.00 for each day that such animal has been confined.

18. That Section 5-173 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 5-173. Confinement or destruction of dogs and cats suspected of having rabies.**

(a) Dogs or cats found within the county reasonably suspected of having rabies or exhibiting the common symptoms of such disease shall be taken into custody immediately by the animal protection police officer or any police officer and confined in the county pound or at a private veterinarian's establishment approved by the county health director in solitary confinement and kept under competent observation for such time as may be necessary to determine whether they are afflicted with rabies.

(c) The animal protection police officer may cause to be destroyed humanely any dog or cat which, in the opinion of a veterinarian, has rabies, or any dog or cat which is in need of confinement pursuant to subsection (a) of this section but for which such confinement is impossible or impracticable because there apparently is no owner or for other reasons. In such event the animal protection police officer shall arrange to have the head of such dog or cat examined for the purpose of confirming rabies. If the opinion of a veterinarian as to whether an animal has rabies is not reasonably obtainable, the animal protection police officer may act on his own opinion.

19. That Section 5-174 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 5-174. Confinement or destruction of biting animals.**

(a) Upon information to the county division of police or any animal protection police officer that a dog or cat has bitten a person, it shall be the duty of the animal protection police officer, upon ascertaining the identity of such dog or cat, to direct it to be confined for a period of ten days from the date the bite occurred, such confinement to be either with a veterinarian approved by the county health director or in a kennel or enclosure approved by the animal protection police officer as the person who owns or controls such dog or cat shall select, provided that the person who owns or controls such dog or cat shall bear the cost of such confinement. It shall further be the duty of the animal protection police officer to assume the responsibility of supervising such confinement and ordering the dog or cat to be released if it is safe to do so at the end of the confinement period required by this subsection.

(b) A wild, nondomestic or feral domestic animal biting or otherwise injuring a human being, and suspected of being rabid by the county health director or animal protection police officer, shall be humanely destroyed and its head sent to the state laboratory for evaluation.

20. That Section 5-175 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 5-175. Confinement or destruction of dogs or cats bitten by rabid animals.**

Any dog or cat bitten by an animal believed to be afflicted with rabies shall be destroyed immediately and humanely or confined under strict quarantine, at the expense of the owner, in a kennel or enclosure approved by the animal protection police officer for a period not to exceed six months. If the owner of the bitten animal has proof of a valid rabies vaccination, the animal shall be revaccinated immediately by a licensed veterinarian at the expense of the owner and the period of confinement shall be 90 days. If the owner of the bitten animal does not have proof of a valid rabies vaccination, the animal shall be destroyed humanely immediately, or confined for six months. In the event of a six-month confinement, the dog or cat shall receive a rabies vaccination at the expense of the owner four weeks prior to release.

21. That Section 5-179 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 5-179. Enforcement measures on noncompliance by owner of dog or cat.**

*If any person who owns or controls a dog or cat fails or refuses to comply with any of the provisions of this article or with any instructions given by an animal protection **police** officer, a veterinarian, a health department representative or other appropriate official pursuant to this article, the animal protection **police** officer may take such dog or cat immediately into custody and confine it in the county pound. The person owning or controlling such dog or cat shall then be summoned immediately by the animal protection **police** officer to appear in the general district court, where the matter shall be heard as all other matters are heard on criminal warrants. Upon finding that such person either owns or controls a dog or cat and has failed or refused to comply with any provision of this article or with instructions properly given pursuant to this article, the judge, in addition to any sentence which he may impose for conviction of a class 4 misdemeanor, shall order any confinement or destruction of the animal appropriate under the circumstances and pursuant to this article, and shall order the convicted person to pay for any required vaccination, license and confinement-related expenses.*

22. That this ordinance shall be in effect on and after its passage as provided by law.

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. 203-10

Page No.

1 of 2

Agenda Title RESOLUTION — Condemnation — Right-of-Way and Easements — North Gayton Road Extension Project — Trustees of Christ Church Episcopal Church — Three Chopt District

For Clerk's Use Only:

AUG 10 2010

Date

- ☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to

BOARD OF SUPERVISORS ACTION

Moved by (1) Kaechele Seconded by (1) Olmer  
(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 130,930 sq. ft., permanent slope and drainage easements containing 39,196 sq. ft., temporary construction easements containing 9,001 sq. ft., a permanent easement for Virginia Electric and Power Company, a Virginia public service corporation, doing business as Dominion Virginia Power, containing 386.64 sq. ft., and permanent easements containing 11,161.26 sq. ft. for Verizon Virginia Inc., a Virginia corporation, (collectively, the "Right-of-Way and Easements") across the property owned by the Trustees of Christ Church Episcopal Church (the "Owner"), and identified as Tax Map Parcels 737-769-4467 and 738-769-3891 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 (the "Code") 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, under, upon, across and through the property of the Owner, shown as "TRUSTEES OF CHRIST CHURCH EPISCOPAL CHURCH" on Sheet Nos. 1 and 2 of a plat made by NXL, dated and sealed on December 21, 2009 by David L. Jones, Land Surveyor, reduced size copies of which are attached and marked Exhibit "A", a plat made by Virginia Electric and Power Company, dated November 20, 2009, copy of which is attached and marked Exhibit "B", and two plats made by Verizon Virginia, Inc., copies of which are

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. **203-10**  
Page No. **2 of 2**

**Agenda Title      RESOLUTION — Condemnation — Right-of-Way and Easements — North Gayton  
Road Extension Project — Trustees of Christ Church Episcopal Church — Three  
Chopt District**

---

attached and marked "C" and "C-1", and shown as Parcels "028" and "029" on Sheet Nos. 11, 12, 13, 14, and 14B, and further described on Sheet No. 1C(1) of the plans for North Gayton Road, Project 2122.50701.28004.01152, reduced size copies of which are attached and marked Exhibit "D", "D-1", "D-2", "D-3", "D-4", and "D-5", respectively;

- (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 a notice dated August 11, 2010, 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 of the 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:

**TRUSTEES OF CHRIST CHURCH EPISCOPAL CHURCH  
TAX MAP PARCELS 737-769-4467 AND 738-769-3891, -  
\$405,380;**

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.

FILE NAME	SCALE	DATE	JOB NO.	SHEET NO.
028	1"=40'	Dec. 21, 2009	0710007L	1 of 2

ENGINEER: SURVEYOR  
 114 east cary street, suite 200  
 richmond, virginia 23219  
 (804) 644-4600

ACQUISITION PLAT SHOWING RIGHT-OF-WAY,  
 TEMPORARY CONSTRUCTION EASEMENTS, AND  
 PERMANENT SLOPE AND DRAINAGE EASEMENTS  
 ON THE PROPERTY OF  
 TRUSTEES OF CHRIST CHURCH  
 EPISCOPAL CHURCH  
 THREE CHOPT MAGISTERIAL DISTRICT  
 HENRICO COUNTY, VIRGINIA

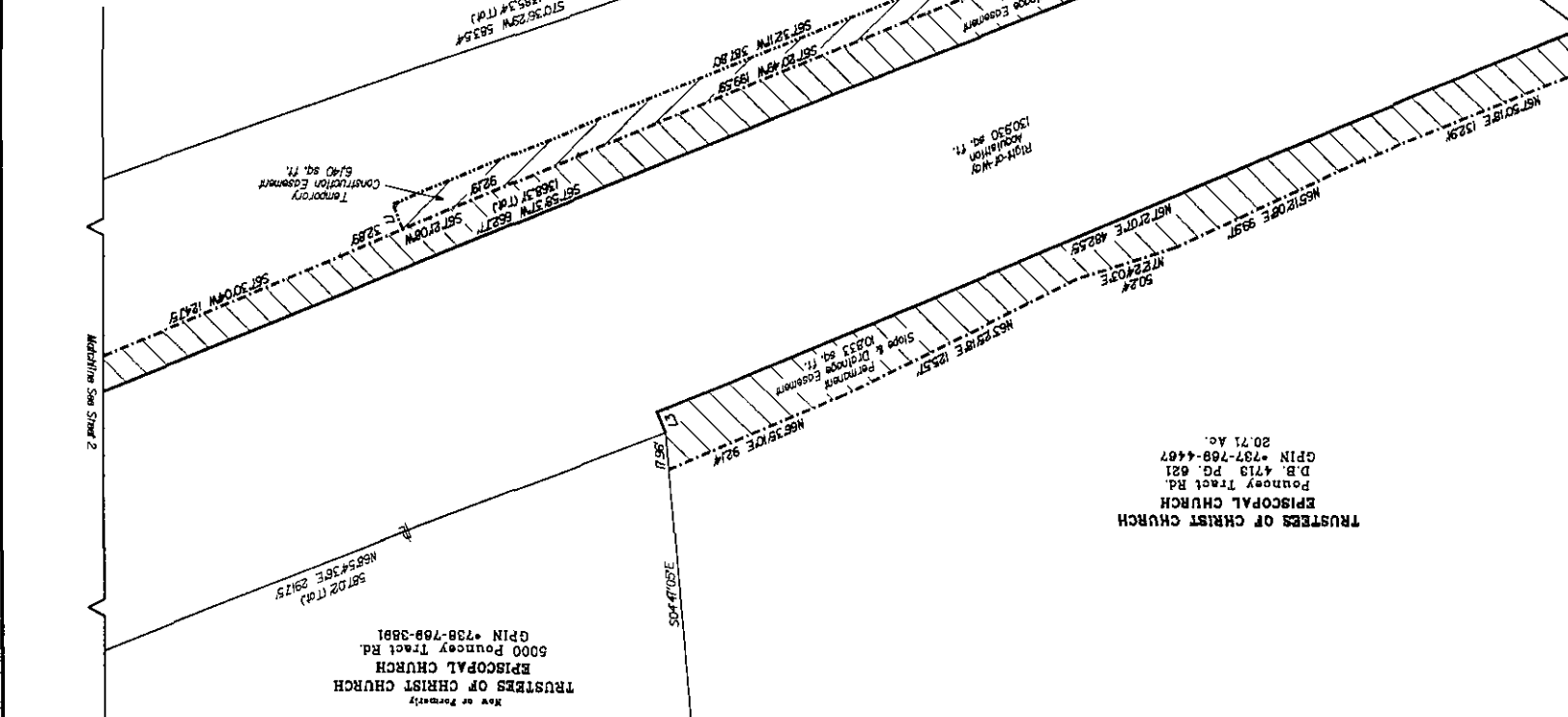
SCALE  
0 20' 40' 80'



RALEIGH R. COOK  
 & CAROLYN A. COOK  
 4900 Pouncey Tract Rd.  
 OPIN #738-768-4425  
 Now or Formerly

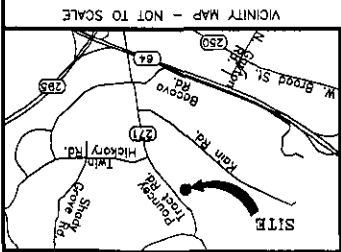
- Notes:
- This plat has been prepared for the purpose of defining the right-of-way and easements noted, and is not to be considered a boundary survey. No structures or utilities have been located by this survey.
  - Proposed right-of-way, permanent easements, and temporary construction easements are based on files provided by ACCOM 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.

Now or Formerly  
 LOUIS A. MINOR  
 4764 Pouncey Tract Rd.  
 OPIN #737-768-4316



TRUSTEES OF CHRIST CHURCH  
 Pouncey Tract Rd.  
 D.B. #719 PG. 621  
 OPIN #737-768-4467  
 20.71 AC.

Now or Formerly  
 TRUSTEES OF CHRIST CHURCH  
 EPISCOPAL CHURCH  
 5000 Pouncey Tract Rd.  
 OPIN #738-768-3881



Meridian Source:  
 Virginia State Plane  
 South Zone Grid North

EXHIBIT "A"

GPIN	LAND OWNER	D.B./PG.	Right-of-Way Acquisition	Permanent Slope & Drainage Easements	Temporary Construction Easements
737-768-4467	TRUSTEES OF CHRIST CHURCH EPISCOPAL CHURCH	457B/2246	130,930 sq. ft.	39,996 sq. ft.	9,001 sq. ft.

Curve Table	Delta	Radius	Length	Tangent	Chord	Chord Bearing
C1	03°07'35"	2256.80'	131.68'	5875.02'E		
C2	88°29'48"	25.00'	38.81'	24.35'	34.89'	S66°50'55"E

Line Table	Line	Bearing	Distance
	L1	S82°02'37"E	12.82'
	L2	N67°28'47"E	15.00'
	L3	N42°02'37"W	11.02'
	L4	S45°39'10"W	11.89'
	L5	S08°22'16"E	10.36'
	L6	N08°22'16"W	13.57'
	L7	N75°32'38"W	30.07'
	L8	S67°06'58"W	3.96'



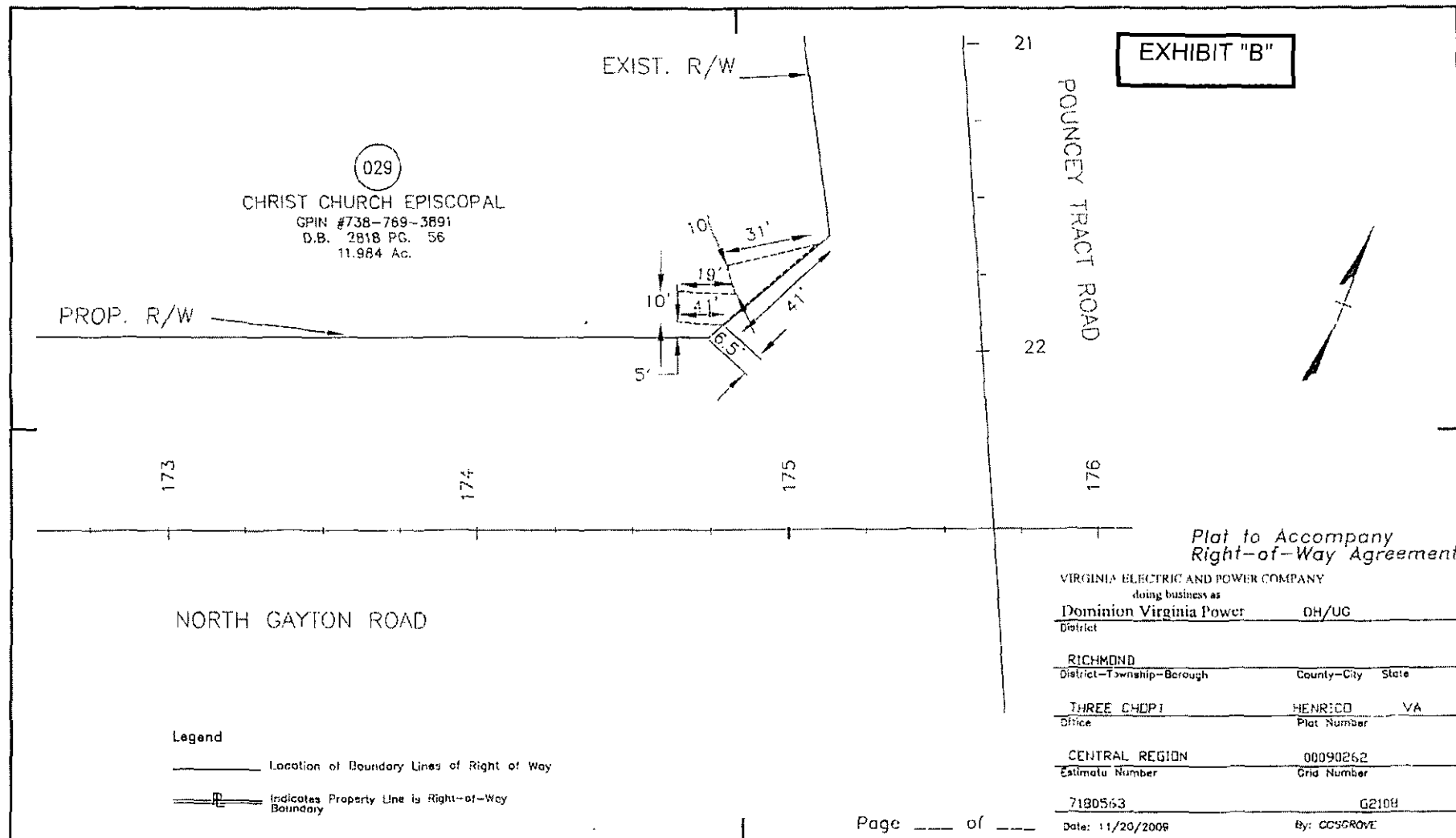
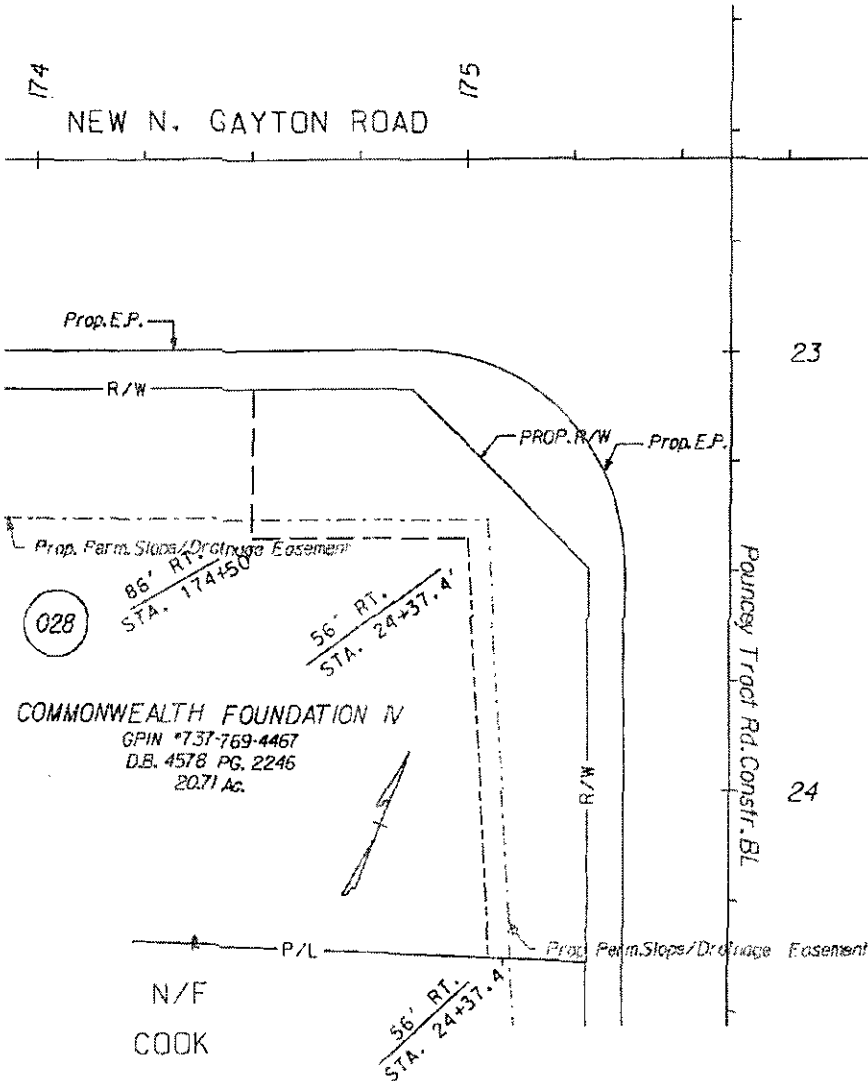


EXHIBIT "C"

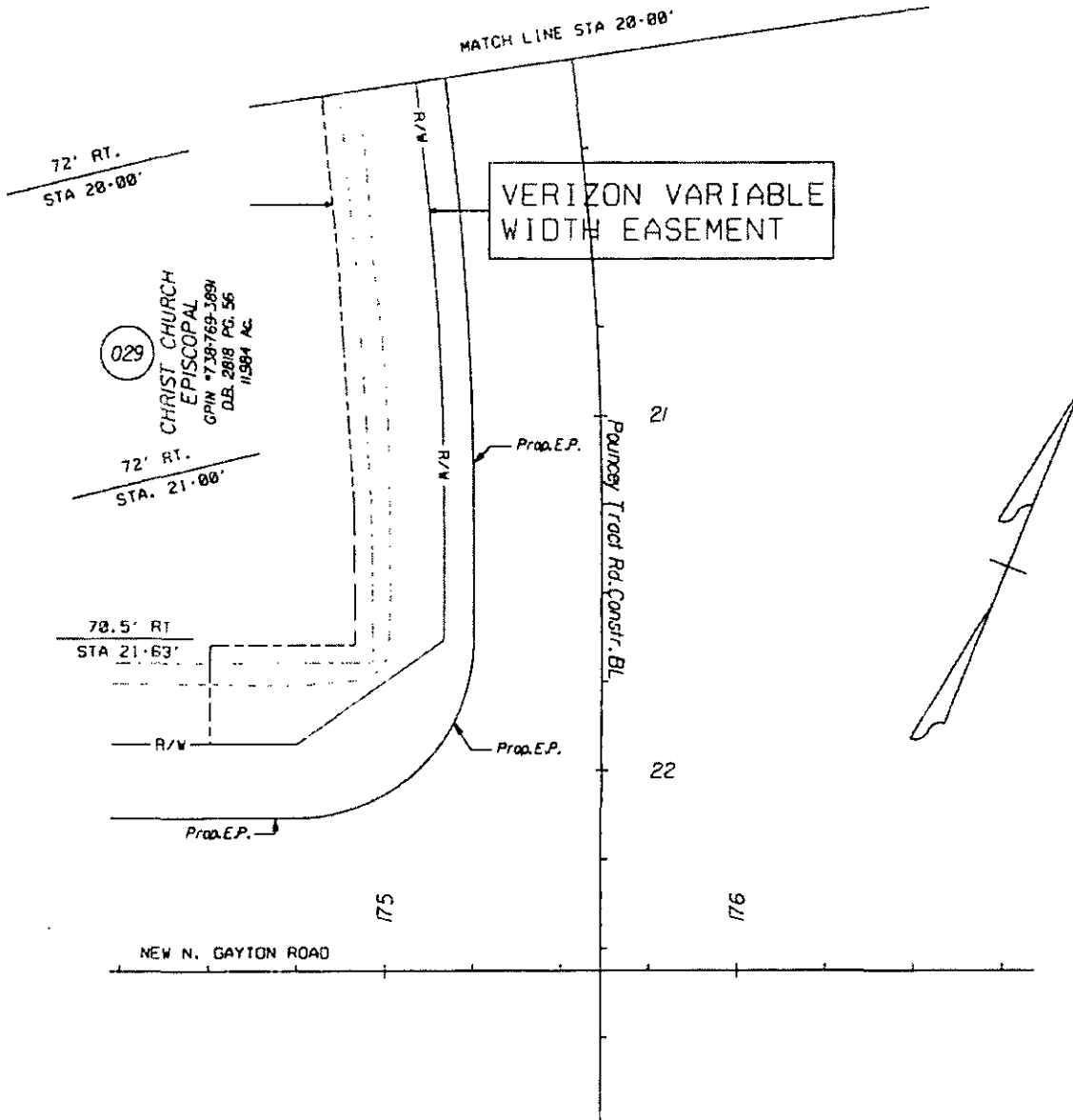


SITE PLAN REFERENCE:

NORTH GAYTON ROAD & POUNCEY TRACT ROAD

VERIZON VIRGINIA INC.		GRANTOR/OWNER. COMMONWEALTH FOUNDATION IV		COUNTY: HENRICO MAGISTERIAL DIST.: THREE CHOPT				
---R---DENOTES R AND/OR R/W ----LIMITS OF RIGHT-OF-WAY		ADDRESS:		TAX MAP NO.: 737-769-4467				
E.A.: KEN GILBERT		CONTACT TEL. NO.:		PROPERTY ID *.: DEED BOOK: 4578 PAGE: 2246				
PHONE NO.: 772-5963		GRANTOR:		GRSM	SH 1700	E-W 4	N-S K	PG 4 OF 4
CENTRAL OFFICE: GAYTON VZ ROW NUMBER: 267330 COVER SHEET NUMBER:		GRANTOR:		PLAT BOOK: ROUTE: WORK ORDER *: 4A18546				

# EXHIBIT "C-1"



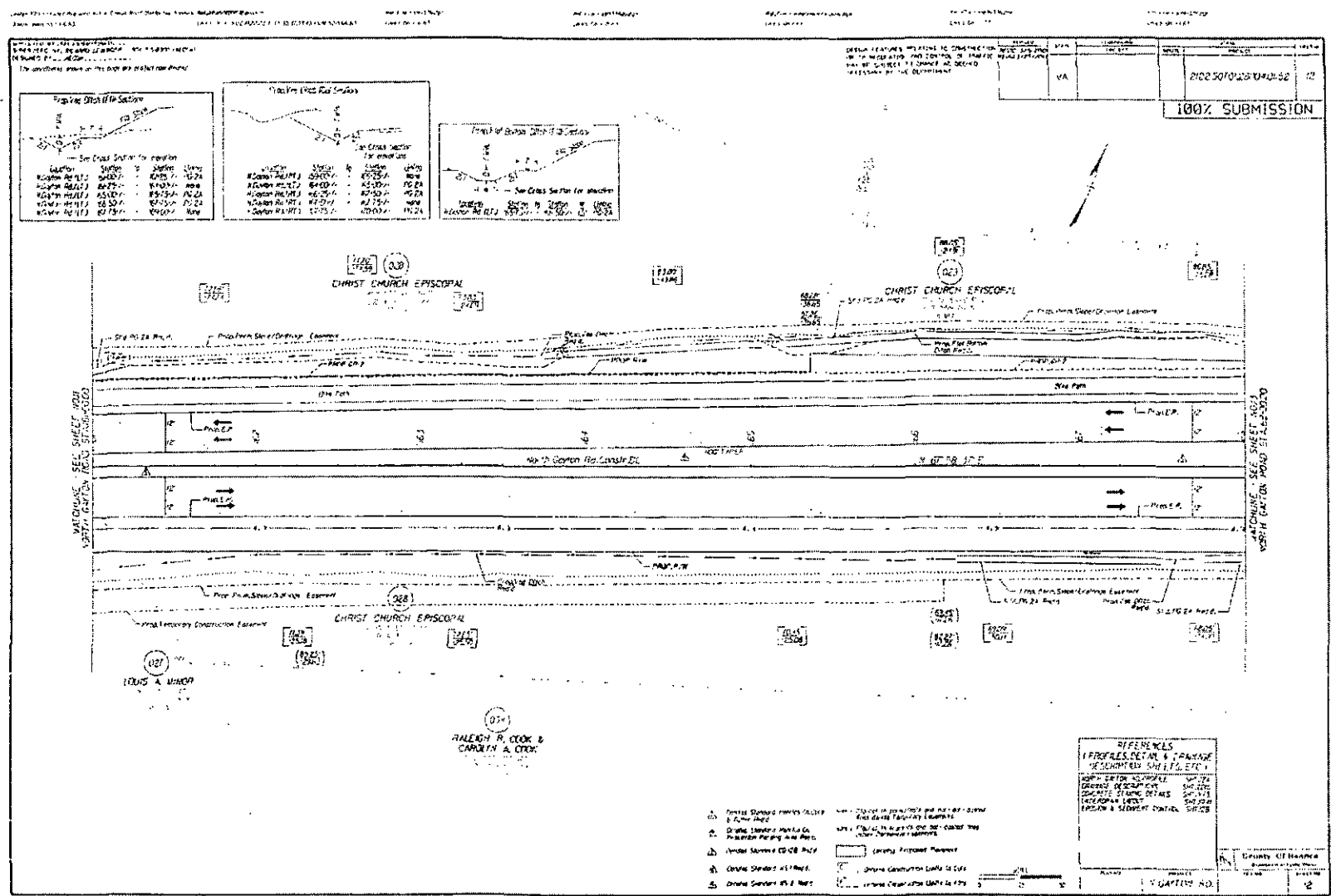
SITE PLAN REFERENCE:

POUNCEY TRACT ROAD

VERIZON VIRGINIA INC.	GRANTOR/OWNER. CHRIST CHURCH EPISCOPAL	COUNTY: HENRICO MAGISTERIAL DIST.: THREE CHOPT
---R---DENOTES LAND/OR R/W ----LIMITS OF RIGHT-OF-WAY	ADDRESS: POUNCEY TRACT ROAD GLEN ALLEN, VA. 23059	TAX MAP NO.: 739-769-3891
E.A.: KEN GILBERT	CONTACT TEL. NO.:	PROPERTY ID . . .
PHONE NO.: 772-5963	GRANTOR:	DEED BOOK: 2818 PAGE: 56
CENTRAL OFFICE: GAYTON VZ ROW NUMBER: 267329 COVER SHEET NUMBER:	GRANTOR:	GRSM SH E-W N-S PG 1700 4 K OF 5
		PLAT BOOK: ROUTE: WORK ORDER . . . 4A18546



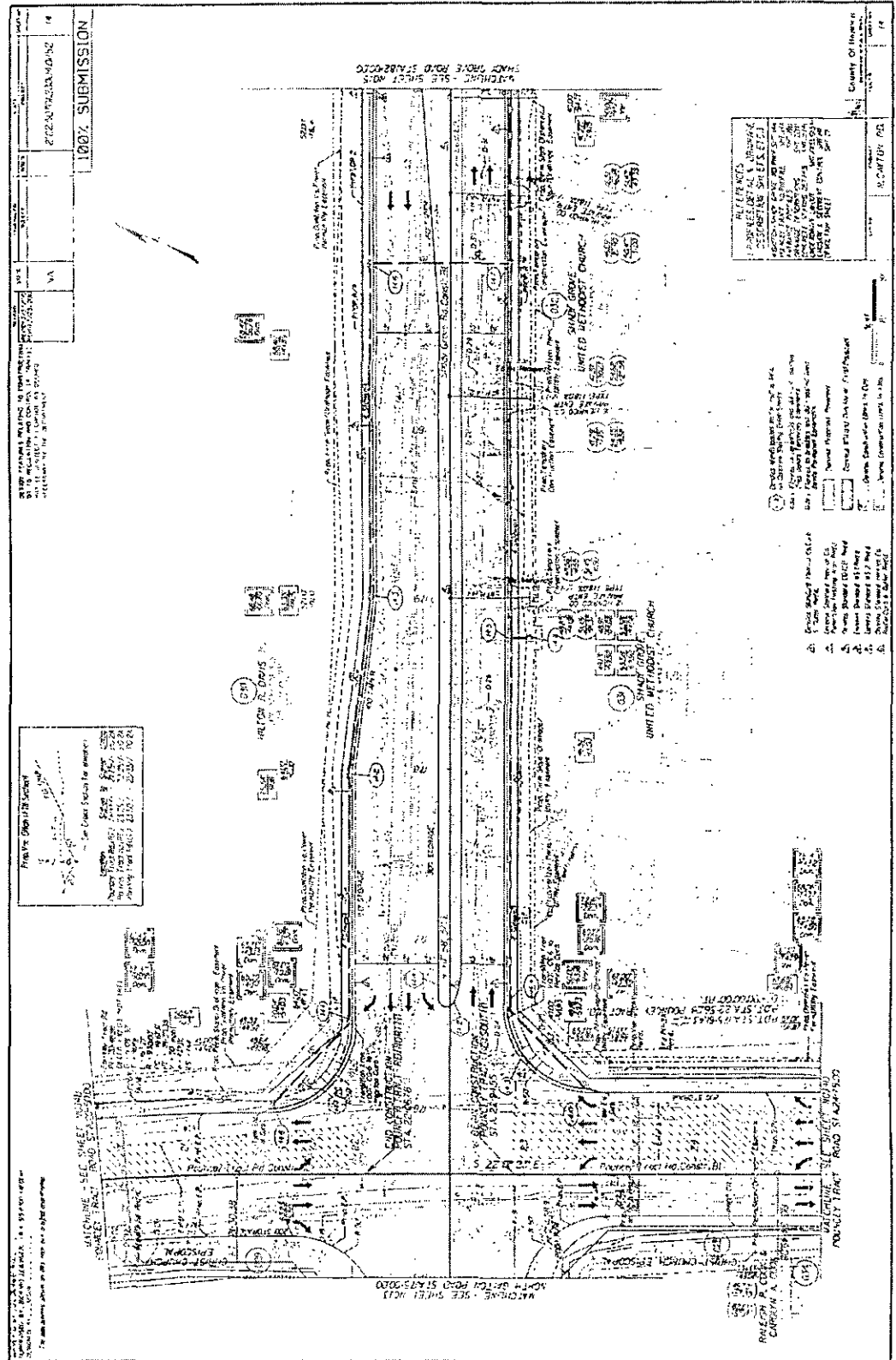
AECOM



REFERENCES  
 1. PRELIMINARY & FINAL  
 2. PRELIMINARY & FINAL  
 3. PRELIMINARY & FINAL  
 4. PRELIMINARY & FINAL  
 5. PRELIMINARY & FINAL  
 6. PRELIMINARY & FINAL  
 7. PRELIMINARY & FINAL  
 8. PRELIMINARY & FINAL  
 9. PRELIMINARY & FINAL  
 10. PRELIMINARY & FINAL



EXHIBIT "D-3"



AECON

The coordinates shown on this page are projected coordinates.



SURVEYED BY NTL 18041644-4600  
SUPERVISED BY RICHARD LEVINSON, 18041515-8300 (ALCOM)  
DESIGNED BY AECOM

## 100% SUBMISSION

DESIGN FEATURES RELATING TO CONSTRUCTION  
OR TO REGULATION AND CONTROL OF TRAFFIC  
MAY BE SUBJECT TO CHANGE AS DEEMED  
NECESSARY BY THE DEPARTMENT

**EXHIBIT "D-5"**

DATE	FILE	CLASS NO	DATE	STATE	SECTION
REVISION 5/5/2000		PROJECT		PROJECT	
REVISION 5/25/2000					
REVISION 6/6/2000					
REVISION 7/1/2000	U		2122.50701.28004.01H52		KCM
SQUID COUNTY/DON MERRICK COUNTY			PROJECT: NORTH GAYTON RD.		
COMPILED BY:			PANS NO.		
REVISED BY:			DATE		
REVISED BY:			DATE		

PARCEL NO	LANDOWNER	SHEET NO.	AREA																PERM. SLOPE/DRAINAGE/ACCESS/SIGHT DISTANCE		EASEMENTS							
			TOTAL		FEE TAKING		FEE REMAINDER		FEE REMAINDER BISECTED PROPERTIES N.GAYTON RD. (LT.)		FEE REMAINDER BISECTED PROPERTIES N.GAYTON RD. (RT.)		FEE REMAINDER BISECTED PROPERTIES BACOVA DR. (LT.)		FEE REMAINDER BISECTED PROPERTIES BACOVA DR. (RT.)		ACRES	SQ. FEET	UTILITY				TEMPORARY		PROFFERS			
			ACRES	SQ. FEET	ACRES	SQ. FEET	ACRES	SQ. FEET	ACRES	SQ. FEET	ACRES	SQ. FEET	ACRES	SQ. FEET	DOWN				VA	POWER	VERIZON							
															ACRES	SQ. FEET					ACRES	SQ. FEET	ACRES	SQ. FEET		ACRES	SQ. FEET	YES / NO
001	Sterling Management Corp.	3	0.563	0183	7964	0.380	16552.80									0.060	2624	0.094	4126.52			0.161	7019					
002	Deane A. Deskevich & Kimberly A. Keltz Trs	3.4	1.024	0.465	20264	0.559	24350.04									0.261	11376											
003	Gateway Bank & Trust Co.	3	1.004	0.056	2450	0.948	41294.88									0.084	3671											
004	The Linhart Company C/O Dominion Chevrolet	3.4	9.207	0.013	583	9.194	400490.64									0.081	3546											
005	Marsha A. Pressel & Larry T. Pressel	3.4	2.084													0.062	2706					0.016	695					
006	David S. Brown & Chris C. Brown	4	1.377	0.199	8672	1.178	51313.68									0.361	15730					0.080	3486					
007	Sarah H. Pearson	4.5	6.246	1.074	46773	5.172	225292.32									0.268	11678											
008	Gayton Road Properties LLC	4	1.547													0.023	1009											
009	DELETED																											
010	Boyd C. Jones	6.58,7	6.8	2.103	91627.41			1.707	74356.92	0.749	32626.44		2.288	99665.28			2.564	11722.00					0.349	15264.40				
011	Darrell H. Bowman & Marsha Morgan	6.6F,7	3.98	0.909	39601								2.130	92782.80		0.942	41033.52	0.790	34368				0.056	2471				
012	Helen Long Payne	6B,6D,7	42.51	10.37	45191											40.007	1742704.92	0.673	29326				0.263	11463				
013	Blanche N. Avis	6.6F	5.368	0.398	17354	4.970	216493.20									0.149	6506											
014	Blanche N. Avis	6F,6H	5.0	0.592	25768	4.408	192012.48									0.164	7132					0.222	9656					
015	Darrel H. Bowman & Marsha S. Morgan	6H	3.5	0.011	470	3.489	151980.84									0.031	1334											
016	DELETED																											
017	Sharon S. Shiner & Susanne M. Smith Trustees	7.8,9,10	25.54	5.420	236098			3.876	168838.56	16.244	707588.64						1.923	83781	0.013	576.56			0.458	19932				
018	David M. Hepler & Jennifer E. Hepler	9,10	1.259	0.062	2719	1.197	52141.32									0.118	5145	0.040	1776.10				0.007	326				
019	Annie B. Fair	7.8,9,10	7.891	0.049	2134	7.842	341597.52									0.001	46	0.023	10437.4				0.012	519				
020	Roger Lee Horton	10,10B	2.534	0.061	2652	2.473	107723.88										0.027	1190.68					0.017	725				
021	Emily Locke Walter	10,10B,10D,11	16.727	1.916	8346.3			3.516	153156.96	11.295	492010.20					0.672	29271	0.003	165.03	0.150	6544.44	0.691	3009.3					
022	David M. Hepler, Trustee	10,10D	14.301	0.026	1146	14.275	621819.00									0.116	5037	0.044	19187.3									
023	Allen G. Bowles & Mildred Ann P. Bowles	10B	4.61	0.092	4001	4.518	196804.08									0.024	1034	0.003	152.55	0.061	2696.62	0.002	98					
024	County Of Henrico	10B	205.261	0.030	1316	205.231	8939862.36									0.013	545	0.005	255.48									
025	Gerald W. Glover	10D	1.31	0.002	90	1.308	56976.48									0.008	329	0.007	331.39									
026	Timothy Willis & Roe M. Willis	10D	2.06													0.0146	636	0.010	435.61				0.0376	1636				
027	Louis A. Minor	11,12	2.497	0.641	27911			0.585	25490.42	1.271	55371.06					0.239	10429					0.170	7386					
028	Christ Church Episcopal	11,12,13,14	2071	3.006	130930			14720	64203.20	2.985	130040.65					0.900	39196			0.103	4529.36	0.207	9001					
029	Christ Church Episcopal	12,13,14,14B	11.984	1.184	51559	10.800	470448.00									0.496	21602	0.008	386.64	0.152	6631.90	0.063	2731					
030	Hilton R. Davis Jr.	14,14B,15	9.53	0.541	2357.3	8.989	391560.84									0.320	13959	0.242	10579.67				0.018	766				
031	Shady Grove United Methodist Church	14,14D	3.15	0.257	11174	2.893	126019.08									0.120	5210	0.061	2657.24	0.139	6078.98	0.050	2185					
032	Shady Grove United Methodist Church	14,15	2.50	0.134	5825	2.366	103062.96									0.073	3191			0.073	3200.46	0.005	213					
033	Shady Grove United Methodist Church	14D	5.469	0.017	731	5.452	237489.12											0.006	285.11									
034	Raleigh R. Cook & Carolyn A. Cook	12,13,14,14D	10.25	0.050	2174	10.200	444312.00									0.120	5262			0.161	7014.00	0.075	3266					
035	Barbara W. Feibush, Trustee	14D	10.06													0.084	3642			0.126	5513.46							
036	DELETED																											
037	DELETED																											
038	DELETED																											
039	Shady Grove United Methodist Church	15	2.00	0.104	4556	1.896	82589.76									0.059	2578			0.033	1472.55	0.004	159					
040	Shady Grove United Methodist Church	15	0.735	0.149	6511	0.586	25526.46									0.058	2526			0.038	1690.57	0.142	6211					



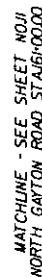
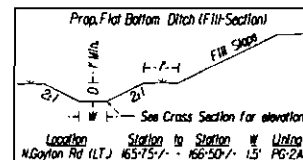
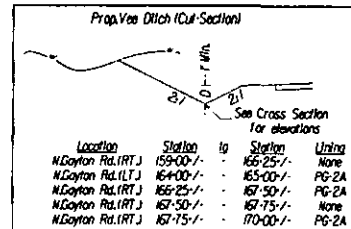
**County Of Maricopa**  
Department of Public Works

NGAYTON RD









3/25/2010 07:58:51

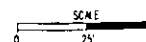
SURVEYED BY R/L DUDLEY-ASCO ---  
SUPERVISED BY RICHARD LEUNGER (1804) 515-8300 (AFCON1)  
DESIGNED BY AFCON ---  
The coordinates shown on this page are project coordinates

100% SUBMISSION
-----------------



59 MATCHLINE - SEE SHEET NO.13  
NORTH GAYTON ROAD STA.68+00.00

-  Denotes Standard Herrick Co. Curb & Gutter Road.  
 Denotes Standard Herrick Co. Pedestrian Passing Area Road.  
 Denotes Standard C-129 Road.  
 Denotes Standard MS-1 Road.  
 Denotes Standard MS-2 Road.
- Note: Figures in parentheses and dot-dot-dashed lines denote Temporary Elements.  
 Note: Figures in brackets and dot-dashed lines denote Permanent Elements.  
 Denotes Proposed Pavement  
 Denotes Construction Limits In Cuts  
 Denotes Construction Limits In Fills



REFERENCES	
(PROFILES, DETAIL & DRAINAGE DESCRIPTION SHEETS, ETC.)	
NORTH CANYON RD. PROFILE	SHT. 12A
DRAINAGE DESCRIPTIONS	SHT. 201D
CONCRETE STARTING DETAILS	SHT. 1F31D
UNDERDRAIN LAYOUT	SHT. JG41D
EROSION & SEDIMENT CONTROL	SHT. J2B

County Of Henrico Department of Public Works	
FILE NO	DRIFT NO
0	12

**AECOM**

SURVEYED BY NXL 18041844-4600 ----  
SUPERVISED BY BICHARD LEININGER, 18041 515-8300 (AFCOM  
DESIGNED BY AECOM ----  
*The coordinates shown on this page are project coordinates*

The coordinates shown on this page are projected coordinates

100% SUBMISSION

DESIGN FEATURES RELATING TO CONSTRUCTION OR TO REGULATION AND CONTROL OF TRAFFIC MAY BE SUBJECT TO CHANGE AS DEEMED NECESSARY BY THE DEPARTMENT

REVISED	STATE	FEDERAL AID	STATE	SHEET
REVISION 3/3/2000		FEDERAL CT	FEDERAL CT	
REVISION 5/23/2000	VA.		2/2250701.2800401152	13






EXHIBIT D-2


MATCHLINE - SEE SHEET NO. 48  
POUNCEY, TRACT ROAD STA. 20+50.00

CHRIST CHURCH EPISCOPAL  
GPIN 735-769-382  
LB. 2518 PG. 56  
11,984 Ac.

CHRIST CHURCH EPISCOPAL  
GMA 737-769-4467  
DD 4713 PG 519  
2011 AG

RALEIGH R. COOK &  
CAROLYN A. COOK  
GPIN \*158 769-4425  
D.B. 18-49 PG. 229  
1075 22

-  Denotes Standard Merrick Co. Cur. & Gutter Ref'd.
-  Denotes Standard Merrick Co. Pedestrian Crossing Area Ref'd.
-  Denotes Standard CG-12B Ref'd.
-  Denotes Standard WS-1 Ref'd.
-  Denotes Standard WS-2 Ref'd.

 Denotes Identification No. for radius info. on Concrete Sloting Detail Sheets

☐ Denotes Proposed Pavement

☒ Denotes Construction Units In C

☐ Denotes Construction Units In F

REFERENCES  
(PROFILES, DETAIL & DRAINAGE  
DESCRIPTION SHEETS, ETC.)

NORTH GAYTON RD PROFILE	SHT. 13A
DRAINAGE DESCRIPTIONS	SHT. 20(1)
CONCRETE STAKING DETAILS	SHT. #11U(1)
UNDERDRAIN LAYOUT	SHT. 10(4), 10(5)
EROSION & SEDIMENT CONTROL	SHT. 13B
DEMOLITION SHEET	SHT. 2F
DRAINAGE OUTFALLS	SHT. 20(2)-20(5)

County Of Henrico

PLAN NO		PROJECT	FILE NO	EDGET N
		N. GAYTON RD.		13

DESIGNED BY: ACCOM  
 SUPERVISED BY: RICHARD LEWIS, (604) 545-8300 (AFCOM)  
 The coordinates shown on this page are project coordinates

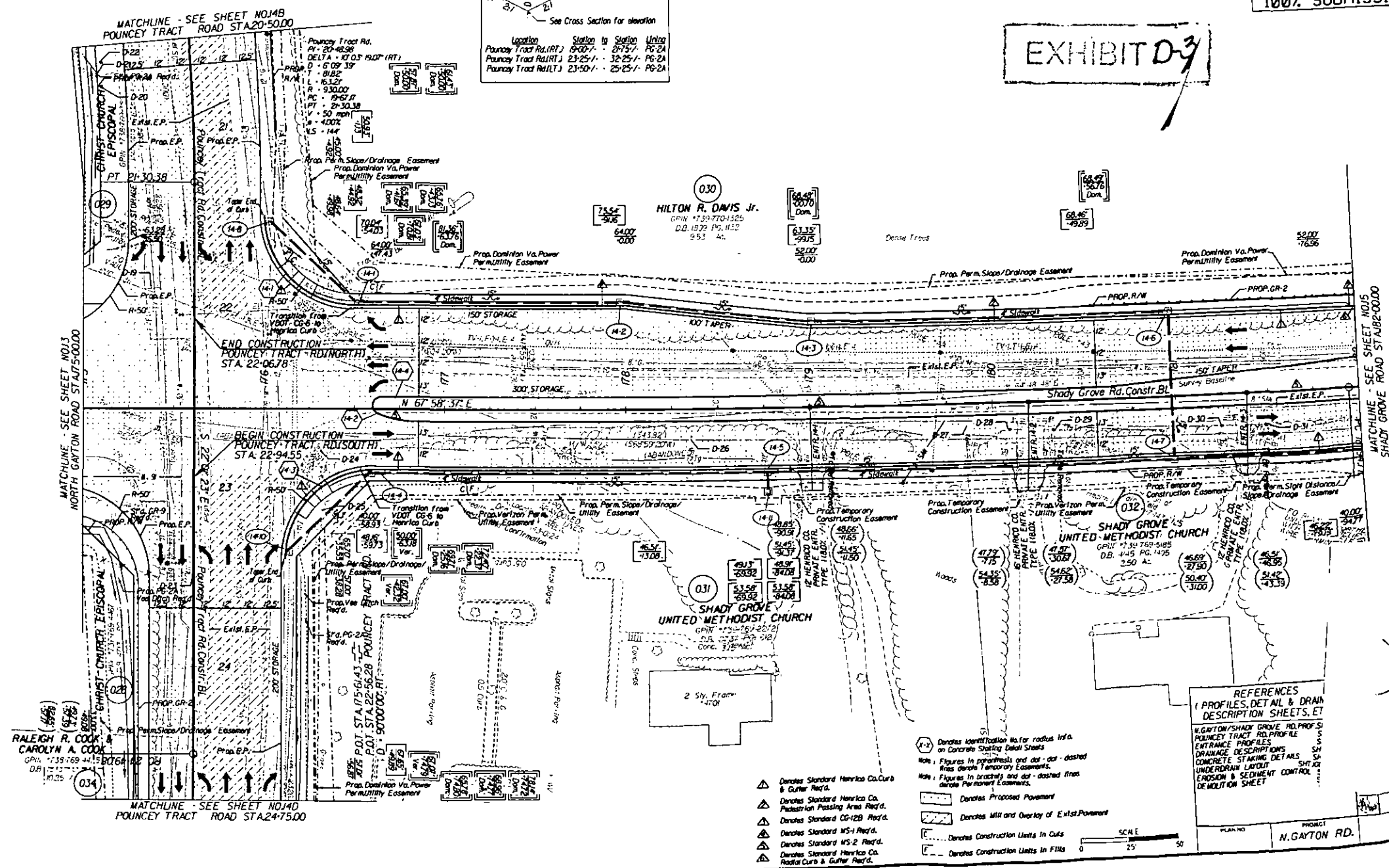
The coordinates shown on this page are project coordinates

DESIGN FEATURES RELATING TO CONSTRUCTION OR TO REGULATION AND CONTROL OF TRAFFIC MAY BE SUBJECT TO CHANGE AS DEEMED NECESSARY BY THE DEPARTMENT

REVISION	DATE	DESCRIPTION	SHEET NO.
REVISED 3/15/2000	VA	2122.50701.28004.01152	14
REVISED 3/25/2000			

100% SUBMISSION

EXHIBIT D-3



- ▲ Denotes Standard Henrico Co. Curb & Gutter Ref'd.
- ▲ Denotes Standard Henrico Co. Pedestrian Crossing Area Ref'd.
- ▲ Denotes Standard CG-12B Ref'd.
- ▲ Denotes Standard MS-1 Ref'd.
- ▲ Denotes Standard MS-2 Ref'd.
- ▲ Denotes Standard Henrico Co. Roadway Curb & Gutter Ref'd.
- ▲ Denotes Proposed Pavement
- ▲ Denotes Mill and Overlay of Exst. Pavement
- ▲ Denotes Construction Limits In Cuts
- ▲ Denotes Construction Limits In Fills

REFERENCES  
 (PROFILES, DETAIL & DRAIN DESCRIPTION SHEETS, ET)  
 N. GORTON/SHADY GROVE RD. PROFILE  
 POUNCEY TRACT RD. PROFILE  
 DRAINAGE PROFILES  
 CONCRETE STAKING DETAILS  
 UNDERDRAIN LAYOUT  
 EROSION & SEDIMENT CONTROL  
 DEMOLITION SHEET

PLAN NO.	PROJECT	FILE NO.	SHEET NO.
	N. GORTON RD.		14

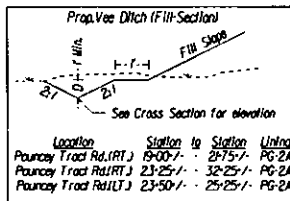
SCALE  
 0 25 50

D-3

AECOM

SURVEYED BY: J. L. BAKER, JR.  
SUPERVISED BY: RICHARD LEININGER, (804) 515-8300 (AECOM)  
DESIGNED BY: AECOM

The coordinates shown on this page are project coordinates

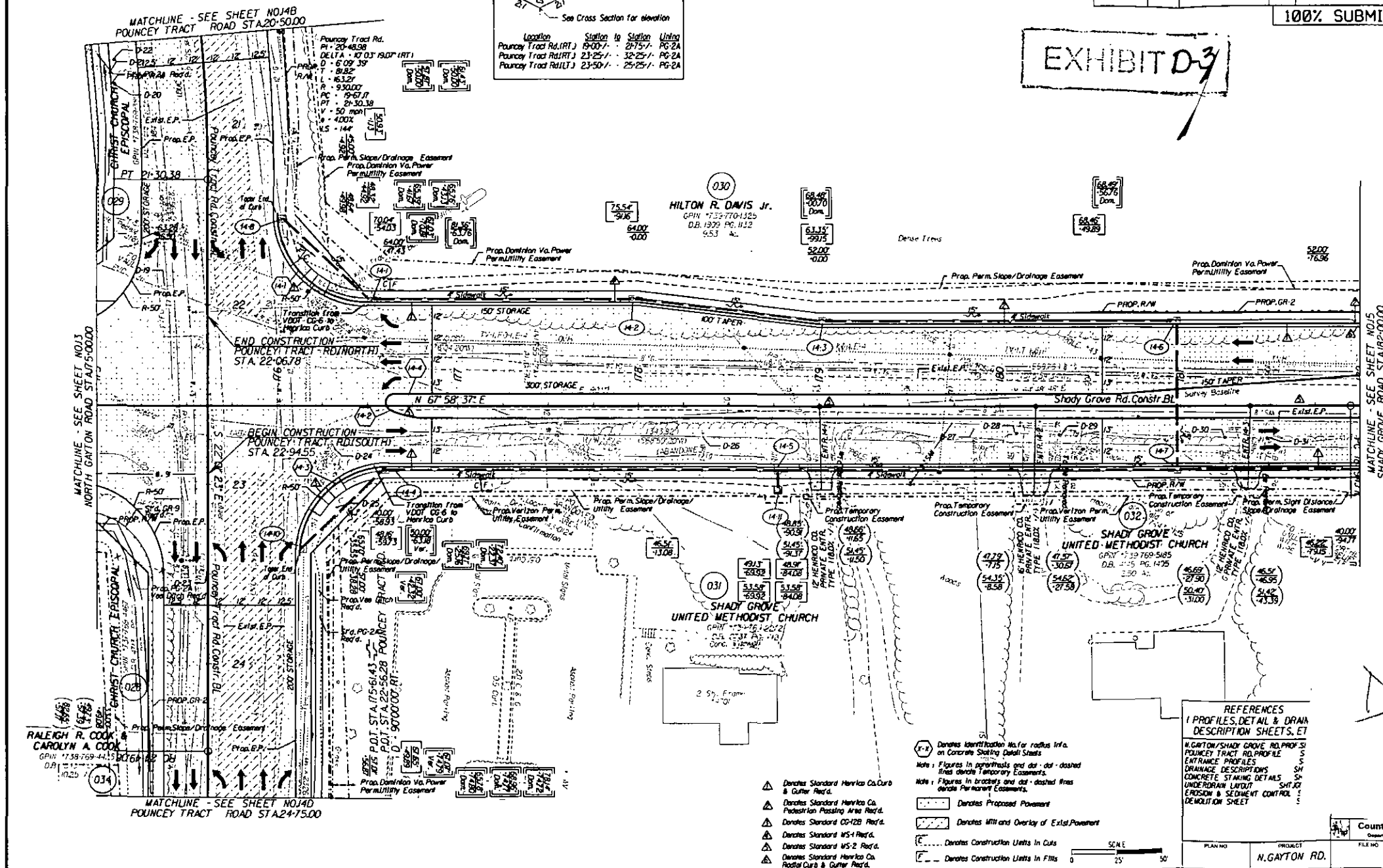


DESIGN FEATURES RELATING TO CONSTRUCTION OR TO REGULATION AND CONTROL OF TRAFFIC MAY BE SUBJECT TO CHANGE AS DEEMED NECESSARY BY THE DEPARTMENT

REVISION	DATE	DESCRIPTION	PROJECT	SHEET NO.
REVISED 3/25/2000	3/25/2000		2122.50701.28004.QH152	14

100% SUBMISSION

EXHIBIT D-3



- Denotes Standard Hanover Co. Curb & Gutter Ref'd.
- Denotes Standard Hanover Co. Pedestrian Passing Area Ref'd.
- Denotes Standard CG-12B Ref'd.
- Denotes Standard WS-1 Ref'd.
- Denotes Standard WS-2 Ref'd.
- Denotes Standard Hanover Co. Roadway Curb & Gutter Ref'd.
- Denotes Proposed Pavement
- Denotes Mill and Overlay of Exst. Pavement
- Denotes Construction Limits In Cuts
- Denotes Construction Limits In Fills

REFERENCES  
1. PROFILES, DETAIL & DRAIN DESCRIPTION SHEETS, ET  
N. GARTON/SHADY GROVE RD. PROJ. S  
POUNCEY TRACT RD. PROFILE S  
ENTRANCE PROFILES  
DRAINAGE DESCRIPTIONS  
CONCRETE STAKING DETAILS  
UNDERDRAIN LAYOUT  
EROSION & SEDIMENT CONTROL  
DEMOLITION SHEET

PLAN NO.	PROJECT	FILE NO.	SHEET NO.
	N. GARTON RD.		14

The coordinates shown on this page are projected coordinates

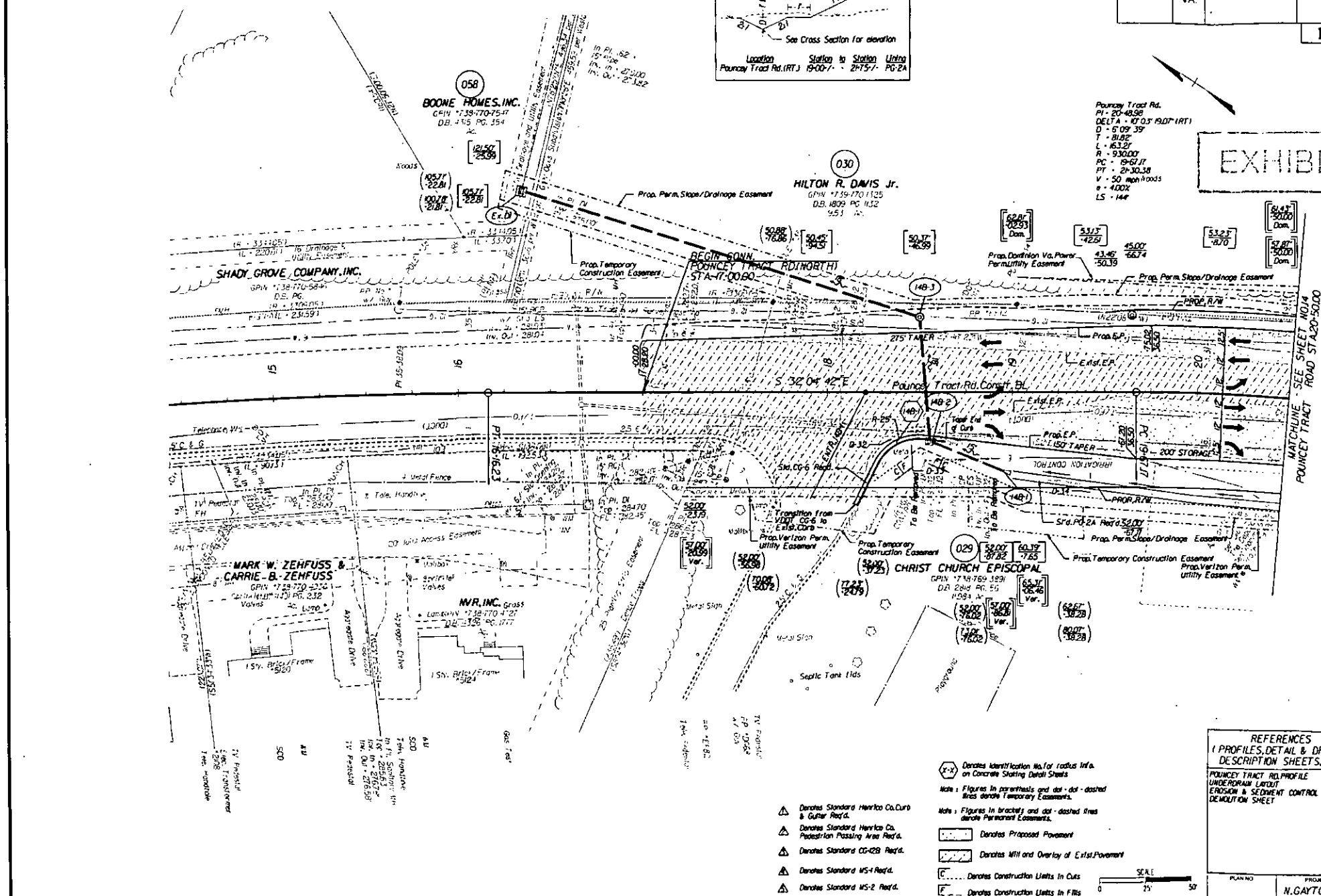


EXHIBIT D-4

REVISED REV01 3/5/2000	STATE	FEDERAL AID PROJECT	ROUTE	STATE PROJECT	SHEET NO.
	VA.			21225070128004D1152	14B
100% SUBMISSION					

Pouncey Tract Rd.  
PI - 20-48.98  
DELTA - 107.03° 19.07' (RT)  
D - 6' 09" 35"  
T - 81.82°  
L - 163.21'  
R - 930.00'  
PC - 19+67.17  
PT - 21+30.38  
V - 50 mph Woods  
e = 4.00X  
LS - 144'

20' 31' 12' 125'

SEE SHEET NO. 14  
ROAD STA. 20+50.00

WATCHUNE -  
BOUNCYNE TRACT

REFERENCES	
(PROFILES, DETAIL & DRAINAGE DESCRIPTION SHEETS, ETC.)	
POUNCEY TRACT RD. PROFILE	SHT. 14C
UNDERDRAIN LAYOUT	SHT. 10G/5A
EROSION & SEDIMENT CONTROL	SHT. 14G
DEMOLITION SHEET	SHT. 2F

County Of Henrico Department of Public Works	
FILE NO	SHEET NO 148

10/5 PM 002/5/5



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 204-10

Page No. 1 of 2

Agenda Title: **RESOLUTION – Authorizing County Manager to Request Disaster Designation and Federal Assistance for Henrico County Agricultural Producers**

For Clerk's Use Only:

Date: **AUG 10 2010**

- ☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Aloner Seconded by (1) Kaechele  
(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, high temperatures and drought conditions in Henrico County have adversely affected farmers and their production yields; and

WHEREAS, the growing season extending from April through July of 2010 has been characterized by significantly higher than normal temperatures with more than double the average number of days with high temperatures above 90° F and by rainfall totals almost nine inches below normal; and

WHEREAS, the loss of production for Henrico farmers due to these adverse conditions has been reported by the Farm Service Agency, the Natural Resources Conservation Service, and Virginia Cooperative Extension to be, at a minimum, a 75% loss of corn (2,953 acres planted, value of loss estimated at \$980,400) and a 50% loss of soybeans (4088 acres planted, value of loss estimated at \$621,380); and

WHEREAS, Henrico County farmers need state and federal assistance to help mitigate their losses.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Henrico County authorizes and directs the County Manager to submit to the Governor of Virginia a certified copy of this resolution and request that he petition the Secretary of the U. S. Department of Agriculture that Henrico County be declared a primary drought disaster area so that Henrico County farmers who have experienced agricultural damages and losses due to excessive heat and drought may receive financial assistance from the U. S. Department of Agriculture.

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

By Agency Head

Karen S. Carter

By County Manager

David L. Hight

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. 205-10

Page No. 1 of 2

**RESOLUTION - Approval of the FY 2011 Community Services Board Performance Contract between the Virginia Department of Behavioral Health and Developmental Services and Henrico Area Mental Health & Developmental Services Board**

For Clerk's Use Only:

Date: **AUG 10 2010**

- ☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Thornton Seconded by (1) Glover  
(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"/>
Kacchale, 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**, Virginia Code § 37.2-508 was amended effective July 1, 1998 to require that a performance contract negotiated between the Virginia Department of Behavioral Health and Developmental Services (the Department) and Henrico Area Mental Health & Developmental Services Board (HAMHDS) and approved by HAMHDS be submitted by HAMHDS for approval by formal vote of the governing body of each political subdivision that established HAMHDS; and,

**WHEREAS**, the County of Henrico, Charles City County and New Kent County, established HAMHDS in 1973; and,

**WHEREAS**, on May 3, 2010, the Department provided to HAMHDS a Letter of Notification setting out the amount of state and federal funding that would be available to HAMHDS during FY 2011; and,

**WHEREAS**, HAMHDS and the Department have negotiated a FY 2011 Community Services Board Performance Contract; and,

**WHEREAS**, HAMHDS approved the FY 2011 Community Services Board Performance Contract on July 22, 2010, and recommended it to the Boards of Supervisors of Henrico, Charles City, and New Kent Counties; and,

**WHEREAS**, the HAMHDS recommended FY 2011 Community Services Board Performance Contract is based on the requirements of § 37.2-508 of the Virginia Code, on the budget adopted by the Henrico County Board of Supervisors on April 27, 2010, on the Letter of Notification to HAMHDS for FY 2011, and on local contributions approved by the Charles City County Board of Supervisors, and the New Kent County Board of Supervisors.

By Agency Head

Michael D. Paez

By County Manager

Robert P. Hays

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. **205-10**

Page No. 2 of 2

**RESOLUTION - Approval of the FY 2011 Community Services Board Performance Contract between the Virginia Department of Behavioral Health and Developmental Services and Henrico Area Mental Health & Developmental Services Board**

---

**NOW, THEREFORE BE IT RESOLVED**, by the Board of Supervisors of Henrico County that the Board approves the FY 2011 Community Services Board Performance Contract between the Virginia Department of Behavioral Health and Developmental Services, and Henrico Area Mental Health & Developmental Services Board.

Comment: The Executive Director of HAMHDS recommends approval of this Board paper; the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 200-10

Page No.

1 of 1

Agenda Title RESOLUTION — Approval of Acquisition — Permanent Slope and Drainage and Temporary Construction Easements — North Gayton Road Extension Project — Katherine F. White — Three Chopt District

For Clerk's Use Only:	BOARD OF SUPERVISORS ACTION	YES NO OTHER
Date: <b>AUG 10 2010</b>	Moved by (1) <u>Kaechele</u> Seconded by (1) <u>Thornton</u>	Donati, J. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input checked="" type="checkbox"/> Approved	(2) _____ (2) _____	Glover, R. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Denied	REMARKS: <b>APPROVED</b>	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, on April 27, 2010, the Board authorized condemnation proceedings to acquire a permanent slope and drainage easement containing 290 sq. ft. and a temporary construction easement containing 1,450 sq. ft. shown on a plat by NXL, dated October 14, 2009, sealed on October 20, 2009 by David L. Jones, Land Surveyor, for the construction of the North Gayton Road Extension Project (the "Project") across land in the Three Chopt District owned by Katherine F. White (the "Owner"); and,

WHEREAS, on May 28, 2010, the County filed a Certificate and deposited \$2,199 with the Clerk of the Circuit Court to acquire the easements in accordance with state law; and,

WHEREAS, following negotiations between the parties, the Owner is willing to accept \$11,479 for a larger permanent slope and drainage easement containing 1,264 sq. ft. and a smaller temporary construction easement containing 475 sq. ft. (the "Easements") shown on a plat by NXL, dated and sealed on July 8, 2010 by Nicholas Kougoulis, Land Surveyor, (a reduced size copy of which is attached and marked Exhibit "A"), for the construction of the Project; and,

WHEREAS, County staff has prepared the necessary documents to memorialize the agreement of the parties and to complete the acquisition.

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

- (1) The Chairman and the County Manager are authorized to execute the documents and to take all steps necessary for acquisition of the Easements.
- (2) The County Attorney is authorized to file the necessary documents in the Circuit Court of Henrico County to complete the acquisition of the Easements.

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

By Agency Head J. B. [Signature]

By County Manager [Signature]

Routing:  
Yellow to: Real Property

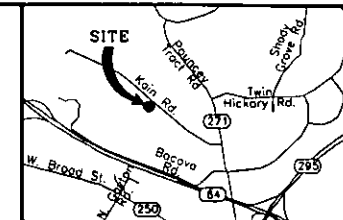
Certified:  
A Copy Tests: \_\_\_\_\_  
Clerk, Board of Supervisors

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

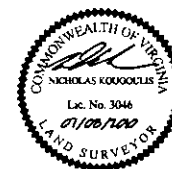
Date: \_\_\_\_\_

GPIN	LAND OWNER	D.B./PG.	Right-of-Way Acquisition	Permanent Slope & Drainage Easements	Temporary Construction Easements
737-768-2023	KATHERINE F. WHITE	2192/1673	0 sq. ft.	1264 sq. ft. +/-	475 sq. ft. +/-

# EXHIBIT "A"



VICINITY MAP - NOT TO SCALE



Now or Formerly  
**TIMOTHY WILLIS &  
RAE M. WILLIS**  
12291 Kain Rd.  
GPIN \*737-788-0534

**KATHERINE F. WHITE**

12271 Kain Rd.  
D.B. 2192, PG. 1673  
GPIN \*737-768-2023  
0.48 Ac. +/-

Now or Formerly  
**CARLOS LOPEZ &  
EVELIA LOPEZ**  
18381 Kain Rd.  
GPIN \*737-787-1086

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: 06/30/10.
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 PERMANENT SLOPE AND DRAINAGE EASEMENT, AND TEMPORARY CONSTRUCTION EASEMENT ON THE PROPERTY OF

**KATHERINE F. WHITE**

THREE CHOPT MAGISTERIAL DISTRICT  
HENRICO COUNTY, VIRGINIA



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

SCALE  
0 5' 10' 20'

FILE NAME	SCALE	DATE	JOB NO.	SHEET NO.
057	1"=10'	July 8, 2010	0710007L	1 of 1



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 207-10.

Page No. 1 of 2

Agenda Title: RESOLUTION — Award of Construction Contract — Springfield Landfill Permit 545  
Landfill Gas Expansion Stage 4 — Three Chopt District

For Clerk's Use Only:

Date: **AUG 10 2010**

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

BOARD OF SUPERVISORS ACTION

Moved by (1) Kaechle Seconded by (1) Celmer  
(2) \_\_\_\_\_ (2) \_\_\_\_\_

REMARKS:

**APPROVED**

YES NO OTHER

Donati, J. ✓ \_\_\_\_\_  
Glover, R. ✓ \_\_\_\_\_  
Kaechle, D. ✓ \_\_\_\_\_  
O'Bannon, P. ✓ \_\_\_\_\_  
Thornton, F. ✓ \_\_\_\_\_

WHEREAS, four bids were received on July 29, 2010 in response to Bid Request No. 10-8885-6CE and Addendum No.1 for the Springfield Landfill Permit 545 Landfill Gas Expansion Stage 4 project located in the Three Chopt District; and,

WHEREAS, the project includes installation of 19 methane gas wells and approximately 3,000 LF of plastic header piping and appurtenances; and,

WHEREAS, the bids were as follows:

<u>Bidders</u>	<u>Bid Amounts</u>
Sterns, Conrad & Schmidt, Consulting Engineers Inc. dba SCS Field Services	\$219,226.00
Shaw Environmental & Infrastructure, Inc.	\$233,566.00
Griffin Dewatering Corp.	\$261,850.00
Harnden Group, LLC	\$289,967.00

WHEREAS, after a review and evaluation of all bids received, it was determined that Sterns, Conrad & Schmidt, Consulting Engineers Inc. dba SCS Field Services is the lowest responsive and responsible bidder.

By Agency Head [Signature] 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.

Page No. 2 of 2

**Agenda Title: RESOLUTION — Award of Construction Contract — Springfield Landfill Permit 545  
Landfill Gas Expansion Stage 4 — Three Chopt District**

---

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

1. The contract is awarded to Sterns, Conrad & Schmidt, Consulting Engineers Inc. dba SCS Field Services, the lowest responsive and responsible bidder, in the amount of \$219,226 pursuant to Bid Request No. 10-8885-6CE, Addendum No.1, and the bid submitted by Sterns, Conrad & Schmidt, Consulting Engineers Inc. dba SCS Field Services.
2. The County Manager and Clerk are authorized to execute the contract in a form approved by the County Attorney.
3. The County Manager, or the Director of General Services as his designee, is authorized to execute change orders within the scope of the project budget not to exceed 15% of the original contract amount.

Comment: Funding to support the contract is available within the Solid Waste Special Revenue Fund. The Directors of Public Utilities and General Services recommend approval of this Board paper, and the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda 208-10  
Page No. 1 of 2

Agenda Title: **RESOLUTION — To Permit Additional Fine of \$200 for Speeding on Grey Oaks Park Road from Nuckols Road to Grey Oaks Park Drive**

For Clerk's Use Only:

Date: **AUG 10 2010**

- ☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Kaechele Seconded by (1) Almer  
(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, Section 46.2-878.2 of the Code of Virginia provides for the imposition of a \$200 fine for speeding, in addition to other penalties provided by law, when a locality has established a maximum speed limit for a highway in a residence district and the speed limit is indicated by appropriately placed signs; and,

WHEREAS, the statute also requires the Board of Supervisors (the "Board"), because Henrico County maintains its own roads, to develop criteria for the overall applicability for the installation of the signs and to request the application of the statute to certain residential streets in the County before the additional fine may be imposed; and,

WHEREAS, the Board approved detailed criteria (the "Criteria") for the County's Traffic Calming Program on February 10, 2004; and,

WHEREAS, increased fines for speeding on residential streets in Henrico County which meet the Criteria and are designated by the Board are part of the Traffic Calming Program; and,

WHEREAS, the County's Traffic Engineer has collected traffic data and has determined that Grey Oaks Park Road from Nuckols Road to Grey Oaks Park Drive in the County is experiencing speeding problems and meets the Criteria for traffic calming measures set forth in the Traffic Calming Program; and,

By Agency Head

By County Manager

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. **208-10**

Page No. 2 of 2

**Agenda Title: RESOLUTION — To Permit Additional Fine of \$200 for Speeding on Grey Oaks Park Road from Nuckols Road to Grey Oaks Park Drive**

---

WHEREAS, the citizens in the area of this road requesting the increased fine have collected signatures from 76% of the residents; and,

WHEREAS, this road is a local residential street with a posted speed limit of 25 mph.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Henrico County that the County Manager is authorized and directed to install signs on Grey Oaks Park Road from Nuckols Road to Grey Oaks Park Drive advising citizens of an additional fine of \$200 for exceeding the posted speed limit on this road.

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





COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 209-10  
Page No. 1 of 1

Agenda Title: 'RESOLUTION — Approval of Memorandum of Understanding with Cumberland County Regarding Cobbs Creek Reservoir

For Clerk's Use Only:

AUG 10 2010

Date:

- ☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

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

WHEREAS, working with Henrico County and Powhatan County, Cumberland County has received state and federal permits to construct a reservoir in the Cobbs Creek area of Cumberland County to provide for the future water needs of the three counties; and,

WHEREAS, on August 4, 2010, the Cumberland County Board of Supervisors adopted a resolution authorizing execution of a Memorandum of Understanding with Henrico County to govern the respective rights of the parties regarding the reservoir project; and,

WHEREAS, the Memorandum of Understanding provides that Cumberland County shall take the steps necessary to transfer the state and federal permits to Henrico County and to take other steps necessary for construction and operation of the reservoir by Henrico County; and,

WHEREAS, the Memorandum of Understanding provides that Henrico County shall construct and operate the reservoir and may enter into agreements with Cumberland County and Powhatan County for future allocations of water in the reservoir; and,

WHEREAS, the Henrico County Board of Supervisors believes that construction and operation of the reservoir project is in the best interests of the County and will also benefit Powhatan and Cumberland Counties by providing for their future water needs.

NOW THEREFORE, BE IT RESOLVED by the Henrico County Board of Supervisors that the Chairman and Clerk of the Board are authorized to execute the Memorandum of Understanding for the Cobbs Creek reservoir in a form approved by the County Attorney, and the County Manager is authorized to take all steps necessary to carry out the provisions of the Memorandum of Understanding in accordance with its terms.

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

For By Agency Head

By County Manager

Routing:

Yellow to:

Copy to:

Certified:

A Copy Teste:

Clerk, Board of Supervisors

Date:

## MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM of UNDERSTANDING is made this \_\_\_\_ day of \_\_\_\_, 2010, between **CUMBERLAND COUNTY**, a political subdivision of the Commonwealth of Virginia ("Cumberland"), and **HENRICO COUNTY**, a political subdivision of the Commonwealth of Virginia ("Henrico").

### RECITALS:

- A. Cumberland, Henrico and Powhatan County have been cooperating to site a reservoir in Cumberland for storage of river water and releases to the James River under certain low flow conditions to meet the current and future needs of the various jurisdictions as well as to enhance the James River environment. The project is known as the Cobbs Creek Reservoir (the "reservoir").
- B. The reservoir has a projected safe yield of approximately 47 million gallons of water per day.
- C. The reservoir will be located wholly within Cumberland.
- D. Cumberland submitted various permit applications for the reservoir. The Virginia Marine Resources Commission has issued a permit for Cumberland to construct the intake system for the reservoir, the Virginia Department of Environmental Quality has issued a Water Protection Permit for the project, and the Corps of Engineers, Norfolk District has issued the necessary permit to construct the reservoir. All permits for the reservoir are final. However, the need for other environmental permits related to the reservoir, *e.g.*, for relocation of utilities, may be identified as final engineering plans are completed.

- E. Based on their discussions, Cumberland and Henrico have agreed to certain terms concerning the permitting and ultimate construction and operation of the reservoir.
- F. To date, Henrico has expended \$200,000 on the development of the Cobbs Creek Project and Cumberland has expended \$2,104,646.09 for permitting costs and \$550,383.77 for a wetlands mitigation bank.
- G. Cumberland and Henrico agree that Henrico shall construct and own the proposed reservoir and be responsible for its governance.
- H. Cumberland acknowledges that Henrico intends to enter into a water agreement with Powhatan under which Henrico will provide Powhatan an average annual allocation of up to 10.0 mgd of water from the reservoir.

#### **TERMS AND CONDITIONS**

- 1. Henrico shall pay the full costs of permitting, engineering, acquiring property for, constructing, maintaining and operating the reservoir.
- 2. Within 15 days of execution of this Memorandum, Cumberland shall execute all documents and perform all steps necessary to transfer all reservoir permit approvals to Henrico. These steps include submission of the following documents to the Virginia Department of Environmental Quality: (a) a written request for a transfer of reservoir permit ownership, (b) a copy of this Memorandum, and (c) a copy of the official resolution of the Cumberland County Board of Supervisors approving transfer of the reservoir permits to Henrico. Cumberland also agrees to comply with all deadlines imposed by the reservoir permits for Cumberland's action related to the reservoir, such as

submission of the buffer vegetation management plan required by the Virginia Department of Environmental Quality permit.

3. Henrico shall seek to purchase all property and easements necessary for the reservoir. Cumberland agrees that it will provide information and other assistance to Henrico in making these purchases and shall promptly exercise its power of eminent domain to obtain all property and easements Henrico deems necessary for the reservoir but is unable to purchase through good faith negotiations with owners. Henrico shall reimburse Cumberland for all reasonable costs, including reasonable attorney's fees, Cumberland incurs in acquiring property and easements for Henrico by eminent domain. Henrico shall not purchase or seek to acquire any properties or easements by condemnation in excess of those needed for the project described in the permits granted by the regulatory authorities without the written consent of the Cumberland County Board of Supervisors.
4. Henrico shall own all of the real property, equipment, and infrastructure necessary to construct, operate and maintain the water intake, reservoir, and other components necessary to accomplish the purposes of this Memorandum and to comply with all permit requirements.
5. Henrico shall own the water collected and stored in the reservoir.
6. Upon execution of this Memorandum, Cumberland shall take all steps necessary to amend its comprehensive plan and to enable Henrico to receive approval of the location, character and extent of the reservoir as being substantially in accord with Cumberland's comprehensive plan as required by Va. Code § 15.2-2232. Cumberland shall have the sole right to regulate development around the reservoir consistent with the Watershed Protection Plan.

7. Cumberland shall, in consultation with Henrico, adopt a Watershed Protection Plan and Ordinance in substantial conformity with Exhibit B. The Watershed Protection Plan shall ensure no degradation of water quality within the reservoir.
8. Cumberland agrees to take all lawful steps necessary to enforce all provisions of the Watershed Protection Plan and Ordinance to allow Henrico to operate the reservoir safely and efficiently. Cumberland also agrees to enforce “no trespassing” areas on the reservoir established by Henrico. Such areas shall be limited to the areas identified by Henrico as necessary for operation and maintenance of the reservoir and its associated infrastructure and facilities. Henrico shall identify such areas on the initial site plan and by subsequent written notice to Cumberland. Henrico will allow all recreational uses of the reservoir outside of the “no trespassing” zones unless prohibited by state or federal regulatory agencies or by Cumberland’s Watershed Protection Plan and Ordinance.
9. At Cumberland’s request, Henrico shall enter into a water agreement with Cumberland under which Henrico will provide Cumberland an average annual allocation of up to 7.0 million gallons per day (“mgd”) of raw water. Henrico’s charges for water shall be based on the cost of service methodology determined by Henrico and shall match the methodology used for Goochland and Hanover. Cumberland shall be entitled to a direct withdrawal of its water allocation from the reservoir.
10. Henrico will have an average annual allocation of up to 30.0 million gallons per day (“mgd”) of raw water.
11. The parties agree that transfer of responsibility, coverage and liability for a reservoir permit shall pass from Cumberland to Henrico on the date each reservoir permit transfer from Cumberland to Henrico is approved by a regulatory agency.

12. Within 30 days of execution of this Memorandum, Cumberland shall provide the consent of its Board of Supervisors for the reservoir as required by Va. Code § 15.2-5122.

Cumberland agrees that it will not revoke its consent for any period during which Henrico wishes to operate or use the reservoir for its water supply needs.

13. The following shall be conditions subsequent to this Memorandum:

A. Henrico's acquisition of the property and easements necessary to construct, operate and maintain the reservoir and its associated infrastructure and facilities; and,

B. Henrico's final legal authority to construct and operate the reservoir as designed and without regulatory or permit conditions Henrico deems to be unreasonable; and,

C. Cumberland's amendment of its comprehensive plan and approval of the reservoir as being substantially in accord with the comprehensive plan; and,

D. Cumberland's adoption of a Watershed Protection Plan and Ordinance containing the premises attached in Exhibit B that ensures no degradation of water quality within the reservoir; and,

E. Cumberland's consent to reservoir as required by Va. Code § 15.2-5122; and,

F. Cumberland's issuance of all permits it requires for the reservoir.

14. For 50 years from the date of this Memorandum, if Cumberland's consent remains in effect and Cumberland does not impose a service charge on the reservoir property as authorized by Va. Code § 58.2-3400 or any other tax, charge or assessment, Henrico shall make an annual contractual payment to Cumberland in the amount and schedule as

provided in Exhibit A. Beginning 50 years from the date of this Memorandum, Henrico shall make a payment-in-lieu-of-taxes under the methodology set forth in the Code of Virginia for calculating payments in lieu of property taxes for projects owned by an authority for as long as the reservoir remains in operation.

15. Henrico shall reimburse Cumberland \$2,104,646.09 for Cumberland's costs for permitting the reservoir project within 30 days of execution of this Memorandum. Within 30 days of Cumberland's execution of an assignment of its rights related to its payment of \$550,383.77 for a wetlands mitigation bank for the reservoir to Henrico in a form approved by the Henrico County Attorney, Henrico will pay Cumberland \$550,383.77 for Cumberland's payments for the wetlands mitigation bank.
16. If Cumberland fails to perform any of its obligations under this Memorandum and such failure prevents Henrico from operating the reservoir as contemplated by the regulatory permits, Cumberland shall repay to Henrico all amounts paid by Henrico under paragraph 15 above. This obligation shall expire upon completion of construction of the reservoir and its appurtenant facilities.
17. Cumberland agrees that any increased costs imposed on Henrico's construction, operation or maintenance of the reservoir to comply with any ordinance adopted by Cumberland after the date of this Memorandum shall be credited against the contractual payments to be made by Henrico to Cumberland under paragraph 14 of this Memorandum, unless the adoption of such ordinance is mandated by the Commonwealth of Virginia or the federal government and its application to the reservoir is mandatory.
18. Henrico shall have the right to use without charge the streets, roads, lanes, alleys and other rights-of-way controlled by Cumberland to construct, operate and maintain the

reservoir. Henrico may acquire and retain such easements and rights-of-way as may be necessary for the construction, operation, maintenance, repair of the reservoir and any water facilities for the service of Henrico's customers. If any remnants are created by Henrico acquiring land, easements and rights-of-way, such remnants shall be offered to Cumberland for purchase at fair market value after being offered to any other person or entity as required by law.


19. Cumberland and Henrico acknowledge that the water to be supplied by Henrico may be limited as to quantity and quality from time to time by drought, by current or future regulatory restrictions, or by other conditions over which Henrico has no control. If Henrico is unable to meet the water requirements of this Memorandum, it shall notify Cumberland in writing. In addition, it shall promptly use good faith efforts to cure the circumstances that require such restrictions. If Henrico is unable to supply water because of restrictions or conditions over which it has no control, Cumberland hereby waives any action at law or in equity to require water or to recover damages from Henrico. Any and all such water allocation reductions to Cumberland and Henrico shall be in proportion to the reservoir safe yield allocations for each party.
20. Cumberland shall issue the necessary permits, including building permits, plumbing permits, electrical permits, and other administrative permits when Henrico applies for them for the reservoir to meet all applicable local, state and federal codes.
21. If Henrico no longer needs the reservoir, Henrico shall offer to sell part or all of its property to Cumberland at fair market value.

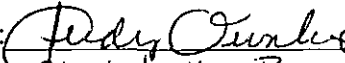


22. The parties agree that Cumberland shall manage access to the reservoir for recreational uses in accordance with its Watershed Protection Plan, including access across reservoir property other than the "no trespassing" zones identifies pursuant to paragraph 8.
23. The parties agree that execution of this Memorandum shall waive all claims by Cumberland or Henrico related to the reservoir against each other and Powhatan County prior to the date of execution.

WHEREFORE, the parties have executed this Memorandum by signature of their authorized representatives below.

**COUNTY OF CUMBERLAND**

By:   
Its: Chairman

By:   
Its: Clerk to the Board

**COUNTY OF HENRICO**

By: \_\_\_\_\_  
Its: \_\_\_\_\_

Exhibit A

Fiscal Year Ending	Amount
2011	\$1,131,900
2012	\$1,131,900
2013	\$1,131,900
2014	\$1,131,900
2015	\$1,131,900
2016	\$1,131,900
2017	\$1,131,900
2018	\$1,131,900
2019	\$1,131,900
2020	\$1,131,900
2021	\$1,131,900
2022	\$1,131,900
2023	\$1,131,900
2024	\$1,131,900
2025	\$1,131,900
2026	\$1,131,900
2027	\$1,131,900
2028	\$1,131,900
2029	\$1,131,900
2030	\$1,131,900
2031	\$1,131,900
2032	\$1,131,900
2033	\$1,131,900
2034	\$1,131,900
2035	\$1,131,900
2036	\$1,131,900
2037	\$1,131,900
2038	\$1,131,900
2039	\$1,131,900
2040	\$1,131,900
2041	\$1,131,900
2042	\$1,131,900
2043	\$1,131,900
2044	\$1,131,900

Fiscal Year Ending	Amount
2045	\$1,131,900
2046	\$1,131,900
2047	\$1,131,900
2048	\$1,131,900
2049	\$1,131,900
2050	\$1,131,900
2051	\$1,131,900
2052	\$1,131,900
2053	\$1,131,900
2054	\$1,131,900
2055	\$1,131,900
2056	\$1,131,900
2057	\$1,131,900
2058	\$1,131,900
2059	\$1,131,900
2060	\$1,131,900

Exhibit B  
To be replaced with model language

ARTICLE I                    GENERAL PROVISIONS

<u>SEC. 1-100</u>	<u>TITLE AND AUTHORITY</u>
<u>SEC. 1-102</u>	<u>JURISDICTION</u>
<u>SEC. 1-104</u>	<u>PURPOSE</u>
<u>SEC. 1-106</u>	<u>EFFECTIVE DATE</u>
<u>SEC. 1-108</u>	<u>APPLICATION OF REGULATIONS</u>
<u>SEC. 1-110</u>	<u>ESTABLISHMENT OF RESERVOIR PROTECTION OVERLAY DISTRICT ZONES</u>
	<u>Sec. 1-110.1    Reservoir Protection Areas</u>
	<u>Sec. 1-110.3    Reservoir Management Areas</u>
<u>SEC. 1-112</u>	<u>INTERPRETATION OF DISTRICT BOUNDARIES</u>

ARTICLE II                  DISTRICT REGULATIONS

<u>SEC. 2-100</u>	<u>RESERVOIR PROTECTION AREAS</u>
	<u>Sec. 2-100.1    Statement of Intent</u>
	<u>Sec. 2-100.3    Permitted Uses</u>
	<u>Sec. 2-100.5    Regulated Uses</u>
	<u>Sec. 2-100.7    Prohibited Uses</u>
<u>SEC. 2-200</u>	<u>RESERVOIR MANAGEMENT AREAS</u>
	<u>Sec. 2-200.1    Statement of Intent</u>
	<u>Sec. 2-200.3    Permitted Uses</u>
	<u>Sec. 2-200.5    Regulated Uses</u>
	<u>Sec. 2-200.7    Prohibited Uses</u>

ARTICLE III                USE AND DESIGN STANDARDS

<u>SEC. 3-100</u>	<u>DEVELOPMENT STANDARDS</u>
	<u>Sec. 3-100.1    Statement of Purpose and Intent</u>
	<u>Sec. 3-100.3    General Performance Standards for Development</u>
	<u>Sec. 3-100.5    Golf Courses</u>
<u>SEC. 3-200</u>	<u>AGRICULTURE</u>
<u>SEC. 3-300</u>	<u>SILVICULTURE</u>

ARTICLE IV                SITE DEVELOPMENT PLANS

<u>SEC. 4-100</u>	<u>APPLICABILITY</u>
<u>SEC. 4-102</u>	<u>COMPREHENSIVE RPOD SITE DEVELOPMENT PLAN REQUIREMENTS</u>
	<u>Sec. 4-102.1    Content</u>
	<u>Sec. 4-102.3    Preparer Qualifications</u>
	<u>Sec. 4-102.5    Proof of Permits</u>
	<u>Sec. 4-104      Condensed Site Plan Requirements</u>

<u>SEC. 4-106</u>	<u>ADMINISTRATIVE PROCEDURES AND REQUIREMENTS</u>
<u>SEC. 4-108</u>	<u>MINIMUM STANDARDS AND IMPROVEMENTS REQUIRED</u>

**ARTICLE V**                    **ADMINISTRATION**

<u>SEC. 5-100</u>	<u>PLANNING COMMISSION AND ZONING ADMINISTRATOR</u>
<u>SEC. 5-102</u>	<u>BOARD OF ZONING APPEALS</u>
<u>SEC. 5-104</u>	<u>PERMITS</u>
	<u>Sec. 5-104.1 Stormwater Control Permits</u>
<u>SEC. 5-106</u>	<u>REVIEW PROCESS</u>
	<u>Sec. 5-106.1 Denial of Plan, Appeal of Conditions or Modifications</u>
<u>SEC. 5-108</u>	<u>FEES</u>
<u>SEC. 5-110</u>	<u>ENFORCEMENT</u>
<u>SEC. 5-112</u>	<u>PENALTIES</u>
	<u>Sec. 5-112.1 Civil Penalties</u>
	<u>Sec. 5-112.3 Appeals</u>
	<u>Sec. 5-112.5 Criminal Penalties</u>
	<u>Sec. 5-112.7 Liability For Expenses Caused By Violation</u>
<u>SEC. 5-114</u>	<u>AMENDMENTS FOR RPOD ORDINANCE</u>
<u>SEC. 5-200</u>	<u>EXEMPTIONS</u>
	<u>Sec. 5-200.1 Nonconforming Uses and Structures</u>
	<u>Sec. 5-200.3 Conditional Zoning</u>
	<u>Sec. 5-200.5 Special Use Permits</u>
	<u>Sec. 5-200.7 Variances</u>

**ARTICLE VI**                    **DEFINITIONS**

<u>SEC. 6-100</u>	<u>DEFINITIONS</u>
-------------------	--------------------