

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
REGULAR MEETING
June 11, 2013**

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, June 11, 2013, 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:

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

Other Officials Present:

John A. Vithoukas, County Manager
Joseph P. Rapisarda, Jr., County Attorney
Alisa A. Gregory, Captain, Administrative Services, Sheriff's Office
Barry R. Lawrence, CMC, Assistant to the County Manager/Clerk to the Board
Joseph A. Casey, Deputy County Manager for Administration
Jane D. Crawley, Deputy County Manager for Community Services
Timothy A. Foster, P.E., Deputy County Manager for Community Operations
Randall R. Silber, Deputy County Manager for Community Development

Mr. Kaechele called the meeting to order at 7:02 p.m.

Mr. Kaechele led recitation of the Pledge of Allegiance and a moment of silent prayer.

On motion of Mr. Thornton, seconded by Mr. Nelson, the Board approved the minutes of the May 28, 2013, Regular and Special Meetings.

The vote of the Board was as follows:

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

No: None

MANAGER'S COMMENTS

The inaugural Henrico Citizens Academy, which was held weekly during the month of May, provided Henrico residents the opportunity to participate in a free ten-hour program to learn

the nuts and bolts of their local government and become more engaged citizens. The Academy was requested by Varina District Supervisor Tyrone Nelson in response to a suggestion from two of his constituents. The entire Board of Supervisors endorsed the concept. The Academy's presenters traveled to different County facilities to receive a tour and hear from a member of the Board of Supervisors, a Deputy County Manager, and a variety of presenters from County agencies and Public Schools. Mr. Kaechele and Mr. Vithoukas attended the last class on May 30, where they presented certificates of completion to the 24 citizens who helped the County pioneer this new program.

The Academy was developed by Joe Casey, Deputy County Manager for Administration, and coordinated by Cristol Klevinsky, Management Specialist. Mr. Casey expressed appreciation to the Board, his fellow Deputy County Managers, the departmental representatives, and all agency staff members who helped develop this successful course, which will be improved upon and offered again next spring based on feedback received from participants. Mrs. Klevinsky referred to the participants as great ambassadors for the County and introduced the following participants who were present: Frank Brown, Jr.; Mark Gillis; Shawn Hampton; Kandise Lucas; Wayne Towns; and Sandra Williams. She also recognized the following graduates of the Academy who were unable to be present: Kenneth Cauthorne, Jr.; Ashley Colvin; James Freeman; Arthur Garthright; Judith Gaskins; Chequetta Heath; Ron Hedlund; Susan Hogge; Barbara James; Coralett James; Paula Missouri; David Rafner; Ranny Robert; Thomas Rockecharlie; Monica Shaw; Kenneth Sosinsky; Laura Southard; and Audra Yerian.

On behalf of his classmates, Mr. Brown thanked the Board for giving them this opportunity and for the terrific job Mrs. Klevinsky did in planning and coordinating this program. He reflected on his wonderful experience with the Academy and commented on the Board's and County administration's professionalism, enthusiasm, and desire to act in the best interest of the people of Henrico County. Mr. Brown remarked that the message the class carried away from the program and will share with the community is one of respecting those who serve, wanting to serve, and being appreciative of those who serve.

BOARD OF SUPERVISORS' COMMENTS

Mr. Nelson noted that the Division of Fire team led by Assistant Chief Kenny Dunn reclaimed the Henrico County Cup from the Public Schools team led by Superintendent Pat Russo at the sixth annual Eastern Henrico Business Association (EHBA) Golf Tournament on May 3, 2013. He recognized Martin and Paula Ramirez, owners of the Historic Mankin Mansion, who generously served as the official sponsor of the Henrico County Cup; and John Delandro, the Highland Springs representative on the EHBA, who was filling in for the organization's president, Mark Romers. Mr. Nelson offered congratulations to Fire Chief Tony McDowell, Assistant Chief Dunn, and the Division of Fire for capturing this year's Henrico Cup and returning the trophy to a general government agency.

Mr. Kaechele mentioned that a very serious bomb threat at Richmond International Airport earlier in the day caused the airport to be totally evacuated, disturbed a lot of travelers, and disrupted many flight schedules. Mr. Vithoukas and Assistant Chief of Police for Administrative Operations Tom Leary confirmed for Mr. Kaechele and Mrs. O'Bannon that

the threat turned out to be a false alarm and that the Henrico County Division of Police responded to the incident with the assistance of other jurisdictions in the region.

RECOGNITION OF NEWS MEDIA

Mr. Kaechele recognized Graham Moomaw from the *Richmond Times-Dispatch*, and Avajoye Burnett and Tony Lockett from WRIC-TV 8.

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMITS

127-13
REZ2013-
00008
Three Chopt

Eagle Construction of Va., LLC: Request to amend proffered conditions accepted with Rezoning Case C-7C-07 on Parcel 747-773-6860 located on the southeast line of Twin Hickory Road approximately 790' east of Nuckols Road.

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

On motion of Mrs. O'Bannon, seconded by Mr. Nelson, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item subject to the following proffered conditions:

1. **Conceptual Plan.** Development of the property (the "Property") shall be in general conformance with the conceptual site plan dated July 3, 2008 and attached as Exhibit "A" (see case file). The concept plan is conceptual and therefore the details and exact layout will vary from the conceptual plan as approved by the Planning Commission at the time of the Plan of Development (POD) review.
2. **Landscaping, Buffer, and Fencing Requirements.** A forty-five foot (45') buffer shall be provided adjacent to the northeastern boundary line of the Property as shown on Exhibit "A" (see case file), which such buffer shall include landscaping with a minimum of transitional buffer 50, as referenced in the County Zoning Ordinance. A fifteen foot (15') buffer shall be provided adjacent to all other boundaries of the Property, including Twin Hickory Road, as shown on Exhibit "A" (see case file), which such buffers shall include landscaping with a minimum of transitional buffer 25, as referenced in the County Zoning Ordinance. All such buffers shall be left natural and landscaped subject to (i) the removal of fallen, diseased or dead plant growth, (ii) the extent necessary for an access road and utility easements, including drainage, (iii) supplemental plantings, berms and/or fencing and other purposes as required by the Planning Commission at the time of Plan of Development

or Landscape Plan review, and (iv) no more than five (5) feet of the buffer on the townhouse side of the northeastern boundary buffer being initially cleared and, if so cleared, then planted with supplemental plantings consistent with the approved Landscape Plan. The Landscape Plan shall also include provisions for (a) sod and irrigation in landscaped areas on the Property, including, without limitation, yards for any building and the buffer along Twin Hickory Road, (b) landscaping of parking areas and in other common areas of the project, and (c) the prohibition of chain link or wood fencing on the Property. The rear or side yard setback for any building on the Property may not include such buffer.

3. **Architectural Treatment.** The visible portions of the front, rear and side building wall surfaces of each building unit shall be constructed of stone, stone veneer, fiber cement, decorative shake, brick, or brick veneer, excluding trim, windows, doors and architectural design features, or as specifically approved by the Director of Planning. Any townhomes constructed on the Property (a) shall generally be in conformance with the elevations attached hereto as Exhibits "B", "C", and "D", (b) shall use a variety of colors across each building, (c) shall provide simulated carriage-style garage doors with varied door designs, window lites, and hardware, and (d) shall provide varied window grill patterns across each building. The side of each end unit shall include at least one (1) window. No dormers shall be located on the units adjacent to and facing the Chappell Ridge development.
4. **Density.** There shall be no more than thirty (30) units developed on the Property.
5. **Square Footage.** All townhomes shall have at least two thousand (2,000) square feet of finished floor area.
6. **Foundations.** The exposed exterior portion of any building below the first floor elevation which is visible above grade shall be finished with brick or stone.
7. **Cantilevered Features.** No chimneys, gas vent units, closets or bay windows shall be cantilevered. The exposed portions of all fireplace chimneys shall be brick. This proffer shall not apply to direct vent gas fireplaces or appliances.
8. **Protective Covenants.** Prior to or concurrent with the recordation of the first subdivision plat or approval of the final Plan of Development by the County, a document shall be

recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia, setting forth controls on the development and maintenance of such portions of the Property and establishing a homeowners' association ("HOA"). All buffers described in these proffers shall be part of the common area of the development and shall be required by the protective covenants to be maintained by the HOA. The protective covenants shall also require any outbuildings to have an exterior elevation and design uniform with all other outbuildings on the development, and such outbuildings must be approved by the HOA prior to their construction. The protective covenants shall also require the HOA to set a uniform time for trash pickup for all of the townhomes and to maintain and repair all roads within the Property not dedicated to and accepted by the County. These proffers accepted with this case shall be attached as an exhibit to and recorded with such protective covenants.

9. **Lighting.** Ground mounted lighting fixtures shall be mounted on footings to prevent the use of direct embedded light standards and shall not exceed fifteen (15) feet in height above grade level. Lighting shall be non-glare, decorative in style, and residential in character.
10. **Underground Utilities.** Except for junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground. Any heating, ventilation and air conditioning equipment shall be screened from view at ground level at the boundary line of the Property by using fencing or landscaping as approved by the Planning Commission at the time of Plan of Development review.
11. **Roads and Sidewalks.** All interior roadways shall be private. Upon completion of the construction of the interior roadways, the developer shall provide the Planning Department with certification from a licensed engineer that the interior roadways were constructed in compliance with Henrico County road design standards and specifications, to include proper compaction of the sub-base soils, utility trenches, base stone and asphalt surface, but excluding road widths and turning radii. The applicant shall provide sidewalks along internal roads in front of each dwelling. In addition, the applicant shall provide a sidewalk parallel to Twin Hickory Road. These sidewalks along Twin Hickory Road shall be constructed to the Department of Public Works' standards and shall include a two (2) foot planting strip between the sidewalk and curb. The sidewalk parallel to Twin Hickory Road shall be located in the County Right-of-Way.

12. **Entrance Feature.** The entrance into the development shall contain a monument style entrance sign with exterior lighting, shall be a maximum height of 6 feet, shall be constructed in conformance with the County Zoning Ordinance and with architectural materials similar to the exterior architectural materials of the residential buildings, unless otherwise approved by the Planning Commission at the time of Plan of Development review.
13. **Sound Suppression.** Walls and ceilings between units shall be constructed with a minimum sound coefficient rating of 54. Prior to the issuance of a building permit, the owner or applicant shall submit construction details (cross section), with an architect's or engineer's seal, demonstrating that construction will provide the proffered sound coefficient.
14. **Garages.** Each dwelling unit shall contain at least a one-car garage. Each garage shall have a minimum interior clear area of 18' x 9'. All driveways serving a dwelling unit shall be constructed of concrete, including, but not limited to, stamped concrete and exposed aggregate concrete.
15. **Dumpsters.** Any dumpster shall be screened from public view at ground level with brick side and rear walls and a wooden front gate, or as otherwise approved by the Planning Commission at the time of Plan of Development review. Any dumpster shall be located generally as shown on Exhibit "A" (see case file) unless otherwise approved at the time of Plan of Development review.
16. **Storm Water Facilities.** There shall be no above ground stormwater management facilities on the site, unless otherwise approved by the Planning Commission at the time of Plan of Development review.
17. **Right-of-Way Dedication.** The Applicant shall dedicate the right-of-way necessary along Twin Hickory Road based on the ultimate right-of-way width of sixty-six (66) feet. The right-of-way shall be dedicated as part of the final plat recordation. If such right-of-way property is not used by the County for the widening of Twin Hickory Road by July 8, 2023, the right-of-way property shall be returned to the then existing owners of the Property.
18. **Hours of Construction.** The hours of exterior construction, including operation of bulldozers and other earthmoving equipment, shall be between 7:00 a.m. and 7:00 p.m., Monday

through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work, such as concrete pours or utility connectors.

19. **Building Permit.** The Director of Public Works shall approve all final grading and drainage plans required by the Director of Public Works for development of the Property, or the applicable portion thereof, and evidence as the Director of Public Works requires that all easements made necessary by such plans have been obtained shall be provided to the Director of Public Works prior to the issuance of grading and drainage permits for the development of the Property, or the applicable portion thereof.
20. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

The vote of the Board was as follows:

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

No: None

128-13
REZ2013-
00005
Varina

Atack ME Tech Park Partners LLC: Request to amend proffered conditions accepted with Rezoning Case C-60C-97 on part of Parcel 844-704-9230 located on the west line of Techpark Place approximately 1,500' south of its intersection with Technology Boulevard.

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

On motion of Mr. Nelson, seconded by Mrs. O'Bannon, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item with the following proffered conditions:

PROFFER NUMBER 1 OF CASE NUMBER C-60C-97
IS HEREBY AMENDED AND RESTATED AS FOLLOWS:

1. **Uses.** The uses of the Property shall be the uses permitted and as regulated by the M-2 District. Retail commercial uses first permitted in B-1, B-2 and B-3 Districts are excluded unless otherwise permitted in, and as regulated by, the Office/Service District. Notwithstanding certain restrictions on retail uses set forth in the Office/Service District ordinance, such retail commercial uses may be conducted within buildings that are less than 50,000 square feet in size. Except for building material sales yards and

contractor's equipment storage yards, all principal permitted industrial uses shall be conducted within a completely enclosed building, which may be an office building or a separate, freestanding building used for industrial uses. All permitted outside uses and storage shall not be permitted between the front of the building and the front street boundary, and shall be enclosed and screened by a berm a minimum of eight (8) feet in height from the finished grade of the Property, along with supplemental plantings on top of such berm with plantings equivalent to that of a Transitional Buffer 35 as determined at the time of Landscape Plan review by the Planning Commission. Landscaping on berms shall be irrigated. Materials being stored (not including contractor's equipment) shall not be stacked or placed in a manner that exceeds the height of the screen. Extendable features of any equipment shall not be so extended while parked at the premises.

The vote of the Board was as follows:

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

No: None

129-13
PUP2013-
00003
Tuckahoe

Richmond 20MHz, LLC (nTelos): Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120, and 24-122.1 of Chapter 24 of the County Code in order to construct a 169' high telecommunications tower on part of Parcel 748-746-6665 located on the north line of Quiocassin Road (State Route 157) approximately 650' north of its intersection with Shane Road (Byrd Middle School).

Jean Moore, Assistant Director of Planning, responded to questions from Mrs. O'Bannon and Mr. Kaechele.

The following persons addressed the Board during the public hearing:

- Paula Saxby, a resident of Tracy Court who lives directly behind the proposed site, spoke in opposition to this case. She expressed concerns that placement of a cellular tower in close proximity to school children at Byrd Middle School and Pemberton Elementary School would be hazardous to their health and unethical. Mrs. Saxby also conveyed concerns that the tower would be visible from her rear windows and backyard and would cause her undue stress and negatively impact her quality of life. She suggested that the proposed cell tower site be used instead for an outdoor classroom and to expand physical education opportunities. Mrs. Saxby stated that nTelos had not provided her with a wetlands study of the site that she and her husband requested and that the School Board and

Board of Supervisors had not responded to an e-mail her husband sent them raising several concerns about the case. She concluded her comments by questioning the policy of placing cellular towers on school property. In response to questions from Mr. Kaechele, Mrs. Saxby identified the location of her home on a map depicting the subject site and surrounding areas and Ms. Moore confirmed that there is an existing cellular tower at Fire Station No. 13 in close proximity to Gayton Elementary School.

- Bill Blaszak, a resident of Leewal Court in the Rainbrook subdivision, raised questions and concerns regarding the times of day when the telecommunications tower could be maintained or serviced and whether the tower would impact property values in his neighborhood and the health of his children.
- Connor Murray noted that he attended Echo Lake Elementary School and was not aware of any health issues related to a cellular tower that is located there.

Gloria Freye, an attorney for McGuire Woods, recognized Mark Cornell from nTelos and Al Ciarochi from the Henrico County Public Schools administration. She presented the case on behalf of the applicant and narrated a slide presentation on the proposed communications facility. During her slide presentation, Ms. Freye reviewed the need for the tower, existing and proposed telecommunications coverage in this area of the County, other sites that were considered, the design of the pole, and photo simulations. She also briefly commented on how nTelos had engaged the adjoining neighborhood in this case and complied with Federal Communications Commission (FCC) licensing guidelines. Ms. Freye concluded her remarks by explaining how nTelos has tried to mitigate the pole's visual impact and noting the precedent for placing telecommunications towers on school property.

Following Ms. Freye's presentation, she and Mr. Rapisarda responded to questions from Mr. Kaechele pertaining to the School Board's current policy that allows the siting of telecommunications towers on school property. Joe Emerson, Director of Planning, responded to questions from Mr. Glover and Mrs. O'Bannon relating to the number of cellular towers already located in the County. Ms. Freye responded to questions from Mr. Nelson and Mr. Kaechele concerning the design of the proposed tower. Mr. Ciarochi, Director of Construction and Maintenance for Henrico Public Schools, responded to further questions from Mr. Blaszak and Mrs. O'Bannon regarding the times of day in which nTelos could access the proposed tower for maintenance work under the terms of the executed lease between nTelos and the School Board. In response to further questions from Mrs. O'Bannon, Ms. Freye commented on the

impact of cellular towers on residential property values, the factors that were considered in choosing the subject site, and the location of an existing access road on the site. Mr. Ciarochi clarified for Mrs. O'Bannon how the access road is used.

Mrs. O'Bannon reflected on the case by acknowledging the need to place more cellular towers in the County despite the difficulty in siting them; thanking neighbors, the applicant, Planning Commissioner Bonnie-Leigh Jones, and the County Manager for their input and efforts; noting the School Board's responsibility for controlling school property that it owns and its interest in siting the tower properly with an appropriate design; and relaying her conversations with FCC representatives at a National Association of Counties conference this past March confirming that there are no federally developed national standards for safe levels of exposure for radio frequency energy and that health issues cannot be used to deny a telecommunications case. She also commented on safety and security measures that will be put in place for the tower and why this site is the best location for the tower.

On motion of Mrs. O'Bannon, seconded by Mr. Glover, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item subject to the following conditions:

1. If the use of the tower for communication purposes is discontinued for 180 days, the antennas and all related structures shall be removed from the site within ninety (90) days. Within ten (10) business days after written request by the County, the owner of the antennas and equipment shall provide the County with written confirmation of the status of the facility, the number of and identity of users, available co-location space and such additional information as may be reasonably requested.
2. Application for a building permit to construct the telecommunications tower must be made within one year after the Provisional Use Permit is granted by the Board of Supervisors, unless an extension of time is granted by the Director of Planning upon a written request by the applicant.
3. The applicant shall obtain approval from the Planning Commission should the FAA require the addition of standard obstruction marking and lighting (i.e. red lighting and orange and white striping) to the tower. Any changes to the proposed galvanized finish of the tower shall be submitted to the Director of Planning for approval.
4. When site construction is initiated as a result of this Provisional Use Permit, the applicant shall complete requirements prescribed by Chapter 10 of the Henrico County Code. In particular, land

disturbance of more than 2,500 square feet will require that construction plans include a detailed drainage and erosion control plan prepared by a professional engineer certified in the State of Virginia. Ten (10) sets of the construction plans shall be submitted to the Department of Public Works for approval.

5. If ownership of the lease is transferred to another provider, the new owner shall submit a Transfer of Provisional Use Permit.
6. The total height of the tower, including lightning rod, shall not exceed 169 feet and all antennas shall be concealed inside the monopole to reduce the visual profile of the tower.
7. This permit shall apply only to the 2,500 square foot lease area and associated access/utilities easements identified in Exhibit C (see case file).
8. Ground equipment shall be located within the lease area inside secure equipment cabinets as demonstrated in Exhibit B (see case file).
9. The lease area shall be screened from view at ground level by an opaque, sturdy material and/or landscaping. Such screening shall be reviewed and approved by the Director of Planning prior to the issuance of a building permit.
10. The co-location of additional users, as technically feasible and in accordance with the Lease Agreement with the County School Board shall be allowed at this site. The applicant shall allow the co-location of as many users as technically possible at this site, in accordance with the provisions of the "Letter of Intent to Permit Co-Location on Communications Tower" form which shall be submitted to the Planning Department prior to the issuance of a building permit for the tower.
11. Prior to the co-location of any carrier's antennas or addition of equipment lease space, a revised site plan and equipment placement details shall be submitted to the Planning Department for approval.
12. The tower and any related equipment shall not interfere with the County of Henrico's 800MHz public safety radio system in any way. The leaseholder is responsible for mitigating any interference.
13. Any UHF, VHF or other type of receivers/transmitters that would interfere with the County's Division of Police emergency communications are prohibited from this tower.

14. To provide visual buffering, a landscape plan shall be submitted to the Planning Department for approval prior to the issuance of a building permit for the telecommunications tower. The landscape plan shall include provisions, including the planting of mature native vegetation such as American Holly or comparable evergreen trees, for mitigating visual impacts of the tower associated ground equipment, including emergency generators. The Director of Planning may waive the enforcement of this condition if it is deemed unnecessary.
15. The security fence and gate shall be maintained in the manner as shown on Exhibit D (see case file). The tower owner shall repair or replace any portion of the fence or gate deemed in disrepair. Should the Director of Planning be made aware of damage or necessary maintenance, such repair or maintenance shall commence within ten (10) days of written notice by the Director of Planning. Maintenance shall be completed within fourteen (14) days unless otherwise approved by the Director of Planning.
16. In addition to the access and notification requirements applying to Harry F. Byrd Middle School, the tower owner shall provide notice to the principal of Pemberton Elementary School.

The vote of the Board was as follows:

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

No: None

130-13
PUP2013-
00009
Tuckahoe

Jeremy Reaves: Request for a Provisional Use Permit under Sections 24-58.2(a), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to allow extended hours of operation until 1:00 a.m. for an existing restaurant (Cook-Out) on Parcel 754-743-5297 located on the south line of Eastridge Road approximately 300' east of its intersection with N. Parham Road.

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

Jeremy Reaves, the applicant, responded to a question from Mr. Nelson.

On motion of Mrs. O'Bannon, seconded by Mr. Nelson, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item subject to the following conditions:

1. Hours of operation shall be between the hours of 6:00 a.m. and 1:00 a.m.

2. This Provisional Use Permit shall be applicable only to the Cook-Out restaurant and is nontransferable to subsequent owners or users.
3. Cook-Out shall not serve alcohol at this location.
4. The installation of pay phones on site shall be prohibited.
5. 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;
 - b. Sound(s) emitted from the system shall not be audible beyond a distance of one hundred (100) feet measured from the source.
6. 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. Any outstanding issues shall be addressed by the applicant prior to a certificate of occupancy being issued.
7. The owner or operator shall install a security camera and video system designed by a security specialist. This security system shall include the following items:
 - a. Exterior surveillance cameras monitoring the entrance(s), parking area(s), drive through windows and any other areas deemed necessary by the Division of Police. Such security cameras shall provide clear imagery of the establishment's patrons and their vehicles.
 - b. Recordings of all activities under surveillance shall be preserved for a period of (4) months by the applicant. Authorized representatives of the Henrico County Division of Police shall have full and complete access to all recordings upon request.
8. The facility's windows shall not be tinted or obscured by posters, advertisements, or similar materials in order to permit surveillance opportunities both from within and from the outside of the building. This shall not prevent blinds from being used during daylight hours.
9. The owner or operator shall provide adequate lighting for the entrances, exits, and parking areas serving the use or location. "Adequate lighting" means lighting sufficient for clear visual and

security camera surveillance.

10. The owner or operator shall require customers to leave the premises and parking areas immediately after the close of business.
11. The owner or operator shall not permit loitering, criminal assaults or public nuisances on the premises during hours of operation.
12. Cook-Out shall not install or provide a window dedicated to walk-up service. In addition, there shall be no walk-up service provided at the drive-thru windows after midnight.

The vote of the Board was as follows:

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

No: None

BOARD OF SUPERVISORS' COMMENTS (continued)

Mr. Kaechele recognized Ernie Campbell from Boy Scout Troop 702, sponsored by Second Baptist Church, who was observing the meeting to fulfill a requirement for the Citizenship in the Community Merit Badge. He also recognized Connor Murray from Boy Scout Troop 777, sponsored by St. Martin's Episcopal Church, who was observing the meeting to fulfill a requirement for the Communications Merit Badge.

PUBLIC HEARING - OTHER ITEM

131-13 Resolution - Amendments to the FY 2012-13 Annual Fiscal Plan: June, 2013.

Brandon Hinton, Management and Budget Division Director, responded to questions from Mrs. O'Bannon regarding the allocation process for budget amendments. At Mr. Vithoukas' request, Mr. Hinton provided an explanation of how revenues and expenditures are allocated for the Richmond Center Expansion Project. Mr. Vithoukas also responded to questions from Mr. Kaechele pertaining to these payments.

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

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

PUBLIC COMMENTS

There were no comments from the public.

GENERAL AGENDA

132-13 Resolution - Award of Contract - Professional Engineering Services - Creighton Road Vent Station - Fairfield District.

Art Petrini, Director of Public Utilities, responded to questions from Mr. Kaechele.

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


133-13 Resolution - Signatory Authority - Amendment to Agreement with Virginia Department of Transportation for Congestion Mitigation and Air Quality (CMAQ) Funds - Automated Traffic Management System - VDOT Project #R000-043-V07, PE101, M501, VDOT Project #R000-043-V08, PE101, M101, and County Project #2101.50704.28004.06398.

Steve Yob, Director of Public Works, responded to questions from the Board.

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

Mr. Thornton voiced concern that the Virginia Department of Transportation (VDOT) is not cutting grass along state-maintained roads in a timely manner and that state legislators are not giving due diligence to this issue. Mr. Vithoukas noted that the County administration continues to have conversations with VDOT officials on this issue and expressed agreement with Mr. Thornton that the County needs to educate its residents on the distinction between County roads and maintenance responsibilities and State road and maintenance responsibilities.

There being no further business, the meeting was adjourned at 8:39 p.m.



Chairman, Board of Supervisors
Henrico County, Virginia

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

Agenda Item No. 1 **31-13**
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Agenda Title **RESOLUTION - Amendments to the FY 2012-13 Annual Fiscal Plan: June, 2013**

For Clerk's Use Only:	BOARD OF SUPERVISORS ACTION	YES NO OTHER
Date JUN 11 2013	Moved by (1) <u>Thornton</u> Seconded by (1) <u>Glover</u>	Glover, R. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input checked="" type="checkbox"/> Approved	(2) _____ (2) _____	Knechele, D. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Denied	REMARKS: APPROVED	Nelson, T. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Amended		O'Bannon, P. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Deferred to		Thornton, F. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
_____		_____

WHEREAS, the Board of Supervisors of the County of Henrico, Virginia, did hold an advertised public hearing at 7:00 p.m., on June 11, 2013, to consider proposed amendments to the Annual Fiscal Plan for fiscal year 2012-13; and,

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Henrico, Virginia, that the Annual Fiscal Plan for fiscal year 2012-13 is amended and that such funds are appropriated for expenditure in the amounts and for the purposes indicated.

OPERATING FUNDS

FUND 0101 - GENERAL FUND - General Operating
Department 03 - Sheriff

03205	- Personnel	\$	6,560
03207	- Uniforms and Property		7,622
03209	- Training		7,738

0000 00000 To appropriate anticipated fee revenue of \$21,920 for uniforms, equipment, and a pre-academy physical associated with the 2013 Summer Student Basic Jailor Academy. A total of thirty-two students from Virginia Commonwealth University and Virginia Union University are projected to participate in this program which will award each student with nine college credits and certification as a correctional deputy.

Total Sheriff \$ 21,920

By Agency Head <u>Eugene Walter</u>	By County Manger <u>[Signature]</u>
Routing: _____	Certified: _____
Yellow to: _____	A Copy Teste: _____
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	Date: _____

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

Department 12 - Police

12001	- Administration	\$ 1,000,000
0000 00000	<p>To appropriate additional funding of \$1,000,000 for overtime expenditures. Expenditures in this area have grown significantly due to changes in State law regarding how overtime is calculated for public safety personnel. This appropriation plus savings identified across all other General Fund departments in the current fiscal year will provide sufficient funding to cover overtime expenditures exceeding budget in all public safety areas. In the FY14 budget, \$2.0 million was added to public safety overtime to address this concern.</p>	

Department 30 - Economic Development

30001	- Economic Development	
0000 01043	<p>- <u>Richmond Center Expansion</u></p> <p>Revenue from the 8.0 percent Hotel/Motel Occupancy Tax is exceeding the estimate of \$9,660,000, included in the fiscal year 2012-13 Annual Fiscal Plan. This \$1,500,000 increase will cover additional payments to the Greater Richmond Convention Center Authority (GRCCA), resulting from revenue that has been received and is projected to be received through the end of the fiscal year. Payment will be made based on actual collections from the tax. Subsequently, the County's 2.0 percent local tax component (estimated at \$375,000 for this amendment), will come back to the County. In total, for fiscal year 2012-13, the County expects to receive \$11,160,000 in Hotel/Motel Occupancy Taxes.</p>	\$ 1,500,000

Department 32 - Non-Departmental

32001	- Non-Departmental	\$ 1,000,000
0000 00000	<p>Participation in the County's Real Estate Assistance Program (REAP) is forecasted to exceed the FY2012-13 appropriation of \$7,592,550. Additional funding is required due to the success of the program in providing tax relief to the elderly and disabled. Funding for the program is to come from the fund balance in the General Fund. This amendment will increase the total appropriation for REAP in FY2012-13 to \$8,592,550.</p>	

Total GENERAL FUND	\$ 3,521,920
---------------------------	---------------------

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

Department 05 - Commonwealth's Attorney

05001	- Commonwealth's Attorney	\$ 28,100
0000 05488	<p>- <u>Virginia Domestic Violence Victim Fund (2013)</u></p> <p>To appropriate State funding received from the Department of Criminal Justice Services, Virginia Domestic Violence Victim Fund grant program. Funding will be used for supplies and travel expenses.</p>	

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

Department 12 - Police

12013 - Communications
0000 00849 - Wireless E-911 \$ 250,000

To provide funding to purchase fifty mobile radios that will be compliant with the County's radio communications system replacement project. This funding will reduce the number of radios needed to be purchased as part of the project. Funds are to come from Wireless E-911 revenues that have been received by the County but not appropriated.

12800 - Grams
0000 00033 - Police - DMV Animal Friendly Plates 6,421

The Commonwealth of Virginia, Department of Motor Vehicles (DMV) has awarded the County of Henrico \$6,421 from the Dog and Cat Sterilization Fund as a result of the sale of State Animal Friendly license plates in Henrico County during fiscal year 2012-13. Funds will be used to support sterilization programs for dogs and cats through CARE (Cat Adoption and Rescue Efforts).

0000 00120 - HEAT Grant 1,760

The Virginia Department of State Police has awarded the County of Henrico \$1,760 for two detectives to attend a HEAT conference in June, 2013. These funds are from the Help Eliminate Auto Theft (HEAT) Program. No County matching funds are required.

Total Police \$ 258,181

Department 13 - Fire

13113 - Emergency Planning and Safety
0000 05497 - Heritage Fund Grant \$ 8,000

To appropriate funding from the Fireman's Fund Insurance Company Heritage Program Grant. This funding will be used to purchase two BlitzFire nozzles and fire prevention materials. No County matching funds are required.

0000 05498 - PUPTH Grant 65,806

To appropriate funding of \$65,806 received from Virginia Commonwealth University (VCU) for initial start-up costs related to the Pre-hospital Use of Plasma for Traumatic Hemorrhage (PUPTH) grant. These federal funds are pass-through from the Department of Defense and Virginia Commonwealth University is the primary recipient of grant funding. This funding will be used to provide a portion of the salaries of advanced life support EMS supervisors as well as associated operating and capital expenses required to implement a three-year clinical trial beginning in July 2013 on the use of plasma in the pre-hospital EMS setting. Total funding of \$432,863 will be provided over the three-year time period for this grant on a reimbursable basis. No County matching funds are required.

Total Fire \$ 73,806

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

Department 28 - Public Works

28007 - Environmental

0000 06749 - DCR - Local Stormwater Program Development \$ 16,050

To appropriate funding from the Virginia Department of Conservation and Recreation for Stormwater Program awards. These funds will be used for a consultant to ensure the County is conforming with the Stormwater Management regulations.

Department 36 - Community Corrections

36002 - CCP - Pretrial

0000 05450 FY2012-13 CCP Pretrial \$ 628

36003 - CCP - Post Trial

0000 05452 - FY2012-13 CCP Post Trial 6,984

To appropriate \$7,612 of additional State revenue received from the Virginia Department of Criminal Justice Services that is in excess of the current County budget for the Community Corrections Program.

Total Community Corrections \$ 7,612

Total Fund 1102 - Special Revenue Fund-State/Fed Grants-County \$ 383,749

FUND 1108 - SPECIAL REVENUE FUND - Capital Region Workforce Partnership

Department 27 - Capital Region Workforce Partnership

27004 - Workforce Partnership

0000 05426 - WIA Adult - FY2012-13 \$ 22,019

The Virginia Community College System has awarded an additional \$22,019 in federal Workforce Investment Act funding to the Capital Region Workforce Partnership's WIA Adult program.

FUND 1113 - SPECIAL REVENUE FUND - Forfeitures Commonwealth's Attorney State

Department 05 - Commonwealth's Attorney

05001 - Commonwealth's Attorney

0000 00000 - Forfeitures - Commonwealth's Attorney - State \$ 1,613

Law enforcement special funds which have been received by the County of Henrico, and heretofore not appropriated for expenditure, are to be used by the Commonwealth's Attorney for law enforcement projects as determined and approved by the County Manager or his designee.

Total SPECIAL REVENUE FUND \$ 407,381

Total OPERATING FUNDS \$ 3,929,301

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

CAPITAL FUNDS

FUND 2101 - General Capital Projects

Department 16 - General Services

16999 - General Services Capital Projects

0000 06634 - Health Department - East Building \$ 5,700,000

To appropriate funding for construction of a new health clinic in eastern Henrico County to be leased by the Virginia Department of Health. As discussed with the Board of Supervisors at its May 14, 2013 Work Session, the total cost of this project is anticipated at \$6,829,296, with the remaining \$1,129,296 funded from existing appropriations. Funds are to come from fund balance designated in the General Fund for this purpose, via an interfund transfer to the Capital Projects Fund.

Department 32 - Non-Departmental

32001 - Non-Departmental

0000 00000 Diamond Stadium Lighting 100,000

To provide \$100,000 for Henrico's share of the Diamond Stadium lighting project. The total cost of this project is \$300,000 with Chesterfield County and the City of Richmond each to provide \$100,000 for their share of the project. The Diamond's lease term for the 2015 season and forward are contingent on the completion of the lighting project by December 2013. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

Total Capital Projects Fund - General Capital Projects \$ 5,800,000

FUND 2111 - Capital Initiatives Fund

Department 23 - Recreation and Parks

23101 - Director

0256 00447 - RF&P Park Improvements \$ 150,000

This amendment will provide funding for continued improvements and enhancements at RF&P Park. This project includes the renovation of three fields which includes adding soil amendments, grading and sodding, as well as drainage and irrigation improvements. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

0256 06246 - Tuckahoe Creek Park Master Plan, Design, Construction 322,424

This amendment will provide funding for public parking and a boardwalk section with an overlook area and canoe launch. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

Total Recreation and Parks \$ 472,424

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

Department 32 - Non-Departmental

32001 - Non-Departmental

0000 06811 Lakeside Youth Baseball

\$ 6,000

To provide funding for Lakeside Youth Baseball. Funds are to come from fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

Department 50 - Education

50331 - Constmction and Maintenance

0000 00000 Varina Area High Schools

\$ 25,761

This amendment will appropriate funding of \$25,761 for athletic equipment for Highland Springs High School and Varina High School. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

Total Capital Projects Fund - Capital Initiatives

\$ 504,185

Total CAPITAL PROJECTS FUND

\$ 6,304,185

Total Amendments/Appropriations

\$ 10,233,486

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



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

Agenda Item No. 132-t3

Page No. 1 of 2

**Agenda Title: Resolution — Award of Contract — Professional Engineering Services —
Creighton Road Vent Station — Fairfield District**

For Clerk's Use Only:

Date: **JUN 11 2013**

- Approved
- Denied
- Amended
- Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS: _____

APPROVED

YES NO OTHER

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

WHEREAS, on December 14, 2012, five proposals were received in response to RFP #12-9344-11CS for Engineering Services, Creighton Road Vent Station; and

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

Hazen and Sawyer, P.C.
Greeley and Hansen, LLC
Whitman, Requardt and Associates, LLC

WHEREAS, the Selection Committee selected Hazen and Sawyer, P.C. as the top-ranked firm and negotiated a contract.

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

1. A contract to provide comprehensive engineering design and construction administration services to complete the Creighton Road Vent Station project is awarded to Hazen and Sawyer, P.C. in accordance with RFP #12-9344-11CS dated November 16, 2012, the Hazen and Sawyer, P.C. proposal dated December 14, 2012, and the final negotiated pricing dated May 9, 2013, in the amount of \$471,495.
2. The County Manager is authorized to execute the contract in a form approved by the County Attorney.

By Agency Head Arthur O. Petrini By County Manager [Signature]

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Clerk, Board of Supervisors

Date: _____

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

Agenda Item No. **132-13**

Page No. 2 of 2

Agenda Title: Resolution — Award of Contract — Professional Engineering Service — Creighton Road Vent Station - Fairfield District

3. The County Manager, or the Director of General Services as his designee, is authorized to execute change orders within the funds available, not to exceed 15% of the original contract amount.

Comment: Funding to support the project is available within the Water and Sewer 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 Item No. 133-13

Page No. 1 of 1

Agenda Title: RESOLUTION — Signatory Authority — Amendment to Agreement with Virginia Department of Transportation for Congestion Mitigation and Air Quality (CMAQ) Funds — Automated Traffic Management System - VDOT Project #R000-043-V07, PE101, M501, VDOT Project #R000-043-V08, PE101, M101, and County Project #2101.50704.28004.06398

For Clerk's Use Only:

JUN 11 2013

Date: _____

Approved

Denied

Amended

Deferred to: _____

BOARD OF SUPERVISORS ACTION

Moved by (1) Clover Seconded by (1) O'Bannon
(2) _____ (2) _____

REMARKS:

APPROVED

YES NO OTHER

Glover, R.

Kaechele, D.

Nelson, T.

O'Bannon, P.

Thornton, E.

WHEREAS, the County entered into an agreement with the Virginia Department of Transportation ("VDOT") for the preliminary engineering and construction of an automated traffic management system on September 18, 2006; and,

WHEREAS, the estimated cost for preliminary engineering was \$225,000, and the estimated cost for construction was \$1,887,000; and,

WHEREAS, the estimated cost for preliminary engineering has increased to \$470,000, and the estimated cost for construction has increased to \$2,877,286; and,

WHEREAS, the Department of Public Works has negotiated a \$1,235,286 amendment with VDOT to reflect accurate preliminary engineering and construction phase costs, to cover construction support incidentals, and to reflect additional funding; and,

WHEREAS, VDOT will reimburse the County for 100% of the project costs.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the County Manager is authorized to execute an amendment to the automated traffic management system agreement in a form approved by the County Attorney.

COMMENTS: 100% of the funding for project costs will be provided from federal Congestion Mitigation and Air Quality (CMAQ) funds. The Director of Public Works recommends approval of this Board paper, and the County Manager concurs.

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

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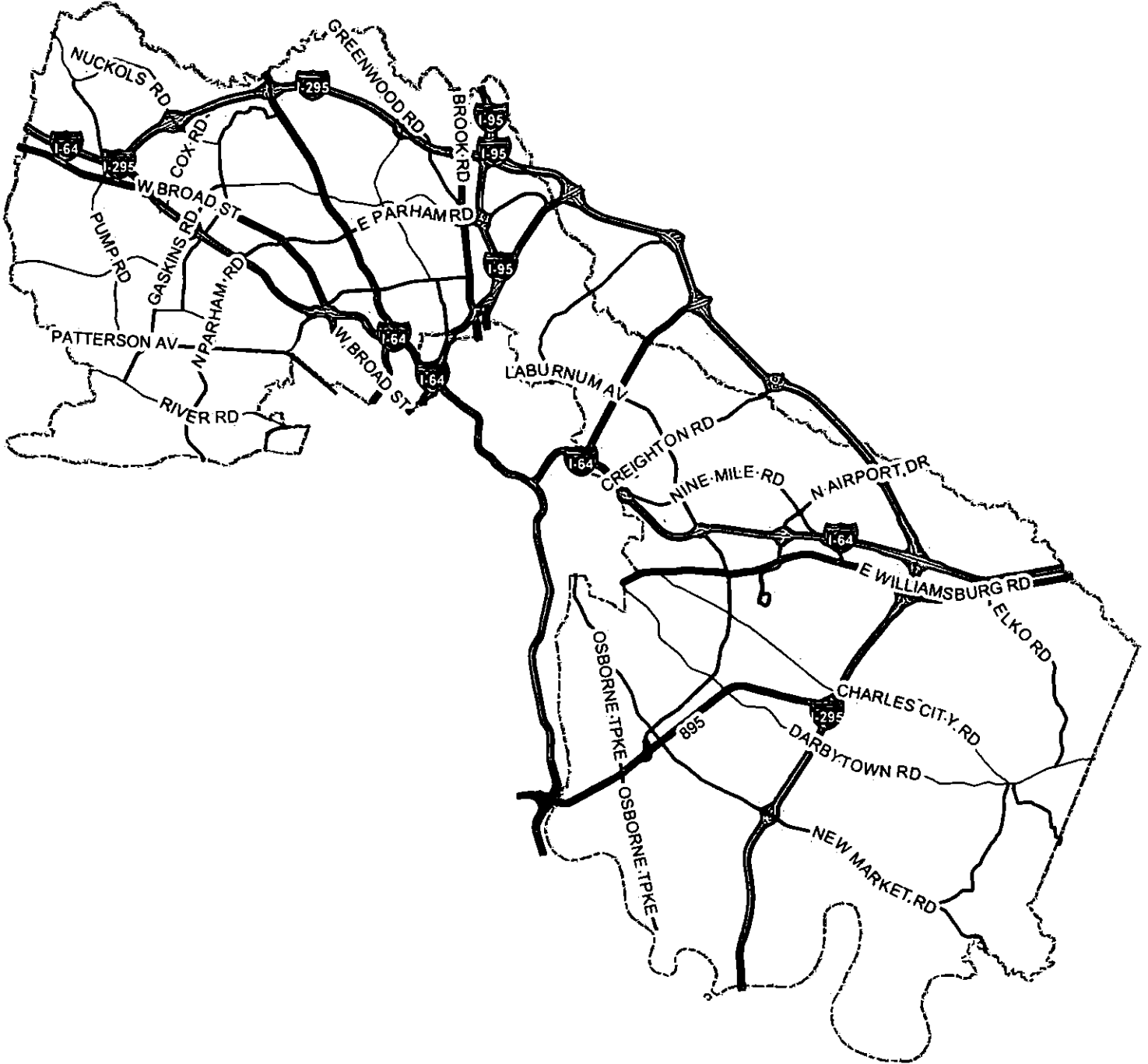
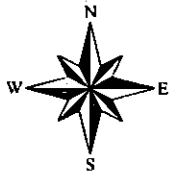
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Clerk, Board of Supervisors

Date: _____



HIGHWAY SAFETY IMPROVEMENT PROGRAM PROJECTS



SIGNATORY AUTHORITY - AGREEMENT WITH
VDOT FOR CONGESTION MITIGATION AND AIR
QUALITY (CMAQ) FUNDS - AUTOMATED TRAFFIC
MANAGEMENT SYSTEM

DISTRICT COUNTY-WIDE
DATE: JUNE 11, 2013
