

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
REGULAR MEETING
August 12, 2014**

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, August 12, 2014, 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
Richard W. Glover, Brookland District
David A. Kaechele, Three Chopt District
Tyrone E. Nelson, Varina District

Other Officials Present:

John A. Vithoulkas, County Manager
Joseph P. Rapisarda, Jr., County Attorney
Michael L. Wade, Sheriff
Barry R. Lawrence, CMC, Assistant to the County Manager/Clerk to the Board
Joseph P. Casey, Deputy County Manager for Administration
Jane D. Crawley, Deputy County Manager for Community Services
Timothy A. Foster, Deputy County Manager for Community Operations
Randall R. Silber, Deputy County Manager for Community Development

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

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

Lt. Mike Woods (Ret.), Chaplain for the Henrico County Division of Fire, delivered the invocation.

On motion of Mr. Nelson, seconded by Mr. Kaechele, and by unanimous vote, the Board approved the minutes of the July 22, 2014, Regular and Special Meetings; and the March 17 - 20, 2014, Special Meeting.

The vote of the Board was as follows:

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

No: None

MANAGER'S COMMENTS

The Henrico Police Division was awarded a First Place standing in the 2014 National Law Enforcement Challenge sponsored by the International Chiefs of Police for municipal police agencies with more than 250 sworn officers. This award recognizes agencies that achieve excellence in law enforcement traffic safety programs with the goal of making a difference in their communities and provides a way of sharing "best practices" with law enforcement agencies throughout the country. Henrico Police outlined its efforts in working with various strategic partners to make the intersection of West Broad Street and Pump Road safer for Henrico citizens, which included enhanced enforcement campaigns, redesigning traffic flow and traffic signal sequencing patterns, and reducing excessive signage. Mr. Vithoulkas and Police Chief Doug Middleton recognized the following Division staff members who spearheaded these efforts: Sgt. Rob Netherland, Officer Bob Gibson, Officer Shawn Kopelove, Media Specialist Crystal Delk, Lt. A.D. Merz, Motor Officer Tony Boone, and Officer Steve Seidlitz.

The Division of Fire and the Public Library conducted a Teen Community Response Team (Teen CERT) program that was held June 23 - 27. Seventeen teens between 13 and 18 years of age attended the program. The students came from Moody Middle School, Maggie Walker Governor's School, Godwin High School, Deep Run High School, Glen Allen High School, and Varina High School. The students had fun learning about basic disaster preparedness. At the end of the course, the students conducted a training session where they "responded" to the aftermath of a tornado and "saved" several victims by properly triaging them, taking care of their wounds, and maintaining the "scene" until professional responders arrived. Mr. Vithoulkas offered special thanks to Adrienne Minnock with the Public Library and Brenda Kapelewski with the Division of Fire for coordinating the instructors and hosting the program. He recognized Anna McRay, the County's Deputy Coordinator of Emergency Services, and the following students who participated in the Teen CERT program: Natashi Doshi, Deep Run High School; Matija Tomas, Josh Robino, and Robert Uhorchuk, Glen Allen High School; Jeff Sale, Highland Springs High School; and Surya V, Henrico High School.

BOARD OF SUPERVISORS' COMMENTS

Mr. Glover announced that the Babe Ruth 13-Year-Old World Series will begin at Glen Allen Stadium at RF&P Park on the evening of August 14. He encouraged the public to come out to the park to watch great baseball and youngsters from all over the country play in this very meaningful event.

Mrs. O'Bannon congratulated the Tuckahoe Little League 12-year-old All Stars, the Virginia state champions, who did a really good job in the semifinals of the Little League Southeast Region Tournament. Their regional games were broadcast nationally for several nights on ESPN or ESPN2. The team will be greeted and cheered at the Tuckahoe Little League complex on August 13 and will also be recognized at a future Board of Supervisors meeting.

RECOGNITION OF NEWS MEDIA

Mrs. O'Bannon recognized Ted Strong from the *Richmond Times-Dispatch* and Lorenzo Hall and Tyler Conta from WTVR-TV 6.

PRESENTATION

Mrs. O'Bannon presented a proclamation recognizing September 2014 as Preparedness Month. Accepting the proclamation was Andrew Baxter, Assistant Chief of Professional Services for the Division of Fire. Joining him were Ms. McRay; Bill Jones and Jim VanderWerff, Fire Corps volunteers; John Tatum, President of Tuckahoe Volunteer Rescue Squad; Trey Powers, Automotive Officer 3rd Vice President for Lakeside Volunteer Rescue Squad; Colonel Middleton; George Pannell and Moe Rice, Police Motorist Assistance volunteers; and Bonnie Warren, Williamsburg Park Neighborhood Watch volunteer.

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USER PERMIT

203-14 NV Retail: Request to conditionally rezone from A-1 Agricultural District
REZ2014- to B-3C Business District (Conditional) Parcels 731-765-8473, 732-765-
00028 3978, -6671, 732-766-7723, -4043, 732-766-9300, 733-766-1630, and -
Three Chopt 6208 containing 62.33 acres located between the north line of W. Broad
St. (U.S. Route 250) and the south line of Interstate 64 approximately
1,465' west of its intersection with N. Gayton Road.

Mr. Kaechele commented on the significance of this case and noted its new uses will attract people from a wide range of areas outside Henrico County. He further noted the case was well-thought-out and included ten pages of proffered conditions. Mr. Kaechele thanked the Planning Department staff and developer for their work on the case. Joe Emerson, Director of Planning, responded to questions from Mr. Kaechele.

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

Gloria Freye, an attorney with McGuire Woods who was representing the applicant, addressed the Board at Mr. Kaechele's request. She introduced Jack Waghorn, President of NV Retail; Tracy Lower, an engineer with VHB; Bruno Colavecchia, NV Retail's Development Manager; and Todd Sherlock, Director of Real Estate for Cabela's. Ms. Freye expressed appreciation to Mr. Emerson and County staff for working with the developer on this case. Mr. Sherlock and Mr. Waghorn also offered thanks to County staff and to Mr. Kaechele and the Board.

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item with the following proffered conditions:

Plan Conformance and Submission

1. Conceptual Master Plan. The Property shall be developed in general conformance with the Conceptual Master Plan attached hereto as Exhibit A titled "West Broad Marketplace," prepared by VHB, dated July 22, 2014 (the "Master Plan"), (see case file).
2. Modifications. Modifications to the Master Plan may be permitted at the time of Plan of Development provided the modifications are generally in keeping with the spirit and character of the overall project, as determined by the Director of Planning.
3. Protective Covenants.
 - a. Prior to or concurrent with the approval of the Plan of Development and before the conveyance of any portion of the Property covered by the Plan of Development (except for a subdivision plat or Plan of Development related to the dedication of easements, roads, or utilities), protective covenants ("Covenants") shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia. The Covenants shall set forth controls on the development and maintenance of the Property.
 - b. An architectural review process shall be established by the Applicant and set forth in the Covenants for the review and approval of all structures on the Property.

Roads, Drives, Access, and Utilities

4. West Broad Street Improvements. The Applicant shall make the following improvements to West Broad Street:
 - a. One full movement access (the "Entrance Road") on West Broad Street generally midway along the Property frontage.
 - b. Signal installation at the Entrance Road, as approved by VDOT at the time warrants are reached.
 - c. An additional left turn lane from eastbound West Broad Street into the Property at the Entrance Road.
 - d. Right turn lane from westbound West Broad Street into the Property at the Entrance Road.

5. Internal Access.

- a. The east west road shown on the Master Plan ("Spine Road") shall be built to the western Property line.
- b. A ninety (90) foot wide right-of-way easement in a mutually agreed upon location within the "Reserved Area" shown on the Master Plan (see case file) for the future extension of the Spine Road by others to the eastern Property line shall be granted to Henrico County, upon request. Improvements within the "Reserved Area" shall not preclude the future connection of the Spine Road to the adjacent property to the east.
- c. A left turn lane shall be constructed westbound from the Spine Road to the southbound Entrance Road.
- d. Two separate left turn lanes shall be constructed from the eastbound Spine Road into the development located on the north side of the Spine Road as generally shown on the Master Plan (see case file).
- e. The internal access points shall be limited to the number and general locations shown on the Master Plan (see case file).

6. Access to West Broad Street. Direct access to West Broad Street shall be restricted to the one entrance generally located and shown on the Master Plan (see case file).

7. Underground Utilities. All utility lines on the Property shall be underground, except for junction boxes, meters, existing and/or relocated existing overhead utility lines, and lines in wetland areas. Electrical junction boxes and meters shall be screened from public view at ground level with use of a wall, fencing, landscaping, or such other method as may be approved at the time of Plan of Development.

Uses and Restrictions

8. Construction Hours. If any residential units or dwellings adjacent to the Property line are occupied at the time construction begins on the Property, the hours of exterior construction, including operation of bulldozers and other earthmoving equipment, shall be limited to between 7:00 a.m. and 7:00 p.m., Monday through Friday, between 8:00 a.m. and 5:00 p.m. on Saturday, and

between 10:00 a.m. and 4:00 p.m. on Sunday except in emergencies where unusual circumstances require extending the specific hours in order to complete work including, but not limited to, concrete pours or utility connections.

9. Prohibited and Restricted Uses.

- a. Adult businesses as defined in the Henrico County Zoning Ordinance.
- b. Auto towing service, vehicle storage, and/or repair.
- c. Automobile car wash, automatic or otherwise, and fuel pumps.
- d. Automobile or truck tires, wholesale or retail, service and/or installation.
- e. Automobile, truck, motorcycle, or bus sales, rental and repair, including towing service and automotive body and paint shops, except that retail passenger car or van rental, such as Avis or Enterprise, shall be permitted.
- f. Bus station.
- g. Cleaning or dyeing; linen service or laundry; furniture repairing or refinishing; cabinet or carpenter shop; plumbing, electrical and heating shop; painting shop; upholstering shop, and similar service and repair establishments.
- h. Dance halls.
- i. Exterminating establishment.
- j. Farm supply and service establishment, implement sales, rental and service, feed and seed store.
- k. Fast food restaurants with drive through lanes shall be limited to two (2).
- l. Fortuneteller, palmist, astrologist, numerologist, clairvoyant, craniologist, phrenologists, card reader, spiritual reader, or similar activity.
- m. Funeral homes.

- n. Landscape contracting and tree service.
- o. Laundromats.
- p. Manufactured home sales.
- q. Outdoor advertising signs as regulated in section 24-104(1)(13) or billboards.
- r. Outdoor flea markets or outdoor antique auctions.
- s. Permanent on-site recycling center.
- t. Public utility service buildings, including facilities for construction and repair, or for the service or storage of utility materials or equipment.
- u. Self-storage facilities.
- v. Shell houses or display houses.
- w. Sheet metal shop or roofing company.
- x. Sign painting and print shops.
- y. Title lenders or establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.2-2100 et seq. and 6.2-1800 et seq. of the Code of Virginia (the foregoing shall not preclude banks, savings and loans, or similar financial institutions that are not regulated by the foregoing Virginia Code sections).
- z. Truck stops.

10. Accessory Uses. The following uses shall be allowed only as an accessory use to a permitted use, provided any outside storage, repair, or service area is screened from public view at ground level from public rights-of-way or residential uses with use of a wall, fencing, landscaping, or such other method as may be approved at the time of Plan of Development. Display areas for items such as, but not limited to, ATVs, kayaks, canoes, trailers, or boats do not need to be screened.

- a. Animal kennels shall only be permitted as an accessory use to one sporting goods store. If located outside, the kennels shall be located at least 225 feet from any adjacent

residential development. Animals shall not be sheltered outdoors longer than six (6) hours and only during daylight hours.

- b. Trailer or recreational vehicle rental and repair as an accessory to only one permitted use provided no storage or sale of junk or inoperative vehicles is included.
 - c. Boat and boat trailer sales, service, and storage.
 - d. Gun shops, sales or repairs shall be permitted only as an accessory to one sporting goods store.
 - e. A maximum of one rifle or pistol range within a fully enclosed, air conditioned and soundproofed building is permitted as an accessory to one sporting goods store.
 - f. Outdoor speakers shall not be audible beyond the Property line.
 - g. Recreational vehicles shall be parked in a dedicated area on the Property and shall not be parked for any period exceeding forty-eight (48) hours.
 - h. Rental, display, and storage of travel trailers, travel vans, campers and truck camper tops. All vehicles and units shall be in useable condition and none shall be placed in a required front yard.
11. Outside Dining. Any accessory outside dining area shall be permitted on the Property, subject to the following conditions:
- a. The operator shall not permit permanent food preparation areas outside the enclosed building.
 - b. The outside dining area shall not be in operation between 12:00 a.m. (midnight) and 7:00 a.m., unless specifically granted a Provisional Use Permit for extended hours.
 - c. Prior to operation of the outdoor dining area, the applicant shall submit a site plan for the 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, and utility lines. Such site plan shall also show landscaping within or

along the perimeter of the outdoor dining area to address the reduction and relocation of landscaping, including trees.

- d. A clear, continuous, and unobstructed pedestrian path not less than five (5) feet in width shall be required for pedestrian circulation between the outdoor dining area and the sidewalk curb.
- e. Barriers to the sidewalk and parking area shall be installed and shall complement the building façade as well as any street furniture. The railings shall not exceed thirty-six (36) inches in height and shall consist of commercial grade material for durability.
- f. 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.
- g. Trash receptacles shall be provided and properly serviced to control litter generated by this use.
- h. Access to the outdoor dining area shall be available only through the interior of the building/principal use, except during an emergency when a patio fence exit gate may be utilized.
- i. 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 operations. The applicant shall implement mutually agreed upon security recommendations.
- j. The applicant/owner shall be responsible for relocating any street trees or furniture that is displaced by the outdoor dining area.
- k. The facility's windows shall not be obscured by posters, advertisements, or similar materials or tinted in such a manner that prevents surveillance opportunities both from within and from the outside of the building. This shall not prevent blinds from being used during daylight hours.
- l. if calls for police service or other activities on the site dictate the need for security cameras (as determined by the

Division of Police), the applicant shall install such cameras. The security cameras and video system shall be designed by a security specialist and shall meet the requirements of the Crime Prevention Unit of the Division of Police.

- m. 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.
- n. If a fire pit or other outdoor heating element is installed, details of its design and use shall be submitted to the Director of Planning and approved by the Fire Marshal to ensure safety features are in place.
- o. Any gas heaters or other outdoor heating devices shall be affixed to the ground or other surface on which they are placed.

12. Hours of Operations.

- a. The hours of operation for uses less than 70,000 sq. ft. shall be restricted to the hours of 6:00 a.m. and 12:00 midnight, unless specifically granted a Provisional Use Permit.
- b. Any use operating between the hours of 12:00 midnight and 6:00 a.m. 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 operations. Mutually agreed upon security measures shall be implemented.
- c. The facility's windows shall not be obscured by posters, advertisements, or similar materials or tinted in such a manner that prevents surveillance opportunities both from within and from the outside of the building. This shall not prevent blinds from being used during daylight hours.
- d. If calls for police services or other activities on the site dictate the need for security cameras (as determined by the Division of Police), the owner/operator shall install such cameras. The security cameras and video system shall be designed by a security specialist and shall meet the requirements of the Crime Prevention Unit of the Division of Police.

- e. 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.

Design and Architecture

13. Dumpster Enclosures.

- a. Dumpster enclosures and trash receptacles, not including convenience cans and recycling receptacles, shall be constructed of finished masonry materials (with the exception of gates and doors) where such dumpsters are not already screened or enclosed by a building, structure, or wall.
- b. Gates and doors shall be opaque, sturdy, and designed to minimize visibility from public rights-of-way to the extent reasonably practicable. Concrete pavement shall be used for the refuse container pad and apron.
- c. Convenience cans shall be within or part of a decorative container.

14. Loading Docks/Areas. Loading docks on the Property shall be screened from public view at ground level with use of a masonry wall, dense landscaping, or such other method as may be approved at the time of Plan of Development. Loading areas on the Property shall be screened from public view at ground level with the use of an opaque fence, dense landscaping or other method as may be approved at the time of Plan of Development.

15. Best Management Practices ("BMP").

- a. BMP facilities shall not be located within any landscape buffer located along West Broad Street, unless such facilities are underground or serve as a landscaping amenity or water-related feature as approved at the time of Plan of Development review.
- b. Any above ground wet BMP facilities shall be aerated.
- c. All above ground BMP facilities shall be designed as an amenity and landscaped or fenced as required by Henrico County.

16. Exterior Materials/Architecture.

- a. The exposed portion of exterior walls (front, rear, and sides) of any building (excluding rooftop screening materials for mechanical equipment) shall be similar in architectural treatment and materials to other parts of the building.
- b. Exterior building wall materials shall be built (above finished grade and exclusive of trim) of brick, glass, EIFS, stone, stone veneer (including artificial stone), split-face block, wood, fiber-cement siding, or architectural-grade metal panels, precast concrete panels, or a combination of the foregoing, using a complementary color palette of materials, unless different architectural treatment and/or materials are specifically approved at the time of Plan of Development.
- c. Any visible sloped roof shall be constructed of slate, simulated slate, standing seam metal, textured fiberglass shingles or shakes, and concrete or composition shingles.
- d. Mechanical equipment shall be reasonably camouflaged or screened from public view at ground level from the streets adjacent to and closest to the building, as approved at the time of Plan of Development.
- e. Buildings shall be generally compatible in character with and complementary in design, style, and materials, with the architectural elevations marked as Exhibits B-1 and B-2 (Cabela's); Exhibit C (Wegmans); and Exhibits D-1, D-2 and D-3, (see case file) as determined by the Director of Planning, unless otherwise specifically approved at the time of Plan of Development. The determination of compatibility shall be based on scale, materials, form, architectural features, and/or colors. Retail users will be permitted to include prototypical or corporate identification architectural elements in the design of their building or space.
- f. A minimum of forty (40) percent of the façades that are directly adjacent to West Broad Street, the Spine Road, the Entrance Road, and to the property to the west, excluding windows, doors, breezeways, gables, and architectural design features, shall be constructed of brick, stone, or other stone-like products. The façades of buildings adjacent to I-64 and the property to the west shall include

architectural detailing and design features such as, but not limited to, quoin treatment, soldier courses, columns, piers, panels, or recessed sections to mitigate the building mass.

- g. Retaining walls shall be constructed of split face block, concrete masonry units, stone, stone veneer (including artificial stone), pre-cast concrete panels, or a combination of the foregoing, unless different materials are specifically approved at the time of Plan of Development.

17. Parking Lot Lighting.

- a. Parking lot lighting fixtures located within 200 feet of adjacent residential development shall not exceed twenty (20) feet in height. All other parking lot lighting fixtures, unless specifically required by the County, shall not exceed thirty (30) feet in height.
- b. Lighting shall be directed to minimize glare on public roads and adjacent properties.

18. Signage. A sign package shall be provided at the time of each Plan of Development. Any detached sign shall be a monument-style. The monument entrance sign shall be generally in conformance with Exhibit E (see case file). Detached signs and electronic signs shall not be permitted adjacent to I-64.

Open Space

19. Open Space and Site Features.

- a. At a minimum, 20% of the Property (as calculated at the time of completion) shall be open space, which shall include any portion of the Property subsequently zoned to C-1 Conservation District.
- b. Open space shall include, but not be limited to, features such as public meeting areas, plazas, landscaping, buffer areas, the pedestrian network, public art, stormwater management facilities, and any environmental features inclusive of floodplain, environmental resources, and wetlands.
- c. A park area shall be provided along Mill Creek or within the Mill Creek 100 foot RPA area in the general location shown on the Master Plan (see case file).

- d. The Entrance Road shall be landscaped along both sides with plantings equal to a Transitional Buffer 10 (which shall be in addition to required parking lot perimeter landscaping) from West Broad Street to its intersection with the Spine Road. Benches and refuse containers shall be incorporated within the Entrance Road landscaped areas.
- e. The Spine Road shall have trees planted on both sides of the road at an average spacing of fifty (50) feet on center. The median sections of the Spine Road shown on the Master Plan (see case file) shall be landscaped. Actual plantings shall be depicted on a street-tree plan to be approved at the time of Plan of Development or Landscape Plan approval.
- f. The caliper of any street trees planted along the Entrance Road or Spine Road shall be a minimum of three and a half (3.5) inch caliper at the time of planting.
- g. Any retaining walls constructed along West Broad Street shall be landscaped to be a design feature similar in appearance to the retaining walls shown in Exhibit E (see case file).
- h. A variable width linear park/walk shall be extended along the south line of the Spine Road from the western Property line to the termination of the Spine Road, generally as shown on the Master Plan (see case file). Benches and refuse containers shall be incorporated within the linear park/walk.
- i. A Landscape Plan shall be submitted to the Planning Commission for review and approval. The Landscape Plan shall include the following:
 - (i) Shade trees planted in parking lot islands.
 - (ii) Landscaping or container plantings along building frontages.
 - (iii) Decorative lighting along pedestrian access ways.
 - (iv) Screening methods for the rear of the buildings located adjacent to the western property line.

20. Pedestrian Network.

- a. A Pedestrian Plan shall be submitted to the Planning Commission for review and approval. The Pedestrian Plan shall include, but is not limited to, pedestrian access aisles, sidewalks, walkways, trails, and amenities designed to connect various uses within the Property; to connect to the development located to the west; to connect uses to the major access roads; and to break up large areas of surface parking generally as shown on the Master Plan (see case file).
- b. Sidewalks or trails measuring a minimum of five (5) feet in width shall be provided along both sides of the Spine Road and Entrance Road.
- c. Sidewalks shall have a paved surface constructed of concrete, exposed aggregate concrete, asphalt, stone, pavers, or brick. Trails/walks shall be constructed of the sidewalk surfaces listed above or soft surfaces such as mulch, pea gravel, boardwalks, crushed gravel, or loose stone.
- d. Features such as extra wide sidewalks in front of buildings, pedestrian crossings differentiated by the use of alternate paving materials or textures, areas for seating and gathering, and increased landscaping will be used to protect and encourage pedestrian traffic.

21. C-1 Conservation District. Notwithstanding the uses permitted and required by the zoning of the Property, such portion(s) of the Property which lie within a one hundred (100) year flood plain as determined by definitive engineering studies approved by the Department of Public Works, may only be used for the following purposes:

- a. Stormwater management and/or retention areas.
- b. Ponds, lakes, and similar areas intended as aesthetic and/or recreational amenities and/or wildlife habitats.
- c. Access drives, utility easements, signage, walkways, and recreational facilities installed in a manner to minimize their impacts.

- d. Such additional uses to the uses identified in (a), (b), and (c) above as may be deemed compatible and of the same general character by the Director of Planning pursuant to Chapters 19 and 24 of County Zoning Ordinance.
- e. Prior to filing the final Plan of Development, the Owner/Applicant shall apply to rezone such portions of the Property situated within the 100-year floodplain/special flood hazard area to a C-1 Conservation District. The location and limits of such portions of the Property shall be established by definitive engineering studies approved by the Department of Public Works.

22. 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: O'Bannon, Thornton, Glover, Kaechele, Nelson

No: None

204-14
REZ2014-
00023
Fairfield

Bromont Group: Request to conditionally rezone from R-3 One-Family Residence District, B-1 Business District, B-2 Business District, and B-3C Business District (Conditional) to B-3C Business District (Conditional) Parcel 812-723-1692 containing 30.644 acres located on the south line of Nine Mile Road (State Route 33) approximately 750' east of its intersection with S. Laburnum Avenue.

Willie C. Jones, a resident of Hechler Village, expressed concerns regarding site security, traffic, sidewalks, and a nearby gulley that emits a foul odor. Assistant Planning Director Jean Moore, Public Works Director Steve Yob, and Police Chief Doug Middleton responded to Mr. Jones's concerns and to follow-up questions from the Board.

Ladonna Freeman, a resident of Colewick Drive, voiced concerns pertaining to the gulley and traffic. Mr. Yob agreed to investigate the gulley and conduct a traffic study to see if a multi-directional stop sign is warranted at the intersection of Eastgate Boulevard and Colewick Drive. Mr. Vithoulkas pointed out that a Dominion Virginia Power easement may be part of the gulley issue.

Joseph Duvall, a resident of the Highland Springs area, spoke in support of the case and the proposed development.

Mr. Thornton commented on the case. He thanked Mr. Jones and other citizens from his district for caring about their community. Mr. Thornton expressed concern that existing retailers on the subject site have not yet received definitive notification from the developer as to the mall's closing date and expressed hope that this clarification will now be forthcoming. He characterized the proposed development as an opportunity to replace a comatose mall and have a new mall that will work for this area of Henrico County.

On motion of Mr. Thornton, 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.** The property shall be developed in a manner generally consistent with the attached exhibit entitled "Eastgate Town Center" by Balzer and Associates, Inc., dated June 24, 2014, latest revision and attached hereto as Exhibit A (the "Conceptual Plan"), (see case file), which plan is conceptual in nature and may vary in details. As this plan is conceptual in nature, the specific details and square footages of uses may also vary.
2. **Architecture.**
 - a. **Elevations:** Development of the Property shall be in general conformance with the architectural appearance shown on the six (6) sheets of elevations attached hereto entitled "Eastgate Town Center", prepared by bhm Architects (Buildings 'B, C, and D'), PA and Perkowitz+Ruth Architects, PC (Building 'A'), dated June 9, 2014 and May 7, 2014 (see case file), respectively, latest revision, unless otherwise requested and specifically approved at time of Plan of Development.
 - b. **Architectural Treatment:** The exposed portions of the exterior wall surfaces (front, rear and sides) of any buildings constructed within the Property shall be similar in quality of construction and shall have compatible architectural design (incorporating compatible design elements, color and architectural styles), as determined by the Director of Planning at the time of Plan of Development.

All buildings constructed on the Property shall have exposed exterior walls (above finished grade) constructed

primarily of masonry, brick, stone, precast concrete, exterior insulating finishing systems (E.I.F.S.), stucco over wire mesh and/or glass and may have varying amounts of these exterior materials or an equivalent permanent architecturally finished material, unless different architectural treatment and/or materials are requested and specifically permitted at the time of Plan of Development (POD) review. Natural or cultured stone, pre-cast or cast-in-place architectural concrete, exposed aggregate concrete, exterior insulating finish systems, and/or glass, or an equivalent, permanent, architecturally finished material may be utilized as accent materials on such buildings.

Except as specifically provided herein, no building on the Property shall be covered with or have exposed to view any unfinished concrete block, sheet or corrugated aluminum, iron and/or steel or other materials unless requested and specifically permitted at the time of Plan of Development review. The rear of the buildings may include color integrated smooth faced masonry block if permitted at the time of Plan of Development review.

3. **Buffers and Landscaping.**

- a. **Landscape and Lighting:** Landscape and Lighting Plans, incorporating those items listed below, shall be submitted to the Planning Commission for approval at the time of Plan of Development.
- b. **Buffer (Colwyck Drive):** A landscaped buffer area of a minimum of twenty-three (23) feet in width shall be provided and maintained on the Property along the right-of-way line of Colwyck Drive (as such right-of-way line shall be shown on the Plan of Development), unless otherwise requested and approved at the time of Plan of Development review. This buffer shall be planted to the planting requirements of Transitional Buffer 35. Roads, walking trails or sidewalks, utility easements, fencing/walls adjacent to any roads, signage and any other uses as are requested and specifically permitted at the time of Plan of Development review shall be permitted within such buffer; provided, any such road or utility easements (other than existing easements) shall be extended generally perpendicular to Colwyck Drive through such buffer, unless otherwise currently existing

or requested and specifically permitted at the time of Plan of Development review. The existing continuous hedge row running in a generally parallel manner along the Colwyck Drive property line shall be maintained and protected through construction and incorporated into the buffer planting plan.

- c. **Buffer (Eastgate Boulevard):** The area between the private road (Eastgate Boulevard), and the eastern boundary of the property shall remain in its natural state. A new sidewalk and street tree landscaping will be planted in this buffer area immediately adjacent to Eastgate Boulevard. New landscaping shall be installed to the following requirements: four (4) trees per 100', with two (2) evergreen shrubs planted in close proximity to the base of each tree. These shrubs must be at least two (2) feet high when planted and shall regularly be trimmed for appearance and height not to exceed three and one-half (3.5) feet.
 - d. **Buffer (Nine Mile Road):** Enhanced landscaping along Nine Mile Road shall be installed to provide the following streetscape: four (4) trees per 100' of road frontage within ten (10)-feet of pavement, with four (4) evergreen shrubs planted in close proximity to the base of each tree. These shrubs must be at least two (2) feet high when planted and shall regularly be trimmed for appearance and height not to exceed three and one-half (3.5) feet.
 - e. **Parking Lot Landscaping:** Shade trees shall be provided in parking lot landscape islands unless approved otherwise during the landscape plan review. The first row of parking lot landscape islands adjacent to the building(s) are not included in this requirement. Supplemental landscaping shall be provided along Eastgate Boulevard along the frontage of the tire and lube center (specific location and materials to be shown on the Conceptual Landscape Plan at the time of Plan of Development).
4. **Loading Docks.** Loading docks shall be screened from public view at ground level and in a manner generally parallel to Colwyck Drive, as approved at the time of Plan of Development review by use of a wall or other architectural feature similar to the exterior material as the building on which it is located, landscaping, or such

other method as may be approved at the time of Plan of Development review.

5. **Dumpsters and Trash Receptacles.** Dumpsters and trash receptacles, compactors, and organic recycle areas, not including convenience cans and other recycling receptacles, shall be screened from public view at ground level on three sides with masonry wall, similar to the building nearest to such dumpster or trash receptacle, as approved at time of Plan of Development. The gates and doors on the masonry refuse screens shall be of substantial and durable material as determined at the time of Plan of Development. Support posts, gates, frames, hinges, and latches shall be of sufficient size and strength to allow the gates to function without sagging.
6. **Signage.** Any detached signs on the Property shall be ground-mounted monument type signs no taller than ten (10) feet in height with base landscaping. The exception being that one (1) integrated base and/or monument style project identification type sign for identifying the overall development shall be permitted along Nine Mile Road and to the code allowed height of twenty-five (25) feet, with electronic display and lighting.
7. **Parking Lot Lighting.** Parking lot lighting shall not exceed thirty-five (35) feet for pole height, set on a three (3)-foot base, measured from the ground level to the top of any such fixture. Parking lot lighting shall not exceed twenty-five (25) feet for pole height, set on a three (3) foot base, measured from the ground level to the top of any such fixture along the rear of any proposed building adjacent to Colwyck Drive. The Planning Commission at the time of Plan of Development review may allow deviation from standards of this proffer if specifically requested and permitted during such Plan of Development review.
8. **Security.** The owner and/or management company of this site shall install and maintain operational video surveillance cameras throughout the exterior of the site at all times, providing surveillance coverage of the front, side, and rear exterior areas of the buildings on the site. Any video from the surveillance cameras shall be retained for at least 30 days from the date the video is taken. The owner and/or management company of the site agrees to consult with the Henrico County Police Division regarding the implementation of the video equipment, and to cooperate with the Police Division during any investigation that may be aided by review of recordings associated with the video equipment. The owner and/or management company will also advise the Police

Division of the overall security measures undertaken within the commercial development.

9. **Pedestrian Access.** A minimum of two (2) pedestrian access points shall be provided from the development to Colwyck Drive. The location and materials shall be coordinated and approved at the time of Plan of Development. In addition, the following pedestrian elements shall be provided for each connection: a pedestrian bench and trash receptacle (specific location and materials to be provided with Plan of Development).
10. **Sidewalks.** A pedestrian sidewalk shall be provided along the property frontage of both Nine Mile Road and Colwyck Drive. Additionally, a pedestrian sidewalk shall be provided along Eastgate Boulevard, between Nine Mile Road and Colwyck Drive. Internal sidewalks shall be provided as generally shown on the Conceptual Plan (see case file) to encourage pedestrian connectivity between the various retail buildings. These sidewalks shall be five (5)-feet in width, unless an alternate width is requested and specifically permitted at the time of Plan of Development review.
11. **Use Restrictions.** The following uses shall be prohibited on the Property:
 - a. flea markets;
 - b. Laundromats and self-service dry-cleaning establishments;
 - c. gun shop, sales and repairs prohibited, except that such gun sales and repairs shall be permitted in a department or general retail store that carries other general merchandise;
 - d. skating rinks (unless such ice skating areas are an amenity of the pedestrian-oriented shopping center), roller skating rinks, model racing tracks, electronic video game rooms, bingo halls and billiard parlors unless such billiard parlors are associated with a restaurant;
 - e. funeral home, crematoria, mortuary and/or undertaking establishment;
 - f. Standalone automobile service station; however, a super-center, grocery or convenience food store dispensing gasoline products shall be permitted;
 - g. adult businesses as defined by County of Henrico;
 - h. billboards;
 - i. truck stops;

- j. self-storage facilities;
- k. off-track betting;
- l. permanent on-site recycling collection facilities;
- m. Massage parlors, not to include spa, massage and other therapeutic establishments where employees performing massages, if any, are all duly licensed massage therapists in the Commonwealth of Virginia;
- n. automobile, truck, trailer, motorcycle, recreational vehicle storage lot;
- o. boat and boat trailer sales, service and storage shall be prohibited, except in a department or general retail store that carries other general merchandise; outdoor boat sales and storage areas shall be limited to outdoor display areas as generally shown on the conceptual plan.
- p. exterminating establishment;
- q. fortuneteller, palmist, astrologist, numerologist, clairvoyant, craniologist, phrenologist, card reader, spiritual reader or similar activity;
- r. public dance halls;
- s. rifle or pistol range;
- t. Sheet metal shop or roofing company;
- u. Hotel or motel;
- v. Automobile storage;
- w. Automobile car wash, automatic or otherwise, and fuel pumps;
- x. Cleaning or dyeing; linen service or laundry; furniture repairing or refinishing; cabinet or carpenter shop; plumbing, electrical and heating shop; painting shop; upholstering shop; and similar service and repair establishments;
- y. Landscape contracting and tree service;
- z. Manufactured home sales;
- aa. Public utility and services buildings, including facilities for construction and repair, or for the service or storage of utility materials or equipment;
- bb. Shell houses or display houses;
- cc. sign painting; and
- dd. Payday loan and title lenders whose primary business is check cashing and/or making of payday loans as defined and regulated by Sections 6.2-2100 et seq. and 6.2-1800 et seq. of the Code of Virginia (the foregoing shall preclude banks, savings and loans, or similar financial institutions that are not regulated by the foregoing Virginia Code sections).

12. **Hours of Construction.** The hours of construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m. for construction exterior to any building wall.
13. **Bus Stop.** At the designated public bus stop location on Nine Mile Road, a bench and trash receptacle shall be provided.
14. **Hours of Operation.** As shown on the Conceptual Plan, the hours of operation for Buildings 'B, C, and D' (see case file) shall be limited to 5:00 a.m. - 12:00 a.m., unless hours of external operations during that time are permitted by approval of a Provisional Use Permit. The hours of operation for Building 'A', as shown on the Conceptual Plan, shall be 24-hour, with the hours of operation for automobile service bays limited to 7:00 a.m. - 10:30 p.m.
15. **Underground Utilities.** All utility lines on the Property shall be underground, except for junction boxes, meters, gas meters, traffic control, irrigation backflow preventers, existing and/or relocated existing overhead utility lines.
16. **Colwyck Drive Access.** One access to Colwyck Drive (existing Eastgate Boulevard connection) shall be permitted.
17. **Outdoor Display.** Any outdoor display areas shall be shown on the approved Plan of Development.
18. **Mechanical Equipment.** Mechanical equipment shall be screened from public view at ground level at Property lines as approved at the time of Plan of Development.
19. **Eastgate Boulevard.** Maintenance of Eastgate Boulevard shall be included in the protective covenants for the development. The specific section of the Protective Covenants relating to maintenance of Eastgate Boulevard shall be recorded.
20. **Outdoor Speaker Systems.** Any outdoor speaker system shall include full volume control.
21. **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: O'Bannon, Thornton, Glover, Kaechele, Nelson

No: None

205-14
REZ2014-
00019
Fairfield

Romm Development Company, LLC: Request to conditionally rezone from R-4 One-Family Residence District, R-5 General Residence District and O/SC Office/Service (Conditional) to RTHC Residential Townhouse District (Conditional) Parcels 782-757-2904, 782-756-3992, -4880, -6562, -6951, -9451, -6636, -4861, and part of Parcel 782-757-3717 containing 5.689 acres, located on the southwest line of E. Parham Road at its intersection with Villa Park Drive.

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

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

1. **Concept Plan.** The layout of the development shall be substantially similar in nature to that concept plan prepared by Draper Aden, dated July 2, 2014, entitled "Concept Plan, Stone Ridge" and attached hereto as Exhibit A (see case file). No more than forty-nine (49) dwelling units will be developed on the Property.
2. **Construction.** The hours of exterior construction activities, 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 and utility connections. Signs, in both English and Spanish, stating the above-referenced provisions, shall be posted and maintained at all entrances to the Property prior to any land disturbance activities thereon. No construction vehicles (commercial or individual) shall park on Darracott Road during any construction on the Property.
3. **Minimum Finished Floor Area.** The minimum finished floor area for any dwelling unit shall be one thousand three hundred and fifty (1,350) square feet.
4. **Sound Suppression Measures.** Walls between dwelling units shall be constructed with a minimum certified sound transmission class (STC) of fifty-four (54). A cross section detail, reviewed and

approved by a certified architect or engineer as to the methodology accomplishing the STC, shall be included in the building permit application.

5. **Architecture.** The architecture of the buildings shall substantially conform to those illustrated in the attached Exhibit B, dated July 22, 2014 (see case file), unless otherwise approved by the Director of Planning. To minimize visual repetition of buildings, no two adjacent buildings shall have the same identical individual elevation sequence pattern across the front of the building. All dwelling units shall have a front porch or stoop as generally shown on Exhibit B (see case file) and will be limited to 2 stories in height. The side of each end unit shall include at least two (2) windows and the rear of each unit shall include at least two (2) windows on each floor. The side and rear elevations shall include such architectural features as may provide necessary articulation and design elements different from other side and rear elevations for each building, such as varying colors of exterior material, varying window designs, and varying doorway designs. The roof on the rear of each building shall include varying features to provide articulation, such as dormers, and as may otherwise be approved by the Director of Planning.
6. **Building Materials.** All buildings shall have exposed exterior walls (above grade) of brick, stone, dryvit, vinyl siding, and/or cementitious siding (such as Hardiplank or anequivalent), or a combination of the foregoing unless different architectural treatment or materials are specifically approved with respect to the exposed portion of any wall at the time of plan of development review. Fiberboard shall not be used as an exterior wall material. At least 50% of the front elevation of a multi-unit building will include brick or stone. Roofing material shall have a minimum thirty (30) year life and associated warranty. Vinyl siding shall have long-lasting strength, resilience and resistance to everyday wear and tear, with a minimum thickness of 0.044".
7. **Foundations.** The exposed exterior portions of all foundations below the first floor level shall be finished with brick, stone or cultured stone. On the front, side and rear elevations of each building, there shall be a minimum of twelve (12) inches of brick, stone or cultured stone visible above grade. For reasons associated with required site grading, the requirements of this proffer may be modified or waived by the Director of Planning for individual side or rear facades.

8. **Foundation Planting.** Each townhome shall have a minimum of four (4) shrubs planted along the front foundation.
9. **Landscaping.** There shall be at least one (1) tree with a minimum caliper of two and a half (2½) inches at the time of planting, retained or planted in the side yard of each building. Landscape plans shall be subject to Planning Commission approval. Once approved, minor alterations to the plan may be approved by the Director of Planning.
10. **Irrigation.** Front and side yards shall be sodded and irrigated.
11. **Chimneys.** The exposed portions of all fireplace chimneys shall be of brick, stone, cultured stone, or siding similar to the exterior treatment of the building. The exposed bases of all chimneys shall be of the same material as the dwelling foundation. This proffer shall not apply to direct-vent gas fireplaces or appliances.
12. **Exterior Lighting.** Each townhome shall have exterior wall or pole mounted lights or both at each entrance. Parking lot lighting shall be of a decorative, residential style and scale and not direct embedded. Common area lights, if any, shall not exceed fifteen (15) feet in height.
13. **Driveways.** There shall be no individual unit driveways that directly access Parham Road or Darracott Road. Where driveways exist, all shall be constructed of either cobblestone, brick, asphalt, pre-cast pavers, concrete or other similar materials approved by the Director of Planning.
14. **Trash.** There shall be no central trash receptacles.
15. **Curb and Gutter.** Standard six (6) inch curb and gutter, meeting Henrico County requirements, shall be provided within the development, unless otherwise approved by the Director of Public Works.
16. **Roads.** Prior to the issuance of any Certificate of Occupancy, the applicant shall provide the Planning Department with certification from a licensed engineer that the roadways within the project were constructed according to the approved subdivision plan, and in compliance with Henrico County road design standards and specifications (except as to pavement width and turning radii), to include proper compaction of the sub-base soils, utility trenches, base stone, and asphalt surface. The internal roadways shall be

private and shall be maintained by a homeowners' association. No internal roadway shall connect to Parham Road.

17. **Underground Utilities.** All proposed new utilities except for junction boxes, meters, pedestals, transformers, transmission mains and existing overhead utility lines, shall be placed underground, unless technical or environmental reasons require otherwise.
18. **BMPs.** Should any BMP be required, the BMP shall be landscaped as approved by the Planning Commission at the time of Plan of Development review and shall be maintained by the homeowners' association of the Property. Any wet BMP shall be aerated and landscaped as an amenity.
19. **Restrictive Covenants.** Prior to or concurrent with the recordation of the first subdivision plat approved 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 the property.
20. **Association.** There shall be a homeowners' association, the members of which shall be the owners of the townhomes. The homeowners' association shall be responsible for the enforcement of the restrictive covenants, including but not limited to, the maintenance of common areas and a BMP.
21. **Buffers.** A minimum twenty (20) feet wide buffer shall be provided along Parham Road and Villa Park Drive as shown on the Concept Plan (Exhibit A) (see case file) and shall be planted to a quantity to meet at a minimum the Transitional Buffer 25 standard through one or more of a combination of the preservation of existing vegetation, supplemental planting, or berms. Any new drainage or utility easements passing through the buffer shall do so in a generally perpendicular manner. A ten (10) foot planting strip along Stonewall Manor shall be provided and planted as, generally shown on the Concept Plan (Exhibit A) (see case file).
22. **Fencing.** No stockade fencing shall be permitted on the Property.
23. **Entrance Feature.** At a minimum, a landscaped entrance feature shall be located at the entrance for the development off Darracott Road as shown on the Concept Plan (Exhibit A) (see case file). The entrance feature will include the planting strips as shown on Concept Plan (Exhibit A) (see case file) and the actual sign shall be constructed and landscaped substantially similar to the rendering

attached as Exhibit C (see case file). The entrance feature sign shall not exceed six (6) feet in height and shall not be internally illuminated.

24. **Sidewalks.** A continuous sidewalk a minimum of four (4) feet in width shall be provided in front of all townhome buildings and connect to the recreational area as shown in the Concept Plan (Exhibit A) (see case file).
25. **Recreational Areas.** A recreational gathering area shall be built on the Property in the area generally shown on the Concept Plan (Exhibit A) (see case file). Such recreational area shall include the following improvements: benches, tables, gazebo (minimum of 12' x 12'), landscaping and other passive or active amenities to facilitate community activities as shown on the Concept Plan (Exhibit A) (see case file) and substantially similar to the examples and renderings on the attached Exhibit D (see case file), unless otherwise approved by the County at the time of Plan of Development review. The median island within the parking lot shown on the Concept Plan (Exhibit A) (see case file) shall be landscaped as approved by the Planning Commission at the time of Plan of Development review. The Applicant shall enter into an agreement with the Stonewall Manor Unit Owners' Association, Inc. wherein the Stone Ridge owners will have the right to use the Stonewall Manor pool facility.
26. **Sidewalks and Utility Strips.** Sidewalks shall be constructed to Henrico County standards within the Parham Road right-of-way adjoining the Property a minimum of 4 feet in width and a minimum of a 2 foot wide utility strip shall be provided along the Parham Road right-of-way, all as substantially shown on the Concept Plan (Exhibit A) (see case file).
27. **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: O'Bannon, Thornton, Glover, Kaechele, Nelson

No: None

206-14
REZ2014-
00026
Fairfield

Ricky Wilkerson: Request to conditionally rezone from B-1 Business District to B-3C Business District (Conditional) Parcel 803-733-5576 containing .3961 acres, located on the south line of Byron Street at its intersection with Carlton Road.

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

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

1. **Use Restrictions.** The only uses on the property shall be those legally permitted in a B-1, Business District and an automotive repair shop that conducts repairs. These repairs shall include any operation requiring the removal or installation of radiator, engine, cylinder head, crankcase, transmission, differential, fenders, doors, bumpers, grills, glass or other body parts, or any body repair or painting. The number of bays for auto service shall be limited to two.
2. **Signage.** Signage shall be as regulated in the B-2 Business District.
3. **Outdoor Lighting.** A minimum level of outdoor lighting necessary for security purposes following the close of business conducted on the property shall be maintained. Light pole height shall not exceed 20 feet.
4. **Automobile Deliveries and Pickup.** No automobile deliveries shall be made after 7:00 p.m. or before 7:00 a.m.
5. **Mechanical Equipment.** All mechanical equipment on the property shall be screened from public view at the ground level.
6. **Hours of Operation.** There shall be no service to the public or outside activity on the subject property after 8:00 p.m. or before 7:00 a.m.
7. **Site Improvements.** Within ninety days of the approval of this request, an administrative site plan shall be submitted to the Planning Department for approval by the Director of Planning. This administrative site plan shall commit to the following:
 - a. the closing of the entrances closest to the intersection of Byron Street and Carlton Road;

- b. the location of the fencing for the screening of automobiles;
and
- c. perimeter landscaping of the site.

The vote of the Board was as follows:

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

No: None

207-14
REZ2014-
00027
Fairfield

Peter Francisco: Request to amend proffered conditions accepted with Rezoning Case C-55C-07 on Parcel 780-749-9410 located on the west line of Lakeside Avenue at its intersection with Timberlake Avenue. The applicant proposes to amend Proffer 1 to allow a microbrewery accessory to a home brew supply store as a permitted use.

Jim Strauss, Principal Planner, recognized Mr. Francisco, the applicant for this case and the owner of Lakeside Towne Center, and Tony Ammendolia, the proprietor of Original Gravity and prospective owner of the proposed microbrewery. Mr. Ammendolia responded to questions from the Board relating to microbreweries.

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

On motion of Mr. Thornton, 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 proffered conditions:

1. The only uses first permitted in the B-3 District permitted on the property shall be an Outdoor Farmers' Market not to exceed 4,500 sq. ft. of vendor space and a microbrewery accessory to a home brew supply store. In addition, the following uses shall be prohibited:
 - a. Automotive filling and service stations;
 - b. Gun shop, sales and repair;
 - c. Hotels, motels, and motor lodges;
 - d. Radio and television stations and studios or recording studios;
 - e. Indoor recreational facilities; however, theaters shall be permitted;
 - f. Permanent on site recycling facility;
 - g. Flea markets; however, indoor farmers' markets shall be permitted.
 - h. Establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.1-432 et seq. and 6.1-444 et seq. of the Code of

Virginia (1950), in effect as the date of the approvals of these proffers (the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code Sections);

- i. Child care centers, baby sitting services and adult day care centers; and;
 - j. Private club, lodge, meeting hall and fraternal organization; and
 - k. Establishments whose primary business is the making of motor vehicle title loans as defined and regulated by Section 6.2-2200 et seq. of the Code of Virginia.
2. Facade improvements and signage shall be substantially as shown on the drawing entitled, "6112 Lakeside Avenue, Richmond, Virginia" and dated March 30, 2005 (see case file).
 3. Upon completion of streetscape improvements to the adjacent portion of Lakeside Avenue by the Department of Public Works, the applicant shall construct brick planters substantially as shown on the drawing entitled "6112 Lakeside Avenue, Richmond, Virginia" and dated March 30, 2005 (see case file), and shall plant shrubs within these planters at no wider than eighteen (18) inches on center.
 4. All signage on the existing structures will follow the sign requirements of B-2 zoning.
 5. Hours of operation will be the same as the requirements of B-2 zoning.
 6. Any microbrewery permitted on premises shall be for the retail sales only (no sales to distributors.) Its hours of operation shall be limited to 10a.m. to 9 p.m. A video surveillance system and alarm system shall be installed and kept operational. All recordings of activities under surveillance shall be preserved for a period of two (2) months and provide access to authorized representatives of the Henrico County Division of Police upon request.
 7. At no time shall the square footage dedicated to the fermenting/brewing area and beer taps/seating area exceed 40% of the overall tenant space.

The vote of the Board was as follows:

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

No: None

208-14
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Three Chopt

Zoës Kitchen: Request for a Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow outdoor dining for a restaurant (Zoës Kitchen) on part of Parcel 736-762-7338 located in the southwest quadrant of the intersection of W. Broad Street (U.S. Route 250) and Lauderdale Drive.

Mr. Strauss responded to a question from Mr. Kaechele.

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

On motion of Mr. Kaechele, 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. The outdoor dining area shall not be in operation between 10:00 p.m. and 7:00 a.m.
2. Any outside speakers or sound system shall comply with the following standards:
 - a. Sound systems shall be equipped with controls permitting full volume adjustment.
 - b. Sound from the system shall not be audible beyond the property lines of the development.
 - c. Sound systems may be used only when outside dining is permitted.
3. The operator shall not permit food preparation outside the enclosed building.
4. The fence enclosing the outdoor dining area shall be limited in height to 36 inches.
5. A clear, continuous, and unobstructed pedestrian path not less than 60 inches in width shall be required for pedestrian circulation between the outdoor dining area and the sidewalk curb.
6. Outdoor lighting fixtures shall complement the style of the building. Lighting fixtures 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.
7. Access to the outdoor dining area shall be available only through the interior of the restaurant, except during an emergency when the patio fence exit gate may be utilized.

8. This permit shall apply only to Zoës Kitchen and shall not apply to any other business in The Corner at Short Pump.
9. The outdoor dining area shall comply with proffered conditions of rezoning case C-65C-07.
10. Trash receptacles shall be provided and properly serviced to control litter generated by this use.
11. Outdoor dining furniture, fencing, and canopies shall be of durable material and complementary to exterior features of the building.
12. The outdoor dining area shall be constructed in general conformance with the elevations and layout depicted in "Exhibit A" and "Exhibit B" (see case file).
13. Televisions and other video display devices shall not be allowed in the outdoor dining area.
14. 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.

The vote of the Board was as follows:

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

No: None

209-14
REZ2013-
00002
Brookland

Yunus Vohra: Request to conditionally rezone from A-1 Agricultural District and R-2A One-Family Residence District to R-2AC One-Family Residence District (Conditional) Parcels 764-760-9037, 764-760-8515, 765-760-1906, and 765-760-0929 containing 5.12 acres, located on the south line of Hungary Road at its intersection with Hastings Mill Drive.

In response to a question from Mr. Glover, Mr. Rapisarda clarified that a motion has been filed on behalf of Sylvia Wright asking Circuit Court Judge Harris to reconsider his previous ruling that the applicant has ownership of the subject property. The hearing is scheduled for September 19 for oral argument. Mr. Glover recommended deferral of this case until after the Circuit Court hearing.

Mr. Vohra, the applicant and property owner, spoke in opposition to the deferral. He voiced concern that a two-month delay will cause an

additional financial hardship. Mr. Vohra responded to questions from Mr. Kaechele. Mr. Glover explained his position that the Board should not decide this case until the courts decide the legal question of land ownership.

There was discussion by the Board, Mr. Rapisarda, and Mr. Vohra regarding Mr. Glover's recommendation for deferral and the appeals process for the land ownership question. Mr. Nelson indicated he may personally need to vote on the case if the property ownership issue is not resolved at the next Circuit Court hearing. Mr. Emerson clarified for Mr. Kaechele that the Board has one year to decide a zoning case under state law after the case first appears on the Board's docket.

On motion of Mr. Glover, seconded by Mr. Kaechele, and by unanimous vote, the Board voted to defer this item to the October 12, 2014, meeting.

The vote of the Board was as follows:

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

No: None

The Board recessed at 8:43 p.m. and reconvened at 8:55 p.m.

PUBLIC HEARINGS – OTHER ITEMS

210-14 Ordinance - To Amend and Reordain Section 10-137 Titled "Cutting of weeds and grass required," Section 10-139 Titled "Inspection of site of violation; notice to cut," and Section 10-140 Titled "Performance of work by county; collection of costs," to Renumber Section 10-141, and to Repeal Section 10-136 Titled "Penalty" and Section 10-138 Titled "Report of violation," of the Code of the County of Henrico, to Establish Uniform Standards for Cutting Weeds and Limited Exceptions to the Cutting Requirements.

The following persons spoke in support of this item and to the diverse values of native plants, including the habitat they provide:

- Nicole Anderson Ellis, Chair of the Henricopolis Soil and Water Conservation District Board
- Jocelyn Senn, a resident of the Varina District, who also responded to questions from the Board
- David Stover, a beekeeper and resident of the City of Richmond

- Catherine Tucker, a resident of the Fairfield District and President of the Pocahontas Chapter of the Virginia Native Plant Society
- Grace Chapman, Director of Horticulture at Lewis Ginter Botanical Garden

Carol Heiser, Education Program Section Manager and Habitation Education Coordinator for the Virginia Department of Game and Inland Fisheries, did not express an official position on the ordinance but narrated a slide presentation that highlighted the value of conservation landscaping and improving habitat for wildlife.

Mark Strickler, Director of Community Revitalization, responded to questions from Mr. Kaechele. Mr. Nelson commented favorably on the proposed ordinance and stated that it should help Varina residents. Mr. Thornton remarked that the cogent, treatise-like statements on botany made by the speakers were very educational.

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

211-14

Ordinance – To Amend and Reordain Section 20-77 Titled “Pollution control equipment and facilities,” Section 20-113 Titled “Exemption for household goods and personal effects of residents,” Section 20-377 Titled “Relief from erroneous assessment; appeals,” Section 20-383 Titled “Written ruling from the director of finance,” and Section 20-843 Titled “Exemptions” of the Code of the County of Henrico to Conform to State Legislation Exempting Certain Property and Food and Beverage Sales from Taxation and Allowing an Administrative Appeal of Business License Classification.

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

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

212-14

Ordinance – To Amend and Reordain Section 5-27 of the Code of the County of Henrico Titled “Dogs killing or injuring livestock or poultry” to Conform to State Legislation Allowing Animal Protection Officers to Seize Dogs Found in the Act of Killing or Injuring Livestock or Poultry.

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

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

- 213-14 Ordinance – To Amend and Reordain Section 21-23 of the Code of the County of Henrico Titled “Enforcement officers” to Conform to State Legislation Eliminating the Reference to Special Police Officers.
- No one from the public spoke in opposition to this item.
- On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved this item – see attached ordinance.
- 214-14 Resolution – Abandonment of Portion of Old Hungary Road – Fairfield District.
- No one from the public spoke in opposition to this item.
- On motion of Mr. Thornton, seconded by Mr. Nelson, and by unanimous vote, the Board approved this item – see attached resolution.
- 215-14 Ordinance - Vacation of Portion of Unimproved Right-of-Way and 40’ Radius Turnaround Easement - Edson Road - Sheridan Hills - Tuckahoe District.
- No one from the public spoke in opposition to this item.
- On motion of Mr. Thornton, seconded by Mr. Nelson, and by unanimous vote, the Board approved this – see attached ordinance.
- 216-14 Ordinance - Vacation of Building Line - Lot 11, Section H of Rollingwood Subdivision - Tuckahoe District.
- Jon Tracy, Director of Real Property, responded to a question from Mrs. O’Bannon.
- No one from the public spoke in opposition to this item.
- On motion of Mr. Thornton, seconded by Mr. Nelson, and by unanimous vote, the Board approved this item – see attached ordinance.
- 217-14 Ordinance – To Amend and Reordain Section 23-1 Titled “Definitions,” the Title of Division 3 of Article II of Chapter 23 Titled “Septage Hauling and Disposal,” Section 23-79 Titled “Approval of equipment,” Section 23-81 Titled “Records of septage haulers,” Section 23-117 Titled “Restricted wastes,” Section 23-150 Titled “Violations,” Section 23-151 Titled “Administrative enforcement remedies,” Section 23-152 Titled “Enforcement,” Section 23-156 Titled “Wastewater discharge permit conditions,” Section 23-159 Titled “Correction of violations,” Section 23-334 Titled “Customer setup charges,” and Section 23-362 Titled “Sewer

service charges and rates,” of the Code of the County of Henrico, to Conform the County’s Industrial Pretreatment and Strong Waste Program to State Requirements, to Modify Enforcement Procedures and Penalties, and to Establish a Single Setup Charge for New Water and Sewer Accounts.

Mr. Vithoulikas requested that the Board consider an amendment to the proposed ordinance to correct a clerical error. Mr. Rapisarda explained that the clerical error was on page five of the ordinance. In paragraphs (1) and (2) under (g) on page five, the reference to section 23-151(g) was mistaken; the correct reference is to section 23-151(i).

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

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board voted to amend the ordinance to correct the clerical error as shown on the replacement page five prepared by Mr. Rapisarda.

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

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

GENERAL AGENDA

222-14 Resolution – Acceptance of Deed of Gift – Land Adjoining Future Greenwood Park – Brookland District.

Mrs. O’Bannon asked that this item from the general agenda be moved up and considered before the public comment period.

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

PUBLIC COMMENTS

There were no comments from the public.

GENERAL AGENDA (continued)

218-14 Resolution - Contract Award - Comprehensive Agreement - Central Police Station - Fairfield District.

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

219-14 Resolution - Signatory Authority - Henrico Juvenile Detention Home Medical Services Contract.

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

220-14 Resolution – Approval of the FY 2015 and FY 2016 Community Services Board Performance Contract between the Virginia Department of Behavioral Health and Developmental Services and Henrico Area Mental Health & Developmental Services Board.

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

221-14 Resolution – To Accept a Grant from the Virginia E-911 Services Board.

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

223-14 Resolution - Award of Construction Contract - Shady Grove Water Storage Tanks - Exterior Cleaning & Painting - Three Chopt District.

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

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

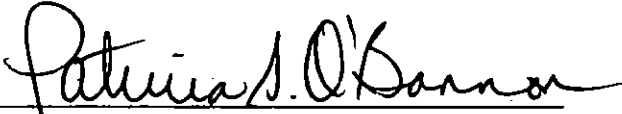
224-14 Resolution - Request for Letter of Necessity – Creighton Road Improvements - Project #00985 - Fairfield and Varina Districts.

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

225-14 Resolution - Request for Letter of Necessity - Dabbs House Road Improvements - Project #00610 - Varina District.

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

There being no further business, the meeting was adjourned at 9:47 p.m.


Chairman, Board of Supervisors
Henrico County, Virginia

Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

PREPAREDNESS MONTH

September 2014

WHEREAS, one of the most profound duties of government is ensuring the safety and security of its citizens from emergencies and disasters of all kinds; and,

WHEREAS, large-scale emergencies and disasters affecting Henrico County include inland effects from tropical storm systems, wildland fires, flooding, tornadoes, drought, earthquakes, and numerous smaller yet significant events that occur daily across the County; and,

WHEREAS, all citizens have a responsibility to contribute to their own safety and security as part of a larger effort by the County to strengthen its ability to prepare for, prevent, respond to, and recover from unexpected emergencies and disasters in cooperation with the Commonwealth of Virginia and the national government; and,


WHEREAS, Henrico citizens can greatly reduce the potential for death, injury, and property loss by taking a few simple steps such as assembling a disaster kit, making an emergency plan, and keeping informed of hazards around them; and,

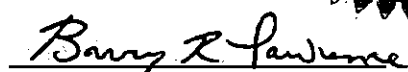
WHEREAS, citizen preparedness activities are supported by a wide range of local and state initiatives, including Virginia Corps, Citizen Corps and its five programs (Community Emergency Response Team, Fire Corps, Medical Reserve Corps, Neighborhood Watch, and Volunteers in Police Services), various training opportunities, and ongoing public education campaigns focused on fire safety, emergency management, health, and crime awareness; and,

WHEREAS, the combined actions of local, state, and federal agencies working in partnership with an informed and ready private sector and citizenry can transcend the fear of unexpected emergencies and disasters into proactive preparedness that improves the lives, safety, and security of all Henrico citizens.

NOW, THEREFORE, BE IT PROCLAIMED that the Board of Supervisors of Henrico County, Virginia, hereby recognize September 2014 as Preparedness Month and calls this observance to the attention of all Henrico citizens.




Patricia S. O'Bannon, Chairman
Board of Supervisors


Barry R. Lawrence, Clerk
August 12, 2014



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 210-14
Page No. 1 of 3

Agenda Title: ORDINANCE- To Amend and Reordain Section 10-137 Titled "Cutting of weeds and grass required," Section 10-139 Titled "Inspection of site of violation; notice to cut," and Section 10-140 Titled "Performance of work by county; collection of costs," to Renumber Section 10-141, and to Repeal Section 10-136 Titled "Penalty" and Section 10-138 Titled "Report of violation," of the Code of the County of Henrico, to Establish Uniform Standards for Cutting Weeds and Limited Exceptions to the Cutting Requirements

For Clerk's Use Only:

Date: **AUG 12 2014**

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

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

AN ORDINANCE to amend and reordain Section 10-137 titled "Cutting of weeds and grass required," Section 10-139 titled "Inspection of site of violation; notice to cut," and Section 10-140 titled "Performance of work by county; collection of costs," to renumber Section 10-141, and to repeal Section 10-136 titled "Penalty" and Section 10-138 titled "Report of violation," of the Code of the County of Henrico, to establish uniform standards for cutting weeds and limited exceptions to the cutting requirements

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

1. That Section 10-136 of the Code of the County of Henrico be repealed:

~~Sec. 10-136. - Penalty.~~

- ~~(a) Any owner who violates section 10-137(a) or any other provisions of this article pertaining to section 10-137(a) shall be deemed guilty of a class 4 misdemeanor.~~
~~(b) Any owner who violates section 10-137(b) or any other provisions of this article pertaining to section 10-137(b) shall be subject to a civil penalty not to exceed \$100.00.~~

2. That Section 10-137 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 10-137136. - Cutting of weeds and grass required.

- ~~(a) It shall be unlawful a nuisance for the any owner of any vacant developed or undeveloped property including such property upon which buildings or other improvements are located, within the boundaries of platted subdivisions or any other areas zoned for residential, business, commercial or industrial use, to~~

By Agency Head

A. Keith Stubble

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. 210-14
Page no. 2 of 3

Agenda Title: ORDINANCE– To Amend and Reordain Section 10-137 Titled “Cutting of weeds and grass required,” Section 10-139 Titled “Inspection of site of violation; notice to cut,” and Section 10-140 Titled “Performance of work by county; collection of costs,” to Renumber Section 10-141, and to Repeal Section 10-136 Titled “Penalty” and Section 10-138 Titled “Report of violation,” of the Code of the County of Henrico, All to Amend the County’s Weeds and Grass Ordinance

permit weeds of more than 12 inches in height within ~~250~~ 150 feet of ~~property developed for residential use~~ adjacent property and public streets.

(b) ~~It shall be a nuisance for~~ the owner of occupied residential real ~~any undeveloped property to permit weeds~~ shall cut the grass or lawn area of less than one half acre on such property when growth of such grass or lawn area exceeds more than 12 inches in height within 150 feet of adjacent developed property.

(c) This section shall not apply to land more than 50 feet from the boundary line of property developed for residential use if such land is enrolled in a state or federal conservation program and is more than two acres in size.

(d) This section shall not apply to land in a public utility transmission easement that is more than 50 feet from the boundary line of property developed for residential use or from public streets.

3. That Section 10-138 of the Code of the County of Henrico be repealed:

~~Sec. 10-138. – Report of violation.~~

~~Any person aggrieved by the presence of weeds or grass in violation of section 10-137 may report such presence to the director of community revitalization.~~

4. That Section 10-139 of the Code of the County of Henrico be amended and reordained as follows:

~~Sec. 10-139~~137. - Inspection of nuisance site of violation; notice to cut.

~~Upon receipt of a report as referred to in section 10-138, the director of community revitalization shall cause the site of the reported violation to be inspected pursuant to applicable constitutional and statutory provisions. When the director of community revitalization has determined from such reports and inspections or otherwise that a violation~~ nuisance as defined in Section 10-136 ~~in fact exists, he shall notify the owner of the land upon which the violation~~ nuisance ~~exists to cut or cause to be cut the weeds or grass complained of within such reasonable time as is specified in the notice. Such notice shall be in writing, shall be delivered by hand or mailed to the last known address of the owner and of the principal occupant if different from the owner, and shall be complied with by such owner~~ or principal occupant. One written notice per growing season shall be reasonable notice.

5. That Section 10-140 of the Code of the County of Henrico be amended and reordained as follows:

~~Sec. 10-140~~138. - Performance of work by county; collection of costs.

~~If such weeds or grass are not cut within the required time as provided for in the notice under section 10-139~~137, the director of community revitalization shall cause such weeds or grass to be cut and shall

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

Agenda Item No. **210-14**
Page no. 3 of 3

Agenda Title: ORDINANCE– To Amend and Reordain Section 10-137 Titled “Cutting of weeds and grass required,” Section 10-139 Titled “Inspection of site of violation; notice to cut,” and Section 10-140 Titled “Performance of work by county; collection of costs,” to Renumber Section 10-141, and to Repeal Section 10-136 Titled “Penalty” and Section 10-138 Titled “Report of violation,” of the Code of the County of Henrico, All to Amend the County’s Weeds and Grass Ordinance

charge and collect the cost thereof from the owner or principal occupant of the property in any manner provided by law for the collection of state or local taxes. ~~and expense thereof to be assessed against the owner of such property. The assessment shall be collected by the county as taxes and levies are collected.~~ Every such charge in excess of \$200 ~~for cutting grass on property which the owner of any property shall have~~ which has been assessed against the owner of such property and which remains unpaid shall constitute a lien against such property on a parity with liens for unpaid local taxes.

6. That Section 10-141 of the Code of the County of Henrico be renumbered as follows:
Secs. 10-141-139 — 10-163. Reserved.
7. That this ordinance shall be in full force and effect upon passage as provided by law.

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



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 211-14
Page No. 1 of 1

Agenda Title: ORDINANCE – To Amend and Reordain Section 20-77 Titled “Pollution control equipment and facilities,” Section 20-113 Titled “Exemption for household goods and personal effects of residents,” Section 20-377 Titled “Relief from erroneous assessment; appeals,” Section 20-383 Titled “Written ruling from the director of finance,” and Section 20-843 Titled “Exemptions” of the Code of the County of Henrico to Conform to State Legislation Exempting Certain Property and Food and Beverage Sales from Taxation and Allowing an Administrative Appeal of Business License Classification

For Clerk's Use Only:

Date: AUG 12 2014

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS

APPROVED

YES NO OTHER

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

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

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: _____

ORDINANCE – To Amend and Reordain Section 20-77 Titled “Pollution control equipment and facilities,” Section 20-113 Titled “Exemption for household goods and personal effects of residents,” Section 20-377 Titled “Relief from erroneous assessment; appeals,” Section 20-383 Titled “Written ruling from the director of finance,” and Section 20-843 Titled “Exemptions” of the Code of the County of Henrico to Conform to State Legislation Exempting Certain Property and Food and Beverage Sales from Taxation and Allowing an Administrative Appeal of Business License Classification

AN ORDINANCE to amend and reordain Section 20-77 titled “Pollution control equipment and facilities,” Section 20-113 titled “Exemption for household goods and personal effects of residents,” Section 20-377 titled “Relief from erroneous assessment; appeals,” Section 20-383 titled “Written ruling from the director of finance,” and Section 20-843 titled “Exemptions” of the Code of the County of Henrico to conform to state legislation exempting certain property and food and beverage sales from taxation and allowing an administrative appeal of business license classification.

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

1. That Section 20-77 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-77. Pollution control equipment and facilities.

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(c) As used in this section, the term "certified pollution control equipment and facilities" shall mean any property, whether real, personal or machinery and tools, equipment, facilities or devices, used primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the state, and which the state certifying authority having jurisdiction with respect to such property has certified to the state department of taxation and to the director of finance of the county as having been constructed, reconstructed, erected or acquired in conformity with the state program or requirement for abatement or control of water or atmospheric pollution or contamination. Such property shall include, but is not limited to, any equipment used to grind, chip, or mulch trees, tree stumps, underbrush, and other vegetative cover for reuse as mulch, compost, landfill gas, synthetic or natural gas recovered from waste or other fuel, and equipment used in collecting, processing, and distributing, or generating electricity from, landfill gas or synthetic or natural gas recovered from waste, whether or not such property has been

certified to the department of taxation and to the director of finance of the county by a state certifying authority. Such property shall also include solar energy equipment, facilities, or devices owned or operated by a business that collect, generate, transfer, or store thermal or electric energy whether or not such property has been certified to the state department of taxation and to the director of finance of the county by a state certifying authority. For solar photovoltaic (electric energy) systems, this exemption applies only to projects equaling 20 megawatts or less, as measured in alternating current (AC) generation capacity. Such property shall not include the land on which such equipment or facilities are located.

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2. That Section 20-113 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-113. Exemption for household goods and personal effects of residents.

(a) The following household goods and personal effects of the residents of the county are hereby exempt from taxation as tangible personal property:

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(10) Electronic communications and processing devices and equipment, including but not limited to cell phones and tablet and personal computers, including peripheral equipment such as printers.

~~(1011)~~ All other tangible personal property used by an individual or a family or household incident to maintaining an abode.

(b) The classifications set forth in this section shall apply only to such property owned and used by an individual or by a family or household primarily incident to maintaining an abode.

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3. That Section 20-377 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-377. Relief from erroneous assessment; appeals.

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(b) Any person assessed with a license tax as a result of an appealable event may apply within one year from the last day of the tax year for which such assessment is made, or within one year from the date of the appealable event, whichever is later, to the director of finance for a correction of the assessment. The application must be filed in good faith and sufficiently identify the taxpayer, the tax periods covered by the challenged assessments, the remedy sought, each alleged error in the assessment, the grounds upon which the taxpayer relies, and any other facts relevant to the taxpayer's contention. The director of finance may hold a conference with the taxpayer if requested by the taxpayer, or require submission of additional information and documents, an audit or further audit, or other evidence deemed necessary for a proper and equitable determination of the application. The assessment shall be deemed prima facie correct. The director of finance shall undertake a full review of the taxpayer's claims and issue a determination to the taxpayer setting forth the facts and arguments in support of his decision. The taxpayer may at any time also file an administrative appeal of the classification applicable to the taxpayer's business, including whether the business properly falls within a business license subclassification established by the county. However, the appeal of the classification of the business shall not apply to any license year for which the tax commissioner has previously issued a final determination relating to any license fee or license tax imposed upon the taxpayer's business for the year. In addition, any appeal of the classification of a business shall in no way affect or change any limitations period prescribed by law for appealing an assessment. Every assessment pursuant to an appealable event shall include or be accompanied by a written explanation of the taxpayer's right to a correction and the specific procedure to be followed, including the name and address of the person to whom the application should be directed, an explanation of the required content of the application for a correction and the deadline for filing the request for a correction. For purposes of facilitating an administrative appeal of the classification applicable to a taxpayer's business, the county shall maintain on its website the specific procedures to be followed with regard to such appeal and the name and address to which the appeal should be directed.

(c) Provided a timely and complete application for relief is made, collection activity with respect to the amount in dispute related to any assessment by the director of finance shall be suspended until a final determination is issued by the director of finance, unless the director of finance determines that: (i) collection would be jeopardized by delay, (ii) the taxpayer has not responded to a request for relevant information after a reasonable time, or (iii) the appeal is frivolous. Interest shall accrue in accordance with the provisions of sections 20-370 and 20-376 as to that portion of the assessment which has remained unpaid during the pendency of the application to

the director of finance for relief and was determined to be properly due and owing, but no further penalty shall be assessed while collection action is suspended.

(d) Upon an application for correction pursuant to subsection (b) of this section, aAny person assessed with a license tax as a result of a determination, or that has received a determination with regard to the person's appeal of the license classification or subclassification of the person's business, ~~upon an application for correction pursuant to subsection (b) of this section,~~ that is adverse to the position asserted by the taxpayer in such application may apply within 90 days of the determination by the director of finance to the tax commissioner for the Commonwealth for a correction of such assessment or determination. The appeal shall be in such form as the tax commissioner may prescribe and the taxpayer shall serve a copy of the appeal upon the director of finance. The tax commissioner shall permit the director of finance to participate in the proceedings, and shall issue a determination to the taxpayer within 90 days of receipt of the taxpayer's application, unless the taxpayer and the director of finance are notified that a longer period will be required. The application shall be treated as an application pursuant to Code of Virginia, § 58.1-1821, and the tax commissioner pursuant to Code of Virginia, § 58.1-1822 may issue an order correcting such assessment or correcting the license classification or subclassification of the business and the related license tax or fee liability pursuant to Code of Virginia, § 58.1-1822.

(e) On receipt of a notice of intent to file an appeal to the tax commissioner, the director of finance shall further suspend collection activity with respect to the amount in dispute related to any assessment by the director of finance until a final determination is issued by the tax commissioner, unless the director of finance determines that: (i) collection would be jeopardized by delay, (ii) the taxpayer has not responded to a request for relevant information after a reasonable time, or (iii) the appeal is frivolous. Interest shall accrue in accordance with the provisions of sections 20-370 and 20-376, but no further penalty shall be imposed while collection action is suspended. The requirement that collection activity be suspended shall cease unless an appeal is filed and served on the necessary parties within 30 days of the service of notice of intent to file such appeal.

(f) Promptly upon receipt of the final determination of the tax commissioner with respect to an appeal pursuant to subsection (e) of this section, the director of finance shall take those steps necessary to calculate the amount of tax owed by or refund due to the taxpayer consistent with the tax commissioner's determination and shall provide that information to the taxpayer.

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(4) If the determination of the tax commissioner does not set forth a specific amount of refund due, or otherwise requires director of finance to undertake a new or revised assessment that will result in an obligation on the part of the county to make a refund of taxes previously paid, the director of finance shall promptly commence the

steps necessary to undertake such new or revised assessment or to determine the amount of refund due in the case of a correction to the license classification or subclassification of the business, and provide it to the taxpayer within 60 days of the date of the determination of the tax commissioner, or within 60 days after receipt from the taxpayer of any additional information requested or reasonably required under the determination of the tax commissioner, whichever is later. The director of finance shall issue a refund to the taxpayer for the amount of tax due, together with interest accrued, within 30 days of the date of the new assessment or determination of the amount of the refund.

(g) Judicial review of determination of tax commissioner shall be in accordance with the following:

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(2) Suspension of payment of disputed amount of tax due upon taxpayer's notice of intent to initiate judicial review.

- a. On receipt of a notice of intent to file an application for judicial review, pursuant to Code of Virginia, § 58.1-3984, of a determination of the tax commissioner pursuant to subsection (f) of this section, and upon payment of the amount of the tax related to any assessment by the director of finance that is not in dispute together with any penalty and interest then due with respect to such undisputed portion of the tax, the director of finance shall further suspend collection activity while the court retains jurisdiction unless the court, upon appropriate motion after notice and an opportunity to be heard, determines that:
 1. The taxpayer's application for judicial review is frivolous;
 2. Collection would be jeopardized by delay; or
 3. Suspension of collection would cause substantial economic hardship to the county. For purposes of determining whether substantial economic hardship to the county would arise from a suspension of collection activity, the court shall consider the cumulative effect of then-pending appeals filed within the county by different taxpayers that allege common claims or theories of relief.
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- c. No suspension of collection activity shall be required if the application for judicial review fails to identify with particularity the amount in

dispute or the application does not relate to any assessment by the director of finance.

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

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Appealable event means an increase in the assessment of a local license tax payable by a taxpayer, the denial of a refund, or the assessment of a local license tax where none previously was assessed, arising out of the director of finance's (i) examination of records, financial statements, books of account or other information for the purpose of determining the correctness of an assessment; (ii) determination regarding the rate or classification applicable to the licensable business; (iii) assessment of a local license tax when no return has been filed by the taxpayer; or (iv) denial of an application for correction of erroneous assessment attendant to the filing of an amended application for license.

An appealable event shall include a taxpayer's appeal of the classification applicable to a business, including whether the business properly falls within a business license subclassification established by the county, regardless of whether the taxpayer's appeal is in conjunction with an assessment, examination, audit, or any other action taken by the county.

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(i) Any taxpayer whose application for correction pursuant to the provisions of subsection (b) of this section has been pending for more than one year without the issuance of a final determination may, upon not less than 30 days' written notice to the director of finance, elect to treat the application as denied and appeal the assessment **or classification of the taxpayer's business** to the tax commissioner in accordance with the provisions of subsection (d) of this section. The tax commissioner shall not consider an appeal filed pursuant to the provisions of this subsection if he finds that the absence of final determination on the part of the director of finance was caused by the

willful failure or refusal of the taxpayer to provide information requested and reasonably needed by the director of finance to make the determination.

4. That Section 20-383 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-383. Written ruling from the director of finance.

Any taxpayer or an authorized representative of a taxpayer may request a written ruling from the director of finance regarding the assessment of license tax in a specific fact situation. Any person requesting such a ruling must provide all the relevant facts and may present a rationale for an interpretation of the law most favorable to the taxpayer. In addition, the taxpayer or authorized representative may request a written ruling with regard to the classification applicable to the taxpayer's business, including whether the business properly falls within a business license subclassification established by the county. Any misrepresentation or change in the applicable law or the factual situation as presented in the ruling request shall invalidate any ruling issued. A written ruling will be revoked or amended automatically prospectively if there is a change in the law, a court decision or the guidelines issued by the state department of taxation upon which the ruling was based. A written ruling may be revoked or amended prospectively if the assessor notifies the taxpayer of a change in policy or interpretation upon which the ruling was based. However, any person who acts on a written ruling which later becomes invalid shall be deemed to have acted in good faith during the period when such ruling was in effect.

5. That Section 20-843 of the Code of the County of Henrico be amended and reordained as follows:

§ 20-843. Exemptions.

The following transactions shall not be subject to the tax under this article:

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-
-

(5) Food and beverages sold by volunteer fire departments and rescue squads; nonprofit churches or other religious bodies; educational, charitable, fraternal, or benevolent organizations, ~~on an occasional basis, not exceeding the first~~ the first three times per calendar year and, beginning with the fourth time, the first \$100,000.00 of gross receipts per calendar year from sales of food and beverages (excluding gross receipts from the first three times), as a fundraising activity, the gross

proceeds of which are to be used by such church, religious body or organization exclusively for nonprofit educational, charitable, benevolent, or religious purposes;

-
-
-

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



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 212-14
Page No. 1 of 2

Agenda Title: ORDINANCE – To Amend and Reordain Section 5-27 of the Code of the County of Henrico Titled “Dogs killing or injuring livestock or poultry” to Conform to State Legislation Allowing Animal Protection Officers to Seize Dogs Found in the Act of Killing or Injuring Livestock or Poultry

For Clerk's Use Only:

Date: **AUG 12 2014**

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

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

AN ORDINANCE to amend and reordain section 5-27 of the Code of the County of Henrico titled “Dogs killing or injuring livestock or poultry” to conform to state legislation allowing animal protection officers to seize dogs found in the act of killing or injuring livestock or poultry.

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

1. That Section 5-27 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 5-27. 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 seize or 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. 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

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. 212-14

Page no. 2 of 2

Agenda Title: ORDINANCE – To Amend and Reordain Section 5-27 of the Code of the County of Henrico Titled “Dogs killing or injuring livestock or poultry” to Conform to State Legislation Allowing Animal Protection Officers to Seize Dogs Found in the Act of Killing or Injuring Livestock or Poultry

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 for 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.

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

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



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 213-14
Page No. 1 of 1

Agenda Title: ORDINANCE – To Amend and Reordain Section 21-23 of the Code of the County of Henrico Titled “Enforcement officers” to Conform to State Legislation Eliminating the Reference to Special Police Officers

For Clerk's Use Only:	BOARD OF SUPERVISORS ACTION	YES	NO	OTHER
Date: AUG 12 2014	Moved by (1) <u>Kaechele</u> Seconded by (1) <u>Glover</u>			
<input checked="" type="checkbox"/> Approved	(2) _____ (2) _____			
<input type="checkbox"/> Denied	REMARKS: APPROVED			
<input type="checkbox"/> Amended				
<input type="checkbox"/> Deferred to:				
		Glover, R. <input checked="" type="checkbox"/>		
		Kaechele, D. <input checked="" type="checkbox"/>		
		Nelson, T. <input checked="" type="checkbox"/>		
		O'Bannon, P. <input checked="" type="checkbox"/>		
		Thornton, F. <input checked="" type="checkbox"/>		

AN ORDINANCE to amend and reordain section 21-23 of the Code of the County of Henrico titled “Enforcement officers” to conform to state legislation eliminating the reference to special police officers.

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

1. That Section 21-23 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 21-23. Enforcement officers.

The provisions of this article shall be enforceable by all sworn law-enforcement officers to the extent of their authority, ~~including special police officers whose jurisdiction is limited geographically to certain areas of the County.~~

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

Comments: The Chief of Police 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 Tests: _____

Clerk, Board of Supervisors

Date: _____



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 214-14
Page No. 1 of 1

Agenda Title: RESOLUTION — Abandonment of Portion of Old Hungary Road — Fairfield District

For Clerk's Use Only:

Date: AUG 12 2014

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

BOARD OF SUPERVISORS ACTION

Moved by (1) Thornton Seconded by (1) Nelson
(2) (2)

REMARKS

APPROVED

YES NO OTHER

Glover, R.	✓		
Kaechele, D.	✓		
Nelson, T.	✓		
O'Bannon, P.	✓		
Thornton, F.	✓		

WHEREAS, Cedar Grove 5 LLC has requested that the County abandon a portion of Old Hungary Road adjacent to its property; and,

WHEREAS, §33.1-164 of the Code of Virginia allows the Board of Supervisors to declare a section of road abandoned when it is no longer necessary for public use because a new road, which serves the same citizens as the old road, is constructed and approved by the governing body; and,

WHEREAS, a new road which serves the same citizens as the portion of road to be abandoned has been constructed and opened for public use; and,

WHEREAS, the Board held an advertised public hearing on August 12, 2014; and,

WHEREAS, the Board is satisfied that no public necessity exists for the continuance of the portion of Old Hungary Road shown hatched on Exhibit A.

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

- (1) The portion of Old Hungary Road shown on Exhibit A is declared abandoned.
- (2) The Clerk of the Board is directed to enter into its minutes this resolution of abandonment.
- (3) The Clerk of the Circuit Court of Henrico County, Virginia is authorized upon receipt of payment to record a certified copy of this resolution of abandonment in her office after the expiration of 30 days from its passage, provided no appeal to the Circuit Court has been taken.
- (4) The Clerk is further authorized and directed to index the same on the Grantor side of the general index of deeds in the name of the County.

Comments: The Directors of Real Property and Public Works recommend approval of this Board Paper; the County Manager concurs.

By Agency Head [Signature]

By County Manager [Signature]

Routing:

Yellow to: Real Property

Copy to: _____

Certified:

A Copy Teste: _____
Clerk, Board of Supervisors

Date: _____

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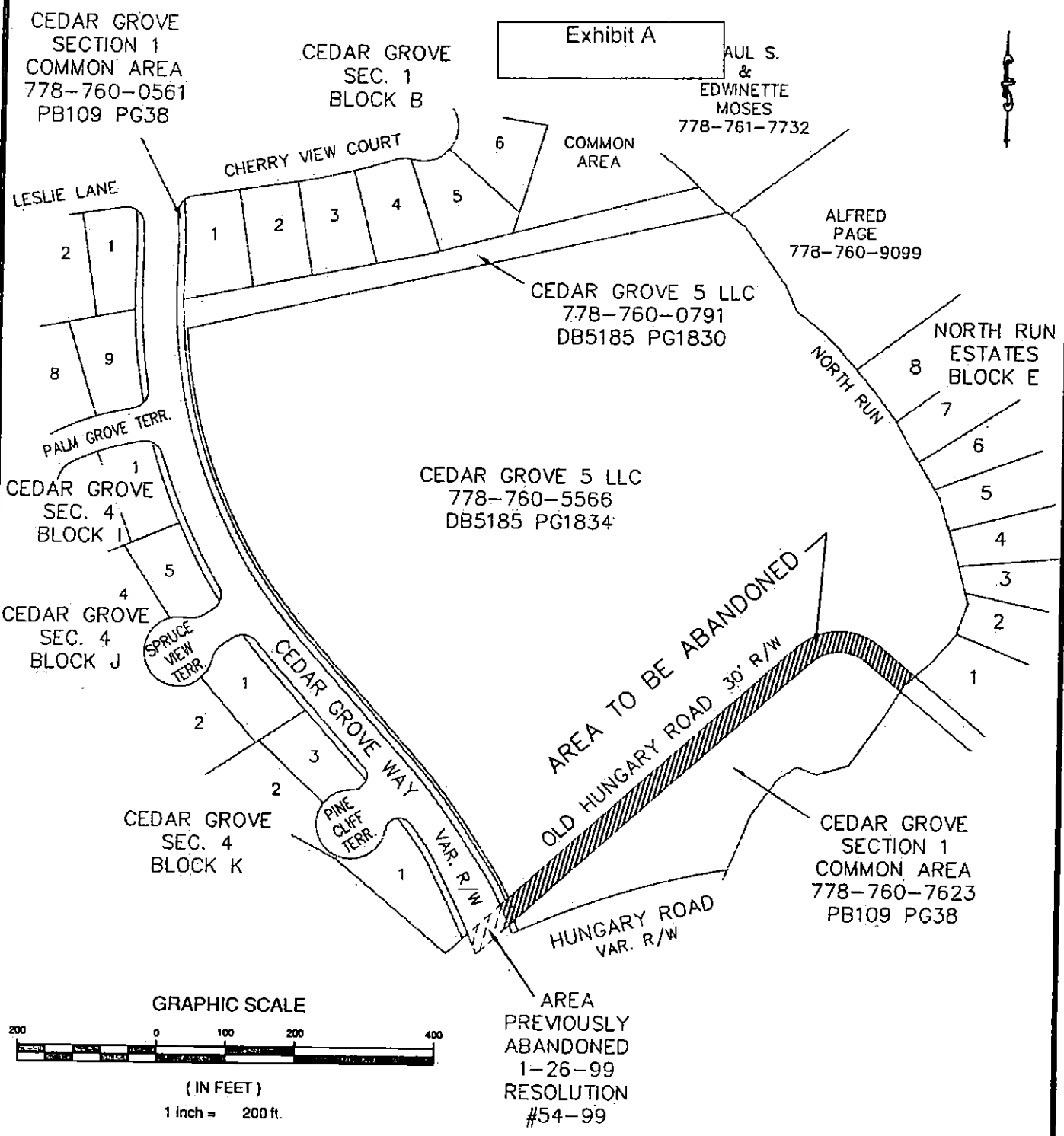


EXHIBIT A

SCALE: 1" = 200'

PROJECT:



Draper Aden Associates

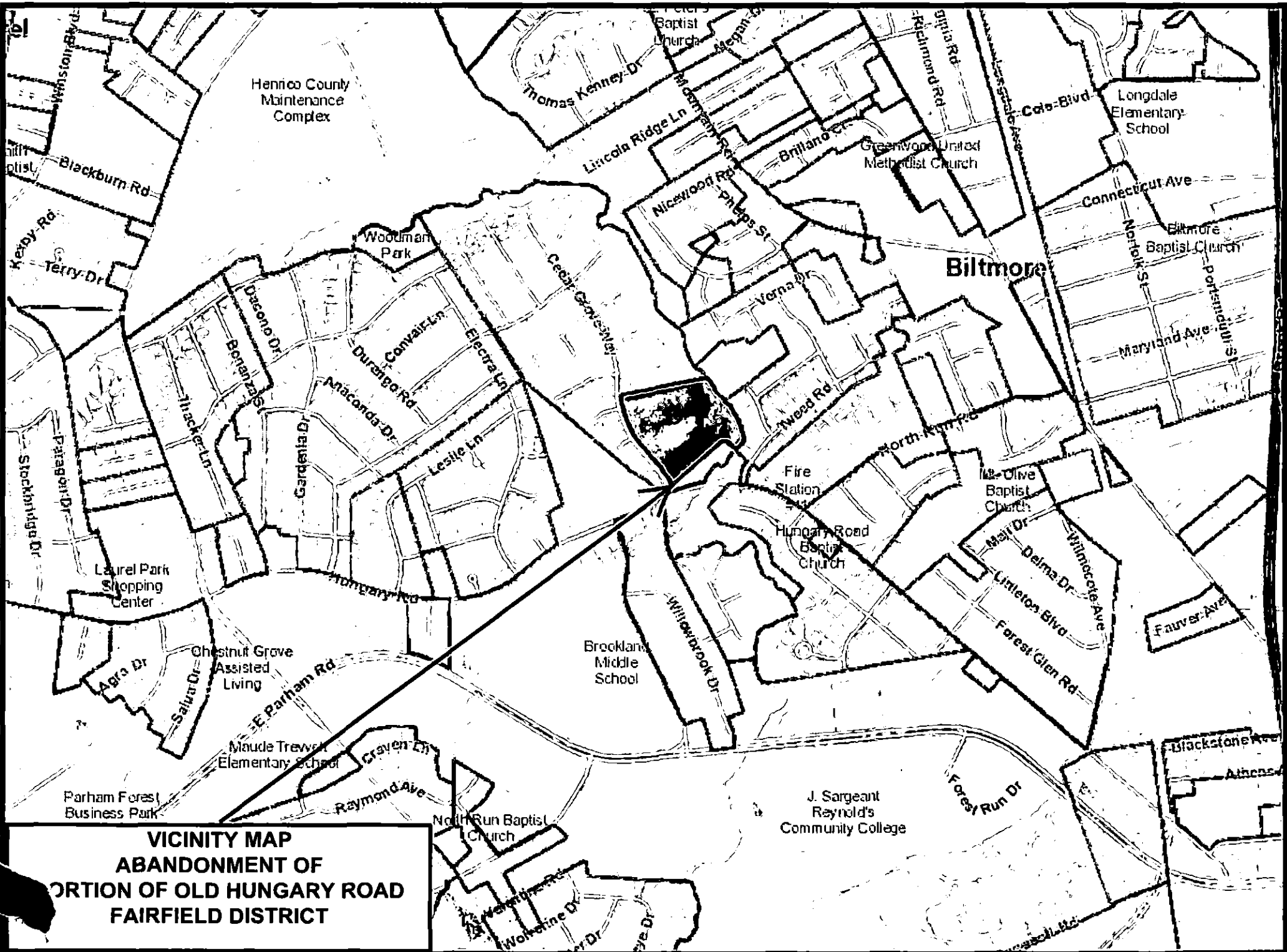
Engineering • Surveying • Environmental Services

8090 Villa Park Drive
Richmond, VA 23228
804-264-2228 Fax: 804-264-8773

Blacksburg, VA
Charlottesville, VA
Hampton Roads, VA

DESIGNED
DRAWN EEH
CHECKED
DATE JAN. 10, 2014

FIGURE



**VICINITY MAP
ABANDONMENT OF
PORTION OF OLD HUNGARY ROAD
FAIRFIELD DISTRICT**



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 215-14

Page No. 1 of 2

Agenda Title:

ORDINANCE — Vacation of Portion of Unimproved Right-of-Way and 40' Radius Turnaround Easement — Edson Road — Sheridan Hills — Tuckahoe District

For Clerk's Use Only:
1 AUG 12 2014

Date:

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kacchele, 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, Ronald E. Deal and Carolyn S. Deal and Quintin C. Tedeschi, owners of adjacent lots, have requested vacation of unimproved right-of-way for Edson Road and a 40' radius turnaround easement on the plat of Sheridan Hills Subdivision recorded in the Clerk's Office of the Circuit Court of Henrico County in Plat Book 26, Page 27; and,

WHEREAS, this ordinance was advertised pursuant to Va. Code § 15.2-2204, and the Board held a public hearing on August 12, 2014; and,

WHEREAS, it appears that no owner of any lot shown on the plat will be irreparably damaged by this vacation.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors that:

(1) the portion of the unimproved right-of-way for Edson Road and the 40' radius turnaround easement shown shaded on the attached Exhibit A are vacated in accordance with Va. Code § 15.2-2272(2), subject to the reservation of a permanent utility and drainage easement by the County of Henrico, Virginia on, over, under and across and through the entire area shown of the right-of-way for Edson Road as vacated;

(2) this ordinance shall become effective 30 days after its passage as provided by law;

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

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. 215-14

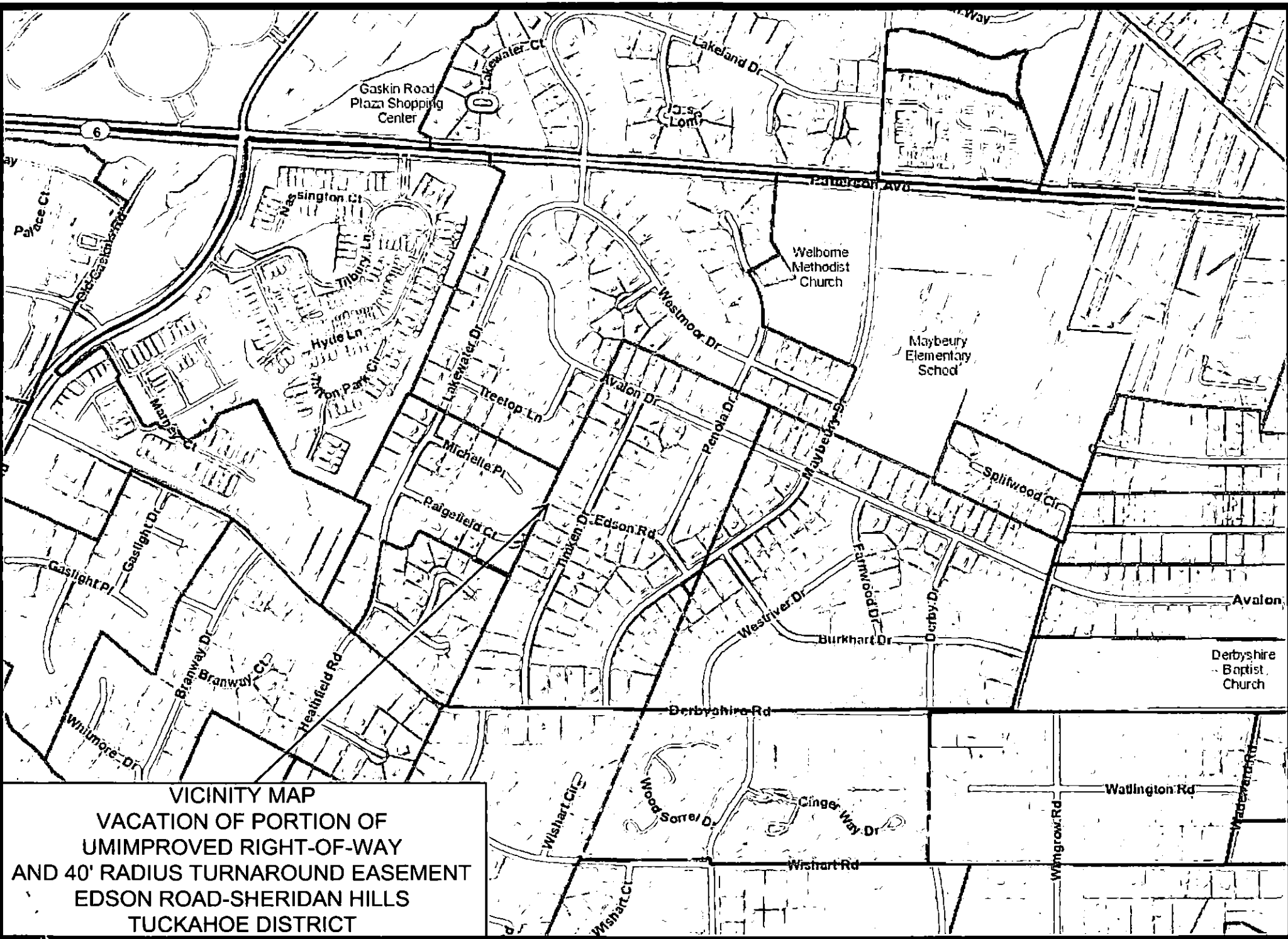
Page No. 2 of 2

ORDINANCE — Vacation of Portion of Unimproved Right-of-Way and
Agenda Title: 40' Radius Turnaround Easement — Edson Road — Sheridan Hills —
Tuckahoe District

(4) the Clerk is further authorized to index the Ordinance on the grantor and grantee sides of the general index to deeds in the names of Ronald E. Deal and Carolyn S. Deal and Quinton C. Tedeschi, or their successors or assigns; and,

(5) the Clerk shall note this vacation as provided in Va. Code § 15.2-2276.

Comments: The Real Property Department has processed this requested vacation through the Departments of Planning, Public Works, and Public Utilities without objection; the County Manager concurs.



VICINITY MAP
VACATION OF PORTION OF
UNIMPROVED RIGHT-OF-WAY
AND 40' RADIUS TURNAROUND EASEMENT
EDSON ROAD-SHERIDAN HILLS
TUCKAHOE DISTRICT



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 216-14
Page No. 1 of 2

Agenda Title: **ORDINANCE — Vacation of Building Line — Lot 11, Section H of
Rollingwood Subdivision — Tuckahoe District**

For Clerk's Use Only:

Date: **AUG 12 2014**

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

BOARD OF SUPERVISORS ACTION

Moved by (1) Thornton Seconded by (1) Nelson
(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, J. Brian and Joy Liggan, the owners of Lot 11, Section H of the Rollingwood subdivision, have requested the County to vacate the side building line labeled "Building Line To Be Vacated" on the attached subdivision plat; and,

WHEREAS, the plat is recorded in the Clerk's Office of the Circuit Court of Henrico County ("Clerk's Office") in Plat Book 18, page 66; and,

WHEREAS, this Ordinance was advertised pursuant to Va. Code § 15.2-2204, and the Board held a public hearing on August 12, 2014; and,

WHEREAS, it appears to the Board that no owner of any lot shown on the plat will be irreparably damaged by the vacation.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors that:

(1) the building line labeled "Building Line To Be Vacated" on the plat attached as Exhibit A is vacated in accordance with Va. Code § 15.2-2272(2);

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

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

By Agency Head

[Signature]

By County Manager

[Signature]

Routing:

Yellow to: Real Property

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

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

Agenda Item No. 216-14

Page No. 2 of 2

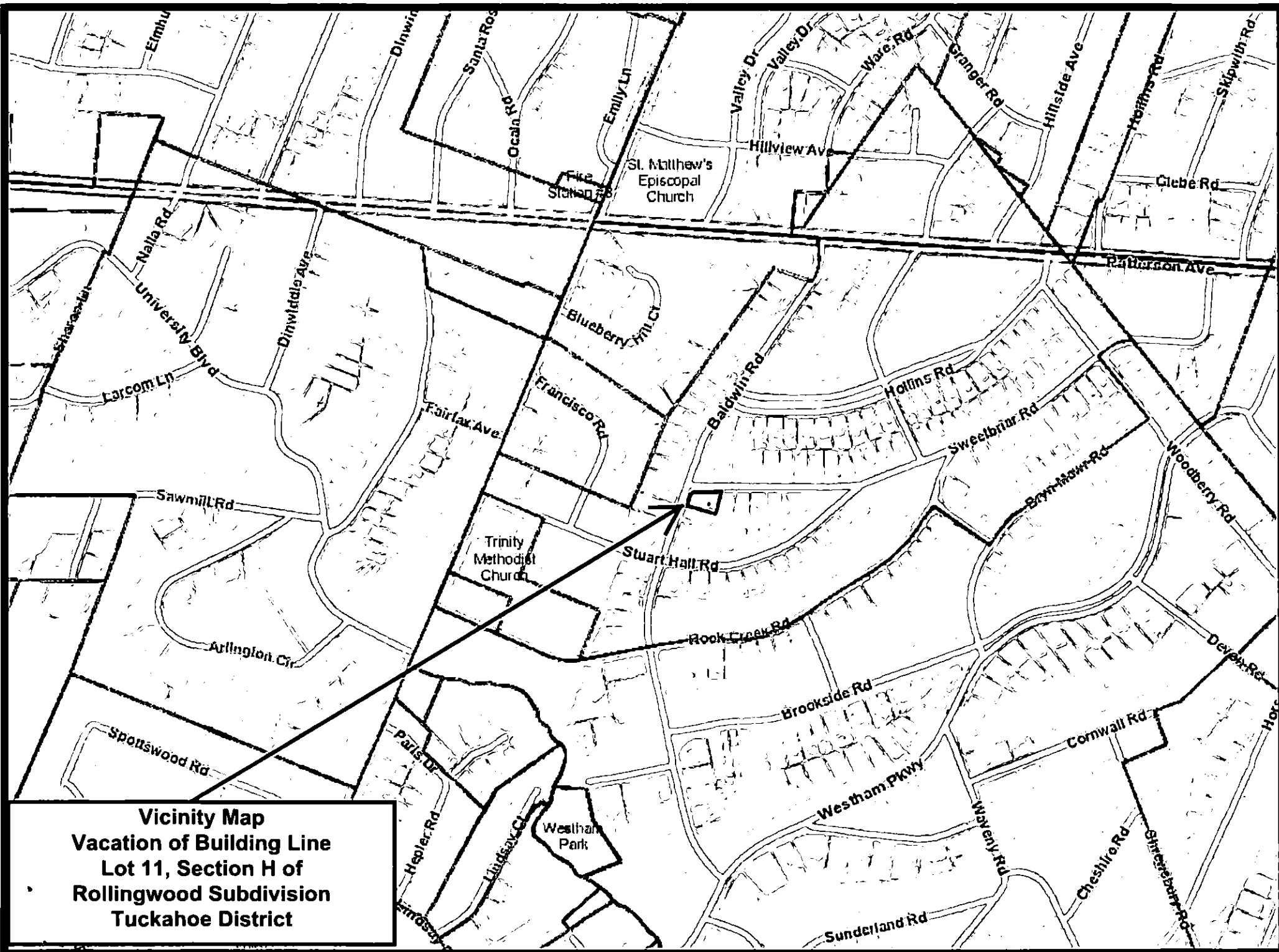
**Agenda Title: ORDINANCE — Vacation of Building Line — Lot 11, Section H of
Rollingwood Subdivision — Tuckahoe District**

(4) the Clerk is further authorized to index the Ordinance on the grantor and grantee sides of the general index to deeds in the names of J. Brian and Joy Liggan, or their successors or assigns; and,

(5) the Clerk shall note this vacation as provided in Va. Code § 15.2-2276.

Comments: The Real Property Department has processed this requested vacation through the Departments of Planning, Public Utilities, and Public Works without objection and recommends approval, and the County Manager concurs.

Thernton L. Molline
Confidential Engineer
Birmingham, Virginia.



Vicinity Map
Vacation of Building Line
Lot 11, Section H of
Rollingwood Subdivision
Tuckahoe District



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 217-14
Page No. 1 of 1

Agenda Title: ORDINANCE – To Amend and Reordain Section 23-1 Titled “Definitions,” the Title of Division 3 of Article II of Chapter 23 Titled “Septage Hauling and Disposal,” Section 23-79 Titled “Approval of equipment,” Section 23-81 Titled “Records of septage haulers,” Section 23-117 Titled “Restricted wastes,” Section 23-150 Titled “Violations,” Section 23-151 Titled “Administrative enforcement remedies,” Section 23-152 Titled “Enforcement,” Section 23-156 Titled “Wastewater discharge permit conditions,” Section 23-159 Titled “Correction of violations,” Section 23-334 Titled “Customer setup charges,” and Section 23-362 Titled “Sewer service charges and rates,” of the Code of the County of Henrico, to Conform the County’s Industrial Pretreatment and Strong Waste Program to State Requirements, to Modify Enforcement Procedures and Penalties, and to Establish a Single Setup Charge for New Water and Sewer Accounts

For Clerk's Use Only:

Date: **AUG 17 2014**

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS: The amendment corrected clerical error in paragraph (1) and (2) under (g) on page five, as highlighted.

YES NO OTHER

Glover, R. (12)
Kaechele, D. ✓
Nelson, T. ✓
O'Bannon, P. ✓
Thornton, F. ✓

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

Comment: The Director of Public Utilities recommends approval of the 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: _____

ORDINANCE – To Amend and Reordain Section 23-1 Titled “Definitions,” the Title of Division 3 of Article II of Chapter 23 Titled “Septage Hauling and Disposal,” Section 23-79 Titled “Approval of equipment,” Section 23-81 Titled “Records of septage haulers,” Section 23-117 Titled “Restricted wastes,” Section 23-150 Titled “Violations,” Section 23-151 Titled “Administrative enforcement remedies,” Section 23-152 Titled “Enforcement,” Section 23-156 Titled “Wastewater discharge permit conditions,” Section 23-159 Titled “Correction of violations,” Section 23-334 Titled “Customer setup charges,” and Section 23-362 Titled “Sewer service charges and rates,” of the Code of the County of Henrico, to Conform the County’s Industrial Pretreatment and Strong Waste Program to State Requirements, to Modify Enforcement Procedures and Penalties, and to Establish a Single Setup Charge for New Water and Sewer Accounts

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

1. That Section 23-1 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 23-1. 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:

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Best management practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 9 VAC 25-31-770 and to prevent or reduce the pollution of surface waters. BMPs also include treatment requirements, operating procedures, and practices to control plant site run-off, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

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-
-

Liquid waste means domestic septage, chemical toilet waste, grease and sand trap waste, non-hazardous commercial and industrial (categorical and non-categorical) waste, groundwater remediation site waste, and landfill leachate.

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-
-

2. That the title of Division 3 of Article II of Chapter 23 of the Code of the County of Henrico be amended and reordained as follows:

DIVISION 3. ~~SEPTAGE~~ LIQUID WASTE HAULING AND DISPOSAL

3. That Section 23-79 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 23-79. Approval of equipment.

No person shall engage in the business of hauling sewage, septage or other liquid industrial or commercial wastes in the county unless the **person has provided the director with copies of all required equipment inspection permits issued** ~~equipment to be used for hauling has been inspected and approved in writing~~ by the health department, **the United States Department of Transportation, or other agency.**

4. That Section 23-81 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 23-81. Records of septage liquid waste haulers.

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5. That Section 23-117 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 23-117. Restricted wastes.

(a) Unless permitted by a wastewater discharge permit or other document created pursuant to **divisions 3, 4, or 5 of article II of** this chapter, no user shall discharge wastewater to the POTW containing any of the following listed pollutants or characteristics in excess of the provided level or concentration:

<i>Regulated Pollutant or Characteristic</i>	<i>Maximum Daily Discharge*</i>
<u>Arsenic</u>	<u>4.9 mg/L</u>
Cadmium	0.23 mg/ <u>4L</u>
Chromium	2.75 mg/ <u>4L</u>
Copper	1.16 mg/ <u>4L</u>
Cyanide	1.86 mg/ <u>4L</u>
Lead	0.44 mg/ <u>4L</u>
Mercury	0.0031 mg/ <u>4L</u>
Nickel	1.31 mg/ <u>4L</u>
<u>Selenium</u>	<u>2.85 mg/L</u>
Silver	1.58 mg/ <u>4L</u>
Zinc	4.27 mg/ <u>4L</u>
Oil and grease (petroleum-based)	100 mg/ <u>4L</u>
Oil and grease (animal- or vegetable-based)	300 mg/ <u>4L</u>
Total toxic organic compounds (TTO)	2.13 mg/ <u>4L</u>

pH	5—11 s.u.
Flashpoint less than 140°degrees F	
*All measurements shall be made in accordance with 40 CFR 136.	

All concentrations for metallic substances are for total metal.

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-
-

6. That Section 23-150 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 23-150. Violations.

(a) Users shall orally notify the director ~~in writing~~ of any violation of a permit or of divisions 3, 4, or 5 of article II of this chapter within 24 hours after becoming aware of the violation. Within ~~ten~~five days after the date of the violation, the user shall ~~also~~ submit to the director a detailed written statement describing the cause of the violation and the measures that the user is taking to prevent future violations. The director may require a user to correct a violation by taking measures to prevent the discharge of prohibited materials or other wastes that are regulated by ~~this chapter~~ Section 23-116 and Section 23-117. Users shall correct all violations promptly and shall take reasonable actions to prevent damage to the POTW or the public from the violation.

(b) The director shall annually publish a list of significant industrial users who have been in significant noncompliance during the previous 12 months. This list shall be published in the largest daily newspaper of general circulation in the county. A significant industrial user is in significant noncompliance if one or more of the following criteria apply:

- (1) Sixty-six percent or more of wastewater measurements taken during a six-month period exceed the daily maximum limit ~~or the average limit~~ for the same pollutant parameter ("chronic violations of wastewater discharge limits");
- (2) Thirty-three percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equal or exceed the product of the daily maximum limit ~~or the average limit~~ multiplied by the applicable criteria (1.4 for BOD, total suspended solids, fats, oils, and grease, and 1.2 for all other pollutants, except pH) ("technical review criteria violations");
- (3) Any other discharge violation that the director believes has caused, alone or in combination with other discharges, interference or pass through, or endangered the health of county personnel or the public;
- (4) Any discharge of pollutants that has caused imminent danger to the environment or has required the director to exercise his emergency authority to halt or prevent such a discharge;
- (5) Failure to meet a compliance schedule requirement contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance, within ninety (90) days of the scheduled date;
- (6) Failure to provide any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules, within forty-five ~~30~~(45) days after the due date;
- (7) Failure to accurately report noncompliance; or

(8) Any other violation, which may include a violation of Best Management Practices, which the director determines will adversely affect the operation or implementation of the local pretreatment program.

7. That Section 23-151 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 23-151. Administrative enforcement remedies.

(a) *Notice of violation.* When the director finds that a user has violated, or continues to violate, any provision of divisions 3, 4, or 5 of article II of this chapter, a wastewater discharge permit, an order issued hereunder, or any other pretreatment standard or requirement, the director may serve upon that user a written notice of violation.

(b) *Submission of plan.* Within ~~ten~~ five days of the receipt of such notice, the user shall provide the director a written explanation of the violation and a plan for the satisfactory correction and prevention of future violations, including specific required actions. Submission of a plan shall not relieve the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(c) *Show cause hearing.* The director may order a user who has violated, or continues to violate, any provision of divisions 3, 4, or 5 of article II of this chapter, a wastewater discharge permit, an order issued hereunder, or any other pretreatment standard or requirement, to appear before the director and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place of the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. If a civil penalty is proposed, the notice shall also include the facts and legal requirements related to the alleged violation and the amount of the proposed penalty. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) on any authorized representative of the user at least ~~ten~~ thirty (30) days prior to the hearing date. At the hearing, the user may present evidence including witnesses regarding the occurrence of the alleged violation and the amount of the penalty, and the user may examine any witnesses for the locality. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

(d) *Consent orders.* The director may enter into a consent order, an agreement with assurances of voluntary compliance, or a similar document with any noncompliant user. Such document shall state specific action the user must take to correct the noncompliance within a specified time period. Such documents shall have the same force and effect as administrative orders issued pursuant to section 23-151(e) and shall be judicially enforceable.

(e) *Compliance orders.* When the director finds that a user has violated, or continues to violate, any provision of divisions 3, 4, or 5 of article II of this chapter, a wastewater discharge permit, an order issued hereunder, or any other pretreatment standard or requirement, the director may issue an order to the user responsible for the discharge directing that the user become compliant within a specified time. If the user does not become compliant within the time provided, the director may discontinue sewer service until the user installs and properly operates adequate treatment facilities, devices, or other related appurtenances. Compliance orders also may contain other requirements to resolve the

noncompliance, including additional self-monitoring and management actions designed to minimize the amount of pollutants discharged to the POTW. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, and a compliance order shall not relieve the user of liability for any violation, including a continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(f) Right to review. Any order issued by the director shall inform the user of his right under Code of Virginia § 15.2-2122(10)(c) to seek reconsideration by the director and of the user's right to judicial review of any final order by appeal to the circuit court on the record of the proceedings before the director.

(f)(g) Emergency suspensions. After informal notice to the user, the director may immediately suspend a user's right to discharge whenever suspension is necessary to stop an actual or threatened discharge which appears, in the director's reasonable judgment, to present an imminent or substantial danger to the health or welfare of the public. After notice and opportunity to respond, the director may also suspend a user's right to discharge if the discharge threatens to interfere with the operation of the POTW or presents, or may present, a danger to the environment.

(1) Any user notified of a suspension of its right to discharge shall immediately stop or eliminate its discharge to the POTW. If a user fails to immediately comply **voluntarily** with the suspension order, the director may take any steps he deems necessary to prevent or minimize damage to the POTW, its receiving stream, or danger to any person, including immediate severance of the sewer connection. Unless termination proceedings pursuant to section 23-151(~~(g)~~(i)) are initiated, or have been initiated, against the user, the director may allow the user to recommence its discharge when the user has demonstrated, to the satisfaction of the director, that the period of endangerment has passed.

(2) Prior to the date of any show cause or termination hearing under section 23-151(c) or ~~(g)~~(i), a user that is responsible, in whole or in part, for any discharge presenting imminent danger to the public, the environment or to the operation of the POTW shall submit to the director a detailed written statement describing the causes of the harmful discharge and the measures taken to prevent any future occurrence.

This section does not require a hearing prior to any emergency suspension.

(g)(h) Termination of right to discharge. A user's right to discharge may be terminated if any of the following occur:

- (1) User's violations of wastewater discharge permit conditions;
- (2) User's failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3) User's failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (4) User's refusal of reasonable access to its premises for inspection, monitoring, or sampling; or
- (5) User's violation of any pretreatment standard or requirement.

(h)(i) The director shall notify the user of the proposed termination of its right to discharge and offer an opportunity to show why its right to discharge should not be terminated. Exercise of this option by the director shall not be a bar to, or a prerequisite for, any other action against the user.

8. That Section 23-152 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 23-152. Enforcement.

(a) *Injunctive relief.* When the director finds that a user has violated, or continues to violate, any provision of **divisions 3, 4, or 5 of article II** of this chapter, a wastewater discharge permit, an order issued hereunder, or any other pretreatment standard or requirement, the director may petition the circuit court for a temporary or permanent injunction which restrains or compels compliance with the user's wastewater discharge permit, an order issued pursuant to this chapter, or other requirement imposed by this chapter. The director may also seek legal or equitable relief, including remediation of any environmental damage caused by the user's violation or noncompliance. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(b) *Civil penalties.*

(1) **The director's assessment of civil penalties shall be made in accordance with Code of Virginia § 15.2-2122(10). The court's assessment of civil penalties shall be made in accordance with Code of Virginia § 62.1-44.32(a).**

~~(12)~~ A user who has violated, or continues to violate, any provision of **divisions 3, 4, or 5 of article II** of this chapter, a wastewater discharge permit, an order issued hereunder, or any other pretreatment standard or requirement shall be liable **to the county** for a **civil penalty of \$1,000 up to maximum civil penalty of \$32,500.00 per violation, per day not to exceed \$100,000 per order.** In the case of violations of monthly or other average discharge limits, the director may assess penalties for each day of violation.

~~(23)~~ **In addition to a civil penalty, the** director may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement actions under **divisions 3, 4, or 5 of article II** of this chapter, including sampling and monitoring expenses and the cost of any actual damages **to sewers, treatment works and appurtenances** incurred by the county.

~~(34)~~ In determining the amount of a **civil penalties penalty**, the ~~court~~ **director** shall consider all ~~relevant circumstances, including the harm caused by the violation, the magnitude and duration of the violation, economic benefit to the user resulting from the user's violation, corrective actions by the user, the compliance history of the user, and other relevant factors~~ **the severity of the violation, the extent of any potential or actual environmental harm or facility damage, the compliance history of the user, any economic benefit realized from the noncompliance, and the ability of the user to pay the penalty.**

~~(45)~~ Filing suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(c) *Criminal prosecution.*

(1) A user who willfully or negligently violates any provision of **divisions 3, 4, or 5 of article II** of this chapter, a wastewater discharge permit, an order issued hereunder, or any other pretreatment standard or requirement, or who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage, shall, upon conviction, be guilty of a class 1 misdemeanor, punishable by a fine of not more than \$2,500.00, imprisonment for not more than 12 months, or both. **This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.**

(2) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other document filed or maintained pursuant to **divisions 3,**

4, or 5 of article II of this chapter or a wastewater discharge permit or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be guilty of a class 1 misdemeanor punishable by a fine of not more than \$2,500.00, imprisonment for not more than 12 months, or both.

(d) *Remedies nonexclusive.* The remedies provided for in **division 5 of article II of** this chapter are not exclusive. The director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the county's enforcement response plan. However, the director may take other action against any user when the circumstances warrant.

9. That Section 23-156 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 23-156. Wastewater discharge permit conditions.

Wastewater discharge permits must contain, at a minimum, the following conditions:

- (1) ~~Statement of duration, up to five years~~**The permit's issuance date, the permit's effective date, the permit's duration (up to five years), and the permit's expiration date.**
- (2) Statement of nontransferability without prior notification to the director and certification that the existing permit and any orders issued under **divisions 3, 4, or 5 of article II of** this chapter have been provided to the new owner or operator.
- (3) Effluent limits or best management practices, based on the applicable general pretreatment standards in **division 5 of article II of** this chapter, categorical pretreatment standards, and local limits.
- (4) Self-monitoring and sampling provisions, and reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type.
- (5) Statement of applicable civil and criminal penalties for violation of pretreatment standards and other requirements; and any applicable compliance schedules, which may not extend beyond applicable federal and state deadlines.
- (6) Any requirements to control slug discharges determined by the director.

10. That Section 23-159 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 23-159. Correction of violations.

(a) Each permittee shall prevent accidental discharges and slug discharges of prohibited materials or other substances regulated by ~~this chapter~~ **Section 23-116 and Section 23-117** at the permittee's expense. If an accidental discharge or slug discharge is released into the POTW, the permittee must immediately notify the director.

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11. That Section 23-334 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 23-334. Customer setup charges.

A customer setup charge of \$14.00 shall be charged on the first bill of every new water or sewer account ~~where a meter will not be set, and a setup charge of \$19.00 will be charged on the first bill of every new water or sewer account where a new meter is set,~~ whether established by a new customer or an existing customer.

12. That Section 23-362 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 23-362. Sewer service charges and rates.

(a) *Amount of charges.* The charges for sewer service shall consist of a service charge and a volume charge, as follows:

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(3) *Industrial and commercial strong waste charge.* In addition to the charges set out in subsections (a)(1) and (2) of this section, there will be charged to individual users a strong waste charge as applicable:

- a. Suspended solids, when the concentrations of suspended solids exceed 275 milligrams per liter: \$21.40 per CWT for suspended solids in excess of 275 mg/4L.
- b. BOD₅, when concentrations of BOD₅ exceed 250 milligrams per liter: \$29.65 per CWT for BOD₅ in excess of 250 mg/4L.

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13. That this ordinance shall be in full force and effect upon passage as provided by law.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 218-14
Page No. 1 of 2

Agenda Title: RESOLUTION — Contract Award — Comprehensive Agreement — Central
Police Station — Fairfield District

For Clerk's Use Only:

Date: AUG 17 2014

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> absent
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 January 10, 2014, HPDC Partners, LLC (HPDC) submitted an unsolicited proposal pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) to design, construct, and convey a 10,000-square-foot police station at 7850 Villa Park Drive for the Division of Police; and,

WHEREAS, on February 11, 2014, the Board of Supervisors accepted the unsolicited proposal for conceptual stage consideration; and,

WHEREAS, in compliance with the PPEA, the County posted a public notice to receive competing proposals by March 31, 2014, and no competing proposals were received; and,

WHEREAS, on May 1, 2014, HPDC submitted a detailed PPEA proposal; and,

WHEREAS, the Board held a public hearing on May 13, 2014 on the detailed proposal; and,

WHEREAS, the County's Working Group (John Neal, Tim Foster, Jon Tracy, Chief Middleton, Joe Emerson, and Brandon Hinton) entered into negotiations with HPDC; and,

WHEREAS, the Working Group and HPDC have been negotiating a comprehensive agreement under which HPDC will design, construct, and convey to the County the police station for \$3,600,000; and,

WHEREAS, in compliance with the PPEA, on August 4, 2014, the County posted the then latest draft of the comprehensive agreement on its website; 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. 218-14
Page No. 2 of 2

**Agenda Title: RESOLUTION — Contract Award — Comprehensive Agreement —
Central Police Station — Fairfield District**

WHEREAS, after the posting, the County and HPDC completed negotiations and have finalized the form of the comprehensive agreement; and,

WHEREAS, the Board has determined that the comprehensive agreement serves a public purpose because:

- (a) there is a public need for the police station;
- (b) the cost of the project is reasonable in relation to similar facilities; and
- (c) the comprehensive agreement requires the station to be substantially complete within 395 days of execution.

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

1. The comprehensive agreement for the design, construction, and conveyance of a 10,000-square-foot police station at 7850 Villa Park Drive is awarded to HPDC Partners, LLC in the amount of \$3,600,000.
2. The County Manager is authorized to execute the comprehensive agreement in the form approved by the County Attorney and presented to this meeting seven days after the comprehensive agreement is posted on the County's website.
3. The County Manager is authorized to execute change orders that do not result in an increase in the purchase price for the police station.

Comment: The Working Group and the County Manager recommend approval of this Board paper. Funding for this project is available within the Capital Projects Fund.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 219-14
Page No. 1 of 1

Agenda Title: RESOLUTION – Signatory Authority - Henrico Juvenile Detention Home
Medical Services Contract

For Clerk's Use Only:

Date: 10/06/14

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Nelson Seconded by (1) Thornton
(2) (2)

REMARKS:

APPROVED

YES NO OTHER

Glover, R.	✓		
Kaechele, D.	✓		
Nelson, T.	✓		
O'Bannon, P.	✓		
Thornton, F.	✓		

WHEREAS, the Henrico Juvenile Detention Home, in order to comply with state standards and to provide proper medical care for detainees, must provide medical services through a licensed physician; and,

WHEREAS, the physician will visit the Detention Home to review the nurse's screening and evaluation of each ward, examine detainees deemed necessary by the nurse, and be on call for consultation on a twenty-four hour per day, seven-day per week basis; and,

WHEREAS, the Department of Pediatrics, Virginia Commonwealth University Health System has agreed to provide these services as well as coordination of hospital and medical services at the VCU Health System; and,

WHEREAS, the Detention Home has negotiated a contract for these services in the amount of \$14,400 plus \$100.00 per hour for unscheduled visits to the Detention Home.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Henrico County authorizes the County Manager to execute a contract with the Department of Pediatrics, Virginia Commonwealth University Health System to provide a licensed physician to be responsible for the medical services at the Juvenile Detention Home beginning July 1, 2014 and terminating June 30, 2015.

COMMENTS: The Juvenile Detention Home Superintendent recommends approval, and the County Manager concurs. Funds are available in 2014-15 budget.

By Agency Head:

By County Manager:

Routing:
Yellow to:

Certified:
A Copy Teste:

Copy to:

Clerk, Board of Supervisors

Date:

AGREEMENT

BETWEEN THE COUNTY OF HENRICO ON BEHALF OF THE JUVENILE DETENTION HOME AND THE DEPARTMENT OF PEDIATRICS - VIRGINIA COMMONWEALTH UNIVERSITY HEALTH SYSTEM

Section I. Parties

The parties to this agreement are the County of Henrico on behalf of the Henrico Juvenile Detention home, hereinafter referred to as the "Detention Home," and the Department of Pediatrics, Virginia Commonwealth University/Health System, hereinafter referred to as "Department," which will provide the physician/medical consultant, hereinafter referred to as the "physician."

Section II. Purpose

The purpose of this agreement is to set out the responsibilities of each party and, thereby, enable coordination and cooperation in the provision of medical services to mutual clients. This agreement will assure that appropriate medical services are available to Detention Home residents and that consultation services are available to the nurse and administration of the Detention Home.

Section III. Responsibilities

- A. The Department agrees to provide a licensed physician who will:
 - 1. Visit the Detention Home once each week, at a time mutually agreeable to the parties, to review the

nurse's screening and evaluation of each youth and to examine those youths deemed necessary by the nurse, as the Detention Home assumes full responsibility for this referral.

2. Help develop and approve all written medical policies within the Detention Home and assist in maintaining compliance with State Medical and Pharmaceutical Board Standards as well as Core, Secure Detention, and Post Disposition Standards.
3. Be on call for consultation and instructions on a twenty-four hour per day, seven days per week basis to the nurse and/or Detention Home Administration concerning any medical problem of a detainee.
4. Be available to visit and shall visit the Detention Home at other than the scheduled time if called by the Superintendent or an Assistant Superintendent when an acute medical condition occurs. Compensation for such visits shall be at the rate set out in Section III, C, 10.
5. Coordinate and facilitate medical care at VCU Health System when needed, including in the Child and Adolescent Emergency Unit, Adolescent Health Service or VCU Hospital Unit.
6. Aid the nurse and administration of the Detention Home in determining which cases can wait for

medical evaluation at the appropriate medical facility and which cases constitute a more serious emergency situation needing urgent care at Henrico Doctors' Hospital Parham Campus which has agreed to accept extreme emergency cases (extreme meaning life or death cases or those situations that cannot wait).

7. Provide recommendations to the appropriate Court or other appropriate authorities, through the nurse or Detention Home Administrator, that a youth be transferred to a mental health agency or a medical clinic or hospital, if after consultation, the physician determines that a youth requires specialized care that is not available at the Detention Home.
8. Provide special direction for the nurse and child care staff at the Detention Home for a youth requiring close medical supervision.
9. Coordinate the exchange of medical information between the Detention facility and private physicians or other regular sources of health care.

B. Miscellaneous

1. The Department agrees to provide physicians who shall abide by all present or future State laws and regulations relative to the practice of

medical services within the Commonwealth of Virginia.

2. Each physician shall assume responsibility for providing his/her own malpractice insurance, payment of taxes, and any other license fee or expenses incurred not otherwise provided for in this agreement.
3. It is the responsibility of the Department to see that all provisions of this contract pertaining to the Department and Department physicians are met and complied with.
4. The Services covered by this agreement shall not be subcontracted or assigned without the prior written consent of the parties.

C. The Detention Home agrees, within the limitations of available funding (where applicable), to:

1. Not restrict any Department physician in the practice of medicine when performed in accordance with the laws of the State of Virginia.
2. Provide the services of a nurse on a 40 hour a week basis, 8:00 a.m. to 4:30 p.m., Monday through Friday.
3. Provide a private place with modern equipment suitable for medical staff to examine youth in the Detention Home at no cost to the Department or the physician.

4. Provide medical supplies as deemed necessary by the physician at no cost to the physician or the Department.
5. Arrange appropriate transportation through the Henrico County Sheriff's Office, Division of Police, or volunteer rescue squad ambulance, if needed, to transfer clients to VCU Health System or other medical facility for treatment.
6. Administer medication and treatments prescribed or approved by the physician and follow his orders concerning medical care to youths in the Detention Home.
7. Arrange for the payment for all medical care rendered at VCU Health System on a fee-for-service basis for youths confined at the Detention Home.
8. Arrange for the obtaining of parental or guardian consent when necessary for medical care.
9. Designate staff who are authorized to request services from the Department.
10. Compensate the Department at the rate of \$100.00 per hour for unscheduled visits to the Detention Home additional to that specified in Section III, A, 1, above.

Section IV. Purchase of Services

1. The Detention Home agrees to pay the Department \$14,400 per year in twelve equal installments of \$1,200 payable the first week of each month for the month preceding without monthly notice from the Department.
2. Additional fees, if any, as may be incurred pursuant to Section III, C, 10 shall be rendered the first week of the month following the month during which the additional fees were incurred.

Section V. Availability of Services

1. All parties to this agreement will provide services to all eligible clients without regard to race, color, sex, religion, national origin or handicap.
2. It is understood and agreed that there shall be no medical or pharmaceutical testing for experimental or research purposes.

Section VI. Terms of Agreement

1. The agreement shall become effective July 1, 2014 and shall remain in effect for one full year. At least 90 days prior to the expiration of the agreement, a joint evaluation of the terms of the

agreement shall be conducted by both parties to consider its renewal.

2. In the event that either party desires to amend or terminate this agreement prior to its expiration, 30 days written notice to this effect must be made.
3. This agreement shall automatically terminate should the Detention Home's funding of the agreement be terminated in any manner beyond the control of the Home.

Agreement approved for:
DEPARTMENT OF PEDIATRICS
VIRGINIA COMMONWEALTH UNIVERSITY HEALTH SYSTEM

By: Richard R. Brookman MD Date: 4/23/14
Richard R. Brookman, M.D.
Chairman, Division of Adolescent Medicine
Virginia Commonwealth University

By: Bruce L Date: 7 May 14
Bruce Rubin, M.D.
Chairman, Department of Pediatrics
Virginia Commonwealth University

By: Sheldon M. Retchin Date: 7/14/14
Sheldon M. Retchin, M.D., M.S.P.H.
Senior Vice President for Health Sciences and CEO
Virginia Commonwealth University Health System

COUNTY OF HENRICO

John A. Vithoulkas Date: 8/13/14
John A. Vithoulkas County Manager

Execution authorized
by Board minute
219-14
Date 8/12/14
Initials: JB
APPROVED
Substance: HB
Form: gm
Signature: JB



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 220-14

Page No. 1 of 2

Agenda Title: RESOLUTION - Approval of the FY 2015 and FY 2016 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 17 2014

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

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

Glover, R. ✓
Kaechele, D. ✓
Nelson, T. ✓
O'Bannon, P. ✓
Thornton, F. ✓

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 June 30, 2014, 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 2015 and FY 2016; and,

WHEREAS, HAMHDS and the Department have negotiated a FY 2015 and FY 2016 Community Services Board Performance Contract; and,

WHEREAS, HAMHDS approved the FY 2015 and FY 2016 Community Services Board Performance Contract on July 24, 2014, and recommended it to the Boards of Supervisors of Henrico, Charles City, and New Kent Counties; and,

WHEREAS, HAMHDS' recommended FY 2015 and FY 2016 Community Services Board Performance Contract is based on the requirements of § 37.2-508, on the FY 2014 - 2015 budget adopted by the Henrico County Board of Supervisors on April 22, 2014, on the Letter of Notification to HAMHDS for FY 2015 and FY 2016, and on local contributions approved by the Charles City County Board of Supervisors and the New Kent County Board of Supervisors.

By Agency Head

Levent D. Conn

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. 020-14
Page No. 2 of 2

Agenda Title: RESOLUTION - Approval of the FY 2015 and FY 2016 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 Henrico County Board of Supervisors that the Board approves the FY 2015 and FY 2016 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. 221-14

Page No. 1 of 1

Agenda Title: **RESOLUTION - To Accept a Grant From the Virginia E-911 Services Board**

For Clerk's Use Only:

Date: **AUG 17 2014**

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Kaechele Seconded by (1) Nelson
(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, the Virginia E-911 Services Board has awarded the Police Division a Wireless E-911 Public Safety Answering Point (PSAP) Education Program grant in the amount of \$2,000; and

WHEREAS, the Division maintains the Emergency Communications Center which provides a Public Safety Answering Point (PSAP) for emergency 911 services; and

WHEREAS, the Division will use this grant, which requires no local match, to enable Division personnel to attend regional emergency communications conferences during FY15.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors accepts this grant and authorizes the County Manager, or his designee, to sign the necessary agreement in a form approved by the County Attorney.

COMMENT: The Chief of Police recommends approval of this Board paper, and the County Manager concurs.

By Agency Head _____

By County Manager _____

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____



RECEIVED

HENRICO POLICE

JUL 16 2014

POLICE PLANNING

COMMONWEALTH of VIRGINIA

Virginia E-911 Services Board

January 15, 2014

Dorothy Spears-Dean
PSC Coordinator
(804) 416-6201

Terry D. Mayo
Board Administrative
Assistant
(804) 416-6197

Michael M. Cline
Chairman
VDEM

David A. Von Moll
Treasurer
Comptroller

J.D. Diggs
York County

Danny Garrison
Richmond Ambulance
Authority

Diane Harding
Sprint

Pokey Harris
Washington County

Jim Junkins
Harrisonburg-Rockingham
ECC

Lt. Colonel Robert Kemmler
Virginia State Police

Robert Layman
AT & T

Chief Anthony McDowell
Henrico County

Chief Doug Middleton
Henrico County

Sam Nixon
VITA

David Ogburn
Verizon

Athena Plummer
City of Virginia Beach

Kathleen Seay
Hanover County

Mr. Sam Gage, Grants Admin.
Henrico Police Dept.
P. O. Box 90775
Richmond, VA 23273

Dear Mr. Gage:

This letter is in reference to your grant application for consideration under the FY15 PSAP Grant Program. I am pleased to advise you that the Virginia E-911 Services Board has approved your request. You have been awarded \$2,000 for the WEP training project, GRANT ID 015. This award does not require a match of local funds.

Funding for this grant award will be available for payment reimbursement beginning July 1, 2014. The PSAP Grant Program has a grant cash disbursement policy of reimbursement. All funding requests must be submitted on the Public Safety Grant Payment Request Form, which is available on the ISP website. Receipts that substantiate the amount requested must be attached to the request form when submitted for funding payment.

Finally, in order for a funding request to be processed, the PSAP must have already submitted any required financial and grant progress reports for any previous fiscal years by the identified deadline, unless an exception has been granted by the PSC Coordinator. This includes required submission of any true-ups and supporting documentation.

If you have any questions, please do not hesitate to contact your Regional Coordinator or me via email.

Congratulations on your grant award!

Sincerely,

Lisa Nicholson
Public Safety Program Manager



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 222-14

Page No. 1 of 1

Agenda Title: RESOLUTION – Acceptance of Deed of Gift – Land Adjoining Future Greenwood Park – Brookland District

For Clerk's Use Only: Date: AUG 12 2014 <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>Cilona</u> Seconded by (1) <u>Kaechele</u> (2) _____ (2) _____ REMARKS: APPROVED	<table><thead><tr><th></th><th>YES</th><th>NO</th><th>OTHER</th></tr></thead><tbody><tr><td>Glover, R.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Kaechele, D.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Nelson, T.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>O'Bannon, P.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Thornton, F.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr></tbody></table>		YES	NO	OTHER	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"/>
		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, RG Investments Partners LLC ("RG") owns land located near Greenwood, Winfrey, and Bent Pine Roads in the Brookland District; and,

WHEREAS, RG has offered to donate approximately 89 acres of its land (the "Property") for recreational purposes to the County; and,

WHEREAS, the land to be donated is adjacent to a County-owned parcel that is planned to be used as Greenwood Park; and,

WHEREAS, the Division of Recreation and Parks desires to accept this gift and use the Property for recreational purposes.

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

1. The County Manager is authorized to accept deed of gift from RG conveying the Property in a form approved by the County Attorney.
2. The County Manager and County Attorney are authorized to undertake all administrative and legal steps necessary to complete the conveyance to the County, including recording the deed of gift and a title insurance policy insuring the County's interest in the Property.
3. The Board expresses its appreciation to RG for its generous gift of the parcel.

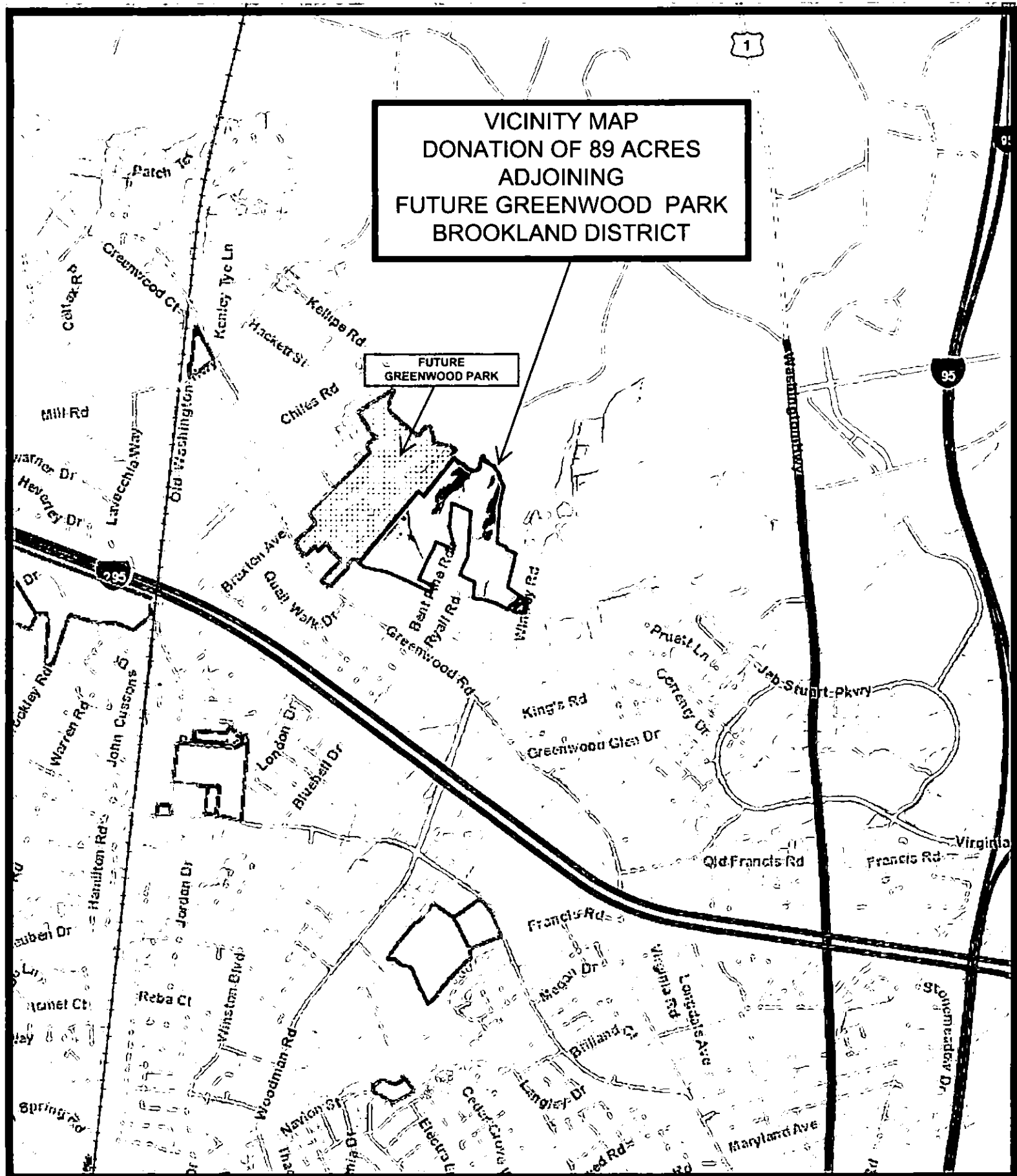
Comments: The Directors of Recreation and Parks and Real Property recommend approval of this paper; the County Manager concurs.

By Agency Head *Dr. B. Chay* By County Manager *[Signature]*

Routing: Yellow to: *Real Property* Certified: _____
Copy to: _____ A Copy Teste: _____ Clerk, Board of Supervisors
Date: _____

VICINITY MAP
DONATION OF 89 ACRES
ADJOINING
FUTURE GREENWOOD PARK
BROOKLAND DISTRICT

FUTURE
GREENWOOD PARK





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

Agenda Item No. **223-14**
Page No. 1 of

Agenda Title: **RESOLUTION — Award of Construction Contract — Shady Grove Water Storage Tanks
— Exterior Cleaning & Painting — Three Chopt District**

For Clerk's Use Only:

Date: **AUG 12 2014**

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

Glover, R. ☒ _____
Kaechele, D. ☒ _____
Nelson, T. ☒ _____
O'Bannon, P. ☒ _____
Thornton, F. ☒ _____

WHEREAS, 11 bids were received on July 1, 2014, in response to Invitation for Bid No. 14-9606-5E and Addendum No. 1 for the Shady Grove Road Water Storage Tanks Exterior Cleaning & Painting project in the Three Chopt District; and,

WHEREAS, the project includes cleaning and painting the exterior surfaces of two 1.25 million gallon concrete water storage tanks; and,

WHEREAS, the bids were as follows:

<u>Bidders</u>	<u>Bid Amounts</u>
Town Hall Painting Corporation	\$ 120,000
M. P. Barden & Sons, Inc.	\$ 125,000
Utility Service Company, Inc.	\$ 130,600
Horizon Bros. Painting Corp.	\$ 149,800
New Kent Coatings, Inc.	\$ 168,720
D & M Painting Company	\$ 189,280
Manolis Painting Company, Inc.	\$ 194,900
Strickland Waterproofing Company, Inc.	\$ 223,032
Nostos SS Contractors, LLC	\$ 263,800
George Kountoupes Painting Company	\$ 280,000
Superior Industrial Maintenance Company, Inc.	\$ 986,735

WHEREAS, after a review and evaluation of all bids received, it was determined that Town Hall Painting Corporation is the lowest responsive and responsible bidder with a bid of \$120,000.

By Agency Head

Arthur O. Peterson

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. 223-17

Page No. 2 of 2

**Agenda Title: RESOLUTION — Award of Construction Contract — Shady Grove Water Storage Tanks
— Exterior Cleaning & Painting — Three Chopt District**

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

1. The contract is awarded to Town Hall Painting Corporation, the lowest responsive and responsible bidder, in the amount of \$120,000 pursuant to Invitation for Bid No. 14-9606-5E, Addendum No.1, and the bid submitted by Town Hall Painting Corporation.
2. The County Manager is authorized to execute the contract in a form approved by the County Attorney.
3. The County Manager, or the Purchasing Director 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 will be provided by the Water and Sewer Enterprise Fund. The Director of Public Utilities and the Purchasing Director recommend approval of this Board paper, and the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 22414

Page No. 1 of 1

Agenda Title: RESOLUTION — Request for Letter of Necessity — Creighton Road Improvements —
Project #00985 — Fairfield and Varina Districts

For Clerk's Use Only: Date: AUG 12 2014 <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>Thornton</u> Seconded by (1) <u>Nelson</u> (2) _____ (2) _____ REMARKS: APPROVED	YES NO OTHER Glover, R. <input checked="" type="checkbox"/> _____ Kaechle, D. <input checked="" type="checkbox"/> _____ Nelson, T. <input checked="" type="checkbox"/> _____ O'Bannon, P. <input checked="" type="checkbox"/> _____ Thornton, F. <input checked="" type="checkbox"/> _____
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WHEREAS, in the 2000 bond referendum, Henrico citizens voted to fund the Creighton Road Improvements project with general obligation bonds; and,

WHEREAS, the project consists of construction of a four-lane roadway between Laburnum Avenue and Sandy Lane and a new connector road to Dabbs House Road, replacement of the bridge on Creighton Road, and leveling of the road surfaces between Stone Dale Drive and the City of Richmond limits; and,

WHEREAS, the project will relieve traffic congestion and improve the safety of Creighton Road by improving its intersection with Laburnum Avenue and by bringing the road and bridge to current design standards; and,

WHEREAS, under state law, the County Engineer must examine the road and report to the Board of Supervisors about the expediency of the proposed improvements.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the County Engineer is directed to: (1) examine the Creighton Road improvements and report to the Board upon the expediency of the project, and (2) prepare a Letter of Necessity in accordance with Section 33.1-231 of the Code of Virginia, 1950, as amended, and to file it with the Clerk of the Board.

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

By Agency Head

By County Manager

Routing:

Yellow to: _____

Copy to: _____

Certified:

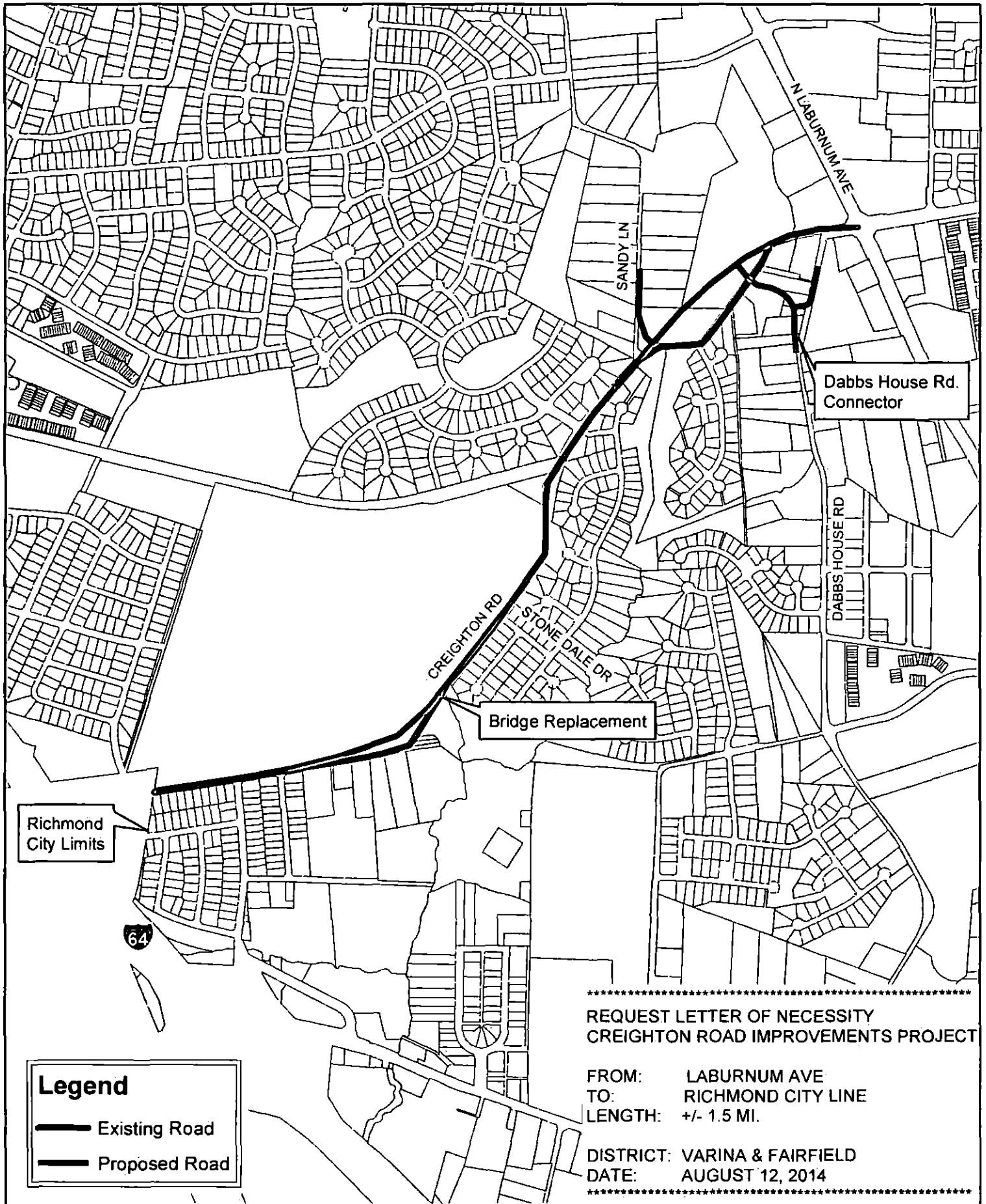
A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____



CREIGHTON ROAD





COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 22514

Page No. 1 of 1

Agenda Title: **RESOLUTION — Request for Letter of Necessity — Dabbs House Road Improvements — Project #00610 — Varina District**

For Clerk's Use Only:

AUG 12 2014

Date:

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Nelson Seconded by (1) Chambers
(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, the County has entered into an agreement with the Virginia Department of Transportation for preliminary engineering, right-of-way acquisition, utility relocation, and construction of Dabbs House Road improvements; and,

WHEREAS, Dabbs House Road will be widened from Nine Mile Road to Kingsridge Parkway, and sidewalk will be constructed on the north and west side of Dabbs House Road; and,

WHEREAS, a right turn lane will be constructed on northbound Nine Mile Road at its intersection with Dabbs House Road; and,

WHEREAS, the project will relieve traffic congestion and improve traffic safety by bringing the road to current design standards; and,

WHEREAS, under state law, the County Engineer must examine the road and report to the Board of Supervisors about the expediency of the proposed improvements.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the County Engineer is directed to: (1) examine the Dabbs House Road improvements and report to the Board upon the expediency of the project, and (2) prepare a Letter of Necessity in accordance with Section 33.1-231 of the Code of Virginia, 1950, as amended, and file it with the Clerk of the Board.

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

By Agency Head

By County Manager

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____



DABBS HOUSE ROAD

