

COUNTY OF HENRICO, TO-WIT:

At a regular meeting of the Board of Supervisors of Henrico County, held in the Board Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia, on Tuesday, the 14th of August 2007, at the hour of 7:00 p.m.

MEMBERS OF THE BOARD PRESENT

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

OTHER OFFICIALS PRESENT

Mr. Virgil R. Hazelett, P.E., County Manager
Mr. Joseph P. Rapisarda, Jr., County Attorney
The Honorable Michael L. Wade, Sheriff
Mr. Barry R. Lawrence, Clerk
Mr. George T. Drumwright, Jr., Deputy County Manager for Community Services
Mr. Harvey L. Hinson, Deputy County Manager for Community Development
Mr. Leon T. Johnson, Deputy County Manager for Administration
Mr. Robert K. Pinkerton, P.E., Deputy County Manager for Community Operations
Department Heads and Key Officials

The meeting was called to order by the Chairman at 7:01 p.m.

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

Rev. Cecil McFarland, President, Chaplain Services of the Churches of Virginia, Inc., provided the invocation.

On motion of Mr. Kaechele, seconded by Mr. Thornton, the Board approved the minutes of the July 24, 2007 Regular and Special Meetings.

The vote of the Board was as follows:

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

Mrs. O'Bannon expressed appreciation for the audio version of the minutes because the written summary minutes of the previous meeting did not contain details of the discussions of some

resolutions voted on by the Board, including an item whereby Acting Fire Chief Richard D. McClure responded to her question pertaining to how certain grant funds requested by the Division of Fire would be used.

MANAGER'S COMMENTS

C. Michael Schnurman has joined the County Manager's Office as the primary legislative resource for County agencies and key officials. Mr. Schnurman will develop the County's annual legislative program and represent the County's interests and viewpoints at the Virginia General Assembly. He will also research and track national legislative interests of importance to the County. A decorated United States Marine Corps veteran of the Persian Gulf War, Mr. Schnurman most recently served as Legislative Assistant to the Virginia Senate Majority Leader and previously worked for the National White Collar Crime Center as Special Assistant to the Director for Government Relations. Mr. Schnurman graduated Magna Cum Laude from the University of Richmond, where he earned a Bachelor of Applied Science degree, and is currently completing requirements for the Master of Public Administration degree from Virginia Commonwealth University.

Reta R. Busher has submitted her resignation as Director of Finance effective September 7, 2007 to accept the position of Chief Financial Officer with the Virginia Department of Transportation. A Certified Public Accountant (CPA), Ms. Busher was formerly the Director of Budget and Management for the County of Roanoke. She was initially employed by the County of Henrico in 1993 as Director of the Office of Management and Budget. Ms. Busher became Deputy Director of Finance in 1999 and Director of Finance in 2002. Mr. Hazelett pointed out that Ms. Busher has given the County an enormous amount of time and effort and thanked her for her years of service. Mr. Kaechele commented that Ms. Busher will be missed for many reasons, not only for her financial and budgetary expertise, but also for going above and beyond the call of duty in helping citizens with late taxes and other problems.

BOARD OF SUPERVISORS' COMMENTS

Mr. Thornton noted the passing of Oliver W. Hill August 7, 2007 and paid tribute to Mr. Hill's august legacy. Mr. Thornton characterized Mr. Hill as a great civil rights lawyer, an icon to those who understand jurisprudence, and a humanitarian who opted to make the world a little bit better during his 100 years.

Mr. Thornton expressed pride and applauded the Board, Mr. Hazelett, and others for entering new territory and embarking on the Police Athletic League (PAL) program, the mission of which is to build a firm foundation for certain children by engendering character and integrity. He commented on the success of a basketball camp that was recently held in association with this program.

Mr. Glover reported that the County is honored to host the weeklong 14-Year-Old Babe Ruth World Series at Glen Allen Stadium, which will attract great ballplayers from all over the nation and add prestige to this area. The event kicks off with opening ceremonies on the evening of August 17, 2007. Games begin at 10:00 a.m. the following day. Mr. Glover announced that Glen Allen was recently ranked as the 66th best place to live in the nation out of the top 100 communities and that

Glen Allen Stadium was one of the facilities named in the rankings as well as Walkerton and the Cultural Arts Center at Glen Allen.

Mr. Donati thanked the Division of Police for appearing in full force at National Night Out Against Crime events sponsored by Neighborhood Watch groups throughout the County's five magisterial districts on August 7, 2007.

Mr. Donati recognized Drew Gardner from Boy Scout Troop 776, sponsored by the Columbian Center on Pump Road, who is working on his Communications Merit Badge. Mr. Donati noted that he had personally been offered the privilege of attending an Eagle Scout Court of Honor ceremony a couple of weeks previously, where interesting statistics were cited from a recent nationwide high school survey revealing large percentages of the following groups who have been Scouts: student council presidents, senior class presidents, school publication editors, football captains, military academy graduates, Rhodes Scholars, FBI agents, and astronauts. After quoting these statistics for the public, Mr. Donati acknowledged that Scouts are a tremendous asset to the leadership of this country.

RECOGNITION OF NEWS MEDIA

Mr. Donati recognized Will Jones of the *Richmond Times-Dispatch* and Tom Lappas of the *Henrico Citizen*.

PRESENTATION

Mr. Donati presented a proclamation recognizing September 2007 as Alcohol and Drug Addiction Recovery Month. Accepting the proclamation was Michael D. O'Connor, Executive Director of Henrico Area Mental Health and Retardation Services. Joining him were Andrew E. Lickey, Substance Abuse Client, and William L. Oliver, R.I.S.E. (Residents in Secure Environment) Program participant, as well as Michael L. Wade, Sheriff; Raymond C. Gudum, Vice-Chairman of the Henrico Area Mental Health and Retardation Services Board; Patricia A. Shaw, Drug Court Administrator; and Steven L. Ecker, Acting Program Manager, Henrico Area Mental Health and Retardation Services.

APPOINTMENT/RESIGNATIONS

264-07 Resolution - Nomination of Member - Local Emergency Planning Committee.

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 264-07 - see attached Resolution.

265-07 Resolution - Resignation of Member - Parks and Recreation Advisory Commission.

On motion of Mr. Glover, seconded by Mr. Kaechele, and by unanimous vote, the Board approved Agenda Item No. 265-07 - see attached Resolution.

266-07 Resolution – Resignation of Member – Richmond Area Metropolitan Planning Organization Citizens Transportation Advisory Committee.

On motion of Mr. Glover, seconded by Mr. Kaechele, and by unanimous consent, the Board approved Agenda Item No. 266-07 – see attached Resolution.

PUBLIC HEARINGS - REZONING CASES AND PROVISIONAL USE PERMITS

344-05 The public was informed that the following case was withdrawn: Request of
C-55C-05 Springfield Land Development Group to conditionally rezone from A-1
Three Chopt Agricultural District to UMUC Urban Mixed Use (Conditional) and R-6C
General Residence District (Conditional), Parcels 730-765-7288, 731-766-8757,
731-766-6068, and 730-766-8989 containing approximately 69.8 acres (UMUC –
58.2 acres and R-6C - 11.6 acres), located between the north line of West Broad
Street (U.S. Route 250) and the south line of Interstate 64 at the Goochland
County line.

345-05 The public was informed that the following case was withdrawn: Request of
P-11-05 Springfield Land Development Group for a Provisional Use Permit for the
Three Chopt Master Plan for the proposed Urban Mixed Use Development, on Parcels 730-
765-7288, 731-766-8757, 731-766-6068, and part of 730-766-8989 containing
approximately 58.2 acres, located between the north line of West Broad Street
(U.S. Route 250) and the south line of Interstate 64 at the Goochland County
line.

167-07 Towne Center West, LLC: Request to conditionally rezone from B-2C Business
C-59C-06 District (Conditional) to R-6C General Residence District (Conditional), Parcel
Three Chopt 734-764-9340, containing 9.38 acres, located on the north line of W. Broad
Street (U.S. Route 250) approximately 540 feet east of N. Gayton Road.

On motion of Mr. Kaechele, seconded by Mr. Glover, the Board deferred this item to September 11, 2007.

The vote of the Board was as follows:

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

Nay

168-07 Towne Center West, LLC: Request for a Provisional Use Permit under Sections
P-19-06 24-36.1(b), 24-120 and 24-122.1 of the County Code to permit retail and office
Three Chopt uses within a proposed multifamily development on Parcel 734-764-9340, located
 on the north line of W. Broad Street (U.S. Route 250) approximately 540 feet
 east of N. Gayton Road.

On motion of Mr. Kaechele, seconded by Mr. Glover, the Board deferred this item to September 11, 2007.

The vote of the Board was as follows:

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

267-07 William H. Muller, Amy B. Muller, and Robert B. Bain: Request to
C-34C-07 conditionally rezone from A-1 Agricultural District to R-3C One-Family
Brookland Residence District (Conditional), Parcels 759-761-4076 and 759-761-5776,
 containing 4.952 acres, located on the north line of Hungary Road approximately
 156 feet west of River Mill Court.

Randall R. Silber, Director of Planning, responded to a question from a citizen as to why the applicant was requesting a deferral of this case.

On motion of Mr. Glover, seconded by Mr. Kaechele, the Board deferred this item to September 11, 2007.

The vote of the Board was as follows:

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

268-07 Shurm Construction, Inc.: Request to amend proffered conditions accepted with
C-36C-07 Rezoning Case C-78C-05, on Parcel 803-696-9576, located on the south line of
Varina Harmony Avenue approximately 120 feet west of Woodside Street (north section)
 and at the northern terminus of Woodside Street (south section).

Ralph J. "Joe" Emerson, Jr., Assistant Director of Comprehensive Planning and Administration, responded to questions from members of the Board regarding the number of lots proffered by the applicant, the scope of the amendment being requested, and the number of lots shown on the map.

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

On motion of Mr. Kaechele, seconded by Mr. Glover, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 268-07 (C-36C-07) subject to the following proffered conditions:

1. **Density.** There shall be no more than nine (9) lots developed on this property.

All other proffers (proffers #2 - #15) accepted with the original rezoning case (C-78C-05) shall remain in effect.

The vote of the Board was as follows:

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

269-07 Lifestyle Builders & Developers: Request to conditionally rezone from A-1
C-30C-07 Agricultural District to R-5C General Residence District (Conditional), Parcel
Fairfield 781-756-5920 and part of Parcel 781-756-5960, containing 3.93 acres, located on
 the north line of Darracott Road approximately 965 feet west of its intersection
 with Villa Park Drive.

The applicant's representative, Dan Caskie of Bay Design Group, responded to a question from Mr. Thornton concerning the ballpark price range of the proposed condominiums.

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

On motion of Mr. Thornton, seconded by Mrs. O'Bannon, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 269-07 (C-30C-07) subject to the following proffered conditions:

1. **Minimum Square Footage and Density.** The square footage requirements shall be a minimum of one thousand three hundred (1,300) square feet of finished floor area for each condominium unit. No more than forty-five (45) units will be developed on the property.

2. **Concept Plan.** The site will be developed similar to the attached concept plan, entitled Townes at Stonewall Manor - Exhibit B, by Bay Design Group, P.C., dated June 28, 2007 (see case file).
3. **Architectural Treatment.** The buildings shall be similar in architectural style to those illustrated in Exhibit A (see case file) and include materials such as brick, stone, dryvit, vinyl siding, and/or Hardiplank. At least twenty-five percent (25%) of the front elevation of a multi-unit building will include materials such as brick, stone, or dryvit. Roofing material shall have a minimum twenty (20) 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 0.042". All side elevations shall contain a minimum of two (2) windows, and no cantilevered features will be allowed.
4. **Sound Suppression Measures.** Walls between dwelling units shall have a sound transmission class (STC) rating of 54 when tested in accordance with the current applicable edition of the Virginia Uniform Statewide Building Code.
5. **Hours of Construction.** The hours of exterior construction, including operation of bulldozers and other earthmoving equipment, shall be between 7:00 a.m. and 7:00 p.m., Monday through Friday, and 8:00 a.m. and 5:00 p.m. on Saturday and no construction on Sunday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work, such as concrete pours or 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.
6. **Lighting.** Street lighting fixtures shall not exceed fifteen (15) feet in height.
7. **Underground Utilities.** Except for junction boxes, meters and existing overhead utility lines or for technical or environmental reason, all utility lines shall be underground.
8. **Sidewalks.** Sidewalks a minimum of four (4) feet in width shall be provided along one side of the roads within the development.
9. **Protective Covenants.** Prior to conveyance of the first unit, restrictive covenants describing development controls, architectural modification standards and maintenance responsibilities for all common areas within the development, including maintenance of the entrance features, shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia. In addition, there shall be a Homeowners Association of the owners of units on the property that shall be responsible for the enforcement of the restrictive covenants, including maintenance of common area, roads, and unit exteriors.

10. **Condominiums.** All units shall be condominiums as defined and regulated by the Virginia Condominium Act. Prior to the conveyance of any condominium unit, a declaration of condominiums shall be recorded to establish the condominium regime, and the condominium unit owners association will be incorporated. The condominiums will be marketed as units for sale, and the condominium association will be managed by the Stonewall Manor Association.
11. **Darracott Road.** No access shall be allowed to Darracott Road, except during site and building construction.
12. **Buffers.** A fifteen (15) foot buffer will be provided along Darracott Road and adjacent to the residential property to the South of the project (GPIN 781-755-5289). The buffer will be maintained as a natural buffer, to the extent practicable, as determined during plan of development review, with supplemental plantings provided, if necessary, to provide a buffer that meets the transitional buffer ten, per the zoning ordinance. A six (6) foot black vinyl chainlink fence will be installed along Darracott Road adjacent to this project, and a six (6) foot white vinyl privacy fence will be installed along the common property line adjacent to GPIN 781-755-5289.
13. **Stormwater Management.** If a wet pond is utilized, it will be aerated and will be designed as an amenity.
14. **Front and Side Yards.** Sod and irrigation will be provided for the entire front yard area, and a strip along the side yard at fifteen (15) feet in width, extending to the rear corner of the dwelling.

The vote of the Board was as follows:

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

270-07	Clearwire US LLC: Request for a Provisional Use Permit under Sections 24-
P-12-07	95(a), 24-120, and 24-122.1 of Chapter 24 of the County Code to place 2
Brookland	microwave dishes, 3 panel antenna, and related equipment 109' above the base of
	an existing 115' high power transmission tower on part of Parcel 762-759-7446,
	located on the north line of Woodlake Drive, east of Walton Farms Drive.

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

On motion of Mr. Glover, seconded by Mr. Kaechele, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 270-07 (P-12-07) subject to the following conditions:

1. Within ten (10) business days after written request by the County, the owner of the communications equipment shall provide the County with written confirmation of the status of the *equipment, the number of and identity of users, available co-location space, and such additional information as may be reasonably requested.*
2. Application for a building permit to install communications equipment shall be made within one year after the Provisional Use Permit is granted by the Board of Supervisors, unless an extension of time is granted by the Director of Planning upon a written request by the applicant.
3. The applicant shall obtain approval from the Planning Commission should the Federal Aviation Administration (FAA) require the addition of *standard obstruction marking and lighting (i.e. red lighting and orange and white striping)* to the tower.
4. When site construction is initiated as a result of this Provisional Use Permit, the applicant shall complete requirements prescribed by Chapter 10 of the Henrico County Code. In particular, land disturbance of more than two thousand five hundred (2,500) square feet will require that construction plans include a detailed drainage and erosion control plan prepared by a professional engineer certified in the State of Virginia. Ten (10) sets of the construction plans shall be submitted to the Department of Public Works for approval.
5. A landscaping plan for the purpose of screening the base of the tower from view shall be submitted to the Planning Department for approval prior to the issuance of a building permit for the installation of equipment. The Director of Planning may waive the enforcement of this condition if it is deemed unnecessary or is in conflict with easement restrictions.
6. If ownership of the lease is transferred to another provider, the owner of the communications equipment shall submit a Transfer of Provisional Use Permit.
7. The height of the equipment shall not exceed one hundred nine (109) feet.
8. This permit shall apply only to the proposed eighty-four (84) square foot lease area on the property.
9. Antennas shall be "flush mounted" or a similar style of equipment as approved by the Planning Director which reduces the visual profile of equipment installed on the tower.
10. Communications equipment shall not produce noise audible at the property lines.

The vote of the Board was as follows:

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

Nay

271-07
C-3C-07
Varina

The Tetra Group One, LLC: Request to conditionally rezone from A-1 Agricultural District, R-3 One-Family Residence District, R-5 General Residence District and B-3 Business District to R-3C One-Family Residence District (Conditional), R-5C General Residence District (Conditional), and B-3C Business District (Conditional), Parcels 836-714-2353, 835-714-7916, 836-712-7784, 835-713-1662 and 836-713-7564, containing approximately 79.769 acres (R-3C - 9.654 ac; R-5C - 9.305 ac; and B-3C - 60.810 ac), located between the north line of E. Williamsburg Road (U.S. Route 60), the south line of Old Williamsburg Road, the east line of Dry Bridge Road and the west line of Old Memorial Drive.

Mr. Emerson, Traffic Engineer Michael A. Jennings, and a representative of the applicant responded to a number of questions from Mr. Donati pertaining to site access, traffic signalization on Route 60, the developer's plans for Phase III of the project, traffic counts on Dry Bridge Road, the composition of the exterior surface of buildings proposed for the site, the identity of future retail businesses anticipated for the site, whether fast food establishments would locate on the site's outparcels, whether restaurants proposed for the site would be phased in prior to the planned hotel, whether a grocery store had been lined up for the site, the potential location of the hotel, the width of the internal road system that would serve the development and whether it had been proffered, and the approximate cost of signalization at the intersection of Route 60 and Dry Bridge Road. Mr. Kaechele asked whether any of the proposed fast food restaurants would have drive-through windows.

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

Mr. Donati commented that although the applicant's request was reasonable, this development would serve as a gateway to eastern Henrico County and he wanted more time to review the proffers.

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, the Board deferred this item to September 11, 2007.

The vote of the Board was as follows:

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

272-07
C-21C-07
Tuckahoe

The Rebkee Company: Request to conditionally rezone from B-2C and B-3C Business Districts (Conditional) to B-2C Business District (Conditional), Parcels 738-742-5943, 738-742-6844 and 738-742-9542, containing approximately 2.59 acres, located on the north line of Patterson Avenue (State Route 6) between Careybrook and Lauderdale Drives.

Mr. Emerson responded to questions from Mrs. O'Bannon relating to whether this proposed development could have movable message signs, whether sidewalks would be provided by the developer, staff's concerns with the stormwater retention ponds/Best Management Practices (BMP), and whether the site would have emergency vehicular access.

Bill Fielden, a representative of the Gayton/Tuckahoe Civic Association, asked about the location of sidewalks planned by the developer and whether the proposed zoning would allow retail uses other than a pharmacy to locate on the site. Caroline Nadal, lawyer for The Rebkee Company, stated that the applicant's intent was to house only a CVS store on this site. Mr. Fielden expressed concerns regarding traffic congestion and speeds on Patterson Avenue. Mr. Hazelett responded to comments by Mrs. O'Bannon pertaining to whether the County could do anything to address this issue given that Patterson Avenue is a State road. Mr. Fielden asked for another speed study along Patterson Avenue in the vicinity of the proposed development. Ms. Nadal responded to a question from Mr. Kaechele regarding whether a convenience store with gasoline fuel tanks could be put on this site under the requested zoning. Christina Willis of The Rebkee Company spoke to how the applicant intended to develop the property. Rich Johnson, President of the Wilton Companies, commented on the proffers for this case and noted that every concern that had been raised by County staff had been addressed by the applicant. He also spoke to the status of the applicant's negotiations with CVS. After Mr. Emerson made additional comments, Mrs. O'Bannon asked that the case be deferred to allow the applicant time to amend the proffers to expressly exclude gasoline stations as one of the permitted uses on the site.

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, the Board deferred this item to September 11, 2007.

The vote of the Board was as follows:

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

273-07	Smart Development: Request to conditionally rezone from A-1 Agricultural
C-41C-07	District to R-5AC General Residence District (Conditional), Parcels 804-693-
Varina	7692, 804-693-6271, 804-693-4792, 804-693-6493, 804-694-1205, and 804-694-
	3115, containing 9.888 acres, located on the northwest line of Burning Tree
	Road approximately 500 feet southwest of its intersection with S. Laburnum
	Avenue and Settlers Ridge Road.

Jean M. Moore, Principal Planner, responded to questions from Board members concerning whether the entrance to the site off of Burning Tree Road is wooded and whether the proffered conditions restricted the development to 24 lots.

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

On motion of Mr. Kaechele, seconded by Mrs. O'Bannon, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 273-07 (C-41C-07) subject to the following proffered conditions:

1. **Maximum Density.** There shall be a maximum of twenty-four (24) lots on the Property to be used for residential dwelling units.
2. **Conceptual Site Plan.** The Property shall be developed generally consistent with the layout plan attached hereto as Exhibit A, (the "Concept Plan"), (see case file). The Concept Plan is conceptual in nature and may vary in detail as the exact locations, footprints, configurations, sizes and details of the building(s), lots and roads shown thereon may be revised for engineering reasons, as required by any governmental authority or as otherwise approved by the Planning Commission at the time of subdivision review.
3. **Lot Widths.** Lots shall have a minimum width of sixty (60) feet. The lots identified on the Concept Plan (see case file) as Lot numbers 9, 10, 11, 12, 13, 14 and 15 shall each have a minimum lot width of seventy (70) feet.
4. **Minimum House Size.** Houses shall have a minimum of two thousand two hundred (2,200) square feet of finished floor area.
5. **Architectural Features.**
 - A. **Building Materials:** The exterior of the dwellings shall be constructed with brick, stone, vinyl siding, hardiplank, a combination thereof or such other material approved by the Director of Planning; provided, however, in all instances, a minimum of the first sixteen (16) inches of such exterior walls, as measured from the level of the finished grade of such home, shall be brick, exclusive of windows, steps and doors. In all cases brick shall cover the foundation walls up to the finished floor. In no case shall masonite siding or block be permitted. Vinyl siding shall have a minimum thickness of 0.044 mils.
 - B. **Building Elevations:** The architectural appearance of the dwellings shall be similar to the buildings depicted by Exhibits B, C, D and E (see case file), unless otherwise requested and approved by the Director of Planning.
 - C. **Front Elevations:** At least fifty percent (50%) of the dwellings shall have front elevations constructed with a minimum of fifty percent (50%) brick or stone. Upon request by the Director of Planning the developer shall provide the County with the necessary calculations which illustrate the dwellings are in compliance with the required percentages set forth in this proffer.
 - D. **Corner and End Lots:** All dwellings located on a corner or end lot shall have a minimum of two (2) windows on its side elevations.

6. **Stoops and Steps.** Front porches and stoops and steps to the main entrance of each dwelling shall be brick or stone.
7. **Garages.** A minimum of a two (2) car garage, either attached or detached, shall be provided for each dwelling constructed on the Property. No more than fifty percent (50%) of the lots shall have a front loaded attached garage. All front loading attached garages shall be even with or recessed from the main plane of the dwelling and shall be improved with garage doors having varying architectural details and/or styles. Each garage shall have a minimum interior clear area of 18'5" by 19'5". Upon request by the Director of Planning the developer shall provide the County with the necessary calculations which illustrate the garages are in compliance with the required percentages and minimum interior clear areas set forth in this proffer.
8. **Chimneys, Flues and Cantilevered Windows.** The exposed portion of a flue for a direct-vent gas fireplace shall be constructed of the same material used on the adjacent siding. No windows, closets, chimneys or gas vent units shall be cantilevered. The exposed portions of all fireplace chimneys shall be brick. This proffer shall not apply to direct vent gas fireplaces or appliances.
9. **Underground Utilities.** Except for junction boxes, meters and existing overhead utility lines or for technical or environmental reasons, all utility lines shall be placed underground. Any junction boxes and meters shall be placed on the alley side of any lot.
10. **Restrictive Covenants.** Prior to or concurrent with the recordation of a subdivision plat approved by the County of Henrico, Virginia, one or more documents shall be approved by the Henrico County Attorney's Office and recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia establishing a homeowner's association and that set forth development controls and maintenance responsibilities for all common areas and all entranceways within that portion of the Property subject to that subdivision plat (the "HOA Documents").
11. **Access to the Property.** Access to the Property shall be provided by Burning Tree Road. No lot shall have direct access to Burning Tree Road.
12. **Storm-Water Facilities.** Any wet Best Management Practice areas shall be aerated and landscaped as approved by the Planning Commission at the time of subdivision review. Any dry Best Management Practice areas shall be screened from any public and/or private roadways with landscaping as approved by the Planning Commission at the time of subdivision review.
13. **Buffer and Entrance Feature.** A fifty (50) foot wide buffer (the "Buffer") shall be provided adjacent to the right-of-way line of Burning Tree Road. The buffer shall consist of natural vegetation and/or landscaping. There shall be an entrance feature consisting of a ground-mounted sign with associated landscaping. An overall landscape plan for the Buffer shall be submitted for review and approval by the Planning Commission prior to final subdivision approval. Utility easements, signage, fences, entrance roads to the

development and other items permitted by the Planning Director at the time of final subdivision approval shall be permitted within the Buffer.

14. **Recreation Amenities.** Prior to the issuance of the final certificate of occupancy for the fifteenth (15th) dwelling, a tot lot shall be constructed within the open space area for use in common by owners of the lots and their invitees. The tot lot shall include, but not be limited to, play equipment, benches and trash receptacles.
15. **Sidewalks.** A sidewalk, a minimum of four (4) feet in width, shall be provided within the right-of-way adjacent to one side of interior roadways. There shall be two (2) feet of green space between curbs and the sidewalk.
16. **Street Trees.** Trees shall be planted on thirty-five (35) foot centers parallel to the interior roadways.
17. **Driveways.** All driveways on each individual lot shall be paved within six (6) months following the issuance of certificate of occupancy. The type of pavement may include asphalt, concrete, exposed aggregate material or pavers made of brick, stone or concrete.
18. **Roads.** All interior roadways shall be private. Upon completion of the construction of the interior roadways the developer shall provide the Planning Department with certification from a licensed engineer that the interior roadways were constructed in compliance with Henrico County road design standards and specifications, to include proper compaction of the sub-base soils, utility trenches, base stone and asphalt surface, but excluding road widths and turning radii.
19. **Curb and Gutter.** Curb and gutter shall be used on all streets and shall be designed to meet the current County standard for six (6) inch standard curb and gutter.
20. **Hours of Construction.** The hours of exterior construction including operation of bulldozers and other earthmoving equipment shall be between 7:00 a.m. and 7:00 p.m., Monday through Friday, and 8:00 a.m. and 5:00 p.m., on Saturday and Sunday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or 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 disturbances activities thereon.
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:

Aye

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

Nay

274-07 LGA Associates, LLLP: Request to conditionally rezone from A-1 Agricultural
C-38C-07 District and C-1 Conservation District to O-2C Office District (Conditional), part
Fairfield of Parcel 795-748-5865, containing 64.6 acres, located on the east line of
 Wilkinson Road, 1003 feet north of Azalea Avenue.

Mr. Hazelett noted that this case would be heard in combination with Agenda Item No. 275-07 (Case P-11-07). After reviewing the cases, Mr. Silber responded to questions and comments from two citizens. Robert Stanford, a resident of Grayson Park, was not opposed to the case but asked for clarification of the property proposed for rezoning and location of future access roads serving the site. Jacqueline Thomas, a resident of Chamberlayne Hills, expressed concerns that communities other than Sterling Forest that are impacted by Richmond International Raceway (RIR) were not notified of the July 12, 2007 Planning Commission public hearing on these cases. She alluded to traffic congestion on Wilkinson Road and wanted to know what RIR had done for these communities.

Andy Condlin, an attorney with Williams Mullen who was representing the applicant, formally presented the cases. He responded to questions from Board members and Ms. Thomas pertaining to how approval of these cases would impact raceway parking.

Lynette Goode, a resident of Grayson Park, articulated concerns relating to raceway events, including inadequate parking control by the Division of Police and insufficient communications between RIR and citizens in residential neighborhoods in proximity to RIR. Mr. Thornton responded by acknowledging a need to enhance citizen involvement on RIR committees, to educate residents who allow race fans to park on their property as to how this affects their neighbors, and to review the community impact as well as economic impact of RIR activities. Mr. Thornton pointed out that the present owners of RIR have been more sensitive to the community than their predecessors. Ms. Goode noted that there was an opportunity for RIR and the community to work more closely together, for the Division of Police to be more proactive about enforcing parking regulations, and for improvements to public rights-of-way such as grass cutting and filling potholes to be handled routinely rather than being delayed until just before major racing events. Mr. Thornton suggested a more collegial approach toward these issues. He stated that there will be an effort to get residents more involved in the assessment of races and indicated that police officers need to listen more closely to the residents. Ms. Goode characterized the situation as getting worse and contended that the overflow parking planned by RIR will create more traffic congestion. Mrs. O'Bannon and Mr. Thornton pointed out that the satellite parking areas planned by RIR may reduce the demand for parking in residential neighborhoods.

Sid Townsend, a resident of Confederate Heights, advised that he has served on a RIR citizens committee for three years and that RIR President Doug Fritz has been working with the

community. He pointed out that many residents solicit race fans to park on their property and indicated that this issue needs to be addressed by the community rather than RIR. Mr. Townsend emphasized that both Mr. Fritz and Mr. Thornton make themselves available to the community.

Rev. Joe Ellison, Jr. of Essex Village Ministries referred to Mr. Fritz's open door policy. He commented that RIR has bent over backwards in trying to work with the community and provide assistance. He encouraged concerned residents to call Mr. Fritz or Mr. Townsend. Rev. Ellison further commented that Henrico police officers work 12-hour shifts without breaks during race weekends. He commended Mr. Thornton for supporting the community.

Gene Barnes, a Fayette Avenue resident, contended that police officers who control traffic during the races are not trained properly. He expressed concerns about traffic flow and the public consumption of alcohol during race weekends in May and September each year. Mr. Barnes stated that he had not heard of RIR's open door policy and that no one had approached him about working with RIR to address community concerns. He said that residents are not treated fairly, *that the planned overflow parking areas will create a major problem, and that there is a need to address how residents can have easier access to their neighborhoods during racing events.*

Charles Stokes, a Fayette Avenue resident, suggested that the community task force RIR has previously established is right on target but needs to be expanded. He further suggested that it create a dialogue with the Board of Supervisors and a systematic way to keep citizens informed as many residents in the area are not aware of what is going on at RIR.

Robin Hubbard, a Fayette Circle resident, stated that the Division of Police is not doing its job in directing traffic at RIR events. She expressed concern that police officers who are responsible for traffic control on race weekends do not look at resident passes and it may take residents three to four hours to get home as a result of being re-routed away from their neighborhoods.

Mr. Condlin responded to a question from Loretta Edwards, a Pinalto Drive resident, regarding the applicant's projected timeframe for developing the new satellite parking area and how traffic will be re-routed after the project is completed.

Mr. Hazelett asked residents in the audience who were concerned about this issue to provide contact information to the County staff.

Mr. Thornton thanked the speakers and noted that the issues they raised were ones he had brought up during a Board work session immediately prior to this meeting. He commented that the speakers' homes were their castles and that citizens deserve respect. Mr. Thornton asked that RIR and County officials be given more time to address these citizen concerns. He stated that the task force will be expanded, acknowledged that the process can be improved, and expressed surprise that communications often do not reach the persons who need to receive the information. He asked that citizens do their share in working on these issues.

On motion of Mr. Thornton, seconded by Mrs. O'Bannon, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 274-07 (C-38C-07) subject to the following proffered conditions:

1. **Buffer.** A forty-five (45) foot landscaped or natural buffer area shall be maintained along the boundary line of the Property fronting on the ultimate right-of-way of Wilkinson Road. Such buffer may include utility easements, driveways, roads or signage, or such other uses as approved at the time of final construction plan approval. Underbrush, fallen, diseased or dead trees and plant growth may be removed from any buffer area so long as additional supplemental plantings shall be added to such buffer.
2. **Building Setback.** Any building on the Property shall be set back at least fifty (50) feet from the right-of-way line of Wilkinson Road (as such right-of-way line shall be determined at the time of the initial Plan of Development review).
3. **Uses.** Funeral homes or undertaking establishments will not be permitted on the Property.
4. **Rooftop Screening.** Any rooftop mounted equipment shall be screened from public view at ground level at the perimeter of the Property.
5. **Utility Lines.** Except for junction and access boxes, meters and existing overhead utility lines, all utility lines, including, without limitation, electric, telephone, CATV or other similar lines, shall be installed underground. All junction and access boxes and meters shall be screened from view at the perimeter of the Property to the greatest extent practical.
6. **Detached Signage.** Any permanent detached signs shall be monolithic style signs, the base of which shall be landscaped.
7. **Trash and Recycling Receptacle Areas.** All dumpsters, trash and recycling receptacles, (not including convenience cans), shall be screened from view at the boundary line of the Property in a manner approved at the time of initial Plan of Development review.
8. **Severance.** The unenforceability, elimination, revision or amendment or any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of any of the other proffers or the unaffected part of any such proffer.

The vote of the Board was as follows:

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

275-07	LGA Associates, LLLP: Request for a Provisional Use Permit under Sections
P-11-07	24-62.2(k), 24-120, and 24.-122.1 of Chapter 24 of the County Code to update
Fairfield	the master plan for Richmond International Raceway (RIR) and permit an expansion for additional parking.

On motion of Mr. Thornton, seconded by Mrs. O'Bannon, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 275-07 (P-11-07) subject to the following conditions:

1. The Department of Public Works shall approve all ingress and egress to or from the property.
2. Uses of the property shall be limited to those provided for and as shown on POD 42-07, POD 55-02 and POD-45-01.
3. All areas adjacent to residentially zoned properties shall have a fifty (50) foot landscaped buffer, unless otherwise approved by the Director of Planning.
4. The racetrack facilities are to be used for no more than eight (8) automotive racing events per year. Excluding postponements, each "event" may be of a three (3) calendar day duration in which paid admission is obtained from spectators. This shall be exclusive of tire, or other automotive testing that may occur at the facilities in which no paid spectators are allowed.
5. The height of the grandstand, including light structures, shall not exceed two hundred fifteen (215) feet.
6. The parking area on property subject to case C-38C-07 shall include measures for safely and efficiently moving pedestrians to and from the raceway complex. An updated pedestrian plan shall be submitted to the Planning Department prior to final construction approval.
7. The developer shall dedicate right-of-way for the portion of Concept Road 85-1 on their property as shown on the Major Thoroughfare Plan at the time of final construction plan approval on such property or at the request of the County. This dedication shall be by recordation of a subdivision plat. This dedicated right-of-way shall correspond to the alignment for Concept Road 85-1 as determined by the Department of Public Works. The entrance to the parking areas from Richmond-Henrico Turnpike and Wilkinson Road shall also correspond to the alignment determined by the Department of Public Works.
8. A forty-five (45) foot landscaped or natural buffer area shall be maintained along the boundary line of the Property fronting on the ultimate right-of-way of Richmond-Henrico Turnpike and Wilkinson Road. Such buffer may include utility easements, driveways, roads or signage, or such other uses as approved at the time of final construction plan approval. Underbrush, fallen, diseased or dead trees and plant growth may be removed from any buffer area so long as additionally supplemental plantings shall be added to such buffer.

The vote of the Board was as follows:

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

Nay

PUBLIC HEARINGS - OTHER ITEM

281-07 Resolution - POD-42-07 - Approval of a Revised Plan of Development (POD-55-02 Revised) - Master Plan for the Richmond International Raceway.

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

On motion of Mr. Thornton, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved Agenda Item No. 281-07 – see attached Resolution.

PUBLIC HEARINGS - REZONING CASES AND PROVISIONAL USE PERMITS
(continued)

276-07 Joseph Allen Sattlemaier: Request to conditionally rezone from R-2A One-
C-37C-07 Family Residence District to R-3C One-Family Residence District (Conditional),
Fairfield Parcel 815-724-1107, containing 0.26 acre, located at the northwest intersection
of Yates Lane and Yates Court. The applicant proposes one single-family
residential unit. The R-3 District allows a minimum lot size of 11,000 square
feet and a maximum gross density of 3.96 units per acre.

Ms. Moore responded to a question from Mrs. O'Bannon about a previous Board of Zoning Appeals ruling relating to this case.

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

On motion of Mr. Thornton, seconded by Mrs. O'Bannon, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 276-07 (C-37C-07) subject to the following proffered conditions:

1. **Minimum Dwelling House Size.** There shall be one residential dwelling constructed on the property-lot-with a minimum of one thousand four hundred (1,400) square feet of finished floor space.
2. **Brick Foundation.** The dwelling to be constructed on the property-lot-shall have a brick faced foundation on all sides of the dwelling.
3. **Crawl Space.** The dwelling to be constructed on the property-lot- shall have adequate crawl space thereunder to allow access thereto and shall have a crawl space entrance of at least three feet by two feet in the rear of the house.

4. **Brick Stoops and Steps.** The stoops and steps shall be brick consistent with the brick faced foundation.
5. **Front Yard Dwelling Setback.** The dwelling constructed on the property shall be set back forty-five (45) feet in the front yard from Yates Court.

The vote of the Board was as follows:

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

PUBLIC HEARINGS - OTHER ITEMS (continued)

277-07 Ordinance - To Amend and Reordain Section 2-128 of the Code of the County of Henrico Titled "Assessment for funding of courthouse security" to Increase the Fee for Courthouse Security from \$5.00 to \$10.00.

Sheriff Michael L. Wade responded to questions from Board members concerning how these fees are assessed.

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

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 277-07 - see attached Ordinance.

278-07 Ordinance - To Amend and Reordain Section 5-51 of the Code of the County of Henrico Titled "Required; tax year; amount of tax; exemptions from tax" to Exempt a Releasing Agency From the Requirement of Obtaining a Dog License.

Lt. Col. Douglas A. Middleton, Deputy Chief of Police, responded to questions from Mr. Kaechele pertaining to the licensing obligations of releasing agencies under the current ordinance.

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

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 278-07 - see attached Ordinance.

279-07 Ordinance - To Amend and Reordain Section 20-351 of the Code of the County of Henrico Titled "Definitions" to Clarify the Definition of Gross Receipts of a Business.

Edward W. Trice, Revenue Division Director, responded to a question from Mr. Donati relating to how the proposed ordinance change would change the current definition of gross receipts.

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

On motion of Mr. Kaechele, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved Agenda Item No. 279-07 – see attached Ordinance.

280-07

Ordinance - To Amend and Reordain Section 22-220 of the Code of the County of Henrico Titled "Proration of tax" to Provide for Proration on Vehicles Moving into Henrico.

Mr. Trice responded to a question from Mrs. O'Bannon regarding the payment of this tax.

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

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 280-07 – see attached Ordinance.

198-07

Ordinance - To Amend and Reordain Section 24-30.1 Titled "Exceptions to article VII," Section 24-32 Titled "Principal uses permitted," Section 24-41 Titled "Development standards - Townhouses for sale," Section 24-42 Titled "Same - Condominiums," Section 24-94 Titled "Table of regulations" and Section 24-95 Titled "Additional requirements, exceptions and modifications" of the Code of the County of Henrico to Increase the Permitted Height of Residential Buildings.

David D. O'Kelly, Jr., Assistant Director of Plan Review and Code Support, narrated a Power Point presentation on the proposed ordinance amendments (see enclosed copy). He responded to a question from Mr. Kaechele pertaining to whether the County had townhouse zoning prior to 1960. Tyler Craddock, Director of Government Affairs for the Homebuilding Association of Richmond, expressed support for this proposed ordinance because it would offer consumers more choice. He commended the County staff for its work on the ordinance and characterized Henrico as a business friendly place.

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

On motion of Mr. Kaechele, seconded by Mrs. O'Bannon, the Board approved Mr. Kaechele's motion to substitute Ordinance numbered 198A-07 for 198-07. The vote of the Board was as follows:

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

Nay

On motion of Mr. Kaechele, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved Agenda Item No. 198A-07 – see attached Substitute Ordinance.

PUBLIC COMMENTS

Carol Jackson, President of the Oakland Chase Homeowners Association and a resident of the Varina District, thanked Mr. Donati for recommending that the Board defer zoning case C-3C-07 filed by The Tetra Group and expressed a number of concerns about the status of bonded work in her subdivision by this developer. She asked that the County staff follow up with the developer to ensure that the work is completed. At Mr. Donati's request, Mr. Hazelett explained the County's bonding process for public improvements in new residential subdivisions. Mr. Hazelett advised Ms. Jackson that the County will be able to assist her.

Laura Dranoff, a resident of the Brookland District, also alluded to concerns regarding projects and situations in the County involving The Tetra Group, including a housing project adjoining her neighborhood.

GENERAL AGENDA

282-07 Introduction of Ordinance – To Grant Cavalier IP TV, LLC the Right and Privilege to Construct, Operate, and Maintain a Cable System Within the County.

On motion of Mrs. O'Bannon, seconded by Mr. Kaechele, and by unanimous vote with Mr. Thornton absent, the Board approved Agenda Item No. 282-07 – see attached Introduction of Ordinance.

283-07 Resolution - Award of Construction Contract – Glen Allen Library Site Work.

On motion of Mr. Glover, seconded by Mr. Kaechele, and by unanimous vote with Mr. Thornton absent, the Board approved Agenda Item No. 283-07 – see attached Resolution.

284-07 Resolution – Signatory Authority – Easement Agreement – Hidden Creek Park – Fairfield District.

On motion of Mr. Glover, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 284-07 – see attached Resolution.

- 285-07 Resolution - Signatory Authority – Ingress/Egress Easement and Agreement – Pump Station – Varina District.
- On motion of Mr. Kaechele, seconded by Mrs. O’Bannon, and by unanimous vote, the Board approved Agenda Item No. 285-07 – see attached Resolution.
- 286-07 Resolution – Signatory Authority – Acquisition of Well Properties and Transfer of Customers – G. W. Corporation (Glenwood Gardens and Glenwood Heights).
- On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 286-07 – see attached Resolution.
- 287-07 Resolution - Signatory Authority - Connection Fee Agreement with BFI Waste Services of Virginia, L.L.C. (Glenwood Gardens and Glenwood Heights).
- On motion of Mrs. O’Bannon, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 287-07 – see attached Resolution.
- 288-07 Resolution - Amendment to Construction Services Agreement - Staples Mill and Dickens Road Water Main Improvements - Godsey and Son, Inc.
- On motion of Mr. Glover, seconded by Mrs. O’Bannon, and by unanimous vote, the Board approved Agenda Item No. 288-07 – see attached Resolution.
- 289-07 Resolution - Signatory Authority - Award of Contract - Three Chopt Tanks Painting and Repairs - Corfu Contractors, Inc. - Bid Request No. 07-8149-4CE.
- Arthur D. Petrini, Director of Public Utilities, responded to questions from Board members pertaining to the location of the water tanks addressed by this resolution, the costs to paint each tank, whether the interiors of the tanks would be painted as well as the exteriors, how painting the tanks would affect water pressure, and whether lead paint would be used.
- On motion of Mrs. O’Bannon, seconded by Mr. Kaechele, and by unanimous vote, the Board approved Agenda Item No. 289-07 – see attached Resolution.
- 290-07 Resolution - Signatory Authority - Amendment to Services Agreement - Sanitary Sewer Odor and Corrosion Control - Siemens Water Technologies.
- On motion of Mr. Glover, seconded by Mr. Kaechele, and by unanimous vote, the Board approved Agenda Item No. 290-07 – see attached Resolution.
- 291-07 Resolution – Signatory Authority – License Agreements from CSX Transportation, Inc. – Poplar Springs Road Crossing – Varina District.

Mr. Petrini clarified the meaning of encroachment inventory fees in response to a question from Mr. Donati.

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 291-07 – see attached Resolution.

292-07 Resolution - Signatory Authority - Contract for Expansion of Public Transit Service in Henrico County - Greater Richmond Transit Company.

Edward Lee Priestas, Director of Public Works, responded to questions from Board members relating to whether the funding for the proposed service was previously included in the County's budget and the location of bus routes that would be affected by the expanded service. Mr. Thornton commended the Board for its support of the expanded service, which he noted would meet the needs of citizens without cars. He acknowledged that the decision to fund this expansion was not an easy one.

On motion of Mr. Thornton, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved Agenda Item No. 292-07 – see attached Resolution.

293-07 Resolution - To Permit Additional Fine of \$200 for Speeding on Glen Gary Drive and a Portion of Lexington Farm Drive.

Mr. Jennings responded to a question from Mr. Kaechele regarding whether speed bumps would be phased in on the streets addressed by this proposed resolution.

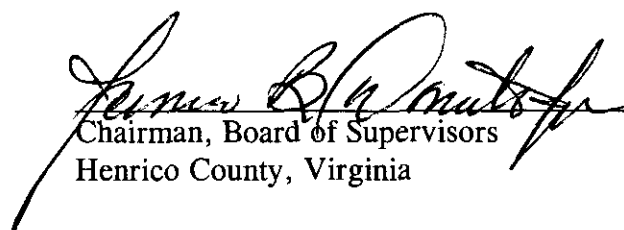
On motion of Mr. Kaechele, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 293-07 – see attached Resolution.

294-07 Resolution - Acceptance of Roads.

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 294-07 – see attached Resolution.

Mr. Hazelett responded to a question from Mr. Thornton pertaining to how the County can ensure that it is not paying more than the fair market price for projects that are bid to private firms.

There being no further business, the meeting was adjourned at 10:29 p.m.


Chairman, Board of Supervisors
Henrico County, Virginia



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

Agenda Item No. 278-07
Page No. 1 of 2

Agenda Title: ORDINANCE - To Amend and Reordain Section 5-51 of the Code of the County of Henrico Titled "Required; tax year; amount of tax; exemptions from tax" to Exempt a Releasing Agency From the Requirement of Obtaining a Dog License.

For Clerk's Use Only: Date: <u>AUG 14 2007</u> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:	BOARD OF SUPERVISORS ACTION Moved by (1) <u>O'Bannon</u> Seconded by (1) <u>Thornton</u> (2) (2) REMARKS: APPROVED	YES NO OTHER Donati, J. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Glover, R. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Kaechele, D. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> O'Bannon, P. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Thornton, F. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
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AN ORDINANCE to amend and reordain Section 5-51 of the Code of the County of Henrico titled "Required; tax year; amount of tax; exemptions from tax" to exempt a releasing agency from the requirement of obtaining a dog license.

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

1. That Section 5-51 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 5-51. Required; tax year; amount of tax; exemptions from tax.

(a) It shall be unlawful for any person residing in the county, other than a releasing agency that has registered as such with the division of police, animal control section, to own a dog four months of age or older unless such dog is licensed as required by this division. Dog licenses shall be for the calendar year, from January 1 to December 31. The license tax shall be payable to the office of the director of finance or at such substation as shall be designated by the director of finance, and shall be in the following amounts:

- (1) For each dog, \$10.00.
- (2) For each duplicate tag, \$1.00.
- (3) For each kennel for up to 50 dogs, \$50.00.

By Agency Head _____

By County Manager *Diya P. Hagler*

Routing:
Yellow to: Police

Certified:
A Copy Teste: _____

Clerk, Board of Supervisors

Copy to: _____

Date: _____

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 278-07

Page No. 2 of 2

Agenda Title: ORDINANCE - To Amend and Reordain Section 5-51 of the Code of the County of Henrico Titled "Required; tax year; amount of tax; exemptions from tax" to Exempt a Releasing Agency From the Requirement of Obtaining a Dog License.

(b) No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person, that is trained and serves as a hearing dog for a deaf or hearing impaired person, or that is trained and serves as a service dog for a mobility impaired person. As used in this subsection, the term "hearing dog" means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond, and the term "service dog" means a dog trained to accompany its owner for the purpose of carrying items, retrieving objects, pulling a wheelchair or other such activities of service or support.

2. 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. 27907
Page No. 2 of 4

Agenda Title: ORDINANCE - To Amend and Reordain Section 20-351 of the Code of the County of Henrico Titled "Definitions" to Clarify the Definition of Gross Receipts of a Business.

filing or payment thereof shall be deemed to be filed or paid on the last day specified for the filing of a return or the payment of tax, as the case may be.

Assessor or assessing official means the director of finance.

Base year means the calendar year preceding the license year, except as provided elsewhere in this chapter.

Business means a course of dealing which requires the time, attention and labor of the person so engaged for the purpose of earning a livelihood or profit. Business implies a continuous and regular course of dealing, rather than an irregular or isolated transaction. A person may be engaged in more than one business. The following acts create a rebuttable presumption that a person is engaged in a business: (i) advertising or otherwise holding oneself out to the public as being engaged in a particular business; or (ii) filing tax returns, schedules and documents that are required only of persons engaged in a trade or business.

Definite place of business means an office or location at which occurs a regular and continuous course of dealing for 30 consecutive days or more. A definite place of business for a person engaged in business may include a location leased or otherwise obtained from another person on a temporary or seasonal basis or real property leased to another. A person's residence shall be deemed to be a definite place of business if there is no definite place of business maintained elsewhere and the person would not be licensable as a peddler or itinerant merchant.

Gross receipts of the business.

(1) Gross receipts of the business means the gross sales of merchandise and the gross receipts of the business, occupation or profession from all earnings, fees, commissions, brokerage charges and rentals, and from all income whatsoever arising from or growing out of the conduct of the business, occupation or profession licensed in this chapter during the license year immediately preceding the license year for which the tax is being computed, without any deductions whatsoever, unless otherwise expressly provided.

(2) The term "gross receipts" shall not include:

(a) Amounts received and paid to the United States, the state or any county, city or town for the state retail sales or use tax, for any local sales tax or meal tax or any local excise tax on cigarettes, or amounts received for any federal or state excise taxes on motor fuels.

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 279-07
Page No. 3 of 4

Agenda Title: ORDINANCE - To Amend and Reordain Section 20-351 of the Code of the County of Henrico Titled "Definitions" to Clarify the Definition of Gross Receipts of a Business.

- (b) Any amount representing the liquidation of a debt or conversion of another asset to the extent that the amount is attributable to a transaction previously taxed to the taxpayer (e.g., the factoring of accounts receivable created by sales which have been included in the taxpayer's taxable receipts even though the creation of such debt and factoring are a regular part of the business).
- (c) Any amount representing returns and allowances granted by the business to its customer.
- (d) Receipts which are the proceeds of a loan transaction in which the taxpayer is the obligor.
- (e) Receipts representing the return of principal of a loan transaction in which the taxpayer is the creditor, or the return of principal or basis upon the sale of a capital asset.
- (f) Rebates and discounts taken or received on account of purchases by the taxpayer. A rebate or other incentive offered to induce the recipient to purchase certain goods or services from a person other than the offeror, and which the recipient assigns to the taxpayer in consideration of the sale of goods and services shall not be considered a rebate or discount to the taxpayer, but shall be included in the taxpayer's gross receipts together with any handling or other fees related to the incentive.
- (g) Withdrawals from inventory for purposes other than sale or distribution and for which no consideration is received; and the occasional sale or exchange of assets other than inventory, whether a gain or loss is recognized for federal income tax purposes.
- (h) Investment income not directly related to the privilege exercised by a licensable business not classified as rendering financial services. This exclusion shall apply to interest on bank accounts of the business, and to interest, dividends and other income derived from the investment of its own funds in securities and other types of investments unrelated to the licensed privilege. This exclusion shall not apply to interest, late fees and similar income attributable to an installment sale or other transaction that occurred in the regular course of business.

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 27907
Page No. 4 of 4

Agenda Title: ORDINANCE - To Amend and Reordain Section 20-351 of the Code of the County of Henrico Titled "Definitions" to Clarify the Definition of Gross Receipts of a Business.

(3) The term "gross receipts," when used in connection with or in respect to financial transactions involving the sale of notes, stocks, bonds or other securities of the loan, collection or advance of money or the discounting of notes, bills or other evidence of debt, shall mean the gross interest, gross discount, gross commission or other gross receipts earned by means of, or resulting from, such financial transactions, but the term "gross receipts" shall not include any amount received as payment of debt.

License year or license tax year means the calendar year for which a license is issued for the privilege of engaging in business.

Person means individuals, firms, partnerships, associations, corporations and combinations of individuals of whatever form or character, including any trustee, receiver or personal representative thereof carrying on or continuing a business, profession, trade or occupation. The term "person" also shall include governmental entities and agencies where appropriate.

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

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

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 250-07
Page No. 2 of 2

Agenda Title: **ORDINANCE - To Amend and Reordain Section 22-220 of the Code of the County of Henrico Titled "Proration of tax" to Provide for Proration on Vehicles Moving into Henrico.**

(c) Motor vehicles, trailers and semitrailers moving into the county from a Virginia locality to which a license fee or tax has been paid or from which a license decal purchased shall first become assessable only after the fee, tax or decal expires, as follows:

(1) If the period covered by the license fee or tax paid to or vehicle decal purchased from the other Virginia locality expires during the period February 16 through June 30 of the county license tax year, the license tax shall become assessable on July 1 of that same county license tax year; or

(2) If the period covered by the license fee or tax paid to or vehicle decal purchased from the other Virginia locality expires during the period July 1 through February 15 of the county license tax year, then no license tax shall be assessable for that same license tax year and the license tax shall first become assessable on February 16 of the next county license tax year.

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

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



COUNTY OF HENRICO, VIRGINIA
 BOARD OF SUPERVISORS
 MINUTE

Agenda Item No. 281-07
 Page No. 1 of 4

Agenda Title: **RESOLUTION — POD-42-07 — Approval of a Revised Plan of Development (POD-55-02 Revised) — Master Plan for the Richmond International Raceway**

For Clerk's Use Only: Date: <u>1 4 2007</u> <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>O'Bannon</u> (2) APPROVED	<table border="1"> <thead> <tr> <th></th> <th>YES</th> <th>NO</th> <th>OTHER</th> </tr> </thead> <tbody> <tr> <td>Donati, J.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Glover, R.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Kaechele, D.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>O'Bannon, P.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Thornton, F.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table>		YES	NO	OTHER	Donati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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WHEREAS, Sections 24-11(b) and 24-106 of the Henrico County Code require submission of applications for plans of development for public facilities to the Board of Supervisors; and,

WHEREAS, an application has been submitted for the approval of POD-42-07 (POD-55-02 Revised) Richmond International Raceway, a revised master plan of development to add additional acreage to the Richmond International Raceway facility for satellite parking and related facilities; and,

WHEREAS, the 227-acre parcel to be added to the existing 783-acre site is located in the Fairfield District on the east line of Wilkinson Road, approximately 1500 feet north of the intersection of Wilkinson Road and Azalea Avenue on parcel 795-748-5865. The overall 1,010 acre-site is located generally northeast of the intersection of E. Laburnum Avenue and Richmond-Henrico Turnpike on parcels 796-747-9944, 799-745-7579, 795-743-1283, 796-745-8505, 796-740-2482, 798-740-1078 and 795-748-5865; and,

WHEREAS, the County Administration, including the Department of Planning, the Department of Public Works, the Department of Public Utilities, the Division of Fire, the Division of Police, the Office of Building Construction and Inspections, and the Virginia Department of Transportation, has reviewed the application and recommends approval, subject to the staff recommendations and annotations on the staff plan dated **August 14, 2007**; and,

WHEREAS, on **August 14, 2007**, the Board of Supervisors held a public hearing to receive comments on the application for approval.

NOW, THEREFORE, BE IT RESOLVED that the Henrico County Board of Supervisors hereby approves the application, subject to the following conditions:

By Agency Head *Robert R. Silbey* By County Manager *Dick P. Kappel*

Routing:
 Yellow to: Planning
 Copy to: _____

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

Date: _____

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 281-07

Page No. 2 of 4

Agenda Title: RESOLUTION — POD-42-07 — Approval of a Revised Plan of Development (POD-55-02 Revised) — Master Plan for the Richmond International Raceway

1. The detailed construction plans for each phase, including water and sewer, landscaping and lighting, shall be submitted to the Department of Planning for administrative review and approval.
2. The Department of Public Utilities shall be notified at least 24 hours prior to the start of any County water or sewer construction.
3. The permanent parking as shown on the approved plans shall be subject to the requirements of Section 24-98 of the Henrico County Code, unless otherwise approved by the Director of Planning.
4. The permanent parking spaces shall be marked on the pavement surface with four-inch wide white painted traffic lines. All lane lines and parking lanes shall be white in color with the exception that those dividing traffic shall be yellow. All other parking areas may be developed as shown on approved plans.
5. Sufficient, effective usable parking shall be provided. If experience indicates the need, additional parking shall be provided.
6. Curb and gutter and necessary storm sewer shall be constructed as shown on approved plans.
7. A detailed landscaping plan for each phase shall be submitted to the Department of Planning for review and approval prior to the issuance of any occupancy permits or as otherwise determined by the Director of Planning.
8. All ground cover and landscaping shall be properly maintained in a healthy condition at all times. Dead plant materials shall be removed within a reasonable time and replaced during the normal planting season.
9. Prior to the approval of an electrical permit application and installation of the site lighting equipment, a plan including light spread and intensity diagrams and fixture mounting height details shall be submitted for Department of Planning review and approval.
10. All exterior lighting shall be designed and arranged to direct the light and glare away from nearby residential property and streets.
11. The site, including the parking areas, shall be kept clean of litter and debris on a daily basis. Trash container units/litter receptacles and recycling containers shall be maintained with regular pickups scheduled and shall be screened.
12. Required fire lanes shall be marked and maintained in accordance with the Virginia Statewide Fire Prevention Code.
13. Traffic control signs shall be provided as indicated on the Planning staff plan. All signs shall be fabricated as shown in The National Manual on Uniform Traffic Control Devices for Streets and Highways and The Virginia Supplement to The Manual on Uniform Traffic Control Devices for Streets and Highways.
14. The assigned property number shall be displayed so it is easily readable from the street. If assistance is needed with the address, please contact the Department of Planning at 501-4284.
15. The owner will have a set of approved plans available at the site at all times when work is being performed. A designated responsible employee shall be available for contact by County inspectors.

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

Agenda Item No. 281-07

Page No. 3 of 4

Agenda Title: RESOLUTION — POD-42-07 — Approval of a Revised Plan of Development (POD-55-02 Revised) — Master Plan for the Richmond International Raceway

16. The property shall be developed only as shown on the plan filed with the case and no changes or additions to the layout for proposed uses shall be made without the approval of the County Administration or Board of Supervisors.
17. Upon completion of the improvements and prior to the certification of the permanent occupancy permit, the owner shall furnish a statement by the engineer or land surveyor who prepared the POD plan to the effect that all construction is in conformance with the regulations and requirements of the POD.
18. Vehicles shall be parked only in approved and constructed parking spaces or overflow parking areas designated on the plan or amendments to the plan.
19. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans.
20. Any necessary offsite drainage easements required for the discharge of water from the owner's property must be obtained in a form approved by the County Attorney prior to the final approval of the construction plans by the Department of Public Works.
21. All off-site easements for public utilities shall be obtained by the applicant prior to final approval of the construction plans by the Department of Public Utilities.
22. Any deviation from the minimum County standards for pavement, curb, or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
23. Insurance Service Offices (ISO) calculations must be included with the plans and must be approved by the Department of Public Utilities.
24. Any necessary right-of-way for the construction of required improvements shall be dedicated to the County at no cost, at such time as required by Henrico County. The right-of-way dedication plat and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to the completion and use of each parking area.
25. The owner shall not begin clearing of the site until the following conditions have been met:
 - (a) The site engineer shall conspicuously illustrate on the plan of development and the erosion and sediment control plan the limits of the areas to be cleared and the methods of protecting the required buffer areas. The location of utility lines, drainage structures and easements shall be shown.
 - (b) After the erosion and sediment control plan has been approved but prior to any clearing or grading operations on the site, the owner shall have the limits of clearing delineated with approved methods such as flagging, silt fencing or temporary fencing.
 - (c) The owner shall be responsible for adhering to the limits of clearing as shown on the plans approved.
 - (d) The owner shall be responsible for the protection of the buffer areas and for replanting and/or supplemental planting and other necessary improvements to the buffer as may be appropriate or required to correct problems. The details shall be included on the landscape plans for Department of Planning approval.

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

Agenda Item No. *281-07*

Page No. **4 of 4**

Agenda Title: RESOLUTION — POD-42-07 — Approval of a Revised Plan of Development (POD-55-02 Revised) — Master Plan for the Richmond International Raceway

26. A construction operations and phasing plan for all construction activities on the site, which addresses the hours and days work is to occur and which streets are to be used, shall be submitted for review and approval by the Directors of Planning and Public Works prior to the approval of erosion and sediment control plans and final construction plans. The contractor shall designate phone numbers for authorized representatives for each construction phase to handle any complaints by neighbors or citizens.
27. There shall be no open burning or open pit burning permitted on the site during the clearing and construction operations, unless specifically approved by the County Manager.
28. The owner shall coordinate development of the site with the FAA in accordance with any federal requirements.
29. The applicant shall provide improvements related to new on-site construction, to include matching curb and gutter along Richmond-Henrico Turnpike and Wilkinson Road as requested by the Department of Public Works.
30. The applicant shall coordinate traffic management and parking with the Department of Public Works and the Division of Police prior to each major racing event.
31. All exhibition and entertainment facilities shall comply with all County ordinances and regulations.
32. The applicant shall designate the areas on the master plan other than the amphitheater proposed for outdoor concerts and festivals.
33. The conditions of approval of the previously approved plans of development and provisional use permits (POD-24-80, POD-101-87, POD-145-88, POD-27-91, POD-68-95, POD-45-01, POD-55-02, P-2-89, P-4-91, and P-12-02) continue to apply to this property as previously used for RIR and ARE activities and as modified by any subsequent approvals.
34. This approval is for a Master Plan, and construction plans for each subsequent phase shall receive review and approval administratively.
35. The conditions of Provisional Use Permit P-11-07 and Conditional Rezoning C-38C-07 continue to apply to the property.
36. All subsequently constructed or future campground facilities and all future temporary campground facilities shall comply with and be approved as required by the "Virginia Department of Health Rules and Regulations Governing Campgrounds."
37. The applicant shall submit a subdivision plan for the extension of Concept Road 85-1 from Richmond-Henrico Turnpike to Wilkinson Road prior to approval of final plans for any satellite parking areas, and the applicant shall record the plat prior to August 14, 2009.

COMMENTS: The plans submitted by TIMMONS have been reviewed and are recommended for approval by the Director of Planning, and the County Manager concurs.

BOARD OF SUPERVISORS
MINUTE

Agenda Item No.

283-07

Page No. 2 of 2

Agenda Title: Resolution – Award of Construction Contracts – Glen Allen Library Site Work

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

1. A contract to furnish all labor, materials, supplies, equipment and services necessary for Glen Allen Library Site Work is hereby awarded to **Jord Construction LLC**, the lowest responsive and responsible bidder, in the total amount of **\$553,696.00**, pursuant to Bid Request #07-8201-7SW and bid submitted by Jord Construction LLC dated August 07, 2007.
2. The County Manager and Clerk are authorized to execute said contract in a form approved by the County Attorney.
3. The County Manager, or the Director of General Services as his designee, is further authorized to execute all necessary change orders within the scope of the project budget.

Comments: Funding to support the contract is available within the project budget. The Director of General Services and the Director of Libraries, the County Manager concurring, recommend approval of this Board paper



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

Agenda Item No. 284-07
Page No. 1 of 1

Agenda Title **RESOLUTION – Signatory Authority – Easement Agreement – Hidden Creek Park – Fairfield District**

<p>For Clerk's Use Only:</p> <p>AUG 14 2007</p> <p>Date _____</p> <p><input checked="" type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p> <p><input type="checkbox"/> Amended</p> <p><input type="checkbox"/> Deferred to _____</p>	<p>BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>Glover</u> Seconded by (1) <u>Thornton</u></p> <p>(2) _____ (2) _____</p> <p>REMARKS: APPROVED</p>	<table border="0"> <tr> <td></td> <td align="center">YES</td> <td align="center">NO</td> <td align="center">OTHER</td> </tr> <tr> <td>Donati, J.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Glover, R.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Kaechele, D.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>O'Bannon, P.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Thornton, F.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> </table>		YES	NO	OTHER	Donati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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WHEREAS, the County of Henrico, Virginia (the "County") is the owner of a parcel of land (the "County Land") containing 9.14 acres acquired in 2001 from Virginia Electric and Power Company adjacent to Hidden Creek Park; and,

WHEREAS, Richmond 20MHz, LLC, dba/NTELOS, is leasing space on an existing Virginia Electric and Power Company tower; and,

WHEREAS, Richmond 20MHz, LLC, dba/NTELOS, has requested the County convey an access easement and an underground utility easement across a portion of County Land as shown on Exhibits "A" and "B" attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Henrico County, Virginia that the Chairman and Clerk are authorized to execute an Easement Agreement, in a form approved by the County Attorney, by and between the County and Richmond 20MHz, LLC, dba/NTELOS, for the conveyance of an access easement and underground utility easement across County Land as shown on Exhibits "A" and "B."

Comments: The Director of Recreation and Parks and the Real Property Department recommend approval of this action; the County Manager concurs.

<p>By Agency Head <u>Steve Garcia</u></p>	<p>By County Manager <u>David P. Haggard</u></p>
<p>Routing: <u>Real Property</u></p> <p>Yellow to: _____</p> <p>Copy to: _____</p>	<p>Certified: _____</p> <p>A Copy Teste: _____</p> <p align="center">Clerk, Board of Supervisors</p> <p>Date: _____</p>



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

Agenda Item No. 285-07
Page No. 1 of 1

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

<p>For Clerk's Use Only:</p> <p>AUG 14 2007</p> <p>Date _____</p> <p><input checked="" type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p> <p><input type="checkbox"/> Amended</p> <p><input type="checkbox"/> Deferred to _____</p>	<p>BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>Kaechele</u> Seconded by (1) <u>O'Bannon</u></p> <p>(2) _____ (2) _____</p> <p>REMARKS: APPROVED</p>	<table border="0"> <tr> <td></td> <td align="center">YES</td> <td align="center">NO</td> <td align="center">OTHER</td> </tr> <tr> <td>Donati, J.</td> <td align="center">✓</td> <td></td> <td></td> </tr> <tr> <td>Glover, R.</td> <td align="center">✓</td> <td></td> <td></td> </tr> <tr> <td>Kaechele, D.</td> <td align="center">✓</td> <td></td> <td></td> </tr> <tr> <td>O'Bannon, P.</td> <td align="center">✓</td> <td></td> <td></td> </tr> <tr> <td>Thornton, F.</td> <td align="center">✓</td> <td></td> <td></td> </tr> </table>		YES	NO	OTHER	Donati, J.	✓			Glover, R.	✓			Kaechele, D.	✓			O'Bannon, P.	✓			Thornton, F.	✓		
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O'Bannon, P.	✓																									
Thornton, F.	✓																									

WHEREAS, the County of Henrico, Virginia (the "County") owns 6.235 acres of land identified as Part of GPIN 860-709-5622, on which it plans to construct a utilities pumping station; and,

WHEREAS, the County needs to obtain an easement to construct a drive across property owned by others to have access between the pumping station property and White Oak Road; and,

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

WHEREAS, it is the desire of the Board of Supervisors of Henrico County, Virginia (the "Board") to enter into an Ingress/Egress Easement and Agreement with Arthur P. Dean and Jacqueline H. Dean, Thagard L. Dean and Sheela M. Dean, John Aylett Dean and Carol A. Dean, and Linwood R. Baker and their successors and assigns.

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

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

By Agency Head Steve Stein By County Manager David R. Hayslett

Routing: Yellow to: Real Property Certified: _____

Copy to: _____ A Copy To: _____

Clerk, Board of Supervisors

Date: _____

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No.

272-07

Page No. 2 of 2

Agenda Title: RESOLUTION — Signatory Authority — Contract for Expansion of Public Transit Service in Henrico County — Greater Richmond Transit Company

NOW, THEREFORE, BE IT RESOLVED that the Henrico County Board of Supervisors authorizes the County Manager to execute an agreement in a form approved by the County Attorney with GRTC to provide this additional transit service, effective August 27, 2007.

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

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

Agenda Item No. *293-07*

Page No. 2 of 2

Agenda Title: RESOLUTION — To Permit Additional Fine of \$200 for Speeding on Glen Gary Drive and a Portion of Lexington Farm Drive

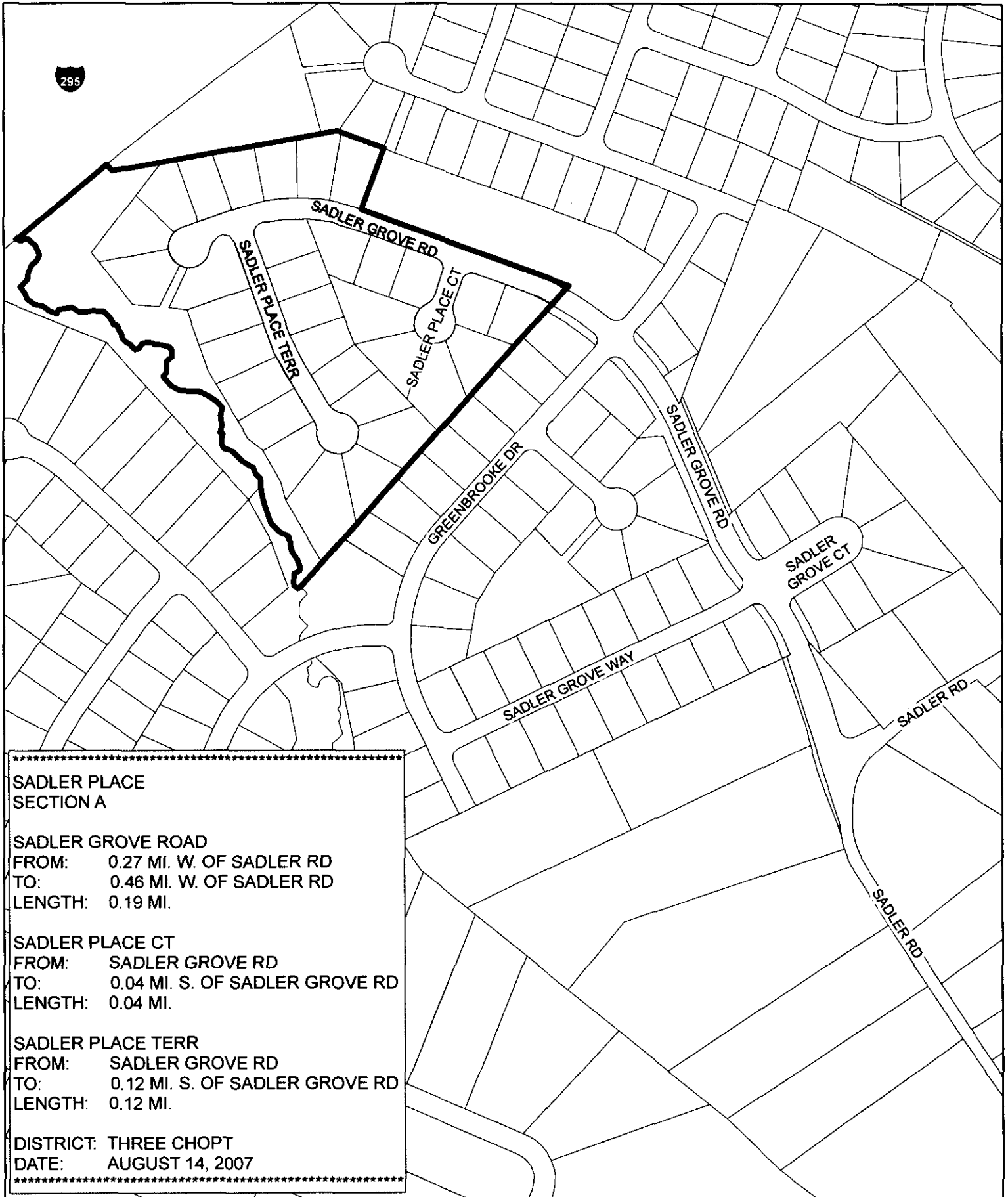
WHEREAS, the citizens in the areas of these roads requesting the increased fine have collected signatures from 75% of the residents on Glen Gary Drive and 76% of the residents on Lexington Farm Drive between Spray Court and Virginia Forest Court; and,

WHEREAS, these roads are local residential streets with a posted speed limit of 25 mph.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Henrico County that the County Manager is authorized and directed to install signs on Glen Gary Drive and Lexington Farm Drive between Spray Court and Virginia Forest Court, advising citizens of an additional fine of \$200 for exceeding the posted speed limit on those roads.

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

SADLER PLACE SECTION A



SADLER PLACE
SECTION A

SADLER GROVE ROAD
FROM: 0.27 MI. W. OF SADLER RD
TO: 0.46 MI. W. OF SADLER RD
LENGTH: 0.19 MI.

SADLER PLACE CT
FROM: SADLER GROVE RD
TO: 0.04 MI. S. OF SADLER GROVE RD
LENGTH: 0.04 MI.

SADLER PLACE TERR
FROM: SADLER GROVE RD
TO: 0.12 MI. S. OF SADLER GROVE RD
LENGTH: 0.12 MI.

DISTRICT: THREE CHOPT
DATE: AUGUST 14, 2007
