

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
REGULAR MEETING
January 26, 2010

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, January 26, 2010 at 7:00 p.m. in the Board Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia.

Members of the Board Present:

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

Other Officials Present:

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

Mrs. O'Bannon called the meeting to order at 7:09 p.m.

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

Rev. Travis Branch of Gospel Jail Ministry delivered the invocation.

On motion of Mr. Donati, seconded by Mr. Thornton, the Board approved the minutes of the January 12, 2010 Regular and Special Meetings.

The vote of the Board was as follows:

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

No: None

MANAGER'S COMMENTS

Susan Fischer Davis, M.D., who has been serving as Acting Director of the Henrico Health Department since August 2009, has been appointed Director.

Steven J. Yob, Solid Waste Division Director for the Department of Public Utilities, was recently appointed by former Governor Tim Kaine to the Virginia Waste Management Board and elected President of the Virginia Chapter of the Solid Waste Association of North America (SWANA).

BOARD OF SUPERVISORS' COMMENTS

Mrs. O'Bannon recognized the following Boy Scouts who were observing the meeting: Harry Cannell, Aidan Cooney, Chad Martin, Aaron Van Quill, Chris Reynolds, and John Reynolds from Troop 728, sponsored by West Richmond Church of the Brethren; and Shaun Rosenthal from Troop 772, sponsored by Discovery United Methodist Church.

Mrs. O'Bannon recognized Lataisha Hendricks, a student in Virginia Commonwealth University's Master of Social Work program, who was observing the meeting.

Mrs. O'Bannon noted the recent passing of Robert James Smith, a former judge with the Henrico County Juvenile and Domestic Relations Court; L. Clark Jones, Jr., a former developer of residential subdivisions in Henrico; and Kelley H. Bartges, a Clinical Professor of Law at the University of Richmond and Director of the School of Law's Delinquency Clinic.

RECOGNITION OF NEWS MEDIA

Mrs. O'Bannon recognized Luz Lazo from the *Richmond Times-Dispatch* and Tom Lappas from the *Henrico Citizen*.

PUBLIC HEARINGS - REZONING CASE AND PROVISIONAL USE PERMIT

24-10 George M. Urban: Request to rezone from B-2C Business District
C-34-09 (Conditional) to A-1 Agricultural District, Parcel 746-770-9777, containing
Three Chopt approximately 5.52 acres, located between the south line of Hickory Park
Drive and the north line of New Wade Lane approximately 725 feet southwest
of Nuckols Road.

Joe Emerson, Director of Planning, responded to questions from the Board and Mr. Hazelett.

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. 24-10 (C-34-09).

The vote of the Board was as follows:

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

No: None

25-10
P-13-09
Three Chopt

The Innsbrook Foundation: Request for a Provisional Use Permit under Sections 24-62.2(f), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to renew an existing provisional use permit to continue to operate a temporary outdoor entertainment pavilion (Snag-A-Job Pavilion), on part of Parcel 750-768-4593, located approximately 750' northeast of the intersection of Nuckols Road and Interstate 295.

Mr. Emerson responded to questions from the Board.

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

On motion of Mr. Kaechele, seconded by Mr. Glover, the Board followed the recommendation of the Planning Commission and approved Agenda Item No. 25-10 (P-13-09) subject to the following conditions:

1. The Provisional Use Permit shall expire on December 31, 2012, or at such time as all three (3) planned North Shore Commons office buildings A, B, and C are occupied, whichever comes first.
2. Security measures, including but not limited to fencing and security personnel shall be provided to restrict unauthorized access to portions of the property where site improvements associated with POD-82-00 are under construction.
3. An annual music and festival permit shall be obtained as required by Article IV, Chapter 4 of the Henrico County Code. This Provisional Use Permit shall be subject to all conditions set forth in the required annual music and festival permits.
4. This permit shall not supersede Zoning Ordinance requirements including parking required to support planned offices in North Shore Commons.
5. The temporary outdoor Pavilion shall be located in the area shown on Exhibits 1 and 2 (see case file). Deviations from this designated location shall require the approval of a new Provisional Use Permit.

6. The maximum attendance for paid and unpaid venues shall be 6,500 persons.

The vote of the Board was as follows:

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

No: None

PUBLIC HEARINGS - OTHER ITEMS

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

Ben Thorp, Assistant County Attorney, narrated a Power Point presentation on proposed amendments to the noise ordinance. He reviewed why the amendment was being proposed, the County’s current noise ordinance, the volume of complaints received, common complaints, considerations, types of regulation, penalty and enforcement, the types of prohibited noises enumerated under Section 10-73 of the County Code, exemptions, and categories of noise proposed for elimination. With Mr. Rapisarda’s and Mr. Hazelett’s assistance, he responded to a number of questions from the Board during his presentation. There was extended discussion between Mr. Thorp and Mr. Glover regarding the definition of “plainly audible” noise. Mr. Glover stated that he would like the Board to consider amending the proposed ordinance so that all categories of noise would be regulated between 11:00 p.m. and 7:00 a.m. He expressed concern that the lack of uniform hours of regulation in the proposed ordinance would be confusing to the public. Mr. Kaechele voiced concern about restricting private trash haulers from collecting in residential neighborhoods before 7:00 a.m.

The following 12 persons spoke during the public hearing on this proposed ordinance:

- Rudolph Bland, a resident of the Westmont subdivision, objected to three proposed changes in the ordinance. He submitted a written statement for the record.
- Carolyn Gilbert, a resident of the Cross Keys subdivision, expressed concerns about how the proposed ordinance would apply to loud vehicle noise and loud amplified music from motor vehicles. She submitted a written statement for the record.

- Seth Rosenfeld, a resident of the Tuckahoe Village subdivision, voiced concerns regarding allowing companies to pick up trash in residential neighborhoods prior to 7:00 a.m. He submitted a written statement for the record. Mr. Rosenfeld addressed the Board a second time at the conclusion of the other speakers, at which time he questioned statements made by representatives of private waste haulers that earlier pick up times by trash collectors contribute to public safety and are scheduled to avoid peak temperatures during the summer.
- Jim McGehee, a resident of Maybeury Drive, suggested that the ordinance provide for the use of decibel meters.
- Craig Griffith, a resident of the Dickensdale subdivision, expressed support for the ordinance but felt that the hours of regulation needed to be adjusted for noise associated with trash collection.
- Faye Weems, a resident of Henrico, pointed out concerns with several sections of the ordinance and asked about other provisions in the County or State Codes that could protect citizens from the most common types of noise pollution. She submitted a written statement for the record.
- Lamont Hobbs, Senior District Manager for Waste Management, stated that private haulers make trash collections during early morning hours in residential neighborhoods to minimize having their trucks on the road during peak traffic times and to minimize potential harm to residents.
- Paul Nobles of Virginia Waste Services stated that his commercial and residential drivers start collecting trash during early morning hours to make parking lots and streets safer and that he has tried to address citizen complaints as they occur.
- Lyman Flinn, a resident of Betty Lane, voiced concerns about the impact of barking dogs and sounds from audio equipment on domestic peace and quiet, spoke to the inadequacy of current legal remedies in controlling animal and recreational noise, and offered three suggestions to help the Division of Police be more effective in controlling nuisance noise. He submitted a written statement for the record.
- Richard Warren, a resident of Tarrytown Drive, stated that the section of the ordinance dealing with barking dogs (animal noise) needed to be clarified.
- Joanie Albrecht, a Henrico resident with school aged children, voiced disagreement with the section of the ordinance that would eliminate from regulation noise on school, court, and hospital streets.

- Spencer Truman, owner of Truman Refuse Company and speaking on behalf of the Henrico Solid Waste Haulers, expressed the opinion that the current system of addressing noise complaints on a case by case basis serves as a fair and practical manner of enforcement. He commented that trash collectors service many County neighborhoods before 6:00 a.m. to avoid traffic hazards associated with rush hour traffic, to allow time to transport waste to a landfill, and to accomplish more work in the summer before temperatures reach their peak. He submitted a written statement for the record.

There was extended discussion by Mr. Thorp, Mr. Hazelett, and the Board regarding the level of construction activity near County schools and the challenges of using decibel meters to detect noise violations.

The Board recessed at 9:47 p.m. and reconvened at 10:06 p.m.

Mr. Thorp returned to the podium and elaborated on the reasons why staff was not recommending the use of decibel meters. Steve Yob, the County's Solid Waste Division Director, responded to questions from Mr. Glover pertaining to the trash collection schedule for the County's trash collection crews and hours of operation for the County's landfill. In response to a further question from Mr. Glover, Mr. Thorp and Mr. Hazelett explained the difficulties of drafting the ordinance to distinguish between noise from trash collection in single-family neighborhoods and noise resulting from the servicing of dumpsters in apartment complexes and shopping centers. Mr. Glover commented that most of the major noise-related problems in his district associated with trash collection have been caused by large haulers dealing with big commercial dumpsters and not by smaller residential haulers. Mrs. O'Bannon commented that she felt the Board was not at a stopping point on this ordinance or ready to vote on it.

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board deferred this item to February 23, 2010 meeting – see attached ordinance.

27-10 Ordinance – Vacation of Portion of Unimproved Brilland Court – Brilland - Fairfield District.

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

On motion of Mr. Thornton, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 27-10 – see attached ordinance.

28-10 Ordinance – Vacation of Unimproved Portion of Alley – Larchmont - Varina District.

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

On motion of Mr. Donati, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 28-10 – see attached ordinance.

- 29-10 Resolution – Signatory Authority – Easement Agreement for Virginia Electric and Power Company – Brookland District.

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

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

On motion of Mr. Glover, seconded by Mr. Kaechele, and by unanimous vote, the Board approved Agenda Item No. 29-10 – see attached ordinance.

- 30-10 Resolution – Signatory Authority – First Amendment to Lease of County Property – 3017 Irisdale Avenue - Brookland District.

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

On motion of Mr. Glover, seconded by Mr. Kaechele, and by unanimous vote, the Board approved Agenda Item No. 30-10 – see attached ordinance.

- 31-10 Resolution – Condemnation - Right-of-Way and Easements - North Gayton Road Improvements Project - Darrell H. Bowman and Marsha S. Morgan - Three Chopt District.

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

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 31-10 – see attached resolution.

- 32-10 Resolution - Signatory Authority - Quitclaim of Portions of Drainage and Utility Easement – Gayton Terrace - Tuckahoe District.

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

On motion of Mr. Thornton, seconded by Mr. Kaechele, and by unanimous vote, the Board approved Agenda Item No. 32-10 – see attached resolution.

PUBLIC COMMENTS

Marika Byrd, a resident of the Brookland District, complimented the Board for having super employees and expressed appreciation for their work and effort.

GENERAL AGENDA

- 33-10 Resolution - Authorization to Apply to Amend the Boundaries of the City of Richmond North Enterprise Zone within Henrico County to Add and Delete Properties and Various Rights-of-Way and to Amend the Paving Grant Incentive.

Mark Strickler, Director of Community Revitalization, narrated a Power Point presentation on the proposed amendment of the enterprise zone. He reviewed proposed enterprise zone additions and deletions, existing and future enterprise zone acreage, the proposed change to the County's paving grant incentive, and the tentative amendment schedule. Mr. Strickler responded to questions from the Board.

On motion of Mr. Thornton, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 33-10 – see attached resolution.

- 34-10 Resolution – Authorization to Accept Grant Funding in the Amount of \$2,870 through the Virginia Department of Fire Programs Training Mini-Grant Program.

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 34-10 – see attached resolution.

- 35-10 Resolution – Authorization to Accept \$700 in Grant Funding from the Radiological Preparedness and Response Program Administered through the Virginia Department of Emergency Management.

Ed Smith, Chief of Fire, responded to a question from the Board.

On motion of Mr. Glover, seconded by Mr. Kaechele, and by unanimous vote, the Board approved Agenda Item No. 35-10 – see attached resolution.

- 36-10 Concurrent Resolution – Approval of Name Change: Henrico Area Mental Health & Retardation Services Board to Henrico Area Mental Health & Developmental Services Board.

On motion of Mr. Kaechele, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 36-10 – see attached resolution.

- 37-10 Resolution – Approval of Name Change of the Department Providing Mental Health, Mental Retardation and Substance Abuse Services to Henrico Area Mental Health & Developmental Services.

On motion of Mr. Glover, seconded by Mr. Kaechele, and by unanimous vote, the Board approved Agenda Item No. 37-10 – see attached resolution.

38-10 Resolution - Signatory Authority - Acquisition of Real Property - Bacova Drive - Three Chopt District.

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

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 38-10 - see attached resolution.

39-10 Resolution - Signatory Authority - Encroachment Letter Agreement - Virginia Electric and Power Company - Varina District.

On motion of Mr. Donati, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 39-10 - see attached resolution.

40-10 Resolution - Award of Construction Contract - Henrico County Water Reclamation Facility Primary Settling Basin Nos. 1 - 6 Rehabilitation - Shaw Construction Corporation.

Art Petrini, Director of Public Utilities, and Mr. Hazelett responded to a question from the Board.

On motion of Mr. Kaechele, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 40-10 - see attached resolution.

41-10 Resolution - Award of Construction Contract - Route 5 Interceptor Sewer Rehabilitation.

Mr. Petrini responded to questions from the Board.

On motion of Mr. Donati, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 41-10 - see attached resolution.

42-10 Resolution - Acceptance of Roads.

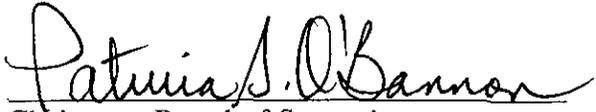
On motion of Mr. Kaechele, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 42-10 - see attached resolution.

43-10 Resolution - Settlement of *HCA Health Services of Virginia, Inc. v. County of Henrico, Virginia*.

Mrs. O'Bannon announced that she would be abstaining from voting on this resolution to remove any suggestion or possibility of a conflict of interest.

On motion of Mr. Donati, seconded by Mr. Thornton, with Mrs. O'Bannon abstaining, the Board approved Agenda Item No. 43-10 - see attached resolution.

There being no further business, the meeting was adjourned at 10:50 p.m.

A handwritten signature in cursive script that reads "Patricia S. O'Bannon". The signature is written in black ink and is positioned above the printed name and title.

Chairman, Board of Supervisors
Henrico County, Virginia

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Agenda Item No. 24-10
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Agenda Title: Ordinance – To Amend and Reordain Sections 10-71 Titled “Complaints” and 10-73 Titled “Prohibited noises enumerated” of the Code of the County of Henrico, to Repeal and Reserve Section 10-72 Titled “Prohibited noise generally,” and to Add Section 10-74 Titled “Exemptions,” All Relating to the Regulation of Noise.

- (c) Each day a violation continues unabated shall constitute a separate offense.
- (d) Criminal enforcement against a person violating this article shall not be a bar against, or a prerequisite for, taking any other action permitted by this Code or the Code of Virginia to abate the violation.

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

Sec. 10-72. Prohibited noise generally Reserved.

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

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

Sec. 10-73. Prohibited noises enumerated.

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

- (1) *Horns and signaling devices on vehicles.* ~~The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if any other vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended, or other evasive action is taken; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time.~~

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Agenda Item No. 26-10
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Agenda Title: Ordinance – To Amend and Reordain Sections 10-71 Titled “Complaints” and 10-73 Titled “Prohibited noises enumerated” of the Code of the County of Henrico, to Repeal and Reserve Section 10-72 Titled “Prohibited noise generally,” and to Add Section 10-74 Titled “Exemptions,” All Relating to the Regulation of Noise.

- (2) ~~Radios, phonographs and musical instruments~~ **Sound-producing and sound-reproducing devices.** The **use, operation or** playing of any radio, phonograph, television, record, compact disc, tape, digital music, MP3 or DVD player, or musical instrument, **loudspeaker, sound amplifier or other machine or device capable of producing or reproducing sound, regardless of whether such sound-producing or sound-reproducing machine or device is located inside of a structure, outside of or on a structure or in or on a motor vehicle located on private property,** in such a manner or with such volume **or duration that it is plainly audible,** particularly during the hours between 12:00 midnight **11:00 p.m.** and 7:00 a.m., **(i) inside the confines of the dwelling unit, house or apartment of another person or (ii) at 50 or more feet from the device,** as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence.
- (3) ~~Noisy animals.~~ The **Allowing** keeping of any animal or bird which by **to** causing **any sound or noise such that it is plainly audible (i) inside the confines of the dwelling unit, house or apartment of another person at least once a minute for 10 consecutive minutes or (ii) at 100 or more feet from the animal at least once a minute for 10 consecutive minutes** frequent or long continued noise shall disturb the quiet, comfort or repose of any person in the vicinity to such an extent as shall constitute a nuisance.
- (4) ~~Defect in vehicle or load.~~ The use of any automobile, motorcycle or vehicle so out of repair, so loaded or operated in such manner as to create loud and unnecessary grating, grinding, rattling or other noises.
- (5) ~~Steam whistles.~~ The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger or other emergency.
- (6) ~~Noisy exhausts.~~ The discharge of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorboat engine into the open air except through a muffler or other device which will effectively prevent loud and explosive noises therefrom.
- (7) ~~Creation of noise near schools, courts or hospitals.~~ The creation of any excessive sound on any street adjacent to any school, institution of learning or court while such

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Agenda Title: Ordinance – To Amend and Reordain Sections 10-71 Titled “Complaints” and 10-73 Titled “Prohibited noises enumerated” of the Code of the County of Henrico, to Repeal and Reserve Section 10-72 Titled “Prohibited noise generally,” and to Add Section 10-74 Titled “Exemptions,” All Relating to the Regulation of Noise.

~~institution is in session, or adjacent to any hospital, which unreasonably interferes with the workings of such institution or disturbs or unduly annoys patients in the hospital; provided that conspicuous signs are displayed in such streets indicating that such street is a school, hospital or court street.~~

- (4) **Trash and recycling collection.** ~~The creation of any sound or noise between 12:00 midnight and 6:00 a.m. that is plainly audible in a residential area, except those areas zoned for Urban Mixed Use, when the sound or noise is produced in connection with the loading or unloading of refuse, waste or recycling collection vehicles.~~
- (85) **Street cleaning and construction.** ~~Loading, unloading or opening boxes.~~ The creation of **any sound or noise between 11:00 p.m. and 6:00 a.m. that is plainly audible in a residential area, except those areas zoned for Urban Mixed Use, when the sound or noise is produced in connection with (i) the cleaning of streets or parking lots or (ii) construction or demolition activities** ~~loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.~~
- (96) **Peddlers and hawkers.** ~~The **Yelling, shouting, whistling, screaming or**~~ and crying **for the purpose of attracting attention to a performance, show, sale or display of merchandise between the hours of 11:00 p.m. and 7:00 a.m. on any public street, sidewalk or parking lot or any privately-owned street, sidewalk or parking lot open to the public, except to summon aid in an** emergency of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
- (10) ~~Drums, loudspeakers and other attention-attracting devices.~~ The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise.
- (147) **Amplified sound from vehicles.** ~~The **P**~~playing, **using** or operating ~~on, or permitting the playing, use or operation of, any radio, **stereo,** tape player, compact disc player, loud speaker or other electronic device **or mechanical equipment** used for the amplification of sound, which is located **on or** within a motor vehicle being operated on a public street or alley, and which is **plainly** audible from outside the motor vehicle at a distance of 50 feet or more. The provisions of this subsection shall not apply to~~

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Agenda Item No. 20-10
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~~motor vehicle alarms or other security devices, nor to the emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work~~ **the playing of music or jingles by an ice cream truck or similar mobile food-service vehicle, provided such vehicle may emit sounds otherwise prohibited by this subsection only between the hours of 7:00 a.m. and 9:00 p.m.**

- (8) Lawn care activities. Creating any sound or noise plainly audible in residential areas between 11:00 p.m. and 7:00 a.m. in connection with lawn care, leaf removal, gardening, tree maintenance or removal or other landscaping, lawn or timbering activities.**

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

Sec. 10-74. Exemptions.

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

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

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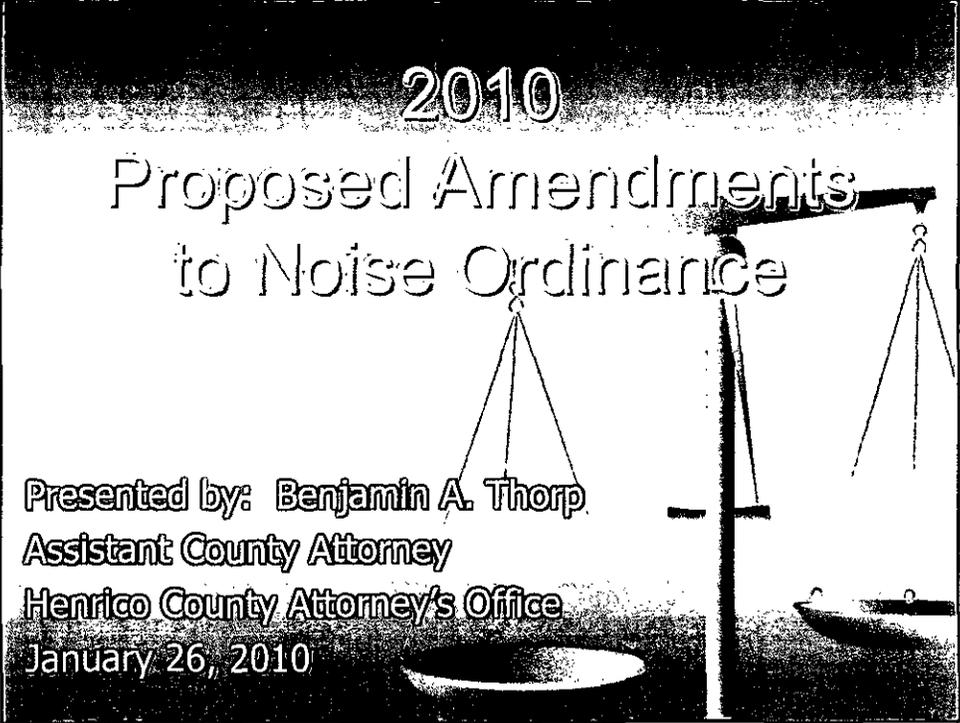
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Agenda Title: Ordinance – To Amend and Reordain Sections 10-71 Titled “Complaints” and 10-73 Titled “Prohibited noises enumerated” of the Code of the County of Henrico, to Repeal and Reserve Section 10-72 Titled “Prohibited noise generally,” and to Add Section 10-74 Titled “Exemptions,” All Relating to the Regulation of Noise.

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

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

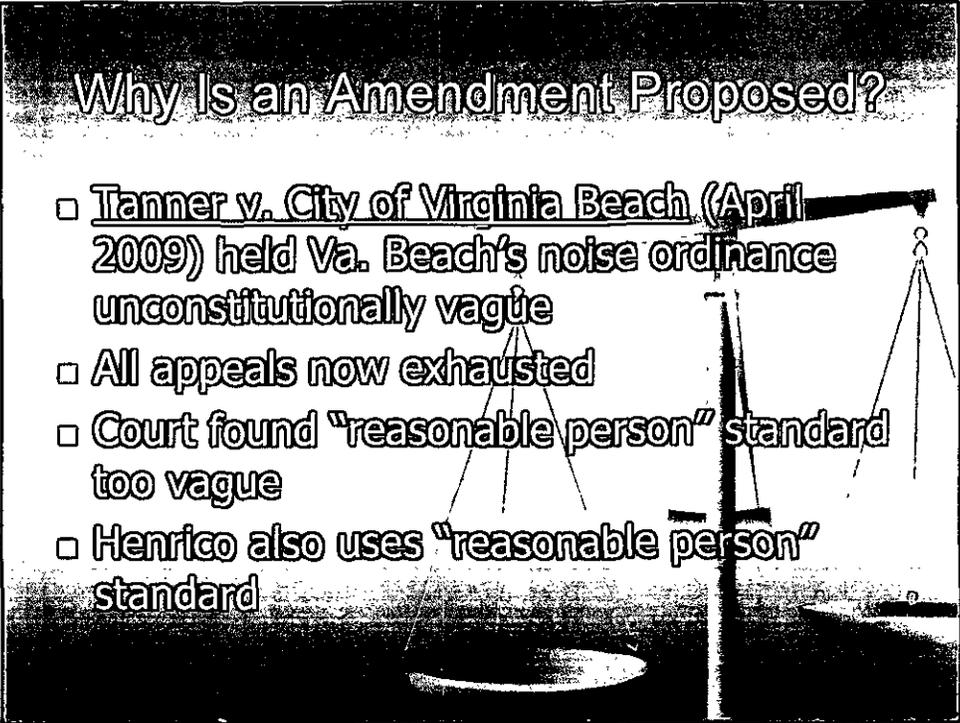
Comments: The Chief of Police recommends approval of this Board paper; the County Manager concurs.

A black and white image of a pair of scales of justice, with the pans hanging from a central beam. The background is dark and textured.

2010

Proposed Amendments to Noise Ordinance

Presented by: Benjamin A. Thorp
Assistant County Attorney
Henrico County Attorney's Office
January 26, 2010

A black and white image of a pair of scales of justice, with the pans hanging from a central beam. The background is dark and textured.

Why Is an Amendment Proposed?

- Tanner v. City of Virginia Beach (April 2009) held Va. Beach's noise ordinance unconstitutionally vague
- All appeals now exhausted
- Court found "reasonable person" standard too vague
- Henrico also uses "reasonable person" standard

Henrico's Current Noise Ordinance

10-72: "It shall be unlawful for any person to create any unreasonably loud, disturbing and unnecessary noise in the county. Noise of such character, intensity and duration as to be detrimental to the life or health of any person or to unreasonably disturb or annoy the quiet, comfort or repose of any person is hereby prohibited."

Volume of Complaints

- Total number complaints (to police):
 - Loud Party/Noise: 4500-4700/yr.
 - Animal Noise: 1000 per year
- Complaints to DPU (trash collection): 75 since 2001
- Most complaints resolved through voluntary compliance
- Summonses issued by police:
 - 2008-2009: 6 2007-2008: 9
- Summonses by magistrate: 4 in last 2 years

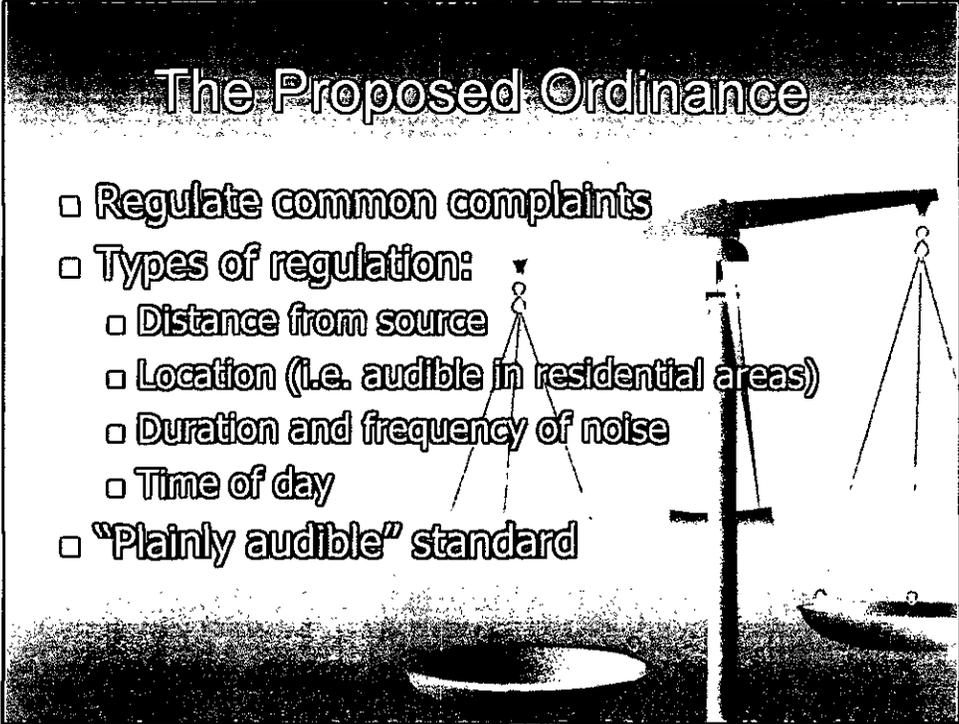
Common Complaints

- Car stereos
- Loud music/parties
- Barking dogs and other animals
- Trash collection
- Parking lot cleaning
- Lawn care
- Construction activities

Considerations

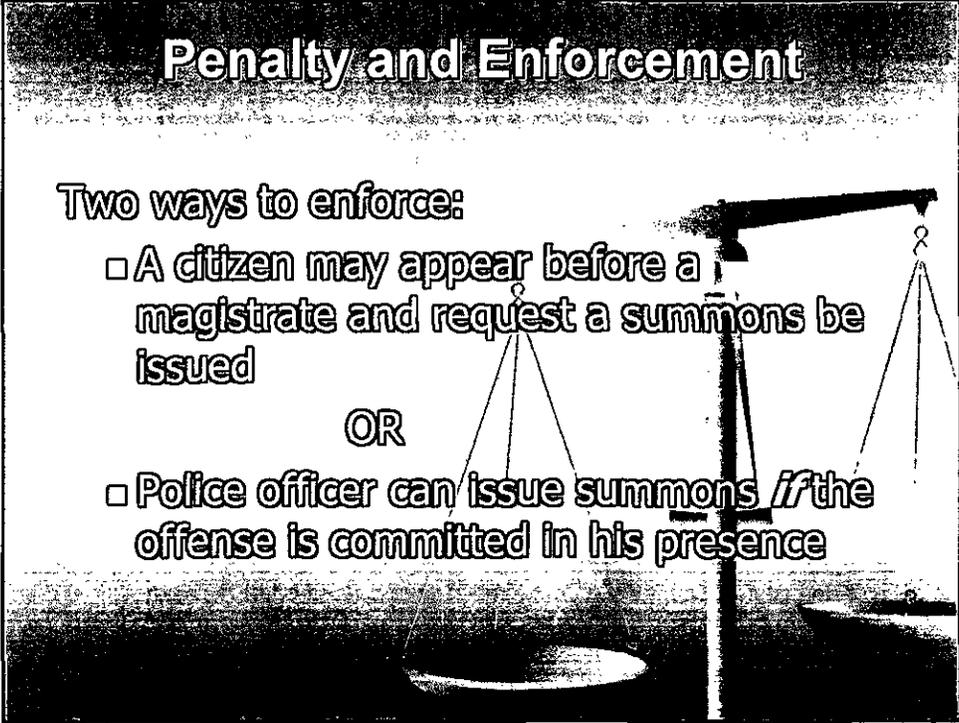
- Determine appropriate objective restrictions for each category (animals vs. car stereos vs. lawn care noise)
- Adequacy of other existing authority to regulate (i.e. vehicle motor/exhaust noise)
- Va. Code restrictions on County's ability to regulate (i.e. motorcycles, ATVs, Right to Farm, shooting ranges)

The Proposed Ordinance

A black and white image of a pair of scales of justice, used as a background for the text. The scales are positioned on the right side of the slide, with the pans hanging from a central beam.

- Regulate common complaints
- Types of regulation:
 - Distance from source
 - Location (I.e. audible in residential areas)
 - Duration and frequency of noise
 - Time of day
- "Plainly audible" standard

Penalty and Enforcement

A black and white image of a pair of scales of justice, used as a background for the text. The scales are positioned on the right side of the slide, with the pans hanging from a central beam.

Two ways to enforce:

- A citizen may appear before a magistrate and request a summons be issued

OR

- Police officer can issue summons *if* the offense is committed in his presence

Penalty and Enforcement cont.

- Criminal enforcement
 - Used in current noise ordinance
 - Reduced from Class 1 misdemeanor (fine of up to \$2,500 and/or up to 1 year in jail) to fine only (\$500, \$1,000, \$2,500)
 - Burden of proof = Beyond a reasonable doubt
- No possibility of jail

Sec. 10-73. Prohibited noises enumerated

"It shall be unlawful for any person* to cause or permit to be caused any of the following prohibited sounds or noises:"

* "Person" includes individuals, firms, partnerships and corporations

Car Horns

Sounding any horn or signal on any vehicle:

- Exception: as a danger signal

Amplified Sound on Private Property

Operating or playing any sound-producing or sound-reproducing device in a manner or with such volume or duration that it is plainly audible between 11:00 p.m. and 7:00 a.m. :

- Inside the confines of the dwelling unit, house or apartment of another person

OR

- At 50 or more feet from the device

Animals

Allowing any animal to cause any sound or noise such that it is plainly audible:

- Inside a dwelling unit, house or apartment of another person at least once a minute for 10 consecutive minutes

OR

- At 100 or more feet from the animal at least once a minute for 10 consecutive minutes

Trash/Recycling Collection

The creation of any sound or noise between midnight and 6:00 a.m. that is:

- Plainly audible in a residential area, except Urban Mixed Use

AND

- Produced in connection with the loading or unloading of refuse, waste or recycling collection vehicles

Parking Lot Cleaning and Construction

Creating any sound or noise between 11:00 p.m. and 6:00 a.m. that is:

- Plainly audible in a residential area, except Urban Mixed Use

AND

- Produced in connection with (i) the cleaning of streets or parking lots or (ii) construction or demolition activities

Peddlers and Hawkers

Yelling for the purpose of attracting attention to a performance, sale or display:

- Between the hours of 11:00 p.m. and 7:00 a.m.
- On any public or private street, sidewalk or parking lot
- Exception: to summon aid in an emergency

Amplified Sound from Vehicles

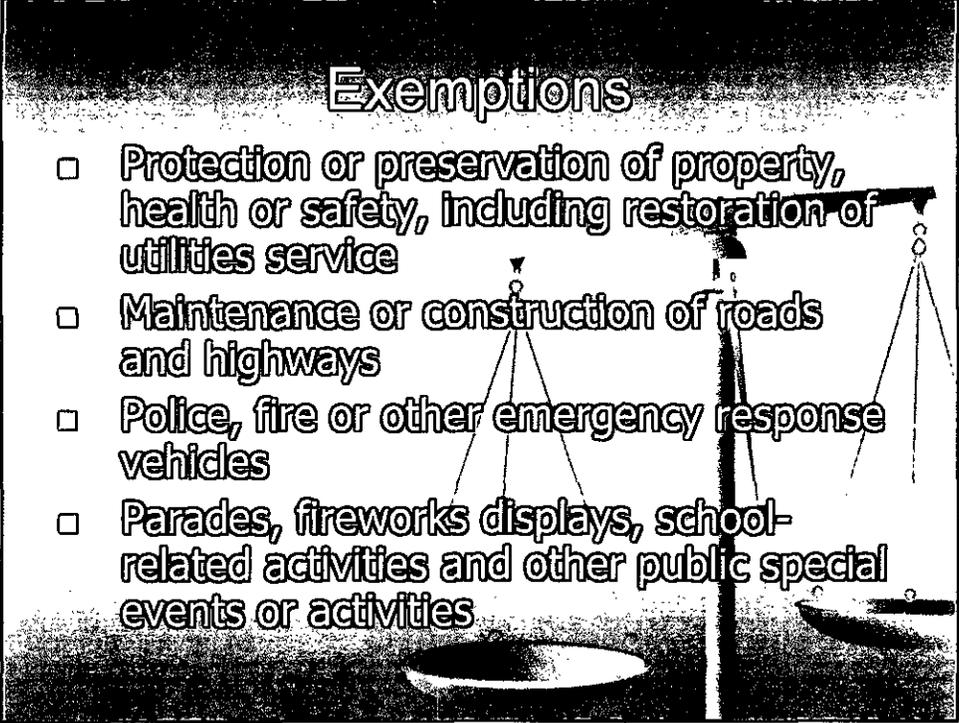
- Playing any amplified sound within a motor vehicle being operated on a public street or alley if it is plainly audible from outside the motor vehicle at a distance of 50 feet or more
- Exception: food vending trucks (i.e. ice cream) between 7:00 a.m. and 9:00 p.m..

Lawn Care Activities

Creating any sound or noise:

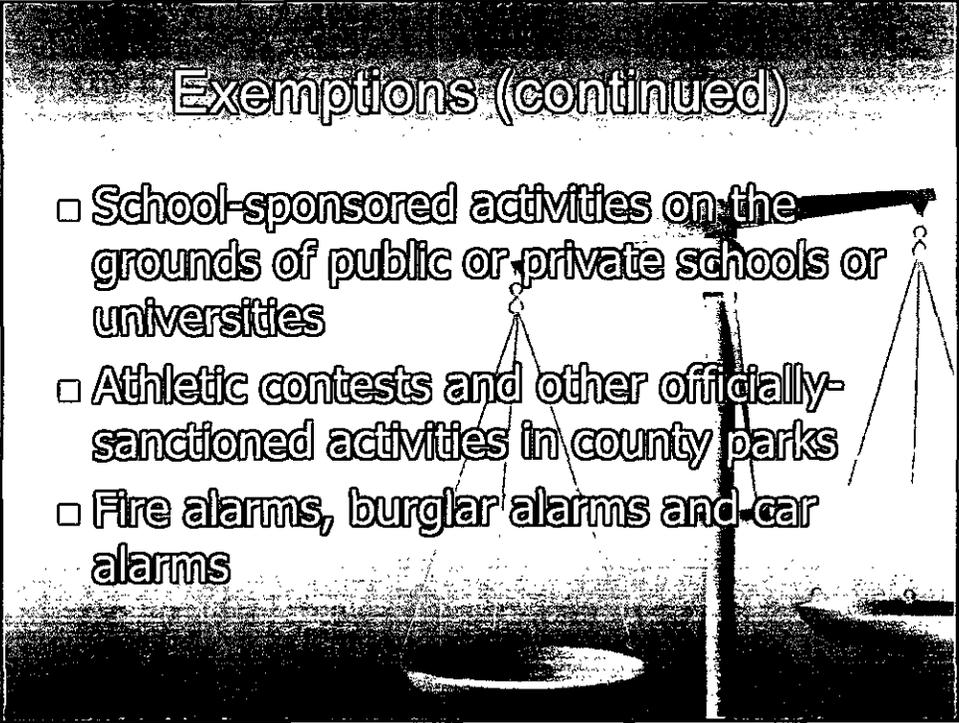
- Plainly audible in residential areas
- Between 11:00 p.m. and 7:00 a.m.
- In connection with lawn care, landscaping or timbering activities

Exemptions

A background image of a pair of scales of justice, with a vertical beam and two pans hanging from it. The scales are positioned behind the text.

- Protection or preservation of property, health or safety, including restoration of utilities service
- Maintenance or construction of roads and highways
- Police, fire or other emergency response vehicles
- Parades, fireworks displays, school-related activities and other public special events or activities

Exemptions (continued)

A background image of a pair of scales of justice, with a vertical beam and two pans hanging from it. The scales are positioned behind the text.

- School-sponsored activities on the grounds of public or private schools or universities
- Athletic contests and other officially-sanctioned activities in county parks
- Fire alarms, burglar alarms and car alarms

Exemptions (continued)

- Religious services, religious events or religious activities or expressions
- Locomotives and aircraft
- Military activities
- Agricultural operations, as defined in Code of Virginia § 3.2-300

Exemptions (continued)

- Motorsports competitions and related events *if* sanctioned and comply with all applicable laws
- Political gatherings and First Amendment speech
- Activities preempted by federal law

Categories of Noise Proposed for Elimination

- Defect in vehicle or load: Adequately regulated under motor vehicle laws
- Noisy Exhaust: Adequately regulated under motor vehicle laws
- Steam whistles: Work group found antiquated
- Noise on school, court and hospital streets: Work group determined to be unnecessary in light of recommended changes

Thank You



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

Agenda Item No. 27-10
Page No. 1 of 2

Agenda Title

**ORDINANCE - Vacation of Portion of Unimproved Brilland Court –
Brilland – Fairfield District**

<p>For Clerk's Use Only:</p> <p>Date JAN 26 2010</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>Thornton</u> Seconded by (1) <u>Donati</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, Mr. Anthony M. Wright, owner of Lot 24, Block C, of Brilland Subdivision, which subdivision plat is recorded in the Clerk's Office of the Circuit Court of the County of Henrico, Virginia ("Clerk's Office") in Plat Book 122, pages 225-227, has requested the Board of Supervisors of the County of Henrico, Virginia vacate the unimproved portion of Brilland Court lying adjacent to his lot and shown as Parcels A, B & C on the attached Exhibit "A"; and,

WHEREAS, this Ordinance was advertised pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, ("Va. Code") and a public hearing was held on January 26, 2010 by the Board; and,

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

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

(1) the unimproved portion of Brilland Court shown as Parcels A, B & C on Exhibit "A" is vacated in accordance with the provisions of Va. Code § 15.2-2272(2), subject to the reservation by the County of Henrico, Virginia of a permanent utility easement on, under, over and across that portion of the vacated area designated and shown as "PARCEL C" on Exhibit "A";

By Agency Head

[Signature]

By County Manager

[Signature]

Routing:

Yellow to: Real Property

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

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

Agenda Item No. 27-10
Page No. 2 of 2

Agenda Title **ORDINANCE - Vacation of Portion of Unimproved Brilland Court –
Brilland – Fairfield District**

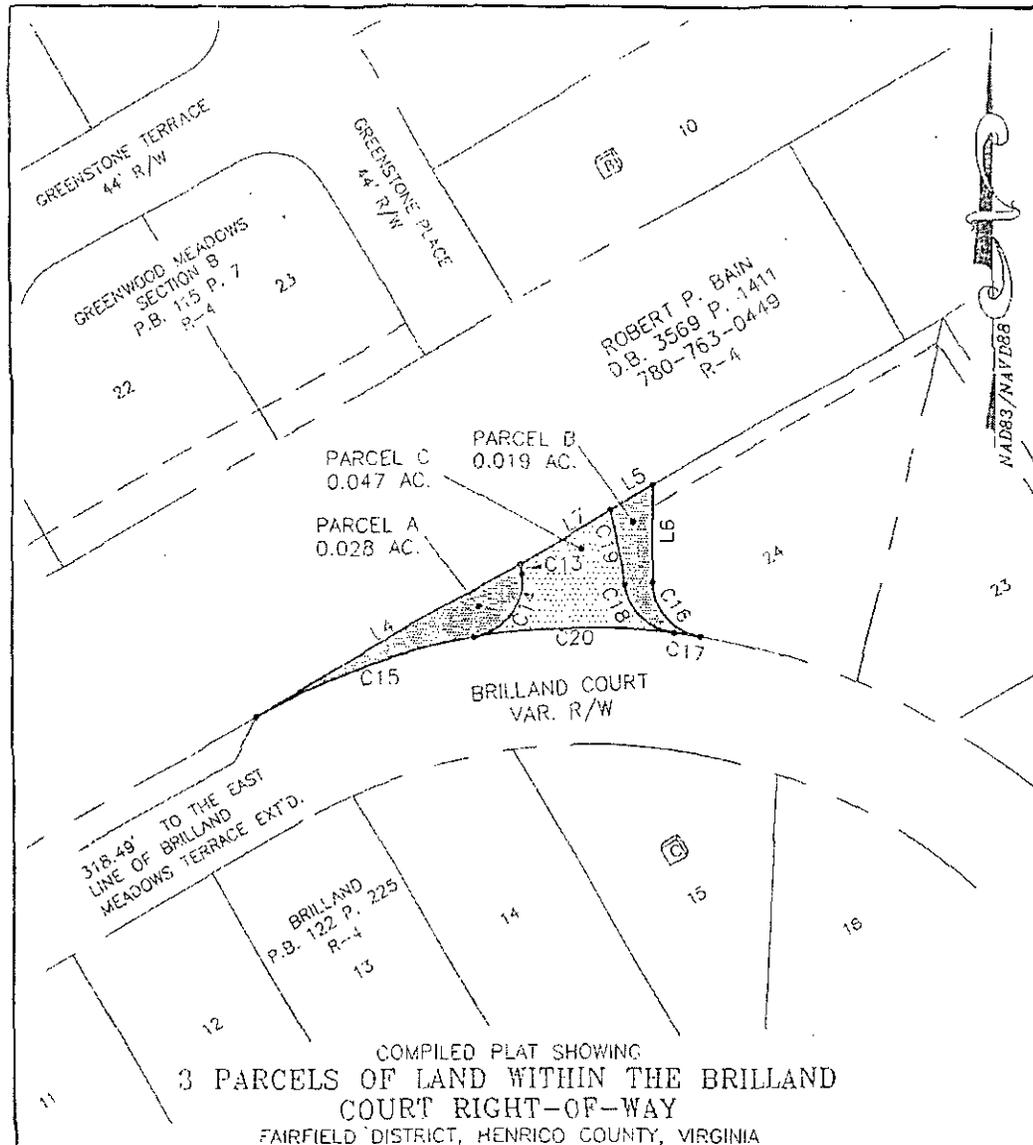
- (2) this Ordinance shall become effective thirty (30) days after passage as provided by law;

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

- (4) the Clerk is further authorized to index the same on the grantor and grantee sides of the general index to deeds in the name of Anthony M. Wright or his successors or assigns; and,

- (5) pursuant to Va. Code § 15.2-2276 the Clerk shall note this vacation as prescribed.

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



COMPILED PLAT SHOWING
 3 PARCELS OF LAND WITHIN THE BRILLAND
 COURT RIGHT-OF-WAY
 FAIRFIELD DISTRICT, HENRICO COUNTY, VIRGINIA

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD	CHORD BEARING
C13	203.00	4.60	1°17'55"	4.60	S10°04'54"E
C14	25.00	39.15	89°43'09"	35.27	S35°25'38"W
C15	300.00	100.72	19°14'13"	100.25	S70°40'08"W
C16	25.00	35.40	81°07'51"	32.52	S40°11'46"E
C17	300.00	11.58	2°12'43"	11.58	N81°52'03"W
C18	25.00	33.31	76°20'48"	30.90	N44°48'01"W
C19	247.00	33.08	7°40'22"	33.05	N10°27'48"W
C20	300.00	87.65	16°44'23"	87.34	S88°39'24"W

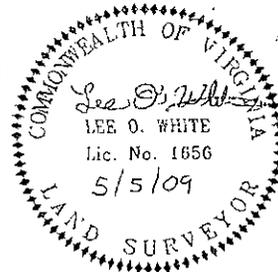
LINE TABLE		
LINE	LENGTH	BEARING
L4	132.16	N59°48'44"E
L5	21.43	N59°48'44"E
L6	42.01	S00°22'09"W
L7	46.16	N59°48'44"E

GRAPHIC SCALE



(IN FEET)
 1 inch = 60 ft.

Exhibit "A"



Draper Aden Associates

Engineering • Surveying • Environmental Services
 8090 Villa Park Drive Blacksburg, VA
 Richmond, VA 23228 Charlottesville, VA
 804-264-2229 Fax: 804-264-8773 Hampton Roads, VA

DRAWN EEH SCALE 1" = 60'
 CHECKED LOW DATE 5-05-09

PLAN NO. R07307-01S

P:\R07307-01S\DWG\07307-01S.dwg (1:50) 11:55:51 AM 5/5/09

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

Agenda Item No. 28-10
Page No. 2 of 2

Agenda Title

**ORDINANCE - Vacation of Unimproved Portion of Alley - Larchmont -
Varina District**

- (2) this Ordinance shall become effective 30 days after passage as provided by law;
- (3) the Clerk of the Circuit Court of the County of Henrico, Virginia (the "Clerk") is authorized, upon receipt of payment therefor, to record a certified copy of this Ordinance in the Clerk's Office after the expiration of 30 days from its passage, provided no appeal has been taken to the Circuit Court of the County of Henrico, Virginia, pursuant to law;
- (4) the Clerk is further authorized to index the same on the grantor and grantee sides of the general index to deeds in the name of Brenda P. Moore and Frank D. Clayton and Cheryl L. Clayton; and,
- (5) pursuant to Va. Code § 15.2-2276 the Clerk shall note this vacation as prescribed.

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



AREA TO BE VACATED

LARC

LARCHMONT

SCALE 1"=100'
PLAT BOOK 13 PAGE 45

EXHIBIT "A"

SECTION 15-
FAIRFIELD
9-B-2-25



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

Agenda Item No. 29-10
Page No. 1 of 1

Agenda Title **RESOLUTION - Signatory Authority - Easement Agreement for Virginia Electric and Power Company - Brookland District**

For Clerk's Use Only: JAN 26 2010 Date _____ <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to _____	BOARD OF SUPERVISORS ACTION Moved by (1) <u>Glover</u> Seconded by (1) <u>Kaechele</u> (2) _____ (2) _____ REMARKS: APPROVED	<table border="0"> <tr> <td></td> <td>YES</td> <td>NO</td> <td>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 is the owner of a parcel of land near the intersection of Hungary Spring Road with Shrader Road (the "Property"); and,

WHEREAS, Virginia Electric and Power Company ("VEPCO") has requested that the County convey an underground electric line easement across a portion of the Property, as shown on the attached Exhibit "A," to provide a second source of electric power to the area to increase reliability of its services; and,

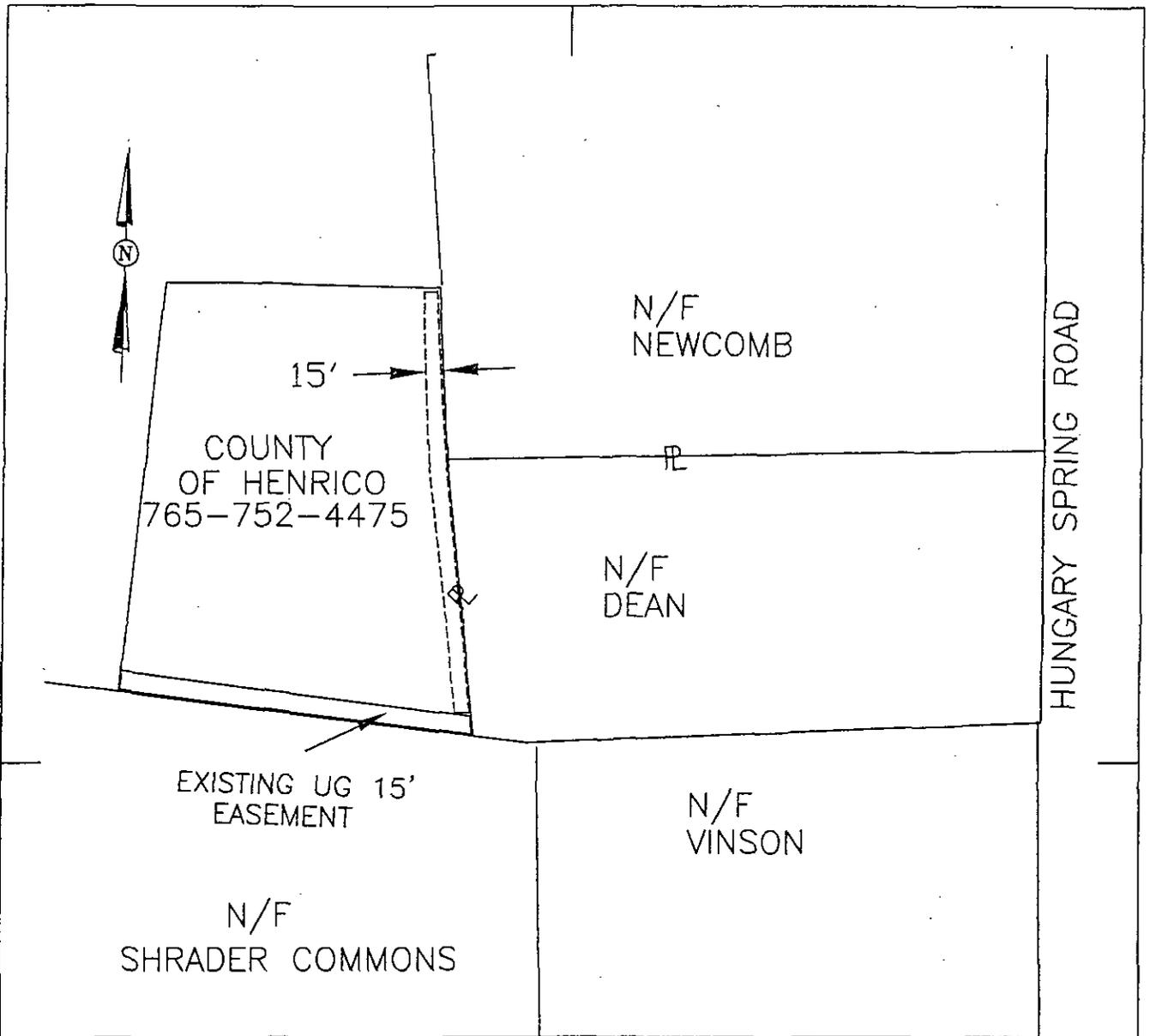
WHEREAS, the Board of Supervisors of Henrico County, Virginia wishes to grant an easement to VEPCO for this purpose; and,

WHEREAS, on January 26, 2010, the Board held an advertised public hearing on this Resolution pursuant to Sections 15.2-1800 and 15.2-1813 of Code of Virginia, 1950, as amended.

NOW, THEREFORE, BE IT RESOLVED by the Board 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 VEPCO, for the conveyance of an underground electric line easement across the Property, as shown on Exhibit "A."

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

By Agency Head [Signature] By County Manager [Signature]
 Routing: Yellow to: Real Property Certified: _____
 Copy to: _____ A Copy Teste: _____
 Clerk, Board of Supervisors
 Date: _____



SHRADER ROAD

Legend Exhibit "A"

- Location of Boundary Lines of Right-of-Way
- ⊥ Indicates Property Line is Right-of-Way Boundary

<i>Plat to Accompany Right-of-Way Agreement</i>		
VIRGINIA ELECTRIC AND POWER COMPANY doing business as Dominion Virginia Power UG		
District RICHMOND		
District-Township-Borough BROOKLAND	County-City HENRICO	State VA
Office CENTRAL REGION	Plat Number 00090221	
Estimate Number 7019347	Grid Number G2306	
Date: 10/19/2009	By: COSGROVE	



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

Agenda Item No. 30-10
Page No. 1 of 2

Agenda Title **RESOLUTION - Signatory Authority – First Amendment to Lease of County Property - 3017 Irisdale Avenue – Brookland District**

<p>For Clerk's Use Only:</p> <p>Date JAN 26 2010</p> <p><input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to</p>	<p align="center">BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>Glover</u> Seconded by (1) <u>Kaechele</u> (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 and its tenant are parties to that certain lease dated January 29, 2009 (the "Lease"), for a County-owned home located at 3017 Irisdale Avenue that the County leases to its tenant with assistance under the Section 8 Housing Choice Voucher Program ("Voucher Program") of the U.S. Department of Housing and Urban Development ("HUD"), whereby the rights and obligations of the parties are established; and,

WHEREAS, the Lease automatically renews for one year commencing February 1, 2010; and,

WHEREAS, the County has recently implemented a new one-year lease form for use with County-owned residences it leases under the Voucher Program of HUD; and,

WHEREAS, the parties have agreed to amend the Lease (the "First Amendment to Lease") by substituting and replacing the Lease with a new lease containing the new HUD lease terms (the "2010 Lease"), whereby the new rights and obligations of the parties are to be established, and all those rights and obligations of the parties established under the Lease shall automatically terminate upon the execution and delivery of the 2010 Lease between the parties; and,

WHEREAS, the parties have agreed to have the initial one-year lease term for the 2010 Lease commence on February 1, 2010, at a rental of \$1,250.00 per month; and,

<p>By Agency Head <u>[Signature]</u></p>	<p>By County Manager ^{ACTUAL} <u>[Signature]</u></p>
<p>Routing: Yellow to: <u>Real Property</u></p> <p>Copy to: _____</p>	<p>Certified: _____ A Copy Tests: _____ Clerk, Board of Supervisors</p> <p>Date: _____</p>

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

Agenda Item No. 30-10
Page No.

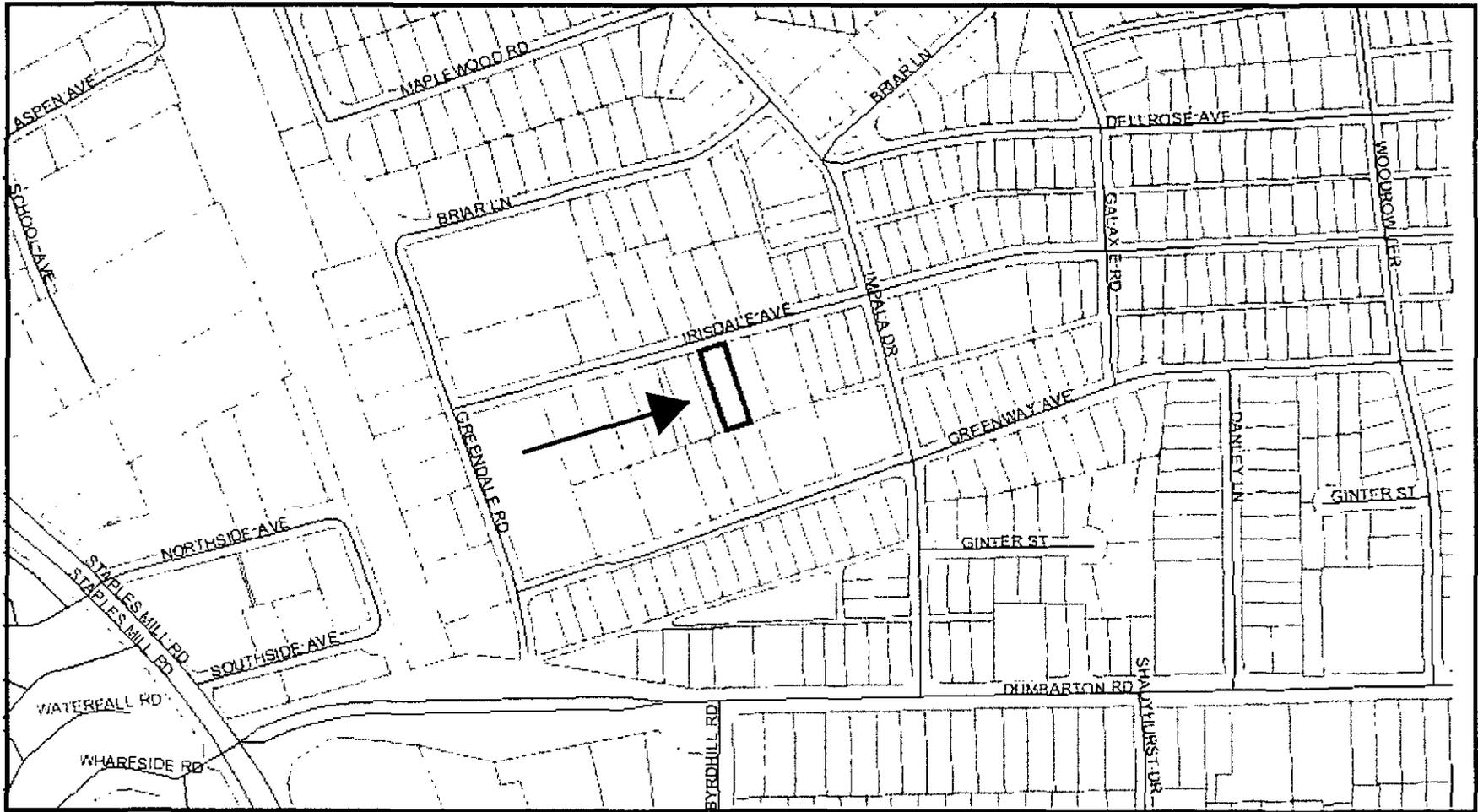
2 of 2

**Agenda Title RESOLUTION - Signatory Authority – First Amendment to Lease of County
Property – 3017 Irisdale Avenue – Brookland District**

WHEREAS, on January 26, 2010, the Board of Supervisors of Henrico County, Virginia held an advertised public hearing on this Resolution pursuant to Sections 15.2-1800 and 15.2-1813 of the Code of Virginia, 1950, as amended.

NOW, THEREFORE, BE IT RESOLVED by the Board that the County Manager is authorized to execute: (1) a First Amendment to Lease on behalf of the County, in a form approved by the County Attorney, for 3017 Irisdale Avenue for a period of one year, commencing on February 1, 2010, at a rental of \$1,250.00 per month, and (2) the necessary forms required of the County by HUD.

Comments: If neither party gives at least 60 days written notice prior to the end of a term, the 2010 Lease shall renew for an additional year under the terms and conditions as permitted under the 2010 Lease. The Directors of MH/MR and Real Property recommend approval of this action; the County Manager concurs.



VICINITY MAP
3017 IRISDALE AVENUE



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

Agenda Item No. **31-10**
Page No. 1 of 2

Agenda Title **RESOLUTION – Condemnation - Right-of-Way and Easements - North Gayton Road Improvements Project - Darrell H. Bowman and Marsha S. Morgan - Three Chopt District**

For Clerk's Use Only: Date JAN 26 2010 <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>Kaechele</u> Seconded by (1) <u>Glover</u> (2) _____ (2) _____ APPROVED	<table border="0"> <tr> <td></td> <td>YES</td> <td>NO</td> <td>OTHER</td> </tr> <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> </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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Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
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O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							

WHEREAS, it is necessary for the construction of the North Gayton Road Improvements Project (the "Project") for the County to acquire 39,601 sq. ft. of right-of-way and 34,368 sq. ft. of permanent slope and drainage easement across the property at 12520 Bacova Drive identified as Tax Map Parcel 735-766-2261, and 470 sq. ft. of right-of-way and 1,334 sq. ft. of permanent slope and drainage easement across the property at 12416 Bacova Drive identified as Tax Map Parcel 735-766-0319 (the "Right-of-Way and Easements") in the Three Chopt District owned by Darrell H. Bowman and Marsha S. Morgan (the "Owners"); and,

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

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

NOW, THEREFORE, BE IT RESOLVED that:

- (1) The Board directs the County Manager to take the necessary steps to acquire the Right-of-Way and Easements over, upon, across and through the property of the Owners, as shown on a plat dated September 24, 2009, a reduced size copy of which is attached and marked Exhibit "A" and a plat dated September 29, 2009, a reduced size copy of which is attached and marked Exhibit "B";

By Agency Head <u><i>[Signature]</i></u>	By County Manager <u><i>[Signature]</i></u>
Routing: Yellow to: <u>Real Property</u>	Certified: A Copy Teste: _____ Clerk, Board of Supervisors
Copy to: _____	Date: _____

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

Agenda Item No. 310
Page No. 2 of 2

**Agenda Title RESOLUTION – Condemnation - Right-of-Way and Easements - North Gayton Road
Improvements Project - Darrell H. Bowman and Marsha S. Morgan - Three Chopt
District**

- (2) The Board deems it necessary to enter upon the property and take possession of the Right-of-Way and Easements in order to construct the Project prior to the time in which a condemnation case can be filed and heard in accordance with the Code;
- (3) The County Manager shall send by certified mail dated January 27, 2010, a notice advising the Owners that the County intends to enter upon and take the Right-of-Way and Easements prior to the conclusion of condemnation proceedings, setting forth the compensation and damages offered by the County, and informing the Owners they have 30 days within which to contest the taking;
- (4) The Board finds a necessity exists to institute condemnation proceedings pursuant to the Code to acquire the Right-of-Way and Easements for the public use of constructing, operating, and maintaining the Project and to determine the amounts of compensation and damages, if any, caused by the taking, possession and acquisition of the Right-of-Way and Easements;
- (5) After the 30-day period for the Owners to contest the taking has run, the County Attorney shall file in the Clerk's Office of the Circuit Court a certificate signed by the Chairman and Clerk of the Board in accordance with the Code and shall deposit with the Clerk the amounts of the bona fide offers listed below that have not been accepted by the Owners:

DARRELL H. BOWMAN AND MARSHA S. MORGAN

AS TO 12416 BACOVA DRIVE - \$2,023

AS TO 12520 BACOVA DRIVE - \$289,501;

and,

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

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

GPIN	LAND OWNER	D.B./PG.	Right-of-Way Acquisition	Permanent Slope & Drainage Easements
735-766-2261	DARRELL H. BOWMAN & MARSHA MORGAN	3791/310	39,601 sq. ft.	34,368 sq. ft.

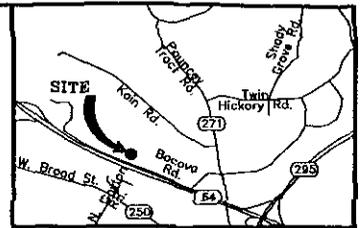
Curve Table

Delta	Radius	Length	Tangent	Chord	Chord Bearing
C1	08°23'08"	969.50'	141.89'	71.07'	S59°37'43"E
C2	08°11'49"	902.50'	129.12'	129.00'	N58°02'14"W

Now or Formerly
BOYD C. JONES
 12540 Bacova Dr.
 GPIN #734-766-9974

**DARRELL H. BOWMAN
 & MARSHA MORGAN**
 12520 Bacova Dr.
 D.B. 3791 PG. 310
 GPIN #735-766-2261
 3.98 Ac.

Now or Formerly
BLANCHE K. ALVIS
 12500 Bacova Dr.
 GPIN #735-766-4550



VICINITY MAP - NOT TO SCALE

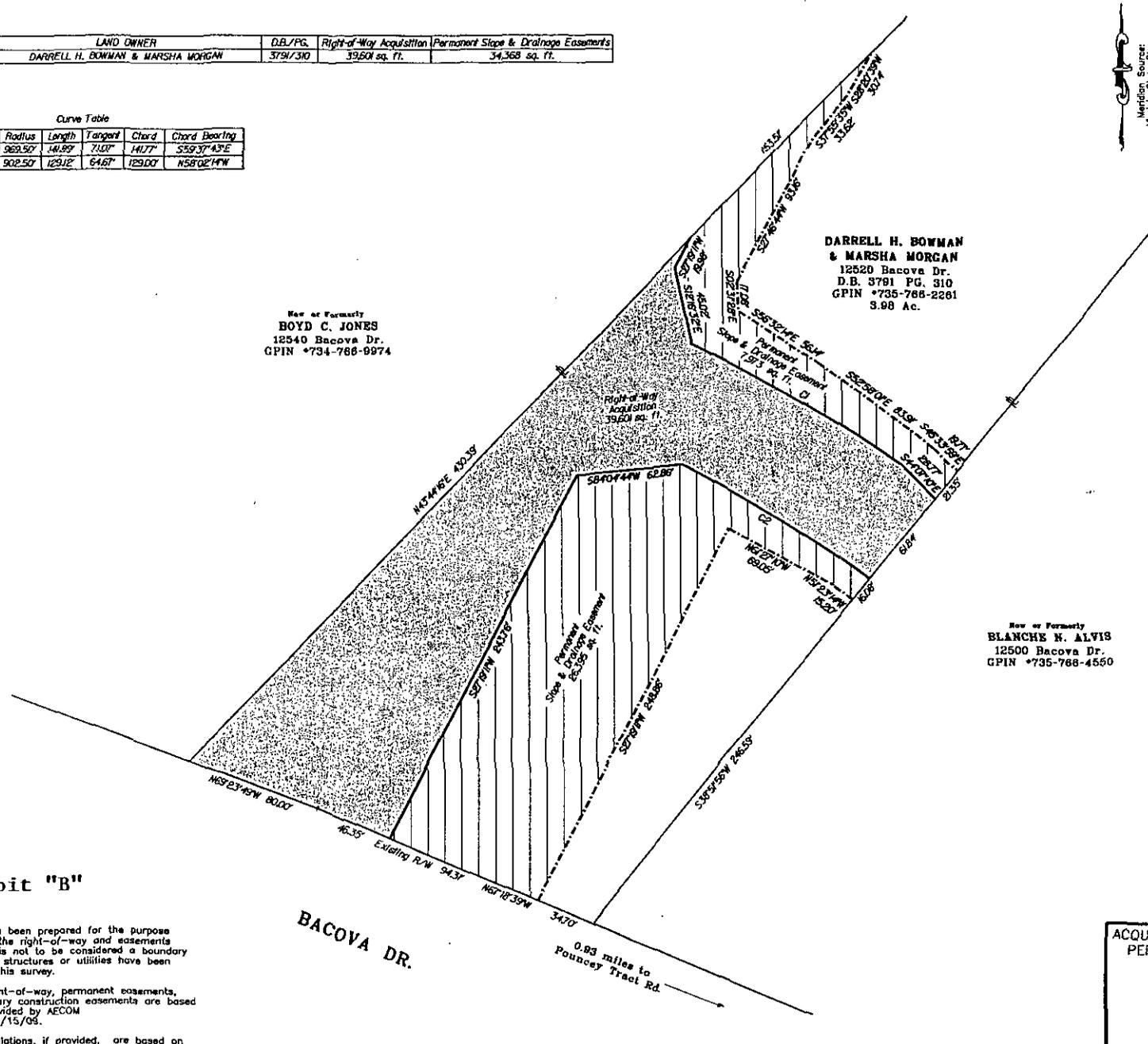
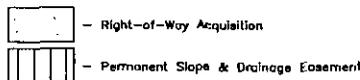


Exhibit "B"

Notes:

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



BACOVA DR.

0.93 miles to
 Pataway Tract Rd.

ACQUISITION PLAT SHOWING RIGHT-OF-WAY AND PERMANENT SLOPE & DRAINAGE EASEMENTS ON THE PROPERTY OF

**DARRELL H. BOWMAN
 & MARSHA MORGAN**

THREE CHOPT MAGISTERIAL DISTRICT
 HENRICO COUNTY, VIRGINIA

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

FILE NAME	SCALE	DATE	JOB NO.	SHEET NO.
011	1"=40'	Sept. 29, 2009	0710007L	1 of 1



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

Agenda Item No. **32-10**
Page No.

1 of 2

Agenda Title

RESOLUTION - Signatory Authority - Quitclaim of Portions of Drainage and Utility Easement - Gayton Terrace - Tuckahoe District

<p>For Clerk's Use Only:</p> <p>Date: JAN 26 2010</p> <p><input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to</p>	<p align="center">BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>Thornton</u> Seconded by (1) <u>Kaechele</u> (2) _____ (2) _____</p> <p align="center">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, by Deed of Easement dated December 30, 1986, and recorded in Deed Book 2048, page 891, in the Clerk's Office of the Circuit Court of the County of Henrico, Virginia (the "Clerk's Office") Hearthstone Associates, LTD, a Virginia limited partnership, conveyed to the County of Henrico, Virginia a permanent drainage and utility easement (the "Easement") across land at Gayton Terrace; and,

WHEREAS, because additional improvements were made to Gayton Terrace which encroached within areas of the Easement, the current owner of the land, CSH-ING Gayton Terrace LP, a Delaware limited partnership, (the "Owner"), at no cost to the County in 2007 conveyed a new easement and relocated portions of the drainage and utility facilities; and,

WHEREAS, the County no longer needs the portions of the original Easement as shown cross-hatched and labeled "Exist. 16' Easement for Drainage & Utilities To County Of Henrico To Be Quitclaimed, D.B. 2048, Pg. 891" on the plat attached and marked as Exhibit "A" and the Owner has requested they be quitclaimed to Owner; and,

WHEREAS, this resolution was advertised pursuant to Section 15.2-1813 of the Code of Virginia, 1950, as amended, and a public hearing was held on January 26, 2010.

<p>By Agency Head <u>[Signature]</u></p>	<p>By County Manager <u>[Signature]</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>

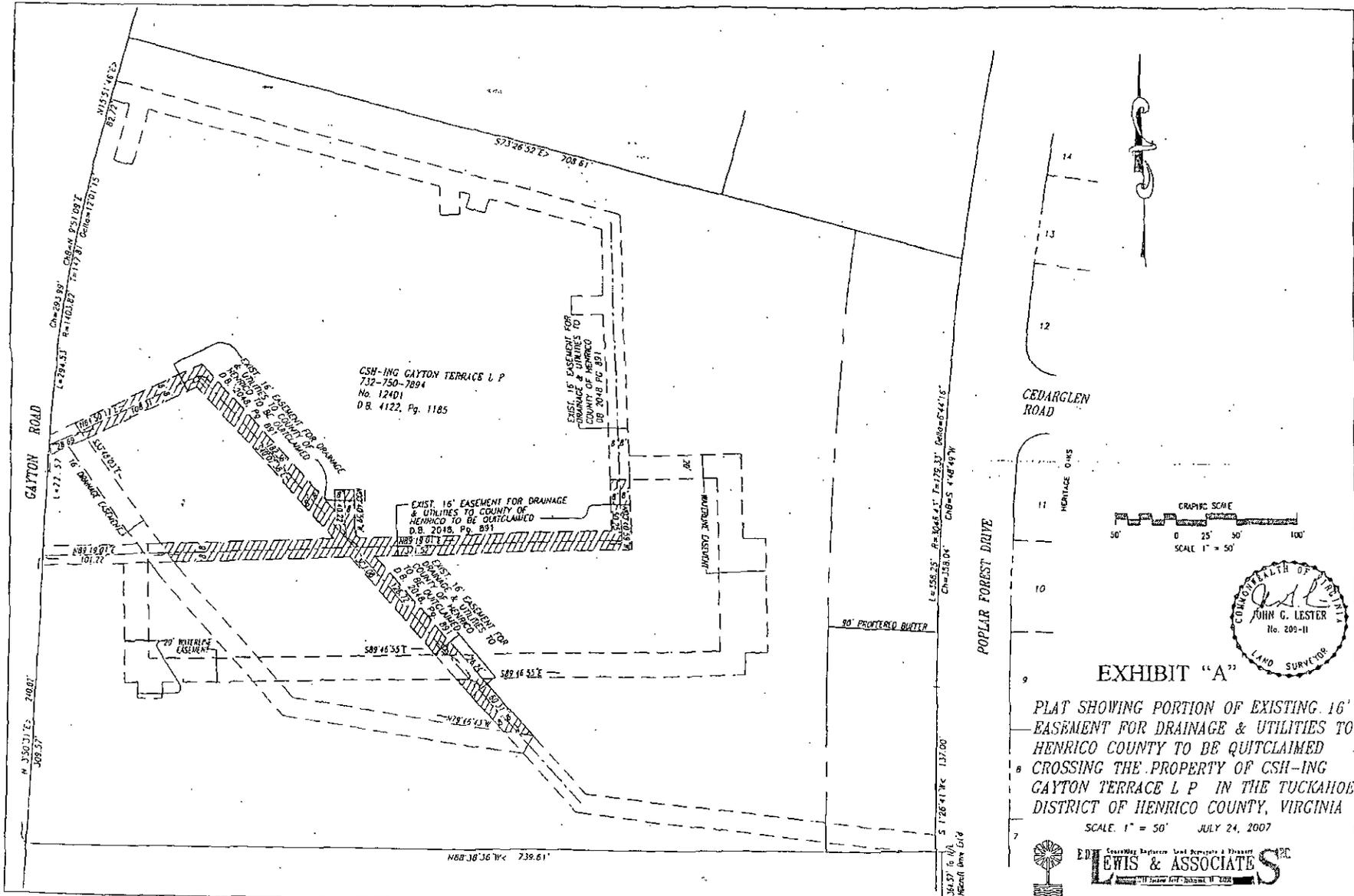
COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 32-10
Page No. 2 of 2

Agenda Title **RESOLUTION - Signatory Authority - Quitclaim of Portions of Drainage and
Utility Easement - Gayton Terrace - Tuckahoe District**

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the Chairman and Clerk are authorized to execute a Deed of Quitclaim, in a form approved by the County Attorney, releasing unto the Owner, its successors or assigns, all claims or interests of the County in and to the portions of the Easement as shown cross-hatched and labeled "Exist. 16' Easement For Drainage & Utilities To County Of Henrico To Be Quitclaimed, D.B. 2048, Pg. 891" on the attached Exhibit "A."

Comments: This request has been routed through the Departments of Public Works, Public Utilities and Planning without objection. The Directors of Public Works, Public Utilities and Real Property recommend approval of this Board paper; the County Manager concurs.



CSH-ING GAYTON TERRACE L.P.
 732-750-7894
 No. 12401
 D.B. 4122, Pg. 1185

EXIST. 16' EASEMENT FOR DRAINAGE & UTILITIES TO COUNTY OF HENRICO TO BE QUITCLAIMED
 D.B. 2018, Pg. 891

EXIST. 16' EASEMENT FOR DRAINAGE & UTILITIES TO COUNTY OF HENRICO TO BE QUITCLAIMED
 D.B. 2018, Pg. 891

EXIST. 16' EASEMENT FOR DRAINAGE & UTILITIES TO COUNTY OF HENRICO TO BE QUITCLAIMED
 D.B. 2018, Pg. 891

14
 13
 12
 11
 10
 9
 8
 7

HERITAGE OAKS

CEDRARLEN ROAD

POPLAR FOREST DRIVE

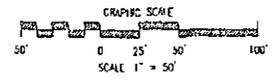


EXHIBIT "A"

PLAT SHOWING PORTION OF EXISTING 16' EASEMENT FOR DRAINAGE & UTILITIES TO HENRICO COUNTY TO BE QUITCLAIMED CROSSING THE PROPERTY OF CSH-ING GAYTON TERRACE L.P. IN THE TUCKAHOE DISTRICT OF HENRICO COUNTY, VIRGINIA

SCALE: 1" = 50' JULY 24, 2007



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

Agenda Item No. **33-10**
Page No. 2 of 2

Agenda Title: RESOLUTION — Authorization to Apply to Amend the Boundaries of the City of Richmond North Enterprise Zone within Henrico County to Add and Delete Properties and Various Rights-of-Way and to Amend the Paving Grant Incentive

WHEREAS, each participating locality in joint enterprise zones may amend the application relating specifically to the locality within twelve months of its last amendment application; and,

WHEREAS, the County wishes to change the Zone in the County by adding properties generally along Quioccasin Road, North Parham Road, Starling Drive, Villa Park Drive, South Laburnum Avenue, Eastport Boulevard and Byron Street and deleting properties along Hilliard Road along with various rights-of-way; and,

WHEREAS, the County also wishes to amend the existing County paving incentive to include the sealing and striping of existing parking areas; and,

WHEREAS, the County must apply for Zone amendments jointly with the City; and,

WHEREAS, County staff has advertised and conducted a public hearing on December 3, 2009, as required by the Act's program requirements.

NOW, THEREFORE, BE IT RESOLVED that the Henrico County Board of Supervisors (1) endorses and approves the submission of an application to the Virginia Department of Housing and Community Development for amendment of the Zone areas within the County and to amend the County paving grant incentive and (2) authorizes the County Manager to submit the application and all necessary supporting information and to carry out all program administrative and reporting requirements.

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

**Henrico County
Proposed Amendment
of the
Enterprise Zone**



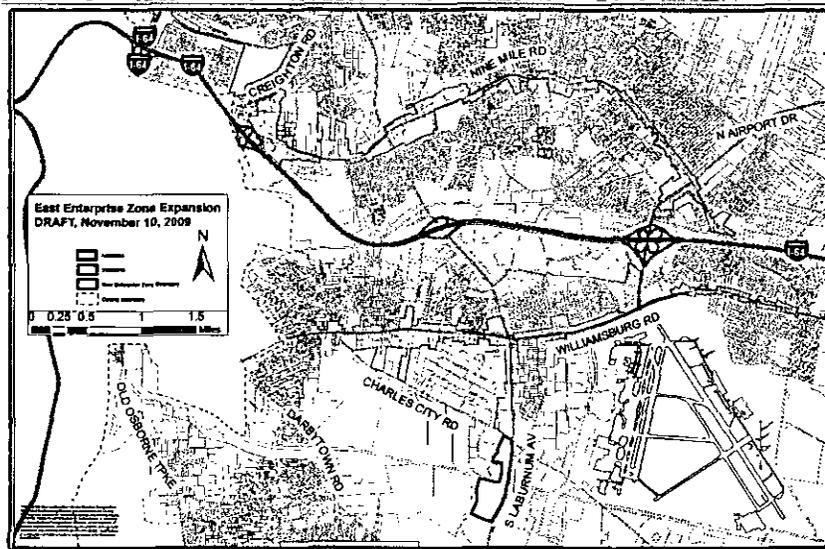
**Board of Supervisors
January 26, 2010**

Proposed Amendment

**Amendment of the Enterprise Zone
Boundaries**

Revision of Paving Grant Incentive

Proposed Enterprise Zone Additions and Deletions



Enterprise Zone Acreage

Existing Enterprise Zone	3,447
Proposed Additions	179
Proposed Deletions	307
Amended Enterprise Zone	3,319
Remainder for future Designation	521

**Proposed Change to County Incentive:
Paving Grant**

- **Grants up to the lesser of 33% of paving costs or \$5,000**
- **For existing parking areas or for parking area expansion and for the sealing of parking areas to include striping**
- **For properties with existing buildings or where an addition to an existing building is proposed**

Tentative Amendment Schedule

December 8	Public Hearing
January 26	Board Resolution
March 22	Richmond City Council Resolution in support of County amendment
April	Estimated date of State approval

**Henrico County
Proposed Expansion
of the
Enterprise Zone**



**Board of Supervisors
January 26, 2010**



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

Agenda Item No. 36-10

Page No. 1 of 1

Agenda Title: CONCURRENT RESOLUTION – Approval of Name Change: Henrico Area Mental Health & Retardation Services Board to Henrico Area Mental Health & Developmental Services Board

<p>For Clerk's Use Only:</p> <p>Date: JAN 26 2010</p> <p><input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:</p>	<p>BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>Kaechele</u> Seconded by (1) <u>Donati</u> (2) _____ (2) _____</p> <p>REMARKS: <u>APPROVED</u></p>	<table border="0"> <tr> <td></td> <td>YES</td> <td>NO</td> <td>OTHER</td> </tr> <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> </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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Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							

WHEREAS, on June 11, 1969, the Board of County Supervisors of Henrico County, Virginia established the Henrico County Community Mental Health and Mental Retardation Services Board, pursuant to Chapter 10 of Title 37.1 of the Code of Virginia, 1950, as amended; and

WHEREAS, on June 27, 1973, the Boards of Supervisors of Henrico, New Kent and Charles City Counties (the "three Boards") established a Community Mental Health and Mental Retardation Services Board to serve the needs of the three counties, pursuant to Chapter 10 of Title 37.1 of the Code of Virginia, 1950, as amended; and

WHEREAS, on May 26, 1982, the three Boards, by resolution, changed the name of the Services Board to the Henrico Area Mental Health & Retardation Services Board; and

WHEREAS, the Henrico Area Mental Health & Retardation Services Board recommends to the three Boards that the name of the Services Board be changed to Henrico Area Mental Health & Developmental Services Board.

NOW, THEREFORE, BE IT RESOLVED by the three Boards, in separate meetings, that effective March 1, 2010, Henrico Area Mental Health & Developmental Services Board be established as the name of the citizens' board which was established pursuant to Chapter 10 of Title 37.1 of the Code of Virginia and continued pursuant to Chapter 5 of Title 37.2 of the Code of Virginia.

Comments: The Executive Director of Henrico Area Mental Health & Retardation Services recommends approval of this Board paper; the County Manager concurs.

By Agency Head Michael D. O'Quinn By County Manager [Signature]

Routing:
Yellow to: _____
Copy to: _____

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

Date: _____



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

Agenda Item No. 38-10
Page No. 1 of 1

Agenda Title **RESOLUTION - Signatory Authority - Acquisition of Real Property - Bacova Drive - Three Chopt District**

<p>For Clerk's Use Only:</p> <p>Date <u>JAN 26 2010</u></p> <p><input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to</p>	<p>BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>Kaechele</u> Seconded by (1) <u>Oliver</u> (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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Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							

WHEREAS, the County of Henrico, Virginia needs to acquire a portion of land containing 6.8 acres, more or less, owned by Boyd C. Jones (the "Seller") for the North Gayton Road Improvements Project lying in the Three Chopt Magisterial District; and,

WHEREAS, the acquisition of this portion of land and permanent easements for slope and drainage will leave the Seller with uneconomic remnants on both sides of the proposed road; and,

WHEREAS, the Seller has agreed to convey all the land containing 6.8 acres, more or less (the "Property") to the County for the sum of \$525,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Henrico County, Virginia that: (1) the County Manager is authorized and directed to execute an agreement, in a form approved by the County Attorney, by and between the Seller and the County, for the purchase of the Property for the sum of \$525,000.00 and other considerations and conditions as specified in the agreement; (2) the County Attorney is directed to cause title to the Property to be examined; (3) the County Manager is authorized, upon approval of the title to the Property by the County Attorney, to accept the deed to the Property, in a form approved by the County Attorney; and (4) the County Manager and the County Attorney are authorized to undertake all additional administrative and legal actions necessary to acquire title to the Property.

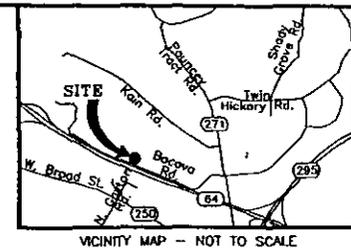
Comments: The Directors of Public Works and Real Property recommend approval of this paper; the County Manager concurs.

<p>By Agency Head <u>[Signature]</u></p>	<p>By County Manager <u>[Signature]</u></p>
<p>Routing: Yellow to: <u>Real Property</u></p> <p>Copy to: _____</p>	<p>Certified: _____</p> <p>A Copy Teste: _____</p> <p align="center">Clerk, Board of Supervisors</p> <p>Date: _____</p>



VICINITY MAP
12540 BACOVA
DRIVE

GPIN	LAND OWNER	DB/P.G.	Right-of-Way Acquisition	Permanent Slope & Drainage Easements	Temporary Construction Easements
734-766-9914	BOYD C. JONES	2798/48	91,625 sq. ft./-	117,300 sq. ft./-	15,254 sq. ft./-



Line Table

L1	N59°24'33"E	3.37'
L2	S41°34'43"E	5.53'
L3	S41°34'43"E	25.97'
L4	S41°34'43"E	31.49'
L5	S69°48'09"E	7.00'
L6	S35°18'40"W	29.54'
L7	S00°03'12"E	25.89'
L8	S00°03'12"E	18.92'
L9	S00°03'12"E	45.84'
L10	N68°42'23"W	15.69'
L11	N68°42'23"W	33.57'
L12	N68°42'23"W	49.40'
L13	S27°32'58"W	16.00'
L14	S68°42'23"E	33.30'
L15	S68°42'23"E	16.7'
L16	S68°42'23"E	49.47'
L17	S27°08'27"W	29.29'
L18	S27°08'27"W	24.32'
L19	S27°03'30"E	42.83'
L20	S22°22'58"W	29.93'
L21	S62°40'49"E	25.51'
L22	S16°52'27"W	13.93'
L23	N62°40'49"W	19.77'

Curve Table

Curve	Delta	Radius	Length	Tangent	Chord	Chord Bearing
C1	0°38'18"	902.50'	25.81'	12.91'	25.81'	S78°26'04"E
C2	0°55'49"	830.50'	92.19'	46.12'	92.19'	S65°37'25"E
C3	1°38'53"	957.50'	244.79'	123.01'	244.13'	N69°34'43"W

New or Formerly
HELEN LONG PAYNE
12600 Bacova Rd.
GPIN #734-767-2551

New or Formerly
DARRELL H. BOWMAN & MARSHA MORGAN
12820 Bacova Rd.
GPIN #734-766-2201

BOYD C. JONES
12540 Bacova Rd.
D.B. 2798, PG. 48
GPIN #734-766-9974.
6.0 Ac.

New or Formerly
BLANCHE N. ALVIS & ROBERT C. JOHNSON, TRUSTEES
GPIN #736-766-7163

Meridian Source:
Virginia State Plane
South Zone Grid North

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

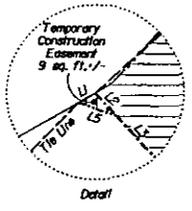
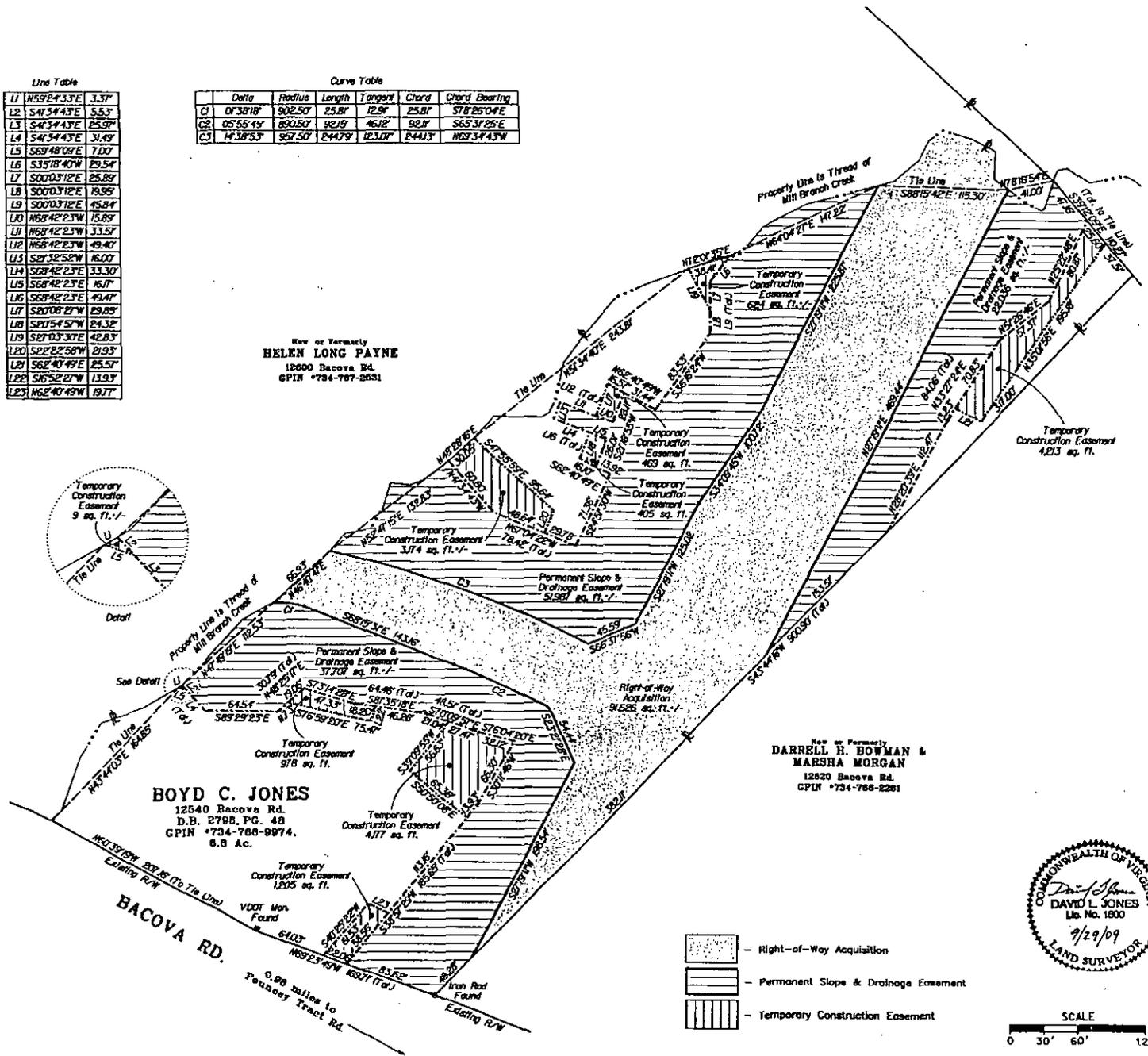
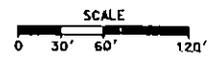
ACQUISITION PLAT SHOWING RIGHT-OF-WAY, TEMPORARY CONSTRUCTION EASEMENTS, AND PERMANENT SLOPE AND DRAINAGE EASEMENTS ON THE PROPERTY OF
BOYD C. JONES
THREE CHOPT MAGISTERIAL DISTRICT
HENRICO COUNTY, VIRGINIA

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

FILE NAME	SCALE	DATE	JOB NO.	SHEET NO.
010	1"=60'	Sept. 24, 2009	0710007L	1 of 1



- Right-of-Way Acquisition
- Permanent Slope & Drainage Easement
- Temporary Construction Easement





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

Agenda Item No. 39-10
Page No. 1 of 1

Agenda Title

RESOLUTION - Signatory Authority – Encroachment Letter Agreement - Virginia Electric & Power Company – Varina District

<p>For Clerk's Use Only:</p> <p>Date JAN 26 2010</p> <p><input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to</p>	<p>BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>Donati</u> Seconded by (1) <u>Thornton</u> (2) _____ (2) _____</p> <p>REMARKS: APPROVED</p>	<table border="0"> <tr> <td></td> <td>YES</td> <td>NO</td> <td>OTHER</td> </tr> <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> </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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Donati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							

WHEREAS, Fon-Saw, LLC, a Virginia limited liability company, is the owner of a parcel of land being developed as Four Mile Run, Section I; and,

WHEREAS, a portion of the sewer easement to be dedicated to the County of Henrico, Virginia by the subdivision plat for Four Mile Run, Section I, will cross an electric transmission line easement owned by Virginia Electric and Power Company ("VEPCO") as shown on the attached exhibit; and,

WHEREAS, VEPCO requires that the County enter into an Encroachment Letter Agreement in order for the County to maintain the sewer facilities after installation by the developer and acceptance into the County's sewer system.

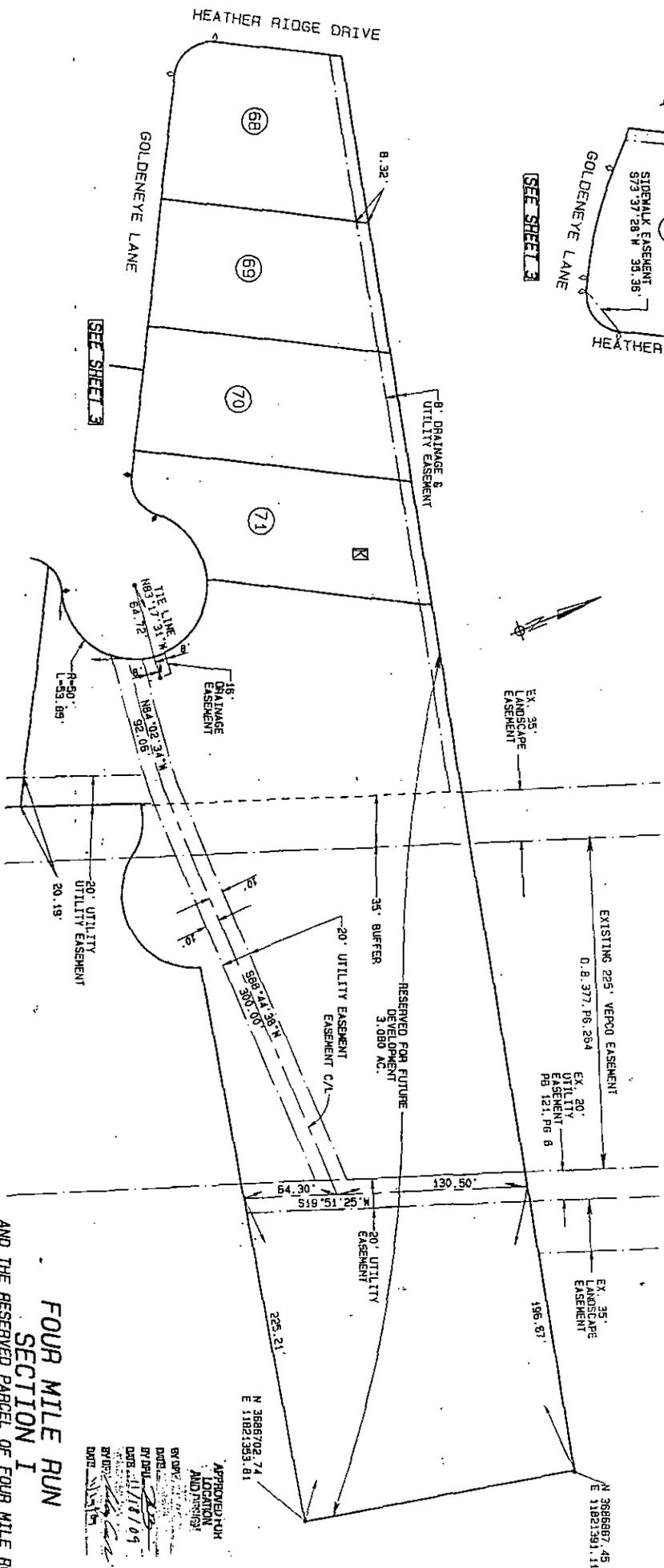
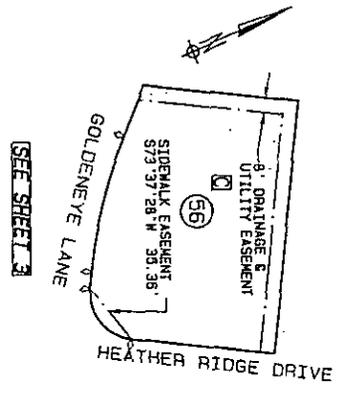
NOW, THEREFORE, BE IT RESOLVED that the County Manager is authorized and directed to execute the Encroachment Letter Agreement, in a form approved by the County Attorney, for the maintenance of the proposed sewer facilities.

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

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

Routing:
Yellow to: Real Property
Copy to: _____

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



APPROVED BY THE
HENRICO COUNTY PLANNING
COMMISSION & DIRECTOR OF PLANNING

DATE _____ ACTING SECRETARY _____

RECORDED _____ PAGE _____



ENGINEERING DESIGN ASSOCIATES
ARCHITECTS, ENGINEERS, SURVEYORS,
ENVIRONMENTAL SCIENTISTS, & CONSTRUCTION MANAGERS
P.O. BOX 50087 RICHMOND, VA 23280 (804) 286-0190

FOUR MILE RUN
SECTION I
AND THE RESERVED PARCEL OF FOUR MILE RUN
SECTION "E" BLOCK "C"
VARINA DISTRICT, HENRICO COUNTY, VA
DATE: OCTOBER 1, 2009
SCALE: 1" = 50'

APPROVED FOR
LOCATION
AND DESIGN

DATE: 10/1/09
BY: [Signature]
DATE: 10/1/09
BY: [Signature]

N 3688702.74
E 11821353.81

N 3686997.45
E 11821391.11

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

Agenda Item No. 40-10

Page No. 2

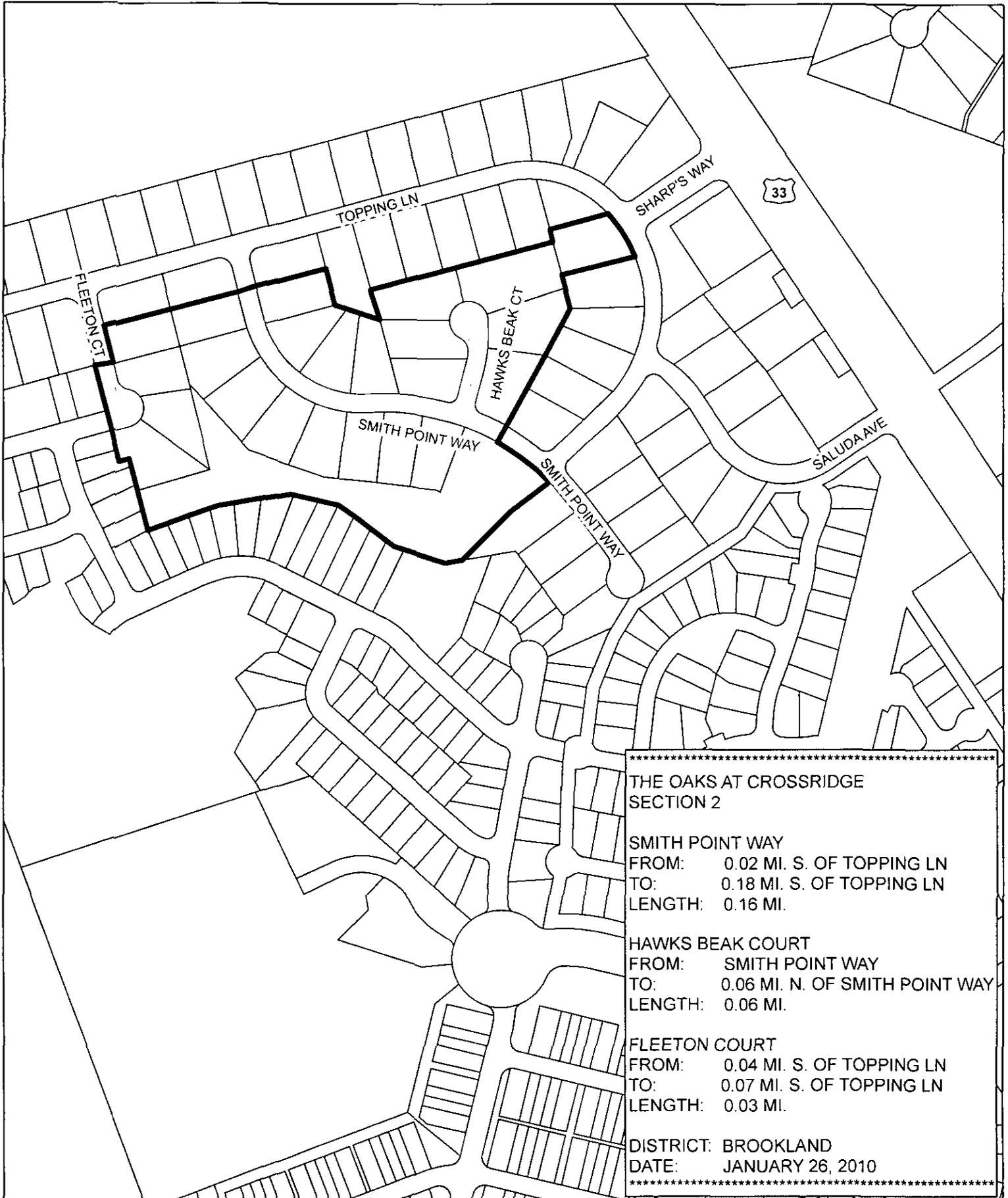
Agenda Title: RESOLUTION - Award of Construction Contract Henrico County Water Reclamation Facility Primary Settling Basin Nos. 1 - 6 Rehabilitation - Shaw Construction Corporation

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

1. The contract is awarded to Shaw Construction Corporation, the lowest responsive and responsible bidder, in the amount of \$428,580.00.
2. The County Manager and Clerk are authorized to execute the contract in a form approved by the County Attorney.
3. The County Manager, or the Director of General Services as his designee, is authorized to execute change orders within the scope of the project budget not to exceed 15% of the original contract amount.

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

THE OAKS AT CROSSRIDGE SECTION 2



THE OAKS AT CROSSRIDGE
SECTION 2

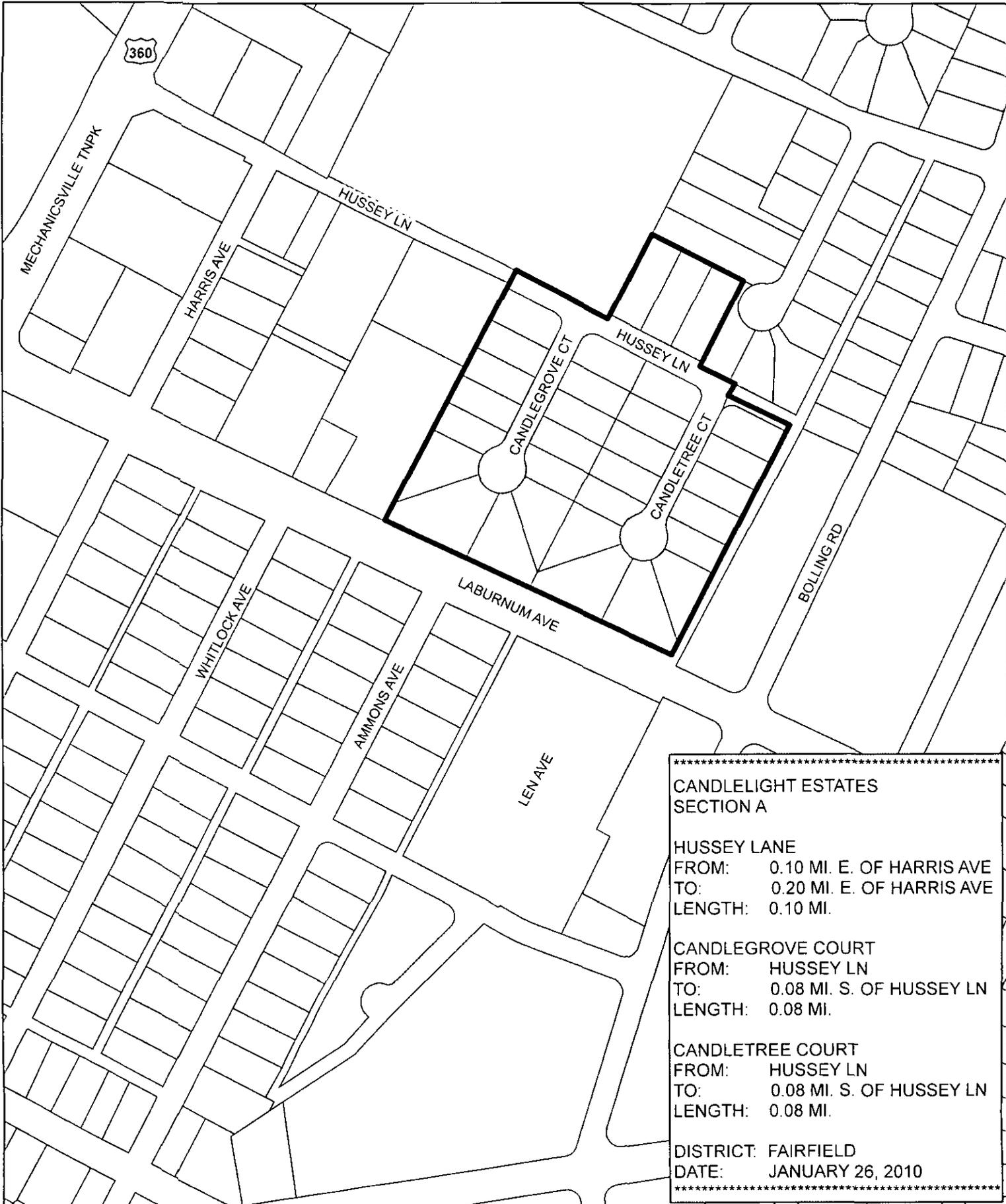
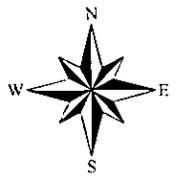
SMITH POINT WAY
FROM: 0.02 MI. S. OF TOPPING LN
TO: 0.18 MI. S. OF TOPPING LN
LENGTH: 0.16 MI.

HAWKS BEAK COURT
FROM: SMITH POINT WAY
TO: 0.06 MI. N. OF SMITH POINT WAY
LENGTH: 0.06 MI.

FLEETON COURT
FROM: 0.04 MI. S. OF TOPPING LN
TO: 0.07 MI. S. OF TOPPING LN
LENGTH: 0.03 MI.

DISTRICT: BROOKLAND
DATE: JANUARY 26, 2010

CANDLELIGHT ESTATES SECTION A



CANDLELIGHT ESTATES SECTION A	
HUSSEY LANE	
FROM:	0.10 MI. E. OF HARRIS AVE
TO:	0.20 MI. E. OF HARRIS AVE
LENGTH:	0.10 MI.
CANDLEGROVE COURT	
FROM:	HUSSEY LN
TO:	0.08 MI. S. OF HUSSEY LN
LENGTH:	0.08 MI.
CANDLETREE COURT	
FROM:	HUSSEY LN
TO:	0.08 MI. S. OF HUSSEY LN
LENGTH:	0.08 MI.
DISTRICT: FAIRFIELD	
DATE: JANUARY 26, 2010	



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

Agenda Item No. 41-10

Page No. 1 of 2

Agenda Title: **RESOLUTION — Award of Construction Contract — Route 5 Interceptor Sewer Rehabilitation**

For Clerk's Use Only:	BOARD OF SUPERVISORS ACTION	YES NO OTHER
Date: JAN 28 2010	Moved by (1) <u>Donati</u> Seconded by (1) <u>Thornton</u> (2) _____ (2) _____	Donati, J. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
(<input checked="" type="checkbox"/>) Approved (<input type="checkbox"/>) Denied (<input type="checkbox"/>) Amended (<input type="checkbox"/>) Deferred to:	APPROVED	Glover, R. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	REMARKS:	Kaechele, D. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
		O'Bannon, P. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
		Thornton, F. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

WHEREAS, five bids were received on December 15, 2009 in response to Bid Request No. 09-8740-11CE for the Route 5 Interceptor Sewer Rehabilitation project, located in the Varina District; and,

WHEREAS, the project consists of rehabilitating, by using the cured-in-place lining method, approximately 9,800 linear feet of existing 15- through 27- inch diameter sewer main along Route 5 (New Market Road), from approximately 1,000 feet west of Mill Road eastward to the I-295 interchange; and,

WHEREAS, the bids were as follows:

<u>Bidders</u>	<u>Bid Amounts</u>
Tri-State Utilities Company	\$ 897,177.04
Spiniello Companies	\$1,192,000.00
AM-Liner East, Inc.	\$1,269,000.00
Insituform Technologies, Inc.	\$1,486,231.00
Reynolds Inliner, LLC	\$1,619,347.00

WHEREAS, after a review and evaluation of all bids received, the Department of Public Utilities determined that Tri-State Utilities Company is the lowest responsive and responsible bidder with a bid of \$897,177.04.

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

- The contract is awarded to Tri-State Utilities Company, the lowest responsive and responsible bidder, in the amount of \$897,177.04.
- The County Manager and Clerk are authorized to execute the contract in a form approved by the County Attorney.

By Agency Head By County Manager

Routing:
Yellow to: _____
Copy to: _____

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

Date: _____

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No.

Page No. 2 of 2

Agenda Title: RESOLUTION — Award of Construction Contract — Route 5 Interceptor Sewer Rehabilitation

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

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



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

Agenda Item No. 43-10
Page No. 1 of 1

Agenda Title **RESOLUTION** – Settlement of *HCA Health Services of Virginia, Inc. v. County of Henrico, Virginia*

<p>For Clerk's Use Only:</p> <p>Date <u>JAN 23 2010</u></p> <p><input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to</p>	<p>BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>Donati</u> Seconded by (1) <u>Thornton</u> (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 type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><u>abstained</u></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 type="checkbox"/>	<input type="checkbox"/>	<u>abstained</u>	Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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O'Bannon, P.	<input type="checkbox"/>	<input type="checkbox"/>	<u>abstained</u>																							
Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							

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

- (1) it authorizes settlement of the case styled *HCA Health Services of Virginia, Inc. v. County of Henrico, Virginia*, Case No CL09-642, now pending in the Circuit Court of Henrico County, on terms as recommended by the Director of Finance, the County Manager and the County Attorney; and
- (2) the Director of Finance, County Manager and County Attorney are authorized to execute all documents, in forms satisfactory to the County Attorney, necessary to conclude this case and implement the terms of the settlement.

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

By Agency Head

By County Manager

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____