

**HENRICO COUNTY
NOTICE OF SPECIAL MEETING
BOARD OF SUPERVISORS**

Please take notice that a special meeting of the Board of Supervisors will be held on **Tuesday, February 23, 2010 at 5:15 p.m.** in the County Manager's Conference Room located on the third floor of the Administration Building at the Henrico County Government Center, Parham and Hungary Spring Roads, Henrico, Virginia.

The matter to be reviewed by the Board at this time is:

5:15 – 6:00 p.m.	Proposed Ordinance Amendments Relating to the Regulations of Noise
6:00 – 6:45 p.m.	<i>Dinner</i>



Barry R. Lawrence, CMC
Clerk, Henrico County Board of Supervisors
February 18, 2010

COUNTY OF HENRICO, VIRGINIA
Board of Supervisors' Agenda
February 23, 2010
7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Rev. Marcus D. Martin, Senior Pastor, New Bridge Baptist Church

APPROVAL OF MINUTES – February 9, 2010 Regular Meeting

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

PRESENTATION

61-10 Resolution – Expressing Appreciation to U.S. Smokeless Tobacco Company and Altria Group.

RESIGNATION/APPOINTMENT

62-10 Resolution – Resignation of Member – Local Emergency Planning Committee.

63-10 Resolution – Nomination of Member – Local Emergency Planning Committee.

PUBLIC HEARING 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. **(Deferred from January 26, 2010 meeting).**

64-10 Resolution – Amendments to Reduce the FY 2009-10 Annual Fiscal Plan: February, 2010.

65-10 Resolution – Signatory Authority – Lease of County Property – 6007 Morningside Drive – Brookland District.

66-10 Resolution - Condemnation - Right-of-Way and Easements - North Gayton Road Extension Project - Sterling Management Corporation of Virginia - Three Chopt District.

67-10 Resolution - Condemnation - Right-of-Way and Easements - North Gayton Road Extension Project - David S. Brown and Chris C. Brown - Three Chopt District.

- 68-10 Resolution - Condemnation - Right-of-Way and Easement - North Gayton Road Extension Project - Edward B. Kidd and Jay M. Weinberg, Trustees - Three Chopt District.
- 69-10 Resolution - Condemnation - Right-of-Way and Easements - North Gayton Road Extension Project - Sheran S. Shiner and Susanne M. Smith, Trustees - Three Chopt District.
- 70-10 Resolution - Condemnation - Right-of-Way and Easements - North Gayton Road Extension Project - Louis A. Minor - Three Chopt District.

PUBLIC COMMENTS

GENERAL AGENDA

- 71-10 Introduction of Resolution – Receipt of Requests for Amendments to the FY 2009-10 Annual Fiscal Plan: March, 2010.
- 72-10 Resolution - Adopting 2009 Henrico County Emergency Operations Plan.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS' RESUME
February 23, 2010**

INVOCATION - Rev. Marcus D. Martin, Senior Pastor, New Bridge Baptist Church

PRESENTATION

RESOLUTION - Expressing Appreciation to U. S. Smokeless Tobacco Company and Altria Group.

This Board paper expresses the Board's appreciation to the U.S. Smokeless Tobacco Company and Altria Group for supporting the public safety mission of the Division of Fire with the donation of a Polaris Ranger 6X6 All-Terrain Vehicle.

RESIGNATION/APPOINTMENT

RESOLUTION ~ Resignation of Member - Local Emergency Planning Committee.

This Board paper accepts the resignation of Captain Humberto I. Cardounel, Jr. from the Local Emergency Planning Committee as the Law Enforcement Representative.

RESOLUTION ~ Nomination of Member - Local Emergency Planning Committee.

This Board paper nominates the following person for appointment to the Local Emergency Planning Committee for an unexpired term ending December 31, 2010 or thereafter, when his successor shall have been appointed and qualified:

Law Enforcement Representative

Captain Carl A. Mueller, Henrico County Division of Police

PUBLIC HEARING ITEMS

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.

This Board paper proposes an ordinance to amend Henrico Code sections 10-71 and 10-73, to repeal section 10-72 and to add section 10-74 all relating to the regulation of noise.

These Code changes result from a decision of the Virginia Supreme Court in *Tanner v. Virginia Beach* in April 2009 and from a desire to modernize the County's noise ordinance.

The proposed ordinance was discussed during work sessions on November 10 and 24, 2009, and introduced on December 8, 2009.

The Board received citizen comments at a public hearing on January 26, 2010. Another work session to review possible changes to the proposed ordinance will be held on February 23, 2010.

RESOLUTION ~ Amendments to Reduce the FY 2009-10 Annual Fiscal Plan: February, 2010.

A Board paper was presented on February 9, 2010, which (a) received requests for amendments to reduce the Annual Fiscal Plan, (b) directed the advertisement of same, and (c) set the date for a public hearing. The Board may now receive this paper, which, if approved, reduces the Annual Fiscal Plan and likewise reduces the County's appropriation, as applicable, on February 23, 2010. After the public hearing, at that same meeting, this paper may be approved.

RESOLUTION ~ Signatory Authority - Lease of County Property - 6007 Morningside Drive - Brookland District.

Approval of this resolution will authorize the County Manager to execute a lease agreement for a County-owned home located at 6007 Morningside Drive by and between the County of Henrico, Virginia and a qualified U.S. Department of Housing and Urban Development ("HUD") Housing Choice Voucher Program applicant. The lease will be for one year commencing on March 1, 2010, with rent payable to the County at the rate of \$1,200.00 per month. The lease may renew for additional one-year terms unless either party gives timely notice of its intent to terminate the lease. The County Manager is further authorized to execute the necessary lease-related forms required by HUD. The Directors of MH/MR and Real Property recommend approval of this resolution.

RESOLUTION - Condemnation - Right-of-Way and Easements - North Gayton Road Extension Project - Sterling Management Corporation of Virginia -Three Chopt District.

This Board paper authorizes condemnation proceedings for property owned by Sterling Management Corporation of Virginia for construction of the North Gayton Road Extension Project.

The County needs to acquire right-of-way containing 7,964 sq. ft., a permanent slope, access and guardrail easement containing 2,624 sq. ft., a temporary construction easement containing 7,019 sq. ft., and a permanent easement for Dominion Virginia Power containing 4,126.52 sq. ft. across the property at 12100 West Broad Street identified as Tax Map Parcel 733-764-9576. Based on an independent appraisal, a bona fide offer of \$126,000.00 has been made to and rejected by the owner.

This Board paper directs the County Manager to take the necessary steps to acquire the right-of-way and easements with the right to enter the property upon the filing of a certificate of take and the deposit of \$126,000.00 in the Clerk's Office of the Henrico County Circuit Court.

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

RESOLUTION - Condemnation - Right-of-Way and Easements - North Gayton Road Extension Project - David S. Brown and Chris C. Brown - Three Chopt District.

This Board paper authorizes condemnation proceedings for property owned by David S. Brown and Chris C. Brown for the construction of the North Gayton Road Extension Project.

The County needs to acquire right-of-way containing 8,672 sq. ft., a permanent slope, drainage and access easement containing 15,730 sq. ft., and temporary construction easements containing 3,486 sq. ft. across the property at 13180 Old Three Chopt Road identified as Tax Map Parcel 734-765-3041. Based on an independent appraisal, a bona fide offer of \$175,000.00 has been made to and rejected by the owners.

This Board paper directs the County Manager to take the necessary steps to acquire the right-of-way and easements with the right to enter the property upon the filing of a certificate of take and the deposit of \$175,000.00 in the Clerk's Office of the Henrico County Circuit Court.

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

RESOLUTION - Condemnation - Right-of-Way and Easement - North Gayton Road Extension Project - Edward B. Kidd and Jay M. Weinberg, Trustees - Three Chopt District.

This Board paper authorizes condemnation proceedings for property owned by Edward B. Kidd and Jay M. Weinberg, Trustees under Land Trust Agreement dated December 29, 1998, that is needed for construction of the North Gayton Road Extension Project.

The County needs to acquire right-of-way containing 20,264 sq. ft. and a permanent slope, drainage and access easement containing 11,376 sq. ft. across the property at 13100 Old Three Chopt Road identified as Tax Map Parcel 734-765-1504. Based on an independent appraisal, a bona fide offer of \$227,000.00 has been made to and rejected by the owners.

This Board paper directs the County Manager to take the necessary steps to acquire the right-of-way and easement with the right to enter the property upon the filing of a certificate of take and the deposit of \$227,000.00 in the Clerk's Office of the Henrico County Circuit Court.

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

RESOLUTION - Condemnation - Right-of-Way and Easements - North Gayton Road Extension Project - Sheran S. Shiner and Susanne M. Smith, Trustees - Three Chopt District.

This Board paper authorizes condemnation proceedings for property owned by Sheran S. Shiner and Susanne M. Smith, Trustees of the Thomas A. Smith Family Trust dated October 10, 1998, that is needed for the construction of the North Gayton Road Extension Project.

The County needs to acquire right-of-way containing 236,098 sq. ft., permanent slope and drainage easements containing 83,781 sq. ft., temporary construction easements containing 19,932 sq. ft., and a permanent easement containing 576.56 sq. ft. for Dominion Virginia Power across the property at 12321 Kain Road identified as Tax Map Parcel 735-767-9459. Based on an independent appraisal, a bona fide offer of \$613,433.00 has been made to and rejected by the owners.

This Board paper directs the County Manager to take the necessary steps to acquire the right-of-way and easements with the right to enter the property upon the filing of a certificate of take and the deposit of \$613,433.00 in the Clerk's Office of the Henrico County Circuit Court.

The Directors of Public Works and Real Property recommend approval of this Board paper.

RESOLUTION - Condemnation - Right-of-Way and Easements - North Gayton Road Extension Project - Louis A. Minor - Three Chopt District.

This Board paper authorizes condemnation proceedings for property owned by Louis A. Minor for the construction of the North Gayton Road Extension Project.

The County needs to acquire right-of-way containing 27,911 sq. ft., permanent slope and drainage easements containing 10,429 sq. ft., and temporary construction easements containing 7,386 sq. ft. across the property at 4754 Pouncey Tract Road identified as Tax Map Parcel 737-769-4316. Based on an independent appraisal, a bona fide offer of \$44,820.00 was made to and rejected by the owner.

This Board paper directs the County Manager to take the necessary steps to acquire the right-of-way and easements with the right to enter the property upon the filing of a certificate of take and the deposit of \$44,820.00 in the Clerk's Office of the Henrico County Circuit Court.

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

PUBLIC COMMENTS

GENERAL AGENDA

INTRODUCTION OF RESOLUTION – Receipt of Requests for Amendments to the FY 2009-10 Annual Fiscal Plan: March, 2010.

Pursuant to Virginia Code Section 15.2-2507, amendments to the County's approved budget in excess of one percent of the County's currently adopted budget may be approved only after publishing a notice of a public hearing at least seven days before the hearing date. The budget amendments that are the subject of this paper fall under the one percent threshold that triggers the advertised public hearing requirement; nevertheless, this paper calls for their advertisement. The notice states the County's intent to amend the budget. To that end this paper is submitted, along with a list of the requested amendments, as an introduction, so the Board may authorize the required advertising for March 2, 2010. A separate paper will be submitted at the public hearing on March 9, 2010 for Board action to amend the Annual Fiscal Plan and appropriate funds for expenditure, as applicable. The amendments may be approved after the public hearing at the same meeting.

RESOLUTION -Adopting 2009 Henrico County Emergency Operations Plan.

The purpose of this Board paper is to adopt the 2009 Henrico County Emergency Operations Plan (the "EOP") which amends and revises the County's existing Emergency Operations Plan that was initially adopted December 9, 1998, and subsequently updated on September 13, 2005. The 2009 EOP (1) establishes the Emergency Support Function format, which permits the identification of lead agencies and their support assets throughout the EOP; (2) makes changes to the terminology used in the EOP to bring the EOP in line with the current terminology used in the field; (3) creates new appendices for the existing Debris Management Plan, Radiological Emergency Response Plan, animal sheltering plan, and health-related plans; and (4) changes, as required by state law, from five years to four the interval when the EOP must be updated.