

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
REGULAR MEETING
July 12, 2011

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, July 12, 2011 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:

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

Other Officials Present:

Virgil R. Hazelett, P.E., County Manager
Joseph P. Rapisarda, Jr., County Attorney
Michael L. Wade, Sheriff
Barry R. Lawrence, CMC, Assistant to the County Manager/Clerk to the Board
George T. Drumwright, Jr., Deputy County Manager for Community Services
Angela N. Harper, FAICP, Deputy County Manager for Special Services
Leon T. Johnson, Ph.D., 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

Mr. Thornton called the meeting to order at 7:06 p.m.

Mr. Thornton led recitation of the Pledge of Allegiance.

George T. Drumwright, Jr., Deputy County Manager for Community Services delivered the invocation.

On motion of Mr. Glover, seconded by Mr. Donati, the Board approved the minutes of the June 28, 2011 Regular and Special Meetings.

The vote of the Board was as follows:

Yes: Thornton, Glover, Donati, Kaechele

No: None

Abstain: O'Bannon

Mrs. O'Bannon explained that she abstained from voting on approval of the minutes due to her absence from those meetings.

MANAGER'S COMMENTS

On June 16, 2011, the Council of the Virginia State Bar appointed Senior Assistant County Attorney Lee Ann Anderson to serve a three-year term as a member of the Third District Committee Section III. The committee, which is composed of seven lawyers and three lay members, acts as a trial court when determining charges alleging attorney misconduct in the jurisdictions of Henrico and Richmond.

BOARD OF SUPERVISORS' COMMENTS

Mr. Donati extended advance birthday wishes to Mr. Hazelett, who is four days younger than Mr. Donati.

Mr. Glover reminded the public that they can enjoy great baseball at several upcoming youth tournaments at RF&P Park in Glen Allen, including the American Legion Junior Virginia Baseball Championship and the Triple Crown United States Baseball Championships in late July and the Babe Ruth 14-Year-Old World Series in late August. He noted that the Triple Crown Championship games will be played throughout the County and will host more than 80 teams from all over the country.

RECOGNITION OF NEWS MEDIA

No media representatives were present.

APPOINTMENT

160-11 Resolution – Appointment of Member – J. Sargeant Reynolds Community College Board.

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

PUBLIC HEARING – REZONING CASES

161-11 Eugene Ray Jernigan: Request to conditionally rezone from R-4 One-Family
C-3C-11 Residence District to B-3C Business District (Conditional) Parcels 815-714-
Varina 1027, -0737, and -1837 containing 0.8 acres, located at the northeast corner of
Williamsburg Road (US Route 60) and Leonard Avenue.

Joe Emerson, Director of Planning, confirmed for Mr. Donati that the proposed zoning classification for the subject property was consistent with the zoning classification on adjoining property where an existing business was located.

The following persons addressed the Board during the public hearing:

Patricia Layne, who lives in a neighborhood near the site, expressed concern about the impact of the proposed development on Leonard Avenue. In response to questions from Mr. Glover, Mr. Emerson explained what the County does in development cases where there is an inadequate road network. Richard Garnett, who resides on Aspen Shades Parkway, voiced concern about access to the proposed development from Leonard Avenue.

Cheryl Clayton, stated opposition to the proposed development. She referred to vacant buildings on Williamsburg Road and existing traffic congestion near the site and questioned whether the site was of sufficient size to accommodate the proposed development.

Spud Mistr, the applicant's representative, responded to questions from the Board relating to the buffering and access proposed for the site and the concerns expressed by the public hearing speakers. Mr. Emerson responded to questions from the Board regarding the proffered condition addressing landscaping and buffering, the existing zoning classifications of nearby properties, and Plan of Development requirements for road widening. Mike Jennings, the County's Traffic Engineer, responded to a question from Mrs. O'Bannon pertaining to future plans for improving Leonard Avenue. In response to a question from Mr. Hazelett, Mr. Mistr clarified the applicant's ownership interest in an adjoining property on which a Carquest automobile parts sales business is located.

Mr. Donati announced that he would be abstaining from voting on this case. Mr. Glover explained why he believed the highest and best use for this property would be for business purposes, especially in light of the proffered conditions submitted by the applicant.

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

1. **Trash receptacles.** Dumpsters and trash receptacles, not including convenience cans, shall be screened from public visibility at ground level with architectural material similar to the main building using such dumpster or trash receptacle and as otherwise approved at the time of a Plan of Development review. Trash pickup shall not be allowed between the hours of 8:00 p.m. and 6:00 a.m.
2. **Drainage and Utilities.** All utility lines on the Property shall be underground, except for already existing utilities, junction boxes, meters, and utility lines required to be above ground by the utility company.

3. **Parking Lot and Exterior Lighting.** Parking lot lighting standards within the Property shall not exceed fifteen (15) feet in height, as measured from the grade of the light standard, except as otherwise permitted at the time of Plan of Development review. Parking lot lighting on the Property shall be produced from concealed lighting sources to minimize the impact of such lighting on the adjacent properties, unless otherwise permitted at the time of Plan of Development review. Such lighting shall be reduced to no more than a security level following the close of business operations each day.
4. **Outdoor Speaker.** No public address, speaker or paging systems outside of any building shall be installed on the Property.
5. **Signage.** All free standing signs shall be ground mounted, monolithic-type signs, shall not exceed ten (10) feet in height as measured from the grade of the base of the sign. All signs shall be externally lit employing ground-mounted floodlight or spotlight-type fixtures directed toward such signs and away from public rights-of-way, except such internally lit signs as otherwise permitted at the time of Plan of Development review. No such signs shall be installed along Leonard Avenue or in such a manner as to face adjacent residential properties.
6. **Architectural Standards and Building Design.** All exterior surfaces of any structure on the Property shall be brick, split-face block, stone, or glass. No cinder block or corrugated metal shall be permitted.
7. **HVAC Screening.** All HVAC equipment shall be screened from public visibility at ground level.
8. **Hours of Operation.** Hours of operation shall be limited to the hours between 6:00 a.m. and 9:00 p.m.
9. **Landscape and Buffering.** A landscape buffer shall be installed along Williamsburg Road. Plant material shall be equivalent to a Transitional Buffer 10.
10. **Severance.** The enforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforcement of the other proffers or the affected part of any such proffer.
11. **Uses.** The following uses are prohibited on the property:
 - Funeral Home & Undertaking Establishment
 - Auto filling/Service Station
 - Flea Market
 - Auto, Truck, Rec Vehicle Storage Lot
 - Car Wash (Auto or Otherwise)
 - Fortuneteller, Astrologist, Card Reader, Etc.

Public Dancehall
Rifle/Pistol Range (indoors)
Shell/Display Houses
Adult Business, as defined in Sec. 24-3 of the Henrico County Code
Internet Sweepstakes Facility
Check Cashing Establishments whose primary business is check cashing and the making of payday loans as defined and regulated by Sections 6.2-2100 et seq. and 6.2-1800 et seq. of the Code of Virginia (the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections.
Convenience Stores

12. **Fencing.** Any fencing installed shall be vinyl or other high-end material that may be approved at Plan of Development review.
13. **Access.** Unless otherwise approved by the Planning Commission at the time of Plan of Development approval, access to the site from Leonard Avenue shall be ingress only, originating at a point at least 75 feet north of Williamsburg Road. The applicant will make every effort to provide egress through the adjacent commercial site to the traffic signal located on Williamsburg Road at its intersection with Glen Alden Drive, A final decision of the egress location shall be based on facts presented to the Planning Commission at the time of Plan of Development approval.

The vote of the Board was as follows:

Yes: Thornton, Glover, Kaechele, O'Bannon

No: None

Abstain: Donati

132-11
C-5C-11
Varina

Ronald Taylor: Request to conditionally rezone from A-1 Agricultural District to B-3C Business District (Conditional) Parcel 808-722-7565 containing approximately 1.26 acres, located on the north line of Nine Mile Road (State Route 33) approximately 250' west of its intersection with E. Richmond Road.

Jean Moore, Assistant Director of Planning, responded to a question from Mrs. O'Bannon.

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

Mr. Donati commented on how he hoped the proposed development would enhance this area of the County.

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

1. A natural buffer area of at least one hundred (100) feet in length from the north property line shall be maintained.
2. The buffer along Nine Mile Road shall be a landscaped area of thirty (30) feet. Plantings on this buffer shall be equivalent to a Transitional Buffer 25. Utility easements, signage, and access drives shall be permitted within the aforesaid buffer. Any utility easement or roadway extended through the buffer area shall be extended generally perpendicular thereto, unless otherwise specifically permitted at the time of Plan of Development review and where permitted, areas disturbed for utility installations shall be restored to the condition existing immediately prior to the disturbance. Underbrush and fallen, diseased or dead plant growth may be removed from such buffer areas and if so removed additional plantings shall be added.
3. Refuse containers shall be screened in masonry materials except for gates. Gates shall be of opaque materials. The screening materials shall be of brick or brick veneer matching the building.
4. Heating and air conditioning will be screened from public view at ground level.
5. All lighting standards on the premises shall be no more than twenty (20) feet in height. Lighting in the bays shall be recessed, flush mounted, flat lens fixtures. Lighting shall be reduced to minimum security levels after hours.
6. Any detached sign shall be monument style and not exceed six (6) feet in height.
7. The building constructed shall be substantially similar to the elevations numbered 1-8 (see case file), unless revisions to these elevations are specifically requested by the planning commission during the Plan of Development review and approval.
8. The property shall be developed substantially similar to the Elevation #3 entitled "Site" (see case file) unless revisions to these site plans are specifically requested by the Planning Commission during the Plan of Development review and approval.
9. The exterior portions of the building constructed on the property, exclusive of windows, doors and architectural treatments, shall be predominantly CMU and brick veneer unless specifically requested by the Planning Commission during the Plan of Development review and approval. In no event shall any exposed or untreated cinderblock be used.

10. The following uses shall not be permitted on the property:

- a. Bowling, skating, billiards and similar indoor recreational establishments.
- b. Dancing establishments and dance halls.
- c. Drive-in theaters, golf driving ranges, baseball batting ranges, miniature golf courses, pony rides and similar amusement establishments.
- d. Riding academies, amusement parks, and target ranges.
- e. Fortune tellers, palmists, astrologists, numerologist, clairvoyant, craniologist, phrenologist, a card reader, spiritual reader or advisor.
- f. Carnivals, fairs, and circuses.
- g. Adult businesses as defined in the Henrico County Zoning Ordinance.
- h. Establishments whose primary business is check cashing or making payday loans as defined and regulated by Sections 6.2-2100 et. seq. and 6.2-1800 et. seq. of the Code of Virginia. (this shall not preclude banks, savings and loans or similar institutions that are not regulated by the foregoing Virginia Code Sections)

11. Hours of operation shall be from 7:00 a.m. thru 11:00 p.m.

12. A security fence shall be constructed around the north, east, and west perimeter of the development. The fence will be ornamental iron style and stand no more than six (6) feet tall. A minimum forty two (42) inch high ornamental iron style fence shall be constructed along the frontage of Nine Mile Road within the limits of the Transitional Buffer 25. This forty two (42) inch high ornamental iron style fence shall be supported by 2' x 2' x 3'6" brick columns. Spacing shall be determined at the time of development by the Planning Commission.

13. Starting at the south property line as shown on Exhibit #3 (see case file) there shall be a three (3) foot wide six (6) inch high concrete curb to separate the entering and exit drive lanes.

The vote of the Board was as follows:

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

No: None

162-11
C-7-11
Varina

Laura B. Pleasants: Request to rezone from B-3 Business District to A-1 Agricultural District, Parcels 831-689-8077 and 831-689-9276 containing approximately 2.43 acres, located along the south line of Darbytown Road approximately 250 feet east of its intersection with Turner Road.
No one from the public spoke in opposition to this case.

On motion of Mr. Donati, seconded by Mr. Glover, the Board followed the recommendation of the Planning Commission and approved this item.

The vote of the Board was as follows:

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

No: None

PUBLIC HEARINGS - OTHER ITEM

163-11 Ordinance – To Amend and Reordain Sections 5-49(a), 5-50, 5-51(a), 5-53(a), 5-54, and 5-57 of the Code of the County of Henrico Titled, Respectively, “Required; tax year; amount of tax; exemptions from tax,” “Due date for payment of tax,” “Failure to pay tax,” “Application for license; issuance,” “License tags generally,” and “Dogs not wearing tag presumed unlicensed,” to Change the Dog License Period and to Provide for a Permanent License Tag.

Tim Leclerc, Acting Treasury Division Director, responded to questions from Mr. Kaechele and Mrs. O'Bannon.

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

PUBLIC COMMENTS

William Spencer, a resident of the Three Chopt District, offered prayers for the Board and the County, complimented Fire Chief Ed Smith on a recent speaking engagement, emphasized the importance of communicating with young people, and complimented the County on its customer service.

GENERAL AGENDA

164-11 Introduction of Ordinance – To Amend and Reordain Section 13-57 of the Code of the County of Henrico Titled “Discharging Airguns” to Allow the Discharge of Pneumatic Guns under Certain Circumstances.

Mr. Hazelett responded to a question from Mrs. O'Bannon.

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

165-11 Introduction of Ordinance – To Amend and Reordain Section 22-252 of the Code of the County of Henrico Titled “Definitions” Relating to Abandoned Motor Vehicles.

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

Mr. Hazelett pointed out that Doug Middleton, Chief of Police, was unable to be at the meeting to address the previous two items because he was at the hospital awaiting notification of kin on a matter of which the Board was previously aware.

166-11 Resolution – Signatory Authority – Lease Amendment – 7740 Shrader Road - Brookland District.

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

167-11 Resolution – Signatory Authority – Lease Amendment – 3001 Hungary Spring Road - Brookland District.

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

Jon Tracy, Director of Real Property, responded to a question from Mrs. O’Bannon.

168-11 Resolution - Signatory Authority - Lease - Capital Region Workforce Partnership - Resource Workforce Center.

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

169-11 Introduction of Ordinance - To Amend and Reordain Section 5-29 Titled “Unlawful acts; animals running at large” and Section 14-45 Titled “Control of animals; riding horses” of the Code of the County of Henrico to Allow for a Dog Park.

On motion of Mr. Donati, seconded by Mrs. O’Bannon, and by unanimous vote, the Board approved this item – see attached introduction of ordinance.

170-11 Resolution - To Permit Additional Fine of \$200 for Speeding on Canesville Lane from End of Cul-de-Sac .20 Mile North of Fawcett Lane to End of Cul-de-Sac .17 Mile South of Fawcett Lane.

Mr. Jennings responded to questions from the Board.

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

171-11 Resolution - To Permit Additional Fine of \$200 for Speeding on Maybeury Drive between Patterson Avenue and Derbyshire Road.

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

There being no further business, the meeting was adjourned at 8:05 p.m.

Frank J. Stanton

Chairman, Board of Supervisors
Henrico County, Virginia



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

Agenda Item No. 100-11
Page No.

Agenda Title **RESOLUTION - Appointment of Member - J. Sargeant Reynolds
Community College Board**

<p>For Clerk's Use Only:</p> <p>Date <u>JUL 12 2011</u></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>O'Bannon</u> Seconded by (1) <u>Kaechele</u></p> <p>(2) _____ (2) _____</p> <p>REMARKS: APPROVED</p>	<table border="0"> <tr> <td></td> <td align="center">YES</td> <td align="center">NO</td> <td align="center">OTHER</td> </tr> <tr> <td>Donati, J.</td> <td align="center">✓</td> <td align="center">—</td> <td align="center">—</td> </tr> <tr> <td>Glover, R.</td> <td align="center">✓</td> <td align="center">—</td> <td align="center">—</td> </tr> <tr> <td>Kaechele, D.</td> <td align="center">✓</td> <td align="center">—</td> <td align="center">—</td> </tr> <tr> <td>O'Bannon, P.</td> <td align="center">✓</td> <td align="center">—</td> <td align="center">—</td> </tr> <tr> <td>Thornton, F.</td> <td align="center">✓</td> <td align="center">—</td> <td align="center">—</td> </tr> </table>		YES	NO	OTHER	Donati, J.	✓	—	—	Glover, R.	✓	—	—	Kaechele, D.	✓	—	—	O'Bannon, P.	✓	—	—	Thornton, F.	✓	—	—
	YES	NO	OTHER																							
Donati, J.	✓	—	—																							
Glover, R.	✓	—	—																							
Kaechele, D.	✓	—	—																							
O'Bannon, P.	✓	—	—																							
Thornton, F.	✓	—	—																							

BE IT RESOLVED that the Board of Supervisors of Henrico County, Virginia appoints the following person to the J. Sargeant Reynolds Community College Board for a four-year term expiring June 30, 2015 or thereafter, when his successor shall have been appointed and qualified:

Tuckahoe District

Karsten F. Konerding, M.D.

<p>By Agency Head _____ <i>AK</i></p>	<p>By County Manager _____ <i>Stephen P. Howell</i></p>
<p>Routing:</p> <p>Yellow to: _____</p> <p>Copy to: _____</p>	<p>Certified: _____</p> <p>A Copy Tests: _____</p> <p align="center">Clerk, Board of Supervisors</p> <p>Date: _____</p>



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

Agenda Item No. 103-11
Page No. 1 of 4

Agenda Title: ORDINANCE – To Amend and Reordain Sections 5-49(a), 5-50, 5-51(a), 5-53(a), 5-54, and 5-57 of the Code of the County of Henrico Titled, Respectively, “Required; tax year; amount of tax; exemptions from tax,” “Due date for payment of tax,” “Failure to pay tax,” “Application for license; issuance,” “License tags generally,” and “Dogs not wearing tag presumed unlicensed,” to Change the Dog License Period and to Provide for a Permanent License Tag

For Clerk's Use Only:

JUL 12 2011

- Date: _____
- Approved
 Denied
 Amended
 Deferred to: _____

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

Donati, J.	<input checked="" type="checkbox"/>	_____	_____
Glover, R.	<input checked="" type="checkbox"/>	_____	_____
Kaechele, D.	<input checked="" type="checkbox"/>	_____	_____
O'Bannon, P.	<input checked="" type="checkbox"/>	_____	_____
Thornton, F.	<input checked="" type="checkbox"/>	_____	_____

AN ORDINANCE to amend and reordain Sections 5-49(a), 5-50, 5-51(a), 5-53(a), 5-54, and 5-57 of the Code of the County of Henrico titled, respectively, “Required; tax year; amount of tax; exemptions from tax,” “Due date for payment of tax,” “Failure to pay tax,” “Application for license; issuance,” “License tags generally,” and “Dogs not wearing tag presumed unlicensed,” to change the dog license period and to provide for a permanent license tag

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

1. That Section 5-49(a) of the Code of the County of Henrico be amended and reordained as follows:

Sec. 5-49. Required; tax year; amount of tax; exemptions from tax.

(a) It shall be unlawful for any person residing in the county, other than a releasing agency that has registered as such with the division of police, animal protection unit, to own a dog four months of age or older unless such dog is licensed as required by this division. ~~Dog licenses shall be for the calendar year, from January 1 to December 31.~~ **The licensing period for an individual dog license issued after July 13, 2011 shall be equal to and run concurrently with the rabies**

By Agency Head [Signature] 944 By County Manager [Signature]

Routing:
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Certified:
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Clerk, Board of Supervisors
Date: _____

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

Agenda Item No. 143-11
Page No. 2 of 4

Agenda Title: **ORDINANCE – To Amend and Reordain Sections 5-49(a), 5-50, 5-51(a), 5-53(a), 5-54, and 5-57 of the Code of the County of Henrico Titled, Respectively, “Required; tax year; amount of tax; exemptions from tax,” “Due date for payment of tax,” “Failure to pay tax,” “Application for license; issuance,” “License tags generally,” and “Dogs not wearing tag presumed unlicensed,” to Change the Dog License Period and to Provide for a Permanent License Tag**

vaccination effective period for that dog. The licensing period for a kennel shall be for the calendar year, from January 1 to December 31. A dog license issued under this division is nonrefundable, nontransferable, and will not be prorated. The license tax is in addition to any fee due under this chapter for a dangerous dog registration certificate. The license tax shall be payable to the office of the director of finance or at such substation as shall be designated by the director of finance, and shall be in the following amounts:

- (1) For each dog, \$10.00 for one year or less, or \$15.00 for more than one year.
- (2) For each duplicate tag, \$1.00.
- (3) For each kennel for up to 50 dogs, \$50.00.

2. That Section 5-50 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 5-50. Due date for payment of tax.

(a) ~~On or before January 1 but not later than January 31 of each year, the owner of any dog four months of age or older shall pay a license tax as prescribed in section 5-49.~~ The license tax for an individual dog is due not later than 30 days after a dog has reached the age of four months, or not later than 30 days after an owner acquires a dog four months of age or older. Subsequently, the license tax for an individual dog is due within 30 days of the expiration date on the license receipt.

(b) ~~If a dog becomes four months of age or comes into the possession of any person residing in the county after January 1 of any year, the license tax for the current calendar year shall be due and payable by the owner not later than 30 days after the dog or cat has reached the age of four months.~~ The license tax for a kennel shall be due on January 1 and not later than January 31 of each year.

3. That Section 5-51(a) of the Code of the County of Henrico be amended and reordained as follows:

Sec. 5-51. Failure to pay tax.

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 10371
Page No. 3 of 4

Agenda Title: **ORDINANCE – To Amend and Reordain Sections 5-49(a), 5-50, 5-51(a), 5-53(a), 5-54, and 5-57 of the Code of the County of Henrico Titled, Respectively, “Required; tax year; amount of tax; exemptions from tax,” “Due date for payment of tax,” “Failure to pay tax,” “Application for license; issuance,” “License tags generally,” and “Dogs not wearing tag presumed unlicensed,” to Change the Dog License Period and to Provide for a Permanent License Tag**

(a) Any person convicted of failure to pay the dog license tax prior to February 1 of any year, or as otherwise provided in this division, on any dog owned by him shall be guilty of a class 4 misdemeanor. Such person shall be required to obtain the proper license forthwith. Unless the fine and license tax are paid immediately, the court shall order the proper disposition of such dog by the animal protection supervisor or some other officer, but the disposition of such dog shall not relieve its owner of the payment of the fine and the license tax already due.

4. That Section 5-53(a) of the Code of the County of Henrico be amended and reordained as follows:

Sec. 5-53. Application for license; issuance.

(a) Any person may obtain a dog license required by this division by making application to the director of finance of the county accompanied by the amount of license tax and certificate of vaccination as required in Code of Virginia, § 3.2-6521. The director of finance shall only have authority to license dogs of resident owners or custodians who reside within the boundary limits of the county, and may require information to this effect from any applicant. Upon receipt of proper application and the certificate of vaccination, the director of finance shall issue a license receipt for the amount of the license tax. The receipt shall state the name and address of the owner or custodian of the dog, the date of payment, the year for which issued **expiration date**, the serial number of the tag, and whether the license is for a male, unsexed female, female or kennel. The metal license tags or plates provided for in section 5-54 **for kennels** shall be delivered with the receipt to the owner. **The metal license tag issued for an individual dog after July 13, 2011 is a permanent tag. Once a permanent tag has been issued to an individual dog, additional metal license tags for that dog will be issued only pursuant to § 5-55.** The information thus received shall be retained by the director of finance open to public inspection during the period for which such license is valid.

5. That Section 5-54 of the Code of the County of Henrico be amended and reordained as follows:

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

Agenda Item No. 103-11
Page No. 4 of 4

Agenda Title: **ORDINANCE – To Amend and Reordain Sections 5-49(a), 5-50, 5-51(a), 5-53(a), 5-54, and 5-57 of the Code of the County of Henrico Titled, Respectively, “Required; tax year; amount of tax; exemptions from tax,” “Due date for payment of tax,” “Failure to pay tax,” “Application for license; issuance,” “License tags generally,” and “Dogs not wearing tag presumed unlicensed,” to Change the Dog License Period and to Provide for a Permanent License Tag**

Sec. 5-54. License tags generally.

A dog license shall consist of a license receipt and a metal tag, as authorized pursuant to Code of Virginia, § 3.2-6526. The tag shall be stamped or otherwise permanently marked to show the county issuing the license, ~~the calendar year for which issued~~ and a serial number. The license tag for a kennel shall show the number of dogs authorized to be kept under such license and have attached thereto a metal identification plate for each of such dogs, numbered to correspond with the serial number of the license tag.

6. That Section 5-57 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 5-57. Dogs not wearing tag presumed unlicensed.

Any dog not wearing a collar bearing a license tag ~~of the proper calendar year~~ shall, prima facie, be deemed to be unlicensed. In any proceedings under the provisions of this chapter, the burden of proof of the fact that such dog has been licensed or is otherwise not required to bear a tag at the time shall be on the owner of the dog.

7. That this ordinance shall be in full force and effective immediately.

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

ORDINANCE – To Amend and Reordain Section 13-57 of the Code of the County of Henrico Titled “Discharging Airguns” to Allow the Discharge of Pneumatic Guns under Certain Circumstances

AN ORDINANCE to amend and reordain Section 13-57 of the Code of the County of Henrico titled “Discharging airguns” to allow the discharge of pneumatic guns under certain circumstances.

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

1. That Section 13-57 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 13-57. Discharging ~~airguns~~ pneumatic guns.

(a) For purposes of this section, the term “airgun” means ~~any gun, rifle or pistol, by whatever name known, which is designed to expel a projectile by the action of compressed air or gas or by the action of a spring or elastic~~ “pneumatic gun” means any implement, designed as a gun, that will expel a BB or a pellet by action of pneumatic pressure. “Pneumatic gun” includes a paintball gun that expels by action of pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

(b) It shall be unlawful for any person to discharge any ~~airgun~~ pneumatic gun from or across any public street, public sidewalk, public alley or public land or public place in the county ~~or upon any land located within the boundaries of any residential or industrial district as so classified and defined by chapter 24 or any commercial district.~~

(c) Nothing in this section is designed to prevent organized groups from erecting, maintaining and using properly constructed rifle or pistol ranges which meet the requirements of chapter 24 and are approved by the chief of police as to safety. Commercial or private areas designated for use of pneumatic paintball guns may be established and operated for recreational use. Equipment designed to protect the face and ears shall be provided to participants at such recreational areas, and signs must be posted to warn against entry into the paintball area by persons who are unprotected or unaware that paintball guns are in use.

(d) Nothing in this section is designed to prohibit the use of pneumatic guns on or within private property with permission of

the owner or legal possessor thereof when conducted with reasonable care to prevent a projectile from crossing the bounds of the property.

~~(d)~~ (e) It shall be unlawful and constitute a class 4 misdemeanor for any person to violate any of the provisions of this section.

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

ORDINANCE – To Amend and Reordain Section 22-252 of the Code of the County of Henrico Titled “Definitions” Relating to Abandoned Motor Vehicles.

AN ORDINANCE to amend and reordain Section 22-252 of the Code of the County of Henrico titled “Definitions” relating to abandoned motor vehicles.

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

1. That Section 22-252 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 22-252. Definitions.

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

Abandoned motor vehicle means a motor vehicle, trailer or semitrailer that:

- (1) Is left unattended on public property in violation of a state law or local ordinance, for more than 48 hours;
- (2) Has remained for more than 48 hours on private property without the consent of the property's owner, regardless of whether it was brought onto the private property with the consent of the owner or person in control of the private property; **or**
- (3) Is left unattended on the shoulder of a primary highway; ~~(4) Has remained unclaimed in a garage for more than ten days or for more than ten days beyond the period the motor vehicle was to remain on the premises pursuant to a contract; or~~
- ~~(5) Has remained unclaimed in a self-service storage unit under the provisions of Code of Virginia, title 55, ch. 23 (Code of Virginia, § 55-416 et seq.).~~

Commissioner means the commissioner of the state department of motor vehicles.

Department means the state department of motor vehicles.

~~*Garage* means any commercial parking place, motor vehicle storage facility, or establishment for the servicing, repair, maintenance, or sale of motor vehicles whether or not the vehicle had been brought to that location with the consent of the owner or person in control of the premises.~~

~~*Garage keeper* means the operator of a garage.~~

~~*Major component* shall have the meaning ascribed by Code of Virginia, § 46.2-1600.~~

Scrap metal processor means any person who is engaged in the business of processing motor vehicles into scrap for remelting purposes who, from a fixed location, utilizes machinery and equipment for processing and manufacturing ferrous and nonferrous metallic scrap into prepared grades, and whose principal product is metallic scrap.

Vehicle removal certificate means a transferable document issued by the department for any abandoned motor vehicle that authorizes the removal and destruction of the vehicle.

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



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

Agenda Item No. 166-11
Page No. 1 of 1

Agenda Title **RESOLUTION - Signatory Authority - Lease Amendment - 7740 Shrader Road - Brookland District**

<p>For Clerk's Use Only:</p> <p>JUL 12 2011</p> <p>Date</p> <p><input checked="" type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p> <p><input type="checkbox"/> Amended</p> <p><input type="checkbox"/> Deferred to</p>	<p>BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>Glover</u> Seconded by (1) <u>Kaechele</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"/>
	YES	NO	OTHER																							
Donati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
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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"/>																							

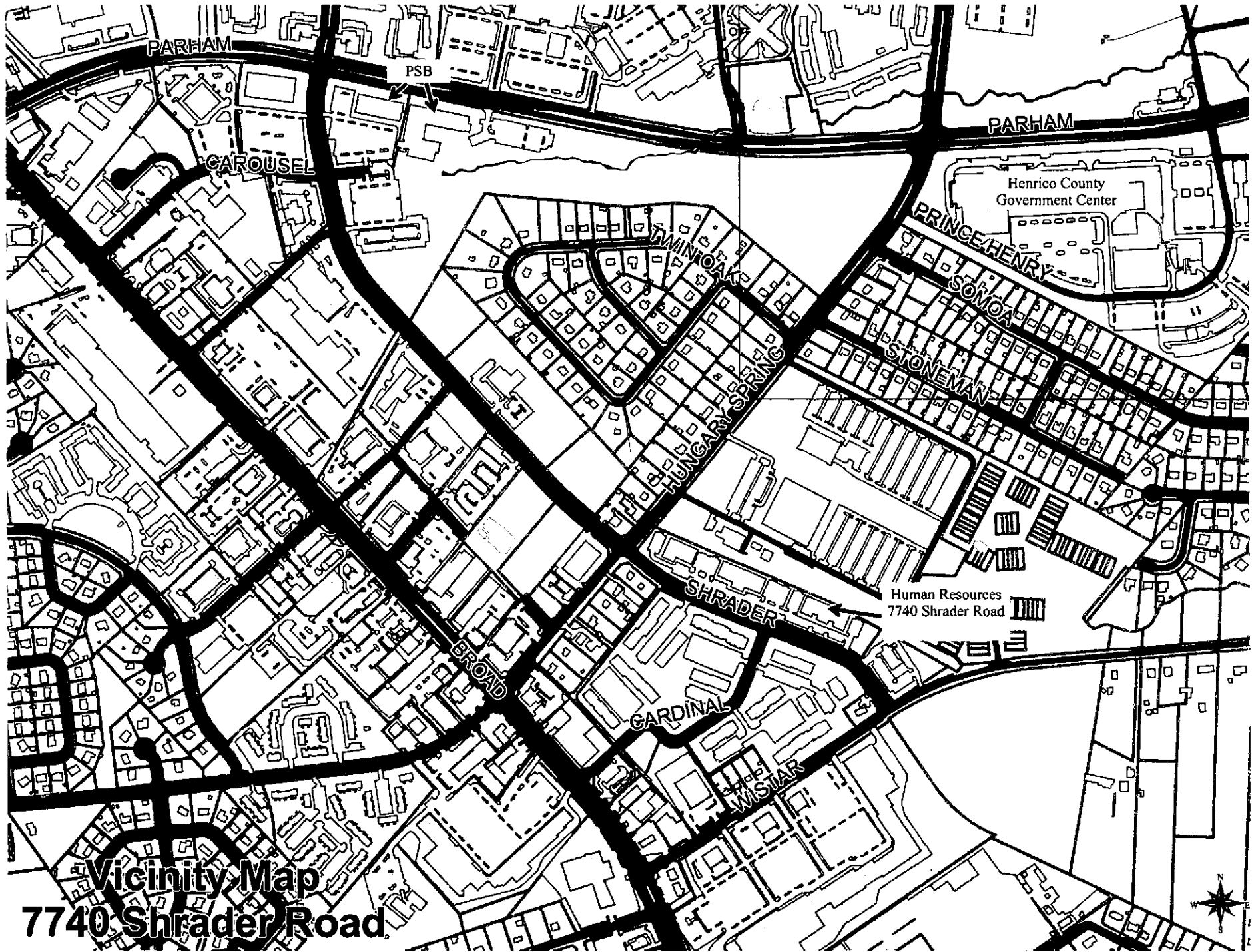
WHEREAS, the County currently leases 5,677 sq. ft. of office space at 7740 Shrader Road from HSOP, L.L.C. for the Department of Human Resources; and,

WHEREAS, the parties wish to extend the lease for five years commencing August 1, 2011 at a monthly rent of \$6,859.71 during the first year of the new term with 2% annual increases thereafter.

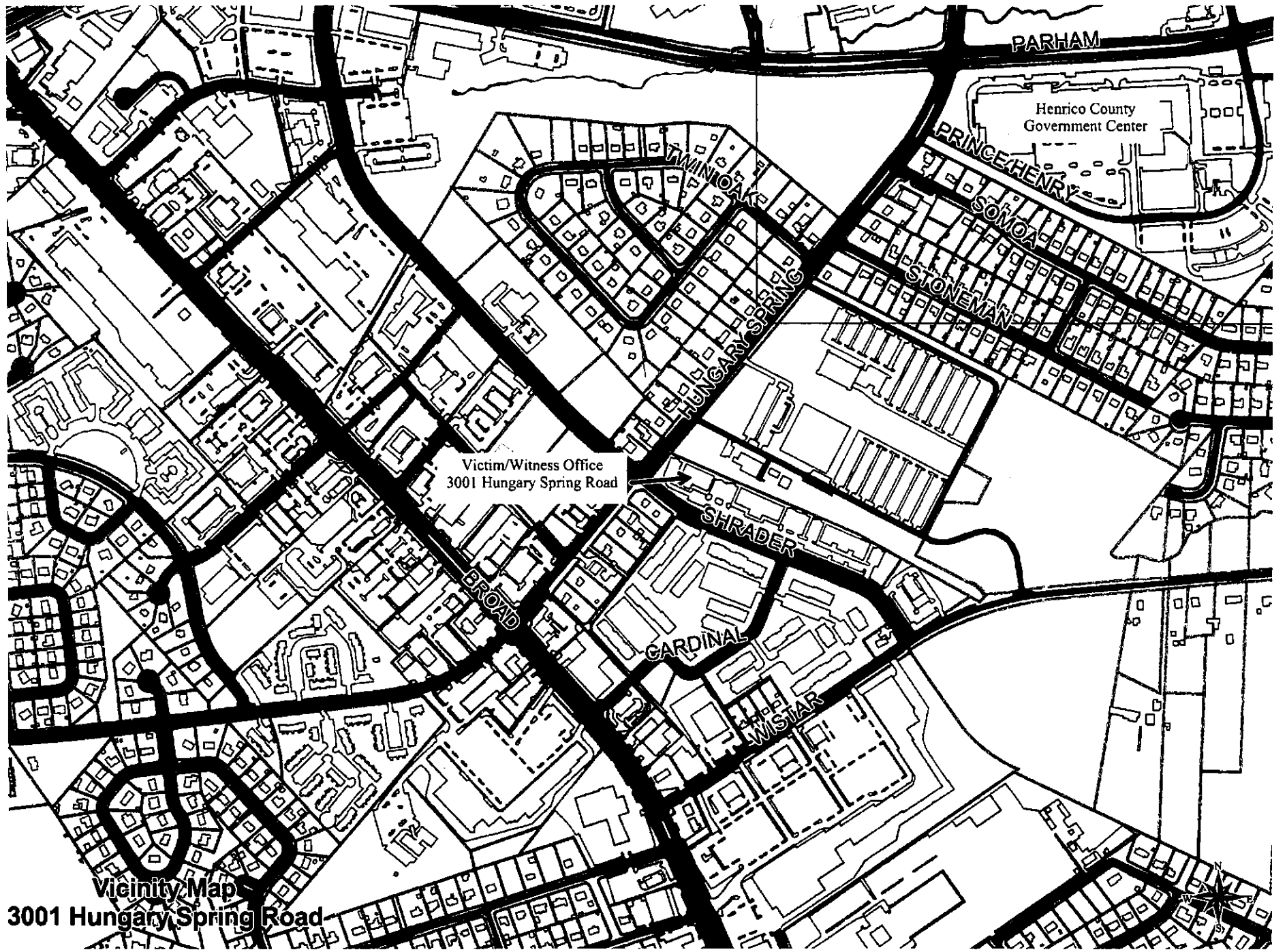
NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the County Manager is authorized to execute a First Amendment of Lease for 7740 Shrader Road with HSOP, L.L.C. in a form approved by the County Attorney.

Comments: The Acting Director Human Resources and the Director of Real Property recommend approval of this action, and the County Manager concurs.

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



Vicinity Map
7740 Shrader Road



PARHAM

Henrico County
Government Center

PRINCE HENRY

SOMO

STONEMAN

TWINOAK

HUNGARY SPRING

Victim/Witness Office
3001 Hungary Spring Road

SHRADER

BROAD

CARDINAL

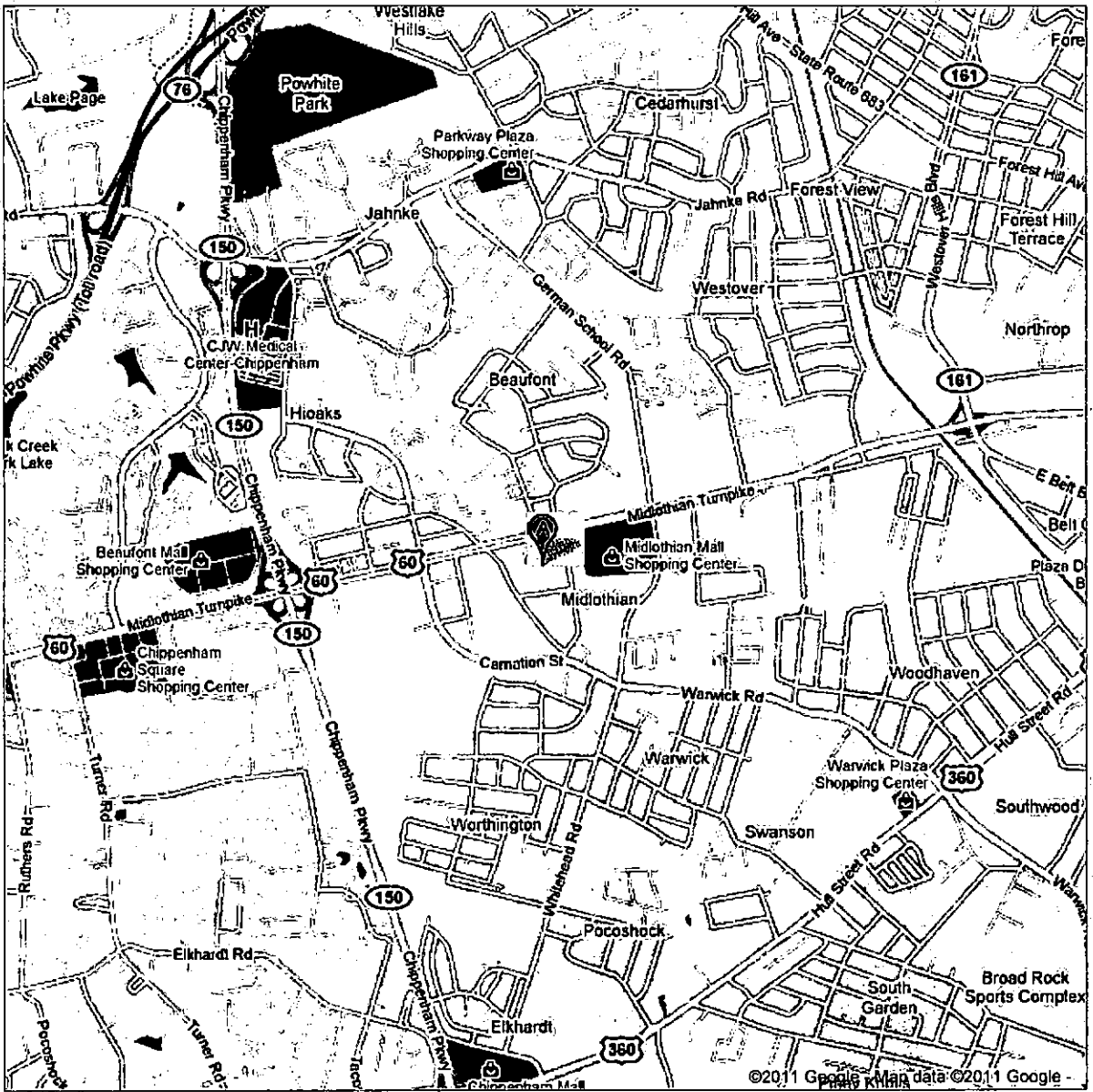
WISTAR

Vicinity Map

3001 Hungary Spring Road

Google maps

Vicinity Map
Address: 6301 Midlothian Turnpike
Richmond, VA 23224



©2011 Google Map data ©2011 Google



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

Agenda Item No. 109-11
Page No. 1 of 1

Agenda Title: INTRODUCTION OF ORDINANCE - To Amend and Reordain Section 5-29 Titled "Unlawful acts; animals running at large" and Section 14-45 Titled "Control of animals; riding horses" of the Code of the County of Henrico to Allow for a Dog Park

For Clerk's Use Only:

JUL 12 2011

Date: _____

- Approved
- Denied
- Amended
- Deferred to: _____

BOARD OF SUPERVISORS ACTION

Moved by (1) Donati Seconded by (1) O'Bannon

REMARKS: **APPROVED**

YES NO OTHER

Donati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thornton, F.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The Clerk is directed to advertise, in the Richmond Times-Dispatch on July 19, 2011 and July 26, 2011, the following ordinance for a public hearing to be held at the Board Room on August 9, 2011, at 7:00 p.m.:

"AN ORDINANCE to amend and reordain Section 5-29 titled "Unlawful acts; animals running at large" and Section 14-45 titled "Control of animals; riding horses" of the Code of the County of Henrico to allow for a dog park. A copy of the full text of this ordinance shall be on file in the Office of the County Manager."

Comments: The Acting Director of Recreation and Parks recommends approval of this Board paper; the County Manager concurs.

By Agency Head *Calin Luther* By County Manager *David P. Reynolds*

Routing:
Yellow to: Rec & Parks
Copy to: _____

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

Date: _____

ORDINANCE - To Amend and Reordain Section 5-29 Titled "Unlawful acts; animals running at large" and Section 14-45 Titled "Control of animals; riding horses" of the Code of the County of Henrico to Allow for a Dog Park

AN ORDINANCE to amend and reordain Section 5-29 titled "Unlawful acts; animals running at large" and Section 14-45 titled "Control of animals; riding horses" of the Code of the County of Henrico to allow for a dog park.

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

1. That Section 5-29 be amended and reordained as follows:

Sec. 5-29. Unlawful acts; animals running at large.

The following shall be deemed unlawful acts and constitute a class 4 misdemeanor:

(1) *Diseased dogs or cats off of owner's premises.* It shall be unlawful for the owner of any dog or cat with a contagious or infectious disease to permit such dog or cat to stray from his premises if such disease is known to the owner.

(2) *Female dogs in season off of owner's premises.* It shall be unlawful for the owner of any female dog to permit such dog to stray from his premises while such dog is known to such owner to be in season.

(3) *Removing license tag.* It shall be unlawful for any person, except the owner or custodian, to remove a legally acquired license tag from a dog.

(4) *Concealing unlicensed or rabid dog.* It shall be unlawful for any person to conceal or harbor any dog on which the license tax has not been paid, or to conceal a mad dog to keep it from being destroyed.

(5) *Poisoning, injuring or killing dogs.* It shall be unlawful for any person, except the owner or his authorized agent, to administer poison to any dog under four months of age or any dog licensed pursuant to this article, or to expose poison where it may be taken by any such dog, or to injure, disfigure or kill any such dog except as otherwise provided in this article.

(6) *Dogs running at large.* It is prohibited for any dog to run at large within the county at any time during any month of the year. For the purposes of this subsection, a dog shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. **A dog shall not be deemed to be running at large if it and its owner or custodian are within a county-designated off-leash, fenced dog exercise area.** Any owner who permits his dog to run at large in the county shall be deemed to have violated the provisions of this subsection.

2. That Section 14-45 be amended and reordained as follows:

Sec. 14-45. Control of animals; riding horses.

(a) No person shall have within the park any animal unless it is either caged, securely penned or on a leash not more than ten feet in length, **except that owners or custodians with dogs who are within a county-designated off-leash, fenced dog exercise area shall not be subject to these requirements.**

(b) No person shall ride a horse in any park except in areas designated and posted by the county for horseback riding.

3. That this ordinance shall be in full force and effect on and after its passage as provided by law.

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

Agenda Item No. 170-11

Page No. 2 of 2

Agenda Title: RESOLUTION — To Permit Additional Fine of \$200 for Speeding on Canesville Lane from End of Cul-de-Sac .20 Mile North of Fawcett Lane to End of Cul-de-Sac .17 Mile South of Fawcett Lane

WHEREAS, this road is a local residential street with a posted speed limit of 25 mph.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Henrico County that the County Manager is authorized and directed to install signs on Canesville Lane from the end of the cul-de-sac .20 mile north of Fawcett Lane to the end of the cul-de-sac .17 mile south of Fawcett Lane advising citizens of an additional fine of \$200 for exceeding the posted speed limit on this road.

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



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

Agenda 171-11
Page No. 1 of 2

Agenda Title: RESOLUTION — To Permit Additional Fine of \$200 for Speeding on Maybeury Drive between Patterson Avenue and Derbyshire Road

For Clerk's Use Only: JUL 12 2011 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>O'Bannon</u> Seconded by (1) <u>Kaechele</u> (2) _____ (2) _____ REMARKS: APPROVED	YES NO OTHER Donati, J. <u>✓</u> _____ Glover, R. <u>✓</u> _____ Kaechele, D. <u>✓</u> _____ O'Bannon, P. <u>✓</u> _____ Thornton, F. <u>✓</u> _____
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WHEREAS, Section 46.2-878.2 of the Code of Virginia provides for the imposition of a \$200 fine for speeding, in addition to other penalties provided by law, when a locality has established a maximum speed limit for a highway in a residence district and the speed limit is indicated by appropriately placed signs; and,

WHEREAS, the statute also requires the Board of Supervisors (the "Board"), because Henrico County maintains its own roads, to develop criteria for the overall applicability for the installation of the signs and to request the application of the statute to certain residential streets in the County before the additional fine may be imposed; and,

WHEREAS, the Board approved detailed criteria (the "Criteria") for the County's Traffic Calming Program on February 10, 2004; and,

WHEREAS, increased fines for speeding on residential streets in Henrico County which meet the Criteria and are designated by the Board are part of the Traffic Calming Program; and,

WHEREAS, the County's Traffic Engineer has collected traffic data and has determined that Maybeury Drive between Patterson Avenue and Derbyshire Road is experiencing speeding problems and meets the Criteria for traffic calming measures set forth in the Traffic Calming Program; and,

By Agency Head Christopher L. Winstead for Tim Foster By County Manager [Signature]

Routing: Yellow to: _____ Certified: _____
 Copy to: _____ A Copy Tests: _____ Clerk, Board of Supervisors
 Date: _____

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

Agenda Item No. 191-11

Page No. 2 of 2

**Agenda Title: RESOLUTION — To Permit Additional Fine of \$200 for Speeding on Maybeury Drive
between Patterson Avenue and Derbyshire Road**

WHEREAS, the citizens in the area of this road requesting the increased fine have collected signatures from 75.8% of the residents; and,

WHEREAS, this road is a local residential street with a posted speed limit of 25 mph.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Henrico County that the County Manager is authorized and directed to install signs on Maybeury Drive between Patterson Avenue and Derbyshire Road advising citizens of an additional fine of \$200 for exceeding the posted speed limit on this road.

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