

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
REGULAR MEETING
August 9, 2011**

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, August 9, 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
Capt. Earl P. Williams, Jr., Civil Process, Sheriff's Office
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 7:01 p.m.

Mr. Thornton led recitation of the Pledge of Allegiance.

Rev. Craig A. Sherouse, Ph.D., Pastor of Second Baptist Church, delivered the invocation.

On motion of Mrs. O'Bannon, seconded by Mr. Kaechele, the Board approved the minutes of the July 26, 2011 Regular and Special Meetings.

The vote of the Board was as follows:

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

No: None

MANAGER'S COMMENTS

Sharon G. Wade, Auditor III for the Internal Audit Department, has been awarded the Certified Information Systems Auditor (CISA) designation by the Information Systems Audit and Control Association (ISACA). The CISA designation is recognized in nearly 160 countries as the standard of achievement for those who audit, control, monitor, and assess an organization's information technology and business systems. Ms. Wade earned the designation by passing a comprehensive examination and demonstrating the required years of work and educational experience through ISACA's application process.

In Fiscal Year 2010-11, for the first time in the past 20 years, the County consumed less automotive gasoline and diesel fuel than in the previous fiscal year. The County consumed 27,596 fewer gallons in FY 2010-11 than in FY 2009-10. In the past three fiscal years, 73 of 154 County vehicles due for replacement (48 percent) were rightsized with smaller engines. Since March 2010, the County's CAM leased fleet has been downsized by 22 vehicles that had a replacement value totaling \$448,000. From a carbon footprint perspective, a reduction of 27,596 gallons of fuel translates into 267.78 tons of carbon dioxide. The County's leadership and the continued commitment by its employees to conserve energy helped achieve these significant results. It was through the Department of General Services, directed by Chris Winstead, and its CAM staff, led by Automotive Fleet Manager Charlie Gibbens, that the County was able to make these reductions, which are unheard of in government circles.

The Department of Public Utilities has received the 2010 Bronze Award for Excellence in Granular Media Filter, which recognizes the Water Treatment Plant (WTP) for attaining optimization goals for drinking water quality that exceed Virginia Department of Health (VDH) standards. The award is a testament to the managers and staff of the WTP for what they do on a 24-hour basis each day to ensure that the County produces reliable and extremely high quality drinking water for the residents and businesses of Henrico and customers in Goochland and Hanover Counties. Doug Meyer, District Engineer for VDH's Office of Drinking Water, presented the award to Russ Navratil, WTP Division Director. Joining them for the presentation was Arthur Petrini, Director of Public Utilities.

Doug Middleton, Chief of Police, has been appointed to the following state and federal boards and committees since taking the helm from Chief Henry Stanley in April of this year: International Association of Chiefs of Police (IACP) Law Enforcement Aviation Committee, which provides guidance to IACP in all matters relating to the use of police aircraft; 2011 Offender Population Forecasting Policy Advisory Committee, which looks at crime statistics and trends to develop forecasts of offenders confined in state and local correctional and juvenile facilities; Virginia Wireless E-911 Services Board, which includes only one local chief of police and provides input into the statewide development, deployment, and maintenance of enhanced wireless emergency telecommunications services and technologies; and the Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) Advisory Policy Board (APB) Southern Working Group, which includes only one local law enforcement representative from each state and reviews operational, policy, and technical issues relating to CJIS Division programs and policies while making recommendations to the APB or one of its

subcommittees. Chief Middleton has done an outstanding job on a daily basis with the Division of Police's trained professionals and in carrying out these important appointments.

BOARD OF SUPERVISORS' COMMENTS

Mr. Donati commented on the effective use of the County's reverse E911 system in alerting citizens that a suspect who recently robbed a jewelry store in James City County was at large and then later apprehended in eastern Henrico County after an intensive manhunt. He noted that Henrico police officers also spent a lot of man hours going door to door to notify citizens after the suspect was apprehended. Mr. Donati complimented Chief Middleton and the Division of Police for doing a great job in handling this situation.

Mrs. O'Bannon offered information on the County's next 400th anniversary hosted event, a historical bus tour targeting Henrico's African-American heritage that is scheduled for August 20.

Mr. Kaechele pointed out that Henrico County's 400th Anniversary Night at The Diamond, which will feature fireworks after the Flying Squirrels game, is also scheduled for August 20. Mrs. O'Bannon provided additional information on this event.

Mr. Glover announced that three Glen Allen youth baseball teams are World Series bound during the month of August. The 10-year-old Virginia State Champions will be going to the Cal Ripken World Series in Winchester and the 13-year-old Southeast Regional Champions will be heading to Clifton Park, New York for the Babe Ruth World Series. The 14-year-old team will be hosting the Babe Ruth World Series for their age division at RF&P Park beginning August 20. Mr. Glover expressed pride in the young players on these teams that are representing Henrico County and encouraged the public to watch great baseball at RF&P Park during the 14-year-old Babe Ruth World Series.

Mr. Thornton recognized the following Boy Scouts who were observing the meeting to fulfill a requirement for the Citizenship in the Community Merit Badge: Matthew Powers and Shane Powers from Troop 763, sponsored by Richmond Elks Lodge No. 45 (Glen Allen - Innsbrook); and Hayden McMillian from Troop 444, sponsored by Reveille United Methodist Church.

RECOGNITION OF NEWS MEDIA

Mr. Thornton recognized Jeremy Slayton and Michael Paul Williams from the *Richmond Times-Dispatch*, Angela Pellerano and Beau Menefee from WTVR-TV 6, Nate Eaton and Ronnie McCray from WRIC-TV 8, Laura Geller and Jamie Rife from WWBT-TV 12, Matt Demlein from WRVA Radio, and Melissa Sinclair from *Style Weekly*.

PRESENTATION

Mr. Thornton presented a proclamation recognizing September 5 - 9, 2011 as Payroll Week. Accepting the proclamation was John Vithoukas, Director of Finance. Joining him

were Timothy Massenburg, Payroll Supervisor for the Department of Finance's Accounting Division and Government Liaison Officer for the Richmond Chapter of the American Payroll Association, and Lyn Zacharias, Accounting and Fiscal Technician for the Department of Finance's Accounting Division. Mr. Vithoukias announced that Mr. Massenburg was recently selected by the American Payroll Association to receive the Citation of Merit in recognition of Mr. Massenburg's contribution to the payroll profession through his participation in the Government Affairs Task Force Subcommittee for Forms and Publications. This subcommittee reviews Internal Revenue Service (IRS) tax forms and publications and makes recommendations for changes to these federal documents to ensure that the documents are clear, concise, and not confusing to taxpayers.

PUBLIC HEARINGS - REZONING CASE

178-11 1241 Associates, LLC: Request to conditionally rezone from O-3C Office
C-10C-11 District (Conditional) to R-2AC One-Family Residence District
Brookland (Conditional), part of Parcel 775-749-1480, containing 3.6031 acres, located
 on the east line of Impala Drive at its intersection with Impala Place.

Joe Emerson, Director of Planning, reviewed the case and the provisions of the federal Religious Land Use and Institutionalized Persons Act (RLUIPA). He noted that a handout explaining the Act in more depth was available to the public in the Board Room.

John Mizell of Spinella, Owings & Shaia presented the case on behalf of the applicant, 1241 Associates, LLC. He referred to the applicant's continued interest in the site, the impact and implications of RLUIPA, the inability to find a suitable alternative site for the applicant since the Board's action on the applicant's previous rezoning request in November 2008, significant proffered conditions for the proposed project, projected traffic volumes generated by the proposed project, and three previous rezoning cases where the Board deviated from the County's existing land use plan in approving those requested rezonings. Mr. Mizell elaborated on the legislative history of RLUIPA and how this federal statute has been interpreted by the federal courts. He submitted four exhibits for the record containing information on three previous rezoning cases and on the present case (see attached exhibits). Mr. Mizell and Mr. Emerson responded to questions from Mrs. O'Bannon regarding the maximum height of the building proposed by the applicant. Mr. Mizell responded to a question from Mr. Kaechele pertaining to the future use of property owned by the applicant that adjoins an elementary school.

Mr. Mizelle recognized the following persons, who spoke during the public hearing in support of the case:

- The Rev. Mary Brennan Thorpe, Pastor of Church of the Epiphany on Woodman Road and President of the Lakeside Clergy

Association. She read and submitted two letters of support for the record, one co-signed by 11 pastors who serve churches in the Lakeside neighborhood and the other signed by the Rt. Rev. Shannon S. Johnston, the Episcopal Bishop of Virginia (see attached letters).

- Rev. Charles Swadley, Retired Pastor of Lakeside United Methodist Church
- Rev. Thomas Joyce, Assistant to the Bishop of the Virginia Conference of the United Methodist Church. He read and submitted a letter of support for the record signed by Charlene P. Kammerer, Resident Bishop for the Virginia Conference of the United Methodist Church (see attached letter).
- Rev. Bill Davis, Pastor of Bon Air United Methodist Church
- Majid Khan, Ph.D., a United States Army veteran and aeronautical engineer
- Karishma Abdul, a student at Virginia Commonwealth University and graduate of Hermitage High School
- Sam Ward, a member of the Social Action Committee of the Unitarian Universalist Church of Glen Allen
- Candy Fielo, a Henrico resident
- Rabbi Ben Romer from Orami Synagogue, a neighbor of the Islamic Center on Buford Road
- Dr. Abdul Amir, a native Richmonder and graduate of Virginia Commonwealth University
- Benjamin Smith, Cubmaster of Troop 1863 at the Islamic Center of Virginia
- Shaikh Ammar Amonette, Imam of the Islamic Center of Virginia

The following persons also addressed the Board during the public hearing on this case:

- Dorothy Fillmore, a Brookland District resident, spoke in support of the case.
- Donald Cobb, a retired Henrico police officer and local businessman, spoke in support of the case.

- Ben Hebner, a resident of 2829 Kenwood Avenue in the Lakeside community, spoke in support of the case.
- Milton Cloud, a resident of Raymond Avenue in the Fairfield District, spoke in support of the case.
- Steve Johnston, spoke in opposition to the case on behalf of his mother, Jean Johnston, a resident of 2928 Lafayette Avenue. He expressed concerns regarding the increase in traffic on Impala Drive that would result from the proposed development and voiced additional concerns pertaining to the height of the proposed building, limited access to the site, potential loss of revenue to the County, and the capacity of the proposed building.
- Scott Benton, a resident of Lafayette Avenue, spoke in opposition to the case. He expressed concerns relating to traffic, the height of the proposed building, ceremonial noise resulting from the proposed development, the square footage of the building, and the size of the dome that will be located on the proposed building.
- Afrain Gootee, a Hanover County resident, spoke in support of the case.
- Pat Turner, who resides at the corner of Putney Road and Impala Drive, spoke in opposition to the case. She voiced concerns regarding traffic, the size of the road accessing the site, and the number of persons that could be accommodated by the proposed building.
- Faye Weems, a Henrico County resident, spoke in opposition to the case. She enumerated a number of concerns pertaining to traffic, limited access to the site, the level of information about the case provided by the County to the community, potential future expansion of development on the site, the possibility of daily scheduled outdoor announcements, amendments that were made to the case's proffered conditions, the inconsistency of the proposed rezoning with the County's comprehensive plan, and pressure being placed upon the County by the U.S. Department of Justice. Ms. Weems suggested that the property be rezoned to residential uses.
- Sue Blake, a Lakeside resident, spoke in opposition to the case. She expressed concerns relating to traffic, the number of persons to be served by the proposed Mosque, and inconsistencies in information provided by proponents of the rezoning.

- Daisy Ranck, who resides at the corner of Impala Drive and Overton Road, spoke in opposition to the case. She voiced concerns regarding traffic, limited sidewalks near the site, the industrial character of Impala Drive, and the impropriety of placing a church on this site.
- Leisa Reinartz, a resident of 2914 Lafayette Avenue, spoke in opposition to the case. She expressed concerns about the level of existing cut-through traffic in her neighborhood and the additional traffic that would be generated by the proposed development.
- Howard Blake, a resident of Ruthland Road, spoke in opposition to the case. He also voiced concerns pertaining to the level of existing cut-through traffic in his neighborhood and the additional traffic that would be generated by the proposed development.

Mr. Mizell responded to comments offered by those persons speaking in opposition to the case. He cited a finding in the County's staff report that the adjacent roadway network could accommodate the additional traffic volume generated by the proposed development and noted that numerous traffic generators could be allowed under the present zoning. Mr. Mizell also pointed out that a proffered condition would limit the height of the proposed building to 25 feet.

Mr. Glover commented on the case. He referred to the many telephone calls and e-mails he had received relating to this case; issues of concern that were addressed by the Board in the previous case brought forward by the applicant; the goals, objectives, and policies contained in the County's land use plan; the compelling federal interest in this case through the provisions of RLUIPA; the County's attempts to help the applicant find a place of worship; and the determination by the County's professional staff that the proposed development could handle the projected traffic.

At Mr. Hazelett's request, Mr. Emerson responded to questions raised during the public hearing regarding building elevations, outside speakers and noise makers, the number of persons who would be permitted in the building, how the public was notified of the public hearings on this case held by the Planning Commission and Board of Supervisors, and why amendments had been made to the case's proffered conditions. Mike Jennings, the County's Traffic Engineer, responded to questions that were raised during the public hearing pertaining to traffic. Mr. Hazelett commented on the difference in perspective between residents living near the site and the County's professional Traffic Engineer.

Mr. Glover restated the implications of RLUIPA and pointed out that there were no compelling governmental reasons to deny the case under its provisions.

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

1. Use of the property shall be restricted to a place of worship and accessory uses, and the property shall not be used for a day-care facility or week-day school.
2. The property shall be developed substantially similar to the proffered concept plan (see case file) unless revisions to this plan are specifically requested and permitted by the Planning Commission during Plan of Development.
3. The proposed one story building shall not exceed 25 feet in height. The exposed exterior wall surfaces (front, rear and sides) shall be brick. Windows, doors and other architectural elements are excluded. Any future buildings on the property shall be similar in architectural treatment and materials. No building on the property shall be covered with or have exposed unfinished concrete block or sheet or corrugated aluminum materials unless requested and specifically permitted at the time of Plan of Development review.
4. A 10' right-of-way dedication shall be provided along Impala Drive. However, should the right-of-way not be utilized within 20 years from date of rezoning approval, ownership shall revert to the owner and successors in title.
5. A 25' buffer along the southern property line shall be provided and planted to a transitional buffer 25 standard.
6. A 15' buffer along the eastern property line shall be provided and planted to a transitional buffer 25 standard.
7. Any storm management facility shall be setback at least 25 feet from Impala Drive and screened from public view with evergreen planting as determined at the time of Landscape Plan approval.
8. HVAC equipment shall be screened from public view at the ground level.
9. All new utilities shall be installed underground except meters and junction boxes.

10. All dumpsters, trash and recycling receptacles (no including convenience cans) shall be screened from public view at ground level. No trash pickup, parking lot cleaning, or leaf blowing shall occur before 7:00 a.m. or after 7:00 p.m. Monday through Saturday. No trash pickup, parking lot cleaning, or leaf blowing shall occur on Sundays.
11. No outdoor speaker to be installed, and the hours that the subject property will be used will be limited to the time between 6:00 a.m. and 10:00 p.m.
12. The hours of exterior construction shall be between 7:00 a.m. and 7:00 p.m. Monday through Saturday. No exterior construction will be conducted on Sunday. During construction, a sign shall be posted on site in English and Spanish listing the hours of construction activity.
13. Lighting fixtures shall be limited to 20 feet in height and produced from concealed light sources.
14. For that portion of the property that lies within the 100-year flood plain, the developer will submit application for C-1 Conservation District zoning, prior to approval of final POD.
15. Parking spaces, roads, and other access drives shall be paved. Gravel shall not be used as primary landscaping material.

The vote of the Board was as follows:

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

No: None

The Board recessed at 10:03 p.m. and reconvened at 10:20 p.m.

PUBLIC HEARINGS - OTHER ITEMS

179-11

Ordinance - To Amend and Reordain Section 22-252 of the Code of the County of Henrico Titled "Definitions" Relating to Abandoned Motor Vehicles.

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

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

180-11 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.

Chief Middleton responded to questions from Mr. Kaechele and Mrs. O'Bannon.

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

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

181-11 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.

Neil Luther, Director of Recreation and Parks, and Mr. Rapisarda responded to questions from the Board.

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

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

PUBLIC COMMENTS

Maeola Strother, a resident of the Three Fountains North subdivision in the Fairfield District, read a letter from Richard Flannigan, President of the Three Fountains North Civic Association. The letter was directed to Christopher Winstead, former Assistant Director of Public Works, and expressed concerns regarding the status of a study by County consultants of drainage and stormwater in and around Lake Overton. Mrs. Strother also read a prepared statement alleging that the County has not been following stormwater laws and has degraded Lake Overton. Marilyn Williams, who resides in Three Fountains North, asked the Board to research the issues of excess water and sediment flowing into Lake Overton and voiced concerns relating to her association's financial liability for this situation.

Mr. Hazelett advised that he has met with County staff on this matter and that the outside consultant's study by Timmons Group is being completed in order to provide information to the residents. At Mr. Hazelett's request, Director of Public Works Tim Foster updated the Board on the status and scope of the study. In response to a question from Mr. Kaechele, Mr. Foster reviewed the condition and watershed area of Lake Overton. In response to comments and questions by Mr. Thornton, Mr. Foster explained the timeframe for assisting the neighborhood to secure grant funds for this private lake and noted that County staff will be meeting with the neighborhood to review the Timmons information that will be submitted to the County. Mr. Hazelett acknowledged that the neighborhood does not agree with the

County's position, which is the reason the County made the effort get an outside engineering firm.

GENERAL AGENDA

182-11 Introduction of Ordinance – To Amend and Reordain Section 2-147 of the Code of the County of Henrico Titled “Funding of construction and maintenance of courthouse and jail facilities” to Impose a Two Dollar Fee in Each Civil Action Filed in the County Courts.

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

183-11 Introduction of Ordinance – To Amend and Reordain Section 2-81 of the Code of the County of Henrico Titled “Service charge on returned payments” to Increase the Service Charge.

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

184-11 Resolution - Award of Contract - Annual Environmental Services.

Mr. Winstead responded to questions from Mrs. O’Bannon and Mr. Glover.

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

185-11 Resolution – Signatory Authority – Third Amendment to Contract for Architectural and Engineering Services – Fire Station #7.

Mrs. O’Bannon commented on the amount of the contract amendment.

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

186-11 Resolution – Approval of the FY 2012 Community Services Board Performance Contract between the Virginia Department of Behavioral Health and Developmental Services and Henrico Area Mental Health & Developmental Services Board.

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

187-11 Introduction of Ordinance - To Amend and Reordain the Planning Applications Fee Schedule to List Fees for Temporary Family Health Care Structure Permits, Appeals to the Board of Zoning Appeals, Conditional Use Permits for

Accessory Structures in a Front or Side Yard, and Applications for Vacation of a Plat or Part Thereof.

Mr. Emerson responded to questions from Mr. Glover and Mrs. O'Bannon. Mr. Hazelett also responded to a question from Mr. Glover.

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

188-11 Resolution - To Accept Buffer Zone Protection Program Grant.

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

189-11 Resolution – Signatory Authority – Lease Amendment – 3965 Deep Rock Road – Three Chopt District.

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

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

190-11 Resolution - Signatory Authority - Acquisition of Real Property- Best Plaza - Fairfield District.


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

191-11 Resolution - Letter of Intent to Participate in VDOT's Economic Development Access Program for Bank of America - Varina District.

Mr. Hazelett responded to questions from Mr. Donati.

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

There being no further business, the meeting was adjourned at 11:00 p.m.



Chairman, Board of Supervisors
Henrico County, Virginia

Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

PAYROLL WEEK

September 5 – 9, 2011

WHEREAS, the American Payroll Association and its 23,000 members have launched a nationwide public awareness campaign that pays tribute to the more than 156 million people who work in the United States and the payroll professionals who support the American system by paying wages, reporting worker earnings, and withholding federal employment taxes; and

WHEREAS, payroll professionals in Henrico County, Virginia play a key role in maintaining the economic health of this community, performing such diverse tasks as paying into the unemployment insurance system, providing information for child support enforcement, and carrying out tax withholding, reporting, and depositing; and

WHEREAS, payroll departments collectively spend more than \$15 billion annually complying with myriad federal and state wage and tax laws; and

WHEREAS, payroll professionals significantly contribute to the economic security of American families by helping to identify noncustodial parents and making certain that they comply with their child support mandates; and

WHEREAS, payroll professionals are dedicated to educating the business community and the public at large about the payroll tax withholding systems; and

WHEREAS, payroll professionals meet regularly with federal and state tax officials to discuss improving compliance with government procedures and how compliance can be achieved at less cost to government and businesses; and

WHEREAS, the American Payroll Association has designated the week in which Labor Day falls as National Payroll Week.

NOW, THEREFORE, BE IT PROCLAIMED that the Board of Supervisors of Henrico County, Virginia hereby recognizes September 5 – 9, 2011 as Payroll Week and encourages Henrico citizens to support the efforts of local payroll professionals who work to ensure excellence in the administration of payrolls.



Frank J. Thornton
Frank J. Thornton, Chairman
Board of Supervisors

Barry R. Lawrence
Barry R. Lawrence, Clerk
August 9, 2011

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

Agenda Item No. 179-11
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Agenda Title: ORDINANCE - To Amend and Reordain Section 22-252 of the Code of the County of Henrico Titled "Definitions" Relating to Abandoned Motor Vehicles

(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; or

~~(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.

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

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 180 - 11
Page No. 2 of 2

Agenda Title: 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

(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.

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



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

Agenda Item No. 181-11
Page No. 1 of 2

Agenda Title: 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:

AUG 9 2011

Date: _____

- Approved
- Denied
- Amended
- Deferred to: _____

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

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

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.

By Agency Head

Ali Carter

By County Manager

Debra L. Hunter

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. 181-11
Page No. 2 of 2

Agenda Title: **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**

(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.

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

BLACKLINE

ORDINANCE – To Amend and Reordain Section 2-81 of the Code of the County of Henrico Titled “Service charge on returned payments” to Increase the Service Charge

AN ORDINANCE to amend and reordain Section 2-81 of the Code of the County of Henrico titled “Service charge on returned payments” to increase the service charge

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

1. That Section 2-81 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 2-81. Service charge on returned payments.

A person who tenders any check, draft, order, credit card, debit card, electronic funds transfer or other means of payment for the payment of taxes or any other sums due the county which is subsequently returned unpaid because of insufficient funds, because there is no account, or because the account has been closed, shall be subject to a service charge of ~~\$35.00~~ **\$50.00** for the processing of the returned check, draft, order, credit card, debit card, electronic funds transfer or other means of payment. A drawer shall be charged a fee of ~~\$35.00~~ **\$50.00** for return of a check, draft or order on which the drawer placed a stop-payment order in bad faith.

2. That this ordinance shall be in full force and effect immediately.

BLACKLINE

ORDINANCE – To Amend and Reordain Section 2-147 of the Code of the County of Henrico Titled “Funding of construction and maintenance of courthouse and jail facilities” to Impose a Two Dollar Fee in Each Civil Action Filed in the County Courts

AN ORDINANCE to amend and reordain Section 2-147 of the Code of the County of Henrico titled “Funding of construction and maintenance of courthouse and jail facilities” to impose a two dollar fee in each civil action filed in the County courts

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

1. That Section 2-147 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 2-147. Funding of construction and maintenance of courthouse and jail facilities.

(a) The purpose of this section is to provide a source of funding for the construction, renovation or maintenance of the county courthouse and jail and court-related facilities, and to defray increases in the cost of heating, cooling, electricity and ordinary maintenance.

(b) In addition to any other fees imposed by law, there is hereby imposed in each **civil action and** criminal and traffic case in the circuit, general district and juvenile and domestic relations district courts of the county a fee of \$2.00, which shall be assessed as part of the fees taxed as costs in each such **action and** case.

(c) The assessment imposed by this section shall be collected by the clerks of the respective courts and remitted to the director of finance of the county and held by such director subject to disbursements by the board of supervisors of the county for the construction, renovation or maintenance of the county's courthouse and jail and court-related facilities and to defray increases in the cost of heating, cooling, electricity and ordinary maintenance.

2. That this ordinance shall be in full force and effect immediately.



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

Agenda Item No. 184-11

Page No. 1 of 1

Agenda Title: **Resolution — Award of Contract — Annual Environmental Services**

<p>For Clerk's Use Only:</p> <p>Date: AUG 9 2011</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>O. Bannon</u> Seconded by (1) <u>Kaechele</u> (2) _____</p> <p>REMARKS: APPROVED</p>	<table border="0"> <tr> <td></td> <td align="center">YES</td> <td align="center">NO</td> <td align="center">OTHER</td> </tr> <tr> <td>Donati, J.</td> <td align="center">✓</td> <td></td> <td></td> </tr> <tr> <td>Glover, R.</td> <td align="center">✓</td> <td></td> <td></td> </tr> <tr> <td>Kaechele, D.</td> <td align="center">✓</td> <td></td> <td></td> </tr> <tr> <td>O'Bannon, P.</td> <td align="center">✓</td> <td></td> <td></td> </tr> <tr> <td>Thornton, F.</td> <td align="center">✓</td> <td></td> <td></td> </tr> </table>		YES	NO	OTHER	Donati, J.	✓			Glover, R.	✓			Kaechele, D.	✓			O'Bannon, P.	✓			Thornton, F.	✓		
	YES	NO	OTHER																							
Donati, J.	✓																									
Glover, R.	✓																									
Kaechele, D.	✓																									
O'Bannon, P.	✓																									
Thornton, F.	✓																									

WHEREAS, 17 proposals were received in response to RFP #11-9057-4CS to provide an annual contract for environmental services; and

WHEREAS, based upon review and evaluation of the written proposals, the Selection Committee (consisting of Mr. Al Ciarochi, Mr. Steve Yob, Mr. Jason Young, Mrs. Cindy Smith and Mrs. Cecelia Stowe) interviewed the following firms:

Faulkner & Flynn, Inc.
EEE Consulting, Inc.
TEC, Inc.

WHEREAS, the Selectitn Committee selected **Faulkner & Flynn, Inc.** as the top-ranked firm and negotiated a contract.

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

1. A contract to provide annual environmental services is awarded to **Faulkner & Flynn, Inc.** for a one-year term, with the option to renew for two additional one-year terms, in accordance with RFP #11-9057-4CS.
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 all change orders within the scope of the project budget.

Comment: Funding to support the contract is available. The Director of General Services recommends approval of this Board paper, and the County Manager concurs.

By Agency Head By County Manager

Routing:
Yellow to: _____
Copy to: _____

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

Date: _____

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 186-11
Page No. 2 of 2

RESOLUTION - Approval of the FY 2012 Community Services Board Performance Contract between the Virginia Department of Behavioral Health and Developmental Services and Henrico Area Mental Health & Developmental Services Board

NOW, THEREFORE BE IT RESOLVED, by the Board of Supervisors of Henrico County that the Board approves the FY 2012 Community Services Board Performance Contract between the Virginia Department of Behavioral Health and Developmental Services, and Henrico Area Mental Health & Developmental Services Board.

Comment: The Executive Director of HAMHDS recommends approval of this Board paper; the County Manager concurs.



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

Agenda Item No. 187-11
Page No. 1 of 1

Agenda Title: INTRODUCTION OF ORDINANCE - To Amend and Reordain the Planning Applications Fee Schedule to List Fees for Temporary Family Health Care Structure Permits, Appeals to the Board of Zoning Appeals, Conditional Use Permits for Accessory Structures in a Front or Side Yard, and Applications for Vacation of a Plat or Part Thereof

For Clerk's Use Only:

Date: **AUG 9 2011**
 Approved
 Denied
 Amended
 Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER



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

The Clerk is directed to advertise, in the Richmond Times-Dispatch on August 23, 2011 and August 30, 2011, the following ordinance for a public hearing to be held at the Board Room on September 13, 2011, at 7:00 p.m.

"AN ORDINANCE to amend and reordain the Planning Applications Fee Schedule to list fees for temporary family health care structure permits, appeals to the Board of Zoning Appeals, conditional use permits for accessory structures in a front or side yard, and applications to vacate a plat or part thereof."

The advertisement shall contain all the information required by Section 15.2-107 of the Code of Virginia, 1950, as amended.

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

By Agency Head:  By County Manager: 

Routing:
 Yellow to: _____
 Copy to: _____

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

Date: _____

Notice is hereby given that the Board of Supervisors of Henrico County will hold a public hearing on Tuesday, September 13, 2011 at 7:00 p.m. in the Board Room at the Henrico County Government Center, Parham and Hungary Spring Roads, Henrico, Virginia, to consider the following:

“ORDINANCE – To amend and reordain the Planning Applications Fee Schedule to list fees for temporary family health care structures, appeals to the Board of Zoning Appeals, conditional use permits for accessory structures in a front or side yard, and applications for vacation of a plat or part thereof.”

The actual dollar amounts of, and legal authority for, these proposed fees are as follows: temporary family health care structures (\$100) – Virginia Code § 15.2-2292.1(C); appeals to the Board of Zoning Appeals (\$300) – Virginia Code § 15.2-2311(A); conditional use permits for accessory structures in a front or side yard (\$300) – Virginia Code § 15.2-2286(A)(6); and applications for vacation of a plat or part thereof (\$150) – Virginia Code § 15.2-2273.

A copy of the complete, proposed Ordinance and information concerning the documentation for the proposed fees are available for examination by the public in the office of the County Manager and in the Planning Department at the Henrico County Administration Building, Parham and Hungary Spring Roads, Henrico, Virginia.

Any person desiring to be heard in favor of or in opposition to the proposed ordinance will appear on the date and hour aforesaid.

Given under my hand this _____th day of _____, 2011.

Barry R. Lawrence, Clerk
Henrico County Board of Supervisors

Classified Advertising
Richmond Times-Dispatch
P. O. Box C-32333
Richmond, Virginia 23293

Gentlemen:

Please publish the above notice once a week for two successive weeks allowing your publication to appear on Tuesday, August 23, 2011 and Tuesday, August 30, 2011.

Kindly send certificate in duplicate with bill to me.

Sincerely,

Barry R. Lawrence, Clerk
Henrico County Board of Supervisors



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

Agenda Item No. 188-11
Page No.

Agenda Title **RESOLUTION - To Accept Buffer Zone Protection Program Grant**

<p>For Clerk's Use Only:</p> <p>AUG 9 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 align="center">BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>Kaechle</u> Seconded by (1) <u>Glover</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>Kaechle, 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"/>	Kaechle, 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 Division of Police was awarded a \$190,000 grant by the U.S. Department of Homeland Security and the Virginia Department of Emergency Management under the Buffer Zone Protection Program; and

WHEREAS, this grant, which requires no local matching funds, will be used by the Division to purchase and install a high-resolution camera system at Richmond International Raceway to enhance public safety during events; and

WHEREAS, Richmond International Raceway and the Division have entered into a memorandum of understanding regarding this installation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors accepts this grant award and authorizes the County Manager to sign the appropriate agreements.

COMMENT: The Chief of Police 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: _____



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

Agenda Item No. 189-11

Page No. 1 of 1

Agenda Title

RESOLUTION – Signatory Authority – Lease Amendment – 3965 Deep Rock Road – Three Chopt District

<p>For Clerk's Use Only:</p> <p>AUG 9 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>Kaechele</u> Seconded by (1) <u>O'Bannon</u></p> <p>(2) _____ (2) _____</p> <p>REMARKS:</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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Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							

WHEREAS, the County currently leases 4,140 sq. ft. of office and warehouse space at 3965 Deep Rock Road at a monthly cost of \$3,883.01 for the Division of Recreation and Parks; and,

WHEREAS, the parties wish to extend the lease for five years commencing September 1, 2011 at a monthly rent of \$3,660.11 during the first year with 2% annual increases thereafter.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the County Manager is authorized to execute a lease amendment for 3965 Deep Rock Road in a form approved by the County Attorney.

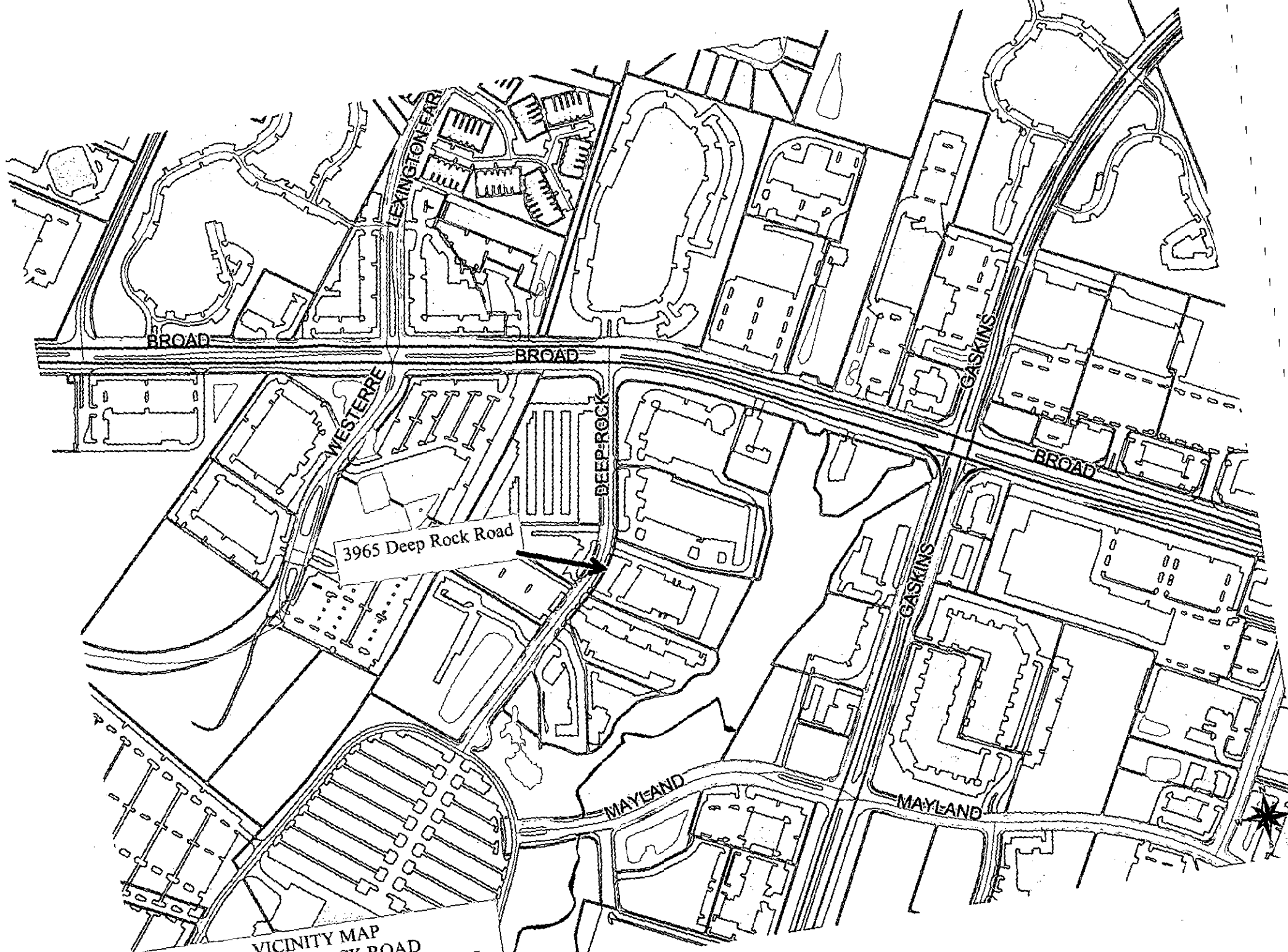
Comments: The Directors of Recreation and Parks and Real Property recommend approval of this Board paper, and the County Manager concurs.

By Agency Head *[Signature]*

By County Manager *[Signature]*

Routing:
Yellow to: *Real Property*
Copy to: _____

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



3965 Deep Rock Road

VICINITY MAP
3965 DEEP ROCK ROAD
DIVISION OF RECREATION & PARKS



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

Agenda Item No. **191-11**
Page No. 1 of 2

Agenda Title: RESOLUTION — Letter of Intent to Participate in VDOT's Economic Development Access Program for Bank of America — Varina District

<p>For Clerk's Use Only: Date: AUG 9 2011</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>Glover</u> (2) _____ (2) _____</p> <p>REMARKS: APPROVED</p>	<table border="0"> <thead> <tr> <th></th> <th>YES</th> <th>NO</th> <th>OTHER</th> </tr> </thead> <tbody> <tr> <td>Donati, J.</td> <td align="center">✓</td> <td></td> <td></td> </tr> <tr> <td>Glover, R.</td> <td align="center">✓</td> <td></td> <td></td> </tr> <tr> <td>Kaechele, D.</td> <td align="center">✓</td> <td></td> <td></td> </tr> <tr> <td>O'Bannon, P.</td> <td align="center">✓</td> <td></td> <td></td> </tr> <tr> <td>Thornton, F.</td> <td align="center">✓</td> <td></td> <td></td> </tr> </tbody> </table>		YES	NO	OTHER	Donati, J.	✓			Glover, R.	✓			Kaechele, D.	✓			O'Bannon, P.	✓			Thornton, F.	✓		
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Donati, J.	✓																									
Glover, R.	✓																									
Kaechele, D.	✓																									
O'Bannon, P.	✓																									
Thornton, F.	✓																									

WHEREAS, the Economic Development Authority of Henrico County, Virginia ("EDA") markets property it owns on Technology Boulevard in the White Oak Technology Park (the "Park") in the County; and,

WHEREAS, on January 13, 2011, the EDA sold approximately 65 acres in the Park to Bank of America (the "Bank"); and,

WHEREAS, the Bank has contracted to construct a bank operations processing center ("Processing Center") on the property; and,

WHEREAS, the Processing Center is expected to begin operations around August 30, 2012, employ 53 persons, and generate approximately \$300,000,000 in new capital investment in land, buildings and equipment; and,

WHEREAS, the Processing Center property lacks access to a public road and will require a new road to connect with Technology Boulevard; and,

WHEREAS, the Bank agreed to construct a new road to serve the Processing Center and other parcels within the Park; and,

WHEREAS, the Bank and County wish to submit a letter of intent to the Commonwealth Transportation Board ("CTB") to obtain Economic Development Access Program ("EDAP") funding from the Commonwealth of Virginia for construction of the new road; and,

By Agency Head By County Manager

Routing: Yellow to: _____ Certified: _____
A Copy Tests: _____
Copy to: _____ 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 — Letter of Intent to Participate in VDOT's Economic Development Access Program for Bank of America — Varina District

WHEREAS, the County must make certain guarantees and acknowledgements to qualify for EDAP funding; and,

WHEREAS, Henrico County hereby guarantees that the necessary environmental analysis, mitigation, fee simple right of way and utility relocations or adjustments, if necessary, for this project will be provided at no cost to the Economic Development, Airport and Rail Access Fund; and,

WHEREAS, Henrico County acknowledges that no land disturbance activities may occur within the limits of the proposed access project prior to appropriate notification from the Virginia Department of Transportation ("VDOT"); and,

WHEREAS, Henrico County guarantees that all ineligible project costs and all costs not justified by eligible capital outlay will be provided from sources other than those administered by VDOT.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby requests that the CTB provide EDAP funding to provide public road access to this property; and

BE IT FURTHER RESOLVED that the Board of Supervisors hereby agrees that the new roadway so constructed will, upon acceptance by the Board, be added to and become a part of the Henrico County road system.

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