

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
REGULAR MEETING
December 13, 2011

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, December 13, 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 7:03 p.m.

Mr. Thornton led recitation of the Pledge of Allegiance.

Dr. J. Rayfield Vines, Jr., Pastor of Hungary Road Baptist Church, delivered the invocation.

MANAGER'S COMMENTS

Mr. Hazelett recognized the Henrico County Government Christmas Mother Program Chair, Lisa H. Orlosky of the Department of Information Technology, and her Co-Chair, Tanya B. Harding of the County Manager's Office. Ms. Orlosky announced that the Division of Fire collected over 1,100 jars of peanut butter on very short notice and the Sheriff's Department donated 78 bicycles. With Mrs. Harding's assistance, Mrs. Orlosky presented a ceremonial check representing monetary contributions from County employees and officials in the amount of \$12,000 to Betsy Foster, Vice-President of the Henrico Christmas Mother Council. Mrs. Foster accepted the donation on behalf of the 2011 Henrico Christmas Mother, Bonnie L.

Abernathy. Mrs. Foster reported that the Henrico Christmas Mother program received applications from over 2,000 families and assisted 6,580 people.

The Department of General Services Division of Purchasing and Support Services has received the *Raising the Bar Award* for its demonstration of a high quality and commitment to supplier development and a significant improvement in its program from the previous year. The Virginia Minority Supplier Development Council (VMSDC) presented the award at the Minority Input Committee Awards Luncheon on December 8, 2011 at the Jefferson Hotel. Mr. Hazelett recognized Cecelia Stowe, Purchasing Manager; Marvis Marshall, Supplier Relations Manager; Yvonne Daniel and Kevin Steinbrecher, Procurement Supervisors; and Ray Buchtou and Cindy Joy, Buyers.

Ms. Marshall has received the 2011 *Advocate of the Year Award*, which VMSDC presented to her at the Minority Input Committee Awards luncheon on December 8. This award recognizes a deserving individual who is a strong advocate for minority business development and who actively provides support to assist the growth of minority business entrepreneurs. Ms. Marshall sits on VMSDC's Board of Directors and chairs its Certification Committee. She was certified by the National Institute of Governmental Purchasing in 1988 as a Certified Professional Public Buyer and served on the Commonwealth's Purchase and Supply Procurement Appeals Board. Mr. Thornton re-presented the award to Ms. Marshall.

On November 30, the Richmond Chapter of the Urban Land Institute (ULI) honored the Department of Planning with a 2011 *Vision Award for Leadership in Public Policy*. The award is for the department's work on the Innsbrook Area Study, which was approved by the Board of Supervisors in September 2010. The award nomination noted how this study exemplified the County's proactive approach to land use planning and desire to remain a business-friendly community that effectively balances residential and non-residential development in a more sustainable manner. Mr. Hazelett recognized Joe Emerson, Director of Planning, and the following members of the study's project team: Jean Moore, Assistant Director of Planning; Jim Strauss, Principal Planner; and County Planners Seth Humphreys, Livingston Lewis, and Ben Sehl.

Mr. Donati has received an award from the Virginia Association of Counties (VACo) recognizing him for 20 years of dedicated service to county government. On November 13, 2011, during VACo's 77th annual conference in Bath County, VACo President Robert R. Adkins recognized Mr. Donati for achieving this milestone. Mr. Donati has served on the Board of Supervisors since 1992 and is the only member of the Board from the Varina District since the County Manager Form of Government was adopted in 1934 to have been elected to five consecutive terms. He has served four terms as Chairman of the Board of Supervisors. From 1995 to 2000, Mr. Donati served as a Region 3 representative on the VACo Board of Directors. Mrs. O'Bannon, who is currently a Region 3 representative on the VACo Board, presented Mr. Donati with this special award and complimented him on his respect for women and their opinions and for his exemplary leadership qualities. In accepting the award and noting that this was his last Board meeting, Mr. Donati reflected on the privilege of serving with this Board and with Mr. Hazelett, praised Mr. Hazelett and the County staff, and thanked the citizens from his district for giving him the honor to serve.

BOARD OF SUPERVISORS' COMMENTS

Mrs. O'Bannon reminded the public that Henrico County will begin another 400 years in 2012 after celebrating its first 400 years of history in 2011.

Mr. Kaechele commented that it has been another great year for Henrico County despite the difficult economy and wished everyone a Merry Christmas, Happy Hanukkah, and Happy New Year.

Mr. Donati acknowledged a group of his family members and friends who were in the audience.

Mr. Thornton recognized the following Boy Scouts from Troop 501, sponsored by Laurel Hill United Methodist Church, who were observing the meeting to fulfill a requirement for the Citizenship in the Community Merit Badge: Ian Christian, Phillip Christopher, Josh Evans, Matthew Evans, Billy Stoneman, Edwin Thomas, and Leslie Tyler. Joining them was the troop's Assistant Scoutmaster, Doug Christopher.

RECOGNITION OF NEWS MEDIA

No media representatives were present.

APPROVAL OF MINUTES

On motion of Mrs. O'Bannon, seconded by Mr. Donati, and by unanimous vote, the Board approved the November 22, 2011 Regular and Special Meetings.

The vote of the Board was as follows:

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

No: None

PRESENTATIONS

Mr. Donati presented a certificate of recognition to the Nelson family for operating Colonial Acres Farm LLC in Henrico County's Varina District for 100 consecutive years, providing nourishment to their fellow citizens, and contributing to the local economy while demonstrating superior stewardship of their land and natural resources. Accepting the certificate were Mr. and Mrs. Reginald H. "Reggie" Nelson IV and Mr. and Mrs. Reginald W. "Bill" Nelson. Mr. Donati also presented an honorary share of stock to Reginald H. Nelson IV in appreciation for Mr. Nelson's 36 years of service as a Henrico County representative on the Richmond Metropolitan Authority Board of Directors and for other service he has provided to his community and the Commonwealth of Virginia.

268-11 Resolution – Expressing Appreciation to the Eastern Henrico Business Association, Lakeside Business Association, Henrico Business Leaders, BB&T Corporation, and Intrepid Services, LLC.

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

Mr. Donati presented the resolution, which recognized these organizations and businesses for generously administering, sponsoring, and supporting the *Henrico Advantage Card* program as a successful business generation initiative. Accepting the resolution were Mark Romers, President of the Eastern Henrico Business Association and owner and President of Industrial Control Systems, Inc., and Tom Lappas, former President and current Secretary of the Lakeside Business Association and owner and Publisher of the *Henrico Citizen*. Joining them were Joe Winston, President of the Henrico Business Leaders and owner and President of the “Doctor of Techno Marketing;” Andrew Tate, President of BB&T, and Susan Raheer, Senior Vice President for Corporate Banking for BB&T; Paul Ward, owner and President of Intrepid Services, LLC; Bret Atwood, a member of the Eastern Henrico Business Association and owner and General Manager of Atwood’s Printing and Copying; Sunni Southward, Sales and Marketing Director for the *Henrico Citizen*; George Weltmer, Sales Consultant for the *Henrico Advantage Card*; and John Vithoukaskas, the County’s Director of Finance and Special Economic Advisor to the County Manager.

RESIGNATIONS/APPOINTMENT

269-11 Resolution - Resignation of Member – Board of Social Services.

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

270-11 Resolution – Resignation of Member – Board of The Shops at White Oak Village Community Development Authority.

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

271-11 Resolution – Resignation of Members – Local Emergency Planning Committee.

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

272-11 Resolution – Nomination of Member – Local Emergency Planning Committee.

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

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMITS

277-11 Wal-Mart: Request for a Provisional Use Permit under Section 24-58.2(a), 24-
P-13-11 120 and 24-122.1 of Chapter 24 of the County Code in order to allow seasonal
Tuckahoe twenty-four (24) hour operation of a retail store (Wal-Mart) on Parcel 753-744-
5576, located at the northwest intersection of N. Parham Road and Quioccasin
Road.

Mr. Hazelett informed the public that this case had been withdrawn by the applicant.

273-11 Hunton Park Land Partners, LC: Request to amend proffered conditions
C-18C-11 accepted with Rezoning Case C-25C-10 on Parcel 763-774-5187 located along
Brookland the north line of Hunton Park Boulevard approximately 200' west of its
intersection with Hunton Ridge Lane.

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

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

Amended & Restated Proffers 3, 13, 14 & 15 (All other Proffers approved with Case C-25C-10 shall remain unchanged)

3. **Site Plan.** Development of the property shall be in substantial accordance with the plan entitled "The Townes at Hunton Park, Section E, Brookland District, Henrico County, Virginia" prepared by Burgess & Niple dated June 8, 2011 attached hereto as Exhibit A (see case file) unless otherwise requested and approved by the Director of Planning at the time of Plan of Development Review.

13. **Buffer Area.** A landscaped or natural planted buffer of a minimum of twenty-five (25) feet in width shall be maintained along the boundary of Hunton Park Boulevard as generally shown on the attached Exhibit C (see case file) entitled "RTH Site Layout, Hunton Park, Henrico County, Virginia" except for the extent necessary for drainage and utility easements which shall pass through the area in a generally perpendicular manner (unless currently existing). Any areas within the twenty-five (25) foot buffer that are currently clear of trees and shrubs, or are cleared of trees and shrubs during construction, shall be planted with new trees and shrubs pursuant to a landscape plan to be reviewed and approved by the Planning Commission at

time of Plan of Development and said landscape plan shall be in substantial conformance with the attached Exhibit D (see case file) entitled "Hunton Landscape Buffer Exhibit, Section E" (see case file) by Cite Design dated December 12, 2011. The sodded, seeded and landscaped areas shall be irrigated. Building setbacks shall be a minimum fifty (50) feet along Hunton Park Boulevard.

14. **Tree Save Area.** A tree save area being of variable width and depth shall be preserved in its natural state and located as generally shown on the attached Exhibit C entitled "RTH Site Layout, Hunton Park, Henrico County, Virginia" (see case file). Trees shall be preserved within the area except for drainage and utility easements which shall pass through the area in a generally perpendicular manner (unless currently existing). No buildings of any kind may be placed in the tree save area. Exceptions to disturbing the tree save area shall be determined by the Planning Commission at the time of Plan of Development or subdivision review.

15. **Streets.** Curb & gutter shall be used on all streets and shall be designed to meet current County standards. Roads shall be designed to have a minimum of twenty-four (24) feet from front of curb to front of curb. Prior to issuance of a permanent Certificate of Occupancy for any home, the developer shall provide the Planning Department certification from a licensed engineering firm that the roadways within the development were constructed according to the approved plan and in compliance with Henrico County road design standards and specifications, to include proper compaction of sub-base soils, utility trenches, base stone and asphalt, but excluding road widths, turning radii, sight distance and vertical curves, or a bond in an amount satisfactory to the Director of the Department of Public Works shall be provided to Henrico County for items not yet completed. The internal roads within the property shall be private and shall be maintained by the Homeowners Association.

The vote of the Board was as follows:

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

No: None

274-11
C-11C-11
Varina

Osborne Glen, LLC: Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) part of Parcel 800-695-7559 containing approximately 58.7 acres located at the northwest intersection of Sholey Road and Osborne Turnpike.

Joe Emerson, Director of Planning, responded to a series of questions from Mr. Donati and a question from Mrs. O'Bannon. Mr. Hazelett noted that the layout of roads was not a condition of this case and could be worked out later with the applicant.

Henry L. Wilton presented the case on behalf of the applicant. He noted that the roads contained in the development would not be private, referred to issues that had been addressed by the applicant, and provided a history of the property. Mr. Wilton responded to several questions from the Board.

The following persons addressed the Board during the public hearing:

- Richard Simpkins – resides in the Village at Osborne; expressed concerns pertaining to zero lot property lines and the homeowner's association's future responsibility for maintaining common property; asked for postponement and reconsideration of the case
- Harry Jordan – resides on property adjoining the subject site; voiced opposition to the case and asked that it be denied; expressed concern that the developer's accountability will be gone once the site is developed
- Jakob Helmboldt – resides in the Varina District; spoke to the incongruous nature of this type of development; stated that it would be inappropriate to place urban, compact development with grid streets in this location; urged the County to proceed with all due speed in designating what the Osborne corridor is going to look like and in fleshing out the details of the Traditional Neighborhood District (TND) and Suburban Mixed Use (SMX) ordinances
- Buddy Whitlow – resides in the Varina area; stated opposition to the rezoning of this property; encouraged the Board to look at what it plans to do with the Osborne corridor
- Nicole Anderson Ellis – urged the Board to deny the case; expressed concerns about the density of the proposed development and the volume of daily vehicular trips it would generate on Osborne Turnpike; referred to a key glitch in the County's land use plan that provides two land use designations for this site; stated that a TND designation was not an appropriate designation for this corridor and that the corridor's standards need to be defined; indicated she was speaking on behalf of the residents of the Osborne Park Neighborhood Association

Mr. Wilton briefly commented again on the case and elaborated on the applicant's rationale in trying to adopt parts of a TND plan.

Mr. Donati commented on the tremendous amount of work that had gone into the case. He remarked that the study of the Osborne corridor needs to be finished and that it would be premature for the Board to approve the case.

On motion of Mr. Donati, seconded by Mrs. O'Bannon, the Board followed the recommendation of the Planning Commission and denied the request.

The vote of the Board was as follows:

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

No: None

The Board recessed at 8:53 p.m. and reconvened at 9:01 p.m.

275-11 Michael J. Carroll: Request for a Provisional Use Permit required under
P-11-11 proffered condition #9 accepted with C-60C-06 to allow twenty-four (24) hour
Varina operation of a convenience store with gas pumps (Wawa) on Parcel 816-712-7504 located at the northeast intersection of S. Laburnum Avenue and Eubank Road.

Jean Moore, Assistant Director of Planning, responded to several questions from Mrs. O'Bannon and a question from Mr. Donati.

Andy Condlin of Williams Mullen presented the case on behalf of the applicant. He noted convenience store use for the site was already permitted by right, the proposed development would be consistent with the area, and the County's land use area recommends commercial concentration in the area. Mr. Condlin responded to several questions from the Board.

The following persons addressed the Board during the public hearing:

- David Christiana – resides on Coxson Road; spoke in support of the case and this type of use on the site
- Alysa Morgan – resides in the 5300 block of Raleigh Road; expressed concern that allowing the proposed 24-hour operation was unnecessary and inappropriate and would have a negative impact on the adjacent residential area; referred to the sufficiency of 24-hour locations in the immediate vicinity and in other more desirable locations and cited the high number of police calls at other Wawa locations in the County; voiced concerns about the traffic, noise, and light that would be generated by the site

- David Robinson – resides on Coxson Road; expressed concern that Wawa will not be able to control neighborhood cut-through traffic from outside vendors serving the site

Mr. Condlin briefly commented again on the case. He stated that police calls for service do not necessarily mean crime, that he did not foresee traffic associated with the site coming through the residential area, and that the applicant had tried to screen the gas pumps and enhance its buffer on the site. Mr. Condlin responded to additional questions from the Board.

Mr. Donati acknowledged that this was a difficult case, but pointed to how 24-hour operations can enhance security, said he felt that the Wawa would enhance and spur development along this corridor, and noted that traffic calming devices could be implemented in the adjoining neighborhood. He commented on his disagreement with staff concerning this case.

Mr. Rapisarda clarified that the Board had the liberty to change conditions for this case, including the prohibition on diesel fuel imposed by condition #12. There was some discussion between Mr. Condlin and the Board regarding an increasing consumer demand for diesel fuel. There was also discussion by the Board, Mrs. Moore, and Mr. Hazelett about how to amend the conditions to allow for diesel fuel sales on the subject property.

On motion of Mr. Donati, seconded by Mr. Glover, with Mrs. O'Bannon voting no, the Board did not follow the recommendation of the Planning Commission and approved the request with the following conditions:

1. This permit shall only apply to the 24-hour operation of a Wawa convenience store with gasoline and diesel fuel sales on a parcel currently identified as GPIN 816-712-7504, and it shall not allow extended hours of operation for any other business except a convenience store.
2. The sale of alcohol between the hours of 12:00 midnight and 6:00 a.m. shall be prohibited.
3. The installation of pay phones on site shall be prohibited.
4. Any outside speakers and/or sound system shall comply with the following standards:
 - a) Sound systems shall be equipped with controls that permit full and complete volume control; and
 - b) Sound(s) emitted from the system shall not be audible beyond a distance of one hundred (100) feet measured from the source.
5. Prior to 24-hour operation, the applicant and the Crime Prevention Unit of the Division of Police shall conduct a security survey of the property

and store operations. The owner/occupant of the Wawa shall implement the mutually agreed upon security measures affecting the property.

6. The owner or operator shall be responsible for the installation, operation, and maintenance of exterior security camera(s) and video system of professional grade and quality, and rated for the exterior surveillance of retail operations. This security system shall at a minimum include:

- a) Exterior surveillance cameras shall monitor all entrance(s), fueling area(s), parking area(s), delivery area(s), and other areas determined necessary by the Crime Prevention Unit of the Division of Police. Such security cameras shall provide clear imagery of the establishment's patrons and their vehicles.
- b) Recordings of all activities under surveillance shall be preserved for a period of four (4) months by the applicant or owner/operator. Authorized representatives of the Henrico County Division of Police shall have full and complete access to all recordings upon request.

7. Store windows shall not be tinted or obscured by advertisements, posters, blinds, and/or visual obstructions that inhibit or hinder exterior surveillance. The installation and use of light blocking devices during daylight hours shall be permissible if approved by the Crime Prevention Unit of the Division of Police.

8. The owner or operator shall provide adequate lighting for the entrances, exits, and parking areas serving the use or location. "Adequate lighting" means lighting sufficient for clear, visual and security camera surveillance.

9. The owner or operator shall not permit loitering on the premises during hours of operation.

10. Should evidence (i.e. police calls to the premises, complaints from other businesses, criminal assaults, etc.) or registered complaints (i.e. increased public nuisance, loitering, excessive noise, etc.) indicate that 24-hour exterior operation is having adverse effects on the area, the Board of Supervisors may hold a public hearing to consider revoking the PUP, or amending all or some conditions.

11. All external building walls shall use building materials that present a high quality, substantially uniform appearance on all sides of the structure as determined by the Director of Planning or Planning Commission at time of plan of development.

The vote of the Board was as follows:

Yes: Thornton, Glover, Donati, Kaechele

No: O'Bannon

276-11
C-9C-11
Three Chopt

Bacova, LLC: Request to conditionally rezone from A-1 Agricultural District to O-2C Office District (Conditional), parts of Parcels 739-766-2504 and 739-765-0785 containing 6.439 acres (Tract A) located at the northwest intersection of Pouncey Tract Road (State Route 271) and Bacova Drive; from A-1 Agricultural District to R-3C One-Family Residence District (Conditional), Parcel 737-766-1902 and parts of Parcels 738-765-2372, 736-766-7163, 739-766-2504, and 739-765-0785 containing 79.234 acres (Tracts B and C) located along the west line of Bacova Drive approximately 675' west of its intersection with Pouncey Tract Road; from A-1 Agricultural District to R-6C General Residence District (Conditional), Parcels 736-765-2998, 736-766-0319, 735-766-7333, 735-766-4550, 735-766-2261 and parts of Parcels 734-766-9974, 734-767-2531, 736-766-7163 and 735-767-9459 containing 30.786 acres (Tracts D and E) located at the eastern corner of the N. Gayton Road Extension and Bacova Drive intersection; and from A-1 Agricultural District to R-5AC General Residence District (Conditional), parts of Parcels 735-767-9459 and 736-768-5323 containing 19.481 acres (Tract F) located along the east line of the N. Gayton Road Extension approximately 530' southwest of its intersection with Kain Road.

Mrs. Moore responded to questions from the Board. Mr. Glover expressed concerns regarding the number, clarity, and open-endedness of proffers associated with this case. Mr. Kaechele countered that there had been a lot of exchange between the applicant and staff and that he was comfortable with staff's position. Mr. Glover also expressed concern about the proffered sound coefficients that would apply to the interior wall units.

Mr. Condlin presented the case on behalf of the applicant. He referred to the location and features of the subject property, the benefits of master planning and mixed uses, and the many amenities that had been proffered by the applicant. Mr. Condlin also responded to concerns raised by Mr. Glover and to questions from Mr. Glover and Mr. Kaechele. Mr. Glover voiced an additional concern that the applicant's proffers would effectively let the Planning Commission zone the property rather than the Board. Mr. Kaechele commented that the case could be five separate zoning cases with separate sets of proffers. He remarked that there had been a lot of give and take on this case to arrive at the quality that staff had been looking for in this area and expressed comfort with the staff and Planning Commission recommendation.

The following person addressed the Board during the public hearing:

- Karen Hamilton – indicated that this case was inconsistent with the County’s Comprehensive Plan, expressed opposition to apartment living and the construction of more apartments in the area, referred to a petition she had presented to the Planning Commission opposing the rezoning, and voiced concern that the County was obstructing enforcement of the Federal Migratory Bird Act.

Mrs. Moore responded to an additional question from Mr. Kaechele regarding the compatibility of this case with the County’s Comprehensive Plan. Mr. Thornton stated that it does not help for citizens who are addressing the Board to denigrate other groups such as apartment dwellers. In responding to a question from Mrs. O’Bannon, Mr. Kaechele commented on the complexity of the case and reiterated his concurrence with staff that it addressed the

quality and type of development that the County had been looking for in this west end quadrant.

On motion of Mr. Kaechele, seconded by Mrs. O’Bannon, with Mr. Glover voting no, the Board followed the recommendation of the Planning Commission and approved the request with the following proffered conditions:

PROFFERS APPLICABLE TO THE ENTIRE PROPERTY:

1. **Development Plan.** The Property shall be developed generally consistent with that certain development plan entitled “BACOVA OVERALL PLAN, THREE CHOPT DISTRICT, HENRICO COUNTY, VIRGINIA,” prepared by Youngblood, Tyler & Associates P.C., dated April 14, 2011, last revised October 17, 2011, and attached hereto as Exhibit 1 (see case file) (the “Development Plan”), unless requested and specifically permitted at the time of Plan of Development review or subdivision review, as may be the case. The Development Plan shows various Tracts within the Property, each referred herein as a “Tract”.
2. **Protective Covenants.** Prior to or concurrent with the final approval of the initial Plan of Development or subdivision for any Tract, a document setting forth covenants (the “Covenants”) shall be recorded in the Clerk’s Office of the Circuit Court of Henrico County, Virginia (the “County”), setting forth controls on the development and maintenance of such Tract and establishing an owners’ association (the “Association”). A master Association shall be established for the entire Property, provided a separate Association may, but shall not be required, to be applicable to any particular Tract or combination of Tracts. The Covenants shall provide for

high standards of uniform maintenance (consistent with commercial “Class A” and high end residential projects) of individual sites, common areas, open space, landscaping and private streets. The Association shall establish uniform rules related to the standards for approval by the Association of improvements within a particular Tract, including, but not limited to, construction of any buildings and other structures and signage.

3. **Concept Road.** A road shall be constructed on the Property and dedicated to the County running generally from Pouncey Tract Road at its intersection with Bacova Drive west through the Property to North Gayton Road (the “Concept Road”), all as more particularly shown on the Development Plan, the exact location of which shall be determined at the time of subdivision review for such Concept Road. A minimum ten (10) foot wide multi-use path shall be provided along the entire southern line of the Concept Road right-of-way and shall be constructed as the Concept Road is developed (the “Multi-Use Path”). The Multi-Use Path shall be constructed of asphalt or such other material as approved by the Director of Public Works. A five (5) foot grass strip shall be provided between the Concept Road and the Multi-Use Path. A minimum five (5) foot wide sidewalk shall be provided along the entire northern line of the Concept Road right-of-way as adjacent and contiguous properties are developed along such five (5) foot sidewalk (collectively, the “Sidewalk”). A two (2) foot grass strip shall be provided between the Concept Road and the Sidewalk. The Multi-Use Path and the Sidewalk shall be constructed in compliance with the County’s standards and specifications for sidewalks. The Concept Road shall include a landscaped median within the Concept Road of a width as determined appropriate by the Planning Commission at the time of subdivision review, but in any case, such median shall be a maximum of fourteen (14) feet from face of curb to face of curb. Such median shall include irrigation and landscaping as approved by the Director of Planning or the Planning Commission at the time of subdivision review. Any existing home located on a lot north of and adjoining the area shown on the Development Plan as “FUTURE DEVELOPMENT” may be provided direct access to the Concept Road by a private driveway no wider than twenty (20) feet serving such home.
4. **Road Improvements.** The following improvements shall be made within the time period required by the County Director of Public Works at the time of Plan of Development or subdivision review for any Tract:
 - a. **North Gayton Road Improvements.** A third northbound lane along the entire frontage of the Property along North Gayton

Road and improvements shall be constructed as set forth in the Phasing Plan, as hereinafter defined. Such improvements shall include any dedication of right-of-way needed, the installation of curb and gutter, pavement widening, turn lanes and any necessary storm sewer along this portion of North Gayton Road. Further, at its intersection with the Concept Road, a northbound right turn lane on North Gayton Road with a minimum of 150 feet of storage and 100 feet of taper shall be constructed and a southbound left turn lane on North Gayton Road with a minimum of 200 feet of storage and 150 feet of taper shall be constructed. Upon development of the adjoining Tract(s), a minimum of a four foot (4') wide sidewalk shall be provided along the entire distance of such Tract adjoining the east side of North Gayton Road, unless otherwise approved by the Planning Commission at the time of any Plan of Development review for any such Tract(s). A two (2) foot grass strip shall be provided between North Gayton Road and such sidewalk.

- b. **Bacova Drive Improvements.** Bacova Drive shall be constructed to provide a road width, two cul-de-sacs, and such improvements as referenced in and generally in accordance with the plan entitled "BACOVA DRIVE", dated August 16, 2011, and last revised October 17, 2011, attached hereto as Exhibit 2 (see case file).
- c. **Pouncey Tract Road Improvements.** Sufficient right-of-way for the ultimate width from the center line of Pouncey Tract Road shall be dedicated along the entire frontage of the Property along Pouncey Tract Road. Improvements to the west side of Pouncey Tract Road along the Property shall include the installation of curb and gutter, pavement widening, turn lanes and any necessary storm sewer along this portion of Pouncey Tract Road. Upon development of Tract A, a minimum of a four (4) foot wide sidewalk shall be provided along the entire distance of Tract A adjoining the west side of Pouncey Tract Road, unless otherwise approved by the Planning Commission at the time of any Plan of Development review for Tract A. A two (2) foot grass strip shall be provided between Pouncey Tract Road and such sidewalk.
- d. **The Concept Road Improvements.** The Concept Road shall be constructed generally in accordance with Proffer 3 and the typical section entitled "CONCEPT ROAD TYPICAL ROAD SECTION", attached hereto as Exhibit 3 (see case file). Such construction shall include construction of the southern westbound lane of the Concept Road as a left turn lane at the intersection of the Concept Road with North Gayton Road and construction of

the northern westbound lane of the Concept Road as a right turn lane at the intersection of the Concept Road with North Gayton Road. The eastbound portion of the Concept Road at its intersection with Pouncey Tract Road shall be designed and constructed to have one (1) left turn lane, two (2) thru lanes and one (1) right turn lane.

- e. **Phasing Plan.** Construction of the road improvements identified on the phasing plan entitled “BACOVA OVERALL PLAN Concept Road Phasing Plan”, dated September 12, 2011, last revised October 17, 2011, and prepared by Youngblood, Tyler & Associates, P.C., attached hereto as Exhibit 4 (see case file (the “Phasing Plan”)) shall follow the phasing set forth on the Phasing Plan, unless otherwise approved by the Planning Commission at the time of any subdivision or Plan of Development review for any Tract.
 - f. **Traffic Signal.** A traffic signal shall be installed by the developer of the Property at the intersection of the Concept Road and North Gayton Road once it is warranted and as requested by the County.
5. **Entrance Features, Pedestrian Areas and Landscaping.** Entrance features for the entire Property shall be constructed of either full standard brick or stone or a combination thereof and shall be provided as generally shown on the plans entitled “BACOVA ENTRANCE MONUMENT CONCEPT” prepared by West View Companies (pages (i) through (v) attached hereto as Exhibit 5 (i) through (v)) (see case file), unless otherwise approved at the time of Plan of Development or subdivision review. Signage for individual neighborhoods in Tracts B, C and F shall be limited to six (6) feet in height. There shall be pedestrian walkways and amenities designed throughout the entire Property within and connecting various Tracts, which amenities shall include the following items: landscaped and natural areas, pavers, water features, pedestrian gathering areas, street furniture, benches, accessory picnic areas, pedestrian lighting and pedestrian accessways connecting to sidewalks and walking areas within and adjoining various Tracts, all as generally shown on the plan entitled “BACOVA OVERALL PLAN, PEDESTRIAN PLAN,” prepared by Youngblood, Tyler & Associates, P.C., dated July 13, 2011, last revised October 17, 2011 and attached hereto as Exhibit 6 (see case file). A pedestrian trail shall be constructed through the Property to connect the various Tracts and pedestrian walkways. Such pedestrian trail shall be constructed of natural material and in various locations within each Tract, such material and locations to be approved at the time of Plan of Development or subdivision review for each such Tract. Such trail shall be constructed within each Tract

as required by the County at the time of subdivision or Plan of Development review for such Tract. Sidewalks of a minimum width of four (4) feet within the Property and along roads adjoining the Property shall be provided as shown on Exhibit 6 (see case file) as "PROPOSED 4' SIDEWALKS" and constructed within and along each Tract as required by the County at the time of subdivision or Plan of Development review for such Tract. Landscaping features for the entire Property, including sod and an irrigation system, shall be provided as generally shown on the plan entitled "BACOVA OVERALL PLAN, LANDSCAPE PLAN," dated August 16, 2011, last revised October 17, prepared by Youngblood, Tyler & Associates P.C. attached hereto as Exhibit 7 (see case file), unless otherwise approved at the time of Plan of Development or subdivision review. No chain link fencing or stockade fencing shall be permitted on the Property.

6. **Buffer Requirements.**

- a. **Overall.** Any buffer within the Property required herein shall be retained as natural and may also be landscaped, including supplemental plantings, signage, berms and/or fencing and other purposes as approved by the Planning Commission at the time of landscape plan review. Best tree preservation practices shall be followed to minimize large tree clearing for any buffer along the perimeter of the Property. Buffer areas with installed landscaping shall be irrigated unless otherwise approved at the time of Plan of Development or subdivision review. Roads, sidewalks, utility easements (including drainage), common owned fencing/walls adjacent to any roads or drives, and signage shall be permitted within such buffer; provided, any such road or utility easements shall be extended generally perpendicular through such buffer. All buffers, whether in common area or a lot, shall be maintained by the Association. No fencing and walls for an individual lot may be located within a buffer.
- b. **Concept Road.** A natural and landscaped buffer a minimum of at least twenty-five (25) feet in width and planted to the level of a transitional buffer 25 shall be provided adjacent to each Tract adjoining the Concept Road. A minimum of twenty-five (25) foot in width natural and landscaped buffer and planted to the level of a transitional buffer 25 shall be provided adjacent to the portion of the boundary of the Future Development area adjacent to the Concept Road. These buffers shall also contain landscaping (including street trees and a hedge row) and natural open areas, except as required for utility and drainage easements, which, as much as practical, shall run perpendicular to this buffer. Spacing

for street trees along or within the Concept Road shall be a maximum of thirty-five (35) feet on center, and no more than fifteen (15) feet from the edge of the right-of-way for the Concept Road.

- c. **Tract A.** A minimum thirty-five (35) foot wide natural and landscaped buffer, planted to the level of a transitional buffer 35, shall be provided adjacent to the eastern boundary line of Tract A along Pouncey Tract Road. A minimum twenty-five (25) foot wide natural and landscaped buffer, planted to the level of a transitional buffer 25, shall be provided adjacent to the southern boundary line of Tract A along the Concept Road. Each such buffer shall be similar to the plans depicted on Exhibits 9 & 10 (see case file), as hereinafter defined in proffer 6(e), including, without limitation, the berms and fencing shown thereon. A minimum ten (10) feet wide natural and landscaped buffer, planted to the level of a transitional buffer 10, shall be provided adjacent to the northern boundary line of Tract A, until such time as Tract A is developed for any use other than residential use. The landscape plan for Tract A shall also include provisions for landscaping of parking areas and other common areas of Tract A.

- d. **Tract B and Tract C.** A minimum twenty-five (25) foot wide natural and landscaped buffer shall be provided adjacent to (a) the northern line of Tract B and Tract C adjoining the Concept Road and planted to the level of a transitional buffer 25, and (b) the southeastern line of Tract B adjacent to Bacova Drive Relocated and planted to the level of a transitional buffer 35. Each such buffer shall be provided similar to the plan depicted on that certain rendering entitled “CONCEPT ROAD 25’ TRANSITIONAL BUFFER DETAILS”, prepared by Youngblood Tyler & Associates, P.C. dated December 8, 2011, and attached hereto as Exhibit 8 (see case file), unless otherwise approved by the Planning Commission during landscape plan review, including, without limitation, a fence substantially similar to the fence for the Glen Allen Cultural Arts Center, as shown on the photograph on Exhibit 8 (see case file), to include an arch pediment feature and a minimum of a 1”x10” top cap, 6”x6” posts and 1”x6” deck boards. The Covenants shall provide that the Association shall have the obligation to and the right to access and maintain any portion of a buffer for Tract B or Tract C that is within a lot.

- e. **Tracts D and E.** A minimum twenty-five (25) foot natural and landscaped buffer and planted to the level of a transitional buffer 25 shall be provided adjacent to the boundary of Tract D adjacent

to Bacova Drive Relocated. A minimum thirty-five (35) foot natural and landscaped buffer and planted to the level of a transitional buffer 35 shall be provided adjacent to the boundary of Tract D and Tract E adjacent to North Gayton Road. Each such 35' buffer shall be similar to the plan depicted on that certain rendering entitled "BACOVA APARTMENTS 35' Transitional Buffer Exhibit" prepared by Timmons Group, dated October 26, 2011, and attached hereto as Exhibit 9 (see case file), including, without limitation, the berms and fencing shown thereon, which such rendering is conceptual in nature ("Exhibit 9"), (see case file). A minimum twenty-five (25) foot natural and landscaped buffer and planted to the level of a transitional buffer 25 shall be provided adjacent to the portion of the boundary of Tract E adjacent to the Concept Road. Each such 25' buffer shall be similar to the plan depicted on that certain rendering entitled "BACOVA APARTMENTS 25' Transitional Buffer Exhibit" prepared by Timmons Group, dated October 26, 2011, and attached hereto as Exhibit 10 (see case file), including, without limitation, the berms and fencing shown thereon, which such rendering is conceptual in nature (together with Exhibit 9, collectively, "Exhibits 9 & 10"), (see case file). A minimum fifty (50) foot building setback shall be provided adjacent to the eastern boundary line of Tract D adjacent to the parcel referenced as County Tax Parcel 736-765-5683.

- f. **Tract F.** A minimum twenty-five (25) foot natural and landscaped buffer and planted to the level of a transitional buffer 25 shall be provided adjacent to the boundary of Tract F adjoining the Concept Road. A minimum twenty-five (25) foot natural and landscaped buffer and planted to the level of a transitional buffer 35 shall be provided adjacent to the portion of the boundary of Tract F adjacent to North Gayton Road. No wooden fence shall be permitted within the rear yard of any lot within Tract F adjacent to any such buffer along North Gayton Road and any fence within the rear yard of any such lot shall be similar in appearance or type with the fence within the buffer along North Gayton Road. Each such buffer located on Tract F shall be similar to the plans depicted on Exhibits 9 & 10 (see case file), including, without limitation, the berms and fencing shown thereon. The Covenants shall provide that the Association shall have the obligation to and the right to access and maintain any portion of a buffer for Tract F that is within a lot.

7. **Underground Utility Lines.** All utility lines on the Property shall be underground, except for already existing utilities, junction boxes, meters, utility lines in wetland areas and utility lines required to be

above ground by the utility company. Electrical junction boxes and meters shall be screened from public view at ground level at the perimeter of the Property with use of a wall, fencing, landscaping, or such other method as may be approved at the time of Plan of Development or subdivision review.

8. **Best Management Practice.** Best Management Practice structures shall be located outside of any landscaped buffer within the Property, except as a landscaping amenity or water-related feature and if requested and specifically permitted by the Director of Planning or the Planning Commission at the time of subdivision or Plan of Development review for any Tract. Any above-ground Best Management Practice structure shall include an aeration feature to move water within such structure.
9. **Compliance Certificate.** Upon the request of the County, the applicant or its successor as to any particular Tract shall provide the County with the necessary calculations that illustrate the compliance with all of the allowable and required percentages set forth in these proffers as applicable to that Tract.
10. **C-1 Zoning.** Applicant shall file an application for C-1 zoning for the areas within the Property that are within the 100 year flood plain, unless such areas are needed for roads, access ways or other purposes approved or required by the Director of Planning or the Planning Commission or any other governmental body or official at the time of any subdivision or Plan of Development review for any Tract. Such rezoning application shall be filed as soon as reasonably practical, but in no case later than the final subdivision approval for the last subdivision plat for the Property. The acreage then zoned C-1 may or may not be included in any subdivision or lot on the Property, at the sole discretion of the Applicant.
11. **Hours of Construction.** During the construction of the development on the Property the hours of exterior construction shall be limited to 7:00 a.m. to 8:00 p.m., Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connections. Exceptions shall require the Director of Planning's approval. Construction signs shall be posted in English and in Spanish and shall state the hours of construction.
12. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

The following proffers shall be applicable only to that certain parcel designated as "TRACT A, OFFICE O-2C 6.439 GROSS ACRES" on the Development Plan to be rezoned O-2C ("Tract A"):

13. **Conceptual Plan.** Development of Tract A shall occur in a similar manner as shown on "BACOVA TRACT A," prepared by Youngblood, Tyler & Associates P.C., dated April 14, 2011, last revised October 17, 2011, and attached hereto as Exhibit 11 (see case file). The exact locations, footprints, configurations, sizes and details of the building(s), drives, roads and other improvements shown on such conceptual plan are illustrative and may be subject to change and revised and updated from time to time as required for final engineering design, compliance with governmental regulations, or for other reasons approved at the time of Plan of Development review.
14. **Site Coverage.** No more than seventy percent (70%) of Tract A in the aggregate shall be covered by buildings, parking areas and driveways.
15. **Limitation on Uses.** The following uses shall be prohibited on Tract A:
 - a. Funeral home or undertaking establishment;
 - b. Check cashing and/or making of payday loans and motor vehicle title loans as defined and regulated by Section 6.2-2100 et seq., Section 6.2-1800 et seq. and Section 6.2-2200 et seq. of the Code of Virginia, provided the foregoing shall not preclude banks, credit unions, savings and loan, or other similar financial institutions that are not regulated by the foregoing Virginia Code sections; and
 - c. More than one bank with drive through service.
16. **Loading Docks.** Loading docks shall be completely screened from public view at ground level from Pouncey Tract Road and the Concept Road, as approved at the time of Plan of Development review by use of a masonry or split-face screening wall or other architectural feature similar to the exterior material as the building on which it is located, landscaping, or such other method as may be approved at the time of Plan of Development review.
17. **Exterior Materials; Exterior Appearance.** The exposed portions of all exterior wall surfaces (front, rear and sides) of each building constructed on Tract A shall be similar in architectural treatment and materials to each other and to all other buildings on Tract A. The exposed exterior wall surfaces (above finished grade) shall consist of full standard brick, stone, glass, architectural precast, EIFS, stucco if

applied to a masonry surface or any combination thereof, or other aesthetically comparable finished materials approved by the Planning Commission at the time of Plan of Development review. At least eighty-five percent (85%) of such exposed exterior wall surfaces for each building shall be full standard brick or stone, unless otherwise permitted by the Planning Commission at the time of Plan of Development review. No building on Tract A shall be covered with or have exposed to view any painted or unfinished concrete block, sheet or corrugated aluminum, iron and/or steel or other materials unless requested and specifically permitted at the time of Plan of Development review.

18. **Character Images.** All buildings on Tract A shall have exterior architectural styles and use design elements similar with the photo compilation entitled "BACOVA OFFICES, 0-2 ZONING, CHARACTER IMAGES" and attached hereto as Exhibit 12 (see case file), which such renderings are typical in nature and are provided only as an illustration of the quality of the design and architectural style of such buildings to be constructed on Tract A.
19. **Detached Signage.** Any detached signs on Tract A shall be monolithic style signs, the base of which shall be landscaped. No portable signs or signs with changeable copy shall be permitted on the site. No detached sign shall exceed a height of eight (8) feet, as measured from the base of the sign. All detached signs on Tract A, including any project entrance sign, shall be similar in style to those provided in Exhibit 5 (see case file), unless otherwise approved by the Planning Commission at the time of Plan of Development review.
20. **Landscaping.** All plans for landscaping within Tract A shall be submitted for review by the Planning Commission, including, without limitation, any interior landscaping and buffers within Tract A.
21. **Exterior Lighting.** Exterior lighting fixtures shall not exceed twenty (20') feet in height as measured from the grade of the base of the lighting standard or from the finished grade of the building directly below such lighting fixture, as the case may be. Exterior light fixtures, other than low intensity decorative ornamental fixtures such as gas style lamps, shall be produced from concealed sources of light and shall be reduced to no more than a security level following the close of business operations each day. At no time shall the parking lot lighting exceed one-half (1/2) foot-candle beyond the boundary lines of Tract A. All parking lot lighting shall be positioned in such a manner as to minimize the impact of such lighting on any adjacent property. No direct embedded lights shall be permitted.

22. **Trash Receptacles.** Dumpsters and trash receptacles, not including convenience cans, shall be screened from public view at ground level at the perimeter of the Property, with architectural material similar to the main building using such dumpster or trash receptacle and as may otherwise be approved at the time of Plan of Development review. The gates and doors shall be of a substantial and durable material as determined at the time of Plan of Development. Support posts, gate frames, hinges and latches shall be of a sufficient size and strength to allow the gates to function without sagging or becoming a visual eyesore as determined by the Director of Planning or the Planning Commission at the time of Plan of Development.
23. **HVAC Screening.** Any heating, ventilation and air conditioning equipment and any utility meters shall be screened from public view at ground level at the perimeter of the Property with use of a wall or other architectural feature similar to the exterior material as the building on which it is located, landscaping, or such other method as may be approved at the time of Plan of Development review.
24. **Trash Pick Up, Parking Lot Cleaning and Leaf Blowing.** No trash pick-up, parking lot cleaning, or leaf blowing shall occur before 7:00 a.m. or after 6:00 p.m. Monday through Friday or before 10:00 a.m. or after 5:00 p.m. on Saturdays. No trash pick-up, parking lot cleaning, or leaf blowing shall occur on Sundays.
25. **Outdoor Speakers.** No public address or speaker systems outside of any building shall be permitted.
26. **Property Access.** Tract A shall be developed to allow cross-access to and from the adjacent property to the north of Tract A (shown on the existing County Tax Map as Parcel 738-766-9367 (the "Adjacent Property")) so that traffic generated from development on either Tract A or the Adjacent Property shall have the ability to access across the roads and drives of each of Tract A and the Adjacent Property; provided, however, (a) if the Adjacent Property is used for any use other than an office building (business, professional, medical, or administrative), studio (for an artist, designer, writer, photographer, sculptor or musician), or child care center, then such cross-access shall not be required, (b) nothing herein shall require the developer of Tract A to actually build any such access, but only to provide an easement for access for the benefit of the Adjacent Property so long as such access road through Tract A to the Adjacent Property is constructed to the quality of the then existing roads and drives located on Tract A, and (c) Tract A is granted an equivalent access easement over and across the Adjacent Property.

The following proffers shall be applicable only to those certain parcels designated as “TRACT B, SINGLE FAMILY RESIDENTIAL R-3C 35.097 GROSS ACRES” on the Development Plan to be rezoned R-3C (“Tract B”), “TRACT C, SINGLE FAMILY RESIDENTIAL R-3C 44.137 GROSS ACRES” on the Development Plan to be rezoned R-3C (“Tract C”) and “TRACT F, SINGLE FAMILY RESIDENTIAL 19.481 GROSS ACRES” on the Development Plan to be rezoned R-5AC (“Tract F”):

27. **Conceptual Plans.**

- a. **Tract B Conceptual Plan.** Development of Tract B shall occur in a similar manner as shown on “BACOVA TRACTS B & C,” prepared by Youngblood, Tyler & Associates, P.C., dated April 14, 2011, last revised October 17, 2011, and attached hereto as Exhibit 13 (see case file). The exact locations, footprints, configurations, sizes and details of the lots, drives, roads and other improvements shown on such conceptual plan are illustrative and may be subject to change and revised and updated from time to time as required for final engineering design, compliance with governmental regulations, or for other reasons approved at the time of subdivision review. The park shown on such conceptual plan within the southern portion of Tract B shall be a minimum of six (6) acres (including the BMP Pond) and shall include pedestrian scale improvements, which are more particularly shown on the Landscape Plan.
- b. **Tract C Conceptual Plan.** Development of Tract C shall occur in a similar manner as shown on “BACOVA TRACTS B & C,” prepared by Youngblood, Tyler & Associates, P.C., dated April 14, 2011, last revised October 17, 2011, and attached hereto as Exhibit 13 (see case file). The exact locations, footprints, configurations, sizes and details of the lots, drives, roads and other improvements shown on such conceptual plan are illustrative and may be subject to change and revised and updated from time to time as required for final engineering design, compliance with governmental regulations, or for other reasons approved at the time of subdivision review.
- c. **Tract F Conceptual Plan.** Development of Tract F shall occur in a similar manner as shown on “BACOVA TRACT F,” prepared by Youngblood, Tyler & Associates P.C., dated April 14, 2011, last revised October 17, 2011, and attached hereto as Exhibit 14 (see case file) or with homes along North Gayton Road fronting North Gayton Road. The exact locations, footprints, configurations, sizes and details of the building(s), drives, roads and other improvements shown on such conceptual plan are illustrative and may be subject to change and revised and updated

from time to time as required for final engineering design, compliance with governmental regulations, or for other reasons approved at the time of subdivision review. The access road shown on Exhibit 12 connecting to the property to the north of Tract F shall be provided to the northern boundary of Tract F as required by the Planning Commission at the time of subdivision review.

28. **Character Images.** All dwellings on Tract B and Tract C shall have architectural styles and use design elements similar with the photo compilation entitled “BACOVA SINGLE FAMILY RESIDENTIAL, R-3 ZONING, CHARACTER IMAGES,” and attached hereto as Exhibit 15 (see case file), such renderings are conceptual in nature and are provided only as an illustration of the quality of the design and architectural style of such dwellings. All buildings on Tract F shall have architectural styles and use design elements similar to those renderings and exterior elevations of buildings as shown on the elevations entitled “BACOVA SINGLE FAMILY RESIDENTIAL, R-5A ZONING, CHARACTER IMAGES” and attached hereto as Exhibit 16 (see case file), which such renderings are conceptual in nature and are provided only as an illustration of the quality of the design and architectural style of such buildings. Any porch (which shall not include front access stoops) shall be a minimum of five feet (5’) in depth as measured from the front of the home. All dwellings shall have various design elements that include one or more of the following features: quoin treatment, soldier courses of brick, keystones, capstones, ornamental windows, dormers, pediments, shutters, columns, and projections such as bays, porches, stoops, and gables. No two homes adjoining each other side by side shall have identical design elements.
29. **Architectural Features.** Various design elements shall be incorporated to provide variety amongst individual units including, but not limited to the following: varying colors of brick, brick accents (including, but not limited to, arches with or without keystones, soldier courses, quoin corners, and accent coloring different from any main brick coloring), varying colors of siding, varying window designs, and varying doorway designs. No two homes adjoining each other side by side shall be identical in exterior architectural features and colors.
30. **Density.** No more than 65 single-family residential units shall be constructed on Tract B. No more than 70 single family residential units shall be constructed on Tract C. No more than 45 residential units shall be constructed on Tract F.

31. **Minimum Home Size.** Any new home constructed on Tract B and Tract C shall have a minimum of 2,500 square feet of finished floor area. Any new home constructed on Tract F shall have a minimum of 1,750 square feet of finished floor area and shall be located on a lot with a minimum width of fifty-five (55) feet.
32. **Recreational Facility.** At least one recreational facility (the "Recreational Facility") consisting of at least 2.5 acres and containing a pool of at least 5,000 square feet and a clubhouse of at least 2,000 square feet shall be provided for the benefit of the residents of Tract B, Tract C and Tract F, as well as their guests, no later than the issuance of a certificate of occupancy for the one hundredth (100th) dwelling unit on Tracts B, C and F, unless otherwise requested and approved by the Planning Commission at the time of subdivision review of any such Tract. The Recreational Facility shall be located on Tract C, Tract F or on any property north of the Concept Road in a location approved by the Planning Commission at the time of subdivision review of any such Tract.
33. **Lighting.** Pedestrian scale residential lighting within Tract B, Tract C and Tract F shall be provided on each lot. Such lighting shall be non glare, decorative in style, residential in character and shall be provided at least in the front yard of each residential lot.
34. **Streets.** All new streets within Tract B, Tract C and Tract F shall be constructed with standard six (6) inch curb and gutter.
35. **Landscaping.** A minimum of two (2) trees measuring a minimum of 2.5" in caliper shall be retained or planted in the front yard of each residential lot and side yards on corner lots in Tract B and Tract C, except for lots on a cul-de-sac, which shall have one (1) such tree if approved at the time of landscape plan approval. A minimum of one (1) tree measuring a minimum of 2.5" in caliper shall be retained or planted in the front yard of each residential lot and side yards on corner lots in Tract F. In no case shall any such tree be planted more than ten (10) feet from the right-of-way unless otherwise approved at the time of landscape plan approval. The front and side yards of any lot within Tracts B, C and F shall be irrigated and planted with sod. Each home in Tracts B, C and F shall have prototypical plantings (shrubs and ornamental ground cover) along the entire front foundation as approved by the Planning Commission at the time of subdivision review, such prototypical plantings to be submitted to and approved by the Planning Commission at the time of subdivision review. Those 2 lots in Tract B labeled as "LOT 1" and "LOT 2" on Exhibit 13 shall include such additional landscaping or fencing as approved by the Planning Commission at the time of subdivision review for such lots. Any home with a rear or side yard adjoining

North Gayton Road or the Concept Road shall include such landscaping or fencing as approved by the Planning Commission at the time of subdivision review for any such lots.

36. **Foundations.**

a. **Tract B and Tract C Foundations.** All new homes located on Tract B and Tract C shall be constructed on crawl space foundations, except for basements and garages. The exterior portion of the foundations below the first floor level which is visible above grade shall be finished with full standard brick or stone unless otherwise approved by the Director of Planning. This proffer shall not apply to direct vent gas fireplaces or appliances. Steps to the main entrances of all homes, including front access stoops or porches, but not including homes with country porches, shall be faced with full standard brick or stone with a finished concrete or exposed aggregate landing for any such steps, stoops or porches. Any visible piers on porches shall be constructed of brick.

b. **Tract F Foundations.** All new homes located on Tract F shall be constructed on elevated slabs or crawl space foundations except for basements and garages. The exterior portion of the foundations below the first floor level which is visible above grade shall be finished with full standard brick or stone unless otherwise approved by the Director of Planning. Dwelling units located within Tract F not built on a crawl space foundation shall have a minimum two (2') foot full standard brick or stone foundation. This proffer shall not apply to direct vent gas fireplaces or appliances. Dwelling Units located within Tract F built on a crawl space foundation, with steps to the main entrances of all homes, including front access stoops or porches, but not including homes with country porches, shall be faced with full standard brick or stone with a finished concrete or exposed aggregate landing for any such steps, stoops or porches and any visible piers on porches shall be constructed of brick.

37. **Exterior Materials.** Any dwelling, including any garage accessory to such dwelling upon the same lot whether attached or detached, in Tract B, Tract C, and Tract F shall have exposed exterior walls (above finished grade) of full standard brick, stone, cementitious siding, or a combination of the foregoing, unless otherwise approved by the Director of Planning. Each dwelling on Tract B and Tract C shall have full standard brick or stone on their front elevations, as follows:

- a. **Tract B and Tract C.**
 - i. At least sixty-five percent (65%) of all the dwellings shall have such material on a minimum of sixty percent (60%) or more of each of their front elevations; and
 - ii. At least thirty-five percent (35%) of all dwellings shall have such material on a minimum of forty percent (40%) or more of each of their front elevations.

 - b. **Tract F.**
 - i. At least twenty-five percent (25%) of all units shall have such material on a minimum twenty percent (20%) or more of each of their front elevations; and
 - ii. At least twenty-five percent (25%) of all units shall have such material on a minimum sixty percent (60%) or more of each of their front elevations.
38. **Roof Material.** Any home shall be constructed with a roof that has a minimum certified twenty-five (25) year warranty.
39. **Garages.** Each residential unit on Tract B and Tract C shall be constructed with a two (2) car garage (either attached or detached) with a minimum interior clear area of eighteen (18) feet in length by twenty (20) feet in width. Fifty percent (50%) of all residential units on Tract F shall be constructed with a one (1) car garage and a minimum interior clear area of eighteen (18) feet in length by ten (10') feet in width. Front loading garages shall be recessed beyond the front line of the dwelling a minimum of four (4) feet. Forty percent (40%) of the garages on Tracts B and C shall be side or rear loaded.
40. **Driveways.** All new driveways shall be constructed of either cobblestone, brick, asphalt, pre-cast pavers, concrete or other similar materials approved by the Director of Planning or the Planning Commission at the time of subdivision review. No individual lots shall have direct access to the Concept Road, Pouncey Tract Road, Bacova Drive, or North Gayton Road.
41. **Fireplace Chimneys.** The exposed portions of all fireplace chimneys shall be of full standard brick, stone, or cementitious siding. The exposed bases of all chimneys shall be of the same material as the building foundations. The exposed portion of a flue for a direct-vent gas fireplace shall be constructed of the same material used on the adjacent siding and shall be built on a foundation that is constructed of the same material that is used on the adjacent foundation.

42. **Side Elevation Windows and Cantilevering.** All side elevations shall contain a minimum of two windows, any one of which may be a bay window. No cantilevered features will be allowed, except for direct gas vents and second story bay windows which will be designed and constructed with decorative corbels.
43. **Private Roads.** If any roads within Tract F are not public, prior to the issuance of any Certificate of Occupancy, the applicant shall provide the Planning Department with certification from a licensed engineer that such private road was constructed according to the approved subdivision plan, and in compliance with County road design standards and specifications (except as to pavement width and turning radii), to include proper compaction of the sub-base soils, utility trenches, base stone, and asphalt surface.

The following proffers shall be applicable only to that certain parcel designated as "TRACT D MULTIFAMILY APARTMENTS R-6C 22.541 GROSS ACRES" on the Development Plan, to be rezoned R-6C ("Tract D") and "TRACT E MULTIFAMILY APARTMENTS R-6C 7.471 GROSS ACRES" on the Development Plan to be rezoned R-6C ("Tract E):

44. **Conceptual Plan.** Development of Tract D shall occur in a similar manner as shown on "BACOVA APARTMENTS, Tract D Rendering" prepared by TIMMONS GROUP, dated October 26, 2011, and attached hereto as Exhibit 17 (see case file). Development of Tract E shall occur in a similar manner as shown on "BACOVA APARTMENTS, Tract E Rendering" prepared by TIMMONS GROUP, dated October 26, 2011, and attached hereto as Exhibit 18 (see case file) unless otherwise approved at the time of Plan of Development review. The exact locations, footprints, configurations, sizes and details of the building(s), drives, roads and other improvements shown on such conceptual plans are illustrative and may be subject to change and revised and updated from time to time as required for final engineering design, compliance with governmental regulations, or for other reasons approved at the time of Plan of Development review. Amenities such as "PLAYGROUND AREA", "AMENITY AREA", "DOG PARK", "PARK AREA", "FITNESS CENTER 1,100 SF" and "SWIMMING POOL" shall be provided generally as shown on such conceptual plans, unless otherwise approved at the time of Plan of Development review. A minimum of a four foot (4') sidewalk shall be provided along one side of all such drives and areas as shown on the above renderings.
45. **Character Images.** All buildings and amenity design elements on Tract D and Tract E shall have architectural styles and use design elements similar to those renderings and exterior elevations of

buildings as shown on the following character images: (a) "BACOVA APARTMENTS, HENRICO, VA, CLUB HOUSE ELEVATION" prepared by Housing Studio, dated September 1, 2011, and attached hereto as Exhibit 19 (see case file), and (b) "BACOVA APARTMENTS, HENRICO, VA, SCHEMATIC ELEVATIONS" prepared by Housing Studio, dated September 1, 2011, (pages (i) through (iv)) and attached hereto as Exhibit 20(i) through (iv) (see case file), (collectively, the "Multi-Family Renderings") which such renderings are conceptual in nature and are provided only as an illustration of the quality of the design and architectural style of such buildings. Tract D and Tract E shall provide amenities similar to those renderings as shown on the character images entitled "BACOVA APARTMENTS, Amenities" prepared by TIMMONS GROUP, dated October 26, 2011, and attached hereto as Exhibit 21 (see case file), unless otherwise approved by the Director of Planning of the County, which such renderings are conceptual in nature and are provided only as an illustration of the quality of the design and architectural style of such buildings.

46. **Density.** No more than 430 dwelling units shall be constructed in total on Tract D and Tract E. No more than 82 dwelling units shall be constructed on a single Tract without two points of access unless otherwise approved by the Director of Public Works or the Planning Commission at the time of Plan of Development review for any such Tract. One bedroom units shall contain a minimum of 800 square feet of finished floor area each, with the total number of one bedroom units not to exceed forty percent (40%) of the total number of dwelling units on Tracts D and E. Two bedroom units shall contain a minimum of 900 square feet of finished floor area each. Three bedroom units shall contain a minimum of 1,100 square feet of finished floor area each, with the total number of three bedroom units not to exceed twenty-five percent (25%) of the total number of dwelling units on Tracts D and E. Typical unit plans for all such dwelling units shall be similar to those layouts as shown on the plans entitled "BACOVA APARTMENTS, HENRICO, VA, TYPICAL UNIT PLANS" prepared by Housing Studio, dated September 1, 2011, and attached hereto as Exhibit 22 (see case file), unless otherwise approved at the time of Plan of Development review. A minimum of forty-five (45) garages shall be provided on Tracts D and E.
47. **Exterior Lighting.** Exterior lighting fixtures shall not exceed twenty (20) feet in height as measured from the grade of the base of the lighting standard or from the finished grade of the building directly below such lighting fixture, as the case may be. Exterior light

fixtures, other than low intensity decorative ornamental fixtures such as gas style lamps, shall be produced from concealed sources of light. All exterior lighting shall be ornamental residential style lighting. At no time shall the parking lot lighting exceed one-half (1/2) foot-candle beyond the boundary lines of Tract D and Tract E. All parking lot lighting shall be positioned in such a manner as to minimize the impact of such lighting on any adjacent property. No direct embedded lights shall be permitted.

48. **Landscaping.** All plans for landscaping within Tract D and Tract E shall be submitted for review by the Planning Commission, including, without limitation, any interior landscaping and buffers within Tract D and Tract E, which shall have landscaping consistent with Exhibit 17 and Exhibit 18 (see case file).
49. **Exterior Materials.** Any building shall have exposed exterior walls (above finished grade) of full standard brick, stone, or cementitious siding, or a combination of the foregoing, unless otherwise requested by the developer and specifically permitted at the time of Plan of Development review. Each building on Tract D and Tract E shall have at least forty-five percent (45%) full standard brick or stone in the aggregate on the exposed exterior front walls of such buildings, at least thirty-five percent (35%) full standard brick or stone in the aggregate on the exposed exterior side and rear walls of such buildings, and at least forty percent (40%) full standard brick or stone in the aggregate on the exposed exterior side and rear walls of such buildings facing I-64. Except for trim material, no building shall have exposed exterior walls of aluminum siding. Any side wall of a building within Tract D and Tract E shall include at least one window in such side wall.
50. **Trash Receptacles.** Dumpsters and trash receptacles, not including convenience cans, shall be screened from public view at ground level at the perimeter of the Property, with brick. The gates and doors shall be of a substantial and durable material as determined at the time of Plan of Development. Support posts, gate frames, hinges and latches shall be of a sufficient size and strength to allow the gates to function without sagging or becoming a visual eyesore as determined by the Director of Planning or the Planning Commission at the time of Plan of Development.
51. **HVAC Screening.** Any heating, ventilation and air conditioning equipment shall be screened from public view at ground level at the perimeter of the Property, with use of a wall or other architectural feature similar to the exterior material as the building on which it is located, landscaping, or such other method as may be approved at the time of Plan of Development review.

52. **Trash Pick Up, Parking Lot Cleaning and Leaf Blowing.** No trash pick-up, parking lot cleaning, or leaf blowing shall occur before 7:00 a.m. or after 8:00 p.m. Monday through Friday or before 10:00 a.m. or after 8:00 p.m. on Saturdays. No trash pick-up, parking lot cleaning, or leaf blowing shall occur on Sundays.
53. **Sound Suppression.** Any dwelling unit within Tract D that is within 300 feet of Interstate 64 shall be designed to have an interior decibel level that does not exceed 45 DBA. A sound engineer shall certify (with an appropriate seal) that all such units were appropriately designed so that the interior decibel level shall not exceed 45 DBA. Any walls between units within Tract D and Tract E shall have a minimum sound transmission coefficient rating of 50. A cross section detail, reviewed and approved by a certified architect or engineer as to the methodology accomplishing the sound transmission coefficient rating shall be included in the building permit application.
54. **Recreational Amenities.** Recreational amenities containing at a minimum a clubhouse of at least 3,000 square feet, a pool, a fitness center of at least 1,000 square feet, and a playground shall be provided no later than the issuance of a certificate of occupancy for the one hundredth (100th) dwelling unit on Tracts D and E, unless otherwise requested and approved by the Planning Commission at the time of Plan of Development review for any such Tract.
55. **Unit Finishes.** The initial dwelling unit within Tracts D and E shall have the following amenities, subject to compliance with all applicable building codes and as may otherwise be permitted by the Planning Commission at the time of Plan of Development approval:
- a. Granite countertops
 - b. Wood cabinets
 - c. Laminate wood flooring for entries and kitchens
 - d. Ceramic tile flooring in bathrooms
 - e. Carpet in living room and bedrooms
 - f. Brushed nickel finish on hardware, plumbing fixtures and light figures
56. **Roof Material.** Any building shall be constructed with a roof that has a minimum certified twenty-five (25) year warranty.

57. **Building Façade Vents.** No HVAC related equipment (including vents or intakes, but not including any used for bathroom, kitchen or dryer ventilation) shall be permitted on the building façade.
58. **Detached Signage.** Any detached signs on Tracts D and E shall be monolithic style signs, the base of which shall be landscaped. No portable signs or signs with changeable copy shall be permitted on the site. No detached sign shall exceed a height of eight (8) feet, as measured from the base of the sign. All detached signs on Tracts D and E, including any project entrance sign, shall be similar in style to those provided in Exhibit 5 unless otherwise approved by the Planning Commission at the time of Plan of Development review for any such Tract.
59. **Cantilevering.** No cantilevered features will be allowed, except for balconies.
60. **Private Roads.** Prior to the issuance of any Certificate of Occupancy, the applicant shall provide the Planning Department with certification from a licensed engineer that any private road (not including parking lot drive aisles) within Tracts D and E was constructed according to the approved subdivision plan, and in compliance with County road design standards and specifications (except as to pavement width and turning radii), to include proper compaction of the sub-base soils, utility trenches, base stone, and asphalt surface.

The vote of the Board was as follows:

Yes: Thornton, Donati, Kaechele, O'Bannon

No: Glover

278-11
P-12-11
Three Chopt

RMA/Hunton, L.C.: Request for a Provisional Use Permit under Sections 24-58.2(d), 24-120, and 24-122.1 of the County Code in order to allow outside dining for a restaurant (Hondos) on part of Parcel 748-761-5133, located at the northwest intersection of Cox Road and Innslake Drive.

Jim Strauss, Manager of Comprehensive Planning, responded to a question from Mr. Kaechele.

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

On motion of Mr. Kaechele, seconded by Mr. Donati, the Board followed the recommendation of the Planning Commission and approved the request with the following conditions:

1. The outdoor dining area shall not be in operation between 11:00 p.m. and 7:00 a.m. There shall be no seating of patrons in the outdoor dining area after 9:30 p.m.
2. Any outside speakers or sound system shall comply with the following standards:
 - a. Sound systems shall be equipped with controls permitting full volume adjustment.
 - b. Sound from the system shall not be audible beyond 100 feet from the source.
 - c. Sound systems may be used only when outside dining is permitted.
3. The operator shall not permit food preparation outside the enclosed building.
4. The outdoor dining enclosure shall be limited in height to 42".
5. A clear, continuous, and unobstructed pedestrian path not less than 5'in width shall be required for pedestrian circulation between the outdoor dining area and the sidewalk curb as shown in Option A, B, or C (see case file).
6. Outdoor lighting fixtures shall complement the style of the building. Lighting fixtures shall not produce glare for motorists or pedestrians on the adjacent rights-of-way and parking areas and shall illuminate only the outdoor dining area.
7. Access to the outdoor dining area shall be available only through the interior of the restaurant, except during an emergency when a patio fence exit gate may be utilized as shown in Option A, B, or C (see case file).
8. This permit shall apply only to Hondos Restaurant located on Parcel 748-761-5133 and shall not apply to any other business in the shopping center.
9. Prior to the operation of the outdoor dining area, the applicant shall submit a site plan of the outdoor dining area and obtain administrative approval from the Planning Department. The site plan shall show the design and layout of the outdoor dining area. Proffered conditions of rezoning case C-76C-87 apply. Such site plan shall show landscaping within or along the perimeter of the outdoor dining area to address the reduction and/or relocation any landscaping or trees to be consistent with POD-10-92.

10. Trash receptacles shall be provided and properly serviced to control litter generated by this use.
11. Outdoor dining furniture, fencing, and canopies shall be of durable material and complementary to exterior features of the building. Examples shall be submitted to the Planning Department and approved by the Planning Director at the time of site plan approval.
12. The outdoor dining area shall be constructed in general conformance with the floor plan attached as Option A, B, or C (see case file).
13. Televisions and other video display devices shall not be allowed in the outdoor dining area.
14. Prior to operation, the applicant shall consult with the Special Services Unit within the Division of Police to discuss crime prevention recommendations and conduct a security survey of the property and restaurant operations. The applicant shall implement mutually agreed upon security recommendations.
15. Prior to the operation of the outdoor dining area, the applicant shall convert an existing extra loading dock located on the parcel back to parking spaces per POD-10-92 in order to provide 7 additional parking spaces. The parking spaces shall be shown on the outdoor dining area site plan submitted to the Planning Department for administrative approval.

The vote of the Board was as follows:

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

No: None

279-11
C-17C-11
Three Chopt

University Park RE INV, LLC and University Park HLH INV, LLC: Request to amend proffered conditions accepted with Rezoning Case C-42C-06 on Parcels 753-754-0908, 752-753-0071 and 752-753-4706 located on the east line of Pemberton Road (State Route 157) immediately south of Interstate 64.

Mr. Strauss responded to questions from Mr. Kaechele.

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

On motion of Mr. Kaechele, seconded by Mrs. O'Bannon, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved the request subject to the following:

Except for Proffer 21, all other proffers previously approved with zoning case C-42C-06 shall remain in full force and effect.

Proffer 21 shall be amended as follows:

21. **Transportation Improvement.** Development of the property shall be phased in general conformance with the exhibit dated September 15, 2011 and prepared by Townes Site Engineering, P.C. attached hereto (see case file). Commencing with the construction of the first new building on the Phase 1 section of the property, the developer shall dedicate right-of-way along the western Pemberton Road frontage north of Grand Oaks Drive so as to achieve a right-of-way cross section of sixty-six (66) feet. Commencing with the construction of the first new building on the Phase 2 section of the property, the developer shall construct Pemberton Road improvements to achieve a pavement section of fifty-two (52) feet from face of curb to face of curb and provide for northbound and southbound turn lanes serving the Pemberton Road entrance to the Property. Should the dedicated property not be used for its intended purpose within thirty (30) years of the date of dedication, title to the dedicated property shall revert to the owner or its successors in interest.

The vote of the Board was as follows:

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

No: None

PUBLIC HEARINGS – OTHER ITEMS

280-11 Resolution – Amendments to the FY 2011-12 Annual Fiscal Plan: December, 2011.

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

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

PUBLIC COMMENTS

Steven W. Roberts, a resident of the Tuckahoe District, elaborated on concerns regarding the management and maintenance of the Comcast public access studio located in the City of Richmond that is used by Henrico citizens for volunteer programming pursuant to the County's cable television franchise agreement with Comcast.

Bernice B. Newell, a resident of the Varina District, expressed sorrow that Mr. Donati will no longer be her servant on the Board of Supervisors, voiced concerns about new residential and office development, and advocated that vacant land be used to grow food for the County's less fortunate residents.

William H. Spencer, a resident of the Three Chopt District, offered prayers for the County and the Board and shared personal reminiscences.

David Simons, a resident of the Varina District, thanked Mr. Donati for his tireless service to the community and for supporting agriculture and small farms in Varina.

Warner Eberly, a resident of the Varina District, expressed appreciation to Mr. Donati for his humility, listening skills, respectfulness, and friendship. He also expressed appreciation for the County Manager Form of Government and for public improvements in the Varina District that have occurred during Mr. Donati's tenure, most especially a new fire station that was constructed on Darbytown Road.

Elaine Eberly, a resident of the Varina District, summarized Mr. Donati's accomplishments in enhancing park and recreation facilities in their district and thanked him for his friendship and for his legacy of public improvements.

Ann Slough, President of the Douglas S. Freeman High School Parent Teacher Student Association (PTSA) and a resident of the Tuckahoe District, requested the Board's consideration of alternatives for expanding the space for practice fields at the school. Lewis Allin, a resident of the Tuckahoe District, also made this request of the Board.

GENERAL AGENDA

281-11 Resolution - Potential Zoning Ordinance Amendments Regarding the Parking, Servicing and Weight Limit of Trucks and Commercial Vehicles.

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

282-11 Resolution - Award of Construction Contract - Mechanical Access Platforms, Phase II, Eastern Government Center.

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

283-11 Resolution - Signatory Authority - Lease for the Henrico Drug Court Program - 2601 Willard Road - Tuckahoe District.

Mr. Hazelett advised that staff has been working on the lease but has not been able to come to an agreement at this point. He suggested a deferral of this item.

On motion of Mrs. O'Bannon, seconded by Mr. Kaechele, the Board deferred this item to the January 10, 2012 meeting – see attached copy of resolution.

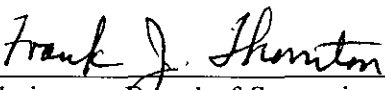
284-11 Resolution - To Permit Additional Fine of \$200 for Speeding on Weldon Drive between Parham Road and Starling Drive.

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

285-11 Resolution - Acceptance of Road.

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

There being no further business, the meeting was adjourned at 11:10 p.m.



Chairman, Board of Supervisors
Henrico County, Virginia

Certificate of Recognition



Awarded to

The Nelson Family

for operating Colonial Acres Farm LLC in Henrico County's Varina District for 100 consecutive years, providing nourishment to their fellow citizens, and contributing to the local economy while demonstrating superior stewardship of their land and natural resources.

Presented on this

13th day of December
2011



James B. Donati, Jr.

JAMES B. DONATI, JR.
Varina District Supervisor
County of Henrico

NUMBER

0100



SHARES

1

THE COUNTY OF HENRICO

recognizes

Reginald H. Nelson, IV

*in appreciation for your interest,
participation, and valuable support*

Given this 13th day

of December 2011

James B. Donati, Jr.

*James B. Donati, Jr.
Henrico County Board of Supervisors
Varina District*



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 268-11

Page No. 2 of 2

Agenda Title **RESOLUTION** – Expressing Appreciation to the Eastern Henrico Business Association, Lakeside Business Association, Henrico Business Leaders, BB&T Corporation, and Intrepid Services, LLC

WHEREAS, over 40,000 *Henrico Advantage Cards* have been distributed to the citizens of Henrico County, with 24,000 cards currently in circulation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Henrico County, Virginia hereby formally expresses its sincere appreciation to the Eastern Henrico Business Association, the Lakeside Business Association, the Henrico Business Leaders, BB&T Corporation, and Intrepid Services, LLC for their significant contributions in promoting business within Henrico County during the 400th year of the County's existence.

BE IT FURTHER RESOLVED that this resolution shall be spread upon the minutes of this meeting and a copy publicly presented to each organization as a token of the Board's gratitude for this exemplary public-private partnership and with best wishes for continued success in advancing the *Henrico Advantage Card* program.

COMMENTS: The Director of Finance recommends approval of this Board paper and the County Manager concurs.

Resolution



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

***Expressing Appreciation to the Eastern Henrico Business Association,
Lakeside Business Association, Henrico Business Leaders, BB&T
Corporation, and Intrepid Services, LLC***

WHEREAS, the Henrico Business Leaders, the Eastern Henrico Business Association, and the Lakeside Business Association developed the *Henrico Advantage Card* in partnership with Henrico County general government officials as a local business generation initiative to help commemorate the county's 400th anniversary in 2011; and

WHEREAS, the *Henrico Advantage Card* program has encouraged residents to shop at participating retailers and businesses within Henrico County, where they can redeem their cards for bonus awards such as discounts or future coupons; and

WHEREAS, BB&T Corporation, with 21 bank branches in or near Henrico County, is registered as the "Title Sponsor" of this program; and

WHEREAS, Intrepid Services, LLC developed the website www.henricoadvantagecard.com, which allows Henrico citizens to register their advantage cards online so they can receive weekly emails informing them of business promotions; and

WHEREAS, the Eastern Henrico Business Association provided administrative services in coordinating this effort that have been integral to the program's success; and

WHEREAS, the Lakeside Business Association generated a weekly "e-mail blast" to publicize the program; and

WHEREAS, the Henrico Business Leaders, the Eastern Henrico Business Association, and the Lakeside Business Association conducted a marketing campaign that registered 103 local businesses to participate in the program; and

WHEREAS, over 40,000 *Henrico Advantage Cards* have been distributed to the citizens of Henrico County, with 24,000 cards currently in circulation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Henrico County, Virginia hereby formally expresses its sincere appreciation to the Eastern Henrico Business Association, the Lakeside Business Association, the Henrico Business Leaders, BB&T Corporation, and Intrepid Services, LLC for their significant contributions in promoting business within Henrico County during the 400th year of the County's existence.

BE IT FURTHER RESOLVED that this resolution shall be spread upon the minutes of this meeting and a copy publicly presented to each organization as a token of the Board's gratitude for this exemplary public-private partnership and with best wishes for continued success in advancing the *Henrico Advantage Card* program.



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

Barry R. Lawrence
Barry R. Lawrence, Clerk
December 13, 2011



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

Agenda Item No. 209-11
Page No. _____

Agenda Title **RESOLUTION - Resignation of Member - Board of Social Services**

<p>For Clerk's Use Only:</p> <p>DEC 13 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>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>Doati, 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'Bannoo, 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	Doati, 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'Bannoo, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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WHEREAS, on June 22, 2010, Tyrone E. Nelson was appointed to the Board of Social Services for a four-year term expiring June 30, 2014; and

WHEREAS, by correspondence dated November 21, 2011, Reverend Nelson submitted his resignation from the Board of Social Services, effective December 31, 2011.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Henrico County, Virginia accepts the resignation of Tyrone E. Nelson from the Board of Social Services.

By Agency Head _____

By County Manager [Signature]

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

Lawrence, Barry

From: Tyrone Nelson [pastor@smzbc.org]
Sent: Monday, November 21, 2011 5:49 PM
To: Lawrence, Barry; Fairfield
Cc: nelson0828@verizon.net
Subject: Resignation Letters

Good afternoon,

I send this email with mixed feelings. I have enjoyed my work on both the social services board and the White Oak Community Development Authority. They have been both enriching and exciting. I will be resigning my position on both boards effective December 31st, 2011.

I do look forward to serving the Varina District beginning January 1, 2012, as a Supervisor.



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

Agenda Item No. 270-11
Page No.

Agenda Title **RESOLUTION - Resignation of Member - Board of The Shops at White Oak Village Community Development Authority**

<p>For Clerk's Use Only:</p> <p align="center">DEC 13 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>O'Bannon</u> Seconded by (1) <u>Kacchele</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>Kacchele, 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 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"/>	Kacchele, 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"/>
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Thornton, F.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							

WHEREAS, on January 12, 2010, Tyrone E. Nelson was appointed to the Board of The Shops at White Oak Village Community Development Authority for a four-year term expiring December 12, 2013; and

WHEREAS, by correspondence dated November 21, 2011, Reverend Nelson submitted his resignation from Board of the Community Development Authority, effective December 31, 2011.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Henrico County, Virginia accepts the resignation of Tyrone E. Nelson from the Board of The Shops at White Oak Village Community Development Authority.

By Agency Head _____

By County Manager [Signature]

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

Lawrence, Barry

From: Tyrone Nelson [pastor@smzbc.org]
Sent: Monday, November 21, 2011 5:49 PM
To: Lawrence, Barry; Fairfield
Co: nelson0828@verizon.net
Subject: Resignation Letters

Good afternoon,

I send this email with mixed feelings. I have enjoyed my work on both the social services board and the White Oak Community Development Authority. They have been both enriching and exciting. I will be resigning my position on both boards effective December 31st, 2011.

I do look forward to serving the Varina District beginning January 1, 2012, as a Supervisor.

11/17/2011

To: Chairman of Henrico County Local Emergency Planning Committee (LEPC)

From: L.E. Williams, III

RE: Resignation

On November 3, 2011 I resigned my position of Emergency Management Coordinator for Henrico Doctors' Hospitals.

I therefore feel that it is necessary for me to resign from the LEPC as a representative of Henrico Doctors'.

it has been a privilege to serve on the committee.

Thank you,

A handwritten signature in black ink, appearing to read "L.E. Williams, III", written in a cursive style.

L.E. Williams, III



COMMONWEALTH of VIRGINIA
Department of Emergency Management

MICHAEL M. CLINE
State Coordinator

JACK E. KING
Chief Deputy Coordinator

BRETT A. BURDICK
Deputy Coordinator

10501 Trade Court
Richmond, Virginia 23236-3713
(804) 897-6500
(TDD) 574-2417
FAX (804) 897-6506

December 5, 2011

Mrs. Anna McCray, Deputy Coordinator
Division of Fire – Office of Emergency Management
Post Office Box 90775
Henrico, Virginia 23273-0775

Dear Anna:

Owing to a material change in my employment within the Virginia Department of Emergency Management (VDEM), I tender this respectful request that the County of Henrico Local Emergency Planning Committee consider and approve of my resignation from its membership. I view this step to be necessary, as I have been named to the full-time position of Radiological Protection Officer, relieving me of the duties I performed as the Hazardous Materials Officer responsible for the County of Henrico.

While this change in positions and duties has had a favorable impact on my work load and calendar, it has the regrettable effect of taking me away from the many valuable relationships that I have developed working with, and serving the elected officials, fine professionals, and citizens who support emergency preparedness in localities of central Virginia, such as the County of Henrico. Fortunately, I am confident that my position on the Committee may be quickly and effectively filled by the successor to my former VDEM position, Mr. Rob Phillips, who I humbly ask the Committee to consider for membership.

Thank you for the opportunity to serve with you over the past eight years. I will fondly recall the experience as a shining example of selfless cooperation and collaboration directed toward the common good of the public's safety that the Emergency Planning and Community Right-to-know Act was intended to foster.

With prayer for continued success, I am

Sincerely,

A handwritten signature in black ink, appearing to read "Brian E. Iverson".

Brian E. Iverson
Radiological Protection Officer

"Working to Protect People, Property and Our Communities"

COUNTY OF HENRICO, VIRGINIA
 BOARD OF SUPERVISORS
 MINUTE

Department - 24 - Public Health

24001	- Public Health	\$ 70,486
0000 00000	- To appropriate funding to cover the additional amount that the County will be required to pay towards the Public Health Local Government Agreement. The increase is due to a decrease in restaurant inspection fees. This funding will come from the fund balance of the General Fund.	
Total GENERAL FUND		\$ 529,141

FUND 1102 - SPECIAL REVENUE FUND - State and Federal Grants - County

Department 12 - Police

12800	- Grams	
0000 05430	- <u>SHSGP12</u>	\$ 16,040
	To appropriate funding received from the Virginia Department of Emergency Management. These federal funds are pass through from the Department of Homeland Security, under the State Homeland Security Grant Program (SHSGP), and are being administered by the Commonwealth. Funds will be used to purchase a license plate reader system. No County matching funds are required.	

Department 13 - Fire

13113	- Emergency Planning and Safety	
0000 05431	- <u>2010 CERT (Community Emergency Response Team)</u>	\$ 13,000
	To appropriate funding from the Virginia Department of Emergency Management. These federal funds are pass-through from the National Preparedness Directive, Department of Homeland Security and are being administered by the Commonwealth for the Citizens Corps Program. Funds will be used for classroom instruction, CERT personnel training, program training materials and equipment, and advertisement of the program. No local match is required.	

0000 00000	- <u>2009 CV UASI Citizen Outreach</u>	44,000
	To appropriate funding from the Virginia Department of Emergency Management. These federal funds are pass-through from the National Preparedness Directorate (NPD) of the United States Department of Homeland Security and are being administered by the Commonwealth. Funds will be used for the Central Virginia Urban Area Security Initiative Citizen Outreach Media project. No local match is required.	

0000 05432	- <u>HazMat Team Equipment, Training, and Exercise</u>	55,000
	To appropriate funding from the Virginia Department of Emergency Management for the 2010 State Homeland Security Grant Program. These federal funds are pass-through from the National Preparedness Directorate (NPD) of the United States Department of Homeland Security and are being administered by the Commonwealth. Funds will be used to purchase equipment and provide funding for training and exercise opportunities for the Division of Fire's Hazardous Incident Response Team. No local match is required.	

Total Fire	\$ 112,000
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COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Department 23 - Recreation and Parks

23101	- <u>Director</u>	
0476 05154	- <u>Recreation Donations - Brookland Youth Baseball/Softball</u>	\$ 900
	To appropriate donations received from Shoney's and Captain D's of Richmond for the Brookland Youth Sports Awards.	
23222	- Special Programs - Cultural Arts	
0000 00956	- <u>Local Government Challenge Grant</u>	5,000
	The Virginia Commission of the Arts has awarded the County of Henrico, a Local Government Challenge grant of \$5,000. Funds are to be used to enhance existing programs such as gallery exhibits, art classes, performing arts, and signature events associated with the Cultural Arts Center at Glen Allen. No County matching funds are required.	
	Total Recreation and Parks	\$ 5,900

Department 38 - Conununity Revitalization

38003	- CDBG	
0000 05399	- <u>FY2011-12 CDBG Commercial Assistance Program</u>	\$ 142,172
0000 05400	- <u>FY2011-12 CDBG CONNECT Program</u>	114,000
0000 05401	- <u>FY2011-12 CDBG Administration</u>	67,867
0000 05403	- <u>FY2011-12 CDBG ElderHomes Rehabilitation</u>	65,480
0000 05405	- <u>FY2011-12 CDBG ElderHomes Emergency and Minor Repairs</u>	219,944
0000 05406	- <u>FY2011-12 CDBG HOME Inc. Downpayment Assistance</u>	24,659
0000 05408	- <u>FY2011-12 CDBG RAMPS</u>	33,500
	Sub-Total, CDBG	\$ 667,622

The United States Department of Housing and Urban Development (HUD), Community Development Block Grant (CDBG), as authorized by Title I of the Housing and Community Developmem Act of 1974, as amended, has awarded the County of Henrico, fiscal year 2011-12 grant funds in the amount of \$667,622, for these seven programs/purposes.

38004	- HOME	
0000 05402	- <u>FY2011-12 HOME Administration</u>	50,000
0000 05404	- <u>FY2011-12 HOME ElderHomes Rehabilitation</u>	231,649
0000 05407	- <u>FY2011-12 HOME HOME, Inc. Downpayment Assistance</u>	75,000
0000 05409	- <u>FY2011-12 HOME CHDO Activities</u>	50,000
	Sub-Total, HOME	\$ 406,649

The United States Department of Housing and Urban Development (HUD), HOME Investment Partnership Act, has awarded the County of Henrico, fiscal year 2011-12 grant funds in the amount of \$406,649, for these four programs/purposes.

	Total Community Revitalization (HUD)	\$ 1,074,271
	Total Fund 1102 - Special Revenue Fund-State/Fed Grants-County	\$ 1,208,211

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

FUND 1108 – SPECIAL REVENUE FUND - Capital Region Workforce Partnership

Department 27 - Capital Region Workforce Partnership

27004	- Workforce Partnership		
0000 05372	- <u>WIA Youth - FY2011-12 (Out of School)</u>	\$	207,318
0000 05373	- <u>WIA Adult - FY2011-12</u>		181,155
0000 05374	- <u>WIA DW - FY2011-12</u>		322,700
0000 05375	- <u>WIA Administration - FY2011-12</u>		96,783

This will amend the Capital Region Workforce Partnership's budget to include additional federal funding for the Workforce Investment Act. Funds will be utilized for affected workers across the region.

Total Fund 1108 - Special Revenue Fund - CRWP	\$ 807,956
Total SPECIAL REVENUE FUND	\$ 2,016,167

FUND 6301 - RISK MANAGEMENT FUND

Department 16 - General Services

16001	- Risk Management		
0000 00000	- <u>Risk Management</u>	\$	6,338,925

Funds are required to support anticipated expenses for the Workers' Compensation and Property/Liability programs for the fiscal year ending June 30, 2012. This appropriation is an estimate of what will be required for the balance of the fiscal year. In fiscal year 2010-11, this amendment was appropriated in the amount of \$5,837,198. Funds are to come from the Self-Insurance Reserve in the General Fund, via an interfund transfer to the Internal Service Fund.

Total OPERATING FUNDS	\$ 8,884,233
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CAPITAL FUNDS

FUND 2101 - CAPITAL PROJECTS FUND - General Capital Projects

Department 29 - Real Property

29999	- Real Property Capital Projects		
0000 06649	- <u>Best Plaza</u>	\$	657,515

This amendment will provide funding for a planning study for the phased occupancy of the 286,846 square ft. Best Plaza building. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

FUND 2111 - CAPITAL PROJECTS FUND - Capital Initiatives Fund

Department 23 - Recreation and Parks

23101	- Director		
0000 00000	- <u>Dorey Park Football Field Area Improvements</u>	\$	320,000

This amendment will provide funding for the construction of a press box, concession shelter, and bleachers for the football field at Dorey Park. Funding is to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

COUNTY OF HENRICO, VIRGINIA
 BOARD OF SUPERVISORS
 MINUTE

0000 00000	- <u>Dorey Park Equestrian Center Restroom</u>	285,000
	This amendment will provide funding for the construction of a restroom for the equestrian area at Dorey Park. Funding is to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
	Total Recreation and Parks	\$ 605,000
Department 32 - Non-Departmental		
32001	- Non-Departmental	
0000 00000	- <u>Eastern Henrico FISH</u>	\$ 10,000
	This amendment will provide additional funding to the Eastern Henrico FISH organization which provides clothes, food, and financial assistance for Henrico County citizens. This funding, in addition to the \$29,160 in the FY2011-12 approved budget, will bring the total funding for this purpose to \$39,160. Funding is to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
Department 50 - Education		
50331	- Construction and Maintenance	
0000 00000	- <u>Elko Middle School - Athletic Facility Enhancements</u>	\$ 45,000
	This amendment will provide funding for the purchase of athletic equipment for Elko Middle School. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
0000 00000	- <u>Henrico High School - Athletic Equipment</u>	15,000
	This amendment will provide funding for athletic equipment at Henrico High School. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
0000 00000	- <u>Adams Elementary School - Cafeteria Furnimre</u>	18,000
	This amendment will provide funding for cafeteria furniture at Adams Elementary School. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
0000 00000	- <u>Laburnum Elementary School - Playground Equipment</u>	20,000
	This amendment will provide funding for playground equipment at Laburnum Elementary School. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
0000 00000	- <u>Varina High School and Highland Springs High School - JROTC</u>	15,000
	This amendment will provide funding for JROTC programs at Varina High School and Highland Springs High School to help with expenses related to various JROTC related competition and opportunities to enhance the training that the smdents are receiving in the JROTC programs. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

0000 00000 - Varina High School - Career Readiness Certificate Testing 30,000

This amendment will provide funding for the Virginia Career Readiness Certificate (CRC) testing at Varina High School. The CRC provides employers, career seekers, and workforce professionals with information and access to the Career Readiness Certificate. The cost of the CRC test is \$30 and this funding will allow testing for incoming technical center juniors and then retest where needed. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

Total Education	\$ 143,000
Total Fund 2111 - Capital Initiatives Fund	\$ 758,000
Total CAPITAL PROJECTS FUND	\$ 1,415,515
Total Amendments/Appropriations	\$ 10,299,748

BE IT FURTHER RESOLVED by the Board of Supervisors of the County of Henrico, Virginia, that the following appropriation for transfer between Operating funds and Capital funds from the existing projects as listed below, to the projects shown, be approved for the purpose indicated.

FROM:

FUND 2134 - ARRA - SCHOOLS CAPITAL PROJECTS FUND

Department 50 - Education

50331	- Construction and Maintenance	
0000 06289	- <u>Lakeside ES (6) Classroom Addition</u>	\$ (301,652)
0000 06290	- <u>Tuckahoe ES (4) Classroom Addition</u>	(501,107)
0000 06298	- <u>Dumbarton ES (4) Classroom Addition</u>	(353,653)
0000 06303	- <u>HS#2 East Planning & Construction</u>	(316,251)

TO:

OPERATING FUNDS

FUND 0108 - ARRA - SCHOOLS GENERAL FUND

Department 50 - Education

50101	- Elementary School Education	\$ 1,472,663
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0000 00000 This request is to transfer \$1,472,663 of unspent balances in four capital projects to the General Fund to support Elementary Education. These projects were funded with American Recovery and Reinvestment Act (ARRA) funds received through the Commonwealth of Virginia.

COMMENTS: The Director of Finance recommends approval of this Board paper and the County Manager concurs.



The COUNTY OF HENRICO, VIRGINIA
 BOARD OF SUPERVISORS
 MINUTE

Agenda Item No. 281-11
 Page No. 1 of 1

Agenda Title: **RESOLUTION — Potential Zoning Ordinance Amendments Regarding the Parking, Servicing and Weight Limit of Trucks and Commercial Vehicles**

For Clerk's Use Only: <u>DEC 13 2011</u> Date <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to	BOARD OF SUPERVISORS ACTION Moved by (1) <u>Glover</u> Seconded by (1) <u>O'Bannon</u> (2) _____ (2) _____ REMARKS: APPROVED	<table border="0"> <tr> <td></td> <td style="text-align: center;">YES</td> <td style="text-align: center;">NO</td> <td style="text-align: center;">OTHER</td> </tr> <tr> <td>Donati, J.</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">—</td> <td style="text-align: center;">—</td> </tr> <tr> <td>Glover, R.</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">—</td> <td style="text-align: center;">—</td> </tr> <tr> <td>Raechele, D.</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">—</td> <td style="text-align: center;">—</td> </tr> <tr> <td>O'Bannon, P.</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">—</td> <td style="text-align: center;">—</td> </tr> <tr> <td>Turnton, F.</td> <td style="text-align: center;">—</td> <td style="text-align: center;">—</td> <td style="text-align: center;">—</td> </tr> </table>		YES	NO	OTHER	Donati, J.	✓	—	—	Glover, R.	✓	—	—	Raechele, D.	✓	—	—	O'Bannon, P.	✓	—	—	Turnton, F.	—	—	—
	YES	NO	OTHER																							
Donati, J.	✓	—	—																							
Glover, R.	✓	—	—																							
Raechele, D.	✓	—	—																							
O'Bannon, P.	✓	—	—																							
Turnton, F.	—	—	—																							

WHEREAS, the Code of Virginia authorizes localities to amend their zoning ordinances when appropriate; and,

WHEREAS, the zoning regulations pertaining to the parking, servicing and weight limit for trucks and commercial vehicles were last updated in 1984 and the weight limit is too low for today's vehicles; and,

WHEREAS, the Board of Supervisors wishes to amend the County's zoning ordinance to better regulate trucks and commercial vehicles.

NOW, THEREFORE, BE IT RESOLVED that the Board requests the Director of Community Revitalization draft amendments to Chapter 24 of the Henrico County Code to revise the regulations for the parking, servicing and weight limit for trucks and commercial vehicles and present the draft amendments to the Planning Commission for its recommendations.

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

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

Routing:
 Yellow to: _____
 Copy to: _____

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



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

Agenda Item No. **282-11**
Page No. 1 of 1

Agenda Title: **Resolution – Award of Construction Contract – Mechanical Access Platforms, Phase II, Eastern Government Center**

For Clerk's Use Only: DEC 13 2011 Date: _____ <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to: _____	BOARD OF SUPERVISORS ACTION Moved by (1) <u>Donati</u> Seconded by (1) <u>Glover</u> REMARKS: APPROVED	<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, F.</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, F.	✓			Thornton, F.	✓		
	YES	NO	OTHER																							
Donati, J.	✓																									
Glover, R.	✓																									
Kaechele, D.	✓																									
O'Bannon, F.	✓																									
Thornton, F.	✓																									

WHEREAS, the County received four bids on November 1, 2011 in response to Bid Request No. 11-9144-10AL, inclusive of Addendum No. 1, for the fabrication and installation of mechanical platforms and related items at the Eastern Government Center Building, as follows:

<u>Bidder</u>	<u>Bid</u>
S.W. Funk Industrial Contractors, Inc.	\$122,675.00
West End Machine & Welding, Inc.	\$148,530.00
Taylor Construction Services Heating & Air Conditioning, Inc.	\$170,000.00
Waco, Inc.	\$183,000.00

WHEREAS, after review and evaluation of all bids received, the County determined that S.W. Funk Industrial Contractors, Inc. is the lowest responsive and responsible bidder with a bid in the amount of \$122,675.00.

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

1. A contract to furnish fabrication and installation of mechanical platforms and related items at the Henrico County Eastern Government Center Building is awarded to S.W. Funk Industrial Contractors, Inc., the lowest responsive and responsible bidder, in the amount of \$122,675.00 pursuant to Bid Request No. 11-9144-10AL, inclusive of Addendum No.1, and the bid submitted by S.W Funk Industrial Contractors, Inc.
2. The County Manager is 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 not to exceed 15% of the original contract amount.

Comments: 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. **283-11**
Page No. 1 of 1

Agenda Title

RESOLUTION — Signatory Authority — Lease for the Henrico Drug Court Program — 2601 Willard Road — Tuckahoe District

For Clerk's Use Only:	BOARD OF SUPERVISORS ACTION	
DEC 13 2011	Moved by (1) <u>O'Bannon</u> Seconded by (1) <u>Kacchele</u> (2) _____ (2) _____	YES NO OTHER
Date _____	REMARKS: _____	Donati, J. _____
<input type="checkbox"/> Approved		Glover, R. _____
<input type="checkbox"/> Denied		Kacchele, D. _____
<input type="checkbox"/> Amended		O'Bannon, P. _____
<input checked="" type="checkbox"/> Deferred to		Thorloa, F. _____
<u>1/10/12</u>		

WHEREAS, the County wishes to lease 3,849 sq. ft. of office space at 2601 Willard Road in the Tuckahoe District for the Henrico Drug Court Program for a 30-month period commencing January 1, 2012; and,

WHEREAS, the total rent for the period will be \$105,708.72, payable at the initial rate of \$3,400.00 per month with a 3% annual rent escalation.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the County Manager is authorized to execute a lease with FC Richmond I, LLC in a form approved by the County Attorney for office space at 2601 Willard Road.

COMMENTS: The lease is subject to annual appropriations and includes an option for two annual renewals. The Directors of Community Corrections and Real Property recommend approval of this action, and the County Manager concurs.

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

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

Agenda Item No. 284-11

Page No. 2 of 2

Agenda Title: RESOLUTION — To Permit Additional Fine of \$200 for Speeding on Weldon Drive between Parham Road and Starling Drive

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 that the County Manager is authorized and directed to install signs on Weldon Drive between Parham Road and Starling Drive 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 Item No. 285-11
Page No. 1 of 1

Agenda Title: **RESOLUTION - ACCEPTANCE OF ROAD**

For Clerk's Use Only: DEC 13 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>Kaechele</u> Seconded by (1) <u>O'Bannon</u> (2) _____ (2) _____ REMARKS: APPROVED	<table border="1"> <thead> <tr> <th></th> <th>YES</th> <th>NO</th> <th>OTHER</th> </tr> </thead> <tbody> <tr> <td>Donati, J.</td> <td 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.	✓		
	YES	NO	OTHER																							
Donati, J.	✓																									
Glover, R.	✓																									
Kaechele, D.	✓																									
O'Bannon, P.	✓																									
Thornton, F.	✓																									

BE IT RESOLVED by the Board of Supervisors of the County of Henrico that the following named and described section of road is accepted into the County road system for maintenance.

Parham Estates, Section 2 and a Resubdivision of Parham Estates and a Portion of Reserved Area, Block O, Section D, Westbriar - Three Chopt District

Minna Drive from Starwood Drive to 0.09 Mi. E. of Starwood Drive	<u>0.09 Mi.</u>
Total Miles	0.09 Mi.

By Agency Head By County Manager

Routing:
Yellow to: _____
Copy to: _____

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

Date: _____



PARHAM ESTATES SECTION 2 AND A RESUBDIVISION OF PARHAM ESTATES AND A PORTION OF RESERVED AREA, BLOCK O, SECTION D, WESTBRIAR

