

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
REGULAR MEETING
August 9, 2022

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, August 9, 2022, at 7:00 p.m. in the Board Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia.

Members of the Board Present:

Patricia S. O'Bannon, Chairman, Tuckahoe District
Tyrone E. Nelson, Varina District – via Webex
Thomas M. Branin, Three Chopt District
Daniel J. Schmitt, Brookland District

Member of the Board Absent:

Frank J. Thornton, Vice-Chairman, Fairfield District

Other Officials Present:

John A. Vithoukas, County Manager
Andrew R. Newby, County Attorney
Tanya N. Brackett, CMC, Assistant to the County Manager/Clerk to the Board
W. Brandon Hinton, Deputy County Manager for Administration
Monica Smith-Callahan, Deputy County Manager for Community Affairs
Cari M. Tretina, Assistant to the County Manager/Chief of Staff
Steven J. Yob, Deputy County Manager for Community Operations
Benjamin A. Sheppard, Director of Public Relations

Mrs. O'Bannon announced Mr. Nelson was unable to physically attend the meeting in person because he was caring for a sick family member. She noted the Board had arranged for Mr. Nelson to be heard by all persons in the Board room and that a quorum was present in the Board room.

On motion of Mr. Schmitt and seconded by Mr. Branin, the Board approved Mr. Nelson's electronic participation from his home, in accordance with the Board's electronic participation policy.

The vote of the Board was as follows:

Yes: O'Bannon, Branin, Schmitt

No: None

Absent: Thornton

Jeanetta Lee, Chaplain for the Henrico County Police Division, delivered the invocation.

On motion of Mr. Branin, seconded by Mr. Schmitt, the Board approved the minutes of the July 26, 2022, Regular and Special Meetings.

The vote of the Board was as follows:

Yes: O'Bannon, Branin, Nelson, Schmitt

No: None

Absent: Thornton

MANAGER'S COMMENTS

Mr. Vithoukias recognized the Honorable Senator Siobhan S. Dunnivant, who introduced a resolution honoring the life of former County Manager Bill LaVecchia. Patricia S. O'Bannon presented the resolution to Mr. LaVecchia's wife, Frances LaVecchia.

Mr. Vithoukias recognized Eric English, Chief of the Police Division. He noted our Henrico Police Division is one of the finest public safety organizations in the country. Henrico officers go above and beyond to keep residents safe, supported, and engaged. This is a result of Division leadership who places a priority on serving the community with transparency, accountability, equality, and equity.

Chief English serves as president of the National Organization of Black Law Enforcement's (NOBLE's) Central Virginia Chapter. NOBLE's mission is to ensure equity in the administration of justice in providing public service to all communities. Chief English recently attended NOBLE's 46th Annual Training Conference and Exhibition in Orlando, Florida, where he received the NOBLE Civil Rights "Outstanding Law Enforcement Executive" Justice by Action Award. For his work within the Division through NOBLE, Chief English was selected out of more than 3,000 NOBLE members worldwide to receive this prestigious award. Mr. Vithoukias noted Chief English has raised the bar for how the Division approaches and engages with individuals. He congratulated the Chief on this very special recognition.

Mr. Vithoukias recognized Dr. Elaine Perry, Richmond-Henrico Health District Director. Dr. Perry joined the County last month as the new director of the Richmond-Henrico Health District. She comes with prestigious credentials and extensive experience, including as the Interim Health Director in the Central Shenandoah Health District; a physician for the Loudoun County Health District; and the director of the Peninsula Health District. Dr. Perry also served in the US Navy as the Senior Medical Officer at two Navy Medical Clinics, worked in the pharmaceutical industry for over 12 years, and served as a consultant with the Food and Drug Administration (FDA). Mr. Vithoukias extended a warm welcome to Dr. Perry. He thanked Dr. Melissa Viray for her efforts in serving as acting director for a number of months and allowing for a smooth transition. Dr. Viray has been instrumental in our COVID response, and Mr. Vithoukias expressed gratitude that she will continue in her role as Deputy Director. Dr. Perry thanked the Manager and members of the Board for the opportunity.

Mr. Vithoukias recognized Andrew Newby, County Attorney. Mr. Newby thanked the Manager and recognized Karen Grizzard, who has served the County Attorney's office for

43 years. He noted Karen performs numerous jobs, including reviewing every resolution and ordinance that comes before the Board and has now been appointed by the Governor to serve on the Virginia Board for People with Disabilities. This new honor is another opportunity for Karen to serve her community and advocate for people with disabilities, following years of service with the Henrico Area Mental Health and Developmental Services Board and the Virginia Association of Community Services Boards. Karen thanked the Board and the Manager for the opportunity and shared her own story demonstrating the power of advocacy.

RECOGNITION OF NEWS MEDIA

There was no media present.

BOARD OF SUPERVISORS' COMMENTS

Mr. Schmitt noted the County will be in the spotlight this week beginning Thursday with the Babe Ruth Championship for the 5th time. The County will also be on National Television with NASCAR returning to the Raceway with the Truck Racing on Saturday, August 13.

Mr. Branin announced on Wednesday, August 10, at Short Pump Park, the County would join the Henrico Humane Society on a campaign to name the proposed animal adoption center that is included as a 2022 Bond Referendum Project. Residents can submit ideas to the nametheshelter.com website through August 31. As of today, the County has received 220 suggestions.

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMIT

115-22 REZ2022- 00002 Three Chopt	Markel Eagle Advisors, LLC: Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) part of Parcels 733-778-7649 and 734-777-3893 containing 46.599 acres located at the southwest intersection of Pouncey Tract Road (State Route 271) and Wyndham West Drive.
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Mr. Vithoukas announced the applicant had requested a deferral to the September 13, 2022, meeting.

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

On motion of Mr. Branin, seconded by Mr. Nelson, and by unanimous vote, the Board deferred this item to the September 13, 2022, meeting.

The vote of the Board was as follows:

Yes: O'Bannon, Branin, Nelson, Schmitt

No: None

Absent: Thornton

174-22
REZ2022-
00017
Fairfield

Archibald Hunt, Jr.: Request to conditionally rezone from A-1 Agricultural District to R-3AC One-Family Residence District (Conditional) Parcel 809-731-5615 containing .562 acres located at the northeast intersection of Harvie Road and Harvest Crest Court.

Mr. Vithoukas announced the applicant requested a deferral to the September 13, 2022, meeting.

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

On motion of Mr. Schmitt, seconded by Mr. Branin, and by unanimous vote, the Board deferred this item to the September 13, 2022, meeting.

The vote of the Board was as follows:

Yes: O'Bannon, Branin, Nelson, Schmitt

No: None

Absent: Thornton

217-22
REZ2022-
00019
Three Chopt

Pemberton Investments, LLC: Request to conditionally rezone from A-1 Agricultural District and B-3 Business District to R-5AC General Residence District (Conditional) part of Parcel 739-755-4897 containing 10.517 acres located on the west and east lines of John Rolfe Parkway at its intersection with Pump Road.

The following residents spoke regarding the case:

- A resident in the Three Chopt District voiced concerns about the lot sizes, saying that lot sizes should be increased, and the number of homes reduced. He would also like a proper traffic study since there is a daycare on the corner. He also voiced concern about keeping the existing trees with a large buffer for noise.
- Kimberly Fender, a resident of the Three Chopt District, noted her property faces this development and stated her main concern is traffic. She also agreed with her neighbors that the lots should be larger.
- Brandon Roach, a resident of the Three Chopt District, voiced concerns about traffic and noise, and requested the Board reconsider the hours of construction.
- Laurie Southward, a resident of the Three Chopt District, stated she was an advocate for fewer homes on the development. She also requested the existing trees remain. She shared concerns about the time allowed for construction. Finally, she requested an environmental inspection due to the wildlife in the area.

Andy Condlin spoke on behalf of the applicant. He stated they have provided buffers on both John Rolfe Parkway and Old Pump Road. He also stated the construction hours are typical and within the County permit and requested the Board follow the Planning Commission recommendations.

Mrs. O'Bannon announced one additional resident had requested to speak via Webex:

- Mr. Todd, a resident of the Three Chopt District, voiced concerns about traffic and suggested the traffic study that was conducted was not accurate. He also stated the speed bumps that were recently added had made traffic more challenging in the neighborhood.

Mrs. O'Bannon requested the hours for construction be changed to 8:00 a.m. – 8:00 p.m. Mr. Branin requested Terrell Hughes, Director of Public Works, review the traffic study and the concerns regarding traffic. Mr. Hughes explained the speed bumps installed were not related to the zoning cases but were installed due to concerns of the speeding in the area and at the request of Mr. Branin. He stated the traffic from the proposed development was not a concern and the road can accommodate the additional homes.

Mr. Branin noted since the case came to the Planning Department it has made tremendous improvements. He requested Mr. Emerson, Director of Planning, explain the improvements in the lot sizes and the square footage and to explain the proffers.

Mr. Condlin agreed to Mrs. O'Bannon's recommendation for the time change on construction hours to begin at 8:00 a.m.

Mr. Branin noted the concerns of the residents and stated the developer had worked closely with the Planning Department and with Mr. Branin to improve the proposal. However, due to the concerns that have come forward, he requested another community meeting to discuss the proposal.

On motion of Mr. Branin, seconded by Mr. Schmitt, and by unanimous vote, the Board deferred this item to the September 13, 2022, meeting.

The vote of the Board was as follows:

Yes: O'Bannon, Branin, Nelson, Schmitt

No: None

Absent: Thornton

218-22
PUP2022-
00015
Brookland

MJF Maywill, LLC: Request for a Provisional Use Permit under Sections 24-2306 and 24-3708 of Chapter 24 of the County Code to allow a multifamily residential development with commercial uses on Parcel 776-737-5035 located on the north line of Thalbro Street at its intersection with Westmoreland Street.

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

On motion of Mr. Schmitt, seconded by Mr. Nelson, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item subject to the following conditions:

1. **Master Plan.** The master plan for the property shall consist of all layouts, architectural, streetscape, and landscaping documents submitted as part of this request (see case file). All development on the property shall be in general conformance with the master plan, unless otherwise approved at the time of Plan of Development review.
2. **Height Limitations.** Buildings shall be limited to 100' in height.
3. **Reservation of Future Right of Way or Access Easement.** The plan of development shall provide for the ability to construct a future roadway (public or private) along the property's northern boundary to create additional access between Thalbro Street and Westmoreland Street. Evidence of necessary easements shall be provided prior to final plan of development approval in a form approved by the Director of Planning.
4. **Architectural Treatment.** Any building on the property shall be designed in general conformance with the architectural themes displayed in the elevations dated May 26, 2022 prepared by Poole & Poole Architecture, LLC, a copy of which is on file with the Department of Planning (see case file).
5. **Materials.** Any building on the property shall be a combination of any of the following: masonry and cementitious siding. No vinyl siding shall be used. Alternate materials may be allowed if requested by Owner and specifically approved by the Director of Planning upon a finding that such materials are of equivalent quality, function, or manufacture to those specifically enumerated above.
6. **Sidewalks and Street Lights.** Sidewalks shall be provided along all public street frontages and internal drives or roads, in addition to those areas indicated on the master plan (see case file) in a manner determined at the time of POD review. Street lights shall be provided along adjacent public streets and internal drives and roads in a manner determined at the time of lighting plan review.

7. **POD Supplementary Submittal Requirements.** With each Plan of Development application for a portion of the Property, the Owner shall prepare and submit to the Director of Planning the following (the "POD Supplements"):
 - a. Streetscape & Landscape Plan, which shall include, as applicable, all hardscaping, vegetative screening, streetscape plantings, foundation plantings, and any other landscape elements required by the Director of Planning.
 - b. Lighting Plan; and
 - c. Pedestrian Connection Plan, which shall include all improvements designed to facilitate pedestrian circulation and connectivity.
 - d. Each of the POD Supplements shall be reviewed for general conformance with the Master Plan. Deviations may be approved by the Director of Planning in connection with any subsequent Plan of Development, subdivision approval, or any other variation permitted by the Director upon a finding that the variations are generally in keeping with the spirit and concept of the Master Plan (see case file).
8. **Fire Access.** Prior to approval of construction plans for the development, the applicant shall provide the Director of Planning evidence that any building restrictions on adjacent property necessary to meet fire access requirements have been agreed to by the owner of such property.
9. **Emergency Communication Systems.** The owner shall install a fire command center and emergency radio communication equipment within any new building exceeding 60 feet in height to allow for adequate public safety and radio coverage within and between the buildings. A communications consultant shall certify such equipment as compatible with the County's emergency communication system within 90 days of the owner or tenant obtaining a Certificate of Occupancy for any such building. The County shall be permitted to perform communications testing within the buildings at any time.
10. **Fire Protection-Structured Parking.** A 3" standpipe for fire protection shall be provided within all structured parking at approximately 200' intervals. The exact location of these improvements will be determined by the Division of Fire during Plan of Development review.
11. **Fire Protection.** All structures, including parking structures, other than open, standalone parking garages, shall be fully sprinkled for fire protection.

12. **Crime Prevention.** Prior to occupancy of any structure containing commercial or office uses, the applicant and the Crime Prevention Unit of the Division of Police shall conduct a security survey of the property. The applicant shall implement mutually agreed upon security recommendations.
13. **Parking Plan.** Parking may be reduced in accordance with the parking plan analysis dated June 29, 2022 (see case file) but shall in no case be less than the combined peak parking demand for any proposed uses as shown in Table 1 of the reference document. Any plan of development submitted for the property shall include a tabulation of all parking required per a licensed engineer's determination. Shared parking information, including updates to the parking calculations demonstrating the parking rate is meeting the needs of approved development on the property, shall be provided with each plan of development or as requested by the Director of Planning. Each plan of development submitted shall identify the location and means of creating additional parking that could accommodate the difference between the reduced parking standard approved by this permit and the standards contained in the Henrico County Code.

Each residential unit shall be provided with the unit parking standard specified in the accompanying parking study, at a minimum, which shall be included in each unit's lease agreement. Only that parking provided above the unit parking standard in the parking study may be subject to additional charge by the property owner independent of a unit's lease agreement.

14. **Amenities.** Amenities consistent with the Master Plan (see case file) shall be provided on the property in a manner determined at the time of plan of development review.
15. **Residential Density and Unit Size.** There shall be no more than 253 dwelling units developed on the property. No dwelling units shall be 3 or more bedrooms. A minimum of 1 parking space per bedroom shall be provided.
16. **Residential Recycling Facilities.** Recycling shall be provided for the multi-family development for so long as the County either provides or sponsors some form of recycling. Outside recycling and refuse collection area(s) provided shall comply with the requirements set forth in Section 24-4427 of the Zoning Ordinance.
17. **Prohibited Uses.** The following uses shall be prohibited as part of the master-planned development:
 - a. Adult uses
 - b. Crematory or funeral home

- c. Shooting range, indoor
- d. Alternative lending institutions
- e. Auction house

The vote of the Board was as follows:

Yes: O'Bannon, Branin, Nelson, Schmitt

No: None

Absent: Thornton

The Board recessed at 8:13 p.m. and reconvened at 8:21 p.m.

219-22
REZ2022-
00020
Three Chopt

HHH Land LLC: Request to conditionally rezone from A-1 Agricultural District and R-4C One-Family Residence District to R-5AC General Residence District (Conditional) (.872 acres) and R-6C General Residence District (Conditional) (6.409 acres) Parcels 739-766-6963, -8964, -9452, 740-766-0541, and -4846 totaling 7.281 acres located on the east line of Pouncey Tract Road (State Route 271) approximately 370' north of its intersection with Twin Hickory Lake Drive.

One individual on Webex had trouble connecting and was unable to speak on the case. Mr. Vithoulkas suggested she email her comments.

Jean Moore, Assistant Director of Planning, responded to a question from Mr. Schmitt regarding one of the proffers.

On motion of Mr. Branin, seconded by Mr. Schmitt, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item with the following proffered conditions:

Applicable to all:

1. **Conceptual Master Plan.** Development of the property shall be in general conformance with Exhibit A attached hereto entitled "The Pointe at Twin Hickory Phase 2" (see case file), which Conceptual Master plan is conceptual in nature and may vary in detail, unless otherwise requested by the owner and specifically approved by the Director of Planning.
2. **Underground Utilities.** Except for junction boxes, meters, pedestals, transformers, and existing overhead utility lines, all new utility lines shall be installed underground.
3. **Hours of Construction.** The hours of exterior construction, including operation of bulldozers and other earthmoving equipment, shall be between 7:00 a.m. and 7:00 p.m. Monday through Friday,

between 8:00 a.m. and 5:00 p.m. on Saturdays and none on Sundays; provided, however, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connectors.

4. **Road Construction and Dedications.** Road improvements and/or dedications shall be made as follows:
 - a. Right of way dedication and construction of a second lane and sidewalk along the property frontage of Pouncey Tract Road.
 - b. The existing turn lane serving the commercial entrance for the adjacent property to the north shall be extended along the Property's frontage to create a standard VDOT turn lane and taper, with corresponding dedication of right of way.
 - c. These improvements shall be commenced with the initial development of the Property unless otherwise requested by the owner and approved by the Planning Director at the time of Plan of Development approval.

5. **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 the roadways within the project were constructed according to the approved subdivision plan, and in compliance with Henrico County road design standards and specifications (except as to pavement width and turning radii), to include proper compaction of the subbase soils, utility trenches, base stone, and asphalt surface.

6. **Sediment Control Device Fencing.** Any temporary sediment basins or traps shall be enclosed with a temporary wire fence (e.g., welded wire fence) around the perimeter of such basin or trap to discourage access to such basin or trap. This temporary wire fence may be removed when such basin or trap is removed or when such basin or trap is converted to a permanent BMP. This temporary fence may be removed on a temporary basis to permit development work along, or in the proximity of, such basin or trap.

7. **Privacy Fence.** A six foot (6') tall privacy fence ("Privacy Fence") shall be installed on the Property along the property line shared with Lots 87-92 of Hickory Woods ("HW Lots") and along the rear property line of the lots within the portion of the Property zoned R-5AC. This fence for the HW Lots shall be initially installed prior to the commencement of mass grading activities on the Property for the improvements shown on the Conceptual Master plan. The fence for the lots within the portion of the Property zoned R-5AC shall be installed initially prior to the issuance of the first building permit for those lots.

8. **Buffer Along Hickory Woods.** A landscaped buffer area of a minimum of thirty-five (35) feet in width along the property line

adjacent to lots in Hickory Woods subdivision, shall be installed except to the extent necessary or allowed for utility easements that may pass through the buffer in generally perpendicular manner (unless currently existing), for walkways, for the Privacy Fence and for any other purpose requested and specifically approved at the time of Plan of Development. Such buffer shall be in accordance with the requirements for Transitional Buffer 35 (with credit for existing trees and shrubs) or as otherwise requested by the owner and approved at the time of Plan of Development. Prior to the issuance of the certificate of occupancy for the second to last building shown on the approved plan of development, an arborist shall be consulted to identify existing vegetation and underbrush that is dead, diseased, or dying that shall be removed from the buffer area, and if so removed, additional plantings shall be added to meet the requirements of the Transitional Buffer 35 standard.

9. **Buffer Along Pouncey Tract Road.** A natural and/or landscaped buffer area of a minimum of thirty-five (35) feet in width, which may be included within any required setback, shall be installed along the property line adjacent to Pouncey Tract Road ("PTR Buffer"). The PTR Buffer shall be planted in a manner that will create a wax myrtle hedge row similar to other perimeter landscaping for Twin Hickory; provided that the plantings provided in the PTR Buffer shall be no less than the planting requirements, with credit for existing vegetation, as set forth in the Ordinance for the Transitional Buffer 35. Signage may be located within the PTR Buffer, along with any other improvements specifically requested by the owner and approved by the Planning Director at the time of plan of development review. The PTR Buffer shall be irrigated and maintained by the owner's association. Utility easements that may pass through the PTR Buffer in generally perpendicular manner, unless currently existing. In the event existing utilities will not permit the required plantings, the number of required plants may be adjusted with the approval of the Planning Director at the time of plan of development review. The final design for the PTR Buffer shall be set forth in the approved landscape plan.
10. **Severance.** The unenforceability, elimination, revision or amendment or any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of any of the other proffers or the unaffected part of any such proffer.

APPLICABLE TO R-6C

11. **Protective Covenants.** Prior to the issuance of the first building permit, a document shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia, setting forth controls on the development and maintenance of such portions of the Property.
12. **Trash and Recycling Receptacles Areas.** All dumpsters, trash

and recycling receptacles, (not included convenience cans), shall be screened from view at the boundary line of the Property by a masonry or metal fence, gate, or wall (which may be a precast panel masonry fence) to match the exterior of the building on the property or as otherwise approved at the time of Plan of Development review.

13. **HVAC Screening.** Any heating, ventilation and air conditioning equipment shall be screened from public view at ground level at the perimeter of the Property.
14. **Building Materials.** Primary exterior wall materials (exclusive of windows, gables, doors, trim, soffit and fascia) shall be brick, stone, cultured stone, stone veneer, brick, fiber cement board (e.g., HardiePlank), engineered wood (e.g., LP Smartside), or a combination of the foregoing unless different architectural treatment and/or materials are requested by owner and approved by the Director of Planning. Fiberboard (e.g., Masonite) shall not be permitted as an exterior wall material.
15. **Architectural Treatment.** Units shall be generally in conformance with Exhibit C (see case file) attached hereto, unless otherwise requested by the owner and specifically approved by the Director of Planning.
16. **Foundation Planting.** Foundation planting beds are required along the entire front facade of the house, excluding porches, architectural features and garages, and shall contain a minimum of fifty (50) percent evergreen material. The front corner of each building shall be visually softened with a vertical accent shrub or small evergreen tree.
17. **Irrigation.** Front, side and rear yards shall be sodded and irrigated, excluding mulched beds.
18. **Foundations.** The exposed exterior portions of all foundations below the first floor level shall be finished with brick, stone or cultured stone. For all elevations there shall be a minimum of eight inches (8") of brick, stone or cultured stone visible above grade. Where a hardship of the lot prevents compliance with this proffer, the requirements may be modified or waived by the Director of Planning.
19. **Minimum Unit Sizes.** Units shall consist of not less than 1,050 gross square feet. Minimum gross floor area shall not include garages or breezeways. Floor area shall be measured along the exterior walls of the structure.
20. **Density.** There shall be no more than sixty-five (65) residential units in the portion of the Property zoned R-6C.

21. **Units per Building.** There shall be no more than five (5) units per building.
22. **Garages.** Each home shall have access to a one (1) car garage. All garage doors shall have, at a minimum, one architectural detail including, but not limited to, windows, carriage door handles, exposed hinges or accent columns.
23. **Building Height.** The buildings on the Property shall not exceed thirty-five (35) feet above the finished grade of the building at the front of the building.
24. **Exterior Lighting.** Exterior lighting fixtures shall not exceed sixteen (16) 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. Parking lot lighting shall be produced from concealed sources of light. At no time shall the parking lot lighting exceed one-half (1/2) foot-candle beyond the boundary lines of the Property. All parking lot lighting shall be positioned in such a manner as to minimize the impact of such lighting on any adjacent property. Facade accent lighting and landscape lighting of no more than 50 watts is permitted. Floodlights a maximum of 300 watts per bulb may be eave mounted and located such that the light is directed completely within boundary lines of the Property. All exterior lighting shall be compatible with the building in style and finish.
25. **Private Roads.** The internal roadways shall be private and shall be maintained by an owners' association.
26. **Marketing.** All homes shall be initially marketed for sale as "Owner-occupied."

APPLICABLE TO R-5AC

27. **Foundations.** The exposed exterior portions of exterior single-family residence foundations shall be constructed of brick or natural stone.
28. **Protective Covenants.** Prior to or concurrent with the recordation of a subdivision plat approved by the County and before the conveyance of any portion of the Property covered by said subdivision plat (other than for the dedication of easements, roads or utilities), a document shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia, setting forth controls on the development and maintenance of such portions of the Property. Said covenants shall include requirement for paved driveways, initially sodded and irrigated front yards, brick steps to front doors and standard mailbox design.

29. **Chimneys.** No chimney or gas vent unit shall be cantilevered. The exposed portions of all fireplace chimneys shall be of brick or a siding similar to the exterior treatment of the dwelling. This proffer shall not apply to direct vent gas fireplaces or appliances. The exposed bases of all chimneys shall be of the same material as the dwelling foundation.
30. **Minimum Unit Sizes.** Units shall consist of not less than 2,000 gross square feet. Minimum floor area shall not include garages and or breezeways. Floor area shall be measured along the exterior walls of the structure.
31. **Minimum Lot Width.** Lots shall be no less than 60' (sixty feet) wide.
32. **Minimum Front Setback.** The front yard setback on each lot shall be no less than 35' (thirty-five feet).
33. **Cantilevering.** There shall be no cantilevered treatment of any architectural features on the first floor. Items on the upper floors such as balconies, decks, bump-outs, box or bay-type windows may be cantilevered, but shall include decorative support corbels.
34. **Sod and Irrigation.** Each front and side yard (to the edge of the rear of the home on corner lots adjacent to streets) shall initially be sodded and irrigated, exclusive of mulched flowerbeds and landscaping.
35. **Building Materials.** Each home front facade shall be brick faced exclusive of windows, dormers, gables, doors, trim, soffit, and fascia, unless an equivalent material is requested by owner and approved by the Director of Planning. Other exterior wall materials (exclusive of windows, dormers, gables, doors, trim, soffit and fascia) shall be brick, stone, cultured stone, stone veneer, fiber cement siding, engineered wood, vinyl (a minimum of .044" nominal thickness as evidenced by manufacturer's printed literature), or a combination of the foregoing unless different architectural treatment and/or materials are requested by owner and approved by the Director of Planning. Fiberboard (e.g., Masonite) shall not be permitted as an exterior wall material.
36. **Foundation Planting.** Foundation beds are required along the entire front facade of the house, excluding porches, architectural features and garages, and shall contain a minimum of fifty (50) percent evergreen material. A minimum of one front corner of the house shall be visually softened with a vertical accent shrub or small evergreen trees.
37. **Garages.** Each home shall include a minimum of a two (2) car detached garage. All garage doors shall have, at a minimum, one

architectural detail including, but not limited to, windows, carriage door handles, exposed hinges or accent columns.

38. **Street Trees.** A street tree with a minimum two (2) inch caliper shall be planted on each lot. Spacing of trees shall be adjusted as needed to accommodate driveways and underground utilities, including stormwater systems.
39. **Density.** There shall be no more than four (4) residential units in the portion of the Property zoned R-5AC.
40. **Architectural Treatment.** Homes constructed on the Property shall be in general conformance with Exhibit B (see case file), attached hereto, unless otherwise requested by the owner and specifically approved by the Director of Planning. Notwithstanding what is shown on Exhibit B (see case file), attached hereto, the colors used on the homes shall comply with the design guidelines contained in the Twin Hickory Design Standards.
41. **Marketing.** All homes shall be initially marketed for sale as "Owner-occupied."

The vote of the Board was as follows:

Yes: O'Bannon, Branin, Nelson, Schmitt

No: None

Absent: Thornton

220-22
REZ2022-
00022
Three Chopt

Stanley Martin Homes, LLC: Request to rezone from R-5AC General Residence District (Conditional) to C-1 Conservation District part of Parcel 752-773-1086 containing 11.6 acres located approximately 100' southeast of the terminus of Maben Hill Lane extending approximately 2,486' east and west along the floodplains of Allen's Branch and the Chickahominy River.

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

On motion of Mr. Branin, seconded by Mr. Nelson, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item.

The vote of the Board was as follows:

Yes: O'Bannon, Branin, Nelson, Schmitt

No: None

Absent: Thornton

221-22
REZ2022-
00021
Fairfield

HHHunt River Mill, LLC: Request to conditionally rezone from R-5AC General Residence District (Conditional) to C-1C Conservation District (Conditional) part of Parcel 779-774-3651 containing 5.11 acres located approximately 500' northwest of the terminus of Winfrey Road extending approximately 1,700' north along the floodplain of the Chickahominy River.

Mr. Vithoukas announced the applicant had requested a deferral to the September 13, 2022, meeting.

No one spoke in opposition to this item.

On motion of Mr. Schmitt, seconded by Mr. Branin, and by unanimous vote, the Board deferred this item to the September 13, 2022, meeting.

The vote of the Board was as follows:

Yes: O'Bannon, Branin, Nelson, Schmitt

No: None

Absent: Thornton

222-22
REZ2022-
00023
Fairfield

Doswell Ventures, LLC: Request to conditionally rezone from R-4 One-Family Residence District and B-3C Business District (Conditional) to B-3C Business District (Conditional) Parcels 781-761-6051 and -4638 containing 2.03 acres located on the west line of Mountain Road approximately 45' south of its intersection with New York Avenue.

Mr. Vithoukas announced the applicant requested a deferral to the September 13, 2022, meeting.

No one spoke in opposition to this item.

On motion of Mr. Schmitt, seconded by Mr. Branin, and by unanimous vote, the Board deferred this item to the September 13, 2022, meeting.

The vote of the Board was as follows:

Yes: O'Bannon, Branin, Nelson, Schmitt

No: None

Absent: Thornton

PUBLIC HEARINGS - OTHER ITEMS

223-22

Resolution - Amendments to FY 2022-23 Annual Fiscal Plan - August 2022.

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

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

224-22 Ordinance - To Amend and Reordain Section 20-59 Titled “Agricultural, horticultural, forest and open space uses” of the Code of the County of Henrico to Conform to 2022 Changes in State Law Regarding Land Use Assessments.

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

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

225-22 Ordinance - To Amend and Reordain Section 20-625 Titled “Persons other than small loan companies lending money for purchase of chattels secured by liens; purchasers of conditional sale contracts” of the Code of the County of Henrico to Conform to 2022 Changes in State Law Regarding Local Business License Taxes.

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

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

226-22 Ordinance - To Amend and Reordain Section 5-1 Titled “Definitions” and Repeal and Reserve Section 5-30 Titled “Control of dangerous or vicious dogs” and Section 5-31 Titled “Vicious dogs” of the Code of the County of Henrico to Rely on State Regulations of Dangerous and Vicious Dogs as Amended by the General Assembly.

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

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

227-22 Ordinance - To Amend and Reordain Section 22-36 Titled “Unnecessary noise in operation of vehicle” of the Code of the County of Henrico to Conform to 2022 Changes in State Law and Regulate Vehicle Exhaust Noise.

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

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

228-22 Resolution - Signatory Authority - Lease of County Property - 11100 Winfrey Road - Brookland District.

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

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

229-22 Resolution - Condemnation - Right-of-Way and Easements - Richmond-Henrico Turnpike Improvements Project - 4490 and 4500 Richmond-Henrico Turnpike - Fairfield District.

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

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

PUBLIC COMMENTS

John Owens, a resident of the Brookland District, asked to be arrested and prosecuted for various crimes he claimed to have committed.

Carol Sargeant, a resident of the Tuckahoe District, and Doris Knick, a non-resident, shared concerns about the health effects of cell towers in the community.

GENERAL AGENDA

230-22 Introduction of Resolution - To Create the Sports and Entertainment Authority of Henrico County, Virginia, Pursuant to the Public Recreational Facilities Authorities Act and Setting Forth the Articles of Incorporation of the Authority.

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

231-22 Resolution - Approval of American Medical Response Mid-Atlantic to Operate a Medical Transport Service in Henrico County.

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

232-22 Resolution - Award of Contract - Annual Construction Services - Concrete and Asphalt Rehabilitation.

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

233-22 Resolution - Adoption of Procedures for Design-Build Contracts.

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

234-22 Resolution - Signatory Authority - Lease Amendment - Henrico Area Mental Health and Developmental Services - 205 Roxbury Industrial Center - Charles City County, Virginia.

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

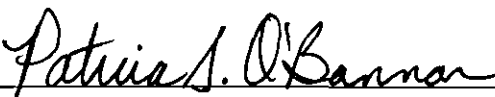
235-22 Resolution - Approval of Acquisition - Right-of-Way and Easements - Sadler Road Improvements Project - 4328 Sadler Road - Three Chopt District.

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

236-22 Introduction of Ordinance - To Amend and Reordain Section 10-67 Titled “Penalty and enforcement” and Section 10-68 Titled “Prohibited noises enumerated” of the Code of the County of Henrico to Limit Daytime Noise in Residential Areas from Stereos, Televisions, Musical Instruments, and Similar Devices.

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

There being no further business, the meeting was adjourned at 9:10 p.m.


Chairman, Board of Supervisors
Henrico County, Virginia



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Title: RESOLUTION - Amendments to FY 2022-23 Annual Fiscal Plan - August 2022

Resolution action form containing 'BOARD OF SUPERVISORS ACTION', 'MOVED BY (1) Branin', 'SECONDED BY (1) Nelson', 'APPROVED' stamp, and a voting table with names like Branin, Nelson, O'Bannon, Schmitt, and Whiston.

WHEREAS, the Board of Supervisors of the County of Henrico, Virginia, held an advertised public hearing on August 9, 2022, to consider proposed amendments to the Annual Fiscal Plan for FY 2022-23; and,

WHEREAS, those citizens who appeared and wished to speak were heard.

NOW, THEREFORE, BE IT RESOLVED by the Board that the Annual Fiscal Plan for FY 2022-23 is amended and the following funds are appropriated and allocated for expenditure in the amounts and for the purposes indicated.

CAPITAL FUNDS

FUND 2105 - CAPITAL PROJECTS FUND - Schools General Capital Projects

50331 - Construction and Maintenance

0000 08931 - School Security Improvements \$ 5,415,000

To appropriate funding for security improvements throughout the Henrico County Public School System. Appropriation will come from the fund balance in the General Fund via transfer to the Capital Projects Fund.

The fund balance is available from an allocation of \$12,000,000 of construction funding from the Commonwealth of Virginia, which will be allocated to the planning for the Environmental Education Center Living Building and the replacement of Jackson-Davis Elementary School and Longan Elementary School. These projects were funded in the FY 2022-23 Capital Budget with fund balance. The utilization of the State Construction funding will return \$6,585,000 to the General Fund balance.

Summary table with two rows: Total CAPITAL FUNDS (\$ 5,415,000) and Total Amendments/Appropriations (\$ 5,415,000).

By Agency Head [Signature]
Deputy For Shaile Minor

By County Manager [Signature]

Certified:
A Copy Tests:

Copy to:

Clerk, Board of Supervisors

Date:



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

Agenda Item No. 224-22
Page No. 1 of 1

Agenda Title: ORDINANCE — To Amend and Reordain Section 20-59 Titled “Agricultural, horticultural, forest and open space uses” of the Code of the County of Henrico to Conform to 2022 Changes in State Law Regarding Land Use Assessments

For Clerk's Use Only: Date: <u>8/9/2022</u> <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>Nelson</u> Seconded by (1) <u>Branin</u> (2) _____ (2) _____ REMARKS: APPROVED	YES NO OTHER Branin, T. ✓ _____ Nelson, T. ✓ _____ O'Bannon, P. ✓ _____ Schmitt, D. ✓ _____ Thornton, F. _____ <u>absent</u>
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After a duly advertised public hearing, the Board of Supervisors of Henrico County, Virginia, adopted the attached ordinance.

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

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

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

BLACKLINE

ORDINANCE — To Amend and Reordain Section 20-59 Titled “Agricultural, horticultural, forest and open space uses” of the Code of the County of Henrico to Conform to 2022 Changes in State Law Regarding Land Use Assessments

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

1. That Section 20-59 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-59. Agricultural, horticultural, forest and open space uses.

. . . .

(b) *Application for taxation on basis of use; fees.*

(1) The owner of any real estate meeting the criteria set forth in Code of Virginia, §§ 58.1-3230 and 58.1-3233, including for agricultural or horticultural use a minimum of five acres, for forest use a minimum of 20 acres and for open space use a minimum of five acres, at least 60 days preceding the tax year for which such taxation is sought, may apply to the director of finance for the classification, assessment and taxation of such property for the next succeeding tax year on the basis of its use, under the procedures set forth in Code of Virginia, § 58.1-3236. Such application shall **must** be on forms provided by the state department of taxation and supplied by the director of finance and shall include such additional schedules, photographs, and drawings as may be required by the director of finance. The written agreement required by Code of Virginia, § 58.1-3233 for real estate devoted to open space use shall **may** be signed on behalf of the county by the county manager. Any individual who is the owner of an undivided interest in a parcel may apply on behalf of himself and the other owners of such parcel upon submitting an affidavit that such other owners are minors or, cannot be located, **or represent a minority interest in such parcel**. An application shall **must** be submitted whenever the use, zoning, or acreage of such land previously approved changes; provided that such property owner must revalidate annually with the director of finance any applications previously approved.

. . . .

(4) Each parcel shall **must** be revalidated annually on forms provided by **the state department of taxation and supplied by** the director of finance.

. . . .

. . . .

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



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 225-22

Page No. 1 of 1

Agenda Title: ORDINANCE — To Amend and Reordain Section 20-625 Titled “Persons other than small loan companies lending money for purchase of chattels secured by liens; purchasers of conditional sale contracts” of the Code of the County of Henrico to Conform to 2022 Changes in State Law Regarding Local Business License Taxes

For Clerk's Use Only:

Date: 8/9/2022

- Approved
- Denied
- Amended
- Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Branin (2) _____
Seconded by (1) Schmitt (2) _____

REMARKS: APPROVED

YES NO OTHER

Branin, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schmitt, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thornton, F.	<input type="checkbox"/>	<input type="checkbox"/>	<i>absent</i>

After a duly advertised public hearing, the Board of Supervisors of Henrico County, Virginia, adopted the attached ordinance.

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

By Agency Head *Paul Smith* By County Manager *[Signature]*

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

BLACKLINE

ORDINANCE — To Amend and Reordain Section 20-625 Titled “Persons other than small loan companies lending money for purchase of chattels secured by liens; purchasers of conditional sale contracts” of the Code of the County of Henrico to Conform to 2022 Changes in State Law Regarding Local Business License Taxes

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

1. That Section 20-625 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-625. Persons other than small loan companies lending money for purchase of chattels secured by liens; purchasers of conditional sale contracts.

. . . .

(c) Nothing herein shall requires the payment of any license tax under this section by any bank or trust company or any director of such company.

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



COUNTY OF HENRICO, VIRGINIA
 BOARD OF SUPERVISORS
 MINUTE

Agenda Item No. 226-22
 Page No. 1 of 1

Agenda Title: ORDINANCE — To Amend and Reordain Section 5-1 Titled "Definitions" and Repeal and Reserve Section 5-30 Titled "Control of dangerous or vicious dogs" and Section 5-31 Titled "Vicious dogs" of the Code of the County of Henrico to Rely on State Regulations of Dangerous and Vicious Dogs as Amended by the General Assembly

For Clerk's Use Only:	BOARD OF SUPERVISORS ACTION		YES NO OTHER
Date: <u>8/19/22</u>	Moved by (1) <u>Schmitt</u>	Seconded by (1) <u>Branin</u>	Branin, T. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input checked="" type="checkbox"/> Approved	(2) _____	(2) _____	Nelson, T. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Denied	REMARKS:		O'Bannon, P. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Amended	APPROVED		Schmitt, D. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Deferred to:			Thornton, F. <input type="checkbox"/> <input type="checkbox"/> <u>absent</u>

After a duly advertised public hearing, the Board of Supervisors of Henrico County, Virginia, adopted the attached ordinance.

Comments: The Chief of Police recommends approval of the Board paper, and the County Manager concurs.

By Agency Head Eric D. English By County Manager [Signature]

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

ORDINANCE — To Amend and Reordain Section 5-1 Titled “Definitions” and Repeal and Reserve Section 5-30 Titled “Control of dangerous or vicious dogs” and Section 5-31 Titled “Vicious dogs” of the Code of the County of Henrico to Rely on State Regulations of Dangerous and Vicious Dogs as Amended by the General Assembly

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

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

Sec. 5-1. Definitions.

. . . .

~~Dangerous dog.~~ The term “dangerous dog” means:

~~(1) A canine or canine crossbreed that has bitten, attacked, or inflicted injury on a companion animal that is a dog or cat or killed a companion animal that is a dog or cat. A canine or canine crossbreed is not a dangerous dog if, upon investigation, a law enforcement officer or animal control officer finds that:~~

~~a. No serious physical injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the attack or bite;~~

~~b. Both animals are owned by the same person; or~~

~~c. Such attack occurred on the property of the attacking or biting dog's owner or custodian.~~

~~(2) A canine or canine crossbreed that has bitten, attacked or inflicted injury on a person. A canine or canine crossbreed is not a dangerous dog if, upon investigation, a law enforcement officer or animal control officer finds that the injury inflicted by the canine or canine crossbreed upon a person consists solely of a single nip or bite resulting only in a scratch, abrasion, or other minor injury.~~

~~(3) No dog shall be found to be a dangerous dog as a result of biting, attacking or inflicting injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event. No dog shall be found to be a dangerous dog if the court determines, based on the totality of the evidence before it, or for other good cause, that the dog is not dangerous or a threat to the community.~~

. . . .

~~Vicious dog means a canine crossbreed which has:~~

~~(1) Killed a person;~~

~~(2) Inflicted serious injury to a person; or;~~

~~(3) Continued to exhibit the behavior which resulted in a previous finding by a court or, on or before July 1, 2006, by an animal protection police officer, as authorized by ordinance, that it is a dangerous dog, provided that its owner has been given notice of that finding.~~

2. That Section 5-30 of the Code of the County of Henrico is repealed and reserved.

Sec. 5-30. Control of dangerous dogs Reserved.

~~(a) Any law enforcement officer or animal protection police officer who has reason to believe that a canine or canine crossbreed is a dangerous dog may apply to a county magistrate for the issuance of a summons requiring the owner or custodian, if known, to appear before the general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law enforcement officer successfully makes an application for the issuance of a summons, he shall contact an animal protection police officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous. The animal protection police officer shall confine the animal until a verdict is rendered on the summons. If the animal protection police officer determines that the owner or custodian can confine the animal in a manner that protects public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered.~~

~~(b) No canine or canine crossbreed shall be found to be a dangerous dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a dangerous dog if the threat, injury or damage was sustained by a person who was:~~

~~(1) Committing, at the time, a crime upon the premises occupied by the animal's owner or custodian;~~

~~(2) Committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian; or~~

~~(3) Provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times.~~

~~No police dog that was engaged in the performance of its duties at the time of the acts complained of shall be found to be a dangerous dog. No animal that, at the time the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a dangerous dog.~~

~~(c) If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.~~

~~(d) Within 30 days of a finding that an animal is a dangerous dog, the owner of the animal shall obtain a dangerous dog registration certificate from the animal protection unit of the division of police or the director of finance for a fee of \$150.00. This fee is in addition to other fees required by this chapter. The animal protection police officer or the director of finance shall provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. By January 31 of each year, until such time as the dangerous dog is deceased, all certificates obtained pursuant to this subsection shall be updated and renewed for a fee of \$85.00 and in the same manner as the initial certificate was obtained. The animal protection police officer shall post registration information on the Virginia Dangerous Dog Registry.~~

~~(e) Certificates or renewals.~~

~~(1) All certificates or renewals thereof required to be obtained under this section shall be issued only to persons 18 years of age or older who present satisfactory evidence:~~

~~a. Of the animal's current rabies vaccination, if applicable;~~

~~b. That the animal is and will be confined in a proper enclosure, or is and will be confined inside the owner's residence, or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed;~~

~~c. That the animal has been spayed or neutered; and~~

~~d. That the owner has liability insurance, to the value of at least \$100,000.00, that covers animal bites or has obtained and will maintain a bond in surety, in lieu of liability insurance, to the value of at least \$100,000.00.~~

~~(2) In addition, no owner shall be issued a certificate or renewal unless he presents satisfactory evidence that:~~

~~a. His residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property; and~~

~~b. The animal has been permanently identified by means of electronic implantation.~~

~~(f) While on its owner's property, an animal found to be a dangerous dog shall be confined indoors, or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. While so confined within the structure, the animal shall be provided for according to § 3.2-6503 of the Code of Virginia. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.~~

~~(g) The owner of a dog found to be dangerous shall cause the animal protection unit of the division of police to be promptly notified of:~~

~~(1) The names, addresses, and telephone numbers of all owners;~~

~~(2) All of the means necessary to locate the owner and the dog at any time;~~

~~(3) Any complaints or incidents of attack by the dog upon any person or cat or dog;~~

~~(4) Any claims made or lawsuits brought as a result of any attack;~~

~~(5) Chip identification information;~~

~~(6) Proof of insurance or surety bond; and~~

~~(7) The death of the dog.~~

~~(h) If an animal has been found to be a dangerous dog, the owner shall immediately cause the animal protection unit to be notified upon learning that the animal:~~

~~(1) Is loose or unconfined;~~

~~(2) Bites a person or attacks another animal; or~~

~~(3) Is sold, is given away, or dies.~~

~~Any owner of a dangerous dog who relocates to a new address shall, within ten days of relocating, provide written notice to the appropriate local animal protection unit for the old address from which the animal has moved and the new address to which the animal has been moved.~~

~~(i) Any owner or custodian of a canine or canine crossbreed or other animal is guilty of a:~~

~~(1) Class 2 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, attacks and injures or kills a cat or dog that is a companion animal belonging to another person; or~~

~~(2) Class 1 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, bites a human being or attacks a human being causing bodily injury. The provisions of this subsection shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.~~

~~(j) The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this section is guilty of a misdemeanor. Whenever an owner or custodian of an animal found to be a dangerous dog is charged with a violation of this section, the animal protection police officer shall confine the dog until such time as evidence shall be heard and a verdict rendered.~~

~~(k) All fees collected pursuant to this section, less the costs incurred by the animal protection unit of the division of police in producing and distributing the certificates and tags required by this ordinance, shall be paid into a special fund dedicated to paying the expenses of any training courses required under Code of Virginia, § 3.2-6556.~~

3. That Section 5-31 of the Code of the County of Henrico is repealed and reserved.

Sec. 5-31. Vicious dogs Reserved.

~~(a) Any law enforcement officer or animal protection police officer who has reason to believe that a canine or canine crossbreed in the county is a vicious dog shall apply to a county magistrate for the issuance of a summons requiring the owner or custodian, if known, to appear before the general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law enforcement officer successfully makes an application for the issuance of a summons, he shall contact a local animal protection police officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is vicious. The animal protection police officer shall confine the animal until such time as evidence shall be heard and a verdict rendered.~~

~~(b) No canine or canine crossbreed shall be found to be a vicious dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a vicious dog if the threat, injury,~~

~~or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian; (ii) committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian; or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a vicious dog. No animal that, at the time of the acts complained of, was responding to pain or injury or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a vicious dog.~~

~~(c) Any owner or custodian of a canine or canine crossbreed or other animal whose willful act or omission in the care, control, or containment of a canine, canine crossbreed, or other animal is so gross, wanton, and culpable as to show a reckless disregard for human life and is the proximate cause of such dog or other animal attacking and causing serious injury to any person is guilty of a class 1 misdemeanor. The provisions of this subsection shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.~~

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



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 227-22

Page No. 1 of 1

Agenda Title: ORDINANCE — To Amend and Reordain Section 22-36 Titled “Unnecessary noise in operation of vehicle” of the Code of the County of Henrico to Conform to 2022 Changes in State Law and Regulate Vehicle Exhaust Noise

<p>For Clerk's Use Only:</p> <p>Date: <u>8/9/2022</u></p> <p><input checked="" type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p> <p><input type="checkbox"/> Amended</p> <p><input type="checkbox"/> Deferred to: _____</p>	<p>BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>Branin</u> Seconded by (1) <u>Nelson</u> (2) _____ (2) _____</p> <p>REMARKS: APPROVED</p>	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;"></th> <th style="width: 20%; text-align: center;">YES</th> <th style="width: 20%; text-align: center;">NO</th> <th style="width: 10%; text-align: center;">OTHER</th> </tr> </thead> <tbody> <tr> <td>Branin, T.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Nelson, T.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>O'Bannon, P.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Schmitt, D.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Thornton, F.</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><u>absent</u></td> </tr> </tbody> </table>		YES	NO	OTHER	Branin, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Schmitt, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input type="checkbox"/>	<input type="checkbox"/>	<u>absent</u>
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After a duly advertised public hearing, the Board of Supervisors of Henrico County, Virginia, adopted the attached ordinance.

Comments: The Chief of Police recommends approval of the Board paper, and the County Manager concurs.

By Agency Head Eric D. English By County Manager [Signature]

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

Copy to: _____

Date: _____

BLACKLINE

ORDINANCE — To Amend and Reordain Section 22-36 Titled “Unnecessary noise in operation of vehicle” of the Code of the County of Henrico to Conform to 2022 Changes in State Law and Regulate Vehicle Exhaust Noise

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

1. That Section 22-36 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 22-36. ~~Unnecessary noise in operation of vehicle~~ Vehicle exhaust.

~~(a) Generally. No vehicle shall be loaded with materials likely to create loud noises by striking together, without using every reasonable effort to deaden the noise. The use in, upon or attached to any motor vehicle operating on any street of the county, of any radio, phonograph, musical instrument, bell, whistle, loudspeaker, amplifier or device of any kind whatsoever whereby sound therefrom is cast upon any street to promote or advertise the sale of goods, wares or merchandise, or for the purpose of advertising auction sales, sporting events or other businesses or things advertised thereby, is prohibited. The provisions of this subsection shall not apply to motor vehicles driven in a duly authorized parade. The use of a loudspeaker on a motor vehicle for making auction sales in streets directly in front of the property then being sold, and entirely outside of the business districts of the county, shall not be construed as a violation of this subsection when such use is limited strictly to the selling at auction of such property.~~ **Definitions. For purposes of this section, the following words and phrases have the meanings ascribed to them:**

Exhaust system means all the parts of a vehicle through which the exhaust passes after leaving the engine block, including mufflers and other sound dissipative devices.

Superintendent means the Superintendent of the Department of State Police of the Commonwealth.

~~(b) Motorcycles. It shall be unlawful for any person, in operating a motorcycle within the county, to create in the operation thereof any unreasonably loud, disturbing or unnecessary noise. In operating a motorcycle the following acts, among others, are declared to create loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive:~~

~~(1) The use of a motorcycle so out of repair as to cause thereby loud and unnecessary grating, grinding, rattling or any of such noises, or any other unnecessary noise.~~

~~(2) The practice of unnecessarily racing the motor of a motorcycle while standing or moving, thereby causing unnecessary noise from such motor.~~

~~(3) The practice of unnecessarily retarding the spark to the motor and thereby causing unnecessary, loud or explosive noise from the motor.~~

~~(4) In starting a motorcycle off from a standing position, the practice of gaining speed unnecessarily quickly and thereby causing unnecessary and loud noise from the motor.~~

~~(5) The practice of coming to an unreasonably quick stop with a motorcycle and thereby causing unnecessary grinding of brakes and screeching of tires or either of such noises.~~

(b) No person may drive and no owner of a vehicle may permit or allow the operation of any such vehicle on a highway unless it is equipped with an exhaust system in good working order and in constant operation to prevent excessive or unusual levels of noise, provided, however, that for motor vehicles, such exhaust system must be of a type installed as standard factory equipment, or comparable to that designed for use on the particular vehicle as standard factory equipment or other equipment that has been submitted to and approved by the Superintendent or meets or exceeds the standards and specifications of the Society of Automotive Engineers, the American National Standards Institute, or the federal Department of Transportation.

(c) Chambered pipes are not an effective muffling device to prevent excessive or unusual noise, and any vehicle equipped with chambered pipes is in violation of this section.

(d) It is unlawful to sell or offer for sale any (i) muffler without interior baffle plates or other effective muffling device, or (ii) gutted muffler, muffler cutout, or straight exhaust. It is unlawful for any person to operate on the highways in the county a motor vehicle, moped, or motorized skateboard or foot-scooter equipped with a gutted muffler, muffler cutout, or straight exhaust.

(e) The provisions of this section do not apply to (i) any antique motor vehicle licensed pursuant to Code of Virginia, § 46.2-730, provided that the engine is comparable to that designed as standard factory equipment for use on that particular vehicle, and the exhaust system is in good working order, or (ii) converted electric vehicles.

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



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

Agenda Item No. *228-22*

Page No. 1 of 1

Agenda Title: RESOLUTION — Signatory Authority — Lease of County Property — 11100 Winfrey Road — Brookland District

For Clerk's Use Only: Date: <u>8/9/2022</u> <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>Schmitt</u> Seconded by (1) <u>Branin</u> (2) _____ (2) _____ REMARKS: APPROVED	<table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:50%;"></th> <th style="width:15%; text-align: center;">YES</th> <th style="width:15%; text-align: center;">NO</th> <th style="width:10%; text-align: center;">OTHER</th> </tr> </thead> <tbody> <tr> <td>Branin, T.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Nelson, T.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>O'Bannon, P.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Schmitt, D.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Thornton, F.</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><u>absent</u></td> </tr> </tbody> </table>		YES	NO	OTHER	Branin, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Schmitt, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input type="checkbox"/>	<input type="checkbox"/>	<u>absent</u>
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Thornton, F.	<input type="checkbox"/>	<input type="checkbox"/>	<u>absent</u>																							

WHEREAS, the County owns a single-family dwelling at 11100 Winfrey Road; and,

WHEREAS, Ben A. Sheppard desires to lease the dwelling for a one-year term beginning September 1, 2022, and ending on August 31, 2023, which term may be renewed and extended upon agreement by the parties; and,

WHEREAS, Mr. Sheppard will pay a monthly rent of \$1,100 and be responsible for routine maintenance of the dwelling; and,

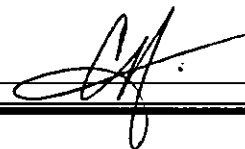
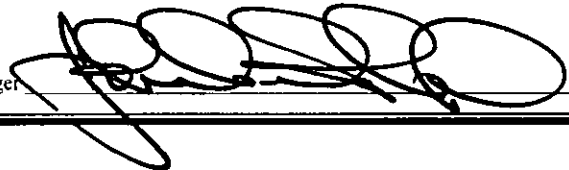
WHEREAS, Mr. Sheppard is an employee of the County's Public Relations Department; and,

WHEREAS, Mr. Sheppard has not and will not participate in any way in the negotiation of this lease in his official capacity; and,

WHEREAS, this Resolution was advertised pursuant to Section 15.2-1813 of the Code of Virginia, 1950, as amended, and a public hearing was held on August 9, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the County Manager is authorized to execute a deed of lease to lease the dwelling to Ben A. Sheppard for a one-year term ending on August 31, 2023, at a monthly rent of \$1,100 in a form approved by the County Attorney.

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

By Agency Head  By County Manager 

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

Copy to: _____

Date: _____



COUNTY OF HENRICO, VIRGINIA
 BOARD OF SUPERVISORS
 MINUTE

Agenda Item No. 229-22
 Page No. 1 of 2

Agenda Title: RESOLUTION — Condemnation — Right-of-Way and Easements — Richmond-Henrico Turnpike Improvements Project — 4490 and 4500 Richmond-Henrico Turnpike — Fairfield District

For Clerk's Use Only: Date: <u>8/9/2022</u> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to: _____	<p style="text-align: center;">BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>Branin</u> Seconded by (1) <u>Nelson</u> (2) _____ (2) _____</p> <p>REMARKS: A P P R O V E D</p>	<table border="0"> <tr> <td></td> <td style="text-align: right;">YES</td> <td style="text-align: right;">NO</td> <td style="text-align: right;">OTHER</td> </tr> <tr> <td>Branin, T.</td> <td style="text-align: right;">✓</td> <td style="text-align: right;">_____</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>Nelson, T.</td> <td style="text-align: right;">✓</td> <td style="text-align: right;">_____</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>O'Bannon, P.</td> <td style="text-align: right;">✓</td> <td style="text-align: right;">_____</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>Schmitt, D.</td> <td style="text-align: right;">✓</td> <td style="text-align: right;">_____</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>Thornton, F.</td> <td style="text-align: right;">_____</td> <td style="text-align: right;">_____</td> <td style="text-align: right;"><u>absent</u></td> </tr> </table>		YES	NO	OTHER	Branin, T.	✓	_____	_____	Nelson, T.	✓	_____	_____	O'Bannon, P.	✓	_____	_____	Schmitt, D.	✓	_____	_____	Thornton, F.	_____	_____	<u>absent</u>
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Schmitt, D.	✓	_____	_____																							
Thornton, F.	_____	_____	<u>absent</u>																							

WHEREAS, it is necessary for construction of the Richmond-Henrico Turnpike Improvements Project (the "Project") that the County acquire right-of-way containing 48,349 square feet; a permanent drainage easement containing 14,404 square feet; permanent utility easements for Comcast of Virginia, Inc. and Virginia Electric and Power Company, a Virginia public service corporation doing business as Dominion Energy Virginia, containing 817 square feet; and temporary construction easements containing 17,210 square feet (the "Right-of-Way and Easements") across the property located at 4490 Richmond-Henrico Turnpike and 4500 Richmond-Henrico Turnpike, identified as Tax Map Parcels 794-742-3089 and 794-743-1008, respectively, and owned by Teshana D. Gipson, Trustee of the Teshana D. Gipson Trust Agreement dated August 1, 2019 (the "Owner"); and,

WHEREAS, the County has offered the Owner \$44,613 as compensation for the Right-of-Way and Easements, the affected improvements, and the cost to cure, but the parties cannot reach an agreement on the acquisition of the Right-of-Way and Easements; and,

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

WHEREAS, after advertisement in the *Richmond Times-Dispatch*, the Board held a public hearing pursuant to §§ 15.2-1903 and 15.2-1905 of the Code, at which time the Board declared its intent to enter and take the Right-of-Way and Easements for the Project across portions of the Owner's property.

NOW, THEREFORE, BE IT RESOLVED that:

- (1) The Board directs the County Manager to take the necessary steps to acquire the Right-of-Way and Easements over, under, upon, across, and through the property of the Owner, as shown on the plats made by H&B Surveying and Mapping, LLC dated March 9, 2022, reduced

By Agency Head _____
 By County Manager _____

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

Copy to: _____

Date: _____

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

Agenda Item No. 229-22
Page No. 2 of 2

Agenda Title: RESOLUTION— Condemnation — Right-of-Way and Easements — Richmond-Henrico Turnpike Improvements Project — 4490 and 4500 Richmond-Henrico Turnpike — Fairfield District

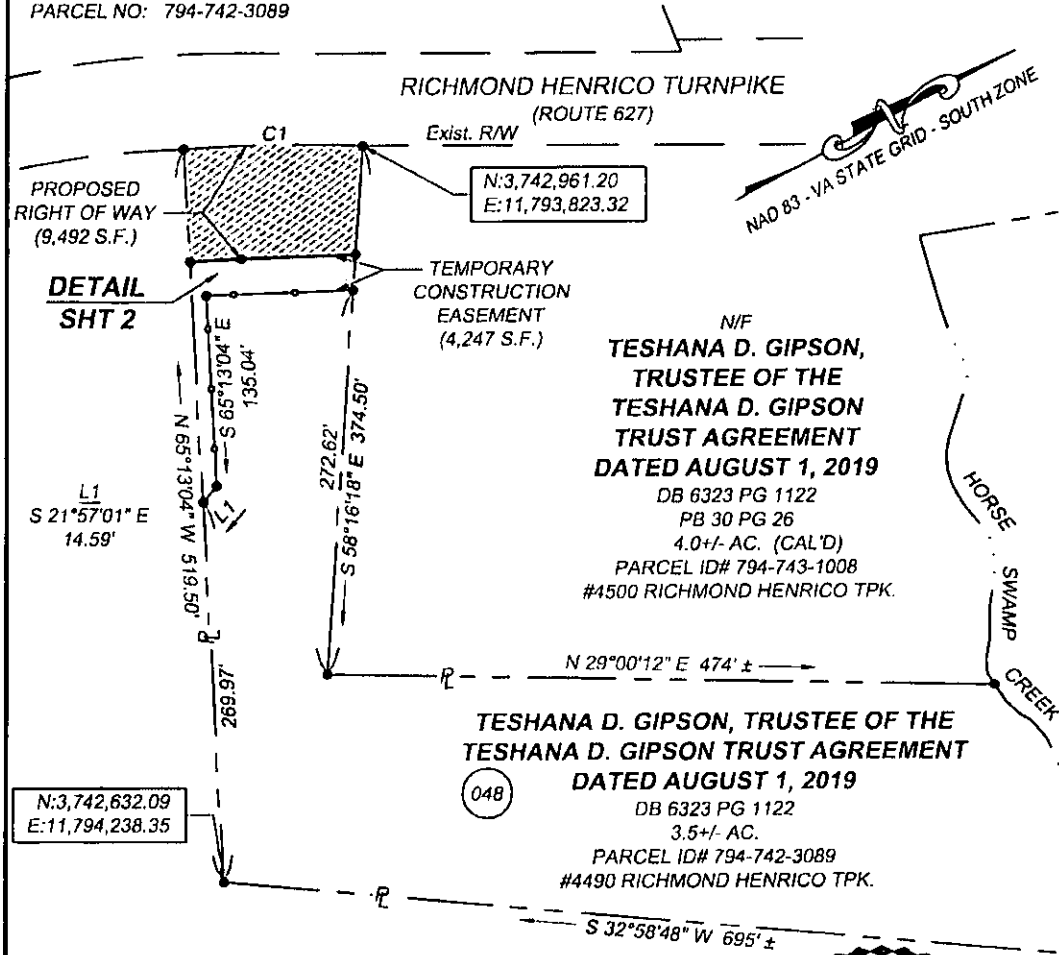
copies of which are attached and marked Exhibits “A” and “A-1;” on the plat made by Dominion Energy Virginia dated December 1, 2020, and revised February 25, 2022, a reduced size copy of which is attached and marked as Exhibit “B;” and as further described on Sheets No. 8B, 9, and 10, all last dated March 21, 2022, and Sheets No. 9A and 10A, both undated, all of Richmond-Henrico Turnpike, Project #08342, reduced size copies of which are attached and marked as Exhibit “C,” “C-1,” “C-2,” “C-3,” and “C-4;” and,

- (2) The Board deems it necessary to enter upon the property and take possession of the Right-of-Way and Easements to construct the Project prior to or during condemnation proceedings in accordance with the Code; and,
- (3) The Board finds a necessity exists to institute condemnation proceedings pursuant to the Code to acquire the Right-of-Way and Easements for the public use of constructing, operating, and maintaining the Project and to determine the amount of compensation and damages, if any, caused by the taking, possession, and acquisition of the Right-of-Way and Easements; and,
- (4) The Board authorizes the County Attorney to institute and conduct condemnation proceedings to acquire the Right-of-Way and Easements in accordance with the Code; and,
- (5) The Board authorizes and directs the County Manager to continue to seek a voluntary acquisition of the Right-of-Way and Easements, to take all steps necessary to acquire the Right-of-Way and Easements, and to enter on and take possession of the required Right-of-Way and Easements in accordance with the Code.

Comments: The Real Property Division has been unsuccessful in negotiating an agreement for the acquisition of the Right-of-Way and Easements. Therefore, the Director of Public Works and the Deputy County Manager for Community Operations recommend approval of this Board paper; the County Manager concurs.

OWNERSHIP: TESHANA D. GIPSON, TRUSTEE OF THE TESHANA D. GIPSON TRUST AGREEMENT DATED AUGUST 1, 2019
 DEED BOOK: 6323 PAGE: 1122
 PARCEL NO: 794-742-3089

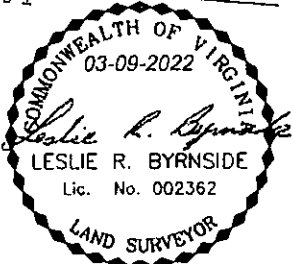
ALL NOTES & DETAILS ARE ON SHEET 2 OF 2



N/F
**TESHANA D. GIPSON,
 TRUSTEE OF THE
 TESHANA D. GIPSON
 TRUST AGREEMENT
 DATED AUGUST 1, 2019**
 DB 6323 PG 1122
 PB 30 PG 26
 4.0+/- AC. (CAL'D)
 PARCEL ID# 794-743-1008
 #1500 RICHMOND HENRICO TPK.

**TESHANA D. GIPSON, TRUSTEE OF THE
 TESHANA D. GIPSON TRUST AGREEMENT
 DATED AUGUST 1, 2019**
 DB 6323 PG 1122
 3.5+/- AC.
 PARCEL ID# 794-742-3089
 #4490 RICHMOND HENRICO TPK.

N/F
**RICHMOND INTERNATIONAL RACEWAY, INC.
 (n/k/a RICHMOND INTERNATIONAL RACEWAY, LLC.)**
 DB 31 PG 2102
 DB 2965 PG 522
 PB 108 PG 399-401
 25.200+/- AC.
 PARCEL ID# 794-742-2532
 #600 E. LABURNUM AVE.

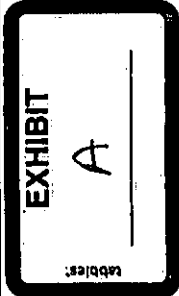


TEMPORARY CONSTRUCTION EASEMENT: 4,247 SQUARE FEET
 PROPOSED RIGHT OF WAY 9,492: SQUARE FEET

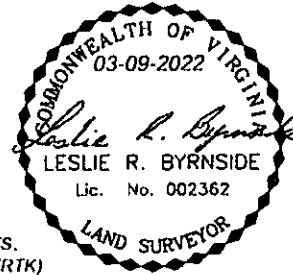
PLAT SHOWING THE LOCATION OF A TEMPORARY CONSTRUCTION EASEMENT AND A PROPOSED RIGHT OF WAY TO BE ACQUIRED THROUGH THE PROPERTY OF **TESHANA D. GIPSON, TRUSTEE OF THE TESHANA D. GIPSON TRUST AGREEMENT DATED AUGUST 1, 2019** IN THE FAIRFIELD MAGISTERIAL DISTRICT, COUNTY OF HENRICO, VIRGINIA
 SCALE: 1"= 100' DATE: 03-09-2022

H&B SURVEYING and MAPPING, LLC.
 LESLIE R. BYRNSIDE, LS * VA SURVEYOR'S LIC. NO.: 2362
 614 MOOREFIELD PARK DRIVE, RICHMOND, VA 23236
 OFFICE: (804)330-3781 * FAX: (804)859-5330

PLAT NUMBER: _____
 SHEET 1 OF 2
 RECORDED _____ P.B. _____ PG. _____

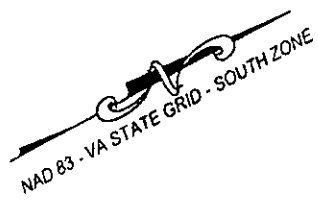
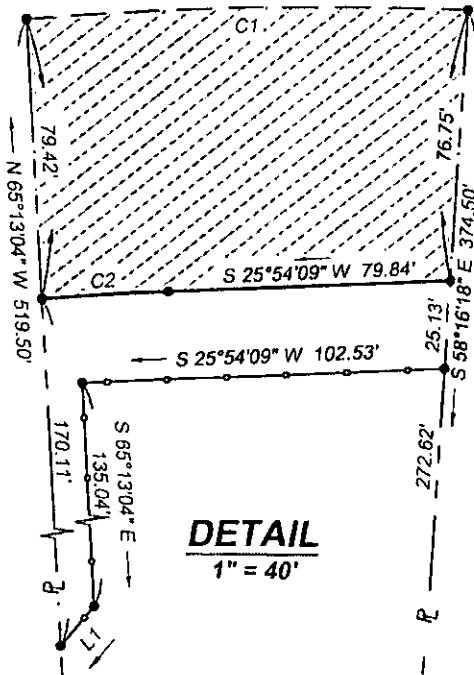


OWNERSHIP: TESHANA D. GIPSON, TRUSTEE OF THE TESHANA
 D. GIPSON TRUST AGREEMENT DATED AUGUST 1, 2019
 DEED BOOK: 6323 PAGE: 1122
 PARCEL NO: 794-742-3089



NOTES:

1. THIS PLAT IS FOR THE SOLE PURPOSE OF SHOWING A TEMPORARY CONSTRUCTION EASEMENT AND A PROPOSED RIGHT OF WAY. THE BOUNDARY LINES SHOWN HEREON DO NOT REPRESENT A CURRENT BOUNDARY SURVEY. BEARINGS AND DISTANCES SHOWN HEREON ARE BASED ON THE SURVEY USED FOR THE DESIGN OF THE PROPOSED EASEMENTS.
2. HORIZONTAL (NAD'83) DATUM ESTABLISHED THROUGH REAL TIME KINEMATIC (RTK) GPS OBSERVATIONS ON 10-31-2018. DIFFERENTIAL CORRECTIONS WERE DERIVED FROM NATIONAL GEODETIC SURVEY (NGS) CONTINUALLY OPERATING REFERENCE STATION (CORS) "VAAD".
3. THE PROPERTY SHOWN HEREON FALLS IN THE FOLLOWING FLOOD HAZARD ZONE: "X"(UNSHADED)-AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOOD PLAIN, AS SCALED FROM FEMA FLOOD INSURANCE RATE MAP, MAP NUMBER 51087C0135C, EFFECTIVE DATE: DECEMBER 18, 2007.
4. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE TITLE.



CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C1	7°06'32"	1007.48'	125.00'	62.58'	N 26°57'19" E	124.92'
C2	2°25'21"	845.00'	35.73'	17.87'	S 24°41'29" W	35.72'

TEMPORARY CONSTRUCTION EASEMENT: 4,247 SQUARE FEET
 PROPOSED RIGHT OF WAY 9,492: SQUARE FEET

PLAT SHOWING THE LOCATION OF A TEMPORARY CONSTRUCTION EASEMENT AND
 A PROPOSED RIGHT OF WAY TO BE ACQUIRED THROUGH THE PROPERTY OF
**TESHANA D. GIPSON, TRUSTEE OF THE TESHANA D. GIPSON
 TRUST AGREEMENT DATED AUGUST 1, 2019**

IN THE FAIRFIELD MAGISTERIAL DISTRICT, COUNTY OF HENRICO, VIRGINIA
 SCALE: 1"= 100' DATE:03-09-2022

H&B SURVEYING and MAPPING,LLC.
 LESLIE R. BYRNSIDE, LS * VA SURVEYOR'S LIC. NO.: 2362
 614 MOOREFIELD PARK DRIVE, RICHMOND, VA 23236
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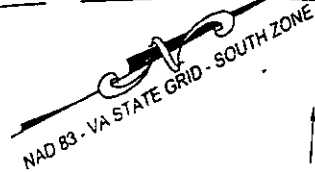
PLAT NUMBER: _____
 SHEET 2 OF 2
 RECORDED _____ P.B. _____ PG. _____

OWNERSHIP: TESHANA D. GIPSON, TRUSTEE OF THE TESHANA D. GIPSON TRUST AGREEMENT DATED AUGUST 1, 2019
 DEED BOOK: 6323 PAGE: 1122
 PARCEL NO: 794-743-1008

N: 3,742,961.20
 E: 11,793,823.32

RICHMOND HENRICO TURNPIKE
 (ROUTE 627)

ALL NOTES & TABLES ARE LOCATED ON SHEET 2 OF 2



N/F
 TESHANA D. GIPSON,
 TRUSTEE OF THE TESHANA
 D. GIPSON TRUST
 AGREEMENT DATED
 AUGUST 1, 2019
 DB 6323 PG 1122
 3.5+/- AC.
 PARCEL ID# 794-742-3089
 #4490 RICHMOND
 HENRICO TPK.

TESHANA D. GIPSON,
 TRUSTEE OF THE TESHANA D.
 GIPSON TRUST AGREEMENT
 DATED AUGUST 1, 2019

DB 6323 PG 1122, DB 5690 PG 268
 DB 4582 PG 1298, PB 30 PG 26
 4.014 AC.

PARCEL ID# 794-743-1008
 #4506 RICHMOND HENRICO TPK.



TO
 CORNER

N 27°55'44" E 690.92'

Exist. R/W

PROPOSED
 RIGHT OF WAY
 (38,857 S.F.)

MATCHLINE
 SEE SHEET 2

N 58°16'18" W 374.50'

272.62'

25.13'

102.73'

89.41'

30.25'

200.35'

56.90' (TIE)

21.31'

S 18°47'32" W

S 78°29'00" E

S 64°25'06" E

42.91' (TIE)

42.48'

S 25°54'09" W 173.18'

S 25°54'09" W 170.61'

S 49°22'26" W 87.77'

S 61°49'29" W 110.79'

S 25°54'09" W 422.75'

L7

L8

L9

L10

L11

L1

L2

L3

L4

L5

L6

TEMPORARY
 CONSTRUCTION
 EASEMENT
 (12,963 S.F.)

PERMANENT DRAINAGE
 EASEMENT
 (15,221 S.F. +/-)

JOINT USE VARIABLE
 WIDTH UTILITY EASEMENT
 817 S.F.

TEMPORARY CONSTRUCTION EASEMENT: 12,963 SQUARE FEET
 PERMANENT DRAINAGE EASEMENT: 15,221± SQUARE FEET
 VARIABLE WIDTH UTILITY EASEMENT: 817 SQUARE FEET
 PROPOSED RIGHT OF WAY 38,857: SQUARE FEET

PLAT SHOWING THE LOCATION OF TEMPORARY CONSTRUCTION EASEMENT, A PERMANENT DRAINAGE EASEMENT, A JOINT USE VARIABLE WIDTH UTILITY EASEMENT AND A PROPOSED RIGHT OF WAY TO BE ACQUIRED

THROUGH THE PROPERTY OF

**TESHANA D. GIPSON, TRUSTEE OF THE TESHANA D. GIPSON TRUST
 AGREEMENT DATED AUGUST 1, 2019**

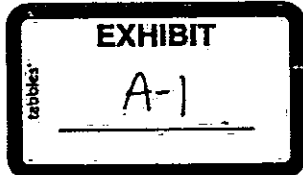
IN THE FAIRFIELD MAGISTERIAL DISTRICT, COUNTY OF HENRICO, VIRGINIA

SCALE: 1"= 50'

DATE: 03-09-2022

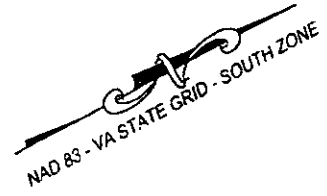
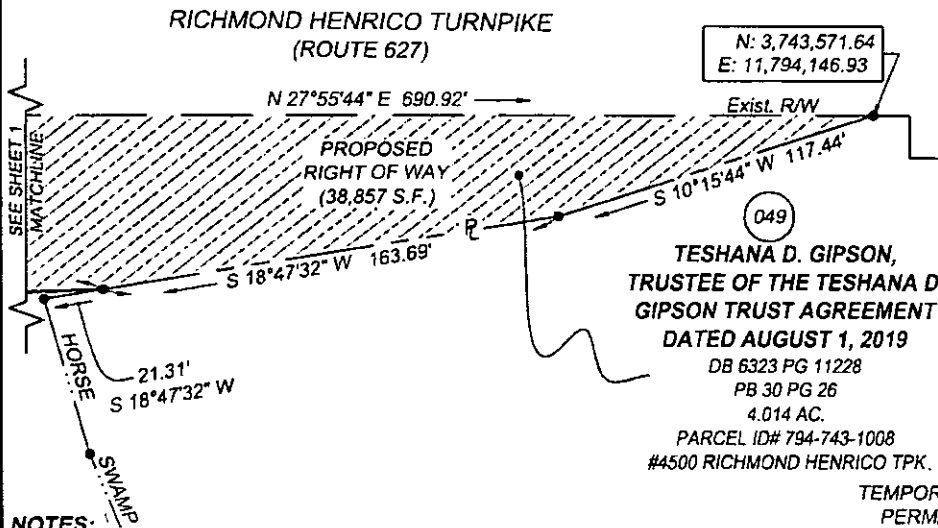
H&B SURVEYING and MAPPING, LLC.
 LESLIE R. BYRNSIDE, LS - VA SURVEYOR'S LIC. NO.: 2362
 614 MOOREFIELD PARK DRIVE, RICHMOND, VA 23236
 OFFICE: (804)330-3781 * FAX: (804)859-5330

PLAT NUMBER: _____
 SHEET 1 OF 2
 RECORDED _____ P.B. _____ PG. _____



OWNERSHIP: TESHANA D. GIPSON, TRUSTEE OF THE TESHANA D. GIPSON TRUST AGREEMENT DATED AUGUST 1, 2019
 DEED BOOK: 6323 PAGE: 1122
 PARCEL NO: 794-743-1008

LINE	BEARING	DISTANCE
L1	S 71°32'02" E	25.28'
L2	S 18°27'58" W	30.00'
L3	N 71°32'02" W	29.20'
L4	N 64°05'51" W	10.04'
L5	N 83°45'16" W	56.28'
L6	S 25°54'09" W	55.29'
L7	S 25°54'09" W	42.29'
L8	N 64°05'51" W	40.00'
L9	S 25°54'09" W	50.00'
L10	S 64°05'51" E	45.00'
L11	S 25°54'09" W	20.65'



N: 3,743,571.64
 E: 11,794,146.93
 Exist. R/W
 S 10°15'44" W 117.44'
 (049)
TESHANA D. GIPSON,
TRUSTEE OF THE TESHANA D.
GIPSON TRUST AGREEMENT
DATED AUGUST 1, 2019
 DB 6323 PG 11228
 PB 30 PG 26
 4.014 AC.
 PARCEL ID# 794-743-1008
 #4500 RICHMOND HENRICO TPK.



TEMPORARY CONSTRUCTION EASEMENT: 12,963 SQUARE FEET
 PERMANENT DRAINAGE EASEMENT: 15,221± SQUARE FEET
 VARIABLE WIDTH UTILITY EASEMENT: 817 SQUARE FEET
 PROPOSED RIGHT OF WAY 38,857: SQUARE FEET

PLAT SHOWING THE LOCATION OF TEMPORARY CONSTRUCTION EASEMENT, A PERMANENT DRAINAGE EASEMENT, A JOINT USE VARIABLE WIDTH UTILITY EASEMENT AND A PROPOSED RIGHT OF WAY TO BE ACQUIRED THROUGH THE PROPERTY OF

TESHANA D. GIPSON, TRUSTEE OF THE TESHANA D. GIPSON TRUST
AGREEMENT DATED AUGUST 1, 2019

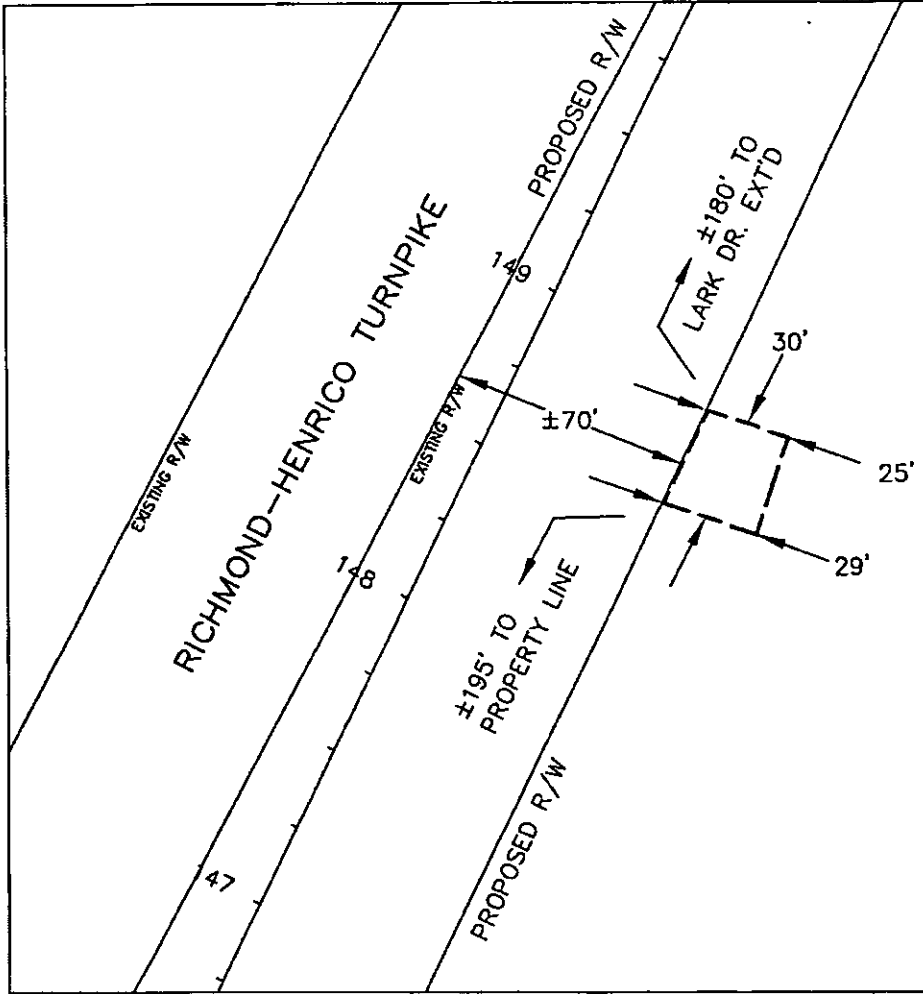
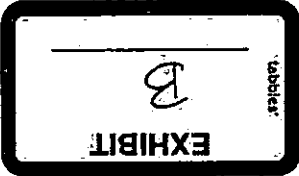
IN THE FAIRFIELD MAGISTERIAL DISTRICT, COUNTY OF HENRICO, VIRGINIA
 SCALE: 1" = 50'
 DATE: 03-09-2022

NOTES:

1. THIS PLAT IS FOR THE SOLE PURPOSE OF SHOWING A TEMPORARY CONSTRUCTION EASEMENT, A PERMANENT DRAINAGE EASEMENT, A JOINT USE VARIABLE WIDTH UTILITY EASEMENT, AND PROPOSED RIGHT OF WAY. THE BOUNDARY LINES SHOWN HEREON DO NOT REPRESENT A CURRENT BOUNDARY SURVEY. BEARINGS AND DISTANCES SHOWN HEREON ARE BASED ON THE SURVEY USED FOR THE DESIGN OF THE PROPOSED EASEMENTS.
2. HORIZONTAL (NAD'83) DATUM ESTABLISHED THROUGH REAL TIME KINEMATIC (RTK) GPS OBSERVATIONS ON 10-31-2018. DIFFERENTIAL CORRECTIONS WERE DERIVED FROM NATIONAL GEODETIC SURVEY (NGS) CONTINUALLY OPERATING REFERENCE STATION (CORS) "VAAD".
3. THE PROPERTY SHOWN HEREON FALLS IN THE FOLLOWING FLOOD HAZARD ZONE: "X"(UNSHADED)-AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOOD PLAIN, AS SCALED FROM FEMA FLOOD INSURANCE RATE MAP, MAP NUMBER 51087C0135C, EFFECTIVE DATE: DECEMBER 18, 2007.
4. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE TITLE.

H&B SURVEYING and MAPPING,LLC.
 LESLIE R. BYRNSIDE, LS * VA SURVEYOR'S LIC. NO.: 2362
 614 MOOREFIELD PARK DRIVE, RICHMOND, VA 23236
 OFFICE: (804)330-3781 * FAX: (804)859-5330

PLAT NUMBER: _____
 SHEET 2 OF 2
 RECORDED _____ P.B. _____ PG. _____



PARCEL ID 794-743-1008
 TESHANA D. GIPSON, TRUSTEE
 #4500 RICHMOND-HENRICO TNPK
 ZIP: 23227

PROJECT NO. 9999-043-926

LEGEND - - - - Location of Boundary Lines of Right-of-Way VARIABLE in Width. == == Indicates Property Line is Right-of-Way Boundary	District RICHMOND	Scale NOT TO SCALE	PLAT TO ACCOMPANY RIGHT-OF-WAY AGREEMENT VIRGINIA ELECTRIC AND POWER COMPANY doing business as Dominion Energy Virginia	OH/UG	
	District-Township-Borough FAIRFIELD	County-City HENRICO			State VA
	Office CENTRAL	Plat Number 00-20-0398			
	Work Request Number 10334400	Grid Number H0104			
DATE 12/1/2020 (REVISED 2/25/2022)		BY LCH	OWNER INITIALS _____	Page 4 of 4	

VDOT UPC #111716

DESIGN FEATURES RELATING TO CONSTRUCTION OR TO REGULATION AND CONTROL OF TRAFFIC MAY BE SUBJECT TO CHANGE AS DEEMED NECESSARY BY THE COUNTY

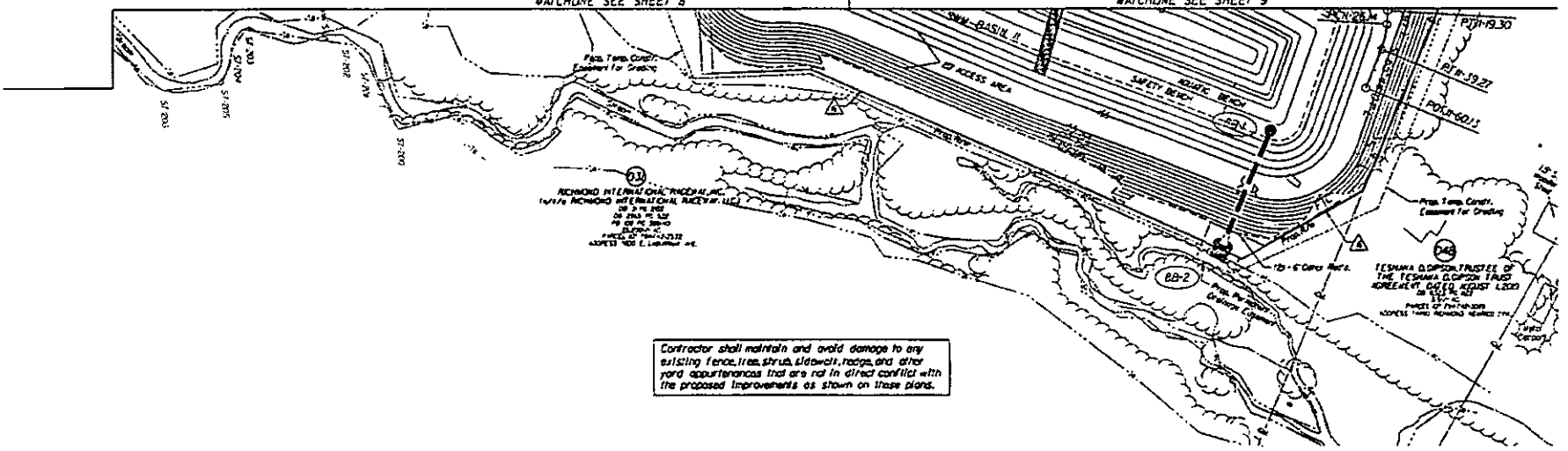
COUNTY OF HENRICO DEPARTMENT OF PUBLIC WORKS		SHEET NO.
PROJECT #	08342	RICHMOND HENRICO TURNPIKE
PROJECT		BB

REVISE	
No.	Date
4	3/2/77

Author: HAZEN & ZANDER, INC. Richmond, Virginia CIVIL ENGINEER	Author: HAZEN & ZANDER, INC. Richmond, Virginia METEOROLOGICAL ENGINEER
--	---

WATCHLINE SEE SHEET 8

WATCHLINE SEE SHEET 9



Contractor shall maintain and avoid damage to any existing fence, trees, shrub, sidewalk, roads, and other yard appurtenances that are not in direct conflict with the proposed improvements as shown on these plans.

RIGHT OF WAY PLANS

THESE PLANS ARE UNFINISHED AND UNAPPROVED AND ARE NOT TO BE USED FOR ANY TYPE OF CONSTRUCTION.

SYMBOL LEGEND

▲ Hatched Stk. CGI Pave.	▲ VDOT Stk. CDH Type A Pave.	▲ Remove Existing	▲ VDOT Stk. CDH Pave.
▲ VDOT Stk. MS-1 Pave.	▲ VDOT Stk. GH-MS2 Pave.	▲ Remove Existing	
▲ VDOT Stk. MS-2 Pave.	▲ VDOT Stk. GH-MS2 Pave.	▲ 4 Conc. Street Use Path Pave.	
▲ 4 Conc. Street Use Path Pave.	▲ VDOT Stk. GH-MS3 Pave.	▲ VDOT Stk. FE-CL Pave.	
▲ 4 Asphalt Street Use Path Pave.	▲ VDOT Stk. UD-1 Pave.	▲ VDOT Stk. Handrail, NPI Type 10 Pave.	
▲ VDOT Stk. CDH Type B Pave.	▲ VDOT Stk. CDH-2 Pave.	▲ VDOT Stk. UD-2 Pave.	

Notes:

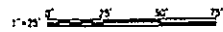
- ▲ VDOT - denotes that device permanent easements
- ▲ VDOT - denotes that device temporary easements
- Denotes Construction Limits in Gaps
- Denotes Construction Limits in Pits

Note: as modified during 1:1 between existing utility & transmission by existing connection, see site location, utility sheet.

	Denotes Proposed Walk and Overlay
	Denotes Definition of Pavement
	Denotes Proposed Pavement
	Denotes Proposed Concrete Slabwork

REFERENCES	
1. PROFILES, DETAILS & DRAINAGE	
E & S Plan	20709 & 20710
Drainage Details	27141
Utility Details	28123
State Detail Sheet	28123
Utility Details	1
Plan Transverse Profile	BA
Vertical Profile	BB
Entrance Profiles	BB (1) (MS)

- PERMANENT VARIABLE WIDTH STANDARD UTILITY EASEMENT REQUIRED FOR CONDUIT ENDS
- PERMANENT VARIABLE WIDTH STANDARD UTILITY EASEMENT REQUIRED FOR VERGINS
- LEFT USE VARIABLE WIDTH UTILITY EASEMENT



		County of Henrico Department of Public Works	
PROJECT		DRAWING	
RICHMOND-HENRICO TURNPIKE		PLAN SHEET	
		CADD NAME: BB.DCN	
FILE #	DATE	MAGISTRAL DISTRICT	
SUPVETOR	ROK	SURVEY BOOK NO. 41/6	
DRAFTSMAN	ROK	SCALE: AS NOTED	
ENGINEER	ROK	SHEET NO. BB	

EXHIBIT

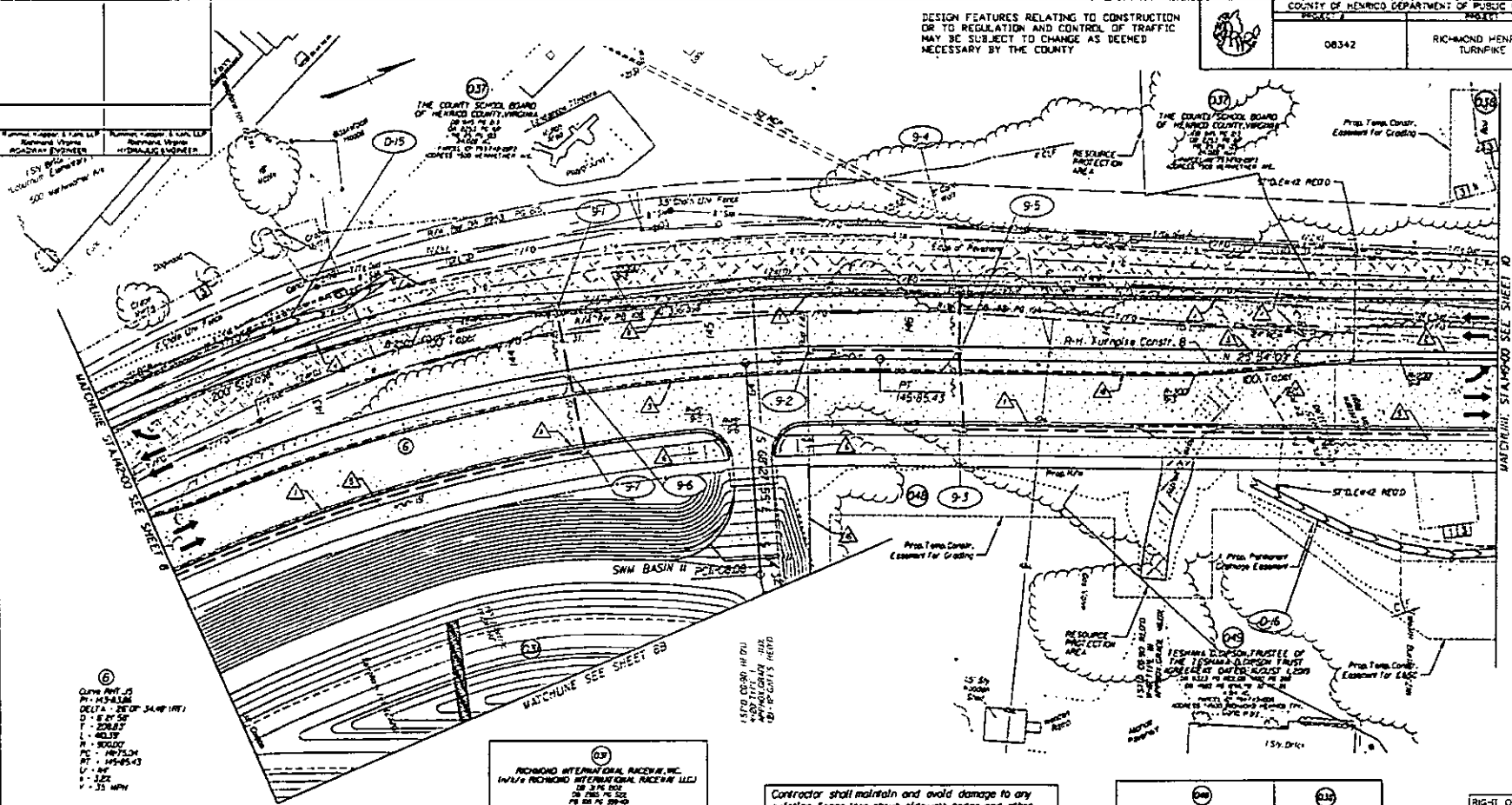
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DESIGN FEATURES RELATING TO CONSTRUCTION OR TO REGULATION AND CONTROL OF TRAFFIC MAY BE SUBJECT TO CHANGE AS DEEMED NECESSARY BY THE COUNTY



COUNTY OF HENRICO DEPARTMENT OF PUBLIC WORKS PROJECT #	08342	RICHMOND HENRICO TURNPIKE	SHEET NO	9
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REVISED	Date
1	11/30/21
2	1/24/22
4	3/21/22



151 BLDG. FOUNDATION
500' METERS PER INCH

Curve Amt. 15
PI = 143-31.86
DELTA = 28.00' SAMP. INT.
D = 8.25' BY 5'
T = 22.813'
L = 40.15'
H = 30.00'
PC = 140.7500
PT = 140.9543
U = 141'
V = 1.22'
W = 35' HPIV

027
RICHMOND INTERNATIONAL RACEWAY, INC.
(W/VA RICHMOND INTERNATIONAL RACEWAY LLC)
DB 3/16/00
1500 W. WOODS RD.
PO BOX 20000
RICHMOND, VA 23228
ADDRESS NOT TO BE USED FOR MAILING PURPOSES

Contractor shall maintain and avoid damage to any existing fences, trees, structures, roads, and other hard surfaces that are not in direct conflict with the proposed improvements as shown on these plans.

026
TESHANA O. GIBSON, TRUSTEE OF THE TESHANA O. GIBSON TRUST
DB 11/16/00
1500 W. WOODS RD.
PO BOX 20000
RICHMOND, VA 23228
ADDRESS NOT TO BE USED FOR MAILING PURPOSES

RIGHT OF WAY PLANS
THESE PLANS ARE UNFINISHED AND UNAPPROVED AND ARE NOT TO BE USED FOR ANY TYPE OF CONSTRUCTION.

- | | | | |
|--|--------------------------------|--|------------------------|
| 1/4" VERT. STA. 1/2" HORZ. | VDOT STA. CD42 Type A Pavement | 1/4" PAVEMENT EXISTENCE | VDOT STA. CD1 Pavement |
| 1/4" VERT. STA. 1/2" HORZ. | VDOT STA. CD42 Type B Pavement | 1/4" ABANDON EXISTENCE | |
| 1/4" VERT. STA. 1/2" HORZ. | VDOT STA. CD42 Type C Pavement | 1/4" H. EXIST. STREETS USE PAV. PRACT. | |
| 1/4" CONC. SIDEWALK, 5' WIDE PAVEMENT | VDOT STA. CD42 Type D Pavement | 1/4" VDOT STA. 1/2" HORZ. PAVEMENT | |
| 1/4" 12' ALIGNED STAINED USE PAV. PRACT. | VDOT STA. CD42 Type E Pavement | 1/4" VDOT STA. HORIZONTAL 1/4" TYPE B PAVEMENT | |
| 1/4" VDOT STA. CD42 Type A Pavement | VDOT STA. CD42 Type F Pavement | 1/4" VDOT STA. VDOT PAVEMENT | |

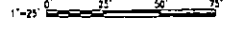
Note: Dotted lines denote permanent easements.
Note: Dashed lines denote temporary easements.

- Denotes Proposed 48" and Overlay
- Denotes Disposition of Pavement
- Denotes Proposed Pavement
- Denotes Proposed Concrete Slabwork

Denotes Construction Limits in Cuts
 Denotes Construction Limits in Fills

REFERENCES	
1	PROFILES, DETAILS & DRAINAGE
E & S Plan	2019 & BAI
Drainage Intersections	25141
Open Ditch's	25
Open Ditch Street	24271
Utility Owners	3
R.H. Turnpike Profile	SA
Entrance Profiles	21141815

- PERMANENT VARIABLE WIDTH STANDARD UTILITY EASEMENT REQUIRED FOR LOW-VOLT ENERGY
- PERMANENT VARIABLE WIDTH STANDARD UTILITY EASEMENT REQUIRED FOR VERZON
- CANT USE VARIABLE WIDTH UTILITY EASEMENT



		County Of Henrico Department of Public Works	
		PROJECT	DRAWING
RICHMOND-HENRICO TURNPIKE		PLAN SHEET	
FILE #	DATE	CADD NAME	SHEET NO.
SURVEYOR	XXX	MASTERS, DISTRICT	9
DRAFTSMAN	PKK	SURVEY BOOK NO.	N/A
ENGINEER	RKK	SCALE	AS NOTED

EXHIBIT
C=1

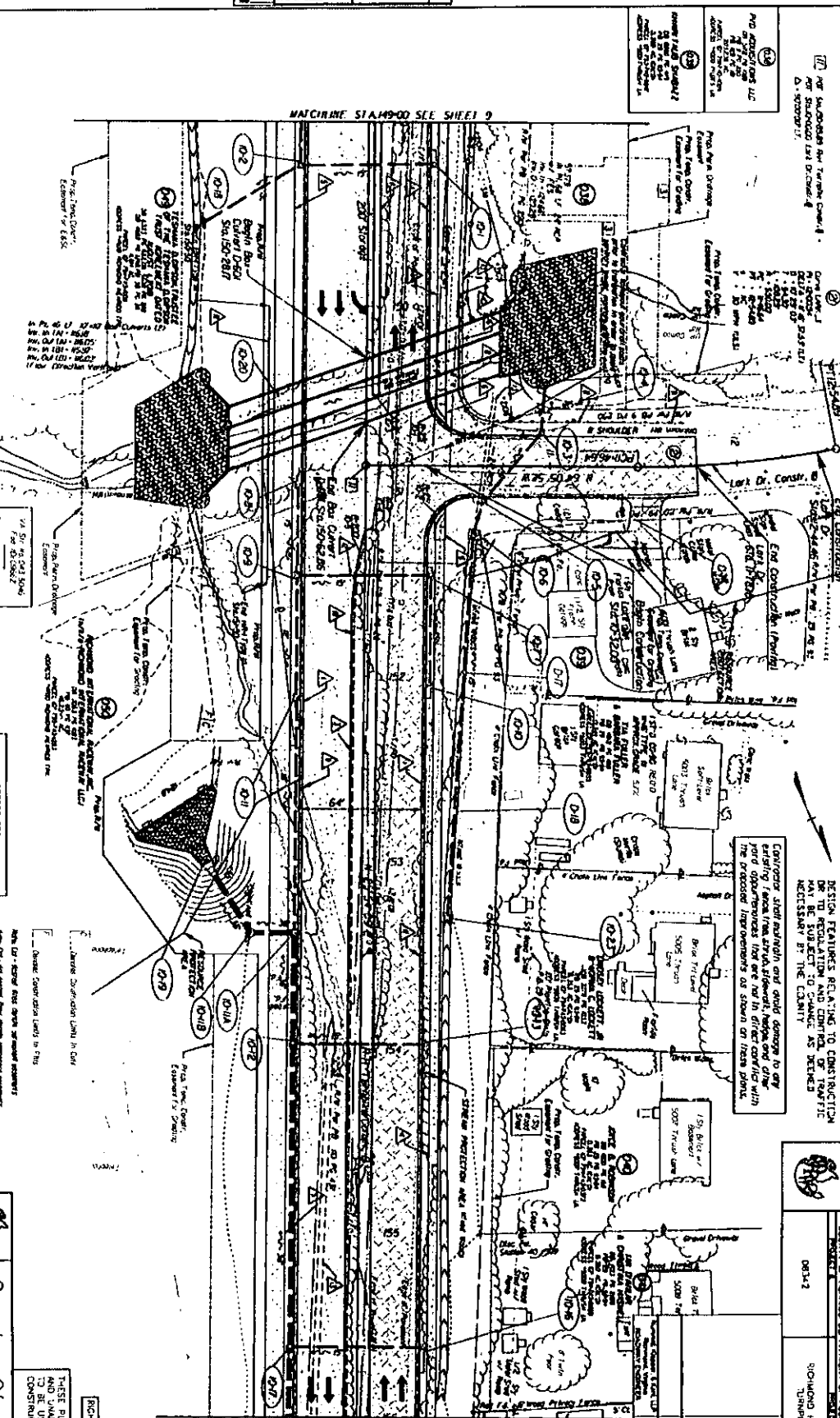
17. Not Substantiated by Township Council.
 Not Substantiated by Council.
 Approved by Council.

18. Not Substantiated by Township Council.
 Not Substantiated by Council.
 Approved by Council.

PLAN	DESCRIPTION	DATE
17	REVISION	11/15/12
18	REVISION	11/15/12



- 17. Not Substantiated by Township Council.
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- 98. Not Substantiated by Township Council.
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- 100. Not Substantiated by Township Council.



DESIGN FEATURES RELATING TO CONSTRUCTION DE TO REGULATION AND CONTROL OF TRAFFIC MAY BE SUBJECT TO CHANGE AS NECESSARY BY THE COUNTY.

CONTRACTOR SHALL MAINTAIN AND REPAIR DAMAGE TO ANY PUBLIC UTILITIES OR STRUCTURES LOCATED WITHIN THE PROJECT. CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF ALL EXISTING UTILITIES AND STRUCTURES LOCATED WITHIN THE PROJECT.

1. 1/4" = 100'-0" Scale

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County of Henrico Department of Public Works	
PROJECT:	ROADWAY IMPROVEMENT
DATE:	11/15/12
DESIGNED BY:	AS-WORD
CHECKED BY:	AS-WORD
DATE:	11/15/12
DRAWN BY:	AS-WORD
CHECKED BY:	AS-WORD
DATE:	11/15/12

RIGHT OF WAY PLANS

THESE PLANS ARE UNFINISHED AND UNAPPROVED AND ARE NOT TO BE USED FOR ANY TYPE OF CONSTRUCTION.

COUNTY OF HENRICO DEPARTMENT OF PUBLIC WORKS	SHEET NO.
081-2	13
ROADWAY IMPROVEMENT	

001-150-111715

VOGT UPC #111716

THESE PLANS ARE UNFINISHED AND UNAPPROVED AND ARE NOT TO BE USED FOR ANY TYPE OF CONSTRUCTION.

RIGHT OF WAY PLANS

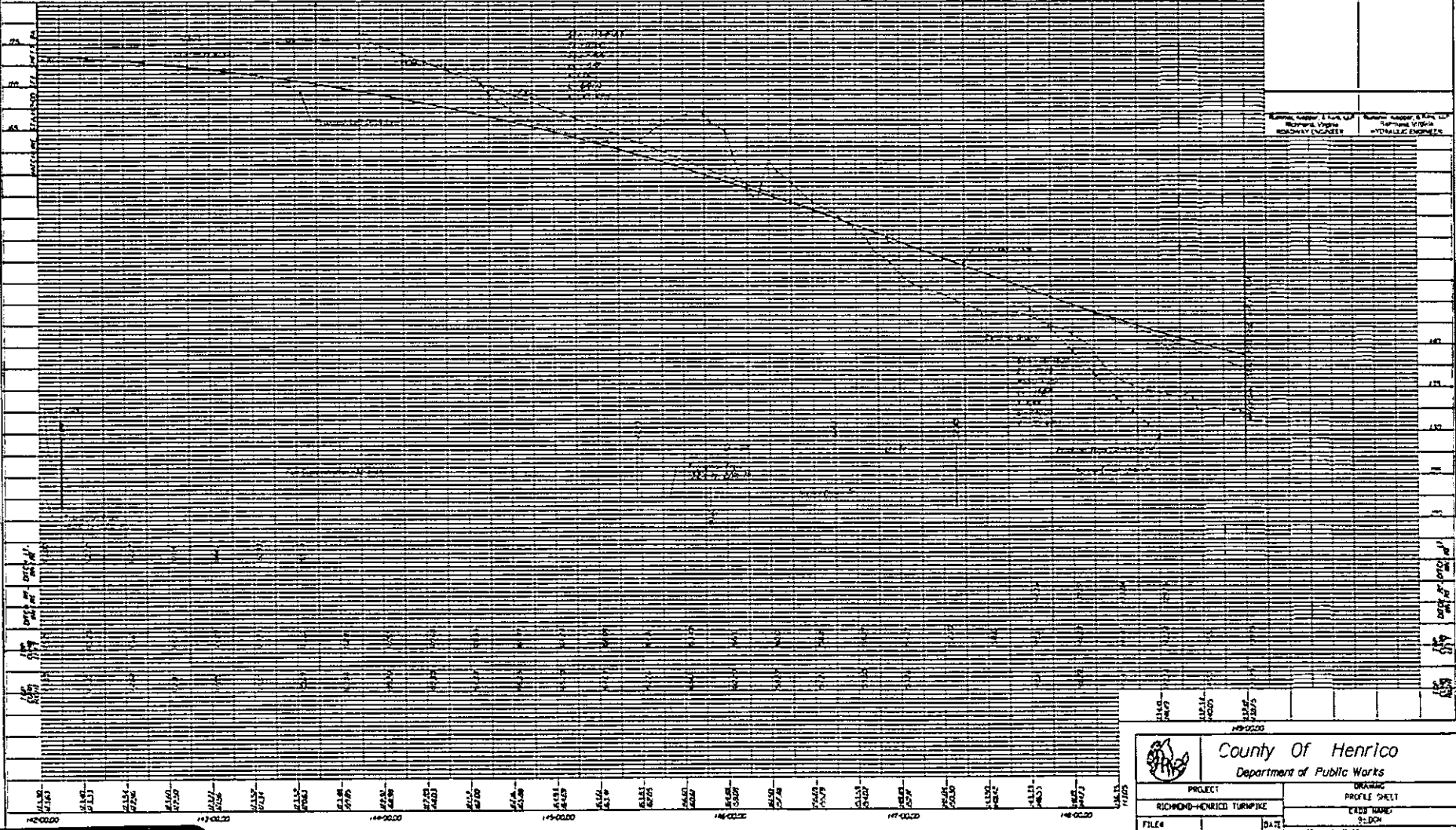
DESIGN FEATURES RELATING TO CONSTRUCTION OR TO REGULATION AND CONTROL OF TRAFFIC MAY BE SUBJECT TO CHANGE AS DEEMED NECESSARY BY THE COUNTY



COUNTY OF HENRICO DEPARTMENT OF PUBLIC WORKS		SHEET NO
PROJECT A	PROJECT	94
08342	RICHMOND HENRICO TURNPIKE	

Normal Engineer: J. Paul Lee
 Highway Engineer

Stationing Engineer: J. Paul Lee
 Stationing Engineer

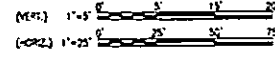


DATE	
BY	
CHECKED	
APPROVED	

		County Of Henrico Department of Public Works	
PROJECT		DRAWING	
RICHMOND-HENRICO TURNPIKE		PROFILE SHEET	
FILE #	DATE	DRAWN BY	
SURVEYOR	XXX	MADSTERNAL DISTRICT	
DRAFTSMAN	ROK	SURVEY BOOK NO. N/A	
ENGINEER	ROK	SCALE: AS NOTED	
		SHEET NO. 94	

EXHIBIT
C-3

RICHMOND-HENRICO TURNPIKE PROFILE



VDOT UPC #11718

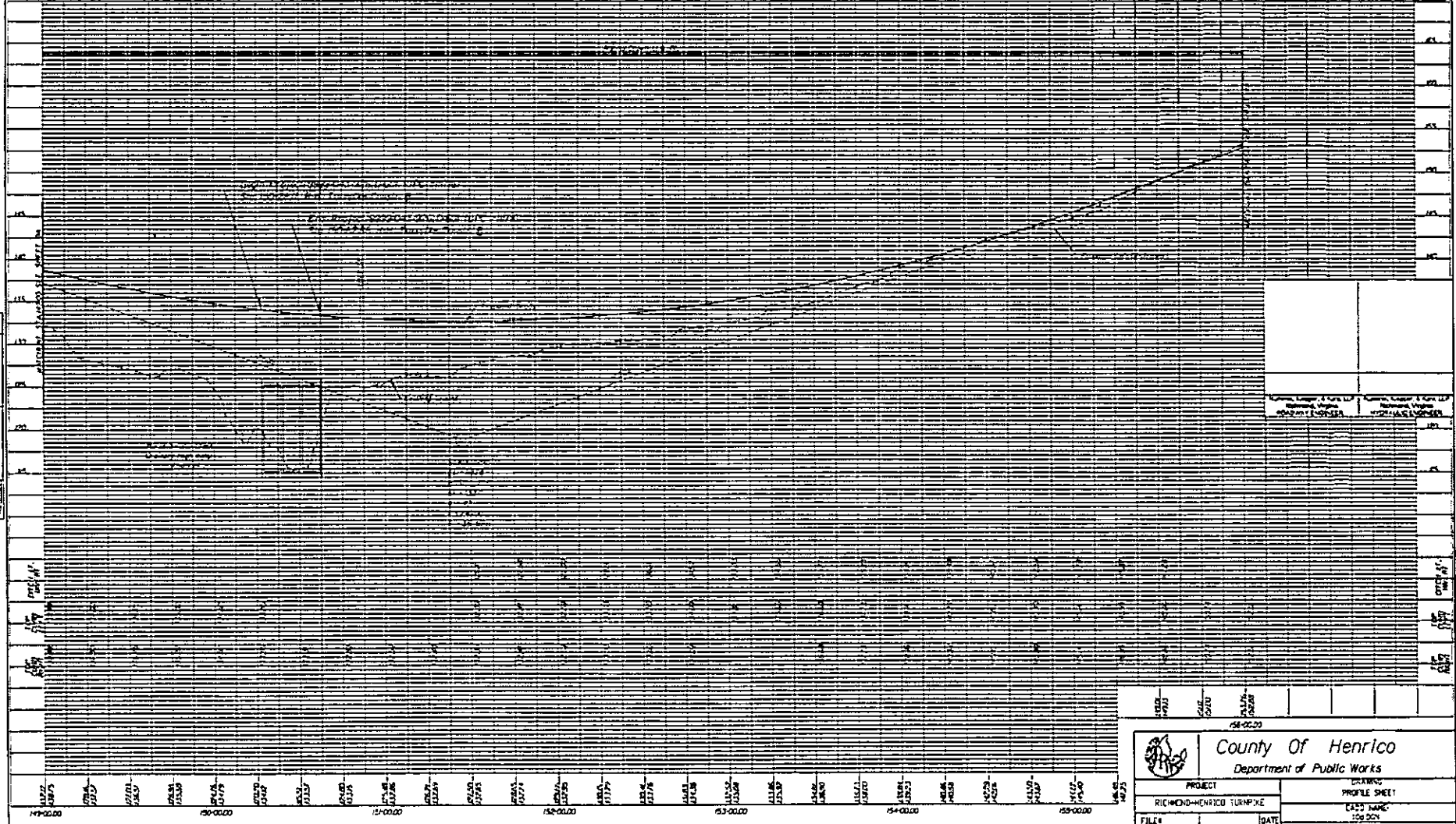
THESE PLANS ARE UNFINISHED AND UNAPPROVED AND ARE NOT TO BE USED FOR ANY TYPE OF CONSTRUCTION.

RIGHT OF WAY PLANS

DESIGN FEATURES RELATING TO CONSTRUCTION OR TO REGULATION AND CONTROL OF TRAFFIC MAY BE SUBJECT TO CHANGE AS DEEMED NECESSARY BY THE COUNTY



COUNTY OF HENRICO DEPARTMENT OF PUBLIC WORKS PROJECT		SHEET NO.
08342	RICHMOND HENRICO TURNPIKE	10A



Richmond, Virginia
 Henrico County, Virginia
 Department of Public Works

DATE	
BY	
CHECKED	
APPROVED	
SCALE	
PROJECT	
DRAWING	
FILE #	
SURVEYOR	
DRAFTSMAN	
ENGINEER	

		County Of Henrico Department of Public Works	
PROJECT		DRAWING	
RICHMOND-HENRICO TURNPIKE		PROFILE SHEET	
FILE #	DATE	EAST MARG 100 BOX	
SURVEYOR	XXX	SURVEY BOOK NO. N/A	
DRAFTSMAN	BCX	SCALE: AS NOTED	
ENGINEER	ROK	SHEET NO 10A	

RICHMOND-HENRICO TURNPIKE PROFILE

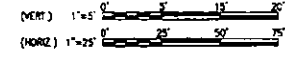


EXHIBIT
C-4



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 230-22
Page 1 of 1

Agenda Title: INTRODUCTION OF RESOLUTION — To Create the Sports and Entertainment Authority of Henrico County, Virginia, Pursuant to the Public Recreational Facilities Authorities Act and Setting Forth the Articles of Incorporation of the Authority

<p>For Clerk's Use Only:</p> <p>Date: <u>8/9/2022</u></p> <p><input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:</p>	<p style="text-align: center;">BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>Schmitt</u> Seconded by (1) <u>Branin</u> (2) _____ (2) _____</p> <p>REMARKS: APPROVED</p>	<table border="1"> <thead> <tr> <th></th> <th>YES</th> <th>NO</th> <th>OTHER</th> </tr> </thead> <tbody> <tr> <td>Branin, T.</td> <td><input checked="" type="checkbox"/></td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Nelson, T.</td> <td><input checked="" type="checkbox"/></td> <td>_____</td> <td>_____</td> </tr> <tr> <td>O'Bannon, P.</td> <td><input checked="" type="checkbox"/></td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Schmitt, D.</td> <td><input checked="" type="checkbox"/></td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Thornton, F.</td> <td>_____</td> <td>_____</td> <td><u>Absent</u></td> </tr> </tbody> </table>		YES	NO	OTHER	Branin, T.	<input checked="" type="checkbox"/>	_____	_____	Nelson, T.	<input checked="" type="checkbox"/>	_____	_____	O'Bannon, P.	<input checked="" type="checkbox"/>	_____	_____	Schmitt, D.	<input checked="" type="checkbox"/>	_____	_____	Thornton, F.	_____	_____	<u>Absent</u>
	YES	NO	OTHER																							
Branin, T.	<input checked="" type="checkbox"/>	_____	_____																							
Nelson, T.	<input checked="" type="checkbox"/>	_____	_____																							
O'Bannon, P.	<input checked="" type="checkbox"/>	_____	_____																							
Schmitt, D.	<input checked="" type="checkbox"/>	_____	_____																							
Thornton, F.	_____	_____	<u>Absent</u>																							

The Clerk is directed to advertise in the Richmond Times-Dispatch on August 30, 2022, the attached resolution for a public hearing to be held on September 13, 2022, at 7:00 p.m. in the Board Room.

Comment: The Executive Director of the Sports and Entertainment Authority recommends approval of the Board paper, and the County Manager concurs.

By Agency Head _____ By County Manager [Signature]

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

Date: _____

Resolution – To Create the Sports and Entertainment Authority of Henrico County, Virginia, Pursuant to the Public Recreational Facilities Authorities Act and Setting Forth the Articles of Incorporation of the Authority

WHEREAS, the Board of Supervisors of Henrico County, Virginia, has determined it will serve the interests of its citizens to create an authority pursuant to the Public Recreational Facilities Authorities Act, Chapter 56, Title 15.2 of the Code of Virginia, 1950, as amended (the "Act") to acquire, expand, lease, operate, and maintain recreational facilities in the County, develop and foster sports and entertainment tourism at recreational facilities in the County, and engage in other activities authorized by the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA:

1. **Creation of Authority.**

The Board hereby creates an authority pursuant to the Act to be known as the "Sports and Entertainment Authority of Henrico County, Virginia."

2. **Articles of Incorporation.**

The Articles of Incorporation of the Authority are as follows:

**ARTICLES OF INCORPORATION
SPORTS AND ENTERTAINMENT AUTHORITY OF HENRICO COUNTY, VIRGINIA**

The Board of Supervisors of Henrico County, Virginia, by resolution, created an authority pursuant to the Public Recreational Facilities Authorities Act, Chapter 56, Title 15.2 of the Code of Virginia, 1950, as amended (the "Act"), which authority is a political subdivision of the Commonwealth of Virginia. In accordance with the Act, the Board certifies the following:

**ARTICLE I
Creation and Name of Authority**

The Authority is created pursuant to the provisions of the Act. The name of the Authority is the "Sports and Entertainment Authority of Henrico County, Virginia." The address of the Authority's principal office is 4300 East Parham Road, Henrico, Virginia 23228.

**ARTICLE II
Participating Locality**

The County of Henrico is the sole participating locality in the Authority.

**ARTICLE III
Purposes and Powers**

The Authority is created to acquire, expand, lease, operate, and maintain recreational facilities in the County, develop and foster sports and entertainment tourism at recreational facilities in the County, and engage in other activities authorized by the Act. The Authority has all powers

granted by the Act and is subject to all obligations and responsibilities provided in the Act or otherwise by law. The Authority may adopt bylaws. The Authority may carry out its purposes itself or may do so through other public or private individuals or entities. The Authority may engage in any other activities not prohibited by law.

ARTICLE IV Voting

A majority of a quorum present and voting is sufficient for the board of the Authority to adopt any motion.

ARTICLE V Board Members and Terms

5.1. The powers of the Authority will be exercised by a board that will consist of seven members appointed by the Board of Supervisors of Henrico County, Virginia. The seven initial members are as follows, and their addresses are Post Office Box 90775, Henrico, Virginia 23273-0775:

Kayla Coleman
Vaughan G. Crawley
Yvette D. George
J. Oscar Knott
Marielle McFarland
Sheila S. Minor
Steven J. Yob

5.2. The terms of each initial member begin on September 13, 2022, and terminate on January 31, 2024, or thereafter when their successors have been appointed and qualified.

5.3. The Board of Supervisors of Henrico County, Virginia, may fill any vacancy or expiring term on the board of the Authority by resolution appointing members to serve terms of one or two years. Any member whose term expires may continue to serve until his or her successor has been appointed and qualified. Members may serve any number of consecutive terms.

5.4. Members appointed to the board of the Authority must possess significant experience or knowledge in sports tourism, entertainment, finance, business, real estate, hospitality, or business management.

ARTICLE VI Officers

The members of the board will elect one member as chairperson and one member as vice-chairperson. The members will also elect a secretary and treasurer, though those officers need not be members and may be the same person. The officers will be elected at the annual meeting of the board.

ARTICLE VII
Meetings

The initial meeting of the board of the Authority will be September 21, 2022, at 10:00 a.m. at the Sports and Entertainment Authority principal office at 4300 East Parham Road, Henrico, Virginia 23228. The board of the Authority will hold its annual meeting and such other meetings as specified in the bylaws of the Authority.

ARTICLE VIII
Annual Audits

The Authority will cause its funds and financial records to be audited annually by an independent certified public accounting firm and furnish a copy of each such audit report to the director of finance of Henrico County, Virginia. The cost of the audit will be paid by the County.

IN WITNESS WHEREOF, the County of Henrico, Virginia, has caused these Articles of Incorporation to be executed on September ____, 2022.

Chair of the Board of Supervisors of Henrico County, Virginia

(seal)

Attest:

Clerk of the Board of Supervisors of Henrico County, Virginia



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 231-22

Page No. 1 of 1

Agenda Title: RESOLUTION — Approval of American Medical Response Mid-Atlantic to Operate a Medical Transport Service in Henrico County

For Clerk's Use Only:

Date: 8/9/2022

- Approved
- Denied
- Amended
- Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Nelson Seconded by (1) Branin
(2) _____ (2) _____

REMARKS:

APPROVED

	YES	NO	OTHER
Branin, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schmitt, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thornton, F.	<input type="checkbox"/>	<input type="checkbox"/>	<u>absent</u>

YES NO OTHER
Branin, T.
Nelson, T.
O'Bannon, P.
Schmitt, D.
Thornton, F. absent

WHEREAS, American Medical Response Mid-Atlantic, Inc. ("American Medical Response") has obtained an EMS agency license from the Virginia Department of Health – Office of Emergency Medical Services; and,

WHEREAS, American Medical Response is a private ambulance company with an office at 2277 Dabney Road in the Brookland District; and,

WHEREAS, American Medical Response proposes to provide interfacility or facility-to-home transportation services within the County; and,

WHEREAS, American Medical Response has assured the County's Division of Fire that it will not respond to calls for 911 emergency services within the County unless requested by the County through its EMS system; and,

WHEREAS, the Board of Supervisors must adopt a resolution pursuant to Virginia Code § 15.2-955 and 12VAC5-31-420 before American Medical Response may operate within the County.

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

1. American Medical Response is approved to provide medical transport services within the entire geographical area of the County.
2. This approval does not authorize American Medical Response to respond to calls for emergency 911 services from the general public except when requested by the County through its EMS system.
3. Nothing in this Resolution will be deemed to recognize American Medical Response as an integral part of the official safety program of the County.

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

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

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

Copy to: _____

Date: _____



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

Agenda Item No. *232-22*

Page No. 1 of 2

Agenda Title: RESOLUTION – Award of Contract – Annual Construction Services – Concrete and Asphalt Rehabilitation

For Clerk's Use Only: Date: <i>8/9/2022</i> <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) <i>Branin</i> Seconded by (1) <i>Schmitt</i> (2) _____ (2) _____ REMARKS: APPROVED	YES NO OTHER Branin, T. ✓ — — Nelson, T. ✓ — — O'Bannon, P. ✓ — — Schmitt, D. ✓ — — Thornton, F. — — <i>absent</i>
--	---	---

WHEREAS, the County received five bids on May 24, 2022, in response to Invitation to Bid No. 22-2338-4EAR and Addendum No. 1 for annual concrete and asphalt rehabilitation projects throughout the County on an as-needed and requested basis; and,

WHEREAS, the project consists of miscellaneous concrete and asphalt rehabilitation projects of various County property roadways, parking areas, and ramps throughout the County; and,

WHEREAS, the contract term shall be 12 months from the effective date; and

WHEREAS, the bids were as follows:

Bidders	Bid Amounts
Colony Construction, Inc. Powhatan, VA	\$332,530
Finley Asphalt & Sealing, Inc. Ashland, VA	\$351,305
Talley & Armstrong, Inc. Henrico, VA	\$478,810
Blakemore Construction Corporation Rockville, VA	\$488,283
Lee Hy Paving Corp. Glen Allen, VA	\$689,500

WHEREAS, the bid amounts were calculated by multiplying the estimated unit quantities listed in the bid documents times the unit prices set out in the bids; and,

WHEREAS, after a review and evaluation of the bids, it was determined that Colony Construction, Inc. is the lowest responsive and responsible bidder for the unit price contract; and,

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

Copy to: _____

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

Date: _____

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

Agenda Item No. 232-22

Page No. 2 of 2

**Agenda Title: RESOLUTION – Award of Contract – Annual Construction Services – Concrete and
Asphalt Rehabilitation**

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

1. The contract for \$332,530 is awarded to Colony Construction, Inc. the lowest responsive and responsible bidder, pursuant to ITB No. 22-2338-4EAR, Addendum No. 1, and the base bid submitted by Colony Construction, Inc.
2. The County Manager is authorized to execute the contract in a form approved by the County Attorney.

COMMENT: The Director of General Services and the Purchasing Director recommend approval of the Board paper, and the County Manager concurs.



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

Agenda Item No. 233-22

Page No. 1 of 1

Agenda Title: RESOLUTION — Adoption of Procedures for Design-Build Contracts

For Clerk's Use Only:

Date: 8/9/2022

- Approved
- Denied
- Amended
- Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Branin Seconded by (1) Nelson
(2) _____ (2) _____

REMARKS: **APPROVED**

YES NO OTHER

Branin, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schmitt, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thornton, F.	<input type="checkbox"/>	<input type="checkbox"/>	<u>absent</u>

WHEREAS, a "design-build contract" is a contract between a public body and another party in which the party contracting with the public body agrees to both design and build the item specified in the contract; and,

WHEREAS, selection of a design-builder is based on a two-step competitive procurement process that (i) considers several evaluation factors, including qualifications of the design-builders and the merits of their technical proposals, and (ii) allows for competitive negotiations between the parties to achieve favorable project results for both parties; and,


WHEREAS, a design-build contract can be an advantageous way for a public body to construct a new public project by allowing the public body to deal with only one party during the entire construction project; and,


WHEREAS, Code of Virginia § 2.2-4382 allows the Board of Supervisors to award contracts for construction on a design-build basis upon adoption of a resolution implementing procedures consistent with the procedures for design-build adopted by the Virginia Secretary of Administration; and,

WHEREAS, the Board wishes to adopt procedures for using design-build contracts when competitive sealed bidding is determined by the County Manager not to be practicable or fiscally advantageous.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the attached Procedures for Design-Build Contracts are adopted and implemented, in accordance with Code of Virginia § 2.2-4382.

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

By Agency Head 

By County Manager 

Copy to: _____

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

Date: _____

**Procedures for Design-Build Contracts
County of Henrico, Virginia**

August 9, 2022

In accordance with the provisions of Chapter 43.1 of Title 2.2 of the Code of Virginia (the “Chapter”), a resolution adopted by the Henrico County Board of Supervisors (the “Board”), and procedures adopted by the Secretary of Administration for the Commonwealth of Virginia (the “Secretary” and the “Secretary’s Procedures”), the Board implements these Procedures for the procurement of Design-Build (“D-B”) contracts, as defined in the Chapter, which may be used by all bodies, agencies, and departments for which the County’s Purchasing Director performs procurement services (each of which is hereinafter referred to as the “Agency”). These Procedures are effective immediately.

- A. **LEGISLATIVE AUTHORITY:** Under authority of the Chapter, an Agency may contract to secure D-B projects on a fixed price basis in accordance with these Procedures, consistent with the Secretary’s Procedures made effective on January 1, 2020, as amended, and the standards for a two-step competitive negotiation process established by the Virginia Department of General Services, Division of Engineering and Buildings.

- B. **CRITERIA AND APPROVAL FOR USE OF D-B CONTRACTS.** The Agency will follow all criteria for the use of D-B as set forth in the Chapter. Prior to initiating the procurement of any D-B contract, the County Manager must determine in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the County. The writing must document the basis for the determination and must be included in the Request for Qualifications and maintained in the procurement file.

- C. **D-B SELECTION PROCEDURES:** The following procedures will be used in selecting a Design-Builder and awarding a contract:
 - 1. The Purchasing Director will appoint an Evaluation Committee (“Committee”) which will consist of at least three members, including a licensed design professional, if possible. The Committee will include a licensed professional engineer or architect employed by or under contract with the County. The Committee will consult with the Office of the County Attorney as needed throughout the process.

 - 2. The basis of the award of the contract will be in accordance with the Chapter, and the criteria for approval will be submitted in advance to the County’s Purchasing Director. It is noted that cost is a critical component of the selection process. Guidance on methods for award can be found in the Standard Operating Procedures, Purchasing Manual, or such other guidance documents as the County’s Purchasing Director may provide.

 - 3. **Selection of Qualified Operators (STEP I):** On projects approved for D-B, the Agency will conduct a prequalification process as follows to determine which offerors are qualified to receive Request for Proposals (RFPs).

- a. The Agency will prepare a Request for Qualifications (“RFQ”) containing the Agency’s Facility Requirements, building and site criteria, site and survey data (if available), the criteria to be used to evaluate RFQ Responses, and other relevant information, including any unique capabilities or qualifications that will be required of the contractor. All offerors will have a licensed Class “A” contractor and an Architect or Engineer registered in the Commonwealth of Virginia as part of the Project Team.
 - b. The RFQ will be posted in accordance with the Chapter, and agencies will include in the RFQ if responses may be submitted electronically and/or via paper response.
 - c. The Committee will evaluate each offeror’s RFQ responses and any other relevant information and determine which offerors are fully qualified and suitable for the project.
 - d. The RFQ evaluation will result in a short list of three or more offerors to receive the RFP. If available, the short list will include a minimum of one DSBSD-Certified Small Business that meets the minimum requirements for prequalification. An offeror may be denied prequalification only as specified under Code of Virginia § 2.2-4317, but the short list will also be based upon the RFQ criteria.
 - e. The RFQ evaluation process will evaluate an offeror’s experience for a period of 10 prior years to determine whether the offeror has constructed, by any method of project delivery, at least three projects similar in program and size.
 - f. At least 30 days prior to the date established for the submission of proposals, the Agency will advise in writing each offeror which sought prequalification whether that offeror has been prequalified. Offerors that are not selected for the short list will likewise be provided the reasons for such decision. In the event that an offeror is denied prequalification, the written notification to such offeror will state the reasons for such denial of prequalification and the factual basis of such reasons.
4. Selection of Design-Build Contractor (STEP II):
- a. The Agency will send an RFP to the D-B offerors on the short list for the project and request formal proposals from them. The criteria for award will be included in the RFP. Agencies will include in the RFP if responses may be submitted electronically and/or via paper response.
 - b. Sealed Technical Proposals as described in the RFP will be submitted to the Committee. Separately-sealed Cost Proposals will be submitted to the County’s Purchasing Director or as directed in the RFP and will be secured by and kept

sealed until evaluation of the Technical Proposals and the design adjustments are completed.

- c. The Committee will evaluate the Technical Proposals based on the criteria contained in the RFP. It will inform each D-B offeror of any adjustments necessary to make its Technical Proposal fully comply with the requirements of the RFP. In addition, the Agency may require that offerors make design adjustments necessary to incorporate project improvements and/or additional detailed information identified by the Committee during design development.
- d. Based on the adjustments made to the Technical Proposals, the offeror may amend its Cost Proposal. In addition, an offeror may submit cost modifications to its original sealed Cost Proposal which are not based upon revisions to the Technical Proposals.
- e. The Committee will evaluate (and rank if technical rankings are to be considered as a criterion for award) the technical proposals. Should the Agency determine in writing and its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror after approval of the County's Purchasing Director. Otherwise, the Agency will open the cost proposals and apply the criteria for award as specified in the RFP and approved by the County's Purchasing Director.
- f. The Committee will make its recommendations for the selection of a design builder to the Purchasing Director, who will make it known to the appropriate awarding authority or that authority's representative, based on the Committee's evaluations of the technical and cost proposals and all amendments thereto. The contract will be awarded to the offeror who is fully qualified and has been determined to have provided the best value in response to the Request for Proposal.
- g. The Agency will, after notification from the Committee and/or Purchasing Director, request award of the contract from the appropriate awarding authority and supply supporting documents.
- h. The Agency will notify all offerors who submitted proposals which offeror was selected for the project. In the alternative, the Agency may notify all offerors who submitted proposals of the Agency's intent to award the contract to a particular offeror at any time after selection of the Design-Builder. When the terms and conditions of multiple awards are so provided in the RFP, awards may be made to more than one offeror.
- i. Upon request, documentation of the process used for the final selection will be made available to the unsuccessful proposers.

D. COVERED ENTITIES. This section is intentionally omitted as inapplicable to local public bodies.

E. LOCAL PUBLIC BODIES. The Chapter requires local public bodies planning to use D-B to adopt guidelines consistent with the Secretary's Procedures. The Secretary encourages local public bodies to follow the Secretary's Procedures, edited to substitute appropriate local awarding authorities and nomenclature. The Secretary's Procedures require local public bodies to have the required professional staff and meet the material requirements of the Chapter.

In accordance with these requirements, the Board has determined the County has the required professional staff and meets the material requirements of the Chapter. The Board has promulgated these Procedures to parallel the Secretary's Procedures, edited to substitute appropriate local awarding authorities and nomenclature.

F. GUIDANCE: Guidance for the use of these Procedures can be found in the Standard Operating Procedures, Purchasing Manual, or such other guidance documents as the County's Purchasing Director may provide. These Procedures and all guidance documents are intended and should be construed to be consistent with the Chapter and the Secretary's Procedures, as amended from time to time. These Procedures and the Guidance will be interpreted to incorporate any amendments to the Chapter and the Secretary's Procedures enacted after the adoption of these Procedures, as though the same amendments were made to these Procedures and the Guidance.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 234-22

Page No. 1 of 1

Agenda Title: RESOLUTION — Signatory Authority — Lease Amendment — Henrico Area Mental Health and Developmental Services — 205 Roxbury Industrial Center — Charles City County, Virginia

For Clerk's Use Only:

Date: 8/9/2022

- (X) Approved
() Denied
() Amended
() Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Branin (2) [blank] Seconded by (1) Schmitt (2) [blank]

REMARKS: APPROVED

YES NO OTHER

Branin, T. [X]
Nelson, T. [X]
O'Bannon, P. [X]
Schmitt, D. [X]
Thornton, F. [] [] [X] (anet)

WHEREAS, the County is leasing 6,850 square feet at 205 Roxbury Industrial Center in Charles City County from Sandra Peay for the Cypress Enterprises day support and workshop program of Henrico Area Mental Health and Developmental Services; and,

WHEREAS, the program serves persons with intellectual disabilities residing in eastern Henrico County and Charles City County; and,

WHEREAS, the lease terminates on August 31, 2022; and,

WHEREAS, the County has negotiated a lease amendment to extend the term for an additional five years at an annual rent of \$46,824, payable in equal monthly installments of \$3,902.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the County Manager is authorized to execute a lease amendment as described above in a form approved by the County Attorney.

Comments: This lease is subject to annual appropriation. The Directors of Henrico Area Mental Health and Developmental Services and Real Property recommend approval of this paper; the County Manager concurs.

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

Certified: [Signature] A Copy Teste: Clerk, Board of Supervisors

Copy to: [blank] Date: [blank]



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

Agenda Item No. *235-22*

Page No. 1 of 1

Agenda Title: RESOLUTION — Approval of Acquisition — Right-of-Way and Easements — Sadler Road Improvements Project — 4328 Sadler Road — Three Chopt District

<p>For Clerk's Use Only:</p> <p>Date: <u>8/9/2022</u></p> <p><input checked="" type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p> <p><input type="checkbox"/> Amended</p> <p><input type="checkbox"/> Deferred to: _____</p>	<p>BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>Branin</u> Seconded by (1) <u>Nelson</u></p> <p> (2) _____ (2) _____</p> <p>REMARKS: <big><big>APPROVED</big></big></p>	<table border="0"> <thead> <tr> <th></th> <th align="center">YES</th> <th align="center">NO</th> <th align="center">OTHER</th> </tr> </thead> <tbody> <tr> <td>Branin, T.</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>Nelson, T.</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>Schmitt, 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>Thornton, F.</td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><u>absent</u></td> </tr> </tbody> </table>		YES	NO	OTHER	Branin, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Schmitt, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input type="checkbox"/>	<input type="checkbox"/>	<u>absent</u>
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WHEREAS, on November 9, 2021, the Board authorized condemnation proceedings for right-of-way containing 38,659.10 square feet, of which 7,358.65 square feet is prescriptive right-of-way; a permanent drainage easement containing 1,761.93 square feet; a permanent utility easement for Verizon Virginia, LLC containing 3,223.44 square feet; and a temporary construction easement containing 7,070.78 square feet (the "Right-of-Way and Easements"), across the property located at 4328 Sadler Road, identified as Tax Map Parcel 746-763-4213, and owned by Raymond C. Haithcock (the "Owner") for the construction of the Sadler Road Improvements Project (the "Project"); and,

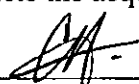

WHEREAS, on December 16, 2021, the County filed a Certificate of Take and deposited \$140,638 with the Clerk of the Henrico County Circuit Court to acquire the Right-of-Way and Easements in accordance with state law; and,

WHEREAS, on June 14, 2022, the County filed a Petition for Condemnation with the Clerk of the Henrico County Circuit Court to institute condemnation proceedings for the determination of just compensation; and,

WHEREAS, following negotiations between the parties, the Owner is willing to accept \$250,000 as just compensation for the Right-of-Way and Easements and damages to the remainder, if any; and,

WHEREAS, upon completion of the acquisition, the condemnation proceedings will be dismissed; and,

WHEREAS, County staff has prepared the necessary documents to memorialize the agreement of the parties and to complete the acquisition.

By Agency Head  By County Manager 

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

Date: _____

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

Agenda Item No. 235-22

Page No. 2 of 2

Agenda Title: RESOLUTION — Approval of Acquisition — Right-of-Way and Easements — Sadler Road Improvements Project — 4328 Sadler Road — Three Chopt District

NOW, THEREFORE, BE IT RESOLVED that:

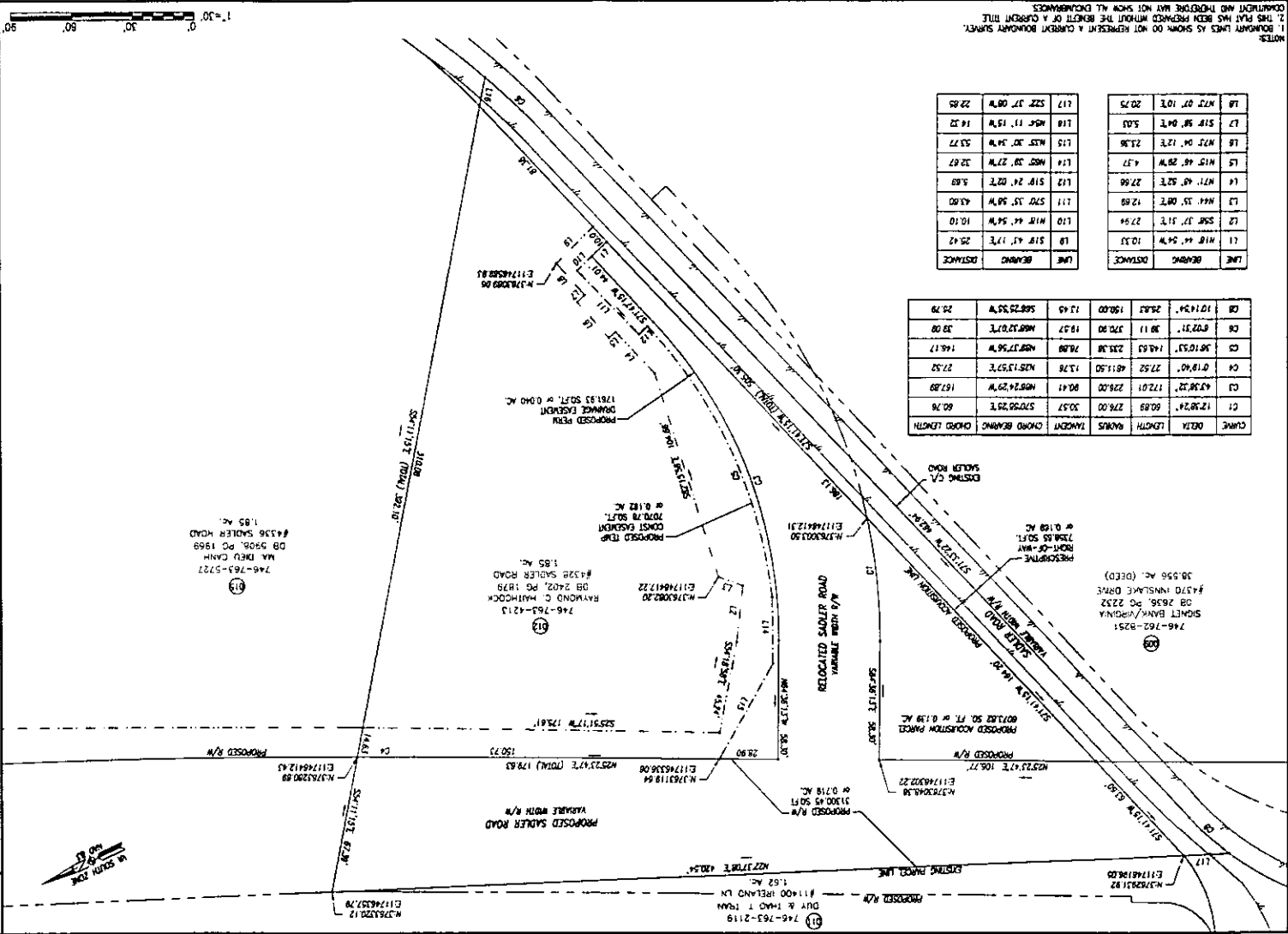
- (1) The County Manager is authorized to execute the documents and to take all steps necessary for acquisition of the Right-of-Way and Easements.
- (2) The County Attorney is authorized to file the necessary documents in the Henrico County Circuit Court to complete the acquisition of the Right-of-Way and Easements and to dismiss the condemnation proceedings.

Comment: The Directors of Real Property and Public Works and the Deputy County Manager for Community Operations recommend approval of the Board paper; the County Manager concurs.

NOTES:
 1. BOUNDARY LINES AS SHOWN DO NOT REPRESENT A CURRENT BOUNDARY SURVEY.
 2. THIS PLAT HAS BEEN RECORDED WITHOUT THE BENEFIT OF A CURRENT TITLE
 COMMITMENT AND THEREFORE MAY NOT SHOW ALL ENCUMBRANCES.

LINE	BEARING	DISTANCE
L1	N18° 44' 54"W	10.33
L2	S58° 37' 51"E	27.94
L3	N44° 33' 00"E	12.69
L4	N15° 48' 29"W	22.82
L5	N15° 48' 29"W	4.37
L6	N72° 04' 12"E	23.36
L7	S15° 58' 04"E	5.03
L8	S22° 37' 09"W	22.65

CURVE	DELTA	LENGTH	POINTS	CHORD BEARING	CHORD LENGTH
C1	128.27°	60.69	276.00	S70°58'29"E	60.78
C2	43°32'22"	172.01	228.00	N68°24'29"W	167.89
C3	67°14'07"	27.52	481.50	N68°13'57"E	27.52
C4	67°14'07"	13.78	N68°13'57"E	27.52	27.52
C5	36°10'53"	148.63	233.38	N68°37'56"W	148.17
C6	67°23'17"	30.11	370.90	N68°32'07"E	30.09
C7	101°14'34"	26.82	150.00	S68°25'33"W	26.79



SHEET NO. 1 of 1

PLAT SHOWING PROPOSED RIGHT OF WAY, PROPOSED ACQUISITION PARCEL, TEMPORARY CONSTRUCTION AND PERMANENT DRAINAGE EASEMENTS AND THE AREA WITHIN THE PRESCRIPTIVE RIGHT OF WAY ACROSS PROPERTY OWNED BY RAYMOND C. HAINCOCK
 THREE-CHOPT DISTRICT, HENRICO VIRGINIA

DATE	BY	REVISION
03/11/2010	DR	ISSUED FOR RECORD
12/10/2009	DR	APPROVED
05/21/2009	TAC	DATE
03/11/2010	DR	DATE



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

Agenda Item No. 236-22

Page No. 1 of 1

Agenda Title: INTRODUCTION OF ORDINANCE — To Amend and Reordain Section 10-67 Titled "Penalty and enforcement" and Section 10-68 Titled "Prohibited noises enumerated" of the Code of the County of Henrico to Limit Daytime Noise in Residential Areas from Stereos, Televisions, Musical Instruments, and Similar Devices

<p>For Clerk's Use Only:</p> <p>Date: <u>8/9/2022</u></p> <p><input checked="" type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p> <p><input type="checkbox"/> Amended</p> <p><input type="checkbox"/> Deferred to:</p>	<p>BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>Schmitt</u> Seconded by (1) <u>Branin</u></p> <p>(2) _____ (2) _____</p> <p>REMARKS:</p> <p align="center">APPROVED</p>	<table border="0"> <tr> <td></td> <td align="center">YES</td> <td align="center">NO</td> <td align="center">OTHER</td> </tr> <tr> <td>Branin, T.</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>Nelson, T.</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>Schmitt, 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>Thornton, F.</td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><u>absent</u></td> </tr> </table>		YES	NO	OTHER	Branin, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Schmitt, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input type="checkbox"/>	<input type="checkbox"/>	<u>absent</u>
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The Clerk is directed to advertise, in the Richmond Times-Dispatch on August 23 and 30, 2022, the following ordinance for a public hearing to be held at the Board Room on September 13, 2022, at 7:00 p.m.:

"AN ORDINANCE to amend and reordain section 10-67 titled "Penalty and enforcement" and section 10-68 titled "Prohibited noises enumerated" of the Code of the County of Henrico to limit daytime noise in residential areas from stereos, televisions, musical instruments, and similar devices. A copy of the full text of the ordinance is on file in the Office of the County Manager."

Comments: The Chief of Police recommends approval of the Board paper, and the County Manager concurs.

By Agency Head M. English FOR E.D. ENGLISH County Manager [Signature]

Copy to: _____

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

Date: _____

ORDINANCE – To Amend and Reordain Section 10-67 Titled “Penalty and enforcement” and Section 10-68 Titled “Prohibited noises enumerated” of the Code of the County of Henrico to Limit Daytime Noise in Residential Areas from Stereos, Televisions, Musical Instruments, and Similar Devices

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

1. That Section 10-67 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 10-67. Penalty and enforcement.

(a) No person ~~shall~~ may be charged with a violation of the provisions of section 10-68 unless:

- (1) A complainant appears before a magistrate and requests a summons to be issued; or
- (2) A violation is committed in the presence of a police officer.

(b) Notwithstanding the provisions of subsection (a), no person may be charged with a violation of subparagraph (2) of section 10-68 occurring between 7:00 a.m. and 11:00 p.m. unless the violation is committed in the presence of a police officer.

(~~bc~~) Any person convicted of violating any of the provisions of section 10-68 ~~shall~~ will be punished by a fine not to exceed \$500.00. Any person convicted of a second offense within less than five years after a first offense under this article ~~shall~~ will be punished by a fine not to exceed \$1,000.00. Any person convicted of a third offense within less than ten years after a first offense under this article ~~shall~~ will be punished by a fine not to exceed \$2,500.00.

(~~ed~~) Each day a violation continues unabated ~~shall~~ constitutes a separate offense.

(~~de~~) Criminal enforcement against a person violating this article ~~shall~~ is not be a bar against, or a prerequisite for, taking any other action permitted by this Code or the Code of Virginia to abate the violation.

2. That Section 10-68 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 10-68. Prohibited noises enumerated.

It ~~shall be~~ is unlawful for any person to cause or permit to be caused any of the

following prohibited sounds or noises:

. . . .

(2) *Sound-producing and sound-reproducing devices.* ~~Except for commercial establishments located in areas zoned for urban mixed use,~~ The use, operation, or playing of any radio, phonograph, television, **projector**, record, compact disc, tape, digital music, MP3 or DVD player, musical instrument, **microphone**, loudspeaker, sound amplifier, or other **similar** machine or device capable of **designed or used for** producing or reproducing sound, regardless of whether such sound-producing or sound-reproducing machine or device is located inside of a structure or outside of or on a structure, in such a manner or with such volume or duration that it is plainly audible ~~between 11:00 p.m. and 7:00 a.m.:~~

- a. Inside the confines of the dwelling unit, house, or apartment of another person; or
- b. In residential areas, at 50 or more feet from the device **between 11:00 p.m. and 7:00 a.m.**

The prohibition in this subparagraph (2) does not apply (i) when the source of the sound is in a commercial establishment located in areas zoned for urban mixed use or (ii) between the hours of 7:00 a.m. and 11:00 p.m. when the source of the sound is a recreational or athletic facility or commercial, industrial, or other non-residential property.

. . . .

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