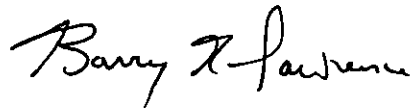


**HENRICO COUNTY
NOTICE OF SPECIAL MEETING
BOARD OF SUPERVISORS**

Please take notice that a special meeting of the Board of Supervisors will be held on **Tuesday, July 13, 2010 at 5:00 p.m.** in the County Manager's Conference Room located on the third floor of the Administration Building at the Henrico County Government Center, Parham and Hungary Spring Roads, Henrico, Virginia.

The matters to be reviewed by the Board at this time are:

- | | |
|------------------|---|
| 5:00 – 5:30 p.m. | 2010 State Legislation Addressing Zoning Provisions for Temporary Healthcare Structures |
| 5:30 – 6:00 p.m. | Local Cable Television Public Access Channel |
| 6:00 – 6:45 p.m. | <i>Dinner</i> |



Barry R. Lawrence, CMC
Clerk, Henrico County Board of Supervisors
July 8, 2010

COUNTY OF HENRICO, VIRGINIA
Henrico County Board Room
Board of Supervisors' Agenda
July 13, 2010
7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Rev. Travis Branch, Gospel Jail Ministry

APPROVAL OF MINUTES – June 22, 2010 Regular and Special Meetings, and May 6, 2010 Special Meeting

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

PUBLIC HEARING - REZONING CASE

166-10 JMW, LLC: Request to amend proffered conditions accepted with Rezoning
C-8C-10 Case C-68C-00, on Parcel 776-744-1464, located at the southwest
Brookland intersection of Dumbarton Road and Byrdhill Road. The applicant proposes
to amend proffers related to building size, building height, and landscaping.
The existing zoning is M-1C Light Industrial District (Conditional) and O-
2C Office District (Conditional). The Land Use Plan recommends Office.
This site is in the Enterprise Zone. The Planning Commission voted to
recommend the Board of Supervisors **grant** the request.

PUBLIC HEARINGS - OTHER ITEMS

- 167-10 Resolution - Authorizing the County Manager to Submit the Henrico County
Five Year Consolidated Plan and the 2010-2011 Annual Consolidated Plan,
including the CDBG Program Year Twenty-One Plan and the HOME
Program Year Fourteen Plan; to Execute the CDBG Agreement for Program
Year Twenty-One and the HOME Agreement for Program Year Fourteen;
and to Execute Contracts to Implement the CDBG and HOME Activities.
- 168-10 Resolution – Signatory Authority – Easement Agreement for Virginia
Electric and Power Company– Three Chopt District.
- 169-10 Resolution - Condemnation - Rights-of-Way and Easements - North Gayton
Road Extension Project - Centex Homes - Three Chopt District.
- 170-10 Resolution - Condemnation - Right-of-Way and Easements - North Gayton
Road Extension Project - Richmond Strikers Soccer Club, Inc. - Three Chopt
District.

PUBLIC COMMENTS

GENERAL AGENDA

- 171-10 Introduction of Ordinance - To Amend and Reordain Section 2-87 of the Code of the County of Henrico Titled "Service charge on returned payments," to Add Another Reason for the Charge.
- 172-10 Introduction of Ordinance - To Add Section 20-605 to the Code of the County of Henrico Titled "Prerequisite to issuance or renewal of license," Relating to the Issuance or Renewal of a Business License for Contractors.
- 173-10 Introduction of Ordinance - To Amend and Reordain Section 20-411 of the Code of the County of Henrico Titled "Enumerated; amount of license tax" and to Add Section 20-414 Titled "Exclusion from gross receipts - Security brokers and dealers," Relating to Business License Taxation of Security Brokers and Dealers.
- 174-10 Introduction of Ordinance - To Amend and Reordain Sections 20-312, 20-313, and 20-691 of the Code of the County of Henrico Titled, Respectively, "Levy; amount," "Taxation of rental property other than daily rental property," and "License and payment of tax required; 'retail merchant' defined," All Relating to Short-Term Rental Property Tax.
- 175-10 Resolution - Authorization to Accept Grant Funding from the FY2009 State Homeland Security Grant, National Preparedness Directorate, United States Department of Homeland Security, as Managed by the Virginia Department of Emergency Management, for Equipment Purchases.
- 176-10 Introduction of Ordinance - To Amend and Reordain Sections 4-112 and 4-113 of the Code of the County of Henrico Titled "Application" and "Annual Permit," Respectively, Relating to Applications for a Music Festival Permit.
- 177-10 Introduction of Ordinance - To Amend and Reordain Sections 2-51, 5-1, 5-2, 5-3, 5-4, 5-31, 5-32, 5-36, 5-53, 5-59, 5-61, 5-81, 5-102, 5-133, 5-136, 5-140, 5-141, 5-173, 5-174, 5-175, and 5-179 of the Code of the County of Henrico Titled, Respectively, "Bonds," "Definitions," "Appointment of animal protection supervisor; powers and duties generally," "Animal protection officers," "Disposal of dead animals," "Dogs killing or injuring livestock or poultry," "Compensation for livestock and poultry killed by dogs; false claims," "Control of dangerous or vicious dogs," "Failure to pay tax," "Display of receipt; wearing of collar and tag," "Display of kennel tags; allowing dogs out of kennel," "[Rabies vaccination] Required; certificate," "Sterilization required," "Impoundment generally; holding period," "Redemption of animals," "Voluntary delivery of animal by owner; surrender of owner's rights in animal," "Seizure and impoundment of stolen or unlawfully held dogs or cats," "Confinement or destruction of dogs and cats suspected of having rabies," "Confinement or destruction of biting animals," "Confinement or destruction of dogs or cats

bitten by rabid animals,” and “Enforcement measures on noncompliance by owner of dog or cat,” All to Change the Name of “Animal Protection Officer” to “Animal Protection Police Officer.”

- 178-10 Resolution - Signatory Authority - Right-of-Way and Easements - North Gayton Road Extension Project - Robert L. White, Jr. -Three Chopt District.
- 179-10 Resolution - Signatory Authority - Right-of-Way and Easements - North Gayton Road Extension Project - Raleigh R. Cook and Carolyn A. Cook - Three Chopt District.
- 180-10 Resolution - Conveyance of Site Development Easements Providing Necessary Services to County-Owned Facilities.
- 181-10 Resolution - Award of Construction Contract - Lydell Drive and Jewett Drive Water Main Rehabilitation - Brookland District.
- 182-10 Resolution - To Permit Additional Fine of \$200 for Speeding on Snowmass Road and a Portion of Alvarado Road.
- 183-10 Resolution - Acceptance of Roads.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS' RESUME
July 13, 2010**

INVOCATION – Rev. Travis Branch, Gospel Jail Ministry

PUBLIC HEARING - REZONING CASE

C-8C-10
Brookland

JMW, LLC: Request to amend proffered conditions accepted with Rezoning Case C-68C-00, on Parcel 776-744-1464, located at the southwest intersection of Dumbarton Road and Byrdhill Road. The applicant proposes to amend proffers related to building size, building height, and landscaping. The existing zoning is M-1C Light Industrial District (Conditional) and O-2C Office District (Conditional). The Land Use Plan recommends Office. This site is in the Enterprise Zone. Acting on a motion by Mr. Vanarsdall seconded by Mr. Archer, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because the proffers continue to assure a quality form of development with maximum protection afforded the adjacent properties.

PUBLIC HEARINGS - OTHER ITEMS

RESOLUTION - Authorizing the County Manager to Submit the Henrico County Five Year Consolidated Plan and the 2010-2011 Annual Consolidated Plan, including the CDBG Program Year Twenty-One Plan and the HOME Program Year Fourteen Plan; to Execute the CDBG Agreement for Program Year Twenty-One and the HOME Agreement for Program Year Fourteen; and to Execute Contracts to Implement the CDBG and HOME Activities.

This resolution authorizes the County Manager to submit the Henrico County Five Year Consolidated Plan and the 2010-2011 Annual Consolidated Plan, consisting of the CDBG Program Year Twenty-One Plan and the HOME Program Year Fourteen Plan, to the United States Department of Housing and Urban Development (“HUD”) on or before August 15, 2010 in accordance with federal submission requirements. It also authorizes the County Manager to execute contracts with HUD for Program Year Twenty-One of the Henrico CDBG Program and for HOME Program Year Fourteen in a form approved by the County Attorney and in accordance with the rules and regulations of the CDBG and HOME programs. Finally, it authorizes the County Manager to execute contracts in a form approved by the County Attorney to implement the 2010-2011 CDBG and HOME Program Year activities as funds are appropriated.

The County’s CDBG entitlement for Program Year Twenty-One is \$1,598,002.

The County’s HOME entitlement for Program Year Fourteen is \$923,758.

The Department of Community Revitalization has prepared the attached objectives and proposed uses of CDBG and HOME funds. The proposed use of funds includes \$317,192 in CDBG funds from previous years and \$50 in HOME funds from previous years.

The Director of Community Revitalization recommends approval, and the County Manager concurs.

RESOLUTION – Signatory Authority – Easement Agreement for Virginia Electric and Power Company– Three Chopt District.

The approval of this resolution will authorize the Chairman and Clerk of the Board of Supervisors to execute an easement agreement, in a form approved by the County Attorney, conveying to Virginia Electric and Power Company (“VEPCO”), the right to construct and maintain an electric line across County land adjacent to Kain Road. With the realignment of Kain Road in conjunction with the North Gayton Road extension, the easement is needed for the relocation of a portion of the existing electric line. The Directors of Public Works and Real Property recommend approval of this action.

RESOLUTION - Condemnation - Rights-of-Way and Easements - North Gayton Road Extension Project - Centex Homes - Three Chopt District.

This Board paper authorizes condemnation proceedings for property owned by Centex Homes, a Nevada general partnership, that is needed for the construction of the North Gayton Road Extension Project.

The County needs to acquire rights-of-way containing 452 sq. ft., permanent slope and drainage easements containing 24,722 sq. ft., a temporary construction easement containing 3,378 sq. ft., permanent easements for Virginia Electric and Power Company, a Virginia public service corporation, doing business as Dominion Virginia Power, containing 16,484.35 sq. ft., and permanent easements containing 7,034.18 sq. ft. for Verizon Virginia Inc., a Virginia corporation, (collectively, the “Rights-of-Way and Easements”) across seven parcels of real property owned by Centex Homes and identified as Tax Map Parcels 470-769-0088, 740-770-2208, 740-769-4285, 740-769-6282, 740-769-7087, 740-769-8296, and 739-770-7715. Based on independent appraisals, bona fide offers totaling \$93,646 were made to and rejected by the owner.

This Board paper directs the County Manager to take the necessary steps to acquire the Rights-of-Way and Easements with the right to enter the property upon the filing of a certificate of take and the deposit of \$93,646 in the Clerk’s Office of the Henrico County Circuit Court.

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

RESOLUTION - Condemnation - Right-of-Way and Easements - North Gayton Road Extension Project - Richmond Strikers Soccer Club, Inc. - Three Chopt District.

This Board paper authorizes condemnation proceedings for property owned by Richmond Strikers Soccer Club, Inc., that is needed for the construction of the North Gayton Road Extension Project.

The County needs to acquire right-of-way containing 5,124 sq. ft., a permanent slope and drainage easement containing 2,245 sq. ft., a temporary construction easement containing 760 sq. ft., and a permanent easement for Verizon Virginia Inc., containing 2,187.96 sq. ft. across the property at 4801 Pouncey Tract Road identified as Tax Map Parcel 740-768-1098. Based on an independent appraisal, a bona fide offer of \$18,624 was made to and rejected by the owner.

This Board paper directs the County Manager to take the necessary steps to acquire the right-of-way and easements with the right to enter the property upon the filing of a certificate of take and the deposit of \$18,624 in the Clerk's Office of the Henrico County Circuit Court.

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

PUBLIC COMMENTS

GENERAL AGENDA

INTRODUCTION OF ORDINANCE - To Amend and Reordain Section 2-87 of the Code of the County of Henrico Titled "Service charge on returned payments," to Add Another Reason for the Charge.

This Board paper introduces, for advertisement and public hearing on August 10, an ordinance relating to the existing \$35 service charge on returned payments. Currently, this charge is imposed when a payment is returned because: (1) there are insufficient funds in the account; (2) there is no account; or (3) the account has been closed. The proposed ordinance results from 2010 state legislation and also allows the charge to be imposed when a stop-payment order is placed in bad faith and causes the payment to be returned.

INTRODUCTION OF ORDINANCE - To Add Section 20-605 to the Code of the County of Henrico Titled "Prerequisite to issuance or renewal of license," Relating to the Issuance or Renewal of a Business License for Contractors.

This Board paper introduces for advertisement and public hearing on August 10 an ordinance that would require contractors to furnish the County the number of their state license or certificate, or an affidavit setting out their exemption from the licensure or certification requirement, in order to obtain an initial or renewal business license. This amendment is mandated by 2010 state legislation. It was discussed with the Board in a work session on June 22.

INTRODUCTION OF ORDINANCE - To Amend and Reordain Section 20-411 of the Code of the County of Henrico Titled “Enumerated; amount of license tax” and to Add Section 20-414 Titled “Exclusion from gross receipts – Security brokers and dealers,” Relating to Business License Taxation of Security Brokers and Dealers.

This Board paper introduces for advertisement and public hearing on August 10 an ordinance that would exclude, from the taxable gross receipts of security brokers and dealers, amounts paid to independent contractors as commissions on the sale or purchase of a security. This amendment is mandated by 2010 state legislation. It was discussed with the Board in a work session on June 22.

INTRODUCTION OF ORDINANCE – To Amend and Reordain Sections 20-312, 20-313, and 20-691 of the Code of the County of Henrico Titled, Respectively, “Levy; amount,” “Taxation of rental property other than daily rental property,” and “License and payment of tax required; ‘retail merchant’ defined,” All Relating to Short-Term Rental Property Tax.

This Board paper introduces for advertisement and public hearing on August 10 an ordinance that would: (1) clarify that short-term rental property is classified as merchants’ capital, not tangible personal property; (2) permit the County to continue to levy BPOL tax on persons engaged in the short-term rental business; and (3) require such persons be classified as retail merchants for BPOL purposes. This amendment is mandated by 2010 state legislation. It was discussed with the Board in a work session on June 22.

Resolution – Authorization to Accept Grant Funding from the FY2009 State Homeland Security Grant, National Preparedness Directorate, United States Department of Homeland Security, as Managed by the Virginia Department of Emergency Management, for Equipment Purchases.

This Board paper authorizes the County Manager to accept grant funding totaling \$50,000, which does not require any local match, from the FY2009 State Homeland Security Grant, National Preparedness Directorate, U. S. Department of Homeland Security, as managed by the Virginia Department of Emergency Management, to purchase equipment to detect, respond to, and recover from chemical, biological, radiological, nuclear, or explosive incidents.

INTRODUCTION OF ORDINANCE – To Amend and Reordain Sections 4-112 and 4-113 of the Code of the County of Henrico Titled “Application” and “Annual Permit,” Respectively, Relating to Applications for a Music Festival Permit.

This Board paper introduces for advertisement and public hearing on July 13, 2010, an ordinance to allow the Director of Public Safety to consider applications for music festival permits submitted less than 45 days before the date of the festival.

INTRODUCTION OF ORDINANCE - To Amend and Reordain Sections 2-51, 5-1, 5-2, 5-3, 5-4, 5-31, 5-32, 5-36, 5-53, 5-59, 5-61, 5-81, 5-102, 5-133, 5-136, 5-140, 5-141, 5-173, 5-174, 5-175, and 5-179 of the Code of the County of Henrico Titled, Respectively, "Bonds," "Definitions," "Appointment of animal protection supervisor; powers and duties generally," "Animal protection officers," "Disposal of dead animals," "Dogs killing or injuring livestock or poultry," "Compensation for livestock and poultry killed by dogs; false claims," "Control of dangerous or vicious dogs," "Failure to pay tax," "Display of receipt; wearing of collar and tag," "Display of kennel tags; allowing dogs out of kennel," "[Rabies vaccination] Required; certificate," "Sterilization required," "Impoundment generally; holding period," "Redemption of animals," "Voluntary delivery of animal by owner; surrender of owner's rights in animal," "Seizure and impoundment of stolen or unlawfully held dogs or cats," "Confinement or destruction of dogs and cats suspected of having rabies," "Confinement or destruction of biting animals," "Confinement or destruction of dogs or cats bitten by rabid animals," and "Enforcement measures on noncompliance by owner of dog or cat," All to Change the Name of "Animal Protection Officer" to "Animal Protection Police Officer."

This Board paper introduces for advertisement and public hearing on August 10 an ordinance that would change the name of Animal Protection Officers to Animal Protection Police Officers ("APPOs") in several sections of the County Code. The APPOs, who are certified by the State Department of Criminal Justice Services, would be able to enforce State game laws as well as the Comprehensive Animal Laws regarding companion animals, and would have full law-enforcement powers. The ordinance is the result of 2010 legislation that the Board requested.

RESOLUTION - Signatory Authority - Right-of-Way and Easements - North Gayton Road Extension Project - Robert L. White, Jr. - Three Chopt District.

This resolution will authorize and direct the County Manager to execute a Road Project Agreement and Deed and Easement Agreement for the conveyance of right-of-way containing 5,938 sq. ft., a permanent slope and drainage easement containing 2,267 sq. ft., and temporary construction easements containing 668 sq. ft. from Robert L. White, Jr. The right-of-way and easements are needed for the construction of the North Gayton Road Extension Project. The Directors of Public Works and Real Property recommend approval of this resolution.

RESOLUTION - Signatory Authority - Right-of-Way and Easements - North Gayton Road Extension Project - Raleigh R. Cook and Carolyn A. Cook - Three Chopt District.

This resolution will authorize and direct the County Manager to execute a Road Project Agreement and Deed and Easement Agreement for the conveyance of right-of-way containing 2,174 sq. ft., a permanent slope and drainage easement containing 5,262 sq. ft., and a temporary construction easement containing 3,266 sq. ft., from Raleigh R. Cook and Carolyn A. Cook. The right of way and easements are needed for the construction of the North Gayton Road Extension Project. Carolyn A. Cook is employed by the Henrico County Public Library and has not participated, nor will she participate, in her official capacity in this acquisition. The Directors of Public Works and Real Property Department recommend approval of this resolution.

RESOLUTION – Conveyance of Site Development Easements Providing Necessary Services to County-Owned Facilities.

This Board paper authorizes the Board Chairman and Clerk to execute appropriate instruments, in a form approved by the County Attorney, to convey site development easements across County-owned property, including, but not limited to, easements for ingress, egress, utilities, cable, telecommunications, storm water management, and other similar conveyances, that are consistent with the County capital improvement program, involving improvement of County-owned property and that are exempt from the public hearing requirement as set forth in Section 15.2-1800(B) of the Code of Virginia.

On July 22, 1987, the Board approved, by unanimous vote, a similar resolution concerning the conveyance of easements to Virginia Electric & Power Company.

The Directors of Real Property and General Services recommend approval of this Board paper; the County Manager concurs.

RESOLUTION - Award of Construction Contract - Lydell Drive and Jewett Drive Water Main Rehabilitation - Brookland District.

This Board Paper awards a construction contract to R. R. Snipes Construction Co., Inc. in the amount of \$204,788 to replace approximately 1,700 linear feet of 6-inch water piping located along Lydell Drive and Jewett Drive in the Brookland District.

The purpose of the project is to maintain the reliability of the drinking water system by replacing deteriorated cast iron water piping installed in 1968 with ductile iron water piping. The work will begin in August 2010 and will be completed by February 2011. Funding to support the contract is available within the Water and Sewer Enterprise Fund.

Bids were received on June 9, 2010. The bidders and bid amounts are as follows:

| Bidders | <u>Bid Amounts</u> |
|---|---------------------------|
| R.R. Snipes Construction Co., Inc. Ashland, VA | \$204,788.00 |
| Piedmont Construction Company, Inc. Oilville, VA | \$230,717.09 |
| Henry S. Branscome LLC Williamsburg, VA | \$251,971.35 |
| Johnson & Glazier Construction Company, Inc. Prince George, VA | \$257,800.00 |
| Toano Contractors, Inc. Toano, VA | \$268,775.00 |
| Simons Hauling Co., Inc. Richmond, VA | \$269,750.00 |
| Castle Equipment Corporation Richmond, VA | \$271,605.00 |

| | |
|---|--------------|
| Underground Services First Richmond, VA | \$279,183.00 |
| Perkinson Construction, LLC Prince George, VA | \$289,110.00 |
| J. Sanders Construction Company West Point, VA | \$334,050.00 |
| Walter C. Via Enterprises, Inc. West Point, VA | \$485,000.00 |

The Directors of Public Utilities and General Services recommend the Board award the contract to R. R. Snipes Construction Co., Inc., the lowest responsive and responsible bidder, *in the amount of \$204,788.00 and authorize the County Manager, or the Director of General Services as his designee, to execute the contract and change orders not to exceed 15% of the original contract amount. The County Manager concurs.*

RESOLUTION — To Permit Additional Fine of \$200 for Speeding on Snowmass Road and a Portion of Alvarado Road.

Section 46.2-878.2 of the Code of Virginia provides for the imposition of a \$200 fine for speeding, *in addition to other penalties provided by law, when a locality has established a maximum speed limit for a highway in a residence district and the speed limit is indicated by appropriately placed signs. The law requires the Board of Supervisors to develop criteria for the overall applicability for the installation of the signs and to specify application of the law to particular streets before the additional fine may be imposed.*

On February 10, 2004, the Board approved criteria for the County’s Traffic Calming Program.

The County’s Traffic Engineer has collected traffic data and has determined that Snowmass Road between Nuckols Road and Village Run Drive and a portion of Alvarado Road between Michael Road and Anoka Road in the County are experiencing speeding problems and meet the criteria for traffic calming measures set forth in the Traffic Calming Program.

The citizens in the area of these roads requesting the increased fine have collected signatures from 75% of the residents on Snowmass Road and 85% of the residents on Alvarado Road.

The Board paper authorizes the County Manager to place appropriate signs on Snowmass Road between Nuckols Road and Village Run Drive, and a portion of Alvarado Road between Michael Road and Anoka Road warning of an additional fine of \$200 for speeding.

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

RESOLUTION - Acceptance of Roads.

This Board paper would accept the following named and described sections of roads into the County road system for maintenance.

- 1) 0.42 miles of Hillcrest Farms, Section 1. Fairfield District.
- 2) 0.04 miles of Glen Cove – A Resubdivision of Glen Allen Park, Lot 11. Brookland District.

The Director of Public Works and the County Manager recommend approval of this Board paper.