

**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, August 9, 2016, at 6:00 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:

- |                  |   |
|------------------|---|
| 6:00 - 6:30 p.m. | Update on Major Road Improvement Projects |
| 6:30 - 6:45 p.m. | Regular Meeting Agenda Items              |



Barry R. Lawrence, CMC  
Clerk, Henrico County Board of Supervisors  
August 4, 2016

**COUNTY OF HENRICO, VIRGINIA**  
**Henrico County Board Room**  
**Board of Supervisors' Agenda**  
**August 9, 2016**  
**7:00 p.m.**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**APPROVAL OF MINUTES** – July 26, 2016, Regular and Special Meetings

**MANAGER'S COMMENTS**

**BOARD OF SUPERVISORS' COMMENTS**

**RECOGNITION OF NEWS MEDIA**

**PRESENTATIONS**

Proclamation – Preparedness Month – September 2016.

Proclamation – Recovery Month – September 2016.

**APPOINTMENTS/RESIGNATION**

- 173-16            Resolution – Appointment of Members – Community Criminal Justice Board.
- 174-16            Resolution – Resignation of Member – Parks and Recreation Advisory Commission.
- 175-16            Resolution – Appointment of Member – Parks and Recreation Advisory Commission.

**PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMIT**

- 176-16            Boone Homes, Inc.: Request to rezone from R-3C One-Family Residence District  
REZ2016-            (Conditional) to C-1 Conservation District part of Parcel 736-766-7163 containing  
00020            1.019 acres located 700' northeast of the intersection of N. Gayton Road and Bacova  
Three Chopt Drive. The applicant proposes a conservation district. The use will be controlled by  
zoning ordinance regulations. The 2026 Comprehensive Plan recommends  
Environmental Protection Area and Suburban Mixed-Use. The Planning Commission  
voted to recommend the Board of Supervisors **grant** the request.
- 177-16            Welford Properties, LLC: Request to rezone from R-3C One-Family Residence  
REZ2016-            District (Conditional) to C-1 Conservation District part of Parcel 737-766-1902  
00021            containing 1.236 acres located approximately 120' north of Bacova Drive, 2300'  
Three Chopt east of its intersection with N. Gayton Road. The applicant proposes a conservation  
district. The use will be controlled by zoning ordinance regulations. The 2026

Comprehensive Plan recommends Environmental Protection Area, Open Space/Recreation, and Suburban Mixed-Use. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

178-16  
REZ2016-  
00022  
Brookland  
Par 3 Development Group, LLC: Request to rezone from B-2C Business District (Conditional) to C-1 Conservation District part of Parcel 770-767-5189 containing .18 acres located at the northwest intersection of Mountain Road and John Cussons Drive. The applicant proposes a conservation district. The use will be controlled by zoning ordinance regulations. The 2026 Comprehensive Plan recommends Environmental Protection Area and Commercial Concentration. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

179-16  
REZ2016-  
00009  
Three Chopt  
Wellesley LLC: Request to amend proffered conditions accepted with rezoning case C-109C-86 on Parcel 735-759-2130 located at the southwest intersection of Lauderdale and Park Terrace Drives. The applicant proposes to amend Proffer 8 pertaining to the detached signage in an existing shopping center. The existing zoning is B-1C Business District (Conditional). The 2026 Comprehensive Plan recommends Commercial Concentration. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

180-16  
REZ2016-  
00023  
Three Chopt  
Ronald Kody: Request to amend proffers accepted with rezoning case C-14C-87 on Parcel 749-760-0500 located on the south line of W. Broad Street (U.S. Route 250) approximately 450' east of its intersection with Cox Road. The applicant proposes to amend Proffer 4 related to signage. The existing zoning is B-3C Business District (Conditional). The 2026 Comprehensive Plan recommends Urban Mixed-Use. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

181-16  
PUP2016-  
00005  
Three Chopt  
Breakers Sports Grille: Request for a Provisional Use Permit under Sections 24-58.2(d), 24-120, and 24-122.1 of the County Code in order to allow outdoor dining for an existing restaurant in the T.J. Maxx Shopping Center, on part of Parcel 757-756-4724, located approximately 400' southwest of the intersection of W. Broad Street (U.S. Route 250) and Tuckernuck Drive. The existing zoning is B-2 Business District. The 2026 Comprehensive Plan recommends Commercial Arterial. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

## **PUBLIC HEARINGS – OTHER ITEMS**

182-16  
Ordinance - To Repeal and Reserve Section 20-77 of the Code of the County of Henrico Titled “Pollution control equipment and facilities” Because a Local Ordinance Is No Longer Necessary to Establish This Tax Exemption.

183-16  
Resolution - POD-2016-00275 - Approval of a Plan of Development for Firehouse 19 - Three Chopt District.

- 184-16 Ordinance - To Amend and Reordain Section 9-2 of the Code of the County of Henrico Titled “Precincts and polling places” by Creating a New Precinct and Polling Place in the Fairfield District From a Portion of the Highland Gardens Precinct, and Changing the Name of Byrd Precinct in the Tuckahoe District and Updating the Name of Its Polling Place.
- 185-16 Ordinance - Vacation of Building Lot Line - Skipwith Farms Subdivision - Three Chopt District.
- 186-16 Ordinance - Vacation of Drainage and Utility Easement - Beverly Hills Subdivision - Tuckahoe District.

**PUBLIC COMMENTS**

**GENERAL AGENDA**

- 187-16 Resolution – Regarding the Approval of Issuance of Bonds by the Economic Development Authority of the City of Newport News, Virginia for the Benefit of Virginia Baptist Homes, Inc.
- 188-16 Resolution - Award of Construction Contract - East End Depot Facilities - Varina District.
- 189-16 Resolution - Signatory Authority - Henrico Juvenile Detention Home Medical Services Contract.
- 190-16 Resolution – Approval of the FY 2017 and FY 2018 Community Services Board Performance Contract between the Virginia Department of Behavioral Health and Developmental Services and the Henrico Area Mental Health & Developmental Services Board.
- 191-16 Resolution - Signatory Authority - Acquisition of Real Property - 10881 Old Greenwood Road - Brookland District.
- 192-16 Resolution - Acceptance of Roads - Fairfield and Three Chopt Districts.



**COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS' RESUME  
August 9, 2016**

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**PRESENTATIONS**

**PROCLAMATION – Preparedness Month – September 2016.**

The Federal Emergency Management Agency within the U.S. Department of Homeland Security has sponsored National Preparedness Month each September since 2004. National Preparedness Month encourages citizens to prepare for and respond to large-scale emergencies and disasters in their homes, businesses, schools, and communities. This proclamation recognizes September 2016 as Preparedness Month in Henrico County and calls the observance to the attention of all Henrico citizens.

**PROCLAMATION – Recovery Month – September 2016.**

Recovery Month, which is nationally observed each year during the month of September, offers those involved in substance abuse treatment an opportunity to educate citizens, community organizations, public officials, and civic leaders about the effectiveness of substance abuse treatment, from both societal and financial perspectives. This proclamation recognizes September 2016 as Recovery Month in Henrico County and calls upon Henrico residents to acknowledge this year's theme, "Join the Voices for Recovery: Our Families, Our Stories, Our Recovery."

**APPOINTMENTS/RESIGNATION**

**RESOLUTION – Appointment of Members – Community Criminal Justice Board.**

This Board paper appoints the following persons to the Community Criminal Justice Board for terms ending June 30, 2018, or thereafter, when their successors shall have been appointed and qualified:

Jeffrey L. Everhart, an attorney experienced in the defense of criminal matters  
\_\_\_\_\_, citizen representative (Fairfield)

**RESOLUTION – Resignation of Member – Parks and Recreation Advisory Commission.**

This Board paper accepts the resignation of **Michael J. Jones** from the Parks and Recreation Advisory Commission as a representative of the Varina District.

**RESOLUTION – Appointment of Member – Parks and Recreation Advisory Commission.**

This Board paper appoints the following person to the Parks and Recreation Advisory Commission for an unexpired term ending December 31, 2018, or thereafter, when his successor shall have been appointed and qualified:

Varina District            Terrence L. Walker

**PUBLIC HEARINGS – REZONING CAES AND PROVISIONAL USE PERMIT**

REZ2016-00020  
Three Chopt  
Boone Homes, Inc.: Request to rezone from R-3C One-Family Residence District (Conditional) to C-1 Conservation District part of Parcel 736-766-7163 containing 1.019 acres located 700’ northeast of the intersection of N. Gayton Road and Bacova Drive. The applicant proposes a conservation district. The use will be controlled by zoning ordinance regulations. The 2026 Comprehensive Plan recommends Environmental Protection Area and Suburban Mixed-Use. Acting on a motion by Mrs. Marshall, seconded Mr. Leabough, the Planning Commission voted 5-0 (one absent) to recommend the Board of Supervisors **grant** the request because it conforms to the objectives and intent of the County’s Comprehensive Plan.

REZ2016-00021  
Three Chopt  
Welford Properties, LLC: Request to rezone from R-3C One-Family Residence District (Conditional) to C-1 Conservation District part of Parcel 737-766-1902 containing 1.236 acres located approximately 120’ north of Bacova Drive, 2300’ east of its intersection with N. Gayton Road. The applicant proposes a conservation district. The use will be controlled by zoning ordinance regulations. The 2026 Comprehensive Plan recommends Environmental Protection Area, Open Space/Recreation, and Suburban Mixed-Use. Acting on a motion by Mrs. Marshall, seconded by Mr. Leabough, the Planning Commission voted 5-0 (one absent) to recommend the Board of Supervisors **grant** the request because it conforms to the objectives and intent of the County’s Comprehensive Plan.

REZ2016-00022  
Brookland  
Par 3 Development Group, LLC: Request to rezone from B-2C Business District (Conditional) to C-1 Conservation District part of Parcel 770-767-5189 containing .18 acres located at the northwest intersection of Mountain Road and John Cussons Drive. The applicant proposes a conservation district. The use will be controlled by zoning ordinance regulations. The 2026 Comprehensive Plan recommends Environmental Protection Area and Commercial Concentration. Acting on a motion by Mr. Witte, seconded by Ms. Jones, the Planning Commission voted 5-0 (one absent) to recommend the Board of Supervisors **grant** the request because it conforms to the recommendations of the Comprehensive Plan.

REZ2016-00009  
Three Chopt  
Wellesley LLC: Request to amend proffered conditions accepted with rezoning case C-109C-86 on Parcel 735-759-2130 located at the southwest intersection of Lauderdale and Park Terrace Drives. The applicant proposes to amend Proffer 8 pertaining to the detached signage in an existing shopping center. The existing zoning is B-1C Business District (Conditional). The 2026 Comprehensive Plan recommends Commercial Concentration. Acting on a motion by Mrs. Marshall, seconded by Ms. Jones, the Planning Commission voted 5-0 (one absent) to recommend the Board of Supervisors **grant** the request because the changes do not greatly reduce the original intended purpose of the proffers and it is not expected to adversely impact surrounding land uses in the area.

REZ2016-00023  
Three Chopt  
Ronald Kody: Request to amend proffers accepted with rezoning case C-14C-87 on Parcel 749-760-0500 located on the south line of W. Broad Street (U.S. Route 250) approximately 450' east of its intersection with Cox Road. The applicant proposes to amend Proffer 4 related to signage. The existing zoning is B-3C Business District (Conditional). The 2026 Comprehensive Plan recommends Urban Mixed-Use. Acting on a motion by Mrs. Marshall, seconded by Mr. Witte, the Planning Commission voted 5-0 (one absent) to recommend the Board of Supervisors **grant** the request because the changes do not greatly reduce the original intended purpose of the proffers and it is not expected to adversely impact surrounding land uses in the area.

PUP2016-00005  
Three Chopt  
Breakers Sports Grille: Request for a Provisional Use Permit under Sections 24-58.2(d), 24-120, and 24-122.1 of the County Code in order to allow outdoor dining for an existing restaurant in the T.J. Maxx Shopping Center, on part of Parcel 757-756-4724, located approximately 400' southwest of the intersection of W. Broad Street (U.S. Route 250) and Tuckernuck Drive. The existing zoning is B-2 Business District. The 2026 Comprehensive Plan recommends Commercial Arterial. Acting on a motion by Mrs. Marshall, seconded by Mr. Witte, the Planning Commission voted 5-0 (one absent) to recommend the Board of Supervisors **grant** the request because the conditions should minimize the potential impacts on surrounding businesses and it is reasonable in light of the surrounding uses and existing zoning on the property.

## **PUBLIC HEARING – OTHER ITEMS**

### **ORDINANCE – To Repeal and Reserve Section 20-77 of the Code of the County of Henrico Titled “Pollution control equipment and facilities” Because a Local Ordinance Is No Longer Necessary to Establish This Tax Exemption.**

This ordinance repeals and reserves Section 20-77 of the County Code. Because the tax exemption for pollution control equipment and facilities is now established by state law, a local

ordinance is no longer necessary to establish the exemption. Therefore, this ordinance repeals and reserves the County Code section that has been rendered unnecessary.

**RESOLUTION - POD-2016-00275 - Approval of a Plan of Development for Firehouse 19 - Three Chopt District.**

This Board paper is for Board of Supervisors' approval of a plan of development, as required by Sections 24-11(b) and 24-106 of the Henrico County Code, to construct Firehouse 19, a new, one-story, 11,000 square foot fire station with a 943 square foot mezzanine and a 741 square foot detached shop building, and to authorize a 637 square foot future building expansion for additional living quarters. The 4.37-acre site is located at the northwest corner of the intersection of Kain Road and North Gayton Road on parcel 736-769-8821. The property is zoned A-1, Agricultural District and R-2AC, One-Family Residence District (Conditional).

The Department of Planning has coordinated the review of the plan of development with all County departments and has held a meeting with the project engineer and appropriate representatives from the Department of General Services, the Department of Public Works, the Department of Public Utilities, the Division of Fire, the Division of Police, and the Department of Building Construction and Inspections. All design issues raised during the review of the project have been resolved.

The Director of Planning recommends approval of the plan of development, subject to the staff recommendations, the staff plan dated August 9, 2016, and the conditions listed in the Board paper, and the County Manager concurs.

**ORDINANCE – To Amend and Reordain Section 9-2 of the Code of the County of Henrico Titled “Precincts and polling places” by Creating a New Precinct and Polling Place in the Fairfield District From a Portion of the Highland Gardens Precinct, and Changing the Name of Byrd Precinct in the Tuckahoe District and Updating the Name of Its Polling Place.**

This ordinance makes two changes to the County's precincts and polling places.

In the Fairfield District, the ordinance would create a new precinct out of a portion of the current Highland Gardens Precinct. The new precinct would be called “Essex Village Precinct” and its polling place would be the Essex Village Community Center.

In the Tuckahoe District, the ordinance would update the name of the polling place for Byrd Precinct from “Byrd Middle School” to “Quioccasin Middle School” because the name of the school was changed by the Henrico County School Board effective July 1, 2016. In keeping with the new name, the ordinance would also change the name of the precinct to “Quioccasin Precinct.”

The Electoral Board recommended both changes at its meeting on June 17, 2016.

**ORDINANCE - Vacation of Building Lot Line - Skipwith Farms Subdivision - Three Chopt District.**

This ordinance will vacate the building lot line along the side of Lot 22, Block H, Section A of the Skipwith Farms subdivision. The owner, Janet S. Arnett, executor of the Estate of Sally S. Smith, deceased, requested the vacation in order to construct an attached garage.

The Real Property Department has processed this request through the Departments of Planning, Public Utilities, and Public Works without objection; the County Manager concurs.

**ORDINANCE - Vacation of Drainage and Utility Easement - Beverly Hills Subdivision - Tuckahoe District.**

This Board paper will vacate a drainage and utility easement along the side lot line of Lot 5, Block J, Section E of the Beverly Hills subdivision. The owners, Mevludin Selimovic and Refija Selimovic, wish to construct a detached garage that would encroach on the easement, and the County has no need for the easement.

The Real Property Department has processed the vacation request through the Departments of Planning, Public Utilities, and Public Works without objection.

**PUBLIC COMMENTS**

**GENERAL AGENDA**

**RESOLUTION - Regarding the Approval of Issuance of Bonds by the Economic Development Authority of the City of Newport News, Virginia for the Benefit of Virginia Baptist Homes, Inc.**

This Board paper approves the issuance of bonds in an amount not to exceed \$104 million by the Economic Development Authority of the City of Newport News to assist Virginia Baptist Homes, Inc., d/b/a LifeSpire of Virginia, a nonstock, not-for-profit Virginia corporation (“Virginia Baptist Homes”). The bonds will refinance current debt for Virginia Baptist Homes’ facilities located in Henrico in the Tuckahoe District (Lakewood Manor) and affiliate locations in Culpeper and Newport News. The bonds also will refund bonds issued in 2006 by the Henrico EDA and by the Peninsula Ports Authority. By resolution approved following a public hearing on July 21, 2016, the Henrico EDA recommended the Board approve the issuance of the bonds. Because Lakewood Manor is located in Henrico County, state and federal law require that the Board adopt a resolution approving the issuance of the bonds and concurring with the Newport News EDA’s resolution. This Board paper shall become effective on the approval of the issuance of the bonds by both the Newport News EDA and the Newport News City Council, which will consider the request on August 5 and August 9, respectively.

**RESOLUTION - Award of Construction Contract - East End Depot Facilities - Varina District.**

This Board paper awards a construction contract to Brooks & Co. General Contractors, Inc. for the construction of three structures at 438 Dabbs House Road. The first structure is a 3,559 square foot open canopy addition to the existing truck storage building to store spreaders. The second structure is a new 4,117 square foot open canopy structure to store spreaders. The third structure is a new 4,500 square foot enclosed building to store sand. Construction is anticipated to begin in September 2016 and to be completed by March 2017.

The County received three bids on July 26, 2016, in response to Invitation to Bid No. 16-1212-6JK and Addendum No. 1 as follows:

<b>Bidder</b>	<b>Total Bid Amount</b>
Brooks & Co. General Contractors, Inc.	\$1,506,200
Century Construction Company, Inc.	\$1,570,650
Kenbridge Construction Company, Inc.	\$1,670,000

The Board Paper awards a contract for \$1,506,200 to Brooks & Co. General Contractors, Inc., the lowest responsive and responsible bidder. It also authorizes the County Manager, or the Purchasing Director as his designee, to execute change orders not to exceed 15% of the original contract amount. Funding will be provided from the Department of Public Works budget.

The Director of General Services, Director of Public Works, and Purchasing Director recommend approval of this Board paper, and the County Manager concurs.

**RESOLUTION - Signatory Authority - Henrico Juvenile Detention Home Medical Services Contract.**

This Board paper authorizes the County Manager to sign a contract between MCV Associated Physicians on behalf of its Department of Pediatrics and the County on behalf of the Juvenile Detention Home. Through this agreement, the Department of Pediatrics will provide a licensed physician for medical services at the Detention Home. The physician will visit the Detention Home weekly and at other times if called by the Superintendent or an Assistant Superintendent.

The term of the contract is for five years beginning July 1, 2016, and terminating June 30, 2021. The base compensation in year one is \$15,360, and will increase by \$420 each year thereafter, for a total base compensation of \$81,000. In addition, the County will pay \$100

per hour for unscheduled visits to the Detention Home. Funds for year one of the contract are available in the 2016-17 budget.

This Board paper is recommended by the Superintendent of the Detention Home. The County Manager concurs.

**RESOLUTION – Approval of the FY 2017 and FY 2018 Community Services Board Performance Contract between the Virginia Department of Behavioral Health and Developmental Services and the Henrico Area Mental Health & Developmental Services Board.**

Virginia Code § 37.2-508 provides that a performance contract negotiated between the Virginia Department of Behavioral Health and Developmental Services (the Department) and the Henrico Area Mental Health & Developmental Services Board (HAMHDS) is to serve as the primary accountability and funding mechanism between the Department and HAMHDS. Section 37.2-508 further provides that the performance contract is to be submitted by HAMHDS for approval by formal vote of the governing body of each political subdivision that established HAMHDS.

Under the terms of § 37.2-508, the performance contract must:

- delineate the responsibilities of the Department and HAMHDS;
- specify conditions that must be met for the receipt of state-controlled funds;
- identify the groups of consumers to be served with state-controlled funds;
- contain consumer outcome, provider performance, consumer satisfaction, and consumer and family participation measures;
- contain mechanisms jointly developed with the Department to manage the utilization of state hospital beds;
- establish an enforcement mechanism should HAMHDS fail to comply with the contract; and
- include reporting requirements and revenue, cost, service and consumer information in a format determined by the Department.

On May 6, 2016, the Department provided to HAMHDS a Letter of Notification setting out the amount of state and federal funding that would be available to HAMHDS during FY 2017, and HAMHDS and the Department negotiated a FY 2017 and FY 2018 Community Services Board Performance Contract. HAMHDS approved the FY 2017 and FY 2018 Community Services Board Performance Contract on July 28, 2016, and recommended it to the Boards of Supervisors of Henrico, Charles City, and New Kent Counties, the three political subdivisions that established it.

The FY 2017 and FY 2018 Community Services Board Performance Contract submitted for approval by this Resolution is based on the requirements of § 37.2-508, on the FY 2016-2017

budget approved by this Board on April 26, 2016, on the Letter of Notification to HAMHDS for FY 2017, and on local contributions approved by the Charles City County Board of Supervisors and the New Kent County Board of Supervisors.

**RESOLUTION - Signatory Authority - Acquisition of Real Property - 10881 Old Greenwood Road - Brookland District.**

This Board paper authorizes the County Manager to sign the purchase agreement and any other documents necessary to acquire a one acre parcel at 10881 Old Greenwood Road from Old Greenwood Road Properties, LLC for the future extension of Woodman Road. The purchase price is \$113,100, its assessed value.

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

**RESOLUTION - Acceptance of Roads - Fairfield and Three Chopt Districts.**

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

- 1) 0.54 mile of Concept Road 143 - A Dedication of Magnolia Farm Road and Hightower Drive and a Portion of Scott Road – Fairfield District.
- 2) 0.12 mile of Duncan Park at Sadler Walk, Section 1 and a Resubdivision of Lots 6, 7, 8, and a Portion of Lot 9 of McDonald’s Small Farms – Three Chopt District.
- 3) 0.12 mile of Foxhall, Section 8 – Three Chopt District.

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