

**COUNTY OF HENRICO, TO-WIT:**

At a regular meeting of the Board of Supervisors of Henrico County, held in the Board Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia, on Tuesday, the 27<sup>th</sup> of November 2007, at the hour of 7:00 p.m.

**MEMBERS OF THE BOARD PRESENT**

The Honorable James B. Donati, Jr., Chairman  
The Honorable David A. Kaechele, Vice-Chairman  
The Honorable Richard W. Glover, Brookland District Supervisor  
The Honorable Patricia S. O'Bannon, Tuckahoe District Supervisor  
The Honorable Frank J. Thornton, Fairfield District Supervisor

**OTHER OFFICIALS PRESENT**

Mr. Virgil R. Hazelett, P.E., County Manager  
Mr. Joseph P. Rapisarda, Jr., County Attorney  
Col. Merle H. Bruce, Jr., Undersheriff  
Mr. Barry R. Lawrence, Clerk  
Mr. George T. Drumwright, Jr., Deputy County Manager for Community Services  
Ms. Angela N. Harper, FAICP, Deputy County Manager for Special Services  
Mr. Harvey L. Hinson, Deputy County Manager for Community Development  
Mr. Leon T. Johnson, Deputy County Manager for Administration  
Department Heads and Key Officials

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The meeting was called to order by the Chairman at 7:04 p.m.

Mr. Donati led the Board, staff, and public in reciting the Pledge of Allegiance.

George T. Drumwright, Jr., Deputy County Manager for Community Services, provided the invocation.

Mrs. O'Bannon advised that since there were a few sentences in the minutes that could be changed or added as a way of comment and she had a question, she was requesting a deferral of the minutes to the next meeting. In response to a question by Mr. Kaechele, she explained that there were a couple of phrases and sentences that she thought would be good to add for clarification. Mrs. O'Bannon stated that Mr. Lawrence agreed but thought it was better to make the additions and then have the minutes go through the process again for public information.

On motion of Mrs. O'Bannon, seconded by Mr. Kaechele, the Board deferred the minutes of the November 13, 2007 Regular and Special Meetings to December 11, 2007.

The vote of the Board was as follows:

Aye  
James B. Donati, Jr.  
David A. Kaechele  
Richard W. Glover  
Patricia S. O'Bannon  
Frank J. Thornton

Nay

### **MANAGER'S COMMENTS**

M. Janet Palmer will begin working in the County Attorney's Office as an Assistant County Attorney on December 3, 2007. Ms. Palmer obtained her Bachelor of Science degree in Nursing from the Medical College of Virginia/Virginia Commonwealth University in 1980 and her law degree from Wayne State University School of Law in 1985. She has worked for the Richmond law firm Harrell & Chambliss since 1992, where her practice has focused on the defense of insurance companies and their insureds in personal injury litigation. Ms. Palmer currently serves as a member of the Virginia State Bar Council, the governing body of the legal profession in Virginia, and is a Past President of the Virginia Association of Black Women Attorneys and an alumna of the Leadership Metro Richmond Class of 2001.

### **BOARD OF SUPERVISORS' COMMENTS**

Mr. Donati recognized the following Boy Scouts who were observing the meeting to fulfill a requirement for the Citizenship in the Community Merit Badge: Will Jarrett from Troop 444, sponsored by Reveille United Methodist Church; Paul Adam, Pierce Ramsey, and Adam Turner from Troop 531, sponsored by Emmanuel Episcopal Church; Eric Cauthorne, Jacob Perry, Ryan Phaup, Issac Sikkar, Zachary Sikkar, and Michael Williams from Troop 700, sponsored by Duncan Memorial United Methodist Church; Nathan Dunham, Dean Holloway, Sean Livingston, Tyler Obaugh, Cole Trexler, and Ridge Shumate from Troop 706, sponsored by Saint Peter's United Methodist Church; Oscar Chow from Troop 715, sponsored by Three Chopt Presbyterian Church; Charlie Canova from Troop 720, sponsored by Mount Vernon Baptist Church; Eric Gertz and Stephen Scipione from Troop 736, sponsored by St. Michael Catholic Church; and Ryan Morris from Troop 772, sponsored by Discovery United Methodist Church.

### **RECOGNITION OF NEWS MEDIA**

Mr. Donati recognized Will Jones of the *Richmond Times-Dispatch* and Jamie Rife of WWBT-TV 12.

### **PUBLIC HEARINGS - REZONING CASE AND PROVISIONAL USE PERMIT**

370-07 C-52C-07 Varina	Gray Land and Development Company - Tree Hill, LLC: Request to conditionally rezone from A-1 Agricultural District and M-2 General Industrial District to UMUC Urban Mixed Use District (Conditional), part of Parcel 797-706-5048, containing 530.9 acres, located between the James River and the west line of Osborne Turnpike and Old Osborne Turnpike, generally located between McCoul Street and the intersection of New Market Road and Osborne Turnpike.
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On motion of Mr. Kaechele, seconded by Mr. Thornton, the Board deferred this item to December 11, 2007.

The vote of the Board was as follows:

<u>Aye</u>	<u>Nay</u>
James B. Donati, Jr.	
David A. Kaechele	
Richard W. Glover	
Patricia S. O'Bannon	
Frank J. Thornton	

371-07      Gray Land and Development Company - Tree Hill, LLC: Request for a  
P-17-07      Provisional Use Permit under Sections 24-32.1(a), 24-32.1(b), 24-32.1(e), 24-  
Varina      32.1(g), 24-32.1(k), 24-32.1(l), 24-32.1(m), 24-32.1(p), 24-32.1(r), 24-32.1(t),  
24-32.1(u), 24-32.1(v), 24-32.1(w), 24-34.1(c), and 24-122.1 of Chapter 24 of  
the County Code, related to a Master Plan for The Town of Tree Hill Urban  
Mixed Use development and to permit certain uses and exceptions to permitted  
height, density, and design for uses within the proposed UMU, on part of Parcel  
797-706-5048, containing 530.9 acres, located between the James River and the  
west line of Osborne Turnpike and Old Osborne Turnpike, generally located  
between McCoul Street and the intersection of New Market Road and Osborne  
Turnpike.

On motion of Mr. Kaechele, seconded by Mr. Thornton, the Board deferred this item to December 11, 2007.

The vote of the Board was as follows:

<u>Aye</u>	<u>Nay</u>
James B. Donati, Jr.	
David A. Kaechele	
Richard W. Glover	
Patricia S. O'Bannon	
Frank J. Thornton	

#### **PUBLIC HEARINGS - OTHER ITEMS**

376-07      Resolution - To Amend the Henrico 2010 Land Use Plan to Designate the Tree Hill  
Farm Site as an Urban Mixed Use Development Area.

On motion of Mr. Kaechele, seconded by Mrs. O'Bannon, the Board deferred this  
item to December 11, 2007.

388-07      Ordinance - Property Tax Exemption - Virginia Blood Services.

In response to a question from Mr. Kaechele, Acting Director of Finance John A. Vithoulkas clarified that the ordinance would grant a full property tax exemption effective January 1, 2008 with the first payment due in June 2008.

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

On motion of Mr. Kaechele, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 388-07 – see attached Ordinance.

389-07

Ordinance - To Amend and Reordain Section 10-32 Titled "Definitions," Section 19-2 Titled "Definitions," Section 19-52 Titled "Application for approval," Section 19-118 Titled "Reserved," Section 24-3 Titled "Enumerated," Sec. 24-70.1 Titled "Provisional uses permitted," Section 24-95 Titled "Additional requirements, exceptions and modifications" and Section 24-106.1 Titled "Development and land disturbing activities within the 100-year floodplain" of the Code of the County of Henrico, All to Revise County Zoning Requirements to Maintain County Eligibility for the Federal Flood Insurance Program.

In response to a question from Mr. Thornton, Senior Assistant County Attorney J. Thomas Tokarz advised that citizens could get more information regarding this matter after this meeting from floodplain maps maintained by Chief Design Engineer Samuel W. Amos, Jr. in the Department of Public Works, by accessing specific provisions of the ordinance on the County's web site, and by calling a toll free number or accessing a web site offered by the federal agency to provide answers to questions on the National Flood Insurance Program. In response to a question from Mr. Kaechele, Mr. Tokarz explained that the ordinance would benefit citizens by allowing them to obtain federally subsidized flood insurance at favorable rates, enabling them to continue obtaining Federal Housing Administration (FHA) and Veteran's Administration (VA) assisted loans, and continuing to reduce their flood risk damages. In response to questions from Mrs. O'Bannon, Mr. Tokarz confirmed that the County must participate in the National Flood Insurance Program for other federal agencies to provide federal loan assistance to County citizens, that the ordinance would not prohibit the construction of accessory buildings in floodplain areas as long as certain setback requirements and design standards are met, and that new houses cannot be built in floodplain areas under the existing ordinance and could not be built in flood plain areas under the proposed ordinance. In response to another question from Mrs. O'Bannon, Mr. Amos advised that in order to get building permits for accessory structures in floodplain areas citizens would have to show that the structures are designed properly so as to withstand hydrostatic pressures from flood waters rising and hydrodynamic pressures from moving water. In response to further questions from Mrs. O'Bannon, Mr. Tokarz clarified that federal regulations now require that the definition of damaged building and substantial improvements be based on the market value of the structure prior to the flood damage. He further explained that if the County does not maintain its participation in the National Flood Insurance Program it is possible lenders will be contacting existing loan holders

about getting alternate insurance. Consequently, the existing mortgage holders and new applicants who need loans are protected under the National Flood Insurance Program.

During the public hearing, the following 11 persons addressed the Board:

- Gail Rivers with the West End Manor Civic Association expressed concerns about how the regulations would affect residents in the floodplain who wish to add a room to their existing home and about sedimentation in the lake at West End Manor resulting from construction in the area allowed by the County. At Mr. Hazelett's request, Mr. Tokarz explained how repairs to a structure in a floodplain damaged by a natural disaster are addressed by both the County's ordinance and a 2005 amendment to the State Code. The amount of reconstruction and repair is based on the amount of damage to the structure itself. Mr. Tokarz noted that the change from square footage to market value has been driven by federal regulations. Mr. Tokarz clarified for Mrs. O'Bannon and Mrs. Rivers that a damaged home could be reconstructed to the same square footage as existed before the damage. Mr. Glover pointed out that no homes in West End Manor are located within a floodplain. Mrs. Rivers stated further concerns that staff had not been directing answers to the questions that were being asked by citizens.

Mr. Hazelett said that in going through this process, the County was trying to provide the maximum level of insurability to its citizens. He noted that the majority of homes constructed since 1981 have not been permitted to be built in a floodplain and that the floodplains, which were developed at the federal level, are not going to change. He said the question was whether to adopt the ordinance to provide assistance to citizens or not adopt it and have the potential for mortgages to have insurability problems or not be available to individuals on a resell. Mr. Hazelett pointed out the County had been going through this process for two years to try to comply with the federal regulations and to provide benefits to those citizens who could be impacted by reducing the federal flood insurance costs as much as possible. Mr. Tokarz commented further on the benefits for citizens of the County's participation in the Federal Flood Insurance Program. Mrs. Rivers suggested that an article be placed in the newspaper educating the 10,000 citizens who reside in a floodplain on why they should look into getting flood insurance now.

Mr. Hazelett responded to Mrs. Rivers' concerns about lake sedimentation and clarified that private lakes are the responsibility of individual property owners and homeowners associations. He stated that Henrico County could not remove the sedimentation from the lake but could offer other assistance.

After consulting with the Director of Planning, Mr. Tokarz clarified that improvements to an existing structure in a floodplain damaged by a natural

disaster only have to meet statewide building code requirements if the value of the improvements do not exceed 50 percent of the home's market value. If the value of the improvements exceeds 50 percent of the home's market value, the improvements have to meet the federal standards requiring the entire structure to have the lowest floor at least one foot above the base flood elevation.

Mr. Thornton noted his special sensitivity to living on a lake and suggested that the time may come in the future to look at having the County adopt a policy addressing sedimentation in private lakes. He observed that citizens did not put the sedimentation there but that it is a result of topographical features, climatic conditions, and water flow. This puts citizens in an awkward position. Mr. Hazelett responded that manmade lakes are private amenities restricted to certain citizens and that although this issue is something he can discuss with the Board there are a number of concerns he would have.

- Charles Reed, a resident of 8603 River Road, wanted to ensure that recreational facilities could still be built in a floodplain. Mr. Tokarz explained the specific provision specifically dealing with recreational uses. He noted that permanent improvements would require approval of the Federal Emergency Management Agency (FEMA). There was discussion by Mr. Tokarz, Mr. Hazelett, Mrs. O'Bannon, Mr. Donati, and Mr. Reed regarding the types of outdoor recreational uses that FEMA would approve. David Gunn, an engineer with the Virginia Department of Conservation and Recreation's flood management program, elaborated on requirements for development within a floodplain and the types of uses that would need FEMA approval. He responded to further questions from Mr. Reed about the standards for construction of free standing structures in a floodplain. Mr. Tokarz clarified that an outdoor recreational use would not be considered a residential structure.
- T. Porter Schermerhorn, a resident of 2802 Battery Avenue, expressed concerns about his land being affected by the County's newly defined floodplain and his skyrocketing assessments. He indicated that he would like to see his property reassessed if the ordinance were approved. Mr. Schermerhorn questioned the accuracy of the aerial photography of his property and contended that the floodplain identified on his land is overblown. He asked for deferral of a decision on the ordinance so affected property owners could be organized to defend their property interests. Mr. Schermerhorn also wanted to find out if the County had intentions to purchase his land for a drainage ditch, sewer pumping station, or water line extension. Mr. Hazelett assured Mr. Schermerhorn that he or other members of the County staff would get back in touch with Mr. Schermerhorn regarding any County plans involving his property.

- William Kitchens, a resident of 10407 Walbrook Drive, stated that FEMA had arbitrarily raised the 100-year floodplain on his property. He acknowledged that Cabin Creek runs behind his property and becomes a river when it floods but contended that it has never come up to his house. Mr. Kitchens asked that the County relocate a drainage ditch on an extra lot next to his house so that he can make use of the property. He also voiced concerns that this unimproved land is almost valueless because of the drainage ditch and floodplain. Mr. Kitchens said he took offense with FEMA for raising the floodplain. He also expressed concern that County building and planning agencies would provide no leeway in interpreting the regulations if the ordinance is passed and cited an example of how existing regulations were narrowly applied when he recently constructed an addition to his house. Mr. Hazelett advised Mr. Kitchens that County staff would be more than happy to look at his unimproved lot to see what can be done with it. In response to a question from Mr. Donati, and at Mr. Hazelett's request, Mr. Tokarz briefly reviewed the process for appealing floodplain designations for specific pieces of property. Mr. Tokarz confirmed for Mrs. O'Bannon that the property owner must hire an engineer to provide the necessary engineering data in the application submitted to FEMA.
- Christine Couturier, a resident of 9141 Rigney Terrace, told the Board that the new floodplain will go right through the middle of her house, which backs up to Echo Lake Park and was constructed three years ago. She questioned the legitimacy of the floodplain designation for her property and said she needed answers about elevation certificates and related matters. Mr. Amos noted that the floodplain study was done with current engineering methods by a FEMA contractor and was reviewed and approved by FEMA. He advised that he could help Ms. Couturier with the elevation certificates. Mr. Hazelett elaborated on the floodplain designation process and how changing technology has affected it. He noted the complexity of the process. In response to further concerns raised by Ms. Couturier, Mr. Hazelett stated that individuals who feel their property value has been diminished because of the floodplain designation can appeal their assessments and staff can assist them in pursuing this appeal. Mrs. O'Bannon pointed out that real estate assessment notices going out in the next few months will have appeals information. Director of Public Works E. Lee Priestas noted that the mapping and ordinance update being considered was done statewide as part of FEMA's mapping modernization program. He further noted that the original FEMA maps developed in 1981 are not as detailed or accurate as the current maps. Ms. Couturier concluded her comments and questions by stating that Echo Lake only rose ten feet during Gaston.
- Sam Atkinson, a resident of 1 Lorraine Station Road, expressed concerns that the proposed ordinance was unclear, that many experts in the County administration were uncertain as to what would be permitted under the

ordinance, and that citizens could not get answers to their questions. He also contended that unnecessary restrictions in the ordinance would deny Henrico property owners valuable rights to improve their parcels, would reduce Henrico property values when prospective buyers learn about the ordinance and the uncertainty for future improvements, would diminish Henrico County's residential tax base, and are not required to make federal flood insurance available or federal flood insurance rates lower. He urged the Board to postpone a decision until December 11 to allow additional time to study the ordinance and to get additional public input from property owners who were learning that flood insurance could be available with fewer restrictions. Mr. Atkinson asked that the proposed ordinance be revised and clarified and said that he was confused by various provisions of the ordinance and had experienced difficulty getting consistent answers from professionals in the Henrico administration. He voiced further concerns that the minutes from the Planning Commission hearing were still not available so the public did not have the opportunity to review those proceedings. Mr. Atkinson stated that he was still unclear as to whether accessory buildings would have to be set back from the floodplain and whether the lowest floor would have to be above the base flood level.

Mrs. O'Bannon pointed out that Mr. Atkinson's entire property has been in the floodplain since 1981 and since he has owned the property. Mr. Atkinson voiced concern that provisions contained in the proposed ordinance not required by FEMA would restrict many new property owners. Mrs. O'Bannon commented that these slightly extra requirements on an undeveloped piece of property would decrease the amount of insurance that people would have to pay across the board. In response to her comment, Mr. Tokarz clarified that the major additional requirement over the FEMA minimum is the prohibition on new residential construction in a floodplain. He pointed out that this prohibition would not be a change but was currently in effect. He explained how this prohibition would allow the County to apply for participation in the community rating system to provide for a decrease in federal flood insurance premiums. Mr. Atkinson argued that a home constructed on an elevated foundation in a floodplain is no more at risk of flood damage than a home constructed at the same elevation elsewhere. He reiterated his request that citizens be provided with more certainty before this issue is decided. In response to a question from Mr. Kaechele, Mr. Atkinson explained how Henrico's Code requirements are stricter than many other Virginia localities. Mrs. O'Bannon clarified that Henrico property owners who reside in a floodplain can develop their property if they bring in fill dirt. Mr. Atkinson characterized this as an impractical and costly solution and one that could have an undesirable impact on neighboring properties. He spoke to the Cochran court decision and the fact that it has strictly limited the ability of local boards of zoning appeals to issue variances for property owners in Mr. Atkinson's situation. He commented that his property is zoned A-1 and does not really impact anybody else, and that he is denied the freedom to build there and offer an improved residential property to



the Henrico tax base. Mrs. O'Bannon reiterated that when Mr. Atkinson bought the property he could not build on it. Mr. Atkinson elaborated again on the impact of the Cochran decision.

- Missy DeConti, a realtor who was representing a property owner, questioned why property owners have to bear the cost of hiring a licensed engineer to file an elevation certificate as part of the process of appealing a floodplain designation to FEMA and how long the engineer's survey will be recognized by FEMA. There was discussion by Ms. DeConti and Mr. Amos about the elevation certificate requirements and how FEMA can use the elevation certificate to remove a building from the floodplain. Ms. DeConti also questioned the accuracy of the Geographic Information System (GIS) data base. Mr. Hazelett stated he did not feel it was the obligation of the County to expend public funds for the benefit of determining whether an individual parcel is in or not in the floodplain. He noted that the County was proposing to consider passing an ordinance to assist those persons who have property or their dwellings in a floodplain by participating in an insurance program. In response to further comments by Ms. DeConti about the cost burden on taxpayers, Mr. Hazelett reiterated that FEMA is putting out these maps and the County is trying to assist its residents in the ability to have insurance to protect their mortgages as well as their property. He agreed to have someone from the County staff provide her with information on filing an appeal with FEMA. Mr. Priestas offered further explanation as to the County's participation in FEMA's map modernization project.
- Alex Skidmore, a resident of 2 Lorraine Station Road, asked if there were any public or private organizations, including insurance companies, which lobbied the County for more stringent restrictions than those required by FEMA. He suggested that the County should have a liaison to interact with citizens on issues regarding the proposed ordinance. Mr. Tokarz briefly explained how the proposed ordinance was drafted and noted that no substantive change had been made to the existing ordinance. In response to a question from Mrs. O'Bannon and further comments from Mr. Skidmore, Mr. Hazelett elaborated on the history of the County's 1981 floodplain ordinance and the rationale for the Board's decision at that time to not permit the building of single-family residential units in the floodplain. He noted why the Board had not changed its position on this prohibition. Mrs. O'Bannon joined Mr. Hazelett in explaining that the County participated with FEMA to ensure that the maps were as accurate as possible.
- Sylvia Hoehns-Wright, the owner of Hoehns Lake Reservoir, characterized her property as a good benchmark to use in relation to the effect of the flooding that is going on in that area of the County because of the property's relatively undisturbed state. She made a slide presentation on Hoehns Lake Reservoir, Open Space Habitat vs. Affect of Urban Development (see enclosed copy). Ms. Hoehns-Wright noted that she had recently solicited a habitat type classification

for the property and put it under one of the State's new open space scenic easements. She explained the functions of the property over the years. It currently serves primarily as a natural habitat. Ms. Hoehns-Wright commented how the property has been stressed by cumulative development over the years and on the steps she has privately taken to control flood water in the lake so that it operates like a reservoir. She said she did not think it was quite right for a private property land owner to try and accommodate this for a community as a whole. Ms. Hoehns-Wright expressed concerns about the impact of open drainage pipes and road construction on lake sedimentation and pollution. She showed examples of environmentally sensitive alternative forms of building that can retain water on the property and that could be used in the County.

In response to a question from Mr. Kaechele, Mr. Hazelett clarified that the County would be adopting floodplain maps by reference with the passage of this ordinance. Mr. Priestas explained the role of the informal informational meetings that were held throughout the County a couple of years ago as part of the initial FEMA 90-day public comment period.

- John Goldhammer, a resident of 9407 Emmett Court, asked whether his previous Letter of Map Amendment (LOMA) from FEMA that removed his property from the floodplain was still valid and whether his flood insurance rates will increase now that his property has been placed once again in the floodplain. Mr. Tokarz responded that Mr. Goldhammer's insurance rates will not increase because the rates will be those in effect at the time the new maps become effective on December 18, 2007. Mr. Amos responded that some LOMAs were rescinded by FEMA and some were carried forward. He suggested that Mr. Goldhammer give him a call relating to this question.

At Mr. Hazelett's request, Mr. Goldhammer repeated his earlier question to the Board regarding the status of his LOMA. In response to an additional question from Mr. Goldhammer, Mr. Tokarz clarified that Mr. Goldhammer's flood insurance rate will not go down if his property is placed in the floodplain under the new maps and if his LOMA is not rescinded but his rate will not go up as it would if he did not have insurance and he then had the status of his lot changed from out of the floodplain to in the floodplain.

- Laura Dranoff asked for comments from Mr. Gunn on water directed from an approved development to a neighboring property. Mr. Gunn distinguished between flood insurance laws and floodplain development laws addressing 100-year floodplain storms and other laws dealing with smaller, more frequent 10-year storms. There was brief discussion by Ms. Dranoff, Mr. Gunn, and Mr. Hazelett regarding enforcement of these laws. Ms. Dranoff raised concerns about County engineers approving plans knowing that water is being directed to a neighboring property owner. There was discussion between Ms. Dranoff and Mr. Hazelett regarding the status of grading a County right-of-way, previously identified as a non-functioning ditch, which has been directing stormwater to

her lot. She contended that the Board was insulating itself from accepting liability for damage to her home resulting from a construction incident paid for by County taxpayers. Mr. Hazelett advised Ms. Dranoff that approval and implementation of the drainage system was not the responsibility of the Board. Ms. Dranoff concluded her remarks by stating that none of the Board members had responded to an e-mail she had copied them on a couple of weeks ago and questioned whether any of them had concerns for her problem. Mr. Hazelett clarified that this was a public meeting in reference to floodplains. He apologized to Ms. Dranoff and promised to look into her situation.

- Mr. Atkinson addressed the Board again in follow up to questions he had asked during his earlier remarks. He said there had appeared to be some conflicting statements about the criteria required for the construction of an accessory building to a residence located in a floodplain. Mr. Atkinson asked what restrictions this ordinance would have on construction of a new accessory building on property in a flood hazard area, for an explanation of the requirement of elevating the lower floor of this accessory structure above the base flood level, and whether there would be any requirements for setbacks from a flood hazard area. Mr. Tokarz advised that he and Mr. Atkinson had been e-mailing each other for the past couple of days, and that Mr. Atkinson had sent an e-mail that afternoon asking about a new attached garage and whether it was permitted on a parcel that has an existing two-story residence. After noting that the answer to the question was complicated, Mr. Tokarz read the answer he had given Mr. Atkinson and said he would be glad to meet with Mr. Atkinson to go over the details. Mr. Tokarz said that one could build a detached garage on a parcel with an existing two-story residence as long as the requirements of Sections 24-95(i) (2) and 24-106.1 of the ordinance are met.

Mr. Atkinson responded that there did not seem to be an answer available for a very simple question and he just wanted to know how this ordinance would define the lowest floor of the accessory building and whether there would be any requirements for setbacks from the flood hazard area. He agreed that the ordinance was very complicated then stated that he believed the citizens of the County deserved an ordinance they could understand without having to consult with Mr. Tokarz or other experts. He again asked the Board to defer a decision on the ordinance until a subsequent meeting and to make some further attempts to clarify and simplify it. Mr. Tokarz clarified that the setback requirements were contained in Section 24-95(i)(2) and suggested that Mr. Atkinson meet with Mr. Amos and him to address the individual circumstances related to Mr. Atkinson's property. He again elaborated on how this was not an easy subject or simple process. Mrs. O'Bannon commented that she had found in talking to a half dozen or so citizens that each case had individual characteristics. She had advised these citizens to talk to Mr. Amos as their questions were very specific. Mrs. O'Bannon had concluded that each individual case should be taken on its own merits. Mr. Atkinson expressed appreciation to Mr. Tokarz for his willingness to help with this project but

indicated he did not feel citizens could depend on Mr. Tokarz, no matter how generous he intended to be with his time, to have the time to deal with all of these individual circumstances.

Mr. Atkinson read a paragraph from the Chesterfield County Code relating to residential construction in a floodplain area that he cited as being a lot simpler and clearer than Henrico's ordinance. In response to further concerns expressed by Mr. Atkinson and at Mrs. O'Bannon's request, Mr. Tokarz defined lowest floor and explained the lowest floor provisions addressed by Section 24-3 of the County's proposed ordinance.

- Mr. Schermerhorn addressed the Board again to seek clarification as to whether the County was serving as the proxy for FEMA in order to assist County residents. Mr. Priestas reiterated the County's participation in FEMA's map modernization project to provide more definitive and accurate information for the County and its citizens. He also reiterated that the ordinance, as previously indicated by Mr. Tokarz, would benefit County citizens by getting subsidized insurance and mortgage information. Mr. Priestas pointed out that the floodplains would have been there whether the County participated or not.

Mr. Hazelett responded to a series of follow-up questions from Mr. Schermerhorn regarding the County's role in the floodplain regulatory process, the process citizens must follow in trying to change floodplain maps, and the number of layers of decisions that needed to be passed through in order to overturn FEMA floodplain designations. Mr. Hazelett clarified that citizens must comply with the County's regulations but could make their appeals directly to FEMA with the County's help.

Mr. Hazelett advised that should the Board wish to give consideration to passing this matter he had a substitute ordinance. The only difference between the original ordinance recommended by the Planning Commission and the substitute ordinance was that the substitute included technical comments from the Virginia Department of Conservation and Recreation and from FEMA since the Planning Commission's action.

In response to a question from Mrs. O'Bannon, Mr. Hazelett explained that if the Board did not pass this ordinance the FEMA maps would go into effect on December 18, the County's existing ordinance would remain in effect, and the issue of the provision of floodplain insurance and mortgages to citizens would be impacted.

Mr. Thornton asked if there was any rush or whether the County was under any mandate to take action at this meeting and whether the County would be affected adversely by waiting until December 11. Mr. Hazelett noted that the Board had given a year and half for the opportunity for citizen input and also noted that this ordinance had been reviewed with FEMA and the State for compliance. He

recognized that although this was difficult technically for citizens to understand there was a process the County must go through for the protection of all Henrico citizens. Mr. Hazelett pointed out that the maps were not going to change. What was before the Board was simply a continuation of what was already in existence with clarification to meet the federal standards to provide the ability of citizens to be protected with the flood insurance program. Mr. Hazelett did not think that he or staff would recommend anything different to the Board on December 11. Mr. Thornton commented that he had raised the question because if the Board was on the right path and this was in the best interest of the citizens he did not see where an additional period of time so they could have a little more clarity would be deleterious. Mr. Hazelett responded that all staff could do in the period of time before December 11 would be to meet individually with citizens to clarify the proposed ordinance and maps. He did not think this would make a difference to the citizens in this room as far as what the Board was going to do because he felt the Board was going to provide the best possible protection for the citizens of the County.

In response to questions from Mr. Kaechele, Mr. Hazelett confirmed that the maps would go into effect on December 18 regardless of what the Board did and that the changes from the old ordinance to the new ordinance primarily involved terminology. He acknowledged that terminology is the most difficult thing for citizens, engineers, and staff to understand.

On motion of Mr. Kaechele, seconded by Mr. Glover, the Board approved Mr. Kaechele's motion to substitute ordinance 389A-07 for ordinance 389-07. The vote of the Board was as follows:

<u>Aye</u>	<u>Nay</u>
James B. Donati, Jr.	
David A. Kaechele	
Richard W. Glover	
Patricia S. O'Bannon	
Frank J. Thornton	

On motion of Mrs. O'Bannon, seconded by Mr. Kaechele, and by unanimous vote, the Board approved Agenda Item No. 389A-07 – see attached Substitute Ordinance.

390-07

Ordinance - To Amend and Reordain Section 24-3 titled "Enumerated" and Section 24-104 titled "Signs" of the Code of the County of Henrico to allow for additional signage within regional shopping centers.

David D. O'Kelly, Assistant Director of Plan Review and Code Support, provided a Power Point presentation on this proposed amendment (see enclosed copy). He described and gave examples of regional shopping centers, summarized the reason for the proposed amendment, offered a definition of a detached sign, reviewed the two main components of the proposed amendment, and showed the criteria for and

examples of detached and directional signs. In response to questions from Mr. Kaechele, Mr. O'Kelly clarified that a directional sign could include only one user as well as multiple users and that the same height and width requirements would apply in both cases.

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

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 390-07 – see attached Ordinance.

391-07

Ordinance - To Amend and Reordain Section 24-34 Titled "Development standards" and Section 24-95 Titled "Additional requirements, exceptions and modifications" of the Code of the County of Henrico, To Permit Construction of Certain Mixed Use Structures in the Special Flood Hazard Areas in the Urban Mixed Use District.

Randall R. Silber, Director of Planning, narrated a Power Point presentation on the proposed ordinance amendment. He reviewed current County Code provisions and the specific requirements of the proposed amendment. In response to a question from Mr. Hazelett, Mr. Silber pointed out that a substitute ordinance had been prepared to clarify that the structure or any portion of the structure would have to be within 300 feet of the James River. In response to questions from members of the Board, Mr. Silber confirmed that the ordinance would apply to Urban Mixed Use (UMU) districts along the James River and explained that the James River flows at a slower pace than other rivers such as the Chickahominy so that there is adequate time for residents to be notified in case there is a need to evacuate.

Mr. Reed asked for clarification of the acronym UMU and whether this ordinance was specifically just for Rocketts Landing. In responding, Mr. Hazelett stated that the ordinance would be for any development along the James River that could meet the criteria. There was brief discussion by Mr. Donati, Mr. Hazelett, and Mrs. O'Bannon concerning how the spread of the floodplain would likely restrict the ordinance to the area of the James where Rocketts Landing is located. In response to a question from Mr. Kaechele, Mr. Hazelett and Mr. Silber noted that the UMU addressed by this ordinance must contain at least 40 residential units and 20 acres.

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

Mr. Hazelett advised that he had prepared a substitute ordinance, which contained two differences from the original ordinance recommended by the Planning Commission. The substitute included technical comments received from the Virginia Department of Conservation and Recreation and FEMA since the Planning Commission's action and addressed the Board's question at the November 13, 2007 work session about the distance of the structure, as opposed to the property, from the James River.

On motion of Mr. Kaechele, seconded by Mrs. O'Bannon, the Board approved Mr. Kaechele's motion to substitute ordinance 391A-07 for ordinance 391-07. The vote of the Board was as follows:

Aye  
James B. Donati, Jr.  
David A. Kaechele  
Richard W. Glover  
Patricia S. O'Bannon  
Frank J. Thornton

Nay

On motion of Mr. Kaechele, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved Agenda Item No. 391A-07 – see attached Substitute Ordinance

392-07      Ordinance – Vacation of Right-of-Way - West Broad Street Gardens – Brookland District.

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

On motion of Mr. Glover, seconded by Mr. Kaechele, and by unanimous vote, the Board approved Agenda Item No. 392-07 – see attached Ordinance.

### **PUBLIC COMMENTS**

Brian Wenk, a resident of the Brookland District, raised questions and concerns regarding the method of sewage disposal at Elko Middle School, the acquisition of right-of-way to provide public sewer in that area of the County, the recent use of his private road by County school buses, and ongoing flooding problems on his property. Mr. Hazelett explained the need to move ahead with the school project and to pump and haul sewage from that location until the sewer line was completed. He also acknowledged that the sewer line was designed to serve the entire watershed, and not just a portion thereof, and that future development would be allowed to connect to portions of the line. Mr. Hazelett advised Mr. Wenk that staff could provide him with the identity of the property owners from whom the County purchased property rights to construct the line. Mr. Hazelett further responded that staff would be glad to take up Mr. Wenk's concerns about the school bus issue with the school division.

### **GENERAL AGENDA**

393-07      Introduction of Resolution – Receipt of Requests for Amendment to the FY 2007-08 Annual Fiscal Plan: December, 2007.

Col. Henry W. Stanley, Jr., Chief of Police, responded to a question from Mrs. O'Bannon relating to the cost of reimbursement to the County by the United States Department of Justice for bullet proof vests by noting that these vests cost \$650 a piece.

On motion of Mr. Kaechele, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 393-07 – see attached Introduction of Resolution.

- 394-07      Resolution - Signatory Authority - Award of Contract - Fourmile Creek Trunk Sewer Rehabilitation - 60" Sewer Replacement - Charles City Road to Darbytown Road - Contract 6A Project.

In response to questions from Board members, Director of Public Utilities Arthur D. Petrini advised that the engineer's estimated cost of the project was \$9.1 million, that four more miles of the project would be completed in segments, and that a parallel line is being built beside the existing line. In response to further questions from Mr. Kaechele, Mr. Petrini explained the logistics of installing the new line and abandoning the existing line.

On motion of Mr. Thornton, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved Agenda Item No. 394-07 – see attached Resolution.

- 395-07      Resolution - Signatory Authority, Amendment to Engineering Services Agreement - Whitman, Requardt and Associates, LLP - Fourmile Creek Sewage Pumping Station.

In response to a question from Mr. Donati, Mr. Petrini confirmed that this pumping station is located off of Route 5.

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 395-07 – see attached Resolution.

- 396-07      Resolution – Award of Contract – Engineering Services, Skipwith Elementary and Nelson Property Stream Restoration Project.

In response to questions from Board members, Mr. Priestas stated that the estimated timeframe for the design phase for both projects was about one year, the total estimated construction costs for both projects were estimated at \$1.3 to \$1.5 million, and money for both projects was available in the environmental fund.

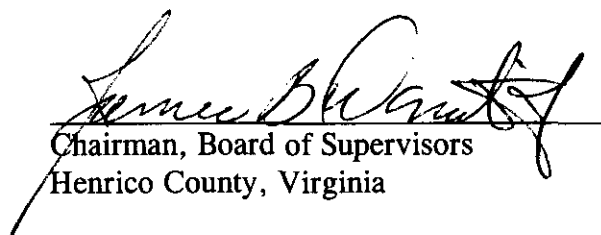
On motion of Mr. Kaechele, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved Agenda Item No. 396-07 – see attached Resolution.

- 397-07      Resolution – Acceptance of Roads.

On motion of Mr. Kaechele, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved Agenda Item No. 397-07 – see attached Resolution.



There being no further business, the meeting was adjourned at 10:06 p.m.



Chairman, Board of Supervisors  
Henrico County, Virginia



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 388-07  
Page No. 1 of 2

Agenda Title: ORDINANCE –Property Tax Exemption – Virginia Blood Services

For Clerk's Use Only: Date: <u>NOV 27 2007</u> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:	<b>BOARD OF SUPERVISORS ACTION</b> Moved by (1) <u>Kaechele</u> Seconded by (1) <u>Glover</u> (2) _____ (2) _____ REMARKS: <b>APPROVED</b>	<table><thead><tr><th></th><th>YES</th><th>NO</th><th>OTHER</th></tr></thead><tbody><tr><td>Donati, J.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Glover, R.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Kaechele, D.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>O'Bannon, P.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Thornton, F.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr></tbody></table>		YES	NO	OTHER	Donati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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WHEREAS, Virginia Blood Services ("VBS") has asked the Board of Supervisors of Henrico County (the "Board") to exempt from taxation, pursuant to Article X, § 6(a)(6) of the Constitution of Virginia, its real property located at 2825 Emerywood Parkway in the Three Chopt District and used by it for charitable purposes, namely, to provide on a non-profit basis human blood products and services for Virginia patients; and,

WHEREAS, the 2007 assessed value of the property was \$8,797,600 (\$1,569,200 land and \$7,228,400 new building) generating \$29,373.81 in 2007 tax revenue, and the estimated 2008 revenue is \$76,539.12; and,

WHEREAS, the provisions of § 58.1-3651 of the Code of Virginia of 1950, as amended, have been examined and considered by the Board; and,

WHEREAS, the County Manager, following the Board's November 23, 2004 procedures for reviewing tax exemption requests, has determined that VBS meets the minimum statutory requirements for this request; and,

WHEREAS, the Board has held an advertised public hearing on VBS' request.

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

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Routing: Yellow to: Finance Certified: \_\_\_\_\_  
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Date: \_\_\_\_\_

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

Agenda Item No.

388-07

Page No. 2 of 2

**Agenda Title: ORDINANCE –Property Tax Exemption – Virginia Blood Services**

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NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. Pursuant to Article X, § 6(a)(6) of the Constitution of Virginia and § 58.1-3651 of the Code of Virginia, the Board grants VBS, a non-profit organization, a tax exemption for its real property located at 2825 Emerywood Parkway in the County and used by it for charitable purposes, namely, to provide on a non-profit basis human blood products and services for Virginia patients.

2. In accordance with the Board's procedures for reviewing tax exemption requests, VBS' real estate tax exemption shall expire on January 1 following the third anniversary of the date on which this exemption is granted unless VBS files a form with the Director of Finance certifying, under oath, that its exempt property still meets the requirements of the Board's resolution approved on November 23, 2004 and of state law. If VBS fails to file the form by that date or otherwise fails to make proper certification, as determined by the Director of Finance, its tax exemption shall expire.

3. The Clerk of the Board is directed to forward an attested copy of this ordinance to the Acting Director of Finance of the County and to Louis Matherne, Chief Financial Officer of VBS.

4. This ordinance shall take effect on January 1, 2008.

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



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 389A-07  
Page No. 1 of 1

Agenda Title: ORDINANCE - To Amend and Reordain Section 10-32 Titled "Definitions," Section 19-2 Titled "Definitions," Section 19-52 Titled "Application for approval," Section 19-118 Titled "Reserved," Section 24-3 Titled "Enumerated," Sec. 24-70.1 Titled "Provisional uses permitted," Section 24-95 Titled "Additional requirements, exceptions and modifications" and Section 24-106.1 Titled "Development and land disturbing activities within the 100-year floodplain" of the Code of the County of Henrico, All to Revise County Zoning Requirements to Maintain County Eligibility for the Federal Flood Insurance Program.

For Clerk's Use Only: Date: <u>NOV 27 2007</u> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:	<p>Bring forward to approve</p> <p>BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>Kaechele</u> Seconded by (1) <u>Glover</u> (2) <u>O'Bannon</u> (2) <u>Kaechele</u></p> <p>REMARKS: <b>APPROVED</b></p>	<table><thead><tr><th></th><th>YES</th><th>NO</th><th>OTHER</th></tr></thead><tbody><tr><td>Donati, J.</td><td><input checked="" type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td></td></tr><tr><td>Glover, R.</td><td><input checked="" type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td></td></tr><tr><td>Kaechele, D.</td><td><input checked="" type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td></td></tr><tr><td>O'Bannon, P.</td><td><input checked="" type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td></td></tr><tr><td>Thornton, F.</td><td><input checked="" type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td></td></tr></tbody></table>		YES	NO	OTHER	Donati, J.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		Glover, R.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		Kaechele, D.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		O'Bannon, P.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		Thornton, F.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
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The Board of Supervisors of Henrico County approved the attached Ordinance.

Comments: The Planning Commission recommended approval of this ordinance.

By Agency Head Randall R. Silber By County Manager David P. Hays

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Certified:  
A Copy Teste: \_\_\_\_\_  
Clerk, Board of Supervisors

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AN ORDINANCE to amend and reordain Section 10-32 titled "Definitions," Section 19-2 titled "Definitions," Section 19-52 titled "Application for approval," Section 19-118 titled "Reserved," Section 24-3 titled "Enumerated," Sec. 24-70.1 titled "Provisional uses permitted," Section 24-95 titled "Additional requirements, exceptions and modifications" and Section 24-106.1 titled "Development and land disturbing activities within the 100-year floodplain" of the Code of the County of Henrico, all to revise County zoning requirements to maintain County eligibility for the Federal Flood Insurance Program.

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

1. That Section 10-32 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 10-32. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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*100-year floodplain* means the base special flood hazard area as defined by in section 24-106.1 3.

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2. That Section 19-2 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 19-2. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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**Floodplain means any land area susceptible to being inundated by water from any source.**

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3. That Section 19-52 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 19-52. Application for approval.**

The subdivider shall provide the following information with the application for conditional approval of a preliminary plat:

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(2) *Preliminary plat.* The preliminary plat shall show the proposed layout of streets, lots and other features in relation to existing topography. The preliminary plat shall have a horizontal scale of 100 feet to the inch or other scale approved by the director of planning, and it shall be prepared by a registered professional engineer, certified landscape architect or registered land surveyor authorized to do business in the state. The plat shall clearly show the following:

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f. The topography at vertical intervals of at least two feet; the location of physical features, such as buildings, stream, drainage ditches, floodplains, wetlands and Chesapeake Bay Preservation Areas; **data showing base flood elevations as defined in section 24-3**; features of the property controlled by proffered conditions; and other information required by article II of chapter 10, chapter 18, chapter 23 and chapter 24.

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4. That Section 19-118 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 19-118. Reserved. Development in special flood hazard area. If the property is in a special flood hazard area as defined in section 24-3, the proposed development must provide adequate drainage and locate and construct all public utilities and facilities to minimize or eliminate flood damage.**

5. That Section 24-3 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 24-3. Enumerated.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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**Base flood.** A flood having a one percent chance of being equaled or exceeded in any given year.

**Base flood elevation.** The water surface elevation of the base flood as shown on either the most recent Federal Emergency Management Agency Flood Insurance Rate Map or Flood Insurance Study or on the county's most recent comprehensive drainage study map, whichever is higher. The county engineer may amend the county's comprehensive drainage study map at any time upon review of additional engineering studies of floodplain areas. For areas without mapped base flood elevations, the developer shall use the 100-year flood elevations and floodway information from federal and state sources, if available, or, when such information is not available, flood elevations derived from sufficiently detailed hydrologic and hydraulic computations by a professional engineer who certifies the correct use of currently-accepted technical concepts.

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**Floodplain** means any land area susceptible to being inundated by water from any source.

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**Special flood hazard area.** The special flood hazard areas are designated as Zones A and AE on the most recent Flood Insurance Study or the Federal Emergency Management Agency Flood Insurance Rate Map, effective December 18, 2007, both of which are hereby incorporated by reference, or as floodplain on the county's most recent comprehensive drainage study map. In case of any conflict, the higher base flood elevation shall control. Any changes to the special flood hazard areas as delineated on the most recent Flood Insurance Study or the Federal Emergency Management Agency Flood Insurance Rate Map must be approved in advance by the Federal Insurance Administration.

6. That Section 24-70.1 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 24-70.1. Provisional uses permitted.**

(b) Additional standards required for all class A sludge storage facilities:

(3) The elevation of the lowest part of the storage facility berm shall not be less than the ~~100-year floodplain, or the flood of record, whichever is greater.~~ **base flood elevation.**

7. That Section 24-95 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 24-95. Additional requirements, exceptions and modifications.**

(i) *Buildings and projections in yards.* The following buildings, parts of buildings and uses may occupy or project into required minimum yards as indicated:

(2) *In a rear yard of a one-family or semidetached dwelling.* Any accessory use or detached accessory building or structure is permitted subject to the following:

d. The buildings or structures shall be located not less than ten feet from all street and alley lines, not less than three feet from all other lot lines unless otherwise provided by this chapter (see also subsection (k) of this section), and shall not be located within any county easements, ~~except that such~~ **However, a** buildings and **or** structures may be located within a ~~100-year floodplain~~ **special flood**



~~hazard area~~ or drainage and utility easements in the 100-year floodplain special flood hazard area, provided ~~if~~ they are it is located so as not to ~~not~~ interfere with the design, construction, operation or maintenance of any existing or planned facilities~~y~~ located or planned to be located therein. Interference shall be as determined by the director of the department responsible for these facilities~~y~~.

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f. Any accessory swimming pools, open and unenclosed, may occupy a required rear yard, provided they are located not less than ten feet from the nearest point of the principal building, not less than ten feet from any street or alley, not less than six feet from the rear lot line or less than ten feet from a side lot line measured from an interior pool wall (see also subsection (k) of this section), and ~~may are~~ not be located within any county easement, ~~except that such pools.~~ However, an accessory swimming pool may be located within a 100-year floodplain special flood hazard area or drainage and utility easements in the 100-year floodplain special flood hazard area, provided ~~if~~ they are it is located so as not to ~~not~~ interfere with the design, construction, operation or maintenance of any existing or planned facilities~~y~~ located or planned to be located therein. Interference shall be as determined by the director of the department responsible for these facilities~~y~~.

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(t) ~~Inundated land~~ Floodplain area not to be used in density calculations. Notwithstanding anything contained in other provision of this chapter, ~~to the contrary, no~~ bodies of water (lakes, ponds), ~~or land~~ submerged land (other than wetlands), or subject to inundation as determined by title 24 of the National Flood Insurance Act of 1968, as amended, or the maximum elevation reached by floodwater of record, or the flood level as determined by the U.S. Corps of Engineers, or the county engineer, whichever is greater, and land within the special flood hazard area shall ~~not~~ be used to calculate the density for in calculations of the number of dwelling units permitted in any residential district, and every lot must satisfy minimum lot size requirements exclusive of such areas.

(u) *Special yard and additional regulations for any lot used for dwelling purposes and having lot area in a base special flood hazard area (100-year floodplain):*

(1) *New dwellings:*

a. No new dwelling or manufactured home may be located within the ~~base~~ **special** flood hazard area ~~as defined in section 24-106.1(b) of this chapter.~~

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c. The elevation of the lowest floor, as defined in section 24-106.1(b) ~~of this chapter,~~ for any new dwelling or manufactured home, ~~when located nearer to the base flood hazard area than the minimum rear yard depth otherwise required for the lot,~~ shall be one foot above the base flood elevation **if it is located closer to the special flood hazard area than the minimum rear yard depth required for the lot.**

(2) *Existing nonconforming dwellings.* ~~Notwithstanding the provisions of section 24-8 of this chapter, a~~ Any dwelling or manufactured home legally constructed prior to January 11, 1989, ~~and located within the base~~ **special** flood hazard area ~~or too closer to the base~~ **special** flood hazard area **than the minimum rear yard depth required for the lot** ~~as provided in subsection (u)(1)b. above, and to be improved or which is damaged to an extent exceeding 50 percent of its then reproduction value, may be improved, restored or reconstructed~~ **as provided in section 24-8,** ~~provided such improvement, restoration or reconstruction is in accordance with section 24-106.1 and any other requirements of this chapter.~~

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8. That Section 24-106.1 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 24-106.1. Development and land disturbing activities within the 100-year floodplain special flood hazard area.**

(a) *Purposes.*

- (1) To prevent development and land disturbing activities ~~in the county~~ from increasing flood or drainage hazards.
- (2) To protect new buildings and major improvements to buildings from flood damage.
- (3) To protect human life and health from the hazards of flooding.
- (4) To lessen the burden on taxpayers for future flood and drainage control projects, repairs to flood-damaged public facilities and utilities and flood rescue and relief operations.

(5) To make federally subsidized flood insurance available for property within the county.

(b) *Definitions.* As used in this section, the following words and phrases shall have the meanings respectively ascribed to them by this subsection:

~~*Base flood elevation.* The elevation of the 100-year floodplain as defined by the flood insurance study for the county, Federal Insurance Administration, August, 1980, as it may be amended or the county comprehensive drainage study map, whichever is higher. For purposes of this section, unless designated otherwise, the elevation shall be taken from that map which is used to ascertain the "base flood hazard area" as defined herein.~~

~~*Base flood hazard area.* That real property in the county lying within the contours of the 100-year floodplain which has the highest elevation as shown on the flood insurance study for the county, Federal Insurance Administration, August, 1980, as it may be amended or the county comprehensive drainage study map. The determination of any base flood hazard area may be revised by the county engineer where natural or manmade changes have occurred and/or more detailed studies have been conducted by the United States Army Corps of Engineers or other qualified agency or individual and such studies support the change; provided, however, that prior to any such change resulting from an amendment to the flood insurance study of the county, Federal Insurance Administration, August, 1980, approval must be obtained from the Federal Insurance Administration.~~

*County comprehensive drainage study map.* The most recently revised map approved by and maintained by the county engineer designating the 100-year floodplain in the county or portion thereof.

*Damaged or destroyed buildings.* A damaged or destroyed building or structure is one which has had more than 50 percent of its usable flood space destroyed for which the cost of restoring the building or structure to its pre-damage condition would equal or exceed 50% of the market value of the building or structure before the damage occurred.

*Developer.* Any person who is responsible in any way for any "development" as defined herein in this section.

*Development.* Any manmade change to improved or unimproved real estate, including, but not limited to, the construction of buildings, manufactured homes, and or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials; provided, that agricultural and horticultural activities which do not result in a change of the contour of the real estate shall be excluded from this definition.

*Floodway.* The channel of a river or other watercourse and the adjacent land areas shown on the most recent Flood Insurance Study or Federal Emergency Management Agency Flood Insurance Rate Map that must be reserved from encroachment in order to discharge a base flood without cumulatively increasing the water surface elevation of the flood by more than one foot.

*Lowest floor.* The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this section or other applicable codes and ordinances.

**Recreational vehicle.** A vehicle which is (a) built on a single chassis, (b) 400 square feet or less when measured at the largest horizontal projection, (c) designed to be self-propelled or permanently towable by a light duty truck, and (d) designed primarily as temporary living quarters for recreational, travel, camping or seasonal use.

*Substantial improvement.* Any improvement or addition to a building or structure which increases the usable square footage of such building or structure by more than 50 percent. **Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. The term includes structures that have incurred damage of any origin for which the cost of restoring the structure to its pre-damage condition would equal or exceed 50% of the market value of the structure before the damage occurred. The term does not include work to correct existing violations of state or local requirements to insure safe living conditions or alterations that do not change the official designation of historic structures.**

(c) *Permit--Required; application.* No developer may commence any development within a base **special** flood hazard area without first **applying for and** obtaining a permit from the county engineer. All applications for permits from the county engineer and all building permits for development in the special flood hazard area shall state the elevation of the lowest floor for all structures to be elevated or the elevation to which the structure will be floodproofed. **Before issuing a permit for development in the special flood hazard area, the county engineer shall determine that the developer has obtained all necessary state and federal permits.** Application for the permit shall be made ~~upon forms provided by the county engineer.~~

(d) *~~Same~~Permit--Criteria for issuance.* **The county engineer may not issue a** ~~No permit may be issued for any development within the base **special** flood hazard area unless the county engineer finds that each of the following criteria, as each may be **when** applicable, is met:~~

(1) The development will not (i) cause a rise in the base flood elevation **or (ii) reduce the flood carrying capacity of any watercourse, drainage ditch, or other drainage facility or system.** This requirement may be satisfied by the developer's providing compensating channels, provided the plans for each such compensating area are first approved by the county engineer.

(2) If **For** new buildings or structures ~~are to be included in the development, the elevation of the lowest floor of such building or structure (including basement) shall be a minimum of one foot above the base flood elevation.~~

(3) If ~~For~~ substantial improvements to existing buildings or structures ~~are to be included in the development~~, the elevation of the lowest floor (including basement) ~~of such improvements shall be a minimum of one foot above the base flood elevation.~~

(4) If the development involves construction of a dam or other structure for the purpose of impounding water, then the permit shall be issued only if the county engineer finds ~~upon finding~~ that the effect upon the base flood elevation above the dam will not endanger human life or property, and The county engineer must also find that the dam or structure, at a minimum, shall be will be designed and constructed in accordance with the requirements of the Virginia Dam Safety Act, sections 10.1- 604 et seq. of the Code of Virginia, ~~tit. 62.1, as it may be amended~~, and regulations promulgated pursuant thereto, and ~~such any additional rulings requirements~~ of the county engineer ~~as may be necessary in order to minimize hazards below the dam resulting from possible failure of the dam failure.~~

(5) If electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities are to be installed, they shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(6) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are useable solely for parking, building access or storage that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, ~~or must meet or exceed the following minimum criteria:~~

~~(i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.~~

~~(ii) The bottom of all openings shall be no higher than one foot above grade.~~

~~(iii) Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.~~

(7) New construction complies with the specific requirements of the Uniform Statewide Building Code and its incorporated standards for construction in special flood hazard areas. All new construction and substantial improvements shall (a) be designed (or modified) and adequately anchored to prevent flotation, collapse and lateral movement of the structure resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy, and (b) be conducted by methods and practices that minimize flood damages.

(8) The developer has obtained all permits required by federal and state law.

**(9) There are no encroachments, including fill, new construction, substantial improvements or other development within the floodway unless (a) hydrologic and hydraulic analysis performed in accordance with standard engineering practices show the encroachment will not result in any increase in flood levels in the county during a base flood and (b) the encroachment is approved by the Federal Emergency Management Agency.**

**(10) New and replacement water supply systems are designed to minimize or eliminate infiltration of floodwaters into the systems.**

**(11) New and replacement sanitary sewage systems are designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters. Onsite waste disposal systems are located to avoid impairment to them or contamination during flooding.**

(e) *Repair, replacement or reconstruction of damaged or destroyed buildings.* No repair, replacement or reconstruction of a damaged or destroyed building or structure may occur without complying with the provisions of this section which are **requirements of this section** applicable to new buildings or structures.

(f) *Plans required.* All applications for approval by the planning commission of plans of development under this chapter or subdivisions under chapter 19 for real property having in excess of five acres, in excess of 50 lots or an upstream drainage area of more than five acres shall include a topographic map setting forth base flood elevation data in a form acceptable to the county engineer. **If the property is in a special flood hazard area, the proposed development must provide adequate drainage and locate and construct all public utilities and facilities to minimize or eliminate flood damage.**

(g) *Alteration or relocation of watercourse; notification.* Prior to approving any alteration or relocation of a watercourse within the base flood **elevation shown on the most recent Federal Emergency Management Agency Flood Insurance Rate Map** hazard area as shown on the flood insurance study for the county, Federal Insurance Administration, August, 1980, as it may be amended, the county engineer shall notify the state water control board **Virginia Department of Conservation and Recreation and the Federal Insurance Administration** and, if an adjacent city or county borders on the affected watercourse, the county engineer shall also notify such county or city. The county engineer shall submit copies of such notification to the administrator of the Federal Insurance Administration. The county engineer shall not approve such alteration or relocation unless the flood-carrying capacity of the watercourse, as altered or relocated, is maintained.

(h) *Variance.* No variance shall be granted for any development within the **special** flood hazard area that will cause:

- (1) Any increase in the flood levels during the **a 400-year base** flood;
- (2) Additional threats to public safety;
- (3) Extraordinary public expense;
- (4) Create a **Nuisances**;

- (5) Cause ~~f~~ Fraud or victimization of the public; or
- (6) Conflicts s with other ordinances.

Variances shall only be issued after the board of zoning appeals has determined that the variance will be the minimum relief necessary to alleviate the hardship. A record of all variance actions, including justification for their issuance, shall be maintained and any variances which are issued shall be noted in the annual biennial report submitted to the Federal Insurance Administrator. The board shall notify the applicant in writing that a variance to construct a structure below the base flood elevation (a) increases the risk to life and property and (b) will result in increased rates for flood insurance.

(i) *Recreational vehicles.* Recreational vehicles placed within the special flood hazard area must either:

- (1) be on the site less than 180 consecutive days and be fully licensed and ready for highway use, or
- (2) meet permit requirements for placement and the elevation and anchoring requirements for manufactured homes, as set forth in the Uniform Statewide Building Code and its incorporated standards, as amended.

A recreational vehicle is ready for highway use if it is on wheels or a jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(j) *Recreational uses.* Outdoor recreational uses, such as parks, tennis courts, and boat launching areas, located within the special flood hazard area may not increase the base flood elevation and may not include the erection of a permanent structure unless the structure is approved by the Federal Emergency Management Agency.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No.

390-07

Page No. 1 of 3

Agenda Title: **ORDINANCE - To Amend and Reordain Section 24-3 titled "Enumerated" and Section 24-104 titled "Signs" of the Code of the County of Henrico to allow for additional signage within regional shopping centers**

For Clerk's Use Only: Date <u>NOV 27 2007</u> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to	<b>BOARD OF SUPERVISORS ACTION</b> Moved by (1) <u>O'Bannon</u> Seconded by (1) <u>Thornton</u> (2) _____ (2) _____ REMARKS: <b>APPROVED</b>	<table><thead><tr><th></th><th>YES</th><th>NO</th><th>OTHER</th></tr></thead><tbody><tr><td>Donati, J.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Glover, R.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Kaechele, D.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>O'Bannon, P.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Thornton, F.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr></tbody></table>		YES	NO	OTHER	Donati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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ORDINANCE - To Amend and Reordain Section 24-3 titled "Enumerated" and Section 24-104 titled "Signs" of the Code of the County of Henrico to allow for additional signage within regional shopping centers

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

1. That Section 24-3 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 24-3 Enumerated.**

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**Sign, monument.** A detached sign that is either: 1) a solid structure made of brick, stone, concrete or similar durable type of material; or 2) constructed on or connected directly to a solid supporting foundation made of brick, stone, concrete or similar durable type of material, with no separation between the sign and the base. The width of the base shall be at least 90% of the width of the sign.

By Agency Head

Ronald R. Albright

By County Manager

David R. Hays

Routing:

Yellow to:

Planning

Copy to:

Certified:

A Copy Teste:

Clerk, Board of Supervisors

Date:





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

Agenda Item No. **390-07**  
Page No. **2 of 3**

2. That Section 24-104 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 24-104. Signs.**

(l) Signs permitted in the B-3 business districts.

(5) Shopping Centers.

**a.** In a shopping center as ~~defined~~ **described** in section 24-101, one detached sign not exceeding 100 square feet in area, limited in height to 25 feet, identifying the shopping center and announcing only the name and/or location of the shopping center. When on a corner lot, two detached signs shall be permitted; provided, that the signs are at least 75 feet apart and the aggregate total of the two signs shall not exceed 150 square feet. In no case shall either of the two signs exceed 100 square feet.

No detached sign shall be placed within 150 feet of any R district when the R district is located on the same side of the street as the sign.

**b.** Attached and projecting signs in a shopping center **as described in section 24-101** as follows:

**a. 1.** The aggregate total sign areas shall not exceed four square feet of sign area for each front foot of building.

**b. 2.** All individual business signs shall be attached to or made **integral integrated** with the principal building.

**c. 3.** Where the building lot line adjoins an R district, ~~the~~ **an** attached sign(~~s~~) shall be placed flat against the building and shall not face the adjacent lot located in the R district unless the sign(~~s~~) is located at least 150 feet from the R district.

**d. 4.** Attached signs shall not extend above the roofline of the building.



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

Agenda Item No. **390-07**  
Page No. **3 of 3**

Signs erected inside a completely enclosed shopping mall shall require sign permit approval but shall not be included in any computation of sign area, provided the signs are not visible from the outside.

**c. In a regional shopping center, as regulated in section 24-62.1(aa), one detached sign per outparcel or business exceeding 60,000 square feet of finished floor area, provided that such sign shall:**

- 1. be located and oriented to serve motorists and pedestrians within the regional shopping center, rather than traffic on a public street;**
- 2. be located at least 200 feet from a public street;**
- 3. be a monument sign;**
- 4. be located along the access drive or road serving the interior traffic circulation of the regional shopping center;**
- 5. be part of an overall sign plan approved by the director of planning for the placement and design of all exterior signs within a regional shopping center;**
- 6. be no larger than 35 sq. ft. in sign area; and**
- 7. be limited to 5 feet in height and 11 feet in width, including the overall sign structure.**

**d. In a regional shopping center, as regulated in section 24-62.1(aa), additonal internal directional signs to help locate any business exceeding 60,000 square feet of finished floor area and to help direct traffic within the regional shopping center, provided that such additional directional signs shall meet the requirements of provisions 1-5 of subdivision c hereinabove, shall be at least 200 feet from any other directional sign, and shall be limited to 12 feet in height and 8 feet in width, including the overall sign structure.**

3. That this ordinance shall 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. **391A-07**  
Page No. 1 of 3

Agenda Title: **ORDINANCE - To Amend and Reordain Section 24-34 Titled "Development standards" and Section 24-95 Titled "Additional requirements, exceptions and modifications" of the Code of the County of Henrico, To Permit Construction of Certain Mixed Use Structures in the Special Flood Hazard Areas in the Urban Mixed Use District**

For Clerk's Use Only: Date: <b>27</b>  <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:	<b>BOARD OF SUPERVISORS ACTION</b> 1) <i>bring forward</i> 2) <i>approve</i> Moved by (1) <u>Kaechele</u> Seconded by (1) <u>O'Bannon</u> (2) <u>Kaechele</u> (2) <u>O'Bannon</u> REMARKS: <b>APPROVED</b>		<table border="1"><thead><tr><th></th><th>YES</th><th>NO</th><th>OTHER</th></tr></thead><tbody><tr><td>Donati, J.</td><td><input checked="" type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td></td></tr><tr><td>Glover, R.</td><td><input checked="" type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td></td></tr><tr><td>Kaechele, D.</td><td><input checked="" type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td></td></tr><tr><td>O'Bannon, P.</td><td><input checked="" type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td></td></tr><tr><td>Thornton, F.</td><td><input checked="" type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td></td></tr></tbody></table>		YES	NO	OTHER	Donati, J.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		Glover, R.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		Kaechele, D.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		O'Bannon, P.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		Thornton, F.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
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**AN ORDINANCE To Amend and Reordain Section 24-34 Titled "Development standards" and Section 24-95 Titled "Additional requirements, exceptions and modifications" of the Code of the County of Henrico, To Permit Construction of Certain Mixed Use Structures in the Special Flood Hazard Areas in the Urban Mixed Use District**

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

1. That Section 24-34 of the Code of the County of Henrico be amended and reordained as follows:

**Sec.24-34. Development standards.**

The standards set out below shall be in lieu of the standards required elsewhere in this chapter:

- .
- .
- .

**(q) Dwellings in special flood hazard area. Notwithstanding the provisions of section 24-95(u)(1), a mixed use structure may be constructed in the special flood hazard area as defined in section 24-3 if it meets the following requirements:**

By Agency Head *Randolph R. Ziltseger* By County Manager *David P. Hayes*

Routing:  
Yellow to: Planning  
Copy to: \_\_\_\_\_

Certified:  
A Copy Teste: \_\_\_\_\_  
Clerk, Board of Supervisors

Date: \_\_\_\_\_

COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No 391A-07  
Page No. 2 of 3

**Agenda Title: ORDINANCE - To Amend and Reordain Section 24-34 Titled "Development standards" and Section 24-95 Titled "Additional requirements, exceptions and modifications" of the Code of the County of Henrico, To Permit Construction of Certain Mixed Use Structures in the Special Flood Hazard Areas in the Urban Mixed Use District**

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(i) the structure is located on property zoned UMU; and the structure, or any portion thereof, is located within three hundred (300) feet of the James River;

(ii) the construction complies with the specific requirements of the Uniform Statewide Building Code and its incorporated standards for construction in special flood hazard areas;

(iii) there must be vehicular access to the structure above the base flood elevation;

(iv) no portion of the structure below the base flood elevation may be enclosed on all sides;

(v) the lowest enclosed floor is a minimum of one foot above the base flood elevation and is not used for residential purposes; and

(vi) the structure is at least 45 feet in height and contains more than 40 residential units.

2. That Section 24-95 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 24-95. Additional requirements, exceptions and modifications.**

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. .  
.

(u) *Special yard and additional regulations for any lot used for dwelling purposes and having lot area in a ~~base~~ **special** flood hazard area (100 year floodplain):*

(1) *New dwellings:*

a. **Except as provided in section 24-34(q),** No new dwelling or manufactured home may be located within the ~~base~~ **special** flood hazard area as defined in section 24-106.13 of this chapter.

COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No 391A-07  
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**Agenda Title: ORDINANCE - To Amend and Reordain Section 24-34 Titled "Development standards" and Section 24-95 Titled "Additional requirements, exceptions and modifications" of the Code of the County of Henrico, To Permit Construction of Certain Mixed Use Structures in the Special Flood Hazard Areas in the Urban Mixed Use District**

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3. That this ordinance shall be effective on and after its passage as provided by law.

COMMENTS: The Planning Commission recommended approval of this ordinance.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 392-07  
Page No. 1 of 2

Agenda Title

ORDINANCE - Vacation of Right-of-Way - West Broad Street Gardens -  
Brookland District

For Clerk's Use Only:  NOV 27 2007  Date <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to	<b>BOARD OF SUPERVISORS ACTION</b>  Moved by (1) <u>Glover</u> Seconded by (1) <u>Kaechele</u> (2) _____ (2) _____  REMARKS: <b>APPROVED</b>		<table><thead><tr><th></th><th>YES</th><th>NO</th><th>OTHER</th></tr></thead><tbody><tr><td>Donati, J.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Glover, R.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Kaechele, D.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>O'Bannon, P.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Thornton, F.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr></tbody></table>		YES	NO	OTHER	Donati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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WHEREAS, upon application of Kevin M. Boone, owner of Lot 4, Block L, and Reginald L. Coleman, owner of Lot 1, Block M, Section B of West Broad Street Gardens, the plat of which is recorded in the Clerk's Office of the Circuit Court of the County of Henrico, Virginia ("Clerk's Office") in Plat Book 22, Page 51, requesting that the portion of right-of-way shown crosshatched on an excerpt of the subdivision plan, a copy of which is attached hereto and marked Exhibit "A", be vacated; this Ordinance was advertised pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, and a public hearing was held on November 27, 2007, at 7:00 p.m., by the Board of Supervisors of the County of Henrico, Virginia (the "Board"); and,

WHEREAS, it appearing to this Board that no owner of any lot shown on the aforementioned recorded plat will be irreparably damaged by this vacation.

NOW, THEREFORE, BE IT ORDAINED by the Board that:

The right-of-way, as shown crosshatched on Exhibit "A," is vacated in accordance with the provisions of Section 15.2-2272(2) of the Code of Virginia, 1950, as amended.

This Ordinance shall become effective thirty (30) days after the time of its passage as provided by law.

By Agency Head

Steve Poore

By County Manager

David L. Hargrett

Routing:

Yellow to:

Real Property

Certified:

A Copy Tests:

Clerk, Board of Supervisors

Copy to:

Date:

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

Agenda Item No.  
Page No.

392-07  
2 of 2

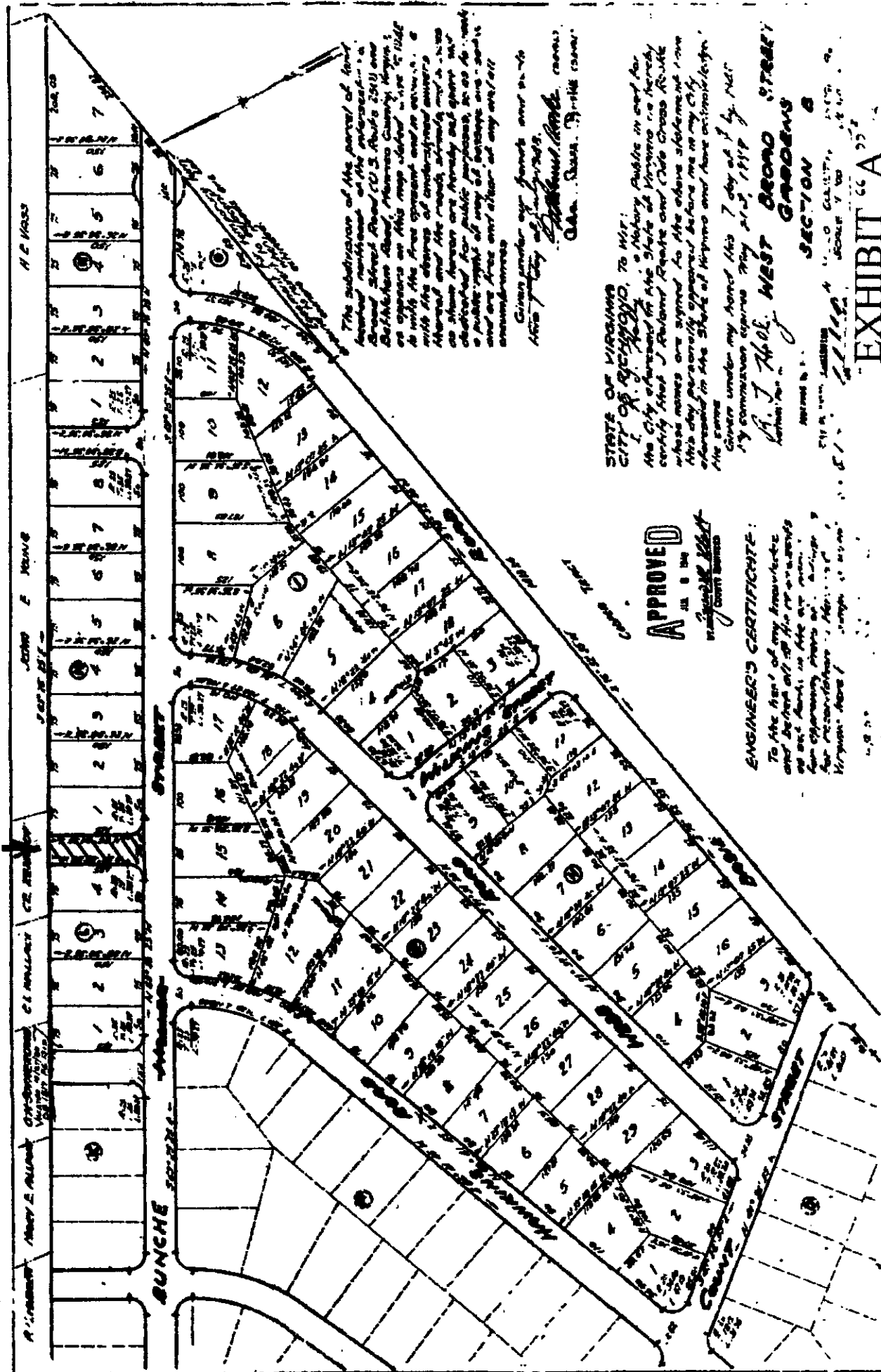
**Agenda Title**

**ORDINANCE - Vacation of Right-of-Way – West Broad Street Gardens -  
Brookland District**

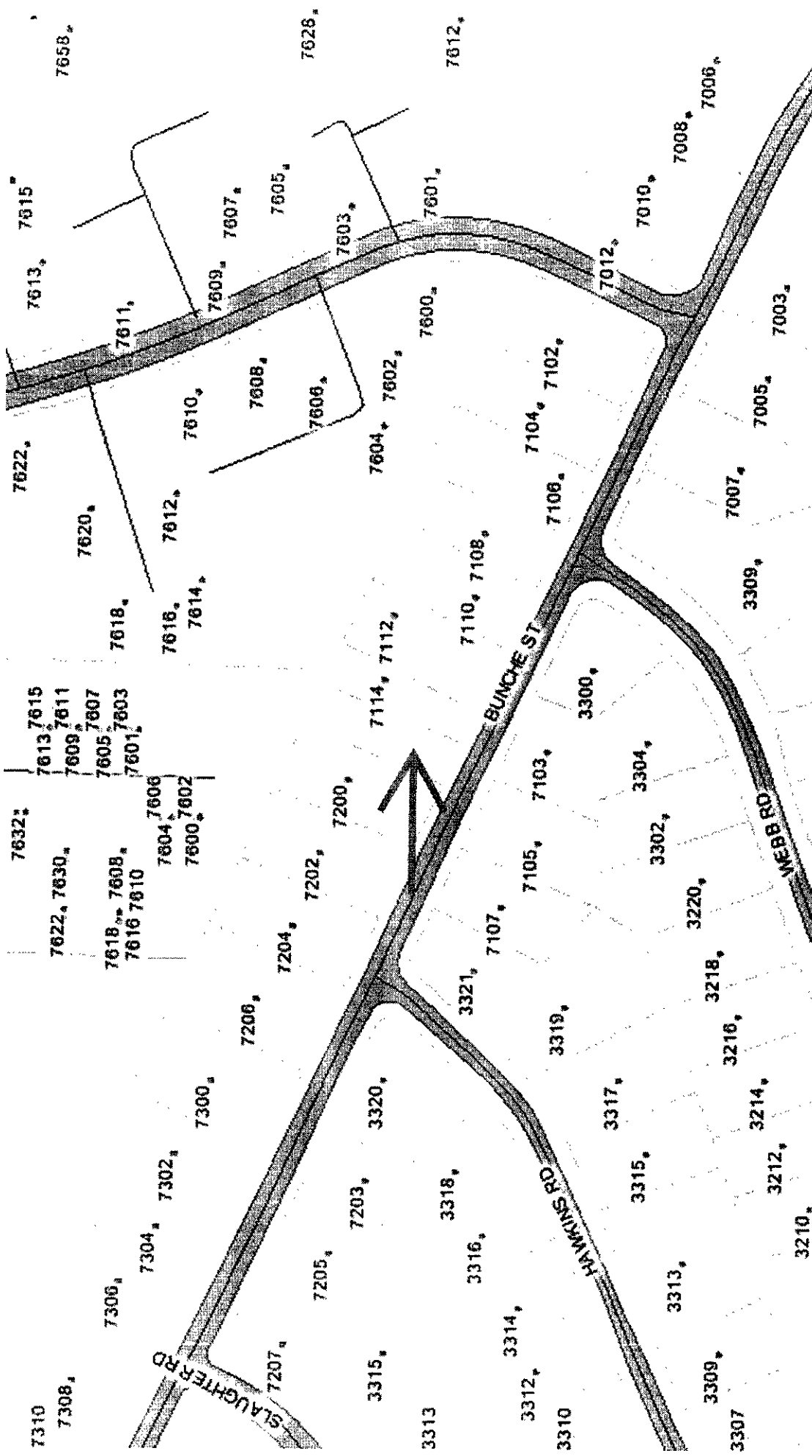
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The Clerk of the Circuit Court of the County of Henrico, Virginia (the "Clerk"), is authorized, upon receipt of payment therefor, to record a certified copy of the Ordinance in the Clerk's Office, after the expiration of thirty (30) days from its passage, provided no appeal has been taken to the Circuit Court of the County of Henrico, Virginia, pursuant to law. The Clerk is further authorized to index the same on the grantor and grantee sides of the general index to deeds in the names of Kevin M. Boone and Reginald L. Coleman, their successors or assigns. Pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended, the Clerk shall note this vacation as prescribed.

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







VACATION OF RIGHT-OF-WAY  
WEST BROAD STREET GARDENS

COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. **393-07**  
Page No. 1 of 1

Agenda Title    **INTRODUCTION OF RESOLUTION - Receipt of Requests for Amendment to the  
FY 2007-08 Annual Fiscal Plan: December, 2007**

<b>For Clerk's Use Only:</b>  Date <u>NOV 27 2007</u> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to	<b>BOARD OF SUPERVISORS ACTION</b>  Moved by (1) <u>Kaechle</u> Seconded by (1) <u>Thornton</u> (2) _____ (2) _____  REMARKS: <span style="font-size: 4em; font-family: serif; letter-spacing: 0.5em;">APPROVED</span>	<table style="width: 100%; border-collapse: collapse;"><tr><th style="text-align: left;"></th><th style="text-align: center;">YES</th><th style="text-align: center;">NO</th><th style="text-align: center;">OTHER</th></tr><tr><td>Donati, J.</td><td style="text-align: center;">✓</td><td></td><td></td></tr><tr><td>Glover, R.</td><td style="text-align: center;">✓</td><td></td><td></td></tr><tr><td>Kaechle, D.</td><td style="text-align: center;">✓</td><td></td><td></td></tr><tr><td>O'Bannon, P.</td><td style="text-align: center;">✓</td><td></td><td></td></tr><tr><td>Thornton, F.</td><td style="text-align: center;">✓</td><td></td><td></td></tr></table>		YES	NO	OTHER	Donati, J.	✓			Glover, R.	✓			Kaechle, D.	✓			O'Bannon, P.	✓			Thornton, F.	✓		
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**WHEREAS**, the County Manager has provided the Board of Supervisors of the County of Henrico, Virginia, with a list dated November 20, 2007, of requests for amendment to the 2007-08 Annual Fiscal Plan; and,

**WHEREAS**, the County Manager listed by department and cost center, the purpose of the request, and the source of funding to support the proposed amendments.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Henrico, Virginia, that the Clerk of the Board is directed to advertise a synopsis of the proposed amendments and a public hearing thereon to be held on December 11, 2007, at 7:00 p.m., in the Board Room at the Henrico County Government Center, East Parham and Hungary Spring Roads, to ascertain the views of the citizens with respect to the proposed amendments, such advertisement to be placed in the Richmond Times-Dispatch on Tuesday, December 4, 2007.

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

<p>By Agency Head: <u>[Signature]</u></p> <hr/> <p>Routing: <u>Finance</u></p> <p>Yellow to: _____</p> <p>Copy to: _____</p>	<p>By County Manager: <u>[Signature]</u></p> <hr/> <p>Certified: _____</p> <p>A Copy Teste: _____</p> <p style="text-align: right;">Clerk, Board of Supervisors</p> <p>Date: _____</p>
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AMENDMENT TO THE 2007-08  
ANNUAL FISCAL PLAN FOR DECEMBER, 2007

**OPERATING FUNDS**

FUND 0101 - GENERAL FUND - General Operating

Department - 04 - Circuit Court

04001 - Circuit Court Clerk \$ 393,094

0000 00000 The Commonwealth of Virginia Compensation Board has awarded the County of Henrico, an additional \$393,094, from the Clerk's Technology Trust Fund. These funds will be used for secure remote access; enhancements to the integrated land records system; and various hardware and software for the Circuit Court Clerk's Office. These funds result from fees collected by the clerk on documents recorded in the Clerk's Office.

Department 22 - Social Services

22001 - Independent Living Program

1302 00000 - Purchase of Services \$ 10,000

To appropriate additional funds for the Independent Living Education and Training Voucher Program. This program provides funding to help foster care youth with expenses associated with college and vocational training. The program is funded with \$8,000 of Federal (80%) and \$2,000 of State (20%) funding. No local match is required.

22031 - TANF Hard to Serve

1302 00000 - Purchase of Services 683,786

The Commonwealth of Virginia, Department of Social Services, has awarded the County of Henrico, \$683,786, in additional Federal funding for fiscal year 2007-08, to continue providing employment services for the Hard-to-Serve Temporary Assistance for Needy Families (TANF) recipients. Of this total, \$73,786 has been designated for administration and \$610,000 is allotted for the purchase of services. No County matching funds are required.

22202 - VIEW Day Care

1302 00000 - Purchase of Services 806,060

The Commonwealth of Virginia, Department of Social Services, will reimburse the County of Henrico, an additional \$322,424 of State (40%) and \$403,030 of Federal (50%) funds for the Virginia Initiative for Employment not Welfare (VIEW) Program in fiscal year 2007-08. The required 10% County match (\$80,606) will come from the fund balance in the General Fund, and is included in this \$806,060, amount. The total appropriation for this program in fiscal year 2007-08, will be \$3,478,477, after this addition.

22301 - VIEW Program  
 1302 00000 - Purchase of Services 329,438

The Commonwealth of Virginia, Department of Social Services, will reimburse the County of Henrico, an additional \$113,656 of State (34.5%) and \$164,719 of Federal (50%) funds for the Virginia Initiative for Employment not Welfare (VIEW) Program in fiscal year 2007-08. The required 15.5% County match (\$51,063) will come from the fund balance in the General Fund, and is included in this \$329,438 amount. The total appropriation for this program in fiscal year 2007-08 will be \$1,048,736 after this addition.

22505 - Adult Services  
 1302 00000 - Purchase of Services 10,000

Supplemental funding of \$8,000 has been awarded to the County of Henrico by the Commonwealth of Virginia, Department of Social Services for the Adult Services program. The required 20% or \$2,000 of County matching funds will come from the fund balance in the General Fund, and is included in this \$10,000 total. This funding will enable the department to serve up to seven cases currently on the waiting list for Adult Chore and Companion Services. These cases will be served at ten hours per week for thirty-two weeks and will receive services which could include assistance for housekeeping, cleaning, cooking, bathing, light chores, and other miscellaneous assistance. The total funding in this program area is \$110,000 of which \$22,000 is local.

Total Social Services

\$ 1,839,284

Total GENERAL FUND

\$ 2,232,378

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

Department 02 - Public Library

02001 - Public Services  
 0000 05140 - Filtering Grant \$ 9,428

The Library of Virginia Board has awarded \$9,428 to the County of Henrico in the form of a filtering grant in order to assist the public libraries with providing filtering software for public use computers that provide Internet services to the County citizens. The software does not allow minors to access inappropriate web sites. No County matching funds are required.

Department 12 - Police

12002 - Fiscal Records  
 0000 00173 - Bulletproof Vest Partnership Program \$ 5,986

Additional funds have been approved for reimbursement to the County of Henrico from the United States Department of Justice, Office of Justice Programs, under the Bulletproof Vest Partnership Program, in the amount of \$5,986. No County matching funds are required.

0000 05113 - Domestic Violence Cell Phone Recycling 789

To appropriate revenue received from the recycling of cell phones. These inactive cell phones are donations from citizens and are collected by the Domestic Violence Coordinator, who in turn, recycles the phones. Funding is to be used on initiatives to combat domestic violence.

0000 05138 - Justice Assistance Grant 08 115,167

Funds have been received from the Justice Assistance Grant (JAG), for \$115,167. The funds are to be used to purchase a SWAT vehicle, portable handheld breathalyzers, and a replacement video system for the interview room in Warrant Services. No County matching funds are required.

0000 05139 - TRIAD 08 2,475

The Office of the Attorney General has awarded the County of Henrico, \$2,475 in State funds for the Senior Services program. Funds will be used to purchase a portable sound system to be used to educate the County's senior citizens on crime prevention. A County required match of \$275 will be provided via a transfer of appropriated funds from a Police reserve account, for a total program amount of \$2,750.

Total Police

\$ 124,417

Department 13 - Fire

13113 - Emergency Planning and Safety

0000 00833 - Fire Prevention Services \$ 1,535

Donations have been received from the private sector for use by the Division of Fire. These funds are to be used to purchase smoke detectors, training related materials for Fire Prevention Services, and provide funding for the maintenance of the Division's Kids Safety House.

Total Fund 1102 - Special Revenue Fund-State/Fed Grants-County

\$ 135,380

FUND 1113 - SPECIAL REVENUE FUND - *Forfeitures Commonwealth's Attorney State*

Department 05 - Commonwealth's Attorney

05001 - Commonwealth's Attorney

0000 00000 - Forfeitures - Commonwealth's Attorney - State \$ 4,954

Law enforcement special funds which have been received by the County of Henrico, and heretofore not appropriated for expenditure, are to be appropriated and used by the Commonwealth's Attorney for law enforcement projects as determined and approved by the County Manager or his designee.

Total SPECIAL REVENUE FUND

\$ 140,334

**FUND 6301 - RISK MANAGEMENT FUND**

Department 16 - General Services

16001 - Risk Management

0000 00000 - Risk Management

\$ 4,845,500

Funds are required to support anticipated expenses for the Workers' Compensation and Property/Liability programs for fiscal year ending June 30, 2008. This appropriation is an estimate of what will be required for the balance of the fiscal year. In fiscal year 2006-07, this amendment was appropriated in the amount of \$3,948,322. Funds are to come from the Self-Insurance Reserve in the General Fund, via an interfund transfer to the Internal Service Fund.

Total RISK MANAGEMENT FUND

---

\$ 4,845,500**FUND 6401 - HEALTH INSURANCE FUND**

Department 42 - Health Insurance, Self-Insured

42001 - Health Insurance, Self-Insured

0000 00000 - Health Insurance, Self-Insured

\$ 36,015,362

The new Health Insurance Fund will equal \$36,015,362 for the remainder of fiscal year 2007-08. Of the \$36,015,362, there is \$26,662,660 currently budgeted in the Annual Fiscal Plan. Those appropriations need to be moved to this Internal Service Fund function. The balance of funding, \$9,352,702 will come from employee and retiree payments for their health insurance coverage.

Health Insurance, Self-Insured - Interfund Adjustment

(26,662,660)

This amount reflects the interfund adjustments from County agencies for the remainder of fiscal year 2007-08 that have already been appropriated.

Health Insurance, Self-Insured - Net New Appropriation

9,352,702

The remaining funding of \$9,352,702 will be supported by employee and retiree payments for their health insurance coverage. This amount, in conjunction with interfund transactions, will create the new Health Insurance Fund for the County of Henrico.

Total HEALTH CARE FUND

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\$ 9,352,702

Total OPERATING FUNDS

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\$ 16,570,914**CAPITAL FUNDS****FUND 2100 - CAPITAL PROJECTS FUND**

Department 23 - Recreation and Parks

23101 - Administration - Director

0260 01187 - Osborne Park Picnic Shelters

\$ 5,000

This amendment will provide funding for the installation of ceiling fans in the picnic shelters at Osborne Park. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

0257 06435 - Tuckahoe Sports Complex 65,587

To provide additional funding for the Master Plan for the Tuckahoe Sports Complex. The total budget for the Master Plan is \$89,500, of which \$23,913 is being used from the available balance of the March 2005 G.O. Bond Referendum project for Western Henrico Recreation and Parks Land Acquisition. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

0257 06472 - Byrd Middle School 62,900

To provide funding for the planning and design costs for the construction of a concession building at the Byrd Middle School playing field. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

Total Recreation and Parks \$ 133,487

Department 28 - Public Works

28004 - Construction

0000 00678 - Tuckahoe Drainage Improvements \$ 14,440

This amendment of \$14,440 will provide funding for engineering services for the construction of Phase 1B of the Tuckahoe Park drainage improvements project located in the Three Chopt district. This project will tie into the previously constructed Phase 1A drainage system along Mayland Drive. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

0000 00000 - Gaylord Road Drainage Improvements 28,120

To provide funding for survey and engineering services for approximately 1,500 linear feet of drainage improvements at Gaylord Road located in the Three Chopt district. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.

Total Public Works \$ 42,560

Department - 32 - Non-Departmental

32001 - Non-Departmental

0000 00000 - Clarendon Farms Sign Project \$ 7,000

To provide funding for a brick entrance sign for the Clarendon Farms community. The sign would be located on Bogart Road between Brooking Meadows and Reynolds Ridge Court. The total cost of the sign is estimated to be \$9,000, of which \$2,000 will be provided from the Clarendon Farms Homeowner's Association. Funding is to be provided from fund balance in the General Fund.

32001	- <u>Non-Departmental</u>	
0000 00000	<u>Lakeside Business Association Project</u>	550
	To provide funding for the Lakeside Business Association avenue-wide event to promote economic activities in the Lakeside community. Funding is to be provided from fund balance in the General Fund.	
	Total Non-Departmental	\$ 7,550

Department 50 - Education

50331	- Construction and Maintenance	
0000 06281	- <u>Freeman High School Renovation Planning and Construction</u>	\$ 250,000
	This amendment will provide additional funding for the Freeman High School renovation project. Funding is to be provided by interest earnings recorded from proceeds of the 2000 G.O. Bond Referendum.	

0000 06306	- <u>Varina High School Field House Addition and Renovation (2105)</u>	441,000
0000 06306	- <u>Varina High School Field House Addition and Renovation (2111)</u>	100,000

This project will add funding to the construction phase of the Varina High School field house addition and renovation project. Funding for this project is to come from cumulative unappropriated Lottery (\$402,000) and State Construction funds (\$39,000). In addition, this project is also to be funded with \$100,000 from the County's General Fund balance that is to be transferred to the Capital Projects Fund for this project.

Total Education	\$ 791,000
Total CAPITAL PROJECTS FUND	\$ 974,597
Total Amendments/Appropriations	\$ 17,545,511

*For informational purposes only:*

FROM:

CAPITAL FUNDS

*FUND 2123 - CAPITAL PROJECTS FUND - FY2008 School G.O. Bonds Ref. 2005*

*Department 50 - Education*

50331	- Construction and Maintenance	
0000 06397	- <u>Education Bond Project Reserve</u>	\$ (2,018,969)

TO:

CAPITAL FUNDS

*FUND 2123 - CAPITAL PROJECTS FUND - FY2008 School G.O. Bonds Ref. 2005*

*Department 50 - Education*

50331	- Construction and Maintenance	
0000 06282	- <u>Varina High School Cafeteria and Classroom Addition</u>	\$ 2,018,969

*Additional funding required for the construction phase for the Varina High School Cafeteria and Classroom Addition project. This additional appropriation will bring the total project appropriation for this project to \$5,474,016. Funds are to come from the Education Bond Project reserve.*





COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 39407  
Page No. 1 of 2

Agenda Title: RESOLUTION — Signatory Authority — Award of Contract — Fourmile Creek Trunk Sewer Rehabilitation — 60" Sewer Replacement — Charles City Road to Darbytown Road — Contract 6A Project

For Clerk's Use Only:

Date: NOV 27 2007

- ☒ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Thornton  
(2)

Seconded by (1) O'Bannon  
(2)

REMARKS:

APPROVED

YES NO OTHER

Donati, J.

☒

Glover, R.

☒

Kaechele, D.

☒

O'Bannon, P.

☒

Thornton, F.

☒

WHEREAS, by Bid Request No. 07-8221-7CE, the County solicited bids for the Fourmile Creek Sewer Rehabilitation — 60" Sewer Replacement Charles City Road to Darbytown Road — Contract 6A project (the "Project") in the Varina District; and,

WHEREAS, the Project requires replacement of approximately 1.7 miles of 60-inch diameter concrete sewer pipe including installation of 60-inch diameter Fiberglass Reinforced Polymer sewer pipe, abandonment of the existing 60-inch diameter concrete sewer pipe by filling with flowable fill, and installation of 72" casing pipes under Darbytown Road and I-895; and,

WHEREAS, fourteen bids were received on November 6, 2007 and opened on November 7, 2007, as follows:

Bidders

Bid Amounts

Corman Construction, Inc.	\$ 6,744,305.00
T.A. Sheets Mechanical Contractors, Inc.	\$ 7,250,000.00
Park Construction Corporation	\$ 7,379,369.83
S.J. Louis Construction, Inc.	\$ 7,862,810.00
Metra Industries	\$ 7,947,200.00
Casper Colosimo & Son, Inc.	\$ 8,068,670.00
D & M Contracting, Inc. dba Paramount Contracting, Inc.	\$ 8,302,968.69
Alex E. Paris Contracting Company, Inc.	\$ 8,662,880.00
DLB, Inc.	\$ 9,229,100.00
Spiniello Companies	\$ 9,552,922.86
G.L. Howard, Inc.	\$ 9,882,910.00
Central Builders, Inc.	\$11,000,000.00
Walter C. Via Enterprises, Inc.	\$11,995,455.00
Key Construction Company, Inc.	\$22,678,211.00

By Agency Head

By County Manager

Routing:

Yellow to:

Public Utilities

Certified:

A Copy Teste:

Clerk, Board of Supervisors

Copy to:

Date:

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

Agenda Item No.

394-07

Page No. 2 of 2

**Agenda Title: RESOLUTION — Signatory Authority — Award of Contract — Fourmile Creek Trunk Sewer Rehabilitation — 60" Sewer Replacement -- Charles City Road to Darbytown Road -- Contract 6A Project**

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**WHEREAS**, after a review of all bids received, it was determined that Corman Construction, Inc. is the lowest responsive and responsible bidder.

**NOW, THEREFORE, BE IT RESOLVED** that the Henrico County Board of Supervisors awards the contract for the Fourmile Creek Trunk Sewer Rehabilitation - 60" Sewer Replacement - Charles City Road to Darbytown Road - Contract 6A project to the lowest responsive and responsible bidder, Corman Construction, Inc., in the amount of \$ 6,744,305.00.

**BE IT FURTHER RESOLVED** that the County Manager and Clerk are authorized to execute the contract in a form approved by the County Attorney and all necessary change orders not to exceed 15% of the original contract amount.

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



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 395-07  
Page No. of

Agenda Title: RESOLUTION — Signatory Authority, Amendment to Engineering Services Agreement —  
Whitman, Requardt and Associates, LLP — Fourmile Creek Sewage Pumping Station

For Clerk's Use Only:

Date: NOV 27

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

BOARD OF SUPERVISORS ACTION

Moved by (1) O'Bannon Seconded by (1) Thornton  
(2) (2)

REMARKS:

APPROVED

	YES	NO	OTHER
Donati, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**WHEREAS**, on November 4, 2000 the Board of Supervisors approved an engineering services agreement with Whitman, Requardt and Associates, LLP for professional engineering services (the "Agreement") in connection with the Fourmile Creek Sewage Pumping Station project (the "Project"); and,

**WHEREAS**, on February 5, 2005 the Board approved an amendment to the Agreement to obtain additional engineering services to increase the capacity of the Fourmile Creek Sewage Pumping Station; and,

**WHEREAS**, on January 23, 2007 the Board approved a second amendment to the Agreement to obtain additional engineering services to provide capacity for flow from the Eastern County Sewer Force Main and to accommodate initial low flows from the Fourmile Creek Sewage Pumping Station; and,

**WHEREAS**, the parties again wish to amend the Agreement to extend construction administration services for the Project from February 2007 to December 31, 2007; and,

**WHEREAS**, the parties have agreed to increase the amount of the Agreement for these additional services by \$38,842.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Henrico County Board of Supervisors that the County Manager is authorized to execute an amendment to the Agreement with Whitman, Requardt and Associates, LLP in a form approved by the County Attorney to increase the amount of the Agreement by \$38,842.00 for a total contract amount of \$879,373.00.

Comments: The Director of Public Utilities recommends approval of this Board paper; the County Manager concurs.

By Agency Head

By County Manager

Routing:

Yellow to: Public Utilities

Copy to:

Certified:

A Copy Teste: Clerk, Board of Supervisors

Date:



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 396-07  
Page No. 1 of 2

Agenda Title: **Resolution — Award of Contract — Engineering Services, Skipwith Elementary and Nelson Property Stream Restoration Project**

For Clerk's Use Only:  Date: NOV 27  <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:	BOARD OF SUPERVISORS ACTION Moved by (1) <u>Kaechele</u> Seconded by (1) <u>O'Bannon</u> (2) _____ (2) _____ REMARKS: <b>APPROVED</b>		YES NO OTHER Donati, J. <input checked="" type="checkbox"/> _____ Glover, R. <input checked="" type="checkbox"/> _____ Kaechele, D. <input checked="" type="checkbox"/> _____ O'Bannon, P. <input checked="" type="checkbox"/> _____ Thornton, F. <input checked="" type="checkbox"/> _____
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**WHEREAS**, on May 25, 2007 ten proposals were received in response to RFP #07-8155-4CS to provide engineering services for the Skipwith Elementary and Nelson Property Stream Restoration Project, and,

**WHEREAS**, based upon review of the written proposals, the Selection Committee (consisting of Mr. Jeff Perry, Mr. Keith White, Mr. John Newton and Mrs. Robin Wilder) interviewed the following firms:

**Michael Baker Jr., Inc.**  
Timmons Group  
Williamsburg Environmental Group

**WHEREAS**, the Selection Committee subsequently negotiated a contract with **Michael Baker Jr., Inc.** in the amount of \$ 538,790.

**NOW, THEREFORE, BE IT RESOLVED** by the Henrico County Board of Supervisors that the contract to provide engineering services for the Skipwith Elementary and Nelson Property Stream Restoration Project is hereby awarded to **Michael Baker Jr., Inc.** in the amount of \$ 538,790 in accordance with RFP #07-8155-4CS, the May 25, 2007 proposal, and the October 8, 2007 scope of work and fee proposal submitted by Michael Baker Jr., Inc., and

By Agency Head ZPH

By County Manager David R. Kappeler

Routing:

Yellow to: Public Works

Copy to: \_\_\_\_\_

Certified:

A Copy Teste: \_\_\_\_\_

Clerk, Board of Supervisors

Date: \_\_\_\_\_

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

Agenda Item No.

396-07

Page No. 2 of 2

**Agenda Title: Resolution — Award of Contract — Engineering Services, Skipwith Elementary and Nelson Property Stream Restoration Project**

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**BE IT FURTHER RESOLVED** that the County Manager and Clerk are hereby authorized to execute the contract in a form approved by the County Attorney, and that the County Manager, or the Director of General Services as his designee, is further authorized to execute all necessary change orders within the scope of the project budget.

**Comments:** Funding to support this contract is available from the Environmental Fund. The Director of General Services and the Director of Public Works recommend award of this contract, and the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 597-07  
Page No. 1 of 1

Agenda Title: **RESOLUTION – ACCEPTANCE OF ROADS**

For Clerk's Use Only:  Date: <u>Nov 27</u>  <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:	<b>BOARD OF SUPERVISORS ACTION</b> Moved by (1) <u>Kaechele</u> Seconded by (1) <u>O'Bannon</u> (2) _____ (2) _____ REMARKS: <b>APPROVED</b>		<b>YES</b> <b>NO</b> <b>OTHER</b>
			Donati, J. <input checked="" type="checkbox"/> _____ Glover, R. <input checked="" type="checkbox"/> _____ Kaechele, D. <input checked="" type="checkbox"/> _____ O'Bannon, P. <input checked="" type="checkbox"/> _____ Thornton, F. <input checked="" type="checkbox"/> _____

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

**Independence Park Drive – a Dedication  
of Independence Park Drive – Three Chopt District**

Independence Park Drive from Mayland Court to 0.11 Mi. S. of Mayland Court 0.11 Mi.

**Total Miles** 0.11 Mi.

**Ironwood at Crossridge, Section 2 – a Resubdivision of the  
Reserved Area of Section 1 – Brookland District**

Brays Fork Drive from Hardings Way Drive to 0.05 Mi. E. of Hardings Way Drive 0.05 Mi.

**Total Miles** 0.05 Mi.

By Agency Head ZNT

By County Manager Diap R. Knight

Routing:

Yellow to: Public Works

Copy to: \_\_\_\_\_

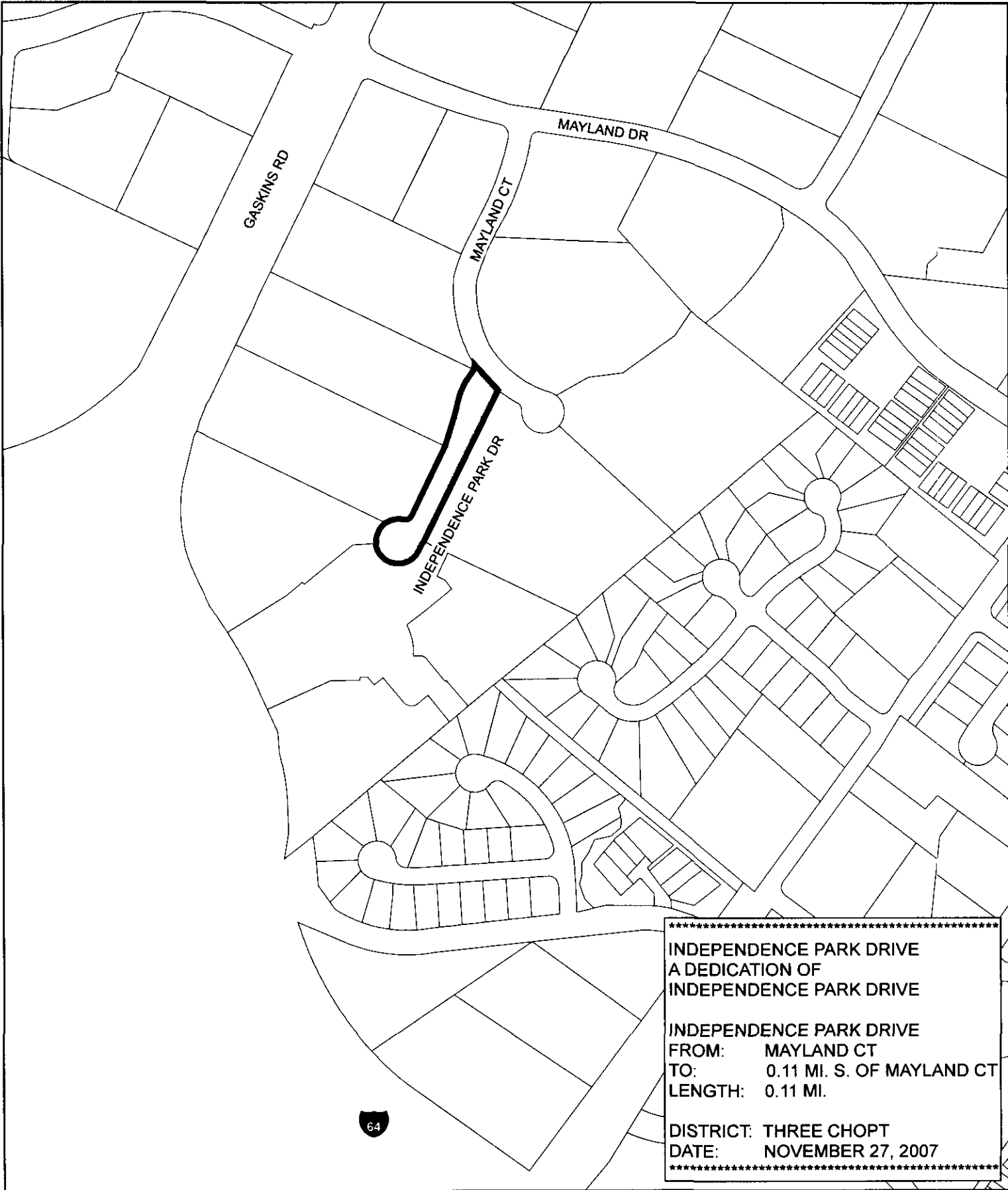
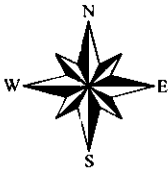
Certified:

A Copy Tests: \_\_\_\_\_

Clerk, Board of Supervisors

Date: \_\_\_\_\_

# INDEPENDENCE PARK DRIVE



\*\*\*\*\*  
INDEPENDENCE PARK DRIVE  
A DEDICATION OF  
INDEPENDENCE PARK DRIVE  
  
INDEPENDENCE PARK DRIVE  
FROM: MAYLAND CT  
TO: 0.11 MI. S. OF MAYLAND CT  
LENGTH: 0.11 MI.  
  
DISTRICT: THREE CHOPT  
DATE: NOVEMBER 27, 2007  
\*\*\*\*\*

# IRONWOOD AT CROSSRIDGE SECTION 2 A RESUBDIVISION OF THE RESERVED AREA OF SECTION 1

