

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

Please take notice that a special meeting of the Board of Supervisors will be held on **Tuesday, August 11, 2009** at **5:30 p.m.** in the County Manager's Conference Room located on the third floor of the Administration Building at the Henrico County Government Center, Parham and Hungary Spring Roads, Henrico, Virginia.

The matter to be reviewed by the Board of Supervisors at this time is:

5:30 – 6:00 p.m.

Closed Meeting for Consultation with the County Attorney Pertaining to 1241 Associates LLC vs. Henrico County Board of Supervisors, Pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, 1950, as amended.

6:00 – 6:45 p.m.

Dinner



Barry R. Lawrence, CMC
Clerk, Henrico County Board of Supervisors
August 6, 2009

COUNTY OF HENRICO, VIRGINIA
Board of Supervisors' Agenda
August 11, 2009
7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Barry W. Loop, First Mennonite Church of Richmond

APPROVAL OF MINUTES – July 29, 2009 Regular and Special Meetings

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

PRESENTATIONS

Certificate of Recognition and Honorary Share of Stock - Barbara P. Woodcock - Varina District.

Proclamation - Payroll Week - September 7 - 11, 2009.

APPOINTMENTS/RESIGNATIONS

212-09 Resolution – Resignation of Member – Finance Board.

213-09 Resolution – Appointment of Member – Finance Board.

214-09 Resolution – Appointment of Member – Keep Henrico Beautiful Committee.

215-09 Resolution – Resignation of Member – Richmond Area Metropolitan Planning Organization Citizens Transportation Advisory Committee.

PUBLIC HEARINGS - REZONING CASES AND PROVISIONAL USE PERMIT

216-09 CP Other Realty, LLC: Request to conditionally rezone from B-2C Business
C-8C-09 District (Conditional) to B-3C Business District (Conditional), part of Parcel 735-
Three Chopt 763-7898, containing approximately 1.680 acres, located on the north line of
West Broad Street (U.S. Route 250) approximately 1,650 feet east of N. Gayton
Road. The applicant proposes a car wash. The use will be controlled by zoning
ordinance regulations and proffered conditions. The Land Use Plan recommends
Mixed Use. The site is in the West Broad Street Overlay District. The Planning
Commission voted to recommend the Board of Supervisors **grant** the request.

217-09 Wilton Development Corp: Request to amend proffered conditions accepted with
C-11C-09 Rezoning Case C-12C-05, on Parcels 804-737-7961, 804-736-0481, and 804-737-
Fairfield 1251, located at the northeast intersection of Mechanicsville Turnpike (U. S.
Route 360) and Neale Street. The applicant proposes to amend proffers including
those related to the conceptual plan, architectural treatment, building design, and

height limitations. The existing zoning is R-5C General Residence District (Conditional) and B-2C Business District (Conditional). The Land Use Plan recommends Urban Residential, 3.4 to 6.8 units net density per acre, Commercial Concentration, and Government. The site is in the Airport Safety Overlay District. A The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

218-09 Steaks of Virginia, LLC: Request for a Provisional Use Permit required under
P-9-09 proffered condition #28 accepted with C-29C-06 to allow extended hours of
Varina operation of a restaurant (Steak ‘n Shake) on part of Parcel 815-718-5710, an out
parcel within the Shops at White Oak Village, located approximately 400 feet east
of S. Laburnum Avenue at its intersection with Gay Avenue. The applicant
proposes opening daily at 5:00 a.m. and closing daily at 2:00 a.m. The existing
zoning is B-3C Business District (Conditional). The Land Use Plan recommends
Planned Industry. The site is in the Airport Safety Overlay District and the
Enterprise Zone. The Planning Commission voted to recommend the Board of
Supervisors **grant** the request.

219-09 Kenneth A. & Yvonne H. Germain: Request to conditionally rezone from B-1
C-17C-09 Business District to B-3C Business District (Conditional), part of Parcel 823-723-
Varina 6612, containing 0.073 acre, located on the southeast line of S. Mapleleaf Avenue
approximately 150 feet southwest of E. Nine Mile Road (State Route 33). The
applicant proposes an expansion of an adjacent motorcycle shop. The use will be
controlled by zoning ordinance regulations and proffered conditions. The Land
Use Plan recommends Commercial Arterial. The site is in the Airport Safety
Overlay District and the Enterprise Zone. The Planning Commission voted to
recommend the Board of Supervisors **grant** the request.

220-09 Extra Enterprises, LLC: Request to amend proffered conditions accepted with
C-18C-09 Rezoning Case C-23C-06, on Parcel 822-722-0609, located at the southeast
Varina intersection of S. Kalmia Avenue and E. Jerald Street. The applicant proposes to
amend Proffer 1 related to the minimum unit size and Proffer 4 related to
architectural design. The existing zoning is RTHC Residential Townhouse
District (Conditional). The Land Use Plan recommends Multi-Family Residential,
6.8 to 19.8 units net density per acre, Suburban Residential 2, 2.4 to 3.4 units net
density per acre, and Environmental Protection Area. The site is in the Airport
Safety Overlay District. The Planning Commission voted to recommend the
Board of Supervisors **grant** the request.

PUBLIC HEARINGS - OTHER ITEMS

221-09 Resolution – Signatory Authority – Deed of Exchange – Parham Road Properties,
LLC – Fairfield District.

222-09 Ordinance – To Amend and Reordain Subsection (f) of Section 23-232 Titled
“Mandatory public water use restrictions” by Permitting Watering of Established
Lawns One Day before and 30 Days after Refurbishment.

PUBLIC COMMENTS

GENERAL AGENDA

- 158-09 Resolution - Adoption of 2026 Comprehensive Plan. **(Deferred from the June 9, 2009 meeting).**
- 223-09 Resolution - To Accept the U.S. Department of Homeland Security State Homeland Security Grant Program Award to the County of Henrico, Division of Police, for Explosive Ordnance Disposal (EOD) Equipment.
- 224-09 Resolution - Signatory Authority - Lease of Office Space for the Henrico Drug Court Program – 8604 Staples Mill Road - Brookland District.
- 225-09 Resolution - Signatory Authority - License Amendment Number Two - Communications Tower on 3245 Basie Road - Brookland District.
- 226-09 Resolution - Award of Construction Contract - Three Chopt Road 30” Water Main.
- 227-09 Resolution - To Permit Additional Fine of \$200 for Speeding on Mountain Glen Parkway.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS' RESUME
August 11, 2009**

INVOCATION – Pastor Barry W. Loop, First Mennonite Church of Richmond

PRESENTATIONS

Certificate of Recognition and Honorary Share of Stock – Barbara P. Woodcock – Varina District.

Barbara P. Woodcock, a resident of the Varina District, is receiving a certificate of recognition and an honorary share of stock in the County of Henrico for more than 50 years of dedicated and exemplary service as a school bus driver with Henrico County Public Schools. Mrs. Woodcock has worked continuously in this position since the autumn of 1958.

PROCLAMATION - Payroll Week – September 7 - 11, 2009.

Payroll professionals in Henrico County play a key role in maintaining the economic health of this community, performing such diverse tasks as paying into the employment insurance system, providing information for child support enforcement, and carrying out tax withholding, reporting, and depositing. This proclamation recognizes September 7 - 11, 2009 as Payroll Week and encourages Henrico citizens to support the efforts of local payroll professionals who work to ensure excellence in the administration of payrolls.

APPOINTMENTS/RESIGNATIONS

RESOLUTION – Resignation of Member – Finance Board.

By ordinance adopted March 11, 2008, the Board of Supervisors created the Finance Board to serve as trustee of funds designated by the County to be invested for the purpose of funding Other Post-Employment Benefits (OPEB). This Board paper accepts the resignation of T. David Myers, one of the Finance Board's two citizen members.

RESOLUTION – Appointment of Member – Finance Board.

By ordinance adopted March 11, 2008, the Board of Supervisors created the Finance Board to serve as trustee of funds designated by the County to be invested for the purpose of funding Other Post-Employment Benefits (OPEB).

Under State law, the Finance Board must be composed of at least three members. The County's Director of Finance must be a member. In addition, the Finance Board includes two members who are citizens of the Commonwealth with proven integrity, business ability, and demonstrated

experience in cash management and investments. On March 11, 2008, the Board appointed Leon T. Johnson and T. David Myers to serve on the Finance Board as citizen members.

T. David Myers has resigned from the Finance Board and acceptance of his resignation is also on the Board's agenda. This Board paper appoints Kevin D. Smith to fill the unexpired term created by the resignation of Mr. Myers. Mr. Smith's term will expire March 10, 2010 or thereafter, when his successor shall have been appointed and qualified.

RESOLUTION – Appointment of Member – Keep Henrico Beautiful Committee.

This Board paper appoints the following person to the Keep Henrico Beautiful Committee for a term expiring December 31, 2009 or thereafter, when his successor shall have been appointed and qualified:

Three Chopt District

John H. Weaver

RESOLUTION – Resignation of Member – Richmond Area Metropolitan Planning Organization Citizens Transportation Advisory Committee.

This Board paper accepts the resignation of Virginia H. Axtell from the Richmond Area Metropolitan Planning Organization Citizens Transportation Advisory Committee.

PUBLIC HEARINGS - REZONING CASES AND PROVISIONAL USE PERMIT

C-8C-09
Three Chopt
CP Other Realty, LLC: Request to conditionally rezone from B-2C Business District (Conditional) to B-3C Business District (Conditional), part of Parcel 735-763-7898, containing approximately 1.680 acres, located on the north line of West Broad Street (U.S. Route 250) approximately 1,650 feet east of N. Gayton Road. The applicant proposes a car wash. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Mixed Use. The site is in the West Broad Street Overlay District. Acting on a motion by Mr. Branin seconded by Mr. Vanarsdall, the Planning Commission voted 4-0 (one absent, one abstention) to recommend the Board of Supervisors **grant** the request because it is appropriate business zoning in this area.

C-11C-09
Fairfield
Wilton Development Corp: Request to amend proffered conditions accepted with Rezoning Case C-12C-05, on Parcels 804-737-7961, 804-736-0481, and 804-737-1251, located at the northeast intersection of Mechanicsville Turnpike (U. S. Route 360) and Neale Street. The applicant proposes to amend proffers including those related to the conceptual plan, architectural treatment, building design, and height limitations. The existing zoning is R-5C General Residence District

(Conditional) and B-2C Business District (Conditional). The Land Use Plan recommends Urban Residential, 3.4 to 6.8 units net density per acre, Commercial Concentration, and Government. The site is in the Airport Safety Overlay District. Acting on a motion by Mr. Archer seconded by Mr. Vanarsdall, the Planning Commission voted 4-0 (one absent, one abstention) to recommend the Board of Supervisors **grant** the request because the changes do not greatly reduce the original intended purpose of the proffers.

P-9-09
Varina

Steaks of Virginia, LLC: Request for a Provisional Use Permit required under proffered condition #28 accepted with C-29C-06 to allow extended hours of operation of a restaurant (Steak 'n Shake) on part of Parcel 815-718-5710, an out parcel within the Shops at White Oak Village, located approximately 400 feet east of S. Laburnum Avenue at its intersection with Gay Avenue. The applicant proposes opening daily at 5:00 a.m. and closing daily at 2:00 a.m. The existing zoning is B-3C Business District (Conditional). The Land Use Plan recommends Planned Industry. The site is in the Airport Safety Overlay District and the Enterprise Zone. Acting on a motion by Mr. Jernigan seconded by Mr. Vanarsdall, the Planning Commission voted 3-1 (one absent, one abstention) to recommend the Board of Supervisors **grant** the request because its is reasonable in light of the surrounding uses and existing zoning on the property and when properly developed and regulated by the recommended special conditions, it would not be detrimental to the public health, safety, welfare and values in the area.

C-17C-09
Varina

Kenneth A. & Yvonne H. Germain: Request to conditionally rezone from B-1 Business District to B-3C Business District (Conditional), part of Parcel 823-723-6612, containing 0.073 acre, located on the southeast line of S. Mapleleaf Avenue approximately 150 feet southwest of E. Nine Mile Road (State Route 33). The applicant proposes an expansion of an adjacent motorcycle shop. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Commercial Arterial. The site is in the Airport Safety Overlay District and the Enterprise Zone. Acting on a motion by Mr. Jernigan seconded by Mr. Vanarsdall, the Planning Commission voted 4-0 (one absent, one abstention) to recommend the Board of Supervisors **grant** the request because the business use is compatible with surrounding zoning and the proffered conditions should minimize the potential impacts on surrounding land uses.

C-18C-09
Varina

Extra Enterprises, LLC: Request to amend proffered conditions accepted with Rezoning Case C-23C-06, on Parcel 822-722-0609, located at the southeast intersection of S. Kalmia Avenue and E. Jerald Street. The applicant proposes to amend Proffer 1 related to the minimum unit size

and Proffer 4 related to architectural design. The existing zoning is RTHC Residential Townhouse District (Conditional). The Land Use Plan recommends Multi-Family Residential, 6.8 to 19.8 units net density per acre, Suburban Residential 2, 2.4 to 3.4 units net density per acre, and Environmental Protection Area. The site is in the Airport Safety Overlay District. Acting on a motion by Mr. Jernigan seconded by Mr. Vanarsdall, the Planning Commission voted 4-0 (one absent, one abstention) to recommend the Board of Supervisors **grant** the request because the changes do not greatly reduce the original intended purpose of the proffers and the reduction in minimum house size and required finished space would not greatly influence the quality or value of residential development in the area.

PUBLIC HEARINGS – OTHER ITEMS

RESOLUTION – Signatory Authority – Deed of Exchange – Parham Road Properties, LLC – Fairfield District.

The approval of this resolution will authorize the Chairman and Clerk of the Board of Supervisors to execute a Deed of Exchange for properties near the intersection of Parham Road and Villa Park Drive.

Parham Road Properties, LLC owns a parcel of land containing 836 sq. ft. located at the intersection of Parham Road and Villa Park Drive, on which the County located a traffic signal and related equipment without obtaining the necessary property rights. Parham Road Properties, LLC, would like to convey their 836 sq. ft. parcel in exchange for the County conveying a parcel of land containing 896 sq. ft. located southwest of the intersection of Parham Road and Villa Park Drive.

The exchange of these properties would be advantageous to both the County and Parham Road Properties, LLC. The Directors of Real Property and Public Works recommend approval of this action.

ORDINANCE – To Amend and Reordain Subsection (f) of Section 23-232 Titled “Mandatory public water use restrictions” by Permitting Watering of Established Lawns One Day before and 30 Days after Refurbishment.

This Board paper proposes an ordinance that would permit watering of established lawns during mandatory public water use restrictions for one day before and 30 days after refurbishment by means of (1) motorized core aeration and seeding, (2) motorized thatching and seeding, or (3) motorized light tilling and seeding, provided such refurbishment takes place between September 1 and October 31.

Existing Section 23-232 of the County Code permits watering of established lawns only with 5-gallon buckets when mandatory public water use restrictions are in place.

The Virginia Department of Environmental Quality, which approves the County's water conservation plan, has approved the proposed ordinance amendment which has been requested by the lawn care industry in the County.

PUBLIC COMMENTS

GENERAL AGENDA

RESOLUTION - Adoption of 2026 Comprehensive Plan.

This Board paper would adopt the Henrico County 2026 Comprehensive Plan.

Working with a consultant to prepare the 2026 Comprehensive Plan (the "Plan"), the staff of the Department of Planning conducted a series of studies, including studies of existing growth trends, probable future needs, and desirable services to enhance the quality of life for the County's residents and businesses. The staff included extensive public outreach and participation throughout the process, including a community survey, a dedicated website for Plan updates, a series of open houses, and work sessions with the Planning Commission and Board of Supervisors. **(Deferred from the June 9, 2009 meeting).**

At its public hearing on March 12, 2009, the Henrico County Planning Commission recommended approval of the Plan and forwarded the Plan to the Board of Supervisors for adoption. The Board conducted a public hearing on June 9, 2009 to receive public comment and held a work session on July 14, 2009 to review the public comments as well as revisions to the Plan recommended by the Director of Planning.

The Planning staff has prepared a substitute Board paper should the Board wish to make revisions to the Plan.

The Director of Planning recommends that the Board consider a substitute resolution and adopt the Plan with revisions, and the County Manager concurs.

RESOLUTION - To Accept the U.S. Department of Homeland Security State Homeland Security Grant Program Award to the County of Henrico, Division of Police, for Explosive Ordnance Disposal (EOD) Equipment.

This resolution accepts the \$1,266,100 grant award to the Henrico County Division of Police from the State Homeland Security Grant Program of the U.S. Department of Homeland Security via the Virginia Departments of Emergency Management and Criminal Justice Services. These funds may be used only for EOD equipment and training. The Division of Police proposes to purchase an EOD mobile command post, armored vehicle, diving boat, bomb suits, and detection, migration, and tactical equipment. This grant is 100% federally funded and does not require a local match.

RESOLUTION - Signatory Authority - Lease of Office Space for the Henrico Drug Court Program - 8604 Staples Mill Road - Brookland District.

Approval of this resolution will authorize the County Manager to execute a Lease, in a form approved by the County Attorney, for a term of four months commencing September 1, 2009 and terminating December 31, 2009, between Staples Mill Equities, LLC (Lessor), and the County of Henrico, Virginia (Lessee), for the lease of approximately 3,638 sq. ft. of office space located at 8604 Staples Mill Road in the County’s Brookland District for the Henrico Drug Court Program. The total rent for the period is \$12,000.00, payable monthly at the rate of \$3,000.00 per month. The Directors of Community Corrections and Real Property recommend approval.

RESOLUTION - Signatory Authority - License Amendment Number Two - Communications Tower on 3245 Basie Road - Brookland District.

Approval of this Board paper will authorize the County Manager to execute a second amendment to the existing license agreement allowing the County to place equipment on a communications tower owned by Clear Channel Broadcasting, Inc. at 3245 Basie Road. The amendment will allow installation of another antenna on the tower for an additional fee of \$800.00 per month.

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

RESOLUTION - Award of Construction Contract - Three Chopt Road 30” Water Main.

This resolution would award a contract to R. R. Snipes Construction Company, Inc. to construct approximately 8,250 linear feet of 30" water main along Three Chopt Road from Thamesford Way to Gaskins Road in the Three Chopt/Tuckahoe Districts. The purpose of the project is to provide additional water supply to Goochland County in accordance with the Henrico/Goochland Water Agreement. The work will begin in October 2009 and will be completed by November 2010. Funding to support the contract is available within the project budget and will be reimbursed by Goochland County.

Bids were opened on July 23, 2009. The bidders and bid amounts are as follows:

Bidders	<u>Bid Amounts</u>
R.R. Snipes Construction Company, Inc. Ashland, VA	\$2,349,187.00
Walter C. Via Enterprises, Inc. West Point, VA	\$2,394,651.00
Garney Companies, Inc. Kansas City, MO	\$2,497,969.69
George Nice & Sons, Inc. Toano, VA	\$2,723,355.00

Metra Industries, Inc. Little Falls, NJ	\$2,737,887.00
Virginia Construction Company, Inc. Fredericksburg, VA	\$2,810,650.00
G.L. Howard, Inc. Rockville, VA	\$2,879,287.00
Piedmont Construction Company, Inc. Oilville, VA	\$2,888,550.00
Simons Hauling Company, Inc. Richmond, VA	\$2,899,000.00
J. Sanders Construction Company West Point, VA	\$3,188,000.00
Toano Contractors, Inc. Toano, VA	\$3,219,824.00
C.D. Hall Utilities, LLC Richmond, VA	\$3,646,222.00
Possie B. Chenault, Inc. Bumpass, VA	\$3,763,311.00
Henry S. Branscone, LLC Williamsburg, VA	\$3,770,829.34
Central Contracting Company, Inc. Henrico, VA	\$3,929,228.29

The Directors of Public Utilities and General Services recommend the Board award the contract to R. R. Snipes Construction, Inc., the lowest responsive and responsible bidder, in the amount of \$2,349,187.00 and authorize the County Manager or the Director of General Services as his designee to execute change orders not to exceed 15% of the original contract amount, and the County Manager concurs.

RESOLUTION — To Permit Additional Fine of \$200 for Speeding on Mountain Glen Parkway.

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

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

The County's Traffic Engineer has collected traffic data and has determined that Mountain Glen Parkway in the County is experiencing speeding problems and meets the criteria for traffic calming measures set forth in the Traffic Calming Program.

The citizens in the area of this road requesting the increased fine have collected signatures from 75% of the residents.

The Board paper authorizes the County Manager to place appropriate signs on Mountain Glen Parkway warning of an additional fine of \$200 for speeding.

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