

COUNTY OF HENRICO, VIRGINIA
Board of Supervisors' Agenda
February 9, 2010
7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Rev. Angelo V. Chatmon, Pastor, Pilgrim Journey Baptist Church

APPROVAL OF MINUTES – January 26, 2010 Regular and Special Meetings and March 16 - 19, 2009 Special Meeting

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

PUBLIC HEARINGS - REZONING CASES AND PROVISIONAL USE PERMITS

- | | |
|----------------------------------|---|
| 44-10
C-35C-09
Three Chopt | Oglethorpe Park LLC: Request to conditionally rezone from R-3C One-Family Residence District (Conditional) to R-5AC General Residence District (Conditional), Parcels 745-764-6608, 745-764-7122, 745-764-7834, 745-764-1645, 745-764-2159 and 745-764-1031, containing 12.373 acres, located on the south line of Dublin Road between the east line of Belfast Road and the west line of Glasgow Road. The applicant proposes a zero lot line development of no more than forty-nine (49) units. The R-5A District allows a minimum lot size of 5,625 square feet and a maximum gross density of 6.0 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre. The Planning Commission voted to recommend the Board of Supervisors <u>grant</u> the request. |
| 45-10
C-30C-09
Tuckahoe | Patterson Investments, Inc.: Request to conditionally rezone from R-2A One-Family Residence District to R-5AC General Residence District (Conditional), Parcel 748-741-8046, containing approximately 6.059 acres, located at the southeast intersection of Patterson Avenue (State Route 6) and Maybeury Drive. The applicant proposes a residential development of no more than thirty (30) homes. The R-5A District allows a minimum lot size of 5,625 square feet and a maximum gross density of 6.0 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Urban Residential, with density ranging from 3.4 to 6.8 units per acre. The Planning Commission voted to recommend the Board of Supervisors <u>grant</u> the request. |
| 46-10
P-1-10
Three Chopt | Advance Auto Parts: Request for a Provisional Use Permit under Sections 24-58.2(c), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to allow auto parts sales in an existing commercial building, on part of Parcel 752-759-9472, located on the east line of Gaskins Road approximately 400 feet north of W. Broad Street. The existing zoning is B-2C Business District (Conditional). The Land Use Plan recommends |

Commercial Arterial. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

47-10
C-32C-09
Fairfield
Barrington Investors LTD and Elder Homes Corporation: Request to amend proffered conditions accepted with Rezoning Case C-65C-06, on Parcels 799-732-4991, 799-733-5351, -7350, -7644, -7938, -8231, -8525, -8819, -9113, -9209, -9504, -8204, -7808, -7513, -7318, -7023, -6728, -6533, -6338, -6143, -4535, -4830, -5025, -5223, -5419, -5614, -5810, 799-732-8887, -8597, and -6697, located between the east line of the Chesapeake and Ohio Railway right-of-way and the west line of Barrington Road at its intersection with Springton Road. The applicant proposes to amend Proffer 3 related to foundations and Proffer 12 related to garages. The applicant also proposes to delete Proffer 18 related to the walking trail. The existing zoning is R-5AC General Residence District (Conditional). The Land Use Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre, and Environmental Protection Area. The Planning Commission voted to recommend the Board of Supervisors **grant** the request to amend Proffers 3 and 18.

48-10
P-12-09
Three Chopt
New Cingular Wireless PCS, LLC: Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to extend the height of an existing telecommunications tower from 150 feet to 169 feet, on part of Parcel 739-760-8865, located on the east line of Pump Road approximately 640 feet north of Three Chopt Road (Short Pump Park). The existing zoning is A-1 Agricultural District. The Land Use Plan recommends Open Space/Recreation. The site is in the West Broad Street Overlay District. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

PUBLIC HEARINGS – OTHER ITEMS

49-10
Resolution - Signatory Authority – First Amendment to Lease Agreement – Global Signal Acquisitions III LLC – Three Chopt District.

50-10
Resolution – Signatory Authority – Transmission Line Easement Agreement for Virginia Electric and Power Company – Varina District.

PUBLIC COMMENTS

GENERAL AGENDA

51-10
Resolution – Approval of Issuance of Bonds – Richmond Volleyball Club, Inc. – Economic Development Authority.

52-10
Introduction of Resolution – Receipt of Requests for Amendments to Reduce the FY 2009-10 Annual Fiscal Plan: February, 2010.

- 53-10 Resolution – Authorizing and Providing for the Issuance, Sale and Delivery of Not to Exceed \$120,000,000 Principal Amount of County of Henrico, Virginia, General Obligation Public Improvement Refunding Bonds.
- 54-10 Resolution – Award of Construction Contract – Public Safety Building Lobby Alterations.
- 55-10 Resolution – Signatory Authority – Amendment to Contract for Architectural and Engineering Services – Old Tuckahoe Library.
- 56-10 Resolution - Award of Construction Contract - Patterson Avenue Water Main Abandonment.
- 57-10 Resolution - Award of Construction Contract - Fourmile Creek Trunk Sewer Rehabilitation - Lining of Existing 84” Sewer.
- 58-10 Resolution - Signatory Authority - First Amendment to Comprehensive Agreement for the Extension of North Gayton Road.
- 59-10 Resolution - To Permit Additional Fine of \$200 for Speeding on Oregon Avenue between Randall Avenue and Darbytown Road.
- 60-10 Resolution - Acceptance of Roads.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS' RESUME
February 9, 2010**

INVOCATION – Rev. Angelo V. Chatmon, Pastor, Pilgrim Journey Baptist Church

PUBLIC HEARINGS - REZONING CASES AND PROVISIONAL USE PERMITS

- | | |
|-------------------------|--|
| C-35C-09
Three Chopt | Oglethorpe Park LLC: Request to conditionally rezone from R-3C One-Family Residence District (Conditional) to R-5AC General Residence District (Conditional), Parcels 745-764-6608, 745-764-7122, 745-764-7834, 745-764-1645, 745-764-2159 and 745-764-1031, containing 12.373 acres, located on the south line of Dublin Road between the east line of Belfast Road and the west line of Glasgow Road. The applicant proposes a zero lot line development of no more than forty-nine (49) units. The R-5A District allows a minimum lot size of 5,625 square feet and a maximum gross density of 6.0 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre. Acting on a motion by Mr. Branin seconded by Mr. Jernigan, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant the request because it is reasonable and the proffered conditions would provide for a higher quality of development than would otherwise be possible. |
| C-30C-09
Tuckahoe | Patterson Investments, Inc.: Request to conditionally rezone from R-2A One-Family Residence District to R-5AC General Residence District (Conditional), Parcel 748-741-8046, containing approximately 6.059 acres, located at the southeast intersection of Patterson Avenue (State Route 6) and Maybeury Drive. The applicant proposes a residential development of no more than thirty (30) homes. The R-5A District allows a minimum lot size of 5,625 square feet and a maximum gross density of 6.0 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Urban Residential, with density ranging from 3.4 to 6.8 units per acre. Acting on a motion by Mrs. Jones seconded by Mr. Branin, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant the request because it conforms to the recommendations of the Comprehensive Plan, is appropriate residential zoning at this location, and the proffered conditions would provide for a higher quality of development than would otherwise be possible. |

- P-1-10
Three Chopt
- Advance Auto Parts: Request for a Provisional Use Permit under Sections 24-58.2(c), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to allow auto parts sales in an existing commercial building, on part of Parcel 752-759-9472, located on the east line of Gaskins Road approximately 400 feet north of W. Broad Street. The existing zoning is B-2C Business District (Conditional). The Land Use Plan recommends Commercial Arterial. Acting on a motion by Mr. Branin seconded by Mr. Vanarsdall, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant the request because it is reasonable in light of the surrounding uses and zoning and the recommended conditions should minimize the potential impacts on surrounding land uses.
- C-32C-09
Fairfield
- Barrington Investors LTD and Elder Homes Corporation: Request to amend proffered conditions accepted with Rezoning Case C-65C-06, on Parcels 799-732-4991, 799-733-5351, -7350, -7644, -7938,-8231,-8525,-8819,-9113, -9209, -9504, -8204, -7808, -7513, -7318, -7023,-6728, -6533, -6338, -6143,-4535,-4830,-5025,-5223,-5419,-5614,-5810,799-732-8887,-8597,and -6697, located between the east line of the Chesapeake and Ohio Railway right-of-way and the west line of Barrington Road at its intersection with Springton Road. The applicant proposes to amend Proffer 3 related to foundations and Proffer 12 related to garages. The applicant also proposes to delete Proffer 18 related to the walking trail. The existing zoning is R-5AC General Residence District (Conditional). The Land Use Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre, and Environmental Protection Area. Acting on a motion by Mr. Archer seconded by Mr. Branin, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant the request to amend Proffers 3 and 18 because the changes do not greatly reduce the original intended purpose of the proffers nor are they expected to adversely impact surrounding land uses in the area. (The proposed amendment to Proffer 12 was not under consideration by the Planning Commission.)
- P-12-09
Three Chopt
- New Cingular Wireless PCS, LLC: Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to extend the height of an existing telecommunications tower from 150 feet to 169 feet, on part of Parcel 739-760-8865, located on the east line of Pump Road approximately 640 feet north of Three Chopt Road (Short Pump Park). The existing zoning is A-1 Agricultural District. The Land Use Plan recommends Open Space/Recreation. 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 5-0 (one abstention) to recommend the Board of Supervisors grant the request because when properly developed and regulated by the recommended special conditions, it would not be detrimental to the public health, safety, welfare, and values of the area and it would provide added services to the community.

PUBLIC HEARING - OTHER ITEMS

RESOLUTION - Signatory Authority - First Amendment to Lease Agreement - Global Signal Acquisitions III LLC - Three Chopt District.

Approval of this resolution will authorize the County Manager to execute, in a form approved by the County Attorney, a First Amendment to a lease agreement dated April 30, 2002 for the existing cell tower at Short Pump Park. The amendment between the County, Lessor, and Global Signal Acquisitions III LLC, a Delaware corporation, Lessee, provides for the fenced area to be expanded to include the Lessee's current parking area and for the tower height to be increased by fifteen feet. The tower extension will allow at least two additional users on the tower, increasing the potential rent to the County approximately \$24,000.00 per year. The Lessee agrees to install substantial fencing and screening at the site. The Directors of Recreation and Parks and Real Property recommend approval of this resolution.

RESOLUTION - Signatory Authority - Transmission Line Easement Agreement for Virginia Electric and Power Company - Varina District.

Approval of this resolution will authorize the Chairman and Clerk of the Board of Supervisors to execute a transmission line easement agreement, in a form approved by the County Attorney, conveying to Virginia Electric and Power Company ("VEPCO"), the right to construct and maintain an overhead electric transmission line across County land east of Hurop Road near the Henrico-New Kent County line. The transmission line is a part of VEPCO's Old Church to Chickahominy Project. The land was purchased in 1998 from Riley B. and Helen F. Lowe as a future wetland mitigation site. The agreement will allow the County to continue to use the easement area for future wetland mitigation purposes. VEPCO has agreed to pay the County \$9,000 for the easement. The Directors of Public Works and Real Property recommend approval of this action.

PUBLIC COMMENTS

GENERAL AGENDA

RESOLUTION - Approval of Issuance of Bonds - Richmond Volleyball Club, Inc. - Economic Development Authority.

This Board paper approves the issuance of revenue bonds in an amount not exceed \$4,000,000 by the County's Economic Development Authority for the benefit of Richmond Volleyball Club, Inc. The bonds will assist in financing or refinancing the acquisition, renovation, and equipping of an approximately 73,494 square foot athletic facility located at 2921 Byrdhill Road in the Brookland District, and for financing certain amounts or reserves, working capital, capitalized interest, costs of issuance, and other financing expenses related to the project and the issuance of the bonds. By resolution adopted January 21, 2010, the EDA recommended that the Board approve the issuance of the bonds.

INTRODUCTION OF RESOLUTION – Receipt of Requests for Amendments to Reduce the FY 2009-10 Annual Fiscal Plan: February, 2010.

Pursuant to Virginia Code Section 15.2-2507, amendments to the County's approved budget in excess of one percent of the County's currently adopted budget may be approved by first publishing a notice of a public hearing. The notice shall state the County's intent to amend the budget. To that end this paper is submitted, along with a list of the requested amendments to reduce the Fiscal Year 2009-10 Annual Fiscal Plan, as an introduction, so the Board may authorize the required advertising for February 16, 2010. A separate paper will be submitted at the public hearing on February 23, 2010 for Board action in amending the Annual Fiscal Plan and reducing the appropriated funds for expenditure, as applicable. The amendments may be approved after the public hearing at that same meeting.

RESOLUTION – Authorizing and Providing for the Issuance, Sale and Delivery of Not to Exceed \$120,000,000 Principal Amount of County of Henrico, Virginia, General Obligation Public Improvement Refunding Bonds.

This resolution authorizes the County to refund up to \$120,000,000 of the County's General Obligation Bonds, Series 2003, 2004, 2005, 2008 and 2008A. The authorization will extend to December 31, 2010 and may only proceed if the gross debt service savings exceed \$2,000,000.

RESOLUTION – Award of Construction Contract – Public Safety Building Lobby Alterations.

This resolution awards a construction contract to **Taft Construction, Inc.** in the amount of **\$229,800** for interior renovations and alterations of approximately 1,450 square feet within the existing Henrico County Public Safety Building. The work includes the construction of a new reception station within the existing atrium lobby, reconfiguration of the records area service window including ADA-compliant improvements, and the construction of interior partitions with the addition of bullet resistant armor, doors, transaction windows, transaction drawers and the installation of a card access system and video surveillance. The work is anticipated to be substantially complete within 140 days after the date of written notice to proceed.

Add Alternate No.1 provides for reducing the Base Bid Construction Schedule from 185 days to 140 days and is included in the total bid.

Ten bids were received on January 20 in response to Bid Request No. 09-8748-12JK and Addendum No.1 for Public Safety Building lobby alterations.

<u>Bidder</u>	<u>Base Bid</u>	<u>Add Alternate No.1</u>	<u>Total</u>
Reliable Commercial Builders, LLC*	\$166,500	\$10,000	\$176,500
J.D. Lewis Construction Management, Inc.**	\$189,900	\$0	\$189,900
North Star Companies, LLC**	\$183,817	\$7,975	\$191,792
Taft Construction, Inc.	\$214,800	\$15,000	\$229,800
All Seasons Contractors, Inc.	\$248,710	\$5,250	\$253,960

David A. Nice Builders, Inc.	\$233,300	\$20,700	\$254,000
Stoker Construction Management, LLC	\$259,900	\$35,000	\$294,000
HSL , Inc., dba Loudin Building Systems	\$346,500	\$60,000	\$406,500
Robra Construction Inc.	\$257,379.90	\$300,648.05	\$558,02.95
Haley Builders, Inc.	\$248,000	\$325,000	\$573,000

* Bidder did not submit a bid bond as required by the specifications and has been determined to be non-responsive.

**Bidder has not operated as the same corporate entity for a period of five years as required by the specifications and has been determined to be non-responsive.

Funding to support the contract is available within the project budget.

RESOLUTION – Signatory Authority – Amendment to Contract for Architectural and Engineering Services – Old Tuckahoe Library.

This resolution authorizes the County Manager to execute an amendment in the amount of \$95,987 to the September 13, 2006 architectural and engineering services contract with Peck Peck & Associates, Inc. for the Old Tuckahoe Library renovation project. The original contract amount was \$245,000, and there have been two subsequent amendments resulting in a revised contract amount of \$303,880. These changes included additional architectural and engineering services to undertake an existing furniture survey, additional topographic survey work, and design services required for the replacement of the existing building HVAC system and a new building automation system.

This amendment provides for additional architectural and engineering design services required to (1) design landscape and lighting plans in accordance with Henrico County POD requirements; (2) design an emergency generator; (3) design an independent HVAC system for the main IT Server Room; and (4) provide additional design services related to roof asbestos abatement. The amendment will result in a new contract amount of \$399,867.

Funding to support this contract amendment is available within the project budget.

RESOLUTION - Award of Construction Contract - Patterson Avenue Water Main Abandonment.

This resolution would award a contract to J. Sanders Construction Co. to abandon an existing water main along Patterson Avenue in the Tuckahoe District.

The work includes abandonment of approximately 7,800 linear feet of existing 6-inch and 8-inch water main along Patterson Avenue between Westbriar Drive and Otlyn Road. Installation of approximately 475 linear feet of 6-inch and 8-inch diameter ductile iron water main along Walbrook Drive and Westbriar Drive and 175 linear feet of 8-inch water main across Patterson Avenue are also included in the project.

The purpose of the project is to abandon a cast iron water main installed in 1963 that has experienced frequent breaks. The remaining water system will be connected to a 24 inch water line installed along Patterson Avenue in 2006. The work will begin in April 2010 and will be completed by December 2010. Funding to support the contract is available within the Water and Sewer Enterprise Fund.

Bids were opened on January 8, 2010. The bidders and bid amounts are as follows:

<u>Bidders</u>	<u>Bid Amounts</u>
J. Sanders Construction Co. West Point, VA	\$231,888.00
JM Excavating Co. Fredericksburg, VA	\$268,449.00
R.R. Snipes Construction Co., Inc. Ashland, VA	\$310,500.00
Biggs Construction Company, Inc. LaCrosse, VA	\$317,770.00
Toano Contractors, Inc. Toano, VA	\$322,349.00
G. L. Pruett, Inc. Ashland, VA	\$349,818.00
Lyttle Utilities, Inc. Richmond, VA	\$367,000.00
G.L. Howard, Inc. Rockville, VA	\$371,371.00
C.T. Purcell Excavating, Inc. Montpelier, VA	\$372,780.00
C.D. Hall Utilities Richmond, VA	\$438,521.00
Henry S. Branscome, LLC Williamsburg, VA	\$439,622.47
Walter C. Via Enterprises, Inc. West Point, VA	\$452,500.00

The Directors of Public Utilities and General Services recommend the Board award the contract to J. Sanders Construction Co., the lowest responsive and responsible bidder, in the amount of \$231,888.00 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 - Award of Construction Contract - Fourmile Creek Trunk Sewer Rehabilitation - Lining of Existing 84" Sewer.

This resolution would award a contract to Spiniello Companies to rehabilitate approximately 3.4 miles of existing 84-inch diameter concrete sewer main by inserting a 72-inch fiberglass reinforced polyester liner pipe into the existing pipe. The sewer main is located within an easement from Dorey Park to the Water Reclamation Facility in the Varina District.

Work will begin in March 2010 and will be completed by April 2014. Funding to support the contract is available within the Water and Sewer Enterprise Fund.

Bids were opened on January 13, 2010. The bidders and bid amounts are as follows:

<u>Bidders</u>	<u>Bid Amounts</u>
Spiniello Companies Livingston, NJ	\$14,762,000.00
Northeast Remsco Construction, Inc. Farmingdale, NJ	\$15,396,000.00
S. J. Louis Construction, Inc. Rockville, MN	\$17,710,000.00
Alex E. Paris Contracting Company, Inc. Atlasburg, PA	\$18,000,000.00
Hall Contracting Corporation Charlotte, NC	\$21,471,452.00
Super Excavators, Inc. Menomonee Falls, WI	\$25,225,000.00

The Directors of Public Utilities and General Services recommend the Board award the contract to Spiniello Companies, the lowest responsive and responsible bidder, in the amount of \$14,762,000.00 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 - Signatory Authority - First Amendment to Comprehensive Agreement for the Extension of North Gayton Road.

On September 25, 2007, the Board authorized the County Manager to execute the Comprehensive Agreement with **W.C. English, Inc.** for the design, construction, and related services for the extension of North Gayton Road at a total cost of \$38,600,000.

Because of the change in economic conditions since the negotiation of the agreement and issues that have arisen with regard to the acquisition of right-of-way for the project, County staff and **W.C. English, Inc.** have negotiated a contract amendment to reduce the contract price by \$2,030,000 and to specify the procedures for acquisition of the remaining right-of-way needed for the project. The new procedures are intended to prevent delays in the construction and minimize contract claims at the end of the project.

The Board paper authorizes the County Manager and Clerk to execute the First Amendment to Comprehensive Agreement with **W.C. English, Inc.** for the design, construction, and related services for the extension of North Gayton Road in a form approved by the County Attorney.

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

RESOLUTION - To Permit Additional Fine of \$200 for Speeding on Oregon Avenue between Randall Avenue and Darbytown Road.

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

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

The County's Traffic Engineer has collected traffic data and has determined that Oregon Avenue between Randall Avenue and Darbytown Road 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 Oregon Avenue between Randall Avenue and Darbytown Road warning of an additional fine of \$200 for speeding.

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

RESOLUTION - Acceptance of Roads.

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

- 1) 0.56 miles of Glendale Estates, Section A. Varina District.

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