

**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, April 13, 2010 at 4:30 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 matters to be reviewed by the Board at this time are:

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| 4:30 – 4:45 p.m. | Rail Preservation Fund Application of Buckingham Branch Railroad Company |
| 4:45 – 5:15 p.m. | Closed Meeting for Consultation with the County Attorney Pertaining to Probable Litigation Involving Property Owned by Emily Leake Waller, Pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, 1950, as Amended. |
| 5:15 – 5:45 p.m. | <i>Dinner</i> |



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

COUNTY OF HENRICO, VIRGINIA
Board of Supervisors' Agenda
April 13, 2010
6:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Rev. C. Diane Mosby, Pastor, Anointed New Life Baptist Church

PUBLIC HEARING

90-10 Resolution – Adoption of Operating and Capital Annual Fiscal Plans For Fiscal Year 2010-11 and Allocation of Car Tax Relief for Tax Year 2010.

BEGINNING AT 7:00 P.M.

APPROVAL OF MINUTES – March 23, 2010 Regular and Special Meetings

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

PRESENTATIONS

Proclamation – Library Week – April 11 – 17, 2010.

Proclamation – Administrative Professionals Week – April 18 – 24, 2010.

Proclamation – Crime Victims' Rights Week – April 18 – 24, 2010.

Proclamation – Volunteer Week – April 18 – 24, 2010.

PUBLIC HEARINGS - REZONING CASE AND PROVISIONAL USE PERMIT

91-10 West End Farmers' Market: Request to amend Conditions 1, 3, and 5 approved
P-3-10 with Provisional Use Permit P-4-09, on Parcels 732-751-4078, -0561 and
Tuckahoe 731-751-8088 located at the southwest intersection of Ridgefield Parkway and
 Gayton Road. The applicant proposes to change the hours of operation for an
 existing farmers' market. The existing zoning is B-3 Business District. The Land
 Use Plan recommends Commercial Concentration. The Planning Commission
 voted to recommend the Board of Supervisors grant the request.

92-10 White Oak Crossing Acquisition, LLC: Request to conditionally rezone from A-1
C-31C-09 Agricultural District, R-5 General Residence District and M-1 Light Industrial
Varina District to R-5C General Residence District (Conditional) and M-1C Light
 Industrial District (Conditional), Parcels 811-719-8863, 812-719-1130, 811-718-
 1589 and part of Parcel 813-720-9405, containing approximately 30.9 acres,
 located at the northwest intersection of S. Laburnum Avenue and Interstate 64,
 south of the Southern Railway right-of-way. The applicant proposes a multi-

family development of no more than three hundred fifty (350) dwelling units and retail/business uses. The R-5 District allows a maximum gross density of 14.52 units per acre. The uses will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Planned Industry 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

- 93-10 Resolution - POD-10-10 – Approval of a Plan of Development for Dumbarton Elementary School Addition – Brookland District.
- 94-10 Resolution - Condemnation - Right-of-Way and Easements - North Gayton Road Extension Project - Emily Leake Waller - Three Chopt District.
- 95-10 Resolution - Condemnation – Easements - North Gayton Road Extension Project - Timothy Willis and Rae M. Willis - Three Chopt District.
- 96-10 Ordinance – Vacation of Lot Lines and Unimproved Portion of Alley – Sunset Heights - Varina District.

PUBLIC COMMENTS

GENERAL AGENDA

- 97-10 Resolution – Authorization to Apply for and Accept Continuation Grants for Victim/Witness Assistance Program in Commonwealth’s Attorney’s Office.
- 98-10 Resolution – Endorsing the Rail Preservation Fund Application of Buckingham Branch Railroad Company.
- 99-10 Resolution – Authorization to Accept Grant Funding from the United States Department of Transportation Hazardous Materials Emergency Preparedness FY2010 Program through the Virginia Department of Emergency Management.
- 100-10 Resolution – Authorization to Accept Grant Funding from the U.S. Department of Homeland Security’s Central Virginia Urban Area Security Initiative, through Virginia Department of Emergency Management.
- 101-10 Resolution – Award of Contract for Architectural and Engineering Services – Fire Station #13.
- 102-10 Resolution – Authorization to Accept 2009 State Homeland Security Program Grant – Division of Police.

- 103-10 Resolution - Award of Construction Contract - Cheswick Park Sanitary Sewer Rehabilitation.
- 104-10 Introduction of Ordinance - To Amend and Reordain Subsection (a) of Sections 23-313 and 23-314 Titled "Water service and volume charges" and "Sewer service charges and rates," Respectively, of the Code of the County of Henrico, All to Increase County Utility Charges.



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

INVOCATION – Rev. C. Diane Mosby, Pastor, Anointed New Life Baptist Church

PUBLIC HEARING

RESOLUTION – Adoption of Operating and Capital Annual Fiscal Plans For Fiscal Year 2010-11 and Allocation of Car Tax Relief for Tax Year 2010.

On Tuesday, April 13, 2010, this paper will be considered, but should be deferred (at least seven days, according to law) before being approved. At a scheduled meeting on Tuesday, April 27, 2010, at 7:00 p.m. the proposed Operating and Capital Annual Fiscal Plans may be approved, amended, substituted for, or deferred until a later date, but, at least with regard to the schools' budget, should be approved by May 1, 2010. This paper will also allocate car tax relief for tax year 2010.

PRESENTATIONS

PROCLAMATION - Library Week - April 11 – 17, 2010.

The American Library Association has sponsored National Library Week annually since 1958 to celebrate the contributions of our nation's libraries and promote library use and support. The theme for this year's National Library Week is *Communities thrive @ your library*. This proclamation recognizes April 11 – 17, 2010 as Library Week in Henrico County and encourages our citizens to participate in its observance, take advantage of the wonderful library resources available, thank their librarians and library workers for making books and information accessible to all who walk through their library's doors, and acknowledge that communities can connect and thrive at the library.

PROCLAMATION – Administrative Professionals Week – April 18 – 24, 2010.

Administrative professionals play an essential role in coordinating the office operations of businesses, government, educational institutions, and other organizations. The Old Dominion Chapter of the International Association of Administrative Professionals, which is active in Henrico County, is promoting the observance of Administrative Professionals Week throughout our metropolitan area in cooperation with its worldwide organization. This proclamation recognizes April 18 – 24, 2010 as Administrative Professionals Week and April 21, 2010 as Administrative Professionals Day, salutes the valuable contributions of administrative professionals in the workplace, and encourages employers to support continued training and development for administrative staff in acknowledgement that a well-trained workforce is essential for success in today's business world.

PROCLAMATION – Crime Victims’ Rights Week – April 18 – 24, 2010.

The Victim/Witness Assistance Program in the Henrico County Commonwealth’s Attorney’s Office is joining forces with victim service programs, criminal justice officials, and concerned citizens throughout Henrico, the Commonwealth of Virginia, and the United States to observe National Crime Victims’ Rights Week. This proclamation recognizes April 18 – 24, 2010 as Crime Victims’ Rights Week in Henrico County and reaffirms the County’s commitment to respect and enforce victims’ rights and address their needs.

PROCLAMATION – Volunteer Week – April 18 – 24, 2010.

The County of Henrico has an active and viable Volunteer Services Program and the Board of Supervisors is continually attempting to improve and expand County services to citizens at the least possible cost. This proclamation recognizes April 18 – 24, 2010 as Volunteer Week in Henrico County and salutes and thanks each and every volunteer for the services they have so generously and willingly given to the County.

PUBLIC HEARINGS - REZONING CASE AND PROVISIONAL USE PERMIT

P-3-10 West End Farmers’ Market: Request to amend Conditions 1, 3, and 5 approved
Tuckahoe: with Provisional Use Permit P-4-09, on Parcels 732-751-4078,-0561 and 731-751-
8088 located at the southwest intersection of Ridgefield Parkway and Gayton Road. The applicant proposes to change the hours of operation for an existing farmers’ market. The existing zoning is B-3 Business District. The Land Use Plan recommends Commercial Concentration. Acting on a motion by Mrs. Jones seconded by Mr. Jernigan, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it would provide added services to the community and when properly regulated by the recommended special conditions, it would not be expected to adversely affect the public safety, health, or general welfare.

C-31C-09 White Oak Crossing Acquisition, LLC: Request to conditionally rezone from A-1
Varina Agricultural District, R-5 General Residence District and M-1 Light Industrial District to R-5C General Residence District (Conditional) and M-1C Light Industrial District (Conditional), Parcels 811-719-8863, 812-719-1130, 811-718-1589 and part of Parcel 813-720-9405, containing approximately 30.9 acres, located at the northwest intersection of S. Laburnum Avenue and Interstate 64, south of the Southern Railway right-of-way. The applicant proposes a multi-family development of no more than three hundred fifty (350) dwelling units and retail/business uses. The R-5 District allows a maximum gross density of 14.52 units per acre. The uses will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Planned Industry and Environmental Protection Area. The site is in the Airport Safety Overlay District. Acting on a motion by Mr. Jernigan seconded by Mr. Branin, the Planning Commission voted 5-0 (one

abstention) to recommend the Board of Supervisors **grant** the request because the proffered conditions will provide appropriate quality assurances and it would not be expected to adversely affect the pattern of zoning and land use in the area.

PUBLIC HEARINGS - OTHER ITEMS

RESOLUTION - POD-10-10 – Approval of a Plan of Development for Dumbarton Elementary School Addition – Brookland District.

This Board paper is for Board of Supervisors' approval of a plan of development, as required by Sections 24-11(b) and 24-106 of the Henrico County Code, to construct a one-story, 11,875 square foot building addition for six additional classrooms, revisions to the existing bus loop and related site improvements to an existing school. The 18.65-acre site is located along the western line of Hungary Spring Road, north of its intersection with Millstream Parkway on parcel 766-757-9364. The property is zoned R-2A, Single-Family Residential District and is located in the Brookland District.

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

The Director of Planning recommends approval of the plan of development, subject to the staff recommendations, the staff plan dated April 13, 2010, and the conditions listed in the Board paper, and the County Manager concurs.

RESOLUTION - Condemnation - Right-of-Way and Easements - North Gayton Road Extension Project - Emily Leake Waller - Three Chopt District.

This Board paper authorizes condemnation proceedings for property owned by Emily Leake Waller for the construction of the North Gayton Road Extension Project.

The County needs to acquire right-of-way containing 83,463 sq. ft., permanent slope and drainage easements containing 29,271 sq. ft., temporary construction easements containing 30,093 sq. ft., a permanent easement for Dominion Virginia Power containing 165.03 sq. ft., and a permanent easement for Verizon containing 6,544.44 sq. ft. across the property at 12324 Kain Road, identified as Tax Map Parcel 735-768-1290. Based on an independent appraisal, a bona fide offer of \$307,600 was made to and rejected by the owner.

This Board paper directs the County Manager to take the necessary steps to acquire the right-of-way and easements with the right to enter the property upon the filing of a certificate of take and the deposit of \$307,600 in the Clerk's Office of the Henrico County Circuit Court.

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

RESOLUTION - Condemnation - Easements - North Gayton Road Extension Project - Timothy Willis and Rae M. Willis - Three Chopt District.

This Board paper authorizes condemnation proceedings for property owned by Timothy Willis and Rae M. Willis for the construction of the North Gayton Road Extension Project.

The County needs to acquire permanent slope and drainage easements containing 636 sq. ft., a temporary construction easement containing 1,636 sq. ft., and a permanent easement for Dominion Virginia Power containing 435.61 sq. ft. across the property at 12291 Kain Road identified as Tax Map Parcel 737-768-0534. Based on an independent appraisal, a bona fide offer of \$2,445 was made to the owners who have rejected it.

This Board paper directs the County Manager to take the necessary steps to acquire the easements with the right to enter the property upon the filing of a certificate of take and the deposit of \$2,445 in the Clerk's Office of the Henrico County Circuit Court.

Rae M. Willis is employed by the Henrico County Real Property Department.

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

ORDINANCE – Vacation of Lot Lines and Unimproved Portion of Alley – Sunset Heights - Varina District.

Approval of this Ordinance will vacate the unimproved portion of an alley lying between Lots 45 and 46, owned by Sunset Heights, LLC, a Virginia limited liability company, and a portion of Lot 89 through a portion of Lot 91, owned by Winthrop, LLC, a Virginia limited liability company, and the lot lines between lots 45 & 46, 89 & 90, and 90 & 91 in Sunset Heights subdivision. This vacation will bring into compliance with the County Code, two permanent garages partially built on the alley. There are no County facilities in the alley and none are planned. The owners desire to create two lots of approximately similar sizes through a boundary line adjustment made by the two owners. The Real Property Department has processed this requested vacation through the Departments of Planning, Public Works and Public Utilities without objection.

PUBLIC COMMENTS

GENERAL AGENDA

RESOLUTION - Authorization to Apply for and Accept Continuation Grants for Victim/Witness Assistance Program in Commonwealth's Attorney's Office.

This Board paper authorizes the County Manager to apply for and accept continuation grants from the Virginia Department of Criminal Justice Services totaling \$355,974 for fiscal year 2011 and currently estimated at \$355,974 for fiscal year 2012 for continuation of the Victim/Witness Assistance Program in Henrico County. The total County support of this grant in fiscal year 2011 will be \$321,459, which includes a 100% county-funded position.

RESOLUTION - Endorsing the Rail Preservation Fund Application of Buckingham Branch Railroad Company.

Buckingham Branch Railroad Company ("Buckingham Branch Railroad") desires to file an application with the Virginia Department of Rail and Public Transportation ("DRPT") for funding assistance through the Rail Preservation Program to upgrade railroad approaches and install crossing surfaces on Dill Road in Henrico County and Stumpy Road in Hanover County. The total estimated cost of these projects is \$67,302.25. Buckingham Branch Railroad will provide the local matching funds if these grants are approved. This resolution requests DRPT to give priority consideration to the projects proposed by Buckingham Branch Railroad.

Resolution - Authorization to Accept Grant Funding from the United States Department of Transportation Hazardous Materials Emergency Preparedness FY2010 Program through the Virginia Department of Emergency Management.

This Board paper authorizes the County Manager to accept a grant from the United States Department of Transportation Hazardous Materials Emergency Preparedness (HMEP) 2010 program through the Virginia Department of Emergency Management. The grant, which requires a 20% local match that can be satisfied by the value of in-kind contributions, will be used by the Division of Fire's Office of Emergency Management to produce two tabletop exercises testing the County's response and recovery capability to a hazardous materials event.

RESOLUTION - Authorization to Accept Grant Funding from the U. S. Department of Homeland Security's Central Virginia Urban Area Security Initiative through the Virginia Department of Emergency Management.

This Board paper authorizes the County Manager to accept grant funding totaling \$149,950.00, which does not require any local match, from the FY2009 Central Virginia Urban Area Security Initiative allocation from the U. S. Department of Homeland Security through the Virginia Department of Emergency Management, to purchase equipment to detect, respond to, and recover from chemical, biological, radiological, nuclear, or explosive incidents.

RESOLUTION – Award of Contract for Architectural and Engineering Services – Fire Station #13.

This resolution awards a contract to **Moseley Architects, P.C.** for architectural and engineering services to renovate and expand Fire Station #13 located at 12491 Church Road. The existing 5,478 square foot fire station, built in 1985, sits on a 2.48 acre site.

The project involves expanding the station by 3,200 SF, renovating 1,000 SF of existing space and evaluating the existing building to verify if the structure conforms to class IV seismic category as required by the 2006 International Building Code. The station will remain in operation during the renovation and expansion. The building will be LEED Silver certified and will include energy efficient HVAC mechanical systems, water efficient plumbing fixtures, and sustainable building materials.

Collection of citizen's recyclables at the fire station parking lot will remain operational during and after construction.

It is anticipated that the design process will be completed by January 2011.

On January 29, 2010, ten proposals were received in response to RFP #09-8756-12CS. Based upon review and evaluation of the written proposals, the Selection Committee (consisting of Deputy Fire Chief Richard McClure, Mr. Michael Verdú, Mr. Edward Bass, Mr. Richard Morse, Mr. Rob Johnston, Mr. John Kida and Ms. Yvonne Daniel) interviewed the following offerors:

Moseley Architects, P.C.
Bignell Watkins Hasser Architects, P.C.
SMBW Architects, P.C.

The Selection Committee subsequently negotiated a contract with **Moseley Architects, P.C.**, the first-ranked offeror, in the amount of **\$321,398**.

The Director of General Services and the Fire Chief, the County Manager concurring, recommend approval of this Board paper.

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

RESOLUTION – Authorization to Accept 2009 State Homeland Security Program Grant – Division of Police.

This Board paper authorizes the County Manager to accept a State Homeland Security Program grant for \$40,000 from the U.S. Department of Homeland Security through the Virginia Department of Criminal Justice Services. The grant will be used to purchase self-contained Chemical, Biological, Radiological, Nuclear, and Explosive Personal Protection Equipment for use in preventing and responding to potential acts of terrorism. Although the grant does not require a local match, it is a reimbursement grant that requires the County to purchase the specified equipment before it may

receive the funding. The paper also authorizes the County Manager to sign all documentation necessary to accept the grant.

RESOLUTION - Award of Construction Contract - Cheswick Park Sanitary Sewer Rehabilitation.

This resolution would award a contract to Insituform Technologies, Inc. to rehabilitate approximately 4,325 linear feet of 8- to 18-inch diameter sanitary sewers and manholes within Cheswick Park located in the Three Chopt District.

The purpose of the project is to repair the existing sewer main by lining the interior of the pipe with a cured-in-place plastic liner. The work is projected to begin in June 2010 and be completed by November 2010. Funding to support the contract is available within the Water and Sewer Enterprise Fund.

Bids were opened on March 11, 2010. The bidders and bid amounts are as follows:

<u>Bidders</u>	<u>Bid Amounts</u>
Insituform Technologies, Inc. Chesterfield, MO	\$359,984.00
AM-Liner East, Inc. Berryville, VA	\$584,000.00

The Directors of Public Utilities and General Services recommend the Board award the contract to Insituform Technologies, Inc., the lowest responsive and responsible bidder, in the amount of \$359,984.00 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.

INTRODUCTION OF ORDINANCE — To Amend and Reordain Subsection (a) of Sections 23-313 and 23-314 Titled “Water service and volume charges” and “Sewer service charges and rates,” Respectively, of the Code of the County of Henrico, All to Increase County Utility Charges.

This is to introduce an ordinance to increase County water and sewer charges. This paper sets the public hearing for May 11, 2010.

The proposed ordinance would increase service and volume charges by approximately 5% for water and 5% for sewer, effective July 1, 2010. The total increase in water and sewer charges to a typical customer using 20 Ccf of water every two months will be \$6.10 bimonthly, or approximately 10.0¢ per day.

These changes are recommended to support the operating and capital budgets, including water and sewer rehabilitation projects.

The Director of Public Utilities recommends approval, and the County Manager concurs.