

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
REGULAR MEETING
August 14, 2018

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, August 14, 2018, at 7:00 p.m. in the Board Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia.

Members of the Board Present:

Frank J. Thornton, Chairman, Fairfield District
Tyrone E. Nelson, Vice Chairman, Varina District
Thomas M. Branin, Three Chopt District
Harvey L. Hinson, Brookland District
Patricia S. O'Bannon, Tuckahoe District

Other Officials Present:

John A. Vithoulikas, County Manager
Joseph P. Rapisarda, Jr., County Attorney
James B. Fitzgerald, Undersheriff
Barry R. Lawrence, CMC, Assistant to the County Manager/Clerk to the Board
Timothy A. Foster, P.E., Deputy County Manager for Community Operations
W. Brandon Hinton, Deputy County Manager for Administration
Randall R. Silber, Deputy County Manager for Community Development

Mr. Thornton called the meeting to order at 7:01 p.m. and led the recitation of the Pledge of Allegiance.

The Reverend Dr. William J. Crowder, Jr., Interim Pastor and Associate Pastor for Youth and Family Ministry at Glen Allen Baptist Church, delivered the invocation.

On motion of Mrs. O'Bannon, seconded by Mr. Branin, and by unanimous vote, the Board approved the minutes of the July 24, 2018, Regular and Special Meetings.

The vote of the Board was as follows:

Yes: Thornton, Nelson, Branin, Hinson, O'Bannon

No: None

MANAGER'S COMMENTS

Senior Assistant County Attorney Marissa Mitchell has been honored with an invitation from the Supreme Court of Virginia by Chief Justice Donald W. Lemons to join the faculty of the Virginia State Bar Harry L. Carrico Professionalism Course. All newly-licensed Virginia lawyers must take this course within one year of their admission to the bar. The faculty is selected from among the finest of Virginia's judges and lawyers. Mrs. Mitchell will join the

faculty for a three-year term, beginning in October and running through September 2021. She becomes the fourth member of the County Attorney's Office to receive this honor.

This past weekend marked the one-year anniversary of violent protests and civil unrest that occurred in Charlottesville, Virginia, where dozens of people were injured, and three people lost their lives. As the anniversary approached, officials from the Commonwealth of Virginia and City of Charlottesville reached out for help in preparing for the possibility of renewed violence and unrest. In late spring, the Central Virginia All-Hazards Incident Management Team accepted the role of assisting the Commonwealth and the City with planning and preparations. Ten employees from the County of Henrico were deployed to Charlottesville during the past week as members of this team along with 36 Henrico police officers who responded to support law enforcement functions. Of the local governments that offered help, Henrico sent the largest number of personnel. Henrico agencies that were represented included the Divisions of Fire and Police, as well as the Sheriff's Office, the Department of Information Technology, and the Division of Recreation and Parks. The individuals who participated volunteered for the assignment and worked very long hours with little or no sleep. Mr. Vithoulkas recognized the following Henrico participants: Police Lieutenant Colonel A. J. Scott; Police Major Mike Palkovics; Fire Battalion Chief Jackson Baynard; Emergency Manager Anna McRay; Fire Captains Taylor Goodman and Rob Rowley; Captain Hank Smith from the Sheriff's Office; Police Lieutenants Kevin Howdysshell, Rich Brown, and Greg Dillard; Fire Lieutenant Andy Shelton; Police Sergeant John Waters; Emergency Communications Officer Jeff Ashworth; Recreation Manager John Zannino; and Geographic Information Systems (GIS) Public Safety Specialist Mary Beth Danuser. Police Chief Hum Cardounel, Fire Chief Tony McDowell, and Major Todd Taylor and Captain Craig Worsham from the Virginia State Police were also recognized by Mr. Vithoulkas and offered comments on this significant public safety collaboration.

BOARD OF SUPERVISORS' COMMENTS

Mrs. O'Bannon acknowledged the recent passing of James Douglas Freeman, a Tuckahoe District resident and the son of Douglas Southall Freeman. Mr. Freeman proudly served in the U.S. Navy and was an avid supporter of the University of Richmond, the Richmond Spiders, and J. Sargeant Reynold Community College. His many philanthropic endeavors included service on the college's Educational Foundation Board and Local Board. Mrs. O'Bannon characterized Mr. Freeman as forward thinking. She remarked that he served Henrico County well and will be missed.

Mr. Branin thanked the Police Division and Sheriff's Office for their patience, willingness, and help in escorting members of the Board of Supervisors through the community on National Night Out, which was observed on August 7. He noted there were events in every district of Henrico County and it was a great evening. Mr. Thornton echoed Mr. Branin's comments, pointed out a lot of people who do not often see each other came together in harmony for National Night Out, and referred to this annual crime prevention program as a good example of Americana that should occur more frequently.

RECOGNITION OF NEWS MEDIA

Mr. Thornton recognized Chris Suarez Rojas, a new reporter with the *Richmond Times-Dispatch* who was covering the meeting.

PRESENTATIONS

Mr. Nelson presented a proclamation recognizing September 2018 as Preparedness Month. Accepting the proclamation was Anna McRay, Deputy Coordinator of Emergency Management. Joining her were Chief McDowell; Chief Cardounel; Maj. Pete MacRae, Deputy Chief of Police for Administrative Services; Melisa Early, a Medical Reserve Corps volunteer; Chaplain Dean Collings, a volunteer in Policing; Grace Harrison and Bob "Smokey" Thompson, Community Emergency Response Team (CERT) volunteers; and Alyssa Lewis, Medical Reserve Corps Coordinator for the Henrico Health District.

Mr. Thornton presented a proclamation recognizing September 2018 as Recovery Month. Accepting the proclamation was Gary Hicks, Judge of the Henrico Circuit Court and Drug Court. Joining him were Deloris Wilson, a recent Drug Court graduate; Jim Fitzgerald, Undersheriff; Laura Totty, Director of Mental Health & Developmental Services; Leslie Stephen, Mental Health & Developmental Services Program Manager; and Gary Hughes, Director of Community Corrections. Ms. Wilson shared a personal story highlighting how Henrico's Drug Court program has changed her life.

APPOINTMENTS

187-18 Resolution - Appointment of Member - J. Sargeant Reynolds Community College Board.

On motion of Mrs. O'Bannon, seconded by Mr. Nelson, and by unanimous vote, the Board approved this item – see attached resolution.

188-18 Resolution - Appointment of Member - The Cultural Arts Center at Glen Allen Foundation Board of Directors.

On motion of Mr. Hinson, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved this item – see attached resolution.

PUBLIC HEARING – REZONING CASE AND PROVISIONAL USE PERMIT

189-18 Salvatore Cangiano: Request to conditionally rezone from R-3C One-Family
REZ2018- Residence District, R-5C General Residence District (Conditional), and B-3C
00028 Business District (Conditional) to R-5AC General Residence District
Varina (Conditional), RTHC Residential Townhouse District (Conditional) and B-2C
 Business District (Conditional) Parcel 836-713-7564 containing 78.9 acres
 located at the northeast intersection of E. Williamsburg Road (U.S. Route 60)
 and Dry Bridge Road.

Mr. Vithoulkas noted this item and Agenda Item No. 198-18 (PUP2018-00009) were companion cases.

Jean Moore, Assistant Director of Planning, responded to questions from Mr. Nelson regarding the proposed point of access to the subject site and type of buffer proffered by the applicant.

Robert Johnson, an adjoining property owner, spoke in opposition to this item during the public hearing covering the two companion cases. He expressed concerns pertaining to the applicant's plan to construct two-story townhomes in the back of the subject site that will be visible from his property. Mr. Johnson also voiced concerns relating to the adequacy of the *proposed buffer between the subject site and his property.*

Andy Condlin, the applicant's representative, responded to Mr. Johnson's concerns. He explained the applicant's plans to supplement existing landscaping on the subject site with a transitional buffer and fencing and to prevent access from the site to the internal roads of the existing Pine Heights subdivision where Mr. Johnson resides. Mr. Condlin explained the higher residential densities proposed for the site will enable the applicant to bring in public sewer and replace failing septic systems that are in this area. He advised the Board that many issues raised at the Planning Commission public hearing had been resolved by the applicant through the proffered conditions.

Mr. Johnson elaborated on his concerns in response to a question from Mr. Nelson. Mr. Branin disputed Mr. Johnson's contention that the townhomes will attract a younger demographic. Ms. Moore and Joe Emerson, Director of Planning, responded to questions from Mr. Hinson regarding the proposed rear yard setbacks for the proposed townhomes. Mr. Hinson pointed out Mr. Johnson's concerns were more related to the final design than the zoning and could be taken care of during the plan of development (POD) process where Mr. Johnson would have another opportunity to provide input. Mr. Nelson asked Mr. Condlin to meet with Mr. Johnson prior to the POD process to discuss the buffer on the subject site's rear property line.

On motion of Mr. Nelson, seconded by Mr. Hinson, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved *this item with the following proffered conditions:*

1. **Concept Plan.** The Property shall be developed in general conformance with Exhibit A, attached hereto (see case file), entitled "DRY BRIDGE ROAD, OVERALL CONCEPTUAL, REZONING CONCEPTUAL, VARINA DISTRICT, HENRICO COUNTY, VIRGINIA", prepared by Balzer and Associates, Inc., and dated June 19, 2018 (the "Concept Plan"). The exact locations, footprints, configurations, size, and details of the lots, drives, roads, buildings and other improvements shown on the Concept Plan are illustrative and are subject to change and may be updated from time to time as required for final engineering design, compliance with governmental regulations or as otherwise approved at the time of Plan of Development review of the Property.

2. **Buffer Requirements.**

- a. **Overall.** Any buffer within the Property required herein shall be natural and landscaped, including supplemental plantings, signage, berms and/or fencing and other purposes as approved by the Planning Commission at the time of landscape plan review. Roads, sidewalks, utility easements (including drainage), common owned fencing/walls adjacent to any roads or drives, and signage shall be permitted within such buffer; provided, any such road or utility easements shall be extended generally perpendicular through such buffer unless otherwise approved at the time of Plan of Development approval. All buffers, whether in common area or a lot, shall be maintained by the association applicable to the Property.
- b. **East Williamsburg Road Buffer.** A minimum twenty-five (25) foot natural and landscaped buffer and planted to the level of a transitional buffer 25 shall be provided adjacent to the boundary of the Property adjoining East Williamsburg Road.
- c. **Dry Bridge Road Buffer.** A minimum ten (10) foot natural and landscaped buffer and planted to the level of a transitional buffer 10 shall be provided adjacent to the boundary of the Property adjoining Dry Bridge Road.
- d. **East-West Connector Road.** A minimum ten (10) foot natural and landscaped buffer and planted to the level of a transitional buffer 10 shall be provided adjacent to the boundary of the road shown on the Concept Plan as "East-West Connector Road" (see case file). These buffers shall also contain landscaping (such as street trees and a hedge row) and natural open areas, except as required for utility and drainage easements, which, as much as practical, shall run perpendicular to this buffer. Spacing for street trees along or within the East-West Connector Road shall be a maximum of thirty-five (35) feet on center, and no more than fifteen (15) feet from the edge of the right-of-way for the East-West Connector Road.
- e. **15' Individual Lots Buffer.** A minimum fifteen (15) foot natural and landscaped buffer and planted to the level of a transitional buffer 10 shall be provided adjacent to or within the boundary of any R-TH or R-5A lot as shown on the Concept Plan as "15' BUFFER" (see case file). Fencing along or within individual lots as may be required by the Planning Commission at the time of landscape plan review shall be installed as necessary to provide additional screening to and from the existing homes in Pine Heights subdivision.
- f. **25' Individual Lots Buffer.** A minimum twenty-five (25) foot natural and landscaped buffer and planted to the level of a

transitional buffer 25 shall be provided adjacent to or within the boundary of any R-TH lot as shown on the Concept Plan as "25' BUFFER" (see case file). Fencing along or within individual lots as may be required by the Planning Commission at the time of landscape plan review shall be installed as necessary to provide additional screening to and from the existing homes in Pine Heights subdivision.

3. **Underground Utility Lines.** All utility lines on the Property shall be underground, except for existing utilities, junction boxes, meters, utility lines in wetlands areas, and utility lines required to be above ground by the utility company.
4. **Best Management Practices.** Best Management Practice structures shall be located outside of any landscaped buffer within the Property, except as a landscaping amenity or water related feature, or unless approved at the time of subdivision review. Any wet pond best management practice structures shall include an aeration feature to move water within such structure.
5. **Protective Covenants.** Prior to or concurrent with the final approval of the initial Plan of Development for the Property, a document setting forth covenants (the "Covenants") shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia (the "County"), setting forth controls on the development and maintenance of the Property and establishing one or more owners' associations (the "Association"). All common amenities and common areas shall be maintained by the Association for the benefit of the owners, residents, tenants and their guests.
6. **Pedestrian Amenities.** Pedestrian areas, trails, walks and amenities shall be provided throughout the development to provide pedestrian connectivity throughout the entire project and in particular between buildings and to adjacent commercial uses, all as generally shown on the Concept Plan (see case file). A pedestrian phasing plan shall be submitted to the Planning Commission for review and approval as part of the first Plan of Development on the Property. This plan shall include the design, material and location of pedestrian elements. Trails/walks within the Property shall be constructed of concrete, exposed aggregate concrete, asphalt, stone, pavers, or brick or soft surfaces such as mulch, pea gravel, boardwalks, crushed gravel, or loose stone.
7. **C-1 Conservation District.** Prior to filing the final Plan of Development, the Owner/ Applicant shall apply to rezone such portions of the Property situated within the 100-year floodplain/special flood hazard area to a C-1 Conservation District. The location and limits of such portions of the Property shall be established by definitive surveys approved by the Department of Public Works.

8. **Landscaping.** The landscaping plan for the property shall incorporate the use of medians, pavers and sidewalks within and along the major drive aisles and boulevards as well as the use of decorative pavers and crosswalks at intersections. Street trees, a minimum caliper of 2½ inches at the time of planting, shall be planted along any spine road connecting Drybridge Road and Old Memorial Drive, at intervals of not more than 35 feet on center, unless otherwise approved at the time of Plan of Development review. A conceptual landscape plan shall be developed and submitted for review and approval by the Planning Commission at the time of Plan of Development review.
9. **Hours of Construction.** The hours of exterior construction including operation of bulldozers and other earthmoving equipment, shall be between 7:00 a.m. and 7:00 p.m., Monday through Friday, and 7:30 a.m. and 5:00 p.m. on Saturday, except in emergencies or where unusual circumstances require extending the specific hours. In order to complete work such as concrete pours or utility connections; provided, however, any such exterior construction that is within 250 feet of the Pine Heights subdivision shall be limited to 9:00 a.m. to 4:00 p.m. on Saturdays. Signs, in both English and Spanish, stating the above referenced provisions shall be posted and maintained at all entrances to the Property prior to any land disturbances activities thereon.
10. **Access.** No direct access to and from the Property shall be permitted from and to any public roads other than Dry Bridge Road and Old Memorial Drive.
11. **Archeological Study.** The applicant shall conduct a limited Phase 1 Archeological Study on the Property prior to the first Plan of Development or subdivision approval on the Property. The applicant shall provide a copy of the report to the Director of Planning of the County and shall offer for donation to the County any artifacts found as a result of such study or the development of the Property.
12. **Road Improvements.** The following road improvements and dedications shall be made by the applicant as required by the County at the time of any Plan of Development or subdivision review, as more particularly detailed on the Traffic Impact Analysis entitled "Dry Bridge Commons, Henrico County, Virginia", prepared by Ramey Kemp & Associates and dated June 2018:
 - a. U.S. 60 (Williamsburg Road) at Dry Bridge Road:
 - 1) Construct one southbound right-turn lane on Dry Bridge Road with 200 feet of storage.
 - 2) If approved by VDOT at the time of the first Plan of Development or subdivision review, install a conventional traffic signal, pursuant to VDOT standards. If a traffic signal is not approved by VDOT at such time or reserved for

a future plan of development or subdivision review on the Property, construct and install such improvements to such intersection as may be approved at the time of such Plan of Development or subdivision review.

- 3) Upgrade left turn lane on eastbound Williamsburg Road to VDOT standards as necessary.

b. Dry Bridge Road

- 1) Widen the roadway of Dry Bridge Road to 26 feet from the centerline of Dry Bridge Road along (a) the boundary of the Property as it fronts Dry Bridge Road, and (b) to the extent the existing right-of-way currently exists, the boundary of any other property along the eastern right-of-way line of Dry Bridge Road from Williamsburg Road to Old Williamsburg Road.

c. Dry Bridge Road Site Driveway 1:

- 1) In addition to the road widening stated in 12.b.1, construct one northbound right-turn lane on Dry Bridge Road with 200 feet of storage and 100 feet of taper.
- 2) Construct Site Driveway 1 with one ingress lane and two egress lanes.

d) Dry Bridge Road at Site Driveway 2:

- 1) In addition to the road widening stated in 12.b.1, construct one northbound right-turn lane on Dry Bridge Road with 200 feet of storage and 100 feet of taper.
- 2) Construct Site Driveway 2 with one ingress lane and two egress lanes.

e. Old Memorial Drive

- 1) Construct curb and gutter and widen Old Memorial Drive to 18 feet from the centerline of Old Memorial Drive along the boundary of the Property as it fronts Old Memorial Drive.

13. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

PROFFERS APPLICABLE TO THE B-2C PORTION OF THE PROPERTY:

14. **Architectural Treatment.** Any building (other than as an automotive filling station and convenience store, or a fast food restaurant with drive through) constructed on the B-2C portion of the Property shall be substantially similar to the style and design of that attached hereto as Exhibit B (4 pages) (see case file). Any convenience store or a fast food restaurant shall be complementary to the other architecture of the other buildings located on the B-2C portion of the Property. The determination of compatibility shall be based on scale, materials, form, architectural features, and/or colors. Users will be permitted to include prototypical or corporate identification architectural elements in the design of their building or space.
15. **Exterior Materials.** The exposed portion of each wall surface (front, rear and sides) of any building on the property intended for occupancy by persons shall be the same as exposed portions of other exterior walls of such building in architectural treatment and materials. Exposed exterior wall surfaces of all individual buildings shall be constructed of decorative concrete block (including without limitation split face block and fluted block) tilt-up or precast concrete, stone, cast stone, granite, marble, stucco, synthetic stucco, face brick, glass, exterior insulating finishing systems (E.I.F.S.), or combination of the foregoing, unless different materials are specifically approved with respect to the exposed portion of any such wall at the time of Plan of Development. At least seventy percent (70%) of each building's exterior wall surfaces shall be comprised of materials other than stucco, synthetic stucco or exterior insulating finishing systems (E.I.F.S.), unless otherwise approved at the time of Plan of Development. At least sixty percent (60%) of each building's exterior wall surfaces (exclusive of any windows or doors) shall be comprised of face brick, cast stone or such other material as approved at time of Plan of Development.
16. **Uses.** Uses on the B-2C portion of the Property shall be limited as follows:
 - a. No more than one automotive filling station shall be permitted on the Property located as generally shown on the Concept Plan (see case file).
 - b. No more than one fast food restaurant with drive through shall be permitted on the Property, located as generally shown on the Concept Plan (see case file).
 - c. The following uses shall not be permitted on the Property:
 - 1) Hotel, motel or motor lodge;
 - 2) Funeral home, mortuary and/or undertaking establishments;
 - 3) Automotive service stations;

- 4) Gun shop, sales and repair;
- 5) Flea market and antique auction;
- 6) Billboards;
- 7) Recycling collection facility;
- 8) Service for commercial or heavy duty trucks;
- 9) Commercial parking lot or garage as a principal use;
- 10) *Sign printing and painting shop*;
- 11) Communication towers;
- 12) Carwash as a principal use; and
- 13) Establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.2-2100 et seq. and 6.2-1800 et seq. of the Code of Virginia (1950), in effect as of the date of the approvals of these proffers (the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections).

17. **Loud Speakers.** Outside loud speakers that can be heard beyond the Property line shall be prohibited. The use of intercom-type systems commonly associated with banks and restaurants shall be permitted.
18. **Parking Lot Lighting.** Parking lot lighting fixtures shall not exceed 20 feet in height above grade level. Parking lot lighting shall be produced from concealed sources of light (i.e., shoebox type) and shall be reduced to no more than a security level following the close of business operations.
19. **Mechanical Equipment.** Mechanical equipment, including junction boxes and other exterior mechanical fixtures, shall be screened from public view at ground level from the public streets adjacent to and closest to the building, with use of buildings or structures, fencing or wall, landscaping, or such other method as may be approved at the time of Plan of Development review.
20. **Trash Receptacles and Dumpsters.** Dumpsters and trash receptacles, not including convenience containers, shall be screened from public view at ground level at the perimeter of the Property, with brick on three (3) sides complementary to the building it serves. The fourth (4th) side shall have a gate or door that is of a substantial and durable material as determined at the time of Plan of Development review. Support posts, gate frames, hinges and latches shall be of a sufficient size and strength to allow the gates to function without sagging or becoming a visual eyesore.
21. **Signage.** Any detached signs shall be ground-mounted monumental-type signs and shall not exceed ten (10) feet in height above grade. The foundation of all ground-mounted signs shall be constructed of brick or stone and if lighted, such signs shall be externally illuminated. No

Attention Getting Device (as that item is currently defined in Section 24-3 of the Henrico County Zoning Ordinance) shall be permitted.

22. **Trash Pickup, Parking Lot Cleaning, Leaf Blowing.** Trash pickup, parking lot cleaning and leaf blowing on the property shall be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday.
23. **Screening.** Any loading docks or outside storage areas shall be screened. Any screenings shall be done using materials that are architecturally compatible with the building(s) utilizing such storage area(s) or loading dock(s) unless otherwise approved at the time of Plan of Development review. Any service areas visible from Williamsburg Road or any major boulevard within the development shall be screened with landscaping or fencing, or combination thereof, in a manner to be approved at the time of Plan of Development review.

PROFFERS FOR THE R-5AC & RTHC PORTION OF THE PROPERTY

24. **Elevations/ Architecture/Conceptual Site Plan.**
 - a. Various design elements will be incorporated to provide variety amongst individual units including, but not limited, to the following:
 - 1) varying colors of brick, brick accents (including, but not limited, to keystones, soldier courses and accent coloring different from any main brick coloring).
 - 2) varying colors of siding, and varying window designs.
 - b. The exterior walls of all dwellings shall be constructed with brick, stone, dryvit, vinyl siding, hardiplank or an equivalent, a combination thereof or such other materials approved by the Director of Planning.
 - c. All trim shall be of a low maintenance material.
 - d. All front steps shall be constructed of brick, concrete or such similar maintenance free material as approved by the County.
 - e. There shall be no more than eight (8) attached townhouse units per building.
 - f. Development of the Property shall be similar with the architectural appearance shown on the renderings entitled Exhibit C (see case file) (10 pages), unless otherwise requested and specifically approved at the time of Plan of Development, subdivision, or later by the Director of Planning.

- g. At least fifty percent (50%) of the single-family dwellings shall have front elevations constructed with a minimum of 30% brick or stone.
- h. All units shall have 30-year dimensional shingles.
25. **Density.** There shall be no more than 273 dwelling units developed on the Property, a maximum of 230 of which may be townhomes.
26. **Minimum House Size.** Any single family detached dwellings shall have a minimum of 1,600 square feet of finished floor area. Townhouses shall have a minimum of 1,200 square feet of finished floor area, and a minimum width of 20 feet, provided a minimum of 64 townhouse units shall have a minimum width of 28 feet.
27. **Foundations.** The exposed exterior portions of any exterior residence foundation below the first floor level which is visible above grade, shall be constructed of brick or stone (including veneer). All homes shall be built either (a) on a crawl space foundation or (b) have a minimum of one (1) foot of the exterior portions of the home above finished grade be constructed of brick or stone (including veneer). Nothing herein shall prohibit basements from being constructed for any home.
28. **Chimneys and Cantilevered Features.** No chimneys or gas vent units shall be cantilevered. The exposed portions of all fireplace chimneys shall be of brick, stone, or siding similar to the exterior treatment of the dwelling. The exposed bases of all chimneys shall be of the same material as the dwelling foundation. Architectural features may extend beyond the facade if supported by decorative corbels.
29. **Driveways.** All driveways shall be constructed of asphalt, concrete, exposed aggregate material or pavers made of brick, stone or concrete.
30. **Street Lighting.** Lighting fixtures shall be provided and shall not exceed fifteen (15) feet in height above grade level. Lighting shall be non-glare, decorative in style, and residential in character.
31. **Mail Boxes.** All improved single family lots shall be required to have a mail box and supporting post of uniform design, subject to approval of the US Postal Service. Central mail delivery boxes may be permitted as required by the US Postal Service.
32. **Trash.** There shall be no central trash receptacles.
33. **Roads.** Prior to the issuance of the first permanent Certificate of Occupancy on the Property, the Owner shall provide the Planning Department with certification from a licensed engineering firm that any private roadways within the relevant section or phase of development were constructed according to the approved Plan of

Development or subdivision and in compliance with Henrico County road design standards and specifications to include proper compaction of the sub-base soils, utility trenches, base stone and asphalt surface, but excluding road widths and turning radii. The streets in the Property shall be constructed of asphalt.

34. **Yards.** All front yards shall be sodded, exclusive of mulched flowerbeds and landscaping. An irrigation system shall be provided in all R-5AC front yards and street side yards on corner lots, and in all townhome front yards and side yards.
35. **Sidewalks.** A four-foot wide sidewalk will be installed with a planting strip, a minimum of two (2) feet, between the sidewalk and the curb. This sidewalk shall be installed along the front of all lots.
36. **Sound.** Interior walls between townhouse units shall be constructed with a combination of building materials and construction techniques to provide a minimum Sound Transmission Coefficient (STC) of 54. At the time of Plan of Development review for any portion of the townhouse development, the owner or developer shall submit construction details, with an architect's or engineer's seal, demonstrating that construction will provide the proffered STC.
37. **Garages.** All single family detached units will have a minimum of a two (2) car garage either attached or detached and a minimum of 176 townhouse units will have a minimum of a one (1) car garage.
38. **Street Trees.** Street trees a minimum of 2½ inches diameter at breast height (D.B.H.) shall be installed on average every 35± feet along interior streets.
39. **House Location.** Any home within the RTHC portion of the Property adjoining the B-2C portion of the Property shall have the front of the home facing in the direction of the B-2C portion of the Property or the "East-West Connector Road", as generally shown on the Concept Plan (see case file), unless otherwise approved at the time of Plan of Development review.

The vote of the Board was as follows:

Yes: Thornton, Nelson, Branin, Hinson, O'Bannon

No: None

190-18
PUP2018-
00009
Varina

Salvatore Cangiano: Request for a Provisional Use Permit under Sections 24-58.2(a), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow 24-hour operation of a proposed convenience store with fuel pumps on part of Parcel 836-713-7564.

Ms. Moore responded to a question from Mr. Nelson pertaining to the 24-hour convenience store proposed for the subject site.

On motion of Mr. Nelson, seconded by Mr. Hinson, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item with the following conditions:

1. This permit shall only apply to the operation of a convenience store with automobile fuel sales and shall apply to any future owner/operator conducting such use on the property.
2. The installation of pay phones onsite shall be prohibited.
3. Any outside speakers and/or sound system shall comply with the following standards:
 - a) Sound systems shall be equipped with controls that permit full and complete volume control; and
 - b) Sound(s) emitted from the system shall not be audible beyond a distance of one hundred (100) feet measured from the source.
4. Prior to operating for 24-hours, the applicant shall submit a paper and a digital copy of a security plan for review and approval by Chief of Police. The security plan shall contain information regarding:
 - a) Standard operating procedures pertaining to employees, facility security, security personnel and all other crime prevention measures (including: a security alarm, placement and views of interior and exterior security cameras, physical security measures (door locks, hinges, access control (ex. Keycard access)), landscaping, lighting, etc. and describes how the security plan is designed to reduce crime from occurring during the proposed extended hours of operation.
 - b) Trespassing enforcement authorization, including the placement of "no trespassing" signage, shall be provided to the Police Division prior to 24-hour operation.
 - c) Prior to operating for 24-hours, the applicant shall meet with Henrico Police to ensure security measures are in place as described in the approved security plan.
5. The owner or operator shall be responsible for the installation, operation, and maintenance of exterior security camera(s) and video system of professional grade and quality, and rated for the exterior surveillance of retail operations. This security system shall at a minimum include:

- a) Exterior surveillance cameras shall monitor all entrance(s), fueling area(s), parking area(s), delivery area(s), and other areas determined necessary by the Crime Prevention Unit of the Division of Police. Such security cameras shall provide clear imagery of the establishment's patrons and their vehicles.
 - b) Recordings of all activities under surveillance shall be preserved for a period of one (1) month by the applicant or owner/operator. Authorized representatives of the Henrico County Division of Police shall have full and complete access to all recordings upon request.
6. Store windows shall not be tinted or obscured by advertisements, posters, blinds, and/or visual obstructions that inhibit or hinder exterior surveillance. The installation and use of light blocking devices during daylight hours shall be permissible if approved by the Crime Prevention Unit of the Division of Police.
 7. The owner or operator shall provide adequate lighting for the entrances, exits, and parking areas serving the use or location. "Adequate lighting" means lighting sufficient for clear, visual and security camera surveillance.
 8. The owner or operator shall not permit loitering on the premises during hours of operation.
 9. Should evidence (i.e. police calls to the premises, complaints from other businesses, criminal assaults, etc.) or registered complaints (i.e. increased public nuisance, loitering, excessive noise, etc.) indicate that the extended hour of operation is having adverse effects on the area, the Board of Supervisors may hold a public hearing to consider revoking the PUP, or amending all or some conditions.
 10. All proffered conditions accepted with case REZ2018-00028 shall be made part of this Provisional Use Permit.

The vote of the Board was as follows:

Yes: Thornton, Nelson, Branin, Hinson, O'Bannon

No: None

PUBLIC HEARINGS - OTHER ITEMS

- | | |
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| 191-18 | Ordinance - To Amend and Reordain Article III Titled "Smoke Detectors," Section 6-56 Titled "Required in certain buildings," Section 6-57 Titled "Installation standards," Section 6-58 Titled "Inspections," and Section 6-59 Titled "Maintenance," all of the Code of the County of Henrico, to Conform |
|--------|---|

to Changes in State Law Enacted by the 2018 General Assembly Relating to Smoke Alarms.

Mr. Rapisarda responded to a question from Mrs. O'Bannon.

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

On motion of Mrs. O'Bannon, seconded by Mr. Nelson, and by unanimous vote, the Board approved this item – see attached ordinance.

192-18 Ordinance - To Amend and Reordain Section 10-2 of the Code of the County of Henrico Titled "Repair, removal or securing of buildings and other structures harboring illegal drug use" to Conform to Changes in State Law Enacted by the 2018 General Assembly Relating to Criminal Blight.

Mr. Rapisarda responded to a question from Mr. Nelson.

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

On motion of Mrs. O'Bannon, seconded by Mr. Nelson, and by unanimous vote, the Board approved this item – see attached ordinance.

193-18 Ordinance - To Amend and Reordain Section 24-116 of the Code of the County of Henrico Titled "Powers" to Allow a New Circumstance for Granting a Variance.

Mr. Emerson responded to a question from Mrs. O'Bannon regarding this item.

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

On motion of Mrs. O'Bannon, seconded by Mr. Hinson, and by unanimous vote, the Board approved this item – see attached ordinance.

194-18 Resolution - Signatory Authority - Lease of County Property - CID, Inc. - 2200 N. 20th Street - Fairfield District.

Mr. Vithoulkas responded to a question from Mr. Nelson.

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

On motion of Mr. Hinson, seconded by Mr. Nelson, and by unanimous vote, the Board approved this item – see attached resolution.

Mr. Thornton recognized Reverend Dr. Patricia Gould-Champ and members of the Faith Community Baptist Church who were impacted by this item and seated in the audience.

195-18 Ordinance - Vacation of Utility Easement - Cameron at Grey Oaks Subdivision - Three Chopt District.

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

On motion of Mr. Branin, seconded by Mr. Hinson, and by unanimous vote, the Board approved this item – see attached ordinance.

PUBLIC COMMENTS

Tywan Lee and Shirley Crawford, co-founders of the Women's Business Center RVA, introduced themselves to the Board. Ms. Crawford invited the Board to join this new center in its mission to help women entrepreneurs and women-owned businesses succeed. She also invited the Board to attend the center's grand opening on August 30 at its Willow Lawn Drive location in the Brookland District.

GENERAL AGENDA

196-18 Resolution - Award of Contract - Architectural and Engineering Services for Police Evidence Storage Facility - Brookland District.

Chief Cardounel responded to questions and a comment from Mrs. O'Bannon.

On motion of Mrs. O'Bannon, seconded by Mr. Hinson, and by unanimous vote, the Board approved this item – see attached resolution.

197-18 Resolution - To Accept a Grant from the U.S. Department of Justice, Edward Byrne Memorial Justice Assistance Grant Program to Purchase Equipment That Will Be Used to Facilitate Specialized Training, Improve Officer Safety, and Enhance the Effectiveness of Criminal Investigations.

Chief Cardounel responded to a question from Mrs. O'Bannon.

On motion of Mrs. O'Bannon, seconded by Mr. Branin, and by unanimous vote, the Board approved this item – see attached resolution.

198-18 Resolution - Signatory Authority - Acquisition of Real Property - 3912 Nine Mile Road - Varina District.

On motion of Mr. Nelson, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved this item – see attached resolution.

199-18 Resolution - Signatory Authority - Agreement Concerning The Cultural Arts Center at Glen Allen.

K Alferio, President of The Cultural Arts Center at Glen Allen, responded to a question from Mrs. O'Bannon.

On motion of Mrs. O'Bannon, seconded by Mr. Hinson, and by unanimous vote, the Board approved this item – see attached resolution.

200-18

Resolution - Award of Contract - John Rolfe Parkway Sidewalk Improvements - Tuckahoe District.

Steve Yob, Director of Public Works, responded to questions from Mrs. O'Bannon.

On motion of Mrs. O'Bannon, seconded by Mr. Branin, and by unanimous vote, the Board approved this item – see attached resolution.

201-18

Resolution.- Settlement of *Magnolia Lorraine Purcell v. Brenda Evans*.

On motion of Mr. Branin, seconded by Mr. Hinson, and by unanimous vote, the Board approved this item – see attached resolution.

There being no further business, the meeting was adjourned at 8:28 p.m.



Chairman, Board of Supervisors
Henrico County, Virginia

Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

PREPAREDNESS MONTH

September 2018

WHEREAS, one of the most profound duties of government is ensuring the safety and security of its citizens from emergencies and disasters of all kinds; and

WHEREAS, large-scale emergencies and disasters affecting Henrico County include severe weather, fires, flooding, tornadoes, drought, earthquakes, and numerous smaller yet significant events that occur daily across the county; and

WHEREAS, all citizens and businesses have a responsibility to contribute to their own safety and security as part of a larger effort by the County to strengthen its ability to prepare for, prevent, respond to, and recover from unexpected emergencies and incidents in cooperation with regional partners, the Commonwealth of Virginia, and the national government; and

WHEREAS, Henrico citizens and businesses can greatly reduce the potential for death, injury, and property loss by taking a few simple steps such as assembling a disaster kit, making an emergency plan, keeping informed of hazards around them, and volunteering to help in times of crisis; and

WHEREAS, preparedness activities are supported by a wide range of local and state initiatives, including Henrico County's Community Emergency Response Team, Fire Corps, Amateur Radio Emergency Services Cadre, Medical Reserve Corps, Neighborhood Watch, and Volunteers in Police Services, and by various citizen and business training opportunities and ongoing public awareness and preparedness campaigns focused on fire safety, emergency management, public health, and crime awareness; and

WHEREAS, the combined actions of local, state, and federal agencies working in partnership with an informed and ready private sector and citizenry can transcend the fear of unexpected emergencies and disasters into proactive preparedness that improves the lives, safety, and security of all Henrico citizens.

NOW, THEREFORE, BE IT PROCLAIMED that the Board of Supervisors of Henrico County, Virginia, hereby recognize September 2018 as Henrico Preparedness Month and calls this observance to the attention of all Henrico citizens and businesses.



Frank J. Thornton
Frank J. Thornton, Chairman
Board of Supervisors

Barry R. Lawrence
Barry R. Lawrence, Clerk
August 14, 2018

Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

RECOVERY MONTH

September 2018

WHEREAS, behavioral health is an essential part of health and one's overall wellness; and

WHEREAS, prevention of substance use disorders works, treatment is effective, and people recover in our area and around the nation; and

WHEREAS, death by overdose has surpassed traffic deaths in Virginia; and

WHEREAS, given the serious nature of the current public health opiate epidemic, it is important to continue reaching citizens who need assistance; and

WHEREAS, addressing substance use is a common denominator between County agencies and services; and

WHEREAS, given the number of citizens affected by substance use, it is important to continue providing the best services available to meet their needs; and

WHEREAS, we must encourage family and friends of people with substance use disorders to implement preventive measures, recognize the signs of a problem, and guide those in need to appropriate treatment and recovery support services; and

WHEREAS, Recovery Month, which is nationally observed each year during the month of September, offers those involved in substance use treatment an opportunity to educate citizens, community organizations, public officials, and civic leaders about the effectiveness of substance use treatment from both societal and financial perspectives; and

WHEREAS, to help more people achieve and sustain long-term recovery, the U.S. Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the White House Office of National Drug Control Policy, the Henrico County Sheriff's Office, Henrico Area Mental Health & Developmental Services, the Henrico Drug Court, and other local partners invite all Henrico residents to participate in National Recovery Month.

NOW, THEREFORE, BE IT PROCLAIMED that Board of Supervisors of Henrico County, Virginia, hereby recognizes September 2018 as Recovery Month and calls upon Henrico citizens to acknowledge this year's theme, *"Join the Voices for Recovery: Invest in Health, Home, Purpose, and Community."*



Frank J. Thornton
Frank J. Thornton, Chairman
Board of Supervisors

Barry R. Lawrence
Barry R. Lawrence, Clerk
August 14, 2018



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 187-18

Page No. of

Agenda Title: RESOLUTION - Appointment of Member - J. Sargeant Reynolds Community College Board

For Clerk's Use Only:

Date: 8/14/2018

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

Branin, T.	✓		
Hinson, H.	✓		
Nelson, T.	✓		
O'Bannon, P.	✓		
Thornton, F.	✓		

BE IT RESOLVED that the Board of Supervisors of Henrico County, Virginia, appoints the following person to the J. Sargeant Reynolds Community College Board for a term expiring June 30, 2022, or thereafter, when her successor shall have been appointed and qualified:

Fairfield District

Mary L. Studevart

By Agency Head

By County Manager

Routing:

Yellow to:

Copy to:

Certified:

A Copy Teste:

Clerk, Board of Supervisors

Date:



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 188-18

Page No. 1 of 1

Agenda Title: RESOLUTION – Appointment of Member – The Cultural Arts Center at Glen Allen Foundation Board of Directors

For Clerk's Use Only:

BOARD OF SUPERVISORS ACTION

Date: 8/14/2018

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

Moved by (1) Hanson Seconded by (1) O'Bannon
(2) _____ (2) _____

REMARKS:

APPROVED

YES NO OTHER

Brannin, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hinson, H.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nelson, T.	<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"/>

BE IT RESOLVED that the Board of Supervisors of Henrico County, Virginia, appoints the following person to The Cultural Arts Center at Glen Allen Foundation Board of Directors for a term expiring June 30, 2021, or thereafter, when her successor shall have been appointed and qualified:

At-Large

JoAnn H. Perkins

By Agency Head _____

By County Manager _____

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 191-18

Page No. 1 of 2

Agenda Title: **ORDINANCE – To Amend and Reordain Article III Titled “Smoke Detectors,” Section 6-56 Titled “Required in certain buildings,” Section 6-57 Titled “Installation standards,” Section 6-58 Titled “Inspections,” and Section 6-59 Titled “Maintenance,” all of the Code of the County of Henrico, to Conform to Changes in State Law Enacted by the 2018 General Assembly Relating to Smoke Alarms**

For Clerk's Use Only: Date: <u>8/14/2018</u> <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>O'Bannon</u> Seconded by (1) <u>Nelson</u> (2) _____ (2) _____ REMARKS: APPROVED	<table><thead><tr><th></th><th>YES</th><th>NO</th><th>OTHER</th></tr></thead><tbody><tr><td>Branin, T.</td><td><u>/</u></td><td></td><td></td></tr><tr><td>Hinson, H.</td><td><u>/</u></td><td></td><td></td></tr><tr><td>Nelson, T.</td><td><u>/</u></td><td></td><td></td></tr><tr><td>O'Bannon, P.</td><td><u>/</u></td><td></td><td></td></tr><tr><td>Thornton, F.</td><td><u>/</u></td><td></td><td></td></tr></tbody></table>		YES	NO	OTHER	Branin, T.	<u>/</u>			Hinson, H.	<u>/</u>			Nelson, T.	<u>/</u>			O'Bannon, P.	<u>/</u>			Thornton, F.	<u>/</u>		
		YES	NO	OTHER																						
Branin, T.	<u>/</u>																									
Hinson, H.	<u>/</u>																									
Nelson, T.	<u>/</u>																									
O'Bannon, P.	<u>/</u>																									
Thornton, F.	<u>/</u>																									

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

1. That the title of Article III of Chapter 6 of the Code of the County of Henrico be amended and reordained as follows:

ARTICLE III. – SMOKE DETECTORS-ALARMS

2. That Section 6-56 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 6-56. Required in certain buildings.

Smoke detectors alarms shall be installed in the following structures or buildings if smoke alarms have not been installed in accordance with the building code:

- (1) Any building containing one or more dwelling units;
- (2) Any hotel or motel regularly used, offered for, or intended to be used to provide overnight sleeping accommodations for one or more persons; and
- (3) Any Rooming houses regularly used, offered for, or intended to be used to provide overnight sleeping accommodations.

3. That Section 6-57 of the Code of the County of Henrico be amended and reordained as follows:

By Agency Head: [Signature]

By County Manager: [Signature]

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 191-18
Page No. 2 of 2

Agenda Title: **ORDINANCE – To Amend and Reordain Article III Titled “Smoke Detectors,” Section 6-56 Titled “Required in certain buildings,” Section 6-57 Titled “Installation standards,” Section 6-58 Titled “Inspections,” and Section 6-59 Titled “Maintenance,” all of the Code of the County of Henrico, to Conform to Changes in State Law Enacted by the 2018 General Assembly Relating to Smoke Alarms**

Sec. 6-57. Installation standards.

Smoke detectors alarms required by this article shall be installed only in conformance with the provisions of the ~~Virginia Uniform Statewide Building Code~~. Smoke detectors alarms may be either battery operated or powered by alternating current. Such installation shall not require new or additional wiring and shall be maintained in accordance with the Virginia Statewide Fire Prevention Code and Part III of the building code.

4. That Section 6-58 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 6-58. Inspections.

The owner of any building, hotel, motel or rooming house required to install smoke detectors alarms under this article shall inspect each detector alarm annually to ensure it is operating properly and shall maintain a record of such inspection, which shall be available for inspection by the building official, the fire chief or the designee of either.

5. That Section 6-59 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 6-59. Maintenance.

The owner of any rental unit which is ~~rented or leased~~ shall, ~~at the beginning of each tenancy and at least annually thereafter,~~ furnish provide the tenant with a certificate that all required smoke detectors alarms are present, have been inspected by the owner, his employee, or an independent contractor, and are in good working order no more than once every 12 months. Except for smoke detectors alarms located in hallways, stairwells and other public or common areas of multifamily buildings, interim testing, repair and maintenance of smoke detectors alarms in rented or leased dwelling units shall be the responsibility of the tenant; however, the owner shall be obligated to service, repair or replace any malfunctioning smoke detector within five days of receipt of written notice from the tenant that such smoke detector is in need of service, repair or replacement. The tenant or occupant of any leased premises equipped with battery operated smoke detection equipment shall be responsible for the replacement of any batteries required to keep battery operated smoke detection equipment in proper working order in accordance with Code of Virginia, §§ 55-225.4 or 55-248.16, as applicable.

6. That this ordinance shall be in full force and effect on and after its passage as provided by law.

Comments: The Building Official and the Fire Chief recommend approval of this Board paper, and the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 192-18
Page No. 1 of 1

Agenda Title: ORDINANCE – See attached

For Clerk's Use Only:

Date: 8/14/2018

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

Branin, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hinson, H.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nelson, T.	<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"/>

After a duly advertised public hearing, the Board of Supervisors of Henrico County adopted the attached ordinance.

Comments: The Building Official and the Police Chief recommend approval of this Board paper, and the County Manager concurs.

By Agency Head

By County Manager

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

ORDINANCE – To Amend and Reordain Section 10-2 of the Code of the County of Henrico Titled “Repair, removal or securing of buildings and other structures harboring illegal drug use” to Conform to Changes in State Law Enacted by the 2018 General Assembly Relating to Criminal Blight

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

1. That Section 10-2 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 10-2. Repair, removal or securing of buildings and other structures harboring illegal drug use or other criminal activity.

(a) *Definitions.* For the purpose of this section, the following terms shall have the following meanings:

Affidavit means the affidavit sworn to under oath in accordance with subsection (c).

Commercial sex acts means any specific activities that would constitute a criminal act under Code of Virginia, title 18.2, ch. 8, art. 3 (Code of Virginia, § 18.2-344 et seq.) or a substantially similar local ordinance if a criminal charge were to be filed against the individual perpetrator of such criminal activity.

Controlled substance means illegally obtained controlled substances or marijuana, as defined in Code of Virginia, § 54.1-3401.

Corrective action means (i) taking specific actions with respect to the buildings or structures on property that are reasonably expected to abate criminal blight on such real property, including the removal, repair, or securing of any building, wall, or other structure, or (ii) changing specific policies, practices, and procedures of the real property owner that are reasonably expected to abate criminal blight on real property. A local law-enforcement official shall prepare an affidavit on behalf of the locality that states specific actions to be taken on the part of the property owner that the locality determines are necessary to abate the identified criminal blight on such real property and that do not impose an undue financial burden on the owner.

Drug Criminal blight means a condition **existing** on real property ~~tending to that~~ **endangers** public health or the safety of county residents ~~because of~~ **and is caused by** **(i) the regular presence of persons under the influence of marijuana or illegally obtained controlled substances; as defined in Code of Virginia, § 54.1-3401, or (ii) the regular use of the property for the purpose of illegally possessing, manufacturing, or distributing such controlled substances or marijuana; (iii) the regular use of the property for the purpose of engaging in commercial sex acts; or (iv) repeated acts of the malicious discharge of a firearm within any building or dwelling that would constitute a criminal act under Code of Virginia, § 18.2-279 or a substantially similar local ordinance if a criminal charge were to be filed against the individual perpetrator of such criminal activity.**

Law-enforcement official means an official designated to enforce criminal laws within a locality, or an agent of such law-enforcement official. The law-enforcement official shall coordinate with the building or fire code official of the locality as otherwise provided under applicable laws and regulations.

Owner means the record owner of real property.

Property means real property.

(b) *Abatement authorized.* The building official is hereby authorized to take reasonable steps to abate ~~drug~~ **criminal** blight on real property, such as removal, repair or securing of a building, wall or other structure, after complying with the notification provisions of this section.

(c) *Initial notification procedures.* Before any corrective action is taken, the chief of police shall execute and send the building official an affidavit that cites Code of Virginia § 15.2-907 and states the following:

- (1) ~~Drug~~ **Criminal** blight exists on the property;
- (2) The grounds for determining that ~~drug~~ **criminal** blight exists on the property;
- (3) The division of police has been unable to abate the ~~drug~~ **criminal** blight despite diligent efforts to do so; and
- (4) The ~~drug~~ **criminal** blight constitutes a present threat to the public's health, safety or welfare.

The building official shall send a copy of the affidavit by regular **(i) certified mail, return receipt requested; (ii) hand delivery; or (iii) overnight delivery by a commercial service or the United States Postal Service,** to the owner of the property at his current address in the county's assessment records along with a notice stating that the owner has 30 days from the date of the notice to take corrective action and that, upon the owner's request, the county will assist the owner in determining and coordinating the corrective

action. If the owner notifies the county in writing within the 30-day period that additional time to complete the corrective action is needed, the county shall allow such owner an extension for an additional 30-day period to take such corrective action.

(d) *Additional notification.* If no corrective action is taken during the 30-day period, or during the extension if such extension is granted by the county, the building official shall send an additional notice to the owner by regular certified mail, return receipt requested, at the address stated in subdivision (c). The notice shall state that the date on which the county may take commence (i) corrective action to abate the drug criminal blight or (ii) legal action in a court of competent jurisdiction to obtain a court order to require that the owner take such corrective action or, if the owner does not take corrective action, a court order to revoke the certificate of occupancy for such property, after which date shall be no earlier than 15 days from the date ~~after the date of mailing~~ of the additional notice, ~~and it shall describe the county's contemplated corrective action.~~ The notice shall also describe the county's contemplated corrective action and state that the costs of corrective action taken by the county will be charged to the owner. Upon reasonable notice to the county, the owner may seek equitable judicial relief, and the county may not take corrective action during the pendency of a proper petition for relief in a court of competent jurisdiction.

(e) *Costs of corrective action.* If the county takes corrective action after complying with the requirements of this section, the county may charge the costs and expenses of the corrective action to the owner and may collect them as taxes are collected. Every charge authorized by this section ~~which that~~ remains unpaid shall constitute a lien against the property with the same priority as liens for unpaid local real estate taxes and shall be enforceable in the same manner as provided in Code of Virginia, title 58.1, ch. 39, arts. 3 (Code of Virginia, § 58.1-3940 et seq.) and 4 (Code of Virginia, § 58.1-3965 et seq.).

(f) *Corrective action by owner.* If the owner of the property takes timely and effective corrective action pursuant to the provisions of this section, the building official shall deem the ~~drug~~ criminal blight abated, shall close the proceedings without any charge or costs to the owner, and shall promptly provide a written notice to the owner that the proceeding has been terminated satisfactorily. The closing of a proceeding shall not bar the county from initiating a subsequent proceeding if the ~~drug~~ criminal blight recurs.

(g) *Owner's rights preserved.* Nothing in this section shall be construed to abridge, diminish, limit, or waive any rights or remedies of an owner of property at law ~~or in equity~~ or any permits or nonconforming rights the owner may have under Code of Virginia, title 15.2, ch. 22 (Code of Virginia, § 15.2-2200 et seq.) or under the Code. If an owner in good faith takes corrective action, and despite having taken such action, the specific criminal blight identified in the affidavit persists, such owner shall be deemed in compliance with this section. Further, if a tenant of a rental dwelling unit, or a tenant on a manufactured home lot, is the cause of criminal blight on such property and the owner in good faith initiates legal action and pursues the same requesting a final order by a court of competent jurisdiction, as otherwise authorized by the Code of Virginia, against such tenant to remedy such

noncompliance or to terminate the tenancy, such owner shall be deemed in compliance with this section.

2. 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. 193-18

Page No. 1 of 2

Agenda Title: ORDINANCE – To Amend and Reordain Section 24-116 of the Code of the County of Henrico Titled “Powers” to Allow a New Circumstance for Granting a Variance

For Clerk's Use Only:

Date: 8/14/2018

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

BOARD OF SUPERVISORS ACTION

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

REMARKS: APPROVED

YES NO OTHER

Branin, T.	✓		
Hinson, H.	✓		
Nelson, T.	✓		
O'Bannon, P.	✓		
Thornton, F.			

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

1. That Section 24-116 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-116. Powers.

The board shall have the following powers and duties:

• • • • •

(c) *Variance.* To grant upon appeal or original application in specific cases a variance, provided that the spirit of this chapter shall be observed and substantial justice done, as follows: provided that the burden of proof shall be on the applicant to prove by a preponderance of the evidence that his application meets the standard for a variance as defined in section 24-3 and the criteria set forth in this section.

A variance shall be granted if the evidence shows that (1) the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or (2) the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance or (3) the granting of the variance would alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with disability, and (3) all of the following criteria are met:

By Agency Head

By County Manager

Routing:

Yellow to:

Copy to:

Certified:

A Copy Teste:

Clerk, Board of Supervisors

Date:

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

Agenda Item No. 193-18
Page No. 2 of 2

Agenda Title: ORDINANCE – To Amend and Reordain Section 24-116 of the Code of the County of Henrico Titled “Powers” to Allow a New Circumstance for Granting a Variance

- (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
- (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
- (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;
- (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
- (v) the relief or remedy sought by the variance application is not available through a conditional use permit at the time of the filing of the variance application.

In granting a variance the board may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. Notwithstanding any other provision of law, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.

The board may provide that any variance granted to provide a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability shall expire when the person benefited by it is no longer in need of the modification to such property or improvements provided by the variance, subject to the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990, as applicable.

• • • •

2. That this ordinance shall be in full force and effect on and after its passage as provided by law.

Comments: The Planning Commission recommends approval of this Board paper. The Director of Planning also recommends approval, and the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 194-18

Page No. 1 of 1

Agenda Title: RESOLUTION — Signatory Authority — Lease of County Property — CID, Inc. — 2200 N. 20th Street — Fairfield District

For Clerk's Use Only:

Date: 8/14/2018

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Hinson Seconded by (1) Nelson
(2) _____ (2) _____

REMARKS:

APPROVED

YES NO OTHER

Branin, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hinson, H.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nelson, T.	<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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

WHEREAS, the County owns a parcel of real property consisting of 0.358 acres, which is located at 2200 N. 20th Street and identified as Tax Map Parcel Number 799-726-2346; and,

WHEREAS, CID, Inc., a Virginia non-profit corporation based in Henrico County, which was formed to promote and provide economic, educational, and social opportunities for underprivileged residents of the City of Richmond and surrounding counties, desires to lease this parcel for ten years, at a rent of \$1.00 per year, to cultivate a community garden for charitable and educational purposes in service of underprivileged residents of Henrico County and adjacent localities; and,

WHEREAS, the lease includes an option by which CID may extend the lease for an additional five years at a rent of \$1.00 per year; and,

WHEREAS, this resolution was advertised pursuant to Sections 15.2-1800 and 15.2-1813 of the Code of Virginia, and a public hearing was held on August 14, 2018.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Henrico County that the County Manager is authorized to execute a deed of lease on behalf of the County, in a form approved by the County Attorney, for 2200 N. 20th Street, at a rental rate of \$1.00 per year.

Comments: The Directors of Public Utilities and Real Property recommend approval of this Board paper; the County Manager concurs.

By Agency Head [Signature]

By County Manager [Signature]

Routing:

Yellow to: _____

Certified: _____

A Copy Teste: _____

Clerk, Board of Supervisors

Copy to: _____

Date: _____



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 195-18

Page No. 1 of 2

Agenda Title: **ORDINANCE — Vacation of Utility Easement — Cameron at Grey Oaks Subdivision — Three Chopt District**

For Clerk's Use Only:

Date: 8/14/2018

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

BOARD OF SUPERVISORS ACTION

Moved by (1) Branin Seconded by (1) Hinson
(2) (2)

REMARKS:

APPROVED

YES NO OTHER

Branin, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hinson, H.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nelson, T.	<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, the owners of Lot 20, Block B, Section 2 of Cameron at Grey Oaks subdivision, J. P. Bandy and J. C. Schwartz-Bandy, have requested that the County vacate an existing 16' utility easement located in the rear portion of the lot, as shown on a corrected plat of Cameron at Grey Oaks, Section 2, Lot 20, Block B, recorded in the Clerk's Office of the Circuit Court of Henrico County in Plat Book 132, pages 399 to 400; and,

WHEREAS, there are no current or planned County facilities in the easement area; and,

WHEREAS, this Ordinance was advertised pursuant to Va. Code § 15.2-2204, and the Board held a public hearing on August 14, 2018; and,

WHEREAS, J. P. Bandy is employed by the County's Division of Police; and,

WHEREAS, J. P. Bandy has not and will not participate in any way in his official capacity in this request; and,

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

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

(1) the highlighted portion of the easement labeled "New 16' Utility Easement" on Exhibit A is vacated in accordance with Va. Code § 15.2-2272(2);

By Agency Head

By County Manager

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

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

Agenda Item No. 195-18
Page No. 2 of 2

**Agenda Title: ORDINANCE — Vacation of Utility Easement — Cameron at Grey Oaks
Subdivision — Three Chopt District**

- (2) this Ordinance shall become effective 30 days after its passage as provided by law;
- (3) the Clerk of the Circuit Court of Henrico County is authorized, upon receipt of payment therefor, to record a certified copy of this Ordinance in the Clerk's Office after the expiration of 30 days from its passage, provided no appeal has been taken to the Circuit Court;
- (4) the Clerk is further authorized to index the Ordinance on the grantor and grantee sides of the general index to deeds in the names of J. P. BANDY and J. C. SCHWARTZ-BANDY, or their successors or assigns; and,
- (5) the Clerk shall note this vacation as provided in Va. Code § 15.2-2276.

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

EXHIBIT A

RECORDED IN COUNTY OF HENRICO, VA
 HENRI B. BAUMANN, CLERK OF CIRCUIT COURT
 FILED Sep 20, 2016 03:33 pm
 BOOK 00133
 PAGE 0400
 INSTRUMENT # 201600531911 WAP

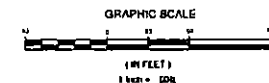
2013260400

CURVE TABLE					
CURVE	RADIUS	LENGTH	TANGENT	DELTA	CHORD BEARING
C1	50.00'	56.01'	31.35'	64°10'52"	N67°46'01"E
C2	40.00'	39.10'	21.27'	56°00'35"	N63°40'52"E

LINE TABLE		
LINE	LENGTH	DIRECTION
L1	2.60'	S00°18'50"E
L2	88.05'	S75°34'29"W

LEGEND

- ◊ EXISTING R/W MONUMENT
- SPA STREAM PROTECTION AREA
- Ⓐ EXISTING EASEMENTS RECORDED IN P.B. 131 PG. 36-38
- * COMMON AREA TO BE MERGED WITH EXISTING ADJACENT COMMON AREA
- ▨ EXISTING EASEMENT VACATED HEREON



THE PURPOSE OF THIS CORRECTED PLAT IS TO PROVIDE ADDITIONAL COMMON AREA AT THE REAR OF LOT 20, BLOCK B.

CORRECTED PLAT OF CAMERON AT GREY OAKS SECTION 2 LOT 20, BLOCK B

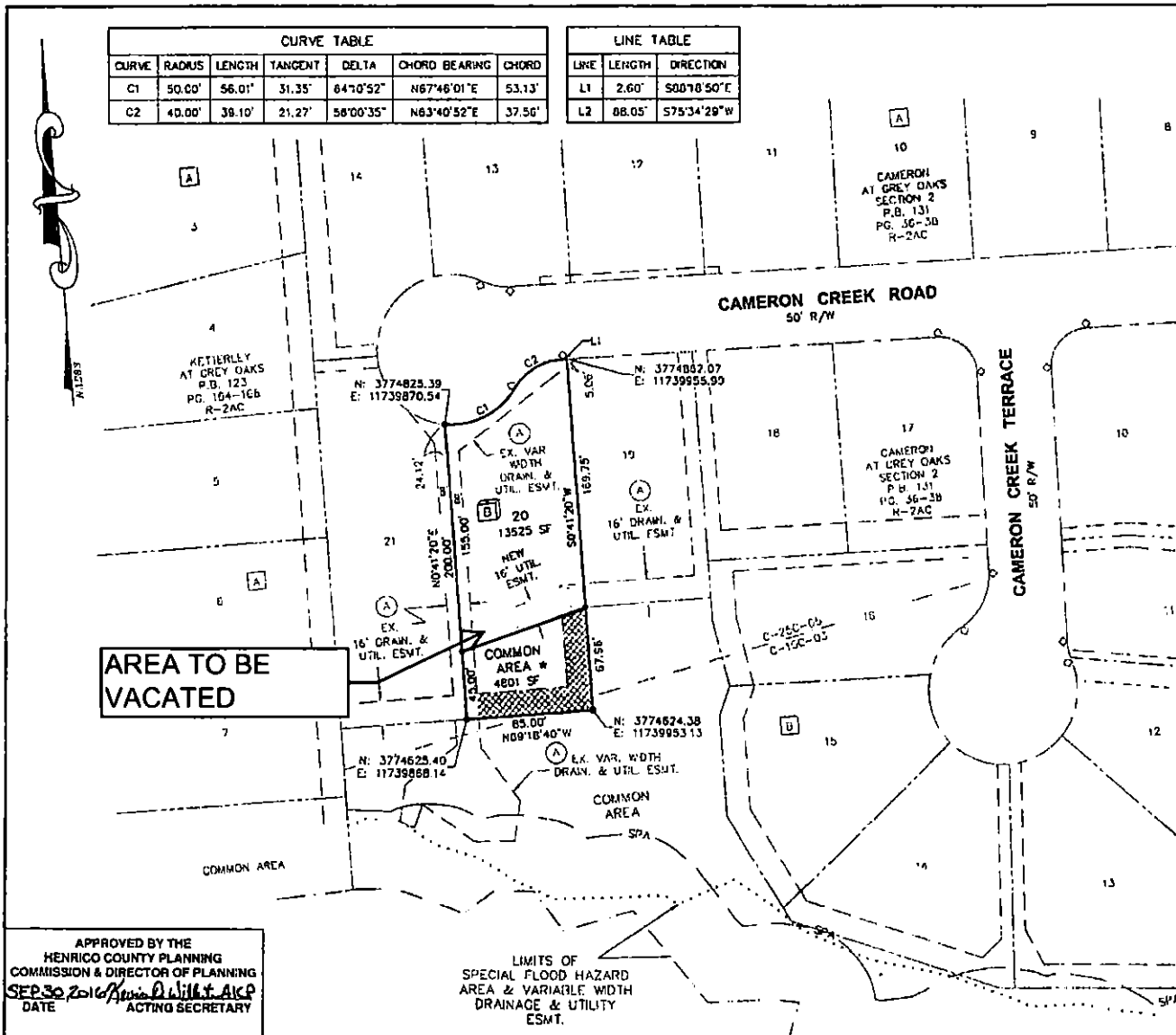
THREE CHOPT DISTRICT, HENRICO COUNTY, VIRGINIA
 SCALE: 1" = 50'
 DATE: AUGUST 19, 2016

Draper Aden Associates
 Engineering • Surveying • Environmental Services
 8090 Villa Park Drive, Blackstone, VA
 Richmond, VA 23228, Charlottesville, VA
 804-264-2228 Fax: 804-264-0773, Harrison Road, VA

SHEET 2 OF 2 R07331-22

APPROVED BY THE
 HENRICO COUNTY PLANNING
 COMMISSION & DIRECTOR OF PLANNING
 SEP 30 2016 *Ann D. Wilk, ACP*
 DATE ACTING SECRETARY

RECORDED: _____ P.B. _____ PG. _____





COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 196-18
Page No. 1 of 1

Agenda Title: RESOLUTION — Award of Contract — Architectural and Engineering Services for Police Evidence Storage Facility — Brookland District

For Clerk's Use Only:

Date: 8/14/2018

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) O'Bannon Seconded by (1) Hinson

REMARKS:

APPROVED

YES NO OTHER

Branin, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hinson, H.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nelson, T.	<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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

WHEREAS, on June 1, 2018, the County received seven proposals in response to RFP No. 18-1661-5JCK for architectural and engineering services to design a new facility for the storage of evidence maintained by the Division of Police; and

WHEREAS, the selection committee (Messrs. Thomas Alford, Edward Bass, Christopher Cantwell, Peter MacRae, Pierre Tremblay and Ms. Aimee Crady) interviewed the following firms:

Moseley Architects, PC
Enteros Design, PC
BKV Group, Inc.

WHEREAS, the selection committee selected Moseley Architects, PC as the top-ranked firm and negotiated a fixed-price contract for \$509,949.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors:

1. A contract to provide architectural and engineering services to design the new facility for the storage of evidence is awarded to Moseley Architects, PC for \$509,949 in accordance with RFP No. 18-1661-5JCK and the Moseley Architects, PC proposal dated July 20, 2018.
2. The County Manager is authorized to execute the contract in a form approved by the County Attorney.
3. The County Manager, or the Purchasing Director as his designee, is authorized to execute change orders within the scope of the project budget not to exceed 15% of the original contract amount

Comment: Funding is available in the project budget. The Director of General Services, the Police Chief, and the Purchasing Director recommend approval of this Board paper, and the County Manager concurs.

By Agency Head

By County Manager

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 197-18

Page No. 1 of 1

Agenda Title: RESOLUTION - To Accept a Grant from the U.S. Department of Justice, Edward Byrne Memorial Justice Assistance Grant Program to Purchase Equipment That Will Be Used to Facilitate Specialized Training, Improve Officer Safety, and Enhance the Effectiveness of Criminal Investigations.

For Clerk's Use Only: Date: 8/14/2018 <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>O'Bannon</u> Seconded by (1) <u>Branin</u> (2) <u>APPROVED</u> REMARKS:	<table><thead><tr><th></th><th>YES</th><th>NO</th><th>OTHER</th></tr></thead><tbody><tr><td>Branin, T.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Hinson, H.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Nelson, T.</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	Branin, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Hinson, H.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Nelson, T.	<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"/>
		YES	NO	OTHER																						
Branin, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Hinson, H.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							
Nelson, T.	<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, the U.S. Department of Justice, Edward Byrne Memorial Justice Assistance Grant Program has awarded the Police Division a grant in the amount of \$67,227; and

WHEREAS, the Division will use this grant, which requires no local match, to purchase equipment that will be used to facilitate specialized training, improve officer safety, and enhance the effectiveness of criminal investigations.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors accepts this grant and authorizes the County Manager, or his designee, to sign the necessary agreements in a form approved by the County Attorney.

COMMENTS: The Chief of Police recommends approval of this Board paper, and the County Manager concurs.

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

Routing:
Yellow to: _____
Copy to: _____

Certified: _____
A Copy Teste: _____
Clerk, Board of Supervisors

Date: _____



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 198-18

Page No. 1 of 1

Agenda Title: RESOLUTION — Signatory Authority — Acquisition of Real Property — 3912 Nine Mile Road — Varina District

For Clerk's Use Only:

Date: 8/14/2018

☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

Branin, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hinson, H.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nelson, T.	<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, the Board of Supervisors desires to acquire 0.444 acres of land at 3912 Nine Mile Road for the new Mental Health East office building; and,

WHEREAS, the owner, John L. Minter, III, has offered to sell the property for \$132,000.

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

- (1) the County Manager is authorized to execute the purchase agreement and any other documents, in a form approved by the County Attorney, necessary to purchase the property for \$132,000; and,
- (2) the County Manager and County Attorney are authorized to undertake all actions necessary to complete the acquisition by the County.

Comments: The Directors of Mental Health and Developmental Services, General Services and Real Property recommend approval of this Board paper; the County Manager concurs.

By Agency Head

By County Manager

Routing:

Yellow to: _____

Certified:

A Copy Teste: _____
Clerk, Board of Supervisors

Copy to: _____

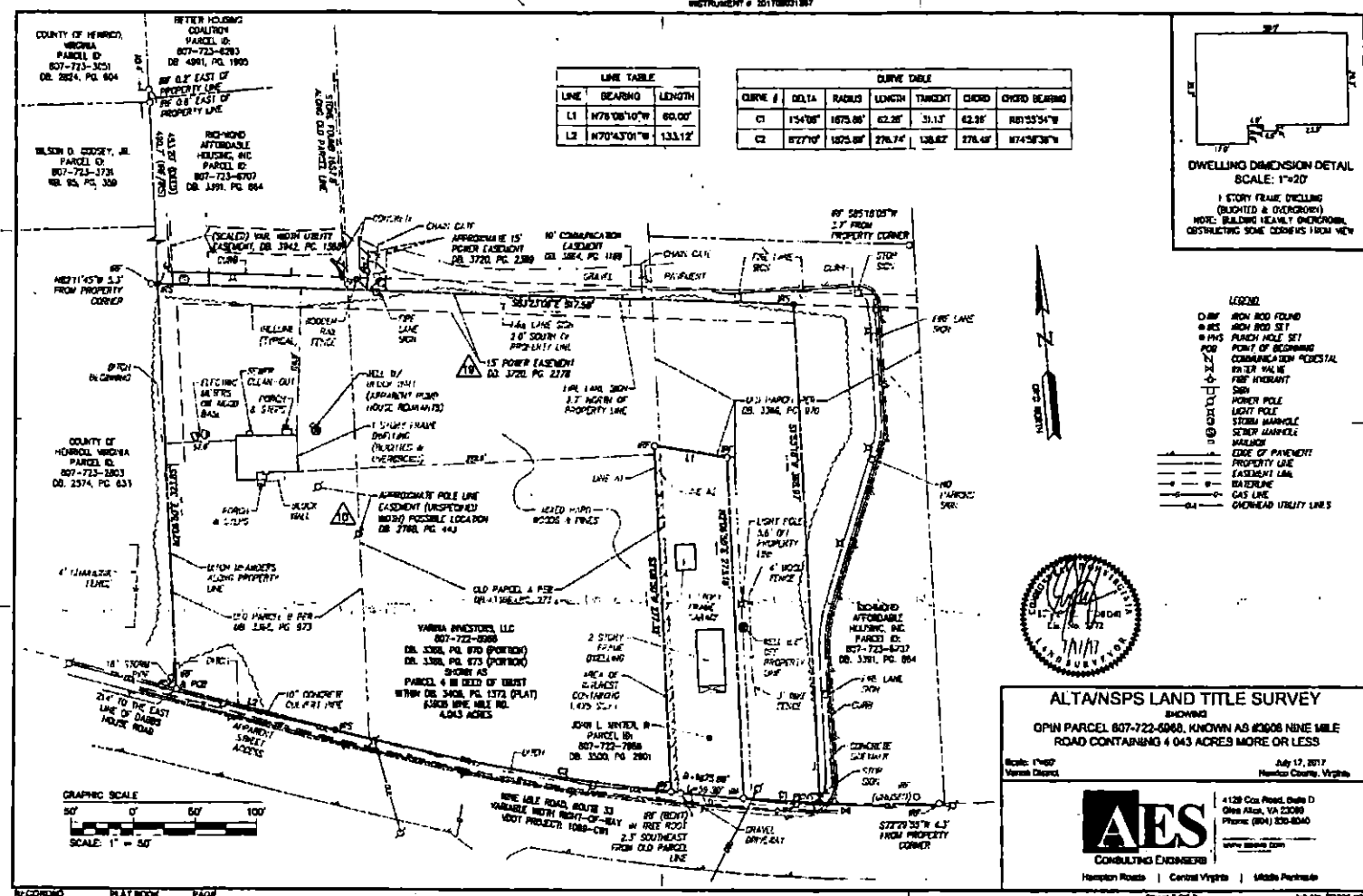
Date: _____

EXHIBIT A

FILED: Aug 27, 2017 02:22 PM
BOOK 60133
PAGE 0523
INSTRUMENT # 201708021867

RECORDED
COUNTY OF
HANCOCK
BY
JULY 17, 2017

6X013360503



FILED Sep 27, 2017 02:22 PM
BOOK 00113
PAGE 0003 THRU 0008
INSTRUMENT # 201700031287

EX013360502

PARCEL DESCRIPTIONS PER SURVEY & REFERENCED TITLE COMMITMENT:

TITLE COMMITMENT DESCRIPTION:

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, WITH IMPROVEMENTS THEREON AND APPURTENANCES THERETO BELONGING, LYING AND BEING SITUATE IN VIRGINIA DISTRICT, HENRICO COUNTY, VIRGINIA, DESIGNATED AS PARCEL A, CONTAINING 0.04 ACRES, MORE OR LESS, AS MORE PARTICULARLY SHOWN ON THAT CERTAIN PLAT OF SURVEY MADE BY HALDER & ASSOCIATES, INC., DATED FEBRUARY 27, 2003, ENTITLED, "PLAT SHOWING A PARCELS OF LAND LOCATED ON THE NORTH SIDE OF NINE MILE ROAD, VIRGINIA DISTRICT, HENRICO COUNTY, VIRGINIA," AND RECORDED MARCH 11, 2003, IN THE CLERK'S OFFICE, CHIEF CLERK, HENRICO COUNTY, VIRGINIA, IN DEED BOOK 3306, PAGE 1372, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF THE REAL ESTATE HEREBY CONVEYED.

SURVEYED PROPERTY DESCRIPTION:

ALL THAT CERTAIN PIECE OF PARCEL OF LAND, TOGETHER WITH THE IMPROVEMENTS THEREON RELATE, LYING AND BEING IN THE COUNTY OF HENRICO, VIRGINIA, BEING NORTH OF NINE MILE ROAD AND EAST OF DABBS HOUSE ROAD BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

NINE MILE ROAD CONVEYED FROM ONE (1) DECORAL TO VIRGINIA INVESTORS, LLC IN DEED BOOK 3306, PAGE 970 AND RECORDED IN DEED BOOK 3307, PAGE 1007, ALSO PARCEL A AND PARCEL B OF LAND CONVEYED FROM ONE (1) J. J. JAMESON TO VIRGINIA INVESTORS, LLC IN DEED BOOK 3306, PAGE 973 AND RECORDED DECEMBER 17, 2002 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LESS AND EXCEPT A PORTION OF LAND CONVEYED FROM VIRGINIA INVESTORS, LLC TO HENRICO AFFORDABLE HOUSING, INC. IN DEED BOOK 3306, PAGE 984 AND RECORDED FEBRUARY 12, 2003, ALSO A PORTION OF LAND CONVEYED FROM VIRGINIA INVESTORS, LLC TO HENRICO AFFORDABLE HOUSING, INC. IN DEED BOOK 3306, PAGE 984 AND RECORDED DECEMBER 17, 2002, BEING SURVEYED BY DEED OF CONVEYANCE FROM VIRGINIA INVESTORS, LLC TO HENRICO AFFORDABLE HOUSING, INC. IN DEED BOOK 3402, PAGE 143 AND BEING RECORDED MARCH 4, 2004, ALSO A PORTION OF LAND CONVEYED FROM VIRGINIA INVESTORS, LLC TO HENRICO AFFORDABLE HOUSING, INC. IN DEED BOOK 3406, PAGE 1077 AND RECORDED DECEMBER 30, 2003 BEING SURVEYED BY DEED OF CONVEYANCE FROM VIRGINIA INVESTORS, LLC TO HENRICO AFFORDABLE HOUSING, INC. IN DEED BOOK 4474, PAGE 1000 RECORDED FEBRUARY 20, 2008 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON ROD FOUND ALONG THE NORTH RIGHT-OF-WAY LINE OF NINE MILE ROAD, ROUTE 33, (NOT PROJECT 1000-CH) AND 214' EAST OF DABBS HOUSE ROAD, SAID ROD ALSO BEING A CORNER WITH THE LINES OF COUNTY OF HENRICO, VIRGINIA RECORDED IN DEED BOOK 2574, PAGE 833, THENCE FOLLOWING A COMMON LINE WITH SAID COUNTY OF HENRICO, VIRGINIA ACROSS FOR A DISTANCE OF 323.87' TO AN IRON ROD SET, THENCE FOLLOWING A COMMON LINE WITH HENRICO AFFORDABLE HOUSING, INC. RECORDED IN DEED BOOK 3306, PAGE 984, SUSTAIN FOR A DISTANCE OF 517.88' TO AN IRON ROD SET, THENCE SUSTAIN FOR A DISTANCE OF 386.67' TO A PRIVATE SET, A CONCRETE SIGNAL, THENCE FOLLOWING ALONG THE NORTH RIGHT-OF-WAY OF SAID NINE MILE ROAD, ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 1075.00', DELTA OF 154.00', LENGTH OF 12.25', TANGENT OF 31.17', CHORD BEARING OF N107°54'16"E, WITH A CHORD LENGTH OF 42.25' TO AN IRON ROD FOUND, THENCE FOLLOWING A COMMON LINE WITH JOHN L. HANLEY, JR. RECORDED IN DEED BOOK 3302, PAGE 2301, ACROSS FOR A DISTANCE OF 373.16' TO AN IRON ROD FOUND, THENCE SUSTAIN FOR A DISTANCE OF 68.00' TO AN IRON ROD FOUND, THENCE SUSTAIN FOR A DISTANCE OF 577.15' TO AN IRON ROD FOUND, THENCE FOLLOWING ALONG THE NORTH RIGHT-OF-WAY OF SAID NINE MILE ROAD, ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 1075.00', DELTA OF 154.00', LENGTH OF 12.25', TANGENT OF 31.17', CHORD BEARING OF N107°54'16"E, WITH A CHORD LENGTH OF 42.25' TO AN IRON ROD SET, THENCE SUSTAIN FOR A DISTANCE OF 333.17' TO AN IRON ROD FOUND, SAID ROD BEING THE TRUE POINT AND PLACE OF BEGINNING CONTAINING 4.043 ACRES MORE OR LESS.

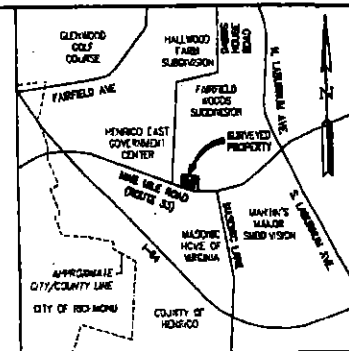
NOTES:

PARCEL INFORMATION:
PARCEL OWNER: VIRGINIA INVESTORS, LLC
SITE ADDRESS: NINE MILE ROAD
PARCEL ID NO: 021-22-3868

- THIS SURVEY WAS PREPARED WITH THE BENEFIT OF THE COMMITMENT FROM SEERAW TITLE GUARANTEE COMPANY COMMITTED TO DISSEMINATION WITH AN EFFECTIVE DATE OF MARCH 1, 2017 AT 5:00 AM.
- THIS SURVEY IS BASED ON INFORMATION OF PUBLIC RECORD FILED AT THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF HENRICO, VIRGINIA AND OF AN ACTUAL FIELD SURVEY PERFORMED IN JUNE & JULY OF 2017 BY A.S. CONSULTING ENGINEERS PERSONNEL.
- HORIZONTAL DATUM - NAD83(2011) (FLOOD) AS DETERMINED BY GPS SURVEY USING ROBOTNETS, LACKS ARE SHOWN IN U.S. SURVEY FEET.
- THE SURVEYED PROPERTY SHOWN HEREON APPEARS TO BE WITHIN ZONE 2 (OTHER AREAS - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) BY GRAPHIC PLOTTING ONLY AS SHOWN AND DESCRIBED ON THE FEMA FLOOD INSURANCE RATE MAPS (FIRM), COMMUNITY PANELS NUMBERED 2107000340C WITH AN EFFECTIVE DATE OF DECEMBER 18, 2007.
- THERE MAY BE OTHER EASEMENTS AND COVENANTS OF RECORD UNKNOWN BY THIS SURVEYOR (EASEMENTS, RIGHT-OF-WAY, IMPROVEMENTS AND OTHER MATTERS AFFECTING THE SUBJECT PROPERTY NOT TAKEN FROM SCHEDULE B SPECIAL EXCEPTIONS OF THE TITLE COMMITMENT DESCRIBED HEREON).
- NO PARKING SPACES OBSERVED ON THE SURVEYED PROPERTY.
- THERE WAS NO OBSERVED EVIDENCE OF RECENT CURRENT EARTH WORKING, BUILDING CONSTRUCTION OR BUILDING ADDITIONS AT THE TIME OF THIS SURVEY.
- NO EVIDENCE OF COVENANTS, BURIAL GROUNDS OR GRAVE SITES WERE OBSERVED DURING SURVEY.
- UNDERGROUND UTILITIES MARKED AND SHOWN HEREON WERE IDENTIFIED BY VARI (FORMERLY NISS UTILITY) UNDER TOPEX HUBLINE WITH 300MM-ODR AND OBSERVED DURING SURVEY.
- NO EVIDENCE OF WELLS, FLATS OR MARSHES WERE OBSERVED AT THE TIME OF SURVEY.

TITLE COMMITMENT FILE NO. 01782-0804 REVISED MARCH 17, 2017 SCHEDULE B - PART 1 SPECIAL EXCEPTIONS:

- EXCEPTION 1: DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS, OR OTHER MATTERS NOT SHOWN IN COMMITMENT FOR TITLE INSURANCE (NOT PLATTABLE)
- EXCEPTION 2: RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY THE PUBLIC RECORDS (NOT PLATTABLE)
- EXCEPTION 3: EASEMENTS OR CLAIMS OF EASEMENTS NOT SHOWN BY PUBLIC RECORDS (ANY KNOWN MATTERS SHOWN HEREON)
- EXCEPTION 4: UNDEVELOPED CORNERS, BOUNDARY LINE DISPUTES, OR OTHER MATTERS DISCLOSED BY A SURVEY (ANY KNOWN MATTERS SHOWN HEREON)
- EXCEPTION 5: LIENS (NOT SHOWN HEREON, NOT A SURVEY MATTER)
- EXCEPTION 6: TAXES (NOT SHOWN HEREON, NOT A SURVEY MATTER)
- EXCEPTION 7: TAXES SUBJECT TO THE DATE OF THE POLICY (NOT SHOWN HEREON, NOT A SURVEY MATTER)
- EXCEPTION 8: ANY DISCREPANCY IN THE AREA, SQUARE FOOTAGE, OR ACREAGE OF THE DESCRIBED PROPERTY (ANY KNOWN MATTERS SHOWN HEREON)
- EXCEPTION 9: POWER EASEMENT IN DEED BOOK 238-C, PAGE 850, (IT IS NOT ON, OR DOES NOT TOUCH, THE SURVEYED PROPERTY)
- EXCEPTION 10: POLE LINE, POWER AGREEMENT (UNRECORDED WITH) IN DEED BOOK 276-B, PAGE 443, (FIELD OBSERVED POLE NEAR CORNER IS SHOWN HEREON)
- EXCEPTION 11: POLE LINE, POWER AGREEMENT (UNRECORDED WITH) IN DEED BOOK 276-B, PAGE 443, (NOT SHOWN HEREON, THERE WAS NO OBSERVED EVIDENCE AT THE TIME OF THE FIELDWORK)
- EXCEPTION 12: CONSTRUCTION OF VIRGINIA CONSTRUCTION EASEMENT IN DEED BOOK 376, PAGE 238, (NOT SHOWN HEREON, THE SURVEYOR HAS INFORMATION INDICATING THAT IT MAY HAVE BEEN RELEASED ON OTHERS (SUBMITTED))
- EXCEPTION 13: SETBACK AGREEMENT IN DEED BOOK 1417, PAGE 136, (IT IS NOT ON, OR DOES NOT TOUCH, THE SURVEYED PROPERTY)
- EXCEPTION 14: POLE LINE, POWER AGREEMENT IN DEED BOOK 2007, PAGE 1404, (IT IS NOT ON, OR DOES NOT TOUCH, THE SURVEYED PROPERTY)
- EXCEPTION 15: 20' DRAINAGE, 20' TEMPORARY CONSTRUCTION & ACCESS/ACCESS EASEMENT IN DEED BOOK 2324, PAGE 120, (IT IS NOT ON, OR DOES NOT TOUCH, THE SURVEYED PROPERTY)
- EXCEPTION 16: 20' TEMPORARY CONSTRUCTION & ACCESS/ACCESS EASEMENT IN DEED BOOK 2324, PAGE 120, (IT IS NOT ON, OR DOES NOT TOUCH, THE SURVEYED PROPERTY)
- EXCEPTION 17: EASEMENT AGREEMENT IN DEED BOOK 2824, PAGE 413, (IT IS NOT ON, OR DOES NOT TOUCH, THE SURVEYED PROPERTY)
- EXCEPTION 18: WATERLINE AGREEMENT IN DEED BOOK 3404, PAGE 651, (IT IS NOT ON, OR DOES NOT TOUCH, THE SURVEYED PROPERTY)
- EXCEPTION 19: POWER EASEMENT IN DEED BOOK 3720, PAGE 2277, (IS PLOTTED HEREON)
- EXCEPTION 20: MATTERS SHOWN ON PLAT RECORDED IN DEED BOOK 3406, PAGE 1372, A. OVERHEAD UTILITY LINES CROSSING THE SOUTHERN PORTION FROM NINE MILE ROAD EXTENDING TO THE DRAINAGE (SHOWN HEREON, PLEASE SEE EXCEPTION #10) B. THREE WELLS LOCATED ON PARCEL A, (2 WELLS) SHOWN HEREON, 1 WELL NOT OBSERVED DURING SURVEY, C. THREE ALONG BUT NOT CONFORMING TO LOT LINES, (WOOD AND WIRE FENCES SHOWN HEREON)



VICINITY MAP
SCALE 1" = 1000'

SURVEYORS CERTIFICATION:

TO: COUNTY OF HENRICO, VIRGINIA
SEERAW TITLE GUARANTEE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2015 VIRGINIA STANDARD REFERENCE REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 7a, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 AND 21 OF TABLE A, THEREIN. ALL FIELD WORK WAS COMPLETED ON JUNE 28, 2017.

SIGNED: [Signature]
7/17/2017
DA-6



ALTA/NSPS LAND TITLE SURVEY

KNOWN
OPEN PARCEL 807-722-0808, KNOWN AS 8008 NINE MILE ROAD CONTAINING 4.043 ACRES MORE OR LESS

Scale: As Shown
Survey Date:

July 17, 2017
Henrico County, Virginia



4130 Oak Road, Suite D
Oak Hills, VA 22060
Phone: (804) 330-6040

www.aeseng.com

Houston Texas | Central Virginia | Middle Peninsula

Sheet 1 OF 2

Job No. 17-024-00



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 199-18

Page No. 1 of 2

Agenda Title: RESOLUTION – Signatory Authority – Agreement Concerning The Cultural Arts Center at Glen Allen

For Clerk's Use Only:

Date: 8/14/2018

☒ Approved

☐ Denied

☐ Amended

☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

	YES	NO	OTHER
Branin, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hinson, H.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nelson, T.	<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 February 26, 1997, the Board of Supervisors approved Resolution 109-97 authorizing the creation of the Cultural Arts Center at Glen Allen Foundation (the "Foundation"); and

WHEREAS, the Foundation was organized to operate The Cultural Arts Center at Glen Allen (the "Center"), which is owned by the County; and

WHEREAS, on March 1, 1999, the County Manager executed an agreement between the County and the Foundation which specified the rights and responsibilities concerning the operation, management, maintenance, insurance and improvement of the Center; and

WHEREAS, on February 13, 2001, the County Manager executed an amendment to the agreement between the County and the Foundation to extend the County's maintenance responsibilities throughout the term of the agreement; and

WHEREAS, on April 25, 2015, the Board of Supervisors approved Resolution 99-15 which approved a Revised Master Plan of Development to incorporate four additional parcels totaling 8.45 acres to expand facilities within the Center including an amphitheater, restrooms, an artisan market area, an event field, a theater expansion, and expanded parking areas; and

WHEREAS, the parties have determined that the agreement between the County and the Foundation should be revised to address the incorporation of the additional parcels into the Center and the new development contained in the Revised Master Plan of Development.

By Agency Head

Eric Lutz

By County Manager

[Signature]

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

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

Agenda Item No. 19978

Page No. 2 of 2

Agenda Title: RESOLUTION – Signatory Authority – Agreement Concerning The Cultural Arts Center at Glen Allen

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Henrico County that the County Manager is authorized and directed to execute a new agreement, in a form approved by the County Attorney, concerning the Cultural Arts Center at Glen Allen, which specifies the rights and responsibilities of the County and the Foundation in operating, maintaining, managing, improving and insuring the Cultural Arts Center at Glen Allen as expanded.

Comments: The Director of Recreation and Parks and the Director of General Services recommend approval of this Board paper. The County Manager concurs.

**AGREEMENT BETWEEN HENRICO COUNTY
AND THE CULTURAL ARTS CENTER AT GLEN
ALLEN FOUNDATION**

This agreement (the "Agreement") between the County of Henrico, Virginia (the "County") and The Cultural Arts Center at Glen Allen Foundation (the "Foundation") is made and entered into this ____ day of _____, 2018. This Agreement shall represent the entire agreement between the County and the Foundation concerning The Cultural Arts Center at Glen Allen (the "Center") and the adjacent facilities as described below in section I.E.

In consideration of the mutual promises and undertakings herein contained, the County and the Foundation agree as follows:

I. Definitions

- A. The "Center" shall mean the Cultural Arts Center at Glen Allen currently located at 2880 Mountain Road, Glen Allen, VA 23060 on tax parcel 772-768-1512. Any addition to an existing structure constituting a part of the "Center" shall also be part of the "Center."
- B. The "County" shall mean Henrico County, a political subdivision of the Commonwealth of Virginia.
- C. The "Foundation" shall mean the Cultural Arts Center at Glen Allen Foundation, a Virginia non-profit corporation.
- D. "Future Structure(s)" shall mean any structures erected on the Property after the date that this Agreement is executed.
- E. The "Property" shall mean the following seven (7) parcels, including all improvements, buildings, and structures thereon, listed below that are owned by the County:
 - 1. 2790 Peace Lane, tax parcel ID 772-768-7890;
 - 2. 2760 Peace Lane, tax parcel ID 772-768-4877;
 - 3. 10791 Old Washington Highway, tax parcel ID 771-768-9156.002;
 - 4. 10785 Old Washington Highway, tax parcel ID 771-768-8835;
 - 5. 2890 Mountain Road, tax parcel ID 772-768-8022;
 - 6. 2880 Mountain Road, tax parcel ID 772-768-1512; and
 - 7. 2892 Mountain Road, tax parcel ID 772-767-4363.

II. Purpose of Agreement

This Agreement shall define the rights and responsibilities of the Foundation and the County for the operation of the Property. The Foundation shall operate the Property for the use and enrichment of the citizens of Henrico County and the Richmond metropolitan area.

III. Duties and Responsibilities of the Foundation

The Foundation shall:

- A. Be responsible for the operation, management, maintenance, and improvement of the Center, including its furnishings and grounds, as a quality public arts center.
- B. Report annually to the County Manager on the operation of the Center, including the annual financial statements reported on by the Foundation's independent certified public accountants, on all expenditures for improvement, operation and maintenance of the Center, and shall account fully for all funds (if any) advanced to the Foundation by the County for aid in such purposes.
- C. Keep its books and financial records open to inspection and audit by the County, including its duly authorized designees, at reasonable times and at reasonable places upon written request by the County Manager.
- D. Be responsible for the payment of all salaries and benefits for its employees, and all day-to-day operating expenditures excluding the exceptions outlined in Section V below.
- E. Provide and pay for all utilities necessary for the Center.
- F. Obtain the prior written approval of the County Manager before undertaking any capital improvements or permanent changes to the Center.
- G. Be responsible for the purchase of all new equipment, furnishings and fixtures required after initial occupancy of the Center.
- H. Provide insurance as follows:
 - 1. The Foundation shall provide insurance for all equipment owned by the Foundation and obtain, at a minimum, a \$1,000,000 liability insurance policy naming the County as an additional insured prior to the public opening of the Center. The Foundation shall provide the County a certificate of insurance evidencing such coverage.
 - 2. The Foundation shall provide any and all insurance for its employees as required by state and federal law, including, but not necessarily limited to, workers' compensation.

IV. Powers of the Foundation

- A. The Foundation is a private non-profit corporation and may act through its officers, employees, or agents, and such persons shall not be deemed employees of the County.

- B. The Foundation shall have full discretion in controlling ancillary matters in carrying out its duties under this Agreement.
 - 1. The Foundation shall have the power to impose such reasonable restrictions as it may deem necessary or desirable to operate the Property and to protect the general rights of the public to access the Property.
 - 2. The Foundation may contract with others to operate certain ancillary concessions at to the Property and may charge for meals, goods, or services offered for sale to the public.
 - 3. All net proceeds received by the Foundation shall be used exclusively for the improvement, operation, programs, and maintenance of the Property.
- C. The Foundation may solicit private and public funds and to apply for federal and state funds for the improvement or operation of the Property. The Foundation shall use all such funds exclusively for the improvement, operation, programs, and maintenance of the Property.
- D. The Foundation, in its discretion, may collect reasonable fees for admission to the Center and its programs and exhibits or for admission to special events held at the Property.
- E. The Foundation, in its discretion, may collect reasonable rental or use fees for the property, or any portion thereof.
- F. The Foundation may permit the service and consumption of alcoholic beverages at the Property, provided it has obtained a valid license from the Virginia Alcohol Beverage Control Board.
- G. If required under Henrico County Code §§ 4-91 *et seq.*, the Foundation shall obtain a special entertainment permit prior to holding any outdoor events open to the general public at the Property.
- H. At the Foundation's discretion and subject to reasonable notice and availability, the Foundation shall allow the County to use the Property without charge for County sponsored events.

V. Duties of the County

- A. The County shall assist the Foundation by providing the following maintenance functions and services at the Property:
 - 1. The Division of Recreation and Parks will provide grounds maintenance such as, but not limited to, mowing, trimming, landscaping, and leaf and snow removal.

2. The Department of General Services will provide the following services to the Center:
 - a. Routine maintenance to include heating, ventilating, and air conditioning (HVAC) equipment inspection and repairs, HVAC filter replacement, light bulb replacement, plumbing repairs, and electrical repairs at the Center;
 - b. Preventive maintenance for HVAC chemical treatment, fire suppression, building automation, and fire alarm systems at the Center; and
 - c. Periodic, random facility checks by security officers and continual remote monitoring of alarm and environmental systems at the Center.
- B. The Foundation shall at all times maintain the Property and make all necessary and appropriate improvements thereon; however, the County may make improvements or repair any damage to the satisfaction of the County Manager and make such repairs or improvements in accordance with plans approved by him.
- C. The County shall insure all buildings, fixtures, and permanent equipment on the Property, as well as provide liability insurance at the level determined by the County's Risk Manager, either through self-insurance or purchased insurance as the County may determine in its sole discretion.

VI. Ownership

The Property, any Future Structures, and all permanent additions and improvements shall be owned by the County. All equipment and furnishings provided by the County shall be owned by the County. All equipment and furnishings provided by the Foundation shall be owned by the Foundation.

VII. Term of Agreement

- A. This Agreement shall continue indefinitely and shall automatically renew itself for additional terms of one year beginning January 1 of the next, unless or until terminated.
- B. This Agreement may be amended only by written agreement signed by both parties.
- C. This Agreement may be terminated for convenience, without cause, by six- months written notice by either party unless otherwise agreed in writing. In the event of termination, all funds advanced to the Foundation by the County for improvement, operation, programs, or maintenance of the Center and not disbursed by the Foundation for such purposes by the date of termination shall be returned to the County within 60 days of the date of termination.

VIII. General Provisions

- A. This Agreement is not assignable by the Foundation without the prior written consent of the County.
- B. The provisions of this Agreement are severable; the invalidity of any provision hereof shall not affect the validity of any other provision contained in this Agreement.
- C. This Agreement between the County and the Foundation is not intended as a waiver of sovereign immunity or any other defense that the County or the Foundation may assert against a third party. Notwithstanding anything to the contrary, nothing in this Agreement is intended or shall be construed to require either party to indemnify or hold harmless the other party.
- D. This Agreement may be simultaneously executed in two or more counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.
- E. All notices shall be given as follows:
 - 1. If to the County: County Manager
3rd Floor, Administration Building
4301 East Parham Road
Richmond, VA 23228
(by mail)
P.O. Box 27032
Richmond, VA 23273-7032
 - 2. If to the Foundation: President
The Cultural Arts Center at Glen Allen Foundation
2880 Mountain Road
P.O. Box 1249
Glen Allen VA 23060

Witness the following signatures.

HENRICO COUNTY, VIRGINIA

by: John A. Vithoulkas
County Manager

THE CULTURAL ARTS CENTER
AT GLEN ALLEN FOUNDATION

by: Kathryn Alferio
President

Execution Authorized by Board minute
.....
Date
Initials
APPROVED
Substance: <i>ECA</i>
Form: <i>JOG</i>
Signature:



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 200-18

Page No. 1 of 2

Agenda Title: Resolution — Award of Contract — John Rolfe Parkway Sidewalk Improvements — Tuckahoe District

For Clerk's Use Only:

Date: 8/14/2018

- ☒ Approved
☐ Denied
☐ Amended
☐ Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS

APPROVED

YES NO OTHER

Branin, T. ☒ ☐ ☐
Hinson, II. ☒ ☐ ☐
Nelson, T. ☒ ☐ ☐
O'Bannon, P. ☒ ☐ ☐
Thornton, F. ☒ ☐ ☐

WHEREAS, the County received four bids on May 9, 2018, in response to ITB No. 17-1429-6JK and Addendum No. 1 for construction of John Rolfe Parkway sidewalk improvements; and,

WHEREAS, the work will install 3,588 linear feet of variable width concrete sidewalk with passing zones and a variable width utility strip along the southeast side of John Rolfe Parkway from Gayton Road to Ridgfield Parkway; and,

WHEREAS, the work also includes drainage, earthwork, aggregate base, concrete, pavement patching, relocation of traffic signs, pavement markings, planting and incidental construction.

WHEREAS, for selection and evaluation purposes, the lowest responsible bid was determined by multiplying unit prices times the unit quantities specified in the bid documents, with the following results:

<u>Bidder</u>	<u>Bid Amount</u>
Central Contracting Co., Inc. Richmond, Virginia	\$247,909.30
Talley & Armstrong Inc. Henrico, Virginia	\$299,866.00
Howard Brothers Contractor Inc. Providence Forge, Virginia	\$403,384.50
Finley Asphalt & Sealing, Inc. Bristow, Virginia	\$497,172.62

By Agency Head

By County Manager

Routing:

Yellow to: _____

Copy to: _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

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

Agenda Item No. 200-18

Page No. 2 of 2

Agenda Title: Resolution — Award of Contract — John Rolfe Parkway Sidewalk Improvements — Tuckahoe District

WHEREAS, after a review and evaluation of the bids received, it was determined that Central Contracting Co., Inc., is the lowest responsive and responsible bidder with a calculated bid amount of \$247,909.30.

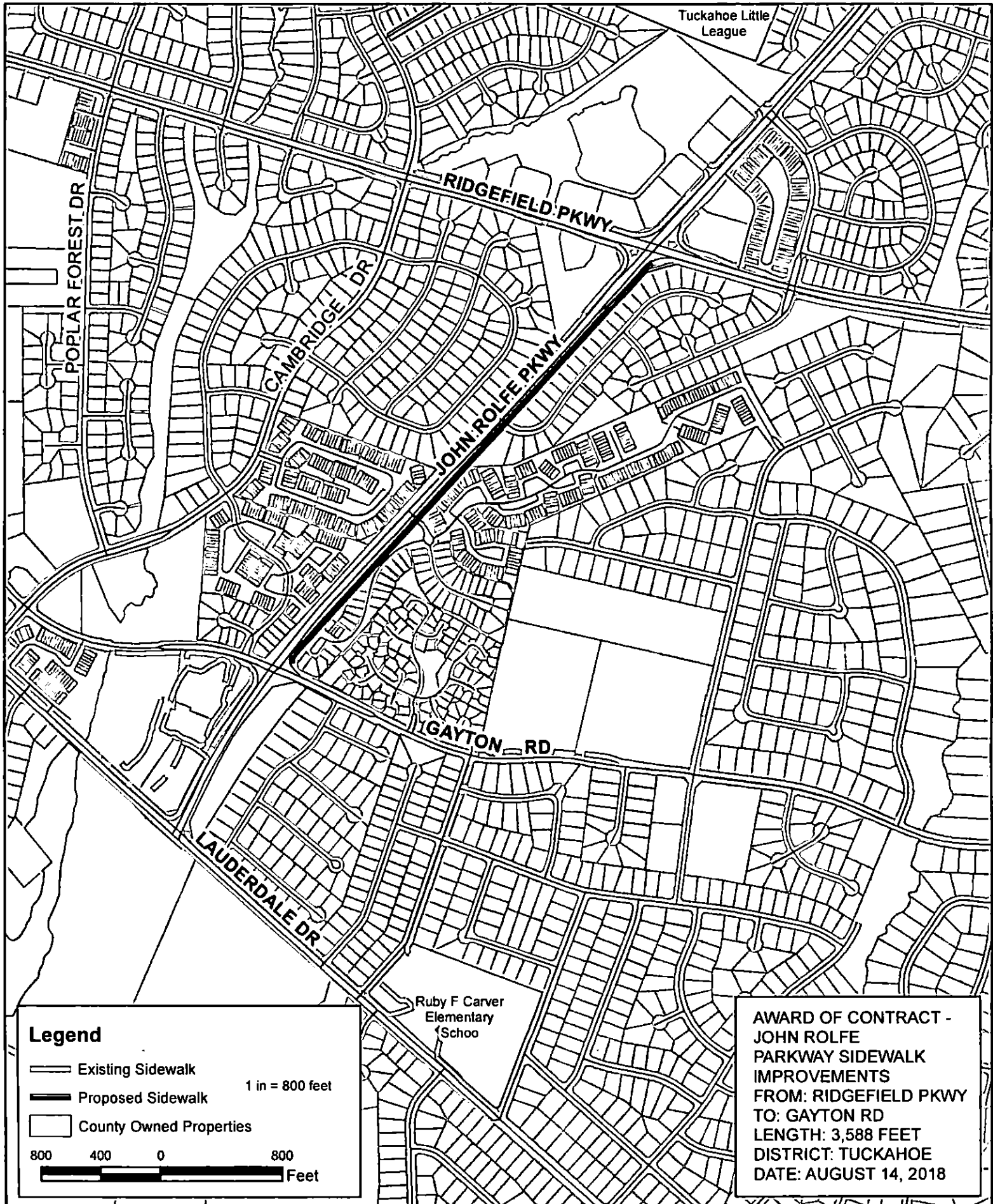
NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors:

1. The contract for \$247,909.30 to furnish all labor, materials, supplies, equipment, and services necessary for construction of John Rolfe Parkway sidewalk improvements is awarded to Central Contracting Co., Inc., the lowest responsive and responsible bidder, in the amount of \$247,909.30 pursuant to ITB No. 17-1429-6JK and Addendum No. 1, and the bid submitted by Central Contracting Co., Inc. The final contract amount shall be determined upon completion of the project by multiplying the actual unit quantities authorized by the County for construction by the unit prices submitted in the contractor's bid.
2. The County Manager is authorized to execute the contract in a form approved by the County Attorney.

Comment: Funding to support the contract is available within the project budget. The Director of Public Works and the Purchasing Director recommend approval of the Board paper, and the County Manager concurs.



John Rolfe Parkway Sidewalk Project





COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 201-18

Page No. 1 of 1

Agenda Title: RESOLUTION – Settlement of *Magnolia Lorraine Purcell v. Brenda Evans*

For Clerk's Use Only: Date: <u>8/14/2018</u> <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>Branin</u> Seconded by (1) <u>Hinson</u> (2) _____ (2) _____ REMARK: APPROVED	<table><thead><tr><th></th><th>YES</th><th>NO</th><th>OTHER</th></tr></thead><tbody><tr><td>Branin, T.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Hinson, H.</td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Nelson, T.</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 type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Thornton, F.</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr></tbody></table>		YES	NO	OTHER	Branin, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Hinson, H.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Bannon, P.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Thornton, F.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							

BE IT RESOLVED by the Board of Supervisors of Henrico County that:

- (1) it authorizes settlement of the case styled *Magnolia Lorraine Purcell v. Brenda Evans*, now pending in the Henrico Circuit Court, on terms as recommended by the Risk Manager, the County Manager, and the County Attorney and as approved by the Self-Insurance Trustees; and
- (2) the Risk Manager, County Manager, and County Attorney are authorized to execute all documents, in forms satisfactory to the County Attorney, necessary to conclude this case and implement the terms of the settlement.

COMMENTS: The Risk Manager and the County Attorney recommend approval of this Board paper; the County Manager concurs.

By Agency Head Joseph P. Carmichael, Jr. By County Manager [Signature]

Routing:
Yellow to: _____
Copy to: _____

Certified:
A Copy Teste: _____
Clerk, Board of Supervisors

Date: _____