

COUNTY OF HENRICO, VIRGINIA
Henrico County Board Room
Board of Supervisors' Agenda
May 12, 2020
7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION

APPROVAL OF MINUTES – April 28, 2020, Regular Meeting

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMIT

- 93-20
REZ2020-
00003
Three Chopt
- Nuckols Road, LLC: Request to conditionally rezone from A-1 Agricultural District to R-6C General Residence District (7.891 acres) and B-2C Business District (Conditional) (8.517 acres) parts of Parcels 748-771-3527 and 749-771-2999 containing 16.408 acres located on the east line of Nuckols Road at its intersection with Fords Country Lane. The applicant proposes a life care facility and retail and/or office uses. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office. The Planning Commission voted to recommend the Board of Supervisors **grant** the request. **(Deferred from the April 14, 2020, meeting.)**
- 94-20
PUP2020-
00002
Three Chopt
- Nuckols Road, LLC: Request for a Provisional Use Permit under Sections 24-36.1(a), 24-58.2(d), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow for a life care facility and outside dining on parts of Parcels 748-771-3527 and 749-771-2999 located on the east line of Nuckols Road at its intersection with Fords Country Lane. The existing zoning is A-1 Agricultural District. R-6C and B-2C zoning are proposed with REZ2020-00003. The 2026 Comprehensive Plan recommends Office. The Planning Commission voted to recommend the Board of Supervisors **grant** the request. **(Deferred from the April 14, 2020, meeting.)**
- 95-20
REZ2020-
00006
Three Chopt
- HCA: Request to conditionally rezone from A-1 Agricultural District and B-1 Business District to O-2C Office District (Conditional) Parcels 747-771-7477, 747-771-9469, and 747-771-9985 containing 3.36 acres located at the southeast intersection of Nuckols Road and Hickory Park Drive. The applicant proposes an emergency medical facility. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office. The Planning Commission voted to recommend the Board of Supervisors **grant** the request. **(Deferred from the April 14, 2020, meeting; withdrawn by the applicant.)**
- 116-20
REZ2020-
00012
Fairfield
- Henrico County Vocational/Technical Education Foundation: Request to amend a proffer accepted with Rezoning case REZ2017-00013 on Parcel 813-732-0538 located on the east line of Cedar Fork Road at its intersection with Creighton Road. The applicant proposes to amend a proffer regarding density. The existing zoning is R-3C One-Family Residence District

(Conditional). The 2026 Comprehensive Plan recommends Office and Suburban Residential 1, density should not exceed 2.4 units per acre. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

117-20
REZ2020-
00007
Brookland

SXCW Properties II, LLC: Request to conditionally rezone from R-3 One-Family Residence District and O-2 Office District to B-3C Business District (Conditional) Parcels 769-755-3049, 769-755-8276, and 769-755-6068 containing 6.374 acres located on the west line of Staples Mill Road (U.S. Route 33), approximately 300' north of its intersection with E. Parham Road. The applicant proposes a car wash and fuel facility. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

PUBLIC HEARINGS – OTHER ITEMS

- 118-20 Resolution - Authorizing the County Manager to Submit an Amendment to the Henrico County 2019-20 Annual Consolidated Action Plan; to Execute Amended CDBG and ESG Agreements; and to Execute Contracts for New CDBG and ESG Activities.
- 119-20 Ordinance - To Reduce Penalties and Interest on Late Payments of 2020 Personal Property Taxes, Machinery and Tools Taxes, and Real Estate Taxes to Zero Percent From June 5, 2020, to August 5, 2020, and to Extend the Time for Payment of Vehicle License Taxes to August 5, 2020.
- 120-20 Ordinance - To Reduce Penalties and Interest for Late Remittances of Food and Beverage Taxes and Transient Occupancy Taxes to Zero Percent Between March 17, 2020, and August 20, 2020.
- 121-20 Ordinance - To Provide Emergency Procedures for the Conduct of Public Business to Ensure the Continuity of County Government and Critical Local Services During the State of Emergency and Disaster Caused by the COVID-19 Pandemic.
- 122-20 Resolution - Signatory Authority - Acquisition and Lease of Real Property - 2304 Homeview Drive - Three Chopt District.

PUBLIC COMMENTS

GENERAL AGENDA

- 92-20 Resolution - Approval of Operating and Capital Annual Fiscal Plans for Fiscal Year 2020-21 and Allocation of Car Tax Relief for Tax Year 2020. **(Deferred from the April 14, 2020, meeting.)**
- 123-20 Resolution - Amendments to the FY 2019-20 Annual Fiscal Plan: May 2020.

- 124-20 Resolution - Award of Contract - Chiller Replacement - Henrico Jail East.
- 125-20 Resolution - Award of Contract - Annual Professional Engineering Commissioning Services.
- 126-20 Resolution - Approval of Voluntary Retirement Incentive Program.
- 127-20 Resolution - Authority to Submit Henrico County Plan for the Virginia Juvenile Community Crime Control Act (2020 – 2022).
- 128-20 Resolution - Signatory Authority - Amendment of Agreement with Virginia Department of Transportation - Sadler Road Improvements - Three Chopt District.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS' RESUME
May 12, 2020**

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMIT

REZ2020-00003
Three Chopt
Nuckols Road, LLC: Request to conditionally rezone from A-1 Agricultural District to R-6C General Residence District (7.891 acres) and B-2C Business District (Conditional) (8.517 acres) parts of Parcels 748-771-3527 and 749-771-2999 containing 16.408 acres located on the east line of Nuckols Road at its intersection with Fords Country Lane. The applicant proposes a life care facility and retail and/or office uses. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office. Acting on a motion by Mrs. Thornton, seconded by Mr. Baka, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it would provide for appropriate development and the employment use(s) support the County's economic development policies. **(Deferred from the April 14, 2020, meeting.)**

PUP2020-00002
Three Chopt
Nuckols Road, LLC: Request for a Provisional Use Permit under Sections 24-36.1(a), 24-58.2(d), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow for a life care facility and outside dining on parts of Parcels 748-771-3527 and 749-771-2999 located on the east line of Nuckols Road at its intersection with Fords Country Lane. The existing zoning is A-1 Agricultural District. R-6C and B-2C zoning are proposed with REZ2020-00003. The 2026 Comprehensive Plan recommends Office. Acting on a motion by Mrs. Thornton, seconded by Mr. Mackey, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it would provide added services to the community and it would not be expected to adversely affect public safety, health or general welfare. **(Deferred from the April 14, 2020, meeting.)**

REZ2020-00006
Three Chopt
HCA: Request to conditionally rezone from A-1 Agricultural District and B-1 Business District to O-2C Office District (Conditional) Parcels 747-771-7477, 747-771-9469, and 747-771-9985 containing 3.36 acres located at the southeast intersection of Nuckols Road and Hickory Park Drive. The applicant proposes an emergency medical facility. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office. Acting on a motion by Mrs. Thornton, seconded by Mr. Baka, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it conforms to the recommendations of the Land Use Plan and the proffered conditions will provide appropriate quality assurances not otherwise available. **(Deferred from the April 14, 2020, meeting; withdrawn by the applicant.)**

REZ2020-00012
Fairfield
Henrico County Vocational/Technical Education Foundation: Request to amend a proffer accepted with Rezoning case REZ2017-00013 on Parcel 813-732-0538 located on the east line of Cedar Fork Road at its intersection with Creighton Road. The applicant proposes to amend a proffer regarding density. The existing zoning is R-3C One-Family Residence District (Conditional). The 2026 Comprehensive Plan recommends Office and Suburban Residential 1, density should not exceed 2.4 units per acre. Acting on a motion by Mr. Archer, seconded by Mr. Witte, the Planning Commission voted 4-0 (one absent, one abstention) to recommend the Board of Supervisors **grant** the request because the change is not expected to adversely impact surrounding land uses in the area and the proffers continue to assure a quality form of development with maximum protection afforded the adjacent properties.

REZ2020-00007
Brookland
SXCW Properties II, LLC: Request to conditionally rezone from R-3 One-Family Residence District and O-2 Office District to B-3C Business District (Conditional) Parcels 769-755-3049, 769-755-8276, and 769-755-6068 containing 6.374 acres located on the west line of Staples Mill Road (U.S. Route 33), approximately 300' north of its intersection with E. Parham Road. The applicant proposes a car wash and fuel facility. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office. Acting on a motion by Mr. Witte, seconded by Mrs. Thornton, the Planning Commission voted 4-0 (one absent, one abstention) to recommend the Board of Supervisors **grant** the request because the business use is compatible with surrounding development and the proffered conditions will provide appropriate quality assurances not otherwise available.

PUBLIC HEARINGS - OTHER ITEMS

RESOLUTION - Authorizing the County Manager to Submit an Amendment to the Henrico County 2019-20 Annual Consolidated Action Plan; to Execute Amended CDBG and ESG Agreements; and to Execute Contracts for New CDBG and ESG Activities.

This Board paper authorizes the County Manager to submit an amendment to the Henrico County Annual Consolidated Action Plan for Fiscal Year 2019-20 to the United States Department of Housing and Urban Development (HUD) to obtain additional CDBG and ESG funds. These funds have been allocated to Henrico County by the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act).

The Board paper also authorizes the County Manager to execute amended CDBG and ESG agreements with HUD and to execute contracts with subrecipients to perform activities using CARES Act funding.

The CARES Act allocated additional CDBG funds of \$1,017,678 and additional ESG funds of \$508,566 to Henrico County. The Department of Community Revitalization has prepared the table summarizing how those funds will be used.

The Director of Community Revitalization recommends approval of the Board paper, and the County Manager concurs.

ORDINANCE - To Reduce Penalties and Interest on Late Payments of 2020 Personal Property Taxes, Machinery and Tools Taxes, and Real Estate Taxes to Zero Percent From June 5, 2020, to August 5, 2020, and to Extend the Time for Payment of Vehicle License Taxes to August 5, 2020.

This Board paper would reduce penalties and interest on late payments of 2020 personal property taxes, machinery and tools taxes, and real estate taxes to zero percent from June 5, 2020, to August 5, 2020. This Board paper would also extend the time for payment of vehicle license taxes to August 5, 2020.

The Board previously adopted this ordinance on an emergency basis on March 24, 2020. Under state law, however, the ordinance must be readopted, if the Board wishes to enforce the ordinance beyond May 23, 2020.

ORDINANCE - To Reduce Penalties and Interest for Late Remittances of Food and Beverage Taxes and Transient Occupancy Taxes to Zero Percent Between March 17, 2020, and August 20, 2020.

This Board paper would reduce penalties and interest for late remittances of food and beverage taxes and transient occupancy taxes to zero percent between March 17, 2020, and August 20, 2020.

The Board previously adopted this ordinance on an emergency basis on March 24, 2020. Under state law, however, the ordinance must be readopted, if the Board wishes to enforce the ordinance beyond May 23, 2020.

ORDINANCE - To Provide Emergency Procedures for the Conduct of Public Business to Ensure the Continuity of County Government and Critical Local Services During the State of Emergency and Disaster Caused by the COVID-19 Pandemic.

This Board paper would provide emergency procedures for the conduct of public business and to ensure the continuity of County government and critical local services during the state of emergency and disaster caused by the COVID-19 pandemic. Specifically, the ordinance would:

1. Continue all pending items and cancel all meetings of County boards, authorities, and commissions for the duration of the local emergency not to exceed six months. These public bodies may, nevertheless, consider critical items during the emergency, if they choose;
2. Allow County boards, authorities, and commissions to dispense with or modify legal requirements governing the provision of notice and the holding of public meetings, to the extent necessary or practicable to address the state of emergency and disaster caused by the COVID-19 pandemic;

3. Allow public comments to be received at meetings in a variety of ways, including email, telephone, or web conference; and
4. Authorize the County Manager to take actions affecting a variety of County functions, such as access to public buildings and modifications to County programming, to address the state of emergency.

The Board previously adopted this ordinance on an emergency basis on March 24, 2020. Under state law, however, the ordinance must be readopted, if the Board wishes to enforce the ordinance beyond May 23, 2020. If readopted, the ordinance would remain in effect until repealed or for the duration of the declaration of local emergency not to exceed six months.

RESOLUTION - Signatory Authority - Acquisition and Lease of Real Property - 2304 Homeview Drive - Three Chopt District.

This Board paper would authorize the County Manager to execute the purchase agreement and accept the deed necessary to acquire the house and land located at 2304 Homeview Drive to expand the Tucker High School site. The Board paper also authorizes the County Manager, or his designee, to execute all other documents necessary to complete the County's due diligence and to close the transaction. Ruth J. Petrov, as Trustee of the Ruth J. Petrov Revocable Living Trust, owns the property and has agreed to sell the property for \$180,500.

Finally, the Board paper would authorize the County Manager to execute a deed of lease to lease the property to Ms. Petrov from the parties' closing date until August 31, 2021. The County will not collect any rent during the lease period, but Ms. Petrov will be responsible for maintenance and repairs at the property during the lease period.

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

PUBLIC COMMENTS

GENERAL AGENDA

RESOLUTION - Approval of Operating and Capital Annual Fiscal Plans for Fiscal Year 2020-21 and Allocation of Car Tax Relief for Tax Year 2020.

This Board paper approves the proposed Operating and Capital Annual Fiscal Plans for fiscal year 2020-21 and allocates car tax relief for tax year 2020. The Board of Supervisors deferred this paper after a public hearing on April 14, 2020.

RESOLUTION - Amendments to the FY 2019-20 Annual Fiscal Plan: May 2020.

This paper would amend the Annual Fiscal Plan and appropriate funds for expenditure for the purposes indicated.

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

RESOLUTION - Award of Contract - Chiller Replacement - Henrico Jail East.

This Board paper would award a construction contract for \$377,925 to Old Dominion Mechanical, LLC for replacement of a chiller at Henrico Jail East. Construction is anticipated to begin in November 2020 and to be completed in January 2021.

The County received two bids on March 31, 2020, in response to ITB No. 20-1989-2EAR and Addenda Nos. 1 and 2 with the following results:

Bidder	Total Bid
Old Dominion Mechanical, LLC Richmond, VA	\$377,925
Waco, Inc. Sandston, VA	\$387,495

Based upon a review of the bids, Old Dominion Mechanical, LLC is the lowest responsive and responsible bidder.

The Board paper authorizes the County Manager, or the Purchasing Director as his designee, to execute change orders not to exceed 15 percent of the original contract amount. Funding to support the contract is available within the project budget.

The Director of General Services and the Purchasing Director recommend approval of the Board paper, and the County Manager concurs.

RESOLUTION - Award of Contract - Annual Professional Engineering Commissioning Services.

This Board paper would award a contract to Facility Dynamics Engineering for annual professional engineering commissioning services. The County received 21 proposals in response to RFP No. 19-1951-12JOK.

Based upon review of the proposals, the selection committee interviewed the following firms:

- Facility Dynamics Engineering
- Johnson, Mirmiran & Thompson, Inc.
- McDonough Bolyard Peck, Inc.
- PACE Collaborative, P.C.
- Sebasta, Inc. dba NV5

Based on the interviews and review of the written proposals, the selection committee selected Facility Dynamics Engineering as the top-ranked firm and negotiated a unit cost rate schedule. The contract will be for a one-year term beginning July 1, 2020, and may be renewed for two additional one-year terms. Compensation will be based on the unit cost rate schedule in the contract. The project fees for the contract shall not exceed \$500,000 for any single project or \$2,500,000 per one-year term.

The Director of General Services and the Purchasing Director recommend approval of the Board paper, and the County Manager concurs.

RESOLUTION - Approval of Voluntary Retirement Incentive Program.

This Board paper approves a one-time Voluntary Retirement Incentive Program for eligible full-time employees. Details of the program will be discussed with the Board at its meeting on May 12, 2020.

RESOLUTION - Authority to Submit Henrico County Plan for the Virginia Juvenile Community Crime Control Act (2020 – 2022).

This Board paper authorizes the County Manager to submit to the State Board of Juvenile Justice, under Section 16.1-309.3D of the Code of Virginia, the biennial plan for services, programs, and facilities for juveniles before the Henrico County Juvenile and Domestic Relations District Court and the 14h District Court Service Unit. The juveniles to be served by the program are in need of services, in need of supervision, or delinquent. The plan has been developed after consultation with the Judges of the Henrico County Juvenile and Domestic Relations District Court.

RESOLUTION - Signatory Authority - Amendment of Agreement with Virginia Department of Transportation - Sadler Road Improvements - Three Chopt District.

On October 4, 2002, the County contracted with the Virginia Department of Transportation (“VDOT”) for payment of \$7,941,700 for preliminary engineering, right-of-way acquisition, utility relocation, and construction of improvements to Sadler Road from Dominion Boulevard to Cedar Branch Court.

On May 27, 2015, the County and VDOT entered into a new agreement that increased estimated project costs to \$18,353,000.

The Department of Public Works has negotiated an amendment to the second agreement to reflect current estimated project costs of \$30,606,587. The amendment provides that VDOT will reimburse the County up to \$25,052,437, and the Department of Public Works will work with VDOT to increase VDOT’s funding for the project.

The Board paper would authorize the County Manager to execute the amendment.

The Assistant Director of Public Works recommends approval of the Board paper, and the County Manager concurs.