

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
REGULAR MEETING
September 8, 2020

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, September 8, 2020, 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:

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

Other Officials Present:

John A. Vithoulkas, County Manager
J. T. (Tom) Tokarz, County Attorney
Tanya Brackett Harding, CMC, Assistant to the County Manager/Clerk to the Board
Monica Smith-Callahan, Deputy County Manager for Community Affairs
W. Brandon Hinton, Deputy County Manager for Administration
Anthony E. McDowell, Deputy County Manager for Public Safety
Steven J. Yob, P.E. Deputy County Manager for Community Operations
Benjamin A. Sheppard, Director of Public Relations

Mr. Branin called the meeting to order at 7:01 p.m.

Before leading the recitation of the Pledge of Allegiance, Mr. Branin welcomed persons who were watching a live stream of the meeting or participating via WebEx. He provided instructions to citizens who wished to speak remotely during the public comment period or on any of the public hearing items on the agenda.

Sue Bell, Chaplain for the Henrico County Police Division, delivered the invocation.

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, and by unanimous vote, the Board approved the August 11, 2020, Regular and Special Meeting Minutes and the March 16 -17, 2020, Special Meeting Minutes.

The vote of the Board was as follows:

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

No: None

MANAGER'S COMMENTS

Mr. Vithoukias recognized Mrs. Tanya Brackett Harding, the new Clerk to the Board of Supervisors, and noted this was Mrs. Harding's first Board meeting.

Mr. Vithoukias recognized James Grandstaff, Division Director for the County's Water Reclamation Facility, who was honored on August 3 with the William D. Hatfield Award from the Virginia Water Environment Association. The Hatfield Award recognizes "many consecutive years of operations producing a high-quality effluent and meeting all permit requirements, an overall commitment to protecting our environment, and endless contributions to the wastewater industry." Mr. Grandstaff started with the County 14 years ago and has managed the Water Reclamation Facility since June 2008. The Manager noted that in addition to his continued efforts in "making the dirty water clean," Mr. Grandstaff is a semi-retired rock climber, plays electric guitar in a band, and is known for his Hollandaise Sauce recipe. Mr. Vithoukias congratulated him on a job well done.

Mr. Vithoukias recognized Anthony McDowell, Deputy County Manager for Public Safety, who gave the Board a COVID-19 update. Mr. McDowell noted that the current seven-day moving average is slightly higher because there has been more asymptomatic testing. He also stated future projections range from slow growth to declines and hospital capacities are not expected to be an issue. The County continues to conduct follow-up testing in the Henrico County Jail. To date, 2,708 tests have been administered to inmates and staff, and Henrico is the only jail in the region currently rapid testing staff and inmates.

Mr. McDowell also announced that Henrico is one of four jurisdictions to receive approval from the Supreme Court of Virginia to resume jury trials. The first jury trial will be held on September 15 in Chief Judge Yoffy's courtroom. All five Circuit Court judges were involved in creating the plan to resume jury trials, and Judge Wallerstein oversaw the effort. Mr. McDowell concluded by noting that Henrico was selected to participate in the Governor's Health Equity Leadership Pilot (HELP) program and that 152 volunteers delivered 8,923 kits with face coverings, hand sanitizers, and election information to homes on July 27 and 28.

Mr. Vithoukias noted Henrico County is currently first in the region for its testing for COVID-19.

BOARD OF SUPERVISORS' COMMENTS

Mrs. O'Bannon pointed out the Board attended the opening of the new YMCA Aquatic Center which has been named the Frank J. Thornton Aquatic Center.

RECOGNITION OF NEWS MEDIA

Mr. Branin recognized Ms. Jess Nocera with the *Richmond Times-Dispatch* who was observing the meeting through WebEx.

PRESENTATIONS

Mr. Schmitt presented a proclamation recognizing September 2020 as Henrico Preparedness Month. Accepting the proclamation was Rob Rowley, Emergency

Management Coordinator for the Division of Fire. Joining him was Alec Oughton, Chief of the Division of Fire, and Lt. Col. Linda Toney, Acting Chief of Police.

Mr. Nelson presented a proclamation recognizing September 2020 as Recovery Month. Accepting the proclamation was Leslie Stephen, Program Manager for Jail and Court Services for Henrico Area Mental Health and Developmental Services. Joining her was Asher Casazza, a program participant.

PUBLIC HEARINGS - REZONING CASES AND PROVISIONAL USE PERMITS

Mr. Branin reiterated the instructions for WebEx public comment participation for those citizens who wished to speak during the public hearings on any of the following cases.

212-20 Mitchell Trak: Request for a Provisional Use Permit under Sections 24-
PUP2020- 58.2(d), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow
00015 outdoor dining on part of Parcel 747-757-0157 located at the southeast
Three Chopt intersection of Church Road and Three Chopt Road.

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

On motion of Mr. Schmitt, seconded by Mrs. O'Bannon, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item subject to the following conditions:

1. This permit shall apply to the restaurant and its designated outdoor dining area located at 11055 Three Chopt Road.
2. The outdoor dining area shall not be in operation between 10:00 p.m. and 6:00 a.m.
3. Any outside speakers or sound system shall comply with the following standards:
 - a. Sound systems shall be equipped with controls permitting full volume adjustment.
 - b. Sound from the system shall not be audible beyond the property lines of the development.
 - c. Sound systems may be used only when outside dining is permitted.
4. Operators shall not permit food preparation outside the enclosed building.
5. Fencing enclosures of the outdoor dining areas shall be limited in height to 48 inches.
6. Outdoor lighting fixtures shall complement the style of the building. Lighting fixtures shall not produce glare for motorists or pedestrians on the adjacent rights-of-way and parking areas and shall illuminate only the outdoor dining areas.

7. Access to the outdoor dining areas shall be accessed through the interior of the adjacent restaurant, except during an emergency when the patio fence exit gate may be utilized.
8. The existing sidewalk, adjacent to the building, shall remain clear, continuous, and unobstructed.
9. Trash receptacles shall be provided and properly serviced to control litter generated by this use.
10. The outdoor dining areas shall be located in general conformance with the layout depicted in the case file.
11. The outdoor dining furniture and fencing shall be in general conformance to the illustration depicted in the case file.
12. Televisions and other video display devices shall not be visible from adjacent drive aisles and parking areas.
13. Prior to the construction of the outdoor dining area, the applicant shall submit a site plan of the outdoor dining area and obtain approval from the Planning Department. Such site plan shall show required and provided parking on the property. Proffered conditions of rezoning case REZ2014-00032 apply.
14. If a fire pit or other outdoor heating element is installed at a future time, details of its design and use shall be submitted to the Director of Planning and approved by the Fire Marshal and Planning Director to ensure safety features are in place.
15. Grapevine will be permitted to utilize the temporary outdoor dining area approved with building permit #BLD2020-01447 in conjunction with the outdoor dining area approved with PUP2020-00015 until the Board of Supervisors declares an end to the state of emergency.

The vote of the Board was as follows:

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

No: None

213-20 Pouncey Place LLC: Request to conditionally rezone from B-2C Business
 REZ2020- District (Conditional) to R-6C General Residence District (Conditional)
 00018 Parcel 740-765-2150 containing 9.7501 acres located at the southeast
 Three Chopt intersection of Pouncey Tract Road and Twin Hickory Lake Drive.

Mr. Vithoukias announced the next two cases were companion cases and would be presented together but would require two separate votes.

Mr. Vishal Keswani, Terry Satterwhite, and Mr. Rahm voiced concerns about the traffic on Pouncey Tract Road and Pouncey Place.

Mr. Jim Theobald explained the history of the site and highlighted the road improvements noted in the proffers.

Mr. Schmitt asked about traffic counts for 80,000 of square feet of retail space, and Mr. Theobald stated they were 10,000 vehicle trips per day.

Steve Yob and Terrell Hughes, Director of Public Works, addressed the traffic concerns of the citizens.

On motion of Mr. Schmitt, seconded by Mrs. O'Bannon, 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 (see case file), prepared by Poole & Poole Architecture, LLC (the "Concept Plan"). The exact locations, footprints, configurations, size, and details of the 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 designs, compliance with governmental regulations or as otherwise approved at the time of Plan of Development review of the Property.
2. **Construction.** The hours of exterior construction activities, 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 Saturdays, except in emergencies or where unusual circumstances require the specific hours in order to complete work as concrete pours and utility connections. No exterior construction activities shall be allowed on Sundays. 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 disturbance activities thereon.
3. **Entrance Feature.** Any detached entrance signage shall be ground mounted monument-style and not exceed 10 feet in height. The base of any such sign shall be brick or stone and be landscaped with plantings.
4. **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.
5. **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.

6. **Outdoor Music.** Outdoor music shall not be permitted on the Property after 9:00 p.m. Sunday through Thursdays nor after 10:00 p.m. on Fridays, Saturdays and holidays.
7. **Density.** No more than 295 dwelling units will be developed on the Property.
8. **Sound Suppression Measures.** Dwellings units shall be constructed with a minimum certified sound transmission class (STC) of fifty-four (54) between units. A cross section detail, reviewed and approved by a certified architect or engineer as to the methodology accomplishing the STC, shall be included in the building permit application.
9. **Architecture.** Buildings constructed on the Property shall generally be in conformance with the architectural style depicted on Exhibit B (see case file) and attached hereto and by this reference made a part hereof, unless otherwise approved by the Planning Commission at the time of Plan of Development review.
10. **Building Materials.** All buildings shall have exposed exterior walls (above grade and exclusive of trim, which may be metal) of stone, stone veneer, brick, E.I.F.S., cementitious siding (e.g. Hardiplank), or a combination of the foregoing unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall, at the time of Plan of Development review. A minimum of thirty (30) percent in the aggregate for each building of the exterior portions of the building wall surfaces facing Pouncey Tract Road and/or Twin Hickory Lake Drive, excluding windows, doors, breezeways, gables and architectural design features, shall be of brick, stone or stone veneer construction.
11. **Exterior Lighting.** Any exterior lighting along the eastern boundary of the Property shall be produced from concealed sources of light, and shall be directed to minimize glare on public roads and adjacent properties.
12. **Buffer Requirements.** Unless otherwise approved by the Planning Commission at the time of Landscape Plan review, any buffer within the Property may be 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 and in general conformance with Exhibit C (see case file) attached hereto and by this reference made a part hereof. Roads, sidewalks, utility easements (including drainage), common owned fencing/walls adjacent to any roads or drives, and signage shall be permitted within any such buffer; provided, any

such road or utility easements (other than existing) shall be extended generally perpendicular through such buffer.

13. **Transportation Improvements.** Unless otherwise approved at the time of Plan of Development, the developer shall dedicate and construct the following transportation improvements – “Site Drive” number references are consistent with those set forth in the “Revised Traffic Impact Analysis” prepared by Green Light Solutions, Inc., dated June 29, 2020:
 - a. A 100’ northbound right-turn lane with a 45’ taper and a raised “pork chop” island to prohibit left-turn ingress and egress movements at Pouncey Tract Road and Site Drive #4
 - b. A 150’ northbound right-turn lane with a 75’ taper at Pouncey Tract Road and Twin Hickory Lake Drive #1
 - c. A 200’ eastbound right-turn lane with a 100’ taper on Twin Hickory Lake Drive at Site Drive #5
 - d. A dedicated eastbound right-turn lane beginning at Site Drive #5 and dropping at Site Drive #6 as a right-turn lane on Twin Hickory Lake Drive
 - e. A 200’ westbound left-turn lane with a 100’ taper.
 - f. A pedestrian crossing with appropriate signalization from the site crossing Twin Hickory Lake Drive at its intersection with Pouncey Tract Road.

14. **Townes at Pouncey Place.** A minimum six (6) feet tall privacy fence shall be installed by the developer with the initial phase of development of the Property on or near the common property line of the Property with the lots in the Townes at Pouncey Place. The style and material of such fence shall be determined at the time of POD approval. No direct pedestrian or vehicular access between the two properties shall be permitted unless requested in writing by the Townes at Pouncey Place Homeowners Association. Landscaping, as determined at the time of Landscape Plan review, shall be installed by the developer with the initial phase of development along the western edge of the fence.

15. **Buildings.** Building 1 on the Concept Plan shall be limited to not more than fifty-two (52) feet in height. Building 2 shall be limited to not more than forty (40) feet in height. Approximately the eastern one third (1/3) of Building 3 shall be limited to not more than forty (40) feet in height, with the remainder of Building 3 not exceeding more than fifty-two (52) feet in height.

The foregoing improvements will be phased consistent with related Plans of Development and are subject to all approvals from applicable governmental authorities.

The vote of the Board was as follows:

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

No: None

214-20
PUP2020-
00008
Three Chopt

Pouncey Place LLC: Request for a Provisional Use Permit under Sections 24-36.1(b) 24-120 and 24-122.1 of Chapter 24 of the County Code to allow a mixed-use community development on Parcel 740-765-2150 located at the southeast intersection of Pouncey Tract Road and Twin Hickory Lake Drive.

On motion of Mr. Schmitt, seconded by Mrs. O'Bannon, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item subject to the following conditions:

1. **Master Plan.** All development on the property shall be in general conformance with the Master Plan titled "Pouncey Tract, Henrico, VA" by 2PA (see case file), unless otherwise approved at the time of Plan of Development review. Setbacks may be reduced from those otherwise required in the R-6 District, but in no case shall they be less than shown on the attached "Conceptual Plan" by Bohler (see case file).
2. **Architectural Design.** Any new buildings shall be constructed in general conformance with the rendered views titled "Pouncey Tract, Henrico, VA" by 2PA (see case file), unless otherwise approved at the time of Plan of Development Review.
3. **Density.** No more than 295 new residential units shall be constructed on the property, consistent with the approved Master Plan.
4. **Unit Type.** No three-bedroom units shall be permitted.
5. **Commercial Development.** Commercial uses shall only be located on the site in a manner consistent with the approved Master Plan. The following uses shall not be permitted:
 - a. automotive filling and service stations including towing service;
 - b. billiard, bagatelle, video game or a bingo parlor, unless accessory to a permitted use;
 - c. flea markets or antique auctions;
 - d. billboards;
 - e. recycling facilities;
 - f. funeral homes, mortuaries, crematories and/or undertaking establishments;
 - g. dance halls;
 - h. truck stops;

- i. gun shop, sales and repair;
 - j. sign painting shops;
 - k. communication towers, not to include small cells;
 - l. general hospitals, sanitoriums and charitable institutions for human care;
 - m. adult businesses as defined by Section 24-3 of the Henrico County Code;
 - n. establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.1-432 et seq. and 6.1-444 et seq. of the Code of Virginia (the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections);
 - o. car title loan operations;
 - p. fuel pumps associated with permitted uses;
 - q. any use utilizing a drive-thru service window; and,
 - r. motels or motor lodges.
6. **Sidewalks.** Sidewalks shall be provided along all public street frontages, and internal pedestrian connections from new development areas shall be provided to such sidewalk. Sidewalks shall be provided along all internal streets and drives in the manner shown on the concept plan.
7. **Pedestrian Lighting.** Site lighting shall be designed to provide lighting for pedestrians along adjacent public roadways and internal project areas in a manner approved at the time of lighting plan review. Pedestrian-scaled lighting shall be consistent with the urban nature of the development and shall include streetlights along internal project roadways.
8. **Crime Prevention.** Prior to occupancy of any structure containing commercial or office uses, the applicant and the Crime Prevention Unit of the Division of Police shall conduct a security survey of the property. The applicant shall implement mutually agreed upon security recommendations.
9. **Parking Plan.** Parking may be reduced in accordance with the plan titled "Pouncey Place Shared Parking Demand" by Bohler (see case file). Any plan of development submitted for the property shall include a tabulation of all parking required per a licensed engineer's determination. Shared parking information, including updates to the parking calculations demonstrating the parking rate is meeting the needs of approved development on the property, shall be provided with each plan of development or as requested by the Director of Planning.
10. **Existing Uses.** The existing uses in the area identified as "Phase II" on the master plan may remain until such time as Phase II is developed. Those uses shall not be permitted elsewhere on the

property.

11. **Outside Dining.** The following shall apply to outside dining on the property:

- a. The outdoor, dining area(s) shall not be in operation between the hours of 11:00 p.m. and 7:00 a.m.
- b. Prior to the construction of the outdoor dining area(s), the applicant shall submit an administrative site plan of the outdoor dining area(s) and obtain approval from the Planning Department. The site plan shall show the design and layout of the outdoor dining area(s). Proffered conditions of rezoning case REZ2020-00018 shall apply. Such site plan shall show required and provided parking on the property.
- c. The operator shall not permit food preparation outside the enclosed building(s).
- d. The outdoor dining enclosure(s) shall be limited in height to 48".
- e. Access to the outdoor dining area(s) shall be available only through the interior of the restaurant(s), except during an emergency when a patio fence exit gate may be utilized.
- f. Unless otherwise approved by the Planning Commission at the time of Plan of Development approval, a clear, continuous and unobstructed pedestrian path not less than five feet (5') in width shall be required for pedestrian circulation outside any outdoor dining area.
- g. Trash receptacles shall be provided and properly serviced to control litter generated by this use.
- h. Outdoor dining furniture, fencing, and/or canopies shall be of durable material and complementary to exterior features of the building(s).
- i. Any outside speakers or sound system shall comply with the following standards:
 - i. Sound systems shall be equipped with controls permitting full volume adjustment.
 - ii. Sound from the system shall not be audible beyond the property lines of the development.
 - iii. Sound systems may be used only when outside dining is permitted.
- j. Unless otherwise approved by the Planning Commission at the time of Plan of Development approval, televisions and

other video display devices shall not be visible from adjacent drive aisles and parking areas.

- k. If a fire pit or other outdoor heating element is installed at a future time, details of its design and use shall be submitted to the Director of Planning and approved by the Fire Marshal and Planning Director to ensure safety features are in place.

The vote of the Board was as follows:

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

No: None

215-20
PUP2020-
00014
Three Chopt

Network Towers II: Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow a monopole communication tower up to 164' in height with an external array on part of Parcel 735-770-6609 located on the north line of Kain Road approximately 1000' west of its intersection with Porsche Drive.

Mr. Vithoukas announced the applicant has requested a deferral to the October 13 meeting but noted several individuals had signed up to speak against this case.

Joe Emerson, Director of Planning, stated the applicant requested the deferral to work out the details of the case.

Mr. Nashad Juman, Ms. Yasin Vohra, Mr. Jim Hennessey, Mr. James Davidson, Mr. Adam Gelrud and Lt. Col. Elliott Evans voiced concerns regarding the proximity of the cell tower to adjacent homes. They opposed deferral of the case and asked the Board to reject the application.

Mr. Branin asked Ms. Lori Schweller, attorney for the applicant, to have another community meeting to address the citizen concerns.

Mr. Branin requested the Planning staff to reach out to the adjoining neighborhoods about the community meeting.

On motion of Mr. Schmitt, seconded by Mr. Nelson, the Board voted to defer the case until October 13 as follows:

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

No: None

216-20
REZ2020-
00024
Varina

H&M Investment Corp: Request to conditionally rezone from R-4C One-Family Residence District (Conditional) to R-5C General Family Residence District (Conditional) Parcels 810-716-9590, -9796, 810-717-7634, -9803, -9808, -9815, -9822, 811-716-1588, -1695, 811-717-1808, -1901, -1914, -2020, -

2045, -2126, -2133, and -2140 containing 11.12 acres located on the north line of Gay Avenue at its intersection with Chipoax Avenue.

Jean Moore, Assistant Director of Planning, responded to questions from Mr. Nelson.

Steve Yob discussed the sidewalk improvements for Gay Avenue, and Terrell Hughes stated the traffic count is 8900 per day.

Mr. Andrew Condlin stated that 150 notices were sent and they had three individuals respond about the buffer surrounding their property.

Mr. Andy Jackson voiced concerns about additional traffic on Gay Avenue.

Terrell Hughes stated there are about 8900 cars a day on Gay Avenue and the road could easily handle about 15,000 cars a day.

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

1. **Conceptual Master Plan.** Development of the Property shall be in general conformance with the conceptual plan attached hereto entitled "LAKEFIELD MEWS, SITE PLAN, 4431 LAKEFIELD MEWS DR., HENRICO, VA", prepared by Beacon Architecture + Design, dated February 28, 2020, and attached hereto as Exhibit A (see case file), which plan is conceptual in nature and may vary in detail, unless otherwise requested and specifically approved at the time of Plan of Development.
2. **Development Standards.** The development of the Property shall be subject to the following development standards:
 - a. **Architectural Treatment.** Any building constructed on the Property shall be substantially similar to the style and design of the renderings attached hereto as Exhibit B (see case file), unless otherwise approved at the time of Plan of Development review.
 - b. **Exterior Materials.** The exposed portion of each wall surface (front, rear and sides) of any building on the Property 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, exclusive of windows, doors, and architectural treatments, shall be constructed of stone, stone veneer, brick, cementitious siding, vinyl or a combination of the foregoing unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall, at the time of Plan of Development review.

- c. **Underground Utilities.** All new utility lines on the Property shall be underground, except for junction boxes, meters, existing and/or relocated existing overhead utility lines and lines in wetland areas. Electrical junction boxes and meters shall be screened from public view at ground level at the perimeter of the tract with use of a wall, fencing, landscaping, or such other method as may be approved at the time of Plan of Development review.
- d. **Sound Suppression.** Interior walls and floors/ceilings between homes shall have a minimum sound transmission coefficient rating of 54. A cross-sectional detail, reviewed and approved by a certified architect or engineer as to the methodology to accomplish the sound coefficient rating, shall be included in the building permit application.
- e. **Parking Lot Lighting.** Parking lot lighting fixtures on the Property shall not exceed twenty (20) feet in height as measured from the grade at the base of the lighting standard, unless otherwise requested, described and specifically approved, or if required, at the time of Plan of Development review. Lighting shall be directed to minimize glare on public roads and adjacent properties. Direct embedded light poles and standards shall be prohibited. Parking lot lighting shall be reduced or turned off after business hours with the exception of minimum lighting requirements for security purposes.
- f. **Mechanical Equipment.** Mechanical equipment shall be screened from public view at ground level at the Property lines as approved at the time of Plan of Development review.
- g. **Buffer.** A minimum 25 (twenty-five) foot natural and landscaped buffer planted to the level of a transitional buffer 25 shall be provided adjacent to the western and southern boundaries of the Property. A walking trail, as shown on the Concept Plan shall be provided along the western and southern boundaries of the Property, which such trail may be within the buffer area.
- h. **Fence.** An opaque fence a minimum of six (6) feet in height shall be placed along the boundary of the Property adjacent to the two Parcels with an existing GPIN of 810-717-4213 and 810-718-2802. The exact location of any such fence shall be approved at the time of landscape plan review.
- i. **Construction Hours.** The hours of exterior construction activities, including operation of bulldozers and other earthmoving equipment shall be permitted only between 7:00

a.m. and 7:00 p.m. Monday through Friday and 7:30 a.m. and 5:00 pm. on Saturdays, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours and utility connections. Signs, in both English and Spanish, stating the above-referenced provisions, shall be posted and maintained at all construction entrances to the Property prior to any land disturbance activities thereon.

- j. **Sidewalks.** A sidewalk a minimum of four (4) feet in width shall be provided on at least one side of each street (public or private) within the Property.
- 3. **Amenities.** A new clubhouse shall be constructed on the Property (the "Clubhouse"), provided the Clubhouse shall contain a minimum of 1,500 square feet of interior space. A fitness center and pool house, which may be part of the Clubhouse or may be separate (the "Fitness Center") shall also contain a minimum of 1,500 square feet of interior space. The Fitness Center or the Clubhouse shall include at a minimum a pool, kitchenette, meeting room, recreation and fitness facilities, and outdoor recreation areas, such as grills, fire pit, tot lot and children's play equipment, hardscaped areas, pedestrian trails with benches or other gathering areas, and other similar amenities. The Clubhouse and Fitness Facility shall have an exterior elevation substantially similar to the style and design of the renderings attached hereto as Exhibit C (see case file), unless otherwise approved at the time of Plan of Development review.
- 4. **Density.** There shall be no more than 132 residential units developed on the Property.
- 5. **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.

The vote of the Board was as follows:

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

No: None

217-20
REZ2020-
00022
Fairfield

Green Clean Auto Wash, LLC: Request to conditionally rezone from B-3 Business District and B-3C Business District (Conditional) to B-3C Business District (Conditional) Parcel 784-756-5766 and part of Parcel 784-756-4368 containing 0.980 acres located at the northeast intersection of E. Parham Road (State Route 73) and Brook Road (U.S. Route 1).

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

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

1. **Conceptual Plan.** Development of the Property shall be in general conformance with the 8201 Brook Road Conceptual Plan attached hereto prepared by Kimley Horn, dated July 13, 2020 (the "Conceptual Plan"), which Conceptual Plan is conceptual in nature and may vary in detail, unless otherwise requested and specifically approved at the time of Plan of Development.
2. **Elevation.** The Property shall be developed in general conformance with the elevations filed herewith entitled "Green Clean Auto Wash", dated March 11, 2020, and prepared by Wavy Design, and by elevation entitled "Elevation – Green Clean Auto Wash" dated August 10, 2020. To the extent permitted by the Zoning Ordinance, wall mounted signage may be located on any building elevation, notwithstanding what is shown on the elevations.
3. **Exterior Materials.** The siding material used on the building shall be one or more of the following materials (above finished grade and exclusive of trim): brick, brick veneer, glass, stone, stone veneer, split face block, cementitious siding, composite-type siding, engineered wood (e.g. LP Smartside), architectural-grade metal panels, textured concrete tilt-up panels, tile, concrete tile, unless different architectural treatment and/or materials are specifically approved, at the time of Plan of Development. No building shall be covered with or have exposed to view any painted or unfinished concrete block, or industrial-grade metal, unless otherwise specifically approved at the time of Plan of Development.
4. **Fence.** The owner shall install a wooden fence eight (8) feet in height, designed to match the appearance of the existing fence, at the time of rezoning, on the adjacent property identified as GPIN 784-756-4183, in the location shown on the Conceptual Plan.
5. **Parking Lot Lighting.** Parking lot lighting fixtures shall not exceed eighteen (18) feet in height as measured from the grade at the base of the lighting standard. Parking lot lighting shall be produced from concealed source style fixtures and shall be directed in a way to minimize glare on public roads and adjacent properties. Direct embedded light poles and standards shall be prohibited. Parking lot lighting shall be reduced or turned off after business hours with the exception of minimum lighting requirements for security purposes.
6. **Hours of Construction.** Exterior construction, including operation of bulldozers and other earthmoving equipment, shall be between 7:00 a.m. and 8:00 p.m. Monday through Saturday, and there shall be no exterior construction on Sundays; provided, however, except in

emergencies or where unusual circumstances require extending the specific hours in order to complete work such as asphalt pours, concrete pours or utility connectors.

7. **Dumpster Service.** No dumpster service shall take place between the hours of 10:00 p.m. and 7:00 a.m.
8. **Hours of Operation.** The hours of operation for the car wash and associated vacuums shall be limited to between 8:00 a.m. and 8:00 p.m., Sunday through Saturday.
9. **Sidewalks.** Subject to all applicable governmental approvals, a five (5) foot sidewalk for pedestrian access shall be constructed along the Property's Brook Road frontage as development occurs where not constrained by existing steep grades, utilities, storm drainage, floodplain, RPA or wetlands. This sidewalk shall be dedicated to the Virginia Department of Transportation for maintenance.
10. **Access.** The GPIN 784-756-5766 will be primarily used for access, vehicular parking and circulation, sign location, and other accessory uses associated with (a) the use located on the adjacent parcel of land identified as GPIN 784-756-4368 and (b) the Hardee's Restaurant lying to the north of such adjacent parcel of land. Portions of the building or other structures associated with the primary use on GPIN 784-756-4368 may also be located on GPIN 784-756-5766.
11. **Vehicular Queuing.** The operator of the car wash will close a driveway access if vehicular queuing extends on to the public right of way. The driveway access will be reopened as the queue diminishes and vehicles are no longer queued in the public right of way.
12. **Prohibited Uses.** The following uses shall not be permitted on the property:
 - (a) Automobile service station.
 - (b) Automobile, truck, trailer, motorcycle or bus sales, rental and repair, including towing service and automotive body and paint shops.
 - (c) Automobile or truck tires or parts sales, wholesale or retail, service and/or installation.
 - (d) Automobile, truck or recreational vehicle, storage lot for new or used cars and other vehicles.
 - (e) Boat and boat trailer sales, service and storage.
 - (f) Exterminating establishment.
 - (g) Janitorial service establishment.
 - (h) Manufactured home sales display and storage or sales, rental, display and storage of travel trailer, travel vans, campers and truck camper tops.
 - (i) Public dancehalls.

- (j) Rifle or pistol range.
 - (k) Shell houses or display houses.
 - (i) Shopping centers, regional.
 - (m) Permanent on-site recycling collection facility.
 - (n) Adult business.
 - (o) 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 (the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections).
 - (p) Sheet metal shop or roofing companies.
 - (q) Sign shop.
 - (r) Gun shop, sales and repair.
13. **Vacuums.** Centralized vacuum motors shall not be located on GPIN 784-756-5766. Vacuum apparatus may be located on GPIN 784-756-5766 only if located within twenty feet (20') of the west property line of GPIN 784-756-5766.
14. **Signage.** Any existing pylon sign will be removed. The detached signs permitted under Ordinance Section 24-104.1(1)(2) shall be monument style.
15. **Sidewalk Dedication.** Upon written request from the County, the owner of the Property shall dedicate that portion of the Property located within 9 feet behind the existing curb (as of the time of rezoning) along the Property's Parham Road frontage to permit the County to build a sidewalk within the right-of-way. In the event the corner sidewalk cannot be located within this area, the County may request an easement from the owner of the Property to the extent the sidewalk is located outside of the right-of-way created by this dedication, and, upon receipt of this request, the owner shall provide such easement on terms mutually agreeable.
16. **B-2 Hours of Service.** Any other use on the Property shall comply with the B-2 hours of service contained in Ordinance Section 24-61(I), along with the ability to request a provision use permit for hours of service to the general public up to 24 hours per day in accordance with Ordinance Sections 24-120 and 24-122.1.
17. **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.

The vote of the Board was as follows:

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

No: None

218-20
REZ2020-
00026
Fairfield

Amy Learn Tucker: Request to conditionally rezone from O-2 Office District to B-2C Business District (Conditional) Parcel 788-754-9960 containing .554 acres located on the north line of Wilkinson Road at its intersection with Ridge Road.

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

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

1. **Landscaping & Screening.** The Applicant agrees to provide the following landscaping and screening improvements:
 - a. The existing natural and/or landscaped buffer areas around the perimeter of the Property shall be maintained in good, healthy state by the owner of the Property. Fallen, diseased, and dead plant growth shall be removed and replaced with comparable (at maturity) healthy plant materials.
 - b. This buffer may include additional plantings, signage, and/or fencing, as otherwise permitted under the County's Zoning Ordinance.
 - c. Dumpsters and trash cans, not including convenience containers, shall be screened from public view at ground level at the perimeter of the Property.
 - d. All heating and air conditioning and mechanical equipment shall be screened from public view at ground level at the perimeter of the Property.
2. **Lighting.** All lighting standards on the Property shall be no more than twenty (20) feet in height measured from the grade at the base of the lighting standard. Any parking lot lighting shall be directed in a way to minimize glare on public roads and adjacent structures. Lighting shall be reduced to the minimum security levels after business hours.
3. **Signage.** Any new detached signs shall be ground-mounted monument style signs and shall not exceed eight (8) feet in height above grade.
4. **Outdoor Speakers.** There shall be no outside speakers which may be heard beyond the boundaries of the Property.
5. **Hours of Operation.** The business hours of any commercial use on the property during which it is open to the public shall be restricted to 7:00 am -7:00 pm daily.

6. **Outdoor Enclosures.** There shall be no outdoor pens, kennels, or similar enclosures for animals permitted on the property in association with its use as a hospital or clinic for small animals, dogs, cats, birds, and the like.
7. **Overnight Kenneling.** There shall be no overnight kenneling of animals permitted on the property in association with its use as a hospital or clinic for small animals, dogs, cats, birds, and the like.
8. **Permitted Uses.** Use of the property shall be limited to the following uses:
 - a. All uses permitted in the O-2 District except:
 - i. Funeral home or undertaking establishments.
 - b. The following uses permitted in the B-2 District:
 - i. Hospital or clinic for small animals, dogs, cats, birds and the like; and
 - ii. Pet shop, dog beauty parlor and obedience school.
9. **Severance.** The unenforceability, elimination, revision, or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity of enforceability of the other proffers or the unaffected part of any such proffer.

The vote of the Board was as follows:

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

No: None

PUBLIC HEARINGS – OTHER ITEMS

219-20 Resolution - Amendments to FY 2020-21 Annual Fiscal Plan - CARES Act and Capital Initiatives Funding for HCPS: September 2020.

Mr. Chris Lloyd spoke in favor of the resolution but requested the Board ensure that Schools understand these funds are an advance toward the goal of reopening County's School as soon as possible.

Chris Sorenson, Assistant Superintendent for Finance for Schools, responded to questions from the Board.

Meghan Coates, Director of Finance, stated that if the funds are not spent, the Board could allocate those funds back to General Government.

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

220-20 Ordinance - To Amend and Reordain Section 2-50 of the Code of the County

of Henrico Titled “Criminal history record check and fingerprinting” With Regard to Voluntary Disclosure of Criminal History To Comply with Changes in State Law.

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

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

221-20

Ordinance - To Continue 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.

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

Tom Tokarz, County Attorney, responded to a question from Mrs. O'Bannon regarding the difference between the Board's declaration of a local emergency and the Governor's Executive Orders for the COVID-19 pandemic.

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

222-20

Ordinance - To Amend and Reordain Section 19-2 Titled “Definitions,” Section 19-89 Titled “Final plat required; construction plans,” Section 19-90 Titled “Form and contents,” Section 19-98 Titled “Family subdivision plat,” Section 24-3 Titled “Definitions,” and Section 24-106.3 Titled “Chesapeake Bay preservation,” All to Amend the County's Chesapeake Bay Preservation Act Program.

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

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

223-20

Ordinance - To Amend and Reordain Section 10-32 Titled “Components of environmental compliance plan” and Section 10-33 Titled “Environmental site assessment component of environmental compliance plans,” of the Code of the County of Henrico to Amend the County's Chesapeake Bay Preservation Act Program.

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

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

PUBLIC COMMENTS

Ms. Adrienne Tinsley expressed concerns about truck traffic and noise on Nuckols Road between the hours of 10:00 p.m. and 7:00 a.m. Mr. Branin asked staff to look into her concern.

Joseph Bahen asked the Board to take its time in considering establishment of a civilian review board.

GENERAL AGENDA

224-20 Introduction of Resolution - Receipt of Requests for Amendments to FY 2020-21 Annual Fiscal Plan to (1) Reappropriate Funds for Continuing Programs, and (2) Appropriate Funds for Certain New Programs.

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

225-20 Introduction of Resolution - Receipt of Request for Amendments to FY 2020-21 Annual Fiscal Plan - CARES Act Funding for General Government.

Ms. Coates responded to a question from Mr. Nelson regarding the funds set aside for day care expenses of low income families during the pandemic. Mr. Mike Taylor, CEO of Henrico Education Foundation, and Monica Smith-Callahan, Deputy County Manager for Community Affairs, provided information about attendance in three day care programs.

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

226-20 Resolution - Award of Construction Contract - Maintenance and Construction Services for Filter Basin #3 - Water Reclamation Facility - Varina District

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

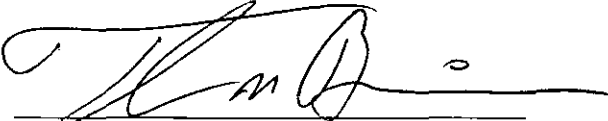
227-20 Resolution - To Permit Additional Fine of \$200 for Speeding on Pennsylvania Avenue between Brook Road and Telegraph Road - Fairfield District.

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

Mr. Thornton stated the Board needs to have more information regarding traffic and how County's roads are changing. Mr. Vithoukaskas noted he is looking at this item for the next Board retreat.

Mr. Branin noted the Board's frustration about not being able to connect with citizens during virtual Community meetings and requested the Manager work with the Planning Department and Public Relations and Media Services to improve communications.

There being no further business, the meeting was adjourned at 10:15 p.m.



Chairman, Board of Supervisors
Henrico County, Virginia

Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

HENRICO PREPAREDNESS MONTH

September 2020

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 the Henrico County Community Emergency Response Team, Henrico Fire Corps, Henrico County Amateur Radio Emergency Services Cadre, Henrico Health Department's Medical Reserve Corps, Henrico Police's Neighborhood Watch, and Henrico Police's Volunteers in Police Services, 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 2020 as Henrico Preparedness Month and calls this observance to the attention of all Henrico businesses and citizens.



Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

RECOVERY MONTH

September 2020

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 due to substance use robs us of many of our fellow citizens every year;

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

WHEREAS, providing an updated listing of resources for our citizens has been developed via bouncebackhc.com;

WHEREAS, given the number of citizens affected by substance use and the increasing number of overdoses in our community, it is important to collaborate to ensure needed services are available to our citizens;

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, we recognize the importance of connection to social supports including family and friends and the greater community;

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 Agency members of the Henrico Addiction Task Force, and other local partners invite all Henrico residents to participate in National Recovery Month.

NOW, THEREFORE, BE IT PROCLAIMED that the Board of Supervisors of Henrico County, Virginia, hereby recognizes September 2020 as Recovery Month and calls upon Henrico residents to acknowledge this year's theme, "Join the Voices for Recovery: Celebrating Connection."





COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Title: RESOLUTION — Amendment to FY 2020-21 Annual Fiscal Plan — CARES Act and
Capital Initiatives Funding for HCPS: September 2020

Form containing Board of Supervisors Action details, including date (9/8/2020), mover (Schmitt), seconded by (Nelson), and a table of supervisor votes (Branin, Nelson, O'Bannon, Schmitt, Thornton) with 'APPROVED' written in large letters.

WHEREAS, the Board of Supervisors of the County of Henrico, Virginia, held an advertised public hearing on September 8, 2020, to consider a proposed amendment to the Annual Fiscal Plan for fiscal year 2020-21; and,

WHEREAS, those citizens who appeared and wished to speak were heard.

NOW, THEREFORE, BE IT RESOLVED by the Board that the Annual Fiscal Plan for fiscal year 2020-21 is amended and that such funds are appropriated and allocated for expenditure in the amounts and for the purposes indicated.

AMENDMENT TO THE 2020-21
ANNUAL FISCAL PLAN FOR SEPTEMBER 2020

OPERATING FUNDS

FUND 0101 - GENERAL FUND - General Operating Fund

Department 32 - Non-Departmental

32001 - Non-Departmental \$ 2,500,000

0000 00000 To appropriate federal funding from the CARES Act of 2020 to facilitate donations to non-profit partners, such as the YMCA, Henrico Education Foundation, and the Henrico Police Athletic League, which operate child care programs within school facilities. These contributions will be utilized to make rates more affordable for families during the virtual learning period to mitigate and respond to the effects of the COVID-19 public health emergency.

Total GENERAL FUND \$ 2,500,000

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

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

- 50105 – Deputy Superintendent
- 0000 08933 – COVID-19 Costs

To appropriate federal funding from the CARES Act of 2020. These are emergency relief funds to address the impact that COVID-19 is having on services in Virginia. These funds will support certain remote learning initiatives, add temporary staffing for social distance monitoring and health checks, enhanced cleaning efforts, procurement of personal protective equipment and other educational supplies and staffing required to support diverse needs of all students during the remote learning period and when students return to school.

Facilities: disinfectant and cleaning supplies, plastic protective barriers, site markings on floors and sidewalks, informational signage, additional hourly custodians.	\$ 1,324,140
Transportation: cleaning supplies, bus signage, bus assistants to cover multiple runs.	\$ 262,000
Student/staff health: wipes for classroom desks, hand sanitizers, cloth and disposable masks, gowns, face shields, gloves, cots, additional temporary clinic assistants.	\$ 8,333,352
Other student supports: digital resources, temporary psychologists, temporary social workers, counselors.	\$ 980,893
Technology: hot spots, elementary iPads, elementary Chromebook replacements and repairs.	\$ 589,300
School Nutrition: to go boxes, plastic carts, insulate bags and coolers, cleaning supplies.	\$ 222,594
Post virtual: overtime for facilities staff, additional temporary school security.	\$ 3,387,721
Total Fund 1109 Special Revenue - State and Federal Grants - Schools	\$ 15,100,000
Total OPERATING FUNDS	<u>\$ 17,600,000</u>

FUND 2111 - CAPITAL PROJECTS FUND - Capital Initiatives Fund
Department 50 - Education

50331 – Construction and Maintenance	
0000 00000 – Freeman HS - Auditorium Improvements	\$ 84,000
To appropriate Capital Initiatives funding in support of lighting and other improvements at the Freeman High School auditorium. The improvements may facilitate learning opportunities while maintaining social distance. These \$75,000 of County funds will be added to \$9,000 raised by school organizations for this purpose. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
Total CAPITAL PROJECTS FUND	<u>\$ 84,000</u>
Total Amendments/Appropriations	<u>\$ 17,684,000</u>

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



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

Agenda Item No. 220-20
Page No. 1 of 1

Agenda Title: ORDINANCE – To Amend and Reordain Section 2-50 of the Code of the County of Henrico Titled “Criminal history record check and fingerprinting” With Regard to Voluntary Disclosure of Criminal History To Comply with Changes in State Law

<p>For Clerk's Use Only:</p> <p>Date: <u>9/8/2020</u></p> <p><input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:</p>	<p align="center">BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>Nelson</u> Seconded by (1) <u>Thornton</u> (2) _____ (2) _____</p> <p>REMARKS: APPROVED</p>	<table border="0"> <thead> <tr> <th></th> <th>YES</th> <th>NO</th> <th>OTHER</th> </tr> </thead> <tbody> <tr> <td>Branin, T.</td> <td align="center">✓</td> <td></td> <td></td> </tr> <tr> <td>Nelson, T.</td> <td align="center">✓</td> <td></td> <td></td> </tr> <tr> <td>O'Bannon, P.</td> <td align="center">✓</td> <td></td> <td></td> </tr> <tr> <td>Schmitt, D.</td> <td align="center">✓</td> <td></td> <td></td> </tr> <tr> <td>Thornton, F.</td> <td align="center">✓</td> <td></td> <td></td> </tr> </tbody> </table>		YES	NO	OTHER	Branin, T.	✓			Nelson, T.	✓			O'Bannon, P.	✓			Schmitt, D.	✓			Thornton, F.	✓		
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Nelson, T.	✓																									
O'Bannon, P.	✓																									
Schmitt, D.	✓																									
Thornton, F.	✓																									

After an advertised public hearing, the Board of Supervisors of Henrico County, Virginia, adopted the attached ordinance.

Comments: The Director of Human Resources recommends approval of the Board paper, and the County Manager concurs.

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

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Clerk, Board of Supervisors

Date: _____

BLACKLINE

ORDINANCE – To Amend and Reordain Section 2-50 of the Code of the County of Henrico Titled “Criminal history record check and fingerprinting” With Regard to Voluntary Disclosure of Criminal History To Comply with Changes in State Law

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

1. That Section 2-50 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 2-50. Criminal history record check and fingerprinting.

• • • •

(b) Intent. It is the intent of the board of supervisors in enacting this section to comply with the provisions of Code of Virginia, §§ 15.2-1503.1, 15.2-1505.1, 15.2-1505.3, and 19.2-389(A)7 to be able to access criminal history record information regarding those persons described in subsection (d) of this section conditionally offered county employment in order to determine whether the past criminal conduct of such persons would be compatible with the nature of such employment. Further, the provisions of this section are intended to be in addition to, and not in derogation of, all other federal and state statutes providing for access to criminal history record information concerning applicants for, and persons offered, county employment.

• • • •

~~(e) Voluntary disclosure. Nothing in this section shall be construed as prohibiting: (1) The voluntary disclosure by an applicant of convictions of felonies, misdemeanors, or traffic infractions; or (2) The solicitation of such voluntary disclosure by an applicant.~~

(f) (e) Responsibilities.

• • • •

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. 221-20
Page No. 1 of 1

Agenda Title: ORDINANCE – To Continue 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

<p>For Clerk's Use Only:</p> <p>Date: <u>9/8/2020</u></p> <p><input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:</p>	<p align="center">BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>Shouto</u> Seconded by (1) <u>Nelson</u> (2) _____ (2) _____</p> <p>REMARKS: APPROVED</p>	<table border="0"> <thead> <tr> <th></th> <th align="center">YES</th> <th align="center">NO</th> <th align="center">OTHER</th> </tr> </thead> <tbody> <tr> <td>Branin, T.</td> <td align="center">✓</td> <td></td> <td></td> </tr> <tr> <td>Nelson, T.</td> <td align="center">✓</td> <td></td> <td></td> </tr> <tr> <td>O'Bannon, P.</td> <td align="center">✓</td> <td></td> <td></td> </tr> <tr> <td>Schmitt, D.</td> <td align="center">✓</td> <td></td> <td></td> </tr> <tr> <td>Thornton, F.</td> <td align="center">✓</td> <td></td> <td></td> </tr> </tbody> </table>		YES	NO	OTHER	Branin, T.	✓			Nelson, T.	✓			O'Bannon, P.	✓			Schmitt, D.	✓			Thornton, F.	✓		
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Schmitt, D.	✓																									
Thornton, F.	✓																									

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

Comments: The County Attorney recommends approval of this Board paper, and the County Manager concurs.

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

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Clerk, Board of Supervisors

Date: _____

ORDINANCE – To Continue 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

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order 51 declaring a state of emergency for the Commonwealth of Virginia arising from the COVID-19 pandemic; and,

WHEREAS, Executive Order 51 acknowledged the existence of a disaster as defined by Section 44-146.16 of the Code of Virginia arising from the public health threat presented by a communicable disease anticipated to spread; and,

WHEREAS, Executive Order 51 ordered implementation of the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local governments, and authorization for executive branch agencies to waive “any state requirement or regulation” as appropriate; and,

WHEREAS, on March 13, 2020, the County Manager, in his capacity as the Director of Emergency Management, issued a Declaration of Local Emergency declaring the existence of a local emergency in the County, pursuant to Section 44-146.21(A) of the Code of Virginia; and,

WHEREAS, the Board of Supervisors confirmed the County Manager's declaration by resolution approved on March 16, 2020, pursuant to Section 44-146.21(A) of the Code of Virginia; and,

WHEREAS, health officials at the federal, state, and local level have repeatedly advised that gatherings of people can spread the illness and prolong the disaster caused by the COVID-19 pandemic; and,

WHEREAS, the usual and necessary operations of government, by law, often require large gatherings of people in person, which would contradict the advice of the government and health officials responsible for addressing the continuing disaster caused by the COVID-19 pandemic; and,

WHEREAS, the Board of Supervisors wishes to follow the guidance of government and health officials while providing for the continuity of County government and critical local services during the state of emergency and continuing disaster caused by the COVID-19 pandemic; and,

WHEREAS, Section 15.2-1200 of the Code of Virginia allows counties to adopt necessary regulations to prevent the spread of contagious diseases; and,

WHEREAS, Section 15.2-1413 of the Code of Virginia authorizes the Board to act to assure continuity of government in the event of a disaster, notwithstanding any contrary provisions of law; and,

WHEREAS, the Board adopted an emergency continuity ordinance on March 24, 2020, and readopted the ordinance on May 12, 2020; and,

WHEREAS, the readopted ordinance provided that it would remain in effect until the earlier of its repeal or six months from the declaration of the local emergency; and,

WHEREAS, since that time County boards and commissions have adopted procedures to permit increased public participation in their meetings as some of the restrictions that were in place on May 12, 2020, have been relaxed; and,

WHEREAS, outbreaks of the virus have occurred in different areas of the United States, and health experts warn of the possibility of a second wave of the pandemic during the fall and the winter; and,

WHEREAS, health officials at the federal, state, and local level continue to advise that large gatherings of people can spread the illness and prolong the disaster caused by the COVID-19 pandemic; and,

WHEREAS, the Board of Supervisors wishes to ensure the continuity of County government during the remainder of the COVID-19 pandemic; and,

WHEREAS, the Board of Supervisors determines that the continuity of County government and provision of critical local services require adoption of this ordinance.

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

1. *Procedures for holding public meetings and providing notice of those meetings during the Emergency.* The Board of Supervisors, Planning Commission, or other County board, commission, or authority (collectively, the "Public Bodies") may, at their election, conduct meetings and act upon proposed agenda items for the duration of the Emergency, either under normal procedures or by electronic means (to include, by way of example, meetings where a quorum of the Public Body is assembled by electronic means but is not physically assembled) in compliance with public notice, access, and other legal requirements governing the provision of notice and the holding of public meetings. Notwithstanding the foregoing, the Public Body may modify or dispense with those requirements to the extent necessary or practicable to address the state of emergency and disaster caused by the COVID-19 pandemic.

2. *Procedures for receipt of public comment during the Emergency.* If the Public Body conducts a public hearing during the Emergency, the public hearing may be conducted using a procedure described in the notice provided in advance of the meeting or by any

other method specified by the Public Body at the meeting. The method of receiving public comment should be reasonable under the circumstances of the meeting, the items to be considered, and the state of the emergency in the County. Examples of methods could include comments received by e-mail, by telephone, by web conferencing or virtual meeting applications, or in person (so long as recommendations of public health officials are observed). Public comments will be received by the Public Body before a vote on the public hearing matter and will be made a part of the record of the meeting.

3. *Authority of County Manager.* The County Manager is authorized to (i) modify, limit, or suspend County programs, functions, or services as needed to ensure the effective continuity of government; (ii) restrict County staff and the public from entering or congregating around County-owned buildings, facilities, and real property as necessary to ensure the health, safety, and welfare of the public and staff; and (iii) regulate the use of such buildings, facilities, and real property for the public health, safety, and welfare. The County Manager is further authorized to take actions objectively reasonable and necessary in the public health interest to alter schedules, provide programming, pay bills, engage contractors, hire employees, and adjust administrative processes and procedures to address the disaster, all in keeping with the U.S. Centers for Disease Control and Virginia Department of Health guidance and directives, and consistent with state and local declarations of emergency.

4. That this ordinance will be in full force and effect on and after its passage as provided by law and will remain in effect until the earlier of its repeal or the end of the Declaration of Local Emergency by resolution of the Board of Supervisors. Upon repeal or expiration of this ordinance, the Public Bodies will resume operation in accordance with standard operating practices and procedures.



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

Agenda Item No. 222-20
Page No. 1 of 1

Agenda Title: ORDINANCE – To Amend and Reordain Section 19-2 Titled “Definitions,” Section 19-89 Titled “Final plat required; construction plans,” Section 19-90 Titled “Form and contents,” Section 19-98 Titled “Family subdivision plat,” Section 24-3 Titled “Definitions,” and Section 24-106.3 Titled “Chesapeake Bay preservation,” All to Amend the County’s Chesapeake Bay Preservation Act Program

<p>For Clerk's Use Only:</p> <p>Date: <u>9/8/2020</u></p> <p><input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:</p>	<p>BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>O'Bannon</u> Seconded by (1) <u>Nelson</u> (2) _____ (2) _____</p> <p>REMARKS: APPROVED</p>	<table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: center;">YES</th> <th style="text-align: center;">NO</th> <th style="text-align: center;">OTHER</th> </tr> </thead> <tbody> <tr> <td>Branin, T.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Nelson, T.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>O'Bannon, P.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Schmitt, D.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Thornton, F.</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </tbody> </table>		YES	NO	OTHER	Branin, T.	<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"/>	Schmitt, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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After a duly advertised public hearing, the Board of Supervisors of Henrico County adopted the attached ordinance.

Comments: The Director of Planning recommends approval of the 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: _____

ORDINANCE – To Amend and Reordain Section 19-2 Titled “Definitions,” Section 19-89 Titled “Final plat required; construction plans,” Section 19-90 Titled “Form and contents,” Section 19-98 Titled “Family subdivision plat,” Section 24-3 Titled “Definitions,” and Section 24-106.3 Titled “Chesapeake Bay preservation,” All to Amend the County’s Chesapeake Bay Preservation Act Program

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

1. That Section 19-2 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 19-2. Definitions.

.....

County engineer means the director of public works/county engineer or designee ~~or other person designated by the county manager to oversee the construction of streets and the installation of utilities or other improvements.~~

.....

2. That Section 19-89 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 19-89. Final plat required; construction plans.

To obtain approval of the final subdivision plat, the subdivider shall file an application form, construction plans for improvements, and the final subdivision plat prepared by a professional engineer or registered land surveyor authorized to do business in the state. The construction plans and final subdivision plat shall meet all requirements of this chapter and this Code in effect at the time they are submitted. Construction plans shall contain the following information:

.....

(4) Plans for storm sewers or other methods of handling stormwater in the format specified in subsection (3) of this section. ~~Delineation of Chesapeake Bay Preservation Areas and other information required by article II of chapter 10, chapter 18, chapter 23 and chapter 24 shall be submitted.~~

.....

(8) A water quality impact assessment if required by article II of chapter 10 and section 24-106.2 **24-106.3.**

(9) Location and dimensions of all easements, including details for the protection and restoration of disturbed areas in accordance with article II of chapter 10 and sections 24-106.2 and 24-106.3.

(10) Delineation of Chesapeake Bay Preservation Areas.

(11) Other information required by article II of chapter 10, chapter 18, chapter 23, and chapter 24.

3. That Section 19-90 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 19-90. Form and contents.

The final plat shall be on a sheet 16 inches by 24 inches in size with a margin of one-half inch outside ruled border lines at the bottom and right sides, and 1½ inches at the top and left side. The plat shall have a scale of 100 feet to the inch unless otherwise permitted by the director of planning. The final subdivision plat shall clearly show the following:

.....

(19) A notation stating "The 100-foot RPA buffer area consisting of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution is to be retained and remain undisturbed." **and protected from all construction or land disturbing activities.**"

(20) For subdivisions that do not have public sewer, a notation stating "For new construction, any on-site sewage treatment system not requiring a Virginia Pollutant Discharge Elimination System permit shall have a reserve sewage disposal site with a capacity at least equal to the primary sewage disposal site, on the same lot in accordance with requirements of section 23-60 of the Henrico County Code. Owners of ~~such systems~~ all on-site sewage treatment systems not requiring a VPDES permit shall, at least once every five years, either pump out their septic tanks and submit documentation thereof, or submit documentation, certified by an operator or on-site soil evaluator licensed or certified under chapter 23 of Title 54.1 of the Code of Virginia as being qualified to operate, maintain, or design on-site sewage systems, that the septic system has been inspected within the last five years, is functioning properly, and the tank does not need to have the effluent pumped out of it. All documentation shall be submitted to the county engineer~~director of public works~~. Building shall be prohibited on the area of all sewage disposal sites."

.....

4. That Section 19-98 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 19-98. Family subdivision plat.

The family subdivision plat shall be prepared by a registered professional engineer or registered land surveyor authorized to do business in the state. The owner shall submit the number of copies required by the director of planning and an application for approval. The plat shall have a horizontal scale of 100 feet to the inch or other scale approved by the director of planning. The plat shall clearly show the following, as applicable:

.....

(o) For lots that are not served by public sewer, a notation stating "For new construction, any on-site sewage treatment system not requiring a Virginia Pollutant Discharge Elimination System permit shall have a reserve sewage disposal site **with a capacity at least equal to the primary sewage disposal site** on the same lot in accordance with requirements of section 23-60 of the Henrico County Code. Owners of ~~such systems~~ **all on-site sewage treatment systems not requiring a VPDES permit** shall, at least once every five years, either pump out their septic tanks and submit documentation thereof, or submit documentation, certified by an operator or on-site soil evaluator licensed or certified under chapter 23 of Title 54.1 of the Code of Virginia as being qualified to operate, maintain, or design on-site sewage systems, that the septic system has been inspected within the last five years, is functioning properly, and the tank does not need to have the effluent pumped out of it. All documentation shall be submitted to the **county engineer**~~director of public works~~. Building shall be prohibited on the area of all sewage disposal sites."

.....

(t) A notation stating, "The 100-foot RPA buffer area consisting of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution is to be retained and remain undisturbed **and protected from all construction or land disturbing activities.**"

(u) A notation stating "Permitted activities in the RPA are restricted, and any development or disturbance in the RPA requires prior approval by the **county engineer**~~county's director of public works~~."

.....

5. That Section 24-3 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-3. Definitions.

For the purpose of interpreting and construing this chapter, certain words and terms used herein shall have the following meanings, unless the context requires otherwise.

....

*Water-dependent **facilities** uses.* Any use that **cannot exist outside of the Resource Protection Area and** must be located on the shoreline or within water because of the **intrinsic** nature of its operation. Such uses include, but are not limited to:

- (1) Ports;
- (2) The intake and outfall structures of power plants, water treatment plants, sewage treatment plants and storm sewers;
- (3) Marinas and other boat docking structures;
- (4) Beaches and other water-oriented recreation areas; **and**
- ~~(5) Boardwalks and piers;~~
- ~~(6) Marine navigational devices; and~~
- ~~(57) Fisheries or other marine resource facilities.~~

....

6. That Section 24-106.3 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-106.3. - Chesapeake Bay preservation.

....

(c) *Identification of Chesapeake Bay Preservation Areas.*

- (1) The director of planning shall develop maps delineating Chesapeake Bay Preservation Areas. These maps are only intended as general guides to the

location of Chesapeake Bay Preservation Areas in the county and are not conclusive evidence of inclusion or exclusion. Owners may demonstrate that their property is not within a Chesapeake Bay Preservation Area, even if mapped, by submission of an environmental site assessment containing the elements listed in section ~~10-33~~ ~~10-35(a)(13)~~ of the County Code.

(2) Questions concerning boundaries of Chesapeake Bay Preservation Areas shall be resolved by the director of public works/county engineer based upon submission of an environmental site assessment.

(3) As part of the plan of development review process pursuant to section 24-106 of this chapter or during the review of a water quality impact assessment pursuant to section ~~40-35~~ 10-39(b) of the County Code, the director of public works/county engineer shall ensure or confirm that (1) a reliable, site-specific evaluation is conducted to determine whether water bodies on or adjacent to the development site have perennial flow and (2) RPA boundaries on the site are adjusted, as necessary, based on this evaluation of the site. The director of public works/county engineer may conduct the site evaluation or require the applicant to conduct the evaluation and submit the required information for review.

(4) After approval of land development in Chesapeake Bay Preservation Areas is granted, prior to any land disturbing activity, all wetlands shall be conspicuously flagged or otherwise identified and not disturbed unless authorized by law.

~~(5) Upon delineation of Chesapeake Bay Preservation Areas during land development activity reviews, the director of planning shall periodically identify the areas on the planning maps of the county including the zoning map portion of this chapter.~~

(d) *Permitted development in RPAs.* There shall be no development in RPAs unless permitted by the zoning district(s) of the lot and unless development is limited to:

(1) New or expanded water-dependent uses **facilities** which satisfy the following conditions:

- a. The use does not conflict with the comprehensive plan; and
- b. The facility complies with the performance criteria set forth in subsection (g) of this section; and
- c. Any non-water-dependent components are located outside of RPAs; and
- d. Access will be provided with the minimum disturbance necessary. Where possible, a single point of access will be provided.

(2) Redevelopment on isolated redevelopment sites, but only if there is (a) no increase in the amount of impervious cover within the RPA, (b) no further encroachment within the RPA, and (c) compliance with the **applicable erosion and sediment control criteria set forth in the Erosion and Sediment Control Law and the Virginia Stormwater Management Act and their attendant regulations, the erosion and sediment control** requirements in chapter 10 of the County Code and ~~the stormwater management requirements in subsection (g) of this section,~~ **and all applicable stormwater management requirements of state and federal agencies.**

(3) Roads and driveways not exempted by subsection (k) of this section may be constructed within or across RPAs provided the following conditions are met:

- a. The director of public works/county engineer makes a finding that there are no reasonable alternatives for the proposed alignment within or across the RPA.
- b. The proposed alignment, design, and construction is optimized consistent with other applicable requirements to minimize (i) encroachment in the RPA and (ii) adverse effects on water quality.

- c. The design and construction is in accordance with the applicable criteria of this section, **including submission of a water quality impact assessment; and,**
- d. The plan for the road or driveway is reviewed and approved during the appropriate **site plan, subdivision, or plan of development** approval process. ~~For any permitted development in RPAs, a water quality impact assessment in accordance with section 10-35 chapter 10, article II of the County Code shall be submitted for approval by the director of public works/county engineer.~~

(4) Flood control and stormwater management facilities that drain or treat water from multiple development projects or from a significant portion of a watershed may be allowed in RPAs, provided that **such facilities are allowed and constructed in accordance with the Virginia Stormwater Management Act and its attendant regulations and that:**

- a. The director of public works/county engineer has conclusively established that location of the facility within the RPA is the optimum location and has given approval before construction;
- b. The size of the facility is the minimum necessary to provide necessary flood control, stormwater treatment, or both;
- c. The facility is consistent with a **comprehensive** stormwater management program **plan** that has been **developed and** approved in accordance **with 9VAC25-870-92 of the Virginia Stormwater Management Program regulations** ~~by the Chesapeake Bay Local Assistance Board as a Phase I modification to the county's program;~~
- d. All applicable permits for construction in state or federal water have been obtained from the appropriate governmental **state and federal** agencies;
- e. Maintenance agreements have been executed to allow the county to perform routine maintenance on such facilities to ensure that they continue to function as they were designed. **It is not the intent of this**

subdivision to allow a best management practice that collects and treats runoff from only an individual lot or some portion of the lot to be located within a RPA.

(5) New uses established pursuant to section 24-106.3(f)(2)(b).

(6) For any proposed land disturbance in RPAs, a water quality impact assessment in accordance with section 10-39(b) of the County Code shall be submitted for approval by the director of public works/county engineer.

.....
(f) *Buffer requirements in RPAs.*

(1) The 100-foot wide buffer area shall be the landward component of the RPA. Notwithstanding permitted uses, encroachments, and vegetation clearing **as set forth in this section and** in accordance with the provisions of article II of chapter 10 of the County Code, the 100-foot wide buffer area shall not be reduced in width. To minimize the adverse effects of human activities on the other components of the RPA, state waters, and aquatic life, a 100-foot wide buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present or established where it does not exist.

- a. The 100-foot wide buffer area shall be deemed to achieve a 75 percent reduction of sediments and a 40 percent reduction of nutrients.
- b. Where land uses such as agriculture or silviculture within the area of the buffer cease and the lands are proposed to be converted to other uses, the full 100-foot wide buffer shall be reestablished. In reestablishing the buffer, management measures shall be undertaken to provide woody vegetation that accomplishes the buffer functions set forth in this section.

(2) The buffer shall be maintained as follows:

- a. In order to maintain the functional value of the buffer, indigenous vegetation may be removed with the approval of the director of public works/county engineer only to provide for reasonable sight lines, access paths pedestrian ways, general woodlot management and BMPs, including those that prevent upland erosion and concentrated flows of stormwater, as follows:

.....

- d. On agricultural lands the agricultural buffer shall be managed to prevent concentrated flows of surface water from breaching the buffer and noxious weeds from invading the buffer area. Agricultural activities may encroach into the buffer as follows:

- 1. Agricultural activities may encroach into the landward 50 feet of the 100-foot wide buffer area when at least one agricultural BMP which, in the opinion of the Henricopolis Soil and Water Conservation District Board, addresses the more predominant water quality issues on the adjacent land (erosion control or nutrient management) is being implemented on the adjacent land, provided that the combination of the undisturbed buffer area and the BMP achieves water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100-foot wide buffer area. If nutrient management is identified as the predominant water quality issue, a nutrient management plan, including soil tests, must be developed consistent with the "Virginia Nutrient Management Training and Certification Regulations" (4 VAC 5-15 et seq.) administered by the Virginia Department of Conservation and Recreation.

.....

- 3. The buffer need not be designated adjacent to agricultural drainage ditches if the adjacent agricultural land has in place at least one BMP considered by the Henricopolis Soil and Water Conservation District

Board to address the more predominant water quality issue on the adjacent land (erosion control or nutrient management).

~~6. Where land uses such as agriculture or silviculture within the area of the buffer cease and the lands are proposed to be converted to other uses, the full 100-foot wide buffer shall be reestablished. In reestablishing the buffer, management measures shall be undertaken to provide woody vegetation that accomplishes the buffer functions set forth in this section.~~

6. A water quality impact assessment shall be required for any proposed development within the RPA consistent with this section and for any other development in CBPAs that may warrant such assessment because of the unique characteristics of the site or intensity of the proposed use or development.

a. The purpose of the water quality impact assessment is to identify the impacts of proposed development on water quality and lands in the RPAs consistent with the goals and objectives of the Chesapeake Bay Preservation Act, this chapter and this section for mitigation of those impacts. The specific content and procedures for the water quality impact assessment have been established in section 10-39(b).

b. The water quality impact assessment shall be of sufficient specificity to demonstrate compliance with the criteria of this section.

(g) *Chesapeake Bay Preservation Area development standards and general performance criteria.* Any use, development or redevelopment of land in Chesapeake Bay Preservation Areas shall also satisfy the following criteria:

.....
~~(3) Where the BMPs utilized require regular or periodic maintenance in order to continue functioning, such maintenance shall be ensured through a maintenance agreement between the owner and the county in a form satisfactory to the county attorney. The director of public works/county engineer shall be responsible for inspecting the maintenance and enforcing such agreements.~~

~~(34) Land development shall minimize impervious cover consistent with the proposed use or development.~~

~~(45) All development of 2,500 square feet or more of land disturbance shall obtain approval in accordance with section 24-106 of this chapter and section 10-34 10-29 of the County Code.~~

~~(56) Any land disturbing activity of 2,500 square feet or more (including construction of all one-family dwellings, septic tanks and drainfields) shall comply with article II of chapter 10 of the County Code. **Enforcement for noncompliance with the erosion and sediment control requirements shall be conducted under the provisions of the Erosion and Sediment Control Law and attendant regulations.**~~

~~(7) Erosion and sediment control plans, as defined in section 10-28 of the County Code, shall be submitted for any development or redevelopment as a tool for controlling stormwater runoff. Stormwater management criteria consistent with the water quality protection provisions (4 VAC 3-2071 et seq.) of the Virginia Stormwater Management Regulations shall be satisfied. Stormwater management criteria for redevelopment shall apply to all redevelopment projects. The following stormwater management options shall be considered to adequately control stormwater runoff: a. Compliance with the county's regional stormwater management program, which may include a Virginia Pollution Discharge~~

~~Elimination System (VPDES) permit issued by the Virginia Department of Environmental Quality (VDEQ) to the county for the county's separate storm sewer system discharges that the Chesapeake Bay Local Assistance Board finds will achieve the required water quality protection. b. Compliance with a site-specific VPDES permit issued by the VDEQ, provided that the director of public works/county engineer specifically determines that the permit requires measures that collectively achieve the required water quality protection. Any maintenance, alteration, use or improvement to an existing structure which the director of public works/county engineer determines does not degrade the quality of surface water discharge shall be exempt from the stormwater management requirements above.~~

(68) The director of public works/county engineer shall require evidence that all wetlands permits required by law are obtained prior to authorizing grading and other on-site activities to begin.

(79) For new construction, any on-site sewage treatment system not requiring a VPDES permit shall have a reserved sewage disposal site **with a capacity at least equal to the primary sewage disposal site** on the same lot in accordance with the requirements of section 23-60 of the County Code. Owners of all on-site sewage treatment systems that do not require a VPDES permit shall, at least once every five years, either pump out their septic tanks and submit documentation thereof, or submit documentation, certified by an operator or on-site soil evaluator licensed or certified under chapter 23 of Title 54.1 of the Code of Virginia as being qualified to operate, maintain, or design on-site sewage systems, that the septic system has been inspected within the last five years, is functioning properly, and the tank does not need to have the effluent pumped out of it. All documentation shall be submitted to the director of public works. Building shall be prohibited on the area of all sewage disposal sites.

(810) Land upon which agricultural activities are being conducted, including, but not limited to, crop production, pasture and dairy and feed lot operations, **and**

land otherwise defined as agricultural land by the County shall have a soil and water quality conservation assessment that evaluates the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management, and management of pesticides. Where necessary, there shall be a plan that outlines additional practices needed to ensure that water quality protection is being accomplished consistent with this section and the following provisions of subsection 8 of 9VAC25-830-130:

a. Recommendations for additional conservation practices need address only those conservation issues applicable to the tract or field being assessed. Any soil and water quality conservation practices that are recommended as a result of such an assessment and are subsequently implemented with financial assistance from federal or state cost-share programs must be designed, consistent with cost-share practice standards effective in January 1999 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resource Conservation Service or the June 2000 edition of the "Virginia Agricultural BMP Manual" of the Virginia Department of Conservation and Recreation, respectively. Unless otherwise specified in this section, general standards pertaining to the various agricultural conservation practices being assessed shall be as follows:

(1) For erosion and sediment control recommendations, the goal shall be, where feasible, to prevent erosion from exceeding the soil loss tolerance level, referred to as "T," as defined in the "National Soil Survey Handbook" of November 1996 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resource Conservation Service. However, in no case shall erosion exceed the soil loss consistent with an Alternative Conservation System, referred to as an "ACS", as defined in the

"Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resource Conservation Service.

(2) For nutrient management, whenever nutrient management plans are developed, the operator or landowner must provide soil test information, consistent with the Virginia Nutrient Management Training and Certification Regulations (4VAC50-85).

(3) For pest chemical control, referrals shall be made to the local cooperative extension agent or an Integrated Pest Management Specialist of the Virginia Cooperative Extension Service. Recommendations shall include copies of applicable information from the "Virginia Pest Management Guide" or other Extension materials related to pest control.

b. A higher priority shall be placed on conducting assessments of agricultural fields and tracts adjacent to Resource Protection Areas. However, if the landowner or operator of such a tract also has Resource Management Area fields or tracts in his operation, the assessment for that landowner or operator may be conducted for all fields or tracts in the operation. When such an expanded assessment is completed, priority must return to Resource Protection Area fields and tracts.

c. The findings and recommendations of such assessments and any resulting soil and water quality conservation plans will be submitted to the Henricopolis Soil and Water Conservation District Board, which will be the plan-approving authority.

(9) Any man-made change to the land surface that potentially changes its runoff characteristics, including clearing, grading, or excavation, shall

comply with the requirements of 9VAC25-870-51 and 9VAC25-870-103 unless the activity is exempted by Code of Virginia § 62.1-44.15:34(C).

(h) *Review and approval procedure.* Except as herein provided, the review and approval procedures for uses and development impacting on Chesapeake Bay Preservation Areas shall be as provided in this chapter, article II of chapter 10 (Erosion and Sediment Control Stormwater Management), chapter 19 (Subdivisions) and chapter 23 (Water and Sewer).

.....

(k) *Exemptions.* The following uses and development as regulated by this subsection shall be exempt from the provisions of this section but shall be subject to the other provisions of this chapter:

(1) Construction, installation, operation and maintenance of electric, fiber optic, natural gas and telephone transmission lines, railroads and public roads and their appurtenant structures in accordance with regulations promulgated pursuant to the Erosion and Sediment Control Law (Code of Virginia, § 62.1-44.15:51 ~~10-1-560~~ et seq., as amended) and the Stormwater Management Act (Code of Virginia, § 62.1-44.15:24 ~~10-1-603-1~~ et seq., as amended) and an erosion and sediment control plan and a stormwater management plan approved by the Virginia Department of Environmental Quality ~~Conservation and Recreation~~.

Public roads shall be designed, approved and constructed to prevent or otherwise minimize encroachment in the RPA and adverse effects on water quality. For purposes of this subsection, "public road" means a publicly owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation (VDOT), including regulations promulgated pursuant to Code of Virginia, §§ ~~10-1-560~~ 62.1-44.15:51 and 62.1-44.15:2 ~~10-1-603~~ et seq., as amended. This definition includes those roads where VDOT exercises direct supervision over the design or construction activities, or both, and cases where

secondary roads are constructed or maintained, or both, by the county in accordance with county standards. Appurtenant structures include, but are not limited to, bridges, culverts, guardrails, drainage facilities, lighting, traffic control devices, fences, and berms.

(2) Construction, installation and maintenance of water, sewer, natural gas, and underground telecommunications and cable television lines owned or permitted, or both, by the county provided:

- a. To the degree possible, the location of such utilities should be outside RPAs.
- b. No more land shall be disturbed than is necessary to provide for the proposed utility installation.
- c. All such construction, installation and maintenance of the utilities and facilities shall be in compliance with all applicable state and federal permits and designed and conducted in a manner that protects water quality.
- d. Any land disturbance of 2,500 square feet or more shall comply with the applicable erosion and sediment control requirements of chapter 10 of the County Code.

(3) Water wells, passive recreation facilities, such as boardwalks, trails and pathways, and historic preservation activities and archaeological ~~research~~ activities, provided any such activity disturbing 2,500 square feet or more of land shall comply with the applicable erosion and sediment control requirements of chapter 10 of the County Code and approval is obtained from the director of public works/county engineer.

(4) Silvicultural activities, provided such activities adhere to water quality protection procedures prescribed by the Virginia Department of Forestry in the ~~January 1997~~ **Fifth** edition (**March 2011**) of "Forestry Best Management Practices for Water Quality in Virginia Technical **Manual** Guide."

(l) *Exceptions.*

~~(1)~~¹ **Exceptions to subsections (d) and (f).** A request for an exception to the requirements of subsections (d) and (f) of this section shall be made in writing to the planning commission. The request shall include a sketch or site plan providing the name of the applicant, a legal description of the property, a sketch location of all proposed improvements, the boundary of RPAs **and RMAs**, and the location of existing private water supply and **existing or proposed** on-site sewage systems **and primary and reserve sewage drainfields**. The request shall also identify the impacts of the proposed exception on water quality on lands within the RPA through ~~the performance of~~ a water quality impact assessment which complies with the provisions defined in article II of chapter 10 of the County Code. **An environmental site assessment as described in section 10-33 and a water quality impact assessment as described in section 10-39 of chapter 10 of the County Code must be submitted.**

~~2~~ The planning commission shall notify the affected public of all **such** exception requests and shall consider these requests in a public hearing in accordance with Code of Virginia, § 15.2-2204.

~~3~~ The planning commission shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as it deems necessary only if the planning commission finds:

- a. Granting the exception will not confer upon the applicant any special privilege denied to similarly situated property owners;
- b. The exception request is not based on conditions or circumstances that are self-created or self-imposed, ~~nor does~~ **and** the request **does not** arise from conditions or circumstances either permitted or nonconforming that are related to adjacent parcels;
- c. The exception request is the minimum necessary to afford relief;
- d. The exception request is in harmony with the purpose and intent of the zoning ordinance and is not of substantial detriment to water quality; and

- e. **Reasonable** ~~That~~ reasonable and appropriate conditions which will prevent the exception request from causing a degradation of water quality are imposed.

If the planning commission cannot make the required findings or refuses to grant the exception, the planning commission shall return the request for an exception and the water quality impact assessment to the applicant.

(2) Exceptions to other subsections. A request for an exception to the requirements of provisions of this section other than subsections (d) and (f) shall be made in writing to the director of public works/county engineer with a sketch or site plan containing the name of the applicant, the legal description of the property, a sketch of the proposed improvement, the boundaries of the RPAs **and RMAs**, and the location of the existing private water supply and **existing and proposed on-site sewage facilities and primary and reserve sewage drainfields**. **An environmental site assessment as described in section 10-33 and a water quality impact assessment as described in section 10-39 of chapter 10 of the County Code must be submitted. The director of public works/county engineer shall forward a copy of all exception requests submitted to him to the director of planning.**

The director of public works/county engineer shall evaluate requests for exceptions on a case-by-case basis. Except for exceptions to subsection (g), the ~~The~~ director of public works/county engineer may grant the exception request provided that exceptions to the requirements are the minimum necessary to afford relief and reasonable and appropriate conditions ~~upon any exception granted~~ are imposed **upon the exception** as necessary so that **to achieve** the purpose and intent of this section ~~are preserved~~.

For requests for an exception to subsection (g), the director of public works/county engineer shall review the request for an exception and the water quality impact assessment and may grant the exception with necessary conditions and safeguards if the director of public works/county engineer finds:

- a. Granting the exception will not confer upon the applicant any special privilege denied to similarly situated property owners;
- b. The exception request is not based on conditions or circumstances that are self-created or self-imposed, and the request does not arise from conditions or circumstances either permitted or nonconforming that are related to adjacent parcels;
- c. The exception request is the minimum necessary to afford relief;
- d. The exception request is in harmony with the purpose and intent of the zoning ordinance and is not of substantial detriment to water quality; and
- e. Reasonable and appropriate conditions which will prevent the exception request from causing a degradation of water quality are imposed.

~~Requests for exceptions shall be evaluated on a case by case basis upon written application. The director of public works/county engineer shall forward a copy of all exception requests submitted to him to the director of planning. In all cases where an exception is requested, an environmental site assessment as defined in section 10-30(1)(m) and a water quality assessment as defined in section 10-30(2)b of chapter 10 of the County Code must be submitted in addition to all other information required for the requested approval.~~

(3) Exceptions for transitional cases. Exceptions to the requirements of this section shall be granted in the following transitional cases, if the requirements of this subsection are satisfied and the director of public works/county engineer determines there is compliance with the requirements of this section to the maximum extent practicable:

- (a) Conditional subdivision approval granted to the owner or developer by the planning commission before November 15, 1991, provided application for final subdivision approval is made by November 15, 1992, and such application is complete and satisfies all requirements of the County Code in effect at the time of the application.

- (bii) Final subdivision approval granted to the owner or developer by the director of planning or planning commission before November 15, 1991.
- (ciii) Approval of subdivision construction plans, utility plans, road construction plans or capital improvement construction plans of the owner or developer by the director of public utilities or the director of public works before November 15, 1991.
- (div) Approval of site plans, including grading and erosion and sediment control plans, of the owner or developer by the director of public utilities, the director of public works/county engineer or the director of planning before November 15, 1991.
- (ev) Approval of a plan of development (POD) by the board of supervisors or the planning commission before November 15, 1991.
- (fvi) Granting of a conditional use permit to the owner or developer by the planning commission or the board of zoning appeals before November 15, 1991.
- (gvii) Granting of a provisional use permit to the owner or developer by the board of supervisors before November 15, 1991.
- (hviii) Approval of proffered rezoning by the board of supervisors before November 15, 1991, where full compliance with this section would conflict with the proffered conditions accepted by the board of supervisors.
- (ix) Granting of a variance by the board of zoning appeals before November 15, 1991, provided application for all necessary permits is made by November 15, 1992.
- (jx) Approval of a septic tank permit by the county department of health before November 15, 1991.
- (kxi) Filing on or before September 12, 1991, for any of the approvals listed in (ai) through (jx) above, provided that the application was complete and satisfied all requirements of the County Code in effect at the time of filing, subsequent approval is based upon the application filed and approval is obtained by March 12, 1992.

(lxi) Filing for a building permit prior to November 15, 1991, provided that the application contains all the information required by the County Code in effect at the time of filing and construction is commenced within 12 months of approval and is diligently pursued to completion.

(4) Uses as of November 15, 1991. Existing uses rendered nonconforming on November 15, 1991, and uses vested by law as of November 15, 1991, shall not be subject to the requirements of this section in accordance with state law. In addition, this section shall not be applied so as to constitute an unconstitutional taking of property.

(m) *Nonconforming uses and noncomplying structures in RPAs.* The director of public works/county engineer may waive or modify the requirements of this section for remodeling, additions or alterations to principal structures, ~~but not accessory structures,~~ **on legal nonconforming lots** that were legally in existence in RPAs on November 15, 1991, provided that:

(1) There will be no net increase in nonpoint source pollutant loads;

(2) Any development or land disturbance of 2,500 square feet or more complies with the erosion and sediment control requirements of chapter 10 of the County Code; and

(3) Additions shall be built outside RPAs where possible.

(4) This provision shall not apply to accessory structures.

(5) Waiver requests must include a sketch or site plan with the name of the applicant, the legal description of the property, a sketch of the proposed improvement, the boundaries of the RPAs and RMAs, and the location of the existing private water supply and existing and proposed on-site sewage facilities and primary and reserve sewage drainfields. An environmental site assessment as defined in section 10-33 and a water quality impact assessment as defined in section 10-28 of chapter 10 of the County Code must be submitted.

(6) An application for the expansion of a nonconforming structure may be approved by the director of public works/county engineer provided that the following findings are made:

- (1a)** The request for the waiver is the minimum necessary to afford relief;
- (2b)** Granting the waiver will not confer upon the applicant any privilege that is denied to property owners in similar situations;
- (3c)** The waiver is in harmony with the purpose and intent of this section and does not result in water quality degradation;
- (4d)** The waiver is not based on conditions or circumstances that are self-created or self-imposed; and
- (5e)** Reasonable and appropriate conditions are imposed, as warranted, that will prevent the waiver from causing a degradation of water quality.

(7) A nonconforming use development waiver shall become null and void 12 months from the date it is issued if substantial work has not commenced.

(8) This section shall not prohibit the reconstruction of preexisting structures within Chesapeake Bay Preservation Areas because of casualty loss.

7. 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. 223-20
Page No. 1 of 3

Agenda Title: ORDINANCE - To Amend and Reordain Section 10-32 Titled "Components of environmental compliance plan" and Section 10-33 Titled "Environmental site assessment component of environmental compliance plans," of the Code of the County of Henrico to Amend the County's Chesapeake Bay Preservation Act Program

For Clerk's Use Only:
Date: 9/8/2020
Approved
Denied
Amended
Deferred to:

BOARD OF SUPERVISORS ACTION
Moved by (1) O'Bannon Seconded by (1) Schmitt
REMARKS: APPROVED

Table with columns YES, NO, OTHER and rows for supervisors: Branin, T.; Nelson, T.; O'Bannon, P.; Schmitt, D.; Thornton, F.

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

1. That Section 10-32 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 10-32. Components of environmental compliance plan.

The ECP shall contain the following components:

(a) General information

....

(4) The location of RPAs, RMAs, SPAs, and all buffers required by conditions of zoning, development, or use;

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

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Certified:
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Clerk, Board of Supervisors

Date:

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 223-20

Page No. 2 of 3

Agenda Title: **ORDINANCE – To Amend and Reordain Section 10-32 Titled “Components of environmental compliance plan” and Section 10-33 Titled “Environmental site assessment component of environmental compliance plans,” of the Code of the County of Henrico to Amend the County’s Chesapeake Bay Preservation Act Program**

(5) A certification by the permittee that:

- a) All wetlands, RPAs, **RMAs**, SPAs, and buffers will be conspicuously flagged or otherwise identified and not disturbed unless authorized; and
- b) The permittee will notify the administrator upon completion of the flagging;

....

2. That Section 10-33 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 10-33. Environmental site assessment component of environmental compliance plans.

(a) The environmental site assessment component of the ECP shall indicate whether the following features are present on the site:

- (1) Surface waters (including wetlands) under the jurisdiction of the state or federal government;
- (2) Stream protection area features as described in chapter 6 of the Manual;
- (3) Resource protection area features as described in § 24-106.3(b)(1) of the Code, including:
 - a. **Tidal wetlands; Perennial-streams;**
 - b. Tidal shores;
 - c. ~~Tidal wetlands;~~
 - cd. Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow perennial-streams; and**
 - d. Such other lands as the board of supervisors may designate by ordinance which are necessary to protect the quality of state waters; and**
 - e. Areas within 100 feet of any of the items listed in provisions a through d above. A vegetated buffer area no less than 100 feet in width located adjacent to and landward of the components listed in subsections a. through d. above, and along both sides of any water body with perennial flow.**
- (4) Resource management area features as described in § 24-106.3(b)(2) of the Code, including:
 - a. Special flood hazard areas as defined in § 24-3 of the Code that are contiguous to **resource protection areas** any of the features identified in provision (3) above;
 - b. Highly erodible soils, including steep slopes, that are contiguous to **resource protection areas** any of the features identified in provision (3) above;
 - c. Highly permeable soils that are contiguous to **resource protection areas** any of the features identified in provision (3) above;

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 223-20
Page No. 3 of 3

Agenda Title: ORDINANCE – To Amend and Reordain Section 10-32 Titled “Components of environmental compliance plan” and Section 10-33 Titled “Environmental site assessment component of environmental compliance plans,” of the Code of the County of Henrico to Amend the County’s Chesapeake Bay Preservation Act Program

- d. Nontidal wetlands other than those described in provision (1) above not included in resource protection areas that are contiguous to resource protection areas any of the features identified in provision (3) above; and
- e. Other areas Areas within 100 feet of resource protection areas any of the items listed in provision (1) above; and
- f. All areas specifically designated as RMAs by ordinance of the board of supervisors because of their potential effect on water quality.

....

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

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



COUNTY OF HENRICO, VIRGINIA
 BOARD OF SUPERVISORS
 MINUTE

Agenda Item No. 224-20
 Page No. 1 of 1

Agenda Title: **INTRODUCTION OF RESOLUTION — Receipt of Requests for Amendments to FY 2020-21 Annual Fiscal Plan to (1) Reappropriate Funds for Continuing Programs, and (2) Appropriate Funds for Certain New Programs**

For Clerk's Use Only: Date: <u>9/8/2020</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>Schmitt</u> (2) _____ (2) _____	<table border="1"> <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>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>Schmitt, D.</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"/>	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"/>	Schmitt, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	REMARKS: <div style="text-align: center; font-size: 2em; font-weight: bold;"> APPROVED </div>																									

WHEREAS, the County Manager has provided the Board of Supervisors with a list dated September 1, 2020, requesting amendments to the FY2020-21 Annual Fiscal Plan to (1) reappropriate funds for continuing programs not expended or encumbered as of June 30, 2020, for purposes approved in FY2019-20, and (2) appropriate funds for certain new programs; and

WHEREAS, the County Manager listed by department the purpose of the request and the source of funding to support the proposed amendments.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the Clerk of the Board is directed to advertise, in the Richmond Times-Dispatch on September 15, 2020, a synopsis of the proposed amendments and a public hearing thereon to be held on September 22, 2020, at 7:00 p.m., in the Board Room at the Henrico County Government Center, East Parham and Hungary Spring Roads, to ascertain the views of the citizens with respect to the proposed amendments.

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

By Agency Head [Signature] 711 By County Manager [Signature]

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 Copy to: _____ Date: _____

Clerk, Board of Supervisors

AMENDMENTS TO THE FY2020-21
ANNUAL FISCAL PLAN FOR SEPTEMBER, 2020

SUMMARY

1.	Reappropriation for Continuing Programs:	
	General Fund	\$ 4,308,331
	Total Reappropriations for Continuing Programs	<u>\$ 4,308,331</u>
2.	New Amendments/Appropriations:	
	General Fund	\$ 354,140
	Special Revenue Fund	6,614,919
	Total Operating Funds	<u>\$ 6,969,059</u>
	Capital Projects Fund	\$ 29,834,742
	Water and Sewer Fund	\$ 31,440,000
	Debt Service Fund	<u>\$ 500,000</u>
	Total New Amendments/Appropriations	<u>\$ 68,743,801</u>
	GRAND TOTAL REAPPROPRIATIONS/NEW AMENDMENTS/ APPROPRIATIONS	<u>\$ 73,052,132</u>

2. NEW AMENDMENT REQUESTS

The following amendment requests represent new amendments/appropriations as represented by documentation presented to the County Manager, stating justification for the request and identifying the funding source:

OPERATING FUNDS

FUND 0101 - GENERAL FUND - General Operating Fund

Department 04 - Circuit Court

04001 - Circuit Court Clerk \$ 198,201

0000 00000 To appropriate funding of \$198,201 from the Commonwealth of Virginia Compensation Board for the Clerk's Technology Trust Fund. These funds result from fees collected by the Clerk on documents recorded in the Clerk's Office and will be used for indexing, imaging, and enhancement of the current imaging system. This system covers land records as well as state highway plats, county road maps, and wills in order to provide better service to the public in the Records Room. This funding will also enable the Clerk's Office to update and replace aging equipment. In addition, \$222,568 of funding previously appropriated for these purposes but unspent as of June 30, 2020, is included in the reappropriation section of this document.

Department 8 - Registrar

08002 - Election Expenses \$ 155,939

0000 08933 To appropriate funding of \$155,939 in support of the November 2020 presidential and congressional election. The revenue source for this appropriation is CARES Act funding as distributed by the Virginia Department of Elections.

Total GENERAL FUND \$ 354,140

FUND 1102 - SPECIAL REVENUE FUND - State and Federal Grants - County

Department 03 - Sheriff

03002 - Investigations
0000 08988 - 2021 RSAT Grant \$ 100,000

To appropriate State Residential Substance Abuse Treatment Grant funding of \$75,000 for use by the Sheriff's Office in its efforts to combat addiction. The required County match of \$25,000 will come from the fund balance in the General Fund via an interfund transfer to the Special Revenue Fund and is included in this \$100,000 amount.

Department 05 - Commonwealth's Attorney

05001 - Commonwealth's Attorney
0000 08837 - FY2020 VA Domestic Violence Victim Fund \$ 33,100

To appropriate additional State funding received from the Department of Criminal Justice Services, Virginia Domestic Violence Victim Fund grant program. Funding will be used for educational travel, which facilitates attorneys receiving required Continuing Legal Education credits.

Department 12 - Police		
12800	- Grants	
0000 08981	- <u>DOJ20 COVID Grant (CESF)</u>	\$ 214,763
	To appropriate Coronavirus Emergency Supplemental Funding of \$214,763 from the United States Department of Justice Bureau of Justice Assistance. These funds will be used to purchase medical and laboratory supplies to assist the Division of Police's efforts to combat COVID-19. There is no local match required.	
0000 08982	- <u>DMV20 - DUI</u>	229,830
	To appropriate funding of \$229,830 from the Virginia Department of Motor Vehicles for overtime related to alcohol enforcement activities and conferences. These federal funds are pass-through from the National Highway Traffic Safety Administration and are being administered by the Commonwealth. The County's funding for the FICA associated with the overtime, \$16,180, will come from the fund balance in the General Fund and is included in the \$229,830 total.	
0000 08983	- <u>DMV20 - Occupant Protection</u>	43,184
	To appropriate funding of \$40,258 from the Virginia Department of Motor Vehicles for overtime related to occupant protection saturation patrols. These federal funds are pass-through from the National Highway Traffic Safety Administration and are being administered by the Commonwealth. The County's funding for the FICA associated with the overtime, \$2,926, will come from the fund balance in the General Fund and is included in the \$43,184 total.	
0000 08984	- <u>DMV20 - Pedestrian-Bicycle</u>	5,813
	To appropriate funding of \$5,400 from the Virginia Department of Motor Vehicles for overtime related to pedestrian and bicycle enforcement activities. These federal funds are pass-through from the National Highway Traffic Safety Administration and are being administered by the Commonwealth. The County's funding for the FICA associated with the overtime, \$413, will come from the fund balance in the General Fund and is included in the \$5,813 total.	
0000 08985	- <u>DMV21 - Speed</u>	62,789
	To appropriate funding of \$58,486 from the Virginia Department of Motor Vehicles for overtime related to speed saturation patrols and three new LIDAR (Light Detection and Ranging). These federal funds are pass-through from the National Highway Traffic Safety Administration and are being administered by the Commonwealth. The County's funding for the FICA associated with the overtime, \$4,303, will come from the fund balance in the General Fund and is included in the \$62,789 total.	
	Total Police	\$ 556,379

Department 13 - Fire		
13800	- Grants	
0000 05134	<u>Radiological Preparedness and Response Program</u>	\$ 700
	To appropriate funding received for the Radiological Preparedness and Response Program administered through the Virginia Department of Emergency Management (VDEM) on behalf of Dominion Virginia Power for the 2018 Dominion Radiological Emergency Preparedness Program (REPP). This funding will be used towards the purchase of Emergency Operations Center equipment. No local match is required.	
0000 08898	- <u>FY19 SHSP Swiftwater</u>	76,000
	To appropriate funding from the 2019 State Homeland Security Program Grant (SHSP). These are passthrough funds from the U.S. Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) as managed by the Virginia Department of Emergency Management. Funding will be used for personal protective equipment items, new watercraft and trailers, spare fuel tanks and small tools for water rescue.	
0000 08978	<u>FY2020 LEMPG</u>	47,504
9900 08978	<u>FY2020 LEMPG - COVID Costs</u>	20,000
	To appropriate funding from the 2020 Local Emergency Management Performance Grant (LEMPG). These are passthrough funds from the U.S. Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) as managed by the Virginia Department of Emergency Management. This funding will provide for a portion of the salary for the Emergency Management Coordinator in the amount of \$24,004 and the remaining amount of \$43,500 will be used for training and other equipment. This grant requires an in-kind local match of \$67,504, which will be fulfilled by Henrico County's Fire Emergency Management Coordinator and the Emergency Preparedness Management Specialist's salary and benefits.	
0000 08989	- <u>AFG-S COVID 19 Grant</u>	59,715
	To appropriate funding received from the FEMA Assistance to Firefighters Grant Program. Funds will be used to reimburse the County for the Division of Fire's purchases of EMS supplies for the COVID-19 response. A 10% local match of \$5,971 will be provided through current appropriation.	
	Total Fire	<u>\$ 203,919</u>
Department 22 - Social Services		
22106	- AFDC - Foster Care	
1302 00000	- <u>Purchase of Services</u>	\$ 448,609
	To increase the County allocation to the estimated level of need for State and federally mandated Title IV-E Foster Care Program expenditures. This increase in appropriation is funded with \$224,304 of State (50%) and \$224,305 of federal (50%) funds. The total appropriation for this program in fiscal year 2020-21 will be \$1,448,609 after this addition. No County matching funds are required.	

22503	- Adoption Subsidy		
1302 00000	- <u>Purchase of Services</u>	\$	334,279
	To increase the County allocation to the estimated level of need for State and federally mandated Title IV-E Adoption Program expenditures. This program is funded with \$167,139 of State (50%) and \$167,140 of federal (50%) funds. The total appropriation for this program in fiscal year 2019-20 will be \$1,459,799 after this addition. No County matching funds are required.		
	Total Social Services	\$	<u>782,888</u>

Department 36 - Community Corrections

36002	- CCP - Pretrial		
0000 07051	- <u>FY2019-20 CCP Pretrial</u>	\$	1,959
	To appropriate revenue from the Virginia Department of Criminal Justice Services in excess of original budget. Funds will be used to offset the cost of Community Corrections operations.		

Department 38 - Community Revitalization

38003	- CDBG		
0000 08948	- <u>FY20-21 CDBG - Administration</u>	\$	260,000
0000 08949	- <u>FY20-21 CDBG - Commercial Assistance Program</u>		201,000
0000 08950	- <u>FY20-21 CDBG - CONNECT Program</u>		160,000
0000 08951	- <u>FY20-21 CDBG - Enterprise Zone Design Assistance</u>		48,000
0000 08952	- <u>FY20-21 CDBG - HOME Inc. Down Payment Assistance</u>		41,250
0000 08953	- <u>FY20-21 CDBG - HOME Inc. Housing Stability Program</u>		45,000
0000 08954	- <u>FY20-21 CDBG - project:HOMES Critical Home Repair</u>		571,418
0000 08955	- <u>FY20-21 CDBG - project:HOMES Homeowner Rehabilitation Program</u>		71,662
0000 08956	- <u>FY20-21 CDBG - Habitat For Humanity - Critical Home Repair Program</u>		50,000
0000 08957	- <u>FY20-21 CDBG - HumanKind - Ways to Work Program</u>		20,000
0000 08958	- <u>FY20-21 CDBG - HumanKind - SCDHC Down payment Assistance</u>		18,000
0000 08959	- <u>FY20-21 CDBG - Bus Stop Shelters</u>		40,000
0000 08960	- <u>FY20-21 CDBG - Circle Center - Adult Day Services</u>		30,000
0000 08961	- <u>FY20-21 CDBG - Sandston Historic Area Survey</u>		30,000
0000 08962	- <u>FY20-21 CDBG - Commonwealth Catholic Charities - Prevention and Diversion</u>		30,000
0000 08963	- <u>FY20-21 CDBG - Virginia Supportive Housing - Cool Lane Apartments</u>		150,000
	Sub-Total CDBG	\$	<u>1,766,330</u>

The United States Department of Housing and Urban Development (HUD), Community Development Block Grant (CDBG), as authorized by Title I of the Housing and Community Development Act of 1974, as amended, has awarded the County of Henrico, fiscal year 2020-21 grant funds in the amount of \$1,766,330 for these 16 programs/purposes.

38004	– HOME		
0000 08964	– <u>FY20-21 HOME - Administration</u>	\$	90,000
0000 08965	– <u>FY20-21 HOME - CHDO Activities Rehab for Sale</u>		140,000
0000 08966	– <u>FY20-21 HOME - HOME Inc Down payment Assistance</u>		121,500
0000 08967	– <u>FY20-21 HOME - project:HOMES Homeowner Rehabilitation Program</u>		503,124
0000 08968	– <u>FY20-21 HOME - SCDHC Down payment Assistance</u>		65,000
	Sub-Total HOME	\$	919,624

The United States Department of Housing and Urban Development (HUD), HOME Investment Partnerships Program, as authorized by the HOME Investment Partnerships Act of 1990, has awarded the County of Henrico, fiscal year 2020-21 grant funds in the amount of \$919,624 for these five programs/purposes.

38007	– ESG		
0000 08969	– <u>FY20-21 ESG - Administration</u>	\$	11,000
0000 08970	– <u>FY20-21 ESG - CARITAS - Case Management for Shelter Clients</u>		20,000
0000 08971	– <u>FY20-21 ESG - Commonwealth Catholic Charities - Homeless Outreach</u>		24,000
0000 08972	– <u>FY20-21 ESG - Housing Families First - Hilliard House Emergency Shelter</u>		44,484
0000 08973	– <u>FY20-21 ESG - Homeward - Homeless Management Info System</u>		2,500
0000 08974	– <u>FY20-21 ESG - HomeAgain - Rapid Rehousing Program</u>		30,000
0000 08975	– <u>FY20-21 ESG - YWCA of Rich - Greater Rich Reg Domestic Violence Hotline</u>		15,500
	Sub-Total ESG	\$	147,484

The United States Department of Housing and Urban Development (HUD), Emergency Solutions Grant (ESG) Program, as authorized by the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, has awarded the County of Henrico, fiscal year 2020-21 grant funds in the amount of \$147,484 for these seven programs/purposes.

Total Community Revitalization	\$	2,833,438
Total Fund 1102 - Special Revenue Fund-State/Fed Grants-County	\$	4,511,683

FUND 1103 – SPECIAL REVENUE FUND - Solid Waste

Department 31 - Public Utilities

31601	– Administration	\$	528,030
0000 00000	Funding is requested for the purchase of two automated refuse trucks to augment the current fleet. Solid Waste has seen a 15 percent volume increase as a result of COVID-19 and the additional trucks are needed to service that growth. Funding will come from the balance in the Solid portion of the Special Revenue Fund balance.		
	Total Fund 1103 - Special Revenue Fund-Solid Waste	\$	528,030

FUND 1108 – SPECIAL REVENUE FUND - Capital Region Workforce Partnership

Department 27 - Capital Region Workforce Partnership

27004	– Workforce Partnership		
0000 08826	– <u>FY2020 WIOA Dislocated Worker</u>	\$	4,553
0000 08828	– <u>FY2020 WIOA Administrative</u>		506
0000 08947	– <u>CRWP Wagner-Peyser Grant</u>		164,827
0000 08990	– <u>COVID-19 VCWC Reopening</u>		52,963
	To appropriate additional allocations received from the State and Federal governments for the Capital Region Workforce Partnership.		
	Total Fund 1108 - Special Revenue Fund-CRWP	\$	222,849

FUND 1110 – SPECIAL REVENUE FUND - Mental Health and Developmental Services			
Department 26 - Mental Health and Developmental Services			
26102	- Adult Recovery Services		
1504 00000	- <u>State MH PACT One time Funds</u>	\$	68,231
	To appropriate restricted state funds received in fiscal year FY2019-20 in excess of budgeted amounts for Assertive Community Treatment trainings.		
26107	- Substance Use Disorder Services		
9559- 08945	- <u>DBHDS SAMHSA COVID-19 Emergency Grant</u>	\$	125,744
	To appropriate the SAMHSA COVID-19 Emergency Grant from DBHDS to support behavioral health and substance use services. Salary costs are for position 0802-0435 Case Manager. These funds were applied for to provide funding for one year for some of the recommendations of the Recovery Roundtable.		
26107	- Substance Use Disorder Services		
1599 00000	- <u>Jail Services</u>	\$	345
26111	- Collaborative Recovery Services		
1521 00000	- <u>Residential Services - MH Supportive Housing</u>		15,882
1522 00000	- <u>Residential Services - MH Group Homes</u>		1,250
26204	- Community & Residential Resources Team		
1634 00000	- <u>Residential Services</u>		76,034
26303	- Program Support		
0000 00000	- <u>Program Support</u>		208,160
	To appropriate \$301,671 of surplus fee revenue received in FY2013-14. These funds will be used for one-time improvements at the Woodman Road Center and various support homes. Additionally, funds will also be used to purchase air cards for agency staff laptops.		
26107	- Substance Use Disorder Services		
0000 08998	- <u>Telehealth Program for Inmates</u>	\$	50,000
	To appropriate State Coronavirus Emergency Supplemental Funding for technological equipment and infrastructure to enable Mental Health's Jail Services Team to remotely provide assessments and medical supports to the recovering inmate population.		
26108	- Medical Services		
1696 00000	- <u>Medical Services - Primary Health Integration</u>	\$	55,073
	To appropriate third party fee revenue from primary health care services during fiscal year 2019-20. These funds are to be used to continue primary health care services to MH/DS consumers.		
26307	- Financial Management		
1685 00000	- <u>Retained Earnings</u>	\$	353,439
	Beginning in fiscal year 1993-94, the State began to allow localities to retain any unspent on-going State funds, as of the end of the previous fiscal year. Amounts for fiscal year 2015-16 received and appropriated but not obligated as of June 30, 2016 were \$ 353,439. These funds are to be used for one-time expenditures such as computer hardware and software programs.		

1686 00000	- <u>Board Contributions</u>	623
	This amount represents donations received from the private sector during fiscal year 2019-20. These funds are to be used as determined by the Henrico Area Community Services Board (CSB) and/or the donors.	
1687 00000	- <u>Special Projects</u>	322,192
	To appropriate state retained earnings from regional programs received from Richmond Behavioral Health Authority during fiscal year 2019-20 in excess of budgeted amounts for one time needs.	
	Total Fund 1110 Special Revenue Fund - MH and DS	\$ 1,276,973
FUND 1113 – SPECIAL REVENUE FUND - Forfeitures Commonwealth's Attorney State		
Department 05 – Commonwealth's Attorney		
05001	- Commonwealth's Attorney	
0000 00000	- <u>Forfeitures - Commonwealth's Attorney - State</u>	\$ 31,593
	Law enforcement special funds, which have been received by the County of Henrico, and not yet appropriated for expenditure, are to be used by the Commonwealth's Attorney for law enforcement projects as determined and approved by the County Manager or his designee.	
FUND 1114 – SPECIAL REVENUE FUND - Forfeitures Police State		
Department 12 - Police		
12850	- Asset Forfeiture	
0000 00000	- <u>Forfeitures - Police - State</u>	\$ 26,484
	Law enforcement special funds which have been received by the County of Henrico, and not yet appropriated for expenditure, are to be used by Police for law enforcement projects as determined and approved by the County Manager or his designee.	
FUND 1116 – SPECIAL REVENUE FUND - Forfeitures Police Treasury Federal		
Department 12 - Police		
12850	- Asset Forfeiture	
0000 00000	- <u>Forfeitures - Police - Treasury - Federal</u>	\$ 1,259
	Law enforcement special funds which have been received by the County of Henrico, and not yet appropriated for expenditure, are to be used by Police for law enforcement projects as determined and approved by the County Manager or his designee.	
FUND 1117 – SPECIAL REVENUE FUND - Forfeitures Police Justice Federal		
Department 12 - Police		
12850	- Asset Forfeiture	
0000 00000	- <u>Forfeitures - Police - Justice - Federal</u>	\$ 16,048
	Law enforcement special funds which have been received by the County of Henrico, and not yet appropriated for expenditure, are to be used by Police for law enforcement projects as determined and approved by the County Manager or his designee.	
	Total SPECIAL REVENUE FUND	\$ 6,614,919
	Total OPERATING FUNDS	\$ 6,969,059

CAPITAL FUNDS

FUND 2101 – CAPITAL PROJECTS FUND - General Capital Projects

Department 28 - Public Works

28004 – Construction

0000 08150 – North Gayton Road Interchange 300,000

To appropriate funding from the Central Virginia Transportation Authority for project development for the North Gayton Road interchange with I-64. There is no required County match for these local funds.

0000 08613 – Pump Road Project Development 650,000

To appropriate funding from the Central Virginia Transportation Authority for Pump Road Construction. There is no required County match for these local funds.

0000 00000 – Glover Park Access Road 300,000

To appropriate funding from the Central Virginia Transportation Authority for site assessment, surveying and preferred alignment of an access road at Glover Park. There is no required County match for these local funds.

0000 00000 – Four Mile Creek 100,000

To appropriate funding from the Central Virginia Transportation Authority for easements and construction at Four Mile Creek.. There is no required County match for these local funds.

Total 2101 - General Capital Projects Fund \$ 1,350,000

FUND 2109 – CAPITAL PROJECTS FUND - State and Federal Grant-Funded Capital Projects

Department 28 - Public Works

28004 – Construction

0000 00607 – Three Chopt Road Improvements 10,436,078

To appropriate \$10,436,078 of construction funding to improve approximately 2.05 miles of Three Chopt Road to a four-lane divided roadway. Improvements include curb and gutter drainage, upgraded floodplain crossings, a grassed median, traffic signal modifications and sidewalk on both sides of the improved roadway. The Virginia Department of Transportation will reimburse 100 percent of these costs through the Regional Surface Transportation Program, with 80 percent of funding being federal passthrough funding.

0000 00611 – Sadler Road Improvements 17,216,653

To appropriate construction funding for improvements to Sadler Road. Improvements include road widening, curb and gutter drainage, and sidewalk. The Virginia Department of Transportation will provide all of this funding, with \$15,422,832 being federal passthrough funds and the remaining \$1,793,821 being State funding. A local match of \$2,061,887 will be provided through existing County resources in this project.

0000 08756	– <u>Hungary Road Sidewalk</u>	75,772
	To appropriate Virginia Department of Transportation (VDOT) funding to construct 4,000 linear feet of sidewalk between Hungary Road and Hardings Way Drive. The 50% local match for this grant will come from current local resources in this project.	
0000 08758	– <u>Woodman Roundabout</u>	81,739
	To appropriate Virginia Department of Transportation (VDOT) funding to create a roundabout at the intersection of Woodman Road and Greenwood Road. VDOT previously allocated \$1,918,261 to the Woodman Road expansion project. The 50% local match for this grant will come from current local resources in this project.	
	Total 2109 - State and Federal Grant-Funded Capital Projects	<u>\$ 27,810,242</u>
FUND 2111 – CAPITAL PROJECTS FUND - Capital Initiatives Fund		
Department 28 - Public Works		
28004	– Construction	
0000 00000	– <u>Rocky Branch Creek Stormwater Improvements</u>	\$ 50,000
	This amendment will provide funding for stormwater improvements in the Rocky Branch subdivision, near Parham and Woodman Roads. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
Department 32 - Non-Departmental		
32001	– Non-Departmental	
0000 08947	– <u>Woodland Cemetery Improvements</u>	\$ 25,000
	This amendment will provide funding for improvements at historic Woodland Cemetery. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
0000 00000	– <u>Creative Communities Partnership</u>	4,500
	This amendment will provide funding for the Creative Communities Partnership. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
	Total Non-Departmental	<u>\$ 29,500</u>
	Total 2111 - Capital Projects Fund - Capital Initiatives Fund	<u>\$ 79,500</u>
FUND 2201 – CAPITAL PROJECTS FUND - Vehicle Replacement Reserve		
Department 13 - Fire		
13115	– Logistics	
0000 06692	– <u>Fire Apparatus Replacement Plan</u>	\$ 595,000
	To appropriate funding to purchase a replacement apparatus for the Division of Fire. This vehicle would be used in numerous suppression, emergency medical, and other hazard incidents and would provide cross-functional support to the Division's operations. Funds are to come from the fund balance in the General Fund via an interfund transfer to the Capital Projects Fund.	
	Total 2201 - Vehicle Replacement Reserve	<u>\$ 595,000</u>
	Total CAPITAL PROJECTS FUND	<u>\$ 29,834,742</u>

FUND 5101 – Water and Sewer Revenue Fund		
Department 31 - Public Utilities		
31401	– Administration - WRF	\$ 145,000
31402	– Maintenance	1,295,000
0000 00000	– To provide funding to cover additional costs at the Water Reclamation Facility. Funds are needed for system design and improvements, increased electrical costs, increased preventative maintenance, rebuilding of vertical turbine pumps and miscellaneous repairs. Appropriation will come from the fund balance in the Water and Sewer Revenue Fund.	
	Total 5101 - Water and Sewer Revenue Fund	\$ 1,440,000

FUND 5102 – Water and Sewer Construction Fund		
Department 31 - Public Utilities		
31201	- Accounting	
0000 00732	– <u>Rocky Branch/Abelia Road Sanitary Sewer Renewal</u>	\$ 3,250,000
0000 00735	– <u>Phase I Filter Renewal/Replacement at Water Reclamation</u>	10,000,000
0000 00743	– <u>Mayfield, ACCA, and Chickahominy Sewage Pumping Station Improvements</u>	1,000,000
0000 00768	– <u>Montrose Terrace Area Water and Sanitary Sewer Renewal</u>	750,000
0000 00769	– <u>Shady Grove Water Pumping Station Improvements</u>	500,000
0000 00811	– <u>Phase I SCADA Replacement at Water Reclamation</u>	3,000,000
0000 06152	– <u>Gambles Mill Force Main Renewal, Sewage Pumping Station</u>	1,000,000
0000 06157	– <u>Almond Creek Sewage Pumping Station</u>	500,000
0000 06159	– <u>Almond Creek Sewage Pumping Force Main Replacement</u>	500,000
0000 06450	– <u>White Oak Sewage Pumping Station Force Main Replacement</u>	500,000
0000 06666	– <u>Horsepen Branch Trunk Sewer</u>	500,000
0000 06723	– <u>Gambles Mill Force Main Renewal, Basin and Generator</u>	1,000,000
0000 07027	– <u>Rooty Branch/Deep Run Sanitary Sewer Renewal</u>	500,000
0000 08172	– <u>Water Reclamation Facility Assessment and Improvements</u>	7,000,000
	To provide funding for improvements to the Water Reclamation Facility, as well as pumping station improvements, sanitary and trunk sewer renewal, and force main replacements throughout the service area. The source of funding for these projects is Water and Sewer Revenue Bond proceeds.	
	Total 5102 - Water and Sewer Construction Fund	\$ 30,000,000
	TOTAL WATER AND SEWER FUND	\$ 31,440,000

DEBT SERVICE FUND

FUND 7103 – DEBT SERVICE FUND - Schools		
Department 18 - Debt Service		
18001	- Debt Service - General Government	
0000 00000	- <u>Debt Service - General Government</u>	\$ 500,000
	The County has leveraged its Aaa/AAA/AAA bond ratings and taken advantage of a historically low interest rates by issuing bonds ahead of schedule. As a result, scheduled bond payments for FY2020-21 exceed the current budget. An additional appropriation of \$500,000 is required. Funds are to come from the fund balance of the Debt Service Fund.	
	Total DEBT SERVICE FUND	\$ 500,000
	Total New Amendments/Appropriations	\$ 68,743,801
	GRAND TOTAL REAPPROPRIATIONS/	\$ 4,308,331
	NEW AMENDMENTS/APPROPRIATIONS	\$ 73,052,132



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 225-20
Page No. 1 of 1

Agenda Title: INTRODUCTION OF RESOLUTION — Receipt of Request for Amendments to FY 2020-21 Annual Fiscal Plan — CARES Act Funding for General Government

For Clerk's Use Only: Date: 9/8/2020 <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>Nelson</u> Seconded by (1) <u>Schmitt</u> (2) _____ (2) _____ REMARKS: APPROVED	<table border="0"> <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>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>Schmitt, D.</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"/>	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"/>	Schmitt, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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WHEREAS, the Commonwealth of Virginia has allocated funding from the federal CARES Act of 2020 to the County to address impacts related to the COVID-19 health emergency; and,

WHEREAS, the County Manager has provided the Board of Supervisors with a list dated September 1, 2020, showing the proposed use of the funding to address impacts related to the emergency; and,

WHEREAS, the FY 2020-21 Annual Fiscal Plan must be amended to add the allocated funding.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the Clerk of the Board is directed to advertise, in the Richmond Times-Dispatch on September 15, 2020, a synopsis of the proposed amendments and notice of a public hearing to be held on September 22, 2020, at 7:00 p.m., in the Board Room at the Henrico County Government Center, East Parham and Hungary Spring Roads, to ascertain the views of the citizens with respect to the proposed amendments.

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

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

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Clerk, Board of Supervisors
Date: _____

AMENDMENT TO THE 2020-21
ANNUAL FISCAL PLAN FOR SEPTEMBER, 2020

OPERATING FUNDS

FUND 0101 - GENERAL FUND - General Operating Fund

Department 03 - Sheriff's Office

03006 - Jail West Personnel

0000 08933 - COVID-19 Costs

\$ 1,530,500

To appropriate federal funding from the CARES Act of 2020 for FY21 second quarter payroll expenses for workers whose time and services were substantially dedicated to mitigating or responding to the COVID-19 public health emergency. These funds are all dedicated to salaries within the Sheriff's Office and, per the Treasury Guidance, are presumed to be substantially dedicated to mitigating or responding to the COVID-19 public health emergency. These expenses are necessary to mitigate and respond to the COVID-19 public health emergency.

Department 13 - Fire

13113

- Emergency Planning and Safety

0000 08933 - COVID-19 Costs

\$ 7,289,907

To appropriate federal funding from the CARES Act of 2020 for expenses related to the acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment; expenses related to improving telework capabilities for public employees to enable compliance with COVID-19 public health precautions. These expenses are necessary to mitigate and respond to the COVID-19 public health emergency. \$3.9M of these categorical expenses have already been incurred, the rest are projected to occur before the end of the calendar year.

13122 - Operations - EMS

0000 08933 - COVID-19 Costs

\$ 2,389,200

To appropriate federal funding from the CARES Act of 2020 for payroll expenses for workers whose time and services were substantially dedicated to mitigating or responding to the COVID-19 public health emergency. These are expenses that have already been incurred to mitigate and respond to the COVID-19 public health emergency.

13150 - Field Operations

0000 08933 - COVID-19 Costs

\$ 11,916,000

To appropriate federal funding from the CARES Act of 2020. Fiscal Year 2020-21 second quarter payroll expenses for workers within the Division of Fire whose time and services were substantially dedicated to mitigating or responding to the COVID-19 public health emergency per the U.S. Department of the Treasury (the "Treasury") Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments (the "Guidance"), and are presumed to be substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

Total - Fire

\$ 21,595,107

Total GENERAL FUND

\$ 23,125,607

Total OPERATING FUNDS

\$ 23,125,607

Total Amendments/Appropriations

\$ 23,125,607



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

Agenda Item No. 226-20
Page No. 1 of 2

Agenda Title: **RESOLUTION — Award of Construction Contract — Maintenance and Construction Services for Filter Basin #3 — Water Reclamation Facility — Varina District**

For Clerk's Use Only: Date: <u>9/8/2020</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 border="1"> <tr> <td></td> <td>YES</td> <td>NO</td> <td>OTHER</td> </tr> <tr> <td>Branin, T.</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>Schmitt, D.</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> </table>		YES	NO	OTHER	Branin, T.	<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"/>	Schmitt, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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WHEREAS, the County received three bids on July 30, 2020, in response to Invitation to Bid No. 20-2016-6EAR for maintenance and construction services at the Water Reclamation Facility; and,

WHEREAS, the project will repair filters to restore effluent filtration capacity in Filter Basin #3; and,

WHEREAS, the bids were as follows:

<u>Bidders</u>	<u>Bid Amounts</u>
WGK Construction, LLC Chantilly, VA	\$363,000
Lisbon Buildings and Infrastructures Inc. Red Oak, NC	\$369,000
EMH Environmental, Inc. Glenwood, MD	\$389,123

WHEREAS, after a review and evaluation of the bids received, it was determined that WGK Construction, LLC is the lowest responsive and responsible bidder.

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

- The contract is awarded to WGK Construction, LLC, the lowest responsive and responsible bidder, in the amount of \$363,000 pursuant to Invitation to Bid No. 20-2016-6EAR, and the bid submitted by WGK Construction, LLC.
- The County Manager is authorized to execute the contract in a form approved by the County Attorney.

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

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Clerk, Board of Supervisors

Date: _____

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

Agenda Item No. *226-20*

Page No. 2 of 2

Agenda Title: RESOLUTION — Award of Construction Contract — Maintenance and Construction Services for Filter Basin #3 — Water Reclamation Facility — Varina District

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.

Comments: Funding for the project will be provided from the Water and Sewer Revenue Fund. The Director of Public Utilities and the Purchasing Director recommend approval of the Board paper, and the County Manager concurs.



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

Agenda Item No. 227-20

Page No. 1 of 2

Agenda Title: RESOLUTION — To Permit Additional Fine of \$200 for Speeding on Pennsylvania Avenue between Brook Road and Telegraph Road — Fairfield District

<p>For Clerk's Use Only:</p> <p>Date: <u>9/8/2020</u></p> <p><input checked="" type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p> <p><input type="checkbox"/> Amended</p> <p><input type="checkbox"/> Deferred to: _____</p>	<p>BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>O'Bannon</u> Seconded by (1) <u>Shrout</u></p> <p style="margin-left: 40px;">(2) _____ (2) _____</p> <p>REMARKS: APPROVED</p>	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: center;">YES</th> <th style="text-align: center;">NO</th> <th style="text-align: center;">OTHER</th> </tr> </thead> <tbody> <tr> <td>Branin, T.</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">—</td> <td style="text-align: center;">—</td> </tr> <tr> <td>Nelson, T.</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">—</td> <td style="text-align: center;">—</td> </tr> <tr> <td>O'Bannon, P.</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">—</td> <td style="text-align: center;">—</td> </tr> <tr> <td>Schmitt, D.</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">—</td> <td style="text-align: center;">—</td> </tr> <tr> <td>Thornton, F.</td> <td style="text-align: center;">✓</td> <td style="text-align: center;">—</td> <td style="text-align: center;">—</td> </tr> </tbody> </table>		YES	NO	OTHER	Branin, T.	✓	—	—	Nelson, T.	✓	—	—	O'Bannon, P.	✓	—	—	Schmitt, D.	✓	—	—	Thornton, F.	✓	—	—
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WHEREAS, Section 46.2-878.2 of the Code of Virginia provides for the imposition of a \$200 fine for speeding, in addition to other penalties provided by law, when a locality has established a maximum speed limit for a highway in a residence district and the speed limit is indicated by appropriately placed signs; and,

WHEREAS, because Henrico County maintains its own roads, the statute also requires the Board of Supervisors (the "Board") to develop criteria for the overall applicability for the installation of the signs and to request the application of the statute to certain residential streets in the County before the additional fine may be imposed; and,

WHEREAS, the Board approved detailed criteria (the "Criteria") for the County's Traffic Calming Program on February 10, 2004; and,

WHEREAS, increased fines for speeding on residential streets in Henrico County which meet the Criteria and are designated by the Board are part of the Traffic Calming Program; and,

WHEREAS, the County's Traffic Engineer has collected traffic data and has determined that Pennsylvania Avenue between Brook Road and Telegraph Road is experiencing speeding problems and meets the Criteria for traffic calming measures set forth in the Traffic Calming Program; and,

WHEREAS, the citizens in the area of this road requesting the increased fine have collected signatures from 78.3% of the residents; and,

WHEREAS, this road is a local residential street with a posted speed limit of 25 mph.

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. 227-20

Page No. 2 of 2

Agenda Title: RESOLUTION — To Permit Additional Fine of \$200 for Speeding on Pennsylvania Avenue between Brook Road and Telegraph Road — Fairfield District

NOW, THEREFORE, BE IT RESOLVED by the Board that the County Manager is authorized and directed to install signs on Pennsylvania Avenue between Brook Road and Telegraph Road advising citizens of an additional fine of \$200 for exceeding the posted speed limit on this road.

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