

**HENRICO COUNTY  
NOTICE OF SPECIAL MEETING  
BOARD OF SUPERVISORS**

Please take notice that a special meeting of the Board of Supervisors will be held on **Tuesday, September 14, 2021, at 5:15 p.m.** in the County Manager's Conference Room on the Third Floor of the Administration Building at the Henrico County Government Center, Parham and Hungary Spring Roads, Henrico, Virginia.

The matters to be reviewed by the Board at this time are:

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|------------------|--|
| 5:15 - 5:30 p.m. | J. Sargeant Reynolds Update                                    |
| 5:30 - 5:45 p.m. | Woodland Cemetery Anniversary                                  |
| 5:45 - 6:00 p.m. | Update on Budget Amendment & Bond Issuance on Tonight's Agenda |
| 6:00 - 6:30 p.m. | Rental Inspection District Update                              |
| 6:30 - 6:45 p.m. | Regular Meeting Agenda Items                                   |

*Tanya N. Brackett*

Tanya N. Brackett, CMC  
Clerk, Henrico County Board of Supervisors  
September 9, 2021

**COUNTY OF HENRICO, VIRGINIA**  
**Henrico County Board Room**  
**Board of Supervisors' Agenda**  
**September 14, 2021**  
**7:00 p.m.**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**APPROVAL OF MINUTES** – August 10, 2021, Regular and Special Minutes

**MANAGER'S COMMENTS**

**BOARD OF SUPERVISORS' COMMENTS**

**RECOGNITION OF NEWS MEDIA**

**PRESENTATION**

Proclamation - Proclaiming Recovery Month - September 2021.

**PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMITS**

273-21 Highwoods Realty Limited Partnership: Request to conditionally rezone from  
REZ2021- A-1 Agricultural District and M-1C Light Industrial District (Conditional) to  
00026 UMUC Urban Mixed Use District (Conditional) Parcels 750-768-0643, 750-768-  
Three Chopt 4593, 750-768-4929, and 750-768-8514 and part of Parcels 751-768-2072, 751-  
769-0332, and 751-769-4739 containing 33.801 acres located on the north line of  
Nuckols Road between Lake Brook Drive and Interstate 295. The applicant  
proposes an urban mixed-use development. The uses will be controlled by  
zoning ordinance regulations and proffered conditions. The 2026  
Comprehensive Plan recommends Urban Mixed-Use. The site is in the  
Innsbrook Redevelopment Overlay District. The Planning Commission voted  
to recommend the Board of Supervisors **grant** the request.

274-21 Highwoods Realty Limited Partnership: Request for a Provisional Use Permit  
PUP2021- under Sections 24-32.1 (a, b, i, l, p, s, v, w, z), 24-120 and 24-122.1 of Chapter 24  
00010 of the County Code to allow the following: outdoor vending areas; commercial  
Three Chopt parking lot; greater floor area for any use with floor area limitations; heliport;  
outdoor, commercial recreational facilities; buildings and structures exceeding  
60' in height; open space of less than 20 percent within a development;  
commercial or office square footage of less than 25 percent of the total building  
square footage of the UMU district; and number of for-lease multifamily  
dwelling units exceeding 30 percent of the total units of the UMU district on  
Parcels 750-768-0643, 750-768-4593, 750-768-4929, and 750-768-8514 and part  
of Parcels 751-768-2072, 751-769-0332, and 751-769-4739 located on the north  
line of Nuckols Road between Lake Brook Drive and Interstate 295. The  
existing zoning is A-1 Agricultural District and M-1C Light Industrial District  
(Conditional). UMUC zoning is proposed with REZ2021-00026. The 2026  
Comprehensive Plan recommends Urban Mixed-Use. The site is in the  
Innsbrook Redevelopment Overlay District. The Planning Commission voted  
to recommend the Board of Supervisors **grant** the request.

- 251-21  
REZ2021-  
00005  
Fairfield
- Godsey Properties, Inc.: Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) Parcels 804-726-5470 and 804-726-5470.001 containing 120.4 acres located on the north line of Creighton Road at its intersection with Gordon Lane (Glenwood Golf Club). The applicant proposes detached dwellings for sale. The R-5A District allows a maximum gross density of 6 units per acre. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Traditional Neighborhood Development and Environmental Protection Area. The Planning Commission voted to recommend the Board of Supervisors **grant** the request. **(Deferred from the August 10, 2021, meeting.)**
- 252-21  
PUP2021-  
00001  
Fairfield
- Godsey Properties, Inc.: Request for a Provisional Use Permit under Sections 24-13.4(c), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow adjustable side yard setbacks for lots within the R-5A General Residence District on Parcels 804-726-5470 and 804-726-5470.001 located on the north line of Creighton Road at its intersection with Gordon Lane (Glenwood Golf Club). The existing zoning is A-1 Agricultural District. The R-5A District is proposed for the A-1 District with REZ2021-00005. The 2026 Comprehensive Plan recommends Traditional Neighborhood Development and Environmental Protection Area. The Planning Commission voted to recommend the Board of Supervisors **grant** the request. **(Deferred from the August 10, 2021, meeting.)**
- 275-21  
REZ2021-  
00040  
Tuckahoe
- Starbucks Corporation: Request to conditionally rezone from B-1 Business District to B-2C Business District (Conditional) Parcel 762-731-2489 containing .434 acres located on the south line of River Road at its intersection with Huguenot Road (State Route 147). The applicant proposes a restaurant with drive-through. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Commercial Concentration. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.
- 276-21  
REZ2021-  
00035  
Fairfield
- Hillwood Enterprises, L.P.: Request to rezone from M-2C General Industrial District (Conditional) and C-1 Conservation District to C-1 Conservation District part of Parcels 795-749-4431 and 796-747-9944 containing 233 acres located approximately 100' north of the intersection of the Richmond Henrico Turnpike (State Route 627) and the north line of the C&O Railroad. The applicant proposes a conservation area. The use will be controlled by zoning ordinance regulations. The 2026 Comprehensive Plan recommends Environmental Protection Area, Office/Service, and Light Industry. The site is in the Airport Safety Overlay District. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.
- 277-21  
PUP2021-  
00014  
Brookland
- William (Henry) Brummitt: Request for a Provisional Use Permit under Sections 24-55(i), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow outdoor dining for an existing restaurant on part of Parcel 764-764-9325 located on the west line of Staples Mill Road (U.S. Route 33) approximately 550' north of its intersection with Old Courtney Road. The existing zoning is B-1

Business District. The 2026 Comprehensive Plan recommends Commercial Concentration. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

278-21  
PUP2021-  
00016  
Varina  
HTS Towers, LLC: Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow a communication tower up to 165' in height and related equipment on part of Parcel 831-688-1711 located on the east line of Turner Road approximately 450' southeast of its intersection with Three Foxes Drive. The existing zoning is A-1 Agricultural District. The 2026 Comprehensive Plan recommends Suburban Residential 1, density should not exceed 2.4 units per acre. Part of the site is in the Airport Safety Overlay District. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

279-21  
REZ2021-  
00037  
Three Chopt  
Ram Misra: Request to amend proffers accepted with C-8C-01 on Parcel 737-754-6589 located on Brandyview Lane approximately 265' west from its intersection with Clary Preston Drive. The applicant proposes to amend Proffer #9 regarding the rear yard setback and landscape buffer. The existing zoning is R-3C One-Family Residence District (Conditional). The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre. The Planning Commission voted to recommend the Board of Supervisors **deny** the request.

#### **PUBLIC HEARINGS - OTHER ITEMS**

- 280-21      Resolution - Authorizing the Issuance and Sale to the Virginia Public School Authority of Not to Exceed \$55,000,000 Aggregate Principal Amount of the County of Henrico, Virginia, General Obligation School Bonds.
- 281-21      Resolution - Signatory Authority - Conveyance of Real Property - 1015 Pennsylvania Avenue - Fairfield District.
- 282-21      Resolution - Signatory Authority - Conveyance of Real Property - 2424 Homeview Drive - Three Chopt District.
- 283-21      Resolution - Signatory Authority - Easement Agreement - Virginia Department of Transportation - Three Chopt District.
- 284-21      Ordinance - Vacation of Building Line - River Road Farms Subdivision - Tuckahoe District.
- 285-21      Resolution - Abandonment of Unused Right-of-Way - Proposed Green City Development - Fairfield District.
- 286-21      Resolution - Signatory Authority - Conveyance of Abandoned Portion of Millers Lane - Varina District.

#### **PUBLIC COMMENTS**

## **GENERAL AGENDA**

- 287-21 Introduction of Ordinance - To Add Article VIII Titled “Residential Rental Inspection Program” to Chapter 6 of the Code of the County of Henrico to Create a Program to Inspect Residential Rental Dwelling Units for Building Code Violations and to Establish a Rental Inspection District for Glenwood Farms.
- 288-21 Introduction of Resolution - Receipt of Requests for Amendments to the FY 2021-22 Annual Fiscal Plan to Reappropriate Funds for Continuing Programs and Appropriate Funds for Certain New Programs.
- 289-21 Introduction of Resolution - Receipt of Request for Amendments to FY 2021-22 Annual Fiscal Plan - ARPA Funding.
- 290-21 Introduction of Resolution - Receipt of Request for Amendments to FY 2021-22 Annual Fiscal Plan - ESSER III Funding.
- 291-21 Introduction of Ordinance - To Amend and Reordain Section 20-273 Titled “Definitions,” Section 20-274 Titled “Levy; amount,” Section 20-275 Titled “Collection,” and Section 20-276 Titled “Reports and remittance of tax” of the Code of the County of Henrico to Conform to 2021 Changes in State Law Regarding Transient Occupancy Taxes.
- 292-21 Resolution - Donation of Surplus Vehicle - Excel to Excellence - Varina District.
- 293-21 Resolution - Award of Contract - Detox and Recovery Program Consulting Services.
- 294-21 Resolution - Approval of Third Interim Agreement - Indoor Sports Facility and Convocation Center - Fairfield District.
- 295-21 Resolution - Acquisition of Right-of-Way and Easements - 11400 Ireland Lane - Sadler Road Improvements Project - Three Chopt District.
- 296-21 Resolution - Acquisition of Right-of-Way and Easements - 4729 Sadler Road and 11211 Sadler Oaks Drive - Sadler Road Improvements Project - Three Chopt District.
- 297-21 Resolution - Acquisition of Right-of-Way and Easements - 4870 Sadler Road - Sadler Road Improvements Project - Three Chopt District.
- 298-21 Resolution - Acquisition of Right-of-Way and Easements - Hayloft Lane - Sadler Road Improvements Project - Three Chopt District.
- 299-21 Resolution - Signatory Authority - Agreement with Virginia Department of Transportation - Libbie Avenue Improvements - Brookland District.

300-21

Resolution - Approval of Proposed Bankruptcy Plan - Mallinkrodt.



**COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS' RESUME  
September 14, 2021**

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**PRESENTATION**

**Proclamation - Recognizing Recovery Month - September 2021.**

This proclamation recognizes September 2021 as Recovery Month and endorses this year's theme: "Recovery is For Everyone: Every Person, Every Family, Every Community."

**PUBLIC HEARINGS - REZONING CASES AND PROVISIONAL USE PERMITS**

REZ2021-00026  
Three Chopt  
Highwoods Realty Limited Partnership: Request to conditionally rezone from A-1 Agricultural District and M-1C Light Industrial District (Conditional) to UMUC Urban Mixed Use District (Conditional) Parcels 750-768-0643, 750-768-4593, 750-768-4929, and 750-768-8514 and part of Parcels 751-768-2072, 751-769-0332, and 751-769-4739 containing 33.801 acres located on the north line of Nuckols Road between Lake Brook Drive and Interstate 295. The applicant proposes an urban mixed-use development. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Urban Mixed-Use. The site is in the Innsbrook Redevelopment Overlay District. Acting on a motion by Mrs. Thornton, seconded by Mr. Baka, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it conforms to the Urban Mixed-Use recommendation of the Land Use Plan and the proffered conditions will provide appropriate quality assurances not otherwise available.

PUP2021-00010  
Three Chopt  
Highwoods Realty Limited Partnership: Request for a Provisional Use Permit under Sections 24-32.1 (a, b, i, l, p, s, v, w, z), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow the following: outdoor vending areas; commercial parking lot; greater floor area for any use with floor area limitations; heliport; outdoor, commercial recreational facilities; buildings and structures exceeding 60' in height; open space of less than 20 percent within a development; commercial or office square footage of less than 25 percent of the total building square footage of the UMU district; and number of for-lease multifamily dwelling units exceeding 30 percent of the total units of the UMU district on Parcels 750-768-0643, 750-768-4593, 750-768-4929, and 750-768-8514 and part of Parcels 751-768-2072, 751-769-0332, and 751-769-4739 located on the north line of Nuckols Road between Lake Brook Drive and Interstate 295. The existing zoning is A-1 Agricultural District and M-1C Light Industrial District (Conditional). UMUC zoning is proposed with REZ2021-00026. The 2026 Comprehensive Plan recommends Urban Mixed-Use. The site is in the Innsbrook Redevelopment Overlay District. Acting on a motion by Mrs. Thornton, seconded by Mr. Mackey, the Planning Commission voted 5-0 (one abstention) to recommend the Board

of Supervisors **grant** the request because it is reasonable with the proposed urban mixed use development on the property and as conditioned it would not be expected to adversely affect public safety, health or general welfare.

REZ2021-  
00005  
Fairfield

Godsey Properties, Inc.: Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) Parcels 804-726-5470 and 804-726-5470.001 containing 120.4 acres located on the north line of Creighton Road at its intersection with Gordon Lane (Glenwood Golf Club). The applicant proposes detached dwellings for sale. The R-5A District allows a maximum gross density of 6 units per acre. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Traditional Neighborhood Development and Environmental Protection Area. Acting on a motion by Mr. Archer, seconded by Mr. Mackey, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it is appropriate residential zoning at this location and the proffered conditions will assure a level of development not otherwise available. **(Deferred from the August 10, 2021, meeting.)**

PUP2021-  
00001  
Fairfield

Godsey Properties, Inc.: Request for a Provisional Use Permit under Sections 24-13.4(c), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow adjustable side yard setbacks for lots within the R-5A General Residence District on Parcels 804-726-5470 and 804-726-5470.001 located on the north line of Creighton Road at its intersection with Gordon Lane (Glenwood Golf Club). The existing zoning is A-1 Agricultural District. The R-5A District is proposed for the A-1 District with REZ2021-00005. The 2026 Comprehensive Plan recommends Traditional Neighborhood Development and Environmental Protection Area. Acting on a motion by Mr. Archer, seconded by Mr. Baka, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it would not be expected to adversely affect public safety, health or general welfare. **(Deferred from the August 10, 2021, Meeting.)**

REZ2021-  
00040  
Tuckahoe

Starbucks Corporation: Request to conditionally rezone from B-1 Business District to B-2C Business District (Conditional) Parcel 762-731-2489 containing .434 acres located on the south line of River Road at its intersection with Huguenot Road (State Route 147). The applicant proposes a restaurant with drive-through. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Commercial Concentration. Acting on a motion by Mr. Baka, seconded by Mr. Mackey, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because the business use is compatible with surrounding development and the proffered conditions should minimize the potential impacts on surrounding land uses.



REZ2021-00035  
Fairfield  
Hillwood Enterprises, L.P.: Request to rezone from M-2C General Industrial District (Conditional) and C-1 Conservation District to C-1 Conservation District part of Parcels 795-749-4431 and 796-747-9944 containing 233 acres located approximately 100' north of the intersection of the Richmond Henrico Turnpike (State Route 627) and the north line of the C&O Railroad. The applicant proposes a conservation area. The use will be controlled by zoning ordinance regulations. The 2026 Comprehensive Plan recommends Environmental Protection Area, Office/Service, and Light Industry. The site is in the Airport Safety Overlay District. Acting on a motion by Mr. Archer, seconded by Mr. Mackey, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it continues a form of zoning consistent with the area and would fulfill the proffers accepted with a previous case.

PUP2021-00014  
Brookland  
William (Henry) Brummitt: Request for a Provisional Use Permit under Sections 24-55(i), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow outdoor dining for an existing restaurant on part of Parcel 764-764-9325 located on the west line of Staples Mill Road (U.S. Route 33) approximately 550' north of its intersection with Old Courtney Road. The existing zoning is B-1 Business District. The 2026 Comprehensive Plan recommends Commercial Concentration. Acting on a motion by Mr. Witte, seconded by Mr. Archer, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it is reasonable in light of the surrounding uses and existing zoning on the property and the conditions should minimize the potential impacts on surrounding land uses.

PUP2021-00016  
Varina  
HTS Towers, LLC: Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow a communication tower up to 165' in height and related equipment on part of Parcel 831-688-1711 located on the east line of Turner Road approximately 450' southeast of its intersection with Three Foxes Drive. The existing zoning is A-1 Agricultural District. The 2026 Comprehensive Plan recommends Suburban Residential 1, density should not exceed 2.4 units per acre. Part of the site is in the Airport Safety Overlay District. Acting on a motion by Mr. Mackey, seconded by Mrs. Thornton, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it is reasonable in light of the surrounding uses and existing zoning on the property and it would provide added services to the community.

REZ2021-00037  
Three Chopt  
Ram Misra: Request to amend proffers accepted with C-8C-01 on Parcel 737-754-6589 located on Brandyview Lane approximately 265' west from its intersection with Clary Preston Drive. The applicant proposes to amend Proffer #9 regarding the rear yard setback and landscape buffer. The existing zoning is R-3C One-Family Residence District (Conditional). The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre. Acting on a motion by Mrs. Thornton, seconded by Mr. Witte, the Planning Commission voted 5-0 (one

abstention) to recommend the Board of Supervisors **deny** the request because it does not meet the original intent of the proffers and would likely set an adverse precedent for the area.

**PUBLIC HEARINGS – OTHER ITEMS**

**RESOLUTION - Authorizing the Issuance and Sale to the Virginia Public School Authority of Not to Exceed \$55,000,000 Aggregate Principal Amount of the County of Henrico, Virginia, General Obligation School Bonds.**

This resolution authorizes and provides for the issuance of the County’s general obligation bonds in a principal amount not to exceed \$55 million to be sold to the Virginia Public School Authority. The proceeds of the sale will be used to fund capital improvement projects for the County’s public schools.

This resolution was prepared by the County’s bond counsel and has been reviewed and approved as to form by the County Attorney. The School Board adopted a resolution on August 12, 2021, requesting the Board of Supervisors approve this resolution.

**RESOLUTION - Signatory Authority - Conveyance of Real Property - 1015 Pennsylvania Avenue - Fairfield District.**

This Board paper authorizes the Chairman of the Board of Supervisors and the Clerk to execute the documents necessary to convey the real property at 1015 Pennsylvania Avenue to Roy E. Campbell, Jr. and Melinda M. Campbell for \$3,500. This amount was the highest bid in response to the Board’s action on June 8, 2021, that declared the property surplus and granted authority to advertise the property for bids.

The Deputy County Manager for Community Operations recommends approval of the Board paper; the County Manager concurs.

**RESOLUTION - Signatory Authority - Conveyance of Real Property - 2424 Homeview Drive - Three Chopt District.**

This Board paper authorizes the Chairman and the County Manager to execute the documents necessary to convey the real estate at 2424 Homeview Drive in the Mimosa Park subdivision to Ferramosca Properties, L.L.C., the owner of the adjacent lot at 2422 Homeview Drive. The property was previously used as a well lot, and the County does not need the property for any public purpose. The sale price is \$1,000, its assessed value.

The Real Property Department has processed the conveyance through the Departments of Planning, Public Works, and Public Utilities without objection, and the Deputy County Manager for Community Operations and the Director of Public Works recommend approval of the Board paper.

**RESOLUTION - Signatory Authority - Easement Agreement - Virginia Department of Transportation - Three Chopt District.**

This Board paper authorizes the Chairman to execute a permanent sidewalk and traffic signal

maintenance easement and temporary construction easement agreement with the Virginia Department of Transportation for the construction and maintenance of a sidewalk and traffic control devices across the Westerre Parkway right-of-way at its intersection with West Broad Street. The sidewalk and traffic control devices will provide for safer pedestrian use, and the temporary construction easement will terminate upon completion of construction.

The Real Property Department has processed this request through the Departments of Planning, Public Utilities, and Public Works without objection. The Deputy County Manager for Community Operations recommends approval, and the County Manager concurs.

**ORDINANCE - Vacation of Building Line - River Road Farms Subdivision - Tuckahoe District.**

This ordinance would vacate the 36' building line across the side of Lot 6, Block C, Section 2 of the River Road Farms subdivision. The property owner, Matthew Carter Lee, requested the vacation so he can construct a garage.

The Real Property Department has processed the requested vacation through the Departments of Planning, Public Works, and Public Utilities without objection. The Deputy County Manager for Community Operations recommends approval of the Board paper; the County Manager concurs.

**RESOLUTION - RESOLUTION - Abandonment of Unused Right-of-Way - Proposed Green City Development - Fairfield District.**

This Board paper would abandon a variable width strip of right-of-way that has never been used for public passage. The right-of-way is on property owned by the Economic Development Authority of Henrico County ("EDA") located at the northeast corner of Parham Road and Interstate 95. The EDA has entered into a purchase and sale agreement for the sale of the property to Green City Partners, LLC.

The segment to be abandoned has never been used as a public street, it is not necessary for public travel, and it has not become a part of the County road system. Section 33.2-915 of the Code of Virginia allows the Board of Supervisors to abandon a section of road that the Board deems no longer necessary for public use.

The Board paper finds that that no public necessity exists for the continuance of the segment for public street purposes and that the welfare of the public would be best served by abandoning the segment of unused right-of-way. Therefore, the segment will be abandoned for public street purposes.

The Executive Director of the EDA recommends approval, and the County Manager concurs.

**RESOLUTION - Signatory Authority - Conveyance of Abandoned Portion of Millers Lane - Varina District.**

This Board paper authorizes the Chairman and Clerk to execute a deed conveying the abandoned portion of Millers Lane near its terminus with Interstate 64 to Millers Lane, LLC

for \$1,000. The Board of Supervisors abandoned this portion of Millers Lane at its July 13, 2021, meeting.

The Real Property Department has processed this request through the Departments of Planning, Public Utilities, and Public Works without objection. The Director of Public Works recommends approval; the County Manager concurs.

## **PUBLIC COMMENTS**

### **GENERAL AGENDA**

#### **INTRODUCTION OF ORDINANCE - To Add Article VIII Titled “Residential Rental Inspection Program” to Chapter 6 of the Code of the County of Henrico to Create a Program to Inspect Residential Rental Dwelling Units for Building Code Violations and to Establish a Rental Inspection District for Glenwood Farms.**

This Board paper introduces for advertisement and a public hearing on October 12, 2021, a proposed ordinance to create a rental inspection program and designate a rental inspection district for the rental properties commonly known as Glenwood Farms. The goal of the program is to promote safe and decent rental housing in the community.

Under the program, the Building Official would periodically inspect residential rental dwelling units within the rental inspection district for compliance with the Building Code. Owners of the inspected units would be required to fix Building Code violations discovered during the inspections. The procedures and timing of the inspections would comply with state and federal law.

The Building Official recommends approval of the Board paper, and the County Manager concurs.

#### **INTRODUCTION OF RESOLUTION - Receipt of Requests for Amendments to the FY 2021-22 Annual Fiscal Plan to Reappropriate Funds for Continuing Programs and Appropriate Funds for Certain New Programs.**

This Board paper introduces a resolution to amend the annual fiscal plan for FY 2021-22. The requested amendments are shown in a list dated September 7, 2021, provided by the County Manager to the Board of Supervisors.

Pursuant to Virginia Code Section 15.2-2507, the County may amend its budget to adjust the aggregate amount to be appropriated during the current fiscal year. However, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by publishing notice of a meeting and public hearing once in a newspaper having general circulation in the County at least seven days prior to the meeting date. The notice states the intent of the Board of Supervisors to amend the budget and includes a brief synopsis of the proposed budget amendments.

The budget amendments that are the subject of this paper are greater than one percent of the total expenditures shown in the currently adopted budget. Therefore, to comply with the notice requirement, this paper directs the Clerk of the Board to advertise, in the

Richmond Times-Dispatch on September 21, 2021, a synopsis of the proposed amendments and a public hearing to be held on September 28, 2021. A Board paper to amend the Annual Fiscal Plan and appropriate funds for expenditure will be presented on September 28, 2021.

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

**INTRODUCTION OF RESOLUTION - Receipt of Request for Amendments to FY 2021-22 Annual Fiscal Plan - ARPA Funding.**

This Board paper introduces a resolution to amend the Annual Fiscal Plan for FY 2021-22 to add funding from the American Rescue Plan Act of 2021 (ARPA) to address impacts related to the COVID-19 health emergency. The requested amendments are shown in a September 7, 2021, list provided by the County Manager to the Board of Supervisors.

Pursuant to Virginia Code Section 15.2-2507, the County may amend its budget to adjust the aggregate amount to be appropriated during the current fiscal year. However, any such amendment that exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by publishing notice of a meeting and public hearing once in a newspaper having general circulation in the County at least seven days prior to the meeting date. The notice states the intent of the Board of Supervisors to amend the budget and includes a brief synopsis of the proposed budget amendments.

The budget amendments that are the subject of this paper are greater than one percent of the total expenditures shown in the currently adopted budget. Therefore, to comply with the notice requirement, this paper directs the Clerk of the Board to advertise, in the Richmond Times-Dispatch on September 21, 2021, a synopsis of the proposed amendments and a public hearing to be held on September 28, 2021. A Board paper to amend the Annual Fiscal Plan and appropriate funds for expenditure will be presented on September 28, 2021.

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

**INTRODUCTION OF RESOLUTION - Receipt of Request for Amendments to FY 2021-22 Annual Fiscal Plan - ESSER III Funding.**

This Board paper introduces a resolution to amend the Annual Fiscal Plan for FY 2021-22 to add funding from the federal Elementary and Secondary School Emergency Relief Fund under the American Rescue Plan Act of 2021 (ESSER III), to address impacts related to the COVID-19 health emergency. The requested amendments are shown in a September 7, 2021, list provided by the County Manager to the Board of Supervisors.

Pursuant to Virginia Code Section 15.2-2507, the County may amend its budget to adjust the aggregate amount to be appropriated during the current fiscal year. However, any such amendment that exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by publishing notice of a meeting and public hearing once in a newspaper having general circulation in the County at least seven days prior to the meeting date. The notice states the intent of the Board of Supervisors to amend the budget and includes a brief synopsis of the proposed budget amendments.

The budget amendments that are the subject of this paper are greater than one percent of the total expenditures shown in the currently adopted budget. Therefore, to comply with the notice requirement, this paper directs the Clerk of the Board to advertise, in the Richmond Times-Dispatch on September 21, 2021, a synopsis of the proposed amendments and a public hearing to be held on September 28, 2021. A Board paper to amend the Annual Fiscal Plan and appropriate funds for expenditure will be presented on September 28, 2021.

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

**INTRODUCTION OF ORDINANCE - To Amend and Reordain Section 20-273 Titled “Definitions,” Section 20-274 Titled “Levy; amount,” Section 20-275 Titled “Collection,” and Section 20-276 Titled “Reports and remittance of tax” of the Code of the County of Henrico to Conform to 2021 Changes in State Law Regarding Transient Occupancy Taxes.**

This Board paper introduces for advertisement and a public hearing on October 12, 2021, a proposed ordinance to update the County Code to reflect changes in state law regarding transient occupancy taxes that took effect on September 1, 2021. The new state law creates a uniform system for applying transient occupancy taxes to room rentals facilitated through intermediaries like Travelocity and Airbnb. This change is not expected to have a significant effect on County revenues.

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

**RESOLUTION - Donation of Surplus Vehicle - Excel to Excellence - Varina District.**

This Board paper would authorize the donation of a 2005 GMC Savana 12-passenger van with an estimated value of \$10,700 to Excel to Excellence, a non-profit organization that provides sports and educational programs for Henrico County students. The vehicle is surplus to the County’s needs.

Excel to Excellence will use the surplus vehicle to support its programs.

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

**RESOLUTION - Award of Contract - Detox and Recovery Program Consulting Services.**

This Board paper would award a contract to Virginia Center for Addiction Medicine, LLC dba Master Center for Addiction Medicine (Center) to provide consulting services for a detox and recovery program.

The contract is for three phases of consulting services: services during facility design (Phase 1), services during construction (Phase 2), and services during the first year of operations (Phase 3).

One proposal was received on December 1, 2020, in response to RFP 20-2065-10JOK. After review of the written proposal, a contract with the Center has been negotiated for the fixed fee of \$25,000 for Phase 1 services and hourly rates for Phase 2 and 3 services as needed.

The Board paper grants signatory authority to the County Manager to execute the contract in a form approved by the County Attorney. The County Manager, or the Purchasing Director as his designee, is authorized to execute change orders for Phase 1 services within the scope of the project budget not to exceed 15% of the original contract amount.

The Deputy County Manager for Public Safety and the Purchasing Director recommend approval of the Board paper, and the County Manager concurs.

**RESOLUTION - Approval of Third Interim Agreement - Indoor Sports Facility and Convocation Center - Fairfield District.**

This Board paper would approve, and authorize the County Manager to execute, a third interim agreement with Rebkee Co. under The Public-Private Education Facilities and Infrastructure Act of 2002 for continued work on construction of an indoor sports facility and convocation center on property owned by the County at Virginia Center Commons. The parties are negotiating a comprehensive agreement for completion of the facility.

The Board paper also approves the final construction plans submitted by Rebkee and reviewed by County staff.

The Director of Recreation and Parks recommends approval of the Board paper, and the County Manager concurs.

**RESOLUTION - Acquisition of Right-of-Way and Easements - 11400 Ireland Lane - Sadler Road Improvements Project - Three Chopt District.**

This Board paper would authorize the acquisition of 4,498.97 sq. ft. of right-of-way, 8,128.36 sq. ft. of temporary construction easement, 1,270.65 sq. ft. of permanent sightline easement, 673.62 sq. ft. of permanent drainage easement, and 815.21 sq. ft. of permanent Dominion Energy easement/joint use utility easement across the property at 11400 Ireland Lane for the Sadler Road Improvements project. Duy & Thao T. Tran own the property and have agreed to accept \$82,245 for the right-of-way and easements.

The Deputy County Manager for Community Operations and the Director of Public Works recommend approval of the Board paper; the County Manager concurs.

**RESOLUTION - Acquisition of Right-of-Way and Easements - 4729 Sadler Road and 11211 Sadler Oaks Drive - Sadler Road Improvements Project - Three Chopt District.**

This Board paper would authorize the acquisition of 762.58 sq. ft. of right-of-way, 22,398.54 sq. ft. of temporary construction easement, and 10,005.64 sq. ft. of permanent Dominion Energy/Verizon/joint use utility easement across the property at 4729 Sadler Road and 1,740.81 sq. ft. of permanent utility easement and 1,272.64 sq. ft. of temporary construction easement across the property at 11211 Sadler Oaks Drive. Sadler Oaks Community

Association, Inc. owns the properties and has agreed to accept \$90,000 for the right-of-way and easements needed for the Sadler Road Improvements project.

The Deputy County Manager for Community Operations and the Director of Public Works recommend approval of the Board paper; the County Manager concurs.

**RESOLUTION - Acquisition of Right-of-Way and Easements - 4870 Sadler Road - Sadler Road Improvements Project - Three Chopt District.**

This Board paper would authorize the acquisition of 706.26 square feet of right-of-way, 5,105.43 square feet of temporary construction easement, and 10,226.83 square feet of permanent joint use utility easement across the property at 4870 Sadler Road for the Sadler Road Improvements project. PFI VPN Portfolio Fee Owner, LLC owns the property and has agreed to accept \$124,974 for the right-of-way and easements.

The Deputy County Manager for Community Operations and the Director of Public Works recommend approval of the Board paper; the County Manager concurs.

**RESOLUTION - Acquisition of Right-of-Way and Easements - Hayloft Lane - Sadler Road Improvements Project - Three Chopt District.**

This Board paper would authorize the acquisition of 210.88 sq. ft. of right-of-way, 1,400.73 sq. ft. of temporary construction easement, 520.90 sq. ft. of permanent drainage easement, and 316.52 sq. ft. of public utility easement across the property at Hayloft Lane for the Sadler Road Improvements project. Sadler Crossing Townhomes Association, Inc. owns the property and has agreed to accept \$103,690 for the right-of-way and easements.

The Deputy County Manager for Community Operations and the Director of Public Works recommend approval of the Board paper; the County Manager concurs.

**RESOLUTION - Signatory Authority - Agreement with Virginia Department of Transportation - Libbie Avenue Improvements - Brookland District.**

This Board paper would authorize the County Manager to execute a project administration agreement with the Virginia Department of Transportation (VDOT) under which the County will design and construct bicycle and pedestrian accommodations on Libbie Avenue between Bethlehem Road and West Broad Street.

The estimated cost is \$1,942,500. VDOT will reimburse the County up to \$1,669,500 from the federal Regional Surface Transportation Program, and the County will pay the remainder of the project cost.

The County will provide the necessary oversight to ensure the project is developed in accordance with all applicable federal, state, and local requirements for design, right-of-way acquisition, and construction of the project.

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



**RESOLUTION - Approval of Proposed Bankruptcy Plan – Mallinckrodt.**

This Board paper would authorize the County Attorney to direct the County’s outside opioid litigation counsel to cast the vote of Henrico County in favor of the proposed bankruptcy plan of Mallinckrodt as recommended by outside counsel.

Mallinckrodt is a defendant in litigation filed by Henrico County and other Virginia localities and has filed for bankruptcy protection related to the liabilities it faces as a result of its involvement in the marketing and sale of opioids. Henrico County is a creditor in the Mallinckrodt bankruptcy proceeding, and all creditors in the Mallinckrodt bankruptcy proceeding are entitled to vote by September 17, 2021, on acceptance of a plan that has been proposed to resolve the Mallinckrodt bankruptcy proceeding.

The Board’s outside opioid litigation counsel has recommended that the Board approve the proposed plan, and the County Attorney has reviewed the available information about the proposed bankruptcy plan and concurs with the recommendation of outside counsel.

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