

**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, October 11, 2022, at 5:30 p.m.** in in the Board Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia.

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

- | | |
|------------------|--|
| 5:30 - 6:00 p.m. | My Henrico Academy Recognition |
| 6:00 - 6:30 p.m. | NACo/VACo Award Recognition |
| 6:30 - 6:45 p.m. | Review of Regular Meeting Agenda Items |

Tanya N. Brackett

Tanya N. Brackett, CMC
Clerk, Henrico County Board of Supervisors
October 6, 2022

COUNTY OF HENRICO, VIRGINIA
Henrico County Board Room
Board of Supervisors' Agenda
October 11, 2022
7:00 p.m.

PLEDGE OF ALLEGIANCE
INVOCATION

APPROVAL OF MINUTES – September 27, 2022, Regular and Special Meeting

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMIT

- 217-22 Pemberton Investments, LLC: Request to conditionally rezone from A-1
REZ2022- Agricultural District and B-3 Business District to R-5AC General Residence
00019 District (Conditional) part of Parcel 739-755-4897 containing 10.517 acres
Three Chopt located on the west and east lines of John Rolfe Parkway at its intersection
with Pump Road. The applicant proposes a residential development of
detached dwellings. The R-5A District allows a minimum lot area of 5,625
square feet and a maximum gross density of 6 units per acre. The use will be
controlled by zoning ordinance regulations and proffered conditions. The 2026
Comprehensive Plan recommends Open Space/Recreation (OS/R), Suburban
Residential 2, density should not exceed 3.4 units per acre, and Office. The
Planning Commission voted to recommend the Board of Supervisors **grant**
the request. **(Deferred from the September 13, 2022, meeting.)**
- 271-22 Hunt Gunter: Request for a Provisional Use Permit under Sections 24-4205
PUP2022- and 24-2306 of Chapter 24 of the County Code to allow a car wash on Parcel
00010 737-751-0413 located on the west line of John Rolfe Parkway approximately
Tuckahoe 260' north of the intersection of Ridgefield Parkway. The existing zoning is B-
2C Business District (Conditional). The 2026 Comprehensive Plan
recommends Commercial Concentration. The Planning Commission voted to
recommend the Board of Supervisors **deny** the request.
- 115-22 Markel | Eagle Advisors, LLC: Request to conditionally rezone from A-1
REZ2022- Agricultural District to R-5AC General Residence District (Conditional) part of
00002 Parcels 733-778-7649 and 734-777-3893 containing 46.599 acres located at the
Three Chopt southwest intersection of Pouncey Tract Road (State Route 271) and
Wyndham West Drive. The applicant proposes a single-family residential
development. The R-5A District allows a maximum gross density of 6 units per
acre. The use will be controlled by zoning ordinance regulations and proffered
conditions. The 2026 Comprehensive Plan recommends Rural Residential,
density should not exceed 1 unit per acre. The Planning Commission voted to
recommend the Board of Supervisors **grant** the request. **(Deferred from the
September 13, 2022, meeting.)**

272-22
REZ2022-
00028
Tuckahoe
Bradford Homes, Inc.: Request to conditionally rezone from R-2 One-Family Residence District to R-3C One-Family Residence District (Conditional) Parcels 749-739-4015, 749-739-4127, and 749-739-4237 containing 2.519 acres located at the northeast intersection of Derbyshire Road and Midway Road. The applicant proposes a single-family residential development. The R-3 District allows a minimum lot area of 11,000 square feet and a maximum gross density of 3.96 units per acre. The uses will be controlled by zoning ordinance regulations and proffered conditions. 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 **grant** the request.

273-22
REZ2022-
00027
Varina
Godsey Properties, Inc.: Request to rezone from RTHC Residential Townhouse District (Conditional) to C-1 Conservation District part of Parcel 836-713-7564 containing 3.2 acres located on the north line of E. Williamsburg Road (U.S. Route 60) approximately 850' southeast of the intersection of Dry Bridge Road. The applicant proposes a conservation district. The use will be controlled by zoning ordinance regulations. The 2026 Comprehensive Plan recommends Environmental Protection Area. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

PUBLIC HEARINGS – OTHER ITEM

274-22
Ordinance - To Amend and Reordain Section 22-126 of the Code of the County of Henrico Titled “Weight limits for specific streets” to Restrict Through Truck Traffic on Various Roads - Varina and Fairfield Districts.

PUBLIC COMMENTS

GENERAL AGENDA

275-22
Resolution - Signatory Authority - Commonwealth’s Development Opportunity Fund Performance Agreement - EAB Global, Inc. - Three Chopt District.

276-22
Introduction of Ordinance - To Amend and Reordain Section 20-273 Titled “Definitions” and Section 20-276 Titled “Reports and remittance of tax” of the Code of the County of Henrico in Conformance with Changes to the Transient Occupancy Tax Enacted by the General Assembly in 2022.

277-22
Introduction of Ordinance - To Amend and Reordain Section 16-43 Titled “Award of contracts generally” of the Code of the County of Henrico to Update County Procurement Procedures.

278-22
Resolution - Approval of Hospital to Home, LLC to Operate a Medical Transport Service in Henrico County.

279-22
Resolution - Award of Contract - Water Heater Replacement at Henrico Administration Building - Brookland District.

- 280-22 Resolution - Signatory Authority - Lease Amendment - Henrico Area Mental Health and Developmental Services - 8237, 8239, 8241, and 8247 Hermitage Road - Brookland District.
- 281-22 Resolution - Approval of Acquisition - Rights-of-Way and Easements - Sadler Road Improvements Project - 4200 Sadler Road - Three Chopt District.
- 282-22 Resolution - Abandonment of Portions of Old Portugee Road - Varina District.
- 283-22 Resolution - Award of Construction Contract - Annual Contract for Water and Sanitary Sewer Repairs and Improvements - Countywide.
- 284-22 Resolution - Award of Contract - Kemp Avenue Area Water Main Replacement - Varina District.
- 285-22 Resolution - Change Order to Construction Contract - Oakleys Lane Realignment and Improvements Project - Fairfield and Varina Districts.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS' RESUME
October 11, 2022**

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMIT

REZ2022-00019
Three Chopt

Pemberton Investments, LLC: Request to conditionally rezone from A-1 Agricultural District and B-3 Business District to R-5AC General Residence District (Conditional) part of Parcel 739-755-4897 containing 10.517 acres located on the west and east lines of John Rolfe Parkway at its intersection with Pump Road. The applicant proposes a residential development of detached dwellings. The R-5A District allows a minimum lot area of 5,625 square feet and a maximum gross density of 6 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Open Space/Recreation (OS/R), Suburban Residential 2, density should not exceed 3.4 units per acre, and Office. 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 **grant** the request because it represents a logical continuation of the one-family residential development which exists in the area. **(Deferred from the September 13, 2022, meeting.)**

PUP2022-00010
Tuckahoe

Hunt Gunter: Request for a Provisional Use Permit under Sections 24-4205 and 24-2306 of Chapter 24 of the County Code to allow a car wash on Parcel 737-751-0413 located on the west line of John Rolfe Parkway approximately 260' north of the intersection of Ridgefield Parkway. The existing zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan recommends Commercial Concentration. Acting on a motion by Mr. Baka, seconded by Mrs. Thornton, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **deny** the request because of concerns regarding noise, visual impacts, and peak traffic flow, which could have a detrimental effect on property owners in the vicinity.

REZ2022-00002
Three Chopt

Markel | Eagle Advisors, LLC: Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) part of Parcels 733-778-7649 and 734-777-3893 containing 46.599 acres located at the southwest intersection of Pouncey Tract Road (State Route 271) and Wyndham West Drive. The applicant proposes a single-family residential development. The R-5A District allows a maximum gross density of 6 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Rural Residential, density should not exceed 1 unit per acre. Acting on a motion by Mrs. Thornton, seconded by Mr. Mackey, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it would permit development of the land for residential use in an appropriate manner and the proffered

conditions will provide appropriate quality assurances not otherwise available. **(Deferred from the September 13, 2022, meeting.)**

REZ2022-00028
Tuckahoe
Bradford Homes, Inc.: Request to conditionally rezone from R-2 One-Family Residence District to R-3C One-Family Residence District (Conditional) Parcels 749-739-4015, 749-739-4127, and 749-739-4237 containing 2.519 acres located at the northeast intersection of Derbyshire Road and Midway Road. The applicant proposes a single-family residential development. The R-3 District allows a minimum lot area of 11,000 square feet and a maximum gross density of 3.96 units per acre. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre. 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 it reflects the Comprehensive Plan and zoning of the area, and the proffered conditions will provide appropriate quality assurances not otherwise available.

REZ2022-00027
Varina
Godsey Properties, Inc.: Request to rezone from RTHC Residential Townhouse District (Conditional) to C-1 Conservation District part of Parcel 836-713-7564 containing 3.2 acres located on the north line of E. Williamsburg Road (U.S. Route 60) approximately 850' southeast of the intersection of Dry Bridge Road. The applicant proposes a conservation district. The use will be controlled by zoning ordinance regulations. The 2026 Comprehensive Plan recommends Environmental Protection Area. Acting on a motion by Mr. Mackey, seconded by Mr. Baka, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it is reasonable and conforms to the recommendations of the Comprehensive Plan.

PUBLIC HEARINGS - OTHER ITEM

ORDINANCE - To Amend and Reordain Section 22-126 of the Code of the County of Henrico Titled “Weight limits for specific streets” to Restrict Through Truck Traffic on Various Roads - Varina and Fairfield Districts.

This ordinance amends Section 22-126 of the County Code to prohibit trucks, pickup or panel trucks, and tractor trucks and trailers having a registered gross weight in excess of 7,500 pounds from using:

- (23) Willson Road between Messer Road and New Market Road – Varina
- (24) Doran Road between Darbytown Road and New Market Road – Varina
- (25) Turner Road between Charles City Road and New Market Road – Varina
- (26) Charles City Road between Beulah Road and Darbytown Road – Varina
- (27) Charles City Road between Elko Road and the Charles City County Line –Varina
- (28) Poplar Springs Road between Portugee Road and Charles City Road –Varina
- (29) Oakleys Lane between Nine Mile Road and Oakleys Place –Varina
- (30) Pleasant Street between Nine Mile Road and S. Holly Avenue – Varina
- (31) Newbridge Road between Nine Mile Road and Pleasant Street – Varina

- (32) Darbytown Road between Oakland Street and Richmond City Line – Varina
- (33) New Osborne Turnpike between Osborne Turnpike and Richmond City Line – Varina
- (34) Colwyck Drive between Laburnum Avenue and Mansfield Drive – Fairfield
- (35) Thornhust Street between Laburnum Avenue and Mansfield Drive – Fairfield

A comprehensive truck study conducted in Spring 2022 concluded that these routes were unsuitable for large truck traffic due to narrow road widths, sharp curves, or low vehicle clearances. Additionally, the roads with restrictions were determined to have viable alternative truck routes between major truck generators.

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

PUBLIC COMMENTS

GENERAL AGENDA

RESOLUTION - Signatory Authority - Commonwealth's Development Opportunity Fund Performance Agreement - EAB Global, Inc. - Three Chopt District.

This Board paper would authorize the County Manager to execute a performance agreement among EAB Global, Inc. ("EAB"), the County, the County's Economic Development Authority ("EDA"), and the Virginia Economic Development Partnership Authority ("VEDP"). EAB will be relocating its Parham Road offices to 11011 West Broad Street in the Innsbrook Technology Zone. Pursuant to the agreement, VEDP will pay a \$741,600 grant from the Commonwealth's Development Opportunity Fund to EAB. The grant requires a local match that the EDA will make in the form of \$451,000 in performance-based grants pursuant to an agreement between the EDA and EAB, \$17,000 in Technology Zone permit fee exemptions, and \$108,000 in prorated value of planned infrastructure improvements within the Innsbrook Technology Zone. In return, EAB has agreed to make a capital investment of at least \$8,560,000 in its new facility in the County and to create at least 160 new jobs in the County at an average salary of \$75,000.

The Executive Director of the Economic Development Authority recommends approval, and the County Manager concurs.

INTRODUCTION OF ORDINANCE - To Amend and Reordain Section 20-273 Titled "Definitions" and Section 20-276 Titled "Reports and remittance of tax" of the Code of the County of Henrico in Conformance with Changes to the Transient Occupancy Tax Enacted by the General Assembly in 2022.

This Board paper introduces for advertisement and a public hearing on November 8, 2022, a proposed ordinance to update the County Code to reflect changes in state law regarding transient occupancy taxes that took effect on October 1, 2022.

The changes clarify the definition of "accommodations," broaden the definition of "accommodations intermediaries," such as Travelocity and Airbnb, and require intermediaries to collect transient occupancy taxes and remit them to the County. In a transaction involving multiple parties that may be considered intermediaries, the parties

may agree that one party will be responsible for collecting and remitting the tax. These changes are 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.

INTRODUCTION OF ORDINANCE - To Amend and Reordain Section 16-43 Titled “Award of contracts generally” of the Code of the County of Henrico to Update County Procurement Procedures.

This Board paper introduces for advertisement and a public hearing on November 8, 2022, a proposed ordinance to update the County’s procurement procedures for small purchases. Specifically, the ordinance would change the thresholds under which the Purchasing Director may award contracts for construction from \$100,000 to \$200,000 and for professional services from \$60,000 to \$80,000.

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

RESOLUTION - Approval of Hospital to Home, LLC to Operate a Medical Transport Service in Henrico County.

This Board paper approves Hospital to Home, LLC to provide medical transport services within the entire geographical area of the County.

Comments: The Fire Chief recommends approval of this Board paper; the County Manager concurs.

RESOLUTION - Award of Contract - Water Heater Replacement at Henrico Administration Building - Brookland District.

This Board paper awards a fixed price contract for \$164,510 to Waco, Inc. for the Water Heater Replacement at Henrico Administration Building Project. The Project consists of replacement of an existing 1000-gallon steam fired water heater and installation of a new 650 Gallon Storage Tann and two 201 MBH, gas fired, condensing water heaters, including piping changes, electrical work, and all other work indicated on the drawings.

Work on the Project is anticipated to begin November 2022 and be completed within 120 calendar days.

The County received two bids on September 20, 2022, in response to ITB 22-2412-8JL. The bids were as follows:

<u>Bidders</u>	<u>Bid Amounts</u>
Waco, Inc. Sandston, VA	\$164,510
Old Dominion Mechanical, LLC Richmond, VA	\$211,725

Based upon a review of the bids, Waco, Inc. is the lowest responsive and responsible bidder.

Funding to support the contract is available within the Project budget. The Director of General Services and the Purchasing Director recommend approval of the Board paper, and the County Manager concurs.

RESOLUTION - Signatory Authority - Lease Amendment - Henrico Area Mental Health and Developmental Services - 8237, 8239, 8241, and 8247 Hermitage Road - Brookland District.

This Board paper authorizes the County Manager to execute a lease amendment between Staples Mill Business Center, LLC and the County for the lease of 27,295 square feet of office warehouse space located at 8237, 8239, 8241, and 8247 Hermitage Road. The space is leased for the Hermitage Enterprises Day Support and Workshop Program of Henrico Area Mental Health and Developmental Services. The Program serves persons with developmental disabilities.

The current lease has an annual rent of \$239,639.88, and it expires on February 28, 2023. The amendment would extend the lease for five years at an annual rent of \$259,302.50 in the first year, increasing 3% each year thereafter.

This long-term lease is subject to annual appropriation. The Directors of Henrico Area Mental Health and Developmental Services and Real Property recommend approval of this Board paper; the County Manager concurs.

RESOLUTION - Approval of Acquisition - Rights-of-Way and Easements - Sadler Road Improvements Project - 4200 Sadler Road - Three Chopt District.

This Board paper would authorize the acquisition of rights-of-way and easements across the property located at 4200 Sadler Road owned by Kathleen M. Bowles for the Sadler Road Improvements Project.

On November 9, 2021, the Board authorized condemnation proceedings to acquire the rights-of-way and easements. On December 16, 2021, the County filed a Certificate of Take and deposited \$334,134 with the Clerk of the Henrico County Circuit Court to acquire the rights-of-way and easements. On June 14, 2022, the County filed a Petition for Condemnation to institute proceedings to determine just compensation in accordance with state law.

Following negotiations between the parties, the Owner is willing to accept \$380,000 as just compensation for the rights-of-way and easements. Upon completion of the acquisition, the condemnation proceedings will be dismissed.

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

RESOLUTION - Abandonment of Portions of Old Portugee Road - Varina District.

This Board paper authorizes the Board to abandon sections of Old Portugee Road that cross the property of the Economic Development Authority of Henrico County, Virginia, and are no longer necessary because Portugee Road has been constructed and opened for public use.

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

RESOLUTION - Award of Construction Contract - Annual Contract for Water and Sanitary Sewer Repairs and Improvements - Countywide.

This Board paper awards a contract to G. L. Howard, Inc. to provide construction and installation of various water and sanitary sewer service connections, main extensions, and repair projects for \$6,285,935.

The contract is awarded on a unit price basis for the period November 1, 2022, to October 31, 2023, with the option for the County to renew it for two additional one-year terms. The final contract value at the end of any one year would be determined by the sum of the unit prices times the quantity of units utilized during that period. Funding for the contract will be provided by the Water and Sewer Revenue Fund.

One bid was received on September 26, 2022, in response to ITB No. 22-2368-6JL and Addenda Nos. 1, 2, 3, and 4:

<u>Bidder</u>	<u>Bid Amount</u>
G. L. Howard, Inc. Rockville, VA	\$ 6,285,935

Based upon a review of the bids, G. L. Howard, Inc. is the lowest responsive and responsible bidder.

This Board paper awards the contract to G. L. Howard, Inc. and 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 within the scope of the project budget.

The Director of Public Utilities and the Purchasing Director recommend approval of this Board paper, and the County Manager concurs.

RESOLUTION - Award of Contract - Kemp Avenue Area Water Main Replacement - Varina District.

This Board paper awards a fixed price contract for \$1,829,050 to G. L. Howard, Inc., for the Kemp Avenue Area Water Main Replacement Project. The Project consists of providing approximately 3,630 linear feet of 4, 6, and 8-inch ductile iron water main; abandonment of approximately 3,350 linear feet of 3 and 6-inch water main; the rehabilitation of eight manholes; and providing site and pavement restoration.

Work on the Project is anticipated to begin November 2022 and be completed within 330 calendar days. Funding will be provided by the Water and Sewer Revenue Fund.

The County received three bids on August 31, 2022, in response to ITB 22-2394-8EAR and Addendum No. 1. The bids were as follows:

<u>Bidders</u>	<u>Bid Amounts</u>
G. L. Howard, Inc. Rockville, VA	\$1,829,050.00
J. L. Kent & Sons, Inc. Fredericksburg, VA	\$1,901,863.24
Howard Brothers Contractor, Inc. Providence Forge, VA	\$2,120,894.13

Based upon a review of the bids, G. L. Howard, Inc. is the lowest responsive and responsible bidder.

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

RESOLUTION - Change Order to Construction Contract - Oakleys Lane Realignment and Improvements Project - Fairfield and Varina Districts.

This Board paper would approve the change order to the contract with Abernathy Construction for the Oakleys Lane Realignment and Improvements Project in a form approved by the County Attorney.

On May 25, 2021, the Board approved a contract with Abernathy Construction Corporation for \$4,363,287.60 for construction of the Project. Abernathy Construction Corporation and the Department of Public Works have previously negotiated change orders totaling \$542,311.50 for undercut and removal of unsuitable soil; backfill stabilization of roadways, water lines, and storm sewers; manhole and sanitary sewer modifications due to utility conflicts; additional guardrail installation; relocation of an existing fire hydrant; and removal and disposal of asbestos pipe.

Further work is necessary to remove additional unsuitable soil, stabilize the roadway, and relocate additional utilities. The Department of Public Works has negotiated a change order for the additional work for \$1,342,704.67. Board approval is required because this change order, when added to previous change order amounts, exceeds 15% of the original contract amount. Funding to support the contract is available within the Project's budget.

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