

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
REGULAR MEETING
March 14, 2023**

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, March 14, 2023, at 7:00 p.m. in the Board Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia.

Members of the Board Present:

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

Other Officials Present:

John A. Vithoukas, County Manager
Andrew R. Newby, County Attorney
Tanya N. Brackett, CMC, Assistant to the County Manager/Clerk to the Board
Michael Y. Feinmel, Deputy County Manager for Public Safety
W. Brandon Hinton, Deputy County Manager for Administration
Monica Smith-Callahan, Deputy County Manager for Community Affairs
Cari M. Tretina, Assistant to the County Manager/Chief of Staff
Steven J. Yob, Deputy County Manager for Community Operations
Benjamin A. Sheppard, Director of Public Relations

Jeanetta Lee, Chaplain for the Henrico County Police Division, delivered the invocation.

On motion of Mrs. O'Bannon, seconded by Mr. Branin, the Board approved the minutes of the February 28, 2023, Regular and Special Meetings.

The vote of the Board was as follows:

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

No: None

Mr. Thornton took a moment to acknowledge a tragedy for our county and our community that occurred on March 6. That day, the Henrico Sheriff's Office was transferring custody of Mr. Irvo Otieno to Central State Hospital near Petersburg. Mr. Otieno died while being admitted to the hospital. A number of Henrico Sheriff's deputies have been criminally charged as a result.

Henrico County is committed to transparency and is cooperating fully with an investigation by the Virginia State Police and with the Dinwiddie Commonwealth's Attorney. The charged deputies have been placed on administrative leave while this process is underway. My. Thornton concluded by adding that Henrico County is committed to public safety and

fully supports our men and women who serve in these challenging and vital roles for our County.

As Board Chairman and on behalf of this Board of Supervisors, Mr. Thornton offered his sincerest sympathies and heartfelt condolence to the family and friends of Mr. Otieno. This tragedy highlights the challenges our community members face when seeking mental health treatment. Our jails are not and cannot be the solution to the mental health crisis. This Board has and will continue to advocate for appropriate mental health care and broad access to our community.

MANAGER'S COMMENTS

Mr. Vithoukas recognized Victoria Davis, Public Relations Specialist with the Department of Public Relations. Ms. Davis stated this year marks the 36th national recognition of March as Women's History Month. Henrico County is excited to join the nationwide celebration of America's women and the countless, enduring achievements and contributions that they have made and continue to make to advance our County, our Commonwealth, and our country. America's women have persevered to blaze trails despite many stumbling blocks placed in their way, including gender bias, harassment, sexism, the proverbial "glass ceiling;" and lingering wage disparity. Their persistence has raised the quality of life of all Americans.

Henrico's activities celebrating Women's History Month are underway. Recreation & Parks and Henrico County Public Libraries are offering lectures, demonstrations, curated reading lists, books discussions, a film series and more – on topics such as Rosie the Riveter, Harriet Tubman, and the Women's Munition Reserve at Seven Pines Plant. Details and additional resources can be found on the County website at Henrico.us.

Ms. Davis also called on the assemblage to celebrate a trailblazer in our midst: Mrs. Patricia O'Bannon. When voters elected Mrs. O'Bannon to represent the Tuckahoe District in 1995, she became Henrico County's first woman to be elected Supervisor. She has since been re-elected seven times by Tuckahoe voters. For 28 years, Mrs. O'Bannon has represented her constituents with diligence, responsiveness, attention to detail, curiosity, a tireless sense of service and an abiding commitment to making government work better for the people it serves. She has been voted Chairman six times by her colleagues on the Board of Supervisors. She has been a leader on a broad range of regional and national committees and governmental organizations. Clearly, her dedication and service have extended well beyond Henrico's borders. She has been a trailblazer for our County, and she is a role model for anyone who seeks to enter public service.

Mr. Vithoukas next recognized Sheila Minor, Director of Finance, who introduced Mr. Joseph "Oscar" Knott, Purchasing Director, who recently received recognition from his professional peers for his significant contributions to the advancement of the purchasing profession and professional development. Mr. Knott was named the Virginia Association of Government Procurement's (VAGP) Manager of the Year for 2023. As Henrico's Purchasing Director, Mr. Knott has modernized procurement practices by updating the County's Procurement Manual and Standard Manual and Standard Operating Procedures. He seeks opportunities for improvement in the realm of purchasing by bringing forward new methods, such as design build procedures, approved by the Board last fall, and construction management procedures, which are on tonight's agenda. Mr. Knott not only provides

leadership and direction, but he is also works as a buyer, soliciting and managing contracts alongside his team. Mr. Knott issued and completed 30 solicitations of his own for fiscal year 2022. Under Mr. Knott's leadership, the Purchasing Division conducted 45 construction bids, 47 invitations for bids, 46 requests for proposals, and 101 informal solicitations with a total purchase volume of \$407 million.

In addition to his purchasing responsibilities, Mr. Knott has contributed to the County overall by serving on the Budget Review Committee and the Sports and Entertainment Authority. Mr. Knott thanked the Board and the Manager for the recognition but most importantly thanked his team because they deserve all the credit for all their hard work and efforts.

Mr. Vithoukias recognized Ty Parr, who wrapped up a 12-year career with Henrico County's Department of Social Services at the end of last week. He was recently selected by Dr. Danny Avula to lead the Virginia Department of Social Services' Division of Local Engagement and Support, which has five regional offices established throughout the Commonwealth to oversee and support community and local organizations. This is an exciting opportunity for Ty to spread his wings and to use his talents and skills to impact even more people in Virginia. Ty's tenure in the County included serving as a senior social worker, SCA Coordinator, and Director of the Department of Social Services. Ty's passion to help others and his warm and fun-loving spirit made him the right choice to lead Henrico DSS back in 2017. Mr. Vithoukias wished Ty success in all he will do. Ty thanked the Manager and the Board for their support and his team at Social Services.

BOARD OF SUPERVISORS' COMMENTS

Mrs. O'Bannon honored the passing of two notable Henrico residents. Karl Ben Ellis passed away on February 11. Mr. Ellis led a life of service. He was passionate about many social issues including homelessness, affordable housing, the environment, and clean energy. He launched 13 nonprofit organizations including Hillard House, which is now Housing Families First. Next, she noted the passing of Thomas Blekicki, who passed away on February 24. He was the former Director of Henrico Recreation and Parks. She offered her condolences to both families.

Mr. Branin thanked the Division of Recreation & Parks for efforts this past weekend to mark the opening of the fitness facility at Deep Run Park. He also thanked Jackson Baynard, Fire Chief, and Rob Rowley, Emergency Manager, and the Division of Recreation and Parks who held AED training in the Park. He received great feedback and hopes they will continue this training throughout the County at other parks.

RECOGNITION OF NEWS MEDIA

There were no members of the news media present.

PRESENTATION

Proclamation - Recognizing A Day of Honor for Pocahontas and a Celebration of American's Native American Tribes.

Mrs. O'Bannon presented a proclamation recognizing March 21 as "A Day of

Honor for Pocahontas" in the County of Henrico and calling on residents to join in honoring Pocahontas as a patron of peace and cross-culture understanding and celebrating American's Native American Tribes. Accepting the proclamation was Rick Tatnall with the Pocahontas Project.

APPOINTMENTS

76-23 Resolution - Appointment of Member - Historic Preservation Advisory Committee.

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

77-23 Resolution - Appointment of Member - Belmont Advisory Committee.

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

PUBLIC HEARINGS - REZONING CASES AND PROVISIONAL USE PERMITS

78-23 Family Holdings, LLC: Request for a Provisional Use Permit under
PUP2023- Sections 24-2306 and 24-3708 of Chapter 24 of the County Code to allow a
00001 mixed-use development with multifamily residential on Parcel 776-736-
Brookland 1392 located on the west line of Westmoreland Street at its intersection
with Jacque Street. The existing zoning is M-1 Light Industrial District
and B-3 Business District.

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. **Master Plan.** The master plan for the property shall consist of all layouts, architectural, streetscape, landscaping, and design guidelines documents submitted as part of this request (see case file). All development on the property shall be in general conformance with the master plan, unless otherwise approved at the time of Plan of Development review.
2. **Setbacks:** Setbacks may be reduced from those otherwise required by Zoning Ordinance standards, but in no case shall they be less than shown in the Master Plan documents.
3. **Height Limitations.** Buildings must not exceed 175' in height.
4. **Architectural Treatment.** Any building on the property must be designed in general conformance with the architectural themes displayed in the pattern book dated January, 2023.

5. **Materials.** Any building on the property must be a combination of any of the following: masonry, stone, architectural metal, architectural concrete, glass, EIFS, and cementitious siding. No vinyl siding shall be used. Alternate materials may be allowed if requested by Owner and specifically approved by the Director of Planning upon a finding that such materials are of equivalent quality, function, or manufacture to those specifically enumerated above.
6. **Sidewalks and Street Lights.** Sidewalks must be provided along all public street frontages and internal drives or roads, in addition to those areas indicated on the master plan in a manner determined at the time of POD review. Streetlights shall be provided along adjacent public streets and internal streets in a manner determined at the time of lighting plan review.
7. **POD Supplementary Submittal Requirements.** With each Plan of Development application for a portion of the Property, the Owner must prepare and submit to the Director of Planning the following (the "POD Supplements"):
 - a. Streetscape & Landscape Plan, which must include, as applicable, all hardscaping, vegetative screening, streetscape plantings, foundation plantings, and any other landscape elements required by the Director of Planning;
 - b. Lighting Plan; and
 - c. Pedestrian Connection Plan, which must include all improvements designed to facilitate pedestrian circulation and connectivity.

Each of the POD Supplements must be reviewed for general conformance with the Master Plan. Deviations may be approved by the Director of Planning in connection with any subsequent Plan of Development, subdivision approval, or any other variation permitted by the Director upon a finding that the variations are generally in keeping with the spirit and concept of the Master Plan.
8. **Emergency Communication Systems.** The owner must install a fire command center and emergency radio communication equipment within any new building exceeding 60 feet in height to allow for adequate public safety and radio coverage within and between the buildings. A communications consultant must certify such equipment as compatible with the County's emergency communication system within 90 days of the owner or tenant obtaining a Certificate of Occupancy for any such building. The County must be permitted to perform communications testing within the buildings at any time.
9. **Fire Protection.** All structures, including parking structures, other than open, standalone parking garages, must be fully sprinkled for fire protection. A 3" standpipe for fire protection shall be provided within all structured parking at approximately 200' intervals. The exact location of these improvements in structure parking will be

determined by the Division of Fire during Plan of Development review.

10. **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 must implement mutually agreed upon security recommendations.
11. **Parking Plan.** Parking may be reduced in accordance with the parking plan analysis titled Westmoreland Crossing Parking Analysis dated January 19, 2023 but must in no case be less than the provided spaces for any proposed uses as shown in Table 1 of the reference document. Any plan of development submitted for the property must 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, must be provided with each plan of development or as requested by the Director of Planning. Each plan of development submitted must identify the location and means of creating additional parking that could accommodate the difference between the reduced parking standard approved by this permit and the standards contained in the Henrico County Code.
12. **Amenities.** Amenities consistent with the Master Plan must be provided on the property in a manner determined at the time of plan of development review.
13. **Residential Density and Unit Size.** There will be no more than 1,000 dwelling units, of which (a) no more than 500 dwelling units will be located in Phases 1, 2, and 3, and (b) no more than ten percent of dwelling units in each phase can have 3 bedrooms.
14. **Residential Recycling Facilities.** Recycling must be provided for the multi-family development for so long as the County either provides or sponsors some form of recycling. Outside recycling and refuse collection area(s) provided shall comply with the requirements set forth in Section 24-4427 of the Zoning Ordinance.
15. **Prohibited Uses.** The following uses are prohibited as part of the master-planned development:
 - a. Adult uses
 - b. Crematory or funeral home
 - c. Shooting range, indoor
 - d. Alternative lending institutions
 - e. Auction house
16. **Traffic Analysis.** When requested by the County at the time of any Plan of Development, a traffic analysis incorporating all or a part of

Phases 1, 2, and 3 as identified in the Master Plan will be completed. Necessary road improvements must be made by the applicant as required at the time of the Plan of Development. Such analysis must be updated in a cumulative fashion for each additional phase of development at the request of the Traffic Engineer.

17. **Existing Uses.** This Provisional Use Permit applies to new residential and mixed-use development. Expansion of the existing facilities and approved M-1 uses is exempt from the provisions of this Provisional Use Permit.

The vote of the Board was as follows:

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

No: None

298-22
REZ2022-
00033
Brookland

4911 Augusta LLC: Request to conditionally rezone from B-1 Business District to R-6C General Residence District (Conditional) Parcel 773-736-5900 containing .699 acres located on the south line of Augusta Avenue approximately 160' west of the intersection of Staples Mill Road (U.S. Route 33).

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

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

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

1. **Conceptual Master Plan.** Development of the Property shall be in general conformance with the conceptual plan (the "Conceptual Plan") which is entitled "PLANS AND METRICS -DENSITY SCHEME EE, AUGUSTA AVENUE" dated September 23, 2022, prepared by Dwell Design Studio, and attached hereto (see case file, 4 pages). The exact locations, footprints, configurations, size, and details of the drives, roads, buildings, and other improvements shown on the Conceptual 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 ("POD") review of the Property or any portion thereof.
2. **Development Standards.** Development of the Property shall be subject to the following development standards, unless otherwise approved at the time of POD:

- a. **Architectural Treatment.** Any multi-family buildings constructed on the Property shall have a style and design substantially consistent with the renderings set forth on the Conceptual Plan.
 - b. **Exterior Materials.** The exposed portion of each wall surface (front, rear and sides) of any residential building (not including the parking deck 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 any residential building (not including the parking deck), exclusive of windows, doors, and architectural treatments, shall be constructed of brick, stone, EIFS or cementitious siding, or a combination of the foregoing, unless different materials are specifically approved with respect to the exposed portion of any such wall at the time of POD review.
 - c. **Underground Utilities.** All new utility lines serving 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 property with use of a wall, fencing, landscaping, or such other method as may be approved at the time of POD review. The existing overhead electrical power lines located on the Property along the boundary line of the Property opposite of the Augusta Avenue boundary of the Property shall be placed underground.
 - d. **Sound Suppression.** Interior walls and floors/ceilings between dwelling units 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. **Mechanical Equipment.** Mechanical equipment shall be screened from public view at ground level at the Property lines as approved at the time of POD review.
3. **Density.** There shall be no more than 160 residential units developed on the Property, with all such units being only one- or two-bedroom units. A minimum of 1,100 square feet of commercial interior space open to the public shall be provided on the Property as required at the time of POD review.
 4. **Amenities.** Amenities for the project shall include both outdoor and indoor amenities and services which shall include (a) for the outdoor space, a pool and deck area, a courtyard, and such other

amenities as approved at the time of POD review, and (b) for the indoor space, gathering areas consisting of at least the following: event room (with chairs and television(s)), conference and meeting room, business area (co-working space) and leasing and management office, and such other amenities as approved at the time of POD review.

5. **Hours of Construction.** During the construction of the development on the Property the hours of exterior construction shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connections. Exceptions shall require the approval of the Director of Planning. Construction signs shall be posted in English and in Spanish and shall state the hours of construction.
6. **Streetscape Plantings.** Plantings, including street trees, shall be provided along the public right-of-way of Augusta Avenue, consistent with Exhibit B, dated September 19, 2022, and attached hereto (see case file), with specific plantings and spacing of such plantings determined at the time of POD review, subject to conflicts with utilities, sightlines and driveway areas.
7. **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: Thornton, Nelson, Branin, O'Bannon, Schmitt

No: None

299-22
PUP2022-
00018
Brookland

4911 Augusta LLC: Request for a Provisional Use Permit under Sections 24-4205 and 24-2306 of Chapter 24 of the County Code to allow commercial uses and zoning modifications as part of a master-planned development on Parcel 773-736-5900 located on the south line of Augusta Avenue approximately 160' west of the intersection of Staples Mill Road (U.S. Route 33).

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 with the following conditions:

1. **Proffered Conditions.** All proffered conditions accepted with case REZ2022-00033 shall also be made part of this Provisional Use

Permit.

2. **Master Plan.** All development on the property shall be in general conformance with the Master Plan titled "Plans and Metrics – Density Scheme EE, Augusta Avenue" dated September 23, 2022 prepared by Dwell Design Studio (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 Master Plan.
3. **Architectural Design.** Any new buildings shall be constructed consistent with the elevations titled "Plans and Metrics – Density Scheme EE, Augusta Avenue" dated September 23, 2022 prepared by Dwell Design Studio (see case file), unless otherwise approved at time of Plan of Development review.
4. **Sidewalks.** Sidewalks shall be provided along all public street frontages, and internal pedestrian connections from new development areas shall be provided to such sidewalk.
5. **Streetscape.** Landscaping along Augusta Avenue must be provided consistent with the exhibit titled "Augusta Avenue Apartments" dated September 19, 2022 (see case file), unless otherwise approved at time of Plan of Development review.
6. **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.
7. **Parking.** Parking may be reduced in accordance with the parking plan titled "4911 Augusta Avenue", dated August 31, 2022, but shall in no case be less than the total number of parking spaces shown on the concept plan titled "Plans and Metrics – Density Scheme EE, Augusta Avenue" dated September 23, 2022 prepared by Dwell Design Studio (see case file).
8. **Amenities.** Amenities consistent with the Master Plan and proffers shall be provided on the property in a manner determined at the time of plan of development review.
9. **Residential Unit Size.** There shall be no dwelling units with 3 or more bedrooms.
10. **Utility Connection.** All development shall connect to county utilities.
11. **Residential Recycling Facilities.** Recycling shall be provided for the multi-family development for so long as the County either provides or sponsors some form of recycling. Outside recycling and refuse collection area(s) provided shall comply with the requirements set

forth in section 24-4427 of the Zoning Ordinance.

12. **Parking on Augusta Avenue.** On-street parking spaces immediately adjacent to the property subject to this request shall be striped prior to the issuance of a Certificate of Occupancy on the property, or as otherwise approved at the time of Plan of Development.

The vote of the Board was as follows:

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

No: None

79-23
REZ2022-
00036
Fairfield

Sauer Properties, Inc.: Request to conditionally rezone from O-3C Office District (Conditional), B-3C Business District (Conditional), and M-2C General Industrial District (Conditional) to CMUC Community Mixed-Use District (Conditional) (60.35 acres) and M-2C General Industrial District (Conditional) (33.05 acres) Parcels 784-766-7690, 785-769-6656, 786-768-8517 and part of 784-767-4440 containing 93.4 acres located on the west line of Jeb Stuart Parkway at the intersection of Telegraph Road, the east line of Jeb Stuart Parkway between Virginia Center Parkway and Telegraph Road, and the south line of Virginia Center Parkway west of its intersection with Battlefield Road.

Michelle Brown, a resident of the Fairfield District, questioned if the apartments would be Section 8 homes. Jeff Geiger, the attorney representing the applicant, explained the homes would be market rate.

On motion of Mr. Nelson, 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:

Applicable to the Entire Project.

1. **Conceptual Master Plan.** Development of the Property shall be in general conformance with Exhibit A (see case file) attached hereto entitled Conceptual Plan Sauer's Property at VCC, dated January 25, 2023 (the "Conceptual Plan"), which Conceptual Plan is conceptual in nature and may vary in detail, unless otherwise requested by the owner and specifically approved by the Director of Planning. The Conceptual Plan divides the Property into the four (4) following land bays:
 - a. The Residential Mixed-Use Land Bay as labeled and shown on the Conceptual Plan (the "Residential Mixed-Use Land Bay"), which will be developed in accordance with the requirements for the CMU Community Mixed Use District in the Zoning Ordinance, subject to these proffered conditions.

- b. The For-Sale Land Bay as labeled and shown on the Conceptual Plan (the "For-Sale Land Bay"), which will be developed in accordance with the requirements for the CMU Community Mixed Use District in the Zoning Ordinance, subject to these proffered conditions.
- c. The East R&D Land Bay as labeled and shown on the Conceptual Plan (the "East R&D Land Bay"), which will be developed in accordance with the requirements for the M-2 General Industrial District in the Zoning Ordinance, subject to these proffered conditions.
- d. The West R&D Land Bay as labeled and shown on the Conceptual Plan (the "West R&D Land Bay"), which will be developed in accordance with the requirements for the M-2 General Industrial District in the Zoning Ordinance, subject to these proffered conditions.

2. **Use Limitations.**

a. **West R&D Land Bay.**

(i) **Prohibited Uses.**

The following M-2 General Industrial District uses shall be prohibited within the West R&D Land Bay: agricultural processing; agricultural research facility; distribution hub for agricultural products; farm machinery sales, rental and service; kennel or animal shelter; club or lodge; donation center; crematory; passenger terminal, surface transportation (except for the Future Bus Stop); aircraft and aircraft parts sales; auction house; drive-through ice machine; laundromat; automobile filling station (fuel only); automobile rentals; automobile sales; automotive painting and body shop; automotive parts and installation and minor servicing; automobile repairs; boat and marine rental, sales and services; car wash or auto detailing; commercial fuel depot; commercial vehicle repair and maintenance; commercial vehicle sales and rentals; fleet terminal; towing or wrecker service; restaurant with a drive through; shooting range, indoor; hotel or motel; all extractive industry uses; fuel oil and bottled gas distributor; heavy equipment sales, rental, and service; laundry, dry cleaning and carpet cleaning plants; manufactured home and prefabricated building sales; truck or freight terminal; recycling collection center; recycling processing center; salvage and junkyard; solid waste transfer station; cold storage plant; mini-warehouse; outside storage (as a principle use and as an accessory use); self-service storage facility; helicopter

landing facility; and wind energy facility, large.

(ii) **Uses with Limitations.**

The following uses will be permitted up to twenty percent (20%) of the aggregate gross square feet of floor area within the West R&D Land Bay: animal grooming; veterinary hospital or clinic; restaurant without a drive through; specialty eating establishment; parking lot; parking structure; indoor recreation and entertainment not elsewhere listed; theater; artist studio; automated teller machine (ATM); convenience store; drug store or pharmacy; farmer's market; grocery store; personal services establishment; repair establishment; retail sales establishment, not listed elsewhere; and sign printing and painting.

b. **East R&D Land Bay.**

(i) **Prohibited Uses.**

The following M-2 General Industrial District uses shall be prohibited within the East R&D Land Bay: agricultural processing; agricultural research facility; distribution hub for agricultural products; farm machinery sales, rental and service; kennel or animal shelter; club or lodge; donation center; crematory; passenger terminal; surface transportation (except for the Future Bus Stop); aircraft and aircraft parts sales; auction house; drive-through ice machine; laundromat; automobile filling station (fuel only); automobile rentals; automobile sales; automotive painting and body shop; automotive parts and installation and minor servicing; automobile repairs; boat and marine rental, sales and services; car wash or auto detailing; commercial fuel depot; commercial vehicle repair and maintenance; commercial vehicle sales and rentals; fleet terminal; towing or wrecker service; restaurant with a drive through; shooting range, indoor; hotel or motel; all extractive industry uses; fuel oil and bottled gas distributor; heavy equipment sales, rental, and service; laundry, dry cleaning and carpet cleaning plants; manufactured home and prefabricated building sales; truck or freight terminal; recycling collection center; recycling processing center; salvage and junkyard; solid waste transfer station; cold storage plant; mini-warehouse; outside storage (as a principle use and as an accessory use); self-service storage facility; helicopter landing facility; and wind energy facility, large.

(ii) **Uses with Limitations.**

The following uses will be permitted up to twenty percent

(20%) of the aggregate gross square feet of floor area within the East R&D Land Bay: animal grooming; veterinary hospital or clinic; restaurant without a drive through; specialty eating establishment; parking lot; parking structure; indoor recreation and entertainment not elsewhere listed; theater; artist studio; automated teller machine (ATM); convenience store; drug store or pharmacy; farmer's market; grocery store; personal services establishment; repair establishment; retail sales establishment, not listed elsewhere; and sign printing and painting.

- c. **For-Sale Land Bay.** The following uses shall be the only uses permitted within the For-Sale Land Bay: townhome dwellings, and condominium multifamily dwellings.
 - d. **Residential Mixed-Use Land Bay.** The following CMU Community Mixed-Use District uses shall be prohibited within the Residential Mixed-Use Land Bay: club or lodge; passenger terminal, surface transportation (except for the Future Bus Stop); marina; children's residential facility; and dormitory.
3. **Site-Ready Requirement.** Prior to the issuance of the first (1st) certificate of occupancy within the For-Sale Land Bay, the East R&D Land Bay shall be cleared and rough graded, with water and sewer to the site ("East R&D Preparation"). After completion of the East R&D Preparation, a certificate of occupancy for a building with residential use(s) in the Residential Mixed Use Land Bay may be issued. The owner of the Property shall work with the Henrico Economic Development Department to identify one or more users for the East R&D Land Bay and the West R&D Land Bay.
 4. **Future Bus Stop.** Upon written request from the County, the owner of the Property shall dedicate land a maximum of sixteen feet (16') in width and twelve feet (12') in depth, in a mutually agreed upon location along Virginia Center Parkway or J.E.B. Stuart Parkway for the construction of a bus stop (the "Future Bus Stop"). In the event of dedication, but no construction of the Future Bus Stop within fifteen years of the date of dedication, the dedicated land shall be conveyed back to the owner of the adjacent land.
 5. **Basins.** Above-ground stormwater basins, if needed, shall not be located in a buffer and shall be designed as an aesthetic amenity.
 6. **Construction Activity.** The hours of exterior construction on the Property, including operation of bulldozers and other earthmoving equipment, shall be between 7:00 a.m. and 7:00 p.m., Monday

through Friday, and between 8:00 a.m. and 4:00 p.m. on Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours, asphalt pours, or utility connections. No exterior construction shall occur on Sunday. Primary construction access to the Property shall be from Virginia Center Parkway and J.E.B. Stuart Parkway. All clearing, grading and construction contracts will contain these provisions. Signs, in both English and Spanish, stating the above-referenced provisions shall be posted and maintained at all entrances prior to any land disturbance activities on the Property.

7. **Construction Access.** Battlefield Road shall not be used as a construction entrance for the Residential Mixed-Use Land Bay. Ethelwood Road shall not be used as a construction entrance for the West R&D Land Bay.
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 with such uses. The applicant shall implement mutually agreed upon security recommendations.
9. **Conservation Areas.** Notwithstanding the uses permitted and regulated by the zoning of the Property, such portion(s) of the Property which lie within a one hundred (100) year flood plain as determined by definitive engineering studies approved by Public Works, and/or such portion(s) of the Property which may be inundated by waters impounded to a maximum elevation determined in a controlled, regulated manner by a structure or structures approved by Public Works, may only be used for the following purposes:
 - a. Storm water management and/or retention areas;
 - b. Ponds, lakes and similar areas intended as aesthetic and/or recreational amenities and/or wildlife habitats;
 - c. Access drives, utility easements, signage, walkways and recreational facilities installed in a manner to minimize their impacts; and
 - d. Such additional uses to the uses identified in (a), (b) and (c) above as may be deemed compatible and of the same general character by the Planning Director pursuant to Chapters 19 and 24 of the County Code (the "Zoning Ordinance"). The owner of the property shall, prior to construction plans approval for areas that include such flood plain, apply to rezone such portions of the Property to a C-1 Conservation District. The location and limits of such portion(s) of said

Property shall be established by Plan of Development and/or construction plans approved pursuant to the Zoning Ordinance.

10. **Additional C-1 Land.** Prior to POD approval for the Residential Mixed Use Land Bay, GPIN 785-767-1068 shall be rezoned to C-1.
11. **Traffic Signal Warrant Analysis.** Perform a traffic signal warrant analysis for the intersection of J.E.B. Stuart Parkway and Telegraph Road upon request from the County Traffic Department to the owner of the West R&D Land Bay after 100% buildout of the development. This analysis will use new traffic counts taken after 100% buildout and be based on trip distribution shown in the new traffic counts. If the signal is warranted and approved by Henrico County Traffic (and not previously installed by Henrico County), then the owner of the West R&D Land Bay shall install a traffic signal at the intersection of J.E.B. Stuart Parkway and Telegraph Road within 9 months after the approval of the traffic signal design by Henrico County Traffic.
12. **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.

Applicable to the Residential Mixed-Use Land Bay

13. **Applicable to all uses in the Residential Mixed-Use Land Bay.**
 - a. **Buffers.**
 - i) A landscaped buffer with a minimum width of fifteen (15) feet shall be provided along the northern boundary of the Residential Mixed-Use Land Bay adjacent to Virginia Center Parkway (the "VCP Buffer"). The VCP Buffer shall be planted in accordance with the planting standard used for the similar along GPIN 784-767-4440's frontage on Virginia Center Parkway.
 - ii) A landscaped buffer with a minimum width of seventy-five (75) feet shall be provided along the eastern boundary of the Residential Mixed-Use Land Bay adjacent to Battlefield Road (the "Battlefield Road Buffer"). The Battlefield Road Buffer shall be planted at 1.5 times the planting standard required for TB50.
 - iii) A landscaped buffer with a minimum width of fifty (50) feet shall be provided along the southern boundary of the Residential Mixed-Use Land Bay adjacent to the lots with

R-2A zoning (the "Southern Buffer" and, together with the VCP Buffer and the Battlefield Road Buffer, the "Buffers"). The Southern Buffer shall be planted in accordance with TB50.

- iv) Utility easements, roads, retaining walls, sidewalks, signage, driveways, jogging/fitness trails or other improvements required by the County, or requested by the developer and specifically permitted at the time of Plan of Development review, shall be permitted within the Buffers; provided, however, any roads, driveways and utility easements must cross the buffer in a substantially perpendicular direction.
 - v) A privacy fence shall be installed and maintained in the Residential Mixed-Use Land Bay along the boundary lines dividing (i) the Residential Mixed-Use Land Bay and the lots zoned to the R-2A district and (ii) the Residential Mixed-Use Land Bay and the 1.078-acre O-2 parcel designated as GPIN 784-766-3463. Such fence shall be approximately six (6) feet high (aa) except to the extent it is located within fifteen (15) feet of the front lot line of a lot in the R-2A district, where it shall transition to a height of no more than 42 inches and (bb) subject to site distance requirements for adjacent public rights of way, all as set forth in the Zoning Ordinance.
- b. **Architectural Treatment.** The exposed portions of the exterior wall surfaces (front, rear and sides) of any building constructed in the Residential Mixed-Use Land Bay shall be similar in quality of construction and shall have an architectural appearance in general conformance with the "Residential Mixed Use Architectural Examples" provided in the illustrative picture book entitled "Sauer's Property at VCC Architectural Theming for Various Land Uses" (see case file) attached hereto ("Picture Book"), unless another architectural appearance is approved by the Planning Director at the time of Plan of Development approval. Attention shall be given, especially to the sides and rears facing adjacent residentially zoned properties, to provide a variety of materials, textures, and colors within the Residential Mixed-Use Land Bay and to soften the visual impact on adjacent residentially zoned properties. The façades shall utilize one or more of cornice profiles, textured or flush banding, water table shapes, colors, textures, or other such similar features to be approved by the Planning Director at the time of Plan of Development review.

- c. **Density.** There shall be no more than three hundred thirty (330) total residential units.
- d. **Materials.**
- i) All buildings in the Residential Mixed-Use Land Bay shall have exposed exterior walls (above finished grade and exclusive of architectural features, windows and doors) constructed of masonry, brick, brick veneer, stone, stone veneer, cultured stone, pre-cast concrete, exterior insulating finishing systems (E.I.F.S.), cementitious siding (e.g. HardiePlank), metal (other than corrugated), and/or glass, and these buildings may have varying amounts of these exterior materials or an equivalent permanent architecturally finished material, unless different architectural treatment and/or materials are requested and specifically approved by the Planning Director at the time of Plan of Development review. Other materials may be used for parapets, cornices, surrounds, trim, architectural decorations, and design elements.
 - ii) No exposed exterior front or side wall surfaces on buildings facing Virginia Center Parkway or J.E.B. Stuart Parkway in the Residential Mixed-Use Land Bay shall be covered with or have exposed to view any painted or unfinished concrete block, sheet or corrugated aluminum unless requested and approved by the Planning Director at the time of Plan of Development review.
- e. **Building Setbacks.** All buildings in the Residential Mixed-Use Land Bay shall be set back at least one hundred (100) feet from the right-of way of Battlefield Road.
- f. **Parking.** Surface parking areas may be located in front of a building.
- g. **Site Lighting Fixtures.** Pole mounted lighting fixtures used in the Residential Mixed-Use Land Bay shall be compatible with the pole mounted lighting fixtures used in the adjacent Stuart Crossing Shopping Center.
- h. **Site Lighting.** Lighting in the Residential Mixed Use Land Bay shall be designed such that the maximum illumination at ground level at any property line adjoining an R district shall not exceed one half (½) foot-candle. The one half (½) foot-candle restriction shall not apply where the R district which adjoins the Residential Mixed Use Land Bay is located across Virginia Center Parkway or

across Route 1 from the Residential Mixed-Use Land Bay. For compatibility with the adjacent Stuart Crossing Shopping Center, the illumination requirement for the existing sidewalk along Virginia Center Parkway and Battlefield Road shall be the same illumination provided for the existing sidewalk along Virginia Center Parkway in the adjacent Stuart Crossing Shopping Center. The Planning Director may reduce the minimum average illuminance requirements in the Zoning Ordinance in order to achieve the purpose and intent of achieving a maximum illumination of one half (½) foot-candle at the property lines required by this condition.

- i. **HVAC Screening.** Any heating, ventilation and air conditioning equipment shall be screened from public view at ground level at the perimeter of the Property.
 - j. **Refuse Container Service Hours.** All refuse containers shall be serviced only between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. to 7:00 p.m. on Saturdays.
 - k. **Outside Speakers.** Outside speaker systems, if any, shall be used only for music to complement the uses in the Residential Mixed-Use Land Bay and shall comply with noise regulations in the County Code.
 - l. **Signage.** No building-mounted signs facing Battlefield Road or Francis Road and located within 250 feet of an R district shall be internally illuminated. A tenant sign plan coordinating the design, construction, size, color and types of illumination for building mounted signage on commercial buildings with the signage design, construction, size, color and types of illumination for building mounted signage in the adjacent Stuart Crossing shopping center shall be provided to the County prior to the issuance of sign permits for building-mounted signs on commercial buildings. Building mounted signage shall not be required on the front and rear elevation of a commercial building.
 - m. **Existing Sidewalks.** Existing sidewalks along Virginia Center Parkway and Battlefield Road are grandfathered and need not be replaced if the width of these sidewalks do not meet the width required under the CMU zoning district. In the event of repair or replacement, the existing width shall be maintained.
14. **Applicable to all commercial uses in the Residential Mixed-Use Land Bay.**

- a. **Hours of Operation.** Hours of operation shall be between 6:00 a.m. and 2:00 a.m. with the exception of a health club/fitness center which may remain open at all times without restriction.

15. **Applicable to all residential uses in the Residential Mixed-Use Land Bay.**

- a. **Three-Bedroom Units.** There shall not be more than 10% three-bedroom apartment dwelling units in the Residential Mixed-Use Land Bay.
- b. **Security Cameras.** The owner or operator of the multifamily buildings shall provide and be responsible for the installation, operation, and maintenance of the functioning security camera and video system of professional grade and quality and rated for surveillance of areas mutually agreed upon between the owner and the Crime Prevention Unit of the Police Division. Security camera locations and views shall be mutually agreed upon at the time of the security survey in coordination with Section 9 of these conditions. The security camera system shall, at a minimum, include:
 - i) At minimum, five-megapixel cameras with night vision capturing pedestrian and vehicular access points, multi-family parking areas, and other areas mutually determined.
 - ii) Recordings of all activities under surveillance shall be preserved for a period of one (1) month by the applicant or owner/operator. Authorized representatives of the Henrico County Police Division shall have full and complete access to all recordings upon request.
- c. **Recreation Area.** An indoor recreational/social area for the multiple-family dwelling use shall be provided with a minimum of 3,000 square feet, in the aggregate, for a community gathering area, fitness room and other amenity uses.

Applicable to the For-Sale Land Bay

16. **Applicable to all uses in the For-Sale Land Bay.**

- a. **Density.** There shall be no more than four hundred fifty (450) total residential units.
- b. **Elevations.** The architectural appearance of buildings in the For-Sale Land Bay shall be in general conformance with the "For Sale Land Bay Architectural Examples" (see case file)

provided in the Picture Book, unless another architectural appearance is approved by the Planning Director at the time of plan of development approval.

- c. **Building Materials.** Each building exterior wall material (exclusive of windows, dormers, gables, doors, trim, soffit and fascia) shall be brick, brick veneer, stone, cultured stone, stone veneer, fiber cement siding, cementitious siding (e.g. HardiePlank), vinyl (a minimum of .044" nominal thickness as evidenced by manufacturer's printed literature), or a combination of the foregoing unless different architectural treatment and/or materials are requested by owner and approved by the Director of Planning. Fiberboard (e.g., Masonite) shall not be permitted as an exterior wall material. Other materials may be used for parapets, cornices, surrounds, trim, architectural decorations, and design elements.

- d. **Road Construction and Dedications.** Prior to the issuance of any Certificate of Occupancy for the For-Sale Land Bay, road improvements and/or dedications shall be made as follows:
 - i) Right turn lane, with a minimum of 200' of storage and 100' of taper, along northbound J.E.B. Stuart Parkway into the site entrance across from Technology Park Drive;

 - ii) Add pedestrian accommodations on the east and south sides of the Virginia Center Parkway and J.E.B. Stuart Parkway/Battlefield Road intersection, which pedestrian accommodations shall be ADA ramps, pedestrian signals and a painted crosswalk with no off-site dedications required;

 - iii) Extend the existing left turn lane along eastbound Virginia Center Parkway at its intersection with J.E.B. Stuart Parkway to provide a minimum of 200' of storage and 100' of taper; and

 - iv) Extend the existing left turn lane along eastbound Virginia Center Parkway at its intersection with Telegraph Road to provide a minimum of 200' of storage and 100' of taper.

- e. **Private Roads.** Prior to the issuance of any Certificate of Occupancy, the applicant shall provide the Planning Department with certification from a licensed engineer that the roadways within the project were constructed according to the approved subdivision plan, and in compliance with Henrico County road design standards and specifications (except as to pavement width and turning radii), to include proper compaction of the subbase soils, utility trenches,

base stone, and asphalt surface.

- f. **Site Lighting Fixtures.** Pole-mounted lighting fixtures used in the For-Sale Land Bay shall use a residential-style in appearance, such as, without limitation, contemporary, acorn, colonial or lantern styles. The same style of pole-mounted light fixture shall be used throughout the For-Sale Land Bay.
- g. **Multi-Use Trail.** In the general location shown on the Conceptual Plan (see case file), a 10' (ten foot) wide asphalt multi-use trail shall be installed adjacent to the For-Sale Land Bay's frontage along Virginia Center Parkway and J.E.B. Stuart Parkway. This multi-use trail may be constructed in phases as each Plan of Development is approved. This multi-use trail may be located within or outside of the public right-of-way. Street trees may be located in between the public right-of-way and the multi-use trail and/or on the project side of the multi-use trail. Where this multi-use trail is constructed, a sidewalk shall not be required.
- h. **J.E.B. Stuart Sidewalk Section.** A 5' (five foot) wide sidewalk segment shall be installed adjacent to the For-Sale Land Bay's frontage in the southwest corner of this land bay along J.E.B. Stuart Parkway to connect the multi-use trail to Virginia Center Parkway, in the general location shown on the Conceptual Plan (see case file). Street trees may be located in between the public right-of-way and the sidewalk in a planting strip and/or on the project side of the sidewalk.
- i. **Interstate Sound Suppression Measures.** Buildings within 250' of the travel lanes of Interstate 95 shall include sound suppression measures in windows and walls facing Interstate 95 to minimize the impact of traffic noise based on a sound study completed by a certified sound engineer submitted by the owner at the time of plan of development review. Cross-sectional detail, or other information, shall be provided with the building permit application showing implementation of the sound study recommendation.
- j. **Amenities.** A minimum of 1.5 acres of passive and active recreational area shall be provided for the For-Sale Land Bay. This area may be distributed throughout the For-Sale Land Bay. At a minimum, the recreational improvements shall include:
 - i) A community gathering area near the wet stormwater basin illustrated on the Conceptual Plan (see case file);

- ii) A multi-use area and dog park within the open space next to Interstate 95;
- iii) A central mews with pedestrian ways and with homes fronting on a portion of the mews, as generally shown on the Conceptual Plan (see case file); and
- iv) The following initial improvements:
 - a) An amenity structure:
 - (1) with a minimum square footage of 2,000 s.f. of enclosed and /or enclosable space, unless a different structure design is requested by the owner and approved by the Planning Director at the time of plan of development review,
 - (2) using an architectural style compatible with the architectural style within the For-Sale Land Bay,
 - (3) with a heater within the enclosed and /or enclosable space,
 - (4) using one or more see-through garage door enclosures, as generally illustrated on "Sauer's Property at VCC Garage Door Options for The Pavilion" (see case file) attached hereto, or an alternative design requested by the owner and approved at the time of plan of development review and approval,
 - (5) together with an adjacent outdoor fire pit and grilling/cooking area,
 - (6) to be located in the Community Gathering Area, as generally located and labeled on the Conceptual Plan (see case file),
 - (7) which improvements shall be provided no later than the 100th certificate of occupancy;
 - b) A pedestrian trail network through open space;
 - c) Basins improved as an amenity; and
 - d) A minimum of three (3) of the following improvements: a play area/playground, outdoor game area, benches, landscape patio area, or other similar improvements. The location of these areas and improvements will be determined at the time of plan of development review, notwithstanding what is shown on the Conceptual Plan (see case file).

17. Applicable to all townhome dwelling uses in the For-Sale Land Bay.

- a. **Units in a Row.** There shall not be more than eight (8) townhome dwelling units in a building;
- b. **Sod and Irrigation.** Each front and side yard (to the edge of

the rear of the home on corner lots adjacent to streets) shall initially be sodded and irrigated, exclusive of mulched flowerbeds and landscaping.

- c. **Foundations.** The exposed exterior portions of all foundations below the first-floor level shall be finished with brick, brick veneer, stone, stone veneer or cultured stone. On all front elevations and any street-facing side elevations for buildings constructed on slab-on-grade there shall be a minimum of twelve inches (12") of brick, stone, or cultured stone visible above grade. On all other side and rear elevations for buildings constructed on slab-on-grade there shall be a minimum of eight inches (8") of brick, brick veneer, stone, stone veneer or cultured stone visible above grade. Where a hardship of the lot prevents compliance with this proffer, the requirements may be modified or waived by the Director of Planning.
- d. **Foundation Planting.** Foundation beds are required along the entire front façade of the building, excluding hardscaped areas, entrances, architectural features and garages, and shall contain a minimum of fifty (50) percent evergreen material. A minimum of one front corner of the building shall be visually softened with a vertical accent shrub or small evergreen trees.
- e. **Lead Walk.** A lead walk a minimum of a three (3) feet in width shall be provided to the front entrance of each dwelling unit, to connect to alleys, sidewalks or streets.
- f. **Driveways.**
 - i) Driveways shall be constructed of either cobblestone, brick, asphalt, pre-cast pavers, concrete or other similar materials approved by the Director of Planning. Gravel may be used between driveways in lieu of grass. If the distance between adjacent driveways is greater than three feet (3') then that area shall either be landscaped or sodded.
 - ii) Driveways serving a garage for dwelling units not serviced by an alley may be located in the front of the dwelling units. No driveways shall have direct access to J.E.B. Stuart Parkway and Virginia Center Parkway.
- g. **Cantilevering.** There shall be no cantilevered treatment of any architectural features on the first floor. Items on the upper floors such as balconies, decks, bump-outs, box or bay-type windows may be cantilevered, but shall include decorative support corbels.

- h. **Home Façades.** Front façades of townhomes located along J.E.B. Stuart Parkway shall face the roadway and front façades of townhomes located along Virginia Center Parkway shall face the roadway.
 - i. **Sound Suppression Measures.** Interior walls between units 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.
 - j. **Masonry Requirement.** A minimum of fifteen percent (15%) of the exterior portions of the front building wall surface on fifty percent (50%) of the townhome buildings, in the aggregate, shall be of brick, stone, stone veneer or other masonry construction. The wall surface calculation shall exclude the areas for windows, doors, breezeways, gables and architectural design features.
18. **Applicable to all condominium dwelling uses in the For-Sale Land Bay.**
- a. **Foundation Planting.** Foundation planting beds are required along the entire front façade of the building, excluding entrance areas, hardscaped areas and architectural features, and shall contain a minimum of fifty (50) percent evergreen material. The front corner of each building shall be visually softened with a vertical accent shrub or small evergreen tree.
 - b. **Irrigation.** Front, side and rear yards shall be sodded and irrigated, excluding mulched beds.
 - c. **Foundations.** The exposed exterior portions of all foundations below the first-floor level shall be finished with brick, brick veneer, stone, stone veneer or cultured stone. On all front elevations and any street-facing side elevations for buildings constructed on slab-on-grade there shall be a minimum of twelve inches (12") of brick, stone, or cultured stone visible above grade. On all other side and rear elevations for buildings constructed on slab-on-grade there shall be a minimum of eight inches (8") of brick, brick veneer, stone, stone veneer or cultured stone visible above grade. Where a hardship of the lot prevents compliance with this proffer, the requirements may be modified or waived by the Director of Planning.
 - d. **Parking.** For condominiums buildings along J.E.B. Stuart Parkway and Virginia Center Parkway, parking shall not be located between the condominium and the J.E.B. Stuart

Parkway and Virginia Center Parkway right-of-ways.

- e. **Home Façades.** Façades of condo buildings adjacent to J.E.B. Stuart Parkway or Virginia Center Parkway shall include architectural elements that are similar in nature to those commonly found on front elevation.
- f. **Lead Walks to J.E.B. Stuart Parkway.** Two (2) lead walks, at least three (3) feet wide, shall be provided to provide a pedestrian connection from the condominium buildings along J.E.B. Stuart Parkway to the multi-use trail along J.E.B. Stuart Parkway. The location of these two (2) lead walks are illustrated generally on the Conceptual Plan (see case file).
- g. **Masonry Requirement.** A minimum of fifteen percent (15%) of the aggregate area of the exterior portions of the front, sides and rear building wall surface of the condominium buildings shall be of brick, stone, stone veneer or other masonry construction. The aggregate wall surface calculation shall exclude the areas for windows, doors, breezeways, gables and architectural design features.

Applicable to the East R&D Land Bay

- 19. **Multi-Use Trail.** As shown on the Conceptual Plan (see case file), a 10' (ten foot) wide asphalt multi-use trail shall be installed adjacent to the East R&D Land Bay's frontage along J.E.B. Stuart Parkway. This multi-use trail may be constructed in phases as each Plan of Development is approved. This multi-use trail may be located within or outside of the public right-of-way. Street trees must be provided along the Property's frontage on J.E.B. Stuart Parkway and these street trees must be spaced between 35 and 45 feet on center, unless otherwise approved by the Planning Director to avoid utility conflicts or to ensure the visibility of major design features. Street trees may be located in between the public right-of-way and the multi-use trail and/or on the project side of the multi-use trail. Where this multi-use trail is constructed, a sidewalk shall not be required.
- 20. **Telegraph Road Sidewalk.** A 5' (five foot) wide sidewalk shall be installed adjacent to the East R&D Land Bay's frontage along Telegraph Road. This sidewalk may be constructed in phases as each Plan of Development is approved. Street trees must be provided along the Property's frontage on Telegraph Road and these street trees must be spaced between 35 and 45 feet on center, unless otherwise approved by the Planning Director to avoid utility conflicts or to ensure the visibility of major design features. Street trees may be located in between the public right-of-way and the sidewalk in a planting strip and/or on the project side of the sidewalk.

21. **Elevations.** The architectural appearance of buildings in the East R&D Land Bay shall be in general conformance with the "Research & Development Architectural Examples" (see case file) provided in the Picture Book, unless another architectural appearance is approved by the Planning Director at the time of plan of development approval.
22. **Building Materials.** Exposed exterior wall surfaces of all individual buildings (above finished grade and exclusive of architectural features, windows and doors) shall be constructed of decorative concrete block (including without limitation split face block, fluted block and ground face block), tilt-up or pre-cast concrete, brick, brick veneer, glass, metal (other than corrugated metal), stone, stone veneer, cultured stone, cast stone, granite, marble, stucco, synthetic stucco, cementitious siding (e.g. HardiePlank), glass block or ceramic tile, unless otherwise approved by the Planning Director at the time of plan of development review. Other materials may be used for parapets, cornices, surrounds, trim, architectural decorations, and design elements.
23. **Setback.** No building or any portion thereof shall be constructed within twenty-five feet (25') of J.E.B. Stuart Parkway.
24. **Open Space.** At least ten percent (10%) of the Property shall be used for permanent open space.
25. **HVAC Screening.** Any heating, ventilation and air conditioning equipment shall be screened from public view at ground level at the perimeter of the Property.
26. **Loading Dock Screening.** Loading docks shall be screened from adjacent property zoned to an R-District at ground level by use of landscaping, walls or other architectural features, or such other method as may be approved at the time of Plan of Development review.
27. **Parking Lot Cleaning.** With the exception of snow removal, the cleaning of the parking lots in the East R&D Land Bay shall occur only between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. to 7:00 p.m. on Saturdays.
28. **Refuse Container Service Hours.** All refuse containers shall be serviced only between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. to 7:00 p.m. on Saturdays.
29. **Outside Speakers.** Outside speaker systems, if any, shall be used only for music to complement the uses in the East R&D Land Bay and shall comply with noise regulations in the County Code.

30. **Signage.** Changeable message signs facing Interstate 95 shall be prohibited.
31. **Safe Conduct of Operations.** All industrial uses shall be conducted so as not to create any danger to the health, safety and welfare or any material adverse impact on the Property or surrounding areas by creating any excessive noise, vibration, smoke, dust, lint, odor, heat or glare beyond the boundaries of the Property.
32. **Loading Areas.** No loading area for any building immediately adjacent to J.E.B. Stuart Parkway shall be located between the building and the public street to the building is immediately adjacent.
33. **Road Construction and Dedications.** Prior to the issuance of any Certificate of Occupancy within the East R&D Land Bay, road improvements and/or dedications shall be made as follows:
- a. Left turn lane, with a minimum of 200' of storage and 100' of taper, along southbound J.E.B. Stuart Parkway into the site entrance from J.E.B. Stuart Parkway across from the site entrance into GPIN: 785-768-9197;
 - b. Right turn lane, with a minimum of 200' of storage and 100' of taper, along northbound J.E.B. Stuart Parkway into the site entrance from J.E.B. Stuart Parkway across from the site entrance into GPIN: 785-768-9197; and
 - c. Right turn lane, with a minimum of 100' of storage and 50' of taper, along northbound Telegraph Road into the site entrance from Telegraph Road north of J.E.B. Stuart Parkway, except such minimum distances may be reduced if providing such minimum distances requires off-site property that is not in the right-of-way or cannot be achieved due to road and intersection design requirements.

Applicable to the West R&D Land Bay

34. **J.E.B. Stuart Parkway Streetscape.** A 5' (five foot) wide sidewalk shall be installed adjacent to the West R&D Land Bay's frontage along J.E.B. Stuart Parkway. This sidewalk may be constructed in phases as each Plan of Development is approved. Street trees must be provided along the Property's frontage on J.E.B. Stuart Parkway and these street trees must be spaced between 35 and 45 feet on center, unless otherwise approved by the Planning Director to avoid utility conflicts or to ensure the visibility of major design features. Street trees may be located in between the public right-of-way and the sidewalk in a planting strip and/or on the project side of the sidewalk.

35. **Buffer.** A transitional buffer fifty feet (50') in width shall be provide where the western property line for the West R&D Land Bay is adjacent to Ethelwood Road. This buffer shall be planted to TB50 standards.
36. **No Access to Ethelwood.** There shall be no vehicular access to Ethelwood Road.
37. **Location of Non-Residential Uses.** Excluding parking, no commercial, industrial nor institutional uses in the West R&D Land Bay shall be located within 150' of an off-site residential dwelling existing at the time of approval of this rezoning request.
38. **Elevations.** The architectural appearance of buildings in the West R&D Land Bay shall be in general conformance with the "Research & Development Architectural Examples" (see case file) provided in the Picture Book, unless another architectural appearance is approved by the Planning Director at the time of plan of development approval.
39. **Building Materials.** Exposed exterior wall surfaces of all individual buildings (above finished grade and exclusive of architectural features, windows and doors) shall be constructed of decorative concrete block (including without limitation split face block, fluted block and ground face block), tilt-up or pre-cast concrete, brick, brick veneer, glass, metal (other than corrugated metal), stone, stone veneer, cultured stone, cast stone, granite, marble, stucco, synthetic stucco, cementitious siding (e.g. HardiePlank), glass block or ceramic tile, unless otherwise approved by the Planning Director at the time of plan of development review. Other materials may be used for parapets, cornices, surrounds, trim, architectural decorations, and design elements.
40. **Setback.** No building or any portion thereof shall be constructed within twenty-five feet (25') of J.E.B. Stuart Parkway.
41. **Open Space.** At least ten percent (10%) of the Property shall be used for permanent open space.
42. **HVAC Screening.** Any heating, ventilation and air conditioning equipment shall be screened from public view at ground level at the perimeter of the Property.
43. **Loading Dock Screening.** Loading docks shall be screened from adjacent property zoned to an R-District at ground level by use of landscaping, walls or other architectural features, or such other method as may be approved at the time of Plan of Development review.

44. **Parking Lot Cleaning.** With the exception of snow removal, the cleaning of the parking lots in the West R&D Land Bay shall occur only between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. to 7:00 p.m. on Saturdays.
45. **Refuse Container Service Hours.** All refuse containers shall be serviced only between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. to 7:00 p.m. on Saturdays.
46. **Outside Speakers.** Outside speaker systems, if any, shall be used only for music to complement the uses in the West R&D Land Bay and shall comply with noise regulations in the County Code.
47. **Signage.** Changeable message signs shall be prohibited. No building-mounted signs facing Ethelwood Road and located within 250 feet of an R district shall be internally illuminated.
48. **Safe Conduct of Operations.** All industrial uses shall be conducted so as not to create any danger to the health, safety and welfare or any material adverse impact on the Property or surrounding areas by creating any excessive noise, vibration, smoke, dust, lint, odor, heat or glare beyond the boundaries of the Property.
49. **Loading Areas.** No loading area for any building immediately adjacent to J.E.B. Stuart Parkway shall be located between the building and the public street to the building is immediately adjacent.
50. **Road Construction and Dedications.** Prior to the issuance of any Certificate of Occupancy within the West R&D Land Bay, road improvements and/or dedications shall be made as follows:
 - a. Right turn lane, with a minimum of 200' of storage and 100' of taper, along eastbound J.E.B. Stuart Parkway into the site entrance located at J.E.B. Stuart Parkway's intersection with Telegraph Road; and
 - b. If a second entrance is constructed onto J.E.B. Stuart Parkway, then that entrance shall include a right turn lane, with a minimum of 200' of storage and 100' of taper, along eastbound J.E.B. Stuart Parkway into the second site entrance from J.E.B. Stuart Parkway, except such minimum distances may be reduced if providing such minimum distances requires off-site property that is not in the right-of-way or cannot be achieved due to road and intersection design requirements.

The vote of the Board was as follows:

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

No: None

GENERAL AGENDA

83-23 Resolution - Intent to Form Tourism Improvement District - Notice of Public Hearing.

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

Matt Chaffin, Assistant Director of Finance, recognized Jack Berry, President & CEO of Richmond Region Tourism, and Katherine O'Donnell, Executive Vice President, who were in attendance for the meeting.

PUBLIC HEARINGS - OTHER ITEMS

80-23 Resolution - Declaration of Surplus Property - Signatory Authority - Conveyance of Two 5-Foot-Wide Access Strips to Abandoned Well Lot in Rollingwood Subdivision - Tuckahoe District.

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 resolution.

81-23 Resolution - Declaration of Surplus Property - Signatory Authority - 9524 North Run Rd. and 2200 20th St. (Fairfield District) - 7010 Woodside St., 5125 Robin Grey Ln., 5001 Audubon Dr., 4938 Stonewall Ave., 3500 Britton Rd., and 7014 Woodside St. - (Varina District).

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

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

PUBLIC COMMENTS

John Owens, a resident of the Brookland District, stated he had the opportunity to experience the GRTC bus transit system this evening by riding the bus to the Board meeting. However, he did not realize the last bus was at 7:45 p.m. He requested the Board examine whether GRTC could extend its hours of operations for residents who work later.

GENERAL AGENDA CONT'D

82-23 Resolution - Receipt of Operating and Capital Budget Estimates for FY 2023-24 and Notice of Public Hearings on the Budget and Proposed

Tax Rates.

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

- 84-23 Introduction of Ordinance - To Amend and Reordain Section 20-78 of the Code of the County of Henrico Titled "Elderly or permanently and totally disabled persons" to Increase the Maximum Annual Real Estate Tax Exemption for the Real Estate Advantage Program From \$3,000 to \$3,200.

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

- 85-23 Resolution - Award of Contract - Cancer and Cardiovascular Screening for the Division of Fire.

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

- 86-23 Resolution - Adoption of Procedures for Construction Management Contracts.

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

- 87-23 Resolution - Authorizing the County Manager to Submit an Amendment to the Henrico County 2021-22 Annual Consolidated Action Plan adding the HOME-ARP Allocation Plan and to Execute an Amended HOME Agreement.

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

- 88-23 Resolution - Signatory Authority - Memorandum of Understanding - Maggie Walker Community Land Trust - Varina District.

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

- 89-23 Resolution - Signatory Authority - License Agreements - Henrico Sports & Events Center - Fairfield District.

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

- 90-23 Resolution - Signatory Authority - Acquisition of Real Property - Pump Station - Varina District.

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

91-23 Resolution - Signatory Authority - Acquisition of Real Property - 3151 Varina on the James - Varina District.

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

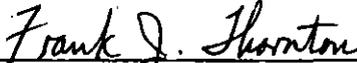
92-23 Resolution - Award of Contracts - Annual Traffic and Roadway Engineering Services.

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

93-23 Resolution - Acceptance of Roads - Three Chopt District.

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

There being no further business, the meeting was adjourned at 8:32 p.m.



Chairman, Board of Supervisors
Henrico County, Virginia

Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

Recognizing A Day of Honor for Pocahontas and a Celebration of American's Native American Tribes

WHEREAS, Pocahontas was the child of Wahunsenacawh, commonly known as Powhatan, Chief of the Powhatan Confederacy of more than 30 Tribes of Native Americans, and was named Matoaka upon her birth in the 1590's, with Pocahontas being her tribal nickname; and

WHEREAS, Pocahontas was taken to Sir Thomas Dale at Henricus, the site of the second permanent English settlement in Virginia, by Captain Samuel Argall in 1613, and

WHEREAS, while living at Henricus, Pocahontas learned the English language, studied Christianity under the Reverend Alexander Whitaker and, upon being baptized, took the Christian name Rebecca; and

WHEREAS, Pocahontas actively helped the English settlers at Jamestown in many ways throughout her lifetime, including feeding them during the "Starving Time" and possibly, as history has embraced, saving the life of Captain John Smith, and

WHEREAS, in 1614, Pocahontas married John Rolfe, and, following their marriage, Powhatan agreed to an alliance that brought peace between the Native Americans and English settlers that lasted until March 22, 1622; and

WHEREAS, in 1616, Sir Thomas Dale, on behalf of the Virginia Company, brought Pocahontas, her husband and infant son, Thomas, to England, where she was presented to London society as a Native American princess, and during the nine months she was in England, she changed the course of world history through her diplomatic actions; and

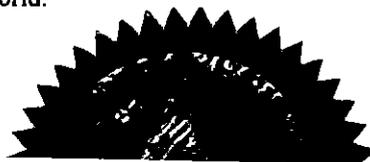
WHEREAS, in 1617, the Rolfes set sail for Virginia, but Pocahontas became ill and was taken off the ship at Gravesend, where she died at the young age of 22 and was buried at St. George's Church in Gravesham on March 21, 1617; and

WHEREAS, Pocahontas, through her diplomatic voyage to England, singlehandedly changed the future course of world history by laying the foundation for the 13 colonies and ultimately the United States, earning her the title of Founding Mother of America, of equal importance to the nation's existence as the many Founding Fathers; and

WHEREAS, Pocahontas' life and legacy has continued to inspire and captivate the imaginations of citizens for centuries; and

WHEREAS, the historic Henrico County connection with Pocahontas and John Rolfe continues today through Pocahontas and John Rolfe Middle Schools and through the iconic image of Pocahontas on the Seal of the County of Henrico, officially designated in 1984.

NOW, THEREFORE, BE IT PROCLAIMED that the Board of Supervisors of Henrico County, Virginia, hereby designates March 21, as "A Day of Honor for Pocahontas" in the County of Henrico and calls on its residents to join in honoring Pocahontas as a patron of peace and cross-cultural understanding and celebrating Virginia's Native American Tribes as well as the ancient wisdom of Native, Indigenous, and First Nations peoples around the world.





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

Agenda Item No. **76-23**

Page No. 1 of 1

Agenda Title: RESOLUTION - Appointment of Member - Historic Preservation Advisory Committee

For Clerk's Use Only: Date: <u>3/14/2023</u> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to:	BOARD OF SUPERVISORS ACTION Moved by (1) <u>Branin</u> Seconded by (1) <u>Nelson</u> (2) _____ (2) _____ REMARKS: <div style="font-size: 2em; font-weight: bold; text-align: center;">APPROVED</div>	<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 align="center">—</td> <td align="center">—</td> </tr> <tr> <td>Nelson, T.</td> <td align="center">✓</td> <td align="center">—</td> <td align="center">—</td> </tr> <tr> <td>O'Bannon, P.</td> <td align="center">✓</td> <td align="center">—</td> <td align="center">—</td> </tr> <tr> <td>Schlitt, D.</td> <td align="center">✓</td> <td align="center">—</td> <td align="center">—</td> </tr> <tr> <td>Thornton, F.</td> <td align="center">✓</td> <td align="center">—</td> <td align="center">—</td> </tr> </tbody> </table>		YES	NO	OTHER	Branin, T.	✓	—	—	Nelson, T.	✓	—	—	O'Bannon, P.	✓	—	—	Schlitt, D.	✓	—	—	Thornton, F.	✓	—	—
	YES	NO	OTHER																							
Branin, T.	✓	—	—																							
Nelson, T.	✓	—	—																							
O'Bannon, P.	✓	—	—																							
Schlitt, D.	✓	—	—																							
Thornton, F.	✓	—	—																							

BE IT RESOLVED that the Board of Supervisors of Henrico County, Virginia, appoints the following person to the Historic Preservation Advisory Committee for a three-year term ending December 31, 2025, or thereafter when her successor has been appointed and qualified:

Varina District Betty Estes

By Agency Head _____ By County Manager

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

Copy to: _____

Date: _____



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 77-23

Page No. 1 of 1

Agenda Title: RESOLUTION - Appointment of Member - Belmont Advisory Committee

For Clerk's Use Only:

Date: 3/14/2023

- Approved
- Denied
- Amended
- Deferred to:

BOARD OF SUPERVISORS ACTION

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

REMARKS:

APPROVED

YES NO OTHER

Branin, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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"/>
Schlitt, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thornton, F.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

BE IT RESOLVED that the Board of Supervisors of Henrico County, Virginia, appoints the following person to the Belmont Advisory Committee for a term expiring December 31, 2025, or thereafter when his successor has been appointed and qualified:

At-Large Darius O. Webster

By Agency Head _____

By County Manager _____

Certified:

A Copy Teste: _____

Clerk, Board of Supervisors

Copy to: _____

Date: _____



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

Agenda Item No. **80-23**

Page No. 1 of 1

**Agenda Title: RESOLUTION — Declaration of Surplus Property — Signatory Authority —
Conveyance of Two 5-Foot-Wide Access Strips to Abandoned Well Lot in Rollingwood Subdivision —
Tuckahoe District**

For Clerk's Use Only: Date: <u>3/14/2023</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: <div style="font-size: 2em; font-weight: bold; text-align: center;">APPROVED</div>	<table border="0"> <tr> <td></td> <td>YES</td> <td>NO</td> <td>OTHER</td> </tr> <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> </table>		YES	NO	OTHER	Branin, T.	✓			Nelson, T.	✓			O'Bannon, P.	✓			Schmitt, D.	✓			Thornton, F.	✓		
	YES	NO	OTHER																							
Branin, T.	✓																									
Nelson, T.	✓																									
O'Bannon, P.	✓																									
Schmitt, D.	✓																									
Thornton, F.	✓																									

WHEREAS, the County owns two 5-foot-wide strips of land that run parallel to, and used to be part of, Lots 9 and 10, Terrace H., Rollingwood subdivision, known as Tax Parcel 758-739-9573, and as shown on Exhibit A; and,

WHEREAS, the strips formerly provided the County access to a well lot that the County subsequently abandoned and conveyed; accordingly, the County has no further need for the strips; and,

WHEREAS, Conde R. and Dustin C. Dyer, the owners of Lot 9, and Benjamin C. Little, the owner of Lot 10, have requested that the County convey the two 5-foot-wide portions labeled as "Easement" shown on Exhibit A (the "Portions"); and,

WHEREAS, the Board of Supervisors wishes to convey any and all right, title, and interest the County may possess in and to the Portions to Conde R. and Dustin C. Dyer, and Benjamin C. Little, for a total price of \$5.00; and,

WHEREAS, this resolution was advertised, and a public hearing was held on March 14, 2023, pursuant to Va. Code §§ 15.2-1800 and 15.2-1813.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that: (1) the Portions are declared surplus to the needs of the County, and (2) the Chairman and Clerk are authorized to execute two deeds, and the County Manager is authorized to execute closing and any other documents necessary to convey the Portions, all in a form approved by the County Attorney.

Comments: 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.

By Agency Head  By County Manager 

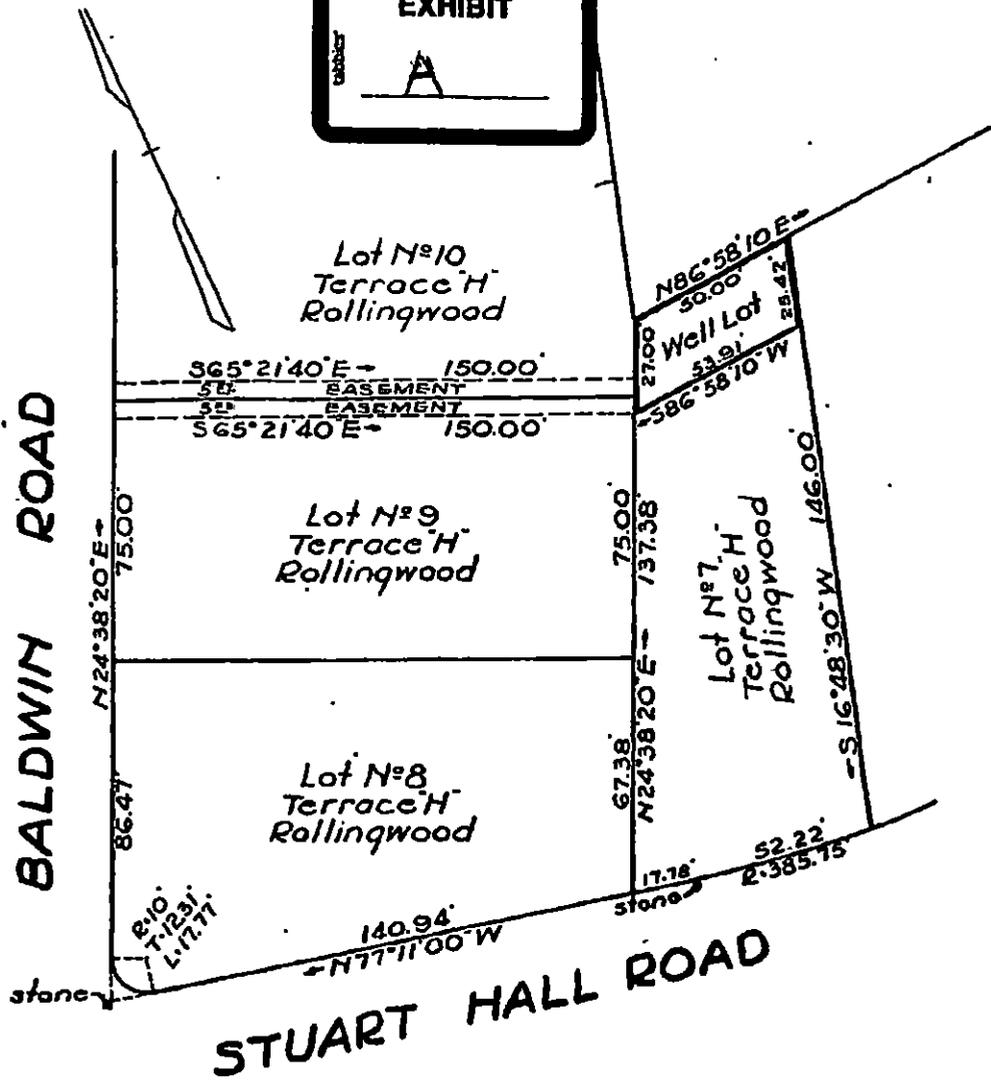
Certified: _____
 A Copy Teste: _____
 Clerk, Board of Supervisors

Copy to: _____

Date: _____



131



Plat showing location of proposed well lot, situated in the rear of Lot N^o 7, in Terrace H, in Rollingwood Subdivision, Henrico County, Virginia.
 Nov. 5, 1941 Scale 1"=40'

Thornton L. Mullins
 Certified Civil Engineer
 Richmond, Va.

F. B. Pg.

VIRGINIA:
 In the Office of Clerk of the Circuit Court of the County of Henrico.

February 10 19 42

This deed was presented, and with the certificate of Plat annexed, admitted to record at 2:05 O'clock, P M.

Teste: Thornton L. Mullins Clerk

SCHEDULE A

Parcel ID	Address	Subdivision	Magisterial District	Current Assessment (01/30/2023)
803-697-9449	7010 Woodside St	Sunset Heights	Varina	\$7,100
808-713-0140	5125 Robin Grey Ln	Robin Grey	Varina	\$34,000
818-716-1579	5001 Audubon Dr	None	Varina	\$157,700
814-714-0273	4938 Stonewall Ave	Larchmont	Varina	\$1,900
825-698-0614	3500 Britton Rd	None	Varina	\$57,300
803-697-9736	7014 Woodside St	Sunset Heights	Varina	\$7,100
781-760-0275	9524 North Run Rd	Winona Park	Fairfield	\$1,300
799-726-2346	2200 20th St	Mechanicsville Gardens	Fairfield	\$20,000



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

Agenda Item No. **82-23**
Page No. 1 of 2

Agenda Title

**RESOLUTION — Receipt of Operating and Capital Budget Estimates for FY 2023-24 and
Notice of Public Hearings on the Budget and Proposed Tax Rates**

<p>For Clerk's Use Only:</p> <p>Date <u>3/14/2023</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 border="0"> <tr> <td></td> <td align="center">YES</td> <td align="center">NO</td> <td align="center">OTHER</td> </tr> <tr> <td>Branin, T.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Nelson, T.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>O'Bannon, P.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Schmitt, D.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Thornton, F.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><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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Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																							

WHEREAS, after review of all requests received from County offices, divisions, boards, and departments, including the Department of Education, the County Manager has assembled his estimates of the resources and expenditures anticipated to be available or required for the operating and capital budgets during FY 2023-24; and,

WHEREAS, state law requires the advertisement and holding of a public hearing and the approval of an annual fiscal plan for the County; and,

WHEREAS, the Board desires to advertise proposed tax rates and levies for calendar year 2023 and hold a public hearing thereon.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Henrico, Virginia, that:

- (1) The Board hereby receives the County Manager's estimates of resources and expenditures anticipated to be available or required for the operating and capital budgets during FY 2023-24.
- (2) The Board hereby directs its Clerk to advertise on or before Sunday, March 26, 2023, in at least one newspaper of general circulation in the County:
 - (a) A synopsis of the operating and capital budgets and a public hearing thereon to be held on Tuesday, April 11, 2023, at 6:00 p.m., in the Board Room at the Government Center, Hungary Spring and East Parham Roads, Henrico County, Virginia; and,
 - (b) Proposed tax rates and levies for calendar year 2023 and a public hearing thereon to be held on Tuesday, April 25, 2023, at 7:00 p.m., in the Board Room at the Government Center, Hungary Spring and East Parham Roads, Henrico County, Virginia.

By Agency Head [Signature]

By County Manager [Signature]

Copy to: _____

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

Date: _____

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

Agenda Item No. **82-23**
Page No. 2 of 2

Agenda Title **RESOLUTION — Receipt of Operating and Capital Budget Estimates for FY 2023-24 and Notice of Public Hearings on the Budget and Proposed Tax Rates**

- (3) The Board further directs the Clerk to post on or before Sunday, March 26, 2023, in a prominent public location at which notices are regularly posted at both the Eastern and Western Government Centers:
- (a) A synopsis of the operating and capital budgets and notice of a public hearing thereon to be held on Tuesday, April 11, 2023, at 6:00 p.m., in the Board Room at the Government Center, Hungary Spring and East Parham Roads, Henrico County, Virginia; and,
 - (b) A notice of proposed tax rates and levies for calendar year 2023 and a public hearing thereon to be held on Tuesday, April 25, 2023, at 7:00 p.m., in the Board Room at the Government Center, Hungary Spring and East Parham Roads, Henrico County, Virginia.

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



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

Agenda Item No. **83-23**
Page No. 1 of 3

Agenda Title: RESOLUTION – Intent to Form Tourism Improvement District – Notice of Public Hearing

<p>For Clerk's Use Only:</p> <p>Date: <u>3/14/2023</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>_____</p>	<p align="center">BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>O'Bannon</u> Seconded by (1) <u>Nelson</u></p> <p>(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.	✓																									

WHEREAS, the Tourism Improvement Districts Law (TID Law), Code of Virginia Title 15.2, Chapter 24, Article 3, authorizes the County to form tourism improvement districts for the purposes of providing specific benefits to payors by funding tourism promotion efforts for lodging businesses paying the TID business fee; and

WHEREAS, the Richmond Metropolitan Convention and Visitors Bureau, dba Richmond Region Tourism (RRT), owners of lodging businesses in the County, and representatives from the County have met to consider the formation of the TID; and

WHEREAS, RRT and owners of lodging business in the County have drafted a tourism improvement district plan (Plan) which sets forth the proposed boundaries of the TID, a service plan and budget, a proposed means of governance, and all other elements as required by § 15.2-2413.2 of the TID Law; and

WHEREAS, lodging businesses that will pay more than fifty percent (50%) of the business fee proposed to be charged under the TID have petitioned the Board of Supervisors to form the TID.

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

1. The recitals above are true and correct.
2. The Board finds that lodging businesses that will pay more than fifty percent (50%) of the business fee proposed in the Plan have signed and submitted petitions in support of the formation of the TID. The Board accepts the petitions and adopts this Resolution of Intention to form the TID and to levy a business fee on certain lodging businesses within the TID boundaries in accordance with the TID Law.

By Agency Head By County Manager

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

Copy to: _____

Date: _____

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 83-23

Page No. 2 of 3

Agenda Title: RESOLUTION – Intent to Form Tourism Improvement District – Notice of Public Hearing

3. The Board finds that the Plan satisfies all requirements of the TID Law. The Plan is attached as Exhibit A to this Resolution.
4. The Board declares its intention to form the TID and to levy and collect business fees from all lodging businesses, existing and in the future, with forty-one (41) rooms or more located within the boundaries of the County of Henrico pursuant to the TID Law.
5. The name of the district will be the Tourism Improvement District (TID).
6. The annual business fee rate is two percent (2%) of gross short-term room rental revenue to be paid monthly. Fees will not be collected on stays of more than thirty (30) consecutive days. Additionally, charges made directly to, and paid directly by, the federal government, are exempt from the fee.
7. The business fees levied for the TID will be applied toward sales, marketing, promotions, and special events programs to market paying lodging businesses in Henrico County as tourist, meeting, and event destinations, as described in the Plan. Funds remaining at the end of any year may be used in subsequent years in which TID business fees are levied as long as they are used consistent with the requirements of this Resolution and the Plan.
8. The TID will have a ten (10) year life, beginning July 1, 2023, or as soon as possible thereafter, and will end ten (10) years from its start date, unless renewed pursuant to the TID Law.
9. Bonds will not be issued to fund the costs of the Plan.
10. The time and place for the public hearing to form the TID and the levy of business fees are set for March 28, 2023, at 7:00 p.m., or as soon thereafter as the matter may be heard, in the Board Room at the Henrico County Government Center, East Parham and Hungary Spring Roads. The Clerk of the Board of Supervisors is directed to provide notice of this public hearing to the lodging businesses subject to the business fee as required by the TID Law.
11. Any business owner who is to be charged a fee under the Plan who objects to the Plan must file an objection with the Clerk within 30 days of the conclusion of the public hearing on forms made available by the Clerk.
12. No earlier than 30 days after a successful public hearing, the Board will make a determination regarding the formation of the TID. If all findings are met in the positive, as required by the TID Law for TID formation, the Board may adopt an ordinance establishing the TID.

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

Agenda Item No. 83-23

Page No. 3 of 3

Agenda Title: RESOLUTION – Intent to Form Tourism Improvement District – Notice of Public Hearing

13. The complete Plan is on file with the Clerk for public inspection.

14. The complete Plan may also be inspected in advance of the hearing by contacting:

Richmond Region Tourism
401 N. 3rd St
Richmond, Virginia 23219
(800) 370-9004

15. This resolution will take effect immediately.

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

TOURISM IMPROVEMENT DISTRICT PLAN

Contents

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I. OVERVIEW

Developed by Richmond region lodging business owners within the proposed Service Area and Richmond Metropolitan Convention and Visitors Bureau dba Richmond Region Tourism (RRT), the Tourism Improvement District (TID) is a special district proposed to provide specific benefits to payors by funding tourism promotion efforts for lodging businesses paying the TID business fee. In accordance with the requirements of the Tourism Improvement Districts Law (TID Law), Code of Virginia Title 15.2, Chapter 24, Article 3, the nonprofit corporation RRT is to be designated as the administering nonprofit to manage the TID. RRT and Richmond Region lodging businesses hereby request the formation of the TID for a ten (10) year term.

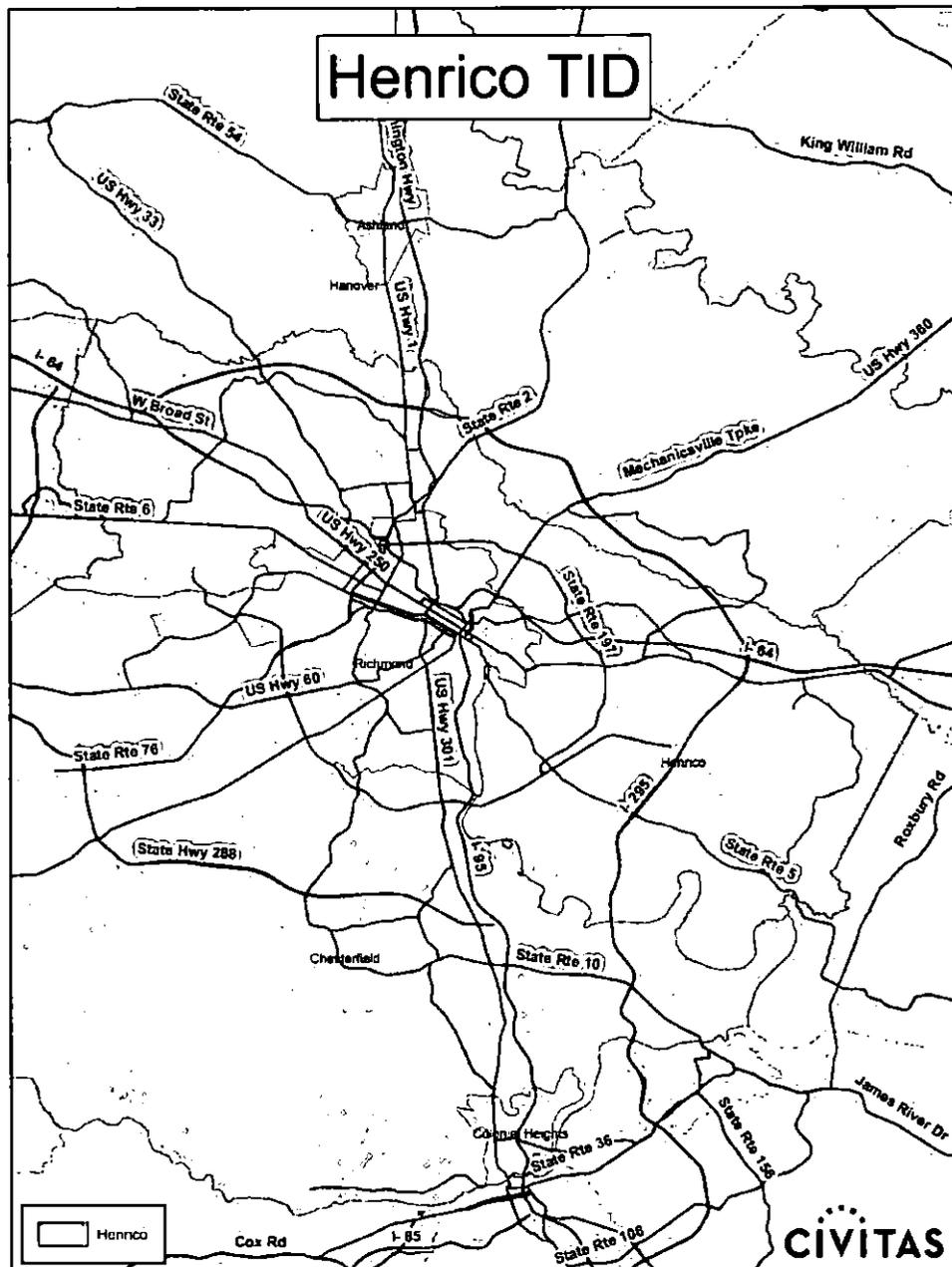
- Location:** The TID shall include all lodging businesses, existing and in the future, with forty-one (41) rooms or more located within the boundaries of the County of Henrico, as shown on the map in Section III.
- Services:** The TID is designed to provide specific benefits directly to payors by increasing awareness and demand for room night sales. Sales, marketing, promotions, and special events programs will increase demand for overnight tourism and market payors as visitor, meeting and event destinations, thereby increasing demand for room night sales. TID funds shall not be used for capital or infrastructure improvements.
- Budget:** The total TID annual fee budget for the initial year of its ten (10) year operation is anticipated to be approximately \$3,643,946. A similar budget is expected to apply to subsequent years, but this budget is expected to fluctuate as room sales do.
- Cost:** The annual fee rate is two percent (2%) of gross short-term room rental revenue to be paid monthly. Fees will not be collected on stays of more than thirty (30) consecutive days. Additionally, charges made directly to, and paid directly by, the federal government, are exempt from the fee.
- Collection:** The County of Henrico will collect the fee on a monthly basis from all lodging businesses paying the business fee and remit the collected funds to RRT on a monthly basis. It is intended that the business fee will be reported and collected in the same manner as transient occupancy taxes in the County of Henrico.
- Duration:** The TID shall have a term of ten (10) years, beginning July 1, 2023 through June 30, 2033.
- Management:** The Board of Supervisors has the right pursuant to Section 15.2-2413.10 of the TID Law to identify and contract with an administering nonprofit for the purpose of carrying out such activities as prescribed in the Plan. The Board of Supervisors has determined that Richmond Region Tourism (RRT) shall be the administering nonprofit of the TID. RRT shall create a subcommittee (Governance Committee) tasked with overseeing programs and services of all TIDs in the region for which RRT is the administering non-profit.

II. SERVICE AREA

The service area of the TID, depicted in the map below, includes all lodging businesses, existing and in the future, with forty-one (41) rooms or more located within the boundaries of County of Henrico.

Lodging business means: all businesses providing accommodations subject to transient occupancy taxes in the County of Henrico.

The boundary, as shown in the map below includes businesses paying the TID business fee.



III. TID PROGRAMS & SERVICES

The funds generated by the TID fee will be strategically deployed via a comprehensive and integrated sales and marketing program aimed at promoting the entire destination and maximizing overnight stays in lodging businesses paying the TID business fee. There will be a dedicated focus on securing single property meeting bookings, sports tourism, leisure tourism, luring large-scale signature events, and increasing visitor spend at lodging establishments. TID funds shall not be used for capital or infrastructure improvements. Specific programs and initiatives will include the following:

Sales, Marketing, Promotions, & Special Events

A strategic sales, marketing, promotions, and special events program will promote lodging businesses paying the TID business fee in the TID as a preferred leisure, meetings, visitor, sports and event destination with an overarching goal of driving increased overnight visitation to the benefit of the benefited businesses. The programming may include:

- Regional and national leisure, convention trade and sports tourism marketing programs inclusive of broadcast, digital, print and out-of-home channels, designed to increase awareness of and drive overnight traffic to the destination – in turn, benefitting the businesses paying the TID business fee through increased consumer demand.
- Public Relations programs that enhance the profile of the Richmond Region as a visitor, sports, meetings and events destination – in turn, benefitting the businesses paying the TID business fee through increased consumer demand.
- Sales, marketing and PR initiatives driving in-bound meetings, sports tournaments and leisure travel to the Richmond Region – in turn, benefitting the businesses paying the TID business fee through increased consumer demand and increased room night bookings.
- Dedicated funds to support incentives, hosting fees and other offsetting costs associated with securing strategic industry events, incremental group and convention business, high-profile sports tournaments and/or large-scale events for the destination that generate room nights for the businesses paying the TID business fee.
- Strategic partnerships, sponsorships, or other alliances that reinforce the Richmond Region as a destination of choice within the travel marketplace for meetings, events, sports tournaments and leisure travel – in turn, generating greater room night sales to the businesses paying the TID business fee.
- Associated costs for attendance at tradeshow, conferences, and professional industry/partner events to promote the destination and the businesses paying the TID business fee.
- Sales missions, site inspections and familiarization tours showcasing the destination and the lodging businesses paying the TID business fee.
- Preparation, production, mailing, and distribution of collateral promotional materials such as brochures, flyers, maps, and videos featuring businesses paying the TID business fee.
- Research on current and new markets that would result in additional room night sales to businesses paying the TID business fee and research efforts to measure and quantify the effectiveness of TID efforts.
- Development and maintenance of the equipment, website, digital design, and technology designed to promote the Richmond Region.

- Understanding that the proposed sales, marketing, promotions, and special events services are based on delivering enhanced and/or new programs and businesses opportunities, the sales and marketing portion of the budget may be used for new staffing costs.
- Dues for membership of the Virginia Restaurant Lodging Travel Association (VRLTA), which provides services, support, and content that will assist with destination brand awareness for lodging businesses paying the TID business fee.
- Provide consolidated business advocacy and programs for workforce development and training initiatives in the Richmond Region.

Administration

The administration portion of the budget shall be utilized for administrative staffing costs, office costs, and other general administrative costs such as insurance, legal, and accounting fees. Any unspent funds allocated to the administration budget shall be reallocated to the Contingency/Reserve budget at the end of the fiscal year.

Contingency/Reserves

The budget includes a contingency line item to account for uncollected business fees, if any. If there are contingency funds collected, they may be held in a reserve fund or utilized for other program or renewal costs at the discretion of RRT and the TID Governance Committee. Policies relating to contributions to the reserve fund, the target amount of the reserve fund, and expenditure of monies from the reserve fund shall be set by the RRT Board of Directors with a recommendation of the Governance Committee. Contingency/reserve funds may be spent on TID programs or renewal costs in such proportions as determined by RRT. The reserve fund may be used for the costs of renewing the TID.

Each budget category includes all costs related to providing that service. For example, the sales, marketing, promotions, and special events program budget includes the cost of staff time dedicated to overseeing and implementing the sales, marketing, promotions, and special events program. Staff time dedicated purely to administrative tasks is allocated to the personnel and administrative portion of the budget.

IV. TID BUDGET

The TID is expected to have a first year budget of approximately \$3,643,946, based on the cost of programs detailed in Section III and the fee rate presented below. The cost of programs and services is the amount needed to make the County of Henrico competitive with other municipalities by driving overnight visitation and room night sales to lodging businesses paying the TID business fee. The costs of forming the TID shall be repaid to RRT from TID fee revenues. The proposed budget for the first fiscal year is shown in the chart below. Although actual revenues will fluctuate due to market conditions, the proportional allocations of the budget shall remain the same. However, the RRT Board of Directors, with recommendations from the Governance Committee, shall have the authority to adjust budget allocations between the categories by no more than twenty percent (20%) of the total budget per year, except that Administration may not exceed 10% of the total budget.

Budget Category	Budget Percentage	Budget Amount
Sales, Marketing, Promotions, & Special Events	60%	\$2,186,368
Administration	10%	\$364,395
Contingency/Reserves	30%	\$1,093,184

Total TID Budget	100%	\$3,643,946
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V. SOURCE OF FUNDS

It is anticipated that all of the activities identified in this Plan will be paid for via the TID business fee placed on eligible lodging businesses within the service area of the TID, as set by the RRT Board of Directors with recommendations from the Governance Committee. The initial annual fee rate is two percent (2%) of gross short-term room rental revenue to be paid monthly. The TID fee rate may be adjusted as detailed in Section VI.

VI. COST-SHARING FORMULA

A. BUSINESSES SUBJECT TO THE FEE

The initial fee rate is two percent (2%) of gross short-term room rental revenue to be paid monthly.

In the event of unforeseeable and unavoidable catastrophes that interrupt the expected course of events, and thus significantly prevents RRT and the Governance Committee from fulfilling the obligations set forth in this Plan, the fee rate may be decreased to zero percent (0%). Catastrophe may include, but is not limited to, pandemic, natural disasters, fires, floods, and other crises.

Fees will not be collected on stays of more than thirty (30) consecutive days, or any other transactions that are not subject to transient occupancy in the County of Henrico. Additionally, charges made directly to, and paid directly by, the federal government, are exempt from the fee.

All fees shall be remitted to RRT monthly by the County of Henrico as provided in the ordinance forming the TID. The fee is levied upon and is a direct obligation of the business paying the fee. However, the business may, at its discretion, pass the fee on to guests. The amount of the fee, if passed on to each guest, shall be disclosed in advance and separately stated from the amount of rent charged and any other applicable taxes, and each guest shall receive a receipt for payment from the business paying the TID business fee. The fee shall be disclosed as the "TID Fee".

B. METHOD OF CALCULATING A MAJORITY SHARE

The weighting methodology for calculating a majority share of benefited businesses for the district is based on a cumulation of room count, occupancy rate, and Average Daily Rate. This methodology can be supplemented by referencing historical transient lodging tax data to ensure accuracy in determining a majority share of benefitting businesses.

C. ROLLOVER FUNDS

Any and all unused fee funds collected during a year may be rolled over to the subsequent year to be used for programs detailed in Section III. All funds not expended for programs during the TID's ten (10) year term shall be refunded to the owners of businesses paying the TID business fee by applying the same method and basis that was used to calculate the fee. If the TID is renewed, any remaining funds from the TID shall be transferred to the renewed TID. In the event of dissolution of the TID, any remaining revenues, after all outstanding debts are paid, derived from the charge of fees, or derived from the sale of assets acquired with the revenues, shall be appropriated for the purposes of this Plan, or shall be refunded to the businesses that are charged a fee by applying the same method and basis that was used to determine the TID fees that were charged, pursuant to all provisions of Section 15.2-

2413.11 of the TID Law.

D. COLLECTIONS/PENALTIES

Each fee authorized pursuant to the ordinance establishing the TID is collectable in the same manner as the transient occupancy tax in the County of Henrico. The County of Henrico will collect the fee on a monthly basis from each lodging business paying the TID business fee located in the boundaries of the TID and will pursue collections of all delinquencies, including all applicable penalties and interests on any delinquency. Penalties and interest will be applied in the same manner as provided for transient occupancy taxes in County of Henrico.

VII. TIME FOR COMPLETION OF ALL PROPOSED PROGRAMS AND SERVICES

All programs and services identified in this Plan will commence during the first year of TID activity and continue on an ongoing basis for the ten (10) year term of the TID.

VIII. TID MANAGEMENT

The Board of Supervisors, through adoption of an ordinance establishing a TID, has the right pursuant to Section 15.2-2413.10 of the TID Law, to identify and contract with an administering nonprofit for the purpose of carrying out such activities as prescribed in the Plan. The administering nonprofit may make recommendations to the locality with respect to any matter involving or relating to TID. Richmond Region Tourism (RRT) has been identified as the administering nonprofit of the TID. RRT shall create a Governance Committee, a subcommittee of the RRT Board, to oversee the TID programs. The Governance Committee shall be responsible for determining the management of TID funds and expenditures. RRT is responsible for submitting a financial and marketing plan for TID services and expenditures, which will be submitted to the Governance Committee for approval. Once approved by the Governance Committee, the financial and marketing plan shall be submitted to the RRT Board for final approval and executed by RRT staff.

RRT will submit audited annual financial reports to the Board of Supervisors no later than 180 days after the end of the RRT fiscal year. Additionally, the RRT will submit a quarterly report to the Board of Supervisors on the uses of TID revenue within the Richmond region. RRT will make both reports available for inspection upon request by lodging businesses charged with the business fee.

IX. EXISTING SERVICES

Pursuant to Section 15.2-2413.6(B) of the TID Law, no funds generated by the TID shall be used by the County of Henrico for any purposes other than funding the expenses of the TID. The County of Henrico will be responsible for maintaining the same level of publicly funded tourism promotion services within the TID during its duration as a tourism improvement district as before its establishment as a tourism improvement district. RRT currently provides such programs from funding provided by the County of Henrico. The rate of funding for these programs will not be reduced during the term of TID, subject to appropriation by the Board of Supervisors.

X. AGREEMENT BETWEEN THE COUNTY OF HENRICO AND RRT WITH RESPECT TO THE TID

Pursuant to Section 15.2-2413.10 of the TID Law, the County of Henrico may contract with an administering nonprofit for the purposes of carrying out activities described in the Plan. The administering nonprofit may make recommendations to the County of Henrico with respect to any matter involving or relating to the TID.

XI. AMENDMENT TO PLAN

At any time after the establishment of the TID, the Plan upon which the establishment based, may, upon the recommendation of the administering nonprofit in coordination with participating jurisdiction staff, be amended by the County of Henrico after compliance with the procedures set forth in Section 15.2-2413.7 of the TID Law.

XII. TERMINATION OF THE TID

Pursuant to Section 15.2-2413.11 of the TID Law, the TID may be dissolved by a majority vote of the Board of Supervisors. The TID may be dissolved if the locality determines there has been misappropriation of funds, malfeasance, or a violation of law in connection with the management of the TID. In the event of dissolution of the TID, any remaining revenues, after all outstanding debts are paid shall be appropriated or refunded according to the procedures outlined in Section VI (C) of this Plan, pursuant to Section 15.2-2413.11 of the TID Law.

During the operation of the TID, there shall be a 30-day period each year in which owners of benefited businesses may request dissolution of the TID. The first such period shall begin one year after the date of establishment of the TID and shall continue for 30 days. The next such 30-day period shall begin two (2) years after the date of the establishment of the TID. Each successive year of operation of the TID shall have such a 30-day period. Upon the written petition of the owners or authorized representatives of businesses in the TID who pay 50 percent (50%) or more of the fees charged, the County of Henrico may by majority vote of the Board of Supervisors dissolve the TID.

Exhibit 1: TID Boundary Map





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

Agenda Item No. 84-23

Page No. 1 of 1

Agenda Title: INTRODUCTION OF ORDINANCE — To Amend and Reordain Section 20-78 of the Code of the County of Henrico Titled "Elderly or permanently and totally disabled persons" to Increase the Maximum Annual Real Estate Tax Exemption for the Real Estate Advantage Program From \$3,000 to \$3,200

<p>For Clerk's Use Only:</p> <p>Date: <u>3/14/2023</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>Nelson</u></p> <p>(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 align="center">—</td> <td align="center">—</td> </tr> <tr> <td>Nelson, T.</td> <td align="center">✓</td> <td align="center">—</td> <td align="center">—</td> </tr> <tr> <td>O'Bannon, P.</td> <td align="center">✓</td> <td align="center">—</td> <td align="center">—</td> </tr> <tr> <td>Schmitt, D.</td> <td align="center">✓</td> <td align="center">—</td> <td align="center">—</td> </tr> <tr> <td>Thornton, F.</td> <td align="center">✓</td> <td align="center">—</td> <td align="center">—</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.	✓	—	—																							

The Clerk is directed to advertise, in the Richmond Times-Dispatch on March 28 and April 4, 2023, the following ordinance for a public hearing at the Board Room on April 11, 2023, at 7:00 p.m.

"AN ORDINANCE to amend and reordain section 20-78 of the Code of the County of Henrico titled 'Elderly or permanently and totally disabled persons' to increase the maximum annual real estate tax exemption for the Real Estate Advantage Program from \$3,000 to \$3,200. A copy of the full text of this ordinance is on file in the Office of the County Manager."

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

By Agency Head *Shel Smith* By County Manager *[Signature]*

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

Copy to: _____

Date: _____

BLACKLINE

ORDINANCE — To Amend and Reordain Section 20-78 of the Code of the County of Henrico Titled “Elderly or permanently and totally disabled persons” to Increase the Maximum Annual Real Estate Tax Exemption for the Real Estate Advantage Program From \$3,000 to \$3,200

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

1. That Section 20-78 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-78. Elderly or permanently and totally disabled persons.

• • • •

(g) *Amount of exemption.* Each qualified applicant ~~shall~~ **will** receive a 100 percent real estate tax exemption up to an annual exemption of ~~\$3,000.00~~ **\$3,200.00**. The tax exemption granted under this section ~~shall apply~~ **applies** only to the dwelling occupied by the applicant, and the land, not exceeding ten acres, upon which it is situated.

• • • •

2. That this ordinance is in full force and effect retroactive to January 1, 2023, and thereafter in accordance with law.



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

Agenda Item No. 85-23

Page No. of

Agenda Title: RESOLUTION – Award of Contract – Cancer and Cardiovascular Screening for the Division of Fire

For Clerk's Use Only: Date: <u>3/14/2023</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="0"> <tr> <td></td> <td>YES</td> <td>NO</td> <td>OTHER</td> </tr> <tr> <td>Branin, T.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Nelson, T.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>O'Bannon, P.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Schmitt, D.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Thornton, F.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><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 two proposals in response to RFP 22-2430-10EMF for professional services for cancer and cardiovascular screening for the Henrico County Division of Fire; and,

WHEREAS, the annual unit price contract will provide cancer and cardiovascular screenings on an if-and-when required basis; and,

WHEREAS, based upon a review of the written proposals, the selection committee interviewed the following firms:

United Diagnostic Services, LLC
Hampton Roads Ultrasound, LLC

WHEREAS, based upon the interviews and review of the proposals, the selection committee selected Hampton Roads Ultrasound, LLC as the top-ranked firm and negotiated a contract for a unit price fee of \$5,600 per scheduled exam day for a maximum of 14 exams to be performed per day.

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

1. An annual unit price contract to provide professional services for cancer and cardiovascular services is awarded to Hampton Roads Ultrasound, LLC in accordance with RFP 22-2430-10EMF, dated October 12, 2022, Hampton Roads Ultrasound, LLC's Best and Final Offer dated January 30, 2023, and Hampton Roads Ultrasound, LLC's proposal dated November 7, 2022.
2. The County Manager is authorized to execute the contract in a form approved by the County Attorney.
3. The County Manager, or the Purchasing Director as his designee, is authorized to execute contract amendments within the scope of the contract in a form approved by the County Attorney.

Comment: The Fire Chief and the Purchasing Director recommend approval of the Board paper, and the County Manager concurs.

By Agency Head By County Manager

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

Copy to: _____

Date: _____



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

Agenda Item No. 86-23
Page No. 1 of 1

Agenda Title: RESOLUTION — Adoption of Procedures for Construction Management Contracts

For Clerk's Use Only: Date: <u>3/14/2023</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) _____ REMARKS: <div style="font-size: 2em; font-weight: bold; text-align: center;">APPROVED</div>	<table border="0"> <thead> <tr> <th></th> <th>YES</th> <th>NO</th> <th>OTHER</th> </tr> </thead> <tbody> <tr> <td>Branln, T.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Nelson, T.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>O'Bannon, P.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Schmitt, D.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Thornton, F.</td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> </tbody> </table>		YES	NO	OTHER	Branln, 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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WHEREAS, a "construction management contract" is a contract between a public body and another party in which the party contracting with the public body is retained to coordinate and administer contracts for construction services for the benefit of the public body and may also include, if provided in the contract, the furnishing of construction services to the public body; and,

WHEREAS, selection of a construction manager is based on a two-step competitive negotiation process that (i) considers several evaluation factors, including qualifications of the prospective construction managers and the merits of their technical proposals, and (ii) allows for negotiations to achieve favorable project results for the public body and the construction manager; and,

WHEREAS, a construction management contract can be an advantageous way for a public body to build, alter, repair, improve or demolish any structure, building or highway, and drain, dredge, excavate, grade or perform similar work upon real property by allowing the public body to engage a construction manager early in the design process to provide input in the design and constructability of the construction project; and,

WHEREAS, Code of Virginia § 2.2-4382 allows the Board of Supervisors to award contracts for construction on a fixed price or not-to-exceed price construction management basis only upon adoption of a resolution implementing procedures consistent with the procedures for construction management adopted by the Virginia Secretary of Administration; and,

WHEREAS, the Board wishes to adopt procedures for using construction management contracts when competitive sealed bidding is determined by the County Manager not to be practicable or fiscally advantageous.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the attached Procedures for Construction Management Contracts are adopted and implemented, in accordance with Code of Virginia § 2.2-4382.

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

By Agency Head  By County Manager 

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

**Procedures for Construction Management Contracts
County of Henrico, Virginia**

February 28, 2023

In accordance with the provisions of Chapter 43.1 of Title 2.2 of the Code of Virginia (the "Chapter"), a resolution adopted by the Henrico County Board of Supervisors (the "Board"), and procedures adopted by the Secretary of Administration for the Commonwealth of Virginia (the "Secretary" and the "Secretary's Procedures"), the Board implements these Procedures for the procurement of Construction Management ("CM") contracts, as defined in the Chapter, which may be used by all bodies, agencies, and departments for which the County's Purchasing Director performs procurement services (each of which is hereinafter referred to as the "Agency"). These Procedures are effective immediately.

- A. **LEGISLATIVE AUTHORITY:** Under authority of the Chapter, an Agency may contract with a Construction Manager in accordance with these Procedures, consistent with the Secretary's Procedures made effective on January 1, 2020, as amended, and the standards for a two-step competitive negotiation process established by the Virginia Department of General Services, Division of Engineering and Buildings.

- B. **CRITERIA AND APPROVAL FOR USE OF CM CONTRACTS.** The Agency will follow all criteria for the use of CM as set forth in the Chapter and shall be limited to projects with a construction value that is in excess of \$26,000,000. With proper justification for complex projects, the County's Purchasing Director may grant a waiver to this requirement. Prior to initiating the procurement of any CM contract, the County Manager must determine in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the County. The writing must document the basis for the determination and must be included in the Request for Qualifications and maintained in the procurement file.

- C. **CM SELECTION PROCEDURES:** The following procedures will be used in selecting a Construction Manager and awarding a contract:
 1. The Purchasing Director will appoint an Evaluation Committee ("Committee") which will consist of at least three members, including a licensed design professional, if possible. The Committee will include a licensed professional engineer or architect employed by or under contract with the County. The Committee will consult with the Office of the County Attorney as needed throughout the process.

 2. The basis of the award of the contract will be in accordance with the Chapter, and the criteria for approval will be submitted in advance to the County's Purchasing Director. It is noted that cost is a critical component of the selection process. Guidance on methods for award can be found in the Standard Operating Procedures, Purchasing Manual, or such other guidance documents as the County's Purchasing Director may provide.

3. Selection of Qualified Operators (STEP I): On projects approved for CM, the Agency will conduct a prequalification process as follows to determine which offerors are qualified to receive Request for Proposals (RFPs).

- a. The Agency will prepare a Request for Qualifications ("RFQ") containing the Agency's Facility Requirements, building and site criteria, site and survey data (if available), the criteria to be used to evaluate RFQ Responses, and other relevant information, including any unique capabilities or qualifications that will be required of the contractor. All offerors will have a licensed Class "A" contractor registered in the Commonwealth of Virginia as part of the Project Team.
- b. The RFQ will be posted in accordance with the Chapter, and agencies will include in the RFQ if responses may be submitted electronically and/or via paper response.
- c. The Committee will evaluate each offeror's RFQ responses and any other relevant information and determine which offerors are fully qualified and suitable for the project.
- d. The RFQ evaluation will result in a short list of three or more offerors to receive the RFP. If available, the short list will include a minimum of one DSBSD-Certified Small Business that meets the minimum requirements for prequalification. An offeror may be denied prequalification only as specified under Code of Virginia § 2.2-4317, but the short list will also be based upon the RFQ criteria.
- e. The RFQ evaluation process will evaluate an offeror's experience for a period of 10 prior years to determine whether the offeror has constructed, by any method of project delivery, at least three projects similar in program and size.
- f. At least 30 days prior to the date established for the submission of proposals, the Agency will advise in writing each offeror which sought prequalification whether that offeror has been prequalified. Offerors that are not selected for the short list will likewise be provided the reasons for such decision. In the event that an offeror is denied prequalification, the written notification to such offeror will state the reasons for such denial of prequalification and the factual basis of such reasons.

4. Selection of a Construction Manager (STEP II):

- a. The Agency will send an RFP to the CM offerors on the short list for the project and request formal proposals from them. The criteria for award will be included in the RFP. Agencies will include in the RFP if responses may be submitted electronically and/or via paper response.

The Committee will evaluate and rank the proposals based on the criteria contained in the RFP. After evaluating and ranking the proposals, the Committee will conduct negotiations with two or more offerors submitting the highest ranked proposals. However, if the Purchasing Director, after consulting with the Agency, determines in writing and at his or her sole discretion, that only one offeror is fully qualified or that one offeror is clearly more highly qualified than the others under consideration, the Committee may negotiate with that offeror.

- b. The Committee shall make its recommendation on the selection of a Construction Manager to the County's Purchasing Director based on its evaluations and negotiations. The contract will be awarded to the offeror who is fully qualified and has been determined to have provided the best value in response to the Request for Proposal.
- c. The Agency will, after notification from the Committee and/or Purchasing Director, request award of the contract from the appropriate awarding authority and supply supporting documents.
- d. The Agency will notify all offerors who submitted proposals which offeror was selected for the project. In the alternative, the Agency may notify all offerors who submitted proposals of the Agency's intent to award the contract to a particular offeror at any time after selection of the Construction Manager. When the terms and conditions of multiple awards are so provided in the RFP, awards may be made to more than one offeror.
- e. Upon request, documentation of the process used for the final selection will be made available to the unsuccessful proposers.

D. REQUIRED CONSTRUCTION MANAGEMENT CONTRACT TERMS. As required by the Chapter any construction management contract will contain provisions requiring that (1) not more than 10% of the construction work (measured by cost of the work) will be performed by the CM with its own forces and (2) that the remaining 90% of the construction work will be performed by subcontractors of the CM which the CM must procure by publicly advertised, competitive sealed bidding to the maximum extent practicable. The CM shall provide documentation detailing the reasons any work is not procured by publicly advertised, competitive sealed bidding, such documentation shall be placed in the contract file.

E. GUARANTEED MAXIMUM PRICE. The Guaranteed Maximum Price shall be established at the completion of working drawings unless a waiver has been granted to this requirement by the County's Purchasing Director.

F. COVERED ENTITIES. This section is intentionally omitted as inapplicable to local public bodies.

G. LOCAL PUBLIC BODIES. The Chapter requires local public bodies planning to use CM to adopt guidelines consistent with the Secretary's Procedures. The Secretary encourages local public bodies to follow the Secretary's Procedures, edited to substitute appropriate local awarding authorities and nomenclature. The Secretary's Procedures require local public bodies to have the required professional staff and meet the material requirements of the Chapter.

In accordance with these requirements, the Board has determined the County has the required professional staff and meets the material requirements of the Chapter. The Board has promulgated these Procedures to parallel the Secretary's Procedures, edited to substitute appropriate local awarding authorities and nomenclature.

H. GUIDANCE: Guidance for the use of these Procedures can be found in the Standard Operating Procedures, Purchasing Manual, or such other guidance documents as the County's Purchasing Director may provide. These Procedures and all guidance documents are intended and should be construed to be consistent with the Chapter and the Secretary's Procedures, as amended from time to time. These Procedures and the Guidance will be interpreted to incorporate any amendments to the Chapter and the Secretary's Procedures enacted after the adoption of these Procedures, as though the same amendments were made to these Procedures and the Guidance.

**FY 2021-22 HOME – American Rescue Plan Act Funds
Proposed Uses**

Acquisition and Development of Permanent Supportive Housing and/or Affordable Rental Housing	\$2,000,000
Acquisition and Development of Non-Congregate Shelter	\$500,000
Supportive Services through Rental Assistance	\$500,000
Administration and Planning Expenses	\$216,865
Total HOME-ARP Allocation	\$3,216,865



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

Agenda Item No. **88-23**

Page No. 1 of 1

Agenda Title: RESOLUTION — Signatory Authority — Memorandum of Understanding — Maggie Walker Community Land Trust — Varina District

For Clerk's Use Only: Date: <u>3/14/2023</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>Nelson</u> Seconded by (1) <u>Branin</u> (2) _____ (2) _____ REMARKS: APPROVED	<table border="0"> <tr> <td></td> <td>YES</td> <td>NO</td> <td>OTHER</td> </tr> <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> </table>		YES	NO	OTHER	Branin, T.	✓			Nelson, T.	✓			O'Bannon, P.	✓			Schmitt, D.	✓			Thornton, F.	✓		
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WHEREAS, the Maggie Walker Community Land Trust (the "Trust") is a nonprofit organization providing community land trust and related charitable services in the Richmond metropolitan area; and,

WHEREAS, the County and the Trust have a mutual interest in preventing the deterioration of housing stock in the County's aging neighborhoods and creating affordable home ownership opportunities for individuals and families earning no more than 115% of the area median income for the Richmond metropolitan area; and,

WHEREAS, the Trust has submitted a proposal for the construction of 20 single-family detached homes for qualified purchasers under the community land trust model (the "Proposal"); and,

WHEREAS, following final subdivision approval of the lots necessary for the 20 single-family detached homes, and subject to appropriations, the Board of Supervisors of Henrico County, Virginia, will make a \$500,000 grant to the Trust pursuant to Va. Code § 15.2-953 to support the charitable activities described in the Proposal; and,

WHEREAS, the Trust will use the grant to implement the Proposal; and,

WHEREAS, the Trust has agreed to solicit at least \$300,000 in matching donations for the grant; and,

WHEREAS, the parties have agreed to a memorandum of understanding confirming these terms.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the County Manager is authorized to execute, in a form approved by the County Attorney, a memorandum of understanding with the Trust to carry out the activities described in the Proposal.

BE IT FURTHER RESOLVED that the Board extends its thanks to the Trust for its charitable activities in the County.

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

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

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

Copy to: _____

Date: _____

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“MOU”) sets forth the understanding and agreement of the County of Henrico, Virginia (the “County”) and Maggie Walker Community Land Trust (the “Trust”), effective March 15, 2023.

WHEREAS, the Trust is a nonprofit organization providing community land trust and related charitable services in the Richmond metropolitan area; and

WHEREAS, the County is a political subdivision of the Commonwealth of Virginia located in the Richmond metropolitan area; and

WHEREAS, the County and the Trust have a mutual interest in preventing the deterioration of housing stock in the County’s aging neighborhoods and creating affordable home ownership opportunities in the County for individuals and families earning no more than 115% of the Area Median Income for the Richmond metropolitan area; and

WHEREAS, to promote this mutual interest, the Trust submitted to the County a proposal (the "Proposal") for the construction of 20 Community Land Trust homes at property located in the Varina Magisterial District of Henrico County known as Tax Map Parcels 808-693-9954, 809-693-6405, 809-694-5925, 810-692-7149, 810-693-7671, 811-692-5136, 812-690-1989, 812-690-9875, 812-692-5910, 812-693-8322, and 814-692-1020 (the "Property"); and

WHEREAS, pursuant to Section 15.2-953 of the Code of Virginia, the County is willing to donate \$500,000 as a charitable contribution to the Trust so that the Trust may carry out the charitable activities described in the Proposal.

NOW, THEREFORE, the County and the Trust agree as follows: (1) the Trust will carry out the activities described in the Proposal, which is attached to and incorporated into this MOU, to acquire 20 lots for the construction of at least 20 single-family detached homes at the Property (the "Homes"); (2) subject to appropriation by the Board of Supervisors, the County will donate \$500,000 to the Trust within 45 days of the date the Trust submits an invoice to the County but no sooner than the date the County provides final approval of the subdivision for said lots, to support the Trust's development of the Homes as affordable Community Land Trust homes; and (3) the Trust will use (a) the funds donated by the County and at least \$300,000 solicited from other donors to make the Homes affordable in perpetuity for individuals and families earning no more than 115% of the Area Median Income for the Richmond metropolitan area.

IN WITNESS THEREOF, the County and the Trust have affixed the signatures of their representatives below.

COUNTY OF HENRICO

MAGGIE WALKER COMMUNITY LAND TRUST

John A. Vithoukas
County Manager

Erica Sims
CEO

Date: 3 / /2023

Date: 3 / /2023

Approved as to form: _____



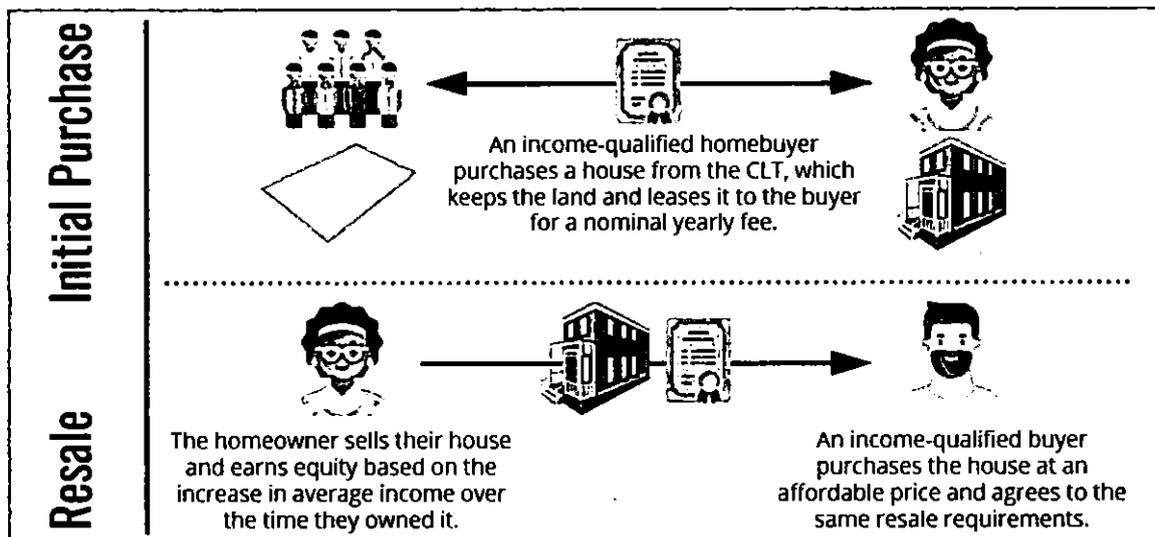
Maggie Walker
Community Land Trust

Proposal from the Maggie Walker Community Land Trust to Henrico County Acquisition of 20 Lots in Varina's Arcadia Development

February 3, 2023

The Community Land Trust Model

Using the community land trust (CLT) model, MWCLT builds new homes or rehabilitates existing homes on its land and then sells them to qualified home buyers, resulting in a contract between the CLT and the homeowner. This agreement protects the homeowner's security, privacy, legacy and equity, while also protecting the CLT's interest in preserving the appropriate use of the land. The MWCLT's 99-year ground lease ensures perpetual affordability for the home by retaining an option for the CLT to repurchase any structure on its land if the owners choose to sell, or in the unlikely event of a foreclosure.



In addition, a resale formula that is part of the lease agreement gives homeowners a fair return on their investment, and the home continues to be affordable for future owners.

The MWCLT is Virginia's second and largest land trust, serving the Richmond region with an initial focus on neighborhoods experiencing rapid price increases (gentrification) and neighborhoods in need of stabilization. The MWCLT is currently operating in the City of Richmond, Henrico and Chesterfield County, where it focuses on residents earning between 40-100% of Area Median Income who have trouble finding affordable homes to

purchase, because high construction and land development costs make it difficult to produce housing in their price range.

MWCLT will:

- a. Acquire and develop 20 lots at Arcadia Development into 20 single family homes.
- b. Sell all 20 homes as affordable CLT homes.
- c. Market the homes to Qualified Purchasers;
- d. Identify Qualified Purchasers and verifying their qualifications;
- e. Educate Qualified Purchasers about the MWCLT and the terms of any leases, resale restrictions, laws, and contracts relating to County-Assisted Properties;
- f. Require Qualified Purchasers to participate in an approved homebuyer education course.
- g. Maintain the affordability of County-Assisted Properties for subsequent Qualified Purchasers;
- h. Monitor homeowner compliance with the applicable laws, leases, and contractual obligations related to County-Assisted Properties;
- i. Prevent foreclosures, to the extent possible, on County-Assisted Properties; and
- j. Provide annual reports regarding the use of County-Assisted Properties and the charitable donation.
- k. Provide to Henrico County, quarterly status reports prior to commencing construction. Once construction has started MWCLT shall provide monthly status reports until the 20th house has been sold to a Qualified Purchaser.

For the purposes of this proposal, the terms qualified purchaser and County-assisted property shall have the following meaning:

Qualified Purchaser – the purchaser of an interest in County-Assisted Property who:

- Is 18 years of age or older;
- Is a legal resident of the United States;
- Has annual household income not exceeding 115% of the area median income, adjusted for family size, of the Richmond Metropolitan Area;
- Has monthly household income sufficient to support the housing costs for the County-Assisted Property;
- Can demonstrate a history of responsible efforts to meet his or her financial obligations;
- Will occupy the County-Assisted Property structure as his or her principal residence.

County-Assisted Property – 20 CLT homes located in the real property in the County acquired or developed by MWCLT using funds donated by the County or matching funds, and (2) held by the MWCLT or restricted by the MWCLT for use solely as affordable housing by Qualified Purchasers.

Henrico County Proposed Activities – Arcadia Development in Varina - Tax Map 808-693-9954, 809-693-6405, 809-694-5925, 810-692-7149, 810-693-7671, 811-692-5136, 812-690-1989, 812-690-9875, 812-692-5910, 812-693-8322, and 814-692-1020

The site has received County approval to develop the 295-unit subdivision with the condition that 20 of these lots would be built single-family homes for low- and moderate-income homeowners with MWCLT. MWCLT intends to purchase the property in spring 2023 and to develop the site with Eagle Construction of VA. Eagle Construction of VA will also serve as the general contractor that will build the homes.

To market the CLT homes, MWCLT's Director of Homeownership will conduct community meetings to introduce the land trust concept to residents and identify potential CLT home buyers. Participants who are interested in pursuing CLT home ownership then attend home buyer information sessions, where they learn about the CLT concept and process in greater depth and are qualified by the MWCLT community engagement specialist to go on to home ownership classes. The MWCLT also markets to potential home buyers by:

- Establishing relationships with neighborhood civic groups and local nonprofits;
- Informing participants attending general homebuyer education classes through Housing Opportunities Made Equal, which is the provider of the MWCLT's specialized home buyer courses;
- Participating in local festivals and community events;
- Providing information to area employers and other anchor institutions associated with CLT neighborhoods, including local schools, churches, and other community groups in the area; and
- Placing targeted advertisements in local media and Facebook.

Requested Funding

MWCLT requests that the County appropriate \$500,000 as a charitable donation to the MWCLT. MWCLT will use the donation to acquire the 20 lots from Arcadia Development. On a per unit basis, Henrico's donation will cover \$25,000 of the estimated \$76,000 per unit subsidy.

Matching Donations

MWCLT has or will solicit pledges of additional charitable donations from other non-County donors for the purpose of providing \$300,000 in order to acquire the 20 lots.

Schedule of Activities

MWCLT plans to acquire the property by spring 2023 and complete construction on the property in early 2026 so that the homes can be occupied by December 2026. Please see the anticipated Development schedule below:

Property Acquisition – Spring 2023
Construction start date – Summer 2024
Construction Completion – February 2026

Staffing and Capacity

The MWCLT is managed by HDAdvisors, a Richmond-based consulting group led by Erica Sims. Erica Sims will act as the primary consultant during the grant period. She has a 20-year history in affordable housing in Virginia and nationally. HDAdvisors has significant experience managing community land trusts, including the management of the Thomas Jefferson Community Land Trust in Charlottesville for ten years, and the formation of Virginia Statewide Community Land Trust in 2020. MWCLT has 9 staff members, including Mrs. Sims dedicated to the non-profit's work.

In order to document the CLT's activities, progress, and program effectiveness, it is setting up a specialized system to collect data and manage day to day operations, using industry-recommended tools that are based on best practices. The MWCLT will track information on each property, including its basic characteristics, location and stages of development. It will also keep an event log to monitor issues related to the properties and will track property resale activities.

The MWCLT anticipates the following potential barrier for this project, and will employ the following strategy to overcome it, should it arise:

Potential Barriers	Strategies to Overcome Them
Costs for construction are higher based on increased costs in the market over time.	The MWCLT will include contingency buffers in its budget.



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

Agenda Item No. 89-23

Page No. 1 of 1

Agenda Title: RESOLUTION — Signatory Authority — License Agreements — Henrico Sports & Events Center — Fairfield District

<p>For Clerk's Use Only:</p> <p>Date: <u>3/14/2023</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>Nelson</u></p> <p>(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"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Nelson, T.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>O'Bannon, P.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Schmitt, D.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Thornton, F.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td 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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WHEREAS, the County owns the facility under construction known as the Henrico Sports & Events Center located at 11000 Telegraph Road in the Fairfield District (the "Center"); and,

WHEREAS, the Board of Supervisors desires to delegate management of the Center to the Sports and Entertainment Authority of Henrico County, Virginia ("SEA"); and,

WHEREAS, prospective users desire to reserve space at the Center for sports and entertainment events; and,

WHEREAS, SEA and the County desire to permit prospective users to reserve space at the Center for sports and entertainment events subject to such suitable regulations, terms, and conditions of use, including fees, established by SEA; and,

WHEREAS, SEA will manage reservations such that proposed sports and entertainment events will not interfere with the County's present or future use of its property.

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

1. The Sports and Entertainment Authority of Henrico County, Virginia, is authorized to manage the Center and establish suitable regulations, terms, and conditions for its reservation and use; and
2. The County Manager or his designee is authorized, with the Executive Director of the Sports and Entertainment Authority, to execute license agreements and amendments thereto, all in a form approved by the County Attorney, granting prospective users permission to enter, occupy, and use the Center for sports and entertainment events.

Comment: The Executive Director of the Sports and Entertainment Authority of Henrico County, Virginia, recommends approval of the Board paper; the County Manager concurs.

By Agency Head  By County Manager 

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

Copy to: _____

Date: _____



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

Agenda Item No. 92-23

Page No. 1 of 1

Agenda Title: RESOLUTION – Award of Contracts – Annual Traffic and Roadway Engineering Services

For Clerk's Use Only: Date: <u>3/14/2023</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>Schmid</u> Seconded by (1) <u>Nelson</u> (2) _____ (2) _____ REMARKS: APPROVED	<table border="0"> <tr> <td></td> <td>YES</td> <td>NO</td> <td>OTHER</td> </tr> <tr> <td>Branin, T.</td> <td align="center">✓</td> <td align="center">—</td> <td align="center">—</td> </tr> <tr> <td>Nelson, T.</td> <td align="center">✓</td> <td align="center">—</td> <td align="center">—</td> </tr> <tr> <td>O'Bannon, P.</td> <td align="center">✓</td> <td align="center">—</td> <td align="center">—</td> </tr> <tr> <td>Schmitt, D.</td> <td align="center">✓</td> <td align="center">—</td> <td align="center">—</td> </tr> <tr> <td>Thornton, F.</td> <td align="center">✓</td> <td align="center">—</td> <td align="center">—</td> </tr> </table>		YES	NO	OTHER	Branin, T.	✓	—	—	Nelson, T.	✓	—	—	O'Bannon, P.	✓	—	—	Schmitt, D.	✓	—	—	Thornton, F.	✓	—	—
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Schmitt, D.	✓	—	—																							
Thornton, F.	✓	—	—																							

WHEREAS, the County received eight proposals on September 29, 2022, in response to RFP# 22-2414-8JOK for annual traffic and roadway engineering services; and,

WHEREAS, contracts will be for design and engineering services for various infrastructure projects across the County, including roadway, bicycle, and pedestrian improvements; and,

WHEREAS, based upon the review of the written proposals, the Selection Committee interviewed the following firms:

- A. Morton Thomas and Associates, Inc.
- Clark Nexsen, Inc.
- Kimley-Horn and Associates, Inc.
- Rummel, Klepper & Kahl, LLP
- Timmons Group
- Whitman, Requardt & Associates, LLP

WHEREAS, the Selection Committee selected A. Morton Thomas and Associates, Inc.; Clark Nexsen, Inc.; Kimley-Horn and Associates, Inc.; Rummel, Klepper & Kahl, LLP; Timmons Group; and Whitman, Requardt & Associates, LLP as the top-ranked firms and negotiated a unit cost rate schedule with each firm.

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

1. Contracts to provide annual traffic and roadway engineering services are awarded to A. Morton Thomas and Associates, Inc.; Clark Nexsen, Inc.; Kimley-Horn and Associates, Inc.; Rummel, Klepper & Kahl, LLP; Timmons Group; and Whitman, Requardt & Associates, LLP for the period of one year, with the option to renew the contracts for three additional one-year terms in accordance with RFP# 22-2414-8JOK, the respective proposals submitted by each firm, and the respective negotiated unit cost rate schedules.
2. For each contract, fees may not exceed \$2,500,000 for any single project and \$10,000,000 per one-year term.
3. The County Manager is authorized to execute the contracts in a form approved by the County Attorney.

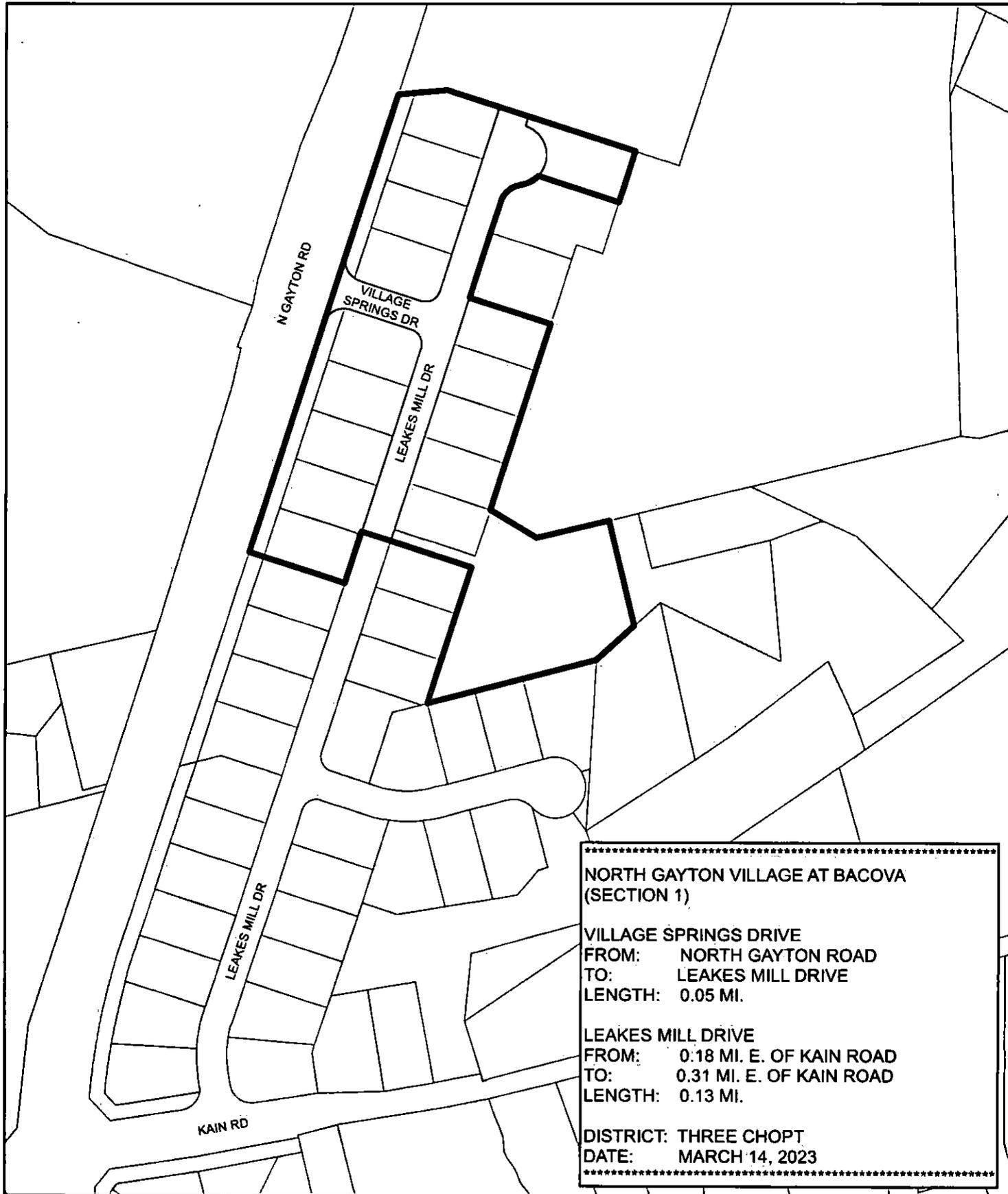
COMMENTS: The Director of Public Works and the Purchasing Director recommend approval of this Board paper, and the County Manager concurs.

By Agency Head By County Manager

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



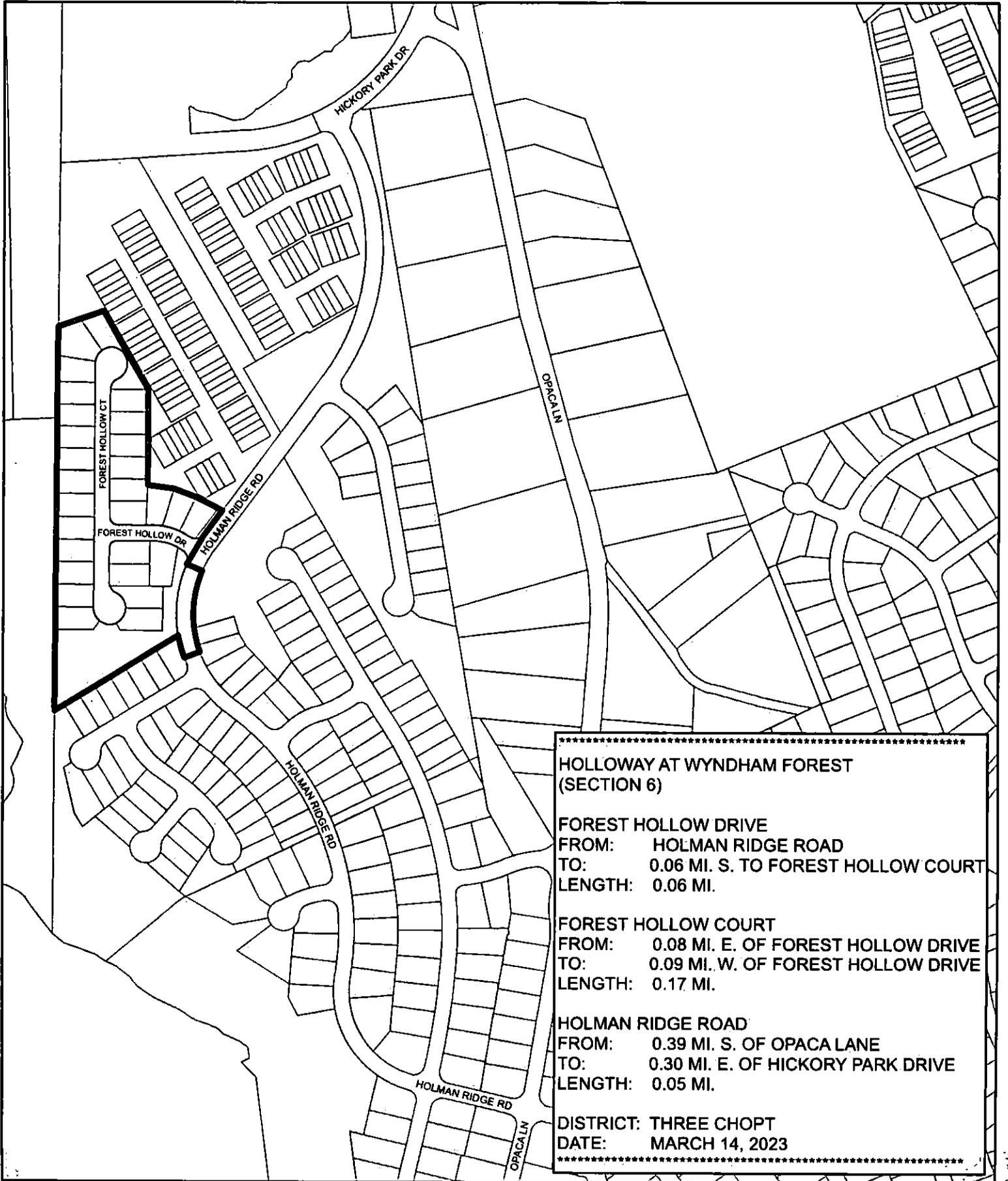
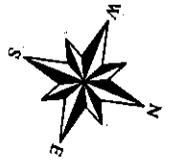
NORTH GAYTON VILLAGE AT BACOVA (SECTION 1)



**NORTH GAYTON VILLAGE AT BACOVA
(SECTION 1)**
VILLAGE SPRINGS DRIVE
FROM: NORTH GAYTON ROAD
TO: LEAKES MILL DRIVE
LENGTH: 0.05 MI.
LEAKES MILL DRIVE
FROM: 0.18 MI. E. OF KAIN ROAD
TO: 0.31 MI. E. OF KAIN ROAD
LENGTH: 0.13 MI.
DISTRICT: THREE CHOPT
DATE: MARCH 14, 2023



HOLLOWAY AT WYNDHAM FOREST (SECTION 6)



**HOLLOWAY AT WYNDHAM FOREST
 (SECTION 6)**

FOREST HOLLOW DRIVE
FROM: HOLMAN RIDGE ROAD
TO: 0.06 MI. S. TO FOREST HOLLOW COURT
LENGTH: 0.06 MI.

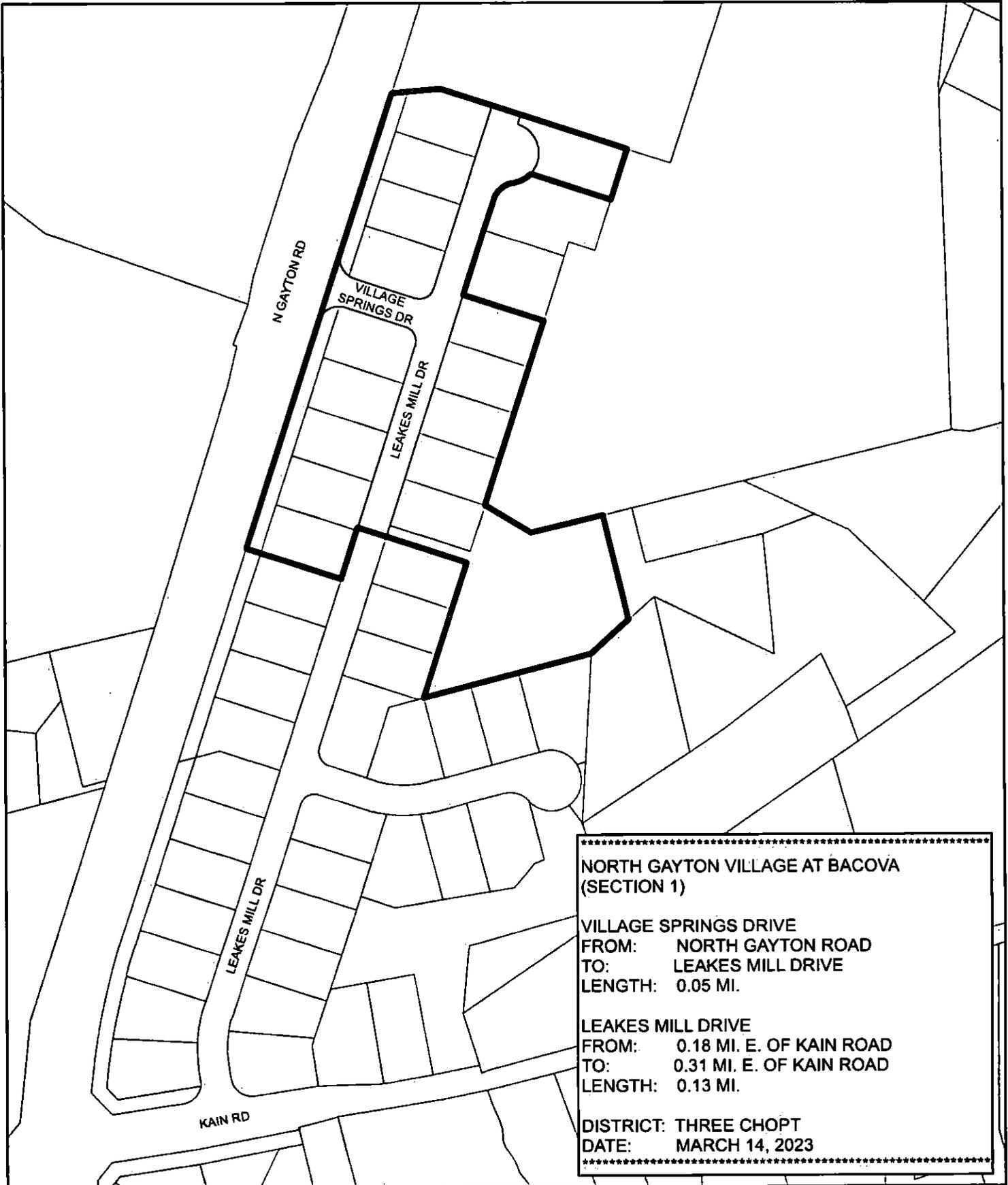
FOREST HOLLOW COURT
FROM: 0.08 MI. E. OF FOREST HOLLOW DRIVE
TO: 0.09 MI. W. OF FOREST HOLLOW DRIVE
LENGTH: 0.17 MI.

HOLMAN RIDGE ROAD
FROM: 0.39 MI. S. OF OPACA LANE
TO: 0.30 MI. E. OF HICKORY PARK DRIVE
LENGTH: 0.05 MI.

DISTRICT: THREE CHOPT
DATE: MARCH 14, 2023



NORTH GAYTON VILLAGE AT BACOVA (SECTION 1)



NORTH GAYTON VILLAGE AT BACOVA
(SECTION 1)
VILLAGE SPRINGS DRIVE
FROM: NORTH GAYTON ROAD
TO: LEAKES MILL DRIVE
LENGTH: 0.05 MI.
LEAKES MILL DRIVE
FROM: 0.18 MI. E. OF KAIN ROAD
TO: 0.31 MI. E. OF KAIN ROAD
LENGTH: 0.13 MI.
DISTRICT: THREE CHOPT
DATE: MARCH 14, 2023
