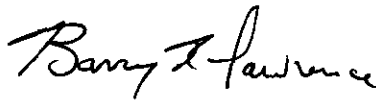


**HENRICO COUNTY
NOTICE OF SPECIAL MEETING
BOARD OF SUPERVISORS**

Please take notice that a special meeting of the Board of Supervisors will be held on **Tuesday, January 26, 2010 at 4:30 p.m.** in the County Manager's Conference Room located on the third floor of the Administration Building at the Henrico County Government Center, Parham and Hungary Spring Roads, Henrico, Virginia.

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

- | | |
|------------------|---|
| 4:30 – 5:00 p.m. | Virginia Commonwealth University Update |
| 5:00 – 5:45 p.m. | 2011 Commemoration Advisory Commission Update |
| 5:45 – 6:00 p.m. | Potential Condemnation of Real Property for Right-of-Way and Easements – North Gayton Road Improvements Project |
| 6:00 – 6:45 p.m. | <i>Dinner</i> |



Barry R. Lawrence, CMC
Clerk, Henrico County Board of Supervisors
January 21, 2010

COUNTY OF HENRICO, VIRGINIA
Board of Supervisors' Agenda
January 26, 2010
7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION –

APPROVAL OF MINUTES – January 12, 2010 Regular and Special Meetings

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

PUBLIC HEARINGS - REZONING CASE AND PROVISIONAL USE PERMIT

24-10 George M. Urban: Request to rezone from B-2C Business District
C-34-09 (Conditional) to A-1 Agricultural District, Parcel 746-770-9777, containing
Three Chopt approximately 5.52 acres, located between the south line of Hickory Park
Drive and the north line of New Wade Lane approximately 725 feet
southwest of Nuckols Road. The A-1 District allows a maximum gross
density of 1.0 unit per acre. The use will be controlled by zoning ordinance
regulations. The Land Use Plan recommends Office. The Planning
Commission voted to recommend the Board of Supervisors grant the
request.

25-10 The Innsbrook Foundation: Request for a Provisional Use Permit under
P-13-09 Sections 24-62.2(f), 24-120 and 24-122.1 of Chapter 24 of the County Code
Three Chopt in order to renew an existing provisional use permit to continue to operate a
temporary outdoor entertainment pavilion (Snag-A-Job Pavilion), on part of
Parcel 750-768-4593, located approximately 750' northeast of the
intersection of Nuckols Road and Interstate 295. The existing zoning is M-1C
Light Industrial District (Conditional). The Land Use Plan recommends
Office. The Planning Commission voted to recommend the Board of
Supervisors grant the request.

PUBLIC HEARINGS - OTHER ITEMS

26-10 Ordinance – To Amend and Reordain Sections 10-71 Titled “Complaints”
and 10-73 Titled “Prohibited noises enumerated” of the Code of the County
of Henrico, to Repeal and Reserve Section 10-72 Titled “Prohibited noise
generally,” and to Add Section 10-74 Titled “Exemptions,” All Relating to
the Regulation of Noise.

27-10 Ordinance – Vacation of Portion of Unimproved Brilland Court – Brilland -
Fairfield District.

- 28-10 Ordinance – Vacation of Unimproved Portion of Alley – Larchmont - Varina District.
- 29-10 Resolution – Signatory Authority – Easement Agreement for Virginia Electric and Power Company – Brookland District.
- 30-10 Resolution – Signatory Authority – First Amendment to Lease of County Property – 3017 Irisdale Avenue - Brookland District.
- 31-10 Resolution – Condemnation - Right-of-Way and Easements - North Gayton Road Improvements Project - Darrell H. Bowman and Marsha S. Morgan - Three Chopt District.
- 32-10 Resolution - Signatory Authority - Quitclaim of Portions of Drainage and Utility Easement – Gayton Terrace - Tuckahoe District.

PUBLIC COMMENTS

GENERAL AGENDA

- 33-10 Resolution - Authorization to Apply to Amend the Boundaries of the City of Richmond North Enterprise Zone within Henrico County to Add and Delete Properties and Various Rights-of-Way and to Amend the Paving Grant Incentive.
- 34-10 Resolution – Authorization to Accept Grant Funding in the Amount of \$2,870 through the Virginia Department of Fire Programs Training Mini-Grant Program.
- 35-10 Resolution – Authorization to Accept \$700 in Grant Funding from the Radiological Preparedness and Response Program Administered through the Virginia Department of Emergency Management.
- 36-10 Concurrent Resolution – Approval of Name Change: Henrico Area Mental Health & Retardation Services Board to Henrico Area Mental Health & Developmental Services Board.
- 37-10 Resolution – Approval of Name Change of the Department Providing Mental Health, Mental Retardation and Substance Abuse Services to Henrico Area Mental Health & Developmental Services.
- 38-10 Resolution - Signatory Authority - Acquisition of Real Property – Bacova Drive – Three Chopt District.
- 39-10 Resolution – Signatory Authority – Encroachment Letter Agreement – Virginia Electric and Power Company - Varina District.

- 40-10 Resolution - Award of Construction Contract - Henrico County Water Reclamation Facility Primary Settling Basin Nos. 1 - 6 Rehabilitation - Shaw Construction Corporation.
- 41-10 Resolution - Award of Construction Contract - Route 5 Interceptor Sewer Rehabilitation.
- 42-10 Resolution - Acceptance of Roads.
- 43-10 Resolution – Settlement of *HCA Health Services of Virginia, Inc. v. County of Henrico, Virginia*.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS' RESUME
January 26, 2010**

INVOCATION –

PUBLIC HEARINGS - REZONING CASE AND PROVISIONAL USE PERMIT

C-34-09
Three Chopt

George M. Urban: Request to rezone from B-2C Business District (Conditional) to A-1 Agricultural District, Parcel 746-770-9777, containing approximately 5.52 acres, located between the south line of Hickory Park Drive and the north line of New Wade Lane approximately 725 feet southwest of Nuckols Road. The A-1 District allows a maximum gross density of 1.0 unit per acre. The use will be controlled by zoning ordinance regulations. The Land Use Plan recommends Office. Acting on a motion by Mr. Jernigan seconded by Mr. Vanarsdall, the Planning Commission voted 4-0 (two absent) to recommend the Board of Supervisors **grant** the request because it would not be expected to adversely affect the pattern of zoning and land use in the area.

P-13-09
Three Chopt

The Innsbrook Foundation: Request for a Provisional Use Permit under Sections 24-62.2(f), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to renew an existing provisional use permit to continue to operate a temporary outdoor entertainment pavilion (Snag-A-Job Pavilion), on part of Parcel 750-768-4593, located approximately 750' northeast of the intersection of Nuckols Road and Interstate 295. The existing zoning is M-1C Light Industrial District (Conditional). The Land Use Plan recommends Office. Acting on a motion by Mr. Jernigan seconded by Mr. Vanarsdall, the Planning Commission voted 4-0 (two absent) to recommend the Board of Supervisors **grant** the request because it is reasonable, and when properly developed and regulated by the recommended special conditions, it would not be detrimental to the public health, safety, welfare, and values in the area.

PUBLIC HEARING – OTHER ITEMS

ORDINANCE – To Amend and Reordain Sections 10-71 Titled “Complaints” and 10-73 Titled “Prohibited noises enumerated” of the Code of the County of Henrico, to Repeal and Reserve Section 10-72 Titled “Prohibited noise generally,” and to Add Section 10-74 Titled “Exemptions,” All Relating to the Regulation of Noise.

This Board paper proposes an ordinance to amend Henrico Code sections 10-71 and 10-73, to repeal section 10-72 and to add section 10-74 all relating to the regulation of noise.

These Code changes result from a decision of the Virginia Supreme Court in *Tanner v. Virginia Beach* in April 2009 and from a desire to modernize the County's noise ordinance.

The proposed ordinance was discussed during work sessions on November 10 & 24, 2009, and introduced on December 8, 2009.

ORDINANCE – Vacation of Portion of Unimproved Brilland Court – Brilland - Fairfield District.

Approval of this Ordinance will vacate an unimproved portion of Brilland Court, abutting Lot 24, Block C, of Brilland Subdivision. The owner of this lot, Mr. Anthony M. Wright, has an agreement with Robert P. Bain, LLC, developer of proposed Brilland West Subdivision, that a part of the vacated right-of-way will be conveyed to Robert P. Bain, LLC, to fulfill conditional approval requirements for the Brilland West Subdivision whereby right-of-way dedication with Brilland West Subdivision will serve to connect Greenstone Place with Brilland Court. If this ordinance is approved, a permanent utility easement for existing County facilities will be reserved on, under, over and across that portion of the vacated area designated and shown as "PARCEL C" on Exhibit "A." The Real Property Department has processed this requested vacation through the Departments of Planning, Public Works and Public Utilities without objection.

ORDINANCE – Vacation of Unimproved Portion of Alley – Larchmont - Varina District.

Approval of this Ordinance will vacate the unimproved portion of an alley lying between a portion of Lot 37 through Lot 50, owned by Brenda P. Moore, and Lot 9 through a portion of Lot 19, owned by Frank D. and Cheryl L. Clayton, in Block 15 of Larchmont subdivision. There are no County facilities in the alley and none are planned. The area is overgrown with bushes and trees preventing the alley from providing access to lots in Block 15. The Real Property Department has processed this requested vacation through the Departments of Planning, Public Works and Public Utilities without objection.

RESOLUTION – Signatory Authority – Easement Agreement for Virginia Electric and Power Company – Brookland District.

Approval of this resolution will authorize the Chairman and Clerk of the Board of Supervisors to execute an easement agreement, in a form approved by the County Attorney, conveying to Virginia Electric and Power Company ("VEPCO"), the right to construct and maintain an underground electric line across County land near the intersection of Hungary Spring Road with Shrader Road. The land is a former well lot acquired from Sydnor Hydrodynamics in 2007. The easement will allow VEPCO to provide a second source of electric power to the area to increase reliability of its services. The easement will not interfere with any potential use of the County's land. Public Utilities and Real Property recommend approval of this action.

RESOLUTION – Signatory Authority – First Amendment to Lease of County Property – 3017 Irisdale Avenue - Brookland District.

The purpose of this Board Paper is to authorize the County Manager to execute a First Amendment to Lease (the “Amendment”), in a form approved by the County Attorney, for the purpose of amending a lease dated January 29, 2009, that renews for one year commencing February 1, 2010. The lease is for a County-owned home located at 3017 Irisdale Avenue and is between the County and its tenant, a qualified applicant of the Section 8 Housing Choice Voucher Program (“Voucher Program”) of the U.S. Department of Housing and Urban Development (“HUD”). The County has recently implemented a new one-year lease form for use with County-owned residences it leases under the Voucher Program of HUD. The County and its tenant have agreed to the Amendment that will substitute and replace the existing lease with a new one-year lease containing the new HUD lease terms (the “2010 Lease”). The 2010 Lease will have an initial one-year term to commence on February 1, 2010, with a rental payable to the County at the rate of \$1,250.00 per month. If neither party gives at least 60 days written notice prior to the end of a term, the 2010 Lease shall renew for an additional year under the terms and conditions as permitted under the 2010 Lease. The County Manager is further authorized to execute the necessary lease-related forms required by HUD. The Directors of MH/MR and Real Property recommend approval of this resolution.

RESOLUTION – Condemnation - Right-of-Way and Easements - North Gayton Road Improvements Project - Darrell H. Bowman and Marsha S. Morgan - Three Chopt District.

This Board paper authorizes condemnation proceedings for property owned by Darrell H. Bowman and Marsha S. Morgan that is needed for the construction of the North Gayton Road Improvements Project.

The County needs to acquire 39,601 sq. ft. of right-of-way and 34,368 sq. ft. of permanent slope and drainage easement across the property at 12520 Bacova Drive identified as Tax Map Parcel 735-766-2261, and 470 sq. ft. of right-of-way and 1,334 sq. ft. of permanent slope and drainage easement across the property at 12416 Bacova Drive identified as Tax Map Parcel 735-766-0319. The County has made a bona fide offer of \$291,524 that has been rejected by the owners.

The Board paper directs the County Manager to take the necessary steps to acquire the necessary right-of-way and easements with the right to enter the property upon the deposit of \$291,524 in the Clerk’s Office of the Henrico County Circuit Court.

The Directors of Public Works and Real Property recommend approval of this action.

RESOLUTION - Signatory Authority - Quitclaim of Portions of Drainage and Utility Easement – Gayton Terrace - Tuckahoe District.

Approval of this resolution will authorize the Chairman and Clerk of the Board of Supervisors to execute a Quitclaim Deed, in a form approved by the County Attorney, releasing the County’s interest in portions of a drainage and utility easement acquired in 1986 at the present site of Gayton Terrace. The County facilities in the existing easement were relocated to allow

for construction of a building and parking lot. The owner of the land, CSH-ING Gayton Terrace, LP, a Delaware limited partnership, previously conveyed to the County, at no cost, a replacement easement for the relocated facilities. The owner has now requested the original portion of the easement be quitclaimed. The Real Property Department has processed this request through the Departments of Public Works, Public Utilities and Planning without objection. The Directors of Public Works, Public Utilities and Real Property recommend approval of this action.

PUBLIC COMMENTS

GENERAL AGENDA

RESOLUTION - Authorization to Apply to Amend the Boundaries of the City of Richmond North Enterprise Zone within Henrico County to Add and Delete Properties and Various Rights-of-Way and to Amend the Paving Grant Incentive.

This resolution authorizes the County Manger to submit an application to the Virginia Department of Housing and Community Development to amend the City of Richmond North Enterprise Zone boundaries within the County to add areas generally along Quioccasin Road, North Parham Road, Starling Drive, Villa Park Drive, South Laburnum Avenue, Eastport Boulevard, and Byron Street, and to delete residential properties along Hilliard Road and various rights-of-way. The proposed amendment would also permit the County to revise the existing Paving Grant Incentive to allow for the sealing and striping of existing parking areas.

The City of Richmond is expected to adopt a resolution on February 22, 2010, in support of the application, as required by Virginia Enterprise Zone Program requirements.

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

RESOLUTION - Authorization to Accept Grant Funding in the Amount of \$2,870 through the Virginia Department of Fire Programs Training Mini-Grant Program.

This Board paper authorizes the County Manager, on behalf of the County of Henrico Division of Fire, to accept grant funding totaling \$2,870.00 through the Virginia Department of Fire Programs Training Mini-Grant program. The grant, which does not require a local match, will be used for the purchase of one fire service grade artificial smoke generator for the purpose of enhancing the Division's Fire Training Section's ability to offer realistic and cost effective low visibility fire service training.

RESOLUTION – Authorization to Accept \$700 in Grant Funding from the Radiological Preparedness and Response Program Administered through the Virginia Department of Emergency Management.

This Board paper authorizes the County Manager to accept \$700 in grant funding from the Radiological Preparedness and Response Program administered through the Virginia Department of Emergency Management. The grant, which requires no local match, will be used by the Division of Fire to purchase amateur radio equipment for placement in key fire station locations to augment and support existing communications capability in the County during emergencies.

CONCURRENT RESOLUTION – Approval of Name Change: Henrico Area Mental Health & Retardation Services Board to Henrico Area Mental Health & Developmental Services Board.

Over the last few years, there has been a nationwide effort to address concerns raised by consumers and family members about the negative connotation and stigmatizing nature of the term “mental retardation.” The national group, the American Association on Mental Retardation, changed its name to the American Association of Intellectual and Developmental Disabilities. The Associations of Retarded Citizens around the country became simply the “ARC” and, as of July 1, 2009, the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services became the Virginia Department of Behavioral Health and Developmental Services.

The Henrico Area Mental Health & Retardation Services Board has been working to recommend a new name which will eliminate the word “retardation.” After consulting various stakeholders, the Henrico Area Mental Health & Retardation Services Board voted at its September 17, 2009 meeting to recommend to the Boards of Supervisors in Henrico, New Kent and Charles City that the name of the Services Board be changed to Henrico Area Mental Health & Developmental Services Board. The same Concurrent Resolution changing the name will be presented to each of the three Boards.

The Executive Director of Henrico Area Mental Health & Retardation Services recommends that the name change become effective March 1, 2010.

The Henrico County Attorney has indicated that the recommendation is compatible with the applicable sections of the Code of Virginia.

RESOLUTION – Approval of Name Change of the Department Providing Mental Health, Mental Retardation and Substance Abuse Services to Henrico Area Mental Health & Developmental Services.

The Boards of Supervisors of New Kent and Charles City Counties recently approved a concurrent resolution to change the name of Henrico Area Mental Health & Retardation Services Board to Henrico Area Mental Health & Developmental Services Board effective March 1, 2010. The concurrent resolution will be considered by the Henrico County Board of

Supervisors at its January 26 meeting. The Services Board has also recommended to the Board of Supervisors that the name of the County department providing mental health, mental retardation and substance abuse services be changed to Henrico Area Mental Health & Developmental Services. This Resolution establishes Henrico Area Mental Health & Developmental Services as the name of the County department providing mental health, mental retardation and substance abuse services.

RESOLUTION - Signatory Authority - Acquisition of Real Property - Bacova Drive - Three Chopt District.

Approval of this resolution will authorize the County Manager to execute an agreement, in a form approved by the County Attorney, between Boyd C. Jones and the County of Henrico, Virginia for the acquisition of the real property containing 6.8 acres, more or less, located at 12540 Bacova Drive for the North Gayton Road Improvements Project lying in the County's Three Chopt District. The Directors of Public Works and Real Property recommend approval of this action.

RESOLUTION - Signatory Authority - Encroachment Letter Agreement - Virginia Electric and Power Company - Varina District.

Approval of this resolution will authorize the County Manager to execute, in a form approved by the County Attorney, an encroachment letter agreement with Virginia Electric and Power Company ("VEPCO") allowing the County to maintain a sewer line in a VEPCO transmission line easement. A portion of the sewer line easement to be dedicated to the County by the Four Mile Run, Section I, subdivision plat, crosses the transmission line easement. The developer, Fon-Saw, LLC, has previously executed an encroachment letter agreement with VEPCO; however, the agreement is not assignable and a separate agreement is needed for the County to maintain the sewer line once it is accepted into the County's sewer system. The Directors of Public Utilities and Real Property recommend approval of this paper, and the County Manager Concurs.

RESOLUTION - Award of Construction Contract - Henrico County Water Reclamation Facility Primary Settling Basin Nos. 1 - 6 Rehabilitation - Shaw Construction Corporation.

This resolution would award a contract in the amount of \$428,500 to Shaw Construction Corporation for the Water Reclamation Facility Primary Settling Basin Nos. 1 - 6 Rehabilitation Project located in the Varina District.

The project includes rehabilitation of six primary clarifiers by replacing the flow regulating weirs as well as repairing and re-coating the concrete wall sections of the effluent channel. The project also includes installation of an access ladder and roof top fall protection system at the Solids Handling Building.

The purpose of the project is to extend the service life of the existing primary settling basins and to provide necessary safety facilities on the Solids Handling Building. The work will

begin in April 2010 and be completed by April 2011. Funding to support the contract is available within the Water and Sewer Revenue Fund.

Bids were opened on November 13, 2009. The bidders and bid amounts are as follows:

<u>BIDDERS</u>	<u>TOTAL BID AMOUNT</u>
Shaw Construction Corporation Williamsburg, VA	\$ 428,580.00
T A Loving Company Goldsboro, NC	\$ 460,000.00
Qualicon Corp. Virginia Beach, VA	\$ 568,251.00
MEB General Contractors Chesapeake, VA	\$ 608,500.00
Southwood Builders, Inc. Ashland, VA	\$ 632,265.00
Superior Industrial Maintenance Company, Inc. Concord, NC	\$ 722,479.50
Spensieri Painting, LLC Haines City, FL	\$ 870,700.00
Jireh Construction Company Richmond, VA	\$1,223,848.00

The Directors of Public Utilities and General Services recommend the Board award the contract to Shaw Construction Corporation, the lowest responsive and responsible bidder, and authorize the County Manager, or the Director of General Services as his designee, to execute change orders not to exceed 15% of the original contract amount, and the County Manager concurs.

RESOLUTION - Award of Construction Contract - Route 5 Interceptor Sewer Rehabilitation.

This resolution would award a contract to Tri-State Utilities Company to rehabilitate approximately 9,800 linear feet of 15 to 27 inch diameter sewer main using the cured-in-place lining method. The sewer main to be rehabilitated is located along Route 5 (New Market Road) between the I-295 exchange and Mill Road in the Varina District.

The purpose of the project is to repair the existing sewer main by lining the interior of the pipe with a cured-in-place plastic liner. The work will begin in March 2010 and will be completed by August 2010. Funding to support the contract is available within the Water and Sewer Enterprise Fund.

Bids were opened on December 16, 2009. The bidders and bid amounts are as follows:

Bidders	<u>Bid Amounts</u>
Tri-State Utilities Company Chesapeake, VA	\$ 897,177.04
Spiniello Companies Fairfield, NJ	\$1,192,000.00
AM-Liner East, Inc. Berryville, VA	\$1,269,000.00
Insituform Technologies, Inc. Chesterfield, MO	\$1,486,231.00
Reynolds Inliner, LLC Charlotte, NC	\$1,619,347.00

The Directors of Public Utilities and General Services recommend the Board award the contract to Tri-State Utilities Company, the lowest responsive and responsible bidder, in the amount of \$897,177.04 and authorize the County Manager or the Director of General Services as his designee to execute change orders not to exceed 15% of the original contract amount, and the County Manager concurs.

RESOLUTION - Acceptance of Roads.

This Board paper would accept the following named and described sections of roads into the County road system for maintenance.

- 1) 0.25 miles of The Oaks at Crossridge, Section 2. Brookland District.
- 2) 0.26 miles of Candlelight Estates, Section A. Fairfield District.

The Director of Public Works and the County Manager recommend approval of this Board paper.

RESOLUTION – Settlement of *HCA Health Services of Virginia, Inc. v. County of Henrico, Virginia.*

The purpose of this Board paper is to authorize settlement of the case styled *HCA Health Services of Virginia, Inc. v. County of Henrico, Virginia.* The case is pending in the Circuit Court of Henrico County.