

**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, August 9, 2011 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. Henrico County Water Supply Plan

5:00 – 6:00 p.m. **Closed Meeting** for the following purposes:

1. Discussion and Consideration of the Acquisition of Real Property in the Fairfield District for Potential Office or Related Administration Uses, Pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as Amended; and
2. Consultation with the County Attorney Regarding Specific Legal Matters Requiring the Provision of Legal Advice Pertaining to Zoning Case C-29C-08, Pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, 1950, as Amended.

6:00 – 6:45 p.m. *Dinner*



Barry R. Lawrence, CMC
Clerk, Henrico County Board of Supervisors
August 4, 2011

COUNTY OF HENRICO, VIRGINIA
Henrico County Board Room
Board of Supervisors' Agenda
August 9, 2011
7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Rev. Craig A. Sherouse, Ph.D., Second Baptist Church

APPROVAL OF MINUTES – July 26, 2011 Regular and Special Meetings

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

PRESENTATION

Proclamation – Payroll Week – September 5 – 9, 2011.

PUBLIC HEARINGS - REZONING CASE

178-11 1241 Associates, LLC: Request to conditionally rezone from O-3C Office District
C-10C-11 (Conditional) to R-2AC One-Family Residence District (Conditional), part of
Brookland Parcel 775-749-1480, containing 3.6031 acres, located on the east line of Impala
Drive at its intersection with Impala Place. The applicant proposes a place of
worship. The R-2A District allows a minimum lot size of 13,500 square feet and
a maximum gross density of 3.23 units per acre. The use will be controlled by
zoning ordinance regulations and proffered conditions. The Land Use Plan
recommends Office and Environmental Protection Area. The Planning
Commission voted to recommend the Board of Supervisors **grant** the request.

PUBLIC HEARINGS – OTHER ITEMS

179-11 Ordinance – To Amend and Reordain Section 22-252 of the Code of the County
of Henrico Titled “Definitions” Relating to Abandoned Motor Vehicles.

180-11 Ordinance – To Amend and Reordain Section 13-57 of the Code of the County of
Henrico Titled “Discharging Airguns” to Allow the Discharge of Pneumatic Guns
under Certain Circumstances.

181-11 Ordinance - To Amend and Reordain Section 5-29 Titled “Unlawful acts; animals
running at large” and Section 14-45 Titled “Control of animals; riding horses” of the
Code of the County of Henrico to Allow for a Dog Park.

PUBLIC COMMENTS

GENERAL AGENDA

- 182-11 Introduction of Ordinance – To Amend and Reordain Section 2-147 of the Code of the County of Henrico Titled “Funding of construction and maintenance of courthouse and jail facilities” to Impose a Two Dollar Fee in Each Civil Action Filed in the County Courts.
- 183-11 Introduction of Ordinance – To Amend and Reordain Section 2-81 of the Code of the County of Henrico Titled “Service charge on returned payments” to Increase the Service Charge.
- 184-11 Resolution - Award of Contract - Annual Environmental Services.
- 185-11 Resolution – Signatory Authority – Amendment to Contract for Architectural and Engineering Services – Fire Station #7.
- 186-11 Resolution – Approval of the FY 2012 Community Services Board Performance Contract between the Virginia Department of Behavioral Health and Developmental Services and Henrico Area Mental Health & Developmental Services Board.
- 187-11 Introduction of Ordinance - To Amend and Reordain the Planning Applications Fee Schedule to List Fees for Temporary Family Health Care Structure Permits, Appeals to the Board of Zoning Appeals, Conditional Use Permits for Accessory Structures in a Front or Side Yard, and Applications for Vacation of a Plat or Part Thereof.
- 188-11 Resolution - To Accept Buffer Zone Protection Program Grant.
- 189-11 Resolution – Signatory Authority – Lease Amendment – 3965 Deep Rock Road – Three Chopt District.
- 190-11 Resolution - Signatory Authority - Acquisition of Real Property- Best Plaza - Fairfield District.
- 191-11 Resolution - Letter of Intent to Participate in VDOT’s Economic Development Access Program for Bank of America - Varina District.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS' RESUME
August 9, 2011**

INVOCATION – Rev. Craig A. Sherouse, Ph.D., Second Baptist Church

PRESENTATION

PROCLAMATION – Payroll Week – September 5 – 9, 2011.

Payroll professionals in Henrico County play a key role in maintaining the economic health of this community, performing such diverse tasks as paying into the unemployment insurance system, providing information for child support enforcement, and carrying out tax withholding, reporting, and depositing. This proclamation recognizes September 5 – 9, 2011 as Payroll Week and encourages Henrico citizens to support the efforts of local payroll professionals who work to ensure excellence in the administration of payrolls.

PUBLIC HEARINGS - REZONING CASE

C-10C-11
Brookland 1241 Associates, LLC: Request to conditionally rezone from O-3C Office District (Conditional) to R-2AC One-Family Residence District (Conditional), part of Parcel 775-749-1480, containing 3.6031 acres, located on the east line of Impala Drive at its intersection with Impala Place. The applicant proposes a place of worship. The R-2A District allows a minimum lot size of 13,500 square feet and a maximum gross density of 3.23 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Office and Environmental Protection Area. Acting on a motion by Mr. Vanarsdall, seconded by Mr. Branin, the Planning Commission voted 4-0 (two abstentions) to recommend the Board of Supervisors **grant** the request because of the requirements of the Religious Land Use and Institutionalized Persons Act.

PUBLIC HEARINGS – OTHER ITEMS

ORDINANCE – To Amend and Reordain Section 22-252 of the Code of the County of Henrico Titled “Definitions” Relating to Abandoned Motor Vehicles.

This paper proposes an amendment to Henrico Code section 22-252 relating to abandoned motor vehicles. The purpose of the amendment is to conform the County Code to state legislation enacted earlier this year. The new state legislation changes the way tow companies, mechanics, and self-storage facilities must dispose of vehicles left in their possession. These businesses no longer may use the online abandoned vehicle process through DMV. Instead, tow companies and mechanics must use the mechanic’s and storage lien process, and self-storage facilities must sell the vehicles at public

auction. The new law will have no impact on the way the Division of Police deals with vehicles abandoned on roadways.

ORDINANCE – To Amend and Reordain Section 13-57 of the Code of the County of Henrico Titled “Discharging Airguns” to Allow the Discharge of Pneumatic Guns under Certain Circumstances.

This paper proposes an amendment to Henrico Code section 13-57 relating to pneumatic guns. The purpose of the amendment is to conform the County Code to state legislation adopted earlier this year. The new state legislation allows the discharge of pneumatic guns on private property when done with reasonable care. In contrast, the County Code currently prohibits the discharge of pneumatic guns on private property, except for approved paintball facilities. To conform the County Code to the new state law, the amendment would allow the discharge of pneumatic guns on private property under certain circumstances.

ORDINANCE - To Amend and Reordain Section 5-29 Titled “Unlawful acts; animals running at large” and Section 14-45 Titled “Control of animals; riding horses” of the Code of the County of Henrico to Allow for a Dog Park.

This Board paper proposes an ordinance that will allow dogs to be off-leash within a designated off-leash, fenced dog exercise area.

PUBLIC COMMENTS

GENERAL AGENDA

INTRODUCTION OF ORDINANCE – To Amend and Reordain Section 2-147 of the Code of the County of Henrico Titled “Funding of construction and maintenance of courthouse and jail facilities” to Impose a Two Dollar Fee in each Civil Action Filed in the County Courts.

This paper introduces for advertisement and public hearing on September 13 an ordinance to impose a \$2.00 courthouse maintenance fee in each civil action filed in the County courts. This fee was authorized by the General Assembly in 2009. The additional funds may be used only for the construction, renovation, or maintenance of the courthouse and jail and court-related facilities, and to defray increases in the cost of heating, cooling, electricity, and ordinary maintenance. An identical fee has been assessed in each criminal and traffic case since 1990.

INTRODUCTION OF ORDINANCE – To Amend and Reordain Section 2-81 of the Code of the County of Henrico Titled “Service charge on returned payments” to Increase the Service Charge.

This paper introduces for advertisement and public hearing on September 13 an ordinance to increase the service charge on returned payments. The County currently charges \$35.00 for returned payments, such as bad checks. State legislation enacted this year allows the County to charge \$50.00. The increase will help defray administrative costs incurred because of returned payments.

RESOLUTION - Award of Contract - Annual Environmental Services.

This resolution awards an annual contract on an as-needed basis to **Faulkner & Flynn, Inc.** to provide services related to compliance with environmental laws and regulations, environmental risk management auditing, project management for multi-tiered environmental work, development of comprehensive site management plans, and environmental training programs.

Seventeen proposals were received in response to RFP #11-9057-4CS. Based upon review and evaluation of the proposals, the Selection Committee (consisting of Mr. Al Ciarochi, Mr. Steve Yob, Mr. Jason Young, Mrs. Cindy Smith and Mrs. Cecelia Stowe) interviewed the following firms:

Faulkner & Flynn, Inc.
EEE Consulting, Inc.
TEC, Inc.

Based on the written proposals and interviews, the Committee selected **Faulkner & Flynn, Inc.** as the top-ranked firm and negotiated a contract. The contract will be for a one-year term and may be renewed for two additional one-year terms. Compensation for services shall be based on hourly rate schedules. The project fees shall not exceed \$300,000 for any single project and \$1,500,000 per one term.

Funding to support this contract is available within the project budget. The Director of General Services recommends that the contract be awarded to **Faulkner & Flynn, Inc.**, and the County Manager concurs.

RESOLUTION – Signatory Authority – Amendment to Contract for Architectural and Engineering Services – Fire Station #7.

This resolution authorizes the County Manager to execute an amendment to the architectural and engineering services contract for Fire Station #7. The original contract amount was \$310,000, with two subsequent amendments resulting in a revised contract amount of \$394,600. The previous changes concerned LEED (Leadership in Energy and Environmental Design) design work, analysis of the off-site stormwater drainage and related design improvements, and the design of a permanent recycling center on the project site.

This amendment authorizes additional services to modify the prototype station design and for the production of a Stormwater Pollution Prevention (SWPPP) Plan and a Maintenance of Traffic Plan (MOT) required by the Henrico County POD approval process. The negotiated amendment price is \$19,439.20, resulting in a new total contract amount of \$414,039.20.

Funding to support this contract amendment is available within the project budget. The Director of General Services and the Fire Chief recommend execution of this amendment, and the County Manager concurs.

RESOLUTION – Approval of the FY 2012 Community Services Board Performance Contract between the Virginia Department of Behavioral Health and Developmental Services and Henrico Area Mental Health & Developmental Services Board.

Virginia Code § 37.2-508 provides that an annual performance contract negotiated between the Virginia Department of Behavioral Health and Developmental Services (the Department) and Henrico Area Mental Health & Developmental Services Board (HAMHDS) is to serve as the primary accountability and funding mechanism between the Department and HAMHDS. Section 37.2-508 further provides that the performance contract is to be submitted by HAMHDS for approval by formal vote of the governing body of each political subdivision that established HAMHDS.

Under the terms of § 37.2-508, the performance contract must:

- delineate the responsibilities of the Department and HAMHDS;
- specify conditions that must be met for the receipt of state-controlled funds;
- identify the groups of consumers to be served with state-controlled funds;
- contain consumer outcome, provider performance, consumer satisfaction, and consumer and family participation measures;
- contain mechanisms jointly developed with the Department to manage the utilization of state hospital beds;
- establish an enforcement mechanism should HAMHDS fail to comply with the contract; and
- include reporting requirements and revenue, cost, service and consumer information in a format determined by the Department.

In late spring of 2011, the Department provided to HAMHDS a Letter of Notification setting out the amount of state and federal funding that would be available to HAMHDS during FY 2012 and HAMHDS and the Department negotiated a FY 2012 Community Services Board Performance

Contract. HAMHDS approved the FY 2012 Community Services Board Performance Contract on July 28, 2011, and recommended it to the Boards of Supervisors of Henrico, Charles City, and New Kent Counties, the three political subdivisions that established it.

The FY 2012 Community Services Board Performance Contract submitted for approval by this Resolution is based on the requirements of Va. Code § 37.2-508, on the FY 2011-2012 budget approved by this Board on April 26, 2011, on the Letter of Notification to HAMHDS for FY 2012, and on local contributions approved by the Charles City County Board of Supervisors and the New Kent County Board of Supervisors.

INTRODUCTION OF ORDINANCE - To Amend and Reordain the Planning Applications Fee Schedule to List Fees for Temporary Family Health Care Structure Permits, Appeals to the Board of Zoning Appeals, Conditional Use Permits for Accessory Structures in a Front or Side Yard, and Applications for Vacation of a Plat or Part Thereof.

This paper introduces for advertisement and public hearing on September 13 an amendment to the Planning Applications Fee Schedule. The amendment would list the following fees on the schedule: \$100 for a temporary family health care structure permit; \$300 for an appeal to the Board of Zoning Appeals; \$300 for a conditional use permit for an accessory structure in a front or side yard; and, \$150 for an application to vacate a plat or part thereof.

RESOLUTION - To Accept Buffer Zone Protection Program Grant.

This resolution accepts a \$190,000 grant award from the Buffer Zone Protection Program of the U.S. Department of Homeland Security and the Virginia Department of Emergency Management. This grant, which requires no local matching funds, will be used by the Division of Police to purchase and install a high-resolution camera system at Richmond International Raceway to enhance public safety during events. Richmond International Raceway and the Division of Police have entered into a memorandum of understanding regarding this installation.

The Chief of Police recommends approval of this Board paper; the County Manager concurs.

RESOLUTION - Signatory Authority - Lease Amendment - 3965 Deep Rock Road - Three Chopt District.

This Board paper authorizes the County Manager to execute a lease amendment, in a form approved by the County Attorney, for an additional five-year term for 4,140 sq. ft. of office and warehouse space at 3965 Deep Rock Road for the Division of Recreation and Parks. The monthly rent for 2010-11 was \$3,883.01, and the new initial monthly rent will be \$3,660.11 with 2% annual increases.

The Directors of Recreation and Parks and Real Property recommend approval of this Board paper, and the County Manager concurs.

RESOLUTION - Signatory Authority - Acquisition of Real Property - Best Plaza - Fairfield District.

This Board paper authorizes the County Manager to execute documents in a form approved by the County Attorney to purchase 92.87 acres with improvements containing Best Plaza for \$6,221,400. The property is located north of East Parham Road and east of Scott Road in the Fairfield District.

The Directors of General Services and Real Property recommend approval of this paper, and the County Manager concurs.

RESOLUTION - Letter of Intent to Participate in VDOT's Economic Development Access Program for Bank of America - Varina District.

The Economic Development Authority owns property on Technology Boulevard known as the White Oak Technology Park (the "Park"). It markets the property for economic development.

On January 13, 2011, the Bank of America (the "Bank") purchased 65 acres in the Park and contracted to construct a processing center for bank operations (the "Processing Center") on the property. The Processing Center is expected to begin operations around August 30, 2012, employ 53 people, and generate new capital investment in buildings and equipment of approximately \$300,000,000.

The Processing Center property has no public road access to Technology Boulevard. The Bank has agreed to construct a new road to provide access to the Processing Center and other parcels within the Park.

The Board Paper authorizes submission of a letter of intent to the Commonwealth Transportation Board ("CTB") requesting Economic Development Access Program ("EDAP") funding for construction of the new road.

EDAP requires that the County acknowledge the new road will become part of the Henrico County road system. The County must also guarantee that the necessary right-of-way, environmental analysis, wetland mitigation, and utility relocations will be provided at no cost to the EDAP Fund and that no land disturbance activities may occur prior to notification from the Virginia Department of Transportation. Finally, the County must guarantee that all ineligible project costs will be provided from sources other than state highway funds.

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