

**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, November 13, 2012**, at **5:30 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 matter to be reviewed by the Board at this time is:

5:30 – 6:00 p.m. **Closed Meeting** for Discussion and Consideration of the Acquisition of Real Property in the Fairfield District for Public Library Uses, Pursuant to Section 2.2-3711(A)(3) 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
November 8, 2012

COUNTY OF HENRICO, VIRGINIA
Henrico County Board Room
Board of Supervisors' Agenda
November 13, 2012
7:00 p.m.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES – October 23, 2012, Regular and Special Meetings

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

APPOINTMENTS

262-12 Resolution - Appointment of Members to Board of Directors – Economic Development Authority.

PUBLIC HEARING - REZONING CASES AND PROVISIONAL USE PERMITS

263-12 Crown RIB, LLC: Request to conditionally rezone from O-2C Office District
C-25C-12 (Conditional) to B-3C Business District (Conditional) part of Parcel 760-756-
Brookland 7631 consisting of 1.498 acres located at the western terminus of Lynn Avenue
approximately 550' north of W. Broad Street (U.S. Route 250). The applicant
proposes an expansion of the adjacent auto dealership including the storage of
motor vehicles, parts, and supplies. The uses will be controlled by zoning
ordinance regulations and proffered conditions. The 2026 Comprehensive Plan
recommends Office. The Planning Commission voted to recommend the Board
of Supervisors **grant** the request.

264-12 Bacova, LLC: Request to conditionally rezone from A-1 Agricultural District
C-19C-12 and O-2C Office District (Conditional) to R-5AC General Residence District
Three Chopt (Conditional) Parcels 738-766-9367 and 739-766-3768 and part of Parcel 739-
766-2504 containing 28.662 acres located on the west line of Pouncey Tract
Road (State Route 271) approximately 300' north of its intersection with Bacova
Drive. The applicant proposes no more than 95 zero-lot-line homes and a
potential recreation center. The R-5A District allows a minimum lot size of
5,625 square feet and a potential maximum density of 6.0 units per acre. The
uses will be controlled by zoning ordinance regulations and proffered conditions.
The 2026 Comprehensive Plan recommends Suburban Mixed Use. Part of the
site is in the West Broad Street Overlay District. The Planning Commission
voted to recommend the Board of Supervisors **grant** the request.

265-12 Cook-Out Restaurants: Request for a Provisional Use Permit under Section 24-
P-15-12 58.2(a), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to
Varina allow extended hours of operation for a restaurant (Cook-Out) on parts of
Parcels 813-718-6145 and 813-718-3037 located on the west line of S. Laburnum
Avenue at its intersection with Interstate 64 eastbound. The existing zoning is B-

2C Business District (Conditional) and B-3 Business District. The 2026 Comprehensive Plan recommends Commercial Concentration. The site is located in the Airport Safety Overlay District. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

266-12 Perretz and Young Architects, P.C.: Request for a Provisional Use Permit
P-16-12 under Sections 24-58.2(d), 24-120 and 24-122.1 of Chapter 24 of the County
Three Chopt Code in order to allow outside dining for a restaurant on part of Parcel 736-762-
7338 located on the north line of Three Chopt Road approximately 500' west of
its intersection with Lauderdale Drive. The existing zoning is B-2C Business
District (Conditional). The 2026 Comprehensive Plan recommends Commercial
Arterial. The site is located in the West Broad Street Overlay District. The
Planning Commission voted to recommend the Board of Supervisors **grant** the
request.

PUBLIC HEARINGS - OTHER ITEMS

267-12 Ordinance - To Amend and Reordain Section 16-46 of the Code of the County of
Henrico Titled "Modification of contracts" to Clarify the Approval Process for
Modification of Fixed-Price Contracts.

268-12 Ordinance - Vacation of Portion of Unimproved Right-of-Way - Jefferson
Street - E. S. Read Subdivision - Varina District.

PUBLIC COMMENTS

GENERAL AGENDA

269-12 Resolution - Approving Issuance of Bonds for Bon Secours Health System, Inc.
by the Economic Development Authority of Henrico County, Virginia.

270-12 Resolution - End of Declared Local Emergency.

271-12 Resolution - Authorization to Apply for and Accept an Allocation of Grant
Funding from the Virginia Department of Emergency Management's Local
Emergency Management Performance Grant (LEMPG) Program.

272-12 Resolution - Authorization to Accept Federal Grant Funding from the 2012
Citizen Corps Program and the State Homeland Security Program Administered
by the Commonwealth of Virginia through the Virginia Department of
Emergency Management.

273-12 Resolution - Award of Annual Contract for Designating and Locating Subsurface
Utilities.

274-12 Resolution - Award of Annual Contract for Engineering and Related Services -
Geotechnical, Quality Control and Special Inspections.

- 275-12 Resolution - Adoption of New Facility Reservation Guides for the Henrico Theatre – Varina District.
- 276-12 Resolution - To Accept Virginia Dam Safety, Flood Prevention and Protection Assistance Fund Grant.
- 277-12 Resolution - Award of Annual Contract for Engineering Services – Bridge and Facility Design and Repair Projects.
- 278-12 Resolution - Signatory Authority - Agreement with Virginia Department of Transportation for State Funded Projects - Woodman Road Turn Lane, from 225 Feet South of Jesse Chavis Drive to 100 Feet North of Woodman Hills Court (Approximately 325 Feet) - Project #7663-043-R62, N501 (UPC 103015) - Fairfield District.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS' RESUME
November 13, 2012

APPOINTMENTS

RESOLUTION - Appointment of Members to Board of Directors - Economic Development Authority.

This Board paper appoints the following persons to the Board of Directors of the Economic Development Authority for four-year terms expiring November 13, 2016, or thereafter, when their successors shall have been appointed and qualified:

Brookland District	David L. Maiden
Fairfield District	Benjamin B. Miles
Three Chopt District	Patrick R. Liverpool

PUBLIC HEARINGS - REZONING CASES AND PROVISIONAL USE PERMITS

C-25C-12
Brookland
Crown RIB, LLC: Request to conditionally rezone from O-2C Office District (Conditional) to B-3C Business District (Conditional) part of Parcel 760-756-7631 consisting of 1.498 acres located at the western terminus of Lynn Avenue approximately 550' north of W. Broad Street (U.S. Route 250). The applicant proposes an expansion of the adjacent auto dealership including the storage of motor vehicles, parts, and supplies. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office. Acting on a motion by Mr. Witte, seconded by Mr. Leabough, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant the request because the proffered conditions would provide appropriate quality assurances not otherwise available and should minimize the potential impacts on surrounding land uses.

C-19C-12
Three Chopt
Bacova, LLC: Request to conditionally rezone from A-1 Agricultural District and O-2C Office District (Conditional) to R-5AC General Residence District (Conditional) Parcels 738-766-9367 and 739-766-3768 and part of Parcel 739-766-2504 containing 28.662 acres located on the west line of Pouncey Tract Road (State Route 271) approximately 300' north of its intersection with Bacova Drive. The applicant proposes no more than 95 zero-lot-line homes and a potential recreation center. The R-5A District allows a minimum lot size of 5,625 square feet and a potential maximum density of 6.0 units per acre. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Mixed Use. Part of the site is in the West Broad Street Overlay District.

Acting on a motion by Mr. Branin, seconded by Mr. Witte, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant the request because it is reasonable in light of the residential zoning in the area and the proffered conditions will provide appropriate quality assurances not otherwise available.

P-15-12
Varina
Cook-Out Restaurants: Request for a Provisional Use Permit under Section 24-58.2(a), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to allow extended hours of operation for a restaurant (Cook-Out) on parts of Parcels 813-718-6145 and 813-718-3037 located on the west line of S. Laburnum Avenue at its intersection with Interstate 64 eastbound. The existing zoning is B-2C Business District (Conditional) and B-3 Business District. The 2026 Comprehensive Plan recommends Commercial Concentration. The site is located in the Airport Safety Overlay District. Acting on a motion by Mr. Leabough, seconded by Mr. Witte, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant the request because it is reasonable in light of the surrounding uses and existing zoning on the property and it would not be detrimental to the public health, safety, welfare and values of the area.

P-16-12
Three Chopt
Perretz and Young Architects, P.C.: Request for a Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to allow outside dining for a restaurant on part of Parcel 736-762-7338 located on the north line of Three Chopt Road approximately 500' west of its intersection with Lauderdale Drive. The existing zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan recommends Commercial Arterial. The site is located in the West Broad Street Overlay District. Acting on a motion by Mr. Branin, seconded by Mr. Leabough, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant the request because it is reasonable in light of the surrounding uses and existing zoning on the property and it would not be detrimental to the public health, safety, welfare and values of the area.

PUBLIC HEARINGS - OTHER ITEMS

ORDINANCE - To Amend and Reordain Section 16-46 of the Code of the County of Henrico Titled "Modification of contracts" to Clarify the Approval Process for Modification of Fixed-Price Contracts.

This Board paper proposes an ordinance that would clarify the process to approve modifications of fixed-price contracts. Consistent with other provisions of the County code relating to the award of contracts, this change would make clear that the awarding authority must approve contract modifications that exceed 15 percent of the contract amount of \$10,000, whichever is greater.

ORDINANCE — Vacation of Portion of Unimproved Right-of-Way — Jefferson Street — E. S. Read Subdivision — Varina District.

This ordinance will vacate a portion of unimproved right-of-way for Jefferson Street in the E. S. Read Subdivision, subject to the reservation of a utility easement. The owners of the adjacent property have requested this action because a survey has determined that a house has been constructed that inadvertently encroaches on the right-of-way.

The Real Property Department has processed this requested vacation through the Departments of Planning, Public Works, and Public Utilities without objection.

PUBLIC COMMENTS

GENERAL AGENDA

RESOLUTION - Approving Issuance of Bonds for Bon Secours Health System, Inc. by the Economic Development Authority of Henrico County, Virginia.

This Board paper approves the issuance of bonds, in an amount not to exceed \$74,000,000, by the County’s Economic Development Authority for the benefit of Bon Secours Health System, Inc. (“BSHSI”). BSHSI intends to use the proceeds for its affiliated operations at St. Mary’s Hospital in Henrico County, Maryview Hospital in the City of Portsmouth, and Memorial Regional Medical Center in Hanover County. The bonds will be used to (i) refund all or a portion of the Authority’s Revenue Bonds, Series 2002A (Bon Secours Health System, Inc.) (the “Prior Bonds”), proceeds of which benefitted St. Mary’s Hospital and Maryview Hospital, (ii) pay the costs of renovating and equipping patient service space within St. Mary’s Hospital, Maryview Hospital, and Memorial Regional Medical Center and the costs of acquiring certain pieces of surgical, diagnostic, computer and other hospital equipment for the benefit of these hospitals, (iii) pay a portion of the interest on the Bonds, if deemed necessary, (iv) establish a debt service reserve fund, if deemed necessary, and (v) pay certain expenses incurred in connection with the issuance of the Bonds and the refunding of the Prior Bonds. Of the money not used to refund the Series 2002A Bonds, approximately \$9.8 million will be used to finance projects in Henrico County, approximately \$2.9 million will be used to finance projects in Hanover County and approximately \$5.8 million will be used to finance projects in Portsmouth. Because Maryview is located in Portsmouth and Memorial Regional is located in Hanover, federal and state law require that the Portsmouth City Council and the Hanover Board of Supervisors also approve the issuance of the bonds. Because the Portsmouth City Council will not do so until November 27th, the Authority’s final approval of the bond issuance is contingent upon approval by the Portsmouth City Council.

By resolution adopted October 18, 2012, the Authority recommended that the Board approve the issuance of the bonds.

RESOLUTION - End of Declared Local Emergency.

The purpose of this Board paper is to end the County Manager's declaration on October 28, 2012 of a local emergency. The emergency was declared in connection with the effects of Hurricane Sandy.

RESOLUTION – Authorization to Apply for and Accept an Allocation of Grant Funding from the Virginia Department of Emergency Management's Local Emergency Management Performance Grant (LEMPG) Program.

This Board paper authorizes the County Manager to apply for and accept an allocation of grant funding totaling \$17,504.00 from the Local Emergency Management Performance Grant (LEMPG) Program as administered through the Virginia Department of Emergency Management. The grant, which requires a 1:1 local match, will be used by the Division of Fire to supplement the salary of the position of the Deputy Coordinator of Emergency Management (Emergency Manager).

RESOLUTION – Authorization to Accept Federal Grant Funding from the 2012 Citizen Corps Program and the State Homeland Security Program Administered by the Commonwealth of Virginia through the Virginia Department of Emergency Management

This Board paper authorizes the County Manager to accept \$13,000 in federal grant funding from the 2012 Citizen Corps Program and the State Homeland Security Program administered by the Commonwealth of Virginia through the Virginia Department of Emergency Management. The grant, which requires no local match, will be administered by the Division of Fire's Office of Emergency Management for the County's Citizen Corps training programs, including Community Emergency Response Team (CERT) training, Fire Corps (FC), Medical Reserve Corps (MRC), Volunteers in Police Service (VIPS), and Neighborhood Watch (NW).

RESOLUTION – Award of Annual Contract for Designating and Locating Subsurface Utilities.

This resolution awards a contract to **Accumark, Inc.** to provide services for the location and designation of subsurface utilities. These services will be performed on an as-needed basis and as authorized by County agencies.

The County received three proposals in response to RFP #12-9307-8CS. Following review and evaluation of the proposals, the selection committee interviewed the following firms:

Accumark, Inc.
Johnson, Mirmiran and Thompson, Inc.
InfraMap Corporation

Based on the written proposals and interviews, the selection committee selected **Accumark, Inc.** as the top-ranked firm and negotiated hourly and unit cost rate schedules.

The contract will be for a one-year term for the period November 13, 2012 to November 12, 2013 and may be renewed for two additional one-year terms. Compensation for services shall be based on the hourly rate schedules. Fees shall not exceed \$300,000 for any single project, nor \$1,500,000 per one-year term.

Funding to support the contract is available. The Director of General Services recommends that the contract be awarded to **Accumark, Inc.**, and the County Manager concurs.

RESOLUTION – Award of Annual Contract for Engineering and Related Services – Geotechnical, Quality Control and Special Inspections.

This resolution awards an annual contract to **Schnabel Engineering Consultants, Inc.** to provide engineering and related services for geotechnical, quality control and special inspections.

The County received nine proposals in response to RFP #12-9308-8CS. Following review and evaluation of the proposals, the selection committee interviewed the following firms:

Schnabel Engineering Consultants, Inc.
ECS Mid-Atlantic, LLC
Froehling & Robertson, Inc.
Atlantic Geotechnical Services, Inc.

Based on the written proposals and interviews, the selection committee selected **Schnabel Engineering Consultants, Inc.** as the top-ranked firm and negotiated hourly and unit cost rate schedules.

The contract will be for a one-year term for the period of November 13, 2012 to November 12, 2013 and may be renewed for two additional one-year terms. Compensation for services shall be based on the hourly rate schedule. Fees shall not exceed \$300,000 for any single project, nor \$1,500,000 per one-year term.

Funding to support the contract is available. The Director of General Services recommends that the contract be awarded to **Schnabel Engineering Consultants, Inc.**, and the County Manager concurs.

RESOLUTION - Adoption of New Facility Reservation Guides for the Henrico Theatre – Varina District.

The purpose of this Board paper is to amend the current Facility Reservation Guide adopted on July 24, 2007 governing the use of the Henrico Theatre, located at 305 East Nine Mile Road in Highland Springs. The amendment would create two separate reservation guides, one for the auditorium and one for the reception room. The guide for the auditorium will cover the use of the theatre, box office, stage, and backstage areas and will be amended to require:

- Off-duty police coverage at the renter's expense for all events open to the public for the protection of our renters and the public attending the performance.
- Proof of adequate liability insurance to provide loss and damage protection for technical and stage equipment.
- A schedule of rehearsals, show times, and list of performers thirty days before the event.

The guide for the reception room will cover the use of the upstairs general purpose space and remain identical to the rental policies governing use of all the other recreational facilities available for general rental use. No fee changes are proposed.

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

RESOLUTION - To Accept Virginia Dam Safety, Flood Prevention and Protection Assistance Fund Grant.

This Board paper would accept a grant of \$8,500 from the Virginia Dam Safety, Flood Prevention and Protection Assistance Fund.

The grant requires a 50% match. The grant funds will be used for creating dam break inundation zone maps for the Wellesley Dam near Lauderdale Drive and Park Terrace Drive. The County owns the dam.

The total estimated cost to complete the project is \$26,340. The Department of Public Works will pay the additional cost with a transfer of capital funds.

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

RESOLUTION – Award of Annual Contract for Engineering Services – Bridge and Facility Design and Repair Projects.

This resolution awards an annual contract to **Johnson, Mirmiran & Thompson, Inc.** to provide engineering services for bridge and facility design and repair projects.

The County received seven proposals in response to RFP #12-9303-8CS. Following review and evaluation of the proposals, the selection committee interviewed the following firms:

Johnson, Mirmiran & Thompson, Inc.
AECOM Technical Services, Inc.
Rummel, Klepper and Kahl, LLP

Based on the written proposals and interviews, the selection committee selected **Johnson, Mirmiran & Thompson, Inc.** as the top-ranked firm and negotiated an hourly rate schedule.

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 the hourly rate schedule. Fees shall not exceed \$300,000 for any single project, nor \$1,500,000 per one-year term.

Funding to support the contract is available. The Directors of General Services and Public Works recommend that the contract be awarded to **Johnson, Mirmiran & Thompson, Inc.**, and the County Manager concurs.

RESOLUTION - Signatory Authority - Agreement with Virginia Department of Transportation for State Funded Projects - Woodman Road Turn Lane, from 225 Feet South of Jesse Chavis Drive to 100 Feet North of Woodman Hills Court (Approximately 325 Feet) - Project #7663-043-R62, N501 (UPC 103015) - Fairfield District.

The Department of Public Works has negotiated an agreement with the Virginia Department of Transportation (“VDOT”) under which the County will construct a southbound left turn lane on Woodman Road at Jesse Chavis Drive (approximately 325 feet).

The estimated costs for the Woodman Road Left Turn Lane are \$41,000 for preliminary engineering, \$63,000 for right-of-way and utilities, and \$164,000 for construction, for a total cost of \$268,000. The total project fees shall not exceed \$268,000.

The Board paper authorizes the County Manager to execute the agreement in a form approved by the County Attorney.

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