

**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, December 12, 2017**, 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:

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| 4:30 - 5:15 p.m. | Closed Meeting for Consultation with the County Attorney Regarding Specific Legal Matters Requiring the Provision of Legal Advice Pertaining to the Claims of LandTek Group, Inc., and Siteworks Unit B, LLC, Pursuant to Section 2.2.-3711(A)(8) of the Code of Virginia, 1950, as Amended. |
| 5:15 - 5:45 p.m. | 2016 Bond Referendum Project Update |
| 5:45 - 6:00 p.m. | Regular Meeting Agenda Items |



Barry R. Lawrence, CMC
Clerk, Henrico County Board of Supervisors
December 7, 2017

COUNTY OF HENRICO, VIRGINIA
Henrico County Board Room
Board of Supervisors' Agenda
December 12, 2017
7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION

APPROVAL OF MINUTES – November 28, 2017, Regular and Special Meetings

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

PRESENTATION

307-17 Resolution - Commending the Highland Springs High School Springers Football Team.

PUBLIC HEARINGS – REZONING CASES

308-17 Stanley Martin: Request to conditionally rezone from B-3C Business District (Conditional) to R-6C General Residence District (Conditional) Parcels 784-748-3728 and 784-748-6386 containing 10.26 acres located on the west line of Brook Road (U.S. Route 1) approximately 1150' southwest of its intersection with Hilliard Road. The applicant proposes a residential townhouse and condominium development. The R-6 District allows a maximum gross density of 19.8 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Multi-Family Residential. The site is in the Enterprise Zone. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

309-17 Bacova Texas, LLC and Bacova, LLC: Request to amend proffers accepted with REZ2016-00033 on Parcels 736-768-6361, 736-768-5323, and 736-767-00022 containing 23.1 acres located on the east line of N. Gayton Road between Liesfeld Farm Drive and Kain Road. The applicant proposes to amend Proffer 22 regarding N. Gayton Road improvements. The existing zoning is R-5AC General Residence District (Conditional). The 2026 Comprehensive Plan recommends Suburban Mixed-Use, density should not exceed 4 units per acre, and Environmental Protection Area. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

PUBLIC HEARINGS – OTHER ITEMS

310-17 Resolution – Amendments to the FY 2017-18 Annual Fiscal Plan: December, 2017.

311-17 Ordinance - To Add a New Section 20-83 Titled “Exemption for property of surviving spouses of certain persons killed in the line of duty” to Chapter 20 of the Code of the County of Henrico to Provide a Real Estate Tax Exemption for Property of Surviving Spouses of Certain Public Safety Personnel Killed in the Line of Duty.

PUBLIC COMMENTS

GENERAL AGENDA

- 312-17 Resolution - Approval of Issuance of Bonds - The Collegiate School - Economic Development Authority of Henrico County, Virginia - Tuckahoe District.
- 313-17 Resolution - Award of Annual Contract - Concrete and Asphalt Rehabilitation.
- 314-17 Resolution - SIA2017-00004 - Virginia Solar, LLC - Solar Power Electricity Generation Facility - Substantially in Accord with Comprehensive Plan - Varina District.
- 315-17 Resolution - Signatory Authority - Acquisition of Real Property - 10875 Old Greenwood Road - Brookland District.
- 316-17 Resolution - Award of Contract - High School Athletic Field Improvements - Varina, Brookland, and Tuckahoe Districts.
- 317-17 Resolution - Award of Contract - Sanitary Sewer Odor and Corrosion Control.
- 318-17 Resolution - Award of Contract - Hechler Village Trunk Sewer Replacement - Fairfield District.
- 319-17 Resolution - Award of Contract - Water Reclamation Facility HVAC Upgrade - Varina District.
- 320-17 Resolution - To Permit Additional Fine of \$200 for Speeding on Quail Roost Drive between Braxton Avenue and Quail Walk Drive - Brookland District.
- 321-17 Resolution - Claim of LandTek Group, Inc.
- 322-17 Resolution - Claims of Siteworks Unit B, LLC.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS' RESUME
December 12, 2017**

PRESENTATION

RESOLUTION - Commending the Highland Springs High School Springers Football Team.

The Highland Springs High School Springers football team has advanced to the Virginia High School League Group 5A State Championship for the third consecutive year, where it will play Leesburg's Tuscarora High School on December 9, 2017, in Hampton. This Board paper congratulates the team on completing a stellar season and commends the team for its focus, commitment, can-do attitude, and superior sportsmanship during an exciting and fruitful season.

PUBLIC HEARINGS – REZONING CASES

REZ2017-00026
Fairfield
Stanley Martin: Request to conditionally rezone from B-3C Business District (Conditional) to R-6C General Residence District (Conditional) Parcels 784-748-3728 and 784-748-6386 containing 10.26 acres located on the west line of Brook Road (U.S. Route 1) approximately 1150' southwest of its intersection with Hilliard Road. The applicant proposes a residential townhouse and condominium development. The R-6 District allows a maximum gross density of 19.8 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Multi-Family Residential. The site is in the Enterprise Zone. Acting on a motion by Mr. Archer seconded by Mrs. Marshall, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it conforms to the Multi-Family Residential recommendation of the Comprehensive Plan and would not adversely affect the adjoining area if properly developed as proposed.

REZ2017-00022
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Bacova Texas, LLC and Bacova, LLC: Request to amend proffers accepted with REZ2016-00033 on Parcels 736-768-6361, 736-768-5323, and 736-767-2166 containing 23.1 acres located on the east line of N. Gayton Road between Liesfeld Farm Drive and Kain Road. The applicant proposes to amend Proffer 22 regarding N. Gayton Road improvements. The existing zoning is R-5AC General Residence District (Conditional). The 2026 Comprehensive Plan recommends Suburban Mixed-Use, density should not exceed 4 units per acre, and Environmental Protection Area. Acting on a motion by Mrs. Marshall, seconded by Mr. Witte, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it was determined to be reasonable and the changes do not greatly reduce the original intended purpose of the proffers.

PUBLIC HEARINGS - OTHER ITEMS

RESOLUTION – Amendments to the FY 2017-18 Annual Fiscal Plan: December, 2017.

A Board paper was presented on November 28, 2017, that received requests for amendments to the Annual Fiscal Plan, directed their advertisement, and set the date for a public hearing. This paper, if approved after the public hearing, amends the Annual Fiscal Plan and appropriates funds for expenditure for the purposes indicated.

ORDINANCE – To Add a New Section 20-83 Titled “Exemption for property of surviving spouses of certain persons killed in the line of duty” to Chapter 20 of the Code of the County of Henrico to Provide a Real Estate Tax Exemption for Property of Surviving Spouses of Certain Public Safety Personnel Killed in the Line of Duty.

This Board paper provides a real estate tax exemption for property of surviving spouses of certain public safety personnel killed in the line of duty. The exemption is allowed by legislation enacted by the 2017 General Assembly following a constitutional amendment approved by Virginia voters. A local ordinance is required for the exemption to take effect in the County.

The ordinance provides the exemption to the maximum extent allowed by the enabling legislation and upon the qualifications required by that legislation. The exemption would apply to the principal residence of the surviving spouse of a qualifying police officer, sheriff's deputy, fire and EMS personnel, and other public safety officials designated by Virginia law who are killed in the line of duty. The exemption would be retroactive to January 1, 2017.

This exemption was discussed by the Board in a work session on October 24, 2017.

PUBLIC COMMENTS

GENERAL AGENDA

RESOLUTION - Approval of Issuance of Bonds - The Collegiate School - Economic Development Authority of Henrico County, Virginia - Tuckahoe District.

This Board paper approves the issuance of bonds in an amount estimated not to exceed \$12,500,000 by the County's Economic Development Authority for the benefit of The Collegiate School (“Collegiate”). Collegiate is a not-for-profit Virginia nonstock corporation which owns and operates an elementary and secondary school located at 103 North Mooreland Road in the Tuckahoe District.

The bonds will be used to (a) to finance or reimburse costs related to all or portions of the following projects: (i) the renovation and equipping of the existing Oates Theater in the Hershey Center for the Arts to reconfigure the seating and to add a balcony and (ii) the renovation, expansion and equipping of existing academic, administrative and/or athletic facilities; (b) to refinance a portion of the costs incurred to renovate and equip the existing McFall Hall and to add approximately 6,500 square feet of space to provide a modern dining

facility; (c) to advance refund a portion of the Authority's Educational Facilities Revenue Bonds (Collegiate), Series 2012; and (d) to pay issuance and related financing costs of the bonds. By resolution adopted December 8, 2017, the Authority recommended that the Board approve the issuance of the bonds.

RESOLUTION - Award of Annual Contract - Concrete and Asphalt Rehabilitation.

This Board paper would award an annual contract to Finley Asphalt and Sealing, Inc. for concrete and asphalt rehabilitation projects throughout the County on an as-needed basis.

The County received three bids on November 2, 2017, in response to ITB #17-1455-7PW. For selection and evaluation purposes, the lowest responsive bid was determined by multiplying the unit prices times the estimated unit quantities specified in the bid documents.

Based upon a review of the bids, Finley Asphalt and Sealing, Inc. has been determined to be the lowest responsive and responsible bidder.

The contract term will be from January 1, 2018, to December 31, 2018, with the option for the County to renew for up to two one-year terms. The final contract value at the end of a term would be the sum of the unit prices times the quantity of units used during the term. The unit prices in subsequent years may not increase more than three percent above the previous year's prices.

The Board paper awards the contract to Finley Asphalt and Sealing, Inc. and grants signatory authority to the County Manager to execute the contract in a form approved by the County Attorney.

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

RESOLUTION - SIA2017-00004 - Virginia Solar, LLC - Solar Power Electricity Generation Facility - Substantially in Accord with Comprehensive Plan - Varina District.

At the request of Virginia Solar, LLC, the Department of Planning conducted a study to determine whether the proposed site for a solar power electricity generation facility is substantially in accord with the County's 2026 Comprehensive Plan ("Plan"). The site consists of a 463-acre parcel (GPIN 814-680-9784) between Varina and Strath Roads in the Varina District.

The Planning staff's report concluded that the proposed use for this site would not conflict with, or be a significant departure from, the Goals, Objectives and Policies of the Plan and would support the intent of the Plan that identifies the need for new public services and facilities based on projected and planned growth in accordance with the Future Land Use Map. Staff also determined the proposed improvements can be designed to be compatible with the existing land uses in the surrounding area.

At its meeting on November 9, 2017, the Planning Commission approved the resolution finding the proposed Virginia Solar, LLC – Solar Power Electricity Generation Facility substantially in accord with the Plan.

Further details regarding the proposed site are contained in the staff report prepared for the Planning Commission, which was revised to incorporate the Commission’s discussion regarding hours of construction.

The Director of Planning concurs with the finding of the Planning Commission that the proposed Virginia Solar, LLC – Solar Power Electricity Generation Facility is substantially in accord with the Plan and recommends adoption of the Board paper, and the County Manager concurs.

RESOLUTION - Signatory Authority - Acquisition of Real Property - 10875 Old Greenwood Road - Brookland District.

This Board paper authorizes the County Manager to sign the purchase agreement and any other documents necessary to acquire a 1.204-acre parcel with improvements located at 10875 Old Greenwood Road from Richard A. and Linda H. Mullis. The property is being purchased for the future extension of Woodman Road. The appraised value is \$214,500 and the purchase price is \$265,000. The purchase agreement permits the owners to reside in their home until August 15, 2018.

The Directors of Public Works and Real Property recommend approval of this Board paper; the County Manager concurs.

RESOLUTION - Award of Contract - High School Athletic Field Improvements - Varina, Brookland, and Tuckahoe Districts.

This Board paper would award a construction contract for \$5,187,000 to Sports Construction Management, Inc. to convert existing natural grass football fields at Douglas S. Freeman High School, Hermitage High School, and Varina High School to tournament quality synthetic multi-purpose fields with organic infill. The construction project will include site-work and grading within the existing football stadium ovals, underground drainage systems and stormwater system improvements, and rework and replacement of the existing running tracks. The contract also includes supporting construction activities, including demolition work, earthwork and excess dirt removal, concrete and fencing work, and compliance with erosion and sediment control requirements. The on-site construction work is anticipated to begin in January 2018 and to be completed in July, 2018.

Five bids were received on November 21, 2017, in response to ITB #17-1531-10JCK. The bidders and bid amounts are as follows:

<u>Bidder</u>	<u>Bid Amount</u>
Sports Construction Management, Inc. Lexington, NC	\$5,187,000
The LandTek Group, Inc. Amityville, NY	\$5,265,100

Hellas Construction, Inc. Austin, TX	\$5,995,000
R.A.D. Corp. d/b/a RAD Sports Rockland, MA	\$6,011,000
Frontier Environmental, Inc. dba Frontier Construction Co. Jones Mill, PA	\$6,974,500

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

This Board paper also authorizes the County Manager, or the Purchasing Director as his designee, to execute change orders not to exceed 15% of the original contract amount. Funding to support the contract is available within the project budget.

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

RESOLUTION - Award of Contract - Sanitary Sewer Odor and Corrosion Control.

This Board paper would award a contract for sanitary sewer odor and corrosion control to EWT Holdings III Corp. The contract is for delivery and operation of a complete turnkey odor and corrosion control system, including equipment, chemicals, testing, and maintenance. The contract requires the contractor to reduce hydrogen sulfide levels in wastewater by injecting chemicals into the flow at various sewer pump stations. The specifications also set maximum hydrogen sulfide levels for contract compliance.

On November 17, 2017, the County received one proposal in response to RFP #17-1513-9CHS. The only offeror was EWT Holdings III Corp.

Based upon evaluation of the proposal, the selection committee negotiated a contract with EWT Holdings III Corp. at the unit prices set forth in its proposal dated November 15, 2017, and best and final offer dated November 30, 2017. The term of the contract is five years, and the estimated contract amount for the first year is \$1,852,638.

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

RESOLUTION - Award of Contract - Hechler Village Trunk Sewer Replacement - Fairfield District.

This Board paper would award a construction contract for \$1,687,344 to Godsey & Son, Inc. for the Hechler Village Trunk Sewer Replacement project. This project will install approximately 2,400 feet of 8-inch, 16-inch and 24-inch diameter sewer main and abandon the existing sewer main in the Hechler Village area.

The work is expected to begin in February 2018 and to be completed by January 2019.

Six bids were received on October 24, 2017, in response to Invitation to Bid No. 17-1492-8CLE and Addenda Nos. 1 and 2:

<u>Bidders</u>	<u>Bid Amount</u>
Godsey & Son, Inc. Henrico, VA	\$ 1,687,344
C.T. Purcell Excavating, Inc. Montpelier, VA	\$ 1,689,104
TA Sheets General Contractors, Inc. Norfolk, VA	\$ 1,990,000
Garney Companies, Inc. Chantilly, VA	\$ 2,032,200
G.L. Howard, Inc. Rockville, VA	\$ 2,206,100
Tidewater Utility Construction, Inc. Suffolk, VA	\$ 2,735,000

Based upon a review of the bids, Godsey & Son, Inc. is the lowest responsive and responsible bidder. Funding will be provided by the Water and Sewer Revenue Fund.

The Board paper awards the contract to Godsey & Son, Inc. and grants signatory authority to the County Manager to execute the contract in a form approved by the County Attorney. The County Manager, or the Purchasing Director as his designee, is authorized to execute change orders within the scope of the project budget not to exceed 15% of the original contract amount.

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

RESOLUTION - Award of Contract - Water Reclamation Facility HVAC Upgrade - Varina District.

This Board paper would award a contract to eTEC Mechanical Corporation to replace deteriorated HVAC units in the Administration and Digester Complex buildings at the Water Reclamation Facility for \$2,179,000.

The work is expected to begin in February 2018 and to be completed by April 2019.

The County received two bids on November 8, 2017, in response to ITB #17-1498-9CLE and Addenda No. 1 and No. 2 as follows:

<u>Bidder</u>	<u>Bid Amount</u>
eTEC Mechanical Corporation Henrico, VA	\$2,179,000
Waco, Inc. Sandston, VA	\$2,199,760

Based upon a review of the bids, eTEC Mechanical Corporation is the lowest responsive and responsible bidder. Funding will be provided by the Water and Sewer Revenue Fund.

The Board paper awards the contract to eTEC Mechanical Corporation and grants signatory authority to the County Manager to execute the contract in a form approved by the County Attorney. The County Manager, or the Purchasing Director as his designee, is authorized to execute change orders within the scope of the project budget not to exceed 15% of the original contract amount.

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

RESOLUTION - To Permit Additional Fine of \$200 for Speeding on Quail Roost Drive between Braxton Avenue and Quail Walk Drive - Brookland District.

Section 46.2-878.2 of the Code of Virginia provides for the imposition of a \$200 fine for speeding, in addition to other penalties provided by law, when a locality has established a maximum speed limit for a highway in a residential district and the speed limit is indicated by appropriately placed signs. The law requires the Board of Supervisors to develop criteria for the overall applicability for the installation of the signs and to specify application of the law to particular streets before the additional fine may be imposed.

On February 10, 2004, the Board approved criteria for the County's Traffic Calming Program.

The County's Traffic Engineer has collected traffic data and has determined that Quail Roost Drive between Braxton Avenue and Quail Walk Drive is experiencing speeding problems and meets the criteria for traffic calming measures set forth in the Traffic Calming Program.

The citizens in the area of this road requesting the increased fine have collected signatures from 75% of the residents.

This Board paper authorizes the County Manager to place appropriate signs on Quail Roost Drive between Braxton Avenue and Quail Walk Drive warning of an additional fine of \$200 for speeding.

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

RESOLUTION - Claim of LandTek Group, Inc.

Virginia Code Section 15.2-1248 provides that "no action shall be maintained by any person against a county upon any claim or demand until such person has presented his claim to the governing body of the county." The purpose of this Board paper is to allow for presentation to the Board of a claim against the County asserted by LandTek Group, Inc. LandTek is the general contractor on the Greenwood Park project. LandTek claims it has incurred damages amounting to \$312,678.26 because a shock pad proposed by LandTek was determined not to be an equal of the brand product specified in the construction contract.

This matter will be discussed with the Board in a closed meeting prior to its presentation in open session at a regular meeting.

RESOLUTION - Claims of Siteworks Unit B, LLC.

Virginia Code Section 15.2-1248 provides that “no action shall be maintained by any person against a county upon any claim or demand until such person has presented his claim to the governing body of the county.” The purpose of this Board paper is to allow for presentation to the Board of claims against the County asserted by Siteworks Unit B, LLC. The claims, which are based on various legal theories, relate to the disposal and alleged abandonment of electronic waste in a warehouse owned by SiteWorks and located at 2601 Maury Street in the City of Richmond. SiteWorks claims it has suffered damages amounting to \$350,000 as a result of the County’s actions and has offered to accept \$200,000 to resolve its claims.

This matter will be discussed with the Board in a closed meeting prior to its presentation in open session at a regular meeting.