

**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 23, 2018**, at **5:00 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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| 5:00 - 5:15 p.m. | Text-to-911 Initiative |
| 5:15 - 5:45 p.m. | Fairfield Area Library Update |
| 5:45 - 6:00 p.m. | All Henrico Reads 2018 |
| 6:00 - 6:15 p.m. | Closed Meeting for Consultation with the County Attorney and Outside Counsel Pertaining to Actual Litigation Styled <i>In Re: Liquid Aluminum Sulfate Antitrust Litigation</i> , Pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, 1950, as Amended. |
| 6:15 - 6:30 p.m. | Regular Meeting Agenda Items |



Barry R. Lawrence, CMC
Clerk, Henrico County Board of Supervisors
January 18, 2018

COUNTY OF HENRICO, VIRGINIA
Henrico County Board Room
Board of Supervisors' Agenda
January 23, 2018
7:00 p.m.

PLEDGE OF ALLEGIANCE
INVOCATION

APPROVAL OF MINUTES - January 9, 2018, Regular Meeting; and November 8, 2017,
Special Meeting

MANAGER'S COMMENTS
BOARD OF SUPERVISORS' COMMENTS
RECOGNITION OF NEWS MEDIA

PRESENTATION

Proclamation - Black History Month - February 2018.

RESIGNATION/APPOINTMENT

- 22-18 Resolution - Resignation of Member - Capital Region Airport Commission.
- 23-18 Resolution - Appointment of Member - Capital Region Airport Commission.

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMITS

- 24-18 The Rebkee Company: Request to conditionally rezone from R-3 One-Family
REZ2017- Residential District and B-1 Business District to B-2C Business District
00025 (Conditional) on Parcel 754-747-0694 containing 2.59 acres located at the
Three Chopt northwest intersection of N. Parham and Three Chopt Roads. The applicant
proposes a convenience store with fuel pumps. The use will be controlled by
zoning ordinance regulations and proffered conditions. The 2026
Comprehensive Plan recommends Commercial Concentration and Suburban
Residential 2, density should not exceed 3.4 units per acre. The Planning
Commission voted to recommend the Board of Supervisors **grant** the
request. **(Deferral requested to the February 27, 2018, meeting.)**
- 25-18 The Rebkee Company: Request for a Provisional Use Permit under Sections
PUP2017- 24-58.2(a), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to
00021 allow 24 hour operation of a proposed convenience store with fuel pumps on
Three Chopt Parcel 754-747-0694 located at the northwest intersection of N. Parham and
Three Chopt Roads. The existing zoning is R-3 One-Family Residential
District and B-1 Business District. The 2026 Comprehensive Plan
recommends Commercial Concentration and Suburban Residential 2,
density should not exceed 3.4 units per acre. The Planning Commission
voted to recommend the Board of Supervisors **grant** the request. **(Deferral
requested to the February 27, 2018, meeting.)**

- 26-18
REZ2017-
00033
Three Chopt
Ronald Kody: Request to amend proffers accepted with rezoning case C-14C-87 on Parcel 749-760-0500 located on the south line of W. Broad Street (U.S. Route 250) approximately 450' east of its intersection with Cox Road. The applicant proposes to amend Proffer 2 related to exterior building materials. The 2026 Comprehensive Plan recommends Urban Mixed-Use. The site is in the Innsbrook Overlay District. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.
- 27-18
PUP2017-
00020
Fairfield
PI Tower Development, LLC: Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to allow a monopole communication tower up to 136.5' in height and related equipment on part of Parcel 791-740-4089 located on the north line of Oronoco Avenue at its intersection with Pilots Lane. The existing zoning is A-1 Agricultural District. The 2026 Comprehensive Plan recommends Semi-Public and Environmental Protection Area. A portion of the site is in the Airport Overlay Safety District. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.
- 28-18
REZ2017-
00027
Fairfield
Scott Boze: Request to conditionally rezone from B-2 Business District to B-3C Business District (Conditional) Parcel 812-724-3676 containing .981 acres located on the north line of Nine Mile Road (State Route 33) approximately 300' east of its intersection with Cedar Fork Road. The applicant proposes commercial uses. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Commercial Concentration. The site is in the Enterprise Zone and the Airport Overlay Safety District. The Planning Commission voted to recommend the Board of Supervisors **deny** the request.
- 29-18
REZ2017-
00030
Brookland
Luis Cabral: Request to conditionally rezone from O-2 Office District to B-2C Business District (Conditional) Parcel 770-755-3230 containing .998 acres located at the southeast intersection of Staples Mill Road (U.S. Route 33) and E. Parham Road. The applicant proposes a drive-thru restaurant. The use will be controlled by proffered conditions and zoning ordinance regulations. The 2026 Comprehensive Plan recommends Commercial Concentration. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

PUBLIC HEARINGS – OTHER ITEM

- 30-18
Resolution - POD2017-00569 - Approval of a Plan of Development for Fairfield Area Library - Fairfield District.

PUBLIC COMMENTS

GENERAL AGENDA

- 31-18
Resolution - Approval of Western-Star Hospital Authority, Inc. d/b/a Metro Health EMS to Operate a Medical Transport Medical Service in Henrico County.

- 32-18 Introduction of Ordinance - To Amend and Reordain Section 9-2 of the Code of the County of Henrico Titled "Precincts and polling places" by Merging the Glenside Precinct Into the Johnson Precinct and by Updating the Name of the Polling Place of the Greendale Precinct, All in the Brookland District.
- 33-18 Resolution - Approval of New Section 457 Deferred Compensation Plan and Authorization of County Contributions for Deferred Compensation for County Attorney.
- 34-18 Resolution - Signatory Authority - Acquisition of Real Property - Parcel Adjacent to Roslyn Hills Park - Tuckahoe District.
- 35-18 Resolution - Award of Contract - Meredith Branch Force Main Replacement - Brookland District.
- 36-18 Resolution - Authorizing the County to Join Pending Litigation Styled In Re: Liquid Aluminum Sulfate Antitrust Litigation
- 37-18 Resolution - Acceptance of Roads - Brookland District.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS' RESUME
January 23, 2018**

PRESENTATION

PROCLAMATION – Black History Month – February 2018.

Black History Month is an annual celebration of achievements by African Americans and a time for recognizing their central role in United States history. The event grew out of Negro History Week, the brainchild of distinguished scholar Dr. Carter G. Woodson and other prominent African Americans. Since 1976, every U.S. president has officially designated the month of February as Black History Month. The County of Henrico celebrates Black History Month by airing documentaries and offering special programs and activities. This proclamation recognizes February 2018 as Black History Month in Henrico County and encourages all Henrico citizens to mark this occasion and participate in its observance.

RESIGNATION/APPOINTMENT

RESOLUTION – Resignation of Member – Capital Region Airport Commission.

This Board paper accepts the resignation of **Bryan E. Kornblau** from the Capital Region Airport Commission.

RESOLUTION - Appointment of Member - Capital Region Airport Commission.

This Board paper appoints the following person to the Capital Region Airport Commission for an unexpired term ending December 31, 2019, or thereafter, when his successor shall have been appointed and qualified:

Citizen At-Large

Harvey L. Hinson

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMITS

REZ2017-00025 Three Chopt	The Rebkee Company: Request to conditionally rezone from R-3 One-Family Residential District and B-1 Business District to B-2C Business District (Conditional) on Parcel 754-747-0694 containing 2.59 acres located at the northwest intersection of N. Parham and Three Chopt Roads. The applicant proposes a convenience store with fuel pumps. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Commercial Concentration and Suburban Residential 2, density should not exceed 3.4 units per acre. Acting on a motion by Mrs. Marshall, seconded by Mr. Witte, the Planning Commission voted 4-1 (one abstention) to recommend the Board of Supervisors grant the request because it conforms to the Commercial Concentration recommendation of the Land Use Plan and the proffered conditions would provide for appropriate quality assurances not otherwise available. (Deferral requested to the February 27, 2018, meeting.)
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PUP2017-00021
Three Chopt
The Rebkee Company: Request for a Provisional Use Permit under Sections 24-58.2(a), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to allow 24 hour operation of a proposed convenience store with fuel pumps on Parcel 754-747-0694 located at the northwest intersection of N. Parham and Three Chopt Roads. The existing zoning is R-3 One-Family Residential District and B-1 Business District. The 2026 Comprehensive Plan recommends Commercial Concentration and Suburban Residential 2, density should not exceed 3.4 units per acre. Acting on a motion by Mrs. Marshall, seconded by Mr. Witte, the Planning Commission voted 4-1 (one abstention) to recommend the Board of Supervisors **grant** the request because when properly developed and regulated by the recommended conditions, it would not be detrimental to the public health, safety and welfare, in the area and the conditions should minimize the potential impacts on surrounding land uses. **(Deferral requested to the February 27, 2018, meeting.)**

REZ2017-00033
Three Chopt
Ronald Kody: Request to amend proffers accepted with rezoning case C-14C-87 on Parcel 749-760-0500 located on the south line of W. Broad Street (U.S. Route 250) approximately 450' east of its intersection with Cox Road. The applicant proposes to amend Proffer 2 related to exterior building materials. The 2026 Comprehensive Plan recommends Urban Mixed-Use. The site is in the Innsbrook Overlay District. Acting on a motion by Mrs. Marshall, seconded by Mr. Archer, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because the proffers continue to assure a quality form of development with maximum protection afforded the adjacent properties and it is not expected to adversely impact surrounding land uses in the area.

PUP2017-00020
Fairfield
PI Tower Development, LLC: Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to allow a monopole communication tower up to 136.5' in height and related equipment on part of Parcel 791-740-4089 located on the north line of Oronoco Avenue at its intersection with Pilots Lane. The existing zoning is A-1 Agricultural District. The 2026 Comprehensive Plan recommends Semi-Public and Environmental Protection Area. A portion of the site is in the Airport Overlay Safety District. Acting on a motion by Mr. Archer, seconded by Mr. Baka, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it would provide added services to the community and the permit conditions should minimize the potential impacts on surrounding land uses.

REZ2017-00027
Fairfield
Scott Boze: Request to conditionally rezone from B-2 Business District to B-3C Business District (Conditional) Parcel 812-724-3676 containing .981 acres located on the north line of Nine Mile Road (State Route 33) approximately 300' east of its intersection with Cedar Fork Road. The applicant proposes commercial uses. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Commercial Concentration. The site is in the Enterprise Zone and the Airport Overlay Safety District. Acting on a motion by Mr. Archer, seconded by Mr. Witte, the Planning Commission voted 5-0 (one abstention) to recommend the

Board of Supervisors **deny** the request because it failed to include the proffered conditions deemed necessary to lessen the impact of B-3 Business District zoning on the area and it represents an increase in intensity which could influence future zoning and development of adjacent properties.

REZ2017-
00030
Brookland

Luis Cabral: Request to conditionally rezone from O-2 Office District to B-2C Business District (Conditional) Parcel 770-755-3230 containing .998 acres located at the southeast intersection of Staples Mill Road (U.S. Route 33) and E. Parham Road. The applicant proposes a drive-thru restaurant. The use will be controlled by proffered conditions and zoning ordinance regulations. The 2026 Comprehensive Plan recommends Commercial Concentration. Acting on a motion by Mr. Witte, seconded by Mr. Baka, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it conforms to the recommendations of the Land Use Plan and it would not be expected to adversely affect the pattern of zoning and land use in the area.

PUBLIC HEARINGS – OTHER ITEM

RESOLUTION - POD2017-00569 - Approval of a Plan of Development for Fairfield Area Library - Fairfield District.

This Board paper is for Board of Supervisors' approval of a plan of development, as required by Sections 24-11(b) and 24-106 of the Henrico County Code, for construction of a two-story, 44,803-square foot public library with parking and related site improvements, as well as a future 16,000-square foot building addition. The 10.238-acre site is located at the southeast corner of the intersection of North Laburnum Avenue and Watts Lane on Parcel 808-731-7728. The property is zoned RTHC, Residential Townhouse District (Conditional) and ASO, Airport Safety Overlay District, and it is located in the Fairfield District.

The Department of Planning has coordinated the review of the plan of development with all County departments and has held a meeting with the project engineer and appropriate representatives from the Department of General Services, the Department of Public Works, the Department of Public Utilities, the Division of Fire, the Division of Police, and the Office of Building Construction and Inspections. All design issues raised during the review of the project have been resolved.

The Director of Planning recommends approval of the plan of development, subject to the staff recommendations, the staff plan dated January 23, 2018, and the conditions listed in the Board paper, and the County Manager concurs.

PUBLIC COMMENTS

GENERAL AGENDA

RESOLUTION - Approval of Western-Star Hospital Authority, Inc. d/b/a Metro Health EMS to Operate a Medical Transport Service in Henrico County.

Western-Star Hospital Authority, Inc. d/b/a Metro Health EMS ("Western-Star") is a private ambulance company that has opened an office at 2101 E. Parham Road, Suite 101,

Henrico, VA 23228, in the Fairfield District. It seeks to obtain an EMS license from the Virginia Department of Health – Office of Emergency Medical Services. State regulations require EMS agencies, including private ambulance companies, to obtain approval from the local governing body in order to obtain an EMS license. This Board paper confers that approval. Western-Star has assured the Division of Fire that it will not respond to calls for emergency 911 services within the County unless requested to do so by the County through its EMS system.

INTRODUCTION OF ORDINANCE - To Amend and Reordain Section 9-2 of the Code of the County of Henrico Titled “Precincts and polling places” by Merging the Glenside Precinct Into the Johnson Precinct and by Updating the Name of the Polling Place of the Greendale Precinct, All in the Brookland District.

This Board paper introduces for advertisement and public hearing on February 27, 2018, an ordinance to make two changes to the County’s precincts and polling places in the Brookland District.

First, the Glenside Precinct would merge into the Johnson Precinct, whose polling place is Johnson Elementary School. This change is proposed because Bonnie Brae Church, the current polling place for Glenside Precinct, no longer wishes to serve as a polling place.

Second, the ordinance would change the name, but not the location, of the polling place of the Greendale Precinct from “Dumbarton Library” to “Recreation and Parks Main Office.” This change is proposed because the building is no longer used as a library but now serves as the main office of the Division of Recreation and Parks.

The Electoral Board recommended both changes at its meeting on January 16, 2018.

RESOLUTION - Approval of New Section 457 Deferred Compensation Plan and Authorization of County Contributions for Deferred Compensation for County Attorney.

The Board paper would approve a new County deferred compensation plan and trust and authorize County contributions for deferred compensation for the County Attorney.

On April 8, 1981, the Board of Supervisors established a Section 457 deferred compensation plan for County employees, and it has been amended several times to make changes required to comply with amendments to federal tax law. The new plan documents to modernize the plan would be effective March 1, 2018, in conjunction with the County’s transition to a single plan administrator. The Board paper would also allow Economic Development Authority (“EDA”) employees to participate in the County’s deferred compensation plan if the EDA executes a participation agreement.

The Board paper would also authorize the County Manager to do all things necessary for administration and implementation of the plan and trust, including the power to execute plan and trust amendments as needed to comply with changes in state and federal law.

The Board paper would also authorize County contributions for the amount of maximum annual deferred compensation permitted by applicable law for the County Attorney, effective January 1, 2018.

The Director of Human Resources recommends approval of this Board paper, and the County Manager concurs.

RESOLUTION - Signatory Authority - Acquisition of Real Property - Parcel Adjacent to Roslyn Hills Park - Tuckahoe District.

This Board paper authorizes the County Manager to execute a purchase agreement to acquire a 0.25- acre lot adjacent to the County's Roslyn Hills Park as additional land for the park. The owners, Matthew Joseph Burstein and Elinor Burstein, have agreed to sell the property for \$20,000. The current assessed value is \$12,500.

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

RESOLUTION - Award of Contract - Meredith Branch Force Main Replacement - Brookland District.

This Board paper would award a construction contract for \$7,246,000 to S.J. Louis Construction, Inc. for the Meredith Branch Force Main Replacement project. This project will install approximately 1.8 miles of 42-inch sanitary force main and abandon approximately 2.3 miles of existing force main between Fairlake Lane and Brays Fork Drive.

The work is expected to begin in April 2018 and to be completed by February 2020.

Nine bids were received on November 14, 2017, in response to Invitation to Bid No. 17-1519-10CLE and Addenda Nos. 1 and 2:

<u>Bidders</u>	<u>Bid Amount</u>
S.J. Louis Construction, Inc. Rockville, MN	\$ 7,246,000
Garney Companies, Inc. Chantilly, VA	\$ 7,942,100
C.T. Purcell Excavating, Inc. Montpelier, VA	\$ 8,410,567
Corman Construction, Inc. Annapolis Junction, MD	\$ 8,654,129
MEB General Contractors, Inc. Chesapeake, VA	\$ 9,255,550
TA Sheets General Contractors, Inc. Norfolk, VA	\$ 9,367,500
Tidewater Utility Construction, Inc. Suffolk, VA	\$ 9,728,750
Kelvic Construction Company, Inc. Locust Grove, VA	\$ 11,381,900
Walter C. Via Enterprises, Inc. West Point, VA	\$ 11,579,240

Based upon a review of the bids, S.J. Louis Construction, Inc. is the lowest responsive and responsible bidder.

The Board paper awards the contract to S.J. Louis Construction, 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 - Authorizing the County to Join Pending Litigation Styled In Re: Liquid Aluminum Sulfate Antitrust Litigation.

This Board paper authorizes the County to join as a plaintiff in litigation pending in federal court and styled In Re: Liquid Aluminum Sulfate Antitrust Litigation. The litigation, in which the City of Richmond, the City of Baltimore, and the Washington Suburban Sanitary Commission already are plaintiffs and which Chesterfield County is in the process of joining, involves claims of antitrust law violations resulting from a conspiracy to fix prices for aluminum sulfate.

Over the past 20 years, the County purchased more than \$7 million worth of aluminum sulfate from two of the alleged conspirators. By joining the litigation, the County hopes to recover substantial damages it suffered as a result of the price fixing conspiracy. The Ballard Spahr and AquaLaw law firms are representing the plaintiffs in the litigation and would represent the County as well as other additional plaintiffs who decide to join the litigation.

RESOLUTION - Acceptance of Roads - Brookland District.

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

- 1) 0.17 mile of Claytonshire, Section A - Brookland District.

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