

**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, April 12, 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.	Real Estate Tax Exemption for Disabled Veterans
5:00 – 5:30 p.m.	Glen Echo Office Building
5:30 – 5:50 p.m.	<i>Dinner</i>



Barry R. Lawrence, CMC
Clerk, Henrico County Board of Supervisors
April 7, 2011

COUNTY OF HENRICO, VIRGINIA
Henrico County Board Room
Board of Supervisors' Agenda
April 12, 2011
6:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Rev. Travis Branch, Chaplain, Gospel Jail Ministry

PUBLIC HEARING

93-11 Resolution - Adoption of Operating and Capital Annual Fiscal Plans For Fiscal Year 2011- 12 and Allocation of Car Tax Relief for Tax Year 2011.

BEGINNING AT 7:00 P.M.

APPROVAL OF MINUTES – March 22, 2011 Regular and Special Meetings

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

PRESENTATIONS

Proclamation – Crime Victims' Rights Week – April 10 – 16, 2011.

Proclamation - Library Week - April 10 – 16, 2011.

Proclamation – PowerTalk 21 Day – April 21, 2011.

Proclamation – Administrative Professionals Week – April 24 – 30, 2011.

Proclamation – NASCAR Race Week – April 24 – 30, 2011.

Proclamation – Parliamentary Law Day – May 7, 2011.

RESIGNATION/APPOINTMENT

94-11 Resolution – Resignation of Member – Community Criminal Justice Board.

95-11 Resolution – Appointment of Member – Community Criminal Justice Board.

PUBLIC HEARINGS - REZONING CASES AND PROVISIONAL USE PERMIT

96-11 Old Glen Allen Properties, LLC: Request to conditionally rezone from R-2A
C-21C-10 One-Family Residence District to B-1C Business District (Conditional), Parcel
Brookland 770-767-3587 containing approximately 1.83 acres located along the north line
of Mountain Road approximately 150' west of its intersection with John

Cussons Drive. The applicant proposes retail and office uses. The uses will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Suburban Residential 1, density should not exceed 2.4 units per acre. The Planning Commission voted to recommend the Board of Supervisors **deny** the request.

97-11
C-22C-10
Varina

Felts & Kilpatrick Construction Co. Inc.: Request to conditionally rezone from R-3 One-Family Residence District and B-1 Business District, to R-3 One-Family Residence District and B-1C Business District (Conditional), Parcels 802-702-8535, -8929, -9916, and 803-702-2315 containing 3.08 acres (.58 acres R-3 and 2.50 acres B-1C), located at the northeast intersection of New Market Road (State Route 5) and Midview Road. The applicant proposes retail and single family uses. The uses will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends 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.

269-10
C-19-10
Fairfield

KCA/Laburnum, LLC: Request to rezone from RTHC Residential Townhouse District (Conditional) to A-1 Agricultural District, Parcel 808-731-7728 containing approximately 10.33 acres, located at the southeast intersection of N. Laburnum Avenue and Watts Lane. The A-1 District allows a minimum lot size of 43,560 square feet and a maximum gross density of 1.0 unit per acre. The use will be controlled by zoning ordinance regulations. The Land Use Plan recommends Urban Residential, density should range from 3.4 to 6.8 units per acre. The site is in the Airport Safety Overlay District. The Planning Commission voted to recommend the Board of Supervisors **grant** the request. **(Deferred from the March 8, 2011 Meeting.)**

98-11
P-1-11
Three Chopt

Regal Cinemas, Inc.: 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 an existing movie theater on part of Parcel 739-762-4639, located on the north line of W. Broad Street (U.S. Route 250) approximately 600' west of its intersection with Pouncey Tract Road (State Route 271). The existing zoning is B-2C Business District (Conditional) and M-1 Light Industrial District. The Land Use 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

99-11

Ordinance - To Amend and Reordain Section 9-1 of the Code of the County of Henrico Titled "Magisterial districts" to Redistrict the County Based on the 2010 Census.

- 100-11 Ordinance - To Amend and Reordain Section 9-2 of the Code of the County of Henrico Titled “Precincts and polling places” to Redistrict the County Based on the 2010 Census.
- 101-11 Resolution - Signatory Authority - First Amendment to Lease Agreement - Crown Castle GT Company LLC, a Delaware Limited Liability Company - Brookland District.
- 102-11 Resolution - Signatory Authority – First Amendment to Lease Agreement - Crown Castle GT Company LLC, a Delaware Limited Liability Company - Fairfield District.
- 103-11 Ordinance - Vacation of Portion of Pump Road - Canterbury Square - Tuckahoe District.

PUBLIC COMMENTS

GENERAL AGENDA

- 104-11 Resolution – Authorization to Apply for and Accept Grant Funding from the Richmond Metropolitan Medical Response System, as Administered by the Virginia Department of Emergency Management, for the Purchase of a Prime Mover Vehicle.
- 105-11 Resolution - Award of Construction Contract - Strawberry Hill Sewage Pumping Station Standby Generator Facility - Fairfield District.
- 106-11 Resolution - To Permit Additional Fine of \$200 for Speeding on a Portion of Old Richmond Avenue and a Portion of Fitzhugh Avenue.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS' RESUME
April 12, 2011**

INVOCATION – Rev. Travis Branch, Chaplain, Gospel Jail Ministry

PUBLIC HEARING

RESOLUTION – Adoption of Operating and Capital Annual Fiscal Plans For Fiscal Year 2011-12 and Allocation of Car Tax Relief for Tax Year 2011.

On Tuesday, April 12, 2011, this paper will be considered, but should be deferred (at least seven days, according to law) before being approved. At a scheduled meeting on Tuesday, April 26, 2011, at 7:00 p.m. the proposed Operating and Capital Annual Fiscal Plans may be approved, amended, substituted for, or deferred until a later date, but, at least with regard to the schools' budget, should be approved by May 1, 2011. This paper will also allocate car tax relief for tax year 2011.

PRESENTATIONS

PROCLAMATION – Crime Victims' Rights Week – April 10 – 16, 2011.

The County's Victim/Witness Assistance Program in the Commonwealth's Attorney's Office is joining forces with victim service programs, criminal justice officials, and concerned citizens throughout Henrico, the Commonwealth of Virginia, and the United States to observe National Crime Victims' Rights Week. This proclamation recognizes April 10 – 16, 2011 as Crime Victims' Rights Week in Henrico County and reaffirms the County's commitment to respect and enforce victims' rights and address their needs.

PROCLAMATION - Library Week - April 10 – 16, 2011.

The American Library Association has sponsored National Library Week annually since 1958 to celebrate the contributions of our nation's libraries and promote library use and support. This proclamation recognizes April 10 – 16, 2011 as Library Week in Henrico County and calls upon Henrico citizens to participate in its observance, take advantage of the wonderful library resources available, thank their librarians and library workers for making books and information accessible to all who walk through their library's doors as well as those who visit online, and acknowledge that communities around the world can connect at the library.

PROCLAMATION – PowerTalk 21 – April 21, 2011.

Mothers Against Drunk Driving (MADD), the nation's largest nonprofit organization working to protect families from drunk driving and underage drinking, is promoting April 21, 2011 as PowerTalk 21 Day, the first national day for parents to start conversations with their children

about alcohol through events and workshops in communities across the country. MADD Virginia, which is based in Henrico County, is leading this effort in communities throughout the Commonwealth of Virginia. This proclamation recognizes April 21, 2011 as PowerTalk 21 Day in Henrico County and encourages all Henrico citizens to join in the local and national efforts to raise awareness of the importance of parents and teens talking together about alcohol in order to reduce the risks and dangers posed to teens and communities.

PROCLAMATION – Administrative Professionals Week – April 24 – 30, 2011.

Administrative professionals play an essential role in coordinating the office operations of businesses, government, educational institutions, and other organizations. The Old Dominion Chapter of the International Association of Administrative Professionals, which is active in Henrico County, is promoting the observance of Administrative Professionals Week throughout our metropolitan area in cooperation with its worldwide organization. This proclamation recognizes April 24 – 30, 2011 as Administrative Professionals Week and April 27, 2011 as Administrative Professionals Day, salutes the valuable contributions of administrative professionals in the workplace, and encourages employers to support continued training and development for administrative staff in acknowledgement that a well-trained workforce is essential for success in today’s business world.

PROCLAMATION – NASCAR Race Week - April 24 – 30, 2011.

The first National Association for Stock Car Auto Racing (NASCAR) sanctioned automobile race staged in Henrico County was held at the Atlantic Rural Exposition Fairgrounds, currently Richmond International Raceway (RIR), on April 19, 1953, within NASCAR’s Grand National Division. Today, RIR annually hosts Virginia’s two largest spectator sporting events, the spring and fall NASCAR Sprint Cup Series races, and is known as “America’s Premier Sports Track,” offering one of the most popular facilities among drivers and fans in all of motorsports with a seating capacity of 94,063. During the weekend of April 28 – 30, 2011, RIR will feature the Blue Ox 100 NASCAR K&N Pro Series East race and Denny Hamlin Short Track Showdown (April 28), the BUBBA burger 250 NASCAR Nationwide Series race (April 29), and the Crown Royal Presents Matthew & Daniel Hansen 400 NASCAR Sprint Cup Series race (April 30). This proclamation recognizes April 24 – 30, 2011 as NASCAR Race Week in Henrico County and calls this observance to the attention of all Henrico citizens.

PROCLAMATION – Parliamentary Law Day – May 7, 2011.

Parliamentary law, which is a vital tool to our democratic society and a part of both statutory and common law in this country, governs the conduct of the meetings of many organizations. The 54th Annual Convention of the Virginia State Association of Parliamentarians will be held in Henrico County at the Richmond Marriott West during the weekend of May 6 – 8, 2011. This proclamation recognizes May 7, 2011 as Parliamentary Law Day in Henrico County and encourages all Henrico residents to acknowledge the important work performed by parliamentarians.

RESIGNATION/APPOINTMENT

RESOLUTION – Resignation of Member – Community Criminal Justice Board.

This Board paper accepts the resignation of Henry W. Stanley, Jr. from the Community Criminal Justice Board (the “CCJB”).

RESOLUTION – Appointment of Member – Community Criminal Justice Board.

This Board paper appoints the following person to the Community Criminal Justice Board for an unexpired term ending June 30, 2012 or thereafter, when his successor shall have been appointed and qualified:

Douglas A. Middleton, Chief, Henrico Division of Police

PUBLIC HEARINGS - REZONING CASES AND PROVISIONAL USE PERMIT

C-21C-10
Brookland
Old Glen Allen Properties, LLC: Request to conditionally rezone from R-2A One-Family Residence District to B-1C Business District (Conditional), Parcel 770-767-3587 containing approximately 1.83 acres located along the north line of Mountain Road approximately 150’ west of its intersection with John Cussons Drive. The applicant proposes retail and office uses. The uses will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Suburban Residential 1, density should not exceed 2.4 units per acre. Acting on a motion by Mr. Vanarsdall, seconded by Mr. Jernigan, 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-1 Business zoning on the area.

C-22C-10
Varina
Felts & Kilpatrick Construction Co. Inc.: Request to conditionally rezone from R-3 One-Family Residence District and B-1 Business District, to R-3 One-Family Residence District and B-1C Business District (Conditional), Parcels 802-702-8535, -8929, -9916, and 803-702-2315 containing 3.08 acres (.58 acres R-3 and 2.50 acres B-1C), located at the northeast intersection of New Market Road (State Route 5) and Midview Road. The applicant proposes retail and single family uses. The uses will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre. Acting on a motion by Mr. Jernigan, seconded by Mr. Vanarsdall, 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 business and residential zoning in the area and the proffered conditions will assure a level of development otherwise not possible.

C-19-10
KCA/Laburnum, LLC: Request to rezone from RTHC Residential Townhouse District (Conditional) to A-1 Agricultural District, Parcel 808-731-7728

Fairfield containing approximately 10.33 acres, located at the southeast intersection of N. Laburnum Avenue and Watts Lane. The A-1 District allows a minimum lot size of 43,560 square feet and a maximum gross density of 1.0 unit per acre. The use will be controlled by zoning ordinance regulations. The Land Use Plan recommends Urban Residential, density should range from 3.4 to 6.8 units per acre. The site is in the Airport Safety Overlay District. Acting on a motion by Mr. Archer, seconded by Mr. Jernigan, the Planning Commission voted 5-0 (one abstention) 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. **(Deferred from the March 8, 2011 Meeting.)**

P-1-11 Regal Cinemas, Inc.: Request for a Provisional Use Permit under Section 24-
Three Chopt 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 an existing movie theater on part of Parcel 739-762-4639, located on the north line of W. Broad Street (U.S. Route 250) approximately 600' west of its intersection with Pouncey Tract Road (State Route 271). The existing zoning is B-2C Business District (Conditional) and M-1 Light Industrial District. The Land Use 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. Jernigan, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because the conditions should minimize the potential impacts on surrounding land uses and it is reasonable in light of surrounding uses and existing zoning on the property.

PUBLIC HEARINGS - OTHER ITEMS

ORDINANCE – To Amend and Reordain Section 9-1 of the Code of the County of Henrico Titled “Magisterial districts” to Redistrict the County Based on the 2010 Census.

This Board paper proposes an ordinance relating to the decennial redistricting of the County’s five magisterial districts in accordance with state and federal law. The proposed ordinance will be the subject of public hearings before the Board on April 12 and 26. At the end of the April 12 public hearing, the ordinance should be deferred to April 26 for the final public hearing.

ORDINANCE – To Amend and Reordain Section 9-2 of the Code of the County of Henrico Titled “Precincts and polling places” to Redistrict the County Based on the 2010 Census.

Under state law, each voting precinct in the County must be wholly contained within a single magisterial district. Because of changes to the County’s magisterial districts in the 2011 redistricting plan, some of the County’s precincts are split over two magisterial districts. This Board paper proposes an ordinance to change several precincts and polling places within the County so that each precinct is contained wholly within a single magisterial district under the 2011 redistricting plan. The proposed ordinance will be the subject of public hearings before the Board on April 12 and 26. At the end of the April 12 public hearing, the ordinance should be deferred to April 26 for the final public hearing.

RESOLUTION - Signatory Authority – First Amendment to Lease Agreement – Crown Castle GT Company LLC, a Delaware Limited Liability Company – Brookland District.

Approval of this resolution will authorize the County Manager to execute a First Amendment to Lease Agreement with Crown Castle GT Company LLC, a Delaware Limited Liability Company, in a form approved by the County Attorney. The lease, which is for a cell tower located on Hermitage High Boulevard, began in 1995 and ends on May 1, 2015. The purpose of this lease amendment is to allow Crown Castle to extend the lease for four additional terms of five years each. The annual rent during the first renewal period will be \$14,763.72.

The Director of Real Property recommends approval of the resolution.

RESOLUTION - Signatory Authority – First Amendment to Lease Agreement – Crown Castle GT Company LLC, a Delaware Limited Liability Company – Fairfield District.

Approval of this resolution will authorize the County Manager to execute a First Amendment to Lease Agreement with Crown Castle GT Company LLC, a Delaware Limited Liability Company, in a form approved by the County Attorney. The lease, which is for a cell tower located on Milburn Avenue, began in 1996 and ends on October 31, 2016. The purpose of this lease amendment is to allow Crown Castle to extend the lease for four additional terms of five years each. The annual rent during the first renewal period will be \$15,155.

The Director of Real Property recommends approval of the resolution.

ORDINANCE – Vacation of Portion of Pump Road – Canterbury Square – Tuckahoe District.

Approval of this Ordinance will vacate the portion of Pump Road in the Canterbury Square Apartment complex and being between Castile Road and Riverlake Colony Subdivision, Section B. This portion of Pump Road includes a 10-foot wide section of Pump Road adjacent to Riverlake Colony Subdivision, Section B that was abandoned by a resolution of the Board approved on October 13, 1993. Another portion of Pump Road located within that subdivision was vacated by an ordinance of the Board approved on April 26, 1995.

If this ordinance is approved: (1) the owner of the apartments, Canterbury Square, LLC, will be able to provide better security to the residents; and (2) a permanent drainage and utility easement for existing County facilities will be reserved on, under, over, across and through the entire portion vacated.

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

PUBLIC COMMENTS

GENERAL AGENDA

RESOLUTION – Authorization to Apply for and Accept Grant Funding from the Richmond Metropolitan Medical Response System, as Administered by the Virginia Department of Emergency Management, for the Purchase of a Prime Mover Vehicle.

This Board paper authorizes the Division of Fire to accept grant funding totaling \$28,500.00 from the Richmond Metropolitan Medical Response System, as administered through the Virginia Department of Emergency Management. The grant, which does not require a local match, will be used by the Division of Fire to purchase a prime mover vehicle for the deployment of mobile sheltering systems.

RESOLUTION - Award of Construction Contract - Strawberry Hill Sewage Pumping Station Standby Generator Facility - Fairfield District.

This Board Paper awards a construction contract to The Chappy Corporation in the amount of \$5,999,200 to provide a standby electric power generator facility to include a 5,800 SF brick building, three 2,000 kW generators, and three above ground fuel tanks. The pump station and generator facility are located at 4800 Vawter Avenue.

The purpose of the project is to provide an additional electric power supply to ensure operation of the sewer pump station if primary electric power is interrupted. The work will begin in June 2011 and will be completed by February 2014. Funding to support the contract is available within the Water and Sewer Enterprise Fund.

Bids were received on March 1, 2011. The bidders and bid amounts are as follows:

<u>Bidders</u>	<u>Bid Amounts</u>
The Chappy Corporation Chelsea, MA	\$5,999,200.00
English Construction Company, Inc. Lynchburg, VA	\$6,240,600.00
Southwood Builders, Inc. Ashland, VA	\$6,789,866.00
State Utility Contractors, Inc. Monroe, NC	\$6,929,000.00
B&B Mechanical Contractors, Inc. Dutton, VA	\$6,977,840.00
Shaw Construction Corp. Williamsburg, VA	\$7,088,700.00
TA Loving Company Goldsboro, NC	\$7,300,400.00

After a review and evaluation of all bids received, it was determined that The Chappy Corporation is the lowest responsive and responsible bidder with a bid of \$5,999,200.

The Directors of Public Utilities and General Services recommend the Board award the contract to The Chappy Corporation, the lowest responsive and responsible bidder, in the amount of \$5,999,200 and authorize the County Manager, or the Director of General Services as his

designee, to execute the contract and change orders not to exceed 15% of the original contract amount. The County Manager concurs.

RESOLUTION - To Permit Additional Fine of \$200 for Speeding on a Portion of Old Richmond Avenue and a Portion of Fitzhugh Avenue.

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 residence 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 a portion of Old Richmond Avenue between Libbie Avenue and Byrd Avenue and a portion of Fitzhugh Avenue between Libbie Avenue and Byrd Avenue in the County are experiencing speeding problems and meet the criteria for traffic calming measures set forth in the Traffic Calming Program.

The citizens in the area of these roads requesting the increased fine have collected signatures from 82% of the residents on Old Richmond Avenue and 81% of the residents on Fitzhugh Avenue.

The Board paper authorizes the County Manager to place appropriate signs on a portion of Old Richmond Avenue between Libbie Avenue and Byrd Avenue, and a portion of Fitzhugh Avenue between Libbie Avenue and Byrd Avenue warning of an additional fine of \$200 for speeding.

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