

**COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
REGULAR MEETING  
October 9, 2012**

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, October 9, 2012, at 7:00 p.m. in the Board Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia.

**Members of the Board Present:**

Richard W. Glover, Chairman, Brookland District  
David A. Kaechele, Vice Chairman, Three Chopt District  
Tyrone E. Nelson, Varina District  
Patricia S. O'Bannon, Tuckahoe District  
Frank J. Thornton, Fairfield District

**Other Officials Present:**

Virgil R. Hazelett, P.E., County Manager  
Joseph P. Rapisarda, Jr., County Attorney  
Michael L. Wade, Sheriff  
Barry R. Lawrence, CMC, Assistant to the County Manager/Clerk to the Board  
Jane D. Crawley, Deputy County Manager for Community Services  
Timothy A. Foster, P.E., Deputy County Manager for Community Operations  
Randall R. Silber, Deputy County Manager for Community Development  
John A. Vithoulkas, Deputy County Manager for Administration

Mr. Glover called the meeting to order at 7:05 p.m.

Mr. Glover led recitation of the Pledge of Allegiance.

On motion of Mr. Nelson, seconded by Mr. Kaechele, the Board approved the minutes of the September 25, 2012, Regular and Special Meetings.

The vote of the Board was as follows:

Yes: Glover, Kaechele, Nelson, O'Bannon, Thornton

No: None

**MANAGER'S COMMENTS**

A Henrico County project has been selected as one of only 11 winners in the 2012 VACo Achievement Awards Program, which honors innovative model programs recently implemented by local governments. Henrico's winning program, *Historic County Data Book*,

was one of only two programs recognized by VACo in the Community/Economic Development category. The data book was created at the request of the County's 2011 Commemoration Advisory Commission in anticipation of Henrico's 400<sup>th</sup> anniversary and serves as a resource to residents and the public via the County's website. Packed with information on Henrico County from 1790 to the present, this invaluable resource shows how and when the County developed and represents the first-ever compilation of historical Henrico data brought together in one location. Phyllis Errico, VACo General Counsel, presented the award to Cristol Klevinsky, an Administrative Assistant for the County Manager's Office who did an exceptional job managing the project.

The Division of Police has received an award for "Best Overall Improved Seat Belt Usage" by Henrico motorists during the May 2012 Click It or Ticket campaign. The County's usage rate increased from 80 percent at the beginning of the campaign to 85 percent at the end of the campaign based on a survey conducted by the Division and the Virginia Highway Safety Office. This high usage rate, which was far above the state average, was a direct result of the Division's efforts in education and enforcement activities and is also credited to the support of the business community and school system in helping spread the Click It or Ticket messages.

The County's Auto Theft Unit, which is a part of the Division of Police's Criminal Investigations Section, has received the First Place HEATwave Award in Division 1 for its auto theft prevention efforts during the fiscal year ending June 30, 2012. The award recognizes a culmination of operations and educational events in which the Unit participated as part of the statewide H.E.A.T. (Help Eliminate Auto Theft) program.

#### **BOARD OF SUPERVISORS' COMMENTS**

Mr. Nelson thanked County staff for installing new technology in the Board Room that allows Board members to watch the video stream of the meeting on their computer monitors while the meeting is in progress.

Mr. Glover noted that he was asked several months ago by Virginia Commonwealth University's Wilder School of Government and Public Affairs to consider nominating Mr. Hazelett for the school's premier Excellence in Virginia Government Award, the Lifetime Achievement Award. He announced that Mr. Hazelett has received this eighth annual award, which recognizes an individual Virginian whose career represents the highest values of public service and citizenship and who has made a substantial contribution to the good of the Commonwealth. Mr. Glover remarked that he is glad VCU recognized Mr. Hazelett's stellar service to the County, which has included 20 years as County Manager and 40 years as a County employee.

#### **RECOGNITION OF NEWS MEDIA**

Mr. Glover recognized Randy Hallman of the Richmond Times-Dispatch.

## PRESENTATIONS

Mr. Kaechele presented a proclamation recognizing October 7 – 13, 2012, as Fire Prevention Week. Accepting the proclamation was Capt. Henry D. Rosenbaum, Chief Fire Marshal. Joining him were Kenneth L. Dunn, Acting Fire Chief; Anthony E. McDowell, Battalion Chief of Administration; Captain James E. Mellon, Public Information Officer; and Community Services Firefighter Jonathan E. Reinmuth. Capt. Rosenbaum narrated a slide presentation that depicted an August 11, 2012, cooking fire at a two-story house in Varina and illustrated how the occupants' fire safety awareness and preparedness exemplifies the 2012 Fire Prevention theme, "Have Two Ways Out!" The occupants escaped the house unharmed as the result of having developed a fire escape plan.

Mrs. O'Bannon presented a proclamation recognizing October 2012 as Domestic Violence Awareness Month. Accepting the proclamation were Beth C. Bonniwell, Domestic Violence Coordinator for the Division of Police, and Angela Merrit Verdery, Public Information Manager for Safe Harbor. Joining them were Catherine Hill, President of the Safe Harbor Board of Directors; Douglas A. Middleton, Chief of Police; and Lieutenant Cynthia A. Wood, Commander of the Division's Special Victims Unit.

## PUBLIC HEARING – REZONING CASES

245-12                   Atack WB Investors, LLC: Request to rezone from A-1 Agricultural District  
C-18C-12               to B-2C Business District (Conditional) part of Parcel 730-765-7288  
Three Chopt           containing 4.5 acres located along the north line of W. Broad Street (U.S.  
                                  Route 250) at the Goochland County line; from A-1 Agricultural District to  
                                  O-3C Office District (Conditional) part of Parcels 730-765-7288, 730-766-  
                                  8989, 731-766-6068, and 731-766-8757 containing 16.6 acres located along  
                                  the north line of W. Broad Street (U.S. Route 250) approximately 730' east  
                                  of the Goochland County line; from A-1 Agricultural District to R-6C  
                                  General Residence District (Conditional) part of Parcels 730-766-8989, 731-  
                                  766-6068, 731-766-8757, and 730-765-7288 containing 38.5 acres located on  
                                  the north line of W. Broad Street (U.S. Route 250) bounded by the  
                                  Goochland County line to the west and Interstate 64 to the north; and from  
                                  A-1 Agricultural District to RTHC Residential Townhouse District  
                                  (Conditional) part of Parcel 730-766-8989 containing 10.6 acres located  
                                  1,000' north of the north line of W. Broad Street (U.S. Route 250) bounded  
                                  by the Goochland County line to the west and Interstate 64 to the north.

Jean Moore, Assistant Director of Planning, responded to questions from Mrs. O'Bannon. Mike Jennings, Assistant Director of Public Works, responded to a question from Mr. Kaechele. Mr. Kaechele noted that this site had been the subject of several zoning cases in recent years where there was opposition but that this case had received little or no opposition from citizens and had received support from the community and County staff.

Jim Theobald, representing Atack WB Investors, LLC, presented the applicant's case. He displayed the conceptual plan for this proposed development and reviewed the conceptual site layout, including the site's major features and amenities. Mr. Theobald pointed out that 58 proffered conditions were filed with this case to ensure the quality of the development and he commented on how this case will increase the County's tax base. He responded to questions from Mrs. O'Bannon and Mr. Kaechele.

Karen Hamilton, a resident of the Short Pump area, spoke in opposition to this case. She advocated retaining open space for endangered species and stated that the proposed development does not meet the needs and welfare of the people. She expressed concerns about the cost of housing proposed for the development and the development's impact on traffic on West Broad Street. Ms. Hamilton also criticized the proposed development for being inhospitable to wildlife, the environment, and minimum wage workers.

Bernice B. Newell, a resident of the Varina District, remarked that she disagreed with some of Ms. Hamilton's positions on wildlife and growth.

Mr. Kaechele commented that this case is historical in that it will bring development along West Broad Street to the county line. He noted that there is plenty of open space near the property in eastern Goochland County as well as wetlands on the subject site for animals and birds. Mr. Kaechele characterized the case as a good use of the land.

On motion of Mr. Kaechele, seconded by Mrs. O'Bannon, the Board followed the recommendation of the Planning Commission and approved this item with the following proffered conditions:

#### **APPLICABLE TO ALL**

1. **Conceptual Master Plan.** Development of the Property shall be in general conformance with the Conceptual Master Plan attached hereto as "Exhibit A" entitled "Atack-West Broad Conceptual Plan" prepared by Cite Design, dated August, 2012 (the "Master Plan"), (see case file) which Master Plan is conceptual in nature and may vary in detail, unless otherwise requested and specifically approved at the time of Plan of Development and/or subdivision review.
2. **Protective Covenants.** Prior to or concurrent with the final approval of the initial Plan of Development and/or subdivision for any tract, a document setting forth covenants (the "Covenants") shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia (the "County") setting forth controls on the development and maintenance of such tract and establishing an owners' association (the "Association"). A master Association may

be established for the entire Property, provided a separate Association may, but shall not be required to, be applicable to any particular tract or combination of tracts. The Covenants shall provide for high standards of uniform maintenance (consistent with commercial "Class A" and high end residential projects) of individual sites, common areas, open space, landscaping and private streets. The Association shall establish uniform rules related to the standards for approval by the Association of improvements *within a particular tract, including, but not limited to, construction of any buildings and other structures and signage.*

3. **Pedestrian Areas/Sidewalks.** There shall be pedestrian walkways and amenities designed throughout the Property within and connecting various tracts, which amenities shall include the following items: landscaped and natural areas, pedestrian gathering areas, street furniture, benches, accessory picnic areas, pedestrian lighting and pedestrian access ways connecting to sidewalks and walking areas within and adjoining various tracts. The divided main entrance road (the "Entrance Road") and the road accessing the RTHC Property shall have sidewalks on at least one side of said roads.
4. **Underground Utilities.** All utility lines on the Property shall be underground, except for junction boxes, meters, existing and/or relocated existing overhead utility lines and lines in wetland areas. Electrical junction boxes and meters shall be screened from public view at ground level at the perimeter of the tract with use of a wall, fencing, landscaping, or such other method as may be approved at the time of Plan of Development and/or subdivision review.
5. **Best Management Practice.** Best Management Practice structures shall be located outside of any landscaped buffer *within the Property*, except as a landscaping amenity or water-related feature and if requested and specifically permitted by the Director of Planning or the Planning Commission at the time of subdivision and/or Plan of Development review for any tract. Any above-ground wet Best Management Practice structure shall include an aeration feature to move water within such structure.
6. **Conservation Areas.** Notwithstanding the uses permitted and regulated by the zoning of the Property, such portion(s) of the Property which lie within a one hundred (100) year flood plain as *determined by definitive engineering studies approved by the Department of Public Works, and/or such portion(s) of the Property which may be inundated by waters impounded to a maximum elevation determined in a controlled, regulated manner by a structure or structures approved by the Department of Public Works,* may only be used for the following purposes:

- a. Stormwater management and/or retention areas;
- b. Ponds, lakes and similar areas intended as aesthetic and/or recreational amenities and/or wildlife habitats;
- c. Access drives, utility easements, signage, walkways and recreational facilities installed in a manner to minimize their impacts; and
- d. Such additional uses to the uses identified in (a), (b) and (c) above as may be deemed compatible and of the same general character by the Planning Administrator (Director of Planning) pursuant to Chapters 19 and 24 of the County Code (the "Zoning Ordinance").

The Owner shall, prior to Plan of Development and/or subdivision approval for areas that include such flood plain, apply to rezone such portions of the Property to a C-1 Conservation District.

The location and limits of such portion(s) of said Property shall be established by Plan(s) of Development and/or subdivision plats approved pursuant to the Zoning and/or Subdivision Ordinance.

7. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.
8. **Access to the East.** The Entrance Road shall be constructed to the eastern line of the Property as generally shown on the Master Plan (see case file). If ever determined by the County Traffic Engineer that no access will be available or desired to the east, this connection may be deleted.
9. **Street Trees.** The Entrance Road and the easternmost access road from West Broad Street shall have trees planted on both sides of the roads at an average spacing of fifty (50) feet between trees. Actual plantings shall be depicted on a street tree plan to be approved at the time of Plan of Development or Landscape Plan approval.
10. **Transportation Improvements.** To mitigate the impact of development on the Property and subject to the provisions below, the developer shall construct certain road improvements consisting of the following:
  - a. Western-Most Access:

- i. full cost of traffic signalization;
- ii. install a 200 foot right turn lane with a 100 foot taper on westbound U.S. Route 250 for traffic entering the Property;
- iii. provide dual left turn lanes from eastbound West Broad Street entering the Property; and
- iv. provide three egress lanes exiting the Property comprised of a single right turn lane and two left turn lanes;

b. Eastern-Most Access:

- i. install a 200 foot right turn lane with a 100 foot taper on westbound U.S. Route 250 for traffic entering the Property;
- ii. provide one ingress lane entering the Property; and
- iii. provide two egress lanes exiting the Property, a right turn lane and a left turn lane.

Dedication to VDOT, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. Should the dedicated property not be utilized within thirty (30) years of the date of the dedication, title to the dedicated property will revert to the applicant or its successors in interest.

11. **Transportation Phasing Plan.** Prior to any Plan of Development or subdivision approval, a phasing plan for the required roadway improvements, as identified in Proffered Condition 10, shall be submitted to and approved by the Department of Public Works and VDOT. Notwithstanding the foregoing, the Entrance Road and the eastern-most access road shall be constructed prior to the issuance of any Certificates of Occupancy for the R-6C Parcel 2 multi-family rental units.

**APPLICABLE TO B-2C ZONED PARCELS**

12. **Exterior Materials/Architecture.** The exposed portion of each exterior wall surface (front, rear and sides) of any building (excluding rooftop screening materials for mechanical equipment) shall be similar to the exposed portions of other exterior walls of

such building in architectural treatment and materials. Any building shall have exposed exterior walls (above finished grade and exclusive of trim) of brick, glass, E.I.F.S., stone, stone veneer, split face block, cementitious, composite-type siding, architectural-grade metal panels, or a combination of the foregoing, unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall, at the time of Plan of Development. A minimum of forty (40) percent of each façade of buildings which face West Broad Street, excluding windows, doors, breezeways, gables and architectural design features, shall be of brick, stone or stone veneer construction. No building shall be covered with or have exposed to view any painted or unfinished concrete block, or industrial-grade metal, unless otherwise specifically approved at the time of Plan of Development. Any sloped roofs shall be constructed of slate, simulated slate, standing seam metal or textured fiberglass shingles or cedar shakes, concrete or composition shingles. Any canopies over fuel pumps shall be of the same architectural design and materials as the principal building and any lighting over any fuel pumps shall be recessed, flat lens fixtures. The B-2C Property buildings shall be generally complementary in design and materials with the O-2C Property buildings as proffered herein, unless otherwise specifically approved at the time of Plan of Development. The standard of compatibility may be met through scale, materials, forms, and/or colors. Retail users will be permitted to include prototypical or corporate identification architectural elements in the design of their building or space.

13. **Parking Lot Lighting.** Parking lot lighting fixtures shall not exceed twenty (20) feet in height as measured from the grade at the base of the lighting standard, unless otherwise requested, described and specifically approved, or if required, at the time of Plan of Development. Lighting shall be directed to minimize glare on public roads and adjacent properties. Direct embedded light poles and standards shall be prohibited.
  
14. **Prohibited Uses.** The following uses shall be prohibited:
  - a. billiard, bagatelle, video game or a bingo parlor;
  - b. flea markets or antique auctions;
  - c. billboards;
  - d. recycling facilities;
  - e. funeral homes, mortuaries, crematories and/or undertaking establishments;
  - f. dance halls;
  - g. truck stops;



- h. gun shop, sales and repair;
- i. parking garages or commercial parking lots as a principal use;
- j. sign painting shops;
- k. free-standing communication towers;
- l. car washes as a principal use;
- m. car title loan operations;
- n. adult businesses as defined by Section 24-3 of the Henrico County Code;
- o. establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.2-2100 et seq. and 6.2-1800 et seq. of the Code of Virginia (the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections);
- p. bars, which, for purposes of this restriction, shall mean a business establishment whose primary business is the sale of alcoholic beverages for on-premises consumption. This restriction shall not prohibit the sale of alcoholic beverages in restaurants as licensed by the Virginia Department of Alcoholic Beverage Control;
- q. automotive filling and service stations including towing service, not to exclude convenience food store or similar use with fuel pumps.
- r. there shall be no more than one convenience food store with fuel pumps and no more than one restaurant with a drive-through window on the B-2C Property.

15. **Refuse Containers/Trash Receptacles/Recycling Activities.** Dumpsters, trash receptacles, not including convenience cans, and recycling receptacles shall be screened from public view with masonry enclosures compatible with the architectural design of the retail buildings at ground level at the B-2C Property lines as approved at the time of Plan of Development. The gates and doors on the masonry refuse screens shall be of a substantial and durable material as determined at the time of Plan of Development. Support posts, gate frames, hinges and latches shall be of a sufficient size and strength to allow the gates to function without sagging or becoming a visual eyesore as determined at the time of Plan of Development.

The number of refuse containers shall be adequate for the development as determined at the time of Plan of Development. Convenience cans shall be within or part of a decorative container.

16. **Mechanical Equipment.** Mechanical equipment shall be screened from public view at ground level at the B-2C Property lines as approved at the time of Plan of Development.

## APPLICABLE TO O-3C ZONED PARCELS

17. **Loading Docks.** Loading docks shall be screened from public view at ground level at the O-3C Property lines, as approved at the time of Plan of Development review by use of a masonry or split-face screening wall or other architectural feature similar to the exterior material as the building on which it is located, landscaping, or such other method as may be approved at the time of Plan of Development review.
  
18. **Exterior Materials: Elevations.** Development of the O-3C Property shall be in general conformance with the architectural appearance shown on the elevations attached hereto as Exhibit B, Pages 1-3 entitled "MOB & Office Elevation Examples", (see case file) unless otherwise requested and specifically approved at the time of Plan of Development. The exposed portion of each exterior wall surface (front, rear and sides) of any building (excluding rooftop screening materials for mechanical equipment) shall be similar to the exposed portions of other exterior walls of such building in architectural treatment and materials. Any building shall have exposed exterior walls (above finished grade and exclusive of trim) of brick, glass, E.I.F.S., stone, stone veneer, split face block, cementitious, composite-type siding, architectural-grade metal panels or a combination of the foregoing, unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall, at the time of Plan of Development. A minimum of forty (40) percent of each façade of buildings which face West Broad Street, excluding windows, doors, breezeways, gables and architectural design features, shall be of brick, stone, or stone veneer construction. No building shall be covered with or have exposed to view any painted or unfinished concrete block, or industrial-grade metal, unless otherwise specifically approved at the time of Plan of Development. Any sloped roofs shall be constructed of slate, simulated slate, standing seam metal or textured fiberglass shingles or cedar shakes, concrete or composition shingles.
  
19. **Parking Lot Lighting.** Parking lot lighting fixtures shall not exceed twenty (20) feet in height as measured from the grade at the base of the lighting standard, unless otherwise requested, described and specifically approved, or if required, at the time of Plan of Development. Lighting shall be directed to minimize glare on public roads and adjacent properties. Direct embedded light poles and standards shall be prohibited.

20. **Refuse Containers/Trash Receptacles/Recycling Activities.** Dumpsters, trash receptacles, not including convenience cans, and recycling receptacles shall be screened from public view with masonry enclosures compatible with the architectural design of the office buildings at ground level at the O-3C Property lines as approved at the time of Plan of Development. The gates and doors on the masonry refuse screens shall be of a substantial and durable material as determined at the time of Plan of Development. Support posts, gate frames, hinges and latches shall be of a sufficient size and strength to allow the gates to function without sagging or becoming a visual eyesore as determined at the time of Plan of Development. The number of refuse containers shall be adequate for the development as determined at the time of Plan of Development. Convenience cans shall be within or part of a decorative container
21. **Mechanical Equipment.** Mechanical equipment shall be screened from public view at ground level at the O-3C Property lines as approved at the time of Plan of Development.
22. **Prohibited Use.** Funeral homes and undertaking establishments shall be prohibited.

**APPLICABLE TO R-6C PARCEL 1 FOR  
CONDOMINIUMS AND/OR TOWNHOMES**

23. **Minimum Sizes.** The minimum finished floor area of each home shall be 1390 square feet.
24. **Architectural Treatment.** Any homes constructed on R-6C Parcel 1 shall be generally in conformance with the elevations attached hereto as Exhibit C, Pages 1-7 entitled 'Parcel 1 — Proposed Condominium & Townhome Elevations" (Pages 1-3 are "Revised 8/09/12"), (see case file) unless requested and approved by the Director of Planning at the time of Plan of Development Review.
25. **Building Materials.** All buildings shall have exposed exterior walls (above grade and exclusive of trim) of stone, stone veneer, brick, hardi-plank, or a combination of the foregoing unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall, at the time of Plan of Development review. A minimum of thirty-five (35) percent in the aggregate, of the exterior portions of the front building wall surfaces of each building, excluding windows, doors, breezeways, gables and architectural design features, shall be of brick, stone or stone veneer construction. The ends of units of any townhouse or condominium building that are parallel and adjacent to the Entrance Road shall contain a minimum of two (2) windows.

26. **Foundations.** All finished floor areas, except basements, shall be constructed above grade or give the appearance of being constructed above grade. The exterior portions of all residential foundations, including the exterior portion of foundations below the first floor level which is visible above grade, shall be constructed of brick, stone or stone veneer. There shall be a minimum vertical height of twelve (12) inches of brick, stone or stone veneer above grade utilized on slab-on-grade foundations to present the appearance of a crawl space.
27. **Cantilevering.** There shall be no cantilevered chimneys or closets. Any first floor cantilevered items shall be limited to box or bay-type windows only, shall not extend beyond a maximum of twenty-four (24) inches from the predominant plane of the side of the home, nor shall the bottom be less than three (3) feet above the grade level below. Any usable floor space on the first floor such as breakfast nooks shall not be cantilevered. Items on the second floor such as balconies, decks, box or bay-type windows may be cantilevered, but shall include decorative corbels. The exposed portions of all fireplace chimneys shall be of brick or stone.
28. **Sound Suppression.** Interior walls between homes shall have a minimum sound transmission coefficient rating of 54. A cross-sectional detail, reviewed and approved by a certified architect or engineer as to the methodology to accomplish the sound coefficient rating, shall be included in the building permit application.
29. **Garages.** Each home shall have a minimum of a one (1) car attached, rear-loaded garage.
30. **Driveways.** All driveways directly serving individual homes shall be constructed of concrete, aggregate materials, brick or stone pavers.
31. **Marketing.** All homes shall be marketed for sale as "Owner-occupied".
32. **Private Streets.** Prior to issuance of a permanent Certificate of Occupancy for any home, the developer shall provide the Planning Department certification from a licensed engineering firm that the roadways within the development were constructed according to the approved plan and in compliance with Henrico County road design standards and specifications, to include proper compaction of sub-base soils, utility trenches, base stone and asphalt, but excluding road widths, turning radii, cross over and entrance spacing, sight distance and vertical curves, or a bond in an amount satisfactory to the

Director of the Department of Public Works shall be provided to Henrico County for items not yet completed. The internal roads within the R-6C Parcel 1 Property shall be private and shall be maintained by the Homeowners Association.

33. **Street Lights.** Street lights shall be provided and shall not exceed sixteen (16) feet in height. The street lights shall be non-glare and residential in character.
34. **Condominium Act.** Any condominiums constructed on the R-6C Parcel 1 Property shall be submitted to the Virginia Condominium Act.
35. **Density.** There shall be no more than one hundred seventy eight (178) residential units developed on R-6C Parcel 1. Subject to the foregoing limitation on density, the line between R-6C Parcels 1 and 2 and the proffers respectively applicable thereto, may be shifted within the overall R-6 zoning parcels.
36. **Units in a Row.** There shall be no more than eight (8) residential units developed in a row on the R-6C Parcel 1 Property.

#### **APPLICABLE TO R-6C PARCEL 2 FOR MULTI-FAMILY RENTAL**

37. **Architectural Treatment.** Multi-family buildings constructed on the R-6C Parcel 2 Property shall be generally in conformance with the elevations attached hereto as Exhibit D entitled "Illustrative Rendering Attack WB Investors — Parcel 2 Multi-Family, Henrico County, Virginia" (see case file) except that buildings may be 3, 4 or 5 stories in height, or a combination thereof, unless requested and approved by the Director of Planning at the time of Plan of Development Review.
38. **Building Materials.** All buildings shall have exposed exterior walls (above grade and exclusive of trim) of stone, stone veneer, brick, hardi-plank, or a combination of the foregoing unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall, at the time of Plan of Development review. A minimum of thirty-five (35) percent in the aggregate, of the exterior portions of the front building wall surfaces of each building, excluding windows, doors, breezeways, gables and architectural design features, shall be of brick, stone or stone veneer construction.

39. **Cantilevering.** There shall be no cantilevered chimneys or closets. Any first floor cantilevered items shall be limited to box or bay-type windows only, shall not extend beyond a maximum of twenty-four (24) inches from the predominant plane of the side of the home, nor shall the bottom be less than three (3) feet above the grade level below. Any usable floor space on the first floor such as breakfast nooks shall not be cantilevered. Items on the second floor such as balconies, decks, box or bay-type windows may be cantilevered, but shall include decorative corbels. The exposed portions of all fireplace chimneys shall be of brick or stone.
40. **Sound Suppression.** Any unit within R-6C Parcel 2 that is within 300 feet of Interstate 64 shall be designed to have an average interior decibel level that does not exceed 45 DBA. A sound engineer shall certify (with an appropriate seal) that all such units were appropriately designed so that the average interior decibel level shall not exceed 45 DBA. Any walls between units within R-6C Parcel 2 shall be designed to have a minimum sound transmission coefficient rating of 50. A cross section detail, reviewed and approved by a certified architect or engineer as to the methodology accomplishing the sound transmission coefficient rating, shall be included in the building permit application.
41. **Private Streets.** Prior to issuance of a permanent Certificate of Occupancy for any unit, the developer shall provide the Planning Department certification from a licensed engineering firm that the roadways within the development were constructed according to the approved plan and in compliance with Henrico County road design standards and specifications, to include proper compaction of sub-base soils, utility trenches, base stone and asphalt, but excluding road widths, turning radii, cross over and entrance spacing, sight distance and vertical curves, or a bond in an amount satisfactory to the Director of the Department of Public Works shall be provided to Henrico County for items not yet completed. The internal roads within the R-6C Parcel 2 Property shall be private and shall be maintained by the Homeowners Association.
42. **Parking Lot Lighting.** Parking lot lighting fixtures shall not exceed twenty (20) feet in height as measured from the grade at the base of the lighting standard, unless otherwise requested, described and specifically approved, or if required, at the time of Plan of Development. Lighting shall be directed to minimize glare on public roads and adjacent properties. Direct embedded light poles and standards shall be prohibited.

43. **Unit Size: Number of Bedrooms.** One bedroom units shall contain a minimum of eight hundred (800) square feet of finished floor area each, with the total number of one bedroom units not to exceed forty percent (40%) of the total number of dwelling units on R-6C Parcel 2. Two bedroom units shall contain a minimum of nine hundred (900) square feet of finished floor area each. Three bedroom units shall contain a minimum of one thousand one hundred (1,100) square feet of finished floor area each, with the total number of three bedroom units not to exceed twenty-five percent (25%) of the total number of dwelling units on R-6C Parcel 2.
44. **Recreational Amenities.** Recreational amenities containing at a minimum a clubhouse, a pool, a fitness center and a playground shall be provided no later than the issuance of a Certificate of Occupancy for the one hundredth (100th) unit on the R-6C Parcel 2 Property unless otherwise requested and approved by the Planning Commission at the time of Plan of Development and/or subdivision review. Such amenities shall be available to the residents of the other residential parcels on such terms as promulgated by the master Association
45. **Density.** There shall be no more than three hundred twenty (320) residential units developed on R-6C Parcel 2. Subject to the foregoing limitation on density, the line between R-6C Parcels 1 and 2 and the proffers respectively applicable thereto, may be shifted within the overall R-6 zoning parcels.

#### **APPLICABLE TO RTHC-ZONED PARCEL**

46. **Minimum Sizes.** The minimum finished floor area of each home shall be 1390 square feet.
47. **Architectural Treatment.** Any condominiums constructed on the RTHC Property shall be generally in conformance with the elevations attached hereto as (i) Exhibit C and/or (ii) Exhibit E, Pages 1-3 entitled "RTHC Parcel - Proposed Townhome Elevations - Revised 8/09/12" (see case file) unless requested and approved by the Director of Planning at the time of Plan of Development Review.
48. **Building Materials.** All buildings shall have exposed exterior walls (above grade and exclusive of trim) of stone, stone veneer, brick, hardi-plank, or a combination of the foregoing unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall, at the time of Plan of Development review. A minimum of thirty-five (35) percent in the aggregate, of the exterior portions of the front building wall surfaces of each building, excluding windows, doors,

breezeways, gables and architectural design features, shall be of brick, stone or stone veneer construction.

49. **Foundations.** All finished floor areas, except basements, shall be constructed above grade or give the appearance of being constructed above grade. The exterior portions of all residential foundations, including the exterior portion of foundations below the first floor level which is visible above grade, shall be constructed of brick, stone or stone veneer. There shall be a minimum vertical height of twelve (12) inches of brick, stone or stone veneer above grade utilized on slab-on-grade foundations to present the appearance of a crawl space.
50. **Cantilevering.** There shall be no cantilevered chimneys or closets. Any first floor cantilevered items shall be limited to box or bay-type windows only, shall not extend beyond a maximum of twenty-four (24) inches from the predominant plane of the side of the home, nor shall the bottom be less than three (3) feet above the grade level below. Any usable floor space on the first floor such as breakfast nooks shall not be cantilevered. Items on the second floor such as balconies, decks, box or bay-type windows may be cantilevered, but shall include decorative corbels. The exposed portions of all fireplace chimneys shall be of brick or stone.
51. **Sound Suppression.** Interior walls between homes shall have a minimum sound transmission coefficient rating of 54. Exterior walls parallel and adjacent to Interstate 64 shall be standard construction, with the addition of an RC-1 sound attenuation channel creating a 1/2" dead air space. Windows installed in these walls will have a minimum sound transmission coefficient rating of 32. A cross-sectional detail, reviewed and approved by a certified architect or engineer as to the methodology to accomplish the sound coefficient rating, shall be included in building permit application.
52. **Garages.** Each home shall include a minimum of a one (1) car attached garage.
53. **Driveways.** All driveways directly serving homes shall be constructed of concrete, aggregate materials, brick or stone pavers.
54. **Marketing.** All homes shall be marketed for sale as "Owner-occupied".
55. **Private Streets.** Prior to issuance of a permanent Certificate of Occupancy for any home, the developer shall provide the Planning Department certification from a licensed engineering firm that the roadways within the development were constructed according to the



approved plan and in compliance with Henrico County road design standards and specifications, to include proper compaction of sub-base soils, utility trenches, base stone and asphalt, but excluding road widths, turning radii, cross over and entrance spacing, sight distance and vertical curves, or a bond in an amount satisfactory to the Director of the Department of Public Works shall be provided to Henrico County for items not yet completed. The internal roads within the RTHC Property shall be private and shall be maintained by the Homeowners Association.

56. **Street Lights.** Street lights shall be provided and shall not exceed sixteen (16) feet in height. The street lights shall be non-glare and residential in character.
57. **Condominium Act.** Any condominiums constructed on the RTHC Property shall be submitted to the Virginia Condominium Act.
58. **Density.** There shall be no more than seventy eight (78) residential units developed on the RTHC Property.

The vote of the Board was as follows:

Yes: Glover, Kaechele, Nelson, O'Bannon, Thornton

No: None

246-12  
C-24-12  
Three Chopt

Bacova Road Apartments, LLC: Request to rezone from R-6C General Residence District (Conditional) to C-1 Conservation District part of Parcels 735-766-8340 and 735-767-8435 containing 4.396 acres located on the east line of N. Gayton Road approximately 350' north of its intersection with Bacova Drive.

Ms. Moore responded to a question from Mr. Kaechele.

Ms. Hamilton voiced support for the case but expressed concern that the subject site will not be maintained by the property owner and will collect trash.

No one from the public spoke in opposition to this case.

On motion of Mr. Kaechele, seconded by Mrs. O'Bannon, the Board followed the recommendation of the Planning Commission and approved this item.

The vote of the Board was as follows:

Yes: Glover, Kaechele, Nelson, O'Bannon, Thornton

No: None

### **PUBLIC HEARING - OTHER ITEM**

247-12 Resolution - Signatory Authority - Extension of Lease - 8611 Dixon Powers Drive - Brookland District.

No one from the public spoke in opposition to this resolution.

On motion of Mr. Kaechele, seconded by Mr. Nelson, and by unanimous vote, the Board approved this item – see attached resolution.

### **PUBLIC COMMENTS**

Ms. Newell defended the Board's decision to discontinue public prayer at Board meetings, expressed concerns pertaining to panhandlers, and asked for the County's assistance in deterring dogs from relieving themselves on public property maintained by adjoining homeowners.

Ms. Hamilton thanked Mrs. O'Bannon for understanding and addressing a question regarding the County's budget that she directed to the Board at the previous Board meeting.

William Spencer, a resident of the Three Chopt District, praised the Board and the County's public safety divisions, complimented the County on not closing any schools, and pointed to education as the key to success for young people.

### **GENERAL AGENDA**

248-12 Resolution - Authorization to Apply to Amend the Boundaries of the Richmond City/Henrico County Enterprise Zone to Add Properties Within Henrico County Generally along Hermitage Road at Staples Mill Road, Darbytown Road at South Laburnum Avenue, Williamsburg Road at Leonard Avenue, Chamberlayne Road at Wilmer Avenue, Glenside Drive at Broad Street, and a Portion of the Richmond International Airport Property.

Mark Strickler, Director of Community Revitalization, narrated a slide presentation on the proposed amendment of the enterprise zone to add six sites. He identified the locations and acreage of these sites and reviewed the tentative amendment schedule. Following his presentation, Mr. Strickler responded to a question from Mr. Nelson and he and Mr. Hazelett responded to a question from Mrs. O'Bannon.

On motion of Mr. Kaechele, seconded by Mr. Nelson, and by unanimous vote, the Board approved this item – see attached resolution.

- 249-12 Introduction of 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.

On motion of Mr. Thornton, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved this item – see attached introduction of ordinance.

- 250-12 Resolution - Award of Contract for Architectural and Engineering Services - Varina Area Library - Varina District.

On motion of Mr. Nelson, seconded by Mr. Kaechele, and by unanimous vote, the Board approved this item – see attached resolution.

- 251-12 Resolution - SIA-005-11 - Shane and Quioccasin Recycling Facility - Substantially in Accord with the Comprehensive Plan - Tuckahoe District.

Joe Emerson, Director of Planning, narrated a brief slide presentation that depicted an aerial view of the subject property and its land use classification as well as the conceptual layout of the proposed recycling station and its vicinity to other properties. Following his presentation, Mr. Emerson responded to questions from Mr. Kaechele and Mrs. O'Bannon.

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, and by unanimous vote, the Board approved this item – see attached resolution.

- 252-12 Resolution - Signatory Authority - Third Amendment to Sublease - Virginia Department of Health - 3808 Nine Mile Road - Varina District.

On motion of Mr. Nelson, seconded by Mr. Kaechele, and by unanimous vote, the Board approved this item – see attached resolution.

- 253-12 Resolution - Award of Construction Contract - Replacement of HVAC System - Solids Handling Complex - Water Reclamation Facility - Varina District.

Art Petrini, Director of Public Utilities, responded to questions from Mr. Kaechele and Mrs. O'Bannon.

On motion of Mrs. O'Bannon, seconded by Mr. Nelson, and by unanimous vote, the Board approved this item – see attached resolution.

254-12


**Resolution – Acceptance of Roads.**

On motion of Mr. Kaechele, seconded by Mrs. O'Bannon, and by unanimous vote, the Board approved this item – see attached resolution.

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, and by unanimous vote, the Board approved adding to the agenda a resolution numbered 255-12 and titled "Resolution – Signatory Authority – Second Amendment to Comprehensive Agreement for the Extension of North Gayton Road" – see attached resolution.

On motion of Mrs. O'Bannon, seconded by Mr. Nelson, and by unanimous vote, the Board approved this item – see attached resolution.

There being no further business, the meeting was adjourned at 8:39 p.m.

  
Chairman, Board of Supervisors  
Henrico County, Virginia

# Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

## **FIRE PREVENTION WEEK**

**OCTOBER 7 – 13, 2012**

**WHEREAS**, Henrico firefighters are dedicated to reducing the occurrence of home fires and home fire deaths and injuries through prevention and protection education; and

**WHEREAS**, fire is a serious public safety concern, both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

**WHEREAS**, working smoke alarms reduce the risk of dying in reported home fires in half; and

**WHEREAS**, residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

**WHEREAS**, Henrico residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

**WHEREAS**, the 2012 Fire Prevention Week theme, "Have Two Ways Out!" effectively serves to remind us to develop and practice home fire escape plans during Fire Prevention Week and year-round.

**NOW, THEREFORE, BE IT PROCLAIMED** that the Board of Supervisors of Henrico County, Virginia, hereby recognizes October 7 – 13, 2012, as Fire Prevention Week and call this observance to the attention of all Henrico citizens.



A handwritten signature in black ink, reading "Richard W. Glover".

Richard W. Glover, Chairman  
Board of Supervisors

A handwritten signature in black ink, reading "Barry R. Lawrence".  
Barry R. Lawrence, Clerk  
October 9, 2012

# Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

## DOMESTIC VIOLENCE AWARENESS MONTH

October 2012

**WHEREAS**, domestic violence is a pervasive social issue affecting people of all ages, races, religions, cultures, and economic backgrounds; and

**WHEREAS**, the crime of domestic violence violates an individual's privacy, safety, and dignity and has a serious physical, emotional, social, sexual, psychological, and economic impact on victims, families, neighborhoods, workplaces, and communities; and

**WHEREAS**, children who are subjected to domestic violence often grow up to inflict violence on others, creating a cycle that must be stopped through prevention and early education and by developing positive opportunities; and

**WHEREAS**, the local economy endures losses due to the effect of domestic violence on businesses in the form of absenteeism, reduced efficiency, lost wages, sick leave, security costs, and health care; and

**WHEREAS**, the County of Henrico is committed to prioritizing the problem of domestic violence in our community by increasing public awareness and providing education to our citizens; and

**WHEREAS**, Henrico citizens can make a difference in the lives of families experiencing domestic and sexual violence and can play an important role in preventing and eradicating this violence.

**NOW, THEREFORE, BE IT PROCLAIMED** that the Board of Supervisors of Henrico County, Virginia hereby recognizes October 2012 as Domestic Violence Awareness Month and acknowledges the ongoing and coordinated efforts of local domestic violence service providers and the community in addressing the problem of domestic violence.

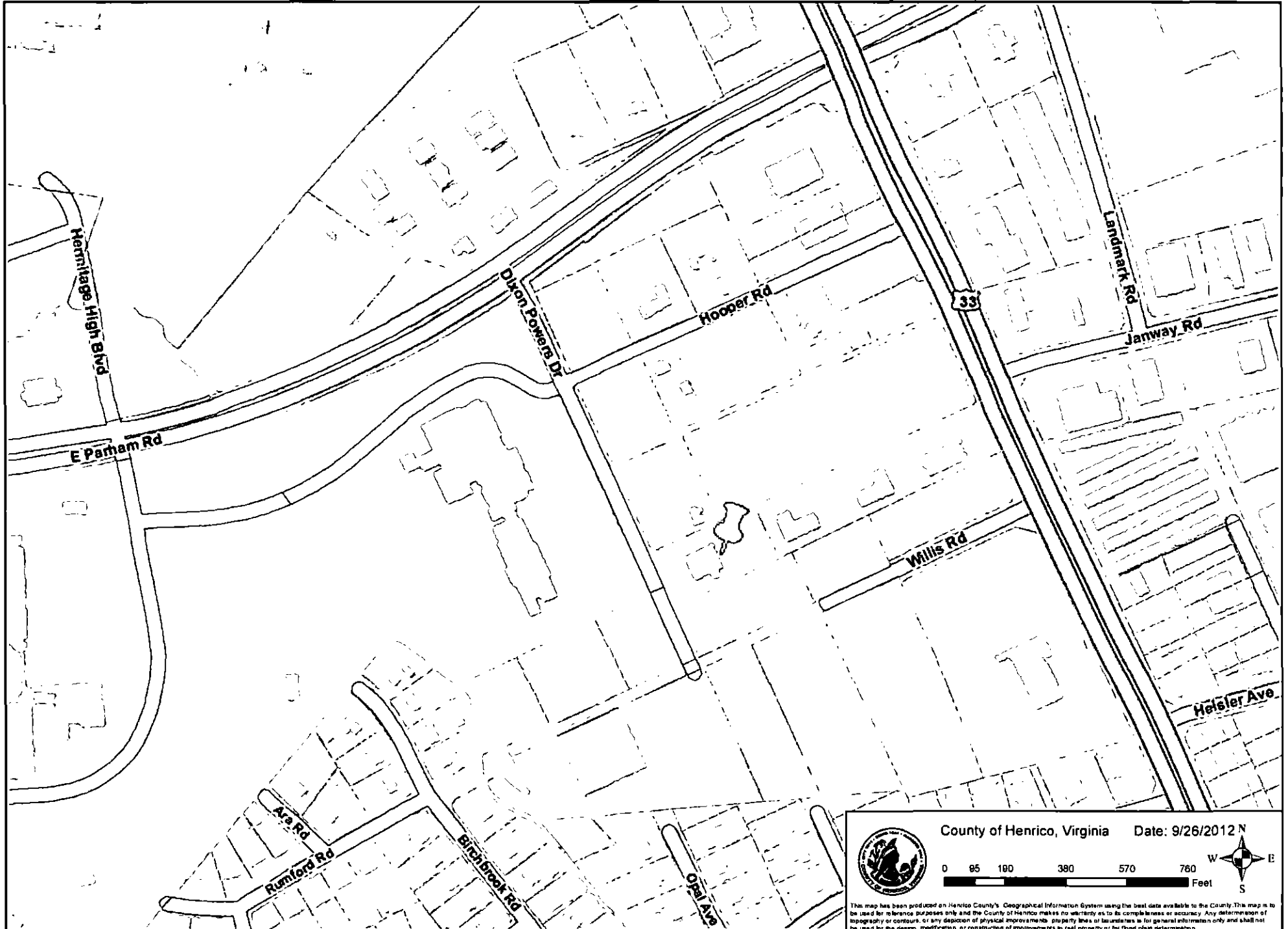


Richard W. Glover, Chairman  
Board of Supervisors

Barry R. Lawrence, Clerk  
October 9, 2012



# Vicinity Map: 8611 Dixon Powers Drive



County of Henrico, Virginia

Date: 9/26/2012 N



This map has been produced on Henrico County's Geographical Information System using the best data available to the County. This map is to be used for reference purposes only and the County of Henrico makes no warranty as to its completeness or accuracy. Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.





**COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE**

Agenda Item No. **248-12**

Page No. 2 of 2

**Agenda Title: RESOLUTION - Authorization to Apply to Amend the Boundaries of the Richmond City/Henrico County Enterprise Zone to Add Properties Within Henrico County Generally along Hermitage Road at Staples Mills Road, Darbytown Road at South Laburnum Avenue, Williamsburg Road at Leonard Avenue, Chamberlayne Road at Wilmer Avenue, Glenside Drive at Broad Street, and a Portion of the Richmond International Airport property.**

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**WHEREAS**, the Commonwealth re-designated the Zone to add areas along Quioccasin Road, North Parham Road, Starling Drive, Villa Park Drive, South Laburnum Avenue, Eastport Boulevard, and Byron Street and to revise the County paving grant incentive, effective April 7, 2010; and,

**WHEREAS**, the Commonwealth re-designated the Zone to add properties along Audubon Drive, Oakleys Court, and Staples Mill Road, effective September 15, 2011; and,

**WHEREAS**, each participating locality in a joint enterprise zone may amend the zone designation relating specifically to that locality no sooner than twelve months after its last amendment; and,

**WHEREAS**, the County wishes to add properties within Henrico County generally along Hermitage Road at Staples Mills Road, Darbytown Road at South Laburnum Avenue, Williamsburg Road at Leonard Avenue, Chamberlayne Road at Wilmer Avenue, Glenside Drive at Broad Street, and a portion of the Richmond International Airport property; and

**WHEREAS**, the County must apply for enterprise zone amendments jointly with the City; and,

**WHEREAS**, County staff advertised and conducted a public hearing on October 2, 2012, as required by the Act's program requirements.

**NOW, THEREFORE, BE IT RESOLVED** that the Henrico County Board of Supervisors (1) endorses and approves the submission of an application to the Virginia Department of Housing and Community Development for amendment of the Zone areas within the County as described above and (2) authorizes the County Manager to submit the application and all necessary supporting information and to carry out all program administrative and reporting requirements.

Comments: The Director of Community Revitalization recommends this Board paper, and the County Manager concurs.



**BLACKLINE**

**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.**

**AN 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.**

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA:**

1. That Section 16-46 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 16-46. Modification of contracts.**

A public contract may include provisions for modification of the contract during performance, but no fixed-price contract may be increased by more than 15 percent of the amount of the contract or \$10,000.00, whichever is greater, without the advance written approval of the board of supervisors or school board, as appropriate awarding authority.

2. That this ordinance shall be in full force and effect on and after its passage as provided by law.





**COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE**

Agenda Item No. **251-12**

Page No.2 of 2

**Agenda Title: RESOLUTION — SIA-005-11— Shane and Quioccasin Recycling Facility —  
Substantially in Accord with the Comprehensive Plan — Tuckahoe District**

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**NOW, THEREFORE, BE IT RESOLVED** by the Henrico County Board of Supervisors that the proposed Shane and Quioccasin Recycling Facility is approved as being substantially in accord with the County's Comprehensive Plan.

Comments: The Director of Planning concurs with the findings of the Planning Commission that the proposed Shane and Quioccasin Recycling Facility is "substantially in accord" with the Comprehensive Plan and recommends approval of the Board paper, and the County Manager concurs.









**COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE**

Agenda Item No. **253-10**  
Page No. 1 of 2

**Agenda Title: RESOLUTION — Award of Construction Contract — Replacement of HVAC System — Solids Handling Complex — Water Reclamation Facility — Varina District**

For Clerk's Use Only: <b>OCT 9 2012</b> Date: _____ <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to: _____	<b>BOARD OF SUPERVISORS ACTION</b> Moved by (1) <u>O'Bannon</u> Seconded by (1) <u>Nelson</u> (2) _____ (2) _____ REMARKS: <b>APPROVED</b>	YES NO OTHER Glover, R. <input checked="" type="checkbox"/> _____ Kaechele, D. <input checked="" type="checkbox"/> _____ Nelson, T. <input checked="" type="checkbox"/> _____ O'Bannon, P. <input checked="" type="checkbox"/> _____ Thornton, F. <input checked="" type="checkbox"/> _____
	<hr/>	

**WHEREAS**, five bids were received on August 28, 2012 in response to Bid Request No. 12-9285-7CE and Addenda Nos. 1, 2, and 3 for the Solids Handling Complex Admin Area HVAC Improvements Project located in the Varina District; and,

**WHEREAS**, the project includes replacement of the heating, ventilating and cooling system in the Solids Handling Complex at the Water Reclamation Facility; and,

**WHEREAS**, the bids were as follows:

<u>Bidders</u>	<u>Bid Amounts</u>
Haley Builders, Inc.	\$264,000.00
Urban Grid Mechanical, LLC	\$265,600.00
WACO	\$267,000.00
Colonial Webb Contractors	\$292,300.00
VA Refrigeration	\$541,638.00

**WHEREAS**, after a review and evaluation of all bids received, it was determined that Haley Builders, Inc. is the lowest responsive and responsible bidder with a bid of \$264,000.

By Agency Head [Signature] By County Manager [Signature]

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**COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE**

Agenda Item No. **253-12**

Page No. 2 of 2

**Agenda Title: RESOLUTION — Award of Construction Contract — Replacement of HVAC System —  
Solids Handling Complex — Water Reclamation Facility — Varina District**

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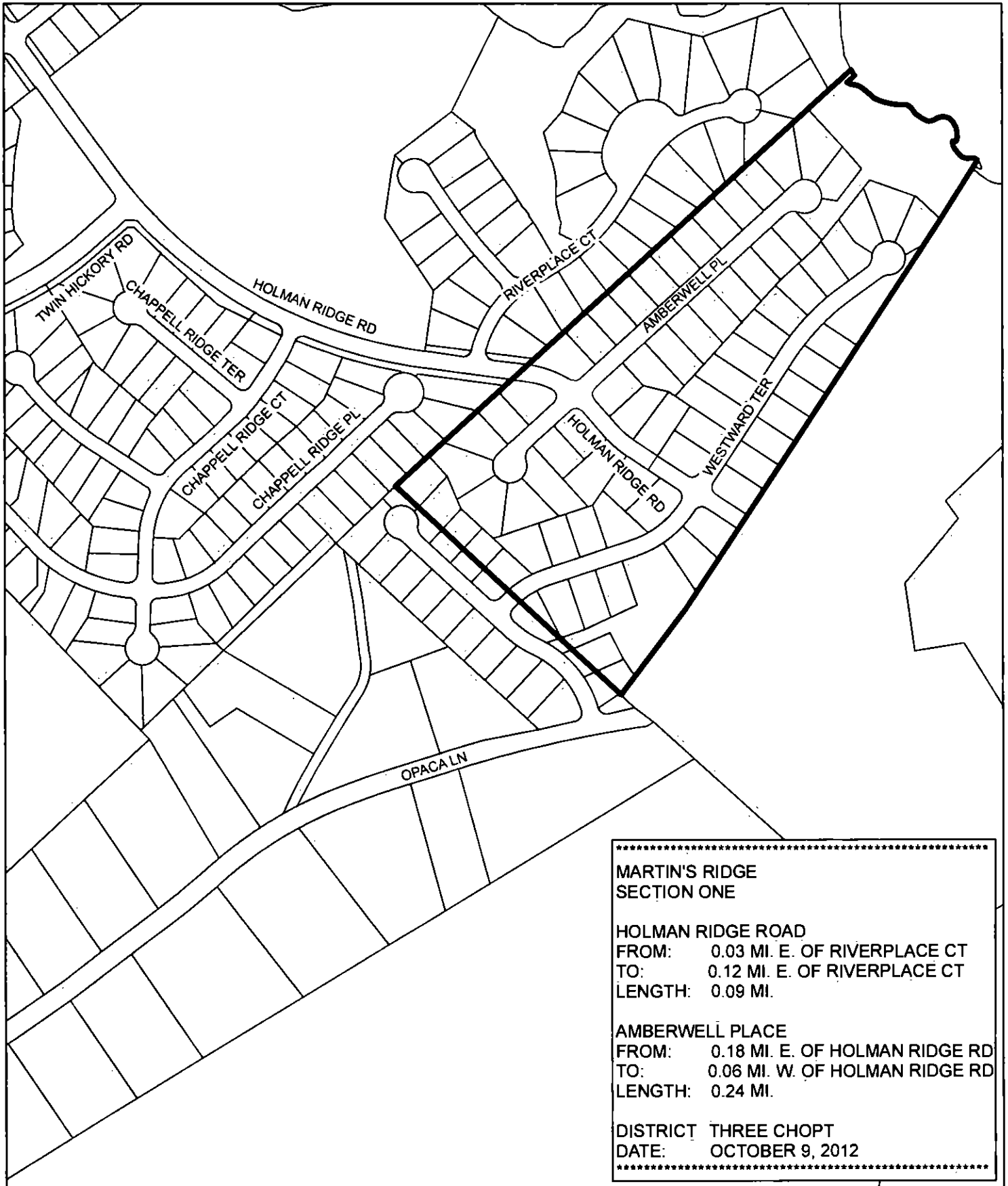
**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors:

1. The contract is awarded to **Haley Builders, Inc.**, the lowest responsive and responsible bidder, in the amount of \$264,000.00 pursuant to Bid Request No. 12-9285-7CE, Addenda Nos. 1, 2, and 3, and the bid submitted by **Haley Builders, Inc.**
2. The County Manager is authorized to execute the contract in a form approved by the County Attorney.
3. The County Manager, or the Director of General Services 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.

**Comment:** Funding to support the contract is available within the **Water and Sewer Enterprise Fund**. The **Directors of Public Utilities and General Services** recommend approval of this Board paper, and the County Manager concurs.



# MARTIN'S RIDGE SECTION ONE



\*\*\*\*\*  
**MARTIN'S RIDGE  
SECTION ONE**

**HOLMAN RIDGE ROAD**

**FROM:** 0.03 MI. E. OF RIVERPLACE CT  
**TO:** 0.12 MI. E. OF RIVERPLACE CT  
**LENGTH:** 0.09 MI.

**AMBERWELL PLACE**

**FROM:** 0.18 MI. E. OF HOLMAN RIDGE RD  
**TO:** 0.06 MI. W. OF HOLMAN RIDGE RD  
**LENGTH:** 0.24 MI.

**DISTRICT** THREE CHOPT  
**DATE:** OCTOBER 9, 2012  
\*\*\*\*\*



**COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE**

Agenda Item No. 255-12  
Page No. 1 of 1

**Agenda Title: RESOLUTION — Signatory Authority — Second Amendment to Comprehensive Agreement for the Extension of North Gayton Road**

For Clerk's Use Only: <b>OCT 9 2012</b> Date: _____ <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to: _____	<p>1) <i>add by unanimous consent</i>          2) <i>approved</i></p> <p align="center"><b>BOARD OF SUPERVISORS ACTION</b></p> <p>Moved by (1) <u>O'Bannon</u>      Seconded by (1) <u>Shornton</u>          (2) <u>O'Bannon</u>                      (2) <u>Veloso</u></p> <p>REMARKS: <b>APPROVED</b></p>	<table border="0"> <tr> <td></td> <td align="center">YES</td> <td align="center">NO</td> <td align="center">OTHER</td> </tr> <tr> <td>Glover, R.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Kaechele, D.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Nelson, T.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>O'Bannon, P.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Thornton, F.</td> <td align="center"><input checked="" type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> </table>		YES	NO	OTHER	Glover, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kaechele, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	O'Bannon, P.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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WHEREAS, on September 25, 2007, the Board authorized the County Manager to execute a Comprehensive Agreement with W.C. English, Inc. for the design, construction, and related services for the extension of North Gayton Road at a total cost of \$38,600,000; and,

WHEREAS, on February 9, 2010, the Board authorized the County Manager and Clerk to execute the First Amendment to the Comprehensive Agreement with W.C. English, Inc.; and,

WHEREAS, the parties have negotiated an amendment to the Comprehensive Agreement to allow W.C.English, Inc. to complete the project and perform certain corrective work while the road is open to traffic, and provide an extended warranty for certain components of the work.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Henrico County authorizes the County Manager and Clerk to execute the Second Amendment to the Comprehensive Agreement with W.C. English, Inc. In a form approved by the County Attorney.

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

By Agency Head *[Signature]*      By County Manager *[Signature]*

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 Clerk, Board of Supervisors

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