

**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, October 11, 2016**, at **5:30 p.m.** in the County Manager's Conference Room located on the third floor of the Administration Building at the Henrico County Government Center, Parham and Hungary Spring Roads, Henrico, Virginia.

The matters to be reviewed by the Board at this time are:

- |                  |                                  |
|------------------|----------------------------------|
| 5:30 - 5:45 p.m. | Bond Referendum Outreach Efforts |
| 5:45 - 6:15 p.m. | Election Preparedness            |
| 6:15 - 6:30 p.m. | Regular Meeting Agenda Items     |



Barry R. Lawrence, CMC  
Clerk, Henrico County Board of Supervisors  
October 6, 2016

**COUNTY OF HENRICO, VIRGINIA**  
**Henrico County Board Room**  
**Board of Supervisors' Agenda**  
**October 11, 2016**  
**7:00 p.m.**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**APPROVAL OF MINUTES** – September 27, 2016, Regular and Special Meetings

**MANAGER'S COMMENTS**

**BOARD OF SUPERVISORS' COMMENTS**

**RECOGNITION OF NEWS MEDIA**

**PRESENTATION**

Proclamation – Henrico History Month – October 2016.

**APPOINTMENTS**

- 222-16 Resolution – Appointment of Member – Cable Television Advisory Committee.
- 223-16 Resolution – Appointment of Members – Finance Board.
- 224-16 Resolution – Appointment of Member – Library Advisory Board.

**PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMIT**

- 225-16 HHHunt: Request to conditionally rezone from A-1 Agricultural District to R-  
REZ2016- 5AC General Residence District (Conditional) Parcel 779-773-4325 containing  
00031 7 acres located at the terminus of Winfrey Road. The applicant proposes single  
Fairfield family residences. The R-5A District allows a minimum lot area of 5,625  
square feet and a gross density of 6 units per acre. The use will be controlled  
by proffered conditions and zoning ordinance regulations. The 2026  
Comprehensive Plan recommends Suburban Residential 1, density should not  
exceed 2.4 units per acre. The Planning Commission voted to recommend the  
Board of Supervisors **grant** the request.
- 226-16 David L. and Charlotte Y. Holley: Request to rezone from B-1 Business  
REZ2016- District to B-2C Business District Parcel 826-716-2217 containing .427 acres  
00026 located at the southwest intersection of W. Williamsburg Road (U.S. Route 60)  
Varina and S. Confederate Avenue. The applicant proposes a gun shop. The use will  
be controlled by zoning ordinance regulations and proffered conditions. The  
2026 Comprehensive Plan recommends Commercial Concentration. The site is

located in the Enterprise Zone and the Airport Safety Overlay District. The Planning Commission voted to recommend the Board of Supervisors **deny** the request.

227-16 The Peterson Companies: Request for a Provisional Use Permit under  
PUP2016- Sections 24-58.2(d), 24-120 and 24-122.1 of Chapter 24 of the County Code  
00007 in order to operate five outdoor dining areas on Parcel 746-773-8345 located  
Three on the east line of Nuckols Road between Wyndham Forest Drive and Twin  
Chopt Hickory Road. The existing zoning is B-2C Business District (Conditional).  
he 2026 Comprehensive Plan recommends Commercial Concentration. The  
Planning Commission voted to recommend the Board of Supervisors **grant**  
the request.

### **PUBLIC HEARING - OTHER ITEMS**

228-16 Resolution - Condemnation - Utility Easements - Upham Brook Trunk Sewer  
Project - Successors of Tetra Associates, LLC and Tetra Acquisition, LLC -  
Brookland District.

229-16 Resolution - Condemnation - Utility Easements - Kenmore Road - Upham  
Brook Trunk Sewer Project - Heirs or Successors of Arthur E. Wilton, John  
A. Wilton, Jr., and Robert H. Wilton - Brookland District.

230-16 Ordinance - Vacation of Portion of Alley - Pine View Subdivision -  
Brookland District.

231-16 Resolution - Signatory Authority - Quitclaim of Portions of Drainage and  
Utility Easements - Hermitage Townes - Brookland District.

### **PUBLIC COMMENTS**

### **GENERAL AGENDA**

232-16 Resolution - Signatory Authority - Fourth Amendment to Communications  
Tower License Agreement - 3245 Basie Road - Brookland District.

233-16 Resolution - Award of Contract - Bryan Parkway Area Sanitary Sewer  
Rehabilitation - Brookland and Fairfield Districts.

234-16 Resolution - Award of Contract - Biltmore Area Water Rehabilitation  
Project - Fairfield District.

235-16 Resolution - Signatory Authority - Notice of Use Restriction - Springfield  
Road Landfill - Three Chopt District.

236-16

Resolution – Award of Contract – Mimosa Park Water Rehabilitation –  
Three Chopt District.



**COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS' RESUME  
October 11, 2016**

---

---

**PRESENTATION**

**PROCLAMATION - Henrico History Month - October 2016.**

The County of Henrico has a significant history, including English exploration and settlement, Native American and African American heritage and culture, Revolutionary War activity, and Civil War battles. The Board of Supervisors supports the Henrico County Historical Society's ongoing efforts to promote the County's history and heritage. This proclamation recognizes October 2016 as Henrico History Month and calls upon the citizens of the County to acknowledge and participate in this special observance.

**APPOINTMENTS**

**RESOLUTION – Appointment of Member – Cable Television Advisory Committee.**

This Board paper appoints the following person to the Cable Television Advisory Committee for a term expiring December 31, 2016, or thereafter, when his successor shall have been appointed and qualified:

Three Chopt District                      Rajendra R. Dubey

**RESOLUTION – Appointment of Members – Finance Board.**

By ordinance approved on March 11, 2008, the Board of Supervisors created a Finance Board to serve as trustee of funds designated by the County to be invested for the purpose of funding Other Post-Employment Benefits.

Under state law, the Finance Board must have at least three members. The Finance Board currently is made up of the Director of Finance, who serves an indefinite term, and two additional members with proven integrity, business ability, and demonstrated ability in cash management and investments, who serve two-year terms. Those members are **Vaughan G. Crawley** and **Edward N. Smither, Jr.**

This Board paper will appoint two additional members to serve on the Finance Board, **Anthony J. Romanello** and **William B. Bowen, Sr.**, for terms expiring on May 8, 2018, or thereafter, when their successors shall have been appointed and qualified.

**RESOLUTION – Appointment of Member – Library Advisory Board.**

This Board paper appoints the following person to the Library Advisory Board for a term expiring December 31, 2016, or thereafter when her successor shall have been appointed and qualified:

Tuckahoe District

Tammy R. Johnson Beard

**PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMIT**

REZ2016-00031  
Fairfield  
HHHunt: Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) Parcel 779-773-4325 containing 7 acres located at the terminus of Winfrey Road. The applicant proposes single family residences. The R-5A District allows a minimum lot area of 5,625 square feet and a gross density of 6 units per acre. The use will be controlled by proffered conditions and zoning ordinance regulations. The 2026 Comprehensive Plan recommends Suburban Residential 1, density should not exceed 2.4 units per acre. Acting on a motion by Mr. Archer, seconded by Ms. Jones, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it represents a logical continuation of the residential development approved in the area.

REZ2016-00026  
Varina  
David L. and Charlotte Y. Holley: Request to rezone from B-1 Business District to B-2C Business District Parcel 826-716-2217 containing .427 acres located at the southwest intersection of W. Williamsburg Road (U.S. Route 60) and S. Confederate Avenue. The applicant proposes a gun shop. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Commercial Concentration. The site is located in the Enterprise Zone and the Airport Safety Overlay District. Acting on a motion by Mr. Leabough, seconded by Mr. Witte, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **deny** the request because it would likely set an adverse zoning precedent for the area and the applicants failed to meet their burden to show that the requested change is in the best interests of the welfare and future of the community.

PUP2016-00007  
Three Chopt  
The Peterson Companies: Request for a Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to operate five outdoor dining areas on Parcel 746-773-8345 located on the east line of Nuckols Road between Wyndham Forest Drive and Twin Hickory Road. The existing zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan recommends Commercial Concentration. Acting on a motion by Mrs. Marshall, seconded by Ms. Jones, the Planning Commission

voted 5-0 (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, welfare and values in the area.

## **PUBLIC HEARING – OTHER ITEMS**

### **RESOLUTION - Condemnation - Utility Easements - Upham Brook Trunk Sewer Project - Successors of Tetra Associates, LLC and Tetra Acquisition, LLC - Brookland District.**

This Board paper authorizes condemnation proceedings to acquire four variable width permanent utility easements and three variable width temporary construction easements owned by Tetra Associates, LLC and Tetra Acquisition, LLC (the “Owners”). The easements are needed for construction of the Upham Brook Trunk Sewer Project which is designed to prevent sanitary sewer overflows along Upham Brook during wet weather. The County has not been able to make a bona fide offer to purchase the easements because both of the Owners are defunct and their successors are unknown.

The Board paper directs the County Manager to take the necessary steps to acquire the easements through the filing of two certificates of take and a deposit of \$115 for Tetra Associates, LLC and \$940 for Tetra Acquisition, LLC, the total estimated fair market value of the easements and any damage to the residue of the property taken, in the Clerk’s Office of the Henrico County Circuit Court.

The Directors of Public Utilities and Real Property recommend approval of this Board paper.

### **RESOLUTION - Condemnation - Utility Easements - Kenmore Road - Upham Brook Trunk Sewer Project - Heirs or Successors of Arthur E. Wilton, John A. Wilton, Jr., and Robert H. Wilton - Brookland District.**

This Board paper authorizes condemnation proceedings to acquire a permanent utility easement containing 1,989 sq. ft. and a temporary construction easement containing 1,582 sq. ft. across property on Kenmore Road owned by the heirs or successors of Arthur E. Wilton, John A. Wilton, Jr., and Robert H. Wilton (the “Owners”). The easements are needed for construction of the Upham Brook Trunk Sewer Project which is designed to prevent sanitary sewer overflows along Upham Brook during wet weather. The County has not been able to make a bona fide offer to purchase the easements because it cannot locate any Owner who can sell them.

The Board paper directs the County Manager to take the necessary steps to acquire the easements through the filing of a certificate of take and a deposit of \$100, the estimated fair market value of the easements and any damage to the residue of the property taken, in the Clerk’s Office of the Henrico County Circuit Court.

The Directors of Public Utilities and Real Property recommend approval of this Board paper.

**ORDINANCE - Vacation of Portion of Alley - Pine View Subdivision - Brookland District.**

This ordinance will vacate a portion of an alley separating two parcels in the Pine View subdivision. The owner of the two parcels, West Broad Tire LLC, has requested this action. The vacation will be subject to the reservation of a permanent utility easement through the vacated alley area.

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

**RESOLUTION - Signatory Authority - Quitclaim of Portions of Drainage and Utility Easements - Hermitage Townes - Brookland District.**

This Board paper authorizes the Chairman to execute a quitclaim deed releasing the County's interest in unneeded portions of a drainage easement and a utility easement across the Hermitage Townes residential townhouse development. The owner, Atack/Hermitage, LLC, has requested the action. There are no County facilities in the easements, and the owner has dedicated replacement easements.

The Directors of Public Works, Public Utilities, Planning, and Real Property recommend approval of this Board paper.

**PUBLIC COMMENTS**

**GENERAL AGENDA**

**RESOLUTION - Signatory Authority - Fourth Amendment to Communications Tower License Agreement - 3245 Basie Road - Brookland District.**

This Board paper authorizes the County Manager to execute an amendment to the license agreement with Vertical Bridge CC FM, LLC for the County's use of public safety radio system equipment on a communications tower at 3245 Basie Road. The license agreement ends on May 31, 2017, and the County tower equipment will be an integral part of its new public safety radio system.

This amendment would renew the license agreement for a 20-year term commencing on June 1, 2017, and add an optional 20-year renewal term. The monthly rent will be \$3,989.08 in the first year with a 3% increase in each succeeding year. The agreement is subject to annual appropriation.

The Chief of Police and the Director of Real Property recommend approval of this Board paper.



**RESOLUTION - Award of Contract - Bryan Parkway Area Sanitary Sewer Rehabilitation - Brookland and Fairfield Districts.**

This Board paper awards a construction contract to Walter C. Via Enterprises, Inc. for \$5,451,702 for the Bryan Parkway Area Sanitary Sewer Rehabilitation project. The project will replace or rehabilitate approximately 3.2 miles of sewer piping in the Greenway Avenue, Bryan Park Avenue, Greendale Road, and Lakeside Avenue area.

This project will maintain the reliability of the County wastewater collection system by replacing or rehabilitating deteriorated sewer piping installed in the 1940s and 1950s. The work will begin in November 2016 and will be completed by June 2018. Funding will be provided by the Water and Sewer Revenue Fund.

Four bids were received on August 30, 2016, in response to Invitation to Bid No. 16-1220-7CE and Addenda Nos. 1 and 2:

<u>Bidders</u>	<u>Bid Amounts</u>
Walter C. Via Enterprises, Inc. West Point, VA	\$5,451,702
G. L. Howard, Inc. Rockville, VA	\$7,526,250
Henry S. Branscome, LLC Williamsburg, VA	\$7,556,422
Tidewater Utility Construction, Inc. Suffolk, VA	\$8,710,850

Based upon a review of the bids, Walter C. Via Enterprises, Inc. is the lowest responsive and responsible bidder.

The Board paper awards the contract to Walter C. Via Enterprises, Inc. and grants signatory authority to the County Manager. 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 contract amount.

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

**RESOLUTION - Award of Contract - Biltmore Area Water Rehabilitation Project - Fairfield District.**

This Board paper awards a construction contract to Henkels & McCoy, Inc. for \$1,313,541.34 for the Biltmore Area Water Rehabilitation project. The project will replace approximately 3,400 linear feet of water pipe in the New York Avenue, Georgia Avenue, Norfolk Street, and

Telegraph Road area. The project will also replace 626 residential water meters throughout the County.

This project will maintain the reliability of the County water distribution system by replacing deteriorated water piping installed in the 1950s as part of a private water system acquired by the County in 2007. The work will begin in November 2016 and will be completed by September 2017. Funding will be provided by the Water and Sewer Revenue Fund.

Five bids were received on September 1, 2016, in response to Invitation to Bid No. 16-1217-7CE and Addenda Nos. 1 and 2:

<u>Bidders</u>	<u>Bid Amounts</u>
Henkels & McCoy, Inc. Richmond, VA	\$1,313,541.34
Walter C. Via Enterprises, Inc. West Point, VA	\$1,709,500.00
Tidewater Utility Construction, Inc. Suffolk, VA	\$1,958,477.46
Henry S. Branscome, LLC Williamsburg, VA	\$1,995,218.00
Kelvic Construction Company, Inc. Locust Grove, VA	\$2,430,577.19

Based upon a review of the bids, Henkels & McCoy, Inc., is the lowest responsive and responsible bidder.

The Board paper awards the contract to Henkels & McCoy, Inc. and grants signatory authority to the County Manager to execute a contract. 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 contract amount.

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

**RESOLUTION - Signatory Authority - Notice of Use Restriction - Springfield Road Landfill - Three Chopt District.**

This Board paper authorizes the Chairman to execute a notice of use restriction for a portion of the Springfield Road Landfill.

In June 2016, the County closed the landfill areas and will only continue to operate the public use area. Virginia solid waste regulations require the County to record a notice of use restriction in the Henrico County Circuit Court Clerk's Office as a condition of landfill

closure. The notation notifies potential purchasers that the land had been used to manage solid waste.

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

**RESOLUTION - Award of Contract - Mimosa Park Water Rehabilitation - Three Chopt District.**

This Board paper awards a construction contract to Walter C. Via Enterprises, Inc. for \$576,402 for the Mimosa Park Water Rehabilitation project. This project will transfer 49 water service pipes and meters from the rear to the front of properties along Aiken Drive, Homeview Drive, and Parham Road and provide approximately 440 feet of water pipe in an unimproved right-of-way between Homeview and Aiken Drives.

The project will maintain the reliability of the County drinking water system by replacing deteriorated water pipe installed in the early 1950s. The work will begin in December 2016 and will be completed by July 2017. Funding will be provided by the Water and Sewer Revenue Fund.

Three bids were received on September 8, 2016, in response to Invitation to Bid No. 16-1227-7CE and Addendum No. 1:

<u>Bidders</u>	<u>Bid Amounts</u>
Walter C. Via Enterprises, Inc. West Point, VA	\$ 576,402.00
Henkels & McCoy, Inc. Richmond, VA	\$ 660,361.64
Lyttle Utilities, Inc. Richmond, VA	\$ 787,700.00

Based upon a review of the bids, Walter C. Via Enterprises, Inc., is the lowest responsive and responsible bidder.

The Board paper awards the contract to Walter C. Via Enterprises, Inc. and grants signatory authority to the County Manager to execute a 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 contract amount.

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