

**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, May 9, 2017, at 6:15 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:

6:15 - 6:30 p.m. Purchasing Ordinance Update

6:30 - 6:45 p.m. Regular Meeting Agenda Items



Barry R. Lawrence, CMC
Clerk, Henrico County Board of Supervisors
May 4, 2017

COUNTY OF HENRICO, VIRGINIA
Henrico County Board Room
Board of Supervisors' Agenda
May 9, 2017
7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION

APPROVAL OF MINUTES – April 25, 2017, Regular and Special Meetings

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

PRESENTATIONS

Proclamation - Law Enforcement Officers Week - May 14 - 20, 2017.

Proclamation - Safe Boating Week - May 20 - 26, 2017.

Proclamation - Emergency Medical Services Week - May 21 - 27, 2017.

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMITS

49-17
REZ2017-
00005
Brookland
Wilton Acquisition, LLC: Request to conditionally rezone from B-2C Business District (Conditional) to RTHC Residential Townhouse District (Conditional) Parcels 773-759-7681, -9232, -8362, -8944, and part of Parcel 773-759-5623 containing 11.13 acres located on the west line of Woodman Road approximately 240' north of its intersection with Hungary Road. The applicant proposes a residential townhouse development. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Commercial Concentration. The site is in the Enterprise Zone. The Planning Commission voted to recommend the Board of Supervisors **grant** the request. **(Deferred from the April 11, 2017, meeting.)**

50-17
PUP2017-
00003
Brookland
Wilton Acquisition, LLC: Request for a Provisional Use Permit under Sections 24-58.2(b), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow a self-service storage facility on part of Parcel 773-759-5623 located on the north line of Hungary Road approximately 700' northwest of its intersection with Woodman Road. The existing zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan recommends Commercial Concentration. The site is in the Enterprise Zone. The Planning Commission voted to recommend the Board of Supervisors **grant** the request. **(Deferred from the April 11, 2017, meeting.)**

129-17
REZ2017-
00012
Three Chopt
Welford Properties: Request to conditionally rezone from A-1 Agricultural District to R-3C One-Family Residence District (Conditional) Parcel 737-769-5307 and part of Parcel 737-768-8286 containing 3.592 acres located on the south line of N. Gayton Road approximately 600' east of its intersection with Kain Road. The applicant proposes single family dwellings. The R-3 District allows a maximum density of 3.96 units per acre. The use will be controlled by zoning

ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Mixed Use, density should not exceed 4 units per acre. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

130-17
PUP2017-
00011
Brookland

Siwel Flips, LLC: Request for a Provisional Use Permit under Section 24-12.1(e), 24-120, and 24-122.1 of Chapter 24 of the County Code to allow a front porch to be extended no more than 8' into the front yard setback on Parcel 766-737-9988 located on the north line of Hampstead Avenue at its intersection with Bremono Road. The existing zoning is R-3 One-Family Residence District. The 2026 Comprehensive 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.

PUBLIC HEARINGS – OTHER ITEMS

- 131-17 Resolution - SIA2017-00001 - Briel Farm Solar, LLC - Solar Power Electricity Generation Facility - Substantially in Accord with the Comprehensive Plan.
- 132-17 Resolution - Signatory Authority - Lease Amendment - New Cingular Wireless PCS, LLC - Three Chopt District.
- 133-17 Resolution - Signatory Authority - Conveyance of Real Estate - 2001 Library Road - Varina District.
- 134-17 Resolution - Signatory Authority - Easement Agreements - Virginia Electric and Power Company and Verizon Virginia LLC - Varina District.
- 135-17 Ordinance - To Amend and Reordain Section 9-2 of the Code of the County of Henrico Titled "Precincts and polling places" by Temporarily Changing the Polling Place for Eanes Precinct in the Varina District from Baker Elementary School to Varina High School.

PUBLIC COMMENTS

GENERAL AGENDA

- 136-17 Resolution - Award of Contract - Architectural and Engineering Services - High School Athletic Field Improvements - All Magisterial Districts.
- 137-17 Resolution – Request for Reimbursement of Legal Fees.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS' RESUME
May 9, 2017**

PRESENTATIONS

PROCLAMATION - Law Enforcement Officers Week - May 14 - 20, 2017.

The professional law enforcement officers of Henrico County serve our citizens daily, protecting lives and property while upholding local ordinances and state laws. By the nature of their duties, these officers endure grave danger and, on occasion, loss of their own lives. Each year, the 15th day of May is nationally designated as Peace Officers Memorial Day and the calendar week in which that date occurs is nationally designated as Police Week. The Police Division will hold its annual memorial service and wreath-laying ceremony at Police Memorial Park on Tuesday, May 16, 2017, to honor the County's fallen police officers. This proclamation recognizes May 14 – 20, 2017, as Law Enforcement Officers Week and Tuesday, May 16, 2017, as Law Enforcement Officers Day in Henrico County; encourages Henrico citizens to take note of these special dates; and salutes the County's law enforcement officers for their steadfast commitment to the County's public safety efforts for contributing significantly to the quality of life of this community.

PROCLAMATION - Safe Boating Week - May 20 - 26, 2017.

Many Henrico residents choose recreational boating as a way to relax with their families and friends as opportunities for on-the-water activities grow each year. Of the 229,929 boats currently registered in the Commonwealth of Virginia, 4,765 are owned by residents of the County of Henrico and the use of kayaks and other self-propelled watercraft not required to be registered is increasing rapidly. Flotilla 31 of the United States Coast Guard Auxiliary's Fifth District Southern Region supports local emergency service providers on the waterways and promotes safe boating practices, including the wearing of life jackets. This proclamation recognizes May 20 - 26, 2017, as Safe Boating Week and urges all Henrico boaters to take a boating safety course, wear their life jackets, have their boats checked for other safety equipment, and practice safe boating.

PROCLAMATION - Emergency Medical Services Week – May 21 - 27, 2017.

The provision of emergency medical services (EMS) is vital to the public's well-being and dramatically improves the survival and recovery rates of persons who experience sudden illness or injury. The Henrico County EMS system, consisting of the Division of Fire, Henrico Volunteer Rescue Squad, Lakeside Volunteer Rescue Squad, Tuckahoe Volunteer Rescue Squad, and the Police Division, recorded 39,600 responses for services during fiscal year 2016. This proclamation recognizes May 21 - 27, 2017, as Emergency Medical Services Week and encourages the community to observe this week with appropriate programs, ceremonies, and activities.

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMITS

REZ2017-00005
Brookland
Wilton Acquisition, LLC: Request to conditionally rezone from B-2C Business District (Conditional) to RTHC Residential Townhouse District (Conditional) Parcels 773-759-7681, -9232, -8362, -8944, and part of Parcel 773-759-5623 containing 11.13 acres located on the west line of Woodman Road approximately 240' north of its intersection with Hungary Road. The applicant proposes a residential townhouse development. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Commercial Concentration. The site is in the Enterprise Zone. Acting on a motion by Mr. Witte, seconded by Mr. Baka, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it would not be expected to adversely affect the pattern of zoning and land use and the area and would not adversely affect the adjoining area if properly developed as proposed. **(Deferred from the April 11, 2017, meeting.)**

PUP2017-00003
Brookland
Wilton Acquisition, LLC: Request for a Provisional Use Permit under Sections 24-58.2(b), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow a self-service storage facility on part of Parcel 773-759-5623 located on the north line of Hungary Road approximately 700' northwest of its intersection with Woodman Road. The existing zoning is B-2C Business District (Conditional). The 2026 Comprehensive Plan recommends Commercial Concentration. The site is in the Enterprise Zone. Acting on a motion by Mr. Witte, seconded by Mr. Archer, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it would provide added services to the community and when properly developed and regulated by the recommended special conditions, it would not be detrimental to the public health, safety, welfare and values in the area. **(Deferred from the April 11, 2017, meeting.)**

REZ2017-00012
Three Chopt
Welford Properties: Request to conditionally rezone from A-1 Agricultural District to R-3C One-Family Residence District (Conditional) Parcel 737-769-5307 and part of Parcel 737-768-8286 containing 3.592 acres located on the south line of N. Gayton Road approximately 600' east of its intersection with Kain Road. The applicant proposes single family dwellings. The R-3 District allows a maximum density of 3.96 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Mixed Use, density should not exceed 4 units per acre. Acting on a motion by Mr. Leabough, seconded by Mr. Witte, the Planning Commission voted 4-0 (one absent, one abstention) to recommend the Board of Supervisors **grant** the request because it continues a similar level of single-family residential zoning as currently exists in the area.

PUP2017-00011
Brookland
Siwel Flips, LLC: Request for a Provisional Use Permit under Section 24-12.1(e), 24-120, and 24-122.1 of Chapter 24 of the County Code to allow a front porch to be extended no more than 8' into the front yard setback on Parcel 766-737-9988 located on the north line of Hampstead Avenue at its intersection with Bremono Road. The existing zoning is R-3 One-Family

Residence District. The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre. Acting on a motion by Mr. Witte, seconded by Mr. Archer, the Planning Commission voted 4-0 (one absent, 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 HEARINGS – OTHER ITEMS

RESOLUTION - SIA2017-00001 - Briel Farm Solar, LLC - Solar Power Electricity Generation Facility - Substantially in Accord with the Comprehensive Plan.

At the request of Briel Farm Solar, LLC, the Department of Planning conducted a study to determine whether the proposed solar power electricity generation facility is substantially in accord with the County's 2026 Comprehensive Plan ("Plan"). The site consists of a 230-acre parcel (842-716-0583) located on the south line of Meadow Road northeast of the I-64/I-295 interchange in the Varina District.

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

At its meeting on April 13, 2017, the Planning Commission approved the resolution finding the proposed Briel Farm Solar, LLC – Solar Power Electricity Generation Facility substantially in accord with the Plan.

Further details regarding the proposed site are contained in the staff report prepared for the Planning Commission.

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

RESOLUTION - Signatory Authority - Lease Amendment - New Cingular Wireless PCS, LLC - Three Chopt District.

This Board paper would authorize the County Manager to execute an amendment to the lease under which New Cingular Wireless PCS, LLC (doing business as AT&T) operates cellular communications equipment on the Cox Road Water Tower at 3451 Cox Road.

The 20-year lease ends August 8, 2021, and the current annual rent is \$24,638.18. The amendment gives AT&T the option to extend the lease for up to four additional five-year terms. The annual rent will increase to \$27,102.00 during the first renewal term and increase 10% at the beginning of each succeeding renewal term.

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

RESOLUTION - Signatory Authority - Conveyance of Real Estate - 2001 Library Road - Varina District

This Board paper authorizes the County Manager and Chairman of the Board of Supervisors to execute documents to convey the old Varina Library at 2001 Library Road to Excel to Excellence, Inc. (“Excel”) by deed of gift.

Excel, a § 501(c)(3) organization, will use the property valued at \$604,000 to operate youth programs for students and the Varina community. The deed will be subject to the County’s reversionary interest. Excel will be required to make at least \$700,000 in building improvements, to obtain a certificate of occupancy within three years, to maintain and insure the building, and to operate programs at the site for 20 years.

The Real Property Department has processed this request through the Departments of General Services, Planning, Public Libraries, Public Utilities, and Public Works without objection. The Directors of General Services, Public Libraries and Real Property recommend approval.

RESOLUTION - Signatory Authority - Easement Agreements - Virginia Electric and Power Company and Verizon Virginia LLC - Varina District.

This Board paper authorizes the Chairman of the Board of Supervisors to execute easement agreements with Virginia Electric and Power Company and Verizon Virginia LLC allowing them to relocate their facilities on County property for the Dabbs House Road Project.

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

ORDINANCE - To Amend and Reordain Section 9-2 of the Code of the County of Henrico Titled “Precincts and polling places” by Temporarily Changing the Polling Place for Eanes Precinct in the Varina District from Baker Elementary School to Varina High School.

This Board paper would temporarily change the polling place for the Eanes Precinct in the Varina District from Baker Elementary School to Varina High School. Baker Elementary School suffered extensive damage in a fire on March 19, 2017. The school will not be available to serve as a polling place in the primary election on June 13, 2017. Varina High School is available and qualified to serve as a polling place for the Eanes Precinct on a temporary basis. The change would expire on September 5, 2017, when it is expected that Baker Elementary School will be available to resume serving as a polling place. As required by Virginia law, notice of the change will be mailed to affected voters prior to the primary election and after the change back to Baker Elementary School in September.

The Electoral Board recommended the temporary change at its meeting on April 4, 2017.

PUBLIC COMMENTS

GENERAL AGENDA

RESOLUTION - Award of Contract - Architectural and Engineering Services - High School Athletic Field Improvements - All Magisterial Districts.

This Board paper would award a contract to Draper Aden Associates, Inc. for architectural and engineering design and construction administration services to convert existing grass football stadium athletic fields to multi-use synthetic turf at all nine Henrico County high schools. The athletic field conversion project was a Recreation and Parks capital project approved by voters in 2016.

Three proposals were received on January 27, 2017, in response to RFP #16-1298-12CS. The selection committee selected Draper Aden Associates, Inc. as the top-ranked firm and negotiated a fixed fee of \$973,520. Draper Aden has significant athletic field construction experience, and its Henrico County office will provide all services.

Architectural and engineering design work will begin in May 2017. Completion of construction documents and submission of POD applications for all nine fields is expected by the end of 2017.

The construction schedule will complete three high school athletic field conversions during each of the next three years. The first three field conversion projects will be at Douglas S. Freeman, Hermitage, and Varina High Schools. Construction work will occur from early spring through the summer of 2018 so that all three fields will be ready for the fall 2018 sports season.

This Board paper also grants signatory authority to the County Manager to execute the contract documents. The County Manager, or the Purchasing Director as his designee, is authorized to execute change orders within the scope of the project budget not to exceed 15% of the original contract amount.

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

RESOLUTION - Request for Reimbursement of Legal Fees.

The purpose of this Board paper is to authorize and direct reimbursement in the amount of \$14,952.35 toward legal fees and expenses incurred by former County police officer Joel D. Greenway. The fees and expenses were incurred by Greenway in defense of criminal charges that arose out of acts committed by him in the discharge of his official duties as a Henrico County police officer. Greenway was found not guilty of the charges after a jury trial in the Circuit Court of Henrico County in October 2016.

By letter to the County Manager dated February 24, 2017, and an e-mail to the County Manager dated May 1, 2017, Greenway's legal counsel submitted this request for reimbursement along with supporting documentation. The County Attorney has reviewed the legal fees and expenses and is of the opinion that the amount being requested is reasonable. Reimbursement of the fees and expenses under these circumstances is authorized by Section 15.2-1711 of the Code of Virginia.