

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
REGULAR MEETING
October 11, 2022

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, October 11, 2022, 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:

Patricia S. O'Bannon, Chairman, Tuckahoe District
Frank J. Thornton, Vice-Chairman, Fairfield District
Thomas M. Branin, Three Chopt District
Tyrone E. Nelson, Varina District
Daniel J. Schmitt, Brookland District

Other Officials Present:

John A. Vithoukas, County Manager
Andrew R. Newby, County Attorney
Tanya N. Brackett, CMC, Assistant to the County Manager/Clerk to the Board
Michael Y. Feinmel, Deputy County Manager for Public Safety
W. Brandon Hinton, Deputy County Manager for Administration
Monica Smith-Callahan, Deputy County Manager for Community Affairs
Steven J. Yob, Deputy County Manager for Community Operations
Benjamin A. Sheppard, Director of Public Relations

Steven Boots, Chaplain for the Henrico County Police Division, delivered the invocation.

On motion of Mr. Thornton, seconded by Mr. Nelson, the Board approved the minutes of the September 27, 2022, Regular and Special Meetings.

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Branin, Nelson, Schmitt

No: None

MANAGER'S COMMENTS

Mr. Vithoukas recognized Indigenous Peoples' Day celebrated annually on the second Monday of October to honor the culture and histories of Native American peoples. On October 8, 2021, U.S. President Joe Biden became the first U.S. President to formally recognize the holiday by signing a presidential proclamation declaring October 11, 2021, to be a national holiday.

Indigenous Peoples' Day recognizes and honors the traditions and cultures of Indigenous People, not just in America, but around the world.

In honor of Pocahontas, an indigenous woman of the Powhatan tribe, being the symbol for Henrico County and the hundreds of indigenous people that reside in the County, we stand in solidarity and support of indigenous people on this day.

BOARD OF SUPERVISORS' COMMENTS

Mr. Thornton noted on Monday afternoon he gave appreciation to a group of bus drivers at the Eastern Government Center. He shared that we need to give credit to these individuals who carry our children safely.

RECOGNITION OF NEWS MEDIA

There was no media present for the meeting.

PUBLIC HEARINGS - REZONING CASES AND PROVISIONAL USE PERMIT

217-22 Pemberton Investments, LLC: Request to conditionally rezone from A-1
REZ2022- Agricultural District and B-3 Business District to R-5AC General
00019 Residence District (Conditional) part of Parcel 739-755-4897 containing
Three Chopt 10.517 acres located on the west and east lines of John Rolfe Parkway at
its intersection with Pump Road.

Mr. Vithoukaskas announced the applicant had requested a deferral of this item.

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

On motion of Mr. Branin, seconded by Mr. Schmitt, and by unanimous vote, the Board deferred this item to the November 8, 2022, meeting.

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Branin, Nelson, Schmitt

No: None

271-22 Hunt Gunter: Request for a Provisional Use Permit under Sections 24-
PUP2022- 4205 and 24-2306 of Chapter 24 of the County Code to allow a car wash
00010 on Parcel 737-751-0413 located on the west line of John Rolfe Parkway
Tuckahoe approximately 260' north of the intersection of Ridgefield Parkway.

Mr. Vithoukaskas announced the applicant had requested a deferral of this item.

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

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, and by unanimous vote, the Board deferred this item to the November 8, 2022, meeting.

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Branin, Nelson, Schmitt

No: None

115-22
REZ2022-
00002
Three Chopt

Markel | Eagle Advisors, LLC: Request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) part of Parcels 733-778-7649 and 734-777-3893 containing 46.599 acres located at the southwest intersection of Pouncey Tract Road (State Route 271) and Wyndham West Drive.

Mr. Vithoukas announced the applicant had requested a deferral of this item.

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

On motion of Mr. Branin, seconded by Mr. Thornton, and by unanimous vote, the Board deferred this item to the November 8, 2022, meeting.

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Branin, Nelson, Schmitt

No: None

272-22
REZ2022-
00028
Tuckahoe

Bradford Homes, Inc.: Request to conditionally rezone from R-2 One-Family Residence District to R-3C One-Family Residence District (Conditional) Parcels 749-739-4015, 749-739-4127, and 749-739-42377 containing 2.519 acres located at the northeast intersection of Derbyshire Road and Midway Road.

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

On motion of Mr. Thornton, seconded by Mr. Nelson, and by unanimous vote, the Board followed the recommendation of the Planning Commission and approved this item with the following proffered conditions:

1. **Concept Plan.** The Property shall be developed generally consistent with that certain conceptual plan prepared by Draper Aden Associates, entitled "CONCEPT PLAN CARTER FARM RESUBDIVISION, TUCKAHOE DISTRICT, HENRICO COUNTY, VIRGINIA\ and dated September 8, 2022 set forth on the attached Exhibit B (see case file) (the "Concept Plan"). The exact sizes and details of the lots, roads and other improvements shown on the Concept Plan are illustrative and may be subject to change and revised and updated from time to time as required for final engineering design, compliance with governmental regulations, or as otherwise approved by the County at the time of subdivision or plan of development review of the Property.

2. **Architectural Features.** All dwellings shall have an architectural style and use design elements generally similar to those images set forth on the attached Exhibit A dated July 19, 2022 (see case file). Such renderings are conceptual in nature and are provided only as an illustration of the quality of the design and architectural style of such buildings. Various design elements shall be incorporated to provide variety amongst individual dwelling units including, but not limited to the following: varying colors of brick, brick accents (including, but not limited to, arches with or without keystones, soldier courses, quoin corners, and accent coloring different from any main brick coloring), varying colors of siding, varying window designs, and varying doorway designs. No two homes adjoining each other side by side shall be identical in exterior architectural features and colors.
3. **Density.** No more than 6 residential dwelling units shall be constructed on the Property.
4. **Home Details.** Any new home constructed on the Property shall have a minimum of 2,500 square feet of finished floor area. Any home on lot 6, as shown on the Concept Plan (see case file), shall face Midway Road.
5. **Foundations.** All dwelling units on the Property shall be constructed on crawl space foundations except for basements and garages. The exterior portion of the foundations below the first floor level which is visible above grade shall be finished with full standard brick or stone unless otherwise approved by the Director of Planning. Dwelling units built on a crawl space foundation, with steps to the main entrance, including front access stoops or porches, but not including homes with country porches, shall be faced with full standard brick or stone with a finished concrete or exposed aggregate landing for any such steps, stoops or porches and any visible piers on porches shall be constructed of brick.
6. **Exterior Materials.** Any dwelling, including any garage (whether attached or detached) accessory to such dwelling upon the same lot, whether attached or detached, shall have exposed exterior walls (above finished grade) of full standard brick, stone, cementitious siding, or a combination of the foregoing, unless otherwise approved by the Director of Planning.
7. **Roof Material.** The roof of each dwelling shall be constructed with a roof that has a minimum certified twenty-five (25) year warranty.
8. **Fireplace Chimneys.** The exposed portions of all fireplace chimneys shall be of full standard brick, stone, or cementitious siding. The exposed bases of all chimneys shall be of the same material as the building foundations. The exposed portion of the

- flue for a direct-vent gas fireplace shall be constructed of the same material used on the adjacent siding and shall be built on a foundation that is constructed of the same material that is used on the adjacent foundation.
9. **Cantilevering.** No cantilevered features will be allowed on the front or side of the home, except for second story bay windows which will be designed and constructed with decorative corbels.
 10. **Lighting.** Pedestrian scale residential lighting shall be provided on each lot. Such lighting shall be non-glare, decorative in style, residential in character and shall be provided at least in the front yard of each residential lot.
 11. **Garages.** Every dwelling shall be constructed with no less than a two (2) car garage.
 12. **Driveways.** All driveways shall be constructed of exposed aggregate, concrete, brick, stone, asphalt, pre-cast pavers or other similar materials approved by the Director of Planning. No individual lots shall have direct access to Derbyshire Road or Midway Road.
 13. **Landscaping, Buffer and Fencing Requirements.** A natural and landscaped buffer a minimum of at least twenty-five (25) feet in width and planted to the level of a transitional buffer 35 shall be provided adjacent to Derbyshire Road. Such buffer shall include a decorative fence (such as a black aluminum fence) a minimum of four (4) feet in height. Such buffer may include supplemental plantings, signage, berms and/or fencing and other purposes as approved at the time of landscape plan review. Any installed landscaping shall be irrigated unless otherwise approved by the County at the time of subdivision review. Utility easements (including drainage), common owned fencing/walls, and signage shall be permitted within such buffer; provided, any such utility easements shall be extended generally perpendicular through such buffer. No chain link fencing or stockade fencing shall be permitted on the Property.
 14. **Entrance Sign.** An entrance sign for the subdivision shall be placed on the lot at the corner of Derbyshire Road and Midway Road. Such sign shall be a maximum of 5 feet in height and shall be constructed of full standard brick, stone, masonry material or a combination thereof.
 15. **Lot Landscaping.** A minimum of one (1) tree measuring a minimum of 2.5" in diameter shall be retained or planted in the front or side yard of every lot and two (2) such trees on corner lots. All yards on a lot shall be irrigated and planted with sod. Each home shall have prototypical plantings (shrubs and ornamental

ground cover) along the entire front foundation as approved at the time of subdivision review.

16. **Underground Utility Lines.** All utility lines on the Property shall be underground, except for already existing utilities, junction boxes, meters, utility lines in wetland areas and utility lines required to be above ground by the utility company. Electrical junction boxes and meters shall be screened from public view with a wall, fence, landscaping, or such other method as may be approved by the County at the time of subdivision or plan of development review of the Property.
17. **Construction.** During the construction of the development on the Property the hours of exterior construction shall be limited to 7:00 a.m. to 8:00 p.m. Monday through Friday and 8:30 a.m. to 6:00 p.m. on Saturdays, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours or utility connections. Exceptions shall require the approval of the Director of Planning. Construction signs shall be posted in English and in Spanish and shall state the hours of construction. Construction vehicles shall only be permitted to access the Property by way of Midway Road.
18. **Sidewalk.** A sidewalk a minimum width of four (4) feet shall be provided and constructed along the north side and within the public right-of-way of Derbyshire Road adjoining the Property pursuant to County Department of Public Works standards. The sidewalk shall be constructed prior to a final certificate of occupancy being issued for any dwelling on the Property.
19. **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.

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Branin, Nelson, Schmitt

No: None

273-22
REZ2022-
00027
Varina

Godsey Properties, Inc.: Request to rezone from RTHC Residential Townhouse District (Conditional) to C-1 Conservation District part of Parcel 836-713-7564 containing 3.2 acres located on the north line of E. Williamsburg Road (U.S. Route 60) approximately 850' southeast of the intersection of Dry Bridge Road.

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

On motion of Mr. Nelson, seconded by Mr. Branin, and by unanimous vote,

the Board followed the recommendation of the Planning Commission and approved this item.

The vote of the Board was as follows:

Yes: O'Bannon, Thornton, Branin, Nelson, Schmitt

No: None

PUBLIC HEARINGS - OTHER ITEM

274-22 Ordinance - To Amend and Reordain Section 22-126 of the Code of the County of Henrico Titled "Weight limits for specific streets" to Restrict Through Truck Traffic on Various Roads - Varina and Fairfield Districts.

Terrell Hughes, Director of Public Works, responded to questions from Mr. Nelson and Mr. Thornton regarding this item.

Joy Stillow, a resident of the Varina District, voiced concerns about Charles City Road and the narrowness of the road and wanted to ensure the ordinance would be addressing that particular issue.

At Mr. Nelson's request, Mr. Hughes addressed the citizen's concerns noting the ordinance will address these issues. He also noted staff is working with the Virginia Department of Transportation to address the issues on the state portion of the road as well.

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

PUBLIC COMMENTS

There were no comments from the public.

GENERAL AGENDA

275-22 Resolution - Signatory Authority - Commonwealth's Development Opportunity Fund Performance Agreement - EAB Global, Inc. - Three Chopt District.

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

276-22 Introduction of Ordinance - To Amend and Reordain Section 20-273 Titled "Definitions" and Section 20-276 Titled "Reports and remittance of tax" of the Code of the County of Henrico in Conformance with Changes to the Transient Occupancy Tax Enacted by the General Assembly in 2022.

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

277-22 Introduction of Ordinance - To Amend and Reordain Section 16-43 Titled “Award of contracts generally” of the Code of the County of Henrico to Update County Procurement Procedures.

On motion of Mr. Schmitt, seconded by Mr. Branin, and by unanimous vote, the Board approved this item – see attached introduction of ordinance.

278-22 Resolution - Approval of Hospital to Home, LLC to Operate a Medical Transport Service in Henrico County.

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

279-22 Resolution - Award of Contract - Water Heater Replacement at Henrico Administration Building - Brookland District.

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

280-22 Resolution - Signatory Authority - Lease Amendment - Henrico Area Mental Health and Developmental Services - 8237, 8239, 8241, and 8247 Hermitage Road - Brookland District.

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

281-22 Resolution - Approval of Acquisition - Rights-of-Way and Easements - Sadler Road Improvements Project - 4200 Sadler Road - Three Chopt District.

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

282-22 Resolution - Abandonment of Portions of Old Portugee Road - Varina District.

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

283-22 Resolution - Award of Construction Contract - Annual Contract for Water and Sanitary Sewer Repairs and Improvements - Countywide.

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

284-22 Resolution - Award of Contract - Kemp Avenue Area Water Main Replacement - Varina District.

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

285-22 Resolution - Change Order to Construction Contract - Oakleys Lane Realignment and Improvements Project - Fairfield and Varina Districts.

On motion Mr. Thornton, seconded by Mr. Branin, and by unanimous vote, the Board approved this item – see attached resolution.

There being no further business, the meeting was adjourned at 7:46 p.m.

A handwritten signature in black ink, reading "Patricia S. Bannon", written over a horizontal line.

Chairman, Board of Supervisors
Henrico County, Virginia



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

Agenda Item No. 274-22

Page No. 1 of 1

Agenda Title: ORDINANCE — To Amend and Reordain Section 22-126 of the Code of the County of Henrico Titled “Weight limits for specific streets” to Restrict Through Truck Traffic on Various Roads — Varina and Fairfield Districts

For Clerk's Use Only:

Date: 10/11/2022

- Approved
- Denied
- Amended
- Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Nelson Seconded by (1) Thornton
(2) _____ (2) _____

REMARKS: **APPROVED**

YES NO OTHER

Branin, T.	<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"/>
Schmitt, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thornton, F.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

1. That Section 22-126 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 22-126. Weight limits for specific streets.

...

(d) It shall be unlawful for any person to use or cause to be used any trucks, pickup or panel trucks, tractor trucks and trailers, having a registered gross weight in excess of 7,500 pounds, on the following roads, except for the purpose of receiving loads or making deliveries on such portion of these roads:

...

- (23) Willson Road between Messer Road and New Market Road.
- (24) Doran Road between Darbytown Road and New Market Road.
- (25) Turner Road between Charles City Road and New Market Road.
- (26) Charles City Road between Beulah Road and Darbytown Road.
- (27) Charles City Road between Elko Road and the Charles City County Line.
- (28) Poplar Springs Road between Portugee Road and Charles City Road.
- (29) Oakleys Lane between Nine Mile Road (State Route 33) and Oakleys Place.
- (30) Pleasant Street between Nine Mile Road (State Route 33) and S. Holly Avenue.
- (31) Newbridge Road between Nine Mile Road (State Route 33) and Pleasant Street.
- (32) Darbytown Road between Oakland Street and Richmond City Line.
- (33) New Osborne Turnpike between Osborne Turnpike (State Route 5) and Richmond City Line.
- (34) Colwyck Drive between Laburnum Avenue and Mansfield Drive (south intersection).
- (35) Thornhust Street between Laburnum Avenue and Mansfield Drive.

2. That this ordinance is in full force and effect on and after its passage.

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

By Agency Head _____

By County Manager _____

Certified:
A Copy Teste: _____

Clerk, Board of Supervisors

Copy to: _____

Date: _____



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

Agenda Item No. 275-22

Page No. 1 of 1

Agenda Title: RESOLUTION — Signatory Authority — Commonwealth’s Development Opportunity Fund Performance Agreement — EAB Global, Inc. — Three Chopt District

<p>For Clerk's Use Only:</p> <p>Date: <u>10/11/2022</u></p> <p><input checked="" type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p> <p><input type="checkbox"/> Amended</p> <p><input type="checkbox"/> Deferred to:</p>	<p>BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>Branin</u> Seconded by (1) <u>Shrute</u></p> <p>(2) _____ (2) _____</p> <p>REMARKS:</p> <p align="center">APPROVED</p>	<table border="0"> <thead> <tr> <th></th> <th>YES</th> <th>NO</th> <th>OTHER</th> </tr> </thead> <tbody> <tr> <td>Branin, 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>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>Schmitt, 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>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> </tbody> </table>		YES	NO	OTHER	Branin, T.	<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"/>	Schmitt, D.	<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, the Virginia Economic Development Partnership Authority (“VEDP”) and Governor of Virginia have awarded a \$741,600 grant from the Commonwealth’s Development Opportunity Fund (“COF Grant”) to the County to induce EAB Global, Inc. (“EAB”) to expand its offices in the County; and,

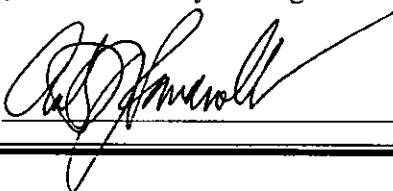
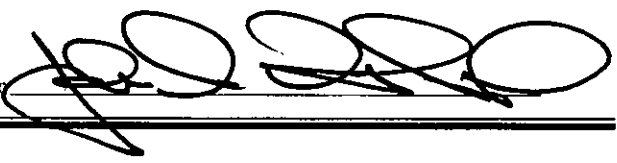
WHEREAS, the COF Grant requires a local match that the Henrico County Economic Development Authority (“EDA”) will make in the form of \$451,000 in performance-based grants pursuant to an agreement between the EDA and EAB, \$17,000 in Technology Zone permit fee exemptions, and \$108,000 in prorated value of planned infrastructure improvements within the Innsbrook Technology Zone; and,

WHEREAS, in return for the COF Grant and local match, EAB will: (1) make a capital investment of at least \$8,560,000 at its new facility in the Innsbrook Technology Zone and (2) create at least 160 new jobs in the County at an average salary of \$75,000; and,

WHEREAS, the County, the EDA, EAB, and VEDP have negotiated an agreement related to the COF Grant that the EDA approved at its meeting on September 28, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that it authorizes the County Manager to execute the agreement among the County, the EDA, EAB, and VEDP in a form approved by the County Attorney.

Comments: The Executive Director of the Economic Development Authority recommends approval of the Board paper, and the County Manager concurs.

By Agency Head  By County Manager 

Certified: _____
A Copy Teste: _____
Clerk, Board of Supervisors

Copy to: _____
Date: _____



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

Agenda Item No. 276-22

Page No. 1 of 1

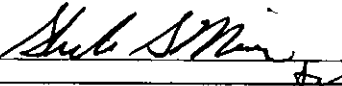

Agenda Title: INTRODUCTION OF ORDINANCE — To Amend and Reordain Section 20-273 Titled “Definitions” and Section 20-276 Titled “Reports and remittance of tax” of the Code of the County of Henrico in Conformance with Changes to the Transient Occupancy Tax Enacted by the General Assembly in 2022

For Clerk's Use Only: Date: <u>10/11/2022</u> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to: _____	BOARD OF SUPERVISORS ACTION Moved by (1) <u>Schmitt</u> Seconded by (1) <u>Nelson</u> (2) _____ (2) _____ REMARKS: APPROVED	<table border="0"> <tr> <td></td> <td>YES</td> <td>NO</td> <td>OTHER</td> </tr> <tr> <td>Branin, T.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Nelson, T.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>O'Bannon, P.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Schmitt, D.</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Thornton, F.</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>		YES	NO	OTHER	Branin, T.	<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"/>	Schmitt, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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The Clerk is directed to advertise, in the Richmond Times-Dispatch on October 18 and 25, 2022, the following ordinance for a public hearing to be held at the Board Room on November 8, 2022, at 7:00 p.m.:

"AN ORDINANCE to amend and reordain section 20-273 titled “Definitions” and section 20-276 titled “Reports and remittance of tax” of the Code of the County of Henrico in conformance with changes to the transient occupancy tax enacted by the General Assembly in 2022. A copy of the full text of the ordinance is on file in the Office of the County Manager."

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

By Agency Head  By County Manager 

Copy to: _____
 Certified: _____
 A Copy Teste: _____ Clerk, Board of Supervisors
 Date: _____

ORDINANCE — To Amend and Reordain Section 20-273 Titled “Definitions” and Section 20-276 Titled “Reports and remittance of tax” of the Code of the County of Henrico in Conformance with Changes to the Transient Occupancy Tax Enacted by the General Assembly in 2022

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

1. That Section 20-273 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-273. Definitions.

The following words, terms and phrases, when used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accommodations mean any room or space, suitable or intended for occupancy by transients for dwelling, lodging, or sleeping purposes, where a price is paid in a retail sale by or for a transient for the use or possession of the room or space in any hotel, motel, boarding house, travel campground, short-term rental, or other facility offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days. **“Accommodations” does not include rooms or space offered by a person in the business of providing conference rooms, meeting space, or event space if the person does not also offer rooms available for overnight sleeping.**

Accommodations fee means the room charge less the discount room charge, if any, provided that the accommodations fee may not be less than \$0.

Accommodations intermediary means any person other than an accommodations provider that **(i) facilitates the sale of an accommodation; and (ii) either (a) charges a room charge to the customer, and charges an accommodations fee to the customer, which fee it retains as compensation for facilitating the sale; (b) collects a room charge from the customer; or (c) charges a fee, other than an accommodations fees, to the customer, which fee it retains as compensation for facilitating the sale.** For purposes of this definition, “facilitates the sale” includes brokering, coordinating, or in any other way arranging for the purchase of the right to use accommodations via a transaction directly, including via one or more payment processors, between a customer and an accommodations provider.

Accommodations intermediary does not include a person:

1. If the accommodations are provided by an accommodations provider operating under a trademark, trade name, or service mark belonging to such person; or

2. Who facilitates the sale of an accommodation if (i) the price paid by the customer to such person is equal to the price paid by such person to the accommodations provider for the use of the accommodations and (ii) the only compensation received by such person for facilitating the sale of the accommodation is a commission paid from the accommodations provider to such person-; or

3. Who is licensed as a real estate licensee pursuant to Code of Virginia, title 54.1, ch. 21, art. 1 (Code of Virginia, § 54.1-2100 et seq.), when acting within the scope of such license.

Accommodations provider means any person that furnishes accommodations to the general public for compensation. The term "furnishes" includes the sale of use or possession or the sale of the right to use or possess.

Affiliate means with respect to any person, any other person directly or indirectly controlling, controlled by, or under common control with such person. For purposes of this definition, "control" (including controlled by and under common control with) means the power, directly or indirectly, to direct or cause the direction of the management and policies of such person whether through ownership or voting securities or by contract or otherwise.

Director means the director of finance of the county.

Discount room charge means the full amount charged by the accommodations provider to the accommodations intermediary, or an affiliate thereof, for furnishing the accommodations.

Operator means the proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity.

Person includes, but is not limited to, an individual, firm, partnership, association, corporation, person acting in a representative capacity, or any group of individuals acting as a unit.

Retail sale means a sale to any person for any purpose other than for resale.

Room charge means the full retail price charged to the customer by ~~the accommodations intermediary~~ for the use of the accommodations, ~~including any accommodations fee,~~ before taxes. **"Room charge" includes any fee charged to the customer and retained as compensation for facilitating the sale, whether described as an accommodations fee, facilitation fee, or any other name.** The room charge will be determined in accordance with 23VAC10-210-730 and the related rulings of the Virginia Department of Taxation on the same.

Short-term rental means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

Transient means the same person who, for a period of less than 30 consecutive days, either at his own expense or at the expense of another, obtains the use or possession of a room or space in any accommodation for which a charge is made in a retail sale.

2. That Section 20-276 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-276. Reports and remittance of tax.

(a) *Generally.* ~~Except as provided in subsections (b) and (c),~~ The person collecting the tax levied under this article is liable for the tax and must make a report upon such forms and setting forth such information as the director may prescribe and require. Such reports must show the amount of room rental charges collected and the tax required to be collected and must be signed and delivered to the director with a remittance of such tax. Such report and remittance must be made at least once in every 30-day period and not later than the 20th day of the month next following the month in which such tax was collected.

(b) Additional information from accommodations intermediaries. Subject to applicable laws, an accommodations intermediary must also submit to the director the property addresses and gross receipts for all accommodations facilitated by the accommodations intermediary in the county. Such information must be submitted monthly and may be included on the return required in subsection (a).

~~(b) Accommodations at hotels facilitated by accommodations intermediaries. Notwithstanding the provisions of subsection (a), for any retail sale of accommodations at a hotel facilitated by an accommodations intermediary, the accommodations intermediary must remit the taxes on the accommodations fee to the county and remit any remaining taxes to the hotel, which must remit such taxes to the county.~~ **(c) Agreements among two or more accommodations intermediaries. For any transaction for the retail sale of accommodations involving two or more parties that meet the definition of accommodations intermediary, nothing in this article prohibits such parties from making an agreement regarding which party is responsible for collecting and remitting the tax, so long as the party so responsible is registered with the locality for purposes of remitting the tax. In such event, the party that agrees to collect and remit the tax is the sole party liable for the tax, and the other parties to the agreement are not liable for the tax.**

~~(c) Limitation of liability for accommodations intermediaries. Notwithstanding the provisions of subsection (a), an accommodations intermediary is not liable for taxes under this article remitted to an accommodations provider but that are then not remitted to the~~

~~county by the accommodations provider. For any retail sale of accommodations facilitated by an accommodations intermediary, an accommodations provider is liable for that portion of the taxes under this article that relate to the discount room charge only to the extent that the accommodations intermediary has remitted such taxes to the accommodations provider.~~

3. That this ordinance will 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. 277-22

Page No. 1 of 1

Agenda Title: INTRODUCTION OF ORDINANCE – To Amend and Reordain Section 16-43 Titled “Award of contracts generally” of the Code of the County of Henrico to Update County Procurement Procedures

For Clerk's Use Only: Date: <u>10/11/2022</u> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to: _____	BOARD OF SUPERVISORS ACTION Moved by (1) <u>Schmitt</u> Seconded by (1) <u>Branin</u> (2) _____ (2) _____ REMARKS: <div style="font-size: 2em; font-weight: bold; text-align: center;">APPROVED</div>	<table border="0"> <tr> <td></td> <td>YES</td> <td>NO</td> <td>OTHER</td> </tr> <tr> <td>Branin, 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>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>Schmitt, 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>Thornton, F.</td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> </table>		YES	NO	OTHER	Branin, T.	<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"/>	Schmitt, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thornton, F.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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The Clerk is directed to advertise, in the Richmond Times-Dispatch on October 18 and 25, 2022, the following ordinance for a public hearing to be held at the Board Room on November 8, 2022, at 7:00 p.m.:

“AN ORDINANCE to amend and reordain Section 16-43 titled “Award of contracts generally” of the Code of the County of Henrico to update County procurement procedures. A copy of the full text of this ordinance is on file in the Office of the County Manager.”

Comments: The Director of Finance and the Purchasing Director recommend approval of this Board paper, and the County Manager concurs.

By Agency Head *Sub S Minin* By County Manager *[Signature]*

Copy to: _____
 Certified: _____
 A Copy Teste: _____ Clerk, Board of Supervisors
 Date: _____

ORDINANCE – To Amend and Reordain Section 16-43 Titled “Award of contracts generally” of the Code of the County of Henrico to Update County Procurement Procedures

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

1. That Section 16-43 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 16-43. Award of contracts generally.

(a) The purchasing director shall award all contracts on behalf of the board of supervisors except for:

(1) Contracts for construction which are expected to exceed ~~\$100,000.00~~
\$200,000.00;

(2) Contracts for professional services which are expected to exceed ~~\$60,000.00~~
\$80,000.00; and

• • • •

(b) The purchasing director shall award all contracts on behalf of the school board except for:

(1) Contracts for construction which are expected to exceed ~~\$100,000.00~~
\$200,000.00;

(2) Contracts for professional services which are expected to exceed ~~\$60,000.00~~
\$80,000.00; and

• • • •

• • • •

2. That this ordinance will be in full force and effect on and after its passage.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 278-22

Page No. 1 of 1

Agenda Title: RESOLUTION — Approval of Hospital to Home, LLC to Operate a Medical Transport Service in Henrico County

For Clerk's Use Only:

- Date: 10/11/2022
(*) Approved
() Denied
() Amended
() Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Nelson Seconded by (1) Schmitt
(2) (2)

REMARKS:

APPROVED

YES NO OTHER

Table with 3 columns: YES, NO, OTHER. Rows for Branin, T., Nelson, T., O'Bannon, P., Schmitt, D., Thornton, F. with checkmarks in the YES column.

WHEREAS, Hospital to Home, LLC ("Hospital to Home") has obtained an EMS agency license from the Virginia Department of Health – Office of Emergency Medical Services; and,

WHEREAS, Hospital to Home is a private ambulance company with an office at 2812 Emerywood Parkway, Suite 105 in the Tuckahoe District; and,

WHEREAS, Hospital to Home proposes to provide interfacility or facility-to-home transportation services within the County; and,

WHEREAS, Hospital to Home has assured the County's Division of Fire that it will not respond to calls for 911 emergency services within the County unless requested by the County through its EMS system; and,

WHEREAS, the Board of Supervisors must adopt a resolution pursuant to Virginia Code § 15.2-955 and 12VAC5-31-420 before Hospital to Home may operate within the County.

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

- 1. Hospital to Home is approved to provide medical transport services within the entire geographical area of the County.
2. This approval does not authorize Hospital to Home to respond to calls for emergency 911 services from the general public except when requested by the County through its EMS system.
3. Nothing in this resolution will be deemed to recognize Hospital to Home as an integral part of the official safety program of the County.

Comments: The Fire Chief recommends approval of this Board paper; the County Manager concurs.

By Agency Head [Signature]

By County Manager [Signature]

Certified: A Copy Tests: Clerk, Board of Supervisors

Copy to:

Date:



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

Agenda Item No. 279-22

Page No. 1 of 2

Agenda Title: RESOLUTION – Award of Contract – Water Heater Replacement at Henrico Administration Building – Brookland District

For Clerk's Use Only: Date: <u>10/11/2022</u> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to: _____	BOARD OF SUPERVISORS ACTION Moved by (1) <u>Schmitt</u> Seconded by (1) <u>Nelson</u> (2) _____ (2) _____ REMARKS: <div style="font-size: 2em; font-weight: bold; text-align: center;">APPROVED</div>	<table border="0"> <tr> <td></td> <td>YES</td> <td>NO</td> <td>OTHER</td> </tr> <tr> <td>Branin, T.</td> <td align="center">✓</td> <td align="center">—</td> <td align="center">—</td> </tr> <tr> <td>Nelson, T.</td> <td align="center">✓</td> <td align="center">—</td> <td align="center">—</td> </tr> <tr> <td>O'Bannon, P.</td> <td align="center">✓</td> <td align="center">—</td> <td align="center">—</td> </tr> <tr> <td>Schmitt, D.</td> <td align="center">✓</td> <td align="center">—</td> <td align="center">—</td> </tr> <tr> <td>Thornton, F.</td> <td align="center">✓</td> <td align="center">—</td> <td align="center">—</td> </tr> </table>		YES	NO	OTHER	Branin, T.	✓	—	—	Nelson, T.	✓	—	—	O'Bannon, P.	✓	—	—	Schmitt, D.	✓	—	—	Thornton, F.	✓	—	—
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Nelson, T.	✓	—	—																							
O'Bannon, P.	✓	—	—																							
Schmitt, D.	✓	—	—																							
Thornton, F.	✓	—	—																							

WHEREAS, the County received two bids on September 20, 2022, in response to ITB 22-2412-8JL for construction of the Water Heater Replacement at Henrico Administration Building Project; and,

WHEREAS, the Project consists of replacement of an existing 1,000-gallon steam fired water heater and installation of a new 650 Gallon Storage Tank and two 201 MBH, gas fired, condensing water heaters, including piping changes, electrical work, and all other work indicated on the drawings; and,

WHEREAS, the bids were as follows:

Bidders	Bid Amounts
Waco, Inc. Sandston, VA	\$164,510
Old Dominion Mechanical, LLC Richmond, VA	\$211,725

WHEREAS, after a review and evaluation of the bids, it was determined that Waco, Inc. is the lowest responsive and responsible bidder for the fixed price contract with a bid of \$164,510.

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

Copy to: _____

Certified:
A Copy Teste: _____
Clerk, Board of Supervisors

Date: _____

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

Agenda Item No. 279-22

Page No. 2 of 2

Agenda Title: RESOLUTION – Award of Contract – Water Heater Replacement at Henrico Administration Building – Brookland District

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

1. The contract for \$164,510 is awarded to Waco, Inc., the lowest responsive and responsible bidder, pursuant to ITB 22-2412-8JL, and the base bid submitted by Waco, 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 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.

Comment: The Director of General Services and the Purchasing Director recommend approval of the Board paper, and the County Manager concurs.



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

Agenda Item No. 280-22

Page No. 1 of 1

Agenda Title: RESOLUTION — Signatory Authority — Lease Amendment — Henrico Area Mental Health and Developmental Services — 8237, 8239, 8241, and 8247 Hermitage Road — Brookland District

For Clerk's Use Only:

Date: 10/11/2022

- Approved
- Denied
- Amended
- Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) Schmitt Seconded by (1) Branin
(2) _____ (2) _____

REMARKS: **APPROVED**

YES NO OTHER

Branin, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nelson, T.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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WHEREAS, the County leases 27,295 square feet of office warehouse space at 8237, 8239, 8241, and 8247 Hermitage Road from Staples Mill Business Center, LLC for the Hermitage Enterprises Day Support and Workshop Program of Henrico Area Mental Health and Developmental Services; and,

WHEREAS, the Program serves persons with developmental disabilities; and,

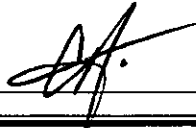

WHEREAS, the lease terminates on February 28, 2023; and,

WHEREAS, the County has negotiated a lease amendment to extend the term for an additional five years at an annual rental of \$259,302.50 in the first year, payable in equal monthly installments of \$21,608.54; and,

WHEREAS, the annual rental will increase 3% each year thereafter.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the County Manager is authorized to execute the lease amendment as described above in a form approved by the County Attorney.

Comments: This long-term lease is subject to annual appropriation. The Directors of Henrico Area Mental Health and Developmental Services and Real Property recommend approval of this Board paper; the County Manager concurs.

By Agency Head  By County Manager 

Copy to: _____

Certified:
A Copy Teste: _____
Clerk, Board of Supervisors

Date: _____



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

Agenda Item No. 281-22

Page No. 1 of 1

**Agenda Title: RESOLUTION — Approval of Acquisition — Rights-of-Way and Easements —
Sadler Road Improvements Project — 4200 Sadler Road — Three Chopt District**

For Clerk's Use Only: Date: <u>10/11/2022</u> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to: _____	BOARD OF SUPERVISORS ACTION Moved by (1) <u>Branin</u> Seconded by (1) <u>Shutte</u> (2) _____ (2) _____ REMARKS: <div style="font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">APPROVED</div>	<table border="0"> <thead> <tr> <th></th> <th>YES</th> <th>NO</th> <th>OTHER</th> </tr> </thead> <tbody> <tr> <td>Branin, T.</td> <td align="center">✓</td> <td align="center">—</td> <td align="center">—</td> </tr> <tr> <td>Nelson, T.</td> <td align="center">✓</td> <td align="center">—</td> <td align="center">—</td> </tr> <tr> <td>O'Bannon, P.</td> <td align="center">✓</td> <td align="center">—</td> <td align="center">—</td> </tr> <tr> <td>Schmitt, D.</td> <td align="center">✓</td> <td align="center">—</td> <td align="center">—</td> </tr> <tr> <td>Thornton, F.</td> <td align="center">✓</td> <td align="center">—</td> <td align="center">—</td> </tr> </tbody> </table>		YES	NO	OTHER	Branin, T.	✓	—	—	Nelson, T.	✓	—	—	O'Bannon, P.	✓	—	—	Schmitt, D.	✓	—	—	Thornton, F.	✓	—	—
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Thornton, F.	✓	—	—																							

WHEREAS, on November 9, 2021, the Board authorized condemnation proceedings to rights-of-way containing 23,674.69 square feet; a permanent drainage easement containing 4,744.12 square feet; and a temporary construction easement containing 840.98 square feet (the "Rights-of-Way and Easements"), across the property located at 4200 Sadler Road, identified as Tax Map Parcel 745-761-9079, and owned by Kathleen M. Bowles (the "Owner") for the construction of the Sadler Road Improvements Project (the "Project"); and,

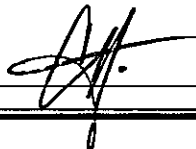
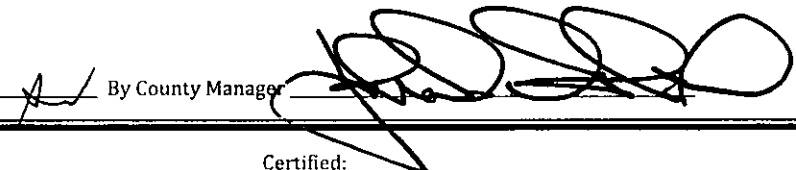
WHEREAS, on December 16, 2021, the County filed a Certificate of Take and deposited \$334,134 with the Clerk of the Henrico County Circuit Court to acquire the Rights-of-Way and Easements in accordance with state law; and,

WHEREAS, on June 14, 2022, the County filed a Petition for Condemnation with the Clerk of the Henrico County Circuit Court to institute condemnation proceedings for the determination of just compensation; and,

WHEREAS, following negotiations between the parties, the Owner is willing to accept \$380,000 as just compensation for the Rights-of-Way and Easements and damages to the remainder, if any; and,

WHEREAS, upon completion of the acquisition, the condemnation proceedings will be dismissed; and,

WHEREAS, County staff has prepared the necessary documents to memorialize the agreement of the parties and to complete the acquisition.

By Agency Head  By County Manager 

Copy to: _____

Certified:
A Copy Teste: _____
Clerk, Board of Supervisors

Date: _____

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 281-22

Page No. 2 of 2

Agenda Title: RESOLUTION — Approval of Acquisition — Rights-of-Way and Easements — Sadler Road Improvements Project — 4200 Sadler Road — Three Chopt District

NOW, THEREFORE, BE IT RESOLVED that:

- (1) The County Manager is authorized to execute the documents and to take all steps necessary for acquisition of the Rights-of-Way and Easements.
- (2) The County Attorney is authorized to file the necessary documents in the Henrico County Circuit Court to complete the acquisition of the Rights-of-Way and Easements and to dismiss the condemnation proceedings.

Comment: The Directors of Real Property and Public Works and the Deputy County Manager for Community Operations recommend approval of the Board paper; the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 28222

Page No. 1 of 1

Agenda Title: RESOLUTION — Abandonment of Portions of Old Portugee Road — Varina District

<p>For Clerk's Use Only:</p> <p>Date: 10/11/2022</p> <p><input checked="" type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p> <p><input type="checkbox"/> Amended</p> <p><input type="checkbox"/> Deferred to:</p>	<p style="text-align: center;">BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>Nelson</u> Seconded by (1) <u>Schmitt</u></p> <p style="margin-left: 40px;">(2) _____ (2) _____</p> <p>REMARKS: _____</p> <h1 style="text-align: center; letter-spacing: 1em;">APPROVED</h1>	<table border="0"><thead><tr><th></th><th>YES</th><th>NO</th><th>OTHER</th></tr></thead><tbody><tr><td>Branin, T.</td><td style="text-align: center;"><input checked="" type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr><tr><td>Nelson, T.</td><td style="text-align: center;"><input checked="" type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr><tr><td>O'Bannon, P.</td><td style="text-align: center;"><input checked="" type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr><tr><td>Schmitt, D.</td><td style="text-align: center;"><input checked="" type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr><tr><td>Thornton, F.</td><td style="text-align: center;"><input checked="" type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr></tbody></table>		YES	NO	OTHER	Branin, T.	<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"/>	Schmitt, D.	<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, the Economic Development Authority of Henrico County, Virginia (“EDA”), has requested that the County abandon portions of Old Portugee Road, which cross the EDA’s property as shown on Exhibit A; and,

WHEREAS, Section 33.2-923 of the Code of Virginia authorizes the Board to abandon sections of road when they have been altered and are no longer necessary for public use because a new road that serves the same users as the old road is constructed as a replacement and approved by the governing body; and,

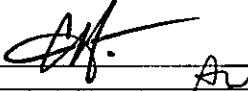

WHEREAS, Portugee Road, which serves the same users as the portions of road to be abandoned, has been constructed and opened for public use; and,

WHEREAS, the Board is satisfied that no public necessity exists for the continuance of the portions of Old Portugee Road labeled “30’ PRESCRIPTIVE R/W (OLD PORTUGEE ROAD)” on Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Board that:

- (1) The portions of Old Portugee Road labeled “30’ PRESCRIPTIVE R/W (OLD PORTUGEE ROAD)” on Exhibit A are declared abandoned.
- (2) The Clerk of the Circuit Court of Henrico County, Virginia, is authorized and requested to record and index a certified copy of this resolution of abandonment in the deed book in the name of the County as grantor.

Comments: The Real Property Division has processed the request through the Departments of Planning, Public Works, and Public Utilities without objection. The Director of Real Property recommends approval of the Board paper; the County Manager concurs.

By Agency Head _____  _____ By County Manager _____ 

Copy to: _____

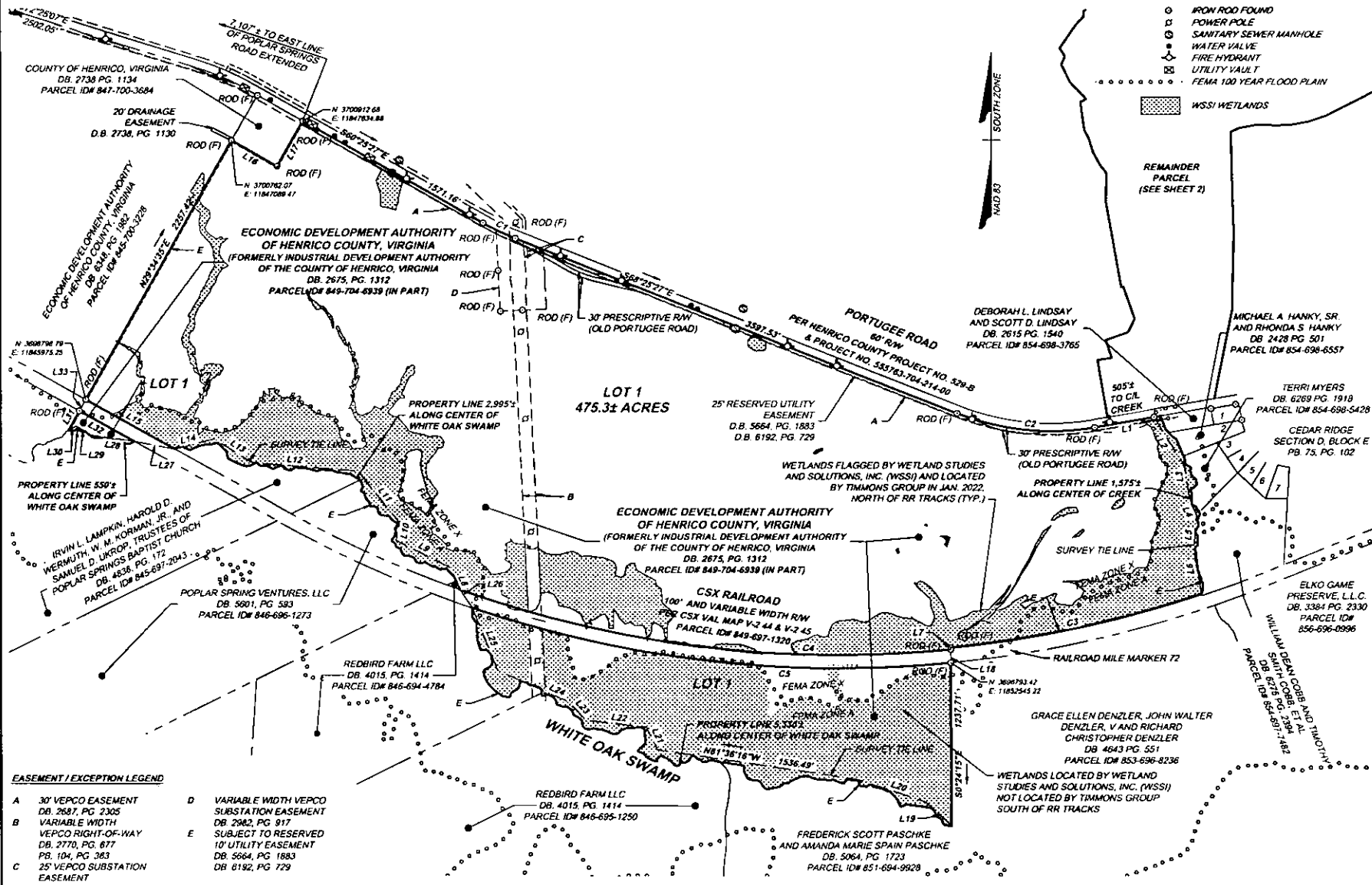
Certified: _____
A Copy Teste: _____
Clerk, Board of Supervisors

Date: _____

EXHIBIT A

LEGEND

- IRON ROD FOUND
- POWER POLE
- ⊙ SANITARY SEWER MANHOLE
- ⊕ WATER VALVE
- ⊕ FIRE HYDRANT
- ⊕ UTILITY VAULT
- FEMA 100 YEAR FLOOD PLAIN
- ▨ WSSI WETLANDS

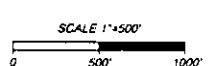


- EASEMENT / EXCEPTION LEGEND**
- A 30' VEPCO EASEMENT DB. 2687, PG. 2305
 - B VARIABLE WIDTH VEPCO RIGHT-OF-WAY DB. 2770, PG. 677 PB. 104, PG. 383
 - C 25' VEPCO SUBSTATION EASEMENT DB. 4951, PG. 1955
 - D VARIABLE WIDTH VEPCO SUBSTATION EASEMENT DB. 2982, PG. 917
 - E SUBJECT TO RESERVED 10' UTILITY EASEMENT DB. 5664, PG. 1883 DB. 6192, PG. 729

THE VACATION, RELOCATION, RESUBDIVISION, OR OTHER ALTERATION OF BOUNDARY LINES SHOWN ON THE ATTACHED PLAT HAS BEEN REVIEWED FOR COMPLIANCE WITH THE SUBDIVISION AND ZONING ORDINANCES. ANY PROPOSED USES OF THE PROPERTY, PRIVATE WELLS, ONSITE SEWAGE DISPOSAL SYSTEMS, OR CONNECTIONS TO PUBLIC STREETS OR PUBLIC UTILITIES ARE SUBJECT TO SEPARATE REVIEW AND APPROVAL.

APPROVED BY THE HENRICO COUNTY PLANNING DEPARTMENT

DATE _____ COUNTY PLANNER _____



SUBDIVISION
PART OF GPIN: 849-704-6369
SITES 11 & 12 WHITE OAK
TECHNOLOGY PARK LOCATED
SOUTH OF PORTUGEE ROAD

VARINA DISTRICT	HENRICO COUNTY, VA
DATE: JULY 15, 2022	SCALE: 1"=500'
SHEET 3 OF 3	J.N. 34335.113
DRAWN BY: ZV	CHECK BY: GFD

RECORDED: _____ P.B. _____ PG. _____

Y:\1901134\335_113-TROPICAL_SUBDIV\DWG\34335_113V-XPSUBDIV.dwg | Plotted on 7/18/2022 2:31 PM | by Zachary Vrieny

THIS DOCUMENT PREPARED AT THE
1001 Boulevard Parkway, Suite 200 | Richmond, VA 23225
TEL: (804) 203-0508 FAX: (804) 203-1515 www.timmons.com

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

Agenda Item No. 283-22

Page No. 1 of 2

Agenda Title: RESOLUTION – Award of Construction Contract – Annual Contract for Water and Sanitary Sewer Repairs and Improvements – Countywide

For Clerk's Use Only: Date: <u>10/11/2022</u> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Amended <input type="checkbox"/> Deferred to: _____	BOARD OF SUPERVISORS ACTION Moved by (1) <u>Schmitt</u> Seconded by (1) <u>Branin</u> (2) _____ (2) _____ REMARKS: <div style="font-size: 2em; font-weight: bold; text-align: center;">APPROVED</div>	<table border="0"> <tr> <td></td> <td>YES</td> <td>NO</td> <td>OTHER</td> </tr> <tr> <td>Branin, T.</td> <td align="center">✓</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Nelson, T.</td> <td align="center">✓</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>O'Bannon, P.</td> <td align="center">✓</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Schmitt, D.</td> <td align="center">✓</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Thornton, F.</td> <td align="center">✓</td> <td>_____</td> <td>_____</td> </tr> </table>		YES	NO	OTHER	Branin, T.	✓	_____	_____	Nelson, T.	✓	_____	_____	O'Bannon, P.	✓	_____	_____	Schmitt, D.	✓	_____	_____	Thornton, F.	✓	_____	_____
	YES	NO	OTHER																							
Branin, T.	✓	_____	_____																							
Nelson, T.	✓	_____	_____																							
O'Bannon, P.	✓	_____	_____																							
Schmitt, D.	✓	_____	_____																							
Thornton, F.	✓	_____	_____																							

WHEREAS, the County received one bid on September 26, 2022, in response to Invitation to Bid No. 22-2368-6JL and Addenda Nos. 1, 2, 3, and 4 for the Annual Contract for Water and Sanitary Sewer Repairs and Improvements throughout the County (the "Project"); and,

WHEREAS, the Project includes construction and installation of various water and sanitary sewer service connections, main extensions, and repair projects; and,

WHEREAS, the contract term will commence on November 1, 2022, and end on October 31, 2023, with two one-year renewal options; and,

WHEREAS, the bid was as follows:

<u>Bidder</u>	<u>Bid Amount</u>
G. L. Howard, Inc. Rockville, VA	\$6,285,935

WHEREAS, the bid amount was calculated by multiplying the estimated unit quantities listed in the bid documents times the unit prices set out in the bid; and,

WHEREAS, after a review and evaluation of the bid received, it was determined that G. L. Howard, Inc. is the lowest responsive and responsible bidder for this annual unit price contract.

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

Copy to: _____
 Certified: _____
 A Copy Teste: _____
 Clerk, Board of Supervisors
 Date: _____

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

Agenda Item No. 283-22

Page No. 2 of 2

Agenda Title: RESOLUTION – Award of Construction Contract – Annual Contract for Water and Sanitary Sewer Repairs and Improvements – Countywide

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

1. The contract is awarded to G. L. Howard, Inc., the lowest responsive and responsible bidder, in the amount of \$6,285,935 pursuant to Invitation to Bid No. 22-2368-6JL, Addenda Nos. 1, 2, 3, and 4, and the bid submitted by G. L. Howard, 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 Purchasing Director as his designee, is authorized to execute contract amendments within the scope of the project and budget.

Comment: Funding will be provided by the Water and Sewer Revenue Fund. The Director of Public Utilities and the Purchasing Director recommend approval of this Board paper, and the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 284-22

Page No. 1 of 2

Agenda Title: RESOLUTION - Award of Contract - Kemp Avenue Area Water Main Replacement - Varina District

Form section for Clerk's Use Only, Board of Supervisors Action, and voting record. Includes date 10/11/2022, 'APPROVED' stamp, and a table of votes for Branin, Nelson, O'Bannon, Schmitt, and Thornton.

WHEREAS, the County received three bids on August 31, 2022, in response to ITB 22-2394-8EAR and Addendum No. 1 for construction of the Kemp Avenue Area Water Main Replacement Project; and,

WHEREAS, the Project consists of providing approximately 3,630 linear feet of 4, 6, and 8-inch ductile iron water main; abandonment of approximately 3,350 linear feet of 3 and 6-inch water main; the rehabilitation of eight manholes; and providing site and pavement restoration; and,

WHEREAS, the bids were as follows:

Table with 2 columns: Bidders and Bid Amounts. Lists G. L. Howard, Inc., J. L. Kent & Sons, Inc., and Howard Brothers Contractor, Inc. with their respective bid amounts.

WHEREAS, after review and evaluation of the bids, it was determined G. L. Howard, Inc. is the lowest responsive and responsible bidder with a bid of \$1,829,050.

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

Certified: [Signature] A Copy Teste: [Signature] Clerk, Board of Supervisors
Copy to: _____ Date: _____

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE

Agenda Item No. 284-22

Page No. 2 of 2

Agenda Title: RESOLUTION – Award of Contract – Kemp Avenue Area Water Main Replacement – Varina District

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

1. The contract for \$1,829,050 is awarded to G. L. Howard, Inc., the lowest responsive and responsible bidder, pursuant to ITB 22-2394-8EAR, Addendum No. 1, and the bid submitted by G. L. Howard, 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 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.

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



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

Agenda Item No. 285-22

Page No. 1 of 1

Agenda Title: RESOLUTION – Change Order to Construction Contract – Oakleys Lane Realignment and Improvements Project – Fairfield and Varina Districts

<p>For Clerk's Use Only:</p> <p>Date: <u>10/11/2022</u></p> <p><input checked="" type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p> <p><input type="checkbox"/> Amended</p> <p><input type="checkbox"/> Deferred to:</p>	<p>BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>Shoute</u> Seconded by (1) <u>Branin</u></p> <p>(2) _____ (2) _____</p> <p>REMARKS: A P P R O V E D</p>	<p>YES NO OTHER</p> <p>Branin, T. ✓ ___ ___</p> <p>Nelson, T. ✓ ___ ___</p> <p>O'Bannon, P. ✓ ___ ___</p> <p>Schmitt, D. ✓ ___ ___</p> <p>Thornton, F. ✓ ___ ___</p>
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WHEREAS, on May 25, 2021, the Board approved a contract with Abernathy Construction Corporation for \$4,363,287.60 for construction of the Oakleys Lane Realignment and Improvements Project; and,

WHEREAS, Abernathy Construction Corporation and the Department of Public Works have previously negotiated change orders totaling \$542,311.50 for undercut and removal of unsuitable soil; backfill stabilization of roadways, water lines, and storm sewers; manhole and sanitary sewer modifications due to utility conflicts; additional guardrail installation; relocation of an existing fire hydrant; and removal and disposal of asbestos pipe; and,

WHEREAS, further work is necessary to remove additional unsuitable soil, stabilize the roadway, and relocate additional utilities; and,

WHEREAS, the Department of Public Works has negotiated a change order for the additional work for \$1,342,704.67; and,

WHEREAS, Board approval is required because this change order, when added to previous change order amounts, exceeds 15% of the original contract amount.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors approves the change order to the contract with Abernathy Construction Corporation in a form approved by the County Attorney.

COMMENT: Funding to support the contract is available within the Project's budget. The Director of Public Works recommends approval of the Board paper, and the County Manager concurs.

By Agency Head By County Manager

Certified: _____
A Copy Teste: _____ Clerk, Board of Supervisors

Copy to: _____

Date: _____