

**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, July 11, 2023, at 5:45 p.m.** in the County Manager's Conference Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico, Virginia.

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

5:45 - 6:00 p.m.	Partnership for Housing Affordability Update
6:00 - 6:15 p.m.	Environmental Committee Update
6:15 - 6:30 p.m.	C-PACE Proposal
6:30 - 6:45 p.m.	Review of Regular Meeting Agenda Items

*Tanya N. Brackett*

Tanya N. Brackett, CMC  
Clerk, Henrico County Board of Supervisors  
July 6, 2023

**COUNTY OF HENRICO, VIRGINIA**  
**Henrico County Board Room**  
**Board of Supervisors' Agenda**  
**July 11, 2023**  
**7:00 p.m.**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**APPROVAL OF MINUTES** – June 27, 2023, Regular and Special Meetings

**MANAGER'S COMMENTS**

**BOARD OF SUPERVISORS' COMMENTS**

**RECOGNITION OF NEWS MEDIA**

**APPOINTMENT**

190-23                      Resolution - Appointment of Member - J. Sargeant Reynolds Community College Board.

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

135-23                      DG Virginia CS, LLC: Request for a Provisional Use Permit under Sections  
PUP2022-                      24-4205 and 24-2306 of Chapter 24 of the County Code to allow a solar array  
00017                              on Parcel 857-689-8404 located on the south line of Charles City Road  
Varina                              approximately 650' east of the intersection of Elko Road (State Route 156).  
The existing zoning is A-1 Agricultural District. The 2026 Comprehensive  
Plan recommends Prime Agriculture and Environmental Protection Area.  
The Planning Commission voted to recommend the Board of Supervisors  
**deny** the request. **(Deferred from the June 13, 2023, meeting; Deferral  
requested to the August 8, 2023, meeting.)**

191-23                      Legacy Mayland Investments, LLC: Request to conditionally rezone from A-  
REZ2023-                      1 Agricultural District to R-6C General Residence District (Conditional)  
00013                              Parcels 754-756-6582, 754-757-1808, 754-757-3226, 754-757-5501 and Part of  
Three Chopt                      754-757-8115 containing 9.288 acres located at the northeast intersection of  
Pemberton Road (State Route 157) and Mayland Drive. The applicant  
proposes residential condominiums as part of a master-planned development.  
The R-6 District allows for multifamily dwellings at a density of 19.8 units  
per acre unless modified by Provisional Use Permit. The uses will be  
controlled by zoning ordinance regulations and proffered conditions. The  
2026 Comprehensive Plan recommends Office. The Planning Commission  
voted to recommend the Board of Supervisors **grant** the request.

192-23                      Legacy Mayland Investments, LLC: Request for a Provisional Use Permit  
PUP2023-                      under Sections 24-4205 and 24-4315.C of Chapter 24 of the County Code to  
00006                              allow zoning modifications as part of a master-planned development on  
Three Chopt                      Parcels 754-756-6582, 754-757-1808, 754-757-3226, 754-757-5501 and Part of  
754-757-8115 located at the northeast intersection of Pemberton Road (State  
Route 157) and Mayland Drive. The existing zoning is A-1 Agricultural  
District. R-6C General Residence District (Conditional) zoning is proposed  
with REZ2023-00013. The 2026 Comprehensive Plan recommends Office. The

Planning Commission voted to recommend the Board of Supervisors **grant** the request.

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. The applicant proposes a single-family residential development. The R-5A District allows a maximum gross density of 6 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Rural Residential, density should not exceed 1 unit per acre. The Planning Commission voted to recommend the Board of Supervisors **grant** the request. **(Deferred from the June 13, 2023, meeting.)**

193-23  
PUP2023-  
00007  
Brookland  
Marshall Land Company, LLC: Request for a Provisional Use Permit under Sections 24-4205 and 24-3708 of Chapter 24 of the County Code to allow a multi-family residential apartment building on Parcel 777-735-3798 located on the south line of Jacque Street approximately 330' west of Dabney Road. The existing zoning is M-3 Heavy Industrial District. The 2026 Comprehensive Plan recommends Heavy Industry. This site is located in the Westwood Redevelopment Overlay District. The Planning Commission voted to recommend the Board of Supervisors **grant** the request. **(Deferral requested to the August 8, 2023, meeting.)**

194-23  
REZ2023-  
00018  
Fairfield  
Sauer Properties, Inc.: Request to conditionally rezone from R-2A One-Family Residence District and O-3C Office District (Conditional) to C-1C Conservation District (Conditional) Parcel 785-767-1068 containing 6.097 acres located at the northwest intersection of Virginia Center Parkway and J.E.B. Stuart Parkway. The applicant proposes a conservation district. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office / Service and Environmental Protection Area. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

195-23  
REZ2023-  
00019  
Fairfield  
NMA Education Trust: Request to conditionally rezone from B-1 Business District to R-2AC One-Family Residence District (Conditional) Parcel 779-766-9342 containing 0.445 acres located on the west line of Greenwood Road approximately 30' north of its intersection with Francis Road. The applicant proposes a single-family residence. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Residential 2. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

196-23  
REZ2023-  
00020  
Tuckahoe  
Grayson Hill Townhome Association, Inc.: Request to amend proffers accepted with C-35C-04 on Parcels 746-741-0352, 745-740-6503, 746-741-4166, 745-741-2425, 745-740-8542, 744-740-7756, 745-740-0314, 745-739-4683, 745-740-3747, 744-740-5147, and 745-740-3060 located on the east line of N. Gaskins Road between Patterson Avenue (State Route 6) and Derbyshire Road. The applicant proposes to amend Proffer 28 regarding recreational facilities. The existing zoning is RTHC Residential Townhouse

District (Conditional). The 2026 Comprehensive Plan recommends Urban Residential, density ranges from 3.4 to 6.8 units per acre. The Planning Commission voted to recommend the Board of Supervisors **grant** the request.

### **PUBLIC HEARINGS - OTHER ITEMS**

- 197-23 Resolution - Authorizing County Manager to Submit the Henrico County Annual Action Plan, Including the CDBG and HOME Program Plans for FY 2023-24; Execute the CDBG and HOME Agreements for FY 2023-24; and Execute Contracts to Implement the CDBG and HOME Activities.
- 198-23 Resolution - Signatory Authority - Renewal of Lease of County Property - 11100 Winfrey Road - Brookland District.
- 199-23 Resolution - Conveyance of Surplus Property - Signatory Authority - 4990 Colwyck Drive - Fairfield District.
- 200-23 Resolution - Signatory Authority - Easement Agreements for Emergency Services Communication Tower - Dominion Energy Virginia - 12421 Kain Road - Three Chopt District.
- 201-23 Resolution - Condemnation - Easements - Ridge Road Sidewalk Project - Greystone East/West Circle - Tuckahoe District.

### **PUBLIC COMMENTS**

#### **GENERAL AGENDA**

- 202-23 Introduction of Ordinance - To Add Article VIII Titled “Commercial Property Assessed Clean Energy (C-PACE) Financing Program” to Chapter 6 of the Code of the County of Henrico to Opt Into the Statewide C-PACE Financing Program Sponsored by the Commonwealth Department of Energy.
- 203-23 Introduction of Ordinance - To Amend and Reordain Section 20-357 Titled “Application required” and Section 20-370 Titled “Penalty for failure to file return or pay tax; interest on unpaid tax” of the Code of the County of Henrico to Conform to Changes in State Law Regarding Local License Taxes.
- 204-23 Introduction of Ordinance - To Amend and Reordain Section 10-28 Titled “Definitions,” Section 10-34 Titled “Erosion and sediment control plan requirements for VESCP land-disturbing activities,” Section 10-35 Titled “Stormwater management plan requirements for VSMP and CBPA land-disturbing activities,” and Section 10-42 Titled “General Construction Permit requirements” of the Code of the County of Henrico to Conform to 2023 Changes in State Law Regarding Stormwater Management.
- 205-23 Resolution - Signatory Authority - Acquisitions of Real Property by Gift.

- 206-23 Resolution - Adoption of Updated Procedures for Construction Management Contracts to Conform to Changes in State Law.
- 207-23 Resolution - Award of Contract - Newbridge Firehouse 23 - Varina District.
- 146-23 Resolution - SIA2022-00002 - DG Virginia CS, LLC - Not Substantially in Accord with 2026 Comprehensive Plan - Varina District. **(Deferred from the June 13, 2023, meeting; Deferral requested to the August 8, 2023, meeting.)**
- 208-23 Resolution - Signatory Authority - Letter of Agreement with Dominion Energy - Lakeside Avenue Bridge Replacement Utility Relocation - Fairfield District.
- 209-23 Resolution - Acceptance of Roads - Three Chopt, Varina, and Fairfield Districts.



**COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS' RESUME  
July 11, 2023**

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**APPOINTMENT**

**RESOLUTION - Appointment of Member - J. Sargeant Reynolds Community College Board.**

This Board paper appoints the following person to the J. Sargeant Reynolds Community College Board for a four-year term expiring June 30, 2027, or thereafter when her successor has been appointed and qualified:

At-Large                      Allison M. Feinmel

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

PUP2022-00017  
Varina

DG Virginia CS, LLC: Request for a Provisional Use Permit under Sections 24-4205 and 24-2306 of Chapter 24 of the County Code to allow a solar array on Parcel 857-689-8404 located on the south line of Charles City Road approximately 650' east of the intersection of Elko Road (State Route 156). The existing zoning is A-1 Agricultural District. The 2026 Comprehensive Plan recommends Prime Agriculture and Environmental Protection Area. Acting on a motion by Mr. Mackey, seconded by Mrs. Thornton, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **deny** the request because it does not conform to the recommendation of the Comprehensive Plan nor the Plan's goals, objectives, and policies and it could have a precedent setting impact on existing land uses in the area. **(Deferred from the June 13, 2023, meeting; Deferral requested to the August 8, 2023, meeting.)**

REZ2023-00013  
Three Chopt

Legacy Mayland Investments, LLC: Request to conditionally rezone from A-1 Agricultural District to R-6C General Residence District (Conditional) Parcels 754-756-6582, 754-757-1808, 754-757-3226, 754-757-5501 and Part of 754-757-8115 containing 9.288 acres located at the northeast intersection of Pemberton Road (State Route 157) and Mayland Drive. The applicant proposes residential condominiums as part of a master-planned development. The R-6 District allows for multifamily dwellings at a density of 19.8 units per acre unless modified by Provisional Use Permit. The uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office. Acting on a motion by Mrs. Thornton, 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 adversely affect the adjoining area if properly developed as proposed and the proffered conditions will assure a level of development otherwise not possible.

PUP2023-00006  
Three Chopt  
Legacy Mayland Investments, LLC: Request for a Provisional Use Permit under Sections 24-4205 and 24-4315.C of Chapter 24 of the County Code to allow zoning modifications as part of a master-planned development on Parcels 754-756-6582, 754-757-1808, 754-757-3226, 754-757-5501 and Part of 754-757-8115 located at the northeast intersection of Pemberton Road (State Route 157) and Mayland Drive. The existing zoning is A-1 Agricultural District. R-6C General Residence District (Conditional) zoning is proposed with REZ2023-00013. The 2026 Comprehensive Plan recommends Office. Acting on a motion by Mrs. Thornton, seconded by Mr. Mackey, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it would provide added housing options for the community and would not be expected to adversely affect public safety, health, welfare and values in the area.

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. The applicant proposes a single-family residential development. The R-5A District allows a maximum gross density of 6 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Rural Residential, density should not exceed 1 unit per acre. Acting on a motion by Mrs. Thornton, seconded by Mr. Mackey, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it would permit development of the land for residential use in an appropriate manner and the proffered conditions will provide appropriate quality assurances not otherwise available. **(Deferred from the June 13, 2023, meeting.)**

PUP2023-00007  
Brookland  
Marshall Land Company, LLC: Request for a Provisional Use Permit under Sections 24-4205 and 24-3708 of Chapter 24 of the County Code to allow a multi-family residential apartment building on Parcel 777-735-3798 located on the south line of Jacque Street approximately 330' west of Dabney Road. The existing zoning is M-3 Heavy Industrial District. The 2026 Comprehensive Plan recommends Heavy Industry. This site is located in the Westwood Redevelopment Overlay District. 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 is reasonable 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. **(Deferral requested to the August 8, 2023, meeting.)**

REZ2023-00018  
Fairfield  
Sauer Properties, Inc.: Request to conditionally rezone from R-2A One-Family Residence District and O-3C Office District (Conditional) to C-1C Conservation District (Conditional) Parcel 785-767-1068 containing 6.097 acres located at the northwest intersection of Virginia Center Parkway and J.E.B. Stuart Parkway. The applicant proposes a conservation district. The

uses will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office / Service and Environmental Protection Area. Acting on a motion by Mr. Archer, seconded by Mrs. Thornton, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it conforms to the recommendations of the Comprehensive Plan.

REZ2023-00019  
Fairfield

NMA Education Trust: Request to conditionally rezone from B-1 Business District to R-2AC One-Family Residence District (Conditional) Parcel 779-766-9342 containing 0.445 acres located on the west line of Greenwood Road approximately 30' north of its intersection with Francis Road. The applicant proposes a single-family residence. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Residential 2. Acting on a motion by Mr. Archer, seconded by Mr. Witte, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it reflects the type of residential growth in the area and the proffered conditions will assure a level of development otherwise not possible.

REZ2023-00020  
Tuckahoe

Grayson Hill Townhome Association, Inc.: Request to amend proffers accepted with C-35C-04 on Parcels 746-741-0352, 745-740-6503, 746-741-4166, 745-741-2425, 745-740-8542, 744-740-7756, 745-740-0314, 745-739-4683, 745-740-3747, 744-740-5147, and 745-740-3060 located on the east line of N. Gaskins Road between Patterson Avenue (State Route 6) and Derbyshire Road. The applicant proposes to amend Proffer 28 regarding recreational facilities. The existing zoning is RTHC Residential Townhouse District (Conditional). The 2026 Comprehensive Plan recommends Urban Residential, density ranges from 3.4 to 6.8 units per acre. Acting on a motion by Mr. Baka, seconded by Mr. Mackey, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because the proffers continue to assure a quality form of development with maximum protection afforded the adjacent properties.

## **PUBLIC HEARINGS – OTHER ITEMS**

**RESOLUTION - Authorizing County Manager to Submit the Henrico County Annual Action Plan, Including the CDBG and HOME Program Plans for FY 2023-24; Execute the CDBG and HOME Agreements for FY 2023-24; and Execute Contracts to Implement the CDBG and HOME Activities.**

This Board paper would authorize the County Manager to submit the Henrico County Annual Action Plan consisting of the CDBG and HOME FY 2023-24 Plans to the United States Department of Housing and Urban Development (HUD) by August 15, 2023, in accordance with federal submission requirements. It also authorizes the County Manager to execute agreements with HUD for FY 2023-24 for the Henrico CDBG and HOME programs. Finally, it authorizes the County Manager to execute contracts in a form approved by the County Attorney to implement the FY 2023-24 CDBG and HOME activities.



The County's entitlements for FY 2023-24 are: CDBG \$1,702,427 and HOME \$1,024,604.

The Department of Community Revitalization has prepared the attached table of the proposed sources and uses of these funds.

The Director of Community Revitalization recommends approval, and the County Manager concurs.

**RESOLUTION - Signatory Authority - Renewal of Lease of County Property - 11100 Winfrey Road - Brookland District.**

This Board paper authorizes the County Manager to execute an amendment to the deed of lease with Ben A. Sheppard for the single-family dwelling at 11100 Winfrey Road. The lease would extend the term for a one-year period beginning September 1, 2023, and ending August 31, 2024. Mr. Sheppard will pay a monthly rent of \$1,100 and is subject to the terms and conditions of the existing lease. The parties may agree to renew and extend the lease term further. Mr. Sheppard is an employee of the County's Public Relations Department. Mr. Sheppard has not participated in the negotiation of this lease in his official capacity.

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

**RESOLUTION - Conveyance of Surplus Property - Signatory Authority - 4990 Colwyck Drive - Fairfield District.**

This Board paper authorizes the Chairman and the County Manager to execute the documents necessary to convey a surplus lot at 4990 Colwyck Drive in the Hechler Village subdivision to the Henrico County School Board. The property is adjacent to Fairfield Middle School and surplus to the needs of the County. The conveyance will be subject to the reservation of necessary easements.

This parcel was historically used for gardening and it will continue to be used for this purpose in the future.

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.

**RESOLUTION - Signatory Authority - Easement Agreements for Emergency Services Communication Tower - Dominion Energy Virginia - 12421 Kain Road - Three Chopt District.**

This Board paper would authorize the Chairman of the Board of Supervisors to execute easement agreements allowing Dominion Energy Virginia to install underground transmission lines and have access to install the lines on County property known as 12421 Kain Road for the emergency services communication tower to be installed on the property.

The Real Property Division has processed this 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.

**RESOLUTION - Condemnation - Easements - Ridge Road Sidewalk Project - Greystone East/West Circle - Tuckahoe District.**

This Board paper authorizes condemnation proceedings for property that is needed for the construction of the Ridge Road Sidewalk Project.

The County needs to acquire permanent sidewalk easement containing 1,777 square feet and temporary construction easement containing 7,183 square feet across the property located at Greystone East/West Circle, identified as Tax Map Parcel 755-737-8854, and owned by Greystone Condominium. Based on an independent appraisal, the County made an offer of \$18,945 for the required property interests. The parties cannot reach an agreement on the acquisition of the Easements.

Condemnation is recommended because there are 53 individual owners with rights to the condominium property, and it will be extremely difficult to get all ownership to agree.

This Board paper authorizes the County Attorney to institute and conduct condemnation proceedings in accordance with the Code of Virginia. This Board paper further authorizes and directs the County Manager to continue to seek a voluntary acquisition of the easements, to take all steps necessary to acquire the easements, and to enter on and take possession of the required easements in accordance with the Code of Virginia.

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

**PUBLIC COMMENTS**

**GENERAL AGENDA**

**INTRODUCTION OF ORDINANCE - To Add Article VIII Titled “Commercial Property Assessed Clean Energy (C-PACE) Financing Program” to Chapter 6 of the Code of the County of Henrico to Opt Into the Statewide C-PACE Financing Program Sponsored by the Commonwealth Department of Energy.**

This Board paper would introduce for advertisement and a public hearing on August 8, 2023, an ordinance to opt into the statewide Commercial Property Assessed Clean Energy (C-PACE) Financing Program sponsored by the Virginia Department of Energy. The Program would allow commercial property owners in the County to invest in seven categories of improvements, such as renewable energy and stormwater management equipment, through private loans secured by a voluntary special assessment on the improved property. No County funds would be used in the Program.

The Environmental Committee recommends approval of the Board paper, and the County Manager concurs.

**INTRODUCTION OF ORDINANCE - To Amend and Reordain Section 20-357 Titled “Application required” and Section 20-370 Titled “Penalty for failure to file return or pay tax; interest on unpaid tax” of the Code of the County of Henrico to Conform to Changes in State Law Regarding Local License Taxes.**

This Board paper introduces for advertisement and a public hearing on August 8, 2023, a proposed ordinance amendment to reflect changes in state law that took effect on July 1, 2023. The new state law requires license tax application forms to include the due date for the application and the amount of the penalty charged for (1) filing a late application, (2) underpayment of the estimated tax, and (3) late payment of the tax. The change also requires assessing officials to notify taxpayers of the amount of any penalty, interest, and tax owed.

The County’s practices already meet the requirements of the new law and will not be affected by this amendment.

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

**INTRODUCTION OF ORDINANCE - To Amend and Reordain Section 10-28 Titled “Definitions,” Section 10-34 Titled “Erosion and sediment control plan requirements for VESCP land-disturbing activities,” Section 10-35 Titled “Stormwater management plan requirements for VSMP and CBPA land-disturbing activities,” and Section 10-42 Titled “General Construction Permit requirements” of the Code of the County of Henrico to Conform to 2023 Changes in State Law Regarding Stormwater Management.**

This Board paper introduces for advertisement and a public hearing on August 8, 2023, a proposed ordinance to update the County Code to reflect changes in state law regarding stormwater management that took effect on July 1, 2023.

The changes expand the activities for which an applicant may enter into agreements in lieu of stormwater management and erosion and sediment control plans to meet the requirements of stormwater management regulations. Following the changes, applicants will be able to enter into agreements in lieu of plans for the construction of farm buildings, any building or structure used for agritourism activity, and any related impervious surfaces including roads, driveways, and parking areas, provided that the construction occurs on land with less than five percent impervious cover. Previously, the only eligible activity was the construction of a single-family detached residential structure. The ordinance makes other technical amendments to conform to changes in state law.

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

**RESOLUTION - Signatory Authority - Acquisitions of Real Property by Gift.**

This Board paper authorizes the County Manager to accept deeds of gift for real estate and execute donation agreements, closing documents, and all other documents reasonably necessary to acquire interests in real property by gift, provided that all deeds and contracts are in a form approved by the County Attorney.

The Director of Real Property recommends approval of the Board paper; the County Manager concurs.

**RESOLUTION - Adoption of Updated Procedures for Construction Management Contracts to Conform to Changes in State Law.**

This Board paper would update the County’s procedures for procuring construction management contracts to reflect changes in state law that took effect on July 1, 2023. The changes exclude construction management contracts involving infrastructure projects from the requirement that no more than 10 percent of the construction work be performed by the construction manager with its own forces and that the remaining 90 percent of the construction work be performed by subcontractors of the construction manager.

The Director of Purchasing recommends approval of this Board paper, and the County Manager concurs.

**RESOLUTION - Award of Contract - Newbridge Firehouse 23 - Varina District.**

This Board paper would award a contract for \$11,847,300 to Oyster Point Construction Company for construction of the new Newbridge Firehouse 23 at 5619 Nine Mile Road in the Varina District.

The County received six bids for the project, in response to Invitation to Bid No. 23-2532-5JL and Addendum No. 2 with the following results:

<b><u>Bidders</u></b>	<b><u>Bid Amounts</u></b>
Oyster Point Construction Company Newport News, VA	\$11,847,300
Kenbridge Construction Co., Inc. Kenbridge, VA	\$12,264,000
Branch Builds, Inc. Roanoke, VA	\$12,607,465
Doyle Construction Company Rockville, MD	\$12,649,986
Southwood Building Systems, Inc. Ashland, VA	\$13,155,038
San Jose Construction Group, Inc. Washington, DC	\$14,441,928

Oyster Point Construction Company was the lowest responsive and responsible bidder.

This Board paper also appropriates \$2,925,000 of additional funding to cover the gap between the initial project budget and the amount of the contract.

The Fire Chief and the Purchasing Director recommend approval of the Board paper, and the County Manager concurs.

**RESOLUTION - SIA2022-00002 - DG Virginia CS, LLC - Not Substantially in Accord with 2026 Comprehensive Plan - Varina District.**

At the request of DG Virginia CS, LLC, the Planning Department, in coordination with other County divisions and departments, conducted this Substantially In Accord (SIA) Study to determine whether a proposed site for a solar electric generation facility is substantially in accord with the County's adopted Comprehensive Plan (the "Plan"). The site consists of one approximately 98.34-acre parcel located on the south line of Charles City Road east of its intersection with Elko Road.

The Planning staff's March 22, 2023, report concluded the proposed use for this site would not be substantially in accord with the Plan.

At its meeting on April 13, 2023, the Planning Commission found the proposed use for the site not 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 DG Virginia CS, LLC site is not substantially in accord with the Plan and recommends adoption of the Board paper, and the County Manager concurs. The Board of Supervisors deferred this item at their June 13, 2023, meeting. **(Deferral requested to the August 8, 2023, meeting.)**

**RESOLUTION - Signatory Authority - Letter of Agreement with Dominion Energy - Lakeside Avenue Bridge Replacement Utility Relocation - Fairfield District.**

On April 23, 2019, the Board of Supervisors granted signatory authority to the County Manager to execute a project administration agreement with the Virginia Department of Transportation under which the County would replace the Lakeside Avenue Bridge over North Run.

The Department of Public Works has negotiated an agreement with Dominion Energy under which the County will pay Dominion Energy for the materials, equipment, and work necessary to relocate the electric distribution facilities in conflict with the proposed improvements for the Lakeside Avenue Bridge Replacement project from Hilliard Road to Brook Road.

Under the agreement, the County will pay \$234,037 to Dominion Energy to cover the cost of the utility relocation for this segment of the bridge project.

The Board paper authorizes the County Manager to execute the agreement in a form approved by the County Attorney.

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

**RESOLUTION - Acceptance of Roads - Three Chopt, Varina, and Fairfield Districts.**

This Board paper would accept the following named and described sections of roads into the County road system for maintenance:

0.13 miles of Hawksgate Landing Court – Three Chopt District

0.07 miles of Hawksgate Landing Drive – Three Chopt District

0.08 miles of Techpark Way – Varina District

0.15 miles of Alderleaf Lane – Fairfield District

0.22 miles of Harvest Grove Lane – Fairfield District

0.10 miles of Quinn Abbey Lane – Fairfield District

0.32 miles of Seasons Lane – Fairfield District

0.05 miles of George Hermann Drive (formerly Hermann Dale Drive) – Fairfield District

**0.84 miles – Total**

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