

**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, April 24, 2012** at **5:15 p.m.** in the County Manager's Conference Room located on the third floor of the Administration Building at the Henrico County Government Center, Parham and Hungary Spring Roads, Henrico, Virginia.

The matter to be reviewed by the Board at this time is:

- 5:15 – 6:15 p.m. **Closed Meeting** for Consultation with the County Attorney Pertaining to Actual Litigation Styled *Carroll, et al. v. County of Henrico, Virginia*, Pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, 1950, as Amended.
- 6:15 – 6:45 p.m. *Dinner*



Barry R. Lawrence, CMC
Clerk, Henrico County Board of Supervisors
April 19, 2012

COUNTY OF HENRICO, VIRGINIA
Henrico County Board Room
Board of Supervisors' Agenda
April 24, 2012
7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Rev. Angelo V. Chatmon, Pastor, Pilgrim Journey Baptist Church

APPROVAL OF MINUTES – April 10, 2012 Regular Meeting

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

PRESENTATIONS

Proclamation – Crime Victims' Rights Week – April 22 – 28, 2012.

Proclamation – Drug Court Month – May 2012.

97-12 Resolution – Congratulating Big Brothers Big Sisters of Greater Richmond & Tri-Cities on Its 50th Anniversary.

98-12 Resolution – Recognizing the Asian American Society of Central Virginia.

99-12 Resolution – Recognizing the Late Thomas Kesler McLaughlin, Jr.

PUBLIC HEARING ITEMS

100-12 Ordinance - To Amend and Reordain Section 20-78(e)(3) of the Code of the County of Henrico Titled “Elderly or Permanently and Totally Disabled Persons” to Change the Definition of Gross Income to Include only Federal Taxable Income for the Purposes of Determining Eligibility for the REAP Program.

101-12 Resolution – Real Estate Tax Levies, 2012.

102-12 Resolution – Personal Property, Aircraft, Manufactured Homes, Qualifying Vehicles Owned or Leased by Members of a Volunteer Rescue Squad or Volunteer Fire Department, Disabled Veterans' Vehicles, Motor Vehicles Specially Equipped to Provide Transportation for Physically Handicapped Individuals, Machinery and Tools, and Machinery and Tools for Semiconductor Manufacturers Tax Levies, 2012.

103-12 Resolution – Signatory Authority – Conveyance of Real Estate for Quiocasin Road Improvements – Tuckahoe District.

- 104-12 Resolution - Signatory Authority - Quitclaim of Temporary Emergency Access Easement - Martin's Ridge - Three Chopt District.
- 105-12 Resolution - Signatory Authority - Quitclaim of Portion of Utility Easement - The Manor at Hunton Park - Brookland District.
- 106-12 Ordinance - To Amend and Reordain Subsections (b) and (c) of Sections 23-359 and 23-360 Titled "Water connection fees" and "Sewer connection fees," Respectively, and Subsection (a) of Sections 23-361 and 23-362 Titled "Water service and volume charges" and "Sewer service charges and rates," Respectively, of the Code of the County of Henrico, All to Change County Utility Fees and Charges.

PUBLIC COMMENTS

GENERAL AGENDA

- 85-12 Resolution - Adoption of Operating and Capital Annual Fiscal Plans for Fiscal Year 2012-13 and Allocation of Car Tax Relief for Tax Year 2012. **(Deferred from the April 10, 2012 meeting.)**
- 107-12 Resolution - Award of Construction Contract - Dorey Park Football Field Seating & Site Improvements - Varina District.
- 108-12 Resolution - Settlement of *Jeffrey Carroll, et al. v. County of Henrico, Virginia.*



COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS' RESUME
April 24, 2012

INVOCATION – Rev. Angelo V. Chatmon, Pastor, Pilgrim Journey Baptist Church

PRESENTATIONS

PROCLAMATION – Crime Victims' Rights Week – April 22 – 28, 2012.

The Victim/Witness Assistance Program of the Commonwealth's Attorney's Office is joining forces with victim service programs, criminal justice officials, and concerned citizens throughout Henrico County and America to observe National Crime Victims' Rights Week. This proclamation recognizes April 22 – 28, 2012 as Crime Victims' Rights Week in Henrico County, reaffirms the County's commitment to respect and enforce victims' rights and address their needs during Crime Victims' Rights Week and throughout the year, and expresses appreciation for those victims and crime survivors who have turned personal tragedy into a motivating force to improve our response to victims of crime and build a more just community.

PROCLAMATION – Drug Court Month – May 2012.

The National Association of Drug Court Professionals is sponsoring National Drug Court Month during May 2012. The Henrico County Adult Drug Court has served this community since 2003 as a collaborative effort of the 14th Judicial Circuit Court, the Commonwealth's Attorney's Office, the Sheriff's Office, Henrico Area Mental Health and Developmental Services, the Division of Police, the Community Corrections Program, and the Probation and Parole District 32 Office of the Virginia Department of Corrections. One hundred ten participants in the Henrico County Adult Drug Court have successfully completed all requirements and graduated from the program since 2004. This proclamation recognizes May 2012 as Drug Court Month; calls this year's theme, *Drug Courts: Where Accountability Meets Compassion*, to the attention of Henrico citizens; and salutes the men and women who have contributed to the success of the Henrico County Adult Drug Court.

RESOLUTION – Congratulating Big Brothers Big Sisters of Greater Richmond & Tri-Cities on Its 50th Anniversary.

Big Brothers Big Sisters of Greater Richmond & Tri-Cities was established on April 1, 1962, as part of the national Big Brothers Big Sisters of America nonprofit organization, which began in 1904. Currently headquartered in Henrico County, Big Brothers Big Sisters of Greater Richmond & Tri-Cities serves hundreds of children throughout the Henrico community by offering them professionally supported, one-to-one mentoring relationships. This resolution congratulates the Board of Directors, staff, and volunteers of Big Brothers Big Sisters Greater Richmond & Tri-Cities on the occasion of the agency's 50th anniversary.

RESOLUTION – Recognizing the Asian American Society of Central Virginia.

The Asian American Society of Central Virginia, a charitable nonprofit organization, was established in 1998 to promote unity, harmony, and cultural diversity within the region through cultural celebrations and active participation in community events and initiatives. The County of Henrico has partnered with neighboring localities and area businesses to support the annual Asian American Celebration, an Asian American Community and Law Enforcement Symposium, and other worthwhile activities sponsored by the organization. This resolution recognizes the organization for its ongoing partnership with the County and extends best wishes to its Board of Trustees and members for a fruitful 15th annual celebration on May 5, 2012, and for continued future success in their endeavors.

RESOLUTION – Recognizing the Late Thomas Kesler McLaughlin, Jr.

The late Thomas Kesler McLaughlin, Jr., served as the honorary architect for the reconstruction of the historic 1611 Citie of Henricus. Because of Mr. McLaughlin’s research, architectural designs, and construction guidance, the 1611 Citie of Henricus now stands as a significant cultural and educational site in Henrico and Chesterfield Counties and the Commonwealth of Virginia. This resolution recognizes the life and work of Mr. McLaughlin and expresses appreciation, on behalf of the citizens of Henrico County, for his invaluable contributions to the preservation, reconstruction, and dissemination of Virginia’s early colonial history. The resolution will be presented to the family of Mr. McLaughlin on May 7, 2012, during a groundbreaking event at Henrico Historical Park for the re-created colonial Anglican church and meeting hall designed by Mr. McLaughlin.

PUBLIC HEARING ITEMS

ORDINANCE - To Amend and Reordain Section 20-78(e)(3) of the Code of the County of Henrico Titled “Elderly or Permanently and Totally Disabled Persons” to Change the Definition of Gross Income to Include only Federal Taxable Income for the Purposes of Determining Eligibility for the REAP Program.

This ordinance proposes an amendment to Henrico Code section 20-78(e)(3) to change the definition of gross income to include only federal taxable income for the purpose of determining eligibility for the REAP program. Last session, the General Assembly enacted legislation modifying the type of income a locality can consider when determining whether an individual is eligible for the tax exemption. The Director of Finance anticipates that more elderly and disabled persons will qualify for the tax exemption because of this change.

RESOLUTION – Real Estate Tax Levies, 2012.

An advertised public hearing will be held on April 24, 2012, prior to the setting of the real estate tax rate. This public hearing was advertised on March 25, 2012.

Upon the approval of the Annual Fiscal Plan, this paper may be approved, amended, or a substitute paper approved. The proposed real estate tax levy is \$0.87 per \$100 of assessed valuation and represents no change from the prior year, 2011.

The proposed real estate tax levies for the Sanitary Districts are as follows: The proposed levy for Sanitary District #2 is \$0.003 per \$100 of assessed valuation, and represents no change from the prior year, 2011. The proposed levy for Sanitary District #3 is \$0.010 per \$100 of assessed valuation, and represents no change from the prior year, 2011. The proposed levy for Sanitary District #3.1 is \$0.031 per \$100 of assessed valuation, and represents no change from the prior year, 2011. The proposed levy for Sanitary District #12 is \$0.010 per \$100 of assessed valuation, and represents no change from the prior year, 2011. The proposed levy for Sanitary District #23 is \$0.010 per \$100 of assessed valuation, and represents no change from the prior year, 2011.

RESOLUTION – Personal Property, Aircraft, Manufactured Homes, Qualifying Vehicles Owned or Leased by Members of a Volunteer Rescue Squad or Volunteer Fire Department, Disabled Veterans’ Vehicles, Motor Vehicles Specially Equipped to Provide Transportation for Physically Handicapped Individuals, Machinery and Tools, and Machinery and Tools for Semiconductor Manufacturers Tax Levies, 2012.

An advertised public hearing will be held on April 24, 2012, prior to the setting of the personal property, aircraft, manufactured homes, qualifying vehicles owned or leased by members of a volunteer rescue squad or volunteer fire department, disabled veterans’ vehicles, motor vehicles specially equipped to provide transportation for physically handicapped individuals, machinery and tools and machinery and tools for semiconductor manufacturers tax rates. This public hearing was advertised on March 25, 2012.

Upon approval of the Annual Fiscal Plan, this paper may be approved, amended, or a substitute paper approved. The proposed personal property tax levy is \$3.50 per \$100 of assessed valuation and represents no change from the prior year, 2011. The proposed aircraft tax levy is \$1.60 per \$100 of assessed valuation, and represents no change from the prior year, 2011. The proposed manufactured homes tax levy is \$0.87 per \$100 of assessed valuation, the same as that applicable to real property, and represents no change from the prior year, 2011. The proposed tax levy on qualifying vehicles owned or leased by members of a volunteer rescue squad or volunteer fire department is \$1.00 per \$100 of assessed valuation, and represents no change from the prior year, 2011. The proposed tax levy on disabled veterans’ vehicles is \$0.01 per \$100 of assessed valuation, and represents no change from the prior year, 2011. The proposed tax levy on motor vehicles specially equipped to provide transportation for physically handicapped individuals is \$0.01 per \$100 of assessed valuation, and represents no change from the prior year, 2011. The proposed machinery and tools tax levy is \$1.00 per \$100 of assessed valuation, and represents no change from the prior year, 2011. The proposed tax levy for machinery and tools used in semiconductor manufacturing is \$0.40 per \$100 of assessed valuation, and represents no change from the prior year, 2011. The proposed tax levy on tangible personal property of public service corporations and other persons with property assessed pursuant to Chapter 26 of Title 58.1 of the Code of Virginia (except aircraft,

automobiles, and trucks), is \$0.87 per \$100 of assessed valuation, the same as that applicable to real property, and represents no change from the prior year, 2011.

In addition, four classifications of personal property: (a) property used in a research and development business; (b) certain generating equipment purchased after December 31, 1974, for the purpose of changing the energy source of a manufacturing plant to achieve more efficient use of any energy source; (c) certain property used in manufacturing, testing, or operating satellites, and (d) certain motor vehicles, trailers, and semitrailers used to transport property for hire by motor carrier engaged in interstate commerce, are to be taxed at the same rate, \$1.00 per \$100 of assessed valuation as that applicable to the machinery and tools classification, and represents no change from the prior year, 2011.

No change is proposed in the sanitary districts' tax levy in Sanitary Districts #2, #3, #3.1, #12, and #23 from the prior year, 2011 for street lighting. Such proposed tax levies are \$0.001 for all sanitary districts per \$100 of assessed valuation, except for property taxed at the rate applicable to real property, in which case the levies are as assessed on real property.

RESOLUTION – Signatory Authority – Conveyance of Real Estate for Quioccasin Road Improvements – Tuckahoe District.

This resolution authorizes the Chairman to execute a deed conveying a 0.0605 acre strip of land to VDOT for improvements to Quioccasin Road in conjunction with construction of new Fire Station 9. The Real Property Department has processed this request through the Departments of Public Utilities, Public Works, and Planning without objection. The Directors of Public Utilities, Public Works, Planning and Real Property recommend approval of this action.

RESOLUTION - Signatory Authority - Quitclaim of Temporary Emergency Access Easement - Martin's Ridge - Three Chopt District.

This resolution authorizes the Chairman to execute a quitclaim deed releasing to the land owner, KCA/Holloway, L.C., the County's interest in an unneeded temporary emergency access easement located between Amberwell Place and Opaca Lane in the Martin's Ridge Subdivision.

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

RESOLUTION - Signatory Authority - Quitclaim of Portion of Utility Easement - The Manor at Hunton Park - Brookland District.

This resolution authorizes the Chairman to execute a quitclaim deed releasing the County's interest in an unneeded portion of a utility easement across Lot 10, Block A of The Manor at Hunton Park to the lot owners, Mark E. Slockbower and Lynn M. Slockbower.

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

ORDINANCE — To Amend and Reordain Subsections (b) and (c) of Sections 23-359 and 23-360 Titled “Water connection fees” and “Sewer connection fees,” Respectively, and Subsection (a) of Sections 23-361 and 23-362 Titled “Water service and volume charges” and “Sewer service charges and rates,” Respectively, of the Code of the County of Henrico, All to Change County Utility Fees and Charges.

The proposed ordinance would increase basic connection fees for single-family residences approximately 5% from \$4,065 to \$4,270 for water and from \$4,970 to \$5,220 for sewer when the developer installs all local facilities. Other categories, such as multi-family, hotel, hospital and nursing homes, would also increase approximately 5%. Local facilities fees would increase from \$2,270 to \$2,385 for water and from \$3,350 to \$3,515 for sewer. These changes would be effective October 1, 2012.

The proposed ordinance would also increase bimonthly service and volume charges by approximately 5% for water and 5% for sewer, including industrial strong waste charges, effective July 1, 2012. The total increase in water and sewer charges to a typical customer (4 people) using 20 Ccf of water every two months will be \$6.65 bimonthly, or approximately 11¢ per day.

These changes are recommended to support the operating and capital budgets, including water and sewer rehabilitation projects.

The Director of Public Utilities recommends approval, and the County Manager concurs.

PUBLIC COMMENTS

GENERAL AGENDA

RESOLUTION – Adoption of Operating and Capital Annual Fiscal Plans For Fiscal Year 2012-13 and Allocation of Car Tax Relief for Tax Year 2012.

On Tuesday, April 10, 2012, this paper will be considered, but should be deferred (at least seven days, according to law) before being approved. At a scheduled meeting on Tuesday, April 24, 2012, at 7:00 p.m. the proposed Operating and Capital Annual Fiscal Plans may be approved, amended, substituted for, or deferred until a later date, but, at least with regard to the schools’ budget, should be approved by May 1, 2012. This paper will also allocate car tax relief for tax year 2012. **(Deferred from the April 10, 2012 meeting.)**

RESOLUTION - Award of Construction Contract - Dorey Park Football Field Seating & Site Improvements - Varina District.

This resolution awards a construction contract to Virtexco Corporation in the amount of \$289,000. The project consists of installation of new spectator bleachers (462 home seating & 162 away seating), a scorer’s booth/press box, and sidewalks for ADA access at the existing

football field at Dorey Park in eastern Henrico County. Associated site work, such as stormwater drainage system, grading, and erosion and sediment control measures required to support this project, is also included. The contractor shall achieve substantial completion and final completion no later than 90 days and 120 days, respectively, following the issuance of the Notice to Proceed. Work is anticipated to begin early May 2012.

The County received seven bids on March 20, 2012 in response to IFB # 12-9206-2CE and Addendum No. 1 for the Dorey Park – Football Field Seating & Site Improvements.

| <u>Bidders</u> | <u>Base Bid Amount</u> |
|------------------------------|------------------------|
| Virtexco Corporation | \$289,000.00 |
| Brooks & Company | \$295,700.00 |
| SRC, Inc. | \$299,835.00 |
| Boblits Enterprises, LLC | \$314,525.00 |
| Southwood Building System | \$318,318.00 |
| J. Sanders Construction | \$349,814.00 |
| Jireh Construction Co., Inc. | \$359,042.00 |

The Directors of Recreation & Parks and General Services recommend that the Board award the contract in the amount of **\$289,000.00** to **Virtexco Corporation** as the lowest responsive and responsible bidder, and authorize the County Manager, or the Director of General Services as his designee, to execute change orders not to exceed 15% of the original contract amount. The County Manager concurs. Funding to support the contract is available within the project budget.

RESOLUTION – Settlement of *Jeffrey Carroll, et al. v. County of Henrico, Virginia.*

The purpose of this Board paper is to authorize settlement of the case styled *Jeffrey Carroll, et al., v. County of Henrico, Virginia.* The case is pending in the United States District Court for the Eastern District of Virginia.

This matter will be discussed with the Board in a closed meeting on April 24.