

**COUNTY OF HENRICO, VIRGINIA**  
**Board of Supervisors' Agenda**  
**October 13, 2009**  
**7:00 p.m.**

**PLEDGE OF ALLEGIANCE**

**INVOCATION** – Rev. Guy Holloway, Pastor, Grace Community Baptist Church

**APPROVAL OF MINUTES** – September 22, 2009 Regular and Special Meetings

**MANAGER'S COMMENTS**

**BOARD OF SUPERVISORS' COMMENTS**

**RECOGNITION OF NEWS MEDIA**

**PRESENTATIONS**

Proclamation - Energy Conservation Awareness Week - October 18 - 24, 2009.

Proclamation - Domestic Violence Awareness Month - October 2009.

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

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|-----------------------------------|--|
| 251-09<br>C-22C-09<br>Brookland   | CA, L.L.C.: Request to amend proffered conditions accepted with Rezoning Cases C-67C-03 and C-38C-06, on part of Parcel 762-773-4696, located at the southeast intersection of Hunton Park Boulevard and Hunton Park Lane. The applicant proposes to amend proffers related to architectural treatment, unit type, sound suppression, and security systems. The existing zoning is RTHC Residential Townhouse District (Conditional). The Land Use Plan recommends Urban Residential, with density ranging from 3.4 to 6.8 units per acre. The Planning Commission voted to recommend the Board of Supervisors <b><u>grant</u></b> the request.  |
| 252-09<br>C-24C-09<br>Three Chopt | HHHunt Corporation: Request to amend proffered conditions accepted with Rezoning Case C-72C-05, on Parcels 746-769-5893, 746-769-5289, 746-769-4786, 746-769-4184, 746-769-2878, 746-769-2890, 746-769-4197, 746-770-2806, 746-770-2317, 746-770-2222, 746-770-2128, 746-770-2034, 746-770-2139, 746-770-2048, 746-770-1150, 745-770-9942, 745-770-9934, 746-770-0129, 746-770-4605, 746-770-3446, 746-770-3436, 746-770-3430, 746-770-3425, and 746-770-3768, located at the southeast intersection of Hickory Bend Drive and Hickory Park Drive. The applicant proposes to amend Proffer 7 related to minimum square footage, delete Proffer 9 related to age restriction, and add Proffer 19 related to fences. The existing zoning is RTHC Residential Townhouse District (Conditional). The Land Use Plan recommends Suburban Mixed-Use, density should not exceed 4 units per acre. The Planning Commission voted to recommend the Board of Supervisors <b><u>grant</u></b> the request. |
| 253-09<br>P-11-09<br>Three Chopt  | Bruce D. Perretz: Request for a Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of Chapter 24 of the County Code to permit outside dining for a restaurant on part of Parcel 737-761-2086, located on the east line of   |

Lauderdale Drive approximately 480 feet north of Three Chopt Road (Shoppes at Westgate). The existing zoning is B-2C Business District (Conditional). The Land Use Plan recommends Commercial Arterial. The site is in the West Broad Street Overlay District. The Planning Commission voted to recommend the Board of Supervisors grant the request.

### **PUBLIC HEARING - OTHER ITEM**

- 254-09            Ordinance - To Amend and Reordain Section 6-117 Titled "Blighted property defined," Section 6-118 Titled "Procedures for declaring blight; notification of owner; public hearing," and Section 6-119 Titled "Declaration of nuisance" of the Code of the County of Henrico, All to Revise the County's Buildings Ordinance to Comply with Recent Changes Enacted by the General Assembly.

### **PUBLIC COMMENTS**

### **GENERAL AGENDA**

- 255-09            Introduction of Ordinance – To Amend and Reordain Section 20-599 of the Code of the County of Henrico Titled "Deduction of receipts taxed by other jurisdiction" Relating to Deductions from Gross Receipts of Contractors and Speculative Builders.
- 256-09            Introduction of Ordinance – To Amend and Reordain Sections 20-311, 20-312, 20-313, 20-314, 20-316, 20-317, 20-318, 20-320, 20-321, 20-325 and 20-327 of the Code of the County of Henrico Titled Respectively "Definitions," "Levy; amount," "Taxation of rental property other than daily rental property," "Application for certificate of registration," "Collection and remittance; returns," "Records," "Procedure upon failure to file return or filing of false return," "Exemptions," "Collection without certificate of registration prohibited," "Bond," and "Period of limitations," All Relating to Short-term Rental Property Tax.
- 257-09            Resolution – Signatory Authority – Second Amendment to Contract for Architectural and Engineering Services – Fire Station #7.
- 258-09            Resolution – Award of Construction Contract – Fire Station #8.
- 259-09            Resolution – Award of Contract – Location and Designation of Subsurface Utilities.
- 260-09            Resolution – Award of Contract for Engineering Services – Commissioning Agent.
- 261-09            Resolution - To Accept the FY2010 Virginia Office of the Attorney General, TRIAD Crime Prevention for Seniors Grant Award.

- 262-09 Resolution - To Accept the FY2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Program: Local Solicitation Award to the County of Henrico, Division of Police, for Specialized Police-Related Equipment.
- 263-09 Resolution – Signatory Authority – Rental Agreement – North Gayton Road Extension Project – Three Chopt District.
- 264-09 Resolution - Award of Construction Contract - Foxhill Townhouses Water Service Replacement – G. L. Howard, Inc.
- 265-09 Resolution - Award of Construction Contract - River Road Roadway Improvements from Roslyn Hills Drive to Ralston Road. Project #2111.50709.28004.00682 (formerly #502153-709-301-04). Tuckahoe District.
- 266-09 Resolution - Award of Annual Contract - Engineering Services - Bridge and Major Drainage Structures Design and Repair Projects.
- 267-09 Resolution - To Permit Additional Fine of \$200 for Speeding on Blue Jay Lane, Notre Dame Drive, Camden Drive, and a Portion of Rolando Drive.
- 268-09 Resolution - Acceptance of Roads.

COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
REGULAR MEETING  
September 22, 2009

The Henrico County Board of Supervisors convened a regular meeting on Tuesday, September 22, 2009 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:**

David A. Kaechele, Chairman, Three Chopt District  
Patricia S. O'Bannon, Vice-Chairman, Tuckahoe District  
James B. Donati, Jr., Varina District  
Richard W. Glover, Brookland District  
Frank J. Thornton, Fairfield District

**Other Officials Present:**

Virgil R. Hazelett, P.E., County Manager  
Joseph P. Rapisarda, Jr., County Attorney  
Merle H. Bruce, Jr., Undersheriff  
Barry R. Lawrence, CMC, Assistant to the County Manager/Clerk to the Board  
George T. Drumwright, Jr., Deputy County Manager County Manager for Human Services  
Angela N. Harper, Deputy County Manager for Special Services  
Leon T. Johnson, Deputy County Manager for Administration  
Robert K. Pinkerton, P.E., Deputy County Manager for Community Operations  
Randall R. Silber, Deputy County Manager for Community Development

Mr. Kaechele called the meeting to order at 7:05 p.m. and led recitation of the Pledge of Allegiance.

Rev. Cecil Chambers, Pastor of Skipwith Baptist Church, delivered the invocation.

Mr. Hazelett advised that there was an error in information presented during one of the Manager's Comments at the September 8, 2009 regular meeting that was discovered after the draft minutes of that meeting were prepared and sent to the Board. He asked the Board to correct this information for the record before approving the minutes from that meeting and he then read the following corrected statement: "Several members of the Division of Recreation and Parks have been recognized by the Virginia Amateur Athletic Union (AAU) for their extraordinary efforts at two major baseball events held in Henrico County, the AAU Boys 12 & Under National Championship played on July 17 – 27, 2008 at the Glen Allen Complex and the American Legion Virginia State Junior Tournament played on July 30 – August 3, 2008 at The Glen Allen Stadium at RF&P Park." The original statement erroneously referred to the second event as the AAU Junior Legion

Tournament; the event should have been referred to as the American Legion Virginia State Junior Tournament.

On motion of Mr. Thornton, seconded by Mr. Glover, the Board approved the minutes of the September 8, 2009 Regular and Special Meetings.

The vote of the Board was as follows:

Yes: Kaechele, O'Bannon, Donati, Glover, and Thornton

No: None

### **MANAGER'S COMMENTS**

There were no comments from the Manager.

### **BOARD OF SUPERVISORS' COMMENTS**

There were no comments from the Board.

### **RECOGNITION OF NEWS MEDIA**

Mr. Kaechele recognized Katherine Calos from the *Richmond Times-Dispatch*.

### **PRESENTATIONS**

Mrs. O'Bannon presented a proclamation recognizing October 4 – 10, 2009 as Paralegals' Week. Accepting the proclamation was Edward G. "Garry" Soles, Paralegal for the County Attorney's Office and a member of the Richmond Paralegal Association (RPA), Local Government Paralegal Association of Virginia, Inc. (LGPA), Virginia Alliance of Paralegal Associations (VAPA), and National Association of Legal Assistants (NALA).

Mr. Kaechele presented a proclamation recognizing October 5 – 9, 2009 as Customer Service Week. Accepting the proclamation was Rebecca C. Slough, Human Resources Analyst II for the Department of Human Resources' Employee Development and Training Division and Coordinator of the County's Customer Service Certification Program.

Mr. Glover presented a proclamation recognizing October 2009 as Henrico History Month. Accepting the proclamation was Sarah W. Pace, President of the Henrico County Historical Society.

### **PUBLIC HEARINGS - REZONING CASE**

217-09	Wilton Development Corp: Request to amend proffered conditions accepted with
C-11C-09	Rezoning Case C-12C-05, on Parcels 804-737-7961, 804-736-0481, and 804-737-
Fairfield	1251, located at the northeast intersection of Mechanicsville Turnpike (U. S. Route 360) and Neale Street.

Jean Moore, Assistant Director of Planning, responded to a question from Mr. Kaechele regarding the adequacy of new proffers in addressing concerns outlined in the staff report.

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

At Mr. Thornton's request, Gloria Freye briefly presented the case on behalf of the applicant, Wilton Development Corp. She explained how this case would amend the 2005 proffers relating to the residential portion of the site. The case was initiated because of a change in the style of the development from apartments to townhomes and to ensure that the quality is equal to or better than the original zoning case. Ms. Freye spoke to the benefits of the townhouse style as opposed to the apartment style and how the applicant had responded to concerns expressed by citizens and the Planning Commission.

Ms. Freye, Fire Chief Ed Smith, and Public Utilities Director Art Petrini responded to questions from Mrs. O'Bannon pertaining to the type of fire sprinkler system that will be provided by the applicant and the size of water pipe that will be required for the system. Mrs. O'Bannon asked for assurances that the system will be properly maintained since it will be provided in lieu of another safety measure. Mr. Thornton complimented the County staff and the applicant for their work on the case. He noted that his concern was for a flagship development that would stand the test of time and make a difference in this corridor of the County.

On motion of Mr. Thornton, seconded by Mr. Glover, the Board followed the recommendation of the Planning Commission and Approved Agenda Item No. 217-09 (C-11C-09) with the following amended proffered conditions:

Proffers 4 to 15 for the B-2C portion of the property will remain the same.

**PROFFERS THAT APPLY TO ALL PORTIONS OF THE PROPERTY:**

1. **Conceptual Layout.** The development shall be constructed comparable to that shown on the plan entitled, "GROVE POINTE CONDOMINIUMS Conceptual Layout Exhibit A dated June 29, 2009 by Townes (see case file). Sidewalks and boulevard entrance shall be located as illustrated on the Conceptual Plan.
2. **Construction Hours.** No land clearing, road or water/sewer line construction, or any construction of the exterior shell of any building shall occur before the hour of 7:00 a.m. and shall not extend past 10:00 p.m. Signs, in both English and Spanish, stating the construction hours shall be posted and maintained at all entrances to the Property prior to any land disturbance activities beginning.

3. **Entrance Features.** The entrances to the Residential Development from Neale Street and Mechanicsville Turnpike shall be complemented with landscaping and a brick, stone or stucco monument entrance feature as illustrated in "Illustrative Entrance Plan" by Higgins & Gerstenmaier. Landscaping at the entrances features shall include an irrigation system.

**PROFFERS FOR THE B-2C PORTION OF THE PROPERTY**

4. **Use Restrictions.** The uses permitted shall be those permitted in the B-2 zoning District except that the following uses shall not be permitted:
- (a) Billiard parlors;
  - (b) Bowling alley;
  - (c) Establishments operating primarily as amusement or video game parlors;
  - (d) Repair business or electrical heating or plumbing systems;
  - (e) Roller or ice skating rink;
  - (f) Adult business as defined in the Henrico County Zoning Ordinance;
  - (g) Hotel, motels and motor lodges;
  - (h) Funeral parlors and mortuaries;
  - (i) Animal hospital or kennel;
  - (j) Auto, truck, trailer, motorcycle or bus sales, rental and repair;
  - (k) Boat and boat trailer sales, service and storage;
  - (l) Gun shops;
  - (m) Manufactured home sales, display and storage;
  - (n) Recreation facilities (i.e. bowling alleys and skating rinks);
  - (o) Rifle or pistol ranges;
  - (p) Sheet metal shop or roofing company;
  - (q) Car Wash manned or unmanned;
  - (r) Drive-thru restaurants;
  - (s) Establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.1-432 et seq. and 6.1-444 et seq. of the Code of Virginia (the foregoing shall not preclude banks, savings and loans, or similar financial institutions that are not regulated by the foregoing Virginia Code sections);
  - (t) Automotive filling stations;
  - (u) Garden centers;
  - (v) Nurseries for growing plants;
  - (w) Radio and television stations and studios or recording studios; and
  - (x) Recycling facilities.
5. **Building Materials.** The exposed portion of each exterior wall surface (front, rear and sides) of each building constructed on the Property shall be substantially similar to the exposed portions of other exterior wall surfaces of such building in architectural treatment and materials,

exclusive of canopies, and shall include materials such as brick, stone, dryvit, vinyl siding, and/or hardiplank, except to the extent that other architectural materials are used for trim, architectural decorations or design elements. No exposed portion of any exterior wall surface shall consist of untreated or painted cinderblock. The buildings shall be similar in architectural style to Exhibit B or C (see case file) as approved by the Planning Commission at the time of POD review.

6. **Rooftop Mechanical Systems.** No heating, air conditioning or mechanical equipment shall be placed on the roof of any building unless properly screened from ground level.
7. **Height Limitations.** No building constructed on the Property shall exceed the lesser of two (2) stories or thirty-eight (38) feet in height above grade level (exclusive of architectural design features).
8. **Parking Lot Landscaping.** Parking lots serving the Property shall be landscaped, including, but not limited to, the planting of shrubbery and/or trees in raised islands located within such parking lots or between parking rows.
9. **Screening of Trash Receptacles.** All trash receptacle areas shall be screened from view off site.
10. **Signage and Hours of Operation.** Signage and hours of operation shall be controlled by zoning ordinance provisions relating to signage and hours of operation in B-2 zoning district. Signage shall be ground mounted monumental-type signs not to exceed six (6) feet in height. Cabinet signs or internally lit signs for detached monumental signs shall be prohibited.
11. **Buffer Area.** Landscaped buffer areas of a minimum of fifty (50) feet in width shall be maintained along Mechanicsville Turnpike (as such right-of-way is determined at the time of Plan of Development review), except to the extent necessary for utilities, storm sewer, grading, roads, driveways, signage or other purposes required by the Planning Commission at the time of Plan of Development review or by any other applicable governmental body. Existing vegetation and underbrush may, and fallen, diseased or dead plant growth shall, be removed from such buffer areas, and if so removed, additional plantings shall be added. Utility easements, roads or driveways within the aforesaid buffer area shall extend generally perpendicular thereto.
12. **Parking Lot Lighting.** Parking lot lighting shall be provided by concealed sources of light, except at vehicular access points or as otherwise required at the time of Plan of Development review. Parking lot lighting shall be reduced to no more than a security level following the close of business



operations on the Property.

13. **Outside Speakers.** There shall be no outside speaker or paging systems on the Property.
14. **Underground Utilities.** Except for junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.
15. **Trash Pick-Up and Parking Lot Cleaning.** Trash pick-up and parking lot cleaning shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday.

**PROFFERS FOR THE R-5C PORTION OF THE PROPERTY:**

16. **Minimum Square Footage and Density.** The square footage requirements shall be a minimum of 1,280 square feet of finished floor area for each condominium unit with an average of 1,360 square feet of finished floor area per unit per building. The maximum density shall be no more than 260 units.
17. **Buffer Adjacent to Chickahominy National Battlefield.** There shall be a fifty (50) foot buffer adjacent to the perimeter of the Chickahominy National Battlefield as shown on the Conceptual Layout Exhibit A (see case file). To the extent possible, as determined at the time of plan of development review, trees shall be preserved within the buffer area to meet the Henrico County fifty (50) foot transitional buffer requirements for a natural landscaped buffer except to the extent necessary for grading, utility easements, storm sewer, (which utility easement shall be generally perpendicular to the affected buffer area) or other purposes if requested and specifically permitted or if required by the Planning Commission at the time of POD review. White vinyl fencing in a manner and style coordinated with the National Park Service shall be provided within the buffer.
18. **Buffer Along Neale Street.** There shall be a fifty (50) foot landscaped buffer along Neale Street except to the extent necessary for grading, utility easement, storm sewer, signage, access ways to and from public rights-of-way (which utility easement and access ways shall be generally perpendicular to the affected buffer area) or other purposes if requested and specifically permitted or if required by the Planning Commission at the time of POD review. The landscaping within the buffer shall at a minimum meet the Henrico County thirty-five (35) foot transitional buffer planting requirements.

19. **Buffer Adjacent to Orchard Glen Subdivision.** There shall be a fifty (50) foot buffer adjacent to the Orchard Glen Subdivision. To the extent possible, as determined at the time of plan of development review, trees shall be preserved within the buffer area to meet the Henrico County fifty (50) foot transitional buffer requirements for a natural landscaped buffer except to the extent necessary for grading, utility easements, (which utility easements shall be generally perpendicular to the affected buffer area) or other purposes if requested and specifically permitted or if required by the Planning Commission at the time of POD review.
20. **Architectural Treatment.** The buildings shall be similar in architectural style to those illustrated in Exhibit C-1 and C-2 - Elevation (see case file), and include materials such as brick, stone, dryvit, vinyl siding, and/or hardiplank.
- a) Taken together, the exteriors of the buildings on the property shall be constructed with fifty (50) percent brick in the aggregate.
  - b) Roofing material shall have a minimum thirty (30) year life and associated warranty.
  - c) Vinyl siding with a thickness of 0.044 inches.
  - d) The unit width will be a minimum of twenty (20) feet.
  - e) Walls between units shall have a minimum sound transmission coefficient rating of 54.
  - f) The exposed exterior portion of all dwelling foundations below the first floor level shall be brick excluding rear walls of walkout basements which shall be vinyl. At least 8 inches of brick shall be visible above grade on all sides of every residential building to give the appearance of a crawl space.
  - g) Except for boxed windows supported by decorative corbels and first floor chimneys on the rear of units with basements, there shall be no cantilevered features on any building. Any features extending outward from the exterior walls such as chimneys, closets or bay windows shall have supporting bases matching the foundation.
  - h) All front yards shall be sodded, irrigated, and landscaped with trees and foundation plantings.
  - i) No building shall contain more than six (6) units in a row.
  - j) The side of any end unit shall have one bay window or two regular windows.
  - k) A minimum of ten (10) percent of the units shall have either a first floor master or a garage. An example of a unit with a first floor master bedroom unit shall be in one of the first two (2) buildings constructed on the property. The builder shall actively market such unit as an alternative unit type to prospective buyers. Documentation of a marketing plan shall be provided by the builder prior to issuance of the first building permit.
  - l) The owner/developer shall install fire sprinkling systems or provide

other adequate fire service features as required by the Division of Fire in lieu of necessary/adequate access to the rear of or between buildings as determined at the time of plan of development review.

21. **Amenities.** Amenities shall include a clubhouse, pool and walking trails. The clubhouse, a minimum of 1,800 square feet, and the pool shall be built during the construction of the first hundred (100) units.
22. **Lighting.** Street lighting fixtures shall be constructed and maintained along the private roadway system within the property. All exterior lighting shall be a maximum of fifteen (15) feet and directed to minimize glare on adjacent properties. The output for any lighting shall not exceed one half-foot candle at the property line. Any light poles shall be mounted on a permanent footing.
23. **Underground Utilities.** Except for junction boxes, meters and existing overhead utility lines or for technical or environmental reasons, all utility lines shall be underground.
24. **Sidewalks.** Sidewalks four (4) feet in width shall be provided along one side of all roads within the development.
25. **Protective Covenants.** Prior to conveyance of the first unit, restrictive covenants describing development controls, architectural modification standards and maintenance responsibilities for all common areas within the development, including maintenance of the entrance features shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia. In addition, there shall be a Homeowners Association of the owners of units on the property that shall be responsible for the enforcement of the restrictive covenants, including maintenance of common areas, roads, and unit exteriors. No wire, stockade, or chain link fencing will be permitted.
26. **Condominiums.** All units shall be condominiums as defined and regulated by the Virginia Condominium Act. Prior to the conveyance of any condominium unit, a declaration of condominiums shall be recorded to establish the condominium regime, and the condominium unit owners association will be incorporated. The condominiums will be marketed as units for sale.
27. **Height Limitations.** The front of any building constructed on the *Property shall not exceed 30 feet in height above grade level (exclusive of architectural design features).*
28. **Road Design.** All roads to be constructed in the development shall be privately maintained but shall be constructed in accordance with the County of Henrico's Public Road Standards and Specifications with

respect to pavement design; an engineer shall certify the improvements.

29. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or 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: Kaechele, O'Bannon, Donati, Glover, and Thornton

No: None

### **PUBLIC HEARINGS – OTHER ITEM**

- 244-09 Resolution – Amendments to the FY 2009-10 Annual Fiscal Plan to (1) Reappropriate Funds for (a) Continuing Grant Programs and (b) Certain Unencumbered Balances from FY 2008-09, and (2) Appropriate Funds for Certain New Programs.

No one from the public spoke in opposition to this resolution. Gene Walter, Management and Budget Division Director, responded to a question from Mr. Kaechele regarding the total amount of the amendments.

On motion of Mr. Glover, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 244-09 – see attached resolution.

### **PUBLIC COMMENTS**

Eric Leabough, a resident of the Varina District, expressed concerns regarding the proposed expansion of the privately owned East End Landfill located on Darbytown Road, asked for the Board's assistance in opposing increased tonnage at the landfill, and requested a copy of a consultants' traffic study of the landfill that was reviewed by the County's Department of Public Works prior to the study's submission to the Virginia Department of Environmental Quality (DEQ). Mr. Donati pointed out that this matter will not come before the Board of Supervisors for approval but is under the purview of DEQ and the Board of Zoning Appeals (BZA). He also noted that he shared Mr. Leabough's concerns. There was discussion by members of the Board and Mr. Hazelett regarding the respective roles of the DEQ and BZA in the permit approval process for landfill expansion and the County's opportunities for providing input into the process. Mr. Hazelett agreed to provide a copy of the traffic study to Mr. Leabough if it is available.

Leonard J. Brightwell, a resident of the Brookland District, voiced concerns pertaining to tree limbs from adjoining property falling on his lot, restrictions on adding a front porch to his house, and cars parking in the front yards of other residential properties in his neighborhood. He advised Mr. Kaechele that he had not previously spoken with the Planning Department about

adding the front porch. Mr. Hazelett suggested that Mr. Brightwell provide Mrs. Moore with his address so that staff could research his concerns. In response to a question by Mr. Kaechele, Mr. Brightwell stated that he had not had any previous conversation with the Planning Department about the proposed front porch addition.

## **GENERAL AGENDA**

- 245-09 Introduction of Ordinance - To Amend and Reordain Section 6-117 Titled "Blighted property defined," Section 6-118 Titled "Procedures for declaring blight; notification of owner; public hearing," and Section 6-119 Titled "Declaration of nuisance" of the Code of the County of Henrico, All to Revise the County's Buildings Ordinance to Comply with Recent Changes Enacted by the General Assembly.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 245-09 – see attached resolution.

- 246-09 Resolution - Authorization to Accept \$27,660 in Grant Funding from the Virginia Department of Health, Office of Emergency Medical Services under the Financial Assistance for Emergency Medical Services Personal Protection Equipment.

Chief Smith and Mr. Hazelett responded to questions from the Board concerning the amount of the grant and the type of equipment funded by the grant.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 246-09 – see attached resolution.

- 247-09 Resolution - Award of Contract for Engineering Services - Geotechnical and Quality Control Services.

On motion of Mrs. O'Bannon, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 247-09 – see attached resolution.

- 248-09 Resolution - To Initiate a Study Regarding Land Uses for the Innsbrook Area.

Joe Emerson, Director of Planning, responded to questions from the Board relating to the number of square feet of office space in Innsbrook, the scope of the proposed study and anticipated timeframe for its completion, plans to involve Innsbrook neighborhoods in the study, and the impetus for the study.

On motion of Mr. Glover, seconded by Mr. Donati, and by unanimous vote, the Board approved Agenda Item No. 248-09 – see attached resolution.

- 249-09 Resolution - Award of Construction Contract - Cox Road Two Million Gallon Elevated Tank Repairs and Repainting.

Mr. Petrini responded to questions from the Board pertaining to the color and amount of paint that will be used, the project's scope and schedule, the feasibility of placing the County's 400<sup>th</sup> anniversary logo on the tank, and the logistics of emptying and supplementing the tank during the project.

On motion of Mr. Thornton, seconded by Mr. Glover, and by unanimous vote, the Board approved Agenda Item No. 249-09 – see attached resolution.

250-09      Resolution - Signatory Authority - Award of Construction Contract - Charles City Road Public Use Area Site Improvements - J. Sanders Construction Co.

On motion of Mr. Donati, seconded by Mr. Thornton, and by unanimous vote, the Board approved Agenda Item No. 250-09 – see attached resolution.

There being no further business, the meeting was adjourned at 8:08 p.m.

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Chairman, Board of Supervisors  
Henrico County, Virginia

COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
SPECIAL MEETING  
September 22, 2009

The Henrico County Board of Supervisors convened a special meeting on Tuesday, September 22, 2009 at 4:30 p.m. in the County Manager's Conference Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia.

**Members of the Board Present:**

David A. Kaechele, Chairman, Three Chopt District  
Patricia S. O'Bannon, Vice Chairman, Tuckahoe District  
James B. Donati, Jr., Varina District  
Richard W. Glover, Brookland District  
Frank J. Thornton, Fairfield District

**Other Officials Present:**

Virgil R. Hazelett, P.E., County Manager  
Joseph P. Rapisarda, Jr., County Attorney  
J. Thomas Tokarz, Senior Assistant County Attorney  
Barry R. Lawrence, CMC, Assistant to the County Manager/Clerk to the Board  
Tanya B. Harding, Administrative Assistant/Deputy Clerk to the Board  
George T. Drumwright, Jr., Deputy County Manager for Community Services  
Angela N. Harper, Deputy County Manager for Special Services  
Leon T. Johnson, Deputy County Manager for Administration  
Robert K. Pinkerton, P.E., Deputy County Manager for Community Operations  
Tamra McKinney, Director of Public Relations & Media Services  
C. Michael Schnurman, Jr., Legislative Liaison  
John A. Vithoulikas, Director of Finance/Special Economic Adviser

Mr. Kaechele called the meeting to order at 4:47 p.m.

Mr. Hazelett briefly referred to the two items listed on the agenda.

**Residential Dwelling Occupancies**

Mr. Hazelett recognized Ben Blankinship, Principal Planner for Code Support, who narrated a Power Point presentation titled "Discussion of Proposed Limitation of Occupancy of Dwellings." Mr. Blankinship began his presentation with a statement of concern, in which he noted that excessive occupancy of dwellings has serious public policy implications. He then reviewed pertinent state and federal laws, applicable Virginia Maintenance Code provisions, the County's current enforcement approach, how other localities address this issue, an

ordinance under consideration by Chesterfield County, three alternatives for the Board to consider in Henrico County, and examples of how each of these alternatives would limit residential occupancies. Mr. Blankenship recommended that the Board continue to rely on the occupancy limits in the Virginia Maintenance Code (Alternative 1 – Status Quo) and consider amending the zoning ordinance to limit adult occupancy by total floor area (Alternative 3). He concluded his formal presentation by comparing Alternative 3 to the proposal under consideration by Chesterfield County.

During his presentation, Mr. Blankenship responded to questions from the Board regarding the criteria in the Virginia Maintenance Code for limiting occupancy and whether bathrooms were included in the minimum floor area requirements. Following his presentation, Mr. Hazelett and Community Revitalization Director Mark Strickler assisted Mr. Blankenship in responding to questions concerning the square footage requirements for Alternative 3, square footage criteria used by the Virginia Department of Corrections in housing inmates, and the number and types of citizen complaints received by staff in recent years relating to residential occupancies. Rebecca Worley, a resident of 902 Bonita Road in the Chamberlayne Farms subdivision, addressed the Board regarding a residential dwelling next door to her home that is owned by a contractor and was recently inhabited by 22 male workers. Mr. Hazelett advised that staff has been trying to address this situation under current ordinances and acknowledged that it has been a very frustrating case. Mr. Blankenship, Planning Director Joe Emerson, Mr. Hazelett, and Mr. Hazelett responded to further questions and comments by the Board pertaining to the feasibility of regulating the number of children in a residential dwelling, how septic systems can limit occupancies in rural areas without public utilities, how the three alternatives identified by staff would apply to Mrs. Worley's situation, the definition of children for purposes of regulating residential occupancies, trends in residential occupancies, the impact of the federal Fair Housing Act on local government ordinances aimed at limiting residential occupancies, and the adequacy of the County's existing ordinances in regulating de facto college student boardinghouses. There was discussion among Board members, Mr. Hazelett, and Mr. Blankenship relating to the implications posed by each of the three alternatives.

Mr. Hazelett suggested that staff bring this matter back to the Board after re-examining the alternatives and double-checking the experiences of other localities. He stated that he does not yet have a specific timetable in mind for moving forward with a zoning ordinance amendment and indicated that the Board and staff need to achieve a greater level of comfort with the proposed alternatives before proceeding.

### **Proposed Ordinance Amendments Pertaining to the Daily Rental Property Tax**

Mr. Hazelett recognized Ed Trice, Revenue Division Director, who narrated a Power Point presentation on the short-term rental property tax, formerly known as the daily rental tax. He explained that 2009 Virginia General Assembly has made a variety of changes to the State Code relating to this tax, which has precipitated the need to amend the Henrico County Code. Mr. Trice reviewed the significant changes, identified the 30 companies currently impacted by the tax, and offered an assessment of the fiscal impact of the legislation.



Mrs. O'Bannon asked why the General Assembly was changing the ordinance for short-term rental. Mr. Trice explained that there had been some problems with other localities, but that Henrico had not had any problems. He and Mr. Hazelett responded to questions from the Board regarding the rationale for the new State legislation, the rental periods covered by the legislation, how heavy equipment companies will be affected by the proposed ordinance, the amount of annual revenue that the County will lose as a result of the State Code changes, the type of companies subject to daily rental tax, and the cost to the County of advertising the proposed ordinance. Mr. Hazelett advised that the ordinance will appear on the Board's October 13, 2009 regular meeting agenda for introduction for a November 10, 2009 public hearing.

Mr. Trice narrated a second Power Point presentation addressing a proposed revision to the County Code relating to the business, professional, and occupational license (BPOL) tax. In April 2009, the Virginia Supreme Court issued an opinion in favor of English Construction Company, Inc. in its suit against the City of Lynchburg. Mr. Trice explained the case and the Virginia Supreme Court's ruling, which found that the City had no statutory authority to assess license taxes on the gross receipts of contractors derived from business done within any Virginia locality outside the City when the contractor had a definite place of business in such locality. He then reviewed how the decision impacts Section 20-599 of the Henrico County Code and also reviewed a proposed revision to the Code to bring it in line with the Virginia Supreme Court decision. Mr. Trice concluded his presentation by displaying a slide depicting the 14 Virginia localities with no business license requirements for contractors. He responded to several questions from Mr. Kaechele regarding the business practices of contractors and how their proceeds will be taxed under the proposed ordinance. Mr. Hazelett advised that this ordinance will also appear on the Board's October 13, 2009 regular meeting agenda for introduction for a November 10, 2009 public hearing.

The Board recessed for dinner at 5:53 p.m. and reconvened at 6:10 p.m.

Mr. Pinkerton and Mr. Hazelett updated the Board on a press conference scheduled the following morning at The Diamond, at which time the new double-A baseball team for the region would be announced. They responded to questions from the Board pertaining to the cost of renovating The Diamond and whether localities will be asked to make a financial commitment. There was then discussion by the Board and Mr. Hazelett concerning private and public sector representation on the Greater Richmond Partnership and a new initiative by former members of the Greater Richmond Chamber of Commerce to form a separate organization for Henrico business leaders.

Mr. Hazelett announced that he recently appointed Mr. Vithoukas as Special Economic Advisor. Mr. Vithoukas will have a temporary office in the County Manager's Office but will continue to serve as Director of Finance. There was lengthy discussion by Mr. Hazelett, Mr. Vithoukas, and the Board regarding a proposal by the Governor to increase contribution rates for the Virginia Retirement System (VRS) and the financial impact of this proposal on the County if implemented. There was also lengthy discussion concerning VRS actuarial studies and possible major changes to VRS. Mr. Hazelett speculated that the General Assembly will try to shift the responsibility for many public services to localities during the upcoming session

because of State budget revenue shortfalls. He noted that Mr. Vithoulkas will be closely monitoring this situation.

In response to a question from Mr. Kaechele, Mr. Vithoulkas updated the Board on the status of the commercial real estate market and commercial real estate tax assessments. Mr. Drumwright responded to a question from Mr. Kaechele relating to unemployment rates and State payments for unemployment benefits. Mr. Hazelett and Mr. Vithoulkas responded to further questions from the Board regarding the County's hiring freeze, revenue trends, business foreclosures, and real estate assessment practices. Mr. Hazelett stated that although Northern Virginia localities are facing large real estate tax increases the County staff would look at a tax increase only as an absolute last resort.

There being no further business, the meeting was adjourned at 6:52 p.m.

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Chairman, Board of Supervisors  
Henrico County, Virginia

**PROCLAMATION – Energy Conservation Awareness Week – October 18 – 24, 2009**

Energy efficiency and protection of the environment are important to the County of Henrico. The Board of Supervisors and County staff are committed to making energy resources available and affordable to our citizens. The County will be hosting its Fifth Annual Energy Symposium on October 21, 2009 at Three Lakes Park and on October 22, 2009 at the Administration Building. This proclamation recognizes October 18 – 24, 2009 as *Energy Conservation Awareness Week* and encourages residents and employees to reduce their energy use and conserve our beautiful environment.

# Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

## ENERGY CONSERVATION AWARENESS WEEK

October 18 - 24, 2009

**WHEREAS**, the United States Department of Energy sponsors national observance of Energy Awareness Month each year during the month of October; and

**WHEREAS**, energy efficiency and protection of the environment are important to the County of Henrico; and

**WHEREAS**, sustainable energy management reduces green house gases and air pollution; and

**WHEREAS**, the County's Board of Supervisors and staff are committed to making energy resources available and affordable to our citizens; and

**WHEREAS**, the Board is also committed to making positive changes in our energy culture through sustainable strategies such as Leadership in Energy and Environmental Design (LEED) certification; and

**WHEREAS**, the County is proud to join nationwide and statewide efforts to promote energy efficiency and environmental stewardship by conducting facility energy audits and holding an annual energy symposium; and

**WHEREAS**, County staff and Henrico citizens can do their part by properly managing energy in their everyday operations; and

**WHEREAS**, the County of Henrico will be hosting its Fifth Annual Energy Symposium on October 21, 2009 at Three Lakes Park and on October 22, 2009 at the Henrico County Administration Building.

**NOW, THEREFORE, BE IT PROCLAIMED** that the Board of Supervisors of Henrico County, Virginia hereby recognizes October 18 - 24, 2009 as Energy Conservation Awareness Week and encourages all residents and employees to reduce their energy use and conserve our beautiful environment.



*David A. Kaechele*

David A. Kaechele, Chairman  
Board of Supervisors

*Barry R. Lawrence*

Barry R. Lawrence, Clerk  
October 13, 2009

## **PROCLAMATION - Domestic Violence Awareness Month - October 2009**

Domestic violence is a pervasive social issue affecting people of all ages, races, religions, cultures, and economic backgrounds. The County of Henrico is committed to prioritizing the problem of domestic violence in our community by increasing awareness and providing education to our citizens. This proclamation recognizes October 2009 as Domestic Violence Awareness Month and acknowledges the ongoing and coordinated efforts of local domestic violence providers and the community in addressing the problem of domestic violence.

# Proclamation



OF THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA

## DOMESTIC VIOLENCE AWARENESS MONTH

*October 2009*

**WHEREAS**, domestic violence is a pervasive social issue affecting people of all ages, races, religions, cultures, and economic backgrounds; and

**WHEREAS**, the crime of domestic violence violates an individual's privacy, safety, and dignity and has a serious physical, emotional, social, sexual, psychological, and economic impact on victims, families, neighborhoods, workplaces, and communities; and

**WHEREAS**, children who are subjected to domestic violence often grow up to inflict violence on others, creating a cycle that must be stopped through prevention and early education and by developing positive opportunities; and

**WHEREAS**, the local economy endures losses due to the effect of domestic violence on businesses in the form of absenteeism, reduced efficiency, lost wages, sick leave, security costs, and health care; and

**WHEREAS**, the County of Henrico is committed to prioritizing the problem of domestic violence in our community by increasing public awareness and providing education to our citizens; and

**WHEREAS**, Henrico citizens can make a difference in the lives of families experiencing domestic and sexual violence and can play an important role in preventing and eradicating this violence.

**NOW, THEREFORE, BE IT PROCLAIMED** that the Board of Supervisors of Henrico County, Virginia hereby recognizes October 2009 as Domestic Violence Awareness Month and acknowledges the ongoing and coordinated efforts of local domestic violence service providers and the community in addressing the problem of domestic violence.



*David A. Kaechele*

David A. Kaechele, Chairman  
Board of Supervisors

*Barry R. Lawrence*

Barry R. Lawrence, Clerk  
October 13, 2009

251-09  
C-22C-09  
Brookland

CA, L.L.C.: Request to amend proffered conditions accepted with Rezoning Cases C-67C-03 and C-38C-06, on part of Parcel 762-773-4696, located at the southeast intersection of Hunton Park Boulevard and Hunton Park Lane. The applicant proposes to amend proffers related to architectural treatment, unit type, sound suppression, and security systems. The existing zoning is RTHC Residential Townhouse District (Conditional). The Land Use Plan recommends Urban Residential, with density ranging from 3.4 to 6.8 units per acre. Acting on a motion by Mr. Jernigan seconded by Mr. Branin, the Planning Commission voted 4-0 (one absent, one abstention) to recommend the Board of Supervisors **grant** the request because the changes do not greatly reduce the original intended purpose of the proffers.

252-09  
C-24C-09  
Three Chopt

HHHunt Corporation: Request to amend proffered conditions accepted with Rezoning Case C-72C-05, on Parcels 746-769-5893, 746-769-5289, 746-769-4786, 746-769-4184, 746-769-2878, 746-769-2890, 746-769-4197, 746-770-2806, 746-770-2317, 746-770-2222, 746-770-2128, 746-770-2034, 746-770-2139, 746-770-2048, 746-770-1150, 745-770-9942, 745-770-9934, 746-770-0129, 746-770-4605, 746-770-3446, 746-770-3436, 746-770-3430, 746-770-3425, and 746-770-3768, located at the southeast intersection of Hickory Bend Drive and Hickory Park Drive. The applicant proposes to amend Proffer 7 related to minimum square footage, delete Proffer 9 related to age restriction, and add Proffer 19 related to fences. The existing zoning is RTHC Residential Townhouse District (Conditional). The Land Use Plan recommends Suburban Mixed-Use, density should not exceed 4 units per acre. Acting on a motion by Mr. Branin seconded by Mr. Archer, the Planning Commission voted 4-0 (one absent, one abstention) to recommend the Board of Supervisors grant the request because the reduction in minimum house size and required finish space would not greatly influence the quality or value of residential development in the area and the proffers continue to assure a quality form of development with maximum protection afforded the adjacent properties.



253-09  
P-11-09  
Three Chopt

Bruce D. Perretz: Request for a Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of Chapter 24 of the County Code to permit outside dining for a restaurant on part of Parcel 737-761-2086, located on the east line of Lauderdale Drive approximately 480 feet north of Three Chopt Road (Shoppes at Westgate). The existing zoning is B-2C Business District (Conditional). The Land Use Plan recommends Commercial Arterial. The site is in the West Broad Street Overlay District. Acting on a motion by Mr. Branin seconded by Mr. Jernigan, the Planning Commission voted 4-0 (one absent, one abstention) to recommend the Board of Supervisors grant the request because the conditions should minimize the potential impacts on surrounding land uses 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.

**ORDINANCE - To Amend and Reordain Section 6-117 Titled “Blighted property defined,” Section 6-118 Titled “Procedures for declaring blight; notification of owner; public hearing,” and Section 6-119 Titled “Declaration of nuisance” of the Code of the County of Henrico, All to Revise the County’s Buildings Ordinance to Comply with Recent Changes Enacted by the General Assembly**

This Board paper proposes an ordinance to amend and reordain the County’s spot blight abatement ordinance. The amendments implement mandatory changes adopted by the 2009 General Assembly to streamline the process for declaring properties blighted and implementing corrective action. The ordinance includes a new definition of blighted property contained in the Code of Virginia. The ordinance also allows the Board of Supervisors to consider the County Manager’s request to declare a property blighted and to approve a corrective plan after the property owner has failed to respond to the County Manager with a plan to cure the blight. The ordinance also provides for a lien on the property so that the County may recover its costs to cure the blight.

The ordinance gives the County an additional tool to deal with blighted properties. It is not in lieu of traditional enforcement procedures used in connection with the Uniform Statewide Building Code.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 264-09  
Page No. 1 of 5

Agenda Title: **ORDINANCE — To Amend and Reordain Section 6-117 Titled “Blighted property defined,” Section 6-118 Titled “Procedures for declaring blight; notification of owner; public hearing,” and Section 6-119 Titled “Declaration of nuisance” of the Code of the County of Henrico, All to Revise the County’s Buildings Ordinance to Comply with Recent Changes Enacted by the General Assembly**

For Clerk’s Use Only:

OCT 13 2009

Date: \_\_\_\_\_

- ( ) Approved  
( ) Denied  
( ) Amended  
( ) Deferred to: \_\_\_\_\_

BOARD OF SUPERVISORS ACTION

Moved by (1) \_\_\_\_\_ Seconded by (1) \_\_\_\_\_  
(2) \_\_\_\_\_ (2) \_\_\_\_\_

REMARKS: \_\_\_\_\_  
\_\_\_\_\_

YES NO OTHER

Donati, J. \_\_\_\_\_  
Glover, R. \_\_\_\_\_  
Kaechele, D. \_\_\_\_\_  
O’Bannon, P. \_\_\_\_\_  
Thornton, F. \_\_\_\_\_

**AN ORDINANCE to amend and reordain Section 6-117 titled “Blighted property defined,” Section 6-118 titled “Procedures for declaring blight; notification of owner; public hearing,” and Section 6-119 titled “Declaration of nuisance” of the Code of the County of Henrico, all to revise the County’s buildings ordinance to comply with recent changes enacted by the General Assembly**

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

1. That Section 6-117 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 6-117. Blighted property defined.**

~~A blighted property is a property with a building or improvement that by reason of dilapidation, obsolescence, overcrowding, faulty arrangement of design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, is detrimental to the safety, health, morals or welfare of the community~~ any individual commercial, industrial, or residential structure or improvement that endangers the public’s health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted

By Agency Head [Signature]

By County Manager [Signature]

Routing:  
Yellow to: \_\_\_\_\_

Copy to: \_\_\_\_\_

Certified:  
A Copy Teste: \_\_\_\_\_

Clerk, Board of Supervisors

Date: \_\_\_\_\_

COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 254-09  
Page No. 2 of 5

Agenda Title: **Ordinance - To Amend and Reordain Section 6-117 Titled "Blighted property defined," Section 6-118 Titled "Procedures for declaring blight; notification of owner; public hearing," and Section 6-119 Titled "Declaration of nuisance" of the Code of the County of Henrico, All to Revise the County's Buildings Ordinance to Comply with Recent Changes Enacted by the General Assembly**

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under the process for determination of "spot blight." Any property which meets the above definition or criteria 1 and 2 below, or three or more of criteria 2 through 9 below, may be declared blighted:

- 1) ~~Condemned structure~~ — A structure on the property has been condemned as unfit for human occupancy by the building official in accordance with the Virginia Uniform Statewide Building Code, but the building official is unable to find that the criteria for demolition have been met, and the owner has failed to take corrective action as directed by the building official;
- 2) ~~Vacant structure~~ — The structure on the property has been continuously vacant for at least one year;
- 3) ~~Nonpayment of taxes~~ — Real estate taxes have not been paid on the property for at least two consecutive years;
- 4) ~~Rat and rodent infestation~~ — There is evidence of rat or rodent infestation or harborages caused by conditions on the property that violate one or more county ordinances;
- 5) ~~Previous citations~~ — The property has been used or maintained in a condition which has resulted in the following actions:
  - a) ~~The owner has been cited on at least three separate occasions because activities or conditions on the property violate state or county criminal laws, or county ordinances governing the use or maintenance of property, and those activities or conditions threaten the public health, safety, morals, and welfare of the community, and~~
  - b) ~~The owner has refused to abate violations as ordered by the court, or has repeated conduct for which the owner has been convicted of violating county ordinances in the past.~~
- 6) ~~Inadequate utilities~~ — The property has inadequate sewerage, plumbing or heating facilities;
- 7) ~~Potential trespass~~ — If the property is vacant, the owner has failed to take adequate precautions to prevent the use of the property by trespassers;

COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 254-09  
Page No. 3 of 5

Agenda Title: **Ordinance - To Amend and Reordain Section 6-117 Titled "Blighted property defined," Section 6-118 Titled "Procedures for declaring blight; notification of owner; public hearing," and Section 6-119 Titled "Declaration of nuisance" of the Code of the County of Henrico, All to Revise the County's Buildings Ordinance to Comply with Recent Changes Enacted by the General Assembly**

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- ~~8) Nuisance to children -- A potential attractive nuisance to children exists on the property, including, but not limited to, abandoned wells, basements, excavations, or broken fences; and~~
- ~~9) Fire hazard -- Any condition exists on the property that has been specifically identified as a fire hazard by the division of fire or the building official.~~

2. That Section 6-118 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 6-118. Procedures for declaring blight; notification of owner; public hearing.**

- (a) The county manager or his designee shall make a preliminary determination that a property is blighted in accordance with section 6-117. The county manager or his designee shall notify the owner by regular and certified **mail sent to the last address shown on the county's assessment records**, specifying the reasons why the property is considered blighted. ~~The notice mailed to the owner also shall be posted on the property. The owner shall have 30 days within which to respond~~ **in writing** with a plan to cure the blight within a reasonable time.
- (b) If the owner fails to respond within the 30-day period with a plan that is acceptable to the county manager or his designee, the county manager or his designee may **prepare a proposed plan to abate the spot blight**, (i) request the planning commission to conduct a public hearing and make findings and recommendations that shall be reported to the board of supervisors concerning the clearing or repair of the property in question **to declare the property is blighted by ordinance, and request the board of supervisors to approve the proposed plan to abate the spot blight.** and (ii) if a public hearing is scheduled, shall prepare a plan for the clearing or repair of the property. **The county manager or his designee shall send written notice and the proposed plan to the owner before the board of supervisors acts on the ordinance and proposed plan.**
- ~~(c) Not less than three weeks prior to the date of the public hearing before the planning commission, the commission shall provide, by regular and certified mail, notice of such hearing to (i) the owner of the blighted property or the agent designated by him for receipt of service of notices concerning the payment of real estate taxes on the property; (ii) the abutting property owners in each direction;~~

COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 254-09

Page No. 4 of 5

Agenda Title: **Ordinance - To Amend and Reordain Section 6-117 Titled "Blighted property defined," Section 6-118 Titled "Procedures for declaring blight; notification of owner; public hearing," and Section 6-119 Titled "Declaration of nuisance" of the Code of the County of Henrico, All to Revise the County's Buildings Ordinance to Comply with Recent Changes Enacted by the General Assembly**

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~~including these property owners immediately across the street or road from the property; and (iii) the representative neighborhood association, if any, for the immediate area. The notice shall include the plan for the intended clearing or repair of such property. The notice of the public hearing shall be published at least twice, with not less than six days elapsing between the first and second publication, in a newspaper published or having general circulation in the county. The notice also shall be posted on the property. The notice shall specify the time and place of the hearing at which persons affected may appear and present their views, not less than six days nor more than 21 days after the second publication.~~

~~(d) The planning commission shall determine whether:~~

- ~~1. The owner has failed to cure the blight or present a reasonable plan to do so;~~
- ~~2. The property is blighted;~~
- ~~3. The plan for the clearing or repair of the property is in accordance with the county's comprehensive plan, zoning ordinance, and other applicable land use regulations; and~~
- ~~4. The property is located within an area listed on the National Register of Historic Places.~~

~~(e)~~ The planning commission shall report its findings and recommendations concerning the property to the board of supervisors. The board of supervisors, upon receipt of such findings and recommendations, may, after an advertised public hearing, affirm, modify, or reject the planning commission's findings and recommendations. If the clearing or repair of the property is approved **the board of supervisors declares the property is blighted by ordinance and approves the proposed plan**, the county may carry out the approved plan to clear or repair the property in accordance with the approved plan, the provisions of this section, and applicable law. The county shall have a lien on all property so cleared or repaired under an approved plan to recover the cost of demolition or improvements made by the county to bring the blighted property into compliance with applicable building codes. **The lien on such property shall bear interest at the legal rate of interest established in section 6.1-330.53 of the Code of Virginia, beginning on the date the repairs are completed through the date on which the lien is paid.** The lien authorized by this subsection shall be filed in the circuit court and shall be subordinate to any prior liens of record **treated in all**

COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 254-09

Page No. 5 of 5

Agenda Title: **Ordinance - To Amend and Reordain Section 6-117 Titled "Blighted property defined," Section 6-118 Titled "Procedures for declaring blight; notification of owner; public hearing," and Section 6-119 Titled "Declaration of nuisance" of the Code of the County of Henrico, All to Revise the County's Buildings Ordinance to Comply with Recent Changes Enacted by the General Assembly**

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**respects as a tax lien and enforceable in the same manner as provided by law.** The county may recover its costs of clearing or repair from the owner of record of the property when the clearing or repairs were made at such time as the property is sold or disposed of by such owner. The costs of clearing or repair shall be recovered from the proceeds of any such sale.

3. That Section 6-119 of the Code of the County of Henrico be amended and reordained as follows:

**Sec. 6-119. Declaration of nuisance.**

In lieu of the exercise of powers granted in sections 6-116 through 6-118, the board of supervisors, by ordinance, may declare any blighted property to constitute a nuisance, and thereupon abate the nuisance pursuant to state law. Such ordinance shall be adopted only after written notice by certified mail to the owner or owners at the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records. **If the owner does not abate or remove the nuisance and the county abates or removes the nuisance at its expense, the costs of abatement or removal shall be a lien on the property and the lien shall bear interest at the legal rate of interest established in section 6.1-330.53 of the Code of Virginia, beginning on the date the abatement or removal is completed through the date on which the lien is paid.**

4. That this ordinance shall be in full force and effect upon adoption as provided by law.

**Introduction of Ordinance – To Amend and Reordain Section 20-599 of the Code of the County of Henrico Titled “Deduction of receipts taxed by other jurisdiction” Relating to Deductions from Gross Receipts of Contractors and Speculative Builders.**

This Board paper introduces for advertisement and public hearing on November 10, 2009, an ordinance to amend Henrico Code section 20-599 relating to deductions from gross receipts of contractors and speculative builders. This amendment clarifies the Code to reflect a recent ruling of the Virginia Supreme Court.

This ordinance was discussed with the Board during a work session on September 22, 2009.





COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 255-09  
Page No. 1 of 1

Agenda Title: **Introduction of Ordinance - To Amend and Reordain Section 20-599 of the Code of the County of Henrico Titled "Deduction of receipts taxed by other jurisdiction" Relating to Deductions from Gross Receipts of Contractors and Speculative Builders.**

For Clerk's Use Only:

**OCT 13 2009**

Date: \_\_\_\_\_

- ☐ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to: \_\_\_\_\_

BOARD OF SUPERVISORS ACTION

Moved by (1) \_\_\_\_\_ Seconded by (1) \_\_\_\_\_  
(2) \_\_\_\_\_ (2) \_\_\_\_\_

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

YES NO OTHER

Donati, J. \_\_\_\_\_

Glover, R. \_\_\_\_\_

Kaechele, D. \_\_\_\_\_

O'Bannon, P. \_\_\_\_\_

Thornton, F. \_\_\_\_\_

The Clerk is directed to advertise, in the Richmond Times-Dispatch on October 20, 2009 and October 27, 2009, the following ordinance for a public hearing to be held at the Board Room on November 10, 2009 at 7:00 p.m.:

"AN ORDINANCE to amend and reordain Section 20-599 of the Code of the County of Henrico titled 'Deduction of receipts taxed by other jurisdiction' relating to deductions from gross receipts of contractors and speculative builders. A copy of the full text of this ordinance shall be on file in the Office of the County Manager."

Comments: The Director of Finance recommends approval of this Board paper; the County Manager concurs.

By Agency Head \_\_\_\_\_

By County Manager \_\_\_\_\_

Routing:

Yellow to: \_\_\_\_\_

Copy to: \_\_\_\_\_

Certified:

A Copy Teste: \_\_\_\_\_

Clerk, Board of Supervisors

Date: \_\_\_\_\_

BLACKLINE COPY

**Ordinance - To Amend and Reordain Section 20-599 of the Code of the County of Henrico Titled "Deduction of receipts taxed by other jurisdiction" Relating to Deductions from Gross Receipts of Contractors and Speculative Builders.**

AN ORDINANCE to amend and reordain Section 20-599 of the Code of the County of Henrico titled "Deduction of receipts taxed by other jurisdiction" relating to deductions from gross receipts of contractors and speculative builders.

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

1. That Section 20-599 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-599. ~~Deduction of r~~Receipts taxed by **for business done in** other jurisdictions.

In computing the license tax of a contractor or speculative builder whose principal office or branch office is located in the county, there shall be exempt from the basis of taxation the amount of business done in any other city, town or county **in which the contractor or speculative builder has (i) a definite place of business or (ii) no definite place of business and** upon which a local license tax has been assessed as provided in Code of Virginia, § 58.1-3715.

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

Comments: The Director of Finance recommends approval of this Board paper; the County Manager concurs.

**Introduction of Ordinance – To Amend and Reordain Sections 20-311, 20-312, 20-313, 20-314, 20-316, 20-317, 20-318, 20-320, 20-321, 20-325 and 20-327 of the Code of the County of Henrico Titled Respectively “Definitions,” “Levy; amount,” “Taxation of rental property other than daily rental property,” “Application for certificate of registration,” “Collection and remittance; returns,” “Records,” “Procedure upon failure to file return or filing of false return,” “Exemptions,” “Collection without certificate of registration prohibited,” “Bond,” and “Period of limitations,” All Relating to Short-term Rental Property Tax.**

This Board paper introduces for advertisement and public hearing on November 10, 2009, an ordinance to amend various Henrico Code sections relating to short-term rental property tax. These amendments result from legislation enacted by the 2009 General Assembly.

This ordinance was discussed during a work session on September 22, 2009.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 256-09  
Page No. 1 of 1

Agenda Title: Introduction of Ordinance – To Amend and Reordain Sections 20-311, 20-312, 20-313, 20-314, 20-316, 20-317, 20-318, 20-320, 20-321, 20-325 and 20-327 of the Code of the County of Henrico Titled Respectively "Definitions," "Levy; amount," "Taxation of rental property other than daily rental property," "Application for certificate of registration," "Collection and remittance; returns," "Records," "Procedure upon failure to file return or filing of false return," "Exemptions," "Collection without certificate of registration prohibited," "Bond," and "Period of limitations," All Relating to Short-term Rental Property Tax.

For Clerk's Use Only:

OCT 13 2009

Date: \_\_\_\_\_

- ☐ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to: \_\_\_\_\_

BOARD OF SUPERVISORS ACTION

Moved by (1) \_\_\_\_\_ Seconded by (1) \_\_\_\_\_  
(2) \_\_\_\_\_ (2) \_\_\_\_\_

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

YES NO OTHER

Donati, J. \_\_\_\_\_  
Glover, R. \_\_\_\_\_  
Kaechele, D. \_\_\_\_\_  
O'Bannon, P. \_\_\_\_\_  
Thornton, F. \_\_\_\_\_

The Clerk is directed to advertise, in the Richmond Times-Dispatch on October 20, 2009 and October 27, 2009, the following ordinance for a public hearing to be held at the Board Room on November 10, 2009 at 7:00 p.m.:

"AN ORDINANCE to amend and reordain Sections 20-311, 20-312, 20-313, 20-314, 20-316, 20-317, 20-318, 20-320, 20-321, 20-325 and 20-327 of the Code of the County of Henrico titled respectively "Definitions," "Levy; amount," "Taxation of rental property other than daily rental property," "Application for certificate of registration," "Collection and remittance; returns," "Records," "Procedure upon failure to file return or filing of false return," "Exemptions," "Collection without certificate of registration prohibited," "Bond," and "Period of limitations," all relating to short-term rental property tax. A copy of the full text of this ordinance shall be on file in the Office of the County Manager."

Comments: The Director of Finance recommends approval of this Board paper; the County Manager concurs.

By Agency Head \_\_\_\_\_

By County Manager \_\_\_\_\_

Routing:

Yellow to: \_\_\_\_\_

Copy to: \_\_\_\_\_

Certified:

A Copy Teste: \_\_\_\_\_

Clerk, Board of Supervisors

Date: \_\_\_\_\_

Ordinance to amend and reordain Sections 20-311, 20-312, 20-313, 20-314, 20-316, 20-317, 20-318, 20-320, 20-321, 20-325 and 20-327 of the Code of the County of Henrico titled respectively "Definitions," "Levy; amount," "Taxation of rental property other than daily rental property," "Application for certificate of registration," "Collection and remittance; returns," "Records," " Procedure upon failure to file return or filing of false return," "Exemptions," "Collection without certificate of registration prohibited," "Bond," and "Period of limitations," all relating to short-term rental property tax.

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

1. That Section 20-311 of the Code of the County of Henrico be amended and reordained as follows:

ARTICLE X. ~~DAILY~~ SHORT-TERM RENTAL PROPERTY TAX

Sec. 20-311. Definitions: Short-term rental property; short-term rental business.

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

(a) Daily~~Short-term~~ rental property means all tangible personal property held for rental and owned by a person engaged in the short-term rental business, except trailers as defined in Code of Virginia, § 46.2-100, as amended, and other tangible personal property required to be licensed or registered with the state department of motor vehicles, the state department of game and inland fisheries, or the state department of aviation.

(b) A person is engaged in the ~~Short~~short-term rental business. ~~A person is engaged in the short-term rental business if:~~

(1) ~~not~~Not less than 80 percent of the gross rental receipts of such business in ~~any~~during the preceding year are from transactions involving the rental of short-term rental property, other than heavy equipment property, for rental periods of 92 consecutive days or less, including all extensions and renewals to the same person or a person affiliated with the lessor~~lessee; or~~

(2) Not less than 60 percent of the gross rental receipts of such business during the preceding year are from transactions involving the rental of heavy equipment property for periods of 270 consecutive days or less, including all extensions and renewals to the same person or a person affiliated with the lessee. For purposes of this subdivision, "heavy equipment property" means rental property of an industry that is described under

code 532412 or 532490 of the 2002 North American Industry Classification System as published by the United States Census Bureau, excluding office furniture, office equipment, and programmable computer equipment and peripherals as defined in Code of Virginia § 58.1-3503 A 16, as amended.

(c) For purposes of determining whether a person is engaged in the short-term rental business as defined in subsection (b), (i) a person is ~~The term "affiliated," for purposes of this subsection~~ with the lessee of rental property if such person is an officer, director, partner, member, shareholder, parent or subsidiary of the lessee, or if such person and the lessee have ~~shall mean any common ownership interest in excess of five percent, of any officers or partners in common with the lessor and lessee~~ (ii) For purposes of this subsection, any rental to a person affiliated with the lessor-lessee shall be treated as rental receipts but shall not qualify for purposes of the 80 percent requirement ~~of subdivision (1) of subsection (b) or the 60 percent requirement of subdivision (2) of subsection (b), and (iii) any rental of personal property which also involves the provision of personal services for the operation of the personal property rented shall not be treated as gross receipts from rental,~~ provided however that ~~For purposes of this subsection, the delivery and installation of tangible personal property shall not mean operation~~ for the purposes of this subsection. ~~For purposes of this article, the term "gross proceeds" means the total amount charged to each person for the rental of daily rental property, excluding any state and local sales tax paid pursuant to the Virginia Retail Sales and Use Tax Act, Code of Virginia, § 58.1-600 et seq.~~

(d) A person who has not previously been engaged in the short-term rental business who applies for a certificate of registration pursuant to § 20-314 shall be eligible for registration upon his certification that he anticipates meeting the requirements of a specific subdivision of subsection (b), designated by the applicant at the time of application, during the year for which registration is sought.

(e) In the event that the director of finance makes a written determination that a rental business previously certified as a short-term rental business under § 20-315 has failed to meet either of the tests set forth in subsection (b) during a preceding tax year, such business shall lose its certification as a short-term rental business and shall be subject to the business personal property tax with respect to all rental property for the tax year in which such certification is lost and any subsequent tax years until such time as the rental business obtains recertification under § 20-315. In the event that a rental business loses its certification as a short-term rental business pursuant to this subsection, such business shall not be required to refund to customers daily rental property taxes previously collected in good faith and shall not be subject to assessment for business personal property taxes with respect to rental property for tax years preceding the year in which the certification is lost unless the director of finance makes a written determination that the business obtained its certification by knowingly making materially false statements in its application, in which case the director of finance may assess the taxpayer the amount of the difference between short-term rental property taxes remitted by such business during the period in which the taxpayer wrongfully held certification and the business personal property taxes that would have been due during such period but for the certification obtained by the making of the materially false statements. Any such assessment, and any determination not to certify or to decertify a rental business as a short-term rental business as defined in this section, may

be appealed pursuant to the procedures and requirement in Code of Virginia, § 58.1-3983.1, as amended, for appeals of local business taxes, which shall apply mutatis mutandis to such assessments and certification decisions.

(f) A rental business that has been decertified under the provision of subsection (e) shall be eligible for recertification for a subsequent tax year upon a showing that it has met one of the tests provided in subsection (b) for at least ten months of operations during the present tax year.

2. That Section 20-312 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-312. Levy; amount.

Pursuant to Code of Virginia, § 58.1-3510.46 ~~A~~, as amended, for each tax year, there is hereby levied and imposed a tax of one percent on the gross proceeds arising from rentals of every person engaged in the short-term rental business ~~a tax of one percent of such gross proceeds~~. Such tax shall be in addition to the tax levied pursuant to Code of Virginia, § 58.1-605, as amended. "Gross proceeds" means the total amount charged to each person for the rental of short-term rental property, excluding any state and local sales tax paid under the provisions of Code of Virginia, Title 58.1, Chapter 6. The imposition and collection of a short-term rental property tax under this article with respect to rental property shall be in lieu of taxation of such rental property as tangible business personal property in the same tax year.

3. That Section 20-313 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-313. Taxation of rental property other than daily rental property.

Except for daily rental passenger cars ~~vehicles~~, all rental property not meeting the definition of daily rental property provided in section 20-311 ~~shall be classified for taxation pursuant to Code of Virginia, § 58.1-3503, as amended~~ shall be classified, assessed and taxed as tangible personal property if such property (i) is owned and rented by a person not engaged in the short-term rental business, as defined in § 20-311; or (ii) has acquired situs in the Commonwealth and is owned and rented by a person who does not collect and remit to a locality within the Commonwealth a short-term rental property tax with respect to the rental of such property.

4. That Section 20-314 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-314. Application for certificate of registration.

(a) Every person engaging in the business of short-term rental shall file annually an application for a certificate of registration with the director of finance for each place of business in the county from which short-term rental business will be conducted by the applicant. Such application shall be

filed by December 1 of the year preceding or within 30 days of the beginning of a short-term rental business. The application shall be on a form prescribed by the director of finance and shall set forth the name under which the applicant operates or intends to operate the rental business, the location of the business, the subdivision of § 20-311 (b) under which the business asserts that it is qualified for certification as a short-term rental business, and such other information as the director of finance may require.

(b) A list of rental inventory and copies of the applicant's standard rental contracts shall be submitted with each application.

(c) Each applicant shall sign the application as owner of the rental business. If the rental business is owned by an association, partnership, limited liability company or corporation, the application shall be signed by a member, partner, executive officer or other person specifically authorized by the association, partnership, limited liability company or corporation to sign.

5. That Section 20-316 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-316. Collection and remittance; returns.

Every person engaged in the short-term rental business shall collect the daily short-term rental property tax from the lessee of the ~~daily~~short-term rental property at the time of the rental. The lessor of the ~~daily~~short-term rental property shall transmit a quarterly return to the director of finance, indicating the gross proceeds derived from the short-term rental business, and shall remit therewith the payment of such tax as is due for the quarter. The quarterly returns and payment of tax shall be filed with the director of finance on or before April ~~2015~~, July ~~2015~~, October ~~2015~~ and January ~~2015~~, representing, respectively, the gross proceeds and taxes collected during the preceding quarters ending March 31, June 30, September 30 and December 31. The tax imposed by this article shall become delinquent for each quarter on April ~~2416~~, July ~~2416~~, October ~~2416~~ and January ~~2416~~. The return shall be upon such forms and set forth such information as the director of finance may require, showing the amount of gross proceeds and the tax required to be collected. The taxes required to be collected under this article shall be deemed to be held in trust by the business required to collect such taxes until remitted as required in this article. Any person who neglects, fails or refuses to collect the tax imposed by this article shall be liable for and pay the tax himself.

6. That Section 20-317 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-317. Records.

(a) *Record of transactions.* The person collecting the daily short-term rental property tax shall maintain a record of all rental transactions for which this tax is collected, which record shall contain:

- (1) A description of the property rented;
- (2) The period of time for which the property was rented;
- (3) The name of the person to whom the property was rented; and



(4) The amount charged for each rental, including all late charges, penalties and interest.

(b) *Record of exemptions.* In addition to the information specified in subsection (a) of this section, every person engaged in a short-term rental business shall maintain a complete record of all exemptions from payment of this tax granted to renters of short-term rental property, including:

- (1) A copy of the state department of taxation tax exemption certificate; or
- (2) A copy of the U.S. State Department tax exemption certificate, which U.S. State Department card must specify the renter by name as exempt from sales tax; or
- (3) Other explanation and proof of claimant exemption.

7. That Section 20-318 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-318. Procedure upon failure to file return or filing of false return.

**Except as otherwise provided in § 20-311 (e), if** If any person, whose duty it is so to do, shall fail or refuse to file within the time provided in this article the returns required in this article or files a return that is false or fraudulent, it shall be the duty of the director of finance to make an estimate for the taxable period of the gross proceeds of such person and assess the tax plus such penalties and interest as are provided in this article. The director of finance shall give the person ten days' notice in writing requiring such person to appear before him with such books, records and papers as he may require relating to the business for the taxable period. The director of finance may require the person or his agents and employees to give testimony or to answer interrogatories under oath administered by the director of finance respecting such gross proceeds or the failure to make a return thereof as provided in this article. If any person fails to make any such return or refuses to permit an examination of his books, records or papers or to appear and answer questions within the scope of such investigation, the director of finance shall proceed to make an assessment based upon such information as may be available to him. The assessment so made shall be deemed prima facie correct.

8. That Section 20-320 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-320. Exemptions.

No tax shall be collected or assessed on rentals by the state, any political subdivision of the state or the United States or any rental of durable medical equipment as defined in subdivision **210** of Code of Virginia, § 58.1-609.7**10**, as amended. Additionally, all exemptions applicable in Code of Virginia, §§ 58.1-609.1--58.1-609.10**1**, as amended, shall apply mutatis mutandis to the daily rental property tax.

9. That Section 20-321 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-321. Collection without certificate of registration prohibited.

No person renting any property or service to any other person shall collect from the lessee the daily rental property tax authorized by this article unless he has a valid certificate of registration issued for the current year by the director of finance. **Except as otherwise provided in § 20-311 (e), any** Any payments collected by any person, certified or uncertified, in a manner not authorized by law shall be refunded to such lessees as can be identified, with the remainder forfeited to the county.

10. That Section 20-325 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 20-325. Bond.

The director of finance, when in his judgment it is necessary and advisable so to do in order to secure the collection of the daily **short-term** rental tax, may require any person subject to such tax to file with him a bond with such surety as the director of finance determines is necessary to cover the payment of the tax, penalty or interest due or which may become due from such person.

11. That Section 20-327 of the Code of the County of Henrico shall be amended and reordained as follows:

Sec. 20-327. Period of limitations.

**Except as otherwise provided in § 20-311 (e), the**The tax imposed by this article shall be assessed within three years from the date on which such taxes became due and payable. ~~In, or in~~ the case of a false or fraudulent return with intent to evade payment of the tax imposed by this article, or a failure to file a return, the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time within six years from such date. The director of finance shall not examine any person's records beyond the three-year period of limitations unless he has reasonable evidence of fraud or reasonable cause to believe that such person was required by law to file a return and failed to do so.

12. That this ordinance shall be effective for tax years beginning on and after January 1, 2009.

Comments: The Director of Finance recommends approval of this Board paper; the County Manager concurs

**Resolution – Signatory Authority – Second Amendment to Contract for Architectural and Engineering Services – Fire Station #7**

This resolution authorizes the County Manager to execute an amendment to the June 24, 2008 architectural and engineering services contract with RP Hughes Associates, Inc. for Fire Station #7. The original contract sum was \$310,000, and there has been one subsequent amendment resulting in a revised contract amount of \$368,000 to accommodate LEED-related design work.

This amendment provides (1) additional architectural and engineering services for the analysis of the off-site stormwater drainage; (2) design improvements which may be necessary as a result of the fire station's impact on the existing stormwater system; and (3) design of a permanent recycling center to replace the temporary facility currently located at the project site. An amendment in the amount of \$26,600 has been negotiated, consisting of \$17,500 and \$9,100 for services relating to stormwater drainage and a permanent recycling center, respectively.

Funding to support this contract amendment is available within the project budget.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 257-09

Page No. 1 of 1

Agenda Title: **Resolution – Signatory Authority – Second Amendment to Contract for Architectural and Engineering Services – Fire Station #7**

For Clerk's Use Only:	<b>BOARD OF SUPERVISORS ACTION</b>	<b>YES NO OTHER</b>
Date: <b>OCT 13 2009</b>	Moved by (1) _____ Seconded by (1) _____ (2) _____ (2) _____	Donati, J. _____ Glover, R. _____ Kaechele, D. _____ O'Bannon, P. _____ Thornton, F. _____
( ) Approved ( ) Denied ( ) Amended ( ) Deferred to:	REMARKS: _____ _____ _____	

**WHEREAS**, on June 24, 2008 the Board of Supervisors awarded a contract in the amount of \$310,000 to RP Hughes Architects, Inc. for architectural and engineering services for design and construction administration services for Fire Station #7; and,

**WHEREAS**, on January 27, 2009 the Board of Supervisors approved an amendment in the amount of \$58,000 for additional services relating to LEED design and certification; and,

**WHEREAS**, it is necessary and desirable to further amend the contract in order to provide for additional architectural and engineering services for the analysis of the off-site stormwater drainage; design improvements which may be necessary as a result of the fire station's impact on the existing stormwater system; and additional architectural and engineering services for the design of a recycling center at the site; and,

**WHEREAS**, an amendment to the June 24, 2008 contract has been negotiated with RP Hughes Architects, Inc., in the amount of \$26,600.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors that the County Manager is authorized to execute Amendment #2 the amount of \$26,600 in accordance with the two September 3, 2009 letters from RP Hughes Architects, Inc. and in a form approved by the County Attorney.

**Comments:** Funding to support this contract amendment is available within the project budget. The Director of General Services and the Fire Chief, the County Manager concurring, recommend approval of this Board paper.

By Agency Head

By County Manager

Routing:

Yellow to: \_\_\_\_\_

Copy to: \_\_\_\_\_

Certified:

A Copy Teste: \_\_\_\_\_

Clerk, Board of Supervisors

Date: \_\_\_\_\_

## **Resolution – Award of Construction Contract – Fire Station # 8.**

This resolution awards a contract to **Evans Construction, Inc.** for the construction of an 8,234 square foot replacement of Fire Station # 8. The work will be substantially complete and certified by the Architect within 425 calendar days after the date of the written notice to proceed from the County to the contractor. Final completion of all work will be within 30 calendar days after the date of substantial completion.

Nine bids were received on September 9, 2009 in response to Bid Request No. 09-8678-7JK and Addenda 1, 2, and 3 for the construction of a replacement for Fire Station # 8:

<u><b>Bidder</b></u>	<u><b>Bid</b></u>
<b>Evans Construction, Inc.</b>	<b>\$2,055,171</b>
Leipertz Construction, Inc.	\$2,056,000
Kenbridge Construction Company, Inc.	\$2,155,000
Haley Builders, Inc.	\$2,214,000
Dominion Construction Group, LLC	\$2,327,000
David A. Nice Builders, Inc.	\$2,358,900
Gulf Seaboard General Contractors, Inc.	\$2,407,000
Raymond Key Commercial Contracting, LLC	\$2,640,000
A.D. Whittaker Construction, Inc.	\$2,753,000

**Evans Construction, Inc.** was determined to be the lowest responsive and responsible bidder with a bid in the amount of \$2,055,171.

Funding to support the contract is available within the project budget.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. **258-09**

Page No. 1 of 2

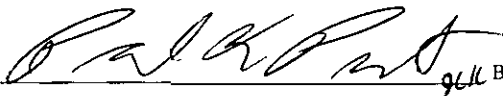
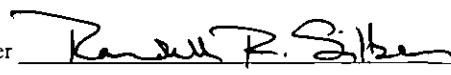
Agenda Title: **Resolution – Award of Construction Contract – Fire Station # 8**

For Clerk's Use Only:  <b>OCT 13 2009</b> Date: _____  ( ) Approved ( ) Denied ( ) Amended ( ) Deferred to: _____	BOARD OF SUPERVISORS ACTION	YES	NO	OTHER
	Moved by (1) _____ Seconded by (1) _____ (2) _____ (2) _____  REMARKS: _____ _____ _____	Donati, J. _____ Glover, R. _____ Kaechele, D. _____ O'Bannon, P. _____ Thornton, F. _____		

**WHEREAS**, on September 9, 2009 nine bids were received in response to Bid Request No. 09-8678-7JK and Addenda 1, 2, and 3 for the construction of a replacement for Fire Station # 8:

<u>Bidder</u>	<u>Bid</u>
Evans Construction, Inc.	\$2,055,171
Leipertz Construction, Inc.	\$2,056,000
Kenbridge Construction Company, Inc.	\$2,155,000
Haley Builders, Inc.	\$2,214,000
Dominion Construction Group, LLC	\$2,327,000
David A. Nice Builders, Inc.	\$2,358,900
Gulf Seaboard General Contractors, Inc.	\$2,407,000
Raymond Key Commercial Contracting, LLC	\$2,640,000
A. D. Whittaker Construction, Inc.	\$2,753,000

**WHEREAS**, after review and evaluation of all bids received, it was determined that **Evans Construction, Inc.** is the lowest responsive and responsible bidder with a bid in the amount of **\$2,055,171**.

By Agency Head  9/11 By County Manager 

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Clerk, Board of Supervisors  
  
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COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. **258-09**

Page No. 2 of 2

Agenda Title: **Resolution – Award of Construction Contract – Fire Station # 8**

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

1. A contract to furnish all labor, materials, supplies, equipment, and services necessary for construction of a replacement for Fire Station # 8 is awarded to **Evans Construction, Inc.**, the lowest responsive and responsible bidder, in the amount of **\$2,055,171** pursuant to Bid Request No. 09-8678-7JK, Addenda 1, 2, and 3, and the bid submitted by **Evans Construction, Inc.**
2. The County Manager and Clerk are authorized to execute the contract in a form approved by the County Attorney.
3. The County Manager, or the Director of General Services as his designee, is further authorized to execute all necessary change orders within the scope of the project budget.

**Comments:** Funding to support the contract is available within the project budget. The Director of General Services and the Fire Chief, the County Manager concurring, recommends approval of this Board paper.

## **Resolution – Award of Contract – Location and Designation of Subsurface Utilities**

This resolution awards a contract to **Accumark, Inc.** to provide, on an as needed basis and as authorized by County agencies, services for the location and designation of subsurface utilities.

On May 15, 2009, seven proposals were received in response to RFP #09-8623-3CS. Based upon review and evaluation of the proposals, the Selection Committee (consisting of Mr. Edward Bass, Mr. Michael Verdu, Mr. David Graham and Mrs. Cecelia Stowe) interviewed the following offerors:

### **Accumark, Inc.**

JMT in association with the Spectra Group  
InfraMap Corporation

Based on the written proposals and interviews, the Committee selected **Accumark, Inc.** as the first-ranked offeror for purposes of negotiating a contract. The contract will be for a term from October 15, 2009 through October 14, 2010 and may be renewed at the County's option for two additional one-year terms. Compensation for services rendered pursuant to the contract shall be based on the agreed-upon hourly rate schedule dated September 25, 2009. Fees shall not exceed \$300,000 for any single project and \$1,500,000 in any one-year term of the contract.





COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 259-09

Page No. 1 of 2

Agenda Title: **Resolution – Award of Contract – Services for the Location and Designation of Subsurface Utilities**

For Clerk's Use Only:

OCT 13 2009

Date: \_\_\_\_\_

- ( ) Approved  
( ) Denied  
( ) Amended  
( ) Deferred to: \_\_\_\_\_

BOARD OF SUPERVISORS ACTION

Moved by (1) \_\_\_\_\_ Seconded by (1) \_\_\_\_\_  
(2) \_\_\_\_\_ (2) \_\_\_\_\_

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

YES NO OTHER

Donati, J. \_\_\_\_\_  
Glover, R. \_\_\_\_\_  
Kaechele, D. \_\_\_\_\_  
O'Bannon, P. \_\_\_\_\_  
Thornton, F. \_\_\_\_\_

**WHEREAS**, on May 15, 2009, seven proposals were received in response to RFP #09-8623-3CS to provide services for the location and designation of subsurface utilities; and,

**WHEREAS**, based upon review and evaluation of the written proposals, the Selection Committee (consisting of Mr. Edward Bass, Mr. Michael Verdú, Mr. David Graham and Mrs. Cecelia Stowe) interviewed the following offerors:

**Accumark, Inc.**

JMT in association with the Spectra Group  
InfraMap Corporation

**WHEREAS**, the Selection Committee selected **Accumark, Inc.** as the first-ranked offeror and negotiated the hourly rate schedule and contract terms.

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

1. A contract to provide services on an as-needed basis for the location and designation of subsurface utilities is awarded to **Accumark, Inc.** for an initial one-year term from October 15, 2009 through October 14, 2010, with the option for the County to renew for two additional one-year terms, all in accordance with RFP #09-8623-3CS, **Accumark, Inc.'s** May 15, 2009 proposal, and **Accumark, Inc.'s** September 25, 2009 best and final hourly rate schedule.
2. Compensation for services rendered pursuant to the contract will be based on the agreed-upon hourly rate schedule.
3. Fees shall not exceed \$300,000 for any single project and \$1,500,000 for any one-year term of the contract.

By Agency Head \_\_\_\_\_

By County Manager \_\_\_\_\_

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Clerk, Board of Supervisors

Date: \_\_\_\_\_

4. The County Manager and Clerk are authorized to execute the contract in a form approved by the County Attorney.

COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. **254-09**

Page No. 2 of 2

Agenda Title: **Resolution – Award of Annual Contract – Subsurface Utility Designating and Locating**

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5. The County Manager, or the Director of General Services as his designee, is authorized to execute all change orders within the scope of the project budget.

**Comments:** Funding to support the contract is available. The Director of General Services, the County Manager concurring, recommends approval of this Board paper.

## **Resolution – Award of Contract for Engineering Services – Commissioning Agent**

This resolution awards a contract to **Facility Dynamics Engineering Corporation** for engineering services necessary to commission buildings and building systems. Services include the review of engineering design and building systems installation, the evaluation and certification of performance of building systems and life-safety systems. These services will be performed as necessary in connection with new construction and renovation projects. In addition, **Facility Dynamics Engineering Corporation** will also provide third party certification for projects.

On July 24, 2009, twenty proposals were received in response to RFP #09-8667-6CS. Based upon review and evaluation of the proposals, the Selection Committee (consisting of Ms. Jaspreet Pahwa, Mr. Fred Drake, Mr. Jerry Walker, Mr. Roy Salinsky and Mrs. Cecelia Stowe) interviewed the following offerors:

### **Facility Dynamics Engineering Corporation** DEI Consulting

Based on the written proposals and interviews, the Committee selected **Facility Dynamics Engineering Corporation** as the top-ranked offeror for purposes of negotiating a contract. The contract will be for a one-year term from October 14, 2009 through October 31, 2010 and may be renewed at the County's option for two additional one-year terms. Compensation for services rendered pursuant to the contract will be based on the agreed-upon hourly rate schedule. Fees shall not exceed \$300,000 for any single project and \$1,500,000 in any one-year term of the contract.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. **260-09**  
Page No. 1 of 2

Agenda Title: **Resolution – Award of Contract for Engineering Services – Commissioning Agent**

For Clerk's Use Only: <b>OCT 13 2009</b> Date: _____ ( ) Approved ( ) Denied ( ) Amended ( ) Deferred to: _____	BOARD OF SUPERVISORS ACTION		YES	NO	OTHER
	Moved by (1) _____ (2) _____	Seconded by (1) _____ (2) _____			
REMARKS: _____ _____ _____					
			Donati, J.		
			Glover, R.		
			Kaechele, D.		
			O'Bannon, P.		
			Thornton, F.		

**WHEREAS**, on July 24, 2009, twenty written proposals were received in response to RFP #09-8667-6CS to provide engineering services for the commissioning of buildings and building systems; and

**WHEREAS**, based upon review and evaluation of the written proposals, the Selection Committee (consisting of Ms. Jaspreet Pahwa, Mr. Fred Drake, Mr. Jerry Walker, Mr. Roy Salinsky and Mrs. Cecelia Stowe) interviewed the following offerors:

**Facility Dynamics Engineering Corporation**  
DEI Consulting

**WHEREAS**, the Selection Committee selected **Facility Dynamics Engineering Corporation ("FDEC")** as the top-ranked offeror and negotiated an hourly rate schedule and contract terms.

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

1. A contract to provide on an as-needed basis engineering services for the commissioning of buildings and building systems is awarded to **FDEC** for an initial one-year term from October 14, 2009 through October 31, 2010, with the option for the County to renew the contract for two additional one-year terms, in accordance with RFP #09-8667-6CS, **FDEC's** July 23, 2009 proposal, and **FDEC's** September 23, 2009 fee proposal.
2. Compensation for services rendered pursuant to the contract will be based upon the agreed upon hourly rate schedule.
3. Fees shall not exceed \$300,000 for any single project and \$1,500,000 in any one-year term of the contract.
4. The County Manager and Clerk are authorized to execute the contract in a form approved by the County Attorney.

By Agency Head

*Paul J. Smith*

By County Manager

*Randall R. Zilber*

Routing:

Yellow to: \_\_\_\_\_

Copy to: \_\_\_\_\_

Certified:

A Copy Teste: \_\_\_\_\_  
Clerk, Board of Supervisors

Date: \_\_\_\_\_

COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. **260-09**  
Page No. 2 of 2 -

Agenda Title: **Resolution – Award of Contract for Engineering Services – Commissioning Agent**

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5. The County Manager, or the Director of General Services as his designee, is authorized to execute all change orders within the scope of the project budget.

**Comments:** Funding to support the contract is available. The Director of General Services, the County Manager concurring, recommends approval of this Board paper.

**RESOLUTION** - To Accept the FY2010 Virginia Office of the Attorney General, TRIAD Crime Prevention for Seniors Grant Award.

This resolution accepts the \$752 grant award from the Virginia Office of the Attorney General, TRIAD Crime Prevention for Seniors Grant Program to the Division of Police. It will be used to enhance the Senior Citizens Police Academies. The Division will match the grant with \$84 for a total grant of \$836.



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

Agenda Item No. **261-09**

Page No.

**Agenda Title**

**RESOLUTION - To Accept the FY2010 Virginia Office of the Attorney General,  
TRIAD Crime Prevention for Seniors Grant Award.**

For Clerk's Use Only:

**OCT 13 2009**

Date

- ☐ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to

**BOARD OF SUPERVISORS ACTION**

Moved by (1) \_\_\_\_\_ Seconded by (1) \_\_\_\_\_  
(2) \_\_\_\_\_ (2) \_\_\_\_\_

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

YES NO OTHER

Donati, J.	___	___	___
Glover, R.	___	___	___
Kaechele, D.	___	___	___
O'Bannon, P.	___	___	___
Thornton, F.	___	___	___

**WHEREAS**, the Henrico County Division of Police partners with concerned citizen groups to strive to make life better within the County and is currently an active partner with the Henrico County Seniors and Law Enforcement Together (SALT)/TRIAD Council ("Council"); and

**WHEREAS**, in order to enhance the Council through the Senior Citizens Police Academies, the Division applied for and was awarded \$752 in TRIAD Crime Prevention for Seniors Grant by the Virginia Office of the Attorney General, with a local match of \$84 (for a total grant of \$836).

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Henrico County accepts this grant award and authorizes the County Manager to sign appropriate agreements to receive these funds.

**COMMENT:** The Chief of Police and the County Manager recommend approval of this resolution. The local match will come from the Police Reserve Grant Match Fund.

By Agency Head \_\_\_\_\_

By County Manager \_\_\_\_\_

Routing:

Yellow to: \_\_\_\_\_

Copy to: \_\_\_\_\_

Certified:

A Copy Teste: \_\_\_\_\_

Clerk, Board of Supervisors

Date: \_\_\_\_\_



# COMMONWEALTH of VIRGINIA

*Office of the Attorney General*

William C. Mims  
Attorney General

900 East Main Street  
Richmond, Virginia 23219  
804-786-2071  
FAX 804-786-1991  
Virginia Relay Services  
800-828-1120  
7-1-1

September 24, 2009

Colonel Henry W. Stanley, Jr.  
Chief of Police  
Henrico County Division of Police  
P.O. Box 90775  
Henrico, VA 23273

**Re: TRIAD Crime Prevention for Seniors Grant Program**

Dear Chief Stanley:

Congratulations, your organization has been selected to participate in the Office of the Attorney General TRIAD Crime Prevention for Seniors Grant Program. I am pleased to advise you that grant number **0910-TRIAD-17** for the above-referenced grant program has been approved in the amount of **\$752.00 in state funds and \$84.00 in local matching funds for a total award of \$836.00**. The grant period runs from September 1, 2009 to June 30, 2010.

Enclosed you will find a Statement of Grant Award, Reporting Requirements, and Grant Award Special Conditions. To indicate your acceptance of the award and conditions, please sign the Statement of Grant Award acceptance and return it to Jennifer Aulgur, Director of TRIAD & Citizen Outreach, at the Office of the Attorney General (OAG) by the specified date. Please review the special conditions carefully; as some require action on your part by a specified date before we will release grant funds.

When we receive documentation showing that you have complied with the conditions, you will be eligible to request reimbursement of grant funds awarded under this grant. A REQUEST FOR REIMBURSEMENT form is included with this letter and should be used for this purpose. We cannot process your request until we have received and approved all required information. Also included with this packet are the Final Financial Form and Final Progress Report Form. Please refer to the Reporting Requirements and read this information carefully as it contains details on submitting and processing financial and progress reports, as well as requesting reimbursement for the awarded funds. If you have any questions about due dates or reporting requirements contact Jennifer Aulgur.

We appreciate your interest in this grant program and will be happy to assist you any way we can to assure your project's success. If you have any questions, please contact Jennifer Aulgur at (804) 786-9516 or via email at [jaulgur@oag.state.va.us](mailto:jaulgur@oag.state.va.us).

Sincerely,

A handwritten signature in dark ink, appearing to read "W.C. Mims".

William C. Mims

Enclosure

cc: Virgil R. Hazelett, P.E., County Manager  
John A. Vithoukias, Director of Finance



The proposed timeline for this grant project, known as the TRIAD10 Project to the Division of Police, follows:

If the grant award is received before mid-August 2009, a Board of Supervisors acceptance Resolution can be acted on at its September 8, 2009, meeting.

Funds could be appropriated by the County Office of Management and Budget following the Board's approval (with an estimated Board meeting of November 24, 2009).

Division Council Coordinator orders all items by December 11, 2009.

Purchased items available for use by January 1, 2010.

The SALT/TRIAD Council of Henrico County is a collaborative effort to ally senior citizens with law enforcement in this community. The Office of the Sheriff and the Office of the Commonwealth's Attorney work with the Council. The Division of Police offers staff support, meeting logistics, and grant management.

The SALT/TRIAD Council of Henrico County is a successful partnership in this community and has been such since 1995. This grant will enhance the outreach abilities of the Council as its members participate in senior crime prevention events, seminars, workshops, and the like.

#### **BUDGET DETAIL (1 PAGE MAXIMUM)**

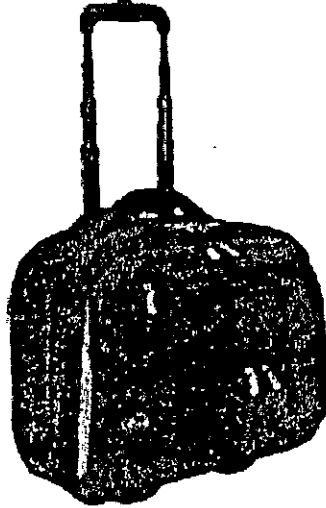
Grand Total:	\$836.00
State Amount:	\$752.00
Local Match:	\$ 84.00

1. Food Items \$ 500.00

Two Senior Citizen Police Academies are held annually. Two large social gatherings are hosted by the Council, as well as a summer picnic. Condiments, morning drinks and sodas, graduation cakes, and fruit cost the Division of Police over \$1,000 annually. With the rising cost of food, the Division may have to reduce food and drink availability. This grant requests the maximum allowed for food.

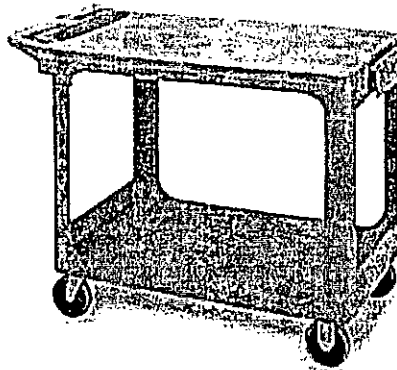
2. Case Logic Carrying Case \$ 103.00  
Case Logic 15.4" Rolling Projector and Laptop Carrying Case.

This hand carrying case will assist SALT/TRIAD seniors to transport their laptops to presentations.



3. Service Cart \$ 233.00  
Rubbermaid #452500BEIG Service Cart, 400 Pound Capacity.

This cart will assist the SALT/TRIAD seniors to transport their audio system and display board to presentations.



The SALT/TRIAD Council of Henrico County receives staffing and limited group assistance from the Division of Police. The Council is attempting to fund its own programs, but the Division assists as needed. There are no other Federal or State funds involved with this group through the Division of Police.

**RESOLUTION** - To Accept the FY2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Program: Local Solicitation Award to the County of Henrico, Division of Police, for Specialized Police-Related Equipment.

This resolution accepts \$111,576 under the FY2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Program: Local Solicitation of the U.S. Department of Justice. These funds are part of the regular, annual allocation of the JAG Program and are not part of the 2009 Recovery Act. The monies will cover Police-related equipment for specialized tactical and investigative teams. No local match is required for this award.



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

Agenda Item No. **262-09**  
Page No. \_\_\_\_\_

**Agenda Title**

**RESOLUTION** - To Accept the FY2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Program: Local Solicitation Award to the County of Henrico, Division of Police, for Specialized Police-Related Equipment.

For Clerk's Use Only:

**OCT 13 2009**

- Date \_\_\_\_\_  
☐ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to \_\_\_\_\_

**BOARD OF SUPERVISORS ACTION**

Moved by (1) \_\_\_\_\_ Seconded by (1) \_\_\_\_\_  
(2) \_\_\_\_\_ (2) \_\_\_\_\_

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

YES NO OTHER

Donati, J. \_\_\_\_\_  
Glover, R. \_\_\_\_\_  
Kaechele, D. \_\_\_\_\_  
O'Bannon, P. \_\_\_\_\_  
Thornton, F. \_\_\_\_\_

**WHEREAS**, the County of Henrico, Virginia attempts to provide a safe and peaceful community in which to live, work, and recreate; and

**WHEREAS**, the prevention of criminal acts is vital to a safe and sound community, and law enforcement can be dangerous at times for police working routine patrol and undercover operations; and

**WHEREAS**, the County of Henrico, Division of Police, was awarded \$111,576 under the FY2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Program: Local Solicitation of the U.S. Department of Justice's Office of Justice Programs; and

**WHEREAS**, these allocated funds, which do not require a local match, will be used to make purchases to enhance the capabilities of specialized tactical and investigative teams.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of Henrico County, Virginia, accepts this grant award and authorizes the County Manager to sign the appropriate agreements.

**COMMENT:** The Chief of Police and the County Manager recommend approval of this resolution. There are no local funds involved.

By Agency Head \_\_\_\_\_

By County Manager \_\_\_\_\_

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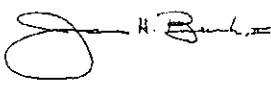
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Clerk, Board of Supervisors

Date: \_\_\_\_\_

 Department of Justice Office of Justice Programs Bureau of Justice Assistance		Grant		PAGE 1 OF 5
1. RECIPIENT NAME AND ADDRESS (Including Zip Code) County of Henrico P.O. Box 27032 Richmond, VA 23273-0775		4. AWARD NUMBER: 2009-DJ-BX-1235 5. PROJECT PERIOD: FROM 10/01/2008 TO 09/30/2012 BUDGET PERIOD: FROM 10/01/2008 TO 09/30/2012		
1A. GRANTEE IRS/VENDOR NO. 546001344		6. AWARD DATE 09/17/2009 8. SUPPLEMENT NUMBER 00	7. ACTION Initial	
3. PROJECT TITLE FY 2009 Justice Assistance Grant Program		9. PREVIOUS AWARD AMOUNT \$ 0 10. AMOUNT OF THIS AWARD \$ 111,576 11. TOTAL AWARD \$ 111,576		
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).				
13. STATUTORY AUTHORITY FOR GRANT This project is supported under 42 U.S.C. 3751(a) (BJA - JAG Formula)				
15. METHOD OF PAYMENT PAPRS				
AGENCY APPROVAL		GRANTEE ACCEPTANCE		
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL James H. Burch II Acting Director		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Virgil Hazelett County Manager		
17. SIGNATURE OF APPROVING OFFICIAL 		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL		19A. DATE
AGENCY USE ONLY				
20. ACCOUNTING CLASSIFICATION CODES FISCAL FUND BUD. DIV. YEAR CODE ACT. OFC. REG. SUB. POMS AMOUNT X B DJ 80 00 00 111576		21. IDJUGT5328		

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**AWARD CONTINUATION  
SHEET**  
**Grant**

PAGE 2 OF 5

PROJECT NUMBER 2009-DJ-BX-1235

AWARD DATE 09/17/2009

*SPECIAL CONDITIONS*

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide, Chapter 19.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -

mail:

Office of the Inspector General  
U.S. Department of Justice  
Investigations Division  
950 Pennsylvania Avenue, N.W.  
Room 4706  
Washington, DC 20530

e-mail: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov)

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig).



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 3 OF 5

PROJECT NUMBER 2009-DJ-BX-1235

AWARD DATE 09/17/2009

*SPECIAL CONDITIONS*

6. The grantee agrees to assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a subgrantee. Accordingly, the grantee agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the grant, the grantee agrees to contact BJA.

The grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a subgrantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:

- New construction;
- Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The grantee understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The grantee further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the grantee's or its subgrantees' existing programs or activities that will be funded by these grant funds, the grantee, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

7. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdiction, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.
8. To support public safety and justice information sharing, OJP requires the grantee to use the National Information Exchange Model (NIEM) specifications and guidelines for this particular grant. Grantee shall publish and make available without restriction all schemas generated as a result of this grant to the component registry as specified in the guidelines. For more information on compliance with this special condition, visit <http://www.niem.gov/implementationguide.php>.
9. The recipient is required to establish a trust fund account. (The trust fund may or may not be an interest-bearing account.) The fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate and expend the grant funds in the trust fund (including any interest earned) during the period of the grant. Grant funds (including any interest earned) not expended by the end of the grant period must be returned to the Bureau of Justice Assistance no later than 90 days after the end of the grant period, along with the final submission of the Financial Status Report (SF-269).



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 4 OF 5

PROJECT NUMBER 2009-DJ-BX-1235

AWARD DATE 09/17/2009

*SPECIAL CONDITIONS*

10. The grantee agrees to comply with all reporting, data collection and evaluation requirements, as prescribed by law and detailed by the BJA in program guidance for the Justice Assistance Grant (JAG) Program. Compliance with these requirements will be monitored by BJA.
11. The recipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). Recipient may not satisfy such a fine with federal funds.
12. The recipient agrees to ensure that the State Information Technology Point of Contact receives written notification regarding any information technology project funded by this grant during the obligation and expenditure period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these grant funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to <http://www.it.ojp.gov/default.aspx?area=policyAndPractice&page=1046>.
13. The grantee agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See [http://www.ojp.gov/about/ocr/equal\\_fbo.htm](http://www.ojp.gov/about/ocr/equal_fbo.htm).
14. The recipient acknowledges that all programs funded through subawards, whether at the state or local levels, must conform to the grant program requirements as stated in BJA program guidance.
15. Grantee agrees to comply with the requirements of 28 C.F.R. Part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.
16. Grantee agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.
17. The recipient agrees that funds received under this award will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.





Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**AWARD CONTINUATION  
SHEET**  
**Grant**

PAGE 5 OF 5

PROJECT NUMBER 2009-DJ-BX-1235

AWARD DATE 09/17/2009

*SPECIAL CONDITIONS*

18. The grantee agrees that within 120 days of award, for any law enforcement task force funded with these funds, the task force commander, agency executive, task force officers, and other task force members of equivalent rank, will complete required online (internet-based) task force training to be provided free of charge through BJA's Center for Task Force Integrity and Leadership. This training will address task force effectiveness as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. Additional information will be provided by BJA regarding the required training and access methods via BJA's web site and the Center for Task Force Integrity and Leadership ([www.ctfli.org](http://www.ctfli.org)).
19. Recipient may not obligate, expend or drawdown funds until the Bureau of Justice Assistance, Office of Justice Programs has received documentation demonstrating that the state or local governing body review and/or community notification requirements have been met and has issued a Grant Adjustment Notice (GAN) releasing this special condition.

**RESOLUTION – Signatory Authority – Rental Agreement – North Gayton Road Extension Project – Three Chopt District**

Approval of this resolution will authorize the County Manager to execute a rental agreement between Darrell H. Bowman and Marsha Morgan and the County for a house to be acquired for the North Gayton Road Extension Project. The agreement will eliminate the need to displace a tenant and pay relocation benefits as a part of this acquisition. The term of the agreement is month-to-month with \$1,400.00 per month rent, and will terminate upon the acquisition of the property by the County. The Directors of Public Works and Real Property recommend approval of this paper; the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 268-09

Page No.

1 of 1

Agenda Title

RESOLUTION – Signatory Authority – Rental Agreement – North Gayton  
Road Extension Project – Three Chopt District

For Clerk's Use Only:

Date **OCT 13 2009**

- ☐ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to

BOARD OF SUPERVISORS ACTION

Moved by (1) \_\_\_\_\_ Seconded by (1) \_\_\_\_\_  
(2) \_\_\_\_\_ (2) \_\_\_\_\_

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

YES NO OTHER

Donati, J. \_\_\_\_\_  
Glover, R. \_\_\_\_\_  
Kaechele, D. \_\_\_\_\_  
O'Bannon, P. \_\_\_\_\_  
Thornton, F. \_\_\_\_\_

WHEREAS, the North Gayton Road Extension Project requires the County to acquire a parcel of land located at 12520 Bacova Drive owned by Darrell H. Bowman and Marsha Morgan (the "Owners") and improved with a single family house they have leased to a tenant for many years; and,

WHEREAS, the tenant recently vacated this house and the Owners seek to lease it to a new tenant; and,

WHEREAS, the County desires not to have to displace a tenant and pay relocation benefits if the property is leased to a new tenant; and,

WHEREAS, the Owners have agreed to a month-to-month rental agreement with the County for \$1,400.00 per month that will terminate upon the acquisition of the property by the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Henrico County that the County Manager is authorized to execute a rental agreement on behalf of the County, in a form approved by the County Attorney, for the above-described real property for \$1,400.00 per month that will terminate upon the acquisition of the property by the County.

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

By Agency Head \_\_\_\_\_

By County Manager \_\_\_\_\_

Routing:

Yellow to: \_\_\_\_\_

Copy to: \_\_\_\_\_

Certified:

A Copy Teste: \_\_\_\_\_

Clerk, Board of Supervisors

Date: \_\_\_\_\_



**RESOLUTION — Award of Construction Contract — Foxhill Townhouses Water Service Replacement – G. L. Howard, Inc.**

This resolution would award a contract to G. L. Howard, Inc. for the Foxhill Townhouses Water Service Replacement Project located in the Varina District.

The project includes replacement of approximately 400 linear feet of 3-inch cast iron pipe with 6-inch ductile iron pipe and replacement of 110 ¾-inch polyethylene water service lines totaling approximately 3,100 linear feet with 1-inch copper pipe throughout the Foxhill Townhouses complex. The purpose of the project is to replace plastic water service lines which have a history of frequent water breaks. The work is anticipated to begin in November 2009 and to be completed by June 2010. Funding to support the contract is available within the Water and Sewer Revenue Fund.

Bids were opened on September 18, 2009. The bidders and bid amounts are as follows:

<u>BIDDERS</u>	<u>TOTAL BID AMOUNT</u>
G. L. Howard, Inc. Rockville, VA	\$139,800.00
K.P. Glass Construction, Inc. Rockville, VA	\$149,904.50
Castle Equipment Corporation Richmond, VA	\$155,511.10
Lyttle Utilities, Inc. Richmond, VA	\$157,500.00
Enviroscape, Inc. Mechanicsville, VA	\$164,950.00
C.T. Purcell Excavating, Inc. Montpelier, VA	\$174,657.25
Southern Construction Utilities, Inc. Petersburg, VA	\$181,495.00
Johnson & Glazier Construction Company, Inc. Prince George, VA	\$199,000.00
Delta Marine Construction Deltaville, VA	\$240,840.60
Walter C. Via Enterprises, Inc. West Point, VA	\$241,250.00
Ward & Stancil, Inc. Mechanicsville, VA	\$249,645.00

The Directors of Public Utilities and General Services recommend the Board award the contract to G. L. Howard, Inc., the lowest responsive and responsible bidder, in the amount of \$139,800.00 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, and the County Manager concurs.



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

Agenda Item No. **204-09**

Page No. 1 of 2

Agenda Title: **RESOLUTION — Award of Construction Contract — Foxhill Townhouses Water Service Replacement – G.L. Howard, Inc.**

For Clerk's Use Only:

**OCT 13 2009**

Date: \_\_\_\_\_

- ☐ Approved  
☐ Denied  
☐ Amended  
☐ Deferred to: \_\_\_\_\_

**BOARD OF SUPERVISORS ACTION**

Moved by (1) \_\_\_\_\_ Seconded by (1) \_\_\_\_\_  
(2) \_\_\_\_\_ (2) \_\_\_\_\_

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

YES NO OTHER

Donati, J. \_\_\_\_\_  
Glover, R. \_\_\_\_\_  
Kaechele, D. \_\_\_\_\_  
O'Bannon, P. \_\_\_\_\_  
Thornton, F. \_\_\_\_\_

**WHEREAS**, 11 bids were received on September 17, 2009 and were opened on September 18, 2009 in response to Bid Request No. 09-8696-8CE and Addenda Nos. 1 and 2 for the Foxhill Townhouses Water Service Replacement Project located in the Varina District; and,

**WHEREAS**, the project includes replacement of approximately 400 linear feet of 3-inch cast iron pipe with 6-inch ductile iron pipe, and replacement of 110 ¾-inch polyethylene water service lines totaling approximately 3,100 linear feet with 1-inch copper pipe throughout the Foxhill Townhouses complex; and,

**WHEREAS**, the bids were as follows:

**BIDDERS**

**TOTAL BID AMOUNT**

G.L. Howard, Inc.	\$139,800.00
K.P. Glass Construction, Inc.	\$149,904.50
Castle Equipment Corporation	\$155,511.10
Lyttle Utilities, Inc.	\$157,500.00
Enviroscape, Inc.	\$164,950.00
C.T. Purcell Excavating, Inc.	\$174,657.25
Southern Construction Utilities, Inc.	\$181,495.00
Johnson & Glazier Construction Company, Inc.	\$199,000.00
Delta Marine Construction	\$240,840.60
Walter C. Via Enterprises, Inc.	\$241,250.00
Ward & Stancil, Inc.	\$249,645.00

**WHEREAS**, after a review and evaluation of all bids, it was determined that G. L. Howard, Inc. is the lowest responsive and responsible bidder with a bid of \$139,800.00.

By Agency Head \_\_\_\_\_

By County Manager \_\_\_\_\_

Routing:

Yellow to: \_\_\_\_\_

Copy to: \_\_\_\_\_

Certified:

A Copy Teste: \_\_\_\_\_  
Clerk, Board of Supervisors

Date: \_\_\_\_\_

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

Agenda Item No. **264-09**

Page No. 2 of 2

Agenda Title: **RESOLUTION — Award of Construction Contract — Foxhill Townhouses Water Service Replacement – G. L. Howard, Inc.**

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

1. The contract is awarded to G. L. Howard, Inc., the lowest responsive and responsible bidder, in the amount of \$139,800.00.
2. The County Manager and Clerk are authorized to execute the contract in a form approved by the County Attorney.
3. The County Manager, or the Director of General Services 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: Funding to support the contract is available within the Water and Sewer Revenue Fund. The Directors of Public Utilities and General Services recommend approval of this Board paper, and the County Manager concurs.

**RESOLUTION — Award of Construction Contract — River Road Roadway Improvements from Roslyn Hills Drive to Ralston Road. Project #2111.50709.28004.00682 (formerly #502153-709-301-04). Tuckahoe District**

This resolution would award a contract to Shoosmith Construction Inc. for roadway improvements on 0.601 miles of River Road in the Tuckahoe District. The improvements include storm drainage, grading, paving, and utility adjustments.

The contractor shall begin work within 10 calendar days after the County gives a notice to proceed, and the contractor shall take all necessary actions to complete the work within 365 calendar days. For selection and evaluation purposes, the lowest bid was determined by multiplying the unit prices in the bid by the unit quantities specified in the bid documents.

Twelve bids were received on September 17, 2009 in response to Bid Request No. 09-8683-7JK, and the calculated bid amounts are as follows:

<u>Bidder</u>	<u>Bid</u>
Shoosmith Construction, Inc.	\$870,871.56
K. P. Glass Construction, Inc.	\$917,378.54
George Nice & Sons, Inc.	\$935,714.00
Howard Brothers Contractors, Inc.	\$999,598.20
Virginia Construction	\$1,088,970.00
Forty-Two Contracting, Inc.	\$1,142,068.95
Central Contracting Co., Inc.	\$1,214,570.05
J. E. Liesfield Contractor, Inc.	\$1,241,702.55
Richard L. Crowder Construction, Inc.	\$1,293,648.27
Jack L. Massie Contractor, Inc.	\$1,388,707.01
Simons Hauling Co, Inc.	\$1,403,366.34
Branscome Richmond	\$1,559,723.90

Funds for this project will be provided from the Capital Initiatives Fund, Project #2111.50709.28004.00682 (formerly #502153-709-301-04). The Directors of Public Works and General Services recommend that the Board award the contract to Shoosmith Construction Inc., the lowest responsive and responsible bidder, in the amount of \$870,871.56, and the County Manager concurs.





COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 265-09  
Page No. 1 of 2

Agenda Title: **RESOLUTION — Award of Construction Contract — River Road Roadway Improvements from Roslyn Hills Drive to Ralston Road. Project #2111.50709.28004.00682 (formerly #502153-709-301-04). Tuckahoe District**

For Clerk's Use Only:

BOARD OF SUPERVISORS ACTION

YES NO OTHER

Date: **OCT 13 2009**

- ( ) Approved  
( ) Denied  
( ) Amended  
( ) Deferred to:

Moved by (1) \_\_\_\_\_ Seconded by (1) \_\_\_\_\_  
(2) \_\_\_\_\_ (2) \_\_\_\_\_

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Donati, J. \_\_\_\_\_  
Glover, R. \_\_\_\_\_  
Kaechele, D. \_\_\_\_\_  
O'Bannon, P. \_\_\_\_\_  
Thornton, F. \_\_\_\_\_

**WHEREAS**, 12 bids were received on September 17, 2009 in response to Bid Request No. 09-8683-7JK and Addenda No.1 and 2 for the River Road Roadway Improvements project; and,

**WHEREAS**, the project consists of roadway improvements for 0.601 miles of River Road, including storm drainage, grading, paving, and utility adjustments; and,

**WHEREAS**, for selection and evaluation purposes, the lowest bid was determined by multiplying the unit prices in the bid by the unit quantities specified in the bid documents, with the following results:

<u>Bidder</u>	<u>Bid</u>
Shoosmith Construction, Inc.	\$870,871.56
K. P. Glass Construction, Inc.	\$917,378.54
George Nice & Sons, Inc.	\$935,714.00
Howard Brothers Contractors, Inc.	\$999,598.20
Virginia Construction	\$1,088,970.00
Forty-Two Contracting, Inc.	\$1,142,068.95
Central Contracting Co., Inc.	\$1,214,570.05
J. E. Liesfield Contractor, Inc.	\$1,241,702.55
Richard L. Crowder Construction, Inc.	\$1,293,648.27
Jack L. Massie Contractor, Inc.	\$1,388,707.01
Simons Hauling Co, Inc.	\$1,403,366.34
Branscome Richmond	\$1,559,723.90

By Agency Head

By County Manager

Routing:

Yellow to: \_\_\_\_\_

Copy to: \_\_\_\_\_

Certified:

A Copy Teste: \_\_\_\_\_  
Clerk, Board of Supervisors

Date: \_\_\_\_\_



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

Agenda Item No. **265-09**  
Page No. 2 of 2

**Agenda Title: RESOLUTION — Award of Construction Contract — River Road Roadway Improvements from Roslyn Hills Drive to Ralston Road. Project #2111.50709.28004.00682 (formerly #502153-709-301-04). Tuckahoe District**

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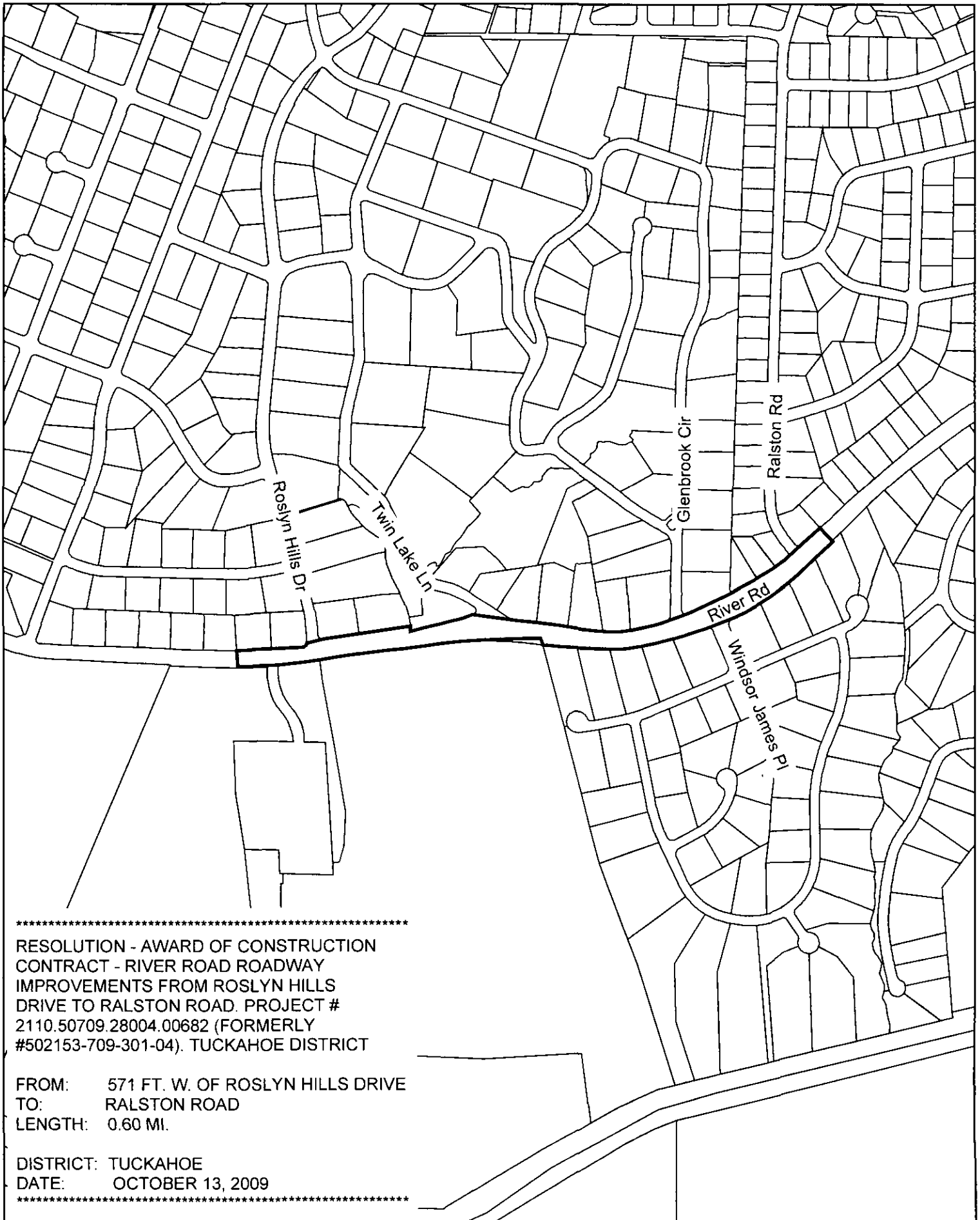
**WHEREAS**, after review and evaluation of all bids received, it was determined that Shoosmith Construction Inc. is the lowest responsive and responsible bidder with a bid in the amount of \$870,871.56.

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

1. A contract to furnish all labor, materials, supplies, equipment, and services necessary for the River Road Roadway Improvements is awarded to Shoosmith Construction Inc., the lowest responsive and responsible bidder, in the amount of \$870,871.56, pursuant to Bid Request No. 09-8683-7JK, Addenda No.1 and 2, and the bid submitted by Shoosmith Construction Inc.
2. The County Manager and Clerk are authorized to execute the contract in a form approved by the County Attorney.
3. The County Manager, or the Director of General Services as his designee, is authorized to execute all necessary change orders within the scope of the project budget.

**COMMENTS:** The funds for this project will be provided from the Capital Initiatives Fund, Project #2111.50709.28007.00682 (formerly #502153-709-301-04). The Directors of Public Works and General Services recommend approval of this Board paper, and the County Manager concurs.

# RIVER ROAD



\*\*\*\*\*

RESOLUTION - AWARD OF CONSTRUCTION  
CONTRACT - RIVER ROAD ROADWAY  
IMPROVEMENTS FROM ROSLYN HILLS  
DRIVE TO RALSTON ROAD. PROJECT #  
2110.50709.28004.00682 (FORMERLY  
#502153-709-301-04). TUCKAHOE DISTRICT

FROM: 571 FT. W. OF ROSLYN HILLS DRIVE  
TO: RALSTON ROAD  
LENGTH: 0.60 MI.

DISTRICT: TUCKAHOE  
DATE: OCTOBER 13, 2009

\*\*\*\*\*

**RESOLUTION — Award of Annual Contract — Engineering Services — Bridge  
and Major Drainage Structures Design and Repair Projects**

This resolution would award an annual contract to AECOM for engineering services for bridge and major drainage structures design and repair projects.

On May 8, 2009, three proposals were received in response to RFP #09-8627-4CS. Based upon evaluation of the proposals, the Selection Committee (consisting of Mr. Robert Tieman, Ms. Margaret-Anne Hilliard, Mr. Brian Moore, Mr. Travis Linville, Mr. Dennis Farmer, and Mrs. Cecelia Stowe) interviewed the following firms:

AECOM  
Wilbur Smith Associates  
The Louis Berger Group, Inc.

Based on the written proposals and interviews, the committee selected AECOM as the first-ranked firm for the purposes of negotiating the contract.

The contract term will be for the period October 15, 2009 through October 31, 2010 and may be renewed for two additional one-year terms. Compensation for services shall be based upon the contract's hourly rate schedules. The project fees shall not exceed \$300,000 for any single project or a total of \$1,500,000 for the term of the contract.

The Directors of Public Works and General Services recommend that the contract be awarded to AECOM, and the County Manager concurs.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 266-09  
Page No. 1 of 2

Agenda Title:

**RESOLUTION — Award of Annual Contract — Engineering Services — Bridge  
and Major Drainage Structures Design and Repair Projects**

For Clerk's Use Only: <b>OCT 13 2009</b> Date: _____ ( ) Approved ( ) Denied ( ) Amended ( ) Deferred to: _____	<b>BOARD OF SUPERVISORS ACTION</b> Moved by (1) _____ Seconded by (1) _____ (2) _____ (2) _____ REMARKS: _____ _____ _____	<b>YES NO OTHER</b> Donati, J. _____ Glover, R. _____ Kaechele, D. _____ O'Bannon, P. _____ Thornton, F. _____
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**WHEREAS**, on May 8, 2009, three proposals were received in response to RFP #09-8627-4CS to provide engineering services for bridge and major drainage structures design and repair projects; and

**WHEREAS**, based upon review of the written proposals, the Selection Committee (consisting of Mr. Robert Tieman, Ms. Margaret-Anne Hilliard, Mr. Brian Moore, Mr. Travis Linville, Mr. Dennis Farmer, and Mrs. Cecelia Stowe) interviewed the following firms:

AECOM  
Wilbur Smith Associates  
The Louis Berger Group, Inc.

**WHEREAS**, the Selection Committee selected AECOM as the first-ranked firm and negotiated the hourly rate schedule and contract terms.

**WHEREAS**, compensation for services will be based upon the contract's hourly and equipment rate schedule and fees shall not exceed \$300,000 for any single project or a total of \$1,500,000 in any one-year term of the contract.

By Agency Head

By County Manager

Routing:

Yellow to: \_\_\_\_\_

Copy to: \_\_\_\_\_

Certified:

A Copy Teste: \_\_\_\_\_  
Clerk, Board of Supervisors

Date: \_\_\_\_\_



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

Agenda Item No. **2006-09**  
Page No. **2 of 2**

**Agenda Title: RESOLUTION — Award of Annual Contract — Engineering Services — Bridge and Major Drainage Structures Design and Repair Projects**

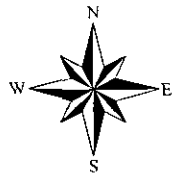
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**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Henrico County:

1. An annual contract to provide engineering services for bridge and major drainage structures design and repair projects is hereby awarded to AECOM for the period of October 15, 2009 through October 31, 2010 with the option to renew for two additional one-year terms, in accordance with RFP #09-8627-4CS, the May 8, 2009 proposal and the August 7, 2009 fee schedules submitted by AECOM.
2. The County Manager and Clerk are authorized to execute the contract in a form approved by the County Attorney.
3. The County Manager, or the Director of General Services as his designee, is authorized to execute all change orders within the scope of the project budget.

**COMMENTS:** Funding to support the contract is available. The Directors of Public Works and General Services recommend approval of this Board paper, and the County Manager concurs.

# ENGINEERING SERVICES, BRIDGE AND MAJOR DRAINAGE STRUCTURES DESIGN AND REPAIR PROJECTS



\*\*\*\*\*  
AWARD OF ANNUAL CONTRACT -  
ENGINEERING SERVICES, BRIDGE  
AND MAJOR DRAINAGE STRUCTURES  
DESIGN AND REPAIR PROJECTS  
  
DATE:        OCTOBER 13, 2009  
\*\*\*\*\*

**RESOLUTION — To Permit Additional Fine of \$200 for Speeding on Blue Jay Lane, Notre Dame Drive, Camden Drive, and a Portion of Rolando Drive**

Section 46.2-878.2 of the Code of Virginia provides for the imposition of a \$200 fine for speeding, in addition to other penalties provided by law, when a locality has established a maximum speed limit for a highway in a residence district and the speed limit is indicated by appropriately placed signs. The law requires the Board of Supervisors to develop criteria for the overall applicability for the installation of the signs and to specify application of the law to particular streets before the additional fine may be imposed.

On February 10, 2004, the Board approved criteria for the County's Traffic Calming Program.

The County's Traffic Engineer has collected traffic data and has determined that Blue Jay Lane, Notre Dame Drive, Camden Drive, and a portion of Rolando Drive between N. Parham Road and Santa Anna Road in the County are experiencing speeding problems and meet the criteria for traffic calming measures set forth in the Traffic Calming Program.

The citizens in the area of these roads requesting the increased fine have collected signatures from 82% of the residents on Blue Jay Lane; 76% of the residents on Notre Dame Drive; 77% of the residents on Camden Drive; and 91% of the residents on Rolando Drive.

The Board paper authorizes the County Manager to place appropriate signs on Blue Jay Lane, Notre Dame Drive, Camden Drive, and a portion of Rolando Drive between N. Parham Road and Santa Anna Road warning of an additional fine of \$200 for speeding.

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





COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda 267-09  
Page No. 1 of 2

Agenda Title: **RESOLUTION — To Permit Additional Fine of \$200 for Speeding on Blue Jay Lane, Notre Dame Drive, Camden Drive, and a Portion of Rolando Drive**

For Clerk's Use Only:

Date: **OCT 13 2009**

- ( ) Approved  
( ) Denied  
( ) Amended  
( ) Deferred to:

BOARD OF SUPERVISORS ACTION

Moved by (1) \_\_\_\_\_ Seconded by (1) \_\_\_\_\_  
(2) \_\_\_\_\_ (2) \_\_\_\_\_

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

YES NO OTHER

Donati, J. \_\_\_\_\_  
Glover, R. \_\_\_\_\_  
Kaechele, D. \_\_\_\_\_  
O'Bannon, P. \_\_\_\_\_  
Thornton, F. \_\_\_\_\_

WHEREAS, Section 46.2-878.2 of the Code of Virginia provides for the imposition of a \$200 fine for speeding, in addition to other penalties provided by law, when a locality has established a maximum speed limit for a highway in a residence district and the speed limit is indicated by appropriately placed signs; and,

WHEREAS, the statute also requires the Board of Supervisors (the "Board"), because Henrico County maintains its own roads, to develop criteria for the overall applicability for the installation of the signs and to request the application of the statute to certain residential streets in the County before the additional fine may be imposed; and,

WHEREAS, the Board approved detailed criteria (the "Criteria") for the County's Traffic Calming Program on February 10, 2004; and,

WHEREAS, increased fines for speeding on residential streets in Henrico County which meet the Criteria and are designated by the Board are part of the Traffic Calming Program; and,

WHEREAS, the County's Traffic Engineer has collected traffic data and has determined that Blue Jay Lane, Notre Dame Drive, Camden Drive, and a portion of Rolando Drive between N. Parham Road and Santa Anna Road in the County are experiencing speeding problems and meet the Criteria for traffic calming measures set forth in the Traffic Calming Program; and,

By Agency Head

By County Manager

Routing:

Yellow to: \_\_\_\_\_

Copy to: \_\_\_\_\_

Certified:

A Copy Teste: \_\_\_\_\_

Clerk, Board of Supervisors

Date: \_\_\_\_\_

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

Agenda Item No. **267-09**

Page No. 2 of 2

**Agenda Title: RESOLUTION — To Permit Additional Fine of \$200 for Speeding on Blue Jay Lane, Notre Dame Drive, Camden Drive, and a Portion of Rolando Drive**

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WHEREAS, the citizens in the area of these roads requesting the increased fine have collected signatures from 82% of the residents on Blue Jay Lane; 76% of the residents on Notre Dame Drive; 77% of the residents on Camden Drive; and 91% of the residents on Rolando Drive; and,

WHEREAS, these roads are local residential streets with a posted speed limit of 25 mph.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Henrico County that the County Manager is authorized and directed to install signs on Blue Jay Lane, Notre Dame Drive, Camden Drive, and a portion of Rolando Drive between N. Parham Road and Santa Anna Road advising citizens of an additional fine of \$200 for exceeding the posted speed limit on these roads.

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

## **RESOLUTION - Acceptance of Roads**

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

- 1) 0.22 miles of Dillyn Place, Section 1. Fairfield District.
- 2) 0.33 miles of Turnberry. Three Chopt District.
- 3) 1.19 miles of Castleton, Section 2 – A Resubdivision of Castleton, Section 1 Future Development. Varina District.

The Director of Public Works and the County Manager recommend approval of this Board paper.



COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
MINUTE

Agenda Item No. 268-09  
Page No. 1 of 2

Agenda Title: **RESOLUTION - ACCEPTANCE OF ROADS**

For Clerk's Use Only:  <b>OCT 13 2009</b> Date: _____  ( ) Approved ( ) Denied ( ) Amended ( ) Deferred to: _____	<b>BOARD OF SUPERVISORS ACTION</b>  Moved by (1) _____ Seconded by (1) _____ (2) _____ (2) _____  REMARKS: _____ _____ _____	<b>YES NO OTHER</b>  Donati, J. _____ Glover, R. _____ Kaechele, D. _____ O'Bannon, P. _____ Thornton, F. _____
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BE IT RESOLVED by the Board of Supervisors of the County of Henrico that the following named and described sections of roads are accepted into the County road system for maintenance.


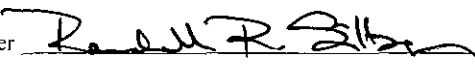
**Dillyn Place, Section 1 - Fairfield District**

Dillyn Place from Barrington Road to 0.09 Mi. W. of Barrington Road	0.09 Mi.
Dillyn Court from Dillyn Place to 0.10 Mi. S. of Dillyn Place	0.10 Mi.
Dillyn Terrace from Dillyn Court to 0.03 Mi. W. of Dillyn Court	<u>0.03 Mi.</u>
<b>Total Miles</b>	<b>0.22 Mi.</b>

**Turnberry - Three Chopt District**

Turnberry Park Drive from Shady Grove Road to 0.16 Mi. S. of Shady Grove Road	0.16 Mi.
Turnberry Park Lane from Turnberry Park Drive to 0.12 Mi. W. of Turnberry Park Drive	0.12 Mi.
Turnberry Park Court from Turnberry Park Drive to 0.05 Mi. E. of Turnberry Park Drive	<u>0.05 Mi.</u>
<b>Total Miles</b>	<b>0.33 Mi.</b>

By Agency Head 

By County Manager  

Routing:

Yellow to: \_\_\_\_\_

Copy to: \_\_\_\_\_

Certified:

A Copy Teste: \_\_\_\_\_  
Clerk, Board of Supervisors

Date: \_\_\_\_\_

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

Agenda Item No. **208-09**

Page No. 2 of 2

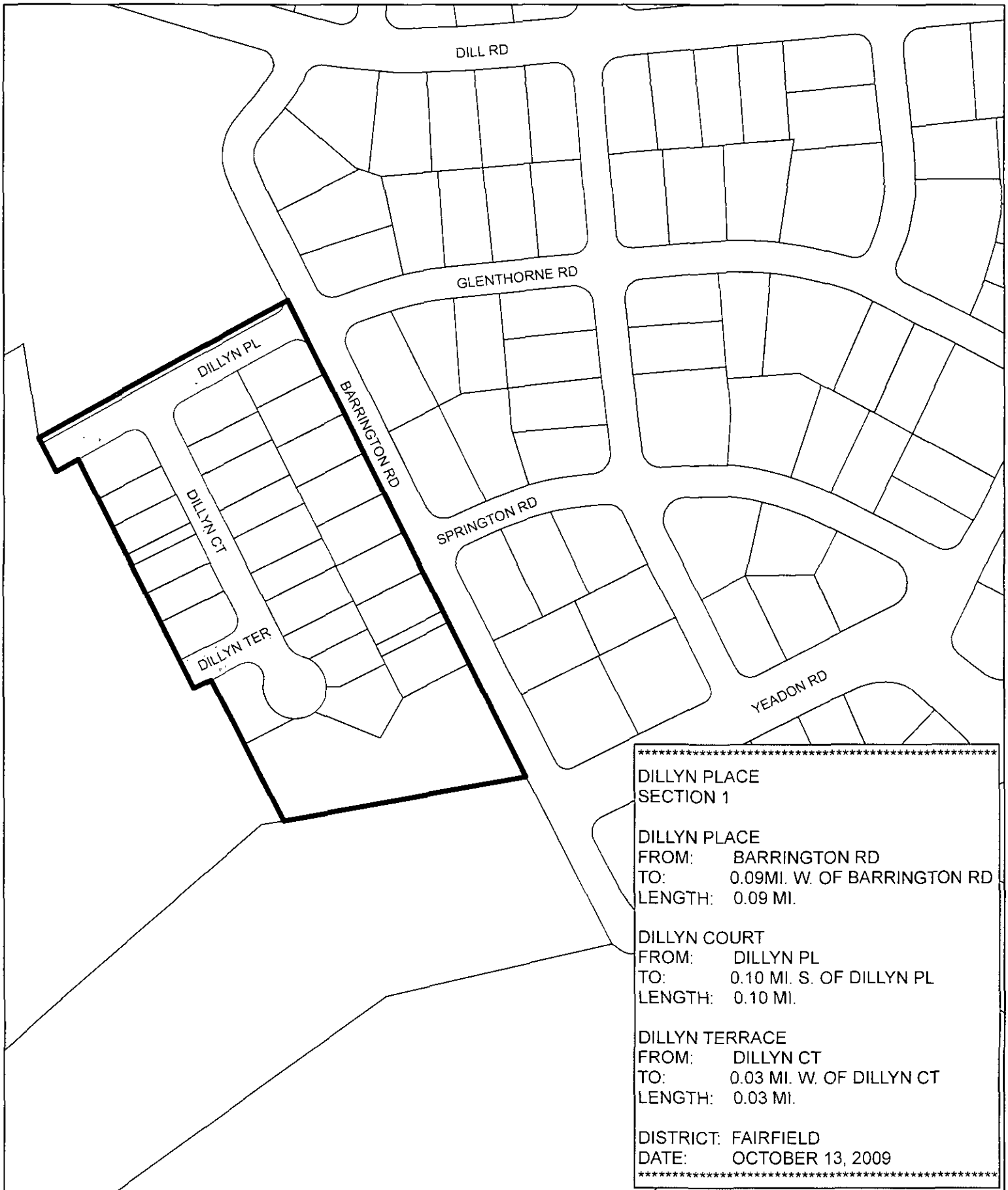
**Agenda Title: RESOLUTION – ACCEPTANCE OF ROADS**

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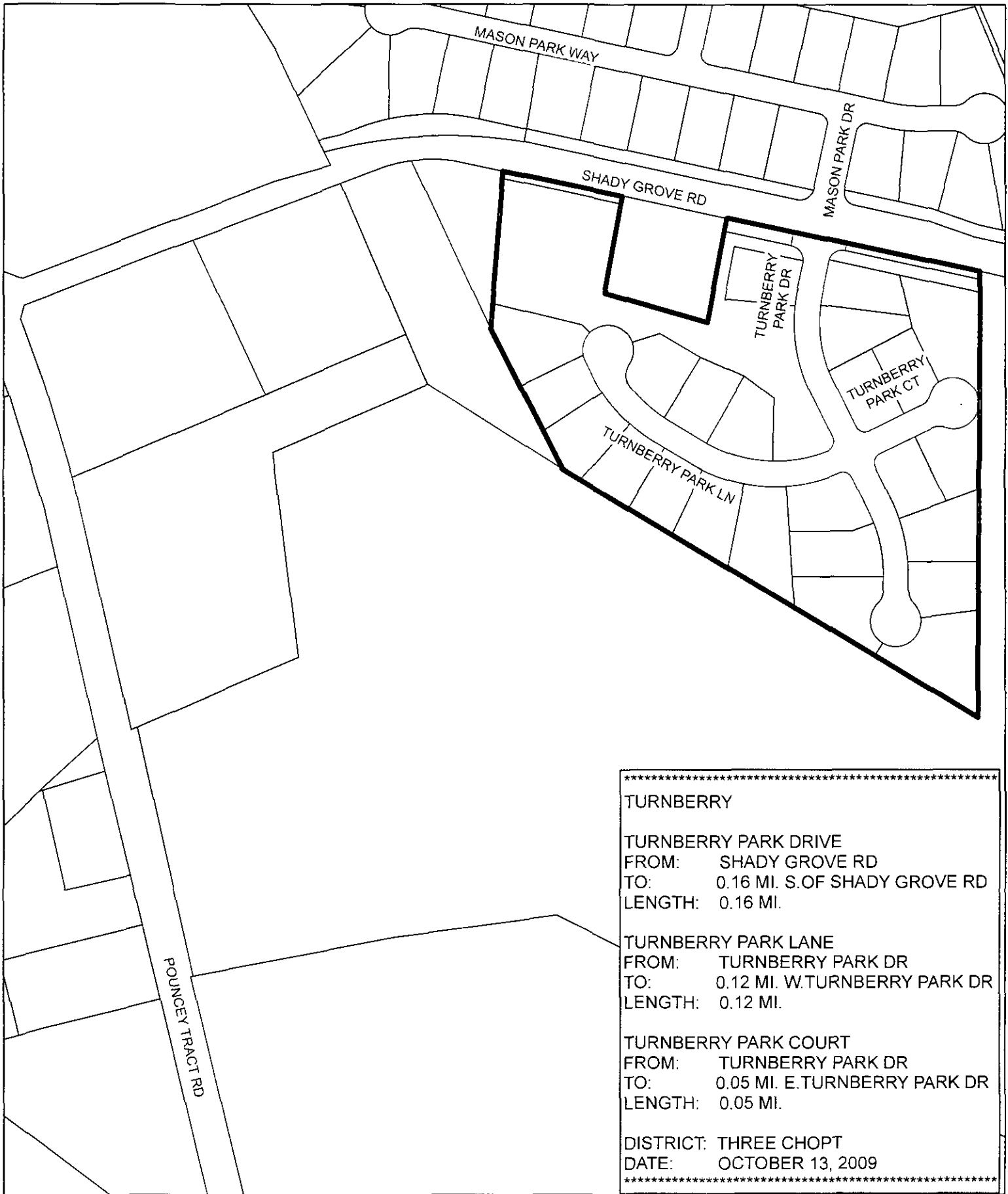
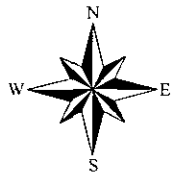
**Castleton, Section 2 – A Resubdivision of  
Castleton, Section 1 Future Development – Varina District**

Macallan Parkway from 0.66 Mi. E. of Doran Road to Darbytown Road	0.79 Mi.
Boleyn Drive from 0.03 Mi. E. of Macallan Parkway to 0.03 Mi. E. of Macallan Parkway	0.27 Mi.
Old Wick Lane from 0.01 Mi. W. of Macallan Parkway to 0.02 Mi. W. of Macallan Parkway	0.01 Mi.
Windsor Castle Way from Boleyn Drive to 0.03 Mi. S. of Boleyn Drive	0.03 Mi.
Middleham Court from Boleyn Drive to 0.03 Mi. S. of Boleyn Drive	0.03 Mi.
Ravenscraig Crescent from Macallan Parkway to 0.02 Mi. E. of Macallan Parkway	0.02 Mi.
Sir Galahad Road from Macallan Parkway to 0.01 Mi. W. of Macallan Parkway	0.01 Mi.
Launceton Way from Macallan Parkway to 0.01 Mi. E. of Macallan Parkway	0.01 Mi.
Grail Lane from Macallan Parkway to 0.01 Mi. W. of Macallan Parkway	0.01 Mi.
Shining Armor Lane from Macallan Parkway to 0.01 Mi. W. of Macallan Parkway	<u>0.01 Mi.</u>
<b>Total Miles</b>	<b>1.19 Mi.</b>

# DILLYN PLACE SECTION 1



# TURNBERRY



\*\*\*\*\*  
TURNBERRY  
TURNBERRY PARK DRIVE  
FROM: SHADY GROVE RD  
TO: 0.16 MI. S.OF SHADY GROVE RD  
LENGTH: 0.16 MI.  
TURNBERRY PARK LANE  
FROM: TURNBERRY PARK DR  
TO: 0.12 MI. W.TURNBERRY PARK DR  
LENGTH: 0.12 MI.  
TURNBERRY PARK COURT  
FROM: TURNBERRY PARK DR  
TO: 0.05 MI. E.TURNBERRY PARK DR  
LENGTH: 0.05 MI.  
DISTRICT: THREE CHOPT  
DATE: OCTOBER 13, 2009  
\*\*\*\*\*

# CASTLETON SECTION 2

## A RESUBDIVISION OF CASTLETON SECTION 1

### FUTURE DEVELOPMENT

