

**HENRICO COUNTY
NOTICE OF SPECIAL MEETING
BOARD OF SUPERVISORS**

Please take notice that a special meeting of the Board of Supervisors will be held on **Tuesday, June 26, 2012 at 5:30 p.m.** in the County Manager's Conference Room located on the third floor of the Administration Building at the Henrico County Government Center, Parham and Hungary Spring Roads, Henrico, Virginia.

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

5:30 – 6:15 p.m. **Closed Meeting** for Consultation with the County Attorney Regarding Specific Legal Matters Requiring the Provision of Legal Advice Pertaining to the Implications of *Joyner v. Forsyth County* and Related Cases, Pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, 1950, as Amended.

6:15 – 6:45 p.m. *Dinner*



Barry R. Lawrence, CMC
Clerk, Henrico County Board of Supervisors
June 21, 2012

COUNTY OF HENRICO, VIRGINIA
Henrico County Board Room
Board of Supervisors' Agenda
June 26, 2012
7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Dr. Donald F. Runion, Jr., Mount Vernon Baptist Church

APPROVAL OF MINUTES – June 12, 2012 Regular and Special Meetings

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

PRESENTATIONS

Keep Henrico Beautiful Committee Landlover and Clean Business Awards.

APPOINTMENTS

- 139-12 Resolution - Appointment of Member – Board of Social Services.
- 140-12 Resolution – Appointment of Members – Community Criminal Justice Board.
- 141-12 Resolution – Appointment of Member – Greater Richmond Partnership Board of Directors.
- 142-12 Resolution - Appointment of Members – James River Juvenile Detention Commission.
- 143-12 Resolution – Appointment of Member – Richmond Metropolitan Authority Board of Directors.
- 144-12 Resolution - Appointment of Members - The Cultural Arts Center at Glen Allen Foundation Board of Directors.
- 145-12 Resolution – Appointment of Members and Alternates – Virginia Transit Association Board of Directors.

PUBLIC HEARINGS ITEMS

- 146-12 Resolution - Authorizing the County Manager to Submit the Henrico County 2012-2013 Annual Consolidated Plan, Including the CDBG Program Year Twenty-Three Plan and the HOME Program Year Sixteen Plan; to Execute the CDBG Agreement for Program Year Twenty-Three and the HOME Agreement for Program Year Sixteen, and to Execute Contracts to Implement the CDBG and HOME Activities.

- 147-12 Resolution – Signatory Authority – Deed of Conveyance – 3429 Merkner Drive – Brookland District.
- 148-12 Ordinance – Vacation of Portions of Unimproved Alleys – Virginia Manor – Fairfield District.
- 149-12 Ordinance – Vacation of Portion of Unimproved Alley – Cedar Lawn Annex – Varina District.

PUBLIC COMMENTS

GENERAL AGENDA

- 150-12 Resolution – Appropriation of Funds for Fiscal Year 2012-13.
- 151-12 Resolution - Signatory Authority - Development Agreement - Staples Mill Centre - Brookland District.
- 152-12 Resolution – To Initiate a Zoning Ordinance Amendment to Repeal the Appeal Process for Plans of Development.
- 153-12 Resolution – To Initiate Consideration of Amendments to the Zoning and Subdivision Ordinances to Implement Actions of the 2012 General Assembly.
- 154-12 Resolution - To Accept Target Corporation Law Enforcement Community Giving Grant.
- 155-12 Resolution - Signatory Authority - Lease Amendment - Department of Community Revitalization - 4062-4066 Crockett Street - Brookland District.
- 156-12 Resolution - Signatory Authority - Lease Amendment - Department of Community Revitalization - 4070-4074 Crockett Street - Brookland District.
- 157-12 Resolution - Signatory Authority - Amendment of Lease - Department of Mental Health & Developmental Services - 4823 & 4825 South Laburnum Avenue - Varina District.
- 158-12 Resolution - Award of Construction Contract - Dorey Park – Equestrian Area Restrooms - Varina District.
- 159-12 Introduction of Ordinance – To Amend and Reordain Section 9-2 of the Code of the County of Henrico Titled “Precincts and polling places” by Changing the Polling Places for Hunton Precinct and Staples Mill Precinct in the Brookland District.

- 160-12 Introduction of Ordinance – To Amend and Reordain Section 9-2 of the Code of the County of Henrico Titled “Precincts and polling places” by Updating the Address of the Polling Place for Pinchbeck Precinct in the Tuckahoe District.
- 161-12 Resolution – Award of Contract – Annual Engineering Services – Springfield Road Landfill.
- 162-12 Resolution - Award of Contract - Annual Engineering Services, Drainage Projects.
- 163-12 Resolution - Signatory Authority - Amendment to Contract for Engineering Design Services - Dabbs House Road Improvements from Nine Mile Road to Creighton Road - Project #2110.50701.28004.00610 (formerly #551994-701-248-00) - Varina District.
- 164-12 Resolution - Acceptance of Roads.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS' RESUME
June 26, 2012**

INVOCATION – Dr. Donald F. Runion, Jr., Mount Vernon Baptist Church

PRESENTATIONS

Keep Henrico Beautiful Committee Land Lover and Clean Business Awards.

Members of the Keep Henrico Beautiful Committee will join members of the Board of Supervisors at the June 26, 2012 Board meeting to recognize the winners of this year's Land Lover and Clean Business Awards Program. One residential property owner and one business from each of the County's five magisterial districts will receive an award for their beautification efforts. Lynne Yurchak, the Committee's Chairperson, will introduce the award recipients and coordinate the presentations.

APPOINTMENTS

RESOLUTION - Appointment of Member – Board of Social Services.

This Board paper appoints the following person to the Board of Social Services for a four-year term expiring June 30, 2016 or thereafter, when his successor shall have been appointed and qualified:

Tuckahoe District Andrew M. Mosley, Jr.

RESOLUTION – Appointment of Members – Community Criminal Justice Board.

This Board paper appoints the following persons to the Community Criminal Justice Board for two-year terms beginning July 1, 2012 and expiring June 30, 2014 or thereafter, when their successors shall have been appointed and qualified:

- 1) George T. Drumwright, Jr., Henrico County Deputy County Manager for Community Services
- 2) Richard S. Wallerstein, Jr., Henrico Circuit Court
- 3) L. Neil Steverson, Judge, Henrico General District Court
- 4) Rondelle D. Herman, Judge, Henrico Juvenile and Domestic Relations District Court
- 5) Yvette A. Ayala, Chief Magistrate, Henrico County

- 6) Douglas A. Middleton, Chief, Henrico Division of Police
- 7) Shannon L. Taylor, Commonwealth's Attorney for Henrico County
- 8) William J. Viverette, an attorney experienced in the defense of criminal matters
- 9) Michael L. Wade, Sheriff of Henrico County
- 10) Mac R. Beaton, a representative of Henrico County Public Schools
- 11) Laura S. Totty, a representative of Henrico Area Mental Health and Developmental Services
- 12) Charles E. Jordan, citizen representative (Brookland)
- 13) William M. Gibson, citizen representative (Fairfield)
- 14) Albert C. Lynch, citizen representative (Three Chopt)
- 15) Rajendra P. Raval, citizen representative (Tuckahoe)
- 16) _____, citizen representative (Varina)

RESOLUTION - Appointment of Member - Greater Richmond Partnership Board of Directors.

This Board paper appoints **Patricia S. O'Bannon**, a member of the Board of Supervisors, to the Greater Richmond Partnership Board of Directors for a one-year term expiring June 30, 2013 or thereafter, when her successor shall have been appointed and qualified.

RESOLUTION - Appointment of Members - James River Juvenile Detention Commission.

This Board paper appoints the following persons to the James River Juvenile Detention Commission for terms expiring June 30, 2016 or thereafter, when their successors shall have been appointed and qualified:

Shannon L. Taylor	Commonwealth's Attorney
George T. Drumwright, Jr.	Deputy County Manager for Community Services

This resolution authorizes the County Manager to submit the Henrico County 2012-2013 Annual Consolidated Plan consisting of the CDBG Program Year Twenty-Three Plan and the HOME Program Year Sixteen Plan to the United States Department of Housing and Urban Development (“HUD”) by August 15, 2012 in accordance with federal submission requirements. It also authorizes the County Manager to execute contracts with HUD for Program Year Twenty-Three of the Henrico CDBG Program and for HOME Program Year Sixteen in a form approved by the County Attorney and in accordance with the rules and regulations of the CDBG and HOME programs. Finally, it authorizes the County Manager to execute contracts in a form approved by the County Attorney to implement the 2012-2013 CDBG and HOME Program Year activities as funds are appropriated.

The County’s CDBG entitlement for Program Year Twenty-Three is \$1,395,283.

The County’s HOME entitlement for Program Year Sixteen is \$612,660.

The Department of Community Revitalization has prepared the attached proposed sources and uses of CDBG and HOME funds. The proposed use of funds includes \$20,654 in CDBG funds from previous years.

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

RESOLUTION – Signatory Authority – Deed of Conveyance – 3429 Merkner Drive – Brookland District.

This resolution authorizes the Chairman to execute a deed conveying a well lot consisting of 0.233 acre of land at 3429 Merkner Drive to Jeffrey R. Morris, Jr. and Ashley L. Morris, the adjoining lot owners, for the assessed value of \$1,000. The County acquired the lot as part of a water system acquisition from Sydnor Hydrodynamics, Inc. in 2007, and the lot is no longer needed by the County. The owners have agreed that no dwelling will be constructed or maintained on the well lot. The Real Property Department has processed this request through the Departments of Planning, Public Utilities, and Public Works without objection.

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

ORDINANCE – Vacation of Portions of Unimproved Alleys – Virginia Manor - Fairfield District.

This Ordinance will vacate portions of unimproved alleys adjacent to Lots 34 and 58 in Block C and Lots 1, 2, 25 and 26 in Block F of Virginia Manor Subdivision.

In order for Ted R. Metzger T/A Potato Land Co. (the “Developer”) to construct three homes in Block F of Virginia Manor, a private sewer line must be constructed in portions of the alleys in Blocks C and F. The Developer owns all of the lots in Block F and has entered into a written agreement with the owners of Lot 34, Block C, Donald Jacobs and Selena Jacobs, and

the owners of Lot 58, Block C, Robert S. Argent and Pom Argent, for the conveyance of private sewer easements once this alley is vacated. There are no public facilities in the areas to be vacated and none are planned. The Real Property Department has processed this requested vacation through the Departments of Planning, Public Works, and Public Utilities without objection.

ORDINANCE – Vacation of Portion of Unimproved Alley – Cedar Lawn Annex - Varina District.

This Ordinance will vacate a portion of an unimproved alley adjacent to Lots 1, 2, 3, 4 and 9 in Block 2 of Cedar Lawn Annex Subdivision.

Anthony Young, owner of Lots 1 and 2, Lynn Properties II, LLC, owner of Lots 3 and 4, and Lynn Properties, LLC, owner of Lot 9, have requested this action. There are no County facilities in this area and none are planned. The Real Property Department has processed this requested vacation through the Departments of Planning, Public Works, and Public Utilities without objection.

PUBLIC COMMENTS

GENERAL AGENDA

RESOLUTION – Appropriation of Funds for Fiscal Year 2012-13.

This Board paper appropriates funds for the operating and capital Annual Fiscal Plans for fiscal year 2012-13 approved by the Board of Supervisors on April 24, 2012.

This Board paper also reappropriates to fiscal year 2012-13 (i) funds for ongoing capital projects, (ii) funds budgeted in fiscal year 2011-12 for the long-term disability benefit, and (iii) funds for all valid outstanding encumbrances as of June 30, 2012. These funds are reappropriated to the same department and account for which they are originally appropriated or encumbered.

RESOLUTION – Signatory Authority – Development Agreement – Staples Mill Centre – Brookland District.

This Board paper authorizes the County Manager to execute a development agreement with Midtown Land Partners, LLC, GGC Associates, LLC, and Arch Creek Venture, LLLP (collectively “Gumenick”) for construction of the Dumbarton Library replacement on 3.29 acres in the proposed Staples Mill Centre on the western line of Staples Mill Road in the Brookland District. The agreement provides for Gumenick’s transfer of the property to the County and completion of various improvements by Gumenick in exchange for the County’s agreement to make various payments and improvements related to construction of a three-story facility with on-site parking.

The Board discussed the terms of the development agreement at its June 12, 2012 closed meeting.

The Directors of Libraries, General Services, and Real Property recommend approval of this paper, and the County Manager concurs.

RESOLUTION – To Initiate a Zoning Ordinance Amendment to Repeal the Appeal Process for Plans of Development.

This Board paper initiates the legal process to amend the zoning ordinance to eliminate the process for an appeal to the Board of Supervisors from a final decision on a plan of development. This matter was discussed with the Board in a closed meeting on May 22.

RESOLUTION – To Initiate Consideration of Amendments to the Zoning and Subdivision Ordinances to Implement Actions of the 2012 General Assembly.

This Board paper initiates the legal process for consideration of amendments to the zoning and subdivision ordinances to implement bills passed by the 2012 General Assembly.

The first amendment would amend sections 19-28 and 24-106(j) of the Henrico County Code to extend the periods of validity for approved subdivision plats and plans of development from July 1, 2014 to July 1, 2017. These validity periods were first extended in 2009 in response to the economic crisis.

The second amendment would amend the zoning ordinance to permit occasional helicopter landings for personal use as required by House Bill 526. Although the current ordinance allows helistops in various districts by special exception, the zoning ordinance does not address occasional helicopter landings for personal use.

The third amendment would amend section 19-93(a) of the County Code to allow the collection of administrative costs if the County has to collect and use a developer's financial guarantees to complete subdivision improvements.

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

RESOLUTION - To Accept Target Corporation Law Enforcement Community Giving Grant.

This Board paper authorizes the County Manager to accept a \$1,250 grant from Target Corporation under its Law Enforcement Community Giving Grant Program. The grant, which requires no local match, will be used to purchase GPS navigational units to enhance surveillance and arrest capabilities in the Division of Police Special Action Force.

RESOLUTION - Signatory Authority - Lease Amendment - Department of Community Revitalization - 4062-4066 Crockett Street - Brookland District.

This resolution authorizes the County Manager to execute a lease amendment for the lease of 2,940 square feet of office space located at 4062-4066 Crockett Street. The space is used for the Department of Community Revitalization.

This amendment will extend the lease for an additional two-year term beginning July 1, 2012, and thereafter on a month-to-month basis until the County gives 60 days written notice of its intent to terminate the lease. Annual rent under the existing lease is \$31,796.04. Rent under the amendment would be reduced to \$30,870.00 per year during the two-year term and would increase 2% annually thereafter.

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

RESOLUTION — Signatory Authority — Lease Amendment — Department of Community Revitalization — 4070-4074 Crockett Street — Brookland District.

This resolution authorizes the County Manager to execute a lease amendment for the lease of 2,994 square feet of office space located at 4070-4074 Crockett Street. The space is used for the Department of Community Revitalization.

This amendment will extend the lease for an additional two-year term beginning July 1, 2012, and thereafter on a month-to-month basis until the County gives 60 days written notice of its intent to terminate the lease. Annual rent under the existing lease is \$32,380.08. Rent under the amendment would be reduced to \$31,468.50 per year during the two-year term and would increase 2% annually thereafter.

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

RESOLUTION - Signatory Authority - Amendment of Lease - Department of Mental Health & Developmental Services - 4823 & 4825 South Laburnum Avenue - Varina District.

The County currently leases 19,982 square feet of office space at 4823 & 4825 South Laburnum Avenue for the Department of Mental Health & Developmental Services. The lease expires on June 30, 2012.

This Board paper authorizes the County Manager to execute a lease amendment in a form approved by the County Attorney to extend the term for seven years beginning July 1, 2012 and to add additional space containing 1,629 square feet upon its availability in October, 2012.

The monthly rental cost will be \$23,728.63 until the new space is available. It will increase to \$25,663.06 (\$14.25 per sq. ft., excluding utilities and janitorial service) when the new space is available and will continue through June 30, 2014. It will increase 2.5% each year thereafter.

The Directors of Mental Health & Developmental Services and Real Property recommend approval of this Board paper; the County Manager concurs.

RESOLUTION - Award of Construction Contract - Dorey Park – Equestrian Area Restrooms - Varina District.

This resolution awards a construction contract to Trad Construction in the amount of \$149,000. The project consists of installation of a new restroom building at the existing equestrian center located at Dorey Park. The 1,040-square foot men’s and women’s restroom building will be a wood-framed structure with a loft, consisting of concrete floors, cement-fiber board and batten siding, and architectural shingles. The finished restroom areas will be approximately 520 square feet. Carpentry, mechanical, electrical, and plumbing work will be required as well as associated site utility work (water, sewer, and electrical service). The construction is anticipated to begin in July 2012 and be completed in October 2012.

The County received nine bids on May 30, 2012 in response to IFB # 12-9243-4CE and Addendum No. 1 for the Dorey Park – Equestrian Area Restrooms.

<u>Bidders</u>	<u>Base Bid Amount</u>
Trad Construction	\$149,000.00
United Unlimited Construction, Inc.	\$198,880.00
Norman Company, Inc.	\$236,524.00
L & M Electric and Plumbing, LLC	\$250,000.00
J. R. Caskey, Inc.	\$258,000.00
First Class Contracting	\$264,800.00
Brooks & Co General Contractors, Inc.	\$276,700.00
Caspian Construction, LLC	\$280,000.00
Virtexco Corp.	\$294,000.00

The Directors of Recreation & Parks and General Services recommend that the Board award a contract in the amount of **\$149,000.00** to **Trad Construction** as the lowest responsive and responsible bidder, and authorize the County Manager, or the Director of General Services as his designee, to execute change orders not to exceed 15% of the original contract amount. The County Manager concurs. Funding to support the contract is available within the project budget.

INTRODUCTION OF ORDINANCE – To Amend and Reordain Section 9-2 of the Code of the County of Henrico Titled “Precincts and polling places” by Changing the Polling Places for Hunton Precinct and Staples Mill Precinct in the Brookland District.

This Board paper introduces for advertisement and public hearing on July 24 an ordinance to change the polling places for Hunton Precinct and Staples Mill Precinct in the Brookland District.

For Hunton Precinct, the ordinance changes the polling place from Greenwood Elementary School to Hunton Community Center because the community center provides a larger voting room to accommodate voters.

For Staples Mill Precinct, the ordinance changes the polling place from Glen Allen Library to Glen Allen High School because the high school provides a larger voting room to accommodate voters.

The Electoral Board approved the polling place changes for both precincts on December 7, 2011.

These changes are being requested now so that they can be implemented in time for the November general election. After Board approval, the changes must be submitted to the U.S. Department of Justice for preclearance under the Voting Rights Act before implementation.

INTRODUCTION OF ORDINANCE – To Amend and Reordain Section 9-2 of the Code of the County of Henrico Titled “Precincts and polling places” by Updating the Address of the Polling Place for Pinchbeck Precinct in the Tuckahoe District.

This Board paper introduces for advertisement and public hearing on July 24 an ordinance to update the address of the polling place for Pinchbeck Precinct in the Tuckahoe District.

Pinchbeck Elementary School is the polling place for Pinchbeck Precinct. On July 26, 2011, the address for Pinchbeck Elementary Schools changed from 1225 Gaskins Road to 1275 Gaskins Road. The actual location of the school did not change, only the address. The County Code must be updated to reflect the address change.

After Board approval, the address change must be submitted to the U.S. Department of Justice for preclearance under the Voting Rights Act.

RESOLUTION - Award of Contract - Annual Engineering Services - Springfield Road Landfill.

This resolution awards an annual contract to Draper Aden Associates, Inc. for engineering services for Springfield Road Landfill projects. The contract provides for engineering services for landfill improvements or modifications, permitting, compliance testing and reporting, monitoring of groundwater, surface water and landfill gas and miscellaneous maintenance of components of the gas collection and control system. Projects will include those identified in the Capital Improvement Program as well as projects necessary to address operational and emergency conditions.

Eight proposals were received in response to RFP #12-9205-2CS. Based upon review and evaluation of the proposals, the Selection Committee (consisting of Ms. Marchelle Sossong, Mr. Lee Maddox, Mr. David Tostenson, Ms. Margaret-Anne Hilliard and Mrs. Cecelia Stowe) interviewed the following firms:

Draper Aden Associates, Inc.
Joyce Engineering, Inc.
Golder Associates, Inc.

Based on the written proposals and interviews, the Committee selected Draper Aden Associates, Inc. as the top-ranked firm and negotiated a contract. The contract term is for one year with an option to renew for two additional one-year terms. Compensation for services shall be based on hourly rate schedules. The project fees shall not exceed \$300,000 for any single project or \$1,500,000 per year.

Funding to support this contract is available within the Solid Waste Special Revenue Fund. The Directors of Public Utilities and General Services recommend approval, and the County Manager concurs.

RESOLUTION - Award of Contract - Annual Engineering Services, Drainage Projects.

This resolution awards an annual contract to Timmons Group, Inc. to provide annual engineering services for various drainage projects. These services may include design activities, feasibility studies, and actions taken in response to regulatory requirements as well as detailed design and plan preparation, survey, alternatives analysis, construction management/administration, subsurface investigation and maintenance recommendations. Performance of emergency design, maintenance and specialty repair measures may also be required.

The County received 7 proposals in response to RFP #12-9200-2CS. Based upon review and evaluation of the proposals, the Selection Committee interviewed the following firms:

Timmons Group, Inc.
AECOM

Based on the written proposals and interviews, the Selection Committee selected **Timmons Group, Inc.** as the top-ranked firm and negotiated a contract. The contract will be for a one-year term and may be renewed for two additional one-year terms. Compensation for services shall be based on hourly rate schedules. The project fees shall not exceed \$300,000 for any single project and \$1,500,000 per one term.

Funding to support this contract is available within the project budget. The Directors of Public Works and General Services recommend that the contract be awarded to **Timmons Group, Inc.**, and the County Manager concurs.

RESOLUTION - Signatory Authority - Amendment to Contract for Engineering Design Services - Dabbs House Road Improvements from Nine Mile Road to Creighton Road - Project #2110.50701.28004.00610 (formerly #551994-701-248-00) - Varina District.

On June 8, 2004, the Board of Supervisors approved a contract with Michael Baker, Jr., Inc. for a lump sum fee of \$1,010,879.17 for the preparation of design and construction plans for improvements to Dabbs House Road from Nine Mile Road to Creighton Road.

On September 9, 2008, the Board approved a fixed lump sum fee of \$300,209.96 for additional work to design approximately 2,600 feet of sanitary sewer extension, 1,010 feet of sewer replacement, 4,614 feet of water main extension, and additional roadway and drainage design.

On February 22, 2011 the Board approved a supplement in the amount of \$178,448.72 to revise erosion and sediment control plans to meet current environmental standards, to complete design tasks to tie-in the Creighton Road Connector, and to perform additional drainage, utility, and environmental work.

Additional design work in the amount of \$197,730.49 is required after internal review identified cost-saving measures for construction. The scope of work has been modified to reduce the amount of right-of-way required from the intersection of Nine Mile Road to approximately 3,000 feet north of the intersection, to modify the sidewalk and entrance design, and to design a pavement overlay. Additional environmental work is also required to satisfy federal road requirements.

This Board paper authorizes the County Manager and the Clerk to execute the amendment in a form approved by the County Attorney in the amount of \$197,730.49, together with any necessary change orders within funds available. Funds for this project will be provided from the Capital Projects Fund Project #2110.50701.28004.00610 (formerly #551994-701-248-00).

The Director of Public Works recommends approval of this Board paper, and 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 Oak Hill Manor, Section 1. Fairfield District.
- 2) 0.18 miles of Oak Hill Manor, Section 2. Fairfield District.

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