

**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 28, 2011 at 5:00 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 matters to be reviewed by the Board at this time are:

- | | |
|------------------|---|
| 5:00 – 5:30 p.m. | Richmond Area Metropolitan Planning Organization (MPO) Richmond Transportation Priority Projects and Long Range Transportation Plan (LRTP) |
| 5:30 – 5:45 p.m. | Proposed Ordinance Amendments to Provide Greater Flexibility in the Regulation of Menu Signs at Drive-Through Restaurants |
| 5:45 – 6:00 p.m. | Closed Meeting for Discussion Concerning a Prospective Business or Industry in the Varina District Where No Previous Announcement Has Been Made of the Business' or Industry's Interest in Locating Its Facilities in the Community, Pursuant to Section 2.2-3711(A)(5) of the Code of Virginia, 1950, as Amended. |
| 6:00 – 6:45 p.m. | <i>Dinner</i> |



Barry R. Lawrence, CMC
Clerk, Henrico County Board of Supervisors
June 23, 2011

COUNTY OF HENRICO, VIRGINIA
Henrico County Board Room
Board of Supervisors' Agenda
June 28, 2011
7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Reverend Marcus D. Martin, Senior Pastor, New Bridge Baptist Church

APPROVAL OF MINUTES – June 14, 2011 Regular and Special Meetings

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

PRESENTATION

Keep Henrico Beautiful Committee – Clean Business and Land Lover Awards.

RESIGNATION/APPOINTMENTS

- 143-11 Resolution – Appointment of Member – Board of Social Services.
- 144-11 Resolution – Appointment of Members – The Cultural Arts Center At Glen Allen Foundation Board of Directors.
- 145-11 Resolution – Appointment of Member – Greater Richmond Partnership Board of Directors.
- 146-11 Resolution – Appointment of Members – J. Sargeant Reynolds Community College Board.
- 147-11 Resolution – Resignation of Member – Local Emergency Planning Committee.
- 148-11 Resolution – Nomination of Member – Local Emergency Planning Committee.
- 149-11 Resolution – Appointment of Member – Transportation Safety Commission.
- 150-11 Resolution – Appointment of Members and Alternates – Virginia Transit Association Board of Directors.

PUBLIC HEARING ITEMS

- 151-11 Resolution - Authorizing the County Manager to Submit the Henrico County 2011-2012 Annual Consolidated Plan, including the CDBG Program Year Twenty-Two Plan and the HOME Program Year Fifteen Plan; to Execute the CDBG Agreement for Program Year Twenty-Two and the HOME Agreement for Program Year Fifteen; and to Execute Contracts to Implement the CDBG and HOME Activities.

- 152-11 Ordinance - To Amend and Reordain Section 19-2 Titled "Definitions," Section 19-60 Titled "Required," Section 19-134 Titled "Lot frontage," and Section 24-9 Titled "Street frontage required," and to Add Division 4 Titled "Family subdivisions" and Consisting of Section 19-97 Titled "Required," Section 19-98 Titled "Family subdivision plat," Section 19-99 Titled "Review of plat; action by planning commission," Section 19-100 Titled "Standards for review," and Section 19-101 Titled "Recording," All of the Code of the County of Henrico to Regulate Family subdivisions and Amend Street Frontage Requirements.
- 153-11 Ordinance - To Amend and Reordain Section 24-3 Titled "Enumerated;" Section 24-30.2 Titled "Development standards - Multifamily development;" Section 24-32 Titled "Principal uses permitted;" Section 24-34 Titled "Development standards;" Sections 24-50.4, 24-50.9 and 24-50.14 Titled "Required conditions;" Section 24-50.22 Titled "Development standards;" Section 24-50.33 Titled "Development standards and use restrictions;" Sections 24-57, 24-61, and 24-65, Each Titled "Development standards and conditions for permitted uses;" and Sections 24-69 and 24-79 Titled "Required conditions;" and to Add Sections 24-13.01, 24-13.5, 24-53.1, 24-72.1, 24-75.1, and 24-90.1, Each Titled "Development standards and conditions for permitted uses," and Section 24-27.1 Titled "Refuse containers," to the Code of the County of Henrico to Minimize the Impact of Refuse Container Servicing on Adjacent Property.
- 154-11 Resolution - Signatory Authority - Conveyance of Real Estate - Cedar Lawn Subdivision - Varina District.

PUBLIC COMMENTS

GENERAL AGENDA

- 155-11 Resolution - Appropriation of Funds for Fiscal Year 2011-12.
- 156-11 Resolution - Award of Contract - Annual Engineering Services, Water and Sewage Pumping Stations - Greeley and Hansen.
- 157-11 Resolution - Award of Contract - Annual Engineering Services for Water and Sewer Projects - URS Corporation.
- 158-11 Resolution - Award of Contract - Annual Engineering Services for Water and Sewer Projects - Draper Aden Associates.
- 159-11 Resolution - Award of Contract - Engineering Services, Henrico County Stormwater Utility Study.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS' RESUME
June 28, 2011**

INVOCATION – Reverend Marcus D. Martin, Senior Pastor, New Bridge Baptist Church

PRESENTATION

Keep Henrico Beautiful Committee – Clean Business and Land Lover Awards.

Members of the Keep Henrico Beautiful Committee will join members of the Board of Supervisors at the June 28, 2011 Board meeting to recognize the winners of this year's Clean Business and Land Lover 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. Christina Harris, Vice Chairperson of the Keep Henrico Beautiful Committee, will introduce the award recipients and coordinate the presentations.

RESIGNATION/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 beginning July 1, 2011 and expiring June 30, 2015 or thereafter, when his successor shall have been appointed and qualified:

Three Chopt District Raymond C. Gudum

RESOLUTION - Appointment of Members – The Cultural Arts Center at Glen Allen Foundation Board of Directors.

This Board paper appoints the following persons to the Cultural Arts Center at Glen Allen Foundation Board of Directors for three-year terms expiring June 30, 2014 or thereafter, when their successors shall have been appointed and qualified:

At-Large	William H. L. Baskerville
At-Large	Travis G. Hill
At-Large	Michael E. Klein
At-Large	Juanita B. Leatherbury
At-Large	Rugene S. Paulette

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

This Board paper appoints **James B. Donati, Jr.**, a member of the Board of Supervisors, to the Greater Richmond Partnership Board of Directors for a one-year term expiring June 30, 2012 or thereafter, when his successor shall have been appointed and qualified.

RESOLUTION - Appointment of Members – J. Sargeant Reynolds Community College Board.

This Board paper appoints the following persons to the J. Sargeant Reynolds Community College Board for four-year terms beginning July 1, 2011 and expiring June 30, 2015 or thereafter, when their successors shall have been appointed and qualified:

Three Chopt District	James Cutherson
Tuckahoe District	<hr/>
Varina District	Marcus D. Martin

RESOLUTION – Resignation of Member – Local Emergency Planning Committee.

This Board paper accepts the resignation of Capt. Carl A. Mueller from the Local Emergency Planning Committee as the Law Enforcement Representative.

RESOLUTION – Nomination of Member – Local Emergency Planning Committee.

This Board paper nominates the following person for appointment to the Local Emergency Planning Committee for an unexpired term ending December 31, 2012 or thereafter, when his successor shall have been appointed and qualified:

Law Enforcement Representative

Capt. Christopher S. Alberta, Henrico County Division of Police

RESOLUTION – Appointment of Member – Transportation Safety Commission.

This Board paper appoints the following person to the Transportation Safety Commission for an unexpired term ending December 31, 2011 or thereafter, when her successor shall have been appointed or qualified:

Brookland District	Marilyn J. Blake
--------------------	------------------

RESOLUTION - Appointment of Members and Alternates – Virginia Transit Association Board of Directors.

This Board paper appoints the following persons to the Virginia Transit Association Board of Directors for one-year terms expiring June 30, 2012 or thereafter, when their successors shall have been appointed and qualified:

Members

Board of Supervisors	James B. Donati, Jr.
Board of Supervisors	David A. Kaechele

Alternates

Director of Public Works	Timothy A. Foster
Transportation Development Engineer	E. Todd Eure

PUBLIC HEARING ITEMS

RESOLUTION - Authorizing the County Manager to Submit the Henrico County 2011-2012 Annual Consolidated Plan, including the CDBG Program Year Twenty- Two Plan and the HOME Program Year Fifteen Plan; to Execute the CDBG Agreement for Program Year Twenty-Two and the HOME Agreement for Program Year Fifteen; and to Execute Contracts to Implement the CDBG and HOME Activities.

This resolution authorizes the County Manager to submit the Henrico County 2011-2012 Annual Consolidated Plan consisting of the CDBG Program Year Twenty-Two Plan and the HOME Program Year Fifteen Plan to the United States Department of Housing and Urban Development (“HUD”) on or before August 15, 2011 in accordance with federal submission requirements. It also authorizes the County Manager to execute contracts with HUD for Program Year Twenty-Two of the Henrico CDBG Program and for HOME Program Year Fifteen 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 2011-2012 CDBG and HOME Program Year activities as funds are appropriated.

The County’s CDBG entitlement for Program Year Twenty-Two is \$1,335,243.

The County’s HOME entitlement for Program Year Fifteen is \$813,298.

The Department of Community Revitalization has prepared the attached objectives and proposed uses of CDBG and HOME funds. The proposed use of funds includes \$148,991 in CDBG funds from previous years.

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

ORDINANCE — To Amend and Reordain Section 19-2 Titled “Definitions,” Section 19-60 Titled “Required,” Section 19-134 Titled “Lot frontage,” and Section 24-9 Titled “Street frontage required,” and to Add Division 4 Titled “Family subdivisions” and Consisting of Section 19-97 Titled “Required,” Section 19-98 Titled “Family subdivision plat,” Section 19-99 Titled “Review of plat; action by planning commission,” Section 19-100 Titled “Standards for review,” and Section 19-101 Titled “Recording,” All of the Code of the County of Henrico to Regulate Family subdivisions and Amend Street Frontage Requirements.

This proposed amendment to the subdivision and zoning ordinances would allow flexibility for citizens who desire to subdivide property for the purpose of conveyance to a family member. It would allow the creation of lots within family subdivisions to be served by private drives rather than public streets. Prior to 2004, the Board of Zoning Appeals sometimes granted variances for such cases, but the Virginia Supreme Court closed that avenue with its decision in *Cochran v. Fairfax County Board of Zoning Appeals*.

Currently, family subdivisions are exempt from the subdivision ordinance, but not from the zoning ordinance. In many cases, families have subdivided property and conveyed it to family members, only to find that the new lot does not meet the requirements to build a dwelling. The proposed amendment would require that family subdivisions be submitted to the Director of Planning for review. If all lots created by the subdivision meet all the requirements, including public street frontage, then the plat may be recorded without further review. If, however, a family subdivision would create new residential lots not served by public streets, the proposed amendment would give the Planning Commission, through the subdivision process, the flexibility to approve lots served by private drives. This would make possible family subdivisions that are not possible today without building a public street.

The only change to the zoning ordinance would be to state that family subdivisions approved by the new process are exempt from the street frontage requirement.

The Planning Commission recommended approval after a public hearing on March 10, 2011. The original paper reflects that draft. A substitute paper has also been prepared which includes changes requested by the Board of Supervisors at a work session on May 24, 2011. The Director of Planning recommends approval of the substitute paper, and the County Manager concurs.

ORDINANCE – To Amend and Reordain Section 24-3 Titled “Enumerated;” Section 24-30.2 Titled “Development standards – Multifamily development;” Section 24-32 Titled “Principal uses permitted;” Section 24-34 Titled “Development standards;” Sections 24-50.4, 24-50.9 and 24-50.14 Titled “Required conditions;” Section 24-50.22 Titled “Development standards;” Section 24-50.33 Titled “Development standards and use restrictions;” Sections 24-57, 24-61, and 24-65, Each Titled “Development standards and

conditions for permitted uses;” and Sections 24-69 and 24-79 Titled “Required conditions;” and to Add Sections 24-13.01, 24-13.5, 24-53.1, 24-72.1, 24-75.1, and 24-90.1, Each Titled “Development standards and conditions for permitted uses,” and Section 24-27.1 Titled “Refuse containers,” to the Code of the County of Henrico to Minimize the Impact of Refuse Container Servicing on Adjacent Property.

The noise ordinance prohibits the “creation of any sound or noise between 12:00 midnight and 6:00 a.m. that is plainly audible in a residential area, except those areas zoned for urban mixed use, when the sound or noise is produced in connection with the loading or unloading of refuse, waste or recycling collection vehicles.” However, the noise ordinance can only be enforced if a police officer hears the violation or if a citizen swears out a complaint at the magistrate’s office.

This amendment will prohibit servicing of refuse containers between midnight and 6:00 a.m. in any district and permit County staff to enforce the restriction without requiring a police officer or citizen to hear the violation. The term “refuse container” is defined to refer to dumpsters and does not include “super cans” or other containers normally used at a one-family residence.

The Planning Commission recommended approval of a draft ordinance after a public hearing on September 9, 2010. Planning staff has proposed revisions to extend the servicing prohibition to all districts and to make the draft ordinance more internally consistent. The Board discussed these revisions in its work session on May 14, 2011, and a substitute Board paper incorporating those revisions has been prepared for the Board’s consideration.

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

RESOLUTION - Signatory Authority – Conveyance of Real Estate – Cedar Lawn Subdivision - Varina District.

This resolution authorizes the Chairman to execute a deed, in a form approved by the County Attorney, conveying Lot 21 in Block D of Cedar Lawn Subdivision to the adjacent lot owner, John E. Johnson, Jr. The lot, which is not needed by the County, has an assessed value of \$2,600. Johnson has agreed to pay a consideration of \$3,500. The Real Property Department has processed this request through the Departments of Public Works, Public Utilities, and Planning without objection. The Director of Real Property recommends approval of this action.

PUBLIC COMMENTS

GENERAL AGENDA

RESOLUTION – Appropriation of Funds for Fiscal Year 2011-12.

This Board paper appropriates funds for the operating and capital Annual Fiscal Plans for fiscal year 2011-12 approved by the Board of Supervisors on April 26, 2011.

This Board paper also reappropriates to fiscal year 2011-12 (i) funds for ongoing capital projects, (ii) funds budgeted in fiscal year 2010-11 for the long-term disability benefit, and (iii) funds for all valid outstanding encumbrances as of June 30, 2011. These funds are reappropriated to the same department and account for which they are originally appropriated or encumbered.

RESOLUTION - Award of Contract - Annual Engineering Services, Water and Sewage Pumping Stations - Greeley and Hansen.

This Board paper awards a professional services contract to Greeley and Hansen for annual engineering services for water and sewage pumping station projects.

The Department of General Services received nine proposals pursuant to RFP #11-9030-3CS, Professional Services for Annual Engineering Services, Water and Sewage Pumping Stations. The scope of the work includes engineering studies, designs, cost estimates and construction administration for repairs and improvements for the Department of Public Utilities. Projects will include those identified in the Capital Improvements Program as well as projects to address unforeseen and emergency conditions.

Based upon professional qualifications and experience in providing these services demonstrated in the written proposals and interviews, the Selection Committee selected Greeley and Hansen as the top-ranked firm. The contract term will be for one year after contract award, with the option to renew for two additional one-year terms. The project fee shall not exceed \$300,000 for any single project, and the total amount of fees for all projects shall not exceed \$1,500,000 in the contract term. Engineering fees will be determined at the beginning of each project and will be based upon negotiated hourly rates.

The resolution authorizes the County Manager to execute the contract in a form approved by the County Attorney.

The Directors of Public Utilities and General Services recommend approval of this Board paper, and the County Manager concurs.

RESOLUTION - Award of Contract - Annual Engineering Services for Water and Sewer Projects - URS Corporation.

This Board paper awards a professional services contract to URS Corporation for annual engineering services for water and sewer projects.

The Department of General Services received 14 proposals pursuant to RFP #11-9028-3CS, Professional Services for Annual Engineering Services for Water and Sewer Projects. The scope of the work includes providing engineering studies, designs, cost estimates and construction administration for repairs and improvements for the Department of Public Utilities. Projects will include those identified in the Capital Improvements Program as well as projects to address unforeseen and emergency conditions.

Based upon professional qualifications and experience in providing these services demonstrated in the written proposals and interviews, the Selection Committee selected URS Corporation and Draper Aden Associates for award of professional services contracts. Projects will be assigned based upon the nature of the work, availability of staff, and other factors.

The contract term will be for one year after contract award, with the option to renew for two additional one-year terms. The project fee shall not exceed \$300,000 for any single project, and the total amount of fees for all projects shall not exceed \$1,500,000 in the contract term. Engineering fees will be determined at the beginning of each project and will be based upon negotiated hourly rates.

The resolution authorizes the County Manager to execute the contract in a form approved by the County Attorney.

The Directors of Public Utilities and General Services recommend approval of this Board paper, and the County Manager concurs.

RESOLUTION - Award of Contract - Annual Engineering Services for Water and Sewer Projects - Draper Aden Associates

This Board paper awards a professional services contract to Draper Aden Associates for annual engineering services for sewer and water projects.

The Department of General Services received 14 proposals pursuant to RFP #11-9028-3CS, Professional Services for Annual Engineering Services for Water and Sewer Projects. The scope of the work includes engineering studies, designs, cost estimates and construction administration for repairs and improvements for the Department of Public Utilities. Projects will include those identified in the Capital Improvements Program as well as projects to address unforeseen and emergency conditions.

Based upon professional qualifications and experience in providing these services demonstrated in the written proposals and interviews, the Selection Committee selected Draper Aden Associates and URS Corporation for award of professional services contracts. Projects will be assigned based upon the nature of the work, availability of staff, and other factors.

The contract term will be for one year after contract award, with the option to renew for two additional one-year terms. The project fee shall not exceed \$300,000 for any single project, and the total amount of fees for all projects shall not exceed \$1,500,000 in the contract term. Engineering fees will be determined at the beginning of each project and will be based upon negotiated hourly rates.

The resolution authorizes the County Manager to execute the contract in a form approved by the County Attorney.

The Directors of Public Utilities and General Services recommend approval of this Board paper, and the County Manager concurs.

RESOLUTION - Award of Contract - Engineering Services, Henrico County Stormwater Utility Study.

This resolution would award a contract to **Michael Baker Jr., Inc.** to provide engineering services in performing a study for the development of a County-wide stormwater utility.

The study is necessary to evaluate funding needs and collection alternatives associated with anticipated changes and three new state and federal stormwater mandates. The mandates are the Virginia Pollution Discharge and Elimination System (VPDES) Permit, the Total Maximum Daily Loads (TMDLs) for the Chesapeake Bay and impaired County waterways, and the Virginia Stormwater Management (SWM) Regulations. Each will require costly program enhancements. The anticipated changes will affect all of the County's existing stormwater-related programs, the operation and maintenance programs for County road and drainage systems, and the capital improvement program budget and schedule.

On July 23, 2010, nine proposals were received in response to RFP #10-8866-6JK. Based upon evaluation of the proposals submitted, the Selection Committee (consisting of Mr. Jeff Perry, Mr. Keith White, Mr. John Newton and Mr. Bill Mawyer) interviewed the following firms:

Michael Baker Jr., Inc.
Camp Dresser & McKee
CH2MHill

Based on the interviews, Michael Baker Jr., Inc. has been selected to provide the required engineering services, and the Department of Public Works has negotiated a fee of \$162,355.00 for the services.

This Board paper authorizes the County Manager to execute an agreement with Michael Baker Jr., Inc. for the study. Funding for this project is currently available.

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