

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

Please take notice that a special meeting of the Board of Supervisors will be held on **Tuesday, July 9, 2024, at 3:45 p.m.** in the County Manager's Conference Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico, Virginia.

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

3:45 - 4:00 p.m.	Henrico County's Incident Management Team Recognition
4:00 - 4:15 p.m.	Richmond Strikers Update
4:15 - 4:30 p.m.	Comp Plan Update – Part 3
4:30 - 5:00 p.m.	Closed Meeting – Proposed Real Estate Acquisition
5:00 - 5:15 p.m.	Review of Regular Meeting Agenda Items

Tanya N. Brackett

Tanya N. Brackett, CMC
Clerk, Henrico County Board of Supervisors
July 3, 2024

COUNTY OF HENRICO, VIRGINIA
Henrico County Board Room
Board of Supervisors' Agenda
July 9, 2024
6:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION

APPROVAL OF MINUTES – June 25, 2024, Regular and Special Meetings

MANAGER'S COMMENTS

BOARD OF SUPERVISORS' COMMENTS

RECOGNITION OF NEWS MEDIA

PUBLIC HEARINGS – REZONING CASES

- | | |
|----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 206-24
REZ-2024-
100572
Fairfield | Winfrey Road LLC: Request to conditionally rezone from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional) part of Parcel 778-772-7200 containing 8.39 acres located at the southeast intersection of Woodman Road and Winfrey Road. The applicant proposes rezoning for a townhouse development. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre, and Environmental Protection Area. The Planning Commission voted to recommend the Board of Supervisors <u>grant</u> the request. |
| 207-24
REZ-2024-
100695
Fairfield | MCM Enterprises, LLC: Request to conditionally rezone from B-1 Business District to B-2C Business District (Conditional) Parcel 780-748-5202 containing 0.51 acres located at the southwest intersection of Kenwood Avenue and Hermitage Road. The applicant proposes rezoning to bring an existing restaurant into conformance. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre. The Planning Commission voted to recommend the Board of Supervisors <u>grant</u> the request. |
| 208-24
REZ-2024-
100816
Three Chopt | LLBB, LLC: Request to conditionally rezone from O-2C Office District (Conditional) to R-6C General Residence District (Conditional) Parcel 739-765-2992 containing 3.65 acres located at the northwest intersection of Pouncey Tract Road (State Route 271) and Liesfeld Farm Drive. The applicant proposes a townhouse development. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Mixed-Use. The Planning Commission voted to recommend the Board of Supervisors <u>grant</u> the request. |

PUBLIC HEARINGS – OTHER ITEMS

- | | |
|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 209-24 | Ordinance - To Amend and Reordain Section 24-4205 Titled “Principal Use Table,” Section 24-4323 Titled “Commercial Uses: Retail Sales and Services,” Section 24-5110 Titled “Minimum Number of Off-Street Parking Spaces,” Section 24-5508 Titled “Crime Prevention Through Environmental Design,” |
|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

and Section 24-8405 Titled “Commercial Use Classification” of the Code of the County of Henrico to Add “Vaping Shop” as a Regulated Use Type and Allow “Vaping Shops” by Provisional Use Permit in the B-3 and M-1 Districts.

- 210-24 Resolution - Authorizing the County Manager to Submit the Henrico County Annual Action Plan, Including the CDBG, HOME, and ESG Program Plans for FY 2024-25; Execute the CDBG, HOME, and ESG Agreements for FY 2024-25; and Execute Contracts to Implement the CDBG, HOME, and ESG Activities.
- 211-24 Ordinance - Vacation of Drainage and Utilities Easements, Building Lines, and Lot Lines - Westbourne Subdivision, Lots 12 through 16, Block A, Section A - Libbie Mill - Brookland District.
- 212-24 Resolution - Signatory Authority - Quitclaim of Portion of Utility Easement - 4647 Pouncey Tract Road - Three Chopt District.
- 213-24 Ordinance - Vacation of Building Line - Lot 6, Block F, Tuckahoe Hills Subdivision - 7513 Parkline Drive - Tuckahoe District.
- 214-24 Ordinance - Vacation of Portion of Right-of-Way Between Lot 20, Block 12 and Lot 1, Block 6, Larchmont Subdivision - Bedford Street - Varina District.
- 215-24 Resolution - Signatory Authority - Extension of Lease to Westwood East End Pharmacy - Henrico Area Mental Health and Developmental Services East Center (3908 Nine Mile Road) - Varina District.

PUBLIC COMMENTS

GENERAL AGENDA

- 216-24 Resolution - To Initiate Consideration of Amendments to the 2026 Comprehensive Plan.
- 217-24 Resolution - Signatory Authority - Lease of Office Space - Outreach and Engagement Agency - 1950 East Parham Road - Brookland District.
- 218-24 Resolution - Approval of Electronic Participation Policy.
- 219-24 Introduction of Ordinance - To Exempt From Personal Property Taxation Certain Farm Machinery, Equipment, and Implements by Amending and Reordaining Section 20-114 Titled “Exemption for agricultural animals and products” of the Code of the County of Henrico.
- 220-24 Resolution - Adoption of Updated Procedures for Construction Management and Design-Build Contracts to Conform to Changes in State Law.

- 221-24 Introduction of Ordinance - To Comply with Changes in State Law Regarding Disconnections of Water and Sewer Service by Amending and Reordaining Section 23-331 Titled “Overdue bills; discontinuance of service” of the Code of the County of Henrico.
- 222-24 Introduction of Ordinance - To Comply with Changes in State Law Regarding Verification of Compliance with General Construction Permit Requirements by Amending and Reordaining Section 10-42 Titled “General Construction Permit requirements” of the Code of the County of Henrico.
- 223-24 Resolution - Signatory Authority - Agreement with the Central Virginia Transportation Authority for Regionally Funded Projects - Route 60, Route 33, and Beulah Road Roundabout - Varina District.
- 224-24 Resolution - Signatory Authority - Agreement with the Central Virginia Transportation Authority for Regionally Funded Projects - Route 5 and New Osborne Turnpike Improvements - Varina District.
- 225-24 Resolution - Award of Contract - Annual Contract for Small Capital Improvement Projects.
- 226-24 Resolution - Acceptance of Road - Vaughan Heights - Fairfield District.
- 227-24 Resolution - Approval of Participation in Proposed Settlement of Opioid-Related Claims - Kroger and Related Corporate Entities.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS' RESUME
July 9, 2024**

PUBLIC HEARINGS – REZONING CASES

- REZ-2024-100572
Fairfield
- Winfrey Road LLC: Request to conditionally rezone from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional) part of Parcel 778-772-7200 containing 8.39 acres located at the southeast intersection of Woodman Road and Winfrey Road. The applicant proposes rezoning for a townhouse development. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre, and Environmental Protection Area. Acting on a motion by Mr. Mackey, seconded by Mr. Winterhoff, the Planning Commission voted 4-0 (one absent, one abstention) to recommend the Board of Supervisors **grant** the request because it would permit development of the land for residential use in an appropriate manner and the proffered conditions will assure a level of development otherwise not possible.
- REZ-2024-100695
Fairfield
- MCM Enterprises, LLC: Request to conditionally rezone from B-1 Business District to B-2C Business District (Conditional) Parcel 780-748-5202 containing 0.51 acres located at the southwest intersection of Kenwood Avenue and Hermitage Road. The applicant proposes rezoning to bring an existing restaurant into conformance. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Residential 2, density should not exceed 3.4 units per acre. Acting on a motion by Mr. Mackey, seconded by Mr. Witte, the Planning Commission voted 4-0 (one absent, one abstention) to recommend the Board of Supervisors **grant** the request because it is reasonable, and the proffered conditions should minimize the potential impacts on surrounding land uses.
- REZ-2024-100816
Three Chopt
- LLBB, LLC: Request to conditionally rezone from O-2C Office District (Conditional) to R-6C General Residence District (Conditional) Parcel 739-765-2992 containing 3.65 acres located at the northwest intersection of Pouncey Tract Road (State Route 271) and Liesfeld Farm Drive. The applicant proposes a townhouse development. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Suburban Mixed-Use. Acting on a motion by Mr. Shippee, seconded by Mr. Winterhoff, the Planning Commission voted 4-0 (one absent, one abstention) to recommend the Board of Supervisors **grant** the request because it is appropriate residential zoning at this location and is not expected to adversely affect the pattern of zoning and land use in the area.

PUBLIC HEARINGS - OTHR ITEMS

ORDINANCE - To Amend and Reordain Section 24-4205 Titled “Principal Use Table,” Section 24-4323 Titled “Commercial Uses: Retail Sales and Services,” Section 24-5110 Titled “Minimum Number of Off-Street Parking Spaces,” Section 24-5508 Titled “Crime Prevention Through Environmental Design,” and Section 24-8405 Titled “Commercial Use Classification” of the Code of the County of Henrico to Add “Vaping Shop” as a Regulated Use Type and Allow “Vaping Shops” by Provisional Use Permit in the B-3 and M-1 Districts.

This Board paper amends the County’s zoning ordinance to regulate vaping shops in the County. Such facilities would require a provisional use permit in zoning districts in which they are allowed: B-3 and M-1. The ordinance would also prohibit vaping shops from being located 1,000 feet of a school or 2,000 feet of an existing vaping shop.

The Planning Commission recommended approval of the ordinance after a public hearing on June 13, 2024. The Director of Planning recommends approval of this Board paper, and the County Manager concurs.

RESOLUTION - Authorizing the County Manager to Submit the Henrico County Annual Action Plan, Including the CDBG, HOME, and ESG Program Plans for FY 2024-25; Execute the CDBG, HOME, and ESG Agreements for FY 2024-25; and Execute Contracts to Implement the CDBG, HOME, and ESG Activities.

This Board paper would authorize the County Manager to submit the Henrico County Annual Action Plan consisting of the CDBG, HOME, and ESG FY 2024-25 Plans to the United States Department of Housing and Urban Development (HUD) by August 15, 2024, in accordance with federal submission requirements. It also authorizes the County Manager to execute agreements with HUD for FY 2024-25 for the Henrico CDBG, HOME, and ESG programs. Finally, it authorizes the County Manager to execute contracts in a form approved by the County Attorney to implement the FY 2024-25 CDBG, HOME, and ESG activities.

The County’s entitlements for FY 2024-25 are: CDBG \$1,610,554, HOME \$804,180, and ESG \$145,231.

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

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

ORDINANCE - Vacation of Drainage and Utilities Easements, Building Lines, and Lot Lines - Westbourne Subdivision, Lots 12 through 16, Block A, Section A - Libbie Mill - Brookland District.

This ordinance vacates drainage and utilities easements and building lines across, and lot lines between, Lots 12 through 16, Block A, Section A, Westbourne subdivision. The owners of the encumbered parcels have requested the vacation to develop the Libbie Mill urban mixed-use development. The Board vacated the nearby rights-of-way known as Spencer Road, Argus Lane, and Lehigh Circle on December 13, 2022.

The Real Property Division has processed the requested vacation through the Departments of Planning, Public Works, and Public Utilities without objection. The Director of Real Property recommends approval of the Board paper; the County Manager concurs.

RESOLUTION - Signatory Authority - Quitclaim of Portion of Utility Easement - 4647 Pouncey Tract Road - Three Chopt District.

This Board paper authorizes the Chairman to execute a quitclaim deed releasing any interest the County may have in a portion of a utility easement on 4647 Pouncey Tract Road. The owner of the property encumbered by the utility easement has requested this action. The County does not need the area to be quitclaimed, and there are no County facilities in that area.

The Real Property Division has processed this request through the Departments of Planning and Public Utilities without objection. The Director of Real Property recommends approval of the Board paper; the County Manager concurs.

ORDINANCE - Vacation of Building Line - Lot 6, Block F, Tuckahoe Hills Subdivision - 7513 Parkline Drive - Tuckahoe District.

This ordinance would vacate the 35-foot building line on the side of Lot 6, Block F in the Tuckahoe Hills subdivision in the Tuckahoe District, also known as 7513 Parkline Drive. The homeowners wish to renovate the rear of their home to create additional space, and these improvements would slightly encroach on the existing building line.

The Real Property Division processed the requested vacation through the Departments of Planning, Public Works, and Public Utilities without objection. The Director of Real Property recommends approval of the Board paper; the County Manager concurs.

ORDINANCE - Vacation of Portion of Right-of-Way Between Lot 20, Block 12 and Lot 1, Block 6, Larchmont Subdivision - Bedford Street - Varina District.

This ordinance will vacate a portion of an unimproved right-of-way between Lot 20, Block 12 & Lot 1, Block 6 in Section A of the Larchmont subdivision. The owners of the adjoining parcels have requested the vacation to increase the size of their lot, with plans to develop the parcels in the future. The right-of-way is not necessary for public access.

The Real Property Division has processed the requested vacation through the Departments of Planning, Public Works, and Public Utilities without objection. The Director of Real Property recommends approval of the Board paper; the County Manager concurs.

RESOLUTION - Signatory Authority - Extension of Lease to Westwood East End Pharmacy - Henrico Area Mental Health and Developmental Services East Center (3908 Nine Mile Road) - Varina District.

This Board paper authorizes the County Manager to execute an amendment extending the County's lease of a 432 square foot portion of the Henrico Area Mental Health and Developmental Services East Center to Westwood East End Pharmacy. Westwood Pharmacy provides on-site pharmacy services and pharmaceuticals to the Center's clients under a contract between the Henrico Area Mental Health & Developmental Services Board and Westwood Pharmacy. The new lease term would be for one year beginning February 1, 2025, with the option to renew for up to four additional one-year terms unless the contract between the HAMHDS Board and Westwood Pharmacy is not renewed or is otherwise terminated. Under the lease, Westwood Pharmacy will continue to pay \$500 in rent monthly.

The Director of Real Property and the Executive Director of Henrico Area Mental Health and Developmental Services recommend approval of this Board paper; the County Manager concurs.

PUBLIC COMMENTS

GENERAL AGENDA

RESOLUTION - To Initiate Consideration of Amendments to the 2026 Comprehensive Plan.

This Board paper would initiate the Planning Department's preparation of amendments to all elements of the 2026 Comprehensive Plan (the "Plan") for review by the Planning Commission and recommendation to the Board. This update process, called HenricoNext, will develop amendments to the Plan contemplating growth in the County through 2045. The Planning Department has held a number of work sessions with the Planning Commission and Board of Supervisors to discuss background reports and public engagement exercises completed in

preparation for the next phase of the Plan update process. The recommended amendments would incorporate the findings of these background reports and public input, and additional community engagement seeking feedback on drafted materials will occur prior to formal consideration by the Commission and Board.

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

RESOLUTION - Signatory Authority - Lease of Office Space - Outreach and Engagement Agency - 1950 East Parham Road - Brookland District.

This Board paper authorizes the County Manager to execute a lease with Marwaha Real Estate, LLC for approximately 5,133 square feet of office space at 1950 East Parham Road. The County will use the leased premises as office space for the Outreach and Engagement Agency. Monthly rent will be \$8,555.00 per month for the first year, \$9,410.50 for the second year, and escalate three percent (3%) each year thereafter. The lease will be for an initial term of seven years commencing on or about August 1, 2024, and ending on or about July 31, 2031.

The Deputy County Manager for Community Affairs and the Director of Real Property recommend approval of the Board paper; the County Manager concurs.

RESOLUTION - Approval of Electronic Participation Policy.

This Board paper approves an electronic participation policy for the Board of Supervisors in conformance with changes in state law enacted by the General Assembly in 2024.

The County Attorney recommends approval of the Board paper; the County Manager concurs.

INTRODUCTION OF ORDINANCE - To Exempt From Personal Property Taxation Certain Farm Machinery, Equipment, and Implements by Amending and Reordaining Section 20-114 Titled “Exemption for agricultural animals and products” of the Code of the County of Henrico.

This Board paper introduces for advertisement and a public hearing on August 13, 2024, a proposed ordinance to exempt from personal property taxation certain farm machinery, farm equipment, and farm implements used by an indoor, closed, controlled-environment commercial agricultural facility. The exemption is allowed by changes in state law effective July 1, 2024.

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

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

This Board paper would update the County's procedures for procuring construction management and design-build contracts to reflect changes in state law that took effect on July 1, 2024. The changes (i) require approval of the local governing body, by resolution or motion in a public forum and before issuing a Request for Qualifications, to enter into a contract for construction using construction management or design-build on a per project basis; (ii) require a written determination in advance by the local public body that the design-bid-build project delivery method is not practicable or fiscally advantageous; (iii) authorize public notice of the Request for Qualifications on the local public body's own website; and (iv) prohibit local public bodies from considering prior construction management or design-build experience as a prerequisite or factor for prequalification of a contract.

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

INTRODUCTION OF ORDINANCE - To Comply with Changes in State Law Regarding Disconnections of Water and Sewer Service by Amending and Reordaining Section 23-331 Titled "Overdue bills; discontinuance of service" of the Code of the County of Henrico.

This Board paper introduces for advertisement and a public hearing on August 13, 2024, a proposed ordinance to comply with changes in state law effective July 1, 2024.

The changes prohibit the disconnection of water and sewer service for nonpayment when the forecasted temperature is at or above 92 degrees within the 24 hours following the scheduled disconnection; on Fridays, weekends, state holidays, or the day immediately preceding a state holiday; and for 30 days after the Governor declares a state of emergency in response to a communicable disease.

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

INTRODUCTION OF ORDINANCE - To Comply with Changes in State Law Regarding Verification of Compliance with General Construction Permit Requirements by Amending and Reordaining Section 10-42 Titled "General Construction Permit requirements" of the Code of the County of Henrico.

This Board paper introduces for advertisement and a public hearing on August 13, 2024, a proposed ordinance amendment to incorporate changes in state law that took effect on July 1, 2024. The new state law requires that the County, as opposed to the property owner,

verify that a land disturbing activity is covered under the County's General Construction Permit.

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

RESOLUTION - Signatory Authority - Agreement with the Central Virginia Transportation Authority for Regionally Funded Projects - Route 60, Route 33, and Beulah Road Roundabout - Varina District.

The Department of Public Works has negotiated an agreement with the Central Virginia Transportation Authority ("CVTA") under which the County will construct a single-lane roundabout at the intersection of Route 60 (E. Williamsburg Road), Route 33 (E. Nine Mile Road), and Beulah Road. The project includes sidewalk connections along the north side of Route 60 and both sides of Nine Mile Road and relocation of a GRTC bus stop to E. Nine Mile Road from West Street.

The estimated cost for the design, right-of-way, and construction of the project is \$5,519,000. The CVTA will reimburse the County up to \$3,000,000 from regional funding, and the County will use a combination of \$689,000 in existing Congestion Mitigation and Air Quality funds, local funds, and other funding sources for the remainder of the project costs.

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

RESOLUTION - Signatory Authority - Agreement with the Central Virginia Transportation Authority for Regionally Funded Projects - Route 5 and New Osborne Turnpike Improvements - Varina District.

The Department of Public Works has negotiated an agreement with the Central Virginia Transportation Authority ("CVTA") under which the County will conduct an updated corridor study in support of an improved two-lane roadway with bicycle and pedestrian accommodations to include National Environmental Policy Act compliance, consideration of phasing, preliminary engineering design, and development of cost estimates on Osborne Turnpike/New Market Road (Route 5) between New Osborne Turnpike and Midview Road and on New Osborne Turnpike between Osborne Turnpike and Williamsburg Avenue in the City of Richmond. The study will include an analysis of proposed improvements at the intersection of Williamsburg Road and Hatcher Street and the intersection of Osborne Turnpike (Route 5) and New Osborne Turnpike.

The estimated cost for the corridor study and preliminary engineering for the project is \$4,000,000. CVTA will reimburse the County up to \$4,000,000 from regional funding, and the County will use local funds for any additional costs.

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

RESOLUTION - Award of Contract - Annual Contract for Small Capital Improvement Projects.

This Board paper awards a contract for construction of small capital improvement projects to Blakemore Construction Corporation.

The contract consists of construction of various types of small capital improvement projects (roads, turn lanes, sidewalks, multi-use trails, bus pads, and roadway reconfigurations) throughout the County as needed and requested by the County Engineer.

The County received four bids on July 2, 2024, in response to ITB #24-2693-5EAR. The bids were as follows:

<u>Bidders</u>	<u>Bid Amounts</u>
Blakemore Construction Corporation Rockville, VA	\$6,685,605.00
Messer Contracting, LLC Glen Allen, VA	\$11,919,530.00
M & F Concrete, Inc. Manassas, VA	\$12,204,132.00
Finley Asphalt and Sealing, Inc. Bristow, VA	\$13,431,221.56

Based upon a review of the bids, Blakemore Construction Corporation is the lowest responsive and responsible bidder.

The final contract amount will be determined upon completion of the project by multiplying the unit quantities authorized by the County by the unit prices submitted in the contractor's bid.

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

RESOLUTION - Acceptance of Road - Vaughan Heights - Fairfield District.

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

0.08 miles of Hawthorne Avenue

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

RESOLUTION - Approval of Participation in Proposed Settlement of Opioid-Related Claims - Kroger and Related Corporate Entities.

This Board paper would approve the County's participation in the proposed settlement of opioid-related claims against Kroger and related corporate entities.

The proposed settlement provides for payments to the Commonwealth of Virginia that are expected to be approximately \$28 million. These funds will be allocated to localities and others in accordance with the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding previously approved by the Board. Accordingly, settlement funds will flow to the County, both directly and indirectly through the Virginia Opioid Abatement Authority, over a period of years.

The Board's outside opioid litigation counsel has recommended that the Board approve the proposed settlement and resolution.

The County Attorney also recommends approval of the Board paper, and the County Manager concurs.