

**COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
SPECIAL MEETING  
October 23, 2012**

The Henrico County Board of Supervisors convened a special meeting on Tuesday, October 23, 2012, at 4:30 p.m., in the County Manager's Conference Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico, Virginia.

**Members of the Board Present:**

Richard W. Glover, Chairman, Brookland District  
David A. Kaechele, Vice Chairman, Three Chopt District  
Tyrone E. Nelson, Varina District  
Patricia S. O'Bannon, Tuckahoe 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, Deputy County Attorney  
Barry R. Lawrence, CMC, Assistant to the County Manager/Clerk to the Board  
Tanya B. Harding, Deputy Clerk to the Board/Administrative Assistant  
Jane D. Crawley, Deputy County Manager for Community Services  
Timothy A. Foster, P.E., Deputy County Manager for Community Operations  
Randall R. Silber, Deputy County Manager for Community Development  
S. Mark Strickler, Director of Community Revitalization  
John A. Vithoulkas, Deputy County Manager for Administration  
Wilbert J. Childress, Technology Support Specialist, Manager's Office  
Steven W. Knockemus, Assistant Director of Public Relations & Media Services  
Douglas A. Middleton, Chief of Police  
Paula G. Reid, Director of Human Resources

Mr. Glover called the meeting to order at 4:38 p.m.

Mr. Hazelett referred to the items listed on the open and closed meeting agenda.

**Richmond 2015 Status Update**

Mr. Hazelett noted that County staff had met several times to discuss the Richmond 2015 World Road Cycling Championships since the briefing by the Chief Executive Officer of Richmond 2015, Wilson Flohr, at the Board's September 11, 2012, special meeting. Mr. Hazelett recognized Brandon Hinton, Management and Budget Division Director, who narrated a slide presentation on this item. Mr. Hinton began his presentation by reviewing the background of Mr.

Flohr's request for a \$1.4 million contribution from Henrico County over a three-year period, questions posed by the Board at the September 11 special meeting, and the proposed route for the event's time trial that is proposed to be held in Henrico County. In response to questions from the Board, Mr. Hazelett noted that the proposed route for the Henrico time trial would require the deployment of 62 police officers over a ten-hour period and the closing down of north and south bound lanes in the western part of the County. Mr. Foster added that this route would be 17 to 18 miles in length and that other less disruptive options will be considered.

Mr. Hinton continued his presentation by reviewing charts depicting the estimated cost to provide traffic control and security for the one-day time trial (\$300,000); the estimated economic impact of, and tax revenue from, Richmond 2015 visitor spending; and the proposed formula for local government contributions to the event, which is based on the regional commitment for the Greater Richmond Convention Center by the City of Richmond and Henrico, Chesterfield, and Hanover Counties. After responding to questions from Mr. Kaechele and Mr. Glover regarding the funding formula, Mr. Hinton reviewed staff's recommendations, including an analysis and justification of how much Henrico should contribute. Mr. Hinton suggested that although there are additional questions and concerns that must be resolved, including the location of the time trials, it is clear that the event will have a positive impact on the Richmond region. Staff's recommendation is for a total Henrico County contribution of \$860,000, with \$300,000 of that amount being a cash contribution equivalent to the event's anticipated economic benefit to the County and payable in the year of the race. The remainder of the County's contribution would come from the County's share of Richmond Metropolitan Convention & Visitors Bureau support, its share of anticipated convention center costs, and in-kind administrative and logistical costs associated with the event. Mr. Hazelett elaborated on the components of the proposed County contribution and pointed out that the City of Richmond will require police assistance from other jurisdictions to control the event.

Following Mr. Hinton's presentation, he and Mr. Hazelett responded to a number of questions from the Board regarding how the County's contributions would be used; traffic, parking, and crowd control during the time trials; non-governmental funding sources for the event; the anticipated economic benefits of the event to the County; and the size of the Richmond 2015 staff. Mr. Thornton stated that he feels the races should be used as an opportunity to promote and showcase the County and that landmarks should be erected prior to the event. Mrs. O'Bannon expressed concern about the time and effort that will be required to stage the event based on her personal experience with the County's 2011 commemoration. Mr. Glover expressed support for staff's funding recommendation and noted that the consensus of the Board is to follow this recommendation.

### **2013 Draft Legislative Program**

Mr. Hazelett introduced this item by explaining that staff has revised the process for sharing the County's draft legislative program with the Board. He noted that there will also be structural changes this year to the legislative program and to the County's legislative advocacy efforts. The County's legislative efforts will be augmented with subject matter experts in the areas of health care and taxation. The County's legislative team will work closely with agency points of contact, and knowledgeable agency staff will be deployed to the General Assembly more frequently than

in previous years. The Board will receive weekly updates during the session in a different format from before and will provide an in-depth explanation of major issues of concern.

Mr. Hazelett recognized Mr. Schnurman, who began a slide presentation on this item by identifying the four requests that had been included in the 2013 traffic legislative program. Mr. Schnurman recognized Mr. Emerson, who reviewed a request to clarify Board of Zoning Appeals (BZA) voting requirements. Mr. Emerson explained that it is unclear what actions are covered under Virginia Code Section 15.2-2312 and that the solution is to amend the State code to clarify what actions by the BZA require a majority vote of those members present rather than a majority vote of the entire Board. He also suggested specific changes that would apply to decisions involving the affirmation of decisions of an administrative officer; applications for the interpretation of the district map; reversal of decisions of an administrative officer; affirmation or reversal of decisions of a zoning administrator; and granting of a variance or special exception, or revocation of a special exception that has been previously granted.

Mr. Emerson recognized Mr. Strickler, who reviewed a request to extend the County's enterprise zone. Mr. Strickler explained that the County's joint zone with the City of Richmond will expire in 2014 and that the solution is to amend the State code to require re-designation of the zone to allow for a full 20-year benefit. In response to questions from Mr. Kaechele, Mr. Strickler and Mr. Hazelett clarified the timeframes for the original zone granted to the City and for the re-designated joint zone. Mr. Strickler continued the presentation by sharing data that highlighted the zone's benefits and justified the request. He and Mr. Hazelett responded to questions from the Board pertaining to the costs to the State of allowing extension of the zone's expiration date, why the County is part of a joint zone rather than having its own zone, and the amount of State grants leveraged for projects within the County's enterprise zone. Mr. Glover pointed out that the County's enterprise zone clearly benefits the Commonwealth and that Willow Lawn exemplifies how an enterprise zone can help revitalize a commercial area.

Mr. Strickler recognized Ms. Crawley, who reviewed a request to extend child protective services investigations. Ms. Crawley explained that the Code of Virginia currently requires determinations by the Department of Social Services' Child Protective Services staff to be made within 45 to 60 days and the failure to complete a determination on time has resulted in reversal by the State Hearing Officer. She advised that the solution is to amend the State code to require that determinations be completed within 45 days of the receipt of critical information. Ms. Crawley responded to questions from Mr. Kaechele and Mrs. O'Bannon concerning the definition of critical information.

Ms. Crawley recognized Mr. Yob, who reviewed a request regarding transportation planning codification. He noted that although the General Assembly provided Henrico and Arlington Counties with relief in the State budget from penalty provisions in the 2012 transportation bill, the preferred solution is to codify the budget language for counties that own and maintain their own roads. Mr. Yob, Mr. Hazelett, and Mr. Foster responded to questions from Mr. Glover pertaining to the State funding formula for road maintenance in the County. They also responded to questions from the Board concerning how transportation revenues are allocated statewide and the potential for the Commonwealth Transportation Board to intrude in local transportation planning decisions.

Mr. Hazelett continued the presentation by suggesting that the Board consider including an additional request in the County's 2013 Legislative Program, the authority to levy a meals tax. He pointed out that it has become increasingly difficult for the County to balance the budget within existing revenue sources and commented that the General Assembly needs to consider the disparity in taxing authority between cities and counties. Henrico County is the only locality in the Commonwealth with responsibility for maintaining its own road system that does not have the authority to levy a meals tax without a referendum. Mr. Hinton responded to questions from the Board relating to the number of other Virginia localities with meals tax authority (45 counties, 205 localities total), the amount of revenue that a meals tax would generate in the County (approximately \$20 million annually), the maximum meals tax rate for counties levying the tax (four percent), and the City's meals tax rate (six percent). He noted that 40 counties have gained meals tax authority through a referendum while five counties have obtained this authority without a referendum upon the unanimous consent of the Board of Supervisors.

Mr. Hazelett advised that he was seeking the Board's consensus to add the meals tax request to the County's legislative agenda and that this tax would generate an equivalent amount of revenue to a six-cent increase in the County's real estate tax rate. Mrs. O'Bannon expressed concern that a meals tax could further escalate the number of restaurants going out of business in her district. She also remarked that the problem with the meals tax referendum that previously failed in the County was that there was confusion over how the tax would be applied to prepared foods. Mr. Hazelett responded to further questions from the Board regarding the proposed timeline and process for implementing the tax if authority is granted, how the tax can and should be promoted to the public, and whether other localities that levy the tax dedicate the revenue to a specific purpose or purposes. The consensus of the Board is to move forward in taking this request to the County's General Assembly delegation.

The Board recessed for dinner at 6:10 p.m. and reconvened at 6:18 p.m.

On motion by Mr. Thornton, seconded by Mrs. O'Bannon, the Board approved going into a Closed Meeting at 6:19 p.m. for Consultation with the County Attorney Pertaining to: (1) Probable Litigation to be Styled *Board of Supervisors of Henrico County, Virginia v. Omiyah Investment Corporation*; and (2) Actual Litigation Styled *Carroll, et al. v. County of Henrico, Virginia*, Both Pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, 1950, as Amended.

The vote of the Board was as follows:

<u>Aye</u>	<u>Nay</u>
Richard W. Glover	
David A. Kaechele	
Tyrone E. Nelson	
Patricia S. O'Bannon	
Frank J. Thornton	

On motion of Mrs. O'Bannon, seconded by Mr. Thornton, the Board approved going out of the Closed Meeting at 6:51 p.m.

The vote of the Board was as follows:

Aye  
Richard W. Glover  
David A. Kaechele  
Tyrone E. Nelson  
Patricia S. O'Bannon  
Frank J. Thornton

Nay

On motion of Mrs. O'Bannon, seconded Mr. Kaechele, the Board approved the attached Certificate of Closed Meeting.

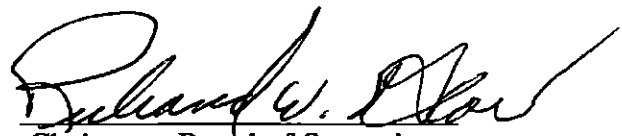
The vote of the Board was as follows:

Aye  
Richard W. Glover  
David A. Kaechele  
Tyrone E. Nelson  
Patricia S. O'Bannon  
Frank J. Thornton

Nay

Mr. Hazelett briefly reviewed the agenda for the Board's 7:00 p.m. meeting. He noted that four citizens had signed up in advance to speak during the public hearing on a proposed amendment to the County's solicitation ordinance. Mr. Hazelett distributed a brochure prepared for the public by the Division of Police, titled *We Want to Help!*, that explains the proposed changes to the ordinance code and provides a listing and telephone numbers of various resources for individuals in need. Chief Middleton updated the Board on how the Division of Police is working with community organizations to ensure that persons in need are connected with the resources that are available to them. He responded to several questions from the Board pertaining to the proposed ordinance amendment, information contained in the brochure, and the Division of Police's plan to take a compassionate approach to solicitors on County highways whose activities would be in violation of the ordinance. Chief Middleton noted that the objective of the ordinance is to make the County's intersections safer. Mr. Kaechele commented that there was a lot of community support for the ordinance.

There being no further business, the meeting was adjourned at 7:00 p.m.



Chairman, Board of Supervisors  
Henrico County, Virginia