

COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
SPECIAL MEETING  
December 11, 2012

The Henrico County Board of Supervisors convened a special meeting on Tuesday, December 11, 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  
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  
John A. Vithoukias, Deputy County Manager for Administration  
Tamra R. McKinney, Director of Public Relations & Media Services  
Ralph J. (Joe) Emerson, Jr., Director of Planning  
S. Mark Strickler, Director of Community Revitalization

Mr. Glover called the meeting to order at 4:39 p.m. He welcomed two Boy Scouts who were in the audience.

Mr. Hazelett briefly referred to the three items listed on the agenda and noted that dinner would be served in Café 1611 at 6:00 p.m.

**Privately Owned Dog Parks**

Mr. Hazelett recognized Ben Blankinship, Principal Planner, who narrated a slide presentation on this matter. Mr. Blankinship began his presentation by reviewing a previous recommendation that staff had brought forward to the Board in September, the Wyndham Foundation's response to this recommendation, and a revised recommendation from staff containing standards for private dog parks to serve single-family areas and multifamily development. After reviewing staff's original recommendation, the Wyndham Foundation Board felt that a minimum of one acre of

fenced area would be too large for a private dog park and that requiring 15 parking spaces per fenced acre and a 400 foot setback would be too restrictive. In its revised recommendation, staff retained these standards for parks serving single-family areas but included less restrictive standards for parks serving multifamily developments. Staff also suggested in its revised recommendation that private dog parks serving single-family areas be allowed by provisional use permit (PUP) in selected zoning districts and such parks serving multifamily development be allowed as an accessory use, subject to special exception approval at the time of the plan of development. Mr. Blankinship responded to questions from Mrs. O'Bannon regarding the PUP process. Mr. Rapisarda offered clarification that neither the Director of Planning nor the Planning Commission has the legal authority to approve special exceptions, only the Board of Supervisors, because such approval entails a legislative decision. Mr. Blankinship pointed out that the Wyndham Foundation has not been receptive to staff's proposed standards for single-family areas, which did not change in the revised recommendation.

Following Mr. Blankinship's presentation, he and Mr. Emerson responded to questions from Mr. Kaechele pertaining to proposed setback requirements for private dog parks in multifamily developments. Mr. Kaechele suggested that the County convey to the Wyndham Foundation that the new Short Pump Park adjacent to Short Pump Elementary could be designed to include a public dog park for which the County would assume liability. He clarified for Mrs. O'Bannon that the Wyndham Foundation's interest in establishing a private dog park is based on a survey of its residents. In response to questions from Mr. Glover and Mr. Nelson, Mr. Hazelett shared his concerns about private dog parks. Mr. Rapisarda responded to questions from Mrs. O'Bannon relating to how private dog parks would address liability issues. Mr. Glover suggested that Mr. Kaechele work with staff on a more definitive recommendation that the Board can consider at a future meeting.

#### Rocketts Landing Mixed Use Project -VHDA Bond Financing

Mr. Hazelett recognized Mr. Strickler, who narrated a slide presentation on a proposed mixed use and mixed income project at Rocketts Landing for which the developer (WVS/Rocketts Landing Construction Management, LLC) is trying to obtain Virginia Housing Development Authority (VHDA) bond financing. VHDA financing for the project is contingent upon a resolution adopted by the Board designating Rocketts Landing as a revitalization area. The project includes a five-story apartment building with first floor commercial space, parking, and amenities. The Board approved a PUP for additional building height and density and a master plan for the land bay at its July 24, 2012, meeting.

In addition to describing the project, Mr. Strickler reviewed VHDA's income limits for this type of bond financing, certification requirements for revitalization area designation, and factors that should be considered by the Board regarding certification. Although the Rocketts Landing area is designated for Urban Mixed Use in the County's Comprehensive Plan and as a Revitalization/Reinvestment Opportunity Area on the Special Focus Areas map, the County has not previously signed a revitalization letter for VHDA tax credit projects or designated a revitalization area by resolution due to the required VHDA language. Mr. Strickler also pointed out that there may be concerns from existing property owners in Rocketts Landing over the designation and its implications. He concluded his presentation by recommending that should the

Board support a revitalization area designation, such designation be limited to this one parcel of property and certified on the basis of lack of housing in the area as opposed to a determination that the area is blighted. David Sacks, Community Development Manager, distributed a draft resolution designating a portion of Rocketts Landing as a revitalization area to enable VHDA financing for the project.

Mr. Strickler and Mr. Hazelett responded to questions from the Board relating to VHDA's methodology for determining and applying income limits for this type of project and the project's anticipated rental rates. Mr. Hazelett expressed concern about a paragraph contained in the draft resolution whereby the Board would make a determination that private enterprise and investment are not expected to produce satisfactory housing for low and moderate income persons and families in the Rocketts Landing area without VHDA assistance. Mr. Rapisarda pointed out that the wording tracks the Code of Virginia. Mr. Nelson acknowledged that he was initially uncomfortable with the idea of designating Rocketts Landing as a revitalization area but after discussing the matter with staff believes that the project would benefit the community and the requisite resolution merits the Board's support. There was further discussion by the Board, Mr. Strickler, Mr. Hazelett, Mr. Rapisarda, and Mr. Vitoulkas regarding how existing Rocketts Landing residents may perceive the project, how the resolution could set a precedent for other areas of the County if adopted, and how VHDA bonds benefit the developer. Mr. Glover suggested the Board follow Mr. Nelson's recommendation since his constituents are the ones who will be directly affected by the project. Mr. Hazelett advised the Board that the resolution will be placed on the Board's January 22, 2013, regular meeting agenda

On motion by Mrs. O'Bannon, seconded by Mr. Kaechele, the Board approved going into a Closed Meeting at 5:26 p.m. for Discussion and Consideration of the Acquisition of Real Property in the Tuckahoe District for Public Purposes Relating to a Recycling Facility, Pursuant to Section 2.2-3711(A)(3) 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 5:36 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. Thornton, the Board approved the attached Certificate of Closed Meeting.

The vote of the Board was as follows:

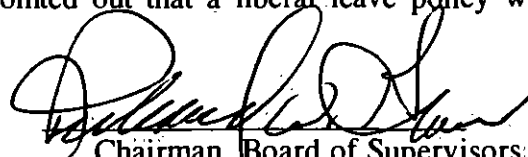
Aye  
Richard W. Glover  
David A. Kaechele  
Tyrone E. Nelson  
Patricia S. O'Bannon  
Frank J. Thornton

Nay

Mr. Hazelett reviewed the agenda for the 7:00 p.m. meeting. He alerted the Board to a resolution he wished to have added to the agenda by unanimous consent at the outset of the meeting that would authorize the County to settle on the acquisition of a parcel of property within the project area for the Cobbs Creek Reservoir. The owner of the property is anxious to close on the transaction before the end of the year. Mr. Hazelett expressed reluctance to wait until the end of the meeting to add the paper because Mr. Thornton might need to leave the meeting early due to illness. He responded to questions from Mrs. O'Bannon pertaining to the status of negotiations with the property owner and to a question from Mr. Nelson concerning the procedure for appointing members of the Board to serve on local and regional boards and commissions. There was discussion by the Board of how members have worked together in previous years to share board and commission assignments and the offices of chairman and vice chairman.

The Board recessed at 5:46 p.m. for dinner in Café 1611. The Board reconvened after dinner at 6:40 p.m. Mr. Glover offered thanks and presented gift cards on behalf of the Board to Food Services Manager Sharlene Ladd and her assistant Michelle Chambers. Mr. Hazelett wished the Board Merry Christmas and Happy New Year. Mr. Hazelett thanked the Board for its support during the past 21 years he has served as County Manager. He advised the Board that he will step aside during the January 8, 2013, regular meeting and let Mr. Vithoulkas call the items on the agenda relating to board and commission appointments. In response to a comment from Mr.

Kaechele, Mr. Hazelett confirmed that the County's offices will not be closed on New Year's Eve due to overtime cost concerns but pointed out that a liberal leave policy will be in effect for County employees.

  
Chairman, Board of Supervisors  
Henrico County, Virginia