

**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
SPECIAL MEETING
December 10, 2013**

The Henrico County Board of Supervisors convened a special meeting on Tuesday, December 10, 2013, at 4:15 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:

David A. Kaechele, Chairman, Three Chopt District
Patricia S. O'Bannon, Vice Chairman, Tuckahoe District
Richard W. Glover, Brookland District
Tyrone E. Nelson, Varina District

Member of the Board Absent:

Frank J. Thornton, Fairfield District

Other Officials Present:

John A. Vithoukaskas, County Manager
Joseph P. Rapisarda, Jr., County Attorney
Joseph T. (Tom) Tokarz, II, 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
Joseph P. Casey, Deputy County Manager for Administration
Jane D. Crawley, Deputy County Manager for Community Services
Timothy A. Foster, Deputy County Manager for Community Operations
Randall R. Silber, Deputy County Manager for Community Development
Wilbert J. (Bert) Childress, Technology Support Specialist, Manager's Office
Tamra R. McKinney, Director of Public Relations & Media Services
Cecelia H. Stowe, Purchasing Manager
Douglas A. Middleton, Chief of Police
Carl A. Mueller, Deputy Chief of Police, Administrative Services Bureau
Todd J. Pugh, Communications Manager, Division of Police

Mr. Kaechele called the meeting to order at 4:21 p.m.

Mr. Vithoukaskas briefly referred to the three items listed on this agenda and announced that dinner would be served in Cafe 1611 following discussion of these items.

Proposed Plan of Development for Shane and Quiocassin Recycling Facility

Mr. Vithoukias recognized Leslie News, Principal Planner, who narrated a slide presentation on this item. Ms. News noted that the Shane Road Recycle Center will be located on a 1.9-acre site adjacent to Fire Station #9 and will be a free standing facility. She shared a map depicting zoning classifications in the vicinity of the site and an aerial photograph of this vicinity. Ms. News explained a site plan rendering of the recycle center and reviewed setbacks, buffers, road access, drainage, illumination, and landscaping. No utility work will be required for the project. The facility will be contained within an eight-foot ornamental fence. The gate will be open from 7:00 a.m. to 7:00 p.m. daily. The Department of Public Utilities held a community meeting on the proposed facility at Pemberton Elementary School on November 13, which was attended by 14 residents. Many of the concerns that were expressed pertained to traffic, noise, lighting, and points of access. The department has been working with the community to resolve some of the concerns and is in the process of performing a sound study. Although residents have requested a second point of access to the site from Quiocassin Road, the Virginia Department of Transportation has determined that this is not feasible due to safety concerns so access to the site will be limited to Shane Road.

At the conclusion of her presentation, Ms. News responded to questions and comments from the Board. Mr. Kaechele asked about the location of a concrete pad on the site, the site's visibility from Quiocassin Road, the facility's hours of operation, and the proximity of the recycle center to Fire Station No. 9. Mrs. O'Bannon noted that residents of nearby neighborhoods have also raised concerns regarding the County's plans for handling drainage on the property and pointed out that the County is considering additional landscaping. Mr. Glover inquired about the color scheme on the site plan rendering.

Mr. Vithoukias advised that a public hearing on this proposed plan of development will come before the Board at its January 28 regular meeting.

Stormwater Management Update

Mr. Vithoukias noted that this was the latest of several updates that staff has provided to the Board on new stormwater management regulations. He recognized Steve Yob, Director of Public Works, who in turn recognized the following staff members who were present to assist him in answering any questions the Board may have: Jeff Perry, Engineering and Environmental Services Division Manager; Keith White, Environmental Engineer; and Ben Thorp, Assistant County Attorney. Mr. Yob pointed out that Mr. Perry has been working on this matter since 2006 and is probably the most knowledgeable person in the Commonwealth with respect to the regulations.

Mr. Perry narrated a slide presentation titled *Proposed Changes to Chapter 10 (Environment) as a Result of the Revised Stormwater Management Regulations*. Mr. Perry advised the Board that the focus of his presentation would be on the Department of Environmental Quality's (DEQ) stormwater regulations that will go into effect in July 2014, but that he would be appearing before

the Board again in the future to provide updates on the Environmental Protection Agency's (EPA) and DEQ's Chesapeake Bay Total Maximum Daily Load (TMDL) and EPA's and DEQ's National Pollutant Discharge Elimination System (NPDES) permit reissuance. He pointed out that all three of these programs will have significant impacts on new development, redevelopment, existing development, the County's existing policies and program, and the County's budget.

Mr. Perry explained that the stormwater management regulations were adopted by the Virginia Soil and Water Conservation Board in September 2011 and require local governments throughout the Commonwealth to adopt a stormwater management ordinance or incorporate federal and state requirements into their existing ordinances. Local governments must implement a stormwater management program beginning July 1, 2014. Draft county ordinances and other program documents must be submitted to DEQ for review in January 2014 and DEQ will return comments and recommended changes to the County within 30 days. Final adopted ordinances and program documents are due to DEQ by May 15, 2014.

During his presentation, Mr. Perry covered the two alternative approaches that the County can undertake, proposed changes to Chapter 10 of the current County Code, stormwater management technical criteria, new and current stormwater management regulations, and new Best Management Practices (BMP) types and standards. He responded to questions and concerns from Mr. Glover and Mrs. O'Bannon regarding EPA's determination that dry pond BMPs are not effective and EPA's requirement that newly constructed BMPs have wet ponds. Mr. Foster responded to questions from Mr. Glover pertaining to the future requirement that new subdivisions must have a small BMP at each outfall. Mrs. O'Bannon expressed concern relating to the ability of County staff to handle the volume of BMP inspections that will result from the new regulations. Mr. Vithoukas confirmed for Mr. Kaechele that staff is recommending that the County incorporate new stormwater requirements into the current environmental chapter of the County Code rather than adopt a separate stormwater ordinance. Mr. Perry, Mr. Vithoukas, Mr. Foster, Mr. Yob, and Mr. Thorp responded to additional questions from the Board regarding local responsibilities under the new regulations and the federal and state agencies responsible for developing and imposing these regulations. Mr. Vithoukas agreed to research an inquiry by Mr. Glover as to whether localities can require that aerators be installed in BMP wet basins.

Mr. Perry resumed his presentation by elaborating on the responsibility of localities for the review, inspection, and enforcement of the Commonwealth's General Construction Permit beginning July 1, 2014, to ensure compliance with stormwater pollution prevention plans, pollution prevention plans, and total maximum daily load requirements. He responded to questions from Mr. Kaechele and Mr. Glover concerning this new responsibility. Mr. Perry continued his presentation by explaining a graph highlighting the state versus local portion of the General Construction Permit fees established in the state regulations. He responded to questions from the Board pertaining to the intent of the new regulations, their potential impact on new development, and the future scope of the Chesapeake Bay Act. Mr. Perry concluded his presentation by referring to enhanced and additional local responsibilities that must be implemented and enforced by the County for single-family parcels.

Following Mr. Perry's presentation, he and Mr. Foster responded to further questions from the Board relating to the financial impact of the new regulations on developers, homeowners, and the County. Mr. Nelson indicated that it would be helpful for staff to develop a template of the Code changes it will be submitting to DEQ. Mr. Glover expressed appreciation to Mr. Perry and the Department of Public Works for the exceptional job they have done in dealing with the regulations.

County Space Needs and Best Plaza Update

Mr. Vithoukas recognized John Neal, Director of General Services, who narrated a slide presentation on this item. Mr. Neal began his presentation by providing background information on the Best Plaza property, which is located at 1400 Best Plaza Drive and is bounded by I-95, East Parham Road, and Scott Road. The County purchased the 93.2-acre property in December 2011 for \$6,221,400. The site includes the Best Plaza building and 1,144 parking spaces as well as 59 undeveloped acres. Zoning on the property is O-3C (Office District), PMD (Planned Industrial District), and M-1 (Light Industrial District). The 2013 assessed value of the property totals \$8,046,800, including land (\$5,271,200) and improvements (\$2,775,600). Prior to the County's purchase of the property, it was used as the Best Products Co., Inc. headquarters and Bank of America call center. The building was constructed between 1979 and 1986 and contains 312,000 gross square feet.

Mr. Neal continued his presentation by showing an aerial photograph of the subject property and two nearby properties of similar size that are privately-owned and currently undeveloped. Mr. Vithoukas, Mr. Silber, and Mr. Neal responded to a question from Mr. Glover regarding the length of the existing Scott Road bridge crossing. Mr. Neal resumed his presentation by reviewing an aerial of the building site on the subject property, identifying the challenges and high costs of upgrading the Best Plaza Building for use as a public building, updating the Board on the space planning study for Best Plaza, and discussing the County's office and storage space needs expansion options. Mr. Neal responded to a question from Mr. Kaechele pertaining to the County's use of a private consulting firm to assist staff with the planning study for Best Plaza.

Mr. Neal returned to his presentation by reviewing aerial photographs of the County's eastern government and western government complexes. He advised that staff's recommendation is for the County to sell Best Plaza for the highest possible price, return the property to the tax roll, recoup the investment and expenses, and use the proceeds for new construction and/or the expansion of facilities at the eastern and western government centers. This recommendation includes developing a request for proposal (RFP) process to facilitate the sale of the Best Plaza property and to provide other real estate services for the County, Henrico County Public Schools, and the Henrico County Economic Development Authority. Mr. Vithoukas responded to a question from Mrs. O'Bannon relating to the County's future plans for accommodating the future space needs of the County's court systems and noted that moving the location of a county courthouse to non-contiguous property requires voter approval in a local referendum. He confirmed for Mr. Kaechele that the County has spent \$7.5 million to date on the Best Plaza property, which at one time was valued at \$30 million.

Mr. Neal continued his presentation by explaining other potential uses of real estate brokerage services should the County go forward with the RFP and the anticipated February 1, 2014, timeline for executing the brokerage services contract and moving the Capital Region Workforce Partnership's (CRWP) central operations to the Fairfield Library location. He responded to a question from Mr. Glover regarding the County's future plans for the use of Dabbs House at the eastern government center. In response to a question from Mr. Kaechele pertaining to the County's change of plans for the Best Plaza property, Mr. Vithoukas noted the lengthy timeframe (seven to eight years) and high cost (tens of millions of dollars in building stabilization and upgrades) associated with moving County operations to that site.

Mr. Neal concluded his presentation by adding a slide that was not included in the Board's handout on a potential expansion location for County facilities adjacent to the western government center and by returning to an aerial slide of the Best Plaza Building site. Mr. Vithoukas spoke to the advantages of having a firm market the Best Plaza property nationally. He and Mrs. Crawley responded to questions from Mr. Nelson concerning the current and future locations of CRWP offices and programs. Mr. Casey responded to a question from Mr. Kaechele relating to the proposed RFP process for real estate brokerage services and proposed strategy for marketing the Best Plaza property.

On motion of Mr. Glover, seconded by Mr. Nelson, the Board approved going into a closed meeting at 5:46 p.m. for Consultation with the County Attorney Regarding Specific Legal Matters Requiring the Provision of Legal Advice Pertaining to an Award of Contract for Consulting Services 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>Absent</u>
David A. Kaechele	Frank J. Thornton
Patricia S. O'Barmon	
Richard W. Glover	
Tyrone E. Nelson	

On motion of Mr. Glover, seconded by Mr. Nelson, the Board approved going out of the closed meeting at 6:00 p.m.

The vote of the Board was as follows:

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

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

The vote of the Board was as follows:

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

In response to a question from Mr. Nelson, Mr. Rapisarda clarified that the Chairman of the Board has the prerogative to allow a citizen to address the Board on a non-public hearing, general agenda item and pointed out that the Board does not have a formal appeals process for contesting the selection of offerors of requests for proposals for consulting services. He recommended that the Chairman allow a representative of RCC Consultants, Inc. to address the Board on Agenda Item No. 240-13 at the 7:00 p.m. meeting. Mr. Glover suggested that this item be moved to the end of the agenda. In response to another question from Mr. Nelson, Mr. Vithoukas elaborated on a request by an attorney representing The East End Landfill (TEEL) to address the Board on Agenda Item 244-13 at the 7:00 p.m. meeting. Mr. Vithoukas suggested that the representative, who wished to express disagreement with the County's position, be permitted to speak for up to five minutes. He also explained the purpose of the Board paper, which would express the Board's opposition to amendment of the Central Virginia Waste Management Plan to allow expansion of landfill operations by TEEL at 1820 Darbytown Road.

The Board recessed for dinner at 6:06 p.m. in Cafe 1611.

The Board reconvened in Cafe 1611 at 6:36 p.m. Mr. Vithoukas thanked the Board and staff for their support during his first year as County Manager, and also thanked the Board for taking a chance on a new County Manager and leadership team. He commented that the calling card for his administration going forward will continue to be credibility and hard work, but noted that it is appropriate to take a breather during the holiday season.

Mr. Kaechele thanked Mr. Vithoukas and his staff for a great year. He noted the hard work of the general government and schools staff in educating the public on the issues associated with the successful meals tax referendum. On behalf of the Board, Mr. Kaechele presented gift cards to Sharlene Ladd, Food Services Manager, and her assistant, Michelle Chambers, for preparing the Board's meals at work sessions during the past year.

There being no further business, the meeting was adjourned at 6:41 p.m.

David A. Kachel
Chairman, Board of Supervisors
Henrico County, Virginia