

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
SPECIAL MEETING
September 26, 2017

The Henrico County Board of Supervisors convened a special meeting on Tuesday, September 26, 2017, at 4:45 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:

Patricia S. O'Bannon, Chairman, Tuckahoe District
Frank J. Thornton, Vice Chairman, Fairfield District
Thomas M. Branin, Three Chopt District (*arrived at 5:00 p.m.*)
Harvey L. Hinson, Brookland District
Tyrone E. Nelson, Varina District

Other Officials Present:

John A. Vithoukas, County Manager
Joseph P. Rapisarda, Jr., County Attorney
Joseph T. Tokarz II, Deputy County Attorney
Barry R. Lawrence, CMC, Assistant to the County Manager/Clerk to the Board
Tanya B. Harding, CMC, Deputy Clerk/Administrative Assistant
W. Brandon Hinton, Deputy County Manager for Community Services
Anthony J. Romanello, Deputy County Manager for Administration
Randall R. Silber, Deputy County Manager for Community Development
C. Michael Schnurman, Legislative Liaison
Tamra R. McKinney, Director of Public Relations & Media Services

Mrs. O'Bannon called the meeting to order at 4:49 p.m.

Mr. Vithoukas reviewed the agenda for this special meeting.

DC to Richmond Southeast High Speed Rail (DC2RVA) Study Update

Mr. Vithoukas introduced Jennifer Mitchell, Director of the Virginia Department of Rail and Public Transportation (VRPT). Ms. Mitchell introduced Emily Stock, Manager of Rail Planning for VRPT, and Wayne Hyatt, Rail Project Manager for the consulting team from Moffatt & Nicol. She narrated a slide presentation on this item with Mr. Hyatt's assistance. Ms. Mitchell began by reviewing the timeline for the DC2RVA draft environmental impact statement (EIS) project and the purpose and need for DC2RVA, which is to improve reliability, decrease travel time, and increase frequency of service. She next identified the following DRPT recommendations for DC2RVA: have additional track capacity to support passenger, commuter, and freight growth on the corridor; relieve congestion in Northern Virginia; and expand capacity on the Long Bridge across the Potomac River. Ms. Mitchell also identified four alignment alternatives in the Ashland/Hanover area that were carried forward into the draft EIS for detailed review, discussed the mission of the Ashland/Hanover Community Advisory Committee (CAC), identified the CAC's least objectional alignment

alternatives, and shared VRPT's alignment recommendation for the Richmond area. Mrs. O'Bannon expressed concerns regarding the impact of high speed rail on pedestrian and traffic safety in Ashland and suggested VRPT give consideration to a commuter bus between Staples Mill Station in Henrico and Main Street Station in Richmond.

Ms. Mitchell resumed her presentation by providing information on the full-service Main Street Station and Staples Mill Road Station concepts. Mr. Hyatt discussed Henrico at-grade crossings that would be impacted by DC2RVA and reviewed proposed concepts for the location of the DC2RVA corridor on Dumbarton and Hungary Roads. He and Ms. Mitchell responded to questions from Mr. Hinson pertaining to the future taking of private property in Henrico for DC2RVA and the schedule for this to occur. Ms. Mitchell concluded the presentation by reviewing VRPT's prioritized recommendation summary; the current Staples Mill Road Station parking expansion project, which is not part of DC2RVA; and the next steps in the DC2RVA project. She noted public hearings on the draft EIS will be held in Richmond on October 10 and in Ashland on October 11.

The Board recessed at 5:17 p.m. and reconvened at 5:26 p.m.

Regulation on Short-Term Rentals

Mr. Vithoukias recognized Ben Blankinship, Principal Planner, who in turn introduced Miguel Madrigal, County Planner and team leader for the staff study of this item. Mr. Blankinship noted the following County agencies are represented on the team: Division of Police; Division of Fire; Department of Building Construction and Inspections; Department of Finance; Health Department; Department of Community Revitalization; Department of Community Development (The Permit Center); and the County Attorney's Office. He began narrating a slide presentation on this item by explaining the need to amend the County Code. Over the past few years, the County has experienced an increase in short-term rentals by way of internet lodging platforms such as Airbnb. This is a relatively new and unregulated industry that impacts traditional service providers and residential neighborhoods. Although current zoning regulations address traditional lodging, such as hotels/motels and bed and breakfast homes, the County Code does not specifically address the short-term rental model developed by Airbnb. Mr. Blankinship discussed the growing market for short-term rentals and pointed out the County has received a small number of complaints against property owners during the past few years. The most egregious concerns have pertained to non-hosted rentals of residences where the property owner has minimal control. Mr. Blankinship elaborated on legislation passed by the General Assembly during the 2017 session authorizing localities to create a registry of short-term rentals and regulate them through zoning. He responded to questions and concerns raised by Mr. Hinson pertaining to the state enabling legislation and how the ordinance could be enforced. Mr. Hinson suggested it might be more effective to regulate short-term rentals through other sections of the County Code rather than through the zoning ordinance.

Mr. Blankinship continued his presentation by reporting on how neighboring jurisdictions and other local jurisdictions in Virginia are regulating short-term rentals. Mrs. O'Bannon stated she was interested in having the regulatory framework concentrate on quality of life and not revenue generation. Mr. Blankinship responded to her question relating to Chesterfield County's regulation of short-term rentals as a special exception that is reviewed by the Planning Commission and approved by the Board of Supervisors.

Mr. Blankinship continued his presentation by noting the primary concerns in regulating short-term rentals are public safety and maintaining the integrity of residential neighborhoods. He further noted the importance of considering equity and competitive fairness between short-term rentals and traditional hotels and bed and breakfast inns. Mr. Blankinship recommended the Board act on the authority provided by the General Assembly and require annual registration of short-term rentals while at the same time amending the zoning ordinance and studying possible changes to the transient occupancy tax. His specific recommendations for amending the zoning ordinance included adding definitions distinguishing between hosted and non-hosted stays of short-term rentals; allowing hosted rentals by right, up to four bookings per year and not to exceed 30 calendar days per year; requiring a conditional use permit for non-hosted stays, or for more than four hosted stays; and establishing operating, safety, and parking requirements applicable to both hosted and non-hosted stays. Mr. Blankinship concluded his presentation by identifying next steps in the process, which would culminate with a December 12 Board public hearing on both zoning ordinance and registry ordinance amendments.

Following Mr. Blankinship's presentation, there was considerable discussion by the Board with staff. Joe Emerson, Planning Director, responded to a question from Mr. Nelson by elaborating on how adjoining localities are addressing short-term rentals. Mr. Blankinship and Mr. Emerson responded to a question from Mrs. O'Bannon pertaining to conditional use permit fees. Mr. Rapisarda responded to concerns expressed by Mr. Branin relating to having the Board of Zoning Appeals grant a conditional use permit for short-term rentals rather than the Board of Supervisors. Mr. Blankinship responded to a suggestion by Mr. Branin that regulations adopted by the Board be sufficiently flexible to address properties in different areas of Henrico where the type of short-term rentals may vary. Mr. Emerson responded to Mr. Hinson's concerns about rushing to adopt an ordinance that cannot be enforced. Mr. Vithoukas pointed out there is a bright line between hosted and non-hosted short-term rentals and joined Mr. Emerson in responding to questions from Mrs. O'Bannon about a request from the Virginia Association of Counties and Virginia Municipal League that localities adopt ordinances regulating short-term rentals under the new enabling legislation prior to the 2018 General Assembly Session. In response to further comments by Mr. Hinson regarding the need to look at other sections of the County Code in regulating short-term rentals, Mr. Rapisarda pointed out staff was also recommending the Board look at adopting a registry ordinance. Mr. Vithoukas assured the Board that staff will continue to research the alternatives and will return with more information and a revised plan for addressing short-term rentals.

Lifetime Dog Licenses

Mr. Vithoukas recognized Ned Smither, Director of Finance, who in turn recognized Lt. Shawn Sears, Animal Protection Unit Supervisor, and Information Technology Director Tom Owdom. Mr. Smither narrated a presentation titled *Proposed Ordinance to Provide for Lifetime Dog License*. He began by offering a summary of proposed ordinance changes, which would include extending the license to the life of the dog and establishing a one-time license fee of \$10. There would be no need to renew the license unless the dog's rabies vaccination expired. Lieutenant Sears explained for Mrs. O'Bannon how dog owners are notified when a rabies vaccination expires. He responded to questions from Mr. Nelson pertaining to how the County's animal protection officers address dog owners whose dogs are not licensed or do not have current rabies vaccinations.

Mr. Smither continued his presentation by reviewing proposed changes to specific sections of the County Code. He also reviewed the features and advantages of a lifetime license, which include improved pricing for citizens, encouraging more registrations and rabies vaccinations, less confusion on fees, and a reduction of approximately 6,000 dog license payments per year for processing by the Department of Finance's Treasury Division. Mr. Smither provided current dog license statistics, pointing out that his department issued 19,685 tags in 2017. He also updated the Board on how adjoining local jurisdictions are addressing dog licenses. In conclusion, Mr. Smither advised the Board that the proposed ordinance would reduce the County's administrative costs associated with check processing but would reduce annual dog license revenues as well. Mrs. O'Bannon expressed appreciation for the improved convenience and customer service that would result from adoption of the proposed ordinance. Mr. Rapisarda responded to a question from Mr. Branin by suggesting introduction of the proposed ordinance at the October 10 Board of Supervisors meeting for public hearing at the Board's November 14 meeting.


At Mr. Vithoukas' request, Lieutenant Sears updated the Board on the Animal Protection Unit's successful efforts in capturing a pot-bellied pig that was running at large for two weeks in the Twin Hickory area of western Henrico. He responded to a question from Mr. Nelson relating to ownership of the pig. In response to questions from Mr. Thornton, Lieutenant Sears commented on the state's regulation of exotic animals and updated the Board on his staff's successful capture of a monitor lizard that recently escaped from its owner in Lakeside.

Regular Meeting Agenda Items

Mr. Vithoukas reviewed the agenda for the 7:00 p.m. meeting. He noted there were two proclamations to present and two items listed for public hearing. Mr. Vithoukas pointed out the Superintendent of Schools had sent a letter answering several questions raised by the Board at the September 24 regular meeting in regard to budget amendments included in the first public hearing item. He referred to the five general agenda items that would be considered by the Board and announced that one citizen was registered to speak during the public comment period.

Mrs. O'Bannon complimented County staff on its approach to customer service. She cited recent actions by Public Works Director Steve Yob as exemplifying the superior service County staff provides to Henrico citizens.

There being no further business, the meeting was adjourned at 6:26 p.m.



Chairman, Board of Supervisors
Henrico County, Virginia