

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
SPECIAL MEETING
October 23, 2018

The Henrico County Board of Supervisors convened a special meeting on Tuesday, October 23, 2018, at 5:15 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:

Frank J. Thornton, Chairman, Fairfield District
Tyrone E. Nelson, Vice Chairman, Varina District
Thomas M. Branin, Three Chopt District
Harvey L. Hinson, Brookland District
Patricia S. O'Bannon, Tuckahoe District

Other Officials Present:

John A. Vithoukás, 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, CMC, Deputy Clerk/Administrative Assistant
Timothy A. Foster, P.E., Deputy County Manager for Community Operations
W. Brandon Hinton, Deputy County Manager for Administration
Anthony J. Romanello, Deputy County Manager for Community Services
Randall R. Silber, Deputy County Manager for Community Development
C. Michael Schnurman, Jr., Legislative Liaison
Benjamin A. Sheppard, Director of Public Relations & Media Services

Mr. Thornton called the meeting to order at 5:21 p.m. and stated he was happy to be back after missing the last meeting due to being under the weather.

Mr. Vithoukás referred to the items on this special meeting agenda and asked the Board to reverse the order of the second and third items.

2019 General Assembly Overview

Mr. Vithoukás recognized Mr. Schnurman, who narrated a slide presentation titled *2019 Legislative Request & Issues: Board of Supervisors Update*. Mr. Schnurman noted this presentation was in preparation for the Board's annual dinner meeting with the County's General Assembly delegation that is scheduled for November 7. He began the presentation by reviewing several legislative issues. The first issue identified by Mr. Schnurman was the impact of 2016 proffer legislation on local government rezoning cases and bills carried over from the 2018 General Assembly Session that were intended to provide more flexibility in the proffers that can be offered by developers and accepted by local governing bodies. In response to a question from Mr. Nelson, Mr. Rapisarda explained that although homebuilders and Henrico officials have worked collaboratively within the limits of the 2016 legislation

this level of cooperation has not occurred in Northern Virginia. Mr. Emerson confirmed for Mr. Branin that a task force of homebuilders and County officials is meeting quarterly to discuss enhanced development. Mr. Nelson stated he believes the 2016 legislation benefits homebuilders and does not protect residents. Mr. Vithoulkas clarified this is an issue the County is monitoring in light of legislation introduced during the 2018 Session and not a request being put forward to the legislative delegation.

Mr. Schnurman next identified the issue of the unknown location or qualification of operators of group homes. There are two state agencies with different regulation policies, and localities do not receive advanced notice of where group homes will be located or their potential impact on the community. A Henrico task force is looking at maximizing the County's existing statutory authority with regard to group homes. Mr. Branin remarked that this has been a problem in his district and communications between the Commonwealth and the County need to be improved. Mr. Romanello acknowledged the two agencies responsible for regulating group homes, the Department of Social Services and Department of Behavioral Health, both have very different regulatory approaches. He pointed out that neither of those agencies regulates recovery homes. Mr. Thornton asked staff for additional information that explains the difference between group homes and recovery homes.

The third issue identified by Mr. Schnurman was unfunded mandates. He provided a list of the fiscal impact of various state mandates for fiscal years 2012 through 2018. Mr. Schnurman then identified the issue of assessment and manifest error. He noted commercial property owners believe the current process for appealing valuation errors to the Circuit Court is burdensome. Delegate Mark Keam from Fairfax County introduced two bills during the 2018 Session that were passed by but likely will be reintroduced in 2019. Mr. Rapisarda suggested the County should fight this legislation because it is not focused on the problem and would give commercial property owners the upper hand over localities when challenging assessments.

The fifth and final issue identified by Mr. Schnurman pertained to cigarette trafficking. He pointed out the Richmond region remains a hub of cigarette trafficking activity and is working with the industry to address the issue with the State Crime Commission.

Mr. Vithoulkas asked Sheriff Mike Wade to explain a proposed legislative request for a new recovery center model. Sheriff Wade informed the Board he would like for the County to build the "Henrico Transitional Community Center," a secure alternative sentencing facility that will help change the lives of individuals dealing with addiction issues. In response to questions from Mr. Nelson, Sheriff Wade explained how this facility would build on the Opiate Recovery Based on Intensive Tracking (ORBIT) and Recovery in a Secure Environment (RISE) programs that he established in the County's jails. He and Mr. Vithoulkas advised Mrs. O'Bannon the proposed request is for the Commonwealth to help fund a pilot project in Henrico that consolidates service delivery specific to addiction issues in a less intensive facility.

There was discussion by Mr. Nelson, Mrs. O'Bannon, and Mr. Vithoulkas relating to unfunded mandates. Mr. Nelson expressed concern the Commonwealth is underfunding the Standards of Quality for local education. Mr. Vithoulkas responded that this issue can be brought forward as a discussion point with legislators. Mrs. O'Bannon voiced concern the Governor is trying to push additional Children's Services Act mandates and costs on local governments. She also asked Mr. Vithoulkas to elaborate on the Total Daily Maximum Load

(TMDL) U.S. Clean Water Act mandate. Mr. Schnurman noted for Mr. Nelson that the local government legislative liaisons in the region meet in advance of each General Assembly Session to discuss matters of common interest and concern.

Mr. Schnurman concluded the presentation by flagging important dates regarding the upcoming General Assembly session, which will commence on January 9, 2019, and adjourn on February 22, 2019. Mrs. O'Bannon returned to the TMDL mandate, noting this mandate has caused other localities to levy a stormwater tax while Henrico has been able to fund the mandate from other revenue sources. Mr. Thornton pointed out Virginia is a Dillon Rule state and opined the County needs to create a new tool to protect its citizens from state mandates imposed on local governments.

The Board recessed for dinner at 5:59 p.m. and reconvened at 6:06 p.m.

Voluntary Benefits

Mr. Vithoukias advised the Board there was a resolution on the general agenda for the 7:00 p.m. regular meeting for the award of a contract to a third-party administrator for voluntary benefits to be offered to County and School Board employees. Paula Reid, Director of Human Services, narrated a slide presentation on this special meeting item. She began her presentation by explaining that voluntary benefits, sometime called "supplemental insurance" or "employee paid" benefits, are offered by the employer to employees who can choose to purchase them through payroll deduction. The most popular voluntary benefits include accident, critical illness, hospital, indemnity, legal, and identification theft protection. Mrs. Reid reviewed the advantages of voluntary benefits from both the employer's and employee's perspective; the request for proposal issued by the County; the services provided by Pierce Insurance/NBC Benefits, the firm that was selected; and phase one implementation of voluntary benefits, which is proposed for March 1, 2019. The benefits that will be included in phase one are critical illness, including cancer; accident; hospital indemnity; and long-term care, through a Universal Life benefit rider. In response to questions from Mr. Branin following her presentation, Mrs. Reid acknowledged many private sector companies are already providing voluntary benefits for their employees and these benefits could help the County with recruitment. Mrs. Reid also acknowledged staff began looking into voluntary benefits two years ago in response to a discussion she had with Mr. Branin where this issue was raised. Mr. Branin thanked Mrs. Reid and her staff for bringing this to fruition.

Proposed R5-A General Residence District Amendments

Mr. Vithoukias recognized Joe Emerson, Director of Planning, who narrated a slide presentation titled *R-5A General Residence District: Work Session Regarding Proposed Amendments to Lot Requirements*. Mr. Emerson began by recognizing County Planners Amy Crady and Ben Sehl for their work on the proposed amendments, which were recommended by the Planning Commission. Mr. Emerson began his presentation by providing a brief history of R-5A General Residence District zoning in Henrico, noting this zoning classification was established by the Board in 1993; incorporated detached dwellings on zero lot lines and semi-detached dwellings from other established districts, and allowed smaller lot sizes and widths than one-family districts. He next reviewed existing R-5A standards, provided an example of an existing R-5A lot layout, and identified development issues with the existing R-5A standards. Mr. Emerson informed the Board that the Planning Commission initiated

revisions to the existing ordinance on August 9 and held a public hearing on September 13 on the proposed revisions. At that time, the Commission recommended the Board's approval of an ordinance amendment. Mr. Emerson highlighted new district standards proposed by the Commission that would require a provisional use permit, require a minimum project area of 20 acres, and establish a new minimum side yard of eight feet and a sum of side yards of 20 feet. He provided an example of an R-5A lot layout under the proposed standards and noted an advertisement has been placed for a November 13 Board public hearing on the proposed ordinance. Mr. Emerson pointed out applications for developments using the new provisional use permit process could move forward shortly should the Board approve the revisions recommended by the Commission.

Following Mr. Emerson's presentation, Mr. Hinson suggested the Commission and Board revisit lot sizes and densities as well as the R-4 district with an eye towards accommodating an increasingly diverse housing market. Mr. Emerson noted he shares Mr. Hinson's concerns that the County's standards allow homes that are within the financial reach of its citizens. Mr. Emerson responded to a question from Mrs. O'Bannon pertaining to the current availability of lots in R-5A districts. She offered the view that taller townhouses should be placed in districts that are zoned for higher densities. Mr. Hinson voiced concerns that many Henrico police officers and firefighters cannot afford to buy a house in Henrico. Mr. Emerson clarified for Mr. Thornton that the Board some years ago prohibited the expansion of R-4 and R-4A zoning districts.

On motion of Mr. Branin, seconded by Mrs. O'Bannon, the Board approved going into a Closed Meeting at 6:38 p.m. for Consultation with Legal Counsel Regarding Specific Matters Requiring the Provision of Legal Advice by Such Counsel Pertaining to a Workers' Compensation Claim, Pursuant to Section 2:2-3711(A)(8) of the Code of Virginia, as Amended.

The vote of the Board was as follows:

<u>Aye</u>	<u>Nay</u>
Frank J. Thornton	
Tyrone E. Nelson	
Thomas M. Branin	
Harvey L. Hinson	
Patricia S. O'Bannon	

On motion of Mr. Hinson, seconded by Mrs. O'Bannon, the Board approved going out of the Closed Meeting at 6:44 p.m.

The vote of the Board was as follows:

<u>Aye</u>	<u>Nay</u>
Frank J. Thornton	
Tyrone E. Nelson	
Thomas M. Branin	
Harvey L. Hinson	
Patricia S. O'Bannon	

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

The vote of the Board was as follows:

Aye


Nay

Frank J. Thornton
Tyrone E. Nelson
Thomas M. Branin
Harvey L. Hinson
Patricia S. O'Bannon

Regular Meeting Agenda Items

Mr. Vithoulkas briefly reviewed the fourth item on the general agenda for the 7:00 p.m. meeting, which would authorize the County Manager to execute the purchase agreement and other documents necessary to acquire approximately 0.375 acres at 1300 New Market Road as additional land for the future Midview Park. He recommended deferral of the resolution to the Board's January 22, 2019, meeting because of unanticipated contractual issues that are still being worked out. Mr. Nelson suggested the Board consider using a timer or buzzer for speakers making public comments at Board meetings. Mrs. O'Bannon and Mr. Branin acknowledged this is the practice of some other local governing bodies but expressed reservations about implementing it in Henrico. Mr. Vithoulkas informed the Board he would look into this issue.

There being no further business, the meeting was adjourned at 6:49 p.m.



Chairman/Board of Supervisors
Henrico County, Virginia