

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
SPECIAL MEETING
November 7, 2018

The Henrico County Board of Supervisors convened a special meeting on Wednesday, November 7, 2018, at 5:00 p.m. in the County Manager's Conference Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, 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

Member-Elect of the Board Present:

Daniel J. Schmitt, Brookland District

Members of the General Assembly Present:

Jennifer L. McClellan, Senate of Virginia, 9th District
John J. McGuire, III, House of Delegates, 56th District
Jeffrey M. Bourne, House of Delegates, 71st District
Schuyler T. VanValkenburg, House of Delegates, 72nd District
Debra H. Rodman, House of Delegates, 73rd District
Lamont Bagby, House of Delegates, 74th District

Members of the General Assembly Absent:

Siobhan S. Dunnavant, Senate of Virginia, 12th District
Riley E. Ingram, House of Delegates, 62nd District
Dawn M. Adams, House of Delegates, 68th District
Delores L. McQuinn, House of Delegates, 70th District

Other Officials Present:

Heidi S. Barshinger, Circuit Court Clerk
Shannon L. Taylor, Commonwealth's Attorney
Michael L. Wade, Sheriff
John A. Vithoukias, County Manager
Joseph P. Rapisarda, Jr., County Attorney
Andrew R. Newby, Assistant County Attorney
Barry R. Lawrence, CMC, Assistant to the County Manager/Clerk to the Board
Tanya B. Harding, Administrative Assistant/Deputy Clerk to the Board
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
C. Michael Schnurman, Jr., Legislative Liaison
Eric S. Leabough, Housing Specialist
Samuel Mayman, Management Intern
Gregory H. Revels, Building Official
Anthony E. McDowell, Chief, Division of Fire
Alec W. Oughton, Deputy Chief for Operations, Division of Fire
Paula G. Reid, Director of Human Resources
Laura S. Totty, Director of Mental Health & Developmental Services
Ralph J. (Joe) Emerson, Jr., Director of Planning
Humberto I. Cardounel, Chief, Police Division
Maureen Hains, Legislative Assistant to Delegate Adams
Keith Westbrook, Legislative Assistant to Delegate McQuinn

Mr. Thornton called the meeting to order at 5:09 p.m. He thanked those persons who were present for their attendance. Mr. Vithoukas noted members of the County's General Assembly delegation had requested this annual legislative briefing be held next year two days after the election rather than the day after the election. He further noted the Board and staff were trying to be judicious with the legislators' time with this year's presentations and only had one legislative request for the 2019 General Assembly Session.

Mr. Vithoukas introduced Hill Carter, Culinary Arts Instructor for the Advanced Career Education Center at Hermitage High School. The culinary arts students who were preparing and serving dinner under Chef Carter's supervision introduced themselves, identified their home schools, and announced the menu. They were as follows: Year 2 - Nathaniel Taylor (Glen Allen), Sarah Ingersoll (Godwin), Anya Glessman (Hermitage), and Ernest Goode (Tucker); and Year 1 - Skye Perks (Freeman), Angel Myers (Glen Allen), Alyonah Fields (Henrico), Elizabeth Wilson (Hermitage); Tyron Greaves, Calvin Morgan, and Tyree Mosby (Highland Springs), and Rogan Colombo, Elma Grozdanic, Elijah Smith, and Markell Smith (Tucker).

Mr. Nelson asked for a moment of silence in memory of Henrico Firefighter Kevin O'Connell, who died suddenly on November 6. He then delivered the invocation.

Legislative Briefing with General Assembly Delegation

Mr. Vithoukas recognized Mr. Schnurman, who introduced Mr. Mayman. Mr. Schnurman advised the delegation that Mr. Mayman will be assisting him in the role of legislative coordinator during the 2019 Session. He narrated the first portion of a slide presentation titled *2019 Legislative Request & Issues*. Mr. Schnurman began by reviewing the County's one legislative request, creation of a pilot program to build a less intensive building in Henrico that consolidates service delivery specific to addiction issues. He noted local jails are overcrowded and designed and built to highly secure standards. The solution proposed by the County is to partner with the Commonwealth of Virginia to build a Henrico Transitional Recovery Center that would save \$30 million over traditional jail construction while reducing overcrowding. Mr. Schnurman pointed out Delegate McQuinn and Senator Dunning had agreed to introduce legislation on behalf of the County and the County was requesting that other legislators sign on to the legislation as co-patrons. He showed a brief clip from a 20-minute video published by the County's Department of Public Relations & Media Services titled *ORBIT: Opiate Recovery by Intensive Tracking*. Mr. Schnurman provided the legislators with a copy of the full video. Sheriff Wade offered background information on the ORBIT

program, which his office started in 2016 to help inmates gain control of their lives. The phased program begins by teaching participants the basics of recovery and helping them create a personal relapse prevention plan. In later phases, they can work on supervised crews at County buildings and facilities, receive vocational training, and reconnect with their families. The program takes about 12 months to complete and provides support and random drug testing as participants progress to work release and home electronic monitoring. Sheriff Wade spoke to the program's positive results and anticipates it will serve as a model for communities across the country. He invited the delegation to tour Henrico's jail facilities and credited Henrico Circuit Court Judge James Yoffy for helping develop the ORBIT program.

The next portion of the slide presentation addressed legislative issues. Mr. Schnurman reviewed a list of unfunded state mandates, which currently amount to 13 cents on Henrico's real estate tax rate. He pointed out education accounted for \$15 million of the \$49.4 million spent by the County on state mandates in Fiscal Year 2018. Mr. Schnurman recognized Mr. Hinton, who explained slides regarding the County's major general fund revenue sources and trends in state aid for public education. Mr. Hinton emphasized the importance of state aid and advised the delegation that despite recent funding increases in state-mandated functions, particularly for education, state funding levels are insufficient to maintain successful services. Mr. Vithoulkas also commented on the issue of education funding and the County's efforts to maintain competitive teacher salaries. Senator McClellan stated legislators were interested in providing more funding for school support personnel. Delegates Rodman and VanValkenburg asked for additional feedback and information from the County on the salary matter. Delegate Bagby noted Mr. Schnurman shares information with legislators on each bill of interest to the County prior to committee meetings. He suggested this is a practice other localities should be encouraged to follow.

Mr. Schnurman recognized Mr. Rapisarda, who addressed the next issue, 2019 proffer legislation that may be introduced on behalf of homebuilders. Mr. Rapisarda noted the proposed amendments are designed to reintroduce dialogue between developers and localities for conditional rezoning cases, provide more flexibility in the submission of offsite proffers for public improvements, and make attorney's fees mandatory rather than discretionary. Mr. Rapisarda pointed out Northern Virginia localities are fearful to talk to homebuilders and developers in conditional zoning cases as the result of a new proffer law that was enacted by the General Assembly in 2016. In response to questions from Delegates Bagby and Rodman, Mr. Rapisarda clarified that the County generally concurs with the proposed legislation except for a provision that would make attorney's fees mandatory rather than discretionary. Mr. Nelson agreed this is the primary point of contention in the proposed legislation between homebuilders and the County. He indicated the ideal scenario would be for the General Assembly to repeal the 2016 legislation. Mr. Branin expressed concern that local officials cannot discuss proffers and ensure quality development under the current proffer law without the threat of a lawsuit. Mr. Hinson pointed out the County has enjoyed a partnership rather than an adversarial relationship with the development community over the years and was among the first Virginia localities to adopt a zoning ordinance. He noted the County would like to continue this relationship going forward, which has been made difficult by the 2016 legislation. Mr. Hinson further noted the County's approach has been to use proffers to make a good case better, not to save a bad case.

Mr. Schnurman recognized Mr. Romanello, who spoke to the issue of group homes operating in Henrico without the County knowing their location or the qualifications of their operators. There are two different state agencies with two different regulation policies, and no advanced notice is given to localities as to where group homes will be located or their

potential impacts on the community. Mr. Romanello advised the delegation that a Henrico task force is looking at maximizing the County's existing statutory authority. He referred to parallel efforts by the County and the Commonwealth to develop a voluntary registry of group homes. Mr. Romanello confirmed for Delegate VanValkenburg that the County desires to have advance notice of where group home facilities plan to open and operate.

Mr. Schnurman recognized Mr. Newby, who reviewed a bill introduced in 2018 that may be reintroduced in 2019 to help commercial property owners by changing how real estate assessments are reviewed by the courts. Mr. Newby's explained the County's concerns with the legislation, which would no longer require the property owner to show an error by the locality to take the case to court.

Mr. Schnurman presented the last legislative issue of concern, cigarette trafficking. He pointed out the Richmond region remains a hub of cigarette trafficking activity and the County is working with the industry to address this issue with the Virginia Crime Commission.

Mr. Vithoulkas assured the delegation there will continue to be opportunities for legislators to meet with County officials one-on-one. He reiterated the County was making only one legislative request. Mr. Vithoulkas and Sheriff Wade responded to several questions from Delegates Bagby, Rodman, and VanValkenburg relating to extension of the ORBIT program to the proposed Henrico Transitional Recovery Center. Mr. Thornton concluded the meeting by thanking the legislators who were present for taking the time to come and for caring about making Virginia's localities a better and more humane place to live. He invited legislators to call Board members or staff if they have additional thoughts or pearls of wisdom to share. Delegate Bagby thanked the Board for hosting the meeting and welcomed Mr. Schmitt as the Board's newest member. Mr. Vithoulkas thanked the Board and staff for their participation.

There being no further business, the meeting was adjourned at 6:12 p.m.



Chairman, Henrico County Board of Supervisors