

COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
SPECIAL MEETING  
January 28, 2020

The Henrico County Board of Supervisors convened a special meeting on Tuesday, January 28, 2020, at 5:30 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:**

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

**Other Officials Present:**

John A. Vithoukas, County Manager  
Joseph P. Rapisarda, Jr., County Attorney  
J. 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  
W. Brandon Hinton, Deputy County Manager for Administration  
Anthony E. McDowell, Deputy County Manager for Public Safety  
Randall R. Silber, Deputy County Manager for Community Development  
Benjamin A. Sheppard, Director of Public Relations & Media Services

Mr. Branin called the meeting to order at 5:35 p.m.

Mr. Vithoukas briefly referred to the items listed on the special meeting agenda and advised the Board that he would be asking to add an update on the coronavirus.

**All Henrico Reads Update**

Mr. Vithoukas recognized Barbara Weedman, Director of Libraries, who presented this item. Ms. Weedman advised the Board that the 12<sup>th</sup> annual All Henrico Reads event will be held at Glen Allen High School at 7:00 p.m. on Thursday, April 2. The featured book for this year's event is *Sourdough*, which was written by international-best-selling author Robin Sloan. Karen Rothman, Assistant Director of Libraries, distributed copies of the book to Board members, Mr. Vithoukas, Mr. Rapisarda, and the Deputy County Managers. Mr. Sloan is widely known as the author of the best-selling *Mr. Penumbra's 24-hour Bookstore*. All Henrico Reads is sponsored by Henrico County's Public Library, Friends of the Public Library, and Public Schools. Ms. Weedman provided a brief summary of *Soudough*, a novel that explores contemporary issues surrounding the tension between technology and craft whose protagonist is a programmer at a robotic arm company in the San Francisco Bay area and finds herself bequeathed a sourdough starter by neighborhood bakers. The gift leads her on a culinary adventure with vocational, legal, and moral consequences. Ms. Weedman spoke

to the purpose of All Henrico Reads. She characterized *Sourdough* as light, funny, and truly timely. Mr. Branin thanked Ms. Weedman for updating the Board on All Henrico Reads and expressed amazement at the large number of individuals who attend this event each year.

### **Regulation of Short-Term Rentals**

Mr. Vithoukias recognized Andrew Newby, Assistant County Attorney, who narrated a slide presentation on this item. Mr. Newby began his presentation by providing an overview of short-term rentals, which are currently prohibited in all of the County's residential districts. He noted the Planning Commission recommended zoning amendments to legalize short-term rentals while preserving neighborhood harmony through regulation. Mr. Newby next discussed the proposed schedule for bringing forward an ordinance to require annual registration of short-term rentals and impose the hotel tax. He pointed out the ordinance was on the evening's regular meeting agenda for introduction and a public hearing on February 25. A separate Board paper amending the zoning ordinance to regular short-term rentals will also be advertised for a public hearing on February 25. Mr. Newby provided legislative background on this item and reminded the Board that a state law enacted in 2017 confirmed the authority of local governments to regulate short-term rentals through zoning and allowed localities to require annual registration. The Board referred this issue to the Planning Commission in February 2018, and in September 2019 the Commission recommended amendments to the County's zoning ordinance after holding 3 public hearings and 10 work sessions. Mr. Newby explained how the proposed ordinance seeks a balance between the desire of homeowners to supplement their income through short-term rentals and the expectations of neighbors to peacefully enjoy their homes. He elaborated on how the Commission sought to find this balance by considering numerous draft ordinances, reaching out directly to stakeholders, and holding numerous community engagement meetings. Mr. Newby then began reviewing proposed changes to the County's zoning ordinance that would allow short-term rentals in certain residential zoning districts either by right or by a conditional use permit. Mr. Newby and Joe Emerson, Director of Planning, responded to questions and comments from Mrs. O'Bannon regarding public safety requirements for short-term rentals and how the proposed zoning ordinance changes would apply to various rental situations.

Mr. Newby continued his presentation by identifying the 12 rules all short-term rentals would be subject to in order to help maintain neighborhood tranquility. He responded to a question from Mr. Nelson pertaining to how a rule limiting the timeframe for check-in and check-out services would be enforced. Mr. Newby next reviewed the provisions of the proposed registry/tax ordinance, which would impose an eight percent transient occupancy tax on all short-term rentals and require short-term rental operators to register their properties annually with the Department of Finance and pay a \$200 fee. In response to a question from Mr. Schmitt, Finance Director Ned Smither discussed how the fee will be used to defray annual inspections by the County. Mr. Vithoukias clarified for Mr. Schmitt how revenues from the transient occupancy tax are earmarked and distributed.

Mr. Newby concluded his presentation by listing the next steps towards regulating short-term rentals. These would include delaying the effective date of the registration requirement, hosting orientation session for operators, mailing information to operators and homeowners' associations and issuing media releases about the changes, and establishing a website with factual information. Following Mr. Newby's presentation, he and Mr. Emerson responded to questions from Mr. Schmitt regarding the anticipated schedule for orientation sessions, the

status of regulations in other localities in the region, and community sentiments about short-term rental regulation. Mr. Emerson assured Mr. Schmitt that the Planning Department has kept Richmond Region Tourism informed concerning the proposed registry/tax ordinance.

### **Transportation Legislation Update**

Mr. Vithoukas noted there was discussion at the Board's January 24 retreat pertaining to pending General Assembly legislation to establish a Central Virginia Transportation Authority. He recognized Steve Yob, Director of Public Works, who updated the Board on the status of House Bill 1541, sponsored by Delegate Delores McQuinn and reported out of a subcommittee of the House Finance Committee the same day. The bill is scheduled to be heard by the full committee on January 29 and has the support of a broad coalition of regional stakeholders. In response to questions from Mrs. O'Bannon and Mr. Nelson, Mr. Vithoukas explained how the legislation will ensure that some of the funding for Smart Scale road projects are redirected from Northern Virginia and Hampton Roads to the Richmond region. Mr. Vithoukas clarified for Mr. Nelson that a regional effort to establish a transportation authority in Central Virginia failed in 2013 but 10 localities in the region are involved this time around and all are in support of the legislation. Mr. Yob advised the Board that Mike Schnurman, Assistant to the County Manager for Intergovernmental Relations, will be updating the Board on committee schedules for hearing the bill in the event any Board members wish to attend the hearings. Mr. Thornton cited establishment of the authority as a golden opportunity for the region to show more collegiality at the table and obtain more funding for transportation improvement projects. In response to a question from Mr. Nelson, Mr. Vithoukas characterized amendments to the original bill as "technical" and "not substantive." Mr. Vithoukas distributed copies of the bill to the Board. Mr. Vithoukas responded to questions and comments from Mrs. O'Bannon relating to the name of the new authority, its relationship to the Richmond Regional Transportation Policy Organization, and how votes by the authority will be weighted among the participating local jurisdictions.

### **Coronavirus Update**

Mr. Vithoukas added this item to the special meeting agenda with the consent of the Board. He recognized Emily Ashley, Director of Emergency Management and Workplace Safety, and Melissa Viray, Deputy Health Director. Ms. Ashley reported that the coronavirus has been rapidly evolving but there are no confirmed cases in Virginia. Dr. Viray advised the Board that the Centers for Disease Control and Prevention have discontinued posting the number of global cases because the virus is evolving so quickly but there are believed to be more than 4,500 cases worldwide resulting in 100 deaths. She assured the Board that the hospitals in the Richmond region are well prepared to treat this upper respiratory virus. In response to questions from the Board, Dr. Viray identified the symptoms of the virus and how it is transmitted. Mr. Vithoukas indicated that staff will continue to keep the Board updated on the virus.

### **Regular Meeting Agenda Items**

Mr. Vithoukas reviewed the items for the 7:00 p.m. meeting. He advised the Board that he would be making two Manager's Comments and pointed out there was one presentation item recognizing the recently dissolved Elko Club of Windsor for its contribution to the Henrico County Vocational-Technical Education Foundation. Mr. Vithoukas noted the club's president, the foundation's president, and the director of career and technical education for

Henrico County Public Schools would be accepting the resolution of appreciation from Mr. Branin. He further noted the County will accept the funds and transfer them to HCPS. Mr. Vithoukas also referred to the appointment resolution on the agenda for the Keep Henrico Beautiful Committee. He elaborated on the three public hearing items on the agenda and briefly referred to the six general agenda items. Mr. Vithoukas responded to a question by Mr. Branin on the timeframe for receiving funding from the Commonwealth for the construction of multi-use trails at Short Pump Park. Mr. Yob responded to a question from Mr. Branin regarding the term of the lease of the Lavender Fields property on Winfrey Road, which is the future site of a school.

There being no further business, the meeting was adjourned at 6:35 p.m.

A handwritten signature in black ink, appearing to read "Thomas M. De". The signature is written in a cursive style with a large initial "T" and a long, sweeping underline.

Chairman, Board of Supervisors  
Henrico County, Virginia