

1 Minutes of the regular monthly meeting of the Planning Commission of the
2 County of Henrico held in the County Administration Building in the Government
3 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. Thursday,
4 June 9, 2011. Display Notice having been published in the Richmond Times-
5 Dispatch on May 23, 2011 and May 30, 2011.

6
Members Present: Mr. C. W. Archer, Chairman C.P.C. (Fairfield)
Mr. Tommy Branin, Vice Chairman (Three Chopt)
Mr. E. Ray Jernigan, C.P.C. (Varina)
Mrs. Bonnie-Leigh Jones, C.P.C. (Tuckahoe)
Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning,
Secretary
Mrs. Patricia O'Bannon, Board of Supervisors Representative

Also Present: Mr. George T. Drumwright, Jr., Deputy County Manager
Ms. Jean Moore, Assistant Director of Planning
Mr. James P. Strauss, CLA, Principal Planner
Mr. Benjamin Blankinship, AICP, Principal Planner
Mr. Benjamin Sehl, County Planner
Mr. Mike Jennings, Traffic Engineer, Public Works
Ms. Kim Vann, Henrico Police
Ms. Sylvia Ray, Recording Secretary

7
8 **Mrs. Patricia O'Bannon, the Board of Supervisors' representative, abstains**
9 **on all cases unless otherwise noted.**

10
11 Mr. Archer - Good evening, ladies and gentlemen. I was just about
12 to announce that we were going to be a couple minutes late because Mr. Branin
13 had an emergency, but he showed up before I could open my mouth, so. We are
14 officially opened and welcome all of you to this Rezoning meeting. If you would,
15 please mute your cell phone or put them on vibrate. And let's stand and Pledge
16 Allegiance to the Flag.

17
18 Mr. Branin - Mr. Chairman, if I may. To my fellow Commissioners
19 and everybody in the audience I apologize for my appearance. I just had an
20 employee in a traffic accident and is over at Henrico Doctor's. So once I finish my
21 votes, if you see me run, I have to get back there. So again, I apologize for my
22 appearance and being late.

23
24 Mr. Archer - Not necessary, but thank you anyway, Mr. Branin.

25
26 With that, there are no new media present that I can observe. I want to welcome
27 Mrs. O'Bannon from the Board of Supervisors; nice to have you with us as
28 always. And with that I'll turn things over to our secretary, Planning Director Mr.
29 Joe Emerson.

30 Mr. Emerson - Thank you, Mr. Chairman. The first item on your
31 agenda tonight are Requests for Withdrawals and Deferrals. Those will be
32 presented by Mr. Jim Strauss.

33

34 Mr. Archer - Good evening, Mr. Strauss. How are you, sir?

35

36 Mr. Strauss - Good evening, members of the Commission. There is
37 one deferrals request and it's on page one of the agenda. It is in the Three Chopt
38 District, case C-8C-11, Dalton Park Land Development Company. The applicant
39 is requesting a deferral to the August 11, 2011.

40

41 **C-8C-11 Webb Tyler for Dalton Park Land Development**
42 **Company:** Request to conditionally rezone from R-3C One-Family Residence
43 District (Conditional) to RTHC Residential Townhouse District (Conditional) parts
44 of Parcels 743-763-3572, 743-764-4622, and -6363 containing 9.3 acres (Parcel
45 1) located on the east line of Interstate 295 approximately 630' west of the
46 southern terminus of Allenbend Road and from R-3C One-Family Residence
47 District (Conditional) to R-5AC General Residence District (Conditional) Parcels
48 743-763-8655, -3527, -9269, 744-764-5770, -5157, -4443, -3831, -3317, -2703,
49 744-763-2190, -1576 and parts of Parcels 743-763-3572, 743-764-4622, and -
50 6363 containing 36.7 acres (Parcels 2 and 3) located between the west line of
51 Belfast Road and the northeast intersection of Interstates 64 and 295. The RTH
52 District allows a maximum density of nine (9) units per acre. The R-5A District
53 allows a minimum lot size of 5,625 square feet and a maximum density of six (6)
54 units per acre. The uses will be controlled by zoning ordinance regulations and
55 proffered conditions. The Land Use Plan recommends Traditional Neighborhood
56 Development to support a mixture of residential, nonresidential and open space
57 uses with 60% of the land consisting of residential uses at a density not to
58 exceed 12 units per acre; however, the site is also within the Innsbrook Area
59 Study which recommends a maximum density of 8 units per acre for residential
60 uses.

61

62 Mr. Archer - Thank you. Is there anyone here who is opposed to
63 the deferment of this case, C-8C-11, Webb Tyler for Dalton Park Land
64 Development Company?

65

66 Mr. Branin - Mr. Chairman, I would like to move that C-8C-11,
67 Webb Tyler for Dalton Park Land Development Company, be deferred to the
68 August 11, 2011 meeting per the applicant's request.

69

70 Mr. Vanarsdall - Second.

71

72 Mr. Archer - Motion by Mr. Branin, seconded by Mr. Vanarsdall. All
73 in favor say aye. All opposed say no. The ayes have it; the motion passes.

74

75 At the request of the applicant, the Planning Commission deferred C-8C-11,
76 Webb Tyler for Dalton Park Land Development Company, to its meeting on
77 August 11, 2011 meeting.

78
79 Mr. Emerson - Mr. Chairman, that now takes us to the Requests for
80 Expedited Items. Those will also be presented by Mr. Jim Strauss.

81
82 Mr. Archer - All right, Mr. Strauss.

83
84 Mr. Strauss - Thank you. There is one case on the expedited
85 agenda this evening. It's in the Varina District on page two of the agenda, case
86 C-7-11, Laura B. Pleasants. This is a request to rezone from B-3 Business
87 District to A-1 Agricultural District. The subject property was rezoned to B-3 as
88 part of a County-wide comprehensive rezoning in 1960. The current owner
89 wishes to rezone the property to bring the zoning into conformance with the
90 continued use as a residence. Staff supports this request and we are not aware
91 of any opposition.

92
93 **C-7-11 Lillie B. Taylor for Laura B. Pleasants:** Request to
94 rezone from B-3 Business District to A-1 Agricultural District, Parcels 831-689-
95 8077 and 831-689-9276 containing approximately 2.43 acres, located along the
96 south line of Darbytown Road approximately 250 feet east of its intersection with
97 Turner Road. The A-1 District allows a minimum lot size of 43,560 square feet
98 and a maximum gross density of 1.0 unit per acre. The use will be controlled by
99 zoning ordinance regulations. The Land Use Plan recommends Suburban
100 Residential 1, density should not exceed 2.4 units per acre. This site is in the
101 Airport Safety Overlay District.

102
103 Mr. Archer - Thank you sir. Is there anyone present who is
104 opposed to this case, C-7-11, Lillie B. Taylor for Laura B. Pleasants? No one. Mr.
105 Jernigan?

106
107 Mr. Jernigan - Mr. Chairman, with that I will move for approval of C-
108 7-11, Lillie B. Taylor for Laura B. Pleasants, to send to the Board of Supervisors
109 for their approval.

110
111 Mr. Vanarsdall - Second.

112
113 Mr. Archer - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall.
114 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

115
116 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr.
117 Vanarsdall, the Planning Commission voted 5-0 (one abstention) to recommend
118 the Board of Supervisors **grant** the request because it conforms to the Suburban
119 Residential 1 recommendation of the Land Use Plan and continues a form of
120 zoning consistent with the area.

121 Mr. Strauss - That completes the expedited agenda.

122

123 Mr. Emerson - Mr. Chairman, that now takes us to page two of your
124 agenda for the remaining case to be heard this evening.

125

126 **(Deferred from the May 12, 2011 Meeting)**

127 **C-3C-11 Alvin S. Mistr, Jr. for Eugene Ray Jernigan:** Request to
128 conditionally rezone from R-4 One-Family Residence District to B-3C Business
129 District (Conditional) Parcels 815-714-1027, -0737, and -1837 containing 0.8
130 acres, located at the northeast corner of Williamsburg Road (US Route 60) and
131 Leonard Avenue. The applicant proposes retail or office uses. The uses will be
132 controlled by zoning ordinance regulations and proffered conditions. The Land
133 Use Plan recommends Commercial Concentration and Suburban Residential 2,
134 density should not exceed 3.4 units per acre. The site is in the Airport Safety
135 Overlay District.

136

137 Mr. Jernigan - Mr. Chairman, if we're going to hear this case, I'm
138 directly connected with this case so I'll have to leave the room.

139

140 **(Mr. Jernigan left the dais.)**

141

142 Mr. Archer - Okay. Good evening, Mr. Sehl.

143

144 Mr. Sehl - Good evening, Mr. Chairman.

145

146 The subject parcel is located on Williamsburg Road approximately 1,200 feet
147 west of Laburnum Avenue and is currently undeveloped. Adjacent uses include
148 residential dwellings to the north and west in the Larchmont subdivision, and
149 retail uses to the east and south. Directly to the east is an auto parts sales
150 facility, located on property owned by the applicant.

151

152 Mr. Archer - Mr. Sehl, pardon me. I neglected to ask—is there
153 opposition to this case? We do have opposition. You may continue.

154

155 Mr. Sehl - Thank you, sir. The property is designated
156 Commercial Concentration and Suburban Residential 2 on the 2026
157 Comprehensive Plan. Although B-3 zoning would not be consistent with the SR2
158 designation, the site's commercial concentration designation indicates the
159 proposed zoning could be appropriate. Additionally, inclusion of the SR2
160 designated properties could allow additional area for buffering and screening, as
161 well as alternative site designs, in order to mitigate potential impacts on adjacent
162 residential uses. Staff notes the applicant held community meetings on January
163 18th and February 8th. Residents at those meetings noted concerns about
164 commercial uses on the property and potential traffic generation.

165

166 The applicant has not detailed a proposed use on the property, but has submitted
167 a number of proffers regulating the development of the site. The proffers
168 address permitted uses, site lighting, trash pickup, signage, and hours of
169 operation. The proffers generally address potential impacts that would be created
170 through development of the site for nonresidential uses, which would be
171 consistent with the site's Commercial Concentration designation; however, staff
172 does note concerns regarding how access will be provided to the property.

173
174 The Department of Public Works has indicated that the preferred access to the
175 site would be through a shared entry with the adjacent property to the east. This
176 property is owned by the applicant and has access to a signalized intersection at
177 Williamsburg Road and Glen Alden Drive. This shared access would be
178 consistent with VDOT access management requirements, and would reduce
179 potential conflicts with the intersection of Williamsburg Road, Aspen Shades
180 Parkway, and Leonard Avenue at the southeastern corner of the property. While
181 this would be the preferred method of site access, given the site's limited
182 frontage on Williamsburg Road, Public Works has indicated ingress to the site at
183 a point at least 75 feet north of Williamsburg Road could be allowed.

184
185 The applicant has provided a revised proffer—handed out to you this evening—
186 regarding ingress to the site that is consistent with this recommendation.
187 However, egress to Leonard Avenue could still be permitted with the current
188 proffer language if approved by the Commission at the time of plan of
189 development review. Staff is concerned that access to this roadway would
190 negatively impact adjacent residential uses and notes that the protection of
191 adjacent residential uses from the negative impacts associated with strip
192 commercial development is a goal of the 2026 Plan. For this reason, staff
193 encourages the applicant to prohibit egress from the site into the adjacent
194 residential neighborhood.

195
196 A large portion of the site is designated Commercial Concentration, indicating
197 business uses could be appropriate at this location. If the applicant could address
198 staff's concerns regarding possible egress from the site to Leonard Avenue, staff
199 could more fully support this request.

200
201 This concludes my presentation and I would be happy to try to answer any
202 questions you might have. I would also note that time limits would need to be
203 waived on the revised proffers, as they were received today.

204
205 Mr. Archer - Thank you, Mr. Sehl. Are there questions from the
206 Commission?

207
208 Mr. Vanarsdall - Mr. Sehl, the proffer change was thirteen, right?

209
210 Mr. Sehl - Yes sir.

211

212 Mr. Vanarsdall - I don't have any at the moment, but I'd like to hear
213 from the applicant.
214 Mr. Sehl - Thank you.
215
216 Mr. Archer - Do you have any questions?
217
218 Mrs. Jones - I do for the applicant.
219
220 Mr. Archer - Okay. Would the applicant come forward please?
221
222 Mr. Mistr - Good evening, ladies and gentlemen of the
223 Commission. I'm Spud Mistr, representing the applicant.
224
225 This property is eight-tenths of an acre and is currently zoned R-4 unconditional.
226 We're requesting B-3C rezoning, which is business use. We have significant
227 proffers on this. There are buffer requirements. We have met with the neighbors
228 on two occasions and attempted as best we could to address their concerns. The
229 major issue is the access point. I would like to point out, though, that the owner of
230 the adjacent parcel and the owner of this parcel are different. They are two
231 different legal entities.
232
233 Mr. Archer - Mr. Mistr, excuse me, sir. Since we do have
234 opposition, would you like to reserve some time at the end of your presentation?
235
236 Mr. Mistr - Yes I would. I don't have much more to say.
237
238 Mr. Archer - Thank you.
239
240 Mr. Mistr - And we have worked with the staff, met with the staff,
241 and met with Mr. Emerson. We agreed that there would be an ingress only off of
242 Leonard Avenue unless it was approved differently by the Planning Commission
243 at the time of POD. The applicant has agreed to make every effort to have a joint
244 access with the property next door to the traffic signal on Glen Alden.
245
246 With that, are there any questions from the Commission or I'll answer questions
247 from the opposition.
248
249 Mr. Archer - Okay, thank you, sir.
250
251 Mr. Vanarsdall - You were in the meeting yesterday?
252
253 Mr. Mistr - Yes. There was a meeting yesterday with the
254 applicant, one of the County attorneys, Mr. Emerson and Tim Foster, the Director
255 of Public Works.
256

257 Mr. Vanarsdall - Did you come to any conclusion there other than you
258 would take care of it?

259
260 Mr. Mistr - Well, we would take care of it, but Mr. Foster did say
261 that if there are two different owners of this property that the County would have
262 to grant access at a point other than through the adjacent property. Now it's up to
263 VDOT whether that access is granted on Williamsburg Road because it's a State
264 right-of-way. But if VDOT didn't grant it, the County is legally obligated to grant
265 access on Leonard.

266
267 Mr. Vanarsdall - It's a possibility that will happen?

268
269 Mr. Mistr - It's possible, yes. We are going to try to avoid that.

270
271 Mrs. Jones - I'd like to ask a question. The access, obviously, is a
272 very, very difficult point of this case. I do have a couple of other questions about
273 your proffers. The access is the only one that's changed since the staff report,
274 correct?

275
276 Mr. Mistr - That's correct.

277
278 Mrs. Jones - Okay. Because the residences and business uses are
279 so close I think it's really important to get this right so I want to just ask you for
280 my own clarification. Trash receptacles and the time that is on there, twelve to
281 six, is that the same time as on the adjacent property, the Carquest property?

282
283 Mr. Mistr - That I don't know. I would assume that it is, but I don't
284 know. I'm certain that if this is not the same as theirs we could make it the same.

285
286 Mrs. Jones - I just thought that twelve midnight was a little late to
287 be collecting trash near a residential neighborhood. What do you think?

288
289 Mr. Mistr - It's very rare that that happens. I think that's a typical
290 proffer that we write.

291
292 Mrs. Jones - You might want to give that some consideration.
293 Another thing that I wanted to ask—these are all non-access questions—is about
294 the number twelve proffer: Any fencing installed for the purpose of reducing the
295 transitional buffer width. It doesn't address fencing that is installed for a purpose
296 other than that, such as other places on the property. Did you intend that the
297 fencing for the entire property should be vinyl or what?

298
299 Mr. Mistr - I'm not sure that we would have fencing other than to
300 reduce the transitional buffer. We only have eight-tenths of an acre and if you
301 had to take a thirty-five foot buffer that takes about a third of the property. That

302 limits the ability to develop it substantially. I don't think there would be any
303 problem making that apply to any fencing put up.

304

305 Mrs. Jones - As to the thirty-five foot transitional buffer, yes it does
306 take a lot of property, but yes it does supply a substantial buffer considering the
307 close nature of residences to the business. Would that be something that you
308 would be willing to proffer, that the thirty-foot remain?

309

310 Mr. Mistr - We would prefer not to do that at this time because
311 the area immediately adjacent to it is vacant. The only residences are across the
312 street in the front where the buffer doesn't apply.

313

314 Mrs. Jones - I know. At the moment that is true. And the issue of
315 number five for signage. You have, "No such signs shall be installed along
316 Leonard Avenue or in such a manner as to face adjacent residential properties."
317 My guess is what you mean as to not adversely impact adjacent properties.

318

319 Mr. Mistr - Correct.

320

321 Mrs. Jones - I think there's a difference in that wording. I'm just
322 looking out for the neighbors, just trying to make sure—

323

324 Mr. Mistr - We're trying to do that also.

325

326 Mrs. Jones - Would you mind considering changing that language?

327

328 Mr. Mistr - How would you want it to read?

329

330 Mrs. Jones - "Adversely impact" as opposed to the word "face." I'm
331 simply throwing these out for suggestions. My other Commissioners may feel
332 differently. One other thing, the hours of operation. You have hours of operation
333 six to ten. Carquest is not open six to ten; it's open—I just got the answer to that.

334

335 Mr. Vanarsdall - Change it to what?

336

337 Mrs. Jones - Eight to ten. I just asked Mr. Jernigan and I forgot
338 what he told me, so we may have to get his input.

339

340 Mr. Mistr - Seven-thirty to seven is Carquest. We'll certainly
341 consider that. I do have one thing when you talk about saying "adversely impact"
342 instead of "face." When you say, "adversely impact," that can take a lot of
343 definitions. What you think adversely impacts I might not. Or what we both may
344 think does not, a neighbor might think that it does.

345

346 Mrs. Jones - Just throwing it out for consideration.

347

348 Mr. Mistr - Okay.
349
350 Mrs. Jones - I'm trying to make sure that we do this right because
351 it's a tight fit.
352
353 Mr. Mistr - It is.
354
355 Mrs. Jones - All right. Then the access. That was my only other
356 thing I wanted to ask you about. This is the issue. Shared access. If there's going
357 to be a best effort—what is the wording here, "will make every effort," that is
358 certainly not an assurance it will happen. We've had a lot of things come by
359 where people made their best efforts and it just couldn't happen. Do you feel that
360 it would be a suitable solution to have ingress and egress on Leonard Avenue?
361
362 Mr. Mistr - It would certainly not be an ideal solution but it may
363 be one that we'll have to deal with. In other words, the property next door could
364 be a business that had a wall all the way along the lot where we couldn't get to
365 the traffic signal. It's certainly ideal on any major road like Williamsburg Road to
366 have the fewest access points you can. But from the standpoint of business,
367 everybody likes to have an entrance. Unfortunately here we have a traffic signal,
368 we have Glen Alden, and we have Williamsburg veering into Aspen Shades
369 Parkway, which is not a good situation regardless of how you deal with it.
370
371 Mrs. Jones - Which makes me wonder whether we should have a
372 solution before we move forward.
373
374 Mr. Branin - Mr. Mistr, may I ask a question?
375
376 Mr. Mistr - Yes sir.
377
378 Mr. Branin - With hours of operation. If you look at the map there,
379 to my right is Carquest? And their dumpsters are probably setoff at a decent
380 hour; I'm not sure what it would be. Can we make a recommendation and get
381 that dumpster time reduced tonight, if you wouldn't mind? You're saying the
382 dumpsters shall not be dumped between twelve and six a.m. Can we reduce that
383 down to about eight, between 8 p.m. and 6 a.m.?
384
385 Mr. Mistr - That will be fine; we can do that.
386
387 Mr. Branin - All of us are aware of the noise that they make and
388 what a disturbance that is. And in regards to hours of operation, can you give me
389 the hours of the other locations on Williamsburg Road? To the best of your
390 knowledge.
391
392 Mr. Mistr - You mean the one next door or others in general on
393 Williamsburg Road?

394 Mr. Branin - Others in general.
395
396 Mr. Mistr - We'd have to check and see what they are because
397 I'm sure some of them open at six. When you say immediate vicinity are you
398 talking about from Laburnum Avenue to—we can find out what they are.
399
400 Mr. Branin - Okay. So the hours of operation wouldn't be that far
401 out of line from what is surrounding.
402
403 Mr. Mistr - Correct.
404
405 Mr. Branin - Okay. Those are the only questions I had.
406
407 Mrs. O'Bannon - What are the number of feet on Williamsburg Road?
408 How many feet is the road frontage?
409
410 Mr. Branin - Mr. Jennings, would you know that?
411
412 Mr. Mistr - A hundred and seventy-two.
413
414 Mrs. O'Bannon - One seventy-two?
415
416 Mr. Mistr - Yes.
417
418 Mrs. O'Bannon - Okay. But you're saying that Glen Alden Drive is
419 going to cause a problem even if you put it at the edge of the property, which is
420 what we're at looking here, the east edge.
421
422 Mr. Mistr - If it's at the edge of the property—
423
424 Mrs. O'Bannon - Eastern edge.
425
426 Mr. Mistr - To try to do that I think VDOT would have a problem
427 because Carquest has an access point directly across from the lights and now
428 we have two access points about forty feet apart.
429
430 Mrs. O'Bannon - So what you're saying is that because of Glen Alden
431 Drive and all that, that you can't do it on the right. That's where the real problem
432 is I think. This is where you can see the problems with where an entrance could
433 be.
434
435 Mrs. Jones - With the addition of Aspen Shades Parkway, though,
436 the exit from Leonard Avenue back onto Williamsburg Road becomes tricky.
437 Those are my questions; thank you.
438

439 Mr. Archer - Okay. Any further questions for Mr. Mistr? We do
440 have opposition and I guess you'll need to stay nearby. Is there a spokesperson
441 for the opposition? There is a maximum of ten minutes allowable inclusive of all
442 the speakers. No, you don't have to run.

443
444 Mr. Branin - It doesn't include walking down.

445
446 Mr. Archer - Or questions that we ask you.

447
448 Ms. Lane - I'm Patty Lane. I am a twenty-six-year neighbor in the
449 Larchmont subdivision.

450
451 Mr. Branin - Ma'am, I didn't get the last name.

452
453 Ms. Lane - Lane.

454
455 Mr. Branin - Thank you.

456
457 Ms. Lane - With me I have Mrs. Moore of forty-five years, and
458 Cheryl Clayton, thirty-five years. This Leonard Avenue that we're talking about,
459 that's our entrance into our little neighborhood. I have signatures here from the
460 whole neighborhood—with the exception of two people—that do not want this.
461 They're already talking about the headaches of traffic trying to get in and out of
462 the neighborhood as it is. Having a building sitting right there on our corner
463 where you can't see the traffic coming in, it's only going to be worse. As far as
464 the homeowner that's going to back up towards this building, he's already said
465 that he doesn't want it. He doesn't want to be looking out his window over the
466 building.

467
468 The only people that aren't going to be affected are the people on Williamsburg
469 Road going by and the people at Carquest because you have a neighbor on this
470 side and then behind you have a landowner behind it and his home is directly
471 across from that.

472
473 Mr. Branin - Ms. Lane, can I ask you a question?

474
475 Ms. Lane - Yes sir.

476
477 Mr. Branin - And I'm just clarifying to make sure I'm hearing you
478 say it right. If anything is built there?

479
480 Ms. Lane - Residential home we have no problem. Keep it
481 residential.

482
483 Mr. Branin - But wouldn't that also be affecting visibility as you
484 come out?

485 Ms. Lane - Not when you have a business trying to get ten cars
486 out of that same little spot at the same time. We just don't want another empty
487 building.
488
489 Mr. Branin - The reason I asked was you said as you come out of
490 your neighborhood the visibility with the building sitting there.
491
492 Ms. Lane - Right.
493
494 Mr. Branin - If the building is back to the back and you're coming
495 up to the corner, if anything is there, any building residential or business, that
496 would affect—I apologize. My mind's not straight because of what's going on. If
497 there was any building there, a house or—
498
499 Ms. Lane - I wouldn't suspect that a home would be as big as this
500 proposed business would be.
501
502 Mr. Branin - Okay. Thank you.
503
504 Mr. Emerson - Ma'am, we'd like to have those for the file. If you'd
505 give them to Mr. Sehl.
506
507 Mr. Archer - Any other questions for Ms. Lane before she takes a
508 seat? Thank you, Ms. Lane. Are there others who would like to speak?
509
510 Mr. Branin - You have to come up.
511
512 Mr. Archer - We'll be nice.
513
514 Mr. Branin - Everything is recorded, ma'am, for minutes.
515
516 Mr. Vanarsdall - This is being recorded and we want to get you.
517
518 Ms. Clayton - I would just like to say we live in a nice little
519 neighborhood and—
520
521 Mr. Archer - Ma'am, excuse me. We need your name for the
522 record, please.
523
524 Ms. Clayton - Cheryl Clayton.
525
526 Mr. Archer - Thank you, Ms. Clayton.
527
528 Ms. Clayton - I'd just like to say we live in a nice little neighborhood
529 and I feel like putting a big building right on the front would just make our
530 neighborhood look bad. I mean it's quiet there. The traffic is real bad trying to get

531 out of there, I mean really bad. And putting a building there would just make it a
532 whole lot worse trying to get out of that street. It's very dangerous trying to cross
533 over Williamsburg Road. The lot there is not very big at all. I don't know how he
534 would actually get an office building or a medical building in that small lot. It's
535 very small.

536

537 Mr. Vanarsdall - A doctor's office or dentist or something?

538

539 Ms. Clayton - No. I'd rather see a couple of homes put there. Like I
540 said, it's a nice quiet little neighborhood.

541

542 Mr. Archer - All right. Anyone have questions for Ms. Clayton?

543

544 Ms. Clayton - Thank you.

545

546 Mr. Archer - Thank you, Ms. Clayton.

547

548 Mr. Branin - You did great, Ms. Clayton.

549

550 Mr. Archer - Okay. Is there anyone else who would like to speak
551 for the opposition? You still have time left. Do we need to hear from the applicant
552 again? Mr. Mistr, is there any indication at all of what type of business might be
553 in the offing for the location?

554

555 Mr. Mistr - I think there may have been some that have had
556 inquiries about it, but I don't think anybody is ready to go in there yet. It would not
557 be an auto parts store but it would be something along those lines. I think I will
558 note that the building for whatever is put there would have setbacks. The
559 visibility, we're required by law to provide sight distance in accordance with State
560 standards when your exiting an egress from a property. And even though it's
561 Leonard Avenue, we can't block sight distance for safety purposes so people
562 couldn't see in both directions when they come to Williamsburg Road from
563 Leonard Avenue.

564

565 Mr. Archer - Okay.

566

567 Mrs. Jones - I'd like to ask one question of our traffic engineer.

568

569 Mr. Jennings - Good evening. I'm Mike Jennings, County Traffic
570 Engineer.

571

572 Mrs. Jones - Hi Mr. Jennings. This is kind of like trying to fit a
573 jigsaw puzzle together. I don't want to ask you how to solve it because I have a
574 feeling there isn't a nice neat solution. But if you had to rank your priority
575 preferences from an engineering standpoint, would the shared access,
576 ingress/egress, be the preferred solution for this piece of land?

577 Mr. Jennings - Yes ma'am. That was my original recommendation.
578
579 Mrs. Jones - Okay. What would be number two?
580
581 Mr. Jennings - Do we have an aerial photo I can pull up? Mr. Mistr
582 was correct; they have about 172 feet of frontage if you count this boundary and
583 this boundary, this diagonal right here along Aspen Shades Parkway. But
584 between the entrance to the Carquest and where Aspen Shades Parkway starts
585 angling off there's only 135 feet. So even the most minimum VDOT standards to
586 put an access onto Williamsburg Road are nowhere close to being that. They
587 want at least three and a quarter and that's if it's just a right in, right out. This
588 would be a full access with no median break. So they'd be looking at 600 feet for
589 spacing. Leonard Avenue. We could allow access to Leonard Avenue, but
590 obviously that's not ideal having a commercial coming into a neighborhood.
591 Public Works would allow an access onto Leonard Avenue. What our standard
592 would be normally is 150 feet from Aspen Shades Parkway for a full entrance.
593 But we did allow—if it's just an ingress—seventy-five feet from Williamsburg
594 Road.
595
596 Mrs. Jones - But if there's no shared access agreement possible,
597 then that's where we're at?
598
599 Mr. Jennings - Yes ma'am. We couldn't not grant them access to a
600 piece of property. Since, as was mentioned earlier, it's different owners, we can't
601 force them to make an agreement. But it's not ideal, obviously.
602
603 Mrs. Jones - I'm struggling with this. I certainly think a lot of these
604 proffers are well drawn. I'm happy to see that they've met a lot of the guidelines
605 that we have, but this access is very, very difficult. Thank you.
606
607 Mr. Vanarsdall - Decide that at POD time, right?
608
609 Mr. Jennings - That's what the proffer says.
610
611 Mr. Vanarsdall - What did you say Public Works said?
612
613 Mr. Jennings - We couldn't not allow access to this property. So if we
614 needed to we could allow full entrance onto Leonard. But it would have to be
615 much further from Aspen Shades Parkway. Yes sir.
616
617 Mr. Vanarsdall - Thank you.
618
619 Mr. Archer - All right. Any further questions for Mr. Jennings?
620 Thank you, sir.
621

622 Mrs. O'Bannon - I think the important thing you said is you have to
623 allow someone access to their property. You can't not give them some access
624 somewhere.

625
626 Mr. Archer - Mr. Secretary, do you have anything to add?

627
628 Mr. Emerson - No sir, unless someone has a specific question. I
629 would be happy to respond to any questions. I guess the one thing, Mr.
630 Chairman, I would clarify for you on access is the applicant currently has access.
631 I think the question is whether or not you want to grant rezoning to a higher
632 intensity and allow access. Access hasn't been restricted to his property. The
633 request is to rezone and then is access from Leonard correct with a higher
634 intensity zoning.

635
636 Mrs. Jones - I think there are a lot of questions that we can talk
637 about at this level and can perhaps be worked out between here and the Board
638 level. I'm not sure I see a solution to the access on this particular case because it
639 carries with it the use as its driver.

640
641 Mr. Archer - Thank you, Mr. Secretary. Before we proceed to vote
642 I just want to make sure that everyone understands—particularly the
643 opposition—that what we do tonight is a recommendation to the Board of
644 Supervisors. They meet on this and they will have the final say as to the final
645 outcome of this case. I just want to make sure everybody understands that and
646 that there is another opportunity to have a public hearing on this.

647
648 Mr. Vanarsdall - It won't be before 30 days. When would that be, Mr.
649 Secretary?

650
651 Mr. Emerson - Mr. Vanarsdall, that would be the July 12th meeting, I
652 believe, at the earliest. That is a Tuesday at 7 p.m.

653
654 Mr. Archer - All right, I think we're ready for a vote.

655
656 Mr. Vanarsdall - I first want to thank you for coming and letting us
657 know your thoughts on it, your opposition. We had three community meetings
658 and these ladies were at the meeting. We talked about three things: traffic, empty
659 buildings, and homes. Unfortunately, there's not anything we can do about traffic.
660 I'm sure that this egress/ingress will be straightened out before Board time.
661 You're right about one thing, you do have a nice neighborhood. I'm very familiar
662 with your neighborhood. I used to run a bank down in East End down toward
663 Highland Springs and I used to go by your place across the street at the
664 doughnut shop. I think it was Rainbow at the time. Unfortunately, if you put
665 homes on there like it's zoned now there would be no amenities to it. They could
666 just build anything they wanted to. It wouldn't have what we call proffers. These
667 are proffers on cases that the developer promises and they become law when it's

668 passed. So you wouldn't have the type of homes that you live in. They would be
669 closer to Williamsburg Road than most of you live.

670

671 I have to say this and this is no threat; I always say this. The developer or the
672 owner of the property has the right to develop this property anyway he sees fit
673 provided it's under the law. In this case, Mr. Jernigan does have that. He does
674 not choose to develop it as homes or residential; he would rather go with retail.
675 Williamsburg Road has always been a commercial artery, as long as I can
676 remember. The standard is set there by the places that are there now. Citizens
677 Auto Parts used to be there before they sold out to Carquest.

678

679 As far as having the building empty, I don't think Mr. Jernigan would even go
680 through this if he thought the building was going to be empty. We have empty
681 buildings in the West End and all over the County, even the shopping centers
682 that look like they're full but they're not. I know if Mr. Jernigan tells you he's going
683 to get it full he will. I've known him a long time; I knew his father and mother, did
684 business with his father. So you're lucky to have a local person developing this
685 instead of somebody from out of state. I do not think that homes are the answer
686 to that.

687

688 So I'm going to pass this one to the Board of Supervisors. I'm going to
689 recommend they approve this.

690

691 Mr. Emerson - Mr. Vanarsdall, you need to waive time limits first.

692

693 Mr. Vanarsdall - I need to waive the time limit—excuse me; thank
694 you—on C-3C-11, Alvin S. Mistr, Jr. for Eugene Ray Jernigan.

695

696 Mr. Branin - Second.

697

698 Mr. Archer - Motion by Mr. Vanarsdall, seconded by Mr. Branin to
699 waive the time limits. All in favor say aye. All opposed say no. The ayes have it;
700 the motion passes.

701

702 Mr. Vanarsdall - I'd like to recommend C-3C-11, Alvin S. Mistr, Jr. for
703 Eugene Ray Jernigan, to the Board of Supervisors for approval.

704

705 Mr. Branin - Second.

706

707 Mr. Archer - Motion by Mr. Vanarsdall, seconded by Mr. Branin. All
708 in favor say aye. All opposed say no. The ayes have it; the motion passes.

709

710 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by
711 Mr. Branin, the Planning Commission voted 4-0 (two abstentions) to recommend
712 the Board of Supervisors grant the request because it conforms to the

713 Commercial Concentration recommendation of the Land Use Plan, and it is
714 reasonable in light of the business zoning in the area.

715

716 **(Mr. Jernigan returns to the dais.)**

717

718 Mr. Emerson - Mr. Chairman, that takes you to the next item on your
719 agenda, which is a discussion item. It originates from your last meeting. The
720 Commission, I believe, had an agreement with several of the folks here to have a
721 discussion regarding some code changes, that there was a public hearing held
722 and recommendation made at your last meeting regarding group homes and
723 assisted living regulations. Mr. Blankinship is here and will make a presentation.
724 Also to assist with questions we have Mr. Drumwright, a Deputy County Manager
725 with us tonight.

726

727 Mr. Branin - Mr. Secretary and Mr. Chairman, if I may ask
728 permission to go; I did get the call from the hospital.

729

730 Mr. Archer - You go right ahead. Mr. Branin. I hope everything is
731 okay.

732

733 Mr. Branin - Mr. Blankinship, I'm sure you'll do a fine job without
734 me here.

735

736 **[Mr. Branin leaves the meeting.]**

737

738 Mr. Blankinship - I'm sorry about your situation.

739

740 Mr. Archer - Good evening, Mr. Blankinship; how are you, sir?

741

742 Mr. Blankinship - Good evening, Mr. Chairman. I'm fine, thank you.
743 Good evening members of the Commission. And good evening to the members
744 of the audience who are here specifically for this presentation. I'm going to be
745 addressing the Chair, which is the appropriate thing to do. But I guess you'll
746 know that the whole time I'm speaking I'm also addressing you.

747

748 Mr. Chairman, last month we brought you a proposed amendment to the Zoning
749 Ordinance and you recommended approval of that proposed amendment to the
750 Board of Supervisors. After the public hearing was over, as you are aware, some
751 of the people from one of our communities arrived. There was some confusion
752 over the time of the public hearing and they were very interested in this topic. So
753 the Commission has offered to have an information session, a discussion item so
754 that the members of that community can hear what exactly it is that we were
755 proposing with respect to group homes. I believe they may wish to ask some
756 questions. I don't know whether they will have any other comment beyond that.

757

758 Before I begin, I didn't go through this much detail on the background with you
759 last month because I know that you all are familiar with this, but I would like to
760 slow down for the sake of the audience and just give some additional
761 background. As you all know, Virginia is known as a Dillon's Rule state, which
762 means that in Virginia a local government only has the powers that are expressly
763 granted to it by State law. The Board of Supervisors does not have the freedom
764 or the ability to just pass any law that they believe is appropriate. There has to be
765 specific enabling legislation in the State Code for any change they would like to
766 make to the County law.

767
768 Now the Code of Virginia has included for many, many years sections that
769 authorize local governments to adopt zoning ordinances, and I have excerpted
770 that for you here. It begins, "Any locality may, by ordinance, classify the territory
771 under its jurisdiction into zones," and then it goes on to say what the zoning
772 ordinance can regulate. The first thing, obviously, is the use of land, buildings,
773 and structures. I put the code sections there in case anyone wants more
774 information on that. As you can see, a substantial part of the Virginia Code is
775 dedicated to enabling counties to adopt zoning ordinances. But enabling
776 legislation does not come without strings attached. There are specific provisions
777 that we are required to have in our zoning ordinance, if we choose to adopt one,
778 and there are other provisions that we *may* have, if we choose to include those in
779 our zoning ordinance.

780
781 One of the required provisions is a protection of group homes. Any county that
782 adopts a zoning ordinance must include in that zoning ordinance a provision that
783 protects group homes. That section, again from the Code of Virginia, is before
784 you here. It begins, "Zoning ordinances for all purposes *shall*," it does not say
785 "may." Ordinances "*shall* consider a residential facility in which no more than
786 eight individuals with mental illness, mental retardation, or developmental
787 disabilities reside with one or more resident counselors or other staff persons, as
788 residential occupancy by a single family." So any restrictions that the County
789 wishes to put on group homes have to be exactly the same restrictions we put on
790 residency by a single family. So in the R-3 Zoning District, for example, we have
791 a minimum lot size of 11,000 square feet. That applies to a family and that
792 applies to a group home. We have a lot width requirement of 80 feet. That
793 applies to a family and it also applies to a group home. We cannot put any
794 restrictions on group homes that we do not also put on families.

795
796 There was recently an amendment to the Virginia Code to the same section,
797 2291 of Chapter 15.2, adding a paragraph B, that essentially adds the same
798 protection for assisted living homes for eight or fewer persons that are already in
799 the State Code for group homes. That is the reason why we brought the
800 amendment to you. The group home language has been in the Code for about
801 twenty years and has been reflected in the County Code for about the same
802 period of time. This was the change that took effect last year and that's why we

803 asked you to recommend to the Board of Supervisors that they amend the
804 County Code.

805
806 Mr. Vanarsdall - Can we ask questions as we go along?

807
808 Mr. Blankinship - Yes sir, please do.

809
810 Mr. Vanarsdall - Was it unlimited before?

811
812 Mr. Blankinship - It was limited before for group homes with individuals
813 with mental illness, mental retardation, or developmental disabilities. Those three
814 populations. And you see down at the bottom here that those facilities must be
815 regulated by the Department of Behavioral Health and Developmental Services,
816 which is the new name of that department. So that has been in the Code. It is
817 now Paragraph A; it used to be the only paragraph in that section for protecting
818 homes for individuals with mental illness, mental retardation, or developmental
819 disabilities. They have added to that a second paragraph that we have to treat an
820 assisted living home with no more than eight aged, infirm, or disabled persons. If
821 you're familiar with assistant living facilities, hotel-looking buildings that are not a
822 nursing home, they don't provide 24-hour skilled nursing care, but they're not just
823 a retirement community either. They have individual units, individual apartments,
824 but they don't have kitchens, for example. Meals are provided communally or
825 individually, but they're cooked in a commercial kitchen and brought to the
826 residents.

827
828 Not everyone wants to have their loved one live in an assisted living facility like
829 that. Some people would rather keep their family closer to home. They don't have
830 the ability to provide all of the care necessary, but they'd like them to be in a
831 more residential setting, more of a single-family setting. This allows the creation
832 of assisted living homes where no more than eight people are cared for. Again,
833 they wouldn't have 24-hour skilled nursing care or medical care, but they would
834 have 24-hour staff on site to provide assistance with the requirements of daily
835 living such as eating, bathing, getting out of a bed and into a chair, things like
836 that that some people are not capable of performing for themselves.

837
838 So that is the reason why we have asked the Planning Commission to
839 recommend this amendment to the Board of Supervisors. Because the State
840 Code has changed, we are now required by State Code to treat these assisted
841 living homes the same way we treat group homes, which is the same way we
842 treat single-family residences.

843
844 Mrs. O'Bannon - Does the law indicate one or more resident
845 counselor? That's sort of open ended.

846
847 Mr. Blankinship - It is.

848

849 Mrs. O'Bannon - You could have one for one.
850
851 Mr. Blankinship - It's certainly possible that you could have a multitude
852 of resident counselors and the State Codes doesn't limit that.
853
854 Mrs. O'Bannon - In the other they usually have a few people and one
855 person or two counselors or assistants.
856
857 Mr. Blankinship - Generally these homes are businesses that are trying
858 to turn a profit, or else they're non-profits that are still trying to keep their costs
859 down. So we've never had an issue where they have had large numbers of staff.
860 They're required to have some staff there full-time and it's in their own financial
861 interest to limit their staff. That has never been an issue to my knowledge.
862
863 Mrs. O'Bannon - But it does not limit the number of assisting persons?
864
865 Mr. Blankinship - You are correct; it is not limited. But again, this is the
866 State Code.
867
868 There are a couple of minor differences already between the State Code
869 requirement and the way we have implemented that requirement in the County
870 Code. As I mentioned, for about twenty years the State Code has provided
871 protection for group homes for three populations—individuals with mental illness,
872 mental retardation, or developmental disabilities. In the County Code we added
873 the term, "physically handicapped."
874
875 Now this new category—let me step back a slide. This new category is going to
876 take in age, infirm, or disabled persons. So we are now going to clean up the
877 language to make it the same as the State Code language. In the group home
878 category we will have only individuals with mental illness, mental retardation, and
879 developmental disabilities and we will move the "physically handicapped" to the
880 new section, the assisted living home.
881
882 Also, the number of residents, which we have discussed somewhat. I'm going to
883 go back again so you can see exactly the way it's worded. The State Code for
884 group homes provides, "The Zoning Ordinance for all purposes shall consider a
885 residential facility in which no more than eight people reside as a single-family
886 home." So we cannot make that number any smaller than eight. The County can
887 make that number larger than eight, if we want. We can be less restrictive. This
888 provision is just saying we can't be any more restrictive than allowing eight. In
889 fact, when we brought this forward into our County Code twenty or so years ago,
890 we did not limit the number of persons in the group home, the number of clients
891 in the group home. So even though the State requires us to protect group homes
892 for up to eight, we have allowed group homes without putting a limit on the
893 number. There are other limits that come into play in the Building Code, in the
894 Department of Social Services licensing regulations. And again, this has not

895 been a major area of concern for us. But since we're amending these sections of
896 our code anyway, we are also going to carry forward that number, no more than
897 eight individuals plus resident counselors.

898
899 So the result of this amendment will be to comply with the State Code, the new
900 amendment to the State Code by adding the same protection for assisted living
901 facilities that we already have for group homes, and to make the County Code
902 more consistent with the State Code than it is now regarding the populations and
903 the limitation of numbers.

904
905 That is really the end of my prepared remarks. I wasn't expecting quite so many
906 people here. I do have copies of my presentation if anyone would really like one.
907 I only have ten. I can, of course, provide them to you if you want to leave me your
908 address or e-mail address, many of which we have from last time but I'd be
909 happy to provide a copy if we do run out.

910
911 But with that, Mr. Chairman, I will be happy to answer questions or we can open
912 the floor in case anyone else has questions.

913
914 Mr. Archer - All right. Thank you, Mr. Blankinship. Are there
915 questions from the Commission members first.

916
917 Mrs. O'Bannon - I know we're not required or can't just follow all the
918 group homes in the County, but I do know we have quite a few group homes of
919 all types in the County. How do you think this will impact what we already have
920 that's going on in the County? In what ways do you think this could change
921 possibly?

922
923 Mr. Blankinship - We do occasionally review requests for business
924 licenses for what are now being called assisted living homes. We have had to
925 turn some people away because they were not providing care for anyone in one
926 of the protected populations. So there may be some people out in the County
927 who would like to open assisted living homes who haven't been able to in the
928 past who would be able to now. I couldn't put a number on it, but it isn't very
929 many. There haven't been that many requests over the last few years. Of course
930 it's difficult to say what the future will hold.

931
932 Mrs. O'Bannon - Do they come to the County for a business license?

933
934 Mr. Blankinship - For business licenses, yes ma'am.

935
936 Mrs. O'Bannon - Because they also have to be reviewed by Social
937 Services, as you said, by the mental health folks, too. There are other ways that
938 they are regulated.

939
940 Mr. Blankinship - Yes ma'am.

941 Mrs. O'Bannon - They do get a business license?
942
943 Mr. Blankinship - Yes ma'am, if they operate as a business. Now not all
944 of them do. Some of them are family arrangements really. We don't know about
945 those.
946
947 Mr. Archer - Mr. Blankinship, I think there were at least three
948 different disciplines—mentally retarded, physically disabled, or developmentally
949 challenged.
950
951 Mr. Blankinship - Mentally retarded, mentally ill, and developmentally
952 challenged.
953
954 Mr. Archer - Are those disciplines allowed to be mixed within one
955 home?
956
957 Mr. Blankinship - That I do not know. The zoning ordinance does not
958 address that question. Whether the State licensing criteria address that or not, I
959 don't know.
960
961 Mr. Emerson - Mr. Drumwright might be able to answer that
962 question, Mr. Chairman.
963
964 Mr. Archer - All right, thank you.
965
966 Mr. Vanarsdall - Mr. Chairman, I was just going to say that Mr. George
967 Drumwright, who is Deputy County Manager, this is under his responsibility here
968 this evening.
969
970 Mr. Archer - Mr. Drumwright, we are obviously glad to have you
971 here sir.
972
973 Mr. Drumwright - Mr. Chairman, members of the Commission, for the
974 record, I'm George Drumwright, Deputy County Manager of Community Services.
975 My voice is a little foggy tonight because I have a sinus infection, so bear with
976 me; I'll try to answer the questions.
977
978 Mr. Archer - You sound fine.
979
980 Mr. Drumwright - As to your question specifically, could there be
981 somebody who has a dual diagnosis in one residential facility, it's quite possible.
982 But the licensing requirements for the State—and these are State licensing
983 requirements, not County. The Department of Behavioral Health and Disability
984 Services now, has a track for those who have developmental problems and has a
985 track for those who have mental health problems. It could be that someone would
986 have both, but they would go to the acuity level where they have the greatest. In

987 other words, if there were more developmental problems than mental health
988 problems they would go that direction.

989
990 Mr. Archer - I was specifically referring to people, individuals, who
991 one person may be mentally challenged and another one may have some other
992 issue. Not just one person, but mixing people—

993 Mr. Drumwright - Generally they don't mix the populations, but it is
994 possible that someone would be developmentally disabled and have signs of
995 paranoia for example. The main diagnosis would be development disabled.

996 Mr. Archer - I'll consider my question a good question; it took two
997 people to answer. Okay. Are there further questions from the Commission?

998

999 Mrs. O'Bannon - This is for Mr. Drumwright. Do you have an idea of
1000 how many and various types of these types of group homes we have in the
1001 County?

1002

1003 Mr. Drumwright - At one time it was very simple to give you an answer.
1004 The reason is why is there was one simple licensing agency that did all of the
1005 above. That was broken up by the General Assembly three years ago. Now each
1006 agency keeps their own records. You'd have to go online and find them and it's a
1007 constant changing thing. I do have a list here of one disability. There are
1008 approximately twelve right there. I have another list. You have to be careful
1009 because you have to look at not only the address but—at one time we had over
1010 seventy in the County. I can't give you an exact number right now.

1011

1012 Mrs. O'Bannon - I'm bringing that up because I know where some are
1013 in my district. Over the last sixteen years I think I've had maybe—I don't
1014 remember a complaint recently; it was many years ago—one complaint about
1015 some minor thing.

1016

1017 Mr. Drumwright - Frequently we're asked is there any geographical
1018 concentration and the answer is no. They're from River Road, which is in your
1019 district, all the way down to Mill Road in Varina District. They're in every
1020 magisterial district in the County.

1021

1022 Mrs. O'Bannon - I know in my district they like the one-story houses,
1023 ranch style because there may be only one or two steps into the house. It can be
1024 off in a cul-de-sac, privately, that sort of thing.

1025

1026 Mr. Drumwright - I would like to make one distinction. Ben talked about
1027 the business license. How we become involved in the County is someone buys
1028 or rents a home. They go to the appropriate licensing agency at the State, which
1029 could be State Department of Social Services, State Department of Juvenile
1030 Justice, State Department of Behavioral Health and Disability Services, and
1031 applies for the license for the population they're going to serve. One of the
1032 requirements is that they have to go to our Building Inspection Office and request

1033 a Certificate of Occupancy. That makes sure it meets the Building Code
1034 requirements. That's how we first become aware of the situation, that process. All
1035 we do in that regard is ensure that the home meets the minimal building code.
1036 That's the only thing we have legal authority to do.

1037

1038 Mr. Vanarsdall - Mr. Drumwright, we don't have hardly any
1039 disturbances from these group homes in the neighborhoods?

1040

1041 Mr. Drumwright - There have been some.

1042

1043 Mr. Vanarsdall - I'm thinking I'm going to answer.

1044

1045 Mr. Drumwright - I'll give you my answer. There have been some. We
1046 have gotten complaints from neighbors and they regard a number of things that I
1047 would call behavioral in nature. We have addressed those through police. When
1048 that has not worked, I have taken those neighbors' complaints and forwarded
1049 them to the State Licensing Office and asked that they inspect. Again, we have
1050 no power to regulate that. I know there have been one or two, because of the
1051 nature of the complaints we've forwarded, that they have inspected,
1052 unannounced, and taken the appropriate action. But again, we have no legal
1053 authority to regulate them in any way from that regard.

1054

1055 Mr. Vanarsdall - Thank you.

1056

1057 Mr. Archer - All right. Thank you, Mr. Drumwright. This is a public
1058 hearing and we know that you came out because you're concerned and we want
1059 to hear your questions, we want to receive your input. I think Mr. Blankinship and
1060 Mr. Drumwright did a remarkable job of trying to explain what limitations we have
1061 because of the fact that we're a Dillon's Rule state. But we do want to hear your
1062 concerns. Anyone who wants to be first, step up and identify yourself and come
1063 on up.

1064

1065 Ms. Johnson - Good evening. My name is Jane Johnson and I'm a
1066 resident of a community of communities—Chamberlayne Farms, Chickahominy
1067 Bluff, the Northfield Section of Chamberlayne Farms. We all love each other and
1068 work together.

1069

1070 You may be aware that several group homes have been established in our
1071 neighborhood in the past five years and more on the way. We are experiencing in
1072 our neighborhoods, the three combined, an increase in crime, unacceptable
1073 behaviors from residents of some of the homes in our community, and increased
1074 safety concerns in what used to be a quiet, well-kept neighborhood. This is truly
1075 an adverse impact on our neighborhood. We are part of a larger community in
1076 the section of the County that is seeing this influx, in many instances run by
1077 people who do not live in the neighborhood and who are importing group home

1078 residents from other parts of the state, as well as from out of the state. I'm a
1079 witness.

1080
1081 It seems like there is nothing we're going to be able to do about some of the
1082 things. We would prefer having group residents from Virginia as opposed to
1083 residents from New Jersey. One that moved in in my eyesight, you know, a wave
1084 away, is from Washington, D.C. And because folks do find out things, this young
1085 man was involved in a real serious situation. It wasn't behavioral; it was behavior
1086 related to some other fellows who are now in jail. As soon as he showed up at
1087 this facility, he was out in the open carrying on and exhibiting behavior that was
1088 disruptive for all of us.

1089
1090 There are a lot of senior citizens in these neighborhoods, too. I've lived out there
1091 for thirty-five years and so have some of my friends. Beautiful community,
1092 beautiful homes and everything. I used to enjoy walking and looking at the
1093 beautiful flowers and everything everybody was doing and smelling the fresh air.
1094 But now I'm compelled to ride a treadmill and that is so boring. There are eight
1095 group homes—and possibly more—on my walk route.

1096
1097 Mr. Vanarsdall - Eight, you said?

1098
1099 Ms. Johnson - Eight, sir. Yes sir. Eighty-three eighty-five, that's the
1100 one I can wave at, is about half a block. If I walk out my garage door on that
1101 street and go down as far as those chairs over there, that's one. And then right
1102 across from that one about as far from that chair to that one there's another one.
1103 That's a short block from my house. Then go another short block from that house
1104 and there's another group home. They're all boys. I know they're children, but
1105 they don't look like children; they look like grown men, some of them. If you put
1106 eight of them at each one of those properties there would be twenty-four teenage
1107 behavior-dysfunctional children. How do I know? Because I see what they do.

1108
1109 Mr. Vanarsdall - Do they act like boys or children?

1110
1111 Ms. Johnson - Juvenile delinquents. I mean seriously. I'm not trying
1112 to be funny. They act like juvenile delinquents. And then if I walk out my front
1113 door—I'm on the corner—and go one block to my left, then make a left, go down,
1114 oh, two blocks, there's another group home. If I come out my front door, go to the
1115 corner, make a left turn, there's another one that is two blocks from my house.
1116 Then go a little further down and there's another one. Then if I want to walk like
1117 three quarters of a mile—I used to do that—there's another one. I have the
1118 addresses—8385 Cardova Circle, 8393 Cardova Circle, 8377 Cardova Circle,
1119 8344 Hawks Nest. Then there's 6300 Whistler Road, 325 Burnwick Road, 519
1120 Plantation Drive, 8300 Colebrook Road—this one I don't really concern myself
1121 with because they are elderly people and they have more sense than—they don't
1122 behave like juvenile delinquents. Excuse me; I'm sorry. I'm not trying to be funny;
1123 this is serious to us.

1124 I, along with others in the community, wish to gain more about the guidelines
1125 regarding these group homes. Since I've heard what has been said, I don't know
1126 that this amendment will impact on group homes other than maybe having more
1127 people than some of them already have, but they come and go. They don't all
1128 stay.

1129
1130 Some of the questions that I have compiled—some I wrote and some that others
1131 asked me—maybe you can direct us in the right path to get some answers. For
1132 instance, you've already answered one, how many supervisors per home and
1133 residents. Only one. But what are the rules for these residents of the group
1134 home. If they're supposed to be supervised, does that mean that they have the
1135 liberty to walk and go anywhere they please or to walk up on your yards and go
1136 in groups unsupervised? To me that's not supervised. If they have behavioral
1137 problems to the extent that they have to go into homes then they need to be
1138 supervised when they're walking through the communities. So we want to know
1139 about that.

1140
1141 What, if any, considerations are made for the residents who have been
1142 established residents in a community when the group homes are developed?
1143 None of us have ever received any word of anything. I look up one day and I'm
1144 like one was there and that was enough because, I'm telling you I've never—I've
1145 heard some words that I can't say. There's been cussing, police coming, and
1146 outside arguing and fussing a couple of times. The kids run away with their
1147 suitcase and then the folks have to go chasing to catch them. They walk up away
1148 from the home and stand in front of your yard and passing cigarettes back and
1149 forth. Unfortunately, I did not at the time make all the phone calls I should have
1150 because I did not know what all this group home stuff was. The police would
1151 come so somebody was calling. But now that I know, I will be more proactive. But
1152 I'm still very concerned about the numbers.

1153
1154 I would hate to move out of a neighborhood. My husband and I have been
1155 volunteer trash collectors on the corner for thirty-five years because the school
1156 bus stops there. We never complained, we just go get up the trash and put it in
1157 the garbage. And now I know the ones who are going to go to school, they're
1158 going to be on the corner again. I'm almost seventy years old and my husband's
1159 older than I am and we're just too tired to deal with this. And I know some other
1160 folks are too. I mean what limits can be put on it? We're asking your help to find
1161 out what we can do as citizens when this impacts on us because we don't want
1162 to end up in a home because we're stressed out over this stuff all the time. You
1163 have to witness it to understand it because the picture that comes up in most
1164 folks' minds when they think of children's residences, they don't think of cussing
1165 juvenile delinquents who if you look at them they say, "What the hell you looking
1166 at?" I can't deal with it. I don't have the power to curtail those kinds of behaviors
1167 and I think something ought be done. If they're going to be in a group home for
1168 whatever reasons, they need to be *in* the group home and supervised in the
1169 home. If they are allowed to go and come as they please, they need supervision

1170 in that instance too. You drive up the street and if they're in the middle of the
1171 street, I'm not going to say anything; they're younger than I am. You have to wait
1172 and let them decide what they're going to do. It's very difficult.

1173
1174 And this thing about importing children, if someone doesn't get interested in who
1175 is coming inside the State of Virginia going to group homes, after a while it's
1176 going to be more than just the gangs that are already here. Believe me, it's going
1177 to be worse than it is.

1178
1179 Mr. Vanarsdall - Let me ask you a question. If another one would
1180 come in your neighborhood—

1181 Ms. Johnson - I would go crazy.

1182
1183 Mr. Vanarsdall - —this week, say, or next week, would you know about
1184 that ahead of time.

1185
1186 Ms. Johnson - No sir. Nobody tells you.

1187
1188 Mr. Vanarsdall - I mean I know if some neighbor moved in a regular
1189 house you wouldn't be notified either.

1190
1191 Ms. Johnson - Oh, no. No one's going to tell you. I'm only telling you
1192 about the ones that are close enough to me that I can pass by and then figure
1193 out or ask somebody or whatever. I'm sure there are many, many more because
1194 some have moved out since before this. But it doesn't mean they're not coming
1195 back because some of them are established in such a way that you see
1196 everybody's gone and then next thing you know when you see them come back
1197 and they're clearing up a little bit, you say oh, oh, they're coming back. I would
1198 much rather have ten homes with elderly folks than to have three right out of my
1199 door that are behavioral. The two that I'm looking at now, now they're making a
1200 bond, you know, running across to this one, going to this one, and whatever.
1201 That's not a good thing; it is not a good thing.

1202
1203 You have to see some things to understand why I'm talking about it in the
1204 manner that I am. I do love children and I think all folks' children stand a chance.
1205 But I think there is something wrong with how this has come about and how it
1206 had gotten on a train that seems like it's non-stop. And this is what's non-stop
1207 about it because they are businesses. We're calling them what they really are
1208 not. They are businesses formed and the folks who own them do not live in the
1209 home or in the community. So they are putting them here, here, here and then
1210 the residents who have taken good care of their properties, paid taxes for years.
1211 If you get a ticket, you pay that too because we've been good citizens. We're just
1212 in a quagmire and we need help. And we need our County to help us to wade
1213 through some of this and figure out what we can do so that we can have a better
1214 life and not be in fear and live in the places that we have worked so hard to
1215 accomplish all these years.

1216 I apologize to you.

1217

1218 Mr. Jernigan - No, you're fine. I just wanted to say something and
1219 I'm going to ask Mr. Drumwright something. But you're looking for help. I want to
1220 ask Mr. Drumwright because I think I'm right on this but I want him to confirm it.
1221 The group homes, do they originally come through the Federal Fair Housing? I
1222 think the level for your help is going to have to start on the Federal level not the
1223 state level. I thought I was right on that but I want you all to know how the County
1224 stands on this. The Federal law dictates to the State and the State dictates to the
1225 County.

1226 Ms. Johnson - I'm lost as to—

1227

1228 Mr. Jernigan - He's going to explain it to you.

1229

1230 Mr. Drumwright - First of all, let me give you my card, Ms. Johnson,
1231 because I spent the afternoon driving to all the addresses that you sent on the e-
1232 mail.

1233

1234 Ms. Johnson - You did? Wonderful.

1235

1236 Mr. Drumwright - I have also gone through all the licensing agencies to
1237 find what's there. I can find four. Actually, I can only find three of the addresses
1238 you gave me that are licensed. I can find a fourth one which you didn't have. But
1239 I'll try to get you to where I think you're trying to ask these questions, if you give
1240 me a moment. Okay?

1241

1242 Ms. Johnson - Thank you.

1243

1244 Mr. Archer - Mr. Drumwright, if I may, just before you start. And
1245 Mr. Jernigan, thank you for your information because all of it is going to be
1246 helpful I think in the long run. I have a group home in my neighborhood also. It's
1247 difficult at our level for us to be more than informative. And I think Mr. Blankinship
1248 pointed that out pretty clearly when he was beginning his presentation and
1249 talking about the Dillon Rule and what we can do. And basically what we're
1250 trying to do tonight—and correct me if I'm wrong—is to make sure our rules are
1251 brought into compliance with what the State says we ought to be doing.

1252

1253 There a lot of things that sound like they are so out of place, like trying to
1254 determine where somebody comes from before they move in a group home;
1255 there's no way to know. I don't think anybody has any obligation or requirement
1256 to notify a neighborhood that we're getting ready to put a group home over here
1257 so you all watch out. That's just not a part of it anymore than it would be if a
1258 person was moving into a house. They're not obligated to warn you that they're
1259 getting ready to move next door to you. So it's a tough situation and it's one that I
1260 feel two ways about. A lot of these kids are simply children that have been
1261 thrown away and they've been looking for an opportunity to be accepted by

1262 someone and have a place to live. Out of that you get so many different kinds of
1263 people that you can't regulate.

1264

1265 There was a story in this morning's paper, I think, about a young man who
1266 graduated in Chesterfield that took, what was it, eight semesters of exams in one
1267 day and qualified to graduate. The kid never had a home of any kind. So it runs
1268 the gamut of the kinds of people who exist in these places. We've been pretty
1269 fortunate in my neighborhood; I've not noticed any crime problems. There is
1270 always the bottle in the front yard every morning; I just pick it up when I go get
1271 the paper and throw it in the trash. And it's usually just a soda bottle.

1272

1273 I wanted to interject that while I had it on my mind; didn't mean to interrupt you,
1274 Mr. Drumwright.

1275

1276 Mr. Drumwright - No sir. And I'll try to keep my comments as brief as
1277 possible.

1278

1279 Mr. Archer - I was trying to do the same thing. Go right ahead.

1280

1281 Mr. Drumwright - The origin of this really, sir, and to the audience—and
1282 I apologize for my back to you—is actually the Civil Rights Act of 1968. It's a
1283 component of the Civil Rights Act of 1968 called the Fair Housing Act of 1968,
1284 Title Three of the Civil Rights Act—or Title Eight. Basically it said that it banned
1285 among things—housing discrimination based upon race, color, religions, national
1286 origin, and provided for enforcement mechanisms whenever that occurred. That
1287 was further amended in 1974 and 1988, and it became what we call the Federal
1288 Housing Act Amendments of 1988. Basically to summarize, it made it unlawful for
1289 one of a number of covered entities—including local governments—to
1290 discriminate in the sale, rental, or otherwise make available or deny a dwelling to
1291 any buyer or renter because of handicapped of the buyer or renter or person
1292 residing in or intending to reside in the dwelling after it is sold, rented, or made
1293 available, and any person associated with the buyer or renter.

1294

1295 The Act defines *handicapped* extremely broad. It is a physical or mental
1296 impairment that substantially limits one's ability to make major life activities, a
1297 record of having an impairment, or being regarded as having such an
1298 impairment. *Impairment* covers the whole landscape.

1299

1300 There have been a number of court cases. Ms. Johnson, I'll get your address and
1301 I can send you [unintelligible]. It's a legal brief. There have been challenges to
1302 this Act all across the United States. There have been challenges on the very
1303 thing the Chairman talked about—notification. The Courts have said if we don't
1304 require me who is going to buy a house next to you to notify all the neighbors,
1305 then we can't require someone buying or renting the home [blank section].

1306

1307 The issue of concentrations of how many can be in a neighborhood, the courts
1308 have struck down [blank section] on that.

1309

1310 Covenants. You and I buy into a neighborhood and there's a list of covenants
1311 recorded with our deed. [Blank section] right off of Gayton Road determined that
1312 covenants were invalid as a prohibition, hence preventing a group home in the
1313 neighborhood. Struck that down.

1314

1315 There is one minor, minor glimmer of hope. The General Assembly studied this
1316 again four years ago. They spent almost a year and half studying this issue.
1317 Henrico County was very active in that, expressing the concerns we've heard
1318 here tonight. And they followed it all the way through that study. It resulted in one
1319 thing, that when someone comes in and now rents or buys a group home with
1320 the purpose of housing one of these populations, they are to make available to
1321 their neighbors on the right and their neighbors on the left—and notice I didn't
1322 say across the street or behind—a telephone number and name of an individual
1323 you may contact when you are having those problems. How widely that occurs I
1324 can't tell you.

1325

1326 Now I'll go back to the comments that you made. I did go through and I can tell
1327 you which ones I actually found. 8393 Cardova Circle is Community Ventures.
1328 It's licensed by the Department of Social Services and Rehab Services. So it has
1329 a dual license. I had 507 Plantation Drive as Family Life Services and that is
1330 licensed by the Department of Behavioral Health and Disability Services. The
1331 one at 6300 Whistler Road is Journey House. That's licensed by the State
1332 Department of Social Services. The one that you didn't have was 8214 Fredonia
1333 Road. That's licensed by the State Department.

1334

1335 [Discussion ensued in the auditorium; however, it occurred off-microphone and
1336 was not recorded. Similar occurrences will be noted as Discussion.]

1337

1338 Mr. Drumwright - I didn't have that on her list, but I'll be glad to look it
1339 up for you.

1340

1341 As I said, I rode by all of these places today. I rode from 3:30 to 5:00. I was trying
1342 to pick a time that some people might be coming home from school and things
1343 like that. I couldn't find anything that I could call our Community Maintenance
1344 people for a violation. I couldn't find any activity that didn't look anything different
1345 [unintelligible] street. But I'm mindful and I don't doubt what you're saying.

1346

1347 [Discussion.]

1348

1349 Mr. Drumwright - Right, right. And let me tell you what I've done. I have
1350 told neighbors such as yourself the first thing you need to do is go to that home
1351 and say I'm so-and-so, a neighbor. With regard to the house, I'd like to be able to

1352 sit down and talk to you about my problems. If they refuse that to you, let me
1353 know and I'll try to pursue it another way.

1354
1355 Calls for service. I was hoping to have a call-for-service report for the whole area
1356 that you talked about, but I don't have it tonight. But I've gone for other
1357 neighborhoods that are all over the County. Frequent calls for service are
1358 exactly what you're talking about—kids running the street, kids cursing at one
1359 another or throwing balls at one another. We respond to those. We come out and
1360 we talk to the people at the house as we would be talking to a single parent.
1361 Other calls that are frequent are runaways. Somebody didn't come home from
1362 school on time, didn't come home from the library, or didn't come home from the
1363 mall. That's a call for service.

1364
1365 The serious problems, and I'm talking about vandalism, fighting in the home. We
1366 have had some in the County where we've been called in. The calls may be even
1367 assaulting a person who's a staff member in the home. If that same home comes
1368 back in several times, I make it known to the department. If they're what I call a
1369 frequent flyer, I want to know about it because I'm going to take that information
1370 and I'm going to go to the State licensing agency and I'm going to say look, you
1371 license these people and we can't control them. There is a problem occurring at
1372 this house frequently.

1373
1374 I would tell you yes ma'am, according to licensing. Can I tell that they're done? I
1375 can't tell you that. But they are required to have that, yes ma'am.

1376
1377 [Discussion.]

1378
1379 Mr. Drumwright - If a teenage boy has been abandoned by their mother
1380 or father or both, if they have developmental problems in school. But yes. The
1381 courts have defined that so broad that they fall—they are incapable of living on
1382 their own. If they are incapable of living on their own and need to have someone
1383 help provide them a place to live, the courts have deemed they are covered by
1384 the Act.

1385
1386 [Discussion.]

1387
1388 Mr. Drumwright - See you're reading one act. What I'm telling you is
1389 this is the Civil Rights Act. This is broader.

1390
1391 [Discussion.]

1392
1393 Mr. Drumwright - Let me go to your last comment first. A business
1394 license is no more than saying that you are going to conduct a business in the
1395 County and where you're conducting that business is appropriately zoned for
1396 that. The Civil Rights Act Amendments and Fair House Act Amendments
1397 supersede any ability to limit someone being in a residential neighborhood that is

1398 doing it for profit or non-profit and has a business license to do it. You can't use
1399 that as barrier.
1400
1401 [Discussion.]
1402
1403 Mr. James - Excuse me. None of this is getting recorded; it can't
1404 be heard.
1405
1406 Mr. Drumwright - Can you come up here? Okay. I'm sorry.
1407
1408 Male - [Off microphone.] Can I talk to you?
1409
1410 Mr. Drumwright - Yes sir.
1411
1412 [Discussion.]
1413
1414 Mr. Drumwright - They do listen to you.
1415
1416 [Discussion.]
1417
1418 Mr. Drumwright - Yes sir.
1419
1420 [Discussion.]
1421
1422 Mr. Drumwright - Let me try to answer your question. First of all the
1423 question about the police. Any calls for service to your house—let's say you had
1424 a grandson or a son that you had a disagreement with and it resulted in you all
1425 trading blows. I can't find out that information from a next-door neighbor or
1426 anything else. That's posted in a police record and you have to go back and
1427 search a record. And it wouldn't give very much information. It tells you the time
1428 of the incident and what the charges were. It doesn't tell you how it was founded
1429 or anything else.
1430
1431 As far as staffing these facilities, they're required to have staff when the residents
1432 are there. When the residents are not there they are not required to have staff
1433 there. So you may see the staff leave after they leave the house.
1434
1435 As to being in the streets, they cannot—we cannot restrict their ability in the
1436 streets. Now in the streets chasing cars, that's a different story because that's
1437 putting them and you at risk—you at risk for hitting them and them at risk for
1438 getting hit.
1439
1440 The General Assembly had hundreds of people like yourselves tonight in
1441 testimony. Henrico County, Chesterfield County—all over the state. So ultimately
1442 the only thing they did was say okay, when that group home locates there, they
1443 are required under their license with the State Department of Social Services—

1444 and I want to make that clear; it's not Henrico Social Services. It's the State
1445 Department of Social Services. They're required to tell the people on the left and
1446 the people on the right this is who we are, this is our manager, this is the number
1447 that you can call when you have a problem.

1448

1449 [Discussion.]

1450

1451 Mr. Drumwright - And again, I can't deal with that.

1452

1453 [Discussion.]

1454

1455 Mr. Drumwright - The guidelines we have are absolutely zero because
1456 we have no legal authority.

1457

1458 [Discussion.]

1459

1460 Mr. Drumwright - You have to hear what I just said. We have zero
1461 authority to regulate them. We have zero authority to control where they are
1462 located. We have zero authority to restrict their business license because it's a
1463 protective category and can be in that zoning, in a single-family residential
1464 neighborhood.

1465

1466 [Discussion.]

1467

1468 Mr. Drumwright - I hear what you're saying and the Supreme Court has
1469 ruled otherwise.

1470

1471 [Discussion.]

1472

1473 Mr. Drumwright - That can be any number of organizations that does
1474 that. It can be a Social Service agency that's not even in Henrico County. It could
1475 be someone from Southwest Virginia that has placed a child here and that
1476 agency would pay.

1477

1478 [Discussion.]

1479

1480 Mr. Drumwright - We can't.

1481

1482 [Discussion.]

1483

1484 Mr. Drumwright - Here's what would happen. I'll give you an example.
1485 Back to what you told me. The people in charge of that home are not there.
1486 There are several calls for service. When the police officer arrives [unintelligible]
1487 the person in charge of that group home. Write that up in a report and it goes
1488 through the courts, the juvenile court. It's a sealed record. I can't get to it; you
1489 can't get to it. But I've told that police officer, okay, that's the first time. The

1490 second time that occurs, okay. The third time it occurs I want you to give me the
1491 record of why you went there and I'm going to take your information, the police
1492 officer's information. And I'm going to make it available to that state licensing
1493 agency.

1494
1495 [Discussion.]

1496
1497 Mr. Drumwright - I'm going to do it. That's all the authority I have. And
1498 I'm really sort of on thin ice right there. But I'm going to tell them I don't think,
1499 given the complaints we've received and given the police investigation, that that
1500 party that owns and manages that home is keeping up with their agreement
1501 under the license. Now as a state agency, you license them; you regulate them.

1502
1503 [Discussion.]

1504
1505 Mr. Drumwright - I can't explain to you. I have no knowledge, have no
1506 way of knowing what that—

1507
1508 [Discussion.]

1509
1510 Mr. Drumwright - And that happens. That happens.

1511
1512 [Discussion.]

1513
1514 Mr. Drumwright - But again, we have no legal authority here to limit
1515 that. Even the State of Virginia can't restrict that. Let me get this lady over here,
1516 if you would please.

1517
1518 [Discussion.]

1519
1520 Mr. Drumwright - And you have a complaint. Now I have to caution you,
1521 okay? I have to caution you. There was a neighborhood three and a half, four
1522 miles from here. Plantation Estates. There was a developer in there who built a
1523 home. He rented it out for a group home and the neighbors were as anxious as
1524 you are sitting here tonight. Those neighbors rode the operator of that home
1525 unmercifully. Okay? The owner of the home was renting it, the person operating
1526 it. But the neighbors got him for everything from having a legal mailbox—didn't
1527 conform with the covenants—to having too many cars on the street, to all kinds
1528 of things. That person operating that group home filed a lawsuit against the civic
1529 association for violation of civil rights. You have to be careful.

1530
1531 [Discussion.]

1532
1533 Mr. Drumwright - Because they were unmercifully attacking this group
1534 home of people who couldn't live for themselves. Therefore they were infringing
1535 upon their civil rights.

1536 [Discussion.]

1537

1538 Mr. Drumwright - I would tell you I left a room of about seventy
1539 individuals tonight. The Manager and I were at a dinner at Marriot West. These
1540 are people who are in recovery, sons and daughters who have lived in this
1541 community who are now adults. Some of them are almost as old as you folks are.
1542 They are living in some of these homes because their parents are deceased.
1543 They are good stewards, good workers. They pay taxes and everything else. It's
1544 like anything. I have lived in neighborhoods where I have had children who aren't
1545 group home children that were absolutely irascible. I grew up in a neighborhood
1546 like that so I know. And you try to deal with them the best you can deal with
1547 them. But we have no way to regulate that. I hear your frustrations.

1548

1549 At the national level, Mrs. O'Bannon and I were in Washington, D.C. and took
1550 this to the national level. I thought we'd have to catch midnight cabs coming out
1551 of D.C. because I thought we'd be tarred and feathered. You're talking about
1552 dealing with changes to the Civil Rights Act. People don't take that very kindly.

1553

1554 Mrs. O'Bannon - Mr. Drumwright, something that you said is something
1555 I think is very valuable. They should be considered just as any other neighbor.

1556

1557 Mr. Drumwright - Yes ma'am.

1558

1559 Mrs. O'Bannon - They should be considered just as any other
1560 household that would be in your neighborhood. And I can tell you that in some
1561 neighborhoods if there is a neighbor who is not cutting their grass or they don't
1562 paint their house or they're leaving their trashcans at the street, I can tell you I
1563 get that on houses that aren't group homes. You as a neighbor—and this is
1564 where I think the information is valuable that you gave is to go over there and talk
1565 to them just as you would if they were a neighbor and say you're not keeping
1566 your yard up; is there anything I can do to help. I will tell you I've dealt with this
1567 too. Your child is trespassing on my property or throwing rocks at my house, you
1568 know, this type of thing. In other words, treat it as if it is any other neighbor. And
1569 if you have a problem, this is exactly what you said. If you think it's that bad, then
1570 do call the police. The person who is in that house who is supposed to be their
1571 supervisor, you should consider that as the parent or the person who's in charge
1572 of that house and talk to them and tell them, "I'm having a real problem here," if
1573 that is the problem. And it sounds like that's a really good way to handle it. I can
1574 tell you right now that not group homes but just regular, everyday neighbors I get
1575 calls on this. You know, someone in the neighborhood that's not controlling
1576 things or not being a good neighbor. That's hard, though, being the person who
1577 has to live next door to them and actually go to the neighbor's house and tell
1578 them it's a problem. Often I will talk to a community officer. That's another thing.
1579 Is there a community officer that they can speak with for that area?

1580

1581 Mr. Drumwright - Should be, yes ma'am.

1582 Mrs. O'Bannon - Community officer. That's the kind of thing that—
1583
1584 [Discussion.]
1585
1586 Mr. Archer - Ma'am, you can speak from there if everybody can
1587 hear her.
1588
1589 Female - [Off microphone.] Okay. First of all, I sympathize with
1590 the concerns of [blank section]. However, we have to be sensitive [blank section].
1591 [Blank section] obviously have a need that hasn't been met by society.
1592 Unfortunately [blank section] in our backyard. And that's the concern. So what
1593 I'm saying now is that the concern that I feel most of the people have
1594 [unintelligible] is they see their community being disassembled. [Unintelligible.]
1595 And this is aggravating. It is aggravating not in an emotional aspect, but in a
1596 property sense. The whole American dream is about owning property and
1597 keeping that property. And when you live in a community like North Run or
1598 Chamberlayne Farms or [unintelligible], the people take pride in their property.
1599 We have some recourse. We can call the maintenance line. There's a number
1600 you can call when people have junk in their yard or they have too many cars in
1601 their yards or they have debris or whatever. And yes you can call the police when
1602 people are acting unbecoming or inappropriate. But the main concern I feel here
1603 is that people in this community feel like we're being bombarded and forced to
1604 adopt something that is obviously going to destroy our community. And that
1605 concerns us as a whole.
1606
1607 And here's the question I purport to the Board. If it is acceptable and it's the law
1608 that these people can have these group homes or assisted living, what will you
1609 do when every single house in the environment is a group home? What will you
1610 say to the owners who have been there for thirty-five years [unintelligible] that
1611 helped build that community watch it go down?
1612
1613 Mr. Drumwright - There is one court case—I think it's in Chicago—that
1614 on point to what you're suggesting. While there have been attempts to limit the
1615 number and location or distance in a neighborhood, there was a situation in
1616 Chicago area—I don't know if it's in the city proper or on the outskirts—where a
1617 person was coming in and buying up homes right and left. It wound up at a large
1618 number. I don't want to give a number, it would be wrong, but it was more than
1619 twenty in like a ten-block area or less than that. The courts then deemed in that
1620 particular case—it's the only one we've been able to find—that in fact the owner
1621 buying this and creating these group homes was in fact denying these people
1622 their civil rights because he was isolating them together and not allowing them to
1623 live in a disbursement.
1624
1625 Female - [Off microphone.] [Unintelligible] like that. This is what
1626 we'll call a quote and unquote "business" that they have all of a sudden become

1627 a problem, or whatever you may call it, and then it's out of control. And the
1628 citizens in that community have no recourse.

1629

1630 Mr. Drumwright - Right.

1631

1632 Female - [Off microphone.] That's the part I think everyone
1633 [unintelligible]. They feel helpless. They can't do anything about this and they're
1634 being forced to adopt something that they obviously don't want to deal with.

1635

1636 Mr. Drumwright - And believe me, we hear your concerns. And there
1637 have been a number of individuals before you who have expressed a similar
1638 concern. The fact is we have no legal authority to do anything, in spite of all your
1639 frustrations, in spite of the Planning Commission's frustration, in spite of the
1640 Board of Supervisors' frustration.

1641

1642 Mrs. O'Bannon a company out of Houston, Texas, called Comfort Homes. They
1643 came in probably five to seven years ago. The first home was on Waveny Road
1644 between Patterson and River Road near the University of Richmond. There were
1645 quickly five other homes. Its model was to be an assisted living for the early
1646 stages of Alzheimer's. They bought homes on River Road near the president's
1647 house of the University of Richmond. There's a group home off of Gaskins that is
1648 over one million dollars. Okay.

1649

1650 [Discussion.]

1651

1652 Mr. Drumwright - Well, I'm going to go back to the Comfort Homes.
1653 Their business model didn't work and so after four and a half years they pulled
1654 up.

1655

1656 State of Virginia has a reimbursement rate for people in some of these homes.
1657 The State has now ratcheted down that reimbursement rate and therefore some
1658 of these people who went and bought these homes and got in this business are
1659 getting out of the business. Okay. There has been a decline. Now I can't tell you
1660 tomorrow—your reference to a business being there, it's no different than
1661 somebody opening an automobile business, selling you and I a car only to find
1662 out that car has suffered water damage that you haven't told me about or
1663 somebody rolled back the odometer. Sooner or later they usually get caught. But
1664 we have no authority. Henrico County has no authority to deal with that car
1665 dealer.

1666

1667 Let me get this lady here. If you want, I'll come back to you.

1668

1669 [Discussion.]

1670

1671 Mr. Emerson - No. No ma'am, we don't.

1672

1673 Mr. Drumwright - Well I'm going to give you an answer you probably
1674 won't like. First of all you cannot restrict them by zoning. This, I think, was really
1675 superfluous in nature, this act by the General Assembly, because I think they
1676 were already allowed to sort of—they endorsed it and put it together and said
1677 okay, if it's going to be there we're going to put these kinds of limitations. We did
1678 have one individual in the County who is operating a facility like this and he
1679 wanted to add an additional eight beds. We were able to go back and look at the
1680 Building Code and say okay, you now have gone from a group home for the
1681 elderly to an institution. Therefore if you're going to do that you're going to have
1682 to sprinkler the home; you're going to have to fire-stop doors; you're going to
1683 [unintelligible]. So we were able to restrict it that way. But we could not change it
1684 by zoning.

1685
1686 [Discussion.]

1687
1688 Mr. Blankinship - Let me clarify that today, as right now, this State
1689 allows us to limit it to eight and the County has not adopted that limitation. One of
1690 the things in the amendment that we've recommended to the Board of
1691 Supervisors is that we should limit them to eight.

1692
1693 [Discussion.]

1694
1695 Mr. Blankinship - I'm sorry I was unclear on that before.

1696
1697 Mr. Emerson - But that's all we can do. We cannot prohibit location,
1698 placement; we don't license. This group, the Commission, has no control over
1699 that and neither does the Board of Supervisors, as has been said numerous
1700 times. I did just what to make that point again. I think many of us are just as
1701 frustrated as you are because we do hear these concerns from you and from
1702 others on many different occasions. And it's something that after being handed
1703 down from the federal government to the state government has been taken away
1704 from the localities to be able to control. So these are concerns that I would
1705 suggest you carry to your state legislators and to your federal legislators. Make
1706 these points to them that you're concerned about your neighborhoods. It wouldn't
1707 hurt to write your House of Representatives' members, your Congressmen, your
1708 Senators, and make these points to them of what's happening in your
1709 neighborhoods.

1710
1711 [Discussion.]

1712
1713 Mr. Emerson - Mr. Drumwright.

1714
1715 [Discussion.]

1716
1717

1718 Mr. Drumwright - And what may be happening in that situation is those
1719 homes may be a foster home. [Discussion.]

1720

1721 [Discussion.]

1722

1723 Mr. Drumwright - But it's not licensed [unintelligible]. I can't find out
1724 [blank section]. No, if it's foster care [unintelligible].

1725

1726 [Discussion.]

1727

1728 Mr. Drumwright - I have a map that's probably five years old. I can't
1729 [unintelligible] on the map. Follow my habit. I've complained. I complain to the
1730 General Assembly.

1731

1732 [Discussion.]

1733

1734 Mr. Drumwright - And you shouldn't.

1735

1736 [Discussion.]

1737

1738 Mr. Drumwright - I would be glad to do that. I have done that in the past
1739 and I will continue to do that, I can tell you that. I've met with the previous
1740 Secretary of Health and Human Services; I meet on an occasional basis now
1741 with the current Secretary of Health and Human Services. The example that you
1742 left about not coinciding with what you have and the information there, it's so
1743 troubling that for three years they were carrying on that website the contact
1744 person to ask questions about licensing of these homes and the person had
1745 been dead for two years.

1746

1747 [Discussion.]

1748

1749 Mr. Drumwright - I'll try to answer that the best way I possibly can. It
1750 can come from a number of different areas and I can only answer for Virginia. So
1751 if it comes out of state I can't answer that.

1752

1753 There's a thing called the Comprehensive Services Act, which is a State program
1754 that takes money from different areas, different pockets and pools it all together.
1755 And we at the local level have to match it. And it's for a youth that has some
1756 problems. It could be anger management; could be mental health; could be
1757 disabilities. And they need a residential placement so they get placed, they get
1758 interviewed. The IEP, Individual Education Plans are developed. Their service
1759 plans are developed. They are placed in a licensed facility and they have
1760 outcome measurements. They're supposed to achieve certain outcomes by
1761 certain times.

1762

1763 [Discussion.]

1764 Mr. Drumwright - Let me finish this and I'll answer your question. All of
1765 that has changed on the reimbursement end. The State felt exactly as some of
1766 you do that there are people in it for the money and they weren't serving it well,
1767 so the State has now said instead of paying half of that cost—let's just say it's
1768 \$2,000 a month. The State used to pick up [unintelligible]. The State's now said
1769 we're only going to pay you \$250. Disincentive to [unintelligible] that facility.
1770 Therefore some of them are going out of business.

1771
1772 As to your age population, juvenile, they can go up to 21 if they have certain
1773 disabilities. Okay? If it is an adult who has developmental problems they can age
1774 at sixty-five, seventy years old. So there is no age restriction in that regard. So
1775 it's by nature of the population you're serving.

1776
1777 [Discussion.]

1778
1779 Mr. Drumwright - Here's what you need to do. When you have that
1780 problem—do you have the community officer's number? Okay. You need time,
1781 date, and place. And as we build up a profile on that house, I'll go back to that
1782 community officer and say by the way—I didn't catch your name.

1783
1784 [Discussion.]

1785
1786 Mr. Drumwright - I have two on my street.

1787
1788 [Discussion.]

1789
1790 Mr. Drumwright - Right.

1791
1792 [Discussion.]

1793
1794 Mr. Drumwright - I grew up in the City of Norfolk by the Azalea
1795 Gardens; very nice neighborhood. Very much like the neighborhood you're living
1796 in. The neighbor behind me had three boys and they were pure hellions, pardon
1797 my term. They played cowboys and Indians and used BB guns and real arrows.
1798 Okay? They had a mother and father. They weren't in a group home. The mother
1799 and father in my mind—I was just a kid then—were not good parents. I can't help
1800 your situation; I have no legal authority to help your situation.

1801
1802 [Discussion.]

1803 Mr. Drumwright - Well based upon the information that she's given us,
1804 we don't have that home as a licensed home.

1805
1806 [Discussion.]

1807
1808 Mr. Drumwright - And again, let's go back to her comment about
1809 violations because she's correct. If you go to the website you'll see a violation.

1810 When there's a violation— homes can be licensed for a maximum of three years.
1811 Sometimes in that next year you're evaluated again. If you have problems, minor
1812 problems, you have to have a corrective action plan with the state licensing
1813 agency. You never get to see it. Tell them I did x, y, z. Those of us in my
1814 profession across the state who have complained about a facility in Hampton
1815 Roads where we heard rumors of some very serious things. Way serious. More
1816 serious than what you're talking about. And it took the State of North Carolina to
1817 come in and investigate, decide they were moving all 141 of their kids
1818 [unintelligible] State of Virginia. Said whoops, we can't send any more Virginia
1819 kids to that facility. I'm here to tell you that disturbs me because there are kids
1820 who are risk regarding their own safety.

1821

1822 Only thing I can promise you is I'll do hook or crook if we find frequent violations
1823 at the same home. Whatever I can do to get it through the licensing agency, but I
1824 can't take away their license. Henrico County has no authority to do that.

1825

1826 [Discussion.]

1827

1828 Mr. Drumwright - But I have to tell you that I don't have any way of
1829 knowing. I wish I could stand here and tell you I do, but I don't.

1830

1831 [Discussion.]

1832

1833 Mr. Drumwright - I've done this on a daily basis sometimes.

1834

1835 [Discussion.]

1836

1837 Mr. Drumwright - Yes, yes. I mean I have lots of folks like yourself who
1838 say so-and-so home was sold and the person who bought it said they're going to
1839 make a group home. Until they come into the County's office and ask for a CO—
1840 when they do that the Building Inspections' office asks are you going to have a
1841 group home there. If they do that they compile that information for me. I won't
1842 say every time I do. I get it secondhand.

1843

1844 [Discussion.]

1845

1846 Mr. Drumwright - When your e-mail came to me on the eight addresses
1847 you listed, I immediately went to the building official's office to see where the
1848 COs are, who the COs names were in, and if they were licensed group homes. I
1849 could only find three of the eight. In where?

1850

1851 [Discussion.]

1852

1853 Mrs. O'Bannon - Northern Henrico.

1854

1855 Mr. Drumwright - What do you mean Northern Henrico County?

1856 [Discussion.]
1857
1858 Mr. Drumwright - I can't tell you because every home there has a CO.
1859 Every home. You have to hear what I just said. The only way I find out is I take
1860 your street and I go to the building official's office and say, "Did you issue a new
1861 COs on that home?" So-and-so corporation. Okay?
1862
1863 [Discussion.]
1864
1865 Mr. Drumwright - Absolutely. You're correct. I didn't make the law.
1866
1867 [Discussion.]
1868
1869 Mr. Drumwright - It doesn't pop up. I have to go back and find that
1870 place there. It's not an independent database of group homes.
1871
1872 Female - [Off microphone.] What he said is that they are not
1873 connected.
1874
1875 Mr. Drumwright - That's right.
1876
1877 Female: [Off microphone.] That's what he's saying. One office
1878 is not connected to another and you cannot access that information.
1879
1880 Mr. Drumwright - Right.
1881
1882 Mrs. O'Bannon - What he's saying is if you give him an address, if you
1883 give anybody an address and you go in there and ask if there is a Certificate of
1884 Occupancy. But don't do it the other way. Every house has a Certificate of
1885 Occupancy.
1886
1887 Mr. Drumwright - Yes. A CO is issued to the person asking for it and
1888 they have to give it to the State licensing office. We don't give it to the State
1889 licensing office.
1890
1891 [Discussion.]
1892
1893 Mr. Drumwright - Yes, if you don't tell me the answer. I have a person
1894 down there that's been there a long time and he asks that question when he
1895 goes.
1896
1897 [Discussion.]
1898 Mr. Drumwright - He doesn't have to answer, no ma'am.
1899
1900 [Discussion.]
1901

1902 Mr. Drumwright - He does. He reports that information, yes.
1903
1904 [Discussion.]
1905
1906 Mr. Drumwright - We can't do that.
1907
1908 Mrs. O'Bannon - There's a federal regulation that says you can't ask
1909 that kind of question.
1910
1911 [Discussion.]
1912
1913 Mr. Drumwright - I've had one. We've had one. I've had one.
1914
1915 [Discussion.]
1916
1917 Mr. Drumwright - That is exactly correct.
1918
1919 Male - [Off microphone.] What we need to do is take matters
1920 in own hands. That's what you're telling us.
1921
1922 Mr. Drumwright - I'm telling you that the people who have the authority
1923 to change the rules are two levels [blank section]. The second level [blank
1924 section] tighten up on the licensing requirements [blank section].
1925
1926 Male - [Off microphone.] A group home has [unintelligible]
1927 living next door. You don't have to go through all of these [unintelligible] next
1928 door. Does that make sense?
1929
1930 [Discussion.]
1931
1932 Mr. Drumwright - I have been in my position for thirty-five years. I have
1933 been to General Assembly committees; I have been to meetings with the
1934 Secretary; I have been to Washington, D.C. meeting with Congressional staff,
1935 and I am no further today than I was when I started this process.
1936
1937 [Discussion.]
1938
1939 Mr. Drumwright - And it's not for trying.
1940
1941 [Discussion.]
1942
1943 Mr. Drumwright - But I have to be totally honest with you.
1944
1945 [Blank section.]
1946

1947 Female - [Off microphone.] So, bottom line, all we can do is put
1948 pressure when these people commit offenses by continually calling the police on
1949 them?
1950
1951 Mr. Drumwright - Yes ma'am.
1952
1953 Mrs. O'Bannon - Yes ma'am.
1954
1955 Female - [Off microphone.] That's the only recourse we have?
1956
1957 Mr. Drumwright - Yes ma'am.
1958
1959 Mrs. O'Bannon - Community Maintenance, police, whatever.
1960
1961 Female - [Off microphone.] Well that's the point I'm trying to
1962 make, retaliation. So really it's not going to change until someone gets killed or
1963 maimed or whatever else.
1964
1965 Mr. Drumwright - Again, I can sympathize with what you're saying, but I
1966 have to tell you we don't have any legal authority. As frustrated as you are with
1967 me, the Planning Commission, or the Board of Supervisors, [inaudible].
1968
1969 Female - [Off microphone.] [Inaudible.]
1970
1971 Mr. Drumwright - I have an attorney who [blank section] court cases.
1972 Looks for cases that would give us the authority to do more [blank section].
1973
1974 Mr. Archer - Longer than that.
1975
1976 Mrs. O'Bannon - A long time.
1977
1978 Mr. Drumwright - I'd say they really hit a peak [blank section].
1979
1980 [Discussion.]
1981
1982 Mr. Drumwright - I have some very serious [blank section].
1983
1984 [Discussion.]
1985
1986 Female - [Off microphone.] I mean I just wanted to take a
1987 second.
1988
1989 [Discussion.]
1990
1991 Female - [Off microphone.] All right, that is correct. Under the
1992 broad interpretation.

1993 [Discussion.]

1994

1995 Mrs. O'Bannon - Mr. Drumwright, you mentioned something when you
1996 first started, that you hadn't had time to get the calls for service.

1997

1998 Mr. Drumwright - Yes. They're getting the report prepared, Mrs.
1999 O'Bannon.

2000

2001 Mrs. O'Bannon - And that's what I meant. If you have a bad neighbor,
2002 no matter whether they're a group home or not, and if you feel threatened or
2003 something's really wrong, that's where the Community Officer comes in. Then
2004 Mr. Drumwright could pull those calls for service and he can use that to write the
2005 letter that you're asking for. And Mr. Drumwright has done this before. He's very
2006 good at this; he's been doing it a long time. I think what you're asking is very
2007 appropriate. But again, I hate to put the burden on you as a neighbor, but if you
2008 feel threatened or have a problem, that's when you try to take the appropriate
2009 action. And if it is, call the Community Office or Community Maintenance, or
2010 whoever it is. After a while your neighborhood could meet again and Mr.
2011 Drumwright could gather all that up and it would probably be very appropriate for
2012 him to send a letter.

2013

2014 [Discussion.]

2015

2016 Mr. Drumwright - Let me tell you what my portfolio is and maybe you'll
2017 understand how I get to be the go-to person. I have under my responsibility the
2018 State Health Department, which is a State agency; Social Services, which is
2019 State-regulated but locally based here. I have Probation and Parole; Community
2020 Corrections; Juvenile Detention Homes; Workforce Programs; Mental Health,
2021 Disability, and Substance Abuse.

2022

2023 [Discussion.]

2024

2025 Mr. Drumwright - So they all fall under me. So when I get a complaint,
2026 [unintelligible], thing I do is I go and say okay, are you aware of this home, Social
2027 Services? Are you aware of this home, Community Corrections? Are you aware
2028 of this home, Mental Health and Disability Services? Do you have any children in
2029 that home? Have you had any bad experiences with [unintelligible]? I go to the
2030 Community Police Officer and say have you gotten calls for service for this
2031 home? Give me six months of calls for services. If I see a pattern there—notice I
2032 say if I see a pattern; sometimes patterns can be explained—I'll take what I think
2033 is substantial information and I will write to the licensing agency. It's been
2034 brought to my attention by citizens. I've done this research. I think you have a
2035 problem. Go investigate. That's beyond the authority I have.

2036 [Discussion.]

2037

2038 Mr. Drumwright - I have it right here.

2039 [Discussion.]

2040

2041 Mrs. O'Bannon - In a case like that, if I can, you do have a member of
2042 the Board of Supervisors that you could just send an e-mail or write a letter and
2043 that would go to Mr. Drumwright. So if they feel uncomfortable about calling the
2044 police, another way to document would be if they could just write up a letter, or if
2045 they have e-mail, that sort of thing. Or they could even call you and give it to you.
2046 That's another way to document it. That's probably a better way. I know for some
2047 people it's difficult, they're scared they might get their house—you know,
2048 something will happen. So it's always good to do that, too.

2049

2050 [Discussion.]

2051

2052 Mr. Archer - If I can sort of add to what Mrs. O'Bannon has said.
2053 And I've been listening very carefully to what everybody has said. I think you will
2054 agree that the information you have received tonight has been extremely helpful
2055 and probably some that you've never heard before. And that's both from Mr.
2056 Blankinship and Mr. Drumwright. We feel the same frustrations that you do.
2057 There's nothing worse than being frustrated and you don't have any power to do
2058 anything. We're not a law-making body, not this Commission. But we do offer an
2059 avenue for people to register complaints and allow us to give information. And
2060 that's essentially what we've been doing here tonight. Personally, I think Mr.
2061 Drumwright and Mr. Blankinship have done a good job of giving information.

2062

2063 Now, I've been at more than one of these meetings with Mr. Drumwright. You all
2064 clapped for him a little while ago and I thought that was great because I've never
2065 seen that happen before. We usually have to escort him out when he leaves. But
2066 you have to believe what he says. He does what he can with the information that
2067 he has, and that's all he can do.

2068

2069 But the one thing I would encourage all of use to do is we really have to evolve
2070 away from being afraid to complain. The squeaky wheel gets the grease. And
2071 personally, I have never been one that's been afraid of retaliation because I can
2072 retaliate a little bit myself. But I think when you complain about something and
2073 you do it enough—over and over and over again—that's when a situation gets
2074 noticed. And I don't think, personally, that if you call the police on a situation
2075 that's occurring in your neighborhood that anybody knows specifically that you
2076 were the one that did it. And so I think if a situation does exist and it keeps
2077 reoccurring, call the police every time. And eventually somebody's going to get
2078 tired of the police coming and they'll clean their act up. And if not, there will be
2079 enough registered complaints that maybe there is a reason at that point in time to
2080 snatch a person's license away from them. But if you see it happen and you don't
2081 do anything, nobody else is going to do anything.

2082

2083 I have people that tell me there is somebody in our neighborhood that doesn't cut
2084 their grass. And my answer is always, "Well, complain about it." The County

2085 doesn't have someone that rides around looking at yards to see if the grass is too
2086 tall. And I'm not being facetious because this is serious problem that you all
2087 have. But you have to complain. You have to call the police; that's why they're
2088 there. And if enough complaints get registered so that something can be
2089 declared a nuisance, then there's an opportunity to close it up. Now I say that
2090 cautiously because again, not every group home is a bad place. I'm always
2091 cautious when I tell people about that bottle I find in my yard every morning. I
2092 don't really know that the people from the group home are putting it there; it could
2093 be one of my neighbors. I don't really know. But we have to be open-minded
2094 about this and I think it's crucially important that we not be afraid to report
2095 offenses when they occur. If we don't report it then nothing has happened.
2096

2097 And I'm not trying to wrap this up because if you have other things you want to
2098 say, go right ahead. But I want to applaud these two men. I really am thankful to
2099 these two men for the information that they've given tonight and I know that you
2100 all are a lot more enlightened now than when you first came in here. Maybe
2101 some of the stuff you heard wasn't what you exactly wanted to hear, but I can
2102 assure you they're doing the best that they can. I want to applaud all of you for
2103 coming here because it indicates to us that you are truly good stewards of your
2104 community. Now call the cops.
2105

2106 [Discussion.]

2107
2108 Mr. Archer - Yes ma'am, go right ahead.
2109

2110 [Discussion.]

2111
2112 Mr. Archer - Do you think they were sneaking away from the group
2113 home?
2114

2115 [Discussion.]

2116
2117 Mr. Drumwright - And here's what would happen...
2118

2119 Mr. Archer - I'd call the police.
2120

2121 Mr. Drumwright - Here's what would happen. At whatever hour they're
2122 supposed to be in bed probably—
2123

2124 Female - [Off microphone.] [Inaudible.]
2125

2126 Mr. Drumwright - But probably the person there on that shift would
2127 discover they're missing one, two, three kids. They would call Henrico Police, file
2128 a missing persons' report. We would come out and investigate and we would try
2129 to find out where they were. That's going to be a call for service. I went to one
2130 neighborhood and in a three-month time there were thirteen calls for service for

2131 the very thing you're describing. I took that information and sent it to the State
2132 licensing office. That's all I could do.

2133

2134 [Discussion.]

2135

2136 Mr. Drumwright - In this particular situation they did call the police and
2137 say we're missing two kids. I can't speak to your personal situation.

2138

2139 [Discussion.]

2140

2141 Mr. Drumwright - We actually had a situation where there were fights in
2142 a group home. They would call police and ask us to intervene in the fight. We'd
2143 wind up taking the kid away. The kid would go before a judge. The judge would
2144 order the kid to anger management. Henrico County in anger management, we
2145 require the child to attend a session and the adult responsible party to attend a
2146 session. The child was not from Henrico County. The group home operator said
2147 this child is from wherever and we can't—we want them in that program but we
2148 can't send the parent. We said he doesn't get in the program until you send your
2149 counselor to every session. The group home operator filed a complaint against
2150 us in court. The judge backed us up and put a show-cause on the group home
2151 operator to either comply or face other penalties. That's all I can do; I can't do
2152 any more.

2153

2154 Mr. Archer - Mr. Drumwright, the gentleman in the back has a
2155 question. I'm sorry; go ahead.

2156

2157 [Discussion.]

2158

2159 Mr. Drumwright - I will try. I will tell you this and I have to be very
2160 honest with you. There are probably three people covering most of Central
2161 Virginia. Notice I said Central Virginia, not Henrico County. The ability to get
2162 them in a meeting like this, I can't promise anything.

2163

2164 [Discussion.]

2165

2166 Mr. Drumwright - As I told you, I'd be glad to take your list and send it to
2167 the [blank section].

2168

2169 [Discussion.]

2170

2171 Mr. Archer - I might also suggest that since we're talking about
2172 authoritative bodies here, the first instance of an authoritative body is the State
2173 government. So I would suggest that you meet with your State representative or
2174 your State Senator from your area and make that complaint known. And next
2175 year is an election year you know.

2176

2177 Female - [Off microphone.] This year.
2178
2179 Mr. Archer - This year. I'm sorry.
2180
2181 Mr. Emerson - This year is.
2182
2183 Mr. Archer - Right. And I say that because, again, as Mr.
2184 Drumwright says, he doesn't have authority. So you do need to talk with
2185 someone who has authority and then take it to the next level, which would be the
2186 federal level, and talk to an authoritative person there. We keep kicking around
2187 about the things that we can do and what we can't do and he's being very honest
2188 with you. The best we can do is field the complaints. But again, I will go back to
2189 what I said originally, call the police when these things happen. If they have to be
2190 out there every day eventually it will stop. If you let them get away with it, they'll
2191 get away with it.
2192
2193 [Discussion.]
2194
2195 Mr. Archer - I understand that, ma'am. It might look bad, but it's a
2196 lot better than having some criminal activity occur. It's better to stamp it out. And
2197 that's the only way that I know to do it.
2198
2199 [Discussion.]
2200
2201 Mrs. O'Bannon - You can't prejudge them.
2202
2203 Mr. Emerson - You can't make it arduous either.
2204
2205 Mrs. O'Bannon - That's exactly what he [inaudible].
2206
2207 [Discussion.]
2208
2209 Mrs. O'Bannon - We can't treat them any differently than just
2210 somebody who has a lot of kids.
2211
2212 Mr. Blankinship - If you do it's a violation of their civil rights.
2213
2214 Mrs. O'Bannon - Yes, you can't do that.
2215
2216 [Discussion.]
2217 Mrs. O'Bannon - They can be held accountable.
2218
2219 [Discussion.]
2220 Mrs. O'Bannon - I've been to Washington, D.C.—
2221
2222 Mr. Jernigan - You can't do anything.

2223 [Discussion.]
2224
2225 Mrs. O'Bannon - I've been to Washington, D.C.—and Mr. Drumwright
2226 mentioned this. But I have gone to Congress and lobbied them, as they call it,
2227 gone to different Congressmen's offices. Our request had to do with limiting the
2228 number, percentages, you know, no more than 25% of so many square blocks or
2229 whatever. No more than, I don't know, so many houses per hundred.
2230 Immediately they came back to they have to be addressed or thought of as just
2231 another neighbor, just another household.

2232
2233 [Discussion.]

2234
2235 Mrs. O'Bannon - No, no. Giving them the license or not allowing them
2236 to have a license and if they're not making money. Those are the issues I think
2237 that—

2238
2239 Female - [Off microphone.] [Inaudible.]

2240
2241 [Discussion.]

2242
2243 Mrs. O'Bannon - When they cut back the money they close them down.

2244
2245 [Discussion.]

2246
2247 Mr. Drumwright - Laws are made two ways. They're made by a
2248 legislative body.

2249
2250 [Discussion.]

2251
2252 Mr. Drumwright - They'd made by Congress having a definition and the
2253 courts interpreting that. [Unintelligible.] It comes from a failed household sitting in
2254 that housing. [Unintelligible.]

2255
2256 Mr. Blankinship - [Off microphone.] That doesn't mean they have the
2257 right to [inaudible].

2258
2259 Mrs. O'Bannon - Bad neighbors are bad neighbors.

2260
2261 Mr. Blankinship - [Off microphone.] [Inaudible] can take action. Call a
2262 community [inaudible].

2263
2264 [Discussion.]

2265
2266 Mr. Blankinship - [Off microphone.] But it protects their ability to operate
2267 a group home.

2268

2269 [Discussion.]
2270
2271 Mr. Drumwright - We have no oversight. We have no oversight.
2272
2273 Mr. Jernigan - We can't.
2274
2275 [Discussion.]
2276
2277 Mr. Vanarsdall - I'm telling you, we certainly did learn something
2278 tonight; I know I did. You all helped out very much. George and Ben, of course.
2279 Mrs. O'Bannon - Chris, there's one more.
2280
2281 Mr. Archer - Before we wrap this up—and again, I appreciate all of
2282 the passion you all have exhibited tonight, but this young lady back there has
2283 been raising her hand; her arm is tired. You will be the last word, ma'am. We do
2284 have some other items on the agenda that we need to finish. So after you we'll
2285 have to wrap this up.
2286
2287 [Discussion.]
2288
2289 Mr. Archer - Mr. Drumwright, with that I think I'm going to have to
2290 intercede. Again—
2291
2292 [Discussion.]
2293
2294 Mr. Archer - Ladies and gentlemen, thank you all so much for
2295 coming. I know you didn't hear everything you wanted to hear, but these
2296 gentlemen do deserve some credit and I think you'll agree with me on that. And
2297 with that, Mr. Secretary, I'll turn the meeting back over to you and we can finish
2298 out the agenda.
2299
2300 Mr. Emerson - Yes sir, Mr. Chairman, we have two items for action
2301 this evening. I'm passing out to you—
2302
2303 Mr. Archer - Excuse me. Folks, if you all are done, could you move
2304 out to the lobby please? We do have to finish up our agenda.
2305
2306 Mr. Emerson - What I'm handing out to you is Planning Commission
2307 Resolution dash two dash eleven. This resolution is the intent to initiate a Zoning
2308 Ordinance Amendment. As you may be aware—I think I've mentioned it to
2309 several of you—over time as we've worked with the Urban Mixed Use District we
2310 have found different things that we needed to adjust and make accommodation
2311 for, that of course, we didn't know at the beginning. This is the first time since
2312 adoption of this ordinance—and I believe we originally adopted it in 2003 or early
2313 2004—that we've considered amendments to that ordinance. What we're
2314 requesting is that the Commission adopt this resolution which directs staff to

2315 examine and update the ordinance and then we will bring it back to you for work
2316 session and move forward with these changes, if you so see fit. We have already
2317 begun work on this and have worked on it for some time. And we have received
2318 some input from the development attorneys who have worked with Urban Mixed
2319 Use projects in terms of what they see are issues that we need to address. So
2320 we do have some changes that we want to propose to you. With that, I would ask
2321 that you adopt this resolution.

2322

2323 Mr. Archer - All right. I guess the UMU is an evolving process. Mr.
2324 Emerson, how long has it been since we started the UMU?

2325 Mr. Emerson - I want to say it's 2003.

2326

2327 Mrs. O'Bannon - That sounds about right.

2328

2329 Mr. Emerson - It may have been late 2002.

2330

2331 Mr. Archer - Oh, here it is, August—

2332

2333 Mr. Emerson - Two thousand and two. Yes, I see it here.

2334

2335 Mr. Archer - Okay. Any discussion from the Commission.

2336

2337 Mr. Vanarsdall - I'll make a motion.

2338

2339 Mr. Jernigan - Second.

2340

2341 Mr. Archer - Motion by Mr. Vanarsdall and seconded by Mr.
2342 Jernigan that we move the resolution. All in favor say aye. All opposed say no.
2343 The ayes have it; the motion passes.

2344

2345 Mr. Emerson - We don't have a set time frame. I was going to
2346 suggest a work session either on the 14th of July or possibly August the 11th. We
2347 could be prepared at either time if you want to consider a work session on either
2348 of those two dates. Or we could consider a daytime work session as well,
2349 possibly July 27th. There is no second August meeting. I'll leave that up to your
2350 pleasure.

2351

2352 Mr. Archer - Will the fourteenth give you enough time or would you
2353 rather wait until August? We're not pressed on this right now are we?

2354

2355 Mr. Emerson - No sir, we're not pressed. We could be prepared on
2356 the fourteenth.

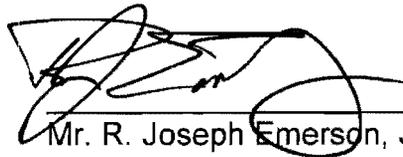
2357

2358 Mr. Archer - What is the pleasure of the Commission? The
2359 fourteenth?

2360

2361 Mrs. Jones - I'm fine with either date. I was just trying to figure with
2362 vacation time and people are gone.
2363
2364 Mr. Emerson - I don't know how it impacts anyone's vacation. If
2365 August works better for you I'm fine with August the 11th.
2366
2367 Mr. Archer - I'm just thinking there may be some staff members
2368 who are on vacation. And if there is no need to really expedite this.
2369
2370 Mrs. Jones - Could we do it in September?
2371
2372 Mr. Emerson - I'm not necessarily aware of any staff members that it
2373 interferes with, but we could do it in September. We do have a pending filing for
2374 an Urban Mixed Use that some of these changes would impact.
2375
2376 Mr. Archer - If you have the time and you don't think it would
2377 impede staff, we can do it in July and get it over with.
2378
2379 Mr. Emerson - Why don't we do this. Let me check and make sure
2380 that the fourteenth will work. I know we can be prepared from the standpoint of
2381 the ordinance because, quite honestly, we've drafted the changes we're going to
2382 recommend to you. However, let me check schedules. I don't believe anybody is
2383 out that week—or anybody that is involved in this process is out on the
2384 fourteenth. And then we can bring it back to you on the twenty-second of this
2385 month, have it on that agenda. And we can schedule it for the fourteenth.
2386
2387 Mrs. Jones - Okay.
2388
2389 Mr. Archer - Is that satisfactory with everybody? All right.
2390
2391 Mr. Emerson - The next item would be consideration for approval of
2392 minutes of your May 12, 2011 meeting.
2393
2394 Mrs. Jones - There were a couple of typos.
2395
2396 Mr. Vanarsdall - If you have any corrections, keep them to the next
2397 meeting because this one was extra long.
2398
2399 Mrs. Jones - You don't want to hear these very important—
2400
2401 Mr. Emerson - We used to be here quite a bit later than this.
2402
2403 Mr. Archer - As long as the typos didn't change the content we're
2404 okay.
2405
2406 Mrs. Jones - They don't. They don't change the content, no.

2407 Mr. Archer - All right.
2408
2409 Mrs. Jones - It just makes us sound more intelligent.
2410
2411 Mr. Archer - There being no further business do we have a motion
2412 for adjournment?
2413
2414 Mr. Vanarsdall - Yes.
2415
2416 Mrs. Jones - So moved.
2417
2418 Mr. Archer - So adjourned at 9:56.
2419
2420 Mr. Emerson - The motion on the adjournment, who was that by?
2421
2422 Mr. Archer - Mr. Vanarsdall, seconded by Mrs. Jones.
2423
2424 Mrs. Jones - Okay, I'll second.
2425
2426 Mr. Emerson - Now on the minutes, what was the motion on the
2427 minutes.
2428
2429 Mr. Archer - They were approved.
2430
2431 Mr. Emerson - By?
2432
2433 Mr. Archer - Mr. Vanarsdall and Mr. Jernigan.
2434
2435 The meeting adjourned at 9:56 p.m.
2436
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Mr. R. Joseph Emerson, Jr., Secretary



Mr. C. W. Archer, Chairperson