

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
SPECIAL MEETING
June 10, 2008

The Henrico County Board of Supervisors convened a Special Meeting on Tuesday, June 10, 2008 at 3:30 p.m. in the County Manager's Conference Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia. The Chairman called the meeting to order at 3:37 p.m. Those present at the meeting were:

PRESENT

The Honorable David A. Kaechele, Chairman
The Honorable Patricia S. O'Bannon, Vice-Chairman
The Honorable James B. Donati, Jr., Varina District Supervisor
The Honorable Richard W. Glover, Brookland District Supervisor
Mr. Virgil R. Hazelett, P.E., County Manager
Mr. George T. Drumwright, Jr., Deputy County Manager for Community Services
Ms. Angela N. Harper, FAICP, Deputy County Manager for Special Services
Mr. Leon T. Johnson, Deputy County Manager for Administration
Mr. Robert K. Pinkerton, P.E., Deputy County Manager for Community Operations
Mr. Randall R. Silber, Deputy County Manager for Community Development
Mr. Barry R. Lawrence, Assistant to the County Manager/Clerk to the Board
Mrs. Linda B. Jones, Deputy Clerk to the Board
Mr. Bert Childress, Technology Support Specialist, Manager's Office
Mr. C. Michael Schnurman, Legislative Liaison
Mr. Joseph P. Rapisarda, Jr., County Attorney
Mr. J. Thomas Tokarz, Senior Assistant County Attorney
Mrs. Rhysa G. South, Assistant County Attorney
Mr. John Theobald, County Attorney's Office Intern
Mrs. Tamra R. McKinney, Director of Public Relations & Media Services
Ms. Rosalyn D. Key-Tiller, Director, Capital Area Training Consortium (CATC)
Mr. John A. Vithoulikas, Director of Finance
Mr. Thomas C. Little, II, Real Estate Division Section Manager
Mr. Paul N. Proto, Director of General Services
Mr. William L. Smith, Deputy Director of General Services, Facilities Management
Mr. George H. Cauble, Jr., Director of Human Resources
Mr. Ralph J. Emerson, Jr., Director of Planning
Mr. David D. O'Kelly, Jr., Assistant Director of Plan Review and Code Support
Mr. Benjamin W. Blankinship, Zoning Division Manager
Mr. Jim Strauss, County Planner IV
Mr. Steve Price, Acting Director of Real Property
Mrs. Karen K. Mier, Director of Recreation and Parks
Mr. Neil C. Luther, IV, Assistant Director of Recreation and Parks
Ms. Cindy Jo P. Daniel, Management Specialist, Recreation and Parks

Mr. William I. Mawyer, Assistant Director of Public Utilities
Mr. Edward L. Priestas, Director of Public Works
Mr. Michael A. Jennings, Traffic Engineer
Mr. Armando J. de Leon, Assistant Superintendent of Operations, Schools
Mr. Albert M. Ciarochi, Director of Construction and Maintenance, Schools
Dr. Gary L. Rhodes, President, J. Sargeant Reynolds Community College
Mr. Gerald E. Kilgore, Brookland District Representative, J. Sargeant Reynolds Community College Board
Mr. James Cuthbertson, Three Chopt District Representative, J. Sargeant Reynolds Community College Board
Mr. Donald N. Blake, Tuckahoe District Representative, J. Sargeant Reynolds Community College Board
Mr. James M. McCalla, Vice-President, Moseley Architects
Mr. Steve Raugh, Civil Engineer, Timmons Group
Mr. John A. Ficklin, Tuckahoe District resident
Mr. Tom Lappas, *Henrico Citizen*
Ms. Melodie N. Martin, *Richmond Times-Dispatch*

ABSENT

The Honorable Frank J. Thornton, Fairfield District Supervisor

Mr. Hazelett announced that because of illness Mr. Thornton would be absent for the special and regular meetings.

J. Sargeant Reynolds Community College
Update

Mr. Hazelett recognized Dr. Rhodes, who thanked the members of the Board of Supervisors for supporting J. Sargeant Reynolds Community College and for appointing such qualified and passionate members to the College Board. He introduced the three members who were present.

Dr. Rhodes referred to a handout that provided data from the 2006-07 school year on the college's impact on Henrico County (see enclosed copy). He advised that enrollment was at an all-time high and that Reynolds did not place a cap on enrollments. Dr. Rhodes cited enrollment, graduation, and transfer statistics for Henrico students attending Reynolds and reviewed the college's automatic transfer partnership with participating four-year institutions. He also identified career-specific programs offered at Reynolds through the Community College Workforce Alliance (CCWA) and explained the Dual Enrollment

partnership with Henrico County Public Schools. Dr. Rhodes advised that he would continue to seek funding from the Virginia General Assembly to add a fourth Reynolds campus, in eastern Henrico. He thanked the Board of Supervisors for its wonderful support.

The three members of the Community College Board who were present individually addressed the Board of Supervisors. Noting that Reynolds is the biggest diamond in Henrico County, Mr. Blake commented on a recent retreat that College Board members attended, the stellar reputation of Reynolds, the fundraising efforts of the College's Foundation Board for an eastern Henrico campus, and a program Reynolds offers to students leaving the criminal justice system. Mr. Blake thanked the Board of Supervisors for the opportunity to serve on the College Board. Mr. Kilgore stated his excitement at serving on the College Board, suggested that members of the Board of Supervisors attend commencement exercises at Reynolds, expressed pride that the main campus of Reynolds is located in Henrico County, and thanked the Board of Supervisors for the opportunity to serve on the College Board. Mr. Cuthbertson remarked that it is an exciting time in the life of the college, referred to Dr. Rhodes' great leadership, pointed out that he (Mr. Cuthbertson) is the newest Henrico member of the College Board, and commented that his service on the College Board has been totally satisfying and fulfilling.

In closing, Dr. Rhodes suggested that Reynolds is all about changing people's lives. He elaborated on the new Library and Technology Center scheduled to open in fall 2008, the recent groundbreaking for the new Workforce Development Center, the huge number of students Reynolds has served since it opened in 1972 in both credit and non-credit programs, and the large number of area employers served by the school's workforce programs. Dr. Rhodes thanked Mr. Hazelett and the Board of Supervisors for their leadership.

Dr. Rhodes responded to questions and comments from members of the Board of Supervisors regarding the history and mission of the CCWA, the scope and logistics of the dual enrollment program, the mechanics and cost of the automatic transfer partnership with participating four-year institutions, and the status of tuition free classes for senior citizens. Mr. Glover indicated that he would be interested in seeing published information highlighting the automatic transfer partnership's criteria and participation levels. Mr. Kaechele commented that the County is proud of what is going on at Reynolds' Parham Road campus, thanked the administration and Community College Board for making Reynolds an important regional body, and expressed appreciation to Dr. Rhodes for being present to provide this information on the college. He asked Dr. Rhodes and the Community College Board to keep up the good work.

Proposed Plan of Development for West Area
Middle School No. 1

Mr. Hazelett noted that approval of this Plan of Development (POD) was scheduled as a public hearing item on the evening's regular meeting agenda. He acknowledged staff from Henrico County Public Schools and representatives of Moseley Architects and Timmons Group who were present. Mr. Hazelett then recognized Mr. O'Kelly, who made opening remarks on the proposed POD for a two-story, 43-classroom public middle school on a 30.18 acre site on Concourse Boulevard. The projected opening date for the school is Fall 2010. Mr. O'Kelly provided schematics of the site and proposed layout and design of the school (see enclosed copies) and pointed out that the proposed middle school would be similar in structure to Pocahontas, Wilder, and Elko Middle Schools. He described project features and site logistics, noting that Concourse Boulevard was the proposed primary entrance into the school. Mr. O'Kelly reminded the Board that the property had been approved for public use at the Board's October 9, 2007 regular meeting. He, Mr. de Leon, and Mr. Hazelett responded to questions

from Board members concerning gender-specific playing fields; the average acreage planned by Schools for elementary, middle, and high school sites; what amenities, if any, are being sacrificed because of the size of the parcel; whether there are any environmental issues associated with the site; why the County was unable to acquire additional property from the owner; and whether tennis courts at the school will be lit and made available to the general public during non-school hours.

Mr. O'Kelly recognized Mr. de Leon, who introduced representatives from Henrico County Public Schools, Moseley Architects, and Timmons Group who were present. Mr. de Leon commented on the wetlands surrounding the site and remarked that regarding the size of the parcel, the previous owners were very attached to the land and wanted minimal acquisition. Mr. de Leon then turned the presentation over to Mr. McCalla, who narrated a Power Point presentation on the design and architectural features of the proposed middle school (see enclosed copy). Mr. McCalla identified the members of the project's Design Committee; showed slides of the prototype concept of recently constructed Henrico middle schools; reviewed site constraints, setbacks, wetlands, buffers, usable acreage, and ingress/egress; discussed the enhanced building design, including the facility's floor plan as well as its exterior and interior design; summarized the project schedule; and discussed sustainable strategies for LEED certification. He alerted the Board that LEED certification would add a minimum of \$412,000 to the cost of the project.

Following Mr. McCalla's presentation, he and Mr. Hazelett as well as Mr. de Leon and Mr. Raugh responded to questions and comments from Board members relating to the location and square footage planned for the classrooms, type of construction materials that will be used for interior walls, projected bid schedule for the project, estimated energy savings that will result from

LEED certified construction, type of insulation that will be used in the facility, design and size of the auditorium, and whether a traffic signal is planned or warranted in the vicinity of the school at Nuckols Road and Concourse Boulevard.

Options for Alternate Fence Heights

Mr. Hazelett reminded the Board that this item had been discussed at the April 8, 2008 special meeting because of an appeal of a Planning Commission decision to deny a request for an alternate fence height for residential property located at 2008 Fon-Du-Lac Road. He noted that another fence height appeal case was currently in progress. Mr. Hazelett recognized Mr. O'Kelly, who provided a Power Point presentation on a proposed zoning ordinance amendment and approval procedure for alternate fence heights (see enclosed copy). Mr. O'Kelly reviewed the current ordinance pertaining to fence heights and stated that in some cases a fence greater than 3 feet, 6 inches in front, rear, and side yards may be beneficial. He summarized the County's current practice regarding fence heights, identified the five criteria set forth in the County's zoning ordinance for permitting alternate fence heights, and showed several examples of alternate fence heights approved in recent years and a presently pending application. Mr. O'Kelly concluded his presentation by stating that staff's recommendation was to replace the word "may" with "shall" in the text of the zoning ordinance, which would in effect require approval of alternate fence heights unless the Planning Commission determined that one or more adverse effects specified in the ordinance existed.

There was extended discussion by Board members, Mr. O'Kelly, Mr. Hazelett, and Mr. Rapisarda concerning how the proposed ordinance would impact the approval and appeals process for alternate fence height requests; why alternate fence height requests are not handled administratively; how the Planning Commission determines that the health, safety, and welfare of

a community will be violated by approving an alternate fence height; whether the Planning Commission can override recommendations of the County's traffic engineer in approving an alternate fence height request; the role of aesthetic considerations in decisions on alternate fence heights; factors considered by the Board in overturning the Planning Commission's decision and approving the alternate fence request at 2008 Fon-Du-Lac Road; why alternate fence heights cannot be addressed through the special exception process; the difficulty with the County's existing alternate fence height ordinance; whether the Board needs to establish a maximum alternate fence height in the zoning ordinance; whether the proposed change to the ordinance would shift the burden of proof from the property owner requesting the alternate fence height to adjoining property owners; how the Planning Commission can determine that a fence will adversely affect the value of adjacent properties or the health, safety, and welfare of persons on the premises; whether the appeal process is stated in the language of the current ordinance; and whether the result of the ordinance change would be to bring more alternate fence height requests to the Board of Supervisors.

Mrs. O'Bannon expressed concerns that the proposed ordinance would require the Planning Commission to approve the maximum alternate fence height if all five criteria had been met and that the proposed ordinance also failed to specify a *minimum lot size for alternate fence heights*. She indicated that she had more questions about the proposed ordinance but in the interest of time would hold them until later.

On motion of Mr. Glover, seconded by Mrs. O'Bannon, the Board approved going into a Closed Meeting at 5:11 p.m. for the following matters:

1. Discussion of Potential Acquisition of Real Property in the Brookland District for Public Recreational Purposes, Pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended;

2. Consultation with the County Attorney Regarding Specific Legal Matters Requiring the Provision of Legal Advice Pertaining to a Lease of Property in the Brookland District for Public Recreational Purposes, Pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, 1950, as amended;
3. Discussion of Potential Acquisition of Real Property in the Fairfield District for Public Purposes Relating to Administration, Human Services, and Recreation Pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended.

The vote of the Board was as follows:

<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
David A. Kaechele		Frank J. Thornton
Patricia S. O'Bannon		
James B. Donati, Jr.		
Richard W. Glover		

On motion of Mr. Donati, seconded by Mrs. O'Bannon, the Board approved going out of the Closed Meeting at 6:35 p.m.

The vote of the Board was as follows:

<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
David A. Kaechele		Frank J. Thornton
Patricia S. O'Bannon		
James B. Donati, Jr.		
Richard W. Glover		

In open session, on motion of Mrs. O'Bannon, seconded by Mr. Donati, the Board approved the attached Certificate of Closed Meeting.

The vote of the Board was as follows:

<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
David A. Kaechele		Frank J. Thornton
Patricia S. O'Bannon		
James B. Donati, Jr.		
Richard W. Glover		

Mr. Hazelett briefly reviewed the evening's public hearing agenda and the resolution to appoint a new member to the Economic Development Authority's Board of Directors. He advised that a court reporter would be present to transcribe the case involving a request for a provisional use permit to construct a telecommunications tower on Elko Road. Mr. Hazelett and Mrs. O'Bannon had an extended discussion regarding the timing of a possible Board resolution that would express the County's position on the location of a proposed high speed rail line serving central Virginia. He

also responded to a question from Mr. Donati pertaining to the status of the installation of a traffic signal by the Virginia Department of Transportation at the intersection of Battlefield Park Road and Route 360.

There being no further business, the meeting was adjourned at 6:47 p.m.


Chairman, Henrico County Board of Supervisors