

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
SPECIAL MEETING
November 4, 2009

The Henrico County Board of Supervisors convened a special meeting on Wednesday, November 4, 2009 at 4:30 p.m. in the County Manager's Conference Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia.

Members of the Board Present:

David A. Kaechele, Chairman, Three Chopt District (departed at 5:29 p.m.)
Patricia S. O'Bannon, Vice Chairman, Tuckahoe District
James B. Donati Jr., Varina District Supervisor
Richard W. Glover, Brookland District Supervisor
Frank J. Thornton, Fairfield District Supervisor

Members of the General Assembly Present:

A. Donald McEachin, Senate of Virginia, 9th District
Walter A. Stosch, Senate of Virginia, 12th District
John C. Watkins, Senate of Virginia, 10th District
James P. Massie, III, House of Delegates, 72nd District (departed at 5:00 p.m.)
Jennifer L. McClellan, House of Delegates, 71st District
Delores L. McQuinn, House of Delegates, 70th District
Joseph D. Morrissey, House of Delegates, 74th District

Members of the General Assembly Absent:

Riley E. Ingram, House of Delegates, 62nd District
William R. Janis, House of Delegates, 56th District
John M. O'Bannon, III, House of Delegates, 73rd District
Christopher K. Peace, House of Delegates, 97th District

Other Officials Present:

Wade A. Kizer, Commonwealth's Attorney
Yvonne G. Smith, Circuit Court Clerk
Michael L. Wade, Sheriff
Virgil R. Hazelett, P.E., County Manager
Joseph P. Rapisarda, Jr., County Attorney
George T. Drumwright, Jr., Deputy County Manager for Community Services
Angela N. Harper, FAICP, Deputy County Manager for Special Services
Leon T. Johnson, Deputy County Manager for Administration
Robert K. Pinkerton, P.E., Deputy County Manager for Community Operations

Randall R. Silber, Deputy County Manager for Community Development
Barry R. Lawrence, CMC, Assistant to the County Manager/Clerk to the Board
Tanya B. Harding, Deputy Clerk to the Board
C. Michael Schnurman, Jr., Legislative Liaison
Wilbert J. Childress, Technology Support Specialist, County Manager's Office
Tamra R. McKinney, Director of Public Relations & Media Services
Fred C. James, Media Specialist, Department of Public Relations & Media Services
John A. Vithoukas, Director of Finance, Special Economic Advisor to the County Manager
Eugene H. Walter, Management and Budget Division Director
Michael D. O'Connor, Director of Mental Health and Retardation Services
Henry W. Stanley, Jr., Chief of Police
Shawn M. Sears, Animal Protection Section Supervisor, Division of Police
Timothy A. Foster, Director of Public Works
Christopher L. Winstead, Assistant Director of Public Works
Jeffrey W. Perry, Engineering and Environmental Services Division Manager, Department of
Public Works
David W. Brat, Legislative Assistant to Senator Stosch
Meg Graham, Legislative Assistant to Delegate Massie
Archer McGiffin, Legislative Assistant to Delegate O'Bannon
Charles E. Gates, Jr., Communications Coordinator, Richmond Regional Planning District
Commission

Mr. Kaechele called the meeting to order at 4:43 p.m. He welcomed everyone and offered congratulations to the delegates on their re-election. Mr. Kaechele then asked the legislators, Board members, County staff, legislative assistants, and others who were present to introduce themselves. Tom Lappas, Publisher/Editor of the *Henrico Citizen*, was representing the media.

Mr. Hazelett noted that this year's special meeting with the County's General Assembly delegation was starting an hour earlier than in previous years due to other commitments later in the evening and would be primarily an information session. He announced that dinner would be served at approximately 5:30 p.m. by students from the Hermitage Technical Center's culinary arts program under the direction of their Culinary Arts Instructor, Win Goodier. Mr. Hazelett then briefly reviewed the format of the presentation that would be made jointly by several members of the County staff.

Dinner Briefing on 2010 County Legislative Program with General Assembly Delegation

Mr. Hazelett recognized Mr. Schnurman, who began a slide presentation by providing an overview of the County's legislative program and explaining the County's two legislative requests for 2010, a proclamation commending the County on its 400th anniversary and legislation to allow Henrico animal protection officers the authority to enforce laws relating to wildlife as well as domestic animals. There were no questions regarding these items. Mr. Schnurman referred to the tri-fold brochure on the County's 2010 Legislative Program that he had placed at the legislators' seats.

Mr. Schnurman recognized Mr. Vithoukas, who continued the slide presentation by offering a Henrico economic outlook. Mr. Vithoukas addressed jobs lost in the region, local foreclosure

data, real estate revenues and commercial real estate values, the state budget shortfall and continued declines in state revenues, Virginia Retirement System (VRS) costs for localities, and real estate tax trends among the Commonwealth's larger localities. There was lengthy discussion by Sen. Stosch, Mr. Glover, Mr. Hazelett, and Mr. Vithoulkas pertaining to VRS cost increases, VRS rates, and the Commonwealth's funding of VRS. Sen. Watkins and Sen. Stosch asked for Mr. Vithoulkas and the County staff to keep legislators informed of the County's suggestions and concerns.

Mr. Hazelett announced that dinner would be served at 5:40 p.m. He introduced Mr. Goodier, who thanked the Board and Mr. Hazelett for inviting the students to prepare the meal once again for this annual dinner meeting. Mr. Goodier had the following students who were present from the Hermitage Technical Center culinary arts program introduce themselves and identify their home schools: Adam-Michael Feaster (Deep Run); Gabby Elmes (Freeman); Maggie Carnan and Hannah Crooks (Godwin); Joseph Woodward (Hermitage); Tim Brown and Brittany Booker (Highland Springs); Chesea Crim (Tucker); and Robert Alexander (Varina). Mr. Goodier reviewed the menu. Mr. Hazelett thanked Mr. Goodier and the students for their efforts.

Mr. Hazelett recognized Mr. Rapisarda, who shared the County's concerns relating to a proposal from the Virginia Bar Association's Boyd Graves Conference to extend the Virginia Tort Claims Act to all Virginia local governments. If adopted by the General Assembly, this proposal would effectively eliminate sovereign immunity as a defense to tort claims in the Commonwealth. It would be potentially costly to localities and likely result in more litigation. Mr. Rapisarda responded to questions and comments from Sen. McEachin, Sen. Watkins, and Del. Morrissey regarding the scope of tort claims legislation in other states, how claims against the County are currently handled, and the anticipated impact of this proposal on the County.

Mr. Schnurman recognized Mr. O'Connor, who returned to the slide presentation by reporting on the Governor's action on September 8, 2009 to terminate the Commonwealth's direct management of the Community Resource Pharmacy (CRP) by January 1, 2010. Mr. O'Connor reviewed how the CRP operated, the advantages of a state operated CRP, how medications would now be accessed, and the impact of this change on local community services boards and the state budget. Mr. Hazelett and Mr. O'Connor responded to a few questions from Sen. Watkins about the CRP and the impact of this change. Sen. Stosch asked Mr. O'Connor to provide the County's legislative delegation with talking points demonstrating why the change will not be efficient.

Mr. Hazelett briefed the County's delegation on proposed stormwater regulations adopted by the Virginia Soil and Water Conservation Board that were scheduled to go into effect on July 1, 2010. He advised that County staff would be making a presentation to the Board of Supervisors on this matter at its next work session on November 10, 2010. Mr. Hazelett further advised that members of the local development community had expressed concerns about the costs of the new regulations, which were intended to protect the Chesapeake Bay from the adverse effects of stormwater runoff. He referred to a draft resolution that County staff would be asking the Board of Supervisors to consider at its next meeting. The resolution would request "that the proposed regulations be suspended and that the Virginia Department of Conservation and Recreation continue to work with local officials and representatives of the private sector to

develop a program that is realistic and scientifically supported to achieve the goal of improving water quality.” Mrs. O’Bannon noted that the Virginia Association of Counties and Virginia Municipal League were also concerned about the proposed regulations and the timeframe for adopting them.

Mr. Glover and Mr. Perry responded to a question from Del. Morrissey pertaining to how the regulations would impact development in the County. Mr. Hazelett, Mr. Glover, Mrs. O’Bannon, and Mr. Donati responded to questions and comments from Sen. Watkins, Del. Morrissey, and Sen. Stosch relating to the impact and costs of the new regulations. The legislators voiced an interest in receiving a separate one-hour briefing from County staff on this matter. Sen. Stosch indicated that it would be helpful to have a statewide consensus on the regulations. Mr. Perry responded to a question from Mrs. O’Bannon regarding how the regulations would apply to existing development and older communities. Mr. Hazelett pointed out that the new regulations would make it more difficult for communities to provide affordable housing by increasing the cost of residential development. Mr. Donati stated a concern that agriculture had not been addressed by the regulations even though farmers are the biggest producers of nitrogen and phosphorous. Sen. Watkins voiced concerns that regulations would mandate sprawl and did not account for differences in soil types. Mr. Glover articulated a concern that the regulations could require that stormwater Best Management Practices (BMPS) be constructed on individual residential lots.

Mr. Hazelett concluded the presentations and discussions by reminding the County’s legislative delegation that the County staff is always available to answer questions and provide information. Del. Morrissey commented that Mr. Schnurman does a great job of keeping the delegation abreast of issues affecting the County.

The officials present at the meeting gave a standing ovation to Mr. Goodier and his culinary arts students who had prepared and served the dinner.

There being no further business, the meeting was adjourned at 6:36 p.m.



Chairman, Henrico County Board of Supervisors