

**COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
SPECIAL MEETING  
February 11, 2014**

The Henrico County Board of Supervisors convened a special meeting on Tuesday, February 11, 2014, at 5:00 p.m., in the County Manager's Conference Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico, Virginia.

**Members of the Board Present:**

Patricia S. O'Bannon, Chairman, Tuckahoe District  
Frank J. Thomson, Vice Chairman, Fairfield District  
Richard W. Glover, Brookland District  
David A. Kaechele, Three Chopt District  
Tyrone E. Nelson, Varina District

**Other Officials Present:**

John A. Vithoukas, County Manager  
Joseph P. Rapisarda, Jr., County Attorney  
Barry R. Lawrence, CMC, Assistant to the County Manager/Clerk to the Board  
Tanya B. Harding, Deputy Clerk to the Board/Administrative Assistant  
Joseph A. Casey, Ph.D., Deputy County Manager for Administration  
Jane D. Crawley, Deputy County Manager for Community Services  
Timothy A. Foster, P.E., Deputy County Manager for Community Operations  
Randall R. Silber, Deputy County Manager for Community Development  
Tamra R. McKinney, Director of Public Relations & Media Services

Mrs. O'Bannon called the meeting to order at 5:03 p.m.

Mr. Vithoukas briefly referred to the three items listed on this agenda.

**Proposed Noise Ordinance Amendment**

Mr. Vithoukas noted that one of the items on the Board's 7:00 p.m. regular meeting agenda was an introduction of an amendment to the County's noise ordinance to exempt animal noise that emanates during certain hours from commercial kennels, veterinarian facilities, and the County animal shelter. He recognized Mr. Rapisarda, who narrated a slide presentation titled *Henrico County Regulations Regarding Noisy Animals*. Mr. Rapisarda began his presentation by reviewing the County's current noise ordinance that was approved by the Board in February 2010 after the Supreme Court of Virginia ruled that Virginia Beach's noise ordinance was unconstitutionally vague. He provided examples of the 14 specific exemptions included in the ordinance and pointed out that the ordinance does not contain an exemption for noisy animals housed in commercial kennels, veterinary clinics and hospitals, or the County animal shelter.

Mr. Rapisarda then explained how commercial kennels and veterinarian facilities are subject to regulation under the County's zoning ordinance and clarified the definition of commercial kennels for Mr. Nelson. He continued his presentation by identifying within each magisterial district the number of commercial kennels and number of veterinary facilities that board animals.

The staff recommendation presented by Mr. Rapisarda is to amend the noise ordinance to create an exception for animal noise between the hours of 7:00 a.m. and 11:00 p.m. on the premises of commercial kennels, veterinarian facilities, and the County animal shelter. He reviewed the time periods in the noise ordinance for various noise sources and explained the rationale for staff's recommendation, which are as follows: facilities proposed for exemption were not considered when the noise ordinance was approved in 2010, the impact of these facilities on residential neighborhoods is addressed by the zoning ordinance, and the exemption would recognize noise is an inherent aspect of these facilities. Recommended future steps are to approve introduction of a noise ordinance amendment on February 11, advertise the proposed amendment in the *Richmond Times-Dispatch* on February 18 and 25, and to hold a public hearing on the proposed amendment on March 11.

Following his presentation, Mr. Rapisarda responded to questions from the Board. He clarified for Mr. Kaechele that private dog owners would not be affected by the proposed ordinance amendment and that the attorney for the owners of Tolkien's Kennel on Three Chopt Road has indicated that the owners can comply with the ordinance's noise restrictions that would apply to their operations during the hours of 11:00 p.m. and 7:00 a.m. In response to concerns expressed by Mr. Glover and Mrs. O'Bannon and further questions from Mr. Kaechele, Mr. Rapisarda and Planning Director Joe Emerson explained that Tolkien's Kennel is a non-conforming use under the County's zoning ordinance and is therefore not subject to zoning regulations that otherwise apply to commercial kennels unless the business is expanded or discontinued for a period of at least two years. Mr. Rapisarda also clarified that the ordinance amendment recommended by staff is unrelated to the County's zoning ordinance. Mrs. O'Bannon noted that the County caused Tolkien's Kennel to become a non-conforming use when its zoning ordinance was changed after the business was established. She feels the owners should retain the right to sell their business. Mr. Glover indicated that he will support the proposed ordinance amendment but is concerned that the kennel could continue operating indefinitely as a non-conforming use under new owners.

In response to a question from Mr. Nelson, Mr. Vitoulkas explained that the noise issue with Tolkien's Kennel arose when a plan of development was approved for a townhouse community in close proximity to the kennel in 2002. He suggested that the Board go forward with staff's recommendation, which is an attempt to balance the resident's noise concerns with the kennel's longstanding business operations, and that the Board address zoning concerns or considerations at a future time. Lt. Shawn Sears, Supervisor of the Division of Police's Animal Protection Unit, responded to questions from Mr. Nelson and Mr. Kaechele relating to the enforcement of animal noise violations under the County's noise ordinance. Mrs. O'Bannon suggested that zoning questions raised by Mr. Glover be addressed by staff prior to the March 11 public hearing on the proposed ordinance amendment.

## Proposed Central Police Station

Mr. Vithoukas advised the Board that the County has received an unsolicited proposal from HPDC Partners, LLC for the construction of a 10,000-square-foot police station in the County's Central Precinct pursuant to the Public-Private Education Facilities and Infrastructure Act (PPEA) of 2002. He noted that one of the items on the agenda for the 7:00 p.m. regular meeting was a resolution accepting this proposal for conceptual-stage consideration. Mr. Vithoukas explained that although the proposal would be publicly posted the following day, staff preferred not to reveal the details of the proposal in a public session. Mr. Vithoukas recognized Col. Doug Middleton, Chief of Police, who in turn introduced the following members of his staff who were present: Lt. Col. Jim Fitzgerald, Assistant Chief of Police for Patrol Operations; Maj. Humberto Cardounel, Deputy Chief of Police for Patrol Operations; and Capt. A. J. Scott, Commanding Officer for Central Station.

Chief Middleton narrated a slide presentation titled *Police Division Central Station*. He began his presentation by noting that the Fairfield and Varina Districts contain two-thirds of the County's landmass, 40 percent of its residents, 50 percent of the Division of Police's calls for service, 57 percent of its reported major crimes, and 66 percent of its reported violent crimes. Chief Middleton pointed out that the police station currently serving central Henrico is in leased space at Virginia Center Commons. He explained that the Division of Police has been searching for a permanent location that will allow the department to enhance its crime prevention efforts and deployment of personnel and resources in a specific and smaller geographic area. Chief Middleton also reviewed how the new facility and location would improve his department's responsiveness to community needs and concerns, allow for future growth and expansion, enhance citizen access, and provide essential garage space for specialized vehicles. He concluded his presentation by providing three station statistics for calendar year 2013 and advising the Board that he will offer a more comprehensive crime report at the Board's February 25 work session. Following his presentation, Chief Middleton clarified for Mr. Kaechele that the preferred location for the new station is within the Parham Road and Route 1 corridor.

Mr. Vithoukas next recognized John Neal, Director of General Services, who narrated a slide presentation on the PPEA proposal. During his presentation, Mr. Neal gave an overview of the purpose and benefits of the PPEA; the proposed PPEA schedule for the Central Precinct Station; and a summary of the proposal submitted by HPDC Partners, LLC and its developer team on January 10, including project characteristics and funding. In response to questions from Mr. Kaechele, Mr. Foster explained the differences between the PPEA and the Public-Private Transportation Act (PPTA). Mr. Neal and Mr. Vithoukas provided assurances to Mrs. O'Bannon that there will be sufficient time for other developers to submit competing proposals should they choose to do so. In response to concerns expressed by Mr. Thomson, Purchasing Director Cecelia Stowe provided assurances that the County will continue its commitment to minority contractors through its Small, Women-owned, and Minority-owned Business (SWAM) program. In response to concerns voiced by Mr. Nelson, Mr. Vithoukas commented on why this project is important, timely, and fiscally prudent. At Mr. Vithoukas' request, Mr. Neal elaborated on the criteria developers must adhere to in submitting PPEA proposals, including a \$25,000 application fee. Mr. Thomson stated that he feels the County needs to be more transparent in its procurement practices for capital projects. Chief Middleton and Mr. Neal

responded to questions from Mr. Kaechele pertaining to the PPEA's benefits and estimated costs for a project of this type.

Mr. Neal concluded his presentation by summarizing staff's recommendations, which include acceptance of the unsolicited proposal, posting a notice for receiving competitive proposals during a 45-day period, establishing a working group to review the proposals, and providing the County Manager with updates on proposal reviews.

The Board recessed for dinner at 6:18 p.m. and reconvened at 6:27 p.m.


### Proposed Sale of County-owned Properties

Mr. Vithoukas introduced this topic by advising the Board that staff has identified five County-owned properties that potentially can be designated as surplus and sold to private purchasers. Mr. Vithoukas recognized Mr. Foster, who in turn recognized Real Property Director Jon Tracy and Budget Analyst Cari Tretini for their assistance with staff's slide presentation on this item. Mr. Foster began the presentation by reviewing the process County agencies and a special interdepartmental committee have followed in analyzing and categorizing County-owned parcels as in-use, future use, or surplus. He also identified the geographic locations of the five parcels proposed for sale. Mr. Tracy narrated the second portion of the presentation, during which he provided the acreage, assessed value, and zoning classifications for each of these parcels. Mr. Foster wrapped up the presentation by noting that Henrico citizens will have an opportunity to comment on the proposed property sales at a public hearing. He assured the Board that it will make the final decision in determining which properties are put on the market and advised the Board that staff will bring forward a resolution at an upcoming meeting in April or May to award a contract for private real estate brokerage services to assist the County in marketing properties that will be sold as surplus.

Following his presentation, Mr. Foster responded to questions from Mr. Kaechele concerning staff's review process for identifying surplus properties. In response to a question from Mrs. O'Bannon, Mr. Vithoukas confirmed that adjacent property owners will have an opportunity to purchase surplus properties. He also elaborated on the process the County will follow in marketing and selling these parcels. Mr. Rapisarda confirmed that the Board must hold an advertised public hearing before disposing of real property.

Mr. Vithoukas briefly reviewed the agenda for the 7:00 p.m. regular meeting, including appointments, zoning cases, other public hearing items, and general agenda items. He advised the Board that staff would be requesting a 30-day deferral on Agenda Item No. 54-14, which would authorize a pipeline relocation engineering agreement with Colonial Pipeline Company for the Cobbs Creek Regional Water Supply Reservoir.

There being no further business, the meeting was adjourned at 6:48 p.m.

  
Chairman, Board of Supervisors  
Henrico County, Virginia