

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
SPECIAL MEETING
July 8, 2014

The Henrico County Board of Supervisors convened a special meeting on Tuesday, July 8, 2014, at 5:15 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. Thornton, 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. Vithoukaskas, 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
Randall R. Silber, Deputy County Manager for Community Development
C. Michael Schnurman, Legislative Liaison
Steven W. Knockemus, Assistant Director of Public Relations & Media Services

Mrs. O'Bannon called the meeting to order at 5:19 p.m.

Mr. Vithoukaskas briefly reviewed the first two presentation items listed on this agenda.

Proposed Ordinance Amendments Related to Industrial Pretreatment and Strong Wastes

Mr. Vithoukaskas recognized Bill Mawyer, Assistant Director of Public Utilities, who in turn recognized the following members of his team who assisted him in preparing the information contained in his presentation: Denise Letendre, Assistant County Attorney; James Grandstaff, Water Reclamation Facility Division Director; and Chris Adkins, Monitoring and Compliance Section Manager for the Department of Public Utilities' Water Reclamation Facility. Mr. Mawyer narrated a slide presentation titled *Chapter 23 – Water and Sewer Code Amendments*. He began his presentation by explaining “pretreatment” is the removal or treatment of pollutants in industrial wastewater before they enter the sewer system and by noting it is required by the federal Clean Water Act of 1972. The Virginia Department of Environmental Quality monitors and inspects local pretreatment programs for compliance. Mr. Mawyer

provided an overview of the County's Industrial Wastewater Pretreatment Program and also reviewed key ordinance changes that will conform code provisions to state law, add arsenic and selenium to the list of 16 restricted wastes, add definitions for "best management practices" and "liquid waste," and establish a customer setup charge of \$14 for all new accounts.

Mr. Mawyer, Mr. Vithoukas, and Mr. Foster responded to questions from the Board regarding the County's procedures for ensuring compliance by the 17 industries in Henrico that are required to have a permit and a pretreatment program, its collection procedures for utility customers who have not paid their bills, and the impact of new industries on the County's Water Reclamation Facility. Mr. Vithoukas advised the Board the proposed ordinance changes will be introduced at the Board's 7:00 p.m. meeting for a public hearing on August 12.

Proposed Ordinance Amendments Resulting from 2014 State Legislation

Mr. Vithoukas advised the Board that this item would be presented in two parts. He first recognized Gene Walter, Director of Finance, who narrated a slide presentation on changes to County tax laws required by the 2014 General Assembly. Mr. Walter began his presentation by reviewing changes that exempt certain property, and food and beverage sales, from taxation, and allow administrative appeals of business license classifications. He and Mr. Rapisarda clarified for Mr. Kaechele that Henrico already exempts cell phones and personal computers from the local personal property tax so this change in state law has no impact on the County. Mr. Walter advised the Board the proposed ordinance changes will be introduced at the Board's July 22 regular meeting for public hearing on August 12. In response to questions from Mr. Glover and Mr. Kaechele, Mr. Rapisarda clarified which nonprofits are currently exempt from the County's meals tax.

Mr. Walter continued his presentation by explaining a new state law that changes the relative caregiver exemption for the Real Estate Advantage Program (REAP) by excluding the income of relatives who live with REAP applicants and provide bona fide caregiving services. He also explained a new law clarifying that REAP applies to property held as a life estate or in certain trusts used for estate planning. Mr. Glover expressed concerns pertaining to changes in the County's REAP program initiated by staff for the current tax year that resulted in a higher real estate tax burden being placed on some senior citizens. Mr. Nelson noted he would also like to see a restoration of REAP benefits that have been reduced. Mr. Vithoukas explained the maximum annual real estate tax exemption for qualified REAP applicants was lowered from \$3,000 to \$1,500 as of January 1 to reflect reductions that occurred in residential home values. He advised that staff is already looking into this matter and will bring a recommendation to the Board in the fall to raise the exemption effective January 1, 2015.

The Board recessed at 5:58 p.m. and reconvened at 6:06 p.m.

Mr. Vithoukas recognized Mr. Rapisarda, who pointed out the ordinance amendments being presented to the Board track state laws that have already gone into effect and are being proposed so the County Code will be up to date. He narrated the second part of this

presentation by reviewing additional 2014 state legislation necessitating changes to the County Code. Mr. Rapisarda began by explaining House Bill 740, which provides animal protection officers with the option of seizing rather than killing dogs that are found killing or injuring livestock or poultry; House Bill 1088, which allows the Capital Region Airport Commission to employ its own police officers; and Senate Bill 496, which repealed provisions of the Virginia Code relating to the court appointment of special police officers for localities. There was discussion by Mrs. O'Bannon and Mr. Rapisarda relating to the regulatory status of alternative transportation companies that will be serving the Richmond metropolitan area during the Richmond 2015 World Road Cycling Championships.

Mr. Rapisarda continued his presentation by explaining House Bill 1217, which requires that documentation submitted in lieu of a septic tank pump-out be certified by an operator or on-site evaluator licensed or certified under state law as qualified to operate, maintain, or design on-site sewage systems. This legislation was opposed by the County. Under prior law, a sewage handler permitted by the Virginia Department of Health could certify the necessary documentation. There was discussion by the Board, Mr. Rapisarda, and Public Works Director Steve Yob regarding certification qualifications, costs, and enforcement. Mr. Vithoukaskas asked Mr. Yob to research and provide the Board with information on the number of septic tanks located in the County.

Mr. Rapisarda next reviewed House Bill 527, which treats group homes as single-family residences by removing the requirement that a counselor or other staff person reside there. In response to questions from the Board, Mr. Rapisarda commented on a situation in York County that prompted the legislation. Jon Tracy, Director of Real Property, informed Mr. Kaechele Henrico Area Mental Health & Developmental Services owns and operates eight group homes in Henrico County. Mr. Vithoukaskas cited House Bill 527 as an example of the General Assembly adopting statewide legislation to correct a situation in a single locality.

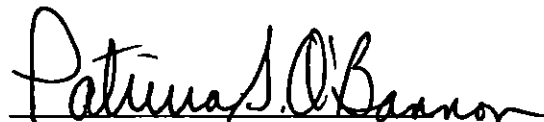
The final legislative change noted by Mr. Rapisarda was House Bill 209, which provides that localities may no longer require the submission of preliminary subdivision plats for subdivisions with 50 or fewer lots. Mr. Rapisarda clarified for Mr. Glover that the statutory deadlines for final approval of subdivision plats were not changed by this legislation. In response to a question from Mrs. O'Bannon, Planning Director Joe Emerson advised that he believes House Bill 209 will have limited impact on the County. He anticipates some developers will continue to submit preliminary plans voluntarily because they believe it benefits them to go through this process. Mr. Rapisarda and Mr. Vithoukaskas responded to questions from Mr. Nelson relating to public notification of ordinance changes and the cost to the County of changing its ordinances to conform to new state laws.

Mr. Rapisarda concluded his presentation by identifying the future steps for amending the County Code to reflect the legislative changes he discussed in his presentation. The ordinances regarding the duty of animal protection officers and referring to special police officers are proposed for introduction on July 22 and public hearing on August 12. The ordinances concerning certified documentation in lieu of septic tank pump-out, group homes, and preliminary subdivision plat approval will be scheduled for public hearing by the Planning Commission on September 11 and by the Board on October 14.

Regular Meeting Agenda Items

Mr. Vithoukas reviewed the agenda for the 7:00 p.m. meeting. He advised the Board of two Manager's comments and one Board of Supervisors' comment by Mrs. O'Bannon as well as an appointment to the J. Sargeant Reynolds Community College Board and three rezoning cases. Mr. Vithoukas then discussed the items appearing on the general agenda, beginning with the resolution introducing the July 2014 budgets amendments, which would appropriate special revenue funds for the Community Development Block Grant program and HOME Investment Partnerships Program as well as transfer resources from the approved Education Meals Tax Project Reserve to specific school capital projects. Brandon Hinton, Management and Budget Division Director, and Mr. Vithoukas responded to questions from Mrs. O'Bannon and Mr. Kaechele pertaining to the status of meals tax collections and school capital projects to be funded with meals tax revenues. Mr. Foster responded to questions from Mr. Kaechele relating to operations at the new Springfield Road transfer station, which opened on July 1 when the landfill on that site was closed. Mr. Vithoukas offered to arrange a tour of the transfer station for members of the Board.

There being no further business, the meeting was adjourned at 6:50 p.m.


Chairman, Board of Supervisors
Henrico County, Virginia