

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
SPECIAL MEETING
February 28, 2017

The Henrico County Board of Supervisors convened a special meeting on Tuesday, February 28, 2017, 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
Thomas M. Branin, Three Chopt District
Harvey L. Hinson, Brookland District
Tyrone E. Nelson, Varina District

Other Officials Present:

John A. Vithoukias, County Manager
Joseph P. Rapisarda, Jr., County Attorney
J.T. (Tom) Tokarz, Deputy County Attorney
Barry R. Lawrence, CMC, Assistant to the County Manager/Clerk to the Board
Tanya B. Harding, CMC, Deputy Clerk/Administrative Assistant
Timothy A. Foster, Deputy County Manager for Community Operations
W. Brandon Hinton, Deputy County Manager for Community Services
Anthony J. Romanello, Deputy County Manager for Public Administration
Randall R. Silber, Deputy County Manager for Community Development
C. Michael Schnurman, Legislative Liaison
Benjamin A. Sheppard, Assistant Director of Public Relations & Media Services

Mrs. O'Bannon called the meeting to order at 5:17 p.m.

Process for Preparation of New Zoning and Subdivision Ordinances

Mr. Vithoukias reminded the Board that the County's current-year budget included funding for a consultant to assist in drafting new ordinance recommendations to update the County's 55-year-old zoning ordinance and 60-year-old subdivision ordinance. He distributed copies of a letter dated April 30, 1956, from planning consultant Julian Tarrant to then Henrico County Manager Ed Beck regarding a proposal for rewriting the County's zoning ordinance. Mr. Vithoukias recognized Joe Emerson, Director of Planning, who noted this current process for preparing new zoning and subdivision ordinances would take approximately 30 months and cost \$600,000 or more. Steve Yob, Director of Public Works, distributed a one-page document identifying the interest groups that will comprise a Stakeholder Review Committee. This committee will meet each time the consultant delivers a section of the new code to make sure everyone understands what is being proposed and why, and to discuss how it would affect their interests.

Mr. Emerson narrated the first portion of a slide presentation on this item. He began by explaining the reasons for updating the ordinances, pointing out the zoning ordinance has been amended 246 times and one of the main action items in the 2026 Comprehensive Plan is to update the ordinances. Mr. Emerson further pointed out County staff developed updated codes in 1974 that were not adopted for various reasons. He continued his presentation by providing a perspective of changes that have occurred in population, water line and interstate mileage, shopping, and office parks from 1960 to present. Mr. Emerson then provided an overview of the schedule for the Code update, the seven key themes to the update, and new tools that are needed as the County has evolved from an industrial economy to an information economy.

Mr. Emerson reviewed the experiences and relevant past work of the lead consultants for this project, Clarion Associates. He recognized project director and manager Craig Richardson from Clarion Associates as well as team member Greg Dale from McBride/Dale/Clarion. Mr. Richardson acknowledged other members of his team from McBride/Dale/Clarion/Dover, Kohl & Partners; Renaissance Planning Group; and Greehan, Taves & Pandak. At Mr. Vithoulikas' request, Mr. Richardson explained the concept of form-based coding, which places a stronger emphasis on where buildings are located and how they are located.

Mr. Richardson continued the slide presentation by comparing the County's current layout for zoning district regulations with a more modern format and layout. He provided several examples of the modernizing format and layout contained in the City of Norfolk's zoning ordinance. Mr. Richardson also showed the Board the webpage on the County's website that has been created for the project to update the County's zoning and subdivision ordinances. In response to comments and concerns expressed by Mrs. O'Bannon and Mr. Hinson, he commented on how the updated Code can retain flexibility and leave some discretion to County officials while at the same time adding specificity and detail that are needed in some areas. Mr. Richardson pointed out the Code of Virginia does place a lot of restrictions on local zoning ordinances.

At Mr. Vithoulikas' request, Mr. Emerson elaborated on how the Stakeholder Review Committee will obtain input from stakeholders. Mr. Emerson assured the Board that the goal in updating the ordinances is to organize and add new tools and not take discretion out of rezoning and subdivision cases. Mr. Emerson resumed the slide presentation by offering an overview of the update process and public participation. He concluded his presentation by mentioning the next steps in the process, including a Planning Commission work session and kick-off meeting.

Following the presentation, Mr. Emerson and Mr. Richardson responded to questions from the Board. Mr. Richardson advised Mr. Thornton that zoning and subdivision ordinances are typically updated every 25 years. Mr. Hinson pointed out the County's ordinances have not remained stagnant for the past 60 years. In response to a question from Mr. Nelson, Mr. Richardson named Prince George's County, Maryland, as an example of a locality his consulting firm has worked with on ordinance updates that has land use similarities to Henrico. He returned to the slide that listed the key professionals with Clarion Associates who will be working with the County and summarized the firm's project experience. Mr. Emerson advised Mr. Nelson that the Planning Department will be able to manage in-house the new graphics that will be included in the new ordinances. In response to a question from Mrs. O'Bannon, Mr. Emerson stated he does not anticipate the updated ordinances will contain new zoning district terminology but expects that new districts may be added.

The Board recessed for dinner at 5:57 p.m. and reconvened at 6:11 p.m.

General Assembly Update

Mr. Vithoukias reminded the Board that the 2017 Session of the Virginia General Assembly ended on February 25 and the County once again this year did not have specific legislative requests. He recognized Mr. Schnurman, who narrated a slide presentation on this item. Mr. Schnurman reviewed several budget amendments, beginning with education funding. He advised the Board that the Conference Report reversed the Governor's proposed 1.5% bonus and included a 2% salary increase for Standards of Quality (SOQ)-funded positions effective February 15, 2018. In addition, the report adds \$34.1 million to the per pupil lottery allocation, which should result in a small increase in education funding for Henrico when compared to the Governor's introduced budget. The Conference Report made no change to the expedited phase-in of employer contribution rates for the Virginia State Retirement (VRS) teacher plan, no change to the 2% salary increase for state-supported employees that will be effective August 1, and no reduction in House Bill (HB) 599 funding from the introduced budget for aid to localities with police departments. In response to a question from Mr. Branin, Mr. Vithoukias and Management and Budget Division Director Justin Crawford clarified that state funding for the 2% salary increase only covers certain positions in the school system and not the entire cost of a 2% raise for all teachers. There was further discussion among Mr. Vithoukias, Mr. Crawford, Mr. Branin, and Mr. Nelson regarding the timing and funding of the salary increase.

Mr. Schnurman next reviewed budget amendments pertaining to mental health funding. He informed the Board that the Conference Report reduced the budget funding of \$8.2 million by \$2 million for same-day access to assessment services at community services boards. Also, both the House and Senate budgets replaced the \$5.3 million general fund allocation in the budget as introduced with federal dollars in anticipation of receipt of a new federal grant for State Targeted Response to Opiate Crisis. The Conference Report did not change the House and Senate budgets' language. Finally, the Conference Report did not change the House and Senate budgets' elimination of \$4.2 million in funding for local/regional jail mental health assessments.

In terms of other budget amendments, Mr. Schnurman noted the budget as introduced by the Governor reduced Go Virginia funding by \$15 million but the Conference Report restored \$7.5 million of this reduction. The House budget reduced Enterprise Zone funding by \$164,467 in addition to the \$1.8 million reductions in the introduced budget while the Senate budget restored the \$1.8 reductions in the introduced budget. The Conference Report reduced Enterprise Zone funding by \$964,467.

Mr. Schnurman next reviewed the status of Senate Bill (SB) 1282, which provides a uniform procedure for the way in which wireless communications infrastructure is approved by localities and installed in public rights-of-way. SB 1282 passed the Senate and House with a substitute and the Governor has until March 27 to act on this bill. The County did not oppose the substitute version of the bill since the language concerning individual macro towers and the ability to force co-location on County-owned property was removed. There was discussion among Mrs. O'Bannon, Mr. Schnurman, and Planning Director Joe Emerson relating to the intent of the legislation.

Mr. Schnurman continued his presentation by reporting on the status of SB 1578, which authorizes a locality to adopt an ordinance requiring the registration of persons offering properties for short-term rental. The legislation also authorizes localities to impose fees and penalties on persons who violate the registry ordinance or who offer short-term rentals that have multiple violations of state or federal laws or ordinances. SB 1578 passed the Senate with a substitute on February 7 and passed the House on February 22. There was discussion by Mrs. O'Bannon, Mr. Emerson, and Mr. Vithoukias

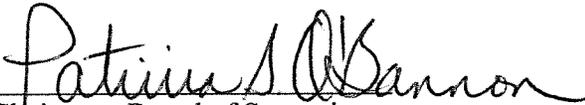
regarding the advantages of adding short rental properties (airbnb) to the County's zoning ordinance as it is updated

Mr. Schnurman concluded his presentation by informing the Board of the status of HB 1547, sponsored by Delegate Delores McQuinn, which provides appropriated funding for historical African American cemeteries and graves. Two specific cemeteries mentioned in the legislation are the East End Cemetery in Henrico and Evergreen Cemetery in Richmond. There are 6,976 graves in these two cemeteries and based on a \$5 per grave payment for each the estimated fiscal impact to the state's general fund is \$34,875 per year. The Governor's budget includes \$34,875 for this purpose. HB 1547 passed both the House and Senate, and the Governor has until March 27 to act on the bill. In response to a question from Mr. Nelson, Mr. Schnurman advised that this legislation could encompass other cemeteries in the Commonwealth as time goes on. Mr. Thornton expressed appreciation to Delegate McQuinn, Mr. Vithoulkas, and County staff in addressing the issue of maintaining African American cemeteries and getting the legislation passed. He also expressed regret that cemeteries where many great African American leaders are buried have not been maintained and referred to a book authored by Selden Richardson that focused attention on this problem. The book is titled *Built by Blacks: African American Architecture and Neighborhoods in Richmond*. Mr. Vithoulkas thanked Mr. Foster for working with Henrico County Public Schools to have students help with cleaning up Anderson Cemetery.

Regular Meeting Agenda Items

Mr. Vithoulkas reviewed the agenda for the 7:00 p.m. meeting. He advised the Board that he had two comments, one pertaining to the *Financial Trend Monitoring System (TRENDS)* document published by the Department of Finance's Office of Management and Budget and the other concerning the recent passing of Juvenile Detention Home Superintendent Mike Bingham. Mr. Vithoulkas also referred to the three appointment resolutions listed on the agenda and confirmed for Mr. Nelson that the two papers dealing with Brookland District appointments had been vetted with Mr. Glover prior to Mr. Glover's passing. Mr. Lawrence confirmed that no one had signed up in advance to speak during the public comment period. Mr. Vithoulkas noted three individuals were registered to speak on Agenda Item No. 72-17, the proposed abandonment of a section of Dominion Club Drive.

There being no further business, the meeting was adjourned at 6:44 p.m.


Chairman, Board of Supervisors
Henrico County, Virginia