

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
SPECIAL MEETING
January 22, 2019

The Henrico County Board of Supervisors convened a special meeting on Tuesday, January 22, 2019, 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:

Tyrone E. Nelson, Chairman, Varina District
Thomas M. Branin, Vice Chairman, Three Chopt District
Patricia S. O'Bannon, Tuckahoe District
Daniel J. Schmitt, Brookland District
Frank J. Thornton, Fairfield District

Other Officials Present:

John A. Vithoulikas, County Manager
Joseph P. Rapisarda, Jr., 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, P.E., Deputy County Manager for Community Operations
W. Brandon Hinton, Deputy County Manager for Administration
Anthony E. McDowell, Deputy County Manager for Public Safety
Anthony J. Romanello, Deputy County Manager for Community Services
Randall R. Silber, Deputy County Manager for Community Development
Steven W. Knockemus, Assistant Director of Public Relations & Media Services

Mr. Nelson called the meeting to order at 5:23 p.m.

Proposed Ordinance Amendments Relating to Zoning Penalties

Mr. Vithoulikas recognized Mark Stricker, Director of Community Revitalization, who narrated a slide presentation on this item. During his introduction, Mr. Strickler explained recent court cases have shown the County's current maximum penalty for zoning violations is too low to stop an owner from continuing a violation after being found guilty. The maximum zoning penalty is \$100 if the violation is not willful and \$250 if it is willful. This penalty has not changed since 1942 although the Code of Virginia has been revised five times since then, most recently in 2018. Mr. Strickler reviewed statistics for zoning violations and related court cases in Henrico for Fiscal Years 2017 and 2018, the County's code enforcement approach that emphasizes voluntary compliance, several examples of difficult cases demonstrating the need for increased penalties, maximum fines for zoning penalties permitted by the Code of Virginia, and current penalties for zoning violations in similar jurisdictions within the Commonwealth. In conclusion, he noted reoccurring violations are very frustrating for the citizens who are impacted, and owners are more likely to correct violations and keep their properties in compliance when there are progressively higher penalties. Mr. Strickler recommended amending the zoning ordinance to increase penalties to the maximum permitted by the Code of Virginia. He pointed out there was a resolution

for the Board's consideration on the 7:00 p.m. general agenda directing staff to prepare zoning ordinance amendments, which would adjust penalties to mirror state law for the Planning Commission's review and recommendation after a public hearing.

Mr. Branin voiced concerns that an increase in penalties may adversely affect citizens and asked that there be safeguards or checks and balances in place to ensure citizens are not abused. Mr. Rapisarda assured Mr. Branin that citizens receive multiple notices and opportunities to comply with the zoning ordinance before any legal action is initiated. The County Attorney's Office has a team that reviews cases to ensure citizens are being treated fairly by the County. He and Mr. Strickler reiterated that taking cases to court is a last resort, the cases are often continued by the judges to give violators additional time to comply with the zoning ordinance, and citizens rarely are required to pay fines.

At Mrs. O'Bannon's request, Mr. Strickler revisited the County's code enforcement process, where voluntary compliance is achieved in 99 percent of the cases. He noted volunteer resources are available to help homeowners who are in violation of the ordinance. Mrs. O'Bannon pointed out some of the violations are related to the issue of hoarding.

Mr. Thornton suggested the County is no longer a rural jurisdiction and may need to adopt a tough love approach while continuing to be humane. He pointed to the success of the County's community maintenance program. Mr. Schmitt asked that staff advise the district representative on the Board before a citizen is taken to court for a zoning violation. Mr. Nelson stated he neither favors a heavy-handed approach nor wishes to see citizens in court for minor violations. At his request, Mr. Strickler provided additional examples of the types of violations that are subject to fines under the zoning ordinance. Mr. Strickler assured Mr. Nelson that environmental situations, such as tall grass, do not constitute zoning violations and are not subject to fines under the zoning ordinance. Mr. Vithoulkas reminded the Board that the County has not adjusted the fines since 1942 and pointed out staff has spent a lot of time with a small number of cases where there are multiple violations such as recent cases involving Virginia Center Commons. Mr. Rapisarda responded to further comments by Mr. Branin and Mr. Nelson by suggesting district representatives on the Board receive notification from staff at the time the Department of Community Revitalization issues a summons. Mr. Branin remarked that Board members may be able to offer assistance in some cases if they are aware of the situation. Mr. Vithoulkas assured the Board that staff will create an appropriate mechanism to provide notice to the Board.

The Board recessed for dinner at 5:51 p.m. and reconvened at 5:59 p.m.

Solar Power Purchase Agreement (PPA) Update

Mr. Vithoulkas reminded the Board that the issue of solar power purchases was discussed at the Board's January 2019 retreat. He recognized John Neal, Director of General Services, who in turn recognized Assistant General Services Director Tom Alford and Energy Manager Carrie Webster. Mr. Neal narrated a slide presentation on a new opportunity for the County, the Solar Power Purchase Agreement (PPA) program. He began his presentation by noting the County decided to explore bringing renewable energy to County facilities after being approached by several solar installation companies. In the PPA model, a third-party company installs and owns the solar equipment and the County purchases renewable energy at a fixed rate over time, typically 20 to 25 years, with no upfront costs for the County. In the current market, savings are expected by purchasing renewable energy through the PPA

at a lower cost when compared to Dominion Energy. Mr. Neal showed an example of the type of solar panels being considered (weighted devices placed on the roof).

Mr. Neal next provided an overview of how a solar PPA functions, the County's progress with its solar PPA program, and anticipated next steps in the process. Although the County will contract with a solar PPA provider and pay a reduced rate for the electricity used from the solar panels, it will continue to purchase electricity from Dominion Energy because the solar panels will only provide electricity for part of the facilities' overall electrical consumption. The solar PPA provider is responsible for operating and maintaining the solar panels. A site selection study conducted for the County by R2W Consultants determined that the roof of the new Mental Health East Clinic, the roof of Libbie Mill Library, and parking deck at the Government Center on Parham Road were viable candidates for solar panels. Using this information, the County prepared a Request for Proposals (RFP) for firms to submit their plans to provide solar panels at the three facilities. The selection committee was composed of Ms. Webster, Mr. Alford, and Mr. Neal with Susan Moore from Henrico County Public Schools participating as an observer during the interviews. During the evaluation and interview process, the selection committee decided to remove the parking deck from further consideration because the cost to install a canopy structure for the solar panels would greatly reduce the anticipated savings. Final negotiation with the top-ranked firm will focus on the final solar utility rate from the solar PPA provider.

Mr. Neal concluded his presentation by advising the Board that the Department of General Services plans to present a resolution at one of the Board's February 2019 meetings for award of the contract to the selected firm. If the resolution is approved, design and construction of solar panels at the Mental Health East Clinic and Libbie Mill Library are expected to be completed within six months of starting the design.

Mr. Neal responded to questions from Mr. Schmitt regarding experience with solar PPAs in other Virginia localities and the design of roof solar panels. Mr. Vithoulkas noted the County has received inquiries concerning the use of solar panel at schools. Mr. Branin asked staff to revisit the installation of solar panels in the green space at the Springfield Road transfer station, a suggestion he first raised a couple of years ago. Ms. Webster and Joe Emerson, Director of Planning, responded to questions from Mr. Schmitt pertaining to the lifespan of solar panels in light of changing technology and where solar panels can be placed on residential and commercial buildings under the County's zoning ordinance. Mr. Silber confirmed for Mr. Nelson that the installation of solar panels requires a building permit. Mrs. O'Bannon expressed concern about the weight of solar panels that are placed on roofs.

All Henrico Reads Update

Mr. Vithoulkas recognized Barbara Weedman, Director of Public Libraries, who presented this item. Ms. Weedman advised the Board that the annual All Henrico Reads event co-sponsored by Henrico County's Public Library, Friends of the Public Library, and Public Schools will be held at Glen Allen High School at 7:00 p.m. on Wednesday, April 10. The featured book for this year's event is *After Anna*, a *New York Times* bestseller written by Lisa Scottoline, an Edgar Award-winning author of domestic legal thrillers. Kara Rothman, Assistant Director of Public Libraries, distributed copies of the book to Board members, Mr. Vithoulkas, Mr. Rapisarda, and the Deputy County Managers. Henrico public school students will be reading another book by the same author titled *Keep Quiet*, which focuses on a father's morally complex relationship with his 16-year-old son. Ms. Weedman responded

to questions from Mr. Nelson relating to the time and venue for the event. Mr. Nelson asked staff to work with Public Schools to see if the event can be scheduled on a different night of the week future years.

Prior to reviewing the agenda for the 7:00 p.m. regular meeting, Mr. Nelson asked for further information regarding a January 17 letter the Board received from Mr. Vithoulkas regarding the federal government shutdown. He voiced concerns about the implications of the shutdown for Henrico residents, especially those who are enrolled in the Supplemental Nutrition Assistance Program (SNAP) and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). At the request of Mr. Vithoulkas, Mr. Romanello commented on the status of this and other human services programs that rely on federal funding. Mr. Romanello pointed out employees in the Department of Social Services have been working extended hours to process SNAP payments. Mr. Vithoulkas confirmed for Mr. Nelson that the County is powerless to continue providing benefits after February 28 if there is a prolonged government shutdown. Mr. Schmitt commented on the status of education funding in view of the shutdown. Mr. Romanello advised the Board that 47 percent of Henrico public school students' qualify for free or reduced-price breakfasts and lunches.

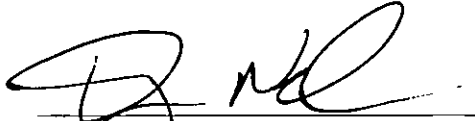
Regular Meeting Agenda Items

Mr. Vithoulkas reviewed the agenda for the 7:00 p.m. regular meeting. He noted there was one presentation item and he had no Manager's comments. Mr. Vithoulkas asked Mr. Emerson to elaborate on the first three land use cases. Mr. Rapisarda suggested one public hearing for the two Gumenick Properties zoning cases, which were companion cases, although the cases would require separate votes. Mr. Vithoulkas pointed out the last two land use cases listed on the agenda, which were companion cases, had been withdrawn by the applicant. He also pointed out there were three other public hearing items on the agenda. Mr. Lawrence confirmed no citizens were signed up in advance to speak during the public comment period.

Eric Leabough, Housing Specialist, explained the first item on the general agenda, a resolution granting signatory authority for a County agreement with project:Homes. Mr. Silber explained the second item on the general agenda, the introduction of ordinance amendments relating to the repair or removal of derelict buildings. Ned Smither, Director of finance, explained the third item on the general agenda, the introduction of ordinance amendments pertaining to a partial exemption for rehabilitated, renovated, or replacement residential structures other than multifamily residential rental units. Mr. Rapisarda and Mr. Vithoulkas explained the fourth item on the general item, a concurrent resolution providing for the appointment of a permanent working group to review salary compression. Mr. Vithoulkas pointed out the fifth item on the general agenda, the initiation of consideration of zoning ordinance amendments for penalties, was presented by Mr. Strickler earlier in this special meeting. He advised that he was requesting withdrawal by the Board of the final item on the general agenda, which was deferred from the October 23, 2018, meeting and would authorize the County Manager to execute a purchase agreement for the acquisition of property at 1300 New Market Road. Mr. Vithoulkas informed the Board that the County has not been successful in negotiating a purchase agreement. Mr. Foster and Mr. Rapisarda responded to questions from Mr. Nelson concerning the location and owners of the property.

Mr. Vithoulikas responded to questions from Mr. Nelson regarding the management of Belmont Golf Course and funding of improvements thereto. Mr. Branin asked staff for a list of the localities in Virginia that own and operate golf courses. Mrs. O'Bannon commented on a Richmond Regional Planning District Commission (RRPDC) Audit/Finance/Facilities Committee meeting she attended earlier in the afternoon. She and Mr. Vithoulikas expressed optimism that RPPDC is working towards a positive outcome in addressing administrative and financial issues.

There being no further business, the meeting was adjourned at 6:39 p.m.



Chairman, Board of Supervisors
Henrico County, Virginia