

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
SPECIAL MEETING
February 11, 2020

The Henrico County Board of Supervisors convened a special meeting on Tuesday, February 11, 2020, at 5:30 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:

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

Other Officials Present:

John A. Vithoulikas, County Manager
Joseph P. Rapisarda, Jr., County Attorney
J. T. (Tom) Tokarz II, Deputy County Attorney
Lee Ann Anderson, Senior Assistant County Attorney
Barry R. Lawrence, CMC, Assistant to the County Manager/Clerk to the Board
Tanya B. Harding, CMC, Deputy Clerk/Administrative Assistant
W. Brandon Hinton, Deputy County Manager for Administration
Anthony E. McDowell, Deputy County Manager for Public Safety
Randall R. Silber, Deputy County Manager for Community Development
Benjamin A. Sheppard, Director of Public Relations & Media Services

Mr. Branin called the meeting to order at 5:35 p.m.

Purchase of Flood-Prone Residential Properties

Mr. Vithoulikas recognized Steve Yob, Director of Public Works, who narrated a slide presentation on this item. Mr. Yob began his presentation by stating that it is the County's goal to reduce the risk to its residents of maintaining flood-prone homes; reduce the County's burden in response to flood events; and provide an overall benefit to the County through greenspace, flood mitigation, Best Management Practices (BMPs), and enhancements to the ecosystem. He suggested the following standards for County acquisition of flood-prone residential properties: multiple floods have occurred, which has resulted in property damage; the property is in a federally designated or Henrico County-designated floodplain; the owner will sell for the appraised value; the property is no longer occupied; and there are no environmental risks that would require remediation. In reviewing program requirements, Mr. Yob noted this program will provide for the public good by reducing emergency rescues; lessening the County's costs for future disaster relief; reducing the burden on the National Flood Insurance Program; enhancing water quality; reducing flooding; and establishing more land for green space, recreation, trails, or public uses. Mr. Yob concluded his presentation by noting there was an item on the evening's 7:00 p.m. general agenda authorizing the

County Manager to execute a purchase agreement and accept the deed necessary to acquire real property located at 6018 Indigo Road in the Brookland District. The resolution addressing this item would allow the County to demolish any structures on the property that may be detrimental to or inconsistent with the use of the property as open-space land. He showed a photograph of the property.

Mr. Yob and Mr. Rapisarda confirmed for Mr. Thornton that the County acquired flood-prone properties in the 1980s in the Fairfield District's Bloomingdale subdivision. In response to a question from Mr. Schmitt, Mr. Vithoukas noted funds have been included in the capital budget for the purchase of flood-prone properties. In response to a question from Mrs. O'Bannon, Mr. Yob reiterated the proposed criteria for acquisition and referred to how the City of Charlotte, North Carolina, has eliminated some of its worst flood-prone properties through a nationally recognized acquisition program. Mr. Schmitt suggested that the acquisition of a single property or side-by-side properties in a strategic location can mitigate flooding problems occurring on other properties in the same neighborhood. Mr. Thornton expressed an interest in obtaining additional information regarding Louisville, Kentucky's use of a Federal Emergency Management Agency (FEMA) grant to fund the acquisition and demolition of properties in one of its neighborhoods that has experienced repetitive property loss from flooding. He also indicated it would be helpful to see an assessment of how successful the Bloomingdale property acquisition was in helping with flooding issues in that neighborhood. In response to a question from Mrs. O'Bannon, Mr. Vithoukas pointed out the County is working with the owner of another home on Indigo Road for potential County acquisition of that property. Mr. Yob commented on how the acquisition of flood-prone properties will tie in nicely with other infrastructure improvements for which the County has planned in addition to serving as a flood mitigation tool. Mr. Branin thanked Mr. Yob and the Department of Public Works for their attention to this issue and remarked that the Board is looking forward to future updates.

Indoor Sports and Convocation Center Financing Update

Mr. Vithoukas recognized Ned Smither, Director of Finance, who narrated a brief slide presentation on three proposed bond issuances the Board would be considering at its 7:00 p.m. regular meeting. These included a \$50 million issuance by the Economic Development Authority (EDA) for the purpose of financing the costs of the acquisition, construction, and equipping of an indoors sports and convocation center for the County; a \$7 million issuance for the purpose of refunding the EDA's Public Facility Lease Revenue Bonds; and a \$32 million issuance for the purpose of refunding County General Obligation Public Improvement Bonds. Mr. Smither reviewed the closing schedule, projected interest rates, and expected savings from these proposed issuances. He advised the Board that the aggregate savings from refunding County bonds since 2009 totals \$44 million.

Mr. Smither recognized Neil Luther, Director of Recreation and Parks, who updated the Board on financing for the indoor sports and convocation center. Mr. Luther informed the Board that staff is working with Rebkee on an interim agreement that will be discussed with the Board in a work session prior to consideration by the Board at its March 24 regular meeting. Staff expects that a comprehensive agreement and construction schedule will come before the Board at one of its June regular meetings. Mr. Luther anticipates a 20-month construction schedule beginning in August and concluding in May 2022. In response to questions from Mr. Branin and Mrs. O'Bannon, Mr. Luther clarified that the revised plan is for Rebkee to demolish the existing building that lies within the footprint of the center rather

than trying to repurpose a portion of the building. He noted Rebkee will decide later whether to repurpose or demolish sections of the mall outside the center's footprint. Mr. Vithoukas assured the Board that project costs for the center will not exceed \$50 million despite the revised plan. Mr. Luther confirmed for Mr. Schmitt that the project will not include any change orders that might push the costs beyond \$50 million. Mr. Thornton expressed hope that diversity will be a high priority in the selection process for contractors hired to work on the project. Mr. Vithoukas advised Mr. Thornton that the County will continue to have conversations with Rebkee to emphasize the importance of inclusion in selecting contractors.

Public Employee Collective Bargaining Legislation

Mr. Vithoukas recognized Lee Ann Anderson, Senior Assistant County Attorney, who narrated a slide presentation on this item. Ms. Anderson updated the Board on the status and provisions of two bills of concern that were introduced during the 2020 Session of the Virginia General Assembly and that would allow public employees to collectively bargain if the legislation is passed and enacted into law. House Bill 582, as originally introduced by Delegate Lamont Bagby, allows public employees to both unionize and collectively bargain, envisions separate bargaining units for each profession, prohibits public employees from striking, and exempts employees of the General Assembly. Ms. Anderson explained the bill's requirements for and prohibitions on localities and noted the legislation would establish a new state agency to certify collective bargaining units, investigate or adjudicate statutory violations, and adopt regulations and policies. Ms. Anderson pointed out Virginia is one of three states that does not allow collective bargaining for any public employees. She and Mr. Vithoukas voiced concern that HB 582 would place greater restrictions on localities than is the case in most states with collective bargaining laws. Mr. Rapisarda remarked that Henrico County is the only locality in Virginia that operates under the County Manager form of government and this legislation would turn Henrico's form of local government on its head.

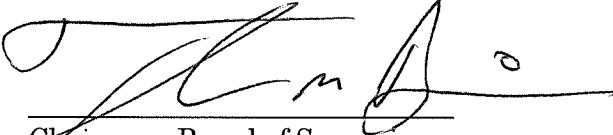
Senate Bill 939, originally introduced by Senator Richard Saslaw, offers localities the option of passing an ordinance authorizing its employees to engage in collective bargaining. It covers School Board employees but does not apply to state employees. A substitute version of the bill reported out of committee to the Senate floor preserves a prohibition on strikes by public employees. Ms. Anderson discussed challenges that collective bargaining would generally pose to localities and cited specific challenges and additional implications posed by both HB 582 and SB 939. In response to a question from Mrs. O'Bannon, Ms. Anderson stated it is probable state employees will be exempted from collective bargaining once fiscal impact statements are reviewed. Mr. Branin commented he is certain staff will keep the Board in the loop on this legislation and will be closely watching these bills. Mr. Vithoukas thanked Henrico County Public Schools Chief of Staff Beth Teigen and Legislative Liaison Bev Lammay for assisting the County in monitoring the impact of the legislation.

Regular Meeting Agenda Items

Mr. Vithoukas reviewed the items for the 7:00 p.m. meeting. He advised the Board that he would be making one Manager's Comment and pointed out there was one presentation item recognizing Black History Month. Mr. Vithoukas also referred to the appointment resolution on the agenda for the Keep Henrico Beautiful Committee. He pointed out there were five land use cases on the public hearing agenda, including two sets of companion cases. Mr. Vithoukas informed the Board that one citizen had signed up to speak during the public comment period, on school redistricting. He then reviewed the 11 items on the general

agenda. At his request, General Services Director John Neal and Police Chief Humberto Cardounel elaborated on the Board resolution to award a contract for the Police Annex Building in the Brookland District. Chief Cardounel responded to questions from Mr. Nelson pertaining to the storage of police evidence.

There being no further business, the meeting was adjourned at 6:20 p.m.



Chairman, Board of Supervisors
Henrico County, Virginia