

Board of Supervisors
Thomas M. Branin, Chairman
Daniel J. Schmitt, Vice-Chairman
Tyrone E. Nelson
Patricia S. O'Bannon
Frank J. Thornton

Supervisors' Agend-O-Gram



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County Manager
John A. Vithoulkas

Summary of Actions Taken by the Board on June 9, 2020

Mr. Branin led the recitation of the Pledge of Allegiance.

Mr. Nelson delivered the invocation.

The Board approved the minutes of the May 26, 2020, Regular and Special Meetings.

MANAGER'S COMMENTS

Mr. Vithoulkas advised the Board and the community that last week four of the County's Department of Public Utilities' Solid Waste Division employees tested positive for the COVID-19 virus. In accordance with health protocols, these employees and five other employees who had direct contact with them must self-quarantine at home until they are cleared of the virus. Up to 5,000 of the County's refuse customers will experience a one-day delay in collections because of this temporary reduction in staffing. The County has begun moving employees from other operational areas to supplement refuse truck operations. More information will be forthcoming from the Department of Public Relations regarding the status of refuse pickup.

Mr. Vithoulkas recognized Tony McDowell, Deputy County Manager for Public Safety, who provided an update on the County's response to COVID-19. According to data from the Virginia Department of Health (VDH), a total of 51,251 confirmed and suspected cases have been reported statewide with nearly ten percent of these cases requiring hospitalization. There have been 1,477 deaths statewide attributed to COVID-19. Within Henrico County, 2,128 cases have been reported with about ten percent requiring hospitalization. There have been 134 deaths in Henrico attributed to COVID-19, most of which occurred in long-term care facilities. The percentage of positive tests statewide peaked in mid-April and is currently at ten percent. This percentage for Henrico County is 11.6 percent compared to 14.7 percent in the Chesterfield Health District and 15.6 percent in the Richmond Health District. The County succeeded early on in procuring testing supplies from GENETWORKx, a Henrico company, and has distributed 1,450 test kits through VDH for testing in long-term care facilities and areas with vulnerable populations. The County has also administered a testing program for first responders, essential employees, and participating partners, including state employees from VDH and the Virginia Department of Emergency Management. More than 2,000 individuals from throughout the region have been tested through this program.

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Mr. McDowell pointed out the County distributed 500 fliers in the Nottingham Green apartment complex on April 23 and 2,500 fliers in the Glenwood Farms community on May 9 to market upcoming testing programs for those areas of Henrico. On May 23, Henrico volunteers distributed 9,000 care kits containing face masks and educational material throughout the Brookland, Fairfield, and Varina Districts. On May 30, Henrico volunteers distributed 17,000 care kits across the Brookland, Three Chopt, and Tuckahoe magisterial districts. Areas targeted for distribution were those determined to be at highest risk based on recommendations from the Centers for Disease Control and VDH. High-risk communities are those with greater concentrations of African American or Hispanic residents, persons over the age of 65, and residents with limited access to health insurance. Other criteria used in identifying target areas included resident access to transportation and the internet and neighborhood walkability. More COVID-19 care kits will be available for residents beginning June 10 at the Henrico County Government Center on Parham Road and Eastern Henrico Government Center on Nine Mile Road. A transition task force is helping the County Manager and agency heads proactively, carefully, and consistently bring County services back online. The County's Emergency Operations Center has been active in monitoring the assemblies and protests that have taken place around the region and supporting people who want to have their voices heard. On June 7, large numbers of people walked from St. Paul's Baptist Church to the Eastern Government Center. The County supported this event with traffic control, the distribution of water and COVID-19 care kits, and a rally stage erected by the Division of Recreation and Parks. County staff has been constantly monitoring expenses relating to COVID-19 so the County can qualify for reimbursement from the federal government and other revenue sources.

BOARD OF SUPERVISORS' COMMENTS

Mrs. O'Bannon wished happy birthday to her mother, who will turn 101 on June 11 and who resides in an assisted living facility where there have been no cases of COVID-19 among either the residents or employees.

Mrs. O'Bannon commented on the intensity of emotions in the community and media in reaction to the actions taken by Minneapolis police officers that resulted in the death of an unarmed man, George Floyd, on May 25. Mrs. O'Bannon noted she has received many telephone calls from constituents expressing horror at the incident as well as calls on June 3 prior to a planned march from Short Pump Town Center to The Shops at Willow Lawn. Residents and businesses in the Short Pump area were fearful for their personal safety and concerned about the potential for fires and property damage. Mrs. O'Bannon received nearly 30 calls from citizens who wanted to thank the County's Police Division for protecting them. She read a message of thanks from one of the callers and stated she wanted the County's police officers to know how much they were appreciated by these callers.

Mr. Schmitt echoed Mrs. O'Bannon's comments. He noted he has read, appreciated, and fully understood every email, text message, and telephone call he has received regarding these social issues and answered each question as quickly as he can. Mr. Schmitt thanked County staff for its support in responding to and answering some of the questions. He assured residents that every item, thought, or concern that has been sent will continue to

be discussed with his colleagues on the Board. Mr. Schmitt also thanked the public for openly communicating with members of the Board and commented that this communication is desired and valued.

Mr. Schmitt remarked that the soul of this society and that of its neighbors, friends, and families has been challenged over the past couple weeks. The nation has witnessed unspeakable actions resulting in tragedy and has seen unrest within communities brought about by the raw emotion that rightfully stems from a failure to hear, comprehend, and advocate for the equity of black people. It has also seen a deep and distinguishable thirst for understanding and action. Mr. Schmitt stated that the issues of decency, civility, and equity are meant to unite rather than divide. He suggested there is an opportunity to turn hate into hope, anger into awareness, and pain into progress and that words will not fix the issue at hand, only actions, honest conversations, true listening and hearing, and a complete and total commitment to understanding. Mr. Schmitt cautioned that those persons engaging in violence or destruction are diluting the message that needs to be heard. Those persons seeking to harm or intimidate others who are engaging in peaceful demonstrations will be held accountable and are the problem. Mr. Schmitt joins those with whom he has spoken in rejecting acts of hate and prejudice and the willful disregard for the rights of black people and joins those that unapologetically attest that Black Lives Matter. He concluded that the deep well of despair, anguish, sorrow, and pain has run dry and it is time to change hearts and minds to bring about new levels of understanding, compassion, and healing.

Mr. Nelson thanked the approximately 5,000 citizens who participated in the June 7 rally. He also thanked the County Manager's Office for responding to requests for the event, the Division of Recreation and Parks for providing the stage and sound system, and the Police Division for assisting with traffic calming and other logistics. Mr. Nelson recognized the following County officials who marched alongside him and the citizen protestors: Mr. Vitoulkas, Police Chief Humberto Cardounel, Police Captain Mark Banks, Mr. Thornton, Varina District School Board Representative Alicia Adkins, and Fairfield District School Board Representative Roscoe Cooper. Mr. Cooper was one of the organizers of the event.

Mr. Nelson read an excerpt from a June 1 letter that the Board received from Mr. Vitoulkas relating to recent reductions in the County's jail population. Since late April, the jail population has remained below 1,100 after hovering near 1,500 inmates in recent years. On May 14, the population was 1,048, a 31 percent reduction from the most recent high of 1,512 inmates in February. This reduction is a direct result of intentional efforts to address the challenges of jail overcrowding and to deal with behavioral health and substance use disorders throughout much of 2019. In 2019, Mr. Nelson and Mr. Branin co-chaired the Henrico Recovery Roundtable in 2019, which researched and discussed ways to address these issues. The roundtable's recommendations, along with the positive and collaborative relationships among the stakeholders, has enabled Henrico Sheriff Alisa Gregory to make substantial progress since assuming office in January. Mental health clinicians, judges, Sheriff's Office staff, law enforcement officials, and the Commonwealth's Attorney's Office have been working together to create new practices for screening inmates for possible diversion. Because of these collaborative efforts, the County's jails are no longer overcrowded and there is no longer discussion of building another corrections facility in

Henrico. Mr. Nelson gave a shout out to everyone who had something to do with collectively moving the County forward.

Mr. Nelson referred to recommendations he sent to his colleagues on the Board on June 2. These included changing the name of Confederate Hills Recreation Center, creating a citizens review board for public safety, reducing the County's support for public safety personnel in the City of Richmond during the current civil unrest, and banning the use of certain maneuvers by public safety officials. He shared the history of the recreation center, which the County acquired in 1994 and opened in 1997. After considering emails, letters, and telephone calls in support and opposition to changing the center's name, Mr. Nelson announced he was proposing that the name be immediately changed to The Springs Recreation Center in keeping with the history of the area. Mr. Branin noted it was the consensus of the Board to make this change. Mr. Vithoukas advised Mr. Branin that a new sign can be erected within the next week. Mr. Nelson pointed out the four rooms within the center are currently named the Engineer's Room and Terrace, Locomotive Room, Conductor's Room, and Pavilion in association with a former owner of the property, the Locomotive Club. He asked that these names be changed to the Empowerment Room, Justice Room and Terrace, Progress Pavilion, and Equity Room. Mr. Branin announced that it was the consensus of the Board to make these changes. Mr. Nelson advised that the County's 2011 Commemoration Advisory Commission, chaired by Mrs. O'Bannon, previously recommended changing the names of these rooms to honor Henrico trailblazers. He will instead recommend to the School Board that some of those names be used to name certain areas of the new Highland Springs High School. Mr. Nelson remarked that some citizens have also asked the County to consider renaming certain streets that are directly associated with Confederate Hills Recreation Center. He pointed out there is a process for changing street names that requires 100 percent approval of the affected residents, and he stated he will be talking with other Board members to see if there is interest in amending the ordinance to streamline the process.

Mr. Nelson thanked the School Board and School administration for showing sensitivity to the black community through public statements, participating in the June 7 rally, supporting Black Lives Matter, and putting out an equity and diversity resource packet that was developed by Dr. Monica Manns, the school division's Chief Equity, Diversity, and Opportunity Officer. He also acknowledged Mr. Schmitt's statement earlier in the meeting and read a portion of Mr. Vithoukas' June 5 message to County employees that referred to the systemic racism that has existed in this country for 400 years and the recent and senseless killings of black Americans. Mr. Nelson thanked Mr. Vithoukas for speaking from the heart, not being afraid to use the word "black," and to understand that this is a human situation. He expressed sadness and sorrow that residents in the Short Pump area were afraid but pointed out black people have been afraid for decades and it breaks his heart every time he hears people talk more about their property than the loss of human life. Mr. Nelson emphasized there have been peaceful protests throughout the region. He expressed appreciation for the Henrico Police Division and mentioned that most of the County's police officers have done a great job representing their communities. However, he said there is a mistrust across the country that cannot be explained away. Mr. Nelson encouraged citizens not to be afraid and that if they really care, they should get out in the

community and protest and push for things to make it a better place so that the last black person he ever sees murdered by police is George Floyd.

Mr. Branin pointed out every Henrico Board member has strong feelings on this matter. He stated that the Board has always demanded excellence in the County's public services, including public works, public utilities, and police. Mr. Branin stated his and the Board's commitment to having equal justice, a safe Henrico for all residents, and the best-trained and most professional police department. He is hopeful that through best training practices it can be guaranteed that no locality in America can have a member of the police department murder anybody, regardless of their ethnicity. Mr. Branin asked that Mr. Vithoukias, County department heads, and Henrico citizens keep pushing for excellence. He thanked the protestors who have walked through Short Pump twice for bringing awareness and thanked the County's Police Division for ensuring everyone's safety.

Mr. Thornton expressed appreciation to Mr. Schmitt for his words and compared the June 7 eastern Henrico march to the August 1963 march on Washington, D.C. when Dr. Martin Luther King gave his *I Have a Dream Speech*. He suggested Americans need to be cognizant and appreciative of the winds of change. Mr. Thornton mused that the June 7 protest seemed to be a bit different, but he is sure there is the wherewithal to make the best of it. He cautioned against arrogance and expressed a belief in possibility government, a government that listens to the people and the times and makes humane decisions. Mr. Thornton voiced confidence that this Board will strive to make things better. He concluded his remarks by cautioning persons not to be silent and to speak up when they see something wrong.

Mrs. O'Bannon added that she received calls from people of all races, colors, and creeds, and many said they were grateful to Henrico that the protests remained peaceful and were constitutional and that its citizens felt safe.

RECOGNITION OF NEWS MEDIA

Mr. Branin recognized John Reid Blackwell with the *Richmond Times Dispatch*.

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMIT

**138-20
REZ2020-
00020
Approved** Robinson Development Group Inc.: Request to conditionally rezone from O-3C Office District (Conditional) to UMUC Urban Mixed-Use District (Conditional) part of Parcel 747-763-3334 containing 1.073 acres located on the east line of Sadler Road, approximately 1100' south of Thorncroft Drive.

**139-20
PUP2020-
00006
Approved** Robinson Development Group Inc.: Request for a Provisional Use Permit under Sections 24-32.1 (a, d, i, k, n, p, s, t, v, w, z and aa), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow for outdoor vending; carwash; single offices, clinics and labs for medical, dental and optical uses greater than 30,000 square feet of floor area; drive-through service window; parking garage with no associated ground floor retail uses; commercial outdoor recreation facilities including skating rinks, swimming pools or

other standard facilities of this type of development; buildings exceeding 60' in height; density of residential development exceeding 30 dwelling units per acre; open space within a development of less than 20 percent; commercial or office square footage of less than 25 percent of the total building square footage of the UMU district; number of for-lease multifamily dwelling units to exceed 30 percent of the total units of the UMU district; and a parking plan on part of Parcel 747-763-3334 located on the east line of Sadler Road, approximately 1100' south of Thorncroft Drive.

140-20
REZ2020-
00008
Denied DealPoint Merrill, LLC: Request to conditionally rezone from B-2 Business District to M-1C Light Industrial (Conditional) Parcel 810-723-3605 containing 9.735 acres located on the south line of Nine Mile Road (State Route 33), approximately 245' west from its intersection with S. Laburnum Avenue.

141-20
REZ2020-
00013
Approved Steeple Lane Development: Request to amend proffers accepted with Rezoning case C-20C-06 on part of Parcel 809-724-5973 located between the east line of East Richmond Road and the west line of N. Laburnum Avenue approximately 800 feet north of Nine Mile Road (State Route 33).

142-20
REZ2020-
00017
Approved Wilton Commercial I, LLC: Request to conditionally rezone from B-2C Business District (Conditional) to B-3C Business District (Conditional) part of Parcel 748-760-9546 containing .002 acres located on the north side of W. Broad Street (U.S. Route 250) approximately 300' east of its intersection with Cox Road.

PUBLIC HEARINGS - OTHER ITEMS

143-20
Approved Resolution - Amendments to the FY 2019-20 Annual Fiscal Plan: June 2020.

144-20
Approved Resolution - Amendment to the FY 2019-20 Annual Fiscal Plan: CARES Act Funding for Henrico County Public Schools.

145-20
Approved Resolution - Signatory Authority - Acquisition and Lease of Real Property - 2306 Homeview Drive - Three Chopt District.

PUBLIC COMMENTS

There were no comments from the public.

GENERAL AGENDA

146-20
Approved Resolution - Signatory Authority - Acquisition of Real Estate and Easements - Cannon - Three Chopt Road Improvements Project - Three Chopt District.

147-20 Resolution - Acceptance of Roads - Brookland District. (Twin Oaks, Section
Approved 1.)

ADDED BY UNANIMOUS CONSENT

148-20 Resolution - Expressing Appreciation to Joseph P. Rapisarda, Jr.
Approved

Mr. Branin presented the resolution and a gift from the Board to Joe Rapisarda, County Attorney, in recognition of Mr. Rapisarda's extraordinary service, unparalleled commitment, and invaluable contributions. Mr. Rapisarda will retire on June 19 after a 43-year career with the County, including 38 years as County Attorney. The following members of Mr. Rapisarda's family were listening to the presentation online: his wife, Margie; daughter, Lindsey; son, Andrew; daughter-in-law, Allison; and sister, Gina Windsor.