

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 August 11, 2020

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

Mr. Nelson delivered the invocation.

The Board approved the minutes of the July 28, 2020, Regular and Special Meetings.

MANAGER'S COMMENTS

Tom Tokarz will begin serving as Henrico's County Attorney on August 15 after working as Acting County Attorney following the retirement of Joe Rapisarda earlier this summer. The Board and the County have benefited from Mr. Tokarz's good counsel and legal acumen since 1980, when he joined the County as an Assistant County Attorney. Mr. Tokarz advanced through the ranks and was named Deputy County Attorney in 2011. He currently serves on the Board of Governors of the Virginia State Bar Senior Lawyers Conference and has held leadership positions with the Henrico County Bar Association and other organizations. In 2014, Mr. Tokarz's good work was recognized by Local Government Attorneys of Virginia, Inc., which presented him the Cherin Award for the Outstanding Deputy Local Government Attorney. Mr. Tokarz is licensed to practice in the Supreme Court of the United States, the U.S. Court of Appeals for the 4th Circuit, the U.S. District Court for the Eastern and Western Districts of Virginia, and the Supreme Court of Virginia. Mr. Vithoulkas thanked Mr. Tokarz for his four decades of service and noted he is looking forward to Mr. Tokarz's continued leadership and counsel.

On August 31, Terrell Hughes will officially take the wheel as the County's Director of Public Works. Mr. Hughes comes to Henrico with a core understanding of project development and the funding and implementation of transportation projects. He currently serves as Assistant Planning Director and Assistant Division Administrator for the Virginia Department of Transportation (VDOT). While at VDOT, Mr. Hughes has provided oversight for the STARS and multimodal programs and has also been closely involved with Virginia's SMART SCALE funding prioritization program. He received a 2019 VDOT Commissioner's Award for efforts related to low-cost intersection treatments to improve safety and congestion. Prior to working for VDOT, Mr. Hughes was an engineer and project manager for Kimley-Horn & Associates and a project engineer for Davenport Transportation Consulting. A graduate of Virginia Tech, he is a registered Professional Engineer in Virginia and is President of the Old Dominion Section of the American Society of Highway Engineers.

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Mr. Vithoukas recognized Jackson Baynard, the County's Chief of Emergency Management and Workforce Safety, who provided a COVID-19 update. As of August 10, a total of 63,799 persons have been tested for COVID-19 in Henrico County, with 10,478 new tests recorded in Henrico by the Virginia Department of Health since the last Board of Supervisors meeting on July 28. In addition, 3,904 COVID-19 cases have been confirmed in Henrico, an increase of 589 since July 28, with 82 of the cases currently classified as probable. There have been 185 deaths in Henrico attributable to COVID-19, an increase of nine since July 28, of which 42 were outside of congregate care settings. The current seven-day moving average of positive tests is 7.2 percent compared to 7.1 percent on July 28. The County conducted follow-up testing at jail facilities on August 6 in cooperation with the Sheriff's Office and will conduct additional testing at these facilities on August 12 based on recommendations from the Virginia Department of Health (VDH) and the Centers for Disease Control (CDC). The County's Emergency Operations Center is continuing to receive and manage large orders of personal protective equipment, cleaning supplies, and hand sanitizer for distribution to general government and schools. County agencies are continuing to submit transmission plans for weekly review by leadership teams and the County Manager prior to implementation. Site assessments have been completed for all County government buildings to ensure the County is following CDC, VDH, and Virginia Occupational Safety and Health (VOSH) recommendations. The County has completed its reporting to VOSH and VDH for employees with positive COVID-19 cases. Its Emergency Management Office is continuing to prepare and engage agencies for hurricane preparedness, so they are ready to operate during tropical storms or hurricanes in a COVID-19 environment. Finally, the County will undertake a community canvassing operation in collaboration with the Commonwealth's Health Equity Leadership Task Force on August 27 and 28 to distribute more face coverings to residents.

BOARD OF SUPERVISORS' COMMENTS

Mrs. O'Bannon pointed out that Mr. Baynard presented emergency preparedness information at a town meeting she hosted on July 27. A video of the meeting is still available on YouTube for interested citizens.

RECOGNITION OF NEWS MEDIA

There were no media representatives present.

APPOINTMENTS/RESIGNATION

188-20 Resolution - Appointment of Alternate - Central Virginia Waste
Approved Management Authority Board of Directors. (Joshua C. Byerly)

189-20 Resolution - Acceptance of Resignation of Clerk of the Board of Supervisors.
Approved (Barry R. Lawrence)

190-20 Resolution - Appointment of Clerk of the Board of Supervisors. (Tanya
Approved Brackett Harding)

PUBLIC HEARINGS – REZONING CASES AND PROVISIONAL USE PERMITS

- 191-20** Kain Road Investors, LLC: Request to conditionally rezone from A-1
REZ2020- Agricultural District to R-5AC General Residence District (Conditional) part
00021 of Parcels 738-767-7472 and 739-767-0559 containing 5.959 acres located on
Approved the north line of Kain Road approximately 230’ west of its intersection with
Pouncey Tract Road (State Route 271).
- 192-20** Wilton Acquisition, LLC/Stanley Martin: Request to conditionally rezone from
REZ2020- A-1 Agricultural District and R-6C General Residence Districts (Conditional)
00016 to R-5AC (20.75 acres) and R-6C (11.98 acres) General Residence Districts
Deferred to (Conditional) on part of Parcels 785-758-9980, 785-759-8052, 786-759-6600, -
October 13, 6815 and Parcels 784-757-9571, -9581, -9390, 784-758-8345, -9103, -9251, -
2020 9817, 785-757-0889, -2698, 785-758-0057, -0968, -1023, -1774, -1828, -2580, -
2935, -3304, -3485, -4243, -4511, -5283, -5317, -5551, -6456, -6526, -6583, -
7735, -8854, -9568, and 786-758-0555 containing 32.73 acres located on the
north line of Scott Road between Interstate 95 and Aberdeen Street.
- 193-20** Wilton Acquisition, LLC/Stanley Martin: Request for a Provisional Use
PUP2020- Permit under Sections 24-13.4(c), 24-120 and 24-122.1 of Chapter 24 of the
00010 County Code to allow adjustable side setbacks for lots within the R-5A
Deferred to General Residence District on part of Parcels 785-758-3485, -5283, 785-759-
October 13, 8052 and Parcels 784-757-9390, -9571, -9581, 784-758-8345, -9103, -9251, -
2020 9817, 785-757-0889, -2698, 785-758-0057, -0968, -1023, -1774, -1828, -2580, -
2935, -3304, -4243, -4511, -5317, -5551 -6456, -6526, -7735 located on the
north line of Scott Road between Interstate 95 and Aberdeen Street.
- 194-20** Eric Layman: Request to amend proffers accepted with Rezoning case C-8C-
REZ2020- 03 on Parcel 755-768-5053 located on the west line of Springfield Road
00023 (State Road 157) approximately 285’ north of its intersection with Olde
Approved Milbrooke Way. The applicant proposes to amend proffers regarding access
to Springfield Road.
- 165-20** Skyway Towers, LLC: Request for a Provisional Use Permit under Sections
PUP2020- 24-95(a)(3), 24-120 and 24-122.1 of Chapter 24 of the County Code to allow a
00009 monopole communication tower up to 199’ in height and related equipment
Deferred to on part of Parcel 812-725-4066 located on the south line of Cedar Fork Road
October 13, approximately 1000’ northeast of its intersection with Nine Mile Road (State
2020 Route 33).
- 195-20** Godsey Properties, Inc.: Request to conditionally rezone from A-1 Agricultural
REZ2020- District, R-5AC General Residence District (Conditional), RTHC Residential
00015 Townhouse District (Conditional), and B-2C Business District (Conditional) to
Approved R-5AC General Residence District (Conditional) (16.319 acres), RTHC
Residential Townhouse District (Conditional) (68.567 acres), and B-2C
Business District (Conditional) (12.946 acres) part of Parcel 834-714-5632,
and Parcels 834-713-8189, 834-714-7258, 834-714-9609, 836-713-7564, and

837-713-0631 containing 97.832 acres located at the northeast and northwest intersection of E. Williamsburg Road (U.S. Route 60) and Drybridge Road.

196-20 Frank Jenkins: Request to amend proffers accepted with Rezoning cases C-
REZ2020- 32C-89 and C-15C-91 on Parcel 739-750-8644 located on the north line of
00025 Ridgefield Parkway at its intersection with Glen Eagles Drive.
Approved

PUBLIC HEARING - OTHER ITEM

197-20 Ordinance - To Amend and Reordain Section 20-843 of the Code of the
Approved County of Henrico Titled “Exemptions” to Add a New Exemption to the
 County’s Food and Beverage Tax in Conformance With Changes to State
 Code.

PUBLIC COMMENTS

Scott Blevins, a resident of the Three Chopt District, characterized the Henrico School Board’s recent unanimous vote to offer only a fully virtual option for school re-opening in the fall as disingenuous given the community input it received. He objected to a plan for converting some of Henrico’s public schools into temporary daycare centers, advocated a hybrid model for public school re-opening, and questioned the transparency and integrity of Henrico County Public Schools. Mr. Blevins asked that the Board of Supervisors not approve the school administration’s request for additional federal CARES Act funding until a feasible, concrete, and clear plan is presented for those parents who wish to have their children return to school in person.

Katherine Seay, a resident of the Fairfield District, spoke in favor of a diverse civilian review board for the Henrico Police Division. She expressed concern that persons of color and from lower socioeconomic backgrounds or who have had previous encounters with police or suffer from a mental disability are treated differently and less respectfully and are served less quickly by the County’s Police Division and judicial system than persons who reside in more affluent neighborhoods. Ms. Seay advocated for a better system that treats all citizens fairly and with dignity and respect by an unbiased police department.

GENERAL AGENDA

198-20 Introduction of Ordinance - To Continue Emergency Procedures for the
Approved Conduct of Public Business to Ensure the Continuity of County Government
 and Critical Local Services During the State of Emergency and Disaster
 Caused by the COVID-19 Pandemic.

199-20 Introduction of Resolution - Receipt of Request for Amendments to FY 2020-
Approved 21 Annual Fiscal Plan - CARES Act and Capital Initiatives Funding.

- 200-20 Approved** Introduction of Ordinance - To Amend and Reordain Section 2-50 of the Code of the County of Henrico Titled “Criminal history record check and fingerprinting” With Regard to Voluntary Disclosure of Criminal History to Comply with Changes in State Law.
- 201-20 Approved** Resolution - To Initiate Consideration of Zoning Ordinance Amendments - Form-Based Alternative Overlay District.
- 202-20 Approved** Resolution - Signatory Authority - Acquisition of Real Property - 11115 Greenwood Road - Brookland District.
- 203-20 Approved** Resolution - Signatory Authority - Acquisition of Real Estate and Easements - Three Chopt Road Improvements Project - Tabernacle Investment Corporation -Tuckahoe District.
- 204-20 Approved** Resolution - Support for Ashland to Petersburg Trail - Chickahominy River Crossing - Virginia Department of Transportation Smart Scale Program for FY 2020-2021 and FY 2021-2022 - Fairfield District.
- 205-20 Approved** Resolution - Signatory Authority - Agreement with Virginia Department of Transportation - New Market Road (Route 5) and Buffin Road Project - Varina District.
- 206-20 Approved** Resolution - Award of Contract - Dabbs House Road Improvements - Varina District.
- 207-20 Approved** Resolution - Support for Williamsburg Road Pedestrian and Transit Improvements - Virginia Department of Transportation Smart Scale Program for FY 2020-2021 and FY 2021-2022 - Varina District.
- 208A-20 Approved as Substitute for 208-20** Introduction of Ordinance - To Amend and Reordain Section 10-28 Titled “Definitions,” Section 10-32 Titled “Components of environmental compliance plan,” and Section 10-33 Titled “Environmental site assessment component of environmental compliance plans,” of the Code of the County of Henrico to Amend the County’s Chesapeake Bay Preservation Act Program.
- 209-20 Approved** Resolution - Acceptance of Road - Fairfield District. (Section B, A Dedication of a Portion of Watts Lane.)

ADDED BY UNANIMOUS CONSENT

- 210-20 Approved** Resolution - Expressing Appreciation to Steve Price.
- Mr. Schmitt presented the resolution to Mr. Price, who will retire from the County on August 28, 2020, after a 30-year career of exceptional dedication and outstanding service to the County’s Real Property Department.

211-20
Approved

Resolution - Expressing Appreciation to Barry R. Lawrence.

Mr. Branin presented a resolution to Barry R. Lawrence, who will retire from the County on August 28, 2020, after a successful and distinguished 28-year career with the County Manager's Office.