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Henrico County Board of Supervisors Regular Meeting, Tuesday, June 10, 2025

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- Official agenda (Henrico County): <https://henrico.gov/pdfs/manager/meetings2025/061025ag.pdf>
- Official minutes (Henrico County, regular meeting): <https://henrico.gov/pdfs/manager/meetings2025/061025RegMins.PDF>
- Agend-O-Gram, Jun 24, 2025 (records the Board's approval of these minutes): <https://henrico.gov/pdfs/manager/meetings2025/6-24-25Agend-O-Gram.pdf>

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[00:07:23] Good evening. I'd like to welcome everybody to our meeting here this evening, the Board of Supervisors meeting for June 10th. Public comments, as a reminder for those of you who are in attendance here today, any public comments will be given from the lectern in the back. And for those of you joining us online via the live stream, you can and are encouraged to participate remotely in the public comment portions of the meeting.

[00:07:46] Please go to the Board of Supervisors webpage at henrico.gov backslash supervisors. Click on Guidance for Board of Supervisors meeting, scroll down to the WebEx event, where our moderator will help you out. We will begin, as we always do, with our pledge and our invocation.

[00:08:02] A special treat tonight, I'm going to turn it over to my colleague with Tuckahoe to introduce a few guests that he has for our pledge. And when we're all set, if you would please join us in standing, if you're able, and remain standing for our invocation, brought to us by Ms. Jeanetta Lee. Mr. Rogish. So, yeah, I'm going to ask the Troop 770 from the River Road Presbyterian Church to stand up and lead us.

[00:08:22] in the pledge of allegiance and then afterwards they'll come up um towards the end go ahead boys

[00:08:40] let us pray heavenly father as we gather for this meeting we give thanks to you for today for all of our yesterdays and every tomorrow i am grateful for the opportunity to invoke your holy spirit your very presence into this space we ask for your wisdom and guidance bless our leaders and the sacrifice of their service help us all to work together with a spirit of unity

[00:09:19] and understanding may all of the discussions be open and respectful and may all the decisions

[00:09:26] be guided by your love we ask this in your name amen thank you miss lee thank you troop seven is

[00:10:12] seven seven zero thank you we look forward to hearing from you guys shortly um moving on on the agenda colleagues is there a motion to approve our minutes from may 27th regular and special and may 15th special meeting motion made by mr cooper seconded by mr nelson those in favor say aye aye any opposed motion carries mr manager mr chair members of board i'm going to ask dexter davis to come forward mr davis if you would come forward please so mr chair members of board

[00:10:44] and those in attendance this june celebrates pride month and we recognize the contributions of individuals from employees to community members and businesses that are integral to the way that we govern live work and play inclusion courage communication leading self leading others and leading the organization are integral to how everyone at the county can ensure everyone in the county can thrive ongoing celebration or celebrations of pride month include programming

[00:11:24] events and information available for everyone. For those interested, please visit henrico.gov to learn more from Henrico area mental health and developmental services, libraries, recreation and parks, and our community engagement office. Now, to bring remarks on behalf of Pride Month, I have invited facilitator Dexter Davis to the podium. Mr. Davis has participated with libraries and mental health discussion panels and hosts multiple trainings for

[00:11:57] mental health and developmental services. Mr. Davis, the floor is yours. Thank you, Mr. Manager. Good evening, Mr. Chairman, members of the board, guests, and attendees. My name is Dexter Davis. I was invited to bring remarks in recognition of Pride Month because of my partnership with Henrico area mental health and developmental services and Henrico County Public Libraries as a facilitator and panelist, providing cultural awareness and communication training and community discussion.

[00:12:27] The significance of including a Black trans man's professional knowledge, insight and guidance has the power to shape how everyone can be seen and valued and would not be possible without Henrico County's inclusive leadership in the recognition of Pride Month.

[00:12:43] It is a testament to the Board of Supervisors and County Manager leadership that inclusion Courage, communication, leading self, leading others, and leading the organization are values of Henrico capability model that underscore the many ways Henrico welcomes everyone.

[00:13:04] Thank you for your leadership and the special recognition of all of the LGBTQIA communities. Thank you. Thank you, sir.

[00:13:21] Any comments from my colleagues? I just want, Mr. Chair, I would like to invite the boys from Troop 770 to come on forward, please. come on down and introduce themselves, tell us what you're working on, where you go to school, etc. I'm Pearson Wright. I'm working for the Citizenship and the Community Mayor Badge.

[00:13:46] And we're from Troop 770, and I'm a rising sophomore at Freeman High School. My name is Charlie Bridge. I'm also a rising sophomore at Freeman High School. My name is Luke Scherer. I go to Tuckahoe Middle School, and I'm a rising 7th grader.

[00:14:04] My name is Adam Ridgway, and I go to Grove Christian School, and I'm a rising 8th grader. My name is Archer Geiger. I go to Tuckahoe Middle School, and I'm a rising eighth grader. All right, good work. Thank you, boys.

[00:14:22] I got a chance to meet with them beforehand and talked about the meeting. Very great questions from the boys, and Troop 770 has a good crew there. Thank you both. Thank you all. Great to see you guys. Dr. Nelson.

[00:16:07] Second.

[00:16:25] Thank you, sir.

[00:17:32] Any other comments? I would just close with a really quick one. Congratulate our nearly 4,000 Henrico County graduates who graduated out of the Sports and Events Center last week. I want to thank our partners, not only with Recreation Parks, with our Sports and Entertainment Authority, our public safety partners, 35,000-ish family members through those doors in three days.

[00:17:53] I would say, colleagues, quite simply one of the key reasons why that building was constructed to graduate our kids here in this county. So congratulations to those 4,000-ish graduates and best wishes on your future endeavors. Seeing no other comments by my colleagues, I'd like to recognize some partners in the media who are here today.

[00:18:13] you so much maggie and enza from coming out with wtvr joelle and phoenix from wwbt tv12 and linden german from pm thank you so much for being here and for those of you who are locked virtually online mr matter mr chair members of board we move into the agenda first item is a presentation agenda item 137-25 is a resolution that recognizes the late mary hayes mullet for her excellent leadership and dedication of the county its residents and community mr chair i believe you

[00:18:52] have to approve this resolution yep it's a resolution is there a motion so it's been a motion made by mr cooper seconded by mr roguish for approval all in favor say aye any post resolution carries all right um mr if you would go down to the podium and um i know that anna mccray sal mulay and michael mulay mary's three children are here but if the whole family would like to

[00:19:17] come forward for this event please you're more than welcome try to present this way i just think it's a little bit easier to face everybody as long as everybody can hear me this resolution i'm honored to read tonight is honoring the late mary hayes moulet whereas mary hayes moulet beloved mother and grandmother passed away on sunday april 6th 2025 and whereas she was a single mother of three

[00:19:55] dedicated towards helping others and whereas ms moulet earned her bsn in 1971 from the medical College of Virginia and is best known for her 37 years of service as an emergency room nurse at Henrico Doctors' Hospital, where she was affectionately known as Mother Mary.

[00:20:12] And whereas Ms. Moulet was the first forensic nurse in Richmond, and whereas during her time at Henrico Doctors' Hospital, she founded the Sexual Assault Nurse Examiner Program, and whereas in 2009, she received a certificate of commendation from the Henrico Police Division for her volunteer service as a nurse for 37 police academies spanning across 27 years.

[00:20:35] And whereas Ms. Moulet volunteered for over 30 years at the first aid station at the State Fair of Virginia, a personal touch for me, I remember that, coordinating volunteers to provide first aid to those needing assistance. And whereas she was known as Maymay to her family and her grandchildren, who were the apple of her eye and for her tenacity with the unruliest of patients in the emergency room.

[00:20:57] And whereas later in her career, she received the HCA First Humanitarian Award for her efforts and was acknowledged as the YWCA Woman of the Year. And whereas Ms. Mullet was an avid baker for delicious desserts, she will be remembered for her love and devotion to her family and friends.

[00:21:14] Obviously, by the turnout here, it's beautiful having you all here tonight. Now, therefore, be it resolved by this Board of Supervisors of Narco County, Virginia, that we wish to recognize the late Mary Hayes Mullet for her excellent leadership and her dedication to this county. its residents and her community be it further resolved that the clerk of the board of supervisors shall prepare a copy of this resolution as a sincere expression of this county's appreciation for the tireless and selfless service of mary hayes moulet signed by myself as chair and miss

[00:21:42] tanya brackett attested to as our clerk thank you all for you we'll get a picture if you don't mind there mr manager members of the board thank you so much for taking this opportunity to honor our mother she was a very dedicated civil servant for all intents and purposes she raised three

[00:22:17] i think somewhat smart graduates of the henrico county school system two of us were fortunate enough to work with the county and we are just honored that you took the time to to recognize

[00:22:29] her so thank you and thank you for your service on behalf of our family thank you all for being here

[00:24:02] mr mr chair members of board uh you would move into your public hearing agenda the first case uh before you this evening out of the three chop district agenda item 101-25 shell brothers with a conditional rezoning request where the applicant is proposing a single-family residential development this would be located at the northeast intersection of pouncy track road and shady grove road uh miss moore i understand that in this case a deferral has been requested to July 22nd correct this sir right sir sure all right thank you are

[00:24:38] there any questions for Miss Moore on this deferral seeing none this is a public hearing is there anyone in the room that wishes to speak to this deferral request on this case sir am yes ma'am yeah you go to the microphone in the back development developments are going on HHHunt people are building in

[00:25:15] front of colonial trail one more development there and there's too much crowded on the roads and once again if they are going to build single-family homes so how much crowd it is going to be my question is the other one is there are two churches are there if they are going to develop businesses there it is good for the churches for example if they want to give some after church if they are going to go and eat if it is going to be a business place it is going

[00:25:50] to be very good. That is my suggestion but it is the decision is made by Henrico County people. So and also I saw on Ponzi Track Road Rayyan LLC bought 47 acres of land. There also they are going to build homes there. The Ponce 295 is becoming very crowded when we are coming from 55 51A Knuckles Road when we are going to take the exit. Everything is going to be very crowded

[00:26:29] when evening five o'clock the offices are going to close time and all vehicles are on the road it is too much how can I tell too much traffic there so if they are going to build many houses there how the traffic is going to be there my question is the traffic is going to increase and another one is I'm hearing right now on Kane road they are building high school there there is a deep run high school is there on Northgate and Road

[00:27:08] I checked there is going to be a development for high school and animal shelter is going to be developed there so all these things lots of see Bakowa village and everything is developed I am so happy Henrico county is becoming richer and richer but at the same time they need to see how many residents need to be built in farmlands and everything. They are constructing lots of houses. There is going to be lots of crowd, but they need to understand the environmental point of view also. They can check and they

[00:27:46] can give permission to the single family residential areas. Thank you so much. Male Speaker: Thank you, ma'am. Female Speaker: Ma'am, thank you for being here. I'm your three-chopped representative. You've made a comment about a lot of potential developments or developments in the three-chopped today on the agenda is just a deferral for the proposed project that's right there you mentioned by the churches and that's being deferred the proposal is to defer that to the next meeting so to answer your question or to answer your questions those questions won't really be addressed today the case is not going to be heard but I would encourage you for that particular project to come back

[00:28:23] to the July 22nd meeting as it will be heard and I'm also going to ask mr. Shippey, if you could stand, and this is our planning commissioner for the 3CHOPT region as well. I'm sure he'd be happy to give you his contact information because you've got a lot of questions about a lot going on in 3CHOPT, and as the planning commissioner representative for our district, he can probably answer a lot of those questions for you as well.

[00:28:47] I really appreciate if I'm going to get the contact number of the person, then I'm going to talk with you. Thank you, Bob. Thank you so much. Thank you. else in the room that wishes to speak to this deferral request anyone on webex no one to speak to this item all right thank you ma'am mr rauncher mr chair i move that rez 2024-102-145 shell brothers be deferred to the july 22nd 2025 meeting at the request of the applicant thank you ma'am it's been a motion made by mr rauncher seconded by mr cooper those in favor say out any opposed

[00:29:23] ayes have it motion carries next mr chair members of the board uh in the varina district 103-25 harsh thacker and dorado capital llc with a conditional rezoning request that would ultimately result in a warehouse miss moore i understand this case has been withdrawn it has sir uh mr chair yes sir um we i think we originally heard this case in april uh yes i think we heard in

[00:29:56] april we had our community members come out and speak planning commission had um encouraged support But we had community members come out in March, and I met with them.

[00:30:12] I mean, in April, I met with them in May. I was going to deny the case, but the applicant asked for us to defer it so that we could have conversation and be fair, being that I met with the applicant. I

mean, met with the community members that I thought it would be fair to at least give the applicant an opportunity to share as well.

[00:30:36] We did talk, and the applicant let me know then, which was like last month, that they were going to withdraw the case. So I'm just saying this because there's some falsehoods out there that makes it seem like this case was only pulled because somebody said something.

[00:30:55] The plan was the community members who are part of the process who live on Monaghan who talked to me know that I was going to deny this case if it wasn't deferred. So I just want to go on record and say that.

[00:31:08] Thank you, sir. You don't need a motion. That's correct. Mr. Newby. There's no action necessary on the withdrawal, correct? That's correct. No action necessary. This case is withdrawn. Thank you, Mr. Chair. Thank you, sir. Mr. Manager. Thanks, Mr. Chair. Within the Brooklyn District, 138-25 is Bijou Matamana with a conditional rezoning request parcel located at the intersection of Staples Mill and Courtney Road, in which case the applicant proposes a single family residences.

[00:31:39] Ms. Moore, deferral is requested here to the August 12 meeting, is that correct? That's correct, sir. Mr. Chair? Thank you, ma'am. Are there any questions for Ms. Moore? This is a public hearing. Is there anyone in the room that wishes to speak to this deferral request on this case? Is there anyone on WebEx?

[00:31:57] I want to speak to this item. Is there anyone here that was here for this case? I'm just trying to shortcut. I'll be reaching out to the folks who have. Sir, I see you. Thank you for being here, sir. I'll make this motion that I move that we, rezoning case REZ 2025-100032, Bijou Matamana, be deferred to the August 12th, 2025 meeting at the request of the applicant.

[00:32:25] Second. But a motion made by myself, seconded by Mr. Rogish. Those in favor say aye. Aye. Any opposed? Motion carries. Thank you, sir. Mr. Mayor. Next, Mr. Chair, 139-25 comes to you from the Tuckahoe District. This is Nader Hodges with a request for a provisional use permit that would allow a restaurant patio to be on a parcel located near on Northridge Road near its intersection with Crest Road.

[00:32:55] Planning Commission voted to recommend approval. Mr. Seale. Thank you, Mr. Manager, Mr. Chairman, members of the board. This is a request to allow an existing outside dining area to remain for a restaurant located on the east line of Northridge Road at the southern end of the Tuckahoe Shopping Center.

[00:33:13] The site is owned B1 Business District, and the patio was originally approved in 2020 and constructed during the COVID-19 pandemic, and was intended to be temporary. Since that approval, another tenant used the patio with no known issues or concerns from nearby residents, and a new restaurant is now in operation and would like to make the patio a permanent feature.

[00:33:32] The patio is located on the restaurant's west side, fronting Northridge Road, and is separated from the building by a walkway that serves as access for the adjacent retail businesses to the south. The walkway would serve and meet any ADA requirements for the use of these adjacent tenants.

[00:33:50] Angle parking spaces are located directly adjacent to the patio, and additional parking spaces are located on the north side of the building and elsewhere in the shopping center, and can accommodate the parking required for the overall shopping center and the outdoor dining. At its nearest point, the patio is approximately three feet away from North Ridge Road and is separated by standard curb and gutter.

[00:34:10] North Ridge Road was recently re-stripped with a bike lane adjacent to the site and would provide additional separation from the main travel lane, which has the effect of moving vehicles farther away from the patio patrons. In order to enhance patron safety, the applicant has installed bollards along the western and southern elevations of the outside dining area.

[00:34:30] The Department of Public Works has visited the site and indicated that the spacing and location of the bollards could be improved. And its current configuration, the southwestern corner of the patio is somewhat unprotected with enough room between the bollards for a vehicle to impact the corner. To address this specific issue, staff has recommended requiring the installation of an additional bollard as referenced in the conditions in your staff report.

[00:34:53] In summary, the applicant has generally demonstrated the proposed permanent patio can be accommodated at this location. The proposed conditions in the staff report for this request are similar to those for other recently approved dining areas in the county. And properly regulated, staff believes the outside dining would be compatible with the surrounding shopping center and other uses, and therefore supports this request.

[00:35:14] The Planning Commission recommended approval of this request at their May 15th meeting. That concludes my presentation, and I'd be happy to try and answer any questions you might have. Thanks, Ben. Any questions for Ben? All right, seeing none, this is a public hearing. Is there anyone in the room that wishes to speak to this case?

[00:35:31] Yes, sir. That mic in the back. Just state your name and your address, and then you can go right ahead.

[00:35:46] My name is Archer Geiger. I live at 300 Ralston Road. I would like to say that as a person who lives in the shopping center, I believe that the local must have outdoor seating to help with its seating.

[00:36:07] Also, safety needs to be the priority of the people who are at said outdoor seating. Thank you. Thank you. Is there anyone else here that wishes to speak to this case? Is there anyone on WebEx? Speak to this item.

[00:36:24] All right. Thank you, ma'am. Mr. Rogish. Mr. Chairman, I did have a conversation with the Boy Scout troop earlier as we talked about it. They know this restaurant, and I applaud the young gentleman who stood up to speak as we talked through the process of what a public hearing was.

[00:36:40] And so thank you guys for doing that. Mr. Chairman, I move that we approve PUP 2025-100-508 Nader-Haguez with the recommended conditions listed in the staff report. Thank you. Thank you, sir. It's been a motion made by Mr. Rogas, seconded by Ms. Rauchery.

[00:36:57] Those in favor say aye aye any opposed motion carries next Mr. Chair staying within the tuckahoe district 140-25 Andrew Ellsbury with a request for provisional use permit under chapter 24 the county code to allow for a trade school on a parcel that is southwest intersection of Enterprise Parkway and Presswick Road. Planning Commission did vote to recommend approval Mr. Seal thank you again. As mentioned, this is a request to allow for a massage school in one of the tenant spaces at 2727 Enterprise Parkway. The site is owned O2 office district, which requires a provisional

[00:37:37] use permit to allow for a vocational or trade school. Surrounding uses include the Enterprise Parkway office building, other commercial businesses, and the Williamsburg Park subdivision. The

proposed H&S School of Massage will be located in an approximately 1600 square foot tenant space, as shown here on Exhibit A. The school would provide a massage education program in accordance with the requirements of the State Council for Higher Education in Virginia to mitigate potential impacts on adjacent office uses staff has recommended conditions with this request these conditions address hours of operation require that all training services performed for members of the public be provided by appointment only and limit this use to the

[00:38:16] tenant space shown in their layout the 2026 comprehensive plan recommends office for the subject parcel although a massage school is not fully consistent with this designation the recommended conditions with this request would regulate the use in a manner similar to other office uses in the area staff therefore supports this request subject to the recommended conditions in your report and the planning commission recommended approval at their may 15th meeting i'd be happy to try and answer any questions you might have thank you sir any questions for ben seeing none this is a public hearing does anyone in the room wish to speak to this case

[00:38:51] anyone on webex there's no one to speak to this item thank you ma'am mr roach mr chairman i move that we approve pup 2025 100585 andrew ellsbury with the recommended conditions listed in the staff report thank you sir it's been a motion by mr roger seconded by mr roundtree those in favor say aye aye any opposed motion carries mr manager next mr chair members of board you move into public hearings other items the first item on the agenda 141-25 is a resolution these are

[00:39:26] amendments to the fiscal year 24 25 annual fiscal plan for the month of june 2025 mr crawford thank you mr manager good evening mr chair members of the board these amendments were introduced at the may 27 2025 board meeting and have been all the legal requirements legal advertisements have been made if approved this resolution would amend the county's fiscal year 25 budget by just over 48 million dollars as a quick overview the general fund would be increased by seventeen point five million dollars with 11 million dollars going towards public safety overtime and hourly salary

[00:40:06] costs there is also a request to increase the appropriation for the hotel motel tax payments to the greater richmond convention center authority in the amount of three million an additional 2.5 million dollars is requested for tax relief payments and then a million dollars is requested for unanticipated facility repairs for the Department of General Services in other funds the special revenue fund would increase by four point seven million dollars three point eight million of that are costs related to the count to the Department of Social Services Children's Services

[00:40:45] Act program and then in the capital budget the total requested amendments is twenty five point nine million and then fifteen point seven of that is state funding for public works projects thirteen point two million of that is for transportation projects and two point four million for stream restoration projects with that as an overview for the board and the public i'll be happy to answer any questions uh there is thanks justin welcome this is a public here any

[00:41:20] questions for mr crawford seeing none is there anyone in the room that wishes to speak to this case is there anyone on webex there's no one to speak to this item all right any questions discussion or a motion for the resolution on the um the amendments so moved second a motion made by mr cooper seconded by mr nelson those in favor say aye aye any opposed resolution carries mr

[00:41:46] Next. Mr. Chair, members of the board, the next four items, 123-25, 124-25, 142-25, and 143-25, the first two are a resolution and an ordinance that the board considered with the Planning Commission at

a special meeting on May the 15th.

[00:42:09] This involves data centers and guidelines for their development and where they may locate. 142-25 and 143-25 came out of those discussions where the board made some suggestions at that May 15th meeting.

[00:42:28] Mr. Newby, before Mr. Emerson goes into this presentation, will you please explain for those that are watching exactly what these two resolutions and two ordinances are and what the expectation is at the end for the board's action?

[00:42:46] Yes, sir. Mr. Chair, members of the board, Mr. Manager, you have before you really two proposals. The original proposal that you discussed on May 15th with the Planning Commission and that, indeed, the Planning Commission recommended for approval. And then you have an alternate proposal that was drafted by staff in response to feedback from the board and advertised for a public hearing this evening.

[00:43:06] They are truly alternates. You would not approve both. At the end of this discussion, you have the opportunity to deny or approve one set or the other, but not both, or to amend if you see fit to make any amendments to the proposals. At heart, these are new regulations for data centers. There's a comprehensive plan amendment, and the original proposal would create an overlay district.

[00:43:26] Inside that overlay district in white oak tech park data centers could continue to be developed by right outside of that tech park and overlay district data centers would need a provisional use permit which is a process requiring public input and specific approval by the board on a case-by-case basis the alternate proposal removes the overlay district and requires a provisional use permit for new data center development anywhere in the county which means again that any new data center development would require approval by this board of supervisors on a project by project basis with input from the public those serves are in mr.

[00:44:02] Chair are the proposals thank you mr. Newby just to be clear resolution 1 2 3 - 25 and ordinance 1 2 4 - 25 is an option and 1 4 2 25 and 1 4 3 25 will be the alternate proposal yes mr. chair well said proposal 1 is the first two items proposal 2 or the alternate proposals the second two items there they come as a package got you thank you thank you mr. manager mr. chair members of the board

[00:44:33] As you will recall you had the board held a joint public hearing with planning commission at Highland Springs High School on May the 15th at that meeting the commission and board reviewed proposals to amend the comprehensive plan and zoning ordinance creating a special focus area and overlay district in the white oak technology park area as well as revising regulations related to data centers After extensive public comment, the Planning Commission recommended the Board adopt the proposed amendments.

[00:45:07] After consideration of additional input from the public, the Board deferred action on both items to tonight's meeting and requested staff develop an alternative proposal removing the proposed overlay district and requiring a provisional use permit for data centers throughout the county.

[00:45:25] That alternative has been drafted for your consideration, along with the two items you deferred at the May special meeting as previously reviewed. So you have four items for consideration this evening, the two original proposals and the two alternate proposals.

[00:45:42] The original two items consist of a comprehensive plan amendment that would create the Technology Boulevard special focus area and adopt guidelines for data center development throughout the county. A map of that special focus area is reflected on this slide.

[00:45:59] The originally proposed zoning ordinance amendments would revise the definition of a data center, add a definition for accessory data centers, create an overlay district called the White Oak Technology Park Overlay District, and require a provisional use permit for new data center development outside of the overlay.

[00:46:18] The amended proposals that were prepared at your request were advertised and posted on the county's website beginning on May 1st. Also includes proposed comprehensive plan and zoning ordinance amendments with several distinct differences between the amended and original proposals.

[00:46:40] Specifically, the amended recommendation would no longer create a special focus area in the Technology Boulevard corridor as shown on the previous slide. The recommended design guidelines would still be incorporated into the comprehensive plan and provide guidance during the review of future data center applications.

[00:47:00] With regards to the zoning ordinance amendments, the proposed White Oak Technology Park overlay that corresponded to the special focus area is no longer proposed. Instead, all properties that are not currently constructed, approved, or vested for data center development would require a provisional use permit to operate.

[00:47:20] Other amendments that clarified code provisions related to data centers continue to be recommended and are contained in the two newer board papers. In essence, the original proposal would have greatly reduced the locations available for by-right data center development in the county, and the amended proposal provides further restrictions by requiring properties in the White Oak area that do not have vested approval to go through the provisional use permit process.

[00:47:50] so in summary you do have the four items in front of you tonight this covers the changes quickly in the board papers in front of you if you have any questions I'll be happy to try and answer them offer also have with me several subject matter experts mr. Ben Blankenship mr. Ben seal mr. Tony gruelick so if you have any questions hopefully one of the four of us will be able to respond to them uh as well as the county attorney of course is available thank you sir this is a public hearing

[00:48:26] a rather large one are there any questions from mr emerson prior to uh public comment yeah a couple of young man yes sir um explained by right again joe just to be clear um right now we are right now manufacturing so it's m1 m2 m3 office i think 010203 and then business i think i remember staff

[00:48:59] telling me that under some business um data centers can go there too if the land is already zoned in those categories yes sir that's correct the data centers can occupy o m and b districts in the county currently in the code the governing governing criteria is provided in the zoning code and someone could come in and file a a plan of development for those sites and of course that would move through the process and plans of development do not go to the planning commission

[00:49:36] or to the board of supervisors because again those at that point their administrative actions So this change would bring those items forward to you unless they're accessory to a larger entity, such as, say, Anthem had a data center, for instance, on their campus.

[00:49:57] We have a data center on our campus here at the county. Those wouldn't require a provisional use permit. But anyone that came in that was just solely a data center would require a provisional use permit that would allow additional conditions to be placed upon it for its development or possibly it could be determined that it wasn't appropriate for that location by the planning commission and recommendation to the board, then the board would have the final decision.

[00:50:25] That's in essence the change. So those standalone ones, those are the ones that we generally think of as hyperscale, I guess? Yes, sir. Yes, sir. So prior to this vote that we're getting ready to take And pretty much over the last 10 years, we have rezoned maybe a few lots.

[00:50:49] But primarily what we have from a data center perspective across the county, primarily in the White Oak Tech Park, has really been by right. Yes, sir. Everything's been by right except for the recent Oregon-Atlantic Crossing case.

[00:51:07] That's the only properties that have been rezoned specifically for data centers. There is one other smaller piece adjacent to the technology part, but it's not a very large parcel. So those are the two rezonings that have occurred. Have you and your team had an opportunity to kind of look at, I know at some point we were talking about looking at just how much acreage in Verona across the county that is un, well, maybe not un, that might not be the right word,

[00:51:45] That is Zone M-1, I mean, Zone M-B-O-O. Do you have any idea? And I guess what I'm trying to get to is how much land do we have that if we don't pass this ordinance, right?

[00:52:05] So ordinance or resolution? Two ordinances. Right. So if we don't pass this ordinance, we are still open to, I would assume, hundreds, maybe thousands of acres across the county.

[00:52:21] We have quite a bit of area that would have a potential to it. I believe it is pointed out in our analysis. A great amount of the property is already developed. As you know, it has, I believe, our document.

[00:52:39] Well, no, I'm not talking about the tech part. I'm just talking the district in general. Yes, sir, and that's what I'm, as far as Verona by itself or the county as a whole. Is that? Yeah, I mean, either.

[00:52:55] But if you don't have it, that's okay. I don't want to get stalled. I don't have it directly at my fingertips. It's in the analysis. And much of the property that's OM&B in the county is already developed. And then beyond that, there's not a great deal of developable land.

[00:53:12] But, yes, there is. There are quite a few acres. I mean, there's still places in Verona that are, that right now could be, you know, that could be by right. I don't know the figure exactly. And Fairfield also has quite a bit of M zoning that could be susceptible.

[00:53:31] Mr. Nelson. Mr. Chair, I hate to interrupt. We do have some figures at staff pool that showed an overall figure just countywide approximately 20,000 acres that's already zoned OM or B. Not to say all of that could imminently be developed as data centers because it may already be developed, it may already be put to different uses, but that's just the raw number of land in the county that is currently zoned for those designations.

[00:53:53] correct but some of it is developed which is that's that's the differentiation that i was hitting out what if um and maybe there's a question for mr newby uh i think the um the current proposal calls for a

200 foot buffer um is that 200 feet from residential yes sir the uh the code amendment itself or the comprehensive plan amendment has guidelines that uh set forth what you would

[00:54:32] Some of the items you would consider with a provisional use permit, and you do have some language recommended setbacks. Any data center building should be located at least 200 feet from the lot line of a residentially zoned property.

[00:54:50] Properties with residential future land use recommendations are adjacent properties. With the provisional use permit process, you'll be able to set that number at whatever you feel is appropriate. It could be more, it could be less. Our recommendations are based on the covenants of the White Oak Tech Park and also the zoning cases that came forward, primarily the Oregon case, where we looked very closely at these.

[00:55:16] Also, there are recommendations for different other types of improvements you'll look for. many things that we do with the plan of development, such as wing walls and things, coming around any type of generators, making sure that the main building is faced where all the generators and things are located behind it, serving effectively as a block for any type of negative impacts that may occur from those from surrounding development, and then other types of landscaping and buffering is what we normally look for but all those are laid out in your comprehensive plan

[00:55:53] recommendations for those amendments to guide the provisional use permit process and then again anything that a particular property may you may look at and say well this property has this feature that is going to require an additional setback or there's a neighborhood closer this may not be appropriate if you found it appropriate maybe you you might say well that's got to be 400 feet or 500 feet so that's a flexible number with the provisional use permit so whatever so i get it

[00:56:28] there's flexibility with the provisional use permit um but generally when we set we don't usually go down um so if we set a buffer for 300 400 500 feet we wouldn't generally go down to 200 feet. So I guess my question is, whatever we consider, if we adjust it tonight, it will pretty much become a standard by which we may measure, but we understand there's some flexibility. So that's what I'm hearing you say. Yes, sir. It's always a guide. And of course, the base code

[00:57:05] has setbacks for industrial uses. Okay. For instance, the covenants for the White Oak Tech Parker on the top of my mind that a building I believe has to be 125 feet from the from the property boundary and then you've got a parking lot has to be 50 feet the Oregon case I believe required 200 feet in some instances I believe it was more so it it varies and of course the setbacks within the zoning code and Tony you might be able to help me out a little bit with this what are

[00:57:39] the normal setbacks in an M1 hold on Joe before you bring Tony up let me I guess my point is tonight hopefully my colleagues and i will set a set standard understanding that we know pu that the pups give you flexibility yes hopefully tonight when we leave here we'll we'll understand that there's a certain standard that we want right sir um i heard i i never heard

[00:58:12] this before because generally we use pups i ask you this but i actually this in public um what's difference between a pup and a special use permit. Can you speak to that? I mean, I heard someone say that special use permits are way more restrictive, etc., that we're using pups so that we can try to finagle our way out of stuff. Yes, sir. That's not the case. That's

[00:58:45] terminology, and you will see different terminology used in different codes. We use the term provisional use permit. Provisional use permit is a permit that flows through the planning commission of the board for final decision. You could call it a special use permit. By the same token, it would be one and the same. Many localities call them conditional use permits. In our case, the Board of Zoning Appeals does conditional use permits because that's the way our code is set up. We also have special exceptions that we do. Some of Those are by the Board of Zoning Appeals.

[00:59:21] Some of those are by the Planning Commission. Some of those are administrative. So it just depends how your code is set up. All those are terminologies for additional opportunities to place criteria onto a certain use.

[00:59:40] So the provisional use permit serves the same purpose. It's just an apple or a rose or whatever you want to call it. All right. So, Mr. Chair, I'm sorry. This will be my last question. comment and question for you. For now, I'll circle back if I have others, which I'm sure I will. So the Enrico County Board of Supervisors amended what was proposed last month. The proposal that was recommended from the Planning Commission and staff was for us to have

[01:00:18] an overlay district at White Oak Tech Park, which still allowed by right development there. Correct.

[01:00:27] The amendment that we asked staff to work on was to take off the overlay district, no overlay district anywhere in Enrico County, thus meaning that every hyperscale data center project that comes forward will now need a provisional use permit, which gives the public, because with BayRite, there is no public hearing, etc.

[01:01:01] With the PUP, now every hyperscale data center case will go through the provisional use process, provisional use permitting process. That means that the Board of Supervisors gets to hear the case.

[01:01:19] Does the Planning Commission hear it too? Yes, sir. So it goes through the Planning Commission, which gives citizens two times to speak to each particular case, which if we stayed by right, it wouldn't have had. That's correct. Now, to me, that sounds a lot more restrictive than it was previously.

[01:01:42] Would you say that us now doing PUPS, if we agree to this, PUPS for every data center case going forward is more restrictive, would you agree with that?

[01:01:59] Yes, sir. Okay. Mr. Chair, I would like for us to consider us expanding the buffer zone from 200 feet to 500 feet. Just want to put that on the record. Thank you, sir. Any other comments, questions for Mr. Emerson before we hear from the public?

[01:02:20] I've got a couple. Mr. Emerson, when the three of us first got elected, I remember going down and being given this really thick book that you had given us about land use for folks like me that, you know, this was a foreign language, essentially.

[01:02:37] And so I never want to take for granted that folks that are listening have any level of, you know, pre-experience with this kind of stuff. And so we throw around a lot of acronyms and words that are probably unfamiliar. And I say this only because I keep encouraging regular folk to listen in and to be involved.

[01:02:58] And I think we want to make sure that we're speaking in vernacular, speaking in language even. There I go. That is understandable. So, and I start that by saying that I think there, you know, people have a baseline perception of what it looks like when we develop land, and there is probably a misconception that we get to weigh in a lot about anything that's built, especially, you know, of a large scale.

[01:03:24] And that's not the case, right? I mean, there are designations, and there's a whole host of codes for the designations that are made, and based upon those designations, something can be automatically built there without any further permission or granting by the county is that fair yes ma'am okay so when we say buy right that's what we're talking about if if this parcel of land is stamped with a certain code that means whatever that code represents can automatically happen and there is no hearing on it that's correct yes ma'am and so um the process

[01:04:00] for land that is stamped one way and somebody wants to develop it to have something else built on it that's what triggers going through a process through the planning commission and the board of supervisors is that correct so um and mr reverend nelson kind of alluded to this as well um there's like the the two layers um and so the planning commission which we all appoint a member of the planning commission and one of us sits on and i i'm on it this year that's would you consider that or agree that that's kind of the entry-level point for residents to find

[01:04:37] out what's going on to ask questions to hear information and that's before it comes to our desk yes ma'am that's that's the first step in the process and many times as you know when someone chooses to request a rezoning as you noted every piece of land in the county has a zoning category within that big book that zoning code there are lists of what is allowed in that particular zoning category and when somebody wants to change it they they have to apply for rezoning and this board's got a policy that essentially requires everybody that comes forward for rezoning to hold a community meeting

[01:05:16] so in many ways that's the first step because you ask the developer if they want their project to be considered you place the onus on them initially you go notify everybody work with staff figure out who what where the area is you need to notify you hold a community meeting on that so everybody knows it's coming and can hear what your proposal is and begin to formulate their thoughts on that so that's a really good point mr. Emerson I'm glad you said that because there may be some that have

[01:05:51] a perception that if there are communications with developers prior to it coming to a meeting or if our staff or your staff more so have meetings with developers that they're doing so to get an edge in. I will put this out there that after I got elected I kind of put the word out for developers that they should make no assumptions about what was happening prior to with my predecessor being that something that was okay with me. And I said you need to talk with staff before you make any assumptions, because it may look dramatically different than what you think will be okay.

[01:06:28] So when you guys are having those preliminary conversations and directing the community meetings to happen, you said that that is -- it's not written in any ordinance or code, but that is the general practice that when a developer calls up and says we're thinking of doing this, they're instructed or strongly suggested to have a community meeting.

[01:06:47] That's correct. and would it be fair to say that oftentimes there are multiple community meetings yes ma'am and so then um when it goes to the planning commission the planning commission as a whole either votes to send it up or excuse me they either vote to approve it or deny it but either way

unless the applicant withdraws it withdraws withdraws it it comes up to the board of supervisors yes ma'am that's correct so when we see on the agenda you know where it says planning commission votes to grant this or votes to deny it, it's a recommendation from the Planning Commission, but it's not the be all end all.

[01:07:21] That's correct. It's a recommendation. Okay. And it's not at all unusual for the Planning Commission to suggest one way and the Board of Supervisors to go another way. That's correct. Okay. So, today what we're voting on or tonight what we're voting on is not any particular data center project, right?

[01:07:38] That's right. So, there's information circulating about specific projects and people that are concerned about specific projects. But to be clear, we're not voting on any one particular project. That's correct. We're voting on what would be considered to be the guiding principles by which we view projects coming forward.

[01:08:00] And so would it be fair to characterize it as whatever is approved is kind of the low standard? It's the minimum. Yes, ma'am. For example, the buffer that Reverend Nelson proposed, if it went through, if it goes through as 200, which is in the proposed document that we have, even still with any project that comes forward, we still could make that \$500 or \$750 or \$1,000, even if it stayed at \$200.

[01:08:25] Correct. Whatever you feel is appropriate through the provisional use permit process. But if Reverend Nelson is now saying even that's not stringent enough, we want to make the baseline \$500, then that is, then going forward, we're putting developers on notice that this is your starting point and any particular project may need to have more than that.

[01:08:43] yes ma'am that's that's essentially the purpose of the comprehensive plan is to put it out there to the development community this is what you're looking for if you come in with a with a development proposal can you talk to me a little bit about um why there might be a need for that flexibility so for example when we talk about a buffer and we say a residential area and i noticed in the language here it doesn't specify i think in the proposal um lot line versus building is that in the paragraph regarding buffers it uh it says from the lot line it says uh 200 feet from the lot line of adjacent

[01:09:23] residentially zoned properties so we're taking it from the lot line versus versus the building itself okay so can you give an i don't want to put you on the spot with creativity here but can you think of um an example of why flexibility when we're talking about lot lines that maybe you've got a lot line here and nobody's building for quite some distance and there might not actually be a structure for for quite some distance why that that level of flexibility might be important well because you may have a piece of property next door that may develop similarly in the future and uh and that owner may not have a dwelling on it or their dwelling it could be several hundred

[01:10:02] acres their dwelling could be far away they may not be as concerned about that you may need that flexibility to get further away from possibly some neg some development that would be negatively impacted on the other side you might need to move it just a little bit so you may want to give a little bit on one side on the other hand you might have a property that's very close to that property line and you might feel like well that's 25 feet or 15 feet off that that line that we're saying

[01:10:35] is 200 you might then want to extend it you know to say that 500 feet on that side you might need that flexibility on the other side if you had a large acreage parcel interstate highway a land feature

that gave you reason to consider that was adequate buffer because of some large swamp or some type of land feature or something that you need that flexibility to be able to make those

[01:11:08] decisions at that time. And that being the case, would those types of very particular details be exactly what would come in front of both the Planning Commission and the Board of Supervisors in a pup that very case by case specific detail yes ma'am all right so what what is potentially being proposed here what is being proposed here is a we're going to in some ways clog up the docket to use trial language to take the time to very specifically look at every case going forward

[01:11:44] that's correct yes ma'am the language regarding generation I was so looking through here I saw I saw the language about generators, which restricts the testing from, I think, 10 to 4, Monday through Friday.

[01:12:00] Is there somewhere in here, and I may have missed it, is there somewhere in here that limits the use of generators to emergency testing? Or emergency backup and testing, I'm sorry.

[01:12:18] This does not include the operation of generators. Testing and maintenance of generators for a data center must be conducted only Monday through Friday between 10 a.m. and 4 p.m. This does not include the operation of generators during an emergency power outage.

[01:12:35] The only thing they would be able to do would be testing and maintenance, would be my interpretation of that, unless there's a power outage, and it would have to occur Monday through Friday between 10 and 4. So, and I don't want to leave it, I want to minimize interpretation as much as possible.

[01:12:56] So if the intent is that generators are only to be running in the event of emergency, and for the testing that is required by the governing body or authority or regulation or what have you, can we include that language specifically and even potentially define what an emergency is?

[01:13:18] You could add a line to it that says something along the lines, in no case shall a generator be used as primary power except during an emergency power outage. You could add some language similar to that.

[01:13:33] That would clarify it. I'd defer to the attorney as well, is what his thoughts might be. Mr. Chair, Ms. Roundtree, I think Joe's first stab was pretty good. I'll work on a little something if the board wishes to consider that. I feel like, and I could be wrong, did we not include some language like that in last year's case?

[01:13:54] That I can't recall. We may have in proffers. But for what it's worth, I think Mr. Emerson's interpretation is a reasonable one, too, if that language were not added. He certainly his interpretations carry some weight legally that if he were to interpret it to mean that you can only use it for testing Maintenance or emergency power outage. I think that interpretation is reasonable and would be a pill and is there any precedent that you're aware of for an advisory board a resident advisory board for data center development no president precedent that I'm aware of of course we have the design review board within the white oak

[01:14:35] tech park which reviews any of the development but that's that's made up of the entities involved i sit on that from the from the county and the eda standpoint in regards to making recommendations along with two other representatives of the property owners within the park so as it stands right now and recognizing we're trying to build in as much community input on each individual

case you're not aware of any existing body that just sits in general to address data center development in the county no ma'am Is there anything about that consideration of developing that

[01:15:13] that you would find objectionable, either you or Mr. Newby? I don't know that I find anything objectionable about it. I think what I would say is that's the role of your planning commission. They're your citizen appointees that you choose, and they review all of the proposals that come to you.

[01:15:31] So they're your citizen board in a lot of ways, and your sounding board, and they make recommendations to you. So while I don't find anything overly objectionable, adding additional layers always kind of slows things down from a development side.

[01:15:50] So there's a balance there, but it's up to the board. Nothing additional. Mr. Emerson stated it well. Thank you. That's all I have for now. Mr. Chair, I have two quick comments. Just staying on the ordinance, Mr. Emerson, just like she said, that all equipment necessary for operating data center must be contained within the enclosed building or screened.

[01:16:13] Again, a solar panel, we wouldn't fall under that. Either way, whatever the case is, we're going to treat the PUP as it is on each of its own merits. Yes, sir. Same thing with number three. It says any water cooling must use a closed loop or recycled water system.

[01:16:31] If a data center company comes with a better system, we can not override the ordinance. Let me clarify something here. The guidelines in the comprehensive plan, those you have variables in.

[01:16:46] They are guidelines. These are going into your code. These become code. So in the case of the screening, you're going to have to follow this unless there's an exception somewhere within the code for it.

[01:17:05] The requirement number three, a data center must be served by public water and sewer. Any water cooling must use a closed loop or recycled water system. That becomes code, and that's what we would be looking for.

[01:17:22] And on the PUP, we could not change that. You could not change that with the PUP, no, sir. And then I have one other question. On your presentation, can you go back a slide or two where the red right there?

[01:17:38] So there are, this was the original proposal. Yes, sir. which does have, there are data centers that are already built there, and there are some pieces of property that already are in the process or have some rights, et cetera, to be built, and even some places that are outside of that.

[01:17:55] Is that correct? Yes, sir, that's correct. And some of those properties will get some letters from our attorney in the next 30, 60 days, et cetera. That's my understanding. Right. The attorney's office and my office are working on those and will actually issue those vesting letters. But we're working on those and have been working on them the entire time. But once the board takes action, Mr. Newby and I have been talking quite a bit about this, we'll probably give it a few days and touch base with the industry and begin to draft

[01:18:29] those letters addressing the level of rights that each property may or may not have in regards to their current activities and approvals. No further. Thank you, sir. Mr. Nelson.

[01:18:46] I'm sorry, Ms. Emerson. I thought about a couple more things. So is there anything in the, where are we with light pollution as it relates to, is there anything in here about light pollution specifically? The light pollution is covered by the lighting section of your code.

[01:19:03] Okay. So you do already cover that within your code. On top of your head, can you remember where we are with that? With the lighting code? Yeah. I'll have to ask one of my colleagues. All right, well, just ask somebody if they don't mind looking it up or something. before we vote on it. It's in the zoning code itself.

[01:19:22] Tony, can you talk about the lighting code real quick and what's required in terms of what's allowed? And the reason I'm asking is I know that's been a concern of some folk about light pollution, particularly coming off of White Oak Tech Park.

[01:19:41] Sure. There's a certain level of lighting that we have. With the new code, we put in place a section that covers lighting and dealing with lighting and spillage and things of that nature. As it relates to a PUP, are we able to make adjustments to what we want?

[01:20:02] Yes, sir. You can add to that. Okay. The code is your base level, and then you can add to it. All right. Well, Tony, if you don't mind speaking to that, but that's the most important thing. I just want to know whether or not with the PUP are we, are our hands held on if we wanted to restrict that even further than what we already.

[01:20:20] You can add to it. Okay. You can't reduce it with the PUP. Okay. All right. Perfect. Yes, sir. So what sections of code or what aspects of the lighting were you concerned about? Well, so we have a standard number by which we measure. How do we measure the light pollution?

[01:20:36] So we have in our section of code, there are minimums and maximums of averages for foot candles, and they're broken down by different types of features within a site. So for instance, if you're looking for something within a data center, there's surface parking lot requirements.

[01:20:58] There are requirements for a parking deck, requirements for exterior stairs or sidewalks. A large building, such as a QTS building.

[01:21:16] Or what did it look like when we had a couple thousand people at the semiconductor building? You know, what was that, Commando or something was the name of it? Mm-hmm. You know, I just want to know whether or not we have flexibility.

[01:21:32] You have flexibility. I've been getting pictures, and I could kind of see how some residents could have some challenges. Sure. The Infineon building, Reverend Nelson, predates our new lighting code. Okay. So that's not the best comparative we could give you.

[01:21:49] All right. But we do speak to quite a bit of shielding, maximum height of lighting standards, spillage, how much candle light can spill over. And it varies for different uses.

[01:22:05] I mean, we've got specifics for athletic fields and outdoor venues for pedestrian areas. So it kind of varies. So the lighting plan has to come in for each one. And you could add additional criteria to it.

[01:22:21] Okay, that's all I want to know. So that's the same thing with noise as well, then, I would assume. So these pups give us the flexibility for every case, the kind of massage, whatever we need to massage, according to where the applicant is trying to go, is closest to residential, et cetera.

[01:22:43] Yes, that's exactly what it does. All right, so perfect. So there are so many different things to consider. so i appreciate it you know i know you know we've talked to some of the um the unions and um you know they're concerned about jobs and i get it um you know the light pollution um you know air

permits we we actually just gave me an opportunity to plug a meeting that we just um rescheduled to June 26 at the Verona library I think we're starting at 5:30 or 6 o'clock we have DEQ coming

[01:23:22] Out speaking to questions about air permits and generators and diesel and all that stuff. And so DEQ coming to speak to that specifically, and that was prompted by Ms. Sharon Klein, who had been asking some very specific questions about that, so I appreciate that.

[01:23:46] I guess the next question, Andrew, may be for you. What's the difference between vesting and grandfathering? Yes, sir. Mr. Chair, Mr. Nelson, vesting and grandfathering are very similar concepts in that they both protect uses that were either approved or began operating prior to a change in the zoning ordinance, which is what's being proposed this evening. Vesting occurs as a matter of law; it's determined administratively or by the courts. Grandfathering, on the other hand, is something that's decided by the Board of Supervisors. For instance, the Board of Supervisors could approve grandfathering language in a case

[01:24:24] Such as this: to say that any data center that was approved for operation before a date, January 1st, 2025, may continue to be operated pursuant to the zoning ordinance as is currently in effect and not have to apply with the new requirements. That would be an example of grandfathering. Conversely, a vesting would simply be Mr. Emerson and I, as required by state law, making a determination when requested by a current data center what rights they already have because they've been previously approved either through a rezoning or a permit or a POD or zoning conformance letter to operate a data center.

[01:24:59] So in other words, they protect data centers that have already been approved or have been operating, but they do so through slightly different mechanisms. All right. Thank you. Mr. Emerson, I think Ms. Roundtree already asked about the resident advisory piece.

[01:25:18] And public hearings, again, generally the applicant will have a public hearing. I mean, the applicant will have a meeting. Correct. And then a public hearing as it relates to a planning commission and a public hearing as it relates to the Board of Supervisors.

[01:25:35] Correct. It would flow exactly like a rezoning. Okay. The criteria for advertising is the same. The criteria for adjacent notifications are the same. Processes are very similar. The use is allowed, but it's allowed contingent upon the issuance of a provisional use permit.

[01:25:58] And the board has the ability, the board and the planning commission has the ability to apply conditions versus with a rezoning. The conditions normally are proffered. Unless they're contained in your code and adopted already, conditions are preset and have to be offered.

[01:26:18] The rest has to be offered voluntarily. With a provisional use permit, you actually can place the conditions on the particular use as to what you deem acceptable. All right, thank you.

[01:26:35] I will hold my comment for the vote. Any other questions or comments from my colleagues? All right. Seeing none, we're going to move into the public comment portion of this public hearing.

[01:26:51] I want to remind anyone who wishes to speak on this case that public comments will be taken from the lectern in the rear. Speakers will address their comments to the board and begin by stating their name and address. Discussion between speakers and members of the audience are not permitted.

[01:27:07] And speakers who have brought printed documents to share with the board are asked to give them to the sheriff's deputy. Actually, the sheriff. Those documents will be included. Thank you, ma'am. Will be included in the record of the meeting. And for anyone who's watching online, again, please notify the moderator that you wish to speak.

[01:27:23] Mr. Chair, for clarity, the board intends to hear all four items at the same time, correct? I'm sorry, Mr. Newby, what was that? For clarity, the board intends to hear all four items at the same time, correct? That is correct. Thank you, sir. We're going to go with the folks who have pre-registered.

[01:27:42] First, there are three. In the order that they registered, I will read them off and we'll go from there. Mr. Wagner, are you in the room? David, good to see you, sir. You can hit the lectern on the back, and then Andrew Heitz, if you're here, you're on deck, and Ms. Rivera, Aileen Rivera, which I think is, I think she's with us on WebEx, and then we will get to the speakers in the room and online. Mr. Wagner.

[01:28:08] My name is David Wagner. As I presented at the last meeting, I grew up in Henrico County and run a small local business called Centra that focuses on industrial and development. Development is unavoidable in a healthy, growing society.

[01:28:25] County planners and developers alike must work to ensure that a community remains dynamic. But balancing environmental stewardship, economic growth, and preservation of character is hard. One could even argue that these three threads are incompatible. New development changed the places once recognized.

[01:28:42] A new library comes at the expense of a wooded lot, but provides a literary escape to a community. A neighborhood replaces rolling farmland, but offers the opportunity of homeownership to many. A distribution warehouse adds truck traffic and emissions to our roadways, but allows for goods to be delivered to our stores and homes.

[01:29:00] For every benefit that a project brings, it will inevitably have some negative impacts. But if we refuse to adapt solely to eliminate the negatives, where does that leave us? Our proposed data center development fits within this paradigm. we began this process seeking to highlight the positives that our project would bring to Henrico County mainly the tax revenue and job creation but also a commitment from our company to further invest in the we also naively thought that our development as previously planned sufficiently mitigated its negative impacts with its setbacks buffers and locations but after hearing the voices of the community during the previous public hearing recognized we

[01:29:37] were wrong the residents of the county deserve more from us we thought what if the threads of development could be woven together to create something better for our community we reached out to the residents who spoke at the previous meeting with the intent of humbly listening to their concerns forming a local coalition focused on best practices for data center development we had numerous phone conversations exchanged emails and participated in a town hall style virtual meeting where ideas were shared to enhance the language of this ordinance the message for most residents was clear we understand that these are industrial zoned areas where development will occur just want it done in the right way as much as I desire to stand here and inform you of the

[01:30:15] unanimous agreement that we reached as a coalition we're naturally not fully aligned on every point but I will stand before you and say that these conversations are just the beginning my goal for Center is to be known as a community conscious developer and that work is never complete we appreciate the

residents who shared their concerns with us we hear you and we will continue to listen to you we want to respect the community that raised us and that has become our home for our project in particular we are ensuring that we avoid recreating Portuguese Road we are proactively increasing our building setbacks which increases the distances from residences and maintains mature tree buffers

[01:30:50] we've heard the concerns regarding truck traffic light pollution air pollution water quality energy bills and opaque data center tax revenue we are committed to working with the community Henrico County and other agencies to ensure that these concerns don't go unresolved above all we will continue to listen we don't have all the solutions I'm not sure anybody does but given the opportunity we will humbly work towards development that meets the ever-changing needs of our county while addressing the concerns of the citizens my hope is that Enrico County becomes a national model for how data center development can be done right my commitment is to be a good steward of this community to listen

[01:31:25] openly and to work together to make that visionary thank you mr. Reitner next is is Andrew hello my name is Andrew when I live on 4303 Pennick Road in the Brooklyn district I spoke last time at the hearing for data centers I'm not to give my whole spiel about that again I will say that I appreciate appreciate the board for having concerns about data centers looking to enact restrictions I

[01:32:02] was hoping that the board would vote last time but I will say that I appreciate that the amendments made for today add additional restrictions I I think that the board has illustrated effectively today how having a provisional, I forget the name of the mail, I'll pop, yeah, the permit, I'm sorry, adds the restrictions and the regulations needed.

[01:32:37] I think I wanted to say that as an Amazon tech worker, I'm the worst thing that can happen in this community. So, I will say that I would, I really, I'd greatly appreciate if the board votes on either of these proposals today, so that we do not end up like Loudoun County.

[01:32:59] Thank you, sir. The final speaker who is pre-registered is Ms. Rivera, Ms. Eileen Rivera, I believe she is on WebEx. Do we have her ready to go? Okay, can you hear me? Yes, ma'am. Okay, good evening.

[01:33:15] My name is Eileen Rivera, and I'm a resident of 1200 Dawson Road in the Verino District. I want to thank you all for taking on this issue of data centers, especially grateful for Supervisor Nelson and Supervisor Roundtree's willingness to accept collaboration from members of the Verina community and of the Henrico community.

[01:33:35] A group of residents from Henrico County came together to review the recommendations by the Planning Commission for Data Center Development, Zoning, and ComPlan amendment. I ask that you please take special considerations to the recommendations that were carefully and thoughtfully crafted by a group of citizens with experience on data centers, including two local members in the data center industry.

[01:34:00] I want to clarify that Prince William has a data center ordinance advisory board. They have been successfully working with citizens, engaging with government and development on data centers. But honestly, even if there wasn't one, to set a precedent, why wouldn't we be the first ones to do it?

[01:34:21] It might even be more efficient to have a board working with a planning, a citizen board working with the planning commission, and we all know how citizens board work. They could be efficient.

Also, to clarify, the planning commission is not always picked by the residents, and I think we have some issues with how planning commissioners are picked in the past and would love to see a good conversation for another time.

[01:34:46] This is a great step forward, resolving a growing burden on our community. Thank you all for the amendments to the original plan. One more thing I would add is to please shrink the acreage in the White Oak Technology Park from 3,000 to 1,500 acres, because 3,000 is a lot.

[01:35:07] And more importantly, please keep the communications with the community. Thank you all for all you've done. I hope this passes. Thank you for your efforts and your time. Everything you've done has been appreciated. Thank you. Thank you, ma'am.

[01:35:24] All right, we'll move into the portion for public speaking folks within the room. If you would head towards the lectern in the rear and, again, state your name and your address for the record. You may go ahead, sir. Good evening.

[01:35:43] My name is Brendan. I live at 6464 White Oak Road. More important than my address, let me start off by telling you that I live close enough to the technology park to hear the sound of 18-wheeler air brakes day in and day out. I see the glow of fluorescent lights from its parking lot, drowning out our starry night sky.

[01:36:04] Every night, I lower a window shade in my room to make it dark enough to fall asleep because of the light from the industrial park behind my house. On my way home from work, I look through a thin line of trees, which barely conceals the backside of multiple warehouses.

[01:36:20] I'm a veteran and a first responder. I have dealt with sirens and chaos on a daily basis for years. I want my home to be a place where I can reset with some peace and quiet, which is why I chose to live in this rural area of Sandston with my family.

[01:36:37] When I look at the industrial developments along Elko Road getting closer and closer, I can't help but feel that my intended way of life is in jeopardy. I see houses a half mile up the road, forced to exchange views of a forest with a sea of lights, parking lots, and buildings.

[01:36:56] I'm not asking for the developments to be outright stopped. I'm asking that you listen to the people who live closest to these monstrosities and help apply the few things that we've been asking for. I'm not alone when I say I don't want to see anything in the tech park from my house. It is not a park. It's an industrial center.

[01:37:15] At a minimum, we want 500-foot tree buffers around the outside of the area, as Reverend Elston suggested. Thank you for that. Businesses should also be required to turn off outdoor lights outside of normal working hours. And future plans for commercial traffic should aim to keep the traffic concentrated to Technology Boulevard and off our small back roads.

[01:37:40] Both tonight, and especially at the May 15th hearing, there's been a great public turnout, echoing many of the same things I just spoke of. There's a petition circulating that has obtained nearly 50 signatures as well. There's no denying the stance of the citizens in this area who you've sworn to serve.

[01:37:57] I hope to see our concerns addressed in the months that follow. Thank you for your time. Thank you, sir. Hi there. My name is Penny Page.

[01:38:12] I live at 10209 Guyana Court in Henrico. And Mr. Chair, I have to start by saying I truly resent anybody trying to take from me my rightful title as the worst thing to ever happen to this community. But really, I think this is good.

[01:38:31] I think you're doing a lot of good things with this. I like that you are building in public input on every development. I like that you're doing this quick because there's a real problem right now. It feels like anybody who wants to build a data center anywhere they want can kind of do it, sort of, right now.

[01:38:48] I think that's great. I do kind of worry that we're not making full advantage of the leverage we have at Sanrico County with this current ordinance. You know, we have – we're really attractive to people who want to build a data center, like really. The available land we've got, existing infrastructure, the fact that everybody knows Sanrico County is really good to work with on permitting and all that kind of stuff.

[01:39:11] And that gives us an opportunity to leverage that into something, you know, we're setting the bare minimum with this. We could maybe set the bare minimum a little bit higher. I know it would be kind of unprecedented, but Henrico is really great at doing unprecedentedly good things historically.

[01:39:30] You know, we've been a leader for the state on wages in the past. We've done some really innovative things on housing. I think we have an opportunity, again, to see an important issue that we could act on in a way that only a county as great as Enrico could. You know, I wonder if we built stronger protections for the environment into this, if we built maybe some considerations for the energy use, the water use, that concerns so many people about data centers, if this might be an even better proposal.

[01:40:01] And like my good friend mentioned, we're going to clog the docket. why not set the standard even higher so we're not clogging the docket with everybody's case. We're only hearing the best of the best. I think it kind of better resembles the character of Henrico County and the excellence that we try to uphold here.

[01:40:19] And I hope that you'll consider it. Thank you. Thank you. Good evening. My name is Adrian Tinsley, and I live on Jamison Place 12129 Jamison.

[01:40:34] And approximately three weeks ago, I was in my yard, and I was weeding, just cleaning up. And all of a sudden, I heard two dogs, and I turned around, and the dogs actually attacked me.

[01:40:53] I fell to the ground, and I'm 71 years old, so falling to the ground is a big deal. So, I called dispatch, and dispatch immediately asked me. Ma'am, I'm sorry to interrupt, but I'm guessing you're here for public comments.

[01:41:10] Is that correct? You're here for public comments, correct? Okay. Unfortunately, we are in the middle of a data center case, so the comments right now are for the data. But I'll tell you what, I will make a note. It's Ms. Tinsley, correct? And I'll let you go first when we get to public comments. I'm sorry.

[01:41:26] You betcha. I got it. Thank you, ma'am. Good evening, Mr. Chair and members of the board. my name is Andy common here on behalf of ralph jackson when i appeared last month for you asked for a little bit of time to be able to sit down and better understand the ordinance i do appreciate that even this 30 days has been very productive for us to be able to talk to the industry experts and those that are most involved in this industry to be able to understand the the benefits and the unintended consequences of this ordinance and i think this is a good policy choice from the board level to have these discussions and

look at this and i think it's an excellent choice from the planning office to present a provisional use permit because as you've already discussed there's

[01:42:06] opportunities time and time again to look at property specific and project specific programs and proposals in front of you be able to make sure that we're meeting the criteria that henrico county is always expected of development with that i would like to piggyback on something that mr roguish had commented on with respect to the technical requirements set forth in the ordinance proposed regarding specifically 24-4328 subsection b that specifies particular requirements for example that any water cooling system must use a closed loop recycled water system one of the

[01:42:43] things that i've been able to discuss with many of my clients is that technology is changing all the time and that it would be good to insert an ability to revise those during the provisional use permit process specifically because technology can get better more efficient and the way the language reads now we're really quite frankly handcuffed to those particular systems and there would be maybe systems out there that we don't even know of mr. Rogish raised a point as well for example with respect to the first part and screening that sometimes we are able to have solar panels for example or other elements that may not have to be screened that are not objectionable you may want to be able to have those as a an exception with

[01:43:23] That's approved by this board to the provisional use. That would be my only comment as you move forward from the standpoint from the technical nature. Thank you for your time. Thank you, sir. Good evening. My name is Monica Hutchinson, and I am the president of Henrico County NAACP.

[01:43:42] I support the board's move tonight. I also caution Henrico residents, especially in the eastern part of the county, from being used as pawns for some in a fight to limit development in Varina. There is a lot of misinformation and disinformation out there, and we need to work through the noise to always get to the truth.

[01:44:00] In a society where we as a whole are relying more and more on data, not going to demonize data centers. But I will speak to the importance of always protecting vulnerable communities from harm. There are some whose main goal is preventing any more development in Varina, which amid a housing crisis is unacceptable.

[01:44:21] This is why ensuring we have a diverse group of individuals around the table working on complex issues like this one is vital to protection of our communities. Protecting our communities from harm is something that we at Henrico NAACP are always looking to do, including the ongoing water crisis, housing crisis, education opportunities, transportation throughout the county, which leads to greater economic opportunities and more.

[01:44:45] The issues relating to data centers are important. We must always pay attention to threats for the issue of data centers, specifically here in Henrico. If we aren't careful, the threat from misinformation will become greater than the threats from the data centers. I urge all concerned, stay engaged, stay focused, and never let anyone, even from within, come and exploit our community.

[01:45:10] Thank you. Thank you. Are anyone else in the room wish to make comments on this case? All right, seeing none, is there anyone on WebEx lined up to make comments on this case? Yes, I have three individuals signed up to speak. All right, thank you, ma'am.

[01:45:26] We're going to start with S. Goodwin. You may now speak.

[01:45:44] Can you hear me? Yes, ma'am. Okay. My name is Stuart Goodwin. I live at 6401 White Oak Road. I appreciate the alternative projected amendment to have pups countywide so that we can all have input into it.

[01:46:06] I also would like to draw your attention to your emails. I had sent you an email of the comments that I did last time, and I also sent to you this today, or maybe it was last night, I sent you the link to the petition that was started on the 30th of May, and 47 people signed the petition for the restrictive covenants or guidelines to increase the barrier to reduce lighting pollution

[01:46:44] and everything else that was addressed in what I sent to you last month. So we know it's inevitable that there's going to be construction. We just want you to be smart and have it make sense and have citizen input into it.

[01:47:06] Thank you. Thank you so much, Ms. Goodwin. Is there another? Can you let the second person speak, please? Yes, sir. Ms. Montrose.

[01:47:26] You can unmute to speak. It looks like it hung up. That's all I have to speak on WebEx.

[01:47:47] All right. And just to triple check, ma'am, nobody else on WebEx to comment on this case? No, sir. And no one else in the room for public comment? All right. Thank you. All right. We have heard the combined presentation, correct, Mr. Newby?

[01:48:07] Mr. Emerson presented all four in totality, right? And this board heard all comments and discussed all four in totality, correct? Now, to be clear, there is an existing resolution and ordinance, 123-25 and 124-25, that was presented on May 15th.

[01:48:26] And there is an alternate proposal, 142-25 and 143-25, that is presented as an alternate proposal this evening. Both of them cannot be accepted. one must be denied or one must be accepted, they can both be denied, but they both cannot be accepted.

[01:48:43] That's my advice. Yes, sir. Correct. And we've adequately completed public comments. So, colleagues, at this time, I would recommend, first, if there are any other discussion or questions on it, but I'd recommend that we take up the first resolution and ordinance, item 123-25, 124-25.

[01:49:02] Take individual votes on those, Mr. Newby, two votes, one on the resolution, one on the ordinance. Yes, sir. That'd be my advice. And then, colleagues, pending that vote, we can address the following one, if that is agreeable to the group. So before any more comments, you want us to just go ahead and deny the first one and then see if anybody wants to say anything before the second one?

[01:49:24] Yeah, I think we're done with public comments on all totality of the cases, the lady who got disconnected. So I take that back, Mr. Nelson. I'm going to go for one more public comment. But then to answer your question, public comment on all four cases has been opened and will be closed.

[01:49:41] Well, I'm talking about us. And then for us, you can discuss at your leisure, and whenever the group is prepared, I'd prefer a motion on the first item, 123-124-25, which was the proposal from May 15th, yes or no. Pending the outcome of that, we would then address the second item, if that makes sense.

[01:49:57] Thank you, Mr. Yes, sir. Ma'am, if you have someone on WebEx, please go right ahead. Ms. Marks. My name is Gray Montrose, and I live at 4300 Eanes Lane in Henrico, Virginia.

[01:50:13] I'm a resident of the Verana District. I would like to thank the board for its action on this matter, but also to express my concern and dismay that this was left so late. The community brought you these concerns starting years ago, and there were many discussions in the lead up to the Horrigan rezoning about how Henrico's permissive regime for hyperscale data centers, which at least two of our sitting supervisors voted to approve in only 2021, only a couple of years ago, would allow any property zoned M1 to construct these enormous polluting facilities by right. It was disheartening to learn from press reporting that the Henrico

[01:50:52] Economic Development Authority were still encouraging the development of hyperscale data center projects at least as late as January of this year, January of 2025, specifically the Centra project that was discussed at the Fariva Manufacturing Center on Darbytown Road. 200 acres of data centers and dozens of boxcar-sized diesel generators across from a school, and neighborhoods with hundreds of residents in a majority-minority community already bearing the burden of generations of environmental pollution, cancer, asthma, heart disease,

[01:51:28] thyroid disorders, and a host of other health problems from years of air, water, and soil pollution. The Centra Project, the Fariva site in particular, the Fariva site itself, has been subject to EPA enforcement at least twice for serious contamination, and that's something the community pays for for years. Mr. Emerson and Mr. Newby's careful discussion of vested rights seems to make clear that the Centra project on Darbytown Road will go forward, because there's every reason to believe that a project encouraged by the Economic Development Authority in January, and with a plan of development filed in April, will be vested. 200 acres more of a burden on the Verona community

[01:52:07] because it seems the board and the EDA aren't on the same page, and this ordinance is too little too late for our neighbors on Darbytown Road and for all the kids who attend the three Henrico County schools on Messer Road opposite this site. Again, I'm grateful for the board's efforts to deal with the serious issue of reckless hyperscale data center speculation. Many of these folks come in here, they don't live here, they're not from here, and they just want to flip a site to one of our big area operators like QTS, which is exactly what happened in the Horrigan case when they

[01:52:42] promised the moon and then flipped it to QTS for double their money in six months. I remained saddened that this ordinance came so late, and I urged the board and future to listen to the community first and their wallets last. Thank you for your time. Thank you, ma'am. Just to be clear, ma'am, that's the last one on WebEx. One more individual to speak. All right.

[01:53:09] Zaire Smith. Zaire Smith, but I'm using his one. But I think that Enrico County should enforce anti-bullying more because a lot of times at school, I see people getting bullied and made fun of.

[01:53:32] And I don't think it's great. And I think y'all should put more money into hospitals because I see people that need help, but they don't got the money for. Hey, ma'am, can you let that guest know that we'll come back in public comment for that yes sir will do thank you very much and that's it for data center comment yes sir all right and again no one else in the room so mr. Nelson we're back to where we were a minute ago we will close public comments I'm glad that we got the disconnected individual

[01:54:08] reconnected and at this point time I certainly want to open the discussion for my colleagues on the cases and then if and when anyone is ready I would again like to take up items 123 25 and 124 25 with separate motions which is again the item that we were presented with on May 15th I have a mr. chair I

have a question so I am in support of a resident advisory board however I think we may need to flesh that out a little bit as to what that looks like right as far as

[01:54:44] the composition and those kinds of things and I'm not prepared to I don't we are prepared to flesh that out is there a way or does it need and i'm saying this on the record i am committed to a resident advisory board does that need to be addressed tonight or can we you know provide assurances that we're going to talk about that happening and certainly i'm one of five but how can we do that without having like the specificity of what that might look like ready tonight mr attorney mr attorney can answer thank you mr chair miss roundtree i think an appropriate

[01:55:23] course of action for an advisory committee first of all the board has discretion to appoint any advisory committees it deems appropriate advisory boards we've done plenty in the past and it could do so here you're correct that we would typically do that after some thought and particularly having appointments ready to go you know we would say what the board is what they do and then make the appointments typically uh it's not something that would go in the zoning ordinance or in the comp plan. It would be a standalone resolution typically. So no, you don't need to do it tonight. If the board were to direct staff even informally to prepare something I'm sure staff could. Thank you for that. Thank you ma'am. Any other questions, comments,

[01:56:02] discussion? Is this the time to, so I would like to include the language that we discussed about the generators. So just some guidance as to when to make that amendment. Yeah, my guess Ms. Roundtree, Mr. Newby, correct me if I'm wrong, but if What'd you say about the generator?

[01:56:22] So proposed language, generators for a data center must not be operated other than during emergency power outages and for testing and maintenance. Can we add that to this? Yes, Mr. Chair, Ms. Roundtree, members of the board. I think the issue is a matter of timing. I think the chair is hoping that we address the old items, the original items, either through approval or denial, and then do amendments to the alternate proposal, which is, I'm hearing, I get the sense that's what the board would like to consider approving this evening.

[01:56:50] So I can make a motion to just deny the first two, and then we can talk about what that happened. That's what I'm looking for, because I do get the sense that the board is more interested in the second one. And then, Mr. Nelson, I was going to come back to your language, requesting the buffer language, and then, Mr. Roundtree, language, addressing the generator line.

[01:57:08] So I move. We need to do them individual, though, right? Yes, sir. I move that we deny 123-25, that resolution. I move that we deny. Second. Been a motion made to deny Resolution 123-25 by Mr. Nelson, properly seconded by Mr. Cooper.

[01:57:28] Those in favor say aye. Aye. Any opposed? All right. That case has been denied. Mr. Newby, does that suffice for judgment on 123-25? Yes, sir, it does. All right. Moving on to the Ordinance 124-25. Is there a motion? I move that we deny the Ordinance 124-25.

[01:57:48] Second. It's been a motion made by Mr. Nelson, seconded by Mr. Cooper, to deny the ordinance 124-25. Those in favor say aye. Aye. And he opposed. All right, that motion has also carried. Mr. Newby, is that satisfied with those two cases? Yes, sir. That leaves the alternate proposal, the remaining two items.

[01:58:04] All right, I'll bring my colleagues' attention to 142-25 and 143-25 and open the floor back up for a discussion on those items. So I'll make the motion. I just want to make sure that I'm making it correctly and then whatever comments that we had.

[01:58:19] I know I would like to see the recommended setback move from 200 feet to 500 feet. And then we need to, I guess, Andrew, if you can write that correctly. I know Misty has something.

[01:58:34] And, Jody, do you have something? I just have one comment. But do you have anything to add to the amendment, I guess? And then we all can comment before I make the motion. Sorry, yes, sir. Noted on the adjustment to 500. And I would suggest that we make any conversation or discussion on the amendments.

[01:58:54] Then when a motion is made, we will note to include the amended language that was on the record discussed today. Is that all right, Mr. Newby? Yes, Mr. Chair. So the sequence I would propose is if someone wants to amend the proposal for the comp plan, that they move to amend it by, for instance, changing the buffer from 200 to 500 feet.

[01:59:12] Then the discussion is held and then a vote on whether to amend the proposal. And then the board can vote to approve or deny the amended proposal. Can do, and can we do two amendments at one time or individual votes on each amendment? You can do multiple amendments at one time, yes, sir. So, Mr. Nelson, your amendment, I think, as you just stated, has been noted you'd like to adjust the buffer to 500 feet.

[01:59:32] Yes. All right. Mr. Ruggish? Just a question for my colleague. That's not in the ordinance. That's in the comp plan recommendation. So we could, in fact, I don't say we change that on the PUP, but that could be changed through the PUP for whatever reason.

[01:59:51] correct is that correct that is correct yes sir any question on that particular issue I'm okay so I am gonna propose this amendment as far as the comment about the I think it's well posited the limitation of the language regarding the water we certainly want to leave open possibility for improved systems so is

[02:00:28] there a suggestion for a way to address that so that we're not limited to what's there mr. chair miss roundtree yes when we get to the zoning ordinance amendment proposal i can help the board with a motion to amend that proposal to allow effectively an alternative cooling system to be approved and through a pup so we're currently in the comp plan amendment when we get to the zoning ordinance i can provide language to to do what you're proposing mr roundtree this is extremely confusing procedurally but okay thank you keep us straight Mr. Newby. In that case, wait, so we're comp plan

[02:01:07] or warden? We're still on comp plan. We're still on comp plan. We're not making an amendment. We have an amendment request by you to adjust the buffer to 500 feet for the resolution on the comp plan. Right. And then I think Ms. Roundtree has one.

[02:01:23] Can you clarify if that's on the buffer on the setback, the 500 feet? Because the buffer is 100 feet. That's item number three setback 200 feet on number seven i think i'm looking i think i think it's the buffer that i'm thinking mr emerson can you shed some light on that yeah yes sir that's the the terminology again does get does get confusing the 200 feet is in the recommended setback that's the setback of of any say hyperscale data center from residential property line the buffer is is

[02:02:03] different because the buffer would be contained within that 500 feet and what the buffer is speaking to a buffer of at least 100 feet to include vegetation equivalent to a transitional buffer 50 should be utilized to screen the data center from adjacent residentially zoned properties so if you move that to 500 feet what you would be recommending to the development community to be considering if they made a proposal to you because you're going to go back to these and look at them and into the commission that they consider no less than 500 feet from a residential

[02:02:39] property line unless they could make some some really really strong argument or convincing discussion regarding that but within that the buffer 100 feet of that would be a vegetated buffer that is required so they're two different things one's contained within the other so it can be confusing. The recommendation is the TB50, which is a pretty strong transitional buffer.

[02:03:08] It's contained within your existing zoning code. You can always, through the provisional use permit process where necessary, we normally require landscape plans that we look at very closely during the construction process to come back and be approved after construction begin so we can we can supplement and make those stronger than what many times what's recommended so you can always adjust that with conditions within the provisional use permit so the recommended amendment would be considered to be moving the setback right the number seven hundred to five

[02:03:45] under number seven yes sir number seven but that's the residential buffer yes sir okay that's what it is well that's residential setback again the buffer another terminology gets really confusing Yeah, you're confusing me, Joe. I'm sorry. I apologize. I want the 500-foot residential buffer.

[02:04:02] That's what I thought. I just wanted to clarify. Then, Joe, while Ms. Roundtree is finishing that. So, numbers, okay. Is her proposed amendment in the comp plan, or is it a zoning?

[02:04:19] Her proposed amendment is in the comp plan, and if you wanted to, you could also add within the comp plan the desire of Ms. Roundtree for the establishment of an advisory committee, then it would be in your comprehensive plan amendment if you wanted to add that as a guideline.

[02:04:41] Mr. Honolulu, we hear your amendment request with regard to the generator language. You comfortable that the attorney and Joe have heard it on the record clearly how that's written? Regarding the generators, so yes, that's the ordinance. That's in the zoning ordinance. That's the next one.

[02:04:57] Yes, sir. So to this one, currently the only amendment that's necessary for the comp plan is the one Mr. Nelson brought up about the 500-foot setback to the residential buffer. That's the only amendment to the comp plan that's been proposed currently, sir. More discussion on item 142-25, the resolution for the comprehensive plan amendment.

[02:05:20] I just want to make a comment. I just need to get this out of the way so once we make the resolutions, because I feel like the resolutions and the ordinance may end up, I just want to make sure we get that part of it right. I just want to go on the record and say two things.

[02:05:38] First of all, I understand that there is some confusion that we really haven't talked about tonight, that in Ricoh County, like many other counties across this country, they're focused on bringing in the industry of data centers.

[02:06:02] Like, we don't apologize for that. Ten years ago, I remember being at the state capitol when Mehta first committed to coming here, And I was a part of the groundbreaking and all of that stuff. I was

excited that MEDA was coming.

[02:06:21] At that point, I didn't understand everything that went with data centers. I didn't. But I was excited that they were coming to our community in 2017. And, you know, QTS, when Commander left and thousands of people lost their jobs and we didn't really know what was going to happen there, and then the data center industry was developing, and somebody went into the building.

[02:06:52] I own that, and I own voting last year for the rezoning of QTS, the rezoning of the property that QTS purchased. And I own it, and Gray Montrose's comment about money in our pockets, please know none of us up here are benefiting financially from this decision.

[02:07:21] You know, I just think that is such a wicked statement to say. I voted, and I'll tell you the reason I voted, and I stand on it, because I was thinking beyond just that particular property.

[02:07:41] I was thinking about a housing crisis, and I was thinking about us being transformational. \$60 million toward buying down mortgages and making homes more affordable.

[02:07:57] I don't apologize for that. If I had to make that decision again today, I probably would. \$5 million in solar, \$5 million in solar came out of that case. And so I understand that not everybody agreed with me.

[02:08:15] The main reason that I am behind this buy right now, eliminating buy right now, is because data center movement is moving outside of the tech park. Whether we want to agree or disagree, we can argue about the point of the tech part.

[02:08:35] Henrico County created it 40 years ago, and so it was for a large industry. We recruited people to come here for that. And so the proliferation of it is now spreading out beyond that particular center where we are focused on that industry.

[02:08:57] And the Verona District is over 50% of the county. If we don't do this, we'll have data centers everywhere in the district where there's M-D-O-O.

[02:09:13] So that is why I am doing that. So, and I respect the many of you. And, you know, I got so many people texting me, don't let one person get up under your skin. I get it, because many of you, particularly for those of you who are environmentalists, you are coming to me, and I hear you, and I want to continue to work with you.

[02:09:37] For those of you who are not here, maybe listening online, we want to do the right thing. This is why we're here tonight. So what we are doing tonight is a good thing. I don't care what anybody tries to say about it. This is a good thing tonight. So I just want to make sure I go on the record and say that.

[02:09:55] And, you know, I mean, just to continue to try to make it seem like we're just some crooked people is just horrible. And I hope that people are hearing this type of foolishness. The second thing, I do want to apologize to those like Centura and others who may be confused.

[02:10:21] I openly said last year that I did, after the QTS case, I didn't want to have anything else to do with data centers. I said it. My colleagues heard me say it. It's on the record. Yet, our staff didn't get the message sometimes, I don't think.

[02:10:40] so i'm sorry that you are you got to this point where you felt like this is what we wanted so um what the pup cases mean is if you guys want to come first of all i'm you know no disrespect to you but you

will have to do a pup if we pass this tonight so regardless of what the other person said that we're gonna grandfather you in we're not all right i'm just gonna be honest we're gonna probably approved this and you got to file a book that's unfortunate that you had to get to this point but I'm just being honest with you but I do I do

[02:11:18] apologize to any of you all in here there wasn't there was miscommunication between what the board of supervisors wanted and what was being betrayed so I just want to go on record and say that any other comments or discussion on the ads well I consider this I just want to again be on the record of saying I want affirm my support, economic development, because of its importance for job creation that positions

[02:11:54] our county as a hub for technological investment and advancement, as well as regional growth. We have a duty to ensure that innovation, growth, and accountability go hand in hand. I believe it's equally vital to prioritize community well-being through public transparency, inclusive decision-making, and a commitment to environmental justice.

[02:12:18] It's important for me and I know for us to balance these elements to ensure that the benefits of data centers do not come at the expense of local health resources or equity. I just want to reaffirm in the delegate balance that we have to strike, and I think that we are trying to do so. We're not saying that we don't want data centers.

[02:12:34] We just want to make sure that they're at the right place. So, thank you, Mr. Chairman. Thank you, sir. Mr. Chair, I feel really good about how this meeting has gone, and I'll be honest, I had a pit in my stomach about it because you know of what was leading up to it but this dialogue is exactly what should be happening it's respectful it is informative it is representative it is inclusive and and we are committed to having it it go forward and you know this is how government should be

[02:13:10] functional it doesn't have to be fireworks all of the time but just civil discourse happening and you know I just I couldn't not say it that I'm really proud of the work of all of the stakeholders and people that are interested and invested in what we're doing in this area it invigorates me as a local elected representative to know that we are you know functioning in this way in this county because of the involvement of people who may come have different perspectives but they're really talking about it in a productive way and then in the work

[02:13:48] of staff and I say this and I you know applaud Reverend Nelson for his words about how we got to where we got in this particular instance and you know it's not easy to say we so much of what we do was on the backs of the work of staff I mean bar none we have the best staff you know in any locality um and it's not easy to say that there was miscommunication or anything like that because we we don't want you know in-house stuff out there so and i know that that was hard for you to say reverend nelson because you've been working with staff longer than than any of any of the rest

[02:14:25] of us elected and so it is not to say that you know anybody is being thrown under the bus or anything but that's just the reality is that sometimes that happens and we own it and we We move forward, and we figure out a way to avoid those things going forward so that we are operating on the same page and in clarity and transparency, and so I feel good about the work that we're doing in this area, and I am really optimistic about Henrico using this moment to be a leader, somebody else to being a leader in this area as we strive to do in all others.

[02:15:01] So just kudos to everybody that's been working on this thus far. Thank you, ma'am. Any other discussion? If there is no discussion, the next plausible action would be a motion on Resolution 142-25.

[02:15:17] So is this the one we are amending? Yes, sir. So go ahead, and I'll make sure we get it clarified. All right. So I move we amend Item 142-25, titled Resolution Comprehensive Plan Amendment Data Center Objectives and Guidelines by changing the recommended setback on the last page of the document from 200 feet to 500 feet and by making sure, help me, help me, what y'all doing, help me out.

[02:15:49] Because we're doing the generator thing, right? No, sir. Oh, okay, okay. So this is it then? Okay, all right, all right. So recommending a setback on the last page of the document from 200 feet to 500 feet. There's been a motion to amend Resolution 142-25 as written to amend it as has been read by Reverend Nelson.

[02:16:15] Is there a second? Second. Motion has been made by Reverend Nelson to amend the resolution, seconded by Ms. Roundtree. Those in favor of the amendment, please signify with an aye vote. Aye. Any nays? All right. The ayes have it. And Resolution 142-25 has been amended.

[02:16:33] All right. so so now now mr nelson you may as amended i now move approval of item one two uh 142-25 as amended second all right it's been a motion to approve resolution 142-25 as amended this evening seconded by miss roundtree those in favor say aye aye any opposed resolution carries you move on to the ordinance which is the rezoning details mr emerson you're standing there do you have anything you want to add to this on how on the amendment no sir i'm just here to answer questions you're standing there standing there like you might have wanted to speak no sir i have nothing to

[02:17:09] add unless you have a question to me mr newby do you have guidance yes sir mr chair members of the board i've heard two possible amendments one for the generators and one possibly to allow flexibility on a cooling system to be modified through a provisional use permit and i have language for both of those items if you if you care i could read it in the form of a motion and someone could could move that if they'd like just one question mr chair so changing the hours of testing the generators would not be part of that amendment i would assume that's correct that's an ordinance and i i only throw this out as you i don't want to preach but as you taught us to talk about these

[02:17:49] things um you know between 10 and 4 that is normally when people would like the generators to be tested but if it was close to a building that operated between 10 and 4 and didn't operate on weekends would we have want to have a change at all so you think if it's close to a school where there are kids between 10 and 4 and not there on saturday and sunday this does in fact limit us to this particular hours for a generator we cannot change this through a pub is that correct i'm okay with that i just want to make sure that i understand that is correct

[02:18:25] unless you wanted me to include language allowing flexibility through the pub which i could do if i just want to make sure i was clear and understood. You are going to change it for, you're going to read us something on the water cooling system. You're not going to read us anything on the enclosed building screened opaque walls.

[02:18:46] I guess that's just to minimize transmission of sound. So solar panels, assuming they're silent, would not fall into that category. I wonder how Mr. Emerson would interpret it. Your question again is on the solar panels.

[02:19:03] On the solar panels, I'm going to just read this. All equipment necessary for operating the data center must be contained within an enclosed building or screened by opaque walls to minimize transmission of sound. So a solar panel would not have to be enclosed because it's because of sound or?

[02:19:20] It wouldn't have to be enclosed because it's not necessarily, it's not necessary if you're operating the data center. It might be supplemental power, but I wouldn't see that as being enclosed. What this is speaking to is it even goes on to it's got to generate noise, as you noted, equipment for cooling and ventilating, as well as emergency power generators and other emergency power supply equipment.

[02:19:47] And so the way I would interpret that is that is aimed at screening things on the rooftop. It's meant to screen items such as generators and things that surround the building like we do now with wing walls and blocking it with primary buildings and things like that.

[02:20:05] So that's what this is meant to do. We wouldn't, I mean, by the virtue of what they're trying to accomplish, I don't know that screening solar panels is something that you would be able to do and they still function as they should. Would it be, I hear your point, Mr. Rogish, would it make sense to say instead of all equipment necessary for operating the data center, all equipment which emits sound?

[02:20:34] Because, I mean, that's specifically what that is supposed to get, right, to minimize transmission of sound? Well, it's either sound and or visual. If it was a windmill that was producing, that would not maybe sound, but visually, it would have to be behind the, but then it would not work as a windmill if it was behind a buffer.

[02:20:56] It's primarily for sound attenuation, certainly, but also line of sight view of some things on roofs people don't necessarily like to see, so we like to try to screen those as well. I'm okay on the language. I just was questioning we cannot change this. That's what I wanted to verify.

[02:21:18] I wouldn't interpret this to mean that it would cover solar panels unless for some reason there was a need that it needed some type of screening because of proximity to some residential use or something like that.

[02:21:35] And that would be something we'd work out with site plan. So it's in the minutes that we are interpreting and we understand that this, even though I said I don't like interpretations, but this is pretty fairly clear that we know that this is not applying to solar panels. Yes, ma'am. Mr. Newby, I'd like to take you up on that offer to read the language that you have summarized from the discussion to see if it meets agreement.

[02:22:00] Thank you, sir. The motion would be to amend the alternate zoning ordinance proposal identified as item 143-25 by replacing the current language in proposed section 24-4328.b.2 with the following, and this is for the generators. Generators for a data center must not be operated other than during emergency power outages and for testing and maintenance. Testing and maintenance of generators for a data center must be conducted only Monday through Friday between 10 a.m. and 4

[02:22:34] p.m., and then by replacing the current language in proposed section 24-4328.b.3 with the following, and this is for cooling. A data center must be served by public water and sewer. Any water cooling must use a closed loop or recycled water system unless another cooling system is approved for the data center as part of a provisional use permit. Thank you, sir. Any questions or comments on Mr. Newby's summary that meet everyone's expectation? All right, any other further

[02:23:12] discussion on the ordinance, on the amendments that we will be voting on first? Any other discussion on amendments. So I'm clear. I think somebody needs to actually move. Mr. Newby cannot make that motion. So I move to amend the ordinance as for the language as cited by Mr. Newby.

[02:23:30] Second. All right. It's been a motion made by Mr. Rountree, seconded by Mr. Nelson to amend ordinance 143-25 as stated by the county attorney. Those in favor say aye. Aye. Any opposed? All the motion to amend the ordinance carries any other discussion on the ordinance itself all right seeing none is there a motion on the ordinance itself so move the motion i mean so move the um ordinance as amended but a motion made by mr nelson seconded by mr cooper to approve

[02:24:04] ordinance 143-25 as amended those in favor say aye aye any post all right that ordinance carries as well mr manager i think that closes up public hearings and other items it does mr chair you would move to public comments i think you had i do two individuals that had uh spoken ma'am in the back miss tinsley you get to go first ma'am while miss tinsley is taking the mic if we could line up any public comment folks on webex we will take care of the the room after miss tinsley and then we'll

[02:24:42] head to webex ma'am you're up um as i started saying about three weeks ago i was in my yard weeding and I heard this noise and I turned around and these two dog schnauzers were they attacked me knocked me to the ground and they were not on a leash and so tonight I just really would like some type of clarification what the process is because that was the third time that the dogs

[02:25:18] attacked me um and so i called dispatch and dispatch informed me that someone needed to come to my house and take a report and she asked me if that was okay and i said yeah but i also said ask her if they could do it over the phone and she said no that they really needed to come to my house so um i received a call from an officer and um he asked me if i was all right and i said

[02:25:52] yes and um he said that he was going to go to the neighbor's house because the dogs did not they were not on a leash and um so what really surprised me was the process because the officer never came to my house he went directly to the neighbor's house and um he did not write a report so I called uh dispatch again to find out why um the officer did not come to my house and she said

[02:26:29] she didn't know um but she was going to have him call me back he called me back and said that um the only way they write a report is if i'm injured or i'm killed and so i just need to understand what the process is because um the dog has attacked me three times and according to my hoa president this um the dogs um actually rushed for other people so i just need some clarification

[02:27:04] mr chair if i could suggest um we've got folks from police that actually if you would just talk to that gentleman that's coming your way. You've got the chief and Ken Burnett. But for members of the board, we have been having discussions internally. We've not brought anything to you yet regarding dogs running at large in the county. So this is a conversation that we're having internally as a staff. But that's Ken Burnett right there, ma'am. He will help you, okay? Okay, thank you. Thank you, ma'am. Does anyone else in the room wish to speak during

[02:27:43] the public comment portion of tonight's meeting seeing none is there anyone on webex ma'am i have one individual mr harvey to speak yes ma'am mr harvey you can speak uh yes this is uh commander harvey american legion 233 i'm gonna give a quick brief i learned a lot tonight watching all that's

[02:28:15] been going on i live at 7817 king eider um 23231 it's a brief update on what we're doing to bring the community together it seems like some of the stories that have been told here tonight we need a baron

affair we need complicity to figure out how to come together and do the great things that you folks actually taught me tonight i'll just say this we're still on the move i'm going to briefly let the county manager and the uh barata board members know that that's exactly what we're doing

[02:28:54] So through the great leadership of Mrs. Montgomery at the rec center on Burnham, we discussed some dates of what we call solid dates that start this fair off. So the fair will sort of start off with an open Henrico job fair at that location, And that would be September 26th at 2005, between the hours of 5 or 10 and 5 p.m.

[02:29:27] To lead on to that, the following day, September 27th, we will be working with the offices of Dury Park, where they will allow us to use some of their facility and facilitate the fair itself. So we've got a lot of work to do.

[02:29:43] I think the question has always been, are we going to grab too much? Are we too large or what are we doing? I've tackled a lot of the energy that's going on out there in terms of the schools, the businesses, and started talking with folks to figure out how we're going to go about doing it.

[02:30:03] So let me just say this. We had Mr. Cohen, Vice President of the CNF Bank, talk last time we was there. It was May 27th. Got a lot of hearing back from the public. And I'll say that with Mrs. Ava James, Enrico Citizen, she's already interviewed about eight to nine people and maybe even more.

[02:30:28] I gave her a bunch of information about the community and how we figure into the process. And I just want to commend Reverend Nelson, because as a pastor myself, our hearts, they're ringing for something new.

[02:30:49] And I think that the new is what we're doing right now. Let's do a fair. Let's take a look at what the reason why I put CNF bank manager up so we can talk about it. Since then, we moved in with New York Light. Sharon Johnson is on board.

[02:31:05] Tech for Troops. Mr. Mark Kasper is on board. Scout Troops 500, 501, 500 is the young ladies, 500 is the young men. I spoke with some folks based on my service, though. Patriot Prawl's service dog organization is going to show up.

[02:31:23] They're going to put some people on the ground to show folks how a service dog is really supposed to act. Now, when we look, I hear the story tonight about the dog's taking an attack. Everything is about reinforcement, reinforcement. You know what kind of dog you've got to train or otherwise.

[02:31:38] You need to get the dog on a leash and make sure the dog is not facilitating charging on anyone else. But what I'm going to say from there is our action that we've taken requires that we look at safety issues.

[02:31:54] So I'm going to just outline a few of them. I'm looking at the police department, the life fire department, sanitary issues, water issues, cooling tent, because around the time that we're going to be doing some of this, we'll probably need that.

[02:32:09] So I'm going to ask that the county manager and Mr. Nelson put forth an appointment so that we can come down. When I say we, I want to bring some of the leaders that's going to be helping me point the direction of how this fair should flow.

[02:32:26] So we're not going to buy those too much because it's going to happen again the year after year after year. And I can just tell you from the actions of the board this afternoon and my lessons that I've

gotten, I know I'm doing the right thing. And so I ask that we prepare to have the county manager and have some of the board members come to Varina and let the community know this is a fair that is going to make some changes, change some hearts and heal some people.

[02:32:57] And if you come out there, I will reach you with some of my staff and we will talk about, you know, the amount of land we're going to need, which I'm going to stick to 0.5 to about two acres of land or two miles, I should say, between Dory Park and the rec facility.

[02:33:15] It's all locked in. So you got the dates. We'll give you more details. I'm hoping to hear from you soon. And we get down there and start talking to you more about exactly what we're doing. I'm happy that the county manager has given American Legion 233 to go ahead and move forward where we're doing.

[02:33:34] And I'm doing it with God's intention. And the fact that putting people together is a restless job. So I heard you, Mr. Nelson, Reverend Nelson, I should say, one reverend to another. Let's continue to beat the streets, the community, and see how we can pull that together.

[02:33:56] When things like what's going on tonight, the motions that you folks are making, if we change their heart, get them more involved, we'll see things happen. And lastly, I would say the school institution has done a great job of working with me and helping me understand what we can do and what we can't do.

[02:34:12] With that, I close as the American Legion Commander for Post 233 and then Rackle. Thank you, sir. Ma'am, are we free with WebEx speakers? Sir, that's all to speak on WebEx. All right. Thank you very much, Mr. Manager.

[02:34:28] Mr. Chair, members of the board, you'd move into the general agenda. First two items are entirely related. Coming out from the latest water crisis, 114-25 is a resolution for a declaration of local emergency. Our chief of emergency management, Rob Roley, is here.

[02:34:46] The next item would actually end that declared local emergency. Rob, would you offer any other words? No, sir. Rob's just glad we got to his portion of the meeting tonight.

[02:35:04] Do you have ADHD? I saw you standing the whole time. I'm like, just what kind of shoes do you have on insole? I don't sit very well. Well, I want to say, Ms. Chan, if I could just say something. Yes, sir. I've been out to the Best Products building in the initial press conference and actually just veering off into the building myself to see all of the pallets of water that were stacked up already.

[02:35:27] It just was an amazing sight to see all the hands on deck as far as the staff outside, staff serving our residents and the care and the concern that we have for the community. And I want to applaud you and every staff member and every person that was involved with emergency management because it was definitely a sight to behold.

[02:35:48] So from me and my constituents, I want to say thank you. Thank you, sir. And it really was the entire team, every county agency pulling their weight. And how quickly. And, you know, there's just nobody doing it like that. There's just not our nearby region, not that.

[02:36:06] There's just nobody that quick and that good and that caring and that detailed. So I think Reverend Cooper said it well. Thank you, sir. Thank you, sir. Folks, on that note, I'll accept a motion on resolution. It's been a motion to approve Resolution 14425 by Mr. Cooper, seconded by Ms. Rountree.

[02:36:25] Those in favor say aye. Aye. Any opposed? It's been a motion by Mr. Cooper, seconded by Ms. Rountree to approve Resolution 145-25. Those in favor say aye. Aye. Any opposed? Both resolutions

carried. Thanks for hanging out with us tonight, Rob. Thank you, Rob, and the 300-some folks that worked it.

[02:36:44] Next is Agenda Item 146-25. This is a resolution for approval of construction management contracting. This is for a new social services building in the Brooklyn District. Should I do this one, sir? Or do you have it? And there's Gretchen Brown in the back.

[02:37:00] please vote yes all right well thank you mr manager mr chair honorable members of the board this paper authorizes the use of construction management contracting to construct a new building for the department of social services in accordance with the procedures for construction management contracts adopted by the board of supervisors and state law directors of general services social services and the purchasing director recommend approval of the board paper and the county manager concurs thank you answer any questions thank you sir any questions for us

[02:37:29] All right. Seeing none, is there a motion? Second. Motion by Mr. Roundtree, seconded by Mr. Cooper. Those in favor say aye. Aye. Any opposed? Resolution carries. Mr. Manager. Next, Mr. Chair, 147-25, a resolution for award of contract annual contractor for easement clearing. Mr. Chan. Thank you, Mr. Manager. Mr. Chair, members of the board, good evening. This is an award of an annual contract to GL Howard Incorporated for easement clearing, which consists of easement clearing throughout the county when needed and requested by the department to maintain access to water and wastewater

[02:38:09] infrastructure by clearing vegetative and material cover across the county's over 30 miles of easement thank you and a motion made by mr. Nelson seconded by mr. Cooper those in favor say aye any opposed thank you Bentley next mr.

[02:38:30] Mr. Chair, 148-25 is a resolution to apply for and accept funding from the Regional Infrastructure Accelerators Program. This is for the Staples Mill Regional Infrastructure Accelerator, which traverses both Brooklyn and Fairfield.

[02:38:45] Mr. Hughes. All right. Thank you, Mr. Manager, Mr. Chair, members of the board. This board paper authorizes Director of Public Works to apply for Regional Infrastructure Accelerators, or RIA, program grant funding for the Staples Mill Regional Infrastructure Program. The Staples Mill Regional Infrastructure, which includes the Amtrak station, has been identified by the county.

[02:39:05] And the Virginia Department of Rail and Public Transportation is needing substantial improvements to better accommodate passenger rail service. The proposed project will provide a detailed funding strategy, undergo environmental clearance, produce preliminary engineering to improve safety, provide equitable access, and enhance network fluidity and passenger rail service.

[02:39:24] So this fund will provide 100% funds of the project that recommend the Rector of Public Works recommends approval of the board paper and the county manager to answer any questions. Thank you, Mr. Hughes. Any questions for Mr. Hughes? Is there a motion to accept the funds to do the work?

[02:39:43] Motion made by Mr. Cooper. Seconded by Mr. Nelson. Those in favor say aye. Aye. Any opposed? Motion carries, Mr. Meredith. Next, Mr. Chair, 149-25 is the resolution for award of contract. This is for the Dietrich Road Outfall Restoration Project, which is in Tuckahoe. Mr. Hughes.

[02:39:59] Mr. Manager, this board paper would award a unit price contract for \$176,000 to Doran Landscaping for construction of the Dietrich Road Outfall Restoration Project. The project includes

installation of in-stream structures, floodplain bench grading, seating, and planning along 160 linear feet of an unnamed tributary of Tuckahoe Creek.

[02:40:18] The work is anticipated to begin in July, and the county received five bids, and based upon a review of those bids during landscaping, it's the lowest responsive and responsible bidder. Funding to support the contract is available within the project budget and the directors of public works and purchasing recommend approval of the board paper, and the county manager concurs.

[02:40:36] So I'll add 50% of this is state-funded. Thank you, sir. So a couple questions for Mr. Yu. So earlier tonight we approved money from DEQ. That's where that money is coming from. We're matching that. And what kind of grass will we be putting in the fescue or?

[02:40:52] That's a good question. Okay, forget it. Yeah, typically, yeah. Resolution. Due to grass, what are we doing? Resolution. So move the resolution. All right. But a motion made by Mr. Rogge is seconded by Ms. Roundtree. Those in favor, say aye. Aye. Any opposed?

[02:41:08] Motion carries Mr. Matters. No other business this evening, Mr. Chair. Any further business by my colleagues this evening? All right, seeing none, have a wonderful and safe rest of your Tuesday.



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