

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
SPECIAL MEETING
November 13, 2007

The Henrico County Board of Supervisors convened a Special Meeting on Tuesday, November 13, 2007 at 4:30 p.m. in the County Manager's Conference Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia. The Chairman called the meeting to order at 4:41 p.m. Those present at the meeting were:

PRESENT

The Honorable James B. Donati, Jr., Chairman
The Honorable David A. Kaechele, Vice-Chairman
The Honorable Richard W. Glover, Brookland District Supervisor
The Honorable Patricia S. O'Bannon, Tuckahoe District Supervisor
The Honorable Frank J. Thornton, Fairfield District Supervisor
Mr. Virgil R. Hazelett, P.E., County Manager
Ms. Angela N. Harper, FAICP, Deputy County Manager for Special Services
Mr. Leon T. Johnson, Deputy County Manager for Administration
Mr. Robert K. Pinkerton, P.E., Deputy County Manager for Community Operations
Mr. Barry R. Lawrence, Assistant to the County Manager/Clerk to the Board
Mrs. Linda B. Jones, Deputy Clerk to the Board
Mr. Joseph P. Rapisarda, Jr., County Attorney
Mr. J. Thomas Tokarz, Senior Assistant County Attorney
Mrs. Jennifer K. Acker, Director of Public Relations & Media Services
Mr. S. Mark Strickler, Director of Community Revitalization
Mr. Randall R. Silber, Director of Planning
Mr. David D. O'Kelly, Jr., Assistant Director of Plan Review and Code Support
Mr. Michael Kennedy, County Planner III
Mr. Paul M. Gidley, County Planner II/Code Administration Manager
Mr. Arthur D. Petrini, Director of Public Utilities
Mr. Tim Foster, Assistant Director of Public Works
Mr. Samuel W. Amos, Jr., Chief Design Engineer, Public Works
Mr. Alfredo C. Frauenfelder, GIS Coordinator, Public Works
Mr. Ralph L. "Bill" Axelle, Jr., Attorney, Williams Mullen
Mr. Will Jones, *Richmond Times-Dispatch*

Mr. Hazelett briefly reviewed the special meeting agenda and noted that the first three items had been advertised for a public hearing on November 27, 2007.

Proposed Ordinance Amendments to Revise
County Zoning Requirements to Maintain
County Eligibility for the Federal Flood
Insurance Program

Mr. Hazelett recognized Mr. Tokarz, who explained that the proposed amendments would update County Code provisions concerning floodplains in order to comply with minimum Federal Emergency Management Agency

(FEMA) requirements and maintain County eligibility for the Federal Flood Insurance Program. The amendments would also adopt the FEMA Flood Insurance Rate Map (FIRM), previously approved by FEMA with an effective date of December 18, 2007, so that County citizens residing in floodplains would be eligible to purchase federal flood insurance. Mr. Tokarz noted that staff from the Department of Public Works has worked with FEMA on revisions to the County's floodplain maps. Mr. Tokarz advised Board members that eight citizens spoke to the proposed amendments at a Planning Commission public hearing on October 24, 2007 and voiced no substantive objections. At that time, the Commission recommended approval of the draft ordinance. Mr. Tokarz reviewed the most significant proposed ordinance changes, which he cited as the following: 1) new terminology to conform to the FIRM and federal regulations; 2) changes in the definition of "damaged buildings" and "substantial improvements;" 3) an explicit requirement that new construction comply with floodplain standards of the Uniform Statewide Building Code; 4) prohibition of encroachments in floodways without FEMA approval; and 5) new requirements for recreational vehicles parked in floodplains. Mr. Tokarz noted that the proposed ordinance would make it easier for citizens to identify their properties and would eliminate conflicts in existing maps.

Mr. Tokarz, Mr. Foster, Mr. Hazelett, Mr. Pinkerton, and Mr. O'Kelly responded to a number of questions and comments from Board members pertaining to the new terminology included in the proposed amendments, whether the proposed amendments designated non-buildable areas for residential and commercial uses, the differences between older and newer floodplain maps, the number of homes or businesses in the County that would be affected by the new federal regulations, how new technology is providing the County better

information in educating citizens on flood hazards and thereby allowing citizens an opportunity to purchase flood insurance at a discounted federal rate, whether flood insurance is being sold by local insurance providers or by the federal government, whether flood insurance is required for all homes located in a floodplain, the areas where the County's ordinance would be more stringent than the federal regulations, whether there were any contradictions between the federal regulations and the County's proposed changes, how residential re-construction would be affected by the proposed ordinance, and minimum setback requirements for residences located in a floodplain. Mr. Thornton questioned whether the County will aggressively get out information about the program to the public after it completes gathering data. Mr. Hazelett reiterated the need for the Board to act on the proposed ordinance prior to December 18 to allow citizens the opportunity to get a break on their flood insurance. He suggested that educational efforts could take place after the ordinance amendments are adopted.

Proposed Ordinance Amendments to Permit Construction of Certain Mixed Use Structures in the Special Flood Hazard Areas in the Urban Mixed Use District

Mr. Hazelett recognized Mr. Silber, who narrated a Power Point presentation on the proposed ordinance amendments to the Urban Mixed Use District (UMU) to permit residential uses within a floodplain (see enclosed copy of presentation). Mr. Silber reviewed current County code provisions as well as specific requirements for the proposed amendments. Specifically, the proposed amendments would permit the construction of mixed use buildings containing new dwellings in the special flood hazard area (100-year floodplain) only within the UMU and subject to certain development standards. Mr. Silber also displayed several slides of floodplain elevations of the proposed Rocketts Landing development that were presented to the Planning Commission in October (see enclosed copies).

Mr. Rapisarda, Mr. Hazelett, and Mr. Silber addressed questions and comments from members of the Board relating to proposed parking restrictions within a designated flood hazard area, the use of feet versus stories in describing the height of buildings, and elevation requirements in the proposed ordinance for residential as opposed to commercial uses. Mr. Hazelett emphasized that the proposed ordinance amendments would allow the County to take advantage of the river and increasingly valuable waterfront property while also protecting the residents. In response to safety concerns expressed by Mr. Thornton, Mr. Silber pointed out that both a Master Plan and Provisional Use Permit is required for new construction in UMUs and that staff had built in safeguards for the type of development that would be allowed by the proposed ordinance amendments. He acknowledged that residential development in special flood hazard areas would represent a shift for Henrico and should be approached cautiously. Mr. Glover commented that the Board would be passing an ordinance to make development of the river more attractive while at the same time protecting the public.

Mr. Hazelett, Mr. Silber, and Mr. Pinkerton responded to additional questions from Board members regarding the topographical challenges of building within floodplains, the distance between the waterfront and structures located in Rocketts Landing, and minimum acreage requirements in UMU zoned areas. Mr. Hazelett reminded the Board that these proposed amendments would be scheduled for public hearing at the Board's November 27, 2007 regular meeting.

Proposed Ordinance Amendments to Allow
Additional Signage within Regional
Shopping Centers

Mr. O'Kelly made a Power Point presentation on proposed ordinance amendments that would allow additional signage within regional shopping centers, similar to the sign package that had been approved for the Short Pump

Town Center (see enclosed copy). He reviewed the requirements and reasons for the proposed amendments, the definition of a detached sign, the two main components of the ordinance, and examples of detached and directional signs.

Mr. O'Kelly and Mr. Hazelett responded to questions from Mrs. O'Bannon pertaining to why the ordinance amendments were being proposed, how the Short Pump Town Center sign package had been approved, and if the sign package proposed for White Oak Village Shopping Center was similar to what currently exists at Short Pump Town Center. Mr. O'Kelly pointed out that the Planning Office had received requests from Virginia Center Commons and Regency Square for additional signage and that the proposed ordinance was viewed as a housekeeping amendment to accommodate shopping centers that are similar in nature. In response to a comment from Mrs. O'Bannon, Mr. O'Kelly replied that the current signage at Short Pump Town Center could be viewed as not technically permitted under the zoning ordinance, but the signage was permitted under the interpretation by the former Director of Planning. Mr. O'Kelly noted that the Planning Commission had held a public hearing on these proposed amendments and that a Board public hearing had been advertised for November 27, 2007. He advised that Mr. Axselle was in the audience and was representing several clients who had an interest in this matter.

Mr. O'Kelly and Mr. Hazelett responded to additional questions from Board members relating to signage on outparcels, signage setback requirements, and whether the proposed amendments would present any disadvantages for smaller businesses. In response to a comment from Mr. Thornton about whether the proposed amendments reflected the type of growth occurring in the County, Mr. Hazelett noted that larger tracts of

land needed the type of signage that would be allowed by the proposed amendments. Mr. Hazelett believes this type of signage is appropriate in other areas of the County as it would be internal to the shopping center developments and not permitted along public rights-of-way.

The Board recessed for dinner at 6:09 p.m. and reconvened at 6:18 p.m.

Proposed Emergency Ordinance to Establish Mandatory Restrictions on the Use of Water from the County's Public Water System and Penalties for Violation of the Restrictions

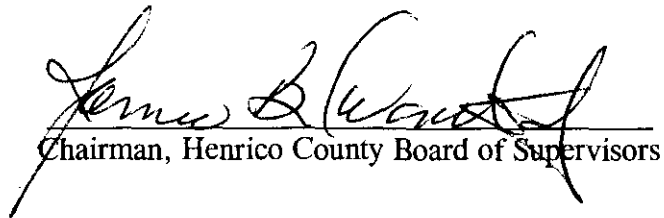
Mr. Hazelett advised that staff had prepared a new emergency ordinance for the Board's consideration. It reflected changes resulting from staff's discussions with the Virginia Department of Environmental Quality that took place subsequent to adoption of the current emergency ordinance. Mr. Petrini distributed a new water conservation fact sheet (see enclosed copy), which also included a chart comparing current mandatory conservation measures with modified mandatory conservation measures. He highlighted the differences between the two sets of measures. Mr. Petrini noted that these ordinance clarifications would ease the restrictions on established landscaping and new lawns as well as athletic fields. Mr. Petrini, Mr. Hazelett, and Mr. Rapisarda responded to questions from Board members regarding the impact of the modified regulations on golf courses and fountains, current James River flow levels, the effective date and expiration date of both the existing emergency ordinance and newly proposed emergency ordinance, the procedure for removing mandatory water restrictions, and seasonal differences in flow and withdrawal rates. Mr. Petrini concluded the discussions by advising that the County would know in 14 days whether the mandatory restrictions could be lifted.

Mr. Hazelett reviewed the evening's agenda and identified the zoning cases for which applicants had requested deferrals. Mr. Kaechele announced that he was personally going to request a deferral for Case C-46C-07 in his district. Mr. Hazelett advised that he would like for the Board to defer action on the ordinance introduction paper pertaining to the County's participation in the John Tyler Alcohol Safety Action Program. This would allow staff the opportunity to try and convince program officials not to relocate their Henrico office to another jurisdiction. At Mr.

Kaechele's request, Mr. Hazelett offered additional background on the Board paper. Mr. Glover referred to a call he had received from a citizen, Rick Gladfelter, who was interested in addressing the Board about a community maintenance issue.

Mr. Hazelett advised that the independent commission examining land purchases in the County had cancelled its meeting previously scheduled for November 14, 2007. He responded to a few questions from Mr. Kaechele about the status of the committee's written report, how it will be presented to the Board, and the timeframe in which it will be presented.

There being no further business, the meeting was adjourned at 6:42 p.m.



Chairman, Henrico County Board of Supervisors