

COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
SPECIAL MEETING  
May 12, 2009

The Henrico County Board of Supervisors convened a special meeting on Tuesday, May 12, 2009 at 5:00 p.m. in the County Manager's Conference Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia.

**Members of the Board Present:**

David A. Kaechele, Chairman, Three Chopt District  
Patricia S. O'Bannon, Vice Chairman, Tuckahoe District  
James B. Donati, Jr., Varina District  
Richard W. Glover, Brookland District  
Frank J. Thornton, Fairfield District

**Other Officials Present:**

Virgil R. Hazelett, P.E., County Manager  
Joseph P. Rapisarda, Jr., County Attorney  
Barry R. Lawrence, CMC, Assistant to the County Manager/Clerk to the Board  
Tanya B. Harding, Administrative Assistant/Deputy Clerk to the Board  
George T. Drumwright, Jr., Deputy County Manager for Community Services  
Angela N. Harper, Deputy County Manager for Special Services  
Leon T. Johnson, Deputy County Manager for Administration  
Robert K. Pinkerton, P.E., Deputy County Manager for Community Operations  
Randall R. Silber, Deputy County Manager for Community Development  
Tamra R. McKinney, Director of Public Relations & Media Services

Mr. Kaechele called the meeting to order at 5:05 p.m.

Mr. Hazelett briefly reviewed the two items on the special meeting agenda.

**Noise Study Results for Springfield Road Landfill Energy Production Facility**

Mr. Hazelett recognized Steve Yob, Solid Waste Division Director, who narrated a Power Point presentation on the May 2009 Noise Study Results for the Department of Public Utilities' (DPU) Landfill Gas to Energy Project. Mr. Yob summarized the study by stating that it was performed by Draper Aden Associates (DAA); had considered noise levels at an Ingenco plant in Lawrenceville, Virginia and those emitted by landfill equipment; and had measured noise night and day and at distances from the source. He then described the Lawrenceville plant and reviewed the study's methodology; noise recording instrument; how noise will be measured at the Springfield Road Landfill; the landfill noise source Liebherr 631 loader; Springfield Road measurement locations; and landfill noise readings from two neighborhoods adjoining the

Springfield Road Landfill, on Opaca Lane and Wintercreek Drive. There was some discussion among Board members and Mr. Hazelett regarding ambient noise levels, noise sources, and sound suppression efforts at the Springfield Road Landfill. Mr. Glover asked for assurances that DPU will be prepared to take corrective action should the Board receive citizen complaints about noise levels once the energy production facility becomes operational.

Mr. Yob finished his presentation by noting that DAA had concluded that sounds from the landfill loader at the Springfield Road Landfill are louder than those expected from the Ingenco plant and sound produced from the loader at the landfill cannot be detected in adjoining neighborhoods, day or night. Mr. Glover expressed satisfaction with the results of the study. Mr. Kaechele stated an interest in notifying citizens about the plant. Dave O'Kelly, Assistant Director of Planning, pointed out that the facility will require a conditional use permit from the Board of Zoning Appeals, which will involve a public hearing. Art Petrini, Director of Public Utilities, assured Mr. Glover that DPU will alert Ingenco if citizens in nearby neighborhoods raise concerns about noise levels and that the noise issue can also be addressed in advance through the conditional use permit.

In response to an inquiry by Mrs. O'Bannon, Mr. Rapisarda commented on a recent Virginia Supreme Court decision relating to a challenge to the City of Virginia Beach's non-decibel based noise ordinance. He noted that the decision puts enforcement of the noise ordinances of many Virginia localities in question. Mr. Rapisarda indicated that the implications of this decision for the County's ordinance are being reviewed and discussed with the Henrico Commonwealth's Attorney and Chief of Police.

Mr. Hazelett advised the Board that staff would move ahead with the contract and an associated lease for the energy production facility.

### **2026 Comprehensive Plan Update**

Mr. Hazelett recognized Joe Emerson, Director of Planning, who narrated a Power Point presentation on the comprehensive plan update. Mr. Emerson referred to the Board's November 11, 2008 work session on the comprehensive plan and noted that his staff had discussed several suggested changes to the draft document individually with each Board member as well as posted this information on the County's web site. He also referred to the Planning Commission's December 11, 2008 work session and January 22, 2009 public hearing on the draft plan. After the public hearing, the Planning Department staff compiled a list of the public comments from the hearing and noted the requested plan changes by district. Mr. Emerson assured Mrs. O'Bannon that he would follow up on a request that she had personally made for a change but which was not reflected in the documentation. He reviewed citizen concerns and responded to several questions from the Board pertaining to the status of a Federal Communications Commission (FCC) rulemaking proceeding, plans for a large passive park along the James River, mining operations at Curles Neck, the wetlands bank at the former Highland Springs Golf Course site, and riverfront setback requirements under the Chesapeake Bay Act. Chris Gregson from the Division of Recreation and Parks and Jeff Perry from the Department of Public Works responded to a question relating to the archeological review process for property slated for development. Mr. Emerson referred to a letter that the


Homebuilding Association of Richmond had written to the Board supporting the use of small package sewage treatment systems for individual private developments. Mrs. O'Bannon commented on the technological deficiencies and maintenance costs of these facilities.

Mr. Emerson concluded his presentation by reviewing the proposed next steps in the comprehensive plan update process, including a public hearing on June 9, 2009 as well as a Board work session on July 14, 2009 and final public hearing and adoption on August 8, 2009. He and Mr. Hazelett responded to further questions from the Board regarding the format of the June 9 public hearing and the status of a 650-acre parcel of land south of Portugee Road. Mr. Emerson elaborated at some length on a question posed by Mr. Thornton as to what grade Mr. Emerson would give his staff and the Planning Commission in terms of its sensitivity to the public on the land use update process. Mr. Kaechele stated that he heard no objections to proceeding with a public hearing on the draft comprehensive plan at the Board's June 9, 2009 regular meeting.

The Board recessed for dinner at 6:27 p.m. and reconvened at 6:49 p.m.

Mr. Hazelett briefly reviewed the agenda for the evening meeting. He advised that Mr. Thornton would be requesting a deferral for zoning case C-5C-09 to June 9, 2009. Mr. Rapisarda and Mr. Emerson explained a new proffered condition that staff had received earlier in the day addressing a concern pertaining to zoning case C-9C-09. Mrs. O'Bannon discussed a drainage problem with Mr. Hazelett that had been brought to her attention by one of her constituents. Mr. Hazelett advised Mr. Kaechele that a contractor's claim against the County relating to the former Tuckahoe Area Library construction project would be discussed at the Board's next work session.

There being no further business, the meeting was adjourned at 6:55 p.m.

  
Chairman, Board of Supervisors  
Henrico County, Virginia