

COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
SPECIAL MEETING  
July 13, 2010

The Henrico County Board of Supervisors convened a special meeting on Tuesday, July 13, 2010 at 5:00 p.m. in the County Manager's Conference Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico, Virginia.

**Members of the Board Present:**

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

**Members of the Board Absent:**

James B. Donati Jr., Varina 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  
Angela N. Harper, Deputy County Manager for Special Services  
Leon T. Johnson, Deputy County Manager for Administration  
Randall R. Silber, Deputy County Manager for Community Development  
John A. Vithoukias, Special Economic Advisor to the County Manager/Director of Finance  
C. Michael Schnurman, Jr., Legislative Liaison  
Tamra R. McKinney, Director of Public Relations & Media Services

Mrs. O'Bannon called the meeting to order at 5:07 p.m.

Mr. Hazelett stated that Mr. Donati would be absent from this special meeting because of a scheduling conflict but would be present for the regular meeting later in the evening. He briefly referred to the two items listed on the special meeting agenda.

**2010 State Legislation Addressing Zoning Provisions for Temporary Healthcare Structures**

Mr. Hazelett recognized Ben Blankinship, Principal Planner, who narrated a slide presentation on temporary family healthcare structures. Mr. Blankinship noted that a new law approved by the Virginia General Assembly and effective July 1, 2010 requires localities to allow 300-square-foot manufactured homes for mentally or physically impaired on the property of the caregiver's home

if the impaired person and caregiver are related or the caregiver is a legally appointed guardian. During his presentation, Mr. Blankenship provided an illustration of a temporary family healthcare structure as now defined by the Code of Virginia and reviewed the regulations and permit process for these structures as well as the impact of the legislation on various zoning classifications in the County's ordinance. He also reviewed next steps the County should take to comply with the new state law. He, Mr. Hazelett, and Mr. Rapisarda responded to questions from the Board regarding the design and cost of the structures, how they will meet County setback requirements, the building manufacturer that requested the legislation, how localities will monitor and ensure compliance with the law, the types of utility connections that will be required, and the purpose of the law. Mr. Hazelett commented that it is unlikely there will be many requests for these types of structures in Henrico and acknowledged that staff still has questions concerning implementation of the law.

### **Local Cable Television Public Access Channel**

Mr. Hazelett recognized Paul Proto, Director of General Services, who reviewed the following five issues of concern previously brought to the Board's attention by a County resident, Steve Roberts, on behalf of Henrico citizens interested in producing programming on the local cable television public access channel – inadequate programming opportunities; language in the City's franchise agreement requiring the City's approval for the use of public, educational, and governmental access (PEG) channels by other local jurisdictions; inadequate studio space and equipment; the need for additional PEG channels; and the substandard quality of the audio and video signals used by Comcast to broadcast the public access channel. Mr. Proto also briefly reviewed the history of the County's cable television franchises and the five local PEG television channels. He noted that Comcast is not legally required to provide the local public access studio that it operates in the City of Richmond. Mr. Proto further noted that local cable television franchisees must periodically test their signals and that their records are available for inspection by the Federal Communications Commission and the localities they serve.

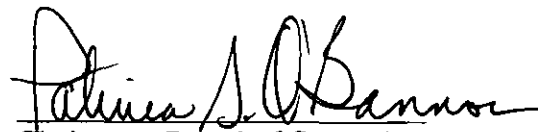
Mr. Proto recognized Ken Dye, Director of Government Affairs for Comcast, who addressed the citizen concerns that were summarized by Mr. Proto. During his presentation, he also responded to questions from the Board relating to these concerns. Mr. Dye stated that Comcast is looking into signal quality issues pertaining to its PEG broadcasts and investigating the feasibility of upgrading the equipment it uses for playback in its public access studio. Mr. Dye defended the location of Comcast's public access studio, pointed out that the studio is compliant with the American with Disabilities Act (ADA), and averred that the studio serves the greater Richmond community and not just the City of Richmond. In response to a concern voiced by Mr. Thornton pertaining to producer discontent with the condition of the studio, Mr. Dye stated that Comcast is considering operational, scheduling, and quality changes to the studio. Mr. Dye further remarked that despite citizen producer concerns about language in the City's franchise agreement with Comcast, the City has no interest in controlling distribution of PEG content in other localities and that this content has been distributed regionally for over 30 years. In regards to the issue of adding another PEG channel, Mr. Dye noted that such request would need to be made by the County and that although he does not feel there is sufficient demand to warrant the expense of another such channel at this time he will review the pertinent provisions of the franchise agreement with Mr. Proto. He agreed to provide a written response to the Board prior to Labor

Day regarding the issues and concerns discussed during this meeting. Mr. Dye also responded to additional questions from the Board relating to Comcast's future plans for upgrading service to all subscribers and the company's pricing strategies.

The Board recessed for dinner at 6:19 p.m. and reconvened at 6:40 p.m. During dinner, there was informal discussion by Mr. Hazelett and members of the Board regarding the potential need to impose local water restrictions in the near future and the new state law concerning temporary healthcare structures.

After dinner, Mr. Hazelett advised the Board that he, Mr. Donati, and Richmond Regional Planning District Commission (RRPDC) Executive Director Bob Crum had earlier in the day attended a Capital Region Collaborative bus tour of rail in the City of Richmond. He further noted that he had spoken with Art Petrini, Director of Public Utilities, about current water levels in the James River and the likelihood that the County will need to impose voluntary and mandatory water restrictions prior to the month of September. Mr. Hazelett then reviewed the agenda for the evening's regular meeting. There was some discussion by Mr. Hazelett and Mr. Kaechele with regard to the current status of construction and right-of-way acquisitions for the North Gayton Road Extension Project. Mr. Rapisarda responded to a few questions about the general agenda item relating to music festival permit applications. Mr. Hazelett advised that Karen Hamilton, a citizen who recently appeared before the Board during public hearings on North Gayton Road Extension Project right-of-way condemnation resolutions, recently contacted the Manager's Office expressing concerns that the Board does not have written verbatim minutes of its meetings. There was some discussion by Mr. Hazelett, Mr. Rapisarda, and Mr. Kaechele regarding the County's efforts to accommodate another citizen, Vickie Beatty, who expressed concerns during the public comment period at recent Board meetings pertaining to commercial construction activities at Ridge Shopping Center on a site adjoining her property.

There being no further business, the meeting was adjourned at 6:54 p.m.

  
Chairman, Board of Supervisors  
Henrico County, Virginia