

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
SPECIAL MEETING
January 25, 2011

The Henrico County Board of Supervisors convened a special meeting on Tuesday, January 25, 2011 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:

Frank J. Thornton, Chairman, Fairfield District
Richard W. Glover, Vice Chairman, Brookland District
James B. Donati, Varina District
David A. Kaechele, Three Chopt District
Patricia S. O'Bannon, Tuckahoe 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, Deputy Clerk to the Board of Supervisors/Administrative Assistant
George T. Drumwright, Jr., Deputy County Manager for Community Services
Angela N. Harper, FAICP, Deputy County Manager for Special Services
Leon T. Johnson, Ph.D., 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
John A. Vithoukás, Director of Finance/Special Economic Advisor to the County Manager
Jennifer K. Acker, Assistant Director of Public Relations & Media Services

Mr. Thornton called the meeting to order at 5:12 p.m.

Mr. Hazelett briefly referred to the three items listed on this special meeting agenda.

Proposed Zoning Ordinance Amendments Pertaining to Refuse Container Collection Hours

Mr. Hazelett recognized Ben Blankinship, Principal Planner for Code Support, and noted that the Board previously asked staff to review this matter. Mr. Blankinship narrated a brief slide presentation titled *Refuse Containers: Hours of Servicing*. He pointed out that the current noise ordinance approved by the Board on February 23, 2010 prohibits noise from "loading or unloading of refuse, waste or recycling collection vehicles" that is "plainly audible in a residential area" between 12:00 midnight and 6:00 a.m. The problem is that enforcement requires residents to appear before a magistrate and request a summons whereas the zoning ordinance allows for enforcement by County staff.

After highlighting the problem with the noise ordinance, Mr. Blankinship defined refuse collection containers and reviewed current and proposed regulations in the County's zoning ordinance to restrict servicing of these containers. Mr. Blankinship and Mr. Hazelett responded to questions and concerns expressed by Mr. Kaechele and Mr. Glover regarding the adequacy of the distance requirements in the proposed regulations and the exclusion of containers serviced in Urban Mixed Use (UMU) districts from the proposed regulations. Mr. Hazelett advised that staff will address the Board's concerns before setting a public hearing date on the ordinance and will follow up with the Board by letter.

Virginia Department of Transportation Highway Safety Improvement Program

Mr. Hazelett recognized Mr. Foster, who in turn recognized the efforts of Transportation Development Engineer Todd Eure from his staff for his efforts in getting this program off the ground in Henrico County. Mr. Foster then narrated a slide presentation on the Highway Safety Improvement Program (HSIP), which is a federal program structured and funded to reduce highway fatalities and injuries along corridors identified as having a high crash rate. It is administered in the Commonwealth by the Virginia Department of Transportation (VDOT) and beginning in 2009 VDOT invited localities to submit engineering studies and project proposals for review and funding consideration. During his presentation, Mr. Foster reviewed the goals of the program; the amount of funding available through the program; the County's approach to the program; the five intersections within Henrico selected for HSIP funding in FY 2011, at a total cost of \$969,308; the schedule for the five projects selected for funding; and three intersections that are being submitted for funding consideration in FY 2012. During and following his presentation, Mr. Foster responded to questions from the Board pertaining to future funding and eligibility requirements for the program, characteristics of and accident trends and counts at intersections selected for funding, project schedules, and how the County will contract the work.

Proposed Specifications for the Henrico County Flag

Mr. Hazelett directed the Board's attention to two flags that were displayed on the conference room's bulletin board, one of which reflected the overall design of the existing County flag and the other of which depicted a new design standard being proposed by County staff. He noted that there was an item on the evening's regular meeting agenda to adopt a County flag. Mr. Hazelett recognized Mr. Proto, who made an oral presentation to the Board on this matter. Mr. Proto reported that staff discovered a couple of years ago after being contacted by a flag vendor in Glen Burnie, Maryland that there were no standard specifications for the County flag, which has been produced for years by a local vendor. Although the Board adopted a County seal in 1984 that was unofficially used in the County's flag design for many years, the colors in the seal were not specified and the Board did not adopt the flag. There is no state statute governing a local jurisdiction's adoption of a flag as there is for a seal but a previous Virginia Attorney General's opinion has advised that localities can adopt a flag. Mr. Proto once again directed the Board's attention to the two flags on display and explained the resolution on the evening's agenda to adopt the flag. He reviewed official specifications for the flag developed and proposed by staff and contained in the resolution proposed for adoption by the Board. Mr. Proto concluded his presentation by recommending that the flag's design standard be made available to any vendor

that is interested in producing the flag and that the County allow about a two-month grace period for replacement of all existing flags flying at County facilities.

Mr. Proto, Mr. Hazelett, Building and Grounds Manager Fred Drake, and Mrs. Acker responded to questions from the Board relating to the proposed flag specifications, including stripe and seal width and colors; future use of the seal by outside organizations and businesses; the impact of the new specifications on flag production costs; and the number of flags flying within the County. Mrs. O'Bannon expressed concern about the smaller seal size being proposed for the flag. Mr. Thornton concluded the discussions by stating that it was the Board's consensus to follow staff's recommendation to adopt the flag with the proposed official specifications.

The Board recessed for dinner at 6:01 p.m. and reconvened at 6:20 p.m.

There was additional discussion by the Board and staff regarding the previous matter. Mrs. O'Bannon reiterated her concern about the size of the seal. Mr. Proto noted that the Board could defer the resolution on the evening's agenda should it wish to do so to allow staff more time to revisit the specifications with the Board.


Mr. Hazelett briefly reviewed the zoning cases listed for public hearing on the evening's regular meeting agenda. Mr. Silber commented on the one other item on the evening's public hearing agenda, a resolution to change the street name of Wheat First Drive. In reviewing the items on the evening's general agenda, Mr. Hazelett noted that staff had sent the Board a letter explaining the general agenda resolution authorizing the County to execute and deliver the documents necessary for the Virginia Public School Authority (VPSA) to release refunding savings to the County. He and Mr. Pinkerton responded to questions from Mr. Kaechele regarding the status of the pending condemnation proceeding against the Trustees of Christ Episcopal Church. Mr. Hazelett also responded to a question from Mr. Donati regarding the County's schedule for updating its digital aerial photography.

Mr. Hazelett reviewed the concerns of two citizens who signed up in advance to speak during the evening's public comment period. The first citizen, John Gray who lives in the Varina District, feels that it is unfair he has to pay to play golf at Belmont Recreation Center whereas tennis players using the courts at the same facility are not charged a fee. The second citizen, Edward Powell who lives in the Fairfield District, is dissatisfied about the Division of Police's response to his report of a motor scooter being stolen from the shed on his property.

Mr. Hazelett responded to an inquiry by Mr. Kaechele pertaining to the status of the County's property negotiations with Shady Grove United Methodist Church. Mr. Hazelett and Mr. Proto suggested that the resolution to adopt the County flag be deferred for 60 days if the Board still had concerns. In response to questions from the Board, there was discussion by Mr. Hazelett and Mr. Vithoukas of the County's FY 2011-12 budget process and the outlook for state and local revenues for the upcoming fiscal year. Mr. Glover commented on the percentage of the local education budget allocated to personnel and expressed concerns about the General Assembly's attempts to control spending by local school systems. Mr. Rapisarda commented and responded to questions from the Board on pending state legislation to repeal

sovereign immunity for county governments, remove the presumption that local zoning decisions are valid, and strengthen landowner rights in condemnation cases. He and Mr. Hazelett cited a trend in the General Assembly towards legislation aimed at restricting the authority of local governments. Mr. Thornton suggested that the County develop visionary measures to help protect it against legislation to local governments. Mr. Hazelett and Mr. Rapisarda also responded to questions from Mr. Kachele relating to the state and local redistricting process and anticipated primary election schedule.

There being no further business the meeting was adjourned at 6:48 p.m.



Chairman, Board of Supervisors
Henrico County, Virginia