

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
SPECIAL MEETING
February 22, 2011

The Henrico County Board of Supervisors convened a special meeting on Tuesday, February 22, 2011 at 4:30 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
J. T. Tokarz, Senior Assistant 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. Vithoulkas, Director of Finance/Special Economic Advisor to the County Manager
Tamra R. McKinney, Director of Public Relations & Media Services

Mr. Thornton called the meeting to order at 4:42 p.m.

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

Proposed Civil Penalties and Ticketing of Large Trucks and Commercial Vehicles in Agricultural and Residential Districts

Mr. Hazelett recognized Mark Strickler, Director of Community Revitalization, who in turn recognized the following County staff members for their involvement with this proposal: Henry Stanley, Chief of Police; Doug Middleton, Deputy Chief of Police; Mr. Rapisarda; Dave O'Kelly, Assistant Director of Planning for Plan Review and Code Support; Paul Johnson, Community Maintenance Manager; and Mr. Silber. Mr. Strickler noted that the proposal was related to changing how Henrico does business. He narrated a slide presentation on the proposal,

which would change the way large trucks and commercial vehicles are addressed in agricultural and residential districts by subjecting their owners to civil penalties when parked on private property and to parking tickets when parked in the right-of-way. The proposed changes, which would require local code amendments and Board approval, would also make changes in the weight limit and types of prohibited vehicles. Mr. Strieker reviewed the number of large truck and commercial vehicle cases handled by the County from fiscal year 2006-07 to 2009-10; the County's current process for addressing violations; current Henrico County Code parking prohibitions for these types of vehicles; results of a survey of how violations are addressed by other localities; the specifics of the staff proposal and the approach recommended by the Department of Community Revitalization; current weight limits specified in the County Code; a survey of weight limits and restrictions in effect in other localities; staff's proposal to reestablish the County's gross weight limit at 10,000 pounds; and examples of the weights of the various classes of trucks, commercial vehicles, and sports utility vehicles (SUVs).

During Mr. Strickler's presentation, he and Mr. Hazelett responded to a series of questions and comments by the Board regarding examples of vehicles not in compliance with the County Code's current parking restrictions; how violations are tracked, trucks and commercial vehicles are taxed, and various types of trucks and commercial vehicles are classified; the types and level of complaints received by the County and the County's success rate in resolving them; and the impetus for staff's proposed changes. Mr. Vitoulkas responded to a question from Mr. Hazelett pertaining to the number of vehicles registered in the County. Mr. Strickler concluded his presentation by suggesting that using tickets and civil penalties is more effective in addressing citizen concerns about large trucks and that the proposed changes will serve as a deterrent to truck owners, shorten compliance times, and save County resources. He recommended that any changes to the County's ordinances have an effective date of July 1, 2011 to provide sufficient opportunity for notifying the public of the changes and creating new forms and brochures.

Following Mr. Strickler's presentation, he and Mr. Hazelett responded to further questions and comments by the Board. These were in regard to the weight limit for trucks driven on residential streets, the justification for the changes proposed by staff, and whether the County's current zoning ordinance contains screening requirements for larger trucks. Mr. Glover pointed to the relatively low number of complaints received by staff since 2006 and staff's success under the current ordinances in handling complaints reported in his district. He voiced concern that smaller, poorly maintained commercial trucks owned by contractors would not be addressed by staff's proposal, which would raise the weight limit for trucks and commercial vehicles that are allowed under the County's ordinances. Mr. Thornton stated that although he feels the proposed changes would move the County in the right direction, staff needs to provide more compelling data in support of the proposal and assurances that citizens will not be unnecessarily penalized. Mr. Hazelett indicated that staff will revisit this matter with the Board by letter and perhaps in another work session and will also look at the feasibility of a phased ordinance.

Redistricting Process

Mr. Hazelett advised that there was wealth of detailed information that staff and the Board must review in evaluating the County's 2011 redistricting process. He recognized Mr. Emerson, who narrated the first portion of a slide presentation titled *2010 Census Data Review and Magisterial*

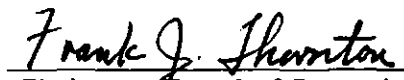
Redistricting. Mr. Emerson reviewed pertinent demographic information, including populations of the ten largest localities in Virginia, the racial breakdown of Henrico's countywide total and voting age populations, the County's population density by census block in 2000 and 2010, population and ten-year growth statistics for each of the County's five magisterial districts, and existing and ideal population deviation among each of these districts. He responded to a question from Mr. Thornton concerning the definition of some of the United States Census Bureau's racial categories. Mrs. O'Bannon pointed out that the population across the United States is aging. Mr. Emerson commented on the implications of the data he presented.

The Board recessed for dinner at 5:54 p.m. and reconvened at 6:03 p.m.

Mr. Rapisarda narrated the second portion of the presentation. He reviewed the legal aspects of redistricting, which included redistricting criteria, compliance with Sections 5 and 2 of the Federal Voting Rights Acts, and steps for avoiding legal risks as well as the proposed schedule for the redistricting process. During his portion of the presentation, Mr. Rapisarda responded to questions from the Board pertaining to the definition of "population equality among districts," the permissible range of standard deviation in population among districts, whether elected officials are required to reside in the district they represent, whether redistricting criteria addressing the protection of incumbent Board of Supervisors members also extends to members of the School Board, and the application of the Federal Voting Rights Act to most Virginia localities. Following Mr. Rapisarda's presentation, General Registrar Mark Coakley and Mr. Hazelett assisted him in responding to questions from the Board relating to the primary election ballot and candidate petition filing deadlines and general election candidate petition filing deadlines and procedures.

Mr. Hazelett reviewed the agenda for the 7:00 p.m. regular meeting. He announced that the Board would be receiving the *Financial Trend Monitoring System (TRENDS)* document, which he would speak to during the Manager's Comments portion of the meeting and which is prepared annually by the Department of Finance's Office of Management and Budget. He also referred to the public hearing on February 2011 amendments to the annual fiscal plan and the resolution on the general agenda for the reapportionment of magisterial districts. Mr. Hazelett pointed out that staff had previously sent letters to the Board on resolutions regarding potential zoning ordinance amendments. He and Mr. Silber responded to questions from Mr. Glover pertaining to permitting requirements for group homes and the number of persons who are permitted to live in temporary health care structures. Mr. Hazelett also briefly explained the resolution for a structure removal agreement and advised the Board that staff was once again requesting a deferral of the resolution awarding a construction contract for the Charles City Road sewage pumping station because the paperwork had not yet been completed.

There being no further business, the meeting was adjourned at 6:44 p.m.


Chairman Board of Supervisors
Henrico County, Virginia