

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
SPECIAL MEETING
June 12, 2012

The Henrico County Board of Supervisors convened a special meeting on Tuesday, June 12, 2012, 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:

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

Other Officials Present:

Virgil R. Hazelett, P.E., County Manager
Joseph P. Rapisarda, Jr., County Attorney
J. Thomas Tokarz, Deputy County Attorney
Barry R. Lawrence, CMC, Assistant to the County Manager/Clerk to the Board
Tanya B. Harding, Deputy Clerk to the Board/Administrative Assistant
George T. Drumwright, Jr., Deputy County Manager for Community Services
Timothy A. Foster, P.E., Deputy County Manager for Community Operations
Randall R. Silber, Deputy County Manager for Community Development
John A. Vithoulkas, Deputy County Manager for Administration
C. Michael Schnurman, Jr., Legislative Liaison
Tamra R. McKinney, Director of Public Relations & Media Services

Mr. Glover called the meeting to order at 4:37 p.m. He announced that Mr. Thornton and Mr. Nelson were attending high school graduation ceremonies and would be arriving shordy and that Mrs. O'Bannon would be leaving early to attend a 7:00 p.m. high school graduation ceremony.

Mr. Hazelett asked that the first and second items listed on the agenda be considered in reverse order to accommodate the schedules of Board members.

Comcast Cable Television Franchise Renewal

Mr. Hazelett recognized Chris Winstead, Director of General Services, who introduced the following members of the Cable Television Advisory Committee who were present: Joshua M. Dickerson, Chairman and Three Chopt District Representative; Herbert L. Dunford, Jr., Vice Chairman and Brookland District Representative; and Samuel B. Straus, Tuckahoe District Representative. He also recognized the following County staff members who are part of the

County's cable franchise renewal team: Mr. Rapisarda; Andrew R. Newby, Assistant County Attorney; Paul N. Proto, retired Director of General Services and Cable Television Consultant; Michelle Buresh, Administrative Assistant for the Department of General Services; and Jennifer J. Reid, Senior Research Associate for the Survey and Evaluation Research Laboratory at Virginia Commonwealth University (VCU). Mr. Winstead noted that Kenneth M. Dye, Director of Governmental Affairs for Comcast, was in attendance.

Mr. Winstead narrated a slide presentation titled *County of Henrico 2013 Comcast Cable Franchise Renewal Process*. In reviewing the franchise renewal process, Mr. Winstead pointed out that the current franchise agreement was last renewed on May 14, 2006, and will expire on May 14, 2013. Comcast can renew its franchise pursuant to procedures set forth in federal law, or can seek to opt into an ordinance cable franchise pursuant to Virginia law. On December 10, 2010, the Board approved a resolution directing County staff to negotiate with Comcast concerning matters related to renewal of the franchise. During the renewal process, the County has been: 1) exploring whether Comcast has complied with the existing terms of the ordinance and the franchise agreement; 2) receiving public input from Comcast subscribers and other interested citizens concerning the cable television service offered by Comcast; and 3) asking how Comcast plans to meet the future cable-related needs of the community.

Mr. Winstead spent the balance of his presentation summarizing feedback and responses from the following five sources of subscriber input used by his team to assist the County with franchise renewal negotiations: public website; Cable Television Advisory Committee public hearings; normal day-to-day requests for assistance received by the Department of General Services; review of departments Countywide regarding PEG (Public, Educational, and Government) use; and community survey mailed through the VCU Survey and Evaluation Research Laboratory. The mailed survey indicated that a majority of citizens (65 percent) are either satisfied or very satisfied with Comcast although Verizon received more favorable scores than Comcast and that they have a desire for reduced fees, improved notification of rate increases, and clearer and more concise bills. Only 22 percent of the respondents provided open comments, which were overwhelmingly negative and largely focused on the cost of service. Mr. Winstead concluded his presentation by flagging the next steps in the process, which are to begin negotiations with Comcast on June 28 and have a mutually agreeable franchise agreement to bring to the Board for consideration by April 2013.

Mrs. O'Bannon raised a personal concern regarding the timeliness of response by Comcast to calls for internet service issues and noted that she has received complaints about the cost of Comcast's cable set-top boxes. There was discussion between Mrs. O'Bannon and Mr. Dye pertaining to the cost of set-top boxes and modems for cable internet service. Mr. Dye and Mr. Winstead responded to questions from Mr. Kaechele relating to the current number of cable customers and providers in the County and the number of cable installations that occurred in the County in 2011. Mrs. O'Bannon advised that she has received several letters from constituents questioning the status of the public access studio.

Ms. Buresh distributed copies of a report titled *Henrico County Cable Services Community Survey* that was prepared for Mr. Winstead by Ms. Reid in March 2012.

Mr. Rapisarda responded to questions from Mr. Kaechele and Mr. Glover concerning the franchise renewal process. Mr. Winstead responded to further questions from Mr. Kaechele pertaining to bundled service options and costs. Mr. Hazelett suggested that the Board look at the detailed survey responses contained in the report.

Mr. Nelson and Mr. Thornton arrived at 5:04 p.m. and Mrs. O'Bannon departed at 5:15 p.m.

Proposed Zoning Ordinance Amendment to Allow More Noncommercial Signage Without a Sign Permit

Mr. Hazelett recognized Ben Blankinship, Principal Planner, who narrated a slide presentation titled *Zoning Ordinance Amendment: Noncommercial Signs*. Mr. Blankinship reviewed the current regulations for noncommercial signs contained in the County Code. He noted that the County requires a sign permit for every sign that is allowed in the zoning district unless the zoning ordinance exempts the sign from the permit requirement. Any sign not specifically permitted is prohibited and any permitted sign is allowed to contain noncommercial speech in lieu of any other speech. A sign containing noncommercial speech not exceeding 32 square feet is allowed if a sign permit is obtained. Mr. Blankinship responded to a question from Mrs. O'Bannon regarding subdivision signs and a question from Mr. Kaechele concerning sign square footage requirements.

Mr. Blankinship continued his presentation by providing examples of noncommercial signs posted in the County. He clarified that attention-getting signs such as banners advertising an event are allowed to be posted for up to ten days without a permit. Mr. Hazelett clarified that the issue of noncommercial signage was being brought to the Board in a work session because of a complaint from a Varina District citizen who received a violation from the County for a large noncommercial sign erected on his property. Mr. Blankinship and Mr. Hazelett responded to questions from the Board relating to the types of signs that are allowed by the County, with and without permits; how the regulations apply to political signs; how sign regulations are enforced by the County; the purpose of requiring a sign permit; and the distinction between signs and banners.

Mr. Blankinship next addressed legal considerations, noting that commercial and noncommercial signs are speech protected by the First Amendment of the United States Constitution. Localities may regulate signs by ordinance, but the regulations must be narrowly tailored to advance substantial government interests such as traffic safety and aesthetics. He responded to a question from Mr. Glover relating to the definition of political signs.

Mr. Blankinship resumed his presentation and posed three questions for the Board to consider regarding whether to continue requiring a permit for political campaign signs and other noncommercial signs exceeding three square feet in area. He concluded his presentation by recommending that the Board allow political and noncommercial signs without requiring a sign permit, with the following limitations: up to 32 square feet of sign area per lot, up to eight feet in height, and not located in a sight distance triangle.

In response to a question from Mr. Glover, Community Revitalization Director Mark Strickler acknowledged that the County receives a relatively small number of reported sign violations each

year. There was discussion by Board members, Mr. Blankinship, Mr. Rapisarda, and Mr. Strieker relating to the challenges of enforcing the County's current permit requirements for noncommercial signs. Mr. Blankinship pointed out that a Board resolution had been placed on the 7:00 p.m. general agenda for the Board's consideration that would initiate a zoning ordinance amendment to allow more noncommercial signage without a sign permit. Mr. Hazelett stated that he would like to resolve this issue prior to the fall presidential election campaign season. Mr. Glover noted that the consensus of the Board was to proceed with the resolution to initiate the zoning ordinance amendment. Mr. Hazelett clarified that the resolution directs the Planning Commission to hold a public hearing on this matter before coming back to the Board for a public hearing. Kaechele stated that although he does not object to going forward with the resolution, he has serious reservations about allowing large, unregulated signs on small lots in residential subdivisions. Mr. Hazelett and Mr. Rapisarda acknowledged Mr. Kaechele's concern.

On motion by Mr. Thomson, seconded by Mr. Kaechele, the Board approved going into a Closed Meeting at 5:36 p.m. for Discussion and Consideration of the Acquisition of Real Property and Consultation with the County Attorney Regarding Specific Legal Matters Requiring the Provision of Legal Advice, Both Related to a Potential Library in the Brookland District, Pursuant to Section 2.2-3711(A)(3) and (7) of the Code of Virginia, 1950, as Amended.

The vote of the Board was as follows:

<u>Aye</u>	<u>Absent</u>
Richard W. Glover	Patricia S. O'Bannon
David A. Kaechele	
Tyrone E. Nelson	
Frank J. Thornton	

On motion of Mr. Thomson, seconded by Mr. Kaechele, the Board approved going out of the Closed Meeting at 6:11 p.m.

The vote of the Board was as follows:

<u>Aye</u>	<u>Absent</u>
Richard W. Glover	Patricia S. O'Bannon
David A. Kaechele	
Tyrone E. Nelson	
Frank J. Thornton	

On motion of Kaechele, seconded Mr. Thomson, the Board approved the attached Certificate of Closed Meeting.

The vote of the Board was as follows:

Aye
Richard W. Glover
David A. Kaechele
Tyrone E. Nelson
Frank J. Thornton


Absent
Patricia S. O'Bannon

The Board recessed for dinner at 6:12 p.m. and reconvened at 6:37 p.m.

Mr. Hazelett reviewed the agenda for the 7:00 p.m. meeting, including the zoning cases, other public hearings, and general agenda items. He shared with the Board the prepared statement that he would be reading at the outset of the public hearing on the appeal of the Plan of Development for the Islamic Center of Richmond. Mr. Hazelett also explained the procedure for the hearing and responded to questions from the Board relating to the hearing. He advised that a resolution will be placed on the Board's June 26 regular meeting agenda to initiate a zoning ordinance amendment to repeal the appeal process for plans of development.

Mr. Hazelett informed the Board that Mrs. O'Bannon would be joining the 7:00 p.m. meeting while it was in progress after attending a high school graduation ceremony. He elaborated on two general agenda items listed on the 7:00 p.m. general agenda pertaining to the Line of Duty Act Fund and the Governor's Opportunity Fund performance agreement. Mr. Hazelett informed the Board of two items he would be mentioning at the 7:00 p.m. meeting under Manager's Comments that involved the Division of Police.

There being no further business, the meeting was adjourned at 6:47 p.m.


Chairman, Board of Supervisors
Henrico County, Virginia