

COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
SPECIAL MEETING  
July 24, 2012

The Henrico County Board of Supervisors convened a special meeting on Tuesday, July 24, 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  
Tyrone E. Nelson, Varina District  
Patricia S. O'Bannon, Tuckahoe District  
Frank J. Thornton, Fairfield District

**Members of the Board Absent:**

David A. Kaechele, Vice Chairman, Three Chopt 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  
C. Michael Schnurman, Jr., Legislative Liaison  
Tamara McKinney, Director of Public Relations & Media Services

Mr. Glover called the meeting to order at 4:36 p.m.

Mr. Hazelett announced that Mr. Kaechele was not expected to be present for either this meeting or the 7:00 p.m. regular meeting due to the cancellation of his scheduled flight home from Germany on July 23. He briefly reviewed the three items listed on this agenda.

**Urban Mixed Use District Ordinance Revisions**

Mr. Hazelett recognized Joe Emerson, Director of Planning, who narrated a slide presentation titled *Urban Mixed Use District Review and Updates*. Mr. Emerson began his presentation by providing a history of the Planning Department's 2011 study of potential zoning ordinance revisions regarding the County's Urban Mixed Use District and the Planning Commission's and

Board's previous meetings on this matter. The purpose of the proposed revisions is to make the ordinance more user-friendly, clarify intent, address challenges presented by various Urban Mixed Use (UMU) developments since the ordinance's adoption in 2002, and evaluate permitted and provisional uses. Mr. Emerson summarized discussions from the Board's January 24 work session on the ordinance, noting that concerns were raised by the Board at that time pertaining to adding property to approved projects and the impact of a recent Virginia Supreme Court decision. He then explained proposed revisions to the ordinance, which generated questions from and discussion by the Board. Greg Revels, Building Official, joined Mr. Emerson and Mr. Hazelett in responding to questions from Mr. Glover concerning the Building Code's sound suppression requirements for attached residential units. In response to further questions from Mr. Glover, Mr. Emerson and Mr. Rapisarda explained the implications of a Virginia Supreme Court case titled *Sinclair v. New Cingular Wireless PC LLC*, which upheld a Circuit Court's decision that the Albemarle County Planning Commission does not have the authority under state law to grant or deny waivers to the County's zoning ordinance.

Mr. Emerson concluded his presentation by identifying the next steps in bringing forward revisions for public hearing and adoption. He and Mr. Hazelett responded to questions from the Board relating to the appropriate percentage of multi-family development within mixed use districts, the magnitude of residential rental properties in the County, staff's recommendation to scale the minimum acreage for mixed use districts back to 20 acres, and maximum building heights allowed in the County. Mr. Thomson expressed the hope that the County will be more humane in the future in using revitalization as a land use tool and expressed the concern that state laws governing sound suppression and other building code requirements have not sufficiently protected homebuyers or homeowners. Mr. Hazelett noted that the consensus of the Board is to schedule a public hearing for its September 11 regular meeting to consider adoption of the proposed ordinance amendments.

#### Amendment to the County Code Regarding Noncommercial Signs

Mr. Hazelett alerted the Board that Mr. Kaechele has an interest in reducing the allowable square footage of noncommercial signs posted in residential districts. He recognized Ben Blankinship, Principal Planner, who narrated a slide presentation on the proposed zoning ordinance amendment relating to noncommercial signs. Mr. Blankinship reviewed the County's current sign regulations and concerns raised by citizens regarding the sign permit application process for political signs. He then explained the proposed amendment, which would exempt certain noncommercial signs from the County's permitting requirements. Such signs could not exceed 32 square feet in total area on any lot, not exceed eight feet in height, not be located in any sight distance triangle, and not be illuminated if located in a district zoned for residential uses. Also, such signs in one-family residence districts that exceed three square feet in area would have to be placed at least 15 feet from any lot line. He and Mr. Hazelett responded to questions from the Board pertaining to the County's classification of and requirements for various types of signs.

Mr. Blankinship continued his presentation by identifying the next steps in the Planning Commission's and Board's consideration of the ordinance amendment. At Mr. Hazelett's request, Mr. Blankinship displayed several slides offering examples of noncommercial signs that have been posted within the County. He responded to questions from Mr. Nelson relating to sign

dimensions. Mr. Rapisarda responded to concerns expressed by Mr. Thornton regarding the lack of civility and the tastelessness found on some noncommercial signs by citing freedom of speech protections under the United States Constitution's First Amendment. He also clarified for Mr. Nelson the respective roles of the Commonwealth's Attorney and judges in determining whether a sign containing racial slurs violates federal law. Mr. Blankinship and Mr. Hazelett responded to additional questions from the Board pertaining to the purpose of the County's sign permit and how the County's sign ordinance is currently enforced with respect to political signs.

Mr. Blankinship concluded his presentation by reviewing a potential substitute amendment that addressed concerns previously expressed by Mr. Kaechele. This amendment would limit signs not requiring a permit to 16 square feet in total area on lots in certain residentially zoned districts and would allow one temporary real estate sign not exceeding 32 square feet in area or eight feet in height in residentially zoned districts. Mr. Rapisarda pointed out that staff was not recommending this amendment. There was discussion by the Board and Mr. Hazelett concerning the appropriate size limit for noncommercial signs and whether this amendment would be too restrictive. Mr. Blankinship and Mr. Hazelett responded to questions from the Board pertaining to citizen comments received during the Planning Commission's public hearing on the proposed ordinance, the amount of revenue received by the County from sign permits, and the public hearing process for adopting ordinances. Mr. Hazelett advised the Board that staff will schedule a public hearing on the proposed ordinance for the Board's August 14 meeting and suggested that the Board can also consider the substitute ordinance at that time when Mr. Kaechele is present.

The Board recessed for dinner at 5:49 p.m. and reconvened at 6:00 p.m.

#### Erosion and Sediment Control Performance Bond Changes

Mr. Hazelett recognized Jeff Perry, Engineering and Environmental Services Division Manager, who introduced the following members of a staff committee that was formed to investigate bond shortfalls stemming from the economic downturn - Brian Walker and Scott Jackson from the Department of Public Works and Dave O'Kelly from the Department of Planning. Mr. Perry narrated a slide presentation titled *Performance Bonds & Erosion and Sediment Control Bonds*. During the outset of his presentation, Mr. Perry reviewed the County's current unit prices that were established in 1998 for these types of bonds, specific projects where there were insufficient bond amounts to complete the projects, and the committee's findings and recommendation to update bond prices to address the findings. Mr. Hazelett commented on how the County has worked cooperatively with homebuilders on bonding for residential projects while at the same time being concerned about exposing the public to rising development costs. Mr. Perry responded to questions from Mr. Glover regarding erosion and sediment control bonds and Mr. Perry and Mr. Tokarz responded to questions from Mrs. O'Baunon pertaining to the bonding process and types of bonds accepted by the County from developers.


Mr. Perry continued his presentation by reviewing the committee's recommended bond pricing, which is based on annual contract prices, Virginia Department of Transportation road project prices, and County road project prices. He noted how the committee developed its proposed bond numbers and cited the committee's contact with both Chesterfield and Hanover Counties to compare their bond prices with those in Henrico County. Mr. Perry concluded his presentation

by comparing the bond prices that currently apply to three residential development projects in the County with the prices that would be paid according to the committee's proposed pricing. Mr. Foster noted that developers would pay approximately \$165 more in fees per residential lot under the committee's recommendation. Mr. Hazelett remarked that the local development community has been advised of the potential increases and the need to protect the public from shortfalls when developers are unable to complete their construction obligations. Mr. Hazelett and Mr. Rapisarda responded to a question from Mrs. O'Bannon concerning bond credit limits for developers.

Mr. Hazelett reviewed the agenda for the 7:00 p.m. regular meeting. He advised the Board that he would be making a brief statement during the Manager's Comments portion of the meeting regarding his intent to retire on January 16, 2013, and noted that a provisional use permit pertaining to the Rockett's Landing development had been deferred from the Board's July 10 meeting. Mr. Hazelett elaborated on a resolution authorizing him to execute a contract with Greater Richmond Transit Company (GRTC) for public transit service in Henrico County and pointed out that GRTC has been looking at reducing services for specialized services for handicapped residents that are currently offered countywide. He and Mr. Foster responded to questions from Mr. Glover and Mrs. O'Bannon pertaining to the County's current service levels and how these would be continued under the proposed contract. Mr. Hazelett explained a resolution authorizing the Real Property Department to present offers to property owners on projects approved by the Board without appraisals when the Department has determined that the value of the property being acquired is less than \$25,000, and beyond that threshold amount when the Department has obtained an independent appraisal that supports the purchase.

Mr. Hazelett continued his agenda review by noting that Mrs. O'Bannon would be requesting a moment of silence during the Supervisors' Comments portion of the regular meeting to remember the victims of the July 20 mass shooting in Aurora, Colorado, and that under Manager's Comments he would be recognizing Geoff Weidele with the Department of Public Relations & Media Services for his Emmy award winning program and the Division of Police for its first place finishes in the 2011 Law Enforcement Challenge award programs at the state and national levels. He informed the Board that two citizens had signed up in advance to speak during the Public Comment period on the Board's decision to discontinue public prayer at Board meetings. There was discussion among the Board, Mr. Hazelett, and Mr. Rapisarda relating to how Mr. Hazelett should respond to the speakers on behalf of the Board.

There being no further business, the meeting was adjourned at 6:38 p.m.

  
Chairman, Board of Supervisors  
Henrico County, Virginia