

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
SPECIAL MEETING
March 14, 2017

The Henrico County Board of Supervisors convened a special meeting on Tuesday, March 14, 2017, at 5:45 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
Harvey L. Hinson, Brookland District
Tyrone E. Nelson, Varina District

Member of the Board Absent:

Thomas M. Branin, Three Chopt District

Other Officials Present:

John A. Vithoukas, County Manager
Joseph P. Rapisarda, Jr., County Attorney
J.T. (Tom) Tokarz, Deputy County Attorney
Barry R. Lawrence, CMC, Assistant to the County Manager/Clerk to the Board
Tanya B. Harding, CMC, Deputy Clerk/Administrative Assistant
Timothy A. Foster, Deputy County Manager for Community Operations
W. Brandon Hinton, Deputy County Manager for Community Services
Douglas A. Middleton, Deputy County Manager for Public Safety
Anthony J. Romanello, Deputy County Manager for Public Administration
Randall R. Silber, Deputy County Manager for Community Development
Tamra R. McKinney, Director of Public Relations & Media Services

Mrs. O'Bannon called the meeting to order at 5:49 p.m.

Mr. Vithoukas briefly reviewed the items on this special meeting agenda.

Initiation of Route 5 Study

Mr. Vithoukas noted there was an item on the agenda for the Board's 7:00 p.m. agenda to initiate a study of the Route 5 corridor. He recognized Jean Moore, Assistant Director of Planning, who narrated a slide presentation titled *Route 5 Corridor and Marion Hill*. Ms. Moore began by identifying the special focus area categories contained in the County's 2026 Comprehensive Plan, sharing the visions for New Market Road (Route 5) and Marion Hill, reviewing the study

framework, and noting previous documents and studies relating to the Route 5 corridor. In response to questions from Mr. Nelson, Planning Director Joe Emerson joined Ms. Moore in clarifying that the most recent study conducted in 2011 by Kimley-Horn and Associates was funded by the Virginia Department of Transportation and undertaken on behalf of the Richmond Regional Planning District Commission.

Ms. Moore continued her presentation by identifying the study area boundaries and confirming for Mr. Nelson that the starting point of the study would be Rockett's Landing at the County/City line. She concluded her presentation by reviewing staff's visual survey of the Route 5 corridor and Marion Hill and explaining the next steps in initiating the study. Under the proposed schedule, the Planning Commission's "kick off" meeting for the study will be held at 6:00 p.m. on May 11 immediately prior to the Commission's regular public hearing and will be followed by community engagement efforts.

Following her presentation, Ms. Moore explained the purpose of the study in response to a question from Mrs. O'Bannon. She noted the Route 5 corridor and Marion Hill were areas of special interest to residents during the last update of the Comprehensive Plan and the study will assist the County in developing guidelines to protect the rural integrity of the corridor and also accommodate future development. Mr. Emerson confirmed for Mr. Nelson that he would provide some background information on the study when the resolution to initiate the study was brought forward on the 7:00 p.m. meeting agenda.

Zoning Ordinance Amendment: Sign Regulations

Mr. Vithoukas recognized Ben Blankinship, Principal Planner, who narrated a slide presentation on this item. Mr. Blankinship began by noting the need to amend the County's sign regulations was prompted by *Reed v. Town of Gilbert*, in which the U.S. Supreme Court ruled that "content-based laws targeting speech based on its communicative content are presumptively unconstitutional." Mr. Blankinship pointed out the County's current sign regulations contain 88 specific references to sign content and the structure of the regulations are also based on content. He offered several examples of this in the County's zoning ordinance for signs placed in residential and business districts. Mr. Blankinship continued his presentation by reviewing the County's approach to amending the ordinance, which included looking at a model ordinance developed by Local Government Attorneys of Virginia and comparing it with ordinances in neighboring jurisdictions and those that had been recently reviewed in federal court. Mr. Rapisarda pointed out the *Reed* case was revolutionary and has totally changed the way the First Amendment is applied to signs. In response to a question from Mrs. O'Bannon, he elaborated on the specifics and implications of the case.

Mr. Blankinship continued his presentation by explaining the purpose of the amendment, which is intended to comply with the *Reed* decision, simplify and clarify regulations, and codify long-standing interpretations but not intended to increase or decrease signs generally or change the rules that have been working well since 1988. He advised the Board the proposed ordinance changes will reduce 37 pages to 9 pages and five of these changes are related to the *Reed* case. Mr. Blankinship then reviewed significant changes being proposed to the regulations for changeable message signs in residential and office districts and for signs attached to buildings in office districts.

The Board recessed for dinner at 6:19 p.m. and reconvened at 6:27 p.m.

Mr. Blankinship resumed his presentation by reviewing significant changes being proposed to the regulations for detached signs in business districts, for groups of business, and for individual businesses. He pointed out the Planning Commission was recommending approval of the proposed changes after holding three work sessions and two public hearings. After completing his explanation of the amendment process, Mr. Blankinship concluded his presentation by identifying the next step in the process, a public hearing by the Board tentatively scheduled for April 25.

Following Mr. Blankinship's presentation, Mrs. O'Bannon and Mr. Hinson both expressed concerns regarding distractions to motorists caused by changeable message signs. Mr. Blankinship responded by commenting on how these signs are being controlled in certain other jurisdictions. Mrs. O'Bannon elaborated on her concerns, which include malfunctioning signs and the amount of time it takes to see the full message.

Regular Meeting Agenda Items

Mr. Vithoukas reviewed the agenda for the 7:00 p.m. meeting. He advised the Board that he and Mr. Hinson each had one prepared comment. Mr. Vithoukas announced that the applicant for two companion land use cases, Wilton Acquisition, had requested a deferral of these items to the April 11 meeting. He noted one of the two remaining provisional use permit requests (Chuckey's Bodega) had been recommended for denial by the Planning Commission. Mr. Vithoukas then referred to the two other public hearing items on the agenda. He informed the Board that no citizens had signed up in advance for the public comment period. Mr. Vithoukas next reviewed the five general agenda items. He noted he would be making a brief presentation at the podium on the proposed operating and capital budget for fiscal year 2018 prior to the Board's action on the resolution to receive the budget estimates. He alerted the Board that staff would be recommending deferral of the resolution granting signatory authority for the radio tower facility lease agreement with the Capital Region Airport Commission. The deferral would allow the staff time more time to address an issue raised by the Federal Aviation Commission (FAA) concerning the height of the tower. In response to questions from Mr. Nelson, Colonel Middleton elaborated on the FAA's concerns and assured Mr. Nelson that staff has a back-up plan in place if needed.

Mr. Thornton asked for assurances that the County is doing everything possible to get the word out to citizens about the proposed budget. In response to a question from Mr. Nelson, Mr. Vithoukas explained how information pertaining to the budget and budget process is shared with the public. Mr. Thornton cited a need for getting more citizens involved in the process. Mr. Vithoukas agreed to have staff give added attention to this issue.

There being no further business, the meeting was adjourned at 6:50 p.m.

Patricia S. O'Bannon

Chairman, Board of Supervisors
Henrico County, Virginia