

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
SPECIAL MEETING
October 23, 2007

The Henrico County Board of Supervisors convened a Special Meeting on Tuesday, October 23, 2007 at 5:30 p.m. in the County Manager's Conference Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia. The Chairman called the meeting to order at 5:35 p.m. Those present at the meeting were:

PRESENT

The Honorable James B. Donati, Jr., Chairman
The Honorable David A. Kaechele, Vice-Chairman
The Honorable Richard W. Glover, Brookland District Supervisor
The Honorable Patricia S. O'Bannon, Tuckahoe District Supervisor
The Honorable Frank J. Thornton, Fairfield District Supervisor
Mr. Virgil R. Hazelett, P.E., County Manager
Mr. George T. Drumwright, Jr., Deputy County Manager for Community Services
Ms. Angela N. Harper, Deputy County Manager for Special Services
Mr. Harvey L. Hinson, Deputy County Manager for Community Development
Mr. Leon T. Johnson, Deputy County Manager for Administration
Mr. Robert K. Pinkerton, P.E., Deputy County Manager for Community Operations
Mr. Barry R. Lawrence, Assistant to the County Manager/Clerk to the Board
Mrs. Linda B. Jones, Deputy Clerk to the Board
Mr. C. Michael Schnurman, Legislative Liaison
Mr. Joseph P. Rapisarda, Jr., County Attorney
Mrs. Tamra R. McKinney, Director of Public Relations & Media Services
Mr. John A. Vithoulkas, Acting Director of Finance
Mr. Paul N. Proto, Director of General Services
Mr. George H. Cauble, Jr., Director of Human Resources
Mr. David D. O'Kelly, Jr., Assistant Director of Plan Review and Code Support
Col. Henry W. Stanley, Jr., Chief of Police
Maj. James B. Fitzgerald, Uniform Operations, Central/West
Mr. Arthur D. Petrini, Director of Public Utilities
Mr. Edward L. Priestas, Director of Public Works
Mr. Tim Foster, Assistant Director of Public Works
Mr. Jeffrey W. Perry, Engineering and Environmental Services Division Manager
Ms. Danielle E. Bazemore, Controller, Public Works
Dr. Max S. Maizels, Tuckahoe District Resident
Mr. Will Jones, *Richmond Times-Dispatch*
Mr. Tom Lappas, *Henrico Citizen*

Draft 2008 Legislative Program

Mr. Hazelett advised that the County's 2008 Legislative Program will be reviewed with the State legislative delegation at a dinner meeting on

November 29, 2007. He recognized Mr. Schnurman, who provided a Power Point presentation on the proposed 2008 Legislative Program (see enclosed copy). Mr. Schnurman noted that this year's draft program had been divided into two categories, goals and requests, and was consistent with the format used in previous years. After briefly explaining the County's legislative goals, Mr. Schnurman summarized the four legislative requests that were included in the draft document.

There was lengthy discussion by members of the Board, Mr. Schnurman, Mr. Hazelett, Mr. Rapisarda, and Chief Stanley regarding the issue of intersection soliciting. This discussion included the City of Richmond's enforcement procedures for intersection soliciting, Virginia State laws pertaining to soliciting on primary highways versus secondary highways, how local enforcement is determined when primary and secondary highways intersect, whether the State Code addresses sign-holding at intersections as well as soliciting, safety concerns at busy intersections, and citizen complaints about this type of soliciting. Mr. Rapisarda cited State Code provisions pertaining to intersection soliciting and pointed out that most solicitors are aware of laws surrounding soliciting.

Chief Stanley distributed to members of the Board a pamphlet given to solicitors by the Division of Police that provides an overview of the Virginia State Code for soliciting in roadways (see enclosed copy). In response to further questions from Board members, Mr. Rapisarda read the County's existing ordinance addressing soliciting in roadways and noted that the zoning ordinance prohibits the posting of signs in intersections. He reminded the Board of the group of citizens who staged a protest for seven years in a roadway median strip near Grove Avenue Baptist Church and the First Amendment issues that were raised. Mr. Glover commented that solicitors are often seen at the intersection of Hilliard, Glenside, and Staples Mill Roads.

Mr. Perry and Mr. Hazelett addressed questions and concerns from Board members pertaining to the request for a stream restoration bank, including how the current process works, the distinction between wetlands and streams, the number of miles of streams in the County (440) and the number of miles of streams in need of restoration (204), and how payments into the stream restoration bank are determined.

Mr. Priestas and Mr. Hazelett assisted Mr. Schnurman in responding to questions relating to the Environmental Impact Reports (EIP) issue and request, including whether any other locality had made a similar request to increase the project cost limit triggering the EIP requirement, if maintenance projects such as resurfacing roads require an EIP, and if additional County road projects will be delayed because of EIP approval. Mr. Priestas noted that his office had received a letter from the Office of the Governor on October 10, 2007 explaining EIP requirements contained in the compromise transportation bill passed during the last Virginia General Assembly Session but that County staff still had several questions about the types of projects that are exempted from EIPs. He also noted that EIPs are being handled by the Virginia Department of Environmental Quality (DEQ), not the Virginia Department of Transportation (VDOT). Mrs. O'Bannon questioned whether DEQ had received additional funding for its staff to review EIPs. Mr. Hazelett stated that the \$100,000 project cost limit established by the General Assembly for EIPs is not reasonable. Mr. Kaechele noted that most road projects in the County were already being held up by environmental impact reports prior to adoption of these new EIP requirements.

Mr. Hazelett noted that while the 2008 Legislative Program was a short one, there were other ongoing legislative issues of concern for which staff was not proposing specific legislative requests. These issues included payday loans and illegal immigration. Mr. Glover questioned how the County can communicate to citizens that the

authority for addressing immigration issues rests with the federal government and not with localities and asked whether the Department of Public Relations & Media Services could produce a video on this topic. Mr. Rapisarda commented that any information the County disseminates on immigration issues will fuel the public debate as there are many citizens on both sides of these issues. He concurred with the Manager that illegal immigration is a federal responsibility. There was extended discussion among members of the Board, Mr. Hazelett, Mr. Hinson, and Mr. Rapisarda regarding the impact of illegal immigration on local government services, how to enforce and pay for the enforcement of federal immigration laws, the State's responsibility for preventing persons from driving without a license, how County staff currently addresses complaints of overcrowding in residential dwellings, and the large amounts of money being transferred from the United States to other countries. Mr. Hinson indicated that staff could take a look at the definition of family in the zoning ordinance but reiterated that it is difficult for staff to investigate residential overcrowding complaints.

At Mr. Hazelett's request, Mr. Priestas updated the Board on an on-going study to install cameras at various intersections within the County to curb the practice of drivers running red lights. Mr. Priestas informed the Board that VDOT had left the installation of cameras on both State and County roads to the localities. He further noted that companies had been soliciting local governments to administer red light running programs and that his agency and the Division of Police had been gathering information from vendors on these programs. Mr. Foster commented on a vendor demonstration that his office had attended outlining the cost of the program from installation to the monitoring of the cameras. He highlighted some concerns he had with the program regarding privacy issues, a possible decrease in accidents but increase in rear-enders, certifying signal times to ensure that the locality was not using the program as a revenue generating measure, and the overall expense of the program. Mr. Foster responded to several questions and comments from Board members including the General Assembly's approval of the statewide use of the program, which localities were currently using the program, the cost of installing cameras and operating the equipment at one intersection such as Broad Street and Poncey Tract Road, possible deficiencies within the camera system, the mechanics of how the cameras operate, whether violations are deemed to occur at the highway's stop bar or upon proceeding through a yellow light, and how cameras would affect funeral processions. Mrs. O'Bannon expressed concern as to whether the Division of Police would be comfortable with having an outside private vendor involved in determining traffic violations.

The Board recessed for dinner at 6:27 p.m. and reconvened at 6:39 p.m.

Mr. Hazelett and Mr. Rapisarda briefly reviewed several items on the evening's regular meeting agenda. Mr. Hazelett explained the proposed emergency ordinance to establish mandatory restrictions on the use of water from the County's public water system and penalties for violations of the restrictions. He noted that surrounding jurisdictions had already implemented mandatory restrictions and then spoke to a third condition that he had added to the proposed ordinance earlier in the day concerning when the restrictions would take effect. Mr. Petrini updated the Board on James River flow levels and distributed a water conservation fact sheet (see enclosed copy), which included a chart comparing voluntary and proposed mandatory measures. He advised that this information was intended to assist the Board in responding to questions from the media. There was some discussion by Mr. Glover, other Board members, and staff as to whether the City of Richmond was enforcing its mandatory restrictions. Mr. Hazelett responded to questions from Mr. Donati regarding when the restrictions would go into effect and elaborated on the comparison chart provided by Mr. Petrini. In response to further questions from Board members, Mr. Petrini advised that only County water system customers would be affected by the mandatory restrictions, the County's water supply is based on the James River watershed and not private aquifers, and lawn watering by County water system customers would be prohibited under the restrictions. Mr. Hazelett stated that if the Board adopted the emergency ordinance at the evening meeting he planned to implement mandatory restrictions the following day. Mr. Rapisarda confirmed for Mr. Kaechele that under the ordinance the County would provide water customers violating the restrictions with a written warning before levying a fine.

There being no further business, the meeting was adjourned at 6:55 p.m.



Chairman, Henrico County Board of Supervisors