

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
SPECIAL MEETING
November 24, 2009

The Henrico County Board of Supervisors convened a special meeting on Tuesday, November 24, 2009 at 5:15 p.m. in the County Manager's Conference Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia.

Members of the Board Present:

David A. Kaechele, Chairman, Three Chopt District
Patricia S. O'Bannon, Vice Chairman, Tuckahoe District
James B. Donati, Jr., Varina District
Richard W. Glover, Brookland District
Frank J. Thornton, Fairfield District

Other Officials Present:

Virgil R. Hazelett, P.E., County Manager
Joseph P. Rapisarda, Jr., County Attorney
Barry R. Lawrence, CMC, Assistant to the County Manager/Clerk to the Board
Tanya B. Harding, Administrative Assistant/Deputy Clerk to the Board
George T. Drumwright, Jr., Deputy County Manager for Community Services
Leon T. Johnson, 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
Jennifer K. Acker, Assistant Director of Public Relations & Media Services
John A. Vithoukas, Director of Finance/Special Economic Advisor

Mr. Kaechele called the meeting to order at 5:22 p.m.

Proposed Ordinance Amendments Pertaining to Noise

Mr. Hazelett noted that staff was revisiting the proposed noise ordinance with the Board. He recommended that the ordinance be introduced at the Board's December 8, 2009 meeting for public hearing at its January 26, 2010 meeting if consensus was reached on the ordinance's provisions during this special meeting.

Mr. Hazelett recognized Karen Adams, Senior Assistant County Attorney, who narrated a Power Point presentation that provided an update to 2009 proposed amendments to the noise ordinance. Ms. Adams advised that her presentation would address points of concern raised by the Board at its previous special meeting on November 10, 2009. During the first part of her presentation, Ms. Adams reviewed criminal vs. civil enforcement options. She reiterated that criminal

enforcement is used in the County's current noise ordinance and is the only enforcement currently authorized by state law whereas civil enforcement would require new legislation from the Virginia General Assembly. Ms. Adams also characterized criminal enforcement as the most appropriate means for the majority of infractions. She and Mr. Rapisarda responded to questions from the Board regarding how criminal fines are imposed by the courts for noise ordinance violations, how civil enforcement would eliminate the enforcement role of police officers, and the legal distinction between criminal and civil penalties.

The second part of Ms. Adams's presentation dealt with existing zoning restrictions and the proposed noise prohibition for trash and recycling collection. She thanked Mr. Glover for previously pointing out that the County's zoning ordinance currently places restrictions on the hours of trash collection in business districts. Ms. Adams referred to the need for additional restrictions on trash and recycling noise through the noise ordinance, reviewed how the proposed ordinance would address this type of noise, and discussed the inherent difficulties with regulating such noise. She concluded her presentation by explaining that staff was recommending the proposed noise ordinance remain the same as that presented on November 10, with the exception of minor revisions that would change trash collection hours in the ordinance to conform with the zoning ordinance restrictions and also change the "sound-producing devices" section to make the 11:00 p.m. to 7:00 a.m. prohibition applicable to both noises plainly audible inside another's dwelling and noises plainly audible at 50 feet. She, Mr. Rapisarda, Mr. Hazelett, and Chief Deputy Commonwealth's Attorney Duncan Reid responded to a number of questions and comments from the Board pertaining to provisions of the existing zoning ordinance and proposed noise ordinance, including whether enforcement actions should be taken against trash truck drivers, the specific hours during which trash collection is not permitted in each of the three business districts, the types of noises that would continue to be permitted 24 hours per day, how the 50-foot distance requirement would be applied, procedures for documenting noise violations and issuing summonses for such violations, the maximum level of fines specified for these violations and how they are imposed by judges, the number of noise complaints received by the Division of Police that end up in court, why existing zoning prohibitions for trash collection are less restrictive in B-3 business districts than in B-1 and B-2 business districts, and the definition and examples of "sound-producing devices."

In response to a request by Mr. Glover and with the Board's concurrence, Mr. Hazelett advised that staff would pursue possible amendments to the zoning ordinance to extend the prohibition on trash collection between 12:00 midnight and 6:00 a.m. to M-1 and M-2 industrial districts. He also confirmed that the proposed noise ordinance will be placed on the Board's December 8, 2009 meeting for introduction and for public hearing on January 26, 2010 and that a draft copy of the ordinance will be sent to the Board prior to introduction. Mr. Hazelett further advised that a letter will be mailed to the County's private trash haulers notifying them of the public hearing.

Mr. Hazelett introduced the *Richmond Times Dispatch* reporter recently reassigned to cover the County, Luz Lazo. Ms. Lazo commented that she is looking forward to meeting County officials.

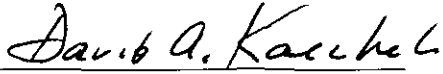
The Board recessed for dinner at 6:06 p.m. and reconvened at 6:31 p.m.

Mr. Hazelett briefly reviewed the items on the evening's regular meeting agenda. Mr. Vithoukas noted that the Recovery Zone Economic Development Bonds addressed in the authorization resolution would have a 45 percent federal government interest subsidy. Mr. Hazelett advised that the resolution requesting a suspension of proposed stormwater regulations would be sent upon adoption to the Governor, the Secretary of Natural Resources, the Director of the Virginia Department of Conservation and Recreation, the County's General Assembly delegation, the Virginia Association of Counties, the Virginia Municipal League, and local government officials.

Mr. Hazelett informed the Board that the County's agency directors and assistant directors are scheduled to join him and the Deputy County Managers for Integrated Emergency Management Courses (IEMCs) at the Federal Emergency Management Institute in Emmitsburg, Maryland in August 2010. The IEMCs are one-week, exercise-based training activity that places Emergency Operations Center (EOC) personnel under realistic crisis situations within a structured learning environment. The last time County staff attended this comprehensive exercise was in 1996. The Institute will provide housing and training at no cost to the County and the County has applied for a \$10,000 grant from the federal government to cover the cost of meals. The Board concurred with Mr. Hazelett that the County and its citizens would benefit from staff's participation in this activity. Mr. Hazelett cautioned that some citizens may express concerns to the Board about County officials traveling out of town given the current economic conditions even though the training will not involve spending taxpayer dollars. Mr. Vithoukas responded to a question from Mr. Donati relating to the status of Federal Emergency Management Agency reimbursements to the County for expenses incurred in recent years for natural disasters.

There was discussion by Mr. Hazelett, the Board, and Mr. Vithoukas about the County's current revenue situation and the impact of further state budget reductions on the County's budget. Mr. Hazelett advised that some localities will be increasing taxes, laying off employees, and reducing services. He and Mr. Vithoukas responded to questions from the Board regarding the County's relatively good fiscal health compared to other localities and how staff plans to address a projected revenue shortfall. There was also discussion concerning the status of public safety hiring and the County's future financial obligations to renovations at The Diamond. Mr. Hazelett advised that the County will have to reduce non-departmental funding to non-profit organizations in the upcoming budget. Mr. Glover suggested that Sgt. Kenny Ragland make a presentation to the Board at a future work session on the progress of the Police Athletic League. He also commented that the longevity of the Board has been conducive to allowing Mr. Hazelett to do what needs to be done in terms of successfully managing the County's budget.

There being no further business, the meeting was adjourned at 6:56 p.m.


Chairman, Board of Supervisors
Henrico County, Virginia