

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
SPECIAL MEETING
February 23, 2010

The Henrico County Board of Supervisors convened a special meeting on Tuesday, February 23, 2010 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:

Patricia S. O'Bannon, Chairman, Tuckahoe District
Frank J. Thornton, Vice Chairman, Fairfield District
James B. Donati, Jr., Varina District
Richard W. Glover, Brookland District
David A. Kaechele, Three Chopt 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
Angela N. Harper, Deputy County Manager for Special 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
Tamra McKinney, Director of Public Relations & Media Services
John A. Vithoulkas, Director of Finance/Special Economic Advisor

Mrs. O'Bannon called the meeting to order at 5:21 p.m.

Proposed Ordinance Amendments Relating to the Regulation of Noise

Mr. Hazelett noted that the Richmond City Council passed a noise ordinance at its meeting the previous evening. He then recognized Ben Thorp, Assistant County Attorney, who narrated a slide presentation on proposed amendments to the noise ordinance. At the outset of Mr. Thorp's presentation, and in response to questions from the Board, Mr. Thorp and Mr. Rapisarda explained the role of the Local Government Attorneys of Virginia (LGA) in assisting localities that must re-write their noise ordinances to comply with the recent Virginia Supreme Court *Tanner* decision. They also commented on the status of Chesterfield County's noise ordinance and the Henrico Board's opportunity to make further amendments in the future to Henrico's ordinance should it have unintended consequences or not be upheld by the Virginia Supreme Court. Mr. Thorp's prepared presentation included a summary of citizen comments

on the proposed ordinance received by the Board at its January 26, 2010 public hearing; staff's recommended changes to categories of the proposed ordinance addressing car horns, party noise, sound-producing devices, car stereos, and lawn care; and areas of the proposed ordinance not recommended for change by staff addressing school, court, and hospital streets, general noise, trash collection, and times by noise category. Mr. Thorp, Mr. Hazelett, Mr. Rapisarda, and Mr. Silber responded to questions and comments from the Board regarding noise associated with lawn care, sporting activities, school construction, and emergency vehicles. There was lengthy discussion concerning the regulation of noise from trash collection in residential areas, how this provision of the proposed ordinance will be enforced, and the penalties for violating this provision. Mr. Silber updated the Board on an ancillary amendment to the County's zoning ordinance being drafted by the Planning Department that will uniformly regulate the hours of trash collection across zoning districts. There was also discussion pertaining to sound-producing devices. Mr. Thorp concluded his presentation by mentioning that staff tried to draft the proposed ordinance so as not to criminalize reasonable conduct. Mr. Hazelett advised the Board that the County Attorney's Office had prepared a substitute ordinance reflecting the proposed amendment changes as well as a voting script that would be placed at the Board's seats that evening during the 7:00 p.m. meeting. He noted that staff could make further changes to the substitute ordinance at the conclusion of the evening's public hearing on this matter should the Board wish to do so.

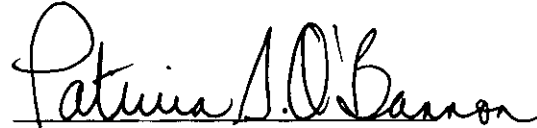
The Board recessed for dinner at 6:04 p.m. and reconvened at 6:20 p.m.

Mr. Hazelett reviewed the agenda for the evening's regular meeting and announced that Board members would be receiving a copy a copy of the FY 1999-2009 *Financial Trend Monitoring System (TRENDS)* document prepared by the Department of Finance's Office of Management and Budget. He, Mr. Rapisarda, and Mr. Pinkerton responded to questions from the Board relating to five resolutions listed on the agenda under public hearing items that would authorize condemnation proceedings for properties needed to construct the North Gayton Road Extension Project. Mr. Rapisarda explained the legal process for property condemnations and Mr. Pinkerton reviewed the negotiation process with property owners for this project. Mr. Kaechele noted that the targeted completion date for this project had already been delayed. There was some discussion by the Board and Mr. Hazelett regarding snow removal and pothole repair costs included in an introductory resolution on the agenda to reduce the County's FY 2009-10 annual fiscal plan.

Mr. Hazelett briefed the Board on the schedule for consideration and adoption of the County's FY 2010-11 budget. Although the public hearing on the budget will be held on April 13, 2010 as originally planned, the legislative budget reviews will be moved forward from the week of March 15 – 19, 2010 to the week of April 5 – 9, 2010 because of the current absence of an agreement by the two houses of the Virginia General Assembly on the Commonwealth's FY 2010-12 biennial budget. The County budget will be introduced for advertisement at the Board's March 23, 2010 meeting, two weeks later than initially planned, and will be adopted at the April 27, 2010 meeting when the local tax rates are established. There was discussion by Mr. Hazelett and the Board concerning the revised legislative budget review schedule, the potential impact of anticipated reductions in state aid to localities, how local schools will make up snow days, proposed reductions in non-departmental funding by Chesterfield and Hanover

Counties, the Commonwealth's per line mile payment rates to counties for road maintenance, and local real estate assessment trends. Mr. Hazelett informed the Board that the Executive Director of the Richmond Regional Planning District Commission (RRPDC) has agreed to Mr. Hazelett's recommendation that the County's share of funding for RRPDC be reduced by five percent for FY 2010-11.

There being no further business, the meeting was adjourned at 6:48 p.m.

A handwritten signature in black ink, reading "Patricia A. O'Bannon". The signature is fluid and cursive, with the first name "Patricia" being the most prominent.

Chairman, Board of Supervisors
Henrico County, Virginia