

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
SPECIAL MEETING
January 22, 2008

The Henrico County Board of Supervisors convened a Special Meeting on Tuesday, January 22, 2008 at 4:30 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 4:39 p.m. Those present at the meeting were:

PRESENT

The Honorable David A. Kaechele, Chairman
The Honorable Patricia S. O'Bannon, Vice-Chairman
The Honorable James B. Donati, Jr., Varina District Supervisor
The Honorable Richard W. Glover, Brookland 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, FAICP, Deputy County Manager for Special Services
Mr. Leon T. Johnson, Deputy County Manager for Administration
Mr. Robert K. Pinkerton, P.E., Deputy County Manager for Community Operations
Mr. Randall R. Silber, Deputy County Manager for Community Development
Mr. Barry R. Lawrence, Assistant to the County Manager/Clerk to the Board
Mrs. Linda B. Jones, Deputy Clerk to the Board
Mr. Joseph P. Rapisarda, Jr., County Attorney
Mrs. Karen M. Adams, Senior Assistant County Attorney
Mr. E. Ray Jernigan, Chairman, Planning Commission
Mrs. Bonnie-Leigh Jones, Vice-Chairman, Planning Commission
Mr. Chris W. Archer, Fairfield District Planning Commissioner
Mr. Ernest B. Vanarsdall, CPC, Brookland District Planning Commissioner
Mrs. Tamra R. McKinney, Director of Public Relations & Media Services
Mr. John A. Vithoulkas, Director of Finance
Mr. Eugene H. Walter, Acting Director of Management and Budget
Mr. Paul N. Proto, Director of General Services
Ms. Cynthia B. Smith, Risk Manager, General Services
Mr. Ralph J. Emerson, Jr., Acting Director of Planning
Ms. Jean M. Moore, Principal Planner
Ms. Rosemary D. Deemer, County Planner
Mr. Seth D. Humphreys, County Planner
Ms. Karen K. Mier, Director of Recreation and Parks
Mr. Neil C. Luther, IV, Assistant Director of Recreation and Parks
Ms. Cindy Jo P. Daniel, Management Specialist, Recreation and Parks
Mr. Arthur D. Petrini, Director of Public Utilities
Mr. Edward L. Priestas, Director of Public Works
Mr. Nate Ayers, President, Richmond Area Chapter of MORE

Dr. Kimberly Perry, Vice-President, Richmond Area Chapter of MORE
Mr. Greg Rollins, Past President and Trail Advocate, Richmond Area Chapter of MORE
Mr. James D. Campbell, CAE, Executive Director, Virginia Association of Counties
Mr. Robert W. Lauterberg, Managing Director, VML/VACo Finance Program
Mr. Will Jones, *Richmond Times-Dispatch*
Mr. Tom Lappas, *Henrico Citizen*

Mr. Hazelett brief reviewed the three items listed on the special meeting agenda and advised that if time permitted he might provide information on the transportation authority legislation pending in the Virginia General Assembly.

Park Trail Maintenance

Mr. Hazelett noted that two members of the Board had previously made a request to hear more about this topic. He introduced Mr. Rollins, Dr. Perry, and Mr. Ayers from the Richmond Area Chapter of the Mid Atlantic Off Road Enthusiasts (RA MORE). Mr. Rollins offered background information about RA MORE and its role in building trails in public parks. He then recognized Dr. Perry, who advised the Board of a program she had developed to help children become more physically active and to build their confidence through sports, while also teaching them about nutrition, fitness, health, and wellness. She referred to a recent community service program held by RA MORE that provided free bicycle helmets to children and taught them how to use them properly. Mr. Rollins recognized Mr. Ayers, who explained a pilot program implemented by RA MORE that assisted the Richmond Police Department with mountain bike patrol in the James River Park. He pointed out that the volunteers were trained in cardiopulmonary resuscitation (CPR) and minor bike repair, and were involved in cleaning up areas of the park that had been vandalized or used by the homeless. Mr. Rollins then narrated a Power Point presentation highlighting what RA MORE does, its organizational structure, how it works, its liability insurance policy, the need for trails, and a comparison of a sustainable trail at the City's James River Park with unsustainable trails at the County's Deep Run Park (see enclosed copy of presentation). He reviewed

how the trails in Dorey Park as well as Deep Run Park have been carved out by users and how his organization could design a more sustainable plan to remove obstacles and provide safer and more user-friendly trails in these parks.

During his presentation, Mr. Rollins responded to several questions from Board members concerning the responsible party for physically constructing the sustainable trails advocated by his organization, whether his organization uses City equipment, the cooperative relationship between RA MORE and the City of Richmond, the number of miles of trails in James River Park, how heavily the trails there are used, whether there is signage along the trails that addresses fitness levels and safety issues, the trail topography at James River Park versus Deep Run or Dorey Park, the scope of RA MORE's insurance policy, and how the trails at James River Park are accessed.

Mr. Hazelett advised the Board that volunteer efforts were always welcome in the County; however, government is unable to provide all services for all citizens. He pointed out that while RA MORE is a very capable organization, this type of request is new to the County and offering mountain biking in Henrico County is a policy matter for the Board's discussion. Mr. Hazelett reminded Board members of the County's previous exposure in a lawsuit involving a mountain biking incident several years ago and cautioned the Board to consider the County's liability based on its experience. He reiterated that this was a philosophical issue for the Board but indicated that although the Division of Recreation and Parks staff was prepared to move ahead he was personally not comfortable at this time recommending the sustainable trail program outlined by RA MORE. Mr. Kaechele suggested that the accident resulting in litigation against the County might have been avoided if the County had provided regulated trails at its parks.

Mr. Rollins responded to further comments and questions from Board members regarding the concept of shared use trails that appeal to a larger audience than bicyclists, whether the sustainable trails advocated by RA MORE are similar to the linear parks discussed several years ago by the Board, whether the trails used power line easements, whether the trails were intended to be used only for biking activity, whether the trails would be promoted to the general public or only to special groups, and the types of trails currently in place at Deep Run Park.

In response to a request by the Board for additional information, Ms. Mier narrated a Power Point presentation that addressed the Division of Recreation and Parks' recommendation relating to natural trail systems and how the County's liability and exposure could be reduced should the Board agree to move forward (see enclosed copy of presentation). She explained the advantages of working with RA MORE in rebuilding trails that had been damaged or destroyed by Hurricane Isabel in Dorey Park and advised that it was her staff's conservative recommendation to work with RA MORE under certain conditions on a trial basis in Dorey Park only. She noted the large number of social trails and obstacles that were already being built in Dorey Park through unsanctioned citizen use and pointed out that the Division of Recreation and Parks did not currently have the manpower to manage a natural trail system in its parks.

Ms. Mier responded to several questions and comments from Board members pertaining to the number of miles of trails in Dorey Park, whether the park contained equestrian trails and how extensively these had been used, and the degree to which mountain bike activity was already occurring in County parks. Mr. Hazelett reminded the Board of his obligation to point out the County's potential financial exposure. He and Mr. Rapisarda responded to a couple of further questions from Board members regarding

Mr. Hazelett's concerns and the County's existing liability for users of unsustainable trails. Mr. Rapisarda observed a sustainable trail system would bring more activity into the parks but that the insurance provided by RA MORE would be beneficial to the County. He assured the Board that staff would put legal precautions in place and reviewed the special circumstances surrounding the court case in which the County was previously involved. The Board's consensus was to move along with the Division of Recreation and Parks' recommendation and utilize the volunteer efforts of RA MORE on a trial basis in Dorey Park.

**Draft Vision 2026 Comprehensive Plan –
Final Chapters and Public Process**

Mr. Kaechele welcomed members of the Planning Commission who were present. Mr. Hazelett noted that this item had been scheduled as a joint work session with the Planning Commission to provide an update on the status of the 2026 Comprehensive Plan, review draft Chapters 11 and 12, and discuss the next phase of the process. He recognized Mr. Emerson, who reminded the Board that Chapters one through ten have been completed and were reviewed by the Planning Commission and Board of Supervisors during work sessions held in June 2005 and October 2006. Since that time, revisions recommended by the Board and Planning Commission had been made and all ten chapters had been posted to the Planning Office's web site for public comment. Mr. Emerson narrated a Power Point presentation that briefly reviewed draft Chapters 11 and 12, existing implementation tools, and what's next in the process. He then showed a draft video prepared by the Department of Public Relations & Media Services intended to serve as a continuous loop at community open houses where citizens would have an opportunity to offer public comments (see enclosed copy of video slides). The video explained the purpose of the open houses, the four steps of a Comprehensive Plan, Henrico's planning process, the legal basis for the Plan, the Plan development process, chapters of the Plan, the

County's special strategy areas, Plan recommendations addressing natural and cultural resources and transportation, additional tools, and how to proceed. Mr. Emerson described the format and layout of the planned community open house meetings.

Mr. Emerson responded to a question from Mr. Glover relating to how the Plan's goals, objectives, and policies can be strengthened to address older corridors of the County. Mr. Glover asked whether a Board work session or retreat with the Planning Commission could be scheduled to discuss this issue. Mr. Emerson responded to a question from Mr. Thornton as to whether the draft Plan had taken into account the County's movement from a rural to a more urban environment. In response to questions from Mr. Kaechele, Mr. Emerson indicated that staff would schedule individual meetings with each Board member and his or her Planning Commissioner to review the draft Comprehensive Plan document and process. He further noted that his staff would be available to meet with any community groups prior to the public hearings for the adoption of the Plan by the Board and Planning Commission and that there would be another Board work session with the Planning Commission to review the input received at the public open houses.

Mr. Emerson responded to additional questions from Board members and Planning Commissioners relating to whether the looped video and maps could be displayed in County library branches, the contents of Chapter 12 of the draft Plan, whether the video makes it clear that the Plan is a flexible document that serves as a guideline, if surveys would be used to solicit public opinion about the Plan, the timeframe for holding the open houses, and the length of the video. Mr. Donati observed that the video moved rather quickly for the average citizen and suggested a slower pace.

The Board recessed for dinner at 6:00 p.m. and reconvened at 6:10 p.m.

Virginia Association of Counties/Virginia
Municipal League Virginia Pooled OPEB
Trust Fund

Mr. Hazelett recognized Mr. Campbell in the audience and provided some biographical information on Mr. Lauterberg after introducing him to the Board. Mr. Hazelett advised that staff had participated in previous sessions with Mr. Lauterberg. Mr. Lauterberg gave a brief history of the Virginia Association of Counties (VACo)/Virginia Municipal League (VML) Finance Program for local governments that was established in 2003. He commented that he was excited about the prospect of working in a new arena, i.e. the Pooled Other Post Employment Benefits (OPEB) Trust Fund. He narrated a Power Point presentation that reviewed the Governmental Accounting Standards Board's (GASB) Statement 45, OPEB trust fund investments and selection, the rate of return and annual required contribution (ARC) for OPEB trust funds, the unique features and governance of the VACo/VML Pooled OPEB Trust, roles of the trust fund's Board of Trustees, and advantages of the VACo/VML Pooled OPEB Trust. Mr. Lauterberg pointed out that Henrico and Fairfax Counties were the founding members of the VACo/VML Pooled OPEB Trust and that the County would be represented on the Board of Trustees for the first six years following establishment of the Fund. Future Trustees would be nominated by professional finance officers associations. The investment advisor, which was currently Evaluation Associates, would play a key role in the Trust and Mr. Lauterberg would attend all meetings of the Board of Trustees.

Mr. Lauterberg and Mr. Hazelett responded to a number of questions from Board members regarding the meaning of the acronym OPEB, the amounts of funds invested and degree of local participation anticipated during the early stages of the OPEB Trust, how invested funds would be pooled, the variety of investment

options that will be used, whether Henrico would be fully funding its liabilities, GASB 45 requirements, whether the County could lose funds through the Trust, current annual returns realized by the Virginia Retirement System (VRS), the number of jurisdictions in Virginia with the ability to fund GASB 45 liabilities, whether school divisions would be pooled with general government, whether the Virginia General Assembly had already specifically authorized the VACo/VML Pooled OPEB Trust, whether there would be any State oversight of the OPEB Trust, the projected amount of the State's GASB 45 liabilities, whether there was an administrative fee associated with the OPEB Trust, the expected timeframe in which the Trust would become operational and the anticipated level of staffing, and the estimated amount of Henrico County's contributions to the Trust during the current fiscal year and upcoming fiscal year. Hearing no objections from the Board, Mr. Hazelett advised that an ordinance for the County to become a founding member of the Trust would be introduced at the Board's first regular meeting in February and scheduled for a public hearing and adoption at the Board's first regular meeting in March. He referred to a letter that he had sent to the Board on January 17 summarizing the process for the County's participation in the Trust and recommending the County's three Trustees.

Mr. Pinkerton distributed loose-leaf notebooks to the Board concerning the proposed Central Virginia Regional Transportation Authority. The notebooks contained information on the issues surrounding legislation that had been introduced during the 2008 Virginia General Assembly Session to create this authority, a summary of specific bills sponsored by Delegate Frank Hall and Senator John Watkins, and copies of legislation previously enacted by the General Assembly creating the Hampton Roads Transportation Authority Act and Northern Virginia Transportation Authority Act. He reviewed meetings that staff had attended on the bills introduced during the current Session on this subject. He encouraged Board members to attend a meeting at the Richmond Regional Planning District Commission on January 24, 2008 where there would be a regional discussion of the legislation by local officials. Mr. Hazelett outlined his concerns about the pending legislation. He stated he could not recommend that the Board support the creation of a regional transportation authority because transportation is a State responsibility. Mr. Hazelett referred to distinctions between the Hall and Watkins bills in terms of the proposed

structure of the commission. He responded to a few questions from Board members pertaining to whether the revenue sources to fund the commission were the same in both bills, the current status of the Northern Virginia Transportation Authority, how the other local government chief administrative officers in the region felt about the legislation, whether the County's road maintenance funding formula would be placed in jeopardy if the Board opposed the legislation, and whether the patrons of these bills would withdraw them if local officials were not supportive.

Mr. Hazelett briefly reviewed the evening's regular meeting agenda. He noted that two real property related papers were back on the agenda after being deferred at the Board's last regular meeting because the papers had not been advertised properly by the newspaper. He also advised that the applicant for a telecommunications tower provisional use permit case listed on the evening's public hearing agenda would be requesting a deferral.

There being no further business, the meeting was adjourned at 7:02 p.m.


Chairman, Henrico County Board of Supervisors