

COUNTY OF HENRICO, VIRGINIA  
BOARD OF SUPERVISORS  
SPECIAL MEETING  
September 9, 2008

The Henrico County Board of Supervisors convened a Special Meeting on Tuesday, September 9, 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 of the Board of Supervisors called the meeting to order at 4:39 p.m.

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  
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. Tanya B. Harding, Deputy Clerk to the Board  
Mr. C. Michael Schnurman, Legislative Liaison  
Mr. Joseph P. Rapisarda, Jr., County Attorney  
Mrs. Jennifer K. Acker, Assistant Director of Public Relations & Media Services  
Mr. Paul N. Proto, Director of General Services  
Mr. William L. Smith, AIA, Deputy Director of General Services  
Mr. George H. Cauble, Jr., Director of Human Resources  
Mrs. Deborah S. Warner, Human Resources Manager  
Mr. Ralph J. Emerson, Jr., Director of Planning  
Mr. David D. Kelly, Sr. Assistant Director of Planning  
Ms. Leslie News, Principal Planner  
Mr. James P. Strauss, County Planner IV  
Mr. Michael Kennedy, County Planner III  
Mr. Edward L. Priestas, P.E., Director of Public Works  
Mr. Michael A. Jennings, Traffic Engineer, Department of Public Works  
Mr. John G. Woodburn, Review Engineer, Department of Public Works  
Mrs. Karen K. Mier, Director of Recreation and Parks  
Mr. Neil Luther, Assistant Director, Department of Recreation and Parks  
Mr. Kurtis S. Hedrick, P.E., Project Engineer, Burgess & Niple  
Ms. Kateri L. Simon, EIT, Burgess & Niple  
Mr. Steve Terrell, Chief Designer, HKS Architects  
Mr. Ron Wolfe, Project Manager, HKS Architects

Mr. Brian Pounds, Project Architect, HKS Architects  
Mrs. Leah V. Butler, Citizen, Varina District  
Mrs. Bonnie Leigh Jones, Planning Commissioner, Tuckahoe District  
Ms. Melodie Martin, *Richmond Times-Dispatch*  
Mr. Tom Lappas, *Henrico Citizen*

#### Research on Board of Supervisors Code of Ethics

Mr. Hazelett introduced this item by noting that he was not expecting an immediate decision by the Board but was looking for the Board's observations and comments. The research for this item was conducted through the Department of Human Resources. He recognized Mr. Johnson, who distributed a Code of Ethics and Standards of Conduct document proposed by Mrs. O'Bannon at a Board meeting several months earlier (see enclosed copy, labeled Code A). Mrs. O'Bannon explained how she had developed the information contained in this document. Mr. Johnson then directed the Board's attention to an alternate draft Code of Ethics document (see enclosed copy, labeled Code B), which staff had prepared in accordance with the County's mission and value statements. He also distributed a copy of the County's mission and value statements (see enclosed copy), which have been in place for the past 20 years.

Mr. Johnson recognized Mr. Cauble and Mrs. Warner, and advised that Mrs. Warner had thoroughly researched this subject. Mrs. Warner shared the findings from three separate reports on governmental ethics that she came across in conducting her research and noted that there are two primary types of code of ethics, values-based and rules-based. She explained the foundations of draft Code B prepared by staff, which was a values-based document, and at Mr. Kaechele's request explained what constitutes rules-based codes. At Mr. Hazelett's request, Mrs. Warner pointed out the five basic differences between draft Codes A and B.

Mr. Johnson elaborated on the differences between values-based and rules-based codes. In response to questions from Mr. Kaechele and Mr. Donati, Mr. Hazelett and Mr. Rapisarda

commented on how a Board of Supervisors code of ethics would be enforced. Mr. Donati referred to the recent indictment of members of the Board of Supervisors in Gloucester County. Mrs. O'Bannon cited specific areas of draft Code A that she thought would be helpful to the Board. Mr. Johnson suggested that members of the Board review draft Codes A and B at their leisure along with the County's mission and value statements.

In response to a question from Mr. Kaechele, Mr. Rapisarda recommended that the Board pass a motion to adopt either Code A or B if that was what was desired. Mr. Kaechele observed that the enforcement of standards of conduct for the Board would be delicate and political and that the public and the courts might have their own remedy. Mr. Rapisarda acknowledged that elected bodies that do not have their own codes of ethics assume that officials who violate ethical standards will not get re-elected. He remarked that there were a lot of similarities between draft Codes A and B but that these two examples were couched in different language.

In response to questions from Mr. Kaechele and Mrs. O'Bannon, Mr. Hazelett and Mr. Johnson stated that the County Manager's Office adheres to the International City Management Association's (ICMA's) code of ethics. Mr. Rapisarda clarified for Mr. Donati that codes of ethics for local government officials were generally not based on constitutional provisions. Mrs. O'Bannon stated that a code of ethics would be a continuous reminder of how the Board should act and treat the public.

Mrs. Warner responded to questions from Mr. Thornton and Mr. Hazelett regarding the number of other localities in the Commonwealth and in central Virginia that have adopted codes of ethics and the length of time in which these codes have been in place. Mr. Rapisarda pointed out that the Virginia Conflicts of Interest Act would take precedence over similar provisions in local government codes of ethics and for that reason

suggested that the Board avoid a rules-based code. Mrs. Warner responded to questions from Mr. Kaechele concerning how a local code of ethics would build upon the County's existing mission and value statements. Mr. Hazelett said that the mission and values statements do not necessarily serve the same purpose as would a code of ethics.

Mr. Kaechele stated a need for the Board to study the various options presented by staff along with the County's mission and values statements. In response to a question from Mr. Thornton, Mr. Kaechele clarified that a third option rather than adopting either Codes A or B would be for the Board to restructure the County's mission and values statements. He concluded the discussions by referring to the generally good reputation that the County government has had with its citizens.

#### Proposed Plan of Development for Eastern Henrico Recreation Center

Mr. Hazelett recognized Ms. News, who offered brief facts about the project and described the two phases of the building program (see enclosed copy of Power Point presentation). Mr. Smith clarified for Mr. Kaechele that \$13.4 million was allocated in the 2005 bond referendum towards this project. Mr. Hedrick continued the Power Point presentation by reviewing the master plan for the site and the site plan for phase one of the project. Mr. Smith clarified for Mr. Kaechele and Mr. Donati the status of funding for phases one and two. There was considerable discussion among Board members, Mr. Luther, Mr. Terrell, Ms. Mier, Mr. Smith, and Mr. Hazelett pertaining to the design of the concession stand, the clearing of land for construction of athletic fields on the site, and the timing and financing of phases one and two of the project.

Mr. Terrell resumed the Power Point presentation by reviewing the schematic floor plan for the upper and lower levels of the recreation center. He responded to several questions from Board members relating to the size and design of the activity room and the proximity of recreation center rest rooms to the multi-use recreation field. Mr. Terrell continued the Power Point

presentation by reviewing the exterior elevations of the recreation center facility. He and Mr. Hazelett responded to further questions from Board members and Mr. Silber regarding the view of the building from Laburnum Avenue, access to the facility's restrooms, the timing and location of athletic fields on the site, and how the project will incorporate Leadership in Energy and Environmental Design (LEED) concepts.

Mr. Thornton commented that that he was exhilarated by this project because it will provide youth in eastern Henrico a place to play. He expressed appreciation to the other members of the Board for their help and to the voters who approved the project in the 2005 bond referendum. Mr. Thornton stated that the project will help dispel the perception of a schism between western and eastern Henrico. He noted that Mr. Hazelett had also been very helpful.

The Board recessed for dinner at 5:50 p.m. and reconvened at 6:00 p.m.

#### Appeal of Plan of Development for Third Presbyterian Church

Mr. Hazelett recognized Mr. Emerson, who reviewed the Planning Commission's approval of the plan of development (POD) for Third Presbyterian Church and the subsequent appeal of this decision to the Board by adjacent property owners Doug and Miriam Tice. Mr. Emerson briefly reviewed the POD and referred to a slide containing the zoning map for the site (see enclosed copy). He noted that the POD was originally submitted to the County for review in January 2008 and that a number of meetings on this case had been held with the community. Mr. Emerson reviewed how existing development on the site had evolved over time (see enclosed aerial view of property) and explained features of the proposed church expansion on the site (see enclosed schematics). He elaborated on parking issues that were of particular concern to neighbors and summarized the schedule of church services and ongoing activities held at the church. Mr. Emerson clarified how the church would comply with parking requirements set forth in the County Code. He responded to several questions from

Mrs. O'Bannon and Mr. Kaechele concerning the number of parking spaces required on site, the need for off-site parking during peak times, and how parking requirements would be enforced.

On motion by Mr. Thornton, seconded by Mr. Glover, the Board approved going into a Closed Meeting at 6:12 p.m. for the following matter:

Consultation with the County Attorney regarding specific legal matters requiring the provision of legal advice pertaining to the appeal of the plan of development for Third Presbyterian Church, pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, 1950, as amended.

The vote of the Board was as follows:

<u>Aye</u>	<u>Nay</u>
David A. Kaechele	
Patricia S. O'Bannon	
James B. Donati, Jr.	
Richard W. Glover	
Frank J. Thornton	

On motion of Mr. Glover, seconded by Mr. Thornton, the Board approved going out of the Closed Meeting at 6:48 p.m.

The vote of the Board was as follows:

<u>Aye</u>	<u>Nay</u>
David A. Kaechele	
Patricia S. O'Bannon	
James B. Donati, Jr.	
Richard W. Glover	
Frank J. Thornton	

In open session, on motion of Mr. Donati, seconded by Mr. Glover, the Board approved the attached certificate of Closed Meeting.

The vote of the Board was as follows:

<u>Aye</u>	<u>Nay</u>
David A. Kaechele	
Patricia S. O'Bannon	
James B. Donati, Jr.	
Richard W. Glover	
Frank J. Thornton	

Mr. Hazelett identified two zoning cases on the evening's agenda for which deferrals had been requested by the applicants. He advised that a court reporter would be present for the public hearing on the cellular telephone tower case, which was a request by Richmond 20 MHz LLC for a provisional use permit. Mr. Hazelett noted that a resident of the Three Chopt District, Margie Swart, had signed up to speak during the evening meeting's public comment period to express concerns about the proposed location of the Recreation and Parks Western Maintenance Facility on the Twin Hickory Park site. He also referred to the resolution on the evening's agenda pertaining to the acquisition of real property for Kain Road and noted that there was a consent agenda containing five items.

Mr. Hazelett alerted the Board that at the next Richmond Regional Planning District Commission meeting on September 11, 2008 there would be discussion of the creation of a Central Virginia Regional Transportation Authority. He explained briefly how the authority would work and how revenues generated by the authority would be allocated. Mr. Hazelett advised that staff would make a presentation on this matter to the Board at an upcoming work session. He responded to several questions from Board members regarding the proposed revenue funding formula for the authority, whether the City of Richmond could use the authority to promote Main Street Station as the region's primary train station, the amount of revenues generated by the authority that would remain in the County, the Commonwealth's role in collecting revenues generated by the authority, and how the authority would affect the County's current road allocations from the Commonwealth.

Mr. Hazelett announced that the construction in the Board Room to accommodate video streaming of Board meetings would begin on November 13, 2008 and conclude on January 9, 2009. The County did not receive any bids for this project the first time they were solicited but a contractor was procured the second time around. The second Board meeting in November and first Board meeting in December will need to be moved to another location. Mr. Hazelett recommended that these two meetings be held in the Manager's Conference Room with the Courts Building as a possible alternate location. Mr. Donati and Mr. Thornton suggested that these meetings be held at the Glen Echo facility in eastern Henrico so citizens in that part of the county would have an opportunity to attend a Board meeting in their own community.

There being no further business, the meeting was adjourned at 7:00 p.m.

  
Chairman, Henrico County Board of Supervisors