

**RICHMOND REGIONAL PLANNING DISTRICT COMMISSION
MINUTES OF MEETING
APRIL 8, 2004**

Members/Alternates Present

John E. Gordon, Jr. (M), Vice Chairman County of Hanover
Malvern R. Butler (M), Treasurer County of Goochland
Edward B. Barber (M), Secretary County of Chesterfield
Richard W. Ayers (M) County of Powhatan
Gentry Bell (M)..... County of Henrico
Mark S. Daniel (M)..... County of New Kent
James B. Donati, Jr. (M)..... County of Henrico
John C. Grier (M)..... City of Richmond
Frank M. Hartz (M)..... County of Goochland
Harvey Hinson (A)..... County of Henrico
Russell E. Holland (M) County of Powhatan
Michael L. Holmes (M) County of Charles City
David A. Kaechele (M)..... County of Henrico
R. M. “Dickie” King, Jr. (M)..... County of Chesterfield
Sherman W. Littton (M) County of Chesterfield
Kelly E. Miller (M)..... County of Chesterfield
Patricia S. O’Bannon (M) County of Henrico
George K. Roarty (M)..... County of Chesterfield
Stran L. Trout (M)..... County of New Kent
Lisa D. Ware (M)..... County of Henrico
Arthur S. Warren (M) County of Chesterfield

Members Absent

Angela L. LaCombe (M), Chairman.....Town of Ashland
John G. Dankos, Jr. (M)..... County of Hanover
Richard W. Glover (M)..... County of Henrico
Peter R. Grimm (M)..... City of Richmond
Renny B. Humphrey (M) County of Chesterfield
William Russell Jones, III (M)..... City of Richmond
Delores L. McQuinn (M) City of Richmond
Elizabeth W. Moorhouse (M) County of Hanover
William J. Pantele (M)..... City of Richmond
Robert R. Setliff (M)..... County of Hanover
Frank J. Thornton (M)..... County of Henrico

Others Present

John R. Amos.....RRPDC Legal Counsel (Amos & Amos PLLC)
Bernard B. Harris..... Central Virginia Waste Management Authority
Milton Martin..... Central Virginia Waste Management Authority
John H. Mitchell..... Central Virginia Waste Management Authority
David Williams..... Powhatan County Planning Commission

Staff Present

Paul E. Fisher..... Executive Director
Katherine E. Barrett..... Executive Secretary
Jo A. Evans..... Assistant Executive Director
Daniel N. Lysy..... Director of Transportation
Jackie S. Stewart..... Director of Planning and Information Systems
Peter M. Sweetland..... Finance and Contracts Administrator

Call to Order

Vice Chairman John Gordon called the regularly scheduled April 8, 2004 meeting to order at 1:00 p.m. in the RRPDC conference room.

I. ADMINISTRATION

A. Certification by Commission Executive Director of Meeting Quorum

Mr. Fisher certified that a majority of the voting members/alternates (19) were present to constitute a quorum.

B. Request for Additions or Changes in Order of Business

There were no requests for additions or changes in the order of business.

C. Open Public Comment Period

There were no requests to address the Commission at this time and Vice Chairman Gordon closed the public comment period.

D. Approval of Minutes of March 11 2004 RRPDC Meeting

Mr. Barber presented the minutes of the March 11, 2004 meeting. There being no corrections or additions, on motion of Ms. O’Bannon, seconded by Mr. Holland, the Richmond Regional Planning District Commission unanimously approved the minutes of the March 11, 2004 meeting.

E. Approval of February 2004 Financial Report

Mr. Butler presented the financial report for February 2004. There being no corrections, on motion of Mr. Butler, seconded by Mr. Holland, the Richmond Regional Planning District Commission unanimously accepted for audit the financial report for February 2004.

F. Vice Chairman's Report

There was no Vice Chairman's report.

G. Executive Director's Report for March 2004.

In addition to the written report, Mr. Fisher reported that the Third Annual Regional Planning Commissioner's Forum was held on March 19, 2004, and was hosted by Chesterfield County at the Holiday Inn Koger Center. Thirty eight Commissioners and staff attended the Forum from every local government within the region.

II. OLD BUSINESS

A. Discussion of Virginia Department of Housing and Community Development (DHCD) Review of PDC Boundaries

Mr. Fisher stated that the Executive Committee and Commission discussed this issue at their March 11, 2004 meetings and directed staff to put this item on the April and May 2004 agendas for further discussion.

Mr. Fisher noted that if the Commission wishes to provide comments to the Department of Housing and Community Development (DHCD) on this matter, it will need to take action at either the April or May Commission meeting, based on DHCD's currently stated schedule for holding its "input hearings" in late May or early June 2004.

Mr. Fisher reported that the Executive Committee reviewed the same topic on their agenda and has recommended staff prepare a resolution to be communicated to DHCD indicating that it is not appropriate at this time for Amelia Co. to become a member of the RRPDC and to emphasize several reasons why that is the opinion of this body.

Mr. Fisher presented the advantages and disadvantages of Amelia County joining the Richmond Regional Planning District Commission as follows:

Advantages to RRPDC of Having Amelia County as a Member

- Shared natural resource – Appomattox River

- Share boundaries with Chesterfield and Powhatan counties (may facilitate cooperation with neighbors)

Disadvantages to RRPDC of Having Amelia County as a Member

- Adds only approximately \$7,000 - \$8,000 in revenue to operating budget
- Additional jurisdiction requesting technical planning assistance for plans and ordinances
- Additional jurisdiction requesting rural transportation planning assistance – grant amount remains the same
- Potential drain on MPO resources if they become an MPO member
- Adds a member which has violated Charter and Bylaws of its current PDC

Mr. Miller asked if Amelia County met with the executive committee. Mr. Fisher stated that the Amelia County Administrator and member of the Board of Supervisors gave a presentation at last month's Commission meeting.

Mr. Miller asked if they explained what their position was with respect to the change? Did they focus on why they did not pay their dues.

Mr. Fisher stated that they focused on two primary areas. The first is they felt the Piedmont PDC should go into its unrestricted fund/savings account to make up for the amount needed for the dues increase. Piedmont Planning District Commission has a small unrestricted fund in relationship to its budget. Mr. Fisher said he would question the financial prudence of that solution. The second is they don't feel like they are utilizing a lot of services. There is some disenchantment with the quality of services being provided by the PDC. From newspaper stories and discussion with the executive director, Mr. Fisher said he thought there was a substantial dissatisfaction with the kinds of services being provided, and a sentiment that the staff here could provide them with more of the kinds of assistance they are looking for.

Ms. O'Bannon noted that one of the concerns that were brought up at the Executive Committee is if an organization is not in good standing in another PDC what precedent would they set here. She stated that the Richmond Regional PDC has consistently been talking about looking at the possibility of increasing dues. Piedmont PDC gave the reason for not paying their full dues because they had been increased. If they move from

one PDC to another—what would that impact be for this Commission. Would they treat us the same way?

Mr. Hartz stated that what he understood is they still had all the voting rights—no one objected. They worked it out within Piedmont PDC where they kept their voting rights, because it was a budget issue and they could not afford it. He said they are in good standing because no one voted them out at Piedmont PDC.

Ms. O'Bannon said if they can't afford it there why would they be able to afford it here.

Mr. Gordon stated that was only one of the concerns—there are a number of other concerns. What the executive committee has done is ask staff to prepare a resolution to articulate concerns and express opposition, to bring the resolution back to the Executive Committee next month for approval, and then to the full Commission for final approval.

Ms. O'Bannon noted the minutes of RRPDC October 9 2003 meeting, in which there was a motion by Mr. Glover, seconded by Ms. O'Bannon, directing staff to prepare a letter to the Virginia Department of Housing and Community Development stating that the PDC is pleased with the present boundaries. That was a motion that was done in October which is similar to the one that came up this morning.

Mr. Fisher responded that was done before the Commission had any indication that Amelia was interested in joining this planning district.

Mr. Miller asked when the resolution would be put before this Commission? Mr. Fisher stated he anticipates the resolution to be presented at the May meeting.

Mr. Gordon then requested a consensus of support for moving forward and bringing the resolution to the full Commission in May. There being no objections, it was a consensus of the members to prepare a resolution for action at the May Commission meeting.

III. NEW BUSINESS

A. Authorization to File and Execute FY 05 Federal and State Grant Applications and Agreement on Behalf of the Commission for the Richmond Area MPO's FY 05 Unified Work Program

Mr. Dan Lysy reported that each year the RRPDC, as staff to the Richmond Area Metropolitan Planning Organization (MPO), executes and administers several contracts which support the functions of the MPO

planning process. Commission authorization is required to ensure funding for FY 05 (i.e., July 1, 2004 to June 30, 2005).

As staff agency for the MPO, the RRPDC prepares and submits grant applications to the Virginia Department of Transportation (for Federal Highway Administration PL grant and state matching funds) and to the Virginia Department of Rail and Public Transportation (for Federal Transit Administration Section 5303 planning grant funds and Commonwealth Mass Transit matching funds). These applications are based on the MPO's Unified Work Program (UWP), which serves as the MPO's budget and work program document. The UWP identifies work task budgets and funding sources. The UWP has programmed \$1,297,592 in PL and Section 5303 federal, state and local matching funds plus additional RRPDC local funds (i.e., RRPDC overmatch) which are broken down as follows:

	<u>Federal</u>	<u>State</u>	<u>Local</u>	<u>Total</u>
FHWA/PL	606,089	75,761	75,761	757,611
FTA Section 5303	134,145	16,768	16,768	167,681
RRPDC Overmatch	--	--	372,300	372,300
TOTAL	\$740,234	\$92,529	\$464,829	\$1,297,592

Mr. Lysy noted that the MPO is scheduled to take action at its April 8 meeting to adopt the FY 05 UWP, and information included in the MPO agenda attachments on the FY 05 UWP Funding Sources and Work Tasks Budget Summary is attached for your information.

Mr. Fisher requested that the Commission take action on the two resolutions authorizing the RRPDC Executive Director to:

- a. File, execute, and administer the FY 05 PL funds contract between the RRPDC and VDOT; and
- b. File, execute, and administer the FY 05 Section 5303 Planning and Technical Studies Grant Agreement between the RRPDC and VDRPT.

On motion of Mr. Ayers, seconded by Mr. Trout, the Richmond Regional Planning District Commission unanimously adopted the following resolutions:

Resolution authorizing the filing of an application with the Virginia Department of Transportation for Federal Highway Administration (FHWA) Planning (PL) grant funds.

WHEREAS, the Richmond Regional Planning District Commission (RRPDC), acting pursuant to designation by the Governor of Virginia on September 11, 1995 is responsible for the administration of PL Funds

(Section 104 (f) (1) of title 23, U.S. Code) to be used by the RRPDC and other member organizations of the Richmond Area Metropolitan Planning Organization (MPO), pursuant to a Memorandum of Understanding (MOU) dated September 11, 1995, for the MPO's continuing, comprehensive, and cooperative (i.e., "3-C") transportation planning process as required by Section 134, title 23, U.S. Code; and

WHEREAS, the RRPDC will be responsible for meeting requirements imposed upon recipients of Federal and/or State funds as part of Title VI of the Civil Rights Act of 1964, as amended; and

WHEREAS, the responsibility for the administration of PL funds imposes certain financial obligations upon the RRPDC including the assurance by the Commission that the local share of projects will be available;

NOW, THEREFORE, BE IT RESOLVED by the Richmond Regional Planning District Commission this 8th day of April, 2004, that it does hereby approve the following actions:

1. That the Executive Director is authorized file an application with the Virginia Department of Transportation (VDOT), seeking FY 2005 PL Funds for the maintenance of the Richmond Area "3-C" transportation process, as carried out by the MPO, RRPDC, and others.

2. That the Executive Director is authorized to execute and administer with VDOT the FY 2005 PL Funds Letter of Authorization and such amendments to the Agreement for the Utilization of PL funds, dated June 21, 1988, as may be necessary and appropriate for the maintenance of the MPO's "3-C" process.

3. That the Executive Director is authorized to execute any assurances or other documents required by the U.S. Department of Transportation (USDOT) and/or VDOT effectuating the purposes of Title VI of the Civil Rights Act of 1964, as amended, or any other federal or state legal requirements.

4. That the Executive Director is authorized to furnish such additional information as USDOT and/or VDOT may require in connection with this application and Letter of Authorization.

5. That the Executive Director is authorized to set forth and execute minority, disadvantaged and women's business enterprise policies and procedures in connection with this Letter of Authorization.

Resolution authorizing the filing of an application with the Virginia Department of Rail and Public Transportation, Commonwealth of Virginia, for a grant for federal funds under Section 5303 of the Federal Transit Act of 1991, as amended, in the amount of \$134,145 in federal

funds (matched by \$33,536 in state and local funds for a grant program total of \$167,681).

WHEREAS, the contract for financial assistance will impose certain obligations upon the Richmond Regional Planning District Commission (RRPDC), including the provision by it of the local project costs; and

WHEREAS, it is required by the U. S. Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Federal Transit Act of 1991, as amended, the RRPDC give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and other pertinent directives and the U. S. Department of Transportation and the Virginia Department of Rail and Public Transportation requirements thereunder; and

WHEREAS, it is the goal of the RRPDC that minority business enterprise (disadvantaged business enterprise and women business enterprise) be utilized to the fullest extent possible in connection with this project, and that definitive procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts and purchase orders when procuring construction contracts, supplies, equipment contracts, or consultant and other services;

NOW, THEREFORE, BE IT RESOLVED by the Richmond Regional Planning District Commission:

1. That the Executive Director is authorized to execute and file an application on behalf of the Richmond Regional Planning District Commission with the Virginia Department of Rail and Public Transportation, to aid in the financing of the Federal Transit Administration Section 5303 Planning and Technical Studies Grant Program.
2. That the Executive Director is authorized to execute and file with such application and assurance or any other document required by Virginia Department of Rail and Public Transportation effectuating the purposes of this grant.
3. That Paul E. Fisher, Executive Director, is authorized to furnish such additional information as the Virginia Department of Rail and Public Transportation may require in connection with the application or the project.
4. That the Executive Director is authorized to set forth and execute Minority business enterprise (disadvantaged and women business enterprise) policies and procedures in connection with the project's

procurement.

5. That the Executive Director is authorized to execute a grant agreement on behalf of the Richmond Regional Planning District Commission with the Virginia Department of Rail and Public Transportation to aid in the financing of the Federal Transit Administration Section 5303 Planning and Technical Studies Grant Program.

B. Central Virginia Waste Management Agency Solid Waste Management Plan

Mr. Fisher reported that in January 1992, the Richmond Regional Planning District Commission and Crater Planning District Commission prepared the Central Virginia Solid Waste Management Plan (SWMP), as mandated by Virginia law. The plan is used to coordinate solid waste activities among 13 local jurisdictions in central Virginia. The jurisdictions include the Town of Ashland, the cities of Richmond, Colonial Heights, Petersburg and Hopewell, and the counties of Charles City, Chesterfield, Goochland, Hanover, Henrico, New Kent, Powhatan, and Prince George. Central Virginia Waste Management Authority (CVWMA) submitted the plan to the Virginia Department of Waste Management for approval. Virginia Department of Waste Management is now incorporated into the Virginia Department of Environmental Quality.

Mr. Fisher stated that recent regulations require the adopted plan be revisited, updated to meet new requirements governing solid waste management, and adopted by regional planning authorities. The plan horizon must cover the next 20 years, or through the year 2024. The Virginia Department of Environmental Quality (DEQ) requires updated plans be submitted by July 1, 2004.

To meet state requirements, CVWMA took the leadership role in having the solid waste plan updated. CVWMA assembled a technical team of local government staff and staff from the Richmond Regional and Crater Planning District Commissions to prepare the plan. Joyce Engineering provided peer review. A draft plan was completed and made available for public review during the fall and winter of 2003. On January 20, 2004, CVWMA held a final public comment period on the draft plan and adopted a resolution in support of the plan. A public hearing was held on March 22, 2004 at the RRPDC to receive public comments. No comments were received.

Richmond Regional Planning District Commission and Crater Planning District Commission must approve the plan prior to its submission to DEQ. Mr. Fisher presented the resolution for Commission approval.

Mr. Fisher then introduced Mr. John Mitchell, Executive Director of the Central Virginia Waste Management Authority, Mr. Bernard Harris, Program Manager of the Central Virginia Waste Management Authority, and Mr. Milton Martin, consultant for Central Virginia Waste Management Authority who gave a brief update of the Plan.

There being no questions or comments, on motion of Mr. Butler, seconded by Mr. Holmes, the Richmond Regional Planning District Commission unanimously adopted the following resolution:

WHEREAS, the Richmond Regional Planning District Commission and Crater Planning District Commission are designated as the entities responsible for the development of a solid waste management plan for the central Virginia region; and,

WHEREAS, the Central Virginia Waste Management Authority is the legal entity responsible for the implementation of the plan; and,

WHEREAS, in January 1992, the Richmond Regional Planning District Commission and Crater Planning District Commission prepared the Central Virginia Solid Waste Management Plan (SWMP), as mandated by Virginia law, and

WHEREAS, recent regulations require the adopted plan be revisited, updated to meet new requirements governing solid waste management, and adopted by regional planning authorities, and

WHEREAS, the plan horizon must cover the next 20 years, or through the year 2024, and

WHEREAS, the Virginia Department of Environmental Quality (DEQ) requires updated plans be submitted by July 1, 2004, and

WHEREAS, the plan is used to coordinate solid waste activities among 13 local jurisdictions in central Virginia including the Town of Ashland, the cities of Richmond, Colonial Heights, Petersburg and Hopewell, and the counties of Charles City, Chesterfield, Goochland, Hanover, Henrico, New Kent, Powhatan, and Prince George, and,

WHEREAS, the Central Virginia Waste Management Authority assembled a technical team of local government staff and staff from the Richmond Regional and Crater Planning District Commissions to prepare the plan in accordance with § 9 VAC 20-130-10 et seq.; and

WHEREAS, Joyce Engineering provided peer review of the plan; and

WHEREAS, a draft plan was completed and made available for public review during the fall and winter of 2003; and

WHEREAS, on January 20, 2004, the Central Virginia Waste Management Authority held a final public comment period on the draft plan and adopted a resolution in support of the plan, and

WHEREAS, the Richmond Regional Planning District Commission has reviewed and considered the Central Virginia Solid Waste Management Plan.

NOW, THEREFORE BE IT RESOLVED, that the Richmond Regional Planning District Commission approves of the revised Central Virginia Solid Waste Management Plan.

IV. OTHER BUSINESS

A. Oath of Office for RRPDC Secretary

The Commission, at its March meeting, elected Mr. Edward Barber to fill the unexpired term as Secretary ending June 30, 2004. Since Mr. Barber was not present at the March meeting, Vice Chairman Gordon administered the Oath of Office to Mr. Barber at today's meeting.

B. Committee Reports

There were no committee reports at this time.

C. For Your Information

There were no information items at this time.

V. ADJOURNMENT

There being no further business, Vice Chairman Gordon adjourned the meeting at 1:35 p.m.

Paul E. Fisher
Executive Director

John E. Gordon, Jr.
Vice Chairman