

RICHMOND REGIONAL PLANNING DISTRICT COMMISSION
Minutes of Meeting
February 14, 2008

Members/Alternates Present

W.R. Britton, Jr. (A) County of Charles City
Malvern R. “Rudy” Butler (M)..... County of Goochland
Amy M. Cheeley (M).....County of Hanover
Deborah B. Coats (A)County of Hanover
Robert R. Cosby (M).....County of Powhatan
Timothy W. Cotman, Sr. (M)..... County of Charles City
Ned S. Creasey (A) County of Goochland
James B. Donati (M), Secretary County of Henrico
Daniel A. Gecker (M) County of Chesterfield
Richard W. Glover (M)..... County of Henrico
John E. Gordon, Jr. (M)County of Hanover
Kathy C. Graziano (M)City of Richmond
John C. Grier (M).....City of Richmond
Jerilynn T. “Jeri” Grigsby (M)..... County of Henrico
James M. Holland (M) County of Chesterfield
Courtney G. Hyers (M)..... County of Goochland
Dorothy Jaeckle (M) County of Chesterfield
David A. Kaechele (M)..... County of Henrico
Marleen K. Durfee (M)..... County of Chesterfield
C. Harold Padgett (M).....County of Hanover
William J. Pantele (M), Treasurer.....City of Richmond
George K. Roarty (M)..... County of Chesterfield
Robert R. Setliff (M).....County of Hanover
Randall R. Silber (A) County of Henrico
Millard D. “Pete” Stith, Jr. (A). County of Chesterfield
Frank J. Thornton (M)..... County of Henrico
Stran L. Trout (M)..... County of New Kent
Joseph B. Walton (M)County of Powhatan
Arthur S. Warren (M) County of Chesterfield

Members Absent

E. Ray Jernigan (M)..... County of Henrico
Beverly C. Lacy (M)City of Richmond
Russell J. Gulley (M) County of Chesterfield
Delores L. McQuinn (M)City of Richmond
Patricia S. O’Bannon (M) County of Henrico
Faye O. Prichard (M)Town of Ashland
Ellen F. Robertson (M)City of Richmond
Brenda L. “Sam” Snyder (M) County of New Kent
David T. Williams (M)County of Powhatan

Others Present

John R. Amos..... RRPDC Legal Counsel
Rob Bradham Greater Richmond Chamber
Jim Dunn..... Greater Richmond Chamber
George M. Homewood..... County of New Kent
W. Dewey Hurley Branscome Inc.
Parker Mills..... Branscome Inc.

Staff Present

Jo A. Evans Interim Executive Director
Julie H. Fry..... Executive Secretary
Daniel N. Lysy Director of Transportation
Jackie S. Stewart Director Planning/IS
Peter M. Sweetland Finance and Contracts Administrator

Call to Order

Mr. Pantele, Treasurer, called the regularly scheduled December 13, 2007 RRPDC meeting to order at approximately 1:15 p.m. in the RRPDC board room. He noted that as next ranking officer, he will be presiding over the meeting until the report from the Nominating Committee can be given and a new chairman elected. Mr. Pantele led the Commission members in the pledge of allegiance to the flag.

I. ADMINISTRATION

A. Certification by Commission Interim Executive Director of Meeting Quorum

Ms. Evans certified that a quorum of members was present.

B. Report of the Nominating Committee

Mr. Pantele asked Mr. Gordon to make this report.

Mr. Gordon reported the committee, comprised of himself, Mr. Butler and Mr. Trout, had met and offered the following candidates for the positions of chairman and vice chairman, following the established jurisdictional rotation, to serve in these positions for the remainder of this fiscal year:

- Chairman: Arthur Warren, Chesterfield County
- Vice Chairman: Timothy Cotman, Charles City County

Mr. Gordon moved that the report of the Nominating Committee be accepted and the nominees be elected to serve in the positions as recommended. Mr. Butler

seconded the motion. There being no further discussion, the motion was carried unanimously.

At this time, Ms. Evans administered the oaths of office to Mr. Warren and Mr. Cotman.

Chairman Warren thanked members of the Commission for their support. He noted he had last chaired the Commission in 1999 and that it was an honor for him to be able to complete the term of office left vacant by Mr. King. He also thanked Mr. Cotman for filling the vacant vice chairman's position.

Chairman Warren further noted the progress made by RRPDC over the past few years. He hoped Chesterfield County would continue to contribute to the success of the agency going forward. Chairman Warren welcomed the four new members from Chesterfield County Board of Supervisors to the meeting.

Vice Chairman Cotman thanked members for the confidence they have placed in him by electing him to the position, especially since he is a newcomer to the Commission. He stated he has been with the Charles City County Board of Supervisors for the past six years and has just been elected to another four year term.

C. Requests for Additions or Changes in Order of Business

Chairman Warren asked if there were any changes in the order of business. There were no changes or additions.

D. Open Public Comment Period

Chairman Warren asked if there was anyone from the public in attendance who wished to make a comment. As there were no requests from the public to address the Commission, Chairman Warren closed the public comment period.

E. Chairman's Report

Chairman Warren asked each member of the Commission to introduce himself or herself and to state the jurisdiction they represent. He asked if the member is new to the Commission, to please so state. Once introductions were completed, Chairman Warren asked that the new members be welcomed with a round of applause.

F. Approval of Minutes – December 13, 2007 Meeting

Chairman Warren asked Mr. Donati to present minutes of the RRPDC meeting held on December 13, 2007. A motion to approve the minutes was made by Mr.

Donati and seconded by Mr. Butler. There being no further discussion, the minutes were unanimously approved as presented.

G. Approval of November/December 2007 Financial Reports

Chairman Warren asked Mr. Pantele to present the financial reports for November and December 2007. Mr. Pantele called the members' attention to the reports under Tab 3. He noted expenses appear to be in order. There being no further questions or discussion, on motion made by Ms. Graziano and seconded by Mr. Gecker, the November and December 2007 financial reports were unanimously approved as presented and accepted for audit.

H. Interim Executive Director's Report

Ms. Evans stated the report of staff activities over the past two and a half months was included in the agenda book under Tab 4. She encouraged members to read the report for details of work being done by staff on behalf of each jurisdiction. If there are any questions, Ms. Stewart and Mr. Lysy can address those.

Ms. Evans asked Ms. Stewart to present information on grants recently submitted on behalf of the jurisdictions. Ms. Stewart indicated grant application work is being done in conjunction with the priorities adopted by the Commission. A grant for an E-911 wireless project for Powhatan, New Kent, and Charles City Counties has been secured. The Commonwealth Interoperability Office Regional Microwave grant has tentatively been approved by the Department of Homeland Security and would allow funds for the construction of a regional E-911 microwave system for emergency communications. The amount of the grant has been reduced to just over \$3 million from the original \$6.5 million.

Ms. Evans continued her report by noting the two transportation authority bills that had been of some concern to Commission members have been continued over to the 2009 General Assembly session.

Current Senate Bill 768 (patron – Watkins) is being brought to the attention of Commission members today; Chairman Warren will address the matter. This bill concerns cash proffers and impact fees. Ms. Evans noted a status summary of all legislation of interest to members will be available should anyone wish a copy.

Chairman Warren asked that the handouts relating to SB 768 be distributed. This information includes a letter to Senator Watkins from the Virginia Municipal League, Virginia Association of Counties, and the Coalition of High Growth Communities stating opposition to the bill by each of these organizations. Also attached is an article from the *Washington Post* referring to the fact that the bill was submitted on the last day allowed. Lastly is a resolution in opposition of the bill drafted by the board of directors of the Virginia Association of Counties (VACo). The resolution takes a very strong position against the bill.

During the recent VACo Legislative Day, the resolution was presented to those in attendance, including Governor Kaine, who has shown strong support for local governments in the past.

The bill eliminates the ability of Virginia counties to continue a program (cash proffers) that has been in existence for about 30 years. It is a voluntary program that allows local governments to negotiate with developers prior to zoning. It has been working effectively in many localities. The program would be replaced with a cap (\$7,500 for localities outside of northern Virginia) on an impact fee. The bill has been approved by the Senate and is now in the House.

Because these three organizations have taken a position to oppose this legislation, in addition to other organizations such as the American Planning Association and the Chesterfield County School Board, it is Chairman Warren's hope the Commission will take a similar action of opposition.

Mr. Trout noted that New Kent County is the only county allowed to have development agreements which enable the county to negotiate with the developers on such fees. He feels this should be expanded to other counties. SB 768 takes one provision (cash) out of the development agreements as well.

Chairman Warren noted that more developers should be made aware of this tool and perhaps they would be in support of expanding that program.

Mr. Walton said he is in support of opposing the legislation; however, he believes the resolution from VACo is worded too strongly and is unnecessarily inflammatory.

Mr. Butler said he had been in attendance when the resolution was written and noted the language came from representatives from northern Virginia. He said the intent had been to emphasize that power is always being taken away from the localities by the state.

Mr. Setliff said he supports what the Chairman is suggesting. He would offer that a provision that had been struck from the legislation – elimination of the grantors tax – should be put back in which would make the legislation a bit more palatable. He said it was his understanding that Senator Watkins was going to restore that provision and evidently had not.

Ms. Durfee commented that there are a lot of elements in the bill that cause problems for the counties. The bill requires time for study. VACo took their stand because the county leaders did not have time to study the proposed bill and to offer input. She further stated that she hoped the members would consider that saying one part of the bill is acceptable while another part is not, may not be the best way to demonstrate to the legislators that they cannot continue to conduct

business in this manner. It's in the best interest of the region to take a united stand.

Mr. Donati noted that each year prior to the General Assembly session, the Henrico County board of supervisors and administrator meet with the area legislators to discuss items of local interest. He is disappointed that Senator Watkins introduced this bill without contacting the county, especially after having met with the county leaders to discuss issues such as this. Mr. Donati said that Henrico County does not have cash proffers, but he would be in support of opposing this bill.

Chairman Warren suggested that Mr. Donati's observation is correct – that the legislators should contact local elected officials for input as the local officials are the closest contact to the citizens. It seems that the legislators only listen to the lobbyists.

Mr. Kaechele said this is similar to the action taken on the transportation authority legislation. He asked where this bill is currently. Ms. Evans stated that as of February 12, SB 768 had been communicated to the House Rules Committee. The chairman of that committee is the Speaker of the House, Mr. William Howell.

Mr. Butler brought to the attention of the members that none of the area senators voted against this bill; they all voted in favor of it.

Mr. Gordon stated he had heard nothing but opposition to the legislation, and the fact that neither the Commission nor the localities had been asked for input on the legislation is disturbing. He feels it is appropriate for the agency to take a stand on the legislation. Mr. Gordon made a motion that the Chairman be given authority to contact the bill patrons on behalf of the Commission stating the Commission's opposition to the bill. Ms. Durfee seconded the motion.

Mr. Glover said he believes the wording in the last part of the resolution goes beyond accomplishing the objective of being in opposition to the bill. He believes the Commission should have its own resolution with wording that is a bit less harsh.

Mr. Gordon said it was not his intent to use the VACo resolution as the model for a resolution from the Commission. He would ask that Chairman Warren communicate the opposition in his own way. Chairman Warren suggested that he would write a letter instead of drafting a resolution.

Mr. Pantele said the bill would not have an impact on the City of Richmond, but he believes the Commission should band together to take the position that will be right for all of the localities.

Mr. Trout suggested the legislation could be carried over until 2009 to allow time for study.

Chairman Warren asked Mr. Gordon to restate his motion. Mr. Gordon suggested the motion should be approved as stated – to have the Chairman send a letter to the patron on behalf of the Commission stating the Commission’s opposition to SB 768.

Mr. Butler asked who would receive the letter. Chairman Warren said he would like the letter sent to all members of the Senate and House of Delegates.

Mr. Kaechele asked for clarification that the opposition would be in the form of a letter sent by the Chairman and not a resolution. Chairman Warren stated this would be his preference. Chairman Warren also asked if it would be appropriate to have input from Mr. Gordon and Ms. Prichard, as chairpersons of the jurisdictional committees.

Mr. Holland asked if language could be included that would suggest the Commission would look forward to more constructive dialogue with the legislators in the future. He said he feels this represents a failure in leadership and a waste of time. This is an opportunity to move forward.

Chairman Warren said he did not want to give the patrons a chance to tweak the bill to placate anyone in opposition.

Ms. Jaeckle suggested the letter should note how the overall premise of the bill limits the flexibility of the localities to solve their infrastructure problems. Each locality has differing zoning cases, and this bill ties the hands of the local elected officials to do their jobs. The bill becomes another state mandate.

Chairman Warren called for the question on the motion. The motion was carried unanimously.

Ms. Graziano noted that when the Large Jurisdictions Committee met and a legislative package was discussed, it seemed that the Commission is always behind the curve in developing a legislative package. She hopes the Commission will meet with local legislators prior to next year’s General Assembly to let them know the concerns facing the region and to give them the Commission’s stand on these issues. Based on what was coming out of the General Assembly this year, the localities are going to have to begin depending on the citizens to meet any budget shortfalls. She stated the Commission needs to become more proactive.

Ms. Evans stated the Small Jurisdictions Committee highlighted this problem during one of its meetings. One suggestion that the committee made was to meet with area legislators during the summer to define the legislative interests of the region and its localities.

Mr. Thornton stated it is his opinion that the legislators follow their own agenda, because they feel they do not have to report back to their constituents, whereas the local elected officials are held accountable because the citizens are more apt to attend local board meetings.

II. OLD BUSINESS

A. Jurisdictional Committees Report

Chairman Warren asked Mr. Gordon to present his report from the Large Jurisdictions Committee.

Mr. Gordon reported that during the past two meetings of the committee all jurisdictions were represented by elected and administrative officials. On the handout that was distributed, members can see what was accomplished during both meetings.

The committee members agreed that the first priority should be to concentrate on Communication, Visibility, and Effectiveness, to include creating a regional vision to define and empower the region; to create and execute a public relations strategy; and to establish a facility for PDC-to-PDC collaboration and cooperation.

The short-term achievables should be GIS regional initiatives (educate local officials on capabilities); regional infrastructure assessment and/or initiatives; and grant opportunities assistance.

Another item is the importance of developing a proactive legislative action. The committee will draft a process and implement a timeline to accomplish this. This will include contacting both state and federal legislators.

Both jurisdictional committees will be maintained.

Other discussion included the two RMA bills and the absence of opportunities for local participation. Out of this discussion it was decided a second meeting should be held and invitations issued to the bill patrons to attend and give more details on the two bills. The meeting was held, however, the patrons did not attend. The Greater Richmond Chamber was represented by Jim Dunn, who was able to give some information on the bills. Following discussion, a position of non-support was unanimously taken by members of the committee. Delegate Hall did telephone Mr. Gordon after the fact and apologized for the miscommunication that prevented him from attending the meeting.

The previously set meeting dates in February and March will need to be rescheduled by staff due to conflicts with the schedules of the administrative officials.

The committee would like the Commission members to approve the Transportation Funding Strategy resolution which is included in the agenda book under Tab 5. This sets deadlines for discussions with legislators. The committee would also like the Commission to direct staff to schedule a meeting with all stakeholders to discuss a PDC-coordinated visioning exercise.

Mr. Gordon moved that the Transportation Funding Strategy resolution be approved. Ms. Durfee seconded the motion. Mr. Kaechele asked who would be included in the working group mentioned in the resolution. Mr. Gordon said that is undefined at this time, but he would think the Chairman should offer input as to who should be included. Mr. Gordon said he felt the Commission should be represented as well as RRPDC staff, representatives from the Chamber and other business community leaders, and the bill patrons.

Mr. Glover said he agreed that the resolution should be passed. He would like to suggest that the wording in the fourth paragraph be changed to drop "...and how best to fund them." He didn't think the Commission should tell the General Assembly how to tax the citizens. If the Commission lets the General Assembly know what is needed, then the General Assembly can decide how to fund the projects. Mr. Gordon said he understood what Mr. Glover was saying, but he felt that would dilute the meaning. It was suggested the words "funding sources" be inserted instead of the current wording. It was further suggested that the word "authority" be added. Ms. Graziano said her understanding of the transportation authority in northern Virginia is that the members of the authority raise funds locally.

Chairman Warren noted he believes this will be debated later as the General Assembly is trying to pass along transportation costs to the localities. Mr. Gordon said he would rather not include the word "authority" as it might relate back to a transportation authority. He restated his motion as to approve the enclosed resolution, substituting the words "funding sources" for "how to best fund them." The motion was carried.

Mr. Gordon further moved that staff be directed to schedule a meeting with all stakeholders to discuss a PDC-coordinated visioning exercise. The motion was duly seconded and carried.

Mr. Butler reported on behalf of Ms. Prichard, chairman of the Small Jurisdictions Committee. The committee met in January and the outcome of one of the discussions was that the Commission should meet with other business groups such as local chambers of commerce, the state's economic authority, and the Greater Richmond Partnership to foster better communications. There is also a

need for a grant writer to help with grant applications on a regional basis. Mr. Butler also commented that transportation issues are a statewide issue and should be addressed as such.

III. NEW BUSINESS

A. Resolutions of Appreciation

Chairman Warren brought to the attention of the members copies of resolutions of appreciation for all outgoing Commission members, included in the agenda book under Tab 6. If members will approve these resolutions, the outgoing members will be invited to attend the March Commission meeting in order to be presented with the resolutions.

On motion made by Mr. Butler and seconded by Mr. Setliff, the resolutions were approved as presented.

IV. OTHER BUSINESS

A. Committee Reports

Personnel and Operating Policies Committee

Chairman Warren asked Mr. Pantele to give an update on the search for a new executive director.

Mr. Pantele reported he had received notice that surveys will be sent out today to all Commission members asking for feedback on several matters relating to the search process. He asked that all members complete the surveys and return them as quickly as possible. Mr. Anzivino (Springsted) will be invited to attend the next Commission meeting to review the results of the survey and to give a plan of action for how the search will proceed.

B. Announcements

There were no announcements.

C. For Your Information

Ms. Evans noted that in this section is a copy of a presentation on the 2007 Transportation Funding Bill that will be made during today's MPO meeting. Brad Shelton, with VDOT, will make the presentation. All RRPDC members who are not members of the MPO are invited to attend.

Other items included in this section:

- copy of a letter to Secretary of Transportation Pierce Homer in response to Secretary Homer's request for RRPDC to name a representative to the Multimodal Advisory Committee; Dan Lysy will serve in this capacity
- copies of letters sent to Senator Watkins and Delegate Hall inviting them to attend the January 24 meeting of the Large Jurisdictions Committee and news articles from the *Times-Dispatch* covering that meeting

V. **ADJOURNMENT**

There being no further business to come before the Commission, Chairman Warren adjourned the meeting at approximately 2:20 p.m.

Jo A. Evans
Interim Executive Director

Arthur S. Warren
Chairman