

Richmond Regional Planning District Commission
Minutes of Meeting
September 12, 2002

Members/Alternates Present

Rebecca M. Ringley (M), Chairman..... County of New Kent
Angela L. LaCombe (M), Vice Chairman Town of Ashland
Roy J. Harrison, Jr. (M), Secretary County of Powhatan
Richard W. Ayers (M) County of Powhatan
Gregory R. Baka (M) County of Henrico
Edward B. Barber (M) County of Chesterfield
Joseph E. Brooks (M) City of Richmond
W. R. Britton, Jr. (A) County of Charles City
Malvern R. Butler (M) County of Goochland
John G. Dankos, Jr. (M)..... County of Hanover
Richard W. Glover (M)..... County of Henrico
Harvey L. Hinson (A) County of Henrico
Michael L. Holmes (M) County of Charles City
Renny B. Humphrey (M) County of Chesterfield
David A. Kaechele (M)..... County of Henrico
John L. McHale (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
Robert R. Setliff (M)..... County of Hanover
James T. Taylor (A) County of Goochland
Frank J. Thornton (M)..... County of Henrico
J. T. Jack Ward (M) County of Hanover
Arthur S. Warren (M) County of Chesterfield

Members Absent

John E. Gordon, Jr. (M), Treasurer..... County of Hanover
Chris W. Archer (M)..... County of Henrico
Mark S. Daniel (M)..... County of New Kent
James B. Donati (M) County of Henrico
Russell J. Gulley (M) County of Chesterfield
Gwen C. Hedgepeth (M)..... City of Richmond
William Russell Jones, III (M)..... City of Richmond
Joseph T. Lacy, Jr. (M) County of Goochland
Delores L. McQuinn (M) City of Richmond

Others Present

Brad Armstrong Virginia Performing Arts Foundation
John R. Amos RRPDC Legal Counsel (Amos & Amos)

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
Patricia A. Villa Communications Coordinator

Call to Order

Chairman Rebecca Ringley called the regularly scheduled September 12, 2002 meeting to order at 1:00 p.m.

I. ADMINISTRATION

A. Certification by Commission Executive Director of Meeting Quorum

Mr. Fisher certified that a majority of the members (20) 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. Approval of Minutes of July 11, 2002 RRPDC Meeting

Mr. Holmes noted a correction on page 1 to show Mr. Roy Harrison as Secretary instead of Mr. Holmes. There being no further corrections, on motion of Mr. Holmes, seconded by Mr. McHale, the Richmond Regional Planning District Commission unanimously approved the minutes of the July 11, 2002 meeting as amended.

D. Open Public Comment Period

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

E. Approval of June and July 2002 Financial Report

There being no corrections, on motion of Mr. Butler, seconded by Mr. McHale, the Richmond Regional Planning District Commission accepted for audit the financial reports for June and July 2002.

F. Chairman's Report

Chairman Ringley congratulated Mr. Fisher on his election as Secretary/Treasurer of the Virginia Association of Planning District Commissions (VAPDC), and appointment to serve on the Advisory Commission on Intergovernmental Relations representing the VAPDC.

Chairman Ringley also congratulated Ms. Humphrey on the recent birth of her daughter.

G. Executive Director's Report for July and August 2002-09-25

In addition to the written staff report included in the agenda, Mr. Fisher briefly discussed the following items:

1. The Urban Transportation Division has continued its substantial time commitment to meeting the State's schedule for completion of the Transportation Improvement Program (TIP). Also, staff has initiated discussions with the Crater Planning District Commission and MPO staff regarding the census changes to the urbanized area. The 2000 census is now designated to combine Richmond MPO area and the Crater MPO area as one urbanized area as opposed to two. A meeting has been scheduled with VDOT next week to see what, if any, future funding implications may be wrapped up with any other issues.
2. The funding for the Regional Competitiveness Program was eliminated at last year's budget session. In its place, \$2 million for each year of the biennium statewide was put in the budget for workforce service competitive grants. It is unknown at this time if the monies will continue to be in the State budget. Mr. Fisher noted that while the Richmond Regional Competitiveness Committee is qualified for first year funding, they would have to go through re-qualification for the second year of the Competitiveness Committee Partnership as well as update and reapprove the Regional Strategic Economic Development Plan by March 2003. However, at Mr. Fisher's request, the Department of Housing and Community Development has granted an extension until May 31, 2003 to do the necessary work if the Commission and Regional Competitiveness

Committee approve the modified plan and if there are monies to apply for at that time.

Mrs. Humphrey stated that Chesterfield County is very unique in that it serves on both the Richmond Regional and Crater Planning District Commissions. There was an item discussed at the Crater Planning District Commission regarding the Base Realignment and Closure Commission (BRAC). The Crater Planning District Commission is taking an active role currently with the Ft. Lee administration to look at jobs, income, employees in jurisdictions in the Crater region that are at Ft. Lee, and compiling data for both U.S. Senators and Congressmen. Mrs. Humphrey stated it was her hope that the Richmond Regional Planning District Commission, by discussion through the Executive Committee, would do a thumbnail sketch as it relates to the Defense General Supply Center located in the Richmond region as that being done by the Crater Planning District Commission.

Mr. Fisher agreed to meet with Mr. Dennis Morris, Executive Director of the Crater Planning District Commission to discuss details of the project.

II. OLD BUSINESS

A. Report on Upcoming 2003 Legislation

Ms. Patricia Villa, RRPDC Communications Coordinator, briefly discussed three issues pertaining to the upcoming 2003 legislation.

1. Executive Order 33 regarding the drought, which states that the Warner administration is holding meetings regarding the drought on a bi-weekly basis. The next meeting will be held on Monday, September 16, 2002 at 10:00 a.m. in House Room 4 of the Capitol Building. The meeting notice specifically stated that local officials are welcome to attend, and can have their questions answered and communicate their concerns to the Governor's office at these meetings. The web site for the Department of Environmental Quality (DEQ) is www.deq.state.va.us/info/concernwater.htm. Also, concerns can be addressed to David Paylor at the Governor's Office. His telephone number is 786-0044, and e-mail is dpaylor@gov.state.va.us.
2. HB 1212 – Manufactured Housing Bill. The Manufactured Housing bill last year would have forced localities to treat manufactured homes the same as single family homes in residential zoning districts. This bill was carried over last year on a vote of 18-4, and it

was due basically to public outcry. This bill has now returned. VML and VACo have outright opposed this legislation. There was some talk about changing the language of the legislation by VML and VACo to make it more palatable for localities. However, they decided to just oppose the language that was given to them. There was also speculation that the Manufactured Housing industry is going to provide some language to make it more palatable, and that would include cost comparability requiring the manufactured home to be within a certain cost range of neighboring homes. Delegate Terrie Suit from Virginia Beach is the patron of this bill. She has requested a meeting sometime in October with Jim Campbell from VACo and Mark Flinn from VML to discuss this matter. Ms. Villa noted that the strategy from meetings she has attended to defeat/oppose this legislation is to have strong citizen opposition, and the need for the localities to start acting on this matter immediately before it gets to committee.

Ms. Villa then distributed a copy of a resolution for Commission discussion and consideration. The resolution is similar to the one adopted by the Commission last year at the request of Chesterfield County.

Following considerable discussion, on motion of Mr. Butler, seconded by Mr. Harrison, the Richmond Regional Planning District Commission unanimously adopted the following resolution:

WHEREAS, the Richmond Regional Planning District Commission, a public body corporate and politic, with all of the powers and duties granted to it by the laws of the Commonwealth, has as its purpose the promotion of orderly and efficient development of the physical, social and economic elements of the Planning District by planning, encouraging and assisting governmental subdivisions to plan for the future; and,

WHEREAS, the members of the Planning District are: The Town of Ashland, the counties of Charles City, Chesterfield, Goochland, Hanover, Henrico, New Kent, Powhatan and the City of Richmond; and

WHEREAS, the Virginia Housing Study Commission voted unanimously to recommend legislation to the 2002 General Assembly establishing by-right placement of manufactured homes in all residentially zoned districts, which was carried over to be addressed once more by the Virginia Housing Study Commission

with intent to re-introduce legislation during the 2003 General Assembly session; and

WHEREAS, the Richmond Regional Planning District Commission is committed to a public process with regard to all zoning cases and siting of housing within the region which protect the property rights of the region; and

WHEREAS, the Richmond Regional Planning District Commission believes the enactment of such legislation violates the property rights of citizens by leaving homeowners without a voice in land use decisions and undermines an open, public process by which local governments consider citizen concerns and balance those concerns in the local planning process; and

WHEREAS, the enactment of such legislation usurps and erodes local land use authority and reduces the ability of localities to maintain the character of their communities.

NOW, THEREFORE BE IT RESOLVED, that the Richmond Regional Planning District Commission, this 12th day of September 2002, opposes any legislative effort which would establish by-right placement of manufactured housing in any residentially zoned district.

Mr. Glover requested the staff to look into any implications this may have related to the Uniform Statewide Building Code being adhered to in all residential housing.

3. Proposed Changes in the Virginia Uniform Statewide Building Code

Ms. Villa reported that the Board of Housing and Community Development has proposed changes in the Virginia Uniform Statewide Building Code. The proposal requires building officials to complete their review of construction documents for new, detached one- and two-family dwellings within 15 working days. The attorney general is currently reviewing the draft. If approved, the proposal would be forwarded to the Department of Planning and Budget, the Secretary of Commerce and Trade, and then to the Governor for approval. Ms. Villa provided the Commission with a VML analysis of this issue. Concerns about the provision can be forwarded to Ms. Nancy A. Bright, Chairman, Board of Housing and Community Development, Governor Mark Warner, and Secretary of Commerce and Trade Michael Schewel. The documents have been

posted on the web site at www.vbcoa.org, and click on the link to the “USBC Draft.”

Ms. Villa noted that the Goochland County Board of Supervisors has adopted a resolution in opposition of the proposal.

Mr. Butler made a motion, seconded by Mr. Harrison, that the Commission send a letter and resolution to the Board of Housing and Community Development, Governor Mark Warner, Secretary of Commerce and Trade, and General Assembly opposing the proposed changes to the Virginia Uniform Statewide Building Code because it takes more authority away from the local governments, and the 15-day requirement.

Mr. Glover expressed concern that there is no state funding to fulfill the 15-day requirement.

Mr. Fisher stated that since the local governments will likely submit resolutions, he suggested that he write a letter only opposing the proposed changes and address the concerns raised such as lack of authority from local governments, time is inadequate, competition with economic development projects, inadequate 15-day time limit, and no state funding to fulfill the 15-day requirement associated with the changes.

Mr. Kaechele was concerned that there was no mention of public hearings or public input to this proposal.

Mr. Ayers responded that once the document is available on the State web site, they will also publish an agenda of public hearings and public meetings after going through the administrative process. However, according to the proposal, Mr. Ayers stated that this appears to be a regulatory change and not a statutory change that they are seeking. Apparently they already had the statutory authority to impose this change and they are just going through the regulatory steps now.

Ms. Humphrey suggested that Mr. Fisher go back to the County Administrators and get a list of why each individual jurisdiction needs this legislation drafted a certain way, and justify their needs other than local land use authority being taken away.

Mr. Miller noted that the main issue here is lack of local control—we should never relent to the General Assembly.

Following further discussion, Chairman Ringley asked Mr. Fisher to review his understanding of Mr. Butler's motion. Mr. Fisher stated that it was that he draft a letter to Nancy Bright, Chairman of the Board of Housing and Community Development, Governor Mark Warner, Secretary of Commerce and Trade Michael Schewel and a copy to the Richmond area General Assembly delegation, addressing the general issues of local government authority, the competition with economic development projects, no state funding to assist in the staffing, and the issue of incomplete application submittal being a significant part of the problem.

Chairman Ringley then called for the vote on Mr. Butler's motion. The motion carried unanimously.

Ms. Humphrey encouraged all local governments to read this legislation, contact their constituents, and respond in opposition to this legislation as soon as possible.

B. Presentation on Rural Transportation Annual Report

Ms. Jackie Stewart, RRPDC Director of Planning and Information Systems, provided a brief power point presentation on the following major rural transportation planning program projects:

1. Ridefinders Rural Transit Expansion
2. Street Sign Design Location Assessment
3. Goochland County GIS Technical Assistance
4. Powhatan County Courthouse Parking Facility Assessment
5. Rural Transportation Web Site Development
6. GIS Mapping

III. NEW BUSINESS

A. FY 03 RRPDC/Virginia Department of Housing and Community Development VDHCD Contract

Mr. Fisher reported that each year planning districts and VDHCD enter into a contract that provides state funding pursuant to the provision of certain items as required by the Regional Cooperation Act. Requirements include a report on regional planning activities; information on board membership, finances and work program; copies of reports produced during the year; and a status report on the region's strategic plan development and implementation.

State funds to be provided for FY 03 total \$195,627.33 which is a decrease of \$8,330.34, or 4.1 percent, from the FY 02 funding level of \$203,957.67.

Also, VDHCD has changed their payment procedure. Seventy-five (75%) percent of the allocation will be paid upon receipt of the contract and annual report with the remaining funding to be distributed in April 2003. In the past the entire amount was distributed upon receipt of the contract and annual report.

Mr. Fisher requested Commission approval for signature the Commonwealth of Virginia Financial Assistance Contract.

On motion of Mr. Ward, seconded by Mr. Thornton, the Richmond Regional Planning District Commission unanimously approved the Commonwealth of Virginia Financial Assistance Contract Number 115-01 as presented.

B. Request for Reimbursement from The Retail Institute for FY 02 Fourth Quarter

Mr. Fisher reported that staff received and reviewed a reimbursement request from Richmond Goodwill Industries for The Retail Institute in the amount of \$22,527.78 for expenditures made in the fourth quarter of FY 2002. Through June 30, 2002, The Retail Institute has expended 66 percent of their budget.

Of the highlights reported by The Retail Institute over the past quarter, 171 individuals had enrolled and 182 individuals were served with training and/or placement. The Retail Institute launched its National Retail Federation customer service certification testing and received very positive responses. They expect to continue testing in September, 2002 on a permanent basis. The certification they are offering compliments training The Retail Institute currently offers.

The Retail Institute has offered training seminars in New Kent/Charles City, Hanover, Goochland, and Powhatan and at its Midlothian Turnpike facilities. The Retail Institute continues to offer customer service training seminars at The Retail Merchants Association of Greater Richmond and they have been very successful with 115 individuals participating.

On motion of Mr. Butler, seconded by Mr. Harrison, the Richmond Regional Planning District Commission unanimously approved The Retail Institute request for reimbursement in the amount of \$22,527.78 for the quarter ending June 30, 2002.

C. Resolution Authorizing the Executive Director to Submit a Virginia Department of Conservation and Recreation Grant Application

Mr. Fisher reported that in December 2001, the Richmond Regional Planning District Commission adopted a resolution seeking \$6,805 in grant funding from the Chesapeake Bay Local Assistance Department (CBLAD) to conduct the first phase of a two phase inventory of stormwater management facilities throughout the region. The planning district commission matched the grant with \$3,195. Phase I will inventory facilities in the rural areas of the region. Phase II will inventory facilities in the urban areas. The completed project will create a GIS database for storm water management BMPs throughout the region.

The CBLAD completed a review of all funding requests, and the Planning District Commission's proposal ranked 12th out of 28. However, due to the state budget shortfall and adjustments in CBLAD budget, CBLAD will not fully fund the competitive grant program. Therefore, funds for this grant are in serious question.

In order to continue to provide services to member governments of the region, and continue this work task, staff has requested funds from the Virginia Department of Conservation and Recreation (DCR). While the major components of the grant remain similar to the CBLAD grant, DCR requests that applications supply a 50 percent match. Therefore, staff is asking DCR for \$10,000 (to be matched with \$10,000) to continue and slightly expand this project.

Mr. Fisher requested Commission approval of the resolution authorizing the Executive Director to submit a grant application for \$10,000.

On motion of Mrs. Humphrey, seconded by Mrs. O'Bannon, the Richmond Regional Planning District Commission unanimously approved the following resolution:

WHEREAS, the Department of Conservation and Recreation has promulgated a request for proposals for the grants to local governments, soil and water conservation districts, and community watershed organizations program through the Chesapeake Bay Watershed Office; and

WHEREAS, the Richmond Regional Planning District Commission is the eligible entity under the grants to local governments, soil and water conservation districts, and community watershed organizations program; and

WHEREAS, in accordance with the FY 2003 grants to local governments, soil and water conservation districts, and community watershed organizations

program request for proposals, it is required that a resolution authorizing the submission of a grant application be received from all localities party to a grant proposal;

NOW, THEREFORE, BE IT RESOLVED, that the Richmond Regional Planning District Commission authorizes the executive director to apply for a grant in the amount of \$10,000 from the Virginia Department of Conservation and Recreation for the purpose of developing and implementing Phase 1 of a two-phase Best Management Practices index for the Richmond region.

D. Presentation on Richmond Performing Arts Foundation Downtown Development Plans

Due to time constraints, this item was deferred to the October Commission meeting.

IV. OTHER BUSINESS

A. Announcements

Mr. Ward noted that the Advisory Commission on Intergovernmental Relations has a proposal for communities to be authorized to have scenic overlay district. Ms. Sally Thomas of Charlottesville is pushing to approve the proposal.

B. Committee Reports

There were no committee reports at this time.

C. For Your Information

Mr. Fisher noted correspondence included in the agenda contained informational items from VDOT Commissioner Philip A. Shucet and James Dunn, President and CEO of the Greater Richmond Chamber of Commerce.

V. ADJOURNMENT

There being no further business, Chairman Ringley adjourned the meeting at 2:25 p.m.

Paul E. Fisher
Executive Director

Rebecca M. Ringley
Chairman