

Richmond Regional Planning District Commission
MINUTES
April 10, 2003

Members/Alternates Present

Rebecca M. Ringley (M), Chairman.....County of New Kent
John E. Gordon, Jr. (M), Treasurer..... County of Hanover
Roy J. Harrison, Jr. (M), Secretary..... County of Powhatan
Richard W. Ayers (M) County of Powhatan
Gentry Bell (M) County of Henrico
W. R. Britton, Jr. (A) County of Charles City
Joseph E. Brooks (M) City of Richmond
Malvern R. Butler (M)..... County of Goochland
Mark S. Daniel (M).....County of New Kent
Richard W. Glover (M)..... County of Henrico
Russell J. Gulley (M) County of Chesterfield
Harvey L. Hinson (A) County of Henrico
Michael L. Holmes (M) County of Charles City
David A. Kaechele (M)..... County of Henrico
George K. Roarty (M)..... County of Chesterfield
Robert R. Setliff (M)..... County of Hanover
Millard D. "Pete" Stith (A)..... County of Chesterfield
Arthur S. Warren (M) County of Chesterfield

Members Absent

Angela L. LaCombe (M), Vice Chairman..... Town of Ashland
Edward B. Barber (M) County of Chesterfield
John G. Dankos, Jr. (M)..... County of Hanover
James B. Donati (M) County of Henrico
Renny B. Humphrey (M) County of Chesterfield
E. Ray Jernigan (M)..... County of Henrico
William Russell Jones, III (M) City of Richmond
Joseph T. Lacy, Jr. (M)..... County of Goochland
John L. McHale (M) County of Chesterfield
Delores L. McQuinn (M)..... City of Richmond
Kelly E. Miller (M)..... County of Chesterfield
Patricia S. O'Bannon (M) County of Henrico
William J. Pantele (M)..... City of Richmond
Frank J. Thornton (M) County of Henrico
J. T. "Jack" Ward (M)..... County of Hanover

Others Present

John R. Amos..... RRPDC Legal Counsel (Amos & Amos PLLC)
Lee Yolton Hunton & Williams

Staff Present

Paul E. Fisher Executive Director
Katherine E. Barrett Executive Secretary
Jo Evans Assistant Executive Director
Daniel N. Lysy..... Director of Transportation
Peter M. Sweetland Finance and Contracts Administrator
Michael O. Clements Principal Planner
Runda J. Bailey..... Administrative Secretary
Jeanette DeRenne Intern

Call to Order

Chairman Rebecca Ringley called the regularly scheduled April 10, 2003 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 members/alternates (16) 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 March 13, 2003 RRPDC Meeting

Mr. Harrison presented the minutes of the March 13 meeting. There being no corrections or additions, on motion of Mr. Harrison, seconded by Mr. Holmes, the Richmond Regional Planning District Commission unanimously approved the minutes of the March 13, 2003 meeting.

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 February Financial Report

Mr. Gordon presented the financial report. There being no corrections, on motion of Mr. Gordon, seconded by Mr. Gulley, the Richmond Regional Planning District Commission unanimously accepted for audit the financial report for February 2003.

F. Chairman's Report

There was no Chairman's report at this time.

G. Executive Director's Report

In addition to the written status report included in the agenda, Mr. Fisher presented a brief report on the following items:

1. The Second Annual Regional Planning Commissioner's Forum was held on March 14, 2003, and was hosted by Henrico County at the Cultural Arts Center in Glen Allen.
2. The Regional Emergency Response Technical Advisory Committee met several times over the past several months including twice in March; once to continue dialogue on radio interoperability and secondly to meet with Central Virginia Waste Management Authority's contractor for debris clean-up following major incidents.
3. Two staff members (Mr. Fisher and Ms. Stewart) and four commissioners (Mr. Gordon, Ms. LaCombe, Mr. Harrison, Mr. Holmes) attended the 2003 American Planning Association Annual Meeting in Denver, Colorado on March 29 – April 3, 2003. Mr. Fisher gave a brief PowerPoint presentation showing photographs of Denver in which he was impressed with several things going on in Denver that have planning implications and could be of benefit to Richmond area officials and their staff.
4. Mr. Fisher introduced Mr. Michael Clements, new RRPDC Principal Transportation Planner, and Ms. Jeanette DeRenne, new RRPDC Intern.

II. OLD BUSINESS

A. Presentation of *Yeas and Nays* Report – A Summary of 2003 Legislation

Mr. Fisher noted that the final legislative update, *The Yeas and Nays Report* was included in the agenda packet for information. The Yeas and Nays

Report also included the voting record of each Capital Region Caucus member.

In addition, the document which was included in last month's meeting (*Major legislation since 1990 that has diminished the planning powers of local government*) was expanded to include additional legislation.

As requested by Mr. Roy Harrison at last month's meeting, Mr. Fisher noted a list assembled by Paul Grasewicz, Powhatan Department of Planning and Community Development Director, citing defeated legislation which would have expanded local government authority was also included in the report.

III. NEW BUSINESS

A. Authorization to File and Execute FY 04 Federal and State Grant Applications and Agreement on Behalf of the Commission for the Richmond Area MPO's FY 04 Unified Work Program.

Mr. Fisher stated 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 04 (i.e., July 1, 2003 to June 30, 2004).

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 \$1,540,599 in PL and Section 5303 federal, state and local matching funds plus additional RRPDC local funds which were broken down as follows:

	<u>Federal</u>	<u>State</u>	<u>Local</u>	<u>Total</u>
FHWA/PL	656,766	82,096	82,096	820,958
FTA Section 5303	132,942	16,618	16,618	166,178
Additional RRPDC Local	--	--	553,463	553,463
TOTAL	\$789,798	\$98,714	\$652,177	\$1,540,599

Mr. Fisher noted that the MPO is scheduled to take action at its meeting later today to adopt the FY 04 UWP, and information included in the MPO agenda attachments on the FY 04 UWP Funding Sources and Work Tasks Budget

Summary were attached. Copies of the complete FY 04 UWP draft document are also available from staff.

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 04 PL funds contract between the RRPDC and VDOT; and
- b. File, execute, and administer the FY 04 Section 5303 Planning and Technical Studies Grant Agreement between the RRPDC and VDRPT.

On motion of Mr. Butler, seconded by Mr. Warren, the Richmond Regional Planning District Commission unanimously approved the following resolutions:

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 \$132,942 in federal funds (matched by \$33,236 in state and local funds for a grant program total of \$166,178).

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.

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 10th day of April, 2003, does hereby approve the following actions:

1. The Executive Director is authorized to file an application with the Virginia Department of Transportation (VDOT), seeking FY 2002 PL Funds for the maintenance of the Richmond Area "3-C" transportation process, as carried out by the MPO, RRPDC, and others.
2. The Executive Director is authorized to execute and administer with the VDOT the FY 2003 PL Funds Letter of Authorization and such amendments to the Agreement for the Utilization of PL funds, dated June 21, 1998, as may be necessary and appropriate for the maintenance of the MPO's "3-C" transportation process.
3. The Executive Director is authorized to execute any assurances or other documents required by the U.S. Department of Transportation (USDOT) and/or the 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. The Executive Director is authorized to furnish such additional information as the USDOT and/or the VDOT may require in connection with this application and Letter of Authorization.
5. 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.

B. Summary of RRPDC Second Annual Regional Planning Commissioner's Forum

Mr. Fisher reported that the Second Annual Regional Planning Commissioner's Forum was held on March 14, 2003, and was hosted by Henrico County at the Cultural Arts Center in Glen Allen.

After welcoming remarks from Mr. Harvey Hinson, Henrico County Deputy County Manager and Mr. Richard Glover, a 30 minute video, "Subdivide and Conquer", opened the program. The video provided an overview of growth related issues similar to those found in the Richmond region.

Following the video, participants discussed the issues it raised during informal lunch discussions. That was followed by a panel discussion with the following participants:

- Mike Chandler, formerly of Virginia Tech.
- Garland Hughes, Crosland (mixed use developer from Charlotte).
- Robin Miller, Infill (revitalization developer from Richmond).
- Milton Herd, local planning consultant from Purcellville.

There were several breakout sessions held with local planning directors leading discussions. Approximately 50 commissioners and staff attended the Forum.

The Second Annual Forum was well received and Mr. Dan Gecker, a Chesterfield County Planning Commissioner, volunteered Chesterfield County to be the host locality for the Third Annual Regional Planning Commissioner's Forum to be held in 2004.

Mr. Fisher thanked the Henrico County staff (John Marlles, Harvey Hinson, and particularly Regina Hill) for their help.

C. Workforce Services Grant Program (Regional Competitiveness)

Mr. Fisher reported that state funding for the Regional Competitiveness Program was eliminated during the 2002 legislative session and replaced with two million dollars a year in workforce services grant funds to be available to regional partnerships on a competitive application basis. Further administrative budget reductions during 2002 led to additional cuts in workforce services program funding leaving the program temporarily funded at about one and one-half million dollars per year.

Mr. Fisher stated that during the recent General Assembly session, all funding for the workforce services program was eliminated and the state advisory committee established under the Regional Competitiveness Act was abolished. The adopted budget bill included language directing the Secretary of Commerce to review the existing Regional Competitiveness Program and propose a plan that can be used to reestablish the program. The study is also to identify existing options that will continue the Commonwealth's efforts to encourage regional strategic economic development planning which identifies and addresses critical issues of economic competitiveness for the regions of Virginia. That report is to be submitted to the legislative money committees by November 14, 2003.

Mr. Fisher also stated that the Department of Housing and Community Development (DHCD) has established August 31, 2003 as the deadline for regional partnerships that are currently in their fifth year of qualification under the original Regional Competitiveness Program to apply for requalification. The RRPDC is in that group. Preparing a requalification application will be a very time consuming task since a revised Regional Strategic Economic Development Plan must be prepared and adopted, new resolutions from each participating locality must be adopted and other steps must be taken to attain the point score necessary to be requalified. Depending on the extent of public involvement, staff estimated it would cost between \$19,000 and \$35,000 to do the work to requalify.

Mr. Fisher commented on the memo from Mary Reynolds of DHCD explaining their thinking in urging partnerships to requalify. DHCD hopes the program will be funded in the future if partnerships show their interest to the General Assembly by expending the effort necessary to get requalified. Even when the partnerships were actively engaged in actual service delivery projects and implementing successful programs, the funds were eliminated. The Richmond region did not receive any funds in its fifth and final year of qualification under the original program because of the elimination of funds in the State budget.

Mr. Harrison, Chairman of the Regional Competitiveness Committee, stated that the Richmond Regional Competitiveness Committee met on March 20 to review the current status of the competitiveness program and the steps needed to requalify. The Committee recommended that the region not apply for requalification until funding for the program is reinstated and that the RRPDC send a letter stating this position and the reasons for it to DHCD, a copy of which was included in the agenda.

Following general discussion, on motion of Mr. Harrison, seconded by Mr. Glover, the Richmond Regional Planning District Commission unanimously approved the recommendation of the Richmond Regional Competitiveness Committee and that the following letter be sent to Mr. William Shelton,

Director of the Virginia Department of Housing and Community Development:

“This letter is in response to e-mail sent by the Department of Housing and Community Development on March 6, 2003 requesting those partnerships scheduled to requalify under the Regional Competitiveness Act to do so by August 31, 2003.

After consideration and advice by the Richmond Regional Competitiveness Committee, the Richmond Regional Planning District Commission has decided it will not prepare a requalification application for submittal by the August 31, 2003 deadline.

It is the intention of the Richmond Competitiveness Committee and the Richmond Regional PDC to continue advancing the goals and objectives outlined in the Regional Competitiveness Act, despite the elimination of funding. The program has succeeded in cultivating regional cooperation among localities, the private sector and academic entities and our regional efforts will persist despite the lack of financial support.

Richmond Regional PDC staff has compiled estimates of what requalification would cost. Our estimates reveal that the cost to complete the requalification process would be an excessive burden to our budget. In fact, the costs would range from \$19,200 to \$34,700 at a minimum, depending upon the public participation venue chosen. Neither of these amounts are readily available in our already strapped budget to work toward a program which may not be realized given that the General Assembly and the Governor completely eliminated funding, and abolished the Advisory Committee for the Regional Competitiveness Act, as well. Certainly, should the program be funded in the future, we will complete the steps necessary to become qualified at that time.

There is strong support in our community for this program. If, at a future date, funding does become available, the Richmond Regional Competitiveness Committee and the Richmond Regional PDC would be eager to participate on behalf of our citizens. Our applicants from last year’s process were plentiful and they were very frustrated to learn that the program was not funded.

We look forward to a positive outcome regarding workforce development funding during the 2004 General Assembly session and hope to continue the positive relationship with you that we have shared and appreciated throughout the years.”

D. Approval of Personnel Policies of the Richmond Regional Planning District Commission

Mr. Fisher presented the "Personnel Policies of the Richmond Regional Planning District Commission." The Personnel and Operating Policies Committee reviewed this document at its February 13, 2003, meeting and recommended it with minor revisions to the Executive Committee on March 13, 2003. At that time the Executive Committee unanimously recommended it be presented to the full Commission at its April 10, 2003 meeting.

Mr. Fisher stated that the personnel policies manual was last adopted by the Commission in 1994. In most cases the revisions and/or new sections are for clarification, conformance with law, or documentation of current practice. However, three of the revisions of sufficient policy significance were explained by Mr. Fisher as follows:

1. Page 7: The first change of significance involves compensatory time. Currently our practice is that employees in exempt positions (exempt from eligibility for overtime pay) may take compensatory time off in return for having worked overtime. This compensatory time off is not on a one-for-one basis and is at the discretion of the Executive Director and the Division Directors. This change formalizes a policy regarding compensatory time accrual and use.
2. Page 27: The second major change concerns sick leave. Current policy is that an employee can accrue a maximum of 90 days of sick leave and that at the time of retirement, resignation, or uncontested termination will be paid on a ratio of one-for-three days accumulated sick leave up to a maximum of \$3,500.

The proposed changes would eliminate the maximum number of sick leave days that could be accrued and would increase the maximum amount of reimbursement to \$7,500.

3. Page 30: The third major change is a new policy related to retiree health and dental insurance. Currently, the RRPDC has no policy providing for retirees to continue participating in agency sponsored health and dental insurance plans until becoming eligible for Medicare.

The proposed new policy would allow any regular full time employee who is vested in one of the agency's retirement plans and retires, and begins to collect a retirement benefit, to participate in agency-sponsored health and dental insurance. For employees with 20 years or more of employment by RRPDC the agency would pay the premium. A sliding scale for other amounts of service would apply. Retirees with less than five years of service would have to pay the

entire premium. The RRPDC would budget funds each year for its anticipated obligation for this benefit, just as it budgets for the health insurance for current employees.

The Personnel and Operating Policies Committee also recommended an additional policy stating that if a regular full time employee is called to active military duty at a pay rate less than their RRPDC salary, the RRPDC will pay the difference. There are currently no military personnel on staff.

The Executive Committee and the Personnel and Operating Policies Committee recommended the revised Personnel Policies for approval by the Commission.

Following considerable discussion, on motion of Mr. Glover, seconded by Mr. Warren, the Richmond Regional Planning District Commission unanimously voted to defer the matter until the May meeting to allow the local government Human Resources Departments to review the Personnel Policies.

IV. OTHER BUSINESS

A. Announcements

There were no announcements at this time.

B. Committee Reports

There were no committee reports at this time.

C. For Your Information

Mr. Fisher commented on the letter included in this section from Delegate Frank Hall thanking the PDC for providing him with a map of his legislative district. This was part of an effort that all of the planning districts in the state conducted in cooperation with the Virginia Association of Planning District Commission. The RRPDC worked with them to produce computer generated maps of all of the legislative districts in the state and provided them to all of the Capital Region Caucus members. Mr. Fisher stated that he did not want the Commission to think that he was providing a map to only Delegate Hall, but Delegate Hall is the only one who chose to write a letter of thanks.

V. **ADJOURNMENT**

There being no further business, the Chairman adjourned the meeting at 1:55 p.m.

Paul E. Fisher
Executive Director

Rebecca M. Ringley
Chairman