

RICHMOND REGIONAL PLANNING DISTRICT COMMISSION
Minutes of Meeting
February 8, 2007

Members/Alternates Present

Thomas M. Branin (M)..... County of Henrico
William R. Britton, Jr. (A)..... County of Charles City
Malvern R. Butler (M).....County of Goochland
Amy M. Cheeley (M).....County of Hanover
Robert R. Cosby (M).....County of Powhatan
Richard W. Glover (M)..... County of Henrico
John E. Gordon, Jr. (M)County of Hanover
Jerilynn T. “Jeri” Grigsby (M)..... County of Henrico
Harvey L. Hinson (A) County of Henrico
Russell E. Holland (M), ChairmanCounty of Powhatan
Michael L. Holmes (M), Treasurer County of Charles City
R. M. “Dickie” King, Jr. (M), Vice Chairman.....County of Chesterfield
David A. Kaechele (M)..... County of Henrico
Sherman W. Litton (M).....County of Chesterfield
Kelly E. Miller (M)County of Chesterfield
Elizabeth W. Moorhouse (M)County of Hanover
Patricia S. O’Bannon (M) County of Henrico
William J. Pantele (M), Secretary.....City of Richmond
George K. Roarty (M).....County of Chesterfield
Ellen F. Robertson (M)City of Richmond
Robert R. Setliff (M).....County of Hanover
Donald D. Sowder (M)County of Chesterfield
Stran L. Trout (M)..... County of New Kent
Arthur S. Warren (M)County of Chesterfield

Members Absent

James B. Donati (M)..... County of Henrico
Kathy C. Graziano (M)City of Richmond
John C. Grier (M).....City of Richmond
Frank M. Hartz (M).....County of Goochland
Renny B. Humphrey (M)County of Chesterfield
William Russell Jones, III (M).....City of Richmond
Delores L. McQuinn (M)City of Richmond
Faye O. Prichard (M)Town of Ashland
Brenda L. “Sam” Snyder (M) County of New Kent
Frank J. Thornton (M)..... County of Henrico
David T. Williams (M)County of Powhatan

Others Present

John Amos RRPDC Legal Counsel
George Homewood County of New Kent

Staff Present

Paul E. Fisher Executive Director
Jo A. Evans Assistant Executive Director
Julie H. Fry Executive Secretary
Daniel N. Lysy Director of Transportation
Jackie S. Stewart Director of Planning/IS
Peter M. Sweetland Finance and Contracts Administrator
Patricia A. Villa Communications Coordinator

Call to Order

Chairman Holland called the regularly scheduled February 8, 2007 RRPDC meeting to order at approximately 1:05 p.m. in the RRPDC conference room. Chairman Holland then led the Commission in the pledge of allegiance to the flag.

I. ADMINISTRATION

A. Certification by Commission Executive Director of Meeting Quorum

Mr. Fisher certified that a quorum of 24 members/alternates was present.

B. Requests for Additions or Changes in Order of Business

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

C. Open Public Comment Period

Chairman Holland 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 Holland closed the public comment period.

D. Approval of Minutes – December 14, 2006 Meeting

Mr. Pantele, Secretary, presented minutes of the RRPDC meeting held on December 14, 2006. On motion made by Mr. Pantele and seconded by Mr. Holmes, the minutes were unanimously approved as presented. Ms. O’Bannon abstained from the vote as she was not in attendance at that meeting.

F. Approval of November and December 2006 Financial Reports

Mr. Holmes presented the financial reports for November and December 2006. On motion made by Mr. Holmes and seconded by Mr. Setliff, the November and December 2006 financial reports were unanimously approved as presented and accepted for audit.

G. Chairman's Report

Chairman Holland stated that he did not have a formal report. He took this opportunity to introduce two new members to the Commission:

Mr. Thomas Branin, representative from the Henrico County Planning Commission (replacing Chris Archer)
Ms. Delores McQuinn, representative from the Richmond City Council (replacing Eugene Mason)

Neither new member was in attendance; however, it was noted that Mr. Branin was expected to attend and when he arrived, the Chairman would be advised.

H. Executive Director's Report for December 2006

Mr. Fisher presented the written staff status report, a copy having been included in the agenda, and urged the Commission members to read the report which details activities staff has undertaken in each of the localities over the past month.

II. OLD BUSINESS

A. Resolution Authorizing Purchase of Virginia Retirement System (VRS) Service Credit

Chairman Holland asked Mr. Fisher to present this resolution.

Mr. Fisher remarked that this has been discussed previously by members of the Commission and Executive Committee. The resolution will authorize a benefit to four RRPDC employees who have not been able to purchase prior VRS service. This implements what was approved during the December meeting as part of the budget presentations.

Chairman Holland asked if there were any questions.

Mr. Hinson asked if the Commission would pay any resulting fees or amounts. Mr. Fisher responded that the employees will pay for the buy-back. The Commission will pay VRS contributions for covered employees. Mr. Fisher clarified this will be paid going forward for just these four employees. He further stated that all eligible, current employees are members of VRS. Ms. Evans

clarified there are five employees who are still covered by ICMA and who do not wish to participate in VRS. The resolution is needed to authorize the buy-back by the four employees who have indicated a desire to do so. Mr. Fisher noted this is a benefit offered by member localities to their employees.

Mr. Hinson asked if this resolution would cover future employees, such as a retired member of the military, who would wish to buy back service. Mr. Fisher stated this resolution would not apply to any future employees. Mr. Hinson clarified the resolution being presented was only for four specific employees. Mr. Fisher confirmed that was correct.

Mr. Hinson asked what long term costs will be for this buy back and if any of these costs would be passed on to the member jurisdictions. Mr. Fisher brought to the Commission's attention the costs as listed in the agenda book under Tab 4. Mr. Fisher stated the only future impact to the jurisdictions would be as with any other operating cost, depending on what services the jurisdictions want the PDC to undertake and the resulting costs of those services.

Ms. Evans noted that one item that had not been included in the summary, as it had not been finalized at the time of publication, was the reduction in health care costs to the agency as a result of a change in health care providers. This will result in a savings to the Commission of \$72,000 per year. This will result in a reduction in personnel costs when the budget is revised in May.

Mr. Hinson said the Commission members wanted to afford RRPDC employees the same benefits as enjoyed by employees of member jurisdictions. His concerns were related to the long term implications of the buy back. He said there was a resolution passed in 2001 that brought the Commission back into the VRS. Mr. Fisher confirmed that the reason the Commission rejoined VRS was as a condition to his accepting the executive director's position.

Ms. Evans also noted that the resolution passed in 2001 did not include the option for service buy back.

Mr. Hinson asked if the resolution was passed today, would it apply only to the four said employees and correct the omission in the 2001 resolution. Mr. Fisher confirmed this. He also stated that all employees hired after 2001 are automatically included in VRS and would not require such a resolution as was being presented today.

Mr. Hinson asked if all future employees would be covered by this resolution, such as retired military employees. Ms. Evans stated she did not believe hiring military personnel would be impacted by this resolution. Mr. Hinson asked if this had been taken into consideration when the current resolution had been drawn up as he understands retired military personnel are eligible to buy back their past military service with VRS. He restated that the resolution before the Commission

at this time only referred to four employees who were employed during ICMA coverage and who had not been covered by the 2001 resolution. Ms. Evans stated this was correct.

Mr. Hinson stated he would like confirmation from VRS that this resolution would not impact future employees, such as retired military personnel. He did not understand the urgency of approving this resolution. Ms. Evans stated that buy back by military personnel would be covered under current law and not applicable to this resolution. This resolution, as confirmed by VRS, is required to allow the four employees to purchase prior service credit.

Chairman Holland asked Mr. Amos, RRPDC legal counsel, if he would like to comment. Mr. Amos stated he was not an expert on this type of issue, but it was his understanding that in order for these four employees to be able to buy back their prior service, the resolution will be required. Current law would cover any military personnel, as far as he understood it, and should be considered case by case.

Mr. Miller stated to the Chairman that he did not understand the urgency of this issue. Mr. Miller stated he did not know enough about the issue to discuss the matter and wanted to know why there was an urgency about passing the resolution. Ms. Evans stated the issue has been brought to the Commission several times over the last few years as part of long term budget discussions. It had been included in budget preparations and revisions for FY 07 and FY 08. The Executive Committee had recommended, as part of personnel costs, this could be included in the budgets that were presented to the Commission in December. This was noted during the budget presentation in December with a notation that the resolution would be presented to the Commission in February.

Mr. Glover stated that, as he understood comments from Mr. Hinson, the question was whether additional possibilities had been anticipated when the resolution was written. Ms. Evans stated this would have had to be anticipated when the law went into effect with regard to military personnel. Should military personnel come to work at RRPDC, this resolution would not apply. This would fall under current law stipulations as it relates to military personnel and VRS.

Mr. Hinson said the projected costs over the next five fiscal years that are included in the agenda book do not indicate long term effects and how it would effect dues for the local jurisdictions. He further stated he did not understand the urgency of the matter and would suggest that the Commission be given an opportunity to sit down with someone from VRS to ask questions.

Mr. Fisher stated that staff has worked extensively with VRS to compile these reports for the Commission over the past three years. Mr. Glover asked when the requests of the Commission members had stopped being honored. He said he was a bit amazed that there was a debate over whether it was legitimate to ask for a

30-day delay. He was perplexed to think the nine bodies are not willing to listen and say that if anyone has questions, the questions will not be answered. Mr. Glover stated he believed each other's requests should be honored. He said while he is not against the resolution, he would like answers to the questions that have been raised, and that the answers should be provided to the full Commission and not just to the Executive Committee. Mr. Glover stated a similar situation occurred when Amelia County requested to join RRPDC.

Chairman Holland stated he would like to continue the dialogue so that as many questions as possible could be identified. If a deferral is made, he would like to have questions available so answers can be obtained or the right person could be invited to attend a future meeting to answer these questions. His main concern is equitable treatment for RRPDC employees.

Ms. Cheeley asked if someone from the Executive Committee could comment on these questions. Ms. O'Bannon replied she had some of the same questions.

Mr. Glover moved that this resolution be deferred until the next scheduled Commission meeting. The motion was seconded by Mr. Miller. Chairman Holland asked if there were any comments on the motion.

Mr. Gordon stated he could support a deferral; however, he thinks it is important for the members to understand why the issue is being deferred. Specific questions need to be put on the table so discussion can be held at the next meeting. He further stated that as the agenda packet had been received over a week ago, he felt these questions should have been brought to staff at that time so answers could have been provided at today's meeting.

Chairman Holland suggested that specific questions should be identified today and that during the 30-day period, any other questions should be forwarded to staff.

Mr. Glover stated he has been involved with other work sessions that identify all questions as well as recommendations from staff, which he values highly. He suggested a work session between now and the next regularly scheduled Commission meeting would be in order. He would like more information on what he will vote on. He would like to confirm the information that staff has provided during this work session with a representative from VRS in attendance. Mr. Glover noted that Mr. Hinson's questions were legitimate.

Mr. Gordon said he did not know whether VRS could answer unknown questions, but he will support the deferral if it will get the Commission to a point where this issue can be dealt with and finalized.

Chairman Holland asked if there was any additional discussion. Mr. Pantele asked for clarification on the motion.

Mr. Glover restated the motion to defer action on the resolution until the next scheduled Commission meeting and to have a work session prior to that meeting, with at least a week's notice, to discuss only this issue.

Mr. Trout asked if the motion was solely to postpone action on the resolution. Mr. Glover stated this was correct and that a work session be held for all members of the Commission should they want to attend. Mr. Setliff asked if a quorum of members would need to be in attendance. Mr. Amos stated a quorum would not be required for the work session.

Ms. O'Bannon stated that as a result of the work session, she would like to see basic information from the meeting recorded in minutes or clarified in a letter to the Commission from VRS for those members not able to attend the work session.

Chairman Holland called for a vote on the motion. The motion carried unanimously.

Mr. Hinson added that members of the Commission support RRPDC staff members having the same benefits as the localities. He stated that he is a veteran, having been drafted and served. When he returned from his military service, he was given two years of VRS coverage because he was drafted and on military service when he returned. His comment regarding the military was only to give an example of a budget impact. He feels the problem with the resolution and whatever else is associated with it is that long term costs are not known. Before the resolution is acted upon, this information needs to be ascertained.

Chairman Holland stated that when the work session is set up, he would encourage all Commission members to attend.

Mr. Miller asked what other sources of information might be available outside of staff. Mr. Gordon stated he was hearing two questions: one being the projected long term costs and second, how does that translate in costs to the jurisdictions. He asked if there were other questions.

Mr. Glover stated the work session will be used to identify additional questions. He stated he appreciated the willingness of the members to honor the request to defer the vote until the opportunity to ask questions is given.

Chairman Holland again encouraged all members to attend the work session and to be prepared to ask questions.

At this time it was noted that Mr. Branin, the new member from the Henrico County Planning Commission, had arrived at the meeting. Chairman Holland welcomed Mr. Branin to the Commission.

III. NEW BUSINESS

A. Resolutions of Appreciation for Outgoing Commission Members:

Mr. Eugene A. Mason, City of Richmond

Mr. Chris Archer, County of Henrico

Chairman Holland presented the resolutions to the Commission for its consideration. Mr. Fisher stated the resolutions are being presented for approval and during a subsequent meeting, the resolutions will be presented to the outgoing members. Chairman Holland asked if there was any discussion on the resolutions. There being no discussion, he asked for a motion to approve the resolutions. Ms. O'Bannon moved that both resolutions be approved. The motion was seconded by Mr. Holmes. The motion was approved unanimously. Copies of the resolutions will be filed with these minutes.

B. 2007 General Assembly Legislative Update

Chairman Holland recognized Ms. Villa, who gave an update on current legislation of interest to the local jurisdictions being considered at the 2007 General Assembly session. A copy of the presentation will be filed with these minutes.

Ms. Villa indicated the governor had proposed some budget amendments which left PDC funding at last year's level. Amendments to increase the per capita amount have been defeated. However, as the conferees go into committee meetings toward the end of the session, there is a chance more per capita funding will be approved.

Funding for transportation issues is the major concern at this point with legislators.

Of particular interest was HB 3109, which will lift restrictions on hunting in areas adjacent to subdivisions. Hunting is not allowed in subdivisions; this bill will allow hunting within the half mile buffer adjacent to subdivisions. Mr. Glover stated this bill will also grant the National Rifle Association the ability to regulate this rule, taking the regulatory authority away from the Department of Game and Inland Fisheries. Members of the Capitol Region Caucus have voted against this bill.

HB 3202 is the only transportation bill remaining active. This bill provides for monies from the General Fund and bonds to be used for transportation projects. It also stipulates that the Commonwealth Transportation Board will be appointed by members of the General Assembly and not by the governor.

General Assembly is set to adjourn on February 24, with the reconvened session set for April 4.

Chairman Holland asked if any members had questions regarding Ms. Villa's presentation. Mr. Glover asked if the Commission had taken a formal stand on any of the legislation.

A question was asked of Mr. Fisher if it would be beneficial for the Commission to take a position on HB 3109. Mr. Fisher stated it would be appropriate but the action would need to be taken today given the amount of time left in the General Assembly session. Mr. Fisher recommended if a resolution was passed, a cover letter would be written by the Chairman to send to members of the Capitol Region Caucus and other legislators as directed by the Commission.

There was a question on the legality of turning over regulatory authority to an organization other than local law enforcement. Chairman Holland stated that the Commission had determined previously it was more effective for the local jurisdictions to contact members of the General Assembly regarding specific legislation.

Mr. Glover stated that he felt it would be more effective if the Commission would take a stand on this particular issue.

Mr. Setliff stated the patron of the bill is from the region. He further stated he would be in favor of sending such a letter to the Caucus members. Mr. Setliff made a motion that the Commission write such a letter.

Mr. Glover stated the first charge of local governments should be public safety. He seconded Mr. Setliff's motion.

Mr. Gordon stated that he understood the motion on the floor to be that the Commission speak as one voice in opposition to HB 3109. Chairman Holland confirmed this would be done by letter signed by the Chairman.

Mr. Glover read a portion of the bill dealing with distance limits with regard to subdivisions.

Mr. Pantele asked why the Commission would take a position on this bill and not others and that this action could send a mixed message to members of the Caucus. He asked if the local legislative liaisons were voicing opposition to the bill.

Mr. Hinson stated this bill would wipe out any oversight by the county if Henrico allowed hunting in certain areas. Mr. Glover said the county would lose the authority to regulate where a person could hunt within the county.

Mr. Glover stated that with regard to public safety, the Commission should take this stand.

Mr. Pantele asked if the localities had communicated their opposition to the appropriate legislators. Mr. Glover indicated Henrico County had done this. Mr. Pantele stated he wanted to make sure any resolution sent by the Commission was consistent with any message sent from the local governments.

Ms. Villa commented that both VML and VACo are opposing this legislation.

Ms. Moorhouse asked if local residents were aware of this legislation. Mr. Glover indicated he doubted anyone was aware of this.

Chairman Holland stated he agreed with Mr. Glover that public safety was an important issue. He was concerned that if the resolution was not properly worded it could be taken as being anti-hunting or anti-firearms statement instead of a public safety issue. As such, he would be reluctant to sign a resolution, but he would sign a letter if it had majority support.

Ms. Cheeley asked if wording could include that this was in response to public safety issues. Chairman Holland replied this could be done, but there would be a chance someone could misinterpret the meaning.

Ms. O'Bannon asked if anyone knew the need for this piece of legislation. Mr. Glover said he did not know of any specific need.

Mr. Britton said he understood this legislation was a step in bringing all localities in line with one model ordinance to regulate where firearms can be used. Legislative liaisons have not been supporting this because they felt it was a step in taking regulatory authority away from the localities. Delegate Lingamfelter was pushing this legislation hoping to make one set of regulations for every locality to follow. He felt this was coming from game wardens in an attempt to be able to enforce regulations from county to county.

Mr. Miller stated if the motion could be worded to emphasize the opposition to taking authority away from the county or locality, he would support the motion.

Chairman Holland asked Mr. Setliff if he would withdraw his original motion so that a new motion could be made addressing concerns that the result of the bill may jeopardize the ability of local governments to address public safety issues. Mr. Setliff agreed to withdraw the motion and stated his motion had been to write a letter to the Capitol Region Caucus asking them to withdraw support for the legislation.

Mr. Glover said he would withdraw his second.

Mr. Miller moved that the Commission authorize the Chairman to write a letter to the Capitol Region Caucus stating that the Richmond Regional Planning District Commission opposes HB 3109 on the basis that it appears to divest the localities of their authority to deal with the subject of the amendment.

Mr. Glover seconded the motion.

Chairman Holland asked if there was further discussion on the motion. There being none, the motion was carried unanimously.

IV. OTHER BUSINESS

A. Announcements

There were no announcements.

B. Committee Reports

1. Personnel and Operating Policies Committee

Mr. Pantele reported that the Personnel and Operating Policies Committee met on January 11, 2007, to continue the discussion on the process by which a new executive director would be recruited. In addition to members of the committee, all other voting elected members of the MPO were also invited to attend. The discussion centered on the need for the Commission to reach a consensus on the future direction of the Commission prior to recruitment of a new executive director.

A follow-up meeting has been scheduled for March 8, 2007, following the Commission meeting. The Commission agenda on that day will be short, and there will be no MPO meeting. This will allow the committee to meet around 2:00 p.m. Each of the Chief Administrative Officials of the nine member jurisdictions will also be invited to attend this meeting to offer input on how RRPDC can work with the jurisdictions.

C. For Your Information

Information was included on the following:

1. Update on the Emergency Broadcast Communications Sub-Committee
2. Letter from Frederick Quayle, chairman of the Chesapeake Bay Restoration Fund Advisory Committee, letting Ms. Stewart know that RRPDC's request for project funding had been declined.

V. **ADJOURNMENT**

There being no further business to come before the Commission, on motion duly made and seconded, Chairman Holland adjourned the meeting at approximately 2:25 p.m.

Paul E. Fisher
Executive Director

Russell E. Holland
Chairman