

RICHMOND REGIONAL PLANNING DISTRICT COMMISSION
Minutes of Meeting
July 10, 2008

Members/Alternates Present

William R. Britton, Jr. (A)..... County of Charles City
Malvern R. “Rudy” Butler (M)..... County of Goochland
Deborah B. Coats (A)County of Hanover
Robert R. Cosby (M).....County of Powhatan
Timothy W. Cotman, Sr., Vice Chairman (M) County of Charles City
James B. Donati (M), Secretary County of Henrico
Marleen K. Durfee (M).....County of Chesterfield
Richard W. Glover (M)..... County of Henrico
Kathy C. Graziano (M)City of Richmond
Jerilynn T. “Jeri” Grigsby (M)..... County of Henrico
John C. Grier (M).....City of Richmond
Russell J. Gulley (M) County of Chesterfield
Evan Fabricant (M).....County of Hanover
James M. Holland (M) County of Chesterfield
Courtney G. Hyers (M)..... County of Goochland
Dorothy Jaeckle (M)County of Chesterfield
E. Ray Jernigan (M)..... County of Henrico
David A. Kaechele (M)..... County of Henrico
Beverley C. Lacy (M)City of Richmond
Patricia S. O’Bannon (M) County of Henrico
C. Harold Padgett (M).....County of Hanover
William J. Pantele (M), Treasurer.....City of Richmond
Faye O. Prichard (M)Town of Ashland
George K. Roarty (M).....County of Chesterfield
Robert R. Setliff (M).....County of Hanover
Randall R. Silber (A) County of Henrico
Millard D. Stith, Jr. (A).....County of Chesterfield
Stran L. Trout (M)..... County of New Kent
Joseph B. Walton (M)County of Powhatan
Arthur S. Warren (M), Chairman.....County of Chesterfield

Members Absent

Karin Carmack (M).....County of Powhatan
Daniel A. Gecker (M)County of Chesterfield
John E. Gordon, Jr. (M)County of Hanover
Delores L. McQuinn (M)City of Richmond
Ellen F. Robertson (M)City of Richmond
Brenda L. “Sam” Snyder (M) County of New Kent
Frank J. Thornton (M)..... County of Henrico

Others Present

John R. Amos..... RRPDC Legal Counsel
George M. Homewood..... County of New Kent

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

Outgoing Chairman Warren called the regularly scheduled July 10, 2008 RRPDC meeting to order at approximately 1:30 p.m. in the RRPDC board room. He asked Mr. Glover to lead 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. Installation of FY 09 Officers

Chairman Warren asked all officers-elect to stand and raise their right hands to take the oath of office. Those being sworn in, as elected by the Commission during the June 12, meeting were:

Chairman Timothy Cotman, Charles City County
Treasurer James Donati, Henrico County
Secretary Stran Trout, New Kent County

Ms. Graziano, Vice Chairman-Elect, was not present at this time.

Chairman Warren asked that everyone join with him in congratulating the new officers with a round of applause.

C. Requests for Additions or Changes in Order of Business

Chairman Cotman asked if there were any changes or additions to the agenda. As there were no changes or additions, the agenda was accepted as presented.

D. Open Public Comment Period

Chairman Cotman asked if there was anyone from the public in attendance who wished to make a comment.

Mr. Setliff stated that in continuing the tradition begun by former Hanover County Board of Supervisor member Jack Ward, he had brought Hanover tomatoes for all members, which are in the anteroom. Chairman Cotman thanked Mr. Setliff on behalf of the members, who gave Mr. Setliff a round of applause in appreciation.

As there were no further requests from the public to address the Commission, Chairman Cotman closed the public comment period.

E. Chairman's Report

Chairman Cotman thanked members for the opportunity to serve in this capacity. Since he has only been on the Commission for the past few months, he wanted to give some introductory information about himself to members. Chairman Cotman said he is a retired educator, having taught chemistry for approximately ten years. He was also a chemist for Allied Chemical and retired from the Virginia Department of Education. Since his retirement, he has tried to spend some time enjoying fishing. He is married (Sammy) with three adult children – a son who is an educator in Arlington; a daughter who is an attorney; another daughter who is a community relations specialist for Chesterfield County schools. Chairman Cotman said he will do his best to steer the Commission in the right direction over the next year.

Chairman Cotman reported that during the Executive Committee meeting, the Committee had voted to recommend the current legal services contract with Mr. Amos be extended for a two-year period under the same terms. It was the consensus of the Commission that the contract extension be finalized.

F. Approval of Minutes – June 12, 2008 Meeting

Chairman Cotman asked if everyone had read the minutes of the RRPDC meeting held on June 12, 2008. Mr. Trout moved that the minutes be accepted as printed. The motion was seconded by Ms. O'Bannon. There being no further discussion, the minutes were approved as printed.

G. Approval of May 2008 Financial Report

Chairman Cotman asked Mr. Donati to present the financial reports for May 2008. Mr. Donati called the members' attention to the report under Tab 2 and asked if there were any questions.

Mr. Fabricant asked, with regard to the fund distributions as listed to include the BB&T checking and repurchase accounts and the Local Government Investment Pool (LGIP), if he was correct in seeing there is money in the checking account that was not earning interest. Mr. Sweetland verified the agency is required to keep a certain amount in the account to eliminate any fees being charged. The other funds are invested overnight.

Mr. Fabricant noted his personal checking account earns interest even with a minimum balance to avoid fees. He said it concerned him that the agency has this amount of money not earning interest as the bank is earning interest when it loans out the money.

Ms. Evans said staff could look in to other banking options.

Ms. O'Bannon asked if there were any restrictions on government accounts. She said she knew governments were not allowed to earn but a certain amount of interest income. Mr. Sweetland said there are some restrictions on how the money can be invested as specified by the Virginia Treasurer's office. Ms. O'Bannon then noted that staff was doing their best within those restrictions and asked if staff would see if there were other options. Mr. Sweetland said he would contact the bank's representatives to see what other options the agency might have.

Mr. Fabricant said he understood there are written rules and said he wondered if the money being invested in the LGIP could be moved to certificates of deposit or other interest bearing accounts. While he is not a banker, he would be willing to help check in to other options.

Ms. O'Bannon asked if there were any restrictions on what Mr. Fabricant was suggesting. Mr. Sweetland said the LGIP is handled by the Commonwealth of Virginia, and the interest rates are slightly higher than those offered by banks.

Mr. Donati asked if a request for proposals (RFP) would be required to obtain information from other banks. Mr. Sweetland verified that would be the process, and he would be glad to begin that process if the Commission so desired. Mr. Donati said he would like for an RFP to be issued.

Ms. O'Bannon said she knew that government entities could not invest money in the same manner as individuals. Mr. Fabricant said he knew there was a difference in policies.

Mr. Warren asked if the auditor had ever raised any questions regarding this issue. Mr. Sweetland said the auditor had not.

There being no further questions or discussion, on motion made by Ms. Prichard and seconded by Mr. Pantele, the May 2008 financial report was unanimously approved as presented and accepted for audit.

Ms. O'Bannon pointed out that due to various reasons in the agency's history, the agency is very cautious when it comes to handling its funds. She said the concerns of the Commission members are being heard, but because of the past history, it's necessary to be cautious. Mr. Fabricant said he appreciated that, but would like to see some sort of interest being earned on monies being held in the accounts if it was possible.

H. Interim Executive Director's Report

Ms. Evans stated that various handouts had been placed at each seat around the table for the members' information. She pointed out the page that looks like a website and noted this is the website for the Capital Regional Collaborative. During last month's Commission meeting seven members were appointed to serve on the Collaborative. Anyone else who would like to participate or nominate someone to participate should use the form on the website to enter this information. The form also collects demographic information and information regarding interests of the individuals. There was also a news release listing the names of those who will be involved in the initial efforts of the Collaborative, including those appointed to serve from the Commission. With regard to nominating emerging leaders, this could mean someone who is young and is becoming active with community involvement or it could mean someone of any age who is now becoming involved in community services/activities. It is not age dependent. The website form can also be used to nominate these emerging leaders.

The other handouts will be discussed as the meeting progresses.

Ms. Evans stated that concluded her report.

II. OLD BUSINESS

A. Resolution of Appreciation for Outgoing Commission Member

Chairman Cotman noted this resolution was approved during last month's Commission meeting for the outgoing citizen representative from Hanover County, Amy Cheeley. Ms. Cheeley was not able to attend today's meeting to receive the resolution. Staff will forward it to her along with the Commission's gratitude for her service.

B. Jurisdictional Committees Reports

Chairman Cotman asked Ms. Prichard to give this report.

Ms. Prichard noted that Mr. Gordon is in Texas and had asked her to give a report from the Large Jurisdictions Committee on his behalf. Ms. Prichard said she would do this following her report on the recent meeting of the Small Jurisdictions Committee.

The committee met on July 8. At last month's Commission meeting, a vote was taken to add an administrative person to the Capital Regional Collaborative as an additional representative from the smaller jurisdictions. Carolyn Cios, the County Administrator from Powhatan, will be asked to participate in this effort. Mr. Walton has asked Ms. Cios if she will be willing to serve. Mr. Walton noted he had spoken with Mr. Cosby and Ms. Cios, who will contact Ms. Prichard to obtain more detailed information on what will be involved in serving on the Collaborative. Ms. Prichard said an initial meeting of the Collaborative is being scheduled.

There is a handout entitled Regional Transportation Authorities Statement of Principles. This was discussed during last month's Transportation Funding Strategies Work Group meeting. It was developed by Mr. Homewood (New Kent County member on the Small Jurisdictions Committee) with input from Whitt Clement. The Small Jurisdictions Committee reviewed this again on Tuesday and determined while the language about adopting transportation authorities had suited the committee and Work Group, there was concern that there was no statement to talk about the need for the state to take ultimate responsibility for transportation. This opening statement was added by Mr. Homewood. This is being presented for input from the Commission members. She asked if the Commission would offer a vote of consent. Mr. Trout said that would be his preference, and he would make that in the form of a motion.

Mr. Amos said as he had seen the document for the first time today, he had some concerns regarding involvement by the MPO and its role, and he would like time to study this. There is no indication as to how the MPO would be compensated for having its staff assist with set up of transportation authorities. As noted by Mr. Glover in the past, there is concern about funds and how they could be identified. Ms. Prichard asked if Mr. Amos would speak with the committee on this concern; Mr. Amos agreed. Mr. Trout said he would withdraw his motion.

Mr. Glover said he did not see in the document how money would be collected and who would distribute any money collected. He asked if the state would do this or if the jurisdictions would take care of this. He said it would be the tax dollars of the jurisdictions' citizens being handled by another group.

Ms. Prichard said she thought this had been addressed, but the committee would look at this in more detail. Mr. Glover stated he thought it did need to be very clear in any document that will be sent outside the agency.

Ms. O'Bannon said there was a statement in the document regarding what would happen if the fees were collected by the Commonwealth.

Ms. Prichard said the committee would work on this further with input from Mr. Amos. She said she would also add that the committee had requested Chairman Cotman contact legislators to ask for elimination of language in SB 6009 that excludes New Kent, Powhatan, Charles City, and Goochland Counties from participating in any transportation authority because their entire areas are not included in the MPO.

Ms. Evans said this is a moot point because the Special Session of the General Assembly had adjourned without passing SB 6009. She would recommend that any new legislation be reviewed for such language and address the issue again at that time.

Ms. O'Bannon asked for clarification on the reference to RRPDC and the MPO as they are two different bodies.

Mr. Amos said that was his concern as the MPO does not have a staff; staff is maintained by RRPDC.

Ms. Evans said the document under review used language that had been included in legislation during the 2008 regular and specials sessions of the legislature.

Mr. Setliff said the document had been discussed in the Work Group, which is comprised of members from RRPDC, the MPO, and state legislators. The Work Group was set up by the Commission to develop funding strategies and report back to the Commission by December. The funding options as identified by the Work Group would then be taken to the legislators at the next General Assembly if it was the desire of the Commission to do so. He would suggest that after the document is reviewed by Mr. Amos, it should go back to the Work Group for review. The Work Group was set up to discuss this issue. He agrees the document should be reviewed by legal counsel. Originally the Work Group was established to begin discussions on the issue and try to preempt what happened last year when a bill was introduced without any input from the localities. The Work Group was given this responsibility so the full Commission would not have to work through this.

Chairman Cotman said the Work Group was set up to inform legislators of the needs of the localities.

Mr. Holland said he didn't think the Commission should be concerned with details at this point but should look at the larger picture.

Mr. Setliff commented that if a transportation authority is created, then details can be worked out at that time.

Mr. Glover said that whatever is decided, he would not vote for anything that would raise taxes on citizens. The state should not be telling localities how to tax its citizens to pay for what should be the state's responsibility.

Ms. Prichard said the document did not say anyone should create a tax.

Mr. Glover said he was making the comment for future reference.

Ms. O'Bannon said Item 7 indicates the administrative costs of the authority are to be born by the localities. She said the state is responsible for transportation and would suggest the Statement be held for future use if the legislature tried to do the same thing in the future.

Mr. Setliff said the document is a draft to get discussions started.

Mr. Glover said he feels the Statement implies that the localities would be willing to create a tax to fund the transportation authority.

Ms. Prichard said the only thing she had wanted to address by presenting the Statement was the recommendation being made by the committee to take to the Work Group to add the opening statement that transportation is the state's responsibility.

Mr. Setliff said he thinks the Statement should go back to the Work Group once the attorney has reviewed it.

Mr. Holland said he believes the Statement is important to let legislators know what the Commission expects.

Ms. Graziano noted that as a member of the Work Group, it is not being said that the Work Group wants to have a transportation authority. The Work Group is trying to save a place in case the region would like to have an authority at some point in the future. General Assembly members advised that the region would be shut out from having an authority unless such a statement was made.

Ms. O'Bannon said she felt one member of the General Assembly was trying to intimidate the Commission.

Mr. Setliff said the Work Group is trying to be preemptive to keep anything from happening similar to what happened during the last General Assembly session when legislation was submitted without input from the localities.

Ms. Prichard said any additional comments should be forwarded to the members' appropriate representative on the Work Group.

Chairman Cotman said the Work Group has been charged with finding other solutions if the state does not want to take the responsibility for transportation, which it should do.

Mr. Pantele said in light of the types of legislation presented last year without input from any transportation group, in trying to mandate taxes on the localities to fund transportation, it was determined that the Commission needed to step in to make the point that state government must take care of state responsibilities. The Transportation Work Group should continue this effort to work out all details in this document.

Chairman Cotman summarized that the Statement should be sent back to the Work Group and the Work Group should look at a broader perspective of what can be done.

Ms. Prichard said the committee would forward this back to the Work Group following a review by the attorney.

Ms. Prichard continued her report by noting the second handout is in response to legislation regarding how growth in the localities is funded. With the help of Mr. Homewood, the committee felt a Statement of Principles was in order. This addresses the use of proffers and impact fees. The committee would like for the Commission to authorize the Chairman to write a letter to Senator Vogel and Delegate Athey to request representation on the Athey-Vogel Commission established pursuant to SJR 70 / HJR 178 during the 2008 regular session of the General Assembly. This commission will take up discussions on impact fees and proffers. Ms. Prichard made this in the form of a motion which was seconded by Ms. Graziano. There being no further discussion, the motion carried.

Ms. Prichard said the committee would also like feedback on the statement via members of either the Small or Large Jurisdictions Committee.

Ms. Prichard continued by giving a report on behalf of Mr. Gordon. The Large Jurisdictions Committee will meet on July 16. Items on the agenda will include discussions on how to begin a legislative process including whether there will be a legislative liaison and if so what this person will be charged with doing; public relations (PR) for RRPDC in conjunction with PR as part of the Capital Region Collaborative; and how RRPDC can assist with grant funding/writing directives.

Ms. Prichard and Mr. Gordon are going to try to coordinate meetings of both committees to allow for joint reports during Commission meetings.

Ms. O'Bannon asked how grants would be found. Ms. Prichard said the issue is whether RRPDC would be a clearinghouse for grant availability and whether this is something the RRPDC would be directed to help with as some jurisdictions do not have staff members to do this type of work. Ms. O'Bannon said in the past that Henrico County has typically taken the lead on writing regional grants. Ms. Prichard said the issue would be what role, if any, RRPDC would play in finding, writing, and being a liaison for writing grants throughout the region. Ms. O'Bannon said one of the major jurisdictions typically handles this type of work.

The point was made that some of the smaller jurisdictions may require assistance with grant writing. Mr. Warren noted that some other PDCs in the state provide a person from their staff to help rural localities write grants. Ms. Prichard said that was the idea of this discussion.

Mr. Walton asked if there was any other PDC or locality that has asked to be on the Athey-Vogel Commission. Ms. Prichard said she did not know but would suggest that perhaps the Chairman could find that out when he contacts the legislators. She noted that at this time, she must leave the meeting due to a prior commitment.

C. Executive Director Search Update

Chairman Cotman asked Mr. Pantele if he had an update to report.

Mr. Pantele made a motion that members of the Richmond Regional Planning District Commission go into Closed Session pursuant to Section 2.2-3711 (A) (1), Code of Virginia, 1950, as amended, for the purpose of discussing a personnel matter. The motion was seconded by Ms. O'Bannon.

Chairman Cotman noted there was a motion before the Commission that it go into Closed Session for the purpose of discussing a personnel matter and that such Closed Session be exempt from the public meeting requirements of Code Section 2.2-3707, pursuant to subsection A of Code Section 2.2-3711 (A) (1).

He asked all those in favor of the motion to signify by saying "Aye" and those opposed by saying "Nay." The motion carried.

At this time all recording of the meeting ceased.

Reconvening:

Chairman Cotman asked the Executive Secretary to poll the Commission members to certify that to the best of each member's knowledge only public

matters lawfully exempted from open meeting requirements and that only such public business matters as were identified in the motion by which the Closed Meeting was convened were heard, discussed, or considered. The vote was as follows:

Member	Yes	No	Abstain	Absent
Ms. Prichard*				x
Mr. Cotman*	x			
Ms. Durfee*	x			
Mr. Gecker*				x
Mr. Gulley	x			
Mr. Holland*	x			
Mr. Roarty	x			
Ms. Jaeckle*	x			
Mr. Warren*	x			
Mr. Butler*	x			
Ms. Hyers	x			
Mr. Fabricant	x			
Mr. Gordon*				x
Mr. Padgett	x			
Mr. Setliff*	x			
Mr. Donati*	x			
Mr. Glover*	x			
Ms. Grigsby	x			
Mr. Jernigan	x			
Mr. Kaechele*	x			
Ms. O'Bannon*	x			
Mr. Thornton*				x
Ms. Snyder				x
Mr. Trout*	x			
Ms. Carmack				x
Mr. Cosby*	x			
Mr. Walton*	x			
Ms. Graziano*	x			
Mr. Grier	x			
Ms. Lacy	x			
Ms. McQuinn*				x
Mr. Pantele*	x			
Ms. Robertson*				x
Alternates (vote only if elected official* absent)				
Mr. Martin				x
Mr. Britton	-	-	-	-
Mr. Stith (Gecker)	x			
Mr. Creasey				x
Ms. Coats (Gordon)	x			

Mr. Silber (Thornton)	x			
Mr. Budesky				x
Mr. Tucker				x
Mr. Hardin				x

Mr. Trout made a motion that the Commission authorize Springsted to negotiate contract terms with the leading candidate and report the results of the negotiation back to members of the Commission. The motion was seconded by Mr. Setliff.

Mr. Amos asked for clarification on the timeline. Mr. Trout said he believed the time would be about six weeks from the date the offer was made. Mr. Amos asked how that would be handled if the August Commission meeting is cancelled. Chairman Cotman said the cancellation has not been determined at this time. Mr. Trout noted that the Commission can give Springsted the authority to offer the position.

Mr. Glover asked if the salary and terms would be what had been discussed in the Closed Session. Chairman Cotman said that was correct.

Mr. Trout amended his motion to include that the Executive Committee also be authorized to approve the contract and offer the position to the candidate. Mr. Setliff agreed to the amendment.

There being no further discussion, the motion carried unanimously.

III. NEW BUSINESS

A. Resolution of Appreciation to Outgoing Chairman

Chairman Cotman noted there was a resolution of appreciation to outgoing Chairman Art Warren. If the Commission so desired, a motion to approve the resolution would be in order. The motion to approve the resolution was made by Mr. Glover and seconded by Mr. Setliff and the motion carried.

At this time, Chairman Cotman asked Mr. Warren to step forward to receive the resolution and a plaque in appreciation of the work he did for the Commission during his chairmanship. Members of the Commission showed their appreciation with a round of applause.

B. Appointment of FY 09 Standing Committees

Chairman Cotman brought to the attention of the members the listing of those he has appointed to serve on all FY 09 Standing Committees. A copy of the list will be filed with the minutes.

IV. OTHER BUSINESS

A. Committee Reports

There were no other committee reports.

B. Announcements

Chairman Cotman noted that typically the August Commission meeting is cancelled. Chairman Cotman said his recommendation is that the Commission meeting be cancelled and a meeting of the Executive Committee will be held, if needed, to address any personnel matters that may arise. It was the consensus of the Commission members that this recommendation be followed.

Mr. Lysy clarified that the MPO Executive Committee and full MPO will meet in August.

As Ms. Graziano had arrived late to the meeting, Chairman Cotman asked her to stand at this time to take the oath of office as RRPDC Vice Chairman for FY 09. Members of the Commission congratulated Ms. Graziano with a round of applause.

C. For Your Information

There were no items included in this section.

V. ADJOURNMENT

There being no further business to come before the Commission, on motion duly made and seconded, Chairman Cotman adjourned the meeting at approximately 2:45 p.m.

Jo A. Evans
Interim Executive Director

Timothy W. Cotman, Sr.
Chairman