

**RICHMOND REGIONAL PLANNING DISTRICT COMMISSION**  
**Minutes of Meeting**  
**October 8, 2009**

**Members/Alternates Present**

Willie L. Bennett (M) ..... County of Henrico  
Malvern R. “Rudy” Butler (M).....County of Goochland  
Karin Carmack (M).....County of Powhatan  
Deborah B. Coates (A).....County of Hanover  
Douglas G. Conner (M) .....City of Richmond  
Robert R. Cosby (M).....County of Powhatan  
Timothy W. Cotman, Sr. (M)..... County of Charles City  
Marleen K. Durfee (M).....County of Chesterfield  
Evan Fabricant (M).....County of Hanover  
Daniel A. Gecker (M) .....County of Chesterfield  
Richard W. Glover (M)..... County of Henrico  
John E. Gordon, Jr. (M) .....County of Hanover  
Kathy C. Graziano (M), Chairman .....City of Richmond  
John C. Grier (M).....City of Richmond  
James M. Holland (M) .....County of Chesterfield  
Dorothy Jaeckle (M) .....County of Chesterfield  
E. Martin Jewell (M).....City of Richmond  
Patricia S. O’Bannon (M) ..... County of Henrico  
C. Harold Padgett (M).....County of Hanover  
Edward W. Pollard (M)..... County of New Kent  
Faye O. Prichard (M), Secretary .....Town of Ashland  
George K. Roarty (M).....County of Chesterfield  
Robert R. Setliff (M).....County of Hanover  
Randall R. Silber (A) ..... County of Henrico  
Frank J. Thornton (M)..... County of Henrico  
Stran L. Trout (M), Treasurer ..... County of New Kent  
Joseph B. Walton (M) .....County of Powhatan  
Arthur S. Warren (M) .....County of Chesterfield

**Members Absent**

James B. Donati (M), Vice Chairman..... County of Henrico  
Russell J. Gulley (M) .....County of Chesterfield  
Courtney G. Hyers (M).....County of Goochland  
Bonnie-Leigh Jones (M) ..... County of Henrico  
David A. Kaechele (M)..... County of Henrico  
Beverley C. Lacy (M) .....City of Richmond  
Charles R. Samuels (M).....City of Richmond

**Others Present**

John R. Amos..... RRPDC Legal Counsel  
Nora Amos .....Town of Ashland  
Michael Aukamp..... Dunham, Aukamp & Rhodes  
Suzette Denslow.....City of Richmond  
Ricky Elder ..... Dominion Virginia Power  
Rachel Flynn .....City of Richmond  
Dawn Garber ..... Dominion Virginia Power  
Charles Hartgrove .....Town of Ashland  
Iris Holliday ..... Dominion Virginia Power  
George Homewood ..... County of New Kent  
Brennen Keene..... McGuire Woods  
Curtis Smith ..... Smithworks & Co.

**Staff Present**

Robert A. Crum, Jr..... Executive Director  
Jo A. Evans ..... Assistant Executive Director  
Julie H. Fry..... Executive Secretary  
Anne Darby ..... Associate Planner  
Chuck Gates ..... Communications Coordinator  
Barbara Jacocks ..... Principal Planner  
Jin Lee ..... Senior Planner  
Daniel N. Lysy ..... Director, Transportation  
Greta Ryan ..... Intern  
Randy Selleck ..... Senior Planner  
Sarah Smith ..... Senior Planner  
Jackie S. Stewart ..... Director, Planning/IS  
Peter M. Sweetland ..... Finance and Contracts Administrator  
Kathy Wright ..... Intern  
Lee Yolton ..... Principal Planner

**Call to Order**

Chairman Graziano called the regularly scheduled October 8, 2009 RRPDC meeting to order at approximately 1:10 p.m. in the RRPDC board room. She then led the Commission members in the pledge of allegiance to the flag.

**I. ADMINISTRATION**

**A. Certification by Commission Executive Director of Meeting Quorum**

Mr. Crum certified that a quorum of members was present.

## **B. Requests for Additions or Changes in Order of Business**

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

## **C. Open Public Comment Period**

Chairman Graziano asked if there was anyone from the public in attendance who wished to make a comment to members of the Commission. She reminded speakers that their time is limited to three minutes. There were no requests from the public to address the Commission, and the Chairman closed the public comment period.

## **D. Chairman's Report**

Chairman Graziano announced the death of Powhatan County Board of Supervisors member Charles Green. She asked that members of the Commission observe a moment of silence in remembrance.

Chairman Graziano brought members' attention to the labels on the base of each microphone that ask for members to speak directly into the microphone. By speaking directly into the microphone, it will be ensured that all discussions are recorded clearly for the preparation of minutes. Chairman Graziano also pointed out that in addition to recording meeting discussions, the microphones also picked up sidebar discussions, so members should keep that in mind.

She also asked that cell phones be placed on vibrate in order not to disturb the meeting.

## **E. Approval of Minutes – September 10, 2009 Meeting**

Chairman Graziano asked Ms. Prichard to present minutes from the September 10, 2009 meeting. There being no discussion, on motion made by Ms. Prichard and seconded by Mr. Gordon, the minutes were approved as presented.

## **F. Approval of August 2009 Financial Reports**

Chairman Graziano asked Mr. Trout to present this item.

Mr. Trout stated the financial report is included in the agenda book under Tab 2. There being no discussion, on motion made by Mr. Trout and seconded by Mr. Bennett, the August 2009 financial report was accepted for audit as presented.

## **G. Executive Director's Report**

Mr. Crum brought the members' attention to the monthly staff activity report which is included in the agenda book under Tab 3. He said he would like to introduce a new staff member: Barbara Jacocks, Principal Planner in the Planning and Information Systems Division.

Mr. Crum announced that Sarah Smith, Senior Planner in the Planning and Information Systems Division, has been working on a Regional Green Infrastructure Project. Ms. Smith has been invited to a national conference sponsored by New Partners for Smarter Growth to present this project as a national example of sustainability planning. Her project was selected from many submissions from across the country. Members of the Commission congratulated Ms. Smith with a round of applause.

## **II. OLD BUSINESS**

### **A. Jurisdictional Committees Reports**

Chairman Graziano asked Ms. Prichard to present a report from these committees.

Ms. Prichard reported that the committees met jointly in September to begin discussions on regional legislative issues. One of the most helpful things during the discussion was to have in attendance two lobbyists from the area (City of Richmond and Chesterfield County). These individuals offered insight into what types of legislation will be best received during the General Assembly session. The discussions will continue when the committees meet jointly again next week. Ms. Prichard indicated a report should be ready to present to Commission members during the November meeting.

Ms. Prichard noted that Ms. Jacocks has worked with several committees in the Town of Ashland previously.

Mr. Crum added that the Small and Large Jurisdictions Committees discussed public safety funding and the proposed storm water regulations. Mr. Gates will develop a draft report based on the input for review during next week's meeting. Revisions will be made for presentation to the Commission in November.

Once the legislative agenda is finalized, it has been suggested that RRPDC host a legislative reception for members of the Capital Region Caucus to promote the agenda items. This may be a breakfast or lunch session to encourage better attendance. More information will be forthcoming.

Ms. Prichard said the next joint meeting of the committees will be on Thursday, October 15, at 12:00 noon.

Chairman Graziano said before the next items on the agenda are presented, she would like to ask the presenters and members of the Commission to limit the presentations to ten minutes with ten minutes allowed for discussion in order to keep the agenda moving along.

### **III. NEW BUSINESS**

#### **A. City of Richmond Downtown Master Plan**

Chairman Graziano introduced Rachel Flynn, Director of Community Development for the City of Richmond, who gave an overview of the Downtown Master Plan.

Ms. Flynn thanked Ms. Graziano for her time and effort in finalizing the Master Plan.

Key points in her presentation included:

- Foundations: traditional transportation options; river as a center piece; urban architecture; mixed use; environmental stewards; architectural preservation; affordable housing for mixed incomes
- Pedestrians are #1: street grid kept in place; public transit expanded to include light rail; change one-way streets to two-way streets; offer shared parking
- River as a center piece: enhance river access; protect river views; use Mayo Island as a “central park”
- Urban architecture: doors and windows should face the street; zoning ordinances will be reformed; quality design is a high priority
- Variety and choice: diversify to include mixed uses, mixed building types and sizes, and mixed incomes
- Green planning: preserve open land and the natural environment; create new parks and preserve old parks; develop a street tree campaign; encourage green architecture; have low-impact storm water designs
- History: confirm the commitment to preservation; new architecture is worthy of context; promote and explain the history
- Affordable housing: mix with market rate housing; make it beautiful; provide this to all neighborhoods

Next steps in the Plan include:

- Develop Riverfront Plan with citizens
- Purchase Mayo Island for park land
- Improve streetscapes/gateways (shovel ready)
- Return one-way streets to two-way
- Rezone Manchester – Form Based Code
- Make Gilpin mixed use and mixed income

Mr. Butler said he would like to encourage everyone to attend the Richmond Folk Festival this weekend on Brown's Island. Chairman Graziano thanked Mr. Butler for his endorsement and noted that the event is a very good one and draws people from all over the Region.

Mr. Holland asked if schools and education facilities had been included in the Plan. Ms. Flynn said schools are being brought into the conversation to identify how they will be included as neighborhoods are developed.

Ms. Durfee thanked Ms. Flynn and the city leadership for undertaking this revitalization project to fulfill the city's potential.

Ms. Prichard asked how Manchester is being rezoned using the form based code. Ms. Flynn said there are three districts currently that are semi-form based and the city hopes to ramp this up. She will provide more information to Ms. Prichard at a later time.

Chairman Graziano thanked Ms. Flynn for her time and the presentation.

## **B. Virginia Storm Water Regulations**

Chairman Graziano asked Mr. Crum to introduce this item.

Mr. Crum said a lot of conversation is taking place on the proposed storm water regulations. Scott Crafton is a storm water compliance specialist with the Virginia Department of Conservation and Recreation. He thanked Mr. Crafton for taking time to make this presentation.

Mr. Crafton thanked members of the Commission for the opportunity to discuss this issue. He noted the following points:

- Stormwater Management Act is in the Code of Virginia, Section 10.1-603 and was revised and consolidated in 2004
- 107 communities now have stormwater ordinances under the Chesapeake Bay Preservation Act or in response to federal permitting requirements
- What is currently in place is not working; Chesapeake Bay and local waterways are not improving
- Urban land constitutes the fastest growing source of nutrients to the Bay
- Since 2000 it is estimated that 1% of the Bay watershed is being developed each year; this will increase to 15% by 2030
- 75% of land area developed in the last decade has been low density development located outside designated smart growth areas
- Between 1990 and 2000 Bay area population increased by 8% but impervious cover increased by 41%; turf cover increased by 80%

- Significant amounts of sediment going to the Bay are from stream erosion caused by increased discharges of stormwater runoff
- Bacteria levels in urban stormwater routinely exceed water quality standards
- Pesticides have been detected in 95% of urban streams and fish tissues sampled
- Regulation revision process included extensive public participation, including input by TACs
- Regulations are based on new science
- Quality standards for new development: (1) within Chesapeake Bay drainage area new phosphorus runoff target of 0.28 lbs/acre/year; (2) non-Bay areas phosphorus runoff target of 0.45 lbs/acre/year which is the current standard; (3) localities with both may choose which standard applies to non-Bay areas; (4) small lots – between 2500 square feet and 1 acre – must meet 0.45 lbs/acre/year unless part of a “common plan of development”; (5) within urban development areas (UDA) of 1+ acres the locality may establish a standard between 0.28 and 0.45 lbs/acre/year and justify the requirements to the Board
- Quality standards for redevelopment: (1) for sites disturbing less than 1 acre, reduce existing phosphorus load by 10% (current standard); (2) for sites disturbing 1+ acres reduce existing phosphorus load by 20%; (3) new BMP design standards provide greater pollution removal efficiencies; (4) regulations allow for comprehensive regional approaches, off site mitigation, and “offset” fees-in-lieu, if localities establish or approve them, as well as grandfathering.

Mr. Crafton noted that the DCR website includes updated SWM BMP designs on BMP clearinghouse. He also reported that permit fees are increasing as follows:

- Law requires that SWM Program be funded from dedicated, non-General Fund sources = construction permit fees
- Fees must cover operations and oversight
- Regulations establish a formula for distributing the fees between DCR and local SMW programs: Locality Administered Program – locality receives 72%, DCR 28% for state-level administration and local program oversight; DCR administered Local Program – DCR receives 100%; fee amounts based on survey of state and local administrative staffs regarding implementation costs

Updates are being made to the SMW handbook to bring it in line with the new regulations. Mr. Crafton noted that extensive stakeholder input was received on these proposed regulations. The goal of the regulations is to achieve Chesapeake Bay nutrient reduction requirements. The basis of the new standards is “runoff volume reduction” which better mimics existing site hydrology. New “credits” are also provided in calculations for undisturbed land and resources. Higher BMP pollutant rates are provided and are based on the latest research. Mr. Crafton noted that this new approach meshes with local and regional green infrastructure

planning, promotes rainwater harvesting and on site stormwater reuse. Fees have been set to fund the program administration.

Mr. Glover asked how existing BMPs on retail sites could be retrofitted to the new standards and how developers could pre-engineer sites prior to determining if they can afford to continue. He asked who would bear the cost of this retrofitting. Mr. Crafton said the regulations do not require that these existing BMPs be retrofitted if sites are already developed. The only way the new regulations would apply would be if the site were to be redeveloped. Mr. Glover asked if some of the sites have not been developed, how would the regulations apply. Mr. Crafton said if these were infill sites, the regulations have special provisions for these depending on the acreage. If it is more than an acre, the standards would need to be met. Mr. Glover said the 72% of fees that the localities would receive would not cover the costs of such retrofitting. Mr. Crafton said these funds were to be used for staff, inspections, and routine administration of the program. There are provisions in the regulations for offsets depending on what the locality allows. Mr. Glover asked why this was not considered when the Chesapeake Bay Act was first enacted in 1988.

Chairman Graziano noted the time limit for discussion was coming to an end and asked if there were any other questions.

Ms. O'Bannon noted that according to the new regulations, a lot of what the City of Richmond was proposing for the Master Plan would not be allowed. Mr. Crafton said that was not the case. Ms. O'Bannon said if buildings were demolished for redevelopment, she would think the sites would need to be retrofitted to meet the new requirements. Mr. Crafton said with the new credits being offered, he believed localities would be able to meet the new requirements. He said he is not a full time DCR employer, but in working on handbook updates, he has noted that regulations in Virginia are not as stringent as they are in other areas of the country. He noted that landscaping can meet some of the requirements.

Mr. Conner asked who pays fees and how are these collected. Mr. Crafton said the developer pays the fees. A one-stop shop is being planned so that the developer will pay fees at one location, and the locality will then distribute the funds according to the formula.

Mr. Glover said he feels that the new regulations are trying to control local development and through that, the state will need to pay for what the citizen demands. He said it should have been known in 1988 what was going to work and scientific approaches should have been included in the regulations at that time.

Ms. Durfee asked how Virginia compares with other states with regard to regulations. Mr. Crafton said Maryland, Virginia, and Delaware have been

working on this all along. He noted that in Pennsylvania, there have been water quantity requirements but not water quality requirements. This is now being addressed in their legislature. Maryland has had a strong program and there are some differences. Maryland has updated its rules to require that LID is done on site. Virginia does not have that as a requirement but does offer incentives to do that. Ms. Durfee noted that the science in 1988 was not as strong as it is now; things have evolved. She said she hoped everyone would understand this and react accordingly. Mr. Crafton said a report was made to the EPA last year that included what is now being proposed in Virginia. He said other states are doing these same things with some success.

Mr. Gecker asked if the LID manual was updated. Mr. Crafton said a manual and handbook are now on the website.

Chairman Graziano thanked Mr. Crafton for his presentation.

Ms. O'Bannon asked how much local government input was received. She noted that when the Chesapeake Bay Act was formed, local input was not obtained until the last year before it was enacted. Mr. Crafton said local governments had been involved from the start. Chairman Graziano asked that Ms. O'Bannon continue her discussion with Mr. Crafton after the meeting as there was no time left for further discussion.

### **C. Chesterfield Power Station**

Chairman Graziano asked Mr. Crum to introduce this item.

Mr. Crum noted that in the spring of 2008, the Board received a presentation from representatives of Dominion Virginia Power on the Chesterfield Power Station's proposed environmental enhancements. Ricky Elder is the manager of the Station and will be making the presentation.

Mr. Elder thanked the Commission for the opportunity to provide this update. He also thanked members of his staff and Dominion Virginia Power. He noted Dominion is the largest power provider in the state.

When he made this presentation last year, Dominion was getting ready to make environmental enhancements to the Chesterfield Power Station. Since that time, there have been new controls added to Unit 6:

- Flue gas desulphurization system (scrubber) to control sulfur dioxide
- Fabric filtration (baghouse) to control particulate matter
- Combination of scrubber and baghouse expected to reduce air emissions of mercury

Future environmental projects will include:

- Scrubber system for Units 3, 4, and 5 planned for completion in 2012 with phased in operation beginning in spring 2011
- Expect more than 95% SO<sub>2</sub> removal resulting in an additional reduction of approximately 30,000 tons of SO<sub>2</sub> annually

Mr. Elder noted that Dominion will have spent approximately \$900 million and added 30 full time employees when all of the enhancements are completed. Dominion has applied with Chesterfield County for a proposed Fossil Fuel Combustion Products (FFCP) management facility. This facility will handle three categories of products: fly ash, bottom ash, and flue gas desulphurization byproducts. He noted that the EPA has designated FFCPs as non-hazardous material. These are commonly reused in various industrial, road building, construction, and agricultural applications. Ash volume is approximately 10% of coal input volume. Mr. Elder said during the site selection, criteria used in determining a site included regulatory criteria, environmental criteria, and project-specific criteria.

The proposed FFCP facility will be designed, permitted, and operated in accordance with applicable DEQ regulations similar to other Dominion facilities. It is expected to be fully operational by 2018.

Chesterfield Power Station expansions have resulted in a rezoning request to Chesterfield County. The request will consolidate all of the property under a single case and will provide for existing and proposed uses.

Chairman Graziano thanked Mr. Elder for his presentation.

Ms. O'Bannon asked if there was a market for any of the ash that is produced. Mr. Elder said the downturn in the economy has impacted the ash market.

#### **D. Audit Committee Report**

Chairman Graziano asked Mr. Trout to present this item.

Mr. Trout said the report is included in the agenda book under Tab 4. He noted that the Audit Committee met earlier today to receive the report from the auditor. Members of the committee are Mr. Trout, Chairman; Mr. Cosby, Mr. Gordon, Mr. Holland, and Ms. Prichard. Mr. Trout said the Audit Committee and Executive Committee both recommend the Commission adopt the report. Mr. Trout asked Mr. Aukamp to give a brief summary of the report.

Mr. Aukamp noted the audit produced an unqualified opinion, meaning that there were no changes to be recommended in the financial procedures of the agency. The audit was conducted in accordance with auditing standards contained in *Government Auditing Standards* and *Specifications for Audits of Authorities, Boards, and Commissions*. He said two additional reports are included: audits of

compliance for grants, contracts, and applications; and internal controls. He said no irregularities were found. There was no management letter issued, which would have been issued if any recommendations had been made with regard to the procedures and systems currently being followed.

Mr. Padgett noted there is an inconsistency on the last page of the report with reference to salaries and benefits. Mr. Aukamp said this was an auditor error which had been pointed out to him earlier today. A correction will be made prior to filing a final report.

Mr. Trout made a motion that the Commission accept the audit report as corrected. Ms. Durfee seconded the motion. There was no further discussion and the motion carried.

### **E. Wage Survey**

Chairman Graziano asked Mr. Crum to give this report.

Mr. Crum said he presented this item earlier today to the Executive Committee. Staff proposed that the agency enter into a contract with a consultant to complete a wage survey. During this past budget cycle the need for a wage survey was discussed with the Board to ensure that salaries paid to RRPDC staff are comparable to similar positions in other agencies and organizations. The goal of the survey was not to have the Board authorize an increase in wages due to the economic times, but to provide management with background information on how the agency compares with other organizations. It is important to have this information to ensure that good employees are retained and that the agency is competitive in its recruitment efforts.

The proposal presented to the Executive Committee was to enter into a contract with a consultant in an amount not to exceed \$13,000.00 for completion of the wage survey. After much discussion, the Executive Committee developed a different recommendation, and the recommendation is one that Mr. Crum supports. The Executive Committee recommends that the Executive Director perform this task without assistance from a consultant. The Committee members feel that the executive director can obtain comparable salaries and pertinent information from other PDCs and from the localities' human resource managers. This information will be summarized and presented to members of the Executive Committee in March along with recommendations on which positions Mr. Crum feels are undervalued and whether these positions should be considered for some type of wage adjustment.

Mr. Crum said with the consensus of the Commission Board, this is the procedure he will follow. The report will be provided to the Executive Committee in March, and should salary adjustments be authorized, the full Commission will have a

chance to discuss this in May. Commission members agreed this process should be followed.

#### **IV. OTHER BUSINESS**

##### **A. Committee Reports**

Chairman Graziano reported that the RRPDC Transportation Funding Strategies Work Group met on October 6. It was the consensus of the Work Group that at this time, there was no political will to move forward with a transportation authority for the Region. There are still some issues that need to be worked out. In addition, the current economic climate is not right for any type of tax increase to fund such an authority.

A sub-committee was established to discuss Richmond Metropolitan Authority (RMA) issues and the effect of these issues on the Region.

Mr. Padgett asked about discussions held last year regarding increased representation on the Commonwealth Transportation Board and if this was still an active topic. Mr. Crum said this has been discussed as an item for the regional legislative agenda.

##### **B. Announcements**

There were no announcements.

##### **C. For Your Information**

There were no items included in this section.

#### **V. ADJOURNMENT**

There being no further business to come before the Commission, Chairman Graziano adjourned the meeting at approximately 2:55 p.m.

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Robert A. Crum, Jr.  
Executive Director

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Kathy C. Graziano  
Chairman