

RICHMOND REGIONAL PLANNING DISTRICT COMMISSION
Minutes of Meeting
November 8, 2012

Members/Alternates Present

Manuel Alvarez (A)..... Goochland County
Timothy M. Davey (M)..... Chesterfield County
Steve A. Elswick (M)..... Chesterfield County
Even Fabricant (M)..... Hanover County
Daniel A. Gecker (M)..... Chesterfield County
Richard W. Glover (M)..... Henrico County
Kathy C. Graziano (M)..... City of Richmond
James M. Holland (M)..... Chesterfield County
Dorothy Jaeckle (M)..... Chesterfield County
David A. Kaechele (M)..... Henrico County
Angela Kelly-Wiecek, Vice Chairman (M)..... Hanover County
Kelli Le Duc (A)..... New Kent County
Floyd H. Miles (M)..... Charles City County
John H. Mitchell (M)..... Henrico County
Patricia S. O'Bannon (M)..... Henrico County
C. Harold Padgett (M)..... Hanover County
Ken Peterson, Treasurer (M)..... Goochland County
W. Canova Peterson (M)..... Hanover County
Edward W. Pollard (M)..... New Kent County
Faye O. Prichard, Chairman (M)..... Town of Ashland
Charles R. Samuels (M)..... City of Richmond
Randall R. Silber (A)..... Henrico County
Frank J. Thornton (M)..... Henrico County
Carson Tucker (M)..... Powhatan County

Members Absent

L. Ray Ashworth (M)..... City of Richmond
Richard Ayers (M)..... Powhatan County
Thomas M. Branin (M)..... Henrico County
Douglas G. Conner (M)..... City of Richmond
Russell J. Gulley (M)..... Chesterfield County
E. Martin Jewell (M)..... City of Richmond
Lynn McAteer (M)..... City of Richmond
Tyrone E. Nelson (M)..... Henrico County
C. Thomas Tiller (M)..... New Kent County
Arthur S. Warren (M)..... Chesterfield County
David Williams, Secretary (M)..... Powhatan County

Others Present

John AmosRRPDC Legal Council
Elizabeth Greenfield..... Richmond Association of Realtors
Joanne Simmelink Chesterfield County

Staff Present

Robert A. Crum Executive Director
Jo A. Evans.....Assistant Executive Director
Julie H. Fry Executive Secretary
Sulabh Aryal.....Associate Planner
Chuck Gates Communications Coordinator
Jin Lee Senior Planner
Daniel N. Lysy Director of Urban Transportation
Greta Ryan..... Senior Planner
Jackie Stewart..... Director, Planning
Peter M. Sweetland..... Finance and Contracts Administrator
Lee Yolton Principal Planner

Call to Order

Chairman Prichard called the regularly scheduled November 8, 2012 RRPDC meeting to order at approximately 1:10 p.m. in the RRPDC board room. She then led 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 to the Order of Business

Chairman Prichard asked if there were any additions or changes to be made to the agenda. There were no requests to change the agenda, and the agenda was accepted as presented.

C. Open Public Comment Period

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

D. Chairman's Report

Chairman Prichard said she would like to introduce Mr. Tim Davey to the Commission as the Citizen Representative from Chesterfield County. Members welcomed Mr. Davey.

E. Executive Director's Report

Mr. Crum brought members' attention to the monthly staff activity report, which is included in the agenda book under Tab 1 and details work being advanced by staff on behalf of the localities. He said staff will be happy to address any questions on what is included in the report.

Mr. Crum reported that the sound system in the Board Room, which is very outdated, is going through some repairs. The agency cannot replace the entire system due to budget constraints. A new microphone has been installed on the podium. There are fewer table microphones for today's meeting. These microphones do function better than previously because they have been calibrated. During today's meeting, Mr. Crum asked members to speak loudly so that their voices will be picked up by the microphones on the table. There is some play in the cords attached to the microphones, so members can pull them closer if needed when making comments.

Mr. Crum said staff is continuing its work with the Urban Crescent jurisdictions to discuss how Virginia's transportation funding issues can be resolved. In June, a meeting was held with the Urban Crescent mayors and chairs. All of Richmond's nine jurisdictions were represented at this meeting. This was the first time these jurisdictions had been brought together to discuss transportation issues.

A second Urban Crescent meeting will be held on Friday, November 16. The meeting will be held at J. Sargeant Community College beginning at 11:00 a.m. Mr. Crum said he would encourage each jurisdiction to attend the meeting. Again, the mayors and chairs from each jurisdiction have been invited. If these people cannot attend, it is suggested that they send someone in their place.

From the Richmond Region's perspective, one of the criticisms received about the first meeting was that while this was a good first conversation, the discussions did not go far enough.

On November 16, Senator Watkins will speak to the opportunities available heading into the upcoming General Assembly session. At the end of this meeting, the Urban Crescent mayors and chairs will be asked to agree on a legislative position, that will include solutions to the transportation issues, to take to the General Assembly.

Mr. Crum said staff will send out reminders to all of the Richmond Region's mayors and chairs. The meeting is being held at the Workforce Development and Conference Center on the J. Sargeant Reynolds Parham Road campus.

Ms. Kelly-Wiecek asked if this was a public meeting. Mr. Crum said to sit at the table is by invitation only for mayors and chairs or their appointees. However, anyone else who would like to attend may do so and sit in the audience section.

Mr. Crum reported that at the December Board meeting, a mid-year report on the FY 13 budget will be presented in addition to a preliminary look at the FY 14 budget. The FY 14 budget will begin on July 1, 2013.

II. CONSENT AGENDA

Chairman Prichard said the Executive Committee recommended approval of the items listed on the Consent Agenda:

- A. Approval of Minutes – October 11, 2012
- B. Approval of September Financial Report

There was no request to have either item removed from the Consent Agenda for additional discussion and on motion made by Ms. Graziano and seconded by Mr. Gecker, the Consent Agenda was approved unanimously as presented.

III. OLD BUSINESS

There was no Old Business to bring before members.

IV. NEW BUSINESS

A. Review of Proposed 2013 RRPDC Legislative Agenda

Chairman Prichard asked Mr. Gates to lead the discussion on the proposed Legislative Agenda. She said the Agenda is included on the last four pages of the agenda packet. Included this year are line numbers for each item. She asked when discussing changes, that members please refer to the page number and line number. This will help everyone know what is being discussed. Chairman Prichard said Mr. Gates will review the Priorities first and then following feedback, he will review the Position Statements and ask for feedback on those statements.

Mr. Gates indicated that the RRPDC Board asked the Large and Small Jurisdictions Committees (LSJC) to meet to develop the Legislative Agenda. The Region's legislative liaisons were also invited to attend to provide feedback. The LSJC met three times and what is being presented today is the third draft.

Mr. Gates provided background information on the one Federal Legislative Priority:

- Amend the tax code to allow rehabilitation expenditures for public school buildings to qualify for the federal rehabilitation tax credit

He then provided background information on the two State Legislative Priorities.

- Commonwealth Transportation Board: Update the definition of *urban* and *rural* as used for appointments to the Commonwealth Transportation Board
- Establish a comprehensive approach that efficiently provides funding for all modes of transportation within the Commonwealth; information was provided on possible funding sources as identified during the Greater Richmond Chamber's Transportation Forum held in September

Mr. Gates pointed out that in last year's Agenda, for the Commonwealth Transportation Board (CTB) priority, a request was made to add the section of the Virginia Code that refers to appointments to the CTB. Mr. Gates said he will add the section (Va. Code Ann. § 33.1-2) parenthetically, if there are no objections from the members.

Ms. O'Bannon asked, with regard to the transportation funding priority, if any discussion was held on alternative fuel vehicles and how these will impact a gas tax.

Chairman Prichard reminded members to hold questions until Mr. Gates finished his presentation and then to please be recognized by the Chair so everyone will be given a chance to make a comment.

Mr. Gates asked if members of the Board could indicate whether they agreed to add the Virginia Code section to the CTB priority.

Chairman Prichard asked if there was a motion to accept the CTB priority with the inclusion of the Virginia Code Section number as stated by Mr. Gates. Mr. C. Peterson so moved and the motion was seconded by Mr. Gecker. There was no further discussion and the motion carried unanimously.

Chairman Prichard asked if there were comments on any of the three priorities.

Mr. Fabricant asked for clarification on a mileage tax.

Mr. Gates said a gas tax is really a user fee that is paid at the gas pump. The less gas that is used, the less user fee that is paid. As pointed out by Ms. O'Bannon, an alternative fuel vehicle uses less gas but puts the same wear and tear on the roads as any other vehicle. A mileage tax would require a fee for the total number of miles driven each year. One method of collecting this would be for a GPS to be installed in each vehicle. Another method would be for mileage to be recorded during the annual vehicle inspections. An assessment would be made on total miles driven since the last inspection and the driver would be billed for this amount.

Mr. K. Peterson asked about the tax credits for school rehabilitation. He said most of the jurisdictions are not taxed, and he wondered how much value this would bring. Mr. Gates said the idea is that the jurisdiction will ask a private developer to

rehabilitate the building in a public/private partnership. The developer receives the tax credit. The cost paid by the jurisdiction will be less because the developer can use the tax credit.

Mr. Gecker added when two area schools were recently rehabilitated, the cost saving to the locality was about 40 percent of the construction cost. He said the tax credit is modified to the market place.

Ms. O'Bannon said a gas tax is easier to levy because it is built into the cost of the gas. A mileage tax would be less palatable because citizens would not want to pay a large bill all at one time. Cars are using less gas which is decreasing the amount of gas tax collected. A mileage tax would cover the use of the roads, but an easy way to collect this type of tax must be identified in order for citizens to agree to pay it. She asked if alternative fuel vehicles would pay a mileage fee when they pay to charge their vehicles or purchase natural gas. There is a possibility that a mileage tax could become a target just as the car tax became a target. A gas tax is not noticed.

Chairman Prichard said while the comments being made are useful, the goal for today's meeting is to support a comprehensive approach as indicated in the draft language. What type of approach will need to be left up to others to determine, such as the Urban Crescent. She asked if the members wanted to leave the transportation priority as it was written on the proposed Agenda.

Ms. Kelly-Wiecek suggested that emphasis be placed on the words *comprehensive* and *efficiently* in the priority statement. She said additional conversations held during the LSJC meetings and back in the localities focused around a solution being comprehensive and efficient.

Ms. Graziano said this is not a new problem and time is almost out to address the funding shortage. She asked when an approach to solving the funding issue should be provided. She suggested that the priority should either include a date or a solution. She said if the group feels a gas tax is one solution, then that should be included in the priority statement. Ms. Graziano said until specifics are offered, the issue will continue to go unresolved.

Chairman Prichard asked for a show of hands from those who would support an indexed gas tax.

Mr. C. Peterson said in the LSJC meeting, the priority was written as it is because everyone agreed that a comprehensive approach needs to be taken. He said it is difficult to push for a new tax without taking the inefficiencies at VDOT into consideration.

Chairman Prichard asked if there would be support to include a gas tax as part of a comprehensive plan.

Mr. Glover said he did not think it was the job of the RRPDC to tell the General Assembly what to do. Mr. Gecker said it is the job of the RRPDC to advocate for positions that are appropriate.

Ms. Graziano said she wants the statement to be strong. Transportation funds will run out in 2017.

Mr. Glover recommended a solution be presented by the end of this General Assembly session on April 13.

Chairman Prichard said she believed there were enough votes to pass the inclusion of a date and indexed gas tax in the priority if that was what members wanted to do.

Ms. Graziano made a motion that by April 13, 2013, the General Assembly will report back to the RRPDC with a funding stream for maintaining the state's road system, and that the RRPDC would prefer an indexed gas tax be part of the funding stream.

Following additional discussion, the motion was amended to replace the draft language presented with the following language:

Establish, during the 2013 General Assembly Session, a comprehensive solution to transportation funding that includes a dedicated funding stream to include an indexed gas tax, and addresses efficiencies in the administration of transportation programs by the Commonwealth of Virginia.

The motion was seconded by Mr. Gecker.

Mr. Gates added that he believed this statement will provide support to the Region's legislators, many of whom have indicated they would support a gas tax with an indication of backing from regional leaders.

Chairman Prichard asked Ms. Fry to poll each member for a vote. The motion passed by a vote of 13 aye, 7 nay, and one abstention. A copy of the vote poll will be filed with the meeting minutes.

Chairman Prichard indicated that she needed to leave the meeting and asked Ms. Kelly-Wiecek to step in to chair the remainder of the meeting in her capacity as Vice Chairman.

Mr. Gates asked if he could have a motion to approve the Federal Priority as presented.

Vice Chairman Kelly-Wiecek asked if there was a motion to approve the Federal Priority as Mr. Gates presented it. Mr. Tucker so moved and the motion was

seconded by Mr. C. Peterson. There was no additional discussion and the motion carried unanimously.

Mr. Gates said he would review the Legislative Position Statements by topic area. He will only discuss those statements where changes have been requested or if any member has a question.

The first section is Federal Position Statements – Local Authority and Transportation. There were no requests for discussion on these items.

State Position Statements:

Government Reform

- Regional Cooperation
Mr. Gates said he has a request from a locality to change the wording on lines 14-18.
Following discussion on the proposed new wording, Mr. Gecker made a motion that the statement be left in its original form. The motion was seconded by Mr. Holland. There was no additional discussion and the motion passed with one nay vote.
- Governing Locally
- Local Taxes and Funding Mechanisms.

There were no requests for discussion on either of the other two statements.

Transportation

- CTB Representation (this was moved from being a Priority last year to a Position Statement this year)
- Regionally-Allocated Transportation Funding (this was moved from being a Priority last year to a Position Statement this year)
- Public Transit
- Passenger Rail

There was no additional discussion on any statements under the Transportation section.

Education

- Education Funding

There were no requests for discussion on this item.

Land Use

- Growth Management

Mr. Gates reported that there was a request to add the word *optional* (lines 17-20) before the word *tools*.

On lines 21-26, strike the two bullet points on lines 25 and 26 because these items are no longer urgent issues.

Vice Chairman Kelly-Wiecek asked if there was a motion to accept the changes as presented by Mr. Gates. Mr. Fabricant so moved and the motion was seconded by Mr. Tucker. There was no additional discussion and the motion carried unanimously.

- Public Infrastructure Investment

There were no requests for discussion on this item.

Environment

- Resource Protection

Mr. Gates said there was a request to have the first bullet point be the statement on lines 39-40; this was previously listed as the last bullet point.

Ms. O'Bannon said this is a federally mandated requirement and she asked if funding should be requested from the federal government.

Mr. Gates said this mandate was passed down to the states for implementation.

Vice Chairman Kelly-Wiecek said the question before members now is whether to accept the position of the bullet point.

Ms. O'Bannon said she would like to include some reference that this is a federally mandated program. Mr. Gates suggested that he add this as a Federal Position Statement and bring this back for review during the December meeting.

- Watershed Improvements

There was no other discussion on this section.

Mr. Gates said a section had been omitted from the Legislative Agenda. The section would be labeled Public Safety. This section was included in last year's Agenda. The two sections under this heading would be on Public Safety Funding and Emergency Management. He provided a slide showing draft wording for members' review.

Vice Chairman Kelly-Wiecek asked if there was a motion to include the omitted section on Public Safety as presented by Mr. Gates. Mr. Glover so moved and the

motion was seconded by Ms. O'Bannon. There was no additional discussion and the motion carried unanimously.

Mr. Gates asked if he could have a motion to endorse the State Legislative Position Statements as amended. Mr. Crum said Mr. Gates will draft language to add a Federal Position Statement on funding for mandated programs.

Mr. C. Peterson made a motion that the State Legislative Position Statements be approved as amended. The motion was seconded by Mr. Holland. There was no additional discussion and the motion carried unanimously.

B. RRPDC Legislative Breakfast Reception

Mr. Gates reported that the annual Legislative Breakfast Reception will be held on Monday, January 7, 2013, at the Greater Richmond Convention Center. All elected officials in the Region, including school board members, will be invited to attend this event in addition to the Capital Region Caucus and local business leaders.

Mr. Gates encouraged all members to make contact with their peers and General Assembly members to encourage them to attend this event.

Vice Chairman Kelly-Wiecek asked if staff could distribute this information to the localities as soon as possible.

V. OTHER BUSINESS

A. Committee Reports

- 1. Large and Small Jurisdictions Committees** – Mr. Crum reported that the committees will meet jointly on November 30 beginning at 8:00 a.m.

VI. ADJOURNMENT

There was no other business to bring before the Board and Vice Chairman Kelly-Wiecek adjourned the meeting at approximately 2:30 p.m.

Robert A. Crum, Jr.
Executive Director

Faye O. Prichard
Chairman

Angela Kelly-Wiecek
Vice Chairman