

DRAFT MINUTES
Regular Meeting
Commission on Local Government
3:00 p.m., May 3, 2010
New Market Community Center, Room 5
9184 John Sevier Road
New Market, Virginia 22844

Members Present

Harold H. Bannister, Jr., Chairman
Wanda C. Wingo, Vice-Chairman
Vola T. Lawson
Kathleen K. Seefeldt

Members Absent

Cole Hendrix

Staff Present

Susan Williams, Local Government Policy Manager
Zack Robbins, Senior Policy Analyst
Steve Ziony, Principal Economist

Call to Order

Commission Chairman Harold H. Bannister, Jr., called the meeting to order at 3:00 p.m. on May 3, 2010 in Room 5 at the New Market Community Center in New Market, Virginia.

I. Administration

A. Approval of Minutes of March 8, 2010 Meeting

Mrs. Lawson made a motion that the minutes of the Commission's regular meeting of March 8, 2010 be approved. Such motion was seconded by Mrs. Wingo, and the Commission unanimously approved the minutes without amendment.

B. Public Comment Period

The Chairman opened the floor to receive comments from the public. No person appeared to testify before the Commission during the public comment period.

C. Presentation of Financial Statement for April 2010

Referencing an internally produced financial statement that encompassed expenditures through the end of April 2010, Ms. Williams stated that the financial report covered 83.33 percent of Fiscal Year 2010 (FY10) and that Commission personnel and non-personnel expenditures for that ten-month period represented 83.99% of the total amount budgeted for the fiscal year. The members accepted the report for filing.

D. Local Government Policy Manager's Report

1. Senior Policy Analyst Introduction

Ms. Williams introduced Mr. Zack Robbins, who began work as the Commission's senior policy analyst on March 29. Ms. Williams described Mr. Robbins' 10 years of experience in planning and local government. Ms. Williams and the members welcomed Mr. Robbins to the Commission staff.

2. Potential Issues

Ms. Williams provided a brief update concerning potential interlocal issues involving the Town of Pulaski – Pulaski County; the Towns of Cheriton, Eastville and Cape Charles – Northampton County; the City of Covington – Alleghany County; and the Town of Culpeper – Culpeper County. She directed members' attention to numerous newspaper articles concerning matters of interest to the Commission that were included in their agenda packages.

3. Staff Activities

Ms. Williams indicated that she will make a presentation on boundary line adjustments and annexations at the Virginia Municipal League (VML) Town Section

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meeting on May 7 in Farmville. Ms. Williams stated that, along with representatives of the Virginia Institute for Government and the Virginia Association of Counties (VACo), she will participate in a working session with a delegation of officials from the nation of Mali on May 10.

4. Final Budget Update

Ms. Williams stated that there were no items in the final budget that pertained specifically to the Commission, but she reminded members that suspension of per diem is still in effect and will remain in effect during the upcoming biennium. Ms. Williams indicated that, in the final budget, the funding to 18 of the 21 Planning District Commissions (PDCs) was reduced to \$66,062 per year; funding for the NOVA Regional Commission and the Hampton Roads PDC was reduced to two times that amount (\$132,124); and funding to the Richmond Regional PDC was reduced to 1.5 times that amount (\$99,093). Ms. Williams also described the cuts in funding that the PDCs have experienced since October 2007.

5. HB 1071 / SB 420 (2010)

Ms. Williams briefly reminded members of the provisions in HB 1071 / SB 420 (2010) that will impact the work of the Commission. She indicated that staff will survey the 57 counties required to amend their comprehensive plans by July 1, 2011 to incorporate one or more urban development areas (UDAs) as well as the 12 cities and 45 towns required to do so by July 1, 2012 in order to (1) determine where each locality currently stands and (2) make sure they are aware of the reporting requirements imposed on them by HB 1071 / SB 420. Ms. Williams added that the list of localities subject to the UDA requirement will likely change after the 2010 Census data is released.

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Localities that experienced the requisite population growth between the 2000 Census and the 2010 Census (e.g., population of 20,000 plus growth of 5% or growth of 15%) will have two years to amend their plans. Ms. Williams explained that, under Public Law 94-171, the Census Bureau must provide small-area population totals to the legislature and governor of each state by one year after the Census (e.g., April 1, 2011) and that applicable localities will have two years from that date to amend their plans.

6. FY 2011 Mandates Assessment Schedule

Ms. Williams stated that the FY 2011 Schedule of Assessment of State and Federal Mandates on Local Government, which was approved by the Commission on March 8, was subsequently approved by the Secretary of Commerce and Trade and is awaiting the Governor's approval. She noted that, once approved by the Governor, the schedule will be submitted to Registrar of Regulations and that the state agencies responsible for conducting the Assessments will be formally notified.

II. Town of New Market – Shenandoah County Voluntary Settlement Agreement

Ms. Williams reiterated that a submission was filed on February 24, 2010 by the Town of New Market and Shenandoah County – which was prepared by the Town of New Market – requesting the Commission to review and issue findings on a proposed voluntary settlement agreement negotiated by the Town of New Market and Shenandoah County. She stated that, as submitted, the proposed agreement provides for the annexation to the Town of New Market of approximately 1,559 acres of territory located in Shenandoah County; for a grant of immunity from annexation for a period of 20 years; for development of the annexation area in accordance with a jointly-approved future land

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use plan/map; and for the transfer to the County of certain cash proffers received by the Town. Ms. Williams further stated that, according to the Town, the submission will be amended to specify a total acreage of 1,710.

Ms. Williams explained that the Commission did not receive the Notice required by Va. Code §15.2-3400 and Va. Administrative Code Title 1, Section 50-20-540 until March 26, 2010. She stated that the Commission also did not receive the list of Local Governments Notified until that date. She indicated that copies of both documents were included in members' agenda packages along with an email from Mr. Neese, the New Market Town Planner, in which he provided answers to questions posed by members at the March 8 meeting.

Ms. Williams stated that, with the initial submission, the Commission received documents from the Town and County describing the proposed agreement and the affected area. Members and staff reviewed those materials and, on April 2, made requests for additional information to the Town and the County. In those requests, the Town and County were asked to provide their responses at the beginning of the public hearing.

Ms. Williams added that, as required by law, the public hearing and oral presentations were advertised by notice published in the Northern Virginia Daily on Tuesday, April 13, 2010 and again on Tuesday, April 20, 2010. In addition, she stated that notice of the public hearing was mailed to the local government officials identified by the Town.

Ms. Williams indicated that, on May 4 at 9:00 a.m., the Commission will tour the affected area and, at 10:30 a.m., will hear oral presentations from Town and County

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representatives on the proposed agreement. She reminded members that a Special Meeting of the Commission is scheduled for Noon on May 4. She also stated that the Commission will keep the record open for the receipt of additional citizen comment through May 18, 2010.

Finally, Ms. Williams reminded members that the applicable standard of review is whether the proposed settlement agreement is in the best interest of the Commonwealth, and she called members' attention to a handout, which consisted of a compilation of the statutes and regulations relevant to the review.

III. 2010 Survey of Cash Proffers

Mr. Robbins directed members' attention to the survey form for the 2010 Survey of Cash Proffers. The forms will be mailed out in early July, with a due date of September 30, 2010. The form is the same as used in prior surveys. He asked if the members would approve the survey form.

On a motion by Mrs. Seefeldt seconded by Mrs. Lawson and passed unanimously, the members approved the survey form for the 2010 Survey of Cash Proffers.

IV. Annual Report on Municipal Boundary Changes

Mr. Ziony indicated that, during 2009, seven towns expanded their boundaries in relation to six counties. He noted that half of the geographic initiatives benefitted Purcellville Town in Loudoun County and Woodstock Town in Shenandoah County.

Mr. Ziony explained that, across six cases, the territorial adjustments rested upon county-municipal agreements as approved by the relevant circuit courts. The four remaining boundary changes were realized through town ordinances enacted under the terms of inter-local agreements defining annexation rights. Mr. Ziony stated that, in

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geographic scope, the affected areas ranged from 2.31 acres (Woodstock Town/Shenandoah County) to 432.21 acres (Tazewell Town/Tazewell County).

Mr. Ziony reported that, among the ten boundary line adjustments, only the Tazewell Town/Tazewell County modification, involving 498 persons, carried significant demographic implications. With respect to three of the other mapping changes, the population levels of the transferred acreage varied from 3 persons to 42 inhabitants (for the Christiansburg Town/Montgomery County and Gretna Town/Pittsylvania County sites, respectively). He stated that, in the six remaining cases, the target areas were unoccupied when the parametric revisions took effect.

VI. Scheduling of Regular Meetings

The Commission confirmed that its next regular meeting is scheduled to take place on Monday, July 12, 2010 at 10:00 a.m. at the Virginia Housing Center in Glen Allen. The Commission confirmed that future regular meetings are scheduled for September 13 and November 15, 2010 and will be held at the Virginia Housing Center in Glen Allen, provided that space is available there and their caseload does not dictate a different location.

VII. Adjournment

There being no further business to come before the Commission, on motion by Mrs. Lawson that was seconded by Mrs. Wingo, the meeting was adjourned at 3:59 p.m.

Harold H. Bannister, Jr., Chairman

Susan B. Williams
Local Government Policy Manager