



City of Richmond

900 East Broad Street
Richmond, VA 23219
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Minutes

Land Use, Housing and Transportation Standing Committee

Tuesday, March 21, 2017

3:00 PM

Council Chamber, 2nd Floor - City Hall

Committee Members and Staff in Attendance

The Honorable Ellen Robertson – Chair
The Honorable Kim Gray – Vice Chair
The Honorable Kristen Larson – Committee member
The Honorable Parker Agelasto – Council member (*early departure*)
Lou Brown Ali, Council Chief of Staff
Jean V. Capel, City Clerk
Pamela Nichols, Assistant City Clerk
Steve Taylor, Council Policy Analyst
Matthew Welch, Assistant City Attorney

Call to Order

Chair Ellen Robertson called the meeting to order at 3:13 p.m.

Evacuation Announcement and Citizen Speaker Guidelines

Upon the chair's request, Pamela Nichols, assistant city clerk, provided information on the appropriate manner in which the Council Chamber is to be evacuated in the event of an emergency along with citizen speaker guidelines.

Board Vacancies

There were no board vacancies.

Paper(s) for Consideration

Vice Chair Gray moved to forward the following paper to Council with the recommendation to continue to the April 18, 2017 Land Use, Housing & Transportation Standing Committee meeting, which was seconded and unanimously approved:

ORD. 2015-199

To amend City Code §§ 38-156, concerning the abatement of certain refuse, litter and weed control violations, and 86-44, concerning the times and places of collection for bulk items, brush and loose leaves, for the purposes of requiring the Chief Administrative Officer to waive certain fees for the abatement of certain violations, requiring the Director of Public Works to provide written notification of the date on which bulk items are scheduled for collection, and prohibiting the placement of bulk items for collection on or near a public right-of-way more than 48 hours before the date scheduled for collection.

Patrons: Ms. Robertson and Mr. Agelasto

Vice Chair Gray moved to forward the following paper to Council with the recommendation to continue to the May 16, 2017 Land Use, Housing & Transportation Standing Committee meeting, which was seconded and unanimously approved:

RES. 2017-R010

To designate the properties known as 1031 Fourquarean Lane, 1031 Fourquarean Lane Rear, 1101 Fourquarean Lane, and 1111 Fourquarean Lane as a revitalization area pursuant to Va. Code § 36-55.30:2.

Patron: Ms. Robertson (By Request)

ORD. 2017-069

To amend City Code §§ 8-58, 8-61, 8-62, and 8-63, concerning the sale of City-owned real estate, for the purpose of providing for the conduct of a competitive process prior to the acceptance of an unsolicited offer to purchase City-owned real estate.

Patron: Mr. Agelasto

Chair Robertson asked Councilor Agelasto to consider continuing ORD. 2017-069 to the next committee meeting to allow time for a review of a draft proposal regarding the disposition of city-owned surplus property.

Public Comment Period

Roderyck Bullock addressed the committee regarding the Greater Richmond Transit Company (GRTC) CARE Van service. Mr. Bullock stated that the service was unreliable and citizens routinely missed appointments or forced to wait for extended periods of time. Mr. Bullock indicated that occasional equipment failure also extended the already exhausted wait times. Mr. Bullock recounted incidents he encountered following medical treatments and incidents where he indicated that GRTC CARE van operators were rude and offensive. Mr. Bullock stated that citizens who depends on the service should not encounter those types of problems and urged for action to be taken to resolve the issues.

Cora Hayes addressed the committee regarding GRTC CARE Van service stating that she has routinely missed appointments because of the unreliability of the van services. Ms. Hayes stated that several people have contacted her regarding instances where the transporters failed to pick them up or they had to wait for hours for a return trip. Ms. Hayes urged the committee to take immediate action to resolve the unpredictability of the services.

Presentation(s)

Updated on Greater Richmond Transit Company (GRTC) CARE Service

Timothy Barham, chief of transit operations, GRTC, presented an overview of GRTC CARE/CARE Plus/CVAN services. Mr. Barham reported that CARE services have increased from year to year and the combined services transported over three hundred thousand rider in 2016. Mr. Barham stated that in terms of performance, CARE service defines on time performances as pick-ups that occur within a thirty minute window of a verified reservation, and that the services averaged a seventy-eight percent on time performance rating; however, there was a thirty percent increase in the number of complaints. Mr. Barham stated that the cost to operate CARE services was significantly higher than fixed routes, and GRTC has committed to taking the necessary steps to improve its CARE services.

A copy of the material provided has been filed.

Chair Robertson stated that GRTC has been directed to present, to Council, plans to address gaps in wait times, service complaints and challenges associated with the management of the CARE services.

Vice Chair Gray requested information on the total number of scheduled trips versus the number of completed and cancelled trips.

Update on Economic Development Plan

Lee Downey, deputy chief administrative officer – Department Economic and Community Development, reported that work continues with industry experts to develop a long-ranged economic development plan. Mr. Downey stated that public outreaches for the economic development plan will be incorporated with public outreaches for the city's master plan. Mr. Downey stated that city administration will provide periodical updates to the committee regarding the development of the city's master plan.

Drainage Maintenance Policies and Procedures

Howard Glenn, operations manager – Department of Public Utilities, presented an overview of the storm water maintenance division's goal and mission, organization and structure, and service levels and requests. Mr. Glenn noted that, despite the shortage of employees, the division was responsible for triennial maintenance of storm water infrastructure, maintenance of 35,000 catch basins, 600 miles of roadside ditches and 200 miles of storm water pipes. Mr. Glenn stated that the division had completed approximately sixty-five percent of service requests received from January 2016 to the present.

A copy of the material provided has been filed.

The committee asked Mr. Glenn to prepare a report by Council districts, of all completed and opened storm water service requests between the period of January 2016 to the present.

Paper(s) for Consideration

Chair Robertson moved to forward the following paper to Council with the recommendation to continue to the April 18, 2017 Land Use, Housing & Transportation Standing Committee meeting, which was seconded and unanimously approved:

ORD. 2017-069

To be continued to the May 16th Land Use, Housing and Transportation Standing Committee meeting
To amend City Code §§ 8-58, 8-61, 8-62, and 8-63, concerning the sale of City-owned real estate, for the purpose of providing for the conduct of a competitive process prior to the acceptance of an unsolicited offer to purchase City-owned real estate.

Patron: Mr. Agelasto

Councilor Agelasto agreed to continue ORD. 2017-069 to the April 18, 2017 Land Use, Housing and Transportation Standing Committee meeting.

Vice Chair Gray moved to forward the following paper to Council with the recommendation to approve with amendment, which was seconded and unanimously approved:

RES. 2017-R015

To request that the Mayor and the Chief Administrative Officer work with the School Board and other affected governmental agencies to study the potential effects on the City of any proposed development in area of the city bounded by Westwood Avenue to the north, Brook Road to the east, Rennie Avenue to the south, and Loxley Road to the west, including, but not limited to, the effects of

such development with regard to historic preservation, schools, stormwater drainage, and traffic.

Patrons: Ms. Gray and President Hilbert

Mark Olinger, director – Department of Planning and Development Review, was present to respond to questions.

Support

Elizabeth Kostelny, executive director of Preservation Virginia, spoke in support of the proposed legislation recalling historical events that occurred in city's northside; she urged the city to consider alternatives to a proposed development approved by the city, to protect the Westwood Tract's historical value.

Will Scribner spoke in support of the proposed legislation indicating that the traffic study for the proposed development was inadequate; he stated that the proposed development will require costly street improvements at the expense of tax payers. Mr. Scribner further stated that the traffic study ignored the development in its entirety, was not compatible with the new Westwood Avenue/Lamont Street intersection and did not address traffic safety.

Roxie Raines Allison spoke in support of the proposed legislation expressing concern regarding the economic impact the proposed development will have on the area's school.

Susan Rabelow spoke in support of the proposed legislation stating that the proposed development was not compatible with the area's historic neighborhoods and could negatively impact the existing homes' property values. Ms. Rabelow remarked that the traffic study did not adequately capture existing and future traffic patterns.

Robin Levey spoke in support of the proposed legislation stating that the scale and scope of the proposed development was not suitable for the existing neighborhood; she expressed concern regarding the impact the proposed development will have on the area's property values.

Hampton Carver spoke in support of the proposed legislation expressing concern regarding the impact the proposed development will have on the city's storm water system.

C. W. Westfall spoke in support of the proposed legislation stating that the architectural design of the proposed development was not compatible with the existing neighborhood or the character of the city.

E. M. Miller, along with other citizens stood in support of the proposed legislation.

Opposition

Jennifer Mullen, the applicant's representative, spoke in opposition of the proposed legislation noting that the location for the proposed development was appropriate. Ms. Mullen stated that the property was appropriately zoned and the development was permitted by-right.

Rodney Poole stated that the subject property was zoned incorrectly and that he would support the proposed legislation only for the purpose of addressing the issues with the current zoning classification.

Member Larson expressed her support for the proposed legislation.

Vice Chair Gray advised the committee of an amendment to the proposed legislation.

Chair Robertson acknowledged a local Girl Scouts of Virginia troop who was present.

An assistant troop leader introduced the fourth grade girl scouts and expressed appreciation to the committee for the acknowledgement.

Vice Chair Gray moved to forward the following paper to Council with the recommendation to approve, which was seconded and unanimously approved:

RES. 2017-R016

To designate certain parcels of City property or portions thereof as City property that may be made available for annual use as community garden sites for periods not to exceed one year at a time.

Patron: Mayor Stoney

Deborah Morton, interim director – Department of Parks Recreation and Community Facilities, introduced RES. 2017-R016.

Vice Chair Gray moved to forward the following paper to Council with the recommendation to approve with amendment, which was seconded and unanimously approved:

ORD. 2017-024

To amend and reordain City Code §§ 2-871-2-872, concerning the Highway Safety Commission, for the purpose of renaming the Highway Safety Commission as the Safe and Healthy Streets Commission and providing that a quorum of the Commission consists of a majority of the members instead of seven members; and to amend and reordain ch. 2, art. V, div. 5 of the City Code by adding therein a new § 2-873, concerning the review of transportation-related projects, to require the review by the Commission of transportation-related projects.

Patrons: Mr. Agelasto, Ms. Trammell and Mr. Addison

M. Khara, deputy director and city engineer – Department of Public Works, expressed support of the proposed legislation with the draft amendment.

Travis Bridewell, operations manager – Department of Public Works, was present to respond to questions.

Councilor Agelasto advised M. Khara that the proposed amendment would be included in the proposed legislation.

Member Larson moved to forward the following paper to Council with no recommendation, which was seconded and unanimously approved:

RES. 2017-R012

To declare a public necessity to amend ch. 30 of the City Code and to initiate an amendment to the City's zoning ordinance to prohibit the extraction of natural gas by means of hydraulic fracturing within the limits of the city of Richmond.

Patron: Mr. Agelasto

Hydraulic Fracturing - Presentation

Robert Steidel, director - Department of Public Utilities, reported that the city owns and operates the eighth largest natural gas utility in the United States and that he was concerned about the impact the proposed legislation would have on the city's ability to increase its sale of natural gas. Mr. Steidel stated that the hydraulic fracturing (fracking) was a safe process.

Michael Kearns, energy services manager – Department of Public Utilities, stated that the natural gas utility contributes millions to the city's general fund and employs approximately 200 employees. Mr. Kearns stated that natural gas supply has dramatically increased due largely to improvements in drilling technologies.

Councilor Agelasto stated that hydraulic fracturing was a highly controversial extraction technique because of the potential adverse impacts to the environment.

Dave Schryver, the American Public Gas Association, stated that natural gas was incredibly affordable, provided critical local and environmental benefits and lowered pollutants, resulting in better air quality for residents. He further stated that increased usage of natural gas has contributed to a reduction in carbon dioxide emissions.

James Voyles, Consumer Energy Alliance, explained the hydraulic fracturing process and stated that the process was a safe and proven method that has been used for over sixty-five years. He stated that after the recovery of the oil or gas, the area is restored and the land can be used for other activities. He further stated that there were no documented instances of groundwater degradation, earthquakes or threats to renewable energy resources associated with hydraulic fracturing. Mr. Voyles concluded that the fracturing process produced safe, clean, low-cost energy.

A copy of the information provided has been filed.

Vice Chair Gray noted that there were instances of groundwater contamination and questioned whether or not the proposed legislation should include regulations for the disposal of the wastewater produced at oil well sites.

Mr. Voyles stated that when conducted safely, hydraulic fracturing was a safe and environmentally friendly process.

Mr. Steidel asked the committee to continue the proposed legislation to allow the opportunity for city administration to explore alternatives to achieve Council's goal to prohibit hydraulic fracturing within the city.

Councilor Agelasto stated that Council was entitled to make determinations about the effective use of land within the city and the proposed legislation was an example of such determination.. Mr. Agelasto further stated that residents have expressed concerns regarding hydraulic fracturing and that reports have shown that hydraulic fracturing was not financially feasible. Mr. Agelasto asked the committee for its support of the proposed legislation.

Support

Emily Frances spoke in support of the proposed legislation stating that hydraulic fracturing was permitted by-right in the city's M-2 Industrial District, but hydraulic fracturing did not align with the city's future goals. Ms. Frances reported that the fracturing process will have a negative impact the city's resources.

Opposition

Miles Morin, executive director of the Virginia Petroleum Council, spoke in opposition of the proposed legislation and provided a map of basins located in the eastern portion of the state. Mr. Morin remarked that extracting oil and gas requires sedimentary rock formations and underneath the city's boundary was a granite formation; therefore, oil and gas could never be extracted within the city's boundaries. Mr. Morin stated groundwater in the Commonwealth has never been contaminated from the hydraulic fracturing process.

A copy of the information provided has been filed.

John Morman spoke in opposition of the proposed legislation stating that improvements to the city's public safety, schools, roads and infrastructure were present day issues that needed to be addressed before the city addressed a process that may or may not be used in the city.

David Clarke, lawyer representing the Virginia Oil and Gas Association, spoke in opposition of the proposed legislation stating that he was aware of only two localities in Virginia that were enacting legislation to limit the use of the hydraulic fracturing. Mr. Clarke further stated that concerns regarding hydraulic fracturing could be addressed when, or if a request was submitted, and prohibiting the process was not necessary.

In response to a question by Chair Robertson regarding city administration's concerns relative to the proposed legislation, Mr. Steidel stated that the proposed legislation indicates that hydraulic fracturing should be prohibited to protect the public health and environment; however, the city purchases its gas from companies that utilize the hydraulic fracturing process to extract gas. Mr. Steidel further stated that the proposed legislation will not affect the city's ability to purchase natural gas; however, it could impact the city's ability to sell the product.

The committee encouraged city administration to work with the patron on possible amendments to the proposed legislation.

Member Larson moved to forward the following paper to Council with no recommendation, which was seconded and unanimously approved:

ORD. 2016-221

To amend the Chesapeake Bay Preservation Areas Map in accordance with ch. 14, art. IV of the City Code for the purpose of adding new development and stream determinations [approved by the Virginia Department of Environmental Quality]. (As Amended)

Patron: Mayor Jones

Jonét Prévost-White, operations manager – Department of Public Utilities, introduced ORD. 2016-221 and provided background information regarding the process for periodical updates to the city's Chesapeake Bay Preservation Areas map. Ms. Prévost-White explained that the updates were a part of compliance with the city's Chesapeake Bay Act program and land within the preservation areas was subjected to development restrictions in order to limit contamination into tributaries of the Chesapeake Bay.

Ms. Prévost-White responded to questions regarding a situation with a property owner who was issued a notice of violation for clearing the buffer in the rear yard of property and the city's policy for notifying property owners of updates to the preservation map. Ms. Prévost-White stated that the city was satisfied with the result of its investigation regarding the property owner. Ms. Prévost-White emphasized that updating the map does not change a stream's determination. Ms. Prévost-White stated that property owners near a preservation stream are allowed to perform routine maintenance on the property; however, additional requirements were needed for development projects or impacts to a restricted buffer.

In response to a question from Councilor Agelasto, Ms. Prévost-White stated that it has been determined on three separate occasions that the stream in question was perennial and that the city had not received any evidence to counter the designation.

A copy of the material provided has been filed.

Opposition

Julie Kerr spoke in opposition of the proposed legislation stating that the city's designation of an area as a resource protection area (RPA) negatively impacts property owners. Ms. Kerr indicated that property owners were not notified of amendments to the Chesapeake Bay Preservation Area map.

Jeff Hough, engineer, spoke in opposition of the proposed legislation stating that scientific data confirms that the stream in question was not perennial.

Support

Tom O'Brien, lawyer representative, spoke in opposition of the proposed legislation stating that the issue that was being discussed should be discussed at a committee meeting; he further stated that experts concluded that the stream in question was perennial.

Councilor Agelasto exited the meeting.

Member Kristen Larson asked city administration to consider policies and procedures to notify property owners of stream determinations.

Approval of Minutes

Vice Chair Gray moved to approve the meeting minutes of Tuesday, February 21, 2017, at 3:00 p.m., which was seconded and unanimously approved.

Discussion Item(s)

There were no discussion items.

Staff Report

Steve Taylor, council policy analyst, provided the committee with the March staff report.

A copy of the material provided has been filed.

Adjournment

There being no further business, the meeting adjourned at 6:44 p.m.