

AGENDA NOTE - HRPDC QUARTERLY COMMISSION MEETING

ITEM #1: MINUTES OF June 17, 2009

Minutes of the June 17, 2009 meeting are attached.

Attachment

RECOMMENDED ACTION:

Approval.

Hampton Roads Planning District Commission
Executive Committee Meeting
Minutes of June 17, 2009

The Executive Committee Meeting of the Hampton Roads Planning District Commission was called to order at 9:41 a.m. at the Regional Boardroom, 723 Woodlake Drive, Chesapeake, Virginia, with the following in attendance:

EXECUTIVE COMMITTEE:

Bruce C. Goodson, Chairman (JC)	Douglas L. Smith (PO)
James O. McReynolds, Treasurer (YK)	Tyrone W. Franklin (SY)
Dr. Alan P. Krasnoff (CH)	William D. Sessoms (VB)
Brenda G. Garton (GL)	Jeanne Zeidler (WM)
Joe S. Frank (NN)	Selena Cuffee-Glenn (SU)
Molly Joseph Ward (HA)	Paul D. Fraim (NO)*
J. Randall Wheeler (PQ)	Rosa M. Lawrence (FR)

OTHER COMMISSIONERS:

William E. Harrell (CH)	James K. Spore (VB)
Clifton E. Hayes (CH)	Harry E. Diezel (VB)
Ella P. Ward (CH)	Robert M. Dyer (VB)
James B. Oliver (HA)	Louis R. Jones (VB)
Randy Hildebrandt (NN)	Barbara M. Henley (VB)
Regina V.K. Williams (NO)	Jackson C. Tuttle II (WM)

*Late arrival or early departure.

OTHERS RECORDED ATTENDING:

Elizabeth Kersey and Mary Bunting (HA); Bryan Pennington and Jeff Raliski (NO); Bob Matthias and Terri Boothe (VB); Mary Ann Saunders and Earl Sorey (CH); Neil Morgan (NN); Sherri Neil, Betty J. Burrell and George Brisbin (PO); Doug Powell (JC); Philip Shucet - Philip A. Shucet Co.; Ray Taylor – FHR; Irene Shuman - VDOT; Peter Huber - Willcox & Savage; Ellis W. James - Sierra Club Observer; Henry Ryto - HRT User Citizen Advisory Committee (VB); John Gergery (Citizen); Richard Lockwood – VHB; Amy Probsdorfer Kelley – Navy Region Mid-Atlantic/NAVFAC;; David Hollingsworth – The Virginian-Pilot; Ira Agricola – Hampton Roads Chamber; Germaine Fleet – Biggs & Fleet; Dennis Heuer – VDOT; Staff: Dwight Farmer, Shernita Bethea, John Carlock, Rick Case, Nancy Collins, Richard Flannery, Kathlene Grauberger, Greg Grootendorst, Emilie Helms, Frances Hughey, Jim Hummer, Rob Jacobs, Whitney Katchmark, Brett Kerns, Ben McFarlane, Glynis Mitchell, Keith Nichols, Benito Perez, Kelli Peterson, Camelia Ravanbakht, Laura Surface and Chris Vaigneur.

CONSENT AGENDA

The Consent Agenda contained the following items:

Minutes of May 20, 2009

Treasurer's Report

Regional Reviews

A. PNRS Items Review

Virginia's Coastal Zone Management Program – 24th Year Implementation Grant; DEQ; NOAA – Coastal Program Grants

State Revolving Loan Fund Capitalization Grant; DEQ; ARRA Stimulus

VADEQ Hazardous Substances Response PA/SI Investigations; DEQ; EPA – Superfund State, Political Subdivision, and Indian Tribe Site-Specific Cooperative Agreements

VADEQ Hazardous Substances Response FUDS (Formerly Used Defense Sites); DEQ; EPA – Superfund State, Political Subdivision, and Indian Tribe Site-Specific Cooperative Agreements

B. Environmental Impact Assessment/Statement Review

The Sherman and Gloria H. Cohen Career Center Construction; College of William and Mary; Williamsburg

Student Success Center; Old Dominion University; Norfolk

Urban Area Security Initiative Contract for Target Capabilities Assessment

James City County Green Infrastructure Plan

Hampton Roads Loan Fund Partnership

Contract Amendment – ZEL Technologies

Virginia Association of Planning District Commissions Summer Conference

Chairman Goodson asked if anyone wanted to pull an item for consideration. Mayor Frank had questions on Items 4, 5 and 6.

With regards to Item 4, Urban Area Security Initiative Contract for Target Capabilities Assessment, Mayor Frank asked if the PDC as an organization receive any money to cover staff time and overhead.

Mr. Farmer replied the PDC will receive a single digit percentage off the top.

Mayor Frank asked if it covers the actual time, effort and staff that the PDC allocates to it.

Mr. Farmer replied it is close.

With regards to his question on Item 5, James City County Green Infrastructure Plan, Mayor Frank asked if it is a service provided to the county or does the county pay for it. How does it work? He also stated he is not concerned about the James City County piece; only the process.

Mr. Farmer stated there would be a negotiated amount of money through that contract. It is not something done within the budget that exists as a normal allocation.

Mayor Frank asked if Newport News or another community wanted the same thing, would there be a contract with them?

Mr. Farmer stated the PDC is available to do that.

Mayor Frank had a question regarding Item 6, Hampton Roads Loan Fund Partnership. He stated the way the fund operates is changing. There has to be a competitive process. This is not core to the mission of the Planning District Commission. He has not seen a report recently about how many loans have been done or how successful the program is. Is it worth it for this organization to participate? Should the PDC pass it to another organization? How much staff time does it take and does it have a meaningful impact?

Mr. Farmer stated a presentation from Shernita Bethea was done this past month. This year the PDC utilized \$255,000 with the regional partners and assisted 23 first-time home buyers. He requested Ms. Bethea to speak about the program.

Ms. Bethea stated the program itself encompasses all regions. It is a gap funding and helps to assist with each jurisdiction. The funding was initially designed to help non-entitlement areas, but since then the program has helped all jurisdictions. Newport News, for example, has a lot of activities and funding. All of the other jurisdictions pool into this if their HOME funds are exhausted or if the buyer in their jurisdiction does not qualify under their locality. The PDC has been able to get assistance each year for the program and will receive an additional \$100,000 from VHCD due to its performance and fiscal responsibility. The income from this program allows about 50% of Ms. Bethea's time to be devoted to the project and funds from the VHCD pool

Mayor Frank Moved to approve the Consent Agenda; seconded by Mayor Jones. The Motion Carried.

2009 Economic Data Book

Chairman Goodson introduced Mr. Greg Grootendorst to discuss his presentation on The Data Book. Mr. Grootendorst stated every year around this time the PDC distributes the giant data-filled publication appropriately named The Data Book. While this publication serves many purposes, one of the most important reasons for putting this data together is the partial fulfillment of state code that requires the Planning District Commission to collect and maintain data. It also serves as a reference for those who are in search of regional data. In addition to the convenience aspect of having a variety

of regional historic time series data all in one place, this reference is somewhat unique in that it has historical data sets that are not available elsewhere.

The Data Book is broken into 12 sections covering everything from employment, population, income, real estate, and local tax collections. There are several new pieces of information this year. Added are items such as population distribution by age cohort, initial unemployment claims, value of building permits, tourism expenditures, vehicle miles traveled and school enrollment. There are several other pieces of information that can be seen in the Data Book. One example is a graph that represents the population of Hampton Roads going back to 1970. Slightly more interesting might be the historical year-over-year change in the region's population. Even more informative are the components of population in the region. Mr. Grootendorst explained that these are examples of some of the information available in the Data Book both for the region and each of the jurisdictions. One of the most useful aspects of having the historical time series data from the Data Book is that one can conduct extensive analyses. An example would be to run a regression to determine the correlation between employment and population.

The Data Book is available for download in database format. Anyone who has access to the Internet can go to the PDC website, click on the information and open an Excel spreadsheet that has the data and can begin conducting an analysis with the information that has been compiled. For years the Data Book was available solely in print edition and in more recent years it has been made available in PDF format for download. In 2008, the Data Book was released in Excel format as well. Since the print copy is both costly to produce and limited in providing additional value, Mr. Grootendorst proposes that in the future the print copy is discontinued and the Data Book be released in Excel and PDF format. The document can then be sent to the Commissioners for review electronically, cutting back on printing and postage costs which can be substantial with this publication. A print version of the data will always be available on request for those who need it.

Staff recommendations are to approve the 2009 Data Book for distribution and future versions of the Data Book be sent to the Commissioners for review in an electronic format.

Comm. Dyer Moved to approve the Data Book for distribution in electronic format and to approve for distribution this year; seconded by Mayor Zeidler. The Motion Carried.

HRPDC Personnel Manual

Chairman Goodson stated the Personnel and Budget Committee met last month and earlier this morning and approached some changes to the personnel manual. Chairman Goodson requested Mr. Farmer to give a quick synopsis of those changes.

Mr. Farmer stated it is recommended to revise the pay plan to a performance based pay plan. For a number of years, probably a decade or more, there has been a performance based plan coupled with what most would view as a cost of living plan. In

the merit or pay for performance component, a year was spent evaluating an employee's performance, and on July 1st a performance component would be awarded. One year later as a new fiscal year began, the employee had to lose that component of their pay and re-earn a new performance component. One might gain, lose or stay even. It was rather confusing. In talking with the Personnel and Budget Committee, what has been recommended is going to an annual pay for performance plan in which the entire change in the employee's pay, based on where localities are headed, would be based purely on performance. If from time to time there is some slippage in the personnel budget, an evaluation would be done. Staff and the Human Resource Manager would meet with local HR Managers and monitor year to year what is being done. The recommendation is to convert to a pay for performance plan, which would be a permanent part of an employee's salary. In a normal year, it would be a modest single digit increase that is reflective of what is being done.

The next action is revised to accurately and very specifically list, based on law, who is and is not eligible for overtime and comp time. Mr. Farmer is also recommending that regular part-time employees receive leave benefits. There have been a number over the years who have put in outstanding service for years and received almost no benefits, sick or annual leave. Mr. Farmer's recommendation for regular part-timers is a modest four-hour leave earned per month. This does not include temporary part-timers or interns.

Mr. Farmer stated that through the lawyers the FMLA policy has been updated. Legal counsel has reviewed the policy extensively and believes the wording is in place and properly reflects federal law. The next change item injects into the manual the latest laws regarding genetic information. Legal Counsel has also extensively reviewed the administrative change regarding information technology and it is now in full compliance with the standard. The Personnel and Budget Committee is recommending approval.

Mayor Frank Moved to approve the changes to the HRPDC Personnel Manual; seconded by Mayor Zeidler. The Motion Carried.

Proposed FY 2010 HRPDC and HRTPO Operating and Capital Budgets

Chairman Goodson introduced Mr. James McReynolds to discuss the proposed HRPDC and the HRTPO operating and capital budgets.

Mr. McReynolds stated the Personnel and Budget Committee has reviewed the budget in detail. He stated they concur with staff's recommendations as presented. He pointed out some format changes this year with the TPO budget being separated and the pass through funds being separated from the PDC budget, so there are numbers of different magnitudes, but it is due to the separation as the MPO/TPO process has progressed and has made some changes. Mr. McReynolds did point out that for the fifth consecutive year, the per capita rate assessed to the localities has remained the same with 82 cents per capita. There is a slight increase because of an expected regional population increase of about 5,000 or so. He stated staff does stand ready to answer any questions. Mr. McReynolds moved for adoption of the budget as proposed.

Mayor Fraim asked if any action will be taken on the TPO budget at the same time. Does this influence the TPO budget?

Mr. Farmer stated the TPO numbers are included and the work program that will be approved for the TPO will include all budget information.

Mayor Fraim asked if the TPO will also vote on its own budget.

Mr. Farmer stated it will through the work program and it will also have an approved budget and an approved work program when the TPO meets.

Mayor Fraim asked if there is any blurring of lines.

Mr. Farmer reiterated what Mr. McReynolds stated, which is that this year, for the first time Ms. Nancy Collins, HRPDC's Chief Financial Officer, was asked to put together a financial statement each month with the TPO and, in this budget, it indicates a very specific breakout of the PDC and the TPO budgets. They are called operating budgets because it shows what it takes to sustain the operation within this facility. Also, the TPO and PDC pass throughs have been separated.

Mayor Fraim stated under the heading of action item #11, it says "Proposed planning district and HRTPO budget". It looks like PDC is passing the TPO budget, but that's not the case.

Chairman Goodson stated maybe we should have a separate motion in the following TPO meeting specifically passing the budget. It is not on the agenda.

Mr. Farmer clarified that the TPO budget is based on monies coming to the PDC because the PDC acts as the agent.

Mayor Fraim stated he would let it go just as long as it does not look like the Planning District is passing two separate budgets.

Mr. Farmer stated the PDC would be approving the portion of money within the PDC budget for use in the TPO function.

Mayor Fraim inquired of Mr. McReynolds if that was okay.

Mr. McReynolds stated he believes it is. He stated it is very similar for funds that the localities have taken in on behalf of others. In order to give staff clear direction and make sure they have the authority to do that, it is appropriate it is acted on in this forum. But Mr. McReynolds does agree that the TPO should act on its own budget separately.

Comm. McReynolds Moved to approve the proposed HRPDC and HRTPO operating and capital budgets; seconded by Comm. Harrell. The Motion Carried.

FY 2010 Unified Planning Work Program

Mr. Farmer introduced Mr. John Carlock who would provide a summary of the Unified Planning Work Program for the PDC.

Mr. Carlock stated he will briefly review the FY10 HRPDC work program. He indicated there were a few enhancements to the document over previous years, and he would briefly discuss public comment. This year for the first time, the work program recognizes on the inside cover the Commissioners and, on the next page, all of the program staff who are working on the various activities that are outlined in the work program. It includes a glossary of acronyms to ensure there was some indication of what the terms used in the elements signify. The document also includes an introduction which provides a background, a context to the work program, why we are doing it. The staff's view is that it is an agreement between staff and the Commission as to what will be worked on over the coming year. The UPWP talks about the duties and responsibilities of the Commission as spelled out in Virginia Code, the relationship between the PDC and the TPO, and, last but not least, the extensive committee structures in place to support the staff and the Commission as responsibilities are carried out.

There is also a programmatic index. Normally, the work program is organized by element starting with the lowest number and working its way through. The programmatic index provides an indication of how all of these programs relate. An Emergency Management program was discussed that is traditional Emergency Management and also the Metropolitan Medical Response System. This has been through an extensive review by the staff and with respective PDC committees. The document reflects the discussion that took place at last month's meeting on the strategic initiatives and priorities for this coming year.

Mr. Carlock stated public comment was received which addressed the discussion and relationship between the PDC and TPO as described in the introduction. The goal is to add the recommended changes as part of the next printing or the next amendment to the work program rather than have to reprint it again. With that, the staff's recommendation is that the work program be approved and move into FY10 with a fully approved work program.

Chairman Goodson asked if the staff is recommending the changes laid out in the public comment document to the work program that is about to be approved.

Mr. Carlock stated that it references the activities and the fact that the staff serves as the staff for the TPO and carries out the various functions as directed by the TPO board, and again the role of the TPO is spelled out.

Chairman Goodson stated that the Commission has received a copy of the work program.

Comm. Jones Moved to approve the motion for the work program which includes the amendments as proposed by staff; seconded by Mayor Zeidler. The Motion Carried.

Project Status Report

Chairman Goodson stated this agenda item does not require any action.

For Your Information

Chairman Goodson stated the July 15th quarterly commission meeting will start at 9:30 a.m.

Chairman Goodson welcomed back Jim Oliver to the PDC as a representative from Hampton.

Mr. Farmer welcomed Mr. J. Randall Wheeler to the PDC as a representative from Poquoson.

Mayor Fraim moved to adjourn and complimented the Chairman on finishing the meeting in less than an hour; seconded by Mayor Frank.

With no further business to come before the Hampton Roads Planning District Commission, the meeting adjourned at 10:29 a.m.

Dwight L. Farmer
Executive Director/Secretary

Bruce C. Goodson
Chairman

AGENDA NOTE - HRPDC QUARTERLY COMMISSION MEETING

ITEM #2: TREASURER'S REPORT

**FISCAL YEAR 2009
June 30, 2009
BALANCE SHEET PRELIMINARY**

ASSETS		LIABILITIES & NET ASSETS	
Cash & Cash Equivalents	732,607	Current Liabilities	647,776
Accounts Receivables	227,213	Net Assets	4,489,400
Investments	2,673,910		
Other Current Assets	664		
Net Capital Assets	<u>1,502,782</u>		
Total Assets	<u><u>5,137,177</u></u>	Total Liabilities & Equity	<u><u>5,137,177</u></u>

STATEMENT OF REVENUES AND EXPENDITURES

REVENUES	<u>Annual Budget</u>	<u>Current Month</u>	<u>YTD</u>
Grant and Contract Revenue	6,628,705	11,236	4,210,949
VDHCD State Allocation	275,106	22,928	275,103
Interest Income	55,000	1,090	59,715
Local Jurisdiction Contributions	1,341,946	-	1,341,946
Other Local Assessment	2,319,772	295,827	1,935,249
Sales and Miscellaneous Revenue	50,584	4,874	61,109
Total Revenue	<u><u>10,671,113</u></u>	<u><u>335,954</u></u>	<u><u>7,884,071</u></u>
EXPENDITURES			
Personnel	3,962,546	314,966	3,687,787
Contractual	185,791	20,547	188,147
Special Contracts	5,505,819	537,245	3,501,697
Operations	785,189	28,650	479,232
Capital Assets	160,000	3,208	3,208
Total Expenses	<u><u>10,599,345</u></u>	<u><u>904,615</u></u>	<u><u>7,860,072</u></u>
Agency Balance	<u><u>71,768</u></u>	<u><u>(568,661)</u></u>	<u><u>23,999</u></u>

Note: HRTA has paid \$295,826.84

AGENDA NOTE - HRPDC QUARTERLY COMMISSION MEETING

ITEM #3: REGIONAL REVIEWS – MONTHLY STATUS REPORT

A. PNRS Items (Initial Review)

The HRPDC staff is routinely involved in the review of applications for grants to support projects involving federal or state funding. To ensure that all Commissioners are aware of projects being reviewed, brief summaries of these projects and anticipated review schedules are included in the Agenda. The HRPDC staff will continue to request comments directly from staff in localities that appear to be directly affected by a project. Review and comment by more than one locality is requested when a project may affect the entire region or a sub-regional area. Attached is a listing and summary of projects that are presently under review. As of July 8, 2009, there were no outstanding comments on these projects.

B. Environmental Impact Assessment/Statement Review

The HRPDC staff is routinely involved in the review of environmental impact assessments and statements for projects involving federal funding or permits as well as state development projects. To ensure that all Commissioners are aware of projects being reviewed, brief summaries of these projects and anticipated review schedules are included in the Agenda. The HRPDC staff will continue to request comments directly from staff in localities that appear to be directly affected by a project. Attached is a listing and summary of projects that are presently under review.

Attachment

RECOMMENDED ACTION:

None required.

Project Notification and Reviews

Date **CH #**

Title

Applicant

State/Federal Program

Project Staff **Type of Impact**

Project Description

The objective of this project is to improve air quality and provide other benefits through the deployment of a diverse set of diesel emissions reduction strategies bringing together municipal, school, and transit fleet partners in the Hampton Roads and Richmond metropolitan areas.

FUNDING

<input type="text" value="\$1,000,000.00"/>	<input type="text" value="\$8,125.00"/>	<input type="text" value="\$0.00"/>	<input type="text" value="\$0.00"/>	<input type="text" value="\$1,039,918.00"/>	<input type="text" value="\$0.00"/>
Federal	Applicant	State	Local	Other	Program Income
TOTAL					<input type="text" value="\$2,048,043.00"/>

Date 6/18/2009 **CH #** VA090605-2323760

Title FY 2009 Drinking Water State Revolving Fund Program -- Safe Drinking Water Act

Applicant Virginia Department of Health

State/Federal Program EPA – Safe Drinking Water Revolving Fund

Project Staff Claire Jones **Type of Impact** Statewide

Project Description

This grant will allow the Virginia Department of Health to continue to fund the Drinking Water State Revolving Fund Program. The program provides non-project funds or set-asides to ensure waterworks' long-term capacity and protect construction loan investments, and provides project funds for construction of public drinking water systems. The development of an annual Intended Use Plan is a required part of the application of the SDWA for a capitalization grant.

FUNDING

\$20,761,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Federal	Applicant	State	Local	Other	Program Income
TOTAL					\$20,761,000.00

Date **CH #**

Title

Applicant

State/Federal Program

Project Staff **Type of Impact**

Project Description

This project will continue design and remediation activities at the Atlantic Wood Industries site, to include land-based remediation, off-shore sheet pile construction, and river dredging.

FUNDING

<input type="text" value="\$31,530.00"/>	<input type="text" value="\$3,503.00"/>	<input type="text" value="\$0.00"/>	<input type="text" value="\$0.00"/>	<input type="text" value="\$0.00"/>	<input type="text" value="\$0.00"/>
Federal	Applicant	State	Local	Other	Program Income
TOTAL					<input type="text" value="\$35,033.00"/>

Date **CH #**

Title

Applicant

State/Federal Program

Project Staff **Type of Impact**

Project Description

This proposal will provide a contribution to the Revolving Fund that will be used to finance approximately 24 wastewater improvements at publicly-owned facilities and improve water quality in Virginia.

FUNDING

<input type="text" value="\$13,926,231.00"/>	<input type="text" value="\$2,785,247.00"/>	<input type="text" value="\$0.00"/>	<input type="text" value="\$0.00"/>	<input type="text" value="\$0.00"/>	<input type="text" value="\$0.00"/>
Federal	Applicant	State	Local	Other	Program Income
TOTAL					<input type="text" value="\$16,711,478.00"/>

Date 7/15/2009 **CH #** VA090324-0723760

Title VA Diesel Emission Reduction Recovery Grant

Applicant DEQ, Office of Air Permit Programs

State/Federal Program EPA - State Clean Diesel Grant Program

Project Staff Claire Jones **Type of Impact** Statewide

Project Description

The Virginia Diesel Reduction Recovery Grant will implement the following five diesel emission reduction projects:

1. Retrofits to support the Virginia Port Authority Green Operator Program
2. State biodiesel buy down
3. Gloucester County school bus conversion to propane
4. York County engine replacement
5. Virginia Beach school bus retrofit, training, and education.

These projects will provide emission reduction benefits, promote long-term commitments to further emission reductions within areas with high concentrations of diesel emissions in maintenance/nonattainment areas, benefit public fleets, and support the job creation and retention goals of the American Recovery and Reinvestment Act.

FUNDING

\$1,730,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Federal	Applicant	State	Local	Other	Program Income
TOTAL					\$1,730,000.00

Environmental Impact Reviews

Date Received

Number

Name

Sponsor

Description

The U.S. Customs and Border Protection (CBP) propose to establish a High Energy Mobile X-Ray Inspection System (HEMXRIS) at the Port of Virginia in Newport News, Norfolk and Portsmouth. The purpose of the proposed action is to enable CBP to conduct non-intrusive inspections of high-density cargo containers for contraband such as illicit drugs, currency, guns and weapons of mass destruction. HEMXRIS employs an X-ray source to produce images of the contents of tankers, commercial trucks, sea and air containers, and other cargo containers. The systems are mounted on a truck chassis and operated by a three-man crew. The systems operate by slowly driving past a container with the boom extended over the target container. CBP establishes controlled areas around each HEMXRIS to limit the potential doses to CBP personnel and the public to below 0.00005 rem in any one hour.

Affected Localities

Finding

Comments Sent

Final State Comments Received

Date Received

Number

Name

Sponsor

Description

The Norfolk District of the U.S. Army Corps of Engineers, the Virginia Marine Resources Commission, and the Maryland Department of Natural Resources submitted the Final Programmatic Environmental Impact Statement (PEIS) that evaluates various strategies for the restoration of oysters in the Chesapeake Bay. As part of the NEPA process, the public was invited to comment on the Draft PEIS between October 17, 2008, and December 15, 2008 (60 days). Written and oral comments received during the public comment period were considered in revising the Draft PEIS and selecting a preferred alternative. The Final PEIS describes the direct and indirect effects of the proposed action and alternatives on ecological, environmental, and human issues identified during the public interest review at the outset of the PEIS process. After considering all available information and the input of all stakeholders, the lead agencies have concluded that Alternative 8a, a combination of alternatives that involves only the native Eastern oyster, is the preferred approach for restoring the Chesapeake Bay oyster population.

Affected Localities

Finding

Comments Sent

Final State Comments Received

Date Received

Number

Name

Sponsor

Description

Norfolk State University proposes to replace the existing Godwin Hall building with a new building of the same name on the campus in the City of Norfolk. The project site is located on the west side of South Campus Drive adjacent to a new Student Center which is currently under construction. The new Godwin Hall would be a three-story 60,000 square-foot structure surrounded by open lawn and concrete sidewalks and plazas. In the future, a pedestrian bridge would connect Godwin Hall with the new Student Center to the south.

Affected Localities

Finding

Comments Sent

Final State Comments Received

Date Received

Number

Name

Sponsor

Description

The U.S. Department of Housing and Urban Development (HUD) proposes to provide funding under the HUD Supportive Housing Program to the City of Virginia Beach Department of Housing and Neighborhood Preservation for the construction of the proposed Judeo-Christian Outreach Center (JCOC) transitional housing complex. The project site is located on West Lane near the intersection of First Colonial Road. The 0.6-acre site contains a vacant duplex structure that will be demolished. A 16-unit apartment building would be constructed consisting of six 2-bedroom units and ten studio units. Construction would include a paved entrance drive, parking spaces and landscaping. On behalf of HUD, GeoEnvironmental Resources, Inc. has submitted a federal consistency certification that finds the proposal consistent with the enforceable policies of the Virginia Coastal Resources Management Program (also called the Virginia Coastal Zone Management Program).

Affected Localities

Finding

Comments Sent

Final State Comments Received

Date Received

Number

Name

Sponsor

Description

Figg Bridge Developers, LLC proposes to construct a two lane fixed span high rise bridge over the Southern Branch of the Elizabeth River, in the same corridor and just south of the former Jordan Bridge. The new bridge will reconnect Poindexter Street in Chesapeake, Virginia to Elm Avenue in Portsmouth, Virginia over the Southern Branch of the Elizabeth River. The project site extends from the Interstate 464 interchange on Poindexter Street to the intersection of Victory Boulevard and Elm Avenue. The new bridge will be privately owned.

Affected Localities

Finding

Comments Sent

Final State Comments Received

Date Received

Number

Name

Sponsor

Description

The Norfolk Airport Authority is proposing to construct a nine-story parking garage at Norfolk International Airport. The structure will have an exterior exit ramp, a new exit plaza and reconfigured ingress/egress. The garage will be constructed on an existing surface parking lot and over a portion of a freshwater pond that was formerly a part of Lake Whitehurst. The pond is utilized as a stormwater pond for airport property and contains non-tidal wetlands. More than an acre and a half of the pond would be filled, and a new stormwater management pond would be constructed on nearly two acres. A federal consistency certification submitted for the project indicates that the project will be consistent with the enforceable policies of the Virginia Coastal Resources Management Program.

Affected Localities

Finding

Comments Sent

Final State Comments Received

Date Received

Number

Name

Sponsor

Description

The U.S. Department of Housing and Urban Development (HUD) is processing an application for mortgage insurance to finance the construction of Eagle Harbor, Phase II apartment complex in Isle of Wight County under HUD Section 221(d)(4) Multifamily Rental Housing for Moderate-Income Families. The Breeden Company will finance the construction of 144-dwelling units in eight 3-story buildings. The property consists of land totaling approximately 20 acres at the intersection of Carrollton Boulevard and Whippingham Parkway.

Affected Localities

Finding

Comments Sent

Final State Comments Received

Date Received

Number

Name

Sponsor

Description

Norfolk State University proposes to replace an existing library on campus with a new library. The 6.4-acre project site is located between Presidential Parkway (South Campus Drive) to the south and Corprew Avenue to the north. The new 132,000 square-foot building would be constructed just west of the existing library. The new library would be a three-story, steel frame building with a brick and glass façade. The existing library would be demolished after the new library is occupied and a lawn, walkways and clock tower would be installed at the site.

Affected Localities

Finding

Comments Sent

Final State Comments Received

AGENDA NOTE - HRPDC QUARTERLY COMMISSION MEETING

ITEM #4: HAMPTON ROADS ECONOMIC QUARTERLY REPORT

Media reports from the current recession consistently highlight the economic volatility that is present in the regional and super-regional economies. In 2008, HRPDC Economics staff included the *Hampton Roads Economic Quarterly* (HREQ) in the work program for the purpose of delivering timely regional economic information to the Commission and organizations throughout Hampton Roads. The HREQ was designed to include a feature editorial that was both timely, and regionally significant. The quarterly also included a short narrative on the current economic outlook for Hampton Roads, accompanied by six graphs depicting GDP, retail sales, employment, unemployment, initial unemployment claims, and housing permit data. In keeping with our goal to deliver information that is both timely and relevant, Economics staff proposes releasing future HREQ in an electronic newsletter format on a quarterly basis to be received by Commissioners simultaneously.

Mr. Greg Grootendorst, HRPDC Chief Economist, will provide a brief presentation.

Enclosure - Separate - Commissioners Only

RECOMMENDED ACTION:

Approve the Hampton Roads Economic Quarterly for electronic distribution on a quarterly basis.

AGENDA NOTE - HRPDC QUARTERLY COMMISSION MEETING

ITEM #5: STORMWATER MANAGEMENT REGULATIONS – REGIONAL COMMENTS

Twelve of the region's localities are operating under Municipal Separate Storm Sewer System (MS4) Permits. All of the region's localities will also be affected by the proposed state stormwater management program regulations.

On June 22, 2009, the Virginia Department of Conservation and Recreation (DCR) published the draft Stormwater Management Regulations for public review. These proposed regulations modify the technical standards for stormwater management, establish the procedures that will govern local government administration of the stormwater program, including local government issuance of the General Permit for Stormwater from Construction Activities, and establish fees for permit applications and annual permit maintenance. A series of public hearings are being held across the state, with one being held in Hampton on July 9, 2009.

The HRPDC staff and Regional Stormwater Management Committee have been involved extensively in the nearly four year development process for these regulations. At its meeting on July 2, 2009, the Regional Stormwater Management Committee discussed the proposed regulations and the continuing concerns of the localities with these regulations at great length. Based on this discussion, the Committee reached consensus on a number of points that DCR needs to consider in finalizing, including appropriate modifications, the proposed regulations prior to adoption by the Board of Soil and Water Conservation.

Attached for the Commission's consideration is a listing of the concerns and recommendations developed by the HRPDC staff and Regional Stormwater Management Committee. A letter to be submitted to DCR is being reviewed by the Committee. Assuming Commission concurrence with the bulleted list of concerns and recommendations, the letter will be submitted by the HRPDC staff prior to the end of the public comment period.

Ms. Julia Hillegass, HRPDC Senior Environmental Planner, will brief the Commission on the Regulations and proposed regional comments.

RECOMMENDED ACTION:

Endorse the attached listing of concerns and recommendations regarding the proposed Stormwater Management Regulations.

Attachment

**Hampton Roads Regional Stormwater Committee Comments on
Proposed Regulation: 4VAC50-60.
Virginia Stormwater Management Program (VSMP) Permit Regulations**

Concern: The proposed Regulation encourages sprawl and creates a financial disincentive to redevelop urban areas.

Requested Revisions: 1) Retain the existing requirement to decrease the phosphorus load for redevelopment projects by 10% of the existing load. 2) Add a provision for localities to grant a waiver for properties contained within the locally designated urban development areas (UDAs). 3) Expand the toolbox of best management practices within urbanized areas to include smart growth BMPs. 4) Consult with local governments to develop guidance on the development of comprehensive watershed stormwater management plans. 5) Allow more flexibility for use of pro-rata fees.

Concern: The BMP specifications and removal efficiencies do not reflect the physiographic characteristics of the Coastal Plain. Compliance with the proposed technical criteria will place a staggering load on municipalities to inspect and enforce maintenance and replacement of multiple short life infiltration BMPs that do not work well in the Coastal Plain.

Requested Revisions: DCR should adopt a Stormwater Design Supplement for the Coastal Plain that accounts for the physical constraints and allows for deviations from the BMP specifications and technical criteria.

Concern: The supporting BMP Clearinghouse and Stormwater Management Handbook have not yet been completed, thoroughly reviewed by professionals, or utilized in actual development.

Requested Revision: Allow at least one year from the approval date of the proposed Regulation to the effective date for full review and field verification of the BMP design specifications.

Concern: Master Plan developments have been approved under a stormwater master plan concept and are in various stages of completion. Sites currently under design will be under construction for at least the next 10 years.

Requested Revision: Add a grandfathering provision to the proposed Regulation that addresses how these developments will be handled with respect to the proposed technical criteria and BMP specifications.

Concern: The definition of "adequate channel" in the proposed Regulation states that a wetland can be an adequate channel if the storm event can pass into it without overtopping its banks. Isolated non-tidal wetlands do not contain an outfall. While an isolated tidal wetland may be able to take on an individual storm event's runoff without

overtopping its banks, there will be periods of rainy weather where runoff from several storms will accumulate, and flooding onto adjacent properties will occur.

Requested Revision: If the term "wetland" is kept in the definition of "adequate channel", then the definition should be modified to exclude isolated wetlands. Wetlands must be connected to a waterway to adequately serve as an outfall channel.

Concern: Table 1: *BMP Pollutant Removal Efficiencies* is more appropriate in guidance. These technical criteria are closely linked to the Virginia Stormwater Management Handbook, which is presently in the process of being updated, and to the BMP Clearinghouse, which is in the early stages of development. The Committee is concerned that the criteria are being incorporated in regulations and that the regulated community will not have benefit of the evolving technical support for these criteria.

Requested Revision: Remove Table 1 from the proposed Regulation and simply reference the Clearinghouse and handbook. This change will facilitate future modifications of the criteria as the state of our knowledge about stormwater controls continues to increase.

Concern: The proposed Regulation allows local programs to establish limitations on the use of specific BMPs only through the submission of the proposed limitation and written justification to the department. Many localities already have local ordinances that prohibit the use of BMP types that are inappropriate for their jurisdiction.

Requested Revision: The Regulation should be revised to allow BMP use limitations through written justification to the department or an existing local ordinance.

Concern: The proposed Regulation is too prescriptive in how the local programs will be operated, particularly those programs which have been in place for many years. The local programs need flexibility on how their own program operates, provided the technical criteria are met and the proper fees are collected (with permit issuance). Development review for local governments encompasses much more than stormwater plan review and the "one size fits all" approach will not work statewide for program administration.

Requested Revision: The Regulation should state that DCR will review and approve the local programs based on a set of minimum criteria, but that specific program administration details (i.e. review time frames, when fees are collected, etc.) are left to the discretion of the local program.

AGENDA NOTE – HRPDC QUARTERLY COMMISSION MEETING

ITEM #6: HRPDC BYLAWS AMENDMENT - FIRST READING

In accordance with the HRPDC Bylaws, any proposed amendments to the Bylaws must be presented in writing and read at any regular or special meeting of the Commission. This will constitute the first reading. One amendment to the current HRPDC Bylaws is being recommended.

- A. Due to the recent change in the meeting times of the HRPDC and HRTPO, it is proposed that the Bylaws reflect that change. Article IV.1 will be amended to reflect a new start time of 9:30 a.m.

A copy of the HRPDC Bylaws is attached indicating the proposed change referenced above. The proposed amendment will be brought back before the Commission during its October 2009 Annual Meeting for a second reading and final approval before implementation.

Attachment – HRPDC Bylaws with proposed amendments

RECOMMENDED ACTION:

Approve proposed changes to Bylaws.

**BYLAWS OF
THE HAMPTON ROADS PLANNING DISTRICT COMMISSION**

ARTICLE I

NAME

The name of this organization is The Hampton Roads Planning District Commission (the "COMMISSION"). The COMMISSION was organized and exists pursuant to a Charter Agreement (the "Agreement") adopted by the Joint Resolution of the governing bodies (the "Governing Bodies") of its constituent member governmental subdivisions (the "Subdivisions") in accordance with the Virginia Area Development Act, Title 15.1, Chapter 34 § 15.1-1400 et seq., Va. Code Ann., (1950), as amended.

ARTICLE II

PURPOSE

The purpose of the COMMISSION is to promote the orderly and efficient development of the physical, social and economic elements of the twenty and twenty-first planning districts by planning and encouraging, and assisting Governing Bodies to plan for the future.

ARTICLE III

MEMBERSHIP

The members of the COMMISSION shall be appointed by the participating subdivisions in the manner and for terms as provided by the Agreement.

ARTICLE IV

MEETINGS

1. The meetings of the COMMISSION shall be held at ~~11:00~~ **9:30** a.m. on the 3rd Wednesday of each month during the months of January, April, July and October at a place to be determined by the Chairman of the COMMISSION. The October meeting shall be the annual meeting of the COMMISSION. The COMMISSION or the Executive Committee may change the date and time of any regular meeting at any prior meeting. The COMMISSION may adjourn any meeting from time to time or to another place.

2. Special Meetings. Special meetings may be called by the Chairman at his discretion or by any two members of the COMMISSION upon 48 hours notice to all members in writing or by telephone of the time, place and purpose of the special meeting. A special meeting may be held without notice provided all members of the COMMISSION are present.

3. Quorum. A majority of the COMMISSION shall constitute a quorum, provided a member from at least a majority of the Subdivisions shall be present.

4. Voting. Each member of the COMMISSION shall be entitled to one vote on the COMMISSION. All actions of the COMMISSION may be taken by a majority vote of all members present and voting, provided that any action shall require the affirmative vote of members representing at least a majority of the Subdivisions for approval.

5. Procedures. Upon all questions not governed by the Agreement, these bylaws or any other adopted rule of the COMMISSION, the general principle of parliamentary procedure as set forth in Roberts Rules of Order shall govern.

ARTICLE V

OFFICERS

1. Officers and Duties. The officers of the COMMISSION shall consist of a Chairman, a Vice-Chairman, a Secretary, a Treasurer and such subordinate officers as may from time to time be elected or appointed by the COMMISSION. The Vice Chairman shall serve, and may also be known, as the Chair-Elect. No person may hold more than one office; provided, however, that the offices of the Secretary and the Treasurer may be held by the same person. All offices must be held by members of the COMMISSION; provided, however, the offices of Secretary and Treasurer may be held by persons who are not members of the COMMISSION. The office of Chairman shall be held by a member of the Governing Body of the Subdivision he or she represents. The offices of Chairman and Vice-Chairman shall be held by members representing different Subdivisions. Each of such officers shall serve without compensation.

2. Term of Office. All officers shall be elected for a term of one year or until their successors are elected or until they resign or are removed from office. The Chairman and Vice-Chairman may serve not more than two (2) consecutive one (1) year terms in succession. Any Chairman or Vice-Chairman who serves a partial term shall not be considered as serving a full term.

3. Election. Prior to the annual meeting at which an officer will be elected, the Chairman shall appoint a Nominating Committee, consisting of at least one member from at least half of the Subdivisions. The Nominating Committee shall, at the annual meeting, submit the name or names of one or more persons for each office to be filled. Further nominations may be made by any member at the meeting at which the election is held. The election of officers shall be by voice vote, unless changed by majority vote of those present.

4. Vacancies. Any vacancy occurring in an office shall be filled for the unexpired term by the COMMISSION at the next regular meeting following the occurrence of such vacancy, or at a special meeting called for that purpose. If the vacancy occurs in the office of the Secretary or Treasurer, an acting officer shall be appointed by the Chairman pending such election.

5. Chairman. The Chairman shall preside at all meetings of the COMMISSION at which he is present and shall vote as any other member. He shall be responsible for the implementation of the policies established and the actions taken by the COMMISSION, shall have all of the powers and duties customarily pertaining to the office of the chairman of the board, and shall perform such other duties as may be assigned to him by the COMMISSION.

6. Vice-Chairman. The Vice-Chairman shall, in the event of the death or absence of the Chairman, or of his inability to perform any of the duties of his office or to exercise any of his powers, perform such duties and possess such powers as are conferred upon the Chairman, and shall perform such other duties as may from time to time be assigned to him by the Chairman or by the COMMISSION. The Vice-Chairman shall be expected to serve as Chairman, following the expiration of the incumbent Chairman's term of office.

7. Secretary. The Secretary shall give the members notice of all regular and special meetings of the COMMISSION and shall attend all meetings and keep a record of their proceedings, which shall be a public record, and copies of which shall be mailed with the notice of the next regular meeting to all members of the COMMISSION. In general, he shall perform all duties incident to the office of Secretary and such other duties as may from time to time be assigned to him by the Chairman or by the COMMISSION. The Secretary may, with the permission of the COMMISSION, delegate certain of his duties and responsibilities to the staff of the COMMISSION.

8. Treasurer. The Treasurer shall have general charge and supervision of all of books and accounts of the COMMISSION, shall have custody of the monies and securities of the COMMISSION and keep an accurate record of the source of all monies. Unless otherwise provided, he shall sign or countersign such checks, vouchers or other instruments as require signature; shall make a brief financial report at each regular meeting of the COMMISSION; shall prepare an annual report as soon as practicable after the end of each fiscal year; and shall perform all other duties incident to his office that may be required of him by the COMMISSION. The Treasurer may, with the permission of the COMMISSION, delegate certain of his duties and responsibilities to the staff of the COMMISSION.

ARTICLE VI

COMMITTEES

1. Executive Committee. There shall be, as one of the standing committees, an Executive Committee consisting of one member from each Subdivision designated prior to the annual meeting of the Commission by each respective Governing Body. If the Chairman or Vice-Chairman is not otherwise appointed as an Executive Committee member by his respective

jurisdiction, that officer shall also serve as a member of the Executive Committee during his elected term of office. Except for the Chairman and Vice-Chairman, who shall serve while in office, each member of the Executive Committee shall serve for a term of one (1) year or until his successor is appointed by the appropriate Governing Body, or until he resigns or is removed from the COMMISSION. The Chairman will serve as Chairman of the Executive Committee. Each member of the Executive Committee shall have one vote. However, if the Chairman or Vice-Chairman is not the Executive Committee member appointed by the Governing Body of his Subdivision, then the Subdivision's appointed member and the officer from that Subdivision who is also serving on the Executive Committee shall each be entitled to a vote counted one-half the vote of other Executive Committee members or, if only one of them is in attendance at a meeting, then that one shall have one full vote on behalf of his Subdivision. The Executive Committee shall hold regular monthly meetings upon the call of the Chairman. The Executive Committee shall hold special meetings upon the call of the Chairman or any two of its members. A majority of the members shall constitute a quorum. Every other member shall be an alternate member of the Executive Committee for the purpose of representing his jurisdiction on the Executive Committee, but an alternate member of the Executive Committee may vote only in the absence of the regular member from his jurisdiction. Subject to the control and direction of the COMMISSION, the Executive Committee shall supervise and manage the affairs of the COMMISSION between regular meetings of the full COMMISSION. The Executive Committee may act on all matters by, for or on behalf of the COMMISSION, and may exercise any and all powers granted to the COMMISSION by the Virginia Area Development Act, the Agreement, or these bylaws, except amending the Agreement or these bylaws. The Executive Committee shall have such specific duties as may from time to time be assigned to it by the COMMISSION.

2. Standing Committees. The COMMISSION may establish such other special and standing committees, advisory, technical or otherwise, as it shall deem desirable for the transaction of its affairs.

ARTICLE VII

ADMINISTRATION

1. Staff. The COMMISSION shall employ a staff of qualified professional and other persons, pay to them such compensation as it shall deem advisable to carry out its duties; and implement projects, programs and other functions.

2. Director. The chief executive officer of the staff shall be the Executive Director, who shall have direct supervision of all the other employees of the COMMISSION, and, subject to the authority of the COMMISSION and its officers, shall have direct control of the management of the affairs of the COMMISSION.

3. Duties of Executive Director. The Executive Director shall act as disbursing officer, and shall be responsible for the payment of all bills, or of all warrants or requisitions, after payment thereof is authorized by the Treasurer. He shall be responsible for keeping a record of all monies paid out and received and of receipts and vouchers to cover such expenditures.

4. Execution of Instruments. The Executive Director, upon specific authorization by the COMMISSION, shall have the power to sign in its behalf any agreement or other instrument to be executed by the COMMISSION. Unless otherwise provided, he may sign or countersign checks and vouchers in payment of obligations of the COMMISSION.

ARTICLE VIII

FINANCES

1. Finances. The monies of the COMMISSION shall be deposited in such bank as the COMMISSION shall designate, and all payments (with the exception of those from petty cash) shall, so far as is practicable, be made by checks. Checks and drafts may be signed in the name of the COMMISSION by the Executive Director, the Secretary, the Treasurer, or their designee.

2. Audit. The COMMISSION, at least once each year, shall cause an audit to be made by an independent certified public accountant of the general funds of the COMMISSION and any special project funds which are not audited by the federal or state government or by other independent accountants.

3. Bonds. The COMMISSION shall cause fidelity bonds to be issued covering each of its employees who receive or disburse funds in amounts deemed by it to be adequate.

ARTICLE IX

SEAL

1. Seal. The COMMISSION may adopt a seal for the Commission in such form as it deems appropriate.

ARTICLE X

AMENDMENTS

1. Any proposed amendment of these bylaws shall be presented in writing and read for a first time at any regular or special meeting of the COMMISSION. Such proposal may be considered and amended at such meeting, but shall not be acted upon by the COMMISSION until a subsequent meeting which may be held no earlier than thirty (30) days after the first meeting. At the subsequent meeting, the proposal may be adopted only by the affirmative vote of at least two-thirds (2/3) of the entire COMMISSION members.

As Amended Through October 2008

AGENDA NOTE - HRPDC QUARTERLY COMMISSION MEETING

ITEM #7: MEMORANDUM OF UNDERSTANDING – TPO STAFFING

As Commissioners are aware, it has been determined that the HRPDC and the HRTPO need to execute a Memorandum of Understanding regarding the provision by the HRPDC of staff support for the HRTPO. This would formalize the long-standing relationship between the HRPDC and the HRTPO function. The need for this MOU is explicitly called for in the HRTPO Bylaws, Article VIII, Section 3: “The PDC shall provide staff to the TPO, pursuant to a memorandum of understanding between the PDC and TPO.”

Section 15.2-4205, B.3. of the Regional Cooperation Act, the state legislation enabling the establishment of PDCs indicates the Commission shall have the power to “make and enter into all contracts of agreements, as it may determine, which are necessary to incidental to the performance of its duties and to the execution of the powers granted under this chapter.” This section provides the authority for the HRPDC to enter into an MOU with the HRTPO.

While the HRPDC Bylaws do not explicitly discuss an MOU between the HRPDC and the HRTPO, Article VII, Section 4 indicates that “the Executive Director, upon specific authorization by the Commission, shall have the power to sign in its behalf any agreement or other instrument to be executed by the Commission.” Article V, Section 5 of the HRPDC Bylaws indicates that the Chairman ...”shall have all of the powers and duties customarily pertaining to the office of the chairman of the board, and shall perform such other duties as may be assigned to him by the Commission.” Together, these two sections appear to provide adequate authority for the execution of the MOU by either the Chairman or the Executive Director, as authorized by the Commission.

The HRTPO will consider the attached MOU at its regular meeting on July 15, 2009. The HRPDC staff recommends that the Commission authorize the HRPDC Chairman to execute the Memorandum of Understanding with the HRTPO on its behalf.

HRPDC Executive Director Farmer will be available to address any questions that Commissioners may have.

RECOMMENDED ACTION:

Authorize the Chairman to execute the MOU between the HRPDC and the HRTPO concerning HRPDC provision of staff support to the HRTPO.

Attachment

**First
Memorandum of Understanding
Between
The Hampton Roads Transportation Planning Organization
And
The Hampton Roads Planning District Commission**

This Memorandum of Understanding is executed as of [REDACTED], 2009 by and between the Hampton Roads Transportation Planning Organization, hereinafter referred to as HRTPO; and the Hampton Roads Planning District Commission, hereinafter referred to as HRPDC.

WHEREAS, the HRTPO is the Metropolitan Planning Organization for the Hampton Roads Metropolitan Planning Area; and

WHEREAS, the HRPDC shall provide the planning and administrative staff to the HRTPO, hereinafter referred to as Staff, in accordance with regulations as determined by the Federal Highway Administration and the Virginia Department of Transportation; and

WHEREAS, responsibilities of Staff are defined in the annual Unified Planning Work Program which outlines the specific work to be carried out by Staff; and

WHEREAS, Staff shall provide planning, technical, and administrative support to the HRTPO Board and Advisory Committees; and

WHEREAS, Staff will execute the following five core functions:

1. Establish a setting: Establish and manage a fair and impartial setting for effective regional decision-making in the metropolitan area.
2. Evaluate alternatives: Evaluate transportation alternatives, scaled to the size and complexity of the region, to the nature of its transportation issues, and to the realistically available options.
3. Maintain a Long-Range Transportation Plan: Develop and update a fiscally-constrained long-range transportation plan for the metropolitan area covering a planning horizon of at least 20 years that fosters
 - a. mobility and access for people and goods,
 - b. efficient system performance and preservation, and
 - c. quality of life.

4. Maintain a Transportation Improvement Program: Develop and update a fiscally-constrained program of transportation projects consistent with the long-range transportation plan. Projects must be included in the Transportation Improvement Program to be eligible for federal funding.
5. Involve the public: Involve the general public and all the significantly affected sub-groups in the four essential functions listed above.

NOW, THEREFORE, it is by mutual agreement that the staff of the HRPDC shall also serve as the staff of the HRTPO pursuant to this Memorandum of Understanding.

William D. Sessoms, Jr.
Chairman
Hampton Roads Transportation Planning Organization

Bruce C. Goodson
Chairman
Hampton Roads Planning District Commission

DRAFT

AGENDA NOTE - HRPDC QUARTERLY COMMISSION MEETING

ITEM #8: PROJECT STATUS REPORT

A. Joint Environmental Committees

The Regional Stormwater Management Committee (RSMC) and Hampton Roads Chesapeake Bay Committee (HRCBC) met on July 2, 2009.

The Committee received briefings on the following issues:

- Committee Members – Tree Canopy Legislation Discussions
- HRPDC Staff – Proposal for regional study of bacteria indicators
- HRPDC Staff – Energy Efficiency and Conservation Block Grant Program
- HRPDC Staff – Chesapeake Club media campaign with Department of Conservation and Recreation (DCR)

The Committee also received updates on a number of regional and local program activities.

Based on the June briefing by DCR staff, the Committee understands that the proposed CBPA Phase III process includes an advisory code and ordinance review in addition to a compliance evaluation. DCR staff will present its proposed approach to the Chesapeake Bay Local Assistance Board (CBLAD) at its meeting on June 15, 2009 for approval. If approved, CBLAD will begin the evaluations of local programs in December 2009. A detailed briefing on the CBPA Phase III Program will be provided to the Committee in August.

The Committee continued its review of the proposed DCR Stormwater Management Regulations. The regulations were released for public comment during June 2009. A series of public hearings will be held across the state during late June and July, with the Hampton Roads hearing scheduled for July 9, 2009 in Hampton. Committee recommendations and comments on these regulations are included separately on the Agenda for Commission consideration.

It was agreed that the Regional Stormwater Management Committee and the HRPDC staff will continue to address areas of concern with the bacteria source tracking study and work with the researchers to explore a modified study proposal.

The HRPDC staff continues to work with the RSMC on a number of activities including:

- The draft MS4 Stormwater Permits for the region's six Phase I localities - the cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth and Virginia Beach – remain under development. The Committee and staff continue to work with DCR staff to ensure regional consistency among the

permits and to address continuing concerns over the standards to be achieved through the permits.

- The Phase I localities will hold a special meeting with stormwater legal counsel and DCR staff on July 16, 2009 to discuss recommended modifications to the currently proposed Phase I Permits. The revisions to the permit text, being developed by the region, are designed to address state and federal expectations, while minimizing the risks to the Phase I localities.
- The Phase I localities will meet on July 21, 2009 with staff from DCR and the U.S. Environmental Protection Agency (Region 3) to discuss the region's recommendations on modifying the proposed Phase I Permits. This meeting is also expected to include representatives from Phase I localities in the Richmond and Northern Virginia regions.
- Both the Phase I and Phase II localities have begun the process of developing their annual reports for FY 2008 – 2009. As in past years, the HRPDC staff will be preparing a number of sections for these reports. The Annual Reports for both Phase I and Phase II localities are due in October.

B. Directors of Utilities Committee

The Directors of Utilities Committee met on July 1, 2009. The Committee received briefings on the following:

- HRPDC staff – Urban Area Security Initiative grant process
- Committee members – update on SSO Consent Order and Virginia Coal and Energy Commission study of uranium mining in Virginia
- HRPDC staff – proposed regional bacteria study, annual water and sewer rate data update, Hampton Roads H2O – Help To Others – Program, and the regional water supply plan

The Capacity Team Subcommittee continues to meet weekly. All participants in the Regional SSO Consent Order continue to meet all deadlines under the Order.

The Committee reviewed the Section 308 letters, which had recently been sent by the U.S. Environmental Protection Agency, requesting additional information on the institutional and financial characteristics of the region's wastewater systems. On July 6, 2009, HRPDC staff was advised by EPA that the 308 request has been stayed pending further EPA-HRSD discussions.

The HRPDC staff continues to provide support to localities and DEQ on the web-based Sanitary Sewer Overflow Reporting System.

The HRPDC staff is continuing to facilitate the regional effort to address fats, oils and grease in the sanitary sewer system. At press time, HRSD and several localities have approved the Memorandum of Agreement, approved by the HRPDC in November, on enforcement of the fats, oils and grease program. It remains under consideration by the other participating localities.

The HRPDC staff and Committee members continue to address issues associated with the State Corporation Commission interpretations of state regulations dealing with the marking of sewer laterals on private property.

The Directors of Utilities Committees determined that it would not participate in funding the proposed regional bacteria source tracking study.

The HRPDC staff reviewed the analysis of two recent groundwater mitigation claims.

The Committee began discussions of the Groundwater Mitigation Program Memorandum of Agreement, which is scheduled for renewal in December 2009. The Committee will reevaluate the provisions of the MOA and develop appropriate revisions, if warranted. The HRPDC staff expects to brief the Commission on the renewal of the MOA in October.

The HRPDC staff briefed the Committee on the Notices of Intended Regulatory Action, issued by DEQ on July 6, 2009, to amend the state's Groundwater Management Regulations. The proposed amendments would expand the Eastern Virginia Groundwater Management Area and potentially make a number of changes to the withdrawal permit process. A public hearing will be held in James City County on August 13, 2009. The HRPDC staff and Committee will develop recommendations on these regulations for submittal to DEQ.

The HRPDC staff is continuing to work with the localities in developing the regional water supply plan. Plan development has been delayed by the recent court decision and associated developments impacting the Proposed King William Reservoir. The additional time is required to properly evaluate the impact of this decision on the region.

C. Energy Efficiency and Conservation Block Grant Program

The Regional Energy Efficiency and Conservation Block Grant (EECBG) working group, which is being facilitated by the HRPDC staff, has been meeting regularly for several months to coordinate information-sharing and applications for U.S. Department of Energy funding for energy efficiency and conservation programs. This program is being funded for FY 2009 through the federal stimulus funding. Part of the application requires localities to describe how they are coordinating their activities with neighboring localities. To this end those entitlement communities in the region have met to discuss project ideas, information about the application process, and ideas for regional projects.

The group met on July 2nd at HRPDC to continue discussions of each locality's list of projects to be funded by the grant as well as the proposed regional carbon inventory. Representatives from Hampton, Newport News, Virginia Beach, Chesapeake, and Norfolk described what projects each city had included in their application for funding. These projects range from building energy retrofits to light

replacements to developing energy assessment checklists. HRPDC staff will be collecting information from each locality on their projects to help share best practices and ideas across the region.

The group also discussed the status of a potential regional project to conduct a regional carbon inventory. The entitlement communities decided as a group to support using some EECBG funding for a regional carbon inventory, with several communities dedicating a small percentage of their entitlement funds to the project. Information on carbon footprint assessments was requested from ICLEI-Local Governments for Sustainability and from ODU's Sustainable Development Institute; both institutions responded with information on the breadth and costs of such studies. The group discussed the information received so far and decided to seek more information from both organizations.

In addition, the group discussed including representatives from the Virginia Department of Mines, Minerals, and Energy (DMME) in their discussions to promote cooperation and coordination with the Commonwealth and looking at regional energy conservation strategies and energy goals. DMME is expected to release the process for the competitive grants in the near future, and at that point the working group will seek more active participation from the region's non-entitlement communities.

D. Emergency Management Update

The Emergency Management (EM) staff continues to foster the First Responder Authentication Credential (FRAC) pilot program in Hampton Roads initiated and lead by the Governor's Office of Commonwealth Preparedness (OCP) through State Homeland Security Grant funds. The FRAC initiative is serving as a model credentialing program for other regions to enhance cooperation between federal, state, local, private and volunteer sector Emergency Responders before and during a critical incident. As the operational component of this initiative, the Hampton Roads Credentialing Committee has been working through many components of this program to include selection of personnel to be utilized as part of this process, where to put the issuance stations, and how to maintain the program. The issuance of FRACs is anticipated to start in August 2009 upon approval of the contract with the service providers for the FRAC cards and issuance stations.

The EM Staff has facilitated a new subtask, under the FY05 Port Security contract with ZelTech, on behalf of the Hampton Roads Interoperability Communications Advisory Committee (HRICAC) to develop a bid specification for the follow-on maintenance of the Hampton Roads Tactical Regional Area Network (HRTacRAN) and to assist with the procurement of those services. ZelTech contracted with Engineering Associates, Inc (with the HRICAC's approval) to perform this technical task. Engineering Associates, Inc. performs its work in coordination with representative members of the HRICAC.

The Regional Catastrophic Planning Team (RCPT) for the Regional Catastrophic Planning Grant Program (RCPGP), established in Hampton Roads by the Department of Homeland Security in 2008, selected consultants to begin working on the project. The initial kick-off meeting with the consultants and RCPT was held in June. The HRPDC staff will continue its support of the grant to the Regional Catastrophic Planning Team for the three projects to ensure existing projects and data are integrated. The three projects include (1) Mass Evacuation and Transportation Planning; (2) Mass Care and Shelter Planning; and (3) Commodities and Resource Management.

On May 15, 2009 a request for proposals (RFP) for a Multi-Region Target Capabilities Assessment was publicly announced. The announcement appeared on the HRPDC website, Virginian Pilot, Daily Press, Richmond Times, and the minority newspaper the New Journal and Guide. The RFP was open for 26 days and by the June 10, 2009 deadline seven proposals had been received. All proposals received met the eligibility requirements specified in the RFP. A multi-region selection committee consisting of representatives from both the Hampton Roads and Central Virginia regions conducted an initial review of proposals on June 19, 2009. The initial proposal review meeting included a discussion of all received proposals including the strengths and weaknesses of each. At the consensus of the selection committee the top three proposers were invited to a final selection interview. The final selection interview will be conducted on July 9, 2009. Based on the outcome of this meeting the HRPDC will enter into negotiations with the selection committee's top choice. If a mutually agreeable contract cannot be established with the top choice, negotiations will begin with the second choice. It is anticipated that work on the project will begin in August.

The Department of Homeland Security (DHS) has released initial Fiscal Year 2009 Homeland Security Grant Program (HSGP) allocations. Under the HSGP umbrella, is the Urban Area Security Initiative (UASI) Grant program which provides financial assistance to address the unique multidiscipline planning, operations, equipment, training, and exercise needs of high-threat, high-density Urban Areas, and to assist them in building and sustaining capabilities to prevent, protect against, respond to, and recover from threats or acts of terrorism. DHS allocated \$798,631,250 for fiscal year 2009 for which 62 urban areas (7 tier I, 55 Tier II) could apply. New to the fiscal year 2009 application process were target allocations, in which DHS made an initial division of funds based on relative risk assessments. Subsequently, when determining the final allocation, DHS reserved the right to increase or decrease the targeted UASI allocations by up to ten percent based on the results of the effectiveness analysis. The target allocation for Hampton Roads was \$7,372,000. Since urban areas were encouraged to apply for ten percent above their target allocation, Hampton Roads submitted an investment justification package totaling \$8,109,200. Based on risk, vulnerability, and consequence formulas used by DHS and a nationwide peer review process, Hampton Roads has received a final allocation of \$7,372,100, which is an increase of \$100 from the target allocation. This result was typical of most UASIs nationwide. Only two UASIs throughout the nation received ten percent more than their target allocation.

AGENDA NOTE - HRPDC QUARTERLY COMMISSION MEETING

ITEM #9: FOR YOUR INFORMATION

A. Newspaper Article on Regionalism

Attached is an article on regionalism from the Richmond Times-Dispatch.

Attachment

B. Cancellation of August 2009 HRPDC Executive Committee Meeting

After consultation between the Chairman and the Executive Director, it has been determined that the HRPDC Executive Committee Meeting, scheduled for August 19, 2009 will be canceled. This will accommodate traditional local government vacation schedules. The next meeting of the HRPDC Executive Committee is scheduled for September 16, 2009.

C. Items of general interest are also attached for your information.

Attachments

Richmond Times-Dispatch

OPINION: | [Editorials](#) | [Letters](#) | [Commentary](#)

Monday, June 29, 2009 |

[Mechanicsville, VA](#) 81° Feels Like: 81° Partly Cloudy

It's For Time Localities to Stop Acting Like Nation-States

Text size: [small](#) | [medium](#) | [large](#)

JOHN MOESER TIMES-DISPATCH COLUMNIST

Published: June 28, 2009

What will it take for cities and suburban counties in the Commonwealth of Virginia to make common cause, put aside their differences and petty jealousies, and work together to resolve major issues?

The answer won't be found in another study. In the space of 10 years, we've had seven studies of one kind or another by some state-level urban task force or special commission. The result? Cities still face the same problems. So do the fast-growing counties. State laws and regulations continue to strip both types of localities of any flexibility in resolving many of their problems.

Our efforts at regionalism have failed to address the huge challenges facing Virginia's metropolitan areas.

Oh, sure, we can point to a host of bi-lateral and multi-lateral agreements between cities and suburbs. But do they really make a difference in the quality of life in our regions? Do they pump life into areas bereft of life, provide equal educational opportunities for children of all backgrounds, and restore human dignity among those living on the margins?

To make matters worse, localities must contend with the worst recession in 70 years. Even before the meltdown, it made little sense for each city and county to operate as if it were a separate nation-state. It makes less sense now!

Why, for example, does each school district buy its own fleet of school buses when the combined school districts of metropolitan Richmond could place a single order and reduce the unit cost? Why can't state government, which is constitutionally responsible for all local government, demand a similar change in intergovernmental relationships as the national government is demanding of our financial markets and automobile industry?

If the state won't do it, then the task falls to the local governments themselves. But herein lies the problem.

Attachment 9A

The status quo has built up enormous inertia over the decades, particularly since the early 1950s when cars, highways, the Federal Housing Administration, and public housing tore our cities asunder, splitting wealth from poverty, black from white, public school from private school, and job demand from labor supply.

Virginia's metropolitan areas are beset with localism that jealously guards assets and walls off deficits. This small-scale nationalism blocks any measure deemed controversial. What will it take to get us unstuck?

We need a new and different approach to regionalism, one that can break through the resistance and set us on a new course. Equally important is an approach that stands a reasonable chance of being launched and that can produce results in a reasonable amount of time.

I propose a new way, one based on the assumption that localities are largely on their own and will not get assistance from higher levels of government. This new way, however, is based on three important factors: What we know, what we have, and what will work.

First, we know that coalitions are more powerful than single parties. Cities and suburban counties must make common cause.

In the Richmond area, for example, there are now more people in poverty who reside in the suburbs than in the city. Problems long associated with the inner city are spilling over into the first-ring suburbs. Segregated schools exist in both the county and the city. Disparities abound within each of the regional localities. Some areas are overwhelmed by growth. Others are starved for it.

Second, this new way is based on what we already have: regional planning districts. Though risk-averse and captive to local self-interest, they constitute the only general assembly of regional localities and, for that reason, we need them. We also need them because their membership is composed largely of elected officials who possess legislative power not available to citizens.

Third, this new way is based on what will work. Whenever citizens press for change, they often prevail. The old maxim is true: When the people lead, the leaders will follow.

To enlist and organize citizens will require regional planning districts to draw on all sectors of the community: the business community for sure -- but all dimensions of the business community, not just large enterprises, but also small businesses, merchants, those in the trades, consumer services, and small-scale manufacturing.

Another key player is the nonprofit community. The people that nonprofit organizations serve, the people they employ, and the thousands of people who volunteer constitute a veritable army that can be mobilized. The religious community, civic associations, political organizations (partisan and non-partisan), the educational community -- every sector of the region needs to be included. Together, they can enlist a rich mix citizens from every locality and of every race, class, and national origin.

A good model for this process is the one used in the development of Richmond's Downtown Master Plan. Citizens were invited to participate in a series of planning charrettes. At least 800 people participated in at least one of these meetings.

The kick-off meeting was electric. The room was packed with citizens and community leaders. Excitement filled the air. The meeting began with a vision of what the downtown could look like.

Just as the Downtown Master Plan began with a concept -- namely, a pedestrian friendly, green, mixed-use, tight-grid community oriented around public life -- a meeting to kick off a regional planning process should begin with a concept of what constitutes a regional community.

Just as citizens were given free rein to plan a downtown that was inviting and beautiful, citizens need free rein to develop a compelling vision for the region. Regional forums attract citizens who care for the whole: the central city and its suburbs; the city and the surrounding counties.

Citizens drawn to a regional forum tend to be global in thinking and less "nationalistic." They are unifiers, not dividers. They are much more inclined to seek a diverse, inclusive community that welcomes newcomers and transcends race, class, and political boundary.

Citizens can plan, but in Virginia, unlike some states, they are not empowered to make law. This is precisely why elected leaders and citizens need to work together in drafting a vision that culminates in a concrete plan of action and a timetable for its adoption and execution.

None of this -- calling citizens together, developing the plan, and executing it -- will occur without strong leadership, the kind of leadership that breaks through the logjams and refuses to give in to the naysayers.

Two exemplars of bold, imaginative leadership are Robert Schuman and Jean Monet. Neither was a member of a county board of supervisors or city council. They never resided in Virginia; they may never have even visited Virginia. But what they did should give hope to us who yearn for something better for our metropolitan areas.

They provided the foundation for what ultimately became the European Union. The foundation was laid when they persuaded France and Germany, plus four other European nations, to relinquish control of their own coal and steel industries and create the European Coal and Steel Community. What is stunning is when the agreement was made. It was five years after WWII, a war that cost the lives of approximately 72 million people. France lost half a million people, including 83,000 Holocaust deaths. Germany lost 7 and half million, including 160,000 Holocaust deaths. The number of dead in Germany constituted just over 10 percent of its entire population.

Neither man gave in to retribution. It would have been particularly easy for Schuman, since he had been imprisoned by the Gestapo and, were it not for the intervention of one German, would have been sent to the Dachau death camp. He eventually escaped, however, and fought for the French Resistance.

Instead, Schuman and Monet sought to produce an alliance between France and Germany whose purpose was to end war forever between France and Germany. The Treaty of Paris created multi-lateral control by six European nations over their coal and steel industries, the key industries necessary for the manufacture of armaments.

A nation without control over coal and steel would not be able to wage war. It was a brilliant move, born out of desire for peace, human rights, and the protection of fundamental freedoms.

Now if German and France, after such a devastating war, could agree to relinquish control of their coal and steel industries and place them under a multi-national organization, do you think cities and suburbs in Virginia could agree to regionalize affordable housing, develop public transit, preserve open space, and cooperate in land use planning?

In comparison to what Schuman and Monet confronted, developing real regionalism in Virginia is like a walk in the woods.

This column is an abbreviated version of a keynote address given to the May 2009 board meeting of Virginia First Cities, a coalition of the state's 15 core cities. John Moeser is senior fellow in the Bonner Center for Civic Engagement at the University of Richmond and professor emeritus of urban studies and planning at Virginia Commonwealth University. Contact him at jmoeser@richmond.edu.

SOUTHAMPTON COUNTY



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June 25, 2009

Mr. Dwight L. Farmer, Executive Director
Hampton Roads Planning District Commission
The Regional Building
723 Woodlake Drive
Chesapeake, VA 23320

Dear Mr. Farmer:

Please be advised that I have been reappointed by the Board of Supervisors, in their regular session of May 26, to another two (2) year term on the Commission's Executive Committee.

This term will commence on July 1, 2009 and expire June 30, 2011.

Sincerely,

Michael W. Johnson
County Administrator

Attachment 9C

RECEIVED
JUN 29 2009
HRPDC

AGENDA NOTE - HRPDC QUARTERLY COMMISSION MEETING

ITEM #10: OLD/NEW BUSINESS