

**HAMPTON ROADS PLANNING DISTRICT COMMISSION**  
**EXECUTIVE COMMITTEE MEETING – SEPTEMBER 19, 2007**

The Executive Committee Meeting of the Hampton Roads Planning District Commission was called to order at 10:36 a.m. at the Regional Boardroom, 723 Woodlake Drive, Chesapeake, Virginia, with the following in attendance:

**EXECUTIVE COMMITTEE:**

Paul D. Fraim, Chairman (NO)	Douglas L. Smith (PO)
Bruce Goodson, Vice Chairman (JC)	Michael W. Johnson (SH)
James O. McReynolds, Treasurer (YK)	Tyrone Franklin (SY)
Clifton E. Hayes, Jr. (CH)*	Louis R. Jones (VB)
William H. Whitley (GL)	Jackson C. Tuttle II (WM)*
Charles W. Burgess, Jr. (PQ)	

**OTHER COMMISSIONERS:**

Amar Dwarkanath (CH)	Harry E. Diezel (VB)
Ross A. Kearney II (HA)	Robert M. Dyer (VB)
W. Douglas Caskey (IW)	Meyera E. Oberndorf (VB)
Sanford B. Wanner (JC)	James K. Spore (VB)
Kenneth L. Chandler (PO)	Thomas G. Shepperd (YK)

\*Indicates late arrival or early departure.

**OTHERS RECORDED ATTENDING:**

Earl Sorey - Chesapeake; Keith Cannady - Hampton; Neil Morgan, Andy Stein - Newport News; Ron Williams, Jeff Raliski, Brian Pennington - Norfolk; George Brisbin, Brian Swets, Sherri Neil - Portsmouth; Richard Drumwright - WAT; Ivan Rucker - FHWA; Dennis Heuer, Irene Shuman, Eric Stringfield - VDOT; Jayne Whitney - HRT; Ron Hodges - TRAFFIX HRT; Rick Clawson - DRPT; Vince Thomas - FHR; Martha McClees - Virginia Beach Vision; Dana Dickens - Hampton Roads Partnership; Ted Henifin, Joyce Heffington - HRSD; W. Dewey Hurley - Branscome, Inc.; Trilla Ramage, Chuck Cayton - Citizens; Ellis W. James - Sierra Club Observer; Tom Holden - The Virginian-Pilot; Andy Fox, Annette Peagier - WAVY-10; Germaine Fleet - Biggs & Fleet; Staff: Art Collins, Shernita Bethea, John Carlock, Rick Case, Rob Case, Nancy Collins, Dwight Farmer, Kelly Freas, Marla Frye, Greg Grootendorst, Julia Hillegass, Frances Hughey, Jim Hummer, Rob Jacobs, Brett Kerns, Mike Kimbrel, Joe Paulus, Kelli Peterson, Andy Pickard, Camelia Ravanbakht, Joe Turner and Laura Wheeling.

## CONSENT AGENDA

Chairman Fraim asked for additions or corrections to the Minutes of July 18, 2007. There were none.

The Consent Agenda contained the following items:

Approve Minutes of July 18, 2007

Treasurer's Report

Regional Reviews

A. PNRS Items (Initial Review)

FY08-FY10 Performance Partnership Grant (ENV:40)  
(Virginia Department of Environmental Quality)

Baggage Delivery Service (ECD:94)  
(Center for Community Development, Inc. – CCDI)

B. Environmental Impact Assessment/Statement Review

Athletic Building Wrestling Addition, Old Dominion University; Norfolk

Small Hall Addition/Renovation, College of William and Mary; Williamsburg

Floating Barrier Exclusion Device at Norfolk Naval Shipyard, Portsmouth,  
DOD/Navy; Portsmouth

Repair of the Aircraft Parking Apron and Bulkhead at the SP Area, Phase I, at  
Naval Station Norfolk, DOD/Navy; Norfolk

Installation of a Concrete Pier at Owl's Creek Boat Launch Facility at Naval Air  
Station Oceana, DOD/Navy; Virginia Beach

Constellation, NASA; Hampton

Installation of Three Floating Docks at Pier 42, Naval Amphibious Base,  
DOD/Navy; Virginia Beach

Comr. Jones Moved to approve the Consent Agenda; seconded by Vice Chairman Goodson. The Motion Carried.

## HRPDC FY 2007 AUDIT

Chairman Fraim asked Treasurer McReynolds to report on the audit.

Treasurer McReynolds indicated the Personnel and Budget Committee met with Mr. John Britt, the representative of the auditors, Goodman and Company, and found the audit report to fairly represent the HRPDC's financial position. He stated that Mr. Britt was available to answer questions. He then recommended approval of the audit report as submitted.

Treasurer McReynolds Moved to approve the Audit Report; seconded by Comr. Jones. The Motion Carried.

## **APPROVAL RESOLUTION**

Mr. Collins stated that federal guidelines require the Commission to give authorization to the Executive Director to sign for federal grants.

Comr. Smith Moved approval; seconded by Comr. Jones. The Motion Carried.

## **SANITARY SEWER OVERFLOW CONSENT ORDER ISSUE**

Chairman Fraim asked Mr. John Carlock, Deputy Executive Director, Physical Planning, to present the update regarding the Sanitary Sewer Overflow Consent Order issue.

Mr. Carlock stated his last update to the Commission was in May 2007 when the Consent Order package was approved and Mr. Collins was authorized to sign a Memorandum of Agreement with HRSD and the localities to carry the program forward. Since that time, the Consent Order package was approved and executed by all localities and delivered to the Department of Environmental Quality (DEQ) on June 29, 2007, the deadline to begin the public comment process.

During the period from August 6 through September 5, 2007, the package was out for public comment and a very intensive regional effort was put forth to address the comments received during that time. The package was delivered back to DEQ on August 31st. Comments were received by Environmental Protection Agency (EPA) from three citizens and from the HRPDC staff on behalf of the Commission and the other participants. EPA comments were received in July. DEQ's advice was to treat them as public comments. The localities, HRSD and the various players on the team developed responses to the comments cooperatively with assistance from DEQ throughout the process. He noted that staff comments were provided in the agenda packet.

During this time, EPA has become very active in the Consent Order package process, providing substantial comments. The day before the package went out for public comment, EPA provided HRSD with an Administrative Order paralleling what was developed regionally. Since that time, EPA has provided a Section 308 letter to HRSD requesting a great deal of information. With assistance from the localities, HRSD has been working to comply with the request.

Finally a Consent Decree was proposed and delivered and is currently under discussion between HRSD and EPA.

(Comr. Tuttle arrived.)

Two major areas of concern with the Administrative Order include the extensive data request to the localities, which basically requires HRSD to "tattle" on localities who do not comply in a timely fashion. The timing of certain requirements expected of HRSD do not match the state order. The region is working collectively to bring those into conformance.

Mr. Carlock stated he originally planned to present comments that would be made at the State Water Control Board (SWCB) meeting scheduled for September 25th, but DEQ presently has scheduled a brief presentation by DEQ staff with no formal opportunity for the region to provide comments. The staffs from the PDC and the localities, HRSD, the legal team and the capacity team are all expected to be present to answer questions.

If the order is approved on September 25th, it will then be executed by the DEQ Regional Director and will become effective. A substantial amount of work must be done over the coming years. In the early years, the costs could range in the tens of millions to get all the work done and then the bills come due around the year 2011 to actually fix problems and make system improvements. Those will be revealed during the study phase over the next three or four years.

Mr. Carlock summarized that it was September 2005 when EPA and DEQ indicated they wanted the Consent Order in place by October 2007. The region has met that deadline and with the approval by the SWCB, the order will be in place within a week. Over the coming months, it is hoped the PDC and localities will continue supporting the process. Regular status reports will be provided that will require the Commission's consideration to move forward.

Mr. Carlock offered to answer questions.

Comr. Shepperd stated that one slide showed one of the areas of focus was data collection, but it did not specify what the data was or how it would be used.

Mr. Carlock answered that the data would be flow monitoring of the wastewater system and rain fall monitoring. It will be input into a system model that HRSD is in the process of developing. It will help evaluate various fixes and alternatives that will need to be made in the future. Television monitoring of the lines and other evaluations will also be performed to determine the condition of the collection and treatment and the pump stations to make sure there are no issues with those lines.

Comr. Shepperd then asked if the municipalities will have the opportunity to view this information before the report is used. He said he assumed penalties will be tied to this information and the use of this information without the municipalities' knowledge is a concern to him.

Mr. Carlock stated there are two drivers on the collection of the data – HRSD and the localities. The localities will be performing their own system evaluation, either by staff or consultants or a combination thereof. They will be working with the data that has been collected and studies that have been performed. This is not something the state, PDC or HRSD is doing and will dictate a solution. The solution will be developed just like the Order, with the 13 communities and HRSD working together to develop it.

Comr. Shepperd then asked if the millions referred to is for studies or to fix the problem.

Mr. Carlock replied the studies will likely cost in the millions and tens of millions region-wide. If similar regions are examined around the country, their "fixes" have ranged from

\$150 million to \$2 billion. He further stated he did not feel the Hampton Roads region is at the high end based on his knowledge and what the localities, utility directors and public works directors have told him. It will not be known what those costs will be until all the evaluation and modeling is complete.

## **PROJECT STATUS REPORT**

Chairman Fraim asked for questions or comments regarding the Project Status Report. None were noted.

## **FOR YOUR INFORMATION**

**(FYI)**

The Chairman asked for questions or comments regarding the informational items.

He then commented the updated census data was released from the U.S. Census Bureau and the regional information is included in the packet. The City of Norfolk has filed a formal appeal because of the significance in the population undercount for the city.

No questions were noted.

## **HAMPTON ROADS METROPOLITAN PLANNING ORGANIZATION**

**(MPO)**

Chairman Fraim called for a recess of the Hampton Roads Planning District Commission, while the Hampton Roads Metropolitan Planning Organization was called into session.

(Comr. Hayes departed during the meeting of the Metropolitan Planning Organization.)

## **RATIFY MPO ACTIONS**

**(THY:MPO)**

Comr. Smith Moved to ratify the actions of the Hampton Roads Metropolitan Planning Organization; seconded by Mr. Jones. The Motion Carried.

## **CLOSED MEETING – PERSONNEL**

Chairman Fraim requested a motion for a Closed Meeting in accordance with the Virginia Code, Section 2.2-3711.A.1, for the purpose of discussing the Executive Director's performance.

Mr. Jones Moved approval; seconded by Vice Chairman Goodson. A roll-call vote was taken. Yea: Comrs. Goodson, Burgess, Smith, Tuttle, McReynolds, Jones, Johnson, Fraim, Kearney, Caskey, Franklin, Whitley. Comr. Hayes was absent from the vote.

## **(CLOSED MEETING)**

Upon completion of the Closed Meeting, Treasurer McReynolds Moved that the Hampton Roads Planning District Commission's Executive Committee hereby certifies that, to the best of each member's knowledge: (i) that only public business matters lawfully exempted

from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body; seconded by Vice Chairman Goodson. A roll-call vote was taken. Yea: Comrs. Goodson, Burgess, Smith, Tuttle, McReynolds, Jones, Johnson, Fraim, Kearney, Caskey, Franklin, Whitley. Comr. Hayes was absent from the vote.

Chairman Fraim Moved that the Executive Director's salary be increased by 4.4 percent; seconded by Vice Chairman Goodson. The Motion Carried.

Chairman Fraim commented that it is the general consensus that Mr. Collins' performance is held in high regard and there would be future discussions as to how to move forward.

Mr. Collins expressed his appreciation.

### **OLD/NEW BUSINESS**

The Chairman asked for old or new business. None was noted.

### **ADJOURNMENT**

With no further business to come before the Hampton Roads Planning District Commission, the meeting adjourned at 11:45 a.m.

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Arthur L. Collins  
Executive Director/Secretary

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Paul D. Fraim  
Chairman