

**NORTHERN VIRGINIA REGIONAL COMMISSION**

**Minutes of the Commission Meeting Held Thursday, December 8, 2011**

**COMMISSIONERS**

(The names of those members present are highlighted.)

<b>Hon. Sharon Bulova</b>	<b>County of Fairfax</b>
<b>Hon. John C. Cook</b>	<b>County of Fairfax</b>
Hon. Steve DeBenedittis	Town of Herndon
<b>Hon. Barbara A. Favola</b>	<b>County of Arlington</b>
<b>Hon. Jay Fiset</b>	<b>County of Arlington</b>
Hon. Robin Gardner	City of Falls Church
<b>Hon. Penelope A. Gross</b>	<b>County of Fairfax</b>
Hon. Pat Herrity	County of Fairfax
<b>Hon. Catherine Hudgins</b>	<b>County of Fairfax</b>
Hon. Robert W. Lazaro, Jr., <i>NVRC Vice Chairman</i>	Town of Purcellville
Hon. Michael C. May	County of Prince William
<b>Hon. Jeffrey C. McKay</b>	<b>County of Fairfax</b>
Hon. Suhas Naddoni	City of Manassas Park
<b>Hon. Martin E. Nohe, NVRC Chairman</b>	<b>County of Prince William</b>
Hon. Harry J. Parrish II	City of Manassas
<b>Hon. Redella S. Pepper, NVRC Treasurer</b>	<b>City of Alexandria</b>
Hon. Frank J. Principi	County of Prince William
<b>Hon. Kenneth "Ken" Reid</b>	<b>Town of Leesburg</b>
<b>Hon. M. Jane Seeman</b>	<b>Town of Vienna</b>
<b>Hon. R. Scott Silverthorne</b>	<b>City of Fairfax</b>
Hon. Paul C. Smedberg	City of Alexandria
Hon. Linda Smyth	County of Fairfax
Hon. Nancy West	Town of Dumfries
Hon. Scott K. York	County of Loudoun

**STAFF PRESENT**

G. Mark Gibb	<i>Executive Director</i>
Linda M. Tenney	<i>Deputy Director</i>
Linda Summerall	<i>Executive Secretary</i>
Normand Goulet	<i>Sr. Environmental Planner</i>
Michelle Simmons	<i>Director, Human Services</i>
Peggy Tadej	<i>No. Va. Regional BRAC Coordinator</i>
Aimee Vosper	<i>Director, Environmental &amp; Planning Services</i>

**OTHERS PRESENT**

Randy Bartlet	<i>Fairfax County staff</i>
Bruce Bennett	<i>Hunter Mill Defense League/Hunter Mill Rd. Traffic Calming Cmte.</i>
Kate Boyle	<i>Fairfax County staff</i>
Rich Brawley	<i>GKY &amp; Associates, Inc.</i>
Sue Rowland	<i>NVRC Legislative Liaison; SR Consulting, Inc.</i>

CALL TO ORDER      Chairman Nohe called the meeting to order at 7:37 p.m.

PLEDGE OF ALLEGIANCE      The Pledge of Allegiance was recited by all present.

ROLL CALL      The roll was called and all members present or absent were noted for the record.

APPROVAL OF MINUTES      Commissioner Seeman moved approval of the minutes of the October 27, 2011, Commission meeting. The motion was seconded and unanimously carried.

CHESAPEAKE BAY  
PHASE 2 WATERSHED

IMPLEMENTATION  
PLAN

Chairman Nohe welcomed Normand Goulet, Sr. Environmental Planner with NVRC.

*Normand Goulet*

Mr. Goulet noted that the local jurisdictions' staffs requested that the Commissioners be briefed on the Chesapeake Bay TMDL Phase II WIP and DCR's request for local information.

Mr. Goulet reviewed the timeframe, beginning with the Virginia Dept. of Conservation Resources' (DCR) June 13 letter to the local jurisdictions, EPA's October 13 letter to the Virginia Secretary of Natural Resources, and DCR's November 9 letter to the local jurisdictions, with the result being a shift in focus from meeting local reduction "goals" to WIP Phase I levels of effort. DCR's November 9 letter meant the Commonwealth will not be submitting information to EPA at the local government scale. DCR wants the BMP numbers from the local governments so it can create EPA scenarios at an undefined larger scale. If localities do not submit information DCR will define WIP locality obligations for them.

Localities have a submittal deadline of February 1, 2012. The overriding concern is maintaining separation between MS4 permits and WIP II submittal. There are three strategies for response: do nothing submittal, independent submittal, or regional/local submittal:

Do Nothing Submittal – potential risks

- seen as impediment to Bay cleanup/TMDL by all parties: EPA, state, the public
- DCR defines local government action
- increased regulatory emphasis on wastewater and MS4 permits

Independent Submittal – potential risks

- perception of submittal is local government commitment to actions
- local government submittal tied directly to local government MS4 permit

Regional/Local Submittal

- localities submit to NVRC locality-desired BMP implementation efforts
  - \* NVRC aggregates numeric effort into Regional tables that will be appended to locality reports
    - aggregation = anonymity
  - \* localities submit individual plans to DCR that focus on narrative strategies to implement effort

Recommended Levels of BMP Implementation

- projects supported by existing funding
- projects that can realistically be funded in the next 15 years
- or -
- Phase I WIP: BMP Implementation Increases (5%, 35%, 60%) at Level 2 Reductions for next three MS4 permit cycles.

Benefits of Regional/Local Submittal

- maintains as much separation as possible between WIP II submittal and MS4 permit
- seen as being responsive to state's requests
- provides DCR with information for EPA
- potentially provides citizenry with context of effort

What should localities submit?

- 1) local current BMP inventory
- 2) local land use/land cover data
- 3) NVRC aggregated locality preferred BMP scenario (appended)
- 4) narrative strategies following DCR-provided template
- 5) local resource needs

*questions & answers* Commissioner Cook expressed concern that if a regional approach is taken, the localities that are doing more than others would not receive credit. Mr. Goulet replied that at some point in time, EPA will get the localities to that point, and to get to that point it will use the MS4 permits; the TMDL and MS4 permit will be completely inter-related: that is where the implementation will occur. The current effort is simply to try to respond to the state's request for information. Mr. Goulet confirmed for Commissioner Cook that the compiling of information is to respond to the February 1 deadline. He explained that the state will submit the complied local information to EPA to update the model. Mr. Goulet said he believes EPA will find that the state and localities will come up short.

Responding to Commissioner Favola, Mr. Goulet said progress for the model is difficult to measure for the urban areas because reporting mechanisms do not exist between local government and the state. Progress in terms of meeting water quality goals will be water quality monitoring. Currently, EPA wants all BMP implementation to occur by 2025. Commissioner Favola said this seems to be the best approach at this time.

Commissioner Reid asked if the list of what the localities should submit is Mr. Goulet's interpretation of the requirements. Mr. Goulet said they are the five deliverables requested by DCR. It is up to the individual jurisdiction to decide what level of BMP implementation it is comfortable reporting through NVRC; then it will be aggregated and the individual jurisdiction tags go away – it provides anonymity.

Commissioner Gross commended Mr. Goulet for his excellent presentation and asked who received DCR's November 9 letter as she has not seen it. Mr. Goulet replied it was sent to both the chief elected official and the chief administrative officer. The letter was not sent to the towns since the state expects the towns to work with their counties. Commissioner Gross asked Mr. Goulet to give this presentation to the Potomac Watershed Roundtable next month.

Commissioner Reid asked when the numbers will be entered into the system. Mr. Goulet explained that board/council endorsement is being sought first, but the submittal date is February 1, 2012.

Mr. Gibb distributed Resolution No. P12-16, endorsing the dual regional/local approach for data submission and for NVRC staff to work with local jurisdiction staff on a regional approach. He stated this will also give some direction to local staff. Commissioner Gross moved adoption of Resolution No. P12-16. The motion was seconded.

Mr. Goulet confirmed for Commissioner Favola that all the planning district commissions are involved in TMDL development, adding that NVRC is in a unique situation, as he chairs an EPA subcommittee and sits on the state's stakeholder advisory group which provides him a level of access that only a handful of local jurisdiction staff have. He added that the Hampton Roads and Richmond PDCs are taking the regional approach.

Commissioner Reid explained that since Loudoun County has not yet decided its approach he feels he must abstain. It was pointed out that the resolution does not bind the jurisdictions to the regional approach.

Resolution No. P12-16 carried with Commissioner Reid abstaining.

CONSENT AGENDA Commissioner Gross moved approval of the Consent Agenda, consisting of the items outlined below. The motion was seconded and carried unanimously.

- A. Financial Reports for July 2011
- B. Letter in Support of the Virginia National Defense Industrial Authority (VNDIA)

EXECUTIVE  
DIRECTOR'S  
REPORT

Mr. Gibb distributed a copy of his report on:

- NVRC hosted Korean delegation  
discussion included regional government in U.S., budget and personnel issues, and how programs are funded
- NVRC Hosts District Energy Workshop  
December 14 at the Urban Land Institute; MWCOG a co-host
- VML/VACo/VAPDC Legislative Day – February 9 at the Richmond Marriott
- Value Price Pilot Program Funded  
under its BRAC program, NVRC awarded this grant for non-toll pricing projects for Dynamic Ridesharing Pilot Program
- Four Mile Run Stream Restoration  
work/meetings underway to find solution to the impasse of approving restoration plans for tidal portion of Four Mile Run
- Virginia Outdoors Plan Update  
two public meetings in Northern Virginia on January 25, 2012, with a draft plan scheduled for release in summer 2012 and the final plan released in spring 2013
- Commuter Ferry Update  
awaiting receipt of committed funds in order to release Request For Proposals

Mr. Gibb reported that staff's work with George Mason University and NVCC on workforce preparedness shows thousands of jobs in the region are unfilled due to lack of skills. The Commission will receive a presentation this winter.

CHAIRMAN'S  
REPORT

Chairman Nohe commented that most members are aware that Dumfries Mayor Fred Yohey, a former member of the Commission, passed away last month. Nancy West, the town's Vice Mayor and a member of the Commission, has been chosen as Interim Mayor.

The Chairman and Mr. Gibb are happy to come before the boards and councils to discuss NVRC and recruit new Commissioners, in light of last month's election results.

Chairman Nohe congratulated Commissioners Reid and Favola on successful campaigns and elections to the Loudoun County Board of Supervisors and Virginia Senate, respectively. He presented Commissioner Favola with a certificate of appreciation for her 13 years on service on the Commission, noting she had served successive terms as Treasurer, Vice Chairman and Chairman.

PRELIMINARY  
FY 2013 BUDGET

Commissioner Pepper, Chairman of the Operations Committee, reported the committee met last month to consider revised dues proposal and energy program assessment. A modest increase in the per capita dues rate is recommended, and it still leaves NVRC with the lowest per capita dues rate of all the planning district commissions.

Mr. Gibb pointed out the Commission discussed the budget at its October meeting, and this is the first proposed increase in the per capita dues rate in six years. The energy strategy participation is voluntary. It saves the jurisdictions money. The energy assessment funds will leverage over \$1 million for the region. Mr. Gibb added that these efforts are needed since the state has targeted Northern Virginia for funding cuts. Replying to Commissioner

Favola, Mr. Gibb said he and Chairman Nohe have spoken with the administration and members of the Northern Virginia Delegation about state funding for NVRC.

Commissioner Cook expressed concern that this is a ten percent increase for Fairfax County, and the county executive's proposed budget is increased by only 2.8 percent, so funding NVRC would result in cuts to other programs.

Chairman Nohe explained Prince William County has a "maintenance of effort" budget but he plans to support NVRC's dues request with his county executive.

Commissioner Pepper moved approval of Resolution No. P12-16 as amended to "...that *anticipates* member contributions..." The motion was seconded. Responding to Commissioner Fisette's inquiry, Ms. Tenney explained that other three programs with separate dues assessments are not voluntary, only the regional energy strategy is voluntary. The motion carried with Commissioners Cook and Reid opposed.

## LEGISLATIVE REPORT

Commissioner Gross, Chairman of the Legislative Committee, reported the committee met immediately prior to the Commission meeting and amended the proposed legislative platform. An updated platform was distributed.

Commissioner Bulova asked why there is no position on eminent domain. Ms. Rowland explained it is so particular to each jurisdiction and perhaps not appropriate for the planning district commissions. Commissioner Bulova disagreed, noting the Chesapeake Bay and environmental programs could be affected by eminent domain. Commissioner McKay voiced his support for a position on eminent domain. Commissioner Fisette stated it is a huge encumbrance to local government. Commissioner Hudgins asked if the Commission gains by including it, as VML and VACo will address it in their platforms. Commissioner Bulova countered that being silent can speak volumes.

Commissioner Cook explained he supports road devolution so he will have to vote against the platform. A discussion on devolution ensued.

Chairman Nohe said the platform as written would be voted upon, then additional positions would be considered and voted upon individually.

Commissioner Gross moved adoption of Resolution No. P12-15. The motion was seconded. Commissioner Fisette offered a modification to the position on Transportation Policy and Funding. Commissioner Gross accepted Mr. Fisette's amendment as a friendly one. The motion carried with Commissioners Reid and Cook opposed.

The question of including eminent domain was addressed, with the Commissioners agreeing that Ms. Rowland should model NVRC's position using the VACo and Fairfax County language. It was agreed this would be a priority position. Commissioner Bulova moved, it was seconded and carried with Chairman Nohe opposed.

Commissioner Fisette asked about including a position on ensuring collection of hotel room taxes from the online travel industry, which almost passed last year. Ms. Rowland read NVRC's 2011 position. Commissioner Fisette said he understands a coalition of jurisdictions and organizations is working for this issue. Commissioner Gross suggested the Executive Committee be tasked with reviewing this particular item for adoption. Commissioner Fisette moved that this item be added as a position statement. The motion was seconded and carried unanimously.

Commissioner Gross reported that the Virginia Litter Control and Recycling Fund Advisory Board was recommended for elimination. The local jurisdictions receive between \$1-2 million from the taxes and fees paid by the wholesalers. The request is that the Commission oppose elimination of this board.

Ms. Rowland added that the Legislative Committee agreed the bills should be studied when they are released and then the Executive Committee meet shortly after the start of the General Assembly (January 11) to take a position.

Commissioner Favola asked that the Commission be aware that Virginia's dues for 2011 for the interstate compact for the Potomac River Basin were not paid nor is it likely they will be paid for 2012. She went on to say the compact deals with water quality and water supply issues; it is important for the greater metropolitan region.

It was moved, seconded and carried unanimously that the Executive Committee be authorized to meet next month if necessary.

**OTHER BUSINESS** Commissioner Cook reported that under a U.S. Justice Dept. settlement, the state is selling the training center for the disabled that is in his district: should Fairfax County try to buy the property (roughly 80 acres) when it is put up for sale? Perhaps it could be a regional property, like Birmingham Green, to serve this population. The Commissioners agreed this is an intriguing idea and worth discussing in the future.

**ADJOURNMENT** There being no further business, Chairman Nohe adjourned the meeting at 9:30 p.m.

Respectfully submitted:

G. Mark Gibb  
Executive Director

Approved by:

Martin E. Nohe  
Chairman