Hampton Roads Planning District Commission
Quarterly Commission Meeting
Summary Minutes of July 21, 2016

The Quarterly Commission Meeting of the Hampton Roads Planning District Commission was called to order by the Chairman at 9:30 a.m. in the Regional Boardroom, 723 Woodlake Drive, Chesapeake, Virginia, with the following in attendance:

Commissioners:

Dr. Ella P. Ward, Chair (CH)
Michael Hipple, Vice Chair (JC)
Marcus Jones, Treasurer (NO)
Debbie Ritter (CH)
Barry Cheatham (FR)
Randy Martin (FR)
Phillip Bazzani (GL)
J. Brent Fedors* (GL)
Donnie Tuck (HA)
James Gray (HA)
Sanford B. Wanner (IW)
Rex Alphin (IW)
Bryan Hill (JC)
McKinley Price (NN)
Saundra Cherry (NN)
Kenneth Alexander (NO)
Mamie B. Johnson (NO)
Andria McClellan (NO)
Lydia Pettis Patton (PO)
Kenneth Wright (PO)
Michael Johnson (SH)
Barry Porter (SH)
Peter Stephenson (SM)
Patrick Roberts (SU)
John Seward (SY)
Louis R. Jones (VB)
Amelia Ross-Hammond (VB)
Dave Hansen (VB)
Barbara Henley (VB)
Robert Dyer (VB)
Neil Morgan (YK)
Thomas Shepperd (YK)

Executive Director:

Robert A. Crum, Jr.

*Late arrival or early departure.

Others Recorded Attending:

Wanda Barnard-Bailey (CH); Brian DeProfio, (HA); Ron Williams (NO); Alan Archer, Bryan Stilley, Garrett Morgan, Jerri Wilson (NN); Bob Baldwin, Jeffrey Crimer (PO); Kyle Cherry, Dannan O'Connell (PQ); Leroy Bennett (SU); Bob Matthias (VB); Cathy Davidson (Albemarle Commission Regional Council of Government); Cathy Aiello (Aiello Enterprises); Jonathan Lantz (Chesapeake City Manager's Office Volunteer); Frank Papcin (CTAC); Michael Lindsey (Mode 5); Ellis James (Sierra Club Observer); Eric Stringfield (VDOT); Citizens: Donna Sayegh; Staff: Randy Keaton, Kelli Arledge, Sam Belfield, Shernita Bethea, Nancy Collins, Katie Cullipher, Rebekah Eastep, Andrea Gayer, Kathlene Grauberger, Greg Grootendorst, Whitney Katchmark, Sara Kidd, Sharon Lawrence, Mike Long, Jai McBride, Ben McFarlane, Camelia Ravanbakht, John Sadler, Joe Turner, Tara Walker, Chris Vaigneur.

HRPDC Chair, Dr. Ella Ward, on behalf of Hampton Roads Planning District Commission (HRPDC), welcomed the newest members to the board: Hampton Mayor Donnie Tuck, Hampton Councilman James Gray, Norfolk Mayor Kenneth Alexander, and Norfolk Councilwoman Andria McClellan.

Approval/Modification of Agenda

Chair Ward requested any modifications or additions to the agenda. Hearing none, Commissioner Barry Cheatham Moved to approve the agenda; seconded by Commissioner Mayor Kenneth Wright. The Motion Carried.

Submitted Public Comments

Chair Ward indicated there were Submitted Public Comments.

Transcribed Public Comments for the June 16, 2016 Meeting

Mr. Robert Crum highlighted the Transcribed Public Comments from the June 16, 2016 Executive Committee Meeting.

Public Comment

Ms. Donna Sayegh conveyed her displeasure with the approved budget amendments for 2016 that established a working relationship between Hampton Roads Planning District Commission and the Department of Housing and Community Development to assist in the home ownership program for the citizens of Portsmouth.

Mr. Ellis James, Norfolk Resident, voiced concerns regarding the buildup of methane gas in the Chesapeake Bay. Additionally, Mr. James expressed his concerns with fracking and the physical impact it has on all communities throughout Hampton Roads.

Acknowledgments

Chair Ward acknowledged Virginia Beach Councilwoman Dr. Amelia Ross-Hammond for her appointment by the Governor to the Transportation District Commission of Hampton Roads.

Executive Director's Report

Mr. Robert Crum, HRPDC/HRTPO Executive Director, announced that President John Broderick of Old Dominion University and President Taylor Reveley of William and Mary will both be attending the board meeting in September to provide an overview of opportunities for collaboration between the region's governments and two of Hampton Road's major higher education institutions. Mr. Crum also reported that the Hampton Roads Planning District Commission and Hampton Roads Transportation Planning Organization are in the process of finalizing a date and time for board members to meet with the Hampton Roads Caucus.

Mr. Crum highlighted a one-page fact sheet placed before each Commissioner that stresses why Hampton Roads should be a UASI region. He reported that the Urban Area Security Initiative provides funds to key metropolitan areas to help with security and anti-terrorism protection investments, and Hampton Roads is not one of the regions in the country receiving federal money through this program.

Commissioner Shepperd stated the region was a part of UASI and for unclear reasons the region is not any longer. Mr. Shepperd also stated that if the Commission is going to approach this issue, there needs to be a clear understanding of why Hampton Roads no longer receives UASI funds in that the military presence in the region is large.

Chair Ward replied that the region did receive UASI funds in the past and were taken off the list. Chair Ward stated that this is a concern in the region, and the Commission would like for the Executive Director to address this issue.

Mr. Crum informed the Commission that the formula used to determine UASI regions had been revised, and he is working with state and federal representatives to get the formula changed. Mr. Crum stated that Hampton Roads has the second highest presence of military employment of any metropolitan region in the country, and is not receiving any federal funding through UASI to protect those assets. Places such as Cleveland, Pittsburgh, Tampa, and Charlotte are all receiving money, so it is important to advance this conversation with federal representatives.

Mr. Crum announced that Hampton Roads Planning District Commission is preparing for its annual audit, and invited board members to address any issues with the auditors. Mr. Crum also introduced Sharon Lawrence to the board and announced her promotion from Receptionist to Administrative Assistant II.

Approval of Consent Items

Mr. Crum highlighted the following items in the Consent Agenda for approval:

A. Meeting Minutes – June 16, 2016 Executive Committee Meeting
B. Transcribed Public Comment – June 16, 2016 Executive Committee
C. Budget Amendments
   - The proposed FY 17 budget presented to the Commission in May included a proposed two-percent performance-based salary adjustment for staff. Based on review of what jurisdictions are doing for their employees, Mr. Crum recommended the Commission consider an amendment to provide staff a 2.5% merit increase.
   - Mr. Crum highlighted the budget amendments to the FY16 and FY17 budgets
D. Groundwater Mitigation Program – Memorandum of Agreement
E. Consultant Services Contracts – ashHRgreen.org Marketing & Media Support
F. Rural Transportation Planning Task

Mr. Crum also recommended that Item 2 under the FY17 amendments related to the Portsmouth Housing Program be pulled from the consent agenda and revisited in September.

Chair Ward called for a motion to approve the Consent Agenda with the exception of Item 2 under the fiscal year 2017 budget amendment; Commissioner Rex Alphin Moved to approve the Consent Agenda with the exception of Item 2; seconded by Commissioner Barry Cheatham. The Motion Carried.

HRPDC Recommended Governance Approach

Mr. Crum presented the Chief Administrator Officers' (CAOs) proposal to the Commission on the governing structure revision to Hampton Roads Planning District Commission. Mr. Crum stated that the Commission has 47 members which include Chief Administrative Officers as well as elected officials from each jurisdiction. The proposal is to change the membership from 47 members to one elected official from each of the 17 jurisdictions. Although there would only be one elected official or representative from each of the 17 jurisdictions, that individual vote would be weighted based on the population and size of the jurisdiction. Mr. Crum stated that each jurisdiction would appoint one voting member and two alternates where the CAO would be the second alternate. Mr. Crum also stated that the Regional CAO Committee would serve as an Advisory Committee to the board. Mr. Crum pointed out that under the current system, all representatives from each jurisdiction have to be present to get the benefit from the weighted voting. Under the new system, one vote from each jurisdiction would count as the same weighted vote.

There are two components that need to be revised: the Bylaws for the Commission and the Charter Agreement. For the Charter Agreement, changes would be sent out to the governing bodies, and the Commission would need two-thirds of the individual jurisdictions to adopt resolutions approving the changes to the Commission's Charter. The items that need to be changed in the Charter are the Commission's membership and voting based on population. Mr. Crum also indicated that the Bylaws do not need to go to each local jurisdiction for approval. The Bylaws can be approved by the Commission.

If the Commission wishes to proceed, the Bylaws and Charter Agreement would be presented in September, and the jurisdictions would be requested to approve the changes by resolution within the months of October, November and December. If two-thirds of the jurisdictions approve the changes, the Commission could implement the new provisions in January or February.

Commissioner Louis Jones stated that Virginia Beach City Council disagrees with the proposed changes and highlighted the importance of having as many people from local government involved in the planning process in Hampton Roads.

Commissioner Wright stated that it is vital that members are engaged with the regional issues the Commission is discussing. If there is not a true line of communication between the representatives present and city council of each jurisdiction it could make a huge difference in how he votes.

Commissioner Shepperd stated that the Commission has to have a quorum in order to do business, and asked if this is the problem that the proposal intends to address. Mr. Crum stated that the question is not the quorum, but how to make the table effective for regional conversation. Commissioner Shepperd indicated that he does not understand how reducing the amount of members involved would make the conversation more effective.

Commissioner Barry Porter stated that Southampton County only has two votes, but one of the votes is carried by a non-elected official. Commissioner Porter asked how does the Commission address the problem of taking non-elected officials away from voting on matters that should be decided by elected officials and not lose the locality's voting strength. Chair Ward stated that with the proposed changes, the votes would still be weighted.

Mr. Crum indicated that under the CAO's proposal, the weighting would not change. However, under Commissioner Porter's proposal, option B would be to remove non-elected officials from the Commission, and appoint a second elected official.

Commissioner Debbie Ritter stated that the Commission only has 60 minutes to address all of the items on the agenda. Some of the Commissioners have to drive long distances which cause them to miss some of the important issues discussed before they arrive. Commissioner Ritter suggested the board examine the structure of the meetings, and how it can be made into something that appointed members are anxious to attend. Additionally, Commissioner Ritter stated that the CAO's proposal might be worth taking a look at.

Commissioner Bryan Hill stated if the board does not like the proposal provided by the CAOs and Mr. Crum, it would be good to give a little bit more feedback so that meetings can be structured better. Mr. Hill suggested that the board have a subcommittee in order to get a better understanding of what the board would like to see and how to move forward on such objectives.

Commissioner Rex Alphin stated that it takes a considerable amount of time to hear everyone's input on agenda items; therefore a smaller group would be more efficient and intense in a more direct manner when addressing agenda items. Additionally, Commissioner Alphin stated that the board would still be engaged in the conversation indirectly as each elected officer would take all information addressed during the meeting back to their locality.

Commissioner McKinley Price suggested that the board get a better understanding of the proposed changes and the reason the CAOs are suggesting such changes. If the purpose is to increase the discussion and have more articulate arguments on issues within the region, then this is something he would suggest the board streamline.

Commissioner Barry Cheatham agreed with the proposed changes, and suggested that the board take a look at the meeting structure and agenda set during a retreat in September. The agenda is often longer than the meeting, and it is difficult to cover all agenda items within the timeframe of each meeting. He suggested making the HRPDC meeting longer one month and the HRTPO longer the following month.

Commissioner Dr. Amelia Ross-Hammond stated roundtable discussions are more productive where people from different cities are able to meet, give their feedback and take back information from the discussion to their locality. This would lessen the amount of time spent trying to give everyone at the table the opportunity to speak.

Commissioner Kenneth Alexander stated that when you have more people involved in the process, especially as it relates to the issues of this region such as transportation, education, environment, security and public safety, the Commission will have a better outcome if there are more perspectives.

Commissioner Wright suggested removing City Managers from the voting structure because there should only be elected officials voting on issues that affect the region.

Commissioner Randy Martin suggested that the meeting should be structured in a way that would allow the input of all Commissioners so members will not feel disenfranchised from the conversation when there is not enough time allocated to discuss regional issues. Commissioner Martin was in favor of creating a more balanced group with different points of view without limiting the involvement of board members.

Mr. Crum thanked Commission Members for their input and indicated that he would discuss this input with the CAO Committee.

HRPDC Housing Program

Shernita Bethea, HRPDC Housing/Human Services Administrator, briefed the Commission on the *Hampton Roads Loan Fund Partnership* (HRLFP) program. HRPDC has been involved in HRLFP since 1996. The program provides down payment and closing cost assistance to first time homebuyers that are at 80% of the area's median income or below in Hampton Roads. The program services James City County, Williamsburg, York County, Gloucester County, Poquoson, Portsmouth, and Western Tidewater. The fund was primarily set up as a regional source from the state Department of Housing and Community Development in order to pass funds from the state down to the region's localities as it relates to furthering homeownership opportunities for low and moderate income families. Localities that are not listed either receive HUD entitlement funds directly through a separate contract or their local housing authority.

Ms. Bethea provided the Commission with examples in order to give the board an idea of the impact home ownership has on clients as well as each individual locality.

Ms. Bethea briefly spoke about the HRPDC partnership with the City of Portsmouth entitled, "Come Home to Portsmouth". The program utilizes the same structure as HRLFP in order to provide the citizens of Portsmouth with the same opportunities for homeownership. The City of Portsmouth has committed $217,000 to 15 homebuyers. The program has completed six loan closings to date, while eleven buyers are in the application process waiting for approval. The program partners with other non-profit organizations such as social services, local churches, etc., in order to promote homeownership within local communities.

Ms. Bethea shared a video that addressed issues of poverty and the affects that it has within communities as it relates to housing. Ms. Bethea stated that it will be difficult to address the housing issues without addressing the issue of poverty within the region.

Commissioner Wright stated that in cities such as Norfolk and Portsmouth where the poverty rate is about 36% to 37% percent, it correlates with kids not learning or doing well in school. Commissioner Wright suggested, as leaders, Commissioners should address all of the issues within the region such as race, poverty, and the stress on kids living in poverty when they don't have adequate housing.

Commissioner Alexander commented that former Norfolk Mayor, Paul Fraim set up a poverty commission for Norfolk, and the recommendations made by the commission could be used as a model to tackle poverty within the region. Commissioner Alexander suggested that the board reflect the model in terms of supporting programs such as early childhood education, opportunities for adults through pathways of credentialing, revitalizing neighborhoods, and engaging in economic inclusive opportunities.

Commissioner Wright suggested that the board take a regional approach and make this conversation an Envision Hampton Roads initiative.

Mr. Crum stated that regional poverty is an important issue, and proposed that the board make this conversation a single agenda item for the annual board meeting in October. The City of Norfolk agreed to lead this discussion at the October meeting by presenting information on the City's poverty commission work.

Executive Director Performance Adjustment

Chair Ward stated the Personnel and Budget Committee recommends the Executive Director be included in the 2.5% performance based adjustment approved for staff. The adjustment is on his base salary only.

Chair Ward Moved to approve the 2.5% performance based adjustment as recommended by the Personnel and Budget Committee; seconded by Commissioner Wright. The Motion Carried.

Old/New Business

There was no old or new business.

Adjournment

With no further business to come before the Hampton Roads Planning District Commission, the meeting adjourned at 10:39 a.m.

Ella P. Ward Chair	Robert A. Crum, Jr. Executive Director

Transcribed Public Comments of the
July 21, 2016 HRPDC Executive Committee Meeting

Donna Sayegh: *A SPEAKER: Good morning. My name is Donna Sigh and I live in Portsmouth. The reason information for the budget amendments for the year 2016 that the Housing Department of the HRPDC has been working with the Housing Department of Portsmouth to assist in their home ownership program. The first activity occurred in June. The HRPDC received $19,364 from the Portsmouth Department of Housing and Community Development grant initiative, to assist in their home ownership program. The remaining $280,634 will be used for the year 2017. Staff recommends approval of the budget amendment for the year 2016. The Declaration of Independence and our constitution insists that the right to rule is actually in the people and, therefore, no person can rightfully rule the people without their consent. Consent of the govern refers to the idea at the government's legitimacy and more right to you its power is only justified and legal when consented to by the people over which that political power is exercised. I do not give my consent to this budget amendment because, one, the people of Portsmouth have a planner for our home program and his name is Jeffrey Primer, he has been doing this work for a long time and done a great job. Two, this information was not brought before the people of Portsmouth to let us know that this transaction was going to be carried out by this commission. Three, Planning District Commissions were intended to encourage and facilitate local government, cooperation in addressing problems and opportunities greater than anyone locality. This is not a problem. This is just a method for Portsmouth to shirk its responsibility to take care of its own people. The Code of Virginia reads in 15.2-4207 that this commission cannot perform functions, operate programs or provide services for a locality if the governing body of that jurisdiction opposes doing so. The people have not given their consent on this, so I do not give my consent to this budget amendment. Thanks for listening.*

Ellis James: *Thank you, Dr. Ward; Members of the Hampton Roads Planning District Commission, my name is Ellis W. James. I reside at 2120 -- I'm sorry, 2021 Kenlake Place in the city of Norfolk. There is a report that's going to be coming out that I wanted to call to the commission's attention. For those of you who did not see it, Tuesday, July the 19th, gas builds up in the bay. This is all about methane gas and there are some disturbing aspects of it that should get our attention. I'm hoping that the commission will appropriately examine this information. Our bay is equivalent to all of the other major estuaries in the world as far as methane gas release is concerned potentially. That's scary. Here we are battling to try to clean up the bay and control methane gas release, and right on our door step and we all know it to one degree or another because it's the algae blooms that hit us especially in the summertime and the extra hot days, like the weeks that we're experiencing right now. There is one other thing that I want to call to your attention. There is also now something that could impact all of the communities once again. Fracking is now being linked to an increase of the asthma rates, and I'm sure I don't need to explain to any of you that this is a real problem for our young people, our children, school children, and our seniors especially. Now, I'm lucky. I'm one of the youngsters on the block so I don't have to worry about it so much, but I do worry about it from the standpoint of what the impact is on all of*

our communities. So I hope the communities will take a close look at this, be aware of it. I'm not asking you to accept what Ellis James says carte blanche, but I would like for you to at least examine it. It would not take more than 30 minutes to get a feel about whether the data is good, bad, or indifferent, and it is something that is of major concern to all of our communities in the Hampton Roads Planning District Commission. Madam Chair, thank you very much.

MEMORANDUM OF AGREEMENT
HAMPTON ROADS H2O - HELP TO OTHERS – PROGRAM ADMINISTRATION

This Memorandum of Agreement ("Agreement"), entered into this ____ day of _____ 2016, among and between HRPDC, Hampton Roads H2O – Help to Others - Board of Directors, and HRSD (collectively, the "parties") establishes and maintains the Hampton Roads H2O - Help to Others - Program.

WHEREAS, Section 15.2-4200 of the Code of Virginia enables local governments to establish Planning District Commissions; and

WHEREAS, localities in the Hampton Roads region have requested the Hampton Roads Planning District Commission to administer and coordinate a regional program to provide financial aid to families or individuals in danger of losing residential water service; and

WHEREAS, the Hampton Roads H2O – Help to Others – Program has been established to administer and coordinate a regional program to provide financial aid to families or individuals in danger of losing residential water service; and

WHEREAS, the Articles of Incorporation have been approved by the Hampton Roads Planning District Commission (HRPDC), Hampton Roads Directors of Utilities Committee (HRDUC), Hampton Roads Sanitation District (HRSD), sixteen participating localities, and the Virginia State Corporation Commission; and

WHEREAS, the Bylaws of the Hampton Roads H2O – Help to Others - Program have been approved by the HRPDC, HRDUC, and sixteen participating localities; and

WHEREAS, the incorporation of the Hampton Roads H2O – Help to Others - Program established a Board of Directors to manage the affairs of the corporation, designated HRPDC as the coordinating agency, and HRSD as the fiscal agent; and

WHEREAS, the incorporation of the Hampton Roads H2O – Help to Others – Program established administrative procedures by which to carry out the Program; and

WHEREAS, the parties desire to memorialize their understanding and delineate their respective responsibilities with regard to the Hampton Roads H20 Help to Others Program in accordance with this Agreement; and

WHEREAS, on August 4, 2010, the signatory parties entered into the Agreement Establishing the Hampton Roads H2O – Help to Others – Program;

NOW THEREFORE, the signatory parties enter into the following Agreement.

BASIC PREMISES

The purpose of the Hampton Roads H2O – Help to Others - Program is to solicit community contributions, which are used to provide one time per year financial aid to families or individuals in danger of losing residential water service due to a non-payment of a water or related utilities bill due to a family crisis.

H2O – HELP TO OTHERS – BOARD OF DIRECTORS RESPONSIBILITIES

Under the terms of this Agreement, the H2O – Help to Others - Board of Directors is responsible for the following:

- Program management in accordance with the Articles of Incorporation, Bylaws and administrative procedures
- Evaluate program operation and effectiveness
- Modify program operations and administration when necessary
- Approve annual program administrative budget
- Approve addition of new localities to the program
- If not otherwise specified, meet on the first Wednesday in October of each year

HRPDC RESPONSIBILITIES

Under the terms of this Agreement, HRPDC is responsible for the following:

- Provide administrative staff support to the Hampton Roads H2O – Help to Others – Board of Directors
- Act as coordinating agency
- Design and write public information materials
- Print media material and donation collection envelopes
- Maintain H2O – Help to Others – Program website, including development of content
- Respond to questions and inquiries from the H2O – Help to Others - Program website

HRSD RESPONSIBILITIES

Under the terms of this Agreement, HRSD is responsible for the following:

- Serve as central accounting and collection agency for donations to the H2O – Help to Others - Program
- Distribute funds from regional pool to the water or related utility to pay the individual's/family's bill
- Provide tax exempt receipt for donations over $250
- Provide bi-annual reporting of available funds for each utility
- Maintain database of distributed vouchers

METHOD OF FINANCING

Administrative costs are paid for by the water utilities, HRSD and HRPDC.

The Hampton Roads Directors of Utilities Committee approves media budget and staff time as part of the annual water program.

Participating municipal water utilities and HRSD must coordinate fundraising efforts to coincide with each other.

The amount of available financial aid for families or individuals in danger of losing residential water service is based on donation funding.

AVAILABILITY OF FUNDS

Performance by the HRPDC of its responsibilities under this Agreement is subject to the availability of funding from the signatory local governments. Failure of the local governments to provide the necessary funding to support these activities will constitute a Notice to Modify or Terminate the Agreement.

Donations will not be used for administrative staff support.

MODIFICATION

All proposed modifications of this Memorandum of Agreement must be submitted in writing, recommended for approval by the H2O – Help to Others – Board of Directors, reviewed by the Hampton Roads Directors of Utilities Committee, and recommended for approval of the Directors of Utilities Committee to HRPDC, and accepted by all signatories. This Agreement shall not be modified without the prior written consent of the parties, and such consent shall be evidenced by a written instrument signed by the parties' authorized representatives.

DURATION AND TERMINATION

This Agreement will have a term of five years. To conform to local government charter and Virginia Code requirements, the funding provisions of this Agreement will be subject to annual appropriations.

OWNERSHIP OF PROPERTY

It is not the intent of the signatories that the Memorandum of Agreement will result in the purchase, ownership, leasing, holding, or conveying of any real property.

INDEMNITY

It is the intent of the signatories that no signatory will be held liable for any damage or associated penalties caused by or associated with the failure of any other signatory to discharge its duties or to exercise due diligence in discharging its duties under this Agreement, and that no signatory, by entering this Agreement, waives any defenses or immunities available to it at law, including, but not limited to, those set forth in Section 15.2-970 of the Code of Virginia.

List of Signatories

Signature pages will be signed in counterparts.

HAMPTON ROADS PLANNING DISTRICT COMMISSION

HAMPTON ROADS SANITATION DISTRICT

H2O – HELP TO OTHERS – BOARD OF DIRECTORS