

April 1, 2021

Memorandum #2021-55

TO: Hampton Roads Chief Administrative Officers

BY: Mary Bunting, Chair

RE: Hampton Roads Chief Administrative Officers Meeting – April 7, 2021

A meeting of the Hampton Roads Chief Administrative Officers is scheduled for Wednesday, April 7, 2021 beginning at 11:30 AM. The agenda and related materials are attached.

Pursuant to the declared state of emergency in the Commonwealth of Virginia in response to the COVID-19 pandemic and to protect the public health and safety of the Committee members, staff, and the general public, the CAO Committee meeting will be held electronically via Zoom. Participants may join the meeting as follows:

Join Zoom Meeting:

<https://us02web.zoom.us/j/82017254832?pwd=dUpvSTZhd2djWU51SDI4eXR0MkIqUT09>

-or-

Join by Phone: 1-301-715-8592

Meeting ID: 820 1725 4832

Passcode: 085483

RAC/ka

Attachments

Chief Administrative Officers:

Mary Bunting, HA
Patrick Duhaney, VB
Brent Fedors, GL
Chip Filer, NO
Amanda Jarratt, FR
Michael Johnson, SH
Randy Keaton, IW
Al Moor, SU
Neil Morgan, YK

LaVoris Pace, PO
Chris Price, CH
Cynthia Rohlf, NN
Melissa Rollins, SY
William Saunders, WN
Michael Stallings, SM
Scott Stevens, JC
Andrew Trivette, WM
Randy Wheeler, PQ

**Hampton Roads
Chief Administrative Officers (CAO) Meeting**

**WEDNESDAY, APRIL 7, 2021
11:30 AM**

Pursuant to the declared state of emergency in the Commonwealth of Virginia in response to the COVID-19 pandemic and to protect the public health and safety of the committee members, staff, and general public, the Chief Administrative Officers Committee meeting will be held electronically.

I. Call to Order

II. Approval of Agenda

III. Approval of Minutes

The Summary Minutes from the March 3, 2021 CAO Committee meeting are attached for the Committee's consideration and approval.

IV. Public Comment

Members of the public will be provided an opportunity to address the CAO Committee. Comments should be limited to three minutes per speaker.

V. Hampton Roads Regional Express Lanes Network Update

The Hampton Roads Transportation Planning Organization (HRTPO) Board adopted a resolution endorsing the Hampton Roads Regional Express Lanes Network as a consistent HOT-2 network beginning on I-64 at Jefferson Avenue in Newport News, proceeding along I-64 through Bowers Hill in Chesapeake and continuing along I-664 to I-64 in the vicinity of the Hampton Coliseum.

The Virginia Department of Transportation (VDOT) will administer the projects that comprise the Express Lanes Network and are currently in the design phase for Segments 1, 4A/4B, and 4C. These projects are scheduled to have construction completed by the end of 2025. VDOT staff will update the CAO Committee on progress to date.

Mr. Chris Hall, P.E. VDOT District Engineer, will brief the CAO Committee on this item.

VI. Regional Planning Directors Committee

George Homewood, Norfolk Planning Director and Chair of the HRPDC Regional Planning Directors Committee, will brief the CAOs on planned efforts to vet future recommended modifications to the state building code. Mr. Homewood will also discuss potential opportunities for collaboration among the region's planning

departments, including efforts to address legislative issues, state regulations and other planning related activities.

VII. Federal Infrastructure Package

Jim Spore – President of Reinvent Hampton Roads, and the HRPDC/HRTPO Executive Director will brief the CAO Committee on regional efforts to position the Hampton Roads region for the anticipated Federal Infrastructure Program.

VIII. Updates From Localities on Vaccinations or Budget Items

IX. Agenda Items for April 15 HRPDC Meeting

X. Adjournment

**Hampton Roads Planning District Commission (HRPDC)
Chief Administrative Officers Meeting
Summary Minutes of March 3, 2021**

The Chief Administrative Officers (CAO) Committee Meeting was called to order at 11:30 AM by Mary Bunting, CAO Committee Chair and Hampton City Manager. Ms. Bunting asked Mr. Robert Crum, HRPDC/HRTPO Executive Director, to provide a statement regarding today's virtual/electronic meeting.

Mr. Crum noted that pursuant to the declared state of emergency in the Commonwealth of Virginia in response to the COVID-19 pandemic, and to protect the public health, safety and welfare of the Committee members, staff and the general public, today's CAO Committee meeting is being held electronically via Zoom. Mr. Crum noted that the Zoom access information was published with the agenda for use by Committee members and the general public to access today's meeting.

The following members of the CAO Committee were in attendance:

Mary Bunting	Hampton
Patrick Duhaney	Virginia Beach
Amanda Jarrett	Franklin
Mike Johnson	Southampton County
Randy Keaton	Isle of Wight County
Albert Moor	Suffolk
Neil Morgan	York County
LaVoris Pace	Portsmouth
Chris Price	Chesapeake
Cynthia Rohlf	Newport News
Melissa Rollins	Surry County
William Saunders	Windsor
Michael Stallings	Smithfield
Andrew Trivette	Williamsburg
Randy Wheeler	Poquoson

Others in Attendance

Robert Crum	HRPDC/HRTPO
Keith Cannady	HRPDC
Pavithra Parthasarathi	HRTPO
Whitney Katchmark	HRPDC
Diane Kaufman	Senator Kaine's Office
Drew Lumpkin	Senator Warner's Office
Caleb Smith	Representative Luria's Office
Mark Geduldig-Yatrofsky	Portsmouth Resident
Ron Carlee	Old Dominion University
Peter Stephenson	VML Insurance Programs (VMLIP)

Approval of Agenda and Meeting Minutes

Ms. Bunting asked if there were any additions or revisions to today's agenda or the Summary Minutes from the February 3, 2021 meeting. Ms. Bunting noted that since there were no changes, that the roll call vote for approval of the Agenda and Meeting Minutes could occur together.

Ms. Jarratt from Franklin made a motion to approve both the Agenda for today's meeting and the Summary Minutes from the February 3, 2021 Meeting. A second was provided by Mr. Johnson from Southampton County. Mr. Crum proceeded to call the roll call vote:

Mary Bunting	Hampton	Yes
Patrick Duhaney	Virginia Beach	Yes
Amanda Jarrett	Franklin	Yes
Mike Johnson	Southampton County	Yes
Randy Keaton	Isle of Wight County	Yes
Albert Moor	Suffolk	Yes
Neil Morgan	York County	Yes
Chris Price	Chesapeake	Yes
Cynthia Rohlf	Newport News	Yes
Melissa Rollins	Surry County	Yes
William Saunders	Windsor	Yes
Michael Stallings	Smithfield	Yes
Andrew Trivette	Williamsburg	Yes
Randy Wheeler	Poquoson	Yes

The motion passed unanimously

Public Comment Period

Ms. Bunting asked if there were any members of the public who wanted to address the CAO Committee today.

Mr. Mark Geduldig Yatrofsky addressed the CAO Committee noting that the virtual meetings used during the COVID-19 pandemic have in many ways increased public access to public deliberations, while decreasing the need for residents to spend time traveling to meetings. He noted that many aspects of these virtual meetings have been positive, and he recommended that we advocate with the General Assembly for allowances to continue to utilize virtual meeting platforms after the pandemic and related State of Emergency concludes.

Chesapeake Bay Preservation Act (CBPA) Amended Regulations –

Mr. Crum reminded CAO Committee members that at the February HRPDC meeting, staff provided an overview of the process for the Commonwealth to consider proposed

regulatory amendments to the Chesapeake Bay Preservation Act. These revisions were presented to the State Water Control Board in December 2020. The amendments incorporate resiliency and sea level rise and mature trees into the criteria in response to House Bill 504 from the 2020 session. The draft regulations are available for public review in the Virginia Register until May 3rd. Mr. Crum noted that at the February HRPDC meeting, staff presented a process for the region to develop comments on the proposed regulations, which included a discussion with the CAO Committee at today's meeting. He introduced Ms. Whitney Katchmark, HRPDC Principal Water Resources Engineer, to provide a briefing to the CAO Committee.

Ms. Katchmark began by providing an overview of the proposed regulations, noting that HB504 (2020) adds two new considerations to the regulations that implement the Chesapeake Bay Preservation Act. These include the following:

- Coastal resilience and adaptation to sea level rise and climate change
- Preservation of mature trees or planting of trees as a water quality protection tool and as a means of providing other natural resource benefits

Ms. Katchmark proceeded to review the timeline for these regulations:

- **December 9, 2020** - DEQ staff presented draft regulations to the State Water Control Board. The Board authorized DEQ to submit proposed regulations for a 90-day public comment period and required DEQ staff to convene a stakeholder meeting after the comment period concludes.
- **February 1, 2021** - The proposed regulations are posted to Virginia Town Hall for a 90-day comment period.
- **May 3, 2021** - Comments are due on the proposed regulations.

Ms. Katchmark then discussed the importance of the proposed regulations to local governments. She noted that local governments must implement CBPA programs, and that to address issues related to climate change could result in significant increases to staff time. The proposed regulations could also be controversial, especially if they are not consistently applied across the region. They would also provide a new framework for development near the shoreline, which raises some important questions such as how regulations will balance water quality and flood protection and whether permits should be based on projected future conditions.

Different perspectives and challenges related to the new regulations were also reviewed. As high tides and storms inundate more land, property owners may want to add fill to elevate their properties. County attorneys say the CBPA doesn't allow fill in the Resource Protection Area (RPA). It is important that DEQ addresses this issue. If regulations don't provide a path for fill, then property owners could build a wall one foot inland of the RPA and wetlands will drown if sea level rises.

For water quality advocates, wetlands and buffers are essential to maintaining water quality and fill in the RPA should not be allowed. Regulations should allow space for wetlands to migrate in land as sea level rises.

Ms. Katchmark reviewed the discussions that have occurred with local government staffs. Most believe it is possible to add flood protection and protect water quality, but it will require increased staff time and expertise to effectively strike this balance. There is concern that the State does not provide adequate tools or technical assistance for this nuanced approach. Some believe that the CBPA regulations may be the wrong tool to address this balance. It might be best for us to advocate for the regulations to be put on hold so that the Commonwealth could set up a traditional water quality advisory panel to develop regulatory language. Ms. Katchmark noted that there is an existing, funded study through the Virginia Coastal Zone program that was originally meant to work through these issues that is coordinated by DEQ and involves VIMS, William and Mary Coastal Policy Clinic and Coastal PDCs.

Ms. Katchmark continued by reviewing some concerns with the current draft:

- Clarity
 - What are flood mitigation practices?
 - What climate change impacts should be considered?
- Tools
 - How to assess future impacts of sea level rise, storm surge, and precipitation at a parcel scale?
- Unintended Consequences
 - Impacts to Community Rating System scores
 - Limiting use of Water Quality Impact Assessments

Ms. Katchmark concluded by reviewing a potential schedule for the HRPDC to develop regional comments on the proposed CBPA regulations:

Ms. Bunting asked the CAO Committee for comments and questions related to the presentation. The discussion among CAO Committee members highlighted the following points:

- CAO Committee members agreed that the best approach for proceeding may be to request that the deadline for finalizing the CBPA regulations be extended.
- There was agreement that the proposed regulations are very complex and would have a significant impact on local government staffs. There was also agreement that if the regulations were implemented in an inconsistent manner across the various localities, this could cause confusion and adverse impacts.
- The CAOs agreed that preparing regional comments was a good approach, and supported the process outlined by staff for proceeding.

Hampton Roads Workforce Council Update

Mr. Crum noted that the Hampton Roads Workforce Council and the Greater Peninsula Workforce Board are nearing completion of the merger of the two organizations. He introduced Shawn Avery, President of the Hampton Roads Workforce Council.

Mr. Avery provided a briefing to the CAO Committee on the status of the merger, and also outlined the necessary steps to be completed by June 30th. He noted that he was available to address any local government board on this process. Ms. Jarratt noted Mr. Avery has been invited to address the Franklin City Council. Mr. Wheeler indicated the Poquoson City Council may also be interested in a briefing.

Ms. Bunting complimented Mr. Avery on the work to make the Hampton Roads Workforce Council an even stronger organization.

Locality Roll Call

Ms. Bunting noted that a valuable part of CAO Committee meetings is the continued sharing of information about important regional topics. She brought to the CAO Committee's attention the following items that were included in the agenda as topics that different CAOs wanted to hear input on today:

- Updates on utility shut-offs/late fees due to the COVID pandemic
- Updates on the COVID vaccination rollout from each locality
- Issues/updates related to the preparation of locality budgets for FY 2022, including plans for employee compensation.

Ms. Bunting asked Mr. Crum to do the roll call of the various localities requesting input on each of these three topic areas. Mr. Crum proceeded to call on each CAO to provide a report from their locality on each of the topic areas.

Other Business

Ms. Bunting reminded CAO Committee members that if they have any topics they would like to discuss at future CAO meetings, to please let her or Mr. Crum know.

Adjournment

There being no further business to come before the CAO Committee, the meeting was adjourned at approximately 12:30 pm.

Respectfully Submitted,

Robert Crum
Recording Secretary