



WINCHESTER COMMON COUNCIL
JANUARY 27, 2015
AGENDA
6:00 P.M.

CALL TO ORDER AND ROLL CALL

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES – January 13, 2015 Regular Meeting and January 13, 2015 Work Session

REPORT OF THE MAYOR

Proclamation – Honoring Abby Major as Winchester’s Master Chef (page 3)

REPORT OF THE CITY MANAGER

REPORT OF THE CITY ATTORNEY

1.0 PUBLIC HEARINGS

2.0 PUBLIC COMMENTS

3.0 CONSENT AGENDA

3.1 R-2015-02: Resolution – Authorize the Treasurer to issue refunds for erroneously paid personal property taxes to Federal Express Corporation in the amount of \$2,729.69 and Ryder Truck Rental Lease Trust in the amount of \$4,633.10 (pages 4-7)

4.0 AGENDA

4.1 O-2015-01: First Reading – AN ORDINANCE AMENDING AND REENACT ARTICLES 1, 18, 21 AND 23 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO MOBILE FOOD ESTABLISHMENT DEFINITIONS, PERMITS, AND FEES. TA-14-698 (*Proposal will establish basic permitting and operational standards for food trucks on private property.*) (pages 8-12)

4.2 Motion to rescind O-2014-46: AN ORDINANCE TO REZONE 0.064 ACRES OF LAND AT 116 W. LEICESTER STREET (*Map Number 192-01-S-12*) & 118 W. LEICESTER STREET (*Map Number 192-01-S-13*) FROM MEDIUM DENSITY RESIDENTIAL DISTRICT (MR) ZONING WITH HISTORIC WINCHESTER DISTRICT (HW) OVERLAY TO RESIDENTIAL BUSINESS DISTRICT (RB-1) ZONING WITH HISTORIC WINCHESTER DISTRICT

(HW) OVERLAY. (RZ-14-625)(*The proposed rezoning would permit up to 2 units.*) (pages 13-21)

4.3 Motion to rescind O-2014-47: AN ORDINANCE TO REZONE 0.736 ACRES OF LAND AT 2508 PAPERMILL ROAD (*Map Number 291-03- -1*) FROM INTENSIVE INDUSTRIAL DISTRICT (M-2) ZONING TO COMMERCIAL INDUSTRIAL DISTRICT (CM-1) ZONING. (RZ-14-639) (*The rezoning would permit retail development in conjunction with the adjoining property to the south.*)(pages 22-31)

4.4 R-2015-03: Resolution – Adoption of the 2015 Legislative Agenda (pages 32-67)

5.0 EXECUTIVE SESSION

5.1 MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF RECEIVING LEGAL ADVICE FROM THE CITY ATTORNEY AND LEGAL CONSULTATION REGARDING THE SUBJECT OF SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE BY THE CITY ATTORNEY AND MATTERS OF ACTUAL OR PROBABLE LITIGATION.

6.0 ADJOURNMENT

PROCLAMATION

WHEREAS, Abby Major is the daughter of former City Councilor and Winchester businessman Art Major and his wife, Maggie; and

WHEREAS, Abby has been cooking since she was two years old and earned the opportunity to showcase her cooking skills and vibrant personality as the youngest to ever compete on the MasterChef Junior television show; and

WHEREAS, while competing for the MasterChef Junior title, Abby was eight years old and a third grader at Powhatan School in Clarke County; and

WHEREAS, judge and restaurateur Joe Bastianich told her in the first episode: “you might be the youngest here, Abby, but you’ve got big, big potential”; and

WHEREAS, during the competition, Abby’s creative cooking caused one competitor to comment “Really Abby? Really?!” when she dared to decorate a pie she baked with jelly beans; and

WHEREAS, later in the competition, a twelve-year-old contestant proclaimed Abby as a serious competitor when she wowed the judges with a complete meal prepared with just two ingredients; and

WHEREAS, Abby has to be one of only a few people who have had the courage to tell judge and celebrity chef Gordon Ramsey, “Um, can you move? I’m trying to concentrate”; and

WHEREAS, Abby was the captain of the winning team in the show’s first ever “Pop-Up Restaurant Challenge” cooking for about 40 luminaries of the culinary world; and

WHEREAS, Abby finished in the top four from an initial field of 18,000 applicants; and

WHEREAS, Abby loves animals, is a great student and an avid reader; and

WHEREAS, Abby’s goal is to become a chef AND a veterinarian and stated on the show that she hopes to one day own a business that serves as both a restaurant and a veterinarian’s office; and

WHEREAS, the Winchester community wishes to congratulate Abby Major for her success during the second season of competition on MasterChef Junior.

NOW, THEREFORE, BE IT RESOLVED, that I, Elizabeth A. Minor, as Mayor of the City of Winchester, hereby proclaim ABBY MAJOR as Winchester’s own Master Chef.

BE IT, HEREBY, FURTHER RESOLVED that I, as Mayor, proudly present a copy of this proclamation to Abby Major.

Witness my hand,

Mayor Elizabeth A. Minor

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: 01/13/2015 CUT OFF DATE: _____

RESOLUTION X ORDINANCE PUBLIC HEARING

ITEM TITLE: Refund Federal Express Corporation and Ryder Truck Rental Lease Trust for erroneously paid personal property taxes.

STAFF RECOMMENDATION: Approve

PUBLIC NOTICE AND HEARING:

ADVISORY BOARD RECOMMENDATION:

FUNDING DATA:

INSURANCE:

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda. The Director's initials for approval or disapproval address only the readiness of the issue for Council consideration. This does not address the Director's recommendation for approval or denial of the issue.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Finance _____	<i>[Signature]</i>	_____	<u>12-26-14</u>
2. Treasurer _____	<i>[Signature]</i>	_____	<u>12/31/2014</u>
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. City Attorney	<i>[Signature]</i>	_____	<u>1/6/2015</u>
6. City Manager	<i>[Signature]</i>	_____	<u>7 Jan 2015</u>
7. Clerk of Council	_____	_____	_____
Initiating Department Director's Signature: <i>[Signature]</i>		_____	<u>12/22/2014</u> Date



APPROVED AS TO FORM:

CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Ann T. Burkholder, Commissioner of the Revenue *ATB*
Date: 12/22/2014
Re: Refund for Erroneously Paid Personal Property Taxes

THE ISSUE: Refunds to Federal Express Corporation of Ryder Truck Rental Lease Trust, each for erroneously filed and paid mobile personal property taxes.

RELATIONSHIP TO STRATEGIC PLAN: This is a matter of fair and equitable taxation, which relates to Goal 2: Create a high-performing City organization.

BACKGROUND: Each of the taxpayers registered certain vehicles with DMV as having a garage jurisdiction in the City of Winchester. Each taxpayer also paid the personal property taxes on those vehicles and then later determined its property should have been properly registered in another locality. There is no connection between these two accounts nor is either refund a result of any shortcoming by the office of the Commissioner.

BUDGET IMPACT: Negligible.

OPTIONS: Each taxpayer has complied with all codified requirements and is due a refund.

RECOMMENDATIONS: Pursuant to City Code §27-8, the Commissioner of the Revenue respectfully requests that the City Council, with the consent of the City Attorney, authorize the Treasurer to issue refunds to these two taxpayers as listed on the enclosed certification.



Ann T. Burkholder, Commissioner of the Revenue
15 North Cameron Street
Winchester, VA 22601
Email: commrevenue@winchesterva.gov

Telephone: (540) 667-1815
FAX: (540) 667-8937
TDD: (540) 722-0782
Website: www.winchesterva.gov

Certificate of the Commissioner of the Revenue

Pursuant to Code of the City of Winchester §27-8 and §58.1-3981 of the Code of Virginia, I certify that Federal Express Corporation is due a refund of \$2,729.69 and Ryder Truck Rental Lease Trust is due a refund of \$4,633.10, both for overpaid personal property tax.

Verified by Commissioner of the Revenue: 

Ann T. Burkholder

Date: 12/22/2014

Consent by City Attorney: 

Anthony C. Williams

Date: 1/6/2015

RESOLUTION

WHEREAS, Federal Express Corporation and Ryder Truck Rental Lease Trust each registered vehicles as being normally garaged or parked in the City of Winchester, and each paid personal property taxes on those respective vehicles; and

WHEREAS, whereas each property owner later amended the situs of those particular vehicles to that of another locality; and

WHEREAS, the office of the Commissioner of the Revenue has properly exonerated those taxes and has certified each property owner is entitled to a refund; and

WHEREAS, the office of the Commissioner of the Revenue wishes to maintain accurate and equitable tax records.

NOW therefore be it RESOLVED, that Common Council hereby approves the refund of \$2,729.69 to Federal Express Corporation and the refund of \$4,633.10 to Ryder Truck Rental Lease Trust and directs the City Treasurer to refund said amounts.

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 1/27/15 **CUT OFF DATE:** 1/21/15
1/27/15 (1st Reading) 2/10/15 (2nd Reading/Public Hearing)

RESOLUTION **ORDINANCE** X **PUBLIC HEARING** X

ITEM TITLE:

TA-14-698 - AN ORDINANCE AMENDING AND REENACT ARTICLES 1, 18, 21 AND 23 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO MOBILE FOOD ESTABLISHMENT DEFINITIONS, PERMITS, AND FEES. (Proposal will establish basic permitting and operational standards for food trucks on private property.)

STAFF RECOMMENDATION:

Adopt the text amendment.

PUBLIC NOTICE AND HEARING:

Public hearing required with 2nd reading on 2/10/2015.

ADVISORY BOARD RECOMMENDATION:

Planning Commission unanimously forwarded with favorable recommendation.

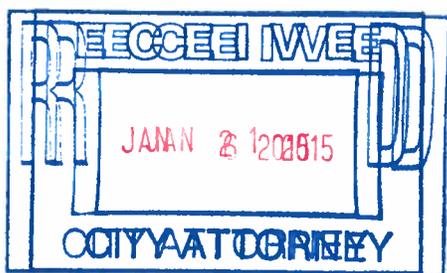
FUNDING DATA: N/A

INSURANCE: N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Planning Director			<u>1/21/15</u>
2. City Attorney			<u>1/21/2015</u>
3. City Manager			<u>21 Jan 15</u>
4. Clerk of Council			

Initiating Department Director's Signature:  1/21/2015
(Zoning and Inspections)



APPROVED AS TO FORM:

 1/21/2015
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Aaron Grisdale, Director of Zoning and Inspections *AMB*
Date: January 27, 2015
Re: TA-14-698 - AN ORDINANCE AMENDING AND REENACT ARTICLES 1, 18, 21 AND 23 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO MOBILE FOOD ESTABLISHMENT DEFINITIONS, PERMITS, AND FEES. *(Proposal will establish basic permitting and operational standards for food trucks on private property.)*

THE ISSUE:

This zoning ordinance text amendment was sponsored by Planning Commission to establish basic permitting and operational standards for mobile food establishments/food trucks on private property in the City. Presently, there are not clear standards in the ordinance to address this trending business movement.

RELATIONSHIP TO STRATEGIC PLAN:

Goal 1 – Grow the Economy, Objective 4 – Increase number of startup businesses; Objective 5 – More diverse local economy.

Goal 2 – Create a More Livable City for All, Objective 3 – Manage future growth, development and redevelopment consistent with City’s vision, comprehensive plan and development standards and policies

BACKGROUND:

In recent months, staff has received an increasing number of inquiries of potential food truck vendors desiring to operate within the City. However, our present zoning ordinance provisions do not directly nor adequately address this issue. Staff organized a working group consisting of the Chamber of Commerce, a local restaurateur, a food truck operator, and a previous Planning Commissioner to study the issue and present an ordinance recommendation. This proposal under review is a result of this working group.

****January 27, 2015 Update****

Following discussion at the 1/13/15 Council Work Session, staff developed three changes to the proposed ordinance in line with Council’s requests:

1. Expand the permit revocation considerations to include applicable federal, state, and local laws in Section 18-25-1F.
2. Include language to clarify that no permit authorized under the mobile food establishment standards shall authorize a mobile vendor to operate on a public street in Section 18-25-1G.
3. Eliminate the hours of operation standard in Section 18-25-3

(Full staff report attached).

BUDGET IMPACT:

No funding is required.

OPTIONS:

- Adopt the text amendment
- Adopt the text amendment with modifications
- Decline to adopt the text amendment

RECOMMENDATIONS:

The Planning Commission unanimously recommended approval.

AN ORDINANCE AMENDING AND REENACT ARTICLES 1, 18, 21 AND 23 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO MOBILE FOOD ESTABLISHMENT DEFINITIONS, PERMITS, AND FEES.

14-698

Draft 3 - 1/15/2015

Deleted: 2

Deleted: 12

Deleted: 2

Deleted: 2014

Ed. Note: The following text represents excerpts of the Zoning Ordinance that are subject to change. Words with strikethrough are proposed for repeal. Words that are boldfaced and underlined are proposed for enactment. Existing ordinance language that is not included here is not implied to be repealed simply due to the fact that it is omitted from this excerpted text.

ARTICLE 1
DEFINITIONS

SECTION 1-2. DEFINITIONS.

1-2-65.1 **MOBILE FOOD ESTABLISHMENT: A readily movable wheeled vehicle or towed vehicle designed and equipped for the preparation, service and/or sale of food. This term includes mobile food units, food trucks, and similar apparatuses.**

SECTION 18-25 **MOBILE FOOD ESTABLISHMENTS**

The intent of this section is to establish basic operational standards for mobile food establishments as well as appropriate protections of public health, safety and welfare for their operation on private property. Mobile food establishments are by definition itinerant and not permanent fixtures to a specific property.

18-25-1 **GENERAL REQUIREMENTS**

- A. **For the purposes of this Section, the terms permittee, operator, and vendor all shall mean a licensed mobile food establishment, as defined in Section 1-2-65.1.**
- B. **A mobile food establishment permit authorized by the Administrator shall be required prior to the operation of a mobile food establishment on a privately owned parcel.**
- C. **A mobile food establishment permit allows the permittee to operate at up to ten (10) different properties. An applicant may apply for more than one (1) such permit. A fee as provided in Section 23-8 of this Ordinance shall be required for each permit.**
- D. **A mobile food establishment permit is valid through December 31 of the year upon which the permit was issued.**
- E. **A mobile food establishment does not include outside vendors permitted pursuant to Section 18-7 of this Ordinance pertaining to uses on the public sidewalk in the Primary and Secondary Assessment districts.**
- F. **A mobile food establishment permit may be revoked by the Zoning Administrator at any time, due to the failure of the permit holder to comply with all requirements of this Article and**

other applicable federal, state and local laws. Notice of revocation shall be made in writing to the permit holder. Any person aggrieved by such notice may appeal the revocation in accordance with Article 21 of this Ordinance.

- G. No permit authorized by this Section and issued by the Administrator shall authorize a mobile food establishment to operate on or from a public street.

18-25-2 APPLICATION REQUIREMENTS

- A. Applicants for a mobile food establishment permit authorizing the operation on private property must provide:
 - 1) A City business license (or a statement from the Commissioner of Revenue that no City business license is required);
 - 2) A valid permit from the Virginia Department of Health stating that the mobile unit meets all applicable standards. A valid health permit must be maintained for the duration of the mobile food establishment permit;
 - 3) Written permission from the owner(s) of the private properties upon which the permittee will operate;
 - 4) Description of the days of the week and hours of operation for proposed vending at each proposed property; and,
 - 5) A sketch to be approved by the Zoning Administrator for each property, illustrating access to the site, all parking areas, routes for ingress and egress, placement of the mobile food unit, distance from property lines, garbage receptacles and any other feature associated with the mobile food unit;
- B. A permit shall not be required for the location or setup of a mobile food establishment on private property for the catering or providing of food service to a closed private event (such as weddings, birthdays, picnics, etc.). During such an event no public vending shall be permitted.
- C. A permit and fee shall not be required for individual mobile food establishments if the operator is participating in an approved fair, festival, or similar event on private property, approved by a temporary event permit pursuant to Section 18-17-3 of this Ordinance.

18-25-3 OPERATIONAL REQUIREMENTS

- A. No vendor shall remain on site at one property for more than forty-eight (48) consecutive hours.
- B. Vendors shall comply with Article 17 of City Code pertaining to noise control.
- C. Only food and non-alcoholic beverages incidental to the permitted vendor shall be sold from the mobile unit. Retail sales of merchandise are permitted as an accessory use to the primary use of food sales.
- D. One 10'x10' tent and a table that fits underneath may be utilized to provide condiments to patrons.

Deleted: ~~Operation of a mobile food establishment may take place between the hours of 7:00 a.m. and 10:00 p.m.~~

- E. Portable receptacles for the disposal of waste materials or other litter shall be provided. All waste shall be removed and disposed of daily by the mobile food establishment operator. Public trash receptacles shall not be used for compliance with this section.
- F. No liquid or solid wastes may be discharged from the mobile unit.
- G. Signage:
 - 1) Signage may be imprinted on the exterior body of a licensed mobile food establishment and include the use of an attached or detached menu board.
 - 2) Advertisements for businesses other than the mobile food establishment may not be utilized.
- H. No tables or chairs for patron's use may be set up in association with the mobile food establishment.
- I. The operator of a permitted mobile food establishment must conspicuously display the approved permit for public inspection.
- J. All required taxes must be paid and in conformance with Article 27 of City Code.
- K. A three-foot wide clearance area must be maintained around the mobile food establishment.

18-25-4 LOCATION REQUIREMENTS

- A. Mobile food establishments shall only be permitted in districts that permit a restaurant by-right.
- B. Mobile units may be located in any off-street parking lot in a location that does not block any drive aisles, ingress and egress from the property, or designated fire lanes. In no situation shall vendors be permitted to operate on grass, dirt or other non-improved parking surfaces.
- C. No parking space that satisfies a Zoning Ordinance parking requirement shall be converted into a parking space or vending area to accommodate a mobile food establishment.

21-2-2 The appeal period for violations of this Ordinance pertaining to the following uses shall be ten (10) days, pursuant to §15.2-2286 (12/10/13, Case TA-13-138, Ord. No. 2013-14):

- a. Any violation of Sections 18-8-12.1 through 18-8-12.3, pertaining to temporary signs.
- b. Any violation of Sections 18-9-5 through 18-9-5.4, pertaining to yard sales.
- c. Any violation of Section 18-12, pertaining to visual obstructions.
- d. Any violation of Section 18-17, pertaining to mobile storage units and temporary events.
- e. Any violation of Section 18-25, pertaining to mobile food establishments.

SECTION 23-8. FEES.

23-8-19	<u>Mobile Food Establishment Permit</u>	<u>\$500</u>
----------------	--	---------------------

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 11/25/14 (work session) CUT OFF DATE: 11/19/14
12/9/14 (1st reading) 1/13/15 (2nd reading/Public Hearing)

RESOLUTION ___ ORDINANCE X PUBLIC HEARING X

ITEM TITLE:

RZ-14-625 AN ORDINANCE TO REZONE 0.064 ACRES OF LAND AT 116 W. LEICESTER STREET (Map Number 192-01-S-12) & 118 W. LEICESTER STREET (Map Number 192-01-S-13) FROM MEDIUM DENSITY RESIDENTIAL DISTRICT (MR) ZONING WITH HISTORIC WINCHESTER DISTRICT (HW) OVERLAY TO RESIDENTIAL BUSINESS DISTRICT (RB-1) ZONING WITH HISTORIC WINCHESTER DISTRICT (HW) OVERLAY.

STAFF RECOMMENDATION:

Approval

PUBLIC NOTICE AND HEARING:

Public hearing for 1/13/15 Council mtg

ADVISORY BOARD RECOMMENDATION:

Planning Commission recommended approval subject to proffers.

FUNDING DATA: N/A

INSURANCE: N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

Table with 4 columns: DEPARTMENT, INITIALS FOR APPROVAL, INITIALS FOR DISAPPROVAL, DATE. Rows include Zoning & Inspections, City Attorney, City Manager, and Clerk of Council.

Initiating Department Director's Signature: (Planning Dept) [Signature] 11/19/14



APPROVED AS TO FORM: [Signature] 11/19/2014 CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council

From: Tim Youmans, Planning Director

Date: November 19, 2014

Re: **RZ-14-625** AN ORDINANCE TO REZONE 0.064 ACRES OF LAND AT 116 W. LEICESTER STREET (*Map Number 192-01-S-12*) & 118 W. LEICESTER STREET (*Map Number 192-01-S-13*) FROM MEDIUM DENSITY RESIDENTIAL DISTRICT (MR) ZONING WITH HISTORIC WINCHESTER DISTRICT (HW) OVERLAY TO RESIDENTIAL BUSINESS DISTRICT (RB-1) ZONING WITH HISTORIC WINCHESTER DISTRICT (HW) OVERLAY.

THE ISSUE:

Conditionally rezone two adjoining vacant lots along the north side of W. Leicester Street to allow for reconstruction of two townhouses similar in scale to the two blighted dwelling units that were demolished on the properties in recent years. A proffer would prohibit any commercial use of the properties.

RELATIONSHIP TO STRATEGIC PLAN:

Create A More Livable City for All

BACKGROUND:

See attached staff report

BUDGET IMPACT:

None

OPTIONS:

1. Approve with proffer as recommended by Planning Commission
2. Table request
3. Deny request

RECOMMENDATIONS:

Recommend Option 1

Council Work Session
November 25, 2014

RZ-14-625 AN ORDINANCE TO REZONE 0.064 ACRES OF LAND AT 116 W. LEICESTER STREET (*Map Number 192-01-S-12*) & 118 W. LEICESTER STREET (*Map Number 192-01-S-13*) FROM MEDIUM DENSITY RESIDENTIAL DISTRICT (MR) ZONING WITH HISTORIC WINCHESTER DISTRICT (HW) OVERLAY TO RESIDENTIAL BUSINESS DISTRICT (RB-1) ZONING WITH HISTORIC WINCHESTER DISTRICT (HW) OVERLAY.

REQUEST DESCRIPTION

The request is to conditionally rezone two adjoining vacant lots along the north side of W. Leicester Street midway between S. Braddock Street and S. Washington Street to allow for reconstruction of two townhouses similar in scale to the two blighted dwelling units that were demolished on the properties in recent years. The attached letter received on October 2, 2014 from Mr. Brent Markee explains the request and notes their intent to include proffers that would prohibit any commercial use of the properties.

AREA DESCRIPTION

The alley that runs in a north-south direction midway between S. Braddock Street and S. Washington Street is the interface of the Residential-Business (RB-1) district to the east and the Medium Density Residential (MR) district to the west. The historical pattern of development along the north side of W. Leicester St in this area is different than exists along most of the other east-west grid streets in the southwest portion of the historic district such that the lots were platted much smaller and narrower than the lots on the other cross streets.

The MR-zoned land to the west includes some other narrow lots with attached homes on them to the immediate west and larger detached single-family dwellings further to the west along S. Washington Street. The RB-1-zoned land to the east includes small and mid-sized dwellings, including duplexes and apartments on narrow lots along W. Leicester Street and S. Braddock Street. S. Braddock Street includes some commercial uses as well.



STAFF COMMENTS

The Comprehensive Plan calls for Neighborhood Stabilization in this area. The conditional rezoning would support appropriately scaled redevelopment of two townhouse dwellings (one dwelling per lot) on an infill basis. The two attached dwellings that previously existed on the two lots were demolished a couple of years ago due to their blighted condition. The current MR zoning would not permit any reasonable use of the property. The proposed RB-1 zoning would allow for replacement of the former two units with no increase in density. The rezoning does not affect the Historic Winchester (HW) overlay zoning. Any construction on the lots would need to comply with historic district standards and a certificate of appropriateness would need to be issued by the Board of Architectural Review.

Four adjoining property owners along W. Leicester Street spoke at the Planning Commission public hearing on this item. Concerns were expressed about whether or not new townhouse construction would fit the neighborhood, whether rebuilding on the east lot would create safety concerns along the alley, whether the new unit on the west lot would be set back from the side line where the former structure had been attached to the structure on the adjoining lot, and whether there would be an impact on available parking.

RECOMMENDATION

At its November 18, 2014 meeting, the Planning Commission unanimously forwarded **RZ-14-625** to City Council recommending approval as depicted on an exhibit entitled "*Rezoning Exhibit RZ-14-625, Prepared by Winchester Planning Department, 10-3-2014*" because the request is consistent with the Comprehensive Plan which calls for Neighborhood Stabilization in the site. The approval is subject to the proffers in the proffer statement titled "Rezoning Request Proffer" dated October 31, 2014.

AN ORDINANCE TO REZONE 0.064 ACRES OF LAND AT 116 W. LEICESTER STREET & 118 W. LEICESTER STREET FROM MEDIUM DENSITY RESIDENTIAL DISTRICT (MR) ZONING WITH HISTORIC WINCHESTER DISTRICT (HW) OVERLAY TO RESIDENTIAL BUSINESS DISTRICT (RB-1) ZONING WITH HISTORIC WINCHESTER DISTRICT (HW) OVERLAY
RZ-14-625

WHEREAS, the Code of Virginia provides that one of the purposes of Zoning Ordinances is to facilitate the creation of a convenient, attractive and harmonious community; and,

WHEREAS, the adopted Comprehensive Plan calls for Neighborhood Stabilization in the subject area; and,

WHEREAS, the current Medium Density Residential (MR) zoning of the two lots does not support reasonable redevelopment; and,

WHEREAS, the Planning Commission forwarded the request to Council on November 18, 2014 recommending approval of the rezoning as depicted on an exhibit entitled "*Rezoning Exhibit RZ-14-625, Prepared by Winchester Planning Department, 10-3-2014*" because the request is consistent with the Comprehensive Plan which calls for Neighborhood Stabilization in the area; and,

WHEREAS, a synopsis of this Ordinance has been duly advertised and a Public Hearing has been conducted by the Common Council of the City of Winchester, Virginia, all as required by the Code of Virginia, 1950, as amended, and the said Council has determined that the rezoning associated with this property herein designated is consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Winchester, Virginia that the following land is hereby rezoned from the existing zoning designation of Medium Density Residential (MR) District to Residential-Business (RB-1) District:

Approximately 0.064 acres of land at 116 and 118 W. Leicester Street as depicted on an exhibit entitled "*Rezoning Exhibit RZ-14-625, Prepared by Winchester Planning Department 10-3-2014*". The rezoning is subject to the proffers in the proffer statement titled "*Rezoning Request Proffer*" dated October 31, 2014.

*Triple T Construction and Plumbing LLC
563 Priscilla Street Hedgesville, WV 25427
540-550-3076*

To whom it may concern,

I am writing in reference to property, 116 and 118 Leicester Street, owned by Mr. Agnaldo DeSouza of Inwood, WV. I have been hired by Mr. DeSouza to try and develop the property so he may recover some of his investment into the property. When the property was purchased a few years ago, there were two houses on the two lots attached together to another house on the next lot. The plan was to renovate the houses and rent them, but after consulting with the city, they were required to be torn down. Not only was the cost of demolition high but the third house had to be closed in where the previous houses had been attached. We assumed we would be grandfathered in to build two houses on these lots, and improve the city of Winchester's streets, but upon inquiry with the city we were told the current zoning wouldn't allow us to build ANYTHING on these two lots. The lots adjoin an alley where the RB-1 zoning ends, which allows multi family building, and is currently located in MR zoning which allows single family only. We cannot build a single family home on the lots, even if they are combined, because the lot would still be too small for the MR zoning requirements. Also I don't think we can recover even the original investment with one house, due to the deteriorated condition of many of the houses on that particular block. We are asking for a conditional rezoning to build two townhouses on these two lots, as we are not interested in anything commercial there. Most of the lots are large in the MR zoning area, but these lot are very small, only 45' wide combined and 175' deep, so they definitely fit better in the RB-1 zoning. Also the next four lots are the same with row houses on two of them, so we believe townhouses would blend in well there. So we respectfully ask that these lots be placed into the RB-1 zoning so we may proceed to build there, and recover the investment made into these two lots.



Sincerely,
Brent Markee Owner/Manager

116 & 118 W. LEICESTER STREET
REZONING REQUEST PROFFER

Tax Map Number: **192-01-S-12 & 192-01-S-13**
Owner: **Aginaldo Silva De Souza**
Applicant: **Brent Markee**



Date: October 31, 2014

Property Information

The undersigned applicant hereby proffers that in the event the Common Council of Winchester (Council) shall approve the rezoning of *116 W. Leicester Street and 118 W. Leicester Street* from *Medium Density Residential District (MR)* into *Residential Business District (RB1)*, then development of the subject property shall be done in conformity with the terms and conditions as set forth herein, except to the extent that such terms and conditions maybe subsequently amended or revised by the applicant and such be approved by the Council in accordance with the Virginia law. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and have no effect whatsoever. These proffers shall be binding upon the applicant and their legal successor or assigns.

Any and all proffers and conditions accepted or binding upon the aforementioned property, as a condition of accepting these proffers, shall be become void and have no subsequent affect.

Site Plan Improvements

The undersigned applicant, who is acting on behalf of the owners of the above described property, hereby voluntarily proffers that, if the Council of the City of Winchester approves the rezoning, the undersigned will provide:

1. Proposed Use:

- If this rezoning is accepted, the proposed use shall be limited to two (02) Townhouses.

RZ-14-625

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns, and successors in interest of the Applicant and Owner. In the event the Council grants said rezoning and accepts these conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the City of Winchester Code.

Respectfully submitted,

PROPERTY OWNER

By: Agnaldo De Souza Date: 11-03-14

STATE OF VIRGINIA, AT LARGE

COUNTY /CITY OF Winchester, To Wit:

The foregoing instrument was acknowledged before me this 3 day of November, 2014
by Agnaldo De Souza.

My commission expires 09/30/2016.

Notary Public Jose Elias Martinez

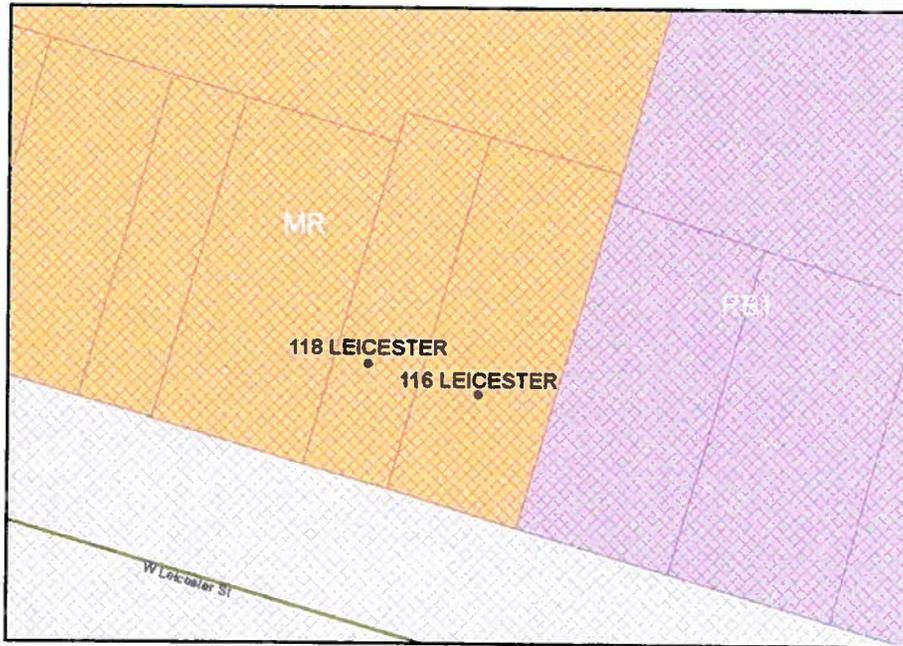
JOSE ELIAS MARTINEZ
NOTARY PUBLIC 7527577
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES 09-30-2016

REZONING EXHIBIT

RZ-14-625

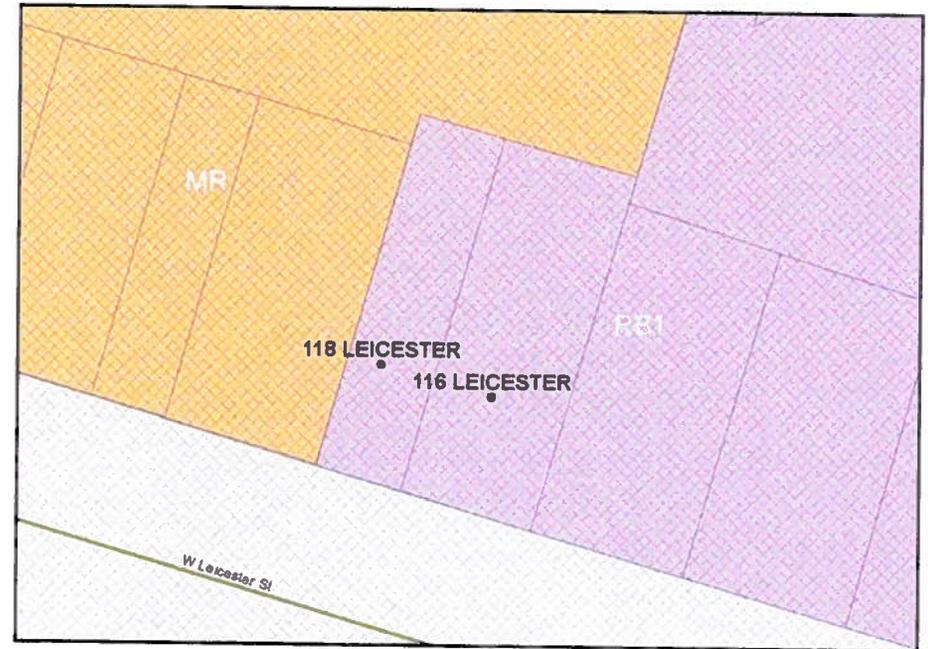
PREPARED BY WINCHESTER PLANNING DEPARTMENT

10-03-2014



EXISTING

MEDIUM DENSITY RESIDENTIAL DISTRICT (MR) ZONING
WITH HISTORIC WINCHESTER DISTRICT (HW) OVERLAY
FOR 116 & 118 WEST LEICESTER STREET



PROPOSED

RESIDENTIAL BUSINESS DISTRICT (RB-1) ZONING
WITH HISTORIC WINCHESTER DISTRICT (HW) OVERLAY
FOR 116 & 118 WEST LEICESTER STREET



Zoning

MZONE

-  MR Medium Density Residential
-  RB1 Residential Business
-  Historic District Overlay

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 11/25/14 (work session) CUT OFF DATE: 11/19/14
12/9/14 (1st reading) 1/13/15 (2nd reading/Public Hearing)

RESOLUTION __ ORDINANCE X PUBLIC HEARING X

ITEM TITLE:

RZ-14-639 AN ORDINANCE TO REZONE 0.736 ACRES OF LAND AT 2508 PAPERMILL ROAD (Map Number 291-03-1) FROM INTENSIVE INDUSTRIAL DISTRICT (M-2) ZONING TO COMMERCIAL INDUSTRIAL DISTRICT (CM-1) ZONING

STAFF RECOMMENDATION:

Approval

PUBLIC NOTICE AND HEARING:

Public hearing for 1/13/15 Council mtg

ADVISORY BOARD RECOMMENDATION:

Planning Commission recommended approval subject to proffers.

FUNDING DATA: N/A

INSURANCE: N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

Table with 4 columns: DEPARTMENT, INITIALS FOR APPROVAL, INITIALS FOR DISAPPROVAL, DATE. Rows include Zoning & Inspections, City Attorney, City Manager, and Clerk of Council.

Initiating Department Director's Signature: (Planning Dept)

Handwritten signature of the initiating department director.

11/19/14



APPROVED AS TO FORM:

Handwritten signature and date 11/19/2014, CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council

From: Tim Youmans, Planning Director

Date: November 19, 2014

Re: RZ-14-639 AN ORDINANCE TO REZONE 0.736 ACRES OF LAND AT 2508 PAPERMILL ROAD (Map Number 291-03- -1) FROM INTENSIVE INDUSTRIAL DISTRICT (M-2) ZONING TO COMMERCIAL INDUSTRIAL DISTRICT (CM-1) ZONING

THE ISSUE:

Conditionally rezone from M-2 to CM-1 the southerly 70-foot wide portion of the Silver Lake LLC property currently housing Noland to allow for this 0.736-acre area to be assembled in with the adjoining vacant lot owned by Silver Lake that is already zoned CM-1 so that it can be enlarged to accommodate a grocery store.

RELATIONSHIP TO STRATEGIC PLAN:

Grow the Economy

BACKGROUND:

See attached staff report

BUDGET IMPACT:

Positive sales tax revenue

OPTIONS:

1. Approve with proffers as recommended by Planning Commission
2. Table request
3. Deny request

RECOMMENDATIONS:

Recommend Option 1

Council Work Session
November 25, 2014

RZ-14-639 AN ORDINANCE TO REZONE 0.736 ACRES OF LAND AT 2508 PAPERMILL ROAD (Map Number 291-03- -1) FROM INTENSIVE INDUSTRIAL DISTRICT (M-2) ZONING TO COMMERCIAL INDUSTRIAL DISTRICT (CM-1) ZONING

REQUEST DESCRIPTION

The request is to conditionally rezone from M-2 to CM-1 the southerly 70-foot wide portion of the Silver Lake LLC property currently housing Noland as outlined in the letter (see attached) from Mr. Tyron S. Powers dated October 6, 2014. The rezoning would allow for this 0.736-acre area to be assembled in with the adjoining vacant lot owned by Silver Lake that is already zoned CM-1 so that it can be enlarged to accommodate a grocery store. The request includes proffers (see attached proffer statement dated October 14, 2014) which would limit use to retail and would only take effect if the related boundary line adjustment between the two parcels is recorded.

AREA DESCRIPTION

The subject portion of the Noland site is zoned M-2 and contains wholesale and warehouse use. Federal Mogul land further to the north was rezoned from M-2 to B-2 in September of 2013 to support commercial revitalization/infill on that 44-acre redevelopment site.

Land to the south and the east is zoned CM-1 and has been developed with retail, restaurant, and service uses. This includes the Bank of Clarke County site which shares access to S. Pleasant Valley Rd and Papermill Rd with the vacant site proposed for grocery store development. Land to the west is zoned M-2 and includes the Cavalier Kitchens site.



STAFF COMMENTS

The Comprehensive Plan calls for Commerce Area Revitalization/Infill in this area. The rezoning to CM-1 is consistent with this vision. The Plan advocates proactively redeveloping property where needed to achieve maximum sustainable potential. The subject portion of the industrial site housing Noland Company is underutilized and is enclosed by an unattractive chain link fence with strands of barbed wire on top that detracts from the emerging national chain retail and restaurant area to the east and south.

The proffer linking the effectuation of the rezoning to the related boundary line adjustment ensures that the rezoning action will not result in split zoning on the existing M-2 property.

RECOMMENDATION

At its November 18, 2014 meeting, the Planning Commission forwarded **RZ-14-639** to City Council unanimously recommending approval as depicted on an exhibit entitled "*Rezoning Exhibit RZ-14-639, Prepared by Winchester Planning Department, 10-7-2014*" because the request is consistent with the Comprehensive Plan which calls for Commerce Area Revitalization/Infill on the site. The approval is subject to the proffers in the proffer statement titled "2508 Papermill Road, Winchester, Virginia 22601 Rezoning Request Proffer" dated October 14, 2014.

AN ORDINANCE TO REZONE 0.736 ACRES OF LAND AT 2508 PAPERMILL ROAD FROM INTENSIVE INDUSTRIAL DISTRICT (M-2) ZONING TO COMMERCIAL INDUSTRIAL DISTRICT (CM-1) ZONING
RZ-14-639

WHEREAS, the Code of Virginia provides that one of the purposes of Zoning Ordinances is to facilitate the creation of a convenient, attractive and harmonious community; and,

WHEREAS, the adopted Comprehensive Plan calls for Commerce Area Revitalization/Infill on the site and the Winchester Strategic Plan includes as a goal to grow the economy as part of the long term vision for the City of Winchester; and,

WHEREAS, Intensive Industrial (M-2) zoning of the site is inconsistent with the predominant commercial land use along South Pleasant Valley; and,

WHEREAS, the Planning Commission forwarded the request to Council on November 18, 2014 recommending approval of the rezoning as depicted on an exhibit entitled "*Rezoning Exhibit RZ-14-639, Prepared by Winchester Planning Department, 10-7-2014*" because the request is consistent with the Comprehensive Plan which calls for Commerce Area Revitalization/Infill on the site; and,

WHEREAS, a synopsis of this Ordinance has been duly advertised and a Public Hearing has been conducted by the Common Council of the City of Winchester, Virginia, all as required by the Code of Virginia, 1950, as amended, and the said Council has determined that the rezoning associated with this property herein designated is consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Winchester, Virginia that the following land is hereby rezoned from the existing zoning designation of Intensive Industrial (M-2) District to Commercial-Industrial (CM-1) District:

Approximately 0.736 acres of land at 2508 Papermill Road as depicted on an exhibit entitled "*Rezoning Exhibit RZ-14-639, Prepared by Winchester Planning Department 10-7-2014*". The rezoning is subject to the proffers in the proffer statement titled "2508 Papermill Road, Winchester, Virginia 22601 Rezoning Request Proffer" dated October 14, 2014.

October 6, 2014

City of Winchester, Virginia
Zoning Administrator
15 North Cameron Street
Winchester, VA 22601

Re: Rezoning of Property
2508 Papermill Rd
Winchester, VA 226010
Tax Map 301((5)) Parcel 3 Deed Book 316 Pg. 429
291

To Whom It May Concern,

On behalf of MGP Retail Consulting please find the attached Rezoning Application and supporting documents requesting rezoning of the referenced property. MGP is in the process of developing this property with construction of a grocery store (Concept Site Plan and ALTA survey attached). The property is currently zoned CM-1 (which is preferred). However, the development also requires a boundary line adjustment which has been agreed upon with the adjacent property owner and will be adjusted with approval through the City of Winchester at a later date. The adjacent lot is currently zoned M-2 and requires rezoning to CM-1 to match the zoning of the development lot. Therefore, this rezoning will be based on a proffer condition that the boundary line adjustment has been accepted and recorded by the City of Winchester.

Sincerely,
AECOM

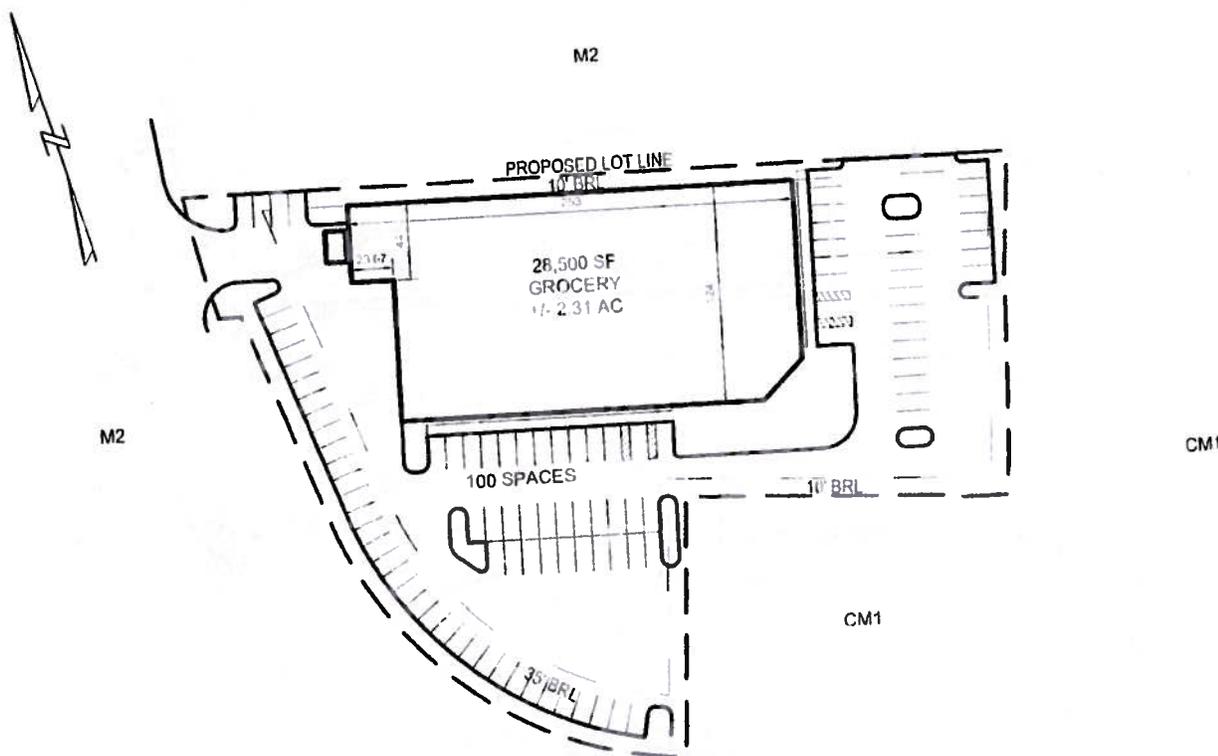


Tyron S Powers
Project Manager

Enclosures: Rezoning Application
List of adjacent property owners
ALTA Survey
Concept Site Plan
Application Fee (\$1,600)

Copy to: Victor Guerrero, MGP
Richie Wilkins
AECOM
Correspondence File

RZ-14-639

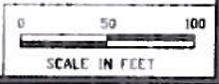


BRL = BUILDING RESTRICTION LINE
 SWM = STORMWATER MANAGEMENT
 TO CONSIST OF AN UNDERGROUND
 PIPE STORAGE SYSTEM

WINCHESTER
 CONCEPT SITE PLAN
 CITY OF WINCHESTER, VA
 10-08-14

AECOM

RZ-14-639



**2508 PAPERMILL ROAD, WINCHESTER, VIRGINIA 22601
REZONING REQUEST PROFFER
(Conditions for this Rezoning Request)**

**Tax Map Number: Tax Map 291 ((3)) Parcel 1
Owner: Silver Lake LLC – James R. Wilkins III
Applicant: MGP Retail Consulting**

October 14, 2014

Property Information

The undersigned applicant hereby proffers that in the event the Common Council of Winchester (Council) shall approve the rezoning of ± 0.736 acres of 2508 Papermill Road, Winchester, VA 22601 from M-2 into CM-1, then development of the subject property shall be done in conformity with the terms and conditions as set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the applicant and such be approved by the Council in accordance with Virginia law. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and have no effect whatsoever. These proffers shall be binding upon the applicant and their legal successor or assigns.

Any and all proffers and conditions accepted or binding upon the aforementioned property, as a condition of accepting these proffers, shall become void and have no subsequent affect.

Site Plan Improvements

The undersigned applicant, who is acting on behalf of the owners of the above described property, hereby voluntarily proffers that, if the Council of the City of Winchester approves the rezoning, the undersigned will provide:

1. **Proposed Use:**
 - **If this rezoning is accepted, the proposed use shall be limited to retail development.**
2. **The proposed rezoning of the approximately 0.736 acres of Tax Parcel 291-3-1 from M-2 into CM-1 shall only be considered valid upon the acceptance and recordation of a minor subdivision (boundary line adjustment) plat showing the combination of the 0.736 acres and Tax Parcel 291-5-3.**

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns, and successors in interest of the Applicant and Owner. In the event the Council grants said rezoning and accepts these conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the City of Winchester Code.

Respectfully submitted,

PROPERTY OWNER

By: [Signature] Date: 1/10/14

STATE OF VIRGINIA, AT LARGE

COUNTY/CITY OF Winchester, To Wit:

The foregoing instrument was acknowledged before me this 11th day of October, 2014 by JAMES R. WILKINS, III

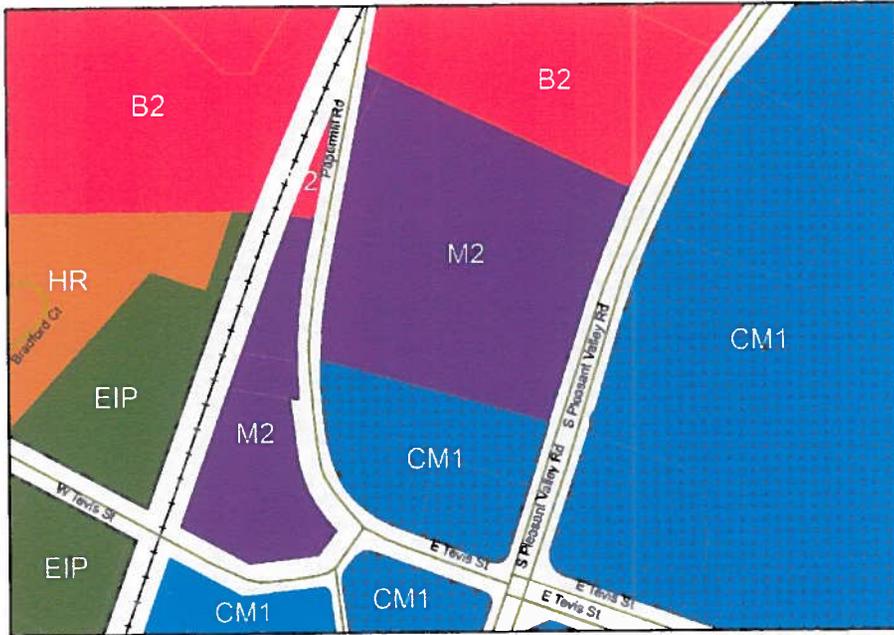
My Commission expires Mar 30, 2017

Notary Public Cindy Grove

CINDY GROVE
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #184054

RZ-14-639

REZONING EXHIBIT
RZ-14-639
 PREPARED BY WINCHESTER PLANNING DEPARTMENT
 10-07-2014



EXISTING
 INTENSIVE INDUSTRIAL DISTRICT (M-2) ZONING
 FOR 2508 PAPERMILL ROAD



PROPOSED
 COMMERCIAL INDUSTRIAL DISTRICT (CM-1) ZONING
 FOR 2508 PAPERMILL ROAD



Zoning Overlay
Overlay
 Conditional
 Railroad

Zoning
MZONE

-  B2 Highway Commercial District
-  CM1 Commercial Industrial District
-  EIP Education, Institution and Public Use District
-  HR High Density Residential District
-  M2 Intensive Industrial District

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: January 13, 2015 CUT OFF DATE: __

RESOLUTION X ORDINANCE ___ PUBLIC HEARING __

ITEM TITLE: Resolution Adopting the 2015 Legislative Agenda

STAFF RECOMMENDATION: Approval

PUBLIC NOTICE AND HEARING: N/A

ADVISORY BOARD RECOMMENDATION: N/A

FUNDING DATA: Significant. The City could be faced with several large and unforeseen expenditures should the State decide to shift additional funding authority of transportation and education initiatives as well as continue their adoption of unfunded local government mandates. Foreseeing these potential impacts on the City's general fund is difficult, but it can be assumed that they will have a significant negative impact in a worst case scenario.

INSURANCE: N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. City Attorney		_____	20150108
6. City Manager		_____	7 Jan 15
7. Clerk of Council	_____	_____	_____

Initiating Department Director's Signature:  Date: 

City Manager

APPROVED AS TO FORM:




CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Eden Freeman, City Manager
Date: January 13, 2015
Re: 2015 Legislative Agenda

THE ISSUE: Does the City Council wish to create a 2015 Legislative Agenda?

RELATIONSHIP TO STRATEGIC PLAN: Goal 2 – Create a More Livable City for All

BACKGROUND: Traditionally, the City Council has shared key City priorities with members of our State delegation. Last year, City Staff presented a 2014 legislative agenda to Council which was adopted and passed onto our state representatives.

For 2015, the City's legislative delegation includes Senator Vogel and Delegate Berg. If approved by City Council, it has been suggested that a legislative briefing be conducted with the delegation prior to the General Assembly reconvening on January 15, 2015.

To aid the City Council in identifying items for possible consideration, staff discussed items that have placed or may place unneeded difficulties on citizens and City departments. In addition, please find attached the legislative agendas from the Virginia Municipal League (VML), Virginia First Cities (VFC) and Virginia Association of Counties (VACo).

City Staff has gathered specific City of Winchester issues and concerns that have not been stated by any of the aforementioned organizations' legislative agendas:

1. **Delays Caused by the Virginia Department of Transportation (VDOT)** – The City has received Transportation Partnership Opportunity Funding (TPOF) approval to provide Rubbermaid Commercial Products (RCP) with a new entrance/exit into their local facility. The original scope of the project was dismissed due to expected property acquisition difficulties which forced us to relocate the proposed entrance and modify our TPOF proposal. VDOT was informally briefed and heavily consulted regarding our revised proposal during the spring of 2014 and received our formal TPOF modification proposal on October 21st. City staff did not receive feedback on its request until December 22nd. The City understands that adequate time is needed to process our request, but staff does not understand the need for an additional two-month review period after helping us craft our formal application. Furthermore, VDOT's request for additional information places an extended delay on our project.

In summary, the City requests that the Commonwealth's General Assembly review VDOT's communication protocols and implement actions that will improve their responsiveness to local governments.

2. **Delays caused by the Virginia Department of Historic Resources (DHR)** – The City of Winchester appreciates the wisdom, guidance and technical expertise that DHR provides and the overall importance of historic preservation. However, City Staff has encountered numerous delays during the implementation and completion of City projects due to the preservation of what DHR has labeled as our “potential” north end historic district. Although we do not dispute the historic value of this neighborhood, the City must be able to improve its infrastructure to benefit the entire community, in particular public safety concerns, despite the presence of potentially historic structures. The City has agreed to promote the historic aspect of the region in order to expedite the completion of our projects and resolve DHR’s concerns, but is requesting that the Commonwealth’s General Assembly review DHR’s decision-making timeliness and responsiveness to local governments.
3. **HB 1744 regarding local employee grievance procedure** – Staff does not support the passage of this bill as it would change the final step of an employee grievance procedure to be selected by the aggrieved employee. At present, the selection of this final step requires the agreement of both the locality and the aggrieved employee. Adoption of this legislation has the potential to place the City at a disadvantage when conducting grievance proceedings. Although determining the validity of the aggrieved employee’s issues and claims is important, allowing an individual with potential malicious intent to control final grievance proceedings would place a substantial liability on the City of Winchester. Current law promotes compromise and reduces the City’s risk as the final step in a grievance procedure requires concurrence between both parties. Providing this additional authority to an aggrieved employee could impose lengthy delays and large expenditures on the City as there would be virtually no limitations on what the employee could propose as a conclusion to the proceedings.
4. **House Bill 1010 regarding Emergency Medical Services (EMS) certification** – Staff does not support the passage of this bill as it would reduce the number of hours required to obtain EMS certification and therefore reduce the knowledge base of EMS providers and lower their level of care.
5. **Support to combat illicit drug usage** – Our community has made great strides in fighting the drug epidemic through the creation of the Addiction Action Committee (AAC). This group is a coalition of law enforcement, health care, substance abuse treatment, youth advocacy organizations and families impacted by the increase in heroin overdose and death in the Winchester region. However, ongoing support, as listed below, and developed by the AAC, is needed from the State to continue our impactful efforts.
 - a. Require the review of community needs to determine the allocation of state funds to Community Service Boards in order to support addiction treatment.
 - b. Working collaboratively, establish longitudinal outcome metrics to be used to qualify treatment programs for reimbursement from public funds (measures of success over time).
 - c. Encourage legislative change to 18.2-30 of the Code of Virginia to allow for persons providing drugs in overdose deaths to be prosecuted under the crime of homicide.
 - d. Require mandatory reporting to law enforcement for physicians and hospitals treating someone presenting with symptoms of an opioid-based overdose.

- e. Require the Virginia Department of Forensic Services to establish protocols to determine and report if a specific opioid based substance was the cause of death in victims and samples presented to them.
- f. Mandate the use of the Prescription Monitoring Program by retail pharmacies whenever controlled substances are prescribed and to report potential abuse to the prescribing physician/extender and law enforcement.
- g. Require mandatory notification of prescribing physician/extender whenever a prescription medication overdose or arrest occurs.
- h. Require mandatory opening of an active case by local departments of social services when there is evidence of prenatal substance abuse and provide the necessary funding.
- i. Establish reciprocity with neighboring states' Departments of Social Services as a bridge to national reciprocity. Prevent flight from local jurisdiction oversight.
- j. Provide appropriate state funding for Accountability (Drug) Courts.

6. **Personal Property Tax Relief (PPTR)** – While the City is not supportive of reductions to PPTR, should reductions in PPTR be approved by the General Assembly, it must be implemented gradually.

Staff supports both VML and VFC's priorities and feels that the following issues deserved advocacy and attention given their potential impact on the City.

1. **Education funding** – VML opposes changes in methodology and in the division of financial responsibility that result in a shift of funding accountability from the State to localities. Further, VML opposes policies that lower State contributions but do nothing to address the cost of meeting the requirements of the Standards of Accreditation and Standards of Learning.
2. **Transportation funding** – VML is requesting more dedicated revenue for transit operations and capital to keep pace with growing public needs and expectations. Local governments must retain their local revenue authority while halting the State's effort to shift traditional state funding responsibilities, excessive fee levying and large administrative and financial burdens onto local governments.
3. **Enterprise zones funding** – VFC is requesting that the State provide additional funding to the Virginia Department of Housing and Community Development's enterprise zone program. As a recent designee, Winchester has yet to fully capitalize on its enterprise zones, and the State's desire to continually underfund this program drastically reduces its beneficial impact on Virginia localities.

Staff reviewed the VACo's legislative priorities and felt that the following items were also worthy of inclusion:

1. **Unfunded mandates** – VACo opposes unfunded mandates and shifting of fiscal responsibilities from the State to local governments for existing programs by the Commonwealth. These unforeseen expenditures place unjust hardships on local governments and force us to remove funding from existing programs to cover these State budget shortfalls.

2. **Broadband availability** – VACo urges the Commonwealth and the Federal Government to assist communities in their efforts to deploy universal affordable access to broadband for all areas.
3. **Local-State Transportation Funding and Cooperation** – VACo remains concerned about the lack of secondary and urban construction funding and the possibility that several regions in the state will not receive an adequate share of construction funds.
4. **Fully fund the cost of housing post-adjudication inmates** – VACo requests the state reimburse local and regional jails for the actual costs of state responsible inmates.

BUDGET IMPACT:

Significant. The City could be faced with several large and unforeseen expenditures should the State decide to shift additional funding authority of transportation and education initiatives as well as continue their adoption of unfunded local government mandates. Foreseeing these potential impacts on the City's general fund is difficult, but it can be assumed that they will have a significant negative impact in a worst case scenario.

OPTIONS:

1. Approve the enclosed resolution
2. Modify the enclosed resolution
3. Provide additional direction to staff, and/or take no action at this time.

RECOMMENDATIONS: Staff recommends approval of the enclosed resolution.

A RESOLUTION ADOPTING THE 2015 STATE LEGISLATIVE AGENDA

WHEREAS, the City of Winchester has a comprehensive Strategic Plan that has the stated goal to “Create a More Livable City for All,” and

WHEREAS, the state government is a vital partner in advancing this goal, through setting policy and funding priorities in parallel with the City Council, and;

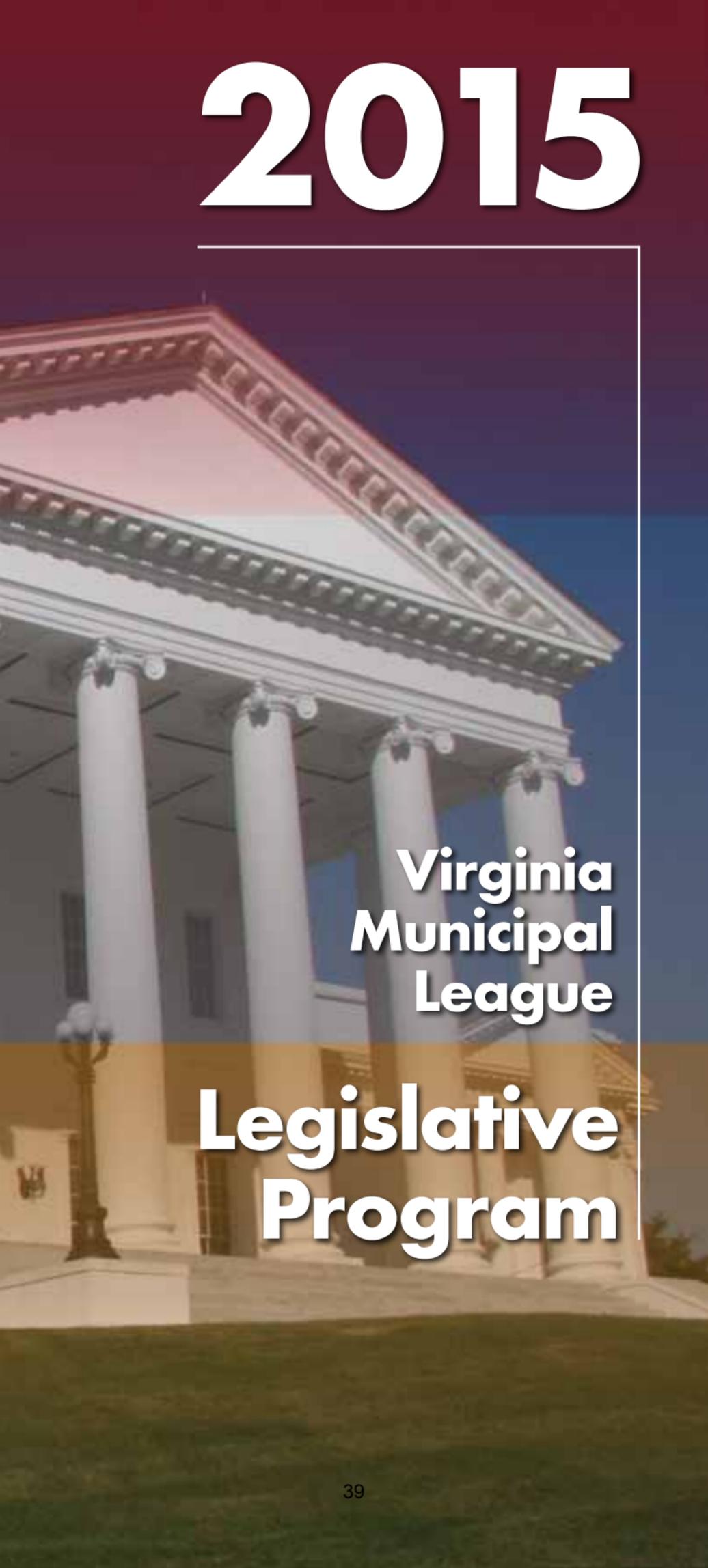
WHEREAS, the City is a member of both the Virginia Municipal League and Virginia First Cities, both of whom advocate on Winchester’s behalf through the creation and adoption of the attached 2015 Legislative Priorities, and;

NOW THEREFORE BE IT RESOLVED, that the Winchester City Council also supports the legislative priorities identified by staff that seek to:

1. Improve communication between the Virginia Department of Transportation and local governments;
2. Improve communication between the Virginia Department of Historic Resources and local governments;
3. Refrain from supporting House Bill 1744 regarding local employee grievance procedures;
4. Refrain from supporting House Bill 1010 regarding emergency medical services certification;
5. Provide support to combat illicit drug use in the region;
6. Incremental implementation of the reduction of personal property tax relief to localities;
7. Protect education funding;
8. Protect transportation funding;
9. Increase enterprise zones funding;
10. Support the desire to abolish unfunded mandates;
11. Support efforts to deploy universal broadband accessibility;
12. Support efforts to encourage continued state funding for road construction and maintenance projects; and
13. Support efforts to encourage the full funding of reimbursement costs to house post-adjudication state responsible inmates.

City Council also authorizes the creation of a 2015 Legislative Agenda to share with our local delegation of the Virginia General Assembly. This Agenda shall express to legislators the priorities of City Council in advancing goals to “Create a More Livable City for All.” The Agenda shall support proposals which advance goals in the Strategic Plan and oppose proposals in conflict with them, and it shall respect the current fiscal condition of state and local governments.

2015



**Virginia
Municipal
League**

**Legislative
Program**



Parks
Animal control
Police
Elementary schools
Building code enforcement
Recreation leagues
Libraries
Water and sewer systems
Public transportation
High schools
Fire services
Health clinics
Garbage collection
Storm water utilities
Behavioral health services
Traffic control
After-school programs
Landfills
Economic development
Street lights
Jails
Building inspections
Emergency medical services
Housing authorities
Services for at-risk youth
Community centers
Middle schools
Parking enforcement
Hazardous materials response
Bookmobiles
Historic preservation
Building permits
Community festivals
Medicaid eligibility
E-911

Dear legislators,

The members of the Virginia Municipal League recognize that the underpinnings of Virginia's economy are stressed. Sacrifices will need to be made at all levels of government – and by citizens – to ensure a prosperous, sustainable future. Local governments stand ready to work with the General Assembly and the administration to craft solutions to the fiscal challenges ahead. The millions of Virginians who we represent as elected officials deserve no less.

There is no shortage of legislative issues crucial to helping local governments build vibrant communities where businesses thrive, and where the citizens we serve live, work and play. Local governments depend on a fair, reliable partnership with state government to carry out their numerous responsibilities, many of which are mandated by the General Assembly.

To improve the effectiveness of this state-local partnership, VML's 2015 Legislative Program clarifies the obligations and responsibilities owed by each on issues affecting transportation and education funding, as well as taxing authority. The specifics are spelled out in this booklet.

As always, we stand ready to work with you in meeting our mutual goals to promote the long-term prosperity of Virginia. Please call on us as you seek solutions to the many issues that you will confront during the upcoming legislative session.

Sincerely,



Kimberly A. Winn
VML Executive Director

VML 2015 Legislative Program

VML's membership approved the legislative program set out in this pamphlet at the annual conference held in Roanoke in October. The first five items in this program were identified as the top priorities for local governments in 2015.

Education Funding

A strong public school system is essential to economic development and prosperity. The state must be a reliable funding partner in accordance with the Virginia Constitution and state statutes. The Standards of Quality should recognize the resources, including positions, required for a high-quality public education system. VML opposes changes in methodology and changes in the division of financial responsibility that result in a shift of funding responsibility from the state to localities. As an example, VML opposes the elimination or decrease of state funding for state-mandated benefits for school employees.

Further, VML opposes policies that lower state contributions but do nothing to address the cost of meeting the requirements of the Standards of Accreditation and Standards of Learning. The State Board of Education should identify areas within the Standards of Quality and other educational requirements, such as mandates for expenditures in the area of student health services that can be modified or eliminated in order to provide localities with greater flexibility in their use of scarce education funds.

VML supports a study by the Joint Legislative Audit and Review Commission to determine how the SOQ may be revised and adequately funded to meet the requirements contained in the Standards of Learning and Standards of Accreditation. VML also supports implementation of JLARC recommendations to promote 3rd grade reading performance.

State Assistance to Local Law Enforcement (HB 599)

Law enforcement is a basic service of government. Funding for this service should be a shared responsibility of state and local government as it has long been for sheriffs' departments. The state's commitment to HB 599 has

increasingly lagged in the past decade, and will be sorely tested again by the recent alarms about state revenues. The committee may consider asking the Finance Policy Committee to look at this issue and consider ways in which local governments can better prove and advocate the need for consistent funding for this program.

Transportation Funding

VML appreciates the actions taken by the General Assembly in the 2013 legislative session to boost transportation funding for new road construction, road maintenance, transit operating and capital, and rail passenger service. In order for Virginia to prosper a strong infrastructure is essential to meet the needs of commerce, commuters, and families.

VML understands that the landmark legislation from 2013 is a "down payment" or first step to comprehensively address transportation needs. More dedicated revenue for transit operations and capital as well as passenger and freight rail is needed to keep pace with growing public needs and expectations. It is also critical to find additional resources for urban and secondary road construction in light of actions taken by the state to halt allocations for these projects in the Six-Year Transportation Improvement Program.

State and Local Government Fiscal Relationship

Governance at the local level becomes ever more challenging as the Commonwealth and the federal government add new programs, or modify existing program guidelines, and promulgate complex regulations and higher standards for local governments to implement. It is not uncommon for the state and federal governments to either underfund their share of the costs or to ignore them altogether.

To that end, the Virginia Municipal League holds as essential these principles on local taxing and budget authority.

1. Specific local revenue authority and sources cannot be further restricted without first granting and providing alternative revenue authority with reliable, sustainable revenue sources. This includes, without limitation, the BPOL and M&T taxes.
2. Local general fund revenue and special funds cannot be confiscated or re-directed to the state treasury.
3. Local governments cannot be expected to bear the expenses related to the imposition of new funding requirements or the expansion of existing ones on services delivered at the local level without a com-

mensurate increase of state financial assistance or new local taxing authority.

4. Shifting traditional state funding responsibilities onto local governments, for such services including public education, law enforcement and public safety activities, is bad fiscal policy, resulting in the stress of local finances without reductions in overall program costs.
5. Piggybacking state fees, taxes or surcharges on local government services frustrates transparency at both the state and local level.
6. Placing additional administrative burdens on local governments without sufficient resources or administrative flexibility jeopardizes the quality of services delivered at the local level.
7. State budget cuts to state mandated and other high priority programs should specify the programs to be affected by the cuts.

The Commonwealth should:

1. Enter into a dialogue with local governments to examine state requirements and service expansions that can be suspended or modified to alleviate to the degree possible the financial burden on state and local taxpayers.

Specifically, the Commonwealth should:

- Critique the Standards of Accreditation and Standards of Learning to determine which standards impose costs on local governments that are not recognized in state funding formulas. In particular, changes adopted since 2009 to SOAs and SOLs should be examined as state funding on a per-pupil basis is now below 2009 levels.
- Re-examine those Standards of Quality that the Board of Education has adopted, but that the General Assembly has not funded. These standards reflect prevailing practices necessary to improve children's academic performance. Their academic performance is crucial to students and schools meeting the accountability standards under the SOL and SOA. If funding is not available to pay for prevailing practices, the accountability standards should be adjusted so that local governments are not in the position of having to bear the entire burden of meeting these unfunded mandates.

2. Develop spending and revenue priorities that support economic development, public safety, education and other public goals. State tax credits, tax deductions and tax relief policies must receive the same scrutiny as spending programs as part of the prioritization process.
3. In times of revenue crises, review ways to increase revenues to meet constitutional and statutory obligations to Virginia citizens after all other actions have been taken including eliminating unnecessary programs, achieving greater program efficiencies, and streamlining service delivery.
4. Include local government representatives on any "blue ribbon" commission or other body established by the state that has as its purpose changes to local revenue authority or governance."

Low Performing Schools

State Takeover of Persistently Low Performing Schools

VML supports repeal of the legislation establishing the Opportunity Educational Institution.

Improving Low-Performing Schools

Any approach to improving low-performing schools must include adequate state financial support. VML supports increased state funding for the Virginia Pre-school Initiative, the K-3 reduced class size program and Early Reading Intervention program. VML also supports increased state stipends for highly effective teachers in high-poverty schools, and other innovative programs.

The state has consistently underfunded the state Standards of Quality and other state accountability programs. In the absence of increased state funding, VML opposes any efforts that would transfer to the state additional local funding that localities choose to provide to school divisions. Such local funds exceed the amounts the state requires for SOQ and other state-local match programs.

Other legislative positions

First Day Introduction for Bills with Local Fiscal Impact

VML supports reinserting the requirement for first day introduction of bills with a local fiscal impact in the procedural resolution that governs the conduct of the General Assembly session. This recommendation was supported in the last session by the Governor's Task Force for Local Government Mandate Review and the Task Force for Fiscal Impact Review. The intent is to provide local governments more time to assess the fiscal impact of proposed legislation. During the 2014 session, delegates and senators had ten days after the start of the session to introduce legislation, leaving local governments with roughly three weeks to review bills, notify the Commission on Local Government about potential fiscal impacts and to lobby.

Fines and Costs Collections by Treasurers

VML seeks the repeal of language in the 2014 Appropriation Act that effectively bars local Treasurers from collecting delinquent fines and costs. Commonwealth's Attorneys should have the option to choose the most efficient and effective collection agent regardless of whether the agent is a public or private entity. VML does not support efforts to monopolize collection services.

Local Fines and Fees

VML supports a budget amendment to end state confiscation of local fines, fees and forfeitures. At the very least, the General Assembly should reform the policies and procedures associated with the Commonwealth's claims on these local dollars based on ideas introduced in the 2014 legislative session that adjusted court procedures to promote efficiencies, that narrowed the number of affected localities and that reduced the dollar amounts taken by the state.

Water Quality Funding

Virginia's local governments face mounting costs for water quality improvements for sewage treatment plants, urban stormwater, combined sewer overflows (CSOs), and sanitary sewer overflows (SSOs). In response to federal and state legislation, regulation and policies, VML urges the federal government and the Commonwealth to provide adequate funding for these water quality improvements.

Taxing, Licensing and Regulating Internet-based Businesses & Services

If the Commonwealth should take action to regulate private enterprises employing a business model that emphasizes the use of the Internet to either provide retail or facilitate lodging or ride-sharing services, then local government interests should be acknowledged and localities should be included in the decision-making. As general principles, VML believes state and local policies should (1) encourage a level playing field for competing services in the market place; (2) seek to preserve and/or replace local and state tax revenues; and (3) ensure safety and reliability for consumers.

Workers Compensation – Medical Costs

Virginia should adopt Medicare-based fee schedules for setting medical provider fees in workers' compensation cases, instead of the prevailing community rate standard now used. This will make providing workers' compensation coverage more affordable and will adequately protect the financial interests of the medical providers of Virginia.

Transportation Networking Companies

VML supports the continued option of the regulation of taxi companies at the local level. VML supports state regulation of ride-sharing companies as needed to ensure proper safety, liability, cleanliness, insurance coverage, local revenue, consideration of ADA access, and equitable service in communities.

Municipal Net Metering

To facilitate the deployment of onsite renewable for municipal facilities VML supports (1) allowing local governments to aggregate the electric load of their governmental buildings, facilities, and any other governmental operations for the purpose of net energy metering; and (2) raising the net-metering limit from 500 kilowatts to 2,000 kilowatts for non-residential customers.

Hydraulic fracturing petroleum extraction

The process of hydraulic fracturing raises concerns about the potential pollution of groundwater, the depletion of water supplies and an increase in seismic activity in previously benign or inactive zones. The consequences potentially are costly and irreversible to local communities. VML supports a state regulatory program that addresses these concerns while protecting the authority of local governments to regulate this type of mining activity through its land use ordinances.

VML Executive Committee

President – Mayor William D. Euille, Alexandria

President-Elect – Mayor Ron Rordam, Blacksburg

Vice President – Mayor Robert K. Coiner, Gordonsville

At-large – Vice Mayor Edythe Kelleher, Vienna

At-large – Board Vice Chair Mary Hynes, Arlington

At-large – Vice Mayor Ceasor Johnson, Lynchburg

At-large – Council Member Katie Hammler, Leesburg

At-large – Council Member Patricia Woodbury, Newport News

At-large – Mayor Mimi Elrod, Lexington

Town Section Chair – Council Member Faye Prichard, Ashland

City Section Chair – Councilor Christina Luman-Bailey, Hopewell

Urban Section Chair – Council Member Anita James Price,
Roanoke

Immediate Past President – Mayor David P. Helms, Marion

VML Legislative Committee

Chair: Council Member Sharon Scott, Newport News
(Urban Section)

Vice Chair: Council Member Ophie Kier, Staunton (City Section)

Urban Section

Council Member Larry Campbell, Danville

Council Member John Chapman, Alexandria

Mayor Satyendra Huja, Charlottesville

City Manager Kim Payne, Lynchburg

Council Member Ellen F. Robertson, Richmond

Mayor George Wallace, Hampton

Mayor Kenneth Wright, Portsmouth

Council Member Rosemary Wilson, Virginia Beach

Council Member Jonathan Way, Manassas

Council Member Thomas R. Smigiel Jr., Norfolk

Mayor Ted Byrd, Harrisonburg

City Section

Mayor Elizabeth Minor, Winchester

City Manager Brian Thrower, Emporia

Council Member Andrea Oakes, Staunton

Council Member Gene Teague, Martinsville

Mayor Guy Odum, Bristol

Town Section

Mayor Don Harris, Bluefield

Mayor Tim Taylor, Strasburg

Council Member Sheila Olem, Herndon

Vice Mayor Cathy Lowe, Abingdon

Mayor Edward Owens, South Boston

Mayor James Hudson III, West Point



Street maintenance
Public health
Neighborhood preservation
Recycling
Animal shelters
Cable television franchises
Sidewalks
Voter registration
Child protective services
Courts
Zoning enforcement
Farmers' markets
Engineering
Consumer protection
Green Government
Street sweeping
Social services
Industrial development
Paratransit
Fire marshal
Electric utilities
Comprehensive planning
Senior citizen programs
Community development
Main Streets
Kindergarten
Elections administration
Adult protective services
Welfare administration
Juvenile detention
County fairs
Natural gas utilities
Airports
Citizen boards and commissions

About VML

The Virginia Municipal League is a statewide, nonprofit, nonpartisan association of city, town and county governments established in 1905 to improve and assist local governments through legislative advocacy, research, education and other services. The membership includes all 38 cities in the state, 160 towns and 8 counties.



P.O. Box 12164
Richmond, VA 23241

804/649-8471
e-mail@vml.org
www.vml.org



RESTORE THE STATE-LOCAL PARTNERSHIP FOR STATE MANDATED SERVICES

VFC supports added funding for the Priority Programs that disproportionately benefit core cities:

- | | |
|--------------------------------------|---|
| At-Risk Education Incentive Programs | State Aid to Local Police Depts. (HB 599) |
| Comprehensive Services Act (CSA) | Local Jails and Per Diems |
| Juvenile Justice Assistance | Community Service Boards (CSB's) |
| Enterprise Zone Programs | Brownfields |
| Street Maintenance Payments | Public Transit |

TRANSPORTATION/ LAND USE/ URBAN INFRASTRUCTURE

Focus resources on existing infrastructure and support land use policy initiatives that use existing infrastructure, augment city redevelopment, and discourage dispersed development patterns.

Street Maintenance/Primary and Urban Funds

Virginia First Cities spent \$76M more than state street maintenance payments provided in FY11. City and town streets are a vital part of the regional transportation network. They are more costly to maintain due to heavy use, age, and the need to accommodate pedestrian, bus, auto and truck service and complex adjacent utilities.

- **Adequately fund city and town street maintenance by increasing lane mileage rates.** The General Assembly increased these rates for Henrico in 2012, but city and town rates have not changed for many years.
- **Make all lane miles eligible for street maintenance payments** to be consistent with state policies for Henrico and Arlington County streets.

Water Infrastructure

- **\$50 million in FY 2015 for the Stormwater Local Assistance Fund**, to continue improvements for the installation of effective storm-water controls on urban lands to reduce the flow of excess nutrients and sediment to local streams, rivers and the Chesapeake Bay.
- **Protect the Water Supply.** VFC opposes lifting the ban on uranium mining. Further, the state should develop regulations to ensure safe horizontal hydraulic fracturing.

K-12 INITIATIVES TO ELIMINATE THE EDUCATION ACHIEVEMENT GAP

Provide Additional Funding for Extended Year and Extended School Day Programs. JLARC found that year round schools with additional instruction during intercessions can improve student performance, especially among minority students. The FY14 budget provided planning funds for schools interested in exploring this option. The additional costs will be known. Requests for state extended school year planning grants and start-up funding have been greater than expected. VFC requested funding last session and \$3.4 million was appropriated over 2014-16 for planning grants and start-up funding. The current year appropriation of \$1.164 million was fully subscribed. Grant requests for the current year exceeded \$2.4 million, leading to a proration of implementation grants based on prioritizing school systems demonstrating the greatest need. All planning grant requests (up to \$50,000) were fully funded. The Department of Education anticipates that additional resources will be needed for FY16 to fully fund requests without proration.

Give Schools Making Substantial Progress Special Designation and Extra Time to Achieve Full Accreditation

VFC proposes requesting that schools making substantial progress toward accreditation receive a special designation and extra time to accomplish the task of meeting these state achievement standards. VFC believes this would benefit students, teachers, parents, schools, localities and the business sector alike as full school accreditation is pursued. As struggling schools work to reach full accreditation, they face myriad challenges. Schools not fully accredited have three years to reach full accreditation or risk certain consequences. Localities with schools not fully accredited can have a wide ranging impact on all stakeholders: students, teachers, parents, school systems, neighborhoods, localities, citizens, the business community and the state. **Substantial progress toward achieving accreditation should be rewarded with encouragement toward further progress.** The esteem of a community is bolstered and businesses are better able to attract investment and jobs when they see progress being made in the struggling schools.

Quality Teacher Training for Hard to Staff Schools

VFC encourages expansion of the VCU - Richmond Teacher Residency Program model to other universities and localities. The VCU program is in its fifth year of training teachers to specifically work in some of Richmond's toughest schools. Based on the medical school model, it gives prospective teachers an entire year of teaching side-by-side with an established teacher. It then offers three more years of professional support to make sure the residents stay prepared, engaged and employed - which often doesn't happen with new teachers in urban settings. VFC wants to encourage expansion of this model for teacher training to other universities and target more schools in localities that have difficulty hiring well qualified teachers. VFC proposes working with Secretary of Education Ann Holton to determine what is necessary to expand this training program.

K-12 EDUCATION INITIATIVES TO CLOSE THE ACHIEVEMENT GAP – Increase and target funds to student programs and hard to staff schools to improve achievement among at-risk students, improve Standards of Learning (SOL) and NCLB scores, graduation rates, strengthen Virginia's workforce and long-term economy. Add investment to these proven effective strategies:

- **School Rebenchmarking – Remove the cap and restore school support positions to pre-recession levels.**
- **Virginia Preschool Initiative - Index funding for inflation like other education programs.** The per-pupil amount has remained at \$6,000 per enrolled child since 2008. Cost is approximately \$2M annually.
- **Virginia Pre-School Funding Hold Harmless** - VFC supports full hold harmless funding in the FY 2014-16 biennial budget for VPI that ensures that no school system receives fewer pre-K slots than they had in the previous year. In FY 2015, VFC was able to get about one-third of the necessary funding for a hold harmless with FY 2014 slots. The FY 2016 VPI budget is currently funded for close to 100 percent of FY 2014 slots.
- VFC also supports reallocating any balances available from FY15 for a state match to obtain and leverage the new four-year federal "Preschool Development Grant" program (deadline for the state application is October 15, 2014). This federal grant program (up to \$17.5 million per year) will target certain school districts (possibly Richmond, Norfolk, Petersburg and Winchester) for expansion of their pre-k programs through a parallel program to the Virginia Pre-school Initiative that enhances teacher quality, reduces class size, provides quality before and after care for children, etc. This could serve as a best practices model for improving the quality of pre-school programs statewide.
- **Continue to improve fund for Reading and Math Specialists.** VFC urges first priority be given to schools with a majority of at-risk students.
- **The State should fully fund its constitutional responsibility for public education prior to funding private education programs.**
- **Support policies to improve the Local Composite Index (LCI).** JLARC proposed a population density adjustment which recognizes higher service costs and demands in urban localities.
- **Amend the mandate of SJR 328 (2013), the JLARC study of the efficiency and effectiveness of elementary and secondary school funding in Virginia to include a review of the impact of the local composite index on school effectiveness.**
- **VFC opposes A-F grading of schools.**

TAXATION

- **BPOL /Machinery and Tools Tax:** Oppose efforts to eliminate these important revenue sources due to the impact their loss would have on local revenue.

HEALTH

- **Increase funding for the “Smart Beginnings” and “Healthy Families”;** these are effective programs that enhance school achievement and prevent poverty.
- **Expand Medicaid to include adults up to 138% of Federal Poverty Level (FPL) under the Affordable Care Act.**

PUBLIC SAFETY - Creating Safer Communities

- **Full funding for State Aid to Local Police Departments (599) to maintain low crime rates in Virginia’s urban areas.**
- **Restore funds to the Virginia Juvenile Community Crime Control Act (VJCCCA)** which provides court-approved individualized services to delinquent juveniles to avoid intake placement.
- **Provide additional drug court funding.**
- **Increase substance abuse and mental health rehabilitation funding for juvenile detention, jail, and DOC units.** Expand existing mental health pilot programs.
- **Support prisoner reentry programs and alternatives to incarceration** that reduce overcrowding and mitigate future growth in prisoner populations. This reduces recidivism and creates safer communities.
- **Regional Jail Funding - Restore \$10.7 million for already budgeted jail per diems.** VFC supports amending Item 69 of the biennial budget to increase jail per diems to the amount estimated to fully fund the program in FY 15. The state pays \$4 per day to local and regional jails for local inmates, and \$12 per day for state responsible inmates. The per diem payments had been \$8 per day for local inmates and \$14 per day for state responsible inmates for many years, but in 2010 those amounts were reduced to the current levels, resulting in a substantial reduction in the amount of per diems paid to local jails. The budget approved by the General Assembly includes \$10.7 million less for jail per diems than the Compensation Board indicated will be necessary to fully fund the program in each year of the biennium

EMPLOYMENT , ECONOMIC DEVELOPMENT AND HOUSING

Community Empowerment and Wealth Building Fund

VFC requests state funding for a pilot state-local match program intended to increase employment and wealth in high poverty areas. Several localities, such as Richmond, Norfolk, and Charlottesville, have developed comprehensive poverty reduction strategies that tie together multiple, complementary initiatives in workforce development, economic development, education, housing and transportation. Such strategies aim to harness local resources (public, private, and nonprofit) into effective, high-impact plans to extend opportunities and reduce social and economic isolation. The Community Empowerment and Wealth Building Fund would provide an incentive to Virginia localities to leverage state and private sector dollars to develop comprehensive plans aimed at reducing poverty and extending more and higher quality opportunities to residents of high-poverty communities.

Give priority for training and economic development programs to urban and rural localities with high unemployment. VFC localities had 19% of the state’s unemployed. As of July 2013, Virginia First Cities had a 7.5% unemployment rate versus the statewide rate of 5.5%. This is comparable to Southwest and Southside rates.

- **Job Training and Creation:** A comprehensive approach should include priority funds for the education of at-risk students and expanded funding for workforce training at community colleges.

- **Increase Regional Transit Access to Jobs:** Encourage financial participation by all urban/suburban localities in a region.
- **Support increasing the state minimum wage and indexing to inflation.**
- **Industrial Site Redevelopment:** Continue funding the Derelict Structures Fund to rehabilitate industrial sites for reuse.
- **Restore Brownfields Funding:** The state fund is depleted. It has been used with local and federal funds to restore land parcels and buildings with environmental problems so they can be marketed to new economic development prospects.
VFC requests \$1 million to restore Brownfields Assessment Grants. VFC was successful in 2011 in obtaining \$1 million GF for the Brownfields Restoration Fund to encourage economic development of properties out of use due to perceived contamination or other environmental problems. Due to high demand in a number of localities, the state fund is depleted. The previous appropriation was leveraged with private, local and federal funds to assess and encourage the restoration of land, parcels and buildings to usefulness. This work primes the properties for marketing to new economic development prospects.
- **Study and Fully Fund the Enterprise Zone Program:** This is a successful public-private program that stimulates investment and job creation in economically distressed urban and rural localities.
Due to the state budget shortfall, \$2.5 million was cut from this successful business development program targeting distressed communities. The Department of Housing and Community Development's (DHCD) latest report for grant year 2013 showed that approximately 10% proration was required for businesses participating in the program – *and this was before the \$2.5 million reduction*. This means businesses counting on a return on their investment were shorted 10% of what they were promised. As we have heard before, this reduces the incentive power of the program. Distressed communities rely on Enterprise Zones as a tool for business attraction and redevelopment in their locales. VFC requests restoration of these important economic development grant dollars and supports funding for a **full study** of the program.
- **Neighborhood Preservation: Support incentives and policies that maintain vibrant neighborhoods and eliminate blight by:**
 - 1) Increasing the economic feasibility of reusing vacant, abandoned, and derelict structures
 - 2) Encouraging private investment to rehabilitate buildings in older neighborhoods and commercial districts such as Historic tax credits
 - 3) Support Housing Trust Fund Funding
 - 4) Oppose policies that discriminate in housing based on Source of Income
- **Direct the Department of Agriculture and Consumer Services to examine the issue of food deserts in the state and strategies for their elimination, including establishing incentives for:** 1) Production, distribution and procurement of foods from local farms, 2) Public-private partnerships to open and sustain full-service grocery stores in communities without access to healthy food (food deserts), 3) Encouraging food retailers to locate and increase food and beverage choices in underserved areas.

OTHER POSITIONS

- **Curtail Predatory Lending:** Pass legislation to prohibit and deter predatory, usurious lending practices.
- **Gubernatorial Succession:** Support legislation allowing Virginia's governor to serve a maximum of two successive terms.
- **Regional Strategies:** The state should incentivize regional cooperation and service delivery to promote efficiency, mitigate inequities, and overcome barriers that result from Virginia's unique local government structure and moratorium on annexation.
- **Enact recommendations of the Governor's Task Force for Local Government Mandates:**
 - **Restore the requirement that bills with a local fiscal impact must be introduced on the first day of a General Assembly Session** to allow time to assess fiscal impact prior to committee action.
- **Remove Barriers to Lawful Voting** by providing adequate funding for local registrars, allowing no excuse early voting, and restoring voting rights for felons who have served their time.

2015 LEGISLATIVE PROGRAM



Virginia Association of Counties

1207 E. Main Street, Suite 300
Richmond, VA 23219
Ph. 804.788.6652
www.vaco.org

1 **2015 Post Conference Legislative**
2 **Program**
3 **Virginia Association of Counties**

4
5
6
7 **ECONOMIC DEVELOPMENT AND PLANNING**

8
9 **Priorities**

10
11 **Land Use/Growth Management Tools**

12 VACo supports maintaining local authority to plan and regulate land use and opposes any
13 legislation that weakens these key local responsibilities. VACo supports legislation that
14 grants localities additional tools to adequately meet increasing needs for public services
15 driven by new development without burdening current residents with the cost of new
16 growth through increased real estate taxes. Such additional tools may include broad
17 impact fee authority for all counties, adequate public facilities provisions in subdivision
18 ordinances, state funds for the purchase of development rights, and real estate transfer
19 charges.

20
21 **Workforce Development**

22 Unemployment and underemployment are common challenges facing counties. County
23 officials are also concerned about the inability of current and potential employers to find
24 workers with the skills needed for current and future job openings. Counties support
25 flexibility for workforce programs to meet the specific workforce challenges identified by
26 the public and private sector at the local and regional level and continued funding for
27 Virginia’s workforce system. VACo supports state efforts to fund, encourage and
28 facilitate local and regional efforts to convene and facilitate cooperation between the
29 business community and other numerous stakeholders involved in Virginia’s workforce
30 investment system. VACo supports applying credit recognition and state incentives for both
31 certification, training or qualified credentialing and credit course hours.

32
33
34 **Positions**

35
36 **Affordable and Workforce Housing**

37 VACo supports maintaining federal and state funding and appropriate incentives to assist
38 localities in fostering affordable housing, as well as workforce housing for employees
39 such as teachers and first responders.

43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88

Agriculture and Forestry Industries Development Fund (AFID)

VACo supports continued state funding for the Agriculture and Forestry Industries Development Fund (AFID).

Defense Funding

VACo supports maintaining federal Defense spending. Further cuts to military spending will impact our nation’s security and negatively impact economic growth in counties throughout the Commonwealth of Virginia.

Economic Development

VACo supports continued federal and state funding and technical assistance for infrastructure investments and economic development programs as effective means for enhancing business development in the Commonwealth. VACo supports economic development policies that bolster local and regional development efforts.

Impacts of Federal and Military Facilities (Federal)

VACo supports maintaining federal and state funding and technical assistance to mitigate the impacts on counties affected by federal budget cuts and to sustain current and future federal facilities in Virginia. VACo supports state and local partnerships to work to prevent encroachment and non-compatible land uses next to military installations. VACo also supports workforce training and retraining for programs that support Defense activities in Virginia.

Maintain Public Sector Role in Onsite Sewer Program

VACo supports an onsite sewage program at the Virginia Department of Health that protects public health and the environment in all regions of the Commonwealth. The state’s program should allow localities to develop and implement policies that support the state’s program. VACo supports the private sector providing onsite sewage system design, installation and repair services, as long as the services can be provided at affordable rates and in a timely manner, and as long as VDH continues to provide these direct services as well.

Natural Gas Pipelines

VACo supports federal and state efforts to ensure that counties are partners in the route selection process.

Regional Cooperation

VACo supports maintaining state funding and additional grants of authority to promote regional initiatives. VACo also supports state funding for Virginia’s planning district commissions, which play a key role in addressing regional challenges.

Siting of Utilities

VACo supports requiring utilities to seek input from localities and property owners before any actions to construct, modify or enlarge their facilities.

EDUCATION

89
90
91
92
93
94
95
96
97
98
99
100
101

102
103
104

105
106
107
108
109
110
111
112
113
114
115
116

117
118
119
120
121
122
123
124
125
126
127
128

Priority

Education Funding

VACo urges the General Assembly to provide full state funding for public education including the Standards of Quality (SOQ) as recommended by the Board of Education, targeted incentive programs, capital and maintenance support and teacher salaries. Full state funding should be achieved without reduction to other parts of state public education budgets or to the other core services. The state must recognize that in FY 2013 local school divisions spent \$3.55 billion above required local effort.

VACo supports the current practice whereby all year-end funds appropriated to the school divisions by the locality revert to the locality, retaining discretion with the governing body to evaluate and approve the reallocation of year-end fund balances.

Positions

Composite Index Appeal process

VACo supports legislation that would establish an appeals process for local governments to challenge computation of the Local Composite Index.

Composite Index, Use Value

VACo supports legislation to adjust the calculation of the local Composite Index for public school funding by directing the Department of Education to adjust its funding calculations for the local ability to pay by using the use-value assessment of real property, instead of the true value, in localities that have adopted use-value taxation.

Funding Support Personnel

In addition to meeting its obligations to fully fund instructional staff, the Commonwealth should meet its obligation to fully fund the support side of K-12. Since 2009, Virginia has implemented sizable structural budget cuts to K-12, particularly in the area of support, costing localities more than \$1.7 billion per biennium statewide. VACo supports full restoration of these cuts, including: elimination of the funding cap on support positions; restoring the inflation factor for non-personal support costs; and full reinstatement of the Cost of Competing (COCA) for support staff. Adequate state funding for support staff and operations is critically important for the operation of any school system.

Library system

129 VACo supports maintaining the level of funding of financial aid to the library system at
130 levels budgeted for FY 15 and FY 16.

131
132
133
134

135 ENVIRONMENT AND AGRICULTURE

136

137 Priority

138

139 **Water Quality Improvement Funding**

140 VACo supports effective partnerships among and across all levels of government to
141 improve water quality.

142

143 VACo urges state and federal agencies to consider impacts on local governments of any
144 initiatives intended to reduce loadings of pollutants into state waters from both point and
145 non-point sources. In order for comprehensive, watershed-wide water quality
146 improvement strategies to be effective, major and reliable forms of financial and
147 technical assistance from federal and state governments will be necessary. VACo
148 supports the goal of improved water quality, but will oppose provisions of any strategy
149 that penalizes local governments by withdrawing current forms of financial assistance or
150 imposing monitoring, management or similar requirements on localities without
151 providing sufficient resources to accomplish those processes. VACo opposes the
152 imposition of a state fee, tax or surcharge on water, sewer, solid waste or any service
153 provided by a local government or authority.

154

155

156 Positions

157

158 **Agriculture Production**

159 VACo supports increased availability of local food for purchase. To accomplish this,
160 VACo supports the establishment of farmers' markets and the supplemental nutritional
161 assistance program (SNAP) for purchases at farmers' markets, policies to increase direct
162 delivery of food from growers to consumers and funding for the design and construction
163 of regional processing facilities to facilitate delivery of locally-produced food.

164

165 **Aquifer protection**

166 VACo supports initiatives by the state to assure adoption of actions to reduce high
167 chloride concentrations and loss of artesian head pressure in Virginia's aquifers. VACo
168 also requests that the Commonwealth conduct a review of regulations, and promote
169 education to promote reclamation of water on a local level for industrial and irrigation
170 uses to offset future demands on all ground and surface water used for human
171 consumption in the Commonwealth.

172

173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214

Biosolids

VACo contends that the land application of biosolids, when conducted properly, provides important benefits to the public and Virginia’s agricultural sector. To reduce risks that might occur because of improper land application, VACo supports an effective statewide program and regulations governing land application of biosolids that protect the environment, public health and safety. VACo also supports the ability of local governments to monitor compliance with such regulations. To address concerns of neighboring property owners, VACo supports the ability of local governments to suggest amendments to biosolids permits as they are being considered by the Department of Environmental Quality.

Dam safety

VACo supports dam safety regulations that do not impose unreasonable costs on dam owners whose structures meet current safety standards. VACo encourages DCR to institute reasonable calculations of probable maximum precipitation rainfall amounts that accurately identify at-risk structures and facilitate the most efficient targeting of scarce resources to the most needy structure. VACo supports programs that keep downstream owners and developers aware of potential inundation zones.

Energy Efficiency

VACo endorses initiatives among all levels of government to reduce dependence upon foreign sources of energy, to reduce emissions of greenhouse gases and to improve energy efficiency. VACo also supports production of renewable energy in Virginia through the implementation of Renewable Portfolio Standards while continuing to support energy policies that take advantage of our abundant coal deposits and natural gas reserves while protecting the welfare and safety of agriculture and our water supplies.

Humane Investigators

VACo opposes legislation requiring local governments to accept court appointed humane investigators. Humane investigators should only be appointed when specifically requested by a local governing body. Local governments should have the option of terminating a humane investigator program.

Hydraulic fracturing

Advances in technology for the extraction of natural gas known as “hydraulic fracturing” has the potential to tap vast reserves in what are known as the Marcellus shale and Taylorsville Basin deposits. Concerns about how the process of hydraulic fracturing could impact both public and private groundwater supplies have been raised both regionally and nationally. VACo supports a state regulatory program that addresses these concerns while protecting the authority of local governments to regulate this type of mining activity through their land use ordinances. Specifically, VACo supports a regulatory program with the following components:

- 215 • A requirement for permit applicants to provide certification to the Department of
216 Mines, Minerals and Energy that the activity and associated activities are
217 consistent with applicable local ordinances;
- 218 • Authority for local governments to require documentation that all state
219 requirements are met as a condition for local approval;
- 220 • Requirements for operators of hydraulic fracturing operations to demonstrate
221 adequate financial assurance to ensure the availability of adequate resources to
222 correct any damages that could result from drilling operations;
- 223 • Through a portion of permit fee revenues, establish a state fund to defray local
224 costs that would be associated with the training of first responders as preparation
225 for emergencies stemming from fracturing activities; and
- 226 • To assure continuity in protection of health and natural resources, that provisions
227 in the Memorandum of Agreement between DMME And DEQ of August 12,
228 2014 be strengthened and perpetually institutionalized by statute or regulation.
229

230 **Industrial Hemp**

231 VACo supports legislation allowing for the cultivation of hemp as an industrial and
232 agricultural commodity that will open markets for farmers, manufacturers, businesses
233 and entrepreneurs in the emerging and growing hemp industry.
234

235 **Invasive Species**

236 VACo supports adequate funding to implement the Virginia Invasive Species
237 Management Plan. The Plan identifies strategies to prevent and control damage caused by
238 invasive species.
239

240 **Land Conservation**

241 VACo supports targeted initiatives to facilitate the protection of land for conservation
242 purposes. VACo also supports a Purchase of Development Rights program that includes
243 state funding for the Virginia Land Conservation Foundation, and that provides
244 incentives for landowners at all income levels to participate in the program. Such
245 programs preserve prime soils for food production and protect important forestal land and
246 environmentally sensitive areas in the Commonwealth.
247

248 **Local Regulation of Timbering**

249 VACo supports legislation to clarify that, once a subdivision plan is submitted for local
250 approval at the request of the property owner for a development project, any timbering on
251 the property is subject to such local requirements as erosion and sediment control
252 ordinances, stormwater management controls and other regulations pertaining to
253 development.
254

255 **Non-point Source Pollution**

256 VACo supports a well-financed state program to address the problem of non-point source
257 runoff from agricultural operations. The program should effectively encourage
258 implementation of priority best management practices such as nutrient management

259 planning, use of cover crops, continuous no-till farming and development of forested
260 riparian buffers and livestock stream exclusion.

261

262 **Onsite Wastewater Systems**

263 VACo supports legislation ensuring that potential buyers of real property are told about
264 the type, size and maintenance requirements and associated costs of the wastewater
265 systems on the property prior to the signing of the initial sales contract and the
266 recordation of engineered systems plat and deed at the time of sale.

267

268 **Recycling**

269 VACo supports the development of more aggressive strategies by the state to develop
270 markets for recycled materials.

271

272 **Southern Rivers Watershed**

273 VACo supports continued funding for the Southern Rivers Watershed Enhancement
274 Program to improve water quality in non-Chesapeake Bay watersheds.

275

276 **Stormwater programs**

277 VACo supports adequate funding to enable local governments to meet ongoing costs
278 associated with local stormwater management programs that became effective on July 1,
279 2014. VACo believes it will be critical to evaluate the effectiveness of the fee structure in
280 the Virginia Stormwater Management Permit regulations as the chief source of revenue
281 for funding local stormwater management programs.

282

283 VACo also supports legislation to:

284

285 • Amend Section 62.1-44.15:48 of the Code of Virginia to remove the requirement
286 that proceeds from penalties must be used only for purposes only for the purposes
287 mandated under that section of the Code.

288

289 • Remove the requirement from the Construction General Permit that permittees
290 must comply with Virginia’s post construction standards for water quality.

291

292 • Amend Section 62.1-44.15:28 of the Code of Virginia to give localities the ability
293 to waive the state’s portion of the VSMP fees if a locality waiver policy has been
294 implemented by a locality and approved by the Board. VACo also requests a new
295 locality/state workload analysis to justify the state’s portion from the stormwater
296 permit fee. The new analysis should address long-term responsibilities placed on
297 localities that previous studies ignored.

298

299 • Amend Virginia’s Stormwater Management Law that would distribute a
300 maximum of 10 percent of statewide stormwater fees revenue to the Virginia
301 Stormwater Management Fund with the remaining 90 percent remaining with
302 local governments.

303

- 304
305
306
307
308
- Amend Section 62.1-44.15:33 of the Code of Virginia to mandate that the State Water Control Board consider long-term maintenance costs of a Best Management practice when approving a local stormwater program.

309
310

Uranium Mining

VACo supports continuation of a moratorium on uranium mining and milling within the Commonwealth of Virginia.

312
313

Virginia Cooperative Extension

VACo supports sufficient funding for the Virginia Cooperative Extension Service.

314
315
316

Virginia Outdoors Foundation

VACo supports legislation that would increase funding for the Virginia Outdoors Foundation through transfer fees and other dedicated sources of revenue.

317
318
319
320

Waste Management

VACo supports broad authority for local governments to adopt flow control ordinances. VACo supports funding for infrastructure to increase energy harvest from the waste system.

321
322
323
324
325

Water Supply Planning

VACo supports adequate funding by the state for the ongoing development and implementation of state-mandated water supply plans.

326
327
328
329
330
331

FINANCE

332
333
334

Priority

335
336

Local Finances

VACo supports the authority of county governments to levy and collect revenue from local business taxes. VACo requests county government representation on all study or legislative commissions that impact local government revenues or services. VACo opposes mandated new or expanded funding requirements on counties.

341
342
343

Positions

344
345

County Authority Including Equal Taxation

VACo supports granting counties equal taxing authority enjoyed by cities and towns to enact local excise taxes without referendum.

348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386

387
388
389
390

Fiscal Impact Statements

In furtherance of the objectives to evaluate the local fiscal impact of proposed legislation, VACo recommends the reinstatement of the first day introduction requirement for bills with local fiscal impact.

Funding for State Mandated Positions and Jails

VACo urges the Commonwealth to meet its full funding obligations for constitutional officers and our state mandated positions. VACo further requests that the state budget be amended to increase jail per diems in the FY 2015 budget that will fully fund local and regional jails. Additionally, VACo requests the state to reimburse local and regional jails for the actual costs of state responsible inmates as determined by the Annual Jail Cost Report, published by the Compensation Board.

Line of Duty

VACo calls on the General Assembly to fully fund the Line of Duty Act (LODA) obligations and return LODA to a state program. LODA benefit eligibility determinations should be the responsibility of the Virginia Workers' Compensation Commission and not the State Comptroller's Office.

Local Ordinance Violations

VACo requests the repeal of budget language enacted by the 2012 General Assembly that required the deposit of local ordinance violation collections from General District Courts, Juvenile and Domestic Relations Courts, Combined District Courts and the Magistrate System to the State Treasury. This legislative action removed a source of local revenue for many localities.

Short-Term Disability

VACo urges the state to remove the short-term disability mandate from the new Hybrid Retirement Plan. Localities have already addressed short term disability issues through their leave and benefit policies.

Unfunded Teacher Pension Liability

Local governments and the state share responsibility for paying the cost of teacher pensions, but under GASB 68, Virginia local governments will have to begin accounting for both the state and local unfunded liabilities for teacher retirement plans on their FY 2015 financial statements. VACo urges the state to account for its proportional share of the liability by paying its current share of teacher pension contributions directly to VRS.

GENERAL GOVERNMENT

391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433

Priority

Broadband

VACo urges the Commonwealth and the Federal Government to assist communities in their efforts to deploy universal affordable access to broadband for all areas, particularly in underserved and rural areas while preserving local land use, permitting, fees and other local authority. Widespread deployment of broadband should be a top priority for the Commonwealth to ensure competitive economic advantages, improve public safety, provide quality educational opportunities and facilitate telemedicine and other modern health care initiatives. Assistance should include economic incentives as well as budgetary and statutory policies that facilitate broadband deployment and adoption. VACo also urges state support of local and regional authorities created under the Virginia Wireless Service Authorities Act, the preservation of the powers granted under the Act, support for Virginia Resources Authority and other favorable financing mechanisms for broadband projects and improvement of the quality and accuracy of the state’s broadband availability map.

Ethics Reform

The Virginia Association of Counties supports common sense efforts to strengthen Virginia’s public ethics and conflicts of interest laws. VACo also supports efforts to make sure current and future changes to these laws are applicable and practical at the local level.

Positions

Aid to Localities

VACo requests that the Commonwealth use the most current population statistics available for the purposes of determining state aid to those localities that have experienced population growth in the 10-year period between the decennial enumerations. During that period, population statistics from the Weldon Cooper Center for Public Service, the American Community Survey and from other established entities should be used by the Commonwealth. The General Assembly should consider the many fixed costs of services in determining aid to those localities that have remained stable or lost population.

Annexation Moratorium

VACo supports full funding of the Commonwealth’s HB 599 commitments. VACo also supports the continuation of the current moratorium on city annexations regardless of whether those commitments have been met. The moratorium has promoted more intergovernmental cooperation between cities and counties, allowed counties to plan for

434 future growth and economic development within their borders and has allowed counties
435 to be able to protect their tax base in order to provide needed services to citizens.

436

437 **Collective Bargaining for Public Employees**

438 VACo opposes any effort to mandate collective bargaining for public employees.

439

440 **Dillon Rule/Local Authority**

441 VACo supports relaxation of the Dillon Rule by granting and maintaining local authority
442 and autonomy including land use matters, revenue measures, procurement and other
443 issues of local concern. The General Assembly should extend powers currently granted to
444 some local governments to all other local governments.

445

446 **Election Costs and Districts**

447 VACo supports legislation that would decrease the costs of elections to localities. These
448 costs include primaries, voting equipment, personnel and voting places. Cost reduction
449 solutions include requiring parties to pay for primary elections, having one date for
450 primary elections, using paper ballots, establishing countywide voting places and other
451 similar measures. The state should provide adequate funding to localities for optical scan
452 and other voting equipment and registrar costs. VACo also supports legislation to
453 minimize or eliminate Split Voting Precincts.

454

455 **Freedom of Information Act (FOIA)**

456 VACo opposes changes to the Virginia Freedom of Information Act that would impose
457 additional burdens on localities.

458

459 **Grievance Hearings**

460 VACo supports legislation authorizing localities to utilize an administrative hearing
461 officer instead of a three-member panel. VACo also supports providing immunity to local
462 government employees, officers, volunteers, administrative hearing officers and panel
463 members for claims arising out of participation in personnel grievance procedures.

464

465 **Immigration Reform**

466 VACo maintains a strong commitment to ensuring the security and safety of our
467 communities. Legislative reforms must recognize the contributions of immigrants to a
468 complex economy, as well as the costs associated with welcoming immigrants into our
469 communities. The U.S. Congress must enact comprehensive immigration reform that
470 provides a funding stream sufficient to address the fiscal impact on state and local
471 governments for any guest worker program and earned legalization program. The state
472 and local governments require a national immigration system that is fully funded at the
473 federal level, recognizes the realities of the marketplace, eases the fiscal stress on states
474 and localities and properly secures our borders. It is important that the federal
475 government establish a clear and understandable path to citizenship for those who are
476 eligible.

477

478

479

480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524

Interoperability

VACo supports the state’s goal that by 2015 agencies and their representatives at the local, regional, state and federal levels will be able to communicate using compatible systems to respond more effectively during day-to-day operations and major emergencies. Local governments require dedicated federal and state funding sources to achieve this goal.

Pay Day Lending

VACo supports legislation to set a total cap of 25 percent for all interest, fees and other charges for payday lending and other similar businesses such as car title loans.

Public Notice, Public Hearing and Public Procurement

VACo supports legislation to reduce required advertising for public notices, public hearings and public procurement including legislation to give localities the option to use electronic or other forms of notification as an alternative to newspaper advertising.

Sovereign Immunity

VACo opposes any substantive change in local governments’ present defense of sovereign immunity. VACo opposes bringing counties under the Virginia Tort Claims Act.

State Assistance for Police Departments

VACo supports increasing state assistance for police departments through “599” Aid to Localities. This funding is designed to equalize state funding between counties in which the sheriff department provides law enforcement and those cities, counties and towns with a police department.

Unfunded Mandates

VACo opposes unfunded mandates and shifting of fiscal responsibility from the state to localities for existing programs by the Commonwealth. When funding for a mandated program is altered, the mandate should be suspended until full funding is restored. When legislation with a cost to localities is passed by the General Assembly, the cost should be borne by the Commonwealth, and the legislation should contain a sunset clause providing that the mandate is not binding on localities until funding by the Commonwealth is provided.

Workers’ Compensation Medical Costs

VACo supports the adoption of Medicare-based fee schedules for setting medical provider fees in worker’s compensation cases in Virginia, instead of the prevailing community rate standard now used.

HEALTH AND HUMAN RESOURCES

525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568

Priority

Health and Human Resources Funding

VACo supports transparent state policies and funding to ensure the Commonwealth’s at-risk families have access to high quality and appropriate services. The Commonwealth should fully fund localities for state mandated human services and provide the necessary program flexibility to enable localities to provide comprehensive and case-tailored services.

Positions

Aging/Long-Term Care

VACo supports efforts that allow the elderly to remain at home in a safe and secure environment. VACo urges the General Assembly to provide sufficient funding for companion services, in-home services and home delivered meals.

Behavioral Health Care

VACo supports continued funding by the Commonwealth sufficient to allow community services boards to meet adequately the charge of providing services through a community-based system of care.

Comprehensive Services Act

VACo supports a requirement that the State Executive Council and Comprehensive Services Act follow the Administrative Process Act in promulgating, amending, or repealing regulations. Furthermore, VACo supports state CSA policies that prevent the shift of costs of services for at-risk children fully to local government CPMT-approved services.

VACo supports reasonable efforts by the state to give localities an opportunity to improve practice following audit findings, and that denial of funds be implemented in a rational, progressive fashion similar to that proposed by IV-E funding and other state and federal funding sources.

Early Intervention

VACo supports sustainable funding for Part C Early Intervention, which is an entitlement program that provides services for Virginia’s infants and toddlers. VACo also requests the General Assembly address funding concerns by increasing state general funding. Underfunding this entitlement program puts pressure on local revenues to fill funding gaps for this mandated service.

569 **Group Homes**
570 VACo supports the ability of a locality to hold a public meeting when a group home is
571 established in the locality’s jurisdiction. Further, VACo encourages the state to enforce
572 appropriate regulation of group homes.

573
574 **Healthcare**
575 VACo supports continued state funding for offered dental care, school nurses and
576 preventive services and maternal and child health programs through local health
577 departments and local school systems. VACo encourages the state to prepare for
578 emergency health services access to care and develop and fund incentives that would
579 alleviate the nursing shortages felt in many communities.

580
581 **Local EMS Involvement**
582 VACo supports increased local involvement in state EMS planning to ensure statewide
583 needs are met.

584
585 **Prevention Services**
586 VACo supports increased state general funding for startup costs associated with
587 community-based service programs. VACo recognizes that programs, such as Healthy
588 Families, Comprehensive Health Investment Project (CHIP) of Virginia, Smart
589 Beginnings, and the Resource Mother, as important models and requests the General
590 Assembly provide additional funding for these home-based activities. Reductions in
591 prevention programs will put numerous youth at risk of high-end CSA placements.

592
593 **Telehealth**
594 VACo supports the use of electronic information and telecommunications technologies to
595 support long-distance clinical health care, patient and professional health-related
596 education, public health and health administration.

597
598
599
600

TRANSPORTATION

601
602
603 **Priorities**

604
605 **Devolution of Secondary Roads**
606 VACo opposes legislative or administrative initiatives that would transfer to counties the
607 responsibility for the construction, maintenance or operation of new and existing roads.

608
609 **Local-State Transportation Funding and Cooperation**
610 VACo remains concerned about the lack of secondary and urban construction funding.
611 Due to legislative changes in 2012, the Commonwealth Transportation Board (CTB) has

612 the authority to allocate up to \$500 million to priority projects before funds are provided
613 to the construction fund. It is imperative that each region receive its share of this
614 funding. Secondary and urban road programs are not expected to receive new funds until
615 FY 2017. This delay is concerning, as localities have not received funds for this program
616 since FY 2010.

617
618 Additionally, VACo is concerned that the 2012 transportation bill provides VDOT and
619 the CTB the ability to decide whether a local transportation plan is consistent with the
620 Commonwealth's priorities. While efforts to better coordinate local and state
621 transportation planning are appreciated, we want to ensure that land use planning remains
622 a local responsibility.

623
624

625 **Positions**

626

627 **Billboards**

628 VACo supports a requirement that proposed billboards in the Virginia Department of
629 Transportation's (VDOT) right of way conform to local zoning and other applicable
630 ordinances and local approval processes.

631

632

633 **Corridors of Statewide Significance**

634 VACo opposes the reduction of local control that is associated with the Commonwealth
635 Transportation Board's process of designating Corridors of Statewide Significance.

636

637

638 **Highway Tolls**

639 VACo opposes the installation of toll facilities on Virginia's interstate highways until the
640 Commonwealth Transportation Board has thoroughly reviewed and assessed the
641 components of a long-term capital improvement program, has identified and compared all
642 available funding alternatives and has adopted a proposal that matches capital
643 improvements with realistically available funding sources. Further, VACo supports
644 legislation to require that prior approval of the General Assembly shall be obtained prior
645 to the imposition and collection of tolls on any interstate highway in Virginia.

646

647

648 **Inter-Directional Signage Program**

649 VACo supports a requirement that any signs installed under VDOT's Inter-directional
650 Sign Program, including the Tourist Oriented Directional Signs Program, conform to
651 local ordinances, including any local approval processes.

652

653

654 **Local Public Hearings**

655 VACo supports the local ability and option to request a second public hearing when new
656 federal funds are allocated to the Virginia Department of Transportation for projects in a
657 locality's jurisdiction.

658

659

657 **Maintenance Priorities**
658 VACo supports a requirement imposed upon VDOT to implement a notification plan
659 with the local governing body to establish maintenance priorities.

660
661 **Parking**
662 VACo supports general authority for counties to adopt ordinances regulating, including
663 prohibiting, the parking of boats, RVs, utility trailers, campers, etc. on subdivision
664 streets.

665
666 **Rail Enhancement Fund**
667 VACo supports authority for counties to approve Rail Enhancement Fund projects funded
668 by the state and constructed within their jurisdictions.

669
670 **Rest Stops**
671 VACo supports federal legislation to allow commercialization of rest stops on the
672 interstate highway system in Virginia.

673
674 **Road Construction and Maintenance**
675 VACo supports legislation that would prohibit VDOT from requiring localities to
676 administer any transportation project without the consent of the local governing body. In
677 addition, VACo supports amendments to legislation that would require VDOT to
678 administer all projects financed by VDOT, unless otherwise agreed to by the county. If
679 VDOT cannot administer the projects due to limited resources, then VDOT's consultant
680 services shall be utilized or the locality shall have the option to use VDOT's consultant
681 services on locally administered projects financed by VDOT.

682
683 **Securities for Subdivision Streets**
684 VACo supports authority for a local governing body to determine requirements for
685 developer securities for the construction of subdivision streets.

686
687 **Separation of Federal Funds**
688 VACo supports granting authority to counties, working with VDOT, to determine the
689 percentage of federal funds applied to all secondary road projects within their
690 jurisdiction. In addition, for any locally administered road projects, the county should be
691 allowed to use all state funds, as long as they can obligate their federal funds on other
692 projects.

693
694 **Service Contracts**
695 VACo supports administrative changes allowing all localities to use professional service
696 contracts similar to other agencies of the Commonwealth (i.e., Virginia Department of
697 General Services).

698
699 **Transportation Network Companies**
700 VACo supports state regulation of transportation network companies as needed to ensure
701 proper safety, liability, cleanliness, insurance coverage, local revenue, consideration of

702 access for disabled riders, and equitable service in communities. VACo also supports the
703 option of continued regulation of taxi companies at the local level.

704 **Truck Size and Weight (Federal)**

705 VACo strongly opposes any legislation that seeks to increase truck size or weight beyond
706 the current federal standards, thereby stressing the capacity of the Commonwealth's road
707 systems and putting highways, roads and bridges at risk of increased damage or
708 deterioration.

709

710 **Use of Transportation Tax Revenue**

711 VACo opposes taking any HB2313 transportation tax revenues for the use of non-
712 transportation purposes.

713

714

715

716

717

* * *