



**CITY COUNCIL AGENDA**  
**November 18, 2013**

6:00 p.m. – 7:00 p.m.

**Closed session as provided by Section 2.2-3712 of the Virginia Code  
(Second Floor Conference Room)**

**CALL TO ORDER**  
**PLEDGE OF ALLEGIANCE**  
**ROLL CALL**  
**AWARDS/RECOGNITIONS**  
**ANNOUNCEMENTS**

VSA Poetry Book Presentation

**MATTERS BY THE PUBLIC**

Public comment will be permitted for the first 12 speakers who sign up in advance of the meeting (limit of 3 minutes per speaker) and at the end of the meeting on any item, provided that a public hearing is not planned or has not previously been held on the matter.

**COUNCIL RESPONSE TO MATTERS BY THE PUBLIC**

**1. CONSENT AGENDA\***

(Items removed from the consent agenda will be considered at the end of the regular agenda.)

a. Minutes for November 4

b. **APPROPRIATION:**

Runaway Emergency Shelter Program Grant - \$198,389 (2<sup>nd</sup> of 2 readings) **PASSED**

c. **APPROPRIATION:**

Gordon Avenue Library Masonry Project – Albemarle County Reimbursement – \$33,905.81 (2<sup>nd</sup> of 2 readings) **PASSED**

d. **RESOLUTION:**

Revised Emergency Operations Plan (1<sup>st</sup> of 1 reading) **PASSED**

e. **RESOLUTION:**

Transfer of Funds from Future Workforce Development Programs to Workforce Investment Fund - \$66,572 (1<sup>st</sup> of 1 reading) **PASSED**

f. **RESOLUTION:**

Authorization for MACAA FY13 Carryover Request - Charlottesville-Albemarle CARES – \$6,249 (1<sup>st</sup> of 1 reading) **PASSED**

g. **ORDINANCE:**

Dominion Power/Century Link easements for RWSA's Ragged Mountain Dam Project (2<sup>nd</sup> of 2 readings) **PASSED (4-1, Norris no)**

h. **ORDINANCE:**

Affordable Dwelling Units Ordinance Revision (2<sup>nd</sup> of 2 readings) **PASSED**

**2. PUBLIC HEARING / RESOLUTION\***

Permit Parking: 10<sup>th</sup> & Page and Fifeville Neighborhoods (1<sup>st</sup> of 1 reading) **NO VOTE; Council does not wish to pursue at this time.**

**3. PUBLIC HEARING / RESOLUTION\***

Safe Routes Grant Application (1<sup>st</sup> of 1 reading) **PASSED**

**4. PUBLIC HEARING / ORDINANCE\***

Release of Portion of Gas Easement in the Kenridge Subdivision (1<sup>st</sup> of 2 readings) **CARRIED**

**5. APPROPRIATION\***

FY 2013 Year End Adjustments and General Fund Balance Transfer (1<sup>st</sup> of 2 readings) **CARRIED**

**6. RESOLUTION\***

TJPCDC Legislative Agenda (1<sup>st</sup> of 1 reading) **PASSED**

**7. RESOLUTION\***

City Legislative Agenda (1<sup>st</sup> of 1 reading) **PASSED (Norris opposed to item #4)**

**8. APPROPRIATION\***

Elliot Avenue Streetscape Design – \$43,400 (1<sup>st</sup> of 2 readings) **CARRIED**

**9. REPORT**

Piedmont Council for the Art's *Create Charlottesville* Cultural Plan **APPROVED**

**10. REPORT**

Granular Activated Carbon (GAC) Update

**OTHER BUSINESS**  
**MATTERS BY THE PUBLIC**

\*ACTION NEEDED

**APPROPRIATION.**  
**Runaway Emergency Shelter Program.**  
**\$198,389.**

**WHEREAS**, the City of Charlottesville has been awarded \$187,160 from the Department of Health and Human Services Administration for Children and Families with matching funds of \$11,229 provided by Community Attention;

**WHEREAS**, the funds will be used to operate the Runaway Emergency Shelter Program through a partnership between Community Attention and Children, Youth and Family Services. The grant award covers the period from September 30, 2013 through September 29, 2014;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$198,389 is hereby appropriated in the following manner:

**Revenue – \$198,389**

\$187,160	Fund: 211	Internal Order: 1900209	G/L Account: 431110
\$ 11,229	Fund: 211	Internal Order: 1900209	G/L Account: 498010

**Expenditures - \$198,389**

\$ 86,094	Fund: 211	Internal Order: 1900209	G/L Account: 519999
\$112,295	Fund: 211	Internal Order: 1900209	G/L Account: 599999

**Transfer - \$11,229**

\$ 11,229	Fund: 213	Cost Center: 3413001000	G/L Account: 561211
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**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$187,160 from the Department of Health and Human Services Administration for Children and Families.

**APPROPRIATION.**

**Albemarle County Reimbursement for the Gordon Avenue Library Masonry Project.  
\$33,905.81.**

**WHEREAS**, Albemarle County has been billed by the City of Charlottesville in the amount of \$33,905.81.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that \$33,905.81 from Albemarle County is to be appropriated in the following manner once payment is received:

**Revenues - \$33,905.81**

Fund: 426                      Funded Program: CP-011 (P-00601-05)                      G/L Account: 432030

**Expenditures - \$33,905.81**

Fund: 426                      Funded Program: CP-011 (P-00601-05)                      G/L Account: 599999

**RESOLUTION**  
**Emergency Operations Plan**

WHEREAS, the City Council of the City of Charlottesville, Virginia recognizes the need to prepare for, respond to, and recover from natural and manmade disasters; and

WHEREAS, the City of Charlottesville has a responsibility to provide for the safety and well-being of its citizens and visitors; and

WHEREAS, the City of Charlottesville has established and appointed a Director and Coordinator of Emergency Management;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Charlottesville, Virginia, this Emergency Operations Plan as revised is officially adopted, and

BE IT FURTHER RESOLVED AND ORDERED that the Director of Emergency Management, or his/her designee, is tasked and authorized to maintain and revise as necessary this document during the next four (4) year period or until such time it be ordered to come before this Council.

ATTEST:

  
\_\_\_\_\_  
Clerk  
Charlottesville City Council

Adopted this 12<sup>th</sup> day of November 2013

**RESOLUTION.**

**Transfer of funds from Cost Center 1622001000 (Future Workforce Development Programs) to account P-00385 (Workforce Investment Fund) - \$66,572.**

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that \$66,572 is hereby transferred in the following manner:

**Transfer From - \$66,572**

Fund: 105                      Internal Order: 2000105                      G/L Account: 561426

**Transfer To - \$66,572**

Fund: 425                      Project: P-00385                      G/L Account: 498010  
Fund: 425                      Project: P-00385                      G/L Account: 599999

**RESOLUTION.**

Authorization of M.A.C.A.A. F.Y. 2013 Carryover Request – Charlottesville-Albemarle CARES  
\$6,249

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that M.A.C.A.A. is authorized to carry over the sum of \$6,249 from Fiscal Year 2013 for the above-stated purpose.

**AN ORDINANCE  
AUTHORIZING THE CONVEYANCE OF AN EASEMENT  
TO DOMINION VIRGINIA POWER  
IN CONNECTION WITH THE RAGGED MOUNTAIN DAM PROJECT**

**WHEREAS**, Dominion Virginia Power has requested this Council to grant an easement across property owned by the City of Charlottesville, Virginia (Ragged Mountain Reservoir) on Reservoir Road in the County of Albemarle, as shown on the attached Easement Plat, dated September 5, 2013, for the installation and maintenance of underground electric lines and above-ground electrical equipment; now, therefore,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a Right of Way Agreement, in form approved by the City Attorney, granting the above-described easement to Dominion Virginia Power.

**AN ORDINANCE  
AUTHORIZING THE CONVEYANCE OF AN EASEMENT  
TO CENTRAL TELEPHONE COMPANY OF VIRGINIA d/b/a CenturyLink  
IN CONNECTION WITH THE RAGGED MOUNTAIN DAM PROJECT**

**WHEREAS**, Central Telephone Company of Virginia d/b/a CenturyLink (CL) has requested this Council to grant an easement across property owned by the City of Charlottesville, Virginia (Ragged Mountain Reservoir) on Reservoir Road in the County of Albemarle, as shown on the attached Easement Sketch, for the installation and maintenance of underground and above-ground telecommunications equipment; now, therefore,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a Cable Easement agreement, in form approved by the City Attorney, granting the above-described easement to Central Telephone Company of Virginia d/b/a CenturyLink.

**AN ORDINANCE  
AMENDING ARTICLE III OF CHAPTER 29 (SUBDIVISION OF LAND)  
AND ARTICLE I (ADMINISTRATION) AND  
ARTICLE VII (SITE PLANS) OF CHAPTER 34 (ZONING)  
RELATING TO DEVELOPMENT OF AFFORDABLE DWELLING UNITS**

**BE IT ORDAINED** by the Council for the City of Charlottesville, Virginia that Sections 29-110 and 29-111 of Article III of Chapter 29, and Sections 34-827 and 34-828 of Article VII of Chapter 34, of the Code of the City of Charlottesville, 1990, as amended, are hereby amended and reordained, as follows:

**CHAPTER 29. SUBDIVISION OF LAND**

**ARTICLE III. PLAT REQUIREMENTS**

**Sec. 29-110. Form and style of preliminary and final plats.**

(a) *Plat details.* All plats shall comply with the following requirements:

(1) . . .

. . .

(34) *Restrictions.* Restrictions imposed in conjunction with the approval of the preliminary plat, and their period of existence, shall be noted on the plat, including, without limitation: sidewalk maintenance agreements; stormwater/BMP facilities maintenance agreements, affordable dwelling unit obligations arising under Sec. 34-12(a) or 34-12(d)(1), etc. If the length of the wording necessary to describe a particular restriction makes its inclusion on the final plat impractical, and if the nature of the restriction does not necessitate the preparation of a separate instrument for recordation with the plat, then a summary reference shall be made to the restriction on the final plat.

**Sec. 29-111. Required documents and information.**

(a) *Preliminary plat requirements . . .*

(b) *Final plat requirements.* In addition to any information required by paragraph (a) above, the following documents or information shall be submitted with each final plat, unless included in the site plan previously approved or under review:

. . .

(10) *Instruments evidencing affordable housing requirements.* If the subdivision includes land that is subject to an affordable housing obligation arising under Sec. 34-12(a) or 34-12(d)(1), the subdivider shall submit with the final plat the instrument(s) assuring the reservation of land for such obligation, in such format as may be required by the regulations enacted pursuant to Sec. 34-12(g).

**CHAPTER 34. ZONING**

**ARTICLE I. ADMINISTRATION**

. . .

**Sec. 34-12. Affordable dwelling units.**

- (a) . . .
- (b) . . .
- (c) . . .
- (d) . . .

(e) The cash contribution shall be indexed to the Consumer Price Index for Housing in the South Urban Region as published by the Bureau of Labor Statistics and shall be adjusted annually based upon the changes made in January to such index.

- (f) . . .

(g) The city council may from time to time adopt regulations by resolution, for the administration of the provisions of this section. Pursuant to Sec. 34-82(b)(1), the failure of any person to comply with such regulations shall constitute unlawful conduct in violation of this section.

...

**ARTICLE VII. SITE PLANS**

...

**Sec. 34-827. Preliminary site plan contents.**

- (a) . . .
- (b) . . .
- (c) . . .
- (d) The preliminary site plan shall contain the following information:

- (1) The name of the development; names of the owner(s), developer(s) and individual(s) who prepared the plan; tax map and parcel number; zoning district classification(s); descriptions of all variances, zoning proffers and bonus factors applicable to the site; description of affordable dwelling unit requirements applicable to the subject property pursuant to Sec. 34-12(a) or Sec. 34-12(d)(1); city and state; north point; scale; one (1) datum reference for elevation (where a flood hazard overlay district is involved, U.S. Geological Survey vertical datum shall be shown and/or correlated to plan topography); source of the topography; source of the survey; sheet number and total number of sheets; date of drawing; date and description of latest revision; zoning district, tax map and parcel number, and present use, of each adjacent parcel; departing lot lines; minimum setback lines, yard and building separation requirements; a vicinity sketch showing the property and its relationship with adjoining streets, subdivisions and other landmarks; and boundary dimensions.

...

**Sec. 34-828. Final site plan contents.**

- (a) . . .
- (b) . . .
- (c) . . .
- (d) The final site plan shall reflect conditions of approval of the preliminary site plan. In

addition to all the information required on the preliminary site plan, the final site plan shall contain the following information:

- (1) . . .

(2) . . .

(3) Indicate if residential units are sale or rental units; number of bedrooms per unit; and number of units per building if multifamily; specifications for recreational facilities; and reference to the specific deed(s), agreement(s) or other evidence of the property owner's binding obligation to provide affordable dwelling units applicable to the subject property pursuant to Sec. 34-12(a) or Sec. 34-12(d)(1), consistent with regulations approved pursuant to Sec. 34-12(d).

**TRANSPORTATION ALTERNATIVES PROJECT ENDORSEMENT RESOLUTION**

**Whereas**, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution be received from the sponsoring local jurisdiction or agency requesting the Virginia Department of Transportation to establish a Transportation Alternatives project in the City of Charlottesville.

**Now**, Therefore, Be It Resolved, that the City of Charlottesville, requests the Commonwealth Transportation Board to establish a project for the improvement of Harris Road and Moore's Creek Trail to support Jackson-Via Elementary Safe Routes to School initiative.

**Be It Further Resolved**, that the City of Charlottesville hereby agrees to provide a minimum 20 percent matching contribution for this project.

**Be It Further Resolved**, that the City of Charlottesville hereby agrees to enter into a project administration agreement with the Virginia Department of Transportation and provide the necessary oversight to ensure the project is developed in accordance with all state and federal requirements for design, right of way acquisition, and construction of a federally funded transportation project.

**Be It Further Resolved**, that the City of Charlottesville will be responsible for maintenance and operating costs of any facility constructed with Transportation Alternatives Program funds unless other arrangements have been made with the Department.

**Be It Further Resolved**, that if the City of Charlottesville subsequently elects to cancel this project the City of Charlottesville hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation. The City of Charlottesville also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.

Adopted this 18<sup>th</sup> day of November, 2013

Charlottesville, Virginia

By: City Council

Attest Gaige Yice, Clerk of Council

Rev. 8/13

TRANSPORTATION ALTERNATIVES PROGRAM

**A RESOLUTION  
APPROVING THE 2014 LEGISLATIVE PROGRAM OF THE  
THOMAS JEFFERSON PLANNING DISTRICT COMMISSION**

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia that the attached 2014 Legislative Program for Thomas Jefferson Planning District Commission is hereby approved.

# **2014**

# **Thomas Jefferson Planning District Legislative Program**

**Representing the Local Governments of:**

**Albemarle County  
City of Charlottesville  
Fluvanna County  
Greene County  
Louisa County  
Nelson County**

**October 2013**

**Allen Hale, Chairman  
David Blount, Acting Executive Director/Legislative Liaison**

## PRIORITY ITEMS

### PUBLIC EDUCATION FUNDING

*Legislative Position of Charlottesville City and the  
Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

**PRIORITY:** The Planning District localities urge the State to fully fund its share of the realistic costs of the Standards of Quality without making policy changes that reduce funding or shift funding responsibility to localities. Further, we believe that unfunded liability associated with the teacher retirement plan should be a shared responsibility of state and local government.

**Rationale:** The state will spend about \$5.3 billion on public education in FY14, about 30% of its general fund budget. The level of state funding for FY14 remains below the FY09 amount by more than \$250 million; state per pupil expenditures for FY14 of \$4,880 are still well below the FY09 high of \$5,274 per pupil by almost \$400. Meanwhile, local governments boost education funding by spending over \$3.3 billion more per year than required by the state.

Reductions in state public education dollars the last four to five years have been accomplished mainly through policy changes that are decreasing the state's funding obligations moving forward. For example, the state has "saved" millions of dollars by shifting costs to localities through making some spending ineligible for state reimbursement or lowering the amount of the payback. It previously imposed a cap on state funding for education support personnel and has reduced funding for other support costs.

Policy changes to the Virginia Retirement System (mandatory teacher 5% for 5%) are not a zero sum game for localities and do nothing to reduce a \$15.2 billion unfunded teacher pension liability. A coming GASB rules change will assign liabilities associated with cost-shared pension plans (like the Virginia teacher plan) to the government (in our case, local) that makes the payment, potentially impacting credit ratings. The state sets standards and benefits for teachers; it should take responsibility for part of their pension plan's unfunded liability. Meanwhile, contribution rates are expected to surge again, as the State pays back previously borrowed VRS funds and seeks to make up for past underfunding.

#### **Position Statements:**

The State should resist further policy changes that require localities to fund a greater share of costs. State funding should be realistic and recognize actual needs, practices and costs; otherwise, more of the funding burden will fall on local taxpayers. Localities and school divisions should have flexibility to meet requirements and management their budgets when state funding decreases and cost-shifting occurs.

We also take the following positions:

- 1) The State should not eliminate or decrease funding for benefits for school employees.
- 2) Localities in our region should be included in the "Cost of Competing Adjustment" available to various localities primarily in Northern Virginia.
- 3) We support establishment of a mechanism for local appeal of the calculated Local Composite Index to the State.
- 4) We urge state financial assistance with school construction and renovation needs, including funding for the Literary Loan and interest rate subsidy programs. The State should discontinue seizing dollars from the Literary Fund to help pay its costs for teacher retirement.

## STATE MANDATES & FUNDING OBLIGATIONS

*Legislative Position of Charlottesville City and the  
Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

**PRIORITY: The Planning District localities urge the governor and legislature to 1) not impose financial or administrative mandates on localities; 2) not shift costs for state programs to localities; and 3) not further restrict local revenue authority.**

**Rationale:** Locality budgets continue to be challenged by slowly-recovering local revenue, stagnant state funding and additional requirements. While state general fund appropriations have increased by \$2 billion since FY09, state assistance to local governments for locally-administered programs is \$375 million less for FY14 than in FY09. These reductions have not been accompanied by program changes that could alleviate financial burdens on localities, as state standards prescribe how services are to be delivered and localities have to meet such standards regardless of the costs. The governor and state officials have boasted of state budget “surpluses” the past four years, yet continue to approve unfunded and underfunded state requirements and shift costs to localities, straining local ability to craft effective and efficient budgets to deliver services mandated by the state or demanded by residents.

### **Position Statements:**

We oppose unfunded state and federal mandates and the cost shifting that occurs when the state fails to fund requirements or reduces or eliminates funding for state-supported programs. Any state funding reductions for state-required services/programs should be accompanied by relaxation or suspension of the state requirement or flexibility for the locality to meet the requirement. We support efforts to improve and enhance the process for determining local fiscal impacts of proposed legislation, including additional state involvement and resources to support such fiscal analyses and reinstatement of the “first day” introduction requirement for bills with local fiscal impact.

Changes to Virginia’s tax code or in state policy should not reduce local government revenue sources or restrict local taxing authority. Any legislative or study committee examining such revenues or authority should include local government representation. This includes proposals to alter or eliminate the BPOL and Machinery and Tools taxes, or to divert Communications Sales and Use Tax Fund revenues intended for localities to other uses. Instead, the legislature should broaden the revenue sources available to local governments.

The State also should not confiscate or redirect local general fund dollars to the state treasury, as was done in 2012 when it directed a portion of fines and fees collected at the local level pursuant to the enforcement of local ordinances to the Literary Fund. The State should refrain from establishing local tax policy at the state level and allow local governments to retain authority over decisions that determine the equity of local taxation policy. The State should equalize the revenue-raising authority of counties with that of cities, and also should ensure the appropriate collection of transient occupancy taxes from online transactions.

## **TRANSPORTATION FUNDING and DEVOLUTION**

*Legislative Position of Charlottesville City and the  
Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

**PRIORITY: The Planning District localities urge the State remain focused on providing for sufficient state revenues to expand and maintain our transportation infrastructure. It is imperative that the State restore formula allocations for secondary/urban construction and for unpaved roads. We oppose any legislation or regulations that would transfer responsibility to counties for construction, maintenance or operation of current or new secondary roads.**

**Rationale:** State leaders took a big step this past year toward addressing transportation infrastructure needs with approval of a transportation funding package that is expected to generate nearly \$800 million per year by 2018, with funding targeted primarily for road maintenance, rail and transit. Under the approved plan, revenues for transportation are being generated from policy changes that 1) eliminated the gas tax and converted it to a wholesale tax (on both gas and diesel); 2) increased the state sales tax from 5% to 5.3%, while also hiking the motor vehicle sales tax and the alternative fuel vehicles annual fee; 3) diverted additional general fund dollars to transportation; and 4) will utilize internet sales tax collections, should federal law be put in place. Previous legislative changes (2012) authorize \$500 million of the top for Commonwealth Transportation Board priorities before funds are provided to the construction fund. Accordingly, construction funding for secondary and urban roads, suspended in 2010, has not been restored and is not due to resume until 2016.

### **Position Statements:**

We urge the state to restore formula allocations for secondary/urban construction and for unpaved roads, and we support stable and increasing dollars for cities and towns to maintain roads within their jurisdictional boundaries. Funding for urban, suburban and secondary road improvements are vital to our region's ability to respond to local and regional congestion and economic development issues.

Concerning secondary road devolution, we believe that efficient and effective transportation infrastructure, including the secondary road system, is critical to a healthy economy, job creation, a cleaner environment and public safety. In the past 20 years, the number of miles travelled on Virginia roadways has steadily increased, while the attention to maintaining the nearly 50,000 mile secondary system took a back seat. We oppose shifting the responsibility for secondary roads to local entities, which could result in vast differences among existing road systems in different localities, potentially placing the state at a competitive economic disadvantage with other states when considering business and job recruitment and movement of goods.

We support ongoing state and local efforts to coordinate transportation and land use planning, without eroding local land use authority, and state incentives for localities that do so. We urge VDOT to be mindful of various local and regional plans when conducting corridor or transportation planning within a locality or region. We also take the following positions:

- 1) We support enabling authority to establish mechanisms for funding transit and non-transit projects in the region.
- 2) While we opposed the closing of VDOT's Louisa residency facilities and support its reopening, we also support the option for the locality to purchase the property.

## CHESAPEAKE BAY TMDL

*Legislative Position of Charlottesville City and the  
Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

**PRIORITY:** The Planning District localities support the goal of improved water quality, but believe it is imperative that we have major and reliable forms of financial and technical assistance from the federal and state governments if comprehensive water quality improvement strategies for local and state waters emptying into the Chesapeake Bay are to be effective. We support fairness in applying requirements for reductions in nutrient and sediment loading across source sectors, along with accompanying authority and incentives for all sectors to meet such requirements. The Planning District localities are in strong agreement that we will oppose actions that impose monitoring, management or similar requirements without providing sufficient resources.

**Rationale:** As the result of various court settlements concerning the Clean Water Act of 1972, the Environmental Protection Agency is enforcing water quality standards in the Chesapeake Bay watershed by imposing a pollution diet (known as Total Maximum Daily Load, or TMDL) to reduce pollution to acceptable levels. Bay states submitted plans for achieving TMDL goals of reducing nitrogen, phosphorous and sediment flowing into the Bay. The TMDL and Virginia Watershed Implementation Plan require two-year milestones for the state and localities. As local governments will be greatly impacted by initiatives to reduce pollutants into state waters of the Bay watershed, it is imperative that aggressive state investment in meeting such milestones occurs. This investment must take the form of authority, funding and other resources being in place to assure success, and must ensure that cost/benefit analyses are conducted of solutions that generate the greatest pollution reductions per dollar spent.

Local governments particularly are concerned about the various effects on their communities and their economic growth. There will be costs to meet reduced pollutant discharge limitations for localities that own/operate treatment plants. Local governments will be required to develop and implement nutrient management programs for certain large, public properties. Costs for stormwater management regulations will fall on both new development and redevelopment. There will be economic impacts due to increased cost for compliance by agriculture and increased fees charged by the permitted dischargers.

### **Position Statements:**

- 1) We support sufficient state funds for the full cost of implementing TMDL measures that will be required of local governments. This includes costs associated with revised stormwater management regulations and requirements for locally-implemented stormwater management programs, as fees that have been authorized likely will be inadequate to cover costs associated with the new programs. The state should consider using state budget surplus dollars to fund such measures. We also support allowances for modified stormwater management plans for individual lots.
- 2) We support sufficient federal funds for grants and low-interest loans for capital costs, such as for permitted dischargers to upgrade treatment plants and for any retrofitting of developed areas, while minimizing the economic impact of increased fees.
- 3) We support sufficient state funding for a) the Cooperative Extension Service and Soil and Water Conservation Districts to aid farmers with best management practices (BMP) in their operations, and b) the Soil and Water Conservation Board for monitoring resource management plan compliance.
- 4) We believe that implementation of the Nutrient Trading Act to allow exchange of pollution allocations among various point and nonpoint sources should contain such exchanges within a particular watershed, so as to improve the health of local waters.

## LAND USE and GROWTH MANAGEMENT

*Legislative Position of Charlottesville City and the  
Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

**PRIORITY: The Planning District localities encourage the state to provide local governments with additional tools to manage growth, without preempting or circumventing existing authorities.**

**Rationale:** In the past, the General Assembly has enacted both mandated and optional land use provisions applicable to local governments in order to address growth issues. While some have been helpful, others have prescribed one-size-fits-all rules that hamper various localities that may approach their land use planning differently. Preemption or circumvention of existing local authority hinders localities in implementing the comprehensive plan or overseeing land uses. Moreover, current land use authority often is inadequate to allow local governments to provide for balanced growth in a manner that protects and improves quality of life.

### **Position Statements:**

The General Assembly should grant localities additional tools necessary to meet important infrastructure needs that are driven by development. We endorse efforts to have impact fee and proffer systems that are workable and meaningful for various parties, but we oppose attempts to weaken our current proffer authority. Rather, we support revisions to the current road impact fee authority that would include additional localities and provide: 1) a fair allocation of the costs of new growth on public facilities; 2) facility costs that include various transportation modes, schools, public safety, libraries and parks; 3) effective implementation and reasonable administrative requirements; and 4) no caps or limits on locality impact fee updates.

We also take the following positions:

- 1) We oppose efforts to unnecessarily expand and commercialize the definition of farm operations that would impede local abilities to protect the property values, health, safety and welfare of citizens in the locality.
- 2) To enhance our ability to pay for infrastructure costs and to implement services associated with new developments, we support localities being given authority to enact local ordinances for determining whether public facilities are adequate (“adequate public facility,” or APF ordinances).
- 3) We support optional cluster development as a land use tool for local governments.
- 4) Concerning conservation of land, we support a) state funding for localities, at their option, to acquire, preserve and maintain open space; b) authority to generate local dollars for such efforts; c) additional incentives for citizens to create conservation easements; and d) authority for localities, at their option, to enact scenic protection and tourist enhancement districts.

# COMPREHENSIVE SERVICES ACT

*Legislative Position of Charlottesville City and the  
Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson*

**PRIORITY: The Planning District localities urge the state to be partners in containing costs of the Comprehensive Services Act (CSA) and to better balance CSA responsibilities between state and local government. We also request increased state dollars for local CSA administrative costs.**

**Rationale:** Since the inception of the Comprehensive Services Act in the early 1990's, there has been pressure to hold down costs, to cap state costs for serving mandated children, to increase local match levels and to make the program more uniform by attempting to control how localities run their programs. After years of steep increases (ranging from five to 16 percent) in state and local costs of residential and non-residential mandated services, CSA pool expenditures for state and local governments have declined or remained steady the last four years as the number of youth receiving services has dropped. Costs remain challenging to forecast because of factors beyond state and local control (number of mandated children in a community, severity of problems, service rates, and availability of alternative funding).

In addition, localities pay the overwhelming majority (80%) of costs to administer this shared program. State dollars for administration have not increased since the late 1990's. At the same time, administrative costs have jumped due to additional data collection and reporting requirements.

## **Position Statements:**

We take the following positions:

- 1) The state should either provide additional funding to localities for administrative support or revise its data collection and reporting requirements.
- 2) The state should provide full funding of the state pool for CSA, with allocations based on realistic anticipated levels of need.
- 4) The state should establish a cap on local expenditures in order to combat higher local costs for serving mandated children, costs often driven by unanticipated placements in a locality.
- 5) The categories of populations mandated for services should not be expanded unless the state pays all the costs.
- 6) The state should be proactive in making residential facilities and service providers available, especially in rural areas.
- 7) In a further effort to help contain costs and provide some relief to local governments, we recommend that the state establish contracts with CSA providers to provide for a uniform contract management process in order to improve vendor accountability and to control costs.

## **AREAS OF CONTINUING CONCERN**

### ***ECONOMIC and WORKFORCE DEVELOPMENT***

The Planning District's member localities recognize economic development and workforce training as essential to the continued viability of the Commonwealth. We support policies that closely link the goals of economic and workforce development and the state's efforts to streamline and integrate workforce activities and revenue sources. We also support increased state funding for workforce development programs.

- We support the state's Economic and Workforce Development Strategic Plan for the Commonwealth that more clearly defines responsibilities of state and local governments and emphasizes regional cooperation in economic, workforce and tourism development.
- We support meaningful opportunities to boost regional collaboration and projects. Specifically, we endorse enhanced state funding for the Regional Competitiveness Act to initiate and sustain such efforts. ~~to continue meaningful opportunities for regional projects.~~ We also support increased state funding for the Industrial Site Development Fund, the Governor's Opportunity Fund and tourism initiatives that help promote economic development in localities and regions.
- We encourage the state and local governments to work with other entities to identify, to provide incentives for ~~incentivize~~ and to promote local, regional and state agricultural products and rural enterprises, and to encourage expansion and opportunities for such products and enterprises.
- We support ~~restructuring of the Virginia Cooperative Extension Service (VCES) that preserves beneficial extension agents and the services they provide, and that increases~~ increased state funding for the Virginia Cooperative Extension Service ~~VCES~~.
- We encourage continuing state incentives and support for expediting deployment and reducing the cost of broadband technology, particularly in underserved areas.

### ***ENVIRONMENTAL QUALITY***

The Planning District's member localities believe that environmental quality should be funded and promoted through a comprehensive approach, and address air and water quality, solid waste management, land conservation, climate change and land use policies. We are committed to protection and enhancement of the environment and recognize the need to achieve a proper balance between environmental regulation and the socio-economic health of our communities within the constraints of available revenues. Such an approach requires regional cooperation due to the inter-jurisdictional nature of many environmental resources, and adequate state funding to support local and regional efforts.

We believe the following:

- The state should not impose a fee, tax or surcharge on water, sewer, solid waste or other local services to pay for state environmental programs. To do so would set a disturbing precedent whereby the state could levy surcharges on local user fees to fund state priorities.
- The legislature should continue to provide funding for wastewater treatment and other necessary assistance to localities as it works to clean up the state's impaired waterways. The state also should explore alternative means of preventing and remediating water pollution.
- We oppose legislation mandating expansion of the Chesapeake Bay Preservation Act's coverage area. Instead, we urge the state to 1) provide legal, financial and technical support to localities that wish to

comply with any of the Act's provisions, 2) allow localities to use other practices to improve water quality, and 3) provide funding for other strategies that address point and non-point source pollution.

- We support legislative and regulatory action to 1) ensure that alternative on-site sewage systems will be operated and maintained in a manner that protects public health and the environment, and 2) increase options for localities to secure owner abatement or correction of system deficiencies.
- The state should be a partner and advocate for localities in water supply development and should work with and assist localities in addressing water supply issues, including investing in regional projects. Also, the state's water supply planning efforts should continue to involve local governments.
- We support legislation enabling localities, as a part of their zoning ordinances, to designate and/or reasonably restrict the land application of biosolids to specific areas within the locality, based on criteria designed to further protect the public safety and welfare of citizens. In addition, we support increased local government representation on the Biosolids Use Regulation Advisory Committee.
- We support scenic river designation for a portion of the Tye River in Nelson County.

## ***HEALTH and HUMAN SERVICES***

The Planning District's member localities recognize that special attention must be given to developing circumstances under which people, especially the disabled, the poor, the young and the elderly, can achieve their full potential. Funding reductions to community agencies have been especially troublesome, as their activities often end up preventing more costly services later. The delivery of health and human services must be a collaborative effort from federal, state and local agencies. We urge the General Assembly to ensure funding is available to continue such valuable preventive services.

- We oppose any changes in state funding or policies that result in an increase of the local share of costs for human services.
- The state should increase funding to the Virginia Juvenile Community Crime Control Act (VJCCCA) program, which has cut in half the number of juvenile justice commitments over the past decade.
- The state should provide sufficient funding to allow Community Services Boards (CSBs) to meet the challenges of providing a community-based system of care, including maximizing the use of Medicaid funding. We believe children with mental health needs should be treated in the mental health system, where CSBs are the point of entry. We support state action to increase investment in the MR waiver program for adults and young people and Medicaid reimbursement for children's dental services. We also oppose any shifting of Medicaid matching requirements from the state to localities, and request sufficient federal and/or state financial resources associated with new or additional roles and responsibilities for local governments due to any expansion of Medicaid.
- We urge full state funding to offset any increased costs to local governments for additional responsibilities for processing applications for the FAMIS program.
- We support funding for mental health and substance abuse services at juvenile detention centers.
- We oppose new state or federal entitlement programs that require additional local funding.
- We support the provision of sufficient state funding to match all available federal dollars for the administration of mandated services within the Department of Social Services (DSS), and to meet the staffing standards for local departments to provide services as stipulated in state law. Additionally, the state should not assess penalties on localities resulting from federal Title IV-E foster care audit findings; rather it should adequately fund, equip and support local DSS offices.
- We support sufficient state funding assistance for older residents, to include companion and in home services, home delivered meals and transportation.
- We support the continued operation and enhancement of early intervention and prevention programs (and renewal of CSA Trust Fund dollars to support them), including school-based prevention

programs which can make a difference in children's lives. This would include the state's program for at-risk four-year-olds and the Child Health Partnership and Healthy Families programs, as well as Part C of the Individuals with Disabilities Education Act (infants and toddlers).

- The legislature should provide full funding to assist low-income working and TANF (and former TANF) families with childcare costs. These dollars help working-class parents pay for supervised day care facilities and support efforts for families to become self-sufficient. We oppose any initiatives to shift traditional federal and state childcare administrative responsibility and costs to local governments. We believe the current funding and program responsibility for TANF employment services should remain within the social services realm. We also support a TANF plan that takes into account and fully funds state and local implementation and support services costs.

## ***HOUSING***

The Planning District's member localities believe that every citizen should have an opportunity to afford decent, safe and sanitary housing. The state and localities should work to expand and preserve the supply and improve the quality of affordable housing for the elderly, disabled, and low- and moderate-income households. Regional housing solutions and planning should be implemented whenever possible.

- We support the following: 1) local flexibility in the operation of affordable housing programs, 2) creation of a state housing trust fund, 3) local flexibility in establishment of affordable dwelling unit ordinances, 4) grants and loans to low- or moderate-income persons to aid in purchasing dwellings, and 5) the provision of other funding to encourage affordable housing initiatives.
- We support enabling legislation that allows property tax relief for community land trusts that hold land for the purpose of providing affordable homeownership.
- We support measures to prevent homelessness and to assist the chronic homeless.
- We support incentives that encourage rehabilitation and preservation of historic structures.
- We support retaining local discretion to regulate the allowance of manufactured homes in zoning districts that permit single-family dwellings.
- We encourage and support the use of, and request state incentives for using environmentally friendly (green) building materials and techniques, which can contribute to the long-term health, vitality and sustainability of the region.

## ***PUBLIC SAFETY***

The Planning District's member localities encourage state financial support, cooperation and assistance for law enforcement, emergency medical care, criminal justice activities and fire services responsibilities carried out locally.

- We urge the state to make Compensation Board funding a top priority, fully funding local positions that fall under its purview. It should not increase the local share of funding constitutional offices or divert funding away from local offices, but increase money needed for their operation. Local governments continue to provide much supplemental funding for constitutional officer budgets when state funding is reduced.
- We urge continued state funding of the HB 599 law enforcement program (in accordance with *Code of Virginia* provisions), the drug court program and the Offender Reentry and Transition Services (ORTS), Community Corrections and Pretrial Services Acts. We also support continued state endorsement of the role and authority of pretrial services offices.

- The state should continue to allow exemptions from the federal prisoner offset and restore the per diem payment to localities for housing state-responsible prisoners to \$14 per day. Also, the state should not shift costs to localities by altering the definition of state-responsible prisoner.
- We support restoration of state funding responsibility for the Line of Duty Act.
- We urge state funding for the Volunteer Firefighters' and Rescue Squad Workers' Service Award Program and other incentives that would help recruit and retain emergency service providers. Further, the state should improve access to and support for training for volunteer and paid providers.
- We encourage shared funding by the state of the costs to construct and operate regional jails; however, we do not believe the state should operate local and regional jails.

## ***LOCAL GOVERNMENT STRUCTURE and LAWS***

The Planning District's member localities believe that since so many governmental actions take place at the local level, a strong local government system is essential. Local governments must have the freedom and tools to carry out their responsibilities.

- We oppose intrusive legislation involving purchasing procedures; local government authority to establish hours of work, salaries and working conditions for local employees; matters that can be adopted by resolution or ordinance; and procedures for adopting ordinances.
- We request that any changes to the Virginia Freedom of Information Act (FOIA) preserve 1) a local governing body's ability to meet in closed session, 2) the list of records currently exempt from disclosure under FOIA, and 3) provisions concerning creation of customized computer records. We support changes to allow local and regional public bodies to conduct electronic meetings as now permitted for state public bodies.
- We support allowing localities to use alternatives to newspapers for publishing various legal advertisements and public notices.
- We oppose any changes to state law that further weaken a locality's ability to regulate noise or the discharge of firearms.
- We support expanding local authority to regulate smoking in public places.
- The state should amend the Code to require litigants in civil cases to pay for the costs associated with compensating jury members.
- We support authorization for the court to issue restricted driver's licenses to persons denied them because of having outstanding court costs or fees.
- ~~We support legislation to include Albemarle County as a locality enabled to restrict the number of inoperable vehicles which may be kept outside of an enclosed building or structure on residential or commercial property.~~
- We support legislation to allow localities to give developers the option to install sidewalks or to contribute corresponding funds in connection with ~~new~~ residential development or redevelopment.
- ~~The state should enable localities to retain civil penalties collected from illegal sign removal in the right of way.~~
- ~~We support a pilot program to combine voting precincts into centralized voting centers for primary elections, in order to study their potential efficacy and cost savings.~~
- We support increased state funding for regional planning districts.
- We support legislation to increase permissible fees for courthouse maintenance.
- We oppose attempts to reduce sovereign immunity protections for localities.
- We support enactment of an interest rate cap of 36% on payday loans, fees and other related charges.

**A RESOLUTION  
APPROVING THE 2014 LEGISLATIVE PROGRAM FOR THE  
CITY OF CHARLOTTESVILLE**

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia that the attached 2014 Legislative Program for the City of Charlottesville is hereby approved. The Clerk of Council is directed to forward a copy of the Program to the City's elected representatives in the General Assembly.



## **2014 LEGISLATIVE PROGRAM FOR THE CITY OF CHARLOTTESVILLE**

### **ADOPTED BY THE CHARLOTTESVILLE CITY COUNCIL**

**The Charlottesville City Council is pleased to submit the following list of action items and policy statements for the 2014 General Assembly Session. We respectfully request and endorse the following on behalf of our City's residents:**

#### **Requests for Specific Legislation**

##### **1. Request legislation easing restricted driver license issuance standards**

In Virginia, outstanding court costs arising from non-driving related traffic and criminal offenses frequently result in the loss of an individual's driver's license, which serves as a significant barrier to finding and maintaining meaningful employment. We, as a community, are best served when individuals who are seeking to become self-sufficient are able to become licensed, find and maintain work, pay child-support and avoid further court contact (e.g., on charges of driving without a license). Too often, individuals who have unpaid court costs find the driver's license reinstatement process difficult to navigate and the financial obstacles prohibitive.

Currently, there are three paths to license reinstatement after suspension due to unpaid court costs and fines: (1) reinstatement upon payment in full or (2) establishment of a payment plan in all courts in which court costs and fines are outstanding; or (3) being granted a restricted license by each court in which court costs and fines are outstanding. Currently, the law requires individuals to show proof of employment before a restricted license is permitted and permits this type of restricted license to last for up to 6 months.

Options 1 and 2 are often financially prohibitive. In addition to repayment of court costs and fees, individuals must also pay a Department of Motor Vehicles reinstatement fee. Each individual court has its own rules, including minimum payment and personal appearance requirements to establish a payment plan, which serves as an additional barrier to those who lack transportation to get to court. Monies owed in multiple courts that may issue restricted licenses at different times can result in incompatible licensure periods, effectively shortening the time that a person can legally drive to work. To make the restricted license more useful, the City Council seeks minor legislative amendments (1) to allow restricted licenses to issue for as long as a court deems appropriate, as in the case of other restricted license provisions, and (2) to allow

restricted licenses to be issued by a court upon presenting either proof of employment or an *offer of employment* contingent upon the person securing driving privileges. A proposed amendment to Code of Virginia section 46.2-395 is attached.

## **2. Request Charlottesville-specific gun control legislation**

The City Council of the City of Charlottesville, like many other localities throughout the nation, is concerned with the proliferation of gun-related violence. The City seeks to take any and all measures available to curb gun violence within the boundaries of the City. One such method is to add Charlottesville to the list of localities named in Code of Virginia section 18.2-287.4, which prohibits the carrying in public of certain loaded semi-automatic rifles, pistols or shotguns. The localities that currently benefit from this protection are the Cities of Alexandria, Chesapeake, Fairfax, Falls Church, Newport News, Norfolk, Richmond, and Virginia Beach as well as the counties of Arlington, Fairfax, Henrico, Loudoun, and Prince William.

In each of the localities named, it is unlawful for any person to carry a loaded (a) semi-automatic center-fire rifle or pistol that expels single or multiple projectiles by action of an explosion of a combustible material and is equipped at the time of the offense with a magazine that will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock or (b) shotgun with a magazine that will hold more than seven rounds of the longest ammunition for which it is chambered on or about his person on any public street, road, alley, sidewalk, public right-of-way, or in any public park or any other place of whatever nature that is open to the public.

The City Council believes that the citizens of the City of Charlottesville deserve the same protections afforded to the citizens of the named localities by way of this law, and respectfully requests that Charlottesville be added to this code section. A proposed amendment to Code of Virginia section 18.2-287.4 is attached.

## **3. Request expansion of the authority to accept money into the Charlottesville Sidewalk Fund**

In 2013, the legislature granted to the City of Charlottesville the ability to allow developers to contribute money to a fund administered by the City to build sidewalks throughout the City, in lieu of the developer building sidewalks and dedicating them to the City on the site of his or her specific project.

The authority granted modifies the subdivision ordinance, allowing a developer to make contributions only where a lot that is being subdivided or developed fronts on an existing street and adjacent property on either side has an existing sidewalk. In such a case, the City may require the dedication of land for, and construction of, a sidewalk on the property being subdivided or developed to connect to the existing sidewalk or the developer may contribute the equivalent monies to the sidewalk fund.

In order to have a meaningful impact upon the City and its residents, now and in the future, the City Council asks that this authority be expanded to any residential property being developed, giving developers the option of either building and dedicating

sidewalks on-site, or contributing to the city sidewalk fund. Attached is a copy of last year's approved legislation, and proposed legislation.

**4. Request legislation authorizing the City to enact a motor vehicle anti-idling ordinance**

The City of Charlottesville seeks authority to take measures to reduce air pollution within the city limits, particularly from motor vehicles. Currently, localities such as Charlottesville have the ability to restrict the time that a bus may idle its engine to fifteen minutes, and the City has enacted such an ordinance. However, the pollution reducing goal and effect of this ordinance applies only to a limited number of vehicles in the City. If similar restrictions could be applied to all motor vehicles, the benefits would increase exponentially. These measures have been taken in other localities throughout the country. Certain exemptions to the ordinance would be necessary in order for it to be effective yet manageable for drivers, such as for vehicles idling in traffic or for repair or inspection, for law enforcement or emergency response purposes, or for health and safety reasons. Therefore, the City seeks authority to enact such an ordinance, and to be granted local authority to develop reasonable regulations as a part of such an ordinance. A proposed amendment to Code of Virginia section 46.2-1224.1 is attached.

The City Council supports this initiative which was developed by members of the Neighborhood Leadership Institute, a City-sponsored program which aims to equip citizen participants, through information and training, to take action and to mobilize others to engage our community in a positive way.

**5. Request authority to regulate smoking in designated public parks**

The City of Charlottesville values the health of its citizens, and recognizes the dangers of smoking, and in particular, second-hand smoke. While the Code of Virginia currently allows local regulation of smoking inside certain buildings, there exist many places where adults and children alike congregate where they are exposed to smoke. In an effort to curb its citizens' exposure to unwanted second hand smoke in public gathering places, the City of Charlottesville seeks authority to prohibit smoking tobacco products in certain parks. The City seeks the ability to identify areas within public that may warrant a designated "no-smoking" section, and to enact regulations

**6. Seek legislation imposing a tax upon the use of plastic bags**

The City of Charlottesville is continually concerned with water quality and pollution throughout the region and the state. Initiatives have been enacted in nearly half of the states in the country, and the District of Columbia, to reduce the use and ultimately the production of and the pollution caused by disposable plastic bags. Legislation was introduced in 2013, in the form of House Bill 1381, which sought to impose a tax on plastic bags used by purchasers to carry tangible personal property purchased in grocery stores, convenience stores, or drug stores, the revenues from which would be deposited into the Virginia Water Quality Improvement Fund. The bill was left in the House Finance Committee. The City of Charlottesville seeks the reintroduction of this or

similar legislation that will have the intended impact of reducing the production of and pollution by plastic bags. A copy of last year's HB 1381 is attached.

**7. Seek legislation allowing localities to create a funding stream for the Charlottesville - Albemarle Regional Transportation Authority.** (Councilor Szakos)

In 2009, Chapter 70 of Title 15.2 of the Code of Virginia was enacted, establishing authority to form the Charlottesville-Albemarle Regional Transit Authority. However, funding for the Authority is still needed to implement its purposes as set forth in Chapter 70. The City of Charlottesville respectfully renews its request submitted in 2009 and 2013 seeking authority to raise local funds for this purpose, either through the granting of authority to, by referendum, levy an additional tax to fund the Regional Transportation Authority, or by any other method deemed appropriate by the General Assembly.

**8. Seek authority to donate property to Sister Cities**

The City of Charlottesville is an active member of Sister Cities International, a nonprofit citizen diplomacy network that creates and strengthens partnerships between U.S. and international communities. This network strives to build global cooperation at the municipal level, promote cultural understanding and stimulate economic development. Currently, the City of Charlottesville has relationships with Besançon, France; Pleven, Bulgaria; Winneba, Ghana; and Poggio a Caiano, Italy.

Code of Virginia Section 15.2-953 allows localities to donate personal property to various authorities, nonprofit organizations as well as governmental entities throughout the United States. No provisions exist to allow for property to be donated to communities outside of the country. In order to fulfill the goals of the relationships fostered through the Sister Cities International program, the City of Charlottesville would like to provide direct assistance to its sister cities in the form of donations of surplus City property. Attached is a proposed amendment to Code of Virginia section 15.2-953.

## Important Policy Positions

### **1. Opposition to mandatory changes to the local Business, Professional, and Occupational License (“BPOL”) Tax.**

Item 30 of 2011 HB1500 (Chapter 890) required the Joint Legislative Audit and Review Commission to study the impact on local revenue streams of restructuring the local Business, Professional, and Occupational License (“BPOL”) Tax such that the basis of the tax is changed from gross receipts to net income. The report found that using income as the basis for BPOL could reduce local BPOL revenues across the state by 95%, consequently requiring a five percent rate increase (resulting in a tax increase of 40% on profitable businesses) to maintain the same level of local revenue. Currently this tax generates approximately \$7 million per year in revenue for the City of Charlottesville. The City of Charlottesville opposes any mandatory change as a result of this study that would result in any loss of revenue at the local level. Any changes to the tax must include a long term sustainable revenue formula administered at the local level.

### **2. Support for additional funding to create more hospital beds for mental health treatment statewide**

The state should provide sufficient funding to allow Community Services Boards (“CSBs”) to meet the challenges of providing a community-based system of care, including maximizing the use of Medicaid funding. The City Council believes that children and adults with mental health needs should be treated in the mental health system, where CSBs are the point of entry. The City supports state action to increase investment in the mental retardation waiver program for adults and young people and Medicaid reimbursement for children’s dental services. The City opposes any shifting of Medicaid matching requirements from the state to localities, and requests sufficient federal and/or state financial resources associated with new or additional roles and responsibilities for local governments due to any expansion of Medicaid.

### **3. Support for alternative energy initiatives**

The City of Charlottesville supports the use and development of alternative energy sources, and urges the Legislature to take action to promote these worthwhile goals:

#### **(a) Support efforts to repeal the annual tax on hybrid vehicles included in the 2013 transportation package (City Council)**

The City of Charlottesville supports environmentally friendly transportation and the use of alternative powered vehicles, including electric and hybrid vehicles. Earlier this year an annual tax in the amount of \$64.00 was imposed on owners of hybrid vehicles, which unfairly penalizes people for purchasing and operating hybrid vehicles, when people should be encouraged to do so. To this end, the City Council supports efforts to repeal the annual tax on hybrid vehicles.

**(b) Support incentives to promote alternative energy production facilities within the Commonwealth**

The City of Charlottesville supports any initiatives that will have the effect of reducing pollution within the Commonwealth, and considers statewide initiatives to be one of the most effective ways to achieve broad and sustainable solutions. For example, the State of Maryland currently offers a broad array of tax incentives to benefit most renewable energy technologies, which include: a full sales and use tax exemption for solar, wind, wood heating and geothermal heat pump equipment; a sales and use tax exemption for the sale of electricity from solar and wind systems to residential customers; a full property tax exemption for solar and wind systems; a state income tax for 10% of qualified research and development expenses for cellulosic ethanol technology; and a personal or corporate income tax credit for bio-heating oil of \$0.03 per gallon. Maryland also provides personal and corporate income tax credits of \$0.0085 per kWh for electricity generated from renewable energy systems (or \$0.005/kWh for co-fired electricity).

The City Council supports legislative action that will have the effect of increasing the production and reliance upon alternative energies, and submits this information as a means of disseminating possible avenues to explore.

**4. Support for Medicaid expansion in Virginia.**

The City Council supports the expansion of the Medicaid program in Virginia to offer coverage to people with income below 133% of the Federal Poverty Line, including families, families with children and “childless” adults (who aren’t pregnant, disabled, elderly, or suffering from breast/cervical cancer), contingent upon sufficient federal and/or state financial resources associated with new or additional roles and responsibilities for local governments due to any such expansion of Medicaid. A calculated estimate of the City of Charlottesville Medicaid administration costs in FY 2012 General Fund was \$302,172 to match \$512,883 of Federal and State funding for a total of \$815,055. Per the Joint Legislative Audit and Review Commission in FY 2011 Medicaid payments of \$46,434,006 went to medical providers for 6,725 Charlottesville cases.

**5. Support state funding for public pre-school for three year-old children**

The Charlottesville City Council recognizes the importance of early childhood education and the positive effects that it has on academic achievement and graduation rates. While the Virginia Department of Education’s Virginia Preschool Initiative distributes state funds to schools and community-based organizations to provide quality preschool programs for at-risk four-year olds that are not served by the Head Start program, there are no such programs to benefit three-year-old children in the Commonwealth, which would prepare them to excel in kindergarten. The City Council supports expansion of the Virginia Preschool Initiative to include, to the extent possible, programs that would benefit three-year old children.

**6. Support for legislation allowing nonprofit and commercial art galleries to serve wine during “art walks”**

Many localities hold periodic art walks, such as Fredericksburg’s “First Fridays”, where one evening a month participating non-profit and for-profit art galleries hold exhibitions open to the public. These popular community events are typically well attended, and they foster appreciation for the arts in addition to bringing hundreds (or thousands) of people downtown and into local businesses. In the past, many of these galleries served small, free glasses of wine at their exhibitions. However, this is illegal without a Virginia Department of Alcoholic Beverage Control (“ABC”) license. Non-profit galleries have the option of paying \$55.00 per event for a banquet license, which is burdensome for a small organization. For-profit galleries do not have that option. Unfortunately, art walks where no wine is served tend to see lower attendance than art walks with wine.

Sensible changes to the current ABC regulations are needed, and can be made without any negative impact. The regulations should be amended to create an “art walk license”, which would allow a commercial or non-profit arts venue that participates in a community art walk or open house event to serve limited quantities of wine and beer to above-age patrons, a limited number of times per year.

The Charlottesville City Council supports efforts by the Fredericksburg City Council to seek amendments to Title 4.1 of the Code of Virginia to permit the ABC Board to issue an alcoholic beverage license to a commercial or non-profit arts venue that participates in a community art walk or art open house event that is open to the public, which shall authorize the licensee to serve lawfully acquired wine or beer to patrons of the arts event, for on-premises consumption only. It would include restrictions such that alcoholic beverages cannot be sold or charged for in any way by the licensee; that the licensee shall not serve more than two five-ounce glasses of wine or one 12-ounce glass of beer to any such patron; and that the privileges of such a license shall be limited to the premises of an arts venue, regularly occupied and utilized as such, and could be used no more than 12 calendar days per year.

**7. Support for the 2014 Legislative Programs of the Thomas Jefferson Planning District Commission, the Virginia Municipal League, and Virginia First Cities.**

As a member of the Thomas Jefferson Planning District Commission, the Virginia Municipal League, and Virginia First Cities, the City of Charlottesville endorses the 2014 Legislative Programs adopted by each of these organizations which promote a number of issues crucial to our City and other Virginia municipalities.

**Proposed amendments to Code of Virginia section 46.2-395**

**§ 46.2-395. Suspension of license for failure or refusal to pay fines or costs.**

...

E. Any person otherwise eligible for a restricted license may petition each court that suspended his license pursuant to this section for authorization for a restricted license. A court may, upon written verification of employment or a written offer of employment contingent upon obtaining a valid license to operate a motor vehicle and for good cause shown, authorize the Department of Motor Vehicles to issue a restricted license to operate a motor vehicle for any of the purposes set forth in subsection E of § 18.2-271.1. No restricted license may be issued unless each court which suspended the person's license pursuant to this section provides authorization for a restricted license. ~~Such restricted license shall not be issued for more than a six-month period.~~ As a mandatory condition of a restricted license, within six months of issuance thereof, the person shall petition the court to which monies are owed for an installment payment agreement pursuant to §19.2-354(A). No restricted license issued pursuant to this subsection shall permit a person to operate a commercial motor vehicle as defined in the Commercial Driver's License Act (§ 46.2-341.1 et seq.).

The court shall forward to the Commissioner a copy of its authorization entered pursuant to this section, which shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a license is issued as is reasonably necessary to identify the person. The court shall also provide a copy of its authorization to the person, who may not operate a motor vehicle until receipt from the Commissioner of a restricted license. A copy of the restricted license issued by the Commissioner shall be carried at all times while operating a motor vehicle. Any person who operates a motor vehicle in violation of any restrictions imposed pursuant to this section shall be punished as provided in subsection C of § 46.2-301.

**Proposed amendments to Code of Virginia section 18.2-287.4**

**§ 18.2-287.4. Carrying loaded firearms in public areas prohibited; penalty.**

It shall be unlawful for any person to carry a loaded (a) semi-automatic center-fire rifle or pistol that expels single or multiple projectiles by action of an explosion of a combustible material and is equipped at the time of the offense with a magazine that will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock or (b) shotgun with a magazine that will hold more than seven rounds of the longest ammunition for which it is chambered on or about his person on any public street, road, alley, sidewalk, public right-of-way, or in any public park or any other place of whatever nature that is open to the public in the Cities of Alexandria, Chesapeake, Fairfax, Falls Church, Newport News, Norfolk, Richmond, ~~or~~ Virginia Beach, or Charlottesville or in the Counties of Arlington, Fairfax, Henrico, Loudoun, or Prince William.

The provisions of this section shall not apply to law-enforcement officers, licensed security guards, military personnel in the performance of their lawful duties, or any person having a valid concealed handgun permit or to any person actually engaged in lawful hunting or lawful recreational shooting activities at an established shooting range or shooting contest. Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

The exemptions set forth in § 18.2-308 shall apply, mutatis mutandis, to the provisions of this section.

**CHAPTER 277**

*An Act to allow the City of Charlottesville to amend its subdivision ordinance regarding the provision of sidewalks.*

[H 1724]

Approved March 13, 2013

Be it enacted by the General Assembly of Virginia:

**1.** *§ 1. The governing body of the City of Charlottesville may, as a part of its subdivision ordinance as authorized by § [15.2-2242](#) of the Code of Virginia, include provisions allowing the subdivider or developer of a residential lot, or of a lot containing at least one residential unit, the option of either (i) dedicating land for and constructing a sidewalk as specified in subdivision 9 of § [15.2-2242](#) or (ii) contributing to a sidewalk fund, maintained and administered by the city, funds equivalent to the cost of the dedication of land for and construction of a sidewalk on the property. Nothing in this act shall alter in any way any authority of localities or the Department of Transportation to require sidewalks on any newly constructed street or highway.*

**Proposed amendment to Code of Virginia Section 1**

§1. The governing body of the City of Charlottesville may, as a part of its zoning ordinance as authorized by §15.2-2286, include provisions allowing the developer of a residential lot, or of a lot containing at least one residential unit, the option of either (i) dedicating land for and constructing a sidewalk on site or (ii) contributing to a sidewalk fund, maintained and administered by the city, funds equivalent to the cost of the dedication of land for and construction of a sidewalk on the property. Nothing in this act shall alter in any way any authority of localities or the Department of Transportation to require sidewalks on any newly constructed street or highway.

**Proposed amendments to Code of Virginia section 46.2-1224.1**

**§ 46.2-1224.1. Local ordinances regulating certain parking; penalty.**

The governing body of any county having the county manager plan of government may by ordinance prohibit idling the engine of a bus for more than 10 minutes when the bus is parked, left unattended, or is stopped for other than traffic or maintenance reasons. The governing body of any other county, city, or town may by ordinance prohibit idling the engine of a bus for more than 15 minutes when the bus is parked, left unattended, or is stopped for any reason other than traffic, maintenance, or loading or unloading a disabled passenger. The governing body of the City of Charlottesville may, by ordinance prohibit idling the engine of any motor vehicle for more than 15 minutes. Exemptions from the provisions of any such ordinance prohibiting the idling of other motor vehicles shall include, but not be limited to, vehicles that are idling due to traffic conditions, for law enforcement, fire and/or emergency response purposes, for vehicle repair and/or testing, and for the health or safety of a driver and/or passenger(s).

Violators of such ordinance shall be subject to a civil penalty not to exceed \$50, the proceeds from which shall be paid into the locality's general fund.

The provisions of this section shall not apply to school buses or public transit buses.

**HOUSE BILL NO. 1381**

Offered January 9, 2013  
Prefiled December 12, 2012

*A BILL to amend the Code of Virginia by adding in Chapter 17 of Title 58.1 an article numbered 9.1, consisting of sections numbered 58.1-1742 through 58.1-1746, relating to imposing a plastic bag tax.*

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Patron-- Morrissey

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Referred to Committee on Finance  
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Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 17 of Title 58.1 an article numbered 9.1, consisting of sections numbered 58.1-1742 through 58.1-1746, as follows:

*Article 9.1.  
Plastic Bag Tax.*

**§ 58.1-1742.** *Plastic bag tax.*

*There is hereby levied beginning July 1, 2014, upon every consumer of tangible personal property a tax in the amount of five cents (\$0.05) for each disposable plastic bag provided, whether or not provided free of charge, to the consumer by retailers in grocery stores, convenience stores, or drug stores. The tax shall be collected by the retailer, along with the purchase price and all other fees and taxes, at the time the consumer pays for such personal property.*

**§ 58.1-1743.** *Exemptions.*

*The tax imposed by this article shall not apply to the following:*

- 1. Durable plastic bags, with handles, that are at least 2.25 mils thick and are specifically designed and manufactured for multiple reuse;*
- 2. Plastic bags used to carry ice cream, meat, fish, poultry, leftover restaurant food, newspapers, dry cleaning, and prescription drugs; and*
- 3. Multiple plastic bags sold in packages and intended for use as garbage, pet waste, or leaf removal bags.*

**§ 58.1-1744.** *Remittance of tax revenues to the Department; revenues deposited into the Virginia Water Quality Improvement Fund.*

*A. The tax revenues collected shall be remitted by the retailer to the Department of Taxation at the same time and in the same manner as the sales and use tax revenues are remitted in accordance with the provisions of § 58.1-615. However, every retailer that collects the tax imposed by this article shall be allowed to retain one cent (\$0.01) from every five cents (\$0.05) collected, or two cents (\$0.02) from every five cents (\$0.05) collected if the retailer has a customer bag credit program, provided such retailer discounts are accounted for in the form of a deduction when submitting the tax return and paying the amount due in a timely manner.*

*B. The revenues from the tax imposed under this article shall be deposited by the Comptroller into the Virginia Water Quality Improvement Fund established under § 10.1-2128.*

*§ 58.1-1745. Penalty for failure to collect and remit the tax.*

*Any retailer subject to the provisions of this article who fails to collect and remit the tax as required herein shall be subject to a fine of \$250 for the first offense, \$500 for the second offense, and \$1,000 for the third offense or subsequent offense. The Department shall enforce the provisions of this article.*

*§ 58.1-1746. Tax Commissioner to develop guidelines.*

*The Tax Commissioner shall develop and make publicly available guidelines implementing the provisions of this section. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).*

**Proposed amendment to Code of Virginia section 15.2-953**

§ 15.2-953. Donations to charitable institutions and associations, volunteer and nonprofit organizations, chambers of commerce, etc.

A. Any locality may make appropriations of public funds, of personal property or of any real estate and donations to the Virginia Indigent Health Care Trust Fund and to any charitable institution or association, located within their respective limits or outside their limits if such institution or association provides services to residents of the locality; however, such institution or association shall not be controlled in whole or in part by any church or sectarian society. The words "sectarian society" shall not be construed to mean a nondenominational Young Men's Christian Association, a nondenominational Young Women's Christian Association, Habitat for Humanity, or the Salvation Army. Nothing in this section shall be construed to prohibit any county or city from making contracts with any sectarian institution for the care of indigent, sick or injured persons.

B. Any locality may make gifts and donations of property, real or personal, or money, to (i) any charitable institution or nonprofit or other organization, providing housing for persons 60 years of age or older, or operating a hospital or nursing home; (ii) any association or other organization furnishing voluntary fire-fighting services; (iii) any nonprofit lifesaving crew or lifesaving organization, or rescue squad, within or outside the boundaries of the locality; (iv) nonprofit recreational associations or organizations; (v) any nonprofit organization providing recreational or daycare services to persons 65 years of age or older; or (vi) any nonprofit association or organization furnishing services to beautify and maintain communities and/or to prevent neighborhood deterioration. Gifts or donations of property, real or personal, or money by any locality to any nonprofit association, recreational association, or organization described in provision (iv), (v), or (vi) may be made provided the nonprofit association, recreational association, or organization is not controlled in whole or in part by any church or sectarian society. Donations of property or money to any such charitable, nonprofit or other hospital or nursing home, institution or organization or nonprofit recreational associations or organizations may be made for construction purposes, for operating expenses, or both.

A locality may make like gifts and donations to chambers of commerce which are nonprofit and nonsectarian.

A locality may make like gifts, donations and appropriations of money to industrial development authorities for the purposes of promoting economic development.

A locality may make like gifts and donations to any and all public and private nonprofit organizations and agencies engaged in commemorating historical events.

A locality may make like gifts and donations to any nonprofit organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is engaged in providing energy

efficiency services or promoting energy efficiency within or without the boundaries of the locality.

A locality may make like gifts and donations to nonprofit foundations established to support the locality's public parks, libraries, and law enforcement. For the purposes of this paragraph, "donations" to any such foundation shall include the lawful provision of in-kind resources.

A locality may make monetary gifts, donations and appropriations of money to a state college or university which provides services to such locality's residents.

Public library materials that are discarded from their collections may be given to nonprofit organizations that support library functions, including, but not limited to, friends of the library, library advisory boards, library foundations, library trusts and library boards of trustees.

C. Any locality may make gifts and donations of personal property and may deliver such gifts and donations to another governmental entity in or outside of the Commonwealth within the United States, or to a governmental entity outside of the United States with which the locality has an established relationship through Sister Cities International.

D. Any locality may by ordinance provide for payment to any volunteer rescue squad that meets the required minimum standards for such volunteer rescue squads set forth in the ordinance, a sum for each rescue call the volunteer rescue squad makes for an automobile accident in which a person has been injured on any of the highways or streets in the locality. In addition, unless otherwise prohibited by law, any locality may make appropriations of money to volunteer fire companies or rescue squads in an amount sufficient to enroll any qualified member of such volunteer fire company or rescue squad in any program available within the locality intended to defray out-of-pocket expenses for emergency ambulance transportation.

E. For the purposes of this section, "donations" shall include the lawful provision of in-kind resources for any event sponsored by the donee.

F. Nothing in this section shall be construed to obligate any locality to appropriate funds to any entity. Such charitable contribution shall be voluntary.