# Table of Contents

**CITY LEADERSHIP** ........................................................................................................................................ 2
**2022 VIRGINIA BEACH CITY COUNCIL MEMBERS** .................................................................................. 3
**GENERAL ASSEMBLY DELEGATION** ........................................................................................................ 4
**CITY CHARTER AMENDMENT** ................................................................................................................... 5
  - COUNCIL VACANCIES TO BE FILLED BY SPECIAL ELECTION .......................................................... 5
**CONSTITUTIONAL AMENDMENT** .............................................................................................................. 7
  - REDEFINING MARRIAGE TO MATCH CURRENT FEDERAL LAW .......................................................... 7
**VIRGINIA CODE AMENDMENTS** .............................................................................................................. 8
  - REPEAL OF 1% LOCAL TAX ON GROCERIES ......................................................................................... 8
  - ALIGN HOUSING RELATED FOIA EXCLUSIONS WITH ZONING EXCLUSIONS .............................. 9
  - PLAYGROUND EQUIPMENT COOPERATIVE PROCUREMENT .......................................................... 10
  - EXTEND OR MAKE PERMANENT SALES & USE TAX EXEMPTION FOR DATA CENTERS .......... 11
  - SUSPEND CERTIFICATION REQUIREMENTS FOR EMPLOYEES ISSUING PERMITS .................. 12
  - PUBLICATION REQUIREMENTS FOR PROFESSIONAL SERVICES RFPs ................................. 13
  - CLARIFICATION OF BONDS REQUIRED FOR ID/IQ CONSTRUCTION CONTRACTS .................. 14
  - OBSTRUCTION OF RIGHT-OF-WAY VIOLATIONS ............................................................................. 15
  - TAXATION ON VAPING AND CANNABIS PRODUCTS ........................................................................ 16
  - LEAVING VEHICLES UNATTENDED AND RUNNING PROHIBITED ............................................. 17
**POLICY STATEMENTS** ............................................................................................................................... 18
  - RESILIENCY ISSUES ............................................................................................................................... 18
  - CANNABIS RETAIL SALES, LOCAL CONTROL ................................................................................... 19
  - AFFORDABLE HOUSING ....................................................................................................................... 20
  - SHORT-TERM RENTALS .......................................................................................................................... 21
**STATE BUDGET REQUEST** ......................................................................................................................... 22
  - VIRGINIA BEACH MASS SHOOTING PERMANENT MEMORIAL ............................................. 22
CITY LEADERSHIP

Patrick A. Duhaney
City Manager

Kenneth L. Chandler
Deputy City Manager

Taylor V. Adams
Deputy City Manager

Monica C. Chaparro
Assistant City Manager
2022 VIRGINIA BEACH CITY COUNCIL MEMBERS

Robert M. "Bobby" Dyer  Mayor, At-Large
Rosemary A. Wilson  Vice-Mayor, At-Large
Michael Berlucchi  District 3 (formerly Rose Hall)
Linwood Branch  District 5 (formerly Lynnhaven)
Barbara M. Henley  District 7 (formerly Princess Anne)
Norman “Rocky” D. Holcomb  District 2 (formerly Kempsville)
Delceno Miles  District 4 (formerly Bayside)
John D. Moss  At-Large
Aaron R. Rouse  At-Large
Guy K. Tower  District 6 (formerly Beach)
Sabrina D. Wooten  District 1 (formerly Centerville)
### GENERAL ASSEMBLY DELEGATION

<table>
<thead>
<tr>
<th>Name</th>
<th>District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senator Lynwood W. Lewis, Jr.</td>
<td>Senate District 6</td>
</tr>
<tr>
<td>Senator Jen A. Kiggans</td>
<td>Senate District 7</td>
</tr>
<tr>
<td>Senator William R. DeSteph, Jr.</td>
<td>Senate District 8</td>
</tr>
<tr>
<td>Senator John A. Cosgrove, Jr.</td>
<td>Senate District 14</td>
</tr>
<tr>
<td>Delegate Kelly K. Convirs-Fowler</td>
<td>House District 21</td>
</tr>
<tr>
<td>Delegate C.E. “Cliff” Hayes, Jr.</td>
<td>House District 77</td>
</tr>
<tr>
<td>Delegate Barry D. Knight</td>
<td>House District 81</td>
</tr>
<tr>
<td>Delegate Anne Ferrell Tata</td>
<td>House District 82</td>
</tr>
<tr>
<td>Delegate Timothy V. Anderson</td>
<td>House District 83</td>
</tr>
<tr>
<td>Delegate Glenn R. Davis, Jr.</td>
<td>House District 84</td>
</tr>
<tr>
<td>Delegate Karen S. Greenhalgh</td>
<td>House District 85</td>
</tr>
<tr>
<td>Delegate Angelia Williams-Graves</td>
<td>House District 90</td>
</tr>
<tr>
<td>Delegate Robert S. Bloxom, Jr.</td>
<td>House District 100</td>
</tr>
</tbody>
</table>
CITY CHARTER AMENDMENT
COUNCIL VACANCIES TO BE FILLED BY SPECIAL ELECTION

Sponsored by Councilmember John D. Moss

Background:

When a vacancy occurs in a local governing body, the remaining members of the body or board have 45 days to appoint a qualified voter to fill the vacancy. If the governing body fails to make the appointment within the applicable 45 days, the vacancy would be filled by the judges of the circuit court. The person appointed holds the office until the qualified voters fill the vacancy by election and the person elected has qualified.

Separately, the Virginia Code requires a local governing body to petition the circuit court for a writ of election to fill a vacancy within fifteen days of the occurrence of a vacancy. The court typically orders the special election for the date of the next general election. If the vacancy occurs within 90 days of the next date of a general election, the local governing body may request the special election be held on the date of the following general election. The local governing body could request a date for a special election earlier than the next general election so long as the date complies with the date requirements of a special election. The following are the applicable requirements of a special election: (a) every special election shall be held on a Tuesday; (b) no special election shall be held within 55 days of a general or primary election; (c) no special election shall be held on the same day as a primary election; and (d) a special election may be held on the same day as a general election.

The Virginia Code includes additional limitations upon special elections to fill a vacancy in a local elected body. No special election is to be held if the general election at which the special election is held is scheduled within 60 days of the end of the term of the office or if the general election is scheduled in the same year as the year the term of office expires.

The below proposal would replace the current process of interim appointment by the City Council. This request will require a special election to be called for all vacancies. Such special election would be held on the first Tuesday after 60 days of the occurrence of the vacancy. The request includes certain procedures required when the special election would occur in the quiet periods before primary and general elections.

Request:

The City Council requests Section 3.03 of the City Charter be amended to read as follows:

Section 3.03. Filling vacancies in office of councilmember men and mayor.

Notwithstanding any provision to the contrary in § 24.2-226 of the Code of Virginia, all vacancies in the office of councilmember men, from whatever cause arising, except where such vacancy occurs due to a resignation to run for the office of mayor, shall be filled by special election to occur on the first Tuesday after 60 days of the occurrence of the vacancy.
Tuesday after within sixty days of the occurrence of the vacancy. However, if a vacancy occurs within 120 days of the date of the next general election, the qualified voters will fill the vacancy by special election on the date of the general election. If the special election would occur within 55 days of a primary election, the special election to fill the vacancy shall be the Tuesday immediately following the primary election. The person so elected shall hold office for the unexpired portion of the term, by a majority vote of the remaining members of the council, provided that so long as any of the councilmembers are elected by and from wards or boroughs the vacancy shall be filled by a qualified voter residing in the same ward or borough.

If a vacancy shall occur in the office of mayor, the unexpired portion of the term shall be filled by the same process described above. Council shall choose by a majority vote of the remaining members thereof one of its members to be mayor until his successor is elected and qualified in accordance with general law.

Section 24.2-228 of the Code of Virginia regarding interim appointments shall not be applicable to a vacancy in the office of councilmember or mayor.
CONSTITUTIONAL AMENDMENT
REDEFINING MARRIAGE TO MATCH CURRENT FEDERAL LAW

Sponsored by Councilmember Michael A. Berlucchi

Background:

The United Nations Universal Declaration of Human Rights proclaims that the right to marry is an inalienable right. The US Supreme Court has stated the right to marry is one of the basic civil rights of man and cannot be infringed upon based on sexual orientation. The right to marry for same-sex couples has been protected in Virginia since 2015. In Obergefell v. Hodges (2015), the Court held that the government may not infringe on a person’s fundamental right to marry on the basis of their sexual orientation. Currently, this right to marry would not be protected in Virginia if the US Supreme Court were to overturn the Obergefell case because of Article I, Section 15-A of the Virginia Constitution.

Request:

The Virginia Beach Human Rights Commission has requested, and the Virginia Beach City Council supports:

1. Repeal of Article I, Section 15-A of the Virginia Constitution; or alternatively,
2. Revision of Article I, Section 15-A of the Virginia Constitution by striking “one man and one woman,” and inserting “two consenting adults,” as follows:

“That only a union between one man and one woman two consenting adults may be a marriage valid in or recognized by this Commonwealth and its political subdivision.”
Background:

The General Assembly recently adopted and the Governor has signed the biennial budget for FY2022-23 and FY2023-24. This budget included text amendments to Virginia Code § 58.1-611.1 to remove the state sales and use tax on food purchased for human consumption and essential personal hygiene products. The state budget did not alter the local sales and use tax on food purchased for human consumption and essential personal hygiene products.

The City Council desires the General Assembly provide enabling authority for a locality to adopt an ordinance to remove the local tax on food purchased for human consumption. At present the applicable provisions of Virginia Code §§ 58.1-605 and 58.1-606 do not provide an option to locally exempt certain classes of products from the local retail sales and use tax.

Request:

The City Council requests Virginia Code §§ 58.1-605 and 58.1-606 be amended to authorize the City Council to adopt an ordinance exempting food purchased for human consumption from the local retail sales and use tax.
VIRGINIA CODE AMENDMENT
ALIGN HOUSING RELATED FOIA EXCLUSIONS WITH ZONING EXCLUSIONS

Sponsored by Councilmember Guy K. Tower

Background:

During the 2022 General Assembly session, Delegate Angelia Williams-Graves patroned HB980 on behalf of the City of Virginia Beach. On February 8th, 2022 before the House General Laws Committee, Del. Williams-Graves requested that this bill be laid on the table and that the Committee Chair send a letter to the FOIA Council requesting the Council review and take an official position on this legislation.

On July 26, 2022 a special committee of the FOIA Council met for the purpose of discussing this proposed bill. The special committee completed its work and planned to make its recommendation at the next regularly scheduled meeting of the FOIA Council.

At the October 3rd 2022 meeting of the FOIA Council, the legislation was further discussed among members who were present. However, the Council was 1 member short of a quorum and therefore no official business was able to be conducted. The matter was rescheduled to be introduced at the FOIA Council’s next meeting. At that time, pending the presence of a quorum, the Council will vote on whether and in what form to make its recommendation to the General Assembly during the 2023 session.

Request:

The City Council requests that HB980 from the 2022 General Assembly session be re-introduced, and further requests the endorsement of the FOIA Council for its adoption.
VIRGINIA CODE AMENDMENT
PLAYGROUND EQUIPMENT COOPERATIVE PROCUREMENT

Sponsored by Councilmembers Linwood Branch and Norman “Rocky” D. Holcomb

Background:
Currently, the procurement statute § 2.2-4304 does not allow design and construction to be performed by the same entity. For playgrounds, installers must be certified to install a specific manufacturer’s equipment for familiarity and to support warranty on products. The proposed change to include playground installations would enable localities to utilize cooperative procurement agreements for the concept planning/assembly drawings, purchase of materials/equipment and subsequent installation/assembly of playground equipment. This change would streamline procurement for playgrounds and make the entire process from concept planning to installation much more efficient.

Request:
The City Council requests that “playground installation” be added as an exemption under Virginia Code § 2.2-4304 from construction limitation under the cooperative procurement statute.
Background:

Data centers are a primary driver of economic growth in Virginia, comprising $6.8 billion or 62% of all major economic investments announced last year by the Virginia Economic Development Partnership, according to a report released by the Northern Virginia Technology Council (NVTC).

Data centers accounted for as many as 5,550 operational and 10,230 construction and manufacturing jobs, $1.6 billion in employee pay and benefits and $7.5 billion in economic output in 2021, the NVTC report found. Data centers had an approximate total impact of about 45,460 jobs, $3.6 billion in pay and benefits, $15.3 billion in economic impact and generated about $174 million in revenue for the state and about $1 billion in local tax revenue.

Currently there is an exemption from taxation in Virginia for equipment leased or purchased for use in data centers. The current exemption sunsets in 2035. Realizing that this is indeed 12 years away, it is important for data center owners and developers to have this certainty when deciding to locate in Virginia, so that as their equipment reaches obsolescence, they can be assured that this incentive will remain.

Request:

The City Council requests that Virginia Code Section 58.1-609.3, subsection 18.a, be amended to extend or eliminate the sunset provision to allow exemption from taxation equipment leased or purchased for use in data centers.
VIRGINIA CODE AMENDMENT
SUSPEND CERTIFICATION REQUIREMENTS FOR EMPLOYEES ISSUING PERMITS

Sponsored by Councilmember John D. Moss

Background:

Current law requires new employees issuing permits to have at least 3 years’ experience and undergo a certification process per the Virginia Construction Code ("VCC"). The VCC is only updated every 3 years, and the next cycle is not until 2024. Temporary suspension of this requirement would widen the pool of applicants during the present statewide hiring crisis for these hard-to-fill positions.

Request:

The City Council requests that the General Assembly direct the overseeing agency, the Department of Housing and Community Development ("DHCD"), to suspend this requirement immediately, recognizing that this is in advance of next 3-year cycle for updating of Virginia Building Codes.

City Council further requests that if adopted, a requirement be included that all employees hired to issue permits that do not hold such certifications be subject to supervisory and oversight restrictions, including but not limited to direct supervision by a VCC certificated employee, and such other oversight and training requirements as deemed necessary and appropriate by DHCD to ensure the integrity of the permit-issuing system throughout the Commonwealth.
Background:

The General Assembly prescribes the manner of advertisement for certain types of procurement. For construction, it is permissible to post an invitation to bid on the Virginia Department of General Services central electronic procurement website or the locality’s website, and the locality retains the option of publishing the invitation to bid in a newspaper of general circulation. For professional services, such as architecture and engineering services, a locality may avoid publication in the newspaper only through the posting on the Department of General Services central electronic procurement website.

The City desires to align the statutory requirements for posting professional services solicitations with those requirements for construction. The use of the City's website allows for more targeted solicitation and avoidance of unnecessary costs associated with publication in the newspaper.

Request:

The City Council requests Virginia Code § 2.2-4302.2 be amended to mirror the publication requirements in § 2.2-4302.1(2). For reference, the applicable text of § 2.2-4302.1(2) is as follows:

2. Public notice of the Invitation to Bid at least 10 days prior to the date set for receipt of bids by posting on the Department of General Services' central electronic procurement website or other appropriate websites. In addition, public bodies may publish in a newspaper of general circulation.
VIRGINIA CODE AMENDMENT
CLARIFICATION OF BONDS REQUIRED FOR INDEFINITE DELIVERY / INDEFINITE QUANTITY CONSTRUCTION CONTRACTS

Sponsored by Councilmembers Delceno Miles and Aaron R. Rouse

Background:

The General Assembly has recently acted to reduce the bonding requirements for certain types of construction contracts. Most recently, SB258 and SB259 in the 2022 General Assembly increased the bond thresholds for transportation projects and removed the prequalification requirement for other bond waiver projects. One specific type of construction contract that has heretofore not been addressed is indefinite delivery / indefinite quantity (IDIQ) construction contracts. IDIQ contracts make no guarantee of work, but these contracts allow a public entity to establish pricing and issue task orders on an “as-needed” basis. IDIQ contracts establish an annual not-to-exceed cap for the total work that can be authorized for such contracts.

The Virginia Public Procurement Act and specifically § 2.2-4337 require performance and payment bonds “in the sum of the contract amount” for any public construction contract above the statutory thresholds. In the context of IDIQ, there have been two approaches. One approach requires performance and payment bonds in the amount of the annual not-to-exceed cap for the total work that can be authorized. The other approach is to require bonds for the dollar amount of the individual tasks.

The City of Virginia Beach, in concert with the Minority Business Council, continues to look for opportunities to remove potential barriers to participation in City contracts by Small, Women, and Minority-owned (SWaM) businesses. Because large bond amounts can create a barrier to participation by SWaM businesses, the City seeks clarification regarding the required bonds for IDIQ contracts.

Request:

The City Council requests Virginia Code § 2.2-4337 be amended to authorize the City Council to adopt an ordinance regarding the performance and payment bonds for indefinite delivery / indefinite quantity construction contracts. If adopted, the ordinance would elect to require performance and payment bonds to be provided by contractors based on the dollar amount of the individual tasks instead of the annual not-to-exceed cap.
Background:

The City’s Resort Advisory Commission has identified several nuisance and safety issues in the Resort Area that are difficult to remedy under the City’s existing ordinances. An example of this is repeated violations of businesses along Atlantic Avenue that place their wares along the sidewalk. The City can enforce these violations as criminal misdemeanors, and if found guilty, the judge will impose a fine and court costs. However, the time it takes for the case to be heard and the ability for it to be extended renders the deterrent null, and the offender will continue the violating behavior and absorb the penalty as a cost of doing business.

The ability to have a more expedient method to stop these violations is desired. One example would be akin to a parking ticket, with the ability to ticket multiple times if no corrective action is taken. There is currently no known authority that would enable the City to adopt such an ordinance.

Request:

The City Council requests the General Assembly to adopt legislation that would allow the creation of local ordinances to eliminate or deter the continuation of nuisance and safety-related offenses and violations during the pendency of a court hearing or other final disposition.
VIRGINIA CODE AMENDMENT
TAXATION ON VAPING AND CANNABIS PRODUCTS

Sponsored by Councilmember Guy K. Tower

Background:
In the 2020, 2021, and 2022 State Budgets, the General Assembly approved a statewide tax on liquid nicotine (aka “vape juice”) at a rate of 6.6 cents per milliliter. It has been in effect since July 1, 2020 as a source of state revenue.

House Bill 30 from the 2022 General Assembly session also directed the Joint Subcommittee to Evaluate Tax Preferences to continue studying options for the modernization of Virginia Code § 58.1-1001(A) to reflect advances in science and technology in the area of tobacco harm reduction, and the role innovative non-combustible tobacco products can play in reducing harm. In addition, the Joint Subcommittee has been tasked to study possible reforms to the taxation of tobacco products that will provide fairness and equity for all local governments and also ensure stable tax revenues for the Commonwealth.

It is expected that there may be legislation in the upcoming session that addresses adult use cannabis for retail sale. The City wishes to have included in this legislation a mechanism for collection of a local tax on these products in order to address locality-specific issues arising from such legalization and use of these products.

Request:
The City Council requests the General Assembly grant statewide authority for local governments to establish an excise tax on the sale of vaping products and the sale of cannabis and cannabis-related products.
VIRGINIA CODE AMENDMENT
LEAVING VEHICLES UNATTENDED AND RUNNING PROHIBITED

Sponsored by Councilmember Norman “Rocky” D. Holcomb

Background:

The Virginia Beach Police Department has been experiencing a significant number of auto thefts due to drivers leaving their cars running and unattended in such places as convenience store parking lots. As a matter of public safety, keeping unattended cars secure is a priority, and the City supports legislation that would give the police a tool that would deter this dangerous practice that has become quite commonplace.

Request:

The City Council requests the General Assembly adopt legislation to allow localities to impose a civil penalty for leaving vehicles unattended and running on a highway or in a public place (e.g., parking lot) in order to promote public safety and deter auto theft.
Policy Statement:

The City Council supports statewide and regional resiliency efforts that benefit Virginia Beach by submittal of grant applications, implementation of projects, participation in studies, etc. including but not limited to:
- Implementation of local projects in the JLUS Study
- HRSD Climate Resilience Study
- Partnership with Volpe Center on integrating resilience into transportation modeling and planning
- Roadway Flooding Sensors Project funded by Implementation Grant from Office of Local Defense Community Cooperative
- Regional Resilient Stormwater Management Design Guidelines
Policy Statement:

While medical-use and personal use cannabis is legal in certain circumstances in Virginia, localities have no zoning or local taxing authority or ability to hold a referendum to decide whether or not a community wants marijuana retail businesses to operate in its boundaries.

The City Council is in support of legislation that:
- Gives localities liberal local ordinance and zoning authority
- Provides a statutory role for localities in the licensing process
- Allows for expanded taxation for localities
Policy Statement:

The City Council is in support of legislation that:
- Enables localities to incentivize affordable housing, as defined by the locality, in site development and the City’s comprehensive plan
- Preserves and promotes local planning and zoning authority
- Creates a statewide portal to attract and assist developers
POLICY STATEMENT
SHORT-TERM RENTALS

Sponsored by Councilmember John D. Moss

Policy Statement:

The City Council is opposed to any legislation that:
- Compels localities to allow Short-Term Rentals (STRs)
- Limits the ability of localities to regulate STRs
- Overrides local authority for STR land use or planning
Background:

In the aftermath of the 5/31/2019 mass shooting in Virginia Beach, victims' families, survivors, members of the public and recovery professionals advised City Council that installation of a permanent memorial is a critical component for the community to heal, recover, and move forward. Following this advice, the City Council established the 5/31 Memorial Committee and hired consulting firm Kearns & West to facilitate the memorial planning process. In September 2022, the City issued a nationwide Request for Qualifications (RFQ) from professional design teams, and from the submissions the 5/31 Memorial Committee will select two finalists to submit conceptual design proposals and budgets for the memorial. Each finalist will be awarded a $10,000 stipend. The Committee will select one design team for recommendation to City Council based on their written and visual conceptual design and qualifications. This will occur in early Spring 2023, with construction anticipated to begin in FY24. Research has revealed that budgets of comparable memorials range from $2-5 million, with funds comprised of state, local and private support. The City has been funding the memorial efforts for the consultant, staff and administration for the Committee as well as associated incidentals, and is at the point where further financial resources are necessary.

Request:

For the upcoming December Governor’s budget amendments, the City requests an allocation of $2 million to assist the City in the construction of a permanent memorial in remembrance of the victims of 5/31.