

CITY OF VIRGINIA BEACH, VIRGINIA



GENERAL ASSEMBLY

Legislative Agenda

2024 SESSION

ADOPTED VERSION — November 14, 2023



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2023 VIRGINIA BEACH CITY COUNCIL

Robert M. "Bobby" Dyer	Mayor, At-Large
Rosemary Wilson	Vice-Mayor, District 5
(VACANT)	District 1
Barbara Henley	District 2
Michael Berlucchi	District 3
Dr. Amelia Ross-Hammond	District 4
Robert W. "Worth" Remick	District 6
Sabrina D. Wooten	District 7
Chris Taylor	District 8
Joashua F. "Joash" Schulman	District 9
Jennifer V. Rouse	District 10



CHARTER AMENDMENT

Ten Single-Member Election System Adopted by City Council

Background:

The United States District Court for the Eastern District of Virginia (“the District Court”) previously ruled that the city’s 7:4 election system as set forth in the City Charter does not comply with Section 2 of the Voting Rights Act, 52 U.S.C. § 10301 because it dilutes the voting strength of minority voting groups. This ruling was later vacated on appeal by the United States Court of Appeals for the Fourth Circuit (“the Fourth Circuit”) on the ground that it was rendered moot by an intervening amendment to state law. That amendment changed the seven residence districts previously elected at large under the City’s Charter to single-member districts whose representative was elected by only the residents of those districts. Although the District Court’s judgment was vacated, the case was remanded to that court for further proceedings. Subsequently, the District Court has indicated that any system other than the 10:1 system with three (3) Minority Opportunity Districts would likely be found to violate Section 2 of the Voting Rights Act.

On January 14, 2022, while the District Court’s order was still in effect, the City obtained preclearance of the 10:1 system ordered by the District Court from the Virginia Attorney General under the Virginia Voting Rights Act. The 10:1 plan was utilized in the November 2022 City Council elections.

In 2023, the City Council undertook a public input initiative that included duly noticed, public education and listening sessions in each of the ten districts. Two virtual listening sessions were also conducted. In addition, the City engaged the Weldon Cooper Center for Public Service at the University of Virginia to conduct a statistically validated public opinion survey within the city, which showed 81% support for a 10:1 system.

On August 15, 2023, the City Council adopted its decennial redistricting ordinance. This ordinance uses the same 10-1 system and district boundaries that were previously ordered by the District Court. Additionally, the decennial redistricting ordinance uses the same schedule of elections that was recommended by the Special Master. It is desirable for the City Charter to reflect the decennial redistricting ordinance, and this request does that.

Request:

City Council requests that the General Assembly amend the City Charter to adopt the ten single-member district system used in the 2022 elections and adopted by the City Council in its decennial redistricting ordinance.

PROPOSED CHARTER UPDATE

Sec. 3.01. Division of city into districts.

- A. The city shall be divided into ten single-member election ~~seven residence~~ districts of approximately equal population which shall be numbered one through ten ~~seven~~. The council shall consist of eleven members, the mayor elected at large and including the mayor, one member to be elected by and from each of the ten single-member election districts. ~~the city at large from the residents of each of the seven districts and three members and the mayor to be elected by and from the city at large.~~
- B. The boundaries ~~and names~~ of such districts shall be established by ordinance ~~on or before March 1, 1996~~, and thereafter the boundaries shall be adjusted periodically as may be necessary to ensure that the populations of the districts remain approximately equal.
- ~~C. The city council shall, no later than January 1, 1996, petition the circuit court to order an advisory referendum to be held on the question of whether the council member elected from each district shall be elected by the qualified voters of that district rather than at large. The wording of the question shall be determined by majority vote of the city council and shall be included in the petition. Upon the filing of the petition, the circuit court shall order that an advisory referendum be held on the question in the city at the municipal elections to be held in May 1996.~~

Sec. 3.01:1. Implementation of districts.

- A. At the November 2024 ~~May 1996~~ general election, the three members representing district 1, district 3, district 5, district 7, and the mayor shall be elected. by the city at large from the residents of the Blackwater, Princess Anne, and Virginia Beach boroughs as such boroughs existed on January 1, 1995. The terms of the members so elected shall commence January 1, 2025, and expire on December 31, 2028. ~~July 1, 1998. The terms of the mayor and councilmember elected by and from the city at large in May of 1996 shall expire on July 1, 2000.~~
- B. At the November 2026 ~~general election~~, ~~in May of 1998~~, the members representing district 2, district 4, district 6, district 8, district 9, and district 10 shall be elected. ~~at large from district numbered one through three shall be elected for terms of two years and the members elected at large from districts numbered four through seven shall be~~

~~elected for terms of four years. The terms of the members so elected shall commence January 1, 2027, and expire on December 31, 2030. two councilmembers elected by and from the city at large in May of 1998 shall expire on July 1, 2002. Thereafter,~~

C. All members shall be elected for terms of four years.

Sec. 3.02:1. Election of councilmembers.

~~Pursuant to an ordinance adopted by city council on June 27, 2006, City council elections shall take place during November general elections. during the general election in November 2008, and during the November general election in even years thereafter, for council members whose terms expire at the end of December of that year. Council members, including the mayor, whose terms expire as of June 30, 2008, or June 30, 2010, shall continue in office until their successors have been elected at the November election and take office on January 1. The term of office for each councilmember shall commence on January 1 next following the date of election and shall continue until his successor has been duly elected and qualified. Each candidate shall state, at the time of filing, whether he is running at large, from the district of his residence or for mayor. Candidates for council shall be nominated only by petition in the manner prescribed by general law.~~

Sec. 3.02:2. Election of mayor.

The mayor shall be elected at the general election in November 2008, and each fourth year thereafter, to serve for a term of four years. Candidates for mayor shall run ~~for one of the at-large seats.~~ A candidate running for mayor shall not run for any other seat.

In the event any councilman member, including the mayor, shall decide during his term of office to be a candidate for mayor, he shall tender his resignation as a councilman member not less than ten days prior to the date for the filing of petitions as required by general law. Such resignation shall be effective on December 31, shall constitute the councilman's member's intention to run for mayor, shall require no formal acceptance by the remaining councilmen members and shall be final and irrevocable when tendered.

In the event the mayor shall decide during his term of office to be a candidate for one of the single-member election districts, he shall tender his resignation as mayor not less than ten days prior to the date for the filing of petitions as required by general law. Such resignation shall be effective on December 31, shall constitute the mayor's intention to run for one of the single-member election districts, shall require no formal acceptance by the remaining council members and shall be final and irrevocable when tendered.

The unexpired portion of the term of any council member who has resigned to run for mayor or mayor who has resigned to run for one of the single-member election districts shall be filled at the same general election.

Sec. 3.02:3. Reserved. ~~Council member resignation to run for new seat.~~

- (a) ~~In the event that any council member from one of the residence districts shall decide during his term of office to be a candidate for an at large seat, the council member shall tender his resignation as a council member not less than 10 days prior to the date for the filing of petitions as required by general law. Such resignation shall be effective on December 31, shall constitute the council member's intention to run for the at-large seat, shall require no formal acceptance by the remaining council members, and shall be final and irrevocable when tendered. The unexpired portion of the term of any council member who has resigned to run for an at large seat shall be filled at the same general election, or by special election if the at large seat is to be filled by special election.~~
- (b) ~~In the event that any council member from one of the at large seats shall decide during his term of office to be a candidate for a residence district seat, the council member shall tender his resignation as a council member not less than 10 days prior to the date for the filing of petitions as required by general law. Such resignation shall be effective on December 31, shall constitute the council member's intention to run for the residence district seat, shall require no formal acceptance by the remaining council members, and shall be final and irrevocable when tendered. The unexpired portion of the term of any council member who has resigned to run for a residence district seat shall be filled at the same general election, or by special election if the residence district seat is to be filled by special election.~~



CHARTER AMENDMENT

Board Of Equalization Membership

Background:

The City Charter establishes the City's Board of Equalization (the "BOE"). The BOE is one of three possible routes of appeal when a taxpayer believes his or her real estate assessment is erroneous. The BOE sits in quasi-judicial capacity hearing such appeals, and any decision of the BOE can be appealed to the circuit court.

At the request of a previous BOE chair, the City Council made a request to amend the City Charter to expand the membership of the BOE from three to four in its 2022 Legislative Agenda. Recently, there has been a change in the membership of the BOE, and the current BOE has experienced more deadlocked votes.

Request:

The City Council requests that the General Assembly amend the City Charter to increase the membership of the City of Virginia Beach Board of Equalization from four members to five members and add an alternate.

PROPOSED CHARTER UPDATE

§ 8.07. Annual assessment of real estate.

The council may, in lieu of annual, biennial or triennial assessment, reassessment and equalization of the methods prescribed by general law, provide by ordinance for the assessments of real estate for local taxation and to that end may appoint one or more persons as assessors to assess or reassess for taxation the real estate within the city. Such assessors shall make assessments and reassessments on the same basis as real estate is required to be assessed under the provisions of general law and as of the first day of July of each year in which such assessment, reassessment and equalization of assessments is made, shall have the same authority as the assessors appointed under the provisions of general law and shall be charged with duties similar to those thereby imposed upon such assessors. The judges of the circuit court shall annually appoint a board of equalization of real estate assessments to be composed of ~~four~~ five members and one alternate who shall be freeholders of the city. Such board of equalization shall have and may exercise the powers to revise, correct and amend any assessment of real estate and to that end shall have all powers conferred upon boards of equalization by general law. The provisions of general law notwithstanding, the board of equalization may adopt any regulations providing for the oral presentation, with formal petitions or other pleadings of requests for review, and looking to the further facilitation and simplification of proceeding before the board. This section shall not apply to assessment of any real estate assessable by the State Corporation Commission.



VIRGINIA CODE AMENDMENT

Amend Code to Reflect Election System Adopted by Council

Background:

The United States District Court for the Eastern District of Virginia (“the District Court”) previously ruled that the city’s 7:4 election system as set forth in the City Charter does not comply with Section 2 of the Voting Rights Act, 52 U.S.C. § 10301 because it dilutes the voting strength of minority voting groups. This ruling was later vacated on appeal by the United States Court of Appeals for the Fourth Circuit (“the Fourth Circuit”) on the ground that it was rendered moot by an intervening amendment to state law. That amendment changed the seven residence districts previously elected at large under the City’s Charter to single member districts whose representative was elected by only the residents of those districts. Although the District Court’s judgment was vacated, the case was remanded to that court for further proceedings. Subsequently, the District Court has indicated that any system other than the 10:1 system with three (3) Minority Opportunity Districts would likely be found to violate Section 2 of the Voting Rights Act.

On January 14, 2022, while the District Court’s order was still in effect, the City obtained preclearance of the 10:1 system ordered by the District Court from the Virginia Attorney General under the Virginia Voting Rights Act. The 10:1 plan was utilized in the November 2022 City Council elections.

In 2023, the City Council undertook a public input initiative that included duly noticed, public education and listening sessions in each of the ten districts. Two virtual listening sessions were also conducted. In addition, the City engaged the Weldon Cooper Center for Public Service at the University of Virginia to conduct a statistically validated public opinion survey within the city, which showed 81% support for a 10:1 system.

Request:

Because a change to a locality’s Charter requires a two-thirds vote of the General Assembly and a general law change to the Virginia Code requires a majority of the members of the General Assembly, the City Council requests that a dual track be taken to updating the City’s election system to better ensure that a proper update is made ahead of the 2024 election cycle. The City Council requests that section § 15.2-1400 of the Code of Virginia be amended, with language to supersede a local charter, to reflect the City’s ten single-member district system.

Proposed language for § 15.2-1400 of the Code of Virginia

G. Notwithstanding any other provision of law, general or special, the governing body of a locality that has been subject to a court order imposing a remedial election system under either the Voting Rights Act of 1965 or Virginia Rights of Voters Act, Va. Code §§ 24.2-125, et. seq, even if such order is later vacated, may adopt an ordinance to convert one or more at-large members of such body to single-member districts. Members of such governing body in office on the effective date of such ordinance shall complete their terms of office.



VIRGINIA CODE AMENDMENT

"Good Friday" First Responders Fund

Background:

On Good Friday, April 6, 2012, a catastrophic event took place in Virginia Beach as a Navy F/A-18 Hornet jet fighter crashed just moments after take-off from Naval Air Station Oceana into the Mayfair Mews apartment complex, injuring seven. Hundreds of Virginia Beach first responders and employees were quickly on the scene of what came to be known as the Good Friday miracle as there were no fatalities from the event despite the apartment complex housing more than 100 residents. During this event, City staff were likely exposed to burning composite materials like carbon fibers and other toxins released from the burning fuel, hydraulic fluids, aircraft fuselage, and damaged structures including known "forever chemicals" including perfluorooctane sulfonic acid (PFOS) and aqueous film forming foam (AFFF), called forever chemicals because these toxic materials do not leave your system.

Research suggests firefighters are at higher risk of certain types of cancers when compared to the general population. Earlier this year, the City provided a voluntary Galleri Cancer Screening, an advanced type of testing that screens for more than 50 types of cancers, where 538 sworn Fire employees were tested. The Galleri Cancer Screening was provided to the Fire Department due to their heightened risk of developing occupational cancer and the existence of a presumption that many cancers are work related and can be a compensable claim under Virginia Worker's Compensation.

Request:

The City Council requests that the General Assembly create and fund the "Good Friday" First Responders Fund to support annual health monitoring and cancer screenings to all Virginia Beach employees who worked the crash scene and to provide additional support for out-of-pocket health care costs and other service gaps that may arise for these heroes.



VIRGINIA CODE AMENDMENT

Photo Speed Monitoring Devices on Local Highways

Background:

Across the nation, states and localities are seeing a rise in traffic fatalities and are seeking new tools to improve safety on highways and roadways. While there are many elements that drive the rise in traffic fatalities, including distracted driving, one of the major elements is the continued proliferation of speeding. The speed of a vehicle involved in a crash has a direct impact on the number of crashes and the severity of injuries they cause. Developing a speed camera program would provide law-enforcement a new tool to enforce speed limits and reduce risks on local highways. Today, more than 18 states and 188 localities have implemented speed camera programs. Insurance Institute for Highway Safety studies of cameras on residential roads in Maryland, on a high-speed roadway in Arizona, and on city streets in the District of Columbia found that the proportion of drivers exceeding speed limits by more than 10 mph declined by 70, 88 and 82 percent, respectively, six to eight months after cameras were introduced.

Virginia currently permits localities to operate photo speed monitoring devices in school zones and construction zones as well as cameras to enforce traffic light signals.

Request:

The City Council requests the General Assembly grant statewide authority for local governments to establish a program for using photo speed monitoring devices on local highways. The legislation would require a locality, before the implementation of a speed camera on a highway, to conduct an analysis of the highway that includes average daily traffic count, average speed, the 85th percentile speed, periods of highest speeding, number of accidents, number of fatalities, and the number of pedestrian involved accidents. The legislation would also require the same privacy and notification rules that are included in existing traffic camera enforcement programs. Finally, the legislation would require any funds a locality receives from the program, after supporting the program itself, be allocated towards pedestrian and road safety improvements.



VIRGINIA CODE AMENDMENT

Photo Speed Monitoring and Failure of Recipient to Respond

Background:

The 2020 General Assembly enacted legislation that was subsequently codified as Virginia Code § 46.2-882.1. This legislation authorized photo speed monitoring in highway work zones and school crossing zones. Like the program for school bus stop arm violations, photo speed monitoring is intended to allow targeted enforcement in places where vulnerable pedestrians are present. Photo speed enforcement allows law enforcement personnel to attend to other public safety priorities, and it equitably and efficiently holds drivers accountable for violating posted speed limits in school crossing zones and highway work zones.

As currently written, Virginia Code § 46.2-882.1 provides a default process for out-of-state motorists, and upon such default, the civil penalty is eligible for collection. There is no specific process for default when a motorist within the Commonwealth fails to respond to a mailed summons, and it may be impracticable to effect personal service upon every person that does not respond to a mailed summons.

This legislative proposal offers a notice and review process that is similar to the procedure when a person receives a notice that there is a claim upon that person's Virginia tax return. The process provides for an additional mailed notification of the violation of the speed limit and opportunity to contest such violation. If the recipient fails to respond within the thirty-day period, this failure to respond will be deemed a waiver of the opportunity to contest the speed violation, and like the process for out-of-state motorists, such amount would then be eligible for collection.

Request:

The City Council requests the General Assembly amend Virginia Code § 46.2-882.1(B)(5) as follows:

5. A summons for a violation of § [46.2-873](#) or [46.2-878.1](#) issued by mail pursuant to this section may be executed pursuant to § [19.2-76.2](#). Notwithstanding the provisions of § [19.2-76](#), a summons issued by mail pursuant to this section may be executed by mailing by first-class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy shall be mailed to the address contained in

the records of or accessible to the Department. In the case of a vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or renter. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subdivision 3 and (ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons *may* shall be executed in the manner set out in § [19.2-76.3](#). No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. If the summons is issued to an owner, lessee, or renter of a vehicle with a registration outside the Commonwealth and such person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons will be eligible for all legal collections activities. Any summons executed for a violation of § [46.2-873](#) or [46.2-878.1](#) issued pursuant to this section shall provide to the person summoned at least 30 days from the mailing of the summons to inspect information collected by a photo speed monitoring device in connection with the violation. *If the summons is issued to an owner, lessee, or renter of a vehicle with a registration address within the Commonwealth and such person fails to timely contest the violation, a notice of proposed default may be sent, by first class mail, to the last known address of the owner, lessee, or renter of the vehicle. This notice of proposed default shall provide the recipient the opportunity to contest the alleged violation within thirty days of the date of the mailing of the notice and describe the process for making such contest. In addition, the notice of proposed default shall advise the recipient that failure to contest such violation within the thirty-day period will be deemed a waiver of the opportunity to contest the violation and may result in collection of the civil penalty. If the recipient fails to contest the violation asserted in the notice of proposed default within the thirty-day period, the civil penalty authorized herein shall be eligible for all legal collection activities.* If the law-enforcement agency that was operating the photo speed monitoring device does not execute a summons for a violation of § [46.2-873](#) or [46.2-878.1](#) issued pursuant to this section within 30 days from the date of the violation *or initiates the notice of proposed default*, all information collected pertaining to that suspected violation shall be purged within 60 days from the date of the violation.



VIRGINIA CODE AMENDMENT

Opioid and Fentanyl Awareness Education

Background:

According to the Virginia Department of Health, “Fatal drug overdose has been the leading method of unnatural death in Virginia since 2013 and opioids, specifically illicit fentanyl, has been the driving force behind the large increases in fatal overdoses since 2013.” Virginia Beach has not been immune to the opioid and fentanyl crisis, as it has taken hold across the Commonwealth and the nation, as the rate of overdose in Virginia Beach has tripled over the last decade. Alarming, this crisis has hit far too many of our most vulnerable and youngest members of our community, taking a tragic toll on families.

Fentanyl is a potent synthetic opioid approved by the Food and Drug Administration used for pain relief or as an anesthetic and, according to the Drug Enforcement Agency, it is approximately 100 times more potent than morphine and 50 times more potent than heroin. It can often be found in counterfeit drugs or used as a “filler” to increase the potency of other narcotics, because of this, in many cases the user doesn’t even know that they are taking fentanyl. In some instances, it has been developed to look like popular brands of food and candy. Mistakenly taking fentanyl can be deadly, as it is estimated that as little fentanyl powder as would cover the tip of a pencil is enough to kill the average person.

Because of these dangers and unknowns, it is increasingly important that the Commonwealth increase the education activities to raise awareness of the dangers of opioids and especially fentanyl.

Requests:

1. The City Council requests the General Assembly direct the Department of Education to coordinate with the proper organizations, to develop and distribute to each local school division, educational materials concerning the health and safety risks of opioid abuse with a particular focus on the deadly risk of fentanyl.
2. The City Council additionally requests that the General Assembly declare May 9th of each year “Fentanyl Awareness Day” and asks that the appropriate government agencies, both local governments and the Commonwealth, leverage all their tools available to raise awareness of the dangers of Fentanyl.



VIRGINIA CODE AMENDMENT

Local Taxing Authority for Vaping and E-Cigarette Products

Background:

According to a recent research study conducted by the Center for Disease Control and Prevention, since 2014, e-cigarettes, or vaping, have been the most commonly used tobacco product among U.S. middle and high school students. The same study found that 14% of high school students reported using e-cigarettes. This trend is on the rise and a cause for concern. A lack of information and misperceptions around e-cigarettes and vaping has led to their proliferation among students, but the research is clear, e-cigarettes are dangerous and addictive.

As more people turn to vaping and better understand the dangers of traditional cigarettes, tax collections on traditional tobacco products at the local and state level have been in decline. In response to these trends, the Commonwealth, through the budget process, doubled their existing tax on traditional tobacco products and created a new tax on liquid nicotine (the nicotine utilized in vaping and e-cigarette products). The City Council supports efforts to modernize the Virginia Code as it relates to tobacco taxes and requests that the General Assembly grant statewide authority for local governments to establish an excise tax on the sale of vaping products.

Request:

The City Council requests that the General Assembly grant local governments the authority to modernize their tax codes as it relates to the sale of electronic cigarettes and vaping products.



VIRGINIA CODE AMENDMENT

Establish the Virginia Creative Economy Grant Fund and Program

Background:

Virginia Beach is home to award winning arts programs and internationally acclaimed artists. The arts contribute to the culture and social fabric of Virginia Beach, providing beauty and connection between communities. While the arts contribute greatly to Virginia Beach's character, it is important to recognize the important role the arts play in the City's economy and to work to find ways to continue to invest in that economy. The Office of Cultural Affairs found, in a previous study that examined the economic impact of the arts in Virginia Beach, that \$87.7 million in economic activity and 2,875 jobs are generated annually by the non-profit arts and culture industry in Virginia Beach, making it a formidable business and economic driver for the City.

In the 2023 General Assembly session, Delegate Jackie Glass introduced House Bill 2376 which would have established the Virginia Creative Economy Grant Fund and Program, to be administered by the Virginia Economic Development Partnership Authority, for the purpose of awarding grants to independent content creators and creative entrepreneurs for the purpose of developing and expanding the creative economy in Virginia.

Request:

The City Council requests that House Bill 2376 from the 2023 General Assembly session be re-introduced.

HOUSE BILL NO. 2376 from 2023 General Assembly Session

§ 2.2-2240.7. *Virginia Creative Economy Grant Fund and Program.*

A. For the purposes of this section:

"Creative economy" means industries that have their origin in individual creativity, skill, and talent and that have a potential for wealth and job creation through the generation and exploitation of intellectual property, including production of audio, video, or visual content; literary or performing arts; production of film, music, software, or video games; and television or radio.

"Creative economy entrepreneur" means a small business or a self-employed individual whose primary business activity or self-employment.

"Fund" means the Virginia Creative Economy Grant Fund.

"Independent content creator" means an individual who creates original digital media content in the form of audio, video, or visual content for entertainment purposes and with the intention of generating a profit.

"Program" means the Virginia Creative Economy Grant Program.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Creative Economy Grant Fund. The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for purposes of (i) awarding grants on a competitive basis through the Virginia Creative Economy Grant Program established pursuant to subsection C or (ii) implementing and administering the Virginia Creative Economy Grant Program. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Chief Executive Officer of the Authority.

C. The Virginia Creative Economy Grant Program is hereby established for the purpose of awarding grants on a competitive basis from such funds as may be available from the Fund to independent content creators and creative entrepreneurs for the purpose of developing and expanding the creative economy in Virginia. Grants shall be awarded by the Authority, in consultation with the Virginia Commission for the Arts established pursuant to § 23.1-3222, in an amount not to exceed \$20,000 to any independent content creator or creative entrepreneur. The program shall be administered by the Authority, in consultation with the Virginia Commission for the Arts. In administering the program, the Authority, in consultation with the Virginia Commission for the Arts, shall establish and publish guidelines and criteria for grant awards, including guidelines and criteria governing agreements between the Authority and grant recipients relating to the use of grant funds.



VIRGINIA CODE AMENDMENT

Obstruction of Right-of-Way Violations

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

Re-Establish the Virginia Minority Business Commission

Background:

During the 2020 General Assembly Session, then Delegate, Jason Miyares, introduced legislation to establish the Virginia Minority Business Commission. While the legislation failed to pass, the legislature created the commission through the budget process.

The Commission began meeting in January 2021 and met four times in its first year, reviewing Virginia's 2020 Disparity Study and Programs that support Small Women and Minority (SWaM) owned businesses and making recommendations to the General Assembly to promote the growth and competitiveness of Virginia's minority-owned businesses. The Commission was very successful, with the passage of multiple pieces of legislation including the requirement to do a disparity study every five-years and the creation of a mentor program for SWaM businesses.

Request:

The City Council requests that the General Assembly re-establish the Virginia Minority Business Commission to develop strategies and recommendations to promote the growth and competitiveness of Virginia's minority-owned businesses.



STATE BUDGET REQUEST

Augment Localities for 100% Disabled Veteran Tax Exemption

Background:

Virginia Beach is proud to be home to more than 58,000 veterans and more than 96,000 active-duty members of the United States armed forces. Both active-duty and retired members of the armed forces play a critical role in our community and economy, and we want them to make Virginia Beach their home for a lifetime.

The City of Virginia Beach honors the sacrifices made by our military personnel and veterans, and we support efforts by the Commonwealth to have the tax code reflect those sacrifices.

Since 2011, following voter ratification, the Commonwealth has mandated that localities provide a real estate tax exemption for 100% disabled veterans. This is an admirable program that the City of Virginia Beach supports. However, due to Virginia Beach's substantial military and veteran population, the City's budget is noticeably affected by this unfunded mandate from the Commonwealth. The program has grown from \$1.7 million in its first year to more than \$16 million in fiscal year 2023 and we project the program will grow to \$24 million in fiscal year 2024. Across the Commonwealth this program impacted local government budgets by more than \$125 million. With expansion of program eligibility and increased awareness, we anticipate that this program will continue to grow at a high rate.

Requests:

1. The City Council requests that the General Assembly refrain from creating additional unfunded mandates and if it chooses to impact a locality's taxing authority that it provides support for filling the gap they create or provide another funding mechanism to replace it.
2. The City Council requests that the Commonwealth provide financial support to fill the gaps created by the Commonwealth for the Veterans 100% disabled tax relief program.



STATE BUDGET REQUEST

5/31 Memorial

Background:

This past May, the 5/31 Memorial Committee and the City Council chose the team that will work with the community to design and build a memorial to honor and remember the victims of the tragic events of May 31st, 2019. 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.

The plan to build the memorial continues to advance, with the initial design incorporating elements that will honor the victims and provide a place for survivors to heal including two granite walls with timelines representing the 12 victims, a grove of trees that pays homage to the survivors, and a large "hero" tree dedicated to the first responders.

Research shows that budgets of comparable memorials are typically built with funds comprised of state, local and private support.

Request:

The City Council requests that the General Assembly provide \$2 million to support the 5/31 Memorial.



STATE BUDGET REQUEST

Stormwater Operations Center

Background:

The City of Virginia Beach requests funding to support a first in the nation, state-of-the-art facility, to monitor city infrastructure in real time to proactively respond to and potentially prevent flooding incidents that will mitigate damage and inform the public of hazards. The project is an integral part of the continued implementation of a \$500 million+ investment the City is making in flood protection and will transform the resilience of our coastal community, ecosystem, and economy to weather climate impacts.

The facility will monitor stormwater conditions and the City's transportation network and flood protection infrastructure in real time and allow staff to adjust stormwater controls, manage transportation patterns, initiate emergency repairs, and make recommendations for evacuations during severe weather events. To accomplish this goal, the facility will include expanded conference and computer training rooms that will serve as the hub of the Joint Operations Center. The facility will be constructed to withstand wind, blast, and other loads based on current and projected threats.

Request:

The City Council requests \$15 million to support the building of a first in the nation, state-of-the-art stormwater operations facility.



STATE BUDGET REQUEST

Virginia Aquarium & Marine Science Center Renovation/Expansion

Background:

The Virginia Aquarium and Marine Science Center is a jewel for both the City of Virginia Beach and the Commonwealth, providing a world class tourism attraction, exciting hands-on education opportunities for students around the region, and support for sea animal rescue and rehabilitation across much of the East Coast. It is the third most visited attraction in the Commonwealth, behind only amusement parks Kings Dominion and Busch Gardens.

According to a recent economic impact analysis, the Virginia Aquarium contributes more than \$277 million in economic activity each year supporting more than 3,300 jobs. These impacts provide more than \$7.6 million in annual tax revenues for the City of Virginia Beach and an additional \$9+ million in annual tax revenues for the Commonwealth of Virginia.

Unfortunately, the infrastructure is aging and nearing the point where it needs to be replaced. For example, the main building is more than 37 years old, and the seal, turtle, and shark habitats have reached end-of-life. For the protection of these animals, the habitat must be replaced in the coming years, or the animals will have to be transferred to another facility.

The Virginia Aquarium Foundation is setting course for an ambitious capital improvement project that will allow the aquarium to continue to operate and generate economic activity for the Commonwealth and keep the animals safe while expanding its footprint and creating new updated exhibits for visitors that will draw larger crowds, and economic impact, in the future.

Request:

The City Council requests support from the General Assembly for the Virginia Aquarium & Marine Science Center's renovation/expansion of aging infrastructure. The Virginia Aquarium would utilize resources from the Commonwealth in their overall strategy in seeking funds through the Federal Government along with City and private funding.



POLICY STATEMENT

Short-Term Rentals

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
- Limits the ability of localities to collect the appropriate taxes associated with STRs

The City Council supports any legislation that:

- Provides localities greater authority to enforce their zoning ordinances as they relate to STRs



Office of the City Manager
Municipal Center – Bldg 1
2401 Courthouse Drive
Virginia Beach, VA 23456
virginiabeach.gov



Brent McKenzie
Legislative Affairs Director
757-837-9572
bmckenzie@vbgov.com