

Town of Vienna 2019 Legislative Agenda

On _____, 2018, the Citizens of the Town of Vienna, through its duly elected Town Council, adopted the following Legislative Agenda at a public hearing and respectfully proposes to the General Assembly of the Commonwealth of Virginia the following:

2019 Legislative Agenda Items:

1. The Town of Vienna requests language to be added to specifically include “new sidewalk projects” as eligible for HB 2313 funding. An expanded sidewalk network provides transportation options and reduces motorized vehicle use and congestion. Revised transportation funding ranking criteria language under HB 2313, HB 2, HB 599 regarding “congestion mitigation” and “additional capacity” should specifically include sidewalk funding in dense urban areas where providing alternative means of transportation reduces single-occupancy auto use. **NOTE: This legislative request has repeatedly faced opposition from some members of the GA who believe the use of the funds should be limited to specific types of transportation improvements and programs.**
2. The Town of Vienna supports restoration of full 599 funding to localities.
3. The Town of Vienna supports a change to the VDOT local road maintenance funding formula from lane mileage to lane volume; or, in the alternative, request changes that provide additional funding to localities that maintain their roads and have roads that exceed the statewide average traffic volumes for such types of roads by more than 20%. In addition, the Town of Vienna supports a change to the composition to the Commonwealth Transportation Board to have greater representation to the urban/dense suburban areas of the Commonwealth.
4. Virginia Code §2.2-4304 (cooperative procurement) should be amended to permit localities to use competitively bid construction contracts for certain projects **not exceeding \$200,000.**

The Town of Vienna has been impacted financially by the amendment to Virginia Code §2.2-4304. The estimated additional cost to the Town in the first year following Code amendments is estimated to be \$73,884.50 (Comparison Chart to be provided). **NOTE: WE NEED UPDATED NUMBERS FOR THIS ITEM**
5. The Town of Vienna supports an amendment to Virginia State Code Section 15.2-107.1 relating to newspaper legal advertisement requirements. Current requirements add expense and are considered not generally viewed by the public.

Proposed amendment as follows:

15.2-107.1 Advertisement of legal notices on web sites

In addition to any requirements that a locality advertise legal notices in a newspaper having a general circulation in the locality, such notices may also be published on the locality's website.

However notwithstanding any other provision of law, general or special, in any town within the counties of Fairfax, Loudoun and Prince William legal notices may be published on the locality's website instead of in a newspaper having general circulation in the locality.

NOTE: There is some interest in this concept, it appears the GA unwilling to change the newspaper advertisement requirement at this time.

6. Northern Virginia Towns should have one vote as a member of the Northern Virginia Regional Transportation Authority (NVTA). Virginia Code Sections 33.2-2501 *et seq.* should be amended accordingly. **NOTE: The Town has a more established relationship with the NVTA and I have not received input from the Department of Public Works as to whether the Town has recent issues with NVTA funding requests.**
7. The Town of Vienna opposes any bill that reduces or eliminates local land use authority.
8. The Town of Vienna supports revenue sharing mechanisms between localities and the state.
9. The Town of Vienna requests an amendment to Va. Code Section 15.2-961.1 "Conservation of trees during land development process in localities in Planning District 8"; and/or Va. Code Section 15.2-961 "Replacement of trees during development process in certain localities" (the general code provision). Specifically the Town requests local zoning authority to provide tree canopy credits for development that preserves medium and large trees on lots under development and/or the authority to require developers to ensure 20% tree canopy coverage in 10 years rather than 20 years and improve storm water management efforts and water quality. Currently only the City of Williamsburg and jurisdictions with such a provision prior to 1990. **NOTE: The building industry lobby has consistently opposed this. The Town has updated its administrative regulations and some of the issues have been addressed, ie. more detailed tree species designations. The Director of Parks and Rec may have additional information.**
10. The Town of Vienna opposes legislation that reduces the current local government authority to review and approve applications for the use of the public right-of-way, including such use by wireless telecommunication providers. **NOTE: THE TOWN ATTORNEY HAS CONCERNS THAT STATE AND FEDERAL ADMINISTRAVE PROVISIONS MAY CONFLICT WITH THE VIRGINIA CONSTITUTIONAL REQUIREMENT THAT LOCALITIES REVIEW AND APPROVE CERTAIN USES IN THE PUBLIC ROW.**

Virginia Constitution - Section 9. Sale of property and granting of franchises by cities and towns. — No rights of a city or town in and to its waterfront, wharf property, public landings, wharves, docks, streets, avenues, parks, bridges, or other public places, or its gas, water, or electric works shall be sold except by an ordinance or resolution passed by a recorded affirmative vote of three fourths of all members elected to the governing body.

No franchise, lease, or right of any kind to use any such public property or any other public property or easement of any description in a manner not permitted to the general public shall be granted for a longer period than forty years, except for air rights together with easements for columns of support, which may be granted for a period not exceeding sixty years. Before granting any such franchise or privilege for a term in excess of five years, except for a trunk railway, the city or town shall, after due advertisement, publicly receive bids therefor. Such grant, and any contract in pursuance thereof, may provide that upon the termination of the grant, the plant as well as the property, if any, of the grantee in the streets, avenues, and other public places shall thereupon, without compensation to the grantee, or upon the payment of a fair valuation therefor, become the property of the said city or town; but the grantee shall be entitled to no payment by reason of the value of the franchise. Any such plant or property acquired by a city or town may be sold or leased or, unless prohibited by general law, maintained, controlled, and operated by such city or town. Every such grant shall specify the mode of determining any valuation therein provided for and shall make adequate provisions by way of forfeiture of the grant, or otherwise, to secure efficiency of public service at reasonable rates and the maintenance of the property in good order throughout the term of the grant.

Va. Constitution Va. Con. Art. 7 § 9 (1971)

11. The Town of Vienna generally endorses the adopted Virginia Municipal League Legislative Program related to VML's position on a number of potential legislation affecting localities.
12. The Town of Vienna supports amendments to Virginia's proffer law, including amendments to Va. Code §15.2-2303.4, to permit localities to engage in meaningful and constructive proffer discussion, and amend provisions of the Virginia Code that discourage localities from suggesting voluntary proffers, onsite and offsite, that are consistent with Virginia law and the localities' planning and zoning Comprehensive Plan and adopted zoning ordinances.

Approved this ____ day of November 2018.

Laurie DiRocco, Mayor

ATTEST:

Town Clerk

