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Richmond City Council
The Voice of the People *Richmond, Virginia*

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Land Use, Housing & Transportation Standing Committee Staff Report & Supplemental Information

October 20, 2015



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Lou Brown Ali
Council Chief of Staff

Richmond City Council

The Voice of the People

Richmond, Virginia

Office of the Council Chief of Staff

STAFF REPORT

October 20, 2015

The last Committee meeting was held on September 22, 2015

Presentations, Reports and Discussion Items at the July 21 Meeting

- There were no presentations, reports, or discussion items at the September 22 meeting

Expected Presentations, Reports or Discussion Items at the October 20 Meeting

- Code Enforcement..... John Walsh, Operations Manager - Property Maintenance Code Enforcement

Board Recommendations/Actions

- Alexander Rawls, Boards and Commissions Administrator

Next Committee Meeting

The next Committee meeting is scheduled for November 17, 2015 at 3:00 P.M.

SUMMARY OF PAPERS

ECONOMIC AND COMMUNITY DEVELOPMENT

1. **Ordinance No. 2014-208 (Patron: Robertson):** To amend and reordain ch. 2, art. V of the City Code by adding therein a new div. 7.2 (§§ 2-1035—2-1037) for the purpose of establishing a Richmond Archaeological Commission.

Summary of Ordinance/Resolution and Background:

- The Commission will have nine (9) members, all of whom will be appointed by City Council to three year terms subject to the following:
 - 3 members who reside within the City.
 - 1 member nominated by the Black History Museum.
 - 1 member nominated by the Museum of the Confederacy.
 - 1 member nominated by the Greater Richmond Convention Center Authority.
 - 1 member nominated by the Great Richmond Chamber of Commerce.
 - 1 member nominated by the City Planning Commission.
 - 1 member trained in the field of archaeology.
- The functions of the commission shall be to:
 - (1) Develop goals and priorities relating to the preservation and public interpretation of sites and resources which contribute to the history and heritage of Richmond from the beginning of human settlement, as well as that of the Commonwealth of Virginia and the United States;
 - (2) Recommend and assist in developing and promoting the archaeological programs of the city with local, state and federal governments, private foundations, the general public, area schools and colleges;
 - (3) Disseminate archaeological and historical data for public information, city use, and preservation planning purposes;
 - (4) Recommend to Council ways of protecting archaeological sites and artifacts from neglect, desecration, damage and destruction, and to assure proper evaluation and study of such sites and artifacts;
 - (5) Plan, develop and recommend short; mid- and long-term archaeological plans and programs;
 - (6) Develop a site registry of all lands in the city, whether public or private, known or believed to be of significant archaeological value;
 - (7) Recommend to Council a program to encourage financial contributions, volunteerism and leadership opportunities that supplement an archaeology program and the city;
 - (8) Enhance the visibility of Richmond as a leader in archaeology and historic preservation throughout Virginia and the United States;
 - (9) Encourage the integration of archaeological and historical information and site preservation into master plans and development efforts;

- (10) Make recommendations to city council regarding additional activities involving the city archaeological history and assets, including conservation and curation;
- (11) Coordinate and encourage the development of educational programs with local high schools and universities whereby students may receive credit by studying the city through archaeological methods;
- (12) Recommend methods of encouraging owners of private lands which contain or may contain archaeological sites to seek advice from and work with the city to preserve important artifacts of history to and during any development;
- (13) Promote public awareness and participation in the preservation and study of archaeological sites and artifacts;
- (14) Provide recommendations to individuals and communities on preservation of archaeological sites, resources and artifacts and on the formation of standards and guidelines;
- (15) Recommend to ways of developing a permanent city program of archeological and historic preservation, if necessary;
- (16) Propose local ordinances and state statutes to promote the goals and aims set forth above.
- (17) Propose to council a budget for its activities within 6 months of council approval of this paper.

The ordinance empowers the commission with the authority to adopt rules and regulations with regard to procedure. The commission chair, vice-chair and secretary shall be elected annually by the commission members at the 1st meeting of the term. The commission shall hold at least 6 meetings each year, and as many other meetings as the commission may deem advisable. Staffing assistance to the Commission shall be provided by the Department Economic Development.

Staff Analysis and Questions:

- Are there concerns expressed by Economic and Community Development related to the need for additional staff, or other issues?
- The legislation is drafted so that the Commission may advise on preservation matters throughout the City.
- Why is staff proposed to be provided by the Department of Economic Development? Would Planning be a more appropriate source of staff support?
- Do the duties of the proposed Richmond Archaeological Commission duplicate some of the functions assigned to the Commission of Architectural Review?

The proposed ordinance is modeled on the Alexandria Archeological Commission (AAC), which was established by the Alexandria City Council in 1975. The AAC is an advisory Commission that makes recommendations to the City Council on preservation efforts, legislation, and works to preserve the City's history and protect artifacts. The AAC is credited with being the first local commission of its kind in the US.

The AAC has evolved to have a five person staff and has been involved in major preservation efforts involving the City's waterfront and preservation of the Freedmen's Cemetery. Additionally, AAC's work includes promoting the placement of interpretive signage, coordinating a Wayfinding Sign Program, developing a digital atlas of the City and maintaining a small museum.

Fiscal Impact:

No fiscal impact is anticipated from immediate creation of the Commission. \$5,000 may be needed to start the Commission with staff and supplies. There may be long term impact resulting from the existence and proposals by the Commission but this impact is not known at this time.

- 2. Ordinance No. 2015-217 (Patron: Mayor Jones):** To amend City Code § 110-136, concerning bus fares, for the purpose of authorizing an expansion of the fare pass program to provide an unlimited use pass for seniors, valid Medicare recipients, and minors between six and 18 years old and a “One Ride Plus” pass for patrons that require two different buses to arrive at their final destinations.

Summary of Ordinance/Resolution and Background:

This paper amends the City Code to create unlimited use pass for senior citizens, medicare card recipients, and minors between the ages of 6 to 18 years. Specifically the paper authorizes GRTC to issue a daily, weekly, and monthly unlimited use card on its local routes and provide reduced fares for the targeted populations.

The proposed unlimited passes would cost as follows: one day pass (\$1.75), seven day pass (\$8.75), 30 day pass (\$35.00); and one ride plus for use when two different trips needed to reach one’s destination (\$1.75).

Staff Analysis and Questions:

The O&R suggests that these passes will increase ridership but does give an estimate of by how much and/or why an increase in ridership is expected. The Committee may wish to inquire about how much ridership is expected to increase and how these figures were determined.

Fiscal Impact:

The Administration’s O&R suggests that that there is no fiscal impact. However; Committee members may wish to inquire as to whether or anticipated increases in ridership will not lead to some fiscal/budgetary impact to the system that the City subsidizes.

- 3. Ordinance No. 2015-218 (Patron: Mayor Jones):** To authorize the Chief Administrative Officer, for and on behalf of the City of Richmond, to execute a Lease between the East District Family Resource Center and the City of Richmond for the purpose of leasing the property known as 2405 Jefferson Avenue for use by the East District Family Resource Center as a community-based resource center.

Summary of Ordinance/Resolution and Background:

Ordinance No. 2015-218 authorizes the Chief Administrative Officer to lease 7,111 square feet at 2405 Jefferson Avenue to the East District Family Resource Center for five years at the rate of \$1.00 per year. The East District Family Resource Center will use the space for a community-based resource center.

Staff Analysis and Questions:

- These are the same basic rent and lease terms as the original 2008 lease.
- The Tenant assumes the cost to maintain the property during the lease term.
- The previous five year lease to the East District Family Resources Center expired on September 30, 2013.

Fiscal Impact:

The City will receive nominal rent of one dollar (\$1.00) per year of the lease term.

PLANNING AND DEVELOPMENT REVIEW

4. Ordinance No. 2015-191 (Patron: Mr. Agelasto): To amend City Code §§ 38-154, concerning weeds and other vegetation, 38-155, concerning violations and notice, and 38-156, concerning abatement by the City, and to amend Appendix A of the City Code by adding therein a new fee for City Code § 38-156(b) for the purpose of imposing one notice per growing season, designating the amount of administrative charges for abatement by the City, imposing civil penalties for violation of such sections, and requiring the Director of Planning and Development Review to prepare and deliver to the City Council and the Chief Administrative Officer a report concerning the costs incurred, charged to property owners and paid to the City associated with the City's efforts to abate violations of such sections.

Summary of Ordinance/Resolution and Background:

Ordinance No. 2015-191 amends several sections of the City Code to address overgrown grass, weeds, and other vegetation:

- §38-154 Makes violations for overgrown vegetation subject to a \$50 civil penalty. Subsequent new violations within a 12 month period are subject to a \$200 penalty. Civil penalties may not total more than \$3,000 in 12 months. Three violations within 24 months are classed as a Class 3 misdemeanor, but are no longer subject to the civil penalties. Although violations are currently a misdemeanor, there is no penalty.
- §38-155 Changes the required notice from one per violation to one per growing season.
- §38-156 Requires the Director of Planning and Development Review to report on the costs incurred, charged to property owners and paid to the City associated with the City's efforts to abate violations by December 1 each year.
- Appendix A Adds a new fee of \$150 for abatement of overgrown vegetation. The current administrative fee is \$100.

Staff Analysis and Questions:

Overview

- The City's weed abatement program generated billings of \$428,353 in FY 2013 and \$453,376 in FY 2014. Although the actual bill is based on property size, the average in FY 2013 was \$280.15 and for FY 2014 the average was \$281.08.
- Program staff estimate that the number of properties that required abatement action represented approximately 25 percent of the properties for which notices of a violation were issued. As such, approximately 6,300 notices are issued annually, resulting in an average of 1,571 abatement actions.

Notice to Abate

- The City of Richmond requires two notices per violation. Section 38-155 requires an initial notice of the violation and correction within 48 hours. If the condition is not corrected the City may issue a notice of abatement, and proceed with the necessary corrective action. In practice these two notices are provided concurrently: 1) the initial notice is posted on the property, and 2) the second notice is mailed to the last known address of the responsible party.
- Most localities in Virginia require one notice per violation. Two localities, the Cities of Fredericksburg and Hampton allow for abatement of the violation after expiration of the prescribe time allowed for its abatement in the original notice to the property owner. There is no requirement for a second notice that the property owner has failed to abate the condition, and subsequent abatement by the City does not require an additional notice during that growing period.
- The City of Portsmouth allows for the City to abate the violation without further notice after two notices have been sent. In this case the City retains the right to abate violations for one year, without further notification. In subsequent years, the City is required to send one notice at the beginning of each subsequent year that its abatement activities will continue. The property owner may request the City stop such abatement activity in writing. Portsmouth also requires an annual report on the amount collected in connection with the abatement of nuisances by the City.
- Retention of the current practice will provide for added assurance that the property owner, or other responsible party has been notified of the need to correct the violation. Current practice should be reflected in the City Code, to require that the first notice be posted on the property, or hand delivered, and a copy delivered by mail.

Notices Required by Local Ordinance			
	1 Notice Per Event	2 Notices Per Event	1 Notice Per Season
Henrico	✓		
Chesterfield	✓		
Alexandria	✓		
Arlington	✓		
Fairfax	✓		
Fredericksburg			✓
Hampton			✓
Newport News	✓		
Norfolk		✓	
Portsmouth	✓		2
Charlottesville	✓		
Richmond		✓	1

Notes:

- 1) One notice posted/hand delivered, another mailed concurrently
- 2) Two notices per year deemed sufficient.

- Program staff estimate that moving to a protocol that requires one notice per growing season would result in a first year increase of 100 percent in the number of abatement actions. In the second and subsequent years abatement actions would decline to 50 percent of the previous levels. For Richmond this would mean:

	Abatement Actions
FY 2013 Actual	1,529
FY 2014 Actual	1,613
FY 2015 (Trend)	1,700
Year 1	3,400
Year 2	850

Cost

- The City of Richmond currently assesses an administrative fee of \$100 plus the actual costs per abatement action. The assessment of an administrative fee is provided for in §38-156 of the City Code, however the amount of the fee is not established in that section.
- Other localities also allow for assessment of “costs and expenses.” In some cases an administrative fee is expressly set out in the locality’s ordinance. For example, Chesterfield

County authorizes an administrative fee of \$35; Fredericksburg charges 15% of the costs, Hampton, and Newport News assesses a service charge of \$150, Charlottesville assesses an administrative handling charge of \$75.

Penalties

- The City of Richmond currently classifies violations of in §38-154. Weeds and Other Vegetation as a Class 1 Misdemeanor. Several other localities also treat violations of their grass cutting ordinance as a misdemeanor:

Chesterfield	3 or more separate violations in 24 months classed as a Class 3 misdemeanor.
Hampton	\$100 to \$1,000 per violation.
Norfolk	Class 2 Misdemeanor
Charlottesville	Class 1 Misdemeanor

- Other localities assess civil penalties for violations. These penalties vary by locality and by number of occurrences in a twelve month period. Examples include:

	1st	2nd	Subsequent	Period
Chesterfield				
General	\$ 100	\$ 100	\$ 100	
Subdivisions, etc	\$ 50	\$ 200	\$ 200	12 months ¹
Alexandria	\$ 100	\$ 150	\$ 150	6 Months
Arlington	\$ 100	\$ 250	\$ 500	6 Months
Fairfax	\$ 100	\$ 100	\$ 100	
Fredericksburg	\$ 50	\$ 200	\$ 200	12 Months

Note:

1) 3 or more separate violations in 24 months classed as a Class 3 misdemeanor.

Reporting

- Only the City of Portsmouth specifically requires an annual report on the funds collected from the abatement program. Informed evaluation of the program and alternatives for improvements require accurate and timely information. As such, any annual report should include information on program direct and administrative costs, billings, payments, past due amounts, and the amount resulting in property liens.

Fiscal Impact:

- If the City moves to one notice per growing season, program costs will increase significantly in the first calendar year, which will cover FY 16 and FY 17. The total increase is projected to be approximately \$310,000 for the cost of contracted mowing services. This should be slightly weighted toward the first half of the growing season, which will fall in the last quarter of FY 2016. This cost will hypothetically be covered by the charge for the actual contracted cutting service and the administrative fee. In year two of the new program (calendar 2017 and later) and subsequent years abatement actions are estimated to decline to 50 percent of the previous levels with corresponding program cost savings. Available records do not allow for projections of actual revenues collected under the current program, therefore, a projection of net costs cannot be made.

Fiscal Impact:

The proposed ordinance will result in an increase of approximately \$310,000 for the cost of contracted mowing services. This should be slightly weighted toward the first half of the growing season, which will fall in the last quarter of FY 2016. Costs in subsequent years (calendar 2017 and later) will likely be reduced by 50 percent of the previous levels.

5. Ordinance No. 2015-208 (Patron: Mr. Agelasto): To amend City Code § 38-152, concerning unlawful accumulation, for the purpose of making it unlawful to permit the accumulation of certain furniture manufactured primarily for indoor use on any property or on any alley, sidewalk, public right-of-way, grass strips, or street abutting such property.

Summary of Ordinance/Resolution and Background:

Ordinance No. 2015-208 amends the Richmond City Code to add the outdoor storage of furniture not designed and manufactured primarily for exterior use on the exterior of an enclosed structure, including an unenclosed porch to the list of items defined as *unlawful accumulation*.

Enforcement and penalty provisions shall be the same as for other items listed under §38-154.1. – Unlawful nuisances. These are set out in §§38-155, 156, and 157.

Staff Analysis and Questions:

- Numerous localities prohibit the use or storage of furniture not designed or intended for exterior use on the exterior of properties. Examples include, but are not limited to:
 - Colonial Heights, Virginia.
 - Emporia, Virginia.
 - Henrico, Virginia (Zoning Code).
- Such use can lead to rapid deterioration, thereby creating a public nuisance. In addition, such items may become fire hazards.

Fiscal Impact:

The proposed ordinance has no fiscal impact, since the City already engages in code enforcement. Under existing code provisions, violations are assessed the actual cost of abatement plus a \$100 administrative fee in the event corrective action by the City is required.

DEPARTMENT OF PUBLIC WORKS

6. Resolution No. 2015-194 (Patron: Robertson): To erect all-way stop signs at the intersection of Richmond-Henrico Turnpike and Dove Street.

Summary of Ordinance/Resolution and Background:

This legislation requires the installation of all-way stop signs at the intersection of the Richmond-Henrico Turnpike and Dove Street to calm traffic and prevent speeding.

Fiscal Impact:

No fiscal impact is anticipated.

7. Ordinance No. 2015-199 (Patron: Ms. Robertson): To amend City Code §§ 38-156, concerning the abatement of certain refuse, litter and weed control violations, and 86-44, concerning the times and places of collection for bulk items, brush and loose leaves, for the purposes of requiring the Chief Administrative Officer to waive certain fees for the abatement of certain violations, requiring the Director of Public Works to provide written notification of the date on which bulk items are scheduled for collection, and prohibiting the placement of bulk items for collection on or near a public right-of-way more than 48 hours before the date scheduled for collection.

Summary of Ordinance/Resolution and Background:

Ordinance No. 2015-199 makes several changes to the City Code related to bulk pickup and abatement of dumping:

- §38-156 Requires the waiver of administrative fees after a written determination that the responsible party did not cause the unlawful accumulation. This written determination is appealable to Circuit Court.
- §86-44 Requires the Director of Public Works to provide a date for requested bulk pickup of refuse.

Prohibits placement of items scheduled for bulk pick-up on or near a public right-of-way for collection more than 48 hours before the scheduled collection date.

Staff Analysis and Questions:

- While the City already engages in code enforcement the actual payments received in relation to the amount billed is not tracked and is, therefore, unknown. Under existing code provisions, violations are assessed the actual cost of abatement plus a \$100 administrative fee in the event abatement action by the City is required.
- The advanced scheduling can be accomplished with the existing administrative systems.

Fiscal Impact:

The proposed change will alter operational procedures, which will result in a cost change. Due to the lack of collections data, the revenue impact cannot be determined.

DEPARTMENT OF PARKS, RECREATION & COMMUNITY FACILITIES

- 8. Resolution No. 2015-R061 (Patron: Mayor Jones):** To request the Commonwealth Transportation Board to fund the James River Branch Trail project to provide bicycle and pedestrian infrastructure improvements on the proposed James River Branch Trail between its intersections with Basset Avenue and North Hopkins Road.

Summary of Ordinance/Resolution and Background:

Resolution No. 2015-R061 requests the Commonwealth Transportation Board to the James River Branch Trail project in the City of Richmond. A supporting resolution is required before funding of a Transportation Alternatives (TA) considered. The Transportation Alternatives Funds a federal program administered by VDOT.

Ordinance No.	Patron	Project	Grant Amount	City Match	Total	Match Budgeted
2015-R061	Mayor Jones	James River Branch Trail	\$ 360,000	\$ 90,000	\$ 450,000	No FY 2017

This project, also known as the Southside Richmond Rail Trail, will create a 2.5 miles linear community greenway along abandoned CSX right of way. The \$450,000 set out in this proposal covers the expected cost of acquiring the right of way from CSX.

Staff Analysis and Questions:

- Council may wish to determine the future cost of building out the proposed the James River Branch Trail.
- Council may wish to determine the potential impact on the City's budget, once the City assumes maintenance responsibility for the project.
- Council may wish to determine the fiscal year of the required CIP appropriation for the project.

Fiscal Impact:

- The total match required from the City of Richmond is \$90,000. The City will need to budget for these projects in the fiscal year in which the grants are approved by VDOT.

DEPARTMENT OF PARKS, RECREATION AND COMMUNITY FACILITIES

- 9. Resolution 2015-R060 (Patron: Mayor Jones)** To designate certain parcels of City property as parcels that may be made available for annual use as community garden sites for periods not to exceed one year at a time.

Summary of Ordinance/Resolution and Background:

Resolution No. 2015-R060 designates three parcels of City-owned land to be used as community gardens. Those parcels are as follows: 1.) Tax Parcel #W000-0805/016, located at 1800 Maplewood Avenue 21,996.45; 2) Tax Parcel # N000-0803/007, located at 2600 2nd Avenue 5,564; and 3) Tax Parcel # S000-0799/001 2813, located at 2813-A Bainbridge Street 102,366.

Staff Analysis and Questions:

- Committee members may wish to inquire about whether or not neighborhood associations have to be or could be consulted on these designations.
- Committee members may be interested in knowing if there known participating persons or organizations that plan to apply to operate community gardens at these locations.

Fiscal Impact:

No fiscal impact is anticipated. Note that the Community Garden Program charges \$75 in application fees, per parcel, to program participants.

Prepared by: W. Echelberger & S. Taylor

Date: July 21, 2015