



TOWN COUNCIL Joint Public Hearing with Planning Commission

February 7, 2012

Town Hall

6:00 PM

1. Call to Order at 6:00 PM

- A. Roll Call
- B. Establish quorum

2. Public Hearing Comments:

A. Proposed Modifications to the Cape Charles Zoning Ordinance:

- i. Section 8.22 – Hazardous Buildings or Structures

3. Adjournment

Planning Commission

Regular Session Agenda

February 7, 2012

6:00 P.M.

1. Call to Order – Planning Commission Regular Session
 - a. Roll Call – Establish a quorum
2. Invocation and Pledge of Allegiance
3. Public Comments
4. Consent Agenda
 - a. Approval of Agenda Format
 - b. Approval of Minutes
 - c. Reports
5. Old Business
 - a. Sign Ordinance Review – Draft Ordinance
 - b. Section 8.22 Demolition of Structures
 - c. Adaptive Reuse
6. New Business
7. Announcements
8. Adjourn



DRAFT
PLANNING COMMISSION
Public Hearing & Regular Meeting
Town Hall
January 3, 2012

At 6:00 p.m. in the Town Hall, Chairman Bruce Brinkley, having established a quorum, called to order the Public Hearing and Regular Meeting of the Planning Commission. In attendance were vice Chair Dennis McCoy and Commissioners Roger Munz, Joan Natali and Mike Strub. Commissioner Malcolm Hayward was not in attendance. Also present were Town Planner Tom Bonadeo and Town Clerk Libby Hume. There were no members of the public in attendance.

A moment of silence was observed followed by the Pledge of Allegiance.

PUBLIC HEARING PUBLIC COMMENTS

There were no comments from the public nor any written comments submitted prior to the Public Hearing.

Motion made by Mike Strub, seconded by Roger Munz and unanimously approved to close the Planning Commission Public Hearing.

REGULAR MEETING PUBLIC COMMENTS

There were no comments from the public nor any written comments submitted prior to the meeting.

CONSENT AGENDA

Tom Bonadeo suggested that the agenda be reversed in order beginning with Item 6b and working back to Item 5a.

Motion made by Roger Munz, seconded by Joan Natali and unanimously approved to amend the agenda as suggested beginning with Item 6b and working back to Item 5a.

The Commissioners reviewed the minutes for the December 6, 2011 Regular Meeting. Dennis McCoy stated that he would abstain from the vote since he was not in attendance at the meeting.

Motion made by Joan Natali, seconded by Mike Strub, to approve the minutes from the December 6, 2011 Regular Meeting as presented. The motion was approved by majority vote with Dennis McCoy abstaining.

REPORTS

Tom Bonadeo reported the following: i) The contract with Boytos & Boytos for the Harbor Bath House was signed today. The Town was also working on the erosion and sedimentation plan for the site which was required in a Chesapeake Bay Preservation Area and would help keep runoff from entering the Bay; ii) The insurance information was received today for the wireless broadband testing and the contractor should begin installing the antennae tomorrow; iii) The Harbor Area Review Board (HARB) reviewed plans for the restaurant at the Harbor were submitting their recommendation to Town Council to move forward. There were several areas of concern which were forwarded to the Code Official and would be included in his report; iv) The Bank of America branch in Cape Charles announced that they would be closing in March. A credit union was interested in opening a branch office and was looking at a couple of buildings on Mason Avenue as a possible location. An announcement was expected soon as the credit union planned to be open before the closing of the Bank of America; v) The final concrete test results for the Sinclair FM Tower foundation were above expectations and the tower should be installed soon; and vi) The

Northampton County Planning Commission had begun their review of the Northampton County Comprehensive Plan. Several community meetings have been scheduled around the County to gather input from residents. The Cape Charles meeting was scheduled for Wednesday, January 25th from 6PM – 9PM, but a location still had not been determined.

NEW BUSINESS

Adaptive Reuse

Tom Bonadeo informed the Commissioners that the Town Council requested an amendment to the zoning ordinance to allow for the adaptive reuse of some buildings in the Historic District, such as the old Presbyterian Church, the former Cape Charles School, the Cape Charles Memorial Library, along with other church buildings that were currently in the Residential (R-1) Zone and were contributing structures to the Historic District but not candidates for single family homes. The purpose was to save these historic structures from destruction while preserving the residential character of the neighborhood. The Town would allow adaptive reuse on contributing historic structures in the R-1 zone by conditional use permit which would include notifications being sent to neighboring property owners, advertisement in the newspaper and the scheduling of a public hearing before the conditional use permit could be approved. There was some discussion regarding other structures in Town which were over 50 years old, but not included in the National Historic District, and had similar issues. The Commissioners agreed that these structures should also be considered for adaptive reuse. Joan Natali suggested language stating that “any structures in the National Historic District and other structures 50 years old or older ...” The other Commissioners expressed their agreement with this language. The Commissioners reviewed the Adaptive Reuse Ordinance from the City of Los Angeles. Tom Bonadeo explained that he included this ordinance as an example for the Commissioners to see that other cities have also addressed this issue and added that the ordinance for Cape Charles could be really simple. Tom Bonadeo stated that he would draft language to be reviewed at the next meeting.

Annual Election of Chair and Vice-Chair

Tom Bonadeo stated that the Bylaws of the Planning Commission require the election of officers at the first meeting after November 1st of each year and the elected Chair and Vice-Chair serve for one year. Due to sickness, only a minimal quorum was made at the December 6th meeting and the quorum agreed to suspend the election of officers until January so more of the Commissioners could participate.

Mike Strub asked whether Bruce Brinkley would be willing to continue to serve as Chair for another year, to which Bruce Brinkley agreed.

Motion made by Mike Strub, seconded by Dennis McCoy, to elect Bruce Brinkley as Chair of the Planning Commission for 2012. There were no other nominations. The motion was approved by unanimous vote.

Joan Natali asked whether Dennis McCoy would be willing to continue to serve as Vice-Chair for another year, to which Dennis McCoy agreed.

Motion made by Joan Natali, seconded by Roger Munz, to elect Dennis McCoy as Vice-Chair of the Planning Commission for 2012. There were no other nominations. The motion was approved by unanimous vote.

OLD BUSINESS

Section 8.22 – Demolition of Structures

The Commissioners continued their review of Section 8.22 – Hazardous Buildings or Structures and reviewed the proposed text change suggested by Tom Bonadeo. Bruce Brinkley expressed his concern with the language requiring a letter from a structural engineer vs. a registered design professional (RDP) as required by the Code of Virginia. Tom Bonadeo stated that he had talked to

Code Official Jeb Brady and it was felt that a RDP may not be qualified to make a determination regarding whether a building was structurally sound. Bruce Brinkley asked whether an environmental engineer would be considered regarding hoarders, feces, etc. in a building. Tom Bonadeo responded that in these cases, the Code Official could make the determination and proceed with enforcement. Bruce Brinkley did not object any further, but stated that he felt it was dangerous not to go with the State Code.

Roger Munz asked for examples of buildings which could fall under this issue. There was some discussion regarding the various buildings throughout town in disrepair and several that could be demolished.

Motion made by Dennis McCoy, seconded by Mike Strub, to schedule a joint public hearing with the Town Council in February to hear public comments regarding the proposed modifications to Section 8.22 of the Zoning Ordinance as presented. The motion was unanimously approved.

Subdivision Ordinance Modification

The Commissioners continued their discussion regarding modifications to the subdivision ordinance reviewed the proposed change to Section 2 – Definitions suggested by Tom Bonadeo to except certain actions from the full subdivision requirements as follows: i) Boundary adjustments between adjoining landowners where new lots were not created; ii) Release of some mortgages; iii) Division of a parcel by eminent domain; and iv) Division of a parcel for the purpose of conservation. These areas now required compliance with the full subdivision ordinance requirements which created costly paperwork with no value. A public hearing was held earlier in the meeting and no comments were heard. There was some discussion regarding how other localities handle similar issues. Roger Munz noted that in Cape Charles, the majority of cases would be for consolidation of lots vs. subdivision of lots.

Motion made by Roger Munz, seconded by Dennis McCoy, to recommend adoption of the text change to the Subdivision Ordinance as discussed to the Town Council. The motion was unanimously approved.

Sign Ordinance Review – Draft Ordinance

Tom Bonadeo distributed updated copies of Section 4.1 of the Zoning Ordinance explaining that several graphs were deleted but other sections had not yet been updated due to Libby Hume's absence from the office due to sickness. The Commissioners reviewed the ordinance with the following discussion: i) In Section H.1.a. – Wall signs, the aggregate area was discussed in Table H.1.a(1). Single-family residential signage was 2 SQFT, Multi-family residential signage was 12 SQFT and Nonresidential in a residential zone signage was up to 50 SQFT. Table H.1.a(2) was deleted; and ii) Tom Bonadeo stated that the Town currently did not have any regulation for Free-standing signs (Section H.1.b.) and the language from the International Zoning Ordinance was too complicated for Cape Charles. Several buildings in Town were discussed in regards to their signage. Roger Munz noted that Rayfield's had their name on the building as well as a free-standing sign. Tom Bonadeo stated that the signs were placed before he came to Cape Charles and added that he would check on the process and work done for those signs. The possibility of allowing larger signs for larger properties was discussed, such as the former Reliable property and Sullivan's. Review of the ordinance will continue at the February meeting.

OTHER BUSINESS

Tom Bonadeo stated that he would begin working on updates to the zoning map since there have been several changes made regarding zoning.

Tom Bonadeo informed the Commissioners that he had met with the new owner of 309 Mason Avenue. The owner owned a house in Bay Creek and was a glass etching artist and was planning to

open a shop in the location by next summer. This building qualified for historic tax credits and tax abatement by the Northampton County and Town.

Joan Natali asked how far along the Town was in the 5-year timeline for the comprehensive plan. Tom Bonadeo stated that we were about half way into the timeframe and added that he would be requesting funding in the next budget year for a consultant to begin the process of the comprehensive plan update. This would allow the Town one-year to plan and one-year to update the comprehensive plan and allow time to get citizen input and involvement.

ANNOUNCEMENTS

There were no announcements.

Motion made by Roger Munz, seconded by Mike Strub, and unanimously approved to adjourn the Regular Meeting of the Planning Commission.

Chair Bruce Brinkley

Town Clerk

DRAFT

Planning Commission Staff Report

From: Tom Bonadeo
Date: February 7, 2012
Item: 4C – Reports
Attachments:

Item Specifics

1. The Northampton County website is www.co.northampton.va.us and contains the updated information from county meetings. The Northampton Planning Commission also meets on this night and a copy of their agenda is attached when available prior to printing. The County held several regional Comp Plan meetings during the last month and one was held in Cape Charles. The meeting was well attended and produced lots of input.
2. The Harbor Redevelopment Plan –Boyto & Boyto has laid the foundation blocks for the restroom building. The building is ready for plumbing installation and pouring the floor. The harbor boardwalk has been installed along the west dock as well.
3. The Restaurant Building for the Harbor has been approved by the Council and construction has started. The poles have been erected for the south wall of the building.
4. The WWTP has finished the 14 day fresh water testing. The plant is now taking the effluent from the Town and processing using the new technology. The biology of this plant is different than the old plant and the “bugs” were brought in from Onancock because they use the same process. The contract for the removal of the old plant is expected to be awarded at the next Town Council meeting.
5. The new force main on Mason Avenue is pumping again! The final inspections were done and the system is now in use.
6. The Historic Review Board did not meet last month. Since Bank of America will be closing in March a new credit union is interested in locating in town. They have been looking at buildings that will allow them to be open prior to Bank of America closing. The Bank of America building will be sold by sealed bid later this spring according to the company's real estate office.
7. The Sinclair FM Tower has been erected next to the tall FM tower. No antennas have been added yet but this is as tall as the tower will be. The AT&T antenna will be mounted on a platform on top of the pole and the Verizon antenna will be located a few feet lower. There is room on the tower for three additional providers.
8. Gamesa has submitted its Joint Permit Application (JPA) to place a 5MW wind turbine in the Bay just off Cape Charles with the electric line coming ashore in the Cape Charles Harbor area. The Wetlands board could have a small part in the process where the cable meets the shore.
9. The Wetlands Board has received a new application from the owners of lots in the Bay Vista subdivision. The application is to install a new form of breakwater called Wave

Attenuation Devices (WADs). This breakwater would extend from the existing Bay Creek system to the old ferry dock area. This system is "new" to Virginia and will require some monitoring to get full approval from VIMS and VMRC but it looks promising. Unlike the rock breakwaters the WADS use a nearly continuous line of protection similar to a coral reef causing the wave energy to be absorbed by the concrete shapes sand to be deposited landward. The potential is that the system will build beach on its own. The beach should be straighter than the scalloped system we now use.

10. The Broadband Network equipment is installed and circuits have been ordered. The Town Office and the Computer Lab will be the first to go online with larger bandwidth. The Town is working with service providers and the Eastern Shore Public Library on a plan for more bandwidth also.

Planning Commission Staff Report

From: Tom Bonadeo
Date: February 7, 2011
Item: 5B – Section 8.22 Demolition of Structures
Attachments: None

Item Specifics

The zoning ordinance allows the demolition of buildings and structures based on their contribution to the Historic District and their effect on public safety. The ordinance protects contributing structures to the National Historic District with a set of requirements designed to keep the buildings in the historic inventory.

There is a large gap between the protection of the public safety and an eyesore. There are some additional requirements that staff imposes on demolition for public safety that should be added to the ordinance. The Commission has held a joint public hearing with Town Council to receive public comments.

Discussion

The process for demolition follows two main tracks, one for contributing structures and one for non-contributing structures. A third track is for Hazardous Buildings or Structures.

Section 8.22 Hazardous Buildings or Structures

This section allows demolition of any building or structure without the consideration of Historic Review Board if the building is in such an unsafe condition that it would endanger life or property provided the building code is followed. It required written approval of the "Town Administrator".

This is the section that could allow destruction of contributing structures and the Council would like to have reviewed. The very first issue is the name in quotes "Town Administrator". We have a Town Manager and a Zoning Administrator and the name should be changed.

Staff has added some additional requirements to assure that abuse does not allow the demolition of structure that are really not a hazard to life and property. Staff requires the following additional items:

1. If the request comes from the owner, the Code Official and Zoning Administrator require a letter from a structural engineer, licensed in Virginia, stating the structural problems that render the building a hazard and not practicably rebuildable.
2. The Zoning Administrator and the Code Official review the documentation and the survey of the property to be sure that the demolition creates a better situation after the demo than prior to the demo.
3. The Historic District Review Board and Town Council shall be notified.
4. The Zoning Administrator reviews the plan to rebuild as required in the regular procedure for demolition.
5. There are times when no engineering report is required by staff. In the case of eminent danger to life and property the Code Official and Zoning Administrator may require the demolition of a structure for the protection of the citizens.

There is a bill in the assembly related to this process and a staff will provide the latest version of the bill at the Commission meeting. There is expected discussion in the assembly on Monday or Tuesday. This text change does not alter the demolition capability only provides additional notification if demolition for public safety is required.

Recommendation

Staff recommends the review of public comments and the recommendation of the text change to the ordinance.

Text Change to Section 8.22 Hazardous Buildings or Structures

Nothing in this article shall prevent..... However, such razing or demolition shall not be commenced without the following:

1. Written approval of the Town Manager
2. Letter stamped by a Structural Engineer, licensed in Virginia stating the structural problems that render the building a hazard and not practicably rebuild able.
3. Written concurrence by the Zoning Administrator and Code Official with the engineers report.
4. Notification of the Historic District Review Board and Town Council.
5. Reconstruction plans for the property shall meet the requirements of the ordinance.

Planning Commission Staff Report

From: Tom Bonadeo
Date: February 7, 2011
Item: 5C – Adaptive Reuse
Attachments: Adaptive Reuse modification

Background

The Town Council wishes to amend the zoning ordinance to allow for the adaptive reuse of some buildings in the Historic District of Cape Charles. Buildings like the old Presbyterian Church, Cape Charles High School, the Cape Charles Memorial Library, along with other church buildings that are currently in the Residential (R-1) Zone, are contributing structures to the Historic District but are not candidates for single family homes.

The purpose is to save these historic structures from destruction while preserving the residential character of the neighborhood. The Cape Charles Christian School reused the church as a school which is a permitted use in the R-1 zone. When a building changes use, the new use must meet the zoning ordinance requirements such as parking, etc. The Christian School was required to provide off street parking to avoid the impact of additional cars every day as opposed to Sunday cars for a few hours if used as a church.

The Commission reviewed the potential modification for the R-1 Ordinance and recommended some alternatives.

Item Specifics

The R-1 ordinance currently has 6 Conditional Uses including such things as Libraries, Museums and Civic Meeting Spaces. An Adaptive Reuse would add the seventh conditional use with some special requirements. The following were recommended by Council and Planning Commission:

1. The Adaptive Reuse is for a structure that is a contributing structure to the Cape Charles National Historic District or at least 50 years old or is representative of a particular American Architectural Style.
2. The proposed reuse is compatible with existing permitted, accessory and conditional uses but possibly denser.
3. The proposed reuse meets the conditional use requirements and process while meeting the other requirements of the ordinance for change of use such as the table of parking standards and landscaping standards.

Recommendations

Review the attached code sample and schedule a joint public hearing with Town Council...

Adaptive Reuse

Text Addition to the R-1 Zone, Section III of the Zoning Ordinance

Section 3.2.C.7

7. Adaptive Reuse of existing structure is a new use different than the intended use for which the structure was originally constructed. The Reuse is generally a permitted, accessory or conditional use with an adaptation such as density or size that is greater than the ordinance allows.

The Reuse would require a conditional use permit (CUP). The following additional requirements must also be met:

1. The use must be compatible with the permitted uses in the zone.
2. The Reuse plan must meet the table of parking and landscaping standards (unlike reuse in the C-1 Zone where parking requirements are on a case by case basis).
3. Replacement and new utility services shall be placed underground.
4. The structure shall be a contributing structure to the Cape Charles National Historic District or at least 50 years old and the exterior of the structure must be restored in accordance with the Cape Charles Historic District Guidelines.

3. Whether or not retention of the building or structure would help to preserve and protect a historic place or area of historic interest in the Town.
 4. Whether or not plans for future use of the site after demolition are appropriate at this location in the district.
- B. In addition to the right of appeal herein elsewhere set forth, the owner of a designated landmark, building, or structure in the Cape Charles Historic District shall as a matter of right be entitled to raze or demolish such landmark, building, or structure provided that:
1. He has applied to the Town Council for such right;
 2. The owner has for the period of twelve (12) months and at a price reasonably related to its fair market value made a bona fide offer to sell such landmark, building, or structure, and the land pertaining thereto, to the Town or to any person, firm, corporation, government, or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that he is willing to preserve and restore the landmark, building, or structure and the land pertaining thereof; and, *TOO LONG?*
 3. That no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such landmark, building, or structure, and the land pertaining thereto, prior to the expiration of twelve (12) months. Any appeal which may be taken to the court from the decision of the Town Council, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from, shall not affect the right of the owner to make the bona fide offer to sell referred to above. No offer to demolish shall be made more than one year after a final decision by the Town Council, but thereafter the owner may renew his request to the Town Council to approve the razing or demolition of the designated landmark, building, or structure.

Section 8.22 Hazardous Buildings or Structures

Nothing in this Article shall prevent the razing or demolition of any building or structure without consideration of the Historic District Review Board which is in such an unsafe condition that it would endanger life or property, and protection from such condition is provided for in the Building Code and/or other applicable Town ordinances. However, such razing or demolition shall not be commenced without written approval of the Town Administrator verifying the conditions necessitating such action.

Section 8.23 Maintenance and Repair Required

- A. The purpose of this section is solely to stop demolition by neglect, whereby owners of property in the Historic District jeopardize the future prosperity and

Tom Bonadeo

From: Joan L Natali <jnatali@att.net>
Sent: Thursday, February 02, 2012 3:26 PM
To: 'Heather Arcos'; Tom Bonadeo; Jeb Brady
Subject: FW: Preservation Virginia News Alert

FYI, especially note the bills I've highlighted in yellow.

Thanks,
Joan

From: Preservation Virginia
Sent: Thursday, February 02, 2012 9:54 AM
To: jnatali@att.net
Subject: Preservation Virginia News Alert

Having trouble viewing this email? [Click here](#)

Preservation Virginia continues to monitor legislative issues related to historic preservation issues. We are grateful to all who have contacted their legislators to express their opinion on issues. Bills and budget information are listed below.

ACTION NEEDED

OPPOSE --HB 1137 - Delegate Danny Marshall

What the bill does: Provides that before any locality designates by ordinance any building, structure, district, object, or site as part of a local historic district, the owners of such property proposed for designation shall be given written notice of the public hearing on the ordinance. If a majority of the owners of the property within the proposed new local historic district or amended existing local historic district object, the locality shall not include the properties of the objecting owners in the proposed local historic district.

Bill status: The bill was previously referred to Counties, Cities, and Towns Subcommittee #2. That subcommittee next meets on February 2nd. As of February 1st, the bill is not included in the subcommittee's February 2nd agenda.

The Bottom Line: At the very least, consideration of such a major change should be delayed until there has been consultation with the preservation community and with local governments that use local historic district designation to stimulate quality

development and the preservation community.

ADDITIONAL PRIORITIES

SUPPORT--HB 327 - Delegate Peace

What the bill does: Provides that a locality may require by ordinance that certain structures within a historic district not be demolished except in compliance with the local ordinance, unless the local building department determines that it constitutes such a hazard that it shall be razed and removed.

Bill status: This bill received unanimous passage in the House of Delegates on February 1st. Earlier this week, the bill reported unanimously from General Laws. The General Laws committee did amend the bill to include the following:

A locality may require by ordinance that any landmark, building or structure that contributes to a district delineated pursuant to § 15.2-2306 shall not be razed, demolished or moved until the razing, demolition or moving thereof is approved by the review board, or, on appeal, by the governing body after consultation with the review board unless the local maintenance code official consistent with the Uniform Statewide Building Code, Part III Maintenance, determines that it constitutes such a hazard that it shall be razed, demolished or moved.

For the purpose of this subdivision, a contributing landmark, building or structure is one that adds to or is consistent with the historic or architectural qualities, historic associations, or values for which the district was established pursuant to § 15.2-2306, because it (i) was present during the period of significance, (ii) relates to the documented significance of the district, and (iii) possesses historic integrity or is capable of yielding important information about the period.

The bill will cross over for Senate action on February 15th.

The Bottom Line: Thanks to Delegate Peace for patroning this proposed legislation.

HB 580 and SB 473 - Del. Helsel and Sen. Locke

What the bill does: Removes the requirement for the consent of both the Governor and the General Assembly in cases where real property interests in the Area of Operation at Fort Monroe are sold.

Bill status: HB 580 unanimously passed the House of Delegates on February 1st. The General Laws committee reported the bill unanimously earlier this week. No action has been taken on SB 473.

BUDGET AND BUDGET AMENDMENT ITEMS

Governor's Proposed Budget:

Civil War Battlefield Preservation - Provides \$1M General Fund money each year for Civil War Battlefield protection. These funds must be matched two for one by other sources of funding.

Fort Monroe Authority - Provides \$6.2M in General Fund sources in FY2013 for the Fort Monroe Authority for operating the authority, which is overseeing the transition of the former U.S. Army base. A corresponding amendment in Capital Outlay provides \$2M in General Fund sources each year for maintenance reserve through the Department of General Services.

Additional Funding for Fort Monroe Authority - proposes an increase of \$2.6M in General Fund sources in FY 2012 for the Fort Monroe Authority due to the loss of federal funding and lower revenue than anticipated. This will bring FY 2012

General Fund appropriations for the authority to \$4.8M.
See additional items at the end of this Alert.

OTHER BILLS OF INTEREST:

Taxes and Tax Credits

HB 246 - Del. Cline

What the bill does: Prohibits new or renewed tax credits without a sunset date within five years.

Bill status: No action to date by Finance's Subcommittee #1.

HB 336 - Del. Wilt

What the bill does: Forbids distribution to the Federal government of Virginia Land Conservation Fund revenues received from the sale of land conservation tax credits.

Bill status: Unanimously passed the House of Delegates on January 26th. The Senate is likely to take action on February 15th.

HB 531 and SB 444 - Del. Cole and Sen. Vogel

What the bill does: Provides that any gain or income under federal law relating to the allocation or application of a historic rehabilitation tax credit would not be gain or income for Virginia tax purposes.

Bill status: Reported unanimously from Finance's subcommittee #3. Not yet taken up by the full House Finance committee. No action taken to date on SB 444.

HB 664 - Del. Surovel

What the bill does: Requires annual disclosure by the Department of Taxation of any individual claiming a tax credit greater than \$1,000.

Bill status: House Finance's subcommittee #2 voted to pass this bill by indefinitely. The bill is effectively dead for the 2012 session.

SB 68 - Sen. Stanley

What the bill does: Creates a tax credit, not to exceed \$100,000, for businesses that rehabilitate or retrofit older industrial buildings in which a new business is located for taxable years beginning on or after January 1, 2013.

Bill status: No action taken to date by Senate Finance.

SB 130 - Sen. Stanley

What the bill does: Establishes the Building Revitalization Grant Fund, administered by the Housing Development Authority, to award grants up to \$100,000 to businesses that make a capital investment of \$1 million in revitalizing or retrofitting buildings to serve as a new place of business.

Bill status: The bill was reported unanimously by the Senate General Laws Committee on January 23rd. The bill was re-referred to Senate Finance.

HB 1268 - Del. Brink

What the bill does: Reduces from \$100,000 to \$50,000 the amount of the land preservation tax credit that may be claimed for taxable years 2013 and 2014. Anyone affected would be allowed two additional taxable years in which to claim the land preservation tax credit.

Bill status: Reported unanimously from Finance's subcommittee #3. Not yet taken up by the full House Finance committee.

SB 306 - Sen. Blevins

What the bill does: Specifies that only a blighted area may be designated as a development project area for the purposes of tax increment financing.

Bill status: Senate Finance voted unanimously to pass this bill by indefinitely. This effectively means the bill is dead for the 2012 session.

Housing Commission Bills

HB 491 and SB 122 - Del. Dance and Sen. Watkins

What the bill does: Authorizes localities to serve as a receiver, appointed by a Circuit Court, to repair blighted and derelict buildings.

Bill status: HB 491 passed unanimously on January 25th by the House of Delegates. The Senate will take action on February 15. SB 122 was reported unanimously from the Local Government Committee on January 31st. Action by the full Senate is expected later this week.

Legislative Commissions

HB 349 - Del. Cox

What the bill does: Extends the time the Commission may be funded and provides for the Commission's sunset if not funded in the Appropriations Act for 2014-2016.

Bill Status: This bill was passed unanimously by the House of Delegates. The bill has been referred to the Senate Rules Committee for consideration.

HB 527 - Del. McQuinn

What the bill does: Establishes the Virginia Slave Commission which will, among other things, determine the educational and economic value to the Commonwealth of preserving sites and facilities of historic and archaeological significance to African American culture and contributions.

Bill status: No action taken yet by the House Rules Committee's studies subcommittee.

Historic Resources

HB 812 - Del. May

What the bill does: Eliminates the Requirement that the Department of Historic Resources publish a notice of public hearing on the designation or nomination of a historic district in a newspaper once a week for two successive weeks.

Bill status: This bill was re-referred by the Natural Resources committee to the Committee on General Laws. No action has been taken since assignment to General Laws' subcommittee #1.

HB 1022 - Del Englin

What the bill does: Changes the organization that will be responsible for maintaining confederate graves at the Presbyterian Cemetery in Alexandria.

Bill status: The House of Delegates unanimously passed this bill on January 30th. Senate action is expected on February 15th.

SB 137 - Sen. Puller

What the bill does: Establishes that the Governor shall appoint the administrative head of Gunston Hall, home of George Mason.

Bill status: No action has been taken on this bill since assignment to the Education Committee's Subcommittee on Higher Education.

BUDGET AND BUDGET AMENDMENT ITEMS

Governor's Proposed Budget:

Level-fund Montpelier payments - Language expresses the intent that Montpelier will receive level payments until such time as the Commonwealth's full grant obligation for the restoration of the facility is completed as provided for in the Code of Virginia.

Eliminate Funding for Daniel Boone Visitor Center - Reduces funding by \$50,000 in General Fund sources for the first year and \$100,000 in General Fund sources for the second year to phase out support for the Visitor Center.

Fort Monroe Authority - Provides \$6.2M in General Fund sources in FY2013 for the Fort Monroe Authority for operating the authority, which is overseeing the transition of the former U.S. Army base. A corresponding amendment in Capital Outlay provides \$2M in General Fund sources each year for maintenance reserve through the Department of General Services.

Additional Funding for Fort Monroe Authority - proposes an increase of \$2.6M in General Fund sources in FY 2012 for the Fort Monroe Authority due to the loss of federal funding and lower revenue than anticipated. This will bring FY 2012 General Fund appropriations for the authority to \$4.8M.

Governor's Street Buildings - Two buildings on Governor Street occupied by DCR, both Registry eligible, are slated for eventual demolition. One of these is the "aluminum building."

Item C-39 #5s - Sen. Watkins - Provides \$307,000 GF the first year for detailed planning for the renovation of the historic Robinson House at the Virginia Museum of Fine Arts.

Item 372 #1s - Sen. Puckett - Allocates \$90,640 from the Department of Historic Resources budget for the Bristol Historic Society for restoration of the Robert Preston House.

Item C-33.70 #1s - Governor - Provides \$30M from VPBA bond proceeds to the Department of Conservation and Resources for land conservation.

Item 372 #1h - Del. Lopez - Provides an additional \$1M each year from the general fund for Civil War battlefield preservation.

Item 490 #2h - Del. O'Quinn - Provides \$181,280 the first year for the Preston House, which is a historical landmark located in Bristol, Virginia.

Item 490 #3h - Del. Tata - Provides \$50,000 the first year to the Historical

Committee of Pleasant Hall. The requested funds will help to continue the work of upkeep to the home.

Item 490 #5h - Del. O. Ware - Provides \$1.35M in both years from the General Fund to the Western Virginia Foundation for the Arts & Sciences (Center in the Square). The funding would be used for operating and capital support toward the renovation of the historic MacGuire Building which houses the Center in the Square.

Item C-3.10 #1h - Watson - This amendment requests additional general fund and non-general fund authority to renovate the historic Brafferton at the College of William and Mary. The source of the nongeneral funds are private gifts.

Additionally, there are a number of museum specific budget amendments included in both House and Senate member amendments. For specific information sign up at the Virginia Association of Museums

<http://www.vamuseums.org/displaycommon.cfm?an=1&subarticlenbr=30>

The mission of Preservation Virginia is to preserve, promote and serve as an advocate for the state's irreplaceable historic places for cultural, economic and educational benefits of everyone.

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