

# Update

The newsletter of the Virginia Municipal League

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*Transportation public hearing set April 19*

*Transportation enhancement projects posted online*



## 2 gubernatorial candidates target local real estate taxing authority

The likely Republican candidate for governor and his Democratic opponent want to restrict the authority of local governments to administer and collect local real estate taxes.

Former Attorney General Jerry Kilgore (R) and Lt. Gov. Tim Kaine (D) kicked off their respective campaigns for the state's highest office recently. Both men offered real estate tax relief plans that would require amending the state constitution before they could take effect.

The Kaine plan would:

- give voters the choice of amending the state constitution to allow localities to exempt up to 20 percent of a home or farm's assessment from the local real estate tax;
- propose legislation to enact a real estate tax abatement program that would exempt home additions or renovations from local real estate taxes for 15 years;
- seek to fully-fund the state's share of K-

12 education costs to take some of the burden off of local real estate taxes;

• veto any bills passed by the General Assembly that create a fiscal impact for local governments, unless the legislature furnishes the funding for the program or service; introduce legislation to prevent the General Assembly from passing unfunded mandates in the future. It is not clear how this would affect federal mandates passed down to states that ultimately affect localities (such as the No Child Left Behind or Clean Water laws).

• require local governments, when sending new assessments to home owners, to provide the previous assessment, explain the effect of the assessment change on the home owner's tax bill, and give the time and place when the governing body will receive public testimony and vote on any rate change.

The Kilgore plan would limit the growth

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### VIRGINIA SUPREME COURT

## Nonconforming use law clarified

The Virginia Supreme Court ruled March 3 that a nonconforming use in one part of a building cannot be spread to other parts of the building if the locality's zoning ordinance so provides.

The case (*Patton v. City of Galax*) originated in the small southwest Virginia city where a property owner had a two-story building downtown. The top floor had housed apartments continuously since before a zoning ordinance was adopted. The ground floor had been a drug store, along with other commercial uses over the years. The zoning ordinance was adopted after the building was built and after it was laid out for apartments upstairs and commercial uses

down. The ordinance now provides that in the downtown district, apartments are a conditional use, except that apartments are not allowed on the first floor on "designated streets."

The owner began construction to convert the first floor to apartments. The city sought an injunction against the work, based on the zoning ordinance rule that apartments are not allowed on the first floor. The owner responded that the apartment use was a nonconforming use (grandfathered) and therefore had to be allowed. In addition to the nonconforming use question, the owner applied for a conditional use permit pursu-

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## FROM THE CAPITOL

### Real estate tax continued ...

of local property value assessments to no more than 5 percent a year.

The former attorney general proposed other ideas that could affect local real estate taxes as well.

- First is a merit pay system through which teachers would receive bonus pay for outstanding work and attaining specific training goals on top of any across-the-board pay raises given to public school teachers. Kilgore did not say who would pay for these bonuses, or

how this system would affect teachers paid solely with local revenue.

- The second is creation of an education investment trust fund to be endowed by revenues from an expanding state economy that could be used to build new schools and renovate old ones. It is not clear how or if this would affect revenues used to fund the state's share of K-12 education, or how it would affect the Literary Fund.

VML will forward information and analysis to its members as more details about the two plans become available.

Kilgore will face off with Warrenton Mayor George Fitch in a primary for the Republican nomination later this spring. Kaine faces no Democratic challenger for his party's nomination. Republican state Sen. Russ Potts also is seeking the office of governor as an independent candidate. ❖

## IN THE COURTS

### Nonconforming uses continued ...

ant to the zoning ordinance. The city and a lower court rejected that because apartments, while a conditional use in the district, are not allowed on the first floor on designated streets.

The most significant lesson of the opinion for other local governments deals with whether a locality may prohibit an owner of a building with a nonconforming use from expanding the nonconforming use throughout other parts of the building where the use had not been carried on.

The court noted that the issue hadn't been decided in Virginia, and therefore turned to other states' courts. It ruled

that a locality may "establish the manner in which extension of the use will be permitted, if at all." The court relied on the principle underlying nonconforming use law—that the rule is meant "to restrict rather than increase nonconforming uses." The opinion addressed the specifics of the first floor layout that had been set up for commercial uses, not for an apartment, and noted that the city's zoning ordinance had language limiting the expansion of a nonconforming use throughout a building.

For localities interested in using the nonconforming use laws, review the opinion to see what kind of language

may be needed to be able to restrict expansion of a nonconforming use throughout a building. In the Galax case (*Patton v. Galax, 2005 Va. LEXIS 21, March 3, 2005*), the court noted the city's ordinance provision that states:

"Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building."

The court ruled in favor of the city's denial of the conditional use on technical issues. Please refer to the opinion if you are interested in the court's analysis. ❖

## FROM THE CAPITOL

### Transportation public hearing set April 19

The Commonwealth Transportation Board's final public hearing for its FY2006-2011 Six-Year Improvement Program will be held April 19 starting at 5 p.m. The hearing will be held via a videoconference originating at the Virginia Department of Transportation's auditorium at 1221 E. Broad St. in Richmond.

Those wishing to speak may go to the following VDOT offices: District offices in Bristol, Chantilly, Colonial Heights, Culpeper, Fredericksburg, Lynchburg, Salem and Suffolk, and the VDOT Harrisonburg Residency. Street addresses for the district offices are

available, along with additional information about the hearing, at <http://www.virginiadot.org/projects/publicinvolvement.asp>.

The Working Draft FY2006-2011 six-year plan is posted online at [www.VDOT.Virginia.gov](http://www.VDOT.Virginia.gov). Copies also will be available at VDOT district and residency offices after March 31.

All projects in the six-year plan that are eligible for federal funding will be included in the Statewide Transportation Improvement Program (STIP), which documents how Virginia will obligate its share of federal funds

Comments should focus on essential rail, public transportation, bicycle, pedestrian, and highway projects (except local/secondary roads).

If you cannot attend the hearing, send comments to: Director of Public Transportation, Department of Rail and Public Transportation, 1313 E. Main St., Suite 300, Richmond, VA 23218-0590, [info@DRPT.Virginia.gov](mailto:info@DRPT.Virginia.gov) or to Programming Director, Virginia Department of Transportation, 1401 E. Broad St., Richmond, VA 23219 or [Six-YearProgram@VDOT.Virginia.gov](mailto:Six-YearProgram@VDOT.Virginia.gov) through April 29. ❖

**FROM THE CAPITOL****Transportation enhancement projects posted online**

The Commonwealth Transportation Board (CTB) has released a tentative list of nearly \$22 million worth of enhancement funding. Those projects are available online at [www.VDOT.Virginia.gov](http://www.VDOT.Virginia.gov).

The funding would go toward approximately 108 new and ongoing projects such as bike trails, sidewalks, train station restorations and other streetscaping and beautification projects that enhance communities.

The projects are funded through the Transportation Enhancement Program. Funding is made possible through the Transportation Equity Act for the 21st Century (TEA-21 legislation).

In accordance with TEA-21 requirements, each state must set aside 10 percent of its federal Surface Transportation Program funds for enhancement projects.

The Transportation Enhancement Program was started in 1991 to promote unique and innovative projects using federal funds that are available through an application process administered by the Virginia Department of Transportation.

The CTB will approve a final list when it adopts the updated Six-Year Improvement Program in May. ❖

**REGULATIONS****Intended Regulatory Action**

**Water Quality Standards.** The State Water Control Board has proposed action to include new numerical and narrative criteria to protect designated uses of lakes and reservoirs from the impacts of nutrients. The rulemaking may also include new or revised use designations for certain categories of lakes and reservoirs. The agency intends to hold a public hearing. Contact Jean Gregory, Department of Environmental Quality, at 804/698-4113 or e-mail her at [jwgregory@deq.virginia.gov](mailto:jwgregory@deq.virginia.gov) for additional information.

**Final Regulations**

**Waterworks Regulations.** The State Board of Health has proposed amendments to implement Long Term 1

Enhanced Surface Water Treatment Rule as set forth in 40 CFR Part 141, National Primary Drinking Water Regulations by adding (i) new definitions; (ii) new requirements for monitoring and testing; (iii) new requirements for determining compliance; (iv) new treatment technology requirements; (v) requirements to waterworks that use chlorine as a disinfectant; (vi) reporting public notification and recordkeeping requirements; (vii) data on the determination of CT; and (viii) consumer confidence report and public notification requirements. For additional information, contact Linda Jackson, Department of Health, at 804/864-7499 or e-mail her at [lindal.jackson@vdh.virginia.gov](mailto:lindal.jackson@vdh.virginia.gov).

**Crime Prevention Specialists.** The Criminal Justice Services Board has proposed amendments to allow the

agency administrator of any local, state or federal government agency or any college or university to designate staff who serve in a law-enforcement, crime prevention or criminal justice capacity to become certified as crime prevention specialists. The amendments (i) updated training requirements for certification and recertification; (ii) require non law-enforcement applicants to obtain permission from the law-enforcement agency having jurisdiction where the crime prevention specialist shall serve; and (iii) provide for revocation of certification in cases of misrepresentation of qualifications or conviction of a crime. Contact Tami Wyrick, Department of Criminal Justice Services, at 804/786-5664 or e-mail her at [tami.wyrick@dcjs.virginia.gov](mailto:tami.wyrick@dcjs.virginia.gov) for additional information. ❖

**POSITIONS****Longer version of job ads posted at [www.vml.org](http://www.vml.org)**

Because of the number of requests it receives to publish job advertisements, VML reduces the length of the position descriptions in Update. A full version of all of the job listings published here for the past two months appears on VML's Web site at [www.vml.org](http://www.vml.org). Visit the VML site and click on "Marketplace" to read the complete descriptions.

**Purchasing Agent, Suffolk**

SALARY: \$49,451-\$71,704. Graduation from 4-yr. college or university with degree in business, economics, marketing or related field, and 6-9 yrs. progressively responsible exper. in gov't. purchasing with supervisory exper. Professional certification preferred. Apply: Human Resources, 441 Market St., Suffolk, VA 23434. For required city application, visit [www.suffolk.va.us](http://www.suffolk.va.us) or call 757/923-2070. Open until filled. EOE.

**Marketing and Research Manager, Danville**

SALARY: \$43,354-\$67,000 DOQ. Promote increased business activity to existing and prospective companies; assist the director of the Office of Economic Development in formulating policy initiatives; develop and maintain research library. Send resume, salary history and completed city application to: City of Danville, Human Resources Department, P.O. Box 3300, Danville, VA 24343. Download city application at: [www.danville-va.gov](http://www.danville-va.gov). Deadline: April 20. EOE.

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## POSITIONS

### Director of Public Works, Accomack County

**SALARY:** \$53,399-\$77,429. Coordinate the activities of all divisions, including the garage, building and grounds, solid waste/litter control, and storm drainage; prepare and monitor the departmental budget; supervise employees; and receive and resolve customer complaints. Contact the Accomack County Administrator's Office, 23296 Courthouse Ave., P.O. Box 388, Accomack, VA 23301, 757/787-5700 for an application packet. Completed county application must be received in the Accomack County Administration Office. Deadline: May 13. EOE.

### Town Attorney, Leesburg

**SALARY:** \$73,264-\$105,000 hiring range DOQ (+) benefits, including VRS. Serve as primary legal counsel for the town council and town manager; work with 11 depts., including: engineering and public works; police; parks and rec.; utilities; planning and zoning; economic development; and a general aviation airport. To apply, send cover letter and detailed resume to: Dona Wolf, Director of Human Resources, Town of Leesburg, 25 W. Market St., Leesburg, VA 20176. For more information, call 703/737-7177 or check [www.leesburgva.org](http://www.leesburgva.org). Deadline: May 6. EOE.

### Municipal Loan Development Officer, Virginia Resources Authority

**SALARY:** \$41,000-\$62,000 (+) benefits. Serve as principal liaison to local governments; contact decision-makers to identify financing needs; educate on product offerings; and devise financing solutions. Outreach also includes making presentations and staffing VRA's exhibit booth at conferences. Respond to: Howard P. Estes Jr., Virginia Resources Authority, 707 E. Main St., Suite 1350, Richmond, VA 23219. FAX: 804/644-3109. E-mail to: [jobs@VirginiaResources.org](mailto:jobs@VirginiaResources.org). See [www.VirginiaResources.org](http://www.VirginiaResources.org). Deadline: April 5.

### Town Manager, Orange

**SALARY:** \$58,000-\$82,000 DOQ (+) benefits. (Pop. 4,123) Reqs. bachelor's degree in planning, public admin., personnel, engineering, finance or related field. Master's degree desirable. Min. 10 yrs. progressively responsible local gov't. exper. in planning, administration, personnel or finance highly desirable, some of which should be in a supervisory / managerial role. Residency req. Submit letter of application,

detailed resume with salary history and work related references to: John A. Anzivino, Vice President, or Roger M. Scott, Senior Vice President, Springsted Incorporated, 1206 Laskin Road, Suite 210, Virginia Beach, VA 23451; Fax 757/422-6617 or e-mail [virginiabeach@springsted.com](mailto:virginiabeach@springsted.com). For further information visit [www.springsted.com](http://www.springsted.com). Deadline: April 19. EOE.

### Assistant County Administrator, Southampton

**SALARY:** \$42,808-\$66,352 (+) benefits. DOE/DOQ. Reqs. bachelor's degree, concentrated in a relevant field. Preference may be given to candidates with 5 yrs. or more of increasingly responsible exper. in local gov't., particularly experience in rural land-use planning and community development. AICP certification and familiarity with AutoCAD design and drafting software a strong plus. Complete job description available upon request. Submit letter of application, detailed resume with salary history, and work related references in confidence to: Michael W. Johnson, County Administrator, P.O. Box 400, Courtland, VA 23837; 757/653-3015. Screening will begin April 11. Open until filled. EOE.

### Town Manager, Colonial Beach

**SALARY:** \$50,000-\$75,000 DOE (+) benefits. Responsible for all town operations, including building and zoning, public works, waste water treatment plant, budget/finance, personnel management and independent school system. Residency req. Send resumes with cover letter outlining salary history to: Town Clerk (Attention: Town Manager Selection) 18 N. Irving Ave., Colonial Beach, VA 22443. Deadline: May 16.

### Planner, Leesburg

**SALARY:** \$41,123-\$65,796 (+) benefits. Primary responsibilities include processing and reviewing subdivision, site plan and special exception applications of a rapidly growing town located in Loudoun County. Duties also include data entry in tracking system, maintaining files, and assisting senior planners. Request required application from Human Resources Department, Town of Leesburg, 25 W. Market St., Leesburg, VA 20176 or at 703/737-7177 or at [www.leesburgva.gov](http://www.leesburgva.gov). Deadline: April 8.

### Director Loudoun Youth Initiative, Loudoun County

**SALARY:** \$60,452-\$101,559 hiring range. Provides leadership, management and coordination of Loudoun County's Youth Initiative program, in collaboration with the

Advisory Commission on Youth (ACOY) and the Youth Initiative Steering Committee and Human Services Departments. The director will lead the implementation and continuing development of the Youth Initiative Strategic Plan. Prefer master's degree in Psychology, Social Work, Education, Communications, Counseling or a related field (or equivalent work exper.) and min. 5 yrs. exper. in youth programs administration, plus 2 yrs. of supervisory exper. E-mail resumes to [hr@loudoun.gov](mailto:hr@loudoun.gov). For additional info. and to receive a req. application contact Web site: [www.loudoun.gov](http://www.loudoun.gov) or call Human Resources: 703/777-0213. Ref # 05-312. Deadline: April 8. EOE.

### Firefighter/EMT-B, Poquoson

**SALARY:** \$28,897 to start (+) benefits. Requirements: at least 18; State Certified Firefighter Level II; current State Certified EMT-B or above; able to obtain EMT-I certification within 2 yrs. Must possess valid operator's license and have satisfactory driving record based on the city's criteria. Graduation from high school or GED req. Applications available in the City Manager's office, 500 City Hall Ave., Poquoson, VA 23662 and at [www.ci.poquoson.va.us](http://www.ci.poquoson.va.us). Deadline: April 11. EOE

### Water Treatment Plant Operator, Culpeper

**SALARY:** DOQ. FT (+) benefits. Analyzes water and performs all water treatment operator duties. May be assigned to any required shift. For information, contact Director Harry Hughes, 540/825-8671. Applications available at the Town Office, 400 S. Main St., Suite 101, Culpeper, VA 22701 and at [www.culpeper.to](http://www.culpeper.to). Deadline: March 31. EOE.

### Utilities Technician, Poquoson

**SALARY:** \$26,061 to start or higher DOE/DOQ (+) benefits. Maintain and repair underground sewer lines and sewer lift stations. Must have a Va. Commercial Class A driver's license. Must be able to lift heavy objects and work in all types of weather conditions. Required City of Poquoson application and complete job description may be obtained from the City Manager's Office, 500 City Hall Ave., Poquoson, VA 23662. Open until filled. EOE.

### Utility Worker, Poquoson

**SALARY:** \$22,280 to start or higher DOE/DOQ (+) benefits. Assist in maintaining and repairing underground sewer lines and sewer

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## POSITIONS

lift stations. Must have Va. Commercial Class A driver's license. Must be able to lift heavy objects and work in all types of weather conditions. Required City of Poquoson application and a complete job description may be obtained from the City Manager's Office, 500 City Hall Ave., Poquoson, VA 23662. Open until filled. EOE.

### Director Department of Social Services, Stafford County

SALARY: \$63,544-\$106,683 DOQ. Develops policies; plans and organizes programs, which include coordinating activities with others, such as hospitals, nursing homes, vocational rehabilitation centers and mental health associates; interprets regulations and procedures; meets with the local social services board to inform it of agency needs/resources; participates in budget and report preparation; renders final decisions regarding personnel actions. Submit completed state Application for Employment (DPT Form 10-012). Resumes may be included with submission, but they will not substitute for applications. Job can be viewed at <http://www.dss.state.va.us/jobs/>. Mailing address: Stafford County Department of Social Services, Stafford County Government Center, 1300 Courthouse Road, P.O. Box 7, Stafford, VA 22554-0007. Deadline: April 1. EOE.

### Director of Strategic Business Development, VHDA

SALARY: \$90,457-\$115,906 hiring range. Lead strategic business development activities for the Virginia Housing Development Authority (VHDA), the state's housing finance agency. These activities include outreach to and liaison with minority, disabled, and elderly groups, local government partnerships and non-profit relations. Visit [www.vhda.com](http://www.vhda.com). Submit resume and cover letter stating salary reqs. to: Virginia Housing Development Authority (VHDA), Attention: Director of Strategic Business Development Recruiter, P.O. Box 4570, Richmond, VA 23220 or Fax to: 804/343-8402 or e-mail to: [hr@vhda.com](mailto:hr@vhda.com). Deadline: April 8. EOE.

### Assistant Director of Electric Utility, Manassas

SALARY: \$75,000-\$90,000. Direct the Electric Utility staff responsible for the budgeting, planning, engineering, construction, operations and maintenance of substations, transmission and distribution facilities, service extensions to new customers, and expansion of the Broadband over Power Line

communications system. In addition, responsibilities shall include the development of long-range master planning to meet future needs to ensure a safe, cost effective and reliable electric system. Apply: Department of Human Resources, 9027 Center St., Room 302, Manassas, VA 20110 or FAX 703/257-5827. E-mail: [hr@ci.manassas.va.us](mailto:hr@ci.manassas.va.us). Open until filled. EOE.

### Community Development Director, Surry County

SALARY: \$52,932-\$87,565. (Pop. 7,010) Direct activities of the Department of Planning and Development. Reqs. any comb. of educ. and exper. equiv. to college degree in urban or regional planning, public admin. or closely related field and 5 yrs. planning exper., including some supervisory exper. Submit resume with cover letter in sealed envelope marked "Personnel - Community Development Director" to Tyrone W. Franklin, County Administrator, P.O. Box 65, Surry, VA 23883. No faxes. Finalists will be required to complete and submit a Surry County job application form. Deadline: April 15. EOE.

### Codes Enforcement Administrator, Newport News

SALARY: \$43,900-\$72,435. Responsible for supervising, coordinating and training department inspection personnel on Uniform Statewide Building Code regulations and the State Building Code Technical Review Board's determinations while ensuring that the department's enforcement actions comply with these regulations. Additionally, the position will perform or assist in inspections and conduct quality control audits of field work. Serves as the city's building official. To apply: Submit city application to: City of Newport News, Personnel Department, 700 Town Center Drive, Suite 200, Newport News, VA 23606. See: <http://www.nngov.com>. Deadline: April 1. EOE.

## Other positions

**NOTICE:** The following positions also are listed on VML's Web site at [www.vml.org](http://www.vml.org).

### Director of Public Works, Lynchburg

SALARY: DOQ (+) benefits. Deadline: May 15 (initial review begins April 15). EOE.

### Planner II, Gloucester County

SALARY: \$34,474 min. to start (+) benefits. Deadline: April 8.

### Assistant Director of Utilities, Lynchburg

SALARY \$53,518-\$83,033 (+) benefits. Deadline: April 1.

### Accountant III (Utilities), Lynchburg

SALARY \$36,524-\$56,680 (+) benefits. Deadline: April 1.

### Chief of Fire and Emergency Medical Services, Stafford County

SALARY: Negotiable. Open until filled. EOE.

### Finance Director, Manassas Park

SALARY: \$63,207-\$110,835 DOQ (+) benefits. Open until filled.

### Civil Engineer, Manassas Park

SALARY: \$46,093-\$75,000 DOQ. Open until filled. EOE.

### Director of Finance, Poquoson

SALARY: \$54,129 (+) to start DOQ. Deadline: April 1.

### Project Manager, Springsted Incorporated

SALARY: Negotiable DOQ.

### Executive Director, Central Shenandoah Criminal Justice Training Academy

SALARY: \$65,000-\$75,000. Deadline: March 31.

### Juvenile Services Chief, York County

SALARY: Negotiable DOE/DOQ (+) benefits. Open until filled.

### Director of Public Facilities, Bedford County

SALARY: \$41,742-\$51,710 start range (+) benefits. Open until filled.

**DEADLINE:** *The deadline for placing a job advertisement in the next issue of Update is Friday, April 1. Submit ads via e-mail to David Parsons at [dparsons@vml.org](mailto:dparsons@vml.org). You may also submit via FAX at: 804/343-3758. VML publishes job advertisements at no cost to its local government members. Non-members are charged a flat rate of \$25 per ad per issue, which includes posting on VML's Web site and publication in Virginia Town & City (deadlines permitting). VML edits position descriptions in printed publications because of space limitations.*

# Update

The newsletter of the  
Virginia Municipal League

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VIRGINIA MUNICIPAL LEAGUE

*Update* is published  
biweekly by the  
Virginia Municipal League

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CELEBRATING 100 YEARS OF LOCAL  
GOVERNMENTS WORKING TOGETHER