



Roderick R. Ingram,  
Deputy City Attorney

The Policy & Administration Team delivers legal services in support of core governmental and administrative functions, including public policy, public facilities, human resources, public finance and public safety. The services provided include drafting policies, ordinances, resolutions, and procedures, responding to inquiries, and issuing legal opinions where legal interpretation may affect the policies of the client.



## MAJOR FY 2017 ACCOMPLISHMENTS

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- Disparity Study – Provided advice regarding procurement of a disparity study of the City’s use of minority-, women- and veteran-owned business vendors.
- Navy SEAL Monument – Drafted agreement and ordinance for the construction, dedication and maintenance of the Oceanfront Navy SEAL monument.
- Conflict of Interests Act – Provided advice regarding potential conflicts of interests to dozens of officials, appointees and employees.
- Public Safety – Helped draft the City’s Drone Policy and provided advice regarding demonstrations and other First Amendment activities.

## STATISTICAL SUMMARY – FY 2017 ACTIVITIES

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- Public Policy/Public Facilities/Public Finance/Public Safety – 7,699 hours
  - Freedom of Information Act - Responded to 612 requests, provided copies of more than 76,000 pages of documents and more than 190 audio files, and facilitated the inspection of thousands of additional records.
  - Conflict of Interests Act – Analyzed more than 100 potential or actual conflicts and provided 17 conflict of interest opinions, 5 written opinions and 91 disclosure or abstention letters.
  - Ordinances & Resolutions – Prepared 245 ordinances and 57 resolutions adopted by City Council.
  - Contracts – Reviewed 1,029 goods and services contracts for legal sufficiency.
  - Bankruptcy Filings – Reviewed 192 bankruptcy filings of persons or entities that owe money to the City and filed proofs of claims.
  - Delinquent Real Estate Taxes – Special counsel collected \$433,624.64 in delinquent taxes.
- Human Resources – 3,265 hours
  - Employment Discrimination Complaints – Responded to 4 EEOC charges and assisted Human Resources with 4 internal EEO investigations.
  - Personnel Policies – reviewed and assisted with drafting 18 City-wide policies and general orders.

## FY 2018 AND BEYOND

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- Body Cameras – Our office will provide advice regarding the procurement and use of body cameras by the Police Department.
- Deferred Compensation– Our office will provide advice regarding the potential transition of the City’s deferred compensation plans to VRS-administered plans.
- Health Insurance – Our office will continue to provide advice regarding employer legal obligations and options under any revised federal laws.
- Arena – Our office will continue to play a key role in all aspects of the project, including potential contract amendments, financing of the City infrastructure, and potential acquisition of real estate.



Beverley Kay Wilson,  
Deputy City Attorney

The Land Use Team performs legal tasks involved in the development, implementation, administration and enforcement of the City's zoning, land use (including AICUZ-related), telecommunications, environmental, agricultural, and neighborhood preservation programs. The Land Use attorneys act as primary legal counsel to the Planning Commission, Board of Zoning Appeals, Wetlands Board, Chesapeake Bay Preservation Area Board, Agricultural Advisory Commission, Bayfront Advisory Committee, Green Ribbon Committee, Workforce Housing Advisory Board and Military Economic Development Advisory Committee.



## MAJOR FY 2017 ACCOMPLISHMENTS

- North End Overlay District. Drafted an ordinance establishing an overlay district for the north end of Virginia Beach that would allow two (2) dwelling units on one lot in the specified district. The overlay district also allows for bonus porches and facilitates on-site parking in recognition of the issues that predominate in the North End.
- Drafted an ordinance recognizing the emergency for sand removal on lots at Sandbridge. The success of the sand replenishment at Sandbridge created a situation where homeowners on the ocean were inundated with sand. It was piled onto their decks, their fences and their swimming pools. City Council provided some relief for those whose lots were now in violation of other applicable laws and allowed them to remove the sand and place it further out on the beach without Wetlands Board approval. An associated ordinance was also drafted that created sand management permits for the Wetlands Board, reduced the fee for such permits, and eliminated the requirement for the posting of the property and engineered drawings.
- Drafted ordinances amending the sign regulations in response to a United States Supreme Court case, *Reed v. the Town of Gilbert*, radically shifted the definition of "content-based signage" requiring the revision of most of the City's sign definitions. Sign regulations were modified to comply with the new regulations and some signage was moved out of the City Zoning Ordinance to provide better enforcement power.
- Drafted thirty-eight (38) ordinances and resolutions, including, among others, ordinances adopting the 2016 Comprehensive Plan; adding City-owned properties to the Kempsville B-4K Zoning District; deleting the requirement for tattoo parlors to be located more than six hundred (600) feet from a Residential, Apartment District or school; a resolution to execute the use and support agreement between the City and SPSA; and a resolution authorizing two (2) North End Identification signs.
- Provided training to the Chesapeake Bay Preservation Area Board, and the Wetlands Board on topics relevant to the Boards and to zoning inspectors and Public Works traffic engineers on the revised sign regulations.
- Provided legal counsel and drafting assistance for the ordinances reviewed and recommended by the Beaches and Waterways Commission in regard to event houses, and provided legal counsel to the City Council appointed committee on AirBnb and short-term rentals.

## STATISTICAL SUMMARY – FY 2017 ACTIVITIES

Land Use and Zoning Issues – 1,673 hours

- Development-Related Agreements – Reviewed 19 conditional zoning agreements and 65 stormwater management facilities maintenance agreements.
- Ordinances/Resolutions - Prepared 25 ordinances and 4 resolutions adopted by the City Council
- Collected \$0 for violations assessed by Wetlands Board and \$750 by the Chesapeake Bay Preservation Area Board.

Boards and Commissions – 660 hours

- The Land Use attorneys act as legal counsel to all of the City's boards and commissions having functions related to land use or environmental protection.

Code Enforcement – 591 hours

- Housing/Zoning Code Violations – Represented the City in General District Court in 37 cases, and in Circuit Court in 28 cases, involving housing code or zoning violations in matters requiring assistance of legal counsel.

## FY 2018 AND BEYOND

It is anticipated that work will continue to focus on writing new zoning regulations for the areas of the Pembroke SGA lacking urban-form development regulations and for other of the remaining six SGAs. One of the critical components of codes for the Pembroke SGA, as well as other SGAs is the effect of the disapproval of Light Rail Transit.

It is also anticipated that significant efforts will concern the issuance of the Department of Environmental Quality's Municipal Separate Storm Sewer System (MS4) Permit to the City for the discharge of stormwater and the measures that must be completed to be in compliance with the MS4, and the Chesapeake Bay TMDL.

It is also anticipated that after the General Assembly acts on Short-term rentals there will need to be concerted effort to reach a resolution of this issue with stakeholders, which will include the drafting of ordinances and revisions to the Zoning Map.



Christopher S. Boynton,  
Deputy City Attorney

The Litigation team represents the City, its departments, boards, commissions, employees and volunteers in matters pending before judicial and administrative tribunals. The Litigation team provides court representation to the City and public employees in traditional civil court cases much like a private law firm would represent a private corporate client. These advocacy roles include prosecuting and defending personal injury, civil rights, contract, real property, collection and construction claims in state and federal courts.



This litigation also includes defending City ordinances and administrative actions in the face of constitutional, statutory and policy challenges, advocating the needs of vulnerable children and the elderly on behalf of the Department of Human Services, acquisition of real property through the principled exercise of eminent domain, and limited criminal prosecution where requested by the Commonwealth Attorney.

## FY 2017 SIGNIFICANT CASES

- Successfully defended the constitutionality of the City's Disturbing the Peace ordinance in the Court of Appeals of Virginia.
- Negotiated resolution of a complex real estate assessment dispute with a large apartment complex owner.
- Prevailed in overcoming a challenge to City Council's zoning vote on the proposed Arena project in Virginia Beach Circuit Court and the Supreme Court of Virginia.
- Successfully defended a Freedom of Information Act suit seeking disclosure of attorney-client privileged and litigation work-product protected documents in Virginia Beach Circuit Court.
- Resolved a multi-million dollar wrongful death claim against the City and an EMS employee.
- Resolved multiple lawsuits seeking delay damages and additional costs in the construction of two sanitary sewer pump stations.

## STATISTICAL SUMMARY – FY 2017 ACTIVITIES

- General Litigation Matters
  - Civil Litigation-1,305 hours, 17 cases closed, 25 cases pending
  - EEO Litigation & Disputes – 410 hours
  - Collections- 164 hours, 19 closed cases, recovering payment of \$6,697 owed to the City for previously unpaid taxes, fees or damage caused to City property; 24 cases pending
- Eminent Domain
  - Litigation – 734 hours
- Human Resource Hearings
  - Personnel Board Hearings–552 hours, 12 cases closed
  - Unemployment Hearings – 60 hours, 5 cases closed
  - Workers Compensation – 1,471 hours, 35 cases closed, 38 pending
- Social Services
  - Child Abuse and Neglect – 5,947 hours, closing 372 cases with an average of 400 cases pending throughout the year
  - Child Protective Services – 307 hours, 13 cases closed, 18 cases pending
  - Adult Guardianship Services – 590 hours, 44 cases closed, 16 cases pending

## FY 2018 AND BEYOND

- The number of service hours expended in workers compensation matters increased from 792 to 1,471 hours over the last two fiscal years, an 86% increase, while the number of matters closed in that time increased from 12 to 35, a 192% increase. We believe these increases are being driven primarily by a more evidence-based approach by Risk Management and the City's third-party administrator in evaluating and adjusting these claims, rather than by a material change in worker injury rates. Therefore, we believe this increased level of service represents the "new normal" and will be sustained in future years.
- The number of service hours expended in Department of Human Services litigation increased from 6,045 to 6,844 (13%) in FY 17. Prior year-over-year increases had resulted in the reallocation of existing attorney and staff resources away from general civil litigation toward social services litigation. Last year, City Council authorized this office to have an "embedded" attorney located at the DHS headquarters and this office recently hired an additional attorney FTE to address increased DHS service needs in FY 18 and beyond.

# REAL ESTATE, INFRASTRUCTURE & DEVELOPMENT



Rebecca D. Kubin,  
Deputy City Attorney

The Real Estate, Infrastructure & Development Team conducts the activities necessary to support the acquisition, maintenance and operation of the City's infrastructure and to support development activities intended to enhance the City's tax base.

The Team's efforts support the Public Utility and Public Works departments, real estate acquisition of property for City projects and public uses, including eminent domain actions, sale of public sites, open space acquisitions, contract review services, and matters concerning cable, telecommunications and public service corporation franchises as well as the commercial real estate services necessary to support development efforts.



## MAJOR FY 2017 ACCOMPLISHMENTS

- Transatlantic Cable Landing Site – Provided legal work and negotiated terms necessary to allow the first 2 cables to land at Camp Pendleton – MAREA from Balbao, Spain and BRUSA from Rio de Janeiro, Brazil. Finalized sale of property to Telefonica for first data center located in the City, for Facebook and Microsoft. Drafted contract for sale of property to Globalinx for large data center in Corporate Landing.
- Town Center Phase VI – Closed on transaction that will bring \$2.933M in public investment, leveraging \$41M of private investment for Zeiders American Dream Theater, a public plaza, 33,000 SF of retail, 5,000 SF restaurant space and 120 apartments.
- APZ-1 and ITA/RAA Acquisitions – continued maintenance phase of program to reduce encroachment and protect the mission of NAS Oceana; acquisitions and agreements to acquire and program expenses reached \$129 million; City has removed or prevented 789 residential units and 65 incompatible businesses from APZ-1 and Clear Zones and protected 2,213 acres from incompatible development in ITA and RAA by 6/30/17.
- CIP Support – provided legal advice during design, acquired properties either by voluntary agreement or condemnation and advised regarding relocation assistance for the following projects: Cleveland/Clearfield Intersection, Witchduck Road Phase II, Indian River/Kempsville Roads, Shipp's Corner Road, Princess Anne Phase VII, Indian River/Providence Roads, First Colonial Road/Virginia Beach Blvd., Burton Station, and Princess Anne/Gum Bridge/Pleasant Ridge Roads.
- Neighborhood Dredging – provided legal services for SSD projects in the following neighborhoods: Gills Cove, Harbour Point, Hurds Cove, Little Neck Creek, Shadowlawn, Chesapeake Colony, Bayville Creek, Dix Creek and Thoroughgood Cove.
- Flooding/Drainage: provided legal services to Public Works/Operations for projects to address flooding and stormwater maintenance in Windsor Oaks, Windsor Woods, Sherwood Lakes and Asheville Park.
- Closed on the following special acquisitions:
  - The Adult Learning Center from the Virginia Beach City Schools for the EMS Headquarters and Training Center.
  - Land for the new Burton Station Fire Station.

## STATISTICAL SUMMARY – FY 2017 ACTIVITIES

- Acquisitions of Real Estate/ Sale of Public Property – 5,102.10 hours
  - Acquisitions – acquired 59 parcels and easements, costing nearly \$12 million.
  - Dispositions – sale of 16 parcels and easements.
  - Eminent Domain – completed 10 acquisitions.
  - Relocation – 1,264 hours
- Leases/Franchise Agreements – completed 37 lease/franchise transactions – 1,347 hours
- Agricultural Reserve Program – acquired development rights over 335 acres.
- Encroachments – 22 encroachment requests completed – 148 hours
- Street closures – 7 street closure ordinances were adopted
- Title Issues – completed 14 matters involving ownership of real property
- Easements – 44 easement matters
- Economic Development – 1,951 hours
  - Development Authority – 576 hours
  - Public/Private Partnerships and Commercial Development – 1,375 hours

## FY 2018 AND BEYOND

- FY '18 will bring continued activity related to possible development of the Dome Site and a sports center in the Resort Area, new development in and around Town Center and in the Strategic Growth Areas.
- Several road projects have been funded and are expected to increase the number of real estate acquisitions and condemnations necessary for FY'18.
- Legal services will continue to be needed to support SSD programs for neighborhood dredging and projects addressing flooding and sea level rise throughout the City.
- In addition to the new subsea cables, there are expected to be many new telecommunications franchises, cable landings and services to be negotiated.



Kamala H. Lannetti,  
Deputy City Attorney

The Public Education Team delivers legal services in support of core public education and administrative functions including student issues, human resources, School Board policies, administrative support and public policy issues, and school finance matters. Supplemental services in support of the School Board's initiatives include litigation and real estate services.



## MAJOR FY 2017 ACCOMPLISHMENTS

- Established improved truancy/CHINS petition and hearing procedures with the Virginia Beach Juvenile and Domestic Relations District Court and the Court Services Unit which increased number of cases filed and successfully resolved.
- Developed work plan for School Board Policy Review Committee's compliance review of all 678 School Board Bylaws, policies and regulations. Completed legal review of 170 Bylaws, policies and regulations.
- Successfully resolved a USDOE OCR Website Accessibility complaint which, was one of the first of its kind in the county.
- Revised and completed training for all schools and administrators on Divisionwide procedural changes to implement USDOE OCR requirements regarding discrimination investigation reports.
- Finalized review of easements for fiber/Lumos infrastructure installation located on multiple School Board properties allowing for greater connectivity.
- Completed sale of Adult Learning Center to the City.

## STATISTICAL SUMMARY – FY 2017 ACTIVITIES

- Student Issues – 3,192 hours/138 Student Matters
  - 1,162 hours on Special Education/ Section 504 cases
  - Represented School Division in 6 due process hearings and 5 Section 504 hearings
  - Discrimination complaints – 4 USDOE OCR/ 9 VDOE discrimination complaints
  - Handled 70 student discipline cases
  - Handled 14 truancy/CHINS/parental participation cases
  - Drafted 13 parent/ community member ban or limitation of access letters
  - Responded to 40 subpoena *duces tecum* for student records
- Human Resources – 1,046 hours
  - Resolved 44 employee leave, ADA, contract or grievance issues
  - Handled 6 employee grievance hearing and 16 discipline matters
  - Responded to 7 EEOC complaints
  - Responded to 9 subpoenas for witnesses or records
- Contract Review – 332 hours
  - Reviewed 547 goods and services contracts for legal sufficiency
  - Reviewed 3 construction contracts for legal sufficiency
- Administration/Policy – 1,059 hours
  - Reviewed and updated 170 Bylaws, policies and regulations
  - Responded to 23 Freedom of Information Act requests
- Real Estate Matters – 146 hours
  - Approved easements for fiber infrastructure installations on school property.
  - Completed lease with Urology of Virginia for land adjacent to Renaissance Academy.
  - Completed sale of Adult Learning Center to City for new Emergency Management Facility

## FY 2018 AND BEYOND

- Complete review and update of the 299 policies and regulations in Sections 4 and 6 of the School Board Policies and begin review of Sections 2, 3 and 5.
- Develop procedures and training to implement new bullying investigation mandates.
- Complete sale of various excess School Board properties