



CITY COUNCIL AGENDA
Monday, August 6, 2018

5:30 p.m. **Closed session as provided by Section 2.2-3712 of the Virginia Code**
Second Floor Conference Room

6:30 p.m. **Regular Meeting - CALL TO ORDER**
Council Chambers

PLEDGE OF ALLEGIANCE
ROLL CALL

CITY MANAGER RESPONSE TO COMMUNITY MATTERS

AUGUST 12 PLANNING UPDATE

COMMUNITY MATTERS Public comment is provided at the beginning of the meeting (limit 3 minutes per speaker.) Pre-registration is available. **The number of speakers is unlimited at the August 6 meeting.**

1. CONSENT AGENDA*: (Items removed from consent agenda will be considered at the end of the regular agenda.)

- a. Minutes for July 16
- b. APPROPRIATION: Mountainside Funding Request for Memory Care Unit – \$50,000 (2nd of 2 readings)
- c. APPROPRIATION: 2018-2019 Safe Routes to School Non-Infrastructure Grant -- \$77,000 (2nd of 2 readings)
- d. APPROPRIATION: Virginia Department of Social Services (V.D.S.S.) Employment for Temporary Aid to Needy Families (T.A.N.F.) Participants Grant (1st Renewal) – \$66,667 (2nd of 2 readings)
- e. APPROPRIATION: Additional Funding for Medicaid Expansion -- \$168,658 (1st of 2 readings)
- f. APPROPRIATION: Additional Funding for Department of Social Services VIEW Program – \$12,512 (1st of 2 readings)
- g. APPROPRIATION: Strategic Energy Initiatives – \$367,698.50 (1st of 2 readings)
- h. RESOLUTION: Approving Policy to Conduct Electronic Meetings under the Virginia Freedom of Information Act (1st of 1 reading)
- i. RESOLUTION: Amending City Council Regular Meeting Schedule for 2018 (1st of 1 reading)
- j. ORDINANCE: Release of a Stormwater Management Agreement across 550 Water Street (2nd of 2 readings)
- k. ORDINANCE: Closing a Portion of the Coleman Street Right of Way (2nd of 2 readings)
- l. ORDINANCE: Regulation of Small Cell Wireless Facilities in Public Rights of Way (2nd of 2 readings)

2. PUBLIC HEARING: City Manager Search Process

3. RESOLUTION*: Ratifying Employment Contract of M. Murphy for Interim City Manager (1st of 1 reading)

4. REPORT: Emmet Streetscape Shared Use Path Location

OTHER BUSINESS MATTERS BY THE PUBLIC RESOLUTION: Consenting to a Declaration of Local Emergency within the City of Charlottesville

*ACTION NEEDED

GUIDELINES FOR PUBLIC COMMENT

**We welcome public comment;
it is an important part of our meeting.**

**Time is reserved near the beginning and at the end of each
regular City Council meeting for public comment.**

Please follow these guidelines for public comment:

- Each speaker has **3 minutes** to speak. Please give your name and place of residence before beginning your remarks.
- Please **do not interrupt speakers**, whether or not you agree with them. **Speaking from the audience is not permitted** without first being recognized by the Chair.
- Please **refrain from using obscenities**.
- If you are here to speak for a **Public Hearing**, please wait to speak on the matter until the report for that item has been presented and the Public Hearing has been opened.
- If you cannot follow these guidelines, you will be asked to leave City Council Chambers and will not be permitted to re-enter.

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



| | |
|------------------|---|
| Agenda Date: | July 16, 2018 |
| Action Required: | Approval of Resolution |
| Presenter: | Stacy Pethia, Housing Program Coordinator Neighborhood Development Services (NDS) |
| Staff Contacts: | Stacy Pethia, Housing Program Coordinator |
| Title: | Charlottesville Affordable Housing Fund (CAHF) Assistance for the Mountainside Senior Living Memory Care Unit – \$50,000 |

Background:

The Jefferson Area Board of Aging (JABA) has requested Charlottesville Affordable Housing Fund (CAHF) assistance to support the construction of the new Mountainside Senior Living Memory Care unit. The total amount of assistance being sought for the project is \$50,000 (see JABA’s proposal dated January 5, 2018 - attached).

Discussion:

Mountainside Senior Living is the Charlottesville area’s most affordable assisted living community, providing a safe and welcoming home to 100 low-income seniors and disabled adults. Mountainside provides a ranges of services for its residents and the community, including medical care, transportation for outings, three daily meals, an activities program, and short-term respite care. Recognizing a large unmet need in central Virginia for assisted living dementia care (a recent market study identified more than 400 individuals are in need of a secure residential setting), Mountainside has recently expanded its services to include a secure Memory Care unit for residents in need of a higher level of care.

To accommodate the new unit, JABA renovated the third floor of the Mountainside facility. Known as the Blue Ridge Neighborhood, the new unit includes beds for 20 residents, a common room for social interaction, a dining room, and a therapeutic room equipped with a multi-sensory environment that encourages relaxation and decompression away from the loud noises and bright lights associated with the daily activities in the facility. To help support the cost of this renovation, JABA is requesting CAHF assistance, in the amount of \$50,000. The total cost of the renovation is \$400,000 (see Table 1 for a cost breakdown). At the time JABA submitted their request, they had raised a total of \$175,000 from private donations and grant awards. Additionally, Albemarle County approved an allocation of \$50,000 of FY 2019 budget dollars towards the project. With a matching allocation of CAHF dollars, JABA will have secured 68% of the total cost of the renovation.

Table 1: memory Care Unit Budget

| | |
|------------------------------------|-----------|
| Construction | \$325,000 |
| Architect | \$ 20,000 |
| Security | \$ 10,000 |
| Construction Contingency Allowance | \$ 19,000 |
| Fees and Permits | \$ 5,000 |
| Furniture, Fixtures & Equipment | \$ 24,700 |
| Marketing | \$ 5,300 |
| Miscellaneous | \$ 10,000 |
| Total | \$400,000 |

Alignment with Council Vision Areas and Strategic Plan:

Approval of this agenda items aligns the City Council Vision for Charlottesville to provide quality housing opportunities for all.

Community Engagement:

N/A

Budgetary Impact:

This project requires \$50,000 from FY 2018 CAHF funds. If this request is approved, the amount of CAHF funds available for the remainder of this fiscal year will equal \$126,439.44.

| | |
|---|---------------------|
| CAHF Balance as of 6/28/2018 (reconciled with SAP) | \$176,439.44 |
| Mountainside Memory Care unit | - \$ 50,000.00 |
| CAHF Balance | \$126,439.44 |

Recommendation:

Staff recommends approval of the attached resolution.

Alternatives:

Council could elect not to fund this request and/or to reduce the amount funding allocated to the project.

Attachments:

- City Council Resolution
- JABA proposal

RESOLUTION
Charlottesville Affordable Housing Fund Assistance for the
Mountainside Memory Care Unit
\$50,000

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$50,000 be allocated from previously appropriated funds in the Charlottesville Affordable Housing Fund to the Jefferson Area Board of Aging for the construction of the Mountainside Memory Care unit in the following manner:

Fund: 426

Project: CP-084

G/L Account: 599999

Jefferson Area Board of Aging \$50,000



674 Hillsdale Drive Suite 9, Charlottesville VA 22901
Phone: (434) 817-5222 Fax: (434) 817-5230 www.jabacares.org

July 16, 2018

Dear Members of Charlottesville City Council,

Affordable housing is a critical issue for area residents, but especially for frail, vulnerable older adults in need of specialized memory care. We thank you for considering an investment of \$50,000 in Mountainside Senior Living's new memory care floor, known as the Blue Ridge Neighborhood. To summarize a few key points from our request:

- The third floor of Mountainside's building was recently renovated to serve residents living with Alzheimer's and other dementia related diseases. It provides a **safe and secure environment for 20 individuals**, special common rooms with dining and activity centers, and living quarters that meet the design standards for memory care units.
- Specialized memory care in a secure and social environment is much needed in our community. A recent market study revealed that **400 individuals in our community are in immediate need of such care**. With an aging baby-boomer population, the need will only grow.
- As a nonprofit organization, **Mountainside provides affordable housing for residents, at 66% to 80% of the local market rate**. It is often difficult for families to place their loved ones in a secure and stimulating environment because of the cost.
- We are asking for support from the City of Charlottesville to help with the renovation cost since **we continue to serve city residents at Mountainside**. Albemarle County has already committed and invested \$50,000 toward this renovation. Local philanthropists have also stepped forward with generous gifts.
- We moved forward with construction this past winter due to market demand and opened in March 2018. But JABA still has a line of credit to pay off. **Support from the City of Charlottesville will ensure that this valuable community resource will continue to serve future generations of local families.**

Thank you for your consideration.

A handwritten signature in black ink that reads "Marta M. Keane".

Marta M. Keane



674 Hillsdale Drive Suite 9, Charlottesville VA 22901
Phone: (434) 817-5222 Fax: (434)817-5230 www.jabacares.org

JABA, Inc.
BOARD OF DIRECTORS

January 5, 2018

Albemarle County

Sue Friedman
Robert Gest, III
Dr. Richard Lindsay
Dr. Martin Silverman

Stacy Pethia
Housing Program Coordinator
City of Charlottesville
P.O. Box 911
Charlottesville, VA 22902

City of Charlottesville

Richard Brugh, Treasurer
Bob Fenwick
Dr. Elayne Phillips
Brian Jackson

Via email: pethias@charlottesville.org

Dear Stacy,

Fluvanna County

Mozell Booker, Vice-Chair
Paul Bevins

Thank you for meeting with me recently to discuss the Charlottesville Affordable Housing Fund and its role in providing support for housing-related projects that benefit the residents of Charlottesville. I appreciate this opportunity to submit a proposal in support of the renovation of the new Memory Care unit at Mountainside Senior Living, JABA's assisted living community.

Greene County

Eugene Sullivan
Robert Murphy

Louisa County

Willie L. Gentry Jr.
Stephanie Koren

JABA respectfully requests an investment in the amount of \$50,000 from the Charlottesville Affordable Housing Fund because of its commitment to providing safe, secure and affordable housing for elders, especially those living with Alzheimer's Disease or other forms of dementia. The construction of this unit at Mountainside Senior Living aligns with the City's stated goal of increasing the production and preservation of affordable housing for its citizens.

Nelson County

Constance Brennan
Diane Harvey

Thank you for your consideration. Along with the proposal, I have included some drawings and construction photos that may be helpful. I welcome your questions and look forward to hearing from you.

At-Large Members

Tod Allen
Dr. F. Michael Ashby
Rod Gentry
M. E. "Dick" Gibson, Jr., Chair
Satyendra Huja
Christina Lester
Diantha McKeel
J. W. "Rick" Richmond, Jr.
Margaret Short, Secretary

With appreciation,

Marta M. Keane
Chief Executive Officer
(434) 817-5238
mkeane@jabacares.org

Emeritus Member

Milton T. Edgerton, MD

Chief Executive Officer

Marta Keane

Chief Financial Officer

Larry Paxton

Director of Philanthropy & Communications

Kim Peel

att: Proposal for Mountainside Memory Care Unit, Floor Plan, Exterior Elevation, Interior Drawing and Photos



Charlottesville Affordable Housing Fund
Proposal for Investment in the
Memory Care Unit at Mountainside Senior Living
January 5, 2018

PROJECT SUMMARY

The Jefferson Area Board for Aging (JABA) respectfully requests an investment of \$50,000 from the City of Charlottesville's Affordable Housing Fund toward the construction of Mountainside Senior Living's new Memory Care unit. The third floor of the building, which encompasses approximately 10,000 square feet, is being structurally renovated to serve residents living with Alzheimer's and other dementia related diseases. It will provide a safe and secure environment, special common rooms with dining and activity centers, and living quarters that meet the design standards for memory care units. The new Memory Care floor will be staffed with those specially trained in caring for people with memory care needs.

The City of Charlottesville has worked diligently to increase its support for affordable housing, recognizing that the preservation of existing housing that serves low-income families is just as critical as increasing the number of units. The construction of the Memory Care unit at Mountainside aligns with the City's goal, as it provides a way for our elderly and disabled residents to remain living affordably in their home of choice, even if their dementia progresses over time. It also provides an affordable housing option for families seeking assisted living care for their loved ones, providing the comfort of knowing that memory care is available should it ever be needed, reducing the need for a future move to a long-term care facility.

ABOUT MOUNTAINSIDE SENIOR LIVING

Mountainside Senior Living is the Charlottesville area's most affordable assisted living community, providing a safe and welcoming home to 100 low-income seniors and disabled adults. Located in the quaint historic town of Crozet, Virginia, just 15 miles west of Charlottesville, Mountainside provides a warm and welcoming environment, medical services, transportation for outings, three daily meals prepared by an in-house chef, a vigorous activities program, and plenty of community involvement. Short-term respite care is also available and in early 2018, services will expand to include a secure Memory Care floor for residents in need of a higher level of care.



Mountainside's building dates back to the 1920's, when the original structure served as a cold storage facility for the local apple growing industry. In the 1970's, the building was transformed by a developer into a home for seniors. In 2002, the facility was in danger of closing and Jefferson Elder Care, a non-profit organization affiliated with JABA, stepped in and assumed ownership of the operation to prevent

residents from losing their home. Mountainside, under the direction of Jefferson Elder Care and managed by JABA, was honored with the **2007 Governor's Housing Award** and the **2010 Commonwealth Council on Aging Best Practice Award**.

THE NEED FOR AFFORDABLE ASSISTED LIVING AND MEMORY CARE

There is a large unmet need in central Virginia for assisted living dementia care, which Mountainside has seen with its own residents. A recent market study demonstrated that more than 400 individuals are in need of a secure residential setting. Elders are living longer, making them more likely to get dementia at some point during their aging process. In the past, individuals with dementia – who otherwise could be relatively healthy for their age – had no choice but to transfer from assisted living to long term nursing facilities because of their need for increased care. Given the large unmet need in the area, Mountainside has made the decision to convert the third floor of our building to a 20-bed Memory Care unit. This will allow us to transition current residents to memory care when they need it, as well as accept new residents who require this level of care right away.

JABA, as a nonprofit organization, has worked hard over the past 15 years to transform Mountainside into the area's most affordable assisted living community. To make this possible, we have to fundraise for capital needs and keep operational costs down while emphasizing high quality of care.

Over the past several years, we have implemented many capital improvements to update and maintain Mountainside's 95-year old building. Some of these improvements have been made to maintain the integrity of the building itself while others have improved the safety and quality of life of our residents. Through our capital budget and with support from local funders, we have completed key projects including new elevators, state-of-the-art emergency call system, roof replacement, phone system, automatic doors, renovated first floor and a gated gazebo/garden area enjoyed by residents and their guests. An expensive capital outlay like the new Memory Care floor is more difficult to achieve within JABA's normal fundraising activities, so we seek the assistance of the Charlottesville Affordable Housing Fund.

MOUNTAINSIDE'S RESIDENTS

Mountainside is a wonderful and diverse community of residents from all walks of life – former nurses, teachers, police officers, homemakers, business owners and more. The one thing they have in common is that Mountainside is their home of choice as they age with dignity and as much independence as possible. The majority of residents come from Charlottesville and Albemarle County, and those who have moved from further away have relationships with family members in the area. So there is – and has always been – a connection to the City since JABA's involvement in Mountainside.

Nearly half of our residents live on incomes below \$10,000 per year and qualify for the Auxiliary Grant (AG) program through Medicaid, which helps low-income individuals with the cost of assisted living. But, with a monthly reimbursement rate of only \$1,221, the AG program pays for only a small fraction of the actual cost of care. In fact, most assisted living facilities in our area do not accept individuals on the AG program due to the low reimbursement rate. Of those that do, Mountainside provides care for the greatest number by far. If it were not for Mountainside, many residents receiving AG subsidies would have to move far away from family and friends to other assisted living facilities or face premature placement in nursing homes, a very costly alternative for the healthcare system.

When JABA first assumed management of Mountainside over 15 years ago, the City of Charlottesville and Albemarle County agreed to assist with the reduced reimbursements for their residents on Auxiliary Grants. Each jurisdiction provided funding that decreased over a 10-year period to help financially support their respective AG residents, and ensure the long-term viability of the entire facility.

Mountainside also provides rent subsidies to residents who would otherwise fall between the cracks. These seniors and adults with disabilities are not eligible for Auxiliary Grants, yet have very limited incomes from Social Security and retirement savings that have dwindled significantly over time. We currently provide financial assistance to approximately 10 residents in this group.

For residents who have the means to pay privately, we offer a rate that is about 20% lower than other assisted living facilities in our area. Our operating budget is based on a delicate balance of Auxiliary Grant reimbursement, private pay revenue and philanthropic support, which allows Mountainside to meet the basic daily needs of its residents.

PROJECT TIMELINE

Preparation for the Memory Care unit began in April 2017. After attaining approval from the Department of Health and Human Services, Johnson, Craven, & Gibson Architects was hired to complete the architectural designs and Staengl Engineering was selected for the engineering design work. A Request for Proposal resulted in multiple bids, with Homeworx, LLC chosen as the contractor. The third floor is currently vacant and demolition work began in late September. Construction will continue over the next few months, with anticipated completion in early March 2018. Fundraising efforts will continue in order to pay off the construction loans that were incurred during this major renovation.

OUR REQUEST

JABA respectfully requests an investment of \$50,000 from the Charlottesville Affordable Housing Fund toward the renovation of Mountainside Senior Living's new Memory Care unit. Fully 100% of the requested funding will be applied to this renovation. The total project cost is \$400,000, as outlined in the budget shown below.

Memory Care Unit Budget

| | |
|------------------------------------|---------|
| Construction | 325,000 |
| Architect | 20,000 |
| Security | 10,000 |
| Construction Contingency Allowance | 19,000 |
| Fees and Permits | 5,000 |
| Furniture, Fixtures & Equipment | 24,700 |
| Marketing | 5,300 |
| Misc. | 10,000 |
| Total | 400,000 |

- **We are pleased to share that JABA has attained a lead gift in the amount of \$125,000 from Twice Is Nice, a Charlottesville resale boutique that has generously supported Mountainside over the years..**

- The Genan Foundation has also donated \$50,000.
- We have had preliminary discussions with representatives from Albemarle County, who expressed interest in supporting the project. We have requested \$50,000 from Albemarle County through the jurisdictional application.
- We will continue to seek philanthropic support from individuals and foundations in order to reach the project goal of \$400,000.

Since construction is underway, it is our hope to secure the City's commitment as soon as possible, with final payment by early March 2018. Support from the Charlottesville Affordable Housing Fund will bear dividends for years to come and will ensure that a valuable community resource will continue to serve future generations of families in the greater Charlottesville area. Thank you for your consideration of this request.

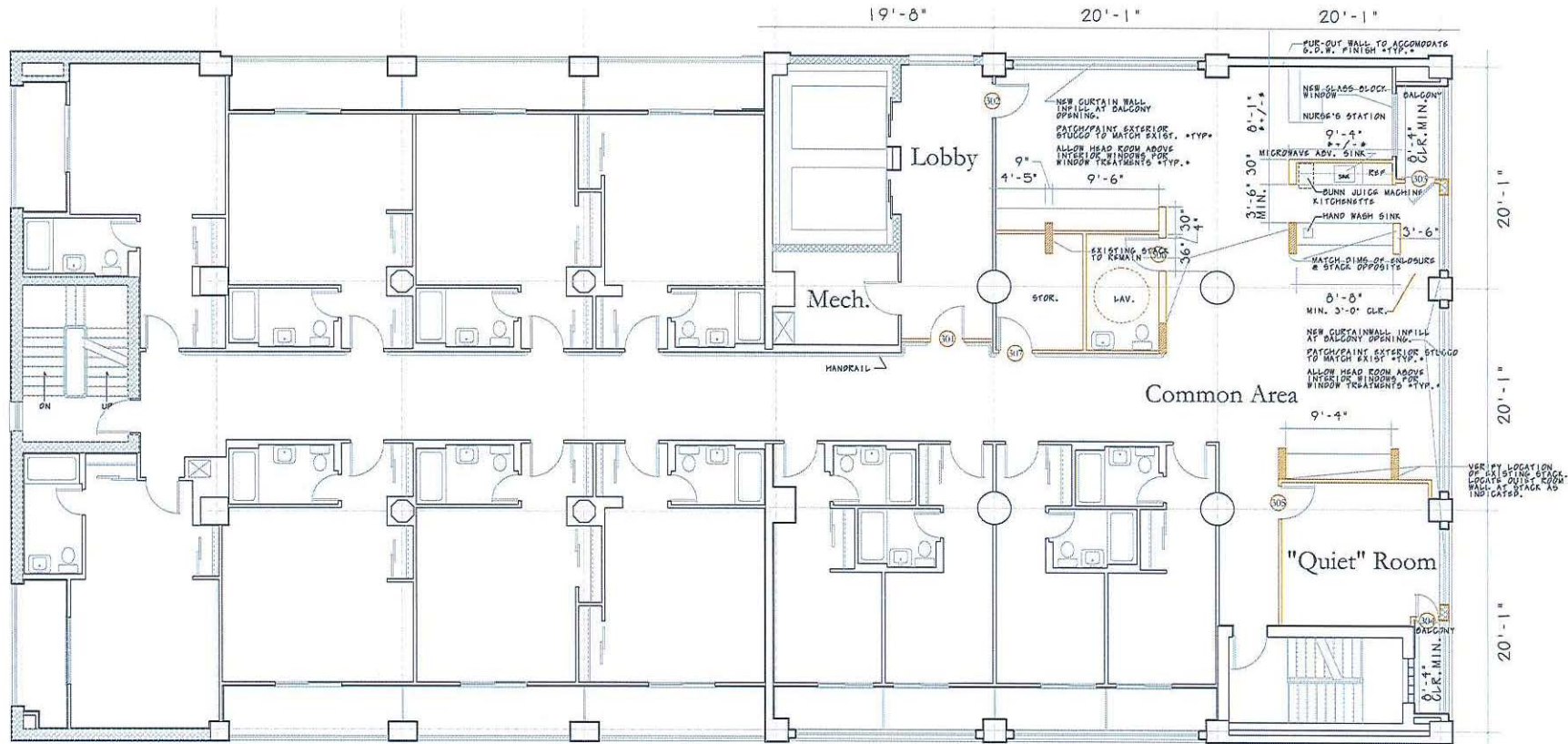
NOTE 1

EXISTING STACKS WILL DETERMINE ALL FINAL DIMENSIONS. WALLS TO ALIGN AS INDICATED ON PLANS BASED ON EXISTING LOCATIONS OF STACKS.

SEE DOVETAIL DESIGN & CABINERY DRAWINGS FOR PLANS AND ELEVATIONS OF KITCHENETTE, NURSE'S STATION AND OTHER CABINERY & CASEWORK.

ALL INTERIOR SPACES TO HAVE G.D.W. FINISH. PUR-OUT WALLS AS REQUIRED TO ACCOMMODATE.

MSL TO PROVIDE MODEL AND MANUFACTURE OF EXIST DOORS. NEW INTERIOR DOORS TO MATCH EXIST. *TYP.*



Third Floor Plan

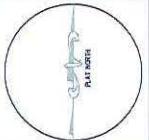
Scale: 1/4" = 1'-0"

Third Floor Plan

| | | | | | | | | | | | | |
|--|-------|------|----------|----------|------|----------|----|----------|------|----------|----|----------|
| PROJECT NO. | 17894 | DATE | 07.26.17 | AS NOTED | DATE | 07.26.17 | BY | AS NOTED | DATE | 07.26.17 | BY | AS NOTED |
| NOTE: The contractor shall check all dimensions at the building. He shall report all inconsistencies to the architect. | | | | | | | | | | | | |

A-2
2 of 5

Additional & Alterations to
Mountainside Senior Living
Crozet, Virginia

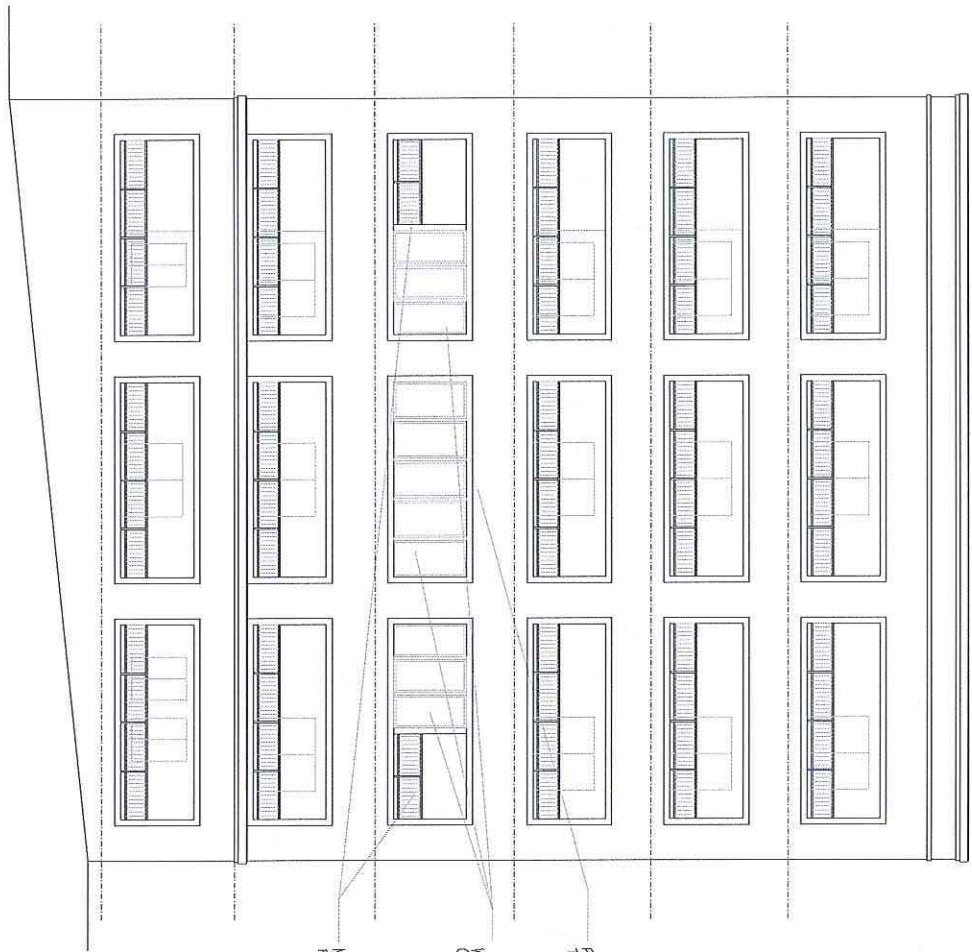


301 E High Street
Charlottesville, Virginia
PH: 434.286.6107

info@jegarchitects.com
www.jegarchitects.com



Johnson, Craven & Gibson
Architects



PATCH/PAIN EXTERIOR FINISHES
TO MATCH EXIST. *TYP.

INFILL EXIST. THIRD FLOOR/BALCONY OPENINGS
WHERE INDICATED ON PLAN W/ NEW FIXED
CURTAIN WALL SYSTEM.

MATCH EXIST. RAIL WHERE MODIFIED
FOR NEW WINDOW SYSTEM

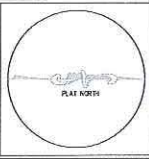
Front Elevation

Scale: 1/4" = 1'-0"

Front Elevation

| | | | | |
|--|----------|----------|-----------|---------------|
| DATE PLOTTED | DATE | SCALE | REVISIONS | SYNO. NO. |
| 17894 | 07.26.17 | AS NOTED | | |
| NOTE: The contractor shall check all dimensions at the building. He shall report all inconsistencies to the architect. | | | | A-5 5 of 5 |

Additions & Alterations to
Mountainside Senior Living
 Crozet, Virginia

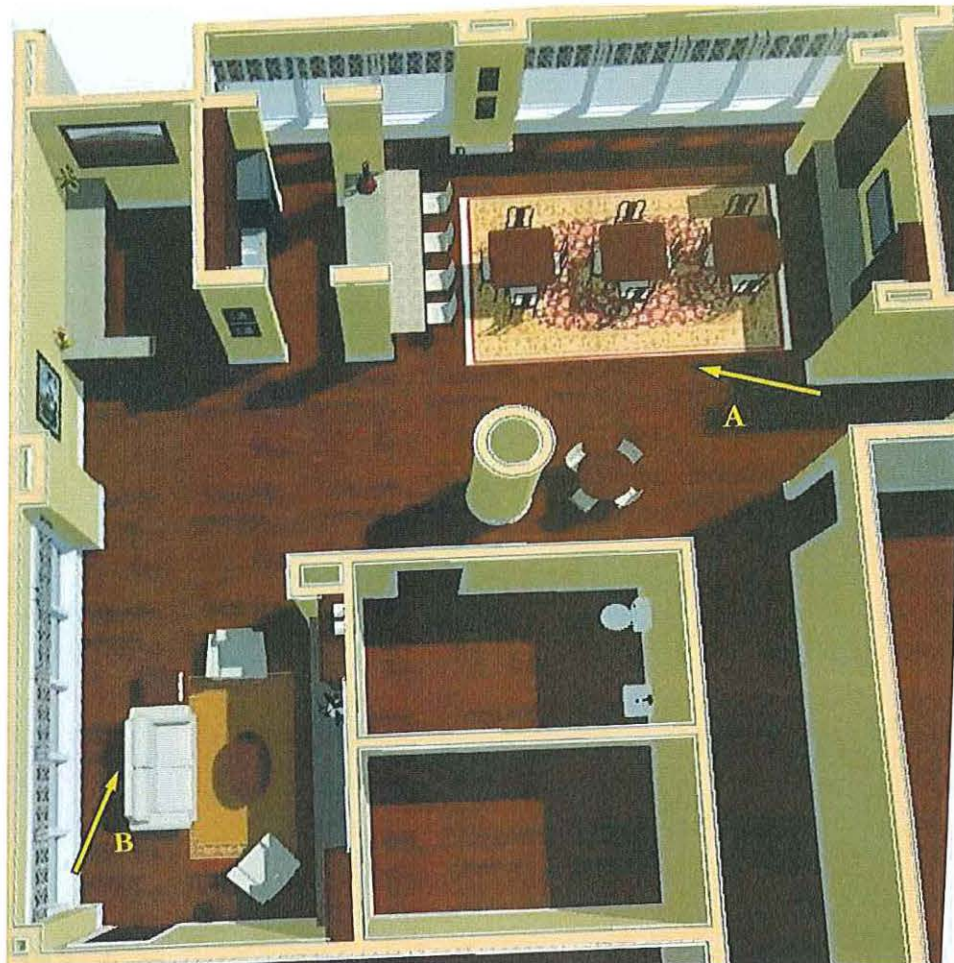


301 E High Street
 Charlottesville, Virginia
 PH: 813.206.6107
 info@johncramer.com
 www.johncramer.com



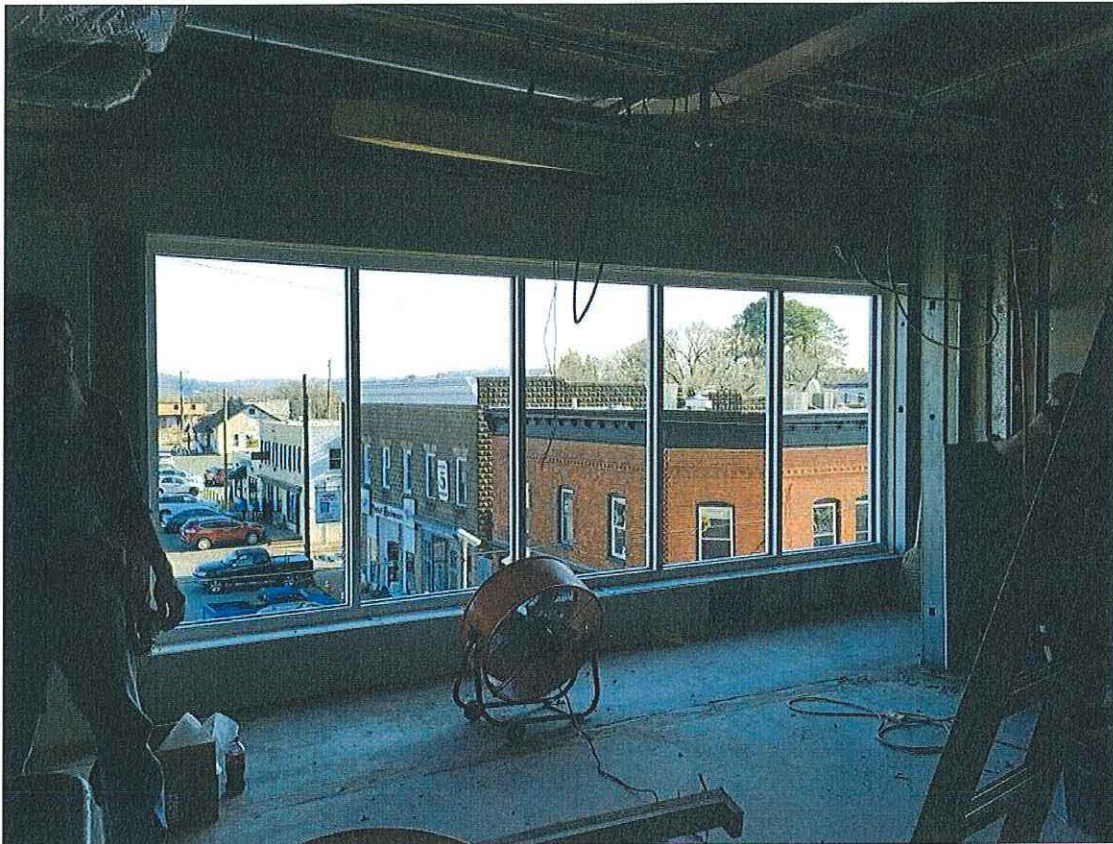
Johnson, Cramer & Cramer
 Architects

**Mountainside Senior Living
Memory Care Unit – A Work in Progress**

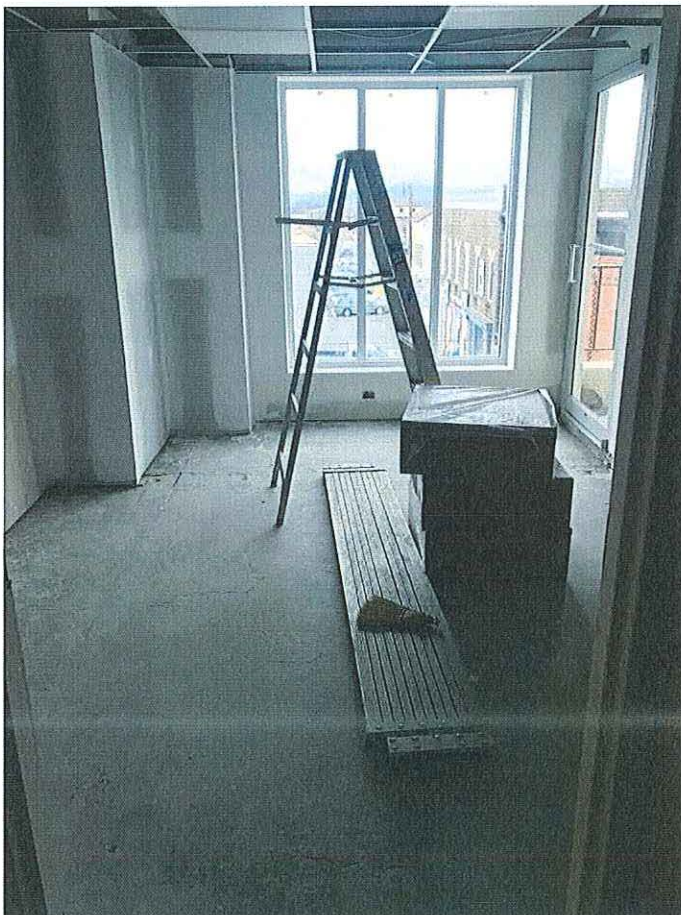


View of Common Area
Top: Nurse's Station, Food Service Area, Dining Area
Lower: Seating Area, Bathroom, Storage Room

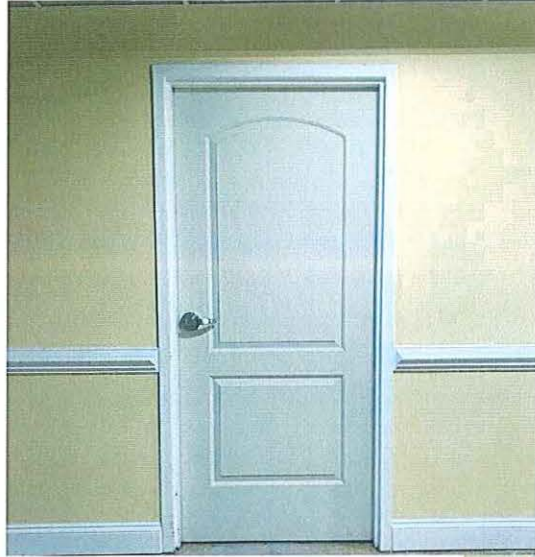
Not Shown: Quiet "Snozelen Room" (to right of dining area), Mechanical Room and Lobby to Elevators (next to storage room) and 12 resident rooms (for 20 people)



New windows now enclose the balcony area in the Common Area.



The quiet “Snazelen Room” will be a multi-sensory environment that is both soothing and stimulating for residents.



New doors!



New floors are going in next!

**CITY OF CHARLOTTESVILLE,
VIRGINIA CITY COUNCIL
AGENDA**



| | |
|------------------|---|
| Agenda Date: | July 16, 2018 |
| Action Required: | Request for Appropriation - Safe Routes to School Non-Infrastructure Grant Application |
| Presenter: | Amanda Poncy, Bicycle and Pedestrian Coordinator |
| Staff Contacts: | Amanda Poncy, Bicycle and Pedestrian Coordinator; Kyle Rodland, Safe Routes to School Coordinator |
| Title: | Safe Routes to School Non-Infrastructure Grant Application - \$77,477 |

Background:

Virginia Department of Transportation (VDOT) has awarded the City of Charlottesville with a Safe Routes to School Non-Infrastructure (Activities and Programs) Grant of \$77,000. This grant will be used to fund education, encouragement, evaluation and enforcement programs related to Safe Routes to School. The Non-Infrastructure Grant will also be used to fund a full-time SRTS coordinator who works within a school division to promote and facilitate Safe Routes to School activities.

The city received non-infrastructure grant in the amount of \$56,000 for the last two years to fund a part-time coordinator and associated program budget to manage, train, and expand Safe Routes to School programming city-wide. The grant provides a dedicated champion to working within schools to provide education, encouragement and evaluation activities needed to support active transportation for K-8 students.

Discussion:

As part of the grant application, the City was required to update the Safe Routes to School (SRTS) Activities and Programs Plan (APP), a written document that outlines a community's intentions for enabling and encouraging students to engage in active transportation (i.e. walking or bicycling) as they travel to and created through a team-based approach that involved key community stakeholders and members of the public in both identifying key behavior-related to barriers to active transportation and, using the four non-infrastructure related E's (education, encouragement, enforcement and evaluation) to address them.

The APP update reflects minimal changes from last year's plan, but emphasizes lessons learned since our Coordinator was hired in October 2016. The following short-term recommendations were developed:

- Institute bike riding, repair, and safety curriculum (Education)
- Develop a division-wide SRTS website and newsletter (Education)
- Facilitate biking and walking incentive program (Encouragement)
- Regularly host walk- and bike-to-school days (Encouragement)
- Consistently host annual Bicycle Rodeos (Encouragement)
- Conduct bike safety checks (Enforcement)
- Expand the bike helmet give-away program (Enforcement)
- Administer student travel tallies (Evaluation)
- Keep records of participation in workshops, biking and walking trains, bike rodeos, afterschool clubs, and other events (Evaluation)

One major change is the addition of two new schools (The Village School and the International School), which enables the city to apply for funding for a full-time position. The SRTS Activities and Programs Plan will continue to serve as a guiding document to assist in promoting, encouraging, and enabling walking and bicycling to school. The \$77,000 grant appropriation from VDOT will fund a full-time Safe Routes to School Coordinator and the supplies needed to implement the recommendations included in the APP for the 2018-2019 school year. As a reimbursable grant, costs will be incurred by Neighborhood Development Services and reimbursed by VDOT.

In addition, the city received a donation of \$477 from Three Notch'd Brewery and Craft Kitchen.

Alignment with City Council's Vision and Strategic Plan:

This initiative supports Council's Vision to be a "Connected Community" ("the City of Charlottesville is part of a comprehensive, regional transportation system that enables citizens of all ages and incomes to easily navigate our community") and "America's Healthiest City" ("we have a community-wide commitment to personal fitness and wellness, and all residents enjoy our outstanding recreational facilities, walking trails, and safe routes to schools").

In addition, the project contributes to Goals 1 and 3 of the Strategic Plan, to be an inclusive, self sufficient community and a healthy and safe city.

The initiative further implements recommendations within the Comprehensive Plan (2013), Bicycle and Pedestrian Master Plan (2015) and supports the City's Healthy Eating Active Living (HEAL) Resolution.

Community Engagement:

This grant application implements one of the programming recommendations included in the Bicycle and Pedestrian Master Plan (adopted 2015), which included significant public involvement. Further, city staff from Neighborhood Development Services worked with staff from the Thomas Jefferson Health District and Charlottesville City Schools (Physical Education and Pupil Transportation) to create a Safe Routes to School Task Force in 2016 that was responsible for outlining elements of a city-wide Safe Routes to School Activities and Programs Plan (APP). The task force included representatives from city schools, community organizations, multiple city departments (NDS, PW, Parks), as well as health and enforcement disciplines. The APP was developed by the task force with input from parents (via Parent Survey) and further discussed/refined at public meeting in February 2016. The Bicycle and Pedestrian Advisory Committee provided feedback on the updates in Feb. 2018.

Budgetary Impact:

The grant appropriation will provide funding (100% reimbursable) for both a full-time Safe Routes to School Coordinator and the supporting activities included in the Activities and Programs plan. The grant will fund a position for 12 months with an opportunity to reapply for funding in future years. While funding will be provided at 100% for the 2018-2019 school year, local partners will provide both cash and in-kind donations to demonstrate program sustainability. Future grants would require a 20% match (cash or in-kind donations are acceptable).

Recommendation:

Staff recommends approval and appropriation of the grant funds.

Alternatives:

If grants funds are not appropriated, Safe Routes to School programming will continue in an ad-hoc fashion with assistance from community partners and parent volunteers.

Attachments:

Safe Routes to School Activities and Programs Plan
<http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/transportation/bicycle-and-pedestrian/safe-routes-to-school>

Resolution Supporting Safe Routes to School Projects adopted by City Council on April 3, 2017;

Appropriation

RESOLUTION
Supporting Safe Routes to School (“SRTS”) Projects

WHEREAS, obesity is one of the most serious threats to American public health, ranking third among preventable causes of death in the United States;

WHEREAS, motor vehicle crashes are also a leading cause of death and injury to children;

WHEREAS, between 1969 and 2009 the percentage of children walking and biking to school dramatically declined from 48 percent to 13 percent;

WHEREAS, the Safe Routes to School program, created by Congress in 2005, aimed to increase the number of children engaged in active transportation when traveling to school by funding (1) infrastructure projects, located within two miles of a public school, that directly increase safety and convenience for public school children walking and/or biking to school, and (2) non-infrastructure projects designed to encourage public school children to walk and bicycle to school;

WHEREAS, Safe Routes to School projects are a proven, effective approach to increasing the number of children actively traveling to school by foot or bike;

WHEREAS, Safe Routes to School projects provide important health, safety, and environmental benefits for children, including reducing risk of obesity/chronic disease and pedestrian/bicycle injuries as well as improving air quality;

WHEREAS, the need for Safe Routes to School projects is especially strong in low-income areas, which suffer from a disproportionately high incidence of both childhood obesity/chronic disease and pedestrian and bicycle injuries and often have inferior pedestrian and bicycle infrastructure;

WHEREAS, Safe Routes to School projects make it safer and more convenient for all residents to walk and bike to destinations, further promoting public health;

WHEREAS, a goal of the City of Charlottesville’s current Comprehensive Plan, Bicycle and Pedestrian Master Plan, Complete Streets Resolution and Healthy Eating Active Living Resolution supports active transportation options, which can be met in part by implementation of Safe Routes to School projects;

NOW, THEREFORE, BE IT RESOLVED that the City of Charlottesville affirms its commitment to active transportation and supporting Safe Routes to School infrastructure and non-infrastructure projects.

APPROPRIATION

Safe Routes to School Program (SRTS) Non-Infrastructure Grants
\$77,477

WHEREAS, the Safe Routes to School Program (SRTS) non-infrastructure grant, providing Federal payments for **education, encouragement, evaluation and enforcement** programs to promote safe walking and bicycling to school has been awarded the City of Charlottesville, in the amount of \$77,000;

WHEREAS, the SRTS program is a 100% reimbursement program requiring the City to meet all federal guidelines to qualify;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the following is hereby appropriated in the following manner:

Revenues

| | | | |
|----------|-----------|-------------------------|---------------------|
| \$77,000 | Fund: 209 | Cost Center: 3901008000 | G/L Account: 430120 |
| \$477 | Fund: 209 | Cost Center: 3901008000 | G/L Account: 451020 |

Expenses

| | | | |
|----------|-----------|-------------------------|---------------------|
| \$52,477 | Fund: 209 | Cost Center: 3901008000 | G/L Account: 519999 |
| \$25,000 | Fund: 209 | Cost Center: 3901008000 | G/L Account: 599999 |

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$77,000 from the Virginia Department of Transportation.

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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



| | |
|------------------|---|
| Agenda Date: | July 16, 2018 |
| Action Required: | Appropriation of Grant Funds |
| Presenter: | Hollie Lee, Chief of Workforce Development Strategies |
| Staff Contacts: | Hollie Lee, Chief of Workforce Development Strategies |
| Title: | Virginia Department of Social Services (V.D.S.S.) Employment for Temporary Aid to Needy Families (T.A.N.F.) Participants Grant (1 st Renewal) - \$66,667 |

Background:

In 2017, the City of Charlottesville, through the Office of Economic Development (O.E.D.), received a matching grant for \$50,000 from the Virginia Department of Social Services in order to provide workforce development training to individuals residing in the City of Charlottesville living at or below 200% poverty. The grant required a 15 percent match of local dollars, with funding being used for workplace readiness/productivity skills training, specific technical training, and/or supportive services required for employment (e.g., childcare, transportation, rental assistance, etc.). One hundred percent of the funds were expended between July 1, 2017 and June, 30 2018. Funding for the local match in the amount of \$16,667 was from the Workforce Investment Fund account in the CIP. Grant funding was used to support 26 individuals in the following programs during F.Y. 2018: GO Driver 7, GO Driver 8, GO Driver 9, and GO Skilled Trades Academy.

V.D.S.S. has agreed to renew the grant to the O.E.D. for the new fiscal year (July 2, 2018 to June 30, 2019) in the same amount of \$50,000. The O.E.D. will once again match the grant in the amount of \$16,667 from the Workforce Investment Fund. Funding will be used for the same purpose as the original grant (training programs and supportive services).

Discussion:

In July 2013, the City's Strategic Action Team on Workforce Development (S.A.T.) issued a report to City Council entitled, *Growing Opportunity: A Path to Self-Sufficiency*. The report, which was subsequently endorsed by Council, examines the barriers to employment for low-income City residents and makes recommendations on how to address these barriers. One of the recommendations is to "work to ensure that training programs align with the needs of new and existing businesses."

In an effort to make progress towards this recommendation, the O.E.D. has been actively engaged in developing jobs-driven workforce development training programs in partnership with local employers. The flagship program, GO Driver, has been conducted nine times and trains City residents to get their Class B Commercial Driver's License and become Relief Transit Bus Operators

with Charlottesville Area Transit (CAT) and/or Pupil Transportation at a rate of \$15.50 per hour. In addition to technical training, GO programs also include assistance with supportive services such as rental assistance, car repair, exam fees, etc. These costs, which average about \$200 per participant, are also included as part of the programming. Other programs, such as GO Cook and/or a GO Skilled Trades Academy, will also be funded using grant funds.

Alignment with Council Vision Areas and Strategic Plan:

This effort supports City Council's "Economic Sustainability" vision and aligns directly with the S.A.T.'s *Growing Opportunity* report that was approved by City Council in 2013.

It also contributes to the following goals and objectives in the City's Strategic Plan:

Goal 4: A Strong, Creative and Diversified Economy

- Objective 4.1: Develop a quality workforce

Goal 1: An Inclusive Community of Self-sufficient Residents

- Objective 1.2: Prepare residents for the workforce

It aligns with Chapter 3 on Economic Sustainability in the Comprehensive Plan, and more specifically Goal 6, which focuses on workforce development and being an effective partner in creating a well-prepared and successful workforce.

Community Engagement:

Like practically all of the City's workforce development efforts, its employment training programs are supported by numerous community agencies and organizations. Examples include: Albemarle County, Piedmont Virginia Community College, Piedmont Workforce Network/Goodwill Industries of the Valleys, the Virginia Workforce Center – Charlottesville, Charlottesville Works Initiative, and employer partners. None of the work that is currently being done could be possible without this strong community engagement.

Budgetary Impact:

The required match of \$16,667 will come from already appropriated funds in the Workforce Investment Fund (P-00385).

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

If grant funds are not appropriated, more local dollars will have to be used for training or fewer low-income, underemployed City residents will be able to be trained.

Attachments:

- VDSS Subrecipient Renewal Agreement

APPROPRIATION

**Virginia Department of Social Services (VDSS) Employment for Temporary Aid to Needy Families (TANF) Participants Grant (1st Renewal)
\$66,667**

WHEREAS, the City of Charlottesville has received funds from the Virginia Department of Social Services in the amount of \$50,000 requiring a \$16,667 in local in-kind match provided by the Office of Economic Development through the Workforce Investment Fund; and

WHEREAS, the funds will be used to support workforce development training programs provided by the Office of Economic Development; and

WHEREAS, the grant award covers the period from June 30, 2018 and July 1, 2019;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$66,667 is hereby appropriated in the following manner:

Revenue

| | | | |
|----------|-----------|-------------|--|
| \$50,000 | Fund: 209 | IO: 1900309 | G/L: 430120 State/Fed pass thru |
| \$16,667 | Fund: 209 | IO: 1900309 | G/L: 498010 Transfers from Other Funds |

Expenditures

| | | | |
|----------|-----------|-------------|----------------------|
| \$66,667 | Fund: 209 | IO: 1900309 | G/L: 599999 Lump Sum |
|----------|-----------|-------------|----------------------|

Transfer From

| | | | |
|----------|-----------|--------------|--------------------------------------|
| \$16,667 | Fund: 425 | WBS: P-00385 | G/L: 561209 Transfer to State Grants |
|----------|-----------|--------------|--------------------------------------|

Transfer To

| | | | |
|----------|-----------|-------------|--|
| \$16,667 | Fund: 209 | IO: 1900309 | G/L: 498010 Transfers from Other Funds |
|----------|-----------|-------------|--|

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$50,000 from the Virginia Department of Social Services and the matching in-kind funds from the Office of Economic Development through the Workforce Investment Fund.



COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

May 16, 2018

Christopher V. Cullinan, Director of Finance
City of Charlottesville
Office of Economic Development
610 E. Market Street
Charlottesville, VA 22902

RE: 1st Renewal of Contract No. BEN-17-056-01

Dear Mr. Cullinan:

The Commonwealth of Virginia, Department of Social Services, in accordance with Section I, Award Information, of the modified original contract at (C), Period of Performance, wishes to exercise its option to renew the above referenced contract for twelve (12) months. The period of renewal will be from July 1, 2018 through June 30, 2019. The amount of the renewal shall be \$50,000.00.

It is understood and agreed that the Scope of Services and all terms and conditions of the original contract shall remain the same during this contract renewal period. Please signify acceptance of this letter of renewal by signing in the space provided below on all three originals and returning them along with a new budget to this office within seven (7) business days after receipt.

Sincerely,

Faye Palmer
Grant Administrator

City of Charlottesville
Office of Economic Development

By: _____

Title: _____

Date: _____

Virginia Dept. of Social Services

By: _____

Title: _____

Date: _____

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



| | |
|------------------|--|
| Agenda Date: | August 6, 2018 |
| Action Required: | Approve Appropriation |
| Presenter: | Diane Kuknyo, Director, Department of Social Services |
| Staff Contacts: | Sue Moffett, Assistant Director, Department of Social Services Laura Morris, Chief of Administration, Department of Social Services |
| Title: | Additional Funding for Medicaid Expansion -- \$168,658 |

Background:

The Charlottesville Department of Social Services has received \$168,658 in additional funding from the Virginia Department of Social Services to assist with the increased volume of applications anticipated with Medicaid expansion.

Discussion:

Medicaid provides medical coverage to eligible needy persons. The purpose of Virginia Medicaid is to improve the health of people in Virginia who might otherwise go without medical care for themselves and their children. 8,228 individuals received Medicaid through the Charlottesville Department of Social Services in Fiscal Year 2017. It is anticipated that an additional 2,100 City residents will be eligible with Medicaid expansion. The Department plans to use the additional funding to add two permanent full time Benefit Programs Specialists to support the increasing workload and keep a returning retiree through fiscal year 2019. The additional funding will also be used for advertising to increase community awareness about Medicaid expansion and other benefit programs available through the department.

Alignment with Council Vision Areas and Strategic Plan:

Approval of this agenda item aligns with the City's mission to provide services that promote equity and an excellent quality of life in our community. It is consistent with **Strategic Plan Goal 2: A Healthy and Safe City, Objective 2.3, Improve community health and safety outcomes by connecting residents with effective resources.**

Community Engagement:

Department staff work directly with citizens to provide social services, protect vulnerable children and adults, and promote self-sufficiency.

Budgetary Impact:

The additional funding for this program is entirely State dollars for FY19 and no additional City funds are required or being requested. Once funds are received from the State they will be appropriated into the Social Services Fund. Beginning in FY20 the City will be required to match these funds at 15.5% and the additional costs to the City will be added to the Social Services budget.

Recommendation:

Staff recommends approval and appropriation of these funds.

Alternatives:

Funds that are not appropriated will need to be returned to the Virginia Department of Social Services.

Attachments:

Appropriation

APPROPRIATION
Additional Funding for Department of Social Services Medicaid Expansion
\$168,658

WHEREAS, the Charlottesville Department of Social Services has received an additional \$168,658 in the Fiscal Year 2019 budget from the Virginia Department of Social Services to be used for Medicaid Expansion,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$168,658 is hereby appropriated in the following manner:

Revenue – \$168,658

| | | | |
|-----------|-------------------------|---------------------|-----------|
| Fund: 212 | Cost Center: 9900000000 | G/L Account: 430080 | \$168,658 |
|-----------|-------------------------|---------------------|-----------|

Expenditures - \$168,658

| | | | |
|-----------|-------------------------|---------------------|----------|
| Fund: 212 | Cost Center: 3301005000 | G/L Account: 510010 | \$79,165 |
| Fund: 212 | Cost Center: 3301005000 | G/L Account: 511010 | \$ 7,623 |
| Fund: 212 | Cost Center: 3301005000 | G/L Account: 510020 | \$20,479 |
| Fund: 212 | Cost Center: 3301005000 | G/L Account: 511030 | \$ 720 |
| Fund: 212 | Cost Center: 3301005000 | G/L Account: 511020 | \$25,776 |
| Fund: 212 | Cost Center: 3301005000 | G/L Account: 511040 | \$18,144 |
| Fund: 212 | Cost Center: 3301005000 | G/L Account: 510160 | \$ 2,231 |
| Fund: 212 | Cost Center: 3301005000 | G/L Account: 530216 | \$ 597 |
| Fund: 212 | Cost Center: 3301005000 | G/L Account: 530030 | \$ 529 |
| Fund: 212 | Cost Center: 3301005000 | G/L Account: 530320 | \$ 6,404 |
| Fund: 212 | Cost Center: 3301005000 | G/L Account: 520010 | \$ 490 |
| Fund: 212 | Cost Center: 3301005000 | G/L Account: 520900 | \$ 4,000 |
| Fund: 212 | Cost Center: 3301005000 | G/L Account: 530120 | \$ 2,500 |

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$168,658 from the Virginia Department of Social Services.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



| | |
|------------------|---|
| Agenda Date: | August 06, 2018 |
| Action Required: | Approve Appropriation |
| Presenter: | Diane Kuknyo, Director, Department of Social Services |
| Staff Contacts: | Kelly Logan, VIEW Supervisor, Department of Social Services Laura Morris, Chief of Administration, Department of Social Services |
| Title: | Additional Funding for Department of Social Services VIEW Program -- \$12,512 |

Background:

The Charlottesville Department of Social Services has received \$12,512 in additional funding from the Virginia Department of Social Services for the Virginia Initiative for Employment not Welfare (VIEW) program.

Discussion:

This funding will serve residents of the City of Charlottesville who receive Temporary Assistance for Needy Families (TANF) and are enrolled in Virginia Initiative for Employment not Welfare (VIEW) through the Department of Social Services. The VIEW program serves parents in households with children up to the age of 18. All participants in the VIEW program are considered low-income with annual incomes below 100% of the federal poverty level for single parent households and below 150% of the federal poverty level for two parent households.

The VIEW program provides a variety of supportive services such as job skills training, child care assistance, and transportation to assist participants with becoming self-sufficient through employment.

Alignment with Council Vision Areas and Strategic Plan:

Approval of this agenda item aligns with the City's mission to provide services that promote equity and an excellent quality of life in our community. It is consistent with **Strategic Plan Goal 1: An Inclusive Community of self-sufficient residents, Objective 1.2, Prepare residents for the workforce and 1.4, Enhance financial health of residents.**

Community Engagement:

Department staff work directly with citizens to provide social services, protect vulnerable children and adults, and promote self-sufficiency.

Budgetary Impact:

The additional funding for this program is entirely State dollars. No additional City funds are required or being requested. Once funds have been received from the State they will be appropriated into the Social Services Fund.

Recommendation:

Staff recommends approval and appropriation of these funds.

Alternatives:

Funds that are not appropriated will need to be returned to the Virginia Department of Social Services.

Attachments:

Appropriation

APPROPRIATION
Additional Funding for Department of Social Services VIEW Program
\$12,512

WHEREAS, the Charlottesville Department of Social Services has received an additional \$12,512 in the Fiscal Year 2019 budget from the Virginia Department of Social Services to be used for clients enrolled in the Virginia Initiative for Employment not Welfare (VIEW) program,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$12,512 is hereby appropriated in the following manner:

Revenue – \$12,512

| | | | |
|-----------|-------------------------|---------------------|----------|
| Fund: 212 | Cost Center: 9900000000 | G/L Account: 451022 | \$12,512 |
|-----------|-------------------------|---------------------|----------|

Expenditures - \$12,512

| | | | |
|-----------|-------------------------|---------------------|----------|
| Fund: 212 | Cost Center: 3333002000 | G/L Account: 540060 | \$12,512 |
|-----------|-------------------------|---------------------|----------|

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$12,512 from the Virginia Department of Social Services.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



| | |
|-------------------|--|
| Agenda Date: | August 6, 2018 |
| Action Requested: | Approve Appropriation |
| Presenter: | Kristel Riddervold, Environmental Sustainability Manager |
| Staff Contacts: | Paul Oberdorfer, PWD Director Leslie Beauregard, Assistant City Manager |
| Title: | Strategic Energy Initiatives - \$367,698.50 |

Background:

The Gas Fund includes a funded program that, until recently, was intended to serve as part of the required match for a DEQ grant for a stream restoration project on Moores Creek at Azalea Park. Unfortunately, we recently had to relinquish the grant funds after years of unsuccessful attempts to acquire a private property that was integral to the success of the project. This fund currently has a balance of \$307,999.

The City established a “Green City Fund” in the FY08 budget, to support recommendations brought before City Council to sponsor demonstration projects and initiatives that promote and support City Council’s Green City Vision (e.g., supplemental funding to support deep energy retrofit demonstration of ecoREMOD and establishment of an EV Charging mini-grant program). This fund was last used in FY14 and has a current balance of \$59,699.50.

Discussion:

Since the time when these programs were established, the City’s Environmental Sustainability Program has continued to evolve. Efforts to reduce community energy usage and the associated greenhouse gas emissions reductions have focused on various sectors outlined through the 2012 Local Climate Action Planning Process, including the built environment, mobility, generation sources, materials, and the landscape.

Based on experience with these efforts, feedback and interest, and the intent to continue supporting improved energy performance in Charlottesville, we have identified a set of strategic energy initiative tracks that are linked to the City’s Climate Protection Program and the increased commitment made last summer by joining the Global Covenant of Mayors for Climate & Energy.

By combining the funds in these two programs and designating their use for strategic energy initiatives as outlined below, additional progress in several sectors can be supported over the course of the next few years. These tracks are strategic in making progress towards community emission reduction goals by addressing known barriers, leveraging private sector funds, and

targeting action where improvement opportunities exist.

- \$100,000 – to support commercial energy efficiency through the Clean Energy Loan Fund (CELFF) currently administered by LEAP. Recent project activity has depleted the initial fund that was established by City Council in 2012, and was most recently revised and administratively approved in April 2016. There is growing interest in this financing assistance program, in part due to recently completed projects that have been publicized.
- \$100,000 – to support residential energy efficiency through a rebate program to be delivered by LEAP as a core next phase to the program support they have provided to the City over several years.
- \$100,000 – to support sustainable transportation opportunities, such as those related the VW settlement funds that established an environmental mitigation trust to be administered by DEQ through a state mitigation plan. At this time it is unclear if a local funding match will be required for that particular program.
- \$67,698.50 – to support other sustainability initiatives identified by City Council, staff, or community members.

Alignment with City Council’s Vision and Strategic Plan:

The proposal supports City Council’s “Green City” vision. It contributes to Goal 3 of the Strategic Plan: A beautiful and sustainable natural and built environment as well Goal 6 of the 2013 Comprehensive Plan to promote effective and innovative energy and fuel management in both City and community buildings and operations. The current revisions of the Comprehensive Plan will address this topic as well. This also aligns with the commitment made in 2017 to the Global Covenant of Mayors for Climate & Energy.

Community Engagement:

N/A

Budgetary Impact:

No additional funding is required. All funds to be used to support this recommendation have been previously appropriated.

Recommendation:

Staff recommends approval of the recommendation to reprogram already appropriated funds to meet current priorities.

Alternatives:

City Council could decline this recommendation, and the funds would remain in the original funded programs without a clear intent to pursue current needs and opportunities.

Attachments:

Appropriation

APPROPRIATION
Strategic Energy Initiatives
\$367,698.50

WHEREAS, the City of Charlottesville has previously appropriated funds in the amount of \$307,999 that were to be used for a Department of Environmental Quality grant match; and

WHEREAS, the City of Charlottesville has previously appropriated funds for the Green City Fund, of which there is a \$59,699.50 balance; and

WHEREAS, these funds will now be used to support the Clean Energy Loan Fund; the residential energy efficiency rebate program; sustainable transportation opportunities; and other sustainability initiatives identified by City Council, staff, or community members;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$367,698.50 is hereby appropriated in the following manner:

Revenues - \$59,699.50

Transfer To

\$59,699.50 Fund: 631 IO: 2000139 Cost Center: 2711001000 G/L: 498010

Expenditures - \$367,698.50

Transfer From

\$59,699.50 Fund: 105 Cost Center: 1601002000 G/L: 561631

\$307,999 Fund: 631 IO: 2000094 Cost Center: 2711001000 G/L: 599999

Transfer To

\$59,699.50 Fund: 631 IO: 2000139 Cost Center: 2711001000 G/L: 599999

\$307,999 Fund: 631 IO: 2000139 Cost Center: 2711001000 G/L: 599999

BE IT FURTHER RESOLVED that this appropriation shall not be deemed to expire at the end of the fiscal year, but are hereby appropriated in the ensuring fiscal year unless altered by further action of City Council.

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



| | |
|------------------|--|
| Agenda Date: | August 6, 2018 |
| Action Required: | Adoption of Resolution |
| Presenter: | Allyson Davies, Deputy City Attorney |
| Staff Contacts: | Lisa Robertson, Acting City Attorney Allyson Davies, Deputy City Attorney Sebastian Waisman, Assistant City Attorney |
| Title: | Resolution Adopting City Council Policy on Member Participation in Meetings By Electronic Means |

Background:

Va. Code § 2.2-3708.2 requires a written policy adopted by the Charlottesville City Council, in advance, to allow individual City Councilors to participate in a meeting remotely. The City Council requests such a policy, and the City Attorney's Office drafted the attached policy for Councils' consideration.

Discussion:

There are strict rules governing remote participation. The Virginia Freedom of Information Act's stated policy is that, "...people of the Commonwealth...(have) free entry to meetings of public bodies wherein the business of the people is being conducted. The affairs of government are not intended to be conducted in an atmosphere of secrecy....Unless a public body or its officers or employees specifically elect to exercise an exemption provided by this chapter or any other statute, every meeting shall be open to the public...." See Virginia Code § 2.2-3700.

Pursuant to that general policy, the exemption from being physically present to participate at a public meeting is narrowly construed. Under Virginia Code § 2.2-3700, any ordinance adopted by a local governing body that conflicts with the provisions of this chapter shall be void. Therefore, participation by a member of a public body in a meeting through electronic communication means can only be authorized if the following conditions are met:

1. The public body has adopted a written policy allowing for and governing participation of its members by electronic communication means, including an approval process for such participation and subject to the express limitations imposed by Va. Code § 2.2-3708.2.
2. Once adopted, the policy shall be applied strictly and uniformly, without exception and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.
3. A quorum of the public body is physically assembled at one primary or central meeting location; and

4. The public body makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

The attached policy complies with Va. Code § 2.2-3708.2.

Alignment with Council Vision Areas and Strategic Plan:

This aligns with the Council vision of a Community of Mutual Respect. In all endeavors, the City of Charlottesville is committed to...inclusion. This policy maximizes the opportunities for interactions among City Council and the public in a way that is respectful, unbiased, and without prejudice.

This aligns with the Council vision of a Smart, Citizen-Focused Government. City Council decisions should be informed at every stage by effective communication and active citizen involvement. This policy maximizes individual City Councilor's ability to participate in public meetings.

Community Engagement:

This is a resolution required by Virginia Code §2.2-3708.2 for remote electronic participation of City Councilors.

Budgetary Impact:

There is no direct budgetary impact to the adoption of this policy.

Recommendation:

Adoption of the attached Resolution.

Alternatives:

Do not adopt the resolution and require City Council members to participate only when physically present at the location of the City Council meeting.

Attachments:

Resolution
Policy Regarding Individual Council Member Participation in Council Meeting by Electronic Means

RESOLUTION
ADOPTING POLICY REGARDING COUNCIL MEMBER PARTICIPATION
IN COUNCIL MEETINGS BY ELECTRONIC MEANS

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that this Council hereby adopts the attached “Policy of Charlottesville City Council Regarding Individual Participation in Council Meeting by Electronic Means”, as voted upon at its regular meeting on August 6, 2018. A copy of such Policy, as adopted, shall be retained and available for inspection in the Office of the Clerk of Council.

Policy of Charlottesville City Council Regarding Individual Participation in Council Meeting By Electronic Means

- I. **Purpose and Applicability:** It is the policy of the City Council of the City of Charlottesville that individual members of the Council may participate in Council meetings by electronic means as permitted by Virginia Code § 2.2-3708.2.

The purpose of this policy is to comply with the requirements of section 2.2-3708.2 of the Code of Virginia and to allow for and govern participation by one or more Council Members in Council meetings by electronic communication means.

All proceedings pursuant to this policy shall be performed in accordance with section 2.2-3708.2 as that statute may hereafter be amended.

This policy shall apply to the entire City Council membership without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

- II. **Quorum Required:** The City Council may consider a request for participation by electronic communication means only if a quorum of the Council is physically assembled at the primary or central meeting location.

Whenever an individual member wishes to participate from a remote location, the law requires the quorum of the City Council to be physically assembled at the primary or central meeting location, and there is an arrangement for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

The reason that the member is unable to attend the meeting and the remote location from which the member participates must be recorded in the meeting minutes.

- III. **Permissible Reasons for Electronic Participation:** Participation by a Council Member in a meeting by electronic communication means shall only be allowed due to an emergency, personal matter or disability.

Each individual Council member shall be limited each calendar year to participation by electronic means in two meetings.

- IV. **Approval:** Individual participation from a remote location shall be approved unless such participation would violate this policy or the provisions of the Virginia Freedom of Information Act.

If a member's participation from a remote location is challenged, then the City Council shall vote whether to allow such participation.

If the City Council votes to disapprove the member's participation because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

- V. **Approval Process:** No Council Member may participate in a meeting by electronic communication means unless the Council Member requests and the Council approves the participation in accordance with this policy.

- A. A Council Member may request to participate in a meeting by electronic communication means if the Council Member notifies the Clerk of Council on or before the day of the meeting that the Council Member is unable to attend due to the following:
- (i) **Personal:** an emergency or personal matter, provided that the Council Member identifies with specificity the nature of the emergency or personal matter, or
 - (ii) **Temporary or Permanent Disability:** a temporary or permanent disability or other medical condition that prevents the Council Member's physical attendance.
- B. The Council Member must also notify the Clerk of Council of the remote location from which the Council Member would participate by electronic communication means.
- C. At the meeting, the Clerk of Council shall announce the information received from the absent Council Member. If the Council Member's request is in all respects compliant with this Policy, then any of the quorum of Council members physically assembled at the central meeting location shall make a motion to approve or disapprove the absent Council Member's request.
- D. Upon adoption of a motion to approve the Council Member's participation by electronic communication means, the Council Member shall be allowed to fully participate in the meeting by electronic communication means.

- E. If the Council Member's participation by electronic communication means is approved, the Clerk of Council shall record in the meeting minutes:
- (i) the motion,
 - (ii) the vote thereon,
 - (iii) the specific nature of the emergency or personal matter or temporary or permanent disability or other medical condition, and (iv) the remote location from which the Council Member participates in the meeting.
- F. If the Council Member's participation by electronic communication means is disapproved, whether by adoption of a motion to disapprove or rejection of a motion to approve, the Clerk of Council shall record in the meeting minutes:
- (i) the motion,
 - (ii) the vote thereon, and
 - (iii) the specific nature of the emergency or personal matter or temporary or permanent disability or other medical condition,
 - (iv) the remote location from which the Council Member sought to participate in the meeting, and
 - (v) the specific aspect of this policy that would be violated by the Council Member's proposed participation by electronic communication means, as summarized by the quorum of Council members physically present.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



| | |
|------------------|---|
| Agenda Date: | August 6, 2018 |
| Action Required: | Approval of Resolution |
| Presenter: | Mike Murphy, Interim City Manager |
| Staff Contacts: | Mike Murphy, Interim City Manager Paige Rice, Clerk of Council |
| Title: | Amending City Council Regular Meeting Schedule for 2018 |

Background:

Local municipalities may approve a regular Council meeting schedule for the calendar year in order to establish meeting dates for the year. City Council approved a schedule for 2018 at their December 18, 2017 meeting.

Discussion:

Council wishes to amend the regular meeting schedule they adopted on December 18, 2017 as follows:

| | |
|-----------------------------------|---|
| <i>Tuesday, January 2, 2018</i> | July 2, 2018 |
| <i>Tuesday, January 16, 2018</i> | July 16, 2018 |
| February 5, 2018 | August 6, 2018 no meeting (summer break) |
| <i>Tuesday, February 20, 2018</i> | August 20, 2018 |
| March 5, 2018 | <i>Tuesday, September 4, 2018</i> no meeting (break) |
| March 19, 2018 | September 17, 2018 |
| April 2, 2018 | October 1, 2018 |
| April 16, 2018 | October 15, 2018 |
| May 7, 2018 | November 5, 2018 |
| May 21, 2018 | November 19, 2018 |
| June 4, 2018 | December 3, 2018 |
| June 18, 2018 | December 17, 2018 |

Italics indicate an adjusted date due to a holiday.

Alignment with City Council's Vision and Priority Areas:

This aligns with Goal 4 of the strategic plan: *Be a well-managed and successful organization.*

RESOLUTION
Amending City Council Regular Meeting Schedule for 2018

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the following dates are approved for regularly scheduled Council meetings for 2018, as amended:

| | |
|-----------------------------------|---|
| <i>Tuesday, January 2, 2018</i> | July 2, 2018 |
| <i>Tuesday, January 16, 2018</i> | July 16, 2018 |
| February 5, 2018 | August 6, 2018 no meeting (summer break) |
| <i>Tuesday, February 20, 2018</i> | August 20, 2018 |
| March 5, 2018 | <i>Tuesday, September 4, 2018</i> no meeting (break) |
| March 19, 2018 | September 17, 2018 |
| April 2, 2018 | October 1, 2018 |
| April 16, 2018 | October 15, 2018 |
| May 7, 2018 | November 5, 2018 |
| May 21, 2018 | November 19, 2018 |
| June 4, 2018 | December 3, 2018 |
| June 18, 2018 | December 17, 2018 |

Italics indicate an adjusted date due to a holiday.

BE IT FURTHER RESOLVED that these dates will be published on the City's calendar at www.charlottesville.org and posted at the Clerk of Council's office; and

BE IT FURTHER RESOLVED that should Council have a compelling reason to amend the schedule during the year, they may do so with a majority vote; should such a change occur, it will be publicized with a City press release, updated on the City's calendar, and posted at the Clerk of Council's office.

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



| | |
|-------------------|---|
| Agenda Date: | July 16, 2018 |
| Action Requested: | Public Hearing and Ordinance (1 st reading) |
| Presenter: | Lisa Robertson, Chief Deputy City Attorney |
| Staff Contacts: | Hugh Blake, Asst. City Engineer |
| Title: | Release of Stormwater Management Agreement across 550 Water Street |

Background:

550 Water Street, LLC (“Owner”) is the owner of property on Water Street, designated as Parcel 162.3 on City Tax Map 53. Currently, construction of a new mixed-use building is underway on the property. In 2009, the previous owner of the property signed and recorded a Stormwater Management/BMP Facilities Agreement in favor of the City of Charlottesville as part of their approved site plan for the property. In 2010 the property was conveyed to 550 Water Street, LLC and a new site plan was submitted and approved in 2016.

Discussion:

The SWM Agreement is similar to an easement in that it gives the City the right to inspect and approve the stormwater facilities constructed under the easement and puts the burden of future maintenance on the property owner. The Owner recorded a new Stormwater Management/BMP Facilities Agreement dated July 11, 2016 in favor of the City in order to provide for stormwater detention on the property at a different location as part of the new site plan.

The Owner has requested the release of the 2009 SWM Agreement since it is duplicative and no longer needed for the current development. Since it is an agreement recorded in the Clerk’s Office, a formal Deed of Release, signed by the Mayor, is required.

Hugh Blake, P.E., NDS Civil Engineer, has reviewed the request and has confirmed that the 2016 SWM Agreement is compliant with the current site plan.

Community Engagement:

A public hearing is being held to give the public an opportunity to comment on the release of the 2009 SWM Agreement. Notice of the public hearing was advertised as required under Virginia Code Sec. 15.2-1800(B)

Budgetary Impact:

None.

Recommendation:

Staff recommends approval of the Ordinance.

Attachments:

Ordinance
2009 Stormwater Management/BMP Facilities Agreement
Proposed Deed of Release

**AN ORDINANCE
RELEASING THE 2009 STORMWATER MANAGEMENT/BMP FACILITIES
AGREEMENT ACROSS PROPERTY AT 550 WATER STREET**

WHEREAS, 550 Water Street, LLC owns the property at 550 Water Street (City Real Estate Tax Map Parcel 530162300), hereinafter the “Property”, and has asked the City to release the Stormwater Management/BMP Facilities Agreement (“SWM Agreement”) dated October 27, 2009, of record in the Charlottesville Circuit Court Clerk’s Office as Instrument 2009-5576; and

WHEREAS, the 2009 SWM Agreement was signed and recorded as part of a site plan for the Property approved in 2009, and since then the Property has been conveyed to the current owner and a new site plan of development was approved in 2016; and

WHEREAS, the stormwater detention facilities were relocated to a new location on the Property, and a Stormwater Management/BMP Facilities Agreement dated July 11, 2016 was signed and recorded by the current owner; and

WHEREAS, the City Engineering staff have no objection to the release of the 2009 SWM Agreement; now, therefore

BE IT ORDAINED that the Mayor is hereby authorized to sign a Deed of Release, in form approved by the City Attorney, to release the Stormwater Management/BMP Facilities Agreement dated October 27, 2009, of record in the aforesaid Clerk’s Office as Instrument 2009-5576.

Ref.: City Tax Map/Parcel No. 53-1623
Prepared by: Brian Haluska

2009 5576

**STORMWATER MANAGEMENT/BMP FACILITIES
MAINTENANCE AGREEMENT**

THIS AGREEMENT, made and entered into this 27th day of October, 2009, by and between [Insert Full Name of Property Owner(s)] Neal Sansovich of Sansovich Development LLC ("Landowner"), the GRANTOR, in favor of the City Council of the City of Charlottesville, Virginia, (hereinafter, "City"), whose address is c/o City Attorney, P.O. Box 911, Charlottesville, Virginia, 22902.

WITNESSETH:

WHEREAS, the Landowner is the owner of certain real property described on City of Charlottesville Tax Map 53 as Parcel 162.3, as recorded by deed in the land records of the City of Charlottesville, Virginia, in Deed Book 776 at Page 455, hereinafter called the "Property"; and

WHEREAS, the Landowner is proceeding to build on and develop the property; and

WHEREAS, the Site Plan/Subdivision Plan known as 550 East Water St., [insert name of Plan/Development], as it may be revised from time to time hereafter ("Plan"), which Plan is expressly made a part hereof, as approved or to be approved by the City, provides for detention of stormwater within the confines of the property; and

WHEREAS, the parties hereto agree that the health, safety, and welfare of the residents of the City of Charlottesville, Virginia, require that on-site stormwater management/best management practices facilities ("SWM/BMP facilities") be constructed and maintained on the Property; and

WHEREAS, the City requires that the SWM/ BMP facilities as shown on the Plan be constructed and adequately maintained by the Landowner, its successors and assigns, including without limitation any homeowners' association;

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The SWM/BMP facilities shall be constructed by the Landowner, its successors and assigns, including without limitation any homeowners' association (respectively, hereinafter "Landowner") in accordance with the plans, specifications and requirements identified in the Plan.

Ref.: City Tax Map/Parcel No. 53-162.3
Prepared by: Brian Haluoka

2. The Landowner shall maintain the SWM/BMP facilities in good working order at all times. This includes all pipes and channels built to convey stormwater to such facilities, as well as all structures, improvements, and vegetation provided to control the quantity and quality of stormwater. For the purposes of this agreement, "good working order" refers to a condition in which the SWM/BMP facilities are performing their design functions. In the event a maintenance schedule for the SWM/BMP facilities is outlined within the final approved Plan, the Landowner shall follow that schedule.

3. The Landowner shall inspect the SWM/BMP facilities annually and shall submit to the City an annual inspection report, using a form provided by the City. The purpose of the inspection is to assure that the SWM/BMP facilities are in good working order. The inspection shall cover the SWM/BMP facilities in their entirety, including, without limitation: berms, outlet structures, pond areas, access roads, etc. Deficiencies discovered during the Landowner's inspection shall be noted in the inspection report.

4. The Landowner hereby grants to the City, its authorized agents and employees, a right of entry upon the Property for the purpose of inspecting the SWM/BMP facilities whenever the City deems inspection to be necessary in order to review suspected or reported deficiencies and to respond to citizen complaints. Upon request, the City shall provide the Landowner copies of public records reflecting its inspection findings.

5. In the event the Landowner fails to maintain the SWM/BMP facilities in good working order, the City may enter upon the Property and take whatever steps it deems necessary to correct deficiencies and may charge the costs of such corrective action to the Landowner. It is expressly understood and agreed by the Landowner that the City is under no obligation to maintain or repair said facilities, routinely or otherwise, and in no event shall this Agreement be construed to impose any such obligation on the City. In the event the City performs work of any nature, or expends any funds or public resources in performance of said work (for labor, equipment, supplies, materials, etc.), the Landowner shall reimburse the City for the actual cost of such work or expenditure(s) within thirty (30) days of receipt of presentation of a demand therefor.

6. Landowner agrees to hold the City harmless from and against all liability, of any nature whatsoever, arising out of or in connection with (a) the construction and maintenance of the SWM/BMP facilities by Landowner, and (b) the failure of such SWM/BMP facilities to operate properly.

7. This Agreement shall be recorded among the land records of the City of Charlottesville, Virginia, and shall constitute a covenant running with the land, and shall be binding on the Landowner, its administrators, executors, assigns, heirs and any other successors in interest, including any homeowners' association.

WITNESS the following signatures and seals:

Ref.: City Tax Map/Parcel No. 53-1C2.3
Prepared by: Brian Haluska

GRANTOR:

Sansovich Development, LLC

By: Neal Sansovich
Neal Sansovich

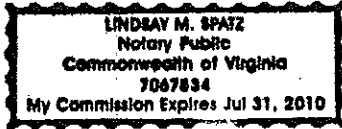
Title: owner

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Charlottesville, to wit:

The foregoing Agreement was acknowledged before me this 27th day of October, 2009 by Neal Sansovich on behalf of the Grantor. Sansovich Development, LLC

Lindsay M. Spatz
NOTARY PUBLIC

My commission expires: 7/31/2010



ACKNOWLEDGED:

Brian J. Haluska
City Official With Authority to Approve
Subdivision/Site Plans

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Charlottesville, to wit:

The foregoing Agreement was acknowledged before me this 15 day of December, 2009 by Brian Haluska, on behalf of the City of Charlottesville.

Sharon D. Patterson
NOTARY PUBLIC

My commission expires: 8/31/12



STATE TAX \$ _____ (099)
 CITY TAX \$ _____ (214)
 TRANS \$ _____ (212)
 TECH. FEE \$ 5.00 (108)
 CLERK'S FEE \$ 14.50 (301)
 VSLF \$ 1.50 (145)
 STATE FEE \$ _____ (036)
 SEC 58.1-801 \$ _____ (038)
 STATE TAX \$ _____ (220)
 LOCAL TAX \$ _____ (223)
 LOCAL TAX \$ _____ (223)
 TOTAL \$ 21.00

Admitted to Record in the Clerk's Office of the
 Circuit Court of the City of Charlottesville,
 Virginia, on the 29th day of Dec., 2009
 at 3:31 o'clock P. M., and recorded
 Deed Book No. _____ Page _____
 The taxes imposed by §§ 58.1-801 and 58.1-
 802 of the Virginia Code have been paid.

Paul C. Gantt Clerk

Tax Map No. 530162300

PREPARED BY: *St. John, Bowling, Lawrence & Quagliana, LLP*
416 Park Street
Charlottesville, Virginia 22902

*This deed of release is exempt from taxes imposed by Va. Code Sec. 58.1-802
pursuant to Va. Code §58.1-811(C)(4)*

This **DEED OF RELEASE**, made this _____ day of _____, 2018, by and between the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation and political subdivision of the Commonwealth of Virginia (“Grantor”), and **550 WATER STREET, LLC**, a Virginia limited liability company (“Grantee”), whose address is 195 Riverbend Drive, Suite 1, Charlottesville, VA 22911.

WITNESSETH:

WHEREAS, by Agreement dated October 27, 2009, recorded in the Clerk’s Office of the Circuit Court of the City of Charlottesville as Instrument No. 2009-5576, Sansovich Development, LLC, agreed to certain construction and maintenance responsibilities for storm water management detention facilities across the property at 550 Water Street. and said Agreement is no longer needed because the Grantee has relocated the storm water management facility on the property affected to a different location;

NOW THEREFORE, for and in consideration of the premises, and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor does hereby **RELEASE** and **ABANDON** the Storm Water Management/BMP Facilities Agreement dated October 27, 2009, from the Grantee to the Grantor, recorded in the aforesaid Clerk’s Office as Instrument No. 2009-5576.

IN WITNESS WHEREOF, the City of Charlottesville has caused this deed to be executed by its Mayor, pursuant to an ordinance approved by City Council on _____, 2018.

WITNESS the following signature and seal:

CITY OF CHARLOTTESVILLE, VIRGINIA

By: _____(SEAL)
Nikuyah Walker, Mayor

COMMONWEALTH OF VIRGINIA
CITY OF CHARLOTTESVILLE, to wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by Nikuyah Walker, Mayor, on behalf of the City of Charlottesville, Virginia.

Notary Public

My Commission Expires: _____
I.D. No. _____

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



| | |
|-------------------|--|
| Agenda Date: | July 16, 2018 |
| Action Requested: | Public Hearing/1 st Reading of Ordinance |
| Presenter: | Lisa A. Robertson, Chief Deputy City Attorney |
| Staff Contacts: | Lisa A. Robertson, Chief Deputy City Attorney Heather Newmyer, NDS, Planner |
| Title: | Closing a Portion of the Coleman Street Right of Way (Unaccepted) |

Background:

Habitat for Humanity is the owner of three (3) parcels of land (City Tax Map 49, Parcels 112, 112.1 and 112.2) located southeast of an unaccepted portion of Coleman Street, and adjacent to the unaccepted (“paper”) street. Habitat plans to combine the 3 parcels to create 2 parcels and construct a duplex that will provide two (2) units of affordable housing.

With this application, Habitat proposes to close the adjacent unaccepted portion of Coleman Street (“Subject Right of Way”) which they will then add to those existing parcels to accommodate utility lines and drainage facilities, and to create access to Coleman Street and Coleman Court (public streets that have previously been accepted by the City). The property owners on the northwest side of the Subject Right of Way have agreed with Habitat to transfer to Habitat whatever legal interest they may acquire in the Subject Right of Way as a result of any street closing.

Discussion:

This portion of Coleman Street was created by an extension of the Locust Grove Subdivision, shown on a plat dated November 11, 1941, recorded in the Albemarle County Clerk’s Office in Deed Book 252, page 287-289. It was never formally accepted by the City as a public street, although at some point either the City or a private developer installed a sanitary sewer line and storm sewer line within the area proposed to be vacated. There is no record (at least none located at this point in time) of whether the City ever officially accepted these lines for ownership and maintenance.

The zoning ordinance currently allows up to six (6) single-family attached dwelling units by right in this location. Habitat has chosen to reduce the number of dwelling units to lessen the traffic impact on the surrounding neighborhood. The attached Plat shows Habitat’s proposed plan for combining the existing lots into 2 lots (Lot 321 and 326), both with frontage on Coleman Street.

The Subject Right of Way is 50’ wide and approximately 125 feet in length, and is heavily wooded, so it is currently inaccessible by vehicles pedestrians. Currently, only pedestrians authorized by the adjacent landowners to use the area would have a right to do so.

There are two existing utility features: a sanitary sewer line, a storm drain pipe (with riprap) which outflows into the woods, and possibly a water line. Habitat has designated on the Plat a 20' wide easement centered on the sanitary sewer line and a 20' wide drainage easement. Habitat initiated this application and requested that it be placed on the July 16 agenda; this has not left sufficient time for the Utilities Department to review the City facilities within the Subject Right of Way, in relation to the proposed closing.

The Utilities staff will need to perform a video inspection of both lines (sewer and storm sewer) to determine their condition and whether they need to be upgraded or replaced prior to the City accepting them for maintenance. The water line shows up on the City's GIS map, but is not shown on Habitat's proposed Plat, so Utilities will need to visit the site to see if it actually exists. There was not sufficient time for Utilities to investigate this prior to the first reading of the ordinance, but we should have an answer by the time the ordinance comes up for a 2nd reading on August 20th (assuming it is carried over on first reading).

Virginia Code Sec. 15.2-2272 allows City Council to vacate and close the Subject Right of Way, after consideration of the following questions:

1. Will vacating the street impede any person's access to his property, or otherwise cause irreparable damage to the owner of any lot shown on the original subdivision plat?

Answer: The Subject Right of Way does not provide vehicular or pedestrian access to any adjoining lot, and the City Traffic Engineer is of the opinion that topography would prevent development as a functional City street constructed to City street standards within a reasonable budget.

2. Are there any public utilities currently located in the area proposed to be vacated, and is the applicant offering to allow the City to reserve a public utility easement?

Answer: There is a sanitary sewer line and storm sewer pipe within the Subject Right of Way. Habitat is offering easements to the City and the general location of the easements have been designated on the Plat (the actual location of each line needs to be verified, to ensure that the easement areas shown on the Plat are centered in the sewer and storm sewer lines).

3. Will vacation of the street result in an adverse impact on traffic on nearby public streets, or result in undesirable circulation conditions for vehicular movements in and through the subdivision?

Answer: Habitat states that it will construct only one duplex on their property. This could reduce expected traffic impact on neighboring streets which might otherwise be anticipated from development of the existing three lots. Coleman Court is a cul-de-sac so Coleman Street is the only affected street.

Alignment with City Council's Vision and Strategic Plan:

This street closing application supports Council's Vision for **Quality Housing Opportunities for All: Our neighborhoods retain a core historic fabric while offering housing that is affordable and attainable for people of all income levels, racial backgrounds, life stages, and abilities.** It also is consistent with the Strategic Plan, Goal 1.3 (Increase Affordable Housing Options).

Community Engagement:

Habitat posted a sign on the Subject Right of Way notifying passersby that a public hearing would be held on the closing of this unaccepted street, in accordance with the City's Street Closing Policy. A public hearing is also scheduled at this meeting, notice of which was published in the Daily Progress as required by law, to allow the general public to offer comment. Habitat reached out to all the adjoining property owners and received their written agreement to convey their one-half property interest in all of the closed right of way to Habitat.

Budgetary Impact:

There is no negative budgetary impact that can be ascertained at this point. Additional real estate tax revenue will be generated as a result of construction and occupancy of the duplex proposed by Habitat.

Recommendation:

Staff does not oppose the proposed vacation. According to the City Traffic Engineer, although a connection road between Coleman Street and Smith Street could theoretically be constructed, the cost to do so would be prohibitive as some combination of bridge and/or retaining wall would be needed. Any closing should be conditioned upon the conveyance by Habitat of utility easements to the City for the sewer and storm sewer lines (City Attorney is authorized to accept easements on behalf of the City). Staff recommends that City Council should not take final action on the proposed closing until the Utilities Department evaluates the existing condition of the sewer line and of the storm sewer line and, if the existing lines are not in a condition that would allow them to be officially accepted for maintenance by the City, agreement with Habitat will need to be obtained as to either discontinuing the lines (which may not be feasible) or who will bear the cost of upgrading the lines. .

Alternatives:

City Council can choose to deny the Ordinance, or to approve the Ordinance with conditions.

Attachments:

Application and Supporting Materials by Habitat for Humanity
Proposed Ordinance and Plat
GIS utility map
Photo of Area

**AN ORDINANCE
CLOSING, VACATING AND DISCONTINUING AN
UNACCEPTED PORTION OF COLEMAN STREET**

WHEREAS, Habitat for Humanity, owner of property off Coleman Street, designated as Parcels 112, 112.1 and 112.2 on City Real Estate tax Map 49, initiated a petition seeking to close a portion of the 50' wide Coleman Street right-of-way adjoining its property (approximately 125 feet in length from its origin at the intersection of Coleman Street and Coleman Court), hereinafter "Subject Right of Way"; and,

WHEREAS, the Subject Right of Way was initially platted in 1941 as part of the Locust Grove Extension Subdivision, and was never accepted by the City as part of the City's public street system; and

WHEREAS, there are sanitary sewer and storm drain facilities located in the Subject Right of Way; and

WHEREAS, following notice to the public pursuant to Virginia Code §15.2-2272, a public hearing by the City Council was held on July 16, 2018, and comments from City staff and the public were made and heard; and,

WHEREAS, after consideration of the factors set forth within the City Street Closing Policy, adopted by Council on February 7, 2005, this Council finds and determines that the petitioner's request should be granted.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the City hereby closes, vacates and discontinues the Subject Right of Way, subject to the conditions listed below, described as follows:

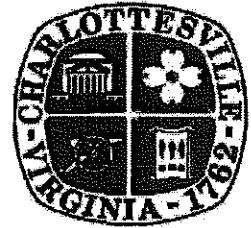
That portion of Coleman Street, 50' wide and 125 feet in length, adjoining 2018 City Tax Map Parcels 490112000, 490112100, 490112200, 4900125000 and 490124000, shown on the attached Plat made by Brian S. Ray, dated April 26, 2018.

BE IT FURTHER ORDAINED that approval of this Ordinance is conditioned upon confirmation by the City Utilities Department that the 20' wide sanitary sewer easement and the 20' wide drainage easement shown on the attached Plat are recommended for acceptance by the City for maintenance, and such easements shall be put to record in the Charlottesville Circuit Court as a deed, in form approved by the City Attorney; and

BE IT FURTHER ORDAINED that unless an appeal from Council's enactment of this ordinance is made to the Charlottesville Circuit Court within thirty (30) days of the date of adoption, the Clerk of the Council shall send a certified copy of this ordinance to the Clerk of the Circuit Court for recordation in the current street closing book.

PETITION TO CLOSE A STREET OR ALLEY

Please Return To: Department of Neighborhood Development Services
 PO Box 911, City Hall, Charlottesville, Virginia 22902
 Telephone (434) 970-3182 Fax (434) 970-3359



FEE: A filing fee of \$100.00 made payable to the City of Charlottesville.

A. PETITIONER INFORMATION

Petitioner Name: Greater Charlottesville Habitat for Humanity Inc.
 Petitioner Mailing Address: 919 West Main St. Charlottesville, VA 22903
 Does Petitioner currently own property adjacent to the area requested to be closed? YES If no, please explain _____

Petitioner Phone Number(s):
 Work: (434) 293-9066 x. 135
 Home: _____

Fax _____
 Email: mbarbaga@cvillehabitat.org

B. ADDRESSES OF PROPERTY OWNERS ADJACENT TO THE STREET/ALLEY (use back of form if necessary)

| Property Owner Name | Mailing Address | City Tax Map and Parcel # |
|-------------------------------|--|---------------------------|
| <u>River Road LLC</u> | <u>PO Box 17 Cville 22902</u> | <u>49-113</u> |
| <u>(Marti Thirumalaisamy)</u> | <u>762 30th St. Manhattan Beach, CA</u> | <u>49-112-3</u> |
| <u>ITJF LLC</u> | <u>1803 Leeward Ave. Cville</u> | <u>49-125</u> |
| <u>Rivanna Partners, LP</u> | <u>707 E. Jefferson St. Cville 22902</u> | <u>49-124</u> |

C. PETITIONER'S REQUEST

- That, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia (1950), as amended, the said Petitioner(s) apply for the vacating, closing and discontinuance of a certain street or alley, situated in the City of Charlottesville, Virginia, as described below as follows: (Provide name, right-of-way width and length of streets or alleys being closed)
Coleman Street, 50', as depicted on attached plat
- Confirm that no inconvenience will result to any person by reason of said closing, vacation and discontinuance of the said street or alley. Include details in narrative.
- That land owners along and adjacent to said street or alley desire and request the street of alley to be closed. Attach letters of approval or signatures of approval from adjacent property owners.
- Attach a copy of the city real property tax map showing the portion of the street or alley to be vacated with the square footage clearly indicated.
- Applicant must provide copies of a title search and opinion performed by an attorney or licensed title company of the property in question and the alley to the original dedication of the alley or street. Highlight on the deed when the street or alley was created. The deed information is available at the City Circuit Courthouse (315 E. High Street).
- Applicant must review the attached closing policy prior to submission of this form and attach a narrative which addresses the objectives outlined in that policy to include specific information as to why an alley closing is being requested.

Respectfully Submitted,

[Signature]
 Signature of Petitioner(s)

Mandy Barbaga, Habitat for Humanity of Greater Charlottesville
 Print

The review process typically takes two months. Following the review, valid applications will be forwarded to a joint Planning Commission and City Council Public Hearing and then to City Council for two readings.

FOR OFFICE USE ONLY (Sign Posting)
 I certify that the sign(s) as required by Section 31-271 of the City Code (Zoning Ordinance) as amended has been posted on the following date:

 Signature _____
 Date Paid: _____ Amt. Paid: _____ Check #: _____ Recorded by: _____

Coleman Street Closure Application Narrative
May 7, 2018
Habitat for Humanity of Greater Charlottesville

Will vacating the street or alley impede any person's access to his property, or otherwise cause irreparable damage to the owner of any lot shown on the original subdivision plat?

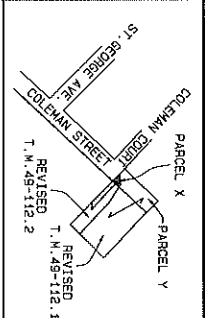
No, the area proposed to be vacated does not provide vehicular or pedestrian access to any adjoining lot. Due to the challenging topography of the area proposed to be vacated, the right-of-way cannot practically be developed into a functional City street.

Are there any public utilities currently located in the area proposed to be vacated? If so, is the applicant offering to allow the City to reserve a public utility easement?

Yes, there is a stormwater pipe and sanitary sewer line currently located within the area proposed to be vacated. The applicant accepts that the City may reserve utility easements around these features. Proposed utility easements have been depicted on the attached plat.

Will vacation of the street or alley result in an adverse impact on traffic on nearby public streets, or result in undesirable circulation conditions for vehicular movements in and through the subdivision?

The applicant currently owns three vacant lots along Coleman Street that can accommodate up to 6 single family attached dwelling units by right. The applicant proposes to add the vacated area to its current lots and through a boundary line adjustment, reduce the total number of lots to two. Habitat will then construct a duplex on the resulting lots that will provide two additional units of affordable housing in the City. By reducing the total number of potential dwelling units from six to two, the traffic impact on the surrounding neighborhood will be reduced by the proposed street closure compared to a by right development scenario.



VICINITY MAP SCALE: 1" = 300' +/-

T.M. 49-125
JUP LLC
INSTRUMENT #2017-00002849
D.B. 516-465
PLAT

T.M. 49-125
JUP LLC
INSTRUMENT #2017-00002849
D.B. 516-465
PLAT

T.M. 49-125
JUP LLC
INSTRUMENT #2017-00002849
D.B. 516-465
PLAT

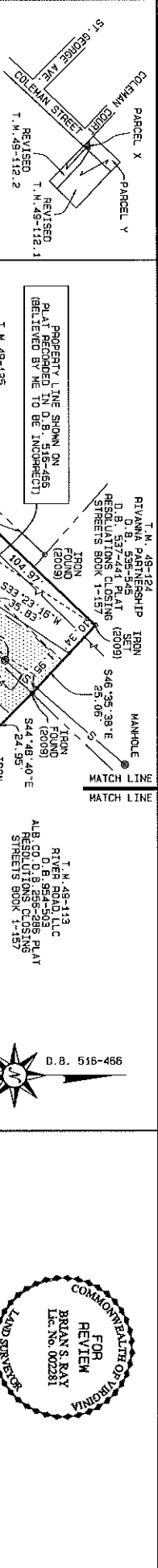
T.M. 49-125
JUP LLC
INSTRUMENT #2017-00002849
D.B. 516-465
PLAT

T.M. 49-125
JUP LLC
INSTRUMENT #2017-00002849
D.B. 516-465
PLAT

T.M. 49-125
JUP LLC
INSTRUMENT #2017-00002849
D.B. 516-465
PLAT

T.M. 49-125
JUP LLC
INSTRUMENT #2017-00002849
D.B. 516-465
PLAT

T.M. 49-125
JUP LLC
INSTRUMENT #2017-00002849
D.B. 516-465
PLAT



PLAT NORTH D.B. 516-466



FOR REVIEW
COMMONWEALTH OF VIRGINIA
BRIAN S. RAY
LIC. NO. 002281
LAND SURVEYOR

THE PLATTING OR DEDICATION OF THE FOLLOWING DESCRIBED LAND, REVISED T.M. 49-112.1 AND REVISED T.M. 49-112.2 IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSTOOD OWNER(S), PROPRIETORS, AND/OR TRUSTEES, IF ANY.

FOR: THE GREATER CHARLOTTESVILLE HABITAT FOR HUMANITY

CITY/COUNTY OF _____ STATE OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2018 BY _____

FOR: THE GREATER CHARLOTTESVILLE HABITAT FOR HUMANITY

NOTARY PUBLIC: _____

MY COMMISSION EXPIRES: _____

APPROVED FOR RECORDED: _____

CHAIRMAN PLANNING COMMISSION _____ DATE _____

SECRETARY PLANNING COMMISSION _____ DATE _____

| LINE | DETA. | RADIUS | ARC | TANGENT | CHORD | CHORD BEARING |
|------|----------|--------|------|---------|-------|---------------|
| C1 | 37.48.04 | 37.30 | 2.47 | 1.24 | 2.47 | N02°59'24"W |
| C2 | 37.48.43 | 37.30 | 2.38 | 1.18 | 2.38 | N02°59'17"W |
| C3 | 37.16.09 | 37.30 | 2.16 | 1.11 | 2.16 | N28°31'13"W |
| C4 | 37.24.32 | 37.30 | 3.32 | 1.78 | 3.32 | N43°51'33"W |

| LINE | BEARING | DISTANCE |
|------|-------------|----------|
| S1 | N47°30'13"E | 23.79 |
| S2 | N34°45'03"E | 58.95 |
| S3 | N34°20'02"E | 50.77 |
| S4 | N40°53'58"E | 11.40 |
| S5 | S79°14'55"W | 33.03 |

REVISOR LOT 321 HAS A TOTAL OF 26.82 AC. OF FRONTAGE ALONG COLEMAN CT. REVISOR LOT 326 HAS A TOTAL OF 26.82 AC. OF FRONTAGE ALONG COLEMAN ST. MATCH LINE

REVISOR LOT 321 HAS A TOTAL OF 26.82 AC. OF FRONTAGE ALONG COLEMAN CT. REVISOR LOT 326 HAS A TOTAL OF 26.82 AC. OF FRONTAGE ALONG COLEMAN ST. MATCH LINE

- NOTES:
- OWNER & LEGAL REFERENCES: T.M. 49-112.1 (LOTS 323 & 324) & T.M. 49-112.2 (LOTS 325 & 326) GREATER CHARLOTTESVILLE HABITAT FOR HUMANITY INSTRUMENT #2016-0005018. D.B. 516-465 PLAT & A.B. CO. D.B. 282-286 PLAT
 - THE BOUNDARY DATA SHOWN HEREON FOR THE NEW DIVISION LINES BETWEEN REVISED T.M. 49-112.1 AND REVISED T.M. 49-112.2 IS BASED ON THE DATA AND MONUMENTATION SHOWN HEREON HAS TAKEN FROM UNRECORDED PLATS BY THIS FIRM, DATED MARCH 3, 2007 AND MAY 5, 2005 (2007) & (2009) DENOTES YEAR MONUMENTATION WAS PREVIOUSLY FOUND OR SET BY THIS FIRM.
 - NO TITLE REPORT FURNISHED. NO EXISTING EASEMENTS SHOWN. THIS PROPERTY IS SUBJECT TO ANY ADDITIONAL CONDITIONS, UTILITIES, EASEMENTS AND/OR COVENANTS THAT MAY EXIST.
 - PROPERTY ZONED R-2.
 - SETBACK REQUIREMENTS:
FRONT: 25' x
SIDE: 5'-0" MINIMUM, 5'-0" MINIMUM, 7'-0" MINIMUM, NON-RESIDENTIAL-50' MINIMUM, CORNER STREET SIDE-20' MINIMUM HEIGHT 36' MAXIMUM
REAR: 25' MINIMUM, NON-RESIDENTIAL-50' MINIMUM

WHERE A FRONT YARD REQUIREMENT IS ANNOTATED WITH AN ASTERISK (*), ON ANY LOT WHERE FRONT YARD PERCENT OR MORE OF THE LOT IS OBTAINED FROM THE EXISTING FRONT YARD, THE REQUIRED FRONT YARD ON SUCH LOT SHALL BE THE AVERAGE DEPTH OF THE EXISTING FRONT YARDS WITHIN FIVE HUNDRED (500) FEET. IN NO CASE SHALL THIS REGULATION BE INTERPRETED TO REQUIRE A FRONT YARD OF MORE THAN SIXTY (60) FEET.

BOUNDARY LINE ADJUSTMENT & STREET CLOSURE PLAT
REVISED LOT 321
COMPISED OF PARCEL Y
(A PORTION OF COLEMAN STREET HEREBY CLOSED),
LOT 325 AND A PORTION OF LOT 325
AND
REVISED LOT 326
COMPISED OF PARCEL X
(A PORTION OF COLEMAN STREET HEREBY CLOSED),
LOT 325 AND A PORTION OF LOT 325
LOCALIST GROVE EXTENSION

NEW SEWER DRAINAGE & UTILITY EASEMENTS
CITY OF CHARLOTTESVILLE, VIRGINIA
DATE: APRIL 26, 2018
SCALE: 1" = 20'

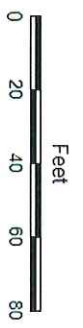
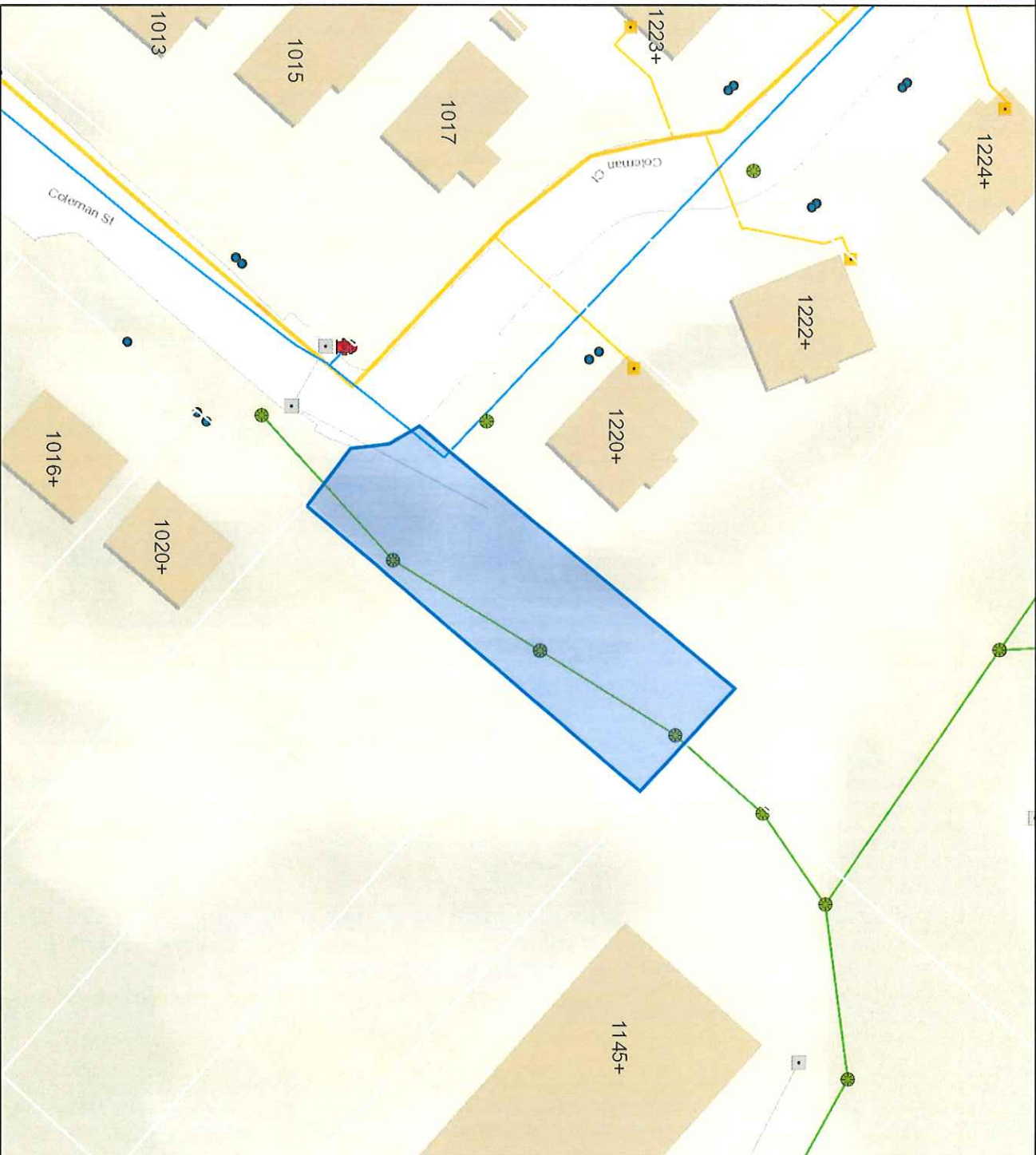
FOR
GREATER CHARLOTTESVILLE HABITAT FOR HUMANITY

ROGER M. RAY & ASSOC., INC.
653 BENKMAN COURT
CHARLOTTESVILLE, VIRGINIA 22901
TELEPHONE: (434) 293-3195
FAX: SURVEYING.COM

135228

Legend

- Parcels
- Addresses
- City Limits
- Sanitary Manhole
- Sanitary Line
- Storm Structure
- Storm Line
- Water Hydrant
- Water Line
- Water Meter
- Gas Meter
- Gas Main
- Gas Service



Title:

Date: 1/3/2018

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records information, and data obtained from various sources, and Charlotteville is not responsible for its accuracy or how current it may be.



Google Maps 1220 Coleman St



Google

Image capture: Oct 2014 © 2018 Google

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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



| | |
|-------------------------|---|
| Agenda Date: | July 16, 2018 |
| Action Required: | Adoption of Ordinance (1 st reading) |
| Presenter: | Lisa Robertson, Chief Deputy City Attorney |
| Staff Contacts: | Lisa Robertson, Chief Deputy City Attorney |
| Title: | Regulation of Small Cell Wireless Facilities in Public Rights of Way |

Background:

In 2017 and 2018 the General Assembly enacted new provisions, requiring local governments to offer special treatment to small cell wireless communications facilities to be placed within public rights-of-way. Through the City's legislative liaison, and through advocacy organizations (such as Virginia Municipal League) we made the City's opposition to these new laws known to legislators, but to no avail. The new legislation requires localities to enact ordinances implementing the new regulatory provisions.

Discussion:

Attached is a proposed ordinance that we believe properly implements the requirements of the new state laws. Once adopted, this ordinance will establish a new application process for review of small cell facilities proposed to be located within public rights of way. Under the ordinance, except for applications proposing facilities that can be administratively approved, service providers wishing to place their small cells on existing structures will need approval of an agreement with the locality (in the nature of a franchise agreement).

There is at least one service provider that is anxious for the City to adopt an ordinance as required by state law, because the provider is ready to begin installing small cells on a number of utility poles owned by Dominion (with Dominion's permission, of course). We anticipate that an application seeking Council's approval of an agreement will be forthcoming shortly after Council adopts this ordinance.

Alignment with Council Vision Areas and Strategic Plan:

N/A

Community Engagement:

N/A

Budgetary Impact:

Cannot be determined at this time; the process included within the ordinance is a state-mandate that will result in the need for staff time to review applications. Most likely that review will add more tasks to the functions of existing NDS employees, but there is no way to estimate the impacts at this time.

Recommendation:

Staff recommends approval of the ordinance.

Alternatives:

None. The contents of this proposed ordinance are mandated by state law.

Attachments:

State Legislation
Proposed Ordinance

**AN ORDINANCE
AMENDING AND RE-ORDAINING CHAPTER 28 (STREETS AND SIDEWALKS) OF
THE CODE OF THE CITY OF CHARLOTTESVILLE, VIRGINIA (1990) AS
AMENDED, TO ESTABLISH PROCEDURES FOR APPROVAL OF SMALL CELL
FACILITIES IN THE PUBLIC RIGHTS-OF-WAY WITHIN THE CITY OF
CHARLOTTESVILLE AND TO ESTABLISH STANDARDS FOR SUCH FACILITIES**

WHEREAS, the City of Charlottesville (“City”) desires to encourage wireless infrastructure investment by providing a fair and predictable process for the deployment of small wireless facilities, while enabling the City to promote the management of the rights-of-way in the overall interests of the public health, safety and welfare; and

WHEREAS, the City recognizes that small wireless facilities are critical to delivering wireless access to advanced technology, broadband and 9-1-1 services to homes, businesses, and schools within the City; and

WHEREAS, the City recognizes that small wireless facilities, including facilities commonly referred to as small cells and distributed antenna systems, often may be deployed most effectively in the public rights-of-way; and,

WHEREAS, within the Virginia Acts of Assembly, Article 835 (2017), the state legislature mandated that localities must accommodate certain types of wireless communications infrastructure within its public rights-of-way, and the City intends to comply with this state mandate, and with requirements of other state and federal laws pertaining to wireless communications facilities, to the extent such laws preempt local municipal control;

NOW, THEREFORE, BE IT ORDAINED by the Charlottesville City Council that Title 28 (Streets and Sidewalks) of the Code of the City of Charlottesville shall be amended and re-ordained, by adding the following Article VIII (Wireless Communications Facilities in Public Rights of Way), as follows:

CHAPTER 28. STREETS AND SIDEWALKS

**ARTICLE VIII. WIRELESS COMMUNICATIONS FACILITIES IN
PUBLIC RIGHTS OF WAY**

Sec. 28-235. Purpose and Scope.

(a) Purpose. The purpose of this Article is to establish policies and procedures for the placement of certain small cell facilities in public rights-of-way within the City’s jurisdiction,

which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the City rights-of-way and the City as a whole.

(b) Intent. In enacting this Article, the City is establishing uniform standards to address issues presented by small cell facilities located within the public rights-of-way, including without limitation, to:

- (1) limit interference with the use of streets, sidewalks, alleys, parkways, public utilities, public views, certain city corridors, and other public ways and places;
- (2) limit the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
- (3) limit interference with the facilities and operations of public utilities and other facilities lawfully located in rights-of-way or public property;
- (4) minimize impact on the City's historic districts; and
- (5) respect the character of the neighborhoods in which facilities are installed; and
- (6) facilitate the deployment of small cell facilities to meet the increasing telecommunications needs of its citizens.

(c) Zoning. Applications to collocate small cell facilities on structures located outside public rights-of-way shall be treated as required by Virginia Code § 15.2-2316.4 and City Code § 34-1070 et seq.

(d) Conflicts with Other Chapters. To the extent any provision of this Article may be in conflict with other provisions of the City Code, the provisions of this Article shall take precedence over any such conflicting provisions.

(e) Conflicts with State and Federal Laws. In the event that applicable federal or State laws or regulations conflict with the requirements of this Article, a wireless services provider shall comply with the requirements of this Article to the maximum extent possible without violating federal or State laws or regulations.

Sec. 28-236. Definitions

(a) Terms defined within Virginia Code § 15.2-2316.3 and § 56-484.26 shall have the meanings set forth therein.

(b) "Applicable Safety Codes" means uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons to the extent not inconsistent with this Article. The term shall include, without

limitation, (i) the Virginia Uniform Statewide Building Code (USBC), (ii) the Virginia Statewide Fire Prevention Code (VSFPC), (iii) any international building or fire codes incorporated into the USBC or VSFPC, and (iv) the most recent editions of the National Electrical Code and National Electrical Safety Codes, regardless of whether a building permit is required by the City's Building Official for or in connection with the installation of a wireless facility.

- (c) "Applicant" means any wireless services provider who is authorized by this article to submit an application, or a duly authorized agent for such wireless services provider.
- (d) "Application" means a request submitted by an applicant pursuant to this Article.
- (e) "Day" means calendar day.
- (f) "Emergency" is a condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause wireless facilities in the right-of-way to be unusable and result in loss of the services provided.
- (g) "FCC" means the Federal Communications Commission of the United States.
- (h) "Fee" means a one-time charge.
- (i) "Law" means federal, state, or local law, statute, common law, code, rule, regulation, order, or ordinance.
- (j) "Permit" means a written authorization required by the City or other state or federal authority to perform an action or initiate, continue, or complete a project.
- (k) "Person" means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including the City.
- (l) "Project" means (i) the installation or construction by a wireless services provider or wireless infrastructure provider of a new structure or (ii) the collocation on any existing structure of a wireless facility that is not a small cell facility. "Project" does not include the installation of a small cell facility by a wireless services provider or wireless infrastructure provider on an existing structure to which the provisions of Va. Code § 15.2-2316.4 apply.
- (m) "Rate" means a recurring charge.
- (n) "ROW" means "rights-of-way" or "right-of-way", as indicated by context, which terms each refer to the entire width between the boundary lines of a way or place open to the use of the public for purposes of pedestrian, bicycle or vehicular travel, including, without limitation, areas on, below, and/or above a City-owned roadway, highway, street, sidewalk, alley, or

similar property (but not including a federal interstate highway or any state-maintained roads), within the jurisdictional limits of the City of Charlottesville.

Section 28-237. Permitted Use; Application and Fees.

(a) Permit Required. No person shall place a small cell facility, or a support structure for such facility, within the ROW, without first filing an application and obtaining a permit therefor, except as otherwise provided in this Article. No special exception, special use permit, or variance required by provisions of the City’s zoning ordinance shall be required for (i) any small cell facility installed by a wireless services provider or wireless infrastructure provider on an existing structure within the ROW, provided that the wireless services provider or wireless infrastructure provider has permission from the owner of the structure to collocate equipment on the structure; or (ii) the installation or construction of an administrative review-eligible project.

(b) Application. Each application for a permit filed pursuant to this Article shall be on a form, paper or electronic format provided by the City. The applicant may designate any portions of its application materials that contain proprietary or confidential information as “proprietary” or “confidential” by clearly labeling such content where it appears on a particular page of the application materials. The City makes no representations or warranties as to whether any such marking(s) will allow any portion(s) of an application marked by an applicant to be exempt from public inspection under the Virginia Freedom of Information Act.

(c) Application Requirements. An application shall be made by a wireless services provider or its duly authorized agent and shall contain the following:

(1) The wireless services provider’s name, address, telephone number, and e-mail address;

(2) If a duly-authorized agent for a wireless services provider is making the application, then the agent’s name, address, telephone number, and e-mail address shall be provided, as well as the wireless services provider’s, and the application shall include evidence of the agent’s written authorization to act as the agent of the wireless services provider, and make binding representations and commitments on behalf of such provider, for and in connection with the application;

(3) The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting together with the applicant with respect to the preparation of materials submitted with the application.

(4) A general description of the scope of work necessary for the construction or installation and the purposes and intent of the small cell facility. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed.

(5) A site plan, with sufficient detail to show the proposed location of all items the applicant seeks to construct or install in the ROW, including any manholes, poles, or other structures, and the size, type, and depth of any conduit, enclosure, or cabinets.

(6) For facilities proposed to be located on an existing structure, evidence that the applicant has permission from the owner of the structure to co-locate equipment on each such structure.

(7) An attestation that the construction of the proposed small cell facility(ies) will commence within two years of final approval and be diligently pursued to completion, unless the City and the applicant agree to extend this period. No extension(s) shall be granted to allow, cumulatively, more than 12 additional months beyond the permit issuance date.

(8) An attestation that, to the best of the applicant's knowledge, the information contained in the application is true.

(d) When Application Not Required. An application shall not be required for: (i) routine maintenance of any wireless facility within the ROW; (ii) the replacement of an existing small cell facility within the ROW with another small cell facility that is substantially similar or smaller in size, weight, and height; (iii) the installation, placement, maintenance, operation, or replacement of micro-wireless facilities that are strung on cables between existing utility poles in the ROW, in compliance with applicable Safety Codes; or (iv) replacement of wireless facilities or wireless support structures within the ROW, within a six-foot perimeter with wireless facilities or wireless support structures that are substantially similar or the same size or smaller. Notwithstanding the foregoing, the City may require a single use permit for an activity referenced within clause (i), (iii), or (iv) preceding above in this paragraph, if such activity will: involve working within a vehicular travel lane or require closure of a vehicular travel lane; disturb the pavement, shoulder, roadway or ditch line of any street; include placement on limited access ROW; require any specific precautions to ensure the safety of the traveling public or the protection of public infrastructure or the operation thereof, and either were not authorized in, or will be conducted in a time, place, or manner that is inconsistent with, terms of the existing permit for that facility or the structure upon which it is attached.

(e) Application Fees. All applications for permits shall be accompanied by the following fees:

- (1) \$250.00, for processing a permit seeking authorization to attach or collocate small cell facilities on existing or proposed new structures within a ROW; and, in addition,
- (2) \$100.00 each, for up to five small cell facilities addressed in an application, plus \$50.00 for each additional small cell facility addressed in the application (on a

single application an applicant may include not more than 35 individual facilities for review).

- (3) The maximum fee that may be charged in accordance with the provisions of Virginia Code §15.2-2316.4:1 for an administrative-eligible project is \$500.00.

Sec. 28-238. Action on Permit Applications.

(a) Review of Applications.

(1) Within ten days of receiving an application and a valid email address for the applicant, the City will determine and notify the applicant by electronic mail whether or not the application is complete. If an application is incomplete, the City will specifically identify any missing information in the electronic mail to the applicant; otherwise, the application shall be deemed complete. The processing deadline in subsection (2) is tolled from the time the City sends the notice of incompleteness to the time the applicant provides the missing information. That processing deadline also may be tolled by agreement of the applicant and the City.

(2) An application shall be processed on a nondiscriminatory basis. The City shall approve or disapprove a requested permit for collocation of a small cell facility on an existing structure, and it shall be deemed approved if the City fails to approve or deny the application within 60 days of receipt of the complete application, in accordance with the requirements of Virginia Code § 56-484.29.

(3) Any disapproval of an application for a small cell facility shall be in writing and accompanied by an explanation for the disapproval. For any disapproval of an administrative review-eligible project or any standard process project, the City shall provide the applicant with a written statement of the reasons for such disapproval and, if the City is aware of any modifications to the project as described in the application that, if made, would permit the City to approve the proposed project, the City shall identify them in the written statement.

(4) The City shall approve or disapprove an application for a new structure within the lesser of 150 days of receipt of the completed application or the period required by federal law for such approval or disapproval.

(5) The City shall approve or disapprove the application for the collocation of any wireless facility that is not a small cell facility within the lesser of 90 days of receipt of a completed application or the period required by federal law for such approval or disapproval, unless the application constitutes an eligible facilities request as defined in 47 U.S.C. § 1455(a), in which approval shall be pursuant to Sec. 34-1083(b).

(6) The City may deny a proposed collocation of a small cell facility on an existing structure only for the following reasons:

- a. Material potential interference with other pre-existing communications facilities, or with future communications facilities that have already been issued a permit for a specific location, or that have been reserved for future public safety communications facilities;
- b. Substantial adverse effect on public safety or any critical public service needs;
- c. Conflict with a local ordinance adopted pursuant to Virginia Code § 15.2-2306 or pursuant to the City's charter, on an historic property that is not eligible for the review process established under 54 U.S.C. §306108.

(7) If an applicant submits an application seeking approval of a single permit for the collocation of multiple small cell facilities on existing structures, then the denial of one or more such facilities shall not delay processing of any other facilities that are part of that same application.

(8) For an application seeking a permit to authorize construction or installation of a new support structure within any ROW for a small cell facility, or for relocation of any existing utility pole or other existing wireless support structure within a ROW, for the purpose of accommodating the attachment of a small cell facility, the application shall (in addition to the materials required by Section 3(C) above) include a written agreement with the City, in a form approved by the Office of the City Attorney and approved by City Council in accordance with any applicable requirements of Article VII, Section 9 of the Constitution of Virginia.

No such agreement shall exceed an initial term of ten (10) years or allow more than three options for renewals for terms of five years; each agreement shall include terms allowing for early termination by the City for cause, and for early termination by mutual agreement of the parties; and each agreement shall allow the City to require a permittee to relocate wireless support structures in accordance with the provisions of Virginia Code § 56-484.30.

(9) For an application seeking a permit to authorize the attachment of a small cell facility to a government-owned structure, the application shall (in addition to the materials required by Section 3(C) above) include a written agreement with the City, in a form approved by the Office of the City Attorney, containing rates, terms, and conditions compliant with the provisions of Virginia Code § 56-484.31, and approved by City Council in accordance with applicable legal requirements.

(b) Permit Scope and Effect.

Approval of a permit authorizes the applicant to:

- (1) Undertake the installation, modification or collocation; and
- (2) Subject to applicable relocation requirements and the applicant's right to terminate at any time: operate and maintain the small cell facilities on the existing support structure(s) identified within the application so long as they are in compliance with the criteria set forth in section 5 and do not create or result in any conditions for which the permit could have originally been denied, as set forth within subsection 4(A)(3), above.

(c) Authority Granted; No Property Right or Other Interest Created.

A permit from the City authorizes an applicant to undertake only certain activities, and to install only certain encroachments within a ROW, and does not create a property right or grant authority to the applicant to impinge upon the rights of others who may already have an interest in the ROW.

Sec 28-239. Small Wireless Facilities in the Right Of Way; Maximum Height; Other Requirements.

(a) **Technical Requirements.** Small cell facilities and utility poles to which such facilities are attached shall comply with the following requirements:

(1) Height of new small cell facilities. New small cell facilities in the ROW may not extend (i) more than ten feet above an existing utility pole in place as of the effective date of this Article; (ii) for a replacement utility pole installed in the ROW, the top of the facility shall not exceed the greater of: (a) seventeen (17) feet in height above the pole being replaced, or (b) 60 feet above ground level; or (iii) for small cell facilities on a new utility pole, above the height permitted for a new utility pole under this Article.

(2) Height of new or modified utility poles installed to support small cell facilities. Each new structure designed to support small cell facilities installed in the ROW shall meet the maximum height limitations of an administrative review-eligible facility (i.e. not exceed fifty (50) feet above ground level, provided that the structure with attached wireless facilities is (i) not more than ten (10) feet above the tallest existing utility pole located within 500 feet of the new structure within the same ROW or within the existing line of utility poles; and (ii) not located within the boundaries of a local, state, or federal historic district); or, if a proposed new pole designed to support small cell facilities does not meet the height limitations of an administrative review-eligible facility, then it would require review and approval pursuant to Sec. 34-1083(e).

- (3) Maximum Size. The small cell facility must conform to the size and height limitations specified within the definition of a small cell facility as set forth within Va. Code § 56-484.26.
- (4) Utility Pole Modifications. Utility pole modifications proposed for the purpose of accommodating a small cell facility collocation shall be fabricated from material having a degree of strength capable of supporting the small cell facility and shall be capable of withstanding wind forces and ice loads in accordance with applicable Safety Codes. A deviation from any applicable Safety Code shall be by written modification that is securely bound by an engineer in accordance with applicable engineering standards.
- (5) Color. Small cell facilities shall blend in with the surrounding environment or otherwise concealed to the extent practicable. Small cell facilities shall be of the same color for the antenna and related equipment. The color shall be one consistent with or that blends into the wireless support structure on which such facilities are installed, unless a different color is needed for public safety or service reliability reasons, or unless a different color is required within an architectural design control district, consistent with the provisions of City Code § 34-1080(a)(3).
- (6) Wiring and Cabling. Wires and cables connecting the antenna and appurtenances serving the small cell facility shall be installed in accordance with applicable Safety Codes, National Electrical Code and National Electrical Safety Code. In no event shall wiring and cabling serving the small cell facility interfere with any wiring or cabling installed by a cable television or video service operator, gas or electric utility, water or sewer utility, or telephone utility.
- (7) Guy Wires Restricted. Guy wires and similar support structures may not be used as part of the installation of any small cell facility, unless the small cell facility is proposed to be attached to an existing utility pole that incorporated guy wires prior to the date of the small cell facility application.
- (8) Grounding. The small cell facility, including any ground-mounted equipment, shall be grounded in accordance with the requirements of the most recent edition of the National Electrical Code regarding grounding of small cell facilities.
- (9) Signage. No small cell facility may bear any signs or advertising devices other than certifications, warnings, or other information as required by federal or state law and/or regulation or by the City Code of Ordinances. Other than warning or notification signs required by federal law or regulations, or identification and location markings, a small cell facility shall not have signs installed thereon.
- (10) Access. Wireless service providers and their employees, agents, and contractors shall have the right of access to utility poles, wireless support structures and small cell facilities in the ROW at all times, following written notice to the City Engineer, for purposes consistent with this Article.

(b) Other Requirements. A wireless services provider that seeks to collocate small cell facilities or install or modify a utility pole supporting small cell facilities shall be subject to the following requirements:

(1) Small cell facilities shall be located such that they do not interfere with public health or safety facility, such as, but not limited to a fire hydrant, fire station, fire escape, water valve, underground vault, valve housing structure, or any other public health or safety facility. New utility poles and small cell facilities shall not be installed directly over any water, sewer, gas, electric or reuse main or service line.

(2) New utility poles installed to support small cell facilities shall be made of the same or similar material as existing poles in the immediate area.

(3) Small cell facilities and utility poles or wireless support structures on which they are collocated shall not be lighted or marked by artificial means, except when small cell facilities are collocated on a light pole or where illumination is specifically required by the Federal Aviation Administration or other federal, state, or local regulations.

(4) A wireless services provider shall repair, at its sole cost and expense, any damages including but not limited to subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to city streets, sidewalks, walks, curbs, gutters, trees, parkways, street lights, traffic signals, improvements of any kind or nature, or utility lines and systems, underground utility line and systems, or sewer or water systems and water and sewer lines that are directly caused by any activities performed in connection with the installation and/or maintenance of a wireless facility in the ROW. The wireless services provider shall restore such areas, structures and systems to substantially the same condition in which they existed prior to the installation or maintenance that necessitated the repairs.

(c) Undergrounding Provisions. Wireless service providers shall comply with laws, ordinances, regulations and other requirements that prohibit installation of structures above ground within the ROW in areas designated solely for underground or buried cable and utility facilities where the City has required all cable and utility facilities other than City poles and attachments to be placed underground by a date certain that is at least three months prior to the submission of the application. If a permit applicant claims that compliance with such undergrounding provisions would constitute an “effective prohibition” under federal law, then the application shall contain the written opinion of an attorney licensed to practice within the Commonwealth of Virginia to that effect, and such written opinion shall set forth all of the factual bases for the attorney’s conclusions.

Sec. 28-240. Removal, Relocation or Modification of Small Cell Facility in the Right Of Way.

(a) Notice. Within ninety days following written notice from the City, a wireless services provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any small cell facilities or utility pole for which it has a permit, whenever the City has determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any City improvement in or upon, or the operations of the City in or upon, the ROW.

(b) Emergency Removal or Relocation of Facilities. The City retains the right to cut or move any small cell facilities or utility poles located within the ROW, as the City may determine to be necessary, appropriate or useful in response to any public health or public safety emergency. If circumstances permit, the City shall notify the wireless services provider and provide it an opportunity to move its small cell facilities or utility poles prior to cutting or removing them and shall notify the wireless services provider after cutting or removing a small cell facility or utility pole.

(c) Abandonment of Facilities. A wireless services provider shall remove an abandoned small cell facility within 180 days of abandonment of such facility. Should the wireless services provider fail to timely remove the abandoned small cell facility or utility pole, the City may remove the small cell facility and may recover the actual cost of such removal from the wireless services provider, plus an administrative fee in the amount of ten percent (10%) of such actual cost. A small cell facility or utility pole shall be deemed abandoned at the earlier of the date that: (i) the wireless provider notifies the City in writing that it intends to abandon the small cell facility, or (ii) the City provides the wireless provider with written notice that it believes a facility has been abandoned, and the wireless provider has not notified in the City in writing within 90 days of receipt of such written notice from the City that the small cell facility is in service or that the wireless provider is working diligently to put the small cell facility into service.

(d) No wireless services provider shall allow any employee or contractor to perform any construction, installation, or removal of a small cell facility, or any structure supporting such facility, unless that employee or contractor holds a valid Virginia contractor's license or certificate.

Sec. 28-241. Liability of wireless service providers.

(a) Liability. Each wireless services provider who owns or operates any small cell facility within a ROW assumes all risk of liability for personal injuries and damages to persons or property that are directly caused by such facility, including all work associated with the construction, installation, relocation, operation or removal of such facility, whether completed by the wireless services provider or the provider's agent or contractor. Each wireless services provider shall procure and maintain insurance, as specified in the license agreement between the City and the wireless services provider.

(b) Indemnification. Each wireless services provider who receives a permit approved under this Article shall defend, indemnify, and hold harmless the City, its boards, commissions, officials, officers, agents, contractors, volunteers, and employees from and against any and all loss, damages, liability, claims, suits, costs and expenses, including court costs and reasonable attorney's fees, resulting from the alleged acts or omissions of permittee and the permittee's officers, agents, contractors or employees in connection with the permitted activities. This indemnity provision shall be applicable regardless of the merit or outcome of such claim or suit.

Sec. 28-242. Attachment to City Structures.

(a) Exclusivity. The City will not enter into arrangements with any person for the right to collocate on City-owned which would be unfair, unreasonable or discriminatory.

(b) Rates. The rate for collocation of small cell facilities on a City-owned structure shall be \$20 per City structure per year.

(c) Make-Ready Work

(1) The City may, by resolution, establish rates, terms and conditions for agreements by which it may authorize the installation of small cell facilities to City-owned structures. Any such rates, terms and conditions shall comply with the standards set forth within Virginia Code § 56-484.31.

(2) For utility poles owned by the City, estimates for make-ready work necessary to enable the utility pole to support an agreed upon collocation shall be provided in accordance with Virginia Code § 56-484.31.

Secs. 28-243—28.250. Reserved.

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend the Code of Virginia by adding in Chapter 22 of Title 15.2 an article numbered 7.2,
3 consisting of sections numbered 15.2-2316.3, 15.2-2316.4, and 15.2-2316.5, and by adding in Title
4 56 a chapter numbered 15.1, consisting of sections numbered 56-484.26 through 56-484.31, relating
5 to wireless communications infrastructure.

6 [S 1282]
7 Approved

8 Be it enacted by the General Assembly of Virginia:

9 1. That the Code of Virginia is amended by adding in Chapter 22 of Title 15.2 an article
10 numbered 7.2, consisting of sections numbered 15.2-2316.3, 15.2-2316.4, and 15.2-2316.5, and by
11 adding in Title 56 a chapter numbered 15.1, consisting of sections numbered 56-484.26 through
12 56-484.31, as follows:

13 Article 7.2.

14 Zoning for Wireless Communications Infrastructure.

15 § 15.2-2316.3. Definitions.

16 As used in this article, unless the context requires a different meaning:

17 "Antenna" means communications equipment that transmits or receives electromagnetic radio signals
18 used in the provision of any type of wireless communications services.

19 "Base station" means a station that includes a structure that currently supports or houses an
20 antenna, transceiver, coaxial cables, power cables, or other associated equipment at a specific site that
21 is authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas,
22 coaxial cables, power supplies, and other associated electronics.

23 "Co-locate" means to install, mount, maintain, modify, operate, or replace a wireless facility on,
24 under, within, or adjacent to a base station, building, existing structure, utility pole, or wireless support
25 structure. "Co-location" has a corresponding meaning.

26 "Department" means the Department of Transportation.

27 "Existing structure" means any structure that is installed or approved for installation at the time a
28 wireless services provider or wireless infrastructure provider provides notice to a locality or the
29 Department of an agreement with the owner of the structure to co-locate equipment on that structure.

30 "Existing structure" includes any structure that is currently supporting, designed to support, or capable
31 of supporting the attachment of wireless facilities, including towers, buildings, utility poles, light poles,
32 flag poles, signs, and water towers.

33 "Micro-wireless facility" means a small cell facility that is not larger in dimension than 24 inches in
34 length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, not longer
35 than 11 inches.

36 "Small cell facility" means a wireless facility that meets both of the following qualifications: (i) each
37 antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an
38 antenna that has exposed elements, the antenna and all of its exposed elements could fit within an
39 imaginary enclosure of no more than six cubic feet and (ii) all other wireless equipment associated with
40 the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is
41 established by the Federal Communications Commission. The following types of associated equipment
42 are not included in the calculation of equipment volume: electric meter, concealment,
43 telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer
44 switches, cut-off switches, and vertical cable runs for the connection of power and other services.

45 "Utility pole" means a structure owned, operated, or owned and operated by a public utility, local
46 government, or the Commonwealth that is designed specifically for and used to carry lines, cables, or
47 wires for communications, cable television, or electricity.

48 "Water tower" means a water storage tank, or a standpipe or an elevated tank situated on a support
49 structure, originally constructed for use as a reservoir or facility to store or deliver water.

50 "Wireless facility" means equipment at a fixed location that enables wireless communications
51 between user equipment and a communications network, including (i) equipment associated with wireless
52 services, such as private, broadcast, and public safety services, as well as unlicensed wireless services
53 and fixed wireless services, such as microwave backhaul, and (ii) radio transceivers, antennas, coaxial,
54 or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of
55 technological configuration.

56 "Wireless infrastructure provider" means any person that builds or installs transmission equipment,

57 wireless facilities, or wireless support structures, but that is not a wireless services provider.

58 "Wireless services" means (i) "personal wireless services" as defined in 47 U.S.C. § 332(c)(7)(C)(i);
 59 (ii) "personal wireless service facilities" as defined in 47 U.S.C. § 332(c)(7)(C)(ii), including commercial
 60 mobile services as defined in 47 U.S.C. § 332(d), provided to personal mobile communication devices
 61 through wireless facilities; and (iii) any other fixed or mobile wireless service, using licensed or
 62 unlicensed spectrum, provided using wireless facilities.

63 "Wireless services provider" means a provider of wireless services.

64 "Wireless support structure" means a freestanding structure, such as a monopole, tower, either guyed
 65 or self-supporting, or suitable existing structure or alternative structure designed to support or capable
 66 of supporting wireless facilities. "Wireless support structure" does not include any telephone or
 67 electrical utility pole or any tower used for the distribution or transmission of electrical service.

68 **§ 15.2-2316.4. Zoning; small cell facilities.**

69 A. A locality shall not require that a special exception, special use permit, or variance be obtained
 70 for any small cell facility installed by a wireless services provider or wireless infrastructure provider on
 71 an existing structure, provided that the wireless services provider or wireless infrastructure provider (i)
 72 has permission from the owner of the structure to co-locate equipment on that structure and (ii) notifies
 73 the locality in which the permitting process occurs.

74 B. Localities may require administrative review for the issuance of any required zoning permits for
 75 the installation of a small cell facility by a wireless services provider or wireless infrastructure provider
 76 on an existing structure. Localities shall permit an applicant to submit up to 35 permit requests on a
 77 single application. In addition:

78 1. A locality shall approve or disapprove the application within 60 days of receipt of the complete
 79 application. Within 10 days after receipt of an application and a valid electronic mail address for the
 80 applicant, the locality shall notify the applicant by electronic mail whether the application is incomplete
 81 and specify any missing information; otherwise, the application shall be deemed complete. Any
 82 disapproval of the application shall be in writing and accompanied by an explanation for the
 83 disapproval. The 60-day period may be extended by the locality in writing for a period not to exceed an
 84 additional 30 days. The application shall be deemed approved if the locality fails to act within the
 85 initial 60 days or an extended 30-day period.

86 2. A locality may prescribe and charge a reasonable fee for processing the application not to
 87 exceed:

88 a. \$100 each for up to five small cell facilities on a permit application; and

89 b. \$50 for each additional small cell facility on a permit application.

90 3. Approval for a permit shall not be unreasonably conditioned, withheld, or delayed.

91 4. The locality may disapprove a proposed location or installation of a small cell facility only for the
 92 following reasons:

93 a. Material potential interference with other pre-existing communications facilities or with future
 94 communications facilities that have already been designed and planned for a specific location or that
 95 have been reserved for future public safety communications facilities;

96 b. The public safety or other critical public service needs;

97 c. Only in the case of an installation on or in publicly owned or publicly controlled property,
 98 excluding privately owned structures where the applicant has an agreement for attachment to the
 99 structure, aesthetic impact or the absence of all required approvals from all departments, authorities,
 100 and agencies with jurisdiction over such property; and

101 d. Conflict with an applicable local ordinance adopted pursuant to § 15.2-2306 or pursuant to local
 102 charter on a historic property that is not eligible for the review process established under 54 U.S.C.
 103 § 306108.

104 5. Nothing shall prohibit an applicant from voluntarily submitting, and the locality from accepting,
 105 any conditions that otherwise address potential visual or aesthetic effects resulting from the placement
 106 of small cell facilities.

107 6. Nothing in this section shall preclude a locality from adopting reasonable rules with respect to the
 108 removal of abandoned wireless support structures or wireless facilities.

109 C. Notwithstanding anything to the contrary in this section, the installation, placement, maintenance,
 110 or replacement of micro-wireless facilities that are suspended on cables or lines that are strung between
 111 existing utility poles in compliance with national safety codes shall be exempt from locality-imposed
 112 permitting requirements and fees.

113 **§ 15.2-2316.5. Moratorium prohibited.**

114 A locality shall not adopt a moratorium on considering zoning applications submitted by wireless
 115 services providers or wireless infrastructure providers.

116 CHAPTER 15.1.

117 WIRELESS COMMUNICATIONS INFRASTRUCTURE.

118 **§ 56-484.26. Definitions.**

119 *As used in this chapter, unless the context requires a different meaning:*

120 *"Antenna" means communications equipment that transmits or receives electromagnetic radio signals*
 121 *used in the provision of any type of wireless communications services.*

122 *"Co-locate" means to install, mount, maintain, modify, operate, or replace a wireless facility on,*
 123 *under, within, or adjacent to a base station, building, existing structure, utility pole, or wireless support*
 124 *structure. "Co-location" has a corresponding meaning.*

125 *"Department" means the Department of Transportation.*

126 *"Districtwide permit" means a permit granted by the Department to a wireless services provider or*
 127 *wireless infrastructure provider that allows the permittee to use the rights-of-way under the*
 128 *Department's jurisdiction to install or maintain small cell facilities on existing structures in one of the*
 129 *Commonwealth's nine construction districts. A districtwide permit allows the permittee to perform*
 130 *multiple occurrences of activities necessary to install or maintain small cell facilities on non-limited*
 131 *access right-of-way without obtaining a single use permit for each occurrence. The central office permit*
 132 *manager shall be responsible for the issuance of all districtwide permits. The Department may authorize*
 133 *districtwide permits covering multiple districts.*

134 *"Existing structure" means any structure that is installed or approved for installation at the time a*
 135 *wireless services provider or wireless infrastructure provider provides notice to a locality or the*
 136 *Department of an agreement with the owner of the structure to co-locate equipment on that structure.*

137 *"Existing structure" includes any structure that is currently supporting, designed to support, or capable*
 138 *of supporting the attachment of wireless facilities, including towers, buildings, utility poles, light poles,*
 139 *flag poles, signs, and water towers.*

140 *"Micro-wireless facility" means a small cell facility that is not larger in dimension than 24 inches in*
 141 *length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, not longer*
 142 *than 11 inches.*

143 *"Small cell facility" means a wireless facility that meets both of the following qualifications: (i) each*
 144 *antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an*
 145 *antenna that has exposed elements, the antenna and all of its exposed elements could fit within an*
 146 *imaginary enclosure of no more than six cubic feet and (ii) all other wireless equipment associated with*
 147 *the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is*
 148 *established by the Federal Communications Commission. The following types of associated equipment*
 149 *are not included in the calculation of equipment volume: electric meter, concealment,*
 150 *telecommunications demarcation boxes, ground-based enclosures, back-up power systems, grounding*
 151 *equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power*
 152 *and other services.*

153 *"Utility pole" means a structure owned, operated, or owned and operated by a public utility, local*
 154 *government, or the Commonwealth that is designed specifically for and used to carry lines, cables, or*
 155 *wires for communications, cable television, or electricity.*

156 *"Water tower" means a water storage tank, or a standpipe or an elevated tank situated on a support*
 157 *structure, originally constructed for use as a reservoir or facility to store or deliver water.*

158 *"Wireless facility" means equipment at a fixed location that enables wireless services between user*
 159 *equipment and a communications network, including (i) equipment associated with wireless services,*
 160 *such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed*
 161 *wireless services, such as microwave backhaul, and (ii) radio transceivers, antennas, coaxial, or*
 162 *fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of*
 163 *technological configuration.*

164 *"Wireless infrastructure provider" means any person, including a person authorized to provide*
 165 *telecommunications service in the state, that builds or installs transmission equipment, wireless facilities,*
 166 *or wireless support structures, but that is not a wireless services provider.*

167 *"Wireless services" means (i) "personal wireless services" as defined in 47 U.S.C. § 332(c)(7)(C)(i);*
 168 *(ii) "personal wireless service facilities" as defined in 47 U.S.C. § 332(c)(7)(C)(ii), including commercial*
 169 *mobile services as defined in 47 U.S.C. § 332(d), provided to personal mobile communication devices*
 170 *through wireless facilities; and (iii) any other fixed or mobile wireless service, using licensed or*
 171 *unlicensed spectrum, provided using wireless facilities.*

172 *"Wireless services provider" means a provider of wireless services.*

173 *"Wireless support structure" means a freestanding structure, such as a monopole, tower, either guyed*
 174 *or self-supporting, or suitable existing structure or alternative structure designed to support or capable*
 175 *of supporting wireless facilities. "Wireless support structure" does not include any telephone or*
 176 *electrical utility pole or any tower used for the distribution or transmission of electrical service.*

177 **§ 56-484.27. Access to the public rights-of-way by wireless services providers and wireless**
 178 **infrastructure providers; generally.**

179 A. No locality or the Department shall impose on wireless services providers or wireless
 180 infrastructure providers any restrictions or requirements concerning the use of the public rights-of-way,
 181 including the permitting process, the zoning process, notice, time and location of excavations and repair
 182 work, enforcement of the statewide building code, and inspections, that are unfair, unreasonable, or
 183 discriminatory.

184 B. No locality or the Department shall require a wireless services provider or wireless infrastructure
 185 provider to provide in-kind services or physical assets as a condition of consent to use public
 186 rights-of-way or easements. This shall not limit the ability of localities, their authorities or commissions
 187 that provide utility services, or the Department to enter into voluntary pole attachment, tower
 188 occupancy, conduit occupancy, or conduit construction agreements with wireless services providers or
 189 wireless infrastructure providers.

190 C. No locality or the Department shall adopt a moratorium on considering requests for access to the
 191 public rights-of-way from wireless services providers or wireless infrastructure providers.

192 **§ 56-484.28. Access to public rights-of-way operated and maintained by the Department for the**
 193 **installation and maintenance of small cell facilities on existing structures.**

194 A. Upon application by a wireless services provider or wireless infrastructure provider, the
 195 Department shall issue a districtwide permit, consistent with applicable regulations that do not conflict
 196 with this chapter, granting access to public rights-of-way that it operates and maintains to install and
 197 maintain small cell facilities on existing structures in the rights-of-way. The application shall include a
 198 copy of the agreement under which the applicant has permission from the owner of the structure to the
 199 co-location of equipment on that structure. If the application is received on or after September 1, 2017,
 200 (i) the Department shall issue the districtwide permit within 30 days after receipt of the application and
 201 (ii) the districtwide permit shall be deemed granted if not issued within 30 days after receipt of the
 202 complete application. Within 10 days after receipt of an application and a valid electronic mail address
 203 for the applicant, the Department shall notify the applicant by electronic mail whether the application is
 204 incomplete and specify any missing information; otherwise, the application shall be deemed complete. A
 205 districtwide permit issued for the original installation shall allow the permittee to repair, replace, or
 206 perform routine maintenance operations to small cell facilities once installed.

207 B. The Department may require a separate single use permit to allow a wireless services provider or
 208 wireless infrastructure provider to install and maintain small cell facilities on an existing structure when
 209 such activity requires (i) working within the highway travel lane or requiring closure of a highway
 210 travel lane; (ii) disturbing the pavement, shoulder, roadway, or ditch line; (iii) placement on limited
 211 access rights-of-way; or (iv) any specific precautions to ensure the safety of the traveling public or the
 212 protection of public infrastructure or the operation thereof. Upon application by a wireless services
 213 provider or wireless infrastructure provider, the Department may issue a single use permit granting
 214 access to install and maintain small cell facilities in such circumstances. If the application is received
 215 on or after September 1, 2017, (a) the Department shall approve or disapprove the application within
 216 60 days after receipt of the application, which 60-day period may be extended by the Department in
 217 writing for a period not to exceed an additional 30 days and (b) the application shall be deemed
 218 approved if the Department fails to approve or disapprove the application within the initial 60 days and
 219 any extension thereof. Any disapproval of an application for a single use permit shall be in writing and
 220 accompanied by an explanation of the reasons for the disapproval.

221 C. The Department shall not impose any fee for the use of the right-of-way on a wireless services
 222 provider or wireless infrastructure provider to attach or co-locate small cell facilities on an existing
 223 structure in the right-of-way. However, the Department may prescribe and charge a reasonable fee not
 224 to exceed \$250 for processing an application for a districtwide or single use permit.

225 D. The Department shall not impose any fee or require a permit for the installation, placement,
 226 maintenance, or replacement of micro-wireless facilities that are suspended on cables or lines that are
 227 strung between existing utility poles in compliance with national safety codes. However, the Department
 228 may require a single use permit if such activities (i) involve working within the highway travel lane or
 229 require closure of a highway travel lane; (ii) disturb the pavement, shoulder, roadway, or ditch line;
 230 (iii) include placement on limited access rights-of-way; or (iv) require any specific precautions to ensure
 231 the safety of the traveling public or the protection of public infrastructure or the operation thereof, and
 232 either were not authorized in or will be conducted in a time, place, or manner that is inconsistent with
 233 terms of the existing permit for that facility or the structure upon which it is attached.

234 **§ 56-484.29. Access to locality rights-of-way for installation and maintenance of small cell facilities**
 235 **on existing structures.**

236 A. Upon application by a wireless services provider or wireless infrastructure provider, a locality
 237 may issue a permit granting access to the public rights-of-way it operates and maintains to install and
 238 maintain small cell facilities on existing structures. Such a permit shall grant access to all rights-of-way
 239 in the locality for the purpose of installing small cell facilities on existing structures, provided that the

240 wireless services provider or wireless infrastructure provider (i) has permission from the owner of the
 241 structure to co-locate equipment on that structure and (ii) provides notice of the agreement and
 242 co-location to the locality. The locality shall approve or disapprove any such requested permit within 60
 243 days of receipt of the complete application. Within 10 days after receipt of an application and a valid
 244 electronic mail address for the applicant, the locality shall notify the applicant by electronic mail
 245 whether the application is incomplete and specify any missing information; otherwise, the application
 246 shall be deemed complete. Any disapproval shall be in writing and accompanied by an explanation for
 247 the disapproval. The 60-day period may be extended by the locality in writing for a period not to
 248 exceed an additional 30 days. The permit request shall be deemed approved if the locality fails to act
 249 within the initial 60 days or an extended 30-day period. No such permit shall be required for providers
 250 of telecommunications services and nonpublic providers of cable television, electric, natural gas, water,
 251 and sanitary sewer services that, as of July 1, 2017, already have facilities lawfully occupying the public
 252 rights-of-way under the locality's jurisdiction.

253 B. Localities shall not impose any fee for the use of the rights-of-way, except for zoning, subdivision,
 254 site plan, and comprehensive plan fees of general application, on a wireless services provider or
 255 wireless infrastructure provider to attach or co-locate small cell facilities on an existing structure in the
 256 right-of-way. However, a locality may prescribe and charge a reasonable fee not to exceed \$250 for
 257 processing a permit application under subsection A.

258 C. Localities shall not impose any fee or require any application or permit for the installation,
 259 placement, maintenance, or replacement of micro-wireless facilities that are suspended on cables or
 260 lines that are strung between existing utility poles in compliance with national safety codes. However,
 261 the locality may require a single use permit if such activities (i) involve working within the highway
 262 travel lane or require closure of a highway travel lane; (ii) disturb the pavement, shoulder, roadway, or
 263 ditch line; (iii) include placement on limited access rights-of-way; or (iv) require any specific
 264 precautions to ensure the safety of the traveling public or the protection of public infrastructure or the
 265 operation thereof, and either were not authorized in or will be conducted in a time, place, or manner
 266 that is inconsistent with terms of the existing permit for that facility or the structure upon which it is
 267 attached.

268 **§ 56-484.30. Agreements for use of public right-of-way to construct new wireless support**
 269 **structures; relocation of wireless support structures.**

270 Subject to any applicable requirements of Article VII, Section 9 of the Constitution of Virginia,
 271 public right-of-way permits or agreements for the construction of wireless support structures issued on
 272 or after July 1, 2017, shall be for an initial term of at least 10 years, with at least three options for
 273 renewal for terms of five years, subject to terms providing for earlier termination for cause or by
 274 mutual agreement. Nothing herein is intended to prohibit the Department or localities from requiring
 275 permittees to relocate wireless support structures when relocation is necessary due to a transportation
 276 project or material change to the right-of-way, so long as other users of the right-of-way are required
 277 to relocate. Such relocation shall be completed as soon as reasonably possible within the time set forth
 278 in any written request by the Department or a locality for such relocation, as long as the Department or
 279 a locality provides the permittee with a minimum of 180 days' advance written notice to comply with
 280 such relocation, unless circumstances beyond the control of the Department or the locality require a
 281 shorter period of advance notice. The permittee shall bear only the proportional cost of the relocation
 282 that is caused by the transportation project and shall not bear any cost related to private benefit or
 283 where the permittee was on private right-of-way. If the locality or the Department bears any of the cost
 284 of the relocation, the permittee shall not be obligated to commence the relocation until it receives the
 285 funds for such relocation. The permittee shall have no liability for any delays caused by a failure to
 286 receive funds for the cost of such relocation, and the Department or a locality shall have no obligation
 287 to collect such funds. If relocation is deemed necessary, the Department or locality shall work
 288 cooperatively with the permittee to minimize any negative impact to the wireless signal caused by the
 289 relocation. There may be emergencies when relocation is required to commence in an expedited manner,
 290 and in such situations the permittee and the locality or Department shall work diligently to accomplish
 291 such emergency relocation.

292 **§ 56-484.31. Attachment of small cell facilities on government-owned structures.**

293 A. If the Commonwealth or a locality agrees to permit a wireless services provider or a wireless
 294 infrastructure provider to attach small cell facilities to government-owned structures, both the
 295 government entity and the wireless services or wireless infrastructure provider shall negotiate in good
 296 faith to arrive at a mutually agreeable contract terms and conditions.

297 B. The rates, terms, and conditions for such agreement shall be just and reasonable, cost-based,
 298 nondiscriminatory, and competitively neutral, and shall comply with all applicable state and federal
 299 laws. However, rates for attachments to government-owned buildings may be based on fair market
 300 value.

301 C. For utility poles owned by a locality or the Commonwealth that support aerial cables used for
302 video, communications, or electric service, the parties shall comply with the process for make-ready
303 work under 47 U.S.C. § 224 and implementing regulations. The good faith estimate of the government
304 entity owning or controlling the utility pole for any make-ready work necessary to enable the utility pole
305 to support the requested co-location shall include pole replacement if necessary.

306 D. For utility poles owned by a locality or the Commonwealth that do not support aerial cables used
307 for video, communications, or electric service, the government entity owning or controlling the utility
308 pole shall provide a good faith estimate for any make-ready work necessary to enable the utility pole to
309 support the requested co-location, including pole replacement, if necessary, within 60 days after receipt
310 of a complete application. Make-ready work, including any pole replacement, shall be completed within
311 60 days of written acceptance of the good faith estimate by the wireless services provider or a wireless
312 infrastructure provider.

313 E. The government entity owning or controlling the utility pole shall not require more make-ready
314 work than required to meet applicable codes or industry standards. Charges for make-ready work,
315 including any pole replacement, shall not exceed actual costs or the amount charged to other wireless
316 services providers, providers of telecommunications services, and nonpublic providers of cable television
317 and electric services for similar work and shall not include consultants' fees or expenses.

318 F. The annual recurring rate to co-locate a small cell facility on a government-owned utility pole
319 shall not exceed the actual, direct, and reasonable costs related to the wireless services provider's or
320 wireless infrastructure provider's use of space on the utility pole. In any controversy concerning the
321 appropriateness of the rate, the government entity owning or controlling the utility pole shall have the
322 burden of proving that the rates are reasonably related to the actual, direct, and reasonable costs
323 incurred for use of space on the utility pole for such period.

324 G. This section shall not apply to utility poles, structures, or property of an electric utility owned or
325 operated by a municipality or other political subdivision.

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



| | |
|-------------------------|---|
| Agenda Date: | August 6, 2018 |
| Action Required: | Public Hearing |
| Presenter: | Mike Murphy, Interim City Manager |
| Staff Contacts: | Mike Murphy, Interim City Manager Paige Rice, Clerk of Council |
| Title: | City Manager Search Process |

Background:

The City Council is embarking upon the search process to find the next City Manager for the City of Charlottesville and is hiring the executive recruitment firm Springsted | Waters to assist with the search. The search is expected to take approximately six-nine months to complete.

A basic outline of the major steps included in this process:

- Develop City Manager position profile and recruitment brochure
- Recruitment / candidate outreach
- Applicant review and recommendation of semi-finalists
- Finalists selected; final interviews conducted
- Offer made / accepted

Discussion:

The City puts a high priority on community participation in the City Manager selection process and will work with Springsted to identify multiple opportunities for meaningful citizen input throughout this process.

Community input will include community meetings, interviews with residents or community leaders identified by the City Council who may interact with the new City Manager on a regular basis, and resident surveys in order to identify a community perspective of what personal qualities, knowledge, skills and abilities a successful City Manager candidate for the City of Charlottesville should possess. Springsted and Council will use this community input to inform the process along the way.

As a first step to embarking upon the search, City Council is holding a public hearing to gather initial feedback from the community on the City Manager search process. For reference, the City Manager job description from the 2009 recruitment process is attached.

Attachments:

City Manager job description from 2009

The Position of City Manager

The City Manager serves as the chief executive officer for the City, managing a full array of urban services in a densely developed and active university community. The Manager has exclusive authority over personnel administration, including selection, evaluation, and retention of key senior executive staff, except for the Clerk of the City Council, Director of Finance and City Assessor, who are appointed by the City Council. Under the City Code, the Manager seeks the advice and consent of the City Council prior to appointment and removal of the City Attorney. As Chief Executive Officer, the Manager ensures that the entire community is served effectively and efficiently by providing direct management and oversight to the Chief Operating/Financial Officer, Assistant City Manager who oversees Budget and Performance Management and Communications and 11 departments, including: police, fire, neighborhood services, public works, human services, parks and recreation, social services, economic development, finance, human resources and technology.

The City employs 916 full-time personnel, has a FY 2011 General Fund operating budget of \$140.7 million, and a FY 2011 year Capital Improvements Plan of \$33.9 million. The 2010-2011 budget recently adopted reflected the continued delivery of high - quality governmental services that the citizens, businesses and visitors rely upon daily within the constraints of the current economy. As an independent City, Charlottesville does not have the same boundaries as nor is not subject to taxation by any county, and is not liable for any county or school district indebtedness.

City Manager Profile

Education and Experience

A bachelor's degree in public or business administration or related field required; a master's degree is highly desirable. A substantial amount of public sector management experience as a manager, deputy or assistant in a comparably sized or larger city or county is also required, with more experience preferred. Past experience of the individual must show a high level of interest and successful achievement in a broad range of areas that includes working effectively with citizen groups, economic and community development, redevelopment of existing neighborhoods, working with and understanding the needs of existing businesses, building Council and community consensus and dealing with public finance issues. Additional consideration will be given to ICMA Credentialed Managers who display a commitment to lifelong learning and professional growth.

Skills and Past Performance

Administrative ability

Must have demonstrated performance in working with staff to build consensus and the ability to select well-qualified and motivated department heads. Excellent communication skills are a must, including the ability to listen to and communicate with various segments of the community, while developing a strong relationship with the business community. The City Manager must be willing to devote whatever time is necessary to achieve the goals and guidelines established by the City Council. Knowledge of how to effectively use existing community resources and strong leadership qualities are extremely important.

City Manager/Council/Interdepartmental relations

Ability to take time and interest in working with Council members to keep them informed and explain technical processes in understandable terms. Should be able to adequately inform the Council on a regular basis so there are no surprises. The Manager must be able to accept constructive criticism and to implement needed changes incorporating new ideas. Candidate must be open and honest with the Council, providing an honest assessment of the practicality of new proposals, and must be able to present well thought - out recommendations for issues and problems which affect the locality. The individual should be able to interpret and carry out Council's vision and the intentions and direction of the Council enthusiastically.

Budget and finance

Should have demonstrated prior experience in successfully managing a City or County budget with emphasis on efficient utilization of available resources. Must recognize the value of, and protect, the City's AAA bond rating. Must be able to develop a budget, that is "transparent" and understandable to elected officials, citizens and staff and targets the use of scarce resources in a well thought - out and prioritized manner. Must have knowledge of the value of performance measurement tools and their applicability to improving public sector operations.

Human resource management

Must demonstrate a personality that can communicate the City Council's goals and the City's needs to department heads and employees. Must be prepared to motivate employees and demonstrate fairness in dealing with staff while holding all staff accountable for their performance. Should have demonstrated a commitment to teambuilding, equal employment opportunity and upward mobility of staff with the desire to ensure staff is service oriented.

Economic development

Must have demonstrated skills in successfully initiating and completing a wide range of economic development projects in an urban setting. Must have thorough knowledge of redevelopment issues and demonstrated success with downtown revitalization working within a regional setting.

Housing

Significant experience and success in dealing with urban housing and affordable housing issues, in a community with a high concentration of rental housing, important.

Community relations

The successful candidate must have a desire to work and be visible in an economically and socially diverse community demonstrating success in incorporating a wide range of opinions into recommended solutions. Experience working with and understanding the needs of the business and academic community is highly desirable. Candidate should be able to present a confident image of the local government to the community at large. Must be able to demonstrate a positive, productive attitude to citizens and businesses of the community.

Intergovernmental relations

Must be able to relate to and develop a good working relationship with governments within the area/region, community organizations, the Charlottesville school division, and state and federal agencies.

Professional Skills and Management Style

- Must be able to understand and successfully manage an organization with a number of complex and interrelated "moving parts"
- Ability to craft a position of "what is possible", serving as a visionary for the City Council and staff with the ability to take reasoned risks, while employing creative and innovative thinking to forge solutions to problems
- Service oriented in approach to public service
- Collaborative in dealing with others and comfortable in developing shared solutions
- Strong analytical skills, an "idea" person who is able to think and act strategically while looking at issues from all aspects before making a recommendation
- Strong and enthusiastic in presenting ideas, while being respectful of others
- Self-starter, hard working, producer; setting an example for others
- Team builder, who mentors and believes in building staff capabilities
- People person who understands citizens and enjoys working with them
- Clearly understands and stands up for the role of the City Manager
- Fair in approach to decision making yet firm in application of policies, rules and laws when needed
- Ability to manage with confidence and the courage to "present the good news with the bad" and do what's right, even in the face of adversity
- Flexible, can adjust to changing leadership and conditions within the City when warranted
- Organized and timely in response to requests for information from all sources
- Develops and maintains good public relations with citizens, community groups, City staff, City Council and regional leaders.
- Willing to be the visible leader of staff, setting a positive tone even during difficult periods
- Ability to communicate with various constituencies without intimidation or condescension

Personal Traits

- Ethical with high moral standards, honest, trustworthy, open and candid
- Accessible and approachable and comfortable with a wide range of different types of personalities
- Proactive in dealing with issues; decisive in actions
- Good listener, responsive to Council and citizen concerns
- Compassionate in dealing with problems while caring about outcomes
- Strong, self confident, tactful, discreet, diplomatic
- Personable with a sense of humor
- Consensus builder
- Apolitical

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



| | |
|------------------|---|
| Agenda Date: | August 6, 2018 |
| Action Required: | Adoption of Resolution Ratifying the Interim City Manager's Employment Contract |
| Presenter: | Allyson Manson Davies, Deputy City Attorney |
| Staff Contacts: | Lisa Robertson, Acting City Attorney Allyson Manson Davies, Deputy City Attorney |
| Title: | Approval of the Interim City Manager's Employment Contract |

Background:

On July 31, 2018 a quorum of City Council returned from a closed session and entered into an open session to approve the attached Employment Agreement for an Interim City Manager. The former City Manager's last day was July 31, 2018. City Council decided to appoint an internal candidate, Mike Murphy, to manage the affairs of the City until a permanent City Manager can be hired.

Discussion:

The City of Charlottesville is approaching the anniversary of August 12, 2017. There are several important decisions surrounding the upcoming anniversary under state and local law which require a City Manager. The City Code establishes that the City Manager is the Director of Public Safety. City Code Sec. 2-146 states: "the city manager shall be the chief executive and administrative officer of the city government, shall enforce the laws of the city and require the faithful performance of all administrative duties." Recognizing the importance of this role, Council entered into the attached agreement.

This resolution allows City Council to vote at their regular meeting to ratify this employment contract. It also provides an opportunity for the public to review the Interim City Manager's contract. It is important to note that the contract does not include any increase in salary for Mr. Murphy. He will perform these additional duties at his previous rate of pay. The contract does address his individual benefits under a section which is exempt from public disclosure under Va. Code §2.2-3705.1(1). City Councilors have access to the confidential sections of the contract.

The interim City Manager contract is for the term it takes to hire a permanent City Manager, or one year, whichever occurs first.

Alignment with Council Vision Areas and Strategic Plan:

This aligns with City Council's goal for a smart, citizen-focused government. The appointment of an Interim City Manager is required for the delivery of quality services and to fulfill the City's social compact with its citizens. A City Manager has the authority to take the steps necessary to protect the City's neighborhoods, schools, and environment.

Placing the contract on the agenda for ratification continues the City's commitment to continuously keep citizens informed of Council decisions.

Community Engagement:

This is a short term interim appointment without time for significant engagement.

Budgetary Impact:

The direct budgetary impact will be any cost associated with an increase in the employee's benefits.

Recommendation:

Adoption of the attached Resolution.

Alternatives:

The Contract is already signed. Employment of any City Manager is in the discretion of the City Council.

Attachments:

Resolution Ratifying the Interim City Manager's Employment Agreement
Interim City Manager's Employment Agreement

**RESOLUTION
APPROVING THE INTERIM CITY MANAGER'S
EMPLOYMENT AGREEMENT**

WHEREAS, the City of Charlottesville requires an Interim City Manager to manage the affairs of the City during the search for a permanent City Manager; and

WHEREAS, City Council has entered into the attached employment contract with Mike Murphy to assume the responsibilities of the City Manager; and

WHEREAS, the City Council of the City of Charlottesville seeks to formally ratify this agreement and make it part of the public record, excluding only sections lawfully exempt from public disclosure pursuant to Va. Code §2.2-3705.1(1) which address the employee's personal and individual benefits; now, therefore

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that the attached Interim City Manager's Employment Agreement between the City of Charlottesville and Interim City Manager, Mike Murphy, dated July 31, 2018, is hereby ratified and adopted.

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CITY OF CHARLOTTESVILLE EMPLOYMENT AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of July, 2018, by and between the City of Charlottesville, Virginia, a municipal corporation ("City") acting by and through its City Council, and Mike Murphy ("Employee").

WHEREAS it is the desire of the City and Employee to set forth their mutual understanding as to the terms of their employment relationship;

SECTION 2. TERM

(A) *Interim Appointment*-By approval of this Agreement, Council appoints Employee as City Manager for a temporary ("Interim") period of time. Employee's term of employment shall begin on August 1, 2018, which date shall also be the effective date of this Agreement ("Commencement Date"). The term of the appointment shall be for a period of up to one year ending no later than August 1, 2018. During the interim appointment the City may terminate this agreement, with or without cause, in accordance with the provision of Section 2(B) herein. This appointment shall be referred to as the "Interim City Manager".

(B) *Separation from Interim Appointment* --Employee's employment as Interim City Manager shall be for the period of time, not to exceed one year, required to allow a full time permanent City Manager to commence employment with the City of Charlottesville. The term of employment shall not exceed a one year term in accordance with the provisions of Va. Code Ann. § 15.2-1503 without the adoption and approval of a new Interim Appointment Agreement. Employee may be separated from his employment as the Interim City Manager for any reason, or for no reason (without cause) under the following terms:

1. Either the City or the Employee may terminate this Agreement and Employee's appointment to the position of Interim City Manager at any time, after giving forty-five (45) calendar days' advance written notice to the other. If this Agreement is terminated by the City, the Employee will be paid at the compensation level in Section 4 only for work and services performed through the date of separation from employment in the position of Interim City Manager.

If the City elects to terminate the Employee's appointment as Interim City Manager, then the Employee shall be entitled to return to his previous position of Assistant City Manager with all the benefits provided to Employee as Assistant City Manager and subject to and reporting to then-current Interim or permanent City Manager.

Should the Employee terminate this Agreement, then the provisions of Section 5 shall not vest to the benefit of the Employee.

2. In the event of a termination of this Agreement, and/or in the event of a subsequent termination of the Employee's employment with the City as an

CITY OF CHARLOTTESVILLE EMPLOYMENT AGREEMENT

Assistant City Manager (or other employment position or status), Employee shall be entitled to the following:

- i. severance pay equal to six (6) months' salary, payable as a lump sum payment to be due on or after the service date specified in Section 5 paragraph 4 at the rate of pay in effect on the effective date of the termination;
- ii. performance of the requirements of Section 5 herein relating to the termination of employment.

SECTION 3. DUTIES OF THE EMPLOYEE

- (A) City is employing the Employee to perform services as the Interim City Manager.
- (B) Employee shall have the powers, duties and authority referenced for the City Manager, within the Charter of the City of Charlottesville, the Charlottesville City Code (Chapter 2, Article III), any applicable provisions of state law, as set forth within the Virginia Code, and in accordance with the current job description for the City Manager.
- (C) Employee shall be responsible for proper administration and management of the budget for the City of Charlottesville.
- (D) The Employee acknowledges that the proper performance of the duties as Interim City Manager will require the Employee to generally observe normal business hours and will also often require the performance of necessary services outside of normal business hours. The Employee agrees to devote such additional time as is necessary for the full and proper performance of the Employee's duties and that the compensation provided in this Agreement includes compensation for the performance of all such services.
- (E) The Employee will devote full time and effort to the performance of the duties as Interim City Manager, and shall remain in the exclusive employ of the City during the term(s) of this Agreement.
- (F) Employee will perform such additional duties, as may be required by the City, acting by and through its City Council. All duties assigned by the City Council shall be appropriate to and consistent with the Employee's role and responsibilities as Interim City Manager.
- (G) Employee shall be subject to and shall comply with the rules and standards of conduct specified within the City's Personnel Regulations which are not inconsistent with this Agreement, including, but not limited to, City policies regarding sexual harassment, non-discrimination, and fraud.

CITY OF CHARLOTTESVILLE EMPLOYMENT AGREEMENT

- (H) Employee shall read and familiarize himself with the Virginia State and Local Government Conflict of Interests Act, set forth within Virginia Code Title 2.2, Chapter 31, Sec. 2.2-3100 et seq.

SECTION 4. COMPENSATION AND ALLOWANCES

- (A) The City agrees to pay the Employee an annual salary for the one year interim appointment in the amount of \$ 152,475.12 ("Salary"). payable by direct-deposit to the Employee in bi-weekly installments for 26 pay periods per year, payable at the same time other employees' paychecks are issued and due exclusively for the duration of the interim appointment.
- (B) Pursuant to this Agreement, both the City and Employee agree that the City's Personnel Policies Change in Duties Provision under Chapter 15 is not applicable to this contractual, interim appointment. The City and Employee agree that this interim appointment is a separate and distinct appointment requiring a reclassification of the Employee to the position of City Manager for the term of this agreement.
- (C) On July 1, 2019, Employee's Salary as Interim City Manager shall increase by the same percentage as any across-the-board cost of living or other pay increases approved by City Council within its operating budget for all regular full-time City Employees, if this Agreement is in effect on that date. The City will deduct or withhold any taxes, FICA, or other deductions which the Employee is legally required to pay.
- (D) The Employee is an at-will employee, subject to the terms of this Agreement, and is classified as being exempt from the overtime pay requirements of the Fair Labor Standards Act. Employee shall not be entitled to compensatory time and/or any overtime pay, regardless of the number of hours worked in any work period.
- (E) The City, at its sole expense, will provide the Employee with equipment customary and necessary for the performance of Employee's duties, including, without limitation: a computer and mobile phone, as required for the Employee to perform Employee's duties. The Employee shall reimburse the City for any charges incurred by the City as a result of non-work use of computers, mobile phones, internet services or other City equipment.
- (F) The City will support the professional development of the Employee. The City shall provide a reasonable budget for, and will pay reasonable amounts of the Employee's reasonable costs for tuition or registration, travel, per diem and incidental expenses, in accordance with applicable City policies, for: (i) activities that will further develop his knowledge, skills and abilities as a law enforcement administrator, including annual professional training conferences each year; and (ii) professional dues and subscriptions for the Employee, reasonably required by law or necessary for full

CITY OF CHARLOTTESVILLE EMPLOYMENT AGREEMENT

participation in relevant national, regional, state, and local professional associations and organizations.

SECTION 5. BENEFITS

- (A) The Employee shall continue to be eligible to participate in the City's standard employee benefits, which offer the Employee a choice among various insurance and retirement plan benefits. The Employee shall receive paid holidays the same as other City employees, as well as vacation, sick, and administrative leave, all as provided within the City's Personnel Policy as applicable to department heads. All benefits offered by the City to its employees, including department heads, are subject to modification at any time.
- (B) The City agrees that it shall not at any time during the term of this Contract reduce the salary, compensation or benefits of the Employee, except to the extent that such reduction is evenly applied across-the board for all employees of the City.
- (C) The following provisions within this paragraph are exempt from the Virginia Freedom of Information Act, pursuant to Va. Code §2.2-3705.1(1) and shall not be publicly disclosed:

CITY OF CHARLOTTESVILLE EMPLOYMENT AGREEMENT

SECTION 6. MISCELLANEOUS PROVISIONS

- (A) This Agreement sets forth terms and conditions of employment consistent with or in addition to those set forth within the City's Personnel Regulations applicable to all employees. There are no terms or conditions applicable to Employee's employment which are not set forth either in this Agreement or within the Personnel Regulations. In the event of a conflict between a provision of this Agreement and any provision of the Personnel Regulations, the provisions of this Agreement shall govern the relationship between the parties.
- (B) This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia. All litigation arising out of this Agreement shall be commenced and prosecuted in the federal, state or local court(s) having jurisdiction within the City of Charlottesville, Virginia.
- (C) In the event that any term, provision or condition of this Agreement, or the application thereof to any person or circumstances, shall be held by a court of competent jurisdiction to be invalid or unenforceable, the remaining terms or conditions shall not be affected thereby.

CITY OF CHARLOTTESVILLE EMPLOYMENT AGREEMENT

- (D) Changes to any terms and conditions under this Contract shall only be made by and between the City Manager and the Employee, pursuant to a properly executed written amendment to this Contract. The City shall not be bound by any unwritten promises or representations made by the City or the Employee.
- (E) Any notice given by a party pursuant to this Agreement shall be in writing and either hand-delivered or mailed by United States mail, first class and postage prepaid, to the City Council or Employee. Notice shall be deemed given as of the date of delivery or as of the date of deposit of such written notice in the United States Postal Service.
- (F) This Agreement sets forth the entire agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein, and this Employment Agreement shall supersede all previous communications, representations, or agreements either verbal or written between the parties.

IN WITNESS WHEREOF, the parties do hereby set forth their signatures:

Mayor, City of Charlottesville

Signature: _____

Date: 7/31/18, 2018

Approved as to Form:

Charlottesville City Attorney's Office

EMPLOYEE

Signature: _____

Print Name of Employee: Michael Murphy

Date: 7/31/18

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



| | |
|------------------|---|
| Agenda Date: | August 6, 2018 |
| Action Required: | No Action Required (Report Only) |
| Presenter: | Brennen Duncan, Traffic Engineer, NDS |
| Staff Contacts: | Tim Motsch, Project Manager, NDS Alex Ikefuna, NDS Director Tony Edwards, Development Services Manager, NDS Brennen Duncan, Traffic Engineer, NDS Amanda Poncy, Bike and Ped Coordinator, NDS; Heather Newmyer, Planner, NDS Carrie Rainey, Urban Designer, NDS |
| Title: | Emmet Streetscape Shared Use Path Location |

Background

The City has received Smart Scale funding from the Virginia Department of Transportation (VDOT) to undertake streetscape improvement project on Emmet Road, from Ivy Road-University Avenue to Arlington Boulevard. We are working with the Clark Nexsen design team to develop the project.

The project area extends from the intersection of University/Ivy Road to Arlington Boulevard and includes a shared use path, improved bike lanes, consolidated bus stops/optimized bus shelters, landscaping, and improved pedestrian crossings at the intersections within the study area. The project implements recommendations from the Comprehensive Plan, Bicycle and Pedestrian Master Plan, MPO Long Range Transportation Plan, and supports the University’s long term development plans.

Over the past eighteen months we have been in coordination with UVA regarding their Ivy Corridor project and the Emmet Streetscape project. UVA is opposed to having the shared use path on the west side of Emmet which is the City’s preferred option. Since UVA’s preferred location for the shared use path is on the east side of Emmet Street and impacts the proposed

Gallery Court Hotel site, we have been coordinating with the owner Vipul Patel regarding this issue.

A Transportation Study related to the project was recently completed by the project team's transportation engineer. A copy of the memo from the consultant regarding preferred option is attached.

Community Engagement

The decision making process for this project is informed by the Steering Committee which is composed of representatives from the surrounding Neighborhood Associations, UVA, and business owners. The following is an update on the community engagement process:

1. The first Steering Committee meeting was held on Wednesday April 18, 2018. The purpose of the meeting was to introduce the project and receive initial feedback from the committee members.
2. Citizen Information Meeting #1 was held at the Cavalier Inn on Saturday May 12, 2018. The purpose of the meeting was to introduce the project and receive initial feedback from the community. The project website, including the online survey, is available at www.emmetstreetscape.com.
3. The second Steering Committee meeting is scheduled for Thursday August 9 at 5:30 PM in the NDS conference room. The design team will present three concept alternatives to the Steering Committee for discussion.
4. Citizen Information Meeting #2 presenting the preferred concept is tentatively scheduled for late September.

Public responses received through the community engagement regarding the location of the shared use path favor the west side placement.

Discussion

UVA's objections to locating the shared use path on the west side of Emmet Street were contained in a letter from Alice Raucher, Architect for the University, dated July 12, 2018 (attached). Staff responded by letter dated July 19, 2018 (attached).

Next Phases of Design

Subsequent to the second Steering committee meeting, the design team will prepare the preferred concept for presentation at Citizen Information Meeting #2 tentatively scheduled for late September. It is important that the location of the trail be resolved prior to this meeting.

Alignment with City Council Vision Statements and Strategic Plan

The Emmet Streetscape Plan meets many of the City Council's Vision Statements and Goals of the City's Strategic Plan.

Vision Statements

The Emmet Streetscape Plan aligns with the City Council’s Vision Statements regarding A Great Connected Community. Since these aspects of the project stretch beyond the trail and tunnel location we will specifically discuss them in future presentations.

Strategic Plan FY 2018–20 Goals

The west side shared use path location for the Emmet Streetscape Plan meets the following aspects of Council’s Strategic Plan:

Goal 2: A Healthy and Safe City

2.4 Reduce the occurrence of crime, traffic violations and accidents in the community: The west side shared use path location reduces the above risks in the following ways:

1. With the tunnel being closer to Emmet Street than locations behind the Gallery Court Hotel on the east side, visibility of the trail is better and therefore safer.
2. The west side shared use path location allows for a straight tunnel perpendicular to the railroad track, the shortest tunnel of all alternatives resulting in less hidden areas. East side alternatives are either angled or have directional changes making them longer with more unsafe hidden areas.
3. The east side location in front of the hotel has all shared use path traffic crossing the hotel parking structure entrance (seventy-six spaces) which creates safety risk for path traffic. This is not the case with the west side location.
4. Currently there are pedestrian risks due to music and sport event foot traffic to and from John Paul Jones Arena on the west side spilling into Emmet Street vehicular lanes and trespassing over the railroad tracks. The tunnel on the west side would relieve these unsafe situations while the east side path locations would not. Anticipated future development by the University as described in their proposed master plan for the athletics precinct on North Grounds will increase pedestrian traffic.

Goal 3: A Beautiful and Sustainable Natural and Built Environment

3.4 Be responsible stewards of natural resources: The east side shared use path locations behind the hotel are in conflict with a watercourse that is prone to flooding, presenting a threat to users. In addition, construction of any tunnel on the east side would require considerable environmental protections of the watercourses on both the north and south side of the railroad.

Budgetary Impact

While we have not prepared cost estimates for all concepts as yet, it is our opinion that locating the shared use path on the west side would be less costly than the east side. East side conditions that would add cost include stream protection, angled orientation requiring more tunnel, and construction likely occurring very near an operating Gallery Court Hotel requiring safety and property protections not required on the west side.

The project is funded through VDOT's Smart Scale program. No additional funding is believed to be necessary.

Recommendations

No action is required at this time. As design and public outreach progresses the project will be submitted for appropriate actions in the fall of 2018 or spring of 2019.

Attachments

1. Memo from Clark Nexsen re: Pedestrian Tunnel Recommendation dated July 12, 2018
2. Letter from Alice Raucher, Architect for the University, dated July 12, 2018
3. Letter from Staff in Response to Alice Raucher dated July 19, 2018

Memorandum



CLARK NEXSEN
1111 East Main Street, Suite 1905
Richmond, VA 23219
P: 804.644.4690
F: 804.644.4693

Project: Emmet Streetscape Improvements

Date: 7/12/18

Comm #: 7289

Purpose: Project Design

To: Tim Motsch, City of Charlottesville

Subject: Pedestrian Tunnel Location Recommendation

Executive Summary

The City of Charlottesville is advancing the design of the Emmet Streetscape Improvements project which entails the incorporation of multimodal improvements into the existing corridor including bicycle and pedestrian facilities. A primary design feature is a new 10-foot wide shared-use path which will require a new pedestrian tunnel to be constructed under the existing CSX railroad which crosses over Emmet Street. **The design team recommends that the pedestrian tunnel be placed on the west side of Emmet Street based on multiple factors for the optimal design, construction and long-term safe and effective usage of the new shared-use path and pedestrian tunnel including the following elements:**

1. Safety
 - a. Limited visibility of the tunnel portals on the east side from Emmet Street.
 - b. Eliminate or reduce railroad trespassing pedestrian crossings on the west side.
2. Connectivity
 - a. Proximity to significantly greater non-vehicular traffic circulation on west side of Emmet Street.
 - b. More direct access to major commercial and entertainment venues on west side of Emmet Street at Ivy Road, John Paul Jones Area and Barrack Road.
 - c. Public comments for 68% favorability of west side location versus east side location for the shared-use path location at May 2018 Citizens Information Meeting.
3. Environmental and Railroad Impact Avoidance
 - a. More extensive routing of the shared-use path and construction considerations to avoid impacts to the existing stream on the north and south sides of the railroad.
 - b. Minimization of impacts to railroad fill slope on the east side of the railroad.

Project Background

The purpose of the Emmet Streetscape improvement project between Arlington Boulevard and Ivy Road/University Avenue is to redesign Emmet Street in the study area, transforming it into a “complete street” that safely accommodates all people, regardless of their abilities or means of travel. The preliminary design of the Emmet Streetscape project has progressed to a concept alternatives stage which includes the evaluation of a proposed pedestrian tunnel underneath the existing railroad owned by CSX and leased and

Memorandum



operated by Buckingham Branch Railroad. The design and study effort completed to date has encompassed a detailed traffic/multimodal analysis, community information meeting and coordination meetings with project stakeholders including the University of Virginia Ivy Corridor development team and Buckingham Branch Railroad which operates a railroad that intersects this project with an overpass on the south end of the project.



Emmet Street Railroad Bridge

A critical element of the proposed project is to improve multimodal transportation on the Emmet Street corridor by incorporating a new 10-foot wide shared-use path (SUP) paralleling Emmet Street. A SUP is a form of surface transportation infrastructure that is physically separated from motor vehicular traffic with an open space or barrier and supports multiple recreation and transportation opportunities, such as walking, bicycling and people in wheelchairs.

To best meet the project's goals of improving pedestrian, bicycle, and transit accommodations while maintaining vehicle flow and ensuring safety and long-term acceptance of the new facility, it is the design team's recommendation that the location of the pedestrian tunnel be placed on the west side of Emmet Street. A review of the factors considered in making this recommendation is provided in the following document.

1. Safety
 - a. The proposed pedestrian tunnel must be designed in compliance with CSX design standards which requires that pipes are not to be located closer than 45 feet to any railroad bridge, building or any other important structure. In the case of this project, the structure which must not be impacted is the existing railroad bridge retaining wall and abutment structure.

Memorandum



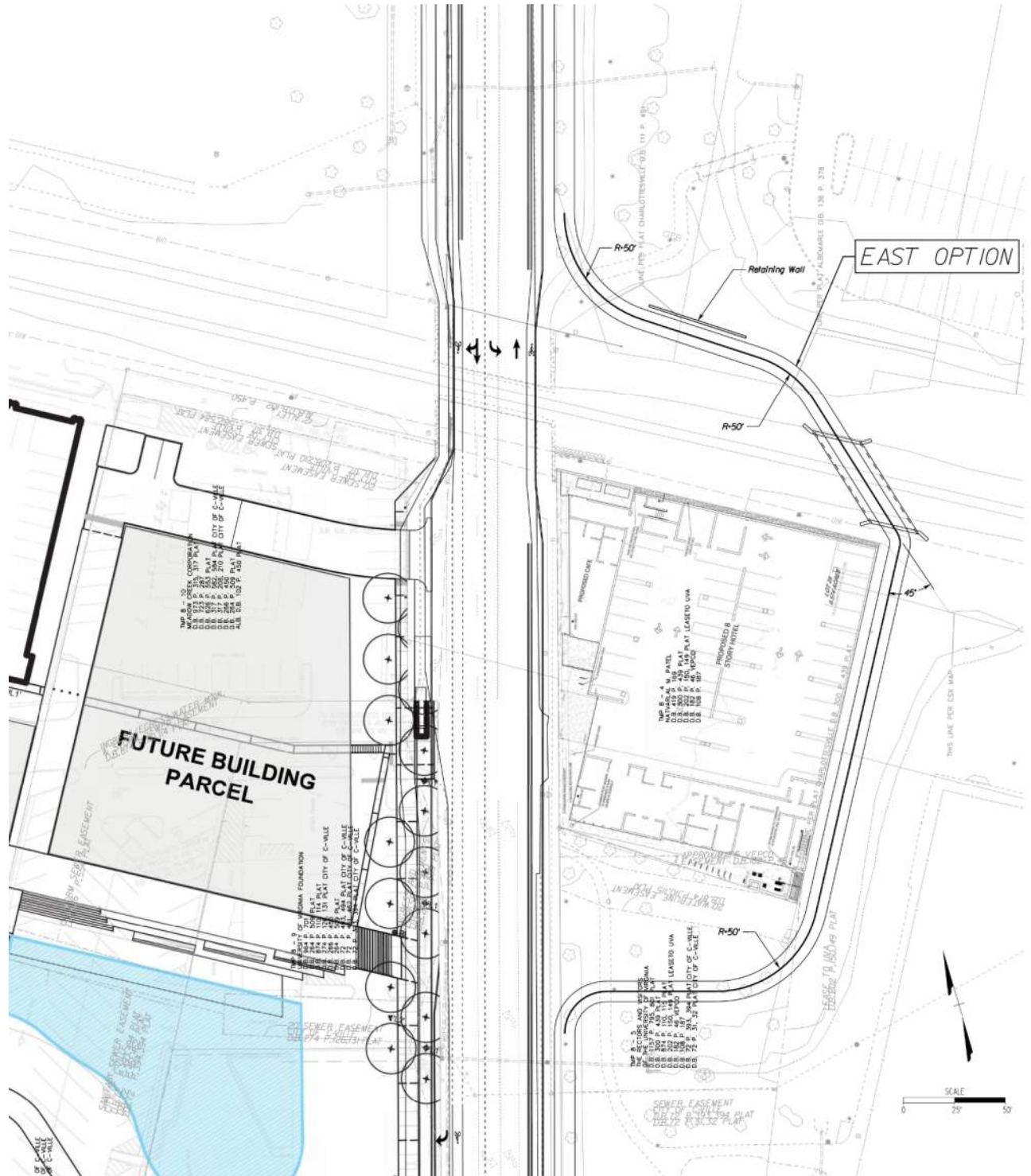
As depicted in the following two sketches, this offset requirement can be accomplished for a tunnel on the west side of Emmet Street. The east side would have to be offset 140 feet (center of tunnel) from the bridge due to the existing Excel Inn hotel (new Gallery Court Hotel) site. The Excel hotel burned down in May 2017 and is currently being planned to have a new seven-story, 72-room, 75,000-square-foot hotel to replace the previous building. Preliminary designs for the hotel site indicate the future building will be built to the property line as allowed by zoning regulations.

Placement of the pedestrian tunnel on the east side will present a significant concern for safety of its users due to the SUP having to be located further away from the roadway and the tunnel portals not being visible from both the northbound and southbound roadway approaches. This is particularly distinct for the south side of the railroad in which the SUP will have to be placed directly adjacent to the back of the new Gallery Court hotel building for approximately 180 feet before traversing back to Emmett Street to the west.

Safety concerns can be mitigated to the maximum extent possible by installing a robust SUP lighting system, however the more significant offset of the SUP from the road will undoubtedly deter use especially during non-daylight hours. A preference for the western location of the shared use path was reflected from the May 12, 2018 Citizen's Information in which 13 of 19 comments indicated a preference for the SUP on the west side of Emmet Street.

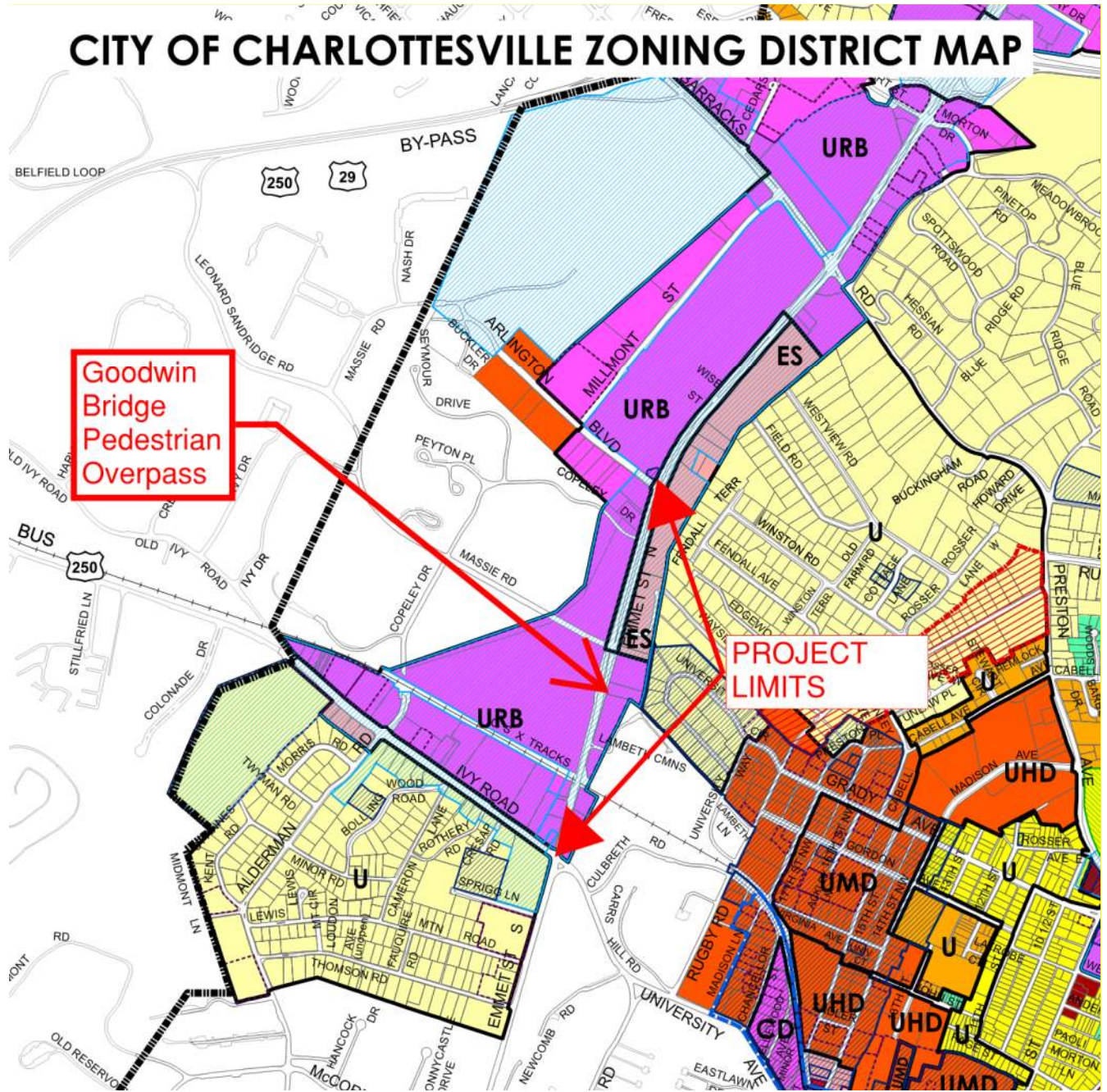
- b. The proposed pedestrian tunnel was discussed at the April 18, 2018 Technical Committee meeting. At this meeting, public safety personnel expressed their concern that the tunnel be designed with significant consideration given to public safety in which the tunnel and approaches should be designed to deter vandalism, loitering, and other types of crime and disorder. Pedestrian tunnels are potential entrapment spots, especially if their entrances cannot be seen from the surrounding area and can be subjected to misuse and vandalism if not properly located, designed and monitored. For this project, the eastern tunnel location which is offset approximately 140 feet from Emmet Street is less desirable than the western location which would be 45 feet from Emmet.

Memorandum





- c. The design team has been in contact with Buckingham Branch Railroad (BBRR), the railroad operator, during the early design development stages to coordinate with them on their design and construction requirements. On May 30, 2018 a meeting was held with BBRR representatives at the project location which included key members of the Emmet Streetscape design team (Design Engineer, Tunnel Engineer, and Geotechnical Engineer). The general locations of the proposed western and eastern locations were viewed, and observations made on accomplishing the construction of a pedestrian tunnel. BBRR indicated locating the pedestrian tunnel on the west side would likely help eliminate or reduce trespassing pedestrian crossings on the west side.
2. Bike/Pedestrian Connectivity
 - a. With a primary objective of improving multimodal connectivity on the project corridor, a central issue for the project design is the location the SUP and pedestrian tunnel which should be located to facilitate the optimal flow of non-vehicular traffic and maximize the volume SUP users. Pedestrian counts were obtained as part of the traffic study completed for the project, however without origin/destination information from the user, a definitive method for quantifying projected use of either the west or east side of Emmet Street is not feasible.
 - b. As part of the May 12, 2018 Citizens Information the consulting team asked the public for their opinions and input on the overall project design that included a question of which side of Emmet Street they would prefer to use a shared-use path. Nineteen people answered the question with 13 preferring the west side (JPJ side) and 6 preferring the east side (Lambeth Lane side).
 - c. Locating the SUP on the west side of Emmet would connect more directly to major commercial and entertainment venues. As shown on the excerpt below from the City of Charlottesville Zoning District Map, the Mixed Use zoned areas (purple color) on the west side of Emmet, which is also primarily property owned and operated by the University of Virginia, versus the east side which is primarily Residential (yellow color). The west SUP location provides much better connectivity to the Barracks Road shopping center located at the north end of the project which is a significant generator of both vehicular and non-vehicular traffic.





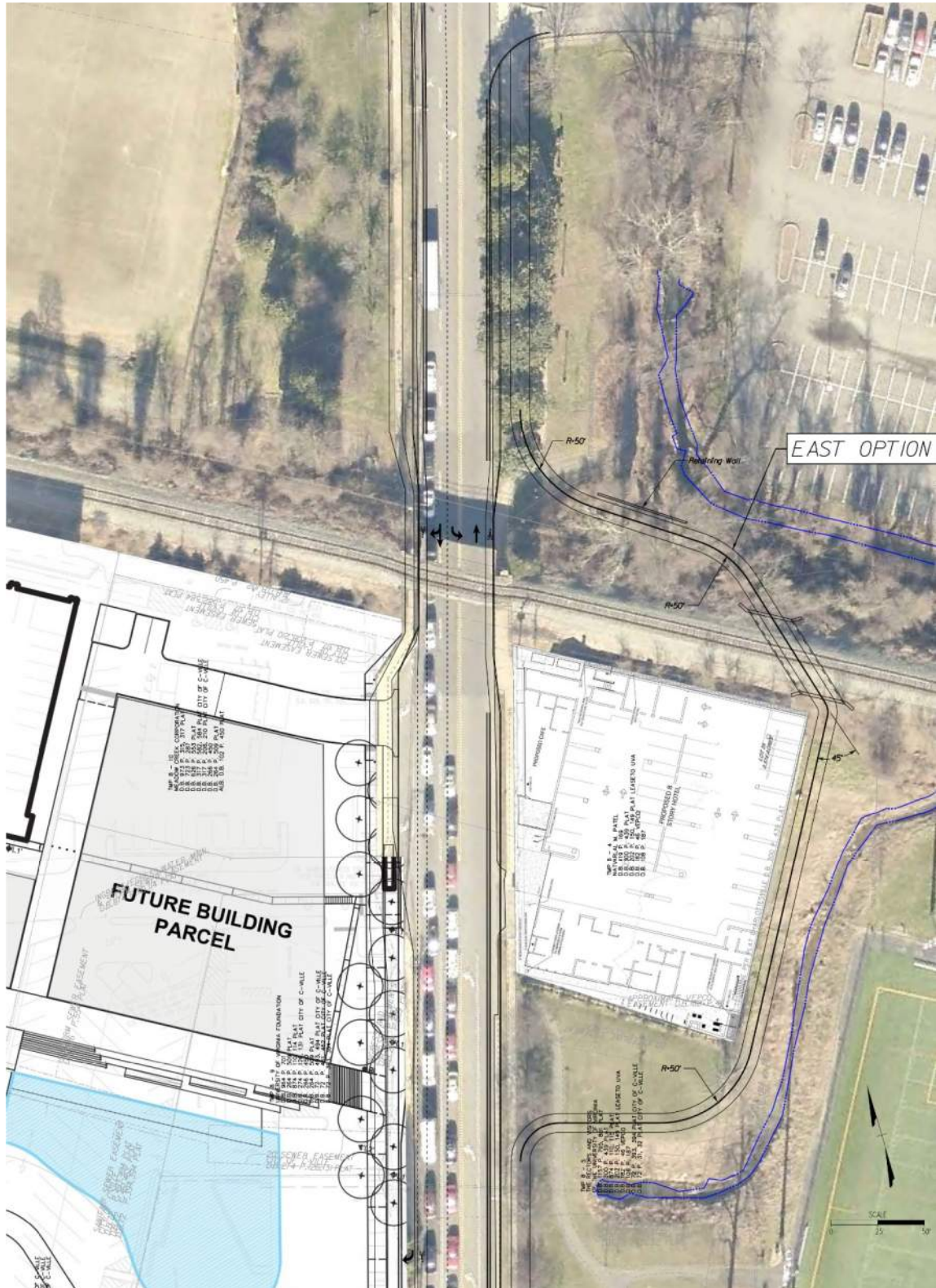
- d. Locating the SUP on the west side of Emmet will provide better circulation of non-vehicular traffic on the corridor, particularly relative to the University of Virginia (UVA). It also provides a more direct connection to the Goodwin Bridge, which connects Central Grounds with North Grounds of the University. Helping meet the long-term needs of UVA, the rendering below shows the proposed athletics master plan rendering which will benefit from having a SUP on the eastern side of this proposed development.



3. Slope and Stream Impacts

- a. Placement of the pedestrian tunnel on the east side of Emmet Street will have more impacts to address related to steep slopes (topography) and streams than the western option. As shown in the following tunnel eastern location aerial figure, a creek that is routed underneath the railroad and behind the proposed Gallery Court hotel would have to be avoided on both the north and south sides of the railroad. Retaining walls would need to be constructed to minimize and avoid impacts to the stream. The western tunnel option will require an earth retaining wall at the northern portal.
- b. On the east side of Emmet Street, the railroad is located on top of a 27-foot high fill embankment with a steep slope of 67% (Ratio 1.5 H/1.0 V) on the north side of the railroad. Impacts to the structural integrity of the fill embankment must be avoided to meet CSX/BBRR design requirements.

Memorandum

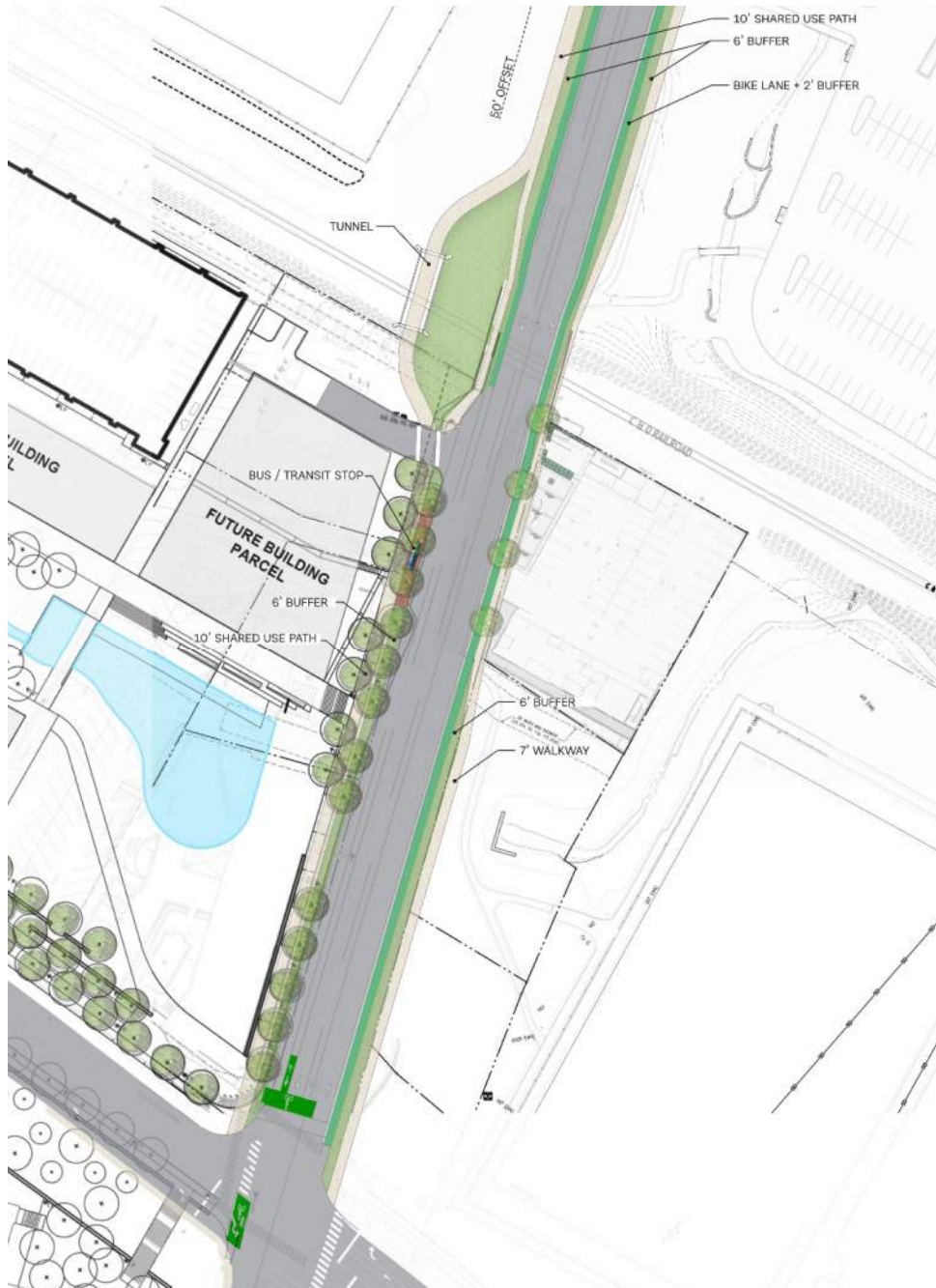


Memorandum



Conclusion

In consideration of the factors outlined in this memorandum, the design team recommends that the the new pedestrian tunnel be located on the west side of Emmet Street to maximize the benefit that the new multimodal improvements are expected to bring to the users of this important corridor in the City of Charlottesville. A rendering of the proposed west tunnel location is provided below.



July 12, 2018

Heather Newmyer, AICP
City Planner
Neighborhood Development Services
City Hall | P.O. Box 911
Charlottesville, VA 22902

Timothy P. Motsch
Transportation Project Manager
Neighborhood Development Services
City Hall, PO Box 911
Charlottesville, VA 22902

Re: SP18-00007 – Gallery Court Hotel SUP Request

Dear Heather and Tim,

We are in receipt of the advertisement for the special use permit for the Gallery Court Hotel and recognize the City will soon be reviewing the preliminary site plan for this project. The University's primary interest in this development relates to the location of the multi-modal path associated with the SmartScale project along Emmet Street. The University asks the City and the owner to consider locating the multi-modal path on the east side of Emmet Street, along the frontage of the Gallery Court Hotel, with a jog to the east to meet the 45' offset requirement of the railroad. We have included two scenarios showing how this could work.

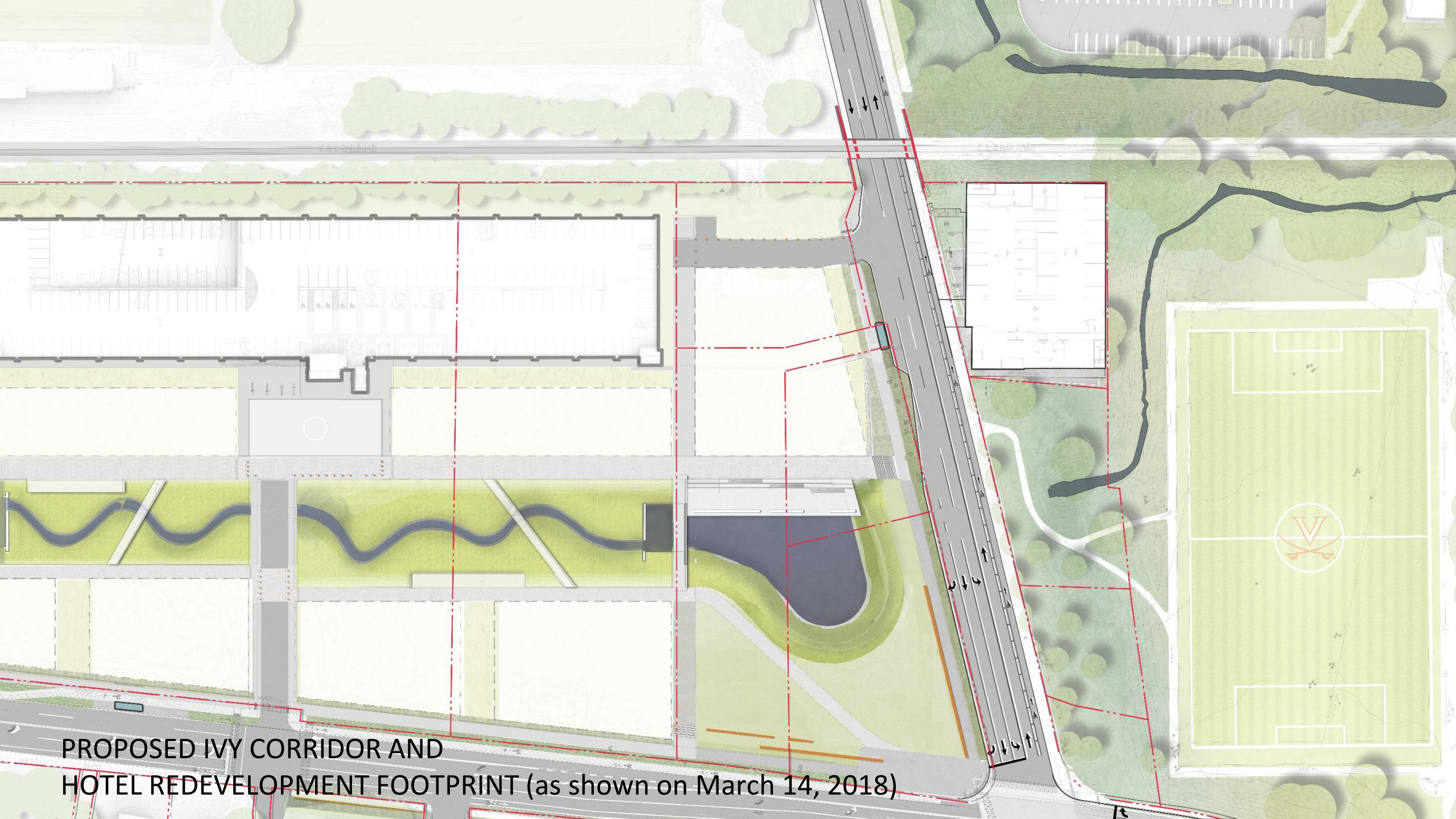
Constructing the path on the east side provides for a uniform streetscape along Emmet Street. The location on the east side is a natural configuration for students that walk and bike from the two University housing projects located farther north. The east side location does not require pedestrians making their way to central Grounds or West Main Street to cross Emmet Street, and if they do have to cross, the natural crossing point will be at the Ivy Road/Emmet Street intersection. The attached drawings show there is no impact to the development of the Gallery Court Hotel and the bike pedestrian path will energize the Hotel's frontage and potentially result in more customers for the hotel and café. The topography of the east side of Emmet north of the railroad abutment is benign compared with the west side. Significant retaining walls supporting an athletic practice field have been constructed on the west side since the SmartScale application was submitted a few years ago, thus making the west side of Emmet Street physically infeasible. There will also be a bus pull-off along the west side of Emmet Street, south of the abutment, which would cause a safety conflict for a multi-modal path. The University recommends, therefore, that the construction of the multi-modal path be on the east side of Emmet Street, and we will support the additional real estate needs north of the abutment on the east side of Emmet Street to continue the path. The University will not support a path located on the west side of Emmet Street.

For all the reasons stated above, we ask you to consider this alternative. We look forward to working with the City and the Gallery Court Hotel in finalizing this SmartScale project successfully. The University welcomes the opportunity to further refine the proposed solutions.

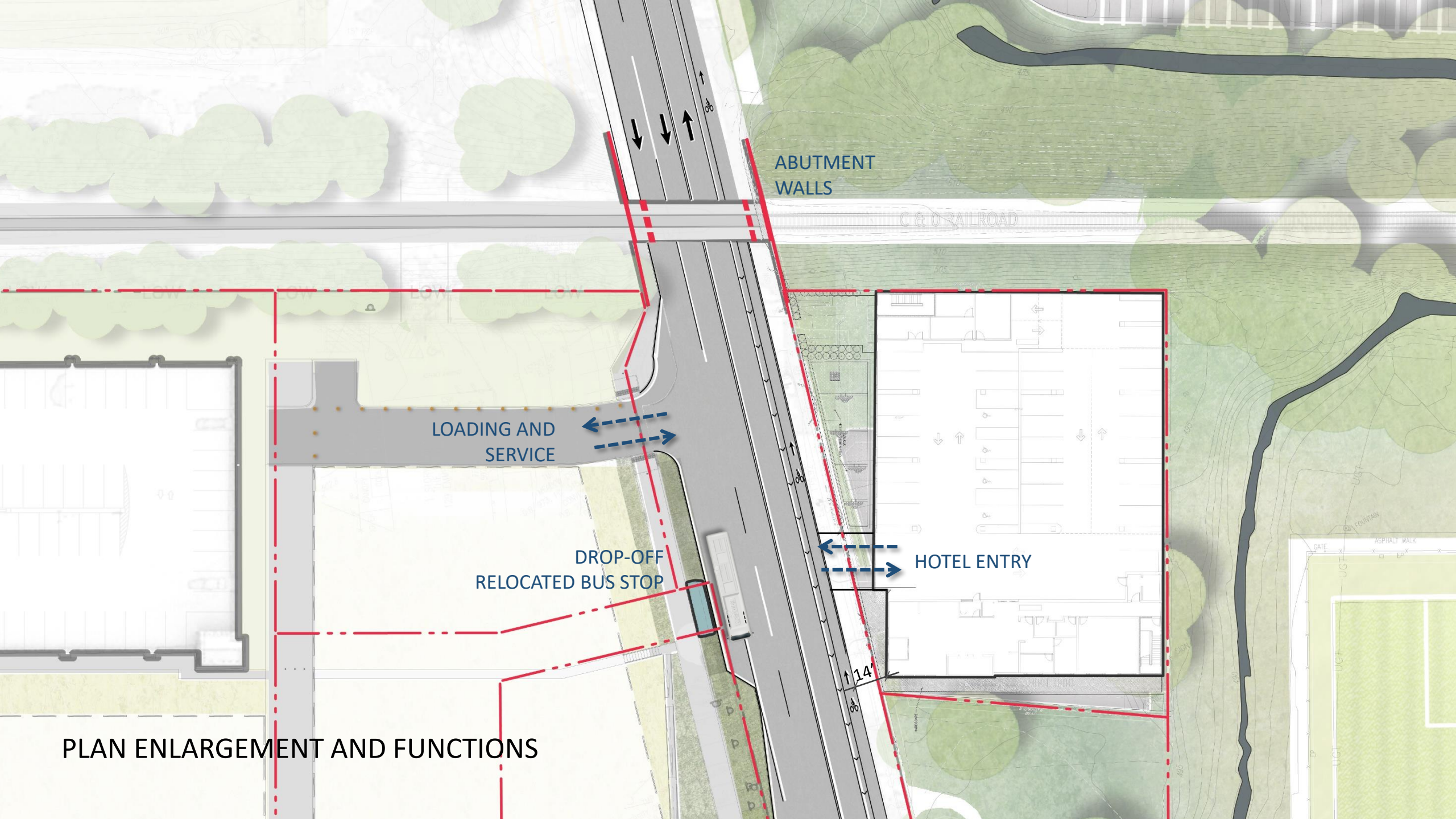
All the best,



Alice J. Raucher
Architect for the University



PROPOSED IVY CORRIDOR AND HOTEL REDEVELOPMENT FOOTPRINT (as shown on March 14, 2018)



ABUTMENT WALLS

C&D RAILROAD

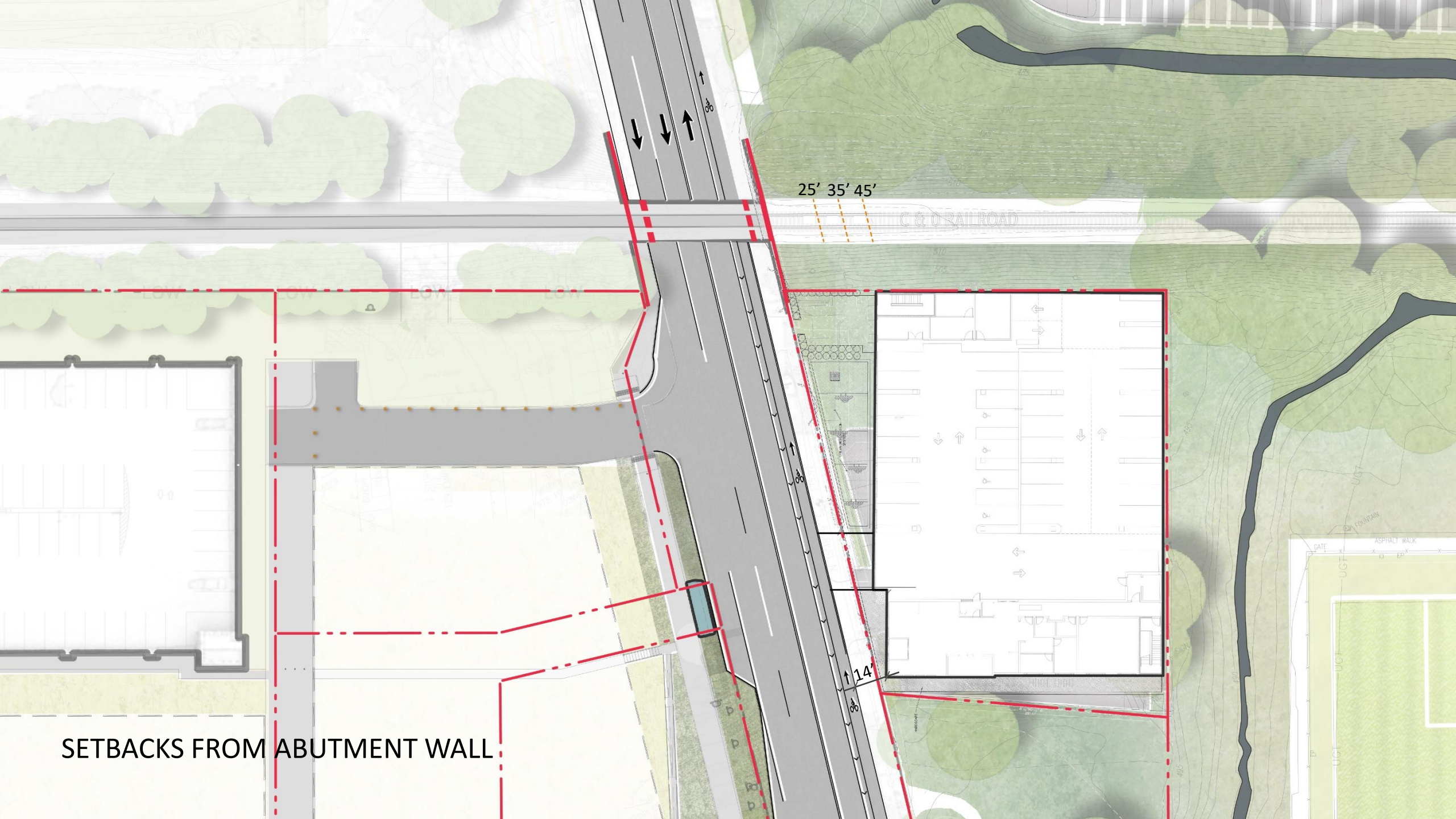
LOADING AND SERVICE

DROP-OFF
RELOCATED BUS STOP

HOTEL ENTRY

PLAN ENLARGEMENT AND FUNCTIONS

14'

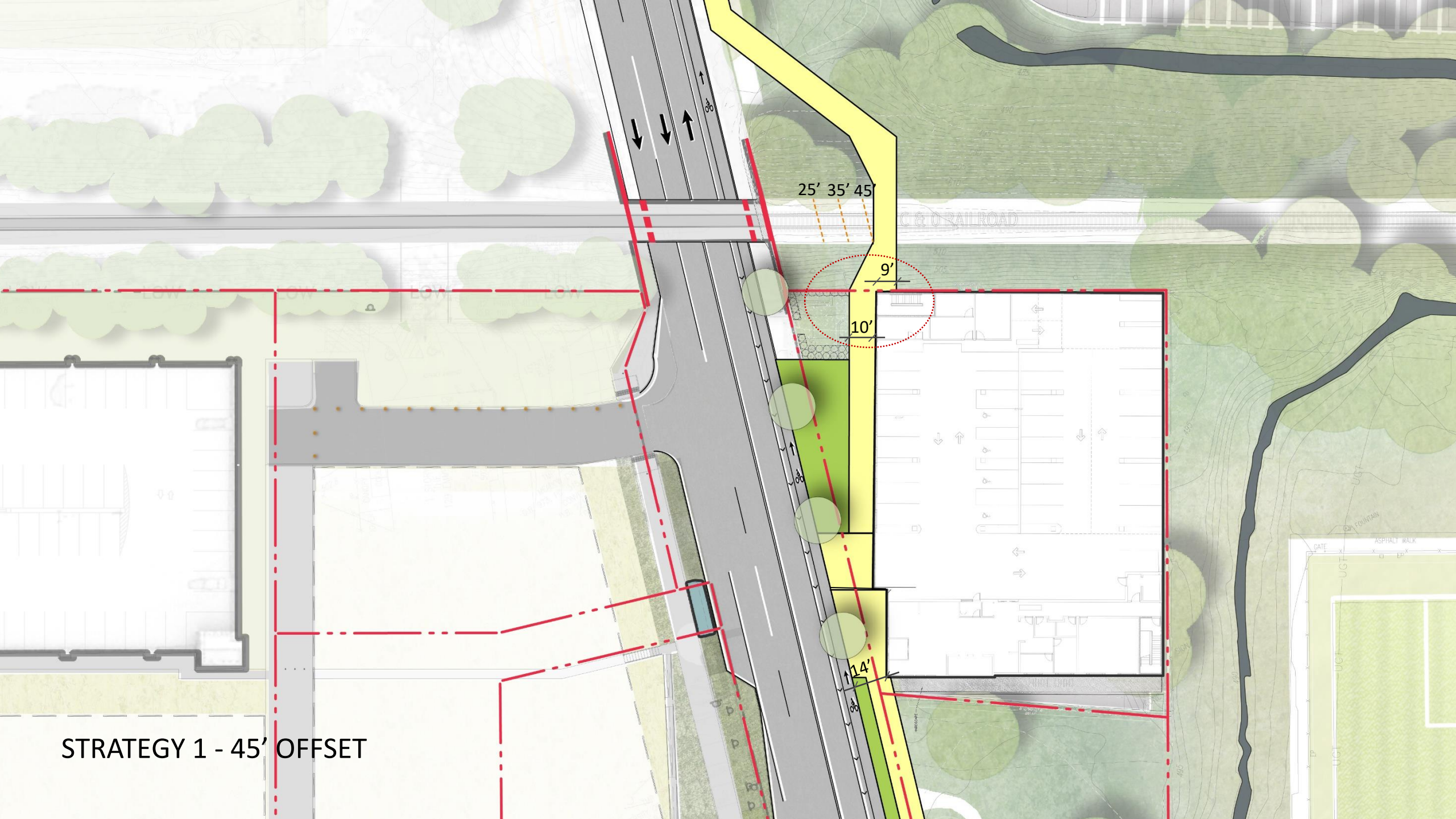


25' 35' 45'

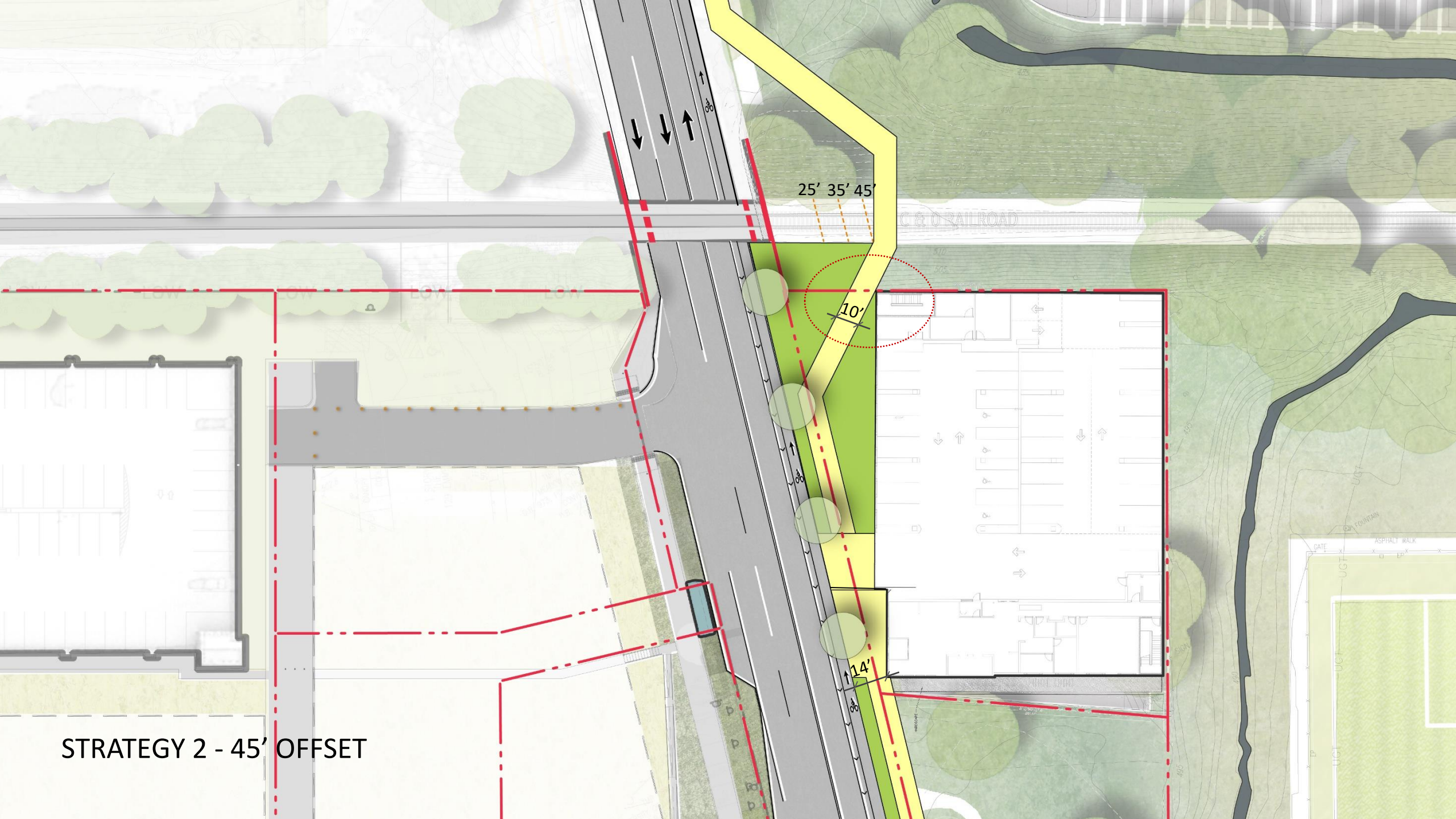
C & O RAILROAD

14'

SETBACKS FROM ABUTMENT WALL



STRATEGY 1 - 45' OFFSET

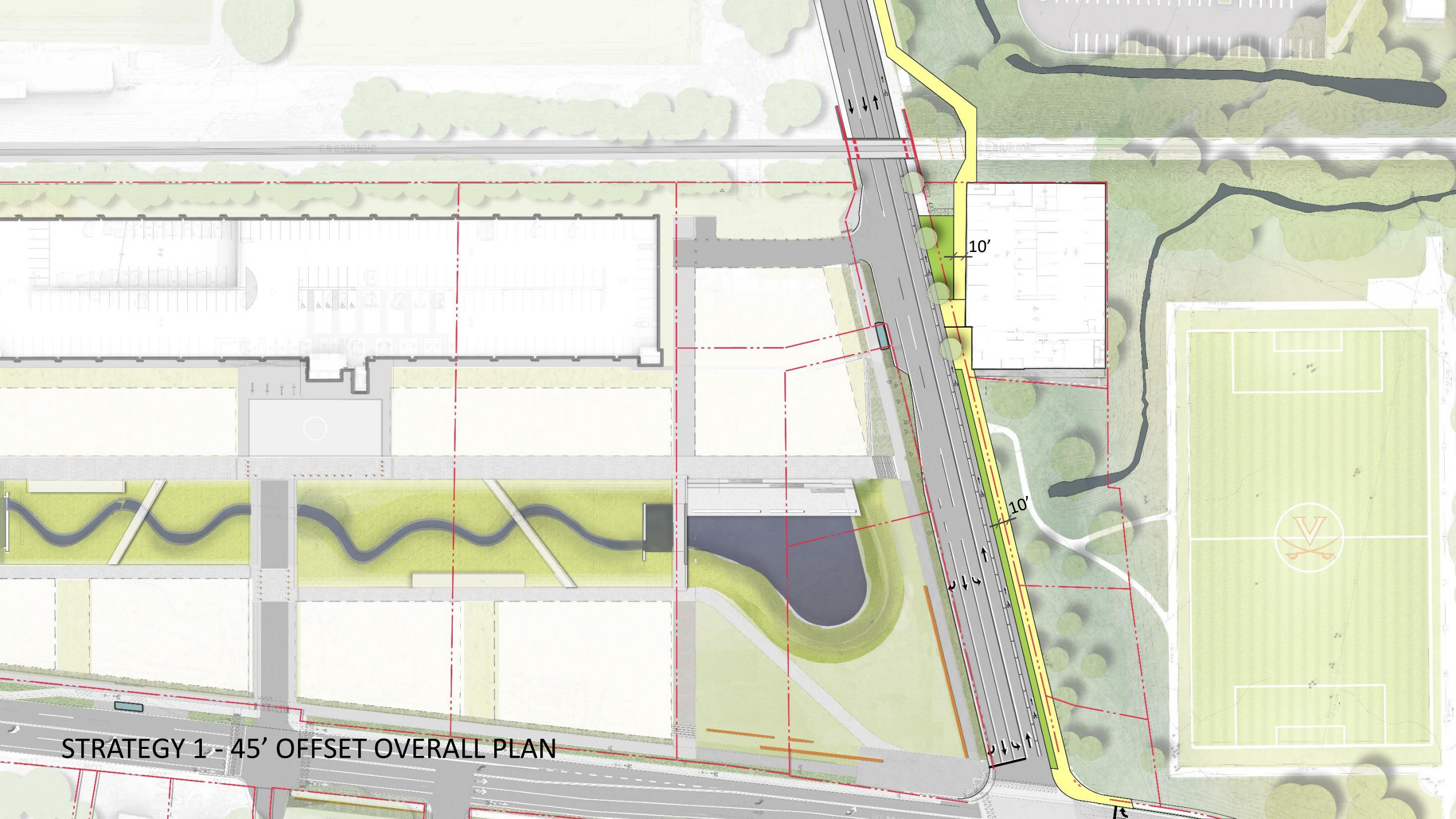


25' 35' 45'

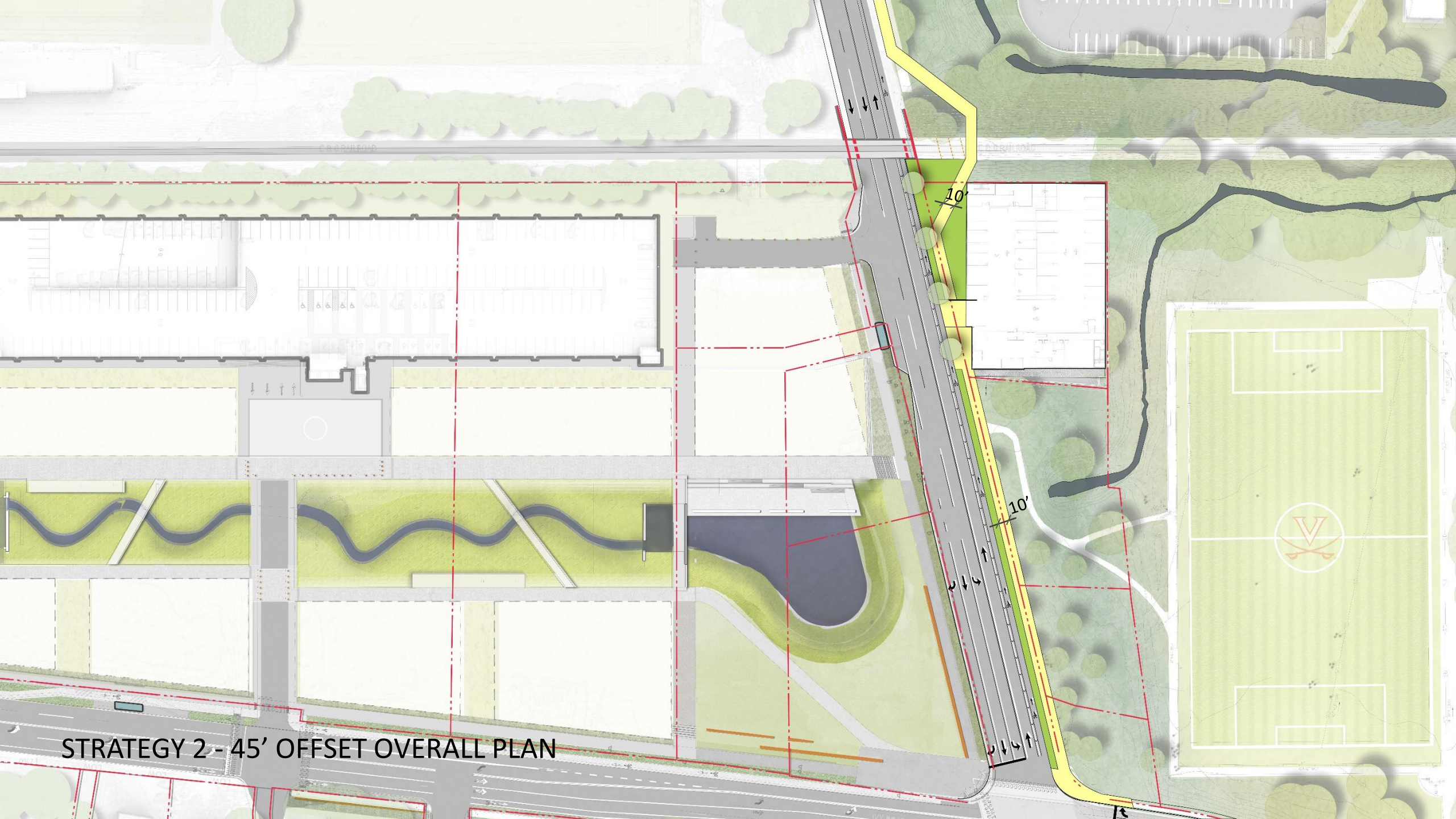
10'

14'

STRATEGY 2 - 45' OFFSET



STRATEGY 1 - 45' OFFSET OVERALL PLAN



STRATEGY 2 - 45' OFFSET OVERALL PLAN

CITY OF CHARLOTTESVILLE

Neighborhood Development Services Engineering Division

P.O. Box 911, Charlottesville, Virginia, 22902
Phone (434) 970-3182, Fax (434) 970-3359



July 19, 2018

Alice J. Raucher AIA
Architect for the University
445 Rugby Road (O'Neil Hall)
P.O. Box 400304
Charlottesville, VA 22904-4304

RE: Emmet Streetscape Project – Letter of July 12, 2018 Regarding Gallery Court Hotel SUP Request

Dear Ms. Raucher,

We and our design team have reviewed your letter and have significant differences in position itemized below.

1. Constructing the path on the east side provides for a uniform streetscape along Emmet Street.
Response: *The west side location would also be uniform.*
2. The location on the east side is a natural configuration for students that walk and bike from the two University housing projects located farther north.
Response: *Daily observed pedestrian traffic appears equal on both sides. In addition, event pedestrian traffic is much higher on the west side, supporting the west side location.*
3. The east side location does not require pedestrians making their way to central Grounds or West Main Street to cross Emmet Street, and if they do have to cross, the natural crossing point will be at the Ivy Road/Emmet Street intersection.
Response: *It is unclear which pedestrian routes are referenced. Location of the path on the west side does not preclude access on the east. With the west side location there is still a sidewalk on the east side.*
Provision of the tunnel on the west side:
 - a. ***Allows better access from Ivy Corridor development to an additional option to Goodwin Bridge;***
 - b. ***Allows safer pedestrian access from the parking structure to areas north of the railroad.***
 - c. ***Allows more options to/from the athletic complex to Ivy Road/Emmet Street intersection for crossing to/from Central Grounds.***
4. The attached drawings show there is no impact to the development of the Gallery Court Hotel and the bike pedestrian path will energize the Hotel's frontage and potentially result in more customers for the hotel and café.
Response: *There is significant and serious impact to the hotel site.*
 - a. ***The tunnel and path suggestions included in the letter add significant construction cost to the tunnel related to direction change inside the tunnel and construction of the tunnel in the very near vicinity of what will be an operational hotel.***
 - b. ***The hotel owner has in good faith responded to Planning Commission suggestions and added a retail café/coffee shop on the front of the hotel that is not reflected in the letter. These functions preclude the location of the shared use path shown in the letter, as does the location of the hotel's generator, transformer, and trash enclosures.***

c. Modification of the shared use path to accommodate the items listed in 4.b would surely make the path awkward at best and possibly unsafe.

d. According to the owner, hotel customers either drive or arrive by commercial vehicles. Walk-in customers are virtually non-existent. Also according to the owner, the café is not considered a profit generating operation.

5. The topography of the east side of Emmet north of the railroad abutment is benign compared with the west side.

Response: The east side path location already includes anticipated retaining walls due to grade differentials. A preliminary evaluation of grades on the west side does not seem to indicate grade issues exceeding the east side location. We do not consider grades to be a significant issue on either east or west.

6. Significant retaining walls supporting an athletic practice field have been constructed on the west side since the SmartScale application was submitted a few years ago, thus making the west side of Emmet Street physically infeasible.

Response: Again, we have preliminarily evaluated the west side location for the path and do not see significant conflicts with retaining walls.

7. There will also be a bus pull-off along the west side of Emmet Street, south of the abutment, which would cause a safety conflict for a multi-modal path.

Response: We see the west side location as having less safety issues than the east side, particularly regarding the east side location crossing an active parking structure entrance to a seventy-two room hotel with seventy-six parking spaces. On the east side the conflicts would be pedestrian/bicycle to automobile resulting in higher injury risks. Any anticipated conflicts with the west side path location would be pedestrian to bicycle. Further, the available space on the west allows for mitigating design safety features, while on the east side there is little room for similar mitigation at the hotel parking structure entrance.

Regardless of the disposition of the referenced Gallery Court Hotel SUP Request, these differences are substantial and will require us to continue to work together. In summary, it is NDS's position that the west side location for the shared use path provides the most benefit functionally. In addition, we believe it to have the least negative construction aspects compared to the east side options.

As previously discussed, we have scheduled the next coordination meeting for July 27th at City Hall. Should you or your staff have any questions or wish to discuss prior to the meeting please feel free to contact me at (434) 970-3395 (office), (703) 314-9214 (mobile), or email at motscht@charlottesville.org.

Sincerely,



Timothy P. Motsch
Transportation Project Manager

cc: Alex Ikefuna, NDS Director
Tony Edwards, NDS Manager

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



| | |
|-------------------------|--|
| Agenda Date: | August 6, 2018 |
| Action Required: | Adoption of Resolution |
| Presenter: | Mike Murphy, Interim City Manager |
| Staff Contacts: | Mike Murphy, Interim City Manager Andrew Baxter, Fire Chief RaShall M. Brackney, Chief of Police Lisa Robertson, Acting City Attorney |
| Title: | Resolution Consenting to a Declaration of Local Emergency within the City of Charlottesville |

Background:

As the anniversary of August 12, 2017 approaches, state and local officials are planning and preparing for potential civil unrest. In the event that individuals come to Charlottesville on the weekend of August 10 through August 13, 2018 with the intention of causing a man-made public disturbance, the Interim City Manager requires consent of Charlottesville City Council to declare a Local Emergency.

Discussion:

The City of Charlottesville (“City”) is approaching the anniversary of August 12, 2017. There are several important decisions surrounding the upcoming anniversary under state and local law which require a City Manager. Virginia Code § 44-146.21 requires that Charlottesville City Council consent to any local declaration of emergency by the City Manager under his authority as the local director of emergency management and public safety. The requested resolution grants this consent on behalf of City Council.

After the conclusion of any civil unrest and in City Council’s discretion, this consent can be terminated by a subsequent resolution. A declaration of local emergency, as defined in Virginia Code § 44-146.16, shall activate the local Emergency Operations Plan and authorize the furnishing of aid and assistance for the City. Under Virginia Code § 44-146.21, no other agency or official may declare a local emergency except the local Director of Emergency Management and Public Safety and this declaration requires the consent of City Council.

Adoption of this resolution does not mean that the City is currently in a state of emergency. This

resolution is to ensure that the City is in compliance with TITLE 44, CHAPTER 3.2 of the Virginia Code. If it becomes necessary to make a declaration of local emergency, the City Manager will be able to do so without delay. Further, this consent is required so that state and other inter-jurisdictional agencies of emergency management may provide aid and services to the City of Charlottesville.

Alignment with Council Vision Areas and Strategic Plan:

This aligns with City Council's goal for a smart, citizen-focused government. The consent to a local declaration of emergency is required for the delivery of full services during a period of civil unrest. This resolution gives the City Manager the needed authority to take the steps necessary to protect the City's citizens, neighborhoods, and property.

Community Engagement:

This is a resolution required by Virginia Code § 44-146.21.

Budgetary Impact:

The direct budgetary impact will be the potential benefit of authorizing the furnishing of aid and assistance for the City if civil unrest requires a declaration of a local emergency.

Recommendation:

Adoption of the attached Resolution.

Alternatives:

Do not adopt the resolution and require City Council to consent to a local emergency at a later date and time.

Attachments:

Resolution Consenting to a Declaration of Local Emergency within the City of Charlottesville

**RESOLUTION
CONSENTING TO THE DECLARATION OF A LOCAL EMERGENCY
WITHIN THE CITY OF CHARLOTTESVILLE**

WHEREAS, pursuant to ongoing monitoring and planning for the weekend of August 10-12, 2018, state and city public safety agencies are planning to manage a credible threat that individuals will be coming to Charlottesville on the upcoming weekend of the anniversary of August 12, 2017, with the intention of causing a man-made public disturbance (“Civil Unrest”); and

WHEREAS, such Civil Unrest may result in substantial injury or harm to citizens and/or substantial damage to or loss of property and may require substantial governmental action beyond normal operations; and

WHEREAS, this Civil Unrest threatens to be of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened by such gatherings; and

WHEREAS, the Civil Unrest is anticipated over a period beginning on Friday, August 10, 2018 and anticipated to continue through Monday, August 13, 2018; and

WHEREAS, the anticipated Civil Unrest is an occurrence within the definition of the term “emergency” defined in Virginia Code sec. 44-146.16 (“Local Emergency”); and

WHEREAS, the City’s Director of Emergency Management, the City Manager, (“Director”) proposes to declare a Local Emergency in coordination with state officials and that such declaration is necessary for the purposes of activating the city’s local emergency operations plan, and the Director seeks the consent of this City Council to declare said Local Emergency, as required in accordance with the provisions of Virginia Code sec. 44-146.19(A), in coordination with a state declaration, as necessary; and,

WHEREAS, during the existence of said Local Emergency the powers, functions, and duties of the Director of Emergency Management and public officials and employees of the City of Charlottesville are those prescribed by Virginia Code sec. 44-146.21(C) and any other applicable state laws, as well as those set forth within the ordinances, resolutions, and approved emergency operations plan(s) for the City of Charlottesville, all in order to mitigate the effects of said emergency;

NOW, THEREFORE, BE IT DECLARED that this Council does hereby consent to the Declaration of Local Emergency by the Director, activating the City’s local Emergency Operations Plan and authorizing the furnishing of aid and assistance thereunder.

Approved by City Council: _____

Signature : _____

Clerk of the City Council

City of Charlottesville

Commonwealth of Virginia